

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

August 15, 2011 – 4:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

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Present: Chad Mitchell, Chairman
Carl Ford, Vice-Chairman
Jon Barber, Member
Raymond Coltrain, 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 Mitchell 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 Sides moved, Commissioner Barber seconded and the vote to approve the minutes of the August 1, 2011 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

- Commissioner Barber moved to add a discussion regarding a recommendation from County Attorney Jay Dees to retain outside counsel. The motion was seconded by Commissioner Sides and passed unanimously.

Chairman Mitchell added the issue as agenda item #6b.

- Commissioner Sides pulled Consent Agenda item H for discussion on the regular agenda.

Chairman Mitchell placed the item on the agenda as #6c.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Sides moved, Commissioner Barber seconded and the vote to approve the agenda as amended passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

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

The Consent Agenda consisted of the following:

A. Resolution Approving the Tax Administrator’s Annual Settlement

BE IT RESOLVED by the Board of County Commissioners of Rowan County that the following documents attached hereto are received and approved, consisting of the following:

- (1) Tax Collections Manager’s Cumulative Collections Tax Report
- (2) Tax Collections Manager’s Collections Summary
- (3) Tax Collections Manager’s Real and Personal Property Tax Report
- (4) Tax Collections Manager’s Utility Tax Report
- (5) Tax Collections Manager’s Vehicle Tax Report
- (6) Tax Collections Manager’s Table of Insolvents (2000)

- B. Set Public Hearing for September 6, 2011 for ZTA & FDPO 01-11
- C. Award Service Sidearms to Retiring 1st Lieutenant Michael Terry Agner and Retiring Lieutenant Debra Yokley
- D. Set Public Hearing for September 6, 2011 for HLC 01-10
- E. Mutual Aid Agreement with Davidson County – I-85 EMS Response
- F. Memorandum of Agreement – South Rowan Ambulance Project
- G. Set Public Hearing for September 6, 2011 for Fire Prevention and Protection Ordinance
- H. Authorization for Parks and Recreation Department to Utilize Funds from Murtis Nicholas Account for ADA Miniature Golf Course Construction (moved to agenda item #6c for discussion)
- I. Resolution Dissolving Sports Authority and Lease Assignment Associated with Baseball Stadium Transfer

THIS JOINT RESOLUTION (the “Resolution”) is adopted pursuant to the provisions of Chapter 160A, Article 20, Part 3 “Regional Sport Authority” of the North Carolina General Statutes providing for the dissolution of The Rowan County-Kannapolis Regional Sports Authority (the “Authority”) as follows:

WHEREAS, on August 15, 1994 and August 22, 1994, respectively, the Rowan County Board of Commissioners (the “Board of Commissioners”) and the Council of City of Kannapolis (the “City Council”) adopted a Concurrent Resolution Establishing the Charter of the Rowan County-Kannapolis Regional Sport Authority (the “Charter”) for the purpose set forth in NCGS 160A-479.1 and the additional purposes of constructing and managing

a professional Class A baseball stadium to be located in the City of Kannapolis, Rowan County, North Carolina; and

WHEREAS, the purposes for which the Authority was created are no longer necessary or appropriate; and

WHEREAS, the City Council and the Board of Commissioners deem it to be in the best interests of their citizens to dissolve the Authority in accordance with this Resolution.

NOW THEREFORE, BE IT RESOLVED, by the City Council and the Board of Commissioners, that the Rowan County-Kannapolis Regional Sports Authority is hereby dissolved and shall have no further authority to perform the purposes for which it was created.

BE IT FURTHER RESOLVED, that assets and obligations of the Authority, if any, shall be distributed to or assumed by the County of Rowan and the City of Kannapolis in such manner as provided in the Charter or as they otherwise agree.

The foregoing Resolution is herewith adopted identically and jointly by the Rowan County Board of Commissioners and Kannapolis City Council on the dates identified below.

