

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS  
June 18, 2007 – 7:00 PM  
J. NEWTON COHEN, SR. ROOM, ADMINISTRATION BUILDING**

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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 7:00 pm.

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

**CONSIDER ADDITIONS TO THE AGENDA**

- Commissioner Sides moved to add a brief update on the status of placing the lettering for In God We Trust on the County Administration Building. The motion was seconded by Commissioner Mitchell and passed unanimously.

Chairman Chamberlain added the update as agenda item #10a.

- County Attorney Jay Dees requested to add a discussion for a zoning issue regarding a campground.

Commissioner Sides moved, Commissioner Barber seconded and the motion to add the discussion as requested passed unanimously.

Chairman Chamberlain added the discussion as agenda item #10b.

**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 THE CONSENT AGENDA**

Commissioner Hall moved to delete item #K (Reappointment of County Assessor Jerry Rowland for a 2-year Term) from the Consent Agenda. Chairman Chamberlain added the issue as agenda item #10c.

Commissioner Sides moved to pull item #J (Approval of Agreement for Appraisal/Consulting Services with Scott Robinson) for discussion. Commissioner Sides said he felt the item should be pulled based on additional information the Board had received. Chairman Chamberlain added the issue as agenda item #10d.

Commissioner Sides referred to agenda item #F (Approval to Renew lease Agreement with A.R.L. for Building Located on Southmark Drive). The building is leased by the County to provide office space for Child Protective Services. Commissioner Sides asked if the County received funds back from the State for the rental of the facilities. County Manager William Cowan responded that the County claimed the expenses on what was known as a 1571 form.

Commissioner Sides questioned a requirement in the agreement for agenda item #G (Approval of lease Agreement with NC Division of Forest Resources), which stated that the County must invoice the NC Division of Forest Resources on a monthly basis. Finance Director Leslie Heidrick said the agency pays the County without the monthly invoice.

Commissioner Sides moved to approve the Consent Agenda with the exception of items #J and #K. Commissioner Mitchell seconded and the motion passed unanimously.

The Consent Agenda consisted of the following items:

- A. Postpone ROAP Public Hearing to July 16, 2007 (Originally scheduled for June 18, 2007)
- B. Approval of Subdivision Guarantee for Knox Farms Phase I
- C. Approval of Subdivision Guarantee for Finncastle Subdivision
- D. Set Public Hearing for July 16, 2007 for Secondary Road Construction Program
- E. Approval to Sell Surplus Equipment Electronically
- F. Approval to Renew Lease Agreement with A.R.L. for Building Located on Southmark Drive
- G. Approval of Lease Agreement with NC Division of Forest Resources

- H. Approval for Rowan County Senior Services Department to Submit an HCCBG Grant Application for FY 2008
- I. Set Quasi-Judicial Hearing for July 16, 2007 for Amendment to CUP-15-03 for Request from Jack Phillips
- J. Approval of Agreement for Appraisal/Consulting Services with Scott Robinson
- K. Reappointment of County Assessor Jerry Rowland for a 2-year Term
- L. Approval of Amended Lease with the Rowan Salisbury Board of Education and Rowan Area Transit System

## **2. PUBLIC COMMENT PERIOD**

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

The following individuals came forward:

- Commissioner Jim Sides left his seat as a County Commissioner and took a seat to address the Board as a citizen. Commissioner Sides said the Public Comment Period was his only opportunity to address various issues as a citizen. Commissioner Sides said he felt that there were some “frills” in the budget that could have been omitted. Commissioner Sides referred to recent erroneous information in the Salisbury Post and said he had specifically indicated there was not one thing in the budget that could not be funded without a tax increase. Commissioner Sides said the budget should have been set with a revenue neutral rate and no tax increase. Commissioner Sides discussed a recent article in the Salisbury Post that said the Economic Development Commission was giving a bonus of \$5,000 to the individual who was solely responsible for Toyota Racing Development locating in Rowan County. Commissioner Sides said as a citizen he was concerned because this individual makes more than the average citizen.
- Seamus Donaldson of Confederate Avenue thanked the Board for the budget and for consideration of Rowan Salisbury Schools. Mr. Donaldson said there was still progress to be made but the budget now gave staff an opportunity to make changes. Mr. Donaldson said the Economic Development Commission (EDC) had a successful year. Mr. Donaldson suggested the County establish a process that would create a long-term capital funding plan to address all needs of County government and reduce political risk. Mr. Donaldson encouraged the Board to adopt the budget.
- Tommy Harrison Sr., member of the Chamber of Commerce, supported the proposed budget and tax rate. Mr. Harrison read the headline from the Salisbury Post “Proposed County Budget, Proof of Rowan’s Growth Over Past Decade” and said it was a strong statement and that the direction of the future lies in the Board’s hands.
- Martha West, retired educator and Board of Education member and administrator thanked the Board for its support of funding schools at the

