

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

April 5, 2010 – 4:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING
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Present: Carl Ford, Chairman
Chad Mitchell, Vice-Chairman
Jon Barber, Member
Raymond Coltrain, Member
Tina Hall, Member

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

Chairman Ford convened the meeting at 4:00 pm.

Commissioner Coltrain 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 March 9, 2010, March 15, 2010 and March 22, 2010 Commission Meetings passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

- Commissioner Hall requested to pull Consent Agenda item A (Declaration of Official Intent to Reimburse Expenditures for FY 2010 Satellite Jail Facility) for discussion.

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

- Commissioner Coltrain moved to add an email request from Sheriff Auten regarding affirmation by the Board for his benefits and salary. The motion was seconded by Commissioner Barber.

Commissioner Mitchell inquired of County Manager Gary Page as to whether additional information was needed, other than the letter regarding

the fact that Sheriff Auten planned to continue to submit a timesheet and that he would like the accrual of benefits to continue. Mr. Page responded no.

Commissioner Coltrain asked if it was the responsibility of the Board to officially approve the information. Commissioner Mitchell stated it was the responsibility of the Board to set the Sheriff's salary and the timesheet issue was a "housekeeping" matter between the County Manager and the Sheriff. Commissioner Mitchell said regardless of who won the Sheriff's race in November, the Board would have to discuss the salary and timesheets.

Mr. Page said he felt no action was necessary since Sheriff Auten was not seeking a salary increase.

Commissioner Coltrain said he wanted to make sure the Board confirmed the generous offer from Sheriff Auten to continue work at the same salary of Chief Deputy through November. Commissioner Coltrain thanked the Sheriff for the contribution.

Upon being put to a vote, the motion on the floor failed 2-3 with Commissioners Ford, Hall and Mitchell dissenting.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

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

1. CONSIDER APPROVAL OF CONSENT AGENDA

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

The Consent Agenda consisted of the following:

- A. Declaration of Official Intent to Reimburse Expenditures for FY 2010 Satellite Jail Facility (moved to agenda item 9a for discussion)
- B. Award Service Sidearm to Retiring Sheriff's Deputy Tom Duncan
- C. Set Quasi-Judicial Hearing for April 19, 2010 for PCUR 02-10
- D. Resolution in Support of House Bill 1434

The Resolution read as follows:

WHEREAS, the North Carolina General Assembly has previously enacted amendments by which the State will begin collecting ad valorem taxes assessed on motor vehicles, which taxes belong to and have heretofore been collected (and continue to be collected) by the counties; and

WHEREAS, Rowan County effectively and efficiently collects motor vehicle ad valorem taxes having collection rates (including interest and penalties for late payment) of 89.82 % for FY 06-07, 89.72 % for FY 07-08, and 89.46 % for FY 08-09; and

WHEREAS, the State of North Carolina will retain some percentage of the motor vehicle ad valorem taxes collected as compensation for collecting those taxes, but there will be no offsetting cost savings for Rowan County; and

WHEREAS, if the State of North Carolina collects motor vehicle ad valorem taxes, it is reasonable to assume that there will be a delay in paying those taxes to the counties, inasmuch as there is now an approximately three (3) month delay from the collection of sales taxes until the counties' share is paid to the counties, thereby negatively impacting counties' cash flow; and

WHEREAS, based upon recent experience, the Board of Commissioners of Rowan County is concerned that State collection of motor vehicle ad valorem taxes would result in a pool of funds that the Executive Branch of the State might from time to time be tempted to retain in order to balance the State budget, at the expense of the counties; and

WHEREAS, Representatives Cole and Starnes have introduced House Bill 1434, the effect of which would be to repeal the recently enacted laws that would transfer the collection of motor vehicle ad valorem taxes from the counties to the State.

NOW, THEREFORE, BE IT RESOLVED, that for the reasons stated above, the Board of Commissioners of Rowan County supports the enactment of House Bill 1434 and the repeal of the recently enacted laws that would transfer the collection of motor vehicle taxes from the counties to the State, and urges all Members of the General Assembly to vote in favor of House Bill 1434.

