

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
December 4, 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.

Chairman Chamberlain recognized several elected officials and guests in the audience including Sheriff George Wilhelm, Judge Larry Ford, Board of Education Chairman Bryce Beard, Rowan-Salisbury Schools Superintendent Dr. Judy Grissom and Mayor Beau Taylor. Chairman Chamberlain also recognized (2) of his granddaughters.

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Blount moved, Commissioner Tadlock seconded and the vote to approve the minutes of the November 20, 2006 Commission meeting passed unanimously.

CONSIDER APPROVAL OF CLOSED SESSION MINUTES

Commissioner Tadlock moved to approve the Closed Session minutes of the August 7, 2006 Commission meeting. The motion was seconded by Commissioner Blount and passed unanimously.

ADJOURNMENT

With no further business to come before the meeting body, Chairman Chamberlain adjourned the meeting at 7:04 pm.

OATH OF OFFICE

County Manager William Cowan introduced the Honorable Judge Larry Ford, Senior Resident Superior Court Judge for Rowan County. Judge Ford came forward and administered the Oath of Office to newly elected Commission members, Tina Hall, Jon Barber and Chad Mitchell. A round of applause followed the completion of each Oath.

After taking the Oath of Office, Commissioners Hall, Barber and Mitchell were presented with the official County Commission lapel pin, which was placed on their lapels by their family members and/or guests.

NEW BOARD CONVENES

County Manager William Cowan called the meeting to order at 7:17 pm.

SELECTION OF CHAIR AND VICE-CHAIRMAN

Mr. Cowan presided over the selection of a Chairman and Vice-Chairman.

Chairman:

Mr. Cowan opened the floor for nominations for Chairman.

Commissioner Mitchell nominated Commissioner Chamberlain.

Commissioner Hall nominated Commissioner Sides.

There being no further nominations, Commissioner Mitchell moved to close the nominations. The motion was seconded by Commissioner Chamberlain and passed unanimously.

Commissioners Barber, Mitchell and Chamberlain voted in support of Commissioner Chamberlain as Chairman.

Commissioners Hall and Sides voted in support of Commissioner Sides for Chairman.

On a 3-2 vote, Mr. Cowan announced that Commissioner Chamberlain would serve as the Chairman.

A round of applause followed the announcement.

Vice-Chairman:

Mr. Cowan opened the floor for nominations for Vice-Chairman.

Chairman Chamberlain nominated Commissioner Barber.

Commissioner Hall nominated Commissioner Mitchell.

Commissioner Sides moved, Commissioner Mitchell seconded and the vote to close the nominations passed unanimously.

Commissioners Chamberlain and Barber voted in support of Commissioner Barber as Vice-Chairman.

Commissioners Sides, Hall and Mitchell voted in support of Commissioner Mitchell as Vice-Chairman.

On a 3-2 vote, Mr. Cowan announced that Commissioner Mitchell would serve as Vice-Chairman.

The announcement was followed by a round of applause.

RECOGNITION OF RETIRING COMMISSIONERS

Chairman Chamberlain declared it to be an honor to serve as Chairman of the Board and he added, "it's not an honorary position; it's a job and I intend to do it with all of my heart."

Chairman Chamberlain continued by welcoming the new Board members and he offered to make himself available to them at any time. Chairman Chamberlain said there are times when the Chairman and Vice-Chairman may receive information quicker than other Board members. Chairman Chamberlain encouraged the Commissioners to contact the County Manager regularly in an effort to remain informed. Chairman Chamberlain said the Board was ready "to go to work" and his comments were followed by a round of applause.

County Manager William Cowan recognized retiring Commissioner Steve Blount. Mr. Cowan read from a plaque, which he presented to Commissioner Blount. Mr. Cowan also presented Commissioner Blount with a gift on behalf of the Board and the citizens of Rowan County. A round of applause followed the presentation.

Commissioner Blount thanked the citizens for allowing him to serve as their representative. Commissioner Blount praised the county's employees for their hard work, including former County Planner Marion Lytle. Commissioner Blount also expressed his appreciation to several former county employees and to his wife, Melanie. Commissioner Blount's comments were followed by a round of applause.

