

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

June 15, 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, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Ford convened the meeting at 7:00 pm.

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the minutes of the June 1, 2009 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

There were no additions to the agenda.

At this point in the meeting, Chairman Ford switched agenda items #3 and #7 in the order of discussion.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

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

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Mitchell moved to pull Consent Agenda item #A (Approval of MOA for Interstate 85 Historical Preservation Agreement) for a few comments. The motion was seconded by Commissioner Barber and passed unanimously.

Chairman Ford moved the issue to agenda item #10a.

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

The Consent Agenda consisted of the following items:

- A. Approval of MOA for Interstate 85 Historical Preservation Agreement
- B. Set Public Hearing for July 6, 2009 for Special Consideration of Proposed Road Name of Bikers Lane
- C. Approval of Agreements for New Rowan Cabarrus Community College Classroom Bldg
- D. Approval of Airport Grant Agreement for Land Acquisition
- E. Approval of Grant Application for Edward Byrne Memorial Justice Assistance Grant
- F. Approval for Juvenile Crime Prevention Council to Apply for Federal Byrne/JAG Funds
- G. Approval of Airport Grant Agreement for Airport Layout Plan and Runway Extension Benefit Cost Analysis

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:

- Jim Sides, former County Commissioner, discussed the ABC Board's newly adopted policy to charge 7-cents per page. Mr. Sides referred to a request for copies of information from the Commissioners to the ABC Board and he pointed out that the copier, paper and employee time required to make copies belonged to the citizens of Rowan County. Mr. Sides felt there was a failure to communicate and an attempt from the ABC Board to deny the general public and the Commissioners access to records they both already owned. Mr. Sides said it was comforting that some members of the Commission would not be thwarted in their attempt to gain access to the truth. Mr. Sides said the local ABC Board members should be issued formal requests from the Commissioners for their immediate resignations and should they refuse, they should be formally removed from office and new members appointed.
- Samuel Bailey discussed a situation regarding a mobile home in the western part of the County not being in compliance with zoning. Mr. Bailey provided a handout to the Board and explained the research he had conducted regarding the mobile home. Mr. Bailey said Andy Goodall of

the County's Planning Department had told him a mistake was made in regards to the property in question; however, to date no one had followed up with him.

County Attorney Jay Dees referenced the situation and said corrective action was being taken at this time. Mr. Dees said notice would be provided to Mr. Bailey and he would have the opportunity to appeal to the Zoning Board of Adjustment.

- Bobby Bailey discussed the road ordinance and provided a handout to the Board. Mr. Bailey discussed majority petitions and explained a situation regarding his petition to name the road he lived on. Mr. Bailey said three (3) out of four (4) property owners signed the majority petition. Mr. Bailey said Jeff Bost had submitted a petition after Mr. Bailey, which was not supposed to be accepted. Mr. Bailey asked the Board to overrule the decision as Mr. Bost did not follow the guidelines for petitions.

Chairman Ford said there would be a public hearing on July 6, 2009 regarding the road name.

- John Burke said Commissioner Hall had raised questions regarding the ABC Board, specifically in regards as to why the income after adjustments did not turn into a distribution to the County. Mr. Burke said he had researched ABC Boards in the State and he discussed profit distribution percentages for other counties as opposed to Rowan. Mr. Burke mentioned recent comments made by ABC Board members in the Salisbury Post and said he could not recall a subordinate organization showing such a level of disdain for its superiors.
- Ronnie Sides said he bought property in Highland Trails 24 years ago. Mr. Sides said the name had always been Highland Trails; however a road sign had never been put up. Mr. Sides cited two (2) instances in which emergency vehicles had difficulty locating his home. Mr. Sides said his wife ran a business from the home. Mr. Sides said the residents recommended leaving the name Highland Trails but were told the name was unacceptable, as there was another Highland Trails in Rowan County. Mr. Sides also mentioned a dangerous curve in the area and said mail delivery should not occur in the curve. Mr. Sides said Highland Hills Trail was the second choice for a road name.
- Joyce Salvatoriello said she agreed with Mr. Sides comments, including his comments on the dangerous curve. Ms. Salvatoriello said she wanted the road name of Highland Trails.
- Lonnie Goodman, homebuilder, spoke on behalf of the Inspection Department and discussed the ups and downs with inspections. Mr. Goodman discussed the costs incurred to contractors and homeowners

when inspections and paperwork could not be completed due to lack of staff.

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

3. PUBLIC HEARING FOR MAJORITY PETITION FOR PROPOSED ROAD NAME OF PEACE WOOD ROAD

(Note: Chairman Ford switched agenda items #3 and #7 in the order of discussion).

