

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

September 19, 2011 – 6:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING
.....

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 6:00 pm.

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

Chairman Mitchell introduced Amy Smith, who was in attendance as part of her participation in the Leadership Rowan Program.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Ford seconded and the vote to approve the minutes of the September 6, 2011 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

There were no additions to the agenda.

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 passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

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

The Consent Agenda consisted of the following:

- A. Add Long Creek Lane to the State Secondary Road System For Maintenance

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:

- John Bare discussed the proposed central office for the Rowan Salisbury School System (RSSS) and said he felt the project should wait due to the economy. Mr. Bare said if the project moved forward, it should be put out for competitive bids.
- Will McCubbins addressed the issue of the proposed central office for RSSS and felt now was not the time to sink the County further into debt. Mr. McCubbins was opposed spending such a large sum of money without voter approval.
- Larry Wright compared the RSSS Superintendent's salary of over \$200,000 annually to the salary of North Carolina's Governor. Mr. Wright also discussed two (2) current openings and salaries for Assistant Superintendents. Mr. Wright felt the Board of Education (BOE) should look at its current administrative staff and see how many positions could be eliminated. Mr. Wright said the BOE priority should be taking care of children.
- Commissioner Jim Sides read an article by Tim Cox, which discussed the need for changes in government. Commissioner Sides said the changes would not happen without changing who is elected.
- William Peoples spoke regarding the proposed new central office for RSSS. Mr. Peoples said he was not in favor of a new central office when there were schools that needed to be replaced. Mr. Peoples said RSSS should move its offices to the former DSS building.

Chairman Mitchell asked the Board's pleasure in extending the current Public Comment Period to accommodate those who had signed up.

Commissioner Ford moved, Commissioner Barber seconded and the vote to extend the Public Comment Period passed unanimously.

- Arnold Beaver felt if RSSS needed a new central office, they should pay for it.
- Catherine Reynolds said it was unwise to commit funds for capital projects when the economy was bad. Ms. Reynolds also felt Chairman Mitchell

should recuse himself from voting on the issue of a new central office for RSSS to avoid the perception of a conflict of interest.

- Darlene Blount said she had studied the material regarding the proposed central office for RSSS and she asked the Board to remember the proposal was for a lease-construction deal. Ms. Blount asked the Board to consider the economy and that it was unthinkable and irresponsible to burden the taxpayers.

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

3. PRESENTATION OF COUNTY HEALTH RANKINGS

Health Department Director Leonard Wood and Dr. Dari Caldwell, CEO of Rowan Regional Medical Center, presented a county comparison of NC Health Rankings. The summary of information was compiled by the University of Wisconsin Population Health Institute and the Robert Wood Johnson Foundation.

Dr. Caldwell expressed concern with the health rankings; however, she said there were many items the County had the ability to impact. Dr. Caldwell said she wanted Rowan County to be in the better half of the statistics for the State, as opposed to ranking in the lower half.

Mr. Wood said he picked counties similar in size and demographics for the comparison. Mr. Wood said Rowan was #62 of all counties.

Mr. Wood provided a power point presentation as he highlighted the breakdown of the data in the agenda packets. Mr. Wood felt Rowan should be concerned with education and socioeconomic status and he concluded by reviewing what could be done to improve Rowan's health ranking.

In response to a query from Commissioner Coltrain, Mr. Wood said what was realized in the information was that the health disparity in the minority population was significant.

Commissioner Sides commented regarding the County's total budget for the Health Department, as well as the County's allocations for Medicaid and food stamps. Commissioner Sides said there came a point where the County ran out of funds to spend on health. Commissioner Sides said an individual had a personal responsibility for their choices such as in foods, alcohol, etc.

Commissioner Barber said he had watched a news story concerning the health rankings. Commissioner Barber felt the County did not have a financial crisis but rather a moral crisis and that he would rather see money spent on prevention.

Dr. Caldwell said the Board was charged with oversight of the school system and the data showed a correlation between the health rankings and dropout rates,

etc. Dr. Caldwell said the effects spilled over into the community and she felt focus should be placed on the school system.

Chairman Mitchell expressed appreciation for the information.

