

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
March 3, 2008 – 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

Interim County Manager/Finance Director Leslie Heidrick, Clerk to the Board Carolyn Athey and County Attorney Jay Dees were present.

Chairman Chamberlain convened the meeting at 4:00 pm.

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

Commissioner Barber read a prepared statement pertaining to recent charges against him. Commissioner Barber thanked everyone for their support and apologized for the publicity the charges had generated.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Mitchell moved, Commissioner Sides seconded and the vote to approve the minutes of the February 14, 2008 Special Commission Meeting passed unanimously.

Commissioner Sides moved to approve the minutes of the February 18, 2008 Commission Meeting. The motion was seconded by Commissioners Hall and Barber and 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 to approve the agenda passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

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

The Consent Agenda consisted of the following items:

- A. Set Quasi-Judicial Public Hearing for March 17, 2008 for CUP 07-07 for Cluster Subdivision for Plantation Ridge Partnership
- B. Set Quasi-Judicial Public Hearing for March 17, 2008 for CUP 01-08 for Buck Steam Station Expansion

2. PUBLIC COMMENT PERIOD

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

- Larry Wright of 170 Heritage Lane in the Neel Estates subdivision thanked the Board for its stand on forced annexation. Mr. Wright said the City of Salisbury would have the citizens in his area believe they were financially in debt to the City because they lived close to the city limits. Mr. Wright questioned the funding the County provides to Salisbury.

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

3. PUBLIC HEARING FOR FY 2008-09 HOME GRANT APPLICATION

Planning & Development Director Ed Muire explained that the purpose of the public hearing was for the County's participation in the FY 2008-09 HOME Consortium. Mr. Muire said the County's allocation actually increased by 51% over previous participation. Mr. Muire reported the HOME program budget would be \$150,178 for activities, \$9,011 for administration and \$37,544 in matching funds for a total budget of \$196,733.

Mr. Muire said the FY 2008-09 program would be administered by Hobbs, Upchurch & Associates but program activities would focus on housing rehabilitation, one (1) new home construction in East Spencer in partnership with Prosperity Unlimited, and may include opportunities for down payment assistance.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the FY 2008-09 HOME Grant Application.

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

Commissioner Sides moved to adopt the FY 2008-09 Action Plan for the County's participation in the HOME Program and to authorize the Chairman and/or the Interim County Manager to sign the necessary paperwork. The motion was seconded by Commissioner Hall and passed unanimously.

Mr. Muire introduced Michael Walser and Michael Kepley from Hobbs, Upchurch & Associates.

4. PUBLIC HEARING FOR CONDEMNATION HEARING FOR STRUCTURE AT 114 EASTBROOK CIRCLE

Planning & Development Director Ed Muire highlighted the following timeline regarding concerns for the property located at 114 Eastbrook Circle, otherwise known as Tax Parcel 608B-067:

- October 2005 - Eastbrook Property Owners Association forwarded a letter to the property owners expressing concern with the decline of the property.
- September 2006 - A house fire caused extensive damage to the home.
- November 2006 - Concerns from the Eastbrook Property Owners Association prompted a letter to the property owners and ultimately a minimum housing complaint submittal. Following a preliminary investigation of the site by an Ordinance Enforcement Officer, a zoning permit was obtained on 12-22-06 indicating the structure would be repaired. No building permit was obtained for the repairs.
- February 2007 - Based on a complaint from the Eastbrook Property Owners Association, Staff conducted an inspection and determined that no work had taken place and notified the property owner that building permits were necessary to repair the structure. To date, an inspection for a builder's service is the only inspection that has occurred on site.
- October 2007 - The Eastbrook Property Owners Association inquired as to the status of the home relative to the minimum housing complaint submitted in 2006. Staff was of the opinion that issuance of both zoning and building permits provided a temporary halt to the condemnation proceedings but the lack of any activity would once again initiate the proceedings.
- November 9, 2007 – Staff issued a notice of administrative hearing to the property owner on November 9, 2007; a notice of the same was posted on the dwelling and advertised in the Salisbury Post on November 13, 2007.
- November 19, 2007 – Based on the administrative hearing, the decision was that the structure's condition constituted a safety hazard, was dangerous to life, health and other property in the vicinity. This finding was expressed in an order to take corrective action within sixty (60) days

of the date of the order. To date, Staff has received no response from the property owner or her attorney.

