

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
May 15, 2006 – 7:00 PM
J. NEWTON COHEN, SR. ROOM, ADMINISTRATION BUILDING**

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

Absent: Frank Tadlock, Member

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

Chairman Chamberlain convened the meeting at 7:00 pm.

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

ADDITIONS/DELETIONS TO THE AGENDA

- Commissioner Sides requested to add a resolution pertaining to General Statute 143-318.12. The request was seconded by Commissioner Mitchell and passed unanimously (4-0).

Commissioner Mitchell suggested that if the item was not debatable that it be added to the Consent Agenda.

Commissioner Sides said General Statute 143-318.12 allowed local governments to charge \$10 annually for notification of special meetings to persons other than the media. Commissioner Sides said the resolution was a request for legislature to change the wording. The change would be to waive the \$10 fee due to

improved technology and the fact that notifications could be provided at no charge electronically.

Chairman Chamberlain added the resolution to the Consent Agenda as Item D.

- County Manager William Cowan requested to add 2 items relating to the proposed budget, 1) Setting the public hearing for June 5, 2006 for the proposed budget, and 2) Set a work session schedule.

Commissioner Mitchell moved, Commissioner Blount seconded and the vote to add both items to the agenda passed unanimously (4-0).

Chairman Chamberlain added setting the public hearing to the Consent Agenda and he added setting the first work session as agenda item 14b.

APPROVAL OF THE AGENDA

Commissioner Mitchell moved, Commissioner Blount seconded and the vote to approve the agenda passed unanimously (4-0).

APPROVAL OF THE MINUTES

Commissioner Blount moved, Commissioner Mitchell seconded and the vote to approve the minutes of the May 1, 2006 Commission meeting passed unanimously (4-0).

1. CONSIDERATION OF THE CONSENT AGENDA

Commissioner Sides requested to pull Item C.

Commissioner Mitchell moved to approve the Consent Agenda minus Item C. The motion was seconded by Commissioner Blount and passed unanimously (4-0). Chairman Chamberlain added the pulled item to the agenda as Item 14c.

The Consent Agenda consisted of the following items:

- A. Approval of the Juvenile Crime Prevention Council Funding Allocations for FY 2006-07
- B. Approval of Resolution Supporting State Assumption of County Share of Medicaid
- C. Approval of Resolution for 2006 Clean Water Bond
- D. Resolution to Request Legislative Change to NCGS 143-318.12 Section B Paragraph 2 (This item added at the request of Commissioner Sides.)

Chairman Chamberlain announced the resignation of Parks & Recreation Director Jim Foltz, effective November 30, 2006. Chairman Chamberlain expressed appreciation for Mr. Foltz's length of service and his ability to raise funds for the parks.

2. RECOGNITION OF RANDY CRESS AS EMPLOYEE OF THE MONTH FOR MARCH 2006

Chairman Chamberlain called forward David Boling, Information Systems Director, and Randy Cress, Network Administrator. Chairman Chamberlain read a certificate recognizing Mr. Cress as Employee of the Month for March 2006.

Mr. Boling described Mr. Cress as a “rare find.” Mr. Boling praised Mr. Cress for his dedication and positive attitude in serving Rowan County.

Chairman Chamberlain presented Mr. Cress with a certification of appreciation, as well as a gift card. A round of applause followed the presentation.

3. RECOGNITION OF LAVERNE TREXLER AS EMPLOYEE OF THE MONTH FOR APRIL 2006

Chairman Chamberlain called forward Bobbie Earnhardt, Register of Deeds and Laverne Trexler.

Chairman Chamberlain read a certificate recognizing Ms. Trexler as Employee of the Month for April 2006.

Ms. Earnhardt praised Ms. Trexler for her ability to keep up with the demands of providing information to the public in accordance with the public records law.

Chairman Chamberlain presented Ms. Trexler with a certificate of appreciation and a gift card. The presentation was followed by a round of applause.

4. PUBLIC HEARING FOR CONSIDERATION OF MAJORITY PETITION FOR LIGHTHOUSE WAY

Fredda Greer of the Rowan County Planning Department presented the information regarding the majority petition for the proposed road name of Lighthouse Way. Ms. Greer said Staff had found the road needing to be named and addressed independently from Lake Pointe Lane and notified property owners of such. Ms. Greer said 8 of 14 signatures were obtained on the petition. Ms. Greer noted that the signatures that were not obtained would not be subjected to a change of address.

