

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS  
December 2, 2002 – 9:00 AM  
COMMISSIONER’S MEETING ROOM, ADMINISTRATION BUILDING**

Present: Steve Blount, Chairman  
Gus Andrews, Vice-Chairman  
Arnold Chamberlain, Member  
Frank Tadlock, Member  
Leda Belk, Member

The County Manager, the Clerk to the Board, the County Attorney and the Finance Director were also present.

Chairman Blount called the meeting to order at 9:00 am. Commissioner Tadlock provided the Invocation and Commissioner Andrews led the Pledge of Allegiance.

Chairman Blount asked the Board to bring forth any old business to be discussed.

There being no old business, Commissioner Tadlock made a motion to adjourn the meeting. Commissioner Andrews seconded and the motion passed unanimously.

County Manager Tim Russell asked Arnold Chamberlain to take a seat with his family.

**OATH OF OFFICE TO NEW BOARD MEMBERS:**

Mr. Russell asked Commissioners Blount and Tadlock and newly elected Commissioner Chad Mitchell to come forward.

Mr. Russell introduced the Honorable Judge Larry Ford, Senior Resident Superior Court Judge for Rowan County, who administered the Oath of Office to re-elected Board members Steve Blount and Frank Tadlock and to new Board member Chad Mitchell.

After the Oath of Office, Mr. Russell presented Chad Mitchell with the official County Commissioner lapel pin, which was placed on his lapel by his mother.

**SELECTION OF A CHAIRMAN AND VICE-CHAIRMAN:**

Mr. Russell called the meeting to order of the Rowan County Board of Commissioners for the selection of a Chairman and Vice-Chairman.

Mr. Russell presided over the selection of Chairman and Vice-Chairman for the Board. He first opened the floor for nomination for Chairman and announced that no second was required.

Commissioner Belk nominated Steve Blount for Chairman. There being no further nominations, Commissioner Tadlock made a motion to close the nominations, with a second from Commissioner Leda Belk to elect Steve Blount as Chairman. On a unanimous vote, Mr. Russell announced that Commissioner Steve Blount would serve as the Chairman.

Mr. Russell then opened the floor to receive nominations for Vice-Chairman.

Commissioner Tadlock then nominated Commissioner Andrews for Vice-Chairman. There being no further nominations, Commissioner Belk made a motion to close the nominations and to elect Gus Andrews as Vice-Chairman. On a unanimous vote, Mr. Russell announced that Commissioner Andrews would serve as Vice-Chairman.

**RECOGNITION OF ARNOLD CHAMBERLAIN:**

Chairman Blount asked Arnold Chamberlain to come forward and presented him with a gift of a patriotic painting and a plaque along with his nameplate.

Chairman Blount acknowledged the many accomplishments during Mr. Chamberlain's term of office as Commissioner, such as serving on numerous boards, committees and task forces and predominately serving in the areas of help to children. Chairman Blount then read a humorous "top ten list" of why Mr. Chamberlain would be glad his term of office has completed, which brought a round of laughter from the audience.

Mr. Chamberlain made a few farewell comments and spoke of his affection for Rowan County and gave thanks for the opportunity to serve Rowan County. The audience applauded and gave Mr. Chamberlain a standing ovation.

Chairman Blount adjourned the meeting at 9:15 am and welcomed everyone in attendance to a reception held in the lobby of the Administration Building.

Chairman Blount reconvened the meeting at 10:00 am.

**ADDITIONS TO THE AGENDA:**

- Commissioner Belk asked to add a discussion on the moratoriums of group homes.
- Chairman Blount asked to add information on Commission appointed liaison positions.

**CORRESPONDENCE:**

Chairman Blount referred the Board to correspondence contained in their packets of letters received from teachers thanking the Commissioners for funding supply money.

**CONSIDERATION OF THE CONSENT AGENDA:**

Commissioner Tadlock made a motion to approve the consent agenda as presented. Commissioner Belk seconded and the motion passed unanimously.

The Consent Agenda consisted of the following:

1. Approval of NCDOT request that Yachtsman Drive, Sunshine Lane, Swimmers Lane, Paradise Drive, Holiday Drive, Recreation Drive, Playground Lane, Leisure Lane and Horseshoe Drive be added to the Secondary Road System for maintenance.
2. Approval to set a public hearing for Z-17-02, New Beginnings Church, a request to be rezoned MHP to RA.
3. Approval of Budget Amendments.

