

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
October 16, 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 also led the Pledge of Allegiance.

CONSIDER ADDITIONS TO THE AGENDA

Commissioner Mitchell moved to add to the Consent Agenda, to schedule a public hearing for the November 6th meeting for the fiscal year 2008 Community Transportation Grant (CTP). The motion was seconded by Commissioner Sides and passed unanimously.

Chairman Chamberlain added the issue as Consent Agenda Item #G.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Blount moved, Commissioner Mitchell seconded and the vote for approval of the minutes of the October 2, 2006 Commission meeting passed unanimously.

1. CONSIDERATION OF THE CONSENT AGENDA

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

The Consent Agenda consisted of the following items:

- A. Approval of Grant Application for Rowan Public Library for "Let's Talk About It" Program
- B. Schedule Public Hearing for November 6, 2006 Regarding Financing for the New East Elementary School
- C. Approval of Reimbursement Resolution for the New East Elementary School
- D. Set Public Hearing on November 6, 2006 for Majority Petition for Proposed Road Name of Allen Farm Lane
- E. Set Public Hearing on November 6, 2006 for Unanimous Petition for Proposed Road Name of Heavens Trail
- F. Consider Awarding Service Sidearm to Retiring Sheriff's Captain Ronnie W. Terry
- G. Set Public Hearing for November 6, 2006 for Community Transportation Grant (This item was added to the Consent Agenda by motion and vote).

2. PUBLIC HEARING FOR Z 06-06, REZONING REQUEST FROM STAN EVERHART

John Hanes of the Rowan County Planning Department presented the Staff Report. Mr. Hanes explained that Phil and Kitty Leonard own a 4.75-acre tract at the intersection of Old Beatty Ford Road and Highway 52. The tract is currently zoned Rural Agricultural (RA) and has an existing non-conforming 1,782 square foot commercial structure, which was built in 1956.

Mr. Hanes used a power point presentation as he highlighted the request, which was from Stan Everhart, for the rezoning of Tax Parcel 542-025 from RA to Neighborhood Business (NB) to allow for an automotive sales lot.

Using the power point presentation, Mr. Hanes showed views of the structure and surrounding properties as he discussed the General Criteria contained in the Staff Report. Mr. Hanes said no additional screening or buffering was necessary along the side due to the densely wooded areas along the eastern and northern property lines. Mr. Hanes said the nearest residence to the site was approximately 400' from the eastern property line.

Mr. Hanes discussed the zoning vicinity map and pointed out the site location. Mr. Hanes said basically "everything" to the west of Highway 52 along the rail line was zoned industrial. Mr. Hanes also pointed out the Gold Hill Airpark and the subdivision. Mr. Hanes said the subdivision has 47 lots with 20 of those lots built upon. Mr. Hanes said the built upon lots have an average of \$198,000 improvement value.

Mr. Hanes reviewed the summary table of RA and NB uses. Mr. Hanes said there are a total of 105 allowed uses in the RA district. The NB district only allows for 64 uses, which indicates the NB district is more restrictive than the RA district.

Mr. Hanes said the DOT had approved a commercial driveway permit for the site.

Mr. Hanes said in using generation instruments provided by the ITE manual, the site would not cause Highway 52 or Old Beatty Ford Road to be over capacity. The Rowan County Thoroughfare Plan indicates these sections of Highway 52 and Old Beatty Ford Road will be adequate for the estimated 2025 traffic volume along Highway 52 and Old Beatty Ford Road.

Mr. Hanes reported that the applicant had been the only person to speak at the September 25, 2006 Planning Board meeting. The Planning Board unanimously (10-0) voted to forward the Commissioners with a favorable recommendation for the request.

Mr. Hanes said Ted Phillips, who owns 6 sites across from Old Beatty Ford Road in the Gold Hill Airpark Subdivision, contacted Staff "today" and said he could not be present for the Commission meeting but that he supported the rezoning request.

Mr. Hanes said Staff supports the rezoning request.

Chairman Chamberlain asked if the petitioner would like to address the Board.

Brian Cooker came forward and provided the Board with a letter from the Gold Hill Airpark Homeowners Association (Association), saying that he represented the Association. Chairman Chamberlain interjected and explained to Mr. Cooker that he had asked the petitioner to come forward.

