

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
May 19, 2008 – 7:00 PM
J. NEWTON COHEN, SR. ROOM
J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING**

Present: Arnold S. Chamberlain, Chairman
Chad Mitchell, Vice-Chairman
Jon Barber, Member
Tina Hall, Member
Jim Sides, Member

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

Chairman Chamberlain convened the meeting at 7:00 pm.

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Sides seconded and the vote to approve the minutes of the May 5, 2008 Commission Meeting 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 Mitchell moved, Commissioner Barber seconded and the vote to approve the agenda passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

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

The Consent Agenda consisted of the following:

- A. Set Public Hearing for June 2, 2008 for Proposed Budget for 2008-09 Operating Year
- B. Set Public Hearing for June 2, 2008 for HLC 01-08 for Joyce Ann Barber and Rebecca Jane Barber Floyd
- C. Set Quasi-Judicial Public Hearing for June 16, 2008 for CUP 03-08 for Request from Jaroslaw Tupko
- D. Approval of 2008-09 Fee Schedule for Environmental Health/Animal Control
- E. Approval to Reschedule Public Hearing for June 16, 2008 for Petition to Close an Unopened Portion of Candlewick Drive
- F. Consider Approval of Collection Fees for Permitting of Temporary Food Establishments

Chairman Chamberlain took a moment to introduce the new County Manager, Gary Page. Mr. Page shared that he came to Rowan County from Wilkes County where he had worked for twelve (12) years.

Chairman Chamberlain stated that the Interim County Manager, Leslie Heidrick, had submitted the proposed budget materials.

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:

- Jim Mallinson, 120 Sells Road, Salisbury, said he was a member of the Juvenile Crime Prevention Council (JCPC). Mr. Mallinson discussed the Teen Court Program and provided statistics as to the number of youth diverted as a result of the program. Mr. Mallinson expressed concern with the Commissioners recent decision to reduce funding to Teen Court and he asked that the Board reconsider its decision or to appropriate \$20,000 from county funds for the program.
- Jack Fisher of Long Ferry Road in Salisbury asked the Board to take a good look at the Land Use Plan document that was being prepared by the Land Use Steering Committee. Mr. Fisher said the Board had previously stated its support of property rights. Mr. Fisher said he understood why the Board was considering adoption of a land use program.
- Allene McNeil of 1025 Bethel Drive in Salisbury spoke on behalf of the Teen Court Program. Ms. McNeil said she believed in the program, as her grandson had gone through the program as a participant. Ms. McNeil said her grandson consequently went to high school without further incident and had just finished his first year of college. Ms. McNeil said the program gave her grandson an added respect for the law and she asked the Board to reconsider funding for the program.

- Larry Wright of 170 Heritage Lane in Salisbury discussed a recent Salisbury Post editorial that made reference to taxation without representation. Mr. Wright pointed out that city residents could vote for their County Commissioners; however, county residents (whose property was under threat of annexation by a city) could not vote for city council members. Mr. Wright said those recently threatened by the hostile annexation proposed by the City of Salisbury could truly claim taxation without representation.

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

3. PUBLIC HEARING FOR SPECIAL CONSIDERATION OF THE PROPOSED ROAD NAME OF TEAKWOOD TRAIL

Planning Technician Fredda Greer reported that when the owner of Tax Parcel 428 014 obtained a zoning permit in October 2007, it was noted the road servicing the property met the criteria for naming. Ms. Greer said a petition had not been returned to the Planning Office and that the property owner indicated Staff should proceed with the naming process. Staff initiated the process by notifying all property owners of the intent to name the road Teakwood Trail. To date, there had been no response except for a basic inquiry from an out of state owner. Staff recommended approval of the name of Teakwood Trail.

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

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

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the road name of Teakwood Trail passed unanimously.

