

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS  
January 3, 2005 – 9:00 AM  
COMMISSIONER’S MEETING ROOM, ADMINISTRATION BUILDING**

Present: Frank Tadlock, Chairman  
Arnold Chamberlain, Vice-Chairman  
Steve Blount, Member  
Chad Mitchell, Member  
Jim Sides, Member

County Manager Tim Russell, Clerk to the Board Rita Foil, County Attorney John Holshouser and Finance Director Leslie Heidrick were also present.

Chairman Tadlock called the meeting to order at 9:00 am. Commissioner Sides provided the Invocation and Commissioner Chamberlain led the Pledge of Allegiance.

**ADDITIONS/DELETIONS TO THE AGENDA:**

Chairman Tadlock asked if there were any additions to the agenda.

- Commissioner Blount recalled that the Board had deferred discussion on the “tower issue” at its previous meeting in order to provide County Attorney John Holshouser time to review the lawsuit. Commissioner Blount continued by saying he had received numerous calls from citizens inquiring as to the Board’s direction on the issue.

Commissioner Blount moved to add a brief discussion on the tower issue. The motion was seconded by Commissioner Mitchell.

Commissioner Chamberlain said he had not received a lot of calls on the issue and that he would like to wait to discuss the issue after the entire Board had seen information from Attorney Holshouser.

Attorney Holshouser said he would be glad to send a memorandum to each Commissioner. Attorney Holshouser said the Judge had not provided any direction on the matter and he had indicated that the ordinance as it existed was discriminatory “as between telecommunication towers and broadcast towers.”

The motion failed on a 2-3 vote with Commissioners Tadlock, Chamberlain and Sides opposing the motion.

Chairman Tadlock said by consensus, the Board would wait for a memorandum from Attorney Holshouser before discussing the issue.

- Commissioner Mitchell mentioned that he would be leaving the meeting shortly in order to attend Jury Duty. Commissioner Mitchell said he had questions regarding the Legislative Goals Conference and that he would like to participate in the discussion. Commissioner Mitchell requested that the issue be pushed back further on the agenda in hopes that he would be back from the courthouse.

Chairman Tadlock said if there was no opposition from the other Commissioners, the Board would move the item further down on the agenda.

- Commissioner Chamberlain said that Joe Corriher had requested to be taken off the agenda. Commissioner Chamberlain moved to remove item #16 from the agenda. Commissioner Sides seconded and the motion was unanimously approved.
- Chairman Tadlock moved to add discussion concerning an update for the Annual Commissioners Retreat. Commissioner Chamberlain seconded and the motion passed unanimously.

#### **CONSIDERATION OF THE CONSENT AGENDA:**

Commissioner Mitchell moved to approve the consent agenda as presented. Commissioner Chamberlain seconded and the motion passed unanimously.

The Consent Agenda consisted of the following:

- A. Approval of the December 20, 2004 minutes
- B. Approval of Proclamation honoring Martin Luther King, Jr. Day
- C. Approval for the reappointment of the Rowan County Tax Collector
- D. Approval to set the second public hearing for the Hazard Mitigation Plan
- E. Approval to set a public hearing for a unanimous road name petition for Barn Dance Drive
- F. Approval to set a public hearing for a unanimous road name petition for Bobs Place

- G. Approval to set a public hearing for a unanimous road name petition for Wilhelm Farm Road
- H. Approval to set a public hearing for a majority road name petition for Clayton Trail
- I. Approval to set a public hearing for a majority road name petition for Freedle Lane
- J. Approval to set a public hearing for Z-21-04, Sunset Pointe at High Rock Lake
- K. Budget Amendments

After approval of the Consent Agenda, Commissioner Mitchell excused himself for Jury Duty.

**REPORT ON THE COMMUNITY CHILD PROTECTION TEAM:**

Sandra Wilkes, Director of the Department of Social Services, and Tom Brewer, Children's Services Program Administrator at the Department of Social Services (DSS), presented the annual report on the Community Child Protection Team (CCPT). Ms. Wilkes explained that the annual report meets the federal requirements contained in the Keeping Children and Families Safe Act of 2003.

Ms. Wilkes said since 1997 the Board of Commissioners had taken a very proactive stance to child abuse prevention and neglect. Ms. Wilkes said the Board, along with DSS, had taken the lead in making the protection of children a community responsibility.

Ms. Wilkes stressed the importance of communication between the agencies serving families.

Ms. Wilkes reviewed the information provided in the Commissioners packets, explaining that each county in North Carolina has a CCPT. The team meets the federal requirement that a citizen review panel be established for the purpose of the following four (4) activities:

1. Studies actual cases where children have been the victim of abuse or neglect or where they are at risk of becoming a victim.
2. Identifies what is not being done to help the families and children.
3. Sharing findings with the public
4. Advocates for better use of existing resources and the development of needed resources.

Ms. Wilkes discussed the team members, which meet quarterly on the first Tuesday of each month. Ms. Wilkes said the team would like to expand its

membership to include members of the faith community, local colleges and hospitals.

Ms. Wilkes said the report to the Commissioners is mandated by law but said she also considered the report an opportunity to share the needs of the families in Rowan County.

Ms. Wilkes introduced Tom Brewer as the Chairman of the CCPT.

Mr. Brewer said the CCPT recommendations centered on reducing the number of families that would be in need of protection services. Mr. Brewer said Rowan County receives an average of 230 calls per month relating to child abuse and neglect, with approximately 140 of those calls being investigated each month. Mr. Brewer said 28% of those are found to be true.

Mr. Brewer said the State used a measuring range used to determine the effectiveness of counties in working with families that were identified as having abused or neglected children.

Mr. Brewer highlighted the following “primary recommendations” from the CCPT:

1. The Board receives recommendations from the Juvenile Crime Prevention Council (JCPC) regarding new programs that need to “go forth” in Rowan County. One of the recommendations is for the Board to give consideration to Intensive Family Preservation Services and focus on child abuse prevention/neglect issues. Mr. Brewer said the CCPT wanted to see more effort put more “up front.”
2. Focus on Extended Family Services or “wrap around services” to assist the families with continuation of services.
3. Look at insuring additional funding for positions for child abuse prevention and neglect.
4. Requesting appointments for the CCPT through the Commissioners as members’ terms expire or when there is a need for additional board members.

