

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
October 6, 2008 – 4:00 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 4:00 pm.

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

CONSIDER APPROVAL OF THE MINTUES

Commissioner Sides moved, Commissioner Mitchell seconded and the vote to approve the minutes of the September 15, 2008 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

- Commissioner Sides moved to add a Resolution supporting health care services to veterans at the Hefner Veterans Affairs Medical Center. The motion was seconded by Commissioner Mitchell and passed unanimously.

Chairman Chamberlain added the issue as agenda item #6.

CONSIDER DELETIONS FROM THE AGENDA

Chairman Chamberlain reported that the applicant for FSW 01-08 had requested to have the issue removed from the agenda.

Chairman Chamberlain moved to delete FSW 01-08. The motion was seconded by Commissioner Mitchell and passed unanimously.

CONSIDER APPROVAL OF THE AGENDA

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

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:

- A. Approval of Closed Session Minutes for: February 7, 2008, February 14, 2008, March 11, 2008, March 13, 2008, April 21, 2008 and June 2, 2008
- B. Approval of Health Department Client Fee Schedule for FY 2008-09
- C. Set Quasi-Judicial Public Hearing for October 20, 2008 for CUP 07-07 for Request from Plantation Ridge Partnership
- D. Approval for NCDOT to Add Brooks Drive, Winding Way, Jonathon Street, Lane Street and Joy Street to the State Secondary Road System for Maintenance
- E. Approval to Share Justice Assistance Grant Award with City of Salisbury Police Department

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:

- David Hand of Rockwell stated that Alcoa had been in charge of High Rock Lake for as long as he could remember; however, he felt Alcoa had failed in taking care of the river. Mr. Hand said he felt Alcoa had recently attempted to bribe the Commissioners by saying they would put a recreational area on the lake.
- Rod Whedbee of Salisbury discussed government budgeting and said he felt everyone wanted the government to provide "something". Mr. Whedbee said at some point the Commissioners would have to say no.
- Larry Wright of Salisbury expressed disappointment with the Fair Association's actions for asking a vendor to leave the fair for selling items too cheaply. Mr. Wright also thanked several Commissioners (Chamberlain, Hall and Sides), as well as Commission candidate Carl Ford, for their opposition to forced annexation.
- John Burke of Salisbury referred to agenda item #9 (Discussion Regarding Central Office for Rowan Salisbury Schools) and said deferring the project would be financially irresponsible.

3. QUASI-JUDICIAL PUBLIC HEARING FOR PCUR 03-08 FOR REQUEST FROM DONNIE AND ANGELA BOSTIAN

Chairman Chamberlain read the Chairman's Speech (Exhibit A) and declared the public hearing for PCUR 03-08 to be in session. Chairman Chamberlain said the hearing would focus on an application submitted by Donnie and Angela Bostian for the property owned by Harry and Beverly Barbee located at 5402 Winter Street. The purpose of the application was to rezone a ½-acre parcel from Rural Agricultural (RA) to Commercial, Business, Industrial (CBI) with a Conditional Use District (CUD) to accommodate a heating and cooling business on Tax Parcel 249B-460.

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

Senior Planner Shane Stewart presented the Staff Report (Exhibit B) and provided a power point presentation (Exhibit C).

Mr. Stewart said the petitioners were under contract to purchase the property, which was located at the Cabarrus County line. Mr. Stewart used the power point presentation (Exhibit C) as he described the site and surrounding area.

Mr. Stewart said the previous owner, Richard Small, had constructed a 2400 square foot metal building in 1999 to operate a furniture/repair business beside his residence. Mr. Stewart said research indicated that Mr. Small had passed away before the repair business was opened. Mr. Stewart said shortly thereafter, the Barbees' purchased the 1½ acre parcel that encompassed the residence and the storage building at 5406 Winter Street. Mr. Stewart said in 2003 the property was subdivided to create the ½-acre tract. Mr. Stewart said the subdivision was approved and had met all the county standards. Mr. Stewart said the property could have been used for a home-based business or for residential storage; the property would have to be rezoned for any other use.

Mr. Stewart said the Bostians were requesting that the property be rezoned from RA to CBI with a CUD to accommodate a heating and cooling business.

Mr. Stewart continued with the power point presentation (Exhibit C) to depict the surrounding area.

Mr. Stewart referred to the Conditional Use Criteria listed in the Staff Report (Exhibit B) and said the applicant had provided comments in Attachment B of the Staff Report (Exhibit B). Mr. Stewart pointed out Staff's comments in item #5 on page 4 of the Staff Report (Exhibit B). Mr. Stewart said there would not be an issue with excessive traffic and parking problems but related to the issue was the current access off Winter Street. Mr. Stewart said the site could not accommodate much of the required buffer. Using the power point presentation (Exhibit C) Mr. Stewart pointed out two (2) roll-up doors that would be difficult to access and maintain a buffer.

Mr. Stewart said the Planning Board's recommended Statement of Reasonableness and Statement of Consistency were contained on pages 5 and 6 of the Staff Report (Exhibit B). Mr. Stewart said the Staff Report (Exhibit B) also included a Checklist for the Board.

Mr. Stewart said due to the factors indicated in the Staff Report (Exhibit B), Staff did not support the request.

Mr. Stewart said the Planning Board did unanimously approve the request with two (2) conditions:

1. Buffering on western side of property must be installed as per the Zoning Ordinance.
2. Driveway location must be moved to the right side of the building

Mr. Stewart said Staff received one call of concern but the caller had not been opposed to the request and did not attend the Planning Board meeting.

