

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS  
July 17, 2006 – 7:00 PM  
J. NEWTON COHEN, SR. ROOM, ADMINISTRATION BUILDING**

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

Absent: 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.

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

**ADDITIONS/DELETIONS TO THE AGENDA**

Chairman Chamberlain said a public hearing had been duly advertised regarding the proposed industrial development revenue bonds for DDSM Properties. Chairman Chamberlain moved, Commissioner Blount seconded and the vote to add the public hearing for DDSM Properties to the agenda passed unanimously (4-0). Chairman Chamberlain added the public hearing as agenda item #2a.

Commissioner Tadlock moved for approval of the agenda. Commissioner Sides seconded and the motion passed unanimously (4-0).

**APPROVAL OF THE MINUTES**

Commissioner Blount moved, Commissioner Sides seconded and the vote to approve the minutes of the meetings for May 30, 2006, June 14, 2006, June 19, 2006 and July 10, 2006 passed unanimously (4-0).

## **1. CONSIDERATION OF THE CONSENT AGENDA**

Commissioner Sides referred to Item #C in the Consent Agenda and acknowledged an estate gift to the Rowan County Senior Services Department. The gift was in the amount of \$35,000 from the estate of Ruth Souther Bost. Commissioner Sides said the services Ms. Bost had received from Senior Services had allowed her to remain in her home until her last days.

Commissioner Sides moved to approve the Consent Agenda. The motion was seconded by Commissioner Blount and passed unanimously (4-0). The Consent Agenda consisted of the following items:

- A. Approval to request Mt. Ulla Unincorporated Signs from NCDOT
- B. Approval of NCDOT request to add Maple Ridge Circle & Jasmine Circle to the State Secondary Road System
- C. Acceptance of Estate Gift for Senior Services Department
- D. Set Public Hearing for August 7, 2006 for Unanimous Petition for Proposed Road Name of Carols Campground Road
- E. Set Public Hearing for August 7, 2006 for Majority Petition for Proposed Road Name of Drye Haven Lane
- F. Set Public Hearing for August 7, 2006 for Special Consideration for Proposed Road Name of Fraley Acres Lane
- G. Set Public Hearing for August 7, 2006 for Majority Petition for Proposed Road Name of Marisol Lane
- H. Set Quasi-Judicial Hearing for August 7, 2006 for SUP 01-06
- I. Approval of Architectural Firm for Rebuilding of Stanback Petting Barn at Dan Nicholas Park

### **2a. PUBLIC HEARING FOR DDSM PROPERTIES, LLC**

Chairman Chamberlain called Dyke Messinger of DDSM Properties, LLC, forward. Mr. Messinger explained that the requested increase in the bonds was because the company had encountered significantly higher costs than expected. The increase was due to, 1) more work to be done on the building than originally anticipated, and 2) more machinery was being brought in than previously anticipated.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the issuance of industrial development revenue bonds by the Rowan County Industrial Facilities and Pollution Control Financing Authority for DDSM Properties, LLC. With no one wishing to address the Board, Chairman Chamberlain closed the public hearing.

Commissioner Blount moved to adopt the Resolution increasing the principal amount to \$7 million. The motion was seconded by Commissioner Tadlock.

Commissioner Sides said he was in favor of the industrial revenue bond program as it basically represented a low-interest loan to the company. Commissioner

Sides did express concern however, with the Incentive Policy recently approved by the Board and the fact that the company might receive the incentive of the low-interest loan as well as qualify for the incentives put into place by the County.

Chairman Chamberlain said no one automatically received an incentive through the County's policy unless it was applied for. Chairman Chamberlain said the Board would then determine if the company met the criteria of the Incentive Policy. Chairman Chamberlain said the real answer is, "if they apply for that incentive it may happen."

Mr. Messinger said the company did not apply for additional incentives because it was not significantly increasing the number of jobs.

Upon being put to a vote, the motion on the floor passed unanimously (4-0).

## **2. RECOGNITION OF EMPLOYEE OF THE MONTH FOR MAY**

Chairman Chamberlain recognized Tony (T.J.) Brown as employee of the month for May.

Emergency Services (EMS) Manager Beth Connell described Mr. Brown as a phenomenal employee. Ms. Connell explained the software used by EMS and how Mr. Brown's dedication and innovation continually kept the program customized to meet the needs of the department. Ms. Connell humorously added that Mr. Brown was also a "good paramedic."

