

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
January 6, 2014 – 3:00 PM
J. NEWTON COHEN, SR. ROOM
J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING**

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 Barber provided the Invocation and also led the Pledge of Allegiance.

CONSIDER ADDITIONS TO THE AGENDA

- Commissioner Barber requested to move Consent Agenda item J to the regular agenda for discussion.

Chairman Sides placed the issue on the agenda as item #2a.

- Commissioner Barber moved to add discussion regarding the use of the carbon monoxide chamber at the Animal Shelter. The motion died for lack of a second.
- Commissioner Pierce moved to add a Closed Session for attorney client privileged communication. The motion was seconded by Commissioner Caskey and passed 4-1 with Commissioner Barber dissenting.

Chairman Sides placed the issue on the agenda as item #4a.

CONSIDER DELETIONS FROM THE AGENDA

Commissioner Pierce moved to delete item G from the Consent Agenda. The motion was seconded by Commissioner Barber and passed unanimously.

CONSIDER APPROVAL OF THE AGENDA

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Pierce seconded and the vote to approve the minutes of the December 2, 2013 and December 9, 2013

Commission Meetings 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. Award Service Sidearm to Retiring Sgt. John Knight
- B. Proclamation – Dr. Martin Luther King, Jr. Day

WHEREAS, Dr. Martin Luther King, Jr. is recognized as one of history’s most outstanding pioneers for equality and human rights; *and*

WHEREAS, Dr. Martin Luther King, Jr. was a man of courage and his work has continued to touch the lives of citizens today; *and*

WHEREAS, Dr. Martin Luther King, Jr. will be remembered through the ages as a man committed to fulfilling his vision through non-violence; *and*

WHEREAS, the citizens of Rowan County commemorate his leadership and strength of character and realize the ongoing struggle to keep the dream alive for world peace and dignity in our community and throughout the world;

NOW THEREFORE BE IT PROCLAIMED, that the Rowan County Board of Commissioners wishes to honor Dr. Martin Luther King, Jr. for his lifetime work for the betterment of mankind, and declares January 20, 2014 as ***DR. MARTIN LUTHER KING, JR. DAY*** in Rowan County.

- C. Set Quasi-Judicial Hearing for CUP 08-13 for January 21, 2014
- D. Authorize Application Submittal for 2014 Urgent Repair Program
- E. Approval to Apply for Training and Exercise Grant Funding
- F. Intent to Participate in the HOME Consortium
- G. Adoption of CDBG Assessment Policy for Gildan Yarns Infrastructure (this item was deleted from the agenda)
- H. Consider Approval of Runway Extension Project
- I. Schedule Courtesy Public Hearing for January 21, 2014 for Proposed 911 Emergency Communications Tower Site on Highway 152

- J. Deadline for Financing of Central Office and Salisbury Mall Project (this item was moved to the regular agenda as item #2a)

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:

- Larry Wright expressed appreciation to the Board for considering the interests of all county citizens as opposed to a select few. Mr. Wright also mentioned a recent Salisbury Post article regarding the top ten (10) people to watch for 2014.
- Judy Klusman discussed renaming of the Salisbury Mall and said she felt input should be received from the community as to the name and that a plan should be in place first.
- John Burke suggested the Board meet with the editor of the Salisbury Post to explain its reasoning for not agreeing to allow the central office to be placed at 329 South Main Street.

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

2a. DEADLINE FOR FINANCING OF CENTRAL OFFICE AND SALISBURY MALL PROJECT

(NOTE: This item was pulled from the Consent Agenda for discussion).

Commissioner Barber said when the agenda packet was prepared the County Manager had not yet received a response from the Board of Education (BOE) regarding a site for a new central office.

Commissioner Barber stated the amount to be funded for the Salisbury Mall (Mall) was \$3.9 million. Commissioner Barber said there was a petition circulating asking the Board of Commissioners (BOC) to work with various stakeholders to develop a master plan for Salisbury Mall project.

Commissioner Barber said he wanted to make sure citizens understood that if the application moved forward with submittal to the Local Government Commission (LGC), there would be a public hearing for the application and citizens would have the opportunity to provide input on the issue at the public hearing.

Commissioner Barber said he was the lone voice in opposition to the purchase of the Mall. Commissioner Barber went on to state that now that that mall had been purchased, there was a need to make it a successful venture. Commissioner Barber said that having stake holders involved in the process would be the correct way to go.