2. PUBLIC COMMENT PERIOD

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

- Craig Pierce discussed concerns with the Rowan Salisbury School System, including conditions at Knox Middle School, Cleveland and Woodleaf Elementary Schools and North Rowan High School. Mr. Pierce wondered why the Board of Education (BOE) representatives had not brought the conditions at these schools to light. Mr. Pierce quoted the Chairman of the BOE as saying, "If you have a good teacher, you can hold class in a tent." Mr. Pierce recommended buying the BOE a tent for their new administration building.

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

3. QUASI-JUDICIAL PUBLIC HEARING FOR CUP 01-11

Chairman Mitchell read the Chairman's Speech (Exhibit A) and declared the public hearing for CUP 01-11 to be in session. Chairman Mitchell said the hearing would focus on an application submitted by Scott Howard and Jimmy Lingle for the establishment of a venue providing live music, a game room and alcohol sales in an existing building located at 5865 South Main Street in Salisbury. The site is located on Tax parcel 481-045 and is owned by Wayne Bradshaw.

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

Commissioner Sides informed the Board that he had previous conversations with the owner of the property, Wayne Bradshaw. Commissioner Sides said Mr. Bradshaw had visited him and the discussion had revolved around the place of business in question. Commissioner Sides stated he did not know at the time the business would be involved in a quasi-judicial proceeding.

Planning & Development Director Ed Muire presented the Staff Report (Exhibit B) and also provided a power point presentation (Exhibit C). Mr. Muire explained that Scott Howard and Jimmy Lingle had submitted an application requesting issuance of a conditional use permit to operate a venue providing live music, a game room and alcohol sales in a vacant building located at 5865 South Main Street (US Highway 29). Mr. Muire said the building was one (1) of four (4) commercial structures located on a 1.25 acre tract (Tax Parcel 481-045) owned by Wayne Bradshaw and zoned Commercial, Business, Industrial (CBI).

Mr. Muire said Section 21-113 of the Rowan County Zoning Ordinance indicated that establishments providing on-site consumption of alcohol without restaurant operations are categorized as an SIC 5813 and must be located in a CBI district and obtain a conditional use permit prior to operation.

Using the power point presentation (Exhibit C), Mr. Muire pointed out the assorted mix of land uses in the area. Mr. Muire said while primarily zoned Commercial, Business, Industrial (CBI), there were existing and vacant commercial structures, residential structures containing business operations, occupied and vacant residences, governmental and industrial land uses, a church, multi-family housing and manufactured home parks. The rail line paralleling the US 29 corridor also adds to the diversity and opportunity of the area.

Mr. Muire pointed out other businesses in the area, which included the Hawg Shop and Fat Boys Auto Sales. Mr. Muire said Mr. Bradshaw also owned Tax Parcel 481-042 that contained BeBop's Restaurant and the Hot Rod Barn. Another small tract located in the northeast corner formed by Webb Road and South Main Street are owned by Mr. Bradshaw and currently operates as a used automotive sales lot.

Mr. Muire mentioned that Staff conversations with Alcohol Law Enforcement (ALE) indicated no violations or written warnings had been issued to Mr. Howard's restaurant, Uncle Buck's, located in downtown Salisbury.

Mr. Muire explained that in 2004 the structure was permitted for 3600 square feet as a storage or warehouse facility and in 2005 a 1200 square foot addition was made to the structure. Mr. Muire stated since that time, there had been several different occupants and the occupancy was never changed properly. Mr. Muire mentioned that Mr. Howard had developed the floor plan with the help of the

Codes Enforcement Department, and if permitted, it would satisfy North Carolina building code standards for occupancy of this type.

Mr. Muire mentioned the parking and the need for two (2) handicapped parking spaces and improved sidewalk access to the rear exit from the building.

