

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
May 7, 2007 – 4:00 PM
J. NEWTON COHEN, SR. ROOM, ADMINISTRATION BUILDING**

Present: Arnold S. Chamberlain, Chairman
Chad Mitchell, Vice-Chairman
Jon Barber, Member
Tina Hall, Member
Jim Sides, 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 4:00 pm.

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the minutes of the April 16, 2007 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

Commissioner Hall moved to add a discussion regarding the fairgrounds. The motion was seconded by Commissioner Sides and passed unanimously.

Chairman Chamberlain added the discussion as agenda item #13a.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Mitchell moved for approval of the agenda. The motion was seconded by Commissioner Barber and passed unanimously.

1. CONSIDER APPROVAL OF THE CONSENT AGENDA

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the Consent Agenda passed unanimously.

The Consent Agenda consisted of the following:

- A. Set Public Hearing for May 21, 2007 for Unanimous Petition for Keller Farm Road
- B. Approval of Resolution Designating the Sheriff as the Official to Make Recommendations to the North Carolina Alcoholic Beverage Control Commission on ABC Permit Applications
- C. Approval of Proclamation Declaring May 20-26, 2007 as National EMS Week
- D. Set Quasi-Judicial Hearing for May 21, 2007 for PCUR 01-07
- E. Set Public Hearing for May 21, 2007 for Z 04-07

2. 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 wishing to address the Board, Chairman Chamberlain closed the Public Comment Period.

3. PUBLIC HEARING FOR MAJORITY PETITION FOR SONG BIRD LANE

Fredda Greer of the Rowan County Planning & Development Department presented the majority petition for Song Bird Lane. Ms. Greer reported that as plans for two home sites were discussed, Planning Staff noted that the construction would require the naming of a road that runs north off the 100 block of Double Thumb Road. Ms. Greer said the property owners had submitted a completed petition for the road name of Song Bird Lane. Staff recommended approval of the request.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed road name of Song Bird Lane.

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

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the road name of Song Bird Lane passed unanimously.

4. PUBLIC HEARING FOR SPECIAL CONSIDERATION OF ADDRESS CORRECTION ON CHIPPEWA TRAIL

Fredda Greer of the Rowan County Planning & Development Department reported that Planning Staff was contacted by Joe Hite regarding an address assignment for TP 225A069. Ms. Greer said in reviewing the original address assignment, 108 Chippewa Trail was intended for this parcel. Ms. Greer said the

Foster's are currently using 108 Chippewa Trail and should be using 110 Chippewa Trail.

Ms. Greer said the Foster's had been notified of the intent to correct the addressing situation prior to setting the public hearing. Ms. Greer said that Mr. Foster had contacted the Planning Department and was in total agreement with the change.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed address correction.

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 address change as recommended passed unanimously.

5. PUBLIC HEARING FOR ZTA 02-07

Shane Stewart of the Rowan County Planning & Development Department presented the Staff Report. Mr. Stewart said currently zoning requirements limit the building size to 5% of the parcel acreage up to 10,000 square feet in the Neighborhood Business (NB) district and requires appropriate screening and buffering along all property lines that adjoin residentially zoned property. Mr. Stewart said in comparison, property that is zoned Rural Agricultural (RA) and meets the Special Requirements (SR) for that district allow 10% of the parcel to be developed with no other size limitation and typically does not require screening.

Mr. Stewart highlighted the suggested amendments as listed below, stating that the proposed text change would increase the allowed building size to 10% of the parcel up to 10,000 square feet and require the placement of screening and buffering only around the operational area of the parcel.

Existing text in the ordinance proposed to be removed appears as ~~strikethroughs~~ and proposed text appears as ***bold italic***.

Sec. 21-65. General criteria for uses listed as SR in the NB District in section 21-113.

Uses listed as SR in the NB District in section 21-113, the table of uses, shall comply with the following criteria, as applicable:

- (1) *Site plan*. A site plan shall be provided showing the existing lot and all existing and proposed buildings. As well as all criteria required herein.
- (2) *Lighting*. The lighting shall be shielded to prevent light and glare spillover to adjacent residentially developed properties.
- (3) *Minimum zone lot size*. The minimum zone lot size shall be two (2) acres. The Board of Commissioners may reduce this if the lot is a lot of record existing

at the effective date of this ordinance and the property owner does not own contiguous property which may be included in the proposal.

