

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS  
June 2, 2008 – 4:00 PM  
J. NEWTON COHEN, SR. ROOM  
J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING**

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

County Manager Gary Page, 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 Mitchell moved, Commissioner Sides seconded and the vote to approve the minutes of the May 19, 2008 and February 27-28, 2008 Commission Meetings passed unanimously.

**CONSIDER ADDITIONS TO THE AGENDA**

- Commissioner Sides moved to add a discussion regarding the contract with Smith Family Baseball, LLC and for a possible vote on the letter dated February 29, 2008 submitted by Lyman Bullard, attorney for the Smith family. The motion was seconded by Commissioners Hall and Barber and passed unanimously.

Chairman Chamberlain added the issue as agenda item #5a.

- Commissioner Mitchell moved to add a Closed Session for a personnel matter. The motion was seconded by Commissioner Barber and passed unanimously.

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

- Chairman Chamberlain stated that agenda item #3 (Quasi-Judicial Hearing for CUP 03-08 for Request from Jaroslaw Tupko) and agenda item #4 (Public Hearing for Historic Landmarks Commission (HLC) 01-08 for Request from Barber Family) would be moved in the order of discussion. Chairman Chamberlain moved the hearings to agenda items #8a and #8b.

### **CONSIDER DELETIONS FROM THE AGENDA**

There were no deletions from the agenda.

### **CONSIDER APPROVAL OF THE AGENDA**

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

### **1. CONSIDER APPROVAL OF THE CONSENT AGENDA**

Commissioner Mitchell moved approval of the Consent Agenda. The motion was seconded by Commissioner Barber and carried unanimously.

The Consent Agenda consisted of the following items:

- A. Approval of Resolution Authorizing the Sale of Surplus Property by Public Auction

#### **RESOLUTION AUTHORIZING SALE OF SURPLUS PROPERTY BY PUBLIC AUCTION**

WHEREAS, G.S. 160A-270(b) allows the Board of Commissioners to sell personal property at public auction upon adoption of a Resolution or order authorizing the appropriate official to dispose of the property at public auction; and

WHEREAS, the Director of Administration and Finance Director have recommended that the property listed on Exhibits A, B, C and D be sold at public auction as surplus property and that authority be given to the Director of Administration to sign vehicle titles on the County's behalf on the day of the auction;

NOW, THEREFORE, BE IT RESOLVED by the Rowan County Board of Commissioners that:

- 1) The Director of Administration or his designee is authorized to sell at public auction on June 20, 2008 the surplus property described on Exhibits A, B, C and D in accordance with G.S. 160A-270(b) and that authority is given to the Director of Administration to sign vehicle titles on the County's behalf on the day of the auction.
- 2) The sale shall be by public auction to the highest bidder and payment must be made on the date of the sale by cash or check.
- 3) The surplus vehicle auction will be held on June 20, 2008 at 9:00 a.m. at the Rowan County Surplus Lot located on Julian Road, Salisbury, NC. The surplus equipment

auction will be held on June 20, 2008 at 1:00 p.m. at the Rowan County Warehouse located at 425 Lafayette, Salisbury, NC.

- 4) The Clerk to the Board is directed to publish at least once and not less than ten days before the date of the auction a copy of this Resolution or a notice summarizing its content as required by North Carolina General Statute 160A-270(b).

- B. Set Public Hearing for June 16, 2008 for ZTA 01-08
- C. Set Public Hearing for June 16, 2008 for STA 01-08
- D. Approval of Resolution in Opposition to County Financed Secondary Road Program

ROWAN COUNTY  
BOARD OF COMMISSIONERS  
SECONDARY ROAD PROGRAM

WHEREAS, the NC General Assembly passed House Bill 1513 during the 2007 session; and

WHEREAS, HB 1513 allows counties to "voluntarily" participate in the costs of transportation projects; and

WHEREAS, the 21<sup>st</sup> Century Transportation Committee and the Transportation Oversight Committee are considering eliminating the state's Secondary Roads Program; and

WHEREAS, eliminating the state's Secondary Roads Program could force counties to maintain and pave secondary roads.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF ROWAN COUNTY THAT:

1. It strongly opposes any efforts by the General Assembly or NCDOT to shift any transportation costs formerly paid by the State to the counties.
2. It strongly opposes any efforts by the General Assembly to appropriate local revenues whether property tax, sales tax, or any other local revenue for State transportation programs or any other State programs.
3. It strongly urges all counties to be fully aware and concerned that any invitation to participate in discussions of transportation needs may lead to an indirect appropriation of local funds.
4. It strongly urges all counties to contact the NC Association of County Commissioners and direct it to oppose any efforts to transfer the funding of any State programs to counties.
5. That a copy of this resolution be sent to each county in the State.
6. That copies of this resolution are sent to Rowan County's representatives in the NC General Assembly along with each and every commissioner's heartfelt concern about the transfer of this and future state costs to counties.

## **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:

- Rod Whedbee of 502 South Church Street said government could not afford to support some citizens at the expense of others. Mr. Whedbee

said some would believe that farms were in danger; however, he said nothing was forcing farmers to sell their property or to change careers. Mr. Whedbee said farmers were given tax deferments locally and if the farmers want the land protected and were unable to maintain it, perhaps government should use eminent domain to protect those resources. Mr. Whedbee said as elected officials, the Board could not be swayed by special interest groups

At this point, Chairman Chamberlain informed Michael Bates, who had signed up for Public Comment, that he should come back at 6:00 pm. The topic Mr. Bates wished to address pertained to the budget and should be presented during the public hearing.

