

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
February 6, 2006 – 7:00 PM
J. NEWTON COHEN, SR. ROOM, ADMINISTRATION BUILDING**

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

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

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

Chairman Chamberlain provided the Invocation and also led the Pledge of Allegiance.

ADDITIONS/DELETIONS

There were no additions/deletions to the agenda.

APPROVAL OF THE AGENDA

Commissioner Mitchell moved, Commissioner Blount seconded and the vote to approve the agenda passed unanimously.

**APPROVAL OF THE MINUTES; JANUARY 17, 2006; OCTOBER 13, 2005
AND OCTOBER 24, 2005**

Chairman Chamberlain asked the Board to consider approval of the transcripts submitted by Court Reporter, Ron Grillo, of Huseby & Associates as the official minutes of the Board of Commissioners meetings held on October 13, 2005, October 24, 2005 and also on November 7, 2005.

Commissioner Tadlock moved, Commissioner Blount seconded and the vote to adopt the transcripts as the official minutes passed unanimously.

Commissioner Sides moved, Commissioner Blount seconded and the vote to approve the minutes of the January 17, 2005 meeting carried unanimously.

CONSIDERATION OF THE CONSENT AGENDA

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

The Consent Agenda consisted of the following items:

- A. Request for Addition of Cameron Drive and Glenfield Drive to State Secondary Road System for Maintenance
- B. Approval of Proclamation for Relay for Life "Paint the County Purple" Day
- C. Set Public Hearing for February 20, 2006 for Historic Landmark Designation Report (HLC 01-06)
- D. Set Public Hearing for February 20, 2006 for Zoning Text Amendments (ZTA) 04-05
- E. Set Public Hearing for February 20, 2006 for Subdivision Text Amendment (STA) 01-05
- F. Set Public Hearing for February 20, 2006 for Majority Petition for Proposed Road Name of Rice Farm Road
- G. Set Public Hearing for February 20, 2006 for Unanimous Petition for Proposed Road Name of Deaton Park Lane
- H. Set Public Hearing for February 20, 2006 for Unanimous Petition for Proposed Road Name of Leab Lane

PUBLIC HEARING FOR PROPOSED ECONOMIC DEVELOPMENT INCENTIVE FOR PGT INDUSTRIES

Randy Harrell, Executive Director of the Economic Development Commission, came forward to answer any questions the Board might have.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed economic development incentive for PGT Industries. With no citizens wishing to address the Board, Chairman Chamberlain closed the public hearing.

Commissioner Blount moved to approve the incentive grant as proposed. The motion was seconded by Commissioner Tadlock.

Commissioner Sides commented that he does not favor incentives to private, profit-making businesses. Commissioner Sides highlighted the history for the sales of PGT Industries for the past five years and he said the company had experienced 20% growth each year for five years. Commissioner Sides

compared the incentives to “corporate welfare,” which he said comes at the taxpayers’ expense.

Commissioner Sides also read from a newspaper article.

Upon being put to a vote, the motion on the floor passed 4-1 with Commissioner Sides dissenting.

PUBLIC HEARING FOR CONSIDERATION OF CUP-21-02

Chairman Chamberlain read the Chairman’s Speech (Exhibit A) and declared the public hearing for CUP 21-02 to be in session. Chairman Chamberlain said the hearing would focus on an application submitted by Taylor Clay Products for the property located at 185 Peeler Road in the Litaker Township. The purpose of the application is to amend the existing permit to allow a 33,012 square foot expansion and future kiln on their 32-acre parcel referenced as Tax Parcel 408-020.

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

Chairman Chamberlain opened the public hearing.

Shane Stewart of the Rowan County Planning Department, 402 North Main Street, provided the Staff Report (Exhibit B). Mr. Stewart said Taylor Clay Products began operations around 1950 at the site located at 185 Peeler Road. Mr. Stewart said the operation is a manufacturer of face brick. Mr. Stewart said raw materials are processed and after a series of events, a kiln is used to heat the brick to 2000° F.

Mr. Stewart used a power point presentation (Exhibit C) as he described the site and surrounding areas.

Mr. Stewart explained that in 2002, the Board of Commissioners had approved a conditional use permit for 2 additional kilns on the site due to the company’s phasing plans for expansion. Mr. Stewart used the power point presentation (Exhibit C) to describe phase II, which would allow approximately 33,000 square feet and would attach to the existing structure. Mr. Stewart said the structure was shown on the site plan, which was referenced in the Staff Report (Exhibit B) as Attachment A.