Commissioner Sides asked if there were access doors on the back of the building and Mr. Stewart said no.

Commissioner Sides stated that the owners would have good access to the building if there were doors located on the back of the building. Commissioner Sides asked if the Planning Board recommendation was to plant trees, which would be on the side where the doors were. Mr. Stewart said the buffering option was for either trees or a wooden fence. Mr. Stewart said the applicant's site plan was to provide an evergreen buffer. Mr. Stewart added that he preferred for the applicant to explain the access plans for the site.

In response to several queries from Commissioner Mitchell, Mr. Stewart used the power point presentation (Exhibit C) to point out the property lines.

- Lanny Lancaster of Concord stated that he was the real estate agent that had the contract between the two (2) parties. Mr. Lancaster said the building in question was a commercial building and he said there was no way the building could ever be considered as a residential building. Mr. Lancaster said if the property was not rezoned, it would be out of place. Mr. Lancaster said the opportunity existed to bring a heating and air conditioning company to the County. Mr. Lancaster said the surrounding properties were also commercial and industrial and the request was an opportunity to correct a previous mistake in the current zoning of the building. Mr. Lancaster said the Planning Board had unanimously approved the request.

Commissioner Sides noted that based on the information in the agenda packets, when the subdivision occurred in 2003, it was under the limitation that the only permissible use for the building was for residential storage.

- Beverly Barbee said Commissioner Sides was correct in his statement regarding the residential storage. Ms. Barbee said when her son had upgraded to another house, she realized he was paying property tax on a commercial building. Ms. Barbee said once she realized he was paying a higher tax rate, she had agreed to have the zoning changed but had not realized what she was doing. Ms. Barbee said she is now trying to sell the building because it is of no value to her. Ms. Barbee asked the Board to consider approval of the request.

Commissioner Sides referred to the two (2) conditions proposed by the Planning Board if the Commissioners were to approve the request. Commissioner Sides said one (1) condition was for the buffer of trees on the side where the doors were located. In response to Commissioner Sides, Ms. Barbee said she had no problem with the buffer.

Commissioner Sides said the other stipulation was that the driveway be moved from the left side of the building to the right side. Ms. Barbee said she had no problem with moving the driveway.

Commissioner Sides said if he understood correctly, existing zoning would only allow the building to be used for off-site personal storage.

With no one else sworn to provide testimony, Chairman Chamberlain closed the public hearing.

Commissioner Sides moved approval of the Statement of Reasonableness and the Statement of Consistency. The motion was seconded by Commissioners Mitchell and Barber and passed unanimously.

The Statement of Reasonableness contained in the Staff Report (Exhibit B) read as follows:

This request is consistent with adjoining properties.

The Statement of Consistency contained in the Staff Report (Exhibit B) read as follows:

1. The property has contained a business for years;
2. The property was allowed to be split;
3. No public opposition was presented; and
4. Approval will make this "grandfathered" use conforming.

Commissioner Sides moved approval of the zoning request with the two (2) stipulations placed on the property by the Planning Board. The motion was seconded by Commissioner Barber and carried unanimously.

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

Chairman Chamberlain commented that he had only supported the request due to the extenuating circumstances in the case.

4. QUASI-JUDICIAL PUBLIC HEARING FOR PCUR 04-08 FOR REQUEST FROM ROB FULLER

Chairman Chamberlain read the Chairman's Speech (Exhibit A) and declared the public hearing for PCUR 04-08 to be in session. Chairman Chamberlain said the hearing would focus on an application submitted by Rob Fuller for the property located at 3685 NC 152 W. Mr. Fuller requested that Tax Parcel 120 072 be rezoned from Rural Agricultural (RA) to Commercial, Business, Industrial (CBI) with an accompanying Conditional Use District (CUD) to allow for the construction of a 4,800 square foot addition to an existing race shop that would be used to store equipment and vehicles.

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

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

Mr. Goodall said the property was in the RA district and the request was to rezone to CBI with a CUD. Mr. Goodall said the property was located at 3685 NC 152 in China Grove. Mr. Goodall said the property was 1.8 acres in size and fronted NC 152, a major thoroughfare. Mr. Goodall said the purpose for the change was for a 4800 square foot addition to an existing race shop. Mr. Goodall said the shop had been permitted prior to 1997 and countywide zoning. Mr. Goodall said under current zoning, the use was permitted with special requirements in that the owner would have to live on or adjacent to the property. Since the owner did not live on or adjacent to the property, rezoning was necessary for the requested use.

Using the power point presentation (Exhibit C), Mr. Goodall showed the site of the proposed rezoning and surrounding properties.

Mr. Goodall said Staff had received two (2) calls from residents located at the front of Fisher Farm Estates. Mr. Goodall said the callers had questioned the request but were not opposed.

Mr. Goodall said the extension was for storage. Mr. Goodall said the previous owner had planted Leland Cypress trees around the edge of the property and had also installed a fence, which was classified as a Type A buffer.

Mr. Goodall continued with the power point presentation (Exhibit C) and said one of the reasons Mr. Fuller wished to expand was due to several break-ins to vehicles on the property. Mr. Goodall said Mr. Fuller planned to install a gate at the front as well as a petition on the back to store equipment. Mr. Goodall said security cameras would also be installed.

Mr. Goodall reported that the Planning Board had voted in August to unanimously approve the request. Mr. Goodall said there was no opposition at the Planning Board level or in phone calls to Staff.

