

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS  
July 16, 2007 – 4:00 PM  
J. NEWTON COHEN, SR. ROOM, ADMINISTRATION BUILDING**

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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.

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

**CONSIDER APPROVAL OF THE MINUTES**

Commissioner Sides moved, Commissioner Mitchell seconded and the vote to approve the minutes of the May 31, 2007, June 11, 2007 and June 18, 2007 Commission Meetings passed unanimously.

**CONSIDER ADDITIONS TO THE AGENDA**

There were no additions to the agenda.

**CONSIDER DELETIONS FROM THE AGENDA**

- Commissioner Sides moved to pull the ABC Board appointment under agenda item #17 (Board Appointments) until the next meeting. The motion was seconded by Commissioner Hall and failed 2-3 with Commissioners Chamberlain, Barber and Mitchell dissenting.
  
- Commissioner Sides requested to pull Consent Agenda item #D (Approval of Limited Fixed Base Operator Agreement with North Carolina Rotor & Wing) for discussion. Chairman Chamberlain placed the issue on the agenda as item #7a.

## **CONSIDER APPROVAL OF THE AGENDA**

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

### **1. CONSIDER APPROVAL OF THE CONSENT AGENDA**

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

The Consent Agenda consisted of the following items:

- A. Approval of Resolution Revoking Review Officers
- B. Approval of Resolution Re-Appointing Review Officers
- C. Approval of Request to Receive Grant for Electronic Records Access at the Polling Place (ERAPP)
- D. Approval of Limited Fixed Base Operator Agreement with North Carolina Rotor & Wing, LLC
- E. Postpone Public Hearing for Secondary Road Construction Program to August 6, 2007
- F. Set Quasi-judicial Public Hearing for August 6, 2007 for CUP 06-07 to Consider a Request by Toyota Racing Development
- G. Set Quasi-judicial Public Hearing for August 6, 2007 to Consider a Request by Celco Partnership
- H. Approval of Subdivision Guarantee for Saddlebrook East Subdivision
- I. Set Public Hearing for August 6, 2007 for Unanimous Petition for Bluegrass Drive
- J. Set Public Hearing for August 6, 2007 for Unanimous Petition for Kirkley Way
- K. Set Public Hearing for August 6, 2007 for Proposed Text Amendment to Farmland Preservation Ordinance
- L. Set Public Hearing for August 6, 2007 for Community Development Block Grant for RDH Tire & Retread Waterline Project

### **2. PUBLIC COMMENT PERIOD**

Chairman Chamberlain opened the Public Comment Period to entertain comments from citizens' who wished to address the Board. The following individuals came forward:

- Steve May said he had lived at 1430 Rogers Road for 21 years. Mr. May said he had a problem with the revaluation, stating that he strongly disagreed with the County's findings and that he had appealed the revaluation. Mr. May discussed the date for his appeal, the date he received a decision regarding his appeal, and said he had received the decision outside of the time limit as required by law. Mr. May asked if there were any procedures that regulate the County Assessor conducting appraisals as supplemental employment. Mr. May said he had previously asked that question but had not yet received an answer. Mr. May said he felt it was a conflict of interest for the County Assessor to privately conduct

appraisals that were on occasion submitted to the Board. Mr. May said he found it ironic that the same person who determined fair market value also determined property values. Mr. May continued by discussing a personal property purchase, which he stated had incurred an increase in value of 52% due to the recent revaluation. Mr. May said the value of an older mobile home on his property had increased by \$1,000. Mr. May discussed various properties owned by several County Commissioners, which he said he felt had incurred “modest” increases and that the values were far less than most property owners.

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

**3. PUBLIC HEARING FOR RURAL OPERATING ASSISTANCE PROGRAM FOR FY 2007-08**

Senior Services Director Clyde Fahnestock and Department of Social Services Director Sandra Wilkes reviewed the Rural Operating Assistance Program (ROAP), which consolidates three different transportation programs into a single application.

Mr. Fahnestock said the Rowan Transit System (RTS) Advisory Committee made the following recommendations:

1. Apply for \$123,475 in Elderly & Disabled Transportation Program (EDTAP) funds. No matching funds are required. The following sub-allocations were recommended for Human Service Agencies:

Senior Services	\$ 36,957	Abundant Living	\$28,028
Vo. Opportunities	\$ 37,711	Medical out-of-town	\$ 6,571
Special Populations	\$ 7,783	Family Crisis Co.	\$ 2,000
Piedmont Behavioral	\$ 3,925	Project Safe	\$ 500

2. Apply for \$125,374 in Rural General Public, which requires a match of \$13,930.

3. Apply for \$22,280 in the Work First Employment Program. No match required.

Chairman Chamberlain opened the public hearing to receive citizen input regarding the ROAP. 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 2008 Rural Operating Assistance Program passed unanimously.

Commissioner Sides moved to authorize the Chairman to execute the NCDOT Grant Certification Statement. The motion was seconded by Commissioner Mitchell and passed unanimously.

#### **4. PUBLIC HEARING TO CONSIDER REVISIONS TO THE HISTORIC LANDMARK COMMISSION ORDINANCE**

Senior Planner Shane Stewart recalled that at the June 11, 2007 Commission Meeting, Commissioner Sides had offered several text changes for consideration for Historic Landmark Commission (HLC) 01-07. Mr. Stewart said a new public hearing had been advertised regarding the new material.

Chairman Chamberlain opened the public hearing to entertain comments from any citizens who wished to address the Board regarding the proposed text changes.

- Margaret Basinger, Vice-Chair of the HLC, said the most important task of the HLC was educating the public to the value of historic preservation. Ms. Basinger said HLC members have always agreed that no commission member should enter private land or structures without the written consent of the property owner. Ms. Basinger referred to the proposed suggestion of reducing HLC membership to 7 members. Ms. Basinger said 9 members are preferred but the HLC would be satisfied with 7. Ms. Basinger said the HLC agreed that if a member missed 30% of HLC meetings within a year, they should be dismissed from the HLC.
- Darius Hedrick of Gold Hill said he became interested in historic preservation in 1989 and that he had seen a tremendous increase in tourists to the area. Mr. Hedrick explained that historic preservation provided an opportunity to share pieces of history that would otherwise disappear. Mr. Hedrick said he also considered historic preservation as increasing county revenue due to tourists spending money on shopping, dining, etc. Mr. Hedrick said it's easy to look at the costs associated with historic preservation without thinking about the returns.
- James Rollans provided the Commissioners with several framed photos and a pamphlet for the Board's review. Mr. Rollans, a member of the HLC, said he wished to reiterate the comments of the previous speakers. Mr. Rollans addressed one of the proposed text changes listed on page 4, Section 9.5-32 of the Staff Report. Mr. Rollans cautioned the Board regarding the question of whether the acreage limit should be expressed since "landmark properties do not come prepackaged and uniform in area." Mr. Rollans read from the pamphlet he had distributed and cautioned the Board from putting a strict limit on what could be designated.
- Lane Lauder, a member of the HLC said she disagreed with the proposed reduction of members for the HLC.

