

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
September 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.

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Sides moved, Commissioner Mitchell seconded and the vote for approval of the minutes of the August 20, 2007 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

There were no additions to the agenda.

CONSIDER DELETIONS FROM THE AGENDA

Commissioner Sides made a motion to remove agenda item #17 (Board Appointments) from the agenda. The motion was seconded by Commissioner Hall.

Commissioner Mitchell inquired as to the reasoning for removal of the issue and Commissioner Sides said he would like to further study the issue.

Upon being put to a vote, the motion passed unanimously

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 approval of the Consent Agenda. The motion was seconded by Commissioner Barber and passed unanimously.

The Consent Agenda consisted of the following items:

- A. Approval of Resolution of Appreciation to General Assembly for Relieving Counties of Medicaid
- B. Approval of Request for Health Department to Apply for FY 2007-08 Healthy Carolinians Funds
- C. Approval to Accept \$10,000 in RTI Grant Funds
- D. Approval of Resolution Appointing Andy Goodall as Review Officer

2. PUBLIC COMMENT PERIOD

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

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

3. PUBLIC HEARING FOR WIND TUNNEL eXTREME

Bruce Jones, Chairman of the Economic Development Commission (EDC) introduced Don Babb, a partner with Wind Tunnel eXtreme. Mr. Jones also introduced Crystal Morphis with The Sanford Holshouser Development Group, the company that prepared the economic impact analysis for the Wind Tunnel eXtreme project.

Ms. Morphis provided the Board with an overview of the impact analysis the wind tunnel project would have on Rowan County.

Commissioner Hall complimented the EDC and Mr. Jones for providing the Board with the impact analysis. Commissioner Hall pointed out that even though the impact analysis is a requirement in the County's Investment Grant Policy, this was the first time the Commissioners had actually received an analysis for review.

Commissioner Hall referred to page 2 of the analysis and asked when the Sanford Holshouser Development Group was hired by the EDC and over what period of time did the study take place. Ms. Morphis estimated that the firm was formally retained around Thursday, August 27. She said the company normally has more time to complete a study.

Commissioner Hall referred to page 4 and asked if additional tax incentives were anticipated for the company's continued additional investments. Mr. Babb

responded that with a project of this magnitude and high tech environment, the company expected to reinvest approximately \$5 million within the first 10 to 12 years. Mr. Babb said the company did not include the continual investments as additional incentives.

Commissioner Hall asked if Wind Tunnel eXtreme would be willing to put in writing that it would remain in Rowan County long enough for the citizens to recoup the tax investment. Mr. Babb said he would need for the company's counsel to review the answer to the question. Mr. Babb added that he could not imagine the company abandoning the site after spending so much money on such an investment. Mr. Babb said he would ask counsel to review the request.

Commissioner Hall referred to the multipliers mentioned in the analysis, which hinted at job creation other than just at Wind Tunnel eXtreme. Commissioner Hall said that even though the numbers were small, it was a possibility this could add to the pressure for another new school. Ms. Morphis also referred to the jobs/multiplier figures and pointed out that some of the folks already live in Rowan County and are already in the school system; therefore, the actual impact of the project would be similar to a small commercial business. Ms. Morphis said over time, if Rowan County was successful at recruiting additional motorsports companies, it could be the beginning of a strong economic recruitment program and in 10 or 15 years, if the recruiting efforts were successful, Rowan County would grow.

In response to a query from Commissioner Hall pertaining to surrounding wind tunnels, Mr. Babb explained that the Haas Wind Tunnel does not have the series of technological advances of Wind Tunnel eXtreme, such as the adaptive wall feature.

Commissioner Hall questioned Wind Tunnel eXtreme's request for a 6-year incentive. Ms. Morphis explained Rowan County was recruiting for projects and trying to create a new emerging cluster to build upon, such as motorsports. Ms. Morphis said a community must work harder to get a cluster started when it is trying to start something new.

Commissioner Hall inquired as to specific project-related issues that would necessitate a 6-year incentive. Mr. Babb said there were a number of sites competing for the company. Mr. Babb said there were other municipalities that had offered richer incentives than Rowan County, however because of the new industry in Competition Park, officials decided that there were offsets to the disparity in incentives. Mr. Babb said, "We chose to go the middle of the road rather than to press the extremes."

Commissioner Barber thanked the Sanford Holshouser Group and the EDC Board for pulling the project together. Commissioner Barber said the analysis

would be a benchmark for any future opportunity looking to Rowan County for incentives.

Commissioner Sides asked what other incentives the company would receive in addition to any incentives from Rowan County. Mr. Babb estimated the state incentive to be approximately \$30,000.

