

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
May 6, 2013 – 3:00 PM**

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING
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Present: Jim Sides, Chairman
Craig Pierce, Vice-Chairman
Jon Barber, Member
Mike Caskey, Member
Chad Mitchell, Member

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

Chairman Sides convened the meeting at 3:00 p.m.

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Pierce seconded and the vote to approve the minutes of the April 9, 2013, April 15, 2013 and April 25, 2013 Commission Meetings passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

Commissioner Mitchell requested to add to the Consent Agenda a Resolution of Opposition to House Bill 870, *An Act to Require All Public Bodies to Record Meetings Held in Closed Session* and to ask the Clerk to the Board to send the Resolution to the North Carolina Association of County Commissioners NCACC expressing opposition. The motion was seconded by Commissioner Barber and passed unanimously.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

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

1. CONSIDER APPROVAL OF CONSENT AGENDA

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

The Consent Agenda consisted of the following:

- A. Apply for HAVA DHHS Funding Grant
- B. Proclamation for Law Enforcement Week

WHEREAS, in 1962, President John F. Kennedy signed a Presidential Proclamation that set aside May 15th as National Peace Officers' Memorial Day and the week of May 15th as National Police Week; and

WHEREAS, the members of all the law enforcements agencies in Rowan County play an essential role in safeguarding the rights and freedoms of all our citizens; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards and sacrifices of their law enforcement agencies; and

WHEREAS, members of our law enforcement agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, law enforcement officers, past and present, have faithfully and loyally rendered a dedicated service to this County and have established for themselves an enviable and enduring reputation to preserving the rights and security of all citizens.

THEREFORE BE IT PROCLAIMED that the Rowan County Board of Commissioners does hereby proclaim May 12-18, 2013 as LAW ENFORCEMENT WEEK.

NOW, THEREFORE BE IT FURTHER PROCLAIMED that the Rowan County Board of Commissioners calls upon all citizens of Rowan County to observe May 15, 2013 as PEACE OFFICERS' MEMORIAL DAY in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

C. Proclamation for Shield A Badge With Prayer Awareness Month

WHEREAS, the Shield-A-Badge With Prayer program works to affirm the commitment of Rowan County Law Enforcement Officers and encourages citizen awareness and appreciation for these officers; and

WHEREAS, the program invites citizens to commit to pray for an officer every day for one year and to send birthday cards and notes of thanks to these officers; and

WHEREAS, through the generosity of individuals, businesses and churches that have donated services and fundraisers, 10,000 Bibles, 3,500 Shield-A-Badge Bible Promise Books and 11,000 New Testaments have been purchased to be given away; and

WHEREAS, the Shield-A-Badge With Prayer program began in 1995 in Rowan County, by Chaplain Michael Taylor and has begun to expand statewide, reaching out to other counties, municipalities, colleges, hospitals, correctional facilities, 911 communicators, probations officers, animal control officers, state highway patrol troopers, fire departments, Clerk of Court employees, magistrates, judges, District Attorney's Office, County Commissioners, sheriffs, and attorneys; and

WHEREAS, through the dedication and travels of Chaplain Taylor, counties from across the state are receiving encouragement and training for chaplains.

NOW, THEREFORE BE IT PROCLAIMED that the Rowan County Board of Commissioners does hereby establish the month of May as Shield-A-Badge With Prayer Awareness Month.

D. Resolution Appointing Julian Burton as Review Officer

WHEREAS, S.L. 1997-309 (S875) makes a number of significant changes in the procedures for recording maps and plats; and

WHEREAS, the main purpose of the law is to transfer the responsibility for reviewing plats to determine whether they meet recording requirements from the Register of Deeds to a Review Officer; and

WHEREAS, the new G.S. 47-30.2 requires the Board of County Commissioners in each County, by resolution, to appoint a person to serve as Review Officer to review each plat before it is recorded and certify that it meets the statutory requirements for recording, and

WHEREAS, it is the desire of the Rowan County Board of Commissioners to insure an expeditious review of all maps and plats as required by G.S. 47-30.2 before they are presented to the Register of Deeds for recording.

NOW THEREFORE, BE IT RESOLVED, effective May 6, 2013, Julian Burton is hereby appointed to perform all responsibilities as required for Review Officer under the appropriate North Carolina General Statutes.

BE IT FURTHER RESOLVED that a copy of this Resolution designating the appointment of Review Officer be recorded in the Rowan County Register of Deeds Office and indexed in the name of the Review Officer.

