

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
August 20, 2007 – 7:00 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 7:00 pm.

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Mitchell moved, Commissioner Barber seconded and the vote for approval of the minutes of the July 16, 2007 and August 6, 2007 Commission Meetings passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

There were no additions to the agenda.

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

The Consent Agenda consisted of the following items:

- A. Set Second Public Hearing for September 4, 2007 for Community Development Block Grant for RDH Tire & Retread Waterline Project
- B. Set Public Hearing for September 4, 2007 for Special Consideration of the Proposed Road Name Teakwood Trail
- C. Set Public Hearing for September 4, 2007 for Special Consideration of Address Changes on Barger Road
- D. Approval of Resolutions Adopting the Rowan County Secondary Road Construction Programs for FY 2006-07 and FY 2007-08
- E. Approval of Amendments to Work First Plans

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 individual came forward:

- Rodney Whedbee said if the County continued to restrict private property through legislation, the County was basically restricting property owners from developing their land. Mr. Whedbee said doing so was a violation of the basic property rights afforded by the Constitution. Mr. Whedbee said each Commissioner had stated they would defend property rights and he asked how much freedom the Board would give the local government to restrict land/property it did not own. Mr. Whedbee said private ownership and private economic development was the best means for growing and securing the local economy and he encouraged the Board to find ways that the local government could get out of the land management business and leave it to economic development through the private sector.

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

3. RECEIVE PRESENTATION REGARDING ECONOMIC DEVELOPMENT PROJECT KAZE & CONSIDER SETTING PUBLIC HEARING FOR SEPTEMBER 4, 2007

Economic Development Director Randy Harrell said the Economic Development Commission (EDC) had been working for the past year on a project known as Project Kaze for a company known as Wind Tunnel eXtreme, LLC. Mr. Harrell introduced two of the company's principals, Don Babb and Kristen Helsel.

Mr. Babb provided the Board with a power point presentation and said when constructed the wind tunnel would be the most advanced, technological wind

tunnel in the world. Mr. Babb said the tunnel would be built specifically for automotive testing. Mr. Babb said the tunnel would be available to users by membership and the purchase of time. Mr. Babb explained that a shift was a 10-hour period of time, with the contract for shifts at a minimum of 5 years. The anticipated cost of the project was approximately \$63+ million and would provide jobs for 29 professionals with salaries from \$52,000 to \$230,00 per year. Mr. Babb reported the useful life of wind tunnels was approximately 20 to 30 years. Mr. Babb said the tunnels have continuous, ongoing investment in upgrades and facility maintenance.

Using the power point presentation, Mr. Babb showed a schematic of how the wind tunnel would look and he described its testing capabilities for multiple cars saying that it would reach wind and road speeds of up to 180-mph.

Mr. Babb said the operation would not produce any environmentally sensitive issues and there were no emissions. Mr. Babb said the area would be heavily landscaped.

The Project principals were:

- Rick Barlow, an expert on customer relations and who had developed multiple programs for American Express, Home Depot and other large United States corporations.
- Don Babb, with experience in on-going process operations as CEO of a number of corporations.
- Brad Forsythe, Risk Manager.
- Kristen Helsel, Automotive Engineer who has managed Busch NASCAR teams and who has operated a wind tunnel in California.

Mr. Babb said the company intended to use the local community college to train some of its employees.

Mr. Babb reviewed the list of customers that were expected to use the tunnel and he also reviewed the timeline for completion of the project, which was early in the second quarter of 2009.

Mr. Babb said the company planned to use local businesses on an ongoing basis, including restaurants, landscaping, security, catering and area hotels. Mr. Babb said the company would help attract additional high-technology businesses to Rowan County. Mr. Babb said an Open House would be held for all interested county residents when the facility was completed and before it began its formal operations.

Mr. Babb reviewed the top quality suppliers as Jacobs Technologies, MTS, PI and HB& A.

Mr. Babb said the project would meet or exceed all building codes and that The Keith Corporation (TKC) had been retained as the General Contractor.

Mr. Babb highlighted the economic benefits of the project, which included an annual payroll of approximately \$2.2 million and spin-off benefits through the support of local businesses, schools and universities.

