

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
October 27, 2005 – 4:00 PM
J. NEWTON COHEN, SR. ROOM, ADMINISTRATION BUILDING**

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

Interim County Manager William Cowan, Clerk to the Board Carolyn Athey, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Chamberlain called the meeting to order at 4:00 pm.

Chairman Chamberlain provided the Invocation and also led the Pledge of Allegiance.

ADDITIONS/APPROVAL OF THE AGENDA

Commissioner Tadlock moved, Commissioner Mitchell seconded and the vote to approve the agenda passed unanimously.

CONSIDERATION OF A LICENSE AGREEMENT TO TKC LAND DEVELOPMENT II, LLC TO PERFORM GRADING ON PARCEL IDENTIFICATION NUMBER 402C 0004 AND PARCEL IDENTIFICATION NUMBER 402C 0005

Chairman Chamberlain opened the floor for discussion regarding the license agreement to TKC Land Development II, LLC.

Commissioner Sides said each Commissioner understood his stance on the issue of incentives. Commissioner Sides said he was opposed to the type of incentives the County had historically offered. Commissioner Sides said the initial agreement dealt with TKC marketing property in Summit Corporate Center

(SCC) for Rowan County. Commissioner Sides said he was unsure if this was a conflict in that TKC also markets property for other counties. Commissioner Sides said one of the other counties represented by TKC was also being considered as a location site for the proposed business.

Commissioner Sides continued by saying, "Secondly, the option that was given TKC to begin with, in my opinion, is an illegal option." Commissioner Sides referred to a letter from County Attorney Jay Dees and said indications are that it might not be legal for the County to option property and if there was to be an option, a public hearing should be held and a vote taken. Commissioner Sides said he was not in agreement to allowing anyone to access the property and move dirt until the property was owned by TKC.

Commissioner Blount referred to the license agreement dated October 18, 2005 and moved to approve the agreement as presented. Commissioner Tadlock seconded the motion.

Commissioner Sides said the Board was basically stating to the general public that the Commissioners had already made up their mind to sell the property without a public hearing and a public vote. Commissioner Sides said allowing access to the property indicated to the public that the Board's decision was already made and he said that he felt TKC should own the property before any dirt was allowed to be moved.

Commissioner Blount said if the deal were to fall apart, the County would be the beneficiary of the process due to the improvements on the property.

Commissioner Tadlock inquired as to the language in the agreement to address the issue. County Attorney Jay Dees said TKC was undertaking the clearing at their own costs. Mr. Dees explained that there is underlying language at the end of the first paragraph regarding construction commencing within 6 months. Mr. Dees said he understood that if the deal fell apart, there would be a cleared lot that would be reseeded.

Commissioner Sides compared the situation to "smoking mirrors" and restated his opinion that by the Board approving the agreement, it was indicating that it planned to go forward, regardless of the outcome of the public hearing.

Commissioner Mitchell said he did not disagree with Commissioner Sides in principal. Commissioner Mitchell said the Board had supported the option agreement and it would be up to the Board whether to go through with the option in the future. Commissioner Mitchell said he didn't see that the Board had much choice in allowing TKC to clear the lot prior to the public hearing as the Board was in the situation of trying to bring in jobs. "We did it incorrectly and I don't think anyone will disagree with that." Commissioner Mitchell said regardless of

the vote of the Board after the public hearing, “we will either have a cleared lot or we’ll have a cleared lot with a building on it.”

Chairman Chamberlain said the Board had received a memorandum from Mr. Dees and he encouraged the Commissioners to discuss the memorandum with Mr. Dees prior to the public hearing.

Upon being put to a vote, the motion on the floor passed 4-1 with Commissioner Sides dissenting.

SCHEDULE A PUBLIC HEARING ON SALE OF PARCEL IDENTIFICATION NUMBER 402C 0004 AND PARCEL IDENTIFICATION NUMBER 402C 0005

Chairman Chamberlain opened the floor to entertain a motion to schedule a public hearing on the sale of parcel identification number 402C 0004 and parcel identification number 402C 0005.

Commissioner Mitchell moved, Commissioner Blount seconded and the vote to schedule the public hearing for the first legal meeting date, for the parcels as indicated by Chairman Chamberlain passed 4-1 with Commissioner Sides dissenting.

ADJOURNMENT

Commissioner Sides discussed a recent memo supplied to the Board from GDX (formerly the Draftex facility) regarding its plant closing and the loss of 700 jobs around January 2006. Commissioner Sides reviewed the incentives that were offered to Draftex when it first located in Rowan County and he stressed that he was of the opinion that the incentives might be due back to the County once the property was vacated.

Commissioner Blount pointed out that the value of the building and the land did not represent the total investment.

With no further business, Commissioner Mitchell moved, Commissioner Tadlock seconded and the motion to adjourn at 4:25 pm passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board