

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS  
May 16, 2011 – 6:00 PM**

**J. NEWTON COHEN, SR. ROOM**

**J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING**  
.....

Present: Chad Mitchell, Chairman  
Carl Ford, Vice-Chairman  
Raymond Coltrain, Member  
Jim Sides, Member

Absent: Jon Barber, Member

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

Chairman Mitchell convened the meeting at 6:00 pm.

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

**CONSIDER APPROVAL OF THE MINUTES**

Commissioner Sides moved, Commissioner Ford seconded and the vote to approve the minutes of the May 2, 2011 Commission Meeting passed unanimously.

**CONSIDER ADDITIONS TO THE AGENDA**

- Commissioner Ford moved to add a discussion as per the County's state delegation regarding a one-cent sales tax and the options thereof. The motion was seconded by Commissioner Sides and passed unanimously (4-0). (Added as agenda item #4.2).
- Commissioner Ford moved, Commissioner Sides seconded and the vote to add a Resolution to the Consent Agenda to Support Naming of the Interstate 85 Yadkin River Bridge as the Yadkin River Veterans Memorial Bridge passed unanimously (4-0). (Added to the Consent Agenda as item #1.D).

- Commissioner Ford moved to add a Closed Session for attorney-client privileged communication. The motion was seconded by Commissioner Sides and passed unanimously (4-0). (Added to the agenda as item #1.2).

### **CONSIDER DELETIONS FROM THE AGENDA**

There were no deletions from the agenda.

### **CONSIDER APPROVAL OF THE AGENDA**

Commissioner Sides moved, Commissioner Ford seconded and the vote to approve the agenda passed unanimously (4-0).

### **1. CONSIDER APPROVAL OF CONSENT AGENDA**

Commissioner Ford moved approval of the Consent Agenda. The motion was seconded by Commissioner Sides and passed unanimously (4-0).

The Consent Agenda consisted of the following:

- A. Use of Pyrotechnics for Fireworks Display at Elks Lodge Campground
- B. Authorization for Board of Elections to Apply For ADA Grant
- C. Proclamation for Centennial Celebration of Rowan Public Library
- D. Resolution to Support Naming of Interstate 85 Yadkin River Bridge as the Veterans Memorial Bridge (addition to the Consent Agenda)

### **ADDITION**

#### **1.2 Closed Session**

Commissioner Ford moved at 6:05 pm for the Board to enter Closed Session pursuant to North Carolina General Statute § 143-318.11(a)(3) for attorney-client privileged communication. The motion was seconded by Commissioner Sides and passed unanimously (4-0).

The Board returned to Open Session at 7:07 pm.

Chairman Mitchell read a letter from Commissioner Barber that stated Commissioner Barber had been admitted to a private, residential medical treatment center and that he would be unable to attend Board of Commissioner meetings. Chairman Mitchell said the letter was an official affirmation that Commissioner Barber would need to be excused from Commission meetings, beginning May 16, 2011 for a period to be determined.

Chairman Mitchell said the Board had asked County Attorney Jay Dees to brief the Board on potential options for the Board regarding Commissioner Barber's recent actions and his absence. Chairman Mitchell said there had been a lot of public speculation as to what the Board should do and "can do."

Mr. Dees said based on his understanding of the facts in regards to Commissioner Barber, the Board basically had three (3) options. The options were to, 1) do nothing; 2) entertain the concept of censure, as spelled out in the

Code of Ethics policy adopted by the Board. Mr. Dees said it was not his recommendation for the Board to censure Commissioner Barber at this point in time. Mr. Dees explained the process for censure, which included a public hearing involving the commissioner charged with violating the Code of Ethics. Commissioner Barber would also have to be present. Mr. Dees said the process allowed the commissioner the opportunity to be represented by an attorney of his choosing and allowed for the attorney to cross examine witnesses. Mr. Dees said the third option was for the Board to consider a statement of rebuke for the accused Commissioner's behavior and request that the Commissioner resign. Mr. Dees said the public statement would be the Board's desired outcome of the situation.

Mr. Dees said that based on the letter from Commissioner Barber, it was difficult to determine how long the absence might be. Mr. Dees mentioned the sensitivity of Commissioner Barber's absence during the Board's budget process and the consideration of having an operational Board that could function and make decisions with a majority vote.

Mr. Dees said with health conditions, there were issues regarding leaves of absence and whether they were voluntarily requested by the member or whether they could be initiated by the Board.

Mr. Dees said he would review the matter in greater detail and provide communication to the Board either between meetings, or present the information at the next Board meeting. Mr. Dees said it would be nice to know how long the anticipated absence would be. Mr. Dees said the Board did not have the authority to remove Commissioner Barber and he again reiterated the Board's options.

Mr. Dees said another issue was Commissioner Barber's availability and that the Board did not know what that availability was. Mr. Dees said he did not know what type of program Commissioner Barber had entered or whether there were release options that would allow Commissioner Barber to attend or participate in meetings through other means as provided by law without physically being present.

