

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
June 5, 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 convened the meeting at 7:00 pm.

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

ADDITIONS/DELETIONS TO THE AGENDA

- Commissioner Sides moved to add a discussion regarding the US Motto Action Committee. The motion was seconded by Commissioner Mitchell and passed unanimously. Chairman Chamberlain added the issue as agenda Item 8a.
- Commissioner Mitchell moved to add two (2) items to the Consent Agenda, the Resolution Authorizing the Upset Bid Process for the sale of t-hangars and the list of surplus vehicles for sale. The motion was seconded by Commissioner Blount and passed unanimously. Chairman Chamberlain added the requests to the Consent Agenda as Items G and H.
- Commissioner Sides moved to pull Items A (2006 Clean Water Bond) and F (Deed of Easement between Rowan County and City of Salisbury) from the Consent Agenda for separate discussions. Commissioner Mitchell seconded and the motion carried unanimously. Chairman Chamberlain

added the 2006 Clean Water Bond as agenda Item 8b and the Deed of Easement as agenda Item 8c.

APPROVAL OF THE AGENDA

Commissioner Mitchell moved, Commissioner Blount seconded and the vote for approval of the agenda passed unanimously.

APPROVAL OF THE MINUTES

Commissioner Sides moved, Commissioner Blount seconded and the vote to approve the minutes of the May 15, 2006 Commission meeting passed unanimously.

CONSIDERATION OF THE CONSENT AGENDA

Commissioner Blount moved to approve the Consent Agenda with the deletion of Items A and F. Commissioner Mitchell seconded and the motion passed unanimously.

The Consent Agenda consisted of the following:

- A. Approval of Resolution for 2006 Clean Water Bond (pulled for discussion)
- B. Approval of NC DOT Request to add North Crump Circle and McBride's Drive to State Secondary Road System
- C. Set Public Hearing for June 19, 2006 for Majority Petition for Lake Forest Cove Road
- D. Set Public Hearing for June 19, 2006 for Special Consideration of Proposed Name of Andover Lane
- E. Approval to Accept FY 2007 Robertson Foundation Award for The SAFE Project
- F. Approval of Deed of Easement between Rowan County and City of Salisbury (pulled for discussion)
- G. Resolution Authorizing the Upset Bid Process (added to agenda)
- H. Surplus Vehicles for Sale (added to agenda)

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

In response to a query from Chairman Chamberlain, Shane Stewart of the Rowan County Planning Department confirmed that the Board needed to finish its deliberations and vote on CUP 02-06 and SNIA 02-06.

Chairman Chamberlain asked the Commissioners if they wished for Mr. Stewart to review the information again or if they wished to ask questions.

Commissioner Mitchell stated that he did not like the way the request had come before the Board; he did not like things being done and being retroactive in seeking permission. Commissioner Mitchell said since the campground already exists and the fact that it is well-maintained, he would move for approval of

CUP 02-06. Commissioner Sides seconded, along with the conditions that have been set by the Planning Board. Commissioner Mitchell concurred with Commissioner Sides.

Commissioner Tadlock said the Board had discussed the issue for a good while and that he would like to see the Board approve the request.

Commissioner Blount commented that Staff had pointed out the danger of approving this type of conditional use permit and setting a precedent for other applications of this type. Commissioner Blount said he planned to vote against the motion for that purpose. Commissioner Blount expressed hope that if the motion passed, that Staff would be instructed to look into the County's ordinances and get them updated "to prevent this in the future."

Chairman Chamberlain responded that he had also raised the issue with Staff and that Staff would be bringing information back to the Board, "sooner rather than later."

Chairman Chamberlain asked Mr. Stewart if the Board needed to verbalize the suggested Findings of Fact or if the Board could adopt them as printed. Mr. Stewart deferred to County Attorney Jay Dees to respond. Mr. Dees stated that the Board could adopt them as printed if all Commissioners agreed to them.

Chairman Chamberlain said the favorable Findings of Fact were before the Board and also the conditions of approval. Chairman Chamberlain asked Ms. File if she had seen the conditions for approval and she responded yes from the audience. Ms. File confirmed to Chairman Chamberlain that she understood the conditions.

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

Commissioner Mitchell moved for approval of the favorable Findings of Fact as found in the Board's packet. Commissioner Sides seconded and the motion passed 4-1 with Commissioner Blount dissenting.

