

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
March 2, 2009 – 4:00 PM
J. NEWTON COHEN, SR. ROOM
J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING**

Present: Carl Ford, Chairman
Jon Barber, Vice-Chairman
Raymond Coltrain, Member
Tina Hall, Member
Chad Mitchell, Member

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

Chairman Ford convened the meeting at 4:00 pm.

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the minutes of the February 16, 2009 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

Commissioner Coltrain moved to add a discussion regarding the euthanasia process at the animal shelter. The motion was seconded by Commissioner Barber and passed unanimously.

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

Commissioner Mitchell moved to add a discussion pertaining to the proposed Land Use Plan (LUP). Commissioner Mitchell said the Board had agreed at its annual retreat to establish a date for a courtesy hearing for the proposed LUP. The motion was seconded by Commissioner Barber and passed unanimously.

Chairman Ford added the issue as agenda item #9a.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Barber moved approval of the agenda. The motion was seconded by Commissioner Coltrain and passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

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

The Consent Agenda consisted of the following items:

- A. Set Public Hearing for March 16, 2009 for TEMP 01-08 Amendment for HS&E, Inc.
- B. Approval of Rowan Public Library’s 2009 Annual Book Sale
- C. Approval of Settlement Agreement with Salisbury Hospitality, Inc.
- D. Approval of Proclamation for Severe Weather Awareness Week

PROCLAMATION
 SEVERE WEATHER AWARENESS WEEK
 MARCH 1 - 7, 2009

WHEREAS, emergency preparedness is a function of government, dependent upon the leadership of executive officers and the efforts of many career first responders and volunteers; and

WHEREAS, weather hazards can be extremely severe resulting in deaths, injuries, and extensive property damage; and

WHEREAS, severe thunderstorms, that bring damaging winds, lightning, flash floods, and tornadoes, frequent the spring and summer Rowan County landscape and have often placed in jeopardy lives and property; and

WHEREAS, under the coordination of the National Weather Service with the strong support of the State of North Carolina, local county emergency management, and a number of state, federal, local, and volunteer agencies and businesses will be informing and educating the public on steps that should be taken to survive the severe weather hazards and the potential disasters that this spring may bring; and

WHEREAS, by taking reasonable precautions, citizens of Rowan County and it's municipalities can reduce the loss of life and property and also decrease the effects of severe weather on our local resources and economy.

NOW, THEREFORE BE IT RESOLVED that the Rowan County Board of Commissioners does hereby proclaim March 1-7, 2009 to be:

SEVERE WEATHER AWARENESS WEEK

in Rowan County, and urges all citizens to cooperate wholeheartedly with the authorized agencies of our government who will be providing appropriate preparedness information for the 2009 spring and summer season and to avail themselves of all possible assistance for their protection and for the prevention of serious accidents or unexpected disasters during this period.

- E. Set Public Hearing for March 16, 2009 for HOME Action Plan
- F. Approval of Subdivision Guarantee – Sewer Line Extension for the Sunset Pointe Patio Home Lots (S 08-04)

2. PUBLIC COMMENT PERIOD

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

- Rod Whedbee discussed fiscal responsibility and said with the County's budget already overextended, the Board was getting ready to purchase items the County could not afford. Mr. Whedbee said it was not an act of faith to purchase something with the hope of having a greater income in the future. To emphasize his point, Mr. Whedbee provided the Board with five (5) NC education lottery tickets and said the tickets were as good as money in the bank. Mr. Whedbee encouraged the Board to pay cash from Fund Balance for proposed capital projects, or to wait.
- Jack Fisher referred to agenda item #10 (Discussion Regarding Wilcox Bridge) and said the bridge was in dire need of repairs. Mr. Fisher estimated the bridge would take \$2 million to repair and he said he did not see how the County could afford to take it on. Mr. Fisher also discussed the Land Use Plan (LUP) and recommended that the Board consider the work of the Steering Committee and the Planning Board. Mr. Fisher felt if the Board must adopt a LUP, it should accept the plan submitted by the Planning Board.
- David Ingram provided the Board with a handout and began discussing conditions surrounding Blandy Hardwoods. County Attorney Jay Dees interjected that the information being discussed was intended for agenda item #4 (Quasi-Judicial Hearing for Z 22-03 and CUP 10-04 Amendment). Mr. Dees said the Board could not use the information Mr. Ingram had just presented and that if Mr. Ingram wished to return to the podium during the public hearing, the Board could accept the information at that time.

3. PUBLIC HEARING FOR FY 2010 COMMUNITY TRANSPORTATION GRANT

Senior Services Director Clyde Fahnestock highlighted the funding request for the FY 2010 Community Transportation Program (CTP) grant application as follows:

- Administration – Requesting a total of \$191,959; a 15% County match is required (\$28,794)
- Capital Equipment – Requesting a total of \$180,500; requires a 10% local match (\$18,050)
- Facility Improvement – Requesting a total of \$61,094; requires a 10% match (\$6,109)

Mr. Fahnestock said there were three (3) action steps required by the Board:

1. Conduct a public hearing on the CTP application
2. Adopt the CTP Resolution
3. Approve the Federal Transit Authority Certifications and Assurances

Chairman Ford opened the public hearing to receive citizen input regarding the proposed FY 2010 CTP grant application.

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

Commissioner Barber moved approval of the CTP Resolution as presented. The motion was seconded by Commissioner Coltrain and passed unanimously.

The Resolution was presented as follows:

COMMUNITY TRANSPORTATION PROGRAM RESOLUTION

Applicant Seeking Permission to Apply for Community Transportation Program Funding, Enter Into Agreement With The North Carolina Department of Transportation And to Provide the Necessary Assurances.

A motion was made by (*Board Member's Name*) and seconded by for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis);

WHEREAS, the Rowan County Board of Commissioners hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements which relates to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the (*Authorized Official's Title*)* Rowan County Board of Commissioners is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the Federal Transit Authority Certifications and Assurances passed unanimously.

