

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
August 6, 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 Hall provided the Invocation and also led the Pledge of Allegiance.

Due to technical problems with the Clerk's laptop and recording software, Chairman Chamberlain delayed the Board's discussions for approximately 20 minutes.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Mitchell moved approval of the minutes of the July 16, 2007 Commission Meeting. The motion was seconded by Commissioner Barber.

Commissioner Hall questioned one item on page 25 in the minutes regarding a query for a budget amendment for the school system. Commissioner Hall said the Finance Director's explanation to Commissioner's Sides' question should state that the request was from the schools. Commissioner Hall also said she understood that on the same night (July 16, 2007), Assistant Superintendent Gene Miller had provided additional information regarding the budget amendment and since no specific questions had been asked, that information had not been handed out to the Commissioners. Commissioner Hall then distributed the information to the Board members.

Commissioner Mitchell withdrew his motion and Chairman Chamberlain deferred approval of the July 16, 2007 minutes until the next Commission Meeting.

CONSIDER ADDITIONS TO THE AGENDA

- Commissioner Mitchell said the Board should act quickly if it was going to meet the deadline to place a voter referendum on the ballot for the land transfer tax. Commissioner Mitchell moved to add the issue to the agenda. The motion was seconded by Commissioner Barber. Commissioner Barber asked if the motion also included the sales tax and Commissioner Mitchell said it included either of the two (2) items. Commissioner Barber confirmed his second to the motion.

Chairman added the issue as agenda item #9a.

Upon being put to a vote the motion passed unanimously.

- County Manager William Cowan asked that the Board allow the Sheriff to discuss a request from the United States Army to conduct a military exercise in Rowan County. Mr. Cowan suggested that the Board hear the request when the Sheriff presents agenda item #14.

By consensus, the Board agreed to allow the Sheriff to present the request.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

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

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Mitchell moved approval of the Consent Agenda. Commissioner Sides seconded and the motion carried unanimously.

The Consent Agenda consisted of the following items:

- A. Approval of Subdivision Guarantee for Finncastle Subdivision
- B. Set Quasi-Judicial Hearing for August 20, 2007 for CUP 05-07 for Request by Sunset Pointe at High Rock Lake, LLC
- C. Approval of Tax Settlement Statement for Fiscal Year 2007

2. PUBLIC COMMENT PERIOD

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

- Barbara Welter of 503 Hickory Nut Lane in China Grove discussed the lack of a traffic light on Highway 152 in front of Jesse Carson High School. Ms. Welter expressed concern for the safety of new teenage drivers leaving the school without the assistance of a traffic light. Ms. Welter questioned the cost of a traffic light and said that parents were willing to raise the money for the light if necessary and that the parents could be reimbursed.
- Alisha Kahn of 503 Hickory Nut Lane in China Grove said she was a rising senior at Jesse Carson High School and a concerned citizen of Rowan County. Ms. Kahn said she had her license for approximately one year and that she had been afraid to drive to school because of the heavy traffic and lack of a traffic light. Ms. Kahn said there was a number of wrecks in the first few weeks of school and she asked why a traffic light had not been installed before the new high school had opened. Ms. Kahn said the majority of teens were new drivers and she implored that the Board look into making the dangerous stretch of road a safer place to drive.

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

3. PRESENTATION OF ANNUAL REPORT FROM NURSING HOME & ADULT CARE COMMITTEES

Patricia Cowan, Ombudsman with Centralina Council of Governments, was present along with Virginia Graves, Chair of the Nursing Home Advisory Committee and Jonetta Powell, Chair of the Adult Care Community Advisory Committee.

Ms. Cowan expressed her appreciation to the Board for appointing volunteers to the Nursing Home/Adult Care Committees to ensure the quality of life for the elderly citizens who live in long-term care facilities in the County.

Ms. Graves and Ms. Powell highlighted the annual report and discussed the need for more volunteers on the two (2) committees. Ms. Graves said the lack of volunteers was taxing to those currently serving. Ms. Graves also reported that the nursing home administrators are allowed to recommend one committee member but the recommendations were not being made.

Ms. Powell said it was a joy to visit the people who are placed in the homes because often times, they are people who are never visited by others and they are people who just need someone to hold their hand. Ms. Powell implored the

Board to seek more committee members. Ms. Powell also asked the Board for assistance with funding to provide committee members with items such as material to sew necessary items for those in the homes.

Commissioner Sides said the committee members provide a beneficial service to the community and one of the deficiencies was the lack of members. Commissioner Sides said he had talked with Senior Services Director Clyde Fahnestock about the membership and that it was the responsibility of the agencies to put forth nominees for recommendation. Commissioner Sides said he would like for the County Manager to send a letter to the agencies and request that they provide the Board with nominees. Commissioner Sides said he had also asked Mr. Fahnestock about providing the committee members with a small stipend for mileage and that Mr. Fahnestock had indicated there were funds in his budget to assist with the request. Commissioner Sides felt the Board should encourage Mr. Fahnestock to assist in any way possible.

In response to a query from Commissioner Hall, Ms. Graves said gasoline prices had been a drawback with the volunteers.

Commissioner Hall said she would like to volunteer to go with the committee members on visits and she asked that they please contact her.

Chairman Chamberlain recalled that several years back a letter had been sent to every nursing home in Rowan County requesting recommendations for committee members but he said there had been no response. Chairman Chamberlain also stated that current Commissioners could not serve as committee members.

Commissioner Mitchell thanked the members for their work and he expressed hope that the County could work out a stipend for their mileage. Commissioner Mitchell said he would be happy to make a visit with committee members.

Commissioner Barber said the sentiments expressed by Commissioner Mitchell also held true for him.

Chairman Chamberlain encouraged the newspaper reporters in attendance to assist the County by writing a story on the need for volunteers.

4. PUBLIC HEARING FOR UNANIMOUS PETITION FOR BLUEGRASS DRIVE

Planning Technician Fredda Greer reported that a family subdivision plat had been presented to Staff for approval and it was noted that the road servicing the property would require naming. Ms. Greer said a unanimous petition for Bluegrass Drive was submitted and Staff recommended approval.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed road name of Bluegrass Drive.

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

Commissioner Mitchell moved, Commissioner Sides seconded and the vote to approve the road name of Bluegrass Drive passed unanimously.

