

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

February 16, 2009 – 7:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

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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 and County Attorney Jay Dees and Assistant Finance Director Wendi Heglar were present. Finance Director Leslie Heidrick was absent.

Chairman Ford convened the meeting at 7:00 pm.

Chairman Ford noted the Rowan County flag, which was behind the dais and draped with a black bow in remembrance of former Rowan County Commissioner Jamima DeMarcus. Ms. DeMarcus had passed away the previous week.

Commissioner Hall referenced the recent Salisbury Post article that had described Ms. DeMarcus' dedication to various agencies and to the community. Commissioner Hall said Ms. DeMarcus had been active with the Democratic Party and was especially remembered for being the first woman to be elected as a Rowan County Commissioner. Commissioner Hall said while Ms. DeMarcus always had a smile and a kind demeanor, it was quickly learned that "there was plenty of steel in her stride". Commissioner Hall said Ms. DeMarcus would always hold a special place in local history but more importantly she would be remembered for making a real difference to the lives of Rowan County citizens.

Commissioner Hall's comments were followed by a moment of silence in memory of Ms. DeMarcus.

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the minutes of the February 2, 2009 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

Commissioner Barber moved to add comments to the agenda regarding employee appreciation. The motion was seconded by Chairman Ford and passed unanimously.

Chairman Ford added the issue as agenda item #8a.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Chairman Ford made a motion to approve the agenda with one addition, which was to move Item D (Approval of Resolution for North Carolina Marriage Amendment) from the Consent Agenda to agenda item #2a after the Public Comment Period. Chairman Ford said the reason for the change was to give people the right to voice their opinion on the Resolution. The motion was seconded by Commissioner Coltrain and passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Coltrain moved approval of the Consent Agenda, with item D removed. The motion was seconded by Commissioner Barber and passed unanimously.

The Consent Agenda consisted of the following items:

- A. Approval for Cooperative Extension to Apply for Fit Community Grant
- B. Set Quasi-Judicial Hearing for March 2, 2009 for Z 22-03 & CUP 10-04 Amendment for Blandy Hardwoods, Inc.
- C. Approval for NC Department of Transportation to Add Manor Oaks Lane, Holland Oaks Drive and Oakrun Way to the State Secondary Road System for Maintenance
- D. Approval of Resolution for North Carolina Marriage Amendment (moved to agenda item #2a)

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:

- Larry Wright spoke in support of Board approval for the Resolution for the North Carolina Marriage Amendment. Mr. Wright also thanked

Representatives Steen and Coates for introducing a moratorium on forced annexation and he thanked Senator Brock for introducing legislation to have law changed regarding forced annexation.

- Rod Goins spoke in opposition to the Board's support of the Resolution for the North Carolina Marriage Amendment.
- Eddie Ballard sought the Board's assistance regarding all terrain vehicles (ATV) that were tearing up roads in his community. Mr. Ballard asked the Board to consider an ordinance change that would require operators of dirt bikes and four-wheelers to drive on their own property.
- Robert Freeman spoke in opposition to the Board's support of the Resolution for the North Carolina Marriage Amendment.
- Howard Andrews spoke in opposition to the Board's support of the Resolution for the North Carolina Marriage Amendment.
- Adam Tennant spoke in support of Board approval for the Resolution for the North Carolina Marriage Amendment.
- Terry Brown spoke in support of Board approval for the Resolution for the North Carolina Marriage Amendment.
- Jamie Hudson echoed the earlier comments of Eddie Ballard regarding the ATV tearing up the roads in their community. Ms. Hudson said she feared for the safety of the children in the area because of the ATV's.
- Michael Clawson spoke in opposition to the Board's support of the Resolution for the North Carolina Marriage Amendment.
- Lina Drinkard spoke in opposition to the Board's support of the Resolution for the North Carolina Marriage Amendment.
- Steve Drinkard spoke in opposition to the Board's support of the Resolution for the North Carolina Marriage Amendment.
- William Stanback spoke in opposition to the Board's support of the Resolution for the North Carolina Marriage Amendment.

At this point, Chairman Ford noted that the allotted time for Public Comment Period had lapsed and he sought the Board's opinion regarding an extension of time for the remaining citizens who had signed up to speak.

Commissioner Barber moved to extend the Public Comment Period. The motion was seconded by Commissioner Coltrain and passed unanimously.