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

Mr. Stewart expressed appreciation to Commissioner Sides for his review of the ordinance.

Mr. Stewart highlighted the major points of the proposed text changes as follows:

- Reduction in HLC membership from 11 members to 7;
- Members shall be removed if they fail to attend 30% of HLC meetings;
- Restore, preserve and operate historic landmarks only when private funds can be raised by the Commission;
- Grants received requiring matching funds must be matched with private funds raised by the HLC;
- No member of HLC can enter private property without written owner consent;
- Several typographical errors;
- No public tax money shall be allocated to the Commission without a unanimous vote by the County Commissioners;
- Reduce delay period for certificate of appropriateness from 365 days to 90 days;
- Reduce delay period for demolition of proposed landmark from 180 days to 90 days

In response to a query from Commissioner Barber, Commissioner Sides explained that 90 days was not for establishing a historic landmark but for the demolition of a building on property that had been designated as a historic landmark. Commissioner Barber said Rose LaCasse, current chair of the HLC, had expressed to him that 90 days was not enough time to work the process through the system.

Commissioner Barber read Section 9.5-36: No public tax money shall be allocated to the Commission without a unanimous vote by the County Commissioners. Commissioner Barber said he preferred the text to state "majority vote." Commissioner Sides said he had intended for the paragraph to be removed.

Commissioner Barber discussed the references to acreage and said there would be situations where it would be difficult to set acreage amounts. Commissioner Barber said the Board could designate what the acreage would be.

Commissioner Barber continued reviewing the proposed text changes, saying he was not sure the HLC was in a position to raise private funds and he requested that the two (2) suggested stipulations be reconsidered.

Commissioner Barber finished by saying that he felt the HLC could work with 7 members.

Commissioner Hall referred to page 3 of the Staff Memorandum pertaining to raising private funds. Commissioner Hall felt the stipulation might push the HLC “into a corner.”

Commissioner Hall said she had been told that the HLC could not meet after 5:00 pm because a member of the Planning Department had to attend the meeting. Mr. Stewart explained that it was the consensus of the Commissioners and County Manager’s Office to limit the number of staff hours for certain boards. Mr. Stewart said the meetings normally last for an hour. Commissioner Hall suggested that the meeting time might attribute to the absenteeism on the HLC.

Chairman Chamberlain suggested that if attendance continued to be a problem, the issue should be brought back to the Board. Chairman Chamberlain said he hated to see Staff working overtime on volunteer boards.

Commissioner Sides said he was not against historic preservation and that he did not wish to give that impression. Commissioner Sides said his major issue had been with the possibility of designating properties as historic without the property owner’s consent. Commissioner Sides addressed the acreage limit and said his concern dealt with large areas being designated as historic districts and also receiving other tax rebates (i.e. farmland use value, farmland preservation).

County Attorney Jay Dees said there were competing interests because there is a 50% value reduction for historic landmark property. Mr. Dees said the general consensus with designations is a structure, and a reasonable amount of property around the structure, which would support the historic significance.

Commissioner Mitchell referred to funding for the HLC and said he did not wish to limit the funding to private funds only.

Commissioner Mitchell discussed the proposed changes for the delay in demolition of landmarks and said the HLC could not do anything with a parcel unless it had the express consent of the property owner to begin with.

Commissioner Sides said the delay dealt with demolition after property had been designated as historic. Commissioner Mitchell said he would like additional clarification.

Chairman Chamberlain asked the Board to vote on the “questionable” text changes individually.

*Section 9.5-29. Appointment and terms of office.*

Commissioner Sides moved to establish the membership at 7 members. Chairman Chamberlain seconded and the motion passed 4-1 with Commissioner Hall dissenting.

*Section 9.5-30, paragraph 4. Powers and duties.*

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to strike the proposed text passed 4-1 with Commissioner Sides dissenting

*Section 9.5-30, paragraph 7. Power and duties.*

Commissioner Barber moved to strike the last sentence. The motion was seconded by Commissioner Mitchell and passed 4-1 with Commissioner Sides dissenting.

*Section 9.5-32 (Regarding Size or area of a designated landmark)*

Commissioner Sides said he would like to see text inserted regarding acreage size and approval by the Board, with an explanation as to why a large tract would be designated as a historic landmark.

Chairman Chamberlain said the Board needed to vote on the issue and after a brief discussion, Commissioner Sides asked that the Board omit his suggestion and review it at some point in the future.

*Section 9.5-35 (No public tax money shall be allocated without a unanimous vote)*

Commissioner Sides moved to strike the entire sentence. Commissioner Mitchell seconded and the vote passed unanimously.

*Section 9.5-37(a) (Changing the delay in demolition from 365 days to 90 days and from 180 days to 90 days)*

Commissioner Mitchell moved 180 and 90 days. Commissioner Sides seconded and the motion passed 4-1 with Commissioner Barber dissenting.

Commissioner Mitchell said he did not know the current finances of the HLC but that he would like a statement saying the HLC could use the monies they currently had in their possession regardless of their source. Commissioner Sides seconded and the motion passed unanimously

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to adopt the ordinance with the changes passed unanimously.

## **5. QUASI-JUDICIAL HEARING FOR AMENDMENT TO CUP-15-03 FOR REQUEST FROM JACK PHILLIPS**

Chairman Chamberlain read the Chairman's Speech (Exhibit A) and declared the public hearing for CUP-15-03 to be in session. Chairman Chamberlain said the hearing would focus on an application submitted by Jack Phillips for amending a CBI[CUD] district located on Tax Parcel 615-007 in the 1900 block of Providence Church Road.

The Clerk swore in those wishing to provide testimony in the case.

Planning & Development Director Ed Muire presented the Staff Report (Exhibit B). Mr. Muire referred to page 3 of the Staff Report (Exhibit B) and the listed required findings of fact for either granting or denying the request. The required findings were listed as follows:

1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.
2. That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity, and
3. That the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.

Mr. Muire highlighted the background and chronology of numerous development related and planning ordinance reviews since 1997:

- 1997 – manufactured home park approved on a portion of the property;
- 2000 – rezoning request;
- 2001 – parallel conditional use district established;
- March 2003 – rezoning request to straight CBI district (following the Planning Board hearing, the applicant withdrew the application);
- June 2003 – amendment to allow for additional greenhouses and for expansions to allow the manufacture and sale of storage buildings and outdoor furniture;
- July 2007 – current request.

Mr. Muire provided a power point presentation (Exhibit C) to depict the site and surrounding areas.