4. QUASI-JUDICIAL HEARING FOR Z 22-03 AND CUP 10-04 AMENDMENT

Chairman Ford read the Chairman's Speech (Exhibit A) and declared the public hearing for Z 22-03 and CUP 10-04 to be in session. Chairman Ford said the hearing would focus on an application submitted by Andy Frick for his property located at 735 Gin Road. The purpose of the application was to consider establishing a new conditional use district (CUD) and a vested status of five (5) years for the Blandy Hardwoods operation located on Tax Parcel 370-004.

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

Senior Planner Shane Stewart of the Rowan County Planning & Development Department presented the Staff Report (Exhibit B) and a power point presentation (Exhibit C).

Using the power point presentation (Exhibit C) Mr. Stewart oriented the Board with the site in question and also the surrounding areas.

Mr. Stewart explained that on June 6, 2005 the Board of Commissioners approved Z 22-03 and CUP 10-04 for the rezoning of 26 acres from Rural Agricultural (RA) to Industrial with an IND-CUD to allow four (4) dry kilns, a planer and a 15,000 square foot expansion to the existing building for Blandy Hardwoods located at 735 Gin Road in Gold Hill, NC. The request was granted based on compliance with the seven (7) conditions indicated in Attachment A of the Staff Report (Exhibit B).

Mr. Stewart said the property owner, Andy Frick had requested modification to condition #3, "Require asphalt paving along the north side of the existing building to dry kiln locations" and condition #6, "Relocate dry kilns and planer building to a position that is 500' from all property lines". Mr. Stewart said based on the property configuration, the parcel did not have sufficient area to meet the 500' separation standard and therefore must be amended.

Mr. Stewart explained the process for amending conditional use rezonings.

Mr. Stewart continued with the power point presentation (Exhibit C) and said Mr. Frick's revised site plan, Attachment B of the Staff Report (Exhibit B), depicted a proposed location for the improvements, which included four (4) kilns and a boiler facility, a "t" shed for dry storage and a warehouse building to house a planer. Mr. Stewart said the applicant had requested five (5) years for their vested status instead of the default two (2) years for conditional use permits. Mr. Stewart said the change provided the applicant with additional time to complete the desired phased plan without requesting an extension from the Board.

Using the power point presentation (Exhibit C), Mr. Stewart continued showing photographs of the site and surrounding area.

Mr. Stewart said he would not go through the CUP conditions as listed in the Staff Report (Exhibit B); however, he discussed two (2) of the main impacts. The first area of impact pertained to noise. Mr. Stewart reported that he had taken various sound readings and he highlighted those readings as listed in Attachment E of the Staff Report (Exhibit B).

Mr. Stewart used the power point presentation (Exhibit C) to show the area south of the site. Mr. Stewart said at the Planning Board meeting, the issue of additional screening in this area had been discussed. Mr. Stewart said the applicant had since submitted a site plan and using the power point (Exhibit C) he pointed out the areas that included additional evergreens that had already been planted, as well as areas for additional plantings in order to provide more of a screen.

Mr. Stewart said the Statement of Consistency and Statement of Reasonableness were included as Attachment F of the Staff Report (Exhibit B); the checklist for review of parallel conditional use rezonings was also attached.

Mr. Stewart said several individuals had spoken at the Planning Board meeting and were concerned with the proposed expansion but were not totally opposed to the request should screening be implemented.

Mr. Stewart said the Planning Board voted unanimously (10-0) to approve the request with two (2) conditions:

1. Require asphalt paving along the north side of the existing building to dry kiln locations.
2. Provide revised site plan showing screening from properties to the south and southwest.

Mr. Stewart cautioned the Board pertaining to condition one (1), and said the applicant was somewhat amenable to providing some asphalt; however, the Board should question the applicant as to what he was willing to do based on the conditional use permit.

Mr. Stewart said condition two (2) had been complied with, with the exception of the additional pine trees.

Mr. Stewart said Staff supported the request for the 500' separation and the granting of a vested time period five years. Mr. Stewart said Staff recommended keeping the conditions indicated below:

1. Obtain determination from NC DENR that the dry kilns are in compliance with air quality standards prior to construction.

2. Maintain existing trees on site, with the exception of those removed for building expansion and placement of dry kilns.
3. Planer to be enclosed within proposed building.

Mr. Stewart distributed a list of suggested Findings of Fact (Exhibit D) for the Board's review.

Chairman Ford asked if the proposed paving would pose a problem for heavy equipment as opposed to concrete. Mr. Stewart used the power point presentation (Exhibit C) and pointed out the area that was already asphalt. Mr. Stewart said he would defer to Mr. Frick to answer the question.

Commissioner Coltrain asked if paving the area under discussion would create problems regarding surface runoff. Mr. Stewart said with the request being approximately one (1) acre, there would need to be an erosion control plan.

Commissioner Hall asked if Staff was concerned about not including the asphalt requirement. Mr. Stewart said originally Staff was concerned, as paving the area was the only way to avoid a dust problem. Using the power point presentation (Exhibit C), Mr. Stewart showed the site and pointed out areas that could potentially receive additional dust. Mr. Stewart discussed the separation and one area that was currently unpaved and said he did not know if that would be a complete "deal killer".

Commissioner Hall asked if Staff recommended a certain amount of paving and Mr. Stewart said paving along the entrance, extending back to the kilns would not hurt.

Commissioner Coltrain asked if it would eliminate most of the dust and take care of any water problem if the area was graveled and maintained with good-sized rock. Mr. Stewart said it was difficult to know how the graveled area would be maintained; however, he said the Frick's site was one of the better lumberyards. Mr. Stewart said in time, if the road was not well-maintained it would "throw some dust".

Chairman Ford opened the floor to receive testimony from those who had been sworn. Chairman Ford reminded everyone that no hearsay evidence was admissible. The following individuals came forward:

- David Ingram of 780 Gin Road had provided the Board with a handout (Exhibit E) and had also made several comments during Public Comment Period earlier in the meeting. At that time, County Attorney Jay Dees said the Board could not use the information Mr. Ingram had presented and that if Mr. Ingram wished to return to the podium during the public hearing, the Board could accept the information at that time.

