

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
MAY 16, 2005 – 7:00 PM
J. NEWTON COHEN, SR. 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 7:00 pm. Commissioner Sides provided the Invocation and Commissioner Chamberlain led the Pledge of Allegiance with Boy Scout Troop Leader Wilson and the scouts.

ADDITIONS/APPROVAL OF THE AGENDA:

Chairman Tadlock requested to move item #9 concerning Dunn's Mountain to item #1.1 after the Consent Agenda.

Commissioner Chamberlain requested to schedule the public hearing for Consent Agenda item #D for the June 20, 2005 meeting.

CORRESPONDENCE:

Paul Brown, Chairman of the Rowan County Parks Commission, submitted a letter on behalf of the Parks Commission requesting the Board to accept the Dunn's Mountain property as a passive park.

CONSIDERATION OF THE CONSENT AGENDA:

Commissioner Blount moved to approve Consent Agenda with the requested changes. The motion was seconded by Commissioner Mitchell and passed unanimously.

The Consent Agenda consisted of the following:

- A. Approval of the May 2, 2005 minutes
- B. Approval to set a public hearing for a Unanimous Road Name Petition for Graham Acres Road
- C. Approval to set a public hearing for Special Consideration for Pathway Lane and Rock Cut Road
- D. Approval to set a public hearing for CUP-04-05, a request from NC Warehouse

CONTINUATION OF GRANT APPROVAL FOR THE CONSERVATION EASEMENT AND DEVELOPMENT RIGHTS FOR DUNN'S MOUNTAIN:

Commissioner Chamberlain recalled that at the May 2, 2005 board meeting he had expressed concerns with some of the wording in the Conservation Easement as it was presented.

Commissioner Chamberlain said Andy Abramson, Edward Norvell and the LandTrust for Central North Carolina had been very "gracious and pliable" in working to create the Deed Restrictions provided to the Board.

Mr. Abramson said the agreement was modified as opposed to using a Conservation Easement document. Mr. Abramson explained that Deed Restrictions would be attached to the deed from the LandTrust to the County.

Commissioner Chamberlain noted the liability issue had been "taken care of."

Commissioner Chamberlain moved to accept the document in order to proceed with the purchase of Dunn's Mountain. Commissioner Sides seconded the motion.

Commissioner Blount asked if Attorney John Holshouser had reviewed the document? Mr. Holshouser said he had one (1) question and referenced Exhibit B and asked Mr. Abramson, "Was it your assumption that Exhibit A would be the legal description?" Mr. Abramson responded yes.

Attorney Holshouser said he felt the legal description was fully incorporated into the deed but said he would check on the issue. Attorney Holshouser said he would review the matter and with the board's approval, he would have the document "ready for signature tomorrow."

In response to a query from Mr. Abramson, Attorney Holshouser said he would incorporate the sentence that "it is subject to the restrictions set forth in Exhibit A, which are incorporated herewith" as part of the legal description. Attorney Holshouser said this would be the document to be signed by the LandTrust. Mr. Holshouser asked Mr. Abramson if he would like some signification on behalf of the county and Mr. Abramson said that was his preference.

Chairman Tadlock referred to the correspondence from Paul Brown in the agenda packets pertaining to Dunn's Mountain. Chairman Tadlock thanked Mr. Brown who was seated in the audience for the letter.

Commissioner Chamberlain encouraged Mr. Brown to continue to work on the project and to provide the Board with the master plan "sooner than later."

Upon being put to a vote, the motion was unanimously approved.

REPORT ON THE COMMUNITY EMERGENCY RESPONSE TEAM (CERT)

PROGRAM:

Frank Thomason, Emergency Services Director, said he was present to bring the Board up to date on the progress of the Community Emergency Response Team (CERT) in Rowan County.

Mr. Thomason introduced Marshall Moore, a Captain with the Salisbury Fire Department and coordinator of the county's emergency community response team program.

Mr. Moore provided the background and discussed various aspects of CERT by using a power point presentation (a copy was provided to the clerk for recording with the minutes). Mr. Moore explained that this program would provide additional basic training for citizens in our communities that would be used during times of critical local emergencies and disasters

Commissioner Mitchell questioned the continuing education for CERT? Mr. Moore explained that there are no set criteria but he said the teams would be provided with more advanced first aid, hazard mitigation for removal of downed trees and sky one classes.

Chairman Tadlock thanked Mr. Moore and Mr. Thomason for their work and presentation.

PRESENTATION ON THE SWATMEDIC PROGRAM AND CONSIDERATION TO APPROVE THE GRANT APPLICATION:

Emergency Services Director Frank Thomason provided a presentation on a training and assistance program developed in cooperation for Rowan County's EMS Division, the Rowan County Sheriff's Department and the Salisbury Police Department, to be used with local law enforcement's SWAT (Special Weapons and Tactics) teams. Lawrence Kersey, Rowan County Paramedic, accompanied Mr. Thomason for the presentation.

Mr. Thomason provided a PowerPoint presentation, which was included in the Commission packets and explained that the Tactical Emergency Medical Support (TEMS) program provides additional benefits to the existing law enforcement

SWAT programs, by providing additional protection to assist both the teams and the public.

Mr. Thomason reviewed the goal of the program as follows:

To provide additional needed protection to enhance the mission and to give a higher level of safety not only to our law enforcement agency members in the tactical operations but also to the civilians and personnel that might be involved in the operations.

Mr. Thomason discussed meeting the needs of the program:

- Rapid intervention
- Immediate emergency care
- Safety advice and observation to the law enforcement tactical team
- Provide local monitoring of the teams health during, before and after an incident, as well as during critiques and other training operations
- Provide medical advice

Mr. Thomason pointed out that the program is a utilization of existing staff and he highlighted the key benefits of the program.

Commissioner Mitchell pointed out that the bank routing number had been listed in the copies provided to the Commissioners. Mr. Thomason thanked Commissioner Mitchell for alerting him to the oversight.

Commissioner Sides noted that he found the narrative statement interesting and he read the portion that discussed lost textile jobs and the fact that county government was diligently working to avoid a tax increase.

Mr. Thomason also requested approval to accept an application to apply for a federal grant to provide protection equipment for the selected paramedics who are members of the TEMS team. Mr. Thomason provided a power point presentation as he discussed the project.

Mr. Thomason highlighted the goals for the grant request and reported the total grant to be in the amount of \$70,179. The grant would require a 20% match of approximately \$14,000.

Mr. Thomason reviewed the benefits of the grant and requested consideration from the Board to allow the local match if the grant were to be approved by FEMA.

Chairman Tadlock asked Mr. Thomason how certain he was that the county would be a grant recipient if the Board were to make the 20% match available? Mr. Thomason responded said the county had to advise the federal government in the application process that if funds were to be awarded, the county would

“stand good for that 20% match.” Mr. Thomason projected that the county would not know of the grant award until later in 2005 and possibly into early 2006.

Commissioner Mitchell asked if the county had applied for the grant in the previous year. Mr. Thomason responded no.

Commissioner Mitchell asked if the county would be committing funds or allowing for application? Mr. Thomason said the county would only be committing funds if the grant were to be approved.

Commissioner Sides made a motion to approve to apply for grant and if the grant is awarded, to take \$14,000 from contingency. Commissioner Blount seconded and the motion passed unanimously.

REPORT FROM THE PEE DEE LAKES PROJECT:

Bill Medlin, Executive Director for the Yadkin-Pee Dee Lakes Project provided the report and discussed the request for funding in support of the Yadkin-Pee Dee Lakes Project.

Mr. Medlin said he would keep his comments brief and advised the Board that he and his staff would be available to answer any questions left unanswered during the presentation. Mr. Medlin also informed the Board that the following website might contain additional information: www.centralparknc.org

Mr. Medlin thanked the Board for the last fourteen (14) years of support for the project. Mr. Medlin said the project had been moving aggressively forward to create North Carolina’s Central Park. Mr. Medlin said the underlying premise was based on a study that predicted the proposed strategy could create 33,000 well-paying jobs and generate over \$3 billion a year in annual economic impact by 2025.

Mr. Medlin said there are three (3) major facets to the project:

- Training for the people
- Focus on smaller towns in the seven (7) counties
- Creating connective infrastructure

Mr. Medlin said he was present to ask that the Board consider the request during its budget process and the amount of \$24,000 for the Yadkin-Pee Dee Lakes Project. Mr. Medlin also encouraged the Board to consider supporting a bill currently before the appropriations committee in the state legislature. Mr. Medlin said House Bill 1577 would bring approximately \$775,000 in funding into Central Park for the next two (2) years.

Commissioner Blount complimented Mr. Medlin and his staff for doing a great job with such limited resources. Commissioner Blount said the project had come a long way and he appreciated the efforts.

Chairman Tadlock thanked Mr. Medlin for the presentation and said the project would be discussed as a budget item.

Chairman Tadlock called for a break at 7:45 pm.

Chairman Tadlock reconvened the meeting at 7:50 pm.

PUBLIC HEARING FOR Z-07-05 AND CUP-02-05, RA TO CBI (CUD) FOR THE ESTABLISHMENT OF A PUBLIC CLUB:

Chairman Tadlock read the Chairman's Speech (Exhibit A) and declared the public hearing for Z-07-05 and CUP-02-05 to be in session. Chairman Tadlock said the hearing would focus on applications submitted by Tracy Smith for the property owned by Kay Head located at 1430 Hwy 801 Woodleaf. The applications are for the rezoning of Tax Parcel 806-018 from Rural Agriculture (RA) to Commercial, Business, Industrial with a Conditional Use District (CBI-CUD) that limit the use to a public club/drinking establishment based on the attached information.

