

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

November 15, 2010 – 7:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING
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Present: Carl Ford, Chairman
Chad Mitchell, Vice-Chairman
Jon Barber, Member
Raymond Coltrain, Member
Tina Hall, 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.

Chairman Ford 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 November 1, 2010 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

Commissioner Mitchell moved to add the proposed settlement agreement with DH Griffin to agenda item #7 (Reports). The motion was seconded by Commissioner Barber and passed unanimously.

Commissioner Mitchell moved to add a discussion regarding the offer to purchase county-owned property located at 6205 Mooresville Highway. The motion was seconded by Commissioner Barber and passed unanimously.

Chairman Ford added the issue as agenda item #6a.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

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

1. CONSIDER APPROVAL OF CONSENT AGENDA

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

The Consent Agenda consisted of the following:

- A. Add Laurel Crest Drive to the State Secondary Road System for Maintenance
- B. Set Public Hearing for December 6, 2010 to Consider Economic Development Incentive for Project CGTUSTR
- C. Sewer Easement for New Satellite Jail
- D. Authorization to Accept US Department of Homeland Security Grant for Delivery of Various Preparedness Training Courses
- E. Award Service Sidearm to Retiring Rowan County Sheriff's Detective Linda Porter & Sergeant Jeff McCorkle
- F. Purchase of Landfill Equipment for Environmental Management
- G. Set Public Hearing for December 6, 2010 for CDBG-Recovery Closeout
- H. Proclamation for Lambda Epsilon Sigma Salisbury-Rowan County Alumnae Chapter

WHEREAS, the Lambda Epsilon Sigma Salisbury-Rowan County Alumnae Chapter, chartered June 5, 2010, is part of the Sigma Gamma Rho Sorority, Inc.; and

WHEREAS, the Sigma Gamma Rho Sorority, Inc. was organized November 12, 1922 and is celebrating eighty-eight (88) years of "Greater Service, Greater Progress" as a leading international service organization promoting sisterhood, scholarship and service; and

WHEREAS, the Sigma Gamma Rho Sorority, Inc. has over 500 chapters and 8,500 members, including the local Lambda Epsilon Sigma Salisbury-Rowan County Alumnae Chapter, all of which are committed to improving the quality of life for citizens through education, training and service.

NOW, THEREFORE, BE IT PROCLAIMED that the Rowan County Board of Commissioners does hereby recognize the Sigma Gamma Rho Sorority, Inc for 88 years of service and the Lambda Epsilon Sigma Salisbury-Rowan County Alumnae Chapter for its enthusiasm to promote leadership, scholarship and service in Rowan County.

2. APPROVAL OF PROCLAMATION HONORING SALISBURY HIGH SCHOOL WOMEN'S TENNIS TEAM

Commissioner Coltrain moved, Commissioner Hall seconded and the vote to approve the Proclamation honoring the Salisbury High School Women's Tennis Team passed unanimously.

Chairman Ford read the Proclamation and called the team members and Coach Chris Myers forward to present them with a copy of the Proclamation. The recognition was followed by a standing ovation and a round of applause.

The Proclamation read as follows:

WHEREAS, the Salisbury High School Women's Tennis Team and Coach Chris Myers is to be recognized and honored for their victorious 2010 tennis season; and

WHEREAS, by their astonishing efforts, this impressive team has won the 2A State Dual Team Tennis Title for the 3rd consecutive year and ended the 2010 season with an amazing record of 27-2; and

WHEREAS, the individual efforts of all team members was crucial to the successful season; and the dedication and commitment of these young Rowan County women, along with their coaching staff, have proven to be a source of admiration and inspiration to their fellow students and the citizens of Rowan County.

NOW, THEREFORE BE IT PROCLAIMED, that the Rowan County Board of Commissioners does hereby honor the Salisbury High School Women's Tennis Team and Coach Myers for their incredible achievements and to commend them for their display of sportsmanship and leadership as they represented Rowan County.

3. PUBLIC COMMENT PERIOD

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

- Ray Paradowski thanked the Board for its support in regards to the Rowan-Cabarrus Community College bond referendum.

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

4. PUBLIC HEARING FOR ZTA 02-10

Planning and Development Director Ed Muire reviewed the text amendments for ZTA 02-10.

