

*Scotland County Board of Commissioners regular meeting
August 4, 2003, 1405 West Boulevard, Laurinburg*

MINUTES
Scotland County Board of Commissioners
Regular Meeting August 4, 2003
Scotland County Complex, 1405 West Boulevard, Laurinburg, NC

At 7:00 p.m., Chairman David L. Burns called the regular meeting to order. Commissioners in attendance: Chairman Burns, Vice Chair Nancy J. Shelley, Betty Blue Gholston, Charles “Scoofer” Jordan, Sam Snowdon, Clint Willis and J.D. Willis. Staff in attendance: County Manager Scott T. Sauer, County Attorney Ed Johnston and Clerk to the Board Ann W. Kurtzman.

Commissioner Clint Willis delivered the invocation. The Board of Commissioners led those in attendance in reciting the Pledge of Allegiance.

Chairman Burns asked if anyone wished to speak at Public Forum.

Board of Education Member Dr. Bill Morgan, 12281 Fair Lane, Laurinburg:

Dr. Morgan said now that a school funding formula has been agreed upon by both governing bodies, it’s time to put the issue behind us and look to some other issues. He encouraged the Board of Commissioners to do what it could to eliminate the cost of Medicaid from the ad valorem tax.

He also said that municipalities within the County should not have to pay for the Sheriff’s Department to provide law enforcement coverage in unincorporated areas. He said the Board of Commissioners should once again consider a consolidation of law enforcement services. He said people in the unincorporated areas of the County who want the police protection should be taxed for it using a method similar to that of the Fire District tax.

Vice Chair Shelley commented that the Sheriff’s Department provides law enforcement assistance Countywide, and it is not confined to unincorporated areas.

Commissioner J.D. Willis said consolidation of services, one form of government and one tax might be a better method and would eliminate a city/county tax system.

Commissioner J.D. Willis said Dr. Morgan’s taxation issue is debatable because that could mean people who don’t have children shouldn’t have to pay school taxes.

Dr. Morgan said he sees the school tax as giving back to the County what he received, which was a free education. Now he’s paying for the free education of other children.

Chairman Burns said the issues raised by Dr. Morgan would not be settled in one night. He asked if anyone else wished to speak at Public Forum. No one did, and Public Forum was closed.

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Item 1. Planning and Zoning Public Hearing

Planning Director Marcus Norton presented rezoning application #436. The Steve L. Walters rezoning application is also referred to as County Rezoning Case #436. The applicant requests to rezone a parcel identified as tax map 315, Block 01, Parcel 24 from Light Industrial (LI) to Residential Agricultural (RA) to allow any of the permitted uses specified in Scotland County Zoning Ordinance, Residential Agricultural, Permitted Uses, Section 24.2. The parcel is located approximately 900 feet southwest from the Five Points intersection of US 15/501, Old Wire Road, and Shaw Currie Road along Old Wire Road (NC144). Mr. Norton said that based on the Rezoning Application Overview and Analysis the Planning and Zoning Board and staff have both recommended approval of the application.

Chairman Burns opened the Public Hearing and asked if anyone wished to speak in favor or against the application. No one came forward.

Motion was made by Commissioner Snowdon and duly seconded by Commissioner Jordan to approve Rezoning Application #436. Vote: Motion unanimously approved.

Mr. Norton introduced the Flood Damage Reduction Ordinance, which, if approved, would put into affect the new Flood Zone Map. He said the proposed ordinance is the result of considerable planning and public input. He said the proposed ordinance was included for review by the governing body in the May 2003 and June 2003 agenda packets.

Chairman Burns opened the Public Hearing and asked if anyone wished to speak in favor or against the proposed Flood Damage Reduction Ordinance. No one came forward.

Motion was made by Commissioner Snowdon and duly seconded by Commissioner Gholston to approve the Flood Damage Reduction Ordinance. Vote: Motion unanimously approved.

Mr. Norton introduced the proposed LMAC Overlay Zoning District zoning ordinance amendment. Mr. Norton said that proposed amendment also was included in the May 2003 and June 2003 agenda packets for review by Commissioners. He said LMAC representatives also are present should the Commissioners have further questions.