(4) *Building size.* The maximum building size per parcel shall not exceed ~~five~~ **ten (10)** percent of the total **zone lot** area up to a ten thousand (10,000) square foot building size. ***Multiple buildings maybe used in calculating the maximum allowable building size.***

(5) *Impervious surface.* The maximum impervious surface shall not exceed sixty-five (65) percent of the lot.

(6) *Hours of operation.* Hours of operation shall not exceed 6:00 a.m. to 11:00 p.m.

(7) *Parking.* Parking shall be as prescribed in article VII, Parking, for that use.

(8) *Signage.* Signage shall be as prescribed in article VIII, Signs, for the underlying district.

(9) *Noise.* Noise shall not exceed the levels prescribed in the county noise ordinance for residential districts.

(10) *Outdoor storage.* All outside storage areas including dumpsters shall be:

a. Sited to the rear of the building;

b. Not within the required setbacks.

c. Notwithstanding other requirements of this subsection, outdoor storage shall be completely screened from adjacent residentially zoned property

(11) *Smoke, odors and dust.* The use will not create any smoke, odors, or dust at a level discernible at any of its lot lines.

(12) *Required licenses and permits.* The applicant shall provide a copy of all required licenses and permits prior to issuance of a zoning permit.

(13) *Handling waste and other by-products.* A description shall be provided of the method of collecting, handling, disposal and storage of all wastes, by-products, scraps, etc. which meets all applicable federal, state and local regulations and all other requirements of this ordinance.

(14) *Screening and buffering.* A ~~Category 2~~ **Type A** screen **and buffer** shall be placed ~~on all side and rear property lines abutting a residential zoning district~~ **along the sides and rear of the operational area.** All areas not used for operation of the facility shall be covered with lawn, low-growing evergreen shrubs, evergreen ground cover, or rock mulch or in a similar fashion as approved by the zoning administrator.

(15) *Outdoor display.* Outdoor display shall be limited to two thousand five hundred (2,500) square feet.

(16) Commercial Driveway Permit. An approved commercial driveway permit must be issued by the NCDOT prior to issuance of a zoning permit.

Mr. Stewart said the Planning Board had forwarded a favorable recommendation to the Commissioners.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed text amendments.

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

Commissioner Sides moved to approve the Statement of Consistency for ZTA 02-07. The motion was seconded by Commissioner Hall and carried unanimously.

The Statement of Consistency read as follows:

Although the county does not have an adopted land use plan, the Neighborhood Business Zoning District was established to provide business opportunities to serve small trading areas while at the same time not compromise the general harmony of surrounding land uses. Amending these standards will provide more flexibility for use while still maintaining standards that dictate compatibility with adjoining properties.

Commissioner Sides moved, Commissioner Hall seconded and the vote to approve ZTA-02-07 passed unanimously.

6. PUBLIC HEARING FOR POSSIBLE ADOPTION OF FIRE PREVENTION CODE ORDINANCE

Emergency Services Director Frank Thomason and Fire Marshal Tom Murphy were present to address any questions regarding the proposed Fire Prevention Code Ordinance.

Mr. Murphy said the State had adopted the International Fire Code and he explained that the local governing board must also adopt the code to make it enforceable.

Mr. Thomason referred to the reorganization that had occurred with the Environmental Services Department and the inspection process. Mr. Thomason said part of process was for the fire division and the EMS Department to assume responsibility of performing fire inspections in the County.

Commissioner Sides said he noticed several areas stating that any violations to provisions in the ordinance would be considered a misdemeanor. Commissioner Sides asked if it is a mandate that inspectors be allowed into the businesses. Mr. Murphy responded that if inspectors were denied access, the case would go through court proceedings.

Commissioner Sides provided an example regarding a member of a volunteer fire department coming onto his property to perform an inspection without permission. Commissioner Sides said he would not support access to private property in the manner that was used by the member of the volunteer fire department.

Commissioner Mitchell said the Board would not be granting any permission other than state law and that the state law would take precedence over any other ordinance that was passed.

Mr. Murphy clarified that if an inspector appeared at an inconvenient time, the inspector could return by scheduling an appointment.

In response to a comment from Commissioner Sides, Mr. Murphy explained that if the Board did not adopt the ordinance, there would be no inspections, which would be in violation of state laws.

