

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 19, 2005 – 7:00 PM
J. NEWTON COHEN, SR. ROOM, ADMINISTRATION BUILDING**

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

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

Chairman Chamberlain called the meeting to order at 7:00 pm.

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

ADDITIONS/APPROVAL OF THE AGENDA

Commissioner Sides requested to add the following items to the agenda for informational purposes only:

1. Millbridge Elementary School
2. County credit cards
3. Maintenance facility for which the County currently pays rent

Commissioner Mitchell moved, Commissioner Tadlock seconded and the vote was unanimous to add the aforementioned items to the agenda as requested by Commissioner Sides. The items were added as agenda items 15a, 15b, and 15c.

Commissioner Tadlock moved, Commissioner Mitchell seconded and the vote was unanimous for approval of the agenda.

Before moving to the next agenda item, Chairman Chamberlain expressed birthday wishes to Commissioner Sides.

CONSIDERATION OF THE CONSENT AGENDA

Commissioner Tadlock moved to approve the Consent Agenda as presented followed by a second from Commissioner Blount. The motion carried unanimously.

The Consent Agenda consisted of the following items:

- A. Approval of September 6, 2005 minutes
- B. Set Quasi-Judicial Hearing for October 3, 2005 for CUP 07-05
- C. Set Public Hearing for Unanimous Petition for Proposed Road Name Request for Top Gear Lane

PUBLIC HEARING FOR EXTENSION OF CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN COUNTY AND ADELPHIA CABLE

Dave Harris of Piedmont Triad Council of Governments explained that the item before the Board was an extension to the current cable franchise agreement with Adelphia Cable. Mr. Harris said the County has a franchise agreement with Time Warner and Time Warner has entered an agreement to purchase, with Comcast, some of the assets of Adelphia.

Mr. Harris said the current franchise agreement expired in 2004 and Adelphia has been working on a month-to-month basis, which is allowed on an informal basis with the County.

Mr. Harris said the best course for the County is to extend the current agreement through July 1, 2007 in order to give time for the agreement between Adelphia and Time Warner to close and to allow enough time to negotiate a new agreement with Time Warner.

Mr. Harris recommended that the Board start the proceeding to adopt the amendment to the Franchise Agreement extending the term through July 1, 2007. Mr. Harris said two (2) readings and adoptions were necessary for a Franchise Agreement.

Commissioner Sides said he did not have a copy of the agreement and he asked if the County receives income under the agreement? Mr. Harris responded that the County receives a 5% Franchise Agreement from Adelphia. Mr. Harris confirmed to Commissioner Sides that the Franchise Agreement ended in October of 2004 and had not been re-negotiated.

Commissioner Sides said he preferred to have a limited extension of the contract until he had personally had time to review the Franchise Agreement. Commissioner Sides said he did not want to bind the County until 2007 without knowing all information.

Mr. Harris said the process for renewal of a cable franchise is that 3 years before the expiration date is the "window of negotiation." Mr. Harris said since Adelphia will be going out of business in the first quart of 2006, the County would not at that time have a

Franchise Agreement. Mr. Harris said Time Warner would have no obligations under the terms of the Adelphia agreement and would not have to pay the County franchise fees. Mr. Harris said the County would be best served with the extension to 2007. Mr. Harris said, "The day that Time Warner takes command of the franchise agreement, we begin the negotiations with Time Warner" who has more financial assets to upgrade systems and bring in the modern equipment that Adelphia does not currently have.

Commissioner Sides questioned the pricing and enhancements for Rowan County citizens and Mr. Harris explained that no county has control over pricing pertaining to cable as it was deregulated by the Cable Act of 1996. Mr. Harris said when considering negotiations the County could look at the revenue source based on the 5% gross revenues, terms of the agreement and the enhancements for the government channel.

Commissioner Mitchell said the issue before the Board required 2 readings for approval. Commissioner Mitchell asked if Commissioner Sides would support the matter "tonight" and then if he was not satisfied after additional research, he could vote against the issue at the second reading on October 3, 2005. Commissioner Sides concurred.

Commissioner Tadlock mentioned that Adelphia had generated numerous complaints and he questioned the status of enhanced service in next 24 months. Mr. Harris said Adelphia was going out of business and in most cases the Adelphia employees are "trying to do the best that they can with what they have." Mr. Harris said the assets "are not there" to support what the employees are doing. Mr. Harris said there would be "more of the same until after the first of the year." Mr. Harris said he works with the managers and could solve most problems on an individual basis.

Mr. Harris mentioned that Sue Breckenridge, Government Relations Director for Time Warner, was present for the meeting.

Chairman Chamberlain opened the public hearing and with no citizens wishing to address the Board, Chairman Chamberlain closed the public hearing.

Commissioner Sides moved, Commissioner Tadlock seconded and the vote to approve the first reading of the Franchise Agreement carried unanimously.

ADOPTION OF RESOLUTION TO TRANSFER ADELPHIA TO TIME WARNER

Dave Harris of Piedmont Triad Council of Governments explained the item before the Board was to approve a Resolution for the transfer of ownership and control of Adelphia to Time Warner. Mr. Harris reminded the Board that Time Warner and Comcast have purchased the assets of Adelphia.

Mr. Harris said the legal, technical and financial qualifications of the buyer should be reviewed when considering a transfer. Mr. Harris said his staff had examined this information and concluded that Time Warner was capable of controlling the Franchise Agreement.

Mr. Harris said the Adelphia Franchise Agreement would be transferred and all aspects of the Adelphia agreement would be taken up by Time Warner of New York and would be managed by the Time Warner Division of Charlotte. Mr. Harris said the current Franchise Agreement after it has been extended to 2007 will be transferred to Time Warner of New York and they will abide by all of the Franchise Agreement in the current Cable Ordinance.

Mr. Harris recommended adoption of the Resolution.

Commissioner Blount moved, Commissioner Tadlock seconded and the vote was unanimous to adopt the Resolution as presented.

PUBLIC HEARING FOR REVISIONS TO SOLID WASTE ORDINANCE

Lori Swaim, Rowan County Recycling Coordinator, used a power point presentation to aid in reviewing the proposed revisions to the Solid Waste Ordinance. The power point presentation also included photographs of the types of complaints that Staff handles on a daily basis.

Ms. Swaim explained that one addition to the ordinance would allow Staff to use any identification, such as letters, found in illegally dumped materials as a means to find the violator.

Ms. Swaim noted that the proposed language addresses buildings damaged beyond repair, which will be allowed to remain on premises for a maximum of one year after the completion of any investigation.

Ms. Swaim said the biggest change proposed to the ordinance pertained to open dumps. Ms. Swaim said the changes detailed the requirements for closing an illegal dump. Ms. Swaim said if the open dump were deemed unsuitable, Staff would have the authority to close the site and have the owners remove the trash to a sanitary landfill. Ms. Swaim said Staff would then be able to notify the Register of Deeds Office and have the open dump recorded on the property. Ms. Swaim the process would protect future landowners. Ms. Swaim said in the event the open dump is cleaned up, Staff would file a cancellation notice that the site was satisfactorily cleaned.

Ms. Swaim discussed examination of property that leads Staff to believe trash is buried on the property. Ms. Swaim said the ordinance does not currently allow Staff to go onto the property and ask the owner to show what is buried. Ms. Swaim emphasized that the examination would be made based upon sufficient evidence that an open dump exists.

Ms. Swaim said the penalties in the ordinance had increased to \$100 per day.

Ms. Swaim read the proposed addition to the ordinance regarding solid waste generated outside of Rowan County. Ms. Swaim said contracts to accept solid waste from outside of the County must be approved by the Board of Commissioners.

Ms. Swaim noted that sections 19-47 and 19-48 were deleted and section 19-49 was changed to Yard Debris.

Ms. Swaim discussed the changes to Article III pertaining to Hazardous and Solid Waste Facilities and she said the Department of Environmental Services would oversee solid waste issues, permitting and regulations.

Ms. Swaim verified to Commissioner Tadlock that Environmental Services would be responsible for Solid Waste issues. Ms. Swaim explained that Environmental Services works with the Rowan County Sheriff's Department for assistance concerning violations. Ms. Swaim said the Sheriff's Department issues citations to those who do not correct their violations. Ms. Swaim said she acts as a witness when the case goes to court and fines are issued. Ms. Swaim said the proposed ordinance changes have more "teeth" and also aids the Sheriff's Department. Ms. Swaim said the ordinance would allow the County to handle the larger issues as opposed to relying on assistance from outside agencies.

Commissioner Blount referred to Section 19-46 and questioned waste outside of the county being brought to the Rowan County Landfill. Commissioner Blount provided an example and asked if the City of Lexington could bring trash to the Rowan County Landfill with the Director's approval. Ms. Swaim said yes for a one-time request but that if the request came on an ongoing basis, it would be presented to the Commissioners for approval. Commissioner Blount asked if language should be included to ensure that the process is followed and he suggested that Staff consider this as a future amendment.

Commissioner Blount referred to page 13 and asked if it was a violation to dispose of aluminum cans in the landfill. Ms. Swaim responded that it would be a violation of state law, which was passed in the 1980's due to aluminum being so easily recycled.

Commissioner Sides asked if there are a number of existing illegal landfills that have been earmarked and were they primary reason for incorporating the new language. Commissioner Sides expressed concern with the need to adequately educate the public before the implementing stricter enforcement measures. Commissioner Sides asked if there were several landfills that Staff intended to "police" once the proposed revisions were approved? Ms. Swaim responded no but said that she is aware of illegal landfills "all over Rowan County." Ms. Swaim continued by saying that Staff is "complaint driven" and landfills would be investigated if complaints were received.

