

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS  
August 4, 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 Hall 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 July 7, 2008 Commission Meeting passed unanimously.

**CONSIDER ADDITIONS TO THE AGENDA**

There were no additions to the agenda.

**CONSIDER DELETIONS FROM THE AGENDA**

Commissioner Sides made a motion to remove item #9 (Consider Request to Donate Property to Town of East Spencer). The motion was seconded by Commissioner Hall and passed unanimously.

**CONSIDER APPROVAL OF THE AGENDA**

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

**1. CONSIDER APPROVAL OF CONSENT AGENDA**

Commissioner Barber moved, Commissioner Mitchell seconded and the vote to approve the Consent Agenda passed unanimously.

The Consent Agenda consisted of the following items:

- A. Approval to Add Mill Wheel Drive, Mill Haven Drive, Grist Mill Run and Stone Mill Circle to the State Secondary Road System for Maintenance
- B. Set Public Hearing for August 18, 2008 for Majority Petition for Kesler Pastures Road
- C. Approval for Board of Elections to Apply for One-Stop Site Grant
- D. Approval of Resolution and Custody Agreement with SunTrust Bank

**RESOLUTION**

I, the undersigned Clerk of the below named Government, which is organized and existing under the laws of the State of North Carolina and having its principal place of business at the below named address, hereby certify to SunTrust Bank (the Bank) that the following is a true copy of a Resolution adopted by the governing authority of this entity at a meeting held on August 4, 2008, and not subsequently modified.

RESOLVED:

- 1) That the Capital Markets Division of the Bank is designated as a depository for funds and securities of this entity, under an Agreement signed on behalf of this entity;
- 2) That any of the officers or representatives whose titles are listed below are hereby authorized on behalf of this entity:
  - To sign and execute an Agreement (the Agreement) with the Bank and to establish the appropriate Account (Investment Safekeeping Account # 388022314);
  - To deposit, transfer or withdraw funds; to agree to the purchase, sale or exchange of any funds or assets held in the Account; to provide instructions, when needed, to the Bank with respect to the management or investment of such funds or assets; and to sign checks, drafts, stock powers, bond powers or other orders with respect to assets of, or being added to, the Account; and
  - To transact any and all other business relating to the Account, which at any time may be deemed advisable pursuant to the provisions of the Agreement; and

3) That any such transactions made on behalf of this entity with the Bank are hereby ratified, and the Bank may rely upon the authority conferred by this Resolution until it is revoked or modified.

I further certify that the following officers or representatives are currently authorized to act on behalf of this entity in accordance with the terms of this Resolution as outlined.

<u>Officer or Representative Title</u>	<u>Name</u>	<u>Signature</u>
<u>County Manager</u>	<u>Gary L. Page</u>	_____
<u>Finance Director</u>	<u>Leslie E. Heidrick</u>	_____

Number of signatures required, if applicable: 1

IN WITNESS WHEREOF, I have hereunder subscribed my name and affixed the seal of this entity, if applicable.

<u>Rowan County</u>	_____
<i>Entity Name</i>	<i>Clerk to the Board</i>
<u>130 W. Innes Street, Salisbury, NC 28144</u>	_____
<i>Address</i>	<i>Date</i>

## **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:

- Dr. Ada Fisher, a previous member of the Board of Education (BOE), spoke regarding a new administration building for the school system. Dr. Fisher said there should be a full disclosure of properties owned by the school system in order to understand waste as well as future needs. Dr. Fisher mentioned the need for an alternative high school and said she felt the Dunbar Center should be reacquired for this purpose. Dr. Fisher felt an administration building should be located in the city limits of Salisbury and she mentioned several properties that might be considered as appropriate sites. Dr. Fisher said the Board of Education should do a better job of accounting for its properties in order to define its growth. Dr. Fisher said there were existing buildings and the public should know how they were being used before discussions were held concerning a new central office building.
- Corinne Maudlin said she was in attendance on behalf of concerned citizens for the betterment of education in Rowan County. Ms. Maudlin said she was concerned regarding a new central office for the school system. Ms. Maudlin showed crumbled pieces of the North Rowan High School track, which she said was unusable due to disrepair. Ms. Maudlin discussed the school capacity at North Rowan and the needs of students

in Rowan County. Ms. Maudlin urged the Board to investigate all opportunities for students before a new building was built or remodeled for central administrative offices.

- Wyna Howe, a North Rowan area concerned citizen, said the BOE was no closer to having a plan of action for North Rowan High School. Ms. Howe said there were over 300 empty seats at the school, while other schools were over capacity. Ms. Howe said the north community would actively campaign against a central office as long as North Rowan and other schools had unmet needs. Ms. Howe held up a yearbook and said the students in the yearbook mattered and should not be left behind.
- Larry Wright thanked the Board for supporting Senator Andrew Brock's bill against forced annexation.

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

### **3. PUBLIC HEARING FOR CONSIDERATION OF DUKE ENERGY EXPANSION INCENTIVE**

Commissioner Sides inquired as to whether any Commissioners owned Duke Energy stock. No one owned Duke Energy stock.

Robert Van Geons, Economic Development Director, highlighted the Economic Impact Analysis regarding the proposed Duke Energy expansion for the Buck Steam Plant. Mr. Van Geons said the expansion was for a \$600 million, 620 mega-watts, natural gas fired, combined cycle plant.