5. PUBLIC HEARING FOR UNANIMOUS PETITION FOR KIRKLEY WAY

Planning Technician Fredda Greer reported that the road in question was cited for naming when Staff found a new home was to be built along the road making 3 structures to be addressed. A completed petition was presented for Kirkley Way and Staff recommended approval.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed road name of Kirkley Way.

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 Kirkley Way passed unanimously.

6. QUASI-JUDICIAL PUBLIC HEARING FOR CUP 06-07 TO CONSIDER A REQUEST BY TOYOTA RACING DEVELOPMENT

Chairman Chamberlain read the Chairman's Speech (Exhibit A) and declared the public hearing for CUP 06-07 to be in session. Chairman Chamberlain said the hearing would focus on an application submitted by Toyota Racing Development for property located between the 1500-1800 block of Peach Orchard Road. The purpose of the request was to allow a 6-lot Planned Unit Development (PUD) on Tax Parcel 406-012.

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

Shane Stewart, Senior Planner from the Rowan County Planning & Development Department provided the Staff Report (Exhibit B) and provided a power point presentation (Exhibit C) as he discussed CUP 06-07.

Using the power point presentation (Exhibit C), Mr. Stewart showed the site in question and the surrounding properties.

Mr. Stewart said Toyota Racing Development (TRD) had submitted plans for a 6-lot subdivision. Mr. Stewart said that the PUD and any economic development zoned property that is subdivided, or created a new public street for dedication had to be approved by the Board.

Mr. Stewart said the current zoning for allowed uses are limited to manufacturing and service. Mr. Stewart said a PUD approval allowed additional uses in the transportation and wholesale trade sectors but he pointed out the issue was before the Board for the division of the land.

Mr. Stewart highlighted the following Site Specifics information as contained in the Staff Report (Exhibit B):

- The plan proposes an allowance of up to 1.7 million square feet of floor space for the 6 lots combined with building setbacks of 40' from public streets and 30' from internal and side lines.
- Salisbury-Rowan Utilities (SRU) will provide water and sewer to the site
- There is a 40' buffer as required by the Zoning Ordinance. Mr. Stewart said the company was going "above that and leaving it undisturbed." Mr. Stewart said for the most part, the site is wooded and there would be a significant number of trees left.
- Mr. Stewart said the ordinance required an 80' maximum lot coverage, which would be adhered to when each plan comes to Staff for approval.

Mr. Stewart again used the power point presentation (Exhibit C) to provide the Board with a better idea of the Surrounding Land Use, which was also described in the Staff Report (Exhibit B).

Mr. Stewart reviewed portions of the 85-ED PUD Criteria contained in the Staff Report (Exhibit B) as follows:

- Circulation System. The 2005 Cabarrus-Rowan MPO Thoroughfare Plan (not adopted) classified Peach Orchard Road as a major thoroughfare. Additionally, the street provides connection between two major thoroughfares in US Highway 29 and Old Concord Road as well as Interstate 85.
- Loading, Maintenance, and Outdoor Storage Areas. The site plan indicates if loading and outdoor storage areas would be sited adjacent to a side street, proper opaque screening would be in place.
- Lighting. Although no specific proposal was submitted, the Zoning Ordinance indicates street lights are required at intersections, walkways and in parking lots with a maximum height of 25 feet spaced at intervals 4 times the height.
- Landscaping. Mr. Stewart said there would be canopy trees, 10' tall with a maturation height of at least 20' planted 40' on center.

Mr. Stewart referred to Attachment B of the Staff Report, which was submitted by Kimberly-Horn and Associates, Inc. Mr. Stewart said there were approximately 10,000 new trips to be generated by the proposal. Mr. Stewart said in looking at the ITE manual, the projected trip generation for the revised floor area appeared

to be inflated but had passed the test from the North Carolina Department of Transportation (NCDOT).

Mr. Stewart said the Planning Board had unanimously approved the concept plan with two (2) conditions, which were listed on page 4 of the Staff Report (Exhibit B):

1. Provide an opaque screen adjoining residentially developed lots in locations where existing vegetation does not provide complete visual separation from the lots.
2. Provide storm water features for runoff and protection of the wetland and environmentally sensitive areas between lots 4 and 5.

Mr. Stewart said item 2 listed above had been included in the site plan and that TRD had also agreed to provide the opaque screening.

Laura Simmons of Kimberly-Horn and Associates in Charlotte expressed her gratitude to Mr. Stewart for his assistance throughout the application process. Ms. Simmons read verbatim from prepared comments, which were provided to the Clerk after the public hearing (Exhibit D). Ms. Simmons said as she understood, the ordinance contained the following criteria for the conditional use permit:

1. Adequate transportation to the site exists;
2. The use will not significantly detract from the character of the surrounding area;
3. Hazardous safety conditions will not result;
4. The use will not generate significant noise, odor, glare or dust;
5. Excessive traffic or parking problems will not result;
6. The use will not create significant visual impacts for adjoining properties or passersby.

Steve Blakely of Kimberly-Horn and Associates in Charlotte elaborated on the criteria as stated by Ms. Simmons. Mr. Blakely also read prepared comments, where were provided to the Clerk after the public hearing (Exhibit D):

- Adequate transportation to the site exists. The site is approximately ¼ mile east from I-85 on Peach Orchard Road, which is a state-maintained road and meets minimum DOT standards.
- The site is accessed by Peach Orchard Road and is located near its intersection with Old Concord Road.
- Peach Orchard Road and Old Concord Road are thoroughfares and the Petitioner is providing for additional right of way for Peach Orchard Road and Old Concord Road in order to accommodate future road widening. Right of way measuring 50' from centerline of Old Concord Road and 35' feet from centerline of Peach Orchard Road is being dedicated to allow for ample road widening in the future and significant traffic carrying capacity.

- The proposed access to Peach Orchard Road will comply with all NCDOT standards. Preliminary discussions have occurred with NCDOT representatives regarding the proposed vehicular access to the site from Peach Orchard Road. Those preliminary discussions indicate NCDOT is supportive of the proposed access and that it complies with all NCDOT standards.

Mr. Blakely referred to the site plan in the Staff Report (Exhibit B) and he mentioned that the driveway was originally further to the west than was shown on the current plan. Mr. Blakely said the driveway was further east away from the curve in the road in order to provide better sight distance.

