

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
January 4, 2007 – 4:00 PM
J. NEWTON COHEN, SR. ROOM, ADMINISTRATION BUILDING**

Present: Arnold S. Chamberlain, Chairman
Chad Mitchell, Vice-Chairman
Jon Barber, Member
Tina Hall, Member
Jim Sides, 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 4:00 pm.

Chairman Chamberlain asked for a moment of silent prayer for the family of deceased Commissioner Frank Tadlock, who passed away January 2, 2007.

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Sides moved, Commissioner Mitchell seconded and the vote to approve the minutes of the December 18, 2006 Commission meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

County Manager William Cowan requested to add an item regarding a contract for marketing materials for the corporate hangar area at the Rowan County Airport.

Commissioner Mitchell moved, Chairman Chamberlain seconded and the vote to add the item to the agenda as requested 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 Mitchell moved, Commissioner Barber seconded and the vote to approve the agenda passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

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

The Consent Agenda consisted of the following items:

- A. Approval of Proclamation Establishing January 15, 2007 as Dr. Martin Luther King, Jr. Day in Rowan County
- B. Approval of Modification to Previous Request from NCDOT Presented on December 18, 2006 Regarding the Addition of Todd Street and Elwood Lane to the State Secondary Road System for Maintenance
- C. Approval of Request from NCDOT to add Bridle Path Farm Road to the State Secondary Road System for Maintenance
- D. Set Public Hearing for January 16, 2007 to Consider Reducing Planning Board Membership
- E. Set Public Hearing for January 16, 2007 for Consideration of Condemnation at 345 N. Fisherman's Lane
- F. Set Public Hearing for January 16, 2007 for Special Consideration of Proposed Road Name of Shumac Lane
- G. Set Public Hearing for January 16, 2007 for Consideration of Majority Petition for Buren Drive
- H. Approval of Resolution Awarding Contract to Purchase Carpeting for Rowan Public Library

2. RECOGNITION OF DECEMBER & JANUARY EMPLOYEES OF THE MONTH

Chairman Chamberlain recognized employee Richard Shue from the Environmental Services Department as the December 2006 Employee of the Month. Chairman Chamberlain presented Mr. Shue with a certificate and also informed Mr. Shue that he would be receiving a gift card of appreciation. A round of applause followed the presentation.

Chairman Chamberlain recognized employee Jody Burleyson from the Sheriff's Department as the January 2007 Employee of the Month. Mr. Burleyson was also presented with a certificate and informed that he would be receiving a gift card of appreciation. A round of applause followed the presentation.

2a. ADDITION TO THE AGENDA

County Manager William Cowan asked the Board's permission to enter into a contract on a per hour basis, not to exceed \$9500, with Talbert and Bright, Inc. to prepare a marketing packet for corporate hangar areas at the Rowan County Airport. Mr. Cowan said the information would include sample hangar sizes, costs, sample lease contracts, etc.

Commissioner Sides moved to approve the request as presented. The motion was seconded by Commissioner Hall and carried unanimously.

3. PUBLIC HEARING FOR CONSIDERATION OF PROPOSED ROAD NAME OF ROSS MEADOWS DRIVE

Fredda Greer of the Rowan County Planning Department provided the Staff Report. Ms. Greer explained that because a third structure has been located along the road, the road meets the criteria requiring it to be named. The road currently has no name and a petition has been submitted for the proposed road name of Ross Meadows Drive. Staff recommended approval of the road name.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed road name of Ross Meadows Drive.

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

Commissioner Sides moved, Commissioner Barber seconded and the vote to approve the road name of Ross Meadows Drive passed unanimously.

4. PUBLIC HEARING FOR PROPOSED TEXT CHANGES TO PERSONNEL ORDINANCE

Chairman Chamberlain recalled that at the December 18, 2006 Commission meeting, the Board had scheduled a public hearing for the current meeting for consideration of proposed text amendments to the Rowan County Personnel Ordinance. Chairman Chamberlain explained that the proposed text amendments would change the County Manager to a non-voting member of the Personnel Board.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed text amendments.

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

Commissioner Mitchell moved to approve the proposed text changes of the Personnel Ordinance. The motion was seconded by Commissioner Barber.

Commissioner Sides requested that all Commissioners receive the same agenda packets as the Personnel Board members for all Personnel Board meetings.