Commissioner Sides stated that he did not have a problem with inspections being performed but rather with the way he had been approached for an inspection.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed ordinance.

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

Commissioner Mitchell moved to approve the Fire Prevention Code Ordinance as presented. The motion was seconded by Commissioner Barber and carried unanimously.

7. CONSIDER APPROVAL OF CHANGE ORDER FOR ELIZABETH DUNCAN KOONTZ ELEMENTARY SCHOOL

Gene Miller, Assistant Superintendent of the Rowan-Salisbury School System reported that the Board of Education had approved a change order for Elizabeth Duncan Koontz Elementary on April 16, 2007. The purpose of the change order was to decrease the contract with Monteith Construction Corporation in the amount of \$8,300 due to brick discoloration.

Mr. Miller requested Commission approval of the change order.

Commissioner Hall welcomed Mr. Miller back to Rowan County. Mr. Miller was previously employed by the Rowan-Salisbury School System.

Commissioner Sides moved for approval of the request. Commissioner Hall seconded and the motion carried unanimously.

8. CONSIDER APPROVAL OF EROSION CONTROL PROGRAM FEE INCREASES

Ed Muire, Planning and Development Director, explained that discussions concerning the transfer of the County's sedimentation and erosion control

program from Environmental Services to Planning & Development prompted Staff to review the existing ordinance and fee structure for erosion control plans.

Mr. Muire highlighted a summary of erosion control plan fees charged by surrounding counties and said Staff suggested increasing erosion control program fees to coincide with those charged by the North Carolina Department of Natural Resources (NC DENR). Mr. Muire said the fees would be calculated at \$50 per acre and also involved rounding up the disturbed acreage to the next whole acre. Mr. Muire said surrounding counties currently have their fees controlled by the state and increasing Rowan County fees would bring them up to the level that the state charges.

Commissioner Sides referred to the number of permits for last year and he questioned the anticipated revenue for this year. Commissioner Sides also questioned the primary reason behind the request to raise the rates. Mr. Muire estimated that there would be a \$4,000 increase over last year. The service is required by the State and is initiated by the developers, making it user-based. Mr. Muire stated the fees, at this point, would transition from Environmental Management to Planning and Development. Mr. Muire said the request is due to the increased costs of administering the program. Mr. Muire added that the citizens receive more response with the County administering the program than they would from the State.

Commissioner Sides stated that the County should only raise its fees to meet the needs of administering the program and not to simply be in line with what other counties are charging.

In response to a query from Commissioner Hall, Mr. Muire said the fees being charged do not match the services being provided and that the fees should be reviewed again next year. Mr. Muire said the current fee has been the same for the past 13 years and is the lowest in the area.

Commissioner Sides moved, Commissioner Hall seconded and the vote to approve the proposed fee of \$50 per acre passed unanimously.

Mr. Muire stated the fee would be effective July 1, 2007.

9. CONSIDER APPROVAL OF CODES ENFORCEMENT BUILDING PERMIT FEES

Barry Motsinger, Codes Enforcement Manager, reported that it had been three (3) years since the County's permit fees had been adjusted. The requested increase would be used towards the costs of hiring two (2) new inspectors. Mr. Motsinger said a cost comparison of five surrounding counties was performed to determine if the County's costs were in line. Mr. Motsinger explained that each of the surrounding counties calculated their permit fees differently and he then

highlighted the information in the agenda packet pertaining to the various types of permits and recommended fees.

Mr. Motsinger said the County does not currently charge for Day Care, Group Care, ABC permit and other inspections required by governmental agencies. Mr. Motsinger reported that surrounding counties charge from \$50 to \$100 for these types of inspections and he suggested that the County charge a \$50 fee for this service.

Mr. Motsinger said the County does not charge for plans review. Mr. Motsinger suggested that if the County hires a new plan reviewer, there should be a charge for plan review for new construction at a minimum of \$30 or \$0.01 per square foot, whichever is greater.

Mr. Motsinger said the County does not currently charge permit fees for projects performed in county and local municipalities, while 4 of 5 surrounding counties do charge for these permits. Mr. Motsinger suggested that the County begin charging for all permits issued. Mr. Motsinger said Staff must continually return to some sites due to failed inspections.