Ms. Simmons elaborated on criteria number 2 (The use will not significantly detract from the character of the surrounding area):

- The proposed development is entirely in keeping with the character of the area. The proposed development is permitted under the existing zoning category, the 85 ED-2 Economic Development zone and the property has been designated by the state as a certified industrial site.
- The sole purpose of this CUP is to accommodate the reconfiguration of the parcels within the site and provide it with public access.
- The use will not detract from the character of the surrounding area.
- The conditional use site plan provides for ample buffering and screening of the use from abutting properties.
- Forty (40) foot undisturbed buffers will be provided along the project perimeter.
- 2-year and 10-year storm water detention will be provided on the individual development parcels within the site in order to provide for storm water runoff and protection of the wetland and environmentally sensitive areas between lots 4 and 5.

Ms. Simmons reviewed criteria number 3 (Hazardous safety conditions will not result):

- Hazardous safety conditions will not result.
- The proposed development poses no safety issues.

Ms. Simmons reviewed criteria number 4 (The use will not generate significant noise, odor, glare or dust):

- The use will not generate significant noise, odor, glare or dust.
- The conditional use site plan notes that development on the site will cause no detrimental levels of noise, fumes, glare, dust or odor to nearby areas.
- Noise associated with the development on the site is limited to no more than 70 decibels between 7 am and 11 pm and no more than 65 decibels between 11 pm and 7 am at the property line.

- Detached lights will be fully shielded and will not exceed 25' in height.
- Perimeter buffer will also serve to mitigate noise and glare from the site.

Mr. Blakely reviewed criteria number 5 (Excessive traffic or parking problems will not result):

- Excessive traffic or parking problems will not result.
- Traffic from the development will primarily travel to the site on Interstate 85 directly to Peach Orchard Road.
- Most of the trips exiting the site will travel westbound directly to I-85 rather than eastbound down Peach Orchard Road.
- Generally, there will be little need for visitors to the site to travel to or from the site via Old Concord Road.
- With respect to parking, ample parking spaces will be provided on the site and will not overflow onto the surrounding properties.

Ms. Simmons reviewed criteria number 6 (The use will not create significant visual impacts for adjoining properties or passersby):

- The use will not create significant visual impacts for adjoining properties or passersby.
- The conditional use site plan provides for ample buffering and screening of the use from abutting properties.
- The 40' undisturbed buffers that will be provided along the project perimeter will provide a visual screen from the adjoining properties.

With no one else wishing to provide testimony in the case, Chairman Chamberlain closed the public hearing.

Commissioner Sides moved that the information presented to the Board was deemed to be substantial, competent material evidence and he moved approval of the required Findings of Fact (Exhibit E). Commissioner Mitchell seconded the motion.

Chairman Chamberlain asked if he should read the suggested Findings of Fact (Exhibit E) and County Attorney Jay Dees responded that the Chairman could waive the reading and adopt the information as presented in the application.

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

The required Findings of Fact (Exhibit E) 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.**

FACT: *The proposed street connection contains the required site distance for obtaining a connection permit from NCDOT.*

FACT: *By providing a right turn lane, this major thoroughfare meets all necessary NCDOT standards suggesting the added traffic should not endanger public safety.*

FACT: *Due to the data limitations, traffic projections suggested by the ITE manual for a facility this size are exaggerated and should not cause Peach Orchard Road to operate beyond its capacity as a major thoroughfare.*

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;**

FACT: *No material evidence was presented suggesting this site would injure property values for adjoining lots.*

FACT: *Since a conditional use permit is only required for divisions in this district, approving this request should not injure adjoining property values any more than the current zoning allows without Board approval.*

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.**

FACT: *This site was identified in 2000 as having the necessary qualifications to establish a new economic development zoning district. Although this evaluation was not a countywide plan, it was the most comprehensive land use evaluation since countywide zoning became effective in 1998.*

FACT: *The undisturbed perimeter buffer along with the Board imposed opaque screening condition should ensure a complete visual separation from adjoining uses.*

Commissioner Sides moved approval of CUP 06-07 with the 2 modifications as recommended by the Planning Board. The motion was seconded by Commissioner Mitchell and passed unanimously.

Chairman Chamberlain called for a short break at 5:05 pm.

Chairman Chamberlain reconvened the meeting at 5:15 pm.

7. QUASI-JUDICIAL PUBLIC HEARING FOR CUP 01-07 TO CONSIDER A REQUEST BY CELLCO PARTNERSHIP

Chairman Chamberlain read the Chairman's Speech (Exhibit A) and declared the public hearing for CUP 01-07 to be in session. Chairman Chamberlain said the hearing would focus on an application submitted by Cellco Partnership for Barry Gupton's property located at 7110 Highway 601. The purpose of the request was to allow a 160' telecommunication tower for Verizon Wireless on Tax parcel 304-016.

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

Shane Stewart, Senior Planner from the Rowan County Planning & Development Department presented the Staff Report (Exhibit B). Mr. Stewart also provided a power point presentation (Exhibit C), which depicted the proposed tower site and the surrounding areas.

Mr. Stewart said approximately 8 years ago the Board had heard a similar request for a 190' tower on the Gupton property. Mr. Stewart reported that the tower was never constructed due to complications with the North Carolina State Historic Preservation Office (SHPO).

Using the power point presentation (Exhibit C) Mr. Stewart showed a rendering of what the proposed tower would look like. Mr. Stewart said the tower would have artificial tree limbs to make it look like a pine tree. Mr. Stewart said above the 150' level were extensions for more limbs.

Mr. Stewart said the proposal was due to a gap in Verizon's coverage. Mr. Stewart used the power point presentation (Exhibit C) to show the current coverage areas and he explained that the proposal would link existing coverage along Highway 601 and the Franklin Township.

Mr. Stewart highlighted portions of the Specific Conditional Use Criteria contained in the Staff Report (Exhibit B). Mr. Stewart said the one of the main considerations given to a request for a new tower, was to see if the tower could be accommodated on another existing site. Mr. Stewart said preferred sites are public or semi-public properties. Mr. Stewart said other sites were reviewed but the evaluation by the RF Engineer for Verizon indicated those locations would not capture the desired coverage. Mr. Stewart said 2 existing towers were considered for co-location potential but would not capture the targeted area.

Mr. Stewart reported that an 8-hour balloon test was performed on August 1, 2007. Mr. Stewart used the power point presentation (Exhibit C) to show captions from the test.

As far as provisions for tower safety, Mr. Stewart said Verizon's structural engineer certified the tower would land upon its leased area of 80' x 80' in the event of tower failure.

Mr. Stewart said the County's consultant, Frederick Griffin Engineering, had reviewed the request and indicated in Attachment F of the Staff Report (Exhibit B) that the proposal met all applicable standards.

