

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

December 7, 2009 – 4:00 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 4:00 pm.

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

Commissioner Barber said the next item on the agenda was for selection of the Chairman and Vice-Chairman of the Board. Commissioner Barber said it had been his privilege to serve as Vice-Chairman during the past year. Commissioner Barber said he planned to spend as much time as possible talking to citizens during the next year as he sought re-election to the Board and therefore; he did not wish to be nominated for Chairman or Vice-Chairman.

SELECTION OF CHAIRMAN / VICE-CHAIRMAN

County Attorney Jay Dees opened the floor for nominations for Chairman.

Commissioner Hall nominated Commissioner Ford.

Commissioner Mitchell moved to close the nominations. Commissioner Barber seconded and the motion passed unanimously.

Commissioner Ford was selected as Chairman of the Board by a unanimous vote.

Mr. Dees opened the floor for nominations for Vice-Chairman.

Commissioner Barber nominated Commissioner Mitchell.

Commissioner Barber moved to close the nominations. Commissioner Hall seconded and the motion passed unanimously.

Commissioner Mitchell was selected as Vice-Chairman by a unanimous vote.

Chairman Ford said it was an honor to serve as Chairman and he thanked the board members for their support.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Mitchell seconded and the vote to approve the minutes of the November 16, 2009 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

Commissioner Mitchell moved to add an item to the Consent Agenda regarding the Consent and Acknowledgment of Salisbury and Rowan County for the Town Creek financing. The motion was seconded by Commissioner Barber and passed unanimously.

Commissioner Hall moved to reverse the order of discussion for agenda items #9 (Consider Approval of Resolution to Rescind the One-Quarter Cent County Sales Tax Upon Completion and Payment of Capital Projects) and #10 (Consider Approval of Resolution Levying An Additional One-Quarter Cent County Sales and Use Tax). The motion was seconded by Chairman Ford and passed unanimously.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Hall pulled Consent Agenda items B (Approval of Final Agreement with City of Salisbury Regarding Airport Economic Development Zone) and G (Approval of Town Well House Restoration at Rowan Public Library Headquarters) from the Consent Agenda for discussion.

Chairman Ford moved these topics to the agenda as items #11a and 11b respectively.

The agenda was accepted as presented with the above changes.

1. CONSIDER APPROVAL OF CONSENT AGENDA

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

The Consent Agenda consisted of the following items:

- A. Consider Approval of Personal and Blanket Bonds for Rowan County Officials
- B. Approval of Final Agreement with City of Salisbury Regarding Airport Economic Development Zone (moved to agenda item #11a)
- C. Approval to Award Badge and Service Sidearm to Retired Sheriff George Wilhelm
- D. Approval to Award Service Sidearm to Retiring Sheriff's Deputy Gary Reading
- E. Approval of Capital Project Ordinance and Budget for Satellite Jail
- F. Approval of Budget Amendment for Satellite Jail Project
- G. Approval of Town Well House Restoration at Rowan Public Library Headquarters (moved to agenda item #11b)
- H. Consent and Acknowledgment of Salisbury and Rowan County for the Town Creek Financing (This issue was approved as an addition to the agenda)

2. RECOGNITION OF SALISBURY HIGH SCHOOL WOMEN'S TENNIS TEAM

Chairman Ford read a Proclamation honoring the Salisbury High School Women's Tennis Team for winning the 2A State Dual Team Tennis Title for the second consecutive year.

Chairman Ford called Coach Chris Myers and the team members forward for presentation of the Proclamation; a round of applause followed.

Chairman Ford welcomed Principal Windsor Eagle who was also in attendance.

3. RECOGNITION OF RETIRED SHERIFF GEORGE WILHELM

Chairman Ford called George Wilhelm forward in recognition of his recent retirement as Rowan County Sheriff.

Chairman Ford read and presented retired Sheriff Wilhelm with a plaque in honor of his years of service to the citizens and to the County.

Retired Sheriff Wilhelm expressed appreciation to the citizens for allowing him to serve.

4. 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 discussed a special meeting of the Executive Committee (Committee) of the Rowan County Republican Party. The special meeting was called in order for the Committee to consider a recommendation to the Commissioners for a replacement of retiring Sheriff George Wilhelm. Mr. Sides said the North Carolina General Statutes provided the responsibility for the appointment of Sheriff solely to the Commissioners. Mr. Sides asked if the party was violating its own rules by announcing support for a candidate prior to the primary. Mr. Sides expressed disappointment that some party members threatened reprisal of sitting Commissioners if they did not support the recommendation of the Republican Party.
- Marie Burgin, President of Friends of Rowan Public Library thanked the Board for allowing citizens to vote on the one-quarter cent sales tax as opposed to increasing property taxes or implementing further reduction of services. Ms. Burgin discussed the importance of services provided by the library and asked the Board to consider restoring library hours and to lift the freeze on existing vacancies.
- Carl Dangerfield said he worked for the Rowan County Sheriff's Office and he encouraged the Board to appoint Chief Deputy Kevin Auten to replace retired Sheriff George Wilhelm. Mr. Dangerfield felt that Chief Deputy Auten would be able to maintain the department's morale and provide positive direction.