Commissioner Sides asked if someone buys property and an illegal landfill was discovered, would it cost the purchaser to have the property cleaned up? Ms. Swaim said, "Not necessarily." Ms. Swaim said Staff works with all parties, including the previous property owners, to rectify the situation for the best of all parties involved. Kathryn Jolly, Environmental Services Director, informed the Board that there is a federal law that encompasses a Buyer Beware law, which encourages the purchaser to have an environmental assessment performed.

In response to a query from Commissioner Tadlock, Ms. Swaim said dead animals are placed in the landfill and Paul Canup of Environmental Services, added that the NC Department of Transportation is responsible for picking up dead animals along the road and disposing of them in the landfill.

Commissioner Mitchell referred to the section pertaining to removal of property damaged beyond repair. Commissioner Mitchell said he is personally aware that many insurance policies allow for claims up to 2 years after a loss. Commissioner Mitchell said there are also times when an insurance company might not be as quick to act on a claim. Commissioner Mitchell asked how the ordinance would apply in a situation where the case goes beyond the 1-year deadline and it is not the property owner's fault? Ms. Swaim said the ordinance was worded "after all investigations are complete." Ms. Swaim said, "once everything is said and done, they have 1 year from that date to remove it from the property." Ms. Swaim said she had dealt with insurance companies and the companies will issue a letter advising of a timeframe for when the investigation will end. Commissioner Mitchell pointed out that there are instances when the insurance company says the investigation is complete but the property owner is "still fighting" the issue. Ms. Swaim said the policy is bendable and penalties would not be issued in situations where a property owner is actively working on a problem.

Commissioner Mitchell said he was also concerned about Staff going onto property without a warrant. Commissioner Mitchell asked what Staff considered as reasonable evidence? Ms. Swaim gave an example of a recent complaint received by Staff. Ms. Swaim continued by saying that a backhoe and construction materials were on a 2-acre site with "strong evidence" that a hole was dug and materials were buried. Ms. Swaim said the issue was complaint-driven.

Commissioner Sides gave an example of the same property. Commissioner Sides asked if the property were located 500' back and not visible from the road, would Staff have the authority to go onto the property. Ms. Swaim said yes and she explained that she could go onto the site and take pictures to allow documentation from the complaint. Ms. Swaim pointed out there could be chemicals in the hole that would leak into the drinking water.

Mr. Canup said the intent behind the ordinance was to allow Staff to go into places where trash is known to be buried. Mr. Canup said the County has actually had people to bury mobile homes on their property. Mr. Canup said neighbors drive the complaints but he said he, too, was concerned about Staff going onto property without proper evidence.

County Attorney Jay Dees said Staff does have "police power" for enforcement of County policies.

Commissioner Mitchell questioned the current enforcement policy and Ms. Swaim said Staff must rely on the State to investigate. Ms. Swaim said the process is not working.

Commissioner Sides discussed waste received from outside the County. Commissioner Sides said the County currently has a contract with Davie County where waste is received on a regular basis. Commissioner Sides said Davie County is obligated to bring all waste to Rowan County. Commissioner Sides stressed that Rowan County is obligated to accept its resident's trash and he said that bringing in outside trash would cost the County in the future when the landfill is full and additional property must be purchased/condemned. Commissioner Sides questioned a clause in the contract with Davie County, which states that Rowan County will rebate Davie County at \$5 per ton. Commissioner Sides asked if the County would be held to the same standard of rebating other areas that bring waste to the landfill? Ms. Swaim said, "Oh, no I wouldn't."

Ms. Jolly confirmed to Chairman Chamberlain that Rowan County was rebating Davie County but that she and Ms. Swaim were unsure why.

Commissioner Sides said he understood that Rowan had paid Davie County \$192,000 to this point.

Mr. Canup said he was not 100% certain why Davie County receives the \$5 per ton rebate. Mr. Canup said he understood that "there is \$5 of our fee that goes to recycling and my understanding was that Davie was not going to pay for our recycling and so that's why the \$5 reimbursement was made."

Commissioner Sides said it would have been simpler to write the contract for \$5 less per ton as it made no sense for the County to have to write a check back to Davie County.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed revisions to the Solid Waste Ordinance.

- Barry Michael of 4630 Woodleaf Road read a prepared statement of which he provided the Assistant Clerk a copy. Mr. Michael also passed around photographs for the Board's review. Mr. Michael said while he had not been in agreement with the landfill being located on Campbell Road, he had accepted the decision. Mr. Michael said there had been road widening and a faster, heavier traffic flow and he also mentioned the population growth in his area of the County.

Mr. Michael referred to page 12 of the proposed draft and said accepting solid waste from outside of the county would fill up the facility at a faster rate and the traffic increase and safety issues would be a problem to residents in the area.

Mr. Michael said he must clean his yard daily from the debris that falls from vehicles en route to the landfill.

Mr. Michael encouraged the Board not to accept solid waste or hazardous materials from outside of the County.

- Dale Wagstaff of 101 South Deerfield Circle, Salisbury, said he had not had the opportunity to research the proposed revisions. Mr. Wagstaff said he was in favor of a clean environment but he expressed concern with how far back Staff could go on a resident's property? Mr. Wagstaff said he was aware of subdivision where every lot has a sinkhole and he said this was done by the contractors that built the houses. Mr. Wagstaff said he was informed that the holes contain trees and other items that might not be environmentally safe. Mr. Wagstaff asked if the landowners would be required to clean up the area or would the responsibility fall back on the builder? Mr. Wagstaff said he could foresee a myriad of problems with enforcement. Mr. Wagstaff expressed concern with the level of discretion regarding the handling of cases once the revisions are passed. Mr. Wagstaff said the key goal of the ordinance is to get the violation cleaned up and to do so, the person at fault must be found. Mr. Wagstaff cautioned against wrongly accusing a property owner for violations.

With no further citizen input, Chairman Chamberlain closed the public hearing.

Commissioner Sides moved to accept the information and to defer a decision until a future meeting. Commissioner Mitchell seconded the motion.

Commissioner Blount asked if the Board should request Staff to look into the revisions? Commissioner Sides said he "didn't know yet" and he clarified that he would personally like to look into questions that had been raised during the public hearing.

Chairman Chamberlain suggested that the Board list any questions with the Assistant Clerk and that the questions would be presented to Staff at one time.

Upon being put to a vote, the motion on the floor passed unanimously.

**PUBLIC HEARING FOR PROPOSED CHANGES TO MEETING TIME/
APPROVAL OF RESOLUTION**

Chairman Chamberlain discussed the proposed changes to the Board of Commissioners meeting time. Chairman Chamberlain said the meeting for the first Monday of the month currently begins at 9:00 am and the Board was proposing to change the meeting time to 7:00 pm.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed changes to the Board's meeting time.

- Phyllis Sides said the Board was proposing to change the meeting time in order to allow more citizens to attend the meetings and she asked what the Board planned to do to help those in attendance hear what was being said.

With no further citizen input Chairman Chamberlain closed the public hearing.

Commissioner Blount explained that sound panels were installed to assist with the acoustics and he said the only remedy to solve the issue would be to use lapel microphones.

Chairman Chamberlain agreed to research the possibility of purchasing lapel microphones and he said he would report back to the Board on the matter.

Commissioner Blount moved, Commissioner Tadlock seconded and the vote to adopt the Resolution to Change Commission Meeting Times passed unanimously.

Chairman Chamberlain stated that every regular meeting would now be held at 7:00 pm.

PUBLIC HEARING FOR Z 08-05

John Hanes of the Planning Department used a power point presentation to assist in providing the details for Z 08-05. Mr. Hanes explained that Steve Elliott owns a 4.52-acre tract off of Highway 601. Mr. Hanes said Donald Myers proposed to lease the existing building on the property to operate a family restaurant that would seat 20-30 customers.

Mr. Hanes said the tract is currently zoned Rural Residential (RR) and Staff recommends rezoning the 2 acres of the property to Neighborhood Business (NB) in order to operate a restaurant. Mr. Hanes said the rezoning would allow for the operation of a small business while protecting adjoining properties and residential areas from undesirable aspects of large commercial development.

Mr. Hanes referred to the Staff Review and said the request conforms or will conform with the ordinance.

Commissioner Sides questioned Item #15 in the Staff Review and asked what kinds of displays were allowed that would utilize 2500 square feet? Ed Muire, Planning Manager, responded that the request was a "straight rezoning" and that NB allows for a display area out front for uses such as a car lot or a cabinet/furniture manufacturer shop. Mr. Muire said the proposed use was for a restaurant but NB allows other things such as used cars, etc.

Chairman Chamberlain called on Donald Myers, the petitioner, to come forward. Mr. Myers explained that he wanted to have a small family restaurant and he said no alcohol would be served. Mr. Myers said he was looking to add a kitchen at the back of the facility.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding Z 08-05 and with no citizens wishing to address the Board, Chairman Chamberlain closed the public hearing.

Commissioner Sides moved, Commissioner Mitchell seconded and the vote to approve Z 08-05 passed unanimously.

SNIA 07-05 PERMIT APPLICATION

John Hanes of the Planning Department presented the SNIA 07-05 permit application. Mr. Hanes discussed the petition received from Thomas Comer for a 10,000 square foot office and warehouse site. Mr. Hanes said the site was located in the Coddle Creek watershed.

Mr. Hanes reviewed the restrictions and said Staff recommends approval.

