

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
November 19, 2007 – 7:00 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 7:00 pm.

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the minutes of the November 5, 2007 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

There were no additions to the agenda.

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 Sides moved approval of the Consent Agenda. The motion was seconded by Commissioners Hall and Mitchell and passed unanimously.

The Consent Agenda consisted of the following items:

- A. Approval of Resolution in Support of PBH Operation of a Substantially Equivalent Personnel System
- B. Approval to Award Service Sidearm to Retiring Sheriff's Investigator Sharon Barnhardt
- C. Set Public Hearing for December 3, 2007 for Majority Petition for Arnette Drive
- D. Set Public Hearing for December 3, 2007 for Majority Petition for Trailing Pine Lane
- E. Set Public Hearing for December 3, 2007 for Address Realignment for 320 Knotty Pine Circle
- F. Approval for Rowan Public Library to Submit NC Humanities Grant Application for "Let's Talk About It" Reading Series

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 AND APPROVAL IN PRINCIPLE FOR DDSM, LLC

Chairman Chamberlain opened the floor for discussion regarding an amendment authorizing an increase from \$7,000,000 to \$8,000,000 in the maximum principal amount of industrial development revenue bonds to be issued by the Rowan County Industrial Facilities and Pollution Control Financing Authority for the benefit of DDSM Properties, LLC. There were no comments from the Board.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the approval in principle for DDSM, LLC. The following individual addressed the Board:

- Dyke Messinger explained that the issue was before the Board for the third time due to the company enlarging the size of its request. Mr. Messinger said the increase of the additional \$1 million would cover machinery and equipment.

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

Commissioner Sides moved, Commissioners Mitchell and Hall seconded and the vote to approve the Resolution approving in principle the issuance not to exceed \$8,000,000 passed unanimously.

4. PUBLIC HEARING FOR CONSIDERATION OF UNANIMOUS PETITION FOR FOXFIELD LANE

Planning Technician Fredda Greer reported that the road in question is included in a plat for development of 19 lots for the Stolz Family Limited Partnership Properties. Included in the plan are 3 new roads. The road is located south off the 9000 block of Old Beatty Ford Road. All property owners signed a unanimous petition for Foxfield Lane; Staff recommended approval of the name.

Chairman Chamberlain opened the public hearing to receive citizen input regarding the proposed road name of Foxfield Lane.

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

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the road name of Foxfield Lane passed unanimously.

5. PUBLIC HEARING FOR CONSIDERATION OF UNANIMOUS PETITION FOR FAIRHILL LANE

Planning Technician Fredda Greer presented the information regarding the unanimous petition for Fairhill Lane. Ms. Greer said the road is included in a plat for development of 19 lots for the Stolz Family Limited Partnership Properties. Ms. Greer reported that the Stolz Family solely owns the property along the road; therefore, no other signatures were necessary on the petition. The road is located west off the 500 block of Carter Loop Road. Staff recommended approval of the name.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed road name of Fairhill Lane.

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

Commissioner Barber moved approval of the road name of Fairhill Lane. The motion was seconded by Commissioner Mitchell and passed unanimously.

6. PUBLIC HEARING FOR CONSIDERATION OF MAJORITY PETITION FOR MONTPELIER DRIVE

Planning Technician Fredda Greer provided the report regarding the majority petition for Montpelier Drive. The road is located west off the 500 block of Carter Loop Road. The road has 3 property owners, 2 of which signed the petition. Staff recommended approval of the name.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed road name of Montpelier Drive. The following individual addressed the Board:

- Larry Cheeseman of 486 Carter Loop Road said he had no objections to the proposed road name; however, he asked who would be responsible for the road maintenance and trash removal.

Chairman Chamberlain responded to Mr. Cheeseman and explained that while he had asked valid questions, the purpose of the public hearing was for the proposed road name only. Chairman Chamberlain encouraged Mr. Cheeseman to contact Ms. Greer regarding the questions he had raised.

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

Commissioner Sides moved, Commissioners Hall and Barber seconded and the vote to approve the road name of Montpelier Drive passed unanimously.

7. PRESENTATION REGARDING ROWAN REGIONAL MEDICAL CENTER'S PLANS TO BUILD HOSPITAL IN SOUTHERN ROWAN COUNTY

Charles Elliott, Chief Executive Officer for Rowan Regional Medical Center (RRMC) provided the Board with a power point presentation regarding plans to build a 50-bed hospital in southern Rowan County.

Mr. Elliott explained that during this time of growth and development in the County, it was important to ensure that the citizens in the southern portion of the County had access to healthcare. Mr. Elliott reported that the China Grove, Landis and Kannapolis area was one of the largest municipal areas in the state without a hospital.