- Larry Wright, 170 Heritage Lane, said he preferred to be speaking to Salisbury City Council but the City did not have a Public Comment Period scheduled for its meeting the next day. Mr. Wright said he and another individual had spoken at the City's meeting two (2) weeks ago regarding forced annexation. Mr. Wright said the Mayor had chided them for taking the Council's time on the issue of forced annexation. Mr. Wright said the City then passed a resolution opposed to the moratorium proposed by the local delegation on forced annexation. Mr. Wright said the City expects citizens to be quiet about the issue but he said the City would continue to hear from opponents of forced annexation.

### **3. QUASI-JUDICIAL HEARING FOR CUP 03-08 FOR REQUEST FROM JAROSLAW TUPKO**

Chairman Chamberlain moved this issue to agenda item #8a in the order of discussion.

### **4. PUBLIC HEARING FOR HISTORIC LANDMARKS COMMISSION (HLC) 01-08 FOR REQUEST FROM BARBER FAMILY**

Chairman Chamberlain moved this issue to agenda item #8b in the order of discussion.

### **5. DISCUSSION REGARDING SELECTION OF SCATTERED SITE/CDBG PROGRAM ADMINISTRATOR**

Planning & Development Director Ed Muire explained that the Board had conducted a public hearing at the May 5, 2008 meeting to notify the public of the County's intent to make application to the North Carolina Department of Commerce's Division of Community Assistance (DCA) for a Community Development Block Grant (CDBG) in the amount of \$400,000. The funding would be applied toward the rehabilitation of seven (7) homes.

Mr. Muire said two (2) firms had submitted proposals for consideration as program administrator to manage the grant. The proposals were from: CESI Land Development Services and Hobbs, Upchurch & Associates (HUA). Mr.

Muire recommended selection of HUA. As part of the recommendation, Staff prepared a suggested motion to allow the County Manager to negotiate the contract and to have the Manager or Chairman sign the contract.

Commissioner Sides moved to allow Staff to negotiate a contract with HUA and to authorize the County Manager or Chairman to sign the necessary contract. The motion was seconded by Commissioner Barber and passed unanimously.

## **ADDITION**

### **5a. DISCUSSION REGARDING CONTRACT WITH SMITH FAMILY BASEBALL, LLC**

Commissioner Sides discussed a letter from Lyman Bullard, Jr., the attorney representing Smith Family Baseball, LLC. The letter pertained to an extension to the addendum for the contract for Fieldcrest Cannon Stadium.

Commissioner Sides explained that he, along with Commissioner Hall, had been appointed by the Chairman back in March to hold discussions with the Smith Family in an attempt to reach a new agreement. Commissioner Sides said both proposals that had been presented to the Smiths had been rejected. Commissioner Sides said the Smiths had requested that the Board formally vote on the extension proposal.

Commissioner Sides moved to reject the proposal that was made by Smith Family Baseball through their lawyer, Lyman Bullard on February 29, 2008, which would have extended the contract through the addendum that ran for two years. The motion was seconded by Commissioner Hall.

Commissioner Mitchell asked if the Board was voting on the offer dated February 29, 2008, which would have extended the \$75,000 flat fee through 2015. Chairman Chamberlain responded yes.

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

Commissioner Sides commented that negotiations are not finished at this point. Commissioner Sides said an alternate proposal had been made and short of that proposal, his recommendation was to go back to the original lease agreement based on the terms of that agreement. Commissioner Sides said Commissioners had received an additional letter dated April 18, 2008 where the Smiths basically rejected the two (2) previous offers that had been made. Commissioner Sides said negotiations were continuing regarding a flat rate fee that would give the Smiths the flexibility of retaining additional revenues from ticket sales, parking and concession sales. Commissioner Sides said he was waiting to hear from the Smiths regarding the proposal made at the last meeting. Commissioner Sides said he expected to be able to make a recommendation at the next Commission Meeting.

Chairman Chamberlain said he would like for Commissioner Sides to let the Smiths know the Board would like to bring the matter to a resolution “one way or the other” at the second meeting in June.

## **6. PRESENTATION OF ANNUAL REPORT FROM LOCAL EMERGENCY PLANNING COMMITTEE**

Emergency Services Director Frank Thomason and State Highway Patrol 1<sup>st</sup> Sergeant Barry Hower provided the annual summary report for Rowan County’s Local Emergency Planning Committee (LEPC).

Mr. Hower, Chairman of the LEPC, provided a power point presentation as he discussed organization of the LEPC, its membership and purpose. Mr. Hower highlighted the 2007 LEPC activities and accomplishments and he reviewed the LEPC’s goals for 2008.

Chairman Chamberlain commended the LEPC for its work in the community.

Commissioner Mitchell noted there had been 126 hazardous materials (HAZMAT) responses in 2007 and he asked if this number represented an increase or decrease from the previous year. Mr. Thomason responded that the number represented a slight increase. Mr. Thomason said the majority of the responses were Level 1 and were relatively minor.