Mr. Stewart said the proposal would be for the manufacturing and storage of the materials and the future kiln. Mr. Stewart reported that capacity at the site would increase and would likely add 30 additional jobs due to an approximate 50% increase.

Mr. Stewart pointed out that Taylor Clay’s air permit was valid until 2008 as indicated in Attachment B of the Staff Report (Exhibit B).

Mr. Stewart highlighted the Conditional Use Requirements for Specific Uses listed in the Staff Report (Exhibit B) as follows:

- Items a, b, and c have all been met.
- Item d - Security Restrictions. Mr. Stewart used the power point presentation (Exhibit C) as he explained that access would be controlled through a series of locked gates/fences at both the entrance and the exit.
- Item e – Dust, odor and glare shall not be noticeable at adjacent residential property lines.
- Items f through h – Mr. Stewart said this information was in compliance.

Mr. Stewart explained that Attachment C of the Staff Report (Exhibit B) was Taylor Clay's information regarding acceptance of the Conditional Use Criteria listed in the Staff Report (Exhibit B). Mr. Stewart reviewed the Conditional Use Criteria as follows:

- a. Adequate transportation access to the site exists. Mr. Stewart said Peeler Road was a major thoroughfare and has a design capacity of 11,000 vehicles. Mr. Stewart said the 2004 estimate was under 3,000 vehicles per day and the projected expansion would likely generate 127 additional trips per day.
- b. The use will not significantly detract from the character of the surrounding area. Mr. Stewart used the power point presentation (Exhibit C) to depict the site as well as the surrounding properties and businesses.
- c. Hazardous safety conditions will not result. Mr. Stewart skipped this item.
- d. The use will not generate significant noise, odor, glare or dust. Mr. Stewart said it was not likely for these issues to increase beyond an acceptable level.
- e. Excessive traffic or parking problems will not result. Mr. Stewart skipped this item.
- f. The use will not create significant visual impacts for adjoining properties or passersby. Mr. Stewart said the adjoining properties contained light and heavy industrial uses and he used the power point presentation (Exhibit C) to point out specific zoning designations. Mr. Stewart pointed out that the addition was separated from Hwy 29 and Peeler Road by several hundred feet and a dense section of pine trees.

Mr. Stewart reviewed the Staff Comments listed in the Staff Report (Exhibit B) and said that Taylor Clay was an established business with over 55 years of residency at the location. Mr. Stewart said most of the uses surrounding the site occurred after Taylor Clay was established. Mr. Stewart said the expansion plans for the use were consistent with the heavy-impact text amendments and all other ordinance requirements. Mr. Stewart used the power point presentation (Exhibit C) to point out a small subdivision that was constructed in the mid-to-late 1970's.

Mr. Stewart introduced Burt Benfield from Taylor Clay Products.

The Board had no questions to ask of Mr. Stewart or Mr. Benfield.

At the request of Chairman Chamberlain, Mr. Stewart read the suggested Findings of Fact as follows:

1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or 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 the development is a public necessity; and
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 asked if there was anyone else in the audience who wished to address the issue and with no citizens coming forward, Chairman Chamberlain closed the public hearing.

Commissioner Blount moved to approve the amendment of CUP 21-02 as requested. The motion was seconded by Commissioner Tadlock.

Attorney Anthony Fox distributed a copy of the proposed findings that had been prepared by Staff (Exhibit D). Mr. Fox suggested that the motion incorporate the suggested findings (Exhibit D) if the Board was inclined to grant the conditional use permit. Mr. Fox then read the Findings of Fact (Exhibit D) as follows:

1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.
FACT: Excessive traffic or parking problems will not result based upon Planning Staff analysis that the projected 127 vehicle trips per day generated by the expansion will not cause Peeler Road to exceed its design capacity of 11,000 vehicles per day.
FACT: Impacts from noise and odor will be minimal based on the kiln and dryer being housed within an enclosed building at a facility currently using similar units.
FACT: Impacts from glare and dust will be minimal due to the separation of this facility from public rights-of-way and lower intensity uses.
FACT: The facility has a current air permit issued by the North Carolina Department Environment and Natural Resources.
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 the development is a public necessity.
FACT: Most development within this area took place post 1965 while Taylor Clay began operation 15 years previously. Based on this facility predating adjoining uses, this expansion would not affect neighboring properties since significant development occurred around this site after its origin.

FACT: The location of an adjacent concrete batch plant, existing Taylor Clay operation, and other industrial uses suggest the expansion be in harmony with the general area.

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.

FACT: Expansion plans are consistent with adopted text amendments for heavy impact uses and all other requirements of local ordinances.

