

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS  
MARCH 3, 2003 – 9:00 AM  
J. NEWTON COHEN, SR. ROOM, ADMINISTRATION BUILDING**

Present: Steve Blount, Chairman  
Gus Andrews, Vice-Chairman  
Leda Belk, Member  
Chad Mitchell, Member  
Frank Tadlock, Member

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

Chairman Blount convened the meeting at 9:00 am.

Commissioner Mitchell provided the Invocation and Commissioner Tadlock led the Pledge of Allegiance.

**ADDITIONS:**

- Commissioner Tadlock requested to add discussion concerning insurance for retirees. Chairman Blount stated the discussion would be agenda item 8.1.
- Commissioner Belk requested confirmation that she will serve as the liaison to the Rescue Squad. Chairman Blount responded that this had been taken care of.

**CORRESPONDENCE:**

Chairman Blount reminded the Board of the meeting/dinner with the Economic Development Commissioner on March 4<sup>th</sup>, 2003.

- Chairman Blount pulled the Correspondence from the Centralina Council of Governments concerning the Regional Planning Alliance Membership. Chairman Blount called for discussion of the item as agenda item 8.2.

- In response to a request from Commissioner Tadlock, Chairman Blount agreed that agenda items 8.1 and 8.2 would be discussed after the Public Comment Period as items 7.1 and 7.2.

### **COMMISSIONERS LIASION REPORTS:**

As liaison for the Board of Health, Commissioner Andrews commented that Dr. Jim Cowan had been recognized as outstanding, distinguished alumni and had received an award from the University of Tennessee. Commissioner Andrews praised the county's good fortune at having Dr. Cowan as part of the Health Department and Commissioner Tadlock requested that the Board send a card of congratulations to Dr. Cowan.

Chairman Blount stated that he and County Manager Tim Russell had attended the first organizational meeting with Yadkin, Inc. concerning the FERC re-licensing approval for Phase II. Chairman Blount said the meeting focused on organization issues and that as other substantial information is gathered, it will be brought to the Board.

### **CONSIDERATION OF CONSENT AGENDA:**

Commissioner Mitchell made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Tadlock and passed unanimously.

The Consent Agenda consisted of the following items:

- A. Set a public hearing for Special Consideration for the road names of Eva Lane and Wallace Lane
- B. Set a public hearing for CUP-07-03 for placement of a modular home
- C. Budget Amendments

### **APPROVAL OF BID FOR THE SOUTH ROWAN LIBRARY:**

Bill Burgin, of Ramsay, Burgin, Smith Architects, informed the Board that bids had been accepted for the South Rowan Library on February 6, 2003 and that bids came in, with Titus Construction being the low bidder. Mr. Burgin stated the bid from Titus Construction was received at \$2,273,155 and recommended that Titus Construction be awarded the contract. Mr. Burgin also recommended three (3) alternate plans, which brought the total to \$2,344,155. Mr. Burgin pointed out the total was under budget.

Commissioner Tadlock questioned the experience of Titus Construction regarding commercial construction.

Mr. Burgin stated that the references checked spoke highly of Titus Construction. Mr. Burgin continued by saying Titus Construction does perform commercial work and stated he was confident with the selection of the company. Mr. Burgin said the only reservation when selecting Titus Construction was that the largest commercial project for the company was \$1.3 million.

Chairman Blount complimented Mr. Burgin and his firm for the excellent drawings and work on the project.

Commissioner Belk made a motion to approve the contract as requested by the architect. The motion was seconded by Commissioner Andrews and passed unanimously.

**PUBLIC HEARING FOR A MAJORITY PETITION FOR THE PROPOSED ROAD NAME OF BROKEN PINES LANE:**

Fredda Greer of the Planning Department explained that the private road in question is located south off the 2500 block of Deal Road. Ms. Greer stated that when zoning and building permits were issued to Larry Atwell, it was noted that the private road on which he lived should be named. Ms. Greer informed the Board that permits were issued with the statement “address pending” and that Mr. Atwell was given a petition, which was returned February 4, 2003. Ms. Greer said 3 out of 5 signatures were obtained, notification was sent to all property owners and to date staff had received no calls concerning the naming of the road. Staff recommends approval.

Chairman Blount opened the public hearing to entertain citizen input.

With no citizens wishing to address the Board, Chairman Blount closed the public hearing.

Commissioner Mitchell made a motion to approve the road name of Broken Pines Lane. Commissioner Andrews seconded the motion and the motion carried unanimously.