The Clerk swore three (3) citizens wishing to provide testimony in the case.

Shane Stewart from the Rowan County Planning Department, 402 North Main Street, Salisbury, provided the background from the Staff Report (Exhibit B). Mr. Stewart said the property located at 1430 Hwy 801 in Woodleaf currently contains a 1,700 sq. ft. retail store that was constructed in 1950. Mr. Stewart said based on county records, John and Kay Head purchased the property and opened a public bar thereafter. Mr. Stewart referred to Attachment 1 included in the Staff Report (Exhibit B) and noted the license issued from the NC ABC Commission for alcohol sales. Mr. Stewart noted that the license verifies sales dating on premise since 1993 to the last known time of sales in 2002.

Mr. Stewart said per the Rowan County Zoning Ordinance, a non-conforming use deemed vacant for one (1) year couldn't be re-established as a conforming use unless the county properly permits it.

Mr. Stewart used a power point presentation (Exhibit C) and explained that the request was to rezone a one-acre parcel located off of Hwy 801 at Fourth Creek, from RA to CBI-CUD to re-establish on-premise alcohol sales and operate a public club.

Mr. Stewart referred to Attachment 2 included in the Staff Report (Exhibit B) and said the applicant mentions the uses for the public club would be live bands (indoor and out), horseshoe pits, karaoke cookouts and other gatherings.

Mr. Stewart highlighted the Zoning Criteria in the Staff Report (Exhibit B) as follows:

- **Consistency with the requested zoning district's purpose and intent.** Mr. Stewart said the site is located off of a major thoroughfare in Hwy 801 and the area is not heavily commercialized but that there are several non-residential uses in the area. Mr. Stewart used the power point presentation (Exhibit C) to depict the property and the surrounding areas.
- **Compatibility of all uses within the proposed district classification with other properties and conditions in the vicinity.** Mr. Stewart continued with the power point presentation (Exhibit C) and pointed out a 1 ½-acre tract that was rezoned to CBI approximately four (4) years ago for a restaurant and convenience store. Mr. Stewart said, "It hasn't panned out yet but it is zoned for that use." Mr. Stewart said there is a vacant bar south of the site and he was unsure of the site's non-conforming status. Mr. Stewart pointed out the location of Isenberg Cabinets, a vacant warehouse facility and showed the property of the proposed rezoning and also the Holdaway property. Mr. Stewart described the Holdaway property as one of the few homes to locate in the vicinity while the two (2) bars were vacant. Mr. Stewart said based on permits, all other homes were there while the two (2) bars were open with the exception of the one (1) that has not been finalized. Mr. Stewart continued to show surrounding and nearby properties through the power point presentation (Exhibit C).
- **Potential impact on facilities such as roads, utilities and schools.** Mr. Stewart said the current traffic count for Hwy 801 ranges to approximately 4,000 vehicles per day with a capacity of 8,500. Mr. Stewart said the proposed use would keep the traffic well under capacity.

Mr. Stewart reviewed the Conditional Use Criteria (Exhibit B) as follows:

- **The use will not significantly detract from the character of the surrounding area.** Mr. Stewart discussed the staff response and said staff feels that the low number of residents and the fact that two (2) public bars have been in operation on this site do benefit the case. Mr. Stewart said there is some concern that within a half-mile buffer there is one (1) church and just outside the half-mile buffer there is another church. Mr. Stewart said although the criteria is not required in the CBI district it is one that in the RA district does have some provisions. Mr. Stewart said based on conversations with the Sheriff's Department and Telecommunications, approximately ten (10) years ago numerous calls were received and were a problem at the time regarding the site at Wetmore Road. Mr. Stewart referred to Attachment 3 included in the Staff Report (Exhibit B), the dispatch log for the bar on the site now, which does not generate much traffic or problems for the Sheriff's Department.
- **The use will not generate significant noise, odor, glare or dust.** Mr. Stewart said in 2001 the county adopted a Noise Ordinance that is

regulated by the Sheriff's Department for unreasonable amplified sound. Mr. Stewart said the Noise Ordinance is controlled on a complaint basis.

- ***The use will not create significant visual impacts for adjoining properties or passersby.*** Mr. Stewart said from a visual standpoint, the facility would remain on site regardless of the case because it is an existing building. Mr. Stewart said the permit data suggests most individuals have been in existence while the two (2) bars were in operation with the exception of the Holdaway tract.

Mr. Stewart discussed the Additional Staff Information (Exhibit B) and referred to the previous bar, which had been a problem for Telecommunications and the Sheriff's Department. Mr. Stewart said the area was one of the "poorest zones" pertaining to manpower for the Sheriff's Department and he explained that there is only one (1) patrol car per several miles for any problems that might arise.

Mr. Stewart reviewed the Staff Concerns (Exhibit B) and said the current RA zoning, drinking establishments are allowed if certain special requirements are met. Mr. Stewart said in this particular case, the site is within ½ mile of a church. Mr. Stewart said the special requirements such as living on the property, owning the business, being a certain distance from a daycare or school or church, it is possible for the bar to open. Mr. Stewart said if the establishment attracts clientele similar to the former bar at Hwy 801 and Wetmore Road approximately a decade ago, it could strain the Sheriff's Department and detract from the area. Mr. Stewart said on the other hand, the seclusion might limit any adverse effects.

Mr. Stewart reported that the Planning Board recommended approval of the request on with a 9-0 vote with no conditions.

Mr. Stewart said staff only received one (1) call on the case and it was not for or against.

Commissioner Blount asked if the ownership of the property was the same owner of the other bars discussed. Mr. Stewart said no.

Commissioner Blount asked if the problems from the other bar would transfer to the proposed bar. Mr. Stewart said the information was "food for thought" for the Board in consideration of the case.

Commissioner Blount asked if the previous bar on the site had limited problems. Mr. Stewart said conversations with Telecommunications had revealed the bar had had some calls but "not like the one here that is currently vacant on the corner of Wetmore."

Mr. Stewart confirmed to Commissioner Blount that advertisements and notices for the proposed bar had been properly posted. Mr. Stewart said staff had

received one (1) response from a citizen located well south of Hwy 801 and was not an immediate property owner. Mr. Stewart said the citizen had wanted more information regarding the proposed bar.

Commissioner Chamberlain asked how far the Davie County line is from the site. Mr. Stewart estimated approximately $\frac{3}{4}$ mile.

Tracy Smith, applicant, said the property had been in her family since she was seven (7) years of age. Ms. Smith said her father, who is now deceased, had opened the site in 1975. Ms. Smith said her mother is now seventy-seven (77) and if the site were not rezoned, it would remain a vacant building. Ms. Smith said several people that were interested in leasing the building had approached her mother but her mother was not willing to lease the site due to problems from the same individuals with the previously mentioned bar. Ms. Smith said if the request were granted, the site would remain in the family.

Chairman Tadlock opened the public hearing to entertain citizen input for the case.

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

Commissioner Chamberlain mentioned that he had attended the Planning Board meeting for the case. Commissioner Chamberlain said the first question he usually asks concerning a rezoning is, "If we rezone that, could they put a bar in there?" Commissioner Chamberlain said the location of bars is a concern to the Board and now the Board has a citizen wishing to rezone a site in order to establish a bar. Commissioner Chamberlain suggested that much of the clientele was and will be again Davie County clientele. Commissioner Chamberlain said the area is rural and he complimented the applicant for making it clear that the establishment is a bar. Commissioner Chamberlain said the clientele "would have to get there by car; they're going to have to leave by car, and that concerns me." Commissioner Chamberlain noted the Board is considering a land use plan and the site is close to several churches. Commissioner Chamberlain said, "We have enough bars."

Commissioner Chamberlain made a motion to turn down the request for the rezoning. Chairman Tadlock seconded the motion for the benefit of discussion.

Chairman Tadlock asked for verification that if the application were voted down, it would be one year before the applicant could re-apply. Mr. Stewart confirmed that the statement was correct.

In response to a query from Commissioner Sides, Mr. Stewart explained that if the applicant lived on the property, one of the special criteria would not be met. Mr. Stewart said if the applicant lived on the property and met the criteria of not

being located within a ½ mile of a daycare or church, then the bar could be re-established. Mr. Stewart said the applicant does not meet two (2) of the criteria. Commissioner Blount referred to Commissioner Chamberlain's comments and said he felt a land use plan for a portion of the area would be considered for commercial development due to the already developing commercial nature of Hwy 801. Commissioner Blount said he didn't know if land use planning would rule out the possibility of a bar.

Commissioner Chamberlain said during his tenure on the Board, the Board had never rezoned property in order to allow the establishment of a bar.

Upon being put to a vote, the motion passed 3/2 with Commissioners Mitchell and Blount voting against the motion.

No Findings of Fact are needed since the rezoning request was denied, therefore no need for a conditional use permit.

PUBLIC HEARING FOR Z-22-03 AND CUP-10-04 FOR THE ADDITION OF DRY KILNS AND PLANER FACILITY:

Chairman Tadlock did not read the Chairman's Speech (Exhibit A) but confirmed with the audience that they had heard and understood the speech and procedures as outlined for the case just heard by the Board.

Chairman Tadlock declared the public hearing for Z-07-05 and CUP-02-05 to be in session and the Clerk swore in numerous citizens that wished to provide testimony in the case.

Ed Muire of the Rowan County Planning Department located at 402 North Main Street, Salisbury, NC 28144 presented the Staff Report (Exhibit B). Mr. Muire explained that the Board had considered the application in July of 2004 but a motion was made to delay any decision until the applicant had provided exact construction plans for the planer shed, noise readings estimated by an engineer on the planer shed and dry kilns.