Commissioner Mitchell moved for approval of SNIA 02-06 followed by a second from Commissioner Sides. The motion carried 4-1 with Commissioner Blount dissenting.

3. CONSIDER REQUEST FOR TEMPORARY REMEDIATION SYSTEM (TEMP 01-06)

Shane Stewart of the Rowan County Planning Department provided the background information regarding the request. Mr. Stewart explained that 4 years ago a former Exxon station located on Bringle Ferry Road had underground storage tanks removed and a petroleum release had been

discovered on the site. Mr. Stewart said a site assessment revealed groundwater contamination levels above residential standards.

Mr. Stewart explained the corrective action plan.

The applicant is requesting an on-site remediation trailer to perform the duties set forth in the corrective action plan for both soil and groundwater remediation. As indicated in the site plan, a privacy fence and berm on the eastern side of the trailer location would be constructed to reduce potential visible impacts.

Mr. Stewart referred to page 2 of the handout and said based on the 3 items listed, Staff recommended approval.

Chairman Chamberlain asked if the applicant was present and Mr. Stewart said no.

Chairman Chamberlain opened the floor to entertain citizen input regarding the matter and no one came forward to address the Board.

Commissioner Mitchell moved for approval of TEMP 01-06 with the condition of the trailer being locked to prevent access by unauthorized persons. Commissioner Blount seconded and the motion passed unanimously.

4. PRIVATE ROAD APPROVAL FOR KETNER FARMS

Shane Stewart of the Rowan County Planning Department said Howard Hurlocker was requesting approval for the construction of a new subdivision street as a private road dedicated to the residents of the proposed Ketner Farms subdivision. Mr. Stewart said the subdivision may become a gated community and will have a Homeowners Association to collect monthly fees for road improvements as required by the Subdivision Ordinance. The agreement would be recorded with the Register of Deeds before zoning permits would be issued.

Staff recommended approval of the request.

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

5. CONSIDER APPROVAL OF 2006-07 WHITE GOODS FUND DISTRIBUTION PLAN

Paul Canup of the Rowan County Environmental Services Department explained that several years ago state White Goods monies were earmarked for an RPC site-processing center to be built at the landfill. Mr. Canup said an existing building had been used instead for the RPC.

Mr. Canup said Staff would now like to re-appropriate the funds for other projects, including paving around the current RPC, pave areas around the landfill

that had to do with White Goods, paving at convenience centers and also put in an additional pad at the landfill.

Commissioner Mitchell asked how long it had taken for the County to accumulate the \$400,000 in the White Goods account. Mr. Canup responded that the appropriation was approximately \$12,000/quarter.

Commissioner Sides asked if the County had lost some of these monies due to not utilizing the funds. Mr. Canup said yes, that the County must spend down to approximately 25% of its allocation before the state would provide additional funds, unless the funds were designated for certain projects. Mr. Canup said the County's appropriation was currently designated and that the County would not lose any more funds.

Mr. Canup said he was not sure that the order of the projects listed in the handout was the order in which the County would handle the projects.

Commissioner Sides said the upgrades were needed and he moved for approval of the request. Commissioner Mitchell seconded and the vote passed unanimously.

Note: Before moving to the next agenda item, Chairman Chamberlain said the Public Hearing for the proposed budget was advertised for 7:40 pm. Chairman Chamberlain chose to skip to the next item on the agenda, which was to consider approval of the bid and resolution awarding the contract for banking services.

6. APPROVAL OF BID & RESOLUTION AWARDING CONTRACT FOR BANKING SERVICES

Chairman Chamberlain said the Finance Department had received 5 bids from financial institutions for banking services.

The bids were received from Bank of America, First Bank, First National Bank, Sun Trust Bank and Wachovia Bank.

Based upon Staff's calculations, Sun Trust Bank would provide the lowest annual service charge and the highest annual interest earnings. Therefore, the Finance Department recommended that a 3-year contract for banking services, with option to renew for an additional 3 years, be awarded to Sun Trust Bank.

As an additional note, because the County currently banks with Sun Trust, the County would not incur expenses to change its banking relationship.

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

Note: County Manager William Cowan clarified to the Board that the public hearing for the proposed budget had been advertised for 7:00 pm.