FACT: Although there is not an adopted county land use plan, this area lies between hundreds of acres targeted for economic development by the County and many other properties zoned for light to heavy industrial use.

Commissioner Blount agreed to incorporate the Findings of Fact into the motion.

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

PRESENTATION OF ANNUAL LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)

Frank Thomason, Director of Emergency Services and Jim Muller, Chairman of the LEPC, presented the annual local emergency planning report with the aid of a power point presentation. Mr. Muller highlighted the background, required representation, purpose, membership, activities/accomplishments and goals of the committee.

Chairman Chamberlain explained to the audience that the County would be better prepared in the event of an emergency, thanks to the work of the LEPC.

PRESENTATION OF PRIORITY ISSUES BY ROWAN COUNTY CHAMBER OF COMMERCE

Dave McCoy, Chairman of the Chamber of Commerce Board and Pete Teague, a member of the Chamber's Board of Directors, presented a list of the Chamber's priority issues for business and economic development.

Mr. Teague reviewed the priority issues as follows:

1. Well-defined Incentives Policy
2. Independent Economic Funding
3. Development of the I-85 Corridor and Other Infrastructure Issues
4. Planning for the Use of Land in Rowan County.
5. Quality Education and Workforce Development

Mr. Teague said the Chamber recommended that the strategic planning process be given priority status and also encouraged the Commissioners to consider the issues that had been presented.

The Board was provided with a copy of the Chamber's priority issues.

PRESENTATION OF OLDER & DISABLED ADULT PLANNING INITIATIVE (ROWAN LIFE)

Rick Eldridge from the Rufty Holmes Senior Center was present on behalf of Rowan Life Improvement For Everyone (LIFE).

Mr. Eldridge said Rowan LIFE was organized with the endorsement of the Commissioners in 2003 and 2004 for the purpose of developing a strategic plan for older and disabled adults in the community.

Mr. Eldridge explained that after 2 years of reviewing data, the following five priorities had been identified:

1. Accessible and affordable medical care
2. Accessibility of information
3. Advocacy
4. Housing
5. Transportation

Mr. Eldridge expressed hope that agencies would work in a collaborative effort to implement strategies to address the needs of everyone. Mr. Eldridge also expressed hope that the Board would consider the information in the agenda packet at its upcoming retreat and in all decisions affecting older adults.

In response to a query from Commissioner Mitchell, Mr. Eldridge said that he was unfamiliar with the 2-1-1 system in Mecklenburg County. Mr. Eldridge said the United Way would be making an announcement shortly regarding an enhanced 2-1-1 system for the community. Mr. Eldridge said he understood the system would be handled through the United Way.

Chairman Chamberlain called for a short break at 7:55 pm.

Chairman Chamberlain reconvened the meeting at 8:01 pm.

DISCUSSION REGARDING JESSE CARSON HIGH SCHOOL SEWER PROJECT

Commissioner Tadlock asked to be excused from participating in the discussion/vote regarding the sewer project. Commissioner Tadlock said he and his company owned property relating to the project.

Commissioner Mitchell moved, Commissioner Sides seconded and the vote to excuse Commissioner Tadlock passed unanimously.

Eric Davis, China Grove Town Manager, provided the Board with a handout, which highlighted the overall water-sewer project. Mr. Davis explained that a three-way partnership had developed between the Town of China Grove, Rowan County and Rowan-Salisbury Schools, to extend sewer to the new Jesse Carson High School, while at the same time opening the I-85 corridor for economic

development opportunities in the China Grove area. Mr. Davis summarized the original commitments of each partner for the cost of the project and he also reviewed the total increase of \$1.15 million for the project. The total budget now stands at \$2.4 million.

In response to a query from Commissioner Blount regarding the cost increases, Mr. Davis explained that there were changes in the project design and that the force-main had been relocated. Mr. Davis said there were also increases on the environmental assessments. Mr. Davis said we've been "running against the clock trying to make sure that the sewer will be available when the high school opens."

Finance Director Leslie Heidrick explained that the County was short \$332,010 and that the Rowan-Salisbury Schools shortfall totaled \$192,520.

Attorney Anthony Fox confirmed to Commissioner Blount that funds for the project should be identified and appropriated before entering into a contract.

Discussion continued regarding the costs to those involved in the partnership and Ms. Heidrick explained how the figures were derived.

Commissioner Sides felt the Rowan-Salisbury Schools should pay for its shortfall of \$192,510, plus the additional \$332,010 from its fund balance.

Mr. Fox said if the Board had a commitment for one-third of the cost of the overall project, then the Board may have bound itself if there were no caveat conditions placed upon the commitment to pay.