Commissioner Barber said Mr. Harrell was leaving Rowan County for a new job in Tennessee and he expressed his gratitude to Mr. Harrell for his work over the past years as Rowan County's EDC Director. Commissioner Barber also expressed appreciation to Wind Tunnel eXtreme for considering Rowan County. Commissioner Barber said the project was clearly a result of the investment that Toyota Racing and Development was making in Rowan County. Commissioner Barber questioned any potential spin-off companies that might result from the location of the wind tunnel. Mr. Babb said one of the key elements in wind tunnel positioning was where the customers were located. Mr. Babb said the Charlotte area was clearly the choice and was why the search had been narrowed to this area.

Commissioner Barber asked if racing teams might be a potential spin-off in wanting to locate near the wind tunnel and Mr. Babb said yes.

Commissioner Barber referred to the Rowan County Airport and asked if Wind Tunnel eXtreme would utilize the airport. Mr. Babb said the company would make use of the airport facility and he stated that two (2) of the partners were located in Cincinnati and would privately fly to the County Airport on occasion. Commissioner Barber asked about the possibility of corporate jets being located at the airport and Mr. Babb discussed the need for an airport due to the activities and time constraints of racing crews.

Commissioner Barber said Mr. Babb had made reference to constant reinvestment to the wind tunnel facility and he questioned the potential reinvestment amount over a 10-year period. Mr. Babb said a major renovation was expected to occur in 9 or 10 years at approximately \$8 to \$12 million.

Commissioner Mitchell thanked Mr. Babb for the presentation. Commissioner Mitchell asked what technology was expected that would make Wind Tunnel eXtreme the most technologically advanced. Mr. Babb said the characteristics are 1) an adaptive wall, 2) rolling road system and 3) the tunnel can accommodate three cars and can duplicate passing and overtaking. Mr. Babb said the combination of these factors were not available in any other wind tunnel in the world.

Chairman Chamberlain asked how much of the \$63+ million investment would be in land and buildings? Mr. Babb said the company was still waiting on the

accountants' determination but he said a rough estimate was approximately \$10 million.

Commissioner Hall thanked Mr. Babb for the company's interest in Rowan County and in response to a query from Commissioner Hall, Mr. Babb explained that Wind Tunnel eXtreme was an American company.

Commissioner Hall asked Mr. Babb what guarantee the County would have that the company would not "pull up stakes and leave after the tax incentive plays out?" Mr. Babb responded that the magnitude of the investment and the fact that the wind tunnel was contained in concrete made it adverse to being moved. Mr. Babb said the facility would be in Rowan County for a long time.

Commissioner Hall asked if Wind Tunnel eXtreme had chosen a local construction firm? Mr. Babb reported that TKC would manage the local construction work. Commissioner Hall asked if the construction jobs would be Rowan County construction jobs and Mr. Babb said he believed they would be.

Commissioner Hall questioned how many permanent jobs would be created for Rowan citizens and Mr. Babb estimated 25 to 30 jobs. Mr. Babb said the jobs would be for technicians, wind tunnel management, mechanics of different disciplines and electricians, etc. Mr. Babb said the salaries for these positions would be in the range of \$50,000 year.

Commissioner Hall asked if the engineers would come from outside of Rowan County and Mr. Babb said probably so. Mr. Babb said the top salary would be for the wind tunnel manager who would be an engineer with significant experience in managing and running a wind tunnel.

Commissioner Hall questioned the value of the equipment and Mr. Babb said it would be in excess of \$40 million. Mr. Babb said the information would be determined once the company had received a report from its accountants.

Commissioner Hall asked if the \$63+ million investment included patents and studies. Mr. Babb said no, and he said to his knowledge none of the machinery/equipment was patented and the studies would be approximately \$1.5 million.

Mr. Harrell reported that the land would not be included in the incentive and what would be included was all new investment.

Commissioner Hall asked if there were other services the local government would be required to provide. Mr. Babb said no additional services would be needed other than what would normally be provided for an industrial park. Mr. Babb said the largest need for the company would be electricity and if the site is selected, the company would be building a substation to isolate the high power

consumption. Mr. Babb said Wind Tunnel eXtreme would pay Duke Energy to provide the service.