Mr. Muire reviewed the Conditional Use Criteria listed in the Staff Report (Exhibit B):

1. Adequate transportation to the site exists. Providence Church Road is a minor collector with a design capacity of 8500 vehicles per day. DOT traffic counts indicate 144 vehicles per day use Providence Church Road. Bringle Ferry Road is a major collector with a design capacity of 11,000 vehicles per day and an average daily vehicle count of 4600 vehicles per day.
2. The use will not significantly detract from the character of the surrounding area. Mr. Muire said the applicant's narrative mentioned significant fencing and natural buffering. Mr. Muire said there had been a petition in the past for amending the CBI district to require screening standards for conforming automotive repair service operations. Mr. Muire said the Planning Board did not approve that request, however, in this case the Board could establish hours of operation or additional screening if necessary.

3. Hazardous safety conditions will not result. Mr. Muire said Staff recommended that if the permit is granted, the applicant provide a copy of the contract with the private contractor providing services for disposal of fluids, tires and other items associated with the business, prior to operation of the facility.
4. The use will not generate significant noise, odor, glare or dust. Mr. Muire said Staff had found no issues with this criteria.
5. Excessive traffic or parking problems will not result. Mr. Muire said Staff recommended that the number of vehicles stored on site be limited and that parking also be provided for employees. Mr. Muire said based on the square footage of the existing building that would be used, Staff anticipated an additional 10 trips based on the use of the site.

Using the power point presentation (Exhibit C), Mr. Muire discussed the site plan, which was provided by the applicant and contained in the Staff Report (Exhibit B). Mr. Muire said he believed the former garden shop was being occupied as a residence. Mr. Muire referred to page 3 of the Staff Report (Exhibit B) and said residential was not an allowed use and a violation of the Zoning Ordinance at this time.

Mr. Muire continued with the power point presentation (Exhibit C), showing additional photographs from the site. The photographs included fallen fencing, which was part of the required screening from the 2003 permit.

Mr. Muire said the automotive repair uses were allowed in the CBI district but was not allowed in the request before the Board.

Mr. Muire said the residential component should probably be considered with the current application.

Attorney Andy Abramson, present on behalf of the applicant, Jack Phillips, addressed the issue of residential, saying it was obviously an oversight. Mr. Abramson said residential is a permitted use by right in all districts except for industrial. Mr. Abramson said everything surrounding the property was RA and if allowable, he would request that the additional residential use be permitted and voted upon.

Mr. Abramson said Mr. Phillips had approximately 10 acres off Providence Church Road. Mr. Abramson said the primary uses relate to landscaping-type activities, outdoor furniture, etc. Mr. Abramson said Mr. Phillips would like 2 additional uses, including residential but specifically to be allowed to perform auto repair services on the property.

Mr. Abramson addressed the conditional use criteria listed in the Staff Report (Exhibit B) as follows:

1. *Adequate transportation to the site exists.* Mr. Abramson said Providence Church Road is a minor collector with an 8500-car daily capacity. Mr. Abramson said due to the DOT statistic of 1400 cars per day, the transportation matter was no great issue. Mr. Abramson referred to Haley Road, a gravel road that was built by the applicant from Providence Church Road, to access the interior of the property. Mr. Abramson said the applicant had built the road according to DOT Standards. Mr. Abramson said the intent of the auto repair shop was to be a “relatively small-scale operation.” Mr. Abramson said it was the applicant’s vision that there would be one to three cars coming to the property on a daily average basis.
2. *The use will not significantly detract from the character of the surrounding area.* Mr. Abramson pointed out that the existing structure intended for use as the repair shop was approximately 400 feet off Providence Church Road. Mr. Abramson said there is significant buffer from the roadway to the structure. Mr. Abramson said there were a number of trees, landscaping, the residential structure and fencing. Mr. Abramson also pointed out that the structure intended for the use is “already there.” Mr. Abramson said there were residential and surrounding subdivisions, as well as a recycling facility, Dan Nicholas Convenience Store, which does boat repair/storage, taxidermist shop and a variety of other uses occurring in the area. Mr. Abramson said Mr. Phillips also intended to have a policy preventing vehicles from being abandoned at his property and any vehicle left more than 30 days would be removed.
3. *Hazardous safety conditions will not result.* Mr. Abramson contended that there would not be any hazardous safety conditions as a result of allowing the additional use. Mr. Abramson said Staff recommended that a private contractor be used in the disposal of any oils and fluids. Mr. Abramson said Mr. Phillips has talked to a contractor about the issue and is supportive of the recommendation. Additionally, the gates would be locked to prevent unlawful trespassers from coming onto the property.
4. *The use will not generate significant noise, odor, glare or dust.* Mr. Abramson said the applicant would comply with the relevant Noise Ordinance and the posted operation hours would be Monday through Friday, 8:00 am to 6:00 pm, and on Saturday, 8:00 am to 12:00 pm. Mr. Abramson said the vast majority of noises associated with auto repair were confined to the structure itself.
5. *Excessive traffic or parking problems will not result.* Mr. Abramson said 3 to 4 cars would be coming to the site on a “good day.” Mr. Abramson said if the Board was inclined to impose a vehicle limitation, he would encourage the Board to make the limitation on vehicles that would be contained outside of the structure.
6. *The use will not create significant visual impacts for adjoining properties or passersby.* Mr. Abramson said he had addressed the fact that the structure was barely visible and the fact that the structure already existed.

Mr. Abramson addressed the findings of fact as follows:

1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety. Mr. Abramson said the individual would be complying with OSHA standards and would have workers compensation coverage for his employees, and would be using state standards for disposal of liquid by-products.
2. That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity. Mr. Abramson said there was nothing to show that the auto repair shop would have detrimental affects. Mr. Abramson said the property had increased by 400% (value) in the time period that Mr. Phillips had owned the property.
3. That the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans. Mr. Abramson said there were a number of various uses taking place in the immediate area. Mr. Abramson said for these reasons, he felt the application should be permitted.

Chairman Chamberlain asked if there was anyone sworn in who wished to speak in favor of the application and no citizens came forward.

