

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
November 2, 2015 – 3:00 PM
J. NEWTON COHEN, SR. ROOM**

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

Present: Greg Edds, Chairman
Jim Greene, Vice-Chairman
Mike Caskey, Member
Judy Klusman, Member
Craig Pierce, Member

County Manager Aaron Church, Clerk to the Board/Assistant to the County Manager Carolyn Barger, County Attorney Jay Dees and Assistant County Manager/Finance Director Leslie Heidrick were present.

Chairman Edds convened the meeting at 3:00 p.m.

Assistant Chaplain Michael Taylor provided the Invocation.

Chairman Edds led the Pledge of Allegiance.

CONSIDER ADDITIONS TO THE AGENDA

Commissioner Pierce requested to add a Closed Session.

Chairman Edds added the Closed Session as agenda item #14a.

CONSIDER DELETIONS FROM THE AGENDA

- Commissioner Greene reported that the company scheduled to make the presentation for agenda item #5 had a conflict and had requested to reschedule the presentation to the first meeting in December.
- Chairman Edds pulled Consent Agenda item H for discussion. The item was placed on the agenda as item #4a.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Pierce moved, Commissioner Klusman seconded and the vote to approve the agenda passed unanimously.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Klusman moved, Commissioner Pierce seconded and the vote to approve the minutes of the October 19, 2015 Commission Meeting passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

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

The Consent Agenda consisted of the following:

- A. NC DOT Bicycle Helmet Initiative Grant Application
- B. Resolution Awarding Service Sidearm to Retiring Sgt. Robert Price
- C. Debt Write-Off for the Health Department
- D. Approval of Professional Engineering/Consulting Services for Water System
- E. State Request to Add Round Tuit Lane to State Secondary Road System for Maintenance
- F. Airport Apron Rehabilitation Grant
- G. Reschedule Public Hearing to November 16, 2015 for EDC "Project D2"
- H. Contract With Lazy 5 Vet To Provide Spay/Neuter Services for the Animal Shelter (placed on the agenda as item #4a for discussion)

2. PUBLIC COMMENT PERIOD

Chairman Edds opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. With no one coming forward, Chairman Edds closed the Public Comment Period.

3. PUBLIC HEARING FOR Z 09-15

Senior Planner Shane Stewart said on behalf of the Nesbit and Leab families, Millie Nesbit requested the rezoning of a 1.8 acre portion of the family's 18.5 acre property referenced as tax parcel 270-017 located at Leab Lane and Old US 70 Highway from Manufactured Home Park (MHP) to Rural Agricultural (RA). The family wishes to eliminate the Leab Mobile Home Park (Park) and its associated four (4) spaces that retain the manufactured home at 125 Leab Lane.

Mr. Stewart highlighted the zoning criteria in the Staff Report. Mr. Stewart said in addition to the zoning criteria, the Zoning Ordinance outlined the consideration to be given in a rezoning decision.

Procedurally, Mr. Stewart said the Board must develop a statement of consistency describing whether its action is consistent with any adopted comprehensive plans and indicate why their action is reasonable and in the public interest.

The Planning Board met on September 28, 2015 and other than the applicant, Mr. Stewart said no one spoke during the courtesy hearing. Mr. Stewart reported

the Planning Board voted unanimously to recommend approval based on the following statement:

Statement of Consistency: The proposed amendment is consistent with the West Rowan Land Use Plan based on the fact that this will no longer be a mobile home park and the use is more in line with the surrounding area as a rural agricultural use. This rezoning shall have no effects on utilities and no adverse effect on the public or roads and schools.

In conclusion, Mr. Stewart said the request met the purpose and intent of the RA district and will result in a uniform zoned area for properties north of the railroad.

Chairman Edds opened the public hearing to receive citizen input regarding Z 09-15. With no one coming forward to address the Board, Chairman Edds closed the public hearing.

Commissioner Greene moved approval of the Statement of Consistency as recommended. The motion was seconded by Commissioner Pierce and passed unanimously.

Commissioner Greene moved, Commissioner Caskey seconded and the vote to approve Z 09-15 passed unanimously.

4. CONSIDER APPROVAL OF TEXT AMENDMENTS TO SEC. 2-131 HOLIDAYS OF THE ADMINISTRATION CODE OF ORDINANCES

Chairman Edds said a public hearing was held on October 19, 2015 to consider text amendments to Chapter 2 of the Rowan County Code of Ordinances. Chairman Edds said a vote was deferred on the issue in order to allow all five (5) board members to be present.

