

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
July 7, 2008 – 4:00 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 and County Attorney Jay Dees were present.

Vice-Chairman Mitchell convened the meeting at 4:00 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 27-28, 2008 and June 16, 2008 Commission Meetings passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

- Commissioner Sides moved to add a Resolution in support of Senate Bill 2149. Commissioner Sides said the local bill was introduced by Senator Brock. The motion was seconded by Commissioner Barber and passed unanimously.

Vice-Chairman Mitchell added the Resolution as agenda item #15.2 and he changed item #15 (Discussion Regarding Staff Research into Holding Commission Work Sessions) to item #15.1.

CONSIDER DELETIONS FROM THE AGENDA

- Commissioner Sides moved to pull items F (Approval of Resolution for Spin-Off of Time Warner Cable, Inc.) and G (Approval of Operational

Agreement Between NRCS, Rowan SWCD and Rowan County) from the Consent Agenda.

Commissioner Barber asked that the Board vote separately on these items.

Commissioner Barber seconded the motion to remove item F from the Agenda and the motion passed unanimously.

Chairman Chamberlain seconded the motion to remove item G from the Agenda and the motion passed 4-1 with Commissioner Barber dissenting.

CONSIDER APPROVAL OF THE AGENDA

Chairman Chamberlain moved, Commissioner Barber seconded and the vote to approve the agenda passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Sides moved, Commissioner Hall seconded and the vote to approve the Consent Agenda carried unanimously. (Items F and G were deleted from the agenda).

In response to Commissioner Sides regarding item J (Approval to Reschedule Public Hearing for Consideration of Duke Energy Expansion Incentive to August 4, 2008), Vice-Chairman Mitchell said the Board was voting to set the public hearing and not on the agreement in the packet.

The Consent Agenda consisted of the following items:

- A. Set Public Hearing for August 4, 2008 for Rural Operating Assistance Program
- B. Renewal of Agreement/Resolution Extending the Cabarrus/Iredell/Rowan Housing Consortium Agreement
- C. Approval to Add Meadow Green Drive, Athens Drive and Foxgate Lane to the State Secondary Road System for Maintenance
- D. Approval of Resolution Revoking Appointed Review Officers

RESOLUTION REVOKING APPOINTED REVIEW OFFICERS

WHEREAS, S.L.1997-309 (S875) makes a number of significant changes in the procedures for recording maps and plats; and

WHEREAS, the main purpose of the law is to transfer the responsibility for reviewing plats to determine whether they meet recording requirements from the Register of Deeds to a Review Officer; and

WHEREAS, the new G.S. 47-30.2 requires the Board of County Commissioners in each County, by resolution, to appoint a person to serve as Review Officer to review each plat before it is recorded and certify that it meets the statutory requirements for recording; and

WHEREAS, it is the desire of the Rowan County Board of Commissioners to insure an expeditious review of all maps and plats as required by G.S. 47-30.2 before they are presented to the Register of Deeds for recording.

NOW THEREFORE, BE IT RESOLVED, effective July 7, 2008, John Hanes, Brenda Bowers, Barbara Gallimore and Sharon Spidell are hereby removed from their previous appointment to perform all responsibilities as required for Review Officer under the appropriate North Carolina General Statutes.

BE IT FURTHER RESOLVED that a copy of this Resolution designating the revocation of Review Officers be recorded in the Rowan County Register of Deeds Office.

E. Approval of Resolution Appointing Review Officer

RESOLUTION APPOINTING REVIEW OFFICER

WHEREAS, S.L.1997-309 (S875) makes a number of significant changes in the procedures for recording maps and plats; and

WHEREAS, the main purpose of the law is to transfer the responsibility for reviewing plats to determine whether they meet recording requirements from the Register of Deeds to a Review Officer; and

WHEREAS, the new G.S. 47-30.2 requires the Board of County Commissioners in each County, by resolution, to appoint a person to serve as Review Officer to review each plat before it is recorded and certify that it meets the statutory requirements for recording; and

WHEREAS, it is the desire of the Rowan County Board of Commissioners to insure an expeditious review of all maps and plats as required by G.S. 47-30.2 before they are presented to the Register of Deeds for recording.

