

January 8, 2007

The Union County Board of Commissioners met in a regular meeting on Monday, January 8, 2007, at 7 p.m., in the Commissioners' Board Room on the first floor in the Union County Government Center, 500 North Main Street, Monroe, NC. The following were

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 West, Clerk to the Board, Jeff Crook, Senior Staff Attorney, Kai Nelson, Finance Director, interested citizens and members of the press

The Chairman convened the meeting and welcomed everyone.

OPENING OF MEETING:

Invocation: At the request of the Chair, Commissioner Mills presented the invocation.

Pledge of Allegiance: Chairman Pressley led the body in reciting the Pledge of Allegiance to the American flag.

Informal Comments: Chairman Pressley explained the Board had a long day and apologized in advance for any confusion that might occur.

The Chairman recognized Brian Stickley, representing Weddington High School. Mr. Stickley thanked the Board of Commissioners for caring about the athletes of Weddington High School and working with the school to provide lights for these athletes. He also thanked Dr. Davis, Dr. Clark and Dean Arp for making a generous contribution to the effort of acquiring lights for the student athletes of this school.

Chairman Pressley thanked Mr. Stickley for his comments and reported that there is no one else registered to speak during tonight's meeting.

Chairman Pressley further stated that with everything that has transpired during this day, he thought it necessary that he read the following announcement that was released earlier to the press.

On Monday, January 8, 2007, the Union County Board of Commissioners, in a move to change the direction of county management, terminated the contract of County Manager Mike Shalati, effective immediately. Union County Planning Director Dick Black has been appointed as the interim County Manager. The process for selecting a new County Manager will be detailed in the near future.

We, the Union County Board of Commissioners, wish to thank Mr. Shalati for his service to Union County and wish him the best of luck in his future endeavors.

The Chairman said this was a personnel matter, and it is felt this is the best method for handling the issue.

ADDITIONS, DELETIONS AND/OR ADOPTION OF AGENDA:

Commissioner Lane requested to add an item to the agenda on the Agri-Service Center Master Agreement for catering services. He said he would elaborate more on this item at the time it is scheduled for discussion.

Vice Chairman Baucom stated he had a question on Item 2A on the consent agenda and requested it be moved to the regular agenda.

Chairman Pressley added an item for clarification of previous action on the repeal of the Wesley Chapel ETJ.

Commissioner Mills moved that the agenda be adopted as amended. The motion passed unanimously.

The Chairman assigned the additional items to the agenda as follows: Agri-Business item will be 9a, Wesley Chapel ETJ, will be 9b, and item 2a from the consent agenda relating to a Policy for Release of Penalties from the Inspections Department as item 9c.

CONSENT AGENDA:

Motion was made by Commissioner Mills that all items included on the amended Consent Agenda be approved. The motion was passed unanimously.

Health Department: Budget Amendment #32 to accept and appropriate grant for the dental clinic in the amount of \$53,293 for the purpose of renovating space and purchasing equipment to expand the dental clinic to serve adults.

Health Department: Budget Amendment #33 to appropriate increase in revenue from the March of Dimes in the amount of \$1,231 and to increase the Community Health Assistant position from a 48 percent position to a 50 percent position.

Health Department: Approved a reduction of hours in a Physician Extender II position from 80 percent to 50 percent and approved Budget amendment #34 to reduce Personnel expense by \$11,927 and increase Contingency by the same amount due to the reduction of hours of the Physician Extender Position.

Health Department: Approved the request for a new 50 percent Physician Extender II Position and approved Budget Amendment #35 to decrease Contingency by \$19,154 and increase Personnel Expense of the Family Planning, Child Health and Maternal Health budget by same amount.

Health Department: Approved the reclassification of a Physician Extender II Position to a Public Health Nurse Position and approved Budget Amendment #36 to decrease Personnel expense by \$9,320 and increase Contingency by the same amount.

Health Department: Increased the newly established Smart Start Dental Hygienist I position from a 50 percent position to a 75 percent position.

Finance Department: Approved the write-off of nine checks that have been returned due to non-sufficient funds. The total amount of the checks to be written off will be \$414.03 and are from the departments of the Library, Health, and Solid Waste.

Tax Administrator: Seventh Motor Vehicle Billing in the Grand Total Amount of \$1,069,228.88

Tax Administrator: Departmental Monthly Report

Tax Administrator: Sixth Motor Vehicle Release Register for the period of December 1, 2006 – December 31, 2006 in the grand total amount of \$27,713.05 plus interest of \$331.79.