Mr. Goodall said Staff recommended approval for the following purposes:

- Located near an existing 307-acre CBI district
- Brings current use into compliance with current zoning standards
- Allows for storage to the rear of the building, adding to aesthetic appeal of the area

Mr. Goodall said the Planning Board had approved and submitted a Statement of Reasonableness and a Statement of Consistency (Exhibit B). A checklist was also contained in the Staff Report (Exhibit B) for the Findings of Fact.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the Statement of Reasonableness and the Statement of Consistency passed unanimously.

The Statement of Reasonableness was contained in the Staff Report (Exhibit B) as follows:

Section 21-32(f) of the Rowan County Zoning Ordinance indicates the *Commercial, Business, Industrial (CBI)* district contains provisions for establishing zones near major crossroads communities and in major transportation corridors. With its being located within one (1) mile from an existing 307-acre *CBI* zoning district (major crossroads) and its being located along a major transportation thoroughfare (NC 152), the request meets the intent of and is consistent with the characteristics of the *CBI* zoning district.

The Statement of Consistency was contained in the Staff Report (Exhibit C) as follows:

The current non-conforming use (race shop) on parcel (120 072) was permitted in 1997, before countywide zoning. The request would bring the parcel to compliance with current zoning standards by allowing for only the current use and no additional uses. The addition to the race shop will have minimal impacts as its sited to the rear of the building and would allow for the storage of equipment and vehicles that otherwise would be parked outside the building, thereby improving aesthetic appeal.

Commissioner Mitchell moved approval of PCUR 04-08. The motion was seconded by Commissioner Barber and passed unanimously.

5. CONSIDER APPROVAL OF SNIA 02-08 FOR REQUEST FROM ROB FULLER

Planner Andy Goodall reported that SNIA 02-08 was submitted to the Planning Department from Rob Fuller for property located at 3685 NC 152 West in the Flat

Rock Branch Watershed. Mr. Goodall said Staff recommended approval of the request based on the accompanying site plan.

Commissioner Sides moved, Commissioner Barber seconded and the vote to approve SNIA 02-08 passed unanimously.

6. CONSIDER APPROVAL OF FSW 01-08

Agenda item #6 was deleted from the agenda by a vote of the Board at the beginning of the meeting.

ADDITION

Resolution Supporting Health Care Services to Veterans at the W.G. (Bill) Hefner Veterans Affairs Medical Center

Commissioner Sides referred to recent newspaper articles regarding developments to the changes for health care services at the W.G. (Bill) Hefner Veterans Affairs Medical Center. Commissioner Sides said one of the changes would be a transition away from inpatient emergency and surgical services to a long-term and mental health facility for veterans. Commissioner Sides said local veterans were concerned with the changes and that he felt the Resolution before the Board would be appropriate in demonstrating the Board's support of veterans.

Commissioner Sides read the Resolution as follows:

*RESOLUTION
SUPPORTING HEALTH CARE SERVICES
TO VETERANS AT THE
W.G. (BILL) HEFNER VETERANS AFFAIRS MEDICAL CENTER*

WHEREAS, W.G. (Bill) Hefner Veterans Affairs Medical Center provides medical services for men and women who have served our nation in all armed services; and

WHEREAS, based on information received by the Rowan County Board of Commissioners, it appears that the W.G. (Bill) Hefner Veterans Affairs Medical Center will be restructured from providing primary and secondary inpatient care to focus on mental health and long-term care; and

WHEREAS, continued existence of the W.G. (Bill) Hefner Veterans Affairs Medical Center as an inpatient, emergency and surgical services facility is crucial to our veterans who have earned first-class medical services from their willingness to make sacrifices and to protect our Nation; and

WHEREAS, the veterans of Rowan County have expressed concern with elimination of emergency room and inpatient services at the W.G. (Bill) Hefner

Veterans Affairs Medical Center and the hardships they will face with the time and expense of having to seek medical services elsewhere.

NOW, THEREFORE, BE IT RESOLVED, that the Rowan County Board of Commissioners wishes for the W.G. (Bill) Hefner Veterans Affairs Medical Center to continue to provide high quality, patient-focused, cost effective health care to veterans without eliminating the necessary emergency and inpatient care that our veterans need.

BE IT FURTHER RESOLVED, that the Rowan County Board of Commissioners does fully support our Veterans and recognizes the importance of health care to those who have given so much to preserve our freedom.

Commissioner Sides moved, Commissioner Hall seconded and the vote to adopt the Resolution as presented passed unanimously.

Commissioner Sides expressed appreciation to Commissioner Hall and to Carolyn Athey, Clerk to the Board, for their assistance in preparing the Resolution.

7. PRESENTATION OF PROPOSED LAND USE PLAN

Planning and Development Director Ed Muire reported that the land use planning process began over fourteen (14) months ago. Mr. Muire said the Commissioners had appointed one (1) member from each township of the study area and also one (1) member from the Planning Board. Mr. Muire said the document before the Board provided the recommendations from the Land Use Plan (LUP) Steering Committee and that it also contained amendments by the Planning Board indicated in red and deletions appeared as strikethrough text.

Mr. Muire said the Steering Committee had met thirteen (13) times and conducted four (4) public workshops. Mr. Muire said numerous topics were discussed that formed the backbone for the Committee's research and recommendations. Mr. Muire said from Staff's perspective, the information was fairly objective.

Chairman Chamberlain said he had provided the Commissioners with his personal recommendations to what the Planning Board had recommended; however, for the next two (2) weeks he said he would like for the Board to review his recommendations, as well as those from the Planning Board.

