

MEETING DATE: 10/6/08

June 2, 2008

The Union County Board of Commissioners met in regular meeting on Monday, June 2, 2008, at 7:00 p.m. in the Board Room, first floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina. The following were

PRESENT: Chairman Allan Baucom, Vice Chairman Kevin Pressley, Commissioner Roger Lane, Commissioner A. Parker Mills, Jr., 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:**

***Invocation:***

The Chairman called the meeting to order and asked Commissioner Lane to present the invocation. At the conclusion of the invocation, the Chairman asked the Assistant Manager to lead the body and audience in reciting the Pledge of Allegiance.

***Pledge of Allegiance:***

Matthew Delk, Assistant County Manager, led the body and audience in reciting the Pledge of Allegiance to the Flag of the United States.

**PUBLIC HEARING – 2008-2009 MANAGER’S RECOMMENDED BUDGET:**

The Chairman stated that the next item is a public hearing on the 2008-2009 Manager’s Recommended Budget as was recommended by the Interim County Manager, Richard Black. He recognized the first speaker, Breann Marshburn. He reviewed the rules and explained that each speaker will have three minutes to present his/her statements.

Breann Marshburn introduced herself and gave her address as 415 E. Franklin Street, Monroe. Ms. Marshburn stated that she was representing HealthQuest and thanked the Board for its previous contributions to this organization and requested the Board grant its request for funding this year. She stated that HealthQuest assists Union County’s citizens to obtain maintenance prescription medications who are at or below 200 percent of the poverty level. Ms. Marsburn stated that it receives its funding by grants, private donations, and county dollars. She asked for questions. With there being none, the Chairman recognized the next speaker, Lois Crumpler.

Lois Crumpler gave her address as 1005 Green Acres, Marshville, and stated that she was the outgoing President of Board of Directors of the Union County Community Arts Council. She expressed appreciation to the Board for its past funding and requested that it again fund the budget request for the 2008-2009 fiscal year. She stated that The Arts Council receives funding from many sources and although Union County is not its primary funding source, the Council does appreciate its support. She further reported that The Arts Council was recognized as one of the three strongest councils in the State. Ms. Crumpler also thanked Matthew Delk for the role he played on the Board of Directors this year in an ex-officio capacity.

The Chairman next recognized Kathy Bragg who gave her address as 1104 Oak Hill Drive, Monroe, who thanked the Board for the financial support that the local chapter of The American Red Cross had received the last three years. She briefly reviewed its activities and the number of clients it had served in Union County last year. She said that the local American Red Cross office did not receive federal or state funding and operated on local contributions. Ms. Bragg stated that in both 2006 and 2007, the local chapter was given the designation of Highly Performing Chapter from the American National Red Cross for exceeding 47 chapter performance standards measuring business practices and stewardship in local governance, financial strength and stability, service delivery, human resources, business practices and organizational unity. She said that only 80 Red Cross chapters out of 805 received this highest designation, placing the local chapter in the top 10 percent of Red Cross chapters nationwide. Ms. Bragg stated that this year she had requested an increase in funding to \$20,000, but understood the Interim County Manager had reduced that amount to the same amount that her organization was granted last year, which was \$5,000. She asked the Board to reconsider its original request.

The next speaker recognized was Werner Thomisser who stated he lived at 2008 Kings Manor Drive in Weddington. Mr. Thomisser stated that he and some of his friends had calculated the revenue neutral budget using the 2008 property revaluation. Mr. Thomisser reported that their calculations do not substantiate the revenue neutral budget figure as calculated by the County's staff. He said that their revenue neutral budget, calculated by using the information provided on the revaluation map, is 56 cents per one hundred dollar valuation, while the County's revenue neutral budget is 60 cents, which is an automatic seven percent increase over the tax rate of the 2007-2008 fiscal year. He said, secondly, the proposed budget of \$240 million is an 8.5 percent increase over last year's budget but the proposed tax rate of 68 cents will deliver over 20 percent more tax revenue. He asked where the remaining equal to 11.5 percent money is going. He further noted that the schools presented a 2008-2009 Operating budget of \$79 million which is almost \$9 million more than last year. He said that three Commissioners have said the school system was over funded last year because the estimated number of students did not show up to attend school. He said one member of this Board said it was over funded by \$3 million that was not returned while another member of this board said it was over funded by \$9 million that was returned.

Mr. Thomisser reminded that with the increase in gas, groceries, health care costs and the many job losses, the citizens of this County do not need a tax rate increase.

Walter Staton stated that he lived at 221 Weddington Road, Weddington, and requested that the Board of Commissioners consider cutting back the current tax rate from 71 cents to 60 cents. He said he was a life-long resident of Union County having lived 33 years in the Marshville area where he still has family living. He said he had familiarity with the eastern part of the County and much of it still remains rural with older generation citizens owning either farms or smaller parcels of land which contain their residences. He reported that he had read in the local papers that the average recent revaluation of land in Union County was up 70 percent over the last revaluation in 2004. He stressed that many of these older generation owners find themselves living on fixed incomes and escalating property taxes of this magnitude create a real economic burden on these families. He asked the Board of Commissioners to remember these people during its budget session and consider rolling back the current tax rate from 71 cents to 60 cents.

Jim King, 3514 Waxhaw Marvin Road, Waxhaw, NC, addressed the Board reiterating the comments of Mr. Thomisser and Mr. Staton. He stated that 40 percent of the land in Union County is under the farm land deferment program which causes the remaining 60 percent, which is mostly residential property, to pay the bills for Union County. He reported on the values and revenue received from residential property. He stated he had researched the meaning of revenue neutral in the North Carolina General Statutes and would guarantee that there are lots of aspects of that law that the ordinary citizen does not know exists. He stressed that law was adopted by politicians for the protection of politicians. He also reminded that according to the newspaper there was funding for 1800

students that did not appear in the local school system. Mr. King said it appeared from the information he was able to receive from the web pages that not one county commissioner was at or above the 30 percent revaluation increase.

The Chairman next recognized the Rev. Al Lewis, Jr., with Covenant Prison Ministries who stated he lived at 5048 Parkview Way, Stallings, NC. He explained that he had received a letter from Kai Nelson, Finance Director, stating that the 2008-2009 proposed budget included the same \$60,000 contract for Covenant Prison Ministries, which was the same amount funded the last three years. He described some of the aspects of his program and the need for additional funding. He said that he had increased the administrative secretary's time from one day a week to two days a week. He explained that by her doing the administrative work others can spend more times with clients. Rev. Lewis requested the Board fully fund the \$74,760 that he had requested for the next three years. He stressed that his program is now working with clients who come out of the prison system as well as with the jail inmates. He stressed that this was the bare minimum under which this program could operate. He also noted that the Life Skills Program had benefited many lives and has been recognized by the Governor's Crime Prevention Council.

The Chairman read the following letter into the minutes: "My name is Doris Massey. I live at 1801 Ashcraft Avenue, Monroe, N.C. I ask that you consider not doing a tax increase for 2008 through 2009 considering how high the gasoline and everything is at this time. Please exercise your fiiscle (sic) responsibility. Thank you. Doris Massey, 1801 Ashcraft Avenue, Monroe, NC 28110"

With there being no one else who had registered to speak on the proposed 2008-2009 budget, the Chairman declared the public hearing adjourned.

### **INFORMAL COMMENTS:**

The Chairman stated that the next item is informal comments and reported the same rules of procedure apply as were applicable for the public hearing.

Chairman Baucom recognized Gary Hibler. Mr. Hibler stated his address is 2006 Stringview Court, Waxhaw. He spoke against adding more commissioners to this Board. He reminded that 60 percent of the voting public had voted to deny the proposal for district representation and in May had voted for two new members to be added to the board in December. He offered the following suggestions: 1) Why don't we do away with future elections since three of the Board members do what they want to anyway? 2.) Why doesn't the County take all the money that developers and real estate people donate to the elections and give it to the people of

Union County since the Commissioners won't be needing it anyway? 3.) The next time the Board goes into closed session, why don't you name yourselves king, queen, and court jester? He said he knew that the Commissioners thought the suggestions were a joke, but the joke is on the people of Union County, and three of you have made a joke out of this government.

The Chairman stated that with that comment he would read in Rule 10 as amended by the Board of Commissioners on April 2, 2007. Rule 10 was read as follows:

***Each speaker must address the board from the lectern and begin their remarks by giving their name, address, and the topic about which they intend to speak. Each speaker will have three (3) minutes to make remarks. A speaker may not yield any of his or her time to another speaker. Speakers may not discuss matters which are the subject of public hearings, and they must be courteous in their language and presentation. Personal attacks will not be tolerated. Speakers may leave written comments and/or supporting documents, if any, with the Clerk to the Board.***

The Chairman recognized the next speaker who had registered to speak, Dan Galloway. Mr. Galloway stated that he lives at 623 Birchwood Street in Union County. He stated that he had thought when he heard about the attempt of this Board to legislatively thwart the voters of this county by changing the number of districts and commissioners that it was a joke. He repeated that the citizens of this County have already voted on this issue, and it was rejected. He said he did not believe the last election was an east/west election but that the three majority voting members of this Board want to keep the power. Mr. Galloway questioned that if this is so important to this County, why not wait until Kim and Tracy are on the Board to make these critical decisions since they are the ones who best represent what the citizens of this County want today. He reminded that our soldiers are fighting today so that the citizens of this country can vote and have their votes counted. He asked the Board to withdraw its request and thanked the board for its time.

The next person recognized was Pamela Shipman. Ms. Shipman said that she lives at 3923 Amarillo Drive, Concord, and represents Mental Health Services – PBH, which is a public agency responsible for mental health services in Union County. She said they are the public manager for everyone in this area who needs mental health services and reported that last year 4,000 people were treated here in Union County. She noted that mental health conditions affect all sectors of society and the goal of PBH is to establish a crisis center next year to reach people quickly in times of a crisis to better serve the needs of this area.

Billy West, Director of Daymark Recovery Services in Concord, said, hopefully, his organization will operate the facility that will be coming to Union County. He gave his address as 220 Westover Drive, Lexington, NC, which is his home. He said Daymark has served 2,700 residents of Union County ranging from drug addiction to various types of mental health. He said of that number

120 citizens have been to the unit in Kannapolis and have made their way to the facility through the local emergency room. He talked about the delay in services through the hospital and the time drain on law enforcement officers. He also reported on the amount of free medications that his facility disburses annually. He thanked the Board for its support in bringing this facility to Union County and also thanked the law enforcement community for its support.

Commissioner Mills asked if one problem is that the hospital was not aware of this facility. He asked how the law enforcement personnel and the hospital would be made aware of the new Daymark Recovery Services that will be brought to Union County. Mr. West explained proposed procedures that will be initiated to meet the needs.

The next speaker was Billie Hendrickson, 7802 Kingston Drive, Waxhaw, who stated that she wanted to address the expansion of the Board of Commissioners. She said that she had probably been voting longer than anybody on the Board, and it has been a great privilege to do so. She said she had been saddened by the fact that her vote was going to be canceled by the action of this Board but assured that the Board could not silence her voice or the voices of other Union County citizens who are disgruntled by their lack of understanding about what is going on with the disregard on the vote for district representation. She cautioned the board to be careful on how it tramples on the feelings of the people of Union County.

Pat Kitto of 7802 Waxhaw Highway was next recognized. Ms. Kitto said that she was ashamed of the three commissioners who were trying to take away the citizens' rights and trying to add more commissioners to the Board. She asked why these three men were afraid of two knowledgeable and smart women. She said the Commissioners did not need to answer that question and thanked them for listening.

Libby Long, Mayor Pro Tem for the Town of Fairview, of 117 Hwy. 218W, Monroe, addressed the Board about concerns she has for the Town of Fairview. She reminded the Board that in 2002 a member of the Board of Transportation asked to be put on the meeting agenda to discuss the Carolina Heelsplitter and funds that were appropriated by the NCDOT and Representative Sue Myrick to purchase land for the protection of the mussel, which would in turn allow funds for the construction of the Monroe Bypass to be released. She said this did not materialize but meetings did occur in which it was determined that the Goose Creek Basin would not be considered for water and sewer lines. Mayor Pro Tem Long said that it is now 2008 and there are still areas in Fairview where water and sewer lines do not exist even though there are areas where the land will not perk for septic systems and the water is not good for drinking. She stressed that now, however, the City of Monroe is in the process of condemning property within the Town of Fairview for the installation of a 12-inch natural gas line from which the Town of Fairview will receive no benefits. She appealed to the Board to rescind its support of the natural gas transmission line. She stressed that it is ethically and morally wrong for this Board to support a

gas line in which Fairview will not benefit. Ms. Long stressed that it is also wrong for the natural gas transmission line to be built while the residents of Fairview do not have water and sewer services. She reiterated her appeal that this Board rescind its support of the 12-inch gas transmission line through Fairview and the Carolina Heelsplitter habitat.

The next speaker recognized was Nathan Hailey who gave his address as 205 Williams Road, Wingate. Mr. Hailey stated that he is President of the Union County NAACP Chapter and reported that it has a 99 year history of fighting for equal rights for everybody. He stressed that every person needs to feel represented, which they do not now. He said the NAACP will fight to the end to see that each person is represented and that the NAACP supports the expansion of the Board of Commissioners. He stated there are areas of Union County that are desperately in need of water, such as Dodge City, and these residents' pleas have been ignored. Mr. Hailey urged the Commissioners to expand the Board of County Commissioners and give each person representation.

Vice Chairman Pressley stated that Union County had developed a plan that would provide water to the residents of Dodge City and the County had been unable to get the residents to sign up for the water. He further said that this waterline was going to be extended to this area without cost to the residents because it was understood that the area's residents would not be able to pay for the water system. Yet, he said, the county could not get a sufficient number of people in the area to register to receive water.

Mr. Hailey responded that he was in Dodge City about two weeks ago and apparently the community liaison between the County and Dodge City had failed to report that adequately to the community because the people he had talked with were unaware of the proposal. He assured that he would go back to the community and talk with the individuals and make them aware of the proposal to extend water to Dodge City.

The Vice Chairman stated that he would get Mr. Hailey a copy of the last proposal so he could explain it to the residents.

The next speaker recognized was George Hendry of Waxhaw who addressed the Board on district representation and equal voting. He said one of the reasons the election was lost in November was that the districts were gerrymandered and there were not equal representation within these districts. He said he ran numbers on the population count within the six school districts, based on voter registration since up-to-date census data is not available. He said that registered voters total approximately 110,669 and of that number 8,000 or 9,000 live in district one, 14,000 live in district two, and 18,900 and 18,100 live in districts three and four respectively. Mr. Hendry pointed out that 18,500 is the Board's target for equalization. He further pointed out that in district five there are 22,500 registered voters and in district six there are 29,100 registered voters. He said if he were to combine districts five and six, he would come up with 45-50 percent of all registered voters, and, if district four would be added to those districts, it would bring the

percentage to 60-65 percent of all registered voters. He explained that districts one, two and three add up to 35-40 percent of all the registered voters. He said when the school districts are recalculated in 2012, there will probably be four districts in the west and two in the east. He cautioned the Commissioners to be careful what they wished for.

The Chairman next recognized Rick Becker, Mayor of Mineral Springs. Mr. Becker gave his address as 6603 Sadler Road, Mineral Springs. He reminded the Board that on December 3, 2003, that Venezuelan President Hugo Chavez had some of his constitutional changes defeated at the election, but he did not try to change the outcome by overturning the election. He stated that within two weeks of the May election when two independent candidates defeated two developer-backed candidates in a clean and honest election, the majority of this Board attempted to subvert the will of the voters by special legislation that would overturn the results of the election and undermine the integrity of this government. He said that he had not seen in his lifetime such contempt by elected officials for the offices they serve. Mayor Becker also criticized Representative Pryor Gibson for his role in attempting to undermine the election process. He reminded that the commissioners and Representative Gibson had taken the oath of office to uphold the laws and constitution of the United States and the State of North Carolina. Mayor Becker said he thought it was shocking, terrifying and disgraceful that those of us in the United States have to be schooled in the democratic process by the likes of a South American dictator. He asked the Commissioners to withdraw their demand to subvert the constitutional process and restore government of the people, for the people, and by the people.