4. QUASI-JUDICIAL PUBLIC HEARING FOR CUP 02-08 FOR REQUEST BY PREMIER HOLDING COMPANY

Chairman Chamberlain read the Chairman's Speech (Exhibit A) and declared the public hearing for CUP 02-08 to be in session. Chairman Chamberlain said the hearing would focus on an application submitted by Premier Holding Company, LLC for their property located at 1108 Webb Road. The purpose of the request was to allow for the subdivision of TP 409 007 in the Commercial, Business, Industrial (CBI) district.

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

Planner Andy Goodall presented the Staff Report (Exhibit B) and a power point presentation (Exhibit C).

Mr. Goodall explained that the permit request was for a minor subdivision of a 1.34-acre parcel at 1108 Webb Road. Mr. Goodall said the parcel was zoned Commercial, Business, Industrial (CBI) and in order to subdivide, a conditional use permit was required.

Mr. Goodall used the power point presentation (Exhibit C) to show an aerial view depicting the site and surrounding areas. Mr. Goodall said the parent tract was .625 acres and the new tract would be .866 acres. Mr. Goodall said the plans were to build a duplex. Mr. Goodall continued with the power point presentation (Exhibit C) as he described how the property would be split. Mr. Goodall pointed out the buffer of woods in Attachment C of the Staff Report (Exhibit B).

Mr. Goodall highlighted the Conditional Use Criteria listed in the Staff Report (Exhibit B) as follows:

1. Adequate transportation access to the site exists. Mr. Goodall said there is more than 70' of road frontage for both parcels.
2. The use will not significantly detract from the character of the surrounding area. Mr. Goodall said most of the surrounding properties are residential and the addition of another residential unit would not detract from them.
3. Excessive traffic or parking will not result. Mr. Goodall said the new lot would have shared driveway access with the parent parcel reducing the amount of curb cuts and traffic conflict points.

Mr. Goodall said Staff recommended approval of the request. Mr. Goodall said the property had been posted and letters had been sent to adjoining property owners. Mr. Goodall said Staff had not received any calls in objection to the request.

Chairman Chamberlain asked if the petitioner wished to address the Board and he responded from the audience that he did not unless the Commissioners had specific questions for him.

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

Commissioner Mitchell moved approval of the suggested Findings of Fact (Exhibit D). The motion was seconded by Commissioner Barber and passed unanimously. The Findings of Fact were listed as follows:

1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety, and
2. That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity, and

3. That the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve approval of CUP 02-08 passed unanimously.

5. QUASI-JUDICIAL PUBLIC HEARING FOR CUP 27-01 FOR REQUEST BY TODD BECKHAM

Chairman Chamberlain read the Chairman's Speech (Exhibit A) and declared the public hearing for CUP 27-01 to be in session. Chairman Chamberlain said the hearing would focus on an application submitted by Todd Beckham for the property located at the 1100 block of Keener Place. The applicant requested an extension to complete a previously approved conditional use permit for a campground expansion on property referenced as Tax Parcels 605-038 and 089.

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

Senior Planner Shane Stewart presented the Staff Report (Exhibit B) and provided a power point presentation (Exhibit C).

Mr. Stewart explained that approximately three (3) years ago the Board had approved an amendment to CUP 27-01 to allow for thirty (30) additional campsites to an existing ten (10)-space campground owned by Joseph Keener. Mr. Stewart said one (1) year later, Mr. Keener sold this campground to George and Glenda Beckham. Mr. Stewart said the Beckhams, who also had a campground in Florida, had been gathering necessary documentation for an extensive time period to demonstrate to Environmental Health how many additional spaces were feasible. Mr. Stewart said the time used for data collection, in addition to the one-year loss, caused inactivity for over two (2) years. Therefore, an amendment was necessary to extend the permit for another two (2) years. Mr. Stewart said the Beckhams had requested the extension, which they felt would be sufficient to complete the campground.