Commissioner Sides inquired as to the price per acre that Wind Tunnel eXtreme would pay Toyota Racing & Development (TRD) and Mr. Babb said the price was contingent upon site improvements. Mr. Babb said Wind Tunnel eXtreme had not yet received a proposal from TRD in regards to the total amount of site improvements.

In response to a query from Chairman Chamberlain, Mr. Jones said the EDC Board was recommending a 6-year incentive with one change, which was that the 6th year of the incentive would be paid out in year 6 and 7.

Chairman Chamberlain said he appreciated the fact that the Commissioners had been provided with the impact analysis of the project. Chairman Chamberlain said the analysis sounded good for the community.

Chairman Chamberlain opened the public hearing to receive citizen input regarding the proposed economic development incentive being considered for Wind Tunnel eXtreme. The following citizens addressed the Board:

- Jack Owens, resident of Salisbury and Vice Chair of the EDC, said the impact study was a good precedent and that the EDC would try to develop a format to provide a study for all future projects. Mr. Owens said the EDC Board unanimously recommended approval of the project.
- Raymond Coltrain of 518 Confederate Avenue, and a member of the EDC Board, encouraged the Commissioners to approve the incentive grant for the Wind Tunnel eXtreme project.
- W.A. Cline, a member of the Cline family that sold the land to TRD, said he had a special interest in what happens to the land in the future. Mr. Cline said the wind tunnel project was directly related to the TRD project and that additional motorsports projects were expected to follow. Mr. Cline encouraged the Board to support the incentive request.
- Tom Smith of 355 Chandler Road encouraged the Board to support the wind tunnel project. Mr. Smith said the project would add to the County's tax base and more importantly, would draw other businesses and additional possibilities.
- Bryan Miller of 109 Mitchell Avenue encouraged the Commissioners to support the incentive request. Mr. Miller said the Board had invested on 2 levels, 1) by supporting the TRD project, and 2) branding/marketing of Rowan County by supporting Rowan Jobs Initiative (RJI). Mr. Miller asked

the Board to follow through on its investments and reap the benefits of an increased tax base.

- Pete Teague, 133 Sterling Court, Salisbury, encouraged the Board to approve the incentive request. Mr. Teague said the request affirms the Board's wisdom of approving the TRD request. Mr. Teague said he would rather see the Board do more than is necessary to ensure the company's location rather than not do enough. Mr. Teague said it was important to build the tax base in order to keep the citizens property taxes low.
- Rodney Queen of 101 Polo Drive in Salisbury encouraged the Board to support the request. Mr. Queen said the Board should look beyond the incentive and consider the technology that would be brought to the County.
- Jack Fisher said the County needed to increase its industrial tax base and he described the wind tunnel project as a "golden opportunity." Mr. Fisher encouraged the Board to vote in favor of the request.
- Rodney Whedby of 502 South Church Street discussed the different racing industries, which he said was a growing sport. Mr. Whedby urged the Board to approve the incentive package.
- John Casey, Chair of the Rowan County Chamber of Commerce, discussed the educational impact the wind tunnel project would have on schools in the area. Mr. Casey said the project would provide an opportunity for kids to stay in their hometown to work and he encouraged the Board to support the request.

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

Commissioner Sides discussed other businesses in Rowan County that had not received incentives or depended on government assistance for their existence. Commissioner Sides said he was 100% opposed to incentives and would not vote for them unless they were for infrastructure. Commissioner Sides said he would not vote in favor of the current request and especially for one that extended beyond what was allowed in the Investment Grant Program.

Chairman Chamberlain said the Board had received an email from Phil Kirk supporting the incentive request. Chairman Chamberlain asked the Clerk to enter Mr. Kirk's support into the record.

Commissioner Hall thanked those who had come forward. Commissioner Hall said \$1.6 million was a huge incentive and she asked if the Wind Tunnel eXtreme owners would be interested in giving back to the community to demonstrate their willingness to be a partner and not just take from the community. Commissioner Hall said Mr. Babb had previously mentioned the company's desire in working with the local colleges and schools. Commissioner Hall proposed that Wind Tunnel eXtreme donate the 6th year of the incentive grant money to specifically help address the dropout problem in the high schools. Commissioner Hall said

the gesture would be a great opportunity for the company to demonstrate its willingness to give back to the community. Commissioner Hall said she had not been overly enthusiastic with incentives in past. Commissioner Hall said she wanted very much to vote for the incentive request and that if Wind Tunnel eXtreme would consider the proposal, she would vote for the request. Mr. Babb responded that the company would consider the proposal.