Mr. Ingram said he would not go over the information he had discussed during Public Comment Period. Mr. Ingram said since he lived at the southwest corner of the property, a lot of his concern had been with a buffer area of 80' to protect from the dust and the visibility characteristics from his house. Mr. Ingram referred to the Zoning Ordinance and said it was overlooked when the warehouse was built in 2000. Mr. Ingram said if the process had been done properly, the buffer would have been required by the Zoning Ordinance, which required 80' of buffering. Mr. Ingram referred to a previous email he had sent the Board that had included the Ordinance requirements. Mr. Ingram said he believed the Board acted properly in 2000 when making the Type B Buffering and Screening conditions were required. Mr. Ingram asked the Board to uphold conditions 1, 2 and 3 from the original approval in 2005. Mr. Ingram expressed appreciation that Mr. Frick had planted trees three (3) weeks ago along the southern property line. Mr. Ingram said the trees would help but he said he would still like for the Board to follow the ordinance regarding the 80' of separation.

Commissioner Mitchell asked if the application was acceptable to Mr. Ingram, other than the 80' buffer. Mr. Ingram said he had also discussed the paving earlier. Mr. Ingram said a lot of the lumber stacks were within 30' of the property line and there was dust that flowed from the gravel lot. Mr. Ingram said this area was where most of the forklift operations had been. Mr. Ingram also mentioned that the Ordinance specified that the buffer be maintained. He continued by saying 3 ½ years ago when the application was approved, the neighbors waited but received nothing (buffer) until three (3) weeks ago. Mr. Ingram said he was concerned with waiting another five (5) years for requirements and conditions to be met. Mr. Ingram asked that conditions be made effective immediately.

- James Brown said he owned 100 acres adjoining Mr. Frick's property. Mr. Brown said the property had been sold as Residential/Agricultural and Mr. Frick had built the warehouse before he sought a rezoning. Mr. Brown said lived in downtown Salisbury and did not reside on his 100 acres. Mr. Brown said one person had already moved from the area because he suffered from lung cancer and his doctor had advised him not to breathe the atmosphere around Mr. Frick's business. Mr. Brown said Mr. Frick "got a bargain when the other Board agreed to rezone" the property. Mr. Brown said his own children would probably eventually develop his 100 acres for residential and that the property could not be developed as residential with the planer running during the day. Mr. Brown said he was against the request.
- Karen Ingram of 780 Gin Road said her husband, David Ingram, had addressed the Board earlier. Ms. Ingram said she and the neighbors had been at their residences for many years. Ms. Ingram said other neighbors had planned to attend the hearing; however, they were unable to attend

- due to the inclement weather. Ms. Ingram said since the warehouse had been built, she had dealt with early morning traffic, including noise from trucks at 3:00 am. Ms. Ingram said she did not wish for Mr. Frick to expand his business because she did not want to hear the planers or dryers 24 hours per day. Ms. Ingram said the previous Board had approved the Industrial use and she accepted this fact. Ms. Ingram said she had told the Planning Board that she did not wish for Mr. Frick's business to close but she did want to see the 80' screening. Ms. Ingram said there were bright lights along the existing warehouse and there were nights the lights had remained on all night. Ms. Ingram said more screening was needed than just one row of trees. Ms. Ingram referred to the screening in the pictures of her husband's handout (Exhibit E). Ms. Ingram said dust was a significant problem for the Becks, Hortons and Ingrams. Ms. Ingram asked the Board to enforce the paving that was requested and that the Board also hold Mr. Frick to the 400' setback in the site plan and to the 2-year approval. Ms. Ingram asked if the Board approved the requested amendments, that the Board help preserve her property values by enforcing the 80' screening and buffering.
- Andy Frick of Salisbury (applicant) said the request was vital to the existence of Blandy Hardwoods. Mr. Frick said due to the economic situation, times were tough and part of Blandy Hardwoods survival was getting the dry kilns on the yard. Mr. Frick referred to discussions concerning asphalt at the site and said he appreciated the concerns of his neighbors. Mr. Frick said when he bought the property, there was no zoning in Rowan County. Mr. Frick when the property was zoned with Blandy Hardwoods "there", he felt it was zoned improperly. Mr. Frick said Mr. Ingram had mentioned the south side of the building were where much of the lumber operations were run and Mr. Frick said, "that is not so". Mr. Frick said the he has a great relationship with neighbor Jeff Beck and that he encourages Mr. Beck to let him know of any issues he might have with Blandy Hardwoods. Mr. Frick said the dust situation would get better when he moved towards the center of the property and away from property lines. Mr. Frick said he was considering some type of gravel to keep down the dust. Mr. Frick said he had spent a lot of money putting in the asphalt out front. Mr. Frick said in regards to asphalt or gravel, he would have to consider the most "profitable" means based on the economy and the survival of Blandy Hardwoods.

Commissioner Mitchell asked for further indication of what Mr. Frick was planning concerning screening for the 80' buffer on the south side and moving the lumber stacks. Mr. Frick said the lumber would be shifted to the other side of the building where the dry kiln operation would be. Mr. Frick referred to the screening and said, "you're tearing up" thousands of dollars of work that he was not currently willing to do as he felt it was unnecessary.

Commissioner Mitchell asked if Mr. Frick would accept a condition of moving all operations including the lumber stack 80' from the southern property line. Mr. Frick asked what would be in the 80'. Commissioner Mitchell responded, "Basically no operations". Commissioner Mitchell said in other words, the lumber stacks could not be kept there. Mr. Frick said he would not have a problem with the condition.

Commissioner Coltrain asked Mr. Frick if he would be willing to allow natural vegetation to grow in the area where the lumber stacks were to be moved from. Commissioner Coltrain also questioned the distance of the tree plantings from the property line. Mr. Frick estimated the tree plantings were 12 to 15 feet from the property line and he said there was a large drainage ditch behind the lumber stacks.

Commissioner Coltrain again asked if Mr. Frick would allow natural vegetation to grow in the area where the lumber stacks were to be moved from and Mr. Frick said he did not see it as an issue. Mr. Frick said once everything was moved, there would "hardly be anything over there on that line". Mr. Frick said, "More or less that won't be hardly happening 80' from Mr. Beck's property line, and mine. It would be very limited". Mr. Frick said once the trees grew, the "place would probably be concealed". Mr. Frick said he did not have a problem taking the lumber stacks down within the 80' from Mr. Beck.