**PRESENTATION ON ROWAN COUNTY'S DECEMBER EMPLOYEE OF THE MONTH:**

Chairman Blount stated that it was his honor to asked Rowan County employee, Lori Swaim to come forward, who was honored as Employee of the

Month for December. Chairman Blount informed everyone that Ms. Swaim had been employed by Rowan County for three years and seven months serving in the capacity of Recycling Coordinator in the Environmental Services Department. Ms. Swaim was recognized for her outstanding contributions serving as co-chair of the Rowan County Untied Way Campaign for the current year. Chairman Blount read the certificate, which was followed by a round of applause.

**PUBLIC HEARING FOR THE UNANIMOUS PETITION FOR TALL OAK CIRCLE, WALNUT COVE DRIVE AND PINE CONE LANE AND SETTING A PUBLIC HEARING FOR BOXWOOD COURT AND SUNLIGHT DRIVE:**

Commissioner Andrews made a motion to set a public hearing for Boxwood Court and Sunlight Drive. Commissioners Tadlock and Belk seconded the motion. The motion was unanimously approved.

Fredda Greer, from the Planning Department, presented the Board with the unanimous petitions for Tall Oak Circle, Walnut Cove Drive and Pine Cone Lane. Ms. Greer stated that these were internal roads within the Oak Haven Park, which is a Mobile Home Park formerly called Trailer City and is located off of Airport Road. Ms. Greer added that no calls had been received in opposition of the proposed names. Staff recommended approval.

Chairman Blount opened the public hearing to entertain comments from the audience.

There being no one who wished to address the Board, Chairman Blount closed the public hearing.

Commissioner Tadlock made a motion to approve the proposed road names. Commissioner Andrews seconded and the motion passed unanimously.

**DISCUSSION OF THE SCHOOL BOND AND COMMISSION INVOLVEMENT:**

Chairman Blount refreshed the Board that, during the process of selling the school bond package, there had been a discussion on the amount of involvement that the Board of Commissioners would have in this process. This discussion was in response to the public concern of the School Board's ability to deal with the financing of the school construction. Chairman Blount asked Mr. Russell to review the legal guidelines with the Board.

Mr. Russell presented the Board with a listing and summary of numerous North Carolina General Statutes (NCGS), which dealt with the legal issues concerning the School Bond Program of items to be handled by the Commissioners and/or the School Board.

Mr. Russell made the following NCGS references in areas that were questioned during the referendum.

- The Board of Commissioners has the authority to approve funds by project. The binding was not part of the referendum and can be amended. Mr. Russell mentioned that the Board is not as limited with “current expense.”
- The Board determines the amount and appropriation for land for the school sites.
- The Board has the authority to determine the selling of bonds.

Mr. Russell brought the Boards attention to the second page of the handout, which addressed the issues presented by the school bond committee in the brochure supporting the passage of the bond. Mr. Russell reviewed these questions with the Board dealing with:

- The effect on the tax rate? Mr. Russell stated that the total increase would be 6.7 cents per \$100 valuation, which would be distributed in three phases. Mr. Russell added that this amount includes the increase value of the penny in Rowan County each year.
- A better plan by Commissioner? The Commissioners hold the purse strings and will not spend any more than necessary to get the job done.
- School bonds tied to redistricting? The school bonds are not tied to redistricting.

Mr. Russell then brought the Boards attention to page three, of the handout, which dealt with issues presented by Elizabeth Cook in an article in the Salisbury Post.

- Once the bond passed, could the School Board change its mind? Mr. Russell stated that “yes,” but they would need the Commissioner’s approval for appropriations by project.
- Is the School Board committed to pay \$16,800 an acre for land? Mr. Russell stated “no.”
- How does the bond effect property taxes? Mr. Russell stated again that the amount would be 6.7 cents, if presented in three phases over a five-year period.

- If approved, when will building begin? Mr. Russell stated that depends on when the Commissioners decide to sell the bonds.