Mr. Muire provided a power point presentation showing photos of the home.

Mr. Muire referred to page 2 of the Staff Report and the suggested Board action as to findings to determine that the structure complied with the criteria. Mr. Muire also pointed out that Staff had provided a suggested motion for the Board.

Commissioner Sides asked if there had been any personal contact with the property owner or her attorney regarding the current meeting. Mr. Muire said no; however, he reported that notices were mailed, notice of the public hearing was published in the newspaper and stickers were placed on the home. Mr. Muire added that when the meeting had ended in November, he felt there was no doubt in anyone's mind as to what Staff was looking for.

County Attorney Jay Dees added that it was very clear that if Staff did not receive the requested information by a certain date, "this is where it was going to end up." Mr. Dees said Staff had received "nothing."

Chairman Chamberlain opened the public hearing to receive citizen input regarding the condemnation hearing for the structure at 114 Eastbrook Circle. The following individual addressed the Board:

- Jane Lackey of 106 Brook Street said her residence was around the corner from the property in question. Ms. Lackey praised Mr. Muire and Staff for an outstanding job of preparing the documentation for the Board's review. Ms. Lackey said the problem did not start with the fire but had been a nuisance for many years. Ms. Lackey discussed a previous complaint and rodent issues related to the site. Ms. Lackey said the condition of the site made it dangerous, a safety and health hazard and a nuisance affecting every property value in Eastbrook. Ms. Lackey sought the Board's help with the matter and she added that there were other residents from Eastbrook in attendance.

Chairman Chamberlain asked if the other residents wished to speak or if they preferred to raise their hands in agreement with Ms. Lackey's comments. Approximately five (5) hands went up in agreement with Ms. Lackey. Chairman Chamberlain asked if there were any in attendance who disagreed with Ms. Lackey's statements and no hands were raised.

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

Commissioner Sides said he and Commissioner Hall had visited the site with Senior Planner Shane Stewart and that he felt Staff had done an exhaustive job in trying to resolve the existing situation.

Commissioner Hall agreed with Commissioner Sides and said the photographs shown by Mr. Muire had done a good job at depicting the hazards of the site.

Commissioner Mitchell said based on the comments and presentation, he moved that it is conclusively presumed that the continued presence of the structure located at 114 Eastbrook Circle (Tax Parcel 608B-067) in its current condition constitutes a public nuisance to the community. Therefore, the Board of Commissioners directs the Planning and Development Staff to initiate the actions necessary to demolish and remove the structure and place a lien on the property. The motion was seconded by Commissioner Barber and passed unanimously.

5. PUBLIC HEARING FOR Z 08-07 FOR REQUEST BY CORNERSTONE CHURCH

Planner Andy Goodall presented the Staff Report and explained that Cornerstone Church owned parcel 409 019, which was located at 315 Webb Road approximately ½ mile west of I-85. Mr. Goodall said the 8.9-acre parcel was currently zoned Rural Residential (RR) and contained Cornerstone Church, the new multi-purpose Event Center and the Cornerstone Child Development Center. Mr. Goodall said the church wished to rezone the 8.9-acre parcel from RR to Commercial, Business, Industrial (CBI) to allow for the operation of a taxable pick-up/delivery pizza business in a segment of the Event Center.

Mr. Goodall provided a power point presentation to depict the site and surrounding uses.

Mr. Goodall reviewed the Zoning Criteria listed in the Staff Report.

Mr. Goodall said the Planning Board had voted unanimously to recommend approval of the request.

Commissioner Sides disclosed that his relatives owned two (2) of the primary tracts next to the facility.

Attorney Jeff Morris, representing Cornerstone Church, requested that the Board adopt the findings as presented by Mr. Goodall. Mr. Morris said Pastor Godair from Cornerstone Church respected the property rights of the neighbors and had personally talked with the neighbors regarding the church's plans. Mr. Morris said to his knowledge, the neighbors were not in opposition to the rezoning request.

Pastor Godair said if the neighbors had an issue with the rezoning request, the issue would not currently be before the Board. Pastor Godair viewed the rezoning as a good opportunity for the church and for the community as well.

Chairman Chamberlain opened the public hearing to receive citizen input regarding Z 08-07.

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

Commissioner Sides moved approval of the Statement of Reasonableness and Statement of Consistency as presented by Staff. The motion was seconded by Commissioner Mitchell and passed unanimously.

