

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
November 21, 2005 – 7:00 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 7:00 pm.

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

ADDITIONS

Commissioner Mitchell requested to update the Board regarding a previous issue.

CONSIDERATION OF CONSENT AGENDA

Chairman Chamberlain reviewed the Consent Agenda and then read a prepared speech pertaining to Item D on the Consent Agenda. Chairman Chamberlain said the Board had failed to follow the statutory requirements of NCGS 158-7.1 with respect to the public notice provisions. Chairman Chamberlain said he felt that none of the Board members had held any "illegal intent" and he stressed that for all future proceedings, he wanted to "ensure that the letter of the law is followed down to the dotting of the last "i" and crossing of the last "t"."

The Consent Agenda consisted of the following items:

- A. Approval of November 7, 2005 minutes
- B. Approval of Juvenile Crime Prevention Council Program Revisions
- C. Schedule Public Hearing for December 5, 2005 for Consideration of Offer to Purchase Lot #3 in Speedway Business Park
- D. Re-advertise and Schedule Public Hearing for December 5, 2005 for Incentive Grant to TKC Land Development II, LLC

Commissioner Mitchell moved to approve the Consent Agenda followed by a second from Commissioner Blount.

Commissioner Sides said that the notice to be published pertaining to incentives should establish the fair market value of the property, be in detail as to what incentives are being offered and also state who would be receiving the incentives.

Chairman Chamberlain stressed that the General Statutes would be followed.

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

RECOGNITION OF EMPLOYEE OF THE MONTH

Leonard Wood, Health Department Director, came forward and he, along with Chairman Chamberlain, recognized Charlene Shoemaker as employee of the month for the month of October. Mr. Wood said Ms. Shoemaker had been employed by Rowan County for over 27 years and he expressed appreciation for her dedication.

Chairman Chamberlain presented Ms. Shoemaker with a certificate of appreciation and a gift card. A round of applause followed the presentation.

MONTHLY REPORT FROM CONSTRUCTION CONTROL CORPORATION

Ed Watson of Construction Control Corporation provided the Board with a brief summary report regarding school construction projects. Jim Christy of the Rowan-Salisbury School System (RSS) was also present.

Mr. Watson highlighted items 1 through 11 on page 1 of the information in the agenda packets.

Chairman Chamberlain questioned the completed additions thus far and Mr. Watson responded that there had been very few complaints.

LOCAL WATERSHED PLANNING RECOMMENDATIONS

Patrick Beggs, Project Coordinator for Watershed Education for Communities and Officials, NC Cooperative Extension, provided a power point presentation and discussed the development of the local watershed plan for the Lower Yadkin/Upper Rocky River Basin.

Mr. Beggs presented the recommendations of the Local Watershed Plan and also informed the Board that a public workshop to publicize the local recommendations was tentatively scheduled for January 26, 2006. Mr. Beggs said he would provide additional information to the Clerk for the Board's review.

CHANGES IN ENVIRONMENTAL HEALTH FEE SCHEDULE AND "SITE" DEFINITION

Leonard Wood, Health Department Director, and Lynn Aldridge, Environmental Health Supervisor, presented the proposed fee increases for Environmental Health services.

Mr. Wood reported that the Board of Health had also approved a change in the definition of "soil evaluations for large tracts of land." The change was to charge \$125 for the first five acres and \$100 for each additional 5-acre increment at the same site.

Commissioner Sides moved, Commissioner Mitchell seconded and the vote to approve the request as presented passed unanimously.

PUBLIC HEARING FOR FY '07 COMMUNITY TRANSPORTATION GRANT (CTP)

Clyde Fahnestock, Senior Services Director, presented the information regarding the Community Transportation Program (CTP) for fiscal year 2007. Mr. Fahnestock reviewed the 3 parts of the application as follows:

- Administration – Requesting \$131,849: \$112,071 or 85% grant & \$19,778 or 15% county match.
- Capital Equipment – Requesting \$169,705: \$152,735 or 90% grant; \$16,970 10% match.
- RTS Operating Facility – Requesting \$35,000: \$29,750 or 85% grant; \$5,250 local match. Mr. Fahnestock reported that the 10-year lease agreement with the RSS had expired on November 1, 2005 and that school officials had asked RTS to relocate by the end of the fiscal year. Mr. Fahnestock said the \$35,000 was to cover private facility leasing.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the CTP application. With no citizens wishing to address the Board, Chairman Chamberlain closed the public hearing.