NOW THEREFORE, BE IT RESOLVED, effective July 7, 2008, Nancy Ward is hereby appointed to perform all responsibilities as required for Review Officer under the appropriate North Carolina General Statutes.

BE IT FURTHER RESOLVED that a copy of this Resolution designating the Review Officer be recorded in the Rowan County Register of Deeds Office and indexed in the name of the Review Officer.

F. Approval of Resolution for Spin-Off of Time Warner Cable, Inc.

**RESOLUTION PROVIDING APPROVAL FOR THE SPIN-OFF
OF TIME WARNER CABLE INC.**

WHEREAS, Rowan County, North Carolina (“Franchising Authority”) has granted a cable television franchise (the “Franchise”) to an entity (the “Franchisee”) which is a subsidiary or affiliate of Time Warner Cable Inc. (“Time Warner Cable”); and

WHEREAS, Time Warner Cable is a publicly-traded corporation, with approximately 84% of its common stock currently held indirectly by Time Warner Inc; and

WHEREAS, Time Warner Cable and Time Warner Inc. have entered into an agreement to effect a complete separation of Time Warner Cable from Time Warner Inc. (the “Spin-Off”); and

WHEREAS, upon closing of the Spin-Off, one hundred percent (100%) of the stock of Time Warner Cable will be publicly traded; and

WHEREAS, Time Warner Cable and Time Warner Inc. have filed FCC form 394 providing details regarding the Spin-Off; and

WHEREAS, the Franchising Authority wishes to grant its approval for the Spin-Off as described above; and

NOW, THEREFORE, BE IT RESOLVED BY FRANCHISING AUTHORITY:

Section 1. The Franchising Authority hereby approves the Spin-Off.

Section 2. Upon closing of the Spin-Off, the Franchisee shall remain bound by the obligations under the Franchise.

Section 3. This Resolution shall become effective immediately upon passage by the Franchising Authority.

G. Approval of Operational Agreement Between NRCS, Rowan SWCD and Rowan County

H. Adoption of Revised Ordinance: HLC 01-08 for Richard Wainwright Barber Farm

I. Set Public Hearing for August 4, 2008 for Majority Petition for Proposed Road Name of Noodle Way

J. Approval to Reschedule Public Hearing for Consideration of Duke Energy Expansion Incentive to August 4, 2008

2. PUBLIC COMMENT PERIOD

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

- Rod Whedbee, 502 Church Street, said that with more local government control, he, as a business owner, was being forced to consider other counties in which to locate his business. Mr. Whedbee said with each new regulation, the County hindered rather than encouraged new business. Mr. Whedbee said the County needed leaders to say no to more taxes and no to bigger government.
- Larry Wright, 170 Heritage Lane, discussed forced annexation. Mr. Wright encouraged those interested in fighting city officials and the North Carolina League of Municipalities (NCLM) on the annexation issue, to call Senator Tony Rand at 919-733-9892 and ask him to allow a vote on House Bill 2367, which called for a nine-month moratorium on forced annexation.

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

3. PUBLIC HEARING FOR Z-02-08 FOR REQUEST FROM CECIL & MICHELLE PERRY

Planner Andy Goodall reported that Cecil and Michelle Perry own Tax Parcel 360 015, which is located at 6020 East NC 152, near the intersection of Faith Road, Organ Church Road and NC 152. Mr. Goodall provided a power point presentation and explained that the parcel was currently zoned Rural Agricultural (RA), contained a 1,100 square foot single-family residence, and a 600 square foot detached garage. Mr. Goodall said Staff approved a minor subdivision of the parcel on May 12, 2008, which created a 3.14-acre tract from the new line to Faith Road.

Mr. Goodall said the Perry's wished to rezone the 3.14 acres from RA to Commercial, Business, Industrial (CBI) to allow for the construction of mini-storage units. The RA district does not allow for this use. Mr. Goodall said consideration of approval should be based on all allowable uses in the CBI district, not just the use indicated by the owner since they are not bound by an intended use.

Mr. Goodall used the power point presentation to show the site, as well as the surrounding areas.