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

5. PUBLIC HEARING FOR UNANIMOUS PETITION FOR WINNING WAY

Planning Technician Fredda Greer presented the background regarding property located east off the 3400 block of Woodleaf Road. Ms. Greer said the road was currently known as Bringle Custom Butcher Road; however, the new owner wished to rename the road Winning Way. Staff recommended approval of the road name.

Chairman Ford opened the public hearing for the proposed road name of Winning Way.

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

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the road name for Winning Way passed unanimously.

6. PUBLIC HEARING FOR Z 04-09

Senior Planner Shane Stewart provided a power point presentation and explained that in May of 2002, the Board of Commissioners initiated the rezoning of several hundred acres along Long Ferry Road from the intersection of

Goodman Lake / Leonard Road to the end of the road due to concerns from area residents over potential incompatible land uses. The Board rezoned the remaining stick-built subdivisions from Rural Agricultural (RA) to Residential Suburban (RS) and applied an Agricultural Overlay (AO) to existing RA zoned underdeveloped parcels surrounding the Anchor Downs subdivision after some of the Mary Lambe Heirs (majority ownership) expressed a desire to retain the RA zone since much of the property was being farmed and no plans for development were envisioned. The AO prohibits non-family subdivisions without Board approval.

Mr. Stewart reported that Ralph Lambe currently owned 3.8 acres located at 655 Mainsail Drive of which 2.8 acres was zoned RA-AO while the remaining 1 acre was zoned RS. Donna Miller with Keller Williams Realty was requesting to rezone 2.8 acres of Mr. Lambe's property from RA-AO to RS to accommodate a new lot.

Mr. Stewart highlighted the Zoning Criteria and said Staff recommended approval of the request. Mr. Stewart also stated that the Planning Board voted unanimously to recommend approval of the request, as well as the following Statement of Consistency: "The request is consistent with the rest of the neighborhood".

Chairman Ford opened the public hearing to receive citizen input regarding Z 04-09.

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

Commissioner Mitchell moved approval of the Statement of Consistency (listed above). The motion was seconded by Commissioner Coltrain and passed unanimously.

Commissioner Mitchell moved approval of Z 04-09. The motion was seconded by Commissioner Barber and passed unanimously.

7. PUBLIC HEARING TO CONSIDER PROPOSED TEXT AMENDMENTS TO ROWAN COUNTY AMBULANCE ORDINANCE

Finance Director Leslie Heidrick stated that Section 9.5 of the Rowan County Ambulance Ordinance discussed reimbursement to volunteer fire departments for their costs for providing backup services for Rowan County EMS. This section contained no mention of the Rowan County Rescue Squad or other private companies that currently provide backup services and receive reimbursement in the form of a percentage of fees collected.

Chairman Ford opened the public hearing to receive citizen input regarding the proposed text amendments.

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

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

The new text in Section 9.5 is shown in bold italics with the proposed deletions appearing as strikethroughs:

Volunteer Fire Departments, ***Rescue Squads, or private companies*** who transport patients ~~outside their assigned fire dispatch district~~ as a backup for Rowan County EMS shall be reimbursed for their costs of providing such service by payment of 75% of any fees collected by the county for these trips.

8. PRESENTATION OF FISCAL YEAR 2009 COMPREHENSIVE ANNUAL FINANCIAL REPORT

Shane Fox, of Martin Starnes & Associates, CPAs, P.A., presented the County's Comprehensive Annual Financial Report (CAFR) for fiscal year ending June 30, 2009.

Mr. Fox said Martin Starnes & Associates had rendered an unqualified audit report, which was the highest level of assurance the firm could issue regarding the accuracy of financial statements. Mr. Fox said the audit showed no findings or questionable costs. Mr. Fox praised the Finance Department for its cooperation in the audit process.

Mr. Fox discussed the audit process and briefly highlighted the financial position of the County.

Commissioner Coltrain said the Board had made tough decisions, which along with staff had served the County well.

Commissioner Barber praised the county's employees and said the County was in a good position due to the employees' hard work and loyalty.