Chairman Burns opened the Public Hearing and asked if anyone wished to speak in favor or against the proposed LMAC Overlay Zoning District zoning ordinance amendment. No one came forward.

Motion was made by Commissioner Snowdon and duly seconded by Commissioner Jordan to approve the LMAC Overlay Zoning District zoning ordinance amendment. Vote: Motion unanimously approved.

Item 2. Economic Development Incentive Agreement Proposal Public Hearing

Before opening the Public Hearing, Chairman Burns brought the Commissioners up to date on an error in the tax assessment of the Abbott facility that was later resolved. He said the issue is addressed in the incentive agreement.

Chairman Burns opened the Public Hearing and asked if anyone wished to speak in favor or against the Proposed Incentive Agreement between Scotland County and GOJO Industries, Inc. No one came forward.

Motion was made by Commissioner J.D. Willis and duly seconded by Vice Chair Shelley to approve incentive agreement as advertised in the Public Hearing Notice, authorize the County Attorney to prepare any and all documents related to the GOJO project and authorize the Chairman to execute any and all documents on the GOJO project. Vote: Motion unanimously approved.

Item 3. Consent Agenda:

- a. **Approval of minutes of the Board of Commissioners, June 26, 2003 FY 2003-2004 budget work session, June 26, 2003 FY 2003-2004 budget work session continued; July 7, 2003 regular meeting; July 28, 2003, Water District II special meeting.**
- b. **Approval of Commissioner Clint Willis as voting delegate designee for the NCACC annual conference as authorized by Chairman David L. Burns.**
- c. **Approval of tax refunds in the amount of \$46,105.08 and tax releases in the amount of \$205,856.72 for FY 2002-2003. Both real estate and vehicles are included in each amount.**
- d. **Approval of amendment to the Scotland County Personnel policy with regard to purpose, policy and procedure as they relate to HIPAA violations.**
- e. **Budget Amendment(s)**
 - 1) **General Fund: Accept \$250,000 from the State Department of Commerce as an incentive grant for GOJO Industries, Inc. No local match required.**
 - 2) **Scots for Youth: Accept \$145,222 pass through grant for Project Trust (formerly known as PALS) from Juvenile Justice Block Grant, Governor's Crime Commission. No County dollars involved.**
 - 3) **4-H: Accept \$12,000 from United Way for Scotland County 4-H.**
 - 4) **Health Department:**
 - a. **Accept \$3,000 in State Bioterrorism Funds.**

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- b. Accept \$1,621 from State to support Family Planning Outreach for services rendered in July 2003.**
- c. Accept \$60,158 from State for Health Promotion Program.**

In reviewing the Consent Agenda, the Board of Commissioners by consensus, agreed to remove part of item c., which states, "Approval of tax refunds in the amount of \$46,105.08 ... for FY 2002-2003," pending the receipt of additional information. The governing body agreed it would entertain action on this item at its September 8, 2003 regular meeting.

County Manager Sauer said the release of the \$205,856.72 also includes the amount for Abbott as explained previously by Chairman Burns.

Under Health Department, Budget Amendment items 4 b. and c., Health Department Director Jane Murray made a clarification. She said the \$1,621 for Family Planning Outreach would decrease County appropriations by the same amount. The \$60,158 for the Health Promotion Program would be State funds. That would decrease the County appropriation by about \$55,000.

Motion was made by Commissioner J.D. Willis and duly seconded by Vice Chair Shelley to approve the Consent Agenda with the exception of item c. regarding tax refunds, which had been removed. Vote: Motion unanimously approved.

Item 4. Youth Center Task Force/Recreation Complex update

Ms. Becca Hughes of the Youth Center Task Force asked the Board of Commissioners to consider approval of the allocation of an additional \$312,952 HUD grant to fund construction of a splash park, which is a playground with water, on the Recreation Center site. No County match is required.

Ms. Hughes explained that HUD restricted the funding for complex use, not for the outdoor athletic fields. Ms. Hughes said the Task Force recommended the money be used toward the splash park because it could be completed by the summer 2004 and it would be a tangible result to advance further activity and momentum on the project.