The vote to approve the proposed text amendments as presented passed 4-1 with Commissioner Sides dissenting.

5. CLOSED SESSION: PERSONNEL ISSUE REGARDING COUNTY MANAGER

County Manager William Cowan explained that Commissioner Hall had provided each Commissioner with a Memorandum of Understanding (MOU) as opposed to an employment contract for filling the position of County Manager. Mr. Cowan said the MOU was generally acceptable to him with a few minor changes and that he was willing to discuss the issue in Open Session.

By consensus the Board agreed to discuss the matter in Open Session. Commissioner Mitchell asked County Attorney Jay Dees to keep the discussions from straying into any areas that should be conducted in Closed Session.

Commissioner Hall asked the Clerk to distribute copies of the proposed MOU and also copies of a Resolution for appointing a County Manager. Commissioner Hall explained that she had received the idea of the MOU from the Forsyth County Manager and she described the MOU as a straightforward method for compensating the County Manager.

Commissioner Hall read the MOU for the benefit of the public.

Commissioner Barber said the MOU was a contract and was a simplified version of the initial contract provided by Mr. Cowan. Commissioner Barber said he had several questions pertaining to the MOU not having term dates, and also with the wording in the MOU that stated, "some misconduct." Commissioner Barber said he had discussed these issues with Mr. Cowan and that Mr. Cowan accepted these particular items; therefore Commissioner Barber was in favor of the MOU.

Commissioner Sides said he did not like contracts because he had seen the County face many problems as a result of contracts. Commissioner Sides referred to the wording of "some misconduct" in the MOU and said the language could be a matter of interpretation by Mr. Cowan's lawyer in the future. Commissioner Sides said the language should be spelled out as to whether the conduct was felonious, etc. Commissioner Sides said the contract should be written to protect the County and that he felt the proposed MOU did not do this. Secondly, Commissioner Sides said he would like to see language inserted that if a County Manager received a 5-0 vote to be terminated by the Board, that Manager would only receive 30 days severance pay. Commissioner Sides said if the vote was 4-1, the Manager would receive 3 months pay; and if the vote were 3-2 there would be 6 months pay and no additional benefits. Commissioner Sides questioned any travel allowance and Mr. Cowan responded that there would be no travel allowance.

Commissioner Sides questioned any accrued vacation or sick pay being carried forward and Mr. Cowan said there would be no vacation or sick pay starting out.

Commissioner Sides said the salary would also include \$7,000 in insurance not currently received, \$6,000 in FICA, \$1,400 in Medicare, approximately \$8,000 in Retirement, and \$5,000 in 401K. Commissioner Sides said that he liked Mr. Cowan and that he felt Mr. Cowan had done a great job for Rowan County. Commissioner Sides said his obligation was to the taxpayers of Rowan County and that he had a problem with such a large salary. Commissioner Sides turned to Mr. Cowan and addressed him directly, stating that he liked him but that he felt this was “too much money.”

Commissioner Mitchell said he also didn't necessarily like the proposed salary of \$151,000 but unfortunately in the County's situation, the proposed salary was not outside of the market range. Commissioner Mitchell said he was a strong supporter of the market system. Commissioner Mitchell stressed that the market determines someone's salary. Commissioner Mitchell said he was comfortable with the contract as it was written but that he did want to see the wording of “some misconduct” clarified. Commissioner Mitchell said the benefits of hiring someone with less experience would be considerably less beneficial to the County. Commissioner Mitchell said Mr. Cowan's experience had already saved the taxpayers of Rowan County “tens of thousand of dollars.” Commissioner Mitchell felt the County could not afford to go below market value to provide a quality leader for the County and he expressed appreciation to Commissioner Hall for providing a contract in a simplified form. Commissioner Mitchell said he would like for the Board to discuss the “misconduct clause.”

Commissioner Sides pointed out that any Commissioner could add an agenda topic and make a motion to call for the County Manager's termination at any time. Commissioner Sides said the Board has the right to terminate the Manager and with proper wording in the MOU there would be no worries about lawsuits or misconduct.

Chairman Chamberlain said he disagreed with Commissioner Sides. Chairman Chamberlain said the Board should only terminate a Manager for a specific cause and that the termination should never be a “totally political decision.” Chairman Chamberlain said the Manager as well as department heads should be treated with the respect they deserve.