Commissioner Mitchell said he had not seen any information that would push him not to support the 5-year grant. Commissioner Mitchell referred to the request for a 6-year grant and said the question came down to whether the company and the benefits it could bring were worth \$186,000. Commissioner Mitchell said until someone showed him the negative of granting the incentive or until the public overwhelming showed that it did not want company to receive the grant, he would support the policy. Commissioner Mitchell expressed hope that the County would see positive revenue from the company and the spinoff of other businesses. Commissioner Mitchell said he would support the 6-year incentive if it were broken out in year 6 and 7. Commissioner Mitchell said he would love to see the company give the 6th year money back to the school system.

Commissioner Barber said he didn't want to lose the company due to a debate of a 5 or 6-year incentive request. Commissioner Barber said he had also given thought to the company investing back into the community. Commissioner Barber wondered if it were proper to tie the incentives to the company giving back to the community. Commissioner Barber said he felt the proposal could be perceived along the lines of blackmail or extortion. Commissioner Barber suggested that the Board let it be the decision of Wind Tunnel eXtreme to give back to the community. Commissioner Barber discussed his willingness to support the request due to:

- Further the County's efforts to development additional economic development opportunities along I-85 and to the Rowan County Airport
- Will establish a technology center for the County
- Infrastructure
- The extension of the marketing of Rowan County due to the image and branding the company would offer
- The incentive would increase Rowan County's chances of being a finalist for consideration by other companies

Commissioner Hall referred to her proposal that the company put in writing that it would stay in Rowan County for 11 years and also the recommendation that the company invest the 6th year of the investment grant back into the school system. Commissioner Hall asked what the Board should do while Mr. Babb explored those recommendations.

Commissioner Barber moved to extend to Wind Tunnel eXtreme the 6th year incentive as requested under the conditions that the 6th year incentive, which comes to \$248,000, that half of the amount would be rebated in year 6 and the

other half rebated in year 7. Commissioner Mitchell seconded with the understanding that the company would look into donating the money back into the schools.

Chairman Chamberlain said he considered the project as an investment for purposes of keeping taxes low and for various other reasons. Chairman Chamberlain addressed Mr. Babb and said if the project passed, the Board would like for Wind Tunnel eXtreme to consider the proposal regarding the return on the 6th year. Chairman Chamberlain said he was not tying the vote to the County's approval of the request. Chairman Chamberlain said in theory it sounded good for the company to state in writing that it would remain in Rowan County but it was not practical.

Commissioner Sides said he was glad that TRD was coming to Rowan County and that he hoped Wind Tunnel eXtreme would locate in Rowan County. Commissioner Sides said he wished the County did not have to pay the companies to locate here.

Commissioner Hall addressed Mr. Babb and said that the company would have her vote for the request. Commissioner Hall said while she did not have the support of her fellow Commissioners regarding her proposals, she felt it would speak highly for the company to support the school system and for the company to be willing to stay in Rowan County in order for the County to recoup its investment.

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

Chairman Chamberlain called for a short break at 5:32 pm.

Chairman Chamberlain reconvened the meeting at 5:46 pm.

4. PUBLIC HEARING FOR COMMUNITY DEVELOPMENT BLOCK GRANT FOR RDH TIRE & RETREAD WATERLINE PROJECT

Chairman Chamberlain opened the public hearing and said, "Notice of this public hearing has been placed in a local newspaper 10 days prior to the hearing. The purpose of this hearing is to explain Rowan County's proposed CDBG-Economic Development Application and obtain citizen input."

Jeff Jones, Salisbury Rowan Utilities (SRU) Planning & Research Manager, read the following prepared statement: "Rowan County is seeking a \$384,000 Community Development Block Grant – Economic Development (CDBG-ED) grant (55% of project) to be used with a \$281,000 NC Rural Center Grant (40% of project) and \$35,000 local funds (5% of project) to extend approximately 5,400 lf of 12" watermain to RDH Tire and Retread's site. RDH desires to expand its facility through the construction of a new production facility and company

offices/training facility on its existing site. Fire protection, process and domestic water is currently provided by a single private on-site well. This well cannot provide sufficient water to meet the planned expansions fire protection (new building must be “sprinkled”), process (additional boilers) and domestic use. RDH has requested that public water be extended to its site to meet its water needs. For the CDBG-ED project the Company will commit to create a minimum of 32 new jobs within 24 months of the grant award of which at least 60% of the new jobs will be filled by individuals from households having Low and Moderate incomes.”

Commissioner Sides pointed out that the \$35,000 local money would be provided by RDH and was not tax money.

The following individuals addressed the Board:

- Willie Brau, General Manager of RDH Tire, thanked the Board for its past support and asked for continued support of the grant.
- Jack Fisher expressed hope that the Board would support the project.

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

Commissioner Sides moved approval of the 3 resolutions:

- Resolution to Adopt Policies and Guidelines for Rowan County’s Small Cities Community Development Block Grant Project
- Resolution Authorizing the Economic Infrastructure Grants Program
- Resolution Regarding Rowan County Application for Community Development Block Grant Economic Development Funds

Commissioner Mitchell seconded the motion.

