

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS  
AUGUST 1, 2005 – 9:00 AM  
J. NEWTON COHEN, SR. ROOM, ADMINISTRATION BUILDING**

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Present: Frank Tadlock, Chairman  
Arnold Chamberlain, Vice-Chairman  
Steve Blount, Member  
Jim Sides, Member  
Chad Mitchell, Member

County Manager Tim Russell, Clerk to the Board Rita Foil, County Attorney John Holshouser and Finance Director Leslie Heidrick were present.

Chairman Tadlock called the meeting to order at 9:00 am.

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

**ADDITIONS/APPROVAL OF THE AGENDA**

Commissioner Sides requested to add an Executive Session for a personnel issue.

Commissioner Sides moved to withdraw Item #11, Discussion on Merit, and asked that no merit be given out until the issue could be discussed further. Commissioner Blount seconded and the motion passed unanimously.

Commissioner Sides moved to withdraw Item #13, Discussion on Issue of Using County Funds for Private Investigation. The motion was seconded by Commissioner Mitchell and carried unanimously.

Commissioner Sides moved to add the Executive Session at the end of the Public Comment Period. Commissioner Mitchell seconded and the motion passed unanimously.

Chairman Tadlock moved to delete agenda Items #5, Proposed Sewer Line Project; #6, Discussion of Quasi-Judicial Hearing for Davidson County Broadcasting, Inc.; and #12, Continuation of the Discussion on Revisions to the Proposed Incentive Program for Summit Corporate Center. The motion was seconded by Commissioner Blount and carried unanimously.

Commissioner Sides moved to approve the agenda with the additions and deletions as presented. Commissioner Blount seconded and the motion passed unanimously.

### **CONSIDERATION OF THE CONSENT AGENDA**

Commissioner Mitchell moved to approve the Consent Agenda as presented. The motion was seconded by Commissioner Blount and passed unanimously.

The Consent Agenda consisted of the following items:

- A. Approval of the July 18, 2005 minutes
- B. Approval to set a public hearing for CUP-05-05, request for Dan Black for Campground at Tamarac
- C. Approval to set a public hearing for Unanimous Road Name Petitions for Barton Lane and Gregg Circle
- D. Approval to set a public hearing for CUP-06-05, request from Todd Kidd

### **PUBLIC HEARING FOR A MAJORITY ROAD NAME PETITION FOR CHERRY TREE LANE**

Fredda Greer of the Rowan County Planning Department presented the background regarding the majority road name petition. Ms. Greer explained that when a plat for subdivision among family members of Tax Parcel 620 082 was presented for approval, the property owners also submitted a road name petition for naming the easement, which meets the criteria for naming. Ms. Greer reported that 3 of 4 property owners signed the petition requesting the name Cherry Tree Lane.

Ms. Greer said the road name selection is acceptable and Staff recommended approval.

Chairman Tadlock opened the public hearing to entertain citizen input regarding the proposed road name of Cherry Tree Lane. With no citizens wishing to address the Board, Chairman Tadlock closed the public hearing.

Commissioner Blount moved to approve the road name as presented followed by a second from Commissioner Sides seconded the motion and the motion passed unanimously.

### **PRESENTATION ON THE NATIONAL INCIDENT MANAGEMENT SYSTEM AND TO ADOPT A RESOLUTION**

Emergency Services Director Frank Thomason provided the presentation for the National Incident Management System (NIMS). Mr. Thomason explained that NIMS ensures that all levels of government across the nation have the capability to work efficiently using a national approach to domestic incident management. Mr. Thomason said that NIMS also ensures that local governments and the private sector work together within a common system to prepare for, respond to and recover from domestic incidents regardless of their cause, size or complexity.

Mr. Thomason explained that communities across the nation, including Rowan, have been working over the last few months to implement NIMS. Mr. Thomason said each jurisdiction is recommended to establish a resolution adopting and recognizing NIMS and he referred to the draft resolution proposed for adoption in the agenda packets.

Mr. Thomason said the adoption of NIMS also ties all future funding involved through various locally sought emergency services grants and other related funding.

Mr. Thomason said Emergency Services is currently working with the municipalities to adopt the same resolution in a multi-jurisdictional type level.

Mr. Thomason requested that the Board consider adoption of the local resolution.

Commissioner Chamberlain noted that Mr. Thomason had been “an extremely busy man” since being appointed as Emergency Services Director and he thanked Mr. Thomason for his efforts.