Mr. Goodall said the Planning Board had voted unanimously (9-0) to deny the request; however Staff supported the request for the following reasons:

1. There is a nearly one-hundred acres of commercial property in the surrounding area, therefore a 3.14-acre increase would have minimal effect on the general character of the area; and
2. The property is located in a major transportation corridor and a major crossroad community, where CBI districts are typically located.
3. The projected employment per Traffic Analysis Zone (TAZ) goes from 17 employees in 1995 to 231 by 2025.

Commissioner Hall asked Mr. Goodall to discuss the Planning Board's vote to go against staff's recommendations. Mr. Goodall said the Planning Board had questions of the owners, who had been unable to attend the meeting. Therefore, the Planning Board had denied the request. Mr. Goodall added there were approximately ten (10) neighbors at the Planning Board meeting with concerns regarding the request.

Vice-Chairman Mitchell asked if the applicant would like to address the Board.

The applicant, Cecil Perry, said he and his wife were out of town during the Planning Board meeting. Mr. Perry said he had been a citizen of Rockwell for approximately ten (10) years. Mr. Perry said he felt the mini-warehouses would provide a good service to the community and he said the buffers and fencing would keep the area secure. Mr. Perry said one could travel anywhere in North Carolina and see that mini-warehouse facilities were well maintained. Mr. Perry said concerns had been raised pertaining to the large volume of traffic the facility might create; however, he said there was not a large volume of traffic to and from these types of warehouses.

Commissioner Sides asked if the Department of Transportation (DOT) would issue driveway permits for access to the property from both Hwy 152 and Faith Road. Mr. Perry said he had not spoken to the DOT, but he felt the DOT would advise them as to where to put the driveway.

Commissioner Sides asked Mr. Goodall if the DOT would provide access from both roads and Mr. Goodall said he was unsure. Mr. Goodall said the applicants would be guaranteed at least one access and Faith Road seemed to be the most logical access. Mr. Goodall said the access would be decided by the DOT when the applicants applied for a commercial driveway permit.

Mr. Perry said they were not looking to have access from both roads, but one or the other.

In response to Commissioner Sides, Mr. Perry said there would be a chain link fence surrounding the property with locked gates and the individuals leasing the warehouses would have keys to access the storage area.

Vice-Chairman Mitchell opened the public hearing to receive citizen input regarding Z 02-08. The following citizens came forward:

- Pat Shive, 6110 Hwy 152 E, said she had lived at her residence for almost 40 years because it was a peaceful community with good neighbors and a good place to raise her four (4) children. Ms. Shive asked the Board to deny the rezoning request. Ms. Shive said she understood the owners wished to construct mini-warehouses but she said the rezoning would allow any CBI use. Ms. Shive said residents did not want the mini-warehouses present because the area was completely surrounded by homes. Ms. Shive said the gas station at the intersection of Faith Road was family-owned and was in operation before many residents moved to the area. Ms. Shive said Rockwell Farms was back off the road and was a wholesale business without a lot of traffic. Ms. Shive said the buffer surrounding the farm added to the appearance of the community. Ms. Shive said there would be no buffer between her house and the proposed storage units. Ms. Shive said the mini-warehouses would detract from the community. Ms. Shive said within less than 300' there were already eight (8) entrances onto Faith Road and everyone had a hard time getting out of their driveway. Ms. Shive said there might be a need for this type of business in eastern Rowan County but she felt there must be a more suitable location. Ms. Shive asked the Board to deny the request.
- Coyt Shive, 6110 Hwy 152 E, spoke about the logging trucks and safety aspects along the road where the warehouse entrance would be. Mr. Shive said he did not want the warehouses in the area; he said even with a chainlink fence, he would still be able to see the facility.
- Rod Whedbee, Rowan Property Rights Alliance, said North Carolina real estate law did not guarantee viewing rights. Mr. Whedbee said each property owner had a right to their property, and from a property rights standpoint, the request fit staff recommendations. Mr. Whedbee encouraged the Board to protect property rights of those making the request.
- Jim Freeman, Hwy 152 E, said his property was not shown on the power point presentation but said he was directly across the street from the proposed site. Mr. Freeman said he did not want to look at the warehouses. Mr. Freeman said the other businesses in the area do not bother him because they were in existence when he moved to the area.
- Peggy Freeman, Hwy 152 E, said she would see the warehouses from her front windows. Ms. Freeman said it was already difficult getting out of her driveway and she discussed her concerns with the curve and dangerous traffic pattern.