Mr. Stewart used the power point presentation (Exhibit C) as he described the site and the surrounding area. Mr. Stewart said while the previous approval allowed for a total of forty (40) sites, Mr. Beckham had requested only sixteen (16) additional spaces for a total of twenty-six (26). Mr. Stewart said the new spaces would encircle the pond. The bathhouse, laundromat and office would still be located on the site. The pool and maintenance shed were no longer needed.

Mr. Stewart continued with the power point presentation (Exhibit C) showing the area proposed for the new campers. Mr. Stewart pointed out that the campers would be visible from only one house. Mr. Stewart also pointed out the buffering stating that the campground was well-screened.

Mr. Stewart referred to pages 2 and 3 of the Staff Report (Exhibit B), which contained the Specific Conditional Use Criteria and Conditional Use Criteria, and he encouraged the Board members to ask any questions they might have.

Mr. Stewart said Staff recommended approval of the request. Mr. Stewart said Staff felt there had been some delay that warranted the extension.

Mr. Stewart referred to Attachment E of the Staff Report (Exhibit B) and he recommended rewording some of the conditions placed on the previous permit:

- Item #1 – replace the number 40 with 20
- Items #2 and #4 – reword or delete since there would be no swimming pool
- Item #6 – there are already some plantings in place

Chairman Chamberlain asked if the petitioner would like to address the Board and with no further testimony to be presented, Chairman Chamberlain closed the public hearing.

Commissioner Sides moved approval of the Findings of Fact and the changes as suggested by Mr. Stewart. The motion was seconded by Commissioner Mitchell and passed unanimously. The Findings of Fact were listed in the Staff Report (Exhibit B) as follows:

1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.

FACT: Excessive traffic will not result based upon Planning Staff analysis that the projected 74 vehicle trips per day generated by the campground will not cause Long Ferry Road to exceed its design capacity.

FACT: The proposed use will not generate significant dust based on the requirement that the campground's internal drives contain six (6) inches of compacted gravel.

FACT: NCDOT has approved a commercial driveway permit for the campground entrance.

FACT: Approval of additional sites will entail compliance with the Environmental Health standards.

2. That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity.

FACT: The use will not create significant visual impacts based on the location of existing vegetation, fencing, and the re-location of proposed units to the interior of the campground.

FACT: Board of Commissioner imposed condition of disallowing structural improvements to campsites will ensure the campground remains temporary and not permanent living.

FACT: No evidence was presented suggesting this request would lower property values.

3. That the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.

FACT: Although there is not an adopted land use plan for this area, the campground is located within the interior of a 17 acre tract, which is well beyond the required two acres for campgrounds in the RA district.

FACT: The expansion area will be in harmony with the general area based on the existing campground, limited visibility, and the relocation of proposed units to the interior of the property in line with the existing campsites.

Commissioner Sides moved approval of CUP 27-01 amendment. The motion was seconded by Commissioner Hall and carried unanimously.

6. DISCUSSION REGARDING STATE MANDATED CHANGES FOR 9-1-1 REVENUES/EXPENDITURES

Telecommunications Director Rob Robinson discussed legislative changes that took effect on January 1, 2008. Mr. Robinson said the changes dealt with the surcharge fees on wire line telephones throughout the state.

Mr. Robinson said prior to House Bill 1755, Rowan County Commissioners had statutory authority to enact and set the landline surcharge rate for Rowan County. Mr. Robinson said in 1997 the rate had been set at \$.75 per line and in early 2000 the rate had been reduced to \$.65. Mr. Robinson said the revenues had been approved in the past for E911 and GIS related expenses and were not audited by the State.

Mr. Robinson said with the new law, the surcharge rate is now set by the NC 911 Board and not locally by each county. The new rate was set at \$.70 and matches the amount levied on cellular phones. Mr. Robinson said all surcharge funds now go through an annual audit process to ensure that funds are being used appropriately. Mr. Robinson said the NC 911 Board would review and determine how the revenues may be spent.

Mr. Robinson said the rate would be adjusted annually, as needed, to pay for existing and new technology advances in E911 and GIS. The County would no longer have to segregate expenditures between a Wire Line and Wireless Fund.