Commissioner Chamberlain moved to approve adoption of the resolution as requested. Commissioner Blount seconded the motion.

Commissioner Sides referred to the last paragraph of the proposed resolution and asked if the other municipalities had adopted the resolution. Mr. Thomason responded no but said they are in the process.

The motion passed unanimously.

### **PRESENTATION FROM CMR ON LAND USE PLANNING**

Ron Smith, representing Benchmark CMR, Inc., provided a brief overview of the company and possible strategies for the continuation of a future land use study.

Mr. Smith said Benchmark was located in Kannapolis and had done many projects for municipalities located in Rowan County and was also currently working with Rowan County on some grants administration. Mr. Smith said Benchmark had been located in Kannapolis for over 20 years and had approximately 20 employees.

Mr. Smith said Benchmark worked with counties and cities and had been involved with various types of land use plans for several counties that included Iredell, Catawba, Anson and Henderson. Mr. Smith said the company specialized in writing zoning, subdivision and land development ordinances.

Mr. Smith said if the County chose to work with Benchmark regarding a land use project, the company had 4 planners that could be dedicated to the project.

Mr. Smith said Benchmark had considered taking more of strategic issues-oriented approach in regards to continuing Rowan County's land use planning initiatives. Mr. Smith said he had reviewed the work performed by the Urban Institute, including the survey and public input and that there was "a lot of good information that can be built upon."

Mr. Smith said that from his Staff's perspective the issues-oriented approach would allow the County to get "more bang for their buck" in areas of public investment/interest including signage on corridors that need to be protected, fringe areas around municipalities, and public investment in water/sewer. Mr. Smith these are the areas that should be protected and that should have strategic regulations in place.

Mr. Smith said once a strategy is set forth, the next procedure would be putting the regulations in place to implement the goals and objectives.

Mr. Smith said a specific directive would be needed from the Board if it chose to go through with the initiative as there was a great deal of difference in what Benchmark would propose as compared to the Urban Institute. Mr. Smith said several options would be for the Board to appoint a Steering Committee; utilize the Planning Board or to use the Board itself. Mr. Smith said Benchmark would report directly to the Board.

Commissioner Blount commented that he had read through the Iredell County Plan and he asked if the plan for Rowan would be as detailed regarding the focus on the corridors and what each parcel would be used for. Mr. Smith said, "In this case that would probably be a second-tier approach to it." Mr. Smith used Highway 150 as an example of an area that was reviewed parcel by parcel and he said areas that have specific issues could be reviewed in the same manner.

Chairman Tadlock thanked Mr. Smith for the presentation.

#### **PROPOSED SEWER LINE PROJECT**

This item was withdrawn from the agenda.

#### **DISCUSSION OF QUASI-JUDICIAL HEARING FOR DAVIDSON COUNTY BROADCASTING, INC.**

This item was withdrawn from the agenda.

### **APPROVAL OF RESOLUTIONS FOR CDBG SCATTERED SITE HOUSING GRANT**

Gary Wilson of Benchmark, CMR, Inc. reviewed four (4) resolutions and one (1) ordinance required for the county to begin the 2005 Community Development Block Grant (CDBG). Mr. Wilson said the grant would be the second the county had obtained from the State and he reported that the funds are allocated every three (3) years.

Mr. Wilson discussed the following required documents for the grant:

1. A Resolution to Adopt the Required CDBG Policies, Procedures and Plans for the Program
2. A Fair Housing Resolution
3. A Resolution Designating Tim Russell, County Manager, the authority to sign Rehabilitation Contracts
4. A Resolution Adopting a Post Rehabilitation Subordination Policy
5. A Project Budget Ordinance

Chairman Tadlock requested clarification as to whether individual or collective action was needed for approval of the documents and Mr. Wilson responded that individual action was needed on all five (5).

Attorney John Holshouser said he had spoken with Mr. Wilson regarding the Subordination Resolution and he continued by saying he was “delighted to see that come forward because we actually put a Deed of Trust in place on this property.” Mr. Wilson confirmed to Mr. Holshouser that funds must be used specifically for housing rehabilitation. Mr. Holshouser said it would be helpful if it could be added, “refinancing the existing balance of the first mortgage loan so that no new money would be created.”

Chairman Tadlock moved to adopt a Resolution to adopt the required CDBG Policies, Procedures and Plans for the Program. Commissioner Chamberlain seconded the motion and the motion passed unanimously.