Chairman Chamberlain asked if Ms. Freeman would be okay with any other business locating at the site as opposed to the mini-warehouses. Ms. Freeman said she would prefer the property stay residential; however, she would rather see apartments or something quiet and family-oriented, rather than storage

With no further citizen input, Vice-Chairman Mitchell closed the public hearing.

Vice-Chairman Mitchell asked why there was no conditional use permit (CUP) with the request and Mr. Goodall responded that the rezoning request was more of an extension of existing CBI zoning. Mr. Goodall said regardless of the business, it would fit the CBI district. Mr. Goodall said the transportation issues would be dealt with by the owners and the DOT. Mr. Goodall said currently the property could be subdivided into five (5) residential lots that would also provide additional driveways to contend with.

In response to Vice-Chairman Mitchell, Mr. Goodall explained CBI was mostly small business, commercial and light industrial and there could be over 100 possible uses.

Commissioner Sides asked if the Board could limit the uses with the rezoning request and require any changes to come back to the Board. Mr. Goodall said a quasi-judicial hearing would be required for a conditional use-rezoning request.

Commissioner Sides asked if the owners would be required to buffer the backside of the property on Faith Road if access were granted off NC 152. Mr. Goodall said the Board could not require the buffer if the request was for a traditional straight rezoning.

Vice-Chairman Mitchell said the Board could adopt the Statement of Consistency and the Statement of Reasonableness or table the request to a later meeting.

Ed Muire, Planning and Development Director, explained that North Carolina courts do not allow "contract zoning." Mr. Muire said the quasi-judicial process was there to impose restrictions. Mr. Muire discussed the requirements of the ordinance.

Vice-Chairman Mitchell said the Board's options were to grant the rezoning, deny the request or table the decision to a later date.

Chairman Chamberlain said staff had made a good case to allow the rezoning. Chairman Chamberlain said he wished the request had come before the Board as conditional use request.

Chairman Chamberlain moved, Commissioner Barber seconded and the vote to approve the Statements of Reasonableness and Consistency passed unanimously.

The Statement of Reasonableness read as follows:

While the request does not increase district boundaries, it does act as an extension of the existing local CBI (5.29-acres) district and other commercial properties in the immediate area.

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 the intersection of three (3) recognized major thoroughfares (Faith Road, Organ Church Road and NC 152) and its consistency with projected service (TAZ) growth, the new classification would be in harmony with the surrounding area.

Commissioner Barber moved approval of Z 02-08, Commissioner Sides seconded and the motion passed unanimously.

4. PUBLIC HEARING FOR SCATTERED SITE HOUSING/CDBG APPLICATION

Planning & Development Director Ed Muire reviewed the following items regarding the process for submittal of the County's Scattered Site Housing/Community Development Block Grant (CDBG) application:

- Following the public hearing, the Board is asked to approve the Resolution (Attachment A), the Policies and Procedures (Attachment B) and Attachment C which is an updated list of applicants for the housing program.

Mr. Muire said a meeting was held on July 1, 2008 by a Selection Committee and he highlighted the list of the Committee's recommendations:

- 7 homes for comprehensive rehabilitation
- 8 homes for emergency repair
- 2 alternate homes for assistance

Chairman Chamberlain praised Commissioner Sides for his involvement with the program.

Commissioner Sides said Benchmark had provided excellent service in the past, but he said he was extremely impressed with the knowledge of Hobbs, Upchurch and Associates. Commissioner Sides said the program had been valuable to many citizens.

Vice-Chairman Mitchell opened the public hearing for the Scattered Site Housing/CDBG application.

With no one wishing to address the Board, Vice-Chairman Mitchell closed the public hearing.

Commissioner Sides moved approval of the Resolution. Commissioner Barber seconded and the motion passed unanimously.

Commissioner Sides moved approval of the Policies, Procedures, Plans, Resolutions and Ordinances. Commissioner Hall seconded and the motion passed unanimously.

Commissioner Sides moved approval of the List of Applicants, Commissioner Hall seconded and the motion passed unanimously.

Vice-Chairman Mitchell thanked Commissioner Sides for making money available that had not been available to Rowan County in the past.

