

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
April 21, 2008 – 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

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 7:00 pm.

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

CONSIDER APPROVAL OF MINUTES

Commissioner Barber moved, Commissioner Mitchell seconded and the vote to approve the minutes of the April 3, 2008 and April 7, 2008 Commission Meetings passed unanimously.

CONSIDER DELETIONS FROM THE AGENDA

Commissioner Sides moved, Commissioner Mitchell seconded and the vote to remove agenda item #10 (Discussion regarding Centralina Council of Governments) passed unanimously.

Chairman Chamberlain expressed appreciation to Commissioner Barber for his research and for the information in the agenda packets regarding Centralina Council of Governments.

CONSIDER ADDITIONS TO THE AGENDA

- Commissioner Hall moved to add a report from Commissioner Sides concerning the North Carolina Association of County Commissioners Annexation Steering Committee Meeting. The motion was seconded by Commissioner Barber and passed unanimously.

Chairman Chamberlain added the report as agenda item #10 (replacing the discussion regarding Centralina Council of Governments).

- Commissioner Mitchell moved to add a Closed Session regarding a personnel matter. The motion was seconded by Commissioner Sides and passed unanimously.

Chairman Chamberlain added the Closed Session as agenda item #16a.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Mitchell moved approval of the agenda. The motion was seconded by Commissioner Barber and carried 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. Set Public Hearing for May 5, 2008 for Scattered Site / CDBG Application for FY 2008-09
- B. Approval of Proclamation Declaring May as Confederate History and Heritage Month

PROCLAMATION "Confederate History and Heritage Month" May 2008

WHEREAS, Our Country is a nation of people united by a common history of individual heritage and diverse cultures and Rowan County is rich in history of the War Between the States; and

WHEREAS, The State of North Carolina has long cherished her Confederate history and the great leaders who made sacrifices on behalf of the Confederate cause and independent government by the people; and

WHEREAS, The North Carolina Division of the Sons of Confederate Veterans and the SCV Camps throughout North Carolina and Rowan County are dedicated to honoring on a statewide basis those of all races, religions, and nationalities who served the Confederate States of America and educating the general public in Confederate history; and

WHEREAS, Confederate Memorial Day has long been celebrated in Rowan County of the State of North Carolina in May for more than 100 years; and

WHEREAS, The month of May bears special significance since in May of 1775, North Carolina declared its independence the first time, and on May 20, 1861 declared its

independence the second time. Furthermore, May is the month when the War Between the States, for all intents and purposes, actually ended.

NOW THEREFORE BE IT RESOLVED that the Rowan County Commission, do hereby proclaim May 2008 as "*Confederate History and Heritage Month*" in Rowan County of the State of North Carolina and encourage all residents to participate by increasing their general knowledge of United States History and the role played by the Confederate States of America in our country's history.

- C. Approval for Rowan County Sheriff's Department to Apply for Bulletproof Vest Partnership Grant
- D. Approval of Proclamation Establishing May as Shield-A-Badge with Prayer Awareness Month

PROCLAMATION
TO ESTABLISH MAY AS
SHIELD-A-BADGE WITH PRAYER AWARENESS MONTH

WHEREAS, the Shield-A-Badge With Prayer program works to affirm the commitment of Rowan County Law Enforcement Officers and encourages citizen awareness and appreciation for these officers; and

WHEREAS, the program invites citizens to commit to pray for an officer every day for one year and to send birthday cards and notes of thanks to these officers; and

WHEREAS, through the generosity of individuals, businesses and churches that have donated services and fundraisers, 10,000 Bibles, 2,000 Shield-A-Badge Bible Promise Books and 6,000 New Testaments have been purchased to be given away; and

WHEREAS, the Shield-A-Badge With Prayer program began in Rowan County, by Chaplain Michael Taylor and has begun to expand statewide, reaching out to other counties, municipalities, colleges, hospitals, correctional facilities, 911 communicators, probations officers and animal control officers; and

WHEREAS, through the dedication and travels of Chaplain Taylor, counties from across the state are receiving encouragement and training for chaplains.

NOW, THEREFORE BE IT PROCLAIMED that the Rowan County Board of Commissioners does hereby establish the month of May as Shield-A-Badge With Prayer Awareness Month.

- E. Approval of Proclamation Declaring National Day of Prayer in Rowan County on May 1, 2008

PROCLAMATION
NATIONAL DAY OF PRAYER
IN ROWAN COUNTY

WHEREAS, America was founded on the principles of religious faith and freedom; and

WHEREAS, the Declaration of Independence, our first statement as Americans of national purpose and identity, made “the Laws of Nature and Nature’s God” the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and

WHEREAS, May 1, 2008, marks the 57th annual National Day of Prayer, as mandated by both houses of Congress and by our President in Public Law 100-307; and

WHEREAS, across our nation on May 1st, Americans will unite at specific times in prayer to acknowledge our dependence on God, to give thanks for the blessings our country has received, to ask God to guide our leaders and to bring healing to the United States and its citizens; and

WHEREAS, it is fitting and proper to give thanks to God by observing the National Day of Prayer in Rowan County, where all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our County, State and Nation; and

NOW, THEREFORE BE IT PROCLAIMED that the Rowan County Board of Commissioners do hereby proclaim May 1st, 2008 as

NATIONAL DAY OF PRAYER IN ROWAN COUNTY

and encourages the citizens of Rowan County to join together in their homes, places of work and places of worship, to pray for the unity of the hearts of all mankind and to continue in prayer for our State and our Nation.

