

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

April 4, 2011 – 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 pm.

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the minutes of the March 21, 2011 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

Commissioner Ford moved to add a Closed Session. The motion was seconded by Commissioner Barber and passed unanimously.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

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

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Sides moved to place item C on the regular agenda and Chairman Mitchell added the issue as agenda item #11a.

Commissioner Ford moved approval of the Consent Agenda with the requested change for item C. The motion was seconded by Commissioner Barber and passed unanimously.

The Consent Agenda consisted of the following:

- A. Designate Rufty Holmes Senior Center as Lead Agency for Senior Services Through December 31, 2011
- B. Use of Pyrotechnics for Fireworks Display at Kannapolis Intimidators Ballgames
- C. Limited Fixed Base Operator Agreement for Amos Aviation
- D. Proclamation for Relay for Life "Paint the County Purple" Day

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

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

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

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

NOW, THEREFORE, the Rowan County Board of Commissioners does hereby proclaim April 16, 2011 as "PAINT THE COUNTY PURPLE" DAY throughout the County of Rowan, and urge citizens to recognize and participate in the Relay events held in their community.

2. APPROVAL OF PROCLAMATION AND RECOGNITION OF SALISBURY HIGH SCHOOL WOMEN'S VARSITY BASKETBALL TEAM AS THE 2A STATE CHAMPIONS

Chairman Mitchell said the Board of Commissioners seemed to be recognizing Rowan County state championship teams quite frequently. Chairman Mitchell speculated that the combined number of state championships for Rowan County this past year probably surpassed any other county in the state.

Chairman Mitchell read the following Proclamation honoring the Salisbury High School Women's Varsity Basketball Team as the 2A State Champions:

WHEREAS, the Salisbury High School Women's Basketball Team, under Coach Christopher McNeil and staff, is to be recognized and honored for their victorious 2010-2011 basketball season; and

WHEREAS, by their extraordinary efforts, this dynamic and talented team won the Sam Moir Classic, Sectional and Regional titles, and progressed with an incredible final win to secure the 2A State Championship for the THIRD CONSECUTIVE YEAR, ending the season with an amazing record of 27-1 and a national ranking of #80.

NOW, THEREFORE BE IT PROCLAIMED, that the Rowan County Board of Commissioners does hereby honor the Salisbury High School Women's Basketball Team and Coaching Staff for their outstanding achievements and commends them for their display of sportsmanship and leadership as they represented Rowan County.

Commissioner Coltrain moved, Commissioner Sides seconded and the vote to approve the Proclamation as read passed unanimously.

Chairman Mitchell called the coach and team members forward and presented them with the Proclamation. The presentation was followed by a round of applause and a standing ovation.

Chairman Mitchell humorously thanked Principal Windsor Eagle for hiring winning coaches.

3. APPROVAL OF PROCLAMATION AND RECOGNITION OF NORTH ROWAN HIGH SCHOOL MEN'S VARSITY BASKETBALL TEAM AS THE 1A STATE CHAMPIONS

Chairman Mitchell read the following Proclamation honoring North Rowan High School Men's Varsity Basketball Team as the 1A State Champions:

WHEREAS, the North Rowan High School Men's Varsity Basketball Team, under Coach Andrew Mitchell and Staff, is to be recognized and honored for their outstanding 2010-2011 basketball season; and

WHEREAS, by their exceptional efforts, this spectacular team has won Conference, Sectional, and Regional titles, and progressed to winning the 1A State Championship Title; and

WHEREAS, the incredible athleticism and commitment of these young men, along with their coaching staff, are to be admired for having achieved the remarkable record of 27-5.

NOW, THEREFORE BE IT PROCLAIMED, that the Rowan County Board of Commissioners does hereby honor the North Rowan High School Men's Varsity Basketball Team and Coaching Staff for their outstanding achievements and commends them for their display of sportsmanship and leadership as they represented Rowan County.

Chairman Mitchell called the coach and team members forward and presented them with the Proclamation. A standing ovation and a round of applause followed the presentation.

Chairman Mitchell said it took time and dedication to win state championships and he expressed appreciation to the coaches and team members for their efforts.

Commissioner Ford moved, Commissioner Sides seconded and the vote to approve the Proclamation as read passed unanimously.

