

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

January 5, 2009 – 4:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

Present: Carl Ford, Chairman
Jon Barber, Vice-Chairman
Raymond Coltrain, Member
Tina Hall, Member
Chad Mitchell, Member

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

Chairman Ford convened the meeting at 4:00 pm.

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

Chairman Ford thanked County Manager Gary Page, Clerk to the Board Carolyn Athey, Finance Director Leslie Heidrick, County Attorney Jay Dees and fellow board members for assistance during his first month of office. Chairman Ford extended a special thanks to Commissioner Mitchell for providing guidance on procedural matters.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the minutes of the December 1, 2008 and December 8, 2008 Commission Meetings passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

Chairman Ford moved to add the Fit Community Designation Grant Initiative to the Consent Agenda. Commissioner Barber seconded and the motion passed unanimously.

Chairman Ford moved to add a Resolution to the Consent Agenda Opposing the Expansion of the Rail Corridor along the NC Railroad in Rowan County. Commissioner Barber seconded and the motion passed unanimously.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

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

1. CONSIDER APPROVAL OF CONSENT AGENDA

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

The Consent Agenda consisted of the following items:

- A. Acceptance of 2007 Annual Report from the Nursing Home and Adult Care Advisory Committees
- B. Approval of Proclamation Declaring January 19, 2009 as Martin Luther King, Jr. Day in Rowan County
- C. Approval for Rowan County Sheriff's Department to Apply for \$10,000 Grant to Aid Prescription Drug Diversion Program
- D. Approval for Rowan Public Library to Apply for Margaret C. Woodson Foundation Grant
- E. Approval of Fit Community Designation Grant Initiative (addition to Consent Agenda)
- F. Approval of Resolution Opposing the Expansion of the Rail Corridor along the NC Railroad in Rowan County (addition to Consent Agenda)

2. PUBLIC COMMENT PERIOD

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

- Rodney Cress reported that the State had implemented a program to reimburse counties for spay and neutering. Mr. Cress said the spay and neuter program would help reduce the costs to Animal Control. Mr. Cress said one cat and its kittens could reproduce 420,000 cats in a 7 year period. Mr. Cress said he would like the County to discuss the program at the retreat and adopt a program similar to the State's.
- Jeff Morris thanked the Board for proclaiming January 19, 2009 as Martin Luther King, Jr. day and he asked the Board to consider naming a small stretch of Julian Road to I-85 in Dr. King's honor.
- Larry Wright said the Legislative Committee on annexation was scheduled to meet on Tuesday January 6, 2009. Mr. Wright thanked Representative Fred Steen and Commissioner Tina Hall for being part of the Committee.

Mr. Wright said forced annexation was a great injustice and he invited the public to attend the meeting in Raleigh.

- Rod Whedbee said property revaluation should go forward as scheduled. Mr. Whedbee said a delay would raise taxes because the values are inflated. Mr. Whedbee said the delay would also be a violation of the Board's trust to taxpayers.

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

3. PUBLIC HEARING FOR MAJORITY PETITION FOR PORTION OF ROAD CURRENTLY KNOWN AS CRANE POINT ROAD

Planning Technician Fredda Greer explained that development of several parcels of property along High Rock Lake would result in the realignment of portions of Crane Point Road and Lake Farm Drive. The road servicing these parcels has been built to state specifications, etc. to comply with the County's Subdivision Ordinance. The developer led the petition procedure to secure a name for the road with five (5) of the seven (7) property owners agreeing to name the road Crane View Road.

Ms. Greer reported that the property owners on the left side of Crane Point Road refused to sign the petition to change their road name as originally requested by the developer and landowners on the newly located road, currently proposed to be Crane View Road. Ms. Greer said considering the residents at the north end of Crane Point Road did not wish to relinquish their road name and refused to sign a petition, and knowing that one (1) full time resident on the new portion would be required to have a new address assignment regardless of the name, Staff took the position of requiring a new name on the altered portion of road.

In response to a query from Commissioner Mitchell, Ms. Greer said the developers wanted the name Crane Point Road for the portion running east to west and a new name for the road running north/south. Ms. Greer explained that Crane Point Road would end and Lake Farm Road would be realigned to come into the new Crane View Road.

Chairman Ford opened the public hearing to receive citizen input regarding the proposed road name of Crane View Road.

- Developer, Tim Ragan said the Linzas removed their name from the petition because the petition was originally for Crane Point Road. Mr. Ragan said while the Linzas were not present to verify their support for Crane View Road, they were fine with the new road name. Mr. Ragan said the Hudson's were notified and agreed verbally.

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

Commissioner Mitchell said he was typically reluctant to rename a road unless an extra structure was added requiring the change. Commissioner Mitchell said the road would have to be renamed either way. Ms. Greer confirmed the change was necessary.

Commissioner Mitchell moved, Commissioner Coltrain seconded and the vote to approve the road name of Crane View Road passed unanimously.

4. PRESENTATION OF ROWAN COUNTY AIRPORT MASTER PLAN

Judy Elder-Lincke and Tom Blakeney of Talbert and Bright Engineering discussed the Rowan County Airport Master Plan. Ms. Elder-Lincke thanked the Airport Technical Advisory Committee (TAC), the Commissioners and Airport Staff for their input and work on the plan. Ms. Elder-Lincke said the purpose of the presentation was to discuss the Airport Master Plan which had been submitted to the Division of Aviation (DOA) in Raleigh.

Ms. Elder-Lincke said the Master Plan had not been updated since 1997 and a new plan was needed to prepare the Airport for the next 20 years and to justify the needed runway extension.

Ms. Elder-Lincke used a power point presentation to discuss the purpose of the Master Plan and the process required by the DOA and the Federal Aviation Administration (FAA) procedures.