Commissioner Blount moved, Commissioner Tadlock seconded and the vote to approve the SNIA 07-05 permit application passed unanimously.

PUBLIC HEARING FOR CUP 27-01 AMENDMENT

Chairman Chamberlain read the Chairman's Speech (Exhibit A) and declared the hearing for consideration of CUP 27-01 to be in session. Chairman Chamberlain said the hearing would focus on an application submitted by Joe Keener for his property located at the 200-300 block of Harris Point Road in the Providence Township. Chairman Chamberlain said the purpose of the application is to amend the existing permit to allow an additional 30 campsites on Mr. Keener's 16.64-acre property referenced as Tax Parcels 605-038 and 089.

The Assistant Clerk swore in those wishing to provide testimony in the case.

Shane Stewart of the Rowan County Planning Department, 402 North Main Street, Salisbury, reviewed the Staff Report (Exhibit B). Mr. Stewart provided the background and explained that on November 19, 2005, the Board of Commissioners approved a request to establish a campground for the Keener's. Mr. Stewart said at that time they did request 30 spaces and there had been consensus to only approve 10. Mr. Stewart referred to Attachment 1 in the Staff Report (Exhibit B) and said this was the approval, with the 7 conditions the Board had approved the campground with.

Mr. Stewart used a power point presentation (Exhibit C) to depict the site as well as the surrounding area and to point out the area for the proposed expansion.

Mr. Stewart referred to the site plan (Exhibit D) in the agenda packet, which depicted the 30 additional spaces requested for a total of 40. Mr. Stewart referred to page 1 of the Staff Report (Exhibit B) and said the request is also for a 40' x 40' bathhouse and laundromat, swimming pool, recreational area and a few other small changes to the site. Mr. Stewart said the changes were noted on the site plan (Exhibit D).

Mr. Stewart referred to the Specific Conditional Use Criteria in the Staff Report (Exhibit B) and encouraged the Board to ask any questions it might have regarding items 1 through 6. Mr. Stewart said most of the items meet the county standards. Mr. Stewart reviewed item #6, Screening and Buffering for the campground, and said the ordinance does require that when residences are located within 200' of a proposed use, such as a campground, it must be screened by Type A buffering. Mr. Stewart used the power point

presentation (Exhibit C) to show Eldred Wilson's property as being located in the 200' area and he said therefore the screening requirement would apply. Mr. Stewart continued with the power point presentation (Exhibit C) and said there is a Leyland Cypress row separating the structure from the campground and also an 8' wooden fence that was installed a couple of weeks ago. Mr. Stewart said this criteria goes above and beyond the ordinance requirement.

Mr. Stewart said he would "skip around" while reviewing the Specific Conditional Use Criteria in the Staff Report (Exhibit B). Mr. Stewart used the power point presentation (Exhibit C) to show the campground, the drive, the entrance gate and Mr. Keener's residence. Mr. Stewart showed the row of Leyland Cypress trees that block the neighbors from Harris Point, in addition to a fence that blocks the "first part." Mr. Stewart also showed the ponds, a view of the development, the existing 10 campground spaces as well as the proposed expansion area and Mr. Wilson's property. Mr. Stewart said a couple of the trees had died but had been replanted. Mr. Stewart said the trees met the full buffer requirement. Mr. Stewart showed the 8' wooden fence on the Keener side of the property.

Mr. Stewart referred to Attachment 2 of the Staff Report (Exhibit B), which was Mr. Keener's response to the Conditional Use Criteria. Mr. Stewart said Mr. Keener felt his response had addressed item #2 in detracting from the area. Mr. Stewart said in addition, Attachment 3 of the Staff Report (Exhibit B) also makes reference to his listing with Trailer Life, a national directory for campgrounds that rates on a yearly basis for cleanliness, visual appeal and quality of the facilities. Mr. Stewart skipped to item #5 and said Harris Point is an unpaved, state-maintained road connecting to Long Ferry Road, which is a minor thoroughfare. Mr. Stewart said based on the estimation from the ITE manual, Staff concluded that the campground would could possibly generate 447 trips per day but be under the capacity of Long Ferry Road at 13,000.

Mr. Stewart said Harris Point Road was on the rural hold list from NCDOT, which means that it is on priority to be paved as soon as procedures get taken care of. Mr. Stewart said according to an email from the Assistant District Engineer, Harris Point Road would be paved at some point.

Mr. Stewart discussed Staff's Comments listed in the Staff Report (Exhibit B) and said the consensus in the minutes from the previous meeting was to only grant a portion of the request, allowing the applicant to come back at a future date to ensure that the area would be in harmony with the area. Mr. Stewart said this is what Mr. Keener has done and would now like to request the expansion.

Mr. Stewart said if the Board chooses to approve the request, Staff has provided some suggested conditions in the Staff Report (Exhibit B).

Commissioner Sides said according to the Chairman's Speech (Exhibit A), there are 16.4 acres in the property and the application states that there are 19 acres. Mr. Stewart said it

was actually 16.4 acres. Mr. Stewart said Mr. Keener had filled out the application and from the time he filled out the application, "I believe he added to another parcel of his, 1 acre; also took out, I believe a portion of the right of way." Mr. Stewart said 16.4 was a rough estimation.

Chairman Chamberlain called Mr. Keener forward.

Mr. Keener said, "We took a couple of acres here and there" and "we came to the Board and had it taken out of the conditional use; until we sold a couple acres of land." Mr. Keener said, "so we had to come back to the Board and I was aware then that we had put it with other property." Mr. Keener provided the Assistant Clerk with a packet (Exhibit E) and said, "I could have filled this thing up with letters from people in the campground that has stayed there but I felt like two was sufficient." Mr. Keener said, "the only thing I can add to what Shane did" "is to tell the Commissioners what I've done since 2001 to the place." Mr. Keener said, "My objection was to accomplish in this time period as far as, like Shane said, I've done a whole lot of work with Shane; Ed Muire has been involved" "and could probably find his way out there blindfolded." Mr. Keener said, "All of the people at the County has been real helpful with me." Mr. Keener said, "We've covered a lot of bases with Environmental Health; whole lot of issues on water consumption to the lines." Mr. Keener said, "In 2001," "I'll go back to 2 comments Commissioner Blount made because he was 2 of the sitting Commissioners that opposed it." Mr. Keener said, "I'd just like to touch on a couple of different things that he said that made me work harder." Mr. Keener said, "One of the things that Commissioner Blount said is maybe Mr. Keener won't want to endure the cost to these septic lines; I did; it was costly but I did endure that cost." Mr. Keener said, "That's where coming in with the water data from different campgrounds out of the state, to working with Environmental health to lower the footage of the lines I had to put in." Mr. Keener said, "This was a considerable amount of work." Mr. Keener said, "DOT was mentioned; the road. We're working with the DOT getting it paved. As of right now I think Ed Muire was contacted by someone about the road, maybe today, but as far as was told us, it would be paved from my dumpster out if they couldn't do the whole road because it's wider at my end. The other end is like a little trail. Back to Commissioner Blount, the advice we took, the track record, it really stuck in my mind hard when you said hey, track record; we're not going to allow you more spots, Mr. Keener, when you're not in compliance with your others. So I took that at heart and strived hard to do better. The first thing we done, the Lottery Lake;" "I like the campground, the Lottery Lake, the first we done, we shut it down, we dismantled the Lottery Lake as it was called due to we didn't want to do that; it just wasn't the kind of people we wanted to be around that much." Mr. Keener said, "So that was a big part; I feel like a lot of people wouldn't have shut that down because it was grandfathered to that stage that it was there. I don't want to touch base on too much, I don't want to call any names, I want to be a better person than the ones that will get up and talk badly of me with unjust cause." Mr. Keener said, "Just for one thing on the bad end, it's just like after the hearing, we put a sign up on a pole - camping - with an arrow - and a couple days later here comes a big envelope. My wife says you're not going to believe this, what they're doing now to us. I looked at it, and they'd took a picture of it and sent it to Winston-Salem sign division; hey we want it

down.” Mr. Keener said, “Even though the Commissioners gave me the chance to do this, they wanted it down. Well, all the bad things that’s been done to me has come to a good point. Just like the man at the state, Mr. Keener how would you like to be on the interstate. What do you mean? I can put you on the blue sign. It cost me nothing; bad brought me good luck. So in that, we’ve got a relationship with Dan Nicholas Park (DNP); DNP sends us customers; we highly endorse DNP.” Mr. Keener said, “It’s more of an amusement place because we didn’t have that now. We promoted the Transportation Museum in Spencer; it was close. And even if this speedway gets off ground, this will be something we can promote; so we do work good with DNP and I could sit here and talk all night about things people have said about me. I’m sure the Commissioners could do the same; but in my closing what I say is that people make false accusations and slander your name and all, but what do you do?” Mr. Keener asked, “Do you do the same thing; does it make you a better man to do the same things these people do to you or do you let your track record, let it talk for you? Good will prevail over evil every time.”

Commissioner Mitchell asked Mr. Keener if he knew his campground’s rating with Trailer Life? Mr. Keener responded, “We charge \$20 a night, for like, overnights come in off the interstate. A lot of them come in and they say, hey, we love it back here; we love to see the sunset on the lake. It used to be a carp pond but it’s a lake now for relaxation; it will be a bass lake before long for fishing; but we charge a \$20 fee for overnights, no power is charged to that overnights. In most cases he wants to stay for a week, we have a \$75 rate on the week and they pay their power bill. We got the central meter and we got each spot metered; we read their power bill” and “they’ll pay that power bill.” “For a monthly rate, we’ve got a \$300 a month rate.” “Far as a lot of people come through Salisbury, construction workers, etc., they stay there and one of the good things that they comment; hey, its quiet; man I got a good night’s sleep; it’s quiet.” Mr. Keener said, “That’s one of my selling points is I have to keep it quiet. My son and I go around in circles now, hey, you got to keep them beagles shut up. You know, they bark too much. But I was young and had beagles, too, so I’m a little understanding about that.”