5. PUBLIC HEARING FOR SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE

Planning and Development Director Ed Muire was present to address any questions the Board might have regarding the Soil Erosion and Sedimentation Control Ordinance.

Vice-Chairman Mitchell opened the public hearing to receive citizen input regarding the Soil Erosion and Sedimentation Control Ordinance.

With no one wishing to address the Board, Vice-Chairman Mitchell closed the public hearing.

Commissioner Sides moved, Commissioner Barber seconded and the vote to approve the Soil Erosion and Sedimentation Control Ordinance passed unanimously.

6. SELECTION OF ENGINEERING CONSULTANT FOR SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE / CONSIDER ADOPTION OF FEE SCHEDULE FOR SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE

Planning and Development Director Ed Muire reported that five (5) engineering firms provided Statements of Qualifications (SOQ) in response to the County's Request for Proposals (RFP) to provide erosion control plan review. Mr. Muire said Staff had conducted interviews with two (2) of the engineering firms and was recommending the County use Chas H. Sells, Inc. for erosion control plan review on an as needed basis. Mr. Muire said Dan Brewer from the firm was present.

Mr. Muire said Staff recommended the Board allow County Staff to negotiate a contract with Chas H. Sells, Inc. for erosion control plan review services and that the County Manager be allowed to sign the contract.

Commissioner Sides moved, Commissioner Barber seconded and the vote to approve Chas H. Sells, Inc. for the engineering consulting contract passed unanimously.

Commissioner Sides moved approval of the erosion control plan fee schedule. The motion was seconded by Commissioner Barber and carried unanimously.

7. CONSIDER APPROVAL OF SNIA 01-08 PERMIT APPLICATION

Planner Andy Goodall reported that applicant, Tom Daley, had submitted a Special Non-Residential Intensity Allocation (SNIA) request for impervious coverage in the Coddle Creek watershed. Mr. Goodall said the site plan in the agenda packet proposed that impervious coverage would be 67% of the property. Staff recommended approval of the request.

Commissioner Barber moved approval of SNIA 01-08. The motion was seconded by Commissioner Sides and passed unanimously.

8. CONSIDER PRIVATE ROAD APPROVAL FOR THE WOODLANDS AT OLD BEATTY FORD

Planner Andy Goodall said Weiss Properties, Inc. was requesting approval to construct a private street network dedicated to the residents of the proposed development. Mr. Goodall said the development would be gated and would have a maintenance agreement to cover road improvements as required by the subdivision ordinance. Staff recommended approval of the request.

Commissioner Barber moved, Chairman Chamberlain seconded and the vote for approval of The Woodlands at Old Beatty Ford passed unanimously.

9. UPDATE REGARDING LAND USE PLAN WORKSHOPS

Planning and Development Director Ed Muire provided a brief power point presentation as he reported on two (2) upcoming workshops for the Land Use Plan (LUP) process. Mr. Muire said the first workshop would be held July 10, 2008 from 5:00 pm to 8:00 pm in the West Rowan High School cafeteria. The second workshop would be July 15, 2008 from 5:00 pm to 8:00 pm in the South Rowan High School cafeteria.

Vice-Chairman Mitchell encouraged those interested in the process to attend the workshops. Vice-Chairman Mitchell also suggested that a link be posted on the County's Website regarding the workshops.

Mr. Muire reported that two (2) notices regarding the workshops would be published in the Salisbury Post.

Commissioner Sides said that while he had been removed from the LUP process, he had been disturbed by some of the information he had read. Commissioner Sides said he felt that the Committee had somewhat strayed from the original plans for the process. Commissioner Sides said he would like for the Board to establish a closing date and place a time limit on getting the plan submitted to the Planning Board, and ultimately to the Commissioners for a vote.

Commissioner Sides said he would like for the plan to be submitted before the first of December so that the current Board could vote on the plan.

In response to a query from Commissioner Barber, Mr. Muire said the project was still within its budget. Mr. Muire estimated that there was approximately \$4500 remaining and most of the remaining costs for the project would be in the production of the report. Mr. Muire said he hoped to have a digital product that could be posted on the County's Website.

Vice-Chairman Mitchell agreed that he would like to see the plan submitted to the Board before any of the current Commissioners left office in December.