- Patricia Hawkins supported previous speakers Eddie Ballard and Jamie Hudson in their request for an ordinance change that would stop ATV's from tearing up the roads and personal property in their community.
- Garland Faw spoke in support of Board approval for the Resolution for the North Carolina Marriage Amendment.
- Whitney Bost spoke in opposition to the Board's support of the Resolution for the North Carolina Marriage Amendment.

- Ante Parkovic spoke in support of Board approval for the Resolution for the North Carolina Marriage Amendment.
- Dean Hunter spoke in support of Board approval for the Resolution for the North Carolina Marriage Amendment.
- William Battermann spoke in opposition to the Board's support of the Resolution for the North Carolina Marriage Amendment.

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

#2a. APPROVAL OF RESOLUTION FOR NORTH CAROLINA MARRIAGE AMENDMENT

Chairman Ford read portions of the following proposed Resolution for the North Carolina Marriage Amendment:

WHEREAS, marriage throughout human history has been the basic building block of society; and

WHEREAS, marriage is in fact the union of one man and one woman at one time, and it is the nature of this male/female relationship that defines marriage; and

WHEREAS, North Carolina law recognizes that, "A valid and sufficient marriage is created by the consent of a male and a female person who may lawfully marry, presently to take each other as husband and wife, freely, seriously and plainly expressed by each in the presence of the other..." (N.C. Gen. Stat. 51-1); and

WHEREAS, the General Assembly of North Carolina passed a "Defense of Marriage Act" in 1996, which clarifies in statute that: "Marriage, whether created by common law, contracted, or performed outside of North Carolina, between individuals of the same gender are not valid in North Carolina." (N.C. Gen. Sta. 51-1.2); and

WHEREAS, the United States Congress enacted a federal statute known as the "Defense of Marriage Act" which mandates that, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife." (1 U.S.C. § 7); and

WHEREAS, the Supreme Judicial Court of the State of Massachusetts declared in a 4-3 decision that the Massachusetts legislature must provide for same-sex marriages, and whereas the State of Massachusetts began issuing marriage licenses to same-sex couples on May 17, 2004, and whereas the Massachusetts legislature repealed a law that prohibited marriage in Massachusetts of couples whose home states would not recognize the marriage, so that same-sex couples from North Carolina can now legally "marry" in Massachusetts; and

WHEREAS, the California Supreme Court ruled in a 4-3 decision that limiting marriage to opposite-sex couples was a violation of the California Constitution, and whereas the State of California began issuing marriage licenses to same-sex couples on May 17, 2008, and continued that practice until November 4, 2008, when voters in California overrode their Court's redefinition of marriage by passing Proposition 8 protecting the traditional definition of marriage; and

WHEREAS, on October 10, 2008, the Supreme Court of Connecticut ruled by a 4-3 majority that, even though same-sex couples in Connecticut can form civil unions equal in rights and benefits to marriage, denying them the right to marry violates the State's Constitution, and whereas, on November 12, 2008 the State began issuing marriage licenses to same-sex couples; and

WHEREAS, an unknown number of same-sex couples that reside in North Carolina have already obtained marriage licenses in Massachusetts, California (before Proposition 8 passed), or Connecticut, and at any time, one or more of these couples could file suit in a North Carolina court in an attempt to convince a judge to overturn our State's marriage laws, arguing that they unconstitutionally prohibit "marriages" between same-sex couples; and

WHEREAS, without a provision in our State Constitution defining marriage as the union between only a man and a woman, any court in our State could redefine marriage by legalizing the union of same-sex couples, without a vote of the people of the State or our elected legislators; and

WHEREAS, to date, 30 states have passed Marriage Protection Amendments that place the traditional definition of marriage as the union of one man and one woman in their state constitutions and beyond the reach of a court; and

WHEREAS, North Carolina is the only state in the southern United States that has not protected marriage in its State Constitution by defining it as the union of one man and one woman, thus making it a target for same-sex "marriage;" and

WHEREAS, a Constitutional Amendment stating that ***"Marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in this State"*** is the strongest means of protecting North Carolina's statutory definition of marriage and of insuring that the definition of marriage will be determined by the people of the State; and

WHEREAS, bills have been proposed in the last five sessions of the General Assembly to protect marriage by defining it in the North Carolina Constitution as the union of one man and one woman, but the leadership in the North Carolina House and Senate have denied lawmakers and the citizens of the State an opportunity to vote on these bills;

NOW THEREFORE BE IT THEREFORE RESOLVED, that the Rowan County Board of Commissioners believes that it is in the best interest of the people of the County of Rowan and the State of North Carolina to define marriage in the North Carolina Constitution as the union of one man and one woman at one time.