Staff recommended approval.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed road name of Lighthouse Way. With no one wishing to address the Board, Chairman Chamberlain closed the public hearing.

Commissioner Sides moved, Commissioner Mitchell seconded and the vote to approve the road name of Lighthouse Way passed unanimously (4-0).

5. PUBLIC HEARING FOR SPECIAL CONSIDERATION OF ROAD NAME REQUEST FOR APEX LANE

Fredda Greer of the Rowan County Planning Department presented the background information regarding the proposed road name of Apex Lane. Ms. Greer said that property owners along the road were notified by letter in March 2006 that their road was cited for naming; they were given the opportunity to submit a petition for a road name. Ms. Greer said that to date there has been no contact from the property owners.

Staff proposes and recommends the road name of Apex Lane.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed road name of Apex Lane. With no one wishing to address the Board, Chairman Chamberlain closed the public hearing.

Commissioner Sides moved, Commissioner Mitchell seconded and the vote to approve the road name of Apex Lane passed unanimously (4-0).

6. CONTINUATION OF QUASI-JUDICIAL HEARING FOR CUP 02-06 & APPROVAL OF SNIA 02-06 FOR CAROL FILE

Shane Stewart of the Rowan County Planning Department explained that the hearing had been continued to allow Staff to update/clarify items for the Board. Mr. Stewart referred to the Staff Update in the agenda packet and highlighted the following summary regarding the site visit:

- Uncover existing electrical lines from camper hook-up locations to meter box in various locations. If installation is questionable, all lines may need uncovering.
- Some electrical boxes are not properly covered and may need replacement to meet current code.
- Uncover existing sewer lines from septic system to camper hook-up locations in various locations. Much of the current installation appears questionable at best suggesting most all lines must be uncovered.
- Sewer line may not be sufficiently sized at 3".
- Two septic tank re-inspections are needed to determine potential capacity. Drain lines may need extension depending on the capability of initial unit.

Mr. Stewart said the Board had discussed the potential for setting a precedent. Mr. Stewart said as evidenced by the Standard Industrial Code and most identified definitions of a campground, these uses are intended for short-term residency and not permanent or semi-permanent living. Mr. Stewart said the state building code also suggests that campgrounds are not for long-term habitation. Mr. Stewart said the Rowan County Zoning Ordinance does not have a time limit for the length of stay for campers in campgrounds.

Mr. Stewart said the type of living being requested somewhat resembles what might be found for a hotel/motel, multi-family housing, or some mobile home parks where people come in on a weekly, monthly or even daily basis. Mr. Stewart said when getting into a semi-permanent setup, there would be characteristics that might change the campground, such as additions to the structure with a roof or a deck, or outside storage of personal belongings. Mr. Stewart said the characteristics then begin to resemble more of a mobile home park in function, which contains higher development standards to protect both the residents and adjacent property owners.

Mr. Stewart said allowing long-term stays for campers in residential locations could be questionable in terms of future considerations. Mr. Stewart said, "It could allow for others to piggyback that case and apply for more." Mr. Stewart said the Board should discuss if these types of requests warrant the same review process as recreational campground requests.

Mr. Stewart reviewed page 2 of the Staff Update and highlighted the history of the conditional use permit process for campgrounds. Mr. Stewart said since 1998 Planning Staff had received 12 requests with a lot of those being amendments to the initial requests. Mr. Stewart said most of the requests were "somewhat legitimate" camping/recreational requests, with the exception of Gary Overcash and also the request currently before the Board.

Mr. Stewart referred to page 3 of the Staff Update and pointed out the 3 findings the Board should determine when making a decision to approve/deny the request. Mr. Stewart said if approved, the Board would also need to approve the request to allow impervious coverage over 12%.

In response to a query from Commissioner Mitchell, Mr. Stewart said other than the Gary Overcash request, the request from Joe Keener was probably the next closest. Mr. Stewart said the request had been for 40 units. Mr. Stewart said he was not familiar with the complete history of the Keener issue and that he was unsure if the campers were in place before or after the first request. Mr. Stewart said the improvements on the site were more conducive to recreation. Mr. Stewart said Mr. Keener had mentioned that he would rent longer than a weekly basis. Mr. Stewart felt the other requests were legitimate recreational requests and he said, "So we currently have 2 semi-permanent campgrounds in the County that we know of."