Mr. Muire said the amendments to the Zoning Ordinance pertained to septage, which was defined as solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin which is removed from a wastewater system and may be further defined by North Carolina General Statute (NCGS) § 130A-290(32)(a-e). Mr. Muire said the NCGS definition also included "waste removed from portable toilets, grease septage, treatment plant septage, industrial and/or commercial, as well."

Mr. Muire said it was worthwhile to look at the differences in how the State and Rowan County regulated this type of use. Mr. Muire referred to the information in the agenda packet and pointed out that most of the items were handled by the

Division of Waste Management and most of their standards were in excess of what Rowan County would require for a use that is similar. Mr. Muire noted the 500' requirement from the residence, while the County's requirements at this point were 300'. Mr. Muire said the point where the County's regulations did exceed those of the Division of Waste Management was in regards to adjoining properties. Mr. Muire said the County did not currently have a regulation for wells, springs, streams, ditches, and public road right of way. Mr. Muire said prior to a site being permitted by the State a soil scientist must review the site and provide an analysis as to whether the site was suitable for application of domestic waste.

Mr. Muire discussed the agricultural exemptions for crops and also the fact that the State handled site inspections. Mr. Muire said in talking with the State's representative, he was told the sites were inspected at least once every other month. Mr. Muire reported that operators received three (3) hours of annual training from the State and that land applications may not take place in a WS1 watershed or WS2, WS3, or WS4 critical areas.

Mr. Muire said the County regulated the uses through the conditional use process in the RA or Industrial district.

Mr. Muire discussed the two (2) existing sites in the County.

Mr. Muire said the text amendments would add two (2) definitions to the definitions section of the zoning ordinance - the first for septage, the second for the septage management firm.

Mr. Muire said if a firm provided the County with a permit from the North Carolina Department of Natural Resources (NCDENR) to operate a facility, the firm would be permitted. Mr. Muire said the State did a better job policing the regulations than the County could.

Mr. Muire said the County was looking at definitions, specific criteria, and changing the table of uses. Mr. Muire said the Planning Board held a courtesy hearing and there was an 8-0 vote to approve the zoning text amendments as presented, as well as the Statement of Consistency.

Chairman Ford opened the public hearing to receive citizen input regarding ZTA 02-10 text amendments.

- Larry Casto of 2070 Gheen Road expressed concern with the proposed text amendments and said he did not understand why human waste had to be dumped on private property. Mr. Casto said he had seen a trail of waste left from trucks and he felt the waste would end up airborne. Mr. Casto wanted reassurance the people handling the waste would do so in accordance with required regulations. Mr. Casto discussed the potential

for damage to wells and streams from the runoff. Mr. Casto said there were enough problems with the environment without allowing this use and allowing waste to become airborne.

- Benny Myers of Myers Septic Company said he had been in business 40 years and operated a land disposal site for 20 years. Mr. Myers stated some of the comments made by Mr. Casto were not true, including the comment that a trail of waste was left from one of the trucks. Mr. Myers said he had never had a citation and that the latest report from September listed no violations. Mr. Myers said penalties for violations could be assessed for as much as \$15,000 per day. Mr. Myers said the facility was certified every year and was maintained in a perfect manner.
- Cindy Rigman of 178 Green Gable Lane said her home was within 300-500 yards of one of the proposed sites. Ms. Rigman expressed concerns about having the waste so close to her home and she urged the Board to carefully consider the request before making a decision.

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

In response to Commissioner Mitchell, Mr. Muire said there were two (2) sites currently permitted in the County and only the company that operates the site may apply septage there.

Commissioner Mitchell asked how the two (2) sites were permitted previous to the proposed text amendments. Mr. Muire replied that staff was unaware of the sites as they were established prior to the zoning ordinance.

Commissioner Mitchell asked why the County should add the text amendments if the process was totally state regulated. Mr. Muire said staff could not effectively deal with the land application complaints at the local level. Mr. Muire if the state permitted the sites, the County would like to know where the sites were located in order to be able to confirm the sites and refer callers to the appropriate party.