**PRESENTATION OF RECOMMENDATIONS MADE BY THE CHILD RESIDENTIAL FACILITY STUDY COMMITTEE:**

Zell Setzer, Chairman of the Rowan Board of Social Services addressed the Board, pointing out that the Social Services Board was present in its entirety with the exception of one (1) member. Mr. Setzer referred to issues that had surfaced in the fall pertaining to the gaps in childcare. Mr. Setzer said it came as a surprise that there were approximately 67-69 group homes in the community and described the regulations concerning the group homes as a “hodge-podge.” Mr. Setzer attributed the term of, “Who’s watching the Children” to Commissioner Belk.

Mr. Setzer said the Child Residential Facility Study Committee was formed to review the issue of who is watching the children, with Pastor Avery and Jeff Morris as co-chairs of the committee. Mr. Setzer commended the committee as well as DSS Director, Sandra Wilkes for their work.

Mr. Setzer referred to the document in the Board’s agenda packet and said the committee wished to keep the issue public and requested the Board’s approval of the proposed recommendations.

Mr. Setzer stated that he, along with Commissioner Belk, were planning a trip to Raleigh to pursue the State's recommendations and hoped to have the support of the Board and community when approaching the legislators.

Commissioner Belk thanked those who served on the committee, including Jeff Morris, Arnold Chamberlain and Representative Lorene Coates. Commissioner Belk declared that "it is really sad, some of the conditions that our children are allowed to exist in." Commissioner Belk expressed the hopes of gaining the support of Paula Wolfe, an advocate for the children, in changing laws to help the children. Commissioner Belk added that the local planning group, including Marion Lytle, is addressing the issues on the local level

Mr. Setzer said the City of Salisbury is also working on the issue.

Chairman Blount suggested the Board forward the recommendations to the Planning Board for review and a response concerning possible text amendments.

Commissioner Andrews made a motion to refer the recommendations to the Planning Board, followed by a second from Commissioner Belk. The motion passed unanimously.

Chairman Blount said the recommendations to the legislators would have to be handled at the state level.

Commissioner Belk requested that the Board go on record in support of the recommendations to the legislators.

Commissioner Tadlock added that the committee was seeking the support of the Board and felt that a motion was in order to take the recommendations to the state level.

Commissioner Tadlock made a motion to allow the recommendations to go before the state legislators. Commissioner Mitchell seconded the motion. The motion carried unanimously.

Commissioner Andrews welcomed former Commissioner Arnold Chamberlain to the meeting.

### **DISCUSSION OF SEEKING LOCAL LEGISLATION FOR LAND TRANSFER TAX:**

Mr. Russell informed the Board that the NC Association of County Commissioners had received inquiries from Pender County, as well as other counties, seeking a local bill that would authorize counties to levy a 1% land transfer tax. Mr. Russell said the Association was seeking the support of interested counties.

In response to queries from Commissioner Tadlock, Mr. Russell explained the local bill process for counties.

Mr. Russell confirmed to Commissioner Belk that the bill gives the county the authority to levy the tax. Mr. Russell explained the “menu” of revenue options that has been offered to counties in the past.

Commissioner Mitchell questioned the potential revenue to the county. Mr. Russell was unsure of the exact revenue total and used the example of a \$100,000 home, which would bring \$1000 in revenue. The fee would be paid at closing.

Mr. Russell confirmed to Commissioner Mitchell that the tax would be for a revenue source for any land transfer and not just new buildings.

For the purpose of discussion, Commissioner Belk made a motion to support the request of Pender County. Commissioner Andrews seconded the motion for discussion purposes.

Commissioner Andrews said the issue keeps surfacing, packaged in different methods, but it is still a sales tax. Commissioner Andrews said the people who are fortunate to own land in Rowan County, pay the taxes that allow the County to provide a certain level of services. Commissioner Andrews said that because of revaluation, the property owners always pay more than fair market value. Commissioner Andrews said he was against the tax “today” and he would be against the tax “tomorrow.” Commissioner Andrews emphasized that he is totally against adding the land tax.

Commissioner Mitchell expressed that he agreed with Commissioner Andrews and expressed that he was not in favor of asking the state to allow the tax.

Commissioner Belk said the Board may not be in favor of implementing the tax but felt there could be other counties that are “truly in need of this tax.” Commissioner Belk felt the Board would be denying and limiting other counties their quality of life by not supporting the request.

Commissioner Tadlock ended the discussion on a humorous note by reading out the letters “WDNNALTTNATTINR” and translated that the letters stand for: We Do Not Need a Land Transfer Tax Not at This Time The Timing is Not Right. Commissioner Tadlock agreed that this was also his position on the issue.