7. PUBLIC HEARING FOR FY 2006-07 PROPOSED BUDGET

Chairman Chamberlain explained that the Board would allow 3 minutes per speaker and he opened the Public Hearing to entertain citizen input regarding the 2006-07 proposed budget. The following citizens addressed the Board:

- Gus Andrews discussed the County's reserve funds and said it appears that from December 2004 through the present, that there would be a substantial jump in the budget in a fairly short time period compared to other annual jumps in the budget. Mr. Andrews said there is new growth all over the region, which meant if the County was spending its reserves, along with new growth funding, in addition to the current tax base, it appeared that as a conservative-minded Board, it could probably find a way to cut the tax rate. Mr. Andrews said when the revaluation had taken place, the Board had talked about trying to come back to revenue neutral. Mr. Andrews said in early 2000 the Board had actually increased its funding by approximately 3 cents because it didn't go back to revenue neutral. Mr. Andrews encouraged the Board to continue to support the schools, county programs, and buildings and at the same time consider the citizens with a reduction in the tax rate. Mr. Andrews said 63 cents was the tax rate but he pointed out that the citizens also pay up to 70 cents as a tax rate when including the fire tax. Mr. Andrews commended the Board for its work and the programs it was looking to fund. Mr. Andrews said he was totally convinced that the Board could continue the process and still cut the tax rate for the citizens of Rowan County.
- Carl Ford thanked the Board for putting the budget on the County's web site. Mr. Ford asked for at least a 2-cent tax cut. Mr. Ford felt the EDC could be cut from \$289,000 to \$150,000 and that the schools should only receive \$2 million. Mr. Ford said he would like to see better test results and higher graduation rates from the school system. Mr. Ford said if the County had not provided incentives in the past, it would be able to cut taxes and fund the needs of every department. Mr. Ford said he believed the airport should at least break even and that the County should sell the stadium in Kannapolis. Mr. Ford said he preferred that agencies, such as the Rescue Squad, get permission before spending funds, instead of after the fact.

Chairman Chamberlain said he would increase the time limit for each speaker to 4 minutes.

- Phyllis Sides thanked the Board for its support to increase the allocation for the Ruffy-Holmes Senior Center. Ms. Sides provided the Board with statistics regarding membership and the services offered at the Center.

Ms. Sides again expressed her appreciation of the Center and the Board's support.

- Jeff Smith, Chair of Rowan Partners for Education (RPE) distributed a handout. Mr. Smith said RPE supports full funding for Rowan-Salisbury Schools (RSS). Mr. Smith expressed appreciation for the Board's willingness to discuss increased funding for RSS. Mr. Smith referred to the handout, which he said contained 77 names in support of RPE's stance on school funding. Mr. Smith provided the background of RPE and how it came into being. Mr. Smith said RPE believe that there was strong support for the entire \$5.2 million in funding requested by RSS. Mr. Smith said while funding for RSS has been flat, expenses have not. Mr. Smith discussed the budget hearing for RSS. Mr. Smith said RPE wanted to support RSS and wished to be an independent third party between all boards.
- Bryce Beard, Chairman of the Board of Education, said for the past 5 years the spotlight had been on buildings for RSS. Mr. Beard said the Commissioners and others had cooperatively made sure that what was promised in the bond referendum had been completed. Mr. Beard said it was time to focus on what takes place within the buildings. Mr. Beard said RSS was seeking to improve outcomes and lowering dropout rates. Mr. Beard said at times there had been a lack of trust by the Commissioners about the school system's budget management. Mr. Beard said RSS now had an administration with experience in budgeting and directing all levels of the school system to save money but only without negatively affecting education. Mr. Beard expressed hope that the trust would return. Mr. Beard said the budget was not designed for frills but rather to build skills for the students. Mr. Beard thanked the Board for its work.
- Tina Hall felt there was a need for the Board to seriously consider a tax cut for citizens and also for the small businesses. Ms. Hall said Rowan County would be more competitive if it would lower the tax rate.

With no one else wishing to address the Board, Chairman Chamberlain closed the Public Hearing and thanked those that had provided their input.

By consensus, the Board agreed to hold another budget work session on Wednesday, June 14, 2006 at 3:30 pm.

Chairman Chamberlain called for a short break at 7:46 pm.

Chairman Chamberlain reconvened the meeting at 7:53 pm.

8. BUDGET AMENDMENTS

Commissioner Blount moved to approve all of the budget amendments as presented. The motion was seconded by Commissioner Mitchell as passed unanimously.