Commissioner Mitchell referred to the presentation and the fact that 120 companies had reported their hazardous chemical inventory. Mr. Thomason explained that companies are required by federal law to annually report the chemicals stored on their premises. Mr. Thomason said the information was provided so that citizens and emergency response agencies know what is stored on the premises in order to appropriately respond.

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

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

- Finance – To budget anticipated increase in ABC bottle tax and its pass-through to Piedmont Behavioral Healthcare - \$ 4,000
- Cooperative Extension - For receipt of two (2) grants from The Blanche and Julian Robertson Foundation for two (2) summer internships and an exploring career pathways program - \$4,000
- Rowan County Sheriff’s Department – To recognize excess revenue in Concealed Weapons Permit Account and to budget to Concealed Weapons Fees Account to cover anticipated billings - \$ 7,664
- Rowan County Sheriff’s Department – To recognize excess revenue in asset forfeiture account and budget to supplies account for purchase of safety lifevests used by Lake Patrol Officers - \$3,600

- Finance – To budget additional tax revenues and audit discovery fees for discoveries made by the County’s Tax Auditor - \$16,000
- Department of Social Services – To budget donations received by DSS - \$3,319

Commissioner Barber moved approval of the budget amendments. The motion was seconded by Commissioner Mitchell.

Commissioner Sides referred to the Sheriff’s budget amendment for concealed weapons permits and in response to his query, Finance Director Leslie Heidrick stated that the investigation was still ongoing concerning how much was missing from that fund.

The vote to approve the budget amendments passed unanimously.

## **ADDITION**

### **7a. CLOSED SESSION**

Commissioner Mitchell moved at 4:40 pm for the Board to enter Closed Session pursuant to North Carolina General Statute 143-318.11(a)(6) for a personnel matter. The motion was seconded by Commissioner Barber and passed unanimously.

The Board returned to Open Session at 4:45 pm.

Commissioner Mitchell moved to appoint Jerry Rowland as the Rowan County Tax Collector through June 30, 2011; extend Mr. Rowland’s appointment as County Assessor through June 30, 2011; effective with a 5% increase over his current salary and also making the appointment effective as the Rowan County Tax Administrator. The motion was seconded by Commissioner Barber and carried unanimously.

Chairman Chamberlain said the appointment was effective June 2, 2008.

**At this point, Chairman Chamberlain recessed the meeting at 4:47 pm. The Board would remain in recess until 6:00 pm at which time it would reconvene for the public hearing for the proposed budget for the 2008-09 operating year.**

**Chairman Chamberlain reconvened the meeting at 6:00 pm.**

### **8. PUBLIC HEARING FOR PROPOSED BUDGET FOR 2008-09 OPERATING YEAR**

Chairman Chamberlain opened the public hearing and provided instructions to those wishing to speak regarding the proposed budget. Chairman Chamberlain

said speakers would receive up to three minutes and their time could not be relinquished to other speakers. The following individuals addressed the Board:

- Dr. Jim Emerson, Chairman of the Board of Education, spoke in support of Rowan Salisbury Schools (RSS). Dr. Emerson thanked the Board for its past support in funding RSS at the state average. He asked the Board to support two (2) additional requests, which were to increase teachers' supplements by \$500 and the addition of seven (7) technology facilitator positions.
- Dr. Martha West addressed the Board as a retired educator and also as a representative of Rowan Partners for Education. Dr. West asked the Board to continue to fund RSS at the state average.
- J. Newton Cohen, Sr., former County Commissioner, asked for the Board's support for the Franklin Volunteer Fire Department tax increase. Mr. Cohen expressed his appreciation of fire and emergency service agencies.
- Jamie Kluttz expressed appreciation for the Rescue Squad. Ms. Kluttz described her personal experience with the Rescue Squad when the agency had responded to her automobile accident. Ms. Kluttz asked the Board to continue to fund the Rescue Squad.
- Joyce Parra, National Alliance for Mental Illness member, thanked the Board for continued support of mental health services.
- Patty Kluttz distributed photographs from the automobile accident involving her daughter, Jamie Kluttz. Ms. Kluttz expressed appreciation for the services provided by the Rescue Squad.
- Carl Repsher, Rowan Vocational Opportunities (RVO), expressed appreciation to the Board for its support of RVO and for the increased funding to the agency in the previous year. Mr. Repsher discussed increased transportation costs and he reported that individuals working at the agency had been asked to pay a portion of the transportation costs to commute to work each day. The increase went from \$3 per day to \$4 per day, representing a 33% increase. Mr. Repsher asked the Board to consider a similar increase for RVO.
- Zelia Frick, RSS Instructional Technology Officer, said RSS was eight (8) years behind with the IMPACT model that was designed to integrate technology and media programs into the schools. Ms. Frick asked the Board to fund fulltime technology facilitators.
- Dyke Messinger, Rowan Jobs Initiative (RJI), provided a brief history of RJI and explained the agency's current projects. Mr. Messinger said the County had initially provided RJI with seed money in the amount of \$150,000. RJI used the \$150,000 to leverage private dollars, as well as dollars from the City of Salisbury. Mr. Messinger said to date, approximately \$330,000 had been raised from private sources; the City committed \$150,000 over a 5-year period and the County had provided \$325,000. Mr. Messinger said RJI utilized direct mail and space advertising to site selection consultants and real estate brokers,

encouraging them to consider Rowan County as a possible location for their clients. Mr. Messinger said the initiatives thus far had been to motor sports and to biotechnology and would take time to develop. Mr. Messinger asked the Board to fund \$75,000 to help kickoff the marketing of the 2008 water campaign.