Commissioner Chamberlain said he had attended the CCPT meetings. Commissioner Chamberlain continued by saying, “we talk about economic development, we talk about education, we talk about the environment” but if we “don’t take care “of the least among us, our children and our elderly that can’t take care of themselves, then we can’t brag about anything.” Commissioner Chamberlain encouraged that the job continued to be done well.

Chairman Tadlock said he continued to be impressed with the cooperative efforts between agencies regarding awareness, prevention and sharing of information. Chairman Tadlock thanked Ms. Wilkes and Mr. Brewer for the presentation.

**PUBLIC HEARING FOR A UNANIMOUS ROAD NAME PETITION FOR LADYBUG LANE**

Fredda Greer of the Planning Department explained that this petition was presented at the September meeting for the name of “BK Lane” and it was discovered to be a duplicate name. Ms. Greer stated that the property owners submitted another petition for the name of “Ladybug Lane”. Ms. Greer added that Staff recommends approval.

Chairman Tadlock opened the public hearing to entertain comments on this road name petition.

There being no one who wished to address the Board, Chairman Tadlock closed the public hearing.

Commissioner Blount made a motion to approve the road name as presented. Commissioner Sides seconded and the motion passed unanimously (4 voted).

**PUBLIC HEARING FOR A UNANIMOUS ROAD NAME PETITION FOR WILSON WOOD DRIVE:**

Ms. Greer informed the Board that this road was currently unnamed and was located west off of the 900 block of NC 801 Hwy. Ms. Greer said ASI had identified the road as meeting the criteria to be named and that two (2) property owners signed this unanimous petition. Staff recommends approval.

Chairman Tadlock opened the public hearing to entertain comments on this road name petition.

There being no one who wished to address the Board, Chairman Tadlock closed the public hearing.

Commissioner Chamberlain made a motion to approve the road name as presented. Commissioner Sides seconded and the motion passed unanimously (4 voted).

**PUBLIC HEARING FOR A UNANIMOUS ROAD NAME PETITION FOR KENWAY DRIVE:**

Ms. Greer presented the request for this road name, which consisted of one (1) property owner. Ms. Greer said staff recommends approval

Chairman Tadlock opened the public hearing to entertain comments on this road name petition.

There being no one who wished to address the Board, Chairman Tadlock closed the public hearing.

Commissioner Sides made a motion to approve the road name as presented. Commissioner Chamberlain seconded and the motion passed unanimously (4 voted).

**PUBLIC HEARING FOR A UNANIMOUS ROAD NAME PETITION FOR OAK HILL DRIVE:**

Ms. Greer informed the Board that the lone property owner submitted the petition for Oak Hill Drive. Ms. Greer explained that the road services a mobile home park containing seven (7) mobile homes. Ms. Greer reported that the road name is acceptable and staff recommends approval.

Ms. Greer verified to Commissioner Chamberlain that there was only one (1) property owner.

Chairman Tadlock opened the public hearing to entertain comments on this road name petition.

There being no one who wished to address the Board, Chairman Tadlock closed the public hearing.

Commissioner Blount made a motion to approve the road name as presented. Commissioner Chamberlain seconded and the motion passed unanimously.

**PUBLIC HEARING FOR SPECIAL CONSIDERATION FOR THE ROAD NAME FOR HILL HAVEN DRIVE:**

Ms. Greer presented this road petition to the Board and said that this road had been identified as meeting the criteria to be named and was not a majority petition. Ms. Greer stated that property owners were given the opportunity to name this road and one property owner, Kenny Steele, wished to leave the road unnamed. Ms. Greer said Mr. Steele had informed staff that he planned to “cut a new driveway to his residence and move his business office.” Ms. Greer said the new driveway would leave only one (1) house on the road. Ms. Greer said Mr. Steele had not done this.

Ms. Greer reported that staff pulled the road “back out to rename it again” and the other property owner, Ms. Killian, submitted a petition for Hill Haven Drive. Ms. Greer said county maps show there are two (2) single-family homes and several business shops along the road. Ms. Greer mentioned that the road-naming ordinance states the road meets the criteria to be named when there are more than three (3) structures along the road.

Ms. Greer said staff recommends approval of the road name.

Commissioner Sides said he had received several calls from Mr. Steele regarding the road naming and that Mr. Steele had attempted to contact staff on Friday but was unaware that county offices were closed for the New Year’s

Holiday. Commissioner Sides said Mr. Steele had also contacted him “this morning” and indicated he had planned to attend the board meeting but had become physically incapacitated. Commissioner Sides preferred to defer the road naming to the next meeting until Mr. Steele could contact staff and be present for the public hearing.

Ms. Greer commented that she had spoke with Mr. Steele “this morning” and he had told her he would be at the meeting. It was then noted that Mr. Steele was in the audience.

Chairman Tadlock opened the public hearing to entertain comments on this road name petition.

1. Mr. Kenny Steele said he didn't “really know the details of what was required to name the road.” Mr. Steele said, “Our home and our business is one. We have one phone and one power supply running both buildings, all the buildings.” Mr. Steele said he had shops that he parks the equipment in, but said, “it is not a business.” Mr. Steele said, “We just don't want the road named.”

Chairman Tadlock asked Mr. Steele if he did not want the road named at all?

Mr. Steele responded by saying, “That's right. There's only two houses on it. Mine and the Killian's.”

Commissioner Chamberlain created a scenario of EMS trying to reach Mr. Steele in the event that someone had a heart attack on his property. Commissioner Chamberlain asked Mr. Steele how he would feel if EMS was unable to locate the residence because there was no road name? Commissioner Chamberlain explained to Mr. Steele that this was the purpose for naming the roads.