Mr. Van Geons reviewed the following timeline for the expansion:

- December 2007: Duke Energy submitted CPCN documents to the North Carolina Utilities Commission and made application for air permits from NCDENR.
- January 2008: Duke Energy met with the EDC and during the following weeks Duke Energy provided a series of presentations around the community and solicited support for their state application.
- February 2008: Public Hearing with the State Utilities Commission
- March 2008: the Rowan County Commissioners approved a Conditional Use Permit for the expansion.
- April 2008: Duke Energy requested the EDC to help facilitate their request for incentives from Rowan County.
- June 2008: the North Carolina Utilities Commission approved Duke Energy's application.

Mr. Van Geons explained that before considering an assistance request, there was a process that must be followed which included: a pre-application meeting, completion of economic impact analysis and submission of a draft assistance agreement outlining any requested changes at least two weeks in advance of the required public hearing. Mr. Van Geons said Duke Energy met for a pre-

application meeting on May 13, 2008; the economic impact analysis was received June 16, 2008, and then updated on June 24, 2008. The draft grant agreement was submitted to the County Attorney on June 18, 2008 and to the Board on July 1, 2008.

Mr. Van Geons said representatives from Duke Energy were present to provide additional information pertaining to the project.

Randy Welch, Business Relations Executive for Duke Energy, thanked the Board and the community for their support. Mr. Welch reported that Duke Energy increased by approximately 50,000 customers annually. Mr. Welch explained Duke Energy was required each year to submit an annual plan that indicated their reliability to economically meet the electricity needs of customers. Mr. Welch said the 2007 plan indicated an additional 1900 mega-watts of capacity was needed in the 2010-2012 timeframe to serve intermediate load demand. Mr. Welch said the proposed plant could serve a portion of this need.

Mr. Welch provided a power point presentation, which showed an overhead view of the proposed combined cycle plant and also provided the background of the project. Mr. Welch showed graphs to reflect what Duke Energy had been doing regarding annual nitrogen oxides emissions and annual sulfur dioxide emissions.

Mr. Welch said Duke Energy was anticipating approvals of the air permit in the third quarter of 2008 and the site earthwork in the fourth quarter of 2008. Mr. Welch said once all approvals were in place, the contractor could begin construction by 2009. Mr. Welch discussed construction activity, the number of plant employees and the minimum investment projection of \$500 million dollars for the plant.

Chairman Chamberlain opened the public hearing to receive citizen input regarding the Duke Energy expansion incentive. The following individuals came forward:

- Larry Wright, 170 Heritage Lane, said Duke Energy was asking for corporate welfare. Mr. Wright asked if Duke Energy needed the \$7.2 million in incentives more than Rowan County needed a new jail or more than the needs of the school system. Mr. Wright said the citizens might also like a tax cut. Mr. Wright asked if the Duke Energy executives were sacrificing the same way Rowan County citizens were being asked to sacrifice to offer the \$7.2 million incentive. Mr. Wright asked the Board to consider whether Duke Energy really needed the incentive.
- Charles Walker, Rowan County resident, asked that tax incentives not be provided to Duke Energy. Mr. Walker discussed the Progress Energy incentive (granted in prior years) and he said citizens were being cheated out of a right of way. Mr. Walker said he doubted the phones had been “ringing off the hook” with citizens asking to give money to Duke Energy.

Mr. Walker asked that the Board not give tax money to a company that did not need or deserve it.

- Seamus Donaldson, 200 Confederate Avenue, said Duke Energy had been in Rowan County since 1926 and had employed a lot of people and paid a lot of taxes since that time. Mr. Donaldson said there would be a lot of benefits from the construction phase and 20-25 permanent jobs once the expansion was complete. Mr. Donaldson said he appreciated Duke Energy and he said they were an excellent corporate citizen. Mr. Donaldson encouraged the Board to vote for the incentive grant.
- Ann Brownlee, 400 Lance Avenue and President of the Trading Ford Historic Preservation District, provided the Board with a handout. Ms. Brownlee discussed a historical event that took place on or around the property where Duke Energy proposed the expansion. Ms. Brownlee said the historical site was important to Rowan County and should not be destroyed. Ms. Brownlee said the Trading Ford Historic Preservation group had supported the expansion to be built in the Dukeville area near the present plant. Ms. Brownlee urged the Board to deny the incentive to avoid asking taxpayers to pay for historic destruction.

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

Chairman Chamberlain asked Mr. Welch to explain what Duke Energy was requesting from Rowan County.

Mr. Welch said Duke Energy was requesting the approval of the investment grant for the Buck Steam Plant. Mr. Welch said according to the County's investment grant program, a capital investment in Rowan County of this magnitude qualified for a level three (3) grant. Mr. Welch said a level three (3) grant provided a rebate of 85% of the real and personal property tax revenue for a period of five (5) years.