Planning Technician Fredda Greer reported that petition leaders, James and Linda Hopper, sought addressing for Tax Parcel 625 145 in order to build a home. The Hopper's were advised that when the third structure was located along the road, the road would meet the criteria for naming. The Hopper's returned a completed petition requesting the road be named Peace Wood Road. The name was acceptable with the E-911 department and Staff recommended approval.

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

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

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the road name of Peace Wood Road passed unanimously.

4. PUBLIC HEARING FOR UNANIMOUS PETITION FOR PROPOSED ROAD NAME OF BRINDLES HILLSIDE LANE

Planning Technician Fredda Greer reported that when a resident of 1435 Old Cress Road asked to be reassigned an address off Shue Road, Planning Staff learned that a connection to this private road from Old Cress Road was to be blocked off. It was also noted that the road should be named. Ms. Greer said a completed petition was returned requesting the road name of Brindles Hillside Lane. The petition was signed by all three property owners; therefore, Staff recommended approval of the request.

Chairman Ford opened the public hearing to receive citizen input regarding the proposed road name of Brindles Hillside Lane.

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

Commissioner Mitchell moved approval of the road name of Brindles Hillside Lane. The motion was seconded by Commissioner Barber and passed unanimously.

5. PUBLIC HEARING FOR UNANIMOUS PETITION FOR PROPOSED ROAD NAME OF DORTONS HORSE ROAD

Planning Technician Fredda Greer said that during the zoning permit process, it was noted that the road in question would have three (3) structures, therefore requiring the road to be named. A completed petition was returned with all three (3) property owners' signatures. Staff recommended approval of the request.

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

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

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the road name of Dortons Horse Road passed unanimously.

6. CONSIDER APPROVAL OF SNIA 02-09

Planning Technician Fredda Greer said that a Special Non-Residential Intensity Allocation (SNIA) request was submitted for compliance review with the provisions of the Rowan County Zoning Ordinance.

The applicant, Jones Family Builders, proposed to construct a 70' x 90' 3-bay fire station. Staff recommended approval of the SNIA permit based on the accompanying site plan.

Commissioner Barber moved to approve of SNIA 02-09 based on the accompanying site plan. The motion was seconded by Commissioner Mtichell and passed unanimously.

7. CONTINUATION OF UNANIMOUS PETITION FOR HIGHLAND HILLS TRAIL

During regular session on May 18, 2009, the Board of Commissioners conducted a public hearing regarding the proposed road name of Highland Hills Trail. Several questions were raised and the Board voted to delay a decision on the road name until additional information could be received from the County's Telecommunications Director, Rob Robinson.

Mr. Robinson said he had been asked why there should not be two (2) roads with the same name. Mr. Robinson said during his five (5) years with the County there had been at least five (5) instances where 911 calls had been received and emergency services were dispatched to the wrong location. Mr. Robinson explained the only difference in road names are often the thoroughfare suffix, meaning Highland Trails Road, Highland Trails Trail, Highland Trails Boulevard,

etc. Mr. Robinson said duplication of names is avoided at all costs. Mr. Robinson reported that 65% of 911 calls are received from cell phones and it was possible that a wrong suffix or duplicate name could delay emergency services. Mr. Robinson said the County's ordinance stated that the duplicate roads should be identified and road names changed in order to prevent dispatches to the wrong location.

Mr. Robinson said every person on the road in question was actually addressed off Old Mocksville Road and would have to change their mailing information regardless.

Commissioner Mitchell asked if there was any prohibition to municipalities duplicating road names. Mr. Robinson said most of the municipalities checked with staff before naming roads. Mr. Robinson provided an example of a fire department going to the wrong location for a house fire because the road names were identical.

Commissioner Hall asked how often responders went to the wrong location. Mr. Robinson said homeowners were easy to verify; however, the concern was with cell phone calls from individuals who were not familiar with the area. Mr. Robinson said 99.9% of the calls were accurate and dispatched with no problem.

In response to a query from Commissioner Mitchell, Mr. Robinson said "Trail" was an approved suffix and the ordinance did not allow suffix names in the naming of a road, such as Highland Trails Trail. Mr. Robinson said alternatives had been suggested and he thought a name had been agreed on.

Planning Technician Fredda Greer said the residents were using a Mocksville Road address and their address would change either way. Ms. Greer noted there was probably no road sign due to the road name not being recognized in the system.

Chairman Ford asked if a resident along the road in question were to call 911 from a landline, what their address would currently be. Mr. Robinson said Mocksville Road would be the address since it was the mailing address.