Commissioner Blount moved to approve the Fair Housing Complaint Resolution. Commissioner Mitchell seconded the motion and the motion carried unanimously.

Commissioner Blount moved to approve a Resolution for the Equal Employment Opportunity and Procurement Plan. Commissioner Mitchell seconded the motion and the motion carried unanimously.

Commissioner Blount moved for approval of a Resolution for the Procurement Policy for 2005 Community Development Block Grant Program. The motion was seconded by Commissioner Mitchell and passed unanimously.

Commissioner Blount moved to approve the Resolution supporting the Section 3 Plan for Employment Opportunities for Businesses and Lower Income Persons. Commissioner Mitchell seconded the motion and the motion carried unanimously.

Commissioner Blount moved to approve the Resolution supporting the Residential Anti-Displacement and Relocation Assistance Plan. Commissioner Mitchell seconded and the motion carried unanimously.

Mr. Wilson apologized at this point and said he had been so focused on Mr. Holshouser's comments that he had failed to inform the Board that there was one (1) Resolution that would have included all of the above-approved resolutions. This comment brought laughter from the Board/audience. Mr. Wilson continued by explaining that the Board also needed to adopt the following:

- Fair Housing Resolution
- A Resolution Designating the County Manager as the authority to sign Rehabilitation Contracts

Commissioner Blount moved to adopt the Fair Housing Resolution and Chairman Tadlock seconded the motion. The motion passed unanimously.

Commissioner Blount moved to adopt a Resolution appointing the County Manager as the authority to sign Rehabilitation Contracts. The motion was seconded by Commissioner Sides and passed unanimously.

Commissioner Blount moved to adopt a Resolution Adopting a Post Rehabilitation Loan Subordination Policy with the changes as suggested by the County Attorney. Chairman Tadlock seconded the motion and the motion passed unanimously.

Commissioner Blount moved to adopt a Resolution supporting the CDBG Program budget ordinance as presented. Commissioner Mitchell seconded and the motion passed unanimously.

#### **CONSIDERATION OF TEMP 01-05**

John Haines of the Rowan County Planning Department presented the Staff Report and explained that in June, McCarthy Improvement Company had informed the county of its intentions to build a temporary concrete batch plant on Tax Parcel 052 096 located on Long Ferry Road. Mr. Haines said Staff had informed the company that a temporary use permit as well as a site plan would be needed for the request.

Mr. Haines said the company was requesting a temporary use permit for construction and operation of the plant, which would operate on 3 acres of the 78.13-acre tract from August 2005 through June 2007.

Mr. Haines said the ordinance requires review of the following criteria:

- a. The proposed use will not endanger the public health, safety and welfare. Mr. Hanes said the company had applied for a permit from DEHNR that was approved.
- b. The proposed use will not have a substantial impact on adjoining properties. Mr. Haines said the 78.13-acre tract where the proposed site is to be built is currently vacant as well as the adjacent property between the site and I-85. Mr. Haines described the areas to the east and north.
- c. The use will be approved for a specific period of time not to exceed two (2) years. Mr. Haines said the proposed permit dates meets the requirements.

Mr. Haines said Staff recommends the permit for the temporary concrete batch plant. Mr. Haines reported that the Town of Spencer had also granted approval since part of the site lies within their extraterritorial jurisdiction.

Commissioner Sides referred to the company's current site on Julian Road and he asked if there was a provision in the application that requires the company to completely clean the area up once the permit expires. Mr. Haines said he was unsure but said he assumed that it must revert back to the condition of the site before the temporary plant was built. Commissioner Sides said he would rather not assume and said he would like to know the clean up would be required.

Planning Manager Ed Muire explained that cleaning up the property is normally part of the process and that Planning Staff would monitor the situation. Mr. Muire added that the company usually applies for an extension, which is granted by the Board.

Chairman Tadlock opened the floor to entertain public comment on the consideration of Temp 01-05. With no citizen wishing to address the Board, Chairman Tadlock closed the public comment period.

Commissioner Chamberlain moved to approve temporary use permit for the purpose specified. Commissioner Sides seconded and the motion passed unanimously.

#### **CONSIDERATION OF ATTORNMENT AGREEMENT FOR SBA TOWERS**

Attorney John Holshouser referred to the letter in the agenda packet from SBA Properties requesting that the County agree to allow their lender to exercise the same rights as the tenant in the event that the tenant defaulted. Mr. Holshouser said the request was customary when seeking financing. Mr. Holshouser said the lender wants to make sure "it can stand in the tenants shoes" if the tenant fails to make their payment.