Commissioner Sides said he had purposely stayed out of the land use planning discussions in order to allow the process to work. Commissioner Sides said in the past few weeks he understood that some major changes were made to the plan and that demanding words such as "shall", "will" and "require" had been replaced with words like "encourage" and "suggest". Commissioner Sides

finished by saying he felt the LUP would result in more restrictions for property owners and for that reason he would not support the LUP.

Commissioner Mitchell said before the Board voted to schedule a public hearing he would like to take the next two (2) weeks to review what Chairman Chamberlain had proposed in contrast to Section IV in the agenda packet. Commissioner Mitchell said he would email any suggested changes to the Board as a whole.

Chairman Chamberlain expressed hope that at the next Commission Meeting, the Board members would discuss both documents, come to a consensus and set a public hearing for the first meeting in November.

Commissioner Hall commented that she had attended most of the Planning Board's sessions in its review of the LUP. Commissioner Hall said she had also attended several of the Steering Committee's meetings. Commissioner Hall complimented both groups for the tremendous amount of hard work and effort that had gone into the plan.

Chairman Chamberlain suggested that the Commissioners contact Planning Staff and also communicate via email over the next two (2) weeks regarding any questions pertaining to the LUP.

Commissioner Barber described the LUP as a very complex issue and he expressed appreciation to the Steering Committee, as well as the Planning Board for their work. Commissioner Barber said, like Commissioner Sides, he had also stayed out of the process for the development of the plan to avoid exerting political influence in the process. Commissioner Barber shared the following six (6) points:

1. The Board selected a Steering Committee, hired a facilitator and involved Staff to work on the LUP for over a year. Why was the Board not reviewing the plan submitted by the Steering Committee rather than the cuts made by the Planning Board?
2. Citizens identified farmland and open space preservation as a primary goal and the Planning Board's efforts have all but stripped away this facet. Commissioner Barber felt the Board should revert back to the LUP adopted by the Steering Committee.
3. The argument seems to be about farmland preservation versus private property rights. Commissioner Barber asked if the debate as a community should be about what the County should look like in twenty (20) years.
4. The use of action words like encourage, promote, enhance and require are important in the document as they imply to Staff how seriously the Board wished for them to pursue various parts of the plan.
5. Commissioner Barber said he hoped the future Board would consider making the conservation subdivision process its primary development

strategy with the current subdivision policy relegated to an option available only with a building density penalty.

6. Any plan that is adopted would be a guideline and should help protect and maintain a rural agriculture setting in the areas studied.

Commissioner Mitchell asked Mr. Muire to email the power point presentation to the Board.

Commissioner Hall clarified that she had attended the Steering Committee and Planning Board meetings to remain informed and that she had not attended to influence any decisions made.

Chairman Chamberlain called for a recess at 5:10 pm.

Chairman Chamberlain reconvened the meeting at 5:25 pm.

8. UPDATE ON FINANCIAL STATUS FOR ROWAN COUNTY GOVERNMENT

Chairman Chamberlain said he had asked County Manager Gary Page to discuss the financial status of Rowan County based on the nationwide downturn in the economy.

Mr. Page provided the Board with an update on the financial conditions of Rowan County government. Mr. Page reported that the County was in sound financial shape. Mr. Page said the County had 15% in its undesignated fund balance while the Local Government Commission (LGC) recommended maintaining an 8% balance. Mr. Page said a fund balance was for emergencies, downturns in the economy and unexpected situations.

Mr. Page explained that revenues are up when development is occurring but as development starts to slow down, the County experiences issues with tax collections, building permits, recording fees, etc., which eventually affects the County's tax base. Mr. Page continued to explain that if building permits were not being issued, the County was not experiencing growth.

Mr. Page recommended that the County implement hiring and travel freezes on non-essential positions, effective October 15, 2008 for 90 days. Mr. Page said there would be some positions exempted from the freeze in the following departments – Sheriff, Emergency Services and in some cases Social Services (DSS). Mr. Page said if an employee left a position, the position would be frozen for ninety (90) days. Mr. Page said instituting a freeze would help make up lost revenues. Mr. Page said he would re-evaluate the situation at the beginning of the calendar year and if the situation had not improved, the County could look at extending the freeze. Mr. Page said he would implement the 90-day freeze at the pleasure of the Board and he said he was also open to other recommendations.

Chairman Chamberlain stated that the only travel he would like to see approved during the 90-day period was for employees who travelled to maintain continuing education credits or certification. Chairman Chamberlain said employees should not attend seminars during the freeze.

Commissioner Sides said he was 100% in favor of what the County Manager had recommended and he said he felt the County Manager should exercise authority to allow hiring/re-hiring in emergency situations.

Commissioner Mitchell said he felt any department in a critical situation due to the loss of employees should be allowed to hire individuals to get back to a minimum staffing level.

Commissioner Barber expressed appreciation to Mr. Page for being proactive in suggesting the measures discussed. Commissioner Barber asked if the County was on schedule with previous years when comparing the current tax collection rate. Finance Director Leslie Heidrick responded that in the last several years, the tax collection rate has been a little over 97%. Ms. Heidrick said the numbers for FY 2008 were at 97.06%.

Commissioner Sides said the County was at the beginning of the downturn and that it would be difficult to look at any track record to predict what might happen with the economy. Commissioner Sides said he felt the situation would worsen over the next six (6) months.