The next speaker was Micelle Klingenburg of 8027 Stonehaven Drive in Waxhaw. She said she was not a happy housewife tonight and is here because she is disgusted with the recent attempts by the Board of Commissioners to covertly sabotage the results of the primary election in May. She said she is appalled that as elected public officials that certain members seem to think it is okay to disregard the democratic process in Union County in furtherance of their own self-serving interest. She said she and others in Union County are tired of dirty politicians and that she is ready to stand up and demand integrity in local government. She stated that the taxpayers in Union County have paid the price for the self-serving decisions made by the board of county commissioners. Mrs. Klingenburg stated that in November 2007, the people of Union County defeated district representation and the voters expect their vote to be upheld. For the record, Mrs. Klingenburg stated, it is not the Board's place to decide how the voters wish their government to be structured.

The Chairman next recognized Jill Reed. Ms. Reed said that she lives at 7031 Kidwelly Lane in Stallings. Ms. Reed stated that she has been talking with her family about democracy. She said it has been a hard lesson for them to learn that something like this proposal to restructure the government without the will of the people could happen. She said she thought a mistake had happened when the Board asked Representative Gibson for the legislation and asked the Commissioners to reconsider this action. Ms. Reed said



the Board has an opportunity to prove that it listens to the will of the voters of this county. She explained that she would like to come back at the next meeting and thank the Board for withdrawing the request and said if the Commissioners do not have the decency to do that, the Commissioners should consider stepping aside and letting lawmakers who will do so take over.

The Chairman next recognized Tom Traub of 9601 Belmont Lane, Marvin. Mr. Traub stated that he had watched the meetings of the Commissioners on television and had sometimes been unhappy with the action of the majority of the Commissioners, but never enough to drive to a meeting until tonight. He said his topic is the recent decision of the Board to ask for expansion of the Board of Commissioners. Mr. Traub said that when he first heard of the action, he thought it could not be true, that the decision had been made without full disclosure. He said after he got over the shock he wanted to come and ask the Board to reconsider the action for the adults and for the children of this County. He said he had two small boys who attend schools here in Union County and who participate in sports. Mr. Traub said some of the things parents teach their children are to follow the rules, to play fair, to respect the consensus of the majority, and to follow the process. He asked the Commissioners to reconsider their action and ask themselves “what are we going to tell the children?”

The next speaker recognized was Jeff Kravis of Hunter Oaks Subdivision, Marvin, NC. Mr. Kravis said that there are big problems with the bills in Raleigh to add commissioners, whether you think that good or bad, and to adopt district representation. He quoted from **The Enquirer Journal** on Sunday – not now, not this way – and said he would add his “no way.” He pointed out that one of the two bills allows for the Board of Commissioners to pick four new Commissioners and not allow the voters of Union County to vote on them in November. Frankly, he said that he was embarrassed by the Board’s action when two colleagues had confronted him at his work who had criticized Union County and compared it to a banana republic or government in the Middle East. Mr. Kravis pointed out that most of the people on the east side of the county feel under represented and on the west side the voters have reason to feel under represented since only one of the Commissioners live there. He stressed that he did not think district representation was going to solve anything. He recalled that it was in November 2007 that the voters of this county soundly defeated the district representation proposal. Mr. Kravis said the reason that it was defeated was that the citizens on the west thought it was unfair and agreed that district representation is always unfair to somebody. He also pointed out that it was only 95 voters who swayed the outcome of the primary election in May.

Mr. Kravis reminded that it was six years ago, Wal-Mart was given a letter by the County to allow them to build on the corner of Rea Road and Tom Short Road whatever they wanted regardless of the zoning ordinance or the process. He said they had voted those Commissioners out of office as their terms of office came up. Mr. Kravis said that was what was wrong with the proposed legislation; it did not allow the voters to vote on their representatives. He asked that the Commissioners cease and desist with this

action and ask the legislators to withdraw this legislation before it becomes more embarrassing during an election year. He further instructed the Board to ask the developers to talk with Ms. Rogers and Ms. Kueler because he knew these women would represent all of the citizens of Union County regardless of where they live. He asked that these two be given a chance and Union County be given a chance to be united.

The next person to be recognized was Dudley Wass, 9001 Yellow Pine Court, Waxhaw, NC. Mr. Wass stated that his remarks were primarily to Chairman Allan Baucom, Vice Chairman Kevin Pressley and Commissioner Parker Mills. Mr. Wass reported that during the May 19<sup>th</sup> meeting, those three voted to request legislation to add four new commissioners to *our* board. He said he emphasized *our*, not *your*, board. He said this government belongs to and is accountable to Union County's citizens. Mr. Wass said that according to the news media, Representative Pryor Gibson is diligently pursuing this legislation in Raleigh. He said it was his understanding if the Board's majority succeeds, the Board, effectively the majority of three, will be able to name and appoint those new commissioners themselves. He stressed that he was speaking tonight to urge the Board to reverse its action. Why? First of all, he said the Board is acting directly against the will of Union County's voters who rejected a similar proposal as a ballot issue in November 2007. In fact, he stated, the Board unanimously rejected a similar idea on its own. He next questioned if the three now in the majority want to re-propose this action, why not place it on the ballot in November? He asked if that was not the American way.

Mr. Wass agreed that North Carolina law apparently allows for the course of action that the Board is taking. But asked if that course is ethical and right? He said the presence of a legal opening does not make it right to squeeze through. He said this country was founded as a republic. He asked the Board to consider two quotes by Thomas Jefferson.

- The will of the people ...is the only legitimate foundation of any government.
- The fundamental principle...is that the will of the majority is to prevail.

Mr. Wass reported that the will of the majority of the voters in Union County is crystal clear. However, there are three members of the Board who are seemingly saying the founding principles of government in this country do not apply in Union County. He stressed the action of the Board is circumventing the will of the people by legal maneuvering. He also pointed out that the Board of Commissioners had already spent \$700,000 on lawyers in this fiscal year.

He further stated that the timing of the action is also significant because as a result of the May primary, it appears that the majority of three will become a minority of two after November. He then asked if there is any doubt as to the urgency of this Board to

quickly expand. He said that it is simply a means for the majority to maintain its control and for the special interests it represents to maintain control of the Board.

Mr. Wass said that the action of the majority is an insult to Union County's voters because the Board is ignoring the will of citizens which they clearly communicated in the November 2007 election. He pointed out that given that this Board wants to try again, it is not providing citizens their rightful opportunity to state their will via normal referendum voting. Mr. Wass said it is apparent that this Board intends to usurp the rights of citizens by appointing four new commissioners of its choosing outside the normal process.

In closing, Mr. Wass urged the Board to reverse its course.

The Chairman next recognized Dick Taylor. Mr. Taylor stated that he lives at 3132 Oakbrook Drive, Waxhaw, in the Marvin area. He said that he too is here to speak about the vote of two weeks ago to re-interject the issue of districts and the number of commissioners. He said that he personally had no problem with either of those two subjects provided it is done in the proper and straightforward normal manner. He said there is a wrong way and a right way to do this, and it is his opinion that the Board chose the wrong way to do it. Mr. Taylor explained that it appears to voters that the Board is not listening to them and they are mad, not irritated, but mad. He said when you start trampling on the results of a free and fair election; the elected officials risk the ire of the voters of this county. Mr. Taylor said if the Board wants to pursue this subject, he would suggest that it reconsiders the method that it is considering and put the issue on the November ballot. He said he knew the people would vote and if this subject passes, it should be set to become effective in a year or at a set time in the future to allow the interested parties to register and to run for office and to be elected in the normal way. He stressed his opinion that the appointment of four commissioners for up to two-year terms without the votes of the citizens is disgraceful and a slap in the face to the voters who spent lots of time doing their civic duty. He said as officers and elected officials, the Commissioners owe it to the people to listen to them and do their will and not their own will and to do it the right way.

The next speaker recognized was Peggy Neill, 3502 Hickory Lane, Mineral Springs. Ms. Neill said she was present to express her outrage and disgust at this Board's attempt to thwart the will of the people in an attempt to overthrow the election. She said her pastor's message yesterday was on telling the truth. She questioned the action of the Commissioners which in her opinion is to overthrow the truth as shown in the election of November 2007. She pointed out that all Commissioners had taken an oath of office to uphold the laws and questioned what had happened to that truth in upholding the oath. Ms. Neill encouraged the Commissioners to contact Representative Pryor Gibson and ask him to withdraw the bill.

The Chairman next recognized Pinky Marsh, 1323 Landsford Road, Marshville, NC. He said that when he spoke at the last meeting, it was agreed that Commissioners would meet with him and yet no one had done so. He requested to be placed on the next County Commissioners' agenda if his meeting next Wednesday with Al Green, County Manager, is not fruitful.

Vice Chairman Kevin Pressley stated that he was aware of a request for a meeting from Commissioner Mills. Mr. Marsh said that he and Commissioner Mills had not been able to work out a date that was suitable for both of their schedules.

The Chairman next recognized Mae McLendon. Ms. McLendon stated that she is a retired assistant teacher who lives at 706 Sanford Street, Marshville. Mrs. McLendon supported the proposed legislation for additional commissioners by stating that she did not believe five commissioners were enough because everyone wants and deserves representation.

The next person recognized was Geraldine Barrino, 1818 King Street Extension in Marshville. She said she was the secretary of the Union County branch of the NAACP and mentor volunteer in the school system. She said the teachers need help and the east side of Union County needs representation. She said that with the increased population in Marshville and Wingate additional representation is needed. Ms. Barrino said that she has lived in Union County for 68 years and gave a review of her work and volunteer activities during this time. She encouraged the Commissioners to do whatever they could for the residents of Union County.

The Chairman next recognized P. E. Bazemore who lives at 202 South Bragg Street, Monroe. Mr. Bazemore asked a few questions: 1) Are we or can we do better? 2) Do we have enough force to touch all the bases that needs to be touched? 3) Do we have two or more commissioners who look after water and wastewater? 4.) Do we have two or more Commissioners who serve on the law enforcement committee? He said that it was not many years ago that there were only four municipalities. 5.) Do we have two or more commissioners who serve on the fire service? 6.) He said that looking at construction and looking at staff is good, but the Commissioners need to be able to get out and see what is taking place. Mr. Bazemore summarized that there needs to be more business and commercial growth versus residential growth. He said he did not think seven commissioners would be enough; he said there needs to be at least nine.

Kristy Maher, 8306 Woodmont Street, Marvin, NC, addressed her comments to Chairman Baucom, Vice Chairman Pressley and Commissioner Mills against their attempt to undermine the outcome of the primary election and the vote in November against county districting. She asked who the Commissioners were to take away their [voters] vote and their voice. She said that these men had demonstrated blatant disrespect for the people of Union County and the democracy of this county. Mrs. Maher stated that what is

being done is wrong; if it is an ethical thing to do, she questioned why did these commissioners go against their own party and align themselves with a man who they had publicly denounced only six months ago. She also questioned why such action is being taken now under the radar and through loopholes in Raleigh. She said that most likely it is because the commissioners did not like the results of the election. Mrs. Maher said the election did not represent a switch of power between the east and west of Union County but a switch in power from government by the special interest groups to a switch in power of government by the people. She explained that the voters of Union County want honest leaders with integrity who will represent all. Ms. Maher stated that these men had betrayed their government, their oaths of office, and their voters.

The next person to speak was Mark DiBiasio, 4708 Toms Creek Court, Waxhaw, which adjoins Wesley Chapel. He said that he is present again tonight to speak on open government and cited as an example the motion that was placed on the last agenda to increase the number of commissioners from five to seven or nine members. He said this could have been and should have been placed on the regular agenda so the citizens would have known about it and had an opportunity to address the issue that night. Mr. DiBiasio said that tonight he is also questioning an item on the agenda which is to increase the legal fees budget by \$384,000, one month before the end of the budget year. He noted there were \$275,000 in outstanding invoices to be paid to Poyner and Spruill and questioned the number of law firms representing Union County and some of the expenditures to these firms.

Chairman Baucom next recognized Daune Gardner of 209 McKiven Street, Waxhaw. Mr. Gardner stated that she is the Mayor of Waxhaw and spoke against the proposal to expand the size of the Board of Commissioners. She said that as elected officials, the officers are charged with representing the people in conducting their business and it is incumbent upon the officials to do so with honesty and integrity. She said she thought the voters delivered their message soundly in November when they rejected the proposal of district representation and the increased number of commissioners on the board. Ms. Gardner said she was disappointed when she heard of this Board's efforts to expand the size of the Board. She encouraged the Board to reconsider and implored them on behalf of the voters of Waxhaw and Union County to put the question on the ballot and let the voters decide if the Board should be expanded and/or include district representation.

The Chairman next recognized Andy Williams of 4918 Old Monroe-Marshville Road, Marshville. Mr. Williams said he was a farmer in the Marshville area and supported district representation. He explained that he had served twice on the Union County Planning Board – once without district representation and once with – and would assure that the district representation on that Board had been a good thing for this county. He said that six years ago, he had been asked by a person within a subdivision about his joining with him for block voting of subdivisions in that area. Mr. Williams said he did not believe that was the right thing to do. He said he

did not believe that people should be allowed to slander and boycott people and their families. Again, in closing, Mr. Williams stated that he supported district representation.

The next speaker recognized by the Chairman was Don Kerr. Mr. Kerr stated that he lives at 9614 Joe Kerr Road in Marvin and is here to speak in favor of district representation and increasing the number of board members to seven or nine members. He said the work load of the Commissioners to attend the meetings and to also attend committee meetings is very difficult for only five members. He said perhaps with seven or nine members the workload could be more evenly dispersed and the Commissioners could do what is needed without taking all their time away from work and families. He said that the Planning Board is working on the nine township representation principle and it is working well. Mr. Kerr explained that years ago the townships were established to assure representation for all areas. He said that it is not truly representation of all the people when three or four of the five commissioners live within a few miles of each other. Mr. Kerr said the Board needs to be comprised of people from all areas so they will know the needs of this county. He closed by saying Union County needs district representation, and it needs it now.

Chairman Baucom next introduced Dan Kelly. Mr. Kelly said that he lives at 1256 Mill Bank Drive, Stallings, but had not come here tonight to speak, but had decided to speak. He said that like the lady who had spoken earlier he is approaching 70 years of age and has voted in many elections. He further said that he had lived in a lot of areas, seen a lot of people, and at the last meeting saw Commissioner Lane speak to a couple of people he had taught who addressed the Board. He said these people did not agree with Commissioner Lane's view, but they were respectful of each other. He said he was not sure he agreed with what was going on, but he had heard a lot of comments tonight that were not respectful. Mr. Kelly said he had enjoyed seeing the room almost filled tonight but what he kept hearing throughout the comments tonight was that the people had spoken. He said that it was not that 60 percent of the people in this county voted to reject the plan but that 60 percent of the 14 percent of the voters rejected the plan. He said that was a big difference. He commented on the remarks of the gentleman who spoke earlier and his breakdown on taxes. Mr. Kelly said he had lived in areas where the city or county governments would allow senior citizens to withhold payment of their taxes until the time of their death and then the taxes could be paid from their estates.

The Chairman announced that with all persons who registered to speak having been given an opportunity to do so, he would declare the informal comments' portion of the meeting closed.