Ms. Hughes asked the Board to consider a fee schedule for using the splash park to offset any expenses for maintenance and staffing. She said there would be a need for part-time, temporary staff, maintenance and water costs. Ms. Hughes said fees would not cover all expenses and the County would likely assume some support of the splash park.

Parks and Recreation Director Shannon Newton distributed information on the cost projections. She said the splash park would operate with recycled water to minimize the expense of operating it. Newton, via Power Point, demonstrated how splash parks operate and materials used in construction.

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Motion was made by Commissioner Gholston and duly seconded by Commissioner Jordan to approve the recommendation on expenditure of the HUD grant in the amount of \$312,952 and approve a revised Project Ordinance to reflect the new grant. Vote: For: Chairman Burns, Vice Chair Shelley and Commissioners Gholston, Jordan, Snowdon and Clint Willis. Vote: Against: Commissioner J.D. Willis. Vote: Motion approved.

Youth Center Task Force Grant Project Ordinance

Be it ordained by the Board of Commissioners of the County of Scotland that, pursuant to 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Grant Project Ordinance is hereby adopted.

Section 1: The project authorized is the Youth Center Task Force Grant Project Fund described in the work statement contained in the grant agreement between this unit and the US Department of Housing and Urban Development and the NC Parks and Recreation Trust Fund. This project is more familiarly known as the Youth Center Task Force Project.

Section 2: The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the US Department of Housing and Urban Development, the NC Parks and Recreation Trust Fund and the budget contained herein.

Section 3: The following revenues are anticipated to be available to complete this project:

<u>Housing and Urban Development Grant</u>	\$100,000
<u>Parks and Recreation Trust Fund Grant</u>	\$250,000
<u>Local Match-County Appropriation</u>	\$250,000
<u>Housing and Urban Development Grant</u>	\$312,952
TOTAL REVENUES	\$912,952

Section 4: The following amounts are appropriated for the project:

<u>Architectural/Engineering Plan</u>	\$70,000
<u>Site Plan</u>	\$30,000
<u>Construction</u>	\$812,952
TOTAL EXPENDITURES	\$912,952

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Section 5: The Finance Officer is hereby directed to maintain within this Youth Center Task Force Grant Project Fund sufficient detailed accounting record to provide the accounting to the grantor agency and required by the grant agreement(s) and federal regulations.

Section 6: Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7: The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this board. He may transfer amounts between objects of expenditure, without limitations and without a separate report.

Section 9: The Budget Officer, with the approval of the Finance Officer, may transfer funds between line items within the project amount approved to insure timely payment of expenses.

Section 10: Copies of this grant project ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out the project.

Adopted this 7th day of October 2002.

Revised this 2nd day of June 2003

Revised this 4th day of August 2003

Update on Economic Development

Chamber President Andy Foshay provided the Commissioners with a thumbnail sketch of economic development in Scotland County and other noteworthy events.

He said the Chamber developed a shop local campaign to benefit all merchants. The gift certificate program continues to grow and promote Scotland County. Mr. Foshay said the Chamber is working with St. Andrews Presbyterian College to create opportunities between the college and community. He said the GOJO agreement is an important achievement. He provided updates on other recent economic development inquiries.

He said the Chamber and local officials would meet August 6, 2003 with C Group, the company contracted to develop a targeted marketing program for Scotland County to preview what they have to offer for the roadmap the County would use.

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Item 5. Sheriff's Department

Gibson Mayor William Pearson described the need for law enforcement presence in Gibson, which currently is without a police chief. He proposed that Gibson would pay \$35,800 to hire a Sheriff's Deputy to work a 40-hour week. That individual would be an employee of the Sheriff's Department. The \$35,800 would include salary and fringe. The Town of Gibson would provide the vehicle. Mr. Pearson said radio communications would be through the Sheriff's Department.

Sheriff Buddy Blalock said that this would mean a new hire for the Sheriff's Department to cover Gibson. He would not lose any personnel from his force. He said it is difficult to dedicate any of his deputies exclusively to municipalities.