- John Burke, member of the Piedmont Behavioral Healthcare Board (PBH), thanked the Board for the \$595,000 appropriated to PBH and he explained what services are provided for the money. Mr. Burke read a prepared statement, which he provided to the Clerk.
- Larry Wright, Rowan County citizen, thanked the Board for balancing the needs of the County and for keeping the tax rate low.
- Sarah Brown, staff member from Enochville Elementary, spoke in support of funding for technology facilitators, increasing supplements for teachers and funding schools at the state average.
- Michael Bates, of 1660 Parks Road, and a senior at North Rowan High School, spoke on behalf of the Teen Court Program. Mr. Bates asked the Board to reconsider funding for the program through the Juvenile Crime Prevention Council.
- Sarah Drinkard, teacher at South Rowan High School, asked the Board to support local funding at the state average and an increase in teachers supplements.
- Brian Woodson, President of Rowan Salisbury Association of Educators, asked the Board to support education by funding the schools at the state average and increasing teachers supplements.
- Chris Barnes, Hurley Elementary School Assistant Principal, asked the Board to fund the technology facilitator positions for RSS. Ms. Barnes invited the Board to attend a presentation by the Kindergartners of Hurley Elementary. Ms. Barnes said the presentation would not have been possible without a technology facilitator.
- Jeremy Carter, a local attorney and also a member of the Board for the Bostian Heights Volunteer Fire Department (VFD), asked the Commissioners to approve the department's request for a one-cent tax increase. Mr. Carter praised the volunteers that man the fire departments. Mr. Carter also asked the Board to increase funding for emergency services and the Rescue Squad.
- M.D. Ford spoke in support of the one-cent tax increase for Bostian Heights VFD. Mr. Ford said while fire taxes may increase, homeowners insurance would decrease. Mr. Ford extended his thanks to volunteer firefighters.
- David Linker, President of the Locke VFD Board of Directors, explained why Locke VFD was asking for a tax increase. Mr. Linker encouraged the Board and other citizens to attend the public hearing concerning the tax increase. Mr. Linker said paying for volunteer services in the County was a bargain based on the services provided for the money.

- Lou Adkins, a member of the Rowan County Advisory Board for PBH, thanked the Board for the continued support of PBH and said the County's money was being used wisely for those who need help.
- Frank Thomason, Rowan County Emergency Services Director, thanked the Board for its consideration of the Cost of Living Adjustment for employees and also for continuing to pay for employees medical insurance. Mr. Thomason emphasized that the three (3) fire departments requesting one-cent tax increases deserved approval based on the amount of services provided in those districts. Mr. Thomason also spoke in favor of the Rescue Squad.
- Mike Zimmerman, Chief of the Bostian Heights VFD, explained that the department was requesting a one-cent tax increase for additional staff in order to provide the quality service citizens expect. Mr. Zimmerman explained the need for full-time and part-time firefighters and asked the Board to support the tax increase.
- Johnny Thomason, Chief of the Franklin VFD, spoke regarding the positive affects the fire tax has had in the Franklin fire district. Mr. Thomason asked the Board for support of Franklin Fire District, as well as the other departments that were asking for a one-cent tax increase.
- Patrick Foley, Salisbury Genesis Healthcare employee, said the company had encountered one of its worst scenarios the previous year. Mr. Foley said the Rescue Squad had taken control of the situation and had worked with staff for over 24 hours. Mr. Foley expressed appreciation for the Rescue Squad and its professionalism. Mr. Foley said he hoped the Board would consider additional funding for the Rescue Squad.
- Coyt Karriker, Rowan Rescue Squad Chief, referred to a previous speaker, Jamie Kluttz, and he discussed the Rescue Squad's response to her accident. Mr. Karriker said many of the Fire Chiefs who had spoken during the public hearing had 30-plus years of experience and would prepare budgets that derived the income needed to support their departments.
- Major Tim Bost of the Rowan County Sheriff's Department expressed appreciation of the Board's apparent support for the cost of living increase for employees. Major Bost said he also supported the fire departments and the Rescue Squad and the work they perform in the most adverse of conditions. Major Bost said when supporting emergency services, the Board was supporting every citizen in the County.
- Nicole Wright, Hurley Elementary School teacher, spoke in support of the positions for technology facilitators and the increase in teachers' supplements.
- Cindy Amerson, Hurley Elementary School teacher, thanked the Board for the teachers' supply money. Ms. Amerson also discussed the importance of technology and asked the Board to consider funding the positions for technology facilitators.
- Steven Thurston, 3580 Dixie Lane, thanked both the Commissioners and the firefighters for the services they provide to the community. Mr.

Thurston discussed a personal experience involving his son and Franklin VFD. Mr. Thurston said he would have no problem paying additional taxes to ensure the safety of citizens and to provide the tools firefighters need to save lives.

- M.D Ford addressed the Board a second time. Mr. Ford thanked the Commissioners for allowing him to serve on the Board of Equalization and Review; he humorously added that he had learned that Rowan County was “all swampland and gulley’s and it won’t perk”. Mr. Ford said it was an honor and a privilege to have firefighters as dedicated as those in Rowan County.