Chairman Chamberlain read and presented Mr. Brown with a certificate of appreciation, as well as a gift card. A round of applause followed the presentation.

## **3. PUBLIC HEARING FOR UNANIMOUS PETITION FOR CHIPPEWAH WOODS CIRCLE**

Fredda Greer of the Rowan County Planning Department presented the Unanimous Petition for the proposed road name of Chippewah Woods Circle. Ms. Greer said the new road services a 38-unit campground.

Ms. Greer said that the road name was acceptable and Staff recommended approval.

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

Commissioner Sides moved, Commissioner Blount seconded and the vote to approve the road name of Chippewah Woods Circle passed unanimously (4-0).

#### **4. PUBLIC HEARING FOR UNANIMOUS PETITION FOR BLACKFOOT LANE**

Fredda Greer of the Rowan County Planning Department presented the Unanimous Petition for the proposed road name of Blackfoot Lane. Ms. Greer said the proposed road runs off of Chippewah Woods Circle.

Ms. Greer said the road name was acceptable and Staff recommended approval.

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

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

#### **5. PUBLIC HEARING TO AMEND HOME PROGRAM**

Gary Wilson from Benchmark CMR provided a brief background of the HOME Program, which the Board approved approximately 2 months ago. Mr. Wilson said the plan included approximately \$108,000 in federal funds and a \$25,000 match from the County.

Mr. Wilson said since the time the Board had approved the program, the Town of East Spencer and Prosperity Unlimited, Inc. had requested \$25,000 of the funds to assist them with “gap financing on some new construction” in East Spencer to provide affordable housing.

Mr. Wilson explained the Board’s options for approving the request. Mr. Wilson recommended that the Board maintain its match and make \$25,000 available to the Town of East Spencer and Prosperity Unlimited, Inc. Mr. Wilson explained that once these groups sold the first house, the County would have a good bit of money “to bank” towards a commitment on the next grant.

Chairman Chamberlain welcomed East Spencer Mayor Erma Jeffries who was in the audience. Mayor Jeffries also recognized several individuals in attendance with her.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed HOME Program amendment. With no one wishing to address the Board, Chairman Chamberlain closed the public hearing.

Commissioner Sides moved to approve the HOME Program changes as presented. The motion was seconded by Commissioner Tadlock and passed unanimously (4-0).

Chairman Chamberlain clarified to County Manager William Cowan that the County intended to keep the \$25,000 match.

## **6. UPDATE FROM CONSTRUCTION CONTROL CORPORATION REGARDING SCHOOL CONSTRUCTION PROJECTS**

Ed Watson of Construction Control Corporation (CCC) and Jim Christy from Rowan-Salisbury Schools were present to update the Board on the school construction projects.

Mr. Watson referred to a recent flooding incident at the Elizabeth Duncan Koontz Elementary School and applauded the contractor for his quick actions in keeping the flooding minimal. Mr. Watson said as a precaution, tests would be performed to detect any mold/mildew problems. Mr. Watson said corrections were being made to prevent flooding at the site in the future.

Mr. Watson recalled a question raised by Commissioner Sides during the previous Board meeting regarding the projected funds balance. Mr. Watson said the funds are actually current remaining funds; he explained that the difference is in what has been committed and what has been spent.

Commissioner Sides expressed concern regarding the flooding issue and long-term damages at the Elizabeth Duncan Koontz Elementary School. Mr. Watson said CCC had documented the wet areas and would closely monitor the contractor's repairs. Mr. Watson said if damages surfaced in the future, the documentation would dictate who would be responsible for the repairs.

Commissioner Sides felt that drastic changes should be made to ensure that flooding would not occur in the future.

## **7. REQUEST TO EXTEND ETJ FOR GRANITE QUARRY**

Chairman Chamberlain called Dan Peters forward. Mr. Peters is the Public Safety Director and Town Administrator for the Town of Granite Quarry. Chairman Chamberlain then deferred to County Attorney Jay Dees.