Mr. Cowan recognized retiring Commissioner Frank Tadlock. Mr. Cowan also read and presented Commissioner Tadlock with a plaque on behalf of the Board and citizens of Rowan County. A round of applause and a standing ovation followed the presentation.

Mr. Cowan presented Commissioner Tadlock with an art sculpture that he stated would hang in honor of Commissioner Tadlock in the Frank T. Tadlock South Rowan Regional Library.

Commissioner Tadlock said he was honored to have served on the Board. Commissioner Tadlock said he had looked forward to the meetings and that he would miss serving as a Commissioner. Commissioner Tadlock expressed his appreciation for the gift and his comments were met by another round of applause.

Chairman Chamberlain said the combined 22 years of knowledge between the 2 retiring Commissioners could not easily be replaced. Chairman Chamberlain addressed Commissioner Tadlock and said, "Because of how you've acted and reacted to your lot in life at this time, you've inspired me and I think you've inspired this entire Board." Chairman Chamberlain expressed his appreciation to Commissioner Tadlock and Commissioner Blount. The comments were met by a round of applause.

RECESS FOR RECEPTION TO HONOR NEW & RETIRING COMMISSIONERS

Chairman Chamberlain recessed the meeting at 7:31 pm for a reception to honor the new and retiring Commissioners.

BOARD RECONVENES

Chairman Chamberlain reconvened the meeting at 8:10 pm.

CONSIDER ADDITIONS TO THE AGENDA

- Commissioner Sides commented that "Wild Bill Corriher" had extended an invitation to the Board to attend the JROTC yearly meeting at South Rowan High School on February 7, 2007 at 7:00 pm.
- Commissioner Sides said he would like to add an item regarding the Historic Landmarks Commission (HLC).

Commissioner Sides moved to add the HLC to the agenda. The motion was seconded by Commissioner Mitchell and passed unanimously. Chairman Chamberlain added the issue as agenda item #2a.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

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

1. CONSIDERATION OF THE CONSENT AGENDA

Commissioner Sides moved, Commissioner Mitchell seconded and the vote to approve the Consent Agenda passed unanimously.

The Consent Agenda consisted of the following items:

- A. Set Public Hearing for December 18, 2006 for Special Consideration of Proposed Road Name of Chalet Road

2. APPROVAL OF PERSONAL & BLANKET BONDS FOR ROWAN COUNTY OFFICIALS

Risk Manager Tony Hilton explained that state law requires the Board to carry bonds on certain county employees. Mr. Hilton said the state sets a maximum of \$25,000 for the Sheriff and \$50,000 for the Register of Deeds. Mr. Hilton said the County sets the bonds for the Tax Collector and Finance Director at \$200,000. Mr. Hilton added that the County carries a blanket bond on all county employees for up to \$300,000.

Commissioner Mitchell moved, Commissioner Hall seconded and the vote to approve the bonds as presented for 2006-07 passed unanimously.

ADDITION:

2a. Discussion Regarding the Historic Landmarks Commission

Commissioner Sides explained that an item had been pulled from the November 20, 2006 Commission agenda, which pertained to setting a public hearing for changes to the Historic Landmarks Commission (HLC) Ordinance.

Commissioner Sides felt that some of the existing text, as well as the proposed text should be changed. Commissioner Sides said after speaking to Staff and to the County Attorney that he would like to delay adoption of the proposed text for an extended period of time. Commissioner Sides said he was advised that the best way to delay the process was to enact a moratorium for designations considered by the HLC. The moratorium would allow the HLC to revise and update the current landmarks designation procedures.

Commissioner Sides moved to set a public hearing for December 18, 2006 regarding the Historic Landmarks Commission Ordinance. The motion was seconded by Commissioner Hall and passed unanimously.

3. CONSIDER COMMISSION MEETING SCHEDULE FOR 2007

Chairman Chamberlain opened the floor for discussion regarding the Board's 2007 meeting schedule.