In response to a query from Commissioner Hall, Mr. Babb said the company would utilize the junior colleges to locate technicians and set up a training program for them. Mr. Babb said the project principals had been very sensitive to being good corporate citizens in their prior businesses and they would do the same in Rowan County.

Commissioner Hall said she wished the Board members had received more information prior to the meeting since the Board was going to be asked to schedule a public hearing to consider the investment grant.

Mr. Harrell said the public would have the right to speak for or against the project at the public hearing. Mr. Harrell said the company would be providing additional information on the investment grant.

Chairman Chamberlain said once the presentation was over, the Board would decide whether to set the public hearing. Chairman Chamberlain emphasized that the Board would “have that information long before the public hearing or the public hearing will be postponed; it will not take place on the 4th (September) unless we have the information that we can digest.” Chairman Chamberlain said he was encouraged as to what the Board had learned about the company. Chairman Chamberlain also encouraged the citizens to attend the public hearing and provide their input. Chairman Chamberlain said after the public hearing had been held the Board would discuss incentives.

Commissioner Hall pointed out that the public could not come prepared any more than the Board members if they did not have the information. Commissioner Hall read from the Investment Grant Program and the requirements of the EDC to “provide a fiscal analysis of the project’s impact upon the community inclusive of a recommendation from its Board of Director’s as to whether the project proposal should be considered for the award of an incentive grant as detailed within policy guidelines.” Commissioner Hall said there were many questions still unanswered and she mentioned that a project site plan was required as well as a survey and legal description of the property, etc.

Commissioner Hall said she had looked at the company’s website and she provided handouts that she had printed from the website, including the company’s recent press release.

Commissioner Hall stated that the primary suppliers for Wind Tunnel eXtreme were listed in the power point presentation. Commissioner Hall noted that TKC had been omitted from the power point presentation but were listed on the website. Mr. Babb said the list had been cut off at the senior level of providers. Mr. Babb said the company was more focused on the unique machinery and

design of the tunnel as opposed to “more mundane issues of building construction.”

Commissioner Mitchell referred to Commissioner Hall’s handouts and said that it would have been nice to have received information before the meeting. Commissioner Mitchell moved to schedule a public hearing with the admonition that the Board receives the information that Commissioner Hall focused on from the Investment Grant Policy as quickly as possible. The motion was seconded by Commissioner Barber.

Mr. Babb explained that unfortunately the timing for the Board’s presentation happened around the time of the public announcement or normally there would not have been such a delay. Mr. Babb said all of the information is now public and that the company officials would make every attempt to provide the Board with the required information.

In response to a query from Commissioner Sides, Mr. Babb discussed the restrictions in Europe due to the availability of power. Commissioner Sides said he was glad to hear that information would be provided to the Board in advance of the public hearing. Commissioner Sides expressed his enthusiasm for the company’s consideration of Rowan County but not for incentives. Commissioner Sides referred to the 5-year incentive program and asked Mr. Babb how the company would feel about receiving incentives during the second, fourth, sixth, eighth and tenth years? Mr. Babb responded that the company’s decision was broad-based, and the incentives that were monetary were taken into consideration but were not the only criteria for which the company would decide to locate. Mr. Babb said the strength of the community college was also a drawing card for the company. Mr. Babb said the company had a sophisticated financial model and that the company would have to “remodel everything.” Mr. Babb said to make such changes would require a significant interation and that an opinion could only be offered after having an opportunity look at the situation.

Commissioner Hall asked if the Board would receive information regarding the incentives “tonight” and Chairman Chamberlain said no, but that the information would be received in the very near future.

County Attorney Jay Dees said the Board needed to know the nature of the specific request for the purpose of the notice to advertise the public hearing.

Mr. Harrell said the company was requesting that the Commissioners consider providing a 6-year investment grant, which would be presented as soon as possible. Mr. Harrell said the investment grant would be at the second level tier, which would be 80% over a 6-year period based upon new capital investment estimated at \$63+ million. Mr. Harrell said the agreement was performance-based between the County and the company and that the figure could change.