The motion failed on a vote of 1-4, with Commissioners Tadlock, Andrews, Blount and Mitchell opposed to the motion.

#### **APPROVAL OF LANDFILL CONTRACT WITH DAVIE COUNTY:**

Don Conner, Director of Environmental Services, discussed a proposed contract from Davie County, confirming the transportation of Davie County’s waste to the Rowan County Landfill.

Attorney John Holshouser stated that he had reviewed the contract and it appears to be “well in order.” Mr. Holshouser noted one of the penalty phases and questioned Mr.

Conner as to whether Davie County is currently giving Rowan “all” of its waste. Mr. Conner responded, “Yes.”

In response to a question from Mr. Holshouser concerning the fees, Mr. Conner said that Davie County initiated the process and there is a clause in the contract that allows the county with the opportunity to raise the fees.

Mr. Conner confirmed to Commissioner Tadlock that the permits were changed approximately 2-3 years ago in order to “take out of county waste.” Mr. Conner explained that private haulers have been bringing “some” waste to Rowan County for several years.

Mr. Conner responded to Commissioner Belk, saying that at the present volume, and with all of the possible expansions, the landfill has a life expectancy of approximately 140-150 years. Mr. Conner reported that if the volume should double, the landfill’s life expectancy was still approximately 75-80 years.

Commissioner Belk made a motion to approve the contract as submitted, followed by a second from Commissioner Tadlock.

Commissioner Mitchell expressed that he was not comfortable with Rowan County accepting waste from another county. Commissioner Mitchell asked if the financial benefit was great enough to validate acceptance of the waste.

Mr. Conner said he was of the opinion that the benefit is “definitely great enough.” Mr. Conner explained that the landfill makes a profit every year and during most years, the landfill contributes to the General Fund. Mr. Conner informed the Board that even at a reduced rate, the landfill would still have approximately \$1 million per year to be available to the General Fund.

The motion passed unanimously.

### **BOARD APPOINTMENTS:**

#### **Nursing Home Advisory Committee**

Chairman Blount stated that there are three (3) openings for this committee and that the openings had been advertised in the newspaper. The Clerk stated that she was following up on an email she had received on Friday concerning the vacancies.

Commissioner Belk advised the Board that she had spoke with COG about the possibility of scheduling a training session outside the Charlotte area.

#### **Salisbury-Rowan Community Service Council, Inc.**

Chairman Blount made a motion for Nora Faucette to be re-appointed. The motion passed unanimously.

**Zoning Board of Adjustments:**

Commissioner Mitchell nominated Ted James, Lois Elliott, and David Collins for re-appointment of three-year terms. The nomination passed unanimously.

**Town of China Grove Planning Board (ETJ):**

Commissioner Tadlock made a motion to appoint Kathy Karelitz and re-appoint Harry Corriher. The motion carried unanimously.

**Town of Spencer Planning Board:**

Commissioner Belk made a motion to appoint Robert Reese and reappoint Betty Miller. The motion passed unanimously.

**ADDITIONS:**

**Item 7.1**

**Retired Employees Insurance**

Commissioner Tadlock informed the Board that that the Personnel Board had received and reviewed requests to “alter” the retired employees insurance policy. Commissioner Tadlock pointed out that any deviation from the current policy would merit changing the policy. Commissioner Tadlock stated that the Personnel Board’s recommendation was “to stay with the policy that has been approved by this Board.”

Chairman Blount stated that since no changes were recommended, a vote was not necessary and asked by consensus if the Board was in agreement.

Commissioner Belk said that one (1) employee left outside the “umbrella” of the policy had requested to be reconsidered for coverage. Commissioner Belk stated that while her heart goes out to the individuals not covered, she respects the decision of the Personnel Board not to deviate from the current policy.

Chairman Blount expressed the importance of abiding by the original standards adopted by the Board.

Commissioner Tadlock said there were others “in the wings” that are “close to being qualified” if the Board were to begin to make exceptions.

Chairman Blount said the Board could readdress the standards if it wished to do so. Chairman Blount also stated that the Board should be leery of changing the standards at the request of one (1) individual.

Commissioner Belk responded to a query from Commissioner Mitchell, stating that the standard in question concerns the requirement that the retiree must be 55 years of age.

Chairman Blount emphasized that changing the standards for one (1) individual would set a precedent for the Board to have to reconsider other standards.

Commissioner Mitchell felt the individual in question should not be disqualified because of retirement prior to age 55.

Commissioner Mitchell made a motion to re-examine the standards. Commissioner Belk seconded the motion.

Chairman Blount reminded the Board that the policy was established on a 3-2 vote.