Commissioner Coltrain asked if Mr. Frick had checked on the cost of asphaltting the area. Mr. Frick said he had looked into it but had not yet received a total cost. Mr. Frick expressed concern that the pricing would be "way beyond because that is a large area".

Commissioner Coltrain asked if Mr. Frick had checked on the cost of putting gravel in the area and Mr. Frick said he had not yet received the final cost. Mr. Frick said he would weigh the costs between the asphalt and the gravel.

Commissioner Hall asked Mr. Frick to address the lighting issue that had been mentioned. Mr. Frick said if the lights had been on, it would have been by accident. Mr. Frick said there was one (1) light on the south side and two (2) lights on the front that lit up the main asphalt area. Mr. Frick said there were times, but very seldom, that trucks had to be loaded early in the morning. Mr. Frick said Ms. Ingram had discussed being able to hear the trucks at her house but he said he could not hear the trucks from his office. Mr. Frick said the screening should address these issues. Mr. Frick said the lights could be turned off and that he would be sensitive to this issue.

In response to a query from Chairman Ford, Mr. Frick said the lighting was not from dusk to dawn, but just for the times the light was needed.

Commissioner Coltrain asked where most of the dust was coming from on the site and Mr. Frick said the dust was created from hauling the lumber from the south side to the east side. Mr. Frick said he could instruct the truck and forklift drivers to drive "slow in those areas". Mr. Frick said he had never seen where dust was an issue. Mr. Frick said the lumbers stacks were somewhat of a buffer themselves.

With no one else wishing to provide testimony in the case, Chairman Ford closed the public hearing.

Commissioner Mitchell expressed appreciation for the work of the Planning Board, with both sides being in agreement and with very little to be decided in the case.

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

Commissioner Hall asked if there would be any recourse for the neighbors if the lighting issue came back up. County Attorney Jay Dees responded that if the lighting issue was not a condition in the Board's approval, such as limitations when the lights could be on, there was nothing the County would be able to do. Mr. Dees said the Board could look at the hours of operation and place conditions on the lighting. Mr. Dees said the Board could also require directional lighting away from adjoining properties.

Upon being put to a vote, the motion on the floor passed unanimously to approve the Statements of Consistency and Reasonableness.

The Statement of Consistency read as follows:

Although the county does not have an adopted land-use plan, the IND zoning district has provisions for small-scale requests that have been evaluated and deemed to not have significant impacts on surrounding properties. The Board of Commissioners deemed this property and improvements similar to those proposed herein compatible with the surrounding properties on June 6, 2005.

The Statement of Reasonableness read as follows:

The Planning Board finds consensus in the following statements, which suggest this request is reasonable:

1. The approved modifications to this conditional use district are only a slight deviation from the previously approved plan.
2. This site has been in operation since 2000 as a lumber stacking and sorting operation.

3. Current zoning standards for the RA district allow a wide-range of non-residential uses, (subject to meeting the special requirements) including the proposed uses.
4. Several lumber related industries are located within a ½ mile of this site.
5. Based on the impact mitigation conditions of separation standards, planer enclosure, and screening, the expansion should be in keeping with the surrounding area.

Commissioner Mitchell referred to the conditions that were previously included in the conditional use approval:

1. Type B screening required around entire facility. Commissioner Mitchell said he felt the Board should look at the buffering along the south line and use the existing tree cover that was there for the buffering along all others, basically not require buffering in front of the office/house on Gin Road.
2. Require an 80' buffer on the south property line; no development or encroachment except for screening would be allowed in that buffer.
3. Strike number 3 from the Planning Board recommendations (Require asphalt paving along the north side of the existing building to dry kiln locations).

Commissioner Hall said Staff was not specific on the amount of recommended asphalt.

Commissioner Coltrain said if Mr. Frick was moving operations from the east side back towards the north, it would decrease the primary traffic flow through the dusty area. Commissioner Coltrain expressed concern that Mr. Frick might encounter surface water issues if the whole area were to be covered in asphalt. Commissioner Coltrain also said putting gravel in the area would be an ongoing expense and that Mr. Frick would have to determine the best alternative, both short and long-term.

In response to a query from Commissioner Hall, Mr. Stewart said Staff recommended no paving. Mr. Stewart said it would be more realistic to pave a portion of the entrance way.

Mr. Stewart clarified for the Board that a Type B buffer was an 80' area undisturbed, a wooden fence and a row of trees in addition to what Mr. Frick had already planted.

A brief discussion regarding buffering requirements ensued and Commissioner Mitchell said it was not his intention to bring confusion to the discussion by using the term Type B buffering when he would accept the existing buffer with the setback of 80' from the lumber stacks.

Commissioner Mitchell asked the applicant if he was willing to provide additional paving.

Chairman Ford said the Board was only interested in additional paving on the entrance drive.

Mr. Stewart used the power point presentation (Exhibit C) to point out the specific area to be used as the drive. Mr. Stewart showed an area that he said from the Board's perspective, could be widened and paved.

Mr. Frick said one of the drives would be coming from the side of the building and that there would not be a lot of truck traffic and the drive would mostly be used for forklifts. Mr. Frick said the key to the dust issue was the type of stone that would be used and that he would like the opportunity to see which option would be most feasible. Mr. Frick said he would not like to have to pave the area but would be open to it.

Mr. Stewart said an option for the Board to consider was conditional approval and to ask the applicant to bring back a revised site plan in 45 days. Mr. Stewart said the conditional approval would be based on the condition for pavement with a revised site plan that Mr. Frick would bring in and show the areas in question.

Commissioner Coltrain agreed that it would be nice to have the information and he questioned delaying the issue. Mr. Stewart responded that tabling the issue was an option; or the Board could approve the request with the condition to bring back a revised site plan.

Commissioner Mitchell continued to review the approval, subject to the following conditions:

4. Obtain determination from NC DENR that the dry kilns are in compliance with air quality standards prior to construction.
5. Maintain existing trees on site, with the exception of those removed for building expansion and placement of dry kilns.
6. Strike number 6 from the original conditions (Relocate dry kilns and planer building to a position that is 500' from all property lines.
7. Obtain or provide a copy of a commercial driveway permit from NC DOT.
8. Combined decibel levels for the facility may not exceed 70 dba from 7 am until 11 pm and 65 dba from 11 pm until 7 am.
9. Planer to be enclosed by hood or similar noise reducing apparatus.
10. All necessary conditions and improvements completed prior to a final building inspection for any of the structural expansion to the facility.