Commissioner Coltrain asked Mr. Sides if Highland Hills Trail would be an acceptable name and Mr. Sides responded they would not have much of a choice.

Commissioner Mitchell said he did not want to have to change the road name; however, he also did not want to have emergency services dispatched to the wrong place.

Mr. Robinson reported that when someone calls 911, multiple agencies are dispatched. Mr. Robinson said the road names may be in two (2) different

communities; however, he explained that the two (2) communities could be within the one (1) zone for EMS or a deputy.

Commissioner Hall said the citizens were saying they would live with the road name if they had to and asked Mr. Robinson if “they have to”. Mr. Robinson said he did not want Highland Trail as it would be a problem.

Commissioner Mitchell moved approval of Highland Hills Trail. Commissioner Barber seconded and the motion passed unanimously.

Chairman Ford requested a road sign was put up as soon as possible.

Chairman Ford called for a recess at 7:53 pm.

Chairman Ford reconvened the meeting at 8:05 pm.

8. PUBLIC HEARING FOR PROPOSED FY 2009-2010 OPERATING BUDGET

Chairman Ford opened the public hearing and provided instructions to those wishing to speak regarding the proposed FY 2009-10 Operating Budget. Chairman Ford said speakers would receive up to three (3) minutes and their time could not be relinquished to other speakers. The following individuals addressed the Board:

- Dr. Jim Emerson, Chairman of the Board of Education, said the education of children of the County was essential in order to grow leaders for the future. Dr. Emerson said the school system needed the Board’s commitment to fund schools at the state average in the amount of \$1,670 per pupil. Dr. Emerson said that amount would cover the unavoidable mandated increases, help offset the state’s cuts to classrooms, and minimize the loss of over 200 state supported jobs. Dr. Emerson said the school’s budget was not designed to provide students with what was necessary and what they deserved to become responsible citizens. Dr. Emerson said every line item was being looked at to minimize job cuts and the affect on continued achievement. (Applause)
- Virginia White said she had been a tutor for grades 3 through 5 for Rowan Salisbury Schools (RSS) for the past four (4) years. Ms. White said with the Board’s support of funding at the state average, the teacher assistants could continue to help teachers reach children who might otherwise fall through the cracks. (Applause)
- Angela Gillespie said she had been a reading assistant with RSS for nine (9) years. Ms. Gillespie asked the Board to make a commitment to continue to fund RSS at the state average. (Applause)
- Sarah Drinkard, teacher at South Rowan and President of the Rowan-Salisbury Association of Educators, said a survey had been submitted as to whether teachers wished to keep the classroom supply money or allow

- the money to be used to retain teachers. Ms. Drinkard said over 75% of those responding to the survey supported retaining teachers. (Applause)
- April Williamson said she was RSS 2008-2009 Teacher of the Year and she thanked the Board for its support of educators. Ms. Williamson said while the supply money was used, she would like for the Board to consider allowing the funds to be used to save eight (8) teaching positions. Ms. Williamson discussed funding at the state average and the need to maintain that level of funding. (Applause)
 - Judy Rochelle said she had taught in several different states and was approaching her 35th year in education. Ms. Rochelle said even though times were hard for everyone, trying to save jobs to help the children was important. Ms. Rochelle said assistants were just as important as the classroom teacher because they had the opportunity to provide students with extra individual time and support. Ms. Rochelle said she hoped the Board would continue to support the schools. (Applause)
 - Shirley Disseler, an employee of RSS, said her position was one that might be eliminated due to the lack of funds. Ms. Disseler said it was difficult to imagine more students in the classroom and understand how teachers could renew their teaching licenses without the opportunity for staff development. Ms. Disseler said without teachers, no supplies were necessary and without teachers the Board would not be where they were today. (Applause) Ms. Disseler challenged the Board to put children first. (Applause)
 - Janice Raper, RSS teacher and Northeast Regional Teacher of the Year, said she had just completed her 32nd year of teaching with all but three (3) of those years in Rowan. Ms. Raper asked for the Board's support to fund the schools at the state average. Ms. Raper said RSS had worked hard to create a 21st century school system and funding cuts would take it back to the 20th century. Ms. Raper requested the Board consider not allowing any additional cuts to RSS to help grow prospering citizens that need every opportunity. Ms. Raper said she would also support losing her supply money to help keep jobs. Ms. Raper said according to the survey mentioned earlier, a great deal of teachers agreed to give up the supply money. Ms. Raper asked the Board to give the children of Rowan County a school system that is at least the state average. (Applause)
 - Louise Wooten, Executive Director of Rowan Partners for Education, asked the Board to make as few cuts as possible to RSS. Ms. Wooten said everyone wanted RSS to move forward and not take steps backward and she urged the Board to give students the best education possible. (Applause)
 - Patty Overcash, Parent Teacher Association (PTA) Council President and District Director for the State, said citizens hold children as the highest priority. Ms. Overcash pointed out that educators had become beggars of welfare for children. Ms. Overcash said the future lies with the children and they deserve an education. (Applause)