F. Approval of Proclamation Declaring May 11–17, 2008 as Law Enforcement Week

PROCLAMATION
LAW ENFORCEMENT WEEK

WHEREAS, the Congress and President of the United States have designated May 11 through May 17, 2008 as LAW ENFORCEMENT WEEK; and

WHEREAS, the members of all the law enforcements agencies in Rowan County play an essential role in safeguarding the rights and freedoms of all our citizens; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards and sacrifices of their law enforcement agencies; and

WHEREAS, members of our law enforcement agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, law enforcement officers, past and present, have faithfully and loyally rendered a dedicated service to this County and have established for themselves an enviable and enduring reputation to preserving the rights and security of all citizens; and

THEREFORE BE IT PROCLAIMED that the Rowan County Board of Commissioners does hereby proclaim May 11-17, 2008 as LAW ENFORCEMENT WEEK.

NOW, THEREFORE BE IT FURTHER PROCLAIMED that the Rowan County Board of Commissioners calls upon all citizens of Rowan County to observe May 15, 2008 as PEACE OFFICERS' MEMORIAL DAY in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

- G. Approval for Rowan Public Library to Sell Withdrawn Library Materials to the Public
- H. Set Public Hearing for May 5, 2008 for Unanimous Petition for Red Tractor Trail
- I. Set Close-Out Public Hearing for May 5, 2008 for 2005 Scattered Site Housing Project

2. PUBLIC COMMENT PERIOD

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

- Jane Patterson, 3550 Patterson Road, discussed the Barnhardt Meadows development on Patterson Road. Ms. Patterson said Planning Staff had reported there had been no opposition to the development; she felt the reason for this was the fact that the residents did not know the development had been approved. Ms. Patterson said the community was facing a building project where 90% of the lots sold would be ½-acre lots. Ms. Patterson referred to the Land Use Plan being developed and said she was optimistic concerning the progress to restrict urban sprawl. Ms. Patterson asked the Board to delay approval of the development until the

Land Use Plan was defined. Ms. Patterson suggested the County conduct an impact analysis that would project the public costs and revenues from development patterns, as well as the long-term effects that agriculture would provide for the County. (Ms. Patterson provided the Clerk with a fact sheet for cost of community services studies).

- Bobby Harrison, 445 White Road, said he had visited the Planning Department seeking the definition of a cluster subdivision. Mr. Harrison said staff could not find the definition, as it was apparently a relatively new concept. Mr. Harrison turned to the audience and asked for a show of hands from those who were confused about the definition of a cluster subdivision (approximately 12 hands were raised). Mr. Harrison asked the Board to consider the definition of a cluster subdivision in its deliberations (of CUP 07-07).
- Larry Wright, 170 Heritage Lane, said it was appropriate that Salisbury City Councilman Bill Burgin was in the audience since many of his comments would be directed to him. Mr. Wright then repeated comments made by Mr. Burgin during a recent City Council Meeting. The comments pertained to the burden that nearby citizens place on the infrastructure of the City. Mr. Wright continued commenting on other statements made by Mr. Burgin at the meeting and he asked Mr. Burgin to make “sharing the load” contributions when visiting other municipalities and suburbs. Mr. Wright finished by challenging City Council members to debate with him on the following statement, “Forced annexation is un-American”.
- Louis Smith, 115 Stevens Drive, thanked the Board for standing with the citizens during the proposed forced annexation along the Highway 150 corridor. Mr. Smith praised Commissioners Chamberlain, Hall and Sides for demonstrating with the citizens on the square of Salisbury. Mr. Smith also praised Commissioner Hall for her letter to the editor in the April 21st edition of the Salisbury Post (a round of applause followed this comment). Mr. Smith also said the residents in the area would support Commissioner Sides in his campaign for re-election.
- Rod Whedbee, 502 South Church Street, said it would seem the voice of the common citizen is not taken with much weight or consideration. Mr. Whedbee said the primary aim of public service is to protect the rights of citizens above the power and expansion of the government. Mr. Whedbee said he hoped the Board would protect the freedoms of citizens above all political and public pressures.
- Lora Owen, 1350 E. Ridge Road, asked the Board to remember the phrase, “No farms, no food”. Ms. Owen asked the Board to support farms in any way possible. Ms. Owen also extended thanks for the Board’s support against forced annexation. Ms. Owens specifically thanked Commissioners Chamberlain, Hall and Sides for their efforts to protect American rights and principals. Ms. Owen said the Good Neighbors Association of Rowan County would continue to work to get the 1959 law changed where citizens would finally have the right to vote on annexation.