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

FINDINGS OF FACT:

1. Commissioner Mitchell moved that the development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.

FACT: *By adhering to the approved driveway permit and conditions thereof, this site has a safe and adequate vehicular access for the intended use.*

FACT: *Blandy Hardwoods is located approximately .57 miles away from a water point source sufficient for fire protection as indicated by Alan Cress, Fire Chief of the Rockwell Rural Fire Department.*

The motion was seconded by Commissioner Barber and passed unanimously.

2. Commissioner Mitchell moved 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;

FACT: *No material evidence was presented suggesting this request would injure property values.*

The motion was seconded by Commissioner Barber and passed unanimously.

3. Commissioner Mitchell moved 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: *This request is only a minor deviation from the previous approval in 2005, which was deemed compatible with the surrounding area.*

FACT: *With the exception of the 500' separation standard, rear storage, and the business owner living on the property, this use is permitted by right in the RA zoning district.*

FACT: *Several other lumber related industries are located within ½ mile of this site.*

FACT: *Based on the planer enclosure, separation standards, screening, and the existing building, this expansion will not detract from the character of the surrounding area.*

The motion was seconded by Commissioner Barber and carried unanimously.

Commissioner Mitchell moved approval of the conditional use permit with the following conditions:

1. The Board would wait for a revised site plan to wait for information regarding gravel and the type of gravel, etc.
2. 80' buffer around south property line. No encroachment or development except screening allowed in the buffer.
3. Obtain determination from NC DENR that the dry kilns are in compliance with air quality standards prior to construction.
4. Maintain existing trees on site, with the exception of those removed for building expansion and placement of dry kilns.
5. Obtain or provide a copy of a commercial driveway permit from NC DOT.
6. Combined decibel levels for the facility may not exceed 70 dba from 7 am until 11 pm and 65 dba from 11 pm until 7 am.
7. Planer to be enclosed by hood or similar noise reducing apparatus.
8. All necessary conditions and improvements completed prior to a final building inspection for any of the structural expansion to the facility.
9. Increase vesting period from two (2) years to five (5) years with the applicant's understanding that he would go ahead and work on those southern property line bufferings.

The motion was seconded by Commissioner Barber.

Commissioner Coltrain questioned the five (5) year vesting period and also whether the Board should establish a timeframe for Mr. Frick to return with the revised site plan. Commissioner Mitchell said, and Mr. Stewart also confirmed, that the five (5) year timeframe started "ticking" today.

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

5. CONSIDER APPROVAL OF REVISED ECONOMIC DEVELOPMENT COMMISSION BYLAWS

Economic Development Director Robert Van Geons reviewed the following proposed revisions to the Economic Development Commission's (EDC) bylaws:

- Change in term expiration date to December 31
- Revised schedule of member terms
- Clarification of existing bylaws
- Administrative procedures

Mr. Van Geons asked the Board to adopt the revised bylaws and he also requested that the Board change Harold Earnhardt's term to expire in 2010 and Hayes Smith's term to expire in 2012.

Commissioner Coltrain moved to adopt the changes in the bylaws and the membership terms as recommended.

Commissioner Barber seconded and the motion passed unanimously.

ADDITION

5a. DISCUSSION REGARDING EUTHANASIA PROCESS AT ANIMAL SHELTER

Commissioner Coltrain recalled that during its Retreat, the Board had discussed the euthanasia process used at the animal shelter. Mr. Coltrain reported that if proposed legislation (House Bill 6) to ban gas chambers was passed, it would require additional staff, and also increase the chances of staff being bitten or scratched by unruly animals. Commissioner Coltrain said the mandate would be unfunded by the State and was therefore not in the best interest of the County.

Commissioner Coltrain said the House of Representatives would be voting on House Bill 6 in one (1) week and Representative Fred Steen had asked that the Board send a letter stating its thoughts on the matter. Commissioner Coltrain requested (considered as a motion) that the County Manager be allowed to submit a letter to the County's legislative delegation stating the Board's opposition to House Bill 6.

Chairman Ford expressed concern that citizens wishing to speak to the Board on the issue would not have the opportunity.

Commissioner Hall asked how many counties currently used lethal injections and County Manager Gary Page estimated roughly 75% use some form of gas chamber. Mr. Page said lethal injections seemed a more humane manner to some people; however, he said there were risks in providing individual injections to aggressive animals, feral cats, etc. Mr. Page said his estimate was a guess but most counties predominantly used gas.

Commissioner Hall inquired if any counties used a combination of gas and lethal injections. County Attorney Jay Dees said some counties used a calming injection prior to placing the animals in gas chambers; however, the injection was not required.

Commissioner Hall inquired as to cost estimates for switching to lethal injections. Mr. Page estimated the switch would cost the County at least two (2) additional employees and they would have to be sent to school to be certified.

Commissioner Hall said she had attended a meeting at Rowan Public Library regarding euthanasia and the group at the meeting had claimed there would be no additional costs. Commissioner Hall said it was difficult to know how to vote without exact comparisons. Commissioner Hall said the group had been concerned with the humane treatment of animals.

Mr. Page felt the County was using cheapest, most humane method and also the safest method for staff.

Commissioner Mitchell said the point of opposing House Bill 6 was to say it was not appropriate for the State to mandate lethal injections. Commissioner Mitchell said a letter from the Board opposing House Bill 6 would be appropriate in the fact that it would give the Board options.

Commissioner Hall said she wanted the citizens to know the Board would continue to look at other options, however at this point in time the County could not take on another unfunded mandate.

Chairman Ford said he acquired a cost estimate from another county, which was a quarter of a million dollars a year for additional employees, liability and other expenses.

Chairman Ford asked if there was a second to the motion on the floor.

Commissioner Mitchell seconded and the motion passed unanimously.