County Manager William Cowan said he felt the Board was obligated to the \$332,010 unless it did not wish to enter into the contract. Mr. Cowan said Jim Christy from Rowan-Salisbury Schools had asked that the Board consider "covering" the \$192,010 shortfall from the school system.

Commissioner Blount said that he was willing to make a motion to designate the full \$524,520 from the budget and enter into negotiations with the Rowan-Salisbury Schools for their shortfall of \$192,510. Commissioner Blount said the Board could withhold the \$192,510, if necessary, from the school system's budget next year. Commissioner Blount said he was trying to find a way for the project to move ahead.

While Chairman Chamberlain was not in favor of withholding funds from the school system's budget, he agreed that funds needed to be identified in order to get the project "rolling."

Commissioner Blount moved to appropriate \$524,520 to make up the shortfall in the estimated costs on this contract and to enter into negotiations with the school

board concerning the \$192,510 portion of that shortfall and whose responsibility that should be. Commissioner Mitchell seconded the motion.

Commissioner Sides said he thought that the Board would hold a discussion during the current meeting but that he did not anticipate the Board would be voting without any negotiations as to where the funds would come from.

Upon being put to a vote, the motion passed 3-1 with Commissioner Sides dissenting (Commissioner Tadlock was excused from the discussion/vote).

AUTHORIZATION FOR ROWAN PUBLIC LIBRARY TO SELL WITHDRAWN LIBRARY MATERIALS TO THE PUBLIC

Commissioner Sides said the Rowan Public Library holds an annual book sale and that the library currently has approximately 9,600 items in storage. Commissioner Sides said the funds from the sale go back to the library for the purchase of new materials.

Commissioner Sides moved that the Board allow the library to sell the surplus items. Commissioner Mitchell seconded and the motion passed unanimously.

APPROVAL FOR ROWAN PUBLIC LIBRARY TO PURSUE MARKETING GRANT

Commissioner Sides referred to the Marketing Plan from the library in the agenda packets and he explained that the library was requesting Board approval to apply for a grant to generate DVD's, CD's, etc. in an effort to increase their readership.

Commissioner Sides moved, Commissioner Mitchell seconded and the vote to allow the library to apply for the grant passed unanimously.

BUDGET AMENDMENTS

Finance Director Leslie Heidrick reviewed the budget amendments in the agenda packets as follows:

- To increase appropriation for attorney services for fiscal year 2006 in the amount of \$60,000.

Commissioner Blount questioned the amount budgeted for attorney fees for the fiscal year and Ms. Heidrick said the initial budget was \$72,000.

Commissioner Blount asked how much had been spent to date and Ms. Heidrick responded \$87,900. Ms. Heidrick said \$26,000 was due to the tower issue.

Commissioner Blount asked if costs were included in the budget amendment for the investigation and Ms. Heidrick said no.

Commissioner Blount asked if the remainder was for increased usage of the County Attorney and Ms. Heidrick said yes. Ms. Heidrick said Ketner and Dees

had been paid through the month of December and that she had estimated the remaining 6 months as well as estimated the retainer for the rest of the year. Ms. Heidrick said she was also covering the shortfall of approximately \$15,000.

Commissioner Blount requested a copy of the hours of usage or a copy of Ketner and Dees billing for “a month” to give the Board an idea of how much the County Attorney was being used versus how much the County had used the County Attorney before.

Commissioner Sides said he would not go into the details of previous transactions by the Board and the former County Manager, however he said that the Board had discovered the County had entered into contracts in past years that were requiring additional scrutiny. As an example, Commissioner Sides said the County had entered into a 25-year contract, which was against state law. Commissioner Sides said that the current County Attorney reviews and recommends changes to contracts before they are signed and Commissioner Sides was of the opinion that this had not been done on a professional level in the past. Commissioner Sides said there are additional costs with the County Attorney at this time and a lot of it has to do with reviewing existing contracts prior to the sitting Board. Commissioner Sides said he wanted the public to understand, “That’s going to level out in a very short period of time and those costs will come back under control.”

Chairman Chamberlain said agenda packets are distributed ahead of time and he encouraged the Board to ask questions prior to the meeting. Chairman Chamberlain said he did not recall that the Board had ever publicly asked for the hours of the former County Attorney.

Ms. Heidrick continued to review the budget amendments:

- To Increase the Bioterrorism Budget by \$25,000 for the purchase of a generator for the County Administration Building.

Commissioner Mitchell said he understood that the County would be adding funds for the purchase of the generator and he asked if funds were currently budgeted for the purchase. Ms. Heidrick responded yes.