Mr. Dees said he would look into the issues and provide the Board with an opinion over the next several days, or during the next meeting.

Chairman Mitchell directed the Clerk to post the Board's Code of Ethics on the County's website.

## **2. PUBLIC COMMENT PERIOD**

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

- Susan McHugh said she was attending on behalf of Rowan Arts Council and she thanked the Board for the organization's support to date. Ms. McHugh described the Council as a funding funnel for nine (9) organizations in the community and she expressed hope that the Board would not cut the Council's funding.

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

### **3. CONSIDER REQUEST TO SET PUBLIC HEARING FOR JUNE 6, 2011 REGARDING PROJECT POLAR EXPRESS**

Economic Development Director Robert Van Geons said the Economic Development Commission (EDC) had been working to secure Project Polar Express, or, Granite Cold Storage LLC, since December 2009. Mr. Van Geons said the company planned to build a cold storage warehouse, approximately 100,000 square feet in size. The facility would store a variety of frozen foods and represent a ten million dollar investment in Rowan County. Mr. Van Geons reported that the company would initially employ 40 at the proposed location, with expectations that the number would increase to 70 as the facility expanded.

Mr. Van Geons said the company had expressed interest in a county-owned parcel on Heilig Road. While the total parcel was 114.3 acres, the company would like to purchase approximately 22 acres for their new facility. Mr. Van Geons said the company was also requesting the "Right of First Refusal" on approximately 23 acres adjacent to the initial site for future expansion. Mr. Van Geons said the company had submitted an offer to purchase the land for \$15,000 per acre (\$330,000).

Mr. Van Geons said the Town of Granite Quarry had expressed a willingness to pursue a Community Development Block Grant (CDBG) to fund the necessary water, sewer and road improvements at the site, approximately \$1,000,000. In addition to serving the proposed operation, the infrastructure improvements would dramatically improve the marketability and increase the value of the remaining 90+ acres of county-owned land. To accommodate the grant application process, the company requested until June 12, 2012 to close on the property.

Mr. Van Geons said the CDBG grant typically funds 75% of a project, with a 25% contribution required at the local level. Mr. Van Geons said Granite Quarry was willing to make application for the grant and undertake the associated liabilities but would request the County share the cost of the local match with each contributing \$125,000.

Mr. Van Geons said in lieu of the standard assistance grant program, the request was for the County to consider selling 22 acres of the Heilig Road property to the

company at the requested \$15,000 per acre price and grant a “Right of First Refusal” for the adjoining 23 acres. Mr. Van Geons requested that the County also consider sharing the 25% match for the CDBG infrastructure with the Town of Granite Quarry.

Mr. Van Geons reported that after contributing to the project, the County would retain an estimated \$205,000 from the sale of the Heilig Road site, as well as the improved value for the remaining parcels.

Mr. Van Geons concluded by asking the Board to set a public hearing on June 6, 2011 to receive additional information and public input on the matter.

Commissioner Sides questioned the value of the property and Mr. Van Geons responded \$10 million. Mr. Van Geons said the project would qualify under the incentive policy for a 5 year, 70% abatement.

Commissioner Sides asked if the deal was “dead” if the company could not secure the grant. Mr. Van Geons responded that if the company could not obtain the grant, it would be difficult for the company to come up with the remaining \$750,000, in addition to the costs for construction, etc.

Commissioner Sides agreed that it would be an advantage to have the infrastructure in place for the remaining acreage.

In response to a query from Commissioner Sides, County Attorney Jay Dees confirmed that if another company wanted to purchase all 114 acres for a higher price, the Board would not be able to sell the property during the timeframe in question.

Commissioner Sides said the 23 acres would be more valuable after the infrastructure was installed and he asked at what price the County would sell the adjoining 23 acres if the company exercised the option to purchase. Mr. Dees said if a third party made an offer, the County would offer the property to the company at that price, providing them with the right of first refusal.

Commissioner Sides wanted it understood that if the County granted the right of first refusal for the adjoining 23 acres, the selling price for the 23 acres would be at market value at the time the option was exercised.

Commissioner Sides referred to the infrastructure and asked if the City of Salisbury (City) would install the water/sewer lines. Mr. Van Geons responded that the project would be bid, the roads would go to the Town of Granite Quarry, and as a procedural matter, the water/sewer would remain part of the Town’s infrastructure for a certain period of time before transferring over to Salisbury-Rowan Utilities.

Commissioner Sides said the company was agreeing to voluntary annexation for the property. Commissioner Sides asked if the City would consider splitting the costs for the water/sewer since the City would be the one to ultimately benefit. Mr. Van Geons said he would approach the City regarding the matter.

Commissioner Coltrain moved to grant the request for the public hearing for the project on June 6, 2011. The motion was seconded by Commissioner Ford and passed unanimously (4-0).