Commissioner Hall recommended that the Board meet at 4:00 pm for the first meeting of each month in order to allow the Commissioners the opportunity to attend municipal board meetings.

Commissioner Hall moved that the first Board meeting in the month be held at 4:00 pm and for the second meeting to be held at 7:00 pm. The motion was seconded by Commissioner Barber and passed unanimously.

Due to both regularly scheduled meetings falling on holidays in the month of January, the Board agreed to meet on Thursday, January 4, 2007 at 4:00 pm and Tuesday, January 16, 2007 at 7:00 pm.

4. REPORT ON ROWAN-SALISBURY SCHOOLS CONSTRUCTION PROGRAM

Jim Christy from the Rowan-Salisbury School System (RSS) and Bill Hill from Construction Control Corporation (CCC) were present to update the Board regarding RSS construction projects.

Mr. Christy reviewed the financial status of the bond program and he provided an overview for each project.

Chairman Chamberlain expressed appreciation to Mr. Christy and RSS Staff for providing the detailed information.

Commissioner Hall asked if the square footage for Millbridge Elementary School was the same as Shive Elementary and Mr. Christy said no. Mr. Christy said Shive and Koontz Elementary were of the same square footage. Mr. Christy said Millbridge Elementary was 86,499 square feet while Koontz and Shive Elementary were 82,570 square feet. Mr. Christy discussed the differences between the schools.

In response to a query from Commissioner Hall, Mr. Christy said Millbridge Elementary was currently under capacity but was fast approaching capacity. Mr. Christy said RSS was getting ready to update its 10-year plan and judging from the area, the school would soon be at capacity. Mr. Christy said he hoped to provide the Board with the 10-year plan in January.

Commissioner Hall said she appreciated the extensive report that had been provided to the Board.

Commissioner Barber said he had reviewed the information in the agenda packets and the figures that were provided had satisfied his questions.

Commissioner Sides referred to the details in the report concerning Shive Elementary and said his initial concern had been that 2 previous elementary schools had been built for approximately \$2.5 million less than what Shive Elementary had been projected to be. Commissioner Sides said he understood the additional \$1.3 million costs for utilities but that he did not understand the approximate \$1 million difference. Commissioner Sides said he had heard that the size of the school was larger than what the Board had been told.

Mr. Christy said Shive and Koontz Elementary were the same plan except for the changes made by DOI. Mr. Christy said RSS would be presenting a change order due to DOI requiring a firewall in the 100 wing. Mr. Christy said the change did not add extra square footage.

Commissioner Sides discussed breakdown for the land costs for Shive Elementary and said there was \$1,000 difference in the information in the agenda packets that he did not understand. Mr. Hill said the figures in question represented what had been paid to date. After a brief discussion regarding the \$1,000 difference, Mr. Hill and Mr. Christy said they would review the information and verify the figures that were listed in the report.

Commissioner Sides said his purpose in asking for the information that had been provided related to the fact that the County had committed to borrow approximately \$6 million to complete the bond project. Commissioner Sides said he understood that there is approximately \$1.1 million in interest that had been accumulated from the bond funds. Commissioner Sides said it was anticipated that there would be \$1.1 million left from the projects and that he personally wanted to see the County borrow less money or pay down the loan as soon as the funds were available.

Commissioner Mitchell commented that he suspected the Board would have to come up with a fairly large amount of money to accommodate the 10-year plan and the building needs of RSS.

Chairman Chamberlain thanked Mr. Christy and Mr. Hill for the report.

5. CONSIDER APPROVAL OF SALARY CHANGES FOR SUBSTITUTE EMT'S

Ken Deal, Director of Administration stressed that it was critical for the county to have competent, trained substitute Emergency Medical Technicians (EMT's) to fill in for staff on various occasions due to vacation schedules and illness. Mr. Deal said the County did not have a qualified pool of applicants to choose from, therefore causing staff to work overtime. Mr. Deal said an extensive survey had been done with surrounding counties regarding the pay range for their substitute EMT's.