Mr. Holshouser said the only issue that was objectionable to him was that they did not identify the lender. Mr. Holshouser said he had informed SBA that he would put a disclaimer on the face of the document that the county would not be bound by any of the terms unless and until the name and address of the lender was furnished.

Mr. Holshouser recommended that the county sign the Attornment and said he would put the disclaimer on the document and furnish each Board member with a copy before it is actually sent back.

Commissioner Mitchell moved for approval of the agreement with the suggestions of Mr. Holshouser. Commissioner Blount seconded.

Commissioner Sides referred to paragraph 3, item c and questioned the amount of money collected on the property and the percentage of increase over a period of time. Mr. Holshouser said there are ten (10) options to renew for five (5) years each and with each renewal there is an increase of fifteen percent of the rent for the five (5) year period. Commissioner Sides read item c and asked if it was "standard that we have to get their approval to change the lease in any way?" Mr. Holshouser said if the lender were providing financing they would not want the terms jeopardized.

Upon being put to a vote, the motion passed unanimously.

### **CONSIDERATION OF LEASE AGREEMENT FOR THE ROWAN COUNTY AIRPORT**

Ken Deal, Director of Administration, explained that the State Patrol Aviation Division had been renting a hangar at the Rowan County Airport for approximately ten (10) or more years. Mr. Deal said the agency had two (2) helicopters located in the hangar with five (5) to six (6) staff members. Mr. Deal said the division was currently renting the hangar in addition to office space in town. Mr. Deal said that the division had asked the county to construct an office in the hangar and he reported that this would cost approximately \$30,000. Mr. Deal said the State had been notified of the construction cost plus 5% interest. Mr. Deal said the State had requested a ten-year lease and the annual rent would be \$11,724, or \$977 per month. Mr. Deal described the office space as 15 x 30 inside the hangar and he said the construction was being done in a manner that would allow the hangar to be rented to other potential tenants in the future if the State moved out of the hangar.

Mr. Deal requested the Board's approval to "carry on with this concept" however he recommended changing #16 in the lease agreement. Mr. Deal said the deadline for the construction would need to be changed, as construction had not been started pending the Board's approval.

Commissioner Sides questioned Item #3 (c) pertaining to daily janitorial and cleaning supplies for the office space. Commissioner Sides felt the tenant should be responsible for these duties as well as mowing the grass. Commissioner Sides also questioned Item #3 (d) regarding the utilities and said he felt the utilities would not be the county's responsibility. Mr. Deal said he had highlighted (c) and that he agreed with Commissioner Sides on this issue. Mr. Deal added that the county takes care of mowing at the airport and cleans the asphalt in front of the hangars. Mr. Deal said the utilities have been paid in the past. Commissioner Sides expressed concern with utility costs as they are not fixed and can vary unless an amount is specified in the lease. Commissioner Sides said he felt the utilities should be paid by whoever rents the property. Mr. Deal said he believed all hangars were on the same electrical hookup and that Staff could explore the possibility of having this changed.

Commissioner Chamberlain asked Mr. Deal to pursue the issues regarding the utilities and the janitorial services/supplies and report back to the Board as he was not ready to sign the agreement.

#### **DISCUSSION ON MERIT**

This item was withdrawn from the agenda.

#### **CONTINUATION OF THE DISCUSSION ON REVISIONS TO THE PROPOSED INCENTIVE PROGRAM FOR SUMMIT CORPORATE CENTER**

This item was withdrawn from the agenda.

#### **DISCUSSION ON ISSUE OF USING COUNTY FUNDS FOR PRIVATE INVESTIGATION**

This item was withdrawn from the agenda.

#### **BUDGET AMENDMENTS**

Finance Director Leslie Heidrick reviewed the Budget Amendments as follows:

- Senior Services Department – Grant funds of \$20,000 to be used for a temporary employee to assist in the transition of seniors from the NC Senior Care Program to the NEW Medicare Part D (Drug) Program. Ms. Heidrick said the second grant was for \$1,000 and would be used to assist with senior insurance counseling and transition. Ms. Heidrick said neither grant requires a local match.
- To budget funds in fiscal year 2006 for purchase orders that were issued in fiscal year 2005. Ms. Heidrick said the goods/services associated with the purchase orders were not received by June 30<sup>th</sup>.
- To budget pledges for the Parks Capital Project Fund. Ms. Heidrick said the first pledge in the amount of \$60,000 from Power Curbers was to be used for the Deer Habitat. The second pledge in the amount of \$29,200 was from ALCOA and to be used for the Red Wolf Habitat. Ms. Heidrick said the remainder of the budget amendment reduces revenues, which

have reduced restricted donations to an amount that is anticipated to be received.

