

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

November 5, 2012 – 3:00 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 3:00 p.m.

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Sides seconded and the vote to approve the minutes of the October 15, 2012 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

There were no additions to the agenda.

CONSIDER DELETIONS FROM THE AGENDA

Commissioner Coltrain moved to delete item F on the Consent Agenda (Memorandum of Agreement Between Rowan County and Cleveland Community Fire Department for West Rowan Ambulance Station). The motion was seconded by Commissioner Barber.

Chairman Mitchell explained the purpose for removing the item from the agenda was to provide staff with additional time to “tie up” loose ends on the project.

The motion passed unanimously.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the agenda passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Sides requested to pull item H to the regular agenda.

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

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

The Consent Agenda consisted of the following:

A. Proclamation Honoring Veterans Day in Rowan County

WHEREAS, America was founded on the principles of liberty, opportunity and justice for all; and

WHEREAS, America has called on her men and women in uniform to protect our national security, to advance our national interests and to preserve our rights and independence; and

WHEREAS, on Veterans Day we recognize the men and women of our Armed Forces who have valiantly defended these values throughout our Nation's history; and

WHEREAS, on Veterans Day we also remember and pay tribute to the millions of patriots whose invaluable contributions, courage and sacrifices have secured our freedom and who have kept the peace and defended our values around the globe; and

WHEREAS, our Nation's servicemen and women deserve our deepest appreciation and respect for their selflessness and devotion.

NOW, THEREFORE BE IT RESOLVED, that the Rowan County Board of Commissioners does hereby proclaim November 12, 2012 as VETERANS DAY IN ROWAN COUNTY.

NOW, THEREFORE BE IT FURTHER RESOLVED that the Rowan County Board of Commissioners in keeping with the time honored tradition of recognizing and honoring our veterans, does hereby call upon the citizenry of Rowan County to observe this day with appropriate ceremonies in honor of our veterans, both living and deceased, who have served this country so willingly to preserve the principles of justice, freedom and democracy; to fly the flag and let our veterans know we appreciate their great sacrifices.

- B. Set Public Hearing for November 19, 2012 for Project Oak**
- C. Consider Request to Reduce Membership on Parks & Recreation Commission**
- D. Set Public Hearing for November 19, 2012 for FY '14 Targeted Transit Assistance Grant**
- E. Set Public Hearing for November 19, 2012 for FY '14 Community Transportation Grant**
- F. Memorandum of Agreement Between Rowan County and Cleveland Community Fire Department for West Rowan Ambulance Station (This issue was deleted from the agenda)**

- G. Transfer of Vehicle to Rowan Cabarrus Community College
- H. Authorization for Rowan Public Library to Apply for Grants from Margaret Woodson Foundation, American Library Association, State Library of North Carolina and Salisbury Community Foundation (This issue was moved to the regular agenda as item #6b)
- I. Set Public Hearing for November 19, 2012 for ZTA 02-12
- J. Surplus Property Request to Landis Police Department

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:

- Mary Neely Grissom discussed an effort to relocate and restore a one-room schoolhouse built in the early 1900's. Angelo Franceschina was also present and provided the Board with a handout that described the project in further detail.

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

3. RECOGNITION OF RETIRING FACILITIES MANAGEMENT DIRECTOR RICK RIDENHOUR

Chairman Mitchell recognized retiring Facilities Management Director Rick Ridenhour for over twenty-five years of service to the citizens of Rowan County.

Chairman Mitchell presented Mr. Ridenhour with a plaque and thanked him for his dedication to Rowan County.

The presentation was followed by a round of applause and a standing ovation.

Chairman Mitchell said it would be difficult to replace Mr. Ridenhour's years of experience.

4. PUBLIC HEARING FOR Z 06-12

Planner Andy Goodall provided a power point presentation and also the background for Z 06-12. Mr. Goodall reported that Edward and Debra Pietryk owned tax parcels 410 001 (39.55 acres), 410 029 (13.3 acres), 410 112 (5.43 acres) and 410 124 (.63 acres) off Pietryk Drive, which is located ¼ mile east of the I-85/Peeler Road interchange. Currently, the parcels are zoned 85-ED-3-Corporate Park District and are being used for residences (2). Mr. Goodall said the Pietryks have had difficulties refinancing their home due to the current zoning (non-residential) and are requesting that the zoning for all four (4) parcels be changed to Rural Agricultural (RA).

Using the power point presentation, Mr. Goodall showed photographs that depicted the site as well as the surrounding areas.

Mr. Goodall discussed the requested zoning district and presented Staff's observations: 1) The change in zoning from 85-ED-3 to RA may be consistent with the current land use and the RA zoning description, 2) but is in direct conflict with the future land use recommendations found in the Eastern Area Land Use Plan. 3) The board could consider rezoning only the developed area of the parcels to RA. 4) If the board chooses to approve the request, as is, the board may wish to consider the zoning of two (2) adjacent properties (410 002 and 410 030) that are also zoned 85-ED-3.