BE IT FURTHER RESOLVED, that the Rowan County Board of Commissioners hereby requests that the North Carolina General Assembly, in accordance with Article XIII, Section 4 of the North Carolina Constitution, approve legislation submitting a proposal to the qualified voters of this State, for their ratification or rejection, for the adoption of an amendment to the North Carolina Constitution stating:

"Marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in this State"

Chairman Ford said the Board was voting to give the people a choice and a right to vote on the issue. Chairman Ford said the County was an arm of State government and that the Board wanted to give the people a right to vote.

Commissioner Hall agreed with Chairman Ford and said it was important for the citizens and qualified voters in the State to have a voice in the issue.

Commissioner Coltrain said according to the Constitution, the Board was sworn to provide citizens with the opportunity to vote on any issue. Commissioner Coltrain said the Board must remain neutral. Commissioner Coltrain said while

he was personally uncomfortable with the legislating of morals and beliefs, he was sworn to support the right of people to vote on any issue.

Commissioner Barber supported the comments made by the other Commissioners in that citizens deserved the right to vote. Commissioner Barber said the issue was a state issue and the Resolution was asking the Board to give the citizens the right to vote. Commissioner Barber said citizens deserved the right to vote, which was what the Constitution was built on.

Commissioner Mitchell said placement of the Resolution on the Consent Agenda had not been the appropriate decision; however, no harm had been intended by the Chairman in doing so. Commissioner Mitchell said Resolutions are typically placed on the Consent Agenda. Commissioner Mitchell said that while the issue was being debated at the state level, he felt it was a national issue. Commissioner Mitchell said thirty (30) states already had a similar amendment and the federal government had passed a statute on the federal level that defined marriage. Commissioner Mitchell said the issue was not necessarily one of religion but an issue of public policy. Commissioner Mitchell said he felt the issue would eventually be decided by the courts. Commissioner Mitchell said it was ironic that passing the Resolution made the issue “ripe for discussion” at the national level. Commissioner Mitchell said the United States Supreme Court would eventually rule on whether any state amendment restricting marriage between a man and a woman was constitutional. Commissioner Mitchell said he supported allowing the citizens of North Carolina to look at their constitution and make a change if they so desired.

Chairman Ford said his original intent was not to divide the community, even though the community was always divided on the issue. Chairman Ford said two (2) senators had requested that every county in the state draft a resolution and that he had done what he felt was right, which was to bring the matter to the people for a right to vote. Chairman Ford said he had placed the issue on the Consent Agenda because the Commissioners had consented to the Resolution.

Commissioner Hall moved to accept the Resolution. The motion was seconded by Commissioner Coltrain and passed unanimously.

Chairman Ford called for a recess at 8:00 pm.

Chairman Ford reconvened the meeting at 8:15 pm.

3. ANNOUNCEMENT OF ROWAN EXPRESS START-UP

Senior Services Director Clyde Fahnestock and Cabarrus-Rowan MPO Director Phil Conrad were present to discuss the start-up of Rowan Express.

Rowan County was eligible for federal funding under the Congestion Mitigation and Air Quality Improvement Program (CMAQ) due to the County's designation as non-attainment for ozone by the federal government.

Mr. Fahnestock expressed his enthusiasm regarding delivery of the transportation service and he reported that the startup date for Rowan Express was April 6, 2009.

Mr. Conrad thanked the Board on behalf of the Cabarrus-Rowan Metropolitan Planning Organization (MPO) for participating in the project. Mr. Conrad provided a power point presentation and highlighted the background for Rowan Express as follows:

On June 16, 2008 the Board approved a resolution requesting CMAQ funding for the proposed Rowan Express fixed transit route.

A second Interlocal Agreement was also signed between Rowan County and the City of Salisbury, Town of China Grove, Town of Landis and the City of Kannapolis. In this agreement Rowan County committed Rowan Transit System (RTS) to provide the grant administration, capital equipment, and the private transportation management company to operate Rowan Express. In return each of the municipal governments agreed to provide an equal share of the required matching funds and the location of a bus stop.

The initial start-up in the fall of 2008 was unavoidably delayed as the project waited on a Federal Highway Administration "Notification to Proceed" authorization letter.

