

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS  
SEPTEMBER 15, 2014 – 6:00 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

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

Chairman Sides convened the meeting at 6:00 p.m.

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

**CONSIDER ADDITIONS TO THE AGENDA**

There were no additions to the agenda.

**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.

**CONSIDER APPROVAL OF THE MINUTES**

Commissioner Barber moved, Commissioner Pierce seconded and the vote to approve the minutes of the September 2, 2014 Commission Meeting passed unanimously.

**1. CONSIDER APPROVAL OF CONSENT AGENDA**

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

The Consent Agenda consisted of the following:

- A. Foundation for the Carolinas Grant Submission
- B. Set Public Hearing for October 6, 2014 for Z-04-14; Pietryk Rezoning
- C. Approval of Bid for Purchase of Two Ambulances
- D. Schedule Public Hearing for October 6, 2014 for Rural Operating Assistance Program (ROAP)
- E. Lease Agreement with Sanctuary of Wilmington and Tsunami Development

## **2. PUBLIC COMMENT PERIOD**

Chairman Sides opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. With no one wishing to address the Board, Chairman Sides closed the Public Comment Period.

## **3. REQUEST TO SET PUBLIC HEARING FOR OCTOBER 6, 2014 FOR "PROJECT NEW S"**

Robert Van Geons, Rowan County Economic Development Director, presented a request asking the Board of Commissioners to schedule a public hearing for October 6, 2014 to consider an Investment Grant for "Project New S". Mr. Van Geons reported the proposed project would create eleven (11) new jobs paying an average salary exceeding \$43,000. The Company planned to invest more than \$2.2 million in real-estate and new equipment.

Mr. Van Geons said "Project New S" was an existing company in Rowan County. The proposed project would allow the Company to add personnel and expand its operations at a new location. The Company proposed to purchase, refurbish and occupy a vacant building within the County.

Mr. Van Geons stated while the total capital investment for "Project New S" was less than the standard minimum of the County's Investment Grant Program, the request would directly support an existing business in their efforts to grow and create jobs.

In conclusion, Mr. Van Geons asked the Board to set a public hearing so that he could formally present and discuss the request.

Commissioner Barber moved, Commissioner Pierce seconded and the vote to schedule a public hearing on October 6, 2014 for "Project New S" passed unanimously.

## **4. CONSIDER APPROVAL OF MEMORANDUM OF UNDERSTANDING FOR ANIMAL SHELTER EXPANSION**

Vice-Chairman Craig Pierce discussed the Memorandum of Understanding (MOU) for the proposed Animal Shelter (Shelter) Expansion. Commissioner

Pierce said Christine Morykwas had put together the floor plan and the MOU was the final step in giving Ms. Morykwas approval to start construction.

Commissioner Pierce moved to approve the MOU with understanding that there might be slight changes as the County moved forward. Commissioner Pierce said he did not want to hold the project up or belabor construction over slight verbiage or simple changes. The motion was seconded by Commissioner Barber.

While appreciative of the \$500,000 gift to the County, Chairman Sides stated the gift was not "free". Chairman Sides said there would be expenses regarding staffing for the new shelter expansion, cleaning supplies, requirements for medical treatment, and requirements for a licensed veterinarian for the spay/neuter program. Chairman Sides said the additional costs to the County would be approximately \$150,000 per year. Chairman Sides said he could not support spending an additional \$150,000 for Animal Control each year when the County was already paying \$650,000 per year.

Upon being put to a vote, the motion on the floor passed 4-1 with Chairman Sides dissenting.

## **5. CONSIDER APPROVAL OF CHANGE ORDER FOR GILDAN WATERLINE PROJECT**

Derrick Goddard, with Blue Ridge Environmental Consultants, P.A. had submitted a change order request for the Gildan Project waterline extension. Mr. Goddard reported that the project was bid several months ago, and pursuant to post bid requirements by Salisbury Rowan Utilities (SRU), changes were made to the waterline extension project construction documents. According to Mr. Goddard, the awarded contractor, Jimmy R. Lynch and Sons, Inc., was asked to provide a unit cost proposal and change order request for the additional items that were required by SRU. Blue Ridge Environmental felt the change order requests were valid, reasonable and at no fault of the contractor. Mr. Goddard said the cost of the changes would be covered by available grant funds and the project was not anticipated to exceed its budget.