Commissioner Mitchell asked if there was any estimate on how many "others of these type campgrounds that we have?" Mr. Stewart responded that Tamarac had approximately 160 sites.

Commissioner Mitchell asked if other counties handled semi-permanent campgrounds. Mr. Stewart said the only county he was aware of that allowed stays above 14 days was Davidson County. Mr. Stewart said Davidson County

allowed a 1-year stay. Mr. Stewart said during the Overcash expansion approximately 2 years ago, Davidson did not have at that time a problem with the text.

Commissioner Mitchell asked if a decision to approve would be legally defensible based on the current text in the ordinance? Mr. Stewart responded that the Zoning Ordinance does not deviate how long one could stay in a campground. Mr. Stewart said based on the Gary Overcash case allowing campers to stay more than short-term, "probably so" if the other 6 requirements were met.

Commissioner Sides referred to the email the Board had recently received from Attorney Katie Setzer, who represents the Stolz family. Commissioner Sides noted one correction to the email. Commissioner Sides said the email referred "over and over" to 11 RV lots and he stated that even with the request, there are not 11 RV lots. Commissioner Sides clarified that there are an existing 5 lots with 1 additional lot being requested for a total of 6 and not 11 lots.

Commissioner Sides continued by saying he was historically in favor of granting individuals the right to use their property as they see fit. Commissioner Sides said he was obligated to uphold the laws/ordinances of Rowan County. Commissioner Sides said he had made a personal visit to the property and that he was impressed with the way the property has been maintained. Commissioner Sides said it appeared that there had been improvements made and that trees had been planted. Commissioner Sides said based on many of the surrounding properties, "this piece of property looked as good, if not better, than some of the others that I saw." Commissioner Sides said he did notice some of the same items that Staff had noted in regards to the electrical/plumbing issues. Commissioner Sides said it disturbed him that an individual would request a permit for a mobile home and then use that permit as a means to put in 2 or 3 lots that were not allowed. Commissioner Sides said the applicant circumvented what the permit was issued for. Commissioner Sides said the plumbing stumps coming out of the ground, as well as the electrical items did not appear to meet the code. Commissioner Sides also expressed concern with putting in a septic tank that was approved for 1 mobile home and adding 3 units. Commissioner Sides said Staff had addressed these issues and changes/conditions that the Board would have to put on the property if the request was to be approved. Commissioner Sides said he wanted "it to go out from this Board, that we're not in favor of people not abiding by the codes and ordinances as they exist." Commissioner Sides said the Board would take a very unfavorable look at any future developments that haven't come before the Board or Planning Staff for approval. Commissioner Sides said during deliberations tonight the Board would need to look at the ordinances and see if there needed to be any action taken with regards to these types of developments. Commissioner Sides said he would be willing to approve the request with the changes outlined by Staff based on:

- His observance of the property and the way that it is maintained

- If all recommended changes can be made
- There would be only 6 units (5 already existing) and not 11

Commissioner Sides said he spoke with an individual who had been at the campground for an extended period of time. Commissioner Sides said the individual indicated that most of the other tenants had been there for a good while and had no problems, had created no trouble and had no trouble with any of the neighbors. Commissioner Sides said most of the tenants were in/out, even though the units stayed in place. Commissioner Sides said most of the tenants stayed during the workweek and went home on weekends.

Mr. Stewart referred to Commissioner Sides' comments and said when individuals came in for a perk test, especially in 1998, there were different applications for a mobile home park, mobile home setup, single-family homes or other uses, and that Staff would not issue a perk test letter for a camper. Mr. Stewart said he could not guarantee that Ms. File intended to put a mobile home there when she came in. Mr. Stewart said he could not say for certain that Ms. File asked for a mobile home permit.

Commissioner Sides said once the permit is issued, there should be information coming back to Staff that indicates if the applicant was in compliance with what the permit was issued for. Mr. Stewart responded that there was no permit issued, just a letter for a perk test.

Commissioner Mitchell referred to the last paragraph of page 3 in the Staff Update and asked Ms. File if she had had the opportunity to review the list of changes the Board of Health looked at. Ms. File said she did not have that information.