4. DISCUSSION REGARDING POSSIBLE BROADCAST TOWER TEXT

Planning and Development Director Ed Muire explained that following the Commission's vote on the conditional use permit application for Davidson County Broadcasting, Inc. (DCBI), the Commission directed Staff to provide considerations for amending the current broadcast tower requirements in the zoning ordinance. Mr. Muire said Staff had offered some suggestions and opinions related for discussion prior to Planning Board referral.

Moratoriums

NCGS 153A-340(h) authorizes counties to enact, "temporary moratoria on any county development approval required by law" and could reasonably be applied to broadcast or telecommunication towers. However, lacking an "imminent and substantial threat to public health or safety" the County must advertise for and conduct a public hearing, then adopt an ordinance establishing the moratorium. The moratorium ordinance must address four (4) elements:

1. Statement of the problems or conditions requiring the moratorium; what alternatives were considered and why the county opted not to pursue them instead.
2. Indication of what development approvals are affected and how the moratorium will address the problems leading to enactment of the moratorium.
3. Date for termination of the moratorium and why the duration is reasonable.
4. List of the actions to be taken and schedule for accomplishing them.

The extension of a moratorium may not be renewed unless the county has taken all "reasonable and feasible steps proposed" in its ordinance and "unless new facts and conditions warrant an extension."

Staff Opinion: *The DCBI application had existed in some capacity beginning in 2003 and since that time, no other inquiries for a broadcast tower have been received. Prior to the DCBI application, the WEND tower located at the Brown and Lipe Roads intersection was erected prior to countywide zoning in 1997. Although statutory authority exists, Staff opinion is that adoption of a moratorium ordinance is not warranted in this case. Furthermore, without proper notice, ordinance criteria and adoption, the County's actions may be suspect if subjected to a legal challenge.*

Ordinance Criteria

Each local government that has enacted a zoning ordinance through the legislative process had the ability to determine and establish what districts are appropriate for their jurisdiction and which uses should be permitted, excluded or

conditionally permitted. Consequently, zoning districts and their associated standards vary from place to place depending upon what citizens and their governing boards deem appropriate. Regardless of jurisdiction, the inclusion of a particular land use as “conditional” in a zoning district implies it is permitted, provided the applicant can demonstrate the proposal will satisfy pre-determined ordinance standards based on facts established during the hearing that support the request.

Assuming an applicant presents competent material and substantial evidence to the Commission that satisfies **every** required finding and no contradictory facts or evidence of equal influence is presented, the permit must be granted. If however, an opponent presents contrary evidence indicating that **any one** of the findings has not been met, then the ‘burden of proof’ shifts back to the applicant to overcome the opponent’s case.

Broadcast Tower Text

Background: *The current specific conditional use criteria for broadcast towers were created as a result of a text amendment request from DCBI (Salisbury Media, LLC) in 2003. At that time, broadcast and telecommunication towers were subject to the same conditional use criteria and DCBI was of the opinion that a broadcast tower could not comply with several of the standards; most notably the balloon test and height limitations. Once the text was adopted, DCBI made application for a tower location at the Parker tract, but withdrew the application from consideration prior to a decision by the Commission. This prompted the Commission to enact a moratorium which was in effect for seven (7) months (September '03 thru March '04). During the moratorium, the Planning Board studied many issues related to broadcast towers and made recommendations to the Commission for protected airspace surrounding private airfields and for broadcast towers to be located in a CBI district. The Commission adopted only the CBI district requirement which was later overturned by Superior Court in December 2004 and in January 2005 DCBI submitted the second of its three attempts to obtain a conditional use permit for locating a broadcast tower on the Parker property.*

Some comments made during the DCBI hearing suggested the specific conditional use criteria for broadcast towers were open to interpretation and speculation; the criteria standards can be modified to be more specific at the discretion of the Commission. Regardless of standards or language, if there is opposition to an application there will be a challenge as to whether or not standards have been satisfied by the applicant.