Mr. Russell then referred the Board to page four, of the handout, which addressed 16 questions, from staff's perspective, on a plan of how to proceed inclusive of the School Board. Mr. Russell reviewed and discussed the following questions:

- Will the bonds be sold in phases?
- If so, how many phases and an estimate of amount for each phase?
- Will the economy affect the sale?
- What is the date of the 2003 decision to sell bonds?
- Does the Board authorize the School Board proceed with any of the highest projects?
- Will the Board approve specific sites to be acquired?
- Will the Board have a process in the selection of the architects?
- Approval of Construction Contracts?
- Change Orders? Mr. Russell said the Board could delegate this to the School Board.
- Construction Schedule?
- Process for the payment to contractors?
- Use of "left-over" funds?
- Use of "interest earned"?
- Use of "sales tax" refunds?
- Obtain an agreement from Cabarrus Schools, since one of the projects is a new middle school in Kannapolis and if there were a merger of Kannapolis City to Cabarrus and Rowan County Schools, Rowan would want to protect its assets.
- Deduction of bond "sales expense." Ms Heidrick mentioned that the cost would be between \$70-80,000 for one sale.

Chairman Blount reminded everyone that there is a new School Board being sworn in.

Commissioner Belk asked if the Commissioners could decide to build the schools with input from the school system? Mr. Russell responded "yes" with input from the schools. Mr. Russell explained that the schools have staff, an assistant superintendent over construction and a construction manager assigned to this purpose. Rowan County would also need staff for this purpose.

Chairman Blount expressed the importance of a construction schedule and liquidated damages.

Commissioner Tadlock expressed the importance of the working relationship between the two boards and would like to have this options studied.

Commissioner Mitchell expressed the importance of determining the direction that the School Board wants regarding the schedule of which buildings they want to open at what time and to work with them (School Board) to meet that schedule.

Chairman Blount added that the school staff and some Board members created a list of projects, which Mr. Russell and Ms. Heidrick came up with an impact on taxes from that list. Chairman Blount emphasized that this was not an approved list by either board.

Commissioner Andrews gave input, that in conversations with the schools, their emphasis was on doing the project in phases and not necessarily in thirds. Commissioner Andrews expressed that the first phase would take the “biggest hunk” and voiced concern that by doing the project in thirds, the needs would not be met. Commissioner Andrews stated that the Commissioners have a judiciary responsibility to control the money and to hold the School Board accountable to the funds that are allocated to the different projects. Commissioner Andrews added that he views this as the Commissioners staying in charge of the money and project and at the same time the Schools have the responsibility to build schools, pick sites, give direction and coordinate these areas with the Commissioners.

Mr. Russell concurred with Commissioner Andrews and gave the example of approval of change orders.

Commissioner Andrews suggested meeting with the School Board.

Chairman Blount questioned Mr. Russell about the NCGS’s that define the authority of the Board of Commissioners, stating that the first two examples Mr. Russell sited, gave the Commissioners authority to appropriate money. However, NCGS 159-64 says that the School Board selects the site and Commissioners deal with the price. Chairman Blount asked if NCGS 115C allowed the Commissioners to reject the site. Mr. Russell answered that the Commissioners could appropriate any funds for the project. Chairman Blount summarized by saying that the Commissioners do control the site selection. Mr. Russell responded “indirectly.”

By consensus, the Board agreed to meet with the School Board on December 16<sup>th</sup> at 4:00 pm, prior to the regular Commission meeting, which begins at 7:00 pm. Chairman Blount is to extend the invitation to the School Board. A dinner is to be included.

Commissioner Mitchell questioned if anyone was going to seek a written agreement with Cabarrus County, since there has been a request to get the Kannapolis project started early. Mr. Russell to discuss this with the County Manager in Cabarrus.

Ms. Heidrick asked the Board to pass the resolution for the certificate of canvass.

Commissioner Tadlock made a motion to approve the resolution. Commissioner Belk seconded the motion, which passed unanimously.

**EXTRACTS FROM MINUTES OF  
Board of Commissioners**

Leslie Heidrick, Finance Director, explained to the Board that a resolution for a certificate of canvass needed to be approved and adopted by the Board of Commissioners. Ms. Heidrick continued to explain that this is necessary to verify that a certificate of canvass of the Rowan County Board of Elections certifying to the Board the results of the Special Bond Election, which was held in November.