Mr. Welch said Duke Energy and Rowan County had enjoyed a mutually beneficial partnership over many years. Mr. Welch said considering the long-term partnership and the outstanding support of the project from Rowan County, the EDC, the Chamber of Commerce and the community, Duke Energy would like to propose an alternative proposal for the Board's consideration. Mr. Welch said Duke Energy would like to amend the current investment grant proposal to a 42% rebate of taxes for a period of ten (10) years. Mr. Welch said the new proposal would be mutually beneficial to Duke Energy, its customers and Rowan County. Mr. Welch said the proposal would help Duke Energy keep rates low for customers and provide more funds to the County for capital investment and community needs in the initial years of plant operation. Mr. Welch said the proposal would basically double the tax revenues the County would receive for the project from year one (1) through year five (5).

Mr. Welch added that Duke Energy was committed to protecting the workforce from unauthorized workers and he asked the Board to consider an addendum to the contract. Todd Shuping of Duke Energy provided a copy of the addendum as Mr. Welch explained that the addendum reflected Duke Energy's commitment to prevent immigration violations for its workers.

Commissioner Hall asked where the 500 construction workers would come from and how they would be contracted with. Mr. Welch replied the workers would come primarily from around Rowan County.

Commissioner Hall asked how the illegal labor would be monitored. Mr. Welch said Duke Energy would look for every required document related to personnel and the contracts for construction would require the same.

Commissioner Hall asked who would monitor the workers on site and check behind the contractors. Mr. Welch said Duke Energy's agreement with contractors' stated that they could only hire documented workers. Mr. Welch said Duke Energy would check behind the contractors.

Commissioner Sides said he was opposed to incentives, particularly because the Board could "pick and choose" which companies received incentives and in what amount. Commissioner Sides said during the time of the regulatory approval process, Duke Energy never mentioned its intent to apply for an incentive grant from Rowan County. Commissioner Sides said if he had known Duke Energy would apply for an investment grant, he would not have previously voted in support of the project nor would he have voted for the conditional use permit.

Commissioner Sides said the economic impact analysis was not clear as to the number of permanent jobs to be created and that he had not received clarification from the EDC on the figures at this time. Commissioner Sides said the County's notice of the public hearing stated that the project would create a significant number of jobs at or exceeding the current average hourly wage in Rowan County. Commissioner Sides said that would be true for the 10 new jobs, but not the 500 temporary jobs. Commissioner Sides said the economic impact analysis clearly stated that Duke Energy did not qualify for any State assistance and therefore made this incentive request very different from any other incentive request the Board had considered in the past.

Commissioner Sides said that Duke Energy receives a substantial credit from the State. Commissioner Sides explained that 5% of the capital investment was not subject to tax because the investment was focused toward pollution control measures. Commissioner Sides said this amounted in \$30 million in non-taxable value and equated to \$178,500 in property tax revenue lost to the County each year and an \$18,000 loss in revenue to the fire district each year. Commissioner Sides said Duke Energy's investment was taxed based on values established by the State. Commissioner Sides said the State valued the investment at 49.86%

of actual value, which resulted in a direct loss to the County of \$1.7 million each year and a loss of over \$171,000 each year for the fire district. Commissioner Sides explained that the losses resulted in a direct tax incentive to Duke Energy from the State of North Carolina of over \$2 million every year.

Commissioner Sides said he had researched Duke Energy and found in 1999 the Environmental Protection Agency (EPA) commenced an enforcement action against Duke Energy for failure to comply with the Clean Air Act. Commissioner Sides said Duke Energy asserted that EPA regulations under the law were arbitrarily changed over the course of 25 years, but in 2006 the case was argued in the Supreme Court and was ruled unanimously against Duke Energy. Commissioner Sides said in 2002, researchers at the University of Massachusetts identified Duke Energy as the 46<sup>th</sup> largest corporate producer of air pollution in the United States with roughly 36 million pounds of toxic chemicals, including sulfuric and hydrochloric acid, chromium compounds and hydrogen fluoride, released annually into the air. Commissioner Sides continued by saying in 2008 Duke Energy rose to the 13<sup>th</sup> largest producer of air pollution more than doubling its release of toxic chemicals to 80 million pounds per year. Commissioner Sides asked why Duke Energy didn't start reducing emissions sooner.

Commissioner Sides said as much as he liked Duke Energy, he was offended that the company did not mention incentives until it was granted the conditional use permit by the Board. Commissioner Sides said he thought the project was "totally different" from any project previously considered and that he wished a percentage of 20-25% had been presented. Commissioner Sides said citizens would face some increases over the next year and he seriously questioned why the Board should give an incentive to Duke Energy in Rowan County.

Commissioner Barber said North Carolina state regulators had given Duke Energy the approval for two (2) expansions and he asked Mr. Welch if there were location options other than Rowan County where Duke Energy could make this investment. Mr. Welch responded that the company was required by statute to meet customer demand, etc. Mr. Welch said Duke Energy considered key variables in the site selection process, such as sustainability of the site, transmission lines, water availability, etc., and also a business friendly environment. Mr. Welch said the company had successfully gained the support of grants from other areas.

Commissioner Barber expressed appreciation for Duke Energy's consideration of Rowan County as an investment site. Commissioner Barber also thanked Chairman Chamberlain and Mr. Van Geons for their work on the project. Commissioner Barber praised Mr. Van Geons and his staff for the impact analysis and he pointed out that a similar analysis, if contracted externally, would have cost \$5,000 or more.