Mr. Muire reviewed the Conditional Use Criteria contained in the Staff Report (Exhibit B) as follows:

1. *Adequate transportation to the site exists.* Mr. Muire said there was 900' of frontage on South Main Street. Mr. Muire said South Main Street was a five-lane major thoroughfare and had the capacity of 35,000 vehicles per day. Mr. Muire said the most recent NCDOT traffic counts from 2008 indicated 12,000 average daily traffic counts. Mr. Muire said the paved entrance was sufficient for emergency services personnel or law enforcement to access the site.
2. *The use will not significantly detract from the character of the surrounding area.* Mr. Muire referred to the diverse mix of uses in the area and he noted the area was a commercial corridor. Mr. Muire said the impact to the Pinkston property may be immediate as a result of the occupancy; however, Staff felt the addition of screening and fencing standards would mitigate the impacts.
3. *Hazardous safety conditions will not result.* Mr. Muire said the applicant had indicated in his response to this item that all staff employed at the establishment would obtain certification for Be A Responsible Service (BARS), adequate insurance and have security on premises at all times including off-duty officers for events. Mr. Muire noted the site was approximately .10 mile from the NC State Highway Patrol.
4. *The use will not generate significant noise, odor, glare or dust.* Mr. Muire said all operations should occur within the building and he used the power point presentation (Exhibit C) to indicate a portion of the property that would be used by Mr. Bradshaw.
5. *Excessive traffic or parking problems will not result.* Mr. Muire said the ordinance uses a square footage calculation, and looking at the occupancy load of the building, it became evident that the 11 spaces required by the ordinance would be inadequate. Mr. Muire explained that Staff came up with a total of 39 spaces. Mr. Muire said from the Staff Report (Exhibit B), the applicant had indicated they would be able to provide 27 spaces. Mr. Muire said it appeared the applicant should be able to provide the additional 12 spaces if the application was approved. Mr. Muire said volume to capacity ratio for South Main Street basically indicated South Main Street functioned optimally and there should be no congestion as a result of the trips generated by the application.
6. *The use will not create significant visual impacts for adjoining properties or passersby.* Mr. Muire said the building had been in place since 2004 and in its current state, all operations should be contained inside and that any

fencing, screening and lighting should not create visual impacts to the property or passersby of the corridor.

Mr. Muire said the Highway 29 Corridor section between Salisbury's ETJ and China Grove's ETJ was included in the Land Use Plan. Mr. Muire pointed out the recommendation to encourage commercial and mixed use development in consideration of commercial modes and more specifically to promote and encourage the adaptive reuse or redevelopment of existing structures or sites that are complimentary to the corridor.

Mr. Muire summarized the Staff Recommendations listed in the Staff Report (Exhibit B) as follows:

1. Obtaining the Building Codes Department's approval and Environmental Health prior to operations.
2. Install and maintain a row of 6 foot evergreen screening at the time of planting. The plantings should be parallel to the property line and begin no closer than twenty feet (20') from the common property line with the Pinkston property.
3. Install a six (6) foot privacy fence between the evergreen screen and the building. Fencing should begin at the front setback line and continue to the treeline at the rear of the property.
4. Discussions have been had between the applicant and the North Carolina Railroad (NCRR) Staff that a privacy fence along the rear of the property would benefit both the applicant and the Railroad by keeping trespassers off the rail line. Mr. Muire said this item may be negotiable or waived based on recommendations from NCRR Staff.
5. Parking lot should be adequately lit during hours of operation. Lighting should be directed toward the ground as opposed to adjoining properties.

Commissioner Coltrain questioned the screening requirements and asked if the evergreens and the privacy fencing were both necessary. Mr. Muire responded that there was some existing vegetation; however, it did not provide continued screening. Mr. Muire said having a buffer of 20 feet, vegetation screening and a fence in place would provide the visual separation as well as prevent trespassing.

Commissioner Coltrain inquired as to the specifications for the fencing. Mr. Muire said the fencing would start at the front setback, which was 50 feet off the corridor, and continue all the way back. Mr. Muire said Staff's recommendation was a hybrid of the Type A and Type B screening and the decision would be up to the Board. Mr. Muire said the applicant would also have to agree to the requirement prior to acceptance of the permit conditions.

Commissioner Coltrain stated he had no objections to the privacy fencing as long as it was something that would enhance the whole area.

Commissioner Ford said in riding along with the NCRP personnel he heard they did not want new development along the tracks and the right of way. Mr. Muire said in his conversations with NCRP, the application was acceptable. Mr. Muire explained the corridor stops at the rear of the building.