Mr. Steele responded that EMS and the fire department had been called “down there” several times. Mr. Steele said, “If you come to the end of the road, you're at Steele Well Company.”

2. Mr. Earl Hawks of the Rowan County Planning Department said he had visited the site approximately six (6) months ago. Mr. Hawks described the area and said, “as soon as you turn in there is a house.” Mr. Hawks said the Killian's house is further down the road on the left and after the road makes a “hard right turn,” is Mr. Steele's house. Mr. Hawks said “at the very end of the road” there are two (2) buildings that look like businesses. Mr. Hawks agreed with Commissioner Chamberlain that EMS could have difficulty finding someone in the event of an emergency. Mr. Hawks said, “I've been doing 911 addressing for about 8 years and I personally think it needs a road name.”

In response to a query from Commissioner Blount, Mr. Hawks confirmed that there are at least three (3) structures on the road.

Mr. Hawks responded to a question from Commissioner Sides, explaining that the house facing Cool Springs Road does have a driveway off of the proposed road name. Mr. Hawks said in order for 911 to respond to a call at this house, EMS would have to actually turn in the driveway, as there is no access to the house off Cool Springs Road.

Commissioner Sides asked if the road was a private driveway to which Mr. Hawks replied yes. Mr. Hawks estimated the road width to be approximately twenty (20) feet and said the road does not meet state standards.

There being no others who wished to address the Board, Chairman Tadlock closed the public hearing.

Commissioner Blount made a motion to approve the road name as presented by Staff. Commissioner Tadlock seconded.

For those that might have been unfamiliar with the road naming process, Commissioner Blount explained that the Board had established the guidelines to serve the citizens as strictly and fairly as possible. Commissioner Blount said one of the guidelines was that if a road served three (3) structures it would be a candidate for naming. Commissioner Blount said as pointed out by Commissioner Chamberlain, the process was set up mostly for 911 access to those needing emergency care. Commissioner Blount said he was glad 911 had previously responded to calls on the road as mentioned by Mr. Steele but Commissioner Blount said he would not want to be responsible for EMS not finding the road in the future. Commissioner Blount felt it was important to name the road as recommended by staff.

Ms. Greer mentioned that Mr. Steele had been sent petitions in an effort to name the road but Mr. Steele had said he did not want to name the road.

Commissioner Sides said he would like to wait two (2) weeks to provide time to speak with Mr. Steele and the other property owners regarding the road naming.

Commissioner Chamberlain agreed with Commissioner Sides.

Upon being put to a vote, the motion on the floor failed on a 1-3 vote with Commissioners Tadlock, Chamberlain and Sides voting against the motion.

Commissioner Sides moved to place the issue on the agenda for the next Commission meeting. Commissioner Chamberlain seconded and the motion passed unanimously (4 voted).

**PUBLIC HEARING FOR A MAJORITY ROAD NAME PETITION FOR CHRISTIE FARM ROAD:**

Ms. Greer informed the Board that this road services several structures and that three (3) of the five (5) property owners signed the petition. Ms. Greer said the road name is acceptable and that staff recommends approval.

Chairman Tadlock opened the public hearing to entertain comments on this road name petition.

There being no one who wished to address the Board, Chairman Tadlock closed the public hearing.

Commissioner Sides asked if there was any opposition to the road name. Ms. Greer responded that all property owners were notified but only three (3) property owners signed the petition.

Commissioner Blount made a motion to approve the road name as presented. Commissioner Sides seconded and the motion passed unanimously (4 voted).

**PUBLIC HEARING FOR CUP-17-04, A REQUEST FROM MARGARET ALBRIGHT:**

Chairman Tadlock declared the hearing for consideration of CUP-17-04 to be in session. Chairman Tadlock read the Chairman's Speech (Exhibit A) and said the hearing would focus on an application submitted by Margaret Albright for her property located at 425 Grace Church Road in the Locke Township. Chairman Tadlock said this application was for a conditional use permit to subdivide a 6-acre tract into 5 residential lots in the Commercial, Business, Industrial (CBI) district.

Chairman Tadlock continued to read the Chairman's speech (Exhibit A) explaining the procedures for this quasi-judicial procedure hearing.

Rita Foil, Clerk to the Board, swore in those that came forward to provide testimony (2 sworn in) in the case.

Shane Stewart of the Rowan County Planning Department presented the Staff Report (Exhibit B) and explained that in 1999 the Board approved a text amendment to the zoning ordinance making subdivisions of property in the CBI district a conditional use. Mr. Stewart said the text amendment was due mainly to potential concerns over interference with economic development with residential uses being in the CBI district. The conditional use process allows the Board to review individual requests.

Mr. Stewart said the request before the Board was from Margaret and Carl Albright to create five (5) residential lots on their six-acre tract located off Grace Church Road.

Using a power point presentation (Exhibit C), Mr. Stewart reviewed the proposed subdivision and the surrounding area.

Mr. Stewart said the Albrights had listed the property with Wallace Realty and the Economic Development Commission (EDC) for approximately three (3) years and had been unable to sell the property for business use. As an alternative, the Albrights were requesting to subdivide the property and sell the tracts individually, possibly for residential use.

Mr. Stewart highlighted the Background (Exhibit B), explaining that staff had contacted Randy Harrell of the EDC concerning the marketability of the property. Mr. Stewart said the EDC believed the lack of interest was due to the asking price as opposed to the availability of public sewer as noted in Attachment B (Exhibit D). Mr. Stewart said there is a sewer line located at the Maxon property, which is approximately 400' from the corner of the Albright property.

Mr. Stewart reported that the property is listed at approximately \$30,000 per acre while the EDC had mentioned other properties in the Summit Industrial Park and other park locations were asking \$25,000-\$35,000 per acre. Mr. Stewart said the EDC also mentioned that if residential activity occurs in areas near business uses, it could deter future commercial and industrial businesses from locating nearby.