4. 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 spoke regarding the Rowan Salisbury Schools (RSS) budget. Mr. Pierce asked what the Board of Education (BOE) had done to ease the burden on citizens and he questioned the cuts that had been made directly to the classrooms. Mr. Pierce questioned the justification for keeping administrative positions while making cuts to the classroom. Mr. Pierce felt that since the BOE would not address a reduction in spending, the Commissioners should cut the funding to RSS and provide direction and relief.
- Larry Wright agreed with the comments made by Craig Pierce. Mr. Wright also expressed appreciation to Rowan County's local legislative delegation for representing the County well on several bills. Mr. Wright asked the Board to downsize the County's budget and to also ask RSS to use its fund balance.

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

5. QUASI-JUDICIAL PUBLIC HEARING FOR Z 16-00 & CUP 07-00

Chairman Mitchell read the Chairman's Speech (Exhibit A) and declared the public hearing for Z 16-00 & CUP 07-00 to be in session. Chairman Mitchell said the hearing would focus on an application submitted by Carolina Sand for property located off 1915 Grubb Ferry Road. The purpose of the application was to consider adding five (5) additional acres to an existing IND-CUD district and consider a revised site plan for a sand dredging/mining operation located on a portion of Tax Parcels 300-049, 322-025, 026, 030 and 140.

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

Senior Planner Shane Stewart presented the Staff Report (Exhibit B) and a power point (Exhibit C) as he reviewed the request.

Mr. Stewart said on March 1, 2010, the Board of Commissioners unanimously approved a request to modify an existing 26-acre Industrial Conditional Use District (IND-CUD) to 10.2 acres to accommodate a sand mining / dredging operation located off 1915 Grubb Ferry Road. The remaining 15.8 acres reverted back to Rural Agricultural (RA). Mr. Stewart said three (3) months ago, Derek Goddard, a consultant for Carolina Sand, Inc., informed Planning Staff their original request did not provide sufficient space to accommodate their

operational area needs and also had to be revised as a result of the wetland areas discovered. Mr. Stewart said Carolina Sand was requesting the rezoning of five (5) additional acres from RA to IND-CUD.

Mr. Stewart said the request did not entail a revision to the previous criteria reviewed by staff. As such, the March 1, 2010 staff report (included in Exhibit B) was offered for consideration in the request.

Mr. Stewart said the Planning Board voted unanimously to recommend approval of the request as presented with the same conditions, findings of fact, and statements of reasonableness and consistency established by the Board of Commissioners on March 1, 2010.

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

Commissioner Sides moved approval of Z16-00 based on the same conditions, findings of facts, and statements of reasonableness and consistency established by the Board of Commissioners on March 1, 2010. The motion was seconded by Commissioner Barber and passed unanimously.

Commissioner Sides moved approval of the statements of reasonableness and consistency as developed by staff for CUP 07-00. Commissioner Barber seconded and the motion passed unanimously.

The statements (Exhibit B) were presented as follows:

“Statements of reasonableness and consistency were developed noting the plan fits with the wastewater treatment facility and other uses in the area; will benefit the public; and it is in keeping with the land use plan.”

Commissioner Sides moved approval of CUP 07-00 along with the staff recommendations and conditions presented. The motion was seconded by Commissioner Barber and passed unanimously.

6. QUASI-JUDICIAL PUBLIC HEARING FOR PCUR 01-11

Chairman Mitchell read the Chairman’s Speech (Exhibit A) and declared the public hearing for PCUR 01-11 to be in session. Chairman Mitchell said the hearing would focus on an application submitted by Cathy Shoaf for property owned by Patricia Jordan at 4725 Long Ferry Road. The applicant requested that Tax Parcel 606 051 be rezoned from Rural Agricultural (RA) to Commercial, Business, Industrial with an accompanying conditional use district to allow for the existing 2,720 square foot structure to be used as a funeral home.

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

Planner Andy Goodall presented the Staff Report (Exhibit B) and also provided a power point presentation (Exhibit C) as he reviewed the request.

