

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
April 7, 2008 – 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

Interim County Manager/Finance Director Leslie Heidrick, Clerk to the Board Carolyn Athey and County Attorney Jay Dees were present.

Chairman Chamberlain convened the meeting at 4:00 pm.

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioners Sides and Mitchell seconded and the vote to approve the minutes of the March 11, 2008, March 13, 2008 and March 17, 2008 Commission Meetings passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

- Commissioner Sides moved to add a presentation from Louis Smith. The issue pertained to the proposed forced annexation by the City of Salisbury. Commissioner Mitchell seconded and the motion passed unanimously.

Chairman Chamberlain added the presentation as agenda item #7a.

- Commissioner Mitchell moved to add a Closed Session regarding a personnel matter. Commissioner Sides seconded and the motion carried unanimously.

Chairman Chamberlain added the issue as item #11, thus moving Adjournment to item #12.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

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

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Mitchell moved approval of the Consent Agenda. Commissioner Barber seconded and the vote passed unanimously.

The Consent Agenda consisted of the following items:

- A. Approval to Add Grayson Drive to the State Secondary Road System for Maintenance
- B. Approval for Cooperative Extension Office to Submit Two (2) Grant Applications to Blanche & Julian Robertson Family Foundation, Inc. for 4-H Summer Adventures Program and Exploring Career Pathways in Agriculture Program

2. PUBLIC COMMENT PERIOD

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

- Vance Meek, 250 Hidden Hut Road, said he was a 33-year resident of the Hidden Hut subdivision. Mr. Meek said he did not currently reside in the city limits nor did he want to. Mr. Meek said he was opposed to the proposed forced annexation by the City of Salisbury and that he believed North Carolina's current 50-year old law was taxation without representation. Mr. Meek expressed appreciation for the Board's stance on the issue.
- Jane Patterson, 3550 Patterson Road, said she grew up in Rowan County but had moved away for a good number of years. Ms. Patterson said she returned to the area due to her love of the area, integrity of people and the lifestyle in Rowan County. Ms. Patterson said those who owned farm property were becoming helpless in preserving their heritage because of developers who profit from cheap land. Ms. Patterson discussed her opposition to a development on Patterson Road due to the increased traffic, deterioration of roads and overcrowding of schools. Ms. Patterson expressed concern with the safety of those using farm machinery along the road and she asked the Board to look at the site before approving the development. Ms. Patterson also mentioned concern for the wildlife in the area.
- Rod Whedbee, a member of Rowan Property Rights Alliance, questioned the proper role of city and county government. Mr. Whedbee asked if government should control its citizens or provide adequate, basic services

to enable the citizens to pursue life, liberty and happiness. Mr. Whedbee felt Rowan County was in a dangerous position due to factory layoffs and increased foreclosures. Mr. Whedbee said government was expanding at a rapid pace and was changing without a vote of the people. Mr. Whedbee said the government had no business in private enterprise and its role was to provide services to its citizens.

- Larry Wright, 170 Heritage Lane, discussed the proposed forced annexation by the City of Salisbury. Mr. Wright expressed hope that the Board would reduce or eliminate further contributions to the Centralina Council of Governments due to the organization's assistance with the proposed annexation. Mr. Wright thanked Commissioners Chamberlain, Sides and Hall for their attendance and support at community meetings and in the fight against the annexation. Mr. Wright discussed industry layoffs in the County and he said the timing was not good for Salisbury to increase taxes. Mr. Wright repeatedly asked if Salisbury City Council had a heart as he stressed that annexation was wrong, unethical and un-American.