Mr. Robinson said the E911 Board would consist of 17 members and would meet bi-monthly.

Finance Director Leslie Heidrick discussed the budget amendment in the agenda packet. Ms. Heidrick explained that Fund 202 (Emergency Telephone System Fund) had operated for the past ten (10) years in three divisions: Wire Line Division (#4615), Wireless Division (#4616) and the GIS Division (#4712). Ms. Heidrick said the County had just received guidance regarding the types of expenditures that were allowable under the new law. Ms. Heidrick said all expenditures would be put in #4615, which was just for E911. The budget amendment was for the time period of January 1 through June 30. Ms. Heidrick said the GIS Analyst Coordinator could not be paid from Fund 202 and had been moved to General Fund 101. Ms. Heidrick reported that any monies that were not wireless on January 1, 2008 were to be moved to the General Fund to be used for any purpose. The amount of the transfer to the General Fund was \$424,547.

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

7. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Library – Additional gift funds for the purchase of library material and other gift expense - \$ 4,597
- Parks – To budget costs for relocation of McCombs cabin to Dan Nicholas Park (donated funds are being used for this expenditure) - \$15,000
- Therapeutic Recreation – To move funds from Senior Games Revenue Account to Senior Games Activities Account to cover expenses for 2008 program
- Sheriff's Department – To recognize check from Spencer Moose Lodge for additional donations in CRDE Revenue Account - \$522
- Department of Social Services (DSS) – to budget the value of Surplus Commodities received from the Department of Agriculture - \$90,000
- General Government – To increase Airport fuel revenues and expenditures for FY 2008 - \$200,000

Commissioner Sides moved approval of the budget amendments subject to discussion. The motion was seconded by Commissioner Barber.

Commissioner Hall questioned the budget amendment for increasing fuel revenues for the Airport. Ms. Heidrick said the budget amendment was to increase fuel revenue by \$200,000 and also supplies for the purchasing of the fuel for the same \$200,000. Ms. Heidrick explained that the original budget for fuel revenue was for \$800,000, which the County had already exceeded. Ms. Heidrick said the County expected to receive over \$1 million in fuel revenue. Ms. Heidrick said \$700,000 was budgeted for the purchase of fuel. Ms. Heidrick said the County was expected to spend almost \$900,000.

In response to a query from Chairman Chamberlain, Ms. Heidrick reviewed the budget amendment for DSS. Ms. Heidrick said the budget amendment comes to the Board at this time each year for surplus food donated to Rowan County. Ms. Heidrick said the donations flow through DSS but are not received in “dollars and cents”.

Upon being put to a vote, the motion on the floor to approve the budget amendments as presented passed unanimously.

8. DISCUSSION REGARDING TKC SUMMIT CORPORATE CENTER PURCHASE

County Attorney Jay Dees and Senior Planner Shane Stewart discussed the option by The Keith Corporation (TKC) for the recombination of lots in Summit Corporate Center (SCC).

Mr. Stewart provided the Board with a power point presentation as he discussed the lots in question. Mr. Stewart pointed out the development constraints, which included Duke Energy distribution lines, streams, easements and a sewer line.

Mr. Dees said Staff recommended acceptance of the most recent proposal, which removed the 1.4 acres that would be combined with the other tracts.

Commissioner Barber moved to accept the changes in the parcel under consideration. The motion was seconded by Commissioner Mitchell and passed unanimously.

9. DISCUSSION REGARDING JULY MEETING SCHEDULE

Chairman Chamberlain stated that the first regularly scheduled meeting for the month of July was July 7, 2008 and he expressed hope that the Board could hold only one meeting during that month.

Commissioner Barber moved to hold one meeting in July, on July 7, 2008 at 4:00 pm. The motion was seconded by Commissioner Hall and passed unanimously.

10. ADJOURNMENT

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 8:00 pm. The motion was seconded by Commissioner Mitchell and passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board