6. INFORMATION CONCERNING PROPERTY TAX HOMESTEAD EXCLUSION AND PROPOSED RESOLUTION

Commissioner Barber called Tax Administrator Jerry Rowland, and Real and Personal Property Manager Barbara McGuire, to the podium to assist with the discussion regarding the Property Tax Homestead Exclusion and Proposed Resolution.

Commissioner Barber said a citizen had questioned the Homestead Exclusion and eligibility requirements. Commissioner Barber said the current economic climate had made things more difficult for seniors and veterans. Commissioner Barber highlighted his research regarding the Homestead Exclusion Act.

Commissioner Barber asked for Board support of the following:

1. Ask staff to review current methods of communicating information regarding the Homestead Exclusion to the public, and possibly add additional methods of informing the public.
2. Consider approval of the proposed Resolutions that would ask legislators to include increases for disabled veterans, the elderly or disabled and the base amount income criteria for the Homestead Exclusion.

Commissioner Barber said there was already a Senate Bill in Raleigh, which addressed the exclusions. Commissioner Barber explained each of the proposed Resolutions:

1. Resolution Supporting an Increase to the Exclusion Amount for Disabled Veterans

2. Resolution Supporting an Increase to the Income Criteria for Homestead Exclusion
3. Resolution Supporting an Increase to the Income Criteria and Exclusion Amount for Homestead Exclusion.

Commissioner Barber concluded by asking the Board to support the first Resolution, and either the second or third Resolution. Commissioner Barber said support of the second Resolution would not cost the County any money, but instead open up eligibility to more citizens. Commissioner Barber said the third Resolution could add an additional \$29,000, based on the current number of users, to the County's annual budget.

Commissioner Barber said he preferred for the Board to approve the third Resolution, as it would provide the opportunity for the County to "take the lead" on a program of this type.

Mr. Rowland explained that in order for a citizen to qualify, they must make less than \$25,600 as a combined income, be over 65 years of age, be a North Carolina resident and have lived in the home for over five (5) years as a primary residence. Mr. Rowland said there were more qualified residents in Rowan County than other counties. Mr. Rowland said the information was available on the website but there might be other ways to reach citizens.

In response to Commissioner Coltrain, Commissioner Barber confirmed that approving the Resolution would deduct approximately \$29,000 from tax revenues.

Commissioner Barber moved to support the Resolution Supporting an Increase to Exclusion Amount for Disabled Veterans Homestead Exclusion under G.S. 105-277.1C . Commissioner Coltrain seconded and the motion passed unanimously.

Commissioner Barber moved to support the Resolution Supporting an Increase to the Income Criteria and Exclusion Amount for Homestead Exclusion under G.S. 105-277.1 and G.S. 105-277.1B. Commissioner Coltrain seconded and the motion passed unanimously.

Commissioner Barber said Representatives Steen and Coates should be notified of the approved Resolutions as soon as possible.

Chairman Ford called for a short recess at 6:00 pm.

Chairman Ford reconvened the meeting at 6:15 pm.

7. CONSIDER APPROVAL OF BID FOR PURCHASE OF AMBULANCES

Finance Director Leslie Heidrick reported that seven (7) bid packages were distributed for the purchase of two (2) ambulances for the Rowan County Emergency Services Department. Bids were received from three (3) vendors: First Class Fire Apparatus, Northwestern Emergency Vehicles and Southeastern Specialty Vehicles. Northwestern submitted the low bid of \$126,800 per ambulance, with a \$10,000 trade-in allowance for each ambulance to be replaced. The net bid was \$116,800 per ambulance. The next lowest bid was from Southeastern in the amount of \$128,118 per ambulance, also with a \$10,000 trade-in allowance. First Class Fire submitted a lower bid of \$125,939 per ambulance, but only offered a \$1,000 trade-in allowance.

Staff recommended approval of the Resolution awarding the contract to Northwestern Emergency Vehicles for the purchase of two (2) ambulances, at a cost not to exceed \$116,800 for each vehicle. The price was within the approved budget.

Commissioner Mitchell moved, Commissioner Coltrain seconded and the vote to approve the Resolution awarding the contract for the purchase of two (2) ambulances passed unanimously.

The Resolution read as follows:

RESOLUTION AWARDING CONTRACT
FOR THE PURCHASE OF TWO AMBULANCES
FOR THE ROWAN COUNTY EMERGENCY SERVICES DEPARTMENT

WHEREAS, after due advertisement for request for bids for the purchase of two ambulances for the Rowan County Emergency Services Department, it is the recommendation of the Emergency Services Department and the Finance Department that the contract be awarded to Northwestern Emergency Vehicles, at a cost not to exceed \$233,600 for two ambulances, including trade-ins; 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 Northwestern Emergency Vehicles, for the purchase of two ambulances for the Rowan County Emergency Services Department at a cost not to exceed \$233,600, including trade-ins.

8. CONSIDER APPROVAL OF PROPOSAL FOR AIRPORT FUEL PROVIDER

Finance Director Leslie Heidrick reported that six (6) proposal packages were distributed for providing aviation fuel for the Rowan County Airport. Two (2) vendors submitted proposals: Ascent Aviation Group, Inc. and Eastern Aviation Fuels of North Carolina, the current fuel provider. The lowest bid was from Eastern Aviation Fuels. The bid comparison spreadsheet was included in the agenda packets. Ms. Heidrick said the bids were difficult to compare.

Staff recommended approving the Resolution awarding the contract to Eastern Aviation Fuels of North Carolina, for a term of three (3) years with an optional two-year extension.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the Resolution awarding the contract to Eastern Aviation Fuels of North Carolina passed unanimously.

The Resolution read as follows:

RESOLUTION AWARDING CONTRACT TO PROVIDE AVIATION FUEL FOR THE
ROWAN COUNTY AIRPORT

WHEREAS, after due advertisement for request for proposals to provide aviation fuel for the Rowan County Airport, it is the recommendation of the Aviation Manager, the Director of Administration and the Finance Department that the contract be awarded to Eastern Aviation Fuels of North Carolina, at a cost not to exceed \$19,200 for the annual lease of refueling equipment, a markup of \$.1854 above cost (including freight) for Jet-A Fuel and a markup of \$.1583 above cost (including freight) for Avgas; 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 Eastern Aviation Fuels of North Carolina, to provide aviation fuel for the Rowan County Airport at a cost not to exceed \$19,200 for the annual lease of refueling equipment, a markup of \$.1854 above cost (including freight) for Jet-A Fuel and a markup of \$.1583 above cost (including freight) for Avgas.