Mr. Dees said there was some question as to who is responsible for nuisance abatement in an extraterritorial jurisdiction (EJT). Mr. Dees said it was his opinion, along with that of Planning Manager Ed Muire, that towns could be responsible for abating nuisances within their own ETJ. Mr. Dees said the ETJ was designed for the town's growth and was for their benefit. Mr. Dees said if the Board wanted to consider releasing the property for ETJ to the Town of Granite Quarry, he would recommend that a commitment come from the Town in the form of an adopted Resolution stating that the Town was responsible for nuisance abatement and enforcement within the ETJ.

Mr. Peters said he would share the information with the Town's Board. Mr. Peters referred to the General Statutes Chapter 160A, Article 19 and he reviewed the areas the Town could enforce.

Mr. Dees said it was his opinion that General Statute 160A-193 allowed town's to abate nuisances within their city limits within 1 mile.

Chairman Chamberlain was of the opinion that if a city wanted to control county property, the city would handle nuisance abatement from this point forward. Chairman Chamberlain said any town that wants the County to grant an ETJ "to control that area through zoning" should be prepared to handle nuisance abatement.

Commissioner Sides moved to approve the request for the extended ETJ based on a Resolution being received from the Granite Quarry Board indicating that they will accept responsibility for nuisance abatement. Chairman Chamberlain seconded and the motion passed unanimously (4-0).

#### **8. CONSIDER APPROVAL OF NC DOT MUNICIPAL AGREEMENT REGARDING GREENWAY SYSTEM**

Rowan County Planning Manager Ed Muire said funds had been obtained by Representative Fred Steen through the North Carolina Department of Transportation (NCDOT) specifically for the Landis section of the Grants Creek Greenway. Mr. Muire explained that the agreement provides for reimbursement to the County once design services have been paid for. Mr. Muire said the funds have been in "limbo" for approximately one year and recent conversations with the NCDOT indicate that if the County wants to use the funds, the agreement should be signed.

Chairman Chamberlain read the suggested actions as follows:

1. Participate in the municipal agreement with NCDOT. This is a non-binding contract that will secure the \$10,000 until the County chooses to participate.
2. Allow County Staff to develop an RFP to solicit bids for engineering and design of the project.

Commissioner Blount moved to proceed with action as indicated in items #1 and #2. The motion was seconded by Commissioner Tadlock.

County Manager William Cowan pointed out that the date in item 2(A) of the agreement should be changed to reflect fiscal year 2007 and that the NCDOT would have to be in agreement with the change.

Commissioner Sides said he was not opposed to greenways but that he was opposed to the use of tax funds for the development of greenways.

Commissioner Blount was in agreement to the change in the date as indicated by Mr. Cowan.

In response to a query from Chairman Chamberlain, Mr. Muire said the reason a Request for Proposal (RFP) was being considered was because Staff felt that \$10,000 would not cover the cost of design services. Mr. Muire said Staff had contacted the NCDOT regarding the design work but their response is that they will not design a project unless the County commits to total funding of the project. Mr. Muire said Staff is trying to determine if \$290,000 is enough to complete the project but in order to make the determination, the design work must be done.

Mr. Muire explained that the Transportation Improvement Plan (TIP) contained all improvements in the state for a 7-year period. The improvements include bridge replacements, new road construction/improvements, etc. Mr. Muire said enhancement projects like greenways are mandated for funding. Mr. Muire said the funds must be spent in this regard or the funds would be allocated elsewhere.

Commissioner Sides asked if there was any other project the County could spend the \$290,000 on? Mr. Cowan responded that if the County declined the funds for the greenway, the State would likely allocate them to another greenway project.

Chairman Chamberlain felt that Landis and China Grove should be guaranteeing the money instead of the County. Mr. Muire said if the project is bid and construction begins, Staff would be back before the Board asking for \$290,000. Mr. Muire reiterated that the County would pay up front and then be reimbursed from the NCDOT.

Mr. Muire said the Board was only voting on the \$10,000.

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

## **9. REQUEST TO DESIGNATE ROWAN COUNTY AS A STANDARD OR ELECTING COUNTY FOR WORK FIRST PURPOSES**

Sandra Wilkes, Director of Rowan County Department of Social Services (DSS), provided a brief introduction pertaining to the Work First Plan and she also discussed the program's success.