Ms. Elder-Lincke highlighted the key issues as:

- Provision of runway safety areas to meet federal standards
- Functional usage of existing runway surface
- Provision of itinerant and storage aircraft aprons
- Addition of aircraft hangars with demolition of selected hangars
- Provision of National Guard expansion options
- Programming of terminal expansion and/or replacement
- Justification for extension of Runway 02/20 by 1,000 feet

Mr. Blakeney also thanked the TAC and airport staff. Mr. Blakeney discussed the process for developing the forecast and future aviation needs.

Mr. Blakeney highlighted the following areas from the power point presentation:

- Aviation demand forecasts
- Based aircraft forecast methodologies
- Based aircraft forecast
- Aircraft operations forecast
- Aircraft operations by aircraft type

Mr. Blakeney reviewed the forecast summary. Mr. Blakeney said the chief concerns would be:

- Runway length and width

- FAA design standards review
- Aprons
- Buildings
- Hangars
- Automobile parking

Mr. Blakeney said in order to address the concerns, the plan would need to be designed around “critical aircraft”.

Mr. Blakeney discussed the different runway lengths and the justification for the runway extension. Mr. Blakeney also reviewed the requirements for hangars and tie-downs, aprons and facilities.

Ms. Elder-Lincke discussed the airport layout plan drawings, the development schedules and cost estimates. Ms. Elder-Lincke said Phase I would be for 0-5 years of development, Phase II would be for years 6-10 and Phase III would be for years 11-20. Ms. Elder-Lincke said after each phase there would be an estimate of costs for the different projects.

Ms. Elder-Lincke said Phase I would include the runway extension, rehabilitation of the apron ramp, building a new corporate hangar, moving the terminal and continuing the expansion to the north of the t-hangars. Ms. Elder-Lincke said the land acquisition and runway expansion were the most important pieces of Phase I and would cost close to \$22 million.

Ms. Elder-Lincke said Phase II would continue the expansion of corporate hangars and separating itinerant traffic from based traffic. Ms. Elder-Lincke pointed out the cost estimates had escalation rates of 5% per year and the total estimate for Phase II was \$25 million.

Ms. Elder-Lincke said Phase III would continue the expansion of corporate hangars expanding the parking lot and other projects in the expansion. Ms. Elder-Lincke reviewed the development schedule and said the estimate for Phase III was \$25 million.

Ms. Elder-Lincke said the twenty year period would have a total program cost of \$108 million, of which the local share was approximately \$31 million. Ms. Elder-Lincke said most of the money would come from the federal government with some coming from the state.

Ms. Elder-Lincke discussed the Runway Extension Justification Study and the Benefit Cost Analysis. Ms. Elder-Lincke said the purpose for the study was to determine whether or not the aviation demand was present to extend the runway. Ms. Elder-Lincke said it also provided preliminary costs and environmental requirements.

Mr. Blakeney said the Benefit Cost Analysis was required by the FAA and he explained how the benefit cost analysis was determined.

Ms. Elder-Lincke concluded the presentation by saying the Airport had a strong response by its users and the need for the runway extension was highly desirable.

Commissioner Coltrain questioned the level of competition for the Rowan County Airport from a regional standpoint. Ms. Elder-Lincke said Rowan County should not wait for the extension, as it already had support from the DOA.

Commissioner Barber said any plan was subject to change and he asked if there were any issues that could change the schedule as presented. Ms. Elder-Lincke said if the President-Elect followed through with his infrastructure stimulus package, it would affect airports.

Mr. Blakeney said there was a broad timeframe and Rowan County had a good opportunity to receive funding and to “get a jump” on competing airports.

Commissioner Mitchell asked if any piece of the project was “shovel ready”. Carl Ellington of Talbert and Bright, Inc. said there was nothing “shovel ready” but there were items such as pavement overlay that could be.

Commissioner Hall asked how the plan compared with surrounding airports in regards to availability of receiving funding. Mr. Ellington said the County was now consistent with other airports as far as planning documents, but may not be as consistent with plan specifications. Mr. Ellington said the purpose of the document was to be approved in order to do the projects in the future.

Commissioner Coltrain asked for recommendations for the airport that could help generate income. Mr. Ellington responded that 90% of the improvements were paid through the Block Grant Program which would help with economic development. Mr. Ellington said some airports were working with the State to prefund projects.

In response to Chairman Ford, Mr. Ellington said a Land Use Plan would be important to eliminate problems that could occur with zoning.

Chairman Ford asked about a closing date for Airport Road and Mr. Ellington responded there was no date set at this time.

Commissioner Coltrain asked if Mr. Ellington’s comments could be used for an economic development tool and Mr. Ellington said yes. Mr. Ellington said the plan was about justifying the need in order to receive grants.

Chairman Ford said he appreciated the work of the TAC and that he felt now was the time to establish an Airport Advisory Board.

Chairman Ford instructed the Clerk to send a letter to the current TAC members and solicit their interest in serving on an Airport Advisory Board. Chairman Ford said interested TAC members should submit updated board applications for consideration at the February 2, 2009 Commission Meeting. Chairman Ford also instructed the Clerk to prepare a resolution regarding the establishment of an Airport Advisory Board with language to include the duties of the Board. Chairman Ford said he would work with the County Manager and the Clerk to determine the responsibilities of the Airport Advisory Board.

Chairman Ford called for a short break at 5:15 pm.

Chairman Ford reconvened the meeting at 5:31 pm.

5. PRESENTATION OF FEASIBILITY STUDY OF FORMER WINN-DIXIE BUILDING AS CENTRAL OFFICE FOR ROWAN-SALISBURY SCHOOL SYSTEM

Sam Kleto of SC Hondross and Associates, Inc. highlighted the feasibility study for the addition and renovation of the former Winn-Dixie building as a central office for the Rowan Salisbury School System. Mr. Kleto expressed appreciation to County Manager Gary Page and Rowan-Salisbury Schools (RSS) Assistant Superintendent Gene Miller for their input.