- state average. Ms. West said she hoped the County would aim higher in the future.
- John Jenkins of China Grove thanked the Board for support of the budget and for the support shown to the County fire departments and Rescue Squad. Mr. Jenkins said the support allowed citizens to receive the services they deserved.
  - Sarah Drinkard, teacher at South Rowan High School, spoke about the 2002 bond issue where the voters had supported a tax increase. Ms. Drinkard said supporting the schools at the state per pupil average is the best solution for the long-term good of everyone.
  - Mark Behmer, Chair of the Salisbury Planning Board, thanked the Board for its support of the school system. Mr. Behmer agreed with comments made by some Board members, that throwing money at a problem would not solve it. Mr. Behmer said good management is necessary and one must have the resources to hire good teachers and to also have technology available. Mr. Behmer said the County's education had been funded below average for several years and he requested the Board to support the 59.5-cent tax rate.
  - Darrell Nichols, President of the Rowan County Fire Association thanked the Board for its support of emergency volunteers. Mr. Nichols stated that the support would raise the spirits of volunteers and let them know they are appreciated. Mr. Nichols also thanked the Board for its support of the Enochville Fire Department. Mr. Nichols said he looked forward to continuing to work with the Board and keeping the communication lines open.
  - Eric Lentz, member of the Board of Directors for Rowan Partners for Education thanked the Board for its support of the schools. Mr. Lentz said he felt the vote of confidence to support the schools through funding at the state average would allow administrators to put their improvement plans into action.
  - Mike Miller of 2730 Patterson Road thanked the Board for its support of the 59.5-cent tax rate. Mr. Miller said the rate is a tax cut from what citizens have had in the past. Mr. Miller stated that economic development should be fully funded and he added that funding the school system at the state average allowed the children of Rowan County to be competitive.
  - Tara Trexler, Chief Financial Officer for Rowan Salisbury Schools thanked the Board for approving a budget for the school system at the state per pupil average.

With no one else wishing to address the Board, Chairman Chamberlain closed the Public Comment Period.

### **3. CONSIDER APPROVAL OF BUDGET ORDINANCES FOR FISCAL YEAR 2007-08 & BUDGET AMENDMENT FOR FUND 303**

Chairman Chamberlain said the Board had conducted a budget work session, public hearing and also held deliberations and a vote regarding the budget. Chairman Chamberlain said the Budget Ordinances before the Board were a result of the Board's vote and he then opened the floor to entertain a motion to consider approval of each individual Budget Ordinance.

#### **Fund 101 – General Fund**

- Commissioner Mitchell moved approval of Fund 101. Commissioner Barber seconded the motion.

Commissioner Barber stated he would not repeat his reasons for supporting the budget but that he believed the budget was still not "forward-looking" enough. Commissioner Barber said there are capital improvement needs that are not addressed.

Commissioner Barber said he had been reviewing other local newspapers and he then read portions of the articles from Iredell, Union, Cabarrus, Yadkin, Nash and Moore Counties that reflected the budget decisions of those counties. Commissioner Barber said he believed the Board had chosen the right budget for right now. Commissioner Barber said the budget would help address the high employee turnover rate.

Commissioner Barber suggested that everyone thank the volunteer fire fighters for a job well done. Commissioner Barber said he supported the Economic Development Commission's recommendation in terms of the pay increase and bonus for the director. Commissioner Barber said he hoped at some point the Board would get beyond knowing the cost of everything and the value of nothing.

Upon being put to a vote, the motion on the floor passed 3-2 with Commissioners Sides and Hall dissenting.

#### **Fund 201 – Fire District Fund**

- Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve Fund 201 passed 4-1 with Commissioner Sides dissenting.

#### **Fund 202 – Emergency Telephone System Fund**

- Commissioner Mitchell moved for approval of Fund 202. Commissioner Barber seconded the motion.

Commissioner Hall questioned the 911 surcharge stating that she recalled that the surcharge was to have been temporary when it had been imposed.

Mr. Cowan stated the surcharge also funds the Geographic Information System.

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

**Fund 501 – Risk Management Fund**

- Commissioner Mitchell moved for approval of Fund 501. The motion was seconded by Commissioner Barber and passed unanimously.

**Fund 601 – Landfill Fund**

- Commissioner Mitchell moved, Commissioner Barber seconded and the vote for approval of Fund 601 passed unanimously.

**Fund 602 – Sports Authority Fund**

- Commissioner Mitchell moved, Commissioner Barber seconded and the vote for approval of Fund 602 passed 4-1 with Commissioner Hall dissenting.

**Fund 603 – Airport Fund**

- Commissioner Mitchell moved, Commissioner Barber seconded and the vote for approval of Fund 603 passed unanimously.
- Commissioner Mitchell moved, Commissioner Barber seconded and the vote for approval of **Budget Amendment 303** passed 4-1 with Commissioner Sides dissenting. The budget amendment was to appropriate an additional \$500,000 for technology in the Public Schools 2002 Capital Projects Fund.

Chairman Chamberlain stated that the budget was set for fiscal year 2007-08.

At this point in the meeting, Chairman Chamberlain switched agenda items #7 and #12 in the order of presentation that the Board would hear the issues.

**4. CONSIDER APPROVAL OF GRANT APPLICATIONS FOR RDH TIRE**

Assistant City Manager for Utilities Matt Bernhardt and Jeff Jones, Planning & Research Manager for Salisbury Rowan Utilities (SRU) were present from SRU. Mr. Bernhardt stated he felt this was a positive project and he recognized Homer Huskins and Willie Brau, representatives from RDH Tire.

Mr. Bernhardt provided a power point presentation and provided the background regarding the type of work RDH Tire performs. Mr. Bernhardt said the company currently had 100 full-time employees and that the proposed major expansion would add 32 additional full time employees.

