

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
August 18, 2008 – 7:00 PM
J. NEWTON COHEN, SR. ROOM
J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING**

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 7:00 pm.

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Mitchell seconded and the vote to approve the minutes of the August 4, 2008 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

Chairman Chamberlain moved to add a brief discussion regarding Duke Energy. The motion was seconded by Commissioner Sides and passed unanimously.

Chairman Chamberlain added the issue as agenda item #4a.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Sides moved, Commissioner Barber seconded and the vote to approve the agenda 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:

A. Set Quasi-Judicial Public Hearing for September 2, 2008 for PCUR 02-08

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:

- Brian Miller, a member of the Board of Directors for Rowan Jobs Initiative (RJI) reported that at 3:00 pm today documents were delivered to the Clerk to the Board regarding a summary of financial records since RJI's inception in 2004. Mr. Miller said the information provided details of all sources of income, including membership dues and all disbursements of both the marketing program and the general administrative expenses incurred. Mr. Miller said this level of information had been provided to the Commission each year with each subsequent request for county funding. Mr. Miller stated that recent articles in the Salisbury Post had been incorrect in their assertion that the information had been withheld from the Commissioners. Mr. Miller said in regards to the County's request for copies of minutes from the organization's board meetings, the information was available to any past/present contributor, at any time. Mr. Miller said to ensure that the information contained in the minutes was not taken out of context, the original board minutes could be reviewed at any reasonable time upon request and in the presence of a member of the RJI board. Mr. Miller said copies of those minutes would not be made available. Mr. Miller concluded by expressing his personal regret that the tone of the debate had taken the course that it had.

Chairman Chamberlain responded to Mr. Miller. Chairman Chamberlain said he had personally spoken with the RJI Chairman, as well as the Secretary/Treasurer of RJI on the previous Friday and both officers had told him the financial information and the minutes would be forthcoming. Chairman Chamberlain said, "I did not misunderstand anything". Chairman Chamberlain said he had explained to both officers that he was calling as the Chairman of the Board of Commissioners and that he encouraged them to honor the request. Chairman Chamberlain said he was told that the request would be honored and that for anyone to say he misunderstood "is not so". Chairman Chamberlain said he was "done" with the subject and that he felt the matter had gotten out of hand. Chairman Chamberlain said his integrity had been questioned and that as long as he was on the Board, the relationship between the County and RJI was severed. Chairman Chamberlain expressed appreciation to Mr. Miller

for speaking with such frankness. Chairman Chamberlain said for the record, that he felt Mr. Miller was “one of the finest fellows in Rowan County that I know but on this issue we do not see eye to eye, but we’ll still be friends”.

- James Rollans thanked the Board for allowing him to serve on the Land Use Plan Steering Committee. Mr. Rollans commended the Board for its foresight in establishing the land use planning process. Mr. Rollans discussed the work of the Committee and said at its last meeting, the Committee had voted to present its work to the Planning Board on August 25, 2008. Mr. Rollans asked the Board to allow the Committee to make the presentation to the Planning Board in light of all the work it had performed. Mr. Rollans said a task force had not yet been formed to conduct a study on the eastern half of the County and he felt the task force would benefit from the experience of the current Committee. Mr. Rollans asked the Board to consider a temporary suspension of the current Committee until its usefulness to the County was finished. Mr. Rollans said he felt disbanding the Committee at this point was premature since the plan had not been officially presented to the Planning Board or the Commissioners.

3. PUBLIC HEARING FOR MAJORITY PETITION FOR KESLER PASTURES ROAD

Planning Technician Fredda Greer provided the staff report regarding the majority petition for Kesler Pastures Road. Ms. Greer said the road is currently unnamed and is located south off the 4600 block of Stokes Ferry Road.

Ms. Greer said during the application process for a zoning permit for Tax Parcel 617 160, Staff realized the road met the criteria for naming. A petition with three (3) of five (5) signatures was submitted for Kesler Pastures Road. Staff recommended approval.

Chairman Chamberlain opened the public hearing to receive citizen input regarding the proposed road name of Kesler Pastures Road. 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 Kesler Pastures Road passed unanimously.

4. PRESENTATION OF WORK FIRST BIENNIAL PLAN

Department of Social Services (DSS) Director Sandra Wilkes introduced Nancy Brandt, Program Director for DSS Work First, Day Care and Child Support Programs.