Commissioner Ford inquired as to the distance from the proposed business to the church and daycare and Mr. Muire responded a little over 500'.

Commissioner Sides asked if there were any other establishments within a half-mile of the proposed site that served alcohol. Mr. Muire said he was not aware of any that had been permitted in the CUP process.

- The applicant, Scott Howard, came forward to address the Board. Mr. Howard said he hated to describe the venue as a bar but rather a music venue. Mr. Howard said he hoped to bring the music venue to Salisbury and that the site was selected due to the convenience of the interstate and also due to having the NC Highway Patrol across the street. Mr. Howard said the business would help promote local bands, and he expressed hope the business would also attract national acts. Mr. Howard said he was willing to work with Planning Staff and NCRP. Mr. Howard said he had no problem installing a fence. Mr. Howard said when bands played at Uncle Buck's there were people from various states that travelled to hear them play. Mr. Howard said he already brings in bands from across the nation. Mr. Howard mentioned the fact that town people, police officers from the city and county, and Highway Patrol come in and do business with Uncle Buck's. Mr. Howard said there is a feeling that the establishment is a safe haven with everyone being family or of knowing one another. Mr. Howard said he always offers rides home for anyone under the influence so no one puts themselves or others in danger.

Commissioner Coltrain expressed appreciation to Mr. Howard for his interest in Rowan County.

At the conclusion of his comments, Mr. Howard presented the Clerk with a letter (Exhibit D) of support for the request from Salisbury Deputy Police Chief Steve Whitley.

- Michael Caulvin, 1085 Walton Place, said he had known the applicant for two years. Mr. Caulvin said he was a Narcotics Vice Officer with the Salisbury Police Department and he frequented Uncle Buck's. Mr. Caulvin said he felt comfortable and safe with the staff of Uncle Buck's and that he ate lunch, dinner and attended musical events there. Mr. Caulvin said to his knowledge there had never been a problem at Uncle Buck's. Mr. Caulvin mentioned the bike nights at Uncle Buck's and said there were no problems.

- Adam Bouk, 116 Catherine Oak Lane, Lexington, a Master Police Officer with the Salisbury Police Department said he patronized Uncle Buck's weekly. Mr. Bouk described Mr. Howard as his friend and someone who visits in his home as more of a family member and as someone he takes trips with. Mr. Bouk said Mr. Howard's restaurant was more of a family atmosphere than a business and he praised the atmosphere the Howards provided for their customers. Mr. Bouk said he had been to the music venues and the bike nights and there had never been any trouble.
- Jimmy Lingle of 460 St. Matthews Church Road said he was partners in business with Scott Howard and he described the Howards as good people. Mr. Lingle felt the music venue would be good for Rowan County and he said Mr. Howard had his support.

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

Commissioner Sides said as part of the conditional use permit, the required findings must be satisfied in order for approval/denial. Commissioner Sides said there were three (3) findings listed in the Staff Report (Exhibit B) and he moved that Criteria 1 (the development of the property in accordance with the proposed conditions will not materially endanger the public health or safety) had not been met. Commissioner Ford seconded the motion.

Commissioner Coltrain said he did not see how the use would endanger the public health and safety. Commissioner Coltrain felt safety was not a factor since the applicant was willing to have screening and fencing around the business, have staff go through extra training and to also have off duty officers for events.

Commissioner Sides said part of his reasoning for finding the criteria had not been met was the fact the use was not permitted within the area designated and the use was non-permitted unless the conditional use permit was approved. Commissioner Sides stated that one of problems he had was within 500' of the proposed bar there was a church, a daycare, and quite possibly a future school. Commissioner Sides pointed out it was up to the Board to determine if the criteria was met. Commissioner Sides said with the hours of operation of a church, a daycare, and a possible school coinciding with the hours of operation for the business, there were concerns for the safety of the people in the area. Commissioner Sides said he has a problem permitting something not in the ordinance involving the consumption of alcohol.

Commissioner Ford concurred with Commissioner Sides. Commissioner Ford said Mr. Howard was a fine man who operated a great restaurant (Uncle Buck's); however, he said the church held services and events on Saturday nights and Sundays and he did not feel the location was right for the type of business in question.