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

3. PRESENTATION TO J. NEWTON COHEN, SR. FAMILY

Commissioner Sides said when he served as a County Commissioner 28 years ago, alongside Jim Cohen, he never dreamed that years later Jim Cohen's father, J. Newton Cohen, Sr., would become a County Commissioner.

Commissioner Sides said there was a lot of history in the Rowan County Administration Building; he explained that the Board's meeting chambers had previously served as a federal courtroom. Commissioner Sides said Lee S. Overman of Salisbury, who was elected as a U.S. Senator in 1903, successfully secured funding for the building. Commissioner Sides said the building was first occupied on April 15, 1911 and is the only white marble post office building in the United States. Commissioner Sides went on to explain that the building was closed as a post office in 1975 and in early 1979 Commissioner Hall Steele made trip to Washington to negotiate for the purchase of the building.

Commissioner Sides recalled that during his own first term in 1984, he had been amazed at the disrepair of the building. Commissioner Sides said the first Commission Meeting was held in the room on April 1, 1996. Commissioner Sides said to see the magnificent building and its state today caused him to stand in awe. Commissioner Sides said a big part of the history behind the building and its current condition was greatly due to the contributions of J. Newton Cohen, Sr. Commissioner Sides said Mr. Cohen had given to the community in many ways and not the least was of which, was his service as a Rowan County Commissioner for sixteen (16) years. Commissioner Sides said Mr. Cohen had personally overseen the refurbishment of the building during the early years of his tenure as a County Commissioner. Past Commissioners had stated that the building would have probably been torn down without Mr. Cohen's input.

Commissioner Sides said on December 5, 2000, the meeting room had been named the J. Newton Cohen, Sr. Room and on the same day, Mr. Cohen had been named as an honorary Commissioner for life. Commissioner Sides said he personally felt on that day, that the entire building should have been named after Mr. Cohen.

Commissioner Sides moved that the Rowan County Administration Building be renamed the J. Newton Cohen, Sr. Rowan County Administration Building and that a bronze plaque be commissioned with Mr. Cohen's name and today's date and that the plaque be prominently displayed on the outside wall of the building's entranceway. Chairman Chamberlain seconded and the motion passed unanimously.

Chairman Chamberlain recognized Jim Cohen, who recalled his father's involvement with the community. Mr. Cohen said his father had always been a "doer" through involvement with the Boy Scouts, Jaycees, etc. Mr. Cohen said his father had always taught him to "put more back into life than you take out". On behalf of the entire Cohen Family, Mr. Cohen thanked the Board for honoring his father. Mr. Cohen then turned and thanked his father, describing him as "the best". A round of applause and a standing ovation followed the comments.

Chairman Chamberlain expressed his own personal sentiments towards Newton Cohen, saying that Mr. Cohen was like a brother and a father to him. Chairman Chamberlain said he was proud of Mr. Cohen and that he deserved the honor being bestowed upon him.

Chairman Chamberlain called Mr. Cohen forward. Chairman Chamberlain said on behalf of Rowan County, and by the authority of the sitting Board of Commissioners, Mr. Cohen was now standing in the J. Newton Cohen, Sr. Rowan County Administration Building. A round of applause followed this statement.

Mr. Cohen said the honor was overwhelming. Mr. Cohen said in his 16 years of serving on the Commission, he felt the greatest accomplishment of the Commission was refurbishing the building. Mr. Cohen said he was a descendent of Senator Overman, which added to his pride in the building. In contrast to what he felt had been the greatest achievement of the Commission, Mr. Cohen said he was most disappointed with the Commission's vote to purchase and build the ballpark in Kannapolis. Mr. Cohen finished by saying, "God bless you all, I love you, and I love this County." Mr. Cohen said he did not regret one day he had served as a Commissioner. A round of applause followed Mr. Cohen's comments.

Chairman Chamberlain commented that no matter what issue the Board had been dealing with, Mr. Cohen never lost his "cool". Chairman Chamberlain said Mr. Cohen was the most consistent, nicest gentleman he had ever known. Chairman Chamberlain then recognized the Cohen family members by asking them to please stand.

Chairman Chamberlain called for a short break at 7:40 pm.

Chairman Chamberlain reconvened the meeting at 7:45 pm.

4. PUBLIC HEARING FOR ZTA 03-08: WINERY TEXT AMENDMENTS

Planner Andy Goodall provided the staff report and a power point presentation regarding ZTA 03-08, which was for winery text amendments.

The staff report/text amendments were presented as follows:

GENERAL INFORMATION

Since the turn of the century, the amount of land used to grow grapes in the State of North Carolina has more than doubled (1,300 acres), enabling it to become the 10th largest producer of both grapes and wine in the United States. North Carolina wineries produce a large variety of French-American hybrid, European vinifera and native grapes. Native varieties include the Muscadine grape, which is grown at the Cauble Creek Vineyard, located in Locke Township. This particular variety of grape produces a relatively high yield of crop (7 tons per acre) without extensive care due to the fact that it is well adapted to the high humidity, hot summers and winter frost that is indicative of the local climate. Rowan County's relative proximity to the Yadkin Valley growing region (*American Viticultural Area*), along with its prime agricultural soils and climate make it a viable location for vineyards and wine-related facilities.