Commissioner Barber asked if it would be cheaper to pay cash rather than to finance the Mall purchase.

County Manager Gary Page responded that according to the last audit, the unappropriated fund balance was just under \$15 million. Mr. Page emphasized that it costs the County approximately \$11 million per month to operate, or around the 8% range. Mr. Page said the County was probably operating more in the 12 to 13% range. According to Mr. Page, if the County did not borrow the \$3.4, it could put the County's fund balance down to the bare minimum of one month, or 8%. Mr. Page explained that even though the statutes say counties should maintain an 8% fund balance, the County should not come close to that to remain prudent. Mr. Page pointed out that when spending \$11 million per month, there is not a lot of room for error and the County's reserves should not be pulled down any further.

Chairman Sides said if one was to go back and look at the history over the last five (5) years when the recession hit, the County had a healthy fund balance, which had put the County in a position to weather that storm. Chairman Sides discussed three (3) projects that had been identified to undertake and move to the Mall in the very near future. The plans were to move the Board of Elections, the Veterans Service Officer, and establishing a storage area for the Sheriff's Office. Chairman Sides stated there was no need to borrow more money until other uses had been identified for the Mall space.

Commissioner Pierce moved to approve staff sending the LGC application to replenish the fund balance and to have the dollars to do the upfit at our new property (former Salisbury Mall). Commissioner Caskey seconded and the motion passed 4-1 with Commissioner Barber dissenting.

3. CONSIDER CONCEALED CARRY TEXT AMENDMENTS TO COMPLY WITH NEW STATE LAW

Commissioner Caskey requested the Board of Commissioners (BOC) assign the Planning Board the responsibility of reviewing all ordinances related to allowing guns on County property or in County buildings and their compliance with North Carolina General Statutes.

Commissioner Caskey stated the second step was to provide greater access to individuals with concealed carry permits to carry on County property. With the purchase of the former Salisbury Mall (Mall), Commissioner Caskey said it was a large area that would have a lot of people moving in and out and the ordinance needed to be applied to that property as well. Commissioner Caskey noted that there were individual businesses leading from that property and the language should allow those business to do as they preferred on their properties.

Commissioner Caskey also asked for the Planning Board to look at most County buildings to permit owners to be able to carry on the property. Commissioner

Caskey noted there were areas where carrying a gun were prohibited by State law such as the Justice Center and Courthouse.

Chairman Sides asked if the changes would apply to employees and Commissioner Caskey said it would apply to any citizen, as far as he was concerned.

Chairman Sides said there had been some questions concerning open carry and it seemed strange that one could conceal and carry but not open and carry. Chairman Sides asked if the assumption would be to have the Planning Board look at all aspects.

Commissioner Caskey said the Planning Board would look at the ordinance in its entirety and come back with a recommendation.

Commissioner Caskey put the issue in the form of a motion to turn the matter over to the Planning Board. Commissioner Pierce seconded and the motion passed unanimously.

4. DISCUSSION REGARDING RENAMING OF SALISBURY MALL

Commissioner Pierce requested the Board of Commissioners (BOC) consider renaming the former Salisbury Mall (Mall) property to the West End Plaza. The purpose of the re-naming is to notify the public of the County's purchase of the property and to reaffirm the intent to use the property for both public and private use.

Chairman Sides said he had received two (2) suggestions, 1) West Plaza and 2) Rowan Central Plaza.

Commissioner Barber suggested leaving the name as Salisbury Mall.

Commissioner Mitchell felt the name should be changed since the Mall was purchased for a government purpose. Commissioner Mitchell said the County bought the failing Mall and should put a new identity on it. Commissioner Mitchell said the primary function of the building was government service, not a mall, providing people with the ease of ample parking to conduct business with Rowan County.

Commissioner Caskey agreed the Mall needed a new name and new brand. Commissioner Caskey said he was fine with the suggestion of West End Plaza and that he was agreeable to allowing citizens to submit names.

Chairman Sides said he had talked with some of the businesses currently operating out of the Mall and their number one concern was the negative publicity from the Salisbury Post. Chairman Sides felt changing the name would

help the businesses and help them be more successful. Chairman Sides said it was in the best interest of the County to protect the tenants while they are there. Chairman Sides said he wanted to rename the Mall; however, he was agreeable if the majority of the Board wished to wait. Chairman Sides said the County would develop the Mall and it would be successful and save the taxpayers money in years to come.