Mr. Bernhardt explained that RDH Tire would need water for their expansion in order to not exceed the capacity of the company's well system, and to provide fire protection with a sprinkler system. Mr. Bernhardt stated that the project required approximately 5400 feet of a 12" water main pipe. Mr. Bernhardt said the estimated cost for the project would be \$700,000 and he showed a map of where the line would be located.

Mr. Bernhardt discussed two grant applications, one from the NC Rural Center for \$281,000 and one from the Community Development Block Grant for \$384,000. Mr. Bernhardt explained that one grant would be used as a match for the other grant. Mr. Bernhardt stated the Community Development Block Grant required a local match of \$35,000, which would be provided by RDH Tire.

Mr. Bernhardt asked the County to be the grant applicant with the understanding that SRU would be involved with the indirect costs, management and completion of the project. SRU would also provide the grant consultant and staff time. Mr. Bernhardt pointed out that there would be no direct costs to the County other than some time of the County Manager and Finance Staff.

Mr. Bernhardt said the project would add 32 new jobs, add to the tax base, have no direct costs to the County, improve fire protection and provide safer water to RDH Tire. Mr. Bernhardt said the project would set the stage for a second phase of expansion at the company, which was estimated to occur in 2 years at a cost of approximately \$6 to \$10 million.

Mr. Huskins came forward to answer any questions the Board might have.

In reply to Commissioner Hall's inquiry, Mr. Huskins stated the cost of the expansion would be about \$2.25 million and the addition to the tax base would be approximately \$2.5 million dollars.

Chairman Chamberlain pointed out that the only issue to be considered during the current meeting was the actual grant application.

Mr. Bernhardt said Board approval was being sought in order to apply for two grants in the County's name for a total of \$665,000; the \$35,000 local match would be provided by RDH.

In response to a query from Commissioner Mitchell, Mr. Bernhardt stated that in order to receive the grant, the expansion must occur and RDH would have to commit to the creation of a minimum number of jobs. Mr. Bernhardt said the water line was needed to undertake the expansion.

Commissioner Hall inquired as to the average pay for the new jobs and whether the majority of RDH Tire's employees reside in Rowan County. Mr. Huskins responded that the average wage was \$18 an hour for workers in the plant and

the average for all employees was \$25 an hour. Mr. Huskins said most of the employees reside in Rowan County.

Commissioner Hall asked if there was a possibility for other industries or business to use the water line that would be created. Mr. Bernhardt responded that for the time being the line would be for RDH. Mr. Bernhardt said eventually SRU hoped to link the line to a nearby dead-end line, improving the flow for everyone around the area.

Mr. Huskins said that currently there are 200 acres zoned for the company's expansion and that RDH Tire hoped to eventually utilize all of the acreage.

Commissioner Hall said she appreciated the company's interest in expansion and the offering of new employment opportunities.

Commissioner Sides said he was 100% in favor of these types of applications, however his only problem was turning over the lines to SRU. Commissioner Sides asked what would happen if the project exceeded the allotted amount. Mr. Bernhardt responded that there was an option to apply for an amendment for the project with the Board's approval.

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

## **5. CONSIDER PRIVATE ROAD APPROVAL FOR CASTLEBROOKE FARMS PHASE II**

Planning & Development Director Ed Muire reported that Rick Kiser was requesting permission to dedicate the streets in Phase II of Castlebrooke Farms as private to be maintained by future residents by order of a street maintenance agreement. As indicated by Section 80 (b) of the Subdivision Ordinance, the Board of Commissioners must approve private street dedication by simple majority. Staff recommended approval of the request.

Commissioner Sides moved, Commissioner Mitchell seconded and the vote for private road approval for Castlebrooke Farms Phase II passed unanimously.

## **6. REVIEW OF PROPOSED WATER POINT SOURCE TEXT**

Planning & Development Director Ed Muire provided the Board with a brief review of the proposed Water Point Source text, which will be considered for approval by the Board during the July 16, 2007 Commission Meeting.

Mr. Muire said that the volunteer fire departments and the Fire Marshal's Office had provided the educational background regarding the program and its benefits. Mr. Muire provided a power point presentation as he highlighted the program. Mr. Muire pointed out several of the current water point sources in the County

and said Staff was investigating ways to have additional water point sources placed throughout the County.

Mr. Muire discussed the affects the water point sources would have on the ISO ratings for the fire departments. Mr. Muire explained that ISO is an independent organization and considered to be the industry standard when determining how reliable fire districts are. Mr. Muire used the power point presentation to show a listing of the fire districts and their current ISO ratings. Mr. Muire stated the ISO ratings also affect homeowners' insurance rates. Mr. Muire said a district must have a water supply in order to have a lower ISO rating. Mr. Muire said other factors considered when reducing the ISO rating in a district were personnel, equipment, radio communication, training and facilities.

Mr. Muire said after conversations with the County Attorney he had realized there was an equity issue in certain areas. Mr. Muire provided examples of where the fire department and the developer would split the cost of developing the water point source.

Commissioner Mitchell questioned the average cost of a 30,000-gallon source and Mr. Muire responded that the cost would be between \$8,000 and \$15,000 for a well, or \$46,000 to \$70,000 dollars for an above ground or in ground tank. Mr. Muire added that the tanks in the \$60,000 price range were turnkey jobs with installation included. Mr. Muire said most departments were able to install their own tanks.