Upon being put to a vote, the motion on the floor to conduct the public hearing on September 4, 2007 passed unanimously. Chairman Chamberlain again stated that the public hearing would be held unless the information was not received in advance.

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

Chairman Chamberlain reconvened the meeting at 8:10 pm.

4. INSTALLATION OF LAND USE PLAN STEERING COMMITTEE MEMBERS

Chairman Chamberlain recognized and introduced the following Land Use Plan (LUP) Steering Committee members: Wendy Wilson, Paula Holte, Richard Shaver, Chris Cohen, Steve Poteat, James Rollans, Jeff Morris, Eric Pence, Ben Knox, Artie Watson and Planning Board member Rick Hudson. Chairman Chamberlain then called Planning & Development Director Ed Muire forward.

Chairman Chamberlain said the Board's charge to the LUP Steering Committee members was for them to work hard, attend the meetings and attend the meetings with an open mind.

Mr. Muire reported that he had notebooks for the Committee, which contained preliminary and background information for the area to be studied. Mr. Muire encouraged the members to read the information, as well as add to it during the study process. Mr. Muire reported that the initial kickoff meeting for the Committee would be held August 28, 2007 at 6:30 in the J. Newton Cohen, Sr. Room and he encouraged the Commissioners to also attend the meeting. Mr. Muire introduced the following Benchmark Planning Staff in attendance: Richard Smith, Planning Manager; Jason Epley, Project Manager and Jessica Sick, Project Planner.

5. CONTINUATION OF AMENDMENT TO CUP-15-03 FOR A REQUEST FROM JACK PHILLIPS

Chairman Chamberlain explained that the Board had already held the public hearing regarding CUP-15-03 and that the Board would now finish its discussion and vote on the matter.

Planning & Development Director Ed Muire said that for the current meeting, Staff had provided the Board with a copy of the same report (Exhibit B) that had been in the previous agenda packet (July 16, 2007). Mr. Muire referred to the Clerk's memorandum in the current agenda packet, which indicated that the Board could ask questions but that no additional testimony could be provided. Mr. Muire also pointed out that the Board had just approved the minutes of the July 16, 2007 Commission Meeting where the evidence in the case had been presented.

Commissioner Sides said that due to the concerns that had been expressed during the July 16, 2007 meeting, he had visited the site along with Commissioner Hall. Commissioner Sides said unless other Commissioners had questions or comments, he was prepared to make a motion.

Commissioner Barber said he had talked with Commissioner Sides regarding his site visit and recommendations, and that he was willing for Commissioner Sides to proceed with a motion.

Commissioner Sides moved approval of the required Findings of Fact as stated in the agenda packet. The motion was seconded by Commissioner Mitchell and passed unanimously.

The Findings of Fact were listed in the packet 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.

Commissioner Sides moved approval of CUP-15-03 with the conditions established by Staff; 1) The buffer of trees must remain between the building and adjoining residential property; 2) Additional screening of fencing must remain intact and be maintained; 3) The applicant must provide a copy of the contract for disposal of hazardous waste. Commissioner Sides said he would defer to Staff for the hours of operation and said he felt the hours should be included in the conditions. Commissioner Sides repeated that the motion was to grant approval of CUP-15-03 with the stated conditions. The motion was seconded by Commissioner Hall.

Chairman Chamberlain said the Board had discussed the number of cars that would be allowed inside, overnight, etc. Commissioner Sides said he was of the opinion that the cars parked on the lot for repair should be behind the screened area.

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

Mr. Muire said there was a "notion" that the business that was there was now being occupied as a residence and based on the motion, the use was no longer a valid use. Mr. Muire said Staff would pursue corrective action.

Chairman Chamberlain asked Commissioner Sides if he understood this to be the situation and he agreed.

6. PUBLIC HEARING FOR ZTA 02-06: AMENDMENTS TO ADULT USE TEXT

Senior Planner Shane Stewart referred to page 3 of the memorandum in the agenda packet and pointed out that the wording in item (e) should be in bold and italics and was a new inclusion and not existing text.