- Kim Walton, Hurley Elementary School Principal and RSS Principal of the Year, thanked the Board for appropriating classroom supply funds for the teachers. Ms. Walton said the supply funds help both teachers and students. Ms. Walton urged the Board to not consider bringing further cuts to RSS. Ms. Walton asked the Board to continue to fund the schools at the state average and appropriate the classroom supply money for saving jobs. (Applause)
- Randy Welch, Chamber of Commerce Chairman, asked the Board to make a commitment to continue a strong educational system and to fund the schools at the state average. (Applause)
- Rod Whedbee, said money was being pumped into a federal and state system that was broke. Mr. Whedbee said until the proper role of government was defined, the trap of tax and spend strategies would continue. Mr. Whedbee said services must be prioritized based on the essential roles of government defined by the United States Constitution and the North Carolina Constitution. Mr. Whedbee said he would give an “F” for federal and state economics, as legislators did not understand that when taxes were increased, people did not spend. Mr. Whedbee said now was the time to reprioritize the budget. (Applause)
- Joy Jenkins, 3rd grade teacher at Cleveland Elementary and Teacher of the Year, asked why the concern was about state average when the community desired excellence. Ms. Jenkins said average did not equal excellence. Ms. Jenkins said when making budget cuts, there were some things that must never be considered, such as the education of students. Ms. Jenkins asked “will we as leaders stand by our good name and provide through sacrifice the gift of an excellent education by standing with them and giving them what they need.” Ms. Jenkins said the issue was not about power, personalities or politics but about the pursuit of happiness and the opportunity to be educated enough to run after it. (Applause)

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

Commissioner Barber said he would like to wait to discuss the pending budget items when the date was set for final budget adoption.

Commissioner Barber said the Board was faced with making unbelievable choices and it was obvious that budget cuts were necessary. Commissioner Barber said he believed the burden must be shared in tight economic times and he asked that everything possible be done to minimize the impact of budget cuts to the classrooms and to the delivery of services to the citizens of Rowan County. Commissioner Barber said one version of the House budget would cause RSS to lose 84 teaching positions and 75 teacher assistant positions which would affect the delivery of classroom instruction. Commissioner Barber said “at the local

level, we need to do everything possible to minimize our contribution to the situation”.

Commissioner Barber said the investments made in County employees should be preserved, as well as funding the schools at the state average.

Commissioner Coltrain said the Board’s decisions would not suit everyone and he said the Board had the responsibility of sharing why the decisions were made. Commissioner Coltrain said the Board’s decisions were “not based on just the information we have within us but it is based on the information received from the people”.

Commissioner Hall said there was not a more dedicated group of employees than teachers. Commissioner Hall said one speaker discussed the need for the Board to offset the State cuts, which was a formidable task. Commissioner Hall said the State provided 70% of the funding for RSS and it would be next to impossible for the Board to offset the cuts that were possibly forthcoming.

Commissioner Hall said several speakers addressed state average funding and she expressed confusion as to what the state average funding would be with all the cuts. Commissioner Hall said the Board understood the needs and that there would be a commitment but based on other departments, there also needed to be a balance.

Commissioner Mitchell said the proposed House budget had a \$750 million tax increase. Commissioner Mitchell expressed concern over the possible affects the State’s budget could have on Rowan County’s budget. Commissioner Mitchell said the essential services were the most important and the Board would need to debate what defines “essential services”.

Chairman Ford said it was unprecedented for the Commissioners to wait to vote on the budget; however it was necessary this year based on the state’s budget approval. Chairman Ford said he had spoken with Rowan’s legislative representatives and there were several items still “up for discussion”.

Chairman Ford explained that he had allowed applause during the budget public hearing based on his own recent experience when attending a state meeting. Chairman Ford said “this is your government, this is your building, and this is your room and your money”.

Chairman Ford said the Board would not vote on the budget during the current meeting as the Board did not yet know what budget decisions the State would make.

9. DISCUSSION PERTAINING TO SPECIAL MEETING DATE FOR ADOPTION OF FY 2009-10 BUDGET

Chairman Ford explained that it was unprecedented to wait so late to consider adoption of the budget; however, he said it was necessary based on cuts the State could make to the County.