Commissioner Mitchell referred to the economic downturn in the early 2000's when local mills closed and he asked Ms. Heidrick how the current economic situation compared. Ms. Heidrick said at that time the State had taken back approximately \$4 million in County revenue. Ms. Heidrick said the tax collections dropped off no more than a ½ percent. Ms. Heidrick said coming into the FY 2009 budget, Staff budgeted at a tax collection rate of 96.5% instead of 97%. Ms. Heidrick continued by saying sales tax during the early 2000's had gone "completely flat". Ms. Heidrick said in the past several years sales tax for Rowan County had increased approximately 3%, which was below state average. Ms. Heidrick said Staff had budgeted a 1% sales tax increase from FY 2008 to FY 2009.

In response to a query from Commissioner Mitchell, Ms. Heidrick said if property taxes dropped an additional ½ cent, it would cost the County approximately \$350,000 in lost revenue.

Commissioner Mitchell asked what the lost revenue figure would be if there was no growth in sales tax. Ms. Heidrick said the loss would be approximately \$230,000.

Commissioner Sides said he feared the same scenario could occur as that in 2000 when the State had taken revenue sources from the County.

Commissioner Mitchell questioned what actions the County had implemented when the State had taken revenue sources from the County in 2000. Ms. Heidrick said the County had implemented a hiring freeze for approximately eight (8) months and there had been an “across the board” cut in the amount of 2.5% returned from each department’s budget.

Commissioner Mitchell asked what dollar figure such a request would currently equal and Ms. Heidrick estimated \$400,000.

Commissioner Hall asked if Ms. Heidrick had ever seen home values fall as they currently had and Ms. Heidrick said that in 2000 they did fall but she was uncertain as to what extent. Ms. Heidrick said she agreed with Mr. Page that the County was in a sound position right now. Ms. Heidrick said she and the County Manager would continue to monitor the situation and would bring the issue back before the Board if they felt revenues would fall short of the budget.

Chairman Chamberlain questioned the percentage of the budget that was estimated to be unspent at the end of the year. Ms. Heidrick said in 2008, \$11 million was appropriated in fund balance and 94.1% was spent, or \$8.5 million. Ms. Heidrick said this percentage had been consistent for the past ten (10) years.

By consensus, the Board agreed with Mr. Page’s recommendations.

9. DISCUSSION REGARDING CENTRAL OFFICE FOR ROWAN SALISBURY SCHOOLS

Chairman Chamberlain said that he had appointed a committee several months ago consisting of himself, Commissioner Sides and County Manager Gary Page to meet with Board of Education (BOE) members and Rowan Salisbury Schools (RSS) staff. Chairman Chamberlain said two (2) meetings had occurred and had resulted in several proposed recommendations.

Chairman Chamberlain stated that since he and Commissioner Sides had differing opinions regarding the recommendations, he would like for each recommendation to be presented and voted upon.

Commissioner Sides said he felt like the committee had been a “committee of one” and that he did not feel he had much input about what should be done. Commissioner Sides said he had the impression that it had been decided what would be done. Commissioner Sides said his suggestion was to leave the BOE where it was and do what was necessary to shore up the existing building on Long Street. Commissioner Sides was of the opinion the building could be made safe and usable. Commissioner Sides said a metal storage building could be erected out back to store items outside of the main building. Commissioner

Sides said the balcony was a major concern and could be emptied or torn down. Commissioner Sides said he felt the building could be made usable for another five (5) to ten (10) years at a cost of approximately \$2 million. Commissioner Sides said consolidation of RSS administrative staff was a long-range goal for him if he remained on the Board; however, he said he was not concerned that new teachers have to travel to several buildings for administrative purposes. Commissioner Sides said he believed there were some safety concerns with the building on Long Street and that he was convinced those concerns could be addressed. Commissioner Sides said he did not feel the former Winn-Dixie building was a good choice or the right location for a consolidated office. Commissioner Sides said if "today" was the day to make the decision to consolidate, he felt a building should be built on property already owned by the BOE at the bus garage. Commissioner Sides said a 60,000 square foot building could be erected for much less than what was anticipated to be spent on the Winn-Dixie building. Commissioner Sides said locating the offices at the bus garage would also avoid an additional 180-190 vehicles on Jake Alexander Boulevard.

Commissioner Mitchell, who is also a school teacher, agreed with Commissioner Sides and said that he had never been deterred in the fact that he had to travel between several buildings to handle business with the school system.

Commissioner Mitchell asked where RSS would place staff during renovations. Commissioner Sides said he felt there was space at some of the schools that could be used during the renovations. Commissioner Sides said there were also other facilities that were not completely used that could be utilized.

Commissioner Mitchell asked for an estimate as to how much was being spent annually to operate multi-offices. In response, Dr. Jim Emerson, Chairman of the BOE, and Gene Miller, Assistant Superintendent came forward. Dr. Emerson said current utilities were \$86,000; \$45,600 for the building lease for exceptional children employees; \$40,500 for the Internet; \$2,900 for mega links; \$10,000 for mileage reimbursements; \$12,000 for courier; \$70,000 for custodial salaries/benefits; \$113,000 clerical salaries/benefits. Dr. Emerson said the total estimate was approximately \$380,000 and a new central office location would lower the costs to approximately \$213,000, or \$167,000 in savings on operational costs yearly.

Commissioner Mitchell said he had never been enthused about a consolidated office building until the discussion focused on the savings that would be realized. Commissioner Mitchell said those savings, in addition to funds that could be leveraged by the County and the BOE, would allow RSS staff to move into a building that was safe. Commissioner Mitchell said he had never been convinced to "sink a whole lot of money" into a building as old as the Long Street facility. Commissioner Mitchell said it was the County's responsibility to have a safe office/facility for the BOE.