The Statement of Reasonableness read as follows:

1. While the request does not increase district boundaries, it does act as an extension of the existing local CBI (1760 acres) and IND (30.63 acres) districts.
2. Previous RR to CBI request (Z 07-07) approved on January 7, 2008 is 1 ½ miles northeast of parcel 409 019.

The Statement of Consistency read as follows:

Section 21-32(f) of the Rowan County Zoning Ordinance indicates the Commercial, Business, Industrial (CBI) district contains provisions for establishing zones in major transportation corridors and if the existing or proposed development is compatible with the surrounding area. With its close proximity to I-85 and US-29 and its consistency with projected retail and service (TAZ) growth, the new classification would be in general harmony with the surrounding area.

Commissioner Sides moved, Commissioner Mitchell seconded and the vote to approve Z 08-07 passed unanimously.

6. QUASI-JUDICIAL PUBLIC HEARING FOR PCUR 03-07 FOR REQUEST BY KKA ARCHITECTURE

Chairman Chamberlain read the Chairman's speech (Exhibit A) and declared the public hearing for PCUR 03-07 to be in session. Chairman Chamberlain said the hearing would focus on an application submitted by KKA Architecture for property owned by William Webb located at the 4300 block of Long Ferry Road.

Chairman Chamberlain said the purpose of the application was to rezone his 8-acre tract from Rural Agricultural (RA) to Commercial, Business, Industrial (CBI) with a Conditional Use District (CUD) to accommodate warehousing on Tax Parcel 606 069.

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

Senior Planner Shane Stewart provided the Staff Report (Exhibit B) and a power point presentation (Exhibit C), which depicted the property located off the 4300 block of Long Ferry Road.

Mr. Stewart said Karen Alexander of KKA Architecture, working with property owner, William Webb, came to Staff several weeks back to try and develop a plan for the 8-acre parcel. Mr. Stewart referred to the site plan included in the Staff Report (Exhibit B). Mr. Stewart said the original plan called for approximately twelve (12) 10,000 square foot buildings on the parcel. Mr. Stewart said the plan was modified to go with a lesser plan of four (4) buildings of approximately 12,000 square feet each. The three (3) buildings in the rear might be considered in another request as an amendment. Mr. Stewart said the total square footage would be 48,000 square feet and the remainder would be a little over 33,000 square feet in a future request.

Mr. Stewart said the intent of the structures was to provide for marine equipment and other residential storage for the surrounding properties.

Using the power point presentation (Exhibit C), Mr. Stewart showed a 1994 aerial photograph of the area in question and highlighted the background of the property. Mr. Stewart also showed the surrounding areas and reviewed the uses of those areas.

Mr. Stewart said most of the information was contained in the Staff Report (Exhibit B) and he encouraged the Board members to ask questions regarding the material.

Mr. Stewart referred to Attachment C included in the Staff Report (Exhibit B), which was the Planning Board's recommendation and the Statements of Consistency and Reasonableness.

Mr. Stewart pointed out the Board's Checklist, also contained in the Staff Report (Exhibit B).

Mr. Stewart said the Planning Board had voted unanimously to approve the request.

Upon conclusion, Mr. Stewart said Staff had received several calls regarding the request; however, none of the calls were in opposition to the request.

Chairman Chamberlain called the petitioner forward. Ms. Alexander said Dr. Webb thought it would be a good idea to have the buildings in one place with a large fenced area for safety as well as a visual buffer. Ms. Alexander said it would prevent the smaller lots along the road from having 3,000 square foot storage buildings constructed on them. Ms. Alexander said the lighting and

security of the proposed site was a better alternative. Ms. Alexander said the owner of the mobile home area did not have objections to the plans.

Commissioner Hall asked if the storage buildings would have a similar appearance to those of the existing three (3) buildings and Ms. Alexander responded yes. Ms. Alexander said she had not yet been retained to design the buildings but was handling the planning for the project. Ms. Alexander said the owner did not plan to develop the entire project at once and would construct the buildings as they were rented. Ms. Alexander said the market indicates there is a need for the storage facilities.

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

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

The Statement of Consistency read as follows:

Although the county does not have an adopted land-use plan, the CBI zoning district has provisions for small-scale requests that have been evaluated and deemed to not have significant impacts on surrounding properties. This request is in keeping with the spirit and intent of the ordinance since it poses a minor inconvenience to surrounding properties but a major benefit to the lake community as a location to store marine and other equipment that may be prohibited from restricted developments thus satisfying spot zoning test number three as identified by David Owens with the Institute of Government.