Commissioner Mitchell said he was referring to the ratings. Mr. Keener said, “I know it was a high rating; we got a very good rating; it was a man and a woman coming around traveling, that’s what they done for the Time Life, the directory is able to evaluate places and for no bathhouse we couldn’t get probably a better rating because we didn’t have that bathhouse; but we did get a, I don’t know exactly the rating but it was a good rating. We could produce that to the County.”

Commissioner Mitchell asked, “If I come in with a camper, what’s the maximum amount of time you will allow me to stay? Mr. Keener said, “Well, when you get my yellow pamphlet, I’ve got a list of rules that everyone comes in there has to abide by; registration fee where we know what cars and vehicles are coming in there. If you abide by the rules I have no time limit. If you’ve been there for 1 year and you violate rules, you out. It’s a little bit different than homestead. If you’ve got a bunch of rental property, you’ve got to play the game with people too, okay; we’ve run this for 30 days. A campground, they do

not have this immobile thing and they don't have the same rights as a renter. They'd just be asked to leave and they're out of there. So, we do have the, no time limit was ever put on before due to the County knows they can't control this. But I want it to stay like it is; I've had good success with it and I got high standards for the people that stay in there. I have no tent spots. I have a lot of people comes in wanting tents; we do not allow tents. It's, uh, I've seen some of the other statements, \$150,000 travel trailers and RV's; you know, that's kind of a false statement. They come in there in 1975 models to the \$300,000 ones. So, you know, you get a wide variety. As far as your pop-up campers, is probably your people that don't camp very much, probably once or twice a year. But this bathhouse would probably bring more of those kind of people because they have to have a bathhouse to utilize that camper. But that's as low as it would go, to, putting, you know, that would be the line of pop-ups and that's it."

Commissioner Sides said, "The requirement of the previous permit for the 10 lots that you have now was that you put a double row of cypress along; I believe it was the main road there. The property line now where you have the single row and you put the fence up." "Would you have any objection to putting a second row of trees in there to fill in the gap between the existing trees where the fence is? Somebody could knock the fence down."

Mr. Keener said, "You talking about putting a buffer on my side of the fence?"

Commissioner Sides said, "Where you have the row of trees now..."

Mr. Keener interjected and said, "Stagger one in between."

Commissioner Sides said, "Stagger one in between those trees. Over the years the fence will begin to go bad or somebody will tear it down or something."

Mr. Keener said, "Over a period of time, we wish, what our plans are, over a period of time, we would just take this fence all around our perimeter and you know, keep it maintained to site. I could have put 4 x 4 posts; I went with 4 x 6 posts; I concreted them in; I have intentions to keep this sprayed with Thompson water seal; it's a big investment, 260' fence. But as far as for me, anything I can do for Mr. Wilson to make him feel better about me; I mean as I've got older, I may have not done everything perfect but I truly don't feel like I've done damage to him to make him do some things he does. But there again, I don't want to get involved in that. But if, hey, if I can plant some Leyland's where he'll leave me alone, I'll surely plant them."

Chairman Chamberlain opened the public hearing to entertain citizen input regarding CUP 27-01. The following citizens addressed the Board:

- Jackie Watson of 3715 Long Ferry Road said, "My property used to border Mr. Keener's property until he sold every inch along my property line to other people so I didn't have to be notified of these hearings. I have given you all a copy of a

letter (Exhibit F) that my husband and I wrote. Do you want me to read it out loud or is everybody sufficient with the letter?"

Chairman Chamberlain responded that the letter was sufficient.

Ms. Watson said, "I just have a few concerns. The gentleman from your County who gave his report in the beginning mentioned that Harris Point Road was going to be paved in the future; it was on a list. No one's ever contacted us one way or the other. The State's never contacted us; the County's never contacted us. There's a lot of hearsay about when the road is going to be paved, and we're going to be sued so the road can be paved, and all the trees along our property, and our garage will have to be moved because of the right of way from the center of the road. We don't know any of this to be happening and we're right on the road. We have a couple hundred feet on Harris Point Road. No one's ever contacted us or asked our permission or asked our feelings on the paving of the road. I don't know how many wells and septic tanks you need to have a swimming pool and a bathhouse and a laundry house and 40 campers on a permanent basis. As Mr. Keener admitted to you, they can stay as long as they want. They can live there as long as they pay their bills and they don't make any noise. To me that's not a campground; that's a trailer park. A campground, you're usually in and out in 7 days, 14 days, a month; but by his own admission people can move in there and stay there as long as they'll pay the bill. I've personally seen maybe 5 campers go up and down the road in all the years that the trailers have been going in and out of there. There's no traffic. Harris Point Road is a quiet road. I don't see, you talked about 400 trips per day, per week, per month; there aren't that many cars and trailers that go up and down that road. My family and all the neighbors, I haven't seen any other neighbors come forward in all the years that its been there and commend its presence in our neighborhood. There's an upscale neighborhood going around the corner on Goodman Lake Road. They're going to put high-end homes in there. I don't know if they're going to want the type of neighbors they're going to get once they start building houses over there. I haven't spoken to the owner yet. I don't know who he is." Ms. Watson finished by asking if the campground would be like DNP and how big the campground would be allowed to become?

Commissioner Mitchell asked Ms. Watson if she "could see the 10 campsites from your home currently?" Ms. Watson responded no.

Commissioner Mitchell asked Ms. Watson if she would be able to see the 40 sites, including the additional 30 campsites and Ms. Watson said no but "there is a buffer of trees; you can see it on the, well, you can't see it now but you could see it on the aerial view."

Commissioner Mitchell asked, "Have you ever had any problems out of the campground?" Ms. Watson said, "Labor Day 2 years ago, the opening day of dove season, a group of people sat on the other side of the trees at my property and shot

buckshot over those trees into my pool at a family party I had. Thirty people, half of them children, sat and used Frisbees to collect as many pellets as they could. We yelled for them to stop; we asked for them to stop. They didn't stop; it went on all day long; hours and hours and hours. There's absolutely no reason that someone should sit 30-40 feet from my house and shoot buckshot up over the trees into my pool. You could hear it pinging on the roof, pinging on the patio tables, hitting everyone around the pool" "The kids were just all day long being peppered with whatever comes out of a gun that you shoot doves with – I don't know. I'm not hunter."

Chairman Chamberlain asked, "Was that Mr. Keener?" Ms. Watson said, "I have no proof; I'm not allowed on the property. I've been told to stay off the property. I'm not welcome. There is a police report filed on that instance."

- Emerson Nance, of 620 Harris Point Road, said, "I'm concerned about traffic due to kids on road; and them paving the road up to Mr. Keener's place, which will not happen, not unless he goes and gets Mr. Miller to sign his portion of his property to be paved. I'm meeting tomorrow with the guy from Winston-Salem that's coming to my house" "to go around to the neighbors in our community on that road and go and talk to Mr. Miller about getting it signed to get it paved. I went to the Watson's house the last time he came with me and Mr. Watson told me he didn't have time to talk to me then when the State man came with me from Winston, that's over the roads in Rowan County, this district. And I told them I'd be back. (Mr. Nance turned at this point and began addressing the Watson's) So, tomorrow at 4:00 I'm going to be back there with him; so you be there. And I'm going to the rest of them, too. (Mr. Watson spoke inaudibly in response to comments from Mr. Nance; Ms. Watson also responded to Mr. Nance).

Chairman Chamberlain said, "This is a legal meeting, okay? You will come up here and speak to us. You will not speak to each other, okay? Alright."

Mr. Nance said, "But that's what happened then. They was probably busy and had to go somewhere. But, I'm going again tomorrow with him and go to each house again, but I told him that it would probably be the same situation with them before. And I told him that we pay taxes and it's not right for him to pave that road to that part and not come on and pave our road, even though we just have a couple last time that rejected not to have that paved. And but, uh, I'm just concerned about more traffic in there and, you know, the environmental protection around there."

Commissioner Mitchell asked Mr. Nance, "Can you see the 10 campsites that are currently in existence from your property?" Mr. Nance responded, "Only time I can see them is whenever the, all the leaves is off."

Commissioner Mitchell asked Mr. Nance, "Have you ever had any trouble ever from the campground?" Mr. Nance said, "No, I've never really had no trouble out of him, from the campground as I know of, only just a couple" of "campers came down by the house

and turned around looking for the place. Other than that, other than, uh, had speeders, their traveling out with the trucks and stuff like that. Needs to be slowed down on account of the kids in there and stuff like that. They need to take that in consideration and that's what I'm concerned" "even though he's, I think he's fixing to move down to Crane Cove and that's going to leave it open. I don't know who is going to manage it then."