Tax Administrator: Sixth Motor Vehicle Refund Register for the period of December 1, 2006 – December 31, 2006 in the grand total amount of \$2,330.71 plus interest of \$3.23.

Register of Deeds: Refund of Excise Stamp to Goodwin and Hinson, Attorneys at Law, in the amount of \$66 for deed recorded in incorrect amount.

Modification to the County's Pay Plan and Classification System: Add to the County's Pay Plan and Classification System the position of 9-1-1 Operations Manager, Pay Grade 68, in the Emergency Communications Department.

Transfer of Surplus Property to Governmental Agencies in Accordance with G. S. 160A-274: In accordance with G. S. 160A-274, the following items, which have been declared surplus, are transferred to the following departments: Four (4) laptop computer mounts for cars to the Union County School Maintenance Department; two code Three Bar Lights to South Piedmont Community College, and one (1) desk to the Town of Waxhaw.

Library: Authorized the Interim County Manager to approve and submit grant applications for four programs in the Union County Public Library "We the People 'Pursuit of Happiness' Bookshelf Grant Applications for the Monroe Main Library, Edwards Library (Marshville), Union West (Indian Trail) and Waxhaw.

Partnership for Progress: Resolution in Support of Union County Partnership for Children's Request to have additional Smart Start Funding from the State:

R E S O L U T I O N

WHEREAS, the vision of the Union County Partnership for Children is that all children will be healthy and prepared for success when entering kindergarten; and,

WHEREAS, the Union County Partnership for Children has established a strong presence in our community as demonstrated by the collaborative partnerships that provide effective programs for children birth to five years of age and their families; and

WHEREAS, the Union County Public Schools and the Union County Partnership for Children have collaborated to provide public school certified pre-kindergarten teachers in six child care center classrooms (four not-for-profit and two privately owned centers) and 16 public school classrooms serving children who are at high risk for school failure; and

WHEREAS, South Piedmont Community College and the Union County Partnership for Children have collaborated to offer early childhood courses that are necessary for child care teachers to provide high quality child care in Union County. Smart Start funding covers the cost of tuition, books and fees for teachers who previously were unable to participate in formal education; and

WHEREAS, the Union County Department of Social Services and the Partnership have collaborated to provide funding for child care for low income families, with approximately 50% of the Partnership's funds designated for this purpose; and

WHEREAS, the Union County Health Department and the Partnership have collaborated to provide funding for five diverse initiatives to address numerous health-related needs of Union County's youngest citizens and their families; and

WHEREAS, all children who are healthy and prepared for success when entering kindergarten are more likely to be successful in school, in work and in life; and

WHEREAS, while children birth to five years of age may only represent approximately 10 percent of the population, they represent 100 percent of the future.

NOW THEREFORE BE IT RESOLVED, that the Union County Board of Commissioners supports the request of the Union County Partnership for Children to have additional Smart Start funding included in the Governor's budget prior to its presentation to the 2007-2008 Legislature.

Adopted this 8th day of January, 2007.

ATTEST: _____
Lynn G. West, Clerk to the Board Kevin Pressley, Chairman

Monthly Reports for Information: Personnel Report for December 2006; Inspections Report for December 2006

LEGISLATIVE LIAISON TO THE NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS:

Commissioner Baucom moved the Chairman be designated the Liaison to the North Carolina Association of County Commissioners. It was noted that this individual will serve as a conduit of information between the Association and the Board of Commissioners to ensure the county commissioners of knowledge of items impacting counties. The motion passed unanimously

UNION COUNTY PUBLIC SCHOOLS:

Mr. Nelson, Finance Director, explained there were two items relating to Union County Public Schools – Elementary School “J” Land Acquisition. One is the adoption of the Capital Project Ordinance Amendment #69 relating to the funding of the 34.82 acres of land located on Stevens Mill Road and Stallings Road (a portion of Parcel 07-099-018) and the second is to authorize the interim County Manager to approve the purchase contract for the described property.

He reported the Board of County Commissioners at its November 6th meeting approved earnest money in the amount of \$20,000 for the examination period in connection with the acquisition of the 34.82 acres. Mr. Nelson further explained the property has been appraised at \$52,010 per acre and the sellers and the Board of Education have agreed to a sale/purchase price of \$53,500 per acre resulting in a purchase amount of \$1,862,870 subject to survey. He also noted that closing costs are estimated to increase this amount by \$100,000.

Mr. Nelson explained it is anticipated that the school will be constructed and ready to open in August 2008.