A handout was also distributed, which reflected renovations without an addition to the building.

In response to Commissioner Hall, Mr. Kleto said there were a multitude of office sizes that varied significantly, ranging from cubicles to conference rooms. The smallest office space was 120 square feet and the largest was 320 square feet.

Commissioner Hall asked how the office sizes were determined and Mr. Kleto responded that the information came from the RSS central office staff.

Commissioner Hall asked if the sizes were similar to Cabarrus County and Mr. Kleto said the sizes were similar, including the Board's meeting room.

Mr. Kleto discussed the budgets developed and said scenario 1 totaled \$2,838,760. Mr. Kleto said scenario 2 added 1600 square feet and totaled \$4,562,976. Mr. Kleto said scenario 2 added a second story, an elevator and a better layout of spacing.

Mr. Kleto said there would be some additional expenses included in the budget such as information technology wiring and a telephone system that could add approximately \$150,000 to \$200,000, depending on which space was chosen.

Commissioner Barber asked if the current economic situation could trigger a fall in the prices provided. Mr. Kleto responded that until a design was out to bid it was difficult to gauge.

Commissioner Hall asked if the asbestos problem was addressed and Mr. Kleto referred to the alternates, which listed a price to remove the asbestos at \$41,769.

After further questions from Commissioner Hall, it was determined that the Board of Education had provided the asbestos report, as well as the roofing report. Mr. Kleto said the roofing report helped determine a cost of \$185,685 to replace the roof on the existing building and was in addition to the prices quoted. Mr. Kleto reminded the Board the prices quoted were bids, not estimates, and were generally good for 30 days. Mr. Kleto said some items, such as the price of petroleum, may alter the bid.

In response to Commissioner Hall, Mr. Kleto replied that the asbestos is mostly in the floor tile and if properly taken up, would not be a hazard.

Commissioner Hall asked if S.C. Hondros had done an estimate for the Board of Education for a new building at the transportation facility on Old Concord Road. Mr. Kleto replied on February 7, 2005 an estimate was done for a 48,000 square foot main office building and a 24,000 square foot maintenance facility. Commissioner Hall asked why the square footage went up in such a short time. Mr. Kleto said in 2005 the proposal totaled 72,000 square feet and the current proposal totaled approximately 61,000 square feet.

Commissioner Hall questioned the cost estimate in 2005 to build 48,000 square feet for a central office. Mr. Kleto said the 48,000 square foot building was \$3,696,444; site developments and improvements were an additional \$600,000, for a total of \$4.2 million. Mr. Kleto said the maintenance building was a metal building at a cost of \$1,055,000, with an allowance of \$150,000 for landscaping bringing the total to \$5,495,891. Mr. Kleto said the estimates were from 2005 and there had been significant increases in steel costs since then.

Commissioner Hall inquired as to the average cost to build a conventional building and Mr. Kleto responded it was approximately \$107 per square foot with no site work. Mr. Kleto discussed the options and prices of using metal buildings versus conventional buildings.

Mr. Page said when he contacted Mr. Kleto about performing a feasibility study, he was quoted a price of \$15,000-\$30,000. Mr. Page said he and Mr. Miller had provided as much information as possible in order for the study to be completed faster and cheaper.

Mr. Kleto thanked the Board for the opportunity to perform the study and he encouraged the Board to contact him with any questions.

In response to Commissioner Hall, Mr. Page said the final cost for the feasibility study was \$20,000.

Commissioner Coltrain said he asked Mr. Miller to explore the possibility of locating the central office on Old Concord Road and he then called Mr. Miller forward to share those findings with the Board.

Mr. Miller used a power point presentation to show the area available for a possible office location. Mr. Miller said the option on Old Concord Road had not been discussed with the Board of Education; however, it was a feasible option.

Commissioner Coltrain noted that Rowan Transit System was already located on the county-owned property in question and would have to be moved if the Board chose to use the space for a central office site. Commissioner Coltrain said he had asked Mr. Miller to share the information since the topic would be discussed at the Commissioners' retreat.

Commissioner Barber asked Mr. Miller if the Winn-Dixie site would meet the needs of RSS for multiple generations. Mr. Miller said the new part of the building would; however, the older aspects would average 20 to 25 years.

Commissioner Barber said the project should be built as a multi-generational facility. Commissioner Barber recommended re-establishing the committee made up of two (2) Commissioners and Board of Education members to hold discussions on various options.

Chairman Ford said he agreed with Commissioner Barber and said he wanted to move forward. Chairman Ford said he did not want to waste a penny on existing buildings. Chairman Ford said he would like for the committee to begin as soon as possible.

Commissioner Hall pointed out that during the October 6, 2008 Commission Meeting, former Commissioner Jim Sides made a motion to have other sites considered as a central office location, including the Old Concord Road site. Commissioner Hall said the motion was denied. Commissioner Hall said the Board decided to do an exclusive feasibility study for the Winn Dixie building and that choice had cost the County \$20,000.

Commissioner Mitchell said it was not accurate to say the feasibility study wasted \$20,000.

Commissioner Hall said she did not say it was a waste. Commissioner Hall read Commissioner Sides' motion from the October 6, 2008 minutes and said at that time the study could have included other sites.

Commissioner Coltrain commented that information was expensive.

Commissioner Coltrain referred to the analysis regarding cash flow savings of \$1.9 million over a ten (10) year period, with operational savings of \$167,000. Commissioner Coltrain said he did not want to spend money unnecessarily but saving \$2 million over ten (10) years was significant.

Chairman Ford thanked Mr. Miller for his presentation.

