

Commissioners vote to hire law firm to stop annexation

By Jessie Burchette

Salisbury Post

County commissioners have agreed to hire an Asheville law firm to fight Salisbury's planned annexation.

And commissioners are asking other municipalities to support their call for legislation requiring a moratorium on involuntary annexation.

Hiring a law firm was the first item of business at the Rowan County Board of Commissioners' retreat Thursday morning.

County Attorney Jay Dees recommended hiring Adams Hendon Carson Crow & Saenger, a firm with a successful track record in battling annexations.

Dees noted that a former partner in the firm, Martin Redinger, successfully thwarted an annexation effort in Rowan during the 1990s. Redinger is now a federal judge.

Salisbury is going forward with plans to annex 2,075 acres and 1,699 people in an area primarily along N.C. 150.

Dees said Ward Hendon, a partner, handled the appeal work on the earlier case. He said he has talked with Hendon and emphasized the urgency involved in this case. He said Hendon's familiarity and expertise with annexation cases "is as solid as you can find."

Commissioners unanimously approved a motion by Jim Sides to allow Dees to finalize a contract.

The rate will be \$200 to \$300 per hour, the higher rate for Hendon, the lower rate for an associate.

Dees said he will serve as co-counsel and do much of the work at the local level, which should reduce the overall cost.

"How much time before they can file a motion in court," asked Sides.

Dees said legal action most likely won't come until Salisbury City Council adopts an annexation ordinance, now expected April 21.

But Dees left the door open on possibly filing some legal action before Salisbury acts.

On the first day of the retreat, commissioners unanimously agreed to ask municipalities to support the county's call for a moratorium.

The county's legislative delegation, Reps. Fred Steen, Lorene Coates and Sen. Andrew Brock have vowed to introduce the bill in the upcoming short session of the General Assembly. The proposed legislation calls for a moratorium on all involuntary annexation in Rowan County until a special legislative panel considering revising state annexation laws has time to complete its work and allow the General Assembly to act.

The resolution notes that a moratorium "would afford all municipalities the opportunity to negotiate interlocal agreements between neighboring municipalities, and with the county, for those who would be willing to engage in 'regional cooperation' with their neighbors."

The resolution offered by the county specifies that the municipality does not oppose the efforts of the county.

Sides said he had spoken to several municipal leaders who agree with the county's stand. "They will be affected long term," he said.

At several points in the board's two-day retreat, Chairman Arnold Chamberlain made reference to cooperative efforts between counties and towns. At one point, he cited agreements between the Cabarrus County Board of Commissioners and the city of Concord related to sewer-water extensions and annexation.