At the request of Chairman Chamberlain, Mr. Stewart read the summary of the findings by the Environmental Health Office, which he had also reviewed with the Board at the beginning of the meeting:

- Uncover existing electrical lines from camper hook-up locations to meter box in various locations. If installation is questionable, all lines may need uncovering.
- Some electrical boxes are not properly covered and may need replacement to meet current code.
- Uncover existing sewer lines from septic system to camper hook-up locations in various locations. Much of the current installation appears questionable at best suggesting most all lines must be uncovered.
- Sewer line may not be sufficiently sized at 3".

Chairman Chamberlain asked Ms. File if she would be able to handle the conditions if the request was approved and Ms. File said yes.

Commissioner Mitchell mentioned that if the request was approved with the 5 conditions, and if those 5 conditions were not met, it would mean the park was out of compliance and would have to completely shut down.

Mr. Stewart pointed out the NCDOT requirements.

Chairman Chamberlain referred to the email from Attorney Setzer and said he felt the Board “would see this one again.” Chairman Chamberlain suggested that the Board delay the decision to the next meeting and instruct County Attorney Jay Dees and Staff to get together to construct defensible pros/cons for findings.

Commissioner Sides suggested that Staff provide the applicant with all of the information and allow Ms. File to do due diligence until the next meeting since they would be required.

Chairman Chamberlain asked Staff to assist Ms. File as much as possible. Chairman Chamberlain said if the request was denied, Ms. File would not be able to expand but would have to shut down.

Commissioner Sides moved to table the request until the next meeting. Commissioner Mitchell seconded and the motion carried unanimously (4-0).

7. CONSIDERATION OF PERMIT TO EXCEED NOISE STANDARDS FROM JACK CORNATZER (PE 02-06)

Shane Stewart of the Rowan County Planning Department said Jack Cornatzer has planned a fundraiser benefit for the Horse Protection Society (HPS) on his property located at 2020 Patterson Road in the Atwell Township. Mr. Stewart said HPS is a non-profit organization that accepts abused and neglected horses and provides rehabilitation services until the animals are adopted. Mr. Stewart said the proceeds would go for constructing a larger barn facility and caring for the animals.

Mr. Stewart said the event would be held on June 24, 2005 beginning at 12:00 noon, with musical performances from 6:30 pm to 12:00 am.

Mr. Stewart reported that Staff had not received any negative feedback from the previous (2) fundraisers held by Mr. Cornatzer. Staff recommended approval of the request.

Commissioner Sides moved to approve PE 02-06 based on the satisfactory findings of items 1 through 10 contained in Review of the Application. Commissioner Mitchell seconded and the motion passed unanimously (4-0).

8. PUBLIC HEARING FOR CONSIDERATION OF Z-01-06 FOR TBD ENTERPRISES

John Hanes of the Rowan County Planning Department provided the Staff Report regarding Z-01-06 for TBD Enterprises. Mr. Hanes reported that Bill McLaughlin was requesting the rezoning of 4.46 acres of Tax Parcel 214-007 adjacent to the McLaughlin Sausage Company from Rural Agricultural (RA) to Neighborhood Business (NB) to build a retail market for McLaughlin Sausage. Mr. Hanes said rezoning the property to NB would allow for the operation of a retail market while protecting adjoining properties and residential areas from undesirable aspects of large commercial development. Mr. Hanes said the continued operation would be allowed as a nonconforming use since it existed prior to countywide zoning.

Mr. Hanes used a power point presentation to depict the site and the surrounding properties. Mr. Hanes also highlighted the Staff Review and Zoning Criteria contained in the Staff Report.

Staff recommended approval of the request. Mr. Hanes reported that at the April 24, 2006 Planning Board Meeting, 10 people spoke at the courtesy hearing with 6 in favor of the request and 4 against. The Planning Board voted 9-2 to forward a favorable recommendation for the rezoning request from RA to NB for 4.46 acres of Tax Parcel 214-007.

Mr. Hanes finished by using the power point presentation to show the entrances to 2 nearby subdivisions, Steeple Chase and Teeter Farms. Mr. Hanes also showed the existing sausage plant and where the retail market would be located.