6. CONSIDER APPROVAL OF RESOLUTION AWARDING CONTRACT FOR THE 2009 ORTHOPHOTOGRAPHY PROJECT FOR THE ROWAN COUNTY PLANNING DEPARTMENT

GIS Coordinator Adrian Rollans said after due advertisement, proposals for Orthophotography Services were received from eight (8) vendors. Planning Staff evaluated each proposal and presented the cost comparisons to a GIS Committee consisting of Planning Director Ed Muire, Mr. Rollans, Telecommunications Director Rob Robinson, Emergency Services Director Frank Thomason and Real and Personal Property Manager Barbara McGuire. The Committee recommended that the contract be awarded to Kucera international for the 2009 Orthophotography Project at a cost not to exceed \$78,330. The recommendation was based on project cost, image quality and satisfactory references from three (3) North Carolina counties.

The following bids were received:

- Aerocon- \$102,706
- Geofiny- \$101,725
- Kucera International- \$78,330
- McKim & Creed- \$107,060
- Sanborn- \$75,000
- Spatial Data Consultants- \$115,000
- Surdex- \$101,799

Commissioner Coltrain asked why the Sanborn bid was not recommended and Mr. Rollans said the image quality was not as good and a better product would be received from Kucera International based on the samples.

Commissioner Coltrain moved, Commissioner Barber seconded and the vote to approve the Resolution awarding the contract passed unanimously.

The Resolution read as follows:

**RESOLUTION AWARDING CONTRACT
FOR THE 2009 ORTHOPHOTOGRAPHY PROJECT FOR THE
ROWAN COUNTY PLANNING DEPARTMENT**

WHEREAS, after due advertisement of request for proposals for Aerial Photography, GPS Airborne Control, Analytical Aero Triangulation and Digital Orthophotography services for the Rowan County Planning Department and

analysis of bids received, it is the recommendation of the GIS Committee and the Finance Department that the contract be awarded to Kucera International, Inc. at a cost not to exceed \$78,330; and

WHEREAS, the Board of Commissioners is convened in a regular meeting;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Rowan County to award a contract to Kucera International, Inc. for the 2009 Orthophotography Project at a cost not to exceed \$78,330.

7. PRESENTATION OF COMMUNITY CHILD PROTECTION TEAM ANNUAL REPORT FOR 2008

Jeff Morris, Chairman of the Community Child Protection Team presented the annual report for the Community Child Protection Team (CCPT). The purpose of the CCPT is to identify gaps in services to children who are victims or who are at risk of abuse, neglect, and dependency. The CCPT also makes recommendations to improve conditions in the County that impact children's safety.

The CCPT functions under the authority of state and federal laws that mandate operational procedures and activities, including the development of an annual report and the presentation of the annual report to the Commissioners.

Mr. Morris asked the Board to support the CCPT's recommendations, which were listed in the report as follows:

- Provide continued leadership in urging local agency collaboration and support of the Community Protocol for Child Abuse Prevention;
- Provide continued support for the local juvenile crime prevention programs;
- Provide continued focus and recognition for the month of April as Child Abuse Prevention and Awareness month;
- Appoint members to serve on the CCPT as needed.

Mr. Morris expressed appreciation to DSS Director Sandra Wilkes and Child Protective Services Supervisor Tom Brewer, for their work in the document before the Board.

Chairman Ford said he would like to see more churches become involved in the One Church One Child Program.

Commissioner Coltrain moved, Commissioner Barber seconded and the vote to accept the report as presented passed unanimously.

8. DISCUSSION REGARDING THE NEXT PROPERTY REVALUATION

Commissioner Barber thanked Tax Administrator Jerry Rowland and Real and Personal Property Manager Barbara McGuire for being present to answer any questions.

Commissioner Barber said he had placed this topic on the agenda due to receiving numerous inquiries regarding property values. Commissioner Barber said for the record, he did not have a position one way or the other on the issue. Commissioner Barber said he wanted to offer up the different options he had been asked about. Commissioner Barber said the economic conditions and new reports about Mecklenburg County had driven the interest from citizens.

Commissioner Barber discussed the options and explained the revaluation process.

Commissioner Barber stated he would like more information on what impact a revaluation would cause on the bond rating, lottery proceeds, and low wealth county money. Commissioner Barber said he would also like more feedback on the revaluation issue from municipalities, citizens and fire districts. Commissioner Barber said if the Board decided to delay the revaluation, there was enough time to follow the proper procedures to change the revaluation schedule.

Commissioner Barber requested that the information provided in the agenda packets be sent to all Rowan municipalities and fire districts. Commissioner Barber said if the Board wished to have more discussion on the issue, it may need to be a retreat topic.

Commissioner Coltrain asked how much time the Board had to make a decision. Mr. Rowland responded that the Board would need to pass a resolution with enough time for the Tax Administration Department to complete the Schedule of Values and have the Schedule approved by the Board.

Mr. Rowland explained the circumstances surrounding the County's previous decision to delay a revaluation. Mr. Rowland said now the County was one year in front of Kannapolis and a delay would allow the County to be equal with Kannapolis. Mr. Rowland said values are set by looking at the sales data and the frequency of sales had fallen to probably half of where they were last year. Mr. Rowland said he had never been a proponent of putting off revaluations but said he and Staff would do preliminary work and decide if the economy was changing enough to bring the matter back to the Board. Mr. Rowland said he would be supportive of extra time to determine how the economy was affecting values.

Commissioner Coltrain asked for a time frame to make a decision on the revaluation. Mr. Rowland said a resolution would need to be approved in time to

allow staff to get the Schedule of Values completed. Ms. McGuire said a resolution would need to be passed 18 to 20 months prior to the year of the revaluation.

Mr. Rowland said there was not enough staff to move the revaluation forward one year.