Mr. Goodall used the power point presentation (Exhibit C) to depict the property at 4275 Long Ferry Road, as well as the surrounding areas. Mr. Goodall said the parcel was approximately 0.6 of a mile east of the intersection of Long Ferry Road, Goodman Lake Road and Leonard Road. Mr. Goodall said there was a mix of uses in the area, including residential, a mobile home park to the rear of the site, plus several storage buildings that were rezoned in 2005 to CBI and CUD. Mr. Goodall said there were several storage buildings to the west. Mr. Goodall pointed out the site plan included in the Staff Report (Exhibit B), which showed the existing building of 2800 square feet, the septic lines and 31 parking spaces. Mr. Goodall said the site plan presented to the Planning Board in January had been revised and was now more specific. Mr. Goodall said the applicant came back in February and provided the more specific site plan that addressed issues from the January meeting.

The Planning Board voted 7-0 to recommend approval of the request with the following conditions:

1. The owner shall remove all trees, plants, brush and obstructions that limit sight distance for incoming/outgoing vehicles.
2. No parking shall occur within the road right-of-way.

Mr. Goodall used the power point (Exhibit C) to show where the structure was located on the site. Mr. Goodall pointed out where the parking lot would be and the 20 foot Type A buffer, if the site was developed. Mr. Goodall showed Long Ferry Road and the site distances in both directions. The two structures that were rezoned in 2005 to CBI and CUD were pointed out by Mr. Goodall.

Mr. Goodall said procedurally, the Commissioners would need to adopt Statements of Reasonableness and Consistency, then approve with the conditions, or deny or table the zoning request and the conditional use district.

Chairman Mitchell asked those who had been sworn and wished to address the Board to come forward and state their name and address for the record. Chairman Mitchell reminded those planning to address the Board, that only testimony with evidence was accepted and no hearsay was allowed.

The following individuals came forward:

1. James R. Baker, 315 Charolais Drive, Salisbury, spoke on the narrowness of the road and the fact that someone had died there in the past year. Mr. Baker said there was a speed limit of 55 miles per hour and there were no road shoulders. Mr. Baker stated that no matter how many parking spaces there were, there would always be parking on the side of the road. Mr. Baker said the law in North Carolina was that if you have a funeral

- procession, the traffic had to stop. Mr. Baker said if the Volunteer Fire Department (VFD) needed to respond to a fire on the other side of the funeral home, there would be a major mess with people getting killed. Mr. Baker felt it was outrageous to think about the chemicals involved in this type of operation and the wells. Mr. Baker said the current property owners should be made to remove the tanks in the ground since the site was previously a gas station. Mr. Baker suggested that before making it a funeral home, the site should at least be made a clean area. Mr. Baker said the property could be seen from where he lived with his twelve (12) year old autistic son whose immunity was challenged; he said his son's medication and formaldehyde would not mix. Mr. Baker said he understood that plans had been seen for consideration of a drive through window for viewing bodies. Mr. Baker said the Board of Commissioners should go view the facility. Mr. Baker provided the Clerk with a handout (Exhibit D) later during the hearing regarding chemicals used by funeral homes.
2. Patricia Jordan, 257 Summerwalk Circle, Chapel Hill, North Carolina, said she owned the property in question. Ms. Jordan said Mr. Baker did not speak very truthfully about the property. Ms. Jordan said in regards to the wreck where a young man died, the young man did not die because of traffic or a curve or posted speed limit; it happened because he was going over 100 mph and he lost control of his vehicle. Ms. Jordan said the young man had his license for approximately two (2) weeks. Ms. Jordan said that when the property was purchased from a foreclosure, the gas tanks were taken care of and the Environmental Protection Agency (EPA), along with others, had been out over the years to make sure nothing was left to contaminate. Ms. Jordan said the site had been declared safe and there was no runoff. Ms. Jordan said it was all on record and had been taken care of.
 3. Cheryl Nickerson said she lived on Bayridge, a stone's throw from the building. Ms. Nickerson said she also represented neighbors John and Virginia Devane, at 108, and Russell and Irene Spacek at 102. Ms. Nickerson said both had prior commitments and could not be in attendance and that both were against the rezoning. Ms. Nickerson stated they were on well water and lived 4 miles out Long Ferry Road and did not care to live next to a funeral home. Ms. Nickerson said it was unacceptable to have all the chemicals and toxic gases from a crematory possibly contaminate the ground water. Ms. Nickerson felt traffic issues would be a problem and that it would be hard to accommodate parking. Ms. Nickerson spoke concerning the potential for cars parking down Bayridge Street. Ms. Nickerson concluded by saying such facilities were normally served by public water/sewer and not wells and septic tanks.
 4. Mary McCombsley of 4675 Long Ferry Road, Salisbury said she lived two (2) doors down from the site and that a funeral home was not wanted there. Ms. McCombsley said her house was built 26 years ago and she was told there would never be anything built out there. Ms. McCombsley

said a funeral home was not needed on a dead end road when the VFD was responding. Ms. McCombsley said she did not want the odors or the funeral home in the neighborhood.