Chairman Chamberlain called the applicants, Bill and Tom McLaughlin forward. Bill McLaughlin said "we" have a business called TBD Enterprises and also 2 other businesses, McLaughlin Sausage Company, Inc. and McLaughlin's Farmhouse, LLC. Mr. McLaughlin said the family was now in its fifth generation of the business. Mr. McLaughlin said the sausage plant had been in existence since 1962. Mr. McLaughlin said the family wished to build a retail market with a country store atmosphere. Mr. McLaughlin felt the business would be an asset to the community and that it was their intentions to blend in and not stand out. Mr. McLaughlin said the family was requesting the rezoning so the business could continue.

Tom McLaughlin said the business needed an outlet for the sausage and other meats/products. Mr. McLaughlin mentioned that there are not many old, country stores and family-run businesses anymore due to the fact that the corporate world has taken over.

Chairman Chamberlain asked the McLaughlins if they planned to do anything else on the site other than retail? Bill McLaughlin said at some point in time, the family hoped to put in a small grill/restaurant. Mr. McLaughlin said this may or

may not happen. Mr. McLaughlin said right now the family's intention was for a retail market only.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding Z 01-06. The following citizens addressed the Board:

- Jimmy Johnson, owner Teeter Farms Estates, said 16 people had purchased lots to build homes in the development. Mr. Johnson said when he first heard of the rezoning request he had been "shocked" and taken by surprise. Mr. Johnson said he had since spent an hour with the McLaughlins and they had explained their desire for the country store. Mr. Johnson said he wanted to be a good neighbor. Mr. Johnson said the plans for a grill "puts a little bit different spin on it." Mr. Johnson said he is not going to oppose the store but that he would support it because he trusted the McLaughlins.
- Michael Melicia, owner of Steeple Gate, said he was developing Steeple Gate in an effort to make it a nice, country community and keep the rural environment. Mr. Melicia said the McLaughlins had been in the area a long time and that he had a lot of respect for them. Mr. Melicia said he wished to set the record straight by saying that Steeple Gate is in support of the request. Mr. Melicia expressed hope that the Board would give the opportunity to the McLaughlins to fulfill their dreams.
- Suzanne Ramsey, 15704 Mooresville Road, said she was thankful to live in the area. Ms. Ramsey described the diversity of the community and said she felt the store would be an asset and not intrusive. Ms. Ramsey said she felt the quality work that had been demonstrated by the McLaughlins would continue.
- Tracy Cromer, real estate sales agent for Steeple Gate, said the McLaughlins had proven themselves to be trustworthy and honest and that she felt the country store would be an asset to those living in the community.

With no one else wishing to address the Board, Chairman Chamberlain closed the public hearing.

Commissioner Sides moved for adoption of the Statement of Consistency and the Statement of Reasonableness. Commissioner Blount seconded and the motion passed unanimously (4-0).

Commissioner Blount moved for approval of the rezoning as requested. Commissioner Sides seconded and the motion passed unanimously (4-0).

9. CONSIDER APPROVAL OF SNIA REQUEST 04-06

John Hanes of the Rowan County Planning Department provided the background pertaining to SNIA Request 04-06 and said Staff recommended approval.

Commissioner Sides moved for approval of Staff's recommendations upon compliance with the special requirements. Commissioner Blount seconded and the motion passed unanimously.

Chairman Chamberlain called for a short break at 8:06 pm.

Chairman Chamberlain reconvened the meeting at 8:16 pm.

10. REQUEST FROM KANNAPOLIS CITY SCHOOLS FOR AVAILABILITY OF FUNDS TO PURCHASE LAND

Jo Anne Byerly, Superintendent of Kannapolis City Schools (KCS) said approximately 23% of KCS students live in Rowan County. Ms. Byerly said the construction of the NC Research Campus would be a magnet for residential and commercial development and that KCS must prepare for the expected increased enrollment. Ms. Byerly explained that a task force was formed in November of 2005 to look at a comprehensive 15-year facilities plan and she turned the discussion over to Will Crabtree, Director of Business Operations, to discuss the process of the task force.