- To allow for the purchase of aluminum cans as part of the County's on-going recycling program. Ms. Heidrick said the County would resale the cans to an end user and that County revenues would equal or exceed the expenditures.

In response to a query from Commissioner Chamberlain, Ms. Heidrick explained that the County would purchase the aluminum cans from citizens/organizations such as church groups or boy scouts. Ms. Heidrick said the agency that previously purchased the cans had closed and the County would purchase the cans with Board approval.

Commissioner Sides questioned the second budget amendment and Ms. Heidrick explained that funds were not dispersed as of June 30<sup>th</sup> but the funds were encumbered and now the bills were coming in.

Chairman Tadlock moved to approve the Budget Amendments as presented. Commissioner Chamberlain seconded and the motion passed unanimously.

## **BOARD APPOINTMENTS**

### **Rowan County ABC Board**

Chairman Tadlock referred to the upcoming election in the City of Kannapolis and he said the current Mayor would not be running for re-election and that there would be a new mayor and new Board. Chairman Tadlock moved to extend board member Hank Palmer's term for six (6) months, until January and consider the recommendations at that time. Commissioner Chamberlain seconded the motion.

In response to a query from Commissioner Chamberlain pertaining to adhering to the County's board appointment policies, Attorney John Holshouser said he would like to have the issue deferred in order to provide him with the opportunity to review the Board's policy.

Chairman Tadlock noted vacancies on several boards including the Criminal Justice Partnership Program, Board of Health, Adult Care Home Community and Advisory Council.

### **Town of Cleveland ETJ Zoning Board of Adjustments**

Commissioner Chamberlain nominated Ray Davies and Roy Huss as requested. The nomination was approved unanimously.

### **City of Salisbury ETJ Zoning Board of Adjustments**

Commissioner Chamberlain moved to accept Wayne Saleeby's nomination. The motion was unanimously approved.

### **Salisbury-Rowan Human Relations Council**

Chairman Tadlock reviewed the replacements needed on this council.

### **Piedmont Behavioral Healthcare Board**

Commissioner Chamberlain informed the Commissioners that the Piedmont Behavioral Healthcare Board was working on a replacement for Bill Burgin, who was not eligible for reappointment.

### **Salisbury Rowan Economic Development Commission**

The Board delayed action regarding appointments to this board.

Chairman Tadlock mentioned that there are also vacancies on the Juvenile Crime Prevention Council, Nursing Home Advisory Committee and Rowan County Zoning Board of Adjustments.

Chairman Tadlock called for a short break at 10:00 am.

Chairman Tadlock reconvened the meeting at 10:20 am.

### **PUBLIC COMMENT PERIOD**

Chairman Tadlock opened the public comment period to entertain citizen input.

Before the first speaker was called Chairman Tadlock requested a show of hands from those in the audience that planned to speak during the public comment period and approximately 3-4 hands were raised. Chairman Tadlock encouraged all speakers to be polite and respectful and he said each speaker would be limited to three (3) minutes. Chairman Tadlock mentioned that only (1) person had signed up to speak.

Commissioner Chamberlain informed those in attendance that they could still speak if they had not raised their hand or signed up to speak. Chairman Tadlock concurred and said the Board would stay as long as necessary to accommodate the citizens.

The following citizens addressed the Board regarding the investigation of the anonymous letters received from the 'Department of Common Sense':

1. Donna Jackson said she understood that she lived in a free, democratic society and "in the form of government we have there should be checks and balances in every aspect of the government, including finances." Ms. Jackson referred to the investigation initiated by County Manager Tim Russell and asked, "To what ends was it going to go to" and what would happen if and when the anonymous author of the letters was discovered. Ms. Jackson said the author was protected under First Amendment rights. Ms. Jackson said those who serve in public office open themselves up to scrutiny of a higher standard and that "you take it on the chin" when you

