

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
December 3, 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 Barber provided the Invocation and also led the Pledge of Allegiance.

SELECTION OF CHAIRMAN

Commissioner Chamberlain turned the meeting over to County Attorney Jay Dees who presided over the selection of Chairman.

Mr. Dees opened the floor for nominations for Chairman of the Board.

Commissioner Mitchell nominated Commissioner Chamberlain.

Commissioner Sides nominated Commissioner Barber.

There being no further nominations, Commissioner Barber moved to close the nominations. The motion was seconded by Commissioner Mitchell and passed unanimously.

Commissioners Barber, Mitchell and Chamberlain voted in support of Commissioner Chamberlain for Chairman.

Commissioners Sides and Hall voted in support of Commissioner Barber for Chairman.

With a 3-2 vote, Mr. Dees announced that Commissioner Chamberlain would serve as Chairman.

SELECTION OF VICE-CHAIRMAN

County Attorney Jay Dees opened the floor for nominations for Vice-Chairman.

Commissioner Barber nominated Commissioner Mitchell.

There being no further nominations, Commissioner Sides moved to close the nominations. The motion was seconded by Chairman Chamberlain and passed unanimously.

Upon being put to a vote, the nomination for Commissioner Mitchell to serve as Vice-Chairman passed unanimously.

Chairman Chamberlain said the Board had experienced a good year and he asked the Board's newest members, Commissioners Hall and Barber, to share their observations concerning the completion of their first year in office.

Commissioner Barber said he felt the Board had accomplished good things but had a lot more to achieve. Commissioner Barber expressed appreciation for all the County's employees, including the Finance Director, County Manager, County Attorney and Clerk to the Board. Commissioner Barber said the employees make it possible for the Board to do its job.

Commissioner Hall said she had experienced a wonderful first year in office. Commissioner Hall agreed with Commissioner Barber in that the Board had accomplished good things. Commissioner Hall said each individual Board member had their strengths and said she looked forward to working with the Board in moving Rowan County forward. Commissioner Hall also congratulated Commissioner Mitchell and Commissioner Chamberlain on their election as Vice-Chair and Chair.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Mitchell seconded and the vote to approve the minutes of the November 19, 2007 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

Commissioner Mitchell moved to add a discussion concerning the right of way and easement for Speedway Business Park. The motion was seconded by Commissioner Barber and passed unanimously.

Chairman Chamberlain added the issue as agenda item #5a.

CONSIDER DELETIONS FROM THE AGENDA

Commissioner Mitchell moved to change agenda items #10 and #11 in the order of discussion. The motion was seconded by Commissioner Barber and passed unanimously.

CONSIDER APPROVAL OF THE AGENDA

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

1. CONSIDER APPROVAL OF THE CONSENT AGENDA

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

The Consent Agenda consisted of the following items:

- A. Approval to Add Cool Side Drive to the State Secondary Road System for Maintenance
- B. Approval for Health Department to Increase Dental Co-pay to \$40

2. PUBLIC COMMENT PERIOD

Chairman Chamberlain opened the Public Comment Period to receive comments from any citizens wishing to address the Board

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

3. PUBLIC HEARING FOR MAJORITY PETITION FOR ARNETTE DRIVE

Planning Technician Fredda Greer presented the majority petition for the proposed road name of Arnette Drive. Ms. Greer explained that the road is currently unnamed and located north off the 8500 block of Cloverfield Drive. Staff recommended approval of the name.

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

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

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

4. PUBLIC HEARING FOR MAJORITY PETITION FOR TRAILING PINE LANE

Planning Technician Fredda Greer presented the majority petition for the proposed road name of Trailing Pine Lane. Ms. Greer said the road is currently unnamed and located east off the 1900 block of Rankin Road. Staff recommended approval of the name.

Chairman Chamberlain opened the public hearing to receive citizen input regarding the proposed road name of Trailing Pine Lane.

- Gerri (last name inaudible) stated that she currently lives on the unnamed road with her son on the middle lot. She stated that she has daughters living on either side of her residence in the three-family subdivision. Gerri said there is no other way out of the family subdivision and she expressed hope that the new road numbers would be assigned soon.

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 road name of Trailing Pine Lane passed unanimously.

5. PUBLIC HEARING FOR ADDRESS REALIGNMENT FOR 320 KNOTTY PINE CIRCLE

Planning Technician Fredda Greer reported that after a 9-1-1 call to the address of 320 Knotty Pine Circle, Telecommunications advised Staff that the property was incorrectly addressed. Since the property is actually located on Robertson Road, Staff recommends changing the address to 1395 Robertson Road. Ms. Greer said the owner and resident of the property were mailed notification of the proposal and public hearing. Ms. Greer said the letter to the property owner had been returned.