Chairman Mitchell stated that if the church had an issue with the request they would have probably had a representative in attendance to voice their concerns. Chairman Mitchell went on to state the school was not currently there. Chairman Mitchell said he would have been willing to consider the fact that the church daycare hours of operation would have overlapped; however, no one from the church was present to provide information.

Commissioner Coltrain stated that Universal Forest Products served as a buffer between the church and the proposed site. Commissioner Coltrain said Mr. Muire mentioned there was at least a 500' difference that separated the church from the proposed site. Mr. Muire confirmed from structure to structure was just over 500'.

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

Commissioner Coltrain moved that the development of the property in accordance with the proposed conditions will not materially endanger the public health or safety. Commissioner Barber seconded the motion.

Chairman Mitchell said the information given in the staff presentation in regards to the recommended conditions, with the Rowan County Building Codes Department and Rowan County Environmental Health having to do all necessary permits and inspections, the privacy fence along the rear of the site to the extent that NCCR staff felt necessary, and the lighting in the parking lot at night should eliminate any potential accidents that could occur.

The motion passed 3-2 with Commissioners Sides and Ford dissenting

Commissioner Coltrain 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. Commissioner Barber seconded the motion.

Chairman Mitchell commented that the Board did not receive information the business would decrease property values and Commissioner Coltrain added that the use was in accordance with the Land Use Plan.

The motion passed 4-1 with Commissioner Ford dissenting.

Commissioner Sides moved that the location and character of the development in accordance with conditions will not be in general harmony with the area in which it is located. The motion was seconded by Commissioner Ford and failed 2-3 with Commissioners Mitchell, Coltrain and Barber dissenting.

Commissioner Coltrain moved that in accordance with the Land Use Plan for the western part of the County, the use did fit the general commercial business type area for the County. The motion was seconded by Commissioner Barber.

Chairman Mitchell stated that the commercial aspects of the development would fit reasonably well in the area.

Commissioner Sides said the reason for his position was that Staff had presented information that there was not another facility within the area that sold alcohol for consumption on the property.

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

Commissioner Coltrain moved to grant CUP 01-11 with the proposed 1-5 conditions, including a 6th condition for suggested hours of operation. The motion was seconded by Commissioner Barber and passed 3-2 with Commissioners Sides and Ford dissenting.

4. PUBLIC HEARING FOR FY 2012 RURAL OPERATING ASSISTANCE PROGRAM

Rowan Transit System Director Gary Price reviewed the Rural Operating Assistance Program (ROAP), which consolidated three (3) different transportation programs into a single application.

The Rowan Transit System (RTS) Advisory Committee submitted the following recommendations:

1. Apply for \$105,103 in Elderly & Disabled Transportation Assistance Program (EDTAP) funds. No matching funds are required. The following sub-allocations were recommended for Human Service Agencies:

Rowan Transit	\$41,205	Therapeutic Recreation	\$7,783
Vo. Opportunities	\$22,390	Medical Out-of-Town	\$5,000
Abundant Living	\$28,000		

2. Apply for \$112,998 in Rural General Public (RGP), which requires a match of \$12,555, or 10%.

3. Apply for \$41,506 in the Employment Transportation. No match required. Chairman Mitchell opened the public hearing to receive citizen input regarding the ROAP application. With no one wishing to address the Board, Chairman Mitchell closed the public hearing.

Commissioner Sides moved to authorize the Board Chairman to execute the NCDOT Grant Certification Statement containing the standard assurances that Rowan County would use the ROAP funding in a manner consistent with

applicable federal and state legislature. Commissioner Barber seconded and the motion passed unanimously.

5. CONSIDER REQUEST TO RESTRUCTURE FARES FOR ROWAN TRANSIT SYSTEM

Rowan Transit System (RTS) Director Gary Price discussed the current fare structure for the Share A Ride service. Mr. Price said the RTS Advisory Board held a public meeting on March 16, 2011 to discuss changes to the fare structure. Based on funding cuts to the EDTAP and RGP programs, increased demand for service, rising fuel prices, new transportation software and rider confusion of current fares, the RTS Board voted unanimously to recommend restructuring the fares to a per trip fare of \$2.00.