When asked about the MOU language pertaining to “some misconduct,” County Attorney Jay Dees said the Board might want to define “some misconduct” as criminal misconduct, including misconduct as a violation of criminal statutes and also violation of the ICMA Code of Ethics.

After further discussion Chairman Chamberlain asked Mr. Dees to provide the specific language that should be inserted into the MOU. Mr. Dees responded, “criminal misconduct or violation of ICMA Code of Ethics as determined in the sole discretion of the Board of Commissioners.”

Chairman Chamberlain deferred to Mr. Cowan who said he found the proposed MOU acceptable.

Commissioner Hall moved to accept the MOU concerning the employment of William K. Cowan to the position of Rowan County Manager. Commissioner Mitchell seconded the motion with the understanding that it included the discussed changes of criminal misconduct or violation of ICMA Code of Ethics as determined in the sole discretion of the Board of Commissioners. Commissioner Mitchell said the changes also include striking the words “strive to” in the last bullet of the MOU.

The motion passed 4-1 with Commissioner Sides dissenting.

Commissioner Hall read the Resolution regarding the appointment of William K. Cowan as County Manager. Commissioner Hall then moved to approve the Resolution. The motion was seconded by Commissioner Barber and passed 4-1 with Commissioner Sides dissenting.

As Mr. Cowan was stating that he was looking forward to working with the Board, Commissioner Sides left his seat to shake Mr. Cowan’s hand and welcome him aboard.

Chairman Chamberlain called for a short recess at 4:50 pm.

Chairman Chamberlain reconvened the meeting at 5:00 pm.

6. CONSIDER PRIVATE ROAD APPROVAL FOR SADDLE CREEK S 06-06

County Attorney Jay Dees disclosed that the issue before the Board involved one of his clients and that he had requested that Staff treat the issue the same as any other issue.

Shane Stewart from the Rowan County Planning Department explained that a development firm, Makenzie Properties was requesting permission to construct new subdivision streets as private dedicated to the future homeowners of Saddle Creek Subdivision. Mr. Stewart said the subdivision was located at the 9200 block of Highway 152 West. The streets would be constructed to DOT standards and require a homeowners association to pay for the upkeep of the streets.

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

7. CONSIDER PRIVATE ROAD APPROVAL FOR STEEPLE GATE SUBDIVISION

Shane Stewart of the Rowan County Planning Department said a development firm, United Visions Corporation, had requested permission to change road

status from public to private in the Steeple Gate Subdivision. Mr. Stewart said all current lot owners have authorized this change and agree to maintain the streets through fee payments to the Homeowners Association.

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

8. DISCUSSION/SET PUBLIC HEARING FOR ZTA 02-06 FOR AMENDMENTS TO ADULT USE TEXT

Shane Stewart from the Rowan County Planning Department confirmed to Chairman Chamberlain that the Board should hold a public hearing for ZTA 02-06, which had been duly advertised.

Planning Staff has proposed several amendments, which are hereto attached and made a part of these minutes. The proposed amendments to the current adult use text include new definitions, separation standards and signage restrictions. Comments were added by Planning Staff and also by Commissioner Sides as suggested changes from the Planning Board's recommendations.

Mr. Stewart provided the background information explaining that there are several proposed businesses that do not fall under the current Adult Standards that closely resemble potential activity that could be construed as adult. Mr. Stewart said Staff met with the Planning Board to review the issue in terms of the current text and what might need to be included to remedy the matter.

Mr. Stewart highlighted the proposed text amendments and said the Planning Board had voted unanimously to approve the text.

Mr. Stewart referred to the Staff Report in the agenda packet and said Attachment B was the Statement of Consistency prepared by the Planning Board for the Commissioners' consideration.

Chairman Chamberlain said Commissioner Sides, Planning Staff and the Planning Board had spent a lot of time on the proposed text. Chairman Chamberlain said he understood the businesses being discussed were legal but that he wanted to make it as hard as possible for these businesses to locate in Rowan County without infringing on their rights. Chairman Chamberlain said he along with Commissioner Sides "make no apology for that."

Commissioner Sides said the County could not legally eliminate the rights of adult establishments but that it could limit "what goes on in our neighborhoods."