- Eldred Wilson of 3825 Long Ferry Road provided the Assistant Clerk with documentation (Exhibit G) and said, "I'm glad to hear that I'm doing some things to Mr. Keener but I believe this same Board, most of you, were here before. Apparently I didn't make it as big as it should have been. But Mr. Keener came down my property line and I'm not talking about 10 or 12 pounds of fish. He cleaned those 2 carp ponds out; you're saying there is 16 acres there but those fish had to be strung down my property line. Alright, the next thing he put a fence, he put the trees up; but I gave the lady a letter (Exhibit G); the County came out at Mr. Keener's request accusing me of spraying his trees with roundup. The County found no evidence; he brought the State; the State found no evidence and the State came back again and they found nothing," "I assure you I have not done anything to Mr. Keener or his property. I have not spoken to him since the last meeting except when he came on my property with some surveyors and I went back to see what was going on. And he blabbed off about me coming back there to start something. I said no, I just want to know what's going on on my property. But now, after that meeting I went into the restaurant there in Spencer and Mr. Keener came in; the restaurant was full of people and I got raked real good over the coals...."

Chairman Chamberlain said, "I'm going to stop you there Mr. Wilson. We're not going to allow you all to get into personal attacks, whether they're true or false. Let's talk directly to this application."

Mr. Wilson said, "All right, the trees that are there; it took a year and a half to get those planted and I was accused of killing them. They're standing on my property without my permission and Mr. Keener knows about that. But the thing that concerns me, I've lived in that neighborhood for 70 years and I've never seen nothing that's going on like now. And I'm asking the Commissioners to deny these campsites. When he moves to Anchor Downs where he's building another home, then what have we got? In other words, that road, my uncle petitioned that road several years ago; Mr. Keener owns the property now but they're trying to get the road widened. Mr. Keener owned it then and he flat refused it but now he wants it. And that's why there's a lot of people not here tonight because they think road is going to be paved. And I just say that there's trailers in there; there's one trailer in particular that moved July 4th a year ago for a half a day and that trailer's not moved since. I can't see that's a campground. To me that's a trailer park. All those trailers in there, that's in there now, has been there for several months. And I don't understand why we're calling this a campground. And I just ask you to deny this under the conditions of what's going on. He put the fence up

this last week because he's ready for, to get what he wants, but it took 18 months to get those trees put there and a lot of working through, uh, Mr. Doby was working with us and that's the reason the few trees that's there are there. And so, Mr. Doby got sick and unfortunately this thing as, all that lumber and stuff has been brought right up to my property line to be burned. There's 16 acres but it's all coming to my house. I think I have a right to be bitter but I would like to see the campground took and made a trailer park like it really is and let him go by the rules. I could go with that, but I don't under this condition, I don't think that's fair."

Commissioner Mitchell said, "You referred to the trees that took a year and a half to get planted." "Are those trees currently blocking the view of the 10 sites that are in place?" Mr. Wilson responded, "No, they put a fence up that partially blocks it, but another thing is where the fence is, there's kids there that come, instead of going back out Harris Point Road and coming down Longs Ferry, they come up the side of the property through my yard and down to the trailer park below us." Mr. Wilson said, "There's problems cropping up in the trailer park down there and other things. I just, I've been there 70 years and I've been proud of that neighborhood because we never had the law in there. Now, every time you turn around they're going into that trailer park down below. Like Ms. Watson said, there's still problems coming out of Mr. Keener's."

Commissioner Mitchell said, "So you could see the 10 campsites previously approved?" Mr. Wilson said, "But the thing is, I went to ask to come to the Commissioners because what he did after the 10 was approved, he came in there and clear cut everything in there and told me to look at his trailers. And until a week ago, he finally came and put the fence up because he wants the other sites."

Chairman Chamberlain thanked Mr. Wilson.

- Jonathan Keener said he lives at "1125 Keener Place, which is across the pond from the campground; and I just want to say that all the negative accusations that has been made towards the campground and also my father, are not true. It's a great place. It's clean, which I help keep it clean, a lot of mowing and weed eating. It's quiet and it's just a place to live. I have 2 children, one is 7 and one will be turning 2 this coming Sunday. Trust me, if this is a bad place to live, I would not raise my family there. I mean it's a very family atmosphere; the people in the campground, you couldn't ask for better people. I mean they're just super nice people. And like I say, if it was up to me, if it was a bad place, I would pick me and my family up and I would run as fast as I could. But it's, like I say, a father's instinct to provide a safe and good atmosphere for his children and I believe there is no place in Rowan County that I could do that other than this place here."
- Donna Keener said, "Mr. Mitchell you was asking about asking about the Trailer Life Directory stars; we have 4 stars and the reason we don't have 5 is because we don't have a shower house yet. But this year we got a 4-star rating. Last year it was 3 and this year it's 4. And as far as the road, I have met with Mr. Arey out of

Winston, the one that Mr. Nance was talking about, and I spoke with him again today. The petition has been signed from us out and the reason he did not go to the Watson's, because they really showed him a bad atmosphere last time and they refused to sign. So, he wouldn't go back there. He said he would go back at another time. As far as the buffers, yes we have put buffers up and the Watson's have no visual; they can't see the campground at all. Mr. Nance can't see the campground. Really no one around there can see the campground except Jonathan, our son. And as far as us moving to Anchor Downs and building a house, there's no law saying we have to live at our business. We can live where we choose to. But far as the owners, there is a letter in the package (Exhibit E) from the owner's that's bought our house. They're aware that we're wanting to expand and they have no problem with it. They was down there and spent the whole weekend and observed, they observed it. And they faxed that letter and far as our son, he is going to continue to live down there. In the campground, I'm not going to put anybody in that campground that I don't want around my son or my grandchildren. And far as the dove hunting they were talking about, that was down below us. It wasn't us. It was down below us and across the road from us. We had to put up with it, too. But, you know, that's just one of those things. I can't control dove hunting. If they want, I mean it was on down. They was in the guidance of the dove hunting. I mean we didn't have anything to do with that and it's just, it's just a dove-hunting thing. And far as the fish, the fish were, when we closed the carp lakes down I had Shorty Black from Black's Lake out of China Grove; him and a bunch of gentlemen come and they fished all the carp out of the lakes. They took them to his lake and put them in theirs. The fish were not strung out dead. Mr. Black has them and he put them in his carp lakes and if I need to get a statement on that, I could. And far as the Leyland's at Mr. Wilson's, we did plant 40 down, 40 Leyland's; we had to replant 18 out of the 40. And then we've put this fence up but if we need to put 40 behind it, we'll put 40 behind it. And far as, I don't consider this a trailer park because a trailer park is a, they put on permanent foundations. Everything in my campground is movable; nothing is stationary. And far as, I mean you're welcome to come look at it."

With no further citizen comment, Chairman Chamberlain closed the public hearing.

Chairman Chamberlain called Staff forward for questions from the Board.

Commissioner Blount asked Mr. Stewart to refresh his memory. Commissioner Blount said, "If I remember correctly this was brought before us before because Mr. Keener was operating a campground without a permit." Mr. Stewart responded, "That is correct."

Commissioner Blount continued by saying, "And there were a long list of things Mr. Keener had to do to remedy some problems on the site before he could get a permit; and apparently he did that." "It has been brought to our attention that there are trailers that are staying for extended periods of time in this campground. Does our ordinance have any language that restricts that?" Mr. Stewart said, "No, it doesn't."

Commissioner Blount said, “There’s nothing in our ordinance concerning campgrounds as to the length of stay?” Mr. Stewart said, “If you recall, when I was here back in I believe it was April or May, I looked into that. There was a campground up off Needmore Road that the Board of Commissioners thought it appropriate to look into and what we could do about that. I checked around in some counties and the short answer is, there is no real easy way of doing that. We can do the best we possibly can if the Board of Commissioners wants to try to put a condition” “on the application, in this request.” “We could do the best we could. Other counties, such as Davie, tried a logbook where everyone is required to log in when they come in and log in when they leave. There is verbiage in there allowing the County to, at any time, view those books. Anything of that nature we can try.”

Commissioner Blount said, “At this point, I’m not trying to change the law during this hearing but the current law does not have any language concerning the length of stay.” Mr. Stewart responded, “That is correct and what I was trying to get at,” “was a condition, if you can’t change the law we can add a condition. If that’s a concern to the Board, we can try to put that in the conditions.”

Commissioner Blount asked Staff, “Have you received any complaints from surrounding property owners about the operation of the campground?” Mr. Stewart said, “I have not personally but there is some history involved in of course the previous application.” “I doubt they would specifically call me. I talked to our ordinance enforcement officer today and to his knowledge, although he was out for about a year, or 9 months,” there were “no complaints other than the issue of those trees along Mr. Wilson’s property dying.” Mr. Stewart said we “went back and forth checking on that but to our knowledge no complaints about anything other than the trees.”

Chairman Chamberlain asked if Staff had “received any complaints from any kind of camping situation based on length of stay?” Mr. Stewart said, “On the property off of Needmore Road, there’s some kids getting picked up at school there. If you go out to that site it looks like some folks living there permanently. You have an accessory building there, maybe some underpinning.” Mr. Stewart said, “But honestly, we haven’t had many campgrounds applied for since I’ve been here – this is the third one. And these are back to back with the Tamarac Campground, too, so those are questions” that “some citizens that call in, always question.” “In this application previously, when it came in front of the Board, it was told that the primary clientele would be workers from the Buck Steam Plant” and “they could be there many months.”

Commissioner Mitchell questioned the site plan (Exhibit D) and asked where the initial 10 lots were located. Mr. Stewart used the power point presentation (Exhibit C) to display the sites and the proposed expansion. Mr. Stewart said he had a copy of the older map, which Commissioner Mitchell asked to see.