Mr. Crabtree said the task force had been meeting regularly to look at how student enrollment would affect KCS over the next 15 years. Mr. Crabtree said projections reveal an increase of 2,000 students over the next 5 to 8 years, or a 42% increase. Mr. Crabtree said the most pressing problem was finding land on which to build new schools. Mr. Crabtree said of the parcels that had been considered, the number one choice was located in Rowan County.

In response to a query from Commissioner Sides, Mr. Crabtree estimated the land purchase would cost over \$1 million.

Commissioner Blount questioned the lottery proceeds for KCS and Mr. Crabtree said KCS hadn't planned on the lottery proceeds due to the uncertainty surrounding the issue.

Ms. Byerly said their presentation was to inform the Board of the process.

Chairman Chamberlain assured Ms. Byerly that KCS would definitely be receiving lottery funds.

Commissioner Mitchell asked if Rowan County would be responsible for 23% of the land purchase and Chairman Chamberlain said he did not know.

Commissioner Sides questioned the timeframe for the Board to receive a formal proposal from KCS to purchase the land. Mr. Crabtree responded in the next few months.

11. BUDGET AMENDMENTS

Chairman Chamberlain asked if the Board had any questions regarding the budget amendments in the agenda packets.

Commissioner Blount asked if there were funds in the budget for the request just presented from Kannapolis City Schools (KCS). Finance Director Leslie Heidrick explained that Rowan-Salisbury Schools (RSS) asked for \$5.7 million and that Staff had increased the figure to \$6 million to allow for the percentage of students enrolled in KCS.

Mr. Cowan added that there would also be approximately \$50,000 from restricted sales tax available and an estimated \$162,000 from lottery proceeds for capital improvements. Mr. Cowan said these funds would cover Rowan County's share of the request from KCS for the land purchase.

Commissioner Sides questioned the budget amendment pertaining to restitution for damages to a ball field. Ms. Heidrick clarified that the restitution funds would be used to replace damages that also included items such as a soccer net, etc.

Commissioner Blount moved, Commissioner Mitchell seconded and the vote for approval of the budget amendments as presented passed unanimously (4-0).

12. DISCUSSION REGARDING AIRPORT COMMITTEE RECOMMENDATIONS

Commissioner Mitchell said the lease in the agenda packet was the proposed lease that came from the discussions of the Airport Committee Meeting on May 8, 2006. Commissioner Mitchell highlighted the proposed changes explaining that the lease would be available for the 16 individuals who had placed deposits for the purchase of t-hangars at the airport. Commissioner Mitchell said the lease terms were for a total of 40 years – an initial 25-year term and three 5-year renewal options. Commissioner Mitchell said at the end of 40 years the hangar reverts back to the ownership of Rowan County.

Commissioner Mitchell said there was also “clean-up” in the language of the lease pertaining to the life of the hangar.

Commissioner Mitchell said, “out of committee I will move this lease for those 16 individuals and the remaining 14 leases, or more, depending on how many of the 16 take the offer, will be available for discussion at some point in time.”

Commissioner Mitchell said if the 16 individuals have not responded back to Rowan County by June 1, 2006, the offer will be pulled back and is only for the 16 individuals who have deposits. Commissioner Mitchell said, “After June 1, they will get the same deal that the remaining t-hangars get.”

Chairman Chamberlain pointed out that the motion that comes from the committee does not require a second.

Commissioner Blount said he had sent an email to the Board, which contained the financial benefits of selling versus leasing. Commissioner Blount said the spreadsheet showed it was a better deal to sell the hangars as opposed to leasing them. Commissioner Blount provided the documents to the Clerk for the record.

Commissioner Sides said he would vote against the proposed ground lease based on the change to the terms for 40 years. Commissioner Sides felt the Board was making changes that would bind a future board. Commissioner Sides believed 25 years was a fair lease term. Commissioner Sides reminded the Board that even though 16 individuals had paid deposits, they would still be subject to the upset bid process.

Commissioner Mitchell said the remaining t-hangars, beyond the 16 that deposits had been received for, would fall under the jurisdiction of the lease approved with the 25-year lease term.

Upon being put to a vote, the motion passed 3-1 with Commissioner Sides dissenting. Commissioner Blount stated that he voted in favor of the motion "because that's the best deal I could hammer out of you guys."