Chairman Chamberlain asked if the Board could establish a re-inspection fee and Mr. Motsinger responded yes. Chairman Chamberlain said he would like for the County to continue to perform inspections free of charge to municipalities and the school system however he stated that he would like to see a re-inspection fee added. The other Board members agreed with Chairman Chamberlain as to waiving inspection fees for municipalities and the school system but agreed in allowing for a re-inspection fee.

Commissioner Sides questioned the total new revenue based on last year's numbers at the new rates. Mr. Motsinger responded that the revenue would be \$160,000 more and that the cost for a new inspector would be \$75,000.

Commissioner Mitchell asked if Mr. Motsinger was recommending an escalation clause for increasing fees each year and Mr. Motsinger responded yes.

Commissioner Sides said he would like to see a provision requiring that each year the decision should still come before the Board.

Commissioner Sides stated that he would like to see the changes mentioned, which were re-inspection fees, updated current values annually with Board approval each year, and implementation of a \$30 minimum for plan reviews.

Commissioner Sides moved to accept the new rates with the changes (as stated by Commissioner Sides above). The motion was seconded by Commissioner Mitchell and passed unanimously.

10. CONSIDER APPROVAL OF REVISION TO EXISTING HAZARDOUS MATERIALS RESPONSE AGREEMENT BETWEEN ROWAN COUNTY AND CITY OF SALISBURY

Emergency Services Director Frank Thomason and Fire Marshal Tom Murphy were present to discuss the proposed revisions to the existing Hazardous Materials Response Agreement between Rowan County and the City of Salisbury.

Mr. Thomason reported that in 1992, Rowan County and the City of Salisbury had entered into a joint agreement to establish and maintain an emergency hazardous materials response team. Mr. Thomason said the joint venture was in its 15th year and continuing to work well.

Mr. Thomason reviewed some minor wording revisions to the existing agreement and said the revisions reflect the current operation and continued commitment by both the County and the City to the ongoing operation.

Commissioner Mitchell pointed out that the word “for” in the last sentence of paragraph 4 should be removed.

Commissioner Sides moved for approval of the proposed revisions. The motion was seconded by Commissioner Hall and passed unanimously.

11. CONSIDER APPROVAL OF RESOLUTION AWARDING CONTRACT FOR SITE IMPROVEMENTS & PAVING AT RECYCLING PROCESSING CENTER

Purchasing Agent Sandy Fisher reported that bids were received on April 24, 2007 for site improvements and paving at the Rowan County Recycling Processing Center. Ms. Fisher said three (3) bids were received and the Finance and Environmental Management Departments were recommending that the Board award the contract to Bost Construction Company, Inc. for a total cost of \$224,331.50. Ms. Fisher said the anticipated completion date was next September and therefore the project would have to be budgeted next year as well.

Commissioner Hall moved, Commissioner Mitchell seconded and the vote for approval of the Resolution awarding the contract for site improvements and paving at the Recycling Processing Center passed unanimously.

12. CONSIDER APPROVAL OF RESOLUTION AWARDING CONTRACT FOR WASTE HAULING

Purchasing Agent Sandy Fisher reported that bids were received on April 24, 2007 for a three-year contract for pickup and transport of recycling containers from convenience sites to the recycling center and pickup and transport of solid waste containers from convenience sites to the landfill. Ms. Fisher said two (2) bids were received. The Finance and Environmental Management Departments

recommended awarding the contract to Waste Management at an estimated cost of \$147,239.80.

Commissioner Sides referred to increasing gasoline prices and asked if the company would be required to maintain the same number of pickups according to the contract. Ms. Fisher said yes and that the contract would detail the required number of pickups.

Commissioner Mitchell moved to approve the Resolution awarding the contract for waste hauling. The motion was seconded by Commissioner Barber and passed unanimously.

13. CONSIDER APPROVAL OF RESOLUTION AUTHORIZING SALE OF SURPLUS PROPERTY BY PUBLIC AUCTION

Purchasing Agent Sandy Fisher explained that the Finance Department was requesting Board approval of a Resolution authorizing the sale of surplus property by public auction on May 18, 2007. Ms. Fisher said the list of items to be sold was listed in the agenda packets as exhibits A, B and C. Ms. Fisher also distributed exhibit D (handout). Ms. Fisher said Staff was requesting that authority be given to the Director of Administration, Ken Deal, to sign vehicle titles on the County's behalf on the day of the auction.