Commissioner Pierce asked if the ten (10) fire hydrants that were added were not on the original documents. Mr. Goddard responded in the negative and said SRU asked for the ten (10) hydrants as there were none on the original plans.

Commissioner Pierce said Blue Ridge Environmental Consultants drew the plans knowing fire hydrants would have to be added. Commissioner Pierce went on to say he was trying to understand why the fire protection was not put in when plans were drawn. Mr. Goddard responded by saying Blue Ridge Environmental submitted the plans based on SRU's review of plans. According to Mr. Goddard, SRU asked to change the plans after they were submitted.

Commissioner Pierce reiterated the plans SRU submitted for bid did not include hydrants and Mr. Goddard responded in the affirmative.

Chairman Sides said he met today with Economic Development Director Robert Van Geons and Interim County Manager Leslie Heidrick. Chairman Side said the matter was not the case of the contractor hitting the County with a change order. Chairman Sides was in agreement the change order was valid, reasonable and at no fault of the contractor. Chairman Sides stated that it was important to note SRU hit the County after the fact, and the change order was necessary for the project.

Commissioner Mitchell moved approval of the change order. Commissioner Pierce seconded and the motion passed unanimously.

## **6. CONSIDER REINSTATEMENT OF CAREER DEVELOPMENT PLAN**

Commissioner Caskey presented a request for the Board to consider reinstatement of the career development plans for the Sheriff, Building Inspections, Environmental Health and Information Systems. Commissioner Caskey said he also would like for the Board to consider allowing Staff to create a new countywide career development plan that would encompass all departments.

Commissioner Caskey moved to implement the plan as presented in the agenda packet to take effect the first of the year. Commissioner Caskey stated the plan included the Sheriff's Department, Building Inspector, Environmental Health and Information Systems. Commissioner Caskey asked, as part of the plan, for the County Manager, Human Resources (HR) Director, and the department heads to come back in six (6) months with a career development plan for all county departments. Commissioner Pierce seconded the motion for discussion purposes.

Commissioner Caskey said the Rowan County Sheriff's Department (RCSD) was losing officers to other counties where the pay was higher with limited experience. Commissioner Caskey stated the plan would help officers know the County was supportive and officers had a career and future with the department.

Commissioner Caskey discussed Information Systems and some of the certification tests, which he said were very challenging. Commissioner Caskey said he did not see a problem with their development plan.

According to Commissioner Caskey, Environmental Health had small increases, and he felt this was a workable plan. Commissioner Caskey felt a big area of concern was the entire County did not have plan.

Commissioner Mitchell said when looking at the RCSD plan, and looking at the Sheriff's memo, the development plan was implemented in the 1980's but was

stopped in 2009 when a lot of benefits and pay for employees due to the recession and budget cuts. Commissioner Mitchell felt it was appropriate to add the plan back in, although he felt the plan was not perfect. Commissioner Mitchell said the plan was designed to retain employees.

Commissioner Mitchell agreed with Commissioner Caskey in not leaving other departments out. Commissioner Mitchell said it was important for HR to develop a plan to move county employees through the pay scale. Commissioner Mitchell said the market had outpaced the County's ability to pay employees and he saw the unfairness of hiring new employees at a greater salary than what long-term employees were making.

Commissioner Pierce said the Board had talked about reclassification during the budget sessions, but did not have the funds to do a full reclassification. Commissioner Pierce said the Board had looked at doing half of the reclassifications this year and implementing the other half next year. Commissioner Pierce said the Board decided the reclassification could not be depended upon due to the upcoming election and changes on the Board. Commissioner Pierce stated the Commissioners chose instead to give raises across the board. Commissioner Pierce said the County had some very talented employees in all departments and he felt the need to take care of those trained and valued employees. Commissioner Pierce recalled a Personnel Board meeting approximately eighteen (18) months ago that addressed some of the issues with Inspections. Commissioner Pierce said Pete Bogle, Director of Inspections at the time, was given a specific amount of money to use at his discretion to raise employees' salaries up to a competitive level. Commissioner Pierce said almost every inspector was at Level III and he did not feel implementing their plan would help. Commissioner Pierce stated his recommendation would be to implement all other programs on the list and instruct HR, the County Manager and Finance Staff to be involved in some type of structure and merit for other employees. According to Commissioner Pierce, there were some departments where a career development plan would not work; however, there needed to be a way to reward employees based on how they were performing. Commissioner Pierce recommended giving staff time over the next six (6) months to develop a fair compensation plan.