Mr. Goodall highlighted the requested action of the Board as follows:

1. Motion to adopt a statement of consistency.
2. Motion to approve, deny or table request to rezone tax parcels 410 001/029/112/124 and 410 019 from 85-ED-3 to RA.

Mr. Goodall said the Planning Board voted (11-0) to recommend the following Statement of Consistency:

Property is suitable for RA zoning because of surrounding property with RA zoning designation and would have no negative effect on the surrounding property. The rezoning would cause no change in traffic flow. Even though the property is located near Southeast Middle School, the RA zoning would not create a hazard for the school. The property is currently in residential use with no commercial sites in conjunction with the property.

According to the staff report, the Planning Board also voted (11-0) to recommend approval of the request, as well as recommended rezoning parcel 410 019 (owned by James Hauss) from 85-ED-3 to RA (owner was present and approved).

Chairman Mitchell opened the public hearing to receive citizen input regarding Z 06-12. With no one wishing to address the Board, Chairman Mitchell closed the public hearing.

Commissioner Sides moved approval of the Statement of Consistency as recommended by the Planning Board. The motion was seconded by Commissioner Barber and passed unanimously.

Commissioner Sides moved to approve Z 06-12 and to include parcels 410-112 and 410-124 as recommended by the Planning Board. The motion was seconded by Commissioner Ford seconded passed unanimously.

5. CONSIDER APPROVAL OF FSW 01-12

Senior Planner Shane Stewart reported that William Greene owns a seven (7) acre parcel located at the 1100 block of Rock Grove Church Road further referenced as tax parcel 428-065, which currently contains one (1) site-built home (1140), one (1) single-wide manufactured home (1150), and one (1) modular home (1160). Mr. Stewart said Mr. Greene was currently in negotiation with a perspective buyer of one (1) acre including the modular home, which will be approved administratively as a minor subdivision since it would contain the requisite public road frontage. Since subdividing a one (1) acre lot for the single-wide would not leave sufficient public road frontage for the five (5) acre residual tract containing Mr. Greene’s residence for a minor subdivision, a family subdivision provides the only option to establish the parcel. According to Mr. Greene, he would like to deed this parcel to his cousin, which would require a family subdivision waiver from the Board of Commissioners.

Mr. Stewart said the waiver process was established to give the Board the ability to waive certain requirements of the family subdivision standards in situations such as this. Mr. Stewart said while a cousin is not immediate family by definition, it appears he does not have other options to receive family land but does on this land, where he has lived for eighteen (18) years. Mr. Stewart said both the modular and manufactured home lots would continue to have direct access to a public road with only Mr. Greene’s parcel being served with a private easement through the home lot. Staff recommended approval.

Commissioner Sides moved, Commissioner Barber seconded and the vote to approve FSW 01-12 passed unanimously.

6. AWARD OF CORPORATE HANGAR BIDS AND PROJECT BUDGET APPROVAL

Carl Ellington of Talbert and Bright Engineering, Inc. (TBI) discussed the proposed corporate hangar bids and project budget for the Rowan County Airport.

Mr. Ellington said KMD Construction was the low bidder at \$1,156,954, including the alternates.

Mr. Ellington said the Board would need to discuss a recommendation for the addition of a fire suppression system, as well as contingencies for the project and design and construction services for the project. Mr. Ellington said these items combined for a total of \$443,046, bringing the project total to \$1,600,000.

Mr. Ellington said the County had received three (3) commitment letters in the amount of \$550,000 from the North Carolina Division of Aviation in support of the project.

Commissioner Sides asked if the County had received a firm price for the foam suppression system. Mr. Ellington responded no and confirmed TBI was currently in negotiations for the system. Mr. Ellington said the County could negotiate with the low bidder or bid the foam suppression system as a separate project.

Commissioner Sides moved to wait until the November 19, 2012 to award the contract in order to give TBI time to negotiate with the low bidder for the foam suppression system. The motion was seconded by Commissioner Barber.

Commissioner Coltrain expressed appreciation to Mr. Ellington and TBI for pursuing the \$550,000 in grant funds.

At the request of Commissioner Sides, Mr. Ellington provided a brief explanation for the public's benefit as to why the County would prefer a foam suppression system as opposed to a water system.

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

6b. Authorization for Rowan Public Library to Apply for Grants from Margaret Woodson Foundation, American Library Association, State Library of North Carolina and Salisbury Community Foundation (This item was pulled from the Consent Agenda).

Commissioner Sides said the Library had originally requested to apply for four (4) different grants; however, the request to apply for the State Library of North Carolina Grant had since changed. Commissioner Sides moved to approve the request for the three (3) remaining grants. The motion was seconded by Commissioner Barber.