Mr. Deal reviewed the recommended changes to the pay system for the substitute EMT's.

In response to a query from Commissioner Mitchell, Mr. Deal said the recommended changes would put the county in line with the market average.

Commissioner Barber asked if the substitute EMT's were coming to work during their time off from other counties. Commissioner Barber also asked if other

counties were experiencing the same problems in maintaining a pool of qualified applicants. Mr. Deal responded yes to both questions.

Commissioner Sides moved, Commissioner Barber seconded and the vote for approval of the new rates passed unanimously.

6. BUDGET AMENDMENTS

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

7. SELECTION OF VOTING DELEGATE FOR NCACC

County Manager William Cowan explained that the North Carolina Association of County Commissioners (NCACC) is the organization that represents counties before the legislature. Mr. Cowan said the 2007 Legislative Goals Conference would be held at Pinehurst in Moore County on January 11-12, 2007. Mr. Cowan said the Board needed to appoint an official voting delegate to represent Rowan County. Mr. Cowan added that the legislative goals would be provided to counties in advance.

Chairman Chamberlain opened the floor for a volunteer to serve as Rowan County's voting delegate. After a brief discussion, Commissioner Hall agreed to serve.

Commissioner Barber moved to appoint Commissioner Hall to represent the Board at the 2007 Legislative Goals Conference. The motion was seconded by Commissioner Sides and passed unanimously.

8. PUBLIC COMMENT PERIOD

Chairman Chamberlain opened the Public Comment Period to entertain comments from any citizens who might wish to speak to the Board.

The following citizens addressed the Board:

- Barbara McGuire said she was with the Rowan Property Rights Alliance concerning the proposed changes to Rowan County's Historic Landmarks Ordinance (HLC). Ms. McGuire also stated that she works for the County Assessor's Office. Ms. McGuire read a prepared speech concerning a citizen's right to own, possess, use, enjoy, dispose of, or sell their property. Ms. McGuire asked that when the proposed changes come before the Board, that the Board uphold the right of the property owners and vote against the change that states property can be designated as historic without the property owner's written consent or permission.
- Rod Wedby of 502 South Church Street expressed appreciation to Commissioner Sides for his stance regarding the HLC and for supporting the moratorium. Mr. Wedby referred to federal guidelines (Title 36) and

said the State Preservation Officer cannot make a recommendation to the National Preservation Office without the consent of the property owner. Mr. Wedby said the citizens were relying on the Board to protect their property rights.

Chairman Chamberlain pointed out that the vote was unanimous for support of enacting a moratorium for designations considered by the HLC. A round of applause followed the comment.

- Ralph Lambe commented that he had heard enough about the government telling property owners what to do with their land. Mr. Lambe asked the Board to stop the HLC, greenways and Brownlee's. Mr. Lambe said, "This is a democracy" and the people will "stick together."
- Jack Fisher of Long Ferry Road thanked the Board for its stand on property rights. Mr. Fisher said he had followed the stories in the newspaper regarding the County's shortage of building inspectors. Mr. Fisher suggested that the County put county planners to work doing inspections so they could not come up with creative ways for government to "confiscate our land." The comments were followed by applause.
- Roberta Henfield, a resident of Charlotte, North Carolina, said she was present because she was a property owner in Rowan County. Ms. Henfield thanked God for the leadership He had brought to Rowan County in November of 2006 and 2004. Ms. Henfield said the Board was the best "team" that property owners could ever hope for if their campaign speeches were to be believed. Ms. Henfield asked the Board to not allow the HLC to enter onto a citizen's land without that citizen's written consent. Ms. Henfield said she appreciated what the Board had done and what it would continue to do to uphold the Constitution of the United States and the basic principles of fairness. Ms. Henfield finished by saying, "God bless you all and God bless the USA." The comments were followed by a round of applause.
- Mike Gobble thanked the Board for its support to enact a moratorium for designations considered by the HLC. Mr. Gobble said he also appreciated the Board putting God first in all meetings. Mr. Gobble expressed concern for the proposed HLC Ordinance revisions and he asked the Board to say no to taking away property rights. A round of applause followed the comments.
- Karen Prudemore of Long Ferry Road thanked the Board for its unanimous stance against taking away citizens' property rights. Ms. Prudemore said she felt the Board was friendlier towards property rights than any previous Commission. Ms. Prudemore implored the Board not to let the citizens down and to also not let the county planners let them down.