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

3. PUBLIC HEARING TO RECEIVE COMMENTS ON PROPOSED SEX OFFENDER ORDINANCE

Planning Technician Fredda Greer recalled that the Board of Commissioners had directed the Planning Board to develop an ordinance to ban sex offenders from county-owned parks and recreation areas. Committee B of the Planning Board, along with County Attorney Jay Dees and Major Tim Bost of the Rowan County Sheriff's Department gathered information from other North Carolina counties and towns, and found that the Town of Woodfin has such an ordinance, which was tested and upheld in the North Carolina Court of Appeals in October 2007. Therefore, Committee B used the Woodfin ordinance as a model for text development. Ms. Greer said that Mr. Dees had worked with the police chiefs from Salisbury, Rockwell and China Grove to develop a mutual aid agreement for the county-owned properties in these areas.

Ms. Greer reported that on February 25, 2008, the Rowan County Planning Board conducted a courtesy hearing and unanimously voted to give a favorable recommendation for the accompanying ordinance.

Ms. Greer relayed that as of today, there were 188 registered sex offenders in Rowan County according to the North Carolina Registered Sex Offenders Website.

Ms. Greer said notification was provided in October 2007 to the Rowan County municipal Clerks as to the County's intent for the Sex Offender Ordinance.

Ms. Greer pointed out the Board's suggested procedural guidelines on page 2 of the staff memorandum.

Commissioner Sides asked if any public comment had been received pertaining to the ordinance and Ms. Greer responded no.

Commissioner Sides asked if Staff had been contacted by any of the registered sex offenders in the County and Mr. Dees said no.

Ms. Greer said there was one person that had requested to be notified of any public hearings regarding the proposed text. Ms. Greer said she had notified the individual of both the courtesy hearing by the Planning Board and the current hearing of the Commissioners. Ms. Greer said the individual attended the courtesy hearing but did not speak.

Chairman Chamberlain mentioned that he had received one email containing several questions pertaining to the proposed ordinance.

Commissioner Barber explained that he had received a letter from an individual named Ms. Neely in October. Commissioner Barber said Ms. Neely was invited to the courtesy hearing. Ms. Greer added that Ms. Neely did attend but did not speak at the hearing.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed Sex Offender Ordinance.

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

Commissioner Sides moved to adopt the Resolution for Rowan County for the Proposed Ordinance Prohibiting Sex Offenders From Entering Rowan County parks, Recreation Areas, Fairgrounds and Public Libraries, with the one change to reflect 188 registered Sex offenders as of today. Commissioner Hall seconded and the motion passed 4-0. (Commissioner Mitchell momentarily left the room and had not yet returned when the vote was taken).

4. DISCUSSION REGARDING ZTA 03-08 WINERY TEXT AMENDMENTS

Planner Andy Goodall said the Planning Board met in March and discussed text amendments to the Zoning Ordinance that would incorporate wineries and wine tasting rooms in the Rural Agricultural (RA) and Rural Residential (RR) districts. Mr. Goodall said the discussion generated a lot of questions, including comments that the text amendment should be sent back to the committee. Mr. Goodall said several Planning Board members had felt the text was acceptable and should be forwarded to the Commissioners.

Mr. Goodall said the report in the agenda packets addressed several of the concerns of the Planning Board. Mr. Goodall explained that most of the questions were procedural and did not deal with the text itself. Mr. Goodall said Staff was comfortable with the text provided and recommended the text to be heard by the Commissioners rather than being forwarded back to the committee.

Chairman Chamberlain moved to set a public hearing for April 21, 2008 to consider the proposed text. The motion was seconded by Commissioner Barber and passed unanimously (4-0). (Commissioner Mitchell momentarily left the room and had not yet returned when the vote was taken).

Commissioner Sides stated that he would probably vote against the text amendments in that they would allow additional ABC permits to be issued.

5. PRESENTATION FROM ECONOMIC DEVELOPMENT COMMISSION REGARDING MARKETING OF SUMMIT CORPORATE CENTER

Economic Development Director Robert Van Geons presented a marketing proposal from the Economic Development Commission (EDC) for Summit Corporate Center (SCC). Mr. Van Geons said the marketing plan would focus on four (4) core areas:

- Development of new collateral materials
- Direct engagement of the regional and super-regional real estate community
- Selected activities within park itself
- New multimedia content to effectively highlight all that our local park has to offer.