Recently, staff has received several inquiries about the operation of vineyards and wine-related facilities. The zoning ordinance does allow, albeit sparingly, for some of these facilities to operate in the county. The requested amendments will further address these agricultural-based facilities and their operation in the rural districts (*RA, RR*). Several counties in the Yadkin Valley growing region have adopted wine-related text in their ordinances to promote these types of facilities. The suggested zoning text amendments take their roots from these ordinances, while still retaining standards that illustrate compatibility with the Rowan County Code of Ordinances.

CURRENT ZONING

The following is a list of uses related to vineyards and wine-related facilities that are allowed under current zoning standards:

1. The growing of grapes (vineyards) is considered an agricultural use (SIC 01), which is exempt from zoning and is permitted in all districts.
2. The processing and bottling of wine is considered as manufacturing of a food or kindred product (SIC 20), which is permitted by right in the *CBI* and *IND* districts and is permitted with Special Requirements in the *RA* district.
3. The wholesaling of wine and wine-products is considered as the wholesale trade of non-durable goods (SIC 51), and is permitted by right in the *CBI* and *IND* districts and is permitted with Special Requirements in the *RA* district.
4. The retailing of wine and wine-products is considered a Drinking Place (Alcoholic Beverages) (SIC 5813) and is permitted in the *IND* district and is a Conditional Use in the *CBI* district.

It has come to the attention of staff that under the current zoning standards listed above; the operation of wine-related facilities located in rural districts (*RA, RR*) would often require a rezoning. Manufacturing and wholesaling of wine or wine-products are currently allowed with Special Requirements in the *RA* district, but would require the owner(s) to live on or adjacent to the property as well as have

state-maintained road frontage. This may pose a problem if or when one of these requirements is not met.

Another problem arises due to the fact that under current standards, wine tasting is not allowed in either of the rural districts. This is a potential grey area, due to the fact that wine tasting (sampling) could be lumped into the category of a Drinking Place (i.e. Bar, Tavern), even though it is a legitimate aspect of the vineyard and winery operation. Under current standards, a rezoning to *IND* or conditional use rezoning to *CBI* would be necessary in order to have a wine-tasting room in the rural districts. Since wineries and wine-tasting rooms are agricultural-based facilities, there is a definite connection between raw material (grape) and value-added product (wine), and the suggested amendments would allow for these facilities in the rural districts either with special requirements or a conditional use permit, while removing the need for individual rezoning. The text is worded to relate the sampling and retailing of wine and wine-beverages to products that are produced on site, thus eliminating the opportunity to operate a Drinking Place in the rural districts. Wine-related facilities that do not meet the standards laid forth in these amendments for the rural districts may operate in the non-residential districts listed above.

SUGGESTED AMENDMENTS

Existing text in the ordinance proposed to be removed appears as ~~strikethroughs~~ and proposed text appears in **red**.

Sec. 21-4. Definitions

Winery refers to a manufacturing facility or establishment engaged in the processing and bottling of grapes to produce wine or wine-like beverages as defined by the North Carolina General Statutes. The facility or establishment must be operated in association with an existing vineyard (bona fide farm) located on the same property or on adjacent properties under the same ownership.

Wine Tasting Room refers to a facility in which wine products grown or processed on the owner's property may be tasted and sold. This definition shall also include small-scale associated gift/retail sales, dining and catering facilities and a restaurant facility. The facility must be operated in association with an existing vineyard (bona fide farm) located on the same property or on adjacent properties under the same ownership.

Specific criteria for uses listed as SR in Section 21-113.

Sec. 21-56 (9) b. ~~Reserved~~ *Winery, Wine Tasting Room*

1. *Setbacks.* The facility shall meet the setback requirements of Section 21-84. (Table of dimensional requirements)
2. *Screening.* The facility shall meet the screening requirements of Article IX. (Screening and Buffering)

3. *Licenses and permits.* All required licenses and permits (i.e. Environmental Health, ABC, etc) shall be obtained prior to operation of the facility.

Sec. 21-60 Conditional use requirements for specific uses.

Sec. 21-60 (13) Winery, Wine Tasting Room

- a. *Setbacks.* The facility shall meet the setback requirements of Section 21-84. (Table of dimensional requirements)
- b. *Screening.* The facility shall meet the screening requirements of Article IX. (Screening and Buffering)
- c. *Licenses and permits.* All required licenses and permits (i.e. Environmental Health, ABC, etc) shall be obtained prior to operation of the facility.