Mr. Conrad explained that the benefit of this green project was to help Rowan County residents with low-cost Monday through Friday transportation service between southern Rowan County and the County Seat in Salisbury. The one-way fare would be \$1.00.

Mr. Fahnestock discussed the vehicle to be used for the service and he said there would be one back-up vehicle.

Commissioner Coltrain thanked Mr. Fahnestock, as well as the former Board of Commissioners for having the foresight to accomplish the goal of providing the transportation service.

In response to a query from Commissioner Coltrain, Mr. Fahnestock discussed the destination points and also the transfer of transportation passes.

Commissioner Coltrain referred to the grant expiration and asked if the County was already exploring options for continued funding. Mr. Fahnestock said he could see the County shifting towards the use of Rural General Public Funds.

Commissioner Mitchell questioned the ridership estimates. Mr. Fahnestock said the riders using the Salisbury Transit and Kannapolis/Concord Rider System were part of the passenger count for Rowan Express. Mr. Fahnestock said it would take hard work to inform senior groups and organizations concerning access to the service. Mr. Fahnestock said each of the towns involved had committed \$7500 each year to provide the required match and the towns would help to inform their citizens of the service.

Commissioner Mitchell questioned the County's match for the project and Mr. Fahnestock said the County had no actual appropriation of dollars for Rowan Express. Mr. Fahnestock said the County's commitment was in providing the vehicles and the administration of funds. Mr. Fahnestock explained that the County utilized a private transportation management company that would actually drive the vehicles. Mr. Fahnestock said the County would collect the 20% from the towns. Mr. Fahnestock also said the \$1.00 ridership fee would go back into the program and it was undecided at this point how that money would be used.

Chairman Ford asked if there would be shelter at each of the pickup locations and Mr. Fahnestock said shelters were available at every location. Mr. Fahnestock said over time, based on the success of the program, additional shelters might have to be built.

Chairman Ford expressed appreciation for the update and for the work on the project.

4. CONSIDER APPROVAL OF PROPOSAL FOR DEPARTMENT OF SOCIAL SERVICES FILING SYSTEM

Assistant Finance Director Wendi Heglar reported that after due advertisement, proposals to provide and install a mobile, lateral, high density filing system for the Department of Social Services (DSS) were received.

Four (4) Requests for Proposals (RFP) packages were distributed and three (3) vendors responded: Acorn Storage Solutions, American Specialty and Patterson Pope. Patterson Pope submitted the lowest bid of \$159,196 with Alcorn Storage Solutions being the next lowest at \$182,455. The bid from American Specialty was considered non-responsive as it was received three and a half hours after the RFP deadline. The late bid was rejected and returned unopened.

Staff recommended awarding the contract to Patterson Pope, at a cost not to exceed \$159,196, which was within the approved budget for the project.

Commissioner Barber moved approval of the Resolution awarding the contract to provide and install a mobile, lateral, high density filing system for DSS. The motion was seconded by Commissioner Coltrain and passed unanimously.

The Resolution read as follows:

RESOLUTION AWARDING CONTRACT
TO PROVIDE AND INSTALL
A MOBILE, LATERAL, HIGH DENSITY FILING SYSTEM FOR THE
ROWAN COUNTY DEPARTMENT OF SOCIAL SERVICES

WHEREAS, after due advertisement for request for bids to provide and install a mobile, lateral, high density filing system for the Rowan County Department of Social Services, it is the recommendation of the Department of Social Services and the Finance Department that the contract be awarded to Patterson Pope, at a cost not to exceed \$159,196; 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 Patterson Pope, to provide and install a mobile, lateral, high density filing system for the Rowan County Department of Social Services at a cost not to exceed \$159,196.

5. FINANCIAL UPDATE & ESTABLISHMENT OF EFFICIENCY COMMITTEE

County Manager Gary Page distributed a handout, which depicted a revenue breakdown for the County. Mr. Page said revenues were down \$1,694,400 and the revenues that were down were associated with growth, such as real estate transfer tax, recording fees, building permits, etc.

Mr. Page said in the fall the County had implemented a hiring and travel freeze and in January he had met with Department Directors and enacted a 5% cut in net operating costs. Mr. Page said the freezes and cuts to date have saved approximately \$761,000, basically leaving the County a little under \$1 million short.

