

February 5, 2007

The Union County Board of Commissioners met in a regular meeting on Monday, February 5, 2007, in the Commissioners' Formal Board Room, first floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina. 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 G. West, Clerk to the Board of Commissioners, Jeff Crook, Senior Staff Attorney, Kai Nelson, Finance Director, members of the press, and other interested citizens

OPENING OF MEETING:

Chairman Pressley convened the regular meeting and welcomed everyone present.

a. Invocation

Commissioner Openshaw offered the invocation.

b. Pledge of Allegiance

Commissioner Lane led the body in reciting the Pledge of Allegiance to the American flag.

c. Informal Comments:

There were no informal comments.

JOINT PUBLIC HEARING WITH UNION COUNTY HISTORIC PRESERVATION COMMISSION TO CONSIDER REPEAL OF THE COUNTY ORDINANCE ENTITLED "AN ORDINANCE DESIGNATION AS A HISTORIC LANDMARK PROPERTY KNOWN AS THE COLONEL WILLIAM WALKUP HOUSE (Adopted on September 2, 2003):

At approximately 7:12 p.m., the Chairman opened the public hearing and recognized Mrs. Virginia Bjorlin, Chair of the Historic Preservation Commission, to address the Board regarding this matter.

Mrs. Bjorlin spoke in favor of repealing the Ordinance and said that she had made a presentation to the Board during a previous meeting. Mrs. Bjorlin stated that several members of the Historic Preservation Commission were present tonight, and she offered to answer any questions that the Board might have regarding this matter.

Commissioner Mills asked Mrs. Bjorlin if she had received any response from the owner of the property. She stated that she had heard from Brad Culpepper, the representative of the owner, John Belk. She stated that it was her understanding that the owner does not intend to replace the windows with historically correct wooden windows.

With there being no one else wishing to address the Board during the public hearing, either in favor of or in opposition to repealing the ordinance, the Chairman closed the public hearing at approximately 7:13 p.m.

ADDITIONS, DELETIONS, AND/OR ADOPTION OF AGENDA:

Chairman Pressley requested that the Board include on the agenda consideration to repeal the County Ordinance entitled "An Ordinance Designating as a Historic Landmark Property Known as the Colonel William Walkup House."

The Chairman requested also the addition of the following items to the Regular Agenda: 1) Appointment of a County Attorney; and 2) Communications Consultant.

Commissioner Lane noted that the item requested by the Chairman to consider the repeal of the County Ordinance designating the Colonel William Walkup House as a historic landmark was included on the agenda as Item #5. He requested that Item 7 of the Consent Agenda – Approval of the minutes of the January 22, 2007, regular meeting be moved from the Consent Agenda to the Regular Agenda. He stated that he did not receive the draft minutes of January 22, 2007, for review, and he wanted to review the minutes before their approval.

Chairman Pressley stated that Item 7 would be deleted from the Consent Agenda because the minutes are not ready for review.

Commissioner Openshaw requested the addition of an item to the Regular Agenda for the appointment of a Vice Chair for the Chamber of Commerce Transportation Committee.

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

CONSENT AGENDA:

Commissioner Lane moved approval of the items listed on the Consent Agenda as modified with the deletion of Item #7 – Approval of minutes from the January 22, 2007, regular meeting.

Vice Chairman Baucom offered an amendment to the motion to move Item 5(b) from the Consent Agenda – Parks and Recreation Adopt-A-Trail Grant Application for renovation of the Red Trail at Cane Creek Park in the amount of \$3,152.69 to the Regular Agenda.

Commissioner Lane amended his motion accordingly. The motion as amended was passed unanimously.

Contracts over \$5,000: Authorized the Interim County Manager to approve contracts and agreements as follows:

- a. Change Order #1 to agreement with Carpenter Brothers Construction for Phase II of the Government Center Renovations for the addition of a hoist lift.
- b. Change Order #2 to agreement with Carpenter Brothers Construction for Phase II of the Government Center Renovations for various items including additional electrical and data conduits, skim coating on existing wall surface preparation, and plumbing code compliance.
- c. Change Order #2 to agreement with Carpenter Brothers Construction for Phase I of the Government Center Renovations for modifications to the main entry to Tax Collections, plumbing and mechanical associated with bistro, conduit and hardware for security measures, acceleration of completion date, and reimbursable sales tax associated with A/V.

- d. Agreement with Sam Tyson Builders for Phase III of the Government Center Renovations, Public Works Facility for use by the Union County Public Schools – renovation of the back half of the existing utilities building to provide offices for the schools.
- e. Agreement with Copeland Enterprises for consulting services to improve the County’s Work First participation rate through the Department of Social Services.
- f. Agreement with HDR Engineering for engineering services for hydraulic water system modeling, contractor procurement and construction inspections in connection with the repair and repainting of the Stallings and Indian Trail elevated water storage tanks.
- g. Task Order #35 to the Agreement with HDR Engineering for engineering services for Stage 2 DPBR (EPA’s Disinfection Byproducts Rule) including development of monitoring plan, data analysis and report preparation.
- h. Software support agreement with Cox and Company providing maintenance, new releases, warranty, telephone support and software upgrades for the Department of Social Services.
- i. Agreement with Oak Grove Farm Homeowners’ Association for the release of development surety to Association to complete road maintenance improvements.
- j. Agreement with Brantley Oaks Homeowners’ Association of Union County, Inc. for the release of development surety to Association to complete road maintenance improvements.
- k. Retainer agreement with White & Smith, LLC for the provision of legal and related planning consulting services, on behalf of Union County in connection with various litigation matters.

Tax Administrator: Accepted report from the Tax Administrator dated January 23, 2007, stating the total unpaid 2006 taxes constituting liens on real estate to be \$5,873,503.87 and ordered that the Tax Administrator advertise said liens in accordance with N.C.G.S. 106-369.

Tax Administrator: Approved Eighth Motor Vehicle Billing in the grand total amount of \$998,508.29.

Tax Administrator: Approved refunds for January 2007 in the grand total amount of \$5,011.44.

Acct #	Name	Release #	Total
2006			
07064069	VILLAGE OF LAKE PARK	2411	0.69
50090552	ONEWORLD TECHNOLOGY INC	2413	5.43

50074055	HARTIS ELLEN W	2417	36.61
50077055	FORESTER DEWEY A & BARBARA	2418	1.94
50094146	SAM'S INDIAN TRAIL NC LLC % R BEAUCHEMIN CPA	2419	250.62
50076640	DAVIS HORACE III	2420	2.10
50081157	HELMS HORACE N JR & WF JO ANN	2425	18.14
50095016	GODWIN JIMMY D	2437	1.17
50087948	5K ENTERPRISES INC	2443	3.02
50093455	GRIFFIN EARL CRAWFORD & SHIRLEY	2456	111.20
50093172	BRADFORD MICHAEL JOE	2457	161.08
50089956	HILDRETH WILLIAM ALAN	2466	8.40
50085129	GREENE ROBIN MICHAEL & JUDITH	2469	4.20
50079137	ROBINSON MAUDE M	2477	4.20
50076687	DEESE LARRY & VIRDI	2485	1.96
07081043	YOUNTS VIRGINIA ROSS	2486	127.75
50080042	PLYLER WARREN C SR & O'NEIL	2497	2.34
50094088	MAMALENA % RAYMOND CASTALDI	2500	186.46
50095745	KELLEY MICHAEL A	2504	14.99
50095652	GRIFFIN ANTHONY D	2505	7.70
50078663	GRIFFIN DAVID JETER & MARLENE	2510	3.01
50074282	CANON FINANCIAL SERVICES INC	2518	11.46
50093789	MAHD AL-HASSAN	2519	21.51
06108395	MARIBETH HOTHERSALL	2523	188.07
50074282	CANON FINANCIAL SERVICES INC	2533	2.03
50053126	WYLES BARBARA	2534	75.69

50068301	SIGNATURE SERVICES	2537	172.57
09093002A	EUDY GAYNELLE TOMBERLIN	2550	9.76
08051002A	BRASWELL WELDON & JANE M	2556	79.20
04216005A	SPURLOCK CLAUDINE E	2558	131.01
			0.00
2006 Totals			1,644.31

2005			
50084039	PUCKETT KEVIN ROSS	2428	59.94
50087948	5K ENTERPRISES INC	2444	1.21
07081043	YOUNTS VIRGINIA ROSS	2487	125.37
09174012	HELMS W NEWELL & PAT B HELMS	2492	625.78
50053126	WYLES BARBARA	2535	104.46
09093002A	EUDY GAYNELLE TOMBERLIN	2551	9.82
04216005A	SPURLOCK CLAUDINE E	2559	129.62
			0.00
2005 Totals			1,056.20

2004			
50084039	PUCKETT KEVIN ROSS	2429	37.20
50089956	HILDRETH WILLIAM ALAN	2464	8.02
50079638	MULLIS DILLON B & MARGARET	2484	209.52
07081043	YOUNTS VIRGINIA ROSS	2488	119.26
09174012	HELMS W NEWELL & PAT B HELMS	2493	591.01
50053126	WYLES BARBARA	2536	105.89
09093002A	EUDY GAYNELLE TOMBERLIN	2552	9.49
			0.00
2004 Totals			1,080.39

2003			
50089956	HILDRETH WILLIAM ALAN	2465	8.82
07081043	YOUNTS VIRGINIA ROSS	2489	121.47
09174012	HELMS W NEWELL & PAT B HELMS	2495	435.54
09093002A	EUDY GAYNELLE TOMBERLIN	2553	7.84
			0.00
2003 Totals			573.67
2002			
07081043	YOUNTS VIRGINIA ROSS	2490	110.42
09174012	HELMS W NEWELL & PAT B HELMS	2494	423.26
09093002A	EUDY GAYNELLE TOMBERLIN	2554	7.11
			0.00
2002 Totals			540.79
2001			
07081043	YOUNTS VIRGINIA ROSS	2546	108.51
09093002A	EUDY GAYNELLE TOMBERLIN	2555	7.57
			0.00
2001 Totals			116.08
Grand Totals			5,011.44

Tax Administrator: Approved releases for January 2007 in the grand total amount of \$29,712.92.

