

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
November 6, 2006 – 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

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

Chairman Chamberlain convened the meeting at 7:00 pm.

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

CONSIDER ADDITIONS TO THE AGENDA

Commissioner Sides distributed a copy of a letter the Board had received from the City of Kannapolis and said he would like to make comments pertaining to the letter.

Commissioner Mitchell asked if Commissioner Sides would be requesting the Board to take action and Commissioner Sides said no. Chairman Chamberlain said he would raise the issue of the letter later in the meeting.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Mitchell moved for approval of the agenda. The motion was seconded by Commissioner Blount and passed unanimously.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Sides moved, Commissioner Blount seconded and the vote to approve the minutes of the October 16, 2006 Commission meeting passed unanimously.

1. CONSIDERATION OF THE CONSENT AGENDA

Commissioner Blount moved, Commissioner Sides seconded and the vote for approval of the Consent Agenda passed unanimously.

The Consent Agenda consisted of the following items:

- A. Approval of Request to Surplus (2) 2000 Ford Ambulances
- B. Approval of Resolution for Investment Safekeeping with SunTrust Bank
- C. Approval for Rowan Public Library to Accept Grant for "The Big Read" & Approval of Budget Amendment
- D. Set Public Hearing for November 20, 2006 for Majority Petition for Proposed Road Name of Chapman Farm Lane
- E. Set Public Hearing for November 20, 2006 for Consideration of Proposed Text Amendments (ZTA-03-06)
- F. Set Public Hearing for November 20, 2006 for Consideration of Rezoning Request from Greer Goodman (Z 07-06)
- G. Set Public Hearing for November 20, 2006 for Consideration of Proposed Text Amendments (ZTA 02-06)
- H. Set Public Hearing for November 20, 2006 for Special Consideration of Proposed Road Name Change from John Street to Joel Street
- I. Set Public Hearing for November 20, 2006 for Special Consideration of Six (6) Proposed Address Changes on Joel Street
- J. Set Public Hearing for November 20, 2006 for Consideration of Address Change on Richfield Road
- K. Approval of Letter Supporting the Watershed Reclassification Request for the Town of Landis

2. PUBLIC HEARING FOR MAJORITY PETITION FOR PROPOSED ROAD NAME OF ALLEN FARM LANE

Fredda Greer of the Rowan County Planning Department explained that during the permitting process, Staff became aware that a third residence was to be located on this road. Property owner Hoylene Allen became the petition leader and obtained 3 out of 4 signatures for the road name of Allen Farm Lane.

Ms. Greer said Staff recommended approval.

Chairman Chamberlain opened the public hearing to entertain citizens' comments regarding the proposed road name of Allen Farm Lane.

With no one wishing to address the Board, Chairman Chamberlain closed the public hearing.

Commissioner Sides moved, Commissioner Mitchell seconded and the vote for approval of Allen Farm Lane passed unanimously.

3. PUBLIC HEARING FOR UNANIMOUS PETITION FOR PROPOSED ROAD NAME OF HEAVENS TRAIL

Fredda Greer of the Rowan County Planning Department said an application was made for a third home to be added at the end of the driveway in question and it was noted at that time that the driveway should be named. Ms. Greer said property owner Sheila Lloyd had acted as petition leader and had presented a petition to Staff for the name of Heavens Trail.

Ms. Greer said Staff recommended approval.

Chairman Chamberlain opened the public hearing to entertain citizens' comments regarding the proposed road name of Heavens Trail.

With no one wishing to address the Board, Chairman Chamberlain closed the public hearing.

Commissioner Mitchell moved, Commissioner Blount seconded and the vote to approve the road name of Heavens Trail passed unanimously.

4. PUBLIC HEARING FOR COMMUNITY TRANSPORTATION GRANT

Chairman Chamberlain asked the Board members if they had any questions regarding the Community Transportation Grant.

Commissioner Mitchell inquired as to the amount of the county's local match for the previous year. Senior Services Director Clyde Fahnestock said the amount had been "nearly" the same (approximately \$46,000) as in the proposed application.

Chairman Chamberlain opened the public hearing to entertain citizens' comments regarding the Community Transportation Program (CTP) application for fiscal year 2008.