Chairman Edds asked the Board's consideration of the proposed amendments to Chapter 2, Administration, Article II Personnel, Section 2-131, Holidays.

Commissioner Pierce moved approval of the proposed amendments as submitted. The motion was seconded by Commissioner Klusman and passed unanimously.

The text amendments were approved as follows:

Sec. 2-131. - Holidays.

- (a) The commissioners will provide the following holidays: New Year's Day, Martin Luther King, Jr.'s Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving (2 days), and Christmas (3 days).
- (b) When a holiday, ~~other than Christmas Day~~ falls on a Sunday, Monday shall be observed as a holiday. When a holiday falls on a Saturday, Friday shall be observed as a holiday.

~~(c) For staff who work on a seven (7) day, twenty-four (24) hour operation, a separate holiday schedule will be adopted and observed when the legal holiday falls on a Saturday or Sunday.~~

~~(c) If a holiday, as designated by this article, falls on a day other than Monday and is designated nationally to be observed on a Monday, the county policy is amended to observe that holiday on a Monday.~~

~~(d) At Christmas, two (2) days are observed except when both the days before and after Christmas Day are scheduled workdays, then three (3) days are given.~~

~~(e)(d)~~ Part time benefitted employees accrue holiday leave based on the average number of hours an individual works ~~during the pay period.~~

~~(f)(e)~~ Temporary employees are not eligible for paid holidays.

~~(g)(f)~~ The policy that governs the use of holiday time is as follows:

- (1) There is no waiting period for holidays.
- (2) When staffing permits, holidays may be taken on the day of the holiday. Employees who are required to work on the county holiday to insure delivery of services will receive another day off in the place of that day and additional pay equal to one-half of their regular hourly rate. The employee will not lose the holiday.
- (3) Holidays must be taken on or within a period of time agreeable to the department director and employee.
- (4) A holiday occurring during the vacation of an employee will be paid and recorded as a holiday.
- (5) In computing wages, holiday pay will be computed at regular pay and will be excluded from calculating overtime.
- (6) Unauthorized absence on a holiday will not be paid.
- (7) If employees have excused absences for illness during a period in when the holiday falls, they will receive the holiday pay.

(Ord. of 8-3-87, § 1.6.1; Ord. of 6-2-03)

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State Law reference— Dates of public holidays, G.S. 103-4.

4a. CONTRACT WITH LAZY 5 VET TO PROVIDE SPAY/NEUTER SERVICES FOR THE ANIMAL SHELTER

This item was pulled from the Consent Agenda for discussion.

County Manager Aaron Church provided the Board with a revised contract to replace the contract in the agenda packet. Mr. Church referred to the handout and highlighted the changes in item F on page 6 (Documentation Provided to Animal Owner).

Commissioner Pierce moved to approve the contract with Lazy 5 Vet to provide spay and neuter services for the Animal Shelter. Commissioner Klusman seconded and the motion passed unanimously.

5. PRESENTATION REGARDING BODY CAMERAS FOR SHERIFF'S DEPARTMENT

This item was deleted from the agenda

6. APPROVE CONSTRUCTION DOCUMENTS FOR VETERAN SERVICES OFFICE AND BOARD OF ELECTIONS AT WEST END PLAZA

County Manager Aaron Church discussed the construction documents for Phase I of the West End Plaza. Mr. Church said the project would go out to bid on November 16, 2015 and the bids should be turned in by December 28, 2015. Mr. Church expressed hope the Board could award the contract at the first meeting in January and the project would be completed by June 30, 2016.

Scotty Smith from ADW Architects provided a power point presentation and discussed the upfits for the Veteran Services Office (VSO) and Board of Elections (BOE). Mr. Smith said the only change for the BOE had been to add an IT closet. The changes for the VSO plans were to the reception area.

Commissioner Klusman moved, Commissioner Pierce seconded and the vote to approve the construction documents for Phase I of WEP passed unanimously.

7. PROCLAMATION HONORING VETERANS DAY IN ROWAN COUNTY

Commissioner Caskey read a Proclamation Honoring Veterans Day in Rowan County as follows:

WHEREAS, throughout our history, America has been protected by patriots who cherished liberty and made great sacrifices to preserve our rights and independence; and

WHEREAS, the brave members of the United States Armed Forces have answered the call to defend America and to protect our national security; and

WHEREAS, on Veterans Day, we honor and remember these extraordinary Americans for their valiant service and we pay tribute to their courage, invaluable contributions and to their legacy for their selfless defense of our great Nation.