Commissioner Sides said he favored incentives that extended water/sewer infrastructure to businesses.

Upon being put to a vote, the motion passed unanimously

5. PUBLIC HEARING FOR SPECIAL CONSIDERATION OF THE PROPOSED ROAD NAME OF TEAKWOOD TRAIL

Planning Technician Fredda Greer reported that Staff had received a completed petition earlier in the day although the original paperwork was sent out in March.

Ms. Greer suggested withdrawing the current petition and allowing Staff to resubmit the new petition.

Commissioner Mitchell moved, Commissioner Barber seconded and the motion to withdraw the request for Teakwood Trail passed unanimously.

6. PUBLIC HEARING FOR SPECIAL CONSIDERATION OF ADDRESS CHANGES ON BARGER ROAD

Planning Technician Fredda Greer reported that Staff received an email from property owner/resident Bob Parnell regarding an out of sequence address situation on Barger Road. Ms. Greer said Staff recognizes the problems with the addressing on Barger Road and supports the suggested change and proposed 2275 as the new address for Tax parcel 625 003.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed address change request for Barger Road.

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

Commissioner Mitchell moved approval of the suggested change of 2275 as the new address for Tax Parcel 625 003. The motion was seconded by Commissioner Barber and passed unanimously.

7. CONSIDER REQUEST FROM ROWAN-SALISBURY SCHOOLS TO USE PUBLIC SCHOOL BUILDING CAPITAL FUNDS

Gene Miller, Assistant Superintendent of Rowan-Salisbury Schools, explained the request before the Board dealt with the track and tennis courts at North Rowan High School (NRHS). Mr. Miller explained that NRHS applied for and received a grant to do repairs on the multiple cracks and drainage issues with the track. Mr. Miller stated the grant was for \$181,000 but the bids came in over budget. Mr. Miller stated after a reassessment the total amount needed would be \$283,625, with \$181,000 being supplied by the grant. Mr. Miller said money would be saved by doing the work on both the track and tennis courts at the same time. Mr. Miller proposed using \$102,626 of local money from the Public School Capital Building Fund to meet the 25% match required to use the \$181,000 in grant money.

Commissioner Sides moved approval of the request and of the attached budget amendment. Commissioner Hall seconded the motion.

(The budget amendment was in the amount of \$102,626.

Commissioner Mitchell asked if there are any policies in regards to when the Board steps in to replace athletic facilities versus the Booster Clubs raising the funds. Mr. Miller said there is no process or program in place, however the schools have an ongoing needs list with about \$5 million in projects for middle and high schools. Mr. Miller stated that funding this request would eliminate 2

big projects from the list. Mr. Miller stated some high schools have already requested funds for projects to match Booster Club funds.

Commissioner Mitchell said the answer is to make sure items are on the capital improvements list and make sure there are some funds raised privately before requesting funds from the Board.

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

8. CONSIDER REQUEST FROM ROWAN-SALISBURY SCHOOLS FOR PURCHASE OF PROPERTY

Chairman Chamberlain introduced Dr. Judy Grissom, Rowan Salisbury Schools Superintendent, and Bryce Beard, Chairman of the Board of Education (BOE).

Mr. Miller stated that the BOE had met on Monday, August 27, 2007 and discussed the purchase of land for a future school site. Mr. Miller said the property is located in the southern part of Rowan County and is situated between China Grove Road and Bostian Road just off Highway 29. Mr. Miller said there are 34.68 acres of land that could be used for an elementary or middle school site.

Mr. Miller reported that there are 7 parcels of land owned by 5 different landowners and the total selling cost of the property is \$1,465,000. Mr. Miller said the BOE approved the purchase and was requesting the Commissioners approval to purchase the land from Public School Capital Building Fund (PSCBF) and a 25% match from local sales tax reserve funds.

Mr. Miller reported that approximately one week ago China Grove and Landis Elementary Schools were about 100 under capacity and now were at 84 under capacity and continuing to grow. Mr. Miller stated that both schools are projected to be over capacity within 5 or 6 years, not including any new developments in the area. Mr. Miller said the proposed site already has water and sewer and includes a road easement for a third entryway. Mr. Miller discussed the site assessment and an alternate site that had considerable environmental issues. Mr. Miller used the chart included in the agenda packets to show the landowners, tax values and other information. Mr. Miller said the overall tax value is \$1,600,937 and the schools have taken a 90-day option on the property until October 15, 2007.

Mr. Miller discussed the anticipated growth and showed a map depicting 12 developments within a 5-mile radius of the site being considered. Mr. Miller explained the amount of money needed to purchase the land and where the money would come from.

In response to Commissioner Barber's inquiry, Mr. Miller stated that the BOE voted unanimously to approve this purchase.