Commissioner Hall expressed appreciation for the many hours of work that Commissioner Sides and Staff had put into the proposed text. Commissioner Hall asked if the Board could implement an expensive permit/application fee that might possibly deter these risky establishments. County Attorney Jay Dees said

no, that any application fee must be reasonably related to the County's cost of administering the ordinance, approving or disapproving the application, enforcement of a conditional use permit, etc. Mr. Dees said one option for the Board was to send the proposed text back to Staff for a recommendation concerning costs for an application fee.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed adult establishment text amendments. The following citizens addressed the Board:

- Ron Whedbee of 502 South Church Street said he agreed that the Board should make it as difficult as possible for adult establishments to locate in Rowan County. Mr. Whedby said the issue was a moral and public safety issue that would add to costs of law enforcement by bringing additional crime to the area. Mr. Whedby said he felt a majority of the public stand behind the Board in saying they don't want these businesses.
- Carl Ford of China Grove said he agreed with Commissioners Hall and Sides and he thanked them for their work. Mr. Ford agreed that the County should make it as difficult and frustrating as possible for adult establishments to locate in Rowan County.
- Jeff Morris said he agreed with Commissioner Hall and the other Board members. Mr. Morris said the Board should explore the possibility of implementing an adult establishment annual permit with an attached fee reasonably commensurate with monitoring an adult establishment's compliance with conditional use regulations.

With no further citizen input, Chairman Chamberlain closed the public hearing.

Commissioner Mitchell asked how many nonconforming uses the ordinance would change and Mr. Stewart said possibly 3. Mr. Stewart said if the Board implemented a fee those 3 businesses would only be charged the fee if they applied for an expansion. Mr. Dees added that if the businesses applied for an expansion they would have to go through the conditional use process and would be subject to any application/permit fees.

Commissioner Mitchell referred to the "25% rule" (as referenced in section 1 of the Adult bookstore, Adult novelty store, or Adult video store definition) on page 3 and asked if the reference to "adult use" (i.e. the phrase "a section" as identified in the definition of an Adult use) at the bottom of page 3 would override the 25% rule. Mr. Dees responded that there is case law defining adult establishments and there is a standard that says 25% is the threshold.

Commissioner Mitchell asked if 25% was the lowest percentage that would survive scrutiny and Commissioner Sides said, "that we know of."

Commissioner Mitchell asked if the last sentence should be a 1% rule. Mr. Dees said he planned to make reference to item #1 on page 3 at 25%.

Commissioner Barber thanked Commissioner Sides, Staff and the Planning Board for their efforts to preserve the quality of life in Rowan County.

Commissioner Mitchell moved to:

- Refer the proposed text back to Staff to look at the potential of adding the fee referred to by Commissioner Hall;
- To look at “unstriking” the 1320’ sentence (page 2); and
- Adding a disclaimer at the bottom of page 3 basically referring back up (item #1) to the 25% rule.

Commissioner Hall asked that the Board also consider the suggestion made by Mr. Morris during the public hearing. Mr. Dees said he had noted the annual permitting and related fee. Mr. Dees said he also thought that the Board should consider “purpose language” while trying to adopt the text.

Commissioner Barber seconded the motion and the motion passed unanimously.

Chairman Chamberlain said that when the issue came back to the Board at a future meeting, the Commissioners would adopt a Statement of Consistency at that time. Mr. Dees added that the Board would not need to conduct another public hearing.

9. CONSIDER AWARDING BID FOR PETTING BARN PROJECT

Don Bringle, Parks & Recreation Director, reviewed the request from the Parks & Recreation Commission asking the Commissioners to award the petting barn construction (building shell) to C.S. Bradshaw Construction. Mr. Bringle said the initial bids had all been over budget causing Staff to consider what construction could be done with the available funds. Mr. Bringle said the bid alternate had called for the barn to be 24’ longer than the existing barn. Mr. Bringle said alternate #1 had been reduced by 12’ and in doing so, C.S. Bradshaw was the lowest bidder. Mr. Bringle said Mr. Bradshaw had said construction could begin relatively quickly.

Commissioner Sides took a moment to announce that Mr. Bringle had been hired as the new Parks Director and a round of applause followed the announcement.

Chairman Chamberlain reviewed the contributions for the project as follows:

- Insurance Replacement, \$171,969.94
- B. Stanback, \$100,000
- J. Beard, \$10,000
- Rowan Fair Association, \$2,000
- Other Donations, \$20,938.04

Commissioner Sides moved for approval of the low bid. The motion was seconded by Commissioner Barber and passed unanimously.