With no one wishing to address the Board, Chairman Chamberlain closed the public hearing.

Commissioner Mitchell moved, Commissioner Blount seconded and the vote for adoption of the Community Transportation Program Resolution passed unanimously.

5. PUBLIC HEARING & APPROVAL OF RESOLUTIONS/ESCROW ACCOUNT REGARDING FINANCING FOR NEW EAST ELEMENTARY SCHOOL

Finance Director Leslie Heidrick reported that six (6) bids had been received from various banks for installment financing proposals for completion of the East Elementary School. Ms. Heidrick said the lowest bid was received from BB&T with an interest rate of 3.94%, resulting in interest costs of approximately \$1,743,000 for a fifteen- (15) year term.

The bids received were as follows:

<u>Financial Institution</u>	<u>Interest Rate</u>
BB&T	3.94%
Bank of America	3.95%
RBC Centura	3.95%
Wachovia	4.03%
SunTrust	4.06%
First National	5.77%

Ms. Heidrick recommended approval of the low bid with BB&T, approval of the associated resolutions and setting up a new escrow account with BB&T.

Chairman Chamberlain said he would like for the Board to have an accounting of the funds associated with the bond package.

Commissioner Sides expressed concern that the only accounting to the Board is the budget information provided at the end of each month from the Finance Department. Commissioner Sides said a couple of elementary schools had “pretty much been completed” at a cost of approximately \$10 million. Commissioner Sides said the Board was facing a budget for the East Elementary School for over \$13 million and he questioned the \$3 million difference. Commissioner Sides said there are surplus funds in a number of projects that have already closed out and he asked if those funds would “channel” back into the Rowan-Salisbury Schools (RSS) surplus fund. Commissioner Sides agreed that the Board needed a clear picture of where it stands in the bond program and that he felt any surplus funds should be used to reduce the debt. Commissioner Sides finished by saying he supports the \$6 million for the current request before the Board.

Commissioner Mitchell questioned the Board’s yearly obligation on the \$7.7 million payout. Ms. Heidrick said the amount for this year was \$229,000 and would be \$625,000 in 2008. Ms. Heidrick said the amount decreases slightly each year thereafter because the County was asking for equal principal payments.

County Manager William Cowan said there had been some discussion about allowing RSS to use the interest earnings from the bond proceeds for the technology package, which had been removed from the package early on. Mr. Cowan said the funds were in the County's account but would require Board approval in order to be appropriated.

Commissioner Sides felt that before the Board addressed the technology issue, it should have a clearer picture of where it stands in the bond program.

Chairman Chamberlain added that he wanted to see the technology package supplied. Chairman Chamberlain agreed with Commissioner Sides that the Board should receive an accounting before taking action on the technology package.

Chairman Chamberlain opened the public hearing to receive citizen input regarding the financing for the new East Elementary School.

With no one wishing to address the Board, Chairman Chamberlain closed the public hearing.

Commissioner Mitchell moved, Commissioner Blount seconded and the vote to approve the low bid and the resolutions passed unanimously.

6. CONSIDER REQUEST FOR QUALIFICATIONS FOR THE DESIGN & COMPLETION OF THE ROWAN COUNTY DETENTION CENTER POD

Rowan County Finance Director Leslie Heidrick said that after due advertisement, Requests for Statements of Qualifications from architectural firms for the design and completion of an existing unfinished pod at the Detention Center were received October 5, 2006.

Ms. Hedrick said the following 4 firms responded to the request:

- Ware Bonsall Architects
- Brennan Associates
- Ramsay, Burgin and Smith
- Pease Associates

DETENTION CENTER POD

ARCHITECT FEE SCHEDULE

Per Hour	Brennan Assoc	Pease Assoc	Ramsay, Burgin, Smith Architects	WBA
Principals	\$ 219.00		\$ 160.00	\$ 130.00
Directors/Project Managers	154.00		95.00	
Sr Architect	138.00			100.00
Architect	105.00		85.00	85.00
Draftsman/Technical	81.00		45.00	70.00
Sr. Technician				85.00