Ms. Wilkes reported that in accordance with North Carolina General Statute 108A-27, county Work First Block Grant plans are revised every two (2) years to

reflect changes in county conditions and in services available to Work First recipients to enable them to become self-sufficient. The revised plan would be effective July 1, 2009 through June 30, 2011.

Ms. Wilkes requested that the Board take the following action:

- Designate county status as a standard county
- Appoint a Work First Block Planning Committee, including a representative from the Board of Commissioners

Commissioner Sides moved to designate Rowan County as a standard county. Commissioner Sides said the motion including appointing the Work First Planning Committee as recommended; and thirdly he nominated himself as the Commissioner to serve on the Committee. The motion was seconded by Commissioner Hall and passed unanimously.

ADDITION:

#4a DISCUSSION REGARDING DUKE ENERGY

Chairman Chamberlain said he had added the discussion regarding Duke Energy as a result of a recent newspaper article and also based on the fact that the Board had recently approved an economic development incentive agreement for Duke Energy. Chairman Chamberlain said the article discussed court documents that showed Duke Energy had paid approximately \$22 million to companies for dropping opposition to a rate increase. Chairman Chamberlain said the purpose of adding the discussion to the agenda was “not to beat up” on Duke Energy; however, he said the article had gotten the Board’s attention. Chairman Chamberlain said he wanted to look into the matter, as it deserved scrutiny from the Board.

Commissioner Barber pointed out that the issues in question related to a company that merged with Duke Energy in 2006. Commissioner Barber said consideration should be given as to how electric generation service was provided in Ohio versus North Carolina. Commissioner Barber said Ohio had both a regulated and non-regulated service industry. Commissioner Barber said there were more details that he would like clarification on.

Commissioner Sides reported on a conversation he had held earlier in the day with an official from Duke Energy. Commissioner Sides said the conversation focused on comments that he had made during the August 4, 2008 meeting regarding Duke Energy’s environmental problems. Commissioner Sides highlighted the conversation and concluded by saying he would see what came of the lawsuit.

Chairman Chamberlain commented that the Board had approved the incentive on August 4, 2008; however, the agreement had not yet been returned to the County for execution.

5. DISCUSSION REGARDING SOLID WASTE FEES FOR DAVIE COUNTY

County Manager Gary Page asked the Board to approve \$35 per ton as Davie County's tipping fee at the Rowan County Landfill, effective September 1, 2008. Mr. Page said the fee represented a \$3 per ton increase over the past year but was a \$2 per ton discount compared with all other out-of-county solid waste fees.

Mr. Page highlighted the justification for the request, which was included in the agenda packets.

Commissioner Sides felt the County needed to preserve the Rowan County Landfill for its own residents. Commissioner Sides said it would not be easy in the future to site another landfill based on expensive changes in regulations. Commissioner Sides said he understood the reasoning behind the County Manager's recommendation based on the amount of waste that it took to operate the landfill. Commissioner Sides said he was satisfied with what was before the Board.

Commissioner Sides moved to accept the County Manager's recommendation. The motion was seconded by Commissioner Barber.

After a few brief comments from Commissioners Barber and Hall, the motion passed unanimously.

6. UPDATE REGARDING STAFF RESEARCH INTO HOLDING COMMISSION WORK SESSIONS

County Manager Gary Page said he, along with the Clerk to the Board, had met with the County Attorney and Planning Director regarding changes to the format of the Rowan County Board of Commissioners meetings. Mr. Page reviewed the pros and cons of changing the meetings to one work session and one action session each month.

Commissioner Mitchell said the pros for holding a work session were extremely positive. Commissioner Mitchell said in order to avoid re-hashing items it would require discipline and agreement between the board members. Commissioner Mitchell leaned towards giving the work sessions a try and said it did not matter to him if the Board wished to wait until January to do so.

Commissioner Sides favored the idea of a work session and suggested changing setting the agenda deadline to provide the Commissioners with additional time to study the issues.

Chairman Chamberlain asked the County Manager to obtain copies of the DVD's from Cabarrus and Forsyth counties so the Commissioners could observe how those counties conduct their work sessions.

7. FOLLOW-UP TO PREVIOUS REQUESTS MADE TO ROWAN JOBS INITIATIVE

Commissioner Hall referred to the information in the agenda packets, which she said was all that she had been able to obtain regarding Rowan Jobs Initiative (RJI). Commissioner Hall described the information as a “skeleton” compared to the information the Board needed in order for the Commissioners and the public to have a clear understanding of the decisions behind the expenditure of \$325,000 in tax money.