In response to comments from Commissioner Mitchell, Mr. Muire said the County had found it was breaking "new ground" with adoption of the text.

Commissioner Sides inquired what would happen if a developer had paid to put in a system and another developer tapped into the same system without spending funds. County Attorney Jay Dees said the topic had been discussed and basically the first development would cause the highest impact. Mr. Dees said developers were using the water point sources to their benefit because homeowners want to know they are close to a water source.

Chairman Chamberlain asked how many of the firemen in the audience would be affected in a positive manner with approval of the text. Numerous hands were raised. Chairman Chamberlain asked how many would be affected negatively and no hands were raised.

Commissioner Hall stated the power point presentation showed the differences in water point sources across the County and asked why Scotch Irish Volunteer Fire Department used recycled underground tanks and others didn't. Commissioner Hall said there must be some obvious advantages to underground tanks. Mr. Muire stated that the ordinance would not dictate what type of method

was to be used and that the process would rely on the Fire Marshal and the Fire Chief of the district to oversee.

Chairman Chamberlain encouraged the Board to contact the fire departments and developers prior to the public hearing to ask any questions they might have regarding the proposed text.

**7. CONSIDER APPROVAL OF CONTRACT FOR PROFESSIONAL AIRPORT ENGINEERING & PLANNING SERVICES FOR ROWAN COUNTY AIRPORT**

At this point in the meeting, the Board discussed agenda item #12 (***Consider Awarding Contract to Primary Physician Care for Administration of County’s Self-Insured Medical Plan***) due to the Chairman changing the order of presentation for agenda items #7 and #12.

Director of Administration Ken Deal reported that the County health care consultants, CEBA Inc., had sent out proposals for third party annual health care administrative fees. Bill Webb was present from CEBA along with Candler Bumgarner.

Mr. Bumgarner said a Request for Proposal (RFP) was sent out in March and nine companies responded.

Administrator	Effect. 7-1-2007	Effect. 7-2-2008	Effect. 7-1-2000
Primary PhysicianCare	192,193	192,193	192,193
KHS	219,022	219,022	229,973
CoreSource	241,191	255,662	No guarantee
NCAS	199,998	204,388	208,973
NBA	202,437	No guarantee	No guarantee
NCACC/Cigna	323,509	No guarantee	No guarantee
BCBSNC	218,339	230,348	No guarantee
UHC	339,899	357,655	370,240
Aetna	Declined to quote		

Mr. Bumgarner said that in April proposals were reviewed to ensure that all of the information was included, and Staff had met to review the conclusions and findings. Mr. Bumgarner said additional information was sent out and revised proposals were received for further review. Mr. Bumgarner said the current administrator was still the most competitive and offered a 3-year rate guarantee.

Mr. Bumgarner said Primary PhysicianCare (PPC) was the most competitive, service had been excellent, claims management had helped to maintain costs without double digit increases, PPC had the technology to work with disease management and was also supportive of the Nurse Practitioner Program already

in place in Rowan County. The cost of the contract to PPC was \$192,193 each year for three years. The cost was for administrative fees only.

In response to Commissioner Mitchell's inquiry, Mr. Bumgarner stated the administration fee was the same amount last year.

Commissioner Sides moved, Commissioner Barber seconded and the vote to approve the Resolution awarding the contract for health care administrative fees to Primary PhysicianCare (PPC) passed unanimously.

#### **8. CONSIDER APPROVAL OF LIMITED FIXED BASE OPERATOR AGREEMENT FOR ALPHA ONE FLIGHT SCHOOL**

Director of Administration Ken Deal stated that Commissioner Sides had offered numerous changes to the proposed agreement for Alpha One Flight School. Mr. Deal said he agreed with the changes and that all of the attachments (exhibits) to the lease had been received.

Commissioner Sides referred to the proposed text in the agenda packets and he pointed out one remaining change under page 5 of the revisions in Article VIII, item B should read "...and to cooperate with Lessee in the investigation thereof."

Commissioner Sides moved approval of the Limited Fixed Base Operator Agreement with Alpha One Flight School for a 3-year term. Commissioner Barber seconded and the motion passed unanimously.

Chairman Chamberlain called for a short break at 8:40pm.

Chairman Chamberlain reconvened the meeting at 8:45pm.

#### **9. CONSIDER APPROVAL OF KELLY MARCOM WEBSITE REDESIGN & CONTENT MANAGEMENT SYSTEMS PROPOSAL**

Information Systems Director David Boling reported that Requests for Proposals were received on May 17, 2007 for professional services for the Review and Redesign of the Rowan County Website and installation and setup of a Content Management System (CMS). Three vendors bid on the professional services: Brain Box Development (\$16,514), Kelly MarCom (\$27,435) and Miller Davis Studios (\$38,500). Mr. Boling said the Website Redesign Committee and the Information Systems Department felt the proposal from Kelly MarCom, while not the lowest bid, more completely met the needs of the County. The Information Systems Department recommended that Kelly MarCom be awarded the contract in the amount of \$27,435.

Mr. Boling explained that a content management system helps departments update web sites easily and develops templates so that each department's web page would look the same. Mr. Boling stated the redesign should be a one-time project and did not require a full-time staff member. Mr. Boling said money had

been set aside that had not yet been used to spend on a content management system and he was requesting to use those funds and additional savings for the project. Mr. Boling stated the total cost of the project was estimated at \$27,435 but was dependent on what department directors wanted to do with actual design aspects.