Commissioner Tadlock said, “I remember before it was kind of a twofold accomplishment not only for short-term campers but also those people that are doing work in Rowan County.” Commissioner Tadlock said he remembered “before there were

quite a few people that were using” the campground, “that were brought to this area to work on certain projects.” Commissioner Tadlock said, “I’m impressed that there has not been any trouble.” “It seems that it’s been done, managed and handled very properly. I don’t remember hearing of any health or safety issues pertaining to the property. From what I’ve heard, I think they’ve done a good job of keeping the property clean. I don’t know whether this is their sole livelihood or not; you may be in another business, but based on what I’ve heard you say, it has been good to support your livelihood for you and your family. And I don’t see that it’s caused big problems with the neighbors. Certainly it would be something that may not receive a 100% rating but I think from some standpoint here, that it’s essential for us to have some places for these people to stay that are being called to Rowan County to do work in Rowan County for what I would call short term.”

Commissioner Blount asked Staff, “Under the traffic information that you’ve provided us, you indicate 447 trips per day as a potential amount of traffic created by a campground of this type. And at this point that traffic would be moving on Harris Point, which is unpaved, a 2-lane road. There is no certain guarantee that it’s going to be paved although we’ve heard a lot about that tonight. You indicated the DOT says that Longs Ferry Road certainly can handle the increased traffic.” Commissioner Blount asked, “Do you have a carrying capacity for a 2-lane dirt road?” Mr. Stewart said, “No, I don’t. It’s not discussed in the, this would be in the Salisbury thoroughfare plan. It’s not discussed; it’s just considered a local road. I believe there’s probably 12 –16 residences;” “I could be exaggerating that somewhat but at 10 trips a day, 120 vehicle trips just for the single family uses and mobile homes; 447 seems like a very large number. You would assume that there wouldn’t be.”

Commissioner Mitchell said that to approve/deny the application, the Board “must find that the development will not materially endanger public health or safety; that it will not substantially injure the value of adjoining or abutting property; and that it’s in general harmony with the area in which it is located. There has been some reference to potentially, I guess with regards to Mr. Keener living off the property, endangering of public health and safety; but I don’t know that I’ve heard anything other than simply hearsay that we could find that to be the fact. I have heard nothing about injuring the value of adjoining property, at least from an appraiser, which I assume would be required for us to find that would be the case. And the general harmony issue, there is a campground already there. I would like to ask Mr. Keener, would you be willing to remove sites 11 through 22 from the site plan? That would be the lots that are abutting Mr. Wilson’s property.” Mr. Keener responded from the audience (inaudible on tape) that he could have gotten a lot more campers on this spot but that he had wanted to use the same size and not crowd the lots. Mr. Keener said he would like to keep the site plan as submitted.

Mr. Keener confirmed to Chairman Chamberlain that the fence was installed and was 8’ tall and that the nearest camper to the lot line would be 20’, which is the setback requirement.

Commissioner Sides said he was reminded of a statement his dad made, “The only way you can control all of the property is to own all of the property.” Commissioner Sides said it was fitting that, “We as County Commissioners not control everybody’s property. The concerns of adjacent property owners have to be considered but that has to be balanced with the right of the property owner to do what he wants on his property when it does not seriously impact those other individuals. I personally have made a visit to this property. I wish every Commissioner had had that opportunity. I went there uninvited, just drove out, found the property, went on it, drove around the campsites, looked at the adjoining property. The only comment I can make is this – If I were going to build a park of this nature today, I would want to hire somebody like Mr. Keener to do it. I can tell you that it’s probably as nice a campground as you’ll find anywhere and the fact that he has a 4-star rating, certainly indicates that he’s had to really step forward and regardless of what problems or may have been in the past, he has certainly gone beyond what would be required for any park of this nature.”

Commissioner Sides continued by saying, “Based on that, I would want to make the motion that we accept this conditional use permit with the changes that Staff has recommended and I would like to add one additional requirement.” The requirement was for another row of trees in front of the existing row of trees on the back line where it fronts Mr. Wilson’s property. Commissioner Sides said, “I’d like to see that double-buffered; in other words.”

Mr. Keener responded that he had no problem with this additional requirement.

Commissioner Tadlock seconded the motion.

Commissioner Blount said he liked the way Commissioner Mitchell had reviewed the ordinance requirements. Commissioner Blount also reviewed the requirements, beginning with Conditional Use Criteria, Item #5 of the Staff Report (Exhibit B). Commissioner Blount said, “The 447 trips per day bothers me a great deal as to whether that will cause excessive traffic problems. 447 trips on a dirt road certainly makes me a little nervous, especially if you back up to #4, which says the use shall not generate significant noise, odor, glare or dust.” Commissioner Blount said, “It doesn’t take many trips to create a great deal of dust.” Commissioner Blount referred to hazardous safety conditions and said, “We heard from one gentleman concerned about the kids playing on that road. Again, you’re going from 10 residents in the campground now to 40 residents, and I would assume that in a jump from maybe 100 trips per day to 400 trips per day, that there is some level of increase in the hazard to the people that are living along that road. As far as impact on the quality of the surrounding land, I think at this point we have in place a campground that’s very isolated from the surrounding neighbors by some very wide buffers in existing land. What we are doing with this modification is actually allowing the campsites to move right up to the property line adjacent to existing homes. So, I think that does have a sizable impact, certainly on those folks living in those homes. I like Chad’s idea of stripping from the permit, sites 11 through 22, because that would allow leaving in place a buffer that would help those on that side of the campground. It

appears there is still some significant land between the other residents that have spoken tonight but in particular, Mr. Wilson; he'll have campsites backing up to his backyard.

Commissioner Blount offered an amendment to the motion to add as a condition to drop sites 11 through 22 from the permit, to the modifications of the conditional use permit. Commissioner Mitchell seconded the amendment for debate.

Commissioner Sides said before 30 lots can be added, there is already a requirement by Staff that that would be determined by Environmental Health whether the property would actually support that many sites.

Commissioner Blount said Mr. Keener has a septic field and a community waste dump "so just by expanding the septic field and the area that's not being used, he could fairly easily meet that requirement in my opinion." Commissioner Blount said, "The mitigation part would be taking out the campsites that abut the property line to Mr. Wilson. I think that would be a fair request to give him some division from this intense use"

The vote to amend the motion failed 2-3 with Commissioners Chamberlain, Sides and Tadlock dissenting.

At Chairman Chamberlain's request, Commissioner Sides repeated his motion as follows: That we accept the conditional use permit as presented by Staff with the 5 amendments that they have proposed, along with one additional and that being a row of trees be planted behind the fence where the existing row of trees is now.

The motion passed 3-2 with Commissioners Mitchell and Blount dissenting.

Chairman Chamberlain read the Findings of Fact and provided the Assistant Clerk with a copy of the Suggested Findings of Fact as presented by Staff (Exhibit H). The Findings of Fact were read as follows:

1. The development of the property in accordance with the proposed conditions will not materially endanger the public health and safety.
2. That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that he development is a public necessity.
3. That the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.

Chairman Chamberlain called for a break at 9:15 pm. Chairman Chamberlain reconvened the meeting at 9:30pm.

CONTINUATION OF CUP-05-05

Chairman Chamberlain reminded those in attendance that the public hearing for CUP-05-05 was closed.

Shane Stewart of the Rowan County Planning Department said that based on the direction of the Board, Staff had modified the conditions that were discussed at the September 6, 2005 meeting. Mr. Stewart read the following conditions:

1. Development must obtain a commercial driveway permit from the North Carolina Department of Transportation and access Bringle Ferry Road. Specifically, no vehicular access may extend from Tamarac Shores Drive into campground.
2. Provide revised site plan and erosion control plan acceptable to Staff before the issuance of zoning/building permits.
3. Side-street setback along Tamarac Shores Drive must be revised to indicate a 30' separation between the side-street lot line and campground spaces.
4. The total number of spaces shall be the lesser of the proposed 38 or the maximum allowable from the Rowan County Environmental Health office.
5. Streets must be paved within 6 months of campground completion.
6. Playground area and guard shack may not extend beyond the limit of disturbed area based on the clearing and grubbing plan received July 14, 2005 or be within the required buffers and/or setbacks as per revised site plan.
7. Comply with the 36% impervious coverage limitation for the WSIV PA watershed district.
8. All improvements (except pool and road paving) must be in place prior to occupancy of any campground site.
9. Replace vegetation removed as a result of premature grading in accordance with Article IX Sec. 21-215 (2)(b)(1) which states "a row of trees, forty (40) percent of which are large maturing trees (defined as having a caliper of one and one-half (1 ½) inches measured six (6) inches above proper planting level) and which are not less than ten (10) feet high at the time of planting and are spaced not more than six (6) feet apart" prior to occupancy of any campground site.
10. No existing vegetation may be cut or removed from on what is designated as tract 5 on the site plan without Board approval.

Mr. Stewart said it was up to the Board to determine if all conditions were applicable to the case.

Commissioner Blount asked if the conditions were discussed with the developer to determine if he was agreeable. Mr. Stewart responded that the developer stated that 60% of Tamarac Shores Drive borders his property and he feels this is the most appropriate access for him. Mr. Stewart said the developer wants to access Tamarac Shores Drive only.

Commissioner Sides moved for approval of the conditional use plan based on the 10 items recommended by Staff, except for item #1; Commissioner Sides removed this requirement to allow him to access his property from Tamarac Shores Drive. Commissioner Tadlock seconded the motion.

Commissioner Mitchell said he would like to see items 1, 2 and 3 included in Commissioner Sides' motion and Commissioner Sides said, "Mr. Chairman, I include

that in the motion – the Finding of Fact.” Commissioner Mitchell pointed out the findings were listed at the end of page 2 in the Staff Report.