Mr. Page said the County currently had approximately \$20 million in Fund Balance, which was two (2) months of operating revenue. Mr. Page said the Fund Balance is recommended by the Local Government Commission (LGC) for these types of situations.

Mr. Page said there were other steps the County could take that would help with the budget shortfall; however, the other steps would have a tougher impact on the County and its employees. Mr. Page said the other steps would come in the form of furloughs and a reduction in force (RIF). Mr. Page said the County was down to its last options and that up to this point, the Board had allowed him to take the initiatives to address the shortfall. Mr. Page said he wanted to apprise the Board of where the County financially stood. Mr. Page said the Board could discuss a financial strategy at its upcoming retreat. Mr. Page said one option

might be for the Board to give him the latitude to implement from one (1) to five (5) days of furloughs over the next five (5) months.

Commissioner Barber said he hoped that the Board could discuss the issue in more detail at the retreat and that he hoped the Board would make the decisions regarding furloughs or RIF rather than giving the County Manager unilateral flexibility. Commissioner Barber said the County had a healthy Fund Balance that had grown over the past ten-plus years. Commissioner Barber referred to the recent audit report, which had praised the County's excellent financial shape. Commissioner Barber expressed hope that the County could avoid furloughs or RIF. Commissioner Barber said any future budget cuts may have to be selective in that the same rationale might not apply to every department.

Commissioner Mitchell asked if the County Manager would have information available at the retreat regarding maintenance of effort (MOE) requirements in order to keep state and federal funds. Mr. Page said he had asked the department heads to tell him where the budget cuts should occur, thus avoiding an impact to the MOE, such as the Library.

Commissioner Mitchell said the County Manager's philosophy was why he would support the County Manager being able to make the decisions regarding layoffs and furloughs. Commissioner Mitchell said while the decisions were ultimately the Board's, he would like to leave the County Manager and department heads some flexibility in the matter.

Commissioner Coltrain agreed that the Board should wait until the retreat to determine how to handle the budget for the rest of the fiscal year. Commissioner Coltrain also agreed to allow the County Manager to "manage". Commissioner Coltrain said the County Manager should be able to determine how many days of furlough were necessary. Commissioner Coltrain also said he would like to convey to the employees, whom citizens depend on for services, that the County would not make them suffer when there was money in Fund Balance. Commissioner Coltrain said if the County went into the next fiscal year with \$1 million less in Fund Balance, it would not hurt the County and additional steps could be taken at that time if necessary. Commissioner Coltrain said he supported allowing the County Manager to make recommendations to the Board.

Commissioner Hall confirmed with Mr. Page that the County had a 15% unappropriated Fund Balance, while the average in the state was 22%. Mr. Page clarified that when he says "unappropriated Fund Balance", the County was more towards 20%.

Commissioner Hall asked if Rowan County had historically balanced its budget without dipping into the Fund Balance. Mr. Page explained how monies are used from Fund Balance to balance the budget; however, he said the County receives enough in revenues to cover the budget plus "add a little back to the budget".

Commissioner Hall said the County should be cautious with its Fund Balance, as next year the shortfall could be double.

Mr. Page explained that the Board has one opportunity each year to set its tax rate and that he still had several months to help make up the shortfall and determine what the tax rate needed to be for next year.

Chairman Ford referred to the County's financial position and expressed appreciation to previous Boards for their management. Chairman Ford said if County employees were furloughed, he would also take a day without pay. Chairman Ford added that he would still come to work but not be paid. Chairman Ford encouraged every department to look for ways to cut.

Mr. Page discussed the establishment of an Efficiency Committee and said he would rather think of the group as a Management Team. Mr. Page said the Team would consist of himself and four (4) or five (5) department heads. Mr. Page said he saw the Team's role as that of reviewing ways the County could be more efficient in services, including employee benefits, consolidation of services/elimination of duplicate services, strategies for reducing costs through automation, privatization, elimination of services that are non-mandated and RIF. Mr. Page this is the year for reassessing and right-sizing government and he felt the above-mentioned items could be reviewed by the Management Team.

Commissioner Barber agreed that now was the time for right-sizing. Commissioner Barber agreed that Mr. Page should pick the Team and he added that he would like to see frequent reporting back to Board. Commissioner Barber said he would like the Team to review areas for improving operational processes, eliminating any duplication of effort, consolidation of functions, examine the budget process, consolidation of office space, use of technology for productivity gains, review of surplus property, increase efficiencies in purchasing, prescription drug card program and personnel policies.