Administrative/Clerical	65.00		40.00	55.00
CADD			20.00	
Professional Consultants			Cost plus 20%	
Engineering Principal	\$	223.13		
Architectural Principal		196.86		
Arch Project Manager		140.15		
Project Architect		120.48		
Intern Architect		73.70	68.00	70.00
Arch CADD Designer		96.92		
Interior Designer		79.47		
Eng Project Manager		143.38		
Sr Engineer		125.80		
Project Engineer		84.37		
Plumbing/Fire Protection Eng		111.41		
Eng CADD Designer		97.72		
Eng CADD Tech (Drafter)		74.64		
Construction Manager		142.02		
Constr Contract Admin		73.04		
Construction Administrator		82.46		
Construction Observer		69.53		
Corp Support-Tech Staff		105.40		
Corp Support-Admin Staff		59.11		

Ms. Heidrick reported that a committee had met with the architects from each firm to review their qualifications. The committee recommended that the County Manager negotiate a contract with Ware Bonsall Architects for the completion of the pod.

Commissioner Sides moved, Commissioner Mitchell seconded and the vote to allow the County Manager to negotiate a contract with Ware Bonsall Architects passed unanimously.

7. CONSIDER APPROVAL OF WAIVER OF COMPETITIVE BIDDING, APPROVAL TO PURCHASE CATERPILLAR D6R BULLDOZER AND SURPLUS OF CATERPILLAR D6H BULLDOZER

Rowan County Finance Director Leslie Heidrick said a notice of waiver of competitive bidding was advertised in the Salisbury Post on October 9, 2006 for the purchase of a Caterpillar D6R bulldozer from Alban Tractor Company, Inc. The County of Fairfax, Virginia issued a formal bid request on May 24, 2006 and awarded to the lowest bidder, Alban Tractor, on July 29, 2006. The Finance and Environmental Services Departments recommended piggybacking off this contract with the amount of the bulldozer at \$288,890.00.

Ms. Heidrick said Environmental Services would like to surplus and trade in a caterpillar D6H purchased new in 1995 for \$163,740, which has a trade-in value of \$47,500.

Commissioner Mitchell moved to waive competitive bidding and the resolution. The motion was seconded by Commissioner Blount and passed unanimously.

Commissioner Mitchell moved, Commissioner Blount seconded and the vote for approval of the resolution, the purchase of one (1) Caterpillar D6R Bulldozer and the surplus of the D6H Bulldozer passed unanimously.

8. CONSIDER APPROVAL OF 2007 SCHEDULE OF VALUES FOR 2007 REVALUATION

County Assessor Jerry Rowland and Barbara McGuire were present to entertain any questions the Board might have regarding the 2007 schedule of values for the 2007 revaluation. Mr. Rowland also asked the Board to consider setting a public hearing for the next meeting regarding the schedule.

After a brief discussion regarding the appraisal process, Commissioner Sides moved to set a public hearing for November 20, 2006. The motion was seconded by Commissioner Mitchell and passed unanimously.

- Before moving to the next agenda item, Chairman Chamberlain asked Commissioner Sides to present his comments regarding the letter he had distributed at the beginning of the meeting.

Commissioner Sides explained that the letter is from the City of Kannapolis relating to the Development Financing Plan or tax increment financing. Commissioner Sides said the method allows cities/counties to borrow large sums of money without a vote of the people. Commissioner Sides referred to the last paragraph of the letter and said while he is not opposed to the North Carolina Research Campus, he wished to go on record as opposing the tax increment financing and the plan for Kannapolis.

Chairman Chamberlain thanked Commissioner Sides for his comments and opened the floor for a response from the other Board members.

Chairman Chamberlain also read from the last paragraph, which stated: *Unless the Board of County Commissioners of either County by resolution disapproves the proposed plan within 28 days after October 20,2006, the date this notice is being mailed, the City Council of the City may proceed to adopt the plan.*

There were no additional comments from the Board.