Commissioner Mitchell referred to the vegetation that was prematurely removed and asked if modification #9 would put the vegetation to a similar state of what it was before cutting?

Commissioner Sides said his original motion at the last meeting was in regards to no visibility of the campground from Tamarac Shores Drive except for the driveway area. Commissioner Sides said the vegetation that had been removed along the side where driveway entrance had been made, that vegetation would have to be replaced.

Commissioner Mitchell asked if the motion would allow ALCOA to deal with the beach access area and Commissioner Sides said yes. Commissioner Mitchell asked if the motion would allow it, if ALCOA allowed it? Commissioner Sides said yes and that he saw no reason to deny the beach access if it was allowed by ALCOA.

In response to a query from Commissioner Blount, Commissioner Sides said one of the requirements is for the drive inside the campground to be paved within 6 months.

Commissioner Tadlock asked if the Board was putting more of a hardship on the applicant than was reasonable? Commissioner Sides said the major impact the Board had imposed on the applicant was the access to Bringle Ferry Road. Commissioner Sides said the access would have been a substantial expense but that the other items were not.

Mr. Stewart referred to item #1 of the modifications and said originally Staff’s recommendation was a recorded maintenance agreement. Mr. Stewart said after the discussion the maintenance agreement was not appropriate; the only possibility was public access or use of the private road. Mr. Stewart said if it’s appropriate to leave as is, then that would be up to the Board or we could pose other conditions, such as maintaining the road without a maintenance agreement. Mr. Stewart said the applicant was not willing to use access from Bringle Ferry Road but was willing to do the other requirements.

In response to a query from Commissioner Blount, Mr. Stewart confirmed that the internal streets must be paved within 6 months of completion.

Upon being put to a vote, the motion on the floor passed unanimously.

Chairman Chamberlain reviewed the Findings of Fact as follows:

1. The development of the property in accordance with the proposed conditions will not materially endanger the public health and safety. The proposed use will not generate significant dust based upon applicant’s proposal to have asphalt paving of the internal road within 6 months of campground completion.
2. That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that he

- development is a public necessity. The use will not create significant visual impacts based upon the Board of Commissioners imposed condition that the trees removed as a result of premature grading activity be replaced with vegetation as indicated by condition 9 combined with the 50' front setback; 30' side street setback; 20' side setback and 20' rear setback required for campground conditional use permit requests in the Rural Agricultural (RA) district.
3. That the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans. As evidenced by the proposed site plan, the campground occupies 2.8 acres, which exceeds the 2-acre minimum lot size for campground conditional use permit requests in the Rural Agricultural (RA) district. The proposed campground is located in a recreational setting with an adjacent marina complex, restaurant, wildlife access and neighboring campgrounds.

SCHOOL CONSTRUCTION UPDATE

Dr. Wiley Doby and Jim Christy of the Rowan Salisbury Schools (RSS) and Ed Watson of Construction Control Corporation (CCC) were present to provide the Board with an update regarding school construction.

Dr. Doby thanked the Board for allowing the presentation and on behalf of RSS, he welcomed Interim County Manager, Bill Cowan to Rowan County. Dr. Doby said he looked forward to working with Mr. Cowan.

Mr. Watson highlighted the summary report in the agenda packets regarding school construction. Mr. Watson noted one correction in the report pertaining to Southeast High School and he clarified that all steel erection would be complete in September.

In response to a query from Commissioner Sides, Mr. Watson and Mr. Christy said there had been several issues at Millbridge Elementary School and Mr. Christy said the guttering issue would be at the contractor's expense.

Mr. Watson discussed East Elementary School and said back in May the Board had approved the revised program costs. Mr. Watson said in the past few weeks the cost of off-site water/sewer has gone up approximately \$450,000 due to losing one of the partners that was supposed to help fund the project. Mr. Watson stressed that the further the project goes out, the more it will cost. Mr. Watson said the project was scheduled to bid next spring but he suggested taking bids in November. Mr. Watson said additional costs other than the off-site water/sewer were the contracts for the architect and for CCC. Mr. Watson said the contracts expired at the end of August. Mr. Watson said CCC had managed so far to move people to do double work in order to avoid a cost increase and that CCC would probably modify "some of the things that we're doing" but not to the detriment of the projects. Mr. Watson said the architect estimated a cost of \$50,000 due to extending the contract by 7-8 months.

Mr. Watson said originally all projects were to have been completed in August of 2006 and a decision was made by the previous Board of Commissioners to delay East Elementary School by one year. Mr. Watson said the Board of Education (BOE) had approved to go ahead with the project and was requesting the Board of Commissioners to approve the additional \$500,000 so the project could proceed as quickly as possible.

Commissioner Mitchell referred to the last sheet of the information in the agenda packet and asked Mr. Watson to verify that \$18.3 million is needed to complete the projects. Mr. Watson said yes. Commissioner Mitchell questioned the contingencies on completed projects and Mr. Watson said those funds were not significant.

Commissioner Blount asked, "If we vote to allow you to move ahead, when would we actually need to be providing funding for construction?" Mr. Watson said, "We would probably be looking for our first draws in December."

Commissioner Blount questioned Interim County Manager/Finance Director Leslie Heidrick and asked if the County currently had the funds budgeted. Ms. Heidrick said, "Initially we would. We've started drawing down on the \$45.3 million. We probably have about \$40 million left in proceeds now." Ms. Heidrick said the money is budgeted but as far as cash flow, the County would need to go ahead and do the installment loan financing earlier than anticipated. Ms. Heidrick said if the financing were handled in the latter part of 2005 the first debt service payment would not be due until next fiscal year.

Commissioner Blount said if the payments were pushed to next fiscal year it would be incumbent upon the Board to find the revenues to cover the financing in the next budget process.

Ms. Heidrick said if there were two debt service payments, the county would be looking at approximately \$750,000. Ms. Heidrick said she could structure the process in different ways.

Commissioner Sides questioned the current undesignated balance based for fiscal year 2005-06 and Ms. Heidrick estimated approximately \$15 to 16 million. Ms. Heidrick confirmed that \$3 million of the undesignated portion was allocated this year.

Commissioner Sides asked if RSS knew the final figure for its fund balance from last year and Mr. Christy said RSS wouldn't know until the auditors provided the information.

Commissioner Mitchell asked what would happen if the Commissioners do not approve the request. Mr. Christy said if the East Elementary School were not approved, RSS would have to decide what to do with the students at Bostian, Morgan and Rockwell Elementary as all 3 schools were over capacity. Mr. Christy explained that the redistricting plan was implemented with plans to utilize East Elementary. Mr. Christy said RSS had moved in mobile units in an effort to accommodate for this year. Mr. Christy said Bostian Elementary was "maxed out."

In response to a query from Commissioner Tadlock, Mr. Christy discussed the enrollment at the 3 schools.

Commissioner Sides said he wanted to see the project go forward but that he was opposed to the Board providing \$500,000 in funds that it doesn't have. Commissioner Sides said he felt RSS had the money and that he would like to see RSS draw from their fund balance.

Ms. Heidrick verified to Commissioner Mitchell that if East Elementary were delayed, the additional debt service payment for next year would be approximately \$410,000. Ms. Heidrick said if the Board goes forward with East Elementary, regardless of where the \$500,000 comes from, the debt service payment would be approximately \$750,000. Ms. Heidrick again stated she could structure the payments differently.

Commissioner Sides said everyone should be aware the Board was not being asked for just \$500,000 as the Board had already committed to \$6 million. Commissioner Sides said RSS projected a \$1.8 million fund balance from last year and from preliminary figures, it will be more than estimated. Commissioner Sides said he didn't think it was too much to ask for the funding for East Elementary to come from RSS.

In response to a query from Commissioner Blount, Ms. Heidrick said if East Elementary did not get built, there would be bond money left over. Ms. Heidrick said right now \$11 million is budgeted for the school and if all of the revenue sources were combined that the County currently has, or expect to receive, "it takes everything, including a \$6 million loan, that we have not gone out to get yet." Ms. Heidrick said, "Based on their cash flow projection, we're going to be out of cash in July or August."

Commissioner Blount expressed concern for the next budget process and he said the County had avoided a tax increase this year by raiding the fund balance. Commissioner Blount said the County could not continue to raid the fund balance and at some point a new revenue source must be identified or the County would have to cut services to its citizens. Commissioner Blount said the decision to build a school would impact the next budget.

Interim County Manager Bill Cowan pointed out that the Board would also be committing to the 2008 budget.

Commissioner Sides said he could identify the revenue source for the next budget year, which would be to cut the schools by \$1 million.

Mr. Christy discussed various expenses with the school construction that he said had pulled funds from RSS "nest egg."

Commissioner Sides said the public does not seem to realize that the Board is not required to give RSS \$30 million for operating expenses. Commissioner Sides said the Commissioners had gladly done this in the past but at the end of each year, RSS has had a

fund balance left over. Commissioner Sides said, "I submit to you, there is no other entity within the County that we fund that we allow them to build a fund balance. You talk like it's your money; it's not your money; it's not our money; it belongs to the taxpayers of Rowan County." Commissioner Sides said RSS had taken more money from the taxpayers for 4 years than was needed.

Chairman Chamberlain felt it would not be wise to commit to the funds without having identified a revenue source. Chairman Chamberlain said he would rather take the issue to the Board's retreat in 2006 for a decision.