Mr. Stewart recalled the previous Commission Meeting where he had presented the Board with information collected to estimate the amount of staff resources devoted to adult uses. Mr. Stewart also stated that the County Attorney had stated that \$5,000 could be charged as the value of the initial permit. Mr. Stewart said the Board should discuss the annual re-inspect fee. Mr. Stewart suggested a re-inspect fee of one-fourth of the initial value, or approximately \$1250 to \$1500.

Commissioner Mitchell asked County Attorney Jay Dees what he felt would be reasonably defensible for the maximum initial application fee and the recurring fee? Mr. Dees said he felt comfortable at the last meeting with the \$5,000 initial fee and a renewal fee of 25%, at \$1250 or \$1500.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the amendments to the Adult Use Text.

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 Statement of Consistency passed unanimously.

The Statement of Consistency read as follows:

In protecting the public health, safety, and general welfare of the citizens of Rowan County, the Board of Commissioners find it necessary to make substantial changes to the existing zoning ordinance text regulating adult oriented businesses. The Board of Commissioners support the findings from Committee B of the Planning Board deeming it necessary to provide reasonable regulation of adult establishments to limit the secondary impacts while maintaining their constitutionally protected form of expression as legal uses of property. In keeping with the Supreme Court's decision in *The City of Renton v. Playtime Theaters, Inc.*, Committee B and Planning Staff evaluated reports from the following jurisdictions: New York, New York; Phoenix, Arizona; St. Paul, Minnesota; El Paso, Texas; Garden Grove, California; and Adams County, Colorado to establish the new regulations.

It was determined there was a high probability Rowan County would experience similar results of reduced property values, increased crime rates, and increased public health/safety hazards, which were experienced by the majority of jurisdictions studied. Evidence suggested these results are consistent in jurisdictions of all sizes. Results indicate the secondary impacts are not evident beyond a separation distance of 1,500 feet, which is consistent with the current distance of 1,320 feet. Since the courts have upheld separation standards up to 1,500 feet in urbanized areas, the current zoning ordinance standard of 1,320 feet is reasonable in a more rural setting.

Revised text will strengthen our terminology, include adult activities that were previously not included within definitions, and provide other guidelines to protect against the anticipated secondary impacts. Licensing requirements and annual inspections will ensure all businesses operate within ordinance standards and comply with any applicable conditions of approval. Research collected by Planning Staff suggests adult uses generate a significant demand on county resources resulting in the need for more extensive regulation.

Commissioner Sides moved approval of ZTA 02-06 with a \$5,000 initial fee and a \$1250 annual re-inspection fee. The motion was seconded by Commissioner Barber and passed unanimously.

7. QUASI-JUDICIAL PUBLIC HEARING FOR CUP 05-07: CLUSTER SUBDIVISION FOR SUNSET POINTE

Chairman Chamberlain read the Chairman's Speech (Exhibit A) and declared the public hearing for CUP 05-07 to be in session. Chairman Chamberlain said the hearing would focus on an application submitted by Dan Fisher for his property located at the 500 block of Sunset Pointe Drive. The purpose of the request is to consider a 135-lot cluster subdivision located on Tax Parcels 606-029, 606H114 & 115.

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

Shane Stewart, Senior Planner of the Rowan County Planning & Development Department presented the Staff Report (Exhibit B) and provided a power point presentation (Exhibit C) as he described the site and the surrounding area. Mr. Stewart said the request by Sunset Pointe at High Rock Lake, LLC was to consider a 135-lot cluster subdivision on 65 acres. Mr. Stewart explained that a cluster subdivision provided allowances to deviate from the typical county standards in lieu of innovative design standards that result in the same number of total lots allowed.

Mr. Stewart used the power point presentation (Exhibit C) as he discussed the phases of development for Sunset Pointe. Mr. Stewart said the lots would be

developed in two phases with a potential third phase if additional sewer capacity were available. Mr. Stewart said the current request dealt with phases I and II. Mr. Stewart reviewed the process thus far, explaining that the ordinance requires the Subdivision Review Committee to meet. The Committee approved the plan and the Planning Board had also provided a favorable recommendation on the concept plan.