The applicant, Stan Everhart, said he wanted to lease the property from Phil and Kitty Leonard. Mr. Everhart said the owners found out the property had been rezoned in 1999 or 2000. Mr. Everhart said they had been going through the zoning process because there had been numerous businesses at the site since 1956. Mr. Everhart said there were no intentions to change the property, building or cut any trees. Mr. Everhart said the property would be used as it had been shown to the Board by Mr. Hanes. Mr. Everhart said his business was small and family-oriented and that he sold approximately 40 vehicles per year. Mr. Everhart said he was planning to use the Highway 52 and driveway access side of the property. Mr. Everhart said he could not state whether Mr. Leonard would continue to use the side on Old Beatty Ford Road. Mr. Everhart said there is a smaller car lot up the road from the site and judging from the traffic flow, he had felt the site was a good location for the small business.

Mr. Everhart confirmed to Chairman Chamberlain that he was the petitioner and that he wanted to lease the property for the purpose of the car lot.

Chairman Chamberlain opened the public hearing to entertain citizens' comments regarding Z 06-06. The following citizens addressed the Board:

- Brian Cooker apologized for his earlier mistake regarding protocol and he requested that the letter he had provided to the Board be entered as part of the record. Mr. Cooker said he represents the Gold Hill Airpark Homeowners Association and that the letter points out key issues the Association is concerned about. Mr. Cooker said the Association was requesting that the rezoning be denied. Mr. Cooker said the homeowners had invested a good bit of capital into their homes with certain expectations of the community and environment. Mr. Cooker said the Association did not feel the proposed "enterprise" was conducive to increasing or maintaining property values in the area. Mr. Cooker said the Association had only heard about the rezoning request "last week" and they were "out of the loop somehow." Mr. Cooker said they had been concerned as to "how the notice went out and how we missed it." Mr. Cooker said the Association had looked at "some of the predecessors of the businesses along Highway 52 and we feel that they really do not contribute" to "enhance property values."

Chairman Chamberlain asked Planning Manager Ed Muire to address the notification requirements for the proposed rezoning. Mr. Muire said the notices that were sent to the Salisbury Post were published on October 2, 2006 and October 13, 2006. Mr. Muire said the adjoining property owners were notified on October 3, 2006. Mr. Muire said he had spoke with a member of the Association the day after the Planning Board meeting and due to their location within the subdivision, they were not an adjoining property owner. Mr. Muire said he had asked Mr. Hanes on September 27, 2006 to notify Lee Walters and Paul Kennedy of the rezoning, even though they were not adjoining property owners. Mr. Muire said, "As opposed to notifying the whole subdivision, we notified these people and they indicated that they were the ones that would get the word out in the neighborhood." Mr. Muire said he was comfortable with the notices that were sent out. Mr. Muire said there was also a sign posted on the property.

- Glen Herr said he was a member of the Association. Mr. Herr said he had "been down there for 10 years and I've been very much in part trying to build a retirement community of upper-level houses." Mr. Herr said he personally had experienced 8 to 10 people from out of state that had declined to live in the area specifically because the surrounding area did not seem commensurate with what they would be spending for a home. Mr. Herr asked the Board to decline the request. Mr. Herr said the community had "fortunately" just lost Lanier car sales. Mr. Herr said he had been in the automotive body shop business for 10 years and that they

- were all alike – they have nice cars out front but the back yard ends up being a junkyard. Mr. Herr said there are Hispanics “2 lots up” and “it is a junkyard.” Mr. Herr again asked the Board to decline the request.
- Paul Kennedy said he lives in the Air Park and that “we are, as a unit, gravely disturbed that first we, as an organization, did not receive any notification of the Planning Board meeting until after the meeting.” Mr. Kennedy said, “This is why we weren’t at the meeting.” Mr. Kennedy asked the individuals in the audience from the Air Park to stand if they were in objection to the proposed rezoning (approximately 14 people stood). Mr. Kennedy said, “There’s a lot of voters here” and we do not want a junkyard across the street.

Chairman Chamberlain asked those who had stood to acknowledge their agreement with Mr. Kennedy by nodding.

Chairman Chamberlain asked if there was anyone in the audience that wished to speak in favor of the request. With no one coming forward, Chairman Chamberlain closed the public hearing.