**9. CONSIDER APPROVAL OF PURCHASE OF TRACKLOADER FOR
LANDFILL**

Finance Director Leslie Heidrick reported that a fire had destroyed a trackloader at the Rowan County Landfill. Ms. Heidrick explained that the trackloader was an essential piece of equipment for Landfill operations and needed to be replaced immediately. Ms. Heidrick noted that she had provided the Board with two (2) handouts prior to the meeting, including a Resolution to award the contract to Carolina CAT.

Ms. Heidrick reported that three (3) bids were received:

- James River Equipment - \$242,570
- Carolina CAT - \$247,195
- Gregory Poole CAT - \$287,000

Ms. Heidrick said Kathryn Jolly, Environmental Management Director, would like to accept the bid from Carolina CAT and was present to answer any questions the Board might have.

In response to Commissioner Barber's inquiry, Ms. Heidrick said Carolina CAT was not the low bidder but the bid was within the budget. Ms. Heidrick said the bid included another piece of equipment as well.

Commissioner Mitchell inquired as to why the recommendation was not to award the contract to the lowest bidder. Ms. Jolly explained that the Landfill currently had forty (40) piece of equipment with nine of those being Caterpillars. Ms. Jolly said the decision was based on service and maintenance and the ability to obtain parts. Ms. Jolly said obtaining parts for John Deere equipment would require traveling to Charlotte; John Deere also did not guarantee a 24-hour turnaround for parts.

Commissioner Coltrain asked who performed the repairs and Ms. Jolly said that a Landfill employee, Dick Shue, did the repairs on site.

Commissioner Coltrain moved to approve the purchase of the Caterpillar loader. The motion was seconded by Commissioner Barber and passed unanimously.

The Resolution awarding the contract was presented as follows:

RESOLUTION AWARDING CONTRACT
FOR THE PURCHASE OF A TRACK LOADER
FOR THE ROWAN COUNTY LANDFILL

WHEREAS, after due advertisement for request for bids for the purchase of a track-type loader for the Rowan County Landfill, it is the recommendation of the Department of Environmental Management that the contract be awarded to Carolina CAT, at a cost not to exceed \$247,195; 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 Carolina CAT, for the purchase of a Caterpillar 963D Track Loader for the Rowan County Landfill at a cost not to exceed \$247,195.

ADDITION:

9a. SET DATE FOR LAND USE PLAN DISCUSSION/COURTESY HEARING

Chairman Ford moved to hold a public hearing in order for the Board to vote on the Planning Board's proposed Land Use Plan (LUP). Chairman Ford said if the Plan was voted down, the Board would then work on it more. The motion was seconded by Commissioner Mitchell.

Commissioner Coltrain said based on comments from the Retreat, he thought the Board planned to review the LUP based on the recommendations of the Planning Board and the LUP Steering Committee (Committee). Commissioner Coltrain said he had thought the public hearing would be held after the Board had reviewed the Plans.

Commissioner Mitchell agreed with Commissioner Coltrain in saying he felt it was Board's original intent to review the Plans first; however, he said Chairman Ford felt the Board should hold a public hearing and give the Planning Board and the Committee a vote out of respect for their work in drafting the Plans.

Chairman Ford said the Committee had spent over a year drafting a plan and the Planning Board had put in numerous hours, as well. Chairman Ford said if the LUP was voted down, the Board would work on it more at that time.

Commissioner Coltrain agreed that the efforts of the Committee should be appreciated but he said the LUP was being presented as a recommendation and before approving, the Board should find a "middle of the road" approach using the information developed.

Chairman Ford asked if the motion on the floor should include the date for the public hearing.

Commissioner Mitchell said as the motion stood, the Board was stating that it would schedule a public hearing. Commissioner Mitchell was of the opinion that under the motion, the Chairman would set the date based on the agenda.

The motion carried 3-2 with Commissioners Barber and Coltrain dissenting.

10. DISCUSSION REGARDING WILCOX BRIDGE

Chairman Ford explained that in June 2004, Rowan and Davidson counties both submitted letters of intent to the North Carolina Department of Transportation (DOT) to assume ownership of the Wilcox Bridge upon completion of the I-85 widening project. Only one (1) county could assume ownership and the DOT had the bridge listed as a Rowan County bridge; therefore the DOT asked Rowan to accept ownership. The bridge would have been used for joint development of a pedestrian and equestrian greenway that would connect the two (2) counties. An interlocal agreement between the counties was a requirement; however, the formal agreement was never approved.

The DOT recently inquired as to whether Rowan County was still interested in accepting ownership of the bridge.

Davidson County Commissioners met on February 24, 2009 and expressed continued interest in preserving the bridge as a pedestrian bridge linking the two (2) counties and would like for appropriate members to discuss further preservation efforts.

Chairman Ford said he had talked with a former DOT maintenance worker who had been responsible for the bridge and the worker had said the bridge was not worth accepting because of the maintenance and repairs.

Chairman Ford moved to not accept the bridge. The motion was seconded by Commissioner Mitchell.

Commissioner Coltrain asked if the County could keep the option open so that years down the road the ownership could be reconsidered. Commissioner Coltrain agreed that currently the bridge was an expense the County did not need to take on.

Commissioner Barber commented that there was no doubt the road could be a good tourist attraction.

Upon being put to a vote, the motion to deny ownership passed unanimously.

11. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Finance – to budget a Digital TV Transition Project grant for Senior Services - \$500
- Sheriff's Office – Recognize \$28,194 received via Federal SCAAP Grant and budget to purchase new Transportation Van with Vancell Insert. Also transfer \$3,630 of existing SCAAP Funds to cover remainder of Cost.

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

12. CONSIDER APPROVAL OF BOARD APPOINTMENTS **ROWAN IREDELL VOLUNTEER FIRE DEPARTMENT FIRE COMMISSIONERS**

The Rowan Iredell Fire Department requested the appointment of two (2) Fire Commissioners. The following applications were submitted for consideration:

- John Jancic (reappointment)
- John Wilson (reappointment)
- Gail Sharpe
- Howard Taylor

The terms would be for two (2) years beginning March 1, 2009 and expiring February 28, 2011.