Mr. Muire used a power point presentation (Exhibit C) to discuss the case.

Mr. Muire referred to Attachment A in the Staff Report (Exhibit B), which was the information from the local professional engineer that had performed decibel measurements/estimates. Mr. Muire also referred to Attachment C (Exhibit B), which was a staff rendering of the finalized site plan. Mr. Muire said the application (Exhibit B) for the site plan includes all of Z-22-03, which was for a 26-acre tract. Mr. Muire continued with the power point presentation (Exhibit C) to depict the site plan, which included the planer building, the proposed dry kilns and boiler facility as well as a future expansion for two (2) additional units.

Mr. Muire noted that the site plan, if approved by the Board, and any conditions imposed “locks the development into place to what you see here.”

Mr. Muire used the power point presentation (Exhibit C) to show the current facility for Blandy Hardwoods. Mr. Muire said the warehouse is 20,000 square feet. Mr. Muire said there are currently ten (10) employees that work at the site.

Mr. Muire referred to the General Information in the Staff Report (Exhibit B) and said the facility processes an average of twelve (12) truckloads per week of rough stock lumber for air-drying and sorting; haul eleven (11) truckloads per week to a dry kiln facility in Denton and return for sorting; and ship six (6) to ten (10) truckloads of finished product per week to customers. Mr. Muire reported the typical hours of operation are Monday through Friday from 7:30 am to 4:30 pm with occasional Saturday operations. Mr. Muire said it was important to consider that the facility is classified as SIC 2421 (includes Sawmills, Planing Mills, General) and is allowed as a permitted use only in the Industrial District and in the Rural Agricultural (RA) district provided special requirements (SR) are met.

Mr. Muire reviewed the rezoning request as well as the conditional use permit request and then reviewed the Zoning Review (Exhibit B) as follows:

- ***Relationship and conformity with any plans and policies.*** Mr. Muire said the county has a Thoroughfare Plan that was adopted in 1999 and generally it looks at the major road improvements from 1999 to 2025. Mr. Muire said a basis for these recommendations was population projections, employment forecasting and future land use, etc. to model traffic estimates for 2025. Mr. Muire reviewed the traffic analysis outline included in (Exhibit C).
- ***Consistency with the requested zoning district's purpose and intent.*** Mr. Muire used the power point presentation (Exhibit C) to show the zoning map of the site and discuss the other uses in the surrounding area. Mr. Muire said the site is within ½ mile radius of three (3) other lumber-related industrial districts: Gold Hill Wood Preserving/Bingham Wholesale Lumber on Johnson Dairy Road; Cronland Lumber on Zion Church Road; The Carolina Plum/H&M Wood Preserving/Gold Hill Log Homes on Zion Church Road. The site also has direct access to a railway line and access to US 52 Hwy (principal arterial) and Old Beatty Ford Road (minor collector).

Mr. Muire discussed the Policies in the Staff Report (Exhibit B) and said although no formal policies exist for this area, previous rezoning and conditional use permit approvals in the Gold Hill area have recognized its industrial and commercial potential due to relatively low population density, poor soil suitability for septic systems, and availability of highway and rail access.

- Compatibility of all uses within the proposed district classification with other properties and conditions in the vicinity.** Mr. Muire said the presumption that this facility is compatible with the surrounding area can be based upon the fact that the proposed uses are all allowed with special requirements in the RA district. Mr. Muire said this facility meets all those requirements except for storage sited to the rear of the building; the business owner does not live on or adjacent to the property; and the proposed planer building is located closer than 500' to the adjoining property lines with the Beck residence to the south. Mr. Muire noted the business has had office operations on site since 1994 and construction of the warehouse occurred in 2000. During the time period between 1994-2003, Planning Staff had not been contacted regarding complaints of operations at the site.

Conditions in the vicinity: Mr. Muire used the power point presentation (Exhibit C) to show the residential sites in the area. Mr. Muire said it was staff's opinion that the Beck residence had the most significant impact in terms of its non-visual separation.
- Potential impact on facilities such as roads, utilities and schools.** Mr. Muire used the power point presentation (Exhibit C) and reviewed the average daily traffic (ADT) impacts. Mr. Muire said based on the proposed expansion, the total anticipated ADT is 75.6. Mr. Muire said the worst-case scenario, based on 1,000 square feet of gross floor area is almost double to 134.75. Mr. Muire said the factors are derived from the Institute of Traffic Engineers manual.

Mr. Muire said he would not cover the Conditional Use Criteria listed in the Staff Report (Exhibit B), as the applicant is required to address these items.

Mr. Muire said the application was heard by the Planning Board on May 24, 2004 and he said the results are listed in the Staff Report (Exhibit B).

Mr. Muire discussed the Procedural Issues (Exhibit B) and said the decision to approve or deny the conditional use permit should not be made unless each of the listed findings (Exhibit B) has been made.

Mr. Muire reviewed the Staff Conclusions (Exhibit B) and if the rezoning is granted, one of the options allowed is to approve with conditions. This allows the Board to impose fair and reasonable conditions to support the three (3) findings related to materially endangering the public health and safety; substantial injury to adjoining property value; and general harmony with the area. Mr. Muire said when considering the application, the Board might approve "part or all of it."

Mr. Muire pointed out that numerous citizens had signed up to provide testimony for the case. Mr. Muire informed the Board that credible evidence could be added to the application as a condition to mitigate any of the three (3) concerns

he had just discussed. Mr. Muire said staff encourages the Board to consider the following suggestions:

1. Type A screening located along the common property line with Beck beginning at and including the fence line behind the office. This will offer visual separation from the existing facility and expansion. Specifically Type A screening would be provided in Section 21-215(a)(2)(1) in the form of a row of evergreen conifers or broadleaf evergreens placed not more than five (5) feet apart, which would grow to form a continuous hedge of at least six (6) feet in height within two (2) years of planting.
2. Twenty foot (20') buffering along the common property line with Beck for the existing facility and expansion. No development or encroachment (except for screening) would be allowed in the buffer.
3. Require asphalt paving along the north side of the existing building to dry kiln locations.
4. Obtain determination from NC DENR that the dry kilns are in compliance with air quality standards prior to construction.
5. Maintain existing trees on site, with the exception of those removed for building expansion and placement of dry kilns.
6. Relocate dry kilns and planer building to a position that is 500' from all property lines.
7. Obtain or provide a copy of a commercial driveway permit from NC DOT.

Mr. Muire explained to Chairman Tadlock that the applicant would now be allowed to address the Board and suggested that the Board offer the applicant the opportunity to address concerns that might be expressed during the public hearing process.

Andy Frick, owner of Blandy Hardwoods said he would answer any questions the Board might have. Mr. Frick referred to questions from the previous hearing and said he had additional information to provide pertaining to the planer. Mr. Frick said the planer "might not happen for several years or it possibly could not happen at all." Mr. Frick said the biggest need is the dry kilns due to the volume of lumber moved out of the county for drying purposes. Mr. Frick said the property was purchased in 1988 because it joins the railroad and the potential for future use of shipping via rail service to the west coast. Mr. Frick said he tries to perform his business at a top-quality level and would like to eventually be considered as a state-of-the-art facility. Mr. Frick said his efforts would assist

with bringing in jobs and discussed transportation costs due to shipping the lumber and said he felt he should be able to dry the lumber on his own property.

Chairman Tadlock asked if the expansion would reduce traffic and Mr. Frick responded yes. Mr. Frick said when he purchased the property it was located on a dirt road and he had been in business for approximately 25 years and hopes to pass the business on to his children.

Chairman Tadlock asked how many employees were at the facility and Mr. Frick answered 10. Mr. Frick said he hoped to expand to approximately 15-20 more employees at the facility.

Commissioner Sides said he had wanted to visit the property but was advised not to due to the nature of the quasi-judicial case. Commissioner Sides said some of the concerns dealt with the proximity of the building to other properties and he asked Mr. Frick what efforts the business had made to reach a compromise? Mr. Frick said the main concern is with Mr. Beck and that he was trying to “go north and back” into the woods and away from the neighbors, especially the Beck’s. Mr. Frick said it would be fine if he needed to add trees. Mr. Frick said, “That piece of property is in timberland usage also;” “I’m in the hardwood business” but I “try to let it grow up as much as I can.”

Commissioner Mitchell asked Mr. Frick his opinion of staff’s seven (7) recommended suggestions for approval? Mr. Frick said when the facility was built he had spent over \$150,000 to keep down dust. Mr. Frick said, “I don’t like dust and I don’t like noise” and he said he could understand his neighbors concerns. Mr. Frick said the site was not the average lumberyard and he added that it would not be a problem to add “those things.”

Mr. Frick distributed information regarding the planer (Exhibit D).

Chairman Tadlock opened the public hearing for those sworn in and invited them to come forward to provide testimony.

1. Randy Reamer, a local attorney whose office is located at 131 North Main Street said he was present on behalf of neighbors in opposition to the pending application. Mr. Reamer said he was encouraged to see that the Board was in support of zoning. Mr. Reamer said he had sat through the “first hearing and heard the speech that was made there” and that is what his clients want.

In response to a query from Chairman Tadlock, Mr. Reamer said the neighbors he was representing also planned to address the Board.