In response to a query from Commissioner Hall, Mr. Fox explained that in prior years the firm listed audit concerns in the form of a management letter. Mr. Fox said the firm changed its procedures approximately two (2) years ago and now listed any deficiencies in the form of findings as opposed to a management letter.

Commissioner Barber moved to accept the CAFR. The motion was seconded by Commissioner Coltrain and passed unanimously.

9. CONSIDER APPROVAL OF RESOLUTION TO RESCIND THE ONE-QUARTER CENT COUNTY SALES TAX UPON COMPLETION AND PAYMENT OF CAPITAL PROJECTS

(Agenda items #9 and #10 were reversed in the order of discussion).

Commissioner Barber said the resolution passed by the Board on August 3, 2009 was clear in instructing the Board of Elections to put a referendum on the November ballot regarding the one-quarter cent sales tax. Commissioner Barber said the resolution identified two (2) specific projects to be funded if the sales tax was approved. Commissioner Barber said the State had not delivered on any of its sunset promises since 2001. Commissioner Barber felt it important for the Commissioners to encourage a future board to consider rescinding the tax when the specified projects were paid for.

Commissioner Barber moved to approve the Resolution to Rescind the One-Quarter Cent County Sales Tax Upon Completion and Payment of Capital Projects. The motion was seconded by Commissioner Mitchell.

Commissioner Mitchell asked County Manager Gary Page to explain the Board's authority to rescind the tax. Mr. Page explained that if a future Board chose to stop collecting the tax, the matter would have to be put towards a referendum.

Commissioner Coltraine said he could not agree to bind a future Board when the circumstances for ten (10) years down the road were unknown.

Commissioner Mitchell said he would support the resolution due to the fact the public had been educated that the tax would be used to fund two (2) projects. Commissioner Mitchell said at the very least, the current Board could recommend to a future Board to take the issue back to the citizens for a vote at the conclusion of the projects.

Chairman Ford said the only reason he had supported the sales tax was to pay for the projects without increasing property taxes. Chairman Ford said he realized the Resolution did not bind future boards.

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

The Resolution read as follows:

RESOLUTION
TO RESCIND THE ONE-QUARTER CENT (1/4¢)
COUNTY SALES TAX UPON COMPLETION AND PAYMENT
OF CAPITAL PROJECTS

WHEREAS, Rowan County is faced with needed capital improvements related to jail facilities, communications equipment and three (3) new antennae, all of which have a direct effect on Rowan County's future safety; *and*

WHEREAS, The General Assembly authorized County Boards of Commissioners across the State of North Carolina to levy a one-quarter percent (.25%) county sales and use tax under the Current Operations and Capital Improvements Appropriations Act of 2007; and

WHEREAS, the Rowan County Board of Commissioners (Board) voted during regular session on August 3, 2009 to direct the Rowan County Board of Elections to conduct an advisory referendum on the question of whether to levy the One-Quarter Cent (1/4¢) County Sales Tax November 3, 2009; and

WHEREAS, should the voters determine the referendum as the most fair and equitable method to finance such improvements, the projected revenue over the next ten (10) years would fund the identified capital and equipment needs.

NOW, THEREFORE BE IT RESOLVED that upon voter approval, it is the intention of the Rowan County Board of Commissioners to levy the additional one-quarter cent sales tax, to be used to pay for the jail facilities, communications equipment and three (3) antennae.

BE IT FURTHER RESOLVED that the one-quarter cent sales tax would only be for the period of time necessary to complete and pay for the approved capital projects and at such time, the one-quarter cent sales tax would be rescinded.

10. CONSIDER APPROVAL OF RESOLUTION LEVYING AN ADDITIONAL ONE-QUARTER CENT COUNTY SALES AND USE TAX

(Agenda items #10 and #9 were reversed in the order of discussion)

County Manager Gary Page explained that the voters had approved the one-quarter cent sales tax referendum and the adoption of the resolution in the agenda packets would enable the County to notify the Department of Revenue to begin collecting the sales tax on April 1, 2010.

Commissioner Barber moved to accept the *Resolution Levying An Additional One-Quarter Cent County Sales and Use Tax*. The motion was seconded by Commissioner Coltrain.

Commissioner Hall said she would like to add the following language to the Resolution after #3: "Furthermore, proceeds from the ¼ cent sales tax will be used only to finance capital improvements related to the new jail annex, emergency radio upgrades and necessary communications antennae."

Commissioner Barber accepted the additional language.

Commissioner Mitchell said he had no problem with the language but he questioned how binding the Resolution would be. Mr. Page said a future board would decide whether to call for a referendum to remove the sales tax. Mr. Page said the current Board's intentions were to use the funds for the projects as stated to the public.