Commissioner Mitchell asked if the BOE would cost-share the \$2 million to renovate the Long Street property and Dr. Emerson said no.

Commissioner Mitchell said it would cost the County approximately \$2 million to shore up an old building when those funds could be leveraged with the savings of consolidation to provide a new building. Commissioner Mitchell said safety was his main concern.

Commissioner Mitchell said he hoped a feasibility study would provide data regarding a traffic study at the Winn-Dixie site and he said he was not ready to commit to the Winn-Dixie site until he had seen a feasibility study. Commissioner Mitchell said he would support a motion to move ahead with a feasibility study and if the Winn-Dixie site was not the appropriate site, he was certain that a safer place could be found that could accommodate the consolidation goal from a cost standpoint.

Commissioner Barber moved to ask the County Manager to begin the process of a feasibility study for the Winn-Dixie building. The motion was seconded by Commissioner Mitchell.

Commissioner Hall recalled that in September of 2007 the BOE had approached the Commissioners regarding cost savings for the purchase of land in the southern portion of the County. Commissioner Hall said Mr. Miller had reported that a new school would be needed in 3 to 4 years. Commissioner Hall said she had presented data at that time, which indicated it would be at least a decade before the new school would be needed. Commissioner Hall referred to a recent forum for BOE candidates where a current BOE member had stated that RSS would not need to build an additional school for a decade. Commissioner Hall said, "We're sitting on property that we now won't need" at a cost of \$1.5 million. Commissioner Hall said the cost savings had not been "so great" when the funds could have been used for technology needs. Commissioner Hall questioned the accuracy of the cost savings presented during the current meeting.

Commissioner Hall said safety should be important to all. Commissioner Hall referred to recent newspaper articles pertaining to cost savings from consolidating bus stops and she questioned the safety of those students. Commissioner Hall asked if the students were the top priority for RSS and Dr. Emerson said the bus savings had more to do with not having "door to door" service in so many areas. Dr. Emerson said the BOE had held hearings on certain bus stops that were rescinded. Dr. Emerson said no steps were taken that would put any child in harm's way. Dr. Emerson said staff from the bus garage goes to each bus stop before any changes are made at the stop.

Commissioner Hall referred to the dropout rate and asked if RSS was implementing programs that would address the issue. Dr. Emerson said he had

been in the education field for forty (40) years and that there had been a dropout problem for forty (40) years.

Commissioner Hall said during the lifetime of the dropout, it costs \$1.5 million in public services. Dr. Emerson said he could not agree with Commissioner Hall more. Dr. Emerson said there is “no cure”; however, RSS would continue to work on the dropout rate. Dr. Emerson said RSS had received a federal grant this year that would focus on the prevention of dropouts.

In response to Commissioner Hall’s concern for the taxpayers, Dr. Emerson said RSS did not want to become a burden to the taxpayers of Rowan County and he commented the County would face a 3% inflation rate by delaying the project.

Commissioner Barber said he appreciated Commissioner Sides’ efforts to present options for the Long Street facility; however, if it was not going to be a permanent solution, he felt it would be “throwing good money after bad”. Commissioner Barber said there would be a cost for moving the employees twice and that the data center would also have to be moved. Commissioner Barber referred to the County’s recent consolidation of the Department of Social Services and said he did not want to have a different set of parameters for school employees. Commissioner Barber stressed that ample space with room for growth should be considered for the school system’s consolidated offices.

Commissioner Barber said everyone was concerned with the dropout rate and he discussed the costs to address the issue. Commissioner Barber finished by saying he hoped the County Manager would have a feasibility study conducted at the cheapest rate.

Commissioner Sides pointed out that the \$750,000 in the RSS fund balance came from the Rowan County taxpayers. Commissioner Sides also pointed out that the DSS and RSS office consolidations should not be compared since DSS did not receive a bond package.

Mr. Page said a feasibility study would provide a third party opinion as to how staff should be placed in the building and it would address issues for parking, water/sewer, asbestos, etc.

Commissioner Hall asked if there were any state agencies that would provide the study for free and Mr. Page responded that if timing was a factor he would need to use County funds. Mr. Page referred to the memo in the agenda packets, which stated that a report could be available in November. Commissioner Hall questioned the need to have the study completed in 4 to 6 weeks and Mr. Page said the timeframe had been the consensus of the committee.

Commissioner Mitchell asked how long it would take to determine if there was a state organization that could perform the service at no charge and Mr. Page said

2 or 3 days. Mr. Page said he could find an agency to look at only the asbestos issue or to look for mold in the building; however, he said he was uncertain that he could find someone that would “cover all the bases that quick”.

Commissioner Mitchell said he did not want to pay for a rush job.

Commissioner Sides asked for clarification that the motion was to only look at the Winn-Dixie building, with no alternative to look at the existing Long Street building, or the possibility of a metal building at the site of the bus garage. Commissioner Barber said that was correct.

Chairman Chamberlain stated the motion on the floor was to proceed with getting a feasibility study done at the former Winn-Dixie building and only that building. Chairman Chamberlain said he hoped Commissioner Barber would amend the motion “to include that the motion was after” the County Manager had pursued a grant to have the feasibility study done by the State. Chairman Chamberlain said if not, the County would proceed with paying someone to perform the study.