Mr. Reamer said there is a group present opposed to the request and this is the second time the group “has been here.” Mr. Reamer said as a

lawyer, he was present to say the zoning request and the conditional use permit request should both be denied. Mr. Reamer said the change was ill advised and would amount to illegal spot zoning. Mr. Reamer cited two (2) cases – the Chrisman case against Guilford County regarding spot zoning and the Good Neighbors vs. the Town of Denton. Mr. Reamer said he would be happy to provide the information on these two (2) cases to Attorney John Holshouser and added this in an RA area and there are no other industries in sight of this facility. Mr. Reamer said there are business uses cited, but there are no other businesses in that area and “What is there is a non-conforming use.” Mr. Reamer said the history is laid out in the report and Mr. Blandy bought the property a number of years ago and in 1994 he built what appears to be a house. Mr. Reamer said Mr. Blandy conducted a brokerage type business out of the house and after zoning came into effect, Mr. Blandy erected the large warehouse. Mr. Reamer reported that the building was erected without any approval by the Board and it was erected in an RA zone when it shouldn’t have been. Mr. Reamer said no one had complained, “because this was a rather innocuous thing and the neighbors out there are good neighbors and they respect Mr. Frick.” Mr. Reamer said now in 2003 Mr. Frick wants to expand this use and the use had gone from office use to the classification of a stacking/sorting use in the warehouse and now wants to go into planing and kiln drying. Mr. Reamer said the kiln drying “is new this year as opposed to the last year’s application.” Mr. Reamer said this is another situation where Mr. Frick is continuing to increase the use in an RA residential area. Mr. Reamer said there are other lumber related businesses in the area, such as The Carolina Plum. Mr. Reamer said, “I don’t think this Board can find as a fact a reasonable basis to change this from RA to an Industrial use.” Mr. Reamer said if the use was changed, he didn’t feel “the man qualifies for a conditional use permit, at least under the current application.” Mr. Reamer said the applicant did not meet the technical requirements of a conditional use permit and the application is in violation regarding the setbacks. Mr. Reamer said the applicant is not 500’ from any building line and asked the Board not to grant the rezoning request and the conditional use permit. Mr. Reamer asked the Board to go further than staff’s recommendations by restricting the hours of operation and require buffers in addition to the buffers suggested by staff.

2. David Ingram of 780 Gin Road provided a power point presentation (Exhibit E) and explained that he lived diagonally across from Blandy Hardwoods. Mr. Ingram also read a prepared statement (Exhibit F) Mr. Ingram said his power point presentation (Exhibit E) would show pictures of the neighborhood. Mr. Ingram shared his comments from the Planning Board meeting held on May 24, 2004 and also at the previous Board of Commissioners hearing on July 12, 2004. Mr. Ingram said he was opposed to rezoning to Industrial because the business expansion that

might follow would bring more large truck traffic down Gin Road where young children living nearby would be exposed to more danger. Mr. Ingram said since there are homes on three (3) sides of the site, with the potential for more, the rezoning would be an example of spot zoning and he expressed concern that the rezoning would cause a drop in value for surrounding properties. Mr. Ingram said at the July 12, 2005 Board of Commissioners hearing, he had presented a petition in opposition to the rezoning, which was signed by eighty (80) Rowan County residents. Mr. Ingram said his presentation was aimed at providing a good representation of the neighborhood, as “residences surrounding Blandy Hardwoods on three (3) sides and that construction of the warehouse, the proposed planer shed and the dry kilns, was primarily on the south side in the closest proximity to the majority of the surrounding homes.” Mr. Ingram said there is currently little to no screening or buffering on the south side of the Frick property. Mr. Ingram said the impact of the rezoning and future business expansion on the property would severely detract from the character of the surrounding area. Mr. Ingram said the rezoning of one (1) tract to Industrial in the middle of residences is spot zoning and it would defeat the purpose of the Rowan County Zoning Ordinance, which is to serve the public good and to protect residents from intense land uses. Mr. Ingram said Mr. Frick’s industrial warehouse on Gin Road was built the latter half of 2000 after the Zoning Ordinance was implemented in 1998. Mr. Ingram asked why a building permit was granted by the County for an industrial warehouse, non-conforming with the agricultural zoning district? Mr. Ingram said afterwards, the addition of the lean-to was the first prompt to a need to rezone to industrial. Mr. Ingram said no public hearing was held to give citizens the opportunity to oppose the building and no public hearing was required for a building permit to build the warehouse. Mr. Ingram explained this is “why the complaints were not heard by the County at that point.” Mr. Ingram said there had been three (3) public hearings on the issue: December 2003, May 2004 and July 2004 and each time there have been increased public opposition. Mr. Ingram said if the rezoning were approved, future industrial expansion would be easier to grant on the 26-plus acre property. Mr. Ingram said an oversight of the future impact “today” would cause more negative effects to the surrounding property values later. Mr. Ingram referred to screening and buffering requirements in Article X of the Rowan County Zoning Ordinance and said Table 10.1 specifies the required screening and buffering to be used between land-use relationships. Mr. Ingram pointed out that Type B buffer is required between Group 1, single-family dwellings and Group 4, which is a sawmill. Mr. Ingram questioned why Type B buffering was not recommended for the most protection for this site? Mr. Ingram again stated that rezoning the property to industrial among the homes was an example of spot zoning with the most negative impacts and he said residences are supposed to be protected by zoning laws and zones not

arbitrarily changed for the benefit of one (1) owner in the name of being a pro-business county. Mr. Ingram said spot-zoning “such as this will inhibit the development of a future Rowan County Land Use Plan. Mr. Ingram said spot zoning might be acceptable in cases such as a house being used for a business office, such as Mr. Frick’s; or a beauty shop. Mr. Ingram asked the Board to look at the proposed site and surrounding neighborhood before voting on the issue. Mr. Ingram said, “Ask yourself if this blends in? Would you approve of this if it were in front of your home?” Mr. Ingram asked the citizens in attendance that were opposed to the rezoning to please stand and approximately twenty-five (25) citizens stood.

3. Karen Ingram of 780 Gin Road said she lived diagonally across from Blandy Hardwoods. Ms. Ingram said she had lived at her residence for twenty-three years and she was speaking in opposition to the rezoning of Blandy Hardwoods. Ms. Ingram read the following prepared statement (Exhibit G):

- Why was a commercial warehouse permitted to be built in a residential area? This facility does not conform to the surrounding properties.
- Zoning was passed in 1998, the warehouse was built in 2000.
- No visual buffer exists on the South and West sides of the property. I can clearly see stacks of lumber and vehicles from the front door of my home.
- Existence of the warehouse has caused increased traffic by tractor-trailer trucks in the area; they are coming in at all hours of the day and night. In your materials, you should have a copy of a letter sent to Ed Muire on June 3, 2004 referencing calls I made to the Sheriff’s Department regarding activity during the early hours of the morning. I knew the business was closed and suspected someone might be vandalizing or stealing from the business. I was told the tractor-trailer trucks come in early, then sit until the business opens with motors running. The sound of air brakes and running motors make it like living next to a truck stop.
- Installation of a planer would cause a shrill noise, which would be unacceptable to the residents who live in close proximity to the facility and work shift work requiring them to sleep during the day.
- An old primitive cemetery exists on the property, is it proper to zone a cemetery industrial? At the last meeting Andy Frick stated that the graves were dug up. Only one grave was dug up, Sheriff Stirewalt investigated and gave instruction that other graves should not be disturbed.
- Changing the zoning of this property would be spot zoning.

Should you decide to approve this rezoning, I would ask that you would approve the dry kilns only, not the addition of the planer. That you would

limit the hours of traffic by big trucks from 7:30 am to 4:30 pm the stated hours of operation and require Type B buffering on the south and west sides of the property prior to any expansion as prescribed by the zoning ordinance. I ask for the buffering prior to any expansion as Mr. Frick has a tendency to make light of requirements. An example is the posting of the hearing notice sign, inside the gate of his entrance on a stack of lumber.

4. James Brown said he was co-owner of one hundred acres adjoining Mr. Frick's property. Mr. Brown said he was raised on Zion Church Road and he described how George Brown Road intersects with Gin Road and Zion Church Road. Mr. Brown said this area belonged to his grandfather. Mr. Brown said the "old families" survived by helping one another and he said a lot of the land is still in the families. Mr. Brown said his grandfather's land was sacred to him and that he had purchased the land from "the heirs." Mr. Brown said he had a vision of developing the one hundred acres of land but he asked what could be put on the land "with these things that keep coming in there?" Mr. Brown said his vision had been to separate the tracts and build nice homes. Mr. Brown said his residence is approximately 1 ½ to 2 miles from Bingham Lumber Company, which was grandfathered in during the zoning process. Mr. Brown said Bingham Lumber had a planer in a shed and he said, "That thing would drive you nuts." Mr. Brown said all of the animals hear the planer and it causes the dogs to howl, horses won't listen and cows won't give milk. Mr. Brown said there is no way to prevent the planer "from making a racket." Mr. Brown referred to the old Bethany School, which was located on the George Brown property and added there was a community spring for the neighbors. Mr. Brown said for the sake of the older people who had lived in the area for years, he would recommend that the application not be allowed.
5. Mary Austin, a resident of George Brown Road, said her residence was in a "low place" and if the planer is allowed, all of the noise will "settle right in our yard, right on our property." Ms. Austin said the planer makes a "shrill, droning noise." Ms. Austin referred to the hours of operation as 7:00 to 4:30 in the afternoon and said, "My son sleeps at night and he would not be able to sleep." Ms. Austin said she had considered selling her residence but said a realtor told her that the planing shed and dry kilns "would de-value our property." Ms. Austin said she had lived at her residence for twenty-eight (28) years and never had any problems with anyone and she continued by saying she didn't feel "the planing shed and dryer kilns should be allowed there." Ms. Austin said there has always been a common law that says a landowner cannot do something with his property that will cause neighboring property to de-value. Ms. Austin felt approval of the application would de-value her property. Ms. Austin said there is one zone of Commercial and another zone of RA and "this has

been a set policy over the years.” Ms. Austin said, “We would not like the dry kiln and planing shed in our neighborhood.”