Commissioner Sides moved approval of the Resolution awarding the contract. The motion was seconded by Commissioners Hall and Barber and passed unanimously.

10. CONSIDER APPROVAL OF CONTRACT FOR ARCHITECT FOR JAIL POD PROJECT

County Manager William Cowan recalled that at the November 6, 2006 meeting, the Board approved the selection of the firm of Ware-Bonsall as the architect for the jail pod project. Mr. Cowan highlighted the project and discussed the architect's contract proposal.

County Attorney Jay Dees referred to page 6 of the document and pointed out that item #1.3.5 concerning Arbitration would be struck in its entirety.

Mr. Cowan recommended the Board's approval of the contract in order to get the project underway.

In response to a query from Commissioner Hall, Mr. Cowan explained that state law requires an architect or engineer for any project involving construction/code issues when the project is in excess of \$100,000.

Commissioner Sides moved, Commissioner Hall seconded and the vote to approve the contract passed unanimously.

11. PRESENTATION OF COMMUNITY CHILD PROTECTION TEAM ANNUAL REPORT

Department of Social Services (DSS) Director Sandra Wilkes and DSS Program Administrator Tom Brewer provided the annual Community Child Protection Team (CCPT) report. Mr. Brewer also serves as Chairman of the CCPT.

Ms. Wilkes explained that in accordance with federal and state mandates, a report of the findings of the CCPT is to be made annually to the Commissioners.

Ms. Wilkes explained that most team members are connected with public agencies and had been a valuable resource in child protection. Ms. Wilkes said team members review and discuss active child welfare cases. Ms. Wilkes said the CCPT makes recommendations concerning how to proceed with cases that are at a standstill and when all resources have been exhausted.

Mr. Brewer thanked the Board for its continued support of protecting the children in Rowan County. Mr. Brewer said the CCPT meets quarterly and that meetings are well-attended. Mr. Brewer discussed statistics and the need for the ongoing assessment regarding the needs for children.

Mr. Brewer reviewed the recommendations of the CCPT as follows:

1. Continued approval for local child mental health services;
2. Continued approval for services provided through the Juvenile Crime Prevention Council;
3. Continued leadership in making the community aware of child protection issues through activities such as the local Community Child Fatality Task Force;
4. Continued support for the development of local alternatives to placing children in detention centers out of the county;
5. Appointment of members to serve on the CCPT as appropriate.

Chairman Chamberlain recognized several members of the DSS Board that were present including Jeff Morris, Carl Ford and Commissioner Sides. Chairman Chamberlain expressed appreciation to the DSS Board and its Staff as he declared child protection as the “most important thing going on today.”

Chairman Chamberlain called for a short break at 6:00 pm.

Chairman Chamberlain reconvened the meeting at 6:10 pm.

12. DISCUSSION REGARDING PROPERTY RIGHTS

Commissioner Sides discussed his concern with agents that enter private property to perform surveys, etc. without the permission of the property owner. Commissioner Sides discussed his personal experience with Salisbury-Rowan Utilities (SRU) when the agency entered his property without authorization to conduct a survey and also cut some trees. Commissioner Sides cited a recent meeting with officials from the City of Salisbury where he had questioned them regarding which law provides the right to enter private property without permission. Commissioner Sides said he had not yet received an answer.

Commissioner Sides also referred to a recent incident in Davidson County pertaining to their Economic Development Commission and their desire to develop an industrial park there. Commissioner Sides said several farmers had discovered workers drilling holes on their property without permission. Commissioner Sides said the EDC Director had admitted to paying for the unauthorized drilling. Commissioner Sides said he had been told the project involved Toyota.

Commissioner Sides addressed County Attorney Jay Dees and said he wanted to make certain that no agency affiliated with Rowan County enters private property for the purpose of surveying, cutting undergrowth, drilling holes, etc. without proper legal procedures being followed. Commissioner Sides said Mr. Dees had indicated he might be allowed to send out a letter to all agencies that

receive County funding or to agencies that represent the County, that it is County policy not to enter private property without proper authorization.