Commissioner Barber accepted the amendment as did Commissioner Mitchell.

Upon being put to a vote, the motion and the amendment to the motion passed 3-2 with Commissioners Sides and Hall dissenting.

Chairman Chamberlain instructed the County Manager to proceed with “finding some money, if you can do it, and do it quickly”. Chairman Chamberlain said if the County Manager could not find a state agency to perform the study, the County would pay for it.

Chairman Chamberlain said he suspected the study would come back after he left the Board in December. Chairman Chamberlain said Commissioner Sides had stated he felt like a “committee of one”; however, Chairman Chamberlain said the minutes of both committee meetings reflected Commissioner Sides’ input in the discussions. Chairman Chamberlain said he knew Commissioner Sides had a different viewpoint on the subject, which was why he had appointed Commissioner Sides to the committee.

10. DISCUSSION REGARDING PROPOSED POLICY FOR AGENCIES FUNDED BY ROWAN COUNTY

Commissioner Sides said he and Commissioner Barber had been appointed to address the issue of open meetings, public records and conflict of interest for agencies funded by the Board of Commissioners. Commissioner Sides said he had been contacted by some of the agencies who receive funding from Rowan County and those individuals had been concerned that a policy would cause a charitable agency to have to open their books to the public. Commissioner Sides said the committee had agreed it would be best not to restrict those agencies to the requirements of the North Carolina General Statutes. Commissioner Sides

said the purpose of the policy was to eliminate future situations where one agency funded by the County would deny the Commissioners information.

Commissioner Sides referred to the committee's recommendations in the agenda packet and he proposed to insert the following additional language (in bold print) into the last paragraph: Failure to disclose such conflicts **or to abide by all other terms of this agreement** will result in an automatic loss of funding for subsequent fiscal years, and any remaining unpaid portion of the current fiscal year appropriation.

Commissioner Barber said the committee felt it was important to have a simple document. Commissioner Barber said the \$5,000 referenced in the first paragraph did not include pass through money.

Commissioner Barber referred to Item 2 of the policy and asked if there should be a majority vote of the Board in order to allow a formal request for documents. Commissioner Mitchell responded that he had no problem with one (1) Commissioner making a request to review an agency's documents. Commissioner Mitchell said if one (1) Commissioner made such a request, he would like for all Board members to receive the documents.

Commissioner Sides said the policy did not hold agencies accountable to individuals requesting payroll records, etc.

Chairman Chamberlain asked if the committee was presenting the document as a motion and a second. Commissioner Barber said yes, with the addition of the comment to the last paragraph as mentioned by Commissioner Sides.

Chairman Chamberlain said he preferred that Item 2 be changed to require a majority of the Board when requesting documents; however, he said he would accept the policy as submitted.

Commissioner Mitchell said he was agreeable to one (1) Commissioner making the request but he would like for the request to be made in front of the Board so that Commissioners would be made aware of any issue.

Chairman Chamberlain agreed that one (1) Commissioner had the right to make a request to review an agency's records but he said he liked the idea of the request coming before the Board.

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

11. DISCUSSION REGARDING WATERLINE FOR ROWAN CABARRUS COMMUNITY COLLEGE

Chairman Chamberlain reported that he had submitted a letter to the Mayor of the City of Salisbury seeking assistance from the City for the waterline for Rowan

Cabarrus Community College (RCCC). Chairman Chamberlain said the County had received a response from the City and he turned the discussion over to County Manager Gary Page for further explanation.

Mr. Page said the State had notified RCCC that the existing waterlines did not meet the minimum standards for water flow and pressure. Mr. Page said the State would not allow RCCC to bid the project until the waterline issue was resolved.

Mr. Page said RCCC had requested an appropriation from the County in the amount of \$200,000; however, the City had indicated it would probably provide for 25% of the cost. Mr. Page said the Salisbury City Council would meet the next day and would consider the request at that time. Mr. Page noted that the City would seek voluntary annexation of RCCC in the future. Mr. Page added that if annexed, RCCC would not pay taxes.

Chairman Chamberlain said Salisbury City Manager Dave Treme had indicated the City might be able to get the price reduced to \$140,000. Chairman Chamberlain said the City currently served a portion of RCCC already located in the city limits and he said he had no problem with voluntary annexation.

Commissioner Barber said he had no problem with voluntary annexation of the college. Commissioner Barber said he thought it would be "great" if the annexation saved RCCC money on its property insurance for a better fire rating and also if the partnership would reduce the price of the waterline.

Commissioner Mitchell asked if the voluntary annexation of RCCC would result in an involuntary annexation of residents on Old Concord Road. Mr. Page and Chairman Chamberlain responded that they had not heard any discussions pertaining to annexation of other properties.

In response to a query from Commissioner Hall, Mr. Page explained that if the City wished to extend its extraterritorial jurisdiction it would have to request permission from the County.

Commissioner Sides requested that the Board receive a detailed analysis for the project's contingency fund. Commissioner Sides felt that if there were any remaining funds for the waterline project at the end of the construction, the funds should be refunded back to the County and/or the City if the County advanced funds for the project. Commissioner Sides put the request into the form of a motion. The motion was seconded by Chairman Chamberlain and passed unanimously.

Chairman Chamberlain called for a recess at 6:40 pm.

Chairman Chamberlain reconvened the meeting at 6:47 pm.