Ms. McGuire said the market needed to level out because foreclosures and auctions data could not be used. Ms. McGuire said if there were not enough sales data, staff could not determine values.

Commissioner Coltrain mentioned that Mr. Rowland was certified and performing the revaluations "in house" saved the County approximately \$2.5 million per revaluation. Mr. Rowland estimated the County saved \$1 to \$1.5 million by doing the revaluations in house.

Commissioner Mitchell said he would not support a delay unless the Assessor's Office said by North Carolina General Statute, they could not perform the revaluation. Commissioner Mitchell said it would not be fair to the taxpayers who feel their property values have decreased.

Chairman Ford and Commissioner Hall both agreed they would like to stay on schedule, if it is possible.

Commissioner Coltrain agreed, noting that if the property values had decreased, the County would still need enough funds to continue County programs and to set a tax rate accordingly.

Commissioner Mitchell said the Board had to set the tax rate every year and he felt the rate should be applied to a fair value.

Commissioner Barber asked for clarification on the Board's wishes.

Commissioner Coltrain said he did not feel it would hurt to ask for input to get individuals involved.

Chairman Ford said he did not mind gathering more information but said he did not see the Board changing the schedule right now.

Commissioner Barber asked if it would be okay to instruct the County Manager to send the information provided to the municipalities and fire districts in order to request feedback.

Commissioner Mitchell said he would not like a great deal of time spent on sending the documents, but would not have a problem if it could be done quickly and easily.

Commissioner Barber moved to instruct the County Manager to send out the document contained in the agenda packet to the municipalities and the fire districts and request feedback to be received in thirty (30) days. Commissioner Coltrain seconded and the motion passed unanimously.

9. CONSIDER APPROVAL OF CHANGE ORDER FOR JAIL/JUSTICE CENTER ADDITION

County Manager Gary Page reviewed the change orders totaling \$44,764 for the Jail/Justice Center addition. Mr. Page said the total was approximately 1% of the original contract and the project budget included a 5% contingency to cover these expenses.

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the request pas presented passed unanimously.

10. DISCUSSION REGARDING DATE FOR SECOND COMMISSION MEETING IN JANUARY

Chairman Ford said the January 19, 2009 Commission Meeting fell on the Martin Luther King, Jr. holiday, which was a County-observed holiday. Chairman Ford said in the past the Board had typically voted to hold the meeting on the Tuesday immediately following the holiday.

Commissioner Barber moved to change the meeting date to Tuesday, January 20, 2009 at 7:00 pm. Commissioner Coltrain seconded and the motion passed unanimously.

11. DISCUSSION REGARDING PROPOSED LEGISLATIVE GOALS AND NCACC POLICY STATEMENTS

County Manager Gary Page said the North Carolina Association of County Commissioners (NCACC) had submitted copies of the Association Policy Statements and proposed goals. Both sets of documents would be considered during the NCACC Legislative Goals Conference January 15-16, 2009.

Mr. Page said Chairman Ford was selected as the County's voting delegate and that the Board should advise Chairman Ford of its stance on the recommendations that would be considered.

Commissioner Mitchell questioned the fourth bullet listed under the second goal for Intergovernmental Relations. Commissioner Mitchell said he felt a referendum should be required, either way, on proposed involuntary annexations whether utilities were already in place or not.

Chairman Ford said he would like to see stronger language on annexation.

Commissioner Hall added that she would also like to see a stronger stand and she provided the following recommendations:

- Counties should provide oversight of annexation and put burden of proof on city
- A vote must be taken prior to annexation
- Provide a definition for “Urban”
- Cities and Counties should share sales tax revenue for annexed area
- Services should not be duplicated
- A moratorium is established until legislation is passed and becomes law

Chairman Ford said the final bullet allowed for installing water/sewer within five (5) years and he asked if the current law was two (2) years. Mr. Page confirmed it was two (2) years.

Commissioners Mitchell, Barber and Coltrain said they supported the changes mentioned.

Commissioner Barber asked about the distribution of lottery proceeds on page 7. Commissioner Barber said there was a formula for lottery proceeds to be distributed back to counties and that formula provided for counties with higher tax rates to get greater proceeds. Commissioner Barber said it was not clear to him as to what was being proposed throughout much of the document. Chairman Ford said he agreed with Commissioner Barber that a change should be made.

Commissioner Coltrain added that the tax rate should be irrelevant to the distribution of lottery proceeds.

Finance Director Leslie Heidrick said it was not clear, but she thought the proposal took out the portion that dealt with the tax rate.

Commissioner Mitchell said the sentence “Counties should be allowed to supplant local funds with lottery proceeds should be distributed on a regular quarterly basis” should be struck.

Commissioner Mitchell said items #2 and #4 listed on page 7 would not be necessary if the State adequately funded #3.

Commissioner Hall said on page 4 of 18, there was mention of school health nurses with a ratio of 1:750 and she questioned the recommendation for changing nurse availability. Commissioner Mitchell said there was not a fulltime nurse at the high schools or the elementary schools.

Commissioner Mitchell said the position should be known that the County could take care of buildings if the State would take care of current education expenses.

Chairman Ford called for a break at 7:20 pm.

Chairman Ford reconvened the meeting at 7:30 pm.

12. DISCUSSION REGARDING STADIUM OWNERSHIP WITH KANNAPOLIS

Commissioner Hall thanked the County Manager, County Attorney and Clerk to the Board for their work to provide the information in the agenda packets.

Commissioner Hall said the purpose of the discussion was to provide background information on issues surrounding the Fieldcrest Cannon Stadium (Stadium).

Commissioner Hall said the first issue dealt with the stadium lease. Commissioner Hall said the addendum to the original lease was done May 5, 2000, which allowed the baseball team owner to shift a yearly lump sum payment to twelve (12) monthly payments. Commissioner Hall said the addendum was signed by former County Manager Tim Russell and to date, no Board minutes had been found to show Board approval of the addendum.