Mr. Van Geons said the EDC recommended a 2-year cycle of activities that would commit a minimum of \$60,000 towards marketing the park. Mr. Van Geons said funding the initiative would utilize a combination of reallocated operational funding and the unrestricted fund balance. Mr. Van Geons said the EDC was not requesting any increase of funding for fiscal year 2008-09 and did not anticipate a request for an increase in fiscal year 2009-2010.

Mr. Van Geons said a Request for Information resulted in six (6) formal responses and if the Commissioners endorsed the plan of work, selected firms would be invited to submit proposals for individual components of the project. Mr. Van Geons said the EDC would serve as the primary facilitator, organizer and leader of the SCC marketing efforts.

Mr. Van Geons reviewed the foundation materials/informational resources that the EDC would use to provide details regarding SCC. The resources included a pocket hand out, direct mail and electronic mail, and a brochure for onsite distribution.

Mr. Van Geons discussed communications and contact lists that would be targeted in the efforts to market SCC.

Mr. Van Geons said SCC had been well maintained and was aesthetically pleasing and he praised county staff for their pride and ability in taking care of the park. Mr. Van Geons highlighted several areas to be addressed through maintenance and cosmetic improvements. Mr. Van Geons proposed that two (2) new signs be added to provide an overview of the parcel boundaries and lot description. Mr. Van Geons said the signs would be located along the main entry routes.

Mr. Van Geons said the marketing strategy also included the development of new electronic media. Mr. Van Geons felt the communication would convey site information and demonstrate the community's embracing of advancing technology.

Mr. Van Geons reviewed the long-range possibilities, as well as items not recommended for SCC at this time. The recommendations were for proactive site preparation and a virtual shell building.

The requested budget and recommended action items for fiscal year one were in the budget range of \$43,500 - \$65,500. Mr. Van Geons said fiscal year two would depend upon the results and successes experienced in year one. Mr. Van Geons anticipated that year one would bear most costs for the proposal, with year two being dramatically less. Mr. Van Geons said the EDC wished to report back to the Board directly and quarterly to account for activities engaged in, how funds were utilized and expended, provide copies of materials that were produced, an analysis of who has been contacted, and lastly to measure success based on new business and/or inquiries.

Mr. Van Geons said the EDC was ready to begin the Request for Proposals (RFP) process if the Board approved the proposal. Mr. Van Geons said the EDC would also like to begin discussions concerning pricing for SCC.

After a brief discussion regarding the proposal, Commissioner Barber moved to accept the action plan, which would allow the EDC to begin the administrative work, starting with the RFP. The motion was seconded by Commissioner Mitchell.

Commissioner Sides said he had complained for several years that the EDC had a large portion of its budget allocated for marketing Rowan County; however, the EDC had not been spending the funds. Commissioner Sides expressed pleasure that the EDC was taking the initiative to begin using those funds to market the County.

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

6. REPORT FROM CHILD ABUSE PREVENTION TASK FORCE

Sandra Wilkes, Department of Social Services (DSS) Director, explained that the Child Abuse Prevention Task Force (Task Force) was created in response to four (4) child fatalities that occurred in 1997. Ms. Wilkes said a result of the Task Force was the Community Protocol document before the Board, which described how organizations work cooperatively to serve children and families in matters related to abuse. The protocol requires quarterly meetings, and also requires an annual meeting and annual report to the Board of Commissioners.

Ms. Wilkes said the annual meetings provide an opportunity to hear reports from all agencies on how they have worked together over the past year to address abuse and neglect. Ms. Wilkes said the Task Force recently met on March 31, 2008 for its annual meeting. Ms. Wilkes reported that three (3) revisions were recommended and approved for the protocol document. These revisions were included in the Commissioners agenda packets.

