

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS  
SPECIAL JOINT MEETING  
WITH THE  
ROWAN SALISBURY SCHOOL SYSTEM BOARD OF EDUCATION  
July 11, 2013 – 6:00 PM  
J. NEWTON COHEN, SR. ROOM  
J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING**

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Judge Willis Whichard, mediator, reconvened the joint meeting of the Rowan County Board of Commissioners (BOC) and the Rowan-Salisbury Board of Education (BOE) at 6:00 p.m. Judge Whichard announced the attorneys for the BOE were stuck in traffic and the meeting would be delayed.

Commissioners present were Jim Sides, Chairman, Craig Pierce, Vice-Chairman, Jon Barber, Mike Caskey, and Chad Mitchell. County Manager Gary Page, County Attorney Jay Dees, Attorney Neil Yarborough and Administrative Secretary Peggy Price were also present. Clerk to the Board Carolyn Barger and Finance Director Leslie Heidrick were absent.

Board of Education members in attendance were Chairman Dr. Richard Miller, Vice-Chair Kay Wright Norman, Jean Kennedy, Susan Cox, Joshua Wagner, and Charles Hughes. L. A. Overcash participated by phone. Also present were Assistant Superintendent Gene Miller, Clerk to the Board Bonnie Holder, Attorney Richard Schwartz, Attorney Brian Shaw and Finance Officer Tara Trexler. Superintendent Judy Grissom was absent.

Judge Whichard stated he would meet with each board separately and convey proposals back and forth, as well as any counter proposals. Judge Whichard said he would start the process with the BOC. Judge Whichard then announced that it would be appropriate for each board to make motions to go into closed session.

Chairman Sides asked Judge Whichard if it was a legal requirement that the boards meet in closed session, to which Judge Whichard responded yes, especially if the boards were in working groups. Judge Whichard said the statutes clearly contemplate the meetings should be done in private and that he

could not imagine productive settlement negotiations if both boards were not in closed session.

Chairman Sides said he was concerned because of the eight (8) hour session at the last meeting where there were numerous discussions between lawyers that were not conveyed to board members.

Judge Whichard assured Chairman Sides the same situation would not happen. Judge Whichard reported the attorneys had agreed to a three (3) hour limit, subject to a pending resolution.

Chairman Richard Miller noted for the record that Gene Miller, Assistant Superintendent was present as Superintendent Dr. Judy Grissom's designee and that BOE member L. A. Overcash would participate by phone.

Commissioner Pierce moved at 6:30 p.m. that the Board enter Closed Session pursuant to North Carolina General Statute § 143-18.11(a)(3) for Attorney-Client Privileged Communication. Commissioner Barber seconded and the motion carried unanimously.

Judge Whichard reconvened the meeting at 10:16 p.m. stating the mediation would recess and reconvene at a time to be determined by both boards. Judge Whichard said it was his understanding from attorneys representing both boards that July 17, 2013 would be suitable for the largest number of people. Judge Whichard noted that Chairman Sides would be away, but hoped he would participate by phone, if that was his decision.

Chairman Sides stated the BOC would prefer to hold off until around the first of August. Chairman Sides noted the BOC had a meeting on August 5<sup>th</sup> and would like to have the joint meeting on the same day.

Judge Whichard said in accordance with the statute, the process had to be completed by August 1, unless all parties agreed to continue. Judge Whichard said he had been told the BOE was not agreeable to an extension.

Chairman Sides requested that Judge Whichard read the exact statute.

Mr. Dees said out of due respect for the process, he was re-requesting the first Monday in August be considered to resume the joint meeting and also noted that the BOC was aware the monthly appropriations would go back to last year's levels.

Mr. Schwartz noted that school would be starting and the BOE needed to know what kind of money would be available.

Chairman Sides requested a moment with the BOC attorneys.

Mr. Dees stated that the County Commissioners had not come out of Closed Session and the BOC had been asked a question that required advising. Mr. Dees requested a five (5) minute recess.

The BOC returned to Open Session at 10:19 p.m.

Commissioner Pierce moved, in an effort to resolve the scheduling conflict, for the BOC to propose three (3) options for the BOE to consider:

1. Full board meeting on August 5
2. Full board meeting on July 29
3. Working Group on July 29

Commissioner Caskey seconded and the motion passed unanimously.

Judge Whichard asked the BOE if any of the three (3) options were acceptable. Judge Whichard went on to state that ultimately the full board had to resolve the issue and if the full boards were engaged, there was a better chance to resolve the issue.

Chairman Miller recognized that the BOE started the process and he said the BOE members had modified schedules and made adjustments for meetings thus far. Chairman Miller said the statute was clear about completion by August 1, and asked Judge Whichard what considerations there were or if there was an impasse. Chairman Miller said the BOE had made accommodations and a commitment to the process. Chairman Miller asked if the impasse stage was getting closer.

Judge Whichard responded there was merit to continue the mediation, but there was trouble getting together on a date. Judge Whichard recognized that the BOC had taken the initiative and the ball was now in the BOE court. Judge Whichard said the BOE could select one option or reject all three. Judge Whichard said there was an impasse on a date to reconvene but not on the mediation.

Mr. Schwartz said the BOE was concerned about reconvening two (2) days prior to the statutory deadline.

Judge Whichard said he realized these were not the BOE's choice of dates; however, the BOC had a motion on the floor for the BOE to accept or reject.

Mr. Schwartz asked if the options were these three (3) dates or nothing, to which Mr. Dees responded that the motion spoke for itself.

Commissioner Pierce read from the motion stating that this was an effort to resolve the scheduling problem. Commissioner Pierce said he understood the BOE's position with the new superintendent search and the children starting

school, but he pointed out the issue boiled down to the BOE having had more time to prepare than the BOC had.

According to Chairman Sides, the BOC had made a good faith effort in mediation and accommodating timelines. Chairman Sides felt the BOC needed time to consider the offers on the table to see if there was some other consensus to be offered. Chairman Sides said he was not willing to participate by phone as the matter was one of the more important issues he had been involved in as a Commissioner and he intended to be present.

Judge Whichard asked to meet with the attorneys privately and upon their return, the BOE moved to go into closed session.

After returning to open session, Ms. Wright-Norman, of the BOE, moved to respectfully decline the recommendation by the BOC and moved to meet on July 15<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup>, 19<sup>th</sup>, or 22<sup>nd</sup> as a full board or in working groups, in an effort to move the process forward. Ms. Cox seconded and the BOE motion passed unanimously.

Judge Whichard said he did not see a way the date issue could be resolved at the time as both boards were intransigent about dates. Judge Whichard said his inclination was to declare the session of mediation in recess and asked both attorneys to work with the two (2) boards to arrive at an acceptable date. Judge Whichard invited comments as to what was inclined by both board attorneys stating that if either board had a better proposal he would entertain the suggestion.

Mr. Dees accepted the recommendation and said he would reach out to the counsel for the school board.

Judge Whichard declared the mediation session recessed at 10:47 p.m. and directed the attorneys to work with their respective boards to arrive at a date at which the mediation could continue.

Respectfully Submitted,

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