Commissioner Sides moved, Commissioner Blount seconded and the vote to approve the request as submitted passed unanimously.

PURCHASE OF 2 VEHICLES FOR ENVIRONMENTAL SERVICES

Interim County Manager William Cowan presented the request from Environmental Services for the purchase of 1 vehicle for the Building Inspections Department and 1 vehicle for the Planning Department.

Commissioner Sides moved to approve the request as presented. Commissioner Tadlock seconded and the motion passed unanimously.

Chairman Chamberlain called for a short break at 7:51 pm. Chairman Chamberlain reconvened the meeting at 7:57 pm.

BID FOR SOUTH ROWAN LIBRARY FOR SELF-CHECKOUT AND SECURITY SYSTEM

Jeff Hall, Library Services Manager, and Sandy Fisher, Purchasing Agent presented the bids for the radio frequency identification automation system for the South Rowan Regional Library.

Mr. Hall said 5 bids were received, however the lowest bid from 3M did not meet the minimum bid requirements. Mr. Hall asked the Board to consider awarding the contract to Integrated Technology Group in an amount not to exceed \$109,411.00.

Commissioner Sides moved, Commissioner Blount seconded and the vote to award the contract as requested passed unanimously.

REVIEW AND ADOPTION OF BOARD DECISION REGARDING CUP-01-05 FOR DAVIDSON BROADCASTING

County Attorney Jay Dees recused himself from the discussion regarding CUP-01-05 for Davidson Broadcasting.

Anthony Fox, special counsel to the Board addressed the Board and presented a draft decision for the Board's review. Mr. Fox explained that the draft decision was similar to the draft document previously circulated to the Board by email. He stated that upon receiving Board comments, he distributed the draft decision to attorneys for the citizens' group and the applicant. Mr. Fox indicated that he incorporated some of the suggested changes from each. Most of the recommended changes from Mr. Randy Reamer, representing the citizens' group were minor.

Mr. Fox then explained the comments of the applicant that were contained in a November 21, 2005 letter addressed to the Board. Mr. Fox stated that the applicant's requested change to paragraph 12 of the decision was made. Next, the applicant's requested changes to paragraphs 14 and 15 of the decision were not made. Mr. Fox reported that he did incorporate the applicant's request to change paragraph 16 and that paragraph 17 was revised as a result of applicant's comments. According to Mr. Fox, no change was made to paragraph 23 of the decision. However, paragraph 24 was revised per the applicant's comments. Mr. Fox said that no change was made to paragraph 25 of the decision, but that a spelling correction was made in paragraph 26. Mr. Fox noted the applicant's comments concerning paragraphs 27, 30, 31 and 37 of the

decision and stated that no changes were made to the decision based on those comments.

Mr. Fox then fielded questions from the Board regarding the draft decision. Commissioner Mitchell pointed out that Conclusion No. 1 should include the words “does not meet all the required principles ...” This change was made and after the review of the decision by the Board members, upon the motion of Commissioner Blount, seconded by Commissioner Tadlock, the decision regarding CUP-01-05 was adopted 4-1 by the Board as amended. Commissioner Sides cast the dissenting vote.

BUDGET AMENDMENT

Finance Director Leslie Heidrick reviewed the budget amendment to increase the department budgets for the increase in fuel prices.

Commissioner Sides expressed concern with approving the request without first determining if there had been an effort to utilize funds from other areas within the departments.

Ms. Heidrick said she had not asked the departments to go back and reduce expenditures and she continued by explaining that when Hurricane Katrina had struck, the departments had been asked to cut back at that time. Ms. Heidrick said many of those measures were still implemented.

Commissioner Sides gave an example of where the Sheriff’s Department had saved money by piggybacking with the City of Salisbury for a vehicle purchase.

Commissioner Blount moved, Commissioner Mitchell seconded and the vote to approve the budget amendment as presented passed unanimously.

REVISED TRAVEL POLICY

Interim County Manager William Cowan expressed appreciation to Finance Director Leslie Heidrick and her Staff for their assistance in compiling the proposed Travel Policy.

Mr. Cowan reviewed the proposed changes and presented the policy for the Board’s approval.