6. Jeff Beck said he lived at 755 Gin Road reiterated the visual impact on his property and said it was more of a visual impact for him than the other neighbors. Mr. Beck said he did not have a problem with Mr. Frick. Mr. Beck said when the grading had begun on the property; he had called the Frick’s and was advised by Mr. Frick’s son that they were building a lumber warehouse. Mr. Beck said he didn’t like this news but that he realized Mr. Frick could do what he wanted with his property. Mr. Beck said he had previously spoken with “Andy” because his (Beck’s) house sits on the edge of the property, 75’ from “his line.” Mr. Beck said, “We had talked about maybe selling us a strip, maybe 100’.” Mr. Beck said the strip would create a buffer in the event something was built “in there.” Mr. Beck said Mr. Frick mentioned considering selling a strip of the land however “when they came in there to clean it out, he cleaned it right up to the line – so there is no buffer, no break of any kind; so it has become an eyesore.” Mr. Beck said, “That was the burr with me.” Mr. Beck said he didn’t like the situation but there was nothing he could do about it now. Mr. Beck said the woods are gone, it “has been dug out and there is about a 10’ drop” down to where there is a drainage ditch and where the lumber is stacked. Mr. Beck said his argument is the eyesore and it had been his understanding that a buffer would be put up. Mr. Beck said he doesn’t see how a buffer can be put up unless it was to be a wall similar to the wall along I-85. Mr. Beck said even a wall would be an eyesore as compared to having the woods.
7. Howard Bolinger, an engineer from Lenoir said he was qualified as an expert “because I’m more than 50 miles from home.” (The comment brought laughter). Mr. Bolinger said he was a graduate engineer and had been in this profession “all my life.” Mr. Bolinger said he was Chief Engineer for Broyhill for 14 years and during that time, the noise pollution and air regulations began and these issues were his responsibility to “take care of.” Mr. Bolinger said his experience had been “applying equipment that works and takes care of the pollution control and the noise.” Mr. Bolinger said one of his responsibilities had been concerned with noise and he had served on a four-county air pollution control board, “which was a precursor to the state taking it over.” Mr. Bolinger said he also served on the City of Lenoir Planning Board for 6 to 8 years and that he could identify with the rezoning issue before the Commissioners. Mr. Bolinger said he would like to address two (2) issues, primarily the noise and issues regarding any pollution. Mr. Bolinger also said he operates a small business and that he understands small businesses account for 80% of the new jobs in this country. Mr. Bolinger said the Board is reviewing an application for a small business that is attempting to expand. Mr. Bolinger said there are two (2) sources for noise problems in the

proposal: 1) the dry kiln, which has readings taken by “Joe” and also by Planning are well under any problem areas. Mr. Bolinger said the dry kilns themselves will be below 73 decibels and are also a long distance from anyone. Mr. Bolinger said he was of the opinion that there would be “absolutely no impact from the noise from the dry kilns.” Mr. Bolinger said the level of the sounds from the dry kilns would, in his opinion, be lower than the background noise of the traffic from Hwy 52 and other areas. Mr. Bolinger said, “It’s going to be very small if you even notice it.” 2) Mr. Bolinger said the planer has a “quiet cut head” and this is “quite different from the one that you’re used to hearing, which has a series of flat knives; they’re relatively close together so you end up with a high pitch noise.” Mr. Bolinger said, “This planer has a low pitch noise and it’s well within, directly, just with the cutter head itself, you can almost reach acceptable levels inside a plant with no enclosure.” Mr. Bolinger continued by saying with the enclosure the applicant had two additional advantages - an enclosure inside of a building “and I assure you that those noise levels from that planer with that quiet cut head and inside a building and inside an enclosure will not be a problem.” Mr. Bolinger said he did not believe that anyone would know the planer would be running as opposed to the older types of planers. Mr. Bolinger said he would like to explain the situation in “something besides decibels” and he gave an example of being in one of the houses that face “that street” and said a car driving by on the road would create a “higher decibel level than anything you’re going to get from this plant.” Mr. Bolinger said the air conditioning units outside some of the houses in the area would create a higher decibel level and make more noise than anything coming from the plant. Mr. Bolinger said, “Probably even some of the air distribution systems within the houses will be at a higher sound level than would be anything coming from this plant.” Mr. Bolinger said, “I assure you that should not be a problem.”

8. Nancy Rummage said she lives less than a mile from this facility. Ms. Rummage said she lives more than a mile from the facility on Zion Church Road and she said they could hear the noise from that facility in her house. Ms. Rummage requested that the Board not approve the rezoning and said she felt it would be bad for property values. Ms. Rummage said she could not imagine how the neighbor could sell his house for what he paid for it “because no one would want to move into that house right next to the plant.”

At Mr. Frick’s request, Chairman Tadlock allowed him to respond to the comments that had been made. Chairman Tadlock asked Mr. Frick to limit his comments to 2-3 minutes.

Mr. Frick referred to the comments from Mr. Reamer and said he didn’t like the “judging of my character.” Mr. Frick said the office was built like a house in 1994

to blend in with the neighborhood. Mr. Frick referred to the comments by Mr. Beck pertaining to the strip of land and Mr. Frick said, "I did not sell the property – I used it myself." Mr. Frick said if he had planned to sell the property, then he would have approached Mr. Beck. Mr. Frick also referred to the comments by Mr. Brown concerning the 90-100 acres. Mr. Frick asked why Mr. Brown had "clear cut it to nothing." Mr. Frick said he had also not seen the cotton Mr. Brown had mentioned that had been sheared.

At this point, Chairman Tadlock stopped Mr. Frick by saying he felt the comments were not relevant.

Commissioner Blount asked Mr. Muire if the warehouse was built illegally? Mr. Muire said the permits issued for the site in 2000 were for expansion of a non-conforming use. Mr. Muire said the non-conforming use section of the ordinance changed in 2001 to the way it currently reads. Mr. Muire said, "I guess you could say there was an administrative decision but the facility was built and permitted as such in 2000." Commissioner Blount asked, "Was it built illegally in your opinion?" Mr. Muire said, "It was issued a zoning permit. I guess it would be one of those, it's arguably either way but was permitted as an expansion of a non-conforming use due to the office operation on site."

Chairman Tadlock asked for clarification as to those who could speak and Commissioner Blount said, "They can't speak unless they've been sworn in."

Mr. Muire said several good issues had been raised and he continued by saying in fairness to Ingram's, the Staff Report (Exhibit B) made reference to the Type A buffering requirement. Mr. Muire said if he had reviewed the information more closely he would have seen that Group 4 uses do require an 80' buffer as well as screen. Mr. Muire read the from the Staff Report (Exhibit B) pertaining to Type B buffering and he said this could be an opaque fence with a minimum height of 6' and that would include various evergreens, etc. Mr. Muire said Mr. Reamer had brought up the spot zoning issue and Mr. Muire said the way he read the Chrisman case, it was not the case that showed spot zoning was illegal. Mr. Muire said Mr. Reamer had alluded to the fact that spot zoning is legal in North Carolina provided it is reasonable. Mr. Muire said the Chrisman case upheld the Guilford County Board of Commissioners decision for an agricultural rezoning to a conditional use industrial district. Mr. Muire said, "It was based on the reasonableness of that particular use." Mr. Muire said this was the case where the North Carolina courts came up with the following four (4) factors used to determine if a request was reasonable: 1) The size of the tract – indicates that tract size in North Carolina, a ½ acre up to 17 acres, has been ruled spot zoning. Mr. Muire said it has also been ruled in almost the same numbers, that it has been approved. 2) Compatibility with the land use plan and Mr. Muire pointed out that Rowan County does not have a land use plan. 3) Impact of decision on the landowner, the immediate neighbors and the surrounding community. Mr. Muire described this as a "harm and benefit test." 4) The relationship between newly

allowed uses and those previously allowed. Mr. Muire said the greater the difference, the more likely it is unreasonable.

There being no further public comments, Chairman Tadlock closed the public hearing and declared that the Board would go into deliberations.

Commissioner Blount said if the Board was being presented the request for a vacant tract of land in order to locate the facility, he felt the Board “would quickly turn it down based on the impact to the existing neighborhood.” Commissioner Blount said the reason the Board was considering the application was due to the existing business and he said the Board was trying to determine if the expansion of the business is reasonable. Commissioner Blount said the Board had expert testimony from two (2) different engineers with one saying the noise would meet the “noise code” and the other engineer states his professional presentation on the fact that “you won’t even be able to hear it.” Commissioner Blount said he was struggling with the issue.

Commissioner Chamberlain mentioned that the Board’s proposed mode of action could be to deny or grant the request or not take any action tonight.

Commissioner Blount said if the Board denies the rezoning, it did not have to worry about the implications of a conditional use permit as far as Findings of Fact.

Commissioner Sides asked if there was a possibility of deferring the request.

Commissioner Blount pointed out that all Board members would have to be privy to any information gathered for the conditional use permit. Commissioner Blount said for a quasi-judicial hearing all information must be presented to the Board and the information must be fact.