Mr. Muire said he would advise those involved regarding the Board's request to move the document forward.

Chairman Chamberlain said he had talked with Staff and as much as it was within his power, the current Board would vote the document up or down.

Commissioner Hall asked if Benchmark had commented as to how long it took to complete a land use plan. Mr. Muire replied no; he said early in the process some items moved quickly and Benchmark had stepped back to allow staff to meet independently with the committee. Mr. Muire said the previous attempt to create a land use plan had "left out" the committee in the process. Mr. Muire said the current group had been very involved and a good group to work with.

10. CONSIDER APPROVAL OF INTERLOCAL AGREEMENT WITH CITY OF SALISBURY FOR JUSTICE ASSISTANCE GRANT PROGRAM

Major Tim Bost from the Rowan County Sheriff's Department was in attendance to answer any questions the Board might have regarding the proposed agreement for the Justice Assistance Grant (JAG).

Commissioner Sides moved, Commissioner Hall seconded and the vote for approval of the Memorandum of Understanding passed unanimously.

Vice-Chairman Mitchell called for a short recess at 5:10 pm.

Vice-Chairman Mitchell reconvened the meeting at 5:20 pm.

11. CONSIDER APPROVAL OF BUDGET AMENDMENTS

County Manager Gary Page reviewed the budget amendment for RDH Tire and explained that funding for the project was at the expense of RDH Tire and other agencies.

Commissioner Sides commented that at the conclusion of the project the water lines would be turned over to the City of Salisbury free of charge.

Commissioner Sides moved approval of the budget amendment. The motion was seconded by Chairman Chamberlain and passed unanimously.

Commissioner Sides moved approval of the Capital Project Ordinance. The motion was seconded by Chairman Chamberlain and carried unanimously.

12. CONSIDER APPROVAL OF BOARD APPOINTMENTS
TOURISM DEVELOPMENT AUTHORITY (TDA)

Suzanne Jones, (Holiday Inn), and Paul Steven Hall, (Hilton Corporation/Hampton Inn), submitted applications to fill the vacancy of the hotel representative. The term would be for two (2) years, effective July 1, 2008 through June 30, 2010.

The following applications were received for consideration in filling the sites and attractions positions:

- Wendy Wilson (Lazy 5 Ranch)
- Michelle Patterson (Patterson Farms)
- Jeff Hall (reappointment) (Rowan Public Library)
- Randy Hemann (Downtown Salisbury, Inc.)
- Jack Thomson (Historic Salisbury Foundation)
- Kelly Alexander (reappointment) (Transportation Museum)

The term would be for two (2) years beginning August 1, 2008 and expiring July 31, 2010.

Commissioner Barber nominated Suzanne Jones.

Chairman Chamberlain nominated Paul Steven Hall.

The nomination for Ms. Jones failed 1-4 with Commissioner Barber supporting.

The nomination for Mr. Hall passed 4-1 with Commissioner Barber dissenting.

Commissioner Barber nominated Jeff Hall and Michelle Patterson.

Commissioner Sides moved to close the nominations. Chairman Chamberlain seconded, and the motion passed unanimously.

The nominations for Jeff Hall and Michelle Patterson passed unanimously.

JUVENILE CRIME PREVENTION COUNCIL (JCPC)

Lisa Kraft, Terry King and Allene McNeil's terms ended on June 30, 2008. At the June 16, 2008 Commission Meeting, the Board requested additional applications for consideration. As of this date, no additional applications were received and Ms. McNeil withdrew her application.

Commissioner Barber nominated Lisa Kraft for reappointment and the nomination passed unanimously.

Vice-Chairman Mitchell explained the section of the Resolution adopted by the Board in 1999 that addressed unexcused absences. Vice-Chairman Mitchell said the following individuals had missed more than 25 percent (25%) of the meetings:

- John Gray
- John Cowan
- Mike Adkins

Chairman Chamberlain made a motion to remove these individuals from the JCPC. Commissioner Sides seconded and the motion passed unanimously.

ROWAN KANNAPOLIS ABC BOARD

Ken Argo submitted an application for reappointment. The term would be for two (2) years beginning August 1, 2008 and expire July 31, 2010.

Chairman Chamberlain nominated Ken Argo, and the nomination passed 3-2 with Commissioners Hall and Sides dissenting.