Chairman Chamberlain opened the public hearing to receive citizen input regarding the proposed address change.

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

Commissioner Sides moved to approve the address change to 1395 Robertson Road. The motion was seconded by Commissioner Barber and passed unanimously.

Chairman Chamberlain called for a short recess at 4:18 pm.

Chairman Chamberlain reconvened the meeting at 4:23 pm.

5a. RIGHT OF WAY AND EASEMENT FOR SPEEDWAY BUSINESS PARK.

County Manager William Cowan reported that Dave Blaney was requesting an easement for his lot in Speedway Business Park, which would go across lot #9 to connect to the sewer line. Mr. Cowan said the County Attorney had reviewed the document and found it to be in order. Mr. Cowan recommended Board approval.

Commissioner Sides said he would like to have additional time to review the information and he moved to delay the vote until the next Commission Meeting (December 17, 2007). The motion was seconded by Commissioner Hall.

Commissioner Mitchell asked if Mr. Blaney had indicated a need to rush the request. Mr. Cowan said Mr. Blaney had asked him to sign the document the week before, however Mr. Cowan had informed him that the document required Board approval. Mr. Cowan said the document had arrived after the agenda deadline.

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

6. CONSIDER REQUEST FOR DISPOSAL OF SCHOOL PROPERTY

Rowan-Salisbury Schools (RSS) Assistant Superintendent Gene Miller congratulated Chairman Chamberlain and Vice-Chairman Mitchell regarding their election at the beginning of the meeting.

Mr. Miller reported that the Board of Education (BOE) had declared a building on the Morgan School site as surplus and was offering the building to the County. Mr. Miller said the Gold Hill Historical Society had approached the BOE about the possibility of the building being donated to them. Mr. Miller said if the Commissioners were not interested in the offer, the BOE would offer the building to the Gold Hill Historical Society or some other group in order to have it moved and preserved.

Commissioner Sides moved that the Commissioners exercise the right of first refusal and allow RSS to proceed with its plans with the Gold Hill Historical Society. The motion was seconded by Commissioner Hall and passed unanimously.

7. PRESENTATION REGARDING SUGGESTED AMENDMENTS TO COUNTY EROSION CONTROL ORDINANCE

Planning & Development Director Ed Muire and Chris Hopper with Robert J. Goldstein & Associates provided the Board with an overview of suggested amendments to the County erosion control ordinance.

Mr. Muire explained that the proposed text was an attempt to satisfy the negotiating agencies that must sign off on the final permitting to construct the Town Creek sewer project.

Using a power point presentation, Mr. Muire displayed a map for the project and said if the Board was in agreement with the changes, or if there was supplemental information Staff could provide, the information could be presented at the December 17, 2007 Commission Meeting. The information could then be

submitted back to the permitting agencies for their approval before the County went through the process of adopting the text.

Mr. Muire introduced Mr. Hopper and also recognized Don Garbrick from Pease and Associates. Mr. Muire explained that Mr. Hopper had been instrumental in preparing the text while Pease and Associates had designed the sewer line for Rowan County and Salisbury-Rowan Utilities (SRU).

Mr. Hopper summarized the proposed text before the Board. Mr. Hopper said he felt the project provided one of the best deals he had negotiated in eleven years and he asked the Board to consider approval of the text. Mr. Hopper said negotiations had been successful in keeping the focus on the Town Creek watershed and would not apply countywide. Mr. Hopper said Board approval was needed of the proposed overlay district ordinance before going back to the State.

Commissioner Barber said he interpreted the documentation to mean that the County would have to follow the stated guidelines or the State would not issue a permit. Mr. Hopper agreed and said, "That is effectively what it boils down to."

Commissioner Sides inquired as to the results for property owners along Town Creek (TC) based on the uses currently allowed and uses that would be allowed based on the proposed changes. Mr. Hopper responded and said the existing landowners, existing structures, existing impervious surfaces would be grandfathered and there would be no impact.

Commissioner Sides stated that most of the properties on both sides of Town Creek were in the 100-year floodplain. Commissioner Sides asked if the proposed changes would increase/decrease the areas in the floodplain and be considered as buildable. Mr. Hopper said at present, property owners were allowed to encroach upon floodplain areas but the structures must be elevated, waterproof, or openings must be provided that would be sufficiently resistant to hydrostatic forces. Mr. Hopper said the proposed changes would not allow encroachment into floodplain areas.

Commissioner Hall questioned enforcement issues and Mr. Hopper said Rowan County would be responsible for enforcement. Mr. Hopper said the Rowan County Planning Department would be charged with enforcement of the ordinance.