Mr. Stewart highlighted the Residential Clustering Criteria listed on page 2 of the Staff Report (Exhibit B) and said the County's standards were met.

Mr. Stewart reviewed the Conditional Use Criteria contained in the Staff Report (Exhibit B). Mr. Stewart said Attachment A of the Staff Report (Exhibit B) was Dan Fisher's evaluation criteria responses. Mr. Stewart also reported that transportation improvements were not necessary on Goodman Lake Road.

Mr. Stewart said Staff recommended approval of the plan with one condition, which was identified on page 4 of the Staff Report (Exhibit B): Only lots with available sewer capacity may be approved at the time of final plat consideration. Mr. Stewart said if additional capacity was made available in the future, the lots could be approved accordingly.

The applicant, Dan Fisher, of 120 Topsail Road and his business partner for Sunset Pointe, LLC, Rodney Queen, of Salisbury came forward to answer any questions the Board might have.

Mr. Fisher commented that the entrance road off Sunset Pointe Drive had been slightly moved to bring it closer to the interior. Mr. Fisher said the move had eliminated 6 lots in the development and provided a larger playground area next to the clubhouse. Mr. Fisher said they had worked for 2 years and were attending their fourth Board meeting in order to get the project approved. Mr. Fisher expressed his pleasure with the action that had been taken thus far.

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

Commissioner Mitchell said based on the testimony, he moved approval of the Findings of Fact as listed on page 4 (Staff Report, Exhibit B). The motion was seconded by Commissioner Sides and passed unanimously.

The Findings of Fact 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 internal streets providing access from Goodman Lake Road to this development phase have been approved by DOT and should not*

function beyond its intended capacity. No additional improvements are required by DOT suggesting the additional lots will have adequate transportation access.

FACT: *The proposed sewer system will be constructed to NCDENR standards ensuring a safe utility for adjoining properties.*

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: *Sunset Pointe is a planned mixed-use project designed to accommodate a range of uses in a functionally cohesive manner. Residents purchasing property within the development are aware of the overall master plan and land use transitions.*

FACT: *Evidence presented at a previous public hearing for the commercial component suggested this planned development subdivision would not lower property values for adjoining land.*

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 development phase will be located within the interior of Sunset Pointe not visible from adjoining developed properties.*

FACT: *Cluster subdivisions use less land for development while still yielding the same density allowed in the underlying zoning district.*

FACT: *Since the same number of lots may be approved without this permit, the character of the area should not significantly change due to a reduction in lot size.*

Commissioner Mitchell moved approval of CUP 05-07 with the recommendations by Staff on page 4 (Staff Report, Exhibit B). The motion was seconded by Commissioner Barber and passed unanimously.

8. CONSIDER APPROVAL OF AMBULANCE FRANCHISE RENEWALS

Emergency Services (EMS) Division Manager Beth Connell explained that as part of Rowan County's Ambulance Franchise, any agency desiring to operate and provide ambulance services within the County's EMS system must be franchised and approved to provide such services.

Ms. Connell presented the renewal applications for the following five (5) existing agencies: China Grove Fire Department, Rowan County Rescue Squad, Invista Corporation, Enochville Fire & Rescue and Rockwell Rural Fire Department.

Commissioner Sides moved to approve the 5 applications for renewal and that the Chairman be authorized to sign the renewals. Commissioner Barber seconded and the motion passed unanimously.

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

Chairman Chamberlain opened the floor for any questions regarding the proposed agreement. Chairman Chamberlain said the agreement addressed Commissioner Mitchell's previous concerns with protecting the fair dates.

Commissioner Hall inquired if there would be a conflict between the term "operator" used on page 2 and the term "manage" used in Exhibit A. County Attorney Jay Dees stated there was no conflict but the motion could include the correction to synthesize both agreements.

Chairman Chamberlain referred to an inspection report that had been provided to the Board at the beginning of the meeting. The report detailed numerous violations on the fairgrounds property. Chairman Chamberlain said while he did not like receiving information at the meetings, he felt the inspection report was important.