Chairman Ford said the County Manager had suggested meeting on June 29, 2009.

Commissioner Coltrain moved to hold a special meeting at 7:00 pm on June 29, 2009. Commissioner Barber seconded and the motion passed unanimously.

Chairman Ford called for a recess at 9:05 pm.

Chairman Ford reconvened the meeting at 9:15 pm.

10. DISCUSSION REGARDING ROWAN/KANNAPOLIS ABC FINANCES & OPERATIONS

Commissioner Hall discussed the management letters produced by the firm of Potter & Company regarding the audits from ABC operations from 2005 through 2008.

Commissioner Hall highlighted pertinent issues from each of the letters and said there were still significant questions concerning ABC profits and distributions to Rowan County and its municipalities.

Commissioner Hall said she had spoken with Robert Brooks, Executive Director of the North Carolina Certified Public Accountants Association. Commissioner Hall said Mr. Brooks had stated that it was basically “not hard to steal money from the ABC” as there was a lot of money and a lot of cash through the agency. Commissioner Hall said Mr. Brooks had said it was important to have other people involved checking behind employees and constantly going into the stores and checking receipts.

Commissioner Hall said she had been unable to obtain the 2004 management letter, which had been prepared by a different firm. Commissioner Hall said in speaking with Mr. Brooks, and also his assistant, she had learned that there should be an acknowledgment of work papers between the predecessor auditor and successor auditor. Commissioner Hall said the document had been requested of the ABC Board but the County had not been able to obtain the information.

Commissioner Hall said Mike Herring, Administrator for the North Carolina Alcoholic Beverage Commission had pointed out the need for transparency. Commissioner Hall said the request for information from the local ABC Board had been met with initial refusals, delays and resistance, which made people wonder

if there was a possible cover up. Commissioner Hall said Mr. Herring had said the local ABC Board should be acting as the protector of public money.

Commissioner Hall distributed the April 21, 2009 ABC Board minutes and pointed out that March sales were up 3.84% over the same period from last year; however there would be no profit distribution to the County for the past quarter. Commissioner Hall also pointed out that the Chairman of the ABC Board had stated that her request for an efficiency review was not an appropriate request from a County Commissioner. It was reflected in the same minutes that the ABC Board Chairman stated the Efficiency Committee was not the appropriate group to conduct the analysis and the ABC Board therefore declined to act on the request.

Commissioner Hall said Rowan County ranked 127 out of 157 in profit percent to revenue. According to Mr. Herring, the ranking was the worst in the state for an ABC system its size.

Commissioner Hall said it was time for change and she moved to ask the ABC Board members, because of existing problems, that they each tender their resignations immediately. Commissioner Hall felt the efficiency review would be a great starting point for a new ABC Board to improve the operations. The motion was seconded by Chairman Ford.

Commissioner Mitchell said it was obvious there were a number of rather substantial issues concerning the ABC Board. Commissioner Mitchell discussed the management letters and said from an outside perspective, it appeared the ABC Board was working on some of the problems. Commissioner Mitchell said there seemed to be a clash of personalities, which he felt was unacceptable. Commissioner Mitchell said the Commissioners had not yet met with the ABC Board and there were issues for legitimate discussion. Commissioner Mitchell said the Commissioners should advise the ABC Board of what was expected in the matters of debt repayment, funding for law enforcement, more profit distribution, etc. Commissioner Mitchell said he was not necessarily against the resignations of the ABC Board members; however, he did not wish to call for the resignations until the Commissioners had been provided with all information. Commissioner Mitchell said the people who could provide the history and the answers to the questions were the current ABC Board members. Commissioner Mitchell said the current discussions regarding ABC operations were overdue. Commissioner Mitchell said if evidence dictated, he would support a motion to ask for resignations in the future. Commissioner Mitchell also stated that he was uncertain where he stood on the reappointment of the ABC Board member whose term expired in July. Commissioner Mitchell stressed that the Commissioners should give the ABC Board the option to "right their ship" and that the Commissioners should receive the efficiency study, meet and direct questions to the ABC Board and find out what the ABC Board was doing to address their deficiencies. Commissioner Mitchell said if there was criminal

activity taking place, it should be “stamped out immediately” and if the ABC Board refused to work with the Commissioners, it would be time for change. Commissioner Mitchell said it was not good to hold discussions between the two (2) boards through the press and said he wanted to push for the efficiency study and a meeting of the two (2) boards.