Commissioner Mitchell said while it was the Board's intentions to follow through in the manner in which the public had been educated, it did not bind the next board as to how to use the money or to rescind the tax when the projects were paid for.

Commissioner Hall said the Board's stance would be on record and she put her suggestion in the form of a motion. The motion was seconded by Commissioner Barber.

Commissioner Barber said when the Board had discussed the need for the sales tax it was made clear that the money was for the jail and related telecommunications equipment needs. Commissioner Barber read the statement from the referendum that had been on the November ballot and said the citizens had spoken.

Upon being put to a vote, the motion with the amendment passed unanimously.

The amended Resolution read as follows:

RESOLUTION LEVYING AN ADDITIONAL
ONE-QUARTER CENT (1/4¢) COUNTY SALES AND USE TAX

WHEREAS, The General Assembly has authorized county boards of commissioners across the State of North Carolina to levy a one-quarter percent (.25%) county sales and use tax under the Current Operations and Capital Improvements Appropriations Act of 2007, contingent on an advisory referendum in which the majority of those casting ballots voted for the levy of the tax; *and*

WHEREAS, the Rowan County Board of Commissioners directed the Rowan County Board of Elections to conduct an advisory referendum on the question of whether to levy the One-Quarter Cent (1/4¢) County Sales and Use Tax in Rowan County on the 3rd day of November, 2009 ; *and*

WHEREAS, the ballots were cast 55.11 % FOR and 44.89 % AGAINST the levy of the One-Quarter Cent (1/4¢) County Sales and Use Tax; *and*

WHEREAS, the Board has provided the required 10 days public notice of the Board's intent to consider this resolution to levy the tax; *and*

WHEREAS, the Rowan County Board of Commissioners hereby finds that the levy of the One-Quarter Cent (1/4¢) County Sales and Use Tax is necessary to help address and alleviate fiscal constraints within Rowan County.

NOW, THEREFORE, BE IT RESOLVED by the Rowan County Board of Commissioners:

- (1) There is hereby levied within Rowan County the One-Quarter Cent (1/4¢) County Sales and Use Tax, authorized in Section 31.17(b) of the Current Operations and Capital Improvements Appropriations Act of 2007 (Session Law 2007-323).
- (2) Collection of the tax by the North Carolina Secretary of Revenue, shall begin on and continue after the 1st day of April, 2010.
- (3) The net proceeds of the tax levied herein shall be distributed by the Secretary of Revenue to Rowan County in accordance with Article 39 Chapter 105 of the North Carolina General Statutes. Notwithstanding the provisions of Article 39 of Chapter 105, the additional One-Quarter Cent (1/4¢) County Sales and Use Tax does not apply to the sales price of food that is exempt from tax pursuant to N.C.G.S. 105-164.13B. The Secretary shall not divide the amount allocated to a county between Rowan County and the municipalities within Rowan County.

(4) Furthermore, proceeds from the one-quarter cent sales tax will be used only to finance capital improvements related to the new jail annex, emergency radio upgrades and necessary communications antennae.”

(5) This Resolution is effective upon its adoption, and a certified copy hereof shall be forwarded to Kenneth R. Lay, Secretary, North Carolina Department of Revenue, P.O. Box 25000, Raleigh, NC 27640, along with a certified copy of the Rowan County Board of Election results from the advisory referendum.

11. CONSIDER APPROVAL OF CONTRACT FOR RELOCATION SERVICES AND THE PURCHASE AND INSTALLATION OF FURNITURE FOR DEPARTMENT OF SOCIAL SERVICES

Finance Director Leslie Heidrick said the County had received bids from eleven (11) vendors to provide relocation services and to sell and install furniture for the new Rowan County Department of Social Services (DSS) offices. Ms. Heidrick reported that Macthrift Company submitted the lowest bid but was considered as non-responsive. Ms. Heidrick said FSI Office submitted the next lowest bid in the amount of \$208,812 for the “good” option and \$292,832 for the “better” option. Ms. Heidrick said furniture for four (4) reception areas was added to the project after receiving the bids.

The bids were received as follows:

Bidder	"Good" Furniture	"Better" Furniture	Relocation	Total "Good" Option and Relocation	Total "Better" Option and Relocation
Macthrift	\$ 147,467	\$ 172,516	\$ 31,886	\$ 179,353	\$ 204,402
FSI Office	189,777	273,797	19,035	208,812	292,832
in2furniture	265,385	-	19,381	284,766	NA
Commercial Works	271,673	343,775	18,561	290,234	362,336
White Office Furniture	252,371	-	39,825	292,196	NA
OM Workspace	268,286	291,828	41,304	309,590	333,132
Carolina Office Systems	293,339	304,482	34,500	327,839	338,982
Gregory Grier	-	321,069	-	NA	NA
Hildrup	-	-	17,625	NA	NA
Lentz Transfer & Storage	-	-	41,704	NA	NA
Cabro Logistical Solutions	-	-	31,886	NA	NA

The total cost for relocation services and the purchase and installation of furniture from FSI Office was \$296,174; the amount was within the approved budget and staff recommended awarding the contract to FSI at a cost not to exceed \$296,174.