E. Correction to December 7, 2009 Minutes

F. Proclamation for Relay for Life for Paint the County Purple Day

The Resolution read as follows:

WHEREAS, cancer is a group of diseases characterized by uncontrolled growth and spread of abnormal cells which, if not controlled, can result in death; and

WHEREAS, the American Cancer Society is a voluntary community based health organization in the State dedicated to eliminating cancer as a major health problem; and

WHEREAS, the RELAY FOR LIFE is a fun-filled overnight event designed to celebrate survivorship and raise money for research and programs of your American Cancer Society; and

WHEREAS, the RELAY FOR LIFE is a community affair held throughout the State of North Carolina which presents an opportunity to dust off our camping gear, slip on our walking shoes and network with business associates, family and friends;

NOW, THEREFORE, the Rowan County Board of Commissioners does hereby proclaim April 30, 2010 as "PAINT THE COUNTY PURPLE" DAY throughout the County of Rowan, and urge citizens to recognize and participate in the Relay events held in their community.

G. Rescind Performance Fibers Ambulance Franchise

2. PUBLIC COMMENT PERIOD

There were no citizens wishing to address the Board.

3. QUASI-JUDICIAL HEARING FOR CUP 01-10

Chairman Ford read the Chairman's Speech (Exhibit A) and declared the public hearing for CUP 01-10 to be in session. Chairman Ford said the hearing would focus on an application submitted by David and Diana McCarn for the property located along the 3700 block of River Road in Richfield, NC. The purpose of the request was to allow for the construction of an 1800 square foot residential storage facility that would be used by the applicants for personal storage.

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

Planner Andy Goodall presented the Staff Report (Exhibit B) and explained that David and Diana McCarn had requested a conditional use permit to allow the construction of an 1800 square foot residential storage facility on Tax Parcel 530A023, which was a vacant lot. Mr. Goodall reported that the McCarn's resided on the adjacent parcel, 530A022 and would use the proposed structure for personal storage.

Mr. Goodall said there had been no calls concerning the request and Staff recommended approval.

Commissioner Coltrain inquired as to the decision for a separate driveway and Mr. Goodall said the separate driveway was a criteria stated in the Specific Conditional use Criteria in the Staff Report (Exhibit B).

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

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the following Finding of Fact (Exhibit C) passed unanimously.

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

FACT: The parcel has sufficient frontage (183') along River Road (SR 2152) and will have a 24-30 foot gravel driveway that will be piped at the road.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the following Finding of Fact (Exhibit C) passed unanimously.

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

FACT: No material evidence was presented suggesting this proposal would injure property values for adjoining lots.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the following Finding of Fact (Exhibit C) passed unanimously.

3. That the location and character of the development in accordance with 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: The proposed 1800 sq. ft. (inside) structure will be located 280 feet off River Road and will be screened from adjacent properties by the surrounding wooded areas.

FACT: The proposed structure will use architectural elements that are in character with the low-density residential / agricultural character of southeastern Rowan County.

Commissioner Mitchell moved approval of CUP 01-10. The motion was seconded by Commissioner Barber and passed unanimously.

4. PUBLIC HEARING TO CLOSE NATIONAL GUARD ROAD AS PUBLIC ROAD

County Manager Gary Page said the National Guard had asked the County to close a portion of National Guard Road. Mr. Page said the National Guard wished to build a new guardhouse and install additional fencing for Homeland Security purposes.

Mr. Page said the request was acceptable to the North Carolina Department of Transportation and that the National Guard would maintain the road.

Mr. Page pointed out that the current Transportation Improvement Plan (TIP) called for National Guard Road to connect to Rowan Mills Road in the future. Mr. Page referred to a map in the agenda packets and said a connection would still be possible since the County owned the surrounding property.

Chairman Ford opened the public hearing to receive citizen input regarding the closure of National Guard Road as a public road.

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

In response to a query from Commissioner Mitchell, Mr. Page confirmed that the County owned the surrounding property and could align the road to connect to Rowan Mills Road in the future.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to close National Guard Road as a public road passed unanimously.

5. CONSIDER PE 01-10: PERMIT TO EXCEED NOISE ORDINANCE STANDARDS FROM RELAY FOR LIFE

Senior Planner Shane Stewart reported that the 12th annual Rowan County Relay for Life event would be held on April 30 and May 1, 2010 at the Rowan County Fairgrounds located at 1560 Julian Road in Salisbury. Mr. Stewart said the property was located in the extraterritorial jurisdiction of the City of Salisbury; however, the Rowan County Noise Ordinance governed unreasonable amplified sound for all areas outside municipal limits.

Commissioner Barber moved approval of PE 01-10. The motion was seconded by Commissioner Coltrain.

Chairman Ford asked if the tenants residing in the new apartment complex by the fairgrounds property had been notified of the event. Mr. Stewart said the property owner was notified and the event had also been posted.