Mr. Cowan added that the project was underway and that the County had located a used generator at a substantial savings.

Ms. Heidrick presented the remaining budget amendments as follows:

- To recognize temporary assistance for needy families and Women’s Health Services Funds for a total increase of \$35,543 to the Family Planning Budget.

- To recognize a \$5,000 grant to the Health Department for Healthy Carolinians.
- An additional \$10,031 in WIC funds to the Health Department.
- The Library was awarded a mini-grant of \$1,000 to conduct a Let's Talk About It reading program.
- The Library received \$7,761 in donations that had not been budgeted.
- To appropriate funds in the amount of \$4,995 from the Register of Deeds Automation and Enhancement Preservation Fund for technology to increase storage space for imaging of records.
- (2) Budget amendments for the Department of Social Services for additional federal funds received for Crisis Intervention; one budget amendment for \$17,812 and one for \$56,884.
- To appropriate \$10,000 for partial payment of a generator for the County Administration Building.

Commissioner Sides moved, Commissioner Blount seconded and the vote to approve the budget amendments passed unanimously.

BOARD APPOINTMENTS

Town of Spencer Planning Board

Commissioner Blount moved to reappoint Robert Reese as an extra-territorial member of the Spencer Planning Board. The motion passed unanimously.

Rowan County Planning Board

Commissioner Blount moved to accept the resignation of Lynn Dula and to appoint Gregory Edds to fill the remainder of Ms. Dula's term. The term expires December 31, 2006. The motion passed unanimously.

Juvenile Crime Prevention Council

Commissioner Mitchell nominated Tim Truemper for an at-large position effective February 1, 2006 and to expire on June 30, 2009. The nomination was unanimously approved.

Rowan County Nursing Home Advisory Committee

Commissioner Blount moved to waive the rule for consecutive terms and to appoint Ms. Ruffy for a 3-year term that will expire on February 28, 2009. Commissioner Sides seconded and the motion passed unanimously.

PUBLIC COMMENT PERIOD

Chairman Chamberlain opened the Public Comment Period for any citizen who wished to address the Board.

- Jeff Morris said the Chamber of Commerce Board had appeared before the Board earlier in the meeting to ask for 2 things, 1) continued funding, and 2) the independence of the Economic Development Commission (EDC).

Mr. Morris said when the EDC turned down the Dole Plant last summer the Salisbury Post headlines had read “County Officials say no to the Dole Plant.” Mr. Morris said many residents think the Commissioners were responsible for turning down the jobs the plant would have brought. Mr. Morris said whether the EDC was holding out for higher paying tourism-based jobs contained in the strategic plan is uncertain. Mr. Morris said he didn’t “necessarily object in principle to having the expertise of the highly-qualified members of the EDC to assist our County in orderly business growth but I just as one person hope that this Board will not turn a blind eye to accountability when you entrust in excess of \$75,000 per year in public funds to an independent entity.”

Commissioner Blount clarified that to his knowledge the EDC had not said no to Dole but rather based on the presentation that had been made to them for 300 jobs at \$7.00/hour, the County would not be likely to grant an incentive that would include free land for building.

- Dale Wagstaff of 101 South Deerfield Circle, Salisbury, said he had been doing research on incentives. Mr. Wagstaff said, “If you think about the process, you have basically 3 players,” the business, the community and the broker. Mr. Wagstaff said the broker is the key player in putting the deal together and that their commission amounts to 30% of the incentives that are negotiated between the business and the community. Mr. Wagstaff said many times the incentives might not be of as much interest to the business as they are to the broker. Mr. Wagstaff suggested that the Board look at ways of getting around the use of the broker or perhaps have a payment of services to the broker to “draw them in to bring that business to us and make that a form of payment.” As an example, Mr. Wagstaff said he invests in real estate and that he will offer a bonus to the realtor if they can sell the listing within 30 days. Mr. Wagstaff suggested that the Board look into a similar procedure.

Commissioner Sides said the County not only hires the site consultant to sell the property but “we pay their expenses to sell it, then they go out and entice somebody to come and then they buy the property themselves from us; we pay them a commission to buy the property from us, so that they can sell it or rent it to somebody else.”

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

Commissioner Mitchell congratulated the Salisbury High School Quiz Bowl Team for winning the County Competition. Commissioner Mitchell said the team would be representing the County at the district competition.

ADJOURNMENT

Commissioner Tadlock moved, Commissioner Blount seconded and the vote to adjourn the meeting at 9:00 pm passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board