In response to an inquiry from Commissioner Coltrain, Library Director Jeff Hall explained that bids for adding identification services at the library in Rockwell had come in substantially higher than anticipated. Mr. Hall said he felt the County should delay the project for one year in an effort to obtain a better figure.

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

7. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Finance – To budget additional revenues and expenditures for the Animal Shelter due to an increase in adoptions - \$17,300
- Sheriff – Recognize excess revenue and budget to expense account - \$1,055

- Sheriff – Recognize grant funds awarded and budget to proper expense account - \$1,369
- Social Services – Budget funds in expenditure and revenue line items to add Donna Beaver to Northwoods system as a user - \$4,483
- Finance – Budget FY 2013 expenditures, revenues and appropriated fund balance for the Apron Rehabilitation Project at Airport - \$297,730
- Finance – Appropriate funds for the construction of Corporate Hangar at Airport - \$1,600,000

Commissioner Coltrain moved approval of the budget amendments with the exception of the budget amendment for construction of the corporate hangar at the airport. The motion was seconded by Commissioner Sides and passed unanimously.

8. CONSIDER APPROVAL OF BOARD APPOINTMENTS
CHARLOTTE REGIONAL PARTNERSHIP BOARD

E. Hayes Smith has submitted an application for reappointment. The term would be for one (1) year beginning November 1, 2012 and expiring June 30, 2013.

Commissioner Coltrain nominated Hayes Smith and the nomination passed unanimously.

CLEVELAND VOLUNTEER FIRE DEPARTMENT FIRE COMMISSIONER

There are three (3) vacancies and the following have submitted applications for consideration:

- Connor Rankin Hutchison, Jr.
- Robbin Moon
- Claude L. Rogers, Jr.
- Travis Summitt

The terms would be for two (2) years beginning November 1, 2012 and expiring September 30, 2014.

Commissioner Sides nominated Travis Summitt.

Commissioner Ford nominated Claude Rogers, Jr.

Commissioner Coltrain nominated Connor Hutchison, Jr.

Upon being put to a vote, the nominations for Travis Summitt, Claude Rogers, Jr. and Connor Hutchison, Jr. passed unanimously.

LOCAL EMERGENCY PLANNING COMMITTEE

Barry Hower retired as the North Carolina Highway Patrol representative. Frank Ferguson has submitted an application to serve as the representative. There are no term limits for this board.

Commissioner Coltrain nominated Frank Ferguson and the nomination passed unanimously.

JUVENILE CRIME PREVENTION COUNCIL

Liam Eason Pendergrass has submitted an application for consideration as a Youth Under Age 18 representative. The term would be for two (2) years beginning November 1, 2012 and expiring June 30, 2014.

Commissioner Barber nominated Liam Eason Pendergrass and the nomination carried unanimously.

ROWAN PUBLIC LIBRARY BOARD OF TRUSTEES

Jennie K. Murphy has submitted an application to fill an unexpired term, which will end June 30, 2015.

Commissioner Barber nominated Jennie Murphy and the nomination passed unanimously.

ROWAN RESCUE SQUAD

Commissioner Jon Barber's term as the Commission Appointee to the Rowan Rescue Squad will expire November 30, 2012. Commissioner Barber will have served two (2) terms.

Chairman Mitchell said his preference was to allow Commissioner Barber to continue to serve until the revised bylaws were presented to the Commissioners.

Commissioner Sides moved to defer the appointment until after December 3, 2012 after the new Board of Commissioners was seated. The motion was seconded by Commissioner Ford.

Chairman Mitchell said the bylaws were a "work in motion" and would probably not be approved by the Rescue Squad by December 3, 2012; however, he expressed hope there would be some firm information in place as to what the bylaws would consist of.

Commissioner Barber said he was more than happy to continue to serve. Commissioner Barber said what had traditionally been done in the past was for the Chairman of the Board to make the Rescue Squad appointment.

Chairman Mitchell said the Rescue Squad's bylaws stated in one section that the Chairman of the Board of Commissioners made the Rescue Squad appointment (for the Commission liaison) while another section stated the full Board of Commissioners voted on the appointment. Chairman Mitchell said the last two (2) appointment cycles for the Rescue Squad had been a full Board appointment. Chairman Mitchell said there was "supreme confusion" in the bylaws as to who

had the authority to make the appointment, which was one reason he was willing to wait and make the appointment after the bylaws had been revised.

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

9. CLOSED SESSION

Commissioner Ford moved to enter Closed Session at 3:38 p.m. pursuant to North Carolina General Statute § 143-318.11(a)(1) for approval of Closed Session Minutes and North Carolina General Statute § 143-318.11(a)(4) for Economic Development. The motion was seconded by Commissioner Sides and passed unanimously.

The Board returned to Open Session at 4:37 p.m. No action was taken.

10. ADJOURNMENT

There being no further business to come before the Board, Commissioner Coltrain moved to adjourn at 4:37 p.m. The motion was seconded by Commissioner Sides and passed unanimously.

Respectfully Submitted,

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