Commissioner Hall said the second issue was the 2003 revisions that provided a significant reduction in the amount paid by the team owner so marketing efforts could be increased. Commissioner Hall said this was approved for three (3) years and extended until recently.

Commissioner Hall said multiple efforts to negotiate a new lease had been unsuccessful and the Stadium was currently operating under the 1995 lease. Commissioner Hall said there were still items that needed to be resolved, including power bills and extensive mowing.

Mr. Dees discussed the current lease, as well as previous leases and addendums. Mr. Dees said the Board would need to determine if it preferred monthly or annual payments. Mr. Dees defined the legal issues as whether the former County Manager had apparent authority to enter into agreement, and whether or not the lease was appropriately adopted.

Mr. Dees said right now the lease could be extended for one (1) additional five (5) year term. Mr. Dees said without discussion with the baseball team, the extension would be based on the 1994 lease terms. Mr. Dees said the base rate established was \$50,000 and a final accounting would be done at the end of the season, based on revenue. Mr. Dees said there would not have to be any further negotiations on the extension if the Board used the 1994 lease.

Mr. Dees said there were still some unresolved issues such as:

- Reimbursement
- Maintenance
- Utilities

Mr. Dees said the 1994 lease stated the baseball team would pay the utility bills during the season, which the County pays upfront. Mr. Dees said the County was responsible for utilities out of season and there had been discussions about

having the baseball team cover some of the utility costs during the off season since they still occupied the building. Mr. Dees explained some of the reasons as to why the negotiations fell through and said at this point there were still issues to be resolved regarding maintenance and utilities.

Commissioner Hall characterized the three (3) main issues with the Stadium to be:

- Utilities - lights are on when they shouldn't be
- Ownership Agreement - No agreement has been signed and Rowan County has 75% invested (over \$5.7 million)
- Bridge on Stadium Drive which was heavily damaged - was not built to proper standards. Changes were made by former County Manager, but no change order could be found to reflect the changes.

Commissioner Hall said the City of Kannapolis may be able to utilize disaster relief funds to offset the cost of repairs to the bridge. Commissioner Hall said the estimated cost for repairs was \$150,000 to \$250,000.

Commissioner Hall said the parking lot bill from Duke Power for over \$260,000 had been reduced to \$61,000. Commissioner Hall said the electric bill had run as high as \$5,000-\$6,000 per month in the off season; now an additional \$1,700 would be paid for the parking lot lights.

Commissioner Hall stressed the importance of an ownership agreement.

County Manager Gary Page said the road leading in from Lane Street to the Stadium was given to Rowan County in an easement from the City of Concord. Mr. Page said Rowan County put the road in and built the bridge. Mr. Page explained the circumstances surrounding the damage to the bridge. Mr. Page said he had asked the City of Kannapolis to help with the bidding process and to sign an agreement to split the cost for repairing the bridge. Mr. Page said at this point, Kannapolis had applied for disaster relief funds and may be able to use those funds to cover all the costs for repairs.

Mr. Page discussed the bill from Duke Power and recommended the Board pay the bill from the Sports Authority Fund and continue to negotiate lease options to include a payment schedule for the lights.

Commissioner Hall said the Sports Authority Fund was taxpayers' money.

Mr. Page said the Sports Authority Fund was derived from revenues just for the Sports Authority. Mr. Page said the County was the custodian of the fund.

Ms. Heidrick said there were no tax dollars in the Fund and there was approximately \$400,000 from revenues generated in the Fund.

Commissioner Hall said the Board planned to discuss the Stadium at its upcoming retreat and she thanked each Commissioner for their interest in discussing the Stadium.

Chairman Ford thanked Commissioner Hall for her time and research regarding the Stadium. Chairman Ford commented on the lack of an ownership agreement, the bridge repairs and the parking lot lights.

Commissioner Mitchell said the ownership agreement had been hanging over the Board and he would like to request that the County Manager be given the opportunity to meet with City of Kannapolis staff in an effort to “hammer out” an equity agreement, and that the meeting should preferably take place with no politicians or attorneys. Commissioner Mitchell said if nothing was accomplished by the retreat, it may require a judge to determine stadium ownership.

Commissioner Hall agreed with Commissioner Mitchell and she clarified that the former County Manager, Tim Russell, had dealt with the changes.

Commissioner Mitchell clarified his request that it would be okay for an attorney to be present at some point in the discussions with the County Manager and the City of Kannapolis, if an agreement were reached.

Chairman Ford said the Board was not coming down on the team or the City of Kannapolis, but ownership needed to be determined.

Commissioner Coltrain moved to pay the \$61,000 light bill from the Sports Authority Fund.

Commissioner Hall requested that the County Manager work with City of Kannapolis officials on ownership before the County paid the entire bill.

Commissioner Barber said the City of Kannapolis may consider the ownership agreement and the light bill as two separate issues.

Commissioner Mitchell said the top priority was the ownership agreement, but if the equity agreement was settled at 95% and 5% he would be okay with the County paying the bill out of the Sports Authority Fund. Commissioner Mitchell said he would like to hold off on the Duke Power contract for additional years until more clarity had been reached.

Mr. Page confirmed the County would pay the \$61,000 bill and he and the County Attorney would look at the seven (7) year lease and talk with Randy Welch of Duke Energy before putting the topic on the next agenda.

Mr. Page recommended paying the light bill and then come back to discuss the lease options.

Commissioner Barber seconded the motion on the floor. The motion carried 3-2 with Chairman Ford and Commissioner Hall dissenting.

13. DISCUSSION REGARDING RETREAT AGENDA TOPICS

Chairman Ford opened the floor for discussion regarding suggested topics for the Board's Retreat.