E. Set Public Hearing for Z 02-13 for May 20, 2013

F. Resolution Revoking Appointed Review Officers

WHEREAS, S.L. 1997-309 (S875) makes a number of significant changes in the procedures for recording maps and plats; and

WHEREAS, the main purpose of the law is to transfer the responsibility for reviewing plats to determine whether they meet recording requirements from the Register of Deeds to a Review Officer; and

WHEREAS, the new G.S. 47-30.2 requires the Board of County Commissioners in each County, by resolution, to appoint a person to serve as Review Officer to review each plat before it is recorded and certify that it meets the statutory requirements for recording, and

WHEREAS, it is the desire of the Rowan County Board of Commissioners to insure an expeditious review of all maps and plats as required by G.S. 47-30.2 before they are presented to the Register of Deeds for recording.

NOW THEREFORE, BE IT RESOLVED, effective May 6, 2013, Andrew Goodall and Fredda Greer are hereby removed from their previous appointment to perform all responsibilities as required for Review Officer under the appropriate North Carolina General Statutes.

BE IT FURTHER RESOLVED that a copy of this Resolution designating the revocation of Review Officer be recorded in the Rowan County Register of Deeds Office.

G. Set Quasi-Judicial Hearing for PCUR 01-13 for May 20, 2013

H. Adoption of Cabarrus-Rowan MPO MOU

I. Approval of Grant Resolutions for the Airport Hangar Project

J. County Management Records Retention & Disposition Schedule

K. Juvenile Crime Prevention Council 2013-14 Funding Plan

L. Proclamation for Community Action Month

WHEREAS, Community Action Agencies were created when the Economic Opportunity Act of 1964 was signed into law; and

WHEREAS, Community Action Agencies have a 49 year history of promoting self-sufficiency for the limited income; and

WHEREAS, the Salisbury-Rowan Community Action Agency has made an essential contribution to individuals and families in Rowan County by providing them with innovative and cost-effective programs; and

WHEREAS, Community Action Agencies are needed as major participants in the reform of the welfare system as we know it; and

WHEREAS, the citizens in Rowan County have benefited from the partnerships involved with the Salisbury-Rowan Community Action Agency; and

WHEREAS, low income families continue to need opportunities to improve their lives and their living conditions, thus ensuring that all citizens are able to live in dignity; and

WHEREAS, Rowan County and the entire United States must continue to wage war on poverty by providing support and opportunities for all citizens in need of assistance.

NOW, THEREFORE BE IT PROCLAIMED that the Rowan County Board of Commissioners does hereby establish the month of May 2013 as COMMUNITY ACTION MONTH and urges all citizens to recognize the hard work and dedication of the Salisbury-Rowan Community Action Agency.

M. Proclamation for The Purple Heart Trail

WHEREAS, the temporary name of The Purple Heart Trail is the parade route of a special motorcycle tribute which is part of a Veteran's Day Weekend Celebration to acknowledge, honor and remember all those who took the oath and served our country in the United States military; and

WHEREAS, the special tribute is called a "Rumble Quake" and will be the Opening Act for Uncle Sam's USO show and Celebration for the Veterans and their family and friends; and

WHEREAS, the parade route begins in Salisbury at the intersection of Statesville Boulevard and US Hwy 70, which is also the area of the Salisbury National Cemetery Annex, then travels west to The BOAT, at 800 Bailey Farm Road, Bailey Hills, NC, a community in Iredell County; and

WHEREAS, the celebration will begin at approximately 11:00 a.m. Saturday, November 9, 2013 and arriving at The BOAT at approximately 12:00 noon.

NOW, THEREFORE BE IT PROCLAIMED that the Rowan County Board of Commissioners does hereby call upon the citizens of Rowan County to participate in and support the Veterans Day Weekend Celebrations and to make this Special Tribute an Annual Event to remember the sacrifices of all those who fought so valiantly on the seas, in the air, and on foreign shores to preserve our heritage of freedom.

N. Resolution of Opposition to House Bill 870 *An Act to Require All Public Bodies to Record Meetings Held in Closed Session* (added to the Consent Agenda)

WHEREAS, the N.C. Open Meetings Statute, G.S. §143-318.11 allows public bodies to meet in closed session for certain purposes; and

WHEREAS, the Statute requires "full and accurate minutes" and a "general account" of all closed session meetings, and requires these documents be made public once it is determined that public inspection would no longer frustrate the purpose of a closed session; and

WHEREAS, House Bill 870 has been introduced to the General Assembly would require that all closed sessions held by public bodies be either audio or video taped, with the exception of G.S. §143-318.11(a)(6) (personnel); and

WHEREAS, the North Carolina Association of County Clerks previously registered opposition to past legislation introduced in the General Assembly on this issue and has again gone on record in strong opposition to current House Bill 870.

NOW, THEREFORE BE IT RESOLVED, that the Rowan County Board of Commissioners does hereby oppose House Bill 870 for the following reasons:

- The recording of closed sessions is unnecessary because Clerks across the State, in almost all cases, are keeping accurate and sufficient records of the closed meetings as required by North Carolina General Statutes. The Clerks make those records public as soon as possible.
- Public bodies include all governing boards, but also include all boards, committees, commissions, authorities and councils appointed by the governing boards, all of which would be required to record closed sessions.