Commissioner Barber agreed with Commissioner Mitchell’s comments. Commissioner Barber said he had never been opposed to the efficiency review; however, he had first hoped to hear from the ABC Board. Commissioner Barber said the efficiency review was taking place next week and the Commissioners would hear from the ABC Board once the efficiency report was submitted. Commissioner Barber said the management letters had caused him concern and he felt the Board should schedule a date to meet with the ABC Board.

Commissioner Mitchell said the tentative date to hear from the ABC Board was July 6, 2009.

Commissioner Coltrain said the best way for the Commissioners to address the issues were to get educated on the processes. Commissioner Coltrain suggested that the Commissioners hold a special meeting with the ABC Board after the efficiency study was completed.

Commissioner Hall said her chief concern had always pertained to ABC profits and distribution of those profits. Commissioner Hall said she had talked with former County Manager William Cowan earlier in the day and that he did not recall receiving the 2007 management letter as contended by the ABC Board. Commissioner Hall said Mr. Cowan had commented that the County had a difficult time obtaining “anything from them”. Commissioner Hall said Mr. Herring had reminded her that the County Commissioners appoint the ABC Board and had the ability to re-appoint the ABC Board. Commissioner Hall said there did not appear to be support to replace the ABC Board members at this time. Commissioner Hall said the ABC Board had been obstinate regarding the release of information and Mr. Herring had said the agency should be transparent and should readily hand over any information.

Chairman Ford said Commissioner Hall was the liaison to the ABC Board and that he trusted her, as he did all other Commissioners as liaisons to their various boards. Chairman Ford agreed that receiving the information was pertinent to making a decision; however he said he hated what the County was going through to obtain the information. Chairman Ford said he had nothing personal against any ABC Board member; the problem was not receiving the requested information and not receiving additional funds for the County’s coffers that would cause him to vote for the ABC Board members resignations.

Commissioner Mitchell emphasized it was unacceptable for the Commissioners to have waited the length of time that had passed in order to obtain requested

information. Commissioner Mitchell said it was also unacceptable that the profit distributions were so low. Commissioner Mitchell said he was apologetic that the Commissioners had been lax in their oversight of the ABC Board. Commissioner Mitchell said the Commissioners should push to receive the efficiency study, hold a meeting with the ABC Board and also invite Mr. Herring and Mr. Brooks to attend the meeting. Commissioner Mitchell felt Mr. Herring and Mr. Brooks could provide recommendations regarding ABC operations. Commissioner Mitchell said if the ABC Board had done nothing illegal, part of the problem was lack of oversight by the Commissioners. Commissioner Mitchell said the lack of cooperation from ABC Board members and the profit distributions should be addressed.

Commissioner Hall said she did not feel the efficiency committee would be able to determine if there had been any fraudulent activities during their one-day visit. Commissioner Hall referred to an issue in one of the management letters pertaining to federally seized money being in sealed envelopes. Commissioner Hall questioned turning the matter over to the State Bureau of Investigation (SBI) for a forensic accounting based on the seriousness of the issue. Commissioner Hall said federal seizure petty cash amounts could be hundreds of thousands of dollars and had not been turned over to the auditor.

Commissioner Hall amended the motion on the floor and said when asking for the resignation of the ABC Board members, that the County bring in Mike Herring and ask him to help get the new ABC Board and the County back on track.

Commissioner Coltrain called the question.

Upon being put to a vote, the motion with the amendment was defeated 2-3 with Commissioners Coltrain, Barber and Mitchell dissenting.

Commissioner Mitchell moved to ask Mr. Herring and/or Mr. Brooks to attend the meeting when the ABC Board comes on the proposed date of July 6, 2009. The motion was seconded by Commissioner Barber.

Commissioner Hall said it had been stated that issues with the ABC Board should not be worked out through the newspaper. Commissioner Hall reminded the Board and the public that it had been the ABC Board members who had sat down with the editor of the Salisbury Post and essentially circumvented their attendance at the next meeting of the Commissioners.

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

Commissioner Hall moved to set the ABC Board salaries to be comparable with other county boards. Commissioner Mitchell seconded the motion as long as the matter came back to the Commissioners with the amount. The motion carried unanimously.

10A. APPROVAL OF MOA FOR INTERSTATE 85 HISTORICAL PRESERVATION AGREEMENT

(Pulled for discussion from consent agenda)

Chairman Ford said it was very important to build a new I-85 bridge over the Yadkin River; however, the problem the County had pertained to the fact that the property owners did not have much of a voice.