Chairman Chamberlain asked if employees were prohibited to bid on items at the auction and Ms. Fisher said no.

Commissioner Mitchell moved to surplus the inventory as listed. The motion was seconded by Commissioner Barber and passed unanimously.

Commissioner Mitchell moved approval of the Resolution authorizing Ken Deal to sign titles on the date of the auction. Commissioner Barber seconded and the motion passed unanimously.

Chairman Chamberlain called for a short break at 4:48 pm.

Chairman Chamberlain reconvened the meeting at 4:56 pm.

13a. ADDITION

Commissioner Hall explained that the Board had been receiving queries regarding rental of the fairgrounds property when the current lease with the Fair Association expires in November. Commissioner Hall said she was committed to the fair continuing in Rowan County but that she was of the opinion that it was time for a change in the management of the fair. Commissioner Hall reported that she had met with James Meacham, new Director of the Convention and Visitors Bureau (CVB), and he had offered assistance with management of the fairgrounds property. Commissioner Hall said she understood that the CVB could begin booking events if given the authority by the Commissioners and she

felt that intergovernmental cooperation would be a “win-win” situation. Commissioner Hall said the County would still be free to market the fairgrounds property and she expressed optimism that new management and expanded uses might prove to be the highest and best use for the fairgrounds property. Commissioner Hall said she would only consider selling the property if a business approached the County with plans to bring a significant number of new jobs, enhancement to the quality of life and an offer substantial enough to replace the fairgrounds without causing the fair to skip a year.

Chairman Chamberlain mentioned that Commissioner Hall was the liaison to the CVB. Chairman Chamberlain said Mr. Meacham had also contacted him and that he was scheduled to meet with Mr. Meacham the next afternoon. Chairman Chamberlain said he and Commissioner Hall would bring additional information back to the Board. Chairman Chamberlain stated that the County Manager had been instructed to handle reservations for the fairgrounds property until the Board gave further direction. Chairman Chamberlain then called for a Special Meeting of the Board of Commissioners for Thursday, May 10, 2007 at 5:30 pm for 1) a discussion regarding the fairgrounds property, and 2) presentation of Board members budget priorities.

Commissioner Mitchell questioned the intent of the CVB to run the fair and Chairman Chamberlain said the Board did not yet have that information.

Commissioner Mitchell said he had been told that a charter existed giving the Fair Association exclusive rights to operate a Rowan County Fair. Commissioner Mitchell requested that someone research the charter issue.

Commissioner Barber agreed with Commissioner Mitchell and stated that he, too, had received a similar call regarding an existing charter with the Fair Association.

14. PRESENTATION OF INFORMATION REGARDING NACO PRESCRIPTION DRUG PROGRAM

Commissioner Barber discussed a prescription plan offered through county membership with the National Association of Counties (NACo). Commissioner Barber explained that the program is for citizens who are uninsured or for citizens whose current healthcare providers don't cover certain prescription drugs. Commissioner Barber said there is no cost or enrollment for citizens and the only cost to Rowan County would be maintaining its NACo membership and distribution of the cards to the citizens. Commissioner Barber stated that there are 68 pharmacies within a 20-mile radius that would accept the card and he proposed that the Board consider offering the program to the citizens.

Ken Deal, Director of Administration, said the cards would be tracked through a numbering system and not by name.

Commissioner Sides commented that the program would be worthwhile for the citizens who could not afford prescriptions.

Commissioner Mitchell questioned the distribution method for the cards. County Manager William Cowan said some counties make the cards available to citizens through various departments such as Senior Services and the Health Department.

Commissioner Barber mentioned that 41 of the 100 counties in North Carolina are using the program.

Commissioner Barber moved to go forward with the program. The motion was seconded by Commissioner Mitchell.

Chairman Chamberlain asked for clarification of the motion and if the intentions of the motion were to instruct Mr. Deal to get the program started. Commissioner Barber responded yes and said Mr. Deal had already begun looking into a distribution process for the cards as well.

Commissioner Sides suggested that the County put notices in the newspaper at the appropriate time to inform the public that the cards would be available.