Mr. Dees said the County does have policing powers and the right to enter property without permission. Mr. Dees said the County's authority is well-defined in such areas as the Sheriff's Department, inspection and zoning violations, animal control, etc. Mr. Dees recommended that he and Commissioner Sides be allowed to present a policy at the next meeting for the Board's consideration and possible adoption. Mr. Dees said a policy could be enacted that would require any agency receiving County funding to provide the Board with policies and procedures for entering private property. Mr. Dees also suggested drafting language to stipulate that funding would be withdrawn if the policies and procedures were not provided.

Chairman Chamberlain asked Mr. Dees if he could draft the policy by the next meeting and Mr. Dees said yes.

By consensus, the Board agreed for Commissioner Sides and Mr. Dees to work together on the policy.

A round of applause followed the Board's discussion.

13. UPDATE PERTAINING TO TELEVISIONING OF COMMISSION MEETINGS

Commissioner Hall provided a brief update concerning research on televising the Commission meetings. Commissioner Hall said she and several staff members had visited the City of Winston-Salem and the Forsyth County council chambers to view their system. Commissioner Hall said the visit would prove useful when talking to vendors about the various types of equipment that could be used for Rowan County.

David Boling, Information Systems Director, and Randy Cress, Network Administrator provided a power point presentation that depicted the video/audio setups used by the above-referenced municipalities.

Commissioner Sides suggested that the Board consider lapel microphones in an effort to address the audio issues the Board currently experiences.

Mr. Boling said Staff was pursuing a turnkey job for the audio and video.

Chairman Chamberlain said he would like for quotes from the vendors to be broken down to reflect separate costs for audio and video and that he would like a cost benefit analysis. Chairman Chamberlain said the Board would need to know how much it would cost to "do it right."

14. UPDATE ON COMMISSIONERS LIAISON/BOARD APPOINTMENTS

County Attorney Jay Dees recalled the December 18, 2006 Commission meeting when the Board had asked questions about the Chairman's appointment of Commissioners to various committees, particularly liaison committees. Mr. Dees said the current ordinance gives the Chairman the authority to appoint committees. Mr. Dees said a strict reading of the ordinance would say the Chairman has the authority to appoint Commissioners as liaisons to advisory boards. Mr. Dees said he was not the one to determine the definition of an advisory board as it was an administrative decision for the Board. Mr. Dees cited several advisory boards that make recommendations to the Commissioners and then he cited boards are not purely county advisory boards. Mr. Dees said he had reviewed the appointments from previous years and it appeared that by unwritten policy the Chairman had appointed the liaison members.

Mr. Dees recommended clarifying Section 2-205 of the ordinance and the authority of the Chairman to make the appointments. Mr. Dees suggested to either strike "advisory boards" and replace it with "Commissioner approved boards" or by making other modifications as to the authority of the Chairman and/or Vice-chairman.

Commissioner Sides explained that part of his intent at the December 18, 2006 meeting had to do with his desire to have some of the boards possibly eliminated from the Commissioners appointment/liaison list. Commissioner Sides said there were some boards on the list that that did not require a Commissioner as a liaison. Secondly, Commissioner Sides said he would like to see the boards/committees online. Commissioner Sides said the public should have access to information as to what committees exist, when and where they meet, their agendas, access to minutes, board members, terms of board members, etc. Commissioner Sides said the Clerk should not have to maintain all of the information. Commissioner Sides felt it was important to require boards to police themselves regarding meeting attendance, etc. Commissioner Sides felt the Commissioners should review the boards/committees to determine which ones are needed and he said all boards/committees funded by the County should be required to list all pertinent board information online.

Chairman Chamberlain agreed with Commissioner Sides. Chairman Chamberlain said he had made the liaison/committee appointments based on past history. Chairman Chamberlain then appointed Commissioner Sides and himself to work with the Clerk to review all of the boards and committees.

15. DISCUSSION REGARDING 2007-08 LEGISLATIVE GOALS

County Manager William Cowan explained that each year the North Carolina Association of County Commissioners (NCACC) adopts legislative goals, which are submitted from boards throughout the state. Mr. Cowan said the three (3) priority 3 goals listed in the agenda packet were Medicaid relief, school construction statewide and revenue options. Mr. Cowan said Commissioner Hall

had been appointed by the Board to be the voting delegate representing Rowan County and he asked if there were any issues listed that the Board would not want Commissioner Hall to support.

Chairman Chamberlain said he supported the priority goals.