ROWAN CABLEVISION BOARD OF DIRECTORS

The Commissioners authorized the establishment of this board in 2005 to manage the government/education channel. David Boling and Jeff Hall submitted applications for reappointment. The terms would be for three (3) years beginning August 1, 2008 and expiring July 31, 2011.

Commissioner Barber nominated David Boling and Jeff Hall and the nominations passed unanimously.

ROWAN COUNTY THERAPEUTIC RECREATION BOARD

Ms. Scott Rhodes' term ended June 30, 2008 and she does not wish to be reappointed. Dr. Pat Whitley submitted an application to fill this vacancy. The term would be for three (3) years beginning August 1, 2008 and expiring July 31, 2011.

Commissioner Sides nominated Pat Whitley and the nomination passed unanimously.

CHINA GROVE ZONING BOARD OF ADJUSTMENT

The Town of China Grove recommended the appointment of Miranda Scott to serve as an ETJ member of the Zoning Board of Adjustment. The term would be for three (3) years beginning July 1, 2008 and expiring December 31, 2011.

Commissioner Sides nominated Miranda Scott and the nomination passed unanimously.

SENIOR SERVICES ADVISORY COUNCIL (SSAC)

The Senior Services Department recommended the appointment of Raymond Raper, Jr. to fill a vacancy. The term would be for three (3) years beginning July 1, 2008 and expiring June 30, 2011.

Chairman Chamberlain nominated Raymond Raper, Jr. and the nomination passed unanimously.

NURSING HOME ADVISORY COMMITTEE

Barbara Mallett was appointed at the June 16, 2008 Commission Meeting for a term of three (3) years ending on June 30, 2011. According to the bylaws of the SSAC, Ms. Mallett should have been appointed to serve a one (1) year term initially. The correct term should be for one (1) year beginning June 1, 2008 and expiring May 31, 2009.

Commissioner Sides moved to adjust the term ending date to May 31, 2009. Commissioner Barber seconded and the motion passed unanimously.

SALISBURY ROWAN HUMAN RELATIONS COUNCIL (HRC)

James Faust submitted a resignation to the HRC leaving one County vacancy. The HRC does not have any recommendations at this time. Mr. Faust's term ends on December 31, 2009.

Chairman Chamberlain moved to accept the resignation, Commissioner Sides seconded and the motion passed unanimously.

CRIMINAL JUSTICE PARTNERSHIP PROGRAM

Phillip Leonard submitted an application for reappointment. The term would be for three (3) years beginning July 1, 2008 and expiring June 30, 2011.

Commissioner Barber nominated Philip Leonard and the nomination passed unanimously.

ROWAN COUNTY HOUSING AUTHORITY (Authority)

Samuel A. Washington resigned from the Authority on February 20, 2008. The County Manager's Office recently learned of this resignation; therefore, no applications have been solicited to fill this vacancy. Mr. Washington's term was scheduled to expire September 30, 2009.

Commissioner Sides moved to accept Mr. Washington's resignation, Chairman Chamberlain seconded and the motion passed unanimously.

Vice-Chairman Mitchell noted that an advertisement for vacancies would be needed for several boards.

13. SELECTION OF VOTING DELEGATE FOR NCACC

Vice-Chairman Mitchell said Commissioners Hall and Sides would be attending the annual North Carolina Association of County Commissioners (NCACC) meeting in August and the Board needed to select a voting delegate for the meeting.

Commissioner Hall nominated Commissioner Sides to be the Board's voting delegate and the nomination passed unanimously.

Commissioner Sides asked that Board members provide him with input regarding items of interest. Commissioner Sides said he would like to vote based on the majority of the Board and not individual preferences.

14. CONSIDER APPROVAL OF REVISIONS TO LEASE FOR CAROLINA AVIONICS

Commissioner Sides reviewed the minor revisions to the lease for Carolina Avionics (the original lease was approved during the June 16, 2008 Commission Meeting).

Commissioner Sides explained that the Lessee wished to lease another separate hangar (#18) for use as a limited Fixed Base Operator (FBO); however current hangar leases only provided for the storage of aircraft. The revised FBO lease addressed the issue and encompassed the hangar in question.