5. Kimberly Boling, 102 Middle Oaks Drive, Salisbury, said her neighborhood was at an angle to the proposed funeral home. Ms. Boling shared numerous pieces of information that included the funeral home being 4 miles from I-85; the curve was one-tenth of mile from the funeral home; Goodman Lake Road was the only outlet from Long Ferry Road until getting to the Interstate; and, it was 1.3 miles to the dead end of Long Ferry Road. Ms. Boling said two (2) people died in traffic accidents in 2007, one in the adjacent parking lot and the other at the intersection of Goodman Lake and Long Ferry. Ms. Boling said in 2008 there was a back up that lasted several hours when a dump truck overturned. Ms. Boling said there was no way off Long Ferry Road once an accident happened and traffic could be backed up for hours. Ms. Boling said according to the Highway Patrol, in 2010 there were 15 accidents with 9 people injured. Ms. Boling said there were 17 public cemeteries in Rowan County with the closest being 11.5 miles away and that logistically the proposed funeral home did not make sense. Ms. Boling said there were concerns with the underground storage tanks that would have to be installed due to the body waste and that DENR could not identify many funeral homes across the state that used underground storage tanks, except one in Condor, North Carolina. Ms. Boling said this type of system had not been used in fifteen years and the Board was being asked to set itself back essentially two decades to allow such a system. Ms. Boling said in speaking with the local Health Department there was no official plan for the system, as of yet, and she had found out the system would not have to be inspected except once every five years, unless there was an odor or something bubbling from the ground. Ms. Boling said the EPA listed formaldehyde in the top ten percent of worst chemicals for hazardous impact on the environment. Ms. Boling said the World Health Organization found that formaldehyde injures and kills marine plant life, as well as root systems. Ms. Boling felt that High Rock Lake and local ponds in the neighborhood, as well as drinking water, were at stake. Ms. Boling asked the Board to not contaminate plants, animals, drinking water or the children. Ms. Boling provided the Clerk with a handout (Exhibit E) concerning the underground storage tanks on the site.
6. Charles Sherrill 103 Middle Oaks Drive, Salisbury, said Long Ferry Road dead ends and starting at noon on Fridays there were a parade of boats, campers, etc. Mr. Sherrill felt that thirty-one parking spaces would not be sufficient. Mr. Sherrill felt traffic would be hazardous and said he hoped the request would not be approved.
7. Bobby Fox, Chief of Miller Ferry VFD, Salisbury stated that the department responded to emergencies in this location quite often. Mr. Fox said Goodman Lake Road was the last outlet on Long Ferry Road; everything from the proposed funeral home to the end was approximately 2.8 miles.