Chairman Chamberlain asked if there was anyone sworn in who wished to speak in opposition to the application. The following individuals addressed the Board:

1. Rocky Haddock, 265 Deer Road in the Providence Subdivision, provided the Board with pictures (Exhibit D), which he wished to provide as evidence. Mr. Haddock said he owned 8 acres that adjoined the property being considered for rezoning. Mr. Haddock said the applicant's property had gone through numerous rezoning requests through the years and he highlighted the history of applications that were submitted "after the fact." Mr. Haddock gave an example of a nursery on the property and stated that objections were not made because the nursery was already in place when the application for rezoning was submitted. Mr. Haddock said in 2001 a citizen inquired about the extent of operations and what the business might evolve into and when Staff investigated, they found the facility was out of compliance with zoning. Mr. Haddock stated that again, a rezoning request was applied for after the materials were on site and in use. Mr. Haddock said in 2003 there was a request for a rezoning submitted but Staff had not recommended approval of the request and the request was never brought before the Commissioners. Mr. Haddock stated after the denied request, Mr. Phillips submitted another request to include 2 additional greenhouses. Mr. Haddock explained that Staff discovered the storage building had been erected without permits or an approved zoning amendment. Mr. Haddock read a previous Staff

- recommendation that stated future requests to broaden the uses at this site should not be considered. Mr. Haddock said adjacent property owners raised several concerns about the application and Mr. Phillips had said there would not be an auto repair shop placed on the property as the application had stated. Mr. Haddock said Mr. Phillips stated there was a mistake on the application and that he would be building swings and garden furniture. Mr. Haddock said since June 2003, a 60 x 80 storage building had been erected and no swings or garden furniture had been built. Mr. Haddock said the required 6' privacy fence on the internal road is in disrepair; the office building for the retail garden shop had people residing in it and was in violation of the conditional use criteria. Mr. Haddock said no one had verified the buffers or enforced compliance with the conditional use permit. Mr. Haddock stated that his main concerns were the enforcement of the conditional use criteria. Mr. Haddock said that citizens rely on County officials for enforcement and the process had failed with this property. Mr. Haddock said he hoped the Board would look at the history of the property and the consequences of rezoning. Mr. Haddock said he believed the Board should rezone the property back to RA since the garden shop was no longer in use.
2. Jim Grasyck, 240 Palomino Drive, stated that he was concerned with the approach that had been used in regards to the property. Mr. Grasyck said there was a lot of "stuff" on the property that was several years old and had not been well maintained. Mr. Grasyck felt there should be a 6' fence around the entire property. Mr. Grasyck said the backside of the property was adjacent to woods where children play and there was currently nothing to prevent children from entering the property. Mr. Grasyck said his main concern was the accumulation of automobiles. Mr. Grasyck said the property was located in the country and the neighbors would be the ones to see the property everyday. Mr. Grasyck said he was afraid that Mr. Phillips would continue to "chip away at the law" until there was a salvage yard on the property. Mr. Grasyck said there had been numerous infractions since before 2000. Mr. Grasyck asked the Board to think about the glass, steel, excess tires and liquids seeping into the ground, as well as other factors that could endanger the area around the property. Mr. Grasyck stated that he was not concerned about traffic and said that he did not believe there would be a thriving business on the property.

Chairman Chamberlain asked the Board members if they had any questions.

Commissioner Hall asked Staff to address the comments that had been made pertaining to applications being submitted after the fact. Mr. Muire responded that this particular application was not submitted "after the fact". Mr. Muire said he could not say with any degree of certainty that was the case with all previous applications; however he did recall the operation of the nursery and subsequent operation as a lawn and garden supply shop as situations where applications were submitted after the fact.

Commissioner Hall stated that the adjacent property owner was trying to make a case that there has been a litany of problems and she asked if Staff would agree with that statement. Mr. Muire stated that compared with others in violation, Mr. Phillips had tried to comply, where many others do not. Using the power point presentation (Exhibit C) Mr. Muire showed the building where Mr. Phillips planned to locate his business. Mr. Muire said the building had rural character and that he was not sure if Staff had actually checked the buffers around the property but the opaqueness satisfied what was in the code. Mr. Muire stated that the Staff Report (Exhibit B) lists limitations on the display area, uses of the property, etc. Mr. Muire said some things happened on the property without proper permitting and that Mr. Phillips continued to add on, and continued to change the zoning. Mr. Muire said there was the potential for the property to “mushroom into something else” and the restrictions in the conditional use permit were only as good as Staff could enforce. Mr. Muire said the decision was whether the Board believed the conditions imposed would fit that community.

With no further testimony to be provided, Chairman Chamberlain closed the public hearing.

Commissioner Sides moved to delay a decision on CUP-15-03 for 30 days. The motion was seconded by Commissioner Hall.

Commissioner Mitchell requested and received clarification that the case would come back to the Board for its second meeting in August.

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

Chairman Chamberlain called for a short break at 5:50 pm.

Chairman Chamberlain reconvened the meeting at 6:00 pm.

## **6. PUBLIC HEARING FOR PROPOSED WATER POINT SOURCE TEXT**

Planning & Development Director Ed Muire reported that the major change to the ordinance was that the ordinance would apply to all new subdivisions of 14 lots or more, provided the development was not within one road mile of an existing water point source. Mr. Muire said the developer, or the developer in cooperation with the fire department with the responding jurisdiction, would be required to provide a water point source.

Commissioner Sides asked if the cooperation between the fire departments and the developers would be a 50-50 split. Mr. Muire responded that the maintenance of the water point source would be the responsibility of the fire department. Mr. Muire said the developer and the fire department would cooperate on the cost of the water point source 50-50.

Commissioner Hall asked what would happen if there were a disagreement between the fire department and the developer over the type of source to be used and Mr. Muire stated that the developer could appeal to the Zoning Board of Adjustment.

Chairman Chamberlain said several members of the Board had attended discussions regarding the proposed text. Chairman Chamberlain said he had not received a single call from any developers or fire chiefs opposing the text. Chairman Chamberlain said everyone felt the text was a good idea. Chairman Chamberlain also stated that at some point in time there might be disagreements but he felt any of those issues could be worked through.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed Water Point Source Text and the following individuals addressed the Board:

1. Leroy Kirk, 2530 Reeves Island Road, Richfield in the Pooletown Fire Department District said he was against the fire departments participating at 50%. Mr. Kirk said the Pooletown budget is \$50,000 annually and that he would hate to see the volunteer fire departments dissolved because the departments couldn't fund a \$50,000-\$60,000 project for a private entrepreneur. Mr. Kirk said he was in favor of the ordinance but was concerned with the restriction of 1-mile and he suggested expanding the distance to 1.5 or 2 miles. Mr. Kirk said another option would be a tax increase but that he did not feel his jurisdiction could currently handle an increase.

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

Commissioner Sides felt the text was a good idea and that he was generally in favor of it. Commissioner Sides said he had reservations about the fire departments having to come up with large sums of money to establish a water point source, as well as the 1-mile limitation.

Mr. Muire stated the 1-mile criterion was a standard that would be evaluated by the Fire Marshall and the Chief of the fire department in that jurisdiction to determine whether or not the developer met the requirement.

Mr. Muire said the fire departments would be allowed to negotiate the preferred source to be provided. Mr. Muire said the fire departments are still going to be responsible for creating the water point sources in order to keep district standards up and being able to split the cost with developers could help several departments.

Commissioner Sides asked if the participation could be 75/25 because the source would be solely maintained by the fire department once established.