Mr. Stewart reviewed the Conditional Use Criteria (Exhibit B), discussing the following points:

b. The use will not significantly detract from the character of the surrounding area. Mr. Stewart said the CBI district allows one residential use per lot, while subdivisions must receive conditional approval. The area does contain several mobile and single-family homes and vacant properties in addition to the scatter of commercial and industrial uses along Hwy 29, Grace Church Road and Ryan Patrick Drive. Mr. Stewart used the power point presentation (Exhibit C) to depict the surrounding properties and their uses.

f. The use will not create significant visual impacts for adjoining properties or passersby. Mr. Stewart explained that this did not appear to be an issue due to several existing residences but said it could be a factor if continued residential activity takes place since several large vacant lots are zoned CBI nearby. Mr. Stewart again used the power point presentation (Exhibit C) to depict the surrounding area.

Mr. Stewart discussed the Staff Recommendation (Exhibit B) and said based on conversations between staff and the Albrights, the Albrights had made attempts to entice business use to no avail. Mr. Stewart said by right, the Albrights could have one (1) residential unit on the property and are therefore asking for four (4) additional units in the request. Mr. Stewart said staff had some concern but realized the concerns of the Albrights.

In response to a query from Commissioner Sides, Mr. Stewart explained that to create the additional lots, the Albrights must get a survey and based on the survey, five (5) separate deeds could be created. Mr. Stewart continued by saying the Albrights must come before the Board to do this.

Commissioner Chamberlain said he frequently traveled this road and mentioned that that he had noticed surveyor stakes along the left side of the road. Mr. Stewart referred to Attachment A (Exhibit E) and noted the survey from Rick Shulenburger.

Commissioner Sides asked how long the Albrights had owned the property and from the audience Mr. Albright responded thirty (30) years.

Chairman Tadlock asked the Board if there were any other questions for Mr. Stewart.

Chairman Tadlock opened the public hearing to hear testimony from those that had been sworn in to speak.

1. Mr. Albright said he had spoke with 5-6 realtors with the "last one" advising the Albrights that their only hope was to break the property into individual lots to sell. The realtor had said there was not enough property for industry to be interested.

Commissioner Chamberlain asked if the Albrights had requested CBI zoning or if the property was zoned CBI when countywide zoning was implemented.

Mr. Albright responded that the county zoned the property.

Commissioner Sides asked Mr. Albright if he had approached the EDC to market the property.

Mr. Albright said, "when BPI was set up over there" Harry Whalen had approached them about "doing away with some of our trees for a site easement." Mr. Albright said, "They came over to the house bargaining for the trees." Mr. Albright said he had spoke with Mr. Whalen then about listing the property. Mr. Albright clarified that the \$30,000 included the house and the property. Mr. Albright said the asking price was now "at least" \$20,000 per acre, with the revenue "being very important to us."

There being no other comments, Chairman Tadlock declared the public hearing closed and stated that the Board would now go into deliberation.

Commissioner Sides moved to allow the owners to use property as they choose, allowing them to sell individual parcels.

Commissioner Blount asked for clarification regarding the motion. Commissioner Blount asked if the motion was to approve staff's recommendation.

Commissioner Sides said if the staff recommendation was to allow the property to be divided into five (5) lots, "yes."

Commissioner Sides verified to Commissioner Blount that his motion was to approve the Conditional Use Permit as requested. Commissioner Chamberlain seconded the motion and the motion passed unanimously.

Chairman Tadlock declared the **FINDINGS OF FACT** to be the conditional use criteria as presented by staff in Exhibit B:

- a. Adequate transportation access to the site exists.
- b. The use will not significantly detract from the character of the surrounding area.
- c. Hazardous safety conditions will not result.
- d. The use will not generate significant noise, odor, glare or dust.
- e. Excessive traffic or parking problems will not result.
- f. The use will not create significant visual impacts for adjoining properties or passersby.

**APPROVAL OF GRANT FOR SCATTERD SITE HOUSING PROJECT:**

Gary Wilson, from CMR Services, Inc., informed the Board that the county is nearing completion of the 2002 Scattered Site Housing Grant and that the Division of Community Assistance would award the county another \$400,000 grant in the spring of 2005, subject to the county submitting an application for the funds by February 28, 2005.

Mr. Wilson said the county must identify the houses that it would like to utilize for the program and submit an application to the DCA by the deadline. Mr. Wilson explained that two (2) public hearings must be held during the application process.

Mr. Wilson said during the first application, the county had designated the Rowan County Planning Board as the selection committee to select the houses to receive assistance. Mr. Wilson referred to the schedule in the agenda packets and said he hoped the Planning Board would meet on January 24, 2005 to select approximately eight (8) to ten (10) houses from the forty-two (42) applicants.

Mr. Wilson referred to the criteria that would be used utilized by the Planning Board in the selection process. Mr. Wilson said the county was keeping track of the applicants based on the date of the applications and that the selection criteria favored the elderly and the handicapped. Mr. Wilson said the applicants not selected for this funding cycle would be kept on the list for consideration in 2008.

Mr. Wilson verified to Chairman Tadlock that the funding amount was the same amount received in 2004. Chairman Tadlock asked if the funds were a combination of federal and state monies. Mr. Wilson responded that the monies were federal funds.

Chairman Tadlock asked Mr. Wilson if he needed the Board to approve acceptance of the grant funds and also to schedule the public hearings. Mr. Wilson responded that this meeting was set up as a public hearing and had been advertised as such. Mr. Wilson said he would come before the Board in February with a list of applicants chosen by the Planning Board.

Commissioner Sides questioned the forty-two (42) applicants and asked if the applicants resulted from the advertisement in the newspaper. Mr. Wilson explained that the funds were not re-advertised this year, saying, "There is no way we're going to get through the forty-two (42). These were applicants that were left over from the first cycle, plus about twenty (20) that have called."

Commissioner Sides pointed out that there could have been citizens who were eligible in the first funding cycle but were unaware of the program. Commissioner Sides questioned the type of rehabilitation and said he preferred to see more homes "fixed up" rather than fewer homes if the repairs were to be cosmetic. Mr. Wilson said there were stringent state standards under the program that prevented "a small amount of work on a number of units." Mr. Wilson discussed the standards for rehabilitation and the substantial amount of work required. Mr. Wilson also discussed the lead abatement issue.