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to award the contract to FSI Office passed unanimously.

11a. Airport Economic Development Zone

(Pulled from Consent Agenda, item B, for discussion)

Commissioner Hall questioned the strikethrough located on page 2 under (3)b of the proposed agreement. Commissioner Hall said the strikethrough removed the Airport Manager as a representative of the committee in question. Commissioner Hall said the deletion of the Airport Manager was proposed on page 3 under (8). Commissioner Hall said she also had a question about (5) on page 3 in regards to annexation.

Chairman Ford said he thought the Board had struck (5) Annexation on page 3.

County Attorney Jay Dees said the Board had discussed a committee that would review requests for use of the Airport Development Fund. The committee would consist of the City Manager, County Manager, City Finance Director and County Finance Director. Mr. Dees said the Airport Manager would submit requests for use of the funds to the committee and if there was a problem with the committee's decision, the Board and City Council would discuss the issue. Mr. Dees said the Airport Manager was removed from the list of representatives since he would be then one submitting the request. Mr. Dees said it was clear the funds would be used for capital expenditures.

In response to Commissioner Coltrain, Mr. Dees said the Board had previously voted on an agreement and based on the discussion, a re-draft of the agreement had been necessary.

Commissioner Mitchell said he had referred several times to the committee as the finance officers and managers during the previous discussion. Commissioner Mitchell said he did not have a problem with the Airport Manager not having a vote. Commissioner Mitchell said Mr. Dees was correct in his statement that it was clear the funds would be used for capital expenses.

Commissioner Mitchell said the Board did discuss (5) Annexation and he pointed out the City of Salisbury could already annex any piece of property and the Board would not be able to stop them.

Commissioner Hall said she felt the City should come before the Board to discuss annexation.

Chairman Ford suggested changing the sentence under (5) on page 3 to say “The County may petition the City to voluntarily annex.”

Commissioner Mitchell said if the language was changed to “may”, the Board might as well strike the whole provision.

Commissioner Mitchell moved to accept the document as it exists. The motion was seconded by Commissioner Coltrain and passed 3-2 with Commissioners Ford and Hall dissenting.

11b. Approval of Town Well House Restoration at Rowan Public Library Headquarters

(Pulled from Consent Agenda, item G, for discussion)

Commissioner Hall asked County Manager Gary Page to provide more details as to how the request would impact the library property.

Mr. Page said a citizen had offered to fund reconstruction of the structure which once covered the historical town well located on Church Street at the rear of the headquarters library.

Mr. Page said if the well and cover were restored to its original look, it would infringe on the twenty (20) foot wide driveway by approximately five (5) feet. Mr. Page said the change to the driveway would not significantly affect the traffic flow and if it became a problem the County had the option to make the entrance/exit a one-way drive.

Commissioner Hall asked if there were drawings available to show where the well would be in relation to the rest of the property. Mr. Page responded there were no funds available for real drawings; however if the Board wished, he could have the project drawn to scale to present at the next meeting.

Chairman Ford called Jeff Hall, Library Director, forward to answer any questions from the Board.

Mr. Hall said the driveway was a single-lane driveway until 1988 when it was enlarged to become a two-lane drive. Mr. Hall said there may be some advantage to make the drive one-way in that it would help slow down the traffic. Mr. Hall said the difficulty with making the driveway a single lane would be the lack of space for tractor trailers to make deliveries. Mr. Hall said in order for the well structure to be replaced, five (5) to six (6) feet would need to be removed from the drive so taller vehicles would not hit the overhang on the structure.

In response to Commissioner Hall, Mr. Hall said the extra space was needed to allow clearance for taller vehicles. Mr. Hall said there would be grass plantings and a granite step at the well for children to look down into the well.

Commissioner Hall asked if the donor would be paying to remove the asphalt from the lane and Mr. Hall responded yes.

Mr. Hall said the owner did not want to spend money on drawings or excavation work until he had the Board's approval.

Commissioner Coltrain asked if there would be funding for safety to keep people from falling in and Mr. Hall responded yes.

Commissioner Barber moved approval of the request. The motion was seconded by Commissioner Coltrain and passed unanimously.

Chairman Ford called for a recess at 5:15 pm.

Chairman Ford reconvened the meeting at 5:30 pm.