Commissioner Sides moved to accept the lease for Carolina Avionics. Commissioner Hall seconded and the motion passed unanimously.

15. DISCUSSION REGARDING STAFF RESEARCH INTO HOLDING COMMISSION WORK SESSIONS

(Vice-Chairman Mitchell changed this agenda item at the beginning of the meeting to item #15.1.)

Vice-Chairman Mitchell said he would like to see the Board replace one of its monthly action meetings with a work session. Vice-Chairman Mitchell said he was not interested in increasing the number of monthly meetings but would like more time to discuss agenda items without the pressure of making a decision. Vice-Chairman Mitchell said his preference would be that no action be taken at the first meeting on items presented and that decisions would be made at the second meeting of the month. Vice-Chairman Mitchell sought consensus of the concept from the Board before asking the Manager to meet with staff on the issue.

Commissioner Sides felt the suggestion was a good idea and said he looked forward to having two (2) weeks to review materials. Commissioner Sides said he would like for Staff to bring suggestions for the work sessions back to the Board.

Commissioner Barber said he liked the idea and suggested modifying the process by which items from the Planning Board are brought to the Commissioners. Commissioner Barber said items that are unanimously approved by the Planning Board would not need to come before the Commissioners unless a member of the public appealed the decision.

Vice-Chairman Mitchell said he had no problem with staff looking at the way items came to the Commissioners from the Planning Board; he said his proposal was not to change the current process of the Planning Board.

Commissioner Sides felt Commissioner Barber's suggestion should be a separate issue.

Chairman Chamberlain said he would not be favor of allowing an advisory board to make any final decisions. Chairman Chamberlain said the Board could discuss Commissioner Barber's suggestion at a later time. Chairman Chamberlain said Vice-Chairman Mitchell's suggestion was a good idea.

Commissioner Sides said a lot of time would be eliminated at the second meeting because many of the questions would have been handled in the work session.

Vice-Chairman Mitchell said it would allow the Board to compromise over a period of time and the action sessions would flow more smoothly.

Vice-Chairman Mitchell instructed the County Manager to meet with staff and present information back to the Board.

ADDITION

15.2 RESOLUTION IN SUPPORT OF SENATE BILL 2149

Vice-Chairman Mitchell read the Resolution in support of Senate Bill 2149.

Commissioner Barber commented on paragraph 4 and recommended inserting the term "unanimous" before the word opposition.

Commissioner Sides moved acceptance of the change.

Vice-Chairman Mitchell asked if the motion included acceptance of the Resolution in whole and Commissioner Barber responded yes. Commissioner Sides seconded and the motion passed unanimously.

RESOLUTION IN SUPPORT OF SENATE BILL 2149 TO RESTORE THE PRE-1959 ANNEXATION LAW IN ROWAN COUNTY

WHEREAS, North Carolina General Statutes allow municipalities to annex properties through a process commonly referred to as “forced annexation”; and

WHEREAS, the residents under consideration for forced annexation must face a local government action for which they have no vote or elected representation; and

WHEREAS, a House Select Committee has reviewed current annexation laws and recommended to the House that current laws be changed to implement a voting mechanism for the residents of the proposed area to be annexed; and

WHEREAS, the Rowan County Board of Commissioners, met in regular session on November 5, 2007 and went on record in unanimous opposition to current state laws allowing forced annexation; and

WHEREAS, Senate Bill 2149, which is specific to Rowan County, would restore pre-1959 annexation law to allow for a vote of the citizens from the area proposed for annexation.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners for Rowan County unanimously support Senate Bill 2149 to restore the pre-1959 annexation law in Rowan County by requiring a referendum on annexation on petition of the residents being annexed, to allow the city to provide for a referendum on annexation, and to prevent any city located primarily outside Rowan County from annexing in Rowan County under the new law.

BE IT FURTHER RESOLVED, that the Board of Commissioners for Rowan County unanimously and whole-heartedly supports Senate Bill 2149 in an effort to protect the quality of life in Rowan County and to provide every citizen with the basic American principle - the right to vote.

Vice-Chairman Mitchell thanked the Board for the opportunity to preside over the meeting.

16. ADJOURNMENT

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 5:45 pm. The motion was seconded by Commissioner Sides and passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board