Commissioner Frank Tadlock made a motion to adopt the resolution. Commissioner Belk seconded and the motion passed unanimously.

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The Clerk of the Board of Commissioners placed before the Board of Commissioners a Certificate of Canvass of the Rowan County Board of Elections certifying to the Board of Commissioners the results of the Special Bond Election held for the County of Rowan on November 5, 2002. The Certificate was read and considered.

Commissioner Frank Tadlock moved the adoption of the following resolution:

WHEREAS, the Board of Commissioners has considered the Certificate of Canvass of the Rowan County Board of Elections canvassing the referendum held for the County of Rowan on November 5, 2002 and certifying the result thereof to the Board of Commissioners and has canvassed the result of said Special Election; NOW, THEREFORE,

BE IT RESOLVED by the Board of Commissioners of the County of Rowan that it be and hereby is certified and declared that the number of voters registered and qualified to vote at said Special Election was 80,241.

FURTHER RESOLVED, that it be and hereby is certified and declared that the total number of voters who voted “YES” in answer to the question, “SHALL the order authorizing \$76,900,000 of bonds secured by a pledge of the faith and credit of Rowan County to pay capital costs of providing additional school facilities and improvements to existing school facilities, including the construction of a new high school, a middle school, elementary schools and multipurpose buildings and renovation of existing schools, and including acquisition and installation of necessary furnishings and equipment and acquisition of land or rights-in-land required therefore and a tax to be levied for the payment thereof, be approved”, was 18,190. The total number of voters who voted “NO” in answer to such question was 15,401.

FURTHER RESOLVED, that a statement substantially in the form hereinafter set forth declaring the result of said election shall be prepared, delivered to the Clerk of the Board of Commissioners for filing and recordation and published in accordance with law:

**STATEMENT OF RESULT OF SPECIAL ELECTION  
HELD FOR THE COUNTY OF ROWAN  
NOVEMBER 5, 2002**

WHEREAS, by direction of the Board of Commissioners of the County of Rowan, in the State of North Carolina, a special bond election was duly called and held for said County on November 5, 2002 for the purpose of submitting to the qualified voters of said County the question hereinafter set forth, and the said Board of Commissioners has received from the Rowan County Board of Elections certifications of the results of the election, and has determined the result of said election to be as hereinafter stated; NOW, THEREFORE,

The Board of Commissioners hereby makes the following statement of the result of said election pursuant to The Local Government Bond Act:

The number of voters registered and qualified to vote at said election was 80,241.

The total number of voters who voted "YES" in answer to the question, "SHALL the order authorizing \$76,900,000 of bonds secured by a pledge of the faith and credit of Rowan County to pay capital costs of providing additional school facilities and improvements to existing school facilities, including construction of a new high school, a middle school, elementary schools and multipurpose buildings and renovation of existing schools, and including acquisition and installation of necessary furnishings and equipment and acquisition of land or rights-in-land required therefore and a tax to be levied for the payment thereof, be approved", was 18,190. The total number of voters who voted "NO" in answer to such question was 15,401. The question in the form

submitted was approved by the affirmative vote of a majority of those who voted thereon at said election.

Any action or proceeding challenging the regularity or validity of this bond referendum must be begun within 30 days after December 4, 2002.  
(date of publication)

Board of Commissioners of the  
County of Rowan, North Carolina

Commissioner Leda Belk seconded the motion, and the motion was adopted by the following vote:

AYES: Commissioners: Steve Blount, Gus Andrews, Leda Belk, Frank Tadlock and Chad Mitchell

NAYS: NONE

### **UPDATE ON THE I-85 CORRIDOR WORKSHOP:**

Marion Lytle, from the Planning Department, reviewed a November 12, 2002 workshop at Southeast Middle School. Approximately 75 citizens attended, with 1,290 notices sent to property owners, in addition to advertisements. Mr. Lytle referred the Board to the handout that included questions received from 14 citizens who contacted the Planning Department. The Planning Board held a courtesy public hearing on November 25, 2002, where 5 citizens spoke. Citizens expressed the need for water and sewer and infrastructure. Comments were also expressed about commercial property coming in close proximity to residential areas. Mr. Lytle added that RR areas being left as CBI were referred back to committee "B" for further recommendations to the Planning Board meeting "hopefully" in January.

