

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
September 2, 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, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Chamberlain convened the meeting at 4:00 pm.

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the minutes of the August 18, 2008 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

- Commissioner Barber moved to add a discussion regarding a public hearing related to a parcel of property in Speedway Business Park. Commissioner Mitchell seconded and the motion carried unanimously.

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

- Chairman Chamberlain moved to add a brief discussion concerning a Proclamation for Patriot Day. The motion was seconded by Commissioner Sides and passed unanimously.

Chairman Chamberlain added the issue as agenda item #4a.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

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

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Mitchell 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 September 15, 2008 for Proposed Address Change for Tax Parcel 128 067
- B. Set Public Hearing for September 15, 2008 for Proposed Address Change for Tax Parcel 381 048
- C. Set Public Hearing for September 15, 2008 for Special Consideration of Proposed Road Name of Golden Lane

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:

- Larry Jones discussed his concerns regarding relicensing issues for Alcoa. Mr. Jones said he lived on Park Road off High Rock Lake and was President of the High Rock Lake Association. Mr. Jones said the Association had fought with Alcoa for years over the water levels of the lake. Mr. Jones said there had been huge concessions with Alcoa, the State and other entities involved in the relicensing. Mr. Jones said it had taken approximately four (4) years to reach the proposed terms, which he said were better for the lake, water levels and environmental benefits. Mr. Jones said the Association remained committed to the relicensing settlement agreement. Mr. Jones said the issue that had arisen with Stanly County had delayed the licensing process and he said the "delay is hurting us". Mr. Jones said he did not want to see the new license distorted and turned around by the hidden interests in Stanly County. Mr. Jones said he would like for the Board to stand behind the relicensing as had been previously stated.

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

3. QUASI-JUDICIAL PUBLIC HEARING FOR PCUR 02-08

Chairman Chamberlain read the Chairman's Speech (Exhibit A) and declared the public hearing for PCUR 02-08 to be in session. Chairman Chamberlain said the

hearing would focus on an application submitted by Robert Harris for property owned by Kay Robertson located at 1680 Long Ferry Road. The purpose of the application was to rezone a 5½ -acre tract from Rural Agricultural to Commercial, Business, Industrial (CBI) with a Conditional Use District (CUD) to accommodate a mini-warehouse on Tax Parcel 051-018.

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) regarding the property in question. Mr. Stewart said applicant, Robert Harris, had a contract to purchase the property from Kay Robertson subject to the rezoning approval.

Mr. Stewart said the property was approximately 5-½ acres extending 1750' deep off Long Ferry Road. Mr. Stewart said Mr. Harris was asking for the rezoning in order to accommodate a 20' x 100' mini-warehouse. Using the power point presentation (Exhibit C), Mr. Stewart described the site, as well as the surrounding areas.

Mr. Stewart said the adjoining tract was currently under Mr. Harris' ownership and housed his construction/storage business. Mr. Stewart said a good portion of the property was devoted to the storage of equipment and raw materials.

Mr. Stewart said there was currently a duplex on the front of the lot, and he highlighted other businesses and residences located in the area.

Mr. Stewart referred to the information in the agenda packet and said that Attachment B of the Staff Report (Exhibit B) included Mr. Harris' responses in terms of the evaluation criteria. Mr. Stewart said Attachment C of the Staff Report (Exhibit B) contained the Planning Board's recommendation for the Statements of Consistency and Reasonableness. Mr. Stewart said the last page of the Staff Report (Exhibit B) contained a checklist for the Board to consider as it rendered a decision.

Mr. Stewart said Staff recommended approval of the request to rezone the first 500' from Long Ferry Road as opposed to the entire 1,750' parcel depth, which totaled approximately 1.65 acres. Mr. Stewart said the Planning Board concurred with Staff's recommendation.

The Board had no questions for Mr. Stewart.

The petitioner, who had been sworn in, did not wish to provide testimony in the case.

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

Commissioner Mitchell said he did not notice any restrictions, other than those on the lot size and Mr. Stewart said this was with Attachment A of the Staff Report (Exhibit B) as conditions.