Acct #	Name	Release #	Total
2006			
09234070	RUSHING P MACHAEL	2390	103.78

04003007	STEVEN CAMP	2391	1,630.03
50033831	PARKER KANDY ANN	2392	39.03
50090892	BRAFFORD DALE	2393	100.00
01153009	BRANTLEY DENNIS	2394	462.05
	FRANKLIN SR & WIFE		
08324085	HIGH MARK BUILDERS INC	2395	1,685.21
07063252E	VILLAGE OF LAKE PARK	2396	25.42
07063396	VILLAGE OF LAKE PARK	2397	7.79
07063454	VILLAGE OF LAKE PARK	2398	27.47
07063661	VILLAGE OF LAKE PARK	2399	21.85
07063711	VILLAGE OF LAKE PARK	2400	19.19
07063714	VILLAGE OF LAKE PARK	2401	33.13
07063799	VILLAGE OF LAKE PARK	2402	21.45
07063800	VILLAGE OF LAKE PARK	2403	19.68
07063847	VILLAGE OF LAKE PARK	2404	15.71
07063927	VILLAGE OF LAKE PARK	2405	34.84
07066018	VILLAGE OF LAKE PARK	2406	16.25
07066019	VILLAGE OF LAKE PARK	2407	27.87
07042078	VILLAGE OF LAKE PARK	2408	19.60
07084555	VILLAGE OF LAKE PARK	2409	23.23
07063253	VILLAGE OF LAKE PARK	2410	31.56
09174012	HELMS W NEWELL & PAT B	2412	632.43
09231180	DAVIS JESSIE EUGENE	2414	281.36
50079993	SPEAS JODY S & WF LISA G	2415	16.67
50095891	COUNTRYWIDE HOME	2416	1,907.15
	LOANS INC CORP TAX MH- 126		
50078755	GROOME BARRY A & MARY B	2421	217.93
50079539	SMITH JERRY	2422	137.34
50080022	ROWAN JAMES HAMILTON JR & KIM	2423	84.50
50080050	POE JAMES ALAN	2424	36.70

50081213	LITTLE VICKIE D & DWAYNE MCCALL	2426	69.84
50084039	PUCKETT KEVIN ROSS	2427	57.58
50086627	WOLFE EDWARD MICHAEL	2430	48.86
50087646	EASTMAN KODAK COMPANY	2431	4.72
50087824	CITICORP VENDOR FINANCE INC TAX DEPT	2432	19.71
50092361	LYNNEWOOD INC	2433	209.19
50093810	BERRY WILLIAM	2434	866.74
50093843	ROYAL GREEN LANDSCAPING	2435	167.73
50094546	ANGEL TYSON ENTERPRISES	2436	182.28
50095500	EASTMAN KODAK COMPANY	2438	252.48
50095725	HONEYCUTT AVIS BLAIR SR	2439	18.42
50095853	MITSCHELE GARY EUGENE	2440	81.66
50016107	O'CAIN CHARLES P	2441	1.20
50075847	BRANDT ELLIOT NEAL & WF FALICIA D	2442	227.24
50073814	BARMAN ROBERT H	2446	161.19
50076069	ALFARO LINDA L & OSCAR A	2448	86.52
50094746	EVERGREEN SANITATION SERVICE IN	2449	175.10
50095771	PEKRUL KIRK	2450	250.98
50095685	HARRELL RONALD AVERY	2451	107.50
50095676	HAGER ROBERT C	2452	124.18
50094979	DAVIS JAMES R & NANCY M	2453	62.89
50094073	C N H CAPITAL	2454	695.67
50091120	HARRELL JR LEE E	2458	207.31
50090809	SEW SERIOUS	2460	35.02
50090267	ROWAN CHRISTOPHER	2461	38.06

50090238	PELONERO MATTHEW P	2462	100.15
50089999	SPRINGS DARRELL H	2463	10.15
50089128	WHITAKER JERRY L & WF JOYCE	2467	33.90
50087849	THOMPSON DONALD C	2468	149.32
50082221	CATLETT SAMUEL D	2470	5.15
50079852	PEREZ NAOMI R	2471	16.87
50081371	THOMAS RANDY WORTH & WF CAROLYN	2472	70.58
09228027	DEESE JIMMY CARROLL JR & YVETTE	2473	82.77
50074760	HUNTLEY EMILY	2475	122.84
50067957	CAROLINA EXTERIORS	2478	187.86
06038024C	MOSER JUDIE	2479	154.97
H8138024	GRIFFIN RICHARD S	2482	205.03
50093205	US FILTER/IONPURE INC	2483	6.90
50093769	SIMPSON MICHAEL	2496	9.61
50060023	U S BANCORP EQUIPMENT FINANCE INC	2498	52.69
50093010	HELMS LEON & CAROLYN	2499	50.46
50094071	IRWIN BUSINESS FINANCE CORP	2501	555.63
50091165	IRWIN BUSINESS FINANCE CORP	2502	35.04
50081168	HELMS W NEWELL & PAT B	2503	11.56
50074796	FUNDERBURK JEFFREY	2506	17.51
50095635	GALE BRETT A	2507	32.57
50096621	TUCKER LARRY SR	2508	124.64
50069282	TIME WARNER ENTERTAINMENT	2509	791.71
50095966	JAMES IRON & STEEL	2511	1,990.80
50096627	BALL KEVIN	2512	97.79
50083203	FAITH CORNER STORE & AUTO SERVICE	2513	306.21

50095772	PENEGAR DWAYNE E	2517	2.10
50095139	B & M LEE OIL COMPANY INC	2520	7.99
50095990	JOHNSON ROBIN DDS	2521	881.30
50095508	BEACHUM STEPHANIE HILL	2522	88.74
50078263	KNIGHT EMMITT B	2524	94.01
50093855	SWANSON JAMIE L	2525	398.22
50093173	C & M #2 INVESTMENT PARTNERSHIP	2526	400.94
50095709	MCDANIEL TERRIE ANN	2527	5.39
50078062	JORDAN ERNEST W & PAMELA B	2528	17.66
50071158	C & M #1 INVESTMENT PARTNERSHIP	2529	137.80
50087316	JOHNSON ROBIN DDS	2530	158.37
50087316	JOHNSON ROBIN DDS	2531	1,219.08
50091949	WAXHAW UNIVERSAL KARATE STUDIO	2532	126.83
07129049	SOFINOWSKI CHARLIE	2538	30.65
09396009C	D & D PROPERTIES	2539	333.35
08150010C	TUCKER ERIC & JANET	2540	937.55
50078472	MCDANIEL WILLIAM THOMAS & LINDA	2541	32.21
02211025	PHIFER DANNY CAROLL ET AL	2543	80.22
50093940	FREMIN EARL E	2544	41.52
50091108	GOAD JERRY A	2542	103.15
50091108	GOAD JERRY	2545	1,122.66
05093003A	GORDON WARREN DOUGLAS	2547	1,654.66
09345084	HOGGARD CHARLES S JR & WF BONNIE	2549	686.81
09396559	JOHNSON ARNOLD & WF LOIS	2557	1,038.15

06180279	PROVIDENCE DOWNS SUBDIVISION HOMEOWNERS ASSOCIATION	2560	537.16
06204008A	PROVIDENCE DOWNS SUBDIVISION HOMEOWNERS ASSOCIATION	2561	67.15
06204041	PROVIDENCE DOWNS SUBDIVISION HOMEOWNERS ASSOCIATION	2562	67.15
06204080	PROVIDENCE DOWNS SUBDIVISION HOMEOWNERS ASSOCIATION	2563	128.49
			-
			-
2006 Totals			27,453.31

2005

50070171	WILLIAMS SCOTSMAN INC	2445	1.42
50073814	BARMAN ROBERT H	2447	151.01
50094073	C N H CAPITAL	2455	539.67
50091120	HARRELL JR LEE E	2459	194.04
09228027	DEESE JIMMY CARROLL JR & YVETTE	2474	81.90
50074760	HUNTLEY EMILY	2476	124.58
50091043	NELSON CAROL	2480	97.11
50083203	FAITH CORNER STORE & AUTO SERVICE	2514	263.47
05093003A 01	GORDON WARREN DOUGLAS	2548	306.06

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2005 Totals			1,759.26
2004			
50091043	NELSON CAROL	2481	94.21
50083203	FAITH CORNER STORE & AUTO SERVICE	2515	216.38
-			
2004 Totals			310.59
2003			
50083203	FAITH CORNER STORE & AUTO SERVICE	2516	189.76
-			
2003 Totals			189.76
Grand Totals			29,712.92

Health Department/Susan G. Komen Program Budget: Adopted Budget Amendment #37 increasing Personnel Expense by \$229 and Operating Expense by \$25,746 and decreasing Revenue-Donations by \$25,975 to accept additional funding from the Susan G. Komen Grant.

Health Department/Loving Support Breastfeeding Program: Adopted Budget Amendment #39 increasing Operating Expense by \$695 and decreasing Revenue-Federal by \$695 to accept additional funding for program.

Register of Deeds: Approved refund of excise stamp to Jarvis Law Group in the amount of \$314 due to a deed having been recorded in the incorrect county.

Parks and Recreation: Approved amendments to the Union County Athletic Council (UCAC) Grant Application and Bylaws as presented.

**Union County Athletic Council (UCAC)
Grant Application
For 2008**

December 15, 2006

Grant application now available on-line for 2008 cycle.

~~**September 15**~~

January 16, 2007

Applications provided at mandatory grant workshop.

March 15, 2007

Deadline for grant applications requesting early review from Parks and Recreation Staff.

~~**November 15**~~

April 15, 2007

Final Applications are due by 3:00 P.M. to the Union County Parks & Recreation Department.
Late applications WILL NOT be accepted.

~~**December**~~

June, 2007

Review of applications by Parks & Recreation Department (**3rd Wednesday**) and Advisory Committee.

~~**January**~~

July, 2007

Parks & Recreation Department and Advisory Committee
(**3rd Monday**) make recommendations for funding of grant awards to the
Union County Board of Commissioners.

August 15, 2007

Target date to award project funding.

February 15, 2008

1st progress report due from associations updating status
with bi-monthly reports due thereafter.

THE UNION COUNTY BOARD OF COMMISSIONERS WILL MAKE FINAL DECISIONS AND AWARD GRANTS TO RECIPIENTS.

(If, for any reason, applications are not available to distribute on ~~September~~ January 15, this date, along with all other deadline dates, will be extended by the number of days needed to make the application available.)

PROGRAM SUMMARY

PURPOSE:

The Union County Board of Commissioners recognizes the need for assistance in providing recreational facilities and land for the general recreational use of the citizens throughout the County. For this reason, the County Commissioners have allotted funds to be applied for, by way of Grant Applications, through the Parks and Recreation Department. These Grants are available ~~matching dollar for dollar,~~ under the percentage allocation approved ~~at the November 1, 2004, regularly scheduled meeting of by~~ the Board of County Commissioners for acquisition and development of park and recreation projects to serve the general public. and Grants are also available for modifications to comply with ADA (Americans with Disabilities Act) requirements on Park projects which already exist.