Ms. Wilkes explained that the plan must be updated every 2 years and she asked the Board to act on the following three aspects of the planning process:

1. Designate Rowan as either a standard or electing county. Ms Wilkes said the DSS Board agreed that it appears in the best interest of the County to remain standard in status.
2. To appoint a Work First Block Grant Planning Committee. The DSS Administration recommended the following (or their designees) be appointed:

- Tim Smith, Director of Student Services, Rowan-Salisbury Schools
  - Mary Jones, Qualified Substance Abuse Counselor, DayMark Recovery
  - Elizabeth Patton, Director, Family Crisis Council
  - Diane Scott, Director, Rowan Helping Ministries
  - Debbie Davis, Manager, Employment Security Commission
  - David Matheny, Manager, Vocational Rehabilitation
  - Leonard Wood, Director, Department of Public Health
3. To approve the Work First County Block Grant Plan before it is submitted to DHHS

Commissioner Sides moved that Rowan County remain as a standard county, to appoint the Work First Block Grant Committee as submitted and to approve the Work First County Block Grant Plan. The motion was seconded by Commissioner Tadlock and passed unanimously (4-0).

**10. WAIVER OF COMPETITIVE BIDDING & APPROVAL OF RESOLUTION AWARDING CONTRACT FOR THE PURCHASE OF (5) VEHICLES FOR ROWAN COUNTY SHERIFF'S DEPARTMENT**

Sandy Fisher of the Rowan County Finance Department explained that 20 patrol cars had been budgeted for the Sheriff's Department, however there was an immediate need to replace 5 of the current vehicles that were beyond repair.

Ms. Fisher said a notice of waiver of competitive bidding was advertised in the local newspaper for the purchase of 5 cars from Capital Ford. Ms. Fisher reported that the Finance Department and the Sheriff recommended piggybacking off of the State Contract dated August 12, 2005.

After a brief discussion regarding the vehicle replacement program, Commissioner Sides moved for approval of the waiver of competitive bidding for the 5 vehicles. The motion was seconded by Commissioner Tadlock and passed unanimously (4-0).

**11. SELECT VOTING DELEGATE FOR NCACC ANNUAL CONFERENCE**

Chairman Chamberlain said Commissioner Mitchell had consented to be the Board's voting delegate at the annual conference of the North Carolina Association of County Commissioners on September 9, 2006.

Commissioner Blount moved, Commissioner Sides seconded and the vote to elect Commissioner Mitchell as the voting delegate passed unanimously (4-0).

**12. SET PUBLIC HEARING FOR AUGUST 7, 2006 FOR CONSIDERATION OF OFFER TO PURCHASE LOT #10 IN SPEEDWAY BUSINESS PARK & DISCUSSION REGARDING PROPOSED PRICING/VALUE SCHEDULE FOR LOTS IN SPEEDWAY BUSINESS PARK**

County Manager William Cowan said Dave Blaney had offered to purchase lot #10 in Speedway Business Park for the advertised price of \$91,000. Mr. Cowan said Mr. Blaney planned to start a fabrication and welding shop specializing in building parts and cars for NASCAR race teams. The preliminary plans are to erect a 40,000 square foot building on the west side of the property. Approximately 15,000 square feet of the building would be sectioned off and leased to small companies in similar forms of business.

County Attorney Jay Dees said the economic development statute allowed the County to dispose of economic development property without an upset bid period. Mr. Dees explained that when treating the property as an incentive and selling it for less than fair market value (FMV), the criteria for development and jobs must be met. Mr. Dees continued by saying if the offered price was within the FMV, the other criteria did not have to be addressed.

Mr. Dees added that Jerry Rowland, County Assessor, had reviewed the pricing schedule for the lots and was of the opinion that the prices remain at or near current market values.

Chairman Chamberlain asked if the Board had addressed the issue of allowing companies to build and then lease the property. Commissioner Blount responded that the Board had discussed not allowing people to buy property and speculate. Commissioner Blount said the Board did not discuss allowing people to construct buildings to lease.

Commissioner Blount moved to set a public hearing for this transaction at the next available meeting. The motion was seconded by Commissioner Tadlock and passed unanimously (4-0).

Chairman Chamberlain instructed the Clerk to schedule the public hearing for August 7, 2006.

**13. BOARD APPOINTMENTS**  
**Rowan/Kannapolis ABC Board**

Gus Andrews has submitted an application for reappointment for a 3-year term that will expire July 31, 2009.