Table 1- Table Amendments

Sec. 21-113. Table of Uses										
P- Permitted by Right		Zoning Districts								
P(A) - Permitted as Accessory Use										
SR - Permitted with Special Requirements										
C- Conditional Use		Residential					Nonresidential			
Use		RA	RR	RS	MHP	MFR	CBI	NB	INST	IND
<i>Agriculture, forestry and fishing</i>										
01	Agricultural Production - Crops	P	P	P	P	P	P		P	P
<i>Wholesale trade</i>										
50	Wholesale trade, non durable goods, all except	SR					P			P
5015	Motor vehicle parts, used	C								C
5032	Brick, stone & construction materials						P	SR		P
505	Metal & minerals, except petroleum						P			P
5093	Scrap and waste materials									C
51	Wholesale trade, non durable goods, all except	SR					P			P
5154	Livestock (wholesale)									P
516	Chemical and allied products									C
517	Petroleum and petroleum products									C
5191	Farm supplies	SR	SR				P	SR		P
SIC 516 and 517 were removed as conditional uses in the CBI district as a result of Z-10-04 text amendments.										
<i>Unclassified</i>										
	Adult uses						C			
	Model automobile racing	C					P	SR		P
	Multi-unit developments						SR	SR		
	Construction and demolition landfill									C
	Residential storage facility	SR	SR	SR			SR			

Winery, Wine Tasting Room	SR, C	C								
SEE ARTICLE III. FOR SPECIAL REQUIREMENTS AND CONDITIONAL USE CRITERIA FOR SPECIFIC USES.										

March 24, 2008 PLANNING BOARD MEETING

The Planning Board expressed some concern over the following issues:

1. The issuance and regulation of ABC Permits; and
2. The importing of raw materials to be processed, tasted and sold

There was some concern from the Planning Board about the process of issuing and regulating ABC permits for wineries and wine-tasting rooms. An unfortified winery permit (commercial) would be required per G.S. 18B-1101. The holders of an unfortified wine permit may:

1. Manufacture unfortified wine;
2. Sell, deliver and ship unfortified wine in closed containers to wholesalers licensed under Chapter 18B as authorized by ABC laws, except that wine may be sold to exporters and nonresident wholesalers only when the purchase is not for resale in this state;
3. Ship its wine in closed containers to individual purchasers inside and outside of North Carolina;
4. Furnish or sell 'short-filled' packages, on which State taxes have been or will be paid, to its employees for the use of the employees or their families and guests in North Carolina;
5. Regardless of the results of a local wine election, sell the winery's wine for on-or-off premise consumption upon obtaining the appropriate permit under G.S. 18B-1001. (wine tasting, sales of glasses and/or bottles of wine is included in this permit)

Discussions with local Alcoholic Beverage Control Commission (ABC) officials indicated that before the applicant seeks a permit, he/she must first complete the proper training courses. At that point, the applicant may file his/her application with the state. Included with the application is a local Inspection/Zoning Compliance form. If the wine-related facility were not in compliance with the zoning ordinance, than the applicant would need to seek and be granted the proper zoning designation by the Board of Commissioners before continuing the process for applying and receiving the ABC permit. The fee for an unfortified winery permit is \$300.00. Once a permit has been granted the holder is subject to random inspections, which usually occur once a year.

There was also some concern that the amendments would limit producers to only using raw materials (grapes) grown at the vineyard (bona fide farm). The Alcohol and Tobacco Tax and Trade Bureau (TTB) have a labeling system that discloses the content of wine. Content is labeled based on where the processed grapes were harvested and include:

- *American Wine* – Less than 75% North Carolina grapes (may not be labeled a vintage)

- *North Carolina Wine* – 75% or more North Carolina grapes
- *AVA (American Viticultural Area designation)* - 85% grapes from that AVA
- *Varietal Wine* – At least 75% made from that grape variety (except labrusca which must be at least 51%)
- *Vintage Wine* – At least 95% grapes from that year
- *Estate Bottled Wine* -100% Grapes from winery-owned vineyard

This indicates that producers may supplement their crop with grapes from other vineyards, and the TTB system would provide the guidelines for proper labeling. The language used in the proposed text amendments does not hinder a wineries ability to import raw grapes from other vineyards. The text explicitly requires these facilities to be located on the same or adjacent parcel of an existing vineyard (bona fide farm). If the winery chooses to import raw grapes to supplement the vineyards yield and it is located on the same or adjacent property as the vineyard (bona fide farm), it may do so, while following the TTB guidelines.

Based on the concerns that staff has since addressed, the Planning Board voted (5-5) to send the case back to Committee for further review. Since the vote was split, it was decided that the case would be sent to the Board of Commissioners to decide whether to hear the case as is or send it back to Committee for further review.

Mr. Goodall said since that time, Staff had met ABC officials and felt comfortable moving forward with the text amendments.

Mr. Goodall said a statement of consistency was necessary to address the relationship with any applicable county adopted plans before making a decision to approve or deny the request. Staff recommended approval of the following statement:

The addition of wineries and wine-tasting rooms in the rural districts (RA, RR) is intended to allow the location of facilities that compliment permitted agricultural uses in the districts. Such facilities promote contemporary agricultural-based industry in Rowan County, while not being detrimental to the health, safety, and general welfare of the county's citizens.