Commissioner Hall asked if additional manpower would be required and Mr. Hopper said, "It could be no more than an additional checklist in the review process." Mr. Hopper said he would not expect the process would require much additional time and no additional manpower.

Commissioner Barber noted that the overhaul of the County's Sedimentation and Erosion Control Ordinance would be conducted in two phases and he asked Mr. Muire to highlight what would be involved for phase II. Mr. Muire explained that the revisions for phase II would involve answers to some issues that were raised by the North Carolina Division of Environment and Natural Resources Land Quality Section. Mr. Muire said the agency had audited the County's program in October 2007, resulting in a list of 27 to 30 items that needed improvement, including performance-based issues. Mr. Muire said two of the main issues in the audit were a need for a qualified staff to review plans and a lack of fines being levied for projects not in compliance. Mr. Muire said from an administrative standpoint, it had been approximately a decade since the ordinance had been revised and Staff was looking at changes to bring the County up to the current statutory requirements. Mr. Muire said if phase I was acceptable to the Board, Staff would go back to the negotiations and if the negotiations were acceptable to the State, Staff would prepare the text for phase II and ask the Board to adopt the text all at once. Mr. Muire said the audit was not clearly defined as not having enough Staff but was clearly concerned about the inability to hit all sites in a timely manner. Mr. Muire said if it appears that there is a need to hire additional staff, the County might look more at the process as a user-based service and consider implementing fees.

Commissioner Sides asked if the purpose of the changes were a result of the I-85 sewer line and problems that the City of Salisbury might be having in receiving approval to run the sewer line along Town Creek. Mr. Muire said he did not think the City was having a problem; the environmental assessment was part of the process. Mr. Muire said the Goldstein Group took everyone's ordinances in effect within the County and submitted them to a clearinghouse. Mr. Muire said at the state level, the documents were submitted to the various agencies involved in the permitting process. Mr. Muire said the documents were reviewed for compliance and comments were provided regarding the impacts the project would create. Mr. Muire finished by saying he did not feel the changes were the result of the inability of SRU to manage the project.

Commissioner Sides said the only item he would not vote for "is to change our existing policy if that is that we allow them to build under special circumstances within that area; I would like to see us allow them to still be able to do that."

Mr. Muire referred to building in the floodplain and commented that in the last 4 to 5 years, the County had permitted two residential structures to be built in a floodplain. Mr. Muire said most people that come to the Planning Office don't want to build in a floodplain.

Mr. Muire said in August the County and the City had mailed over 7,000 letters advising citizens who were listed in floodplain areas. Mr. Muire also said that within the text of the Erosion Control Ordinance there was an appeals process

and Staff could look at incorporating text for a Special Use Permit (SUP) or variance.

Commissioner Sides said if there was an appeals process through a SUP, then he would withdraw his objection.

Commissioner Mitchell moved to approve the overlay district as drafted. The motion was seconded by Commissioner Barber and passed unanimously.

Mr. Muire said Staff would work on the phase II changes and make the changes raised by Commissioner Sides. Mr. Muire said a public hearing would be scheduled in the future, which would include both phases.

8. CONSIDER APPROVAL OF BUDGET AMENDMENT

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

- Health Department - \$5,493 – To increase revenues and expenditures where state funding and awarded grants have occurred.

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

9. CONSIDER APPROVAL OF BOARD APPOINTMENTS

Chairman Chamberlain referred to the Planning Board and stated that Rick Hudson would not be reapplying to continue his service on that board. Chairman Chamberlain mentioned that there were also other positions on the Planning Board coming up for reappointment. Chairman Chamberlain said the Commissioners would need to appoint another representative from the Planning Board to serve on the Land Use Plan Steering Committee to replace Mr. Hudson.

AGRICULTURAL ADVISORY BOARD

Dr. Ann Furr and Mark Hammill submitted applications for reappointment. The terms would be for three (3) years beginning January 1, 2008 and expiring December 31, 2010.

Commissioner Sides moved to waive the term limits for Dr. Furr. The motion was seconded by Commissioner Mitchell and passed unanimously.

Commissioner Barber nominated Dr. Ann Furr and Mark Hammill and the nomination passed unanimously.

ROWAN COUNTY HEALTH BOARD

The following applications were received for reappointment to the Health Board:

- Robert Tannehill
- Mary Henley
- Barbara Andrews

The term would be for two (2) years beginning January 1, 2008 and expiring December 31, 2009.

Commissioner Mitchell nominated Robert Tannehill, Mary Henley and Barbara Andrews. The nomination passed unanimously.