- don't like what someone is saying; "you don't investigate them." Ms. Jackson said it was a misappropriation of funds to use taxpayers' money to investigate the source of the letters and she felt that the local Sheriff or SBI should have been contacted if there were concerns with the content of the letters. Ms. Jackson felt that Mr. Russell should be made to pay back the funds used for the investigation along with penalties and interest. Ms. Jackson said Mr. Russell should submit his resignation and that she felt he was not entitled to a severance package "because the County does have cause to fire you." (Applause followed the comments.)
2. Ted Boykin said he was "appalled" that alleged members of the Board, both present and past, had worked with the County Manager to spend taxpayers' money without the approval of the Board. Mr. Boykin felt the County Manager should immediately submit his resignation; that Commissioners Tadlock and Blount should "rethink their positions or resign and move on and let this Board get back to the business of serving this County." Mr. Boykin said the \$23,000 bill for the investigation should be paid for by Mr. Russell and those involved in aiding the matter. (Applause followed the comments.)
  3. Richard Anderson, former Mayor of Kannapolis and current city council member. Mr. Anderson said he had served the community for 13 of the last 15 years and had been closely associated with a lot of Rowan officials. Mr. Anderson described the subject being discussed as "revolting." Mr. Anderson asked the Board that he "be given any and all information related to this investigation." Mr. Anderson said he felt the investigation was covert and unnecessary and that he was considering a lawsuit and he asked the he be provided the requested information as soon as possible. Mr. Anderson said his request included "anything verbally that you have; anything that you have in writing, any paper that you have from Kiker Investigation." Mr. Anderson said if he had been asked he would have told those involved that he did not write the letters. Mr. Anderson said he found quips in the letters humorous and that he saw nothing threatening in the letters. Mr. Anderson thanked those who were involved in making the investigation public. Mr. Anderson wondered why those who were so fearful for their safety didn't go to law enforcement or SBI for assistance. Mr. Anderson said Mr. Russell had created a terrible environment for the Board to "work under." Mr. Anderson said if Mr. Russell were working for him and refused to resign, he would terminate him. Mr. Anderson finished by saying if you are afraid of criticism; don't run for a public office. (Applause followed the comments.)
  4. Rodney Cress said he was "appalled that I've been followed like a criminal. Mr. Cress said "each of you" should resign your position, as the citizens no longer trust you. Mr. Cress urged the "other Commissioners to do the right today and get rid of the problem." (Applause followed the comments.)
  5. Howard Carter said he felt every citizen of Rowan County felt threatened by what had happened and that they cannot feel safe in walking the

- streets without thinking they're being followed "as long as these three people are still on the Board and the Manager of this County." Mr. Carter said he "would like to see the money paid back and each one of you resign or if you don't resign I think you should be terminated without any severance pay." (Applause followed the comments.)
6. Veitra Culp said she intended to become more involved and that was present to represent those who treasure the First Amendment. Ms. Culp said the type of scrutiny that had gone on caused citizens to be reluctant to speak their voices and express their opinions. Ms. Culp asked the Board to terminate or ask for the resignation of the County Manager and that he be required to repay the funds taken from the taxpayers'. (Applause followed the comments.)
  7. Jim Lafevers said as a county resident he wanted the "cost of this whole situation stopped. Mr. Lafevers said he was sorry that certain people were personally attacked, investigated and that their reputations had been called into question. Mr. Lafevers apologized that actions of certain Board members and the County Manager had affected "these folks." Mr. Lafevers said elected officials were to serve the people and that there should be no professional issues associated with furthering business ventures. Mr. Lafevers asked that constraint be used when spending taxpayers' money. Mr. Lafevers said he believed that those involved should consider their actions and if they were unprofessional or detrimental in costs to the County, "they should resign and they should allow people who are interested in serving people to fulfill these positions." (Applause followed the comments.)
  8. Cherry Vanhoy requested that not only should Mr. Russell be dismissed but also the Clerk to the Board and Mr. Holshouser. Ms. Vanhoy said too much money is spent on issues that are supposed to be handled by the attorney and that the county is faced with "lawsuits on top of lawsuits." Ms. Vanhoy said she was tired of wasteful spending. (Applause followed the comments.)
  9. Ron Scruggs said if the County were polled it would probably be revealed that the citizens would like for the County Manager to resign or be fired and that Commissioners Blount and Tadlock should resign. Mr. Scruggs said, "You can't lead when you don't have the trust of the County citizens and you no longer have the trust of the County citizens." Mr. Scruggs said he personally knew Commissioner Chamberlain and he did not consider him to be a threat nor did Mr. Anderson. Mr. Scruggs asked why those that were investigated were not just questioned about writing the letters and he described the situation as a "joke." Mr. Scruggs felt those involved should "do the right thing and step down."
  10. Allen Welter agreed with the previous speakers that had requested the resignation of those involved in the investigation. Mr. Welter said the Board had "cost me \$100,000" and that he had "had to earn every one of those dollars." Mr. Welter said Mr. Russell should have to earn his money and "not just take my tax dollars and spend it." Mr. Welter said he did not