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

The Chairman asked if there are any additions or deletions to the regular agenda.

The Vice Chairman stated the lawsuit with *The Charlotte Observer* had been settled this afternoon, and he asked for an update from the attorney.

The County Manager requested that Item 5.1 (g) Contract with QS/1 Data Systems be moved from the consent to the regular agenda so additional information could be provided to the Board.

Commissioner Openshaw requested that an item be added to discuss the Assistant County Manager's Comments' item and that Items 5.1 (c) Inmate Telephone Inc., 5.4 Health Department/Susan G. Komen Grant, and 5.9 Easements Across Public Works Property be removed from the consent agenda and added to the regular agenda.

Commissioner Mills asked for an update by the staff attorney on the court case on the Catawba River of SC vs. NC. At that point, the Staff Attorney explained that Union County and Lancaster County Water and Sewer District formed a Catawba River Water Supply Project and on behalf of both governments that entity intervened in the US Supreme Court Case of SC vs. NC. He said that effort to intervene was successful and Union County through the Water Supply Project is an intervener in that US Supreme Court Case.

After the Chairman repeated the items that are to be added to the regular agenda and removed from the consent agenda, Commissioner Mills moved that the agenda as modified be adopted. The motion passed unanimously.

### **CONSENT AGENDA:**

Motion was made by Commissioner Mills that the items remaining on the consent agenda be approved. The motion passed unanimously.

#### ***Contracts Over \$5,000 - Authorized the County Manager to approve the following:***

- a. The Mercer Group, Inc.- Executive Search firm services related to recruitment of Assistant County Manager - \$14,297
- b. Radio IP Software, Inc. - Renewal of maintenance/support for radio IP software - \$8,346
- c. Inmate Telephone, Inc.- moved to regular agenda at the request of Commissioner Openshaw
- d. South Piedmont Community College - Renewal of agreement to provide educational service to Work First participants (job search skills, academic skills testing and evaluation - \$57,676 (estimated annual amount)

- e. Employment Security Commission – Renewal of agreement to provide employment services for Work First participants (job development, search and placement - \$47,376 (estimated annual amount)
- f. Hazen & Sawyer, P. C.- Agreement for design and permitting of Crooked Creek WWTP bulk reuse fill station (Task order #20) \$70,380
- g. QS/1 Data Systems - moved to regular agenda at request of the County Manager

Minutes: Approved the minutes of the regular meetings of February 18, 2008, and May 19, 2008, and special meeting of March 20, 2008

***Tax Administrator:***

- a.) Approved the Monthly Report for April 2008
- b.) Approved the Releases for May 2008 in the grand total amount of \$6,605.67

Acct #	Name	RELEASES MAY 2008	
		Release #	Total
<b>2008</b>			
50098473	SAKRON LLC	4016	<b>860.33</b>
			-
<b>Totals</b>			<b>860.33</b>
<b>2007</b>			
H1123004B	THOMAS BRANDON & EMILY STATON	3980	<b>396.23</b>
50096595	C & J MAGIC CARPET	3981	<b>36.24</b>
50096155	GENTLE GIANT MOVING COMPANY	3982	<b>268.30</b>
N7027327 02	HUNTLEY F W	3983	<b>465.61</b>
50090453	3-D TREATS INC	3984	<b>1,430.51</b>
50077498	HANEY J VANN % BILL HUNNICUTT	3987	<b>96.22</b>



50087926	ALEXANDER ADRON & JUDITH	3989	268.45
50097305	DODSON STEVEN W & PATRICIA	3990	109.37
50097188	ESQUIVEL NOE	3991	184.02
50091500	FRAZIER KAREN	3992	316.45
50073826	HENLEY SARAH	3993	197.97
50093539	MOREE RONNIE L	3994	163.35
50094326	STEGALL KRISTINA	3997	92.52
07027328 02	UNIVERSAL LAND & DEVELOPMENT CORP	4003	568.19
50085228	THOMPSON CARLOTTA	4005	7.04
50090146	LILES RODNEY ERIC		35.75
50092979	SADE TRUCKING INC	4008	258.60
50067433	HARTIS JOEL L & SHEILA	4011	172.99
50072603	FOGLIETTA GARY	4013	164.83
50091802	CLAYTON WILLIAM HENRY	4014	51.70
50089697	HUGHES ZADA MICHELLE	4015	7.04
			-
<b>Totals</b>			<b>5,291.38</b>
<b>2006</b>			
50094326	STEGALL KRISTINA	3998	79.35
50092979	SADE TRUCKING INC	4009	201.36
			-
<b>Totals</b>			<b>280.71</b>
<b>2005</b>			
50092979	SADE TRUCKING CO	4010	173.25
			-
<b>Totals</b>			<b>173.25</b>

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**GRAND TOTALS**

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**6,605.67**

c.) Approved the Refunds for May 2008 in the grand total amount of \$6,882.45

**RELEASES MAY 2008**

<b>Acct #</b>	<b>Name</b>	<b>Release #</b>	<b>Total</b>
<b>2008</b>			
50098473	SAKRON LLC	4016	<b>860.33</b>
			-
<b>Totals</b>			<b>860.33</b>
<b>2007</b>			
H1123004B	THOMAS BRANDON & EMILY STATON	3980	<b>396.23</b>
50096595	C & J MAGIC CARPET	3981	<b>36.24</b>
50096155	GENTLE GIANT MOVING COMPANY	3982	<b>268.30</b>
N7027327 02	HUNTLEY F W	3983	<b>465.61</b>
50090453	3-D TREATS INC	3984	<b>1,430.51</b>
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<b>2005</b>			
50092979	SADE TRUCKING CO	4010	173.25
			-
<b>Totals</b>			<b>173.25</b>
<b>GRAND TOTALS</b>			<b>6,605.67</b>

**Health Department/Susan G. Komen Grant:** Moved to regular agenda at the request of Commissioner Openshaw

**Excess Workers' Compensation Insurance Renewal:** Accepted the Excess Workers' Compensation Insurance renewal proposal from Midwest Employers' for the period of July 1, 2008 through June 30, 2009, and authorized the County Manager to bind said coverage

**Catawba Nuclear Site Annual Funding:** Approved Special Revenue Ordinance Amendment #7 to accept from Duke Power an amount of \$5,000 in support of expense incurred for preparedness of emergencies related to the Catawba Nuclear Site.

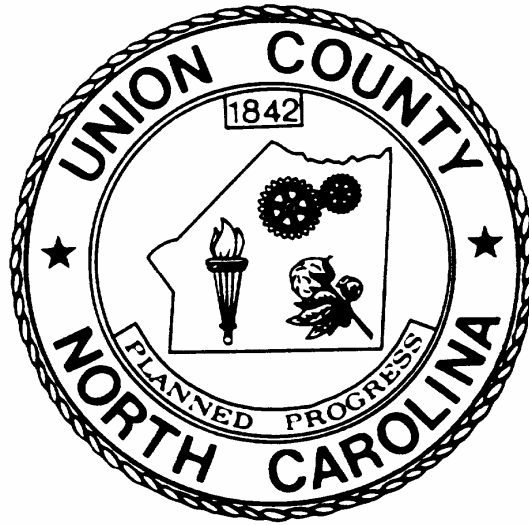
**Social Services:**

- a.) DSS – Donations Program. Approved Budget Amendment #53 to increase DSS Budget – Donations – Operating Expense budget by \$2,102 and increase Miscellaneous Revenue by the same amount.
- b.) DSS – Donations (Public Assistance) Approved Budget Amendment #54 to increase DSS Budget – Donations - Operating Expense by \$1,896 and Miscellaneous Revenue by the same amount
- c.) DSS – Special Children's Adoption Fund – Approved Budget Amendment #52 to increase DSS Budget – Special Children Adoption Fund to increase Operating Expense by \$13,500 and increase State Revenue by the same amount

**Personnel - Article XIII – Drug and Alcohol Free Workplace Policy:** Approved and adopted Article XIII – Drug and Alcohol Free Workplace Policy

The background information in the package explained that the general language and formatting edits made were to improve Article XIII, the substantive changes to the policy are:

- 1.) expanding the number of job classifications designated “safety sensitive;”
- 2.) increasing the number of employees subject to random drug testing;
- 3.) clarification on when substance abuse testing is to be conducted for post-accident events; and
- 4.) defining the procedure for supervisors to follow when they receive an unscheduled notice to report for work and have consumed alcohol within four hours prior or otherwise unable to perform duties.



**UNION COUNTY  
DRUG AND ALCOHOL FREE WORKPLACE  
POLICY**

# PROPOSED REVISION JUNE 2008

## ARTICLE XIII. DRUG AND ALCOHOL FREE WORKPLACE POLICY

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**ARTICLE XIII. DRUG AND ALCOHOL FREE WORKPLACE POLICY**

Revision Date: June 2008

## **SECTION 1**

### **Purpose and Scope of Policy**

- a. The purpose of this Policy is to maintain a drug-free and alcohol-free workplace and to provide procedures for testing job applicants and employees for the use of illegal drugs, the improper use of prescription medications, and the misuse of alcohol.
- b. All testing will be conducted in a manner that will protect the rights of employees and applicants subject to testing. Therefore, the County will take all necessary steps to safeguard the dignity and self-esteem of those being tested, and will ensure adherence to all procedures pertaining to the implementation of this Policy. The County will adhere strictly to all standards of confidentiality and assure all employees that testing records and results will be released only to those authorized to receive such information.
- c. Employees with substance-abuse problems are encouraged to voluntarily seek help. If an employee should approach the County prior to being identified as a drug user/abuser or alcohol abuser by means of drug or alcohol testing, all possible and positive consideration for a medical leave of absence for treatment and/or counseling will be pursued. However, notwithstanding any other provision of this Policy to the contrary, employees who fail drug or alcohol tests may be disciplined, up to and including termination, in accordance with the provisions of this Policy. If an employee is terminated, no benefits except those provided for by federal, State or local act will be provided for beyond the last day of employment.
- d. Employees will be given a copy of this Policy and will be required to sign a form acknowledging its receipt. By continuing to work, the employee agrees that he/she will abide by the Policy as a condition of employment. Failure to sign the form will result in disciplinary action up to and including termination.
- e. This Policy shall be administered by the Union County Personnel Director (the “Director”), in consultation with the Union County Risk Manager.

## **SECTION 2**

### **Definitions**



**Accident** means a Major Automobile Accident or any event occurring while an employee is on duty that results in death, bodily injury, or property damage that was not expected or intended to happen.

**Alcohol test** means a test for the presence of alcohol in the breath or blood of an employee.

**Commercial Vehicle** means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

- (a) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
- (b) Has a gross vehicle weight rating of 26,001 or more pounds;
- (c) Is designed to transport 16 or more passengers, including the driver; or
- (d) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and that requires the motor vehicle to be placarded under the Hazardous Materials Regulations.

**Confirmation test for alcohol** means a second test, following a test with a result of 0.02 or greater, that provides quantitative data about alcohol concentration. **Confirmation test for drugs** means a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the initial test and that uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy.

**Conviction** means a finding of guilt, a plea of guilt, a plea of nolo contendere, or imposition of sentence by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.

**Covered Applicant** means an applicant for an employment position that involves the performance of a Safety-Sensitive Function.

**Covered Employee** means an employee whose job involves the performance of a Safety Sensitive Function. Covered Employees include, but are not limited to, Covered Employees who drive Commercial Vehicles and Covered Mass Transit Employees.

**Covered Mass Transit Employee** means an employee who: (i) works for a County agency or department that receives federal transit funds; and (ii) operates a Revenue Service Vehicle, operates a Nonrevenue Service Vehicle that requires a license to drive a commercial vehicle (a “CDL”), controls the dispatch or movement of a Revenue Service Vehicle, or maintains (including repair, overhaul, and rebuilding) a Revenue Service Vehicle or equipment used in revenue service.

**Criminal drug statute** means a criminal statute relating to the manufacture, distribution, dispensation, use or possession of any drug.

**Drug test or drug screening** means a test for the presence of drugs in the urine or blood of an employee.

**Drug** means a drug or controlled substance as listed in Schedules I through V of the Federal Controlled Substances Act (21 U.S.C. § 812) or as defined in the North Carolina Controlled Substances Act (Chapter 90, Article 5, N.C.G.S), or any other substance (other than food) that may be determined to reduce work efficiency.

**FMCSA** means the Federal Motor Carrier Safety Administration.

**FTA** means the Federal Transit Administration.

**Major Vehicle Accident** means an occurrence involving the operation of a vehicle that results in: (i) a fatality; (ii) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or (iii) one or more vehicles incurring disabling damage as a result of the accident, requiring the vehicle(s) to be transported away from the scene by a tow truck or other vehicle.

**Medical Review Officer (MRO)** means a North Carolina-licensed physician with specific training in the area of substance abuse. The MRO not only has knowledge of substance-abuse disorders, but also has been trained to interpret and evaluate laboratory test results in conjunction with an employee’s medical history.

**Negative**, with respect to the results of an **alcohol test**, means a test that indicates a breath alcohol concentration of less than 0.02. **Negative**, with respect to the results of a **drug test**, means a test result that does not show presence of drugs at a level specified to be a positive test.

**Nonrevenue Service Vehicle** means a vehicle available to the public for carrying passengers who are not charged for transportation on either a per-passenger or per-vehicle basis (such as a school bus), in accordance with FTA regulations.

**On call** means being subject to a call to report immediately to work for which the employee receives some form of compensation from Union County.

**On duty** means when an employee is at the Workplace, performing job duties, or during any other period of time for which he or she is entitled to receive pay from Union County.

**Pass** with respect to an **alcohol test** means that the test showed no evidence or insufficient evidence of a prohibited level of alcohol. **Pass** with respect to **drug test** means that the test showed either (a) no evidence or insufficient evidence of a prohibited drug or drug metabolite, or (b) evidence of a prohibited drug or drug metabolite, but there was a legitimate medical explanation for the result as determined by an MRO.

**Positive**, with respect to the results of an **alcohol test**, means the presence of alcohol in an employee’s system in a concentration of 0.02 or greater. **Positive**, with respect to the results of a **drug test**, means a laboratory finding of the presence of a drug or a drug metabolite in the urine or blood of an employee at the levels identified by SAMHSA, or for drugs not subject to SAMHSA guidelines, at the levels identified by the County, if any.

**Reasonable Suspicion for Covered Employees who drive Commercial Vehicles and Covered Mass Transit Employees** means a well-founded belief that an employee is engaged in the improper use of alcohol or drugs in violation of this Policy, based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee made by a supervisor or other County official trained in detecting the signs and symptoms of misuse of alcohol or drugs in accordance with 49 C.F.R. § 382.603 and

**Reasonable Suspicion** for all other employees means a well-founded belief, as determined by an employee’s supervisor, that the employee is engaged in the improper use of alcohol or drugs in violation of this Policy based on the following criteria:

- Direct observation of alcohol or drug use or possession;
- Direct observation of common physical symptoms of being under the influence of alcohol or drugs, such as impairment of motor functions or speech;

- Arrest or conviction for an alcohol or drug related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or distribution;
- Information provided by reliable and credible sources or independently corroborated; or
- Newly discovered evidence that the employee tampered with a previous alcohol or drug test.

**Revenue Service Vehicle** means a vehicle available to the public for carrying passengers who pay transportation fares either directly, through assistance by public policy, or through some contractual arrangement, in accordance with FTA regulations.

**Safety-sensitive Function** means a job function that: (i) requires the employee to hold a CDL; or (ii) the dereliction of which may likely cause a serious and immediate threat to public safety, including:

- Driving a motor vehicle on a regular basis, unless the percentage of work time spent driving is negligible;
- Operating heavy machinery;
- Maintaining or inspecting motor vehicles or heavy machinery;
- Dispatching emergency services;
- Handling hazardous chemicals;
- Wastewater treatment operations;
- Direct patient health care; or
- Lifeguard.