12. DISCUSSION REGARDING COUNTY-OWNED PROPERTY AT 1236 WEST INNES STREET

County Manager Gary Page said the Board had agreed in February 2007 to build and renovate office space for the Department of Social Services (DSS) adjacent to the Rowan County Health Department.

Mr. Page reported that the first phase of the project would be complete on January 18, 2010 and the next step would be to relocate Daymark from the Health Department building to the old DSS building on West Innes Street. The plan was to have Daymark relocated by the first week of February to allow the contractor to begin work on phase two of the project.

Mr. Page explained that during the past year, there had been discussions to consider offering the DSS building on West Innes Street to the Rowan County Board of Education (BOE) as a possible location for a central office. Mr. Page said if the BOE accepted the offer, Daymark would need a six (6) month notice from February 1, 2010 to vacate the West Innes Street building. Mr. Page said if the BOE rejected the offer to use the facility as a central office, the County could leave Daymark as is, with a new lease effective July 1, 2010. Mr. Page said the County was operating under a month-to-month lease with Daymark through June 2010. Daymark's rent was approximately \$11,000 per month for 19,500 square feet.

Commissioner Mitchell asked how large the West Innes Street Building was and Mr. Page said just over 22,000 square feet.

Commissioner Mitchell asked for the current size of the Long Street Building and Commissioner Coltrain said he had been informed the Long Street Building had 29,000 square feet that was utilized.

Commissioner Mitchell said he did not mind allowing the BOE to look at the building to see if it would meet their needs; however, he did not want it to seem like the Board was forcing a building on the BOE that would not meet their needs. Commissioner Mitchell pointed out the West Innes Street building was smaller than what the BOE currently used and he was not aware of a room in the building that would be large enough to hold a BOE meeting. Commissioner Mitchell said the Board would also lose \$11,000 per month in rent from Daymark if the BOE moved into the building.

Commissioner Barber said conversations with the BOE had been to consolidate their offices. Commissioner Barber said if the BOE wished to occupy the West Innes Street building, he was willing to suggest offering the use of the Commissioners chambers for BOE meetings. Commissioner Barber said the Board could also incur any costs associated with a feasibility study.

Commissioner Barber expressed concern that the County did not have a plan for the employees at the 911 Center and for the Board of Elections that were in need of additional facilities. Commissioner Barber said he found it difficult to offer the building to the school system until there was a plan for Rowan County offices.

Chairman Ford said there had been discussions about the 911 Center moving to the Mahaley building, which was 10,000 square feet. Chairman Ford said there had been office space opened up in the basement of J. Newton Cohen, Sr. Rowan County Administration Building that could be given to the Board of Elections.

Commissioner Barber said he would like to see a plan for the Board's consideration.

Chairman Ford said Commissioner Barber was right that the meeting room in the West Innes Street building may not be large enough for BOE meetings. Chairman Ford said he had toured the building and did not see a problem in offering the facility to the BOE.

Commissioner Coltrain said in 2007 it was estimated that \$167,000 per year would be saved by consolidating the BOE into one office. Commissioner Coltrain said by moving the Long Street office into the West Innes Street building the goal of saving money would not be met. Commissioner Coltrain said there was a significant cost due to the loss of rent by Daymark.

Commissioner Barber said Daymark was planning to move to West Innes Street and had budgeted for the move. Commissioner Barber said if Daymark was given a six (6) month notice to vacate the West Innes site, the agency would have to budget for a second move. Commissioner Barber said the second move would be a difficult challenge for Daymark and they might not be able to find adequate space to continue the level of services provided.

Commissioner Hall asked if Daymark was aware they were on a month to month lease. County Attorney Jay Dees said Daymark was aware and there was not a lot of pressure to extend the lease for another year in anticipation of moving offices.

Commissioner Hall recalled that the BOE had come to the Board last year with safety concerns at the Long Street Office and also to discuss consolidation. Commissioner Hall said the top concern had been for safety. Commissioner Hall said the West Innes Street building could be a short term remedy for safety concerns. Commissioner Hall suggested the Manager present a plan at the first meeting in January for the County's 911 Center and Board of Elections. Commissioner Hall said the BOE should ultimately decide whether the West Innes building would work as a central office.

Commissioner Mitchell said he was agreeable with informal staff level discussions with the BOE and that he would also like to see a plan for County departments.

Commissioner Barber said at one point last year a committee had been formed to work with the BOE to find a central office and he suggested the committee get back together.

Commissioner Hall said before the committee met, the County Manager should provide a report at the first meeting in January regarding plans for County departments.

13. DISCUSSION REGARDING SECOND COMMISSION MEETING IN JANUARY

Chairman Ford said the January 18, 2010 Commission Meeting fell on the Martin Luther King, Jr. holiday, which was a county-observed holiday.