Commissioner Sides noted that applicable homes must be in the county or the smaller jurisdictions. Commissioner Sides asked if the City of Salisbury and City of Kannapolis receive the same money and face the same requirements? Mr. Wilson said Salisbury and Kannapolis receive their "own pot of federal money," which can be used for a broad range of uses. The small towns can no longer become the recipients for funds and the county is required to make them part of the program.

Mr. Wilson verified to Commissioner Sides that the county monies would not be spent in the City of Salisbury and City of Kannapolis.

Commissioner Sides felt there could be some possible discrimination towards the eligible citizens living within the city limits of Salisbury and Kannapolis because

they could not apply for the county program. Mr. Wilson explained that those citizens could petition an allocation from the city council of their respective jurisdictions.

Chairman Tadlock questioned the criteria for citizens living within the extraterritorial jurisdiction (ETJ) of a municipality. Mr. Wilson said the county's funds could not be used in the corporate limits of Salisbury and Kannapolis but could be used in the ETJ.

Chairman Tadlock opened the public hearing to entertain citizen comments.

With no citizens wishing to address the Board, Chairman Tadlock closed the public hearing.

Commissioner Chamberlain made a motion to approve the application for the grant for the Scattered Site Housing Program as presented. Commissioner Blount seconded and the motion passed unanimously (4 voted).

**APPROVAL OF COUNTY POLICY FOR "SHARED LEAVE":**

County Manager Tim Russell said the Personnel Board had met and was recommending that the Board approve a Shared Leave Policy.

Mr. Russell said the policy was developed to assist county employees who experience a major medical condition causing the employee to exhaust all available leave and be placed on leave-without-pay status.

Mr. Russell said the policy is intended to allow all county employees to voluntarily transfer annual vacation leave into a pool where the leave would be distributed to assist eligible employees. Mr. Russell stressed that the program is voluntary with a minimum/maximum number of hours that could be donated to the pool.

Mr. Russell said the policy would not allow employees to transfer sick leave and was designed not to cost the county money.

Mr. Russell highlighted the eligibility requirements that must be met before funds from the pool could be distributed to a recipient. Mr. Russell reviewed the policy's participation limitations.

Mr. Russell said the Personnel Board recommended as a motion that the Board approve the Shared Leave Policy.

Chairman Tadlock made a motion to approve the policy as presented. Commissioner Chamberlain seconded.

Commissioner Blount questioned if the policy could be challenged as discriminatory in any way. Mr. Russell responded that the primary consideration

would be the medical condition used to determine eligibility. Mr. Russell reported that the county had looked at this type of leave policy for several years, and in each case, concerns had been raised regarding fairness, objectivity, equity and how to administer the program. Mr. Russell said most government agencies “around us” have this type of policy. Mr. Russell said the policy is primarily used to assist those who have exhausted their leave due to a major medical condition. Mr. Russell said it the policy had been challenging but would not cost the county a substantial amount of money because it was earned leave.

In response to a query from Commissioner Blount, Mr. Russell explained that employees are allowed to accumulate up to 240 hours by the end of the year. A balance greater than 240 hours is not “lost” but the difference is transferred to the sick leave bank and could eventually be applied towards the employee’s retirement. Mr. Russell said the transferred sick leave is not actually “cashed in” but is credited towards additional service.

Commissioner Blount pointed out that the sick leave might have expired at no cost to the county but when applied to the “pool” there is a cost. Mr. Russell responded that most people don’t “lose” a lot of vacation leave.

Commissioner Chamberlain said as an employer, he could attest that Mr. Russell’s last comment was true. Commissioner Chamberlain said “popularity” amongst employees could be a concern and said he was pondering as to whether the motion on the floor might need to be amended. Commissioner Chamberlain questioned if each request for the “pool” comes before the Personnel Board for at least six (6) months or practice the policy on a trial bases for one (1) year?

Chairman Tadlock said he preferred to keep the policy simple and that he felt the proposed policy was adequate. Chairman Tadlock said the policy was bringing Rowan County employees “on board” with what the state and other government agencies already practice.

Chairman Tadlock asked if there was a cap on the amount of sick leave that employees can accumulate. Mr. Russell responded no and he added that the Board could amend the Shared Leave Policy at any time.

Commissioner Sides asked if “hours” or “pay” would actually be transferred. Mr. Russell said the proposal was to transfer hours on the donor’s rate of pay and transfer out of the pool based on the recipient’s rate of pay. Mr. Russell said there would not actually be money going into an account but rather a paper entry.

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

Chairman Tadlock called for a break at 10:20 am.

Chairman Tadlock reconvened the meeting at 10:30 am

**REQUEST FOR APPROVAL OF THE PROPOSED PRICING SCHEDULE FOR PROPERTY IN SPEEDWAY BUSINESS PARK:**

Mr. Russell stated that the infrastructure improvements in the Speedway Business Park off of Porter Road were nearing completion and only the extension of sewer to about four (4) lots remained. Mr. Russell informed the Board that the street lighting and the entrance sign have been completed and lots have been designated by a survey. Mr. Russell said that the State Department of Transportation would accept the road once the final plat is recorded and restrictive covenants have been recorded. Mr. Russell added that the Quarter Midget Racing facility that is on county-leased property has been completed and occupancy permits have been granted.

Mr. Russell informed the Board that staff is receiving inquiries about possible purchases of lots, which range from approximately 1 to 10 acres. Mr. Russell said with wetlands present on several of the lots as well topography limitations, the ten (10) lots contained usable acreage from 1.014 acres to 3.680 acres. Mr. Russell added that lot lines could be revised to suit interested parties.

Mr. Russell presented the proposed pricing schedule for the ten (10) lots that are available. Mr. Russell reported that County Assessor Jerry Rowland had worked with staff to provide the recommended sale prices for the lots. Mr. Russell asked the Board for approval of the proposed pricing schedule.