- feel the taxpayers' money should be spent in the manner it had been.  
(Applause followed the comments.)
11. Sandra Wise said the meeting was the first Board meeting she had ever attended. Ms. Wise said when she had read what "was going on" and how Mr. Russell had spent \$23,000 of "my tax money, it makes me furious." Ms. Wise said she would fire Mr. Russell if it were within her power and she asked for Mr. Russell's resignation (applause), as well as the resignation of Commissioners Blount and Tadlock. Ms. Wise said she had no trust for those she had named and she questioned how much money had "been spent under the table that we'll never find out."  
(Applause followed the comments.)
  12. Elizabeth Smith said she was present as a community activist. Ms. Smith said she felt some bad judgments had been made and that county funds should not have been spent on a private investigator. Ms. Smith said perhaps the SBI should have been involved if there were threats among government officials. Ms. Smith said the Patriot Act was a reminder of what was going on in the country. Ms. Smith said the serious issues "requires cool heads to go forward with this." (Applause followed the comments.)
  13. Sam Moore said the letters started "way back when we started the ball club and I hope you folks will listen better than you did at the meeting there." Mr. Moore asked why the citizens should attend the meetings if the Board was not going to listen to the people. Mr. Moore referred to the letters and said it would seem that advice should have been sought from the attorney or the Sheriff as opposed to using taxpayers' money for a private investigation. Mr. Moore said, "I hope you listen to this crowd today." (Applause followed the comments.)
  14. Newton Cohen said he had served on the Board for 16 years and that now "there is a dark cloud over Rowan County." Mr. Cohen said the only bright spot he could see in the situation was that it "did not occur on his watch." Mr. Cohen said he was present to clear the name of his good friend, Arnold Chamberlain. Mr. Cohen said, "God bless him and God bless Rowan County." (Applause followed the comments.)
  15. Jonette Powell said she had voted for many of the sitting Commissioners and that she was very disappointed. Ms. Powell expressed compassion for the Board members families and she said she was sorry for those who had felt threatened. Ms. Powell said she hoped the situation would be a lesson to consider the voter, the taxpayers and neighbors. (Applause followed the comments.)
  16. Alisha Kahn said she was 15 years old and that she and her sister were the youngest members in the young Republican Party. Ms. Kahn said, "To tell you right now, when I get up to be these peoples ages, I do not want to see you, you, or you up here from what I've heard you've done with our money." (Applause followed the comments.)
  17. Leah Kahn said she was 13 years old and that she was starting into politics. Ms. Kahn asked how taxpayers' money could have been spent so

- unnecessarily when assistance could have been received from the Sheriff's Department or another agency. (Applause followed the comments.)
18. Judy Lewis Johnson said the citizens should commend Commissioners Chamberlain, Mitchell and Sides for their hard work for the citizens (applause). Ms. Johnson said she was not surprised that Kiker Investigations was involved and she discussed an issue regarding her son. Ms. Johnson said Mr. Russell should resign and she said that half of Rowan County was not present because it was posted on the Salisbury Post website that the meeting was "tonight at 9:00." Ms. Johnson said Commissioners Blount and Tadlock did not represent the people of the County. (Applause followed the comments.)
  19. Jim Burke said the one person who had not yet addressed the Board was the writer of the letters. Mr. Burke said there were probably people in the room who knew who the author of the letters is and he encouraged them to show some integrity by revealing who wrote the letters. (Applause followed the comments.)
  20. Ann Kemp said the Board had heard everything the citizens had said and she continued by saying, "If you do not do what you need to do, shame on you; if we put you back in office, shame on us." (Applause followed the comments.)
  21. Phyllis Sides said Mr. Russell not only wasted \$23,000 of taxpayers' money but she asked about the "money you wasted on the land deal and are we going to collect the five percent profit on the hangar deal." Ms. Sides said it was time for Mr. Russell to leave Rowan County. (Applause followed the comments.)
  22. Dale Wagstaff said he was thankful for Commissioner Chamberlain, whom he had the highest respect for; and for Commissioner Sides, saying that Commissioner Sides had brought not only reason to the Board but "also brought the impact of the quality of life." (Applause). Mr. Wagstaff said he cared about Rowan County and that he could see when anyone opposes particular agendas, "this kind of conduct occurs." Mr. Wagstaff said elected officials should be held accountable for what to do in their elected office. Mr. Wagstaff said if the elected officials could not be held accountable for elected office, "then we have lost the very freedom that our country lives for." Mr. Wagstaff said that freedom involves several things, including freedom of speech. Mr. Wagstaff, "Just because someone disagrees with your position does not give you the right to look for that individual and attempt to destroy them." Mr. Wagstaff felt the issue was not about safety or someone being threatened. Mr. Wagstaff said he had also received some of the letters and that "frankly I'd agree with most of the things this person said." Mr. Wagstaff said the bottom line is that when someone goes against a certain agenda, you have no right to do what you've done. Mr. Wagstaff said all that the citizens' want is a Board of Commissioners they can be proud of; a Board of Commissioners that will listen to the citizens and not disregard what is