The Statement of Reasonableness read as follows:

The Board of Commissioners find consensus in the following statements, which suggest this request is reasonable:

1. Requests for CUP 25-03 and SUP 01-03 were both approved without any concern from the public increasing the total square footage to 12,000 for the adjoining three metal buildings.
2. Current zoning standards for the RA districts allow a wide-range of non-residential uses, (subject to meeting the special requirements) exhibiting more impacts than those typically associated with mini-warehouses. This satisfies spot zoning test number four due to the slight deviation from the allowed uses.
3. Since a transition point between commercial and residential will occur on the Webb's property regardless of this decision, the request is reasonable as the extensive screening plan will effectively eliminate visibility from nearly all viewsheds.

FINDINGS OF FACT:

Commissioner Mitchell moved, that based on the evidence presented in tonight's hearing and in the packet, the development of the property in accordance with

the proposed conditions will not materially endanger the public health or safety. The motion was seconded by Commissioner Barber and passed unanimously.

Commissioner Mitchell moved, that based on testimony today and the information in the packet, 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. Commissioner Barber seconded and the motion carried unanimously.

Commissioner Mitchell moved, that based on the testimony heard today and information in the packet, 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. The motion was seconded by Commissioner Barber and passed unanimously.

Commissioner Mitchell moved approval of PCUR 03-07. The motion was seconded by Commissioner Barber and carried unanimously.

7. CONSIDER APPROVAL OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION REIMBURSEMENT AGREEMENT

Planning & Development Director Ed Muire reviewed the information regarding the bicycle map project.

The 1997-2003 Transportation Improvement Program (TIP) allocated funding for development of a bicycle map project for interested local governments. To ensure funding for Rowan County, the Board of Commissioners adopted a Resolution in November 1997 requesting the North Carolina Department of Transportation (DOT) earmark the necessary funding.

Mr. Muire highlighted the map in the agenda packet. Mr. Muire explained that the DOT's efforts for bicycle and pedestrian planning focused on the issue as another transportation source as opposed to recreation. Mr. Muire said the plans typically provide a mapped network of secondary roadways guiding cyclists to points of interest, scenic areas, etc. Mr. Muire said in terms of tourism, the DOT had found that individuals like to view these sites.

Mr. Muire pointed out that DOT staff evaluated the roads and the traffic counts were a major concern to them when mixing bicycles with vehicular traffic.

Mr. Muire reported that the Finance Director had preaudited the contract and the terms of the agreement were acceptable. Mr. Muire said Staff felt comfortable with the figure of \$45,000 for creation of the map; similar projects completed in 2006 have had a cost of \$35,000.

inspection, which was performed on February 19, 2008. Mr. Harkins said semi-annual inspections are performed and on the date of the last inspection there were 263 inmates present; 27 were out of county.

Mr. Harkins said he realized the Board was aware of the overcrowding problem but he did not feel the Board was aware of how bad the situation was or what the State's intentions were at this point. Mr. Harkins said he had been "riding" the county administration personally for over three (3) years regarding the problem. Mr. Harkins reminded the Board that the jail's capacity was 162 inmates and he then provided statistics of the average inmate population for preceding months.

Mr. Harkins said he was present to answer any questions the Board might have as well. Mr. Harkins said the Department of Health and Human Services (DHHS) regulated the jails and the inspections are given to the local authorities to review and to look at corrections. Mr. Harkins said Rowan County's situation was "simply an overcrowding problem."

Mr. Harkins said he had been told the County had a contract to house forty (40) inmates in Sampson County but it was not helping at all. Mr. Harkins said there were different avenues the County might be able to take; however, "we've got to come to an agreement within thirty (30) days on how we're going to get this population down at an average of no more than 215." Mr. Harkins said, "If we cannot come to an agreement within 30 days on how we're going to get down to approximately 215 - which I'm still not happy with, but I think it's defensible, it would be my recommendation to initiate closure of the jail, at which time Rowan County would have to figure out what to do with approximately - on any given day - over 300 inmates."

Chairman Chamberlain said Mr. Harkins' comments made no sense and he asked Mr. Harkins: "You mean to tell me that if we don't find some more space, you're going to close it down to where we have no space?" Mr. Harkins clarified that his comments meant, "up to and including - you could initiate closure of the jail because it's unsafe." Mr. Harkins said if someone were hurt or killed, "we pay just like you."