**SAMHSA** means the United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration.

**SAP** means a Substance Abuse Professional as defined in 49 C.F.R. Part 40.

**Supervisor**, in general, means any employee who has the authority to direct the job activities of one or more other employees. With respect to a particular employee, the term means such employee's immediate supervisor and all persons having indirect supervisory authority over such employee.

**Workplace** means the location or facility where an employee may be expected to perform any task related to the requirements of his or her job. This includes break rooms and restrooms, outdoor work sites, County vehicles, personal vehicles while being used

for County business, computer work stations, conference rooms, hallways, private offices, open/partitioned work areas, public contact/customer service/medical services areas, and parking lots.

SECTION 3  
**Prohibited Behavior**

**3.1 Alcohol**

- a. The manufacture, distribution, dispensation, possession, storage, purchase, or use of alcohol by County employees while on duty is prohibited and constitutes grounds for immediate termination.
- b. No employee shall report for duty or remain on duty while having an alcohol concentration of 0.02 or greater.
- c. No **Covered Employee** shall use alcohol within four (4) hours before going on duty.
- d. No employee involved in an Accident that requires an alcohol test pursuant to this Policy shall consume any alcohol for eight (8) hours following the Accident or until the test is performed, whichever comes first.
- e. An employee who: (i) refuses to submit to an alcohol test or fails to follow through with an alcohol test when testing is required by this Policy, or (ii) reports or remains on duty with an alcohol concentration of 0.04 or greater will be subject to termination. The employee will be removed immediately from duty and referred to a SAP. However, before proceeding with disciplinary action, the employee's department head must assure that the facts of the case are reviewed by the Personnel Director or his designee.
- f. An employee who is tested and found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform or continue to perform his or her job functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test unless a confirmation test results in an alcohol concentration of less than 0.02. The employee shall be removed from duty without pay for this twenty-four (24) hour period and shall receive a notation in his or her performance appraisal about the requirement of reporting to work without the presence of alcohol in his or her system.

- g. An employee who is terminated as a result of a positive alcohol test will not be considered for re-employment for a period of two (2) years from the date of the test.
- h. A **Covered Employee who drives a Commercial Vehicle** or a **Covered Mass Transit Employee** who violates this Policy as it pertains to alcohol use may not subsequently perform any Safety-sensitive Function for the County unless and until he or she completes a SAP evaluation, referral, and education/treatment process, and shall be subject to return-to-duty and follow up testing, as set forth in 49 C.F.R. Part 40.

### 3.2 Drugs

- a. The unlawful manufacture, distribution, dispensation, possession, purchase, or use of drugs by employees is prohibited and constitutes grounds for immediate termination.
- b. No employee shall report for duty or remain on duty while under the influence of drugs.
- c. An employee shall inform his or her supervisor if, prior to beginning work or while he or she is on duty, he or she has used or intends to use any prescription medication, over-the-counter medication, or other substance that might impair his or her ability to satisfactorily perform duties. Employees are responsible for a thorough understanding of the effects and potential side effects of medications or other chemical substances taken. Failure to notify the supervisor under these circumstances may result in disciplinary action up to and including termination. However, before proceeding with disciplinary action, the employee's department head must assure that the facts of the case are reviewed by the Personnel Director or his designee.
- d. An employee who: (i) refuses to submit to, or fails to follow through when testing is required by this Policy or (ii) has a verified positive drug test will be subject to termination. The employee will be removed immediately from duty and referred to a SAP. However, before proceeding with disciplinary action, the employee's department head must assure that the facts of the case are reviewed by the Personnel Director or his designee.
- e. An employee who is terminated as a result of a positive drug test may not be considered for re-employment for a period of two (2) years from the date of the test.

- f. A **Covered Employee who drives a Commercial Vehicle** or a **Covered Mass Transit Employee** who violates this Policy as it pertains to drug use may not subsequently perform any Safety-sensitive Function for the County unless and until he or she completes a SAP evaluation, referral, and education/treatment process and shall be subject to return-to-duty and follow up testing, as set forth in 49 C.F.R. Part 40.

#### **SECTION 4**

##### **Supervisor Responsibilities**

Every supervisor shall:

- a. Consistently apply this Policy to all employees under his or her supervision. A supervisor who fails to apply this Policy when he or she believes, or reasonably should believe, that an employee under his or her supervision has committed a violation, will be disciplined.
- b. Initiate the process for having an employee drug or alcohol tested, by notifying the Director, if there is Reasonable Suspicion that an employee under his or her supervision, when such employee is on duty, has an illegal drug or alcohol in his or her system or is using any legal drug in a manner other than it was intended.
- c. Insure that all employees he or she supervises receive training on the requirements and consequences of this Policy.
- d. Follow the procedure established by the department head for assuring that an employee who is to be tested for alcohol or other drugs is transported to the designated test site, and that those employees for whom there is Reasonable Suspicion of substance abuse or who have had a breath alcohol test result of 0.02 or greater are transported home, either by personal family/friends or by arranged transportation.

#### **SECTION 5**

##### **Employee Responsibilities**

Every employee and, to the extent applicable, every applicant shall:

- a. Abide by this Policy as a condition of employment.

- b. Comply with all applicable laws regulating the manufacture, distribution, dispensation, use or possession of alcohol, drugs, or prescription medications.
- c. Assure that his or her ability to perform his or her job duties is not negatively affected due to use of a drug or alcohol when scheduled to report to work or when on call. Should any employee be requested to report to work earlier than his or her normal or previously assigned time, it is the employee's responsibility to advise his or her supervisor of an inability to perform his or her job duties or that he or she has used alcohol or drugs within the last four hours prior to reporting for duty. If the employee had received prior notice that he or she might be called back into work, the employee shall be considered absent without leave if he or she is unable to report to duty and may be subject to other disciplinary action due to inability to report for duty.

In the case of a supervisor who has consumed alcohol or drugs within four hours of receiving an unscheduled notice to report to work or who is otherwise unable to perform his or her job duties due to the influence of alcohol or drugs, the supervisor shall contact a previously designated employee within his or her department to assume the role and responsibilities of the supervisory position until the four-hour time period has passed or, if later, the supervisor is no longer under such influence and can safely return to duty. If no employee within the supervisor's department is available or capable of assuming temporary supervisory responsibilities, the supervisor shall contact the Assistant County Manager who shall appoint a temporary supervisor.

- d. Submit immediately to a drug or alcohol test when requested by his or her supervisor or by the Personnel Director in accordance with this Policy.
- e. Notify his or her department head within five (5) days if convicted of a violation of a criminal drug statute such as the manufacture, distribution, dispensation, possession, or use of narcotics, drugs, or for any other controlled substance when such violation occurred while the employee was on duty, as required by the Drug-Free Workplace Act of 1988. Criminal conviction means a finding of guilt, a plea of no contest, or a plea of guilty.

**SECTION 6**  
**Drug and Alcohol Tests**



## **6.1 Reasonable Suspicion Testing**

- a. Any employee who while on County property, while operating a County vehicle, or while otherwise on duty, demonstrates work performance or behavior that creates a Reasonable Suspicion that the employee is under the influence of alcohol or drugs in violation of this Policy shall be subject to alcohol or drug testing.
- b. A test for alcohol shall be administered within two (2) hours, but no later than eight (8) hours, following the determination of Reasonable Suspicion. If the test is not administered within two (2) hours, the supervisor must document the reason(s) the test was not promptly administered. If the test is not administered within eight (8) hours, the supervisor shall cease attempts to administer the test and shall prepare and maintain a written record stating the reason(s) for not administering the test.
- c. A test for drugs shall be administered within twenty-four (24) hours, but not later than thirty-two (32) hours, following the determination of Reasonable Suspicion. If the test is not administered within thirty-two (32) hours, the supervisor shall cease attempts to administer the test and shall prepare and maintain a written record stating the reason(s) for not administering the test.
- d. Once a Reasonable Suspicion is established, the employee shall not be allowed to report to duty or remain on duty until: (i) an alcohol or drug test is administered and the results of such test are negative, or (ii) eight (8) hours have elapsed following a determination of Reasonable Suspicion of alcohol, or (iii) thirty-two (32) hours have elapsed following a determination of Reasonable Suspicion of drugs.
- e. A written record shall be made of the grounds for administering a Reasonable Suspicion Test for alcohol or drugs and signed by the supervisor or departmental designee who made the determination of Reasonable Suspicion within twenty-four (24) hours of the observed behavior or before the results of the alcohol or drug test are released, whichever is earlier.

## **6.2 Post-Accident Testing**

- a. Any employee whose conduct apparently contributed to an Accident resulting in: (i) death; (ii) bodily injury requiring hospitalization; or (iii) \$50,000 or more in personal property damage, shall be tested for drugs and alcohol following such Accident.

- b. Any **Covered Employee** whose conduct may have contributed to an Accident resulting in (i) death; (ii) bodily injury requiring medical treatment away from the scene of the accident; or (iii) \$10,000 or more in property damage shall be tested for drugs and alcohol following such Accident.
- c. Any **Covered Employee who drives a Commercial Vehicle** and any **Covered Mass Transit Employee** whose conduct may have caused a Major Automobile Accident shall all be tested for drugs and alcohol; provided, however, that if such Accident resulted in a fatality, the driver of a Commercial Vehicle or mass transit vehicle shall be tested regardless of apparent fault.
- d. Post-accident testing for alcohol will be administered immediately following the Accident or as soon thereafter as medically and legally possible, but no later than eight (8) hours after the Accident. If the test is not administered within two (2) hours, the supervisor shall prepare and maintain a written record stating the reason(s) why the test was not administered within two (2) hours. If the test is not administered within eight (8) hours, the supervisor shall cease attempts to administer the test and shall prepare and maintain a written record stating the reason(s) why the test was not promptly administer
- e. Post-accident testing for drugs will be administered immediately following the Accident or as soon thereafter as medically and legally possible, but no later than thirty-two (32) hours after the Accident. If the test is not administered within thirty-two (32) hours, the supervisor shall cease attempts to administer the test and shall prepare and maintain a written record stating the reason(s) why the test was not promptly administer

### **6.3 Pre-placement Testing**

- a. Before any new or existing **Covered Employee** first operates a County-owned vehicle or performs any other Safety-sensitive Function for Union County, he or she must submit to drug testing. The employee will not be permitted to drive a County vehicle or perform a Safety-sensitive Function unless the test is negative.
- b. Before any new or existing **Covered Employee who drives a Commercial Vehicle** first operates a commercial vehicle or performs other related safety-sensitive functions as defined in 49 C.F.R. 382.107, and before any new or existing

**Covered Mass Transit Employee** first operates a Revenue Service Vehicle or performs related safety-sensitive functions as defined in 49 C.F.R. 655.4, the employee must submit to both drug and alcohol testing.

#### **6.4. Random Testing**

- a. Random testing will be done on a percentage basis in a fair and equal manner. Each time a random selection is made, every employee subject to testing will have an equal chance of being tested.
- b. **Covered Employees** are subject to unannounced drug tests throughout the year and may be tested at any time they are on duty. At least ten percent (10%) of the average number of **Covered Employees** shall be tested each year for drugs
- c. **Covered Employees who drive Commercial Vehicles** and **Covered Mass Transit Employees** are subject to unannounced tests for both drugs and alcohol throughout the year and may be tested at any time they are on duty. The minimum percentage rates for random drug and alcohol testing for **Covered Employees who drive Commercial Vehicles** shall be at the current rates determined by FMCSA Administrator pursuant to 49 C.F.R. § 382.305, and the minimum percentage rates for random drug and alcohol testing for **Covered Mass Transit Employees** shall be at the current rates determined by the FTA Administrator pursuant 49 C.F.R. § 655.45.
- d. When an employee is selected for random testing, both the employee and the employee's supervisor shall be notified on the day the test is scheduled to occur. The supervisor shall explain to the employee that he/she is under no suspicion of using alcohol or taking drugs and that the employee's name was selected randomly pursuant to this Policy.
- e. When employees are notified that they have been selected for random testing, they will proceed immediately to the collection site.

#### **6.5. Return to Duty Testing**

- a. **Covered Employees** who have been suspended from work based on a positive test for drugs or alcohol must submit to a drug or alcohol test before returning to work following the suspension period. A negative test result is required before the employee may be authorized to return to duty.

- b. A positive Return to Duty test shall result in termination.
- c. Covered Employees who drive Commercial Vehicles and Covered Mass Transit Employees are subject to return-to-duty testing in accordance with Section 3, Paragraph A.8., above.

## **6.6 Follow-up Testing**

- a. Covered Employees who have been authorized to return to duty following suspension based on a positive test for drugs or alcohol must submit to a minimum of six (6) unannounced periodic Follow-up Tests within the first twelve (12) months following return to duty.
- b. Any Covered Employees returning to duty following completion of a voluntary drug rehabilitation program must submit to the same Follow-up Tests described above.
- c. A positive Follow-up Test will result in termination.
- d. Follow-up Testing is separate from and in addition to Random Testing. Employees subject to Follow-up Testing must also remain in the standard random pool and must be tested whenever their names come up for Random Testing, even if this means being tested twice in the same week or month.
- e. Covered Employees who drive Commercial Vehicles and Covered Mass Transit Employees are subject to follow-up testing in accordance with Section 3, Paragraph B.6., above.

## **SECTION 7**

### **Refusal to Submit to a Test**

Behavior that constitutes refusal to submit to a test includes:

- a. Refusal to provide a specimen (verbal refusal or physical absence);
- b. Inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation;
- c. Tampering, adulterating, or substituting a specimen;

- d. Not reporting to the collection site in the time allotted;
- e. Leaving the scene of an accident without a valid reason before the tests have been conducted;
- f. Failure to sign DOT required testing forms for breath collection when such forms are required;
- g. Leaving the collection site prior to test completion;
- h. Failure to permit an observed or monitored collection when required;
- i. Failure to take a second test when required;
- j. Failure to undergo a medical examination when required; or
- k. Failure to cooperate with any part of the testing process.

**SECTION 8**  
**Testing Procedures**

All alcohol and drug tests performed pursuant to this Policy shall be conducted at Carolina OCC MED, in Monroe, NC, or other clinical facility designated by Union County, which facility shall be responsible for complying with all applicable state and federal regulations governing alcohol and drug testing procedures and methodologies.

## SECTION 9

### **Reporting of Results**

Carolina Occ Med, or other clinic facility designated by Union County to perform employee alcohol and drug testing (the “laboratory”), shall report drug test results directly to the Medical Review Officer (MRO) within five (5) working days. The report shall indicate the drugs/metabolites tested for, whether the results are positive or negative, and the drug testing laboratory identification number. The laboratory shall report alcohol test results to the Personnel Director or his or her designee immediately.

## SECTION 10

### **Review of Drug Results by MRO**

**The MRO will review and interpret positive results obtained from the laboratory. The MRO, through a verification process, will assess and determine whether alternate medical explanations could account for the positive test results. The MRO may conduct medical interviews of the tested individual. Additionally, the MRO will examine all medical records and data made available by the tested individual, such as evidence of prescribed medications.**

- a. The MRO will review the findings of a drug test with the employee or Covered Applicant before a final determination is made that the employee or Covered Applicant did not pass the test. The purpose of this review is to ensure that the findings of a positive test are not based on factors other than the use of the drug for which the positive result is found. After the final decision is made, the MRO will notify the County as prescribed below.
- b. If during the course of an interview with an individual who has tested positive the MRO learns of a medical condition which could, in the MRO's reasonable medical judgment, pose a risk to safety, the MRO may report that information to the Personnel Director or his designee.
- c. The MRO will notify each employee or Covered Applicant who has a confirmed positive test that the employee or Covered Applicant has 72 hours in which to request a test of the split specimen. The employee or Covered Applicant shall have the right to retest a confirmed positive sample at the same or another approved laboratory. The employee or Covered Applicant must request release of the sample in writing specifying to which approved laboratory the sample is to be sent. If the employee or Covered Applicant makes such a request, the MRO will direct, in writing, the laboratory to provide the split specimen to a certified laboratory, as specified by the employee or Covered Applicant, for analysis. If

the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or un-testable, the MRO will cancel the test and report cancellation and the reasons for it to the DOT, the County, and the employee or Covered Applicant. A request for testing of the split sample and associated costs are the responsibility of the tested individual.