Motion was made by Commissioner Lane that the Capital Project Ordinance Amendment #69 be approved as submitted to fund the purchase of land for Elementary School J on Stevens Mill Road and Stallings Road and the Interim County Manager be authorized to approve the purchase contract of the property. The motion passed unanimously.

CAPITAL PROJECT ORDINANCE AMENDMENT

BUDGET School Bond Fund - 55

REQUESTED BY Kai Nelson

FISCAL YEAR FY 2006-2007

DATE January 8, 2007

PROJECT SOURCES

PROJECT USES

Source	Project	Requested Amendme	Revised
<u>Description and Code</u>	<u>To Date</u>	<u>nt</u>	<u>Project</u>

Project	Project	Requested Amendme	Revised
<u>Description and Code</u>	<u>To Date</u>	<u>nt</u>	<u>Project</u>

G.O. Bond Proceeds	364,943,050	1,942,870	366,885,920	New Elementary School J (115C-429b project allocation)	20,000	1,942,870	1,962,870
All Other Revenue	1,363,308	-	1,363,308	All Other School Projects	366,286,358	-	366,286,358
	366,306,358	1,942,870	368,249,228		366,306,358	1,942,870	368,249,228

EXPLANATION: Funding for land costs (Elementary School J), Stallings and Stevens Mill Rd., pursuant to 115C-429b.

DATE: _____

APPROVED BY: _____
Bd of Comm/County Manager
Lynn West/Clerk to the Board

FOR FINANCE POSTING PURPOSES ONLY

PROJECT SOURCES

PROJECT USES

<u>Source</u>	<u>Project</u>	<u>Requested</u>	<u>Revised</u>	<u>Project</u>	<u>Project</u>	<u>Requested</u>	<u>Revised</u>
<u>Description and Code</u>	<u>To Date</u>	<u>Amendme</u>	<u>Project</u>	<u>Description and Code</u>	<u>To Date</u>	<u>nt</u>	<u>Project</u>
G.O. Bond Proceeds 55491100-4710-530	364,943,05 0	1,942,870	366,885,92 0	New Elementary School J (115C-429b project allocation) 55559200-5570-515	20,000	1,942,870	1,962,870
	364,943,05 0	1,942,870	366,885,92 0		20,000	1,942,870	1,962,870
Prepared By	dhc						
Posted By							
Date						Number	CPO - 69

UNION COUNTY HISTORIC PRESERVATION COMMISSION:

Mrs. Virginia Bjorlin, Chairman of the Union County Historic Preservation Commission, presented the history of the designation of the Walkup House as a historic landmark. She explained that John Belk purchased the property in 2005, and he was notified that it was a designated

property. She noted that he must have known that it was designated as he was taking the tax deferral which is reserved for designated properties. She noted that there have been inappropriate repairs made to the house so that it is no longer considered historic. Mrs. Bjorlin reported that letters have been written to Mr. Belk and his representative requesting that he restore the windows of the house to wood windows, but the end result is that these changes are not going to be made and the house no longer meets the guidelines of property for designation. Mrs. Bjorlin requested that the Board of County Commissioners call for and conduct a public hearing to repeal the historic designation for the Walkup House.

Motion was made by Commissioner Baucom that a public hearing be scheduled at the next available meeting within the guidelines of advertising said hearing. The motion was passed unanimously.

HIGH SPEED INTERNET SERVICE:

Vice Chairman Baucom pointed out that Union County is the fastest growing county in the State of North Carolina and noted computers are used by most people without reservations and high-speed internet is taken for granted by most people. However, he pointed out, there are sections of Union County that cannot receive high-speed internet unless they are serviced by cable. He said there has been a task force working in conjunction with the Chamber of Commerce in exploring options for high speed internet for the last three or four years. He said at times the task force thought it was making progress only to fall back to step one. The Vice Chairman said that high-speed internet is necessary for the growth of business and industry.

The Vice Chairman moved that the staff be directed to work on a plan to provide high-speed internet to all areas of Union County. The motion was passed unanimously.

MEMORANDUM OF UNDERSTANDING FOR SCHOOL FACILITIES PLANNING AND INTERLOCAL COOPERATION:

The Chairman reported that the County has received three executed interlocal agreements from municipalities – Marvin, Mineral Springs, and Wesley Chapel. He reviewed that the APFO was to have been adopted in October by the County, which it was, and the interlocal agreements were to have been approved by the municipalities in November or December. He said he asked Mark White what would be the affect if one municipality chose not to adopt the Memorandum of Understanding. He said the response was that one municipality choosing not to participate might not be that bad, depending upon the size of the town, but out of the 12 municipalities that need to take action, only three have executed the agreements. The Chairman said he would prefer to wait to see what action other municipalities take prior to approving these agreements. He said that without the municipalities, the MOU and APFO would be virtually useless.