Chairman Chamberlain opened the public hearing to receive citizen input regarding ZTA 03-08. The following citizen came forward:

- William M. Yost, 202 Miller Chapel Road, expressed appreciation to Planning Staff for putting the proposed text amendments in place. Mr. Yost said he believed Rowan County needed the proposed changes, as they would help the County and its citizens. Mr. Yost thanked the Board for its willingness to consider the changes.

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

Commissioner Barber moved to approve the Statement of Consistency. The motion was seconded by Commissioner Mitchell and carried 4-1 with Commissioner Sides dissenting.

Commissioner Barber moved approval of ZTA 03-08. The motion was seconded by Commissioner Mitchell and passed 4-1 with Commissioner Sides dissenting.

5. DELIBERATIONS (CONTINUED) FOR CUP 07-07 FOR CLUSTER SUBDIVISION FOR PLANTATION RIDGE PARTNERSHIP

Chairman Chamberlain said the Board had already held the public hearing for CUP 07-07 and he opened the floor for comments from the Commissioners.

Commissioner Sides moved to send the conditional use permit back to Staff for further study. The motion was seconded by Commissioner Hall and passed unanimously.

Chairman Chamberlain addressed the applicant, Lee Wallace, who was in the audience, and advised Mr. Wallace to feel free to work with Staff on the matter. Chairman Chamberlain said if issue came back to the Board, another public hearing would have to be conducted.

6. CONSIDER PE 01-08: REQUEST FOR PERMIT TO EXCEED NOISE STANDARDS FROM TAMARAC LLC

Senior Planner Shane Stewart presented the request from Tamarac LLC for a permit to exceed the Rowan County Noise Ordinance for The Rally at the River charity fundraiser event at Tamarac Marina, 9120 Bringle Ferry Road, beginning on Friday, April 25, 2008 and continuing through Saturday April 26, 2008. Mr. Stewart said all proceeds for the event would benefit the Children with Unique Disorders Foundation.

Mr. Stewart referred to page 2, item #3, of the staff report concerning previous experience with the applicant. Mr. Stewart said the marina had hosted live music for a number of years and he reported that the Sheriff's Department had not had any concerns with the request/applicant before.

Mr. Stewart pointed out that Staff was still awaiting compliance for the Tamarac Campground street paving, which was a condition of approval required by the Board of Commissioners for CUP 05-05. Mr. Stewart said the application stated he planned to have the paving completed before the event and as of 3:00 pm today, the paving had not been done.

Mr. Stewart said adjoining property owners were notified of the request and that Staff had received several calls but none of great concern for the event.

Commissioner Barber pointed out that it had been almost three (3) years since the Board approved CUP 05-05 and the applicant had not satisfied the requirements. Commissioner Barber suggested that the Board deny the request until the previous conditions were met.

Commissioner Barber moved, Commissioner Sides seconded and the vote to deny the request for PE 01-08 passed unanimously.

Chairman Chamberlain instructed Planning & Development Director Ed Muire to have someone from his department visit the campground the next day and if the streets were not paved, to take the necessary action to pull the permits. By consensus, the Board members agreed with Chairman Chamberlain.

7. CONSIDER PE 02-08: REQUEST FOR PERMIT TO EXCEED NOISE STANDARDS FROM RELAY FOR LIFE

Planning and Development Director Ed Muire presented the request from the Rowan County Relay for Life for a permit to exceed for its fundraising event for the American Cancer Society. Mr. Muire said the event would be held May 2-3, 2008 at the Rowan County Fairgrounds located at 1550 Julian Road.

Commissioner Sides moved approval of PE 02-08. The motion was seconded by Commissioner Barber and carried unanimously.

8. CONSIDER ADOPTION OF SINGLE-FAMILY REHABILITATION POLICIES

Planning & Development Director Ed Muire introduced Michael Walser of Hobbs, Upchurch and Associates, who would be assisting with the program administration for the Single Family Rehabilitation (SFR) Program.

Mr. Muire reported that Rowan County had received funding from the North Carolina Housing Finance Agency in the amount of \$397,000 under the Single-Family Rehabilitation (SFR) Program. Mr. Muire said the program provides funds to assist with the rehabilitation of moderately deteriorated homes that are owned and occupied by low-income households. Mr. Muire said the County planned to apply the funds towards the rehabilitation of approximately nine (9) homes within the County, excluding homes located within the city limits of Salisbury and Kannapolis.

Commissioner Sides moved approval of the SFR Grant Project Budget Ordinance, including authorization for the Chairman to sign the documents. The motion was seconded by Commissioner Barber and passed unanimously.

Commissioner Sides moved approval of the SFR Code of Conduct. Commissioner Barber seconded and the motion carried unanimously.

Commissioner Sides moved approval of the Procurement Policy for the SFR Program. Commissioner Barber seconded and the motion passed unanimously.

Commissioner Sides moved, Commissioner Barber seconded and the vote to approve the Program Assistance Policy for Rowan County SFR Housing Rehabilitation Project passed unanimously.