Commissioner Sides expressed concern that the prices on the property appeared to be low for this location. Commissioner Blount answered that a large amount of this property is unusable acreage, consisting of floodplains, wetlands, etc.

Commissioner Sides questioned what investment the county had in this property. Mr. Russell handed the Board a spreadsheet listing the analysis of costs for Speedway Business Park.

Commissioner Chamberlain stated the importance of “going by the guidelines” and questioned that the sell of the property should come back to the Board for approval. Mr. Russell confirmed that every request would come before the Board.

Mr. Russell said the State had accepted the road.

Commissioner Blount asked if the Board would have to go through the upset bid process if the sale prices for the lots had already been established. Attorney Holshouser responded, “Not if we go ahead and vote on it.”

Commissioner Blount made a motion to approve the pricing schedule as presented. Commissioner Chamberlain seconded the motion.

Commissioner Chamberlain asked if the two (2) lots that had been purchased for infrastructure needs was back on the market? Mr. Russell said no and that the lots could be placed on the market at any time. Mr. Russell referred to the map in the handout and described the lots and the waterline.

Commissioner Chamberlain asked if the two (2) lots were buildable to which Mr. Russell responded that they both were.

Commissioner Chamberlain offered an amendment to the motion to also approve putting the two (2) lots on the market with the selling price to be determined by Jerry Rowland and Tim Russell. Commissioner Blount seconded the motion for an amendment. The amendment was approved unanimously (4 Voted).

Motion with amendment passed unanimously (4 Voted).

**BOARD APPOINTMENTS: (4 voted)**

Commissioner Chamberlain informed the Board now that the holidays are over, he will begin to work on the vacant slots on the appointed boards as previously requested by Chairman Tadlock.

Rowan County Planning Board

Chairman Tadlock made a motion to nominate Terry Hill to the Planning Board and the motion passed unanimously.

Rowan County Zoning Board of Adjustments

Chairman Tadlock made a motion to nominate Art Steinberg to fill the slot as an alternate and the motion passed unanimously.

Local Emergency Planning Committee

Commissioner Chamberlain made a motion to nominate Randy Welch to be recommended to the State and the motion passed unanimously.

Locke Fire Department

Commissioner Blount made a motion to nominate Ronald Goodnight to replace Patsy Parnell, which passed unanimously.

Ellis Cross Country Fire Department

Commissioner Chamberlain made a motion to nominate Barry Abernethy to replace Billy Freeze and the motion passed unanimously.

Bostian Heights Volunteer Fire Department

Commissioner Blount made a motion to nominate Dennis Barger and Chris Euart and the motion passed unanimously.

East Gold Hill Volunteer Fire Department

Commissioner Chamberlain made a motion to nominate Bob Drew and the motion passed unanimously.

It was noted that there were openings on the following:

Juvenile Crime Prevention Council, Criminal Justice Crime Prevention Council, Rowan County Rescue Squad, Salisbury-Rowan Human Relations Council, Adult Care Home community Advisory Committee and the Rowan County Nursing Home Advisory Committee.

**CONSIDERATION OF APPROVAL OF RESOLUTION OPPOSING THE STATEWIDE ELECTION:**

Chairman Tadlock addressed the Board about the concern for the new statewide election, which was ordered recently by the State Board of Education by a 3-2 vote. Chairman Tadlock stated that the election would cost Rowan County approximately \$30,000 to \$40,000 and that these funds have not been budgeted. Also, the cost to the State would be approximately \$3 to \$3 ½ million dollars.

Chairman Tadlock felt that the statewide election was unnecessary and that the cost was unfair to the taxpayers.

Chairman Tadlock read a resolution and asked for approval of the resolution against this action.

Commissioner Sides made a motion to approve the resolution followed by a second from Commissioner Chamberlain.

Commissioner Blount asked whom the resolution would be sent to and Chairman Tadlock responded the State Board of Elections, Association of County Commissioners, as well as municipalities.

Chairman Tadlock confirmed to Commissioner Blount that the State Board of Elections had already ruled on the issue. Commissioner Blount pointed out that the only way to change the State Board's stance would be by a legal challenge. Chairman Tadlock said, "There is a legal challenge as we speak."

Commissioner Blount felt it might be more beneficial to send the resolution to the courts handling the legal challenge.

Commissioner Chamberlain said the resolution represented one Board, with one voice. Commissioner Chamberlain said neither of the candidates in the race for Commissioner of Agriculture should allow the statewide election to go forth.

Commissioner Blount suggested sending a copy of the resolution to the courts handling the legal challenge.

Commissioner Sides noted that even if the funds were in the budget, it would still place a burden on Rowan County's taxpayers.

The motion was unanimously approved ( 4 voted).

**RECEIVE COMMENTS FROM CITIZEN CONCERN:**

This item was deleted from the agenda.

**PRIORITIZING LEGISLATIVE GOALS:**

Chairman Tadlock said the Legislative Goals issue had been delayed on the agenda in hopes that Commissioner Chad Mitchell would return from Jury Duty and be able to participate in the Board's discussion. Unfortunately, Commissioner Mitchell did not return in time.

Commissioner Chamberlain said that as the Board's Voting Delegate, he would vote on the proposed legislative goals based on the instructions of the majority of the Board.

Chairman Tadlock requested County Manager Tim Russell to lead the Board through discussion regarding the proposed goals.

Mr. Russell discussed the first goal, Medicaid Relief, and said legislation was proposing a six-year phase out of county participation. Mr. Russell said the State was attempting to get the General Assembly to develop a plan to help counties to pay their share of the Medicaid. Mr. Russell said the goal is to make counties free from Medicaid debt.

Commissioner Blount suggested that due to the numerous recommendations listed for the conference, that the Board consider pulling any of the items of concern for discussion. By consensus, the suggestion met with the Board's approval.

Mr. Russell called the Board's attention to the Impact Tax, which would be used to fund school capital needs.