Motion was made by Commissioner Clint Willis and duly seconded by Vice Chair Shelley to allow the Town of Gibson to hire a Sheriff's Deputy for \$35,800, which includes salary, firing and the use of a Town of Gibson vehicle. Vote: Motion unanimously approved.

As instructed June 2, 2003 by the Board of Commissioners, Sheriff Blalock submitted his proposal for programs and equipment, which would be funded by revenue reimbursements recouped by Robert Segal CPA.

Motion was made by Commissioner J.D. Willis and duly seconded by Commissioner Clint Willis to authorize the transfer of up to \$90,000 from Fund Balance to the Sheriff's Department budget to fund the programs and equipment. Vote: Motion unanimously approved.

Mr. Dan Skamperle asked the Board of Commissioners to consider approving the renewal of the Governor's Highway Safety Patrol Grant for FY 2003-2004. This would be the second year of a three-year grant. The State paid 100% of personnel costs and 25% of other costs, while the County paid 25% of costs other than personnel in the first year. In the second year, Federal/State funding is \$61,836. The County match would be 75% personnel and 25% of all other costs at \$21,845. In the third and final year, the Federal/ State would decrease even more and the County's match would increase.

Chairman Burns said that last year, when the program was initiated, there was discussion that there might be enough drug money to help cover this expense as the County's part increased and the State/Federal funds decreased. The Chairman asked what that looks like at this point.

Sheriff Blalock said the Sheriff's Department confiscated three vehicles that are pending adjudication. The Sheriff said the program would pay dividends to the public through solving crimes and seizure of weapons.

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Commissioner Jordan asked where else the program could gain revenue other than the confiscation of vehicles. Sheriff Blalock said that there is about \$10,000 in cash, which takes some time to work through the process.

Chairman Burns commented that the Sheriff is requesting \$21,845 from the County, while the Drug Fund is the Sheriff's to use any way he wants. The Chairman said that means the \$21,845 is going to come out of Fund Balance, and the Sheriff keeps the drug money.

Vice Chair Shelley asked if the Board could appropriate the money now and any money recouped by the Sheriff could come back into the General Fund. It was her understanding when the grant was approved, the program would eventually be self-supporting. Commissioner Jordan said there should be offsetting revenue for paying the cost of a new program.

The Sheriff said it gave us two new officers and more coverage, especially on US 74, and you can't put a value on that.

Motion was made by Commissioner Clint Willis and duly seconded by Commissioner J.D. Willis to approve continuing with the Governor's Highway Safety Patrol Program for FY 2003-2004 and to appropriate \$21,845 from Fund Balance to satisfy the County match.

Discussion: Vice Chair Shelley asked if there would be any time when the County would get back some of this money. Chairman Burns said he didn't hear that. Vice Chair Shelley said when the Board first talked about it, it talked about getting some money back. Commissioner Jordan said the question is should we get the money back rather than would we get the money back because obviously the money is there.

The Sheriff said Drug Fund money is mandated to go into law enforcement and could not be turned over to the County. He said money used from the Drug Fund for law enforcement has saved the County money over the years.

Vice Chair Shelley said she is more concerned about programs started by the State and passed on to the County as mandated funding.

Commissioner J.D. Willis asked if after the State funds go away, could the County walk away from the program. Chairman Burns said the County could do that and the governing body understood that going in.

Commissioner Jordan said that if the program does indeed pay dividends every year, the Sheriff's request from the County for his budget should be less.

Vote: Motion unanimously approved.

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Item 6. Home and Community Care Block Grant for Older Adults Funding Plan for FY 2003-2004

LRCOG Aging Program Administrator Brad Allen said Scotland County's share of the Home and Community Care Block Grant for Older Adults was reduced by \$4,299 in FY 2003-2004 as the result of a \$1 million reduction in the State Budget.

Mr. Allen said that each Commissioner has received a copy of types of services and funding levels for each service based on recommendations by the local Aging Advisory Council in an effort to lessen the impact of the cuts on older citizens.

Motion was made by Commissioner Clint Willis and duly seconded by Vice Chair Shelley to approve the \$4,299 in budget reductions for the FY 2003-2004 Home and Community Care Block Grant for Older Adults. Vote: Motion unanimously approved.