The Chairman moved that the Board of County Commissioners delay action on the Memorandums of Understanding for School Facilities Planning and Interlocal Cooperation to see what action is taken by the other municipalities.

The Vice Chairman asked if there would be any impact caused by delay. Mr. Crook replied that there is an impact. The impact is that it is not enforceable in the municipalities and the towns would not have the cooperation of working through the County's Planning Department to determine adequacy. He said, however, if it is the Board's desire to defer action, that is what the county will do.

Commissioner Lane said he thought the County would be sending the wrong signal if the Board determines to delay. He said these towns in good faith did their homework and executed the agreements so they can get to work on the problems they have and these are three towns that have a goodly amount of growth. He said the wrong signal might be sent if the Board of Commissioners does not support them.

Commissioner Openshaw concurred with Commissioner Lane. He said if the Chairman did not want the APFO just say that, but if he does want the APFO or is neutral on it, then action on these agreements should be taken. He said when the Commissioners are sworn in, the members are sworn in to enforce the ordinances of Union County. He reiterated that at this time, the APFO is an Ordinance of Union County. Commissioner Openshaw pointed out that with the acquisition tonight of another school site, that this is probably another community that the APFO will not impact. He said he knew that in Marvin with the new school off Rea Road, the opening of the new middle school and high school, the people who want to build in Marvin will not be impacted by the APFO. Commissioner Openshaw said that the schools entered into this as a planning mechanism and a number of Commissioners ran on this during the election, and he thought the Board should move forward.

Commissioner Openshaw said he thought the Board should move forward but would ask the attorney what would happen if the Board changes its mind in the future about the APFO and these agreements have been entered into. He asked if the County could withdraw.

The County Attorney stated that if the Board changes its mind in the future, that action would automatically invalidate these agreements.

Commissioner Mills explained that he would prefer for action to be delayed in order to provide him with time to have a better understanding and also to provide time for the Board to determine if any portion of the APFO should be changed. He said from what he read, he understood that 15 lots were exempt from the APFO and that at the time of final adoption it was down to five lots. He said that in the county, the way the zoning ordinance is, five lots or more are a minor subdivision. If the Board decides to possibly increase the number of lots to help the local developers who live here, work here, and have families here, would the Commissioners have to go back to all the towns and get a change in

the Memorandum of Understanding from the municipalities. He said it is probable that some of the developers will have to construct with septic tanks since sewer is not available; therefore, he said he wanted to discuss the issue of increasing the number of lots allowed.

Mr. Black stated that when the moratorium was passed on August 15 the number was five based on five being the number included in the definition for a minor subdivision. The Planning Board originally supported that and, during the discussion, the Planning Board did discuss increasing the number to 15, but the Board of Commissioners did not accept that number.

Commissioner Mills said he was not wishing to bring this up for discussion tonight but that was one reason he wanted to delay action on this item. He said he wanted to make sure that the local builders of Union County could continue to live and work here.

Chairman Pressley said that he wanted to answer a question mainly for Commissioner Openshaw. He admitted that he didn't want the APFO and didn't like it and never had. Chairman Pressley said he didn't like the way it is written and is against it, but, regardless of that, he does believe, there are changes that need to be made to it. He said that because he didn't like it, he thought he should work harder to find something that is better. He said he liked the recommendation of the staff to increase the lots to 15 to help our local builders. Chairman Pressley said there is a planning conference coming up, and he thought action tonight was premature. He emphasized that he thought the towns had done what they needed to do, if they wanted to adopt the APFO.

Vice Chairman Baucom stated he was not clear on what the attorney had said earlier and asked him again if the Memorandum of Understandings are adopted and the APFO is changed, would it require new Memorandum of Understandings from the municipalities?

The attorney replied that he did not think so.

Commissioner Lane said that he wanted to do whatever is necessary to keep the small builders in Union County in business. He said that he had no problems with increasing the lots to 15 and making changes as the County goes along. He said he thought the County should go with what is approved now because these municipalities had made a good attempt to work within the system. Commissioner Lane said that until a proven system is developed that will benefit the schools and get the schools built within a reasonable time frame, he thought the Board should go along with what is adopted.

Vice Chairman Baucom made a substitute motion to increase the number of lots from five to 15 in the APFO and adopt the MOU with a change from five lots to 15 lots.