ROWAN COUNTY LIBRARY BOARD OF TRUSTEES

The following applications were received for reappointment to the Library Board of Trustees:

- Lori Yang
- Pamela Misenheimer
- Wilbert Sadler
- Michelle Patterson
- Gary Freeze

The term would be for two (2) years beginning January 1, 2008 and expiring on December 31, 2010.

Commissioner Sides nominated Lori Yang, Pamela Misenheimer, Wilbert Sadler, Michelle Patterson and Gary Freeze. The nomination passed unanimously.

ROWAN COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)

The LEPC submitted the following applications to fulfill vacancies on the Committee:

- Mr. Dick Smith, Red Cross- (replaces Ms. Deborah Lineberger)
- Mr. Tony Tatum, Southern Power- (replaces Terry Syverson)
- Mr. Rick Loope, Norfolk Southern Railroad - (currently vacant)
- Ms. Nina Oliver, Rowan County Health Dept. - (new position)
- Mr. Steve Whitley, Salisbury Police Dept. - (currently vacant)

There are no term dates for this Committee.

Commissioner Mitchell nominated Dick Smith, Tony Tatum, Rick Loope, Nina Oliver and Steve Whitley and the nomination carried unanimously.

ROWAN COUNTY PARKS AND RECREATION COMMISSION

Frank Deal submitted an application to serve on the Parks and Recreation Commission. If appointed, the term would be for three (3) years beginning January 1, 2008 and expiring December 31, 2010.

After a brief discussion, the Board waived a decision on the appointment until the first meeting in January in order to determine if applicant was filling a vacancy or if the application was to create a new position on the Parks and Recreation Commission.

10. CLOSED SESSION

(At this point in the meeting, the Board skipped to agenda item #11 in the order of discussion).

At 5:10 pm, Commissioner Mitchell moved that the Board enter into Closed Session pursuant to North Carolina General Statute 143-318.11(a)(1) to consider approval of the July 16, 2007 Closed Session minutes; and North Carolina General Statute 143-138.11(a)(6) for personnel matters. The motion was seconded by Commissioner Barber and passed unanimously.

The Board returned to Open Session at 5:26 pm.

Chairman Chamberlain reported that the Board had decided to receive the 13 applications that had been submitted for the position of County Manager. Chairman Chamberlain said the Board would continue to receive additional applications and would discuss the applications in Closed Session at a future meeting.

11. DISCUSSION REGARDING APPOINTMENT OF AN INTERIM COUNTY MANAGER

Commissioner Hall said she felt it was appropriate to establish a process and timeline for appointing an Interim County Manager since the current County Manager was leaving at the end of December.

Chairman Chamberlain recalled that Finance Director Leslie Heidrick had been appointed to serve as the Interim County Manager in 2005.

Commissioner Mitchell said his preference was to appoint Ms. Heidrick if she were willing to accept the appointment.

Chairman Chamberlain asked Ms. Heidrick if she was willing to accept the appointment and she agreed.

Commissioner Barber felt the appointment would be a good decision based on Ms. Heidrick's experience of previously serving in the interim capacity. Commissioner Barber cautioned the Board to be respectful of Ms. Heidrick's time based on her role two different functions, that of Finance Director and also as Interim County Manager.

Commissioner Sides said Ms. Heidrick was "already" busy and he urged the Board to speed the process for hiring a new County Manager. Commissioner

Sides said the Board needed to limit the functions that Ms. Heidrick would have to maintain in filling the interim position.

Commissioner Barber nominated Leslie Heidrick as Interim County Manager. Commissioner Mitchell seconded the nomination.

In response to a query from Chairman Chamberlain, Ms. Heidrick confirmed that her previous appointment as Interim County Manager did not give her the authority to hire/fire department heads but did give her the authority to perform the other functions of day-to-day operations. Chairman Chamberlain recalled that in the previous appointment, Ms. Heidrick had been given a one-time payment for carrying out the Interim County Manager's duties.

Commissioner Sides felt the Board should decide on the one-time payment amount, increase Ms. Heidrick's salary to the level that would be equivalent to the duties she would be handling and pay her the amount for duration of time she held the interim position.

Commissioner Hall asked if Ms. Heidrick's service in the interim position would transpire on January 1, 2008 and Chairman Chamberlain responded yes, saying that "the second we're without a County Manager, she will step right in."

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

At Commissioner Mitchell's suggestion, the Board agreed to discuss Ms. Heidrick's salary at the December 17, 2007 Commission Meeting.

(At this point in the meeting, the Board reverted back to agenda item #10 in the order of discussion).

ADJOURNMENT

There being no further business to come before the Board, Commissioner Sides moved to adjourn at 5:28 pm. The motion was seconded by Commissioner Barber and passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board