Mr. Price said he recommended a \$3.00 fare while the RTS Board voted to approve the \$2.00 fare.

Mr. Price discussed the confusion over the current fare structure with RTS vehicles. Mr. Price said the per trip fare would alleviate the confusion.

Commissioner Sides moved to approve the request to restructure fares to a per trip charge of \$2.00 and the motion was seconded by Commissioner Barber.

In response to a query from Chairman Mitchell, Mr. Price confirmed the maximum any individual would pay on a given day was \$8.00.

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

6. CONTINUED DELIBERATIONS FOR PROPOSED ROAD NAME OF INDIAN TRAIL

During regular session on August 2, 2011 the Board held a public hearing for the proposed road name of Indian Trail. During the public hearing Ms. Liz Hood spoke in support of the name of Cedar Lane rather than Indian Trail. Planning Technician Fredda Greer said the Board had postponed a decision and asked Staff to check as to whether the suggested name of Cedar Lane was acceptable for 911 purposes and to contact those who had signed the petition to see if they would also accept Cedar Lane.

Ms. Greer referred to attachment A of the staff report, which listed numerous road names containing the name Cedar. Ms. Greer also said Staff had polled those who signed the petition and found they supported the following:

- Judy Crabtree – Supported Indian Trail
- Joseph Oxendine – Did not oppose either name
- Michael Harwood- Supported Indian Trail

Commissioner Sides said he had prompted the request for additional information and due to the extensive list of road names containing the name Cedar, he was not in favor of using Cedar Lane.

Chairman Mitchell said the public hearing had already been held and was closed.

Commissioner Barber moved to name the unnamed road northeast off the 2500 block of West Innes Street as Indian Trail. The motion was seconded by Commissioner Coltrain and passed unanimously.

ADDITIONS

6b. OBTAINING OUTSIDE LEGAL COUNSEL

County Attorney Jay Dees discussed a taxpayer who owed taxes and had filed bankruptcy from several entities. Mr. Dees said the first status hearing was this week.

Mr. Dees continued by explaining that Salisbury Rowan Utilities was involved and had retained Kate Clayton, of Brooks Pierce out of Raleigh to represent them with regards to the utilities, creditor issues and bankruptcy. Mr. Dees felt it would be efficient for the County to also consider engaging Ms. Clayton to represent the County's tax interests in bankruptcy court. Mr. Dees said the County would be billed separately for activities related just to the tax arrearages. Mr. Dees said by hiring Ms. Clayton, there would be one attorney handling both items and only one attorney traveling back and forth, and one attorney communicating with the debtors' bankruptcy counsel. Mr. Dees recommended the Board consider retaining Kate Clayton, of Brooks Pierce, at a rate of \$215.00 per hour.

Commissioner Barber moved to approve the request from Mr. Dees to seek outside counsel in regards to this matter. Commissioner Coltrain seconded and the motion passed unanimously.

6c. AUTHORIZATION FOR PARKS AND RECREATION DEPARTMENT TO UTILIZE FUNDS FROM MURTIS NICHOLAS ACCOUNT FOR ADA MINIATURE GOLF COURSE CONSTRUCTION

Commissioner Sides discussed the request from the Parks and Recreation Department to utilize funds from the Murtis Nicholas Account for the improvement to the miniature golf course in order to meet ADA requirements. Commissioner Sides stated that in talking with Park Staff there had been several fund raisers to help with funding and there was also the possibility of naming rights due to donations. Commissioner Sides said he was in favor of using donated funds for the project.

Commissioner Sides said if the fund raising efforts came up short, it was also requested to distribute \$1.00 of each game of golf back to the Murtis Nicholas Fund to replenish the amount drawn out. Commissioner Sides said these were funds that had been given to the Park and were not budgeted through the normal

process. Commissioner Sides said he did not see a requirement for the Board of Commissioners to replenish the donated funds. Commissioner Sides stated there was a sizeable amount in the fund and he was glad the Park could use the funds for the proposed purpose. Commissioner Sides said he was not in favor of placing \$1.00 per game back into the fund, but possibly using the money to help charge less per game in the future.