Chairman Ford opened the floor for discussion regarding the Board's preference in changing the meeting date.

Commissioner Mitchell moved to change the meeting to Tuesday, January 19, 2010 with a start time of 4:00 pm. The motion was seconded by Commissioner Barber and passed unanimously.

14. CONSIDER APPROVAL OF CONTRACT AMENDMENT FOR PAROLE AND PROBATION

County Manager Gary Page explained that the State had shifted the responsibility of providing office space for parole and probation offices to the County.

Mr. Page discussed the proposed lease, which was through August 30, 2010 at which time the lease would become month to month in the event other space

became available. The rent was \$4,082 month. Mr. Page said the County had no choice but to incur the costs and that he felt the he and the County Attorney had negotiated the best deal possible until another option could be found.

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

15. CONSIDER APPROVAL OF REQUEST FOR REFUND OF DEPOSIT FOR PROPERTY LOCATED AT 6205 MOORESVILLE HWY

County Attorney Jay Dees explained that Claude Thornhill had offered \$225,000 for the purchase of county-property located at 6205 Mooresville Highway. Mr. Dees said Mr. Thornhill had paid the required deposit in the amount of \$11,250 and the Clerk had advertised for upset bids. No upset bids were received.

Mr. Dees reported that the appraisal was for \$226,000; however, the underwriter would not use the comparables since they were more than 12 months out. Mr. Dees said the Thornhill's were requesting their deposit back and he suggested the Board return the deposit, less advertising costs and attorney fees, or a little over \$500.

Commissioner Coltrain moved to refund the deposit to the Thornhill's, withholding only the County's expenses. The motion was seconded by Commissioner Mitchell and passed unanimously.

16. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Emergency Services – To install flagpole at EMS Station 85 (Salisbury) per approval of Commissioners in prior fiscal year (2009) \$ 4,456
- Sheriff's Office – Recognize donation for \$1850 from Salisbury, NC Kennel Club and budget to fixed asset account for purchase of K-9 equipment - \$1,850
- Recognize excess revenue in Federal Asset Forfeiture account and budget to Drug Education Federal Account - \$6, 454
- Social Services – To budget increase in the amount of federal funds received to compensate Altrusa International for distribution of USDA commodities. The September distribution percentage exceeded \$10,000 and there will be at least two (2) more distributions this fiscal year - \$15,000
- Social Services – To budget donations received for the 1 Church 1 Child Program, as well as miscellaneous donations for Children's Services and Food Pantry. In addition, we are increasing our anticipated expenditure and revenue for the LINKS Special Funds based on actual spending - \$5,245

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

17. CONSIDER APPROVAL OF BOARD APPOINTMENTS **BOARD OF HEALTH**

Elia Gegorek (public representative), Philip Roels (optometrist representative) and Susan Thomas (nurse representative) submitted applications for reappointment. The terms were for three (3) years beginning January 1, 2010 and expiring December 31, 2012.

Commissioner Mitchell nominated Elia Gegorek, Philip Roels and Susan Thomas and the nomination passed unanimously.

PARKS AND RECREATION

At the end of December, there will be six (6) vacancies due to expiring terms of five (5) members and the resignation of Troy Elliott.

The following individuals submitted applications.

- Andrew Waters (reappointment)
- Randy McCombs (reappointment)
- Dennis Rogers (reappointment)
- Hayes Smith (reappointment)
- Jack Kepley, Jr.
- Bob Parker
- Jeffrey Cox

The terms would be for three (3) years beginning January 1, 2010 and expiring December 31, 2012. One individual should be appointed to fill Mr. Elliott's vacancy, which will expire December 31, 2011.

Commissioner Hall nominated Andrew Waters, Randy McCombs, Dennis Rogers, Hayes Smith, Jack Kepley, Jr. and Bob Parker. The nomination passed unanimously.

Commissioner Mitchell moved Bob Parker's term be set to expire December 31, 2011. Commissioner Barber seconded and the motion passed unanimously.

PLANNING BOARD

Jack Fisher and Melanie Earle's terms end December 31, 2009. The following applications were received:

- Jack Fisher (reappointment)
- Melanie Earle (reappointment)
- Elizabeth Cox
- Jeffrey Cox
-

The terms would be for three (3) years beginning January 1, 2010 and expiring December 31, 2012.

Commissioner Coltrain nominated Melanie Earle and Elizabeth Cox. Commissioner Coltrain said he had nominated Ms. Cox due to her involvement with the planning activities in Kannapolis. Commissioner Coltrain said Jack Fisher was serving on the Zoning Board of Adjustment and he preferred to appoint someone from the southern portion of the County.