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

15. DISCUSSION REGARDING POSSIBLE TEXT AMENDMENTS TO PARKS & RECREATION ORDINANCE

Commissioner Sides recalled that the Board had recently voted to amend Chapter 3 of the Rowan County Code of Ordinances regarding the sale and consumption of alcohol on county owned property. Commissioner Sides said the language in Chapter 16 was contradictory to the recently approved amendments of Chapter 3. Commissioner Sides proposed that the Board set a public hearing to consider repealing Section 16-44 from the Parks & Recreation Ordinance.

Commissioner Sides moved to set a public hearing for the next Commission meeting. The motion was seconded by Commissioner Barber and passed unanimously.

16. DISCUSSION REGARDING FUNDING OF (2) PENDING PROJECTS

Commissioner Sides said the Board had discussed upfitting the meeting chambers to enhance the audio and possible televising of Commission Meetings. Commissioner Sides said the Board was faced with the task of finding funds in the budget for the project. Commissioner Sides then discussed two surplus (2) tracts of county-owned property that were currently going through the upset bid process and he suggested that the Board allocate the funds from the sale of the properties for the upfitting of the meeting chambers.

Commissioner Sides said years ago the County had made a contribution towards the capital campaign for the Ruffy Holmes Senior Center building and that the Board had continued to fund the Center each year. Commissioner Sides reported that the Center was currently in the process of a new capital campaign for approximately \$750,000. Commissioner Sides said the Center had submitted a request to the County for an additional \$10,000 in funding. Commissioner Sides said he would like to remove the request from the budget process and he suggested that when the first tract of surplus property was sold that the County give the Center the \$10,000 immediately. Commissioner Sides said the balance of the funds from the two (2) tracts of surplus property would be allocated towards the upfitting of the room.

Chairman Chamberlain asked Commissioner Sides if he was offering his comments in the form of a motion and Commissioner Sides said yes. The motion was seconded by Commissioner Hall.

Chairman Chamberlain polled the Board members and all were in agreement with Commissioner Sides' suggestion.

Chairman Chamberlain said he understood the motion was to earmark the funds from the sale of the two (2) surplus properties for the upfitting of the meeting room and to go ahead and release the \$10,000 requested by Ruffy Holmes.

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

17. DISCUSSION REGARDING SUMMIT CORPORATE CENTER

Chairman Chamberlain recalled that during the Board's annual Planning Retreat, the Board had discussed the County's current contract with The Keith Corporation (TKC), which is scheduled to expire August 31, 2007. Chairman Chamberlain opened the floor for discussion as to what direction the Board might wish to take regarding Summit Corporate Center (SCC) once TKC's contract expires.

Commissioner Hall said in reflecting back on the retreat discussions, there was concern that the company that had been hired was not doing its job in marketing the property.

Chairman Chamberlain agreed with Commissioner Hall's comments. Chairman Chamberlain said TKC was a good corporation with a great reputation. Chairman Chamberlain expressed concern that TKC was not developing the park in Rowan County but was developing parks in surrounding counties.

Commissioner Barber said the County had not enjoyed the economic development success from TKC that other counties had experienced. Commissioner Barber noted some of the differences could be a result of SCC initially not having a master plan. Commissioner Barber said TKC did bring the

Board the first master plan. Secondly, Commissioner Barber said the construction along I-85 could have deterred businesses from seriously considering SCC. Commissioner Barber said the economy itself had not been as robust throughout the state during the tenure of the contract with TKC. Commissioner Barber discussed the marketing efforts of the Economic Development Commission (EDC), Rowan Jobs Initiatives (RJI), Department of Commerce in Raleigh and TKC. Commissioner Barber noted that TKC could market the land through other consultant contacts as well as other real estate brokers. Commissioner Barber said TKC could market the property for build-to-suit, spec buildings, etc. Commissioner Barber said when looking at the results, "we don't have it." Commissioner Barber suggested one approach might be for the Board to have a professional appraiser look at park. Commissioner Barber said the Board could also consider an area plan for the park to see if there are changes the Board might want in the restrictive covenants for SCC.

Chairman Chamberlain said he would like for the Board to discuss the issue one-on-one with each other, citizens, developers, etc. Chairman Chamberlain also referred to a previous comment made by a former commission chairman that suggested allowing commercial and other uses in SCC. Chairman Chamberlain asked the County Attorney if those other uses would be allowed.