Mr. Lytle stated that the NCGS require a map to run in the local newspaper for four (4) consecutive weeks. Because of this procedure, Mr. Lytle requested the Board to allow a four-week process once the public hearing has been set.

In a response to a query from Commissioner Andrews, Mr. Russell stated that the valuation is based on comparable sales. Mr. Russell added that if the County extends water and sewer, this would increase the value.

**QUALITY OF LIFE REPORT CARD FROM HEALTHY ROWAN:**

Chairman Blount referred the Board to the “Quality of Life Report Card” that was created from Jim Cowan, from the Health Department. The report gives a comparison of Rowan County with the State of North Carolina, primarily medical data, to give more understanding of our area.

**DISCUSSION OF COMMISSIONER’S PLANNING RETREAT:**

Rita Foil, Clerk to the Board, updated the Board on the upcoming Commissioner’s Planning Retreat and reviewed possible dates

Chairman Blount asked the Board for comments. The Board discussed various formats from staying in town to leaving the area. Cost concerns were discussed. The Board discussed the benefits of the Board going out of town versus staying in town.

After a brief discussion, by consensus the Board agreed to hold the retreat on February 6-8, 2003 in Rowan County and Pinehurst and to invite Larry Parks to facilitate the retreat.

Chairman Blount asked the Board to let staff know of any items that they would like to see on the agenda.

**BOARD APPOINTMENTS:**

Nursing Home Advisory Committee

Chairman Blount asked the Clerk to advertise for the four available positions on this committee.

Rowan County Board of Public Health:

On a motion by Commissioner Andrews, Steve Yang (dentist), Mike Fuller (pharmacist) and Lee Roy Kirk (public) were nominated for reappointment and Cynthia Almond (veterinarian) was nominated to be appointed. The motion passed unanimously

Rowan County Parks and Recreation Commission:

Commissioner Belk nominated Pat Benfield, Paul Brown, Dave Morris and Ken Beck to this commission and Butch Bivens as an alternate. The motion passed unanimously.

Rowan County Planning Board

Commissioner Andrews nominated William Cline and Ann Furr.  
Chairman Blount nominated Dan Fisher and Barbara Lomax.  
Commissioner Mitchell nominated Art Steinberg.

Ann Furr, Dan Fisher, William Cline and Barbara Lomax were appointed to this Board.

Summary of Votes:

Art Steinberg – Commissioners Mitchell  
Ann Furr – Unanimous  
Dan Fisher – Commissioners, Belk, Blount, Tadlock and Andrews  
William Cline – Unanimous  
Barbara Lomax – Commissioners Belk, Blount and Tadlock

Rowan County Library Board:

Commissioner Tadlock nominated Bruce Miller for reappointment and Sarah Kellogg, Bill Thompson and Robert Bloodworth for appointments to the board. The motion passed unanimously.

Rowan Transit System Advisory Committee:

Commissioner Belk nominated Patrick Foley to this board.  
Chairman Blount nominated Esther Winters and Rita Foil for reappointment. All were unanimously approved.

**ADDITIONS:**

**Group Homes:**

Commissioner Belk made a motion to remove adult facilities from the moratorium. Commissioner Tadlock seconded.

Chairman Blount mentioned that this moratorium was an issue of zoning. Commissioner Belk added that the adult facilities are not an issue.

The motion passed unanimously.

**Board of Commissioners Board Appointments:**

Chairman Blount passed out a list of board appointments and committee assignments to the Commissioners and requested that they prioritize the boards in which they would choose to serve and return their choices as soon as possible.

**Other Comments:**

Chairman Blount reviewed the plans for the Cleveland Parade to be held on the following Saturday.

**PUBLIC COMMENT:**

Chairman Blount opened the public comment period.

There being no one present who wished to address the Board, Chairman Blount closed the public comment period.

There being no further business, Chairman Blount adjourned the meeting at 11:35 am.

Respectfully Submitted,

Rita K. Foil, CMC  
Clerk to the Board