Staff offers these suggestions for potential text amendment study by the Planning Board:

- Protected surface (height limitations) zones for private group or club airfields (non-individually owned / operated) similar to those for public airports as promoted by the FAA

- Provision for tower applicant to obtain hazard determinations from both the FAA and NCDOT Aviation
- Establish a corridor width for the NC Scenic Byway
- Provision for tower applicant to obtain determinations from the NC State Historic Preservation Office that tower will not adversely affect properties or landscape within a predetermined distance
- Clarify that telecommunication towers constructed by North Carolina or Rowan County for the provision of emergency, fire or police communication and dispatch purposes are exempt from ordinance standards
- Recognize that amateur radio antennas up to ninety feet (90') in height may be exempt from zoning rules as per NCGS 153A-341.2
- Clarify that operating limits certification and surety bond for tower removal are expected to be submitted if approved

Another consideration and perhaps more costly option would employ a broadcast / telecommunication consultant to determine the likelihood and location(s) for new and relocated towers in the County.

Commission Options

Prior to having the Planning Board initiate study of any potential amendments, Staff would like to obtain a consensus from the Commission as to the direction for study. The Commission has several options for consideration which include:

- 1. Select from the potential text amendment options listed above for study by the Planning Board*
- 2. Suggest additional options for Planning Board study*
- 3. Elect to make no amendments to the existing broadcast tower text*

Commissioner Sides moved to make no amendments to the existing broadcast tower text (option #3). The motion was seconded by Commissioner Ford.

Commissioner Coltrain supported option #2.

Commissioner Barber said he was the board member who had raised concern with the existing text after the recent public hearing for Davidson County Broadcasting, Inc. (DCBI) and he discussed the amount of funds the County had spent during the process. Commissioner Barber said the proposed text would help protect the property rights of those who lived in the vicinity of a proposed tower. Commissioner Barber said he would like to know how close another tower could be erected before he could agree to stop the discussions.

Commissioner Sides said the County had spent the taxpayers' money addressing the tower issue and he felt the County could be challenged if the Board changed the text after its decision concerning DCBI. Commissioner Sides said when discussing property rights, he was more concerned about the people who owned the property than the rights of people who do not.

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

5. DISCUSSION REGARDING RECOGNITION PROGRAM FOR COUNTY EMPLOYEES

Commissioner Barber highlighted the information in the agenda packet regarding positive steps the Board had taken over the past three (3) years to save money. Commissioner Barber emphasized that the savings would not have been possible without the sacrifices made by county employees.

Commissioner Barber reviewed the employee turnover rate and associated costs.

Commissioner Barber said the Board should be proud of what had been accomplished; however, he felt the Board should not ignore the fact that without the sacrifices of county employees, the County would not have achieved the results.

Commissioner Barber suggested that the Board appoint a committee to explore the options for a recognition program for county employees and also give the committee an amount as to how much money could be spent on the program. Commissioner Barber said the committee would make a recommendation to the Board.

Commissioner Barber moved to instruct the County Manager and Human Resources Director to bring a committee together to look at the options in the agenda packet and bring a recommendation back to the Board. Commissioner Barber added that the Board would need to set financial parameters for the committee.

The motion was seconded by Commissioner Coltrain who asked if the “door was open” for other suggestions. Commissioner Barber responded, “Absolutely”.

Commissioner Sides said he would not vote for the motion to form the committee. Commissioner Sides said when the County received its’ audit of financial standing he would not have a problem with the County Manager and the Finance Director making a recommendation. Commissioner Sides recalled prior comments he made concerning a one-time \$500 bonus for employees, which would not have required a tax increase. Commissioner Sides said since a tax increase was approved, there was no money for the bonus. Commissioner Sides said every board member would like to give the employees a raise; however, there was no money to do so. Commissioner Sides said he appreciated every employee; however, he preferred to wait for the audit to determine if there were extra funds. Commissioner Sides applauded Commissioner Barber for the information accumulated but said when there was no growth, the County could not give additional benefits or raises.

Commissioner Ford said he would be the first in line to give employees a raise when the economy turned around. Commissioner Ford said the current financial situation was probably the most difficult the country had ever seen.

A brief discussion ensued between Chairman Mitchell and Finance Director Leslie Heidrick regarding the County's fund balance. Chairman Mitchell said he hoped the County would add to the fund balance this year instead of taking away. Chairman Mitchell said his personal preference was to leave the options that required funds off the list; however, he had no problem giving employees their birthday off during their birthday month. Chairman Mitchell said the birthday option was at no additional cost to the general treasury.