- d. If the MRO, after making and documenting all reasonable efforts, is unable to contact the tested person, the MRO will contact the Director to arrange for the employee or Covered Applicant to contact the MRO prior to going on duty. If, within five (5) days after a documented contact by the Director instructing the employee or Covered Applicant to contact the MRO, the employee or Covered Applicant has not done so, the MRO will verify the test positive and report it to the County.
- e. Notwithstanding any other provision stated herein, the MRO shall comply with all applicable state and federal laws in effect at the time of the testing.

## **SECTION 11**

### **Compliance with Law**

- a. The County will maintain alcohol and drug test results in a secure and confidential manner, so that disclosure of information to unauthorized persons does not occur. Employee or Covered Applicant information shall only be released as legally required or expressly authorized.
- b. Searches and seizures are to be conducted in a legal manner. The County reserves the right to conduct searches or inspections of property assigned to an employee whenever a department head or his or her designee determines that the search is reasonable under all the circumstances. Failure to consent to, or cooperate with, such inspections will be grounds for disciplinary action up to and including discharge.
- c. The County will notify the North Carolina Division of Motor Vehicles within five (5) business days following receipt of a positive drug or alcohol test or a refusal to submit to a required test for all employees or Covered Applicants who drive commercial vehicles or work for agencies that receive federal transit funds, as required by N.C.G.S. § 20-37.19(c). Such notification shall include the employee's name, driver's license number, social security number, and test results or documentation of employee's refusal to take the test.

- d. The Drug Free Workplace Act of 1988 requires all County employees to notify the County within five calendar days after any criminal conviction for the manufacture, distribution, dispensation, possession, or use of narcotics, drugs, or any other controlled substance at the workplace. Criminal conviction means a finding of guilt, a plea of no contest, or a plea of guilty. The County shall then be required to notify all federal contracting agencies and grantors of such conviction within ten days of receiving notice of the conviction.

## **SECTION 12**

### **Contact**

**Any inquiries regarding this Policy should be directed to the Union County Personnel Director who is the County Official designated to answer questions about this Policy. The Director is located in the Union County Government Center, 500 N. Main Street, Suite 130, Monroe, N.C. The phone number is (704) 283-3869.**

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***Recruitment of Public Works Director:*** Recruitment - 1) Accepted the proposal from Waters-Oldani to perform the recruitment of a Public Works Director; and 2) authorized the County Manager to execute the necessary service contract, pending legal review.

The Chairman announced the placement of the items that are to be added to the regular agenda as follows: Attorney's Report on Lawsuit – 6A, Discussion on Assistant County Manager's Comments – 14 B, Consent Item 5.1(g) – 14 C, Consent Item 5.1 (c) – 14D

### **ASSISTANT COUNTY MANAGER'S COMMENTS:**

Matthew Delk, Assistant County Manager, stated that as a member of the National Association of Counties, Union County can offer to its citizens a prescription discount card that will provide savings to participants. He said there are 486 users on a monthly basis and in April there were 528 participants who had 1000 prescriptions filled at a savings of \$17,000. Mr. Delk further said that since February 2005, participants have saved more than \$440,000, which is an average of 22 percent on the prescription. He said these cards had been made available to those in the audience tonight and instructed the viewing public on how to obtain these cards.



Mr. Delk further reported that Union County is going to be awarded \$55,000 to conduct a series of exercises for hazardous waste railroad cars. He said this event is planned around the accident that happened in South Carolina and will enable emergency management personnel in Union County to be trained to protect the County's citizens if something of this nature occurred in Union County. He said this will take place in 2009 and be completed in 2010.

The Assistant County Manager next reported on summer reading programs for children and teens being planned by the Friends of the Library and conducted at the local libraries.

He next reported the one-stop voting will soon begin for the Democratic runoff for Commissioner of Labor and for the NC State House District 67 Seat.

Mr. Delk said that on Memorial Day Cane Creek Park had its largest attendance in its history. He reminded the public that the Park is open and staffed during the summer and has many activities. He instructed the viewing audience on how to find information on the park including directions to the park and its fees.

He also thanked the volunteers who have worked with Social Services and said the volunteer hours have been documented to be over 6,500 hours. He asked interested volunteers to call Gloria Haney and gave her phone number.

He reported there are companion bills HB 2499 and SB 1987 which resulted from the legislative proposal that Union County submitted on water restrictions and wells. Mr. Delk said this is a direct result of the resolutions proposed by the Union County Board of Commissioners. He said he thought there would be more discussion on these bills.

HB 2501 and SB1937 are companion bills to facilitate the reuse of reclaimed water and the bills make it clear that reclaimed water could be discharged into a storm water management system. He said these bills are also results of the Board's resolution.

Mr. Delk said that SB1890 introduced by Senator Goodall has been sent to committee. He said this Senate Bill adds high-speed internet as acceptable government services. He said it was thought that the water towers etc. could be assigned to private enterprises for use as towers to provide these services county-wide.

The Assistant County Manager stated that Senator Goodall and others added a public bill that would add a reasonable amount of financial support to Covenant Prison Ministries for the Life Support Program and that he thought it would be appropriate for the Board to adopt a resolution in support of this appropriation to the Life Support Program of Covenant Prison Ministries.

**UPDATE ON LAWSUIT FILED BY THE CHARLOTTE OBSERVER:**

Attorney Ligon Bundy explained that late this afternoon he had received a telephone call from the Judicial Center reporting that Judge David Lee, Superior Court Judge, had filed his order in *The Charlotte Observer* case. He presented a review that several months ago *The Charlotte Observer* filed a lawsuit that alleged Union County had violated the Open Meetings Law and the Public Records Law. He said the main issue was the drafting of the Sewer Allocation Policy and the paper alleged it had been drafted in secret. He said he received a copy of the Judge's order as the court was closing this afternoon. Mr. Bundy said that the paper alleged that because general policies were discussed during closed session, it was an illegal meeting. As a secondary position, he said the paper alleged that even if the minutes were legally held, the minutes of the closed session should be opened since there was no reason for them to remain sealed. He said another issue is that for several years there have been audio recordings of the meetings and according to the Board's policy, which is supported by the General Statutes of North Carolina, these can be erased when minutes are completed because the written record is the official minutes of the Board. Mr. Bundy said that the newspaper was seeking these audio tapes. He explained that at trial, the judge bifurcated the case into two parts. He said one part of the suit had to do with statements made publicly by Commissioner Lane that he thought issues had been discussed in closed session that should not have been discussed in closed session. Mr. Bundy explained that the meetings held prior to the policy discussion in the months of December 2006 to February 2007 were cut off from the suit. He said the *The Charlotte Observer* failed to allege any facts to prove that there was anything improper about these hearings or allege any facts that these minutes should be disclosed. He said he filed a motion to dismiss the claim having to do with those meetings and the Judge made decisions on these separately.

Mr. Bundy said that the Judge heard the case on merits concerning what the newspaper alleged were the sewer meetings, and the Judge's ruling was that the closed sessions where the sewer policy was discussed were proper under the law and the Court did not order the disclosure of any of the minutes concerning the substantive issues having to do with the sewer policy. He said that the Court found that the Board did stray on limited and isolated exceptions into general policy matters and ordered that the board disclose some minutes on these limited and isolated issues within ten days from the date of the Judge's ruling. He said the Judge took the minutes that were introduced into evidence and highlighted those portions of the minutes that he thought should be made public and gave them to him in a sealed envelope. Mr. Bundy said that he would characterize the portions that are to be disclosed as insignificant in the amount of material discussed and the importance of it.

He said the other argument of the newspaper was that even if the meetings are held to be legal that the minutes should be disclosed since there is no reason for them to remain sealed. The judge denied that request. He said another argument of the newspaper was that the Judge should listen to the tapes of the meetings and order that they be disclosed. The Judge denied that request. Mr. Bundy further said *The Charlotte Observer* requested that the Court order the Board of Commissioners to stop violating the Open Meetings Law. The Judge denied that request. *The Charlotte Observer* requested that Union County be required to pay its attorney's fees. The Court denied that request.

The second part of the law suit relates to the minutes that occurred in December 2006 up until February 2007. He said the *Charlotte Observer* did concede during the trial that the Board of Commissioners did not violate the Open Meetings Law in those meetings but contended that there is no reason for those minutes to be sealed but it did not provide any reason or facts for its contention that the minutes should be released. He said he filed a motion to dismiss the claim for failure to allege sufficient facts. Attorney Bundy said that the Judge has deferred ruling on that particular part of the lawsuit. The Observer has ten days to amend its proceedings or present proof that these items should be revealed. In ten days, the Court will make a ruling.

Mr. Bundy said his recommendation is that because the Court has given him highlighted minutes that it orders to be released and made public that he be authorized to redact those portions that the Court ordered not to be disclosed. He said he would give those to the Clerk in the morning and that she be ordered to make them available for public inspection.

Vice Chairman Pressley moved the Attorney be authorized to redact those portions of the minutes that the Court ordered to be released and that the Clerk be directed to release these portions for public inspection on Tuesday, June 3, 2008.

Commissioner Lane said that while he disagreed with the Court's decision, he still stands by his comments.

The motion passed unanimously.

The Vice Chairman moved that those sections of the minutes that are to be released be read into the record.

The Staff Attorney requested a two minute recess. At the conclusion of the recess, the Chairman reconvened the meeting.

The Vice Chairman asked that for sake of time that Mr. Bundy characterize what is in the order. The Attorney agreed that he could do that.

The Vice Chairman then modified his motion to request that the County Attorney characterize what is in the summary instead of a verbatim reading. The motion passed unanimously.

Mr. Bundy said he thought the portion of the order that he was requested to read had to do with audio tapes. He said to paraphrase “the Court concludes there is no compelling reason to question the general accounts as set forth in the Clerk’s minutes nor has other good cause been presented to impeach the minutes reviewed and acted upon by the defendant board. While there may be an appropriate case in which to do so there has been no showing in the case before the Court that a rationale basis exists for the court to further intrude into the affairs of this local legislative body by listening to the audio tapes. The Court defers to its presumption that the defendant Board has kept full and accurate minutes as required by General Statute 143-318.10.”

He paraphrased those portions that the Court ordered to be disclosed: Closed Session July 30, 2007, at 5:00 p.m., all five Commissioners present plus some staff members including Richard Black, Lynn West, and County Attorney John Burns. The Board moved to go into closed session to discuss matters that are attorney-client privileged and also personnel matters. The Court ordered that the Board disclose a report by the Chairman who was Kevin Pressley at the time that he had met with representatives of DENR and that he and the Vice Chairman who was Allan Baucom had met with representatives of Stanly County and had held conversations with representatives of Anson County concerning water and sewer issues. There was a question as to whether or not Union County could enter into negotiations with other counties to buy sewer plants or enter into contracts through joint ventures.

He said at that same meeting the Judge has ordered that it be revealed that Mr. Pressley said there was a sewer plant operating in Oakboro and there was some possibility that Union County might be able to acquire that plant; there was a suggestion that the Commissioners and some members of the Public Works Advisory Board continue the discussions concerning that plant.

When asked by Commissioner Openshaw if this is a summary or the full contents, the Attorney stated that it is hard to summarize. There was also a brief reference to district representation at one meeting. He said there is nothing that is to be disclosed whatsoever that took place involving the county staff having to do with the sewer allocation policy. The Court referenced a few comments about needing to get more water capacity in Union County but reiterated there is nothing of any consequence concerning the sewer allocation policy.

The Chairman asked if *The Charlotte Observer* in their lawsuit won on any points. Mr. Bundy responded that the Court did find that the Board strayed into some matters concerning general policy which is not protected by the Open Meetings Law and some were the examples that he had been summarizing. He said from the standpoint of winning or losing the lawsuit, the paper prevailed and got some relief. However, he said he thought the major thrust of what they were seeking was disclosure of all of the minutes and all of the audio recordings, and they got a small, small portion of what they were seeking and nothing concerning the discussion of the sewer policy.

Commissioner Mills said to Mr. Crook's credit there have been times that the Commissioners might have strayed but that he brought them back onto course.

Mr. Bundy said that he thought that Mr. Crook had done a good job of keeping the Board on track and complying with the law. He pointed out that there were several meetings that lasted for an hour or two and it is remarkable that everyone stayed on track as much as was the case.

Those portions of the closed session minutes that the Court ordered to be released as set forth below:

**Approved 3/10/2008**

MINUTES OF CLOSED SESSION OF MONDAY, JULY 30, 2007, AT 5:00 P.M. –  
FIRST FLOOR CONFERENCE ROOM, UNION COUNTY GOVERNMENT CENTER

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

ABSENT: None

ALSO PRESENT: Richard Black, Interim County Manager, Lynn G. West, Clerk to the Board of Commissioners, and John Burns, County Attorney

At approximately 5:00 p.m., in open session, Chairman Pressley convened the special meeting and moved that the Board go into closed session: 1) to consult with an attorney in order to preserve the attorney-client privilege pursuant to G.S. § 143-

318.11(a)(3); and 2) to consider the qualifications, competence, performance, character, or fitness of an individual public officer or employees or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employees pursuant to G.S. §143-318.11(a)(6). The motion was passed unanimously.

[Julia Oliver, reporter with The Union Observer, was present during the open session. She left the meeting when the Board went into closed session.]

The Chairman stated that he and Vice Chairman Baucom have met with representatives of DEHNR. He said that he and the Vice Chairman also have had meetings with representatives of Stanly County and had conversations with representatives of Anson County. He stated that there are a number of water and sewer issues at hand. He asked Mr. Burns for a legal opinion on whether a committee could be established to represent the Board to continue discussions with neighboring counties.

There was discussion on whether this matter was a subject for a closed session. Mr. Burns pointed out that the Chairman had asked him for a legal opinion. The Chairman stated that his question was could Union County enter into negotiations with other counties to either buy sewer plants or enter into contracts, such as the scenario that Union County has with Lancaster County, to pursue joint ventures with other counties.

Chairman Pressley said that there is a sewer plant that is operating in Oakboro and the town does not have the money to repair the plant. He stated that there are a couple of options for Union County if the County is able to buy the facility and work with the town and Stanly County. He said that if the County is able to acquire the plant or acquire interest in the facility, the discharge point might be changed.

Commissioner Mills suggested that either one or two Commissioners and three members from the Public Works Advisory Board continue the discussions on this plant.

Vice Chairman Baucom advised the Board that he and Representative Gibson have had discussions regarding the district representation issue. He said that he was awaiting a fax from Representative Gibson regarding the language for the proposed bill.

Mr. Burns questioned the relativity of this subject to a closed session. He stated that he had not heard any legal questions regarding this matter.

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**Approved 1/31/2008 with correction**

MINUTES OF THE CLOSED SESSION OF MONDAY, AUGUST 13, 2007, AT 5:00 P.M.