At this point, Commissioner Mitchell returned from Jury Duty and Mr. Russell recapped the Medicaid issue, saying this was the county's largest expenditure other than the schools. Mr. Russell reported an anticipated double-digit increase for the next fiscal year.

Commissioner Sides felt the eligibility requirements should be more stringent and said the County should have an option to negate an increase.

Commissioner Mitchell referred to an article that discussed Medicaid fraud and the “immense amount of money” that could be saved from locking down fraud.

Mr. Russell then continued to discuss the Impact Fees and said there will be counties wanting impact fees for flexibility for use other than schools. Mr. Russell said the impact fees help alleviate the impact on the community with schools being only a “part of it.” Mr. Russell said water/sewer and fire/police protection are also issues that could be alleviated by impact fees.

Commissioner Blount felt the impact fees were tied to school capital funding because otherwise it probably would not pass in State Legislature.

Commissioner Chamberlain verified that the recommendation was to support the State in giving the counties the authority to implement impact fees.

Chairman Tadlock asked if the impact fees in Cabarrus County was designated for schools only and Mr. Russell said, “Not to my knowledge.”

Commissioner Chamberlain said he understood that Cabarrus County collected \$4,034 per lot in impact fees.

Commissioner Mitchell questioned Item #3, Motor Vehicle Owner Identification under Taxation and Finance. Commissioner Mitchell pointed out that the County had just scrutinized its procedures concerning the publishing of citizens’ social security numbers. Commissioner Mitchell said some states have required that social security numbers be stricken from all public documents, however North Carolina legislature has not taken this action. Commissioner Mitchell expressed concern with safeguards pertaining to citizens’ private information.

Commissioner Chamberlain agreed with Commissioner Mitchell.

Commissioner Sides said he was opposed to legislation to allow counties to assume the one-half cent State sales tax. Mr. Russell mentioned that this was a State sales tax and said he was of the opinion that the State could not afford to drop the tax.

Commissioner Sides said he would like the County to express disagreement with the legislation. Commissioner Sides said the County budget contained a 2-½ cent sales tax. Commissioner Sides said the ½ cent sales tax had been implemented temporarily for special needs and he was opposed to the concept of allowing counties to assume the tax if the State allowed it to expire.

Commissioner Blount said if State legislature allowed the tax to expire, it was also revenue to the county that would have to be replaced “with something else.”

Commissioner Sides felt keeping the tax was dishonest and said he was opposed.

Commissioner Chamberlain said the recommendation was to “allow” counties by resolution to assume the ½ cent sales tax. Commissioner Chamberlain said the State was only giving counties the authority to assume the tax.

Commissioner Sides repeated that he was “opposed to that idea.”

Commissioner Tadlock stated the following options for replacing the county’s income generated by the ½ cent sales tax:

- Reduce Spending by \$4 million
- Increase property tax by approximately 4 cents

Mr. Russell pointed out that the tax was state revenue and that if eliminated, the state would have to find the cuts in their budget.

Commissioner Blount said the proposed legislation would provide the majority of the Board with future flexibility to accept the ½ cent sales tax. Commissioner Blount said he was “trying to vote for flexibility in the future.”

Commissioner Blount moved for the Board to support Item #7 of Taxation and Finance. Chairman Tadlock seconded the motion.

Commissioner Sides said the Board was not “giving up” its flexibility since the Board has the right to go to the State and ask for implementation of a sales tax if needed.

Commissioner Blount said prior history reveals that approval for such a request would not be likely.

The motion passed on a 3-2 vote with Commissioners Sides and Mitchell voting against the motion.

In response to a query from Commissioner Blount, Commissioner Chamberlain said he was only supporting the motion based on the flexibility the legislation would provide.

Commissioner Blount referred to Item #8 under Public Education and explained that the arbitration process does not look at counties other funding responsibilities. Commissioner Blount said providing adequate funding for the public education system should always remain the county’s number one priority. Commissioner Blount said he was not opposed to the arbitration process but said he was concerned about “adding language to it that allows the counties to use other financial obligations to get out of funding public education.”

Commissioner Chamberlain said that while the arbitration process is private, he liked having the opportunity to make the discussions public.

After verifying with the Board that he correctly understood Item #9 under Public Education, Commissioner Mitchell said he supported the issue.

Commissioner Blount referred to Item #1 under Agriculture and asked the County Manager if he felt the Compensation for Lost Taxes was referring to the farm use value process. Mr. Russell used the DOT as an example of a state agency that takes property “off the books” when dealing with wetlands. Mr. Russell said the DOT does not currently compensate counties when it obtains property for conservation or preservation purposes. The purpose of the legislation would require compensation from state agencies and units of local governments for lost property taxes when property is obtained for these purposes.

Commissioners raised questions concerning the following items Under Intergovernmental Relations:

#1. Public Duty Doctrine – Mr. Russell said in his opinion, this item applied primarily to insurance. Mr. Russell said if the county was “doing something under public duty, then it really can’t be sued.” Mr. Russell referred to the General Statutes and used zoning as an example, explaining “it protects you through governmental immunity.” By consensus, the Board instructed Commissioner Chamberlain to support Item #1.

#5. Temporary Tier Designation – Mr. Russell said the intention was “to get us quicker into State incentives” due to economic difficulty. Mr. Russell explained that tier rankings are only determined every two (2) years.

#7. Abandoned Manufactured Housing - Commissioner Mitchell asked what kind of study would be required. Commissioner Chamberlain said government jobs would be created. Commissioner Blount pointed out that if the study indicates state revenue is needed, it might bring revenue into the county, therefore deferring local monies being spent.

#10 – Worker’s Compensation Reform – Commissioner Mitchell expressed concern with how the State would determine if a disability finding is inappropriate. Commissioner Mitchell said he knew from personal experience that Worker’s Compensation in North Carolina strongly favored businesses. Commissioner Mitchell said he believed Worker’s Compensation in North Carolina needed reform “but I don’t believe it needs reform in this direction.” Commissioner Mitchell said he had a problem with allowing bureaucrats in Raleigh to determine what is an inappropriate disability finding.