Commissioner Mills asked if the substitute motion is approved to increase the number of lots to 15 would that change the Land Use Ordinance.

The Attorney stated that action would initiate a change to the Land Use Ordinance.

Chairman Pressley questioned the attorney on the legalities of changing the number without sending the Memorandum of Understandings back to the towns for reconsideration.

Mr. Crook responded he was not anticipating that question tonight, and would be glad to look into it further and report back to the Board.

Commissioner Openshaw addressed the Vice Chairman by asking that if the APFO is changed from more than five lots to more than 15 lots, would it not be also wise to change the definition of a major subdivision from five to 15. It was noted that this change would require Planning Board input.

Mr. Black said that there can be a minor subdivision that is greater than five lots when there are no improvements i.e., road frontage available, wells and septic tanks.

The Chairman asked the staff to outline the proper method and language necessary to change the number of lots in the APFO from five to 15?

Mr. Black said that it would require a text amendment but he believed the APFO could be amended without having to deal with the major and minor subdivisions. He said, however, trying to provide these answers on the fly is concerning to him.

Commissioner Mills said he thought Commissioner Openshaw had presented a valid point that it would probably be as simple to change the text for a minor subdivision to be 15 lots or more.

The Staff Attorney interjected that action would require consideration by the Planning Board.

The Chairman summarized that before the Board are two items (1) acceptance of three Memorandums of Understanding from the Villages of Marvin and Wesley Chapel and town of Mineral Springs and (2) a substitute motion to add a change to the APFO from greater than five to

greater than 15. The Chairman again asked for clarification from the attorney that it would not be necessary to go back to these towns for approval of this change.

Commissioner Mills asked if the Vice Chairman would add to his motion “with the approval of the County Attorney” to make sure that the action is legal and accurate. The Vice Chairman said that if the Commissioners are going to give the attorney time to research, the Board needs to defer action.

After lengthy discussion, Commissioner Baucom repeated his substitute motion: to accept the three Memorandums of Understanding from the Village of Marvin, Village of Wesley Chapel, and Town of Mineral Springs and to increase the number of lots in permitted subdivisions from greater than five to greater than 15 with action on this motion being deferred until the next meeting to receive the County Attorney’s opinion and recommendation. The motion passed unanimously.

REQUEST FOR STOP LIGHT BY CHARLOTTE PIPE AND FOUNDRY:

Chairman Pressley reported that Charlotte Pipe and Foundry is requesting a stop light at its main plant entrance/exit on Charlotte Highway.

Commissioner Lane said that several weeks ago he had talked with Larry Helms, Union County DOT representative, and Representative Pryor Gibson, and learned that an insufficient amount of funds had been appropriated for this light. He said that it was stated that there had not been enough wrecks at this intersection to justify the expenditure. It was explained by Commissioner Lane that both the community college and Charlotte Pipe support the installation of a traffic light and that Charlotte Pipe is willing to pay the cost of the light. Commissioner Lane moved that the following resolution be adopted in support of a traffic light. The motion was passed unanimously.

RESOLUTION IN SUPPORT OF CHARLOTTE PIPE AND FOUNDRY COMPANY'S REQUEST FOR A STOPLIGHT AT ITS ENTRANCE ON S. R. 1009 (OLD CHARLOTTE HIGHWAY)

THAT, WHEREAS, Charlotte Pipe and Foundry Company's largest plastics plant, Charlotte Plastics, is located on Old Charlotte Highway; and

WHEREAS, there are approximately 700 cars belonging to Charlotte Plastics' employees that enter and exit the plant on a daily basis through one entrance onto Old Charlotte Highway, and in addition, there are approximately 100 18-wheeled tractor trailer units loaded with pipe and fittings that enter and depart daily through this same entrance; and

WHEREAS, in addition South Piedmont Community College has an entrance across from the Charlotte Plastics' entrance which serves approximately 1,200 students; and

WHEREAS, Charlotte Pipe and Foundry has made a number of requests to the North Carolina Department of Transportation for the installation of a traffic light at the Charlotte Plastics' entrance to assist its employees in safely entering and exiting the plant entrance, as stated in the letter addressed to Larry Helms, Board Member, NCDOT, attached hereto and marked as Exhibit "A"; and

WHEREAS, the Union County Board of Commissioners supports the request of Charlotte Pipe and Foundry Company for the installation of a stoplight at its entrance located on Old Charlotte Highway.