County Attorney, Jay Dees stated that fire stations had certain standards they had to meet and if they did not have enough water, the stations would have to establish a water point source at their own expense in order to get the ISO rating down. Mr. Dees said the 50% from the developer is really helping the departments versus the departments helping the developers. Mr. Dees said the 1-mile limitation is discretionary.

Commissioner Sides asked if the Board could say no development unless the builder agreed to the 75/25 split.

Chairman Chamberlain called West Rowan Fire Chief John Morrison forward. Chairman Chamberlain asked if Mr. Morrison had a problem with the 50/50 split. Mr. Morrison said he agreed with the gentlemen from Pooletown that a large development would hurt small fire departments. Mr. Morrison said he would not have a problem with a 75/25 split.

Commissioner Sides asked if Mr. Morrison believed a developer would have a problem with a 75/25 split. Mr. Morrison said in his particular district, one of the higher end developments was incurring the total expense. Mr. Morrison said it would help the district save money by requiring all developers to contribute 50%.

Commissioner Mitchell asked if the ordinance would hurt Pooletown or any other district. Mr. Morrison responded that if a large development came in and a small fire department had the expense of putting in a 50,000-gallon tank, it would hurt the department.

Chairman Chamberlain pointed out that developers must come before the Board for approval and that approval would not be granted if there was no water point source.

Commissioner Hall asked if support from the Fire Association was unanimous. Mr. Morrison said the support was unanimous and he commented that there are tanks available at cheaper rates.

Commissioner Mitchell moved to approve the Statement of Consistency for STA 01-06, Commissioner Barber seconded and the motion passed unanimously. The Statement of Consistency read as follows:

The proposed amendments to the Rowan County Subdivision Ordinance recognize the importance of adequate fire protection for the citizens of Rowan County and the potentially negative effect residential development may have on fire district ratings. As such, the recommended text provides a basis for determining whether new residential subdivisions will be

required to provide or assist in placement of new water point sources for fire protection.

This statement reflects the recommendation for STA-01-06 from the Rowan County Planning Board on May 29, 2007.

Commissioner Mitchell moved approval STA 01-06, Commissioner Barber seconded and the motion passed unanimously.

Mr. Muire added the motion should affect plats that have not been submitted to the office for review.

***(At this point in the meeting, Chairman Chamberlain skipped to agenda item #9 in the order of presentation).***

## **7. PRESENTATION OF PROPOSED ORDINANCE TEXT TO RESTRICT OUT-OF-COUNTY WASTE**

Kathryn Jolly, Director of Environmental Management, stated there are two contracts that affect out-of-county waste. Ms. Jolly said one contract with C&D expires on August 1, 2007 and the other with MSW on September 1, 2008. Ms. Jolly said at this time, Staff is preparing to compile the year-end figures for State reports. Ms. Jolly recommended that the Board wait and hold the discussion until the 2008 Board Retreat, in order to allow Staff time to gather more information and also to allow for a flyover of the landfill.

Ms. Jolly stated that since the County had gone into the 2-tier tipping fees, the landfill had seen a decrease in tonnage coming from Iredell County.

In reply to Commissioner Barber's inquiry, Ms. Jolly stated the percentage of out-of-county tonnage is about 37.5%.

Commissioner Mitchell asked if Staff's recommendation was to allow the C&D contract to expire on August 1, 2007 and Ms. Jolly responded that was correct.

Commissioner Sides said he felt Davie County should be notified that as of August 1, Rowan County would no longer accept C&D tonnage from Davie County. Commissioner Sides said the County doesn't gain enough money to replace the space that out-of-county waste takes up, as well as the new regulations for lined areas versus unlined areas.

Ms. Jolly stated the only way to restrict taking the waste was to enact an ordinance.

Chairman Chamberlain said it took a certain amount of dollars, equipment and employees to operate a landfill. Chairman Chamberlain said if the County was to

discontinue accepting out-of-county waste, Rowan would still be losing money on operations.

Ms. Jolly stated it would be a more accurate statement in three months when all of the figures were in. Ms. Jolly said there was a Supreme Court Decision in April that states that municipalities and counties can mandate that tonnage in a county must come to their landfill. Ms. Jolly said she has asked the Institute of Government to interpret that law specifically for Rowan County.

Chairman Chamberlain said if that were the case the County would want to adopt an ordinance at that time.

Commissioner Sides said he was afraid that the County would have to find another landfill during his lifetime. Commissioner Sides said even though the County would lose money from decreasing tonnage, it would be saving space as well as the expense of having to build a new cell.

Commissioner Sides stated he would only discontinue C&D at this time because it could no longer be put in an unlined space.

Chairman Chamberlain asked Ms. Jolly if she still wanted to see action taken after the first of the year. Ms. Jolly answered that if the County was going to honor the MSW contract, it should honor the C&D contract as well.

Mr. Cowan said the C&D tonnage is good for about one year in the current unlined facility. Mr. Cowan said once that space is full, any further waste would have to go to MSW, which is lined.

Commissioner Sides asked what percentage Davie County represented for out-of-county waste. Ms. Jolly stated Davie County's MSW is 20,000 tons and their C&D is 7,000 tons. Commissioner Sides said if C&D was going to continue to fill unlined space, he would not have a problem waiting until the first of the year.

Commissioner Mitchell moved to delay the decision until the retreat or sometime at the beginning of next year. Commissioner Barber seconded and the motion passed unanimously.

In response to Commissioner Sides' inquiry, Ms. Jolly responded that currently C&D and MSW are receiving the rates that went into affect on July 1, 2007 in the two-tiered system.

Commissioner Hall asked Ms. Jolly if she had any ideas to help decrease the costs of recycling. Ms. Jolly stated if Bill 1492 passed, recycling might become mandatory and there would be no more permitted landfills in North Carolina. Ms. Jolly stated the reason the bill was written was due to the increase of tonnage in North Carolina.

**ADDITION**

**7a. NC ROTOR & WING**

Commissioner Sides said he would like for the proposed contract to contain the same language as the Limited Fixed Base Operator Agreement recently approved for Alpha One.

Commissioner Sides suggested that the following changes be made to the agreement:

Article I: Term Last sentence	Reads: "...Lessor and Lessee shall have the option jointly to extend this agreement will be provided by the party that plans to terminate..."	Should read: "...Lessor and Lessee shall have the option jointly to extend this agreement." The rest of the sentence should be omitted.
Article II: Leased Premises # 1	Reads: Office area (located upstairs in the FBO) representing approximately 480 square feet.	Should include a second paragraph dealing with tie-downs that prohibits subleasing, by the Lessee, spaces to other airport users.
Article II	Does not include anything about utilities.	Should include text from other contract about utilities and eliminate Article VII.
Article III, page 3, #4, 4 <sup>th</sup> line in paragraph	Reads: "...in carrying assigned duties."	Should read: "...in carrying out assigned duties."