Chairman Chamberlain, Chair of the Task Force, said he was very passionate about the work of the Task Force. Chairman Chamberlain said one reason he was not seeking re-election was to devote more of his attention to children and his cases with the Guardian Ad Litem Program. Chairman Chamberlain encouraged more men to become involved with the Guardian Ad Litem Program.

Chairman Chamberlain referred to the requested action of the Commissioners, which was to:

- Continue its active support of community initiatives that prevent child abuse
- Provide guidance and direction to DSS and to other organizations and systems that serve children and families in matters related to abuse
- Expect accountability of these organizations

Commissioner Sides moved, Commissioner Barber seconded and the vote for the Board's support of the requested action items passed unanimously.

Chairman Chamberlain thanked Ms. Wilkes for the report and he praised her leadership with DSS. Chairman Chamberlain also requested that the Board allow him continue to serve on the Task Force when he leaves office as a County Commissioner.

7. DISCUSSION REGARDING ROWAN COUNTY'S RELATIONSHIP WITH CENTRALINA COUNCIL OF GOVERNMENTS

Commissioner Sides discussed Centralina Council of Governments (COG) and the agency's involvement in forced annexation issues. Commissioner Sides said COG had employees whose primary responsibilities were to develop plans for municipalities to forcefully annex properties. Commissioner Sides said he had researched what services COG provides for Rowan County, which he felt was very little. Commissioner Sides said the County does utilize some of the services

offered by COG; however, the numbers of hours for those services are limited. Commissioner Sides said unless someone had a good reason as to why the County should remain a member of COG, perhaps the County should consider withdrawing.

Commissioner Hall said she did not understand why COG did not see it as a conflict of interest to be involved in an issue where a county and a municipality had a differing opinion and yet both were members of COG.

Commissioner Barber asked if there would be ramifications to the municipalities and the price of their dues if the County pulled out. Commissioner Barber asked what services COG provided to Rowan County based upon the dues paid. Commissioner Barber said the Board had put its "weight" behind the forced annexation issue by contributing financial backing for legal action; had indicated that any future county/city projects may be at risk; had asked local legislators to be the County's voice in Raleigh and to pass a moratorium on forced annexation; and had asked municipalities to support a Resolution opposing annexation. Commissioner Barber suggested that to cut funding to COG could give the appearance that the Board was "throwing" its "weight around" without regard to who it might hurt and without regard to the County's reputation. Commissioner Barber said he would like for the Board to consider what services are received from COG and what it might do to the County to not remain "at the table" with COG. Commissioner Barber said the County was part of a region and that before he could vote to pull the County's membership with COG, he would like a better understanding as to what services the County received. Commissioner Barber said he wanted to make sure that pulling out from COG was not a retribution for what was taking place with the annexation. Commissioner Barber said he preferred that the Board not take a vote until he had more information as to the services provided by COG.

Commissioner Mitchell felt that if COG provided aid to a city with an annexation process and the city's dollars were being used, it was not the County's business. However, Commissioner Mitchell said when a County was contesting a potential annexation there should be some pause at the COG level in the fact that two (2) dues-paying members were at odds with each other over a particular issue. Commissioner Mitchell said COG should explain to the County that it was not using the County's dues to work against the County's policies. Commissioner Mitchell questioned if the more than \$40,000 in membership dues could be better utilized at the county level when providing matching funds for grants, etc. Commissioner Mitchell referred to Commissioner Barber's earlier remarks regarding a seat at the table with other regional governments and said, "I generally don't want to sit down at a table if I don't like what is being served". Commissioner Mitchell said if the \$40,000 was not being utilized to the best benefit of the citizens, he did not see remaining a member of COG. Commissioner Mitchell said he was not ready to vote to pull out from COG but the decision should be made at budget time as to whether the funds could be

better utilized elsewhere. Commissioner Mitchell agreed with Commissioner Barber in that the County should receive an assessment of what services are received from COG for the \$40,000 in membership dues.