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

Chairman Chamberlain called for a short break at 7:20 pm.

Chairman Chamberlain reconvened the meeting at 7:35 pm.

Chairman Chamberlain opened the floor for discussions regarding the proposed budget.

Commissioner Sides discussed the County’s funding allocation to Piedmont Behavioral Healthcare (PBH) and the portion of the allocation that dealt with ABC funds. Commissioner Sides said he was recommending that \$35,000 be allocated to the Criminal Justice Partnership Program for Alternatives Counseling as opposed to being allocated to PBH.

Commissioner Sides discussed the funding for Rowan Jobs Initiative (RJI) in the amount of \$75,000. Commissioner Sides said he felt there was some duplication of effort by RJI and that some of the functions of RJI could be passed on to the Economic Development Commission. Commissioner Sides said he did not feel the County should provide \$75,000 in funding to RJI next year.

Commissioner Sides discussed the Cost of Living Adjustment (COLA) for employees. Commissioner Sides said he valued the County’s employees and that he appreciated the services the employees provide. Commissioner Sides said the County was facing “tough times” and he asked the Board to reconsider the proposed 4.1% COLA in the budget because of the problems that had already been outlined with the County’s pay system. Commissioner Sides felt the Board should address those problems as opposed to giving the 4.1% COLA. Commissioner Sides said the Board should hire a firm to review salaries and address the compression issues. Commissioner Sides said he would like for the Board to cut \$250,000 from the payroll figure.

Commissioner Sides said good arguments had been made during the public hearing as to why three (3) Volunteer Fire Departments (VFD) should be allowed

to raise their tax rate by one cent. Commissioner Sides said he could not discount the importance of the Rescue Squad, VFD and Emergency Services. Commissioner Sides said he planned to attend as many of the public hearings as possible for the VFD regarding their proposed tax increases. Commissioner Sides said he had previously presented facts that challenged the amount of the requested increases. Commissioner Sides said based on what he heard at the upcoming public hearings, he would prefer to see a ½ cent increase this year and a ½ cent increase next year.

Chairman Chamberlain referred to Commissioner Sides' recommendation to allocate \$35,000 to the Criminal Justice Partnership Program for Alternatives Counseling. Chairman Chamberlain called for a straw vote regarding rerouting \$35,000 to Alternatives Counseling through the Criminal Justice Partnership Program. The non-binding vote to support the recommendation was unanimous.

Chairman Chamberlain said he had gone on record as stating he supported \$75,000 for RJI. Chairman Chamberlain said he had found out that \$117,000 of those funds were spent "with a good firm, owned by a good man" who was a member of the RJI Board of Directors. Chairman Chamberlain discussed his own personal business, which he said had lost thousands of dollars by not bidding on county projects in order to avoid a conflict of interest. Chairman Chamberlain said he thought very highly of the individual who owned the firm but he had a problem with the fact that the individual was a member of the RJI Board of Directors.

Commissioner Mitchell expressed concern that cutting funds to RJI would hurt economic development marketing efforts. Commissioner Mitchell asked if the funds would be redirected or removed from the budget completely. Chairman Chamberlain responded that he would rather put \$50,000 "on hold" and if the funds were still available, or if the County could "afford" it, the money could be given to the Economic Development Commission before he left office in December.

Commissioner Mitchell asked for clarification that the intent was to pull funds from RJI, put \$50,000 back to the EDC and "hold" onto \$25,000 for a few months.

Commissioner Barber said he would like more information regarding RJI before taking a straw vote. Commissioner Barber said he would like to know whether the individual in question was a voting member, if bids were taken and how much money was saved by utilizing the company. Commissioner Barber said the Board could vote on the issue on June 16, 2008 and amend the budget ordinances at that time, if necessary. Commissioner Barber said he had talked with EDC Director Robert van Geons concerning the joint initiatives between RJI and the EDC. Commissioner Barber said it would take money to aid the

marketing efforts already underway. Commissioner Barber again stressed that he preferred to wait until June 16, 2008 to vote on the issue.

Commissioner Mitchell was uncertain about the Board making a quick decision. Commissioner Mitchell said with the understanding that at least \$50,000 was kept towards economic development efforts, he would “support the entire effort if that remaining \$25,000 is then placed with the Rowan County Rescue Squad”. Commissioner Mitchell said those supporting the Rescue Squad had made the case earlier that it was important. Commissioner Mitchell said he would support putting \$50,000 towards the EDC and that he preferred to allocate a total of \$50,000 to the Rowan County Rescue Squad.

Chairman Chamberlain said he would like to amend Commissioner Mitchell’s recommendation and give the Rowan County Rescue Squad a total of \$75,000.

Chairman Chamberlain called for a straw vote from the Board members in favor of cutting \$75,000 from RJI this year. The vote was 4-1 with Commissioner Barber dissenting.

Chairman Chamberlain called for a straw vote from the Board members in favor of taking \$50,000 of the funds from RJI and earmarking them for the EDC “later in the budget year and certainly before December 1, 2008 if the money is there.” The non-binding straw vote passed unanimously.

Chairman Chamberlain referred to the remaining \$25,000 previously allocated for RJI, and he called for a straw vote to add an additional \$50,000 (for a total of \$75,000) to be allocated to the Rowan County Rescue Squad. Chairman Chamberlain instructed Finance Director Leslie Heidrick to advise the Board regarding the appropriation and what the tax rate would need to be for the Rescue Squad. The non-binding straw vote passed 3-2 with Commissioners Sides and Hall dissenting.