Mr. Stewart said neither the Zoning Ordinance nor the Federal Aviation Administration (FAA) required lighting or marking due to the height and location of the tower.

Mr. Stewart said Attachment G of the Staff Report (Exhibit B) contained the proposed conditional use criteria submitted by Verizon. Mr. Stewart discussed item number 2 in Attachment G (Exhibit B) and mentioned that the appraiser, Scott Robinson, was in attendance to present his findings.

Mr. Stewart said Staff recommended approval of the tower with the additional 10' above the 150' for stealth purposes. Mr. Stewart also drew the Board's attention to the required Findings of Fact (Exhibit D).

Commissioner Hall said there was a mobile home close by and she questioned the fall zone for the tower if it were to collapse. Mr. Stewart explained that there was a breaking point where the tower would snap and fall straight down. Mr. Stewart said the engineer had certified that the tower would collapse within the fall zone.

Attorney Gary Pennington from Pennington Law Firm in Columbia, South Carolina and Associate Rebecca Baker were in attendance to represent the property owner, Emily Gupton. Ms. Gupton was also present. Mr. Pennington said others in attendance were Betty Johnson, Verizon Real Estate Manager, Jim Hildebran, also of Verizon's real estate department and Scott Robinson, appraiser.

Mr. Pennington reported that Verizon was the largest wireless company in the United States by revenue and was committed to providing the best service available. Mr. Pennington said for the particular geographical area, Verizon had acquired new licenses approximately 2 years ago and had been going through a fast-paced build out in eastern North Carolina. Mr. Pennington said much of the growth had been accommodated by co-locating on existing structures, which in the case before the Board had not been possible. Mr. Pennington said existing sites were too far away and would lose the connectivity the company was looking for to the north.

Mr. Pennington said for the record that he would like to present the completed application (Exhibit E) as amended as part of the record. Mr. Pennington said he would provide the information (Exhibit E) to the Clerk after his presentation.

Mr. Pennington said the FAA had determined that there was no potential for air safety hazards and that Verizon was not required to light the tower.

Mr. Pennington said the SHPO had granted its approval and determined that there would be no adverse impact on historical structures.

Mr. Pennington said the balloon test had been performed with no negative feedback. Mr. Pennington added that the neighbors were notified regarding the application and that the property had been posted.

Mr. Pennington highlighted the details of the property saying that it was owned by Barry and Emily Gupton. Mr. Pennington said Verizon would be leasing approximately an 80' x 80' parcel and would be using an existing access road to the site in order to lessen the amount of forestry that had to be disturbed. Mr. Pennington said the Gupton's property consisted of approximately 90 acres and was naturally wooded. Mr. Pennington said the company proposed to build a 150' monopine structure, which was disguised to look like a pine tree. Mr. Pennington said the monopine was more expensive to manufacture and would be designed to handle up to 5 carriers. Mr. Pennington said the company would place a 30' x 12' building at the foot of the tower to accommodate electronics.

Mr. Pennington held up the following drawings, which were also included in Exhibit E:

- Survey of the overall property on Highway 601.
- Existing tree lines and heavy vegetation; tower set back 165' (in excess) from public right of way.
- Engineering schematic design of tower a 150' structure with 10' of apparatus on top. Antennas will be hidden in branches.
- Map of existing levels of coverage (computer animation).
- Map of proposed levels of coverage.
- Monopine recently constructed. Mr. Pennington said the tower has to extend beyond the tree line or it wouldn't work.
- Photo simulation views of the tower from North Deerfield Circle, Archer Farm Drive, intersection of Gheen Road and Hope Mills Road, the adjacent property business along US-601, intersection of US-601 and St. John's Drive and from North Second Creek Crossing.

Mr. Pennington said along with the application, the proposed Findings of Fact (Exhibit D) had been presented. Mr. Pennington said a narrative had also been made a part of the application where other criteria of the Zoning Ordinance had been addressed.

Mr. Pennington said it was the opinion of the applicant that all of the requirements had been met for the ordinance. Mr. Pennington read the findings from the Impact Analysis (Exhibit F) prepared by Scott Robinson. Mr. Robinson's findings concluded: "Based on extensive, relevant data and analyses, it is my opinion that the proposed communications tower will be in harmony with the area in which it will be located, and will not be substantially injurious from a value, use, or marketability point of view, to properties adjacent/abutting or in the general vicinity."

Mr. Pennington requested that the Impact Analysis (Exhibit F) be made a part of the record.

Mr. Pennington requested that the Board approve the application as submitted.

Chairman Chamberlain expressed concern with a tower that was disguised to look like a pine tree. Chairman Chamberlain asked if the monopole disguised as a tree was going to stand out more than a regular monopole? Mr. Pennington responded that there would be a wider visual appearance than with a single monopole.

Commissioner Barber said the conditional use criteria stated that the use would not detract from the character of the surrounding area as long as the existing vegetation remained intact. Commissioner Barber asked if the property owners around where the proposed tower would be located were different owners than the Gupton's. Mr. Pennington said the Gupton's own the property around the proposed tower site but there were other property owners abutting the site. Commissioner Barber pointed out that the monopine would stand out more than a monopole tower if the other property owners began to cut down their trees. Mr. Pennington said the surrounding property owners could not be controlled but they had indicated they had no intention of cutting the trees. Mr. Pennington said the Gupton's own trees on three of the four sides around the proposed tower site.

Property Owner Emily Gupton of 675 Gupton Drive in Salisbury said she lived a short distance north and across the road from the proposed site and that she currently had no cell phone service. Ms. Gupton said she ran a business and that it was inconvenient to have no cell service in the area. Ms. Gupton said it wasn't just a lack of Verizon service; she said there was no service from any provider for the area.

Commissioner Hall said Ms. Gupton had made an interesting point. Commissioner Hall said there would be space on the tower for multiple services and she pointed out that other providers might be able to co-locate and reach their customers as well.

In response to a query from Chairman Chamberlain, Ms. Gupton said she owned the mobile home and that it remained empty most of the time. She said the home was used from time to time for a farm employee.

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

Commissioner Sides moved that the information presented to the Board was deemed to be substantial, competent material evidence and he moved approval of the required Findings of Fact (Exhibit D) as presented by Staff. Commissioner Mitchell seconded and the motion passed unanimously.

The Findings of Fact (Exhibit D) 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.**

FACT: The Verizon Wireless agreement proposes an 80'x 80' lease area, which would capture the 40-foot fall zone as certified by their structural engineer.