Item 7. Historic Properties Commission update

Commission Chairman John Stewart provided an update on various historic properties in the County and how they are being used so they are more serviceable to the County.

Mr. Stewart said the Commission recently received the Blue Plant from the family. It needs roof work and some renovation before it can be used as the Lindo Harvell museum. He said Southeastern Regional Mental Health staff still occupies the building and will until January 2004. Mr. Stewart said rent paid by Southeastern Regional Mental Health for use of the building would offset the cost of roof repair. Fund-raisers also would be planned.

Commissioner Gholston asked if the Commission has anything that reflects the County's African American culture. He said the Commission has inquired about securing two black schools in the County that remain from a total of five. They are not available now.

County Engineer Jim Blackwell was asked to provide an update on the Gill House clean up. Mr. Blackwell reported that his office received notification from North Carolina Department Environment and Natural Resources of additional soil removal and testing required to comply with regulations for cleanup of underground storage tanks.

This work must be completed and reported by October 13, 2003 to avoid further action by the State. Mr. Blackwell asked the Commissioners to review the proposal in the agenda packets from Environmental Hydrogeological Consultants, Inc., which states it would cost \$ 3,597.45 to complete the work.

Mr. Blackwell requested a budget amendment to complete the work with funds coming from Fund Balance and to award the contract to Environmental Hydrogeological Consultants, Inc.

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He said the County has applied for an underground storage tank cleanup grant to repay the funds, which means some or all of the clean-up expense might be recouped.

Motion was made by Commissioner Jordan and duly seconded by Vice Chair Shelley to approve the clean-up for \$3,597.45 and to award the contract to Hydrogeological Consultants, Inc. Vote: Motion unanimously approved.

Item 8. County Engineer's Report

WATER DISTRICT II: Both contractors are finishing the final punch list items in order to receive final payment and approval from the Water District and USDA Rural Development. There are still several lines, which have not passed chlorination testing.

The County is submitting approximately ten (10) miles of pipe to USDA Rural Development for approval to extend the District. The funding will be grant funding remaining in the budget. Construction is expected to start by the first of the year.

Bonds for permanent funding of Water District II will be sold August 13, 2003, and the maximum interest rate will be 4.25%. This is much less than the original estimate of 5% and will save the Water District six million dollars (\$6,000,000) over the life of the bonds.

WATER DISTRICT I - EXTENSION ON OLD JOHNS RD: Mr. Blackwell revisited the feasibility of closing the water line loop between Barnes Bridge Road and Old Johns Road. The majority of the customers on the Old Johns Road are presently served with a one-half mile line from Johns down Old Johns Road. The proposed line is 11,525 ft (2.18 miles) long and would serve eleven (11) potential customers. The construction cost estimate is approximately \$110,000, which is approximately \$10,000 per customer. This area is in Water District I, which has no capital funds available, and funds from Water District II cannot be transferred to Water District I.

USDA guidelines are ten (10) customers per mile with a maximum cost per connection of \$5,000. This line significantly exceeds both of these limits and is not a financially feasible candidate for incorporation into the system at this time.

HEALTH DEPARTMENT EXPANSION: Construction continues to progress slowly due to the rainy weather. All underground work is completed, the floor slab will be poured this week and structural steel will be erected shortly thereafter. After the floor slab is completed, progress will improve significantly. A completion date near the first of the year is projected.

ACCELERATED ACADEMY SEWER: After several revisions by the Hobbs Upchurch surveyor the easements for the project are correct and ready for signatures. Following the easement acquisitions the contractor would start work. The school system has obtained an extension for the septic system permit for North Carolina Department of

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Environment and Natural Resources, which will reduce the pressure on the construction schedule and reduce costs. Construction should start within the next month.

OTHER ITEMS: Mr. Blackwell has been invited to address NCACC at its annual conference August 16, 2003 about the abandoned mobile home recycling program in Scotland County, which is recognized as one of the leaders in this activity and has shared its expertise with other counties.