Commissioner Barber said it was important to remember the project was performance based, meaning Duke Energy would pay taxes in full or there was no investment grant. Additionally, Duke Energy had offered an addendum to the contract to ensure that no illegal aliens were employed, and if so, Duke Energy would forfeit any remaining installments on the investment grant.

Commissioner Barber noted the project was cash flow positive on day one, and the County would always receive more than it paid out during the investment grant period. Commissioner Barber said the additional tax dollars could be used to pay for needed services and capital improvement projects.

Commissioner Barber said Duke Energy had been a long-time Rowan County corporate citizen, an environmental advocate and a reliable and cost-effective provider of electricity that helped to attract other businesses to the community. Commissioner Barber said over the next 20 years, Duke Energy would 1) add \$30 million to the tax revenue through property taxes, 2) immediately begin adding \$2.2 million to property tax revenue during the build-out period and \$1 million thereafter during the investment grant period, and 3) pay approximately \$1.9 million per year in property taxes after the investment grant period.

Commissioner Barber discussed the return on the investment of the project.

Commissioner Barber discussed the impact of investment grants in surrounding counties that created jobs for Rowan County citizens.

Commissioner Barber concluded by saying the investment grant was about more than one project and successfully recruiting projects similar to this would expand Rowan County's tax base and help keep property taxes low for citizens.

Commissioner Mitchell said the impact study laid out what the project meant to Rowan County. Commissioner Mitchell said there were some differences of opinion with all the specific numbers but he did not believe that Mr. Van Geons' analysis was "far off target".

Commissioner Mitchell discussed the list of power companies, their investments in North Carolina, and the grants received for the projects which were detailed in the impact analysis.

Commissioner Mitchell discussed new job creation with the project and the impact of losing 500 temporary jobs in the County if the Board did not approve the grant. Commissioner Mitchell said that Duke Energy would guarantee that it would not hire undocumented workers. Commissioner Mitchell said there were many improvements needed in Rowan County over the next few years and the County needed corporations to help pay for needed facilities and services.

Commissioner Mitchell reviewed the benefits that approval of the project would bring to Rowan County and he expressed appreciation that Duke Energy had included a clause pertaining to undocumented workers.

Commissioner Mitchell moved to approve the incentive grant at 42% over ten (10) years with the addition of Addendum A, which covers non-documented workers. Commissioner Barber seconded the motion.

Commissioner Hall thanked Duke Energy for the services it provides. Commissioner Hall said the Board had passed a Resolution of support and helped facilitate a zoning request for Duke Energy, which demonstrated that Rowan County was business friendly. Commissioner Hall said there was never any mention of a need for a local incentive and she believed the Utilities Commission was considering a Duke Energy proposal to raise its electric rates. Commissioner Hall quoted a section of the County's investment grant program and asked why Rowan County taxpayers should provide for the investment grant when Duke Energy already received multiple benefits. Commissioner Hall said the investment grant program was not a "gift program" and the \$7 million could pay for the request of a new central office for the County's school system and other capital projects.

Commissioner Sides asked for a public legal opinion, before the Board voted, regarding the notice for the public hearing. Commissioner Sides said the notice stated the incentive offer consisted of a specific term of years, not to exceed 5 years. Commissioner Sides said the vote would essentially be determining something that was not advertised.

County Attorney Jay Dees replied that changing the terms and reducing the percentage rebate per year maintained the value being discussed. Mr. Dees said he was of the opinion that the change would be within an acceptable range of modification from a public hearing because the scope of the project was not increasing and there was nothing being added that was not a part of the notice or changing the value in the notice.

Mr. Shuping said he would like to address the concerns about jobs. Mr. Shuping explained that part of the North Carolina Utilities approval of the project included that some of the workers from the coal units being shut down must be used to make up the total of 20-25 new positions.

Chairman Chamberlain repeated the motion and upon being put to a vote the motion passed 3-2 with Commissioners Sides and Hall dissenting.

Chairman Chamberlain thanked Mr. Welch, as well as the Board members.

Mr. Welch thanked the Board and said Duke Energy looked forward to bringing the project to Rowan County.

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

Chairman Chamberlain reconvened the meeting at 5:40 pm.

**4. PUBLIC HEARING FOR MAJORITY PETITION FOR PROPOSED ROAD NAME OF NOODLE WAY**

Planning Technician Fredda Greer reported that a majority petition had been received containing two (2) of three (3) signatures supporting the proposed road name of Noodle Way. Ms. Greer said the road is currently unnamed and located north off the 2700 block of Panther Creek Road.

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

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 Noodle Way passed unanimously.

**5. PUBLIC HEARING FOR RURAL OPERATING ASSISTANCE PROGRAM**

Senior Services Director Clyde Fahnestock and Department of Social Services Director Sandra Wilkes reviewed the Rural Operating Assistance Program (ROAP), which consolidates three different transportation programs into a single application.

The Rowan Transit System (RTS) Advisory Committee made the following recommendations:

1. Apply for \$122,042 in Elderly & Disabled Transportation Program (EDTAP) funds. No matching funds are required. The following sub-allocations were recommended for Human Service Agencies:

Senior Services	\$37,616	Therapeutic Recreation	\$8,783
Vo. Opportunities	\$38,390	Piedmont Behavioral	\$3,925

2. Apply for \$143,946 in Rural General Public (RGP), which requires a match of \$15,994, or 10%.

3. Apply for \$26,095 in the Work First Employment Program. No match required.

Chairman Chamberlain opened the public hearing to receive citizen input regarding the ROAP. With no one wishing to address the Board, Chairman Chamberlain closed the public hearing.