Commissioner Coltrain agreed that Mr. Page should select his own Team of individuals who were familiar with government processes. Commissioner Coltrain also suggested that someone in the private sector with corporate experience be identified to serve on the team.

Commissioner Hall encouraged Mr. Page to utilize his network of other County Managers in the efficiency process.

6. DISCUSSION REGARDING ESTABLISHMENT OF AIRPORT ADVISORY BOARD

Chairman Ford said he would like to forego the reading of the Resolution.

Chairman Ford said the five (5) Technical Advisory Committee (TAC) members had confirmed their willingness to serve on the Airport Advisory Board. Those

members were: Thomas Greene, Jim Sides, Clay Lindsay, Brian Cooker and Dink Safriet. Chairman Ford added that Commissioner Mitchell would serve as the liaison to the Airport Advisory Board.

Commissioner Mitchell moved approval of the Resolution. Commissioner Barber seconded and the motion passed unanimously. The Resolution read as follows:

**RESOLUTION
ESTABLISHING ROWAN COUNTY
AIRPORT ADVISORY BOARD**

WHEREAS, the Rowan County Board of Commissioners (Commissioners) has determined the importance of the Rowan County Airport (Airport) and its critical role to Rowan County's economy and future; and

WHEREAS, in an effort to expand the Airport and its invaluable services to the community, the Commissioners deem it appropriate to appoint an Airport Advisory Board; and

WHEREAS, the duties of this Board shall be of an advisory nature only and it shall have no authority to purchase, lease or otherwise enter into contracts on behalf of the County. The Airport Board's primary duty shall be to work directly with the Airport Manager and County Manager in providing recommendations regarding the efficiency and potential of the Airport and the services it offers; and

WHEREAS, the Commissioners support replacing the Airport Technical Advisory Committee with the appointment of those same members who will constitute the initial membership of the Airport Advisory Board; and

WHEREAS, future representation on the Airport Advisory Board will consist of two (2) pilots or airport tenants, two (2) members of the business community and one (1) County Commissioner. For initial appointments, the Commissioners will appoint two (2) members to two-year terms and two (2) members to three-year terms. The County Commissioner shall serve concurrently with his term of office.

NOW, THEREFORE BE IT RESOLVED that the Rowan County Board of Commissioners hereby establishes the Rowan County Airport Advisory Board;

BE IT FURTHER RESOLVED that the bylaws that shall govern the duties of the Airport Advisory Board, or any future amendments to the bylaws shall be approved by the Board of Commissioners.

Commissioners Barber moved to approve the five (5) TAC members and Commissioner Mitchell to serve on the Airport Advisory Board. Commissioner Coltrain seconded and the motion passed unanimously.

Commissioner Mitchell moved approval of the bylaws for the Airport Advisory Board. Commissioner Barber seconded and the motion passed unanimously.

7. CONSIDER APPROVAL OF FIELDCREST CANNON STADIUM LIGHT CONTRACT WITH DUKE ENERGY

Commissioner Barber moved to approve the contract with Duke Energy for the Stadium lights. Commissioner Coltrain seconded.

Commissioner Hall asked County Manager Gary Page if he had contacted Duke Energy to determine if there were additional options for the Board to consider. Mr. Page said the lights had been installed by Duke Energy in 1995 but the County had never been billed for the lights. Mr. Page said the opportunity before the Board would allow the County to “right a wrong” and allow Duke Energy to be paid for the loss. Mr. Page said the County would always be ahead because of the free use of lights for the past ten (10) years. Mr. Page discussed the lease and said the County would pay six (6) months out of the year and Smith Family Baseball would pay for six (6) months. Mr. Page said if the Board felt differently, he would notify Duke Energy that the County was not renewing the lease and Duke Energy would turn the lights off. Mr. Page said he would then pursue whatever options might be available.

Commissioner Hall asked if there was any attempt to find an alternative or to receive estimates from another company for installation of a light system. Mr. Page said no. Mr. Page said the option before the Board was what the County had determined to be the cheapest option in 1995. Mr. Page said the County was basically receiving the same rates offered in 1995. Mr. Page said he perceived the matter as the County being \$200,000 ahead on free service.

Commissioner Hall asked if Duke Energy had ever produced records showing how the billing error was discovered. Mr. Page said no and he that Duke Energy had a lease with the former Manager from 1995, which was never billed.