Chairman Mitchell said the County had a real problem with the compression issue and the County needed to target its limited funds to bring employees back up to the market.

Commissioner Coltrain said the Board had gotten skewed from the motion, which was to form a committee.

Commissioner Ford supported allowing employees to take their birthday off.

Commissioner Sides said he would not vote to give employees another day.

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

Commissioner Ford moved to ask the County Manager to look into the cost of a birthday plan for the Board to vote on at a later date. The motion was seconded by Commissioner Sides and passed unanimously.

6. CONSIDER EXTENSION OF EXISTING CELL TOWER LEASE ON PROVIDENCE CHURCH ROAD

County Manager Gary Page said Crown and Associates had requested the County grant an extension on their current lease. The current lease was for use of a 10,000 square foot parcel of property on Providence Church Road near Dan Nicholas Park. Crown currently pays the County \$862 per month for rent of the property that is used for a monopole cell tower. The rent automatically increases 15% on each extension or renewal date.

Mr. Page explained that Crown currently had four (4) five year extensions left on the original lease and asked for six (6) additional five year extensions. Mr. Page said Crown offered a one-time \$5,000 payment for the right and approval for their extension request.

Commissioner Sides moved to table the issue for 30 days. Commissioner Sides said he did not wish to take advantage of the company; however, he was

uncomfortable to make a decision on a matter that extended 30 years. Commissioner Sides said he had asked the County Manager to research other cell tower rentals/rates and in 30 days, the County could make a counter offer. The motion was seconded by Commissioner Ford and passed unanimously.

7. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Finance – To recognize reserved funds from FY 2011 for Cooperative Extension - \$60,647
- Finance – To recognize reserved funds from FY 2011 for EMS and to carry forward the grant budget for the Homeland Security Grant - \$19,052
- Health – Set up new account for School Nurse Funding Initiative Program - \$100,000
- Finance – Recognize reserved funds for Health Department from FY 2011 - \$64,265
- Finance – Recognize reserved funds for Library from FY 2011 - \$20,840
- Finance – Recognize reserved funds for Parks from FY 2011 - \$82,302
- Parks – Open revenue and expenditure line item for the annual Music on the Mountain at Dunn's Mountain - \$1,220
- RTS – Revise revenues and expenditures for RTS to match NCDOT revised federal and state admin grant - \$49,898
- Finance - Recognize reserved funds for Senior Services from FY 2011 – \$4,944
- Finance – The County has received the approved JCPC funding allocation for FY 2011-12 from NCDJJD. To adjust budget to match state allocation - \$22,700
- Finance – To budget Incredible Years Grant for At-Risk Siblings and Their Parents. Grant was extended to June 30, 2012 - \$120,893
- Sheriff – Recognize check for \$5,000 from National Association of Drug Diversion Investigators for use by Drug Unit to purchase illegally obtained prescription drugs
- Finance - Recognize reserved funds for Sheriff from FY 2011 - \$194,865
- Finance - Recognize reserved funds for DSS from FY 2011 - \$149,998
- Finance – Carry forward reserve funds from High Rock Assessment Grant and NC Ag Conservation Easement Grant from FY 2011 - \$6,225
- Finance – Effective July 1, 2011, the County will charge public safety departments a one-time \$300 fee for additional OSSI licenses and \$54 per year for maintenance on each license. These fees equal the costs incurred by the County for hosting additional OSSI licenses - \$7,500
- Finance – Increase Duke Help Grant for FY 2012 - \$100,000
- Finance – During fiscal year 2011, the County signed a task order in the amount of \$350,000 with HDR Engineering for permitting and design work for Phase IV of the Rowan County Landfill. During the fiscal year

2012 budgeting process, HDR estimated that \$200,000 would be spent during fiscal year 2011. Therefore, \$150,000 was budgeted in fiscal year 2012. The County actually spent \$93,659.29 during FY 2011. To appropriate the balance of the task order into the new fiscal year - \$106,341

- Airport – Repair a portion of the terminal roof, a restroom and two (2) security cameras - \$19,800

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

8. ADJOURNMENT

There being no further business to come before the Board, Commissioner Coltrain moved to adjourn at 7:52 pm. The motion was seconded by Commissioner Barber and passed unanimously.

Respectfully Submitted,

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