Commissioner Sides moved to authorize the Chairman to execute the NCDOT Grant Certification statement containing the standard assurances that Rowan

County would use the ROAP funding in a manner consistent with applicable Federal and State legislature. Commissioners Barber and Hall seconded and the motion passed unanimously.

**6. CONSIDER APPROVAL OF RESOLUTION TO NAME BRIDGE IN MEMORY OF DAVID GRAY WILHELM**

Chairman Chamberlain called Candee Wilhelm, widow of Federal Agent David Wilhelm, forward.

Chairman Chamberlain said the Board would consider approval of a resolution to name the bridge over East Innes Street at Interstate 85 in memory of David Gray Wilhelm.

Chairman Chamberlain provided the background regarding Agent Wilhelm's murder on March 11, 2005. Agent Wilhelm's death was ruled to have been in the "line of duty".

Chairman Chamberlain said Agent Wilhelm was born October 9, 1964 in Rowan County to Dwight and Betty Wilhelm, lifetime residents of Rowan County. Agent Wilhelm graduated from West Rowan High School where he was an outstanding student and athlete.

Chairman Chamberlain highlighted the law enforcement career of Agent Wilhelm and said in 2001, he had won the agency's prestigious Blue Eagle Award for his work on a narcotics investigation that resulted in the seizure of approximately four (4) tons of marijuana and \$2.4 million in cash in Rowan County. The seizure represented the largest seizure of drugs and money in North Carolina history. The Blue Eagle Award is the highest award presented to Special Agents.

Chairman Chamberlain read the following resolution for the Board's consideration:

**RESOLUTION  
IN MEMORY OF  
"David Gray Wilhelm"**

**WHEREAS**, the Rowan County Board of Commissioners finds it would be fitting and proper to honor the memory of slain federal agent David Gray Wilhelm, who grew up in Rowan County and was educated in the Rowan-Salisbury School System; and

**WHEREAS**, David Gray Wilhelm is remembered as a kind and generous man who loved his family, friends, and co-workers; and

**WHEREAS**, the Rowan County Board of Commissioners, wishes to memorialize David Gray Wilhelm for his outstanding career in law enforcement, for his

dedicated service and sacrifice to his country, to the State of North Carolina, and to the citizens of Rowan County.

***NOW, THEREFORE, BE IT RESOLVED*** that in memory of David Gray Wilhelm, the Rowan County Board of Commissioners does hereby request and recommend to the North Carolina Department of Transportation that the Interstate 85 Bridge over East Innes Street in Salisbury, North Carolina be named the:

**DAVID GRAY WILHELM MEMORIAL BRIDGE  
FEDERAL AGENT**

***BE IT FURTHER RESOLVED*** that upon said designation, the North Carolina Department of Transportation is requested to have appropriate signage erected to make the general public aware of said dedication.

Ms. Wilhelm addressed the Board and conveyed her appreciation to those who supported the request to name the I-85 and East Innes Street bridge, the “David Gray Wilhelm Memorial Bridge, Federal Agent”. Ms. Wilhelm said the naming would be a “great tribute to a great man”. Ms. Wilhelm said those who were fortunate enough to have been close to her husband thought he, quite simply, “hung the moon”. Ms. Wilhelm thanked the Board for its consideration of naming the bridge after her husband in his home place of Rowan County.

Chairman Chamberlain opened the floor for anyone in the audience to address the Board regarding the bridge naming request. The following citizen came forward:

- Terry Osborne, ABC Executive Director and a former teacher of the Rowan-Salisbury School System, recalled Agent Wilhelm staying after class as a young man in high school to share his desire of becoming a Secret Service Agent. Mr. Osborne also discussed Agent Wilhelm’s drive for playing high school football and said he had never seen the intensity that he saw in David when he talked about playing football. Mr. Osborne said he personally has a 16-year old son and that he hoped his son grew up to be like David Wilhelm.

Chairman Chamberlain said he felt sure that Agent Wilhelm became the individual that he grew up to be, in part because of the guidance of his teacher, Mr. Osborne.

Chairman Chamberlain moved approval of the Resolution. The motion was seconded by Commissioner Mitchell and the passed unanimously.

Chairman Chamberlain said the bridge naming request would be considered by the Salisbury City Council the next day. Chairman Chamberlain then thanked

Ms. Wilhelm for allowing the Commissioners the opportunity to name the bridge after Agent Wilhelm.

A short time later in the meeting, Chairman Chamberlain called Ms. Wilhelm forward in order to allow the Commissioners the opportunity to shake her hand. A round of applause and a standing ovation followed the acknowledgement.

## **7. CONSIDER REQUEST FOR CHANGE TO FIRE DISTRICT AREA OF COVERAGE**

Fire Marshal Tom Murphy explained that the Department of Insurance had conducted fire district inspections earlier in the year and determined that two (2) geographic areas currently within the Mount Mitchell fire District were outside their insurance rated five-mile area.