12. DISCUSSION REGARDING BASEBALL LEASE

Commissioner Sides reported that he and Commissioner Hall, along with County Attorney Jay Dees had been appointed to serve as a Committee to conduct negotiations with Smith Family Baseball for the baseball stadium. Commissioner Sides provided the background for the negotiations and said the motion from the Committee was to approve a new lease with Smith Family Baseball with the six (6) listed terms from the Committee.

The Committee submitted the following recommendation, motion and second:

Approve a Lease, whether in the form of a Lease Addendum or New Lease, with Smith Family baseball based on the following terms and conditions:

1. The Lease Rate for 2008 and 2009 will be \$56,000 per year, payable to the County with Kannapolis waiving its 25% interest in Lease Revenue; provided, Rowan County will give Kannapolis a credit in the amount of waived Lease Revenue for capital expenditures over and above the existing amounts held in the Sports Authority account.
2. Lessee may extend the Lease for an additional 5-year term and the Lease Rate will be negotiated at the time Smith Family Baseball exercises such option.
3. Lessee will be responsible for all utilities year round, as well as all maintenance and landscaping obligations, water/sewer, liability and business personal property (contents) insurance, day-to-day maintenance costs of the entire leased property including entrance, baseball stadium, office, clubhouse, concessions and parking lot without reimbursement from County. The Leased area will remain the same. County, as Lessor, will retain responsibility for major structural repairs.
4. Lessee retains all revenue generated from its use of the premises, except revenues from TWO (2) suites currently retained by Kannapolis and County. County and Kannapolis will each continue to receive their allotment of TWELVE (12) tickets to each game. Lessee controls all dates year round for baseball and other events.
5. County agrees to negotiate in good faith with Smith Family Baseball regarding naming rights to the stadium at such time as County has entered into an Ownership Agreement with Kannapolis.
6. County will entertain in good faith requests from Smith Family Baseball regarding Offers to Purchase or Options to Purchase at such time as they may be presented to County.

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

13. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Elections – To budget the One-Stop grant received from the NC State Board of Elections. The grant will provide funds for personnel and supplies for the One-Stop locations in Cleveland and Salisbury - \$27,312; To budget for HAVA grant for election supplies - \$12,595.
- Health Department – For revised Smart Start funding allocations for FY 2008-09. \$16,130 reduction in Health Link grant; \$6,000 decrease in the new NAPSAAC Grant; and a \$36,615 decrease in the CCHC Grant.
- Social Services – The state allocated more Adult Day Care funds than previously estimated - \$2,445
- Social Services – DSS has received funding for Work first Functional Assessments - \$1,400
- Social Services – To budget donations for the One Church, One Child Program - \$631
- Social Services – To allocate \$250 in the DSS budget for the Christmas party for foster children - \$250

Commissioner Sides said each year the DSS Board hosted a Christmas program for foster children. Commissioner Sides said the DSS Board members buy presents for the children and a party is held at the Ag Center with food and entertainment.

Commissioner Sides said last year the Board discussed making the \$250 a permanent budget item. Commissioner Sides then requested that the Finance Director list the item in the budget in the future as a line item.

Commissioner Barber referred to the rising cost of food prices and asked if \$250 was a sufficient amount. Commissioner Sides said \$250 was “no where near” the actual cost of food, but he said a lot of the items were donated or discounted.

Commissioner Mitchell moved approval of the budget amendments. Commissioner Barber seconded and the motion passed unanimously.

14. CONSIDER APPROVAL OF BOARD APPOINTMENTS

CLEVELAND PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT

The Town of Cleveland recommended the reappointment of Ray Davies as an ETJ member for both boards. Roy Huss was recommended as an alternate ETJ member to both boards. The terms would be for three (3) years beginning October 1, 2008 and expiring September 30, 2011.

Commissioner Barber nominated Ray Davies and Roy Huss. The nomination passed unanimously.

CLEVELAND COMMUNITY VFD FIRE COMMISSIONERS

The Cleveland VFD recommended the following applicants for consideration of appointment as Fire Commissioners (three vacancies):

- Patrick Phifer
- Aubrey Junker, Jr.
- Christopher Davis
- Jennings Nelson, Jr.

The term of appointment would be for two (2) years beginning October 1, 2008 and expiring September 30, 2010.

Commissioner Barber nominated Pat Phifer and the nomination passed unanimously.

Commissioner Barber nominated Jennings Nelson, Jr. and the nomination passed unanimously.

Commissioner Barber nominated Aubrey Junker, Jr. and the nomination passed unanimously.

SALISBURY ROWAN HUMAN RELATIONS COUNCIL

Peggy Johnson, Mary Edens, Eleanor Qadirah and Wilson Lopez submitted applications for reappointment. The terms would be for three (3) years beginning November 1, 2008 and expiring October 31, 2011.

Commissioner Mitchell nominated Peggy Johnson, Mary Edens, Eleanor Qadirah and Wilson Lopez for reappointment. The nomination carried unanimously.

JUVENILE CRIME PREVENTION COUNCIL (JCPC)

Timothy Bates submitted an application for appointment to the JCPC as an At Large member. The term would be for two (2) years beginning October 1, 2008 and expiring September 30, 2010.

Commissioner Sides nominated Timothy Bates and the nomination passed unanimously.

NURSING HOME ADVISORY COMMITTEE

The Nursing Home Advisory Committee recommends the appointment of Carol Cody to fill a vacancy. The term would be for one (1) year beginning October 1, 2008 and expiring September 30, 2009.

Commissioner Sides nominated Carol Cody and the nomination carried unanimously.

15. ADJOURNMENT

There being no further business to come before the Board, Commissioner Barber 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