In response to a query from Chairman Chamberlain, Mr. Dees said he agreed with the changes Commissioner Sides had suggested.

Commissioner Sides moved to approve the agreement with the stated changes. The motion was seconded by Commissioner Hall and passed unanimously.

**8. CONSIDER APPROVAL OF SPECIAL NON-RESIDENTIAL INTENSITY ALLOCATION (SNIA) 05-07**

Senior Planner Shane Stewart presented a request from applicant Dominic Pedulla for Special Non-Residential Intensity Allocation (SNIA) 05-07 to allow 70% impervious coverage. Mr. Stewart said Staff recommended approval based on the site plan.

Commissioner Sides moved, Commissioner Mitchell seconded and the vote to approve SNIA 05-07 passed unanimously.

**9. PRESENTATION FROM PIEDMONT BEHAVIORAL HEALTHCARE**

Representatives from Piedmont Behavioral Healthcare (PBH), Pam Shipman, Deputy Area Director, and Niel Eskelsen, Director of Administration, presented the PBH Financial Statements & Supplementary Information, as well as the PBH

Local Business Plan for 2007. Piedmont Area Director Dan Coughlin was in the audience.

Ms. Shipman said PBH is the public authority responsible for the management of mental health, developmental disabilities and substance abuse services for Cabarrus, Stanly, Rowan, Davidson and Union Counties. Ms. Shipman said PBH must develop and submit a Local Business Plan to the State and is requesting the Board's approval of the plan. Ms. Shipman said the plan would develop infrastructure to work with the mental health system reform from 2001. Ms. Shipman highlighted areas where PBH had successfully implemented their plan for developing infrastructure and capping the cost of Medicaid. Ms. Shipman stated by capping the cost of Medicaid, services have been managed at a denial rate of less than 2%. Ms. Shipman explained PBH does not deny services but strategically places individuals with the right level of care. Ms. Shipman said programs such as Daymark helped to maintain care for about 16,000 people and keep system stability within an unstable state environment.

Ms. Shipman said the budget for PBH is approximately \$145 million and included a Medicaid waiver. Ms. Shipman said 70% of the budget is for Medicaid and is used to provide services such as mental healthcare, psychiatric inpatient care and intermediate care for individuals with developmental disabilities. Ms. Shipman said PBH is limited to a 9.5% administrative charge and the administrative dollars are separate from the service dollars. Ms. Shipman said money saved from service dollars is used to develop additional services.

Ms. Shipman said PBH would like to develop alternative services for at home care of children with mental disabilities, more specialty clinical service, reduce the use of state psychiatric hospitals and continue care for substance abuse patients.

Chairman Chamberlain recognized several PBH Board members in the audience, including Willie Beilfuss and Jack Burke, and also Area Director Dan Coughlin.

Commissioner Sides asked why the audit provided by PBH was from 2006 and inquired when the next audit would be sent. Ms. Shipman said the next audit would be in November and she offered to send the information to the Board before it was printed. Ms. Shipman stated that the business plan was for the next three years.

Commissioner Sides questioned the amount of the current undesignated unreserved fund balance for PBH. Ms. Shipman said the figure was computed annually and the information would be calculated when the books were closed from the last fiscal year.

Commissioner Sides requested a copy of the figures as soon as they were available.

Ms. Shipman said PBH's budget maintained a minimum of 8% and up to 15% in the fund balance because approximately \$10 million in claims are paid per month.

Commissioner Sides questioned the County's allocation of \$600,000 to PBH when PBH had a fund balance of \$4 million more than required. Mr. Eskelsen explained that Medicaid and state dollars were limited and that County money was used to offset direct expenses such as the number of mental health patients using emergency rooms unnecessarily, or the amount of mental health or substance abuse patients in jail. Mr. Eskelsen said PBH used county dollars to impact other county expenditures.

Ms. Shipman added that county funds are used for medications for those who are indigent because county money has "the least strings" attached.

Commissioner Sides said he would be satisfied with the information if PBH would provide the financial statements to correlate the information.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to accept the information passed unanimously.

Chairman Chamberlain pointed out that under agenda item #17, the Board needed to elect a new Commissioner to serve on the PBH Advisory Board. Chairman Chamberlain then nominated Commissioner Barber as the representative for the Piedmont Behavioral Advisory Board and the nomination passed unanimously.

#### **10. NACo PRESCRIPTION DRUG PROGRAM IMPLEMENTATION UPDATE**

Commissioner Barber and Director of Administration Ken Deal discussed the NACo Prescription Drug Program. Commissioner Barber explained that the prescription card would benefit everyone with an average savings of 20% per prescription. Commissioner Barber said the cards were available to Rowan County residents at various county departments including the Department of Social Services, Health and Senior Services. Commissioner Barber expressed hope that the Salisbury Post would provide coverage and help promote the program. Commissioner Barber said he planned to follow up in 90 days to determine what the reception to the program had been. Commissioner Barber said NACo had the ability to track and measure the effectiveness of the program.

Mr. Deal said the program information had been provided to all Department Directors. Mr. Deal also reported that citizens would receive the answers to any questions regarding the program by calling the toll-free number on the card.

Commissioner Barber said the program was at no cost to the County and the most important task was getting the word out to the citizens that the program had been launched.

Commissioner Sides commented that three individuals had asked him about the prescription program and they were excited about the potential savings from the card. Commissioner Sides praised Commissioner Barber for his efforts.

**11. CONSIDER APPROVAL OF INTERLOCAL PROPERTY MANAGEMENT AGREEMENT WITH ROWAN COUNTY TOURISM DEVELOPMENT AUTHORITY**

Chairman Chamberlain said the Tourism Development Authority (TDA) had not officially voted on the agreement in the agenda packet. James Meacham, Executive Director of the Convention & Visitors Bureau was in the audience and reported that the TDA was scheduled to meet on August 8, 2007.

Chairman Chamberlain said he would like for the Board to consider postponing the discussion until after the TDA had an opportunity to adopt the agreement. Chairman Chamberlain suggested that the Board consider the issue at the August 20, 2007 Commission Meeting. Chairman Chamberlain said in the meantime, he would like for the TDA to begin handling the scheduling of events at the fairgrounds property.

Commissioner Hall said the Rowan County Fair was the exception to events that would be handled by the TDA. Commissioner Hall said the Clerk to the Board had been receiving calls from people that were interested in scheduling events at the fairgrounds. Commissioner Hall said if Mr. Meacham were amenable, she would like for him to handle the calls. Commissioner Hall said the Board might wish to have a discussion regarding who would handle the fair.

Chairman Chamberlain said the majority of the Board was in favor of deciding on who would “put on the Rowan County Agricultural and Industrial Fair.”