Mr. Murphy said Fire Division staff concluded that the areas in question could be covered within a required five-mile area by being included in the adjacent East Landis Water District. The Landis Fire Department serves this tax district.

Mr. Murphy reviewed the information contained in the agenda packets and said the Mount Mitchell Fire Department Board of Directors and the Town of Landis Board of Alderman had agreed to the geographic change in fire protection coverage.

Mr. Murphy said Fire Division staff recommended approval of the request.

Commissioner Barber said with Landis providing the coverage for these areas, the tax dollars would stay in Rowan County and the parcels affected would be eligible for better home insurance.

Commissioner Sides moved approval of the change to the fire district coverage, Commissioner Hall seconded.

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

As a follow-up to the previous agenda item, (Approval of the Resolution in Memory of David Gray Wilhelm), Chairman Chamberlain called Candee Wilhelm forward at this point in order to allow the Commissioners the opportunity to shake her hand. A round of applause and a standing ovation followed the acknowledgement.

## **8. CONSIDER OFFER TO PURCHASE PROPERTY IN SPRING VALLEY SUBDIVISION**

Chairman Chamberlain said the County had received an offer in the amount of \$1,000 from Nancy and Paris Goodnight for the purchase of Tax Parcel 209 059.

Commissioner Sides said the property had limited use; however, the tax value on the property was \$2500. Commissioner Sides suggested the Board accept a minimum offer of \$1500 and subject the property to the upset bid process of ten (10) days. Commissioner Sides put the suggestion in the form of a motion. Commissioner Hall seconded and the motion passed unanimously.

**9. CONSIDER REQUEST TO DONATE PROPERTY TO TOWN OF EAST SPENCER**

(This item was deleted from the agenda).

**10. CONSIDER APPROVAL OF EMS LEASE WITH TOWN OF LANDIS**

County Manager Gary Page said the Town of Landis proposed to renew the lease for space currently used by the Rowan County Emergency Services (EMS) with an increase in the monthly lease payment. Mr. Page said the monthly payment would increase from \$125 to \$575, or annually from \$1500 to \$6900. Mr. Page said the proposed increase reflected the County's prorated share of the overall cost of operating the facility.

Mr. Page recommended the Board approve the lease as stated and allow staff to review other options. Mr. Page pointed out the increase was not included in the FY '09 budget because the Town of Landis did not approve the lease until its first meeting in July.

Commissioner Sides said \$125 for 1521 square feet had been a good deal and he said the County should not take advantage of the Town of Landis and should assume responsibility for the utilities.

Commissioner Sides agreed with Mr. Page that the County should accept the lease as presented and he put his comment into the form of a motion. The motion was seconded by Commissioner Hall and passed unanimously.

**11. DISCUSSION REGARDING APPOINTMENT OF AUDIT COMMITTEE**

County Manager Gary Page said the County's auditors, Potter and Company, P.A., had requested the Board appoint an audit committee to review the process of preparing the annual audit. Mr. Page said the committee should be comprised of 1 to 2 Commissioners, the Finance Director and the County Manager. The committee would meet periodically between August 2008 and October 2008. Mr. Page said new accounting regulations for local government require the governing body play a stronger role.

Chairman Chamberlain moved to appoint Commissioner Mitchell to serve on the audit committee. Commissioners Barber and Sides seconded and the motion passed unanimously.

Commissioner Sides said he hoped that it would not be improper for another Commissioner to attend the committee meetings. Commissioner Sides said

while he was impressed with the work of the Finance Staff, he felt it would be good for all Commissioners to have a better feel for the financial process.

Commissioner Barber agreed with Commissioner Sides and suggested that the Board members be notified of the meetings.

## **12. DISCUSSION/APPOINTMENT OF COMMITTEE TO REVIEW CENTRAL OFFICE FOR ROWAN-SALISBURY SCHOOLS**

Chairman Chamberlain said he had previously attended a meeting of the Board of Education (BOE) where he had stated that the Commissioners would begin discussions with the BOE regarding a central office.

Chairman Chamberlain appointed himself, Commissioner Sides and County Manager Gary Page as a committee to meet with BOE members and staff. Chairman Chamberlain instructed County Manager Gary Page to contact the school board and suggest that its Chairman, another board member, Superintendent Dr. Judy Grissom and Assistant Superintendent Gene Miller schedule a meeting to begin discussions. Chairman Chamberlain said the first question would be if the central office building still remained a top priority to the school system.

Commissioner Barber said he was not opposed to appointing a committee; however, he expressed concern with the timing for discussions. Commissioner Barber said with the upcoming election there could be a change on the Board as well as a change in three seats on the school board. Commissioner Barber felt it might be best to wait until the new boards were sworn in to address the issue with possible discussions at the planning retreat.

Chairman Chamberlain said he appreciated Commissioner Barber's comments; however, he was appointing the committee because he had publicly stated the Board would begin these discussions.

Commissioner Sides said he would give 100% of himself while still in office and that he would not make a decision that he did not feel would not be honored once he left. Commissioner Sides said he would not speak for himself, but as a member of the Board. Commissioner Sides said committee recommendations would come back to the full Board for a vote.