Commissioner Mitchell commented that he had no problem with the County taking the responsibility for school construction as constitutionally mandated if the state pick up their obligation for school operations. Commissioner Mitchell said he preferred that the state stay out of the school construction business because it was the County's place. Commissioner Mitchell said counties might have to begin considering impact taxes.

Commissioner Sides said he would be more in favor of considering an impact tax if it were approved by the legislature. Commissioner Sides said he was not in favor of an adequate public facilities fee or an impact tax that the County might pick up and then have to give back. Commissioner Sides expressed concern with revenue options and protection and the state's willingness to help by allowing the County to raise taxes.

Commissioner Barber said that when he had read the priority goals the first thing he thought about was an increase in taxes from Raleigh. Commissioner Barber said state government had not been restructured in almost 37 years and that he would have liked for restructuring to be one of the goals.

Mr. Cowan said each issue listed in the agenda packet would be debated at the NCACC Conference.

16. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

17. CONSIDER APPROVAL OF BOARD APPOINTMENTS

SALISBURY-ROWAN HUMAN RELATIONS COUNCIL

Norma Torres submitted her resignation to the Salisbury-Rowan Human Relations Council. Ms. Torres was deployed by the military and will be unable to complete her term of service.

Commissioner Barber moved to accept Ms. Torres' resignation and the motion passed unanimously.

Elia Gegorek completed her allowable terms of service as a Rowan County Commissioner appointee.

The Salisbury-Rowan Human Relations Council has submitted 2 applications for these openings on the council.

If approved, Mr. Wilson Lopez would complete the unexpired term for Norma Torres, which will end on October 31, 2008.

Mr. James Faust was recommended to replace Ms. Gegorek. The term would be for (3) three years, beginning January 1, 2007 and ending December 31, 2009.

Commissioner Sides nominated Mr. Lopez and Mr. Faust and the nomination carried unanimously.

Tourism Development Authority

Karen Windate has resigned from the board. Krista Osterweil has submitted an application to fill the remainder of the term, which expires on June 30, 2007.

Commissioner Sides nominated Krista Osterweil and the nomination carried unanimously.

Local Emergency Planning Committee

The Local Emergency Planning Committee (LEPC) submitted several names for consideration of appointment. The lengths of terms for this committee are at the discretion of the Board of Commissioners.

Terry Syverson is the Compliance Team Leader with Southern Power, formerly known as Progress Energy. If approved, Mr. Syverson will replace Richard Carroll who remained with Progress Energy. The term would begin January 1, 2007.

David Simons is the Safety and Environmental Manager with National Starch. He will be replacing Richard Franklin who retired at the end of October. Mr. Simon's term would begin January 1, 2007.

Mr. Franklin, since retiring from the board has agreed to stay on as a community member to the Committee offering his expertise and leadership.

Commissioner Sides nominated Terry Syverson, David Simons and Richard Franklin. The nomination passed unanimously.

Parks and Recreation Commission

Jack Kepley has served as chairman of this commission. The Parks & Recreation Commission recommends that he be reappointed for another term beginning January 1, 2007, expiring on December 31, 2009.

Commissioner Barber moved to reappoint Jack Kepley and the motion passed unanimously.

Jason Walser and Keith Yount have completed their allowable terms. Applications have been received from Andrew Waters and Hayes Smith to fill these vacancies. If approved, the terms of appointment will be January 1, 2007 through December 31, 2009.

Commissioner Barber moved to approve Andrew Waters and Hayes Smith. The motion passed unanimously.

Leda Belk and Dennis Rogers were appointed to fill the unexpired terms of previous members. Their current terms expired on December 31, 2006. Randy McCombs has also submitted an application and expressed an interest to serve on this Commission. Mr. McCombs was a previous member of the Parks and Recreation Commission who served several years. The terms of appointment would begin January 1, 2007 and expire on December 31, 2009.

Commissioner Barber moved to approve Randy McCombs. Commissioner Sides nominated Dennis Rogers and Commissioner Barber included the nomination of Mr. Rogers to his motion. The motion passed unanimously.

Rowan County Board of Health

Elia Gegorek submitted an application for reappointment to this board for a three-year term beginning January 1, 2007, expiring on December 31, 2009.

Commissioner Mitchell nominated Ms. Gegorek and the nomination passed unanimously.

18. DETERMINE PLANNING RETREAT DATES

Chairman Chamberlain opened the floor to entertain discussion for potential dates to conduct the Board's annual planning retreat.