- Mr. Fox said in that 2.8 mile stretch of road there were approximately 1400 residents living past the funeral home with only one way out. Mr. Fox said the photos were misleading around the curve. Mr. Fox said the blind intersection posed a dangerous situation, with no shoulder. Mr. Fox felt the rezoning would create significant emergency response issues. Mr. Fox said school buses already had issues due to the narrowness of the road. Mr. Fox said residents could tell you traffic could be a ½-mile long due to the school buses. Mr. Fox said there were no alternative routes for the 1400 residents.
8. Karen Brown Prudnor, 5250 Long Ferry Road, Salisbury, said her home was located ½ mile from the proposed funeral home. Ms. Prudnor expressed concern regarding groundwater contamination. Ms. Prudnor referred to the possibility of tanks on the property and said that both gasoline and kerosene tanks were drained, purged, and capped but not filled with sand. Ms. Prudnor said there was a significant leak in the past. Ms. Prudnor said the DENR checked into the matter and there was groundwater contamination from “what we’ve heard”. Ms. Prudnor expressed hope that the Board of Commissioners would safeguard the community and that studies would be performed. Ms. Prudnor said if there was contamination, it should be cleaned up before passing it to the new owner.
 9. Dan Tuttle, 485 Murray Drive, Salisbury said he traveled the road every day. Mr. Tuttle said it had not been mentioned that there were several subdivisions on the road that had not been “sold out” yet and there was the potential for more residents to travel the road. Mr. Tuttle said the Commissioners had heard enough reasons to stop the project. Mr. Tuttle felt people would be better served to go elsewhere, since the road conditions would be hazardous. Mr. Tuttle said he hoped the Board of Commissioners would do right thing.
 10. James Morton, 101 North Clinton Street in China Grove said he represented the firm that would be representing the funeral home, preparing and drawing the upfit designs for the project. Mr. Morton said people were instructed to adhere to facts when addressing the Board and that he felt a lot of hearsay had been added into the record. Mr. Morton asked the Board to remember which parts were applicable. Mr. Morton said from some of the testimonies, it sounded like someone should be trying to get the road widened based on comments made, which had nothing to do with the funeral home. Mr. Morton said traffic would not be increased during school bus times or work drive times and it would not be an issue. Mr. Morton said one could not control when there were going to be fires and emergency responses. Mr. Morton said traffic would be controlled by staff. Mr. Morton said the chapel would hold 80 seats and the parking spaces would accommodate the 80 seats. Mr. Morton said if need be, there would be more space for additional automobiles. Mr. Morton said employees would control the concern for shoulder parking as it was a narrow road. Mr. Morton said fire trucks were aware of hazards

such as sight distance, etc. on the road. Mr. Morton said there was assurance that Ms. Carroll would advise the VFD when the funeral home would be conducting services. Mr. Morton said the other issue had been addressed to the satisfaction of the EPA. Mr. Morton said embalming fluids were virtually nonexistent, formaldehyde was rarely used and Ms. Carroll was not planning to use it. Mr. Morton said embalming fluids would be collected in an approved system and pumped out as necessary. Mr. Morton said the contents of a septic tank were no worse than that of embalming fluids. Mr. Morton said there would be no toxic fumes, as that was regulated. Mr. Morton reported that Ms. Carroll had no plans for a crematory and there was no space on the site for a crematorium. Mr. Morton said there would be no additional ground contamination anywhere and that inspections and regulations would take place through the Health Department. Mr. Morton felt the neighbors would be proud of how the building would look when it was refurbished with plantings, etc., as it would be a positive addition to the community. In regards to the traffic issues, Mr. Morton said the hours would not coincide with school bus traffic. Mr. Morton asked the Board to consider the facts, not fear and hearsay.

11. Annie Boone Carroll, 301 South Lloyd Street, Salisbury stated that she was a 22-year veteran in the funeral service. Ms. Carroll said statements were made that were not completely true. Ms. Carroll said there were new chemicals used and not formaldehyde. Ms. Carroll said parking was discussed at the Planning Board meeting and that she would have the North Carolina Department of Transportation (NCDOT) put up no parking signs, and employees would direct traffic during entering/exiting of a funeral. Mr. Carroll said a contractor and an engineer had been contacted to get areas around the building cleared. Ms. Carroll said the septic system company and the holding tank company had been contacted and had advised how to install the system and how often it should be pumped. Ms. Carroll said funeral homes were governed by OSHA and before the funeral home could open, Funeral Services from Raleigh would have to inspect the facility. Ms. Carroll said she was willing to work with the Board of Commissioners pertaining to suggestions to enable the funeral home to open. Ms. Carroll said there was a willingness to help meet obligations and suggestions. Ms. Carroll asked the Board to consider fairly allowing the funeral home to open.
12. Georgina Turner, 440 Hedrick Lamb, Salisbury said the road was a dead end road and 1400 residents lived past the funeral home. Ms. Turner said there were several subdivisions that were not completely filled yet that were also past the proposed funeral home. Ms. Turner said people speed around the curve pulling pontoons, etc. Ms. Turner felt there would be parking on the side of the road, even with posted signs and that notification of a funeral to EMS and the fire departments would not prevent those emergencies from happening. Ms. Turner said the funeral home

schedules would coincide with school bus traffic and that she did not feel the site was a good location for a funeral home.