Commissioner Mitchell asked what could be placed in the building and Mr. Muire responded by using the power point presentation to show the summary of RA and NB uses, which were also listed in the Staff Report. Mr. Muire continued by saying the Board was not talking about a junkyard. Mr. Muire said the NB district does not allow a junkyard in either the wholesale or retail trade. Mr. Muire said if the property was rezoned to NB, the maximum building size that could be put on the property was 10,000 square feet and there was also a limitation on impervious coverage. Mr. Muire said NB was a restrictive district. Mr. Muire said the NB district allows the applicant to provide Staff with a site plan and staff reviews the criteria that the applicant must meet. Mr. Muire said NB allows for a wide range of uses and is by definition “a neighborhood business that is supposed to complement these folks” that live in the Gold Hill Air Park. Mr. Muire said the district was designed to allow people to have different businesses in the County. Mr. Muire pointed out that if Mr. Everhart bought the property “and lived on it, we wouldn’t even be here tonight; he could do anything he wanted to.” Mr. Muire said he was not trying to discount anyone’s concerns, as he understood that the concerns were valid. Mr. Muire said Staff was receptive to appearance, such as junked motor vehicles, and that Staff would begin the enforcement process if complaints were received.

Commissioner Sides moved to adopt the Statement of Reasonableness and the Statement of Consistency. The motion was seconded by Commissioner Blount and passed unanimously.

The above-referenced Statement of Reasonableness was listed as follows: This request is for rezoning from RA to NB of Tax Map 542 Parcel 025 to allow for an automobile sales lot. By rezoning this property to NB, restrictions placed on the

property will promote the general welfare by encouraging the most appropriate use of the site.

The above-referenced Statement of Consistency was listed as follows: The rezoning proposal is consistent with the proposed growth for service-oriented businesses and highway retail sectors for the transportation analysis zones contained in the county's adopted thoroughfare plan for this area. The NB district definition in the county's zoning ordinance recognizes the district's standards for promoting small businesses and its protection of surrounding residential areas.

Commissioner Sides moved, Commissioner Mitchell seconded and the vote for approval of Z 06-06 passed unanimously.

Mr. Muire offered to talk to the citizens from Gold Hill Air Park the next morning if they wished to meet regarding the performance standards that were to be expected for rezoning the Board had just approved.

3. UPDATE ON RFP FOR LANDIS SPUR OF THE GRANTS CREEK GREENWAY

Planning Manager Ed Muire recalled that Staff came before the Board in August pertaining to the \$10,000 municipal agreement, which the DOT had provided for the design and engineering services for the Landis section of the Grants Creek Greenway.

Mr. Muire said a Request for Proposals (RFP) was sent to 7 consultants with 2 interested firms providing proposals. The proposals were from:

- Greenways, Inc at \$39,500
- Haden-Stanziale at a fee range between \$69,085 and \$90,750

Commissioner Sides stated that the \$10,000 was a grant from the DOT and that he would not have a problem with China Grove or Landis providing the balance of the money in order to utilize the grant. Commissioner Sides said he was opposed to spending taxpayers' money for greenways.

Commissioner Sides moved that the Board, for this period of time, fund no greenways in Rowan County.

Commissioner Blount questioned Commissioner Sides as to the "period of time" referenced in the motion and Commissioner Sides responded, until the County has a new Board.

The motion was seconded by Commissioner Mitchell and passed 4-1 with Commissioner Blount dissenting.

Mr. Muire said that with the Board's approval, he would send a letter to the DOT indicating that the County would not participate at this time in funding any shortfalls in the program.

4. CONSIDER APPROVAL OF WORK FIRST PLAN FOR 2007-09

Department of Social Services (DSS) Director Sandra Wilkes presented the request for the Board's approval of the Work First Plan for 2007-2009.

Ms. Wilkes said the process for the plan began in July when the Commissioners had designated Rowan as a standard county. Ms. Wilkes said being a standard county allows limited flexibility in applying state policies. Ms. Wilkes said the Board had also appointed a community planning committee, which had met and was recommending no significant changes in the plan. Ms. Wilkes added that no public comments had been received regarding the plan.

Ms. Wilkes said concerns had been voiced in the committee meeting and with DSS Staff and the DSS Board regarding the Work First Plan. The concerns were with undocumented immigrants who are receiving Work First payments for their children who are United States (US) citizens because they were born in this country. Ms. Wilkes said of the 438 current Work First cases, approximately 10% of those cases are those in which only the children's needs are included in the check because their parents are undocumented immigrants. Ms. Wilkes said the checks are issued to the parents to use for the children but the parents' needs are not included. Ms. Wilkes emphasized that Work First payments can only be used to cover US citizens. Ms. Wilkes said because the checks do not include the undocumented parents, those parents are not subject to the work requirements nor to the time limits of the Work First Program. Ms. Wilkes said the citizen parents that are included in the Work First assistance checks could have the work requirements imposed upon them, including penalties when they do not comply with the work requirements. Ms. Wilkes said penalties include reducing the amount of the check or even suspension of checks. Ms. Wilkes said the DSS Directors Association would continue to raise these concerns at the state level.