ADDITIONS

8a. US Motto Action Committee

Commissioner Sides distributed a handout, which was a photograph of the Rowan County Administration Building.

Several months ago the US Motto Action Committee appeared before the Board and requested to place the words "In God We Trust" on the front of the administration building, at their expense.

Commissioner Sides said he had been working with the Historic Properties Commission (HPC) to reach a resolution for the type/location of lettering to be used on the building.

Commissioner Sides discussed the options for the Board and said 1) the letters would not be affixed where permanent damage would occur if the letters were to be removed in the future; and 2) the HPC felt where the lettering was currently located was also the proper place for the new wording. Commissioner Sides said several members of the HPC suggested smaller lettering of 60% to what exists. Commissioner Sides said the HPC didn't care for the idea of using the same letter style but would be agreeable if that is what the Board chose. Commissioner Sides said the HPC agreed that the Board did not have to use the exact same color.

After a brief discussion, Chairman Chamberlain moved to use the same style letters and color and materials as the letters presently on the building at 60% of their size. The motion was seconded by Commissioner Sides and passed unanimously.

8b. Approval of Resolution for 2006 Clean Water Bond

Commissioner Sides said the issue had been on a prior agenda and he had raised questions about the \$1 billion bond referendum, such as who would control the funds and how much would be allocated to Rowan County. Commissioner Sides said his questions had not yet been answered.

Commissioner Sides said he had contacted both Representative Fred Steen and Senator Andrew Brock, who did not sign on to sponsor the bill. Commissioner Sides said he had been unable to contact Representative Coates but that her name was also not listed to sponsor the bill.

Commissioner Sides said his concerns were that most of the funds would go towards the eastern part of the state with very little coming to Rowan County.

Commissioner Sides moved, Commissioner Mitchell seconded and the vote not to pass the Resolution passed 4-1 with Commissioner Blount casting the dissenting vote.

8c. Approval of Deed of Easement

Commissioner Sides said he had pulled the issue from the Consent Agenda for a separate vote. Commissioner Sides said he would vote against the Deed of Easement until the County had a different policy for approval of easements and giving property to the City of Salisbury/Salisbury-Rowan Utilities.

Commissioner Blount moved, Commissioner Mitchell seconded and the vote to approve the easement as requested passed 4-1 with Commissioner Sides dissenting.

9. BOARD APPOINTMENTS

City of Salisbury Planning Board

The City of Salisbury has requested the appointment of Robert Cockerl as an ETJ member of the Salisbury Planning Board. The appointment is for a 3-year term that will expire March 31, 2009.

Commissioner Blount nominated Robert Cockerl and the nomination passed unanimously.

Atwell Township VFD Fire Tax Commissioners

Atwell Township Volunteer Fire Department has requested the replacement of (2) Fire Tax Commissioners. The applicants recommended for appointment are Joe Allen and Michael Jolly. The appointments will be for 5-year terms beginning on July 1, 2006 and expiring June 30, 2011.

Commissioner Mitchell nominated Joe Allen and Michael Jolly. The nomination carried unanimously.

Region F Aging Advisory Committee

Senior Services Department Director Clyde Fahnestock has recommended moving Manie Richardson from Alternate status to a regular voting member of the Advisory Committee (term expires December 31, 2006). Secondly, Mr. Fahnestock recommends the appointment of Dot Hauss as an Alternate for a 2-year term, which will expire on June 30, 2008.

Commissioner Blount nominated Manie Richardson from Alternate status to a regular voting member and Dot Hauss as an Alternate. The nomination passed unanimously.

Charlotte Regional Partnership Board

The term for Steve Fisher's service on this board will expire on June 30, 2006. Mr. Fisher would like to be reappointed for a one-year term, which will expire on June 30, 2007.

Commissioner Blount nominated Steve Fisher and the nomination passed unanimously.

Criminal Justice Partnership Board

The terms of service on the CJPP for Rose Cox will expire on June 30, 2006. Ms. Cox has served as Chair of this board for several years and would like to continue to serve. If reappointed, the term would be for 3 years, expiring on June 30, 2009.

The Resolution adopted by the County Commissioners on June 7, 1999 limits individuals to (2) terms on the various boards and commissions. In order for Ms. Cox to be reappointed, the Board would need to waive this rule.