County Attorney Jay Dees said that after having read the restrictive covenants, he was of the opinion that only the owners (3/4) could approve or suggest an amendment. Mr. Dees said the definition of "owner" specifically excepts the declarant, which is the County. Mr. Dees said the County could not initiate an amendment but retained the right to veto an amendment for fifteen (15) years of the thirty (30) year agreement. Mr. Dees said the County would need to go to the existing property owners to initiate any change.

Commissioner Hall asked how many property owners were in SCC and Mr. Dees responded that there were three (3).

Commissioner Hall asked when SCC was developed and Mr. Dees said 1996.

Commissioner Hall questioned the number of lots in the SCC and Commissioner Barber suggested that members look at the master plan prepared by TKC. Commissioner Hall wondered how long it would take the County to visualize the development of SCC and Commissioner Barber said he felt a professional could answer the question.

Commissioner Sides stated that the County had eleven (11) years of professionals advising the County and yet the park had not "gotten off the ground." Commissioner Sides commented that the County had paid for the master plan and secondly, the County had given the incentive to the developer (TKC) for the development of the Square D site in SCC. Commissioner Sides felt it was a conflict of interest for a marketing agent to market SCC when that agent

was also marketing property in another county. Commissioner Sides felt that allowing retail uses in SCC would tax base, sales tax as well as other gains lean in the County's favor. Commissioner Sides also discussed the restrictive covenants and said the County should "tackle" the restrictive covenants now.

Commissioner Barber stressed that he felt the Board should look at a plan for the whole area around the park.

Commissioner Sides said he felt the Board should have the option to allow retail uses in SCC.

Commissioner Mitchell said he had always thought the retail component was necessary. Commissioner Mitchell said if TKC were against allowing retail uses within the park, it would be to the County's benefit to add another property owner in SCC.

Commissioner Sides said the changes pertaining to retail uses could be added to the language of any future contracts.

Chairman Chamberlain said he had read over some of the old minutes regarding discussions on SCC and that he was personally ready to change the restrictive covenants to allow commercial use.

18. CONSIDER APPROVAL OF COMMENT LETTER TO FEDERAL ELECTRIC REGULATORY COMMISSION (FERC)

County Attorney Jay Dees discussed the proposed comment letter, which he had previously provided for the Board's consideration for possible submittal to the Federal Electric Regulatory Commission (FERC). Mr. Dees said the specific items of importance were identified in the proposed draft.

Commissioner Sides said he felt the letter represented the County's position on the issue and he moved to send the letter.

Mr. Dees mentioned that the aerial photographs actually showed the history of the sediment buildup since 1936.

The motion was seconded by Commissioner Barber and passed unanimously.

19. BUDGET AMENDMENTS

Commissioner Sides moved, Commissioner Mitchell seconded and the vote to approve the budget amendments as presented passed unanimously.

20. BOARD APPOINTMENTS

CHINA GROVE ZONING BOARD OF ADJUSTMENT

The Town Council of China Grove submitted the following name to serve as an ETJ representative of the Zoning Board of Adjustment of China Grove:

- Martha Ann Corriher

The term of appointment would be for three years, expiring December 31, 2009.

Commissioner Sides nominated Martha Ann Corriher and the nomination carried unanimously.

KANNAPOLIS PLANNING AND ZONING COMMISSION

The City of Kannapolis submitted the following name for reappointment to serve as an ETJ representative for the Kannapolis Planning and Zoning Commission:

- Conrad Sloop

The term of appointment would be for three years, beginning on July 1, 2007 and expiring June 30, 2010.

Commissioner Barber nominated Conrad Sloop and the nomination passed unanimously.

SALISBURY ZONING BOARD OF ADJUSTMENT

The City of Salisbury submitted the following name to serve as an ETJ representative for the Salisbury Zoning Board of Adjustment:

- Rev. Grant Harrison

The term of appointment would be for three years, expiring April 30, 2010.

Commissioner Mitchell nominated Reverend Grant Harrison. The nomination passed unanimously.

ADULT CARE HOME ADVISORY COMMITTEE

Raymond Raper has submitted an application for appointment to the Adult Care Home Advisory Committee. If appointed, the term would be for one year, expiring April 30, 2008.

Commissioner Mitchell nominated Raymond Raper and the nomination carried unanimously.

CENTRALINA WORKFORCE DEVELOPMENT BOARD

The Centralina Workforce Development Board has requested that Elizabeth Fields be reappointed as the Community Based Organizations representative.