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

6. CONSIDER REQUEST FOR NO WAKE ZONE FROM ROWAN SHRINE CLUB

Rowan Shrine Club (Club) President Sonny Miller presented a request from the Club for a no wake buoy at the pier and floating dock on the east side of the Club's property. Mr. Miller said the area in question had a lot of watercraft that did not realize the wakes being created. Mr. Miller gave an example of a 7-year old that fell off a floatation pier between the dock and her parents' boat due to a large wake. Mr. Miller said fortunately someone was close by to pull the child out before she was crushed between the boat and the dock.

Mr. Miller said he preferred to be preventive and to have a no wake zone established to create awareness.

In regards to a query from Commissioner Mitchell, Mr. Miller confirmed that he was aware the Commissioners could not establish a no wake zone and the request would have to be investigated by the North Carolina Wildlife Resources Commission (NCWRC).

County Manager Gary Page highlighted the process for establishment of a no wake zone and he said the no wake zone could also be established through special legislation.

Commissioner Mitchell moved to set a public hearing as outlined in the Procedure for Establishing Local Water Safety Regulations. The motion was seconded by Commissioner Barber.

Chairman Ford said the public hearing would be scheduled for April 19, 2010.

The motion passed unanimously.

7. REPORTS

County Manager Gary Page submitted the following report for the Board's consideration:

- (a) Update Regarding Feasibility Study for Former DSS Building

Chairman Ford noted that the feasibility study had not yet been received.

Commissioner Mitchell moved, Commissioner Coltrain seconded and the vote to accept the report as submitted passed unanimously.

8. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Finance – To recognize funds from insurance proceeds for stolen lawn mower and to budget expenditure to replace lawn mower - \$9,485
- Social Services – Realign expenditures to cover county share of Food and Nutrition Issuance costs through end of fiscal year - \$7,230
- Social Services – To budget increase in amount of funds received for Share the Warmth - \$1,815
- Finance – Appropriate funds for purchase of land and associated expenditures for new jail annex and extension of water/sewer to site - \$670,000
- Finance – Appropriate funds for move of Woodleaf Convenience Center to a site at Rowan County Landfill - \$146,304

Commissioner Mitchell moved, Commissioner Coltrain seconded and the vote to approve the budget amendments passed unanimously.

9. CONSIDER APPROVAL OF BOARD APPOINTMENTS **LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)**

The LEPC requested the appointment of the following members:

- Jay Baker- Salisbury Fire Department- to replace Todd Overcash who has retired
- Scot Kern- Norfolk Southern Railroad- to fill an existing vacancy

There are no term dates for LEPC members.

Commissioner Barber nominated Jay Baker and Scot Kern. The nominations passed unanimously.

ROWAN IREDELL VOLUNTEER FIRE DEPARTMENT

Rowan Iredell VFD requested the appointment of one (1) Fire Commissioner and submitted the following applications for consideration:

- Jeff Matlock – reappointment
- Gail Sharpe

The term would be for two (2) years beginning May 1, 2010 and expiring April 30, 2012.

Commissioner Barber nominated Jeff Matlock for reappointment. The nomination carried unanimously.

ADDITION

9a. DECLARATION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR FY 2010 SATELLITE JAIL FACILITY (MOVED FROM CONSENT AGENDA ITEM A FOR DISCUSSION)

Commissioner Hall asked County Manager Gary Page to provide an explanation as to what was involved regarding capital costs for the jail annex.

Mr. Page said the Declaration stated that any out of pocket expenses incurred prior to borrowing the money could be reimbursed back to the General Fund. Mr. Page explained that the initial jail plans were to spend approximately \$6 million and build the facility on county-owned property. Mr. Page said the county-owned property turned out not to be an option for the jail annex and the County had agreed to purchase land, pay for an appraisal, survey and geotechnical expenses, etc. Mr. Page said these expenses were associated but not included in the original estimate.

Commissioner Hall asked how it was ascertained as to who would perform the services Mr. Page had mentioned. Mr. Page said all of the items were considered professional services and did not require a bidding process. Mr. Page said he had selected the professionals in accordance to what was allowable by law and to speed up the process. Mr. Page added that it was costing the County \$50,000 per month to house inmates in another county.

Commissioner Barber moved approval of the Declaration of Official Intent to Reimburse Expenditures for FY 2010 Satellite Jail Facility. The motion was seconded by Commissioner Coltrain and passed unanimously.

10. ADJOURNMENT

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 4:30 pm. The motion was seconded by Commissioner Coltrain and passed unanimously.

Respectfully Submitted,

Carolyn Athey, CMC, NCCCC
Clerk to the Board/Assistant to the County Manager