Commissioner Hall nominated Jack Fisher.

Upon being put to a vote, the nomination for Jack Fisher passed 4-1 with Commissioner Coltrain dissenting.

The nomination of Melanie Earle passed unanimously.

ECONOMIC DEVELOPMENT COMMISSION (EDC)

Jeanie Moore's term ends December 31, 2009 and she has completed her allowable number of terms. The following applications were received, along with an email from EDC Director Robert Van Geons regarding this appointment:

- Bruce Jones
- Lee Withers

The term would be for three (3) years beginning January 1, 2010 and expiring December 31, 2012.

Commissioner Mitchell nominated Bruce Jones.

Chairman Ford nominated Lee Withers.

The nomination for Bruce Jones passed 4-1 with Chairman Ford dissenting.

Commissioner Coltrain noted the email from Mr. Van Geons regarding concern by the EDC Board for potential conflicts of interest for elected individuals serving on the EDC Board. Commissioner Coltrain said he had talked with Mr. Withers and Mr. Withers suggested the Commissioners discuss county level boards that municipal elected leaders could serve on without being caught in a conflict of interest.

Chairman Ford agreed the Board could look into the matter for clarification in the future.

JURY COMMISSION

Stephen Thackery's term ended November 30, 2009. The following applications were been received:

- Stephen Thackery (reappointment: the term limits approved by the Board in September 2009 would need to be waived)
- Jeffrey Cox (Also applied for Parks Board and Planning Board which he noted on his application that he is most interested in)

The term was for two (2) years beginning December 1, 2009 and expiring November 30, 2011.

Commissioner Mitchell nominated Jeffrey Cox and the nomination passed unanimously.

RESCUE SQUAD

Frank Thomason and Millie Cress have submitted applications for reappointment. The terms would be for two (2) years beginning January 1, 2010 and expiring December 31, 2011.

Mary Ponds has completed her allowable number of terms. The Rescue Squad is recommending the appointment of Don Bringle to fill Ms. Ponds' vacancy. The term would be for two (2) years beginning January 1, 2010 and expiring December 31, 2011.

Commissioner Barber nominated Frank Thomason and Millie Cress for reappointment and Don Bringle to fill Ms. Ponds' vacancy.

The nomination passed unanimously.

LIBRARY BOARD

Lori Yang, Gary Freeze, Pamela Misenheimer, Michelle Patterson and Wilbert Sadler completed their allowable number of terms. The following applications were received to fill their vacancies:

- Reginald Brown
- Marianna Swaim
- Joy Steele
- Charles Peacock
- Melissa Oleen

The term would be for three (3) years beginning January 1, 2010 and expiring December 31, 2012.

Commissioner Barber nominated Reginald Brown, Marianna Swaim, Joy Steele, Charles Peacock, Melissa Oleen and the nomination passed unanimously.

POOLETOWN VOLUNTEER FIRE DEPARTMENT FIRE COMMISSIONERS

The Pooletown VFD is requesting the appointment of three (3) Fire Commissioners and the following applications have been received:

- Jimmy Carver
- Gary Bostian
- Terry Leach
- Ryan Barkley

The term would be for two (2) years beginning December 1, 2009 and expiring November 30, 2011.

Commissioner Barber nominated Jimmy Carver, Gary Bostian and Terry Leach and the nomination passed unanimously.

TOWN OF GRANITE QUARRY PLANNING BOARD

The Town of Granite Quarry recommended the appointment of Errin Brown to serve as an ETJ member. The term would be for three (3) years beginning January 1, 2010 and expiring December 31, 2012.

Commissioner Mitchell nominated Errin Brown and the nomination passed unanimously.

NURSING HOME ADVISORY COMMITTEE

Sandra Grant was appointed May 4, 2009 for a one (1) year term expiring April 30, 2010. Ms. Grant resigned from the Committee; however did not submit a formal letter of resignation.

Christine McDonald was appointed July 6, 2009 for a one (1) year term expiring June 30, 2010. Ms. McDonald notified Centralina in September that was moving out of state; however, she never submitted a formal letter of resignation.

Commissioner Mitchell made a motion to remove Sandra Grant from the Nursing Home Advisory Committee. The motion was seconded by Commissioner Barber and passed unanimously.

Commissioner Mitchell made a motion to remove Christine McDonald from the Nursing Home Advisory Committee. The motion was seconded by Commissioner Barber and passed unanimously.

18. ADJOURNMENT

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 6:01 pm. The motion was seconded by Commissioner Mitchell and passed unanimously.

Respectfully Submitted,

Carolyn Athey, CMC
Clerk to the Board