FACT: All applicable FCC and FAA standards have been met.

- 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;**

FACT: By expanding the coverage area to one of the largest wireless communication providers, the public health/safety could substantially increase for residents and passersby in providing an alternative form of communication suggesting the coverage is a public necessity.

FACT: Findings from Certified General Appraiser Scott Robinson's impact analysis suggest this tower will not substantially injure the value of adjoining property or future marketability.

FACT: No other preferred site or existing structure within the target area was discovered suggesting the tower is a public necessity.

- 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.**

FACT: *This tower is minimally visible to surrounding properties suggesting the tower should be in harmony with the general area.*

FACT: *Ordinance imposed requirement of a tower removal guarantee ensures if the tower becomes inoperable for a period of six months, it will be removed.*

Commissioner Sides moved approval of CUP 01-07 with the conditions as established by Staff. The motion was seconded by Commissioner Mitchell.

Chairman Chamberlain emphasized that he did not like the monopine tower and that if the Board was talking about an “artificial tree,” he would vote against it, knowing that the majority of the Board would vote in favor of the application.

Commissioner Sides said he did not feel the Board was voting on an artificial tree but voting on a tower. Commissioner Sides said he thought it was Verizon’s decision for the aesthetics to possibly satisfy any complaints.

Chairman Chamberlain said the SHPO was fine with either tower and he asked Mr. Pennington if Verizon would rather put up a monopole or monopine tower. Mr. Pennington stated that would be the company’s preference to put up a regular monopole.

Commissioner Barber said over a period of time he personally thought he would get used to seeing a regular monopole tower. Commissioner Barber said he travels the area and would like to see coverage provided.

Upon being put to a vote, the motion on the floor passed 4-1 with Chairman Chamberlain dissenting.

Chairman Chamberlain said he was ready to see coverage in the area but that Verizon must put up the monopine tower.

8. DISCUSSION OF ZTA 02-06 – ADULT USE TEXT REVISIONS & SCHEDULING OF PUBLIC HEARING

Chairman Chamberlain said the Board had previously agreed to the proposed text with the exception of the monetary fees to be charged for permitting adult establishments. Chairman Chamberlain said the intent of the discussion was to set a public hearing for possible adoption of the proposed text.

Senior Planner Shane Stewart said Staff had been directed to collect information to estimate the amount of staff resources devoted to adult uses and review any available studies regarding the impacts adult businesses may have on their respective jurisdictions. Mr. Stewart said there were many studies available but

there were no studies available to substantiate increased costs regarding the number of calls/costs to measure staff responses to complaints.

Mr. Stewart reviewed the various information contained in the Staff Memorandum as it pertained to the amount of staff time involved with one particular site.

A brief discussion ensued regarding the permit fee that could be charged for an adult establishment. County Attorney Jay Dees said that based on previous discussions, he was comfortable with the flat license fee of \$5,000. Mr. Dees said if the figure was questioned, he felt that the County had the information to defend the amount. Mr. Dees praised Mr. Stewart for an excellent job in collecting information and justifying the numbers.

Commissioner Sides moved to set a public hearing for the next meeting.

Mr. Dees mentioned that the fee would be reviewed annually, perhaps as part of the fee schedule during the regular budget cycle. Chairman Chamberlain said the Board would handle that issue at the public hearing.

The motion was seconded by Commissioner Hall and passed unanimously.

9. PUBLIC HEARING FOR PROPOSED TEXT AMENDMENT TO FARMLAND PRESERVATION ORDINANCE

Kim Starnes, Chairman of the Agriculture Advisory Board discussed the proposed text amendment to the Farmland Preservation Ordinance. Mr. Starnes said the Agriculture Advisory Board was requesting updates to the ordinance in order to allow more owners of farmland to place their land in a voluntary agricultural district.

Mr. Starnes said the proposed change would state that any farmland, forest land or horticultural land that meets the requirements for the present use value taxation program, and is being managed according to the USDA Natural Resource Conservation Service Guidelines for highly erodible land would be eligible to become a voluntary agricultural district. Mr. Starnes said the change would meet the same requirements of the current state statute.

Mr. Starnes said at the present time there are three landowners that would like to join agricultural districts, but do not meet the current requirements; however, they would meet the new requirements if the proposed changes are passed.

Mr. Starnes said there are approximately 7,500 acres presently enrolled in volunteer agriculture districts in the County and that number was expected to grow if the proposed changes were approved.

Chairman Chamberlain pointed out that any tax benefits received through the program were due to voluntary enrollment.

Chairman Chamberlain questioned the minimum size of a tract if the text was approved and Mr. Starnes responded that it would be 20 acres for forestland; agricultural would be 10 acres and horticultural would be 5 acres versus the present number of 100 acres.

Commissioner Sides asked if there would be any additional tax advantages. Mr. Starnes said one of the requirements is that the property must already be considered as farmland use value and that there was no additional tax value. Mr. Starnes said the program was mainly to identify farmland in the County. Mr. Starnes said the program does protect the land from nuisance suits.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed text changes. The following individual addressed the Board:

- Ed Muire, Rowan County Planning Director, said the program not only offered the nuisance provision, but prevented farms from being condemned and it also removes the requirement of frontage fees if utilities are extended. Mr. Muire said the nuisance provision is a big draw to the program. Mr. Muire said in the early 1990's Rowan County was one of the first counties in the State to adopt the program. Mr. Muire said the participation had waned over the years, which could be due to the acreage requirements. Mr. Muire said he was in favor of the ordinance changes.

Commissioner Sides said he liked the idea of the voluntary farmland preservation district but that he was not in favor of those who use farmland preservation as a tool to avoid paying their share of taxes.

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

Commissioner Sides moved, Commissioner Barber seconded and the vote to approve the text change passed unanimously.

ADDITION

9a. Land Transfer/Sales Use Tax

Commissioner Mitchell said the Board of Elections would need notification in order to prepare the ballots for any referendum of either the one-half cent sales tax item or the land transfer tax item. Commissioner Mitchell said his preference was that neither of the taxes be placed on the ballot in November.

Chairman Chamberlain said he would like to poll the Board members by a nod of the head as to their preferences and Commissioner Hall asked before the Board was polled, if the County Manager could discuss the options from the State.

Chairman Chamberlain again stated he would take a poll by a nod of the head if the Board was inclined to put a land transfer tax or a sales tax on the ballot in November.