Mr. Elliott said RRMC was licensed for 268 beds and would be relocating 50 of its beds to the new location. Mr. Elliott said the services at RRMC would not be impacted since the hospital currently only staffs approximately 170 of those beds.

Mr. Elliott said the proposed site for the new hospital was on Moose Road near the I-85 overpass. Mr. Elliott said questions had been raised regarding the proposed location. Mr. Elliott said the location was submitted to the State with the Certificate of Need (CON). Mr. Elliott said once the CON is approved, the hospital board could go back to the State and ask about possibly moving the site. The project was anticipated to open in approximately 18 months after the CON is approved. The CON process takes approximately 150 days, with an additional 90 days for a decision.

Commissioner Barber said in regards to transportation, a hospital was considered an "attractor" in the same manner as a school, shopping center, etc. Commissioner Barber expressed appreciation to Mr. Elliott for being forward-thinking and identifying the fact that there would be future growth requirements in the southern portion of Rowan County.

In regards to several queries from Commissioner Sides, Mr. Elliott explained that the 50 patient beds that would be moved from RRMC were not currently being utilized. Mr. Elliott addressed the recent capital undertaking at RRMC and said the rooms had been converted into private rooms. Mr. Elliott said the entire facility at RRMC would be utilized. Mr. Elliott said he could not talk about another site for Rowan Regional Medical Center South while the CON process was underway. Mr. Elliott said there were 30 acres on Moose Road and several other sites were considered before the CON was submitted. Mr. Elliott said he could not say the Moose Road site was the only location to be considered. Mr. Elliott said a public hearing on the matter was scheduled for December 19, 2007 in China Grove.

Commissioner Hall questioned the site selection process once the CON has been approved. Mr. Elliott said any site would be based on growth of the service area, as well as population and access. Mr. Elliott said the hospital board typically makes such decisions and in this case, the decision would be in conjunction with Novant Health who is helping to finance the project.

Chairman Chamberlain read from the last paragraph of the Resolution.

Commissioner Sides moved, Commissioner Hall seconded and the Resolution of support for Rowan Medical Center South passed unanimously.

Commissioner Sides expressed hope that the hospital board would revisit the site location issue if the project were approved.

8. DISCUSSION REGARDING PHASE I ENVIRONMENTAL SITE ASSESSMENT FOR FORMER SILVER EAGLE PROPERTY

County Manager William Cowan discussed the Phase I Environmental Site Assessment for the former Silver Eagle Property. Mr. Cowan said the report showed underground storage tanks are present, however a letter of no further action had also been received clearing the County from further action on the property. Mr. Cowan said the only way the storage tanks would become a problem was if a drainage ditch would have to be put in at some point in the future.

Mr. Cowan said there was a diesel tank in the front of the building, but no report to show if there had been any release of product from the tank.

County Attorney Jay Dees said there are 2 issues with the diesel tank; the first issue is whether the tank is still in place because there is no DENR report to show the tank had been removed. The second issue is whether soil contamination occurred from the tank. Mr. Dees said the only second phase recommendation from S&ME is possibly doing 3 test borings around the diesel tank to determine if there is any metal underground and whether there is

contamination. Mr. Dees said if the runway extension materialized in the future, no excavating would be necessary based on the grade slope of the runway. Mr. Dees said the closing on the property was scheduled for the end of December and if the Board wanted an answer prior to closing, the testing was estimated to cost approximately \$5,000.

Mr. Cowan confirmed the price range for the cost of the borings to be \$5,000 to \$6,000.

In response to a query from Commissioner Mitchell, Mr. Cowan said if a drainage ditch ever had to be placed on the property, it could create a problem; however, it was unlikely because the ground level would have to be raised to meet the runway extension.

Commissioner Sides asked if the tanks would become a problem down the road if the Board were to purchase the property for the intended use. Mr. Dees said if the Board could confirm that the tank is not there, the likelihood of disturbing the area that would have to be tested is minimal.

Commissioner Sides asked if there would be an issue with tearing down the building if there were no tank. Mr. Dees said the demolition would not necessarily call for excavation of the property.

Commissioner Sides suggested the County determine if there is a tank, and if no tank were present the County should close on the property.

Mr. Cowan reported that there was some asbestos in the building; however, it would be very inexpensive to clean up.

Chairman Chamberlain polled the Board members and all were in agreement that the County should find out if a tank still exists.