ELIGIBILITY:

1. Any Athletic Association that has a purpose which includes the expansion of parks and recreation in Union County is eligible.
2. The Athletic Association must submit to the basic requirement that all programs, facilities, and areas will be open for participation or use by any Union County resident.
3. No Athletic Association with outstanding grant projects will be eligible to be considered for a new grant.
 - a) A project is considered active until completion (as stated in the signed agreement) has been accomplished.

- b) A project will be considered complete only after the final report has been received in the Union County Parks and Recreation Office, an audit has been completed, and the site inspected for completion.
- c) All Athletic Associations administered by a common board or council will be considered a single entity for the purpose of administering this program.

4.d) Any grant application which is incomplete or submitted by ineligible groups will not be accepted for review by the Parks and Recreation Advisory Committee, and will be returned with a letter stating reason(s) for ineligibility. March 15 is the due date for early review with Park Staff (optional). This will allow adequate time to make any changes before April 15 the Final Due Date of the application.

~~4. Amounts of membership funds available for each Athletic Association will be adjusted each year according to membership numbers and County funds appropriated. If the full membership allotment is not requested in the application by each Association, those dollars will be available to the remaining Athletic Associations and rated on the point system.~~

ELIGIBLE PROJECTS FOR FUNDING:

Any of the following parts of a project directly related to parks and recreation may be funded. ~~(The Commission Board of County Commissioners~~ reserves the right to reject any or all grant applications. **NO RETROACTIVE FUNDING WILL BE CONSIDERED.)**

1. Purchase of Real Property

Real Property must be appraised by a certified appraiser, with a copy of the report submitted to the Parks and Recreation ~~Commission~~ Advisory Committee. The value of the real property cannot be less than the dollar amount being requested plus the dollar amount invested by the Athletic Association. Except at stated below, ~~t~~The Athletic Association cannot hold title to the real property prior to receiving grant approval.

Appeal of Urgency: If purchase of real property is a matter of urgency, an Athletic Association can request permission to acquire land before applying for a grant. The Advisory Committee will consider a written request that identifies the proposed site and explains why the property must be acquired early. If the Advisory Committee approves the request, the purchase is

eligible for grant funding only if the Association submits a grant application within one year from the date of the approval. Prior purchase approval does not guarantee funding or give the applicant preferential treatment in funding decisions.

2. Capital Improvements to Real Property

Capital projects must be on real property owned by the Athletic Association, by a Municipality, or by a School. giving A Municipality or a School must provide written consent of the full project, and accepting responsibility, ownership, and liability for the project improvements.

Included in this category will be modifications to existing buildings and grounds to comply with ADA requirements.

3. Purchase of Capital Equipment

This equipment must have an expected life of three (3) years or more (excluding safety equipment). Items must have purchase value of at least \$300.00 to qualify as a capital purchase, but are not guaranteed approval. Items such as fixtures, cash registers and other small items do not qualify.

AMOUNT OF FUNDING

Amounts of membership funds available for each Athletic Association will be adjusted each year according to membership numbers and County funds appropriated. If the full membership allotment is not requested in the application by each Association, those dollars will be available to the remaining Athletic Associations and distributed pursuant to a rated point system (the "Project Scoring System").

THE FOLLOWING CONDITIONS MUST BE AGREED TO PRIOR TO FUNDING:

Each Athletic Association must allow any resident of Union County to participate in any program or use any facility that involves County Grant money without regard to sex, race, religion, color, national origin, or age. The administration of programs, facilities, and land areas shall be the responsibility of the Athletic Association.

Each Athletic Association shall maintain general liability insurance in an amount not less than \$300,000 combined single limit for bodily injury and property damage. In the event the project, which is the subject of the grant, involves construction of a building, the Athletic Association shall maintain Builder's Risk insurance for the full replacement value of the structure. Copy of certificates or accord of insurance must be attached to application.

Written documentation of matching percentage allocations must be supplied by the Athletic Association prior to the County entering into any agreement.

Copies of receipts and checks must be submitted to the Parks and Recreation Department to exhibit proof of expenditures being made as the project progresses.

Any Grant Project will only receive a one fiscal year commitment from the County, therefore, any Athletic Association cannot expect continuous funding of one specific project.

The Athletic Association must publicize its project, naming Union County as a funding source by posting a sign (supplied by the Parks and Recreation Department) on the property indicating the County's support.

Provisions shall be made by the Athletic Association for proper maintenance and supervision of any County funded project.

A report on any projects using Union County funds must be submitted to the Parks and Recreation Department within six (6) months after the grant contract has been approved by the Commission Board of County Commissioners. Reports will be required bi-monthly thereafter, with a final report upon completion of the project.

A properly executed agreement shall be required of each Athletic Association. ~~which~~ An agreement shall require compliance with the grant guidelines. and refund of any grant funds provided in the event. If the primary purpose of the project is changed without written consent of the Director of the Union County Parks and Recreation Department Board of County Commissioners, a full refund of any grant funds provided will be required by Union County.

Written documentation must be provided and signed by the authorized official of each Athletic Association stating there are no safety concerns on the existing property or involved in the proposed project. If safety concerns are involved, a statement will be required of how and when the safety concerns will be addressed. (All safety issues must be completed prior to the awarding of the Grant.)

The Project must be open to inspection by any member of the Parks and Recreation Advisory Committee or the Parks and Recreation Department staff.

GRANT SELECTION CRITERIA

In addition to the Project Scoring System, the following criteria will be used by the Parks and Recreation Advisory Committee to determine the suitability of funding a project:

1. Does the proposed project fit into the overall scheme of the County's Parks and Recreation Master Plan? Will it assist the County in providing facilities in quadrants that are lacking in recreational facilities?
2. If the proposed project is funded by the Grant process, will it have adequate personnel to perform the necessary maintenance? (A copy of the maintenance schedule must be included with application.) Grant Funds are not awarded for routine maintenance. Safety issues must be identified as such with specific documentation.
3. Is the proposed project currently being funded by the County, or have any County funds been involved in the past? If so, will the awarding of this grant complete the project?
4. Does the applicant have any outstanding grants which are not yet completed? If so, what is the status of the project, and when will it be completed?
5. Is the need immediate? Can the need be documented?
6. Does the project overlap or duplicate existing facilities - public or private?
7. How will the Athletic Association assure the right of use by any Union County resident?

The enclosed Project Scoring System may be used as needed to assist in determining the ranking of projects to be awarded.

APPLICATION PROCEDURE

A Union County Parks and Recreation Grant Application must be completed in full by the requesting agency. Two (2) copies must be submitted to the Parks and Recreation Department with required documentation as outlined on the application. The attached "CHECKLIST" form must be completed as part of this application.

1. There will be one application period each year that will begin September December 15 and end November April 15 each year. An Association may request an early review by the Park Staff up to March 15th. An early review is optional. (Adjustments may be made in this application schedule as deemed necessary by the Parks and Recreation Department.) **LATE APPLICATIONS WILL NOT BE ACCEPTED.**

During this the application period, any Union County Athletic Association that offers at least three youth sports on a non-discriminatory basis and has served a minimum of 200 families for two consecutive years, may submit applications. Site plans or other detailed description of the project or purchase should be submitted with the application in clear and concise detail. (Be concise and clear with details. Unclear or incomplete applications will not be considered and will be returned to the applicant.)

2. Grant recipients will have eighteen (18) months from the date of award to complete the project as outlined on the approved application form. However, if the current project has not been completed one year from the date of award that the County Manager approved the funding, the Association will not be eligible to apply for funding the following year. In addition, if the Association If, after six (6) months, the recipient has not started the project within six (6) months of the award date, and has not submitted a report to the Parks and Recreation Department, a representative of the group will be asked to appear before the Parks and Recreation Advisory Committee and explain why the project has not been started and why no report has been filed. If the project has not been started and proper reports filed within after twelve (12) months of award, the Parks and Recreation Advisory Committee may (unless just cause can be shown to continue the project) notify the Board of County Commissioners who may request repayment of all County funds involved.
3. A grant extension beyond the original eighteen (18) month contract will be considered on a case-by-case basis by the Parks and Recreation Advisory Committee. An extension of the eighteen (18) month contract requires a written appeal to the Parks and Recreation Advisory Committee at a regularly scheduled meeting.

- b) The award of an extension makes the Athletic Association ineligible for review of any further grant applications until the current project is completed.

**UNION COUNTY GRANT APPLICATION
FOR
PARKS AND RECREATION ASSISTANCE
Due No Later Than April 15, 2007
GRANT APPLICATION/CERTIFICATION**

Athletic Association

Date:

1. Legal Name:
2. Mailing Address: Street
City: Zip:
3. Chief Official:
Title: Day Phone: Fax:
4. Contact Person:
(Must be elected official other than Chief Official)
Title: Day Phone: Fax:
5. Project Title:
6. Project Narrative: Include no more than a two (2) page description of the entire project in the space provided.

7. Is the organization listed above non-profit? Yes No
(If non-profit, taxes should be **excluded** in all quotes.)

8. Non-profit Name: I.D. #:

9. Grant Type (check all that apply)

- a. Acquisition only
- b. Development
- New Construction
- Renovation
- c. Acquisition and Development

10. Land Control

- a. Land owned by Municipality
- b. Land owned by Athletic Association
- c. Land owned by School
- d. Other (explain)

11. Project Site location. Give physical address and directions to site **(Only one site permitted).**

12. ~~List proposed grant project elements (these~~ **Attach proposed grant project/cost elements form as indicated on page 11. (All** elements must also be listed in the Project Narrative and on the Site Plan.)

13. Is this a new project or one that is ongoing?

14. When is your project scheduled to start? End?
(include month and year)

15. What is your geographical area of service?

16. Will there be a fee charged for use? Yes No

17. If maintenance is required, who will provide it? **For example: Association volunteers, School maintenance workers, third party providers under contract with Association, etc.** (Do not ~~identify give names of specific entities or individuals by name~~). ~~Do give relationship of person(s) doing maintenance with Athletic Association (i.e. volunteer, contract, etc.).~~ A maintenance schedule must be included **in the space provided.**

18. Are there any safety concerns on the property involved in the proposed project? If so, give details (be specific).

19. How and when will the safety concerns listed above be corrected?

20. Specific information about your project.

a) Project Description: (In detail: provide the purpose, who is affected, where operated, and the personnel used).

b) Supportive Aid in Operation: (Civic groups involved, private business, etc.)

c) ~~Describe your record keeping and evaluation procedure: (Non-profit organizations attach~~ Provide financial proof indicating matching dollars are available and "earmarked" for project (if awarded). Attach a copy of your latest financial statement. (Ex.: Notarized treasurer's report or bank statement.)

d) Other data that would support the above project:

21. Cost Estimates: (List only the items for which you are requesting funding.)

a) Purchase of Land or Buildings
(A full property description and certified appraisal are required.)

b) Capital Improvements to Land or Buildings
(Include complete description of improvements to be made (with separate site plan of location no larger than 8 1/2 x 11), ~~where improvement are to be made, and dollar amounts~~ and indicate on map where improvements are located. Include cost for each improvement identified. ~~Building renovations must submit a~~ A separate floor plan (8 1/2 x 11) ~~must be submitted for building renovations.~~)

c) Purchase of Capital Equipment
(Give detail description of equipment to be purchased and for what the equipment will be used. Be specific and include three written quotes.)