Commissioner Mitchell asked if any potential requirements to accompany the approval would make situation better, such as including the Type B buffering? Commissioner Mitchell said, “Right now the business is there and it’s running – We have no say so over it right now.” Commissioner Mitchell said approval could potentially make the operations better as far as the neighbors are concerned.

Commissioner Blount agreed with Commissioner Mitchell that approval with conditions imposed might improve the situation.

Chairman Tadlock noted that the Planning Board had voted 11-0 to send a favorable recommendation to the Commissioners. Chairman Tadlock said he was speaking for himself and that he did not need additional information to take a position on the issue. Chairman Tadlock said it is time to vote the matter up or down.

Commissioner Blount said it is “one thing” if Commissioners need an additional two (2) weeks to think about the case but he said the Board is not allowed to go out and gather more information.

Commissioner Chamberlain also asked if the Board would be better off to approve the request with conditions implemented?

Commissioner Sides said he had read all of the information and he needed additional time to review the material. Commissioner Sides said when he errs, he wants it to be on the side of the taxpayers.

Commissioner Mitchell made a motion to defer a decision until the next meeting. Commissioner Blount seconded and the motion passed unanimously.

Chairman Tadlock said both sides had presented their case well and he explained that the Board would make a decision on the issue at the next meeting, which is scheduled for June 6, 2005.

Mr. Muire informed the Board that he would be out of town for the next Board meeting and he suggested that if the Board planned to consider any new testimony, the Board should consider re-advertising for the hearing.

Commissioner Sides said it is not his intent to gather new information but to review the information presented.

Mr. Muire confirmed to Commissioner Chamberlain that it was within the Board’s jurisdiction to come in prepared to make a decision with no further testimony.

Commissioner Blount said the Board could debate the issue amongst themselves.

Chairman Tadlock said the item would be on the next agenda.

Chairman Tadlock called for a break at 9:25 am.

Chairman Tadlock reconvened the meeting at 9:35 am.

PUBLIC HEARING ON THE PROPOSED EDUCATION CENTER FOR THE ROWAN-SALISBURY SCHOOLS AND THE PURCHASING OF THE FORMER BENDIX BUILDING:

Chairman Tadlock provided a background explanation of facts leading up to the need for the public hearing on the proposed Education Center for the Rowan-Salisbury Schools. Chairman Tadlock referred to recent newspaper articles in the Salisbury Post and said the articles were self explanatory as to the status of the issue. Chairman Tadlock said there is a question pertaining to the environmental study and he said the engineering firm, S&ME is in the process of

preparing a proposal for the Board's review. Chairman Tadlock said the Board would make a decision after the information concerning the site is received.

Chairman Tadlock declared the public hearing open and invited those who wished to address the Board to come forward. Those that came forward are as follows:

1. Bob Bailey of the Chamber of Commerce said from time to time, the Executive Committee and Board of Directors from the Chamber of Commerce feels moved to address issues of public interest that have an important impact on the community. Mr. Bailey described the issue of investing in an Educational Center as one of those issues. Mr. Bailey said from the Chamber's standpoint, the many scattered school offices provide for a challenging and inefficient method of operation. Mr. Bailey said while it might have previously seemed cost effective to use the current buildings for the school system, it would appear that it has become an administrative nightmare. Mr. Bailey said since the merger of the county and city schools in 1989, Rowan-Salisbury Schools has been without the one important component that most other comparable school systems possess – a centrally located headquarters that is convenient and accessible. Mr. Bailey said from the Chamber's standpoint, it makes good sense to combine all aspects of the school system. Mr. Bailey said from a cost-efficiency standpoint, the increased opportunities for staff support and development for teachers, principals and other employees is a worthy benefit. Mr. Bailey reminded the Board that it is on record in support of attracting and retaining "the best of the best for our school system."
2. David Aycoth, immediate past Chair for the Rowan-Salisbury Schools Board of Education, said he was very supportive of the central office consolidation effort. Mr. Aycoth said he had personally realized the dysfunctional central office arrangement being used by the school system. Mr. Aycoth said the cost and efficiency associated with the current central office arrangement would only continue to worsen if offices are not consolidated. Mr. Aycoth stressed that he believed the consolidation of central offices to be a lower priority than the needs for additional classrooms and the needs to ensure that teachers and educators are adequately funded. Mr. Aycoth said he was only supportive of consolidation if it could be accomplished without additional taxes and by ridding the county of multiple older and costly buildings that currently house central office locations. Mr. Aycoth said the Board finally has a proposal that (with the environmental issue aside) offers the school system and the county the opportunity to consolidate the school system's offices at an affordable square footage price, which will not require an additional tax increase. Mr. Aycoth referred to the environmental issue and said the issue must be favorably resolved according to EPA

standards. Mr. Aycoth said as a private citizen, he felt the consolidation benefits would far outweigh the arguments against consolidation. Mr. Aycoth felt the consolidation would provide a more positive image to those seeking employment in Rowan County and the school system's ability to retain staff. Mr. Aycoth encouraged the Board to support the consolidation effort at the Bendix site, as long as environmental issues are satisfied and as long as the school system is held accountable to fund the opportunity without any additional tax increase.

3. Newton Cohen, Sr., a former County Commissioner, said approximately twenty (20) years ago when the school system merged, the Commission was confronted with the issue of building a transportation center for the school system. Mr. Cohen said at that time, it was envisioned that at a later date, the maintenance facility and the central offices would be placed at the same location on Old Concord Road. Mr. Cohen said he still personally preferred consolidation at the site on Old Concord Road. Mr. Cohen said the Bendix property would only be considered after S&ME have provided a favorable report. Mr. Cohen mentioned that S&ME had worked with the County for over twenty (20) years and he expressed confidence in the firm's ability to provide correct information. Mr. Cohen said the Bendix property could be purchased for approximately \$28 per square foot and retrofitting the building would equal approximately \$35-\$38 per square foot. Mr. Cohen said, "Gentlemen, we couldn't put a pole building up for that price today." Mr. Cohen encouraged the Board to consider the property as well as purchase the additional acreage available with the building.

Chairman Tadlock thanked Mr. Cohen for his dedication to Rowan County and to the school system.

4. Denise Blackburn of the Woodleaf area said she felt it was wrong "to set your sights" on purchasing the Bendix building when there are more important needs in the school system. Ms. Blackburn said Woodleaf Elementary has many problems from rodents to safety, to environmental issues. Ms. Blackburn said among the referendum, along with other promises, Woodleaf Elementary was to receive \$600,000 for a multi-purpose building and she said those funds are now going to other schools. Ms. Blackburn said she understood the rising costs of construction materials and the need for a central office but she said she did not understand how another purchase could be considered "at this time" with the potential savings in twenty (20) years. Ms. Blackburn compared the purchase to "stealing" from the voters to not deliver on promises. Ms. Blackburn said she felt it was "fraud" and she felt the school board owed it to the taxpayers to fulfill their current obligations before taking on new ones. Ms. Blackburn asked the Board if they were aware that another reason the Woodleaf multi-purpose building was

“scratched” was due to a water problem? Ms. Blackburn asked if the water problem was known before or after the vote? Ms. Blackburn said the school system could not even afford to provide teachers with funds for classroom supplies and she said many supplies are provided through PTA. Ms. Blackburn said Woodleaf needs a safer playground. Ms. Blackburn said the State is mandating that school systems be online with them by 2006 and she questioned where the funds would come from? Ms. Blackburn said the minimum estimate just for computers at Woodleaf was \$30,000-\$40,000. Ms. Blackburn asked how the technology wants of an administration could be placed before the technology needs of the teachers and more importantly, over the students? Ms. Blackburn said foremost, Woodleaf Elementary needs a safe and healthy environment and she reported that teachers and students have illnesses directly related to the environment of the building. Ms. Blackburn said the central office should not be a priority and she asked that the students and the schools be taken care of first.

5. Ed Conley said he was against the purchase. Mr. Conley asked what would happen to the tax base the county receives from the building? Mr. Conley questioned the amount of the tax base over a twenty-year period? Mr. Conley referred to the environmental issue and asked about the insurance. Mr. Conley encouraged the Board to think about these expenses.
6. Sharon Deal, Chairman of the Rowan-Salisbury Schools Board of Education, said she had appealed to the Board two (2) weeks earlier to consider the purchase of the Bendix building for the consolidation of the Rowan-Salisbury Schools offices. Ms. Deal said she had previously outlined the benefits of the consolidation. Ms. Deal said she was before the Board not only as a member of the Board of Education but also as a taxpayer who is concerned with the quality and functioning of the schools that serve the students. Ms. Deal said she is a former employee of the Rowan-Salisbury Schools and she had a vital interest in education. Ms. Deal said the Bendix building, providing it is environmentally clean, would be a bargain to the taxpayers of Rowan County. Ms. Deal said the savings of \$3 million over the next twenty (20) years was a “real incentive” and the saved dollars could be diverted to other needs. Ms. Deal asked the Board to consider the opportunity and said she believed the school system was long overdue the education center. Ms. Deal said she hoped that the Board of Commissioners and Board of Education could work together to “make this happen.”
7. Dr. Wiley Doby, Superintendent of Rowan-Salisbury Schools thanked the Board for holding the public hearing. Dr. Doby said since the school system merger in 1989, administrative personnel have continued to work from six (6) different central offices. Dr. Doby said RSS had presented

four (4) plans to the BOE with the Bendix building being the best and most affordable opportunity. Dr. Doby said estimated that the purchase of the Bendix building would save RSS approximately \$3 million over the next twenty (20) years and he said gains would also be realized in areas of productivity, efficiency and also school system marketability. Dr. Doby said there would be benefits in technology that would result in an increased amount of time for technicians to spend working in the schools. Dr. Doby said it was estimated that there would be an annual savings of \$18,000 on Internet services. Dr. Doby mentioned the advantage for the relocation of the teachers' center and staff development space. Dr. Doby said training for educators must be more efficient due to increased educational accountability. Dr. Doby said the relocation would provide an easy access location and he described the prime location as an attractive incentive to teachers and businesses looking to work in Rowan County. Dr. Doby said RSS was aware of the environmental concerns and had been reasonably assured that the issue could be resolved. Dr. Doby said RSS did not want to spend thousands of taxpayers' dollars on property that the County did not agree to purchase and "the last thing that we want to do is purchase property that has a problem associated with it." Dr. Doby was optimistic that the issue would be resolved in a positive manner. Dr. Doby said he felt the county's economy was dependent on its public schools. Dr. Doby thanked the Board for its consideration of the proposal and he asked all those in favor of the education center to stand – approximately thirty-five (35) people stood.