Present: Chairman Kevin Pressley, Vice Chairman Allan Baucom, Commissioner Roger Lane, Commissioner A. Parker Mills, Jr., and Commissioner Lanny Openshaw

ABSENT: None

ALSO PRESENT: Richard Black, Interim County Manager, Lynn G. West, Clerk to the Board, Jeff Crook, Senior Staff Attorney, John Burns, County Attorney, H. Ligon Bundy, Attorney at Law, Christie Putnam, Public Works Director, Lee Jenson, Land Use Administrator, and Amy Helms

At approximately 5:00 p.m., Chairman Pressley moved that the Board go into closed session to consult with an attorney in order to preserve the attorney-client privilege pursuant to G.S. 143-318.11(a) (3) and to prevent the disclosure of information that is not considered a public record within the meaning of Chapter 132 of the General Statutes. The motion was passed unanimously.

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MINUTES OF THE SECOND CLOSED SESSION OF MONDAY, AUGUST 13, 2007, DURING THE REGULAR MEETING:

Present: Chairman Kevin Pressley, Vice Chairman Allan Baucom, Commissioner Roger Lane, Commissioner A. Parker Mills, Jr., and Commissioner Lanny Openshaw

ABSENT: None

ALSO PRESENT: Richard Black, Interim County Manager, Lynn G. West, Clerk to the Board, Jeff Crook, Senior Staff Attorney, and Christie Putnam, Public Works Director

At approximately 8:50 p.m, during the regular meeting Chairman Pressley moved that the Board go into closed session to consult with an attorney in order to preserve the attorney-client privilege pursuant to G.S. 143-318.11(a) (3). The motion was passed unanimously.

The Board members moved from the Board Room to the Conference Room located on the first floor, Union County Government Center.

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Approved 1/31/2008 with corrections

MINUTES OF THE CLOSED SESSION OF MONDAY, AUGUST 20, 2007, AT 3:00 P.M.

Present: Chairman Kevin Pressley, Vice Chairman Allan Baucom, Commissioner Roger Lane, Commissioner A. Parker Mills, Jr., and Commissioner Lanny Openshaw

ABSENT: None

ALSO PRESENT: Richard Black, Interim County Manager, Lynn G. West, Clerk to the Board, Jeff Crook, Senior Staff Attorney, John Burns, County Attorney, H. Ligon Bundy, Attorney at Law

At approximately 3:00 p.m., Chairman Pressley moved that the Board go into closed session to consult with an attorney in order to preserve the attorney-client privilege pursuant to G.S. 143-318.11(a) (3). The motion was passed unanimously.

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Commissioner Mills voiced concern that until the County can gain another water source, that the County does not need to continue issuing waters permits.



Mr. Crook reminded the Board that it could not discuss water issues in closed session, but it could discuss the legal issues attendant to the water issues. Chairman Pressley asked if the County could request any additional water capacity from Lancaster County. Ms. Putnam stated that the County had requested to borrow three million gallons per day this year. She said that she had received a response from Lancaster County stating that it would allow the County the three million but it could not affect the County's 10 million gallons of inter basin transfer. Further, she said that Lancaster County said that the County would have to allow an interconnect on the 24 inch and 42 inch line and would have to split the cost of installing the interconnects. She stated that it would have to be a part of the decision on the plant expansion, because the interbasin transfer could not be increased.

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MINUTES OF THE SECOND CLOSED SESSION OF MONDAY, AUGUST 20, 2007, AT 7:09 P.M.

Present: Chairman Kevin Pressley, Vice Chairman Allan Baucom, Commissioner Roger Lane, Commissioner A. Parker Mills, Jr., and Commissioner Lanny Openshaw

ABSENT: None

ALSO PRESENT: Richard Black, Interim County Manager, Lynn G. West, Clerk to the Board, and Jeff Crook, Senior Staff Attorney

At approximately 7:09 p.m., in open session, Commissioner Mills moved that the Board go into closed session to consult with an attorney in order to preserve the attorney-client privilege pursuant to G.S. 143-318.11(a) (3). The motion was passed unanimously.

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

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Approved 1/31/2008

MINUTES OF THE CLOSED SESSION OF AUGUST 31, 2007, AT 9:00 A.M.

PRESENT: Chairman Kevin Pressley, Vice Chairman Allan Baucom, and Commissioner A. Parker Mills, Jr.

ABSENT: Commissioner Roger Lane and Commissioner Lanny Openshaw

ALSO PRESENT: Richard Black, Interim County Manager, Lynn G. West, Clerk to the Board of Commissioners, Jeff Crook, Senior Staff Attorney, John Burns, County Attorney, and Mark Watson, Personnel Director

At approximately 9:00 a.m., Commissioner Mills moved that the Board go into closed session to consult with an attorney in order to preserve the attorney-client privilege pursuant to G.S. 143-318.11(a)(3). The motion was passed by a vote of three to zero. Commissioners Lane and Openshaw were not present.

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Approved 1/31/2008

MINUTES OF THE CLOSED SESSION OF MONDAY, SEPTEMBER 4, 2007, AT 5:00 P.M.

Present: Chairman Kevin Pressley, Vice Chairman Allan Baucom, Commissioner Roger Lane, Commissioner A. Parker Mills, Jr., and Commissioner Lanny Openshaw

ABSENT: None

ALSO PRESENT: Richard Black, Interim County Manager, Lynn G. West, Clerk to the Board, Jeff Crook, Senior Staff Attorney, John Burns, County Attorney, and H. Ligon Bundy, Attorney at Law

At approximately 5:00 p.m., Chairman Pressley moved that the Board go into closed session to: 1) consult with an attorney in order to preserve the attorney-client privilege pursuant to G.S. § 143-318.11(a)(3); and 2) consider the qualifications, competence, performance, character, fitness, conditions of employment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee pursuant to G.S. § 143-318.11(a)(6). The motion was passed unanimously.

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MINUTES OF THE RECESSED CLOSED SESSION OF SEPTEMBER 4, 2007, FOLLOWING THE REGULAR MEETING:

Present: Chairman Kevin Pressley, Vice Chairman Allan Baucom, Commissioner Roger Lane, Commissioner A. Parker Mills, Jr., and Commissioner Lanny Openshaw

ABSENT: None

ALSO PRESENT: Richard Black, Interim County Manager, Lynn G. West, Clerk to the Board, Jeff Crook, Senior Staff Attorney, John Burns, County Attorney, and H. Ligon Bundy, Attorney at Law

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Approved 1/31/2008

MINUTES OF THE CLOSED SESSION OF SEPTEMBER 13, 2007, AT 10:00 A.M.

Present: Chairman Kevin Pressley, Vice Chairman Allan Baucom, Commissioner Roger Lane, Commissioner A. Parker Mills, Jr., and Commissioner Lanny Openshaw

ABSENT: None

ALSO PRESENT: Richard Black, Interim County Manager, Lynn G. West, Clerk to the Board, Jeff Crook, Senior Staff Attorney, John Burns, County Attorney, and H. Ligon Bundy, Attorney at Law

At approximately 10:00 a.m., Chairman Pressley moved that the Board go into closed session to consult with an attorney in order to preserve the attorney-client privilege pursuant to G.S. 143-318.11(a) (3). The motion was passed unanimously.

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Chairman Pressley directed comments to Commissioner Lane and stated that he was disappointed in him that information about the closed sessions had been communicated outside the closed session. He offered Commissioner Lane the option of leaving or remaining in the closed session at this time.

Commissioner Lane responded to the Chairman's comments by stating that he had told only the subject matter and not any of the specifics of the discussions. After further comments, Commissioner Lane left the meeting. The Chairman asked that it be stated for the record, that at this time Commissioner Lane voluntarily left the meeting.

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It was discussed whether the sewer allocation policy should be forwarded to the Public Works Advisory Board for review. It was suggested that the Public Works Advisory Board review these issues going forward, and it was noted that the state moratorium could be lifted as soon as next week.

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Commissioner Openshaw noted that there is no tracking mechanism for water. He said that it is important to have a system in place that states that there is no guarantee with an expiration date.

Discussion ensued about why municipalities are allowed to approve subdivisions without having the responsibility of providing water and sewer.

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Approved 3/10/2008

MINUTES OF THE CLOSED SESSION OF THURSDAY, JANUARY 31, 2008, AT 9:00 A.M., FIRST FLOOR CONFERENCE ROOM, UNION COUNTY GOVERNMENT CENTER

PRESENT: Chairman Allan Baucom, Vice Chairman Kevin Pressley, Commissioner Roger Lane (joined the meeting at 9:30 a.m.), Commissioner A. Parker Mills, Jr., and Commissioner Lanny Openshaw

ABSENT: None

ALSO PRESENT: Lynn G. West, Clerk to the Board of Commissioners

At approximately 9:10 a.m., the Chairman, in open session, convened the special meeting and moved that the Board go into closed session in order to prevent the disclosure of information that is privileged or confidential pursuant to G.S. 143-318.10(e), in accordance with G.S. 143-318.11(a)(1). The motion was passed by a vote of three to zero. Chairman Baucom, Commissioner Mills, and Commissioner Openshaw voted in favor of the motion. Vice Chairman Pressley and Commissioner Lane were not present at the time of the vote. [Ligon Bundy, Attorney at Law, was present for the open session but left to attend another meeting. He offered that if the Board had any questions, he and Jeff Crook, Senior Staff Attorney, would be available to come in and answer the questions.]

Chairman Baucom convened the closed session and explained that its purpose is to review closed session minutes. He stated that each set of minutes would be given to the Board members to read, he would entertain a motion regarding their approval, and the copies would be taken back up after each set had been read.

It was noted that the portions of any of the closed session minutes being reviewed today relative to the Mike Shalati matter have not been included for approval at this time.

Following review of each set of minutes, motions were made for approval of the minutes as set out below:

1. ***January 22, 2007*** – The Clerk noted that the portion of these minutes relative to economic development was approved by the Board previously and had been voted on in open session for release to the public.

In the portion of the minutes relative to the Holland property, Commissioner Mills questioned the amount stated of \$200,000 paid for the property across the road from the property. The Board requested that the Clerk verify this amount on the audio tape and correct that amount if necessary.

**Motion was made by Vice Chairman Pressley to approve the closed session minutes of January 22, 2007, contingent upon verification of the amount stated as paid for the property across the road from the Holland property. The motion was passed by a vote of four to zero. Chairman Baucom, Vice Chairman Pressley, Commissioner Mills, and Commissioner Openshaw voted in favor of the motion. Commissioner Lane was not present at the time of the vote.**

2. ***February 15, 2007:***

**Motion was made by Vice Chairman Pressley that the minutes of the closed session of February 15, 2007, be approved as presented. The motion was passed by a vote of four to zero. Chairman Baucom, Vice Chairman Pressley, Commissioner Mills, and Commissioner Openshaw voted in favor of the motion. Commissioner Lane was not present when the vote was taken.**

3. ***February 28, 2007:***

**Vice Chairman Pressley noted a correction in spelling on Page 6 in the last paragraph of the minutes.**

**Motion was made by Vice Chairman Pressley to approve the closed session minutes of February 28, 2007, with the correction in spelling on Page 6, last paragraph, as noted. The motion was passed unanimously. *[Commissioner Lane joined the meeting at 9:30 a.m., reviewed the minutes of February 28, 2007, but left the meeting briefly and was not present when the vote was taken without being excused from the vote; therefore, his vote has been recorded in the affirmative.]***

4. ***April 2, 2007:***

**Motion was made by Vice Chairman Pressley to approve the closed session minutes of April 2, 2007, as presented. The motion was passed unanimously.**

4. *July 23, 2007:*

**Motion was made by Vice Chairman Pressley to approve the closed session minutes of July 23, 2007, as presented. The motion was passed unanimously.**

5. **August 13, 2007:**

**Motion was made by Vice Chairman Pressley to approve the minutes of the closed session of August 13, 2007, with the notation on Page 3, last paragraph, as discussed. The motion was passed unanimously.**

6. **August 20, 2007:**

The Clerk noted that the following corrections should be made: Page 1, second paragraph: “Mr. Bundy recapped the Board’s direction from the second closed session.” She stated that it should read “the first closed session.” Also, she said in that same paragraph, third sentence from the last reads: “and the original proposal had been to allow” should read “staff to handle those deviations.”

Chairman Baucom noted on Page 6, first paragraph, fourth line down: “185” should read “285.”

**Motion was made by Vice Chairman Pressley to approve the minutes of the closed session of August 20, 2007, with the corrections as noted on Pages 1 and 6. The motion was passed unanimously.**

7. **August 31, 2007:**

**Motion was made by Vice Chairman Pressley to approve the minutes of the closed session of August 31, 2007, as presented. The motion was passed unanimously.**

8. **September 4, 2007:**

**Motion was made by Commissioner Mills to approve the minutes of the closed session of September 4, 2007, as presented. The motion was passed unanimously.**

9. **September 13, 2007:**

**Motion was made by Commissioner Lane to approve the minutes of the closed session of September 13, 2007, as presented. The motion was passed unanimously.**

10. **November 5, 2007:**

**Motion was made by Commissioner Lane to approve the minutes of the closed session of November 5, 2007, as presented. The motion was passed unanimously.**

[All copies of the minutes were returned to the Clerk after review by the Board.]

With there being no further discussion for closed session, at approximately 11:20 a.m., Commissioner Lane moved to adjourn the closed session. The motion was passed unanimously.

Commissioner Mills moved, in open session, to adjourn the special meeting. The motion was passed unanimously.

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MINUTES OF CLOSED SESSION OF MONDAY, MARCH 10, 2008, AT 5:00 P.M. IN THE CONFERENCE ROOM, FIRST FLOOR, UNION COUNTY GOVERNMENT CENTER

PRESENT: Chairman Allan Baucom, Vice Chairman Kevin Pressley (joined the meeting late), Commissioner Roger Lane, Commissioner A. Parker Mills, Jr., and Commissioner Lanny Openshaw (joined the meeting at 5:20 p.m.)

ABSENT: None

ALSO PRESENT: Richard Black, Interim County Manager, Lynn G. West, Clerk to the Board, Matthew Delk, Assistant County Manager, Jeff Crook, Senior Staff Attorney, H. Ligon Bundy, Attorney at Law, and John Burns, County Attorney

At approximately 5:00 p.m., the Chairman convened the special session.

Commissioner Mills moved that the Board go into closed session for the following purposes:

(1) to consult with an attorney in order to preserve the attorney-client privilege in accordance with G.S. 143-318.11(a)(3) and to give instructions to an attorney concerning the handling or settlement of the following judicial actions:

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(2) to prevent the disclosure of information that is privileged or confidential pursuant to G.S. 143-318.10(e), in accordance with G.S. 143-318.11(a)(1); and 3) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee pursuant to G.S. § 143-318.11(a)(6).

**Approval of Closed Session Minutes:**

Following review of each set of minutes, motions were made for approval of the minutes as set out below:

1. February 28, 2008 - Commissioner Openshaw noted a correction to the minutes on Page 2, first sentence, next to last paragraph changing "Chairman Pressley" to "Vice Chairman Pressley."  
  
Vice Chairman Pressley moved to approve the minutes of the closed session of February 28, 2008, with the correction as noted by Commissioner Openshaw on Page 2. Motion was passed unanimously.
2. February 18, 2008 - Vice Chairman Pressley moved to approve the minutes of the closed session of February 18, 2008, as presented. Motion was passed unanimously.
3. January 31, 2008 - Commissioner Mills moved to approve the minutes of the closed session of January 31, 2008, as presented. Motion was passed unanimously.
4. January 7, 2008 - Vice Chairman Pressley moved to approve the minutes of the closed session of January 7, 2008, as presented. Motion was passed unanimously.
5. July 30, 2007 - Commissioner Mills moved to approve the minutes of the closed session of July 30, 2007, as presented. Motion was passed unanimously.

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**Personnel:**

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At the conclusion of the closed session, and with the time being approximately 7:00 p.m., Commissioner Lane moved to adjourn the closed session. The motion was passed unanimously.