22. Application Certifications by Athletic Association:

On behalf of the applicant, I hereby certify the information contained in the attached application is true and correct. I understand this application will be evaluated on the basis of the information submitted and the submissions of incorrect data or an incomplete application can result in this application being withdrawn from consideration for funding.

I hereby certify the applicant shall comply with all laws, regulations, ordinances, codes, standards, and orders of any and all governmental bodies, agencies, authorities, and courts having jurisdiction.

I hereby certify the applicant's required percentage allocation of matching funds are available to pay the local share of the project cost.

I hereby certify that property acquired with Union County Grant assistance will be dedicated in perpetuity to public recreation uses and/or any development will be maintained and managed for public recreation use for a minimum of 25 years.

I hereby certify compliance with the Sedimentation Pollution Control Act of 1973, if deemed necessary during local environmental review.

I warrant that I have the corporate or other organizational power and authority to execute and deliver this Application. I further warrant that the execution and delivery by me of this Application has been duly authorized by all requisite action of the Athletic Association management and appropriate governing body.

Adopted this day of , 20 .

(Certification Form requires governing board approval)

(Signature)

(Typed Name)

(Title)

Attach Seal Here

(IF MORE THAN ONE ORGANIZATION IS INVOLVED IN A PROJECT, EACH MUST COMPLETE A CERTIFICATION FORM.)

23.	Project Funding	
	A. Athletic Association	
	(This amount must be at least equal to the percentage allocation approved by the Board of Commissioners on November 1, 2004 of the total cost listed below.)	\$
	B. Union County's Share Requested	\$
	TOTAL COST	\$

TWO (2) COPIES ORIGINALS OF THIS APPLICATION ARE TO BE SUBMITTED TO THE UNION COUNTY PARKS AND RECREATION DEPARTMENT NO LATER THAN APRIL NOVEMBER 15 OF EACH CALENDAR YEAR FOR CONSIDERATION DURING THE FISCAL YEAR. (COPIES ORIGINALS MUST HAVE ORIGINAL SIGNATURES.)

ALL APPLICATIONS WILL BE REVIEWED BY THE PARKS AND RECREATION ADVISORY COMMITTEE WITH CONSIDERATION BEING GIVEN TO ALL ON THE BASIS OF THEIR BENEFIT TO THE ENTIRE COMMUNITY.

 (Signature of Chief Official)*

 (Date)

*This signature assures the Parks and Recreation Advisory Committee that the *Athletic Association* is committed to the program services as described on this application.

Cost to Develop Project			
Costs Related to Planning			
Planning - Site planning and preliminary design			
Contingency			
Cost To Acquire Land			
Appraisal			
Total Project Costs			
Total Grant Amount Requested			

Checklist to Submit a Complete U.C.A.C. Grant Application

Place a check mark in the appropriate box to indicate that you have included the designated number of copies for each document with your application. Use a paper clip to keep the copies of each type of document together. For example, keep all copies of the cost estimates clipped together. Place all required information in the order as listed on this checklist and secure with a large rubber band. Please do not staple forms or place in binders. Retain a complete copy of the application for your files.

Applicant: _____ **Project Title:** _____

<u>All Applications</u>	<u>Line Item Or Page*</u>	<u># of copies</u>	<u>Included? (Yes, No, or N/A)</u>
1. Checklist for Submitting a Complete Application	Page 6	2	
2. Application Form	Page 7	2	

3. Cost Estimates and Project Element Form	Page 11	2	
4. Notarized Treasury Report/Financial Statement	Page 8	2	
Projects to Construct or Renovate Facilities			
5. Site Plans (if applicable)	Page 8 & 14	2	
6. Floor Plans	Page 8	2	
7. Written Quotes	Page 8	2	
8. Written Consent Letter from Municipality or School (if applicable)	Page 3 & 13	2	
9. Copy of certificate or accord of insurance	Page 4	2	
Projects to Acquire Land			
10. Certified Appraisals	Page 3	2	
Documents for the Scoring System			
11. Master Plan (if phased project)	N/A	2	
12. Documentation of Surveys or Meetings	N/A	2	

* See page number from original grant application.

EXAMPLE: Written Consent

Vienna Elementary School
1234 Chickasaw Rd.
Newtown, NC 27040

Joseph Lasley
Principal

May 1, 2006

To Whom It May Concern:

Per the request of the Vienna Elementary Parent Teacher Council's subcommittee on Playground Improvement, I am writing to verify the following:

1. The Playground Improvement Committee has permission to place the proposed equipment on school property as approved by the principal and/or the school's site base committee.
2. The policy of the Forsyth County School system is that when equipment is installed on school property, it automatically becomes the property of the school system. Therefore, it will be maintained by the school system.
3. The school system will assume any and all liability involving said equipment.

If you have any other questions, please call me at 336-945-9999. Thank you for your consideration in this matter.

Sincerely,

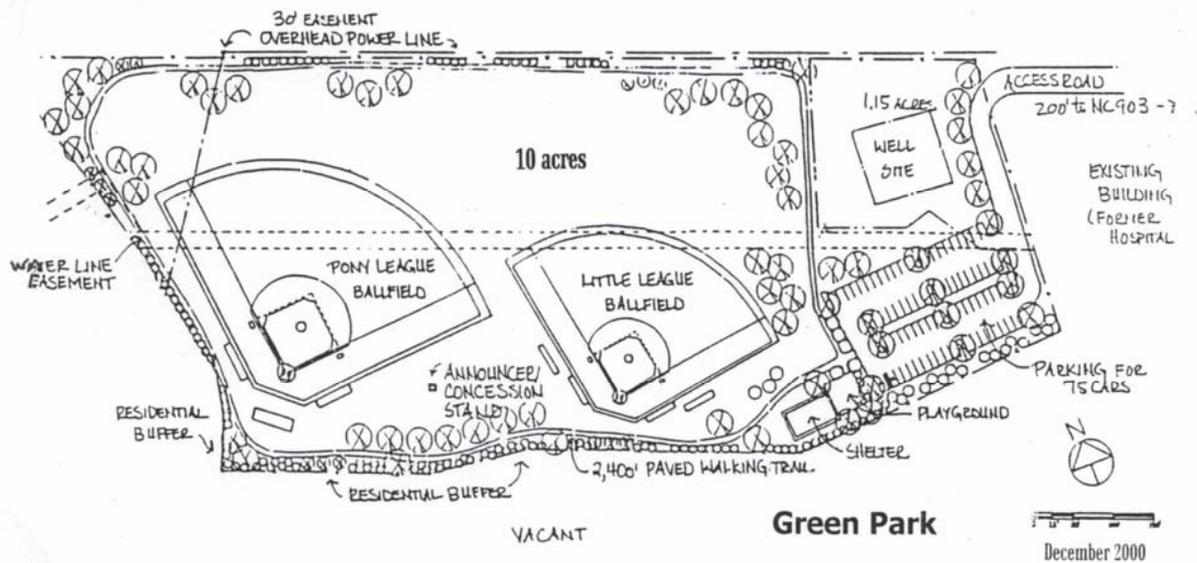
Joseph Lasley, Principal

EXAMPLE: Site Plan

A site plan is a very important part of your application. Include a separate site plan of the location, no larger than 8 ½ X 11, and indicate on the plan where improvements are located. A separate floor plan (8 ½ X 11) must be submitted for building renovations.

NOTE: Site plan can be hand-drawn, but must provide required information for the application.

**Green Park
Parkland, N.C.**



(Please use as detailed scale as possible to provide clear picture of project.)

**Project Scoring System for
Athletic Association Applications**

(For use by the Parks and Recreation Advisory Committee)

Applicant: _____ Project Name: _____

Points Awarded _____ divided by total possible points _____ equals project rating _____

**Acquisition & Development Projects: Athletic Association
115 Possible Points**

Development Only Projects: 100 Possible Points

Acquisition Only Projects:

70 Possible Points

Athletic Assoc. Pts.

(45 pts.)

A. New Public Recreation Facilities Provided by the Project

- 1. The applicant will be providing the first public recreation facility in its jurisdiction. 20 pts. _____
- 2. The project will provide:
 - a) three or more new recreational facilities, or 20 pts. or _____
 - b) two new recreational facilities, or 15 pts. or _____
 - c) one new recreational facility 10 pts. _____
- 3. The project will provide major renovation of:
 - a) three or more recreational facilities, or 15 pts. or _____
 - b) two recreational facilities, or 10 pts. or _____
 - c) one recreational facility 5 pts. _____
- 4. The proposed trail links recreation area(s), school(s), downtown businesses, and/or communities. 5 pts. _____

B. Degree of Recreational Planning for the Project and How the Specific Elements in the Project Conform to the Plan(s)

(20 pts.)