Chairman Chamberlain asked Mr. Harkins if he had any data showing the average overcrowding in each county in North Carolina. Mr. Harkins estimated 45% of the counties were overcrowded. Mr. Harkins said in Rowan County's case, if it were 163 inmates, he would consider the jail overcrowded.

Commissioner Sides inquired as to how many other jails Mr. Harkins had made these statements to and Mr. Harkins responded Onslow, Cabarrus, Guilford, Harnett and Cherokee. Mr. Harkins said Rowan County was almost double its capacity.

Commissioner Sides said he had been a Commissioner for three (3) years and had made several visits to the jail to witness the overcrowding problem and he had been involved in conversations with staff members in an effort to determine what the County could do to alleviate the problem. Commissioner Sides said the problem would not be resolved in thirty (30) days. Commissioner Sides said the County was reviewing its Pretrial Program to determine if it could be enhanced and the County was in the process of completing a 48-bed jail pod. Commissioner Sides said the County had recently held its retreat and discussed the possibility of temporary facilities. Commissioner Sides also pointed out the contract to house inmates in Sampson County was costing Rowan County approximately \$1 million year. Commissioner Sides asked where the County would put thousands of prisoners if the jail were shut down.

Commissioner Sides informed Mr. Harkins that he could have held “this” conversation with any one of the board members prior to the Board meeting but since that did not take place, Commissioner Sides felt his comments had needed to be made. Mr. Harkins responded by saying he had met last year with the County Manager, the Sheriff and the Pretrial Coordinator. Mr. Harkins said the fact of the matter is “you’ve got over 100 inmates too many.”

Commissioner Hall asked Mr. Harkins what he felt was a reasonable solution in the 30-day timeframe. Mr. Harkins said the County needed to get the population down to approximately 215 and he suggested focusing on items with the Pretrial Program and accelerated court dockets. Commissioner Hall asked if the accelerated court dockets were something the Commissioners would control and Mr. Harkins said it would take the District Attorney and judges being involved. Mr. Harkins said inmates sentenced to thirty (30) days or more could be sentenced directly to the Department of Corrections and that a judge could also go back and amend sentences for anything over thirty (30) days. Mr. Harkins suggested bonding practices be reviewed and he noted that the Board was already utilizing the option of sending inmates to another county.

Commissioner Sides asked Mr. Harkins to provide his list of options for the Board. Commissioner Sides also said he would like to hear from the Sheriff regarding the options Mr. Harkins had presented and who would actually control those individual options.

Mr. Harkins said all jails were not overcrowded and that it would not be a problem to find beds for inmates; however, he said the funding to transport the inmates was another issue. Mr. Harkins said he did not expect the overcrowding problem to be fixed in thirty (30) days but that the County needed to come to an agreement with his office as to how the overcrowding situation would be addressed. Mr. Harkins said, “If at the end of thirty (30) days, we can’t come to a working agreement, we will take other measures.”

Chairman Chamberlain asked if any jail in North Carolina had ever been closed due to overcrowding. Mr. Harkins responded that several court rulings had initiated construction. Mr. Harkins said when talking about court rulings and closing a jail, there was a long paper trail (overcrowding) and the paper trail was public record. Mr. Harkins repeated that when someone gets hurt due to fire, etc., the paper trail was in existence and the County would get sued, lose and still have to build a jail. Mr. Harkins said his office would be glad to assist in providing options.

In response to several queries from Chairman Chamberlain, Mr. Harkins said many counties had received the same letter as Rowan County and that none of them had been shut down. When asked by Chairman Chamberlain, Mr. Harkins said some of those jails were also still over capacity.

Chairman Chamberlain asked if Mr. Harkins was present to make an example of Rowan County and Mr. Harkins said no.

Chairman Chamberlain said he understood Mr. Harkins position but did not agree with the way he had gone about presenting it. Chairman Chamberlain said Mr. Harkins was hearing the Board say that it would work on the situation, possibly including temporary jail space.

Commissioner Mitchell referred to the most recent jail inspection report and noted the strongest worded statement in the report did not "scream extremely serious problem". Commissioner Mitchell asked what sort of information the Board received that advised of a problem that had gone too far. Mr. Harkins said, "A person would want to be more familiar with what we do," and the "code book we work from". Mr. Harkins said the law required him to present an inspection report to the governing body.