Commissioner Blount nominated Gus Andrews and the nomination carried 3-1 with Commissioner Sides dissenting.

### **Zoning Board of Adjustments**

Gwen Graham has submitted an application for reappointment for a 3-year term that will expire on July 31, 2009.

Commissioner Blount nominated Gwen Graham and the nomination passed unanimously.

### **City of Kannapolis Zoning Board of Adjustments**

Martha Harrell has submitted an application for reappointment to the extraterritorial jurisdiction slot on the Kannapolis Zoning Board of Adjustments. The appointment is for a 3-year term that will expire on June 30, 2009.

Commissioner Blount nominated Martha Harrell and the nomination carried unanimously (4-0).

### **Town of Granite Quarry**

- **Planning Board**

Chris McKinney submitted an application to fill the remainder of the term of a deceased member. The term will expire on June 30, 2007.

Commissioner Blount nominated Chris McKinney and the nomination passed unanimously (4-0).

- **Zoning Board of Adjustments**

Al McCracken submitted an application as an alternate for a 2-year term that will expire on June 30, 2008.

Commissioner Blount nominated Al McCracken and the nomination carried unanimously (4-0).

### **Juvenile Crime Prevention Council**

Elizabeth Fields submitted an application for a 2-year term that will expire on June 30, 2008.

Commissioner Blount nominated Elizabeth Fields and the nomination passed unanimously (4-0).

### **Region F Aging Advisory Committee**

Robbie Davis and Manie Richardson submitted applications for appointment. The terms are for 2 years and will expire on June 30, 2008.

Commissioner Blount nominated Robbie Davis and Manie Richardson. The nomination carried unanimously (4-0).

As a point of clarification, on June 5, 2006 Dorothy Hauss was appointed as an alternate member for a 2-year term. According to the bylaws for this committee, alternates must be reappointed annually. Therefore, Ms. Hauss' term will end June 30, 2007 and not June 30, 2008 as originally requested.

### **Library Board of Trustees**

Midgie Dial submitted an application to fill the remainder of a deceased board member's term. The term will expire on December 31, 2006.

Commissioner Sides nominated Midgie Dial and the nomination passed unanimously (4-0).

Chairman Chamberlain called for a short break at 8:10 pm. Chairman Chamberlain reconvened the meeting at 8:16 pm.

### **14. ACCEPTANCE OF CRIMINAL INVESTIGATION REPORT IN REDACTED FORM**

Chairman Chamberlain said the Board had not seen the criminal investigation report since it had been turned back in to Attorney Anthony Fox during the Closed Session held on July 10, 2006. Chairman Chamberlain said the report would be available to the press following the current meeting.

County Attorney Jay Dees said Mr. Fox had redacted some of the information in the report. Mr. Dees said he had also reviewed the report and redacted additional information. Mr. Dees noted that he and Mr. Fox would be coordinating a list of what was redacted, the nature of the subject matter and why it was redacted. Mr. Dees said the information that had been redacted was information clearly related to a personnel file of an individual employee of the County. Mr. Dees said other redactions appear in the log of outgoing emails of the former County Manager, which consisted of either personnel-related comments or personal emails. Mr. Dees said the report would be available for purchase at a cost of \$9.63.

Chairman Chamberlain said that as Chair of the Board, he accepted the report. Chairman Chamberlain encouraged the Commissioners to "get on with business" and he asked members to refrain from making any personal comments during the meeting. Chairman Chamberlain said the Board did not need a motion to accept the report.

### **15. PUBLIC COMMENT PERIOD**

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

- Carl Ford said he was glad the report was finished and that he hoped the County could finally move on. Mr. Ford said he had been hoping someone would have been held responsible for the thousands of dollars

wasted on the investigation of citizens (Kiker Investigation). Mr. Ford referred to the greenway, which he said runs by his property in China Grove. Mr. Ford said problems already exist with 4-wheelers, motorcycles, etc. Mr. Ford expressed concern that the problem could become worse.

With no further citizen input, Chairman Chamberlain closed the Public Comment Period.

**ADJOURNMENT**

With no further business to come before the Board, Commissioner Sides moved, Commissioner Tadlock seconded and the vote to adjourn at 8:28 pm passed unanimously.

Respectfully Submitted,

Carolyn Athey  
Clerk to the Board