Chairman Chamberlain agreed that the Board should not take action “tonight”. Chairman Chamberlain referred to COG’s assistance with the proposed annexation by the City of Salisbury and removing over \$200,000 from the County’s funds and said, “If that is not a conflict of interest, I do not know what is”. Chairman Chamberlain questioned what COG’s response would have been if the County had been the first to contact COG in an effort to secure the agency’s services to fight the annexation

Chairman Chamberlain asked Commissioner Barber and Interim County Manager/Finance Director Leslie Heidrick to gather information regarding COG’s services for discussion at a future meeting.

After further dialogue, it was determined that the Board needed to make its decision at the next meeting regarding COG’s future funding.

Chairman Chamberlain called for a short break at 5:30 pm.

Chairman Chamberlain reconvened the meeting at 5:40 pm.

ADDITION

7a. PRESENTATION REGARDING PROPOSED FORCED ANNEXATION BY CITY OF SALISBURY

Louis Smith provided the Board with a financial analysis regarding the proposed annexation by the City of Salisbury. Mr. Smith, a resident of the proposed annexation area, said he had retired as General Manager of HPD Industries and had been involved in financial operations for thirty-five (35) years.

Mr. Smith said he had attended Salisbury’s informational meeting at the Civic Center on March 27, 2008 and two (2) particular items had caught his attention in regards to the annexation. Those items were the costs for water/sewer lines and the maintenance for 16.5 miles of streets. Mr. Smith said the figures did not add up correctly in his mind and as a result, he had requested a meeting with Salisbury Mayor Susan Kluttz. Mr. Smith said several other department heads also attended his meeting with Mayor Kluttz.

Mr. Smith said after his meeting with the Mayor, he had emailed Chairman Chamberlain requesting to present a financial analysis to the Board.

Mr. Smith highlighted the financial analysis, which included the following:

- Exhibit A – Annexation Cost Water/Sewer Grid – Total \$36,077,000

- Exhibit B – Property Valuations Total Assessed Valuations City vs. Proposed Annexation Area:
 City - \$2,416,777,000 (per annual report)
 Annexed Area - \$111,639,000 (annexation report)
 Water and Sewer Customer Base – 16,691
 Annexed Area (assumes 100% hookups) - 759
- Exhibit C – Projected Water/Sewer Fund Impact of Proposed Annexation
- Exhibit D – Projected Impact of Proposed Annexation:
 Estimated Additional Annual Revenues - \$1,127,159
 Estimated Additional Annual Expenses - \$3,292,370
 Estimated Net Additional Expenses - \$2,165,211 (annexation reported dated 2-19-2008 indicated \$33,588 additional revenue)
 General Fund Start-up Costs - \$570,632
- Exhibit E – Annual Annexation Credit (25 years) (Summerfield Home):
 Home Assessed Value - \$210,000 (lot width 175')
 Water & Sewer Cost per ft. - \$370 (water line \$150; sewer line \$175 and outfall and water main \$45 for total of \$370 per ft.)
 Total Frontage Cost - \$64,750
 Shared with home across street (1/2) \$32,375
 Annual Credit (7.27%) - \$2,354
 City Resident Cost (95.6 x \$2354) - \$2,250
 City Tax (.59) - \$1,239
 Water/Sewer Charge - \$749
 Annual Credit Net after City Taxes and Water/Sewer - \$262
- Exhibit F – Possible Salisbury Post Headlines:
 - A. City Residents to Subsidize Families in Annexation Area for 25 years
 - B. Residents in Annexation Area Will Not Contribute to City Coffers for 25 Years

Mr. Smith finished by saying he was not opposed to annexation as long as it was approved by a vote of the citizens. Mr. Smith then referred to Exhibit F and offered \$500 if the City passed the annexation and the predicted headlines were not true.

Chairman Chamberlain thanked Mr. Smith for the presentation.