Commissioner Mitchell commented that Mr. Harkins had stated 215 was an acceptable number in regards to the jail being overpopulated. Commissioner Mitchell asked at what point was the Board expected to know that the population had gone too far. Commissioner Mitchell asked if there was a process that advised the Board that once the County started averaging a certain number, there was a problem. Mr. Harkins responded by discussing the old and new sections of the jail and their designs for handling overpopulation.

Chairman Chamberlain appointed Commissioners Mitchell and Sides as a task force to work with Sheriff Wilhelm and Major Tim Bost based on the information received from Mr. Harkins.

Sheriff Wilhelm agreed that the overcrowding did not just occur and he said the County was already following the options Mr. Harkins had suggested. Sheriff Wilhelm said a problem with the Pretrial Program was that people who ought to be in jail, were not. Sheriff Wilhelm said the situation was to the point that the

County Commissioners and his department had done all they could. Sheriff Wilhelm said it was now up to the court system and to see how it could help in accelerating court dockets. Sheriff Wilhelm discussed the additional employees that would be required to monitor the situation until a new facility could be built.

Chairman Chamberlain agreed with Mr. Harkins that 100 inmates over capacity were not acceptable.

10. DISCUSSION REGARDING SELECTION OF CO-COUNSEL FOR ANNEXATION ISSUES

There was no discussion on this issue. Chairman Chamberlain pointed out that the matter was handled during the Planning Retreat on February 28, 2008.

11. RECOGNITION OF CLERK TO THE BOARD

Chairman Chamberlain recognized Carolyn Athey, Clerk to the Board, for her recent designation by the International Institute of Municipal Clerks (IIMC) as a Certified Municipal Clerk. Chairman Chamberlain said it was tough to become certified and he thanked Ms. Athey for doing a good job. Chairman Chamberlain jokingly said if had to find fault with Ms. Athey, it was with her attention to detail.

Commissioner Hall congratulated Ms. Athey on her achievement, saying it was well deserved.

Commissioner Sides said he was impressed with Ms. Athey and her knowledge of the various areas of concern to the County Commissioners. Commissioner Sides said Ms. Athey was excellent in obtaining information and an asset to the Board. Commissioner Sides said he appreciated the fact that Ms. Athey had obtained her certification.

Chairman Chamberlain read an excerpt from the IIMC Director for Region 3, which congratulated Ms. Athey for her achievement.

12. CONSIDER OFFER TO PURCHASE PROPERTY BY SBA

Interim County Manager/Finance Director Leslie Heidrick said the Board had received a land lease purchase offer from SBA for land on Dan Road, which they currently lease for a communications tower. Ms. Heidrick said SBA was offering a lump payment of \$108,675. Ms. Heidrick said the same offer was received from SBA in May of 2007.

Ms. Heidrick said if the Board did not think SBA would renew the lease and the future value of the land parcel was presumed to be minimal, the County should consider the offer. Ms. Heidrick said if the Board thought SBA would renew the lease for at least 2 more renewal periods, the County should reject the offer.

Chairman Chamberlain said he had not been in favor of the lump sum offered in 2007 and he was not in favor of it now.

Commissioner Sides said to find a location for another tower was not a good proposition for SBA and he felt SBA would not be making the offer if they did not have a use for the tower to remain on Dan Road. Commissioner Sides said he was not in favor of selling.

Commissioner Sides moved to not accept the offer to purchase the property by SBA on Dan Street. Commissioner Hall seconded and the motion passed unanimously.

13. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Interim County Manager/Finance Director Leslie Heidrick presented the following budget amendments for the Board's consideration:

- Cooperative Extension – To recognize 4-H revenue and budget expense - \$22,635; to recognize Horticulture revenue and budget expense - \$1,151; to recognize Extension General and budget expense - \$5,010.
- Board of Elections – To budget as revenue funds received from other governments for surplus voting equipment. Because this equipment was purchased by the County using federal and state monies, revenue received from its sale must be returned to the state - \$12,329.
- Health Department – the Department has been purchasing Zostavax vaccines for Shingles. Clients have paid for the vaccine, which has resulted in revenues being higher than originally projected. The Department needs to increase the medical line item to purchase more of the vaccine and other vaccines - \$6,658.
- Health Department – To increase revenues and expenditures for Smart Start increases - \$2,596; increase in funds of additional one-time state Women's Preventive Health - \$15,105; increase in aid to counties funding from RTMS July – December 2007 - \$11,855.
- Library – Additional State Aid funding to be applied to Library's program activities to help cover the cost of children and teen programming - \$4,331.