Commissioner Barber suggested that the Board hold the retreat after the February 19, 2007 Commission meeting.

Commissioner Sides suggested the dates of February 21, 22 and 23.

The Board members stated their preference was to conduct the retreat on Wednesday, Thursday and Friday as opposed to meeting during part of the weekend.

Commissioner Barber moved to conduct the retreat on February 21, 22 and 23, 2007.

Chairman Chamberlain polled the Board members and they agreed that they preferred to meet between the hours of 8:00 am to 5:00 pm at the Frank T. Tadlock South Rowan Regional Library.

Commissioner Sides requested that any presentations at the retreat be kept brief and that the presenters provide the Board with an outline.

Commissioner Barber suggested that presenters provide the Board with an outline in advance of the retreat.

Chairman Chamberlain said the 2006 retreat was his first retreat while serving as Chairman of the Board. Chairman Chamberlain said he was not happy with the job that he did or with the job of the facilitator. Chairman Chamberlain said in fairness to the facilitator, he had not understood county government. Chairman Chamberlain suggested that the Board utilize the services of Larry Parks as facilitator.

Commissioner Sides commented that he had not liked Mr. Parks. Chairman Chamberlain explained that he felt that Mr. Parks was a professional who knew county government and who could control strong personalities. Chairman Chamberlain said Mr. Hiatt had facilitated the 2006 retreat and done a great job but he just did not have the understanding of county government.

Commissioner Hall moved to hire Larry Parks as facilitator from 8 am to 5 pm on Wednesday, February 21, 2007 through Friday February 23, 2007. Commissioner Barber seconded and the motion passed 4-1 with Commissioner Sides dissenting.

19. PUBLIC COMMENT PERIOD

Chairman Chamberlain opened the Public Comment Period to entertain comments from any citizens that might wish to address the Board. The following citizens came forward:

- Jeff Morris of 403 Crestwood Lane in Spencer congratulated the County Manager on his appointment. Mr. Morris said he supported and trusted all 5 Board members and the County Manager and he thanked them for being diligent stewards of the taxes. Mr. Morris said with respect to appointed boards, he hoped the Board would explore the limitations of the authority of those boards, specifically their authority to create subcommittees, etc.
- Dale Wagstaff said he appreciated the Board indulging groups to speak and share information with the Board. Mr. Wagstaff said most people don't feel they have any say in government affairs. Mr. Wagstaff said his "group" was excited about what the Commissioners were doing regarding its stance on property rights. Mr. Wagstaff again expressed appreciation for the Board providing citizens with the opportunity to be a part of the process.
- Ron Whedbee of 502 South Church Street said the County was facing tough economic times and that the government should control costs to avoid having a tax increase. Mr. Whedbee mentioned zero-based budgeting and said the Board should look at ways to encourage county

employees to cut costs. Mr. Whedbee discussed property rights and asked if the County had the potential for creating a county ordinance that states no one can go on private property without written consent of the owner.

Commissioner Hall expressed appreciation to the County Manager and to the Board for their willingness to discuss the Manager's terms of employment in Open Session. Commissioner Hall praised Mr. Cowan for his bold move in allowing the citizens to witness the process.

Chairman Chamberlain said he had planned to call for a Closed Session to discuss the Manager's terms if the Manager had not publicly stated that the discussion could take place in Open Session.

Chairman Chamberlain addressed the audience and said he was glad they were in attendance. Chairman Chamberlain said the public would always be given the right to speak. Chairman Chamberlain said the audience should understand that there would be times when people would be "diametrically opposed" to what had been said and that those citizens would be given the same right to speak.

Commissioner Barber reminded those in the audience that there would be a joint meeting between the Board of Commissioners and the Board of Education on January 8, 2007. Commissioner Barber encouraged the citizens to attend if possible. Commissioner Barber also referred to Mr. Whedbee's comments regarding the county's budget process and said the Board would discuss the topic in the near future.

Chairman Chamberlain commented that the Board does not normally respond during the Public Comment Period.

With no additional citizens wishing to address the Board, Chairman Chamberlain closed the Public Comment Period.

20. ADJOURNMENT

There being no further business to come before the Board, Commissioner Mitchell moved at 7:23 pm to adjourn the meeting. The motion was seconded by Commissioner Barber and passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board