Commissioner Mitchell said he would like for the proposed agreement to include protection for the week that the Rowan County Fair is normally held. Commissioner Mitchell said he wanted the fair to be protected from other carnivals or competing events in the week leading up to the fair and for the week following the fair.

Chairman Chamberlain asked Board members to provide Commissioner Hall with their input prior to the next TDA meeting.

Chairman Chamberlain said that while the Board was talking about the fair, the discussion did not mean who would or would not put on the fair in Rowan County next year.

**12. CONSIDER APPROVAL OF RESOLUTION TO ESTABLISH FIRE DISTRICT MAP FOR ATWELL TOWNSHIP VOLUNTEER FIRE DEPARTMENT**

Fire Marshal Tom Murphy and Atwell Township Volunteer Fire Department (VFD) Assistant Chief Martin Whitson explained that Board approval was sought for a Resolution for Insurance District Boundaries. Mr. Murphy said the department had recently gone through an ISO survey in an effort to reduce its insurance rating. Mr. Murphy said the new GIS map is required and that it reflected a change from the previous map due to an annexation by the Town of China Grove.

Commissioner Sides moved approval of the Resolution to Establish Fire District Map for Atwell Township Volunteer Fire Department. The motion was seconded by Commissioner Mitchell and passed unanimously.

Chairman Chamberlain called for a short break at 7:10 pm.

Chairman Chamberlain reconvened the meeting at 7:20 pm.

**13. DISCUSSION REGARDING POP'S COUNTRY STORE**

County Attorney Jay Dees said the issue before the Board was due to a stalemate regarding enforcement action that he believed the County needed to undertake to remedy a fire code violation. Mr. Dees explained that before he would take any civil action to enforce a code violation, he wanted to bring the issue to the Board's attention for review and comment.

Mr. Dees said he had received additional communication from the property owner this morning. Mr. Dees explained that when Staff determines that a violation exists, they generally work with the property owner for a corrective action plan. Mr. Dees suggested that the Board have the Fire Marshal issue a new notice of violation of the fire code, offer a hearing and provide the property owner with the opportunity to be heard. Mr. Dees said if Staff determined after the hearing that violations still exist, the property owner would have the opportunity to appeal. Mr. Dees said in the matter before the Board, the appeal would be to the Department of Insurance.

Mr. Dees said he felt that a 180-day window should be more than adequate to correct this particular situation. Mr. Dees said because he felt the property owner had lost the right to appeal the initial notice of violation, a new notice would open up every procedural opportunity to appeal. Mr. Dees reported that he had brought the matter before the Board because he had not received a corrective action plan after 2 requests and that he was going to have to take civil action to enforce the code. Mr. Dees said it appeared from the recent communication that the property owner might be willing to present such a plan.

Commissioner Sides said he had communicated with the adjoining property owner and with Ralph Baker (who was in violation of code). Commissioner Sides said he had also visited the site. Commissioner Sides said the Fire Marshal's letter referenced "possible" violations. Commissioner Sides said if issues could not be confirmed, the property owner should not be held in violation. Commissioner Sides said Mr. Baker had requested an extension of time and that he felt Mr. Baker would be agreeable to the 180-day extension. Commissioner Sides there was some question regarding the subdivision of property, which had created the non-compliance in some form.

Mr. Dees said he understood that the property was subdivided because the size of the tank needed a 5' buffer from the property line and "they created a 5-foot buffer." Mr. Dees said he was not sure if the regulation was in place when the subdivision took place.

Chairman Chamberlain agreed with Mr. Dees that the County should send Mr. Baker another notice, offer a hearing within 30 days. Chairman Chamberlain said Mr. Baker would be given an additional 150 days to take care of the situation. Chairman Chamberlain said he would like for Mr. Dees to be able to proceed.

By consensus, the Board agreed to allow Mr. Dees to proceed as suggested.

#### **14. DISCUSSION REGARDING COUNTY EMPLOYEE MARKET STUDY**

Commissioner Barber and Director of Administration Ken Deal discussed a proposal received from Management and Personnel Services Group (MAPS) for a Management and Human Resources System Review. Commissioner Barber explained that the proposal resulted from the February 19, 2007 meeting when concerns were expressed regarding the current employee turnover rate. Commissioner Barber reported that the turnover rate for the last fiscal year was 18% while surrounding counties experienced a 10% to 11% turnover rate. Commissioner Barber discussed the costs associated with retraining new employees.

Commissioner Barber said the proposal would help identify some of the issues pertaining to employee turnover and help develop targeted strategies for critical positions. Commissioner Barber said there also appears to be a need for training supervisors how to effectively deliver performance appraisal reviews. Commissioner Barber said one area that needed to be looked at is called compression.

Mr. Deal discussed the County's pay grade and scale for all employees. Mr. Deal said Becky Veazey with MAPS was one of the most knowledgeable individuals in the state to perform the study. Mr. Deal felt that \$5,000 was a reasonable amount for the study.

Commissioner Mitchell asked if the focus would be on how the County had set up its pay scales. Mr. Deal responded yes and said that MAPS would look at performance review documentation, pay raises, pay scales, etc.

Commissioner Mitchell asked if MAPS might recommend that a large portion of employees be placed at different locations on the pay scale. Mr. Deal said it was a possibility.

Commissioner Hall asked if anyone had considered seeking assistance for the market study from the North Carolina Association of County Commissioners (NCACC). County Manager William Cowan said the NCACC did not perform that type of service as the NCACC was legislative in nature.

Commissioner Hall asked if the County could use the Human Resources Department and the NCACC as a first step.

Chairman Chamberlain said he felt that the County's personnel did not have the expertise as that of an outside firm. Chairman Chamberlain pointed out that each time an employee leaves, it costs the County "big money."

Commissioner Barber felt the \$5,000 investment was cost-justified compared to the costs of employee turnover.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the proposal passed 3-2 with Commissioners Sides and Hall dissenting.

#### **15. DESIGNATION OF VOTING DELEGATE FOR NCACC ANNUAL CONFERENCE**

Chairman Chamberlain said that each county is asked to select a voting delegate for the Annual North Carolina Association of County Commissioners (NCACC) Conference. The delegate will cast the County's vote during the annual business session in Cumberland County on August 18, 2007. Chairman Chamberlain said that Commissioner Barber had agreed to serve as the County's voting delegate.

Commissioner Mitchell moved, Commissioner Hall seconded and the vote to select Commissioner Barber as the Rowan County voting delegate passed unanimously.