- 1. a) The applicant has had a plan developed within the past five years for the project site, and the project conforms with the plan. 10 pts. _____
- b) The plan has been adopted by the Area/Group governing body. 3 pts. _____

Project Scoring System (continued)

2. The applicant has a 3-to-5 year capital improvement plan for the project site and the project conforms with plan. 7 pts. _____

C. The Acquisition or the Conservation of Unique Natural, Cultural, Recreational or Scenic Resources (Land Acquisition projects only). **(15 pts.)**

1. If not purchased at this time, a significant natural, cultural, recreational, scenic or highly-threatened resource will be used for other purposes. 15 pts. _____

2. The site is an excellent natural and/or recreational resource. 10 pts. _____

3. The site is an average natural and/or recreational resource. 5 pts. _____

D. The Level of Public Involvement in the Community for Developing and Supporting the Project (Documentation Required for each). **(15 pts.)**

1. The applicant conducted a public meeting(s) exclusively for discussing the project and obtaining comments. The public supported the project. 5 pts. _____

2. A citizens' needs survey in the applicant jurisdiction shows support for the project. This needs survey was conducted during the past five years. 5 pts. _____

3. The applicant presented the project to local groups, (such as civic groups, churches, and neighborhood associations) and received support for the project. 3 pts. _____

4. The applicant presented the project at a publicly

announced meeting of the local governing board and received support for the project. 2 pts. _____

E. The Applicant's Commitment to Operating and Maintaining the Project. (15 pts.)

1. A full-time staff will manage the project site to ensure adequate operation and maintenance. 15 pts. _____

2. The applicant will manage the project site with a part-time staff or by contractual agreement to ensure adequate operation and maintenance. 10 pts. _____

3. An organized volunteer group, such as a civic group or a youth sports association, will operate and maintain the project site. 5 pts. _____

Project Scoring System (continued)

F. The Suitability of the Site for the Proposed Project. (5 pts.)

1. The site is suited for the proposed development without significant harm to the environment. 2 pts. _____

2. The site is enhanced by its location and adjacent property use(s). 2 pts. _____

3. The site is free of restrictive easements, overhead powerlines, or other intrusions that would limit the proposed development or cause a safety hazard for users. 1 pt. _____

Total Project Points Awarded _____

Union County Athletic Council By-Laws

Adopted 1992

Revised 10/26/1997

Revised 2/20/2002

Revised

1. The Union County Athletic Council will consist of two representatives from each Athletic Association.
2. In order for an Athletic Association to be represented on the council, the Association must serve at least 200 families and offer at least three (3) youth sports on a non-discriminatory basis.
 - A. Associations must submit a family membership list annually. Lists should be submitted on diskette using the designated computer program, no later than **January 15**. (Detailed information is available from the Parks and Recreation Department at Cane Creek Park, 704-843-3919).
 - B. An Athletic Association profile will be provided for acquiring updated Association information on a yearly basis and will be submitted no later than **February 15**.
 - C. If an Association fails to serve the minimum 200 families for two consecutive years this Association will not be considered in (good standing) and will not be eligible for funding until the required criteria are met.
3. Each Association represented on the Council must have an established bank account.
4. There will be one representative from the Union County Parks and Recreation staff and one representative from the Union County Parks and Recreation Advisory Committee on the council (non-voting representative).
5. Each Association has one vote per Association.
6. Monies allotted to the Council by Union County will be distributed to each Association in (good standing) according to the total number of family memberships represented. Any additional monies will be awarded based on a uniform project scoring system.
7. Money may only be used for items specified in the Application Guidelines. (Fixed assets are considered items used at least three (3) years.)
8. The Athletic Council will meet once a month from September through April. Each Association must have an elected representative in attendance a minimum of five of the eight meetings scheduled, to be considered for grant funding.
9. No group may receive funding through the UCAC unless they are a member in good standing by April 1st of that budget year.
10. **A mandatory Grant Workshop must be attended by at least one elected member of each Association to receive Grant Funding.**

Parks and Recreation/Adopt-A-Trail Grant Application for Renovation of the Red Trail at Cane Creek Park: This item was moved to the Regular Agenda at the request of Vice Chairman Baucom.

Library/Union West Parking Lot Expansion: Adopted Budget Amendment #40 increasing Interfund Transfer by \$16,349 and Fund Balance Appropriated by \$16,349 and adopted Capital Project Ordinance (CPO) #71 which provides funding in the amount of \$16,349 for the completion of the expansion of the Union West Parking lot.

Library: Approved the submission of the Smart Start Grant Application for FY 2008 and authorized the Interim County Manager to execute the application.

Library: Adopted Budget Amendment #41 increasing State Revenue by \$10,208 and Operating Expense by \$10,208 to appropriate funds for additional State Aid revenue.

Minutes of Regular Meeting of January 22, 2007: This item was deleted from the Consent Agenda.

Chairman Pressley stated that Item 5b from the Consent Agenda – Parks and Recreation, Adopt-A-Trail Grant Application for renovation of the Red Trail at Cane Creek Park would become Item 4(a) on the Regular Agenda. He stated that the item regarding Appointment of County Attorney would become Item 5(a); the item regarding a Communications Consultant would become 10(a) on the Regular Agenda; and the Appointment of a Vice Chair for the Chamber of Commerce’s Transportation Committee would become 10(b) on the Regular Agenda.

PARKS AND RECREATION – ADOPT-A-TRAIL GRANT APPLICATION FOR RENOVATION OF THE RED TRAIL AT CANE CREEK PARK IN THE AMOUNT OF \$3,152.69 (NO COUNTY MATCH) (This item was moved from the Consent Agenda to the Regular Agenda at the request of Vice Chairman Baucom):

Wanda Smith, Director of Parks and Recreation, stated that she was available to answer any questions that the Board might have regarding this item. She explained that it is a state Adopt-A-Trail Grant, and the County has received three or four of these grants in previous years with all of those grant funds having been used on trails at Cane Creek Park. She said that it is a no-match grant with 100 percent funding coming from the State.

Mrs. Smith said that the funding would need to be included in the upcoming budget process, and if the State awards the grant, the County would need to submit its payment request to the State showing that the County has expended the funds. She said that the repairs to the trail would have to be made whether or not the County received the state funding.

Vice Chairman Baucom said that his interpretation of the request was that the Board would be authorizing the funding even if the grant funds were not awarded to the County. Mrs. Smith reiterated that Parks and Recreation would ask for the funding in its budget whether or not the County applied for a grant, because the repairs need to be made to the trail.

Commissioner Mills asked what types of trails would be included and the distance of the trails. Mrs. Smith stated that they were mixed use trails which totaled 650 feet to be renovated, and a section of approximately 450 feet of trail would be rerouted. She explained that it would be easier to reroute this section of the trail than to repair it, because it is in such bad disrepair. Commissioner Mills requested that Mrs. Smith schedule a tour of the park for the Board of Commissioners sometime in the spring.

Following the discussion, Vice Chairman Baucom moved approval of the submission of the 2008 Adopt-A-Trail Grant Application and authorization for the Interim County Manager to execute the application with funds coming only from grant monies. The motion passed unanimously.

REPEAL OF THE COUNTY ORDINANCE ENTITLED “AN ORDINANCE DESIGNATION AS A HISTORIC LANDMARK PROPERTY KNOWN AS THE COLONEL WILLIAM WALKUP HOUSE”

Commissioner Lane moved to repeal the Ordinance entitled “An Ordinance Designating as a Historic Landmark Property Known as the Colonel William Walkup House” adopted on September 2, 2003. The motion was passed unanimously.

APPOINTMENT OF A COUNTY ATTORNEY – (This item was added to the agenda)

Vice Chairman Baucom moved to appoint John Burns as County Attorney.

Commissioner Openshaw stated that he personally preferred Don Perry as County Attorney although Mr. Perry had tendered his resignation effective Sunday, February 4, 2007. He said that Mr. Perry had been the County’s Attorney on Friday evening when the Board held a closed session even though he was not present for the closed session, and Mr. Burns had been present. Commissioner Openshaw said that he had not brought this matter up during Friday’s meeting, because he wanted to check the legality

of it. He stated that he was not comfortable with the situation, and he did not believe Mr. Burns was the County's Attorney. He said that he called the School of Government today and spoke with a representative and was told that in that person's opinion, it was inappropriate for Mr. Burns to have been present at the closed session on Friday. He further said that Mr. Burns serves as the personal attorney for one or more of the Board members, and he believed that the Board needed an attorney that was more distanced from the Board members to be objective. Therefore, he said that he would be voting against Mr. Burns' nomination.

Commissioner Lane stated that he, too, was unhappy about the closed session on Friday and the fact that this item was not placed on the agenda ahead of time to allow the Board more time to consider it. He said that in his opinion it was quite obvious from the closed session that John Burns, who he has known for a very long time, will be representing the County less and one or more Board members more. At this time the Chairman declared Commissioner Lane's comments to be out of order.

Commissioner Lane stated for those reasons he would be voting against Mr. Burns.

Chairman Pressley asked that the Board move forward with the items on the agenda. He stated that Commissioner Lane's opinions were welcomed in a gentlemanly way, but he felt that Commissioner Lane's statements did not have merit. He offered for Commissioner Lane to continue his comments, but in a different direction.

Commissioner Mills stated that he thought it was fair to state that Don Perry had done an outstanding job as County Attorney. He said that he was the Chairman of the prior Board of Commissioners that appointed Mr. Perry as the County Attorney. He said that Mr. Perry had served as County Attorney for 13 years, and he had tendered his resignation.

Commissioner Openshaw said that the first time he had seen Mr. Perry in action, he was a little put off by his style, but he came to appreciate him very much. He read an excerpt from Mr. Perry's resignation letter as follows:

"Prior to the new Board of Commissioners taking office in December, I was informed by a member of the incoming Board that they desired to make a change and replace me as County Attorney."

Commissioner Openshaw said that he understood that there were extenuating circumstances there, but he continued by reading from Mr. Perry's letter "It was decided then that I would tender my resignation." He said that if he needed an attorney in Union County, he would be hiring Mr. Perry.

Chairman Pressley stated that Mr. Perry's law firm would continue doing the County's litigation work and representing the County's Department of Social Services.

Jeff Crook, Senior Staff Attorney, interjected that the Clerk to the Board had made him aware on Friday that Mr. Burns would be in a closed session with the Board and asked Mr. Crook's opinion on it. He stated that he had given his opinion that it was acceptable. He said that the Board does not have to be counseled by the County Attorney in closed session and could engage other attorneys to give opinions in closed session as well. He stated that was the basis of his opinion.

Commissioner Openshaw questioned whether the choice of a County Attorney should be made by the Board before a closed session situation. He said that the Board members were not notified that Mr. Burns would be in the closed session on Friday.

Mr. Crook gave his opinion that an attorney could be engaged in closed session. Commissioner Openshaw questioned if that decision should have been made in open session. Mr. Crook reiterated his opinion that he believed that decision could be made in a closed session.

Chairman Pressley responded to Commissioner Openshaw's comments by saying that Mr. Burns was very familiar with the situation that was discussed in closed session and that was the reason he had been invited to sit in on the closed session.

Vice Chairman Baucom expressed his appreciation to Don Perry for his 13 years of service and said that in his opinion, Mr. Perry has done an admirable job for the County. He said that this decision in no way does anything to make any misstatements about Mr. Perry.

Chairman Pressley said that although he did not see Mr. Perry present tonight, he believed it was an appropriate time to present a plaque to him for his service. He read the following inscription from the plaque:

"Presented by the Union County Board of Commissioners to Don Perry for your dedicated and faithful service as the County Attorney – February 4, 1994 – February 4, 2007."

The Chairman said that the plaque would be given to Mr. Perry at a later time, since he could not attend tonight's meeting.

Following additional comments by various Board members, the motion was passed by a vote of three to two. Chairman Pressley, Vice Chairman Baucom, and Commissioner Mills voted in favor of the motion. Commissioner Lane and Commissioner Openshaw voted against the motion.