Commissioner Blount asked if a doctor determines the disability or if a “board” has to approve the disability. Mr. Russell said he could only respond based on

the claims for Rowan County. Mr. Russell continued by saying there is a “no-fault” policy in North Carolina and regardless of who was at fault; the State has a system to pay the appropriate claims. Mr. Russell said a doctor concludes the findings, however, if the County disagrees with the findings, the County has the right to get a second doctor’s opinion. Mr. Russell said he had found that “99 times out of 100,” the County loses if a claim goes before a State Worker’s Comp Board. Mr. Russell said, “They usually side with that individual’s doctor.” Mr. Russell said the County tries to get the worker back on the job, or a comparable job, as soon as possible due to costs to the County and to also help the injured employee psychologically. Mr. Russell felt the proposed legislative goal was trying to help counties and employers and to be more “pro-business.”

Commissioner Blount referred to Commissioner Mitchell’s concerns and said the ultimate decision is already a bureaucratic decision.

Commissioner Mitchell said he did not want to put in place “a series of rules that takes that power out of the doctor’s hands.” Commissioner Mitchell was of the opinion that when someone has been hurt on the job, it is a doctor’s decision to determine when the injured employee can return to work.

By consensus, the Board agreed 4-1 not to support the Worker’s Compensation Reform. Commissioner Blount was in support of the proposed reform.

Commissioners discussed the following Criminal Justice issues:

#4. Homeland Security Funds – Commissioner Blount was uncertain about the language used for distributing funds in an “equitable manner.” Commissioner Blount said he disagreed with dividing these funds equally between counties. Commissioner Blount felt the funds should be distributed to the larger municipalities, port cities, etc., which would have the highest probability of a terrorist attack. Commissioner Blount stressed that “equitable manner” should be explained. By consensus, the Board agreed with Commissioner Blount.

#2. Criminal Justice Partnership – Commissioner Blount said the Board should support this item due to the Pretrial Release Program.

Under the topic of Human Resources, the Board discussed the following items:

#2. Mental Health – Commissioner Blount said he supported an increase on the alcohol tax but said he would “hate to tie our hands as to how that money is expended.”

Mr. Russell suggested that the Board take a position regarding an increase in the tobacco tax. Mr. Russell said the State was reviewing the revenue that would be generated by the tobacco tax and pointed out the funds would not be local money. By consensus, the Board agreed to support the tax.

### **UPDATE ON THE PLANNING RETREAT:**

Chairman Tadlock said the Board had previously agreed to conduct the Planning Retreat in the Commissioners Meeting Room. Chairman Tadlock distributed a “refined” timetable for the retreat. Chairman Tadlock felt the revision would allow the retreat to be accomplished in less time and at less cost.

Chairman Tadlock reviewed the “refined” schedule as opposed to the old schedule.

Commissioner Blount noted that the Commission Meeting was scheduled for Monday evening and questioned the possibility of also holding the public hearing at the Commission Meeting.

Chairman Tadlock pointed out that the public might have input regarding retreat discussions. Chairman Tadlock noted that holding the public hearing on Monday would not provide citizens the opportunity to provide comments concerning those discussions.

Chairman Tadlock asked the Board its opinion on this suggestion.

Commissioner Blount said according to the schedule, it appears the “real meat” of the retreat was scheduled for Friday. Commissioner Blount said Wednesday and Thursday was scheduled to hear presentations from various groups. Commissioner Blount said past history reveals there is not a lot of citizen turnout for the public hearing.

Chairman Tadlock said the agenda would be established in ample time to inform citizens as to the Board’s discussions. Chairman Tadlock said holding the public hearing on Monday evening following the retreat would eliminate the need to hold a public hearing on Thursday.

Commissioner Chamberlain said he felt holding the public hearing on Thursday was a good idea and that holding the public hearing on Thursday would allow the citizens to respond to any media coverage throughout the week. Commissioner Chamberlain noted there were citizens in the audience now waiting to address the Board. Commissioner Chamberlain said he wanted to hear from the public and that the Board should provide them with the opportunity to speak.

After further discussion, the Board agreed by consensus to meet Wednesday, Thursday and Friday in the Commissioners Meeting Room according to the agenda presented by Chairman Tadlock.

Chairman Tadlock requested that Board members let staff know of any items they wished to have discussed. Chairman Tadlock then recognized Commissioner Mitchell who wished to add an item to the retreat agenda.

Commissioner Mitchell said he would like to see a presentation regarding the new government channel and the possibility of having the Commissioner meetings televised. Chairman Tadlock said he had no problem adding this request to the agenda.

Mr. Russell asked if the presentation should be just for the Board meetings or for all boards. Commissioner Mitchell said, depending on cost, it would not be a bad idea to expand the televised meetings to the other boards. Commissioner Mitchell said the Board of Education might also be included.

Chairman Tadlock expressed concern with citizens in the audience being able to see and hear the presentations being made at Commission meetings. Chairman Tadlock suggested exploring putting additional screens in the room to address this issue.

Commissioner Chamberlain demonstrated how those speaking should lean forward and speak directly into the microphones to help those in the audience hear what is being said.

Chairman Tadlock suggested that the Board wrap up the format for the retreat by Friday of this week or Wednesday of next week.

**PUBLIC COMMENT PERIOD:**

Chairman Tadlock opened the Public Comment Period to hear from citizens who wished to address the Board.

- Kenneth LaCasse, a resident of Mount Ulla, said he was a spokesperson for a group of concerned Rowan County citizens. Mr. LaCasse said he would like to revisit the tower issue. Mr. LaCasse read prepared comments that urged the Board to become proactive and amend the zoning ordinance that pertains to towers.

Applause followed Mr. LaCasse's comments.

With no others in attendance coming before the Board, Chairman Tadlock closed the Public Comment Period.

**ADJOURNMENT:**

There being no further business to be brought before the Board, Chairman Tadlock adjourned the meeting at 12 noon.

Respectfully Submitted,

Rita K. Foil, CMC  
Clerk to the Board