Chairman Chamberlain said he wanted everyone to understand that he supported the EDC and RJI. Chairman Chamberlain said he could not support a conflict of interest, even if he must take action retroactively. Chairman Chamberlain discussed his own business and how he had avoided the appearance of a conflict of interest since taking office as a County Commissioner.

Commissioner Barber commented that the proposed budget was a no tax increase budget; however, the budget hinged on the use of Fund Balance dollars. Commissioner Barber said he was more than satisfied with the recommendations from the Finance Director and her Staff. Commissioner Barber said the expansion requests totaling \$16 million were all legitimate requests. Commissioner Barber said the budget did not fund the following items but he was of the opinion the following deserved funding:

- Salary compression issues
- Farm Preservation Center at Sloan Park; River Park Bullhole
- Increase to Rowan-Salisbury Schools and supplements to teachers.
- EMS station for western portion of county
- Structural repairs for Rowan Museum
- Document imaging system for the Department of Social Services

Commissioner Barber said these issues would have to be faced by the next Board. Commissioner Barber said the budget did address the 4.1% Cost of Living Adjustment (COLA) for employees and with no employee contributions for health insurance. Commissioner Barber said while COLA was a recurring expense, it would assist with employee morale and assist with retaining and attracting new employees.

Commissioner Barber referred to the vote the Board had just taken regarding economic development and RJI. Commissioner Barber said he understood the concerns of the Board. Commissioner Barber said economic development was extremely important and that the Board could not stop the efforts that had been taking place between the EDC and RJI. Commissioner Barber noted that the EDC was receiving leads from international companies who were looking to relocate to the United States as a result of high fuels costs and the weak value of the dollar.

Commissioner Barber mentioned education and said he was in support of funding at the state average. Commissioner Barber asked how long the Board was willing to settle for average.

Commissioner Barber said he was in favor of \$35,000 going from PBH to another source.

Commissioner Barber discussed public safety and said he supported the Rescue Squad and all comments that had been made by the citizens. Commissioner Barber said he also supported the requests by the Franklin, Locke and Bostian Heights Volunteer Fire Departments for a tax increase. Commissioner Barber said the Board appoints the Fire Commissioners, who in turn had unanimously endorsed increasing the tax rate by one cent. Commissioner Barber said unless he heard a public outcry during the public hearings, he supported the tax increase. Commissioner Barber said if the Board did not support the people it appointed, then all requests for tax increases for the fire districts should come directly to the Board.

Commissioner Barber reported on the prescription card program and said in the first nine (9) months, it had saved citizens over \$99,000. Commissioner Barber said the average savings per prescription was \$13 and 2,800 people in the County had benefited from the program.

Commissioner Barber finished by saying he hoped at some point this Board would move beyond knowing the cost of everything and the value of nothing.

Commissioner Hall expressed concern with the economy and the budget requests and that the Board could not begin to honor all of them. Commissioner Hall emphasized the worsening economy and the announced layoffs for the Freightliner plant. Commissioner Hall discussed the ripple effect of the layoffs that would impact County revenues. Commissioner Hall was hopeful that the departments would only spend 94% of their budgets. Commissioner Hall said before the Board took a final vote on the budget, she hoped the Board would look again at some of the items, including the 4.1% COLA. Commissioner Hall said longevity pay would not be a recurring expense and she asked the Commissioners to look at all options, including the compression issue.

Commissioner Hall said she supported the 21<sup>st</sup> Century classrooms and she recalled that last year, the top priority for the school system was technology. Commissioner Hall said a huge increase in funding went for the schools last year and it was decided to put a lot of that money into school administration. Commissioner Hall continued by saying the Board of Education had now voted to come back before the County Commission to ask for seven (7) technology facilitators. Commissioner Hall recalled a vote to put \$1.5 million into land for a school that would not be needed for 5 years or more. Commissioner Hall said, "Its like reaching a cross roads, we have this tremendous need for these 21<sup>st</sup> Century classrooms and the technology that goes there, and yet that money went into land that we're not going to need for years and years. In that juncture I wonder if we could have put that money into technology at that time, but we've missed that opportunity."

Commissioner Hall said the County was starting the budget year with a \$2.6 million deficit and appropriating \$8.3 million from Fund Balance. Commissioner Hall again stressed that with the slowing economy and unemployment rate the Board should demonstrate restraint and she expressed hope that the Board would reconsider some of its decisions.

Commissioner Mitchell expressed appreciation to all Commissioners and he stated that he felt a difference of opinion on issues was a symptom of a healthy Board. Commissioner Mitchell said it was unfortunate that more citizenry did not attend the public hearing to provide input concerning the proposed budget.

Commissioner Mitchell said Commissioner Barber had previously mentioned the need for a document imaging system for DSS. Commissioner Mitchell said the Health Department had recently purchased a document imaging system and with DSS moving into the Health Department building, it would provide the opportunity to share the equipment.