- In county governments alone, there are thousands of appointed boards, committees, commissions, authorities or councils and as stated, would be archiving recordings of closed sessions.
- House Bill 870 is an unfunded mandate and in order to comply, large and unnecessary expenditures would be imposed on county governments, as well as smaller local public bodies.
- In order to avoid asking the public to move, many closed sessions are held in a different chamber than the regular meeting place; therefore, further expenses would be incurred for additional equipment purchases.
- Each item discussed in closed session would require a separate recording as some items may be permanently sealed while others are not.
- Storage space of multiple recordings would become a problem with some being sealed indefinitely.
- Maintaining recordings indefinitely would be virtually impossible as recording mechanisms wear out or become obsolete with technology changes. The recordings would have to be periodically checked and likely re-recorded.
- Requiring recorded closed sessions may well have an adverse affect on free and frank discussions on matters of recognized sensitivity and may have the unintended effect of encouraging the public bodies to find ways to circumvent the Open Meetings Law.

BE IT FURTHER RESOLVED, that based on the reasons listed above, the Rowan County Board of Commissioners respectfully requests that members of the North Carolina General Assembly consider the ramifications of this unfunded mandate and vote against legislation requiring the recording of closed sessions, which would impose unnecessary, unrealistic and costly requirements on public bodies and the Clerks to the Boards of County Commissioners and other recording secretaries charged with the responsibility of keeping the records of public bodies across the State.

2. PUBLIC COMMENT PERIOD

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

- Melvin Deal read numerous biblical scriptures in support of prayer in Jesus' name.
- Larry Wright questioned the validity of the lawsuit filed by the American Civil Liberties Union.

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

3. PRESENTATION FROM ROWAN-SALISBURY SCHOOL SYSTEM FOR FY 2013-14 APPROPRIATION REQUEST

Chief Financial Officer Tara Trexler and Assistant Superintendent Gene Miller presented the appropriation request from the Rowan-Salisbury School System (RSSS). Using a power point presentation, Ms. Trexler highlighted the challenges facing the Board of Education (BOE), which included:

- Funding cuts of over \$24 million
- Over 200 positions eliminated
- State discretionary reversion

- Federal sequestration and related cuts
- Continually increasing retirement rate and insurance premium cost for employees without funding increases to cover
- Expiration of EduJobs
- Expiration of Safe and Healthy Schools Grant

The projected budget deficit included:

- Expiration of EduJobs funding - \$1m
- Recurring expenditures funded by Fund Balance Appropriation in 2012-13 - \$1,440,000
- Projected cuts in state budget - \$2m
- Mandatory increases in local budget (1% salary and payroll benefit increases) - \$281,000
- Unemployment Insurance Increase - \$88,000

The additional considerations reviewed by Ms. Trexler totaled \$792,000 and were detailed as follows:

- Retain 5 LINKS staff for intervention - \$315,000
- ½ of Middle School Resource Officers - \$138,000
- Return to Front Office Clerical Formula - \$93,000
- Utility increase for additional lighting poles - \$21,000
- Drop in enrollment impact if county funds on same per pupil basis - \$225,000

County Appropriation Increase Request was listed as follows:

Total additional needed	\$5,601,000
Appropriate Fund Balance	\$1,000,000
Total Increase Requested	\$4,601,000

2012-13 Appropriation	- \$31,789,443
Requested Increase	- \$ 4,601,000
Total for 2013-14	- \$36,390,443

Mr. Miller reviewed the 2013-14 Capital Outlay Budget Revenues, which totaled \$26,686,500. Mr. Miller then highlighted the 2013-14 Capital Outlay Expenditure Assumptions as follows:

- Category 1 – Land, Building and Improvements - \$26,161,500
- Category 2 – Furniture and Equipment - \$485,000
- Category 3 – Vehicle Purchases - \$40,000
- **Total Capital Outlay - \$26,686,500**

Mr. Miller also presented the needs list for Capital Improvement Projects as of January 9, 2012 as follows:

- Central Administrative office - \$8,400,000
- Woodleaf Elementary School - \$13,486,500

- Cleveland Elementary School - \$13,486,500
- Koontz Elementary - \$1,913,374
- Knox Middle - \$18,449,916
- High School Instructional Gymnasiums - \$9,766,260
- Middle School Instructional Gymnasiums - \$8,466,300
- New Southwest Area Middle School - \$20,300,000
- South Area Elementary School - \$15,652,298
- **Total Capital Improvement - \$109,921,148**

Commissioner Pierce read from the North Carolina General Statutes and pointed out the State was responsible for operating the schools. Commissioner Pierce said the County was responsible for financing construction and maintenance of school facilities. Commissioner Pierce said each time the State cut funding to the schools, the schools asked for more money from the County.