Ms. Prudemore said the citizens did not need the HLC or government to micromanage their land. A round of applause followed the comments.

Chairman Chamberlain explained that the proposed HLC Ordinance changes had not been forwarded to the Board as recommendations from the County's planners but rather from the HLC. Chairman Chamberlain asked the public not to be harsh on the County's planners, as they were "not pushing anything."

- Dale Wagstaff said he was proud of the public for getting involved in the issue regarding the HLC. Mr. Wagstaff reported that over 155 people had attended the last 2 meetings for the property rights group. Mr. Wagstaff said there is a movement afoot in many different areas to constantly erode property rights and he said, "We're going to become the watchdog to make certain that these efforts are going to be thwarted." Mr. Wagstaff said the group planned to do its best to keep Rowan County "property rights friendly" and citizens can enjoy the freedoms that our forefathers had fought so hard for. A round of applause followed the comments.

Commissioner Sides said Planning Staff had been instrumental in advising him of the proper procedures concerning the presentation of information for the moratorium. Commissioner Sides said the moratorium was Staff's idea and was the "right way to go." Commissioner Sides said even though Staff makes recommendations to the Board, it is the Board and County Attorney's responsibility to review documents that come before the Board. Commissioner Sides said it was Staff's responsibility not to present information that is contrary to what the Board wants. Commissioner Sides said he had wanted to disband the HLC when he had learned that they did not have a quorum for 5 of 12 meetings. Commissioner Sides explained that there is already wording in the ordinance that allows the HLC to go onto a citizen's property and conduct a survey without that citizen's authority. Commissioner Sides said the Board would do the best it could for the citizens of Rowan County. A round of applause followed the comments.

Chairman Chamberlain reminded the audience that "every time you protect one person's property, you may not be protecting another person's property." Chairman Chamberlain agreed with Commissioner Sides saying it is the "intent of this Board to do the right thing but sometimes we may disagree on what the right thing is." Chairman Chamberlain also agreed with Commissioner Sides concerning the importance of meeting attendance by those appointed to serve on the HLC.

Before opening the floor for a motion to adjourn the meeting, Chairman Chamberlain shared the following information.

- Chairman Chamberlain said it was the Chairman's job to appoint Commission liaisons to various boards. Chairman Chamberlain

distributed a handout and asked the Commissioners to complete the form and rank the boards in which they would most like to serve on.

Commissioner Sides pointed out that it was the Chairman's authority to appoint members to certain committees and commissions but that there were certain boards such as DSS, Mental Health and the Board of Health, which needed to be approved by the Commissioners.

Chairman Chamberlain asked the Commissioners to provide the Clerk with the completed form.

Commissioner Mitchell requested that the list be reviewed to determine the importance of a Commissioner being on those boards. Commissioner Mitchell said it should be clear as to what is a liaison versus what is a board member.

Chairman Chamberlain said that serving as a liaison to a particular board does not mean serving as an advocate for that board. Chairman Chamberlain said being a liaison means being a flow of information between the board and the Commissioners. Chairman Chamberlain said serving as a liaison does not mean that the Commissioners are obligated to attend the meetings. Chairman Chamberlain personally thought some of the liaison appointments could be eliminated from the list or that some of them could be disbanded, which would allow the Board to "start over" with new appointments. Chairman Chamberlain finished by asking the Board to think about the appointments and he said the Board would discuss the issue at a later time.

9. ADJOURNMENT

With no further business to come before the Board, Commissioner Barber moved, Commissioner Mitchell seconded and the vote to adjourn the meeting at 9:20 pm passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board