**ECONOMIC DEVELOPMENT INCENTIVES GUIDELINES:**

The Chairman stated the next item for discussion and recognized Maurice Ewing from the Partnership for Progress.

The Chairman moved that the Economic Development Incentive guidelines as revised be approved.

Mr. Ewing stated that as part of his organization's commitment to the Board of Commissioners, he and other members of the Partnership for Progress are here to present the final review of the County's Incentive Guidelines. He said this document concludes a lengthy and thorough review of Union County's Incentive Grant Program and is presented for the Board's discussion. Mr. Ewing said the Partnership Board feels that it is important from both a stewardship point of view and from a competitive point of view to periodically review the Incentive Program. He said in midyear, the Partnership for Progress commissioned the Sanford Holshouser Law Firm of Cary, NC, to review all aspects of the program. At an open work session on May 19, Ernie Pearson, a Principal in that firm and long-time participant in economic development in North Carolina discussed with the Board of Commissioners a series of recommended changes to the guidelines and to the legal contracts that the Partnership for Progress and Union County use to present incentives to clients and to bind the final agreements. He reported that Mr. Crook has ably reviewed Sanford Holshouser's work and has made several refinements. He said the Board has before it the reviewed guidelines presented to on the 19<sup>th</sup> of May as well as the Staff Attorney's suggested changes. In addition, he said that Internal Auditor Wes Baker has examined the various ways incentive calculations might be done and made suggestions on how the Partnership's process might be improved. He also presented his findings at the May 19<sup>th</sup> work session. Mr. Ewing assured that his Board had reviewed both of these studies and commends them for the Board's consideration. He said there are several issues that stand repeating. First, the Board of County Commissioners controls 100 percent of what happens with County incentives: whether or not there is an incentive program or whether or not an incentive is offered to a particular client and how much, if anything, a client might get. He said because the Partnership works with guidelines and not firm policies, the Board has the discretion to provide incentives or not on a case by case basis. Mr. Ewing pointed out that with a policy, the Board could be held to providing an incentive that it might not want to offer. He said there are two primary kinds of incentives: upfront incentives and performance based incentives. Mr. Ewing said he was not aware of any up-front incentives having been offered in Union County. The City of Monroe has offered upfront incentives in the past but he did not believe that had happened at the county level. He noted that the Incentive Guidelines that have been reviewed in this effort are performance based; that is, the client must meet all the terms of the agreements and pass an audit performed by Mr. Baker. He pointed out that if Union County is going to stay attractive to new and expanding industries, Union County is required by the market place to have some kind of local tax base incentive. He said it was for that reason competitive standards from around the region were considered in the review process. Mr. Ewing said two things could take Union County out of the game – the first are the dollars involved. He said the financial component of any incentive program must be meaningful; it does not have to be the richest but it has to be meaningful. Mr. Ewing said that secondly the County's application and administrative process must be efficient. He said that new and expanding companies should not be burdened with undue administrative procedures. He said that he and the Partnership for Progress Board had seen some

of the State's incentive processes become so onerous to the point where clients completely discount their usefulness. He said he and the Board believe that the revisions sharpen the process and, therefore, the County's competitiveness. He said this review is recommended for the Board's consideration and guidance.

Mr. Ewing asked the Staff Attorney if he had comments. Mr. Crook said that he had very few comments. One, he said, that the County has not typically incentivized land, and he had requested that land be removed from the consideration. He said that could also be addressed by contract. He said he also removed the requirement that was included for new jobs. He stated the intent was to provide the Board with as much flexibility as is possible, and the County is free to require that or not require it at the Board's discretion. Mr. Crook said he also had a little concern about the representations of the investment coming so close to what they represent. He explained the factor that Wes Baker uses in assigning an incentive and, therefore, he thought that should be addressed contractually. Finally, he said he put a requirement in that the compliance has to be verified by the County Manager rather than by the Union County Partnership for Progress since now they are a separate non-profit corporation. He said these are all minor changes.

Commissioner Openshaw asked that the Staff Attorney repeat the last recommended change. Mr. Crook stated that there had been a provision that the compliance document's verification be provided by UCPP and he required that it be by county staff instead.

Commissioner Lane said that in reading this over, there was still one question he had asked before and it was not changed in this document tonight. Commissioner Lane asked how many businesses have located here since 1994 and how many jobs were provided by those businesses. The other thing he questioned was the definition of quality jobs.

The Vice Chairman asked Commissioner Lane to repeat the first part of his question.

Commissioner Lane said there was a statement on page three having to do with jobs.

Mr. Ewing responded that in the absence of business license requirement countywide, UCPP could not document every new job created but what could be done is to show the total jobs in the county and the growth of those jobs over the years. He apologized for not making that information available. He said UCPP keeps records of new projects that it is working on. Mr. Ewing said to answer Commissioner Lane's other question, the industrial revenue bond legislation requires 110 percent of the local county wage to qualify for an industrial revenue bond. He said to look at high-quality jobs, those jobs could be looked at as being fairly acceptable statewide.

Commissioner Openshaw said this is a thorny issue for him because even though he realizes these are competitive issues, he did not believe this is the best that the County could do. He said it was good to see UCPP support his and Commissioner Lane's contention that residential growth does not pay for itself. Sadly, he said that whoever wrote this should be the County's new Public Relations' person because it is the greatest example of double speak that he had read. Commissioner Openshaw said that he could count in this one document about a dozen issues that are contradictions or undefined terms, one of which Mr. Crook addressed which were jobs – no jobs. He said that he was concerned about the point of tying wage requirements to an index for their industry. Commissioner Openshaw reported that the attorney who spoke to the Board on the 19<sup>th</sup> of May was UCPP's attorney and not the County's Attorney. He further said he was glad to see the return on investment sheet that was prepared by Mr. Baker but noted that he left out the yearly cost of Union County's Partnership for Progress, which is now going to be over \$40,000 a month; more than a half million dollars a year and rising. Another question asked by Commissioner Openshaw was: Is Union County a secured creditor? He said the agreement very briefly skims the surface as to whether or not Union County would get its money back if something goes wrong. He said he thought there was a lot of work that needs to be done on these guidelines. Commissioner Openshaw noted that with these guidelines, Union County could make payments upfront basically on their commitment to locate in Union County.

Mr. Ewing said that Union County could do upfront grants but assured that he was not aware of any upfront grants being made by Union County government. He said he would not say that at some time in the future, a project might not be worth that action. He said that if UCPP brings forth such a recommendation, the Board of County Commissioners would have the right to reject the proposal.

Chairman Baucom asked who prepared these guidelines. Mr. Ewing responded Sanford Holshouser Law Firm, which is the State's leading authority on incentives. Mr. Ewing agreed that this firm is considered to be an expert.

The Chairman next asked Mr. Crook if as Staff Attorney he reviewed this document. He responded that he had and made certain recommended changes. Mr. Crook reported that many safeguards are included in the contracts and Union County has always issued these in contracts.

Commissioner Openshaw emphasized that this document is not a conservative document because it says one thing and two paragraphs later it says that the previous paragraphs do not have to be complied with. He also said that Staff Attorney Jeff Crook is not an expert on incentive grants although he would not doubt that the firm from Cary is but that firm is UCPP's attorney. He said he was glad that UCPP has an attorney that is good at what it does, but Union County does not have an attorney that is an expert in this field.

The Chairman asked Commissioner Openshaw if he had a motion to make or changes to make to the one on the floor. Commissioner Openshaw said that his would be opposite to the one on the floor and it would be inappropriate for him to make that motion.

Commissioner Mills asked if there is a time limit for taking action.

Mr. Ewing said that UCPP would continue to operate under the existing guidelines until such time that those are updated by this document or one that revises the proposed guidelines. He said he would remind that UCPP has projects in the pipeline that the Board might prefer to have these tighter guidelines in place.

Commissioner Mills suggested that Commissioner Openshaw meet with Mr. Ewing and bring this subject back to the Board at its next regular meeting.

Chairman Baucom withdrew his motion to approve.

After discussion, Commissioner Lane moved to defer action on the Economic Development Incentive Guidelines until the next meeting of the Board. The motion passed unanimously.

#### **PLACEMENT OF FIREFIGHTER'S MEMORIAL ON GROUNDS OF THE HISTORIC COURTHOUSE:**

The Chairman recognized Jon Williams who presented a drawing of a firefighter's memorial, on which representatives from Union County's fire department and the City of Monroe's have been working on for over two years. He reported that the City of Monroe and Union County had both appropriated \$2,500 and the remaining cost of the project, which is roughly \$20,000 is being paid through a grant from the Monroe Rotary Club. He said they had met with the Union County Historic Preservation Commission about placing the marker on the grounds of the historic Union County Courthouse and that Commission unanimously approved the location and instructed that the color of the monument must blend with the other monuments at the historic courthouse. He said the proposed location will be on the Hayne Street side in the walkway between the sidewalk and the building.

After brief comments, Vice Chairman Pressley moved that the request be approved and the Firefighter's Memorial be located on the Hayne Street side of the historic courthouse in the walkway between the building and the sidewalk. The motion passed unanimously.

**DRAFT 2035 LONG-RANGE TRANSPORTATION PLAN PROJECT LIST:**

Christie Putnam, Director of Public Works, explained that the Technical Coordinating Committee of MUMPO makes recommendations for the ranking criteria to prioritize the projects listed in the Long-Range Transportation Plan. She said the Board has been provided the list of projects to be included in the 2035 Long-Range Transportation Plan. Ms. Putnam further stated that each jurisdiction is permitted only one five ranking for one project, which is in the planning category. She said the County would get to select the project that it feels is the most important. Ms. Putnam stated that the staff has reviewed the Land Use Plan as well as the overall planning of the County and recommends that Highway 16 continues on with its priority ranking.

Motion was made by Commissioner Openshaw to confirm the recommendation included in the Draft 2036 Long-Range Transportation Plan of NC Highway 16 from Rae Road to Cuthbertson Road and continue on with its priority ranking and that an attempt be made to implement an expansion of Providence Road from Rae Road to New Town Road as soon as possible.

The Vice Chairman asked how this motion with the addition would affect the funding status of this project by amending the plan that has already gone through the technical committee.

Ms. Putnam stated that the motion is asking for a modification of the project so the Board is asking that it be divided into two projects or to modify one of the two projects already requested. The project that the County is requesting the ranking for is from Rae Road to Cuthbertson Road and the other project is from Cuthbertson Road to Waxhaw. She said the option is to break the request into three projects or to modify the two projects so that the first project would be from Rae Road to New Town Road and the second project would be from New Town to Waxhaw.

Amy Helms interjected that these projects have already been established and this does not require a TCC vote; each jurisdiction gets a plus five to use on one of these projects.

During discussion, Commissioner Openshaw stated that Union County needs to bring to MUMPO's attention that the location is an illogical terminus for the Providence Road Extension.

Ms. Putnam stated that her recommendation would be to rank the project as it is now and on a separate effort try to modify the project description.

After additional discussion, Commissioner Openshaw amended his motion to be that Union County confirms that NC 16 – Providence Road from Rea Road Extension to Cuthbertson Road receives its one five plus score to the 2035 Long Range Transportation Plan. The motion passed unanimously.

**GAP FUNDING FOR MONROE CONNECTOR/BYPASS:**

The Chairman stated that a request had been made that Union County adopt a resolution of support for GAP funding for the Monroe Connector Bypass. Chairman Baucom stated that the reality is if this GAP funding is not approved, the reality is that the Monroe ByPass will probably not be built in the lifetime of anyone who is in the Board Room.

Vice Chairman Pressley moved that the following resolution be adopted:

Resolution of Support for GAP Funding for Monroe Connector/By-Pass

WHEREAS, the North Carolina Turnpike Authority is currently developing plans for the construction and financing of the Monroe Connector/By-Pass; and

WHEREAS, the project is of critical importance to Union County and the greater Charlotte Mecklenburg Region in improving traffic flow and providing for the safety of the traveling public; and

WHEREAS, the Connector will also serve to facilitate and enhance the economic development engine and opportunities in Union County and the region as a whole; and

WHEREAS, innovative methods for financing the construction of major transportation improvements in the region and throughout the state must be pursued through local, state and federal partnerships to ensure that we remain in an enviable position relative to the nation as a whole to progress in terms of our economy and quality of life.



NOW, THEREFORE, BE IT RESOLVED that the Union County Board of Commissioners hereby respectfully requests the support and active assistance of our State Legislative Delegation in procuring annual financial support at state level for “GAP” funding in the estimated amount of \$24 million for the Monroe Connector/By-Pass.

Adopted this 2nd day of June, 2008.

Attest:

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

\_\_\_\_\_  
Allan Baucom, Chairman

\_\_\_\_\_  
Kevin Pressley, Vice Chairman

\_\_\_\_\_  
Roger Lane, Commissioner

\_\_\_\_\_  
A. Parker Mills, Jr., Commissioner

\_\_\_\_\_  
Lanny Openshaw, Commissioner

The motion was passed unanimously.

**CONVEYANCE OF PROPERTY TO UNION COUNTY PUBLIC SCHOOLS:**

Don Hughes representing the Union County Schools requested the Board of County Commissioners to convey to the Board of Education .35 of an acre located at the back of the property recently purchased for elementary school “L”. He said that at the time the property is conveyed to the Board of Education, the Board of Education will be asked tomorrow night to pass a resolution to exchange the property for .35 of an acre on the front of the property on Poplin Road so the drive can be aligned with Bonterra Boulevard as required by NCDOT.

Motion was made by Commissioner Mills that pursuant to G.S. 160A-274 that the Union County Board of Commissioners transfer .35 of an acre located at the rear of property purchased for elementary school “L” to the Board of Education to allow them to implement a transfer of property that will allow them to align the drive with Bonterra Boulevard as required by the North Carolina Department of Transportation. The motion passed unanimously.

### **AMENDMENT TO CONTRACT DELEGATION POLICY:**

Kai Nelson, Finance Director, presented a table depicting the dollar authority granted to County Managers of surrounding counties to approve contracts. He said that after reviewing the wide range of approval amounts, it is being proposed that the Union County Board of Commissioners delegate to the County Manager the authority to approve contracts of less than \$90,000, change orders of less than \$50,000, and architectural and engineering services of amount less than \$30,000, with a monthly report to the Commission of all transactions greater than \$50,000. He stated that although it does not need to be said the prerequisite to the County Manager's authority is that funds are available.

Motion was made by the Chairman that the Union County Manager be granted authority to approve construction contracts of less than \$90,000, Change Orders of less than \$50,000, Service (maintenance, consultants, etc) contracts of less than \$90,000; materials, supplies, and apparatus contracts of less than \$90,000, architectural and engineering service contracts of less than \$30,000 and no limitation on insurance. The motion further included that the County Manager would submit a monthly report of all approvals over \$50,000. The motion passed unanimously.

### **LEGAL SERVICES BUDGET:**

The Chairman recognized Kai Nelson, Finance Director, who explained that he and the County Manager had reviewed the current budget for legal representation for litigation and general matters with the County Attorney. He reported that to date \$234,000 had been paid and unpaid invoices in hand total \$198,000 pending additional budget authorization. Mr. Nelson said that during the meeting, they reviewed projected activities through the end of the current year, and it is projected that \$257,000 will be needed to cover legal fees and expenditures for May and June. The Finance Director requested the Board appropriate \$394,000 to cover the remainder of this fiscal year. He pointed out that if these funds are not expended that they will lapse into the General Fund budget.

Commissioner Mills moved that Budget Amendment #51 as recommended by the staff be approved to appropriate \$394,000 to Board of Commissioners' Operating Expense Budget, to increase Fund Balance Appropriated by \$26,500 and decrease the Contingency budget by \$327,500 and the Non-departmental budget by \$40,000.