NOW, THEREFORE BE IT PROCLAIMED by the Rowan County Board of Commissioners that November 11, 2015 is to be recognized as VETERANS DAY IN ROWAN COUNTY.

BE IT FURTHER PROCLAIMED 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 citizens of Rowan County to observe this day with appropriate ceremonies in honor and deepest appreciation of our veterans, both living and deceased, who have served this country so willingly to preserve the principles of justice, freedom and democracy; to display the flag and show our veterans our respect for their selflessness and devotion.

Commissioner Greene moved, Commissioner Pierce seconded and the vote to approve the Proclamation passed unanimously.

8. PRESENTATION FROM SHELTER GUARDIANS REGARDING PROPOSED ADDITION TO ANIMAL SHELTER

Chairman Edds welcomed Nina Dix, Chairman of Shelter Guardians, Inc. (SG) and Architect Jon Palmer.

Ms. Nix said the formation of SG took place in July 2014 and the group worked collectively to help animals at the Shelter become healthy and adoptable. Ms. Nix praised the cooperation of the Shelter Staff with SG. Ms. Nix said SG would welcome anyone in Rowan County that had a desire to help animals.

Mr. Palmer, a member of the SG Board, outlined the design of the Shelter addition. Mr. Palmer said the founding purpose of SG is to help provide material and medical needs for the animals under the care of the Shelter. Mr. Palmer said he and Ms. Dix had met with Animal Control Staff and helped to evaluate needs and prioritize into a multiphase design solution known as Project Canine (Project). Mr. Palmer said the goal of the Project is to provide necessary facility upfit and expansion to all the staff to carry out their obligations.

Using a power point presentation, Mr. Palmer outlined the proposed addition and highlighted to the various phases of the Project as follows:

Phase I: Intake Addition

The first phase is a single room addition off of the rear of the existing Animal Control facility, which will be used as the Canine Intake Room where Shelter Staff will be able to temporarily hold, evaluate, administer vaccinations, and document incoming dogs to properly process them into the Shelter system and program. There is currently no such room in the facility.

Phase II: Dog Adoption Center

The DAC will provide a new, stand alone, 62-kennel facility for a healthy dog population, provide for necessary support spaces such as food preparation, grooming facilities, storage, a future Spay-Neuter Surgery Suite, offices, a central Volunteer and Staff Suite, and multiple visit rooms that will establish a new public image for the Rowan County Animal Shelter, and encourage County citizens to care for and adopt homeless animals.

Siting

The DAC is proposed to be sited on the opposite side of the newly constructed 'cat wing' from the current facility. This will promote easy access from one building to another for Shelter Staff, and will foster a heightened public image by allowing for direct sight lines coming onto the property from Julian Road.

Phase III: Quarantine Building

The current facility will be re-purposed to only handle Court cases, stray holds, bite dogs, and unhealthy animals requiring quarantine and/or isolation from the main population at the DAC. Surfaces will be refinished to help reduce sickness

and contamination; the current open air flow in the building will be maintained as the healthiest scenario to promote recuperation and rejuvenation. Unescorted public and volunteers will not be allowed access to this building.

Additional Staffing Requirements

The existing facility is inadequate to accommodate the current roster of Animal Control Officers and necessary support Staff; Project Canine will now allow Staff to be reconfigured across multiple buildings with no additional staffing anticipated.

The Partnership

Shelter Guardians Inc. is asking Rowan County to provide the necessary land to successfully complete the project with its multiple phases and associated spaces, and their permission to proceed with Project Canine in its entirety. Shelter Guardians Inc. will provide all necessary funds, through private donations and capital campaign fundraising, to cover the applicable project costs. Once completed, all phases of Project Canine will be given over to Rowan County and the Rowan County Animal Shelter for its continued and intended use.

Commissioner Pierce said the estimated cost for the stand alone adoption center was \$1.5 million. Mr. Palmer said the figure was correct; however, no figures had yet been provided by contractors.

Commissioner Pierce questioned the timeframe for SG to have the funds in escrow and Mr. Palmer said he was uncertain. Mr. Palmer continued by saying SG had begun its fundraising efforts but had been waiting for the Commissioners approval to begin with the fundraising for Phase II.

Commissioner Pierce expressed appreciation for SG's willingness to take on the Project. Commissioner Pierce said SG was asking the Board to tie up property and he felt it would be inappropriate to obligate a future Board when there was no timeframe for the Project. Commissioner Pierce said he was willing to vote for the addition to the rear of the building immediately but it would not be appropriate for the Board to make a commitment for the Dog Adoption Center when it could take years to raise the funds.