Commissioner Hall quoted from RJI’s Articles of Incorporation, which stated that RJI operated for “the relief of poverty, unemployment and underemployment of persons in Rowan County caused in part by the substantial job loss related to the downfall of textile manufacturing and other manufacturing industries”. Commissioner Hall asked how many jobs RJI had created for Rowan County citizens.

Commissioner Hall said the Articles of Incorporation also stated that “No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or interfere with any political campaign on behalf of any candidate for public office”. Commissioner Hall asked if RJI had supported any political candidates. Commissioner Hall recalled one RJI member who had come before the Board and shown a copy of Rowan Magazine. Commissioner Hall said the March 2008 edition of Rowan Magazine contained a half-page, color ad for a candidate for County Commission. Commissioner Hall asked if RJI had supported that candidate.

Commissioner Hall said she had many additional questions; however, the focus should be better use of tax money. Commissioner Hall said RJI had an obligation to open its records for public review. Commissioner Hall felt that any group receiving county tax dollars should obey the sunshine laws of the State.

Commissioner Mitchell said he did not disagree that RJI’s records should be released and he said the next agenda item for the current meeting should address the issue.

Commissioner Sides said in the near future, he would accept RJI’s offer to allow him to personally examine their minutes and the details of their financial records. Commissioner Sides said he preferred to have more information before commenting further on the matter.

8. DISCUSSION REGARDING POLICY TO REQUIRE AGENCIES RECEIVING COUNTY FUNDING TO COMPLY WITH OPEN MEETINGS LAW

Chairman Chamberlain said Commissioner Sides had gathered information from various counties regarding their policies for allocating funds to non-profit agencies.

Chairman Chamberlain then appointed Commissioners Sides and Barber to work with the County Attorney to draft a policy for Rowan County that would address open meetings requirements, conflict of interest, etc. Chairman Chamberlain suggested that a draft policy be presented to the full Board at the first meeting in October.

Commissioner Sides said there were three (3) areas the policy should address:

- Requirements for public meetings
- Requirements for public records
- Conflict of interest

Commissioner Sides said there are agencies that receive funding from the Board that would be excluded from the policy, such as the National Guard.

Commissioner Sides said the County should primarily look at non-profits and the policy should outline which agencies should be excluded. Commissioner Sides said if additional time was needed to draft the policy, he would advise the Board.

Chairman Chamberlain said he would like to see the policy adopted before he left the Board in December.

9. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Sheriff's Department – Transfer funds from FEMA Revenue received after Hurricane Katrina to Training Account. Funds will be used for Advanced Swift Water Rescue Training for (14) persons of both the Rescue Squad and the Sheriff's Department. Funds will cover room, registration for class, and meals for (14) people - \$5,983
- Finance Department – To budget funds encumbered at June 30, 2008 into the new fiscal year - \$1,612,709

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

10. DISCUSSION REGARDING DISBANDING OF LAND USE PLAN STEERING COMMITTEE

Chairman Chamberlain said the Land Use Plan (LUP) Steering Committee had completed its assignment and their proposal was being submitted to the Rowan County Planning Board for review on August 25, 2008. Chairman Chamberlain explained that any revisions at this point would be the responsibility of the Planning Board and the Rowan County Board of Commissioners. Chairman Chamberlain said the Committee had "done a whale of a job" with the task they had been assigned. Chairman Chamberlain said he would like for Staff and Benchmark to present the proposed plan to the Planning Board.

Chairman Chamberlain moved to dissolve the Land Use Plan Steering Committee. The motion was seconded by Commissioner Sides.

Commissioner Barber said he would like for the Board to consider keeping the Committee in place in the event the Planning Board had questions regarding the proposed plan. Commissioner Barber said if the plan was approved, the experience of the Committee would be valuable if the Commissioners decided to study land use in other parts of the County.

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

Chairman Chamberlain instructed Carolyn Athey, Clerk to the Board, to send the ten (10) active members of the Committee a letter of appreciation.

11. ADJOURNMENT

There being no further business to come before the Board, Commissioner Sides moved to adjourn at 8:12 pm. The motion was seconded by Commissioner Mitchell and passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board