Commissioner Barber moved the reappointment of John Jancic and John Wilson. The motion was seconded by Commissioner Coltrain and passed unanimously.

BOARD OF EQUALIZATION AND REVIEW

Mac Butner submitted his resignation from the Board of Equalization and Review (BER), effective immediately. The Board previously appointed a "pool of applicants" to serve on the BER; therefore, additional applications are not needed at this time.

Commissioner Mitchell moved to accept the resignation of Mac Butner. The motion was seconded by Commissioner Coltrain and passed unanimously.

SALISBURY ROWAN COMMUNITY ACTION AGENCY (SRCAA)

The SRCAA requested the reappointment of Milton Taylor for a term of two (2) years beginning March 1, 2009 and expiring February 28, 2011. In order for Mr. Taylor to be reappointed the Board would need to waive the term limits in the Resolution adopted by the Board in 1999.

Commissioner Mitchell moved to waive the term limits of the Resolution. The motion was seconded by Commissioner Barber and passed unanimously.

Commissioner Mitchell nominated Milton Taylor. The nomination was seconded by Commissioner Coltrain and passed unanimously.

ADULT CARE HOME ADVISORY COMMITTEE

The Adult Care Home Advisory Committee recommended the appointment of Terrall Bryan and John Cowan for one (1) year terms beginning March 1, 2009 and expiring February 28, 2010.

Commissioner Mitchell nominated Terrall Bryan and John Cowan and the nomination passed unanimously.

NURSING HOME ADVISORY COMMITTEE

The Nursing Home Advisory Committee recommended the appointment of Ebony Edwards for a one (1) year term beginning March 1, 2009 and expiring February 28, 2010.

The Nursing Home Advisory Committee also requested the reappointment of Betty Ruffy for a term of three (3) years, beginning March 1, 2009 and expiring February 28, 2012. In order for Ms. Ruffy to be reappointed the Board would need to waive the term limits in the Resolution adopted by the Board in 1999.

Commissioner Mitchell nominated Ebony Edwards and the nomination passed unanimously.

Commissioner Barber moved to waive the term limits of the Resolution. The motion was seconded by Commissioner Mitchell and passed unanimously.

Commissioner Barber moved to reappoint Betty Ruffy. The motion was seconded by Commissioner Coltrain and passed unanimously.

TOWN OF CHINA GROVE PLANNING BOARD

The Town of China Grove requested the reappointment of Harry Corriher and Kathy Karelitz to serve as ETJ representatives on the Planning Board. The terms would expire December 31, 2011.

Commissioner Coltrain moved to reappoint Harry Corriher and Kathy Karelitz. The motion was seconded by Commissioner Barber and passed unanimously.

ZONING BOARD OF ADJUSTMENT

There are three (3) members on this board whose terms will expire on March 31, 2009 with only one member eligible for reappointment. After due advertisement, the following applications were received:

- Jim Ogg (reappointment)
- Jeff Morris
- Patricia Gilbert
- Celeste Ward

The terms would be for three (3) years beginning April 1, 2009 and expiring March 31, 2012.

Chairman Ford stated that Celeste Ward had withdrawn her application from consideration for the ZBA.

Commissioner Mitchell nominated Jim Ogg, Jeff Morris and Patricia Gilbert. Commissioner Hall seconded the nomination.

Commissioner Coltrain said Mr. Morris served as an Alderman for the Town of Spencer and therefore had input into the County in a significant way. Commissioner Coltrain expressed appreciation for Mr. Morris' service. Commissioner Coltrain questioned whether there were other applicants in an effort to provide diversity with new people and new perspectives. Commissioner Coltrain questioned advertising the vacancies on the ZBA.

Commissioner Mitchell responded that vacancies on the ZBA had been published twice and to date no other applications had been received.

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

ROWAN COUNTY HOUSING AUTHORITY

The following applications have been received to fill the vacancy of a previous member whose term expires September 30, 2009:

- Annie Bates
- Mac Butner
- Nancy Monroe
- Donald Sherrill

Commissioner Coltrain nominated Donald Sherrill; the nomination was seconded by Commissioner Barber.

Chairman Ford nominated Mac Butner.

Upon being put to a vote, the nomination for Donald Sherrill failed 2-3 with Commissioners Ford, Hall and Mitchell dissenting.

Upon being put to a vote, the nomination for Mac Butner passed 3-2 with Commissioners Barber and Coltrain dissenting.

AIRPORT ADVISORY BOARD

During regular session on February 16, 2009 the Board approved a Resolution Establishing the Rowan County Airport Advisory Board, as well as the Bylaws that will govern the Airport Advisory Board. The Resolution and Bylaws incorrectly stated that membership would include two (2) members of the business community while both documents **should have stated three (3) members of the business community**. Language has also been added to both documents to clarify that the Commissioner will serve as a non-voting liaison.

While the Board approved the correct number of members, the Board is asked to ratify its previous action by approving the corrected language concerning membership in the attached Resolution and Bylaws. The corrections have been inserted and are indicated in bold, underlined, italics.

Secondly, for the initial appointments, the Board is asked to stagger the terms so that the terms of no more than three (3) members expire in any one (1) year. The following individuals were appointed: Thomas Greene, Jim Sides, Clay Lindsay, Brian Cooker and Dink Safriet. Two (2) members should be appointed for two (2) year terms, expiring June 30, 2011, and three (3) members should be appointed to serve three (3) year terms, expiring June 30, 2012.

Commissioner Coltrain moved to accept the changes in the Bylaws and Resolution as presented. The motion was seconded by Commissioner Mitchell and passed unanimously.

Commissioner Mitchell moved to adjust the expiration of terms for Brian Cooker and Dink Safriet to June 30, 2011. Commissioner Mitchell said the remaining members terms would expire June 30, 2012. The motion was seconded by Commissioner Barber and passed unanimously.

13. ADJOURNMENT

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 6:40 pm. The motion was seconded by Commissioner Mitchell and passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board