Commissioner Mitchell said the majority of the Board supported state average funding for the Rowan-Salisbury School System. Commissioner Mitchell said the seven (7) technology facilitators were well needed and he said he wished the Board could support the request. Commissioner Mitchell (also a teacher) referred to the increase for teachers' supplements and said he would not lobby for an increased supplement, as it would put money directly into his own pocket. Commissioner Mitchell said if the Board took a straw vote, he would seek the Commissioners' permission to not participate in either the deliberations or the vote for an increase to the teachers' supplements. Commissioner Mitchell said the teachers have a great lobby in Raleigh but the individuals who don't receive raises are support staff. Commissioner Mitchell said he would not lobby for an increase for teachers pay since it would affect him but that he would lobby for an increase in pay for secretaries, food service employees, custodians, etc.

Commissioner Mitchell said he was in support of redirecting the \$4,000 in ABC funding, as indicated by the straw vote.

Commissioner Mitchell addressed the COLA issue and said employee performance would probably not decrease if the Board did not approve a COLA increase. Commissioner Mitchell said to do so would be unprofessional and our employees are professional. Commissioner Mitchell said he was thankful for the employees and the good jobs they perform. Commissioner Mitchell said the employees deserved the increase. Commissioner Mitchell said there had been budgets in the past, and there would be budgets in the future that did not allow for COLA increases. Commissioner Mitchell said the Board was in the position to provide a COLA, and that while it dipped into the Fund Balance, it did not do so more than had been anticipated. Commissioner Mitchell said Finance Director Leslie Heidrick had indicated that the County would not end up at a deficit at year-end and he said he felt the proposed budget was a sound budget. Commissioner Mitchell said the County typically spent, on average, 94% of the budget, which was another indicator that departments were doing a good job. Commissioner Mitchell said he was in complete support of revamping salaries to alleviate compression problems. Commissioner Mitchell pointed out that the time was coming when health insurance costs would not be fully funded by the County. Commissioner Mitchell said he felt the overall budget that had been presented was good.

Chairman Chamberlain said he had stated earlier that he was willing to appropriate \$50,000 to the EDC if the funds were still available later in the year. Chairman Chamberlain said if Commissioner Hall's predictions came to fruition, he was just as willing between now and December 1, 2008 to institute hiring freezes, budget cuts, etc. if it became necessary. Chairman Chamberlain agreed with Commissioner Mitchell that he felt the proposed budget was a good budget.

In response to queries from Commissioners Hall and Chamberlain, Ms. Heidrick said if departments spent their entire appropriations, the County would dip into

Fund Balance by \$8.3 million. Ms. Heidrick said in her tenure with the County, departments had never spent all their appropriations but rather spent an average of approximately 93% to 94%.

Chairman Chamberlain brought the discussions to a close, stating that the County Manager and Finance Director had received direction from the Board regarding final budget preparation.

**8a. QUASI-JUDICIAL HEARING FOR CUP 03-08 FOR REQUEST FROM JAROSLAW TUPKO**

This item was originally listed as agenda item #3 and was moved to #8a in the order of discussion.

Chairman Chamberlain read the Chairman's Speech (Exhibit A) and declared the public hearing for consideration of CUP 03-08 to be in session. Chairman Chamberlain said the hearing would focus on an application submitted by Jaroslaw Tupko for the property located at 1210 Peeler Road. The purpose of the request was to allow for the subdivision of Tax Parcel (TP) 408 028 in the Commercial, Business, Industrial (CBI) district.

The Clerk swore in those wishing to provide testimony in the case.

Planner Andy Goodall presented the Staff Report (Exhibit B) and provided a power point presentation (Exhibit C) regarding the request.

Mr. Goodall said the request was to subdivide the main parcel into two (2) tracts, with one (1) tract to be used for commercial activity, used auto sales, and the other tract for the residence. Mr. Goodall used the power point presentation (Exhibit C) to point out the site and the surrounding properties.

Mr. Goodall said Staff recommended approval of the request based on the Conditional Use Criteria listed in the Staff Report (Exhibit B) and the small size of the subdivision request. The Conditional Use Criteria was listed in the Staff Report (Exhibit B) as follows:

1. *Adequate transportation access to the site exists.* Sufficient road frontage on Peeler Road exists for each tract to comply with the standards set forth in the zoning ordinance.
2. *The use will not significantly detract form the character of the surrounding area.* The parcel is currently zoned CBI, allowing for multiple residential and non-residential uses by right. The area is currently in transition from residential to non-residential as exemplified by the recent rezoning of parcel (408 009) from *RR* to *CBI* to allow for business uses.
3. *Hazardous safety conditions will not result.* N/A
4. *The use will not generate significant noise, odor, glare, or dust.* N/A

5. *Excessive traffic or parking problems will not result.* According to the North Carolina Department of Transportation (2006), the volume to capacity ration for this section of Peeler Road was .65 (7,200 daily trips with a capacity of 11,000). Any future development of the newly created lot (1.564 acre) should not significantly impact the existing capacity of Peeler Road.
6. *The use will not create significant visual impacts for adjoining properties or passerby.* See item (2) above.

With no further testimony to come before the Board, Chairman Chamberlain closed the public hearing.

Commissioner Sides moved the information submitted was deemed substantial, competent material evidence, and he moved approval of the Findings of Fact (Exhibit D). Commissioner Mitchell seconded and the motion passed unanimously. The Findings of Fact were listed in the Staff Report (Exhibit B) as follows:

1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety, and
2. That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity, and
3. That the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.