Commissioner Mitchell said he wanted to shed light on the fact that as far as the state process, property owners were supposed to be contacted and their input gathered. Commissioner Mitchell said in hearing from some of the property owners in the area, the contact was not made. Commissioner Mitchell said the State did not follow its procedures and he was uncertain if it was handled in such manner as to expedite the project. Commissioner Mitchell said regardless of the reason, he felt that singling out groups for inclusion in the process while excluding others that were statutorily required, was a mistake by the State. Commissioner Mitchell expressed hope that in the future in regards to this type of agreement, the mistake would not happen again.

Chairman Ford said Rowan County was the only entity that had not signed the MOA. Chairman Ford said when he had asked questions of an employee at the State Historic Preservation Office, she had been rude to him. Chairman Ford said he wanted to see the bridge built as soon as possible.

Commissioner Mitchell said considering that the State was agreeing to pay for everything, he would move approval of the MOA. The motion was seconded by Commissioner Barber and passed unanimously.

11. CONSIDER APPROVAL OF LIMITED DELEGATION OF CO-SIGNATURE AUTHORITY FOR COOPERATIVE EXTENSION DIRECTOR

County Manager Gary Page referred to the template in the agenda packet and said the State was asking the Board to decide whether to give limited delegation of authority to sign contracts to the local Cooperative Extension Director. Mr. Page said approval would not change the process to apply for grants, as the Board would still have to approve the grants. Mr. Page said the co-signature would allow for the director to negotiate services, sign, and contract as long as the director stayed within the budget and scope of the project.

Commissioner Coltrain moved approval of giving James Cowden, Cooperative Extension Director, the approval and responsibility of managing those grant funds as dictated by the grant through the North Carolina State University Cooperative Extension service. Commissioner Barber seconded the motion.

Commissioner Hall inquired as to the oversight. Mr. Page said Mr. Cowden would have to stay within the budget and follow County policy. Mr. Page said the audit would catch any inconsistencies.

Mr. Cowden said the authority would not change the grant process and all procedures would be followed as they currently were. Mr. Cowden said the Cooperative Extension Director should be listed, not his name, to specifically allow for future directors to sign.

Commissioner Hall asked why the Board should vote for the request if it would not change the program. Mr. Cowden explained the Cooperative Extension would be managing the program and that some grants ask for a signature from the program manager. Mr. Cowden said not being able to sign for the grants would most likely result in applying for less grants.

Chairman Ford said the Board had previously discussed allowing departments sign for grants and the Board had decided against it. Chairman Ford questioned allowing an exception for one department.

Commissioner Coltrain said Mr. Cowden would have to come before the Board to seek approval of the grant, and if approved, Mr. Cowden would manage the grant in the same manner as he currently did.

Mr. Cowden said if grant requests were approved and allocated he would have to bring the documents back to the County Manager or the Chairman to sign off on the receipt of funds, thus making the procedure more complicated. Mr. Cowden said if the request were voted down the extension would still manage the program.

Commissioner Hall said she was having a hard time understanding why the County Manager could not continue to have oversight. Commissioner Hall said she felt better keeping the Manager "in the loop".

In response to Commissioner Hall, Mr. Page said if the Board did not feel comfortable with the change he did not feel strongly enough on the matter to push the issue.

Commissioner Mitchell said he preferred to keep the system the way it was unless it was brought up that the change was necessary.

Commissioner Coltrain asked Mr. Cowden his preference and Mr. Cowden replied that 60 of the 100 counties in North Carolina had signed on to the process and the change would allow the department to work quicker and more efficiently.

Commissioner Mitchell noted that the change would be a major departure from the current policy.

Upon being put to a vote the motion on the floor failed 2-3 with Commissioners Hall, Ford and Mitchell dissenting.

**12. DISCUSSION REGARDING AN ADDENDUM TO CONTRACTS
PERTAINING TO ADHERENCE TO THE IMMIGRATION REFORM AND
CONTROL ACT OF 1986**

Commissioner Barber discussed future investment grants pertaining to adherence to the Immigration Reform and Control Act of 1986.

Commissioner Barber read the four (4) points as listed in the current addendum for the investment grant program:

1. Taxpayer shall provide to Rowan County an annual certification, as of the time the Taxpayer first claims the assistance grant, credit or rebate and each year it claims an installment of carryforward of an assistance grant, credit or rebate, that the Taxpayer employees no unauthorized aliens at the establishment with respect to which the assistance grant, credit or rebate is claimed; and
2. If Taxpayer employees an unauthorized alien at the establishment with respect to which the assistance grant, credit or rebate is claimed, the assistance grant, credit or rebate expires and the Taxpayer may not take any remaining installment of carryforward of the assistance grant, credit or rebate; and
3. Taxpayer agrees to provide annual certifications from its General Contractor, during the term of construction of new facilities for which the assistance grant, credit or rebate is claimed, that the General Contractor is not in violation of the Act and has no pending claims by the appropriate authority with jurisdiction over such claims for violations of the Act; and
4. To the extent Taxpayer's General Contractor is found or adjudged to have violated the Act, and such determination is final without further recourse or appeal by the General Contractor, Taxpayer shall forfeit remaining installments of the assistance grant, credit or rebate.