County Attorney Jay Dees said, "If it is not listed as a permitted use then the general presumption is that it is not a permitted use." Mr. Dees said the County wanted the sites registered as a special requirement and the State would regulate the use. Mr. Dees said the State, through NCDENR, was much better equipped to license, inspect and deal with the health concerns.

Commissioner Mitchell pointed out the State's setback requirement was 500' and he asked if it would be enforceable if the County instituted a 1,000' setback. Mr. Muire said, "Unless we are challenged they are enforceable".

Mr. Dees felt it would be worth the County's time and effort to regulate the process.

Commissioner Hall asked Mr. Muire if he had worked with the City of Salisbury (City) on the issue and Mr. Muire responded no.

Commissioner Hall asked if the City land applied any of its waste on farmland in Rowan County. Mr. Muire said it was likely but that he did not know for certain.

Commissioner Hall asked if the County should be aware of any municipal land applications. Mr. Dees said any waste disposal company, whether municipal or private firm, would be regulated by the NCDENR and should be appropriately permitted for application at that site through the state regulatory body. Mr. Dees said, "That is an assumption."

Commissioner Hall asked how the County would obtain the information. Mr. Dees said the County could obtain the information; however, regardless of who filed the land application for treated waste, it was permitted through NCDENR for that site and was monitored, inspected, and tested by NCDENR and NCDENR was responsible for enforcement of any violations.

Commissioner Hall mentioned the increased price of fertilizer and said farmers were looking for alternatives. Mr. Muire said the application could not be used as fertilizer for crops that were grown for human consumption but rather for hay and similar crops.

Commissioner Coltrain felt the proposed text amendments would create more potential sites for permitting. Commissioner Coltrain said he had worked with farmers in Davie County who received material from the City of Winston Salem and the process was highly regulated and checked.

Commissioner Coltrain explained that the lime used in the process killed all pathogens in the material. Commissioner Coltrain said the applications for any crops must have a nutrient management plan and that soil samples were taken and monitored to ensure the process remained safe. Commissioner Coltrain concurred with Mr. Gasto that for a few hours after the land application, there would be an odor.

Chairman Ford said no one had spoken for or against the text amendments through the committee process or Planning Board. Chairman Ford said the Board could approve, deny or table the issue.

Commissioner Hall said she would feel more comfortable in knowing where the land applications were going.

Commissioner Coltrain referred to the power point presentation and asked for clarification that the applications were occurring on the property shown in the slide. Mr. Muire said the power point depicted one (1) of two (2) sites permitted.

Commissioner Hall said, "We don't even know from our municipalities; you weren't able to answer that question." Mr. Muire said, "I'm not sure I totally understand your question. What I can tell you is that there are two (2) sites permitted in the county. All the other septic management firms take their material to the City of Salisbury to be processed. How the city manages the waste or the sludge that is residual from that, I do not know."

Commissioner Hall asked if it was possible the City was sending materials out in the County. Mr. Muire said it could be; however, it would not be part of the zoning text amendment because there were two (2) different materials. One is the sludge and one is the septage.

Commissioner Coltrain said cities have to go through the same process in meeting the requirements of NCDENR.

Mr. Muire said if the Board had concerns, staff could report back with more information. Mr. Muire said there were only two (2) sites in the County and there was not a pressing need for a site to be permitted.

Commissioner Hall said she was not opposed but wanted to fully understand the process.

Commissioner Hall moved to table the issue to give Mr. Muire the opportunity to bring the matter back before the Board of Commissioners. The motion was seconded by Commissioner Mitchell.

Commissioner Coltrain said he understood Commissioner Hall's concerns but having worked in the industry, the County had no jurisdiction over what municipalities did in the process. Commissioner Coltrain felt there was no need to delay a decision.

Commissioner Mitchell requested to add to the motion that the Board would reopen the public hearing whenever information was received from Mr. Muire.

Commissioner Hall agreed and the motion passed 4-1 with Commissioner Coltrain dissenting.

5. PUBLIC HEARING FOR Z 03-10

Senior Planner Shane Stewart explained that in August of 1986, Odell and Suzanne Petrea purchased approximately 8.7 acres located behind their home at 150 Jesse Safrit Road containing Country View Estates Mobile Home Park. The Petrea family operated the 16-unit park until late 2007 before removing all the mobile homes and abandoning the park. The owners expressed no interest in re-opening the park.