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

14. BOARD APPOINTMENTS

ROWAN COUNTY ZONING BOARD OF ADJUSTMENT (ZBA)

The Board is currently seeking applications to fill two (2) vacancies that will occur at the end of March. Raymond Coltrain and June Showfety will complete their allowable terms of service on March 31, 2008. Planning board applicants that were not appointed to the Planning Board on February 18, 2008 have been contacted to determine their interest in serving on the ZBA.

The Board was asked to hold these appointments until the first meeting in April in order to offer the contacted parties an opportunity to respond.

ROWAN COUNTY JUVENILE CRIME PREVENTION COUNCIL (JCPC)

Katelyn Horning submitted an application for reappointment to serve as a Youth At Large member. The term would be for two (2) years beginning March 1, 2008 and expiring February 28, 2010.

Commissioner Sides nominated Katelyn Horning. The nomination carried unanimously.

ROWAN COUNTY LANDMARKS COMMISSION

Curtis Cowan submitted an application to serve on the Landmarks Commission. There was one vacancy on the Commission. The term would be for three (3) years beginning March 1, 2008 and expiring February 28, 2011.

Commissioner Mitchell nominated Curtis Cowan and the nomination carried unanimously.

ROWAN COUNTY NURSING HOME ADVISORY COMMITTEE

Leah McFee, Virginia Graves and D.J. Whitfield have completed their allowable number of terms but have submitted applications for reappointment. There are 6 vacancies on this committee; therefore the Nursing Home Advisory Committee recommended the reappointment of Ms. McFee, Ms. Graves and Mr. Whitfield. In order to reappoint these individuals, the Board would need to waive the term limits in the Resolution adopted by the Board in 1999. The terms would be for three (3) years beginning April 1, 2008 and expiring March 31, 2011.

Commissioner Sides moved to waive the term limits in the Resolution as requested and to reappoint these three individuals. The motion was seconded by Commissioner Mitchell and passed unanimously.

ROWAN COUNTY THERAPEUTIC RECREATION BOARD

William Broadway and Casandra Beaver have submitted applications for reappointment. The terms would be for three (3) years beginning April 1, 2008 and expiring March 31, 2011.

Mary Showfety and Cheryl Olsen have completed their allowable terms. James Murtaugh and Catherine Balentine have submitted applications to replace Ms. Showfety and Ms. Olsen. The terms would be for three (3) years beginning April 1, 2008 and expiring March 31, 2011.

Commissioner Sides nominated William Broadway and Cassandra Beaver for reappointment. The nomination carried unanimously.

Commissioner Mitchell nominated James Murtaugh and Catherine Balentine and the nomination passed unanimously.

SALISBURY-ROWAN HUMAN RELATIONS COUNCIL

Jill Debose submitted an application for appointment. There is currently one vacancy on this council. The term would be for three (3) years beginning March 1, 2008 and expiring February 28, 2011.

Commissioner Mitchell nominated Jill Debose. The nomination carried unanimously.

CRIMINAL JUSTICE PARTNERSHIP PROGRAM

Trudy Gale currently serves as the Community Service Coordinator on the CJPP; however, due to a job change she will no longer be able to serve. Adrienne Rush submitted an application to serve the remainder of Ms. Gale's term, which expires on June 30, 2010.

Chairman Chamberlain noted that the applicant resides in Lexington and after a brief discussion, the Board delayed the appointment and asked the Clerk to research residency requirements for serving on Rowan County boards.

CENTRALINA ECONOMIC DEVELOPMENT COMMISSION (CEDC)

The CEDC requested the appointment of a representative from Rowan County to fill a vacancy on the CEDC. Robert Van Geons, Rowan County EDC Director, submitted an application and the term would be for two (2) years beginning April 1, 2008 and expiring February 28, 2010.

Commissioner Mitchell nominated Robert Van Geons. The nomination carried unanimously.

15. ADJOURNMENT

There being no further business to come before the Board, Commissioner Mitchell moved to adjourn at 5:50 pm. The motion was seconded by Commissioner Barber and passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board