The consensus of the Board was to not have either tax on the ballot.

Commissioner Hall said she would have liked to receive additional information from the County Manager before providing her response to the poll.

Mr. Cowan said the taxes were part of the Medicaid swap legislation. Mr. Cowan said the County would net \$532,000 from the Medicaid swap in the first year, but would lose its Article 44 sales tax over the next few years. Mr. Cowan said the County would be left with a 2-cent sales tax, with 1-½ cents for point-of-sale, and the other ½-cent would be per capita. Mr. Cowan said the State was guaranteeing \$500,000 net for each county.

Commissioner Hall asked what the difference would be without adding any additional tax. Mr. Cowan responded that the ¼-cent transfer tax would yield approximately \$1.9 million in Rowan County and the ¼-cent sales tax per point of sale would yield about \$2.5 million dollars. Mr. Cowan said those revenue sources were over and above any lost from revenues and are not to be shared with the cities. The funds would be for general revenue and non-restricted.

Commissioner Sides said based on the information available at budget time, everything for the budget could have been done by setting the tax rate at revenue neutral and that he was not in favor of a new tax.

Chairman Chamberlain stated that he was opposed to the land transfer tax and that he may be open to the ¼ cent sales tax at a later time.

Commissioner Barber agreed with the Chairman's comments.

Chairman Chamberlain called for a short break at 6:10 pm.

Chairman Chamberlain reconvened the meeting at 6:15 pm.

10. DISCUSSION REGARDING CARSON HIGH SCHOOL TRAFFIC CONCERNS

Chairman Chamberlain reported that the County had received a ruling from the North Carolina Department of Transportation (DOT) regarding the installation of a traffic light at Jesse Carson High School. Chairman Chamberlain commented that the County is not responsible for traffic lights.

Commissioner Hall referred to emails that the Board members had received from concerned citizens pertaining to traffic safety at the school. Commissioner Hall said she had also talked with Jesse Carson High School Principal Henry Klutz

concerning the issue. Commissioner Hall said that according to Mr. Kluttz, the DOT had provided 3 reasons for not installing a traffic light, 1) The DOT was not happy with the site selected for the school; 2) The DOT did not have funds for the light, and 3) The DOT felt the traffic volume did not justify the need for a light.

Commissioner Hall said she had requested background information from the school system and that a copy of the DOT traffic count study for the school had also been requested. Commissioner Hall said the County might wish to conduct its own traffic study and she also said lowering the speed limit to 35 mph might be an option for consideration. Commissioner Hall said with the start of school only 3 weeks away, the Board might wish to contact the Sheriff to see if he could assist by providing an officer to direct traffic on Highway 152. Commissioner Hall said the Resolution in the agenda packet was a show of concern and an effort for all agencies to work together to address the safety issue.

Commissioner Mitchell said he did not mind supporting the Resolution and that he would also like to see the County allocate \$5,000 to fund a traffic officer to man the intersection at Highway 152 and Cress Venture Drive during the start of school and during the afternoon hours when school is dismissing. Commissioner Mitchell said the intersection was dangerous and that he was willing to appropriate \$5,000, "give or take," for a traffic officer from the beginning of the school year until Christmas break, at which time the Board could determine the status of the situation.

Commissioners Hall and Chamberlain agreed with Commissioner Mitchell's suggestion.

Commissioner Barber referred to the last paragraph of the Resolution and asked if Commissioner Hall would be agreeable to inserting language that would establish a timeframe, such as requesting that the DOT install the signal light by December 31, 2007. Commissioner Hall agreed with the suggestion.

Commissioner Sides said the situation was a matter of cooperation between agencies. Commissioner Sides said the local legislators had been contacted regarding the safety concerns at the school and they were 100% in favor of a traffic light at this location. Commissioner Sides said the legislators wanted a copy of the Resolution sent to them.

Commissioner Barber moved, Commissioner Hall seconded and the vote to accept the Resolution with the changes of inserting a date after the wording, "install a signal light by December 31, 2007" passed unanimously.

Commissioner Mitchell moved to appropriate a sum of \$5,000 for a traffic officer to watch the intersection at Highway 152 and Cress Venture Drive during the morning and afternoon hours when school is letting in and out. The motion was seconded by Commissioner Barber and passed unanimously.

Sheriff Wilhelm addressed the Board and expressed concern for the safety of a traffic officer standing in the road. Sheriff Wilhelm suggested that a meeting be held with other agencies regarding the dangers and what would be needed to keep the officer safe. Sheriff Wilhelm reported that Assistant Superintendent Gene Miller had stated that the school system would pay for the traffic officer. Sheriff Wilhelm said he would like to use the \$5,000 for equipment (strobe light) to indicate there was an officer ahead.

County Attorney Jay Dees advised the Board to accept a new motion to unrestrict the funds.

Commissioner Mitchell moved to unrestrict the funds (\$5,000) that were referred to in the previous motion. The motion was seconded by Commissioner Barber and passed unanimously.

Commissioner Sides and Mr. Dees agreed to pursue the possibility of getting the speed limit reduced.

11. PUBLIC HEARING FOR SECONDARY ROAD CONSTRUCTION PROGRAM

North Carolina Department of Transportation (DOT) District Engineer Chris Corriher asked the Board to review the Secondary Road Program. Mr. Corriher explained that both the 2006-07 and 2007-08 programs were before the Board because the program was running behind due to budget problems several years ago. Mr. Corriher asked the Board to consider adopting a Resolution in support of both programs.

Mr. Corriher reviewed the program for 2006-07 and said the DOT had received approximately \$1.5 million to pave and make road improvements in Rowan County. Mr. Corriher said the roads on the "hold" list were previously approved and that the DOT had been unable to secure right of ways. Mr. Corriher said those issues had "gone away" but the roads remained a priority. Mr. Corriher said the DOT proposed to pave the following roads: Peach Orchard Lane, Redmon Road, Ketner Farm Road, Harris Point Road, 30th Street, Erwin Temple Church Road, Patrick Drive, Sunfish Terrace and Panfish Lane. Mr. Corriher said Erskine Drive would be another project. Mr. Corriher reported that \$225,000 had been set aside to secure right of ways and for engineering, inspections and road widening. Mr. Corriher also stated that \$200,000 had been set aside for spot stabilization and road improvements. Mr. Corriher said it was currently proposed to pave a portion of Redmon Road; however, the DOT was trying to work through issues in order to pave the entire road. Mr. Corriher said the DOT planned to pave a portion of Harris Point Road. Mr. Corriher said the proposed projects were subject to availability of funding.