Commissioner Hall questioned the difference between the 2<sup>nd</sup> and 3<sup>rd</sup> bids received and Mr. Boling said he was unsure but that both companies had received the same information.

In response to a query from Commissioner Barber, Mr. Boling said he had requested a web master in this year's budget to oversee the website. Mr. Boling said the Information Systems Department was looking for a programmer who could check content, make sure the website was user friendly and also handle other aspects of the web itself.

Commissioner Barber asked if the project needed to be done regardless of whether the meeting room was upfitted and Mr. Boling said yes.

Commissioner Mitchell asked for statistics pertaining to visits to the current web page and Mr. Boling said it was hard to tell but that he understood there were a lot of individuals who use the website.

Commissioner Mitchell inquired about the feedback from users of the website. Mr. Boling said the feedback is that the website is not user friendly.

Mr. Boling said the request for the proposals were on the high side in order to make sure everything was included, but he didn't feel the County would actually spend that much money.

Commissioner Sides moved, Commissioner Barber seconded and the vote to approve the Resolution awarding the contract for the review and redesign of the County Website to Kelly MarCom in the amount of \$27,435 passed unanimously.

#### **10. CONSIDER APPROVAL OF AUDIO & VIDEO UPGRADE FOR THE J. NEWTON COHEN, SR. ROOM**

Information Systems Director David Boling reported that Requests for Proposals were received on May 22, 2007 regarding an audio and video upgrade for the J. Newton Cohen, Sr. Room. Mr. Boling said that five proposals were sent out, with three vendors responding: One Source Building Technologies, Southern Business Communications, and Sound Advice. The Finance and Information Systems Departments recommended that the contract be awarded to One Source Building Technologies, who provided the low bid, at a cost not to exceed \$100,000.

Chairman Chamberlain stated he had been in favor of, but not sold on being on television. Chairman Chamberlain said he would support the program but his concern was with the lapel microphones.

Mr. Boling said he did not plan to remove the existing microphones because other boards use the meeting room and the equipment. Mr. Boling said it would be up to the individual Commissioners to decide if they wished to use the lapel microphones.

Commissioner Sides moved approval of the Resolution awarding a contract for the audio and video upgrade for J. Newton Cohen Meeting Room, less the 5 lapel microphones to One Source Building Technologies. Commissioner Hall seconded and the motion passed unanimously.

Chairman Chamberlain asked if the Board would allow the Manager's Office to check on refurbishing the meeting room chairs or to purchase cheaper chairs with more support. Upon consensus of the Board, the Manager was instructed to look into the options and costs.

## **ADDITIONS**

### **10a. In God We Trust**

Commissioner Sides stated some of the current board members were not on the Board when the issue of placing the lettering for "In God We Trust" on the County Administration Building had first surfaced. Commissioner Sides said the Historic Properties Commission had approved the project but the County was still not allowed to drill into the building in order to mount the letters. Commissioner Sides said it was determined that the letters were too heavy to mount onto the building with adhesive and the County went back to the Historic Properties Commission to try to get an alternative type of lettering approved. Commissioner Sides stated that the alternative lettering was turned down because there was no way to put the letters on without damaging the building. Commissioner Sides said upon one more meeting with the Historic Properties Commission, the County was able to obtain an affirmative vote to install the letters on the building. Commissioner Sides said the contractor had now been contacted to order the letters and had been asked to notify the Director of Administration, Ken Deal, prior to installation.

### **10b. Discussion Regarding Zoning Issue for a Campground**

County Attorney Jay Dees reported that Planning Staff had received a fax pertaining to a possible campground site that had not gone through the proper permitting process. Mr. Dees said that the property owner, Billy Hudson, had in excess of 13 acres on Cruse Road, which he had offered last year, and this year, for campsites during the Smoke Out event. Mr. Dees said Mr. Hudson had contacted the Planning Office at some point regarding permits for the campground. Mr. Dees said Mr. Hudson had gone to the Planning Office on

Friday, June 15<sup>th</sup> and requested information regarding a noise variance. Mr. Hudson was told that it was too late to go through the variance process. Mr. Dees reported that Mr. Hudson had said he inquired about permitting the campground and that Staff had indicated that temporary facilities are not permitted. Mr. Dees said he and Planning Director Ed Muire had concluded that Staff had not made a mistake in providing that answer because they were not told “exactly” what was happening on the property. Mr. Dees said Mr. Hudson contended that he had clearly stated what he wished to do with the property and that he was told no permit was necessary. Mr. Dees pointed out that June 15<sup>th</sup> would have been too late for any type of permit.

Mr. Dees said the property owner had known what he planned to do with the site and that the process had been in the works for some time. Mr. Dees said in his discussions with Mr. Hudson, approximately 250 to 300 people were expected to stay on the site in RV’s, tents, sleeping bags, etc. Mr. Dees said the property owner was providing transportation to the Smoke Out event from 7:00 pm until late in the evening, providing 2 security officers from 7:00 pm to 3:00 am, 7 showers, potable water, portalets and a trash dumpster for daily trash collection. Mr. Dees said the current ordinance does not make a distinction from temporary to permanent camping facilities and that the use was questionable as to whether it violates the current ordinance.

Mr. Dees said the property owner did not obtain a permit last year and maintained that he was told he did not need a permit this year. Mr. Dees said Staff’s notes reflect some conflict with the statement.