Commissioner Sides questioned staff concerning the tanks in the ground and whether there was an official document from the EPA releasing any issues with those tanks. Mr. Goodall responded that the issue was not brought up at the Planning Board meeting, but conversations were had with Ms. Shoaf. Mr. Goodall stated there were records on file at the Register of Deeds but staff did not have a chance to read them.

Commissioner Sides asked if the State had presented official documentation in regards to the site. At this point, the applicant, Cathy Shoaf, submitted a document (Exhibit F), titled as Hazardous Substances Certificate and Indemnity.

Commissioner Coltraine asked Ms. Carroll to share why she chose the location outside of an urban type setting. Ms. Carroll stated she had searched other areas, including Kannapolis, Concord, Landis, and China Grove; however, the prices were "ridiculous". Ms. Carroll said the proposed building would fit her budget for a startup business.

Commissioner Coltraine referred to the underground tanks and said clearance should be given before Ms. Carroll bought the property.

Mr. Morton said he was told the EPA gave approval of the cleanup of the site and he was sure Ms. Carroll would verify the information before making the purchase. Mr. Morton said underground tanks did not have to be removed, but there was uncertainty as to whether the tanks had been filled with sand as was required. Mr. Morton said empty tanks under the driveway were not wanted due to possible collapse and problems.

Commissioner Sides said he was looking at facts and there was a comment made that there was a spill at some point. Commissioner Sides said it heightened awareness to hear of a spill in the past.

Attorney Jay Dees stated that typically if there was a reported event and mitigation, at some point in time the levels got below what the State required for monitoring and a letter of no further action was issued. Mr. Dees said the document provided by the applicant (Exhibit F) was a recorded document that was a public record of a hazardous substance certificate and indemnity between a borrower and a lender. Mr. Dees said if the Board of Commissioners wanted questions answered, staff could notify DENR, without opening back up the public hearing and if there had been a monitored event, the record would indicate what action was taken.

Mr. Dees said without someone from DENR present, it was unacceptable to say what was being done. Mr. Dees said if staff could gather public records and

additional information, the public hearing should not be closed. Mr. Dees said everyone should have a right to review and comment on documents taken in. Mr. Dees said this gave the applicant the right to review and challenge documents received, as well as others to review documents the applicant submitted. Mr. Dees said the documents should be available to all parties.

Commissioner Sides asked if the motion should be to continue the public hearing or table the issue? Attorney Dees recommended a courtesy notice should be sent to those here and documents should be brought in and copies available to those interested in the matter.

Commissioner Sides moved to continue the public hearing to the first meeting in May. The motion was seconded by Commissioner Barber.

Chairman Mitchell said the staff documents would be made available for review and the Board would consider the request on May 2, 2011.

The appropriate procedure for other documents being brought in was questioned by Chairman Mitchell. Mr. Dees stated that documents submitted today would be accepted and anything else would need to be brought to the next meeting, other than what staff was preparing for the meeting.

Upon being put to a vote, the motion to continue the public hearing on May 2, 2011 passed unanimously.

Chairman Mitchell called for a recess at 4:20 pm.

Chairman Mitchell reconvened the meeting at 4:30 pm.

7. CONSIDER APPROVAL OF PE 01-11

Planner Andy Goodall reported that Blue Waters Recreation, Inc. had proposed a Relay for Life event at 290 Blue Waters Drive (pool location) to benefit the American Cancer Society. The plans included live music and food for an estimated 200 attendees. The event would be held on Saturday, May 7, 2011 (May 14, 2011 as a rain date) from 3:00 pm to 11:00 pm.

Mr. Goodall said the County's noise ordinance governed unreasonable amplified sound for all areas of the County outside municipal limits. Section 14.12 of the ordinance provides an opportunity to exceed the amplified sound standards in the form of a permit to exceed (PE) when the event is open to the public.

Mr. Goodall said Planning Staff recommended approval of the request.

Commissioner Barber moved, Commissioner Ford seconded and the vote to approve PE 01-11 passed unanimously.

8. DISCUSSION REGARDING NONPROFITS

Commissioner Ford said he had initially wanted to make a 10 or 15 percent cut across the board for nonprofits; however, after researching the issue, there were some nonprofits that could not be cut while others could be cut completely.