#### **16. CONSIDER APPROVAL OF BUDGET AMENDMENTS**

Finance Director Leslie Heidrick submitted the following budget amendments for the Board's consideration:

- Cooperative Extension – To recognize Horticulture Revenue and budget Horticulture Expense - \$3,000
- Rowan Transit System – To revise budgeted revenues and expenditures in the Rural Operating Assistance Program to match recently release

State funding amounts (EDTAP \$23,391; Work First \$22,280; Rural General Public \$11,836)

- Rowan Salisbury Schools (RSS)– To budget revenues and expenditures related to Public School Building Capital Fund monies for RSS - \$2,410,000
- Soil & Water – To budget EPA 319 Grant. The Grant will be used to develop a watershed restoration plan for the Second Creek Watershed in Rowan County. No County match is required. Originally approved in FY 2007. The budget amendment will budget the funds in FY 2008 - \$ 29,080
- Senior Services – To partially budget donations received during FY 2007 for Lifeline and other client emergency services - \$ 10,000
- Stadium – To appropriate funds for appraisal/consultation services for the Stadium as approve by the Board of Commissioners on June 18, 2007 - \$ 10,000

Commissioner Sides questioned the budget amendment for the Public School Building Capital Fund monies. Ms. Heidrick explained that the request was from the schools and was not budgeted. Ms. Heidrick said in the budget process, the County designated the \$2,410,000 from sales tax money to be used for principal debt payments on the 1993 bonds. Ms. Heidrick said the money would be used for debt service, which would free up the sales tax money for other projects.

Commissioner Sides moved approval of the budget amendments. The motion was seconded by Commissioner Mitchell and passed unanimously.

Commissioner Sides questioned the lottery proceeds and the changes to the bill for allocating the funds based on property tax rates. County Manager William Cowan said it was anticipated that the bill had a “long way to go and likely would not get out this year.” Mr. Cowan explained that if the bill did pass 17% of the funds would go to low wealth and 17% to high growth, which the County would not qualify for. Mr. Cowan said it would essentially cost the County approximately half of what it was receiving, or \$1.2 million.

## **17. CONSIDER APPROVAL OF BOARD APPOINTMENTS** **ROWAN COUNTY HISTORIC LANDMARKS COMMISSION**

The Landmarks Commission recommended the appointment of Frankie Fleming-Adkins. The term would be for 3 years beginning on August 1, 2007 and expiring on July 31, 2010.

Commissioner Mitchell nominated Ms. Adkins.

Commissioner Sides referred to the Board’s vote earlier in the meeting to reduce the HLC membership and asked if the appointment was still necessary.

Commissioner Mitchell suggested that the Board defer the appointment to the next meeting.

### **ROWAN/KANNAPOLIS ABC BOARD**

Marney Hendrick is eligible for reappointment. The term would be for 3 years beginning on August 1, 2007 and expiring on July 31, 2010.

Commissioner Mitchell nominated Mr. Hendrick and the nomination carried 3-2 with Commissioners Sides and Hall dissenting.

### **PIEDMONT BEHAVIORAL ADVISORY BOARD (PBH)**

North Carolina General Statute § 122C-118.1 requires the Board to appoint one Commissioner to serve as a member of the area board. Chairman Chamberlain has resigned as the Commission's liaison to the PBH Advisory Board and the Commissioners need to appoint a new liaison.

(The Board appointed Commissioner Barber as the liaison earlier in meeting after a presentation from PBH – agenda item #9).

### **LOCAL EMERGENCY PLANNING COMMISSION (LEPC)**

The LEPC requested the appointment of Deborah Lineberger in the slot for the American Red Cross. Ms. Lineberger would fill a vacancy created by Jacob Mayer, who has retired. There are no term dates for the LEPC.

Commissioner Mitchell nominated Ms. Lineberger and the nomination passed unanimously.

### **REGION F AGING ADVISORY COMMITTEE**

Dorothy Hauss, an alternate member, is eligible for reappointment. The term of appointment would be for 2 years beginning July 1, 2007 and expiring on June 30, 2009.

Commissioner Mitchell nominated Ms. Hauss for reappointment. The nomination passed unanimously.

Leah McFee has served two terms on this Committee. The Board of Commissioners adopted a Resolution in 1999, which limits the length of service to two terms on the various boards and commissions to which citizens are appointed. In order for Ms. McFee to be reappointed to a third term, the Commissioners need to waive the term limits in the Resolution. If approved, the term of appointment would be for 2 years beginning July 1, 2007 and expiring on June 30, 2009.

Commissioner Mitchell moved to waive the requirement in order to nominate Leah McFee. Chairman Chamberlain seconded and the motion passed unanimously.

Commissioner Mitchell nominated Leah McFee and the nomination carried unanimously.

## **SENIOR SERVICES ADVISORY COUNCIL**

Robbie Davis has completed his term of service and does not wish to be reappointed at this time.

Manie Richardson, Mary Ann Johnson and Jonette Powell are eligible for reappointment. The term would be for 3 years beginning on August 1, 2007 and expiring on July 31, 2010.

Commissioner Mitchell nominated Manie Richardson, Mary Ann Johnson and Jonette Powell and the nomination passed unanimously.

## **18. COUNTY MANAGER'S MONTHLY ACTIVITY REPORT**

Commissioner Sides asked if the County was insured regarding the technology replacement. County Manager William Cowan responded that the County was self-insured.

Commissioner Sides referred to the annual audit process and asked how long it would take to close out fiscal year 2006-07 and also when the audit would be completed. Finance Director Leslie Heidrick said the projection was to present the report to the Board in December.

At Mr. Cowan's request, Planning & Development Director Ed Muire explained that Staff administers the Flood Ordinance for the County and for municipalities with the exception of Kannapolis, Salisbury and Faith. Mr. Muire said Faith had expressed an interest in being part of the program with the new mapping.

Mr. Muire said due to Hurricane Floyd, North Carolina had taken over its own mapping program. Mr. Muire said the County had received new maps in June and was in the midst of an appeal and protest period. Mr. Muire said notices would be sent to all property owners who either have a house or property within a floodplain. Mr. Muire said after the appeal period is over in September, the County had 6 months to adopt the new maps as well as the revised ordinance.

## **19. CLOSED SESSION**

Commissioner Mitchell moved at 8:00 pm for the Board to enter Closed Session pursuant to North Carolina General Statute §143-318.11(a)(1) to consider approval of the April 2, 2007 Closed Session Minutes and North Carolina General Statute §143-318.11(a)(6) for personnel matters. The motion was seconded by Commissioner Barber and passed unanimously.

The Board returned to Open Session at 8:20 pm.

Commissioner Mitchell referred to the ABC Board appointment for Marney Hendrick and moved that the appointment of Mr. Hendrick be for Chairman of that Board. Commissioner Barber seconded and the motion carried 3-2 with Commissioners Hall and Sides dissenting.

**20. ADJOURNMENT**

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 8:20 pm. The motion was seconded by Commissioner Mitchell and passed unanimously.

Respectfully Submitted,

Carolyn Athey  
Clerk to the Board