Commissioner Barber said he thought the addendum should be standard. Commissioner Barber said the addendum for the contract for construction for County properties would be more difficult as it might discourage people from bidding on construction contracts for the County.

Commissioner Barber said he was asking the Board to consider the addendum as a standard for all future investment grant contracts and to consider the option of including the addendum as a part of the standard operating procedure in the bidding process for construction of County property.

In response to Commissioner Hall, County Attorney Jay Dees said Senate Bill 32 was being proposed, which would change Chapter 153a. Mr. Dees asked the Board to delay formal action in light of the proposed bill. Mr. Dees said the proposed bill would address employment of unauthorized aliens and contracts. Mr. Dees said the Board could still address the issue for including the addendum as part of all future incentive grants.

Commissioner Barber moved to wait and follow Senate Bill 32 but to immediately adopt a current addendum for the investment grant policy to become a standard part of the investment grant contract negotiations with any future organizations looking to relocate or expand in Rowan County. Commissioner Coltrain seconded the motion.

Commissioner Mitchell said approval was subject to the County Attorney's review and upon being put to a vote, the motion carried unanimously.

13. DISCUSSION PERTAINING TO POSTING OF MINUTES FOR COUNTY-APPOINTED BOARDS

Commissioner Hall said she thought it would be helpful to have all County appointed boards and commissions minutes posted online to provide easy access for all citizens. Commissioner Hall said posting the minutes would help facilitate information and keep citizens involved and informed. Commissioner Hall said she would like to instruct staff to provide additional information to the Board on what would be required to increase the transparency of the appointed boards and commissions in Rowan County.

Commissioner Hall moved to instruct staff to pursue what would be required in order to make the minutes of all County appointed boards available online and more accessible to the citizens. The motion was seconded by Commissioner Barber.

Commissioner Barber said he felt the Board should more frequently come to an agreement in the way it instructed staff. Commissioner Barber said he felt Staff was getting mixed signals in receiving a request from one Commissioner and whether the request was at the pleasure of the rest of the Board. Commissioner Barber said staff was getting overwhelmed and for that one reason he had seconded Commissioner Hall's motion.

Commissioner Barber said the Board needed to find out what complexity the task would add to staff and their current jobs. Commissioner Barber said all the information was public and might be handled with a phone call. Commissioner Barber said the most important minutes were of the Commission Meetings, which were posted online.

Chairman Ford agreed with the Board receiving more information and said the question would be how to get the minutes online.

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

14. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Emergency Services – To budget restricted funds through United Way donation by citizen for EMS equipment/services - \$88
- Sheriff – To appropriate funds for the purchase of vehicle that was totaled in an accident - \$18,543
- Social Services – To budget the value of Surplus Commodities received from the Department of Agriculture for FY 08-09 - \$135,859
- Social Services – Adjust budget to reflect actual anticipated State revenues through June 30, 2009 - \$22,085
- Finance – Budget revenue and expenditures for Duke Home Energy Loan Pool (\$80,000) and the Lead Assistance Partnership Pool (\$88,000) to be used with Single Family Rehabilitation Grant and Community Development Scattered Site Grant
- Finance – To revise budget to record Indirect Cost Allocation for Risk Management as an expenditure instead of a transfer - \$14,300

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

15. COUNTY MANAGER'S MONTHLY ACTIVITY REPORT TO THE BOARD

Chairman Ford opened the floor for discussion regarding the County Manager's monthly activity report to the Board.

Commissioner Mitchell moved to accept the report. Commissioner Barber seconded.

Commissioner Coltrain asked if the County's sales receipts from the State were improving. Leslie Heidrick, Finance Director said the County had received a distribution that was better than expected; however, it was in line to still leave the County with a deficit over \$2 million.

In response to a query from Commissioner Coltrain, Mr. Page said he had decided two (2) weeks ago to continue with the last furlough day, as well as decreasing the schools funding by 1% as previously voted upon by the Board. Mr. Page said the Memorial Day furlough day saved the County \$130,530.

16. ADJOURNMENT

There being no further business to come before the Board, Chairman Ford moved to adjourn at 10:55 pm. The motion was seconded by Commissioner Barber and passed unanimously.

Respectfully Submitted,

Carolyn Athey, CMC
Clerk to the Board