Item 9. Appointments to Boards and Committees

Motion was made by Vice Chair Shelley and duly seconded by Commissioner J.D. Willis to appoint the following individuals to the Juvenile Crime Prevention Council: Ms. Anne Crabbe, Mr. Darwin Williams, Major Billy Campbell, Mr. Johnny Joseph, Ms. Rogena Deese, Ms. Debbie Clifton, Ms. Beckie Kimbrell, County Manager Scott Sauer, Ms. Denise Cooper, Pastor Tom Dendy, Ms. Janna Wegner, Mr. Clay Brooks, Ms. Ayn Middleton, the Honorable William McIlwain, Mr. Chris Wood, Ms. Stephanie McDonald, Ms. Jean Miller, Ms. Shannon Newton, Mr. Freddie Williamson, Ms. Laura Horne, Ms. Sharon English, Mr. Guy McCook, Ms. Paulette Stewart, Ms. Stephanie Monroe and Mr. Rick Singletary. Vote: Motion unanimously approved.

Vice Chair Shelley directed the County Clerk to next include these appointments in the July 2004 meeting.

Vice Chair Shelley said she received Mr. James Whitehead's letter of resignation from the Scotland County Planning and Zoning Board. She said there are individuals who would like to be considered for that Board, and she will discuss an appointment at the September 8, 2003 meeting.

Item 10. County Manager's Report

The County Manager reminded the governing body of the ribbon cutting ceremony, August 22, 2003, at the new prison site.

Item 11. Other Items

Chairman Burns said that Other Information items would be on file in the County Manager's Office. Anyone on the Board who wishes to review any of it should contact the County Manager's Office to receive copies of the material.

Commissioner Jordan said that 129 applications have been received and 76 are pre-qualified so far for the Scattered Housing Grant. He said the number of applications indicates a wide-open area for support in Scotland County that had been overlooked. Commissioner Jordan said that he, Commissioner Gholston and LRCOG Housing Administrator Adrian Lowery would meet some time in August to review a final list of applicants for selection purposes.

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Commissioner Gholston said at least one Commissioner attend NCACC events so the Board can receive updates on what is happening. The Chairman directed the Clerk to let the Board know of those events, particularly the larger ones.

Vice Chair Shelley introduced Mr. Russell Baker to the governing body. Mr. Baker serves as the Commissioner-designee on the Four County Board.

Motion was made by Commissioner J.D. Willis and duly seconded by Vice Chair Shelley to go into closed session in accordance with N. C. General Statute § 143-318.11(a)(3) to consult with an attorney Steeves v. Scotland County and Gilbert Johnson v. Scotland County. Vote: Motion unanimously approved.

OPEN SESSION RESUMED

Motion was made by Vice Chair Shelley and duly seconded by Commissioner Clint Willis to accept the terms of a proposed mediated settlement of the Richard G. Steeves case as outlined to the Board by Thomas R. West, Esquire; to authorize the Chairman, the County Manager, the Clerk to the Board and other representatives of the County to execute such documents as are appropriate to confirm the settlement; to direct the County Finance Officer, upon completion of the execution of all settlement documents and entry of a voluntary dismissal with prejudice by Mr. Steeves, to appropriate from Fund Balance Reserves those payments necessary to effectuate the settlement, as follows; \$50,000.00 to the Petitioner, Richard G. Steeves; \$40,000.00 to Voerman & Gurganus, Counsel for the Petitioner, and \$1,827.45 to John N. Fountain, Esquire, the Mediator; to instruct the Finance Officer to budget and appropriate payments to Richard G. Steeves of \$450.00 a month for each successive calendar month for a period of ten years, said payments to commence in September, 2003; and to authorize the Finance Officer to make all necessary budget amendments pursuant to this motion and settlement. Vote: For: Chairman Burns, Vice Chair Shelley and Commissioners Jordan, Snowdon, Clint Willis and J.D. Willis. Vote: Abstain: Commissioner Gholston, who abstained due to recusal as a member of the Board of Health. Vote: Motion approved.

Motion was made by Commissioner Clint Willis and duly seconded by Commissioner Jordan to adjourn. Vote: Motion unanimously approved. Meeting adjourned at 9:45 p.m.

Respectfully Submitted,

Ann W. Kurtzman
Clerk

David L. Burns
Chairman