Commissioner Mitchell listed his suggestions as:

- Detention Center facility options
- Stadium status on lease and ownership
- School central office – additional info regarding Old Concord Road site
- I-85 Bridge-discuss options and ensure the Governor-Elect and DOT Board members are aware of the importance of the project.
- Emergency communications for volunteer fire departments
- Hear from Economic Development Commission (EDC) with emphasis on marketing

Mr. Page referred to the Board's concerns with the I-85 Yadkin River Bridge and said a letter would be sent by the end of the week to Governor-Elect Beverly Perdue and local legislators expressing the Board's concerns.

Commissioner Barber said he supported Commissioner Mitchell's suggestions and added:

- Define the expectations of the Efficiency Committee
- Revaluation- may not be necessary depending on feedback
- Airport Master Plan
- Land Use Plan- further discussions with previous Steering Committee and former Planning Board.
- Expand emergency communications in general
- Discuss school systems future direction of awarded grants and the impact on current expense budget
- Report from Legislative Delegation regarding State budget deficit
- Board appointment process

Chairman Ford mentioned that the Board of Commissioners had adopted a Resolution in 1999 regarding the board appointment process and he instructed the Clerk to provide the Board with a copy of the Resolution.

Commissioner Coltrain said he also agreed with some of the previous topics mentioned. Commissioner Coltrain said department directors were asked to provide, in written form, needs on current and future programs and to also be present to discuss those programs during the retreat. Commissioner Coltrain listed the following items:

- Insight from Legislators on State budget
- Discuss the long term economic situation, borrowing and repayment capabilities

- Discuss collecting information on how the County should invest funds based on the Auditor's report
- Airport Master Plan
- Establish better relationship with municipalities

Commissioner Hall listed the following topics:

- Additional plans other than a hiring freeze and percentage cuts from departments to reduce spending
- Prioritize building projects and decide which to delay
- Evaluate/adjust expenditures to promote jobs for citizens
- Review/evaluate how County funds are spent for education
- Determine steps to improve fair share of Federal and State funds

Commissioner Mitchell offered to allow the Chairman discretion in determining if any of the items could be discussed at a regular meeting in order to save time at the retreat.

Chairman Ford agreed with Commissioner Mitchell and also said he would like to make sure the Land Use Plan and Farmland Preservation were discussed as two (2) separate issues.

After a brief discussion by the Board, Chairman Ford instructed the Clerk to compile and email the topics to the Board for prioritization. Chairman Ford asked that the Board members return the prioritized list to the Clerk for discussion at the next meeting.

14. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Finance – The County has received \$20,000 from the ABC Board as profit distributions. \$10,000 was received for the quarter ended June 30, 2008. It was received in late August after the books were closed for the prior fiscal year. Another \$10,000 was received for the quarter ended September 30, 2008. The original budget for this revenue was \$15,000. The budget amendment allows the County's budget to match the revenue received in the current fiscal year from the ABC Board - \$ 5,000.
- Health Department – FY 2008 \$11855 Random Moment Time Study funds were approved by the Commissioners at the March 2008 meeting. \$1475 was spent and staff was requesting to rollover the remaining \$10,380.
- Senior Services / Rowan Transit System – To match County budget line items to SHIP approved budget and Robertson Grant for SAFE Project - \$1,800.
- Social Services – Additional Crisis Intervention funds were released from the federal government due to the prediction of a harsh winter and the economic struggles of the citizens - \$165,494.

- Finance – To accept and budget a grant from the NC Department of Agriculture and Consumer Services for a conservation easement - \$362,100

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

15. CONSIDER APPROVAL OF BOARD APPOINTMENTS

Commissioner Coltrain explained his decision making process regarding board appointments. Commissioner Coltrain said he considered an applicant's qualifications, experience and history of service. Commissioner Coltrain said the Board encouraged people to participate but does not always acknowledge or use the contributions made by citizens. Commissioner Coltrain said he wanted to let the Board know of his process.

BOARD OF HEALTH

Luther Lyerly (vet) and Rick Parker's (public) terms ended December 31, 2008.

The following applications were received for consideration for appointment:

- Rick Parker (reappointment-public)
- Luther Lyerly

The term would be for three (3) years beginning January 1, 2009 and expiring December 31, 2011.

Commissioner Mitchell nominated Rick Parker for the public reappointment and Luther Lyerly for the vet reappointment. Commissioner Coltrain seconded and the motion passed unanimously.

ROWAN COUNTY PLANNING BOARD

There were four (4) members whose terms expired December 31, 2008:

- Malcolm "Mac" Butner, Jr. (eligible for reappointment)
- Edwin Hammill (eligible for reappointment)
- Donna Poteat (eligible for reappointment)
- Barbara Lomax (not eligible for reappointment)

The following applications were received:

- John Burke
- Chet Wojton
- Mac Butner
- Steve Poteat
- Jack Fisher
- Larry Wright
- Rodney Whedbee
- Charles Floyd

The terms for the above appointments will be for three (3) years beginning January 1, 2009 and expiring December 31, 2011.

Carl Ford's term ended December 31, 2009; however, due to his election as a County Commissioner, a new appointment should be made to fill the remainder of his term.

Commissioner Barber said all the applicants were very qualified and he then nominated Jack Fisher and John Burke.

Commissioner Mitchell suggested the Board make all nominations first, close the nominations and vote on each individual. Those receiving three votes would be appointed.

- Commissioner Mitchell nominated Mac Butner.
- Commissioner Barber nominated John Burke.
- Commissioner Coltrain nominated Charles Floyd.
- Commissioner Hall nominated Larry Wright.
- Commissioner Mitchell nominated Steve Poteat.
- Commissioner Coltrain nominated Rodney Whedbee.

Upon being put to a vote, Mac Butner, Steve Poteat, Larry Wright and Rodney Whedbee were appointed.