Commissioner Hall said the terminology pertaining to significant assumptions on page 6 of the report bothered her. Commissioner Hall asked if the Board should be concerned about the "assumptions" in the report. Mr. Dees stated the assumptions are generally accepted and there is some technical data to support the assumptions from a test well on the adjoining property line that has not shown contamination.

In response to a query from Commissioner Barber, Mr. Cowan stated the Kern Rubber property is part of the property the Board is considering purchasing.

Commissioner Barber asked if the Board could get estimates on what it might cost to clean up the Kern Rubber property. Mr. Dees said Kern Rubber has been found the responsible party of the contamination and are responsible for cleaning

up the property. Mr. Dees said the process had already started with the State and Kern Rubber had been mandated to start cleaning up the site.

Chairman Chamberlain repeated the Board's intentions, which were to determine if a tank is present on the property and if there is no tank, the County would proceed with purchase of the property.

9. DISCUSSION REGARDING CONSTRUCTION OF SPEC HANGAR

Director of Administration Ken Deal reported that after consultation with the engineering firm, Talbert & Bright, Inc., and airport consultant, Frank Newton, Staff was recommending that the Board approve the construction of a spec hangar to be funded by the County.

Mr. Deal reported on the costs for the project as follows:

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|---|-----------|
| Hangar with foundation \$50/SF x 10,000SF | \$500,000 |
| Site Work/Parking | \$152,200 |
| Surveying, testing, engineering design, bidding | |
| Construction, administration | \$ 97,800 |

Finance Director Leslie Heidrick distributed a handout, which provided hangar lease calculations.

After a brief discussion regarding financing options, Commissioner Sides moved to authorize Staff to pursue the project on the basis of the financial layout presented by Ms. Heidrick for a 3-year loan. The motion was seconded by Chairman Chamberlain.

Commissioner Mitchell cautioned the Board as to getting into a for-profit business and competing with private industry.

Commissioner Sides said the County had created a separate entity for the airport and any monies that come in would be used solely for the benefit and enhancement of the airport.

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

10. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Fairgrounds – To budget funds for the fairgrounds - \$38,660
- HOME Grant - \$106,068
- Fund 310 – To create Capital Projects Fund for the Justice Center Projects - \$4,160,000

- Fund 311 – To create a new Capital Projects Fund for the Department of Social Services facility project - \$5,232,000

Commissioner Sides discussed the budget amendment for the fairgrounds and said the \$29,000 should give some sense of what the County needed to recover from whomever puts on the fair.

Commissioner Mitchell asked if the estimate was a fair estimate. Ms. Heidrick, responded that the estimate was received from Don Bringle, Parks and Recreation Director and James Meacham, Tourism Authority Director, and did not include the fair.

Mr. Cowan said the expense is built into utilities and cleanup costs for the fair.

Commissioner Mitchell asked if the revenue structure was built to recuperate the \$29,000 and Mr. Cowan said that would be a policy decision by the Board.

Mr. Cowan said the timing of the budget amendment is two-fold because there are some bills to be paid and secondly, action in the next 30 days gives the Board an idea of what was needed to recover for a break-even operation.

Mr. Cowan said the Board would receive a memo regarding policy issues for consideration, including electrical systems, food booths and other issues.

Commissioner Mitchell asked how many applications had been received and the Clerk responded that the County Manager's Office had not received any applications to date.

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

Mr. Cowan mentioned that the bid packages for the courthouse would go out next week and the County should receive bids around December 21, 2007. Mr. Cowan pointed out the cost went up \$100,000 due to inadequate water service for fire protection.

Mr. Cowan requested separate motions for approval of the ordinances for the courthouse/jail project and for the Department of Social Services project.

Commissioner Mitchell moved to approve the ordinance for the courthouse/jail project. Commissioner Barber seconded and the motion passed unanimously.

Commissioner Mitchell moved approval of the budget ordinance for the Department of Social Services. Commissioner Barber seconded and the motion passed unanimously.

11. CONSIDER APPROVAL OF RESOLUTION FOR THE PURCHASE OF PATROL CARS

Chairman Chamberlain reviewed the information in the agenda packet regarding the request by the Sheriff's Department to piggyback off a contract between the State of North Carolina and Ilderton Dodge for the purchase of eight (8) 2008 Dodge Charger patrol cars. Each vehicle's base cost was \$21,347 and the Sheriff's Department would like to add two (2) additional options at a cost of \$314. The total cost for eight (8) vehicles would be \$173,288.

The Finance and Sheriff's Department recommended the Board waive the County's competitive bidding requirements and approve the Resolution for the purchase of the cars.