13. REQUEST FOR LEGISLATORS TO SPONSOR LOCAL BILL FOR LEASE TERMS AT AIRPORT

County Attorney Jay Dees said it was clear that the County has the authority to lease for longer than 10 years on airport property. Mr. Dees said the general aviation statutes had been given precedence over the requirements to treat a lease for longer than 10 years as a sale of property. Mr. Dees said this had been the Attorney General's opinion. Mr. Dees said this had also been the interpretation by Staff at the Institute of Government. Mr. Dees said there was no need to pursue local legislation.

14. DISCUSSION REGARDING BRIGGS RESOURCES LEASE

County Manager William Cowan provided the Board with a handout that estimated the costs to run water/sewer to the north end of the Rowan County Airport.

County Attorney Jay Dees said the proposal from Briggs Resources was for the Board's consideration and that it was up to the Board to determine how it wished to proceed. Mr. Dees said there were substantial issues raised by Commissioner Blount that needed to be addressed. Mr. Dees said it might be easier to look at the "big terms" when considering such the 59-page lease.

Chairman Chamberlain read a portion of an email he had received from Alan Winnegar, which stated that he had been asked to look at another airport.

Chairman Chamberlain suggested simplifying the 59-page proposed lease by having each Board member to state what they would and would not consider in the lease terms.

Commissioner Sides said he would not vote for the contract in any form. Commissioner Sides said primary consideration regarding the airport has to be based on what is best for the citizens of Rowan County. Commissioner Sides described the airport as a “diamond in the rough” and said the Board should reflect on the value of the airport. Commissioner Sides said he was impressed with the manner in which Commissioner Blount had scrutinized the proposed lease. Commissioner Sides said the Board must examine “where we want the airport to be before we even consider any contract of this nature.” Commissioner Sides said, “In our zeal to satisfy a few, we will ultimately hurt a lot of people, and that is the taxpayers of Rowan County.”

Chairman Chamberlain responded to Commissioner Sides’ comments, saying no one on the Board had a “zeal to satisfy a few, or a whole lot,” when it came to the contract. Chairman Chamberlain said, “None of us are in favor of this contract and what we are wanting to do is discuss the points that have been brought up to see if we would be in favor of doing something.” Chairman Chamberlain said he wouldn’t vote for the contract the way it had been presented.

Commissioner Blount made the following comments/suggestions pertaining to the proposed Briggs lease:

- Since the Board had just required a 40-year giveback policy on the t-hangars, he would have to insist the same requirements apply to the Briggs lease and that ownership revert back to the County after 40 years.
- The language in the proposed contract dealing with extending the runway should be stricken in its entirety.
- FBO operations should be a separate contract and should be stricken in its entirety.
- The clause asking that the tax rate be kept lower than the surrounding counties should be stricken.
- Strike the paragraph asking the County to prevent the City of Salisbury from annexing the property.
- The incentives should go to the property owner, if they qualify under the County’s Incentive Policy.

Commissioner Blount said these were the bigger items he had problems with in the proposed lease.

Commissioner Mitchell said there were many items in the lease that he would not support. Commissioner Mitchell said he saw no real risk to the County in offering the 13 acres for 36 months. Commissioner Mitchell said, "We'll offer him the ability to sell contracts, to build hangars on that 13 acres and if we can come to agreement on additional terms" then maybe the project can go through.

Chairman Chamberlain said the proposed lease asked for \$1320 annually and he agreed with Commissioner Blount that the rate was too low. Chairman Chamberlain said the property in question was low in areas and would be difficult to develop. Chairman Chamberlain also informed the Board that the County Manager had called California and had received positive findings concerning Mr. Briggs' operations there.

Commissioner Mitchell said "under almost no circumstance" did he want the County to maintain the FBO business that it is running. Commissioner Mitchell said he did not feel this was a proper function of government in anything other than a transition period. Commissioner Mitchell felt that the long-term goal should be for the County to move the FBO operations to someone else.

Commissioner Blount moved for an option to develop the 13 acres for 36 months at total cost of \$10,000 with the assumption that we will negotiate on the terms of the lease. The motion was seconded by Commissioner Mitchell.

Mr. Dees said the Board needed to decide how it planned to handle negotiations.

Chairman Chamberlain said the County Manager, Mr. Dees and himself would talk to Briggs Resources but would take no action without getting back to the Board.

Upon being put to a vote, the motion on the floor passed 3-1 with Commissioner Sides dissenting.