Mr. Corriher discussed the 2007-08 program for which the DOT anticipated to receive approximately \$1.5 million in funding. Mr. Corriher reviewed the priority

order of the following roads to be paved: McNeeley Road, Rowan Cabarrus Road, Old Wood Lane, Dutch Farm Road, Crump Circle, Cliff Eagle Road, L.M. Overcash, Fiber Acres Street and Parkwood Road. Mr. Corriher said \$245,000 had been set aside to secure right of ways and for engineering, inspections and road widening. Mr. Corriher said \$200,000 had been set aside for spot stabilization and road improvements.

Mr. Corriher said under both programs, the DOT was targeting and trying to set aside funds for road widening in Rowan County.

Chairman Chamberlain opened the public hearing to obtain citizen input regarding the 2006-07 and 2007-08 Secondary Road Construction Programs. The following individual addressed the Board:

- Charles Walker of 1775 Barringer Road in Salisbury requested that a bridge be installed over the railroad crossing on Barringer Road. Mr. Walker talked about the dangers of the railroad crossing to the school buses that use the road. Mr. Walker said that with Highway 70 being upgraded to handle more traffic, it would also mean more traffic on Barringer Road. Mr. Walker said there have been times when trains have delayed emergency response vehicles and he asked the Board to request that the DOT place the road on the list to receive a new bridge.

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

Mr. Corriher explained that a bridge or project of that nature would need to be considered in the Transportation Improvement Program (TIP).

In response to a query from Chairman Chamberlain, Mr. Corriher said most of the work on railroad crossings in Rowan County are handled by the railroad. Mr. Corriher explained that the DOT handles the asphalt around the track and the railroad takes care of the wood in the tracks. Mr. Corriher said he would have the DOT maintenance supervisor have someone look at the crossing on Barringer Road.

Mr. Corriher said he would work with the Clerk to the Board to prepare Resolutions to be submitted for Board approval regarding the 2006-07 and 2007-08 Secondary Road Construction Programs.

12. PUBLIC HEARING FOR COMMUNITY DEVELOPMENT BLOCK GRANT FOR RDH TIRE & RETREAD WATERLINE PROJECT

Jeff Jones, Planning & Research Manager for Salisbury Rowan Utilities explained that the public hearing concerned the County's overall Community Development Block Grant (CDBG) Program and that the hearing would provide

the citizens with an opportunity to speak pertaining to where they would like to see the CDBG funds used.

Mr. Jones read a prepared statement regarding the CDBG funds.

Chairman Chamberlain opened the public hearing to entertain comments from any citizens who wished to address the Board regarding the CDBG funds.

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

Mr. Jones said there would be a resolution for the specific project at the next public hearing.

13. DISCUSSION REGARDING CONTRACT WITH S&ME TO PERFORM ENVIRONMENTAL ASSESSMENT AT 300 NORTH MAIN STREET

Kathryn Jolly, Environmental Management Director, said Staff had been directed to prepare a brief pertaining to County-owned property located at 300 North Main Street. Ms. Jolly said the site now serves as a parking lot for staff. Ms. Jolly said the State is requiring a limited site assessment. Ms. Jolly stated the Commissioners had received a proposal from S&ME to perform the assessment and she requested Board approval of the proposal.

Commissioner Sides moved approval of the proposal, Commissioner Mitchell seconded and the motion passed unanimously.

14. CONSIDER APPROVAL OF PURCHASE OF (2) TRUCKS FOR SHERIFF'S DEPARTMENT

Finance Director Leslie Heidrick said the Sheriff's Department would like to purchase two (2) Dodge Ram 1500 trucks. Ms. Heidrick said the trucks may be purchased off the State Contract with Ilderton Dodge for \$42,302. The trucks are not currently budgeted; however, Sheriff Wilhelm would like to buy the trucks instead of two (2) budgeted patrol cars.

Sheriff Wilhelm discussed the need for purchase of the trucks.

Commissioner Sides moved, Commissioner Hall seconded and the vote for approval of the Resolution awarding the contract for the purchase of two (2) 2007 Dodge Ram 1500 trucks for the Rowan County Sheriff's Department passed unanimously.

Sheriff Wilhelm discussed a request from the United States Army for proposed military training in Rowan County. Sheriff Wilhelm said the training would occur in an undisclosed area and that the military would work with the Rowan County Sheriff's Department. Sheriff Wilhelm said the Army would like to officially receive an invitation from the County Manager to conduct the military training.

Commissioner Sides moved to instruct the County Manager to send a letter to the Army inviting them to come to Rowan County. The motion was seconded by Commissioner Mitchell and passed unanimously.

15. DISCUSSION REGARDING ALTERNATIVE BUDGET PROCESSES

Commissioner Barber proposed that the Board consider holding a special meeting to receive a presentation from a member of the School of Government (SOG) and also a member of the staff from Davidson County regarding alternative budget processes. Commissioner Barber felt the Board should receive the presentations to review what other budget processes might offer to Rowan County and to see if there was waste built into the current budget process being used.

County Manager William Cowan suggested that if the Board wished to receive the presentations, Staff be allowed to obtain several dates from the SOG Staff and report back to the Board.

Commissioner Sides asked if the presentation could be made during a regular meeting, which was also Commissioner Mitchell's preference.

After further discussion, the Board asked the County Manager to get dates from the SOG Staff for a 45-minute presentation to be provided during a regular meeting and also a 15-20 minute presentation from Davidson County.

Commissioner Barber said he would like for the County Manager to coordinate the presentation after the meeting chambers were upfitted when the meeting could be recorded for the public's view on television.

Commissioner Mitchell said he preferred for the Board to receive a 45-minute presentation during one meeting with a 15-20 minute presentation at another meeting.

16. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director Leslie Heidrick presented the following budget amendments for approval.