The term of appointment would begin July 1, 2007, expiring June 30, 2009.

Commissioner Barber nominated Elizabeth Fields for reappointment and the nomination carried unanimously.

AGRICULTURAL ADVISORY BOARD

There is currently one open seat on this board.

The Agricultural Advisory Board recommends that Karen Moore be appointed to serve on this board. If appointed, the term would be for four years, expiring on April 30, 2011.

Katherine Hamilton has also submitted an application for appointment to the Agricultural Advisory Board. If appointed, the term would be for four years, expiring on April 30, 2011.

Commissioner Barber nominated Karen Moore. The nomination passed unanimously.

ROWAN HOUSING AUTHORITY

Zell Setzer has submitted a letter of resignation for this board, effective May 1, 2007.

The following applications have been submitted for appointment to the Rowan Housing Authority. The appointee will fill the remaining term of Mr. Setzer, which expires on August 31, 2008.

- Jeff Morris
- Jeffrey Hubbard
- Rodney Cress
- Rebecca Goudes

Commissioner Sides moved to accept the resignation of Mr. Setzer. The motion was seconded by Commissioner Mitchell and passed unanimously.

Commissioner Sides nominated Jeff Morris to fill the remainder of Mr. Setzer's term. The nomination failed 2-3 with Commissioners Chamberlain, Mitchell and Barber dissenting.

Commissioner Mitchell nominated Rodney Cress and the nomination passed 3-2 with Commissioners Sides and Hall dissenting.

ELLIS CROSS COUNTRY VOLUNTEER FIRE DEPARTMENT

The Ellis Cross Country VFD is requesting the appointment of 3 Fire Commissioners and has submitted the following applications for consideration:

- Terry Fries
- Barry Abernethy
- John Smith
- Don Wooten

The term of appointment would be for 2 years expiring April 30, 2009.

Commissioner Sides nominated Terry Fries and the nomination passed unanimously.

Commissioner Barber nominated Barry Abernethy. The nomination passed unanimously.

Commissioner Barber nominated John Smith. Chairman Chamberlain asked Commissioner Barber if he personally knew John Smith and Commissioner Barber responded no. Chairman Chamberlain then nominated Don Wooten and the nomination passed unanimously.

HISTORIC LANDMARKS COMMISSION

Duard C. Linn has submitted his resignation to the Historic Landmarks Commission. His term ends on December 31, 2008.

Merry Lane Davis Lauder has submitted an application for appointment to this board. If appointed the term would begin on May 1, 2007, expiring on December 31, 2010.

Commissioner Sides moved to accept the resignation of Duard C. Linn. The motion was seconded by Commissioner Mitchell and passed unanimously.

Commissioner Hall nominated Merry Lane Davis Lauder and the nomination passed unanimously.

JUVENILE CRIME PREVENTION COUNCIL

Russell Williams has submitted an application to fill the Member of the Faith Community slot on the JCPC. If appointed the term would begin May 1, 2007, ending on April 30, 2009.

Commissioner Sides nominated Russell Williams and the nomination passed unanimously.

21. DISCUSSION REGARDING JUNE MEETING SCHEDULE

Chairman Chamberlain reported that the Clerk to the Board and the County Attorney would be out of town during the June 4, 2007 regularly scheduled Commission Meeting. Chairman Chamberlain opened the floor for discussion and possible consideration of changing the meeting date.

After a brief discussion, Commissioner Sides made a motion to move the first meeting of June to June 11, 2007 at 4:00 pm. The motion was seconded by Commissioner Hall and passed unanimously.

The second meeting for the month of June remained as scheduled for June 18, 2007 at 7:00 pm.

County Manager William Cowan said he had sent the Board a proposal regarding the parking lot at Soldiers Memorial Church. Mr. Cowan asked if the proposal was acceptable and the Board agreed to allow Mr. Cowan to proceed.

Commissioner Sides commented that the County Manager had brought it to his attention that the County was not providing parking spaces for many of the employees in the Administration Building or at the main branch of the library. Commissioner Sides said the County was attempting to secure additional parking at a lot owned by the Salisbury Post.

22. ADJOURNMENT

There being no further business to come before the Board, Commissioner Sides moved to adjourn at 5:58 pm. The motion was seconded by Commissioner Mitchell and passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board