Commissioner Barber said that based on conversations he had held with realtors, there are approximately 1,000 homes being built in the area with many developments underway. Commissioner Barber said the Commissioners had asked the BOE to submit a prioritized plan of capital improvement items and the land purchase was submitted on the list. Commissioner Barber pointed out that the first request on the list had been taken care of and this was the next item listed.

Commissioner Hall asked if the discussion to purchase new property was held in Open Session and Mr. Miller stated the discussion was held in Closed Session, but that the vote was conducted in Open Session.

Dr. Grissom said open discussions took place when considering the list of priorities to submit to the Commissioners.

Commissioner Hall said she understood that a developer first approached the school system with the idea of purchasing this property. Mr. Miller responded that was correct and he explained the process used in planning for a new school.

Commissioner Hall asked if meetings were announced to the public during the planning process. Mr. Miller said most of what he had handled had been over the telephone but public meetings are held before subdivisions are approved.

Commissioner Hall discussed the capacity at some of the schools and she asked if a new school was needed in that area in the next 5 years. Mr. Miller responded that it would be closer to 3 or 4 years due to the growth in the area.

Commissioner Hall discussed student growth and stated that 600 students in 6 years was not huge growth and she said the expected growth was also not very much. Commissioner Hall asked if the Board should be in the land speculation business or should the Board take the money and put it into pressing needs for the students now. Commissioner Hall asked if the Board could take the money the schools have identified and apply it towards the current bond debt. Mr. Cowan responded that the Board could use the funds for bond debt.

Mr. Miller said the BOE had previously been in situations where land was needed and could not be found. Mr. Miller said he preferred to use the term "future planning" or "proper planning" as opposed to the term "land speculation" in order to stay prepared.

Commissioner Hall said the land would probably be held for 5 years and there were immediate pressing needs, such as the dropout rate. Commissioner Hall said currently the dropout rate is at 30% and costs Rowan County \$1.5 million per dropout during the course of the dropout's lifetime. Commissioner Hall posed

the question again of investing in immediate needs versus the needs yet to come.

Commissioner Mitchell asked Mr. Miller to confirm there was public discourse regarding the priority list when it was created and Mr. Miller responded yes.

Commissioner Mitchell asked if there was going to be a school needed over the next few years where the requested property was located. Mr. Miller responded yes, but could not say at this time if it would be an elementary school or a middle school.

Commissioner Mitchell asked if the request for purchasing property was the best use of the \$1.5 million when considering other current needs. Mr. Miller said he felt it is the best use of the funds.

Commissioner Mitchell moved approval of the request and the budget amendment. Commissioner Barber seconded.

Commissioner Barber stated the only place the money could be spent was on capital improvements and the only outlet for furthering instruction in the classroom was technology. Commissioner Barber pointed out that technology had been funded at the level requested. Commissioner Barber said he had spoken to Phil Hardin with RSS regarding staff support for additional technology. Commissioner Barber said per suggested state guidelines there should be one support person for every 400 computers and that if the money were put towards technology there would not be enough staff to support it.

Commissioner Barber said he would like for the Board to consider a resolution for “always” funding RSS at the state average. Commissioner Barber stated that if the Board were to supply more funds for technology, there should be a replacement schedule put into effect as well.

Mr. Miller stated that he talked with Mr. Hardin as well and the area where support is lacking is for technology. Mr. Miller also highlighted the lack of instructional support on computers and said he did not know how the positions could be funded or supported.

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

9. CONSIDER APPROVAL OF SNIA 06-07

Planning Technician Fredda Greer said Staff had received a Special Non-Residential Intensity Allocation (SNIA) request to allow for 70% impervious coverage for lots 12 and 13 of Performance Park. Ms. Greer pointed out a typographical error in the handout stating the other improvements figure should

be 13,184 square feet and the total impervious coverage of the site should be 22,184 square feet.

Commissioner Sides moved, Commissioner Mitchell seconded and the vote to approve SNIA 06-07 passed unanimously.

10. DISCUSSION REGARDING COUNTY WIDE STANDARD COPY/PRINT FEES

Information Systems Director David Boling discussed Staff's research as to the actual cost figures of producing copies for the public.

Mr. Boling said North Carolina General Statute §132 states the County could only charge the public the actual cost of copying/printing. Mr. Boling said on page 3 of the information provided, a fee schedule was included and he explained the components of the fee to include costs incurred from paper, black/white and color copies, as well as paper sizes. Mr. Boling stated the library's self-service machines were left out because the machines do not fall under the public records law. Mr. Boling said the Register of Deeds Office has costs that are dictated by North Carolina General Statute §161.