8. Patrick Winters, a teacher at East Rowan High School spoke in favor of the purchase of the Bendix building. Mr. Winters said he believed that long-term, the new education system would benefit the entire community as well as staff and teachers. Mr. Winters said he could see three (3) reasons why purchasing the building would be practical: 1) the building will allow for a comprehensive technology resource center; 2) allows the system to expand and enhance the current central office buildings and teachers' center into a one-stop education center; 3) will create a place for staff to go for professional development. Mr. Winters said the extra space would provide a place for teachers to meet for study groups and to collaborate and share practices that all children would benefit from.
9. Eric Leazer spoke in support of the purchase of the Bendix building for the school system. Mr. Leazer discussed the cost efficiency of the purchase as well as the marketing tool the offices would provide by being located along I-85. Mr. Leazer emphasized the need for one education center for all teachers and he encouraged the Board to vote in support of the purchase as long as the economic issues were addressed.
10. Windsor Eagle, Principal of Salisbury High School and President of the Principals Association said several weeks ago members of the Principals

Association were polled and the vote was unanimously in favor of the purchase of the facility. Dr. Eagle said the poll was prior to the environmental issues being raised. Dr. Eagle said all members would want the environmental issues resolved before moving forward with the purchase of the facility. Dr. Eagle provided two (2) examples for the need of the building: 1) the opportunity and he compared the purchase of the Bendix building to that of the County Administration Building; 2) the Commissioners trying to run the business of the county having to drive between offices in order to conduct county business. Dr. Eagle said if the environmental issues could be resolved, "we would like to see you move forward with an endorsement of this proposal."

11. Tina Hall said when officials proposed using public money for a project such as the new central office building, there is a trust issue involved. Ms. Hall said thoughtful attention to details is a must in order to retain credibility and it entails accepting standards and limitations that forbid the indulgence of impulse. Ms. Hall said the opposite of thoughtful attention to detail is laxity and misrepresentation. Ms. Hall said the public wants to trust those in authority. Ms. Hall said the Board of Education and Superintendent "team" have an obligation to do their homework "and not fake it." Ms. Hall said the following questions should be answered before taxpayers funds are used for a central office building: 1) Environmental concerns related to hazardous waste materials in both the soil and building. Why wasn't the environmental issue resolved before the request was made to purchase? 2) Who knew about the environmental issues and when were they made aware? 3) Why was the public assured that things were all right prior to receiving the environmental study? 4) Why did officials supposedly find out about the environmental issues so late in the game when it has been on public record for years? 5) Do citizens really want the liability that comes with hazardous waste? 6) Would it not be more prudent to build a new central office specifically designed on non-hazardous waste property that the county already owns? Ms. Hall suggested putting a hold on the issue until the school bond projects are completed. Ms. Hall finished by saying purchase of the Bendix site would be a questionable decision.

With no further comments Chairman Tadlock closed the public hearing at 10:20 pm.

Commissioner Sides expressed concern with the way the issue has been presented. Commissioner Sides said he was disturbed to learn that last week that the County Manager was instructed to draw up a contract for the purchase of the Bendix property unbeknownst to other County Commissioners. Commissioner Sides said he found out later, not only was the County Manager instructed by one (1) Commissioner to draw up the contract, he was instructed to produce six (6) contracts – some for purchase, some for lease. Commissioner

Sides this disturbed him and he referred to an email that was sent to the Board from Commissioner Blount. Commissioner Sides it troubled him for 1-2 Commissioners to feel they have the authority to direct the County Manager's actions.

Commissioner Sides said another disturbing issue is the misinformation that had been presented to the public and to the Commissioners. Commissioner Sides referred to recent articles in the Salisbury Post pertaining to the "truth" and he quoted and related scripture to the fact that he did not feel the truth had been presented. Commissioner Sides read excerpts from the articles. Commissioner Sides said he had consulted with the County Assessor and that according to tax information on the property, an 8-acre tract had been pulled from the original tract. Commissioner Sides said after touring the facility, it concerned him that he saw survey stakes within 15 feet of the building. Commissioner Sides said he was told that the school system is buying within 15 feet of the building on one side with no room for expansion because all of the open area that goes with the building will be needed for parking. Commissioner Sides said in addition to the environmental issues mentioned, there are also environmental issues with the adjacent property and "there are other problems with the buildings that we have not been told about." Commissioner Sides said he toured the inside of the building and was depressed to see "so many ceiling tiles that had been damaged by water." Commissioner Sides said he went on top of the building and saw problems. Commissioner Sides said he had asked Jim Christy if the roof had been looked at and Mr. Christy had said no due to the school system not wanting to spend money on the building until the purchase was approved. Commissioner Sides said estimates to repair the roof were approximately \$250-350,000 and these amounts were not included in the figures provided to the Board of Commissioners.

Commissioner Sides stressed that the Board had made an investment in the schools. Commissioner Sides said the school projects were already \$10 million over budget.

Commissioner Sides discussed the schools surplus balance and said, "Their figures are suspect." Commissioner Sides asked everyone to understand that he was in favor of the school offices consolidation but said he would rather spend \$6 million wisely than to spend \$4 million unwisely. Commissioner Sides felt the purchase of the Bendix building would be unwise.

Chairman Tadlock referred to the contract mentioned by Commissioner Sides and said he wished to clarify that there had been an option by two (2) people to lease the property and he had asked the County Manager to present an "option." Chairman Tadlock said he does not call on option a "contract" until every detail is finalized, which was not the case and that the option was for the consideration of all Commissioners. Chairman Tadlock felt that he had not done anything wrong and compared his actions to those of Commissioner Sides requesting information

from the County Assessor. Chairman Tadlock said there were not six (6) contracts and he asked for clarification of the statement. County Manager Tim Russell said there had been six (6) points listed in the one (1) option.

Chairman Tadlock referred to Commissioner Sides' comments pertaining to "spending \$6 million wisely" and he asked "everybody" for input as to what is considered wise. Commissioner Sides responded that it would be wise to finish the schools promised to the taxpayers. Chairman Tadlock said this was an excellent point but a separate issue and he said, "That money is in place and everything has been substantiated that I know except completing East Rowan Elementary." Chairman Tadlock said he believed there were adequate funds to be made available to complete the project without a tax increase. Chairman Tadlock asked the audience to excuse the Board for getting out of control.

Commissioner Blount asked when the Board could expect the report from S&ME and Mr. Russell anticipated the report would be received "by this coming Friday."

Chairman Tadlock called for a break at 10:30 pm.

Chairman Tadlock reconvened the meeting at 10:35 pm.

PRESENTATION FROM RSS:

Jim Christy, Assistant Superintendent for the Rowan-Salisbury Schools and Tara Trexler, Finance Officer for the RSS presented the following requests:

Offer to purchase county owned property on Ritchie Road for Summit Elementary School for 300,000:

On behalf of the RSS Board of Education, Mr. Christy requested to purchase 24.6 acres of property owned by Rowan County and located on East Ritchie Road. Mr. Christy explained that the offer is for the amount of \$300,000 and would be obtained for the future site for Summit Park Elementary School.

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

Commissioner Sides commented that the school board had asked for the county to "give them the property" and said he felt the Board was still "giving them the land free of charge because they're transferring \$300,000 from a fund balance that they built by taking taxes from the taxpayers that were not needed."

The motion passed on a 4-1 vote with Commissioner Sides voting against the motion.

Request to allow RSS to transfer \$300,000 from current expense fund balance to capital outlay fund to purchase land:

Mr. Christy requested that \$300,00 be transferred from the RSS current expense fund balance to the RSS capital outlay fund for the purpose of purchasing the site for the Summit Park Elementary School site.

Commissioner Chamberlain made a motion to approve the request as presented. Commissioner Blount seconded and the motion passed on a 4-1 vote with Commissioner Sides voting against the motion.

Approval of request for North Rowan High School contingency:

Ed Watson requested a reduction in the school bond project contingency for North Rowan High School to allow payment of \$88,647 in unforeseen costs that were not in the project scope. Mr. Watson said this request came from three areas and explained that the current project contingency is \$186,741 and the reduction would leave a balance of \$98,094.

Commissioner Sides made a motion to approve the request as presented. Commissioner Blount seconded and commented that as a contractor, he understands that there are areas that cannot be predetermined and he said it is a savings to the builder to allow unit prices to be quoted.

Commissioner Mitchell asked if this would be enough to finish and Mr. Watson felt confident it would be.

The motion passed unanimously.

DISCUSSION ON THE UPCOMING COUNTY ASSEMBLY DAY:

County Manager Tim Russell asked the Board for clarification pertaining to the County Assembly Day, formerly known as the Legislative Briefing, scheduled for May 25th.