At this point, Commissioner Barber suggested naming the Mall the Salisbury Rowan Urban Development Center.

Commissioner Pierce moved to name the former Mall the West End Plaza. The motion was seconded by Chairman Sides and passed 4-1 with Commissioner Barber dissenting.

5. CONSIDER APPROVAL OF BOARD APPOINTMENTS **BOARD OF PUBLIC HEALTH**

There are two (2) vacancies and the following applications have been submitted:

- Abayomi Aderemi Agbebi, representing the at large appointment. Please note that Dr. Agbebi is a resident of Iredell County but works at Novant Health Rowan Regional.
- John Benton Kribbs, for reappointment representing the physician's appointment to this board. Dr. Kribbs is currently serving the unexpired term of a former member.

The terms are three (3) years beginning January 1, 2014 and expiring December 31, 2016.

Commissioner Barber nominated Dr. Agbebi and Dr. Kribbs for reappointment. The nominations passed unanimously.

PARKS AND RECREATION COMMISSION

There is one (1) vacancy and the following have submitted applications:

- David Henry Najarian
- Randy Bryant McCombs for reappointment – Please note that Mr. McCombs' term limits were waived by the BOC in January of 2013.

The term is for three (3) years beginning January 1, 2014 and expiring December 31, 2016.

Commissioner Pierce nominated David Henry Najarian.

Commissioner Barber nominated Randy McCombs.

Commissioner Mitchell inquired as to how many terms Mr. McCombs has served.

Clerk to the Board Carolyn Barger responded that Mr. McCombs had served two (2) full terms and was then appointed to fill the unexpired term of another member.

Commissioner Pierce said the BOC had already waived the term limits for Mr. McCombs before and since the County had someone willing to step up, the Commissioners should give them the opportunity to participate.

The vote for Mr. Najarian passed 4-1 with Commissioner Barber dissenting.

ROWAN COUNTY THERAPEUTIC RECREATION BOARD

- Betty Goodwin has submitted a letter of resignation.
- Pat Rice Whitley has submitted an application to fill the unexpired term ending March 31, 2014, at which time she would be eligible for reappointment.

Commissioner Mitchell moved to accept the letter of resignation form Betty Goodwin. The motion was seconded by Commissioner Pierce and passed unanimously.

Commissioner Mitchell nominated Pat Rice Whitley and the nomination carried unanimously.

SOUTH SALISBURY VFD FIRE COMMISSION

There are three (3) vacancies and the following have submitted applications:

- Robert Keith Boles for reappointment
- Ernest Wayne Taylor for reappointment
- William Thomas Webb for reappointment

The terms are two (2) years beginning January 1, 2014 and expiring December 31, 2016.

In order to be reappointed, the Board would need to waive the term limits for these three (3) applicants, as set forth in the Resolution adopted in September, 2012.

Chairman Sides said there was a letter included in the agenda packet stating the South Salisbury VFD had tried to find other applicants. Chairman Sides said he would like to request the BOC hold the nominations and give the VFD additional time to find more volunteers.

Chairman Sides moved to hold the appointments until the next Commission meeting. Commissioner Pierce seconded and the motion passed unanimously.

LOCAL EMERGENCY PLANNING COMMITTEE

Due to job status changes of several current members, the following applications have been submitted for consideration:

- William DeShazor, representing transportation and replacing Scott Kern, who has assumed new responsibilities
- Monica Bruns, a private sector representative replacing Deborah Lineberger, who is no longer with the EH Dole Chapter of the American Red Cross
- Andy Efird, representing public safety replacing Steve Whitley, who has retired

There are no term limits associated with this committee.

Commissioner Mitchell nominated William Deshazor, Monica Bruns and Andy Efird. The nominations passed unanimously.

GRANITE QUARRY PLANNING BOARD ETJ

- Keith Moore has submitted an application for consideration.

The term is for three (3) years expiring July 31, 2016.

Commissioner Mitchell nominated Keith Moore and the nomination passed unanimously.

ADDITIONS

CLOSED SESSION

Commissioner Pierce moved at 3:51 p.m. for the Board to enter Closed Session in accordance with North Carolina General Statute § 143-318.11(a)(3) for attorney-client privileged communication. The motion was seconded by Commissioner Mitchell and passed 4-1 with Commissioner Barber dissenting.

The Board returned to Open Session at 6:07 p.m.