Commissioner Mitchell moved, Commissioner Sides seconded and the vote to waive the rule passed unanimously.

Commissioner Mitchell nominated Rose Cox and the nomination passed unanimously.

Juvenile Crime Prevention Council

The terms of service on the JCPC for Allene McNeil, Terry King, Bryan Duncan and Janet Ruffin will expire on June 30, 2006.

- Ms. McNeil is eligible for reappointment and would like to continue to serve. The reappointment would be for a 2-year term, expiring on June 30, 2008.
- Mr. Duncan has relocated and was unable to be reached.
- Mr. King and Ms. Ruffin would both like to continue to serve but are not eligible for reappointment.

In order for Mr. King and Ms. Ruffin to be reappointed, the Board would need to waive the term limits in the Resolution adopted by the Board in 1999. If waived, the terms for Mr. King and Ms. Ruffin will be for 2 years, expiring on June 30, 2008.

Commissioner Sides moved, Commissioner Mitchell seconded and the vote to waive the rule passed unanimously.

Commissioner Mitchell nominated Allene McNeil, Terry King and Janet Ruffin. The nomination passed unanimously.

Rowan County Tourism Development Authority

The terms of service on this Authority for Jack Owens, David Redden, Mickey Black, Randy Hemann, Gail Elder-White, Don Bringle and Buddy Gettys will expire on June 30, 2006.

Judy Newman, Executive Director of the Convention & Visitors Bureau has submitted the following for reappointment: Don Bringle, at-large appointment; Buddy Gettys, at-large appointment; and David Redden, motel appointment. These appointments for a second term will begin July 1, 2006 and expire June 30, 2008.

Ms. Newman is actively seeking applications to fill the 4 remaining vacancies. Commissioner Mitchell nominated Mr. Bringle, Mr. Gettys and Mr. Redden. The nomination carried unanimously.

Rowan Cabarrus Community College Board of Trustees

The RCCC Board of Trustees has requested the reappointment of George Knox for a 4-year term, which will expire June 30, 2010.

Commissioner Blount nominated George Knox and the nomination carried unanimously.

Salisbury-Rowan Economic Development Commission

Jeanie Moore has submitted an application for reappointment for a 3-year term to this Commission. The term will expire on June 30, 2009.

Commissioner Blount nominated Jeanie Moore. The nomination passed unanimously.

Senior Services Advisory Council

Barbara Gaul has submitted an application for reappointment. The term would be for 3 years, expiring on June 30, 2009.

Commissioner Mitchell nominated Barbara Gaul and the nomination passed unanimously.

PUBLIC COMMENT PERIOD

Chairman Chamberlain opened the Public Comment Period to entertain comments from citizens who wished to address the Board. The following individual spoke:

- John Burke, 320 Mitchell Avenue, Salisbury, apologized for having missed the public hearing on the proposed budget. Mr. Burke said he felt sure the Board had heard calls from citizens for a cut in the tax rate. Mr. Burke provided an example of a \$150,000 home and said a one-cent tax cut would equal a \$15.00 reduction in the tax bill for that home. Mr. Burke felt the reduction was not significant and that the Board should focus more on the citizens and improving their quality of life as opposed to focusing on a tax cut.
- Carl Ford thanked the Board for its approval to have the words "In God We Trust" placed on the Rowan County Administration Building. Mr. Ford also said that as a taxpayer and business owner that every penny adds

- up. Mr. Ford said he hoped the citizens would get a tax cut, especially with the revaluation next year.
- Dyke Messinger, President of Power Curbers, said he was present to talk about Rowan Jobs Initiatives (RJI). Mr. Messinger said he understood the proposed budget included \$100,000 for RJI. Mr. Messinger said the funds would be used to convince site selection consultants and brokers that Rowan County should be considered in their recommendations to their clients. Mr. Messinger said RJI is a partnership, with \$150,000 in original seed money from Rowan County. Mr. Messinger discussed other funding sources and said every dollar would be leveraged for the good of the County. Mr. Messinger assured the Board that funds would be spent conservatively and additional funds would not be requested unless needed. Mr. Messinger expressed hope that the Board would keep the proposed allocation of \$100,000 in the budget.

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

ADJOURNMENT

Commissioner Mitchell moved, Commissioner Blount seconded and the vote to adjourn the meeting at 8:25 pm passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board