NOW, THEREFORE, BE IT RESOLVED that the Union County Board of Commissioners supports Charlotte Pipe and Foundry Company's request that the North Carolina Department of Transportation install a stoplight at Charlotte Plastics' main plant entrance/exit on Old Charlotte Highway.

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the North Carolina Department of Transportation for its review and consideration.

Adopted this 8th day of January, 2007.

ATTEST:

Lynn G. West, Clerk to the Board

Kevin Pressley, Chairman

AGRI-SERVICE CENTER MASTER AGREEMENT FOR CATERING SERVICES:

Commissioner Lane explained the Crime Stoppers' Annual Barbecue is scheduled for January 19. He said the barbecue is the biggest fundraiser for the Crime Stoppers Organization. He noted that this organization paid out approximately \$1,000 last year to help solve crimes in Union County. Commissioner Lane said Ray Cook cooks for this event and because he only cooks for one-day events, he does not have and is not required to have a sanitation grade. Commissioner Lane requested and moved approval of the Master Service Agreement between Cook Farm Produce and Union County with the provisions of Paragraph Six (6) being waived this year for this one event. The motion was passed unanimously.

WESLEY CHAPEL ETJ

Chairman Pressley said there had been some confusion over the previous action taken to repeal the ETJ of Wesley Chapel. He moved that as a point of clarification that on the date the motion was made to repeal the Wesley Chapel ETJ that the action to rescind ETJ was to be effective immediately.

Commissioner Openshaw said that by the time this issue works itself through the courts the two years will have passed.

The motion passed by a vote of three to two. Chairman Pressley, Vice Chairman Baucom, Commissioner Mills voted in the affirmative and Commissioners Lane and Openshaw voted in the negative.

INSPECTIONS POLICY:

The Inspections Department has requested a policy be approved authorizing its Director, with the approval of the Finance Director, to release upon customer request late penalties for customers with timely payment history over the most recent twelve months. He asked why the County would need this policy.

Mr. Nelson briefly explained that the background on the request is that large and small builders that wish to establish an account with Union County's Building Inspections Department can do so by posting a bond. He said the standard billing process is that about the 26th of each month the bills are mailed and are due by the 10th of the next month. Mr. Nelson said late payments are assessed on the 20th. Infrequently, bills are lost in the mail and the contractor does not receive the invoice causing some to have penalties assessed.

Motion was made by Vice Chairman Baucom that the following policy as recommended be approved: to authorize the Inspections Director, with approval of the Finance Director, to release, upon customer request, one time within a 12-month billing cycle, late penalties for customers with a timely payment history over a 12-month period. The motion was passed unanimously.

APPROVE DATES AND LOCATION FOR PLANNING CONFERENCE:

After discussion, it was agreed that the Planning Retreat will be held next Wednesday and Thursday from 8:00 a.m. until 5:00 p.m. It was agreed that the meeting would continue past 5 o'clock p.m., if necessary to complete the business.

Motion was made by Vice Chairman Baucom that the Planning Retreat for the Board of County Commissioners be held on Wednesday, January 17, and Thursday, January 18, from 8:00 a.m. – 5:00 p.m. in the Training and Development Center, Room 113, of the Union County Government Center. The motion passed unanimously.

RESOLUTION TO REVISE THE MEETING SCHEDULE FOR MONTHS OF FEBRUARY AND MARCH, 2007:

After brief discussion, Chairman Pressley moved that the following resolution be adopted to amend the meeting schedule for the months of February and March 2007. The motion passed unanimously.

RESOLUTION TO REVISE THE REGULAR MEETING SCHEDULE
OF THE UNION COUNTY BOARD OF COMMISSIONERS
FOR FEBRUARY AND MARCH 2007

WHEREAS, the Union County Board of Commissioners has heretofore established the regular meeting schedule of the Board such that regular meetings are held on the first and third Monday of each month at 7:00 p.m. in the Commissioners' Boardroom; and

WHEREAS, the Board desires to change the regular meeting schedule by canceling the second regular meeting in February and rescheduling the March meetings for the second and fourth Mondays of the month.

NOW, THEREFORE, be it resolved by the Union County Board of Commissioners as follows:

- The Board does hereby revise its regular meeting schedule by canceling the second regular meeting of February 2007, previously scheduled for Monday, February 19, 2007.
- The Board does hereby further revise its regular meeting schedule by canceling the first and second regular meetings of March 2007, previously scheduled for Monday, March 5, 2007 and Monday, March 19, 2007, and rescheduling these meetings for Monday, March 12, 2007, and Monday, March 26, 2007, at the customary place and time.