Mr. Russell explained that concerns had been raised regarding the need for the Clerk to attend the event. Mr. Russell referred to the information in the agenda packets and said he felt it prudent to seek the Board's guidance on the matter. Mr. Russell said the practice in the past has been for the Manager and the Clerk to attend not only the County Assembly Day but also other legislative meetings and in some cases, national events.

Commissioner Chamberlain said he had sent the original email that became part of the agenda packet. Commissioner Chamberlain said he wanted the "Clerk and our other professional management team" to attend any and all events/seminars that are specific to their respective positions. Commissioner Chamberlain said he stood by his email and he read of portion of the email for the sake of those in the audience. Commissioner Chamberlain felt only County Commissioners and the Manager should attend "political" events and the Clerk and Assistant Clerk should not participate in anything political with county

government. Commissioner Chamberlain felt the Clerks should be on the job to assist Commissioners when needed.

Commissioner Chamberlain emphasized that the majority of County Commissioners were not attending the County Assembly Day and therefore he questioned, "Where should the Clerk to the Board be?" Commissioner Chamberlain said the Board used to attend numerous events and the practice had been curtailed due to some events being a waste of time and money. Commissioner Chamberlain said he had recently met with several of the elected officials on two (2) occasions and he pointed out that Commissioners did not have to travel to Raleigh to meet with their politicians. Commissioner Chamberlain said he would support any Commissioners and/or the County Manager who felt attending the event in Raleigh was necessary but he said the "non politicians" should "stay right here where most of the Commissioners are staying." Commissioner Chamberlain said this was his opinion.

Chairman Tadlock asked Commissioner Chamberlain as to his reason for not going to County Assembly Day? Chairman Tadlock said Commissioner Chamberlain had mentioned several reasons for not attending the event and he inquired if there were other reasons such as health, travel and/or time? Commissioner Chamberlain responded that he was not certain he understood the question. Chairman Tadlock continued by saying he was disappointed that only two (2) Commissioners were going. Commissioner Chamberlain pointed out that the Commissioners had just had the opportunity to go to the Institute of Government in an effort to help the Board work together and not one (1) County Commissioner had signed up to attend the event. Commissioner Chamberlain said he had wanted to attend but that he did not want to attend by himself. Commissioner Chamberlain said it was a matter of what each Commissioner feels is important.

Chairman Tadlock asked Commissioner Sides as to why he was not attending County Assembly Day and said he was asking because he had found the event had been beneficial. Chairman Tadlock said he intended to not only speak to Rowan County's legislators but also to others who might make grant funds available to Rowan County.

Commissioner Sides said the Board had a copy of his email in which he had said he somewhat agreed with Commissioner Chamberlain. Commissioner Sides said he would not go into detail. Commissioner Sides referred to the comments in his email pertaining to "a waste of money and giving money away." Commissioner Sides also referred to his comments concerning the Silverman contract and he said, "Am I a little bitter of things that happen sometimes – sure I am when I present the facts, you still vote against it." Commissioner Sides said he had spoke to Senator Brock, Representatives Steen and Coates, and that he also emails them about his position on various issues. Commissioner Sides said

he was not attending County Assembly Day because there was nothing he really needed to talk to the legislators about.

Chairman Tadlock said the County Assembly Day is scheduled for May 25th Wednesday.

Commissioner Blount commented that the issue before the Board is not whether Commissioners should attend the event but rather if Staff should be allowed to attend. Commissioner Blount felt that the event was an educational meeting and said it was critical in his opinion that staff be educated in order to assist with the functions of their job. Commissioner Blount said in this case it was appropriate for staff to attend.

Commissioner Blount moved that the Clerk be allowed to attend and Chairman Tadlock seconded the motion.

Commissioner Chamberlain said he had “respect for Rita Foil as our Clerk; that’s what she is – our Clerk – she is not our County Manager and she is certainly not an elected official.” Commissioner Chamberlain said, “We have an excellent Clerk in Rita Foil” and he said he was supportive for her to attend the annual Clerks Conference and any other event that was necessary to Clerks. Commissioner Chamberlain again said he was opposed to the Clerk attending political events.

Commissioner Blount repeated his motion that the appropriate Staff be allowed to attend appropriate educational meetings. Upon being put to a vote the motion passed 3-2 with Commissioners Chamberlain and Sides voting against the motion.

Commissioner Chamberlain added, “You will not hear another word on that subject from me.”

APPROVAL OF JCPC FUNDING:

Commissioner Chamberlain explained the annual budget process required for receipt of funds from the Department of Juvenile Justice and Delinquency Prevention (DJJDP). Commissioner Chamberlain said the Juvenile Crime Prevention Program (JCPC) recommended that the Board of Commissioners approve funding for the program agreements as listed in the agenda packets.

Commissioner Chamberlain made a motion to approve the request as presented followed by a second from Chairman Tadlock.

Commissioner Mitchell questioned the county match for the funds and County Manager Tim Russell said county dollars are not involved. Mr. Russell explained that the agencies themselves provide the match.

The motion passed unanimously.

REQUEST TO AMEND RESTRICTIVE COVENANTS FOR SUMMIT CORPORATE CENTER:

County Manager Tim Russell said the proposal to amend the Restrictive Covenants for Summit Corporate Center (SCC) was specifically in response to concerns from a prospective purchaser of the AAP building in SCC. Mr. Russell said the buyer had notified the County that their intent was to perform a manufacturing activity dealing with autoclaves.

Mr. Russell reviewed the prohibited operations on page 7 of the covenants and he pointed out that the covenants do not prohibit the manufacture of autoclaves or boilers but under the referenced section, certain operations such as boilers and tanks are prohibited. Mr. Russell said based on research, he felt the intent was to prohibit someone from bringing in used boilers or used tanks, cutting them up and refurbishing them on the outdoors, which is more of a “waste type process.”

Mr. Russell said the proposal is to specifically allow activities dealing with the manufacture of autoclaves. Mr. Russell said the prospective buyer had indicated there might be a need in the future to attach a small boiler to an autoclave. Mr. Russell said as majority landowner, the Board had the authority to amend the covenants, specifically eliminating the phrase “boiler and tank works entirely from section 3.08.

Mr. Russell said County Attorney John Holshouser and Planning Manager Ed Muire had reviewed the request and based upon how the covenants were written, were of the opinion that the amendment would not cause damage to SCC.

Mr. Russell said all other covenants would remain the same.

Chairman Tadlock asked if the correction was adequate to accommodate the request of the potential buyer and Mr. Russell was of the opinion that it would.

Chairman Tadlock moved to approve the request and Commissioner Blount seconded.

Commissioner Sides commented that “perception is reality” and he mentioned that the County does not always allow the citizens to do what they want with their property.

The motion passed unanimously.

Commissioner Chamberlain said it appears with the approval of the change in the covenants that the AAP building will be sold. Mr. Russell said Attorney

Holshouser was handling the closing documents and monies have changed hands. Commissioner Chamberlain humorously asked if the Board could have a party when the deal was closed.

Attorney Holshouser said he had received a check from AAP for approximately \$168,000 for the price per acre owed to the County.

BUDGET AMENDMENTS:

Finance Director Leslie Heidrick asked if the Board had any questions regarding the budget amendments in the agenda packets.

Commissioner Mitchell said the grant amount for the Board of Elections was listed as \$4,019 and he pointed out the budget increase was for \$4,190. Commissioner Mitchell asked if this was a transposition error?

Commissioner Blount moved to approve the budget amendments with the changes as discussed. Commissioner Mitchell seconded and the motion passed unanimously.

BOARD APPOINTMENTS

Rowan County Planning Board

Chairman Tadlock nominated Melanie Earle.

Commissioner Sides nominated Dale Wagstaff.

Commissioners Blount, Chamberlain and Tadlock voted to appoint Melanie Earle.

Commissioner Chamberlain commented that he would have supported Mr. Wagstaff but after a discussion he had with Mr. Wagstaff, he had advised him that he should not go on the Planning Board at this time. Commissioner Chamberlain said the advice had nothing to do with Mr. Wagstaff's qualifications and that the reason would be public "sooner than later."

Melanie Earle was appointed to serve on this board.

PUBLIC COMMENT PERIOD:

Chairman Tadlock opened the Public Comment Period to hear from citizens who had signed up to address the Board.

1. Tina Hall said it was imperative for the Board to hold open discussions so that the public "is not kept in the dark." Ms. Hall said according to the Salisbury Post, the Chairman was ready to move forward "tonight" on the purchase of the Bendix property, which means that three (3) "yes votes" were already lined up. Ms. Hall said the discussion seemingly took place behind closed doors and "is certainly not in the best interest of citizens."

Ms. Hall said citizens need the Board to hold discussions in the open and if there was a need to hide something the Board must not be concerned about the truth.

With no additional citizen input, Chairman Tadlock closed the Public Comment Period.

Mr. Russell said the annual budget presentations were ready and he took a moment to explain the printouts and the manual, which he said contains the listing of the funds and the message. Mr. Russell stressed that every request was in the book. Mr. Russell encouraged the Board to review the information.

Chairman Tadlock confirmed with Mr. Russell that he would be out of town for the next three (3) days and would return on Friday.

Commissioner Sides said he would also be out of town for vacation the entire following week.

BOARD ADJOURNS:

There being no further business to be brought before the Board, Chairman Tadlock adjourned the meeting at 11:10 pm.

Respectfully Submitted,

Rita K. Foil, CMC
Clerk to the Board