ESTABLISHMENT OF A STATEMENT OF ECONOMIC INTEREST AND REQUIRING ALL APPOINTED INDIVIDUALS TO COUNTY BOARDS, COMMITTEES, AND COMMISSIONS TO FILE SUCH STATEMENT WITH THE COUNTY CLERK PRIOR TO THEIR APPOINTMENT AND ANNUALLY THEREAFTER NOT LATER THAN FEBRUARY 1ST:

Commissioner Lane moved adoption of the Statement of Economic Interest as read and directed that it be given to Jeff Crook, Senior Staff Attorney, for tailoring to the Board's specific status as Commissioners and also to the three major boards to which the Board of Commissioners makes appointments: Planning Board, Board of Adjustment, and Public Works Advisory Board. His motion further included that the draft Statement be presented to the Board for consideration at its regular meeting in March.

Commissioner Mills asked Commissioner Lane to explain the purpose of the Statement of Economic Interest. Commissioner Lane responded that he believed the citizens of the County are entitled to know the financial interest, if any, of the Board members. He said that such a statement is used at the state level.

Commissioner Mills asked Jeff Crook, Senior Staff Attorney, for his opinion on whether or not the information contained in the statements would become public record. Mr. Crook replied that he had concerns regarding the applicant's information becoming a public record but noted that he had not had an opportunity to thoroughly research the issue. He added that it was his understanding that at the state level, applicants' information does not become public record until the time of the applicant's appointment. He said he would be glad to work with Commissioner Lane to draft a statement for use by the Board.

Commissioner Lane stated that his motion directed that a statement be tailored to the Board of Commissioners and the three major boards. He said that he wanted the statement to be tailored for those specific boards.

Commissioner Openshaw asked as a point of order if a change could be made in the action requested in the agenda once it has been published. Mr. Crook assured Commissioner Openshaw that changes could be made in the Action Requested listed on the agenda.

Chairman Pressley read a statement indicating his concerns about Commissioner Lane's proposal and stated that the exhaustive financial disclosure requirements could have a chilling effect on the willingness of citizens to serve on County boards and committees.

Following his comments, Chairman Pressley offered as a substitute motion that Commissioner Mills and the Staff Attorney further review the benefits of this initiative and report their findings to the Board at a future date.

Commissioner Mills stated that a statement of economic interest was not a prerequisite for the Board members to run for public office. He questioned why the sitting Commissioners should be required to provide this information now. He stated that there is a complete disclosure of the candidates' campaign records. He said that the private interest of a person is exactly private, and he stated that he had a problem with assets, liabilities, etc. of the Board members becoming public record. He stated that he believed if the motion passes to require Statements of Economic Interest of applicants, he would be concerned with the ramifications of trying to find qualified applicants to serve on these boards because of applicants not wanting their information being made public.

Vice Chairman Baucom said that he could understand where the statement of economic interest could have some merit, but he believed the potential negative impact it would have on the citizens of having to complete the financial disclosures would outweigh any positive impact it could have. Further, he said that having made those comments, he did want the Staff Attorney, Interim Manager, and Commissioners Mills to review this matter and bring their suggested recommendations to the Board at a later date.

He offered as an amendment to the substitute motion that Commissioner Lane also be included in the review. Vice Chairman Baucom stated that he believed the statement of economic interest has a greater impact than what he wanted to make a decision on tonight. He said that he would like to have more information on which to base his decision.

Commissioner Openshaw said that he agreed with Vice Chairman Baucom. He said that he thought that the proposed statement in its current format was too extensive, but he did believe the form has merit. He said that one of the concerns he had expressed with the Public Works Advisory Board, the Board of Adjustment, and the Planning Board, was he did think the members' interests should be public records, but he did not necessarily think the information had to be in as great a detail as the proposed statement requires. He said that he would not be comfortable completing the form in its current format. Commissioner Openshaw said that he would support having the Attorney bring recommendations to the Board within a specific timeframe.

Commissioner Lane stated that he agreed that he should be included in the group reviewing the statement since he had proposed the initiative. He said that he believed that they could work together on it. He stated that he did not like the form in its

current format and that is the reason he had suggested that it be reviewed and tailored to the Board's specific needs. He said the form for the Board would be different than the form used by the State and certain segments of it would be removed entirely. He stated that he would support the substitute motion as amended and withdrew his original motion.

Chairman Pressley stated that he would withdraw his substitute motion since there was support for the substitute motion as amended and would make the amended substitute motion the primary motion. At the request of Commissioner Openshaw, Chairman Pressley reiterated that the primary motion was for Commissioner Mills and Commissioner Lane to work with the Senior Staff Attorney on a draft statement of economic interest and to bring their recommendations to the Board at a future date. Vice Chairman Baucom noted that the motion had included that the Interim Manager also work with the others to bring recommendations to the Board.

Commissioner Lane requested that the recommendations be presented to the Board at the March meeting. Vice Chairman Baucom clarified that this timeframe was not a part of his motion, and he would not impose time restraints for this matter, because there are other issues that need to be dealt with as well.

Commissioner Lane emphasized that he wanted a specific date for the recommendations to be presented to the Board. He suggested that the recommendations be presented to the Board at the first meeting in April.

Vice Chairman Baucom stated that he would not accept an amendment to his motion setting a time constraint for the recommendations to be presented to the Board. He said that he wanted the group to have time to bring a recommendation that has been well thought out and planned irregardless of the time.

Commissioner Mills moved to call the question on the previous motion. The motion to call the question was passed unanimously.

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

SPATIAL DATA AGREEMENT FOR ORTHOPHOTOGRAPHY SERVICES:

Pat Beekman, Homeland Security Director, explained the project stating that it would provide countywide 2007 orthophotography and update existing countywide 2001 planimetric data layers. He further said that these data layers include road

centerlines, edge of pavement, building footprints, and a new physical address layer for every primary structure in the county. He stressed that the project is necessary because Union County has not had aerial photography flown since 2004 and has not had road/building data since 2001. He noted that because Union County is the fastest growing county in the State, its current data is significantly out-of-date. He stated that this data is critical for the new CAD/RMS package being purchased for the County so that the 911 telecommunicators have the most up-to-date data to direct first responders to incidents. Further, Mr. Beekman said that this data is also used by many other County departments, developers, economic development agencies, realtors, mortgage lenders and banks, universities, map making companies, the public schools and citizens of the County.

He stressed the importance of the contract being approved during this meeting because the flyover must occur before the leaves return in a few weeks; otherwise, they would have to wait an entire year to conduct the flyover. He explained that the State has provided \$31,800 in grant money to assist in offsetting the cost of the project, and the Board accepted the state grant during its January 22, 2007, meeting. He pointed out that the total cost of the project is \$335,060, and funds for the project are available in the 911 budget with the majority of the funds having been previously appropriated for the project.

Following the explanation, Commissioner Lane moved to authorize the County Manager to approve a contract with Spatial Data Consultants, Inc. to provide professional services for the 2007 Color Digital Orthophotography and Planimetric Data Project. The motion further included adoption of Budget Amendment #42 to the Emergency Telephone System Fund increasing State Revenue by \$31,840; Charges for Services by \$4,600; and Capital Outlay by \$36,440.

Commissioner Openshaw referred to a memo from the Staff Attorney to the Board dated January 31, 2007, which was included in the Board's package and is recorded in its entirety below indicating that Spatial Data remains the second lowest bidder.

“TO: The Union County Board of Commissioners
FROM: Jeffrey L. Crook, Senior Staff Attorney
RE: Spatial Data Orthophoto Agreement
DATE: January 31, 2007

The predominant aspect of the orthophotography and planimetric data project is the procurement of services. With Board approval, GIS utilized an RFP (Request for Proposal) process in order to evaluate the contractors' qualifications, as well as to establish cost. The contractor with the second lowest price, Spatial Data, misinterpreted the RFP with respect to the need to deliver certain data features for a specific map scale. This contractor was allowed to correct its proposal to reflect the performance, timing, and fees

charged for additional work needed to provide the missing data features. The modified proposal did not affect the standings of the four proposals with respect to price, i.e. Spatial Data remained second lowest. While such modifications after receipt would not be allowed had this been a formal bid (ie. For construction exceeding \$300,000 or for purchase of apparatus, supplies, materials, or equipment exceeding \$90,000), the only requirement with an RFP for procurement of services is to honor the terms set forth in the RFP. The RFP issued for this project did not prevent the County from seeking clarification or allowing corrections. In addition, the RFP stated that price would be only one factor in determining the successful contractor. It is my legal opinion that the process followed in this procurement of services is lawful. I mention this only by way of explanation in the event Board members receive any questions regarding this procurement.”

Commissioner Openshaw asked Mr. Crook to explain the information contained in the memo. Mr. Crook deferred to Carl Lucas, Information Systems Director, for his comments.

Mr. Lucas stated that Giofini was the lowest bidder at approximately \$190,000. He said that when Giofini responded to the Request for Proposals (RFP), it did not include all of the orthos and planimetric/data. He also pointed out that company has changed names approximately three times within the last three years and probably has only a year of experience. Therefore, there was not a comfort level with its bid.

Mr. Lucas said that according to the RFP that was sent out, this company was considered non-responsive. He said they, therefore, recommended the second lowest proposal.

For clarification purposes, Mr. Crook pointed out there is an important distinction in this situation-that it was not a bid but was a proposal, and; therefore, there is no requirement to accept the lowest amount. He noted that it was stated in the RFP that the price would just be one factor. He stated that the purpose of his memorandum was explanation to the Board in the event there were questions as to why it was done in this way.

Vice Chairman Baucom questioned whether the project would provide a continuous long/lat (longitude/latitude) perspective to the County. He asked if anyone would be able to look up any point in any area of the County and get a definitive longitude/latitude. Mr. Lucas responded that they will get longitudes and latitudes that are exposed in the planimetrics. In response to a further question by Vice Chairman Baucom, Mr. Lucas stated he believed that any data that is received from the orthophotography and planimetrics would be available to the citizens of the County's GIS website. He further stated that as the user makes queries, he/she would get latitudes and longitudes as the user scrolls. He said that the user will get the data captured in the flyover.

Vice Chairman Baucom asked how much of the project's funding had not been appropriated previously. Kai Nelson stated that the budget amendment included in the package indicated that amount was approximately \$4,000.

Chairman Pressley said that he had an opportunity to sit down and talk with Mr. Lucas, and with the ideas that Mr. Lucas has, he is very excited about the County's Information Technology Department. He expressed his appreciation to Mr. Lucas for the job that he does for the County.

With there being no further discussion, the motion was passed unanimously.

DELEGATION OF CONTRACT APPROVAL TO CHAIRMAN:

Chairman Pressley read the requested action as stated on the agenda: "to authorize the Chairman to approve contract agreements for which expenditures exceed \$5,000 but are not in excess of \$300,000 for which funds are included in the budget ordinance during the period of February 5 to March 12 and to provide a report on such approvals at the March 12th meeting of the Board." He stated that he wanted to add the review and approval of the Chief Finance Officer and the Interim Manager.