Commissioner Hall said she felt it may be time for the Board to suggest that both boards meet at least twice per year. Commissioner Hall said based on earlier comments, there were needs other than just a central office building. Commissioner Hall said it was time for the Boards to meet to talk about the needs of the children in Rowan County.

### **13. UPDATE REGARDING QUESTIONS PERTAINING TO ROWAN JOBS INITIATIVE**

Commissioner Hall said this agenda item was a follow up to an earlier vote by the Commissioners to pull funding from Rowan Jobs Initiative (RJI). Commissioner Hall said the taxpayers provided a total of \$325,000 to RJI and for the investment the citizens were led to believe there would be a future filled with quality jobs. Commissioner Hall said the Board owed it to the taxpayers to show how the funds were spent and whether the funds were spent wisely. Commissioner Hall said most families were struggling to pay for basic needs, including paying their tax bills. Commissioner Hall said for their sake, the Board could not delegate its responsibility for oversight. Commissioner Hall said any organization that requested such large appropriations, which involved public officials, had an obligation to report publicly. Commissioner Hall said her purpose was not to find fault but to find a way to make better decisions as to how tax dollars were being appropriated and spent. Commissioner Hall said openness and accountability were "job one" and citizens had a right to know how their money was spent. Commissioner Hall said she had requested specific information via email from RJI through County Attorney Jay Dees.

Mr. Dees said based on the request, he had met with RJI members Dyke Messinger and Bruce Jones. Mr. Dees said RJI was willing to meet with individual Commissioners and disclose the information that was requested but they would otherwise not provide copies of the information to be retained by the Commissioners.

Commissioner Mitchell asked if anyone had taken RJI members up on the offer to meet individually. Commissioner Hall responded that she had met with Mr. Messinger at his request and his initial response was to offer a "narrow band of information" concerning Miller Davis Studios. Commissioner Hall said she had then read her email request to Mr. Messinger and he had responded that he would have to get back to his board, as he could not make the decision on his own. Commissioner Hall said she had encouraged Mr. Messinger to provide full disclosure.

Commissioner Sides said the RJI Board had responded that they would provide the information privately to each Commissioner but would not provide copies of the information that could be retained by the Commissioners. Commissioner Sides said he had responded via email that this was not acceptable. Commissioner Sides said he wanted the information to peruse at his own leisure. Commissioner Sides said anytime the County provided public funds, the Board had a right to the requested information. Commissioner Sides reported that he had asked the Clerk to place a discussion on the next agenda pertaining to the County requiring any agency receiving public funding to operate under the open meetings law.

Commissioner Mitchell felt it would be a great idea to implement a policy regarding receipt of county funds, particularly if other counties had “paved the way”. Commissioner Mitchell said the policy would not apply to the circumstances surrounding RJI. Commissioner Mitchell said \$325,000 was a lot of money; however, he questioned the end gain of Commissioner Hall’s request.

Commissioner Sides said one of the specifics he had hoped not to bring out publicly, was the charge of RJI’s mission statement pertaining to funds going to any member of their board. Commissioner Sides said the agency had violated its own policy.

Commissioner Mitchell questioned the solution when the Commissioners had already pulled the funding from RJI. Commissioner Mitchell pointed out that bills would begin to accumulate once the Commissioners brought in an attorney. Commissioner Mitchell asked if pursuing the matter would be worth any money spent considering the Commissioners had already eliminated funding to the agency.

Commissioner Hall said she hoped there would not be any further funds spent in trying to obtain the information. Commissioner Hall said the request to RJI had been basic and the taxpayers had a right to know how their \$325,000 had been spent.

Commissioner Mitchell agreed that the taxpayers deserve to know how money was spent but he questioned what mechanism the Board now had to require RJI to provide the information.

Commissioner Hall said RJI needed to release all minutes of their meetings. Commissioner Hall said the original executive committee of RJI included public officials from the County, City of Salisbury and other municipalities.

Chairman Chamberlain said Commissioner Sides would have information at the next Commission Meeting, which would address the issue “from this day forward”. Chairman Chamberlain suggested that before the next meeting, Commissioner Hall, as well as other Commissioners, meet with RJI members to see what information RJI would provide. Chairman Chamberlain said the Commissioners would address the issue in relations to Commissioner Sides’ topic at the next board meeting.

Commissioner Sides said he would be satisfied with moving forward if RJI did not provide the information. Commissioner Sides said he wanted to ensure that future agencies who receive funding from the County understand they would have to operate under the guidelines of the state law as required by the Board.

Commissioner Hall commented that if RJI had nothing to hide from the citizens, they would comply with the basic request to provide information and she added that the articles of incorporation for RJI were on the Secretary of State's website.

Commissioner Barber concurred with Commissioner Sides that the Board should move on if RJI did not provide the information. Commissioner Barber said RJI's intent was to brand Rowan County and that it would be hard to pinpoint any number of jobs created in Rowan County to RJI. Commissioner Barber said the end result of who brought jobs to the County was the Board of Commissioners through approval of investment grants. Commissioner Barber said RJI was only one entity that helped create opportunities.

Commissioner Hall read from a portion of RJI's mission, which was "We will be able to tie inquiries, prospect visits and new quality jobs to this initiative".