Commissioner Hall said Duke Energy was a good corporate entity and a good community partner, but it was the Board’s responsibility to look after the taxpayers. Commissioner Hall said she had hoped for options to choose from versus Duke Energy’s seven (7) year lease. Commissioner Hall suggested a one-year lease to allow pursuit of less expensive options for the taxpayers.

Chairman Ford said there were seven (7) years left on the lease, which was based on ten (10) years.

Commissioner Barber said Duke Energy had already taken a \$200,000 “hit” based on the lease agreement.

Commissioner Coltrain said the Board had asked Mr. Welch for other alternatives for lights and Mr. Welch said there were no less expensive options available. Commissioner Coltrain said the money for the Stadium came from the citizens who utilized the facility.

Commissioner Hall said the Sports Authority Fund belonged to the taxpayers and the money came from them, and the Board needed to be mindful of that fact. Commissioner Hall said the Board had never seen another option. Commissioner Hall referred to an investment grant incentive the County had granted to Duke Energy and she said if the Board had known about the bill at

that time, it may have been negotiated along with the incentive. Commissioner Hall mentioned a contribution Duke Energy had made to the Rockingham County Economic Development Commission and said she hoped Duke Energy would also contribute to the Rowan County Economic Development Commission at some point. Commissioner Hall said she appreciated the Manager answering her questions but said she may always have lingering doubts about the decision.

Commissioner Barber said he viewed the Duke Energy incentive and the Stadium lights as two (2) separate issues and he said the Buck Steam Plant would provide job opportunities for Rowan County citizens. Commissioner Barber said the tax base from the plant would also help Rowan County. Commissioner Barber said Duke Energy recently gave North Carolina \$400,000 for the Share the Warmth Program and had also given \$225,000 to Rowan Cabarrus Community College for building improvements on the north campus. Commissioner Barber commended Duke Energy for being a good corporate citizen.

Commissioner Barber called the question.

Chairman Ford said the issue had been going on for a long time and the Board was trying to do what was right and to move forward.

Commissioner Mitchell said he would like to see the Stadium in the best condition possible in order for it to be sold and for the citizens to get their investment back. Commissioner Mitchell said he felt the agreement for the lights would be the first step in preparing to sell the Stadium.

Upon being put to a vote the motion passed 4-1 with Commissioner Hall dissenting.

8. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Finance – The County has received \$50,000 from the ABC Board as profit distributions. Sixty-percent of the money received is paid out to the municipalities. The budget amendment will budget the expenditures to the municipalities - \$30,000
- Health – The budget amendment is needed to increase revenues and expenditures where additional state funding has occurred - \$12,525
- Library – The State Library has informed Rowan Public Library (RPL) that the state aid allocation would be decreased by \$4,858. Since state aid is used to buy library books, RPL will decrease expense to cover the lost revenue - \$4,858
- Parks & Recreation Therapeutic Recreation – Recognize grant funds into designated expense account - \$2,500

- Rowan Transit System (RTS) – To adjust RTS budget to the budget approved by the NC Department of Transportation (DOT) - \$95,228
- Sheriff's Office – To recognize donations made to the Sheriff's Office Explorer Program from the Wal-Mart Foundation - \$2,100
- Sheriff's Office – To recognize revenue funds in the Concealed Weapon Account and budget them to compensate for a shortfall in the Concealed Weapon State Fees Account - \$ 16,635

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

ADDITION:

8a. DISCUSSION REGARDING EMPLOYEE APPRECIATION

Commissioner Barber said there had been some dialogue between Board members regarding the annual employee appreciation event. Commissioner Barber said he thought the event was important to honor the employees, but during difficult economic times it would be better to handle the appreciation differently. Commissioner Barber said the catered lunch that was normally funded would be difficult to justify at this time. Commissioner Barber said the decision should not stop any other appreciation efforts and he asked the County Manager to work with the Director of Administration to consider other appreciation options. Commissioner Barber said in the spirit of asking the employees to forego their luncheon, the Board should forego the refreshments that are provided prior to Board meetings.

Commissioner Mitchell said if there was consensus by the Board to forego refreshments at meetings until the end of the fiscal year, a vote would not be needed.

Chairman Ford said he would provide refreshments for the Board at the next meeting.

9. ADJOURNMENT

There being no further business to come before the Board, Commissioner Coltrain moved to adjourn at 9:28 pm. The motion was seconded by Commissioner Barber and passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board