Mr. Stewart said the applicants proposed rezoning three (3) parcels totaling 9.12 acres located at 140 Jesse Safrit Road, further referenced as Tax Parcels 456-064, 070, and 146, from Manufactured Home Park (MHP) to Rural Agricultural (RA).

Chairman Ford opened the public hearing to receive citizen input regarding Z 03-10.

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 Z 03-10 carried unanimously.

Commissioner Mitchell moved approval of the Statement of Consistency. The motion was seconded by Commissioner Barber and passed unanimously. The Statement of Consistency read as follows:

1. The requested change appears to be in harmony with the land use plan and area.
2. The request is consistent with the zoning district's purpose and intent.

6. PUBLIC HEARING FOR 2011 SCHEDULE OF VALUES

Chairman Ford opened the public hearing to receive citizen input regarding the 2011 proposed schedules, standards and rules to be used in appraising real property in the 2011 general reappraisal. The following citizens came forward to address the Board:

- James Rollans provided the Board with a handout and asked the Board to make sure the accuracy, uniformity and fairness of the taxes applied were as accurate as possible. Mr. Rollans reviewed the handout and said he did not feel the figures provided in the Schedule of Values was fair. Mr. Rollans felt the Board should use the information provided in the Use Value Manual.

Commissioner Mitchell asked Mr. Rollans if he was asking that the assessment be performed on the parcels that were under present use value. Mr. Rollans said he had only provided an example of what could be done with each parcel under present use value. Mr. Rollans said the change would be an improvement and the parcels could have an overlay that included soil types. Mr. Rollans said it was estimated to take 8-10 minutes per parcel to perform the analysis.

Commissioner Mitchell said at 5,801 parcels, it would take approximately 25 weeks for one person to perform the analysis.

Mr. Rollans said the prototype would have to be done and the four (4) classes of soil types entered. Mr. Rollans estimated it was approximately 3,000 parcels and Commissioner Mitchell said “so only 13 weeks of work rather than 25.”

Commissioner Mitchell said the last bullet on page 52 stated the County did not have the capacity to use the digitized soil information.

Barbara McGuire, Real and Personal Property Manager, estimated that it would take double the time to perform the improvements Mr. Rollans suggested. Ms. McGuire said there were 3500 parcels that had the present use qualification and of those, there could be multiple qualifications.

Commissioner Mitchell asked if the current system would allow the data to be crossed over automatically and Ms. McGuire responded no. Ms. McGuire said the tax office had never said no to the suggested process but that it did not have the staff to do the 3500 parcels.

Commissioner Coltrain said the predominant soil type for the acreage would be assigned and the data would not have to be entered every time a revaluation occurred. Ms. McGuire said right.

Jerry Rowland, Tax Administrator, said staff had used the state recommended values. Mr. Rowland said when considering the classifications, there could be a staggering number of different soil types. Mr. Rowland said he thought Mr. Rollans was talking about condensing the soil types down to 72; however, he said staff had condensed them further and used weighted averages. Mr. Rowland said there would be a minute difference in the value for each.

Mr. Rowland discussed the state mandated cap rates used by staff in generating property values.

In response to a query from Commissioner Coltrain regarding the differences in the pasture and horticulture, Mr. Rowland said it was based on the rents. Ms. McGuire added that staff had met with approximately fifteen (15) farmers who felt the 2007 rates were good enough to carry to 2011.

Commissioner Mitchell questioned the accuracy of the soil types based on the GIS maps and Planning & Development Director Ed Muire said they were within a couple of acres.

Commissioner Coltrain discussed the Soil Conservation Service and the process for classifying soil types. Commissioner Coltrain said the accuracy was within a matter of feet.

- Marion Rollans said she wanted to pose several questions to the Board to make them think more about the proposed revaluation. Ms. Rollans expressed hope the Board would use the revaluation process to fairly distribute the tax burden on Rowan County citizens.
- Chairman Ford granted Mr. Rollans request to make additional comments. Mr. Rollans said in the late 1990's the County paid to have a soil survey performed. Mr. Rollans added it would not be beyond the capacity of Rowan County to more fairly distribute the value of land according to its productivity. Mr. Rollans stated he was at the meeting of the farmers that had been mentioned and he said there was silence when the question was asked if the \$500 rate was acceptable.