said. Mr. Wagstaff said he hoped there would be changes after the meeting. (Applause followed the comments.)

With no further citizen input, Chairman Tadlock closed the Public Comment Period and called for a short break at 11:00 am. Chairman Tadlock said the room would need to be cleared for an Executive Session.

### **EXECUTIVE SESSION**

After a brief discussion concerning moving the Executive Session to another conference room it was determined that due to technological reasons, the session should continue in the J. Newton Cohen, Sr. Room.

Commissioner Sides moved for the Board to go into Executive Session after the break to discuss Personnel. Commissioner Mitchell seconded and the motion passed unanimously.

The Board went into Executive Session at 11:15 am.

The Board came out of Executive Session and Chairman Tadlock called for short break.

### **OPEN SESSION**

The Board resumed Open Session at 12:15 pm.

Chairman Tadlock opened the floor to entertain motions from the Board.

Commissioner Mitchell moved to terminate the County's contract of Tim Russell, effective immediately, for cause. The motion was seconded by Commissioner Sides and passed 3-2 with Commissioners Tadlock and Blount dissenting.

Commissioner Sides moved to demand full disclosure from Kiker Investigations relating to the investigation including the writing of detailed time sheets, any and all written documents, tapes, recordings, pictures, etc. and that the information was to be made public. Commissioner Chamberlain seconded and the motion passed unanimously.

Commissioner Mitchell moved to remove Rita Foil from her position as Clerk to the Board. Commissioner Mitchell discussed the Clerk's position and explained that she was not being terminated from County employment. Commissioner Sides seconded and the motion passed 3-2 with Commissioner Tadlock and Blount dissenting.

Commissioner Chamberlain agreed with Commissioner Mitchell and said he would like to make it "perfectly clear" that Ms. Foil was being reassigned to County government "outside of this building."

Commissioner Mitchell said Ms. Foil had held two (2) positions with one being the Clerk to the Board and the other being the Assistant to the County Manager. Commissioner Mitchell said Ms. Foil was being terminated as Clerk to the Board.

Commissioner Sides said Ms. Foil had always treated him with respect and had always been professional in providing all requested information. Commissioner Sides said the only reason for the termination is for the Board to have continuity.

Upon being put to a vote, the motion on the floor passed 3-2 with Commissioners Tadlock and Blount dissenting.

In response to a query from Attorney Holshouser regarding the letters that were in possession of the Rowan County Sheriff's Department, Commissioner Sides moved that the Sheriff inventory all unopened mail and deliver to the addressee and that all opened mail be turned over to Attorney Holshouser for safe keeping. The motion was seconded by Commissioner Chamberlain and passed unanimously.

Commissioner Chamberlain said there was not a member on the Board that was elected, appointed or hired that doesn't care deeply about the County. Commissioner Chamberlain said, "This happened for a reason." Commissioner Chamberlain said Rowan County would work hard and that some replacements would be made. Commissioner Chamberlain assured the County employees that they were doing fine job and that they had nothing to fear. Commissioner Chamberlain reassured the Planning Department as well. A round of applause followed the comments. Commissioner Chamberlain also addressed the department heads and said the Board would be "depending on you to really step up to the plate now. Rowan County is going forward from this day." (There was another round of applause.)

Commissioner Sides read a prepared statement, which was followed by a round of applause.

### **ADJOURNMENT**

Chairman Tadlock adjourned the meeting at a time unknown.

Respectfully Submitted,

Carolyn Athey  
Assistant Clerk to the Board