Commissioner Sides moved, Commissioner Tadlock seconded and the vote to accept the revised travel policy as presented passed unanimously.

APPROVAL OF FINAL SETTLEMENT FOR FORMER COUNTY MANAGER

County Attorney Jay Dees discussed the final settlement for the former County Manager and said that minor changes had been made, which he felt reflected the Board’s previous motion.

Commissioner Blount moved to authorize the Interim County Manager to sign the settlement agreement as soon as possible. Commissioner Tadlock seconded and the vote carried 3-2 with Commissioners Chamberlain and Sides dissenting.

DECEMBER 2005/JANUARY 2006 MEETING SCHEDULE

Chairman Chamberlain opened the floor for discussion regarding the December 2005 meeting schedule. Chairman Chamberlain said it had been the past practice of the Board to hold one meeting in the month of December.

Commissioner Sides moved, Commissioner Mitchell seconded and the vote to omit the second meeting in the month of December passed unanimously.

Chairman Chamberlain stated that both of the regularly scheduled January 2006 Commission meeting dates fell on county-observed holidays.

Commissioner Blount moved to adjust the meeting dates to January 3, 2006 and January 17, 2006. Commissioner Mitchell seconded and the motion passed unanimously.

ADDITION

Commissioner Mitchell read an email from the North Carolina Department of Transportation, which stated that work should begin in 15 months to install warning lights and crossing arms on the Old Highway 80 tracks.

Commissioner Sides mentioned the need for a stoplight at the intersection of Woodleaf and Enon Church Roads. After a brief discussion, Commissioner Sides requested that Interim County Manager William Cowan follow up on the issue.

PUBLIC COMMENT PERIOD

Chairman Chamberlain opened the Public Comment Period to entertain citizens' comments.

- Major Tim Bost of the Rowan County Sheriff's Department expressed appreciation to Commissioner Sides for his comments pertaining to departments conserving fuel. Major Bost pointed out that the Sheriff's Department is the biggest user of fuel and that the department had made a good faith attempt to reduce costs. Major Bost said he would issue a memo reminding his Staff to continue to be aware of keeping costs down.
- Frank Burleyson of 5936 South Main Street discussed a problem with his neighbor's barking dogs. Mr. Burleyson said the neighbor raises dogs and that the dogs bark day and night. Mr. Burleyson said the noise prevents him from enjoying his retirement and that it has also affected his health. Mr. Burleyson said he had contacted the neighbor about the situation however it had not helped. Mr. Burleyson said he would like for the county to adopt an ordinance to address barking dogs.

- Paul Bare said he lives “2 blocks below” and that he also is retired and unable to enjoy the outdoors due to the noise created by the barking dogs. Mr. Bare asked if there was a county ordinance to address barking dogs?
- Dale Wagstaff thanked the Board for providing the public with the opportunity to not only talk about their complaints but to give credit where it was due. Mr. Wagstaff expressed admiration for Commissioner Sides’ stance on ensuring that the laws are followed.
- Commissioner Sides changed seats in order to address the Board during the Public Comment Period. Commissioner Sides said he had prepared a lengthy speech but would not read it as most of his concerns had been addressed. Commissioner Sides said he had been elected based on trust and that he had taken an oath to operate according to the law. Commissioner Sides referred to an editorial that had appeared in the Salisbury Post and said he did not need the newspaper to speculate on his motives. Commissioner Sides finished by saying he would continue to vote against incentives and that his motives were only to ensure that the taxpayers were properly represented.
- Frank Burleyson said he had failed to mention that he had a petition containing 70 names that he would like to provide to the Board. At Chairman Chamberlain’s request, Mr. Burleyson turned in the petition to the Clerk.

With no further citizen input, Chairman Chamberlain closed the Public Comment Period.

EXECUTIVE SESSION FOR ATTORNEY/CLIENT CONSULTATION

Commissioner Sides moved to go into Closed Session at 8:53 pm for the purpose of Attorney/Client Consultation to discuss the contract with Standard Aero. Commissioner Mitchell seconded and the motion passed unanimously.

Before going into Closed Session, Chairman Chamberlain called for a short break.

ADJOURNMENT

The Board returned to Open Session at 9:08 pm and with no further business to come before the Board, Commissioner Mitchell moved, Commissioner Blount seconded and the vote to adjourn the meeting at 9:08 pm passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board