Ms. Wilkes recalled that when the Work First Plan was implemented in 1996, the focus was on parental responsibility in supporting their children. Ms. Wilkes said Staff works with the parents to get them off welfare and into the workforce. Ms. Wilkes said the focus has become "somewhat blurred" in cases where the parent is an undocumented immigrant.

Ms. Wilkes said the DSS Board approved the plan on October 12, 2006 and the final step in the process was to receive the approval of the Board of Commissioners.

Commissioner Sides said the same situations also apply with Medicaid and food stamps. Commissioner Sides said these are government programs and the

County basically has no control over the programs. Commissioner Sides said it is sad when a US citizen is treated worse than an illegal immigrant. Commissioner Sides said DSS has seen cases with the Work First Program where third and fourth generation welfare recipients have gone to work and no longer require assistance. Commissioner Sides briefly discussed the problems with the program. Commissioner Sides said the DSS Board had requested that Staff continue to bring these issues to the table when attending state meetings in hopes that changes will be made. Commissioner Sides said the DSS Board had no choice but to approve the plan.

Chairman Chamberlain said most people don't realize the affect this is having on our country.

Commissioner Mitchell questioned Ms. Wilkes regarding applications for the program. Ms. Wilkes explained that there is no waiting list and if the applicant is eligible, they receive assistance. Ms. Wilkes said DSS receives approximately 75 applications per month and the applications are approved or denied within 30 days. Ms. Wilkes said when the plan first took place, welfare reductions were immediately realized. Ms. Wilkes said DSS was no longer seeing a "great reduction" but rather a gradual decrease in the number of welfare recipients.

Commissioner Mitchell questioned the amount of the monthly checks, per child, and Ms. Wilkes said the average check is \$221 per month. Ms. Wilkes said if the parents were included in the budget, the check would increase by approximately \$30.00. Ms. Wilkes also stated that when a child is under the age of 12 months, the parents are exempt from participating in the work activities. Ms. Wilkes said another exemption is related to incapacity.

Commissioner Mitchell moved, Commissioner Sides seconded and the vote to approve the Work First Plan for 2005-2007 passed unanimously.

5. CONSIDER APPROVAL OF SEND-IN AGREEMENT BETWEEN ROWAN COUNTY AND THE NORTH CAROLINA COOPERATIVE EXTENSION SERVICE

Jim Cowden, Director of the Rowan County Cooperative Extension thanked the Board for its support of the Cooperative Extension and he requested the Board's approval for Rowan to enter a lock in/send in agreement. Mr. Cowden said the agreement would become effective January 1, 2007 and would assist in a more uniform payroll system across the state. Mr. Cowden said the agreement would not cost the county any more in benefits and that the County would save several thousand dollars with the change.

Commissioner Sides moved, Commissioner Mitchell seconded and the vote for approval of the send-in agreement passed unanimously.

6. CONSIDER APPROVAL OF WAIVER OF COMPETITIVE BIDDING & RESOLUTION & APPROVAL OF CONTRACT WITH SUNGARD THE, INC. FOR FULLY INTEGRATED PUBLIC SAFETY SYSTEM

Sandy Fisher from the Rowan County Finance Department said a notice of waiver of competitive bidding was advertised in the Salisbury Post on September 27, 2006 for the purchase of a fully integrated public safety system from SunGard HTE, Inc. Ms. Fisher said the County would be piggybacking off a contract with Currituck County. Ms. Fisher reported that Currituck County had also gone through the competitive bidding process and had received 5 bids, with SunGard being the low bidder. Ms. Fisher said SunGard was extending the same price to Rowan County. Ms. Fisher said, normally, the larger the County, the higher the cost.

Commissioner Mitchell questioned the proposed \$104,000 recurring cost. Commissioner Mitchell asked if the County currently had recurring costs and if so, what was the amount. Information Systems Director David Boling explained that County currently pays approximately one-half of the proposed recurring amount. Mr. Boling said the proposed package was a more complete package and would offer a great deal more than what the County has. Mr. Boling said maintenance would go up but he said what the package offers would also increase. Mr. Boling added that one year of maintenance was included in the quote.