Chairman Edds asked if it would "be that long" and Mr. Palmer responded, "Certainly we hope not". Ms. Dix added that at this point, SG had not proceeded since the group did not know the Board's position on the matter. Ms. Nix said, "It can't be done without the land".

Commissioner Caskey asked if a time limit could be imposed with another vote by the Board at some point.

Commissioner Pierce said he was in favor of the Project but reiterated he did not feel it was appropriate for the sitting Board to commit a future Board to a Project

not yet funded. Commissioner Pierce said he would rather see SG come back with the funds in an escrow account to ask for a donation of the property at that point. Commissioner Pierce said he did not feel any Board would turn down the request.

Commissioner Pierce agreed with Commissioner Caskey's suggestion to put a time limit of one (1) year and revisit at that time since the same members on the Board would remain the same.

Both Mr. Palmer and Ms. Nix were agreeable to the one-year time limit.

Commissioner Caskey moved to work with SG on the intake facility Phase I and Phase II for the next twelve (12) months and revisit the Project in one (1) year.

Commissioner Pierce asked Commissioner Caskey to amend the motion, saying he felt it best to have two (2) motions. The first would be to "green light" Phase I and the second was a commitment to revisit Phase II after twelve (12) months.

Commissioner Caskey was agreeable to Commissioner Pierce's suggested motions. Commissioner Pierce seconded and the motions passed unanimously.

9. SITE DEVELOPMENT UPDATE

Economic Development Commission (EDC) Director Robert Van Geons provided a power point presentation as he delivered an update regarding the \$200,000 provided by the Commissioners to the EDC for site development work and product development initiatives. Mr. Van Geons said the EDC had started the work proposed, initiating a variety of activities designed to increase the County's site ready inventory.

The update highlighted the following sites:

- Heilig Road Site/Granite Industrial Park (92 acres)
- Platinum Site (360 acres)
- Carlton Site (351 acres)
- Summit II Site (40 acres)
- Coastal Site (57 acres)
- Brown Site (115 acres)
- Trevey-Lyerly Site (88 acres)

Mr. Van Geons said the seven (7) sites represented over 1,100 acres of property that will be made more "shovel ready" and marketable.

Mr. Van Geons reviewed the building inventory and said the vast majority of available space consisted of commercial space and older manufacturing buildings. Mr. Van Geons reported only nine (9) industrial buildings were over 30,000 square feet and all nine (9) buildings were at least 35 years old.

In conclusion, Mr. Van Geons said the increased site development and strengthened inventory would significantly improve Rowan County's competitiveness for projects.

Mr. Van Geons expressed appreciation to the County Manager and the Board of Commissioners for their aggressive economic development attitude and for the turnaround time in the permitting process.

10. CONSIDER OFFER TO PURCHASE PROPERTY

Chairman Edds said the Board voted during regular session on September 21, 2015 to start the upset bid process for an offer received in the amount of \$300,000 for county-owned property located at 1236 West Innes Street (Tax Parcels 020-048, 020-046 and 020-047). After due advertisement, no upset bids were received.

Chairman Edds said the Board was being asked to either accept or reject the offer from Faith Assembly International Church (Church).

Chairman Edds said he was disturbed by the offer compared to the fair market value and he had asked the County Manager to get prices on demolition of the facility. Chairman Edds said the figures were approximately \$125,000 to \$200,000.

Commissioner Pierce described the building as "odd" explaining the facility was actually three (3) buildings tied together and not on the same elevation. Commissioner Pierce pointed out the County was still responsible for maintaining the property and said he felt the offer was fair considering the facility's limitations.

Commissioner Caskey said when the school system had looked at the site they were going to tear down the building. Commissioner Caskey said the property had been vacant for awhile and a church might be the best use for the building.

Commissioner Greene said the ten (10) day upset bid process had declared the market value for the site. Commissioner Greene expressed hope those who bid on the property would make the purchase and that it would do well as a church.

Commissioner Klusman agreed it was time to let the property go.

Commissioner Pierce moved to accept the offer as received. The motion was seconded by commissioner Klusman and passed unanimously.

11. CONSIDER SETTING DATE FOR BOARD OF COMMISSIONERS RETREAT

Chairman Edds asked the Board's pleasure for scheduling a date for a retreat to be held no later than the end of February 2016. The purpose would be to

establish goals for next year and to create vision and mission statements, which are required from many grant applications.

Chairman Edds suggested holding the retreat early in 2016 and offered the dates of January 7th and 8th or January 21st and 22nd as options.