9. DISCUSSION REGARDING DESIGN PLANS FOR NEW DSS FACILITY

Interim County Manager/Finance Director Leslie Heidrick highlighted the facts regarding the design plans for the new Department of Social Services (DSS) facility as follows:

- September 2007, the Board approved Staff's recommendations to hire Ramsay Burgin Smith Architects (Ramsay Burgin) to design, bid and review construction of the new DSS facility at the Health Services Complex. The contract was executed in October 2007.
- The owner's budget for construction expenditures is \$4,515,000
- The Architect's fixed fee is \$307,000 (6.8 % of construction expenditures)

Ms. Heidrick said Architect Bill Burgin had prepared four (4) design options for the new facility and she said Staff was seeking guidance from the Board as to how to proceed.

Mr. Burgin reviewed the four (4) options listed in the agenda packets.

Commissioner Sides said he favored Option 1, which was:

Move all DSS workers to the new facility at the Health Services Complex. Total square footage required by this option is 46,647, or 1,147 square feet over the contract amount. In this design, the area currently utilized by Mental Health will be gutted to maximize efficiency of space. Therefore, renovation costs are estimated by Ramsay Burgin to be \$80 per square foot, rather than the implied contract amount of \$25 per square foot. Total architectural, engineering and construction costs of this design amount to \$6,049,289, or approximately \$1,200,000 over the current budgeted amount.

Commissioner Sides stated that with Option 1, the Board would authorize the DSS Facility Capital Projects Fund and an \$800,000 transfer from the General Fund. In addition, the County would increase the installment financing by \$400,000. Commissioner Sides said once the new facility was complete, the facility on Mahaley Avenue would be vacated by DSS Staff and could be sold at its value of approximately \$800,000. Those funds would then go back into the General Fund.

Commissioner Sides moved to proceed with Option 1. The motion was seconded by Commissioner Barber.

Commissioner Barber commented that the only risk with Option 1 was if the County didn't sell the Mahaley Avenue facility for \$800,000 but he said he was willing to take the risk. Commissioner Barber said from a personal, business and County point of view, Ramsay Burgin had always been honorable to work with. Commissioner Barber suggested that the Board have Ramsay Burgin continue to design the DSS building.

Commissioner Hall said the DSS project had been a top priority and she felt it was a great opportunity for the County to put DSS employees in one facility in order to deliver services to the citizens of Rowan County. Commissioner Hall agreed that the Board should move forward with the project.

Commissioner Mitchell expressed excitement with the possibility of housing DSS employees under one roof and enabling them to be more efficient in the services the department provided. Commissioner Mitchell supported the increase of \$1.2 million, with \$800,000 coming from Fund Balance and \$400,000 additional in debt service.

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

10. DISCUSSION REGARDING CENTRALINA COUNCIL OF GOVERNMENTS

This item was deleted from the agenda at the beginning of the meeting.

ADDITION:

Update Regarding NCACC Meeting on April 18, 2008

Commissioner Sides provided the Board with a handout and reported on his attendance at the April 18, 2008 meeting of the North Carolina Association of County Commissioners (NCACC) Intergovernmental Relations Steering Committee. Commissioner Sides said several subjects were discussed; however, he had been most interested in the annexation report. Commissioner Sides said the Steering Committee was appointed by the NCACC to study the current annexation laws in North Carolina. Commissioner Sides said a draft report was presented at the meeting, which included recommendations from the sub-committee regarding changes they felt should be made to annexation laws. Commissioner Sides said the report outlined some major changes, some of which the League of Municipalities would not be pleased with. Commissioner Sides said he had advised the Committee of Rowan County's local legislative delegation's willingness to introduce a local bill for a moratorium on forced annexation in Rowan County. Commissioner Sides said he had encouraged the Association to support a statewide moratorium against forced annexation in North Carolina until their Committee had made their recommendations and the House Select Committee had made its recommendations. Commissioner Sides said other Commissioners had voiced their agreement with his comments. Commissioner Sides finished by saying the NCACC approved a resolution with the word "pause" inserted as opposed to the word "moratorium".

Commissioner Hall provided the Clerk with a copy of a report regarding her recent attendance at the NCACC's district meeting in Catawba County.

11. CONSIDER APPROVAL OF COMMISSARY SERVICES CONTRACT FOR THE ROWAN COUNTY DETENTION CENTER

Interim County Manager/Finance Director Leslie Heidrick reported that after due advertisement, requests for commissary services for the Rowan County Detention Center were received on February 8, 2008. Five (5) proposal packages were distributed to vendors, with three (3) bids received from: Swanson Services Corporation, Keefe Commissary Network and JEC Services. JEC was determined to be nonresponsive due to failure to meet the mandatory specifications in the proposal. Swanson proposed a commission of 27.75% of total receipts be awarded to the County and Keefe offered a commission of 22.5%. The Finance and Sheriff's Departments recommended that the contract be awarded to Swanson Services Corporation for the higher commission percentage. The term of the contract was proposed to be from June 1, 2008 to June 30, 2011. The month of June 2008 would be used by Swanson to install and test software and services and by the current vendor to deplete his inventory.