Mr. Dees reviewed the administrative process for zoning violations. Mr. Dees said when Staff observes the violation, a notice of violation is issued and the property owner is given 7 days to correct the situation. Mr. Dees said if the camping took place, 7 days would obviously be after the event has concluded. Mr. Dees said the other option would be to pursue a temporary restraining order in Superior Court. Mr. Dees said the restraining order would be a problem in the current week due to the local judges attending a conference in Wilmington. Mr. Dees explained that a temporary restraining order was a two-part process where the other party was entitled to a full hearing on the permanency of the order. Mr. Dees said the County would have to find a retired and/or emergency judge to hear the motion since the local judges were attending the conference.

Mr. Dees finished by saying that Staff had just learned of the situation today and that he had not wanted the Board to receive complaints during the Smoke Out event in the upcoming weekend.

The Board discussed the potential campground and the options as presented by Mr. Dees.

Mr. Dees emphasized that if Mr. Hudson allowed the use of the property for the campground, the first citation administratively would not have a fine. It would be a Notice of Violation with a 7-day cure period. Mr. Dees said the restraining order would be a court order that the County would serve and that the Sheriff would be responsible for enforcing compliance.

After further discussion, Chairman Chamberlain moved to declare the property owner in violation if he allowed a campground. Chairman Chamberlain said he wanted the County to follow the steps that it would normally follow for anyone found in violation. Chairman Chamberlain said he did not wish to “go the court route” in trying to find a judge. Commissioner Mitchell seconded the motion.

Commissioner Sides said the real consequence was that the property owner would be put on notice for any future events.

Commissioner Hall questioned the recourse for those residing in the area for potential noise problems that might arise if the campground operated. Mr. Dees said the neighbors should contact the Sheriff’s Department and that the deputies would determine if the complaint was a noise issue. Mr. Dees said the Sheriff’s Department would handle the noise issues but would not handle zoning issues.

Commissioner Mitchell stated that the Board was not authorizing the campground in any shape or form.

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

**10c. Appointment of Jerry Rowland Tax Assessor**

Commissioner Hall distributed a handout concerning the reappointment of Jerry Rowland as the County Assessor.

Chairman Chamberlain commented that as one Commissioner, he did not like to receive new information during a meeting.

Commissioner Hall explained that she had received a complaint from someone earlier in the afternoon that had a problem with Mr. Rowland appraising property while also serving as the County Assessor. Commissioner Hall asked if the Board could request that Mr. Rowland refrain from conducting appraisals in Rowan County but allow him to conduct appraisals outside of the County. Commissioner Hall said the appraisal in the handout was done in Sunset Pointe for Dan Fisher.

Commissioner Mitchell asked if Mr. Rowland’s independent appraisals were legal. County Manager William Cowan said there is a policy in Rowan County for secondary employment. Mr. Cowan said Mr. Rowland had received approval to perform the appraisals from the former County Manager in 1991.

Commissioner Sides moved for reappointment of the County Assessor, Jerry Rowland, for a two-year term with the understanding that there would be no outside employment other than being the County Assessor. Commissioner Hall seconded and offered to amend the motion to limit appraisals to outside Rowan County so that Mr. Rowland could retain his certification.

Chairman Chamberlain stated that since 1998 he was aware of 2 complaints, one from Mr. May and one from Dan Fisher. Chairman Chamberlain stated that Mr. Rowland is a professional and was not doing anything illegal. Chairman Chamberlain said the Board should either reappoint Mr. Rowland or not reappoint him and then answer the question of whether or not the Board would like for Mr. Rowland to discontinue conducting appraisals.

Commissioner Mitchell said he felt it would be best for Mr. Rowland not to conduct appraisals in Rowan County and he asked at what point would the renegotiation occur. Mr. Cowan said Mr. Rowland is the Board's appointed employee and whatever directive the Board gave would be carried out.

Commissioner Mitchell said he would rather Mr. Rowland not conduct appraisals in Rowan County but said he felt it was rather late to consider amendments to the appointment.

Commissioner Barber stated that he had the same conversation with Mr. Rowland in February and after the conversation he had felt there was no conflict of interest in what Mr. Rowland did as an employee and what he did away from County time. Commissioner Barber said Rowan had one of the best County Assessors in the state and that the Board was dealing with a professional individual. Commissioner Barber stated he agreed with Chairman Chamberlain that there are two separate issues to address.

Upon being put to a vote the motion on the floor failed 2-3 with Commissioners Mitchell, Barber and Chamberlain dissenting.

Commissioner Barber moved to reappoint Jerry Rowland for a two-year appointment as Rowan County Tax Assessor and Commissioner Mitchell seconded.

Chairman Chamberlain said because the complaints had occurred, the Board members should discuss how they felt with Mr. Rowland.

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

**10d. APPROVAL OF AGREEMENT FOR APPRAISAL/CONSULTING SERVICES WITH SCOTT ROBINSON**

Chairman Chamberlain said he had attended a meeting with County Manager William Cowan, County Attorney Jay Dees, Kannapolis City Attorney Wally Safrit, and the Kannapolis Mayor and City Manager. Chairman Chamberlain said Kannapolis had indicated they would like to cost-share with the County on hiring Scott Robinson as the appraiser for the baseball stadium. Chairman Chamberlain asked the Board to consider accepting the contract so that Mr. Robinson could begin the appraisal process. Chairman Chamberlain said the Board could decide at a later date if it wished to allow Kannapolis to participate in cost-sharing the appraisal.