14b. Schedule Work Session for Budget

After a brief discussion, Commissioner Blount moved to hold the first budget work session on May 30th at 5:15 pm in the J. Newton Cohen, Sr. Room. The motion was seconded by Commissioner Mitchell and passed unanimously (4-0).

The public hearing to receive citizen input regarding the budget was set for June 5th, 2006.

Finance Director Leslie Heidrick expressed hope that the Board would adopt the budget at the second meeting, which would be June 19th, 2006.

14c. Clean Water Bonds

Commissioner Sides said he had pulled the Resolution for the Clean Water Bonds from the Consent Agenda because he had received no information as to who is in control of the money and what the funds would be used for.

Commissioner Mitchell moved, Commissioner Sides seconded and the vote to table the Resolution passed 3-1 with Commissioner Blount dissenting.

Chairman Chamberlain asked Mr. Cowan to obtain additional information prior to the next meeting.

15. PUBLIC COMMENT PERIOD

Chairman Chamberlain opened the Public Comment Period and the following citizens addressed the Board:

- Kent Ashton said he felt the t-hangar lease was a decent compromise and worked for him. Mr. Ashton said it was unfortunate that some board members felt that because all people don't own planes that the airport is not something that is needed. Mr. Ashton said he hoped the Board would continue to encourage the citizens of Rowan County to enjoy aviation and he also offered to show his airplane to Commissioners/citizens. Mr. Ashton referred to the Briggs lease and asked the Board to be fair to everyone. Mr. Ashton mentioned incentives and asked why he also shouldn't receive a tax rebate for keeping his plane in Rowan County.

Commissioner Sides responded to Mr. Ashton saying he was not opposed to recreational flyers. Commissioner Sides said the Board could not be more fair to pilots than it was to the taxpayers that subsidize the airport. Commissioner Sides said he would like to see the airport become self-supportive and used for the benefit of all citizens.

- Tina Hall said she had attended the Airport Committee Meeting on May 8, 2006 and that a pilot had commented about a "sweet deal" (pertaining to the t-hangar lease). Ms. Hall said she thought the t-hangar lease approved "tonight was a very sweet deal for a very limited number of people." Ms. Hall said the County didn't appear to have a master plan for the airport but was instead allowing a developer from California to "come in and do the master plan for us." Ms. Hall said she hoped the Board would pull back and consider what was in the best interest of the taxpayers of Rowan County.
- Bryan Cooker of Gold Hill referred to comments from the previous speaker and said he wished to clarify the comment regarding the "sweet deal" since he was the one at the committee meeting that had made the remark. Mr. Cooker said the conversation had been in reference to the hangars being purchased by individuals and at the end of the term, the County

would buy the hangars back at current market rates. Mr. Cooker said, "I thought that was a sweet deal." Mr. Cooker said the individuals could use the hangars with very permissive rules. Mr. Cooker said as a taxpayer he wouldn't want to be tagged with an exorbitant bill at the end of the term of the lease. Mr. Cooker said the airport was an incredible asset with tremendous potential. Mr. Cooker mentioned the Briggs lease and said the County would basically be paying Briggs to use the airport. Mr. Cooker said if there was no master plan, he agreed with the previous speaker that one was needed. Mr. Cooker said the airport was a wonderful facility and he would like to "support that and keep that going."

With no one else wishing to address the Board, Chairman Chamberlain closed the Public Comment Period.

Chairman Chamberlain said he had appointed the Airport Committee in an effort to address airport issues as they arise.

16. CLOSED SESSION

Commissioner Mitchell moved at 9:20 pm for the Board to enter Closed Session pursuant to North Carolina General Statute 143-318.11(a) (1) for the purpose of approving Closed Session minutes to prevent the disclosure of information that is privileged or confidential. The motion was seconded by Chairman Chamberlain and passed 3-1 with Commissioner Sides dissenting. Commissioner Sides then left the meeting chambers.

17. ADJOURNMENT

The Board returned to Open Session at 9:20 pm and with no further business to come before the Board, Commissioner Mitchell moved to adjourn the meeting at 9:20 pm. The motion was seconded by Commissioner Blount and passed unanimously (3-0).

Respectfully Submitted,

Carolyn Athey
Clerk to the Board