Chairman Ford nominated Jack Fisher to complete his term and the nomination passed unanimously.

WEST ROWAN FIRE DEPARTMENT FIRE COMMISSIONERS

The West Rowan Fire Department requested appointment of three (3) Fire Commissioners. The following applications were submitted for consideration:

- Mark Stout
- Dr. Laban Sloop
- Richard Beaver
- Bob White
- Johnny Moore

The terms would be for two (2) years beginning January 1, 2009, expiring December 31, 2010.

Commissioner Barber said all applicants were excellent candidates.

Commissioner Hall nominated Johnny Moore.

Commissioner Barber nominated Mark Stout and Dr. Laban Sloop.

The nominations for Mr. Moore, Mr. Stout and Dr. Sloop passed unanimously.

PARKS AND RECREATION BOARD

The following individuals' terms ended December 31, 2008:

- Pat Benfield (not eligible for reappointment)
- Paul Brown (not eligible for reappointment)
- David Morris (not eligible for reappointment)
- Sue Khan (eligible for reappointment)

The following applications have been received:

- John Burke
- Chet Wojton
- James (Jim) Epperson
- Troy Elliott
- Norma Drake
- Don Conner
- Sue Khan

The terms would be for two (2) years beginning January 1, 2009 and expiring December 31, 2010.

- Commissioner Hall nominated Norma Drake.
- Commissioner Coltrain nominated Don Conner.
- Commissioner Mitchell nominated Troy Elliot.
- Commissioner Barber nominated John Burke.
- Commissioner Hall nominated Sue Khan.
- Commissioner Mitchell nominated Jim Epperson.

Upon being put to a vote, James (Jim) Epperson, Troy Elliott, Norma Drake and Sue Khan were appointed.

CRIMINAL JUSTICE PARTNERSHIP PROGRAM (CJPP)

The CJPP recommended the appointment of Gregory Yousey as a mental health representative for a term of three (3) years beginning February 1, 2009 and expiring January 31, 2011.

Commissioner Barber nominated Gregory Yousey and the nomination passed unanimously.

SPENCER PLANNING BOARD

The Spencer Planning Board requested the reappointment of Robert Reese as an ETJ representative for a term of three (3) years beginning January 1, 2009 and expiring December 31, 2011.

Commissioner Coltrain nominated Robert Reese for reappointment and the nomination passed unanimously.

LIBRARY BOARD OF TRUSTEES

Fran Burding submitted an application for reappointment. The term would be for three (3) years beginning January 1, 2009 and expiring December 31, 2011.

Commissioner Mitchell nominated Fran Burding and the nomination passed unanimously.

ROWAN COUNTY RESCUE SQUAD

The Commissioner's position on this Board is now vacant due to the recent election. The term would be for two (2) years beginning December 1, 2009 and expiring November 30, 2010.

Commissioner Coltrain nominated Commissioner Barber and the nomination passed unanimously.

TOURISM DEVELOPMENT BOARD

Commissioner Hall completed her term December 31, 2008. A commissioner should be appointed to fill this vacancy for a term of two (2) years beginning January 1, 2009 and expiring December 31, 2010.

Commissioner Hall nominated Commissioner Coltrain and the nomination passed unanimously.

SOCIAL SERVICES BOARD

According to North Carolina General Statute §108A-5, the term for members appointed to this Board shall be for three (3) years. Therefore, the Board needs to ratify the term expiration date for Jim Sides to June 30, 2010.

Commissioner Mitchell moved to change the expiration date for Jim Sides to June 30, 2010. Commissioner Coltrain seconded and the motion passed unanimously.

VOLUNTEER FIRE DEPARTMENT RELIEF FUND BOARD OF TRUSTEES

The following departments submitted applications for consideration and these appointments will be for two (2) years, expiring December 31, 2010:

CLEVELAND

- Danny Gabriel
- Donald Feamster
- Mike Eller

Commissioner Barber nominated Danny Gabriel and Donald Feamster and the nomination passed unanimously.

EAST GOLD HILL

- Steve Merithew
- K. Todd Goodman
- Tim Pruitt

Commissioner Barber nominated Steve Merithew and K. Todd Goodman and the nomination passed unanimously.

LIBERTY

- Larry Lyerly
- Clyde Arey
- Enos Burris

Commissioner Coltrain nominated Larry Lyerly and Clyde Arey and the nomination passed unanimously.

UNION

- Arnold Cauble
- Charles Hartley
- Robert Whitaker

Commissioner Coltrain nominated Arnold Cauble and Charles Hartley and the nomination passed unanimously.

MILLER FERRY

- Martin Trexler
- Henry Gobble
- Ernest Shepherd

Commissioner Hall nominated Martin Trexler and Henry Gobble and the nomination passed unanimously.

CABARRUS-ROWAN MPO

The Cabarrus-Rowan MPO requested the appointment of a staff member to serve on the Technical Coordinating Committee (TCC) for 2009, as well as an alternate. Ed Muire is currently the TCC representative with Shane Stewart serving as the alternate.

Commissioner Coltrain moved to reappoint Ed Muire and Shane Stewart. The motion passed unanimously.

The Cabarrus-Rowan MPO requested that a representative and alternate be appointed to the Technical Advisory Committee (TAC) for 2009. Chairman Ford has assigned Commissioner Hall to the TAC; there is currently no alternate.

The Board agreed not to appoint an alternate.

CENTRALINA COUNCIL OF GOVERNMENTS (COG)

COG requested a delegate and alternate be appointed to serve for 2009. Chairman Ford has assigned Commissioner Coltrain as Rowan County's delegate; there is currently no alternate.

The Board agreed not to appoint an alternate.

16. ADJOURNMENT

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 8:26 pm. The motion was seconded by Commissioner Coltrain and passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board