Commissioner Sides moved that the Parks not be allowed to take any of the proceeds from the miniature golf course and distribute it back into the Murtis Nicholas Fund. Commissioner Ford seconded the motion.

Commissioner Coltrain stated that Betty Dan Nicholas Spencer was on the Parks Board and was in support of the effort. Commissioner Coltrain said it was expected to be a small amount and the Park Staff and Park Board were optimistic that enough monies would be received from businesses and individuals to cover all of the costs. Commissioner Coltrain stated the Park Staff wanted to replenish their fund so that in the event of an unexpected capital need, Staff would not have to ask the County for funds.

Commissioner Sides pointed out that miniature golf course improvements came before the Board at an earlier date and the Board was not willing to spend the money and the Park proceeded with the fund raising efforts to accomplish the renovations. Commissioner Sides stated it was a worthwhile project but not a required project. Commissioner Sides said he would like see the improvements move forward but was opposed to using \$1.00 from each golf game to replenish the Murtis Nicholas Fund.

Commissioner Barber noted that Dan Nicholas Park had raised close to \$100,000 in private donations to help with the project. Commissioner Barber went on to express gratitude to the groups and individuals who had contributed. Commissioner Barber said the Murtis Nicholas Account that was established over 30 years ago, had approximately \$250,000 in private and group donations. Commissioner Barber stated the donors needed to be thanked and in looking at the success of Dan Nicholas Park it has been attributed to private and group contributions. Commissioner Barber said the effort was needed and if the amount required for the project could not be raised, he felt the account could be replenished through user fees. Commissioner Barber said the Board of Commissioners appointed the Parks and Recreation Board and that the Parks Board had unanimously agreed to this particular replenishment mechanism. Commissioner Barber supported the request with the \$1.00 dollar being used to replenish the Murtis Nicholas Fund.

Chairman Mitchell said if the Board accepted the proposal as requested, it was a reversal of the Commissioners stand from several months ago. Chairman Mitchell said the money currently goes into the County's General Fund and the Board would be earmarking \$1 from each golf game to fund the golf course.

Chairman Mitchell said he would stand by the Board's original decision. Chairman Mitchell said the Park could fund the course through fund raising and/or by use of the Murtis Nicholas Account; however, he was not willing to put County funds into it.

Commissioner Ford concurred with Chairman Mitchell and especially in an economy where the County did not have a quarter of a million dollars to spend on a golf course. Commissioner Ford said he appreciated those who had given and raised money. Commissioner Ford said if the Board agreed to take \$1 from each game, the Board was reversing its decision and putting money from the General Fund back into the project.

Upon being put to a vote, the motion passed 3-2 with Commissioners Barber and Coltrain dissenting.

7. REPORTS

The following report was submitted for the Board's consideration:

- (a) 2010 LEPC Annual Report

Emergency Services Director Frank Thomason said the report was presented to the Board annually for review and that he would be glad to answer any questions the Board might have.

Commissioner Coltrain expressed appreciation for the Committee's work.

Commissioner Coltrain moved to accept the report as submitted. The motion was seconded by Commissioner Barber and passed unanimously.

8. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Health – Federal Beacon Grant funds support the new electronic medical records program and is a 3-year grant. To add expenses and revenues for FY 2012 – second year - \$112,253
- Finance – Revise revenues and expenditures for Home and Community Care Block Grant – Adult Day Care and In Home Aid per revised grant funding plan - \$1,101
- Finance – County has received construction bids for the rehabilitate apron pavement project at Airport. Total project costs are estimated to be \$1,095,342.25. Since current grant for this purpose allows for expenditures of \$742,157 NCDOT has recommended that the County combine Vision 100 funding not yet allocated with this grant - \$633,334

Commissioner Coltrain moved approval of the budget amendments as presented. The motion was seconded by Commissioner Ford and passed unanimously.

9. ADJOURNMENT

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 5:21 pm. The motion was seconded by Commissioner Ford and passed unanimously.

Respectfully Submitted,

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