Chairman Chamberlain said the Board would discuss the matter further in two (2) weeks. Chairman Chamberlain described the comments made by RJI members during Public Comment Period in a prior Commission Meeting as "over the top". Chairman Chamberlain said as far as he was concerned, the County's association with RJI had been terminated by the Board's decision not to fund RJI in the current budget year. Chairman Chamberlain encouraged RJI and any other group seeking funding from the County to attempt to create a better relationship with the Commissioners.

#### **14. CONSIDER APPROVAL OF BOARD APPOINTMENTS** **SENIOR SERVICES ADVISORY COUNCIL (SSAC)**

Robin Perry submitted an application to fill a vacancy. The term would be for three (3) years beginning August 1, 2008, expiring July 31, 2011.

Commissioner Mitchell nominated Robin Perry and the nomination carried unanimously.

#### **EAST GOLD HILL VOLUNTEER FIRE DEPARTMENT FIRE COMMISSIONERS**

The East Gold Hill VFD submitted the following applications for consideration to serve as Fire Commissioners:

- Everette Vanhoy (reappointment)
- Bob Drew (reappointment)
- Wayne Fowler
- Ralph Trexler

East Gold Hill VFD requested that the Board reappoint either Mr. Vanhoy or Mr. Drew for a one (1) year term beginning August 1, 2008 and expiring July 31, 2009. The purpose of the request is for this VFD to avoid losing its entire Board at one time. The term for other appointments would be for two (2) years

beginning August 1, 2008 and expiring July 31, 2010. A total of three (3) fire commissioners are needed.

Commissioner Mitchell nominated Everett Vanhoy and the nomination carried unanimously.

Commissioner Sides nominated Bob Drew and the nomination passed unanimously.

Commissioner Barber nominated Wayne Fowler and the nomination carried unanimously.

### **KANNAPOLIS PLANNING AND ZONING BOARD**

The City of Kannapolis requested the appointment of Leonard Beaver to the Kannapolis Planning and Zoning Board as the ETJ representative for a 3-year term beginning August 1, 2008 and expiring June 30, 2011.

Chairman Chamberlain noted for the record, that the applicant had been recommended by the City of Kannapolis.

Commissioner Mitchell nominated Leonard Beaver and the nomination passed unanimously.

### **JUVENILE CRIME PREVENTION COUNCIL (JCPC)**

Carol Dunlap submitted an application to serve as an At-Large member of the JCPC. The term would be for two (2) years beginning August 1, 2008 and expiring July 31, 2010.

Chairman Chamberlain nominated Carol Dunlap and the nomination carried unanimously.

### **ADULT CARE HOME ADVISORY COMMITTEE**

Jonnette Powell completed her allowable number of terms but submitted an application for reappointment. In order to reappoint Ms. Powell, the Board would need to waive the term limits set in the Resolution adopted by the Board in 1999. If approved, the term would be for three (3) years beginning September 1, 2008 and expiring August 31, 2011.

Commissioner Mitchell moved to waive the term limits established by the Board. The motion was seconded by Commissioner Hall and passed unanimously.

Commissioner Mitchell nominated Jonnette Powell for reappointment and the nomination passed unanimously.

### **ROWAN COUNTY HOUSING AUTHORITY**

Rodney Cress will complete his term on August 31, 2008 and does not wish to be reappointed at this time. There is also one vacancy due to the resignation of Samuel Washington.

The Housing Authority recommended the appointment of Tracy Asbury-Thomas and Olin Miles. If approved, one term would be for five (5) years beginning September 1, 2008 and expiring August 31, 2013. The other appointment would be for the remainder of Mr. Washington's term, which ends September 31, 2009.

Commissioner Sides nominated Tracy Asbury-Thomas for a 5-year term. The nomination passed unanimously.

Commissioner Sides nominated Olin Miles to serve the remainder of Samuel Washington's term and the nomination carried unanimously.

### **ROWAN COUNTY TOURISM DEVELOPMENT AUTHORITY**

Dan Peters and Jim Cowden submitted applications for reappointment.

If approved, the terms would be for two (2) years beginning September 1, 2008 and expiring August 31, 2010.

Commissioner Sides suggested that the Board postpone these 2 appointments and advertise for a few more applicants.

### **ROWAN KANNAPOLIS ABC BOARD**

Ken Argo was appointed on July 7, 2008 for a two (2) year term. The term should have been for three (3) years beginning August 1, 2008 and expiring July 31, 2011.

Commissioner Mitchell moved to correct the term limits for Ken Argo to three (3) years. The motion was seconded by Commissioner Barber and passed 3-2 with Commissioners Hall and Sides dissenting.

### **15. DISCUSSION REGARDING FIRST COMMISSION MEETING IN SEPTEMBER**

Chairman Chamberlain said the first Commission Meeting in the month of September fell on the Labor Day Holiday. Chairman Chamberlain suggested the Board vote to change the meeting to Tuesday, September 2, 2008 at 4:00 pm.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to change the September 1, 2008 Commission Meeting to Tuesday, September 2, 2008 passed unanimously.

**16. ADJOURNMENT**

There being no further business to come before the Board, Commissioner Sides moved to adjourn at 6:55 pm. The motion was seconded by Commissioner Mitchell and passed unanimously.

Respectfully Submitted,

Carolyn Athey  
Clerk to the Board