Except as herein amended, the regular meeting schedule shall remain in full force and effect.

Adopted this the 8th day of January, 2007.

ATTEST:

Lynn G. West, Clerk to the Board

Kevin Pressley, Chairman

CONTRACT DELEGATION POLICY

It was noted by Chairman Pressley that on January 21, 2002, the Board of Commissioners delegated authority to the County Manager “to approve all contracts within the budget ordinance, except for those requiring authority of the Board of County Commissioners, nor shall such authority extend to those agreements which expenditures equal or exceed \$300,000.” Chairman Pressley stated it was his recommendation that the terms of the policy remain the same with the exception of the \$300,000 being reduced to \$5,000.

Commissioner Mills noted that when he previously served on the Board, the Commissioners approved all contracts, which were executed by the Chairman. He reiterated that he thought it was time that the County Board of Commissioners gets back to the basics and take control of the county’s expenditures.

Vice Chairman Baucom stated he was comfortable with the \$5,000 in that it seems to be an amount that is used by other boards to manage the funds of their counties.

Commissioner Openshaw asked if the Finance Director could see this causing the county to get behind on its obligations. It was explained that this would not affect the county’s obligations.

Motion was made by Chairman Pressley that the Contract Designation Policy remains intact with the exception of reducing the \$300,000 to \$5,000. The motion passed unanimously.

CONTRACT DELEGATION POLICY

The Board of Commissioners delegates authority to the County Manager to approve all necessary agreements on behalf of Union County within funds included in the budget Ordinance; provided, however, that such authority shall not extend to those agreements for which

approval by the Board is otherwise required by law, nor shall such authority extend to agreements for which expenditures will equal or exceed \$5,000.

The County Manager is authorized to execute all agreements on behalf of Union County so long as such agreements have been duly approved either by the County Manager or by the Board of Commissioners, as required.

For purpose of apparatus, supplies, materials, or equipment, regardless of amount, the County Manager is expressly delegated authority to reject bids and to readvertise to receive bids on behalf of the County. In exercising the authority so delegated, he County Manager shall comply with all applicable statutory procurement provisions.

ANNOUNCEMENTS OF VACANCIES TO BOARDS AND COMMITTEES:

The Chairman announced that the following boards have vacancies as indicated, and he urged citizens to submit applications to serve on these.

- (1) Nursing Home Advisory Committee – 1 vacancy
- (2) Adult Care Home Community Advisory Committee – 1 vacancy
- (3) Home and Community Care Block Grant Advisory Committee – 5 vacancies
- (4) Board of Equalization and Review – 2 vacancies
- (5) Fire Commission – 3 vacancies
- (6) Historic Preservation Commission – 2 vacancies
- (7) Parks and Recreation Advisory Committee – 5 vacancies
- (8) Public Works Advisory Committee

APPOINTMENTS TO COMMUNITY TRUSTEE COUNCIL OF CAROLINAS MEDICAL CENTER – UNION:

The Chairman announced the need to appoint three persons to serve on the Community Trustee Council of Carolinas Medical Center - Union.

Commissioner Lane moved to appoint Clark Goodwin and Donnie Baucom, who has previously served two terms on this Council. He moved to reappoint Nancy Anderson, who is a nurse.

Chairman Pressley nominated Darren Green on the first position, Donnie Baucom, and Nancy Anderson.

The Staff Attorney interjected that under the procedures included in the agreement that the Board must appoint from within the two recommendations submitted by Carolinas Medical Center.

Commissioner Lane moved the appointment of Clark Goodwin.

Commissioner Baucom submitted a substitute motion to appoint Ray Killough explaining that Mr. Killough would provide representation from the Indian Trail area.

The Chairman called for a vote on the substitute motion to elect Ray Killough. By a vote of four to one, Mr. Killough was appointed. Chairman Pressley, Vice Chairman Baucom, Commissioner Mills and Commissioner Openshaw voted for the motion. Commissioner Lane voted against the motion.

Commissioner Lane moved to appoint Mr. Donnie Baucom.

Mr. Donnie Baucom asked to address the Board. He said he was on the Council at the time the agreement was approved, and he did not remember that appointment must be made from within the two recommended names submitted. The Staff Attorney read directly from the agreement, which stated that the Board of Commissioners would select from the two recommended candidates or would reject and the Council would select two other candidates to be considered by the Board of Commissioners for appointment.

Commissioner Baucom suggested that the Commissioners take action to appoint from the recommendations of the Union Community Trustee Council.