#### **4. CONSIDER REQUEST FOR SHERIFF'S OFFICE TO APPLY FOR FY 2011 COPS HIRING PROGRAM FUNDS**

Rowan County Sheriff Kevin Auten requested authorization for the Department to apply for funding through the FY 2011 COPS Hiring Program (CHP). Sheriff Auten explained that funding from the grant would allow the Department to hire three (3) middle school resource officers. Sheriff Auten said due to budget cutbacks, the school system had ceased funding for any middle school resource officers on June 30, 2009.

Sheriff Auten said the CHP grants would provide 100 percent funding for approved entry level salaries and fringe benefits for three (3) years for newly – hired, fulltime sworn officer positions, or for rehired officers who had been laid off or were scheduled to be laid off as a result of local budget cuts. Sheriff Auten said it was mandated that all grant recipients must retain any CHP funded officer position for at least twelve (12) months after the three (3) years of federal funding had ended for each position.

Sheriff Auten said based on current salary and benefits, costs for an entry level sworn officer in the fourth year funding would be approximately \$135,512. Sheriff Auten said if the Department was to be awarded the grant, the officers would be equipped using funds available in the Department's yearly budget and patrol vehicles would be available to the officers by utilizing existing spares. Sheriff Auten said the only way the figure would increase would be due to any cost of living increases.

Commissioner Sides felt it was a good program and a necessity. Commissioner Sides said it was good the County could provide the service at one-fourth the cost for four (4) years. Commissioner Sides stated he would like for someone to talk with staff at the Rowan-Salisbury School System to inquire as to whether the school system would be willing to provide half of the funding in the fourth year.

Sheriff Auten pointed out that the County would be paying more than half by providing the equipment and vehicles.

Commissioner Coltrain asked if there was a possibility that future funds from drug raids, etc. could be used as funding sources for the resource officers in the fourth year. Sheriff Auten cautioned against supplanting funding as a guarantee.

Commissioner Coltrain said he was looking at potential, alternative sources for the funds.

Commissioner Coltrain moved, Commissioner Sides seconded and the vote to authorize the Sheriff's Department to apply for funding through the CHP passed unanimously (4-0).

Sheriff Auten asked for a letter of endorsement for the program and Chairman Mitchell said he had no problem asking the Clerk to prepare a letter.

## **ADDITION**

### **4.2 DISCUSSION REGARDING A ONE-CENT SALES TAX**

Commissioner Ford, who serves as the County's liaison to Raleigh, said he had been asked by Representatives Steen and Warren to consider a County one-penny sales tax local bill option referendum. Commissioner Ford said the County could possibly have the option when the State's one-cent sales tax ended. Commissioner Ford said the issue would go on the ballot in the fall and the County would not begin collecting the revenue until July of next year.

Commissioner Ford highlighted various options for use of the tax funds and said the legislators wanted to know if the County at least wanted the option. Commissioner Ford said the option was offered due to lost revenues, including lottery funds and unfunded mandates. Commissioner Ford said in essence, all citizens who made a purchase would pay the same amount they were currently paying, possibly less, and possibly less in property taxes in the future.

Commissioner Coltrain moved to submit a resolution asking for support of the concept for the County's delegation to work in an option for the County to have a local one-cent sales tax referendum to replace the one expiring at the end of this fiscal year. Commissioner Ford seconded the motion and said the County could back out at any time before the issue went on the ballot.

Commissioner Sides commented that the State would give the County the option of putting the sales tax on the ballot; however, he said he would have a problem if the State tried to control how the funds would be spent.

Commissioner Ford concurred with Commissioner Sides.

Commissioner Sides said he would like to see the sales tax move forward, as it would possibly allow the County to lower the property tax; however, he reiterated that he did not want the State to dictate how the funds must be used.

Chairman Mitchell said the resolution to the delegation should include that amendment. Commissioner Sides said he would second the amendment. Chairman Mitchell asked if Commissioner Coltrain would accept the amendment and he agreed.

County Manager Gary Page asked for clarification on various statements to include in the resolution. Mr. Page said the resolution would support the one-cent sales tax to be placed on the ballot in November, it would go in effect July 1, 2012, and the State would not dictate the use of the money; one percent would generate approximately \$8.8 million and the County would want some kind of property tax rollback/rebate.

Commissioner Sides said the tax rebate was an option the County would decide on at the time the referendum was placed on the ballot in order to sell the matter to the public.

After further discussion, it was decided the resolution should ask for the option for the sales tax and include language that the State would not tell the County how to use the funds.

Upon being put to a vote, the motion on the floor passed unanimously (4-0).

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

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

- Health – Decrease Smart Start: Grant funding for Child Health (\$5500) and Child Health Consultant (\$675) for FY 2010-11.
- Sheriff – Recognize excess revenue and budget to the proper expense account - \$7,400
- Finance – Appropriate reserve funds for the Sheriff to use for training - \$2,000
- Therapeutic Recreation – Cover game expense for 2011 season - \$3,000

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

## **6. ADJOURNMENT**

There being no further business to come before the Board, Commissioner Coltrain moved to adjourn at 7:57 pm. The motion was seconded by Commissioner Ford and passed unanimously.

Respectfully Submitted,

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