Mr. Stewart said Staff had not received any opposition to the request.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the Statement of Reasonableness and the Statement of Consistency passed unanimously.

The Statement of Reasonableness read as follows:

1. Current zoning standards for the RA districts allow a wide-range of non-residential uses, (subject to meeting the special requirements) exhibiting more impacts than those typically associated with mini-warehouses. Permitting this low-impact use is only a slight deviation in the list of permitted home-based business.
2. Anticipated impacts seem to center on visibility, while traffic and nuisance impacts are not a factor. Based on the proposed location, this structure will be highly visible to one residence and slightly to another. Furthermore, this use is much smaller in scale than the adjoining business considering all the structures and associated outdoor storage.

The Statement of Consistency read as follows:

Although the county does not have an adopted land-use plan, the CBI zoning district has provisions for small-scale requests that have been evaluated and deemed to not have significant impacts on surrounding properties. With minimal anticipated impacts, as suggested by the Staff Report, this request will not significantly impact surrounding properties.

Commissioner Mitchell moved approval of PCUR 02-08. The motion was seconded by Commissioner Barber and passed unanimously.

4. CONSIDER AWARDING TRANSIT MANAGEMENT SERVICE TO MV CONTRACT TRANSPORTATION, INC.

Finance Director Leslie Heidrick reported that the Rowan Transit System (RTS) Advisory Committee had requested service proposals to secure a professional transportation management company for the County fleet of 28 RTS transit vehicles. Proposals were received from MV Contract Transportation, Inc. at a price proposal of \$1.644/mile in the first contract year, and from First Transit, Inc. at a price proposal of \$1.98/mile.

Ms. Heidrick explained that MV Contract Transit is the current contractor who was awarded the contract on October 1, 2003 with the expiration date of September 30, 2008. RTS agencies have a fairly high level of satisfaction with their management services.

Ms. Heidrick said in the Request for Proposals (RFP) it was stated that Rowan County would offer an initial three (3) year agreement and with satisfactory performance, the agreement could be extended for two (2) additional one-year periods.

Ms. Heidrick said the RTS Advisory Committee recommended awarding the transit management service to MV Contract Transportation, Inc. at the price proposal of \$1.644/mile in the first contract year.

Commissioner Sides moved, Commissioner Hall seconded and the vote to award the contract to MV Contract Transportation, Inc. as recommended passed unanimously.

ADDITION

4a. CONSIDER APPROVAL OF PROCLAMATION REGARDING PATRIOT DAY

Chairman Chamberlain provided a brief history regarding Patriot Day and he then read the following Proclamation for the Board's consideration:

PATRIOT DAY
A DAY OF REMEMBRANCE
SEPTEMBER 11, 2001

WHEREAS, on Tuesday September 11, 2001, terrorists attacked the United States of America in a series of senseless, cowardly, and despicable acts of war, directed at innocent men, women and children in the World Trade Center complex in New York City, the Pentagon in Washington D.C. and on board four passenger jets, resulting in the tragic loss of life of thousands of U.S. citizens and foreign nationals and;

WHEREAS, in the aftermath of the attacks, the people of the United States stood united in providing support for those in need, inspired by the heroic sacrifices of our firefighters, rescue and law enforcement personnel, military service members, and other citizens and;

WHEREAS, September 11th should not only be remembered as a day of great tragedy but also as a day of triumph, courage, kindness, love, hope and freedom, and as a reminder of the newfound unity, focus and strength in our Nation.

WHEREAS, by U.S. House Joint Resolution 71 signed into law on December 18, 2001 (Public Law 107-89), Congress authorized and requested the President to designate September 11th of each year as "**Patriot Day**" and call upon state and local governments to observe **Patriot Day** by displaying the flag of the United States at halfstaff and by observing a moment of silence at 8:46 a.m. marking the first plane crash and;

NOW, THEREFORE, BE IT RESOLVED, that the Rowan County Board of Commissioners do hereby declare September 11, 2008 as

Patriot Day

in Rowan County and encourage all citizens to honor and respect the innocent victims of September 11th and to salute the heroism of public safety and rescue workers, volunteers, local officials, and those who responded to the tragic events with courage, selfless compassion, determination and undying patriotism.