Commissioner Pierce said he would amend the motion to leave off Building Inspections.

Commissioner Mitchell spoke about the cross-training of inspectors and said that as this plan was developed, there needed to be some check in place for the department director to approve someone achieving the next level.

Commissioner Pierce said he would have to yield to department directors as to how many employees were needed for certain levels, based on the County's need.

Commissioner Mitchell said if the motion was to remove Inspections from the plan, based on dollars received in the interim, he would support the amendment.

The amendment passed unanimously.

Chairman Sides said it was completely unfair to have a program that rewarded one sector of employees and did not reward others. Chairman Sides stated he could not support instituting any plan until a plan was in place that would be fair to everyone. Chairman Sides said he was not voting against the Sheriff's Department but rather he was voting for all departments. Chairman Sides said he preferred for the motion to have the new County Manager and HR develop a plan that would work for all 750 full-time employees.

Commissioner Barber said he felt all were in agreement that some positions were at a higher risk for turnover than others. Commissioner Barber said Rowan County used to be a training ground for other counties, and as the economy improves, he felt the County would become a training ground again.

Commissioner Barber said the County had to start somewhere to address the issue. According to Commissioner Barber, the costs were by far less than the costs to rehire and train new employees. Commissioner Barber said the last figures from Department of Commerce indicated it would cost \$37,000 to train a new employee.

Commissioner Caskey said the County needed to have the most skilled and customer friendly employees and there needed to be a plan in place to reward them.

Upon being put to a vote, the motion on the floor passed 4-1 with Chairman Sides dissenting.

## **7. DISCUSSION REGARDING NCACC LEGISLATIVE GOALS PROPOSALS**

Chairman Sides said the North Carolina Association of County Commissioners (NCACC) had opened the process to all 100 counties for submission of legislative goals for the 2015-16 biennium.

Chairman Sides said he had asked the Commissioners to submit their respective goals to allow the Board to discuss and vote on support of any goals to be forwarded by the NCACC. The goals submission deadline was September 19, 2014.

Vice-Chairman Pierce submitted the following goal:

- *Initiative to have bicycle users comply with the same responsibilities as motor vehicles.* Due to the fact that bicycles will be on the same paths as registered motor vehicles, they need to meet the same requirements as motor vehicles, including mopeds. Bicycles should be registered, have

liability insurance and pay property taxes if used on highways and bike lanes. These requirements should apply to another other slow moving motorized vehicles.

Chairman Sides reminded everyone that all 100 counties would be submitting suggested goals to the NCACC where they would be properly reviewed and vetted by committees. The top goals would ultimately be approved by the NCACC membership as a comprehensive package.

Chairman Sides said he agreed with the portion of the proposed goal that dealt with motorized carts and mopeds.

Commissioner Sides moved to accept the goal. The motion was seconded by Commissioner Pierce.

In response to an inquiry from Commissioner Barber, Commissioner Pierce stated that farming equipment was already exempt and not included in the proposed goal.

Commissioner Barber discussed the heavy use of roads by bicyclists in the western portion of the County. Commissioner Barber said at one time there were a hundred or more cyclists in the area on Saturdays using the roads and there were no bike lanes. Commissioner Barber said the economic impact in the western area was recognized and cyclists were not much of an issue anymore.

Commissioner Pierce said hundreds of bicycles with no liability insurance on a state funded road added fuel to the fire that they need to contribute. Commissioner Pierce emphasized the idea was to make sure everyone utilizing state funded roads was insured and licensed.