Commissioner Barber moved, Commissioner Mitchell seconded and the vote to approve the Resolution Awarding the Contract for Commissary Services for the Rowan County Detention Center and authorize the Chairman to sign passed unanimously.

The Resolution read as follows:

**RESOLUTION AWARDING CONTRACT
FOR COMMISSARY SERVICES FOR THE
ROWAN COUNTY DETENTION CENTER**

WHEREAS, after due advertisement for request for proposals for commissary services for the Rowan County Detention Center, it is the recommendation of the Finance Department and the Rowan County Sheriff's Department that the contract be awarded to Swanson Services Corporation, and

WHEREAS, the Board of Commissioners is convened in a regular meeting;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Rowan County to award a contract to Swanson Services Corporation for commissary services for the Rowan County Detention Center for a term of three years and one month, with a commission of 27.75 percent.

12. CONSIDER APPROVAL OF LEASE FOR CUSTOM GLASS/SILVER EAGLE BUILDING

County Attorney reviewed several items in the lease for Custom Glass Products of Carolina, Inc. Mr. Dees referred to the adjusted new lease rate and said it was for space the Lessee was using. Mr. Dees said the space was for a combination of office and warehouse space and the rates were determined by the County Assessor to be fair market rates.

Mr. Dees said the only adjustment made in the existing lease payments that were owed from January, February and March, was to reduce the overall payment to a flat \$6,000 per month.

Mr. Dees said it would be cost prohibitive to split the utilities at this time; however adjustments were covered in paragraph 3.

Mr. Dees said the base lease would stay in place and the amendment only modified specific terms.

Commissioner Barber moved approval of the amendment to the lease agreement. The motion was seconded by Commissioner Barber and passed unanimously.

13. SECOND READING FOR SEX OFFENDER ORDINANCE

County Attorney Jay Dees reported that when the Board first voted on the Sex Offender Ordinance during regular session on April 7, 2008, Commissioner Mitchell had momentarily left the room. Mr. Dees recommended a second reading in order to obtain a unanimous 5-0 vote.

Commissioner Sides moved approval of Resolution for Rowan County Proposed Ordinance Prohibiting Sex Offenders From Entering Rowan County Parks, Recreation Areas, Fairgrounds and Public Libraries. The motion was seconded by Commissioners Barber, Hall and Chamberlain and passed unanimously.

Chairman Chamberlain commented that he had been contacted by someone concerned about an individual listed on the Sex Offender Registry. Chairman Chamberlain said the registered individual had since married but was now banned from the County's parks. Chairman Chamberlain said while he was sorry for that individual, the ordinance was approved out of the Board's concern to protect children.

14. CONSIDER APPROVAL TO EXTEND AN INVITATION FOR MILITARY TRAINING

Interim County Manager/Finance Director Leslie Heidrick explained that Sheriff Wilhelm was asking the Board to authorize a second Letter of Invitation to the United States Army Special Operations Command for military training exercises to be held in Rowan County.

On August 21, 2007, a Letter of Invitation was extended by the County for exercises to be held in September 2007. Those exercises were cancelled due to deployment of the unit involved and the Army was requesting to reschedule the training.

Ms. Heidrick said the exercises are considered a “secret operation” with the exception of the formal invitation from the County. According to Sheriff Wilhelm, the exercises include urban military training; however, the public should not notice the Army’s presence. The Sheriff will also have staff observing and participating in the exercises.

Commissioner Mitchell moved to extend a second Letter of Invitation to the Army. The motion was seconded by Commissioner Barber and passed unanimously.

15. 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 Horticulture Revenue and budget Horticulture Expense for Sale of Rain Barrel – \$6,880
- Emergency Services – To budget training grants from US Department of Homeland Security - \$16,051
- Sheriff’s Department – Transfer funds from State Asset Forfeiture Account to Training Account established for the Special Investigative Unit - \$1,500

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

16. INTERIM COUNTY MANAGER’S MONTHLY ACTIVITY REPORT

Interim County Manager/Finance Director Leslie Heidrick presented the monthly activity report to the Board.

With no questions from the Board, Commissioner Sides moved to accept the report. The motion was seconded by Commissioner Hall and passed unanimously.

ADDITION:

#16a. CLOSED SESSION

Commissioner Mitchell moved at 8:48 pm for the Board to enter Closed Session pursuant to North Carolina General Statute 143-318.11(a)(6) for a personnel matter. The motion was seconded by Commissioner Barber and passed unanimously.

The Board returned to Open Session at 8:56 pm.

Commissioner Sides moved to accept the Separation of Employment Agreement from the Tax Collector, subject to a preaudit. The motion was seconded by Commissioner Mitchell and passed unanimously.

17. ADJOURNMENT

There being no further business to come before the Board, Commissioner Sides moved to adjourn at 8:57 pm. The motion was seconded by Commissioner Mitchell and passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board