Commissioner Belk declared that when new policies are implemented, there are going to be those left “outside the umbrella.” Commissioner Belk felt that a clause should be in place that would “grandfather” those existing outside the standards. Commissioner Belk said revisiting the issue was the “right” thing for the Board to do, for those employees that have given their “life” to serving Rowan County.

Mr. Russell requested clarification as to whether the “issue” is the “age 55” requirement.

Commissioner Belk responded that she would like to leave the current standards in place and only grandfather in those who have already retired with full benefits. Commissioner Belk emphasized that the Board should not “lower the standards for the future.”

Commissioner Belk responded again to Mr. Russell that the issue is to add a “grandfather” clause that would include those former retirees who have been paying for their insurance since retirement.

Mr. Russell described the initial proposals considered by the Board when implementing the retirees insurance program.

Commissioner Belk asked if a grandfather clause could be added.

Mr. Russell emphasized that there are three (3) requirements that must be met in order to qualify for the insurance plan.

Commissioner Belk said the County should know how many people have been paying for insurance since their retirement and would be affected by the addition of a grandfather clause.

Commissioner Tadlock referred to the social security “notch babies” and suggested that the Board continue the retirees’ insurance plan as implemented. Commissioner Tadlock stressed that when voting on the plan, he did not intend for the plan to be retroactive but rather intended for the plan to focus on the present and the future. Commissioner Tadlock emphasized that the plan should help recruit, retain and reward employees and strongly encouraged the Board not to deviate from the current plan.

Commissioner Belk reiterated that the county would be considering the addition of only two (2) retirees with the grandfather clause. Commissioner Belk stressed that the clause

would take in those who continued to pay for their insurance after retirement but “fell outside the umbrella when this policy was put into place.”

Commissioner Andrews said the policy was implemented with three (3) criteria and that if adjusted, would open “Pandora’s Box.”

Commissioner Andrews asked if there were only two (2) employees that had retired from the county and continued to pay for health insurance.

Mr. Russell said the policy was not intended to grandfather anyone.

Commissioner Tadlock agreed that it was not his intention that anyone be grandfathered.

Commissioner Mitchell questioned why the Board would have created and designed a benefit that would have left two (2) people out.

Commissioner Mitchell made an amendment to the motion to consider the addition of a grandfather clause that would include the individuals that would meet the requirements under discussion. Commissioner Belk seconded the motion.

Commissioner Tadlock stated that any deviation from the policy would open the door for potential lawsuits and said he was against any changes to the current policy.

Chairman Blount repeated the amendment was to look into and consider a grandfather clause for the retired employees medical insurance policy.

In response to concerns from Commissioner Andrews, Chairman Blount said the vote is for staff to study the grandfather clause and bring recommendations back to the Board.

The motion for staff to study the grandfather clause passed on a 3-2 vote, with Commissioners Blount and Tadlock opposed.

## **Item 7.2**

### **Request from Centralina Council of Governments (COG)**

Commissioner Belk explained that COG was taking the lead to preserve air and water quality, etc., and wished to have governments, businesses and other interested parties to meet at a regional level to discuss the quality of life.

Mr. Russell added that there is no cost for participation at this time and Commissioner Belk said participation is strictly voluntary.

Chairman Blount referred to the proposed resolution, which indicated the need for attendance at Regional Planning Alliance (RPA) meetings and sharing of information.

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

**PUBLIC COMMENT PERIOD:**

There were no citizens who wished to address the Board.

Chairman Blount called for a five-minute break before Executive Session at 10:20 am

**EXECUTIVE SESSION:**

Chairman Blount resumed Open Session and declared that the Board would now go into Executive Session for the following purposes:

- Acquisition of Property (Three)
- Economic Development Issue
- Personnel Matter

Returning to Open Session at 11:50 am, the following actions were taken:

**Sloan Park Property**

Commissioner Tadlock made a motion to approve the purchase of property adjacent to Sloan Park for the purchase price of \$70,000. Commissioner Belk seconded the motion, which passed unanimously.

**Construction Management for School's Bond**

Mr. Russell reviewed the interview process for the Construction Management firm with the Board, explaining that the Board of Education would not be voting on the selection, but would be present for the interviews and input.

**RECESS MEETING:**

With no further business, Chairman Blount recessed the meeting at 12:05 pm.

The meeting continued at 1:00 pm to conduct the interviews with the Construction Management Services.

Following the interviews with the Construction Management Firms, Chairman Blount recessed the meeting at 5:00 pm.

Respectfully Submitted,

Rita K. Foil, CMC  
Clerk to the Board