Ed Muire, Planning & Development Director, stated that the Codes Enforcement Manager and Fire Marshal had inspected the site. Mr. Muire said the report before the Board had been generated earlier in the day.

Chairman Chamberlain summarized the inspection report for the public's benefit and stated there were a lot of violations found on the property.

Commissioner Mitchell asked who was responsible for correcting the violations and Commissioner Sides stated that as long as the Fair Association's lease is in effect it would be the Fair Association's responsibility.

Chairman Chamberlain asked for the County Attorney's opinion and Mr. Dees said he would like time to review the information to determine a response.

Commissioner Sides said that several individuals working on the fair for this year had approached him and want to take care of the problems. Commissioner Sides said based on the comments he had received, he did not feel the violations would be a "big problem."

Commissioner Mitchell moved approval of the agreement. Commissioners Barber and Hall seconded and the motion passed unanimously.

10. DISCUSSION REGARDING THE KEITH CORPORATION AND SUMMIT CORPORATE CENTER

Chairman Chamberlain said the current agreement with The Keith Corporation (TKC) expires at the end of August. Chairman Chamberlain stated unless the Board made a motion to continue with the agreement, the agreement would be dissolved.

Commissioner Barber said the Board had discussed the issue at the retreat and also at the April 16, 2007 Commission Meeting. Commissioner Barber said prior to the April meeting he met with Alan Lewis, representative from TKC, to discuss the marketing strategy of TKC for Summit Corporate Center (SCC). Commissioner Barber felt that as a professional courtesy, Mr. Lewis or someone from TKC should have been invited to attend the retreat or the April meeting to participate in the discussions. Commissioner Barber said he was not aware of all economic conditions pertaining to why property in SCC has not sold. Commissioner Barber said there were questions regarding the restrictive covenants for SCC. Commissioner Barber noted that with the local economy starting to change, it could make a difference on moving the property. Commissioner Barber stated that an organization like TKC offers the ability to “touch” other companies in a way that Rowan County nor the Economic Development Commission, the Department of Commerce or the Charlotte Regional Partnership could offer. Commissioner Barber said he would like for the Board to hear from TKC before the contract expires.

Commissioner Hall said due to the contract’s expiration date and the fact that TKC has had the contract without showing results, it might be appropriate to solicit other firms for proposals.

Commissioner Mitchell expressed regret that TKC had not been able to sell more lots in SCC. Commissioner Mitchell felt it was time to see what other options were available to the County.

Commissioner Barber said it appeared that the majority of the Board would like to send out a Request for Proposals (RFP), however he stressed that he felt it would be inappropriate to request proposals without hearing from TKC.

Chairman Chamberlain stated unless there is a motion and a majority vote to continue the contract, it would expire on the last day of the month. Chairman Chamberlain said at that time the County would put out an RFP and hope that TKC would submit a proposal.

Commissioner Barber moved to extend the contract by one month to allow TKC and Mr. Lewis time to speak with the other Commissioners to explain exactly

what had been their involvement in terms of promoting the property, the number of proposals and times they had presented to the Board, and how Rowan is compared to other counties, and make a decision at the end of one month.

The motion died for lack of a second.

11. DISCUSSION REGARDING SECONDARY EMPLOYMENT POLICY FOR COUNTY EMPLOYEES

Commissioner Hall referred to the Secondary Employment Policy in the agenda packets and she stated that Administration Director Ken Deal had compiled information to show how other counties handle secondary employment for their employees.

Commissioner Hall read the County's policy on secondary employment for the benefit of those in the audience.

Commissioner Hall stated that the Rowan County Assessor had recently submitted a letter declining his secondary employment for performing private appraisals in Rowan County. Commissioner Hall said the information compiled by Mr. Deal revealed that other counties do not allow this practice.

Commissioner Hall read the following prepared statement:

The Rowan County Human Resources Department has determined that employees of the Rowan County Tax Assessor's Office shall no longer be permitted to perform private real estate appraisal services for property located in Rowan County as secondary employment.