Commissioner Pierce said the County had done a terrific job with the amount of money allocated each year by approaching 40% of the matching funds offered by the state. Commissioner Pierce said Rowan County was funding the schools at the level they should be. Commissioner Pierce went on to say the County had made cuts over the past few years to provide for the schools and he said while the RSSS had made cuts, RSSS had not cut enough. Commissioner Pierce stated the County could not continue to provide services if the trend continued for the County to make up for the cuts made by the State. Commissioner Pierce said it not the County's responsibility to make up for cuts made by State.

Commissioner Barber said his perspective was that children's education should not be "starved" and the County should not aspire to mediocrity. Commissioner Barber asked Mr. Miller about discussions in past years on combining Woodleaf Elementary and Cleveland Elementary into one school and whether that discussion had been a topic in the presentation for 2013-14 funding requests. Mr. Miller responded that the prior years' discussion from the two (2) communities involved was clear and trying to combine the two schools was not a topic that had been discussed this year.

Commissioner Pierce questioned the energy program Mr. Miller had mentioned and asked whether Woodleaf or Cleveland were included in the program. Mr. Miller responded they were not.

Commissioner Pierce questioned the major factor in not combining the schools to which Mr. Miller responded that the communities wanted the individual schools.

Commissioner Mitchell said the economy had not picked up for the County to bridge the State and federal cuts. Commissioner Mitchell said when looking at the County's traditional role, the County was behind on a lot of the things on the Capital Improvement Project list. Commissioner Mitchell said the Board should begin the thought process as to how it would provide for the needs.

Commissioner Mitchell agreed the County could not continue to make up for State cuts.

Commissioner Caskey asked if the Board of Education had met to make it known if they wanted the Commissioners to raise taxes to bridge the deficit. Neither Ms. Trexler nor Mr. Miller responded to the inquiry.

In response to a question from Commissioner Mitchell, Mr. Miller said the figures in the capital outlay presentation were State figures.

Chairman Sides expressed appreciation for the information. Chairman Sides said in his years of service on the Board, there had always been lively discussions with the schools regarding the budget. Chairman Sides said the problem was statewide.

Chairman Sides said the North Carolina Association of County Commissioners (NCACC) elected goals each year that the counties and NCACC wanted to see the legislature enact. Chairman Sides said he pushes for the State to relieve counties of the responsibility of having to argue with the school systems over funding. Chairman Sides said the State had a formula for funding schools and he would like for counties to also have a formula.

Chairman Sides concluded by saying he would not vote for a tax increase and that he would work with the legislators to establish a formula as to how much counties should provide. Chairman Sides said the schools would most likely have to cut funding due to the fact they would not receive the \$4.6 million requested.

4. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Finance – To appropriate funds for 2011 CDBG – Scattered Site Project – Grant Number 11-C-2324. The BOC adopted a resolution March 5, 2012. The contract for program administration with Hobbs, Upchurch & Associates was entered into on October 15, 2012 and the release of funds was authorized by the Division of Community Investment and Assistance March 18, 2013 - \$400,000
- Library – Additional revenue received this year for gifts. This will be used to purchase books and materials for the Library - \$10,000
- Finance – To budget reserved funds for Bird Habitat for Nature Center - \$15,000
- Sheriff's Office – To recognize new revenue and budget to proper expense account - \$15,290
- Sheriff's Office – To recognize new revenue and budget to proper expense account to cover training cost - \$2,000

- Sheriff's Office – To recognize new revenue and budget to accounts to allow for training on equipment used in drug investigations - \$5,000
- Social Services – Revised expenditures / revenues based on Funding Authorizations received from the State. The State has received Federal TANF Contingency Funding and has included the allocation for the fourth quarter - \$8,832

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

5. CONSIDER APPROVAL OF BOARD APPOINTMENTS
CITY OF SALISBURY ETJ ZONING BOARD OF ADJUSTMENTS

Herbert Chambers has submitted an application for consideration. The term would expire March 31, 2016.

Commissioner Barber nominated Herbert Chambers and the nomination passed unanimously.

ELLIS CROSS COUNTRY VFD FIRE COMMISSIONER

Jerry Charles Stafford has submitted an application to fill the third vacancy. The term would be for two (2) years beginning May 1, 2013 and expiring April 30, 2015.

A late application was received from David Eugene Williamson.

Commissioner Pierce nominated Jerry Stafford and the nomination passed unanimously.

NURSING HOME ADVISORY COMMITTEE

Amie Diane Irvin has submitted an application. The term would be for one (1) year beginning May 1, 2013 and expiring April 30, 2014.

Commissioner Pierce nominated Amie Irvin and the nomination passed unanimously.

6.ADJOURNMENT

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 3:56 p.m. The motion was seconded by Commissioner Pierce and passed unanimously.

Respectfully Submitted,

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