Commissioner Ford moved to cut funding to Rowan Arts Council, Rowan Museum and Salisbury-Rowan Human Relations Council. Commissioner Sides seconded the motion.

Commissioner Coltrain felt that until actual information was received from the County Manager, the Board could not solidly make a decision on budgetary items. Commissioner Coltrain said the entities should all be cut fairly and equally.

Chairman Mitchell said if the Board began to take action now it would not be final until budget approval and it would provide the groups mentioned with an indication of what the Board's direction might be. Chairman Mitchell said the Board could give staff some direction in their creation and recommendation of the budget; however, the final decision would be withheld until final passage of the budget.

Commissioner Barber said the action would clearly give these nonprofit entities direction from the Board. Commissioner Barber used the Rescue Squad as an example and said if the County added a 10% reduction to current funding levels for the Rescue Squad, it could affect the Rescue Squad's ability to provide ambulance service to the County.

Commissioner Ford asked if the motion needed to be amended, citing the second motion he had planned to make was to take Chamber of Commerce back to the spending level of last year, at \$2500.00; the third motion would be to cut the other agencies that could be cut at 10%.

Chairman Mitchell recommended a consolidated motion. Commissioner Sides was agreeable, except for cutting Rowan Vocational Opportunities, which would be left as is.

Commissioner Coltrain reminded all that there had been an increase of activity with the Arts Council, which generated significant income for the County.

Chairman Mitchell stated his purpose in supporting the motion was to make everyone aware of the potential to be cut. Chairman Mitchell said making such cuts in June was unfair and he pointed out that the nonprofits needed to know the direction in which the Board might go.

Commissioner Sides pointed out that the county itself had made cuts the past 3 years and had not asked the nonprofits to take a cut. Commissioner Sides said the County would be cutting again this year for the fourth year.

The motion passed 4-1 with Commissioner Coltrain dissenting.

9. CONSIDER OFFER TO PURCHASE PROPERTY AT 6205 MOORESVILLE HWY

County Manager Gary Page said the County had received an offer for the property located at 6205 Mooresville Highway. Mr. Page said the property had been vacant since 2006.

Mr. Page said the Tax Administrator, Jerry Rowland, had been contacted as to whether he felt the \$160,000 should be considered as a reasonable offer in view of the state of the economy. Mr. Rowland recommended that the Board accept the offer.

Commissioner Sides moved, Commissioner Barber seconded and the vote to accept the offer of \$160,000 and start the upset bid process passed unanimously.

10. REPORTS

The following reports were submitted for the Board's consideration:

- (a) Community Transportation System Plan (CTSP) / Resolution Adopting CTSP

- (b) Child Abuse Prevention Report / Acceptance of Revisions to the Community Protocol for Child Abuse Prevention and Approval of Proclamation for Child Abuse Prevention Month

Commissioner Sides moved to accept the CTSP and to adopt the resolution as submitted; accept the Child Abuse Prevention Report, accept the Revisions to the Community Protocol, and approve the Proclamation for Child Abuse Prevention Month. The motion was seconded by Commissioner Coltrain

Chairman Mitchell read the Proclamation for Child Abuse Prevention Month as follows:

WHEREAS, child maltreatment is a community problem and finding a solution depends upon involvement among people throughout the community;

WHEREAS, child maltreatment occurs when parents find themselves in stressful situations without community resources and unable to cope;

WHEREAS, approximately 125,665 children are reported abused and neglected in North Carolina each year;

WHEREAS, 36 children were victims of child abuse homicide in North Carolina during the year 2009;

WHEREAS, the majority of child maltreatment cases stem from situations and conditions that are preventable in an engaged and supportive community;

WHEREAS, the effects of child maltreatment are felt by whole communities, and need to be addressed by the entire community;

WHEREAS, effective child maltreatment prevention programs succeed because of partnerships created among social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community;

THEREFORE, the Rowan County Commissioners, do hereby proclaim April 2011 as Child Abuse Prevention Month in Rowan County and call upon all citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in our efforts to prevent child maltreatment and strengthen the communities in which we live.

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

11. DISCUSSION REGARDING NCACC DISTRICT MEETINGS QUESTIONNAIRE

Chairman Mitchell said the North Carolina Association of County Commissioners (NCACC) had scheduled several upcoming district meetings for April. Chairman Mitchell said the County Manager planned to attend the Wilkesboro meeting.