BUDGET AMENDMENT

The County Manager distributed a budget amendment, which Chairman Sides stated the Board needed to consider adding to the agenda.

The budget amendment was from the Finance Department for a work authorization for Talbert, Bright and Ellington in the amount of \$350,494. \$71,655 was previously budgeted, but unallocated. The remaining \$278,839 will require a transfer from the General Fund.

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

Commissioner Pierce moved for the Board of Commissioners (BOC) to approve \$6.5 million to be allocated for the central office in the 500 block of North Main with the understanding that land acquisition for parking must be at appraised market value, or less, and revenues for those costs to be approved by the Local Government Commission (LGC). Construction costs for the central office are to be funded by Articles 40 and 42 with no cost to the County. Other capital projects will continue under discussions for further clarifications. After a joint meeting with the BOC and Board of Education (BOE), a Capital Improvement Committee (CIC) would be formed to assess the timeline and funding revenues for the final costs for other improvements. The motion was seconded by Commissioner Caskey.

Commissioner Mitchell said the motion provided \$6.5 million in funding at the most recent site proposed by the BOE. Commissioner Mitchell said the two (2) Boards needed to meet in order to address other capital needs. Commissioner Mitchell felt the CIC will be formed to avoid getting out of sync with the BOE on their capital needs. Commissioner Mitchell said he had strong hopes that pressing capital needs would be decided upon.

Commissioner Caskey supported the motion and felt a joint meeting between the two (2) Boards should be held sooner rather than later to discuss the remaining proposal from the BOE. Commissioner Caskey said the CIC would be ongoing to work on future projects. Commissioner Caskey said there were details in the proposal from the BOE that needed clarification and he looked forward to meeting with the BOE and finding a resolution.

Commissioner Barber estimated a half million dollars had been spent on attorney fees and staff time and he felt the expense could have been avoided if the current BOC had abided by the previous BOC's decision for the central office. Commissioner Barber pointed out the current proposal also cost a half million dollars more than the previously approved proposal.

Commissioner Pierce thanked the Board for working on the project and said a lot of time had been spent trying to come up with the best solution. Commissioner Pierce felt the time spent in meetings and also working individually had created a better atmosphere of communication between the two (2) Boards. Commissioner Pierce felt the BOC and BOE could have meetings as a group, without attorneys present. Commissioner Pierce felt changes on Boards, in Superintendents and administration had created a better atmosphere for working together. Commissioner Pierce referred to Commissioner Barber's assumption that the current Board did not honor the previous BOC's commitment. Commissioner Pierce pointed out that he and Commissioner Caskey had campaigned on the fact they would not support the previously selected central office site (329 South Main Street, Salisbury). Commissioner Pierce said the current site chosen was an excellent site and offered a completely different perspective. Commissioner Pierce said he wanted the BOE and its administration to realize the BOC did not

want to have this issue brought into a courtroom battle, nor was mediation the BOC's idea. Commissioner Pierce said the BOC wanted to give the best product to the taxpayers for their dollars.

Chairman Sides said during deliberations (mediation), offers had been made in Closed Session and that he wished he could reveal all that had been said during those sessions. Chairman Sides said both sides have had to give. Chairman Sides said he was willing to vote for \$6.5 million, noting he did not think the location was necessarily the best site or the best alternative offered.

Chairman Sides recalled that a short while back, the County did not own the Salisbury Mall but now currently did. Chairman Sides said he felt the former Belk's building would be a much better offer and could be renovated as a central office for much less money. Chairman Sides said he was willing to vote for the \$6.5 million; however, he pointed out it was not the final cost of the project. Chairman Sides said \$472,000 had already been spent on project; parking had not yet been identified nor had the actual cost for the site. Chairman Sides said it was a legislative requirement for the County to have the information. Chairman Sides said his best guess at what it would cost to construct the building would be around \$9 million. Chairman Sides said his obligation as a Commissioner was to provide for the needs of the County at the least possible cost. Chairman Sides said he could not vote for the \$6.5 million because it was open ended with the costs for the lot and parking still unanswered. Chairman Sides noted that there was money being given by private individuals and money being offered by the City and there were other costs that had not been identified.

Upon being put to a vote, the motion on the floor passed 3-2 with Chairman Sides and Commissioner Barber dissenting.

6. ADJOURNMENT

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 6:30 p.m. The motion was seconded by Commissioner Mitchell and passed unanimously.

Respectfully Submitted,

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