Commissioner Sides moved, Commissioner Mitchell seconded and the vote to approve CUP 03-08 passed unanimously.

**8b. PUBLIC HEARING FOR HISTORIC LANDMARKS COMMISSION (HLC) 01-08 FOR REQUEST FROM BARBER FAMILY**

This item was originally listed as agenda item #4 and was moved to #8a in the order of discussion.

Commissioner Barber commented that while he was related to the owners of the Barber Farm, he had no direct financial interest in the outcome.

County Attorney Jay Dees said there was no legal conflict of interest.

Chairman Chamberlain said in order to avoid the appearance of impropriety, it would be a good idea for Commissioner Barber not to participate in the discussions since he was related to the applicant.

Commissioner Barber asked to be recused from the discussion and the vote.

Commissioner Mitchell moved to recuse Commissioner Barber from the debate and vote. Commissioner Sides seconded and the motion passed unanimously (4-0).

James Rollans, Chairman of the Historic Landmarks Commission (HLC), presented the information regarding the application from the Barber family to designate the 242-acre Richard Wainwright Barber farm as a Rowan County Historic Landmark.

Mr. Rollans took a moment to thank the Board for three (3) new HLC members, saying the new members had been participating and attending all meetings.

Mr. Rollans said the Barber property was located on Redmon Road, South of Highway 70 and West of Highway 801. Mr. Rollans said the property had been in the same family since 1794 and was owned by sisters, Joyce Ann Barber and Rebecca Jane Barber Floyd. Mr. Rollans identified the property as Tax Parcel 271-009.

Mr. Rollans quoted the ordinance governing landmarks designation. Mr. Rollans said the owners had signed consent on the application and had answered additional questions from the HLC. Mr. Rollans said the HLC had toured the property and after investigation, it was concluded that the statements were accurately represented. Mr. Rollans said the historical significance was also accurately documented.

Mr. Rollans said the HLC conducted a public hearing on February 12, 2008 and the response from the hearing was in the packet provided to the Board. Mr. Rollans read paragraphs 2 and 4 of the response from the NC Department of Cultural Resources.

Mr. Rollans said the HLC voted unanimously to present the request for approval as a historic landmark. Mr. Rollans referred to the map in the packet and using a power point presentation, he showed where the structures were located on the property. Mr. Rollans said the farm had been preserved and provided an excellent example of what farming was like in the 1940's and 1950's. Mr. Rollans said the HLC also recommended that the portion of the farm that was not in present use value be considered for a tax reduction if the landmark was adopted and the applicant chose to apply.

Mr. Floyd said his wife, Rebecca Barber Floyd, and her sister were the owners. Mr. Floyd said there was no question the property qualified to be a historic landmark. Mr. Floyd said there was extensive history with the property and the family had invested money in preserving the property.

Mr. Floyd said the family had a conservation easement with the Central North Carolina Land Trust and was in the process of obtaining an historical easement,

which states the land could never be used for anything other than what it was currently being used for. Mr. Floyd said the easement applied to all 243 acres. Mr. Floyd said the property could not be subdivided. Mr. Floyd said there were no heirs and the family was working with Preservation North Carolina to donate the farm and all assets from the farm. Mr. Floyd said an adjoining family member's had also placed a conservation easement on her property, creating over 500 acres of protected farmland. Mr. Floyd concluded by saying the property deserved to be designated a landmark.

Commissioner Sides discussed several initial concerns he had when he had first read the materials in the agenda packet. Commissioner Sides said based on Mr. Floyd's presentation, he could see the family's support in pushing the project forward.

Commissioner Sides discussed tax rebates and tax incentives for the property. Commissioner Sides said the owners would not receive a tax break on the land "twice" but would get the land use value or the historical value.

Mr. Floyd said, "Anything that is subject to the land use value we would not get another tax break on".

After further discussion between Commissioner Sides and Mr. Floyd regarding the tax incentive to be received, Mr. Floyd said he would be agreeable to have the information in writing.

Commissioner Sides referred to Mr. Floyd's comments about setting up the property for preservation once the owners were gone. Commissioner Sides asked if the property would become non-taxable at that point. Mr. Floyd responded that he did not know; Mr. Floyd speculated that it might depend on what the final ownership was.

County Attorney Jay Dees explained that it would depend on the final use. Mr. Dees said the issue was currently being debated with the Land Trust for Central Carolina. Mr. Dees said the land must be a "qualified purpose" to not be taxed.

Commissioner Sides asked if the Board could put this language in writing and Mr. Dees responded that he did not think the County could place those restrictions on the property. Mr. Dees suggested that if the Board wanted to adopt the Resolution "tonight", the Board allow him to add a paragraph on the tax implications as far as what Mr. Floyd had agreed to do.

Chairman Chamberlain opened the public hearing to receive comments regarding HLC 01-08.

Mr. Rollans said the HLC recommended any tax deferral that is granted should not be applied to any land that is currently under present use value.

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

Commissioner Sides said based on the additional information presented he was satisfied. Commissioner Sides moved to approve HLC 01-08. Commissioner Hall seconded and the motion passed unanimously (4-0).

**9. ADJOURNMENT**

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 9:15 pm. The motion was seconded by Commissioner Mitchell and passed unanimously.

Respectfully Submitted,

Carolyn Athey  
Clerk to the Board