8. UPDATE REGARDING NEGOTIATIONS WITH SMITH FAMILY BASEBALL

Commissioner Sides said he and Commissioner Hall had met with Brad Smith and Tim Mueller regarding the lease agreement for Fieldcrest Cannon Stadium. Commissioner Sides said he had indicated to Mr. Smith and Mr. Mueller that the County was not interested in extending the current lease terms to 2015 at the \$75,000 per year rate, with all other terms associated to remain in effect. Commissioner Sides said he had relayed that the County would consider a fixed rate fee with certain fees being paid by Smith Family Baseball or the County would revert to the contract, as it existed in the past. Commissioner Sides said

he had relayed the terms to Mr. Smith in an email and that Mr. Smith was in the process of discussing those terms with his father.

Chairman Chamberlain suggested and the Board agreed for Commissioners Sides and Hall to report back to the Board once more information had been received and further negotiations had taken place with the Smith Family.

9. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Interim County Manager/Finance Director Leslie Heidrick submitted the following budget amendments for the Board's consideration:

- Board of Elections – To budget the One-Stop grant received from the NC State Board of Elections. The grant will provide funds for personnel and supplies for the One-Stop locations in Rockwell and China Grove - \$14,596
- General Government – To budget revenues and expenditures associated with the Rural Economic Center Grant awarded by the e-NC Authority. A maximum of \$25,000 will be received by the County for additional equipment to view the Board of Commissioners meetings on the PEG channel - \$25,000

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

10. CONSIDER APPROVAL OF BOARD APPOINTMENTS **ROWAN COUNTY ZONING BOARD OF ADJUSTMENT (ZBA)**

Raymond Coltrain and June Showfety completed their allowable terms of service on March 31, 2008. The following applications were received to fill these two vacancies:

- Glenn Shimmel
- Jeffrey Lee Kiker
- Jack Fisher
- Benjamin Lynch
- John Cowan
- Butch Bivens
- Mike Browning

The terms of appointment would be for two (2) years beginning April 1, 2008 and expiring February 28, 2010.

Commissioner Barber nominated Jack Fisher and Commissioner Mitchell nominated Glen Shimmel. Both nominations passed unanimously.

ROWAN IREDELL VOLUNTEER FIRE DEPARTMENT (VFD)

The Rowan Iredell VFD requested the appointment of one (1) new fire commissioner and submitted the following applications for consideration:

- Jeffrey Matlock
- Howard Taylor

The term would be for two (2) years beginning May 1, 2008 and expiring April 30, 2008.

Commissioner Barber nominated Jeffrey Matlock and the nomination passed unanimously.

SALISBURY ZONING BOARD OF ADJUSTMENT (ZBA)

The City of Salisbury requested the reappointment of Randy Reamer to serve as an ETJ member of the Salisbury ZBA. The term of appointment would be for three (3) years beginning April 1, 2008 and expiring May 31, 2011.

Commissioner Sides nominated Randy Reamer for reappointment and the nomination passed unanimously.

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

Raymond Raper completed his term and was eligible for reappointment. If approved, the term would be for three (3) years beginning May 1, 2008 and expiring April 30, 2011. With the reappointment of Mr. Raper, there would still be five (5) vacancies on this committee.

Commissioner Barber nominated Raymond Raper and the nomination carried unanimously.

NURSING HOME ADVISORY COMMITTEE

Richard Sorensen and Allene Louie have resigned from the committee. At this time, the committee has eight (8) vacancies and seven (7) active members.

Commissioner Mitchell moved to accept the letters of resignation from Richard Sorensen and Allene Louie. The motion was seconded by Commissioner Barber and passed unanimously.

ADDITION

11. CLOSED SESSION

Commissioner Mitchell moved to enter Closed Session at 6:09 pm pursuant to North Carolina General Statute §143-318.11(a)(6) for a personnel matter.

The Board returned to Open Session at 6:40 pm.

12. ADJOURNMENT

There being no further business to come before the Board, Commissioner Mitchell moved to adjourn at 6:40 pm. The motion was seconded by Commissioner Barber and passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board