Mr. Boling suggested not changing fees for departments who provide a simple copy for free because the costs of tracking these documents would not be worth it. Mr. Boling also suggested a \$50 minimum per hour for customization work requested.

Commissioner Sides stated he had previously raised questions pertaining to the \$0.50 charge for uncertified copies made at the Register of Deeds Office and that he preferred not to change that fee at this time. Commissioner Sides said the topic had been discussed at a previous meeting but no formal action had been taken. Commissioner Sides stated that a taxpayer had been recently charged too much for copies and that he wanted to ensure it does not happen again. Commissioner Sides felt county staff should be updated on what the General Statutes require in providing documents to the public. Commissioner Sides said there should be no question as to whether a citizen is entitled to copies and what process the citizen should go through. Commissioner Sides the County needed a uniform policy regarding copy fees.

Commissioner Mitchell moved approval of the policy, Commissioner Sides seconded and the motion passed unanimously.

Mr. Boling stated there are a lot of requirements in the General Statutes and training would be good for employees.

Mr. Cowan said there was an upcoming Department Directors meeting and that he would make sure staff is aware of the policy.

Mr. Dees stated the General Statute does offer some flexibility and he asked if the amount of time needed to fulfill the request would be considered. Mr. Boling said if a request used an extreme amount of time, the County could charge a reasonable amount for the time used, however he emphasized that it must be an extreme case, such as an extreme amount of office time not normally anticipated. Mr. Boling said the fee would have to be reasonable and would have to be related to the actual cost of producing the information.

Chairman Chamberlain stated a vote had been taken and accepted therefore the Board should accept the program the way it is.

11. DISCUSSION REGARDING SECTION 287(g) IMMIGRATION AND NATIONALITY ACT

Sheriff George Wilhelm reported that the 287(g) program has been around for over 10 years. Sheriff Wilhelm said the program does not stop illegal aliens or illegal immigration, but does help in catching and processing criminal illegal aliens. Sheriff Wilhelm said the Rowan County Sheriff's Department (RCSD) currently contacts U.S. Immigrations and Custom Enforcement (ICE) if the RCSD was suspected to have a criminal illegal alien. Sheriff Wilhelm said his department worked with ICE on the deportation and processing. Sheriff Wilhelm said a current problem is repeat offenders keep coming back.

Sheriff Wilhelm said the program would actually allow deputies to act as ICE agents. Sheriff Wilhelm stated that there is a 4-week program for training that ICE would pay for, however the County would have to cover the cost of the new personnel. Sheriff Wilhelm said another factor would be the requirement to guarantee bed space and transporting of the individual to a facility out of state because currently there is not a facility in North Carolina to house criminal illegal aliens.

Chairman Chamberlain asked where the detainees would be housed, even if the County applied for and was accepted for the program. Sheriff Wilhelm responded that due to the overcrowding situation at the Detention Center, it could be a reason the County may not qualify for the program. Sheriff Wilhelm said Senator Elizabeth Dole was recently made aware of some of the needs locally. Sheriff Wilhelm said there is a meeting coming up with the State to discuss some of the options for help and a bill in congress to get money to reimburse the counties using the 287(g) program.

Commissioner Mitchell asked how many detainees go through the deportation process in a year and Sheriff Wilhelm said in a year's time thousands of people are taken in and about 22% of those individuals are Hispanic, which is the main race for illegal immigration.

Commissioner Mitchell asked for figures on how many individuals are actually deported by the process currently used and Sheriff Wilhelm said about \$20,000 a year is being received to help cover the costs of detaining illegal immigrants.

Commissioner Mitchell asked if the County gets into the program, would it have a positive effect on what the County is currently doing. Sheriff Wilhelm stated that it would take time away from regular duties of a detention officer, but it would be worth the training. Sheriff Wilhelm said it would not keep illegal aliens out of the County but it would help the County to keep detainees fingerprinted and held to be processed and deported.

Chairman Chamberlain asked if Sheriff Wilhelm planned to apply for the program and Sheriff Wilhelm responded yes and that a group of counties may try to apply together to help with costs.

Commissioner Hall asked how much the jail population would grow if the program were implemented. Sheriff Wilhelm said the population would probably not grow because individuals could only be held for 72 hours.

Commissioner Sides stated that illegal immigrants are more than just Hispanics, and he asked if all 22% of the Hispanic population in the jail were illegal immigrants. Sheriff Wilhelm stated that anyone not born in the United States is checked to make sure they are in the country legally. Sheriff Wilhelm said the program had a separate fingerprint identification system that included every state and was what Rowan County currently used. Sheriff Wilhelm said many of the illegal immigrants have been through the system before and the program would help the County recognize those individuals fingerprinted in another area.

Sheriff Wilhelm stated the program is about the criminal illegal aliens only. Sheriff Wilhelm said there would be some costs to the County and that there would also be discussions with the State Legislature pertaining to options for help with the program.