The motion to appoint Mr. Donnie Baucom passed unanimously.

The Chairman stated that there is a motion to appoint Nancy Anderson. With there not being another motion to come to the floor, the Chairman called for a vote. The motion passed unanimously.

The Chairman announced that Ray Killough, Donnie Baucom and Nancy Anderson are the appointees to the Community Trustee Council of Carolinas Medical Center – Union.

APPOINTMENTS TO BOARDS AND COMMITTEES:

Health Board: Chairman Pressley moved that Dr. Paul E. Johnson be reappointed to fill the physician vacancy, and that citizens Vickie Brooks and Elizabeth Nash Kempf be reappointed to fill the vacancies of citizens at large. The motion passed unanimously.

Library Board of Trustees: Commissioner Baucom recommended Lisa Ammons to represent Marshville. Chairman Pressley moved that Lisa Ammons be reappointed to represent Marshville, Pamella Saladino be appointed to represent Weddington, Ann Standridge be reappointed to fill the at-large position, and Valerie Gromlovits be appointed to represent Waxhaw. Commissioner Lane nominated Jeff Kravis but asked that the motion of the Chairman be voted on first. The motion by the Chairman passed by a vote of three to two. Chairman Pressley, Vice Chairman Baucom, and Commissioner Mills voted for the motion and Commissioners Lane and Openshaw voted against the motion.

MANAGER’S COMMENTS:

Mr. Black assured the Board that with the trust and confidence the Board had placed him with his appointment that he would work to earn that confidence during this transition period and assured that he would work to provide a smooth transition for the staff.

COMMISSIONERS’ COMMENTS:

Commissioner Lane stated that he read in the paper that one of the County’s goals was to provide waterlines to all citizens. He said he would not mind having waterlines in his direction because water in his area is hard to find even at 500 feet. He said when he came on the Board of County Commissioners there had been discussion about transporting water from the Pee Dee or Rocky Rivers.

He said he had heard there was a noise problem at the Animal Shelter and, after visiting the site, agreed there is a noise problem, He said baffles are being installed to muffle some of the noise.

Commissioner Lane reported that someone had asked him why his flag was upside down, and his explanation was that it was because he thought that Union County was in a distressed situation. He said he thought about wearing a black arm band because of the death of due process today. Commissioner Lane said that was all he was going to say.

Commissioner Baucom encouraged anyone who wanted to serve on the Public Works Board to either get an application from Mrs. West or from the County's web site.

He said as a Board the Commissioners had made some difficult decisions; however, he considered all decisions made to be for the good of Union County and the action today was no different. The Board made a decision to move in another direction. He expressed his appreciation to Mr. Black for his willingness to serve as the interim County Manager and thanked him for accepting the responsibility. He stressed that this Board is fiscally responsible and responsive. The Vice Chairman said that this Board has been placed in a difficult position and one that some people will not agree with. He said the Board had made and will continue to make decisions for the good of the County. The Vice Chairman assured that the Board was going to make sure it was an even better County.

Commissioner Mills also thanked Mr. Black for stepping up to the plate and accepting the responsibility of Interim County Manager. Commissioner Mills said that what he hears from everyone who watches the meetings on television is that all they see is the back of those persons addressing the Board. Commissioner Mills asked when this issue will be resolved. He said he looked forward to the Planning Retreat and also looked forward to working for the County. He encouraged the citizens to get involved with their government.

Commissioner Openshaw reported that Waxhaw had a tremendous turn-out for its public hearing on Wal-Mart. He said it was great to see that many people participating where apathy had been the way of the past. Commissioner Openshaw said the hearing lasted 8 ½ hours.

He also commended three Eagle scouts: Ian Wrens from Marvin, Evan Kazour from Marvin and Jacob Spezak from Monroe. He said it was quite an accomplishment to set a goal and to follow it through to completion.

Lastly, Commissioner Openshaw said that today the Board had a long closed session and that he wanted to thank Mike Shalati for his services to Union County and wished him well in his future endeavors.

Chairman Pressley said that Union County is moving forward. He said that this Board has a lot of problems that it inherited and there are tough decisions to be made. Chairman Pressley said that this Board has got to move forward because he does not want to be sitting here a year from now talking about the same problems. He said he wished Mike Shalati well in his future endeavors. The Chairman expressed his confidence in Mr. Black and his ability to serve Union County as its County Manager.

With a request for a motion to adjourn, the Vice Chairman moved adjournment at 9:09 p.m. The Chairman called for a standing vote. The vote was unanimous.