Commissioner Sides said if a request for secondary employment is made, there should be a copy of the form in the employee's file.

12. DISCUSSION REGARDING TRAFFIC STUDY FOR JESSE CARSON HIGH SCHOOL

Commissioner Sides said the Board had received several emails regarding the traffic situation at Jesse Carson High School, including a copy of an email from Pat Ivey with the North Carolina Department of Transportation (DOT).

Commissioner Sides said the email from Mr. Ivey had been addressed to the Clerk and requested that she advise the Board that the DOT was currently reviewing the request for a traffic light at Jesse Carson High School through encouragement from Senator Elizabeth Dole's office. Commissioner Sides said he understood that the Town of China Grove and the Board of Education were going to pass resolutions in support of the installation of a traffic light at the high school. Commissioner Sides said Representative Fred Steen felt that he would be able to assist with the request once he received the resolutions.

Commissioner Sides said he hoped that the study initiated by Senator Dole's office would require no further County action.

Commissioner Sides requested that the County Attorney be allowed to contact parties regarding cost studies should the Board need to proceed further.

Chairman Chamberlain acknowledged Sheriff George Wilhelm in the audience. In response to a query from Chairman Chamberlain, Sheriff Wilhelm said the Sheriff's Department planned to spend approximately \$1200 on temporary signage and lighted vests for deputies to direct traffic at the high school. Sheriff Wilhelm said there would be an officer directing traffic on the first day of school.

Commissioner Mitchell said he was uncertain if Commissioner Sides had intended for the Board to discuss a stoplight for the school or if he would be asking the Board to have a traffic study conducted. Commissioner Sides responded that he did not have all of the information when he had requested that the issue be placed on the agenda. Commissioner Mitchell said when such situations occur in the future, he would like for the Board to receive an email of clarification and Commissioner Sides said he had no problem with that request.

13. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Cooperative Extension – To recognize reserved funds from FY 2007:
Extension – General - \$58,301
Master Gardener – Salaries - \$1,707
Salaries – Part-time - \$3,374
- Library – To appropriate reserved funds from FY 2007 for the Library into FY 2008 - \$ 58,826
- Rowan-Salisbury School System (RSS) – RSS has requested to use Public School Building Capital Fund (PSBCF) monies, rather than restricted sales tax funds, for repayment of the FY 2008 principal debt service on the 1993 bonds. The PSBCF monies have been received from the state - \$2,410,000
- Sheriff – To budget funds received from Court Seizure and Budget Excess to DARE Fund - \$10,085
- Soil and Water – To adjust Soil and Water budget to match approved State amounts for High Rock Lake Assessment Grant:
Soil and Water Grant - \$ 7,059
Soil and Water Grant - \$1,800
State Soil Conservation Grant - \$ 2,932
State Soil Conservation Grant - \$2,996

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

14. COUNTY MANAGER'S MONTHLY ACTIVITY REPORT

County Manager, William Cowan referred to item #3 in the report and said there would be a work session for the Board to kick off the master plan for the airport soon.

Chairman Chamberlain said the Airport Committee had been meeting and he suggested that a Special Meeting of the Commissioners be held to discuss the airport. Mr. Cowan said the consultant would like for the Board to have a kickoff meeting for the master planning process, which would be combined with the Special meeting.

Commissioner Mitchell pointed out on page 3 of the report that the Board of Health had applied for a federal grant in the amount of approximately \$600,000. Commissioner Mitchell said if the grant is approved the Board of Health would have 120 days to spend the money; therefore quick action would be needed.

Mr. Cowan noted the East Spencer property in the Home Program is almost finished.

Commissioner Barber stated that Mr. Cowan, Administration Director Ken Deal and Staff had done a great job helping promote the Prescription Card Program. Commissioner Barber said he would like to work with the media to have a press release published to include all of the places that are distributing the cards and also how much money citizens had saved to date. Commissioner Barber reported that the last figure on citizens' savings was in the 5-digit range.

15. ADJOURNMENT

There being no further business to come before the Board, Commissioner Mitchell moved to adjourn at 9:01 pm. The motion was seconded by Commissioner Barber and passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board