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

Commissioner Coltrain asked Mr. Rowland how many clear and free sales staff normally had for which to base their decision. Mr. Rowland responded that staff preferred to use the last 2 years of sales data and if the data was not available, staff went back a few more years.

In response to a query from Commissioner Coltrain, Ms. McGuire said staff probably had 2,000 valid transactions for the past 2 years.

Commissioner Coltrain pointed out the figure was approximately 14 to 15% of the amount of data normally available.

Mr. Rowland discussed the effects the lack of data might have on the revaluation. Mr. Rowland said staff seldom lost an appeal to the State because staff had the data to back the figures. Mr. Rowland expressed concern with not just the residential rural properties but the commercial properties as well.

Mr. Rowland confirmed to Commissioner Coltrain that if the revaluation occurred and the tax rate changed, the lower priced home owners would be affected more than the higher priced home owners. Commissioner Coltrain said "I would not personally like to do that."

Commissioner Barber thanked the Tax Assessor's Office for the hard work that had gone into the revaluation process. Commissioner Barber also thanked Mr. and Mrs. Rollans for attending the meeting and addressing the Board. Commissioner Barber said almost 50% of all counties were delaying their revaluation since they did not have enough data. Commissioner Barber said if the tax base was going down and if the County wanted to get back to revenue neutral, it meant there would have to be a tax increase. Commissioner Barber said no one wanted to increase taxes and the only way to get the recurring revenue stream was to consider cuts. Commissioner Barber said one way to

address the budget was to delay approval of the schedule of values. Commissioner Barber said he supported staff's previous recommendation to delay the schedule of values.

Commissioner Hall said citizens were looking to the Board to "stay the course." Commissioner Hall felt the County should do the best with the information available in such unprecedented times. Commissioner Hall expressed appreciation for Mr. Rowland's staff and said she thought it was the intent of the Board to move forward.

Chairman Ford said he understood the concept in delaying the process; however, predictions from homebuilders and realtors were the economy would not change for the better in another year. Chairman Ford said it was time for the government to live within its means and that the Board would be faced with some tough decisions in making cuts in the next budget.

Commissioner Mitchell referred to sales transactions in 2009 and said the Rowan County sales ratio was 97.76%. Mr. Rowland said, "The assessed value was 97.76% of the sales price. We were 2.5% below."

Discussion ensued between Commissioner Mitchell, Mr. Rowland and Ms. McGuire regarding the assessed values and actual market values. Commissioner Mitchell felt the County would be on dangerous ground when referring to appeals if it started talking about trying to artificially inflate one area over another. Commissioner Mitchell felt the Board should take the rules as they existed and pass them. Commissioner Mitchell felt the County would be close to true market value based on the sales ratio data.

Commissioner Mitchell said the Board's goal should be to set fair market value to make it fair and equitable for everybody involved. Commissioner Mitchell said he had not spoken to anyone or received calls or emails asking the Board to delay the revaluation. Commissioner Mitchell said the only reason he would not vote to go forward in the process was if the County could not fairly judge the value of the property.

Commissioner Mitchell said he realized staff's recommendation had been to hold off on the revaluation. Commissioner Mitchell asked if the tax office could provide the Board with as close to a legally defensible revaluation as the current times allowed. Mr. Rowland said, "There is only one answer to that, obviously we have the experience to do it." Mr. Rowland stressed that he would feel comfortable with more data but he said, "to answer your question yes, we can do that."

Commissioner Coltrain said he had to consider the fact that the lower income people with the lower value homes were going to be affected more drastically.

Commissioner Coltrain moved that the Board delay this revaluation for a term, be it one or two years, whatever the recommendations were, and let the economy continue to stabilize. Commissioner Barber seconded the motion.

Commissioner Barber felt there would be a significant number of appeals if the process went forward. Commissioner Barber pointed out that the Tax Administrator's contract expired at the end of June and that he would feel more comfortable extending the contract by a minimum of 6 months if the Board voted to approve the process.

Commissioner Hall asked if the tax office had received calls from people asking for a delay and Mr. Rowland estimated there had been 10 or 15 calls.