Commissioner Sides said he would like to see the school built, as it was part of the bond program and what was promised. Commissioner Sides said the Board had stepped to the plate pertaining to funding but that he didn't see the Board coming forward with additional funds.

Commissioner Blount expressed concern with the Board's reluctance to raise taxes, which meant the debt service payments would have to come from existing revenues. Commissioner Blount said he was afraid to support the school for fear of voting to close a library.

Chairman Chamberlain said he was committed to building East Elementary but he would rather wait for the retreat to make the decision.

Commissioner Blount asked if there would be expenses incurred, besides additional mobile units that might be passed back to the Board if the approval was not received "tonight."

Mr. Christy said if the Board planned to delay the decision due to the \$500,000, he would like for the Board of Education (BOE) to have the opportunity to discuss the matter and possibly come up with the 500,000.

Chairman Chamberlain said the \$500,000 was not the issue. Chairman Chamberlain said the issue for the Board was finding the revenue stream to "pay for more than that."

Chairman Chamberlain opened the floor to entertain a motion.

Commissioner Mitchell moved to go forward with East Elementary. Commissioner Sides seconded the motion based on RSS finding the additional needed funds.

Commissioner Mitchell said from the debate that was discussed, he sensed that the only way to get the motion passed was to accept Commissioner Sides' request. Commissioner Mitchell agreed to add the request to the motion.

Chairman Chamberlain asked Mr. Christy how soon he would have an answer from the BOE and Mr. Christy said the BOE would meet "this coming Monday."

Upon being put to a vote, the motion on the floor passed unanimously.

REQUEST FROM CITY OF SALISBURY FOR SIDEWALK EASEMENT @ HEALTH DEPARTMENT

Dan Mikkelson from the City of Salisbury explained that the City had received funding from the North Carolina Department of Transportation to install new sidewalks along both sides of East Innes Street from Avalon Drive to Jake Alexander Boulevard. Mr. Mikkelson explained that the right-of-way along East Innes Street at the Rowan County Health Department is not wide enough to include the proposed sidewalk and that a permanent sidewalk easement would be needed. Mr. Mikkelson said the easement is only for the construction and maintenance of the sidewalk.

Commissioner Tadlock moved, Commissioner Sides seconded and the vote to approve the sidewalk easement passed unanimously.

REQUEST FROM CITY OF KANNAPOLIS CONCERNING CONTRIBUTION FOR CENTENNIAL CELEBRATION

Chairman Chamberlain explained that the City of Kannapolis was requesting \$3,124 from Rowan County for its centennial celebration due to the percentage of the population of Kannapolis that resides in Rowan County.

Commissioner Sides moved to approve \$3,125 to Kannapolis for the celebration and Commissioner Tadlock seconded.

Commissioner Blount asked if the funds would be pulled from fund balance and Interim County Manager/Finance Director Leslie Heidrick suggested that the Board allow her to pull the funds from a contingency line item, which held \$66,000.

The motion passed unanimously.

BUDGET AMENDMENT

Interim County Manager/Finance Director Leslie Heidrick said the top portion of the budget amendment is to budget 2 airport grants, which began last fiscal year. Ms. Heidrick said the grants were budgeted in fiscal year 2005 but the projects are ongoing. Ms. Heidrick said one of the grants is to rehabilitate the beacon and total expenditures for the project are expected to be \$41,355. Ms. Heidrick said \$5,816 was spent last year leaving a balance last year of \$35,539 and is included in the budget amendment.

Ms. Heidrick said the second grant is for 3 purposes:

1. The taxi lanes between the new t-hangars
2. Wetlands Mitigation
3. Construction of a road access and improvements in the corporate hangar area

Ms. Heidrick said \$406,507 of the grant remains unspent.

Ms. Heidrick said the bottom portion of the budget amendment combines revenues and expenditures.

Commissioner Sides moved, Commissioner Blount seconded and the vote to approve the budget amendment as presented passed unanimously.

APPROVAL OF PROCLAMATION FOR MENTAL HEALTH AWARENESS WEEK

Chairman Chamberlain read a Proclamation and requested that the Board declare October 2nd through October 8th, 2005 as Mental Illness Awareness Week in order to enhance public awareness of mental illness.

Commissioner Tadlock moved, Commissioner Blount seconded and the vote to approve the Proclamation passed unanimously.

APPROVAL OF CONTRACT FOR INTERIM COUNTY MANAGER

Chairman Chamberlain said County Attorney Jay Dees had drafted a contract for the Board's consideration for hiring William Cowan as Interim County Manager.

Commissioner Blount moved, Commissioner Tadlock seconded and the vote to approve the final draft of the contract as presented for Interim County Manager passed 4-1 with Commissioner Sides dissenting.

Chairman Chamberlain turned to Mr. Cowan and said, "You're hired." Chairman Chamberlain expressed his appreciation to Mr. Cowan for being present for the meeting.

Mr. Cowan thanked the Board and said staying for the meeting had provided him with a "jumpstart" in knowing what issues the Board was dealing with. Mr. Cowan said he looked forward to working with the Board.

ADDITIONS

Millbridge School Speed Zone

Commissioner Sides provided an update on the issue of the Millbridge School Speed Zone. Commissioner Sides said County Attorney Jay Dees had drafted a letter and there had been some developments since that time. Commissioner Sides reported that the North Carolina Department of Transportation has indicated that they will mark the road, put up the proper signs and reduce the speed limit to 45 mph in the school area.

County Credit Cards

Commissioner Sides expressed concern that some charges to County credit cards were not being properly documented. Commissioner Sides said he had spoke with Interim County Manager/Finance Director Leslie Heidrick and that there are procedures in place for credit card use, however those procedures were not completely followed by all employees. Commissioner Sides said detailed documentation should be required for credit card purchases by any county employee and no bill should be paid if the procedures were not followed. Commissioner Sides said he had asked Ms. Heidrick to

work with the new Interim County Manager to ensure there are written policies and that the policies are followed by all employees.

Ms. Heidrick said there are three (3) credit cards that are issued to County employees: the County Manager, the Chairman of the Board and David Boling, Director of Information Systems. Ms. Heidrick explained that Mr. Boling was issued a card for use in ordering merchandise in emergency-type situations and that he had a much different credit line.

Commissioner Sides said it should be established who has credit cards and why they have them. Commissioner Sides expressed concern with a credit card statement that listed charges to a steakhouse in Raleigh for \$497. Commissioner Sides said a policy should also establish how much can be spent on a meal.

(Note: This discussion was raised again following the next topic.)

Garage Rent

Commissioner Sides recalled a previous meeting where he had provided information pertaining to a full-time employee who works from a garage at his home. Commissioner Sides said the County is paying rent for a bay in the employee's garage. Commissioner Sides said he had since received a breakdown of the services the employee actually performs for the County. Commissioner Sides said the County is paying a full-time salary and benefits for someone who works approximately 3-4 hours per day for the County. Commissioner Sides said he had requested additional information and at some point he would be making a recommendation to the Board.

Chairman Chamberlain referred back to the credit card issue the Board had just discussed and stated that he prefers not to have a county credit card. Chairman Chamberlain said he prefers to use his personal credit card and that he would feel more comfortable being reimbursed. Chairman Chamberlain said the only reason he would accept a county credit card was if the reimbursement process became more of a hassle to the Finance Department.

Chairman Chamberlain said the Board could discuss the issue with the new County Manager. Chairman Chamberlain said he saw a "little conflict" with Information Systems Director David Boling holding a county credit card when the County Manager was accessible and in the same building.

Commissioner Sides said he had seen personal instances where the credit cards were abused. Commissioner Sides said when he had asked for details regarding one item in particular there were no details/receipts to support the charges. Commissioner Sides stressed that policies were needed to address credit card use.

PUBLIC COMMENT PERIOD

Chairman Chamberlain opened the Public Comment Period to entertain citizen input and the following citizens addressed the Board:

- Major Tim Bost of the Rowan County Sheriff's Department referred to the credit card issue the Board had just discussed and said it would be beneficial for all departments to use a uniform policy.
- Michael Tolar of 200 North Central Avenue, Landis, said there is a road that goes through China Grove on the county map that needs to be changed. Mr. Tolar asked how to get the road changed and Chairman Chamberlain suggested that he contact the Rowan County Planning Department or either give him the information after the meeting.

Mr. Tolar also asked if the County provided any funds for the new Murdoch Center and Chairman Chamberlain said no.

With no other citizens wishing to address the Board, Chairman Chamberlain closed the Public Comment Period.

EXECUTIVE/CLOSED SESSION

Commissioner Blount moved to go into Closed Session at 10:50 pm to discuss the following:

1. Discussion relating to settlement of the employment contract with Tim Russell
2. Discussion of pending litigation filed against the county challenging the issuance of a conditional use permit for High Rock International Raceway.

Commissioner Sides seconded the motion and the motion carried unanimously.

(Chairman Chamberlain called for a short break at 10:45 pm before going into Closed Session.)

RETURN TO OPEN SESSION/ADJOURNMENT

The Board returned to Open Session at 11:30 pm.

Chairman Chamberlain informed the public that there had been no resolution from the Board regarding the employment contract with former County Manager Tim Russell.

Chairman Chamberlain said the Board had received advice from County Attorney Jay Dees regarding the conditional use permit for High Rock International Raceway.

With no further business, Commissioner Blount moved, Commissioner Mitchell seconded and the motion to adjourn the meeting at 11:35 pm passed unanimously.

Respectfully Submitted,

Carolyn Athey
Assistant Clerk to the Board