Commissioner Barber referred to the success of the program in Mecklenburg and Cabarrus counties and asked if the program was having an affect on criminal illegal alien activities such as drugs and gangs. Sheriff Wilhelm stated that drugs and gangs are a problem that the program is affecting, as well as drunk driving.

12. CONSIDER APPROVAL TO PURCHASE IN-CAR VIDEO SYSTEMS FOR SHERIFF'S DEPARTMENT

Finance Director Leslie Heidrick said a waiver of competitive bidding was advertised for the purchase of 8 in-car video systems for the Sheriff's Department from WatchGuard Video. Ms. Heidrick said the vendor had agreed to sell the in-car video systems to Rowan County at the same price as the contract with the State of North Carolina dated June 15, 2006 and the cost of each system is

\$4,779 for a total cost of \$38,232. Ms. Heidrick said the purchase of the in-car video systems was approved in the fiscal year 2008 budget.

Sheriff George Wilhelm stated that technology has come a long way and the camera system is actually a computer that would help officers keep up to 72 hours of video for review.

Commissioner Sides moved approval of the Resolution awarding the contract for the purchase of the in-car video systems. The motion was seconded by Commissioners Hall, Barber and Mitchell.

Mr. Wilhelm briefly discussed detainees being released for work.

Upon being put to a vote the motion passed unanimously.

13. DISCUSSION REGARDING PROPOSED BAN ON SEX OFFENDERS IN ROWAN COUNTY PARKS & RECREATION AREAS

At this point in the meeting, Chairman Chamberlain switched agenda items #13 and #15 (Consider Approval of Schematic Design for Third Floor of Justice Center) in the order of discussion.

Commissioner Sides said he was interested in adopting an ordinance to prevent convicted sex offenders from entering Rowan County parks and recreation areas.

Commissioner Sides moved for staff to investigate and develop an ordinance that will meet the need. The motion was seconded by Commissioner Mitchell.

Chairman Chamberlain said he was in favor of the ordinance and he asked the Sheriff if the Board could post signs regarding the ordinance as well as post sex offenders' pictures in the parks. Sheriff Wilhelm responded that as long as the ordinance was legal, the Board could put up the signs.

Commissioner Sides stated that other counties put up signs.

Sheriff Wilhelm said if the Board passed an ordinance, citizens could notify deputies if someone needed to be removed from certain areas. Sheriff Wilhelm said the ordinance would give deputies the authority to pick up the sex offender.

Commissioner Sides said Don Bringle, Parks and Recreation Director, was in favor of the ordinance.

Commissioner Hall said she favored any Board action that would protect the youngest, most vulnerable citizens.

Commissioner Mitchell asked if the ordinance would be complaint-based and give deputies the authority to enforce the ordinance and Chairman Chamberlain responded yes.

Upon being put to a vote the motion passed unanimously.

14. CONSIDER APPROVAL OF RESOLUTION ENCOURAGING VOLUNTARY WATER CONSERVATION DURING THE CURRENT PERIOD OF GENERAL DROUGHT

Commissioner Sides said the idea of the Resolution for voluntary water conservation was worthy of the Board bringing it to the public's attention. Commissioner Sides stated that even though the City of Salisbury had said there was plenty of water in its supply, he felt this was the first time the County had seen such a severe drought. Commissioner Sides said the second idea behind the Resolution was to initiate staff investigating a mandatory water restriction.

Commissioner Sides moved to pass the Resolution encouraging voluntary conservation of water use. The motion was seconded by Commissioner Hall and passed unanimously.

Commissioner Sides said he would like to know if the majority of the Board was in favor of asking staff what policies were available in other counties and municipalities for restrictions.

Commissioner Mitchell said he was concerned with using staff time to develop a policy that staff already did not have time to enforce. Commissioner Mitchell said he would like to see what affect, if any, the voluntary restrictions have. Commissioner Mitchell said if it were absolutely necessary he would then consider mandatory restrictions.

Chairman Chamberlain agreed with Commissioner Mitchell, as did Commissioner Barber. Commissioner Barber inquired as to how the Board planned to educate the public regarding the Resolution.

Commissioner Sides expressed hope that the Salisbury Post would help publicize the information.

15. CONSIDER APPROVAL OF SCHEMATIC DESIGN FOR THIRD FLOOR OF JUSTICE CENTER

Paul Bonsall of Ware Bonsall Architects, Inc. presented the schematic design for the courtroom renovation project. Mr. Bonsall discussed the project development and changes that he felt were of good value for the County. Mr. Bonsall said the changes were the result of meetings held with Judges Brown and Holshouser, District Attorney Bill Kenerly and Clerk of Court Jeff Barger. Mr. Bonsall said the cost estimate for the changes were within the budget initially approved for the project.