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

Commissioner Mitchell moved to adopt the 2011 schedule of values as presented. The motion was seconded by Commissioner Hall and passed 3-2 with Commissioners Barber and Coltrain dissenting.

Chairman Ford called for a recess at 9:19 pm.

Chairman Ford reconvened the meeting at 9:30 pm.

ADDITION

6a. Discussion Regarding Offer to Purchase County-Owned Property Located At 6205 Mooresville Highway

Chairman Ford said the Board voted on November 1, 2010 to begin the upset bid process based on an offer from Allen West in the amount of \$143,000 for property located at 6205 Mooresville Highway. Chairman Ford said the discussion indicated that \$175,000 would be a more fair offer. Chairman Ford said if the Board intended to accept no less than \$175,000, the Board might wish to set the starting price at \$175,000.

Mr. Page asked if the Board was willing to accept an offer between \$143,000 and \$175,000. Mr. Page said Mr. West did not want to pay the deposit if the County was never going to accept less than \$175,000.

A brief discussion ensued regarding the cost of maintaining the property and other possible uses, such as a satellite Sheriff's Office or EMS station.

Commissioner Coltrain moved to start the upset bid process. Commissioner Barber stated the same motion was made on November 1, 2010 and was therefore not necessary.

Chairman Ford said Mr. West did not mind the upset bid process; he only wanted to know the price the Board was willing to accept.

The motion died for lack of a second.

Commissioner Mitchell moved to accept \$175,000 for the property. The motion was seconded by Commissioner Barber and passed unanimously.

7. REPORTS

The following reports were submitted for the Board's consideration:

- (a) County Manager's Monthly Activity Report
- (b) Settlement Agreement with DH Griffin (added to the agenda at the beginning of the meeting)

Commissioner Mitchell moved to accept the reports as submitted. The motion was seconded by Commissioner Barber.

In response to a query from Commissioner Hall, Mr. Page provided the Board with an update regarding completion of the jail pod. Mr. Page said a Certificate of Occupancy (CO) had been received and approval was now up to the state. Mr. Page said the Sheriff was working with the state inspector for access to the area.

Commissioner Hall inquired as to what could be done to move the process along and she asked if a letter should be submitted to the state from the Board. Mr. Page said he would write a letter and send it to the state inspector's boss.

Commissioner Hall asked Mr. Page to keep the Board updated on the matter.

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

8. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Finance – to appropriate fund balance and expenditures for repair of the Rowan County Courthouse exterior walls - \$170,000

Commissioner Mitchell moved approval of the budget amendment as presented. The motion was seconded by Commissioner Barber and passed unanimously.

9. CLOSED SESSION

Commissioner Mitchell moved to enter closed session pursuant to North Carolina General Statute § 143-318.11(a)(2) to consider an award and § 143-318.11(a)(6) for Personnel. The motion was seconded by Commissioner Barber.

Commissioner Hall asked if the Board could name the employees to be discussed and said by law, the Board had the right to discuss the matter in open session.

County Attorney Jay Dees said the personnel matter included discussion with regard to qualifications of an individual and was appropriate to discuss in closed session. Mr. Dees felt the intent of the discussion would result in action being taken in open session.

Commissioner Hall said North Carolina General Statutes did not require the discussion to take place in closed session. Mr. Dees said the question was a policy decision to be made by the Board.

Commissioner Hall moved to discuss the personnel issue in open session. Chairman Ford said the first motion on the floor was for the Board to enter closed session to discuss both issues. Upon being put to a vote, the motion passed 3-2 with Commissioners Hall and Ford dissenting.

The Board entered closed session at 9:55 pm.

The Board returned to open session at 10:37 pm.

Commissioner Mitchell moved to set the Register of Deeds salary at \$56,070 and the Sheriff's salary at \$79,106. The motion was seconded by Commissioner Hall and passed unanimously.

10. ADJOURNMENT

There being no further business to come before the Board, Commissioner Mitchell moved to adjourn at 10:38 pm. The motion was seconded by Commissioner Barber and passed unanimously.

Respectfully Submitted,

Carolyn Athey, CMC, NCCCC
Clerk to the Board/Assistant to the County Manager