Commissioner Sides moved to approve the Proclamation. The motion was seconded by Commissioner Hall and passed unanimously.

5. UPDATE REGARDING NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS

Commissioner Sides provided the Board with a brief update regarding the North Carolina Association of County Commissioners (NCACC) Conference, which was held in Craven County August 21-24, 2008. Those who attended the conference were Commissioners Sides and Hall and County Manager Gary Page.

Commissioner Sides said he had always thought it was a waste of money to attend the NCACC conferences; however, he had decided to attend this year due to items of concern to him. Commissioner Sides said counties stood a better chance of achieving a goal with the concerted effort of all 100 counties working together.

Commissioner Sides expressed appreciation to the Craven County Staff for hosting the Conference. Commissioner Sides said Craven County employees had seen to every need of the NCACC visitors.

Commissioner Sides said a new NCACC President and 2nd Vice President had been elected at the Conference and that he had had the opportunity to talk with each of them individually. Commissioner Sides said he had talked with other county commissioners while there and realized the issues amongst the counties were the same, regardless of a county's size. Commissioner Sides said the benefit was to discover that there were issues that could be addressed collectively by all counties.

Commissioner Sides reported that as the County's voting delegate, he had voted for the 2nd Vice President for the NCACC. Commissioner Sides also reported that two (2) resolutions were presented for consideration. The first resolution was to recognize Craven County for hosting the conference. The second resolution dealt with the Alcoa relicensing issue, which he said basically stated that the counties were asking the State to look further into the relicensing issue. Commissioner Sides said when he voted, he had kept in mind that he represented the full Board and that the resolution had nothing to do with the

Board's previous action. Commissioner Sides said a study commission had been appointed back in July to look at the issue. Commissioner Sides said the commission had voted unanimously to submit a bill to the legislature to have the relicensing matter reviewed. Commissioner Sides said the bill was voted on by all 50 Senators and 114 Legislators and all had supported the bill. Commissioner Sides said the Governor had signed the bill. Commissioner Sides felt it was historic to find an issue to receive such support. Commissioner Sides again said the resolution did not change anything that had been done in the past and that he had voted in support to have the State take a "hard look at all the issues relating to the relicensing agreement."

Commissioner Hall praised Commissioner Sides for providing the Board with an exceptional summary of what had transpired at the Conference. Commissioner Hall also praised Craven County for a wonderful job of hosting the event. Commissioner Hall said there was a parade of county flags with all 100 counties participating and that it had been special to hear the Marine Corp Band play during the parade of flags

ADDITION

5a. DISCUSSION REGARDING OFFER TO PURCHASE LOT IN SPEEDWAY BUSINESS PARK

County Manager Gary Page said the County had received an offer to purchase lot #5 in Speedway Business Park and he asked the Board to schedule a public hearing for September 15, 2008 to consider an economic development project.

Commissioner Sides said the offer was for the minimum price posted on the County's Website. Commissioner Sides said he felt it would be proper to leave the property open for upset bids for ten (10) days. Chairman Chamberlain responded that the Board would hold the public hearing on September 15, 2008 and if the purchase was presented as an economic project, it would not require the upset bid process. Chairman Chamberlain said the Board could specify whether it wished the purchase to go through the upset bid process.

Commissioner Sides said because the property did not meet the level of the County's policy for economic incentives, the offer should remain open for ten (10) days.

Chairman Chamberlain said "that will be part of the discussion when the time comes".

Commissioner Barber moved to set a public hearing for September 15, 2008. The motion was seconded by Commissioner Mitchell and passed unanimously.

6. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Cooperative Extension – To recognize reserved funds from FY 2008-09. The funds were received by the Department for a specific purpose. The funds that are not spent at year-end are budgeted for expenditure in the new fiscal year - \$66,380
- EMS - To recognize reserved funds from FY 2008-09. The funds were received by the Department for a specific purpose. The funds that are not spent at year-end are budgeted for expenditure in the new fiscal year - \$4,077
- Health Department – Additional funding for WIC Program - \$18,673
- Senior Services - To recognize reserved funds from FY 2008-09. The funds were received by the Department for a specific purpose. The funds that are not spent at year-end are budgeted for expenditure in the new fiscal year - \$22,531
- Senior Services – To revise budgeted revenues and expenditures to reflect grant amounts released after County budget deadlines - \$22,170
- Sheriff's Department - To recognize reserved funds from FY 2008-09. The funds were received by the Department for a restricted purpose. The funds that are not spent at year-end are budgeted for expenditure in the new fiscal year - \$141,425
- Social Services – Funding for the Subsidized Child Care Program was less than the original estimate from the State - \$424,724
- Social Services – Administrative funding from the Division of Child Development for a Social Worker I position was not approved - \$50,417
- Social Services – The TANF Domestic Violence allocation is less than the state had estimated earlier - \$1,643
- Social Services - To recognize reserved funds from FY 2008-09. The funds were received by the Department for a restricted purpose. The funds that are not spent at year-end are budgeted for expenditure in the new fiscal year - \$111,940
- Soil & Water – To budget the High Rock Lake Assessment Grant and EPA 319 Grant. Both grants were approved in prior years. The budget amendment will allow the grants to be carried over to fiscal year 2009 - \$23,378
- Tax Administration – To appropriate revenues and expenditures for audited discoveries - \$135,480
- Library - To recognize reserved funds from FY 2008-09. The funds were received by the Department for a restricted purpose. The funds that are not spent at year-end are budgeted for expenditure in the new fiscal year - \$46,713
- Parks - To recognize reserved funds from FY 2008-09. The funds were received by the Department for a specific purpose. The funds that are not spent at year-end are budgeted for expenditure in the new fiscal year - \$109,194

Commissioner Mitchell moved approval of the budget amendments. The motion was seconded by Commissioner Barber and carried unanimously.

7. CONSIDER APPROVAL OF BOARD APPOINTMENTS
ROWAN COUNTY TOURISM DEVELOPMENT AUTHORITY

Dan Peters and Jim Cowden's terms end August 31, 2008 and both requested reappointment. At the August 4, 2008 Commission Meeting, the Board requested additional applications for consideration. One (1) additional application was received from Millie Cress. There are currently two (2) At-Large positions to be filled.

The terms are for two (2) years beginning September 1, 2008 and expiring August 31, 2010.

Commissioner Sides nominated Dan Peters and the nomination carried unanimously.

Commissioner Barber nominated Mille Cress and the nomination passed unanimously.

CENTRALINA WORKFORCE DEVELOPMENT BOARD (CWDB)

Nancy Bilson completed her term on June 30, 2008. Centralina recommended Heidi Whitesell to serve as the Private Sector/Business representative to replace Ms. Bilson. The term would be for two (2) years beginning July 1, 2008 and expiring June 30, 2010.

Centralina also recommended the reappointment of Pamela Cordts for a term of two (2) years beginning July 1, 2008 and expiring June 30, 2010.

Commissioner Barber nominated Heidi Whitesell and the nomination passed unanimously.

Commissioner Barber nominated the reappointment of Pamela Cordts and the nomination passed unanimously.

CLEVELAND PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT

The Town of Cleveland recommended the reappointments of Ray Davies as an ETJ member and Roy Hauss as an alternate ETJ member. The terms would be for three (3) years beginning September 1, 2008 and expiring August 31, 2011.

Chairman Chamberlain delayed these appointments until completed County board applications could be received.

ADULT CARE HOME ADVISORY COMMITTEE

Jena Hare submitted an application for reappointment. The term would be for three (3) years beginning October 1, 2008 and expiring September 30, 2011.

Commissioner Sides nominated Jena Hare and the nomination passed unanimously.

8. ADJOURNMENT

There being no further business to come before the Board, Commissioner Hall moved to adjourn at 4:46 pm. The motion was seconded by Commissioner Mitchell and passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board