Commissioner Openshaw stated that this is a staggering number particularly on the eve of budget discussions. He pointed out that this is 133 percent over the budgeted figure. He said that he was not speaking to the pros or cons of the Shalati case, but the

County is approaching \$400,000 on what the County has spent on that and the case has not been heard in court. He projected that these legal fees could cost the county well more than the original contract. He also questioned the additional \$45,000 and agreed that the expenditures to White & Smith could be discussed later. Commissioner Openshaw pointed out that to date his legal fee costs had been zero. He stated he was somewhat disgusted with the amount of funds being wasted in the category.

The Vice Chairman stated he agreed wasted was a great term. He emphasized that nobody wants a lawsuit.

After discussion on the cause of the lawsuits, the Chairman called for the question. The motion passed unanimously.

#### **REIMBURSEMENT TO FINANCE DIRECTOR FOR ATTORNEY'S FEES INCURRED IN SHALATI LITIGATION:**

The County Manager reported that he had received a call from the County Attorney last week who after considering the situation, requested and recommended that reimbursement of up to \$15,000 be approved to be paid to Finance Director for documented legal expenses that have arisen or that may arise as a result of the Shalati litigation with increases to be considered as circumstances may dictate. He also recommended that the County Manager be authorized to make such reimbursement upon receipt of documented expenses.

Commissioner Openshaw moved that the request be approved. The motion passed unanimously.

The Vice Chairman stated that earlier tonight there had been an accusation that the County had possibly held some of these invoices until after the election. He asked the staff to address this point.

Mr. Nelson responded that upon receipt of attorneys' bills, it generally takes about ten days to process those invoices for payment. He said that an invoice had been received from Poyner and Spruill around May 10 to May 15. He said that no checks have been written and none are being held because sufficient funds are not available to make these payments. The Finance Director assured that he had not been holding any invoices or checks.

#### **DISCUSSION OF THE ASSISTANT COUNTY MANAGER'S COMMENTS:**

The Chairman recognized Commissioner Openshaw who had requested this item be added to the agenda. Commissioner Openshaw stated that he thought the comments have become superfluous and would like to see this item eliminated. He said if the

others disagree with that request, he would prefer to see it placed at the end of the agenda. Commissioner Openshaw said his first contention is that now that the County has a full-time County Manager, if Mr. Greene has issues that he wants to mention and update the Board on, he can do so.

Commissioner Mills said it did not matter to him where it is located but the idea came from interviewing for a county manager and the Commissioners thought that this was a good way to disseminate information.

Commissioner Lane stated that this was brought back to this Board from the Visioning Conference and to him it had been good. He said as far as the viewing audience it would not matter if the item was at the end of the agenda and agreed that placement on the agenda would not delay those people who are waiting to present their items.

Commissioner Openshaw moved that the Assistant County Manager's Comments be moved toward the end of the agenda and before the County Manager's comments. He explained that since the Board's meetings are lengthy, this move will help facilitate timing.

The Chairman stated that one of the reasons the Board had located it at the beginning of the meeting was to allow those who are attending the meeting to hear the update. He said these people will probably not be watching the meeting on cable and stressed that he was in favor of leaving its location where it is on the agenda.

The motion failed by a vote of two to three. Commissioner Openshaw and Commissioner Lane voted for the motion and Chairman Baucom, Vice Chairman Pressley and Commissioner Mills voted against the motion.

### **QS/1 DATA SYSTEMS:**

The Chairman recognized Mr. Greene who had requested this item be moved from the consent agenda. The County Manager stated that this item is the renewal of the pharmacy system annual software license and maintenance agreement. He said that since the agenda was printed, Mr. Nelson has spoken with that company and based on that discussion, QS/1 agreed that the actual amount due is \$2,350 for maintenance and nothing for software.

Motion was made by Commissioner Mills that the agreement with QS/1 for the pharmacy system annual software license and maintenance be approved in the amount of \$2,350. The motion passed unanimously.

**INMATE TELEPHONE, INC.:**

Chairman Baucom recognized Commissioner Openshaw who had requested this item be moved to the regular agenda for discussion. Commissioner Openshaw asked if the inmates have access to telephones now. Mr. Nelson responded that the inmates do have access now but the fee the County receives from this service when the inmate uses the phone is now 38 percent. He reported that it is the recipient of the call that pays the charge for the call. He said that under this contract the County's commission will be 50 percent.

Motion was made by Commissioner Mills to approve the agreement with Inmate Telephone, Inc. to provide inmates in the jail with telephone service. The motion passed unanimously.

**HEALTH DEPARTMENT – SUSAN G. KOMEN GRANT:**

The Chairman again recognized Commissioner Openshaw who had requested this item be moved from the consent agenda. Commissioner Openshaw explained that he had wanted to bring to the public's attention that Union County's Health Department has received \$65,000 in grant funding from the Susan G. Komen for the Cure Foundation for the Breast and Cervical Cancer Control Program to serve the uninsured women in the county.

Commissioner Openshaw moved that the County accept the \$65,000 grant and that Budget Amendment #55 be approved to increase the Operating Budget of the Health Department's – Susan G. Komen Grant Budget by that amount and increase donations by the same amount. The motion passed unanimously.

**PUBLIC WORKS – EASEMENTS ACROSS PUBLIC WORKS PROPERTY:**

Ms. Christie Putnam, Public Works Director, explained that these are two easements that have been requested. She said the first is from Union Power to cross the Twelve-Mile Creek Wastewater Treatment Plant site. Ms. Putnam stated that it has been checked and this alignment does not conflict with current or future potential expansions that may occur. She further explained that there was also a concession that a previous power easement across the neighboring property that leads to Highway 16, would be transferred to Union County for a future gravity sewer line; this is basically an exchange of easements.

Motion was made by Commissioner Mills that the easement as requested and described to grant Union Power easement to cross the Twelve Mile Creek Wastewater Treatment site be approved. The motion passed unanimously.

Commissioner Lane said that he wanted to publicly state that Ms. Putnam has done an excellent job and wished her well on her new endeavors.

Ms. Putnam stated that the second easement is a request from the City of Monroe for a gas line to cross the Tallwood Wastewater Treatment Plant in the Brief Road area. She again assured that it did not interfere with any project that is planned in that area. She acknowledged that she knew the gas line is not always a desirable project, but since it is county-owned property and does not interfere with a county project, the staff recommends its approval.

Motion was made by Commissioner Openshaw to deny the easement.

The Vice Chairman asked why he was voting to deny the request.

Commissioner Openshaw stated that a couple of meetings ago he mentioned that he did not like to place a permanently cleared easement next to properties and there are eight or nine properties that will not have trees. He said he would prefer to see it moved in about 25 feet. He pointed out it was a big piece of property and questioned if it could be moved to the side of the lot.

Ms. Putnam replied that the County is currently in the process of replacing that facility and she could look at the property and see how much farther the line could be moved in without causing a conflict.

Chairman Baucom made a substitute motion that action on the City of Monroe's easement request across the Tallwood Wastewater Treatment Plant property be delayed for two weeks.

Commissioner Openshaw withdrew his earlier motion to deny.

The motion passed unanimously.

The Chairman acknowledged that this was Ms. Putnam's last Commissioners' meeting as Public Works Director and thanked her publicly for all the hard and diligent work that she has done in that capacity. He said she had done a very good job, and he appreciated her services. Chairman Baucom wished her well in her future endeavors.

Ms. Putman responded that she had appreciated her time in Union County and thanked the Chairman for his comments.

Vice Chairman Pressley also extended his appreciation to her for all that she had done in Union County and acknowledged that it had been a "rocky road" the last few years. He said he knew she had taken criticism that she did not deserve and again thanked her for her work.

Commissioner Mills said that he also appreciated her work in Union County and said she was a fine example of women excelling in roles that had traditionally been historically men's work. He said he had three daughters and thought that Ms. Putnam was a wonderful role model.

Commissioner Openshaw stated that he thought Ms. Putnam should reconsider her resignation now that he has the County Manager here to take his harassing telephone calls, her burden would be drastically reduced.

#### **ANNOUNCEMENTS OF VACANCIES ON BOARDS AND COMMITTEES:**

At the request of the Chair, the Clerk read the following vacancies on boards and committees:

- Juvenile Crime Prevention Council – (1) District Attorney or designee (2) Substance Abuse Professional (3) Two persons under the age of 18; and (4) Juvenile Defense Attorney
- Adult Care Home Community Advisory Committee
- Nursing Home Advisory Committee
- Board of Health (Vacancy as of January 2008 for a Licensed Optometrist)
- Centralina Council of Governments – Comprehensive Economic Development Commission
- Agricultural Advisory Board – three vacancies

#### **APPOINTMENTS TO BOARDS AND COMMITTEES:**

Vice Chairman Pressley moved that the following be appointed to serve on the boards and committees as indicated:

- Allen Cuthbertson be reappointed to the Adult Care Home Community Advisory Committee
- Norma Kilgore be reappointed to the Nursing Home Advisory Committee
- Mary Walls be reappointed to Centralina Workforce Development – Vocational Rehabilitation
- Mary Ann Rasberry be reappointed to Centralina Workforce Development – Community Based Organizations
- Doris Sparks be reappointed to the Region F Aging Advisory Board
- Ken Collins be reappointed to the South Piedmont Community College Board of Trustees
- Barbara Liner be appointed to the Social Services Board

The motion passed unanimously.

#### **COUNTY MANAGER'S COMMENTS:**

Mr. Greene reported that he had no comments tonight but offered to answer any questions. With there being none, the Chairman moved to the next item.

#### **COMMISSIONERS' COMMENTS:**

Commissioner Lane stated that he had held back on commenting on this, but in his 40 years in Union County as a teacher and a student of politics, he had never seen such an aggrieved attempt to subvert the will of the people. He said in the last one hundred years of his research, it fails to show but a few incidences as blatant as the proposed acts of this board and Representative Gibson. Commissioner Lane said ethics have been thrown out the window and the will of the people has been totally disregarded. He said this was a good lesson in mendacity as all the members of this board were completely opposed to the referendum that was rejected in November 2007 regarding the districts as it was presented. Commissioner Lane said that he feels as the newspaper said – seven commissioners done in the proper way and in the proper manner, but as noted in *The Enquirer-Journal*, this is not the right time nor is it the right place and certainly not in the correct manner. He said he hoped that the Board will not be fooled by the attempt to do this as necessary at this time. Commissioner Lane reminded that it was not necessary six months ago, and it is certainly not necessary now except as a sour grapes' attempt.



Commissioner Openshaw stated that he agreed with the comments of Commissioner Lane. He said this is totally off the charts and questioned how any self-respecting person can look himself in the mirror at this point and go along with this action is beyond him. He referred to comments made by George Hendry about districts and being careful what you wish for. He said if these districts are done honestly, the districts will be where the people are and there would be four districts on the West side of the County and two on the east side of the County; thus, dooming the eastside of the county to a perpetual minority status. He stressed that has not been the history of the at-large votes which have been fairly geographically disbursed. Commissioner Openshaw said that if these districts are not done honestly, then how could any honest person support them. He commended the town of Indian Trail for its unanimous resolution opposing what the majority of the Commissioners of this Board did. He stated that he hoped other municipalities would also speak up.

He said as far as a couple comments made by one of the speakers tonight that the townships were working well for the Planning Board, he responded that was no surprise in that many of those boards were stacked with like-minded individuals. Commissioner Openshaw further said that as far as his comment about where were the people who spoke tonight volunteering in the County, he pointed out that at least five of those who spoke were either relieved of serving or are currently serving the county. Lastly, Commissioner Openshaw thanked all who gave of their time to come and speak tonight and defend democracy.

Commissioner Mills stated that was one of the reasons of living in the country that we do is because people can speak out and say what they want to and that is a good thing. He said he still thought the best interest is being served for Union County by expanding the composition of the Board of Commissioners. He stressed it is not about control but it is about representation. He agreed with Commissioner Openshaw that the votes will lie where the population is but at least other people will have a voice and will be heard.

Commissioner Mills addressed Commissioner Lane and stated that on the Thursday before the election he was contacted and was in favor of the districts but then on Friday he received a call that Commissioner Lane had changed his mind because he had received assurances that there would always be two commissioners from the east side of the County as long as they were qualified candidates. He reiterated that on Thursday Commissioner Lane was in favor of the district proposal but then on Friday he had changed his mind.

Vice Chairman Pressley stated that *The Enquirer Journal* came out with the stance that Indian Trail was against expanding the Board and submitted a resolution to that point. But, he noted that on the same day in *The Charlotte Observer* it talks about the fact that Indian Trail is considering expanding its board and also talking about districts with the statement that the Council thought the

key was that the citizens should be well represented. He asked how could a town send a resolution and blast the County in one paper and then in the other discuss expanding its own board. The Vice Chairman stated that on the 18<sup>th</sup> there was a news article with Jim Carpenter where it was stating that the larger board might find new advocates. He stressed that he thought what is being said is what suits both parties. He explained that the resolution was to expand the size of the board and did not talk about districts. He reminded that it was said in a previous meeting that the size of the Board had not been expanded since 1842 when the population was 19,000 and now the population is 180,000 and there are still only five members. He emphasized that he thought now was the time to expand the size of the Board. The Vice Chairman said that he was on record during his campaign stating that he would fight for lower taxes, and he said he had not voted for a tax increase and hoped it would not be necessary to do so this year. He said he had also talked about making the self-help program more readily available and noted that this year more projects had been approved than ever before. He said that he had also talked about there needed to be more economic development in that the ratio is off between commercial and residential growth. The Vice Chairman stated that he had also committed to trying to expand the size of this board and had attempted to do so with a request for it to be on the agenda in 2005 but the item never made it to the agenda. He agreed that there had many people to speak tonight and said it is their right to do so, but the decision will be with the lawmakers of Union County. Vice Chairman Pressley said that many people here tonight did not want to hear the truth but wanted to make allegations of wrongdoings against this Board. He said that he would be leaving office in December and assured that he was going to go out of office trying to accomplish some of the items that he had pledged to work on.

Chairman Baucom said that there had been many comments tonight both for and against increasing the size of the Board and most speaking tonight were opposed to it but if you add the comments made at the last meeting, there were still more comments in favor of the expansion than opposed. He said it also depends on whether or not the Commissioners want to make sure that all people are represented; that it is not just about special interest, not just about one group, but it is about all people of the entire county.

He noted that at the May meeting of MUMPO, it had the opportunity to enhance and improve Hwy. 218 from Interstate 485 to New Salem. The Chairman said that was a section of Hwy. 218 that is in MUMPO's jurisdiction. The section of New Salem to Polkton is in the Rocky River RPO and the Rocky River RPO had previously voted to encourage the improvements and enhancements of Hwy. 218 from New Salem to Polkton. Chairman Baucom said the item did not even come to the agenda because there were not votes to get it approved. He said it would not have cost any member of MUMPO any highway funding; the funds had been designated by Barry Moose, Highway District Engineer for NCDOT, from additional funds remaining in Anson County, Hwy. 218 bypass around Polkton, and from another area with savings in Mecklenburg County. Chairman Baucom requested that staff communicate with all MUMPO representatives and encourage them at the July meeting to vote to allow the enhancements and improvements to Hwy. 218 from Interstate 485 to New Salem. He stressed that if it is not voted on in July, it will not be done this year.

Chairman Baucom stated he was really pleased with the ruling on the lawsuit filed by *The Charlotte Observer*. He said it had been a long ordeal that occurred with this lawsuit, as frivolous and it may have been, the County did spend a lot of money on defending itself. He said what the County learned is that it was right.

He congratulated his Mother-in-law Lizzie Nance who will be 91 years old on June 10.

With there being no additional business, at approximately 10:45 p.m., the Chairman declared the meeting adjourned.