Finance Director Leslie Heidrick said the County currently pays \$47,000 in recurring costs and the new cost would be \$104,000. Ms. Heidrick said the entire budget for purchasing is \$1,317,000. Ms. Heidrick said the piggyback is for the software portion in the amount of \$800,749 and the cost of the hardware is estimated at \$515,000. Ms. Heidrick said the County was under budget "as a whole" on the project.

Commissioner Mitchell moved for approval of the purchase of the fully integrated public safety system from SunGard, HTE, Inc. and also for approval of the resolution. Commissioner Sides seconded and the motion passed unanimously.

7. CONSIDER AUTHORIZING THE SALE OF SURPLUS ELECTION EQUIPMENT & APPROVAL OF RESOLUTION AUTHORIZING THE SALE OF SURPLUS EQUIPMENT

Sandy Fisher from the Rowan County Finance Department explained that the state had required counties to replace their election equipment and since that time Rowan County had been storing its old equipment in a hangar at the airport. Ms. Fisher said the vendor the County had originally purchased the equipment from had offered to purchase the equipment back for \$200.00 per piece of equipment.

Commissioner Sides moved, Commissioner Mitchell seconded and the vote to surplus the equipment and sell it by private sale to Diebold Election Systems, Inc. passed unanimously.

Chairman Chamberlain called for a short break at 8:00 pm.

Chairman Chamberlain reconvened the meeting at 8:10 pm.

8. PRESENTATION OF 2007 SCHEDULE OF VALUES FOR 2007 REVALUATION

County Assessor Jerry Rowland presented the Board with the 2007 Schedule of Values for the 2007 revaluation. Barbara McGuire from the County Assessor's Office was also present. Mr. Rowland asked the Board to review the schedule until the next Commission meeting at which time he said he would answer any questions the Board might have.

Ms. McGuire said she would like to provide the Board with 2 cautions. Ms. McGuire said the average typical increase would probably be for houses that range from brand-new to 25-year-old homes. Ms. McGuire said the increase would be mostly residential and for houses in this age range, as that is where most sales take place. Ms. McGuire said the other caution is "it is all about what our property characteristics were in 2006 versus what they are when we sent the revaluation notice out."

Ms. McGuire reviewed the appeals process. Ms. McGuire explained that a letter would be sent to property owners notifying them of their value. An appeal form would also be included and property owners will have 30 days to submit the form back to the County Assessor's Office. Ms. McGuire said Staff would then go out and review the appeals, send a letter with the results of the review, and allow property owners the opportunity to appear before the Board of Equalization and Review.

Mr. Rowland encouraged the Commissioners to call with any questions/concerns prior to next meeting.

9. BUDGET AMENDMENTS

Commissioner Blount moved for approval of the budget amendments as presented. Commissioner Sides seconded and the motion carried unanimously.

10. COUNTY MANAGER'S ACTIVITY REPORT TO THE BOARD

County Manager William Cowan said the activity report was prepared in an effort to keep all Board members informed of the various activities and projects within the County.

Mr. Cowan highlighted portions of the report including airport projects and the vehicle maintenance contract. Mr. Cowan discussed the completion of the jail

pod and said 4 firms had submitted proposals in response to the request for Statements of Qualifications for architectural services. Mr. Cowan said interviews would take place to determine the most qualified of the 4 firms and the results would be brought to the Board

Mr. Cowan asked the Board to read the report carefully regarding the Town Creek Sewer Extension Project.

Commissioner Sides said he owns property in the Town Creek project area and that he had received a letter informing him that he might see individuals on the property performing surveys, etc. Commissioner Sides said the letter also states that there would be no construction or alterations to the property at this time. Commissioner Sides said he had received a number of complaints from citizens where surveyors had gone onto their property and cut a 30' swath of anything under 3½" to 4". Commissioner Sides stated that he was bothered by these actions.

Chairman Chamberlain asked the County Manager to check into the concerns of Commissioner Sides.

Mr. Cowan asked if the Board approved of the format of the activity report. Commissioner Sides said he found the information helpful in keeping him abreast of the projects. Commissioner Sides said the report was "much better than anything we've had in the past."

Mr. Cowan said he would provide the Board with the report for the second Commission meeting of each month.

11. PUBLIC COMMENT PERIOD

Chairman Chamberlain opened the Public Comment Period to entertain comments from any citizens who wished to address the Board.

With no one coming forward, Chairman Chamberlain closed the Public Comment Period.

12. ADJOURNMENT

Commissioner Sides moved, Commissioner Blount seconded and the vote to adjourn at 8:30 pm passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board