Commissioner Sides moved to waive the competitive bidding requirements. Commissioner Hall seconded and the motion passed unanimously.

Commissioner Sides moved, Commissioner Hall seconded and the vote to approve the Resolution for the purchase of the patrol cars passed unanimously.

12. DISCUSSION REGARDING 2008 ANNUAL PLANNING RETREAT

Chairman Chamberlain opened the floor for discussion regarding the Board's Annual Planning Retreat and by consensus the Board agreed to hold the retreat February 27, 28 and 29, 2008.

Commissioner Barber suggested that the retreat be held at Rowan Cabarrus Community College in room #251. Commissioner Barber said he had toured the facility and that it would accommodate the needs of the Board. Commissioner Barber said there would be no charge for the use of the room and that it was available during the dates that had been selected. The Board supported the suggested location.

Chairman Chamberlain opened the floor for discussion regarding a facilitator for the retreat.

Commissioner Barber expressed appreciation for the work of the 2007 facilitator, Larry Parks, in keeping the Board on track and on schedule.

The Board was in agreement with contacting Mr. Parks to facilitate the retreat. Chairman Chamberlain instructed Carolyn Athey, Clerk to the Board, to contact Mr. Parks to see if he was available during the selected dates and also at what cost.

Chairman Chamberlain asked the Board members to send their suggested retreat topics to the Clerk.

13. COUNTY MANAGER'S MONTHLY ACTIVITY REPORT TO THE BOARD

Chairman Chamberlain opened the floor for any questions regarding the County Manager's Monthly Activity Report to the Board.

- Commissioner Barber said Representative Fred Steen had contacted him concerning the Health Department turning individuals away for services. Commissioner Barber inquired as to the reason citizens would be denied services. Commissioner Mitchell responded and explained that both of the Nurse Practitioner positions were currently vacant and causing the Health Department to cut back on primary care services. Commissioner Mitchell said the Health Department is providing all mandated functions; however, primary care is not a mandated function. Commissioner Mitchell said the current advertised position and salary has only attracted 2 qualified applicants since August 2006.

Chairman Chamberlain stated that he and Commissioner Hall had talked with Charles Elliott, Chief Executive Officer of Rowan Regional Medical Center (RRMC) to see if RRMC could provide assistance to the County with Nurse Practitioners. Chairman Chamberlain said the County would pay for the services.

Commissioner Mitchell said the County had been providing primary care services through the contracted use of a doctor and Nurse Practitioner but those options were phasing out. Commissioner Mitchell said there was a Community Health Grant, which the County had been declined for and there may be "small window that the federal government may provide \$630,000 to provide primary care services in Rowan County." Commissioner Mitchell said the grants would help ease some of the demand for primary care services, however there would still be a need for Nurse Practitioners.

Chairman Chamberlain said there is a huge need for primary care for the indigent in Rowan County. Chairman Chamberlain said if the County did not receive help the County would be unable to provide primary care services.

Commissioner Mitchell said the Health Department was serving approximately 40% of the demand for low-income primary care services in the County.

- Chairman Chamberlain mentioned the fact that the County has a Voluntary Farmland Preservation Program.

Commissioner Sides provided an example of expensive tracts of land in Rowan County that are owned by people who are not farmers and who

were not intended to benefit by the Program at its inception. Commissioner Sides said those individuals benefit “very handsomely.” Commissioner Sides said while he was in favor of farmland preservation and assisting the farmers, he felt the legislature should review the rules and regulations of farmland preservation in order to avoid future situations such as the one the County was experiencing with the Lazy 5 Ranch.

Chairman Chamberlain said he would like for the farming community to understand the Board, as a whole, was its friend. Chairman Chamberlain said he loved the Voluntary Farmland Preservation Program but he did not support farmland preservation movements that used local tax dollars.

- Chairman Chamberlain mentioned the River Park issue that would soon come before the Board. The park is located in both Rowan and Davie County. Chairman Chamberlain reported that a benefactor had pledged a lot of money to finish the park if the Rowan County Commissioners would pledge money as well. Chairman Chamberlain said he would not vote to fund the project.

Commissioner Sides said the site is located in Davie County, however a large portion is located in Rowan County. Commissioner Sides said he could not support extended funding but might support a one-time contribution.

Chairman Chamberlain said in his first term on the Board, the Commissioners had made a conscious decision not to fund the project on the Rowan County side. Chairman Chamberlain said people had continued to work on the park knowing that Rowan County would not be providing funds and that he would not vote to support the project at all.

14. ADJOURNMENT

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 8:30 pm. The motion was seconded by Commissioner Mitchell and passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board