After a brief discussion, Commissioner Klusman moved, Commissioner Greene seconded and the vote to hold the retreat on January 7-8, 2016 passed unanimously.

12. DISCUSSION REGARDING DECEMBER MEETING SCHEDULE

Chairman Edds said the Board typically holds one meeting in the month of December, when possible due to the holidays. Chairman Edds asked if the board members wished to cancel the second regular meeting in December which was scheduled for December 21, 2015.

Commissioner Klusman moved, Commissioner Pierce seconded and the vote to cancel the December 21, 2015 Commission Meeting passed unanimously.

13. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Health – Received funds from the State for STD Prevention for a total of \$2,000
- Sheriff – Recognize unrealized revenue in account of court seizure funds revenue and budget to the proper account for department expenditures as needed - \$4,200

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

14. CONSIDER APPROVAL OF BOARD APPOINTMENTS

JURY COMMISSION

There is one (1) vacancy and the following application has been received:

- Jeffrey David Cox, Jr. for reappointment

The term is for two (2) years beginning December 1, 2015 and expiring November 30, 2017.

Commissioner Pierce moved approval of Jeffrey Cox, Jr. for reappointment and Commissioner Caskey seconded. The nomination passed unanimously.

ADULT CARE HOME COMMITTEE

- Jamie Moose Kimmer was appointed to the Adult Care Home Committee on September 8, 2015. Ms. Kimmer is unable to serve on the committee

due to a conflict of interest set forth under NC General Statute 131D-31(g). Therefore, Ms. Kimmer is resigning from the Adult Care Home Committee.

Commissioner Pierce moved to accept the resignation. Commissioner Klusman seconded and the motion passed unanimously.

NURSING HOME ADVISORY COMMITTEE

There are three (3) vacancies and the following applications have been received:

- Carol Ann Cody – The term is for one (1) year beginning November 1, 2015 and expiring October 31, 2016.

Commissioner Pierce nominated Carol Cody and Commissioner Klusman seconded. The nomination carried unanimously.

- Barbara Mallett for reappointment. In order to reappoint Ms. Mallett the Board would need to waive the term limits set forth in the Resolution adopted September, 2012. The term is for three (3) years beginning November 1, 2015 and expiring June 30, 2018.

Commissioner Klusman moved to waive the term limits. Commissioner Pierce seconded and the motion passed unanimously.

Commissioner Klusman moved to reappoint Barbara Mallett and Commissioner Pierce seconded. The motion passed unanimously.

HISTORIC LANDMARKS COMMISSION

- Linda Davis has submitted a letter of resignation.

Commissioner Pierce moved to accept the letter of resignation from Linda Davis. The motion was seconded by Commissioner Greene and passed unanimously.

POOLETOWN VFD FIRE COMMISSIONERS

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

- Reid Eller
- Billy Joe Fraley
- William Shaver for reappointment

The terms are for two years beginning December 1, 2015 and expiring November 30, 2017.

Commissioner Greene nominated Reid Eller, Billy Joe Fraley and William Shaver. Commissioner Pierce seconded and the nomination passed unanimously.

LIBERTY VFD FIRE COMMISSIONER

There is one (1) vacancy and the following submitted an application:

- Bobby Ray Ketchie for reappointment

The term is for two (2) years beginning November 1, 2015 and expiring June 30, 2017.

Commissioner Pierce nominated Bobby Ray Ketchie. Commissioner Caskey seconded and the nomination passed unanimously.

GRANITE QUARRY ETJ PLANNING BOARD

- Gregory Lowe has submitted an application for reappointment. The term is for three (3) years expiring July 31, 2018.

Commissioner Pierce nominated Gregory Lowe for reappointment and Commissioner Greene seconded. The nomination passed unanimously.

ADDITION

14a. CLOSED SESSION

Chairman Edds moved at 4:19 p.m. for the Board to enter into Closed Session in accordance with North Carolina General Statute § 143-318.11(a)(3) for attorney-client privileged communication regarding a personnel matter and North Carolina General Statute for 143-318.11(a)(4) for economic development. The motion was seconded by Commissioner Klusman and passed unanimously.

The Board returned to Open Session at 4:44 pm. No action was taken.

15. ADJOURNMENT

There being no further business to come before the Board, Commissioner Pierce moved to adjourn at 4:44 p.m. The motion was seconded by Commissioner Greene and passed unanimously.

Respectfully Submitted,

Carolyn Barger, MMC, NCCCC
Clerk to the Board/
Assistant to the County Manager