Chairman Pressley recognized Kai Nelson, Finance Director, for his comments. Mr. Nelson stated that he needed a clarification on the proposed amended action.

Jeff Crook, Senior Staff Attorney, explained that the purpose of this item was to make sure that staff was able to continue processing contracts during the lengthy period of time between this meeting and the next meeting of the Board on March 12, 2007, and it was suggested that the Chairman be given authority to approve those agreements after legal review and pre-audit by Finance. He stated that he was not sure what the intent had been to include the Interim Manager. He suggested that if the Board wanted to delegate the authority to approve the contracts to the Interim County Manager, it would work just as well.

Chairman Pressley said that he would like to have more eyes reviewing the contracts. He said that for contract approvals during this time period, if the Board so chooses to authorize it, he wanted to include review of the Finance Director and the Interim County Manager.

Mr. Nelson explained that the contract engagement process is rather lengthy and includes legal review, finance review, and when applicable, review of Information Technology and risk management.

Vice Chairman Baucom asked if there were any known contracts that would be forthcoming during this period in excess of \$50,000 to \$100,000. Mr. Crook stated that while he could not name any specific contracts at this time, it was likely that there would be contracts in excess of \$50,000 to \$100,000.

Commissioner Openshaw moved not to approve the request as stated on the agenda and that the Board adhere to its contract procedure which was recently amended. He said that despite Vice Chairman Baucom's absence while being on vacation during this period of time, there would still be four Commissioners available to review contracts during a special meeting, if necessary. He said that he did not see the need to deviate from the Board's current policy.

Chairman Pressley offered that the intent of the item was to not have to call a special meeting to approve contracts. He said that he had no problem reviewing the contracts and the Board authorizing Commissioner Openshaw to approve them.

Commissioner Openshaw said that he had been the one who had questioned the issue of time when the Board adopted its current policy. He said that it is basically adding an extra week or so. He reiterated that he saw no reason for the Board to deviate from its current policy.

Chairman Pressley pointed out that it would be approximately five weeks before the Board had its next meeting. Commissioner Openshaw stated that he would be available to come in and review contracts during this time period. He explained that one of the reasons he had supported the motion for the current contract policy was because the Board would be involved in budget negotiations in the future and asked to vote on items that it does not have a frame of reference for, and his original reason for supporting the motion had been that he wanted to learn about the issues that the Board needs to review.

Chairman Pressley questioned what the impact would be if the Board did not take action on this item tonight. Mr. Nelson responded that if there is a contract that is of critical importance during this time period, that in order to keep the business of the County moving forward, the staff would request that the Chairman call a special meeting.

Vice Chairman Baucom suggested that a special meeting be scheduled for the purpose of reviewing contracts during this period.

Commissioner Lane added that this would have been moot had the Board not emasculated the Manager's authority to approve contracts over \$5,000. He suggested that the Board could increase the Manager's authority.

Commissioner Mills stated that he still contends that it is the responsibility of the Board to continue with its current policy on approving contracts. He said that he agreed with Commissioner Openshaw; if a special meeting is necessary, it could be called, and he would avail himself to attend the meeting.

Vice Chairman Baucom agreed with Commissioner Openshaw and Commissioner Mills that if a special meeting is needed, the Chairman could call for a meeting.

Commissioner Openshaw repeated his motion to continue with the Board's normal review of contracts and if a special meeting is necessary during this time period, that the Chairman do so.

Chairman Pressley stated that he, too, agreed and that was why he wanted additional review of the contracts. He said that he did not want all the responsibility of approving the contracts. He expressed appreciation to Commissioner Openshaw for his willingness to be available to review contracts during this time period. He agreed that it is right for the Board to review the contracts and to be involved in the process. He stated that he also supported the motion by Commissioner Openshaw.

Following the lengthy discussion, Chairman Pressley stated that the motion was not to accept the delegation of contract approval as stated on the agenda, and, if a special meeting is necessary, then the Chairman would call a special meeting for that specific reason.

Vice Chairman Baucom questioned whether the motion was negative or affirmative. Chairman Pressley stated that the motion was not to accept the action as requested but to accept an alternative action if contract approval is necessary during this time period, the Chairman would call a special meeting for that purpose.

Following the discussion, the motion was passed unanimously.

DISPOSITION OF OLD ANIMAL SHELTER:

Commissioner Lane moved approval of Option #2 listed on the Agenda Abstract to lease the old animal shelter to the Union County Humane Society as an animal adoption facility at no cost or liability to the County with the following guidance to the staff to prepare a lease between Union County and the Humane Society of Union County:

- 1) That the Humane Society must make the necessary repairs to the facility as determined by the State Department of Agriculture in its previous inspection and then receive permission by the State Department of Agriculture prior to using the facility in any manner or for any purpose.
- 2) That no County taxpayer money can be used in the repairs to this facility.
- 3) That the facility be operated in compliance with all applicable laws and regulations governing such a facility.
- 4) That the lease contain language allowing termination for cause if the Humane Society should ever violate the terms of the lease.
- 5) That the lease contains language allowing for termination without cause should Union County determine another need for the land. This termination might require a period of notice and/or reimbursement to the Humane Society for improvements made to the building less depreciation.

At the request of Commissioner Openshaw, Pat Beekman, Homeland Security Director, addressed this item and stated that the Humane Society of Union County has asked to use the old animal shelter facility. He said that the shelter is not up to condition by the State Department of Agriculture, and it is in need of significant repairs. He stated that it is estimated that the cost of repairs would be approximately \$52,000, which might be a low estimate. Mr. Beekman shared that he has discussed the repairs with the Humane Society, and it still wants to use the facility. He stated that the Humane Society has agreed to make the necessary improvements and to have the facility reinspected before being used as an adoption facility.

In response to a question by Commissioner Mills, Mr. Beekman stated that the Humane Society would be required to take care of the mold issue in the facility. He said that there were a number of issues that would need to be resolved including the roof, the mold, the water heater, and the cracked foundation, all of which would have to be resolved before the facility is used by the Humane Society.

Commissioner Mills further questioned the County's liability should there be a health issue with the mold in the facility. Mr. Crook assured Commissioner Mills that the risk transfer issues would be addressed in the lease document. Commissioner Mills asked if the representatives of the Humane Society had conducted their own inspection of the facility. Mr. Beekman responded that they had inspected the facility as well as filmed it.

Commissioner Openshaw said that he had understood that the Humane Society had not had an opportunity to walk through the facility with a general contractor. Mr. Beekman replied that he was unsure if they had walked through the facility with a general contractor. However, he said that the Humane Society representatives had informed him that they have done a review of the shelter and took films of it.

Commissioner Openshaw offered a substitute motion to approve the recommendation in concept and allow the Humane Society to engage with the County in a discussion on what would be involved in making the necessary repairs, which would include obtaining an estimate from the Humane Society's contractor.

Chairman Pressley noted that the Humane Society had sent a letter to Mr. Beekman dated November 21, 2007, indicating that it did want the old animal shelter and requesting that the County proceed with the proposal to transfer the facility to the Humane Society. He said that he thought the Humane Society was in a hurry to have the facility turned over to it. He questioned if Commissioner Openshaw's substitute motion had been for the staff to continue working on a lease and other necessary paperwork.

Mr. Beekman said that he has expressed in "pessimistic" terms the condition of the shelter to the Humane Society and that the cost estimate is probably low. He stated that the Humane Society still has indicated its desire for the facility and believes that it can make the necessary repairs. He said that he was asking to move forward with the negotiations with the Humane Society. He stated that the Humane Society would be given every opportunity to examine the shelter.

Commissioner Openshaw said that he was not sure that the County should go to the expense of drafting a lease at this time. He suggested that the first step would be to have the Humane Society look at real cost of repairs and examine the facility and determine how it wants to proceed. He added that if the Board wants to allow them to continue negotiations with the County, he was agreeable to do so.

Vice Chairman Baucom said that he was gathering from Commissioner Openshaw's comments, that he has had some conversation with representatives of the Humane Society, and their general contractor has not examined the facility, and in their

opinion, they do not have definitive numbers with which to work. Commissioner Openshaw indicated that this was an accurate statement. Vice Chairman Baucom questioned if this were a time sensitive issue that needed to be acted upon tonight.

Mr. Beekman responded that it was not a time sensitive issue on the County's behalf, but it is principally time sensitive on behalf of the Humane Society.

Vice Chairman Baucom said that he saw no reason that the County staff should invest time drafting a lease at this time; and, he said he would support Commissioner Openshaw's motion.

Commissioner Lane withdrew his motion at this time.

At the request of Commissioner Openshaw, Mrs. West, the Clerk to the Board, read the motion made by Commissioner Openshaw: to ask the Board to continue to look at Option 2 allowing the Humane Society to examine the facility with due diligence. The motion further included allowing the Humane Society to access the site with its contractor and to allow the Humane Society to engage in negotiations with the County staff for a lease to determine what would be involved in making the necessary repairs, which would include an estimate from their contractor.

Commissioner Openshaw clarified that his motion included directing staff to bring the draft lease to the Board for approval. He added that the staff could continue to work on a draft of the lease but it would have to be brought back to the Board for approval. He stated that he did not believe it was logical to commit staff time until the Humane Society has done its due diligence and has real repair numbers.

Chairman Pressley suggested that Mr. Beekman correspond with the Humane Society to inform them that they need to have assurances from their general contractor regarding the repair costs. He asked if Commissioner Openshaw would allow an amendment to his motion to allow Mr. Beekman to correspond with the Humane Society to give approval to begin negotiations about the lease. Commissioner Openshaw agreed to amend his motion accordingly.

Following the lengthy discussion, the motion as amended was passed unanimously.

REQUEST FOR APPOINTMENT OF EX-OFFICIO NON-VOTING MEMBER FOR DOWNTOWN MONROE, INC. BOARD

Commissioner Mills nominated Commissioner Openshaw to serve as an ex-officio, non-voting member of Downtown Monroe, Inc.

Vice Chairman Baucom nominated Commissioner Mills to serve in this capacity. Commissioner Mills stated that he respectfully declined the nomination. Vice Chairman Baucom stated that his rationale for nominating Commissioner Mills was that he has affiliation with downtown Monroe. Commissioner Openshaw said that he agreed with Vice Chairman Baucom and Commissioner Mills would be a logical choice. However, if Commissioner Mills did not wish to serve on that board, he would agree to do so, because he believed in the future of downtown Monroe and described downtown Monroe as “a diamond in the rough.”

With there being no further nominations, Commissioner Openshaw was appointed by acclamation.