9. CONSIDER APPROVAL OF RESOLUTION AUTHORIZING CITY FIRE INSPECTORS TO PERFORM FIRE INSPECTIONS IN ROWAN-SALISBURY SCHOOLS

County Attorney Jay Dees said a draft of the interlocal agreement between the City of Salisbury and Rowan County had been provided to the Board. Mr. Dees

pointed out one change that had been made in paragraph 3, which was the insertion of “all public schools.”

Chairman Chamberlain referred to paragraph 2 and questioned the 90-day terms and Mr. Dees said the Board could change the terms to reflect a 30-day written notice.

Chairman Chamberlain then requested that Mr. Dees change the terms to 30-days written notice.

Commissioner Sides said he did not want the City to misunderstand the Board’s appreciation for their willingness to perform the fire inspections. Commissioner Sides said the County hoped to get back to the position of being able to resume the inspections.

Chairman Chamberlain said for the record that he greatly appreciated the City of Salisbury offering to assist the County with the inspections.

Commissioner Mitchell moved to approve the interlocal agreement with the recommended changes. Commissioner Sides seconded and the vote passed unanimously.

10. CONSIDER APPROVAL OF VEHICLE MAINTENANCE CONTRACT WITH JOHN LOVE

County Manager William Cowan explained that John Love performs vehicle maintenance services as an employee of the County and that the County in turn leases a bay in Mr. Love’s garage. Mr. Cowan said the agreement was not in written form and that County Attorney Jay Dees had drafted the proposed contract for the Board’s consideration.

Commissioner Mitchell moved, Commissioner Blount seconded and the vote for approval of the vehicle maintenance contract passed 4-1 with Commissioner Sides dissenting.

Commissioner Sides expressed concern with the County having part-time individuals who are fulltime benefited. Commissioner Sides said the position in question is not a fulltime position as the individual performs maintenance for many others on the same site. Commissioner Sides said the bay being rented by the County is also being used for other vehicles.

Chairman Chamberlain said for the record that he also had a problem with the situation. Chairman Chamberlain recalled that due to a 2-2 tie-vote, the Board had kept the vehicle maintenance with Mr. Love. Chairman Chamberlain said the Board would be able to address the maintenance situation as the County proceeds with capital improvement projects.

Commissioner Mitchell referred to the bids that were previously received and said that the arrangement with Mr. Love was less expensive than a contract basis.

Chairman Chamberlain said an exception would be that another contractor would not be a county employee with fulltime benefits.

In response to a query from Commissioner Mitchell, Mr. Cowan confirmed that the arrangement with Mr. Love cost slightly less, even including salary and benefits.

Chairman Chamberlain said the point he and Commissioner Sides were trying to make was that Mr. Love was receiving a full salary but might only be working part-time. Chairman Chamberlain said the issue was not personal towards Mr. Love because he did great work and that the County was fortunate to have him performing the vehicle maintenance.

Mr. Dees referred to Mr. Love's benefits and he pointed out that the costs were for the premium only and did not include any possible health care claims.

11. BUDGET AMENDMENTS

Chairman Chamberlain opened the floor for any questions regarding the budget amendments in the agenda packet.

Commissioner Blount moved for approval of the budget amendments as presented. Commissioner Sides seconded and the motion passed unanimously.

12. BOARD APPOINTMENTS

The Town of Granite Quarry submitted applications for the following appointments:

- The Board of Aldermen and the Planning Board requested to add Errin Brown as a regular ETJ member. Mr. Brown would replace Chris McKinney who resigned due to health reasons. The term will expire on June 30, 2009.

Commissioner Mitchell nominated Mr. Brown and the nomination passed unanimously.

- The Zoning Board of Adjustment and the Board of Aldermen recommended adding Kelly Smith as a regular ETJ member. Ms. Smith would be filling a vacancy with a term ending date of June 30, 2008.

Commissioner Mitchell nominated Kelly Smith and the nomination passed unanimously.

13. PUBLIC COMMENT PERIOD

Chairman Chamberlain opened the Public Comment Period to entertain comments from any citizens who wished to address the Board.

With no one coming forward, Chairman Chamberlain closed the Public Comment Period.

14. ADJOURNMENT

Commissioner Blount moved, Commissioner Mitchell seconded and the vote to adjourn the meeting at 7:49 pm passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board