Mr. Bonsall asked the Commissioners for approval to take the project to the next step saying that he would come back to the Board with another cost estimate.

Commissioner Sides moved approval of the schematic design. The motion was seconded by Commissioner Hall and passed unanimously.

County Manager William Cowan referred to a handout that he had distributed at the beginning of the meeting pertaining to the overcrowding situation at the Rowan County Detention Center. Mr. Cowan said Mr. Bonsall would also like to address the sprinkling system for the Detention Center. Mr. Cowan asked if the Board would allow these topics to be discussed. Chairman Chamberlain said the Board would allow the discussions after a short recess.

Chairman Chamberlain called for a short break at 7:15 pm.

Chairman Chamberlain reconvened the meeting at 7:20 pm.

- Mr. Bonsall recalled that he had talked to the Board in February 2006 regarding upfitting the unfinished jail pod at the Detention Center. Mr. Bonsall said one of the caveats to the cost estimate was whether the entire Detention Center would have to be sprinkled. Mr. Bonsall said as of August 31, 2007 it was determined that the County could sprinkle just the portion of the Detention Center being renovated and also the area just outside until reaching the fire barrier. Mr. Bonsall said the estimated cost was \$50,000, which was close to the original budget. Mr. Bonsall said at this point, he did not feel that the County needed to add to the cost of the project because of contingency funds. Mr. Bonsall said he must come back to the Board for final approval when the bids were submitted.
- Sheriff George Wilhelm and Major Tim Bost discussed the overcrowding situation at the Detention Center. Major Bost said the County had done all that it could do to handle the jail population through the Pretrial Release Program (PTR) and other programs. Major Bost said that without PTR, the jail population would be 500-plus. Major Bost said the County had exhausted all efforts for addressing the overcrowding. Major Bost said there is a high employee turnover in the Detention Center due to the strain on the employees.

Sheriff Wilhelm said public schools and public safety are incentives to draw people to Rowan County. Sheriff Wilhelm said his department and every law enforcement agency in the County should be commended for arresting criminals and getting them off the street. Sheriff Wilhelm said the Detention Center was overcrowded and the information in the handout contained information regarding the cost of housing 40 inmates elsewhere.

Commissioner Sides said the completion of the unfinished jail pod and the additional 48 beds it would create would help but not solve the problem. Commissioner Sides said housing 40 inmates elsewhere would also not solve the problem. Commissioner Sides asked if the Sheriff could identify sentenced inmates to house elsewhere where a portion of the money would come back to the County. Sheriff Wilhelm said he liked the suggestion.

Major Bost said the inmates had to be housed for a certain length of time before the County could charge the State for reimbursement.

Commissioner Sides said he understood and he would expect the Sheriff's Department to use its best judgment and factor in all issues when deciding which 40 inmates to house elsewhere. Commissioner Sides also expressed concern for the safety of deputies.

Major Bost said Sampson County had Internet connectivity for the arraignment system and he was hopeful that Rowan County's Information Systems Department could communicate with Sampson County to accommodate video arraignments.

Commissioner Sides moved to authorize the Sheriff to house up to 40 prisoners in another county. Chairman Chamberlain seconded and the motion passed unanimously.

Sheriff Wilhelm said the Sheriff's Department had 2 vans that would be running extra. Sheriff Wilhelm advised the Board that he may have to request additional funds for another van and part-time help to transport inmates to the Sampson County facility.

Commissioner Mitchell stated that the Board would be looking at a long-term solution to the problem.

16. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director Leslie Heidrick submitted the following budget amendments for the Board's consideration:

- Emergency Services – To budget revenue received from the City of Salisbury for the purchase of the Salisbury EMS Station site. The total cost of the property is \$51,500. \$25,750 represents the City's 50% participation in this purchase.
- Parks – To appropriate Fund Balance for fiscal year 2007 reserves - \$114,028
- Senior Services – To recognize reserved funds from fiscal year 2007 for Rural Ed Grant - \$19,142

- Sheriff's Department – To appropriate reserved funds from fiscal year 2007 - \$86,050
- Sheriff's Department – To budget revenues and expenditures from FEMA funds received in prior years for a swift water boat and personal gear - \$19,400
- Social Services – The department received more funds for TANF Domestic Violence than the state had estimated earlier - \$3,531
- Social Services – The One Church One Child Program is continuing to receive donations to be used for children in foster care - \$200

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

17. CONSIDER APPROVAL OF BOARD APPOINTMENTS

Agenda item #17 was deleted from the agenda.

18. ADJOURNMENT

There being no further business to come before the Board, Commissioner Mitchell moved to adjourn at 7:50 pm. The motion was seconded by Commissioner Barber and passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board