Commissioner Sides also volunteered to attend.

Chairman Mitchell moved that Commissioner Sides be the Board's representative at the meeting. The motion was seconded by Commissioner Coltrain and passed unanimously.

Chairman Mitchell said the NCACC was requesting feedback from counties regarding their top concern for the state budget and the top concern for non-budget related legislative priority.

Commissioner Barber responded the first priority should be that the State not balance its budget on backs of counties; Commissioner Ford agreed.

Chairman Mitchell moved to instruct staff to answer question number one, based on the County's budget, being the transition of state functions over to counties. For question number two (2) it is recommended that all Board of Commission members speak with the County Manager regarding any conversations that have been held with the legislators about that particular issue. Commissioner Coltrain seconded and the motion passed unanimously.

Commissioner Barber posed the issue of forced annexation as a priority non-budget issue.

Commissioner Coltraine voiced the need to have a reformation of the immigration statutes. Chairman Mitchell mentioned constant complaints about county services being used to aid illegal immigrants.

Commissioner Ford presented an answer for item #3, which was the Brown Bill, or House Bill #531. The motion was seconded by Commissioner Sides and passed unanimously.

11a. Limited Fixed Base Operator Agreement for Amos Aviation

Commissioner Sides moved to accept the limited fixed base operator agreement between Rowan County and Amos Aviation as presented in hard copy prior to this meeting. Commissioner Coltraine seconded and the motion passed unanimously.

12. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Health – The Federal Beacon Grant will support the Health Department's new electronic medical records program - \$134,680
- Library – For receipt of additional revenue for gifts. The gift fund will be used for the purchase of two (2) tables and four (4) chairs for the Frank T. Tadlock South Rowan Regional Library - \$1,931
- Finance – To recognize reserved funds from FY 2010 for Parks. The park needs to budget \$500 to repair the road at Eagle Point Reserve

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

13. CONSIDER APPROVAL OF BOARD APPOINTMENTS **ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**

Carol Cody submitted an application for reappointment. The term would be three (3) years beginning April 1, 2011 and expiring March 31, 2014.

Commissioner Barber nominated Carol Cody and the nomination passed unanimously.

AGRICULTURAL ADVISORY BOARD

There are two vacancies and applications were received from Randall Ellum and David Correll. The terms would be for three (3) years beginning May 1, 2011 and expiring April 30, 2014.

Commissioner Coltraine nominated Randall Ellum and David Correll. The nominations carried unanimously.

ELLIS CROSS COUNTRY VFD FIRE COMMISSIONERS

There are three vacancies and the following applications were received for consideration:

- Lane Graham for reappointment
- Jerry Stafford
- Ronald Corriher
- Barry Abernethy
- Charles Kennedy

The terms would be for two (2) years beginning May 1, 2011, expiring on April 30, 2013.

Commissioner Coltrain nominated Lane Graham, Jerry Stafford and Ronald Corriher and the nominations passed unanimously.

ROCKWELL RURAL VFD FIRE COMMISSIONERS

There are three (3) vacancies and the following applications were received for reappointment:

- Robert Rummage
- Marlene Mills
- Bruce Sheeks

The Rockwell Rural VFD requested that the Board change the term ending date to June 30, 2013 in order to allow these individuals to complete the department's budget process. The terms currently expire April 30, 2011.

If approved, the terms would be for two (2) years beginning May 1, 2011, expiring on June 30, 2013.

Commissioner Sides moved to approve term ending date to June 30, 2013. Commissioner Barber seconded and the motion passed unanimously.

Commissioner Sides nominated Robert Rummage, Marlene Mills, and Bruce Sheeks. The nominations passed unanimously.

ROWAN COUNTY NURSING HOME ADVISORY COMMITTEE

Mary Jane Slusser did not wish to be considered for reappointment.

There are currently six (6) openings and no applicants.

ROWAN COUNTY PERSONNEL COMMISSION

Rick Eldridge submitted a letter of resignation effective immediately. Mr. Eldridge's term was scheduled to expire September 30, 2011. Staff is currently soliciting applications to fill this vacancy.

TOWN OF ROCKWELL PLANNING BOARD

The Town of Rockwell requested the appointment of Mike Cauble to serve as an ETJ representative on the Rockwell Planning