Commissioner Barber made a motion for the Board to move forward with Scott Robinson to do the appraisal on behalf of Rowan County only. Chairman Chamberlain seconded the motion.

County Manager William Cowan requested Board direction as to which account should be charged to pay for the appraisal.

Commissioner Sides said he initially had reservations about the contract. Commissioner Sides pointed out that the County Attorney was listed as the Client and he expressed concern that the work product would not belong to Rowan County. Commissioner Sides asked if it was legal for the County to pay for the work and the work product belong to Mr. Dees.

Mr. Dees responded that clients pay attorneys, who in turn generate work product via experts, etc. Mr. Dees compared the attorney-client relationship as being the same scenario with the County as opposed to a private client. Mr. Dees said the scope of the project was to deal with lease issues that might come up. Secondly, the appraisal was to deal with whether the County sold the property or attempted to purchase Kannapolis' interest, in addition to other reasons. Mr. Dees said the appraisal would put the Board in the position to make decisions in the best interests of the County. Mr. Dees said he did not want Smith Family Baseball to have access to the information, or Kannapolis asserting a right to buy in equity. Mr. Dees said if the Board determined that it wished to have the appraisal done and to share the information as a public record it could choose to do so.

Commissioner Sides said he understood the reasoning but he questioned which North Carolina General Statute (NCGS) covered the confidentiality of the documents that were produced with taxpayers' funds.

Mr. Dees said when dealing with the acquisition of real property interests "and work generated to that end", you are protected. Mr. Dees said when counties or schools are acquiring property, it is protected information for obvious reasons – people find out and the price increases.

Mr. Dees said that the information would be protected as long as the Board wanted it to be protected. Mr. Dees said if someone challenged the issue, it would be addressed at that time. Mr. Dees said he felt it was in the best interest of the County to protect the information at this time.

Commissioner Sides said he didn't feel ownership of the work product was adequately addressed in the agreement. Mr. Dees said Mr. Robinson was protecting the work product (appraisal) in that the information could be shared by the County, but it could not be reproduced for a fee to someone else.

In response to a query from Commissioner Hall, Mr. Dees said he felt the motion should be clarified for the County Attorney to engage Mr. Robinson's services. Commissioner Barber, who made the motion, and Chairman Chamberlain who seconded, were in agreement with the clarification as suggested by Mr. Dees.

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

By consensus, the Board agreed to take money from the Fund Balance to pay for the appraisal.

#### **11. CONSIDER APPROVAL OF 2007 VEHICLE FINANCING**

Finance Director Leslie Heidrick reported that the Finance Department recently requested and received installment financing proposals for the purchase of two ambulances for the Rowan County Emergency Services Department and eighteen vehicles for the Rowan County Sheriff's Department. The amount to be financed was \$587,000 for a term of three years.

Ms. Heidrick said the County received six bids:

Financial Institution	Interest Rate
RBC Centura	3.780%
BB & T	3.910%
SunTrust Bank	4.029%
Wachovia Bank	4.260%
CommunityOne Bank	4.613%
First Bank	5.000%

The Finance Department recommended that the County accept the low bid from RBC Centura at an interest rate of 3.780% and a total cost of \$619,355.58, excluding legal fees. The Finance Department also requested approval of the associated Resolution, Declaration and Budget Amendment.

Commissioner Sides moved, Commissioner Mitchell seconded and the vote to approve the Resolution, Declaration and budget amendment passed unanimously.

**12. CONSIDER AWARDING CONTRACT TO PRIMARY PHYSICIAN CARE FOR ADMINISTRATION OF COUNTY'S SELF-INSURED MEDICAL PLAN**

At this point in the meeting, the Board discussed agenda item #7 (***Consider Approval of Contract for Professional Airport Engineering & Planning Services for Rowan County Airport***) due to the Chairman changing the order of presentation for agenda items #7 and #12.

Director of Administration Ken Deal reported that Statements of Qualifications were received on May 29, 2007 for professional engineering and planning services. Mr. Deal said ten requests were sent out and that three firms responded: Talbert & Bright, Inc., Delta Airport Consultants, and RS&H Architects-Engineers-Planners, Inc. Mr. Deal stated that he, along with Airport Manager Tony Hankerson and Purchasing Agent Sandy Fisher had reviewed the qualifications and were recommending that the contract be awarded to Talbert & Bright, Inc.

Commissioner Sides moved, Commissioner Barber seconded and the vote to award the Resolution awarding the contract to Talbert & Bright, Inc. passed unanimously.

**13. DISCUSSION OF ECONOMIC DEVELOPMENT SUMMIT**

Commissioner Hall distributed a handout and stated that she and Commissioner Barber served as liaisons to the Economic Development Commission (EDC). Commissioner Hall said there had been concerns over the unemployment rate in the County and that she felt it would be a good time to consider an economic development summit.

Commissioner Hall discussed the information in the agenda packets regarding unemployment rates. Commissioner Hall explained how Rowan County compared to other counties in the region pertaining to unemployment insurance claims. Commissioner Hall said Stanly County had held forums to gather information on what the concerns of the citizens were and where citizens wanted to see the County going. Commissioner Hall also discussed how Mooresville and Kannapolis were handling the issue. Commissioner Hall said Anson, Iredell and Stanly Counties are using an Early College Program that was working well for them.