COMMUNICATIONS CONSULTANT:

Richard Black, Interim County Manager, explained that the Board had stressed it wanted information, communication, and to know how the processes work. He stated that over the last few weeks, there had been a large number of media requests. He said he had been inclined first to hire a person to assist with the County’s communication needs. He said that he had located a vacant position in the Central Administration budget, but he has had second thoughts on that position. He explained the following reasons as to why he believed that communication services could be provided in a better way than hiring an employee to report to the County Manager: 1) nature of the work does not appear to be a 40-hour per week position; 2) would be better outsourced; 3) nature of the work does not require the person to be on site; 4) more economical to outsource; and 5) a consultant to work directly with the Board. He referred to the draft contract that had been provided to the Board tonight and pointed out the scope of services listed in the contract.

Vice Chairman Baucom moved to accept the recommendation of the Interim County Manager to hire Estelle Snyder as a Communications Consultant and to authorize the Interim County Manager to approve an agreement with her.

Commissioner Openshaw offered an amendment to table action on this matter. He said that he did not like to give any matter a quick glance and pointed out the contract would involve spending approximately \$33,000 of County money. He stated that he did not believe it was responsible for the Board to react this quickly. He said that he had received a telephone call today from John Dodd who gave Ms. Snyder a glowing recommendation.

Commissioner Lane said that in reviewing the scope of services for the Communications Consultant, it appeared that the responsibilities were redundant with those of the Public Information Officer. He questioned how the two jobs would differ.

Mr. Black responded that he believed that it would allow the Public Information Officer to deal more with the general government on public information. He said that he had thought hiring a Communications Consultant would be a way to have someone to work directly with the Board, and the Public Information Officer could work more with the annual report and the weekly newsletters.

Commissioner Lane said that he agreed with Commissioner Openshaw that he did not like matters sprung on him. He said that it would have been nice to have known earlier who was being considered for the consultant's position. He said he knew Ms. Snyder, but he would still prefer to have further information about this matter.

Chairman Pressley stated that Mr. Black had made his recommendation previously to hire Ms. Snyder and asked if he were now changing the scope of her services to better fit the County's needs.

Mr. Crook said that he believed Mr. Black's proposal tonight is that the person not be hired as an employee but as an independent contractor with the Manager authorized to approve the agreement.

Vice Chairman Baucom added that he thought the County had a tremendous opportunity to hire Ms. Snyder, since she is an extremely well qualified individual. He said that he would support hiring Ms. Snyder and moving forward.

Commissioner Openshaw said that what was done Friday night, in his opinion, was not the way to go about this matter, because there was no notice to the Board of what was being proposed. He said that he was glad for the new approach presented to the Board tonight. He said that he hoped that the Board has learned the value of examining contracts closely in the last few weeks.

Mr. Crook pointed out that this was not a new position and Ms. Snyder would not become an employee of the County but would be a consultant. Commissioner Openshaw questioned why it would not be the Board's determination to hire a consultant. He said that hiring Ms. Snyder was done Friday evening essentially with the media present. He stated that he thought the responsible way to handle this matter would be for the Board to have an opportunity to examine the contract and review what her duties and assignments would be and consider the matter at a future date.

Chairman Pressley stated that in all fairness, Mr. Black had the authority to hire whomever he wanted to hire. He said that he was glad that Mr. Black had reviewed the matter and brought his proposal to the Board. He stated that the proposed contract was four pages; he called for a 15-minute recess to allow the Board members time to review the contract.

At approximately 8:37 p.m., Chairman Pressley reconvened the meeting and stated that a vote would be taken first on the amended motion.

Commissioner Openshaw questioned how Ms. Snyder's hours would be tracked. He stated that his primary concern was the way it was presented on Friday evening that it was supposed to get Union County's message out to the public. He said that he thought at that time it was redundant, but now the proposal is essentially a public relations person for the Board. He stated it was a big expense for a situation that is basically "spin doctoring." Commissioner Openshaw posed a hypothetical question to the Board members that if the press came to the individual members and asked a question, would the communications consultant be the person to whom the press' question would be redirected. He asked for an explanation regarding the insurance requirements contained in the contract.

Mr. Crook responded that the insurance requirements contained in the contract were standard for County contracts.

Commissioner Openshaw reiterated his question regarding redirecting questions asked to the Board members to the communications consultant. Commissioner Mills responded that he thought that decision would lie with the individual Commissioner.

Following the lengthy discussion, Commissioner Openshaw withdrew his substitute motion to table in order to allow a vote on the original motion.

Chairman Pressley called for a vote on the original motion with the contract becoming effective on February 5, 2007. The motion was passed by a vote of three to two. Chairman Pressley, Vice Chairman Baucom, and Commissioner Mills voted in favor of the motion. Commissioner Lane and Commissioner Openshaw voted against the motion.

Kai Nelson, Finance Director, interjected that he thought the Board also needed to adopt Budget Amendment #43 to the General Fund Budget increasing Commission-Professional Services by \$14,000 and decreasing Commission-Legal Services by \$14,000. He stated that the requested funds were available in the Board's budget.

Chairman Pressley moved adoption of Budget Amendment #43.

Commissioner Openshaw again questioned how Ms. Snyder's hours would be tabulated. The Chairman explained that Ms. Snyder would submit an invoice for her total hours pursuant to the Agreement.

Following further discussion, the motion was passed by a vote of three to two. Chairman Pressley, Vice Chairman Baucom, and Commissioner Mills voted in favor of the motion. Commissioner Lane and Commissioner Openshaw voted against the motion.

APPOINTMENT OF VICE CHAIR OF CHAMBER OF COMMERCE'S TRANSPORTATION COMMITTEE:

Commissioner Mills nominated Vice Chairman Baucom to serve as Vice Chair of the Chamber's Transportation Committee.

Commissioner Openshaw nominated Christie Putnam and stated that Larry Helms and Jim Carpenter, President of the Chamber, had requested that the Board consider appointing Christie Putnam to that position.

Commissioner Mills withdrew his nomination. He said that he had nominated Vice Chairman Baucom because of his involvement with the Chamber, but he was in agreement with appointing Ms. Putnam.

Following the discussion, with there being no further nominations, Ms. Putnam was appointed by acclamation.

ANNOUNCEMENTS OF VACANCIES ON BOARDS AND COMMITTEES:

Chairman Pressley announced the following vacancies on Boards and Committees:

- a. Nursing Home Advisory Committee (one vacancy)
- b. Adult Care Home Community Advisory Committee (one vacancy)
- c. Home and Community Care Block Grant Advisory Committee (five vacancies)
- d. Juvenile Crime Prevention Council (JCPC): 1) District Attorney or designee; 2) Substance Abuse Professional; 3) Two (2) persons under age 18; 4) Juvenile Defense Attorney; 5) Representative of United Way/other non-profit organization; and two (2) County Commissioner appointees

- e. Board of Equalization and Review (two vacancies as of February 2007)

INTERIM COUNTY MANAGER'S COMMENTS:

Richard Black, Interim County Manager, stated that the 2006 Union County annual report has been sent to the printer and should be ready for distribution this week or the first of next week. He said that the annual report would be available at all area libraries, town halls, and other public buildings as well as on the County's website.

Mr. Black congratulated Rick Underwood, 911 Telecommunicator, who assisted a local man deliver his child a couple of weeks ago.

He stated that the Health Department received good news last week as a result of some groundbreaking agreements between the North Carolina Community Care Network and Glaxco Smith Kline that the state doctors will receive vaccine much earlier next flu season. The Health Director has stated that this is good news, because the Health Department employees who are vulnerable to the flu will receive the vaccine early next year.

COMMISSIONERS' COMMENTS:

Commissioner Openshaw shared that he had attended the Union Symphony performance recently, and it was very well attended. He said that the performance was very enjoyable. He shared that the next concert would be in April at Siler Presbyterian Church.

He said that when the Board had held its closed session on Friday evening, he did not receive a call asking about his availability to attend the meeting before it was scheduled. He stated that he would appreciate the courtesy of a call in the future.

Commissioner Mills welcomed Ms. Snyder as the Communications Consultant. He commended the 911 staff. He said that communications is an important part of County government. He stated that there are a number of volunteer firefighters, both men and women, who dedicate their lives to helping others. He stated that he would like to have the telecommunicators' test administered to the Board of Commission members at sometime in the future.

Vice Chairman Baucom shared that he had recently had an opportunity to attend a symposium on bio-fuels and to visit with some friends, primarily from the Midwest. He said that the symposium was interesting and he received a great deal of information. He said that two of his friends from South Dakota live in two separate towns, approximately 60 miles apart. He stated that the towns just recently consolidated their two school systems, and the consolidated number of students was 361. He stated that their schools have challenges of where to find teachers and the quality of the students' education. Vice Chairman Baucom said that Union County is blessed to have its school system.

He welcomed Ms. Snyder as the Communications Consultant. He said that he looked forward to working with her to take the County into new directions and to new heights.

Commissioner Lane said that he had noticed on the Chamber's website that it had Union County/Chamber of Commerce's priorities on roads. He said that he wanted to make it clear that the Board of Commissioners has not voted on road priorities for Union County. He noted that one of those priorities, which he stated that he did not agree with, was a feasibility study to connect 601 South with the area near Forest Hills School. He discussed the four-lane highway improvements proposed to Highway 601 South and said that the contract would be let on this project next month.

Commissioner Lane referred to the Legislative Bulletin received from the North Carolina Association of County Commissioners which included an article regarding the final recommendation for the 2007 General Assembly to unanimously reject the proposal that would authorize counties to impose impact fees and land transfer taxes for school construction needs. He said that they did vote to allow the counties to enact a one-half cents sales tax for school capital needs. He noted that the tax would have to be approved by a referendum.

Chairman Pressley shared with the Board that earlier this evening he and Vice Chairman Baucom met informally with representatives of Wesley Chapel. He stated that he and Vice Chairman Baucom had asked them, without Board consideration, to consider two options that might help to resolve the differences on the Village's ETJ. He explained that the first option would be a simple referendum of 1,042 property owners in the ETJ area where a simple majority vote would determine if they would come under Wesley Chapel's zoning or remain covered by the County. Further, he said that the second option was the possibility of having an interlocal agreement that would set out the wishes of both parties. He said that the meeting had been very cordial. Chairman Pressley said that he was hopeful that the Village's representatives would take these options to their counsel for consideration. He stated that the two parties would continue meeting with an ultimate goal being to save the taxpayers' money and to protect their rights.

He noted that it was reaffirmed during the meeting that the only goal of the County Commissioners is to assure that the property rights of the citizens are protected.

Commissioner Openshaw wished Vice Chairman Baucom and his wife a great trip to Australia and New Zealand. He said that he and his wife had visited these areas many years ago.

With there being no further comments, at approximately 8:58 p.m., Chairman Pressley moved to adjourn the regular meeting. The motion was passed unanimously.