Commissioner Caskey mentioned age and whether the proposal would apply to everyone, even those riding through neighborhoods and cul-de-sacs. Commissioner Pierce said a ten (10) year old riding in the neighborhood was not what the goal was about. Commissioner Pierce said cyclists were using the highways provided for by the taxpayers and he was trying to put the cyclists in the same category as all motorized drivers. Commissioner Pierce gave an example of a bicyclist hitting a stopped car and the driver of the car having to pay for damages because the bicyclist was not registered and had no insurance.

Commissioner Pierce said since state money was being used to build bike lanes there was a need to make sure others were protected, as well as their property.

Chairman Sides said the NCACC had considered a similar goal before. Chairman Sides stated if approved, the suggested goal would go before a steering committee for review and debate. Chairman Sides said the Board was only voting to submit the proposal for consideration.

Commissioner Mitchell said he was in favor of having the idea looked at.

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

Chairman Sides submitted the following goals:

- *Local School Funding.* Create an equitable funding formula for all counties relative to current expense and capital funding for schools. Remove the threat of lawsuit from local school boards against boards of county commissioners.

Chairman Sides said the legislature looked at the proposal during its last session. Chairman Sides explained the idea was not to take away the necessity of funding schools but rather to do away with the threat of lawsuits by Boards of Education and the lawyers that did not benefit the classrooms.

Chairman Sides stated that he put the goal in the form of a motion. Commissioner Caskey seconded and the motion carried 4-1 with Commissioner Barber dissenting.

- *Eliminate ETJ's.* With the elimination of forced annexation statewide, ETJ's are no longer needed. They are an unnecessary burden on taxpayers who cannot vote for those who administer these policies.

Chairman Sides said as a board member, he has seen times when ETJ's were not good for the County or the citizens. Chairman Sides said there had been talk in the legislature to take away ETJ's and he would like to see the NCACC adopt the proposal as a goal.

Chairman Sides moved to submit the goal (eliminate ETJ's) to the NCACC. The motion was seconded by Commissioner Barber and passed unanimously.

- *Grant Sales Tax Authorization.* Authorize all counties to enact a maximum 2.5 cents sales tax upon successful voter referendum. Tax to have no restriction on use by counties.

Chairman Sides said a bill to grant sales tax authorization was introduced in the last legislative session; however, other issues were added to the bill and it failed. Chairman Sides said he would like to see the matter re-introduced in the next session.

Chairman Sides stated he put the proposal into the form of a motion. The motion was seconded by Commissioner Barber and passed unanimously.

- *Discontinue Diversion of funds.* Currently white goods tax and \$200 per ton solid waste tax funds are diverted by the State into the General Fund. Redirect these funds to be used for their original purpose.

Chairman Sides said the State historically allows counties to put in certain use taxes and there are also times the State will put in the taxes and divert the funds to balance the State's budget. Chairman Sides said the State had diverted the white goods tax and solid waste tax funds and he would like to see those monies put back where they were intended to be.

Chairman Sides put the goal in the form of a motion. The motion was seconded by Commissioner Barber and passed unanimously.

- *Revise NC General Statute § 1-359.* Currently, banks may refuse to cooperate with sheriffs department personnel trying to execute a bank levy due to the word "may" rather than "shall" in NC General Statute § 1-359. Change "may" to "shall" to force cooperation.

Chairman Sides moved to submit the goal to revise NC General Statute § 1-359. The motion was seconded by Commissioner Barber and passed unanimously.

Chairman Sides asked the Clerk to the Board to draft and submit a letter to the NCACC by September 19, 2014 for the Board's approved goals.

## **8. CONSIDER APPROVAL OF BUDGET AMENDMENTS**

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

- Health Department – Reduce funds for the Robertson Grant/Healthy Link - \$10,000
- Finance – Recognize reserved funds from FY 2014 for the Sheriff's Office. Reserved funds represent money received for a restricted purpose. Funds not spent by year-end are budgeted for expenditures in new fiscal year - \$266,503
- Finance – To appropriate revenues, fund balance and expenditures for fiscal year 2014 encumbrances - \$772,047

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

**9. ADJOURNMENT**

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 6:59 p.m. The motion was seconded by Commissioner Pierce and passed unanimously.

Respectfully Submitted,

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