Commissioner Hall said jobs would have to be the number one topic at an economic development forum.

Commissioner Barber noted that two of the top five largest employers in Rowan County are government services. Commissioner Barber said this is not a good balance.

Commissioner Barber explained that United Way had been working with laid off employees of Freightliner and most of the second round of laid off employees live

outside of the County. Commissioner Barber discussed the impacts of the Pillowtex layoffs in September of 2002 and compared it to the recent Freightliner layoffs. Commissioner Barber said the EDC had previously held summits and included national, regional and local impacts ranging on a variety of topics from transportation to banking to incentives. Commissioner Barber said his only concern was that all the constituents see the summit as relevant and that it didn't create a lot of false hope. Commissioner Barber said the summit should focus and be clear on what the Board was trying to achieve and making sure it was deliverable.

Chairman Chamberlain said when the Pillowtex layoffs took place, the unemployment rate went way up but came back down as employees drew their unemployment and then "went away," either retiring or moved on. Chairman Chamberlain said the situation at Freightliner is "nothing new and there was not one person who was laid off that did not expect it." Chairman Chamberlain said the inflated unemployment numbers are somewhat misleading. Chairman Chamberlain felt the EDC should handle an economic development summit and if Commissioners Hall and Barber, as EDC liaisons wanted to help, they could work with the EDC and bring information back to the Board.

Commissioner Mitchell said he would like to see the EDC come up with something.

#### **14. CONSIDER APPROVAL OF INTER-GOVERNMENTAL AGREEMENT & AGREEMENT OF PROJECT OWNER**

Mr. Cowan reported that in working with the Soldiers Memorial AME Zion Church and the City of Salisbury, an agreement had been drafted for the use of a tract of land owned by the church in exchange for building a parking lot. Mr. Cowan said the cost in the agreement was estimated at \$100,000 but was actually \$110,000. The costs would be split between the County and the City. Mr. Cowan added that the funds are already budgeted.

Commissioner Sides said there was not adequate downtown parking for citizens. Commissioner Sides said the parking lot was a joint effort with the City to provide more parking for the Courthouse and jurors. Commissioner Sides explained that the church did not have funds to develop the parking lot but was agreeable to allowing the County and City to use the parking lot during the week. The church would use the lot on the weekends and for church-related business. Commissioner Sides stated that the parking lot was the lowest cost alternative to provide downtown parking.

Mr. Cowan said the church had asked that the lot to be available for funerals and he said an arrangement would still have to be made for those instances.

Commissioner Sides moved, Commissioner Mitchell seconded and the motion to accept the project to create the spaces passed unanimously.

## **15. COUNTY MANAGER'S MONTHLY ACTIVITY REPORT**

Chairman Chamberlain accepted the monthly activity report and voiced his appreciation to the County Manager for keeping the Board updated.

## **16. CONSIDER APPROVAL OF BUDGET AMENDMENTS**

Finance Director Leslie Heidrick submitted the following budget amendments for Board approval:

- Airport – To recognize additional Airport fuel revenues and anticipated expenditures; \$115,000
- Cooperative Extension – For grant from The Blanche & Julian Robertson Foundation for two summer internships; \$5,000
- Library – Transfer funds in Miscellaneous Revenue to the books expense line items. This is money received in the library for reimbursement on lost/damaged books; \$825
- Library – Rowan Public Library received additional donations; request is for funds to be budgeted for use by Library; \$3,349
- Sheriff's Office – Recognize donation to DARE Fund and place in appropriate Expense Account; \$300
- Department of Social Services (DSS) – One Church-One Child is a partnership with DSS and the faith-based community. The faith-based community provides ongoing support of identified children in the custody of DSS; \$850
- Finance – the County expects to receive more than the budgeted amount for occupancy tax. The budget amendment will increase the revenue and expenditures for the occupancy tax; \$30,000

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the budget amendments passed unanimously.

## **17. CONSIDER APPROVAL OF CONTRACT AMENDMENT FOR ARCHITECTURAL SERVICES FOR RENOVATIONS TO COURTHOUSE**

County Manager William Cowan reported that a committee composed of the Clerk of Court, Jeff Barger, District Attorney Bill Kenerly, District Court Judge Charlie Brown and Director of Administration Ken Deal, had gathered information as to how the County could best address the lack of space at the Justice Center.

Mr. Cowan reported that the Board had voted on March 19, 2007 to allow Staff to proceed with the selection of an architectural firm to get the project underway. Requests for Qualifications (RFQ) were solicited from qualified architects for the addition of two courtrooms and other improvements to the third floor of the Ruffy building.

Mr. Cowan explained that Ware Bonsall Architects had already been contracted to build the new jail pod and that it would be easier to combine all projects into one. Mr. Cowan said Ware Bonsall had negotiated a lump sum fee of \$100,000 for the additional scope of work to be added to the existing contract. Mr. Cowan

provided the Board with a copy of the amendment to the current contract and he highlighted the scope of work for the projects.

Commissioner Sides moved approval of the contract amendment. Commissioner Mitchell seconded and the motion passed unanimously.

**18. ADJOURNMENT**

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 10:29 pm. The motion was seconded by Commissioner Mitchell and passed unanimously.

Respectfully Submitted,

Carolyn Athey  
Clerk to the Board