- Health Department – To budget roll over of Office of Public Health Preparedness & Response funds into FY 2008 - \$7,835
- Parks – To budget a Robertson Family Foundation grant for a picnic shelter at Ellis Park. No County match is required. These grant funds were approved in fiscal year 2007. The budget amendment budgets the funds in fiscal year 2008 - \$15,600
- Senior Services – To revise budgeted revenues and expenditures to reflect funding amounts released after County budget deadlines:

SHIP Grant - \$1,900
Care Givers Support Grant - \$1,637
HCCBG Services Grant - \$1,064
Title V SCSEP Grant - \$20,671

- Social Services – To recognize reserved funds from FY 2007 for DSS. Reserves are money received by a Department for a restricted purpose. The funds that are not spent at year-end are budgeted for expenditure in the new fiscal year: Shoe Fund, Blind Fund, Christmas Happiness, Adult Services, Miscellaneous Donations, 1 Church 1 Child, Altrusa Donation, Substance Abuse & Psy Services - \$29,804

Special Child Adoption Funds - \$18,672

- Social Services – DSS received a Robertson Family Foundation grant for a healthy parenting video production - \$ 6,500
- Encumbrances:
 - General Fund 101 - \$ 2,288,142
 - General Fund 202 - \$ 95,521
 - General Fund 601 - \$ 168,353

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

At Commissioner Hall's request, Ms. Heidrick reviewed each item under the budget amendment for Encumbrances.

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

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

Sally Murphy has completed her term of service and is eligible for reappointment. If appointed, the term would be for 3 years beginning September 1, 2007 and expiring August 31, 2010.

Commissioner Barber nominated Sally Murphy and the nomination passed unanimously.

SENIOR SERVICES ADVISORY COUNCIL

Lorene Hasty Roberson submitted an application to serve on the Senior Services Advisory Council. If appointed, the term of appointment would be for 3 years beginning September 1, 2007 and expiring August 31, 2010.

Commissioner Barber nominated Lorene Hasty Roberson and the nomination carried unanimously.

ROWAN COUNTY HOUSING AUTHORITY

Leda Belk will complete the term of a previous member on August 31, 2007 and has submitted an application for reappointment.

The following individuals have also submitted applications to serve on the Housing Authority:

- Olin Miles
- Rebecca Goodnight Goudes
- Jeff Hubbard
- Luther Gene Beaver, Jr.

The term for the selected applicant would be for 5 years beginning September 1, 2007 and expiring August 31, 2012.

Commissioner Sides nominated Luther Gene Beaver, Jr. and the nomination passed unanimously.

Rodney Cress, a member of the Rowan County Housing Authority Board, was in the audience. In response to a query from Chairman Chamberlain, Mr. Cress said Mr. Beaver was a pastor from a church off Lane Street in Kannapolis and that the Housing Authority needed representation from the Kannapolis area.

18. DISCUSSION REGARDING ENROLLMENT DATA FOR NEW ELEMENTARY SCHOOL IN SOUTHERN ROWAN

Commissioner Hall distributed a copy of a budget amendment that had previously been given to the Board. Commissioner Hall read the explanation of the budget amendment and said the money could be used for new schools, property and technology.

Leslie Heidrick, Finance Director, stated that Rowan-Salisbury Schools Assistant Superintendent Gene Miller had provided a breakdown of revenue sources (provided only to Ms. Heidrick and not the Commissioners during the July 16, 2007 Commission Meeting) totaling \$13,246,000 and how the school system planned to spend the funds. Ms. Heidrick said the sales tax money would fund some of the projects contained in Mr. Miller's breakdown.

Commissioner Hall noted that the list included land for a new south area elementary school.

Ms. Heidrick distributed a handout from an April meeting where the school system had responded to a request from the County Manager as to how they planned to spend their Public School Building Capital Fund. The school system had approximately \$4 million to spend and she reviewed the proposed expenditures in the handout, which included the purchase of property for future elementary school in the south area. Ms. Heidrick explained the list of projects, the cost of each and she noted that the application for public school building

capital funds must be signed by the Chairman of the Board of Commissioners and the Chairman of the Board of Education. Ms. Heidrick also noted the money would not be budgeted until the request comes back before the Board.

Commissioner Hall said she was concerned that when the budget amendment was approved, it included several items that would not come back to the Board. Commissioner Hall said Ms. Heidrick had reassured her the purchase of land would come back before the Board.

Commissioner Hall pointed out that the project to purchase property for a south elementary school had now become a top priority for RSS based on the handouts. Commissioner Hall questioned this necessity from baseline SIMS enrollment data information and from capacity information provided by RSS. Commissioner Hall pointed to the instructional needs of students and felt that RSS should consider using the funds for technology to address the dropout situation.

Commissioner Sides said any future requests to amend the budget should include the explanation in detail as opposed to bringing a budget amendment to the Board.

Commissioner Mitchell stated his preference was to trust the school Staff and the school board to make recommendations.

Commissioner Barber said the school board had looked at the number of permits being issued to determine anticipated growth in an effort to justify putting an option on property in the south area. Commissioner Barber pointed out that the Board had voted to give the school system \$2 million dollars for technology and at this point the school system was happy with the amount. Commissioner Barber said he saw the capital improvement projects listed from the April/May timeframe as a prioritized list of needs for the school system. Commissioner Barber said he trusted the Board of Education and Staff to have done their homework when creating a plan and he encouraged the Commissioners to allow the school system to follow that plan.

Commissioner Hall said the growth overall for RSS for the past 6 years for grades K through 12 had been only 400 students total, which was less than the school system had anticipated. Commissioner Hall said the Board has the authority and responsibility to manage tax dollars judiciously. Commissioner Hall said when looking at the test scores, there had been 19 schools that did not make Adequate Yearly Progress (AYP) and she felt the focus should be more on technology and programs.

19. CONSIDER RETRACTION OF OFFER OF EQUITY AGREEMENT WITH CITY OF KANNAPOLIS

County Attorney Jay Dees recalled that the Board had extended the offer of an Equity Agreement to the City of Kannapolis in February. Mr. Dees said after 5 months the offer still had not been executed and he suggested that the Board withdraw the offer.

Chairman Chamberlain moved to withdraw the equity agreement, effective August 6, 2007 at 7:42 pm. Commissioner Sides seconded and the motion passed unanimously.

20. DISCUSSION REGARDING SEPTEMBER MEETING SCHEDULE

Chairman Chamberlain stated that the first Commission Meeting scheduled for the month of September fell on Monday, September 3, 2007, which was the Labor Day Holiday. Chairman Chamberlain suggested that the Board consider changing the Commission Meeting date to Tuesday, September 4, 2007.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to hold the first meeting for the month of September on Tuesday, September 4, 2007 at 4:00 pm passed unanimously.

21. ADJOURNMENT

There being no further business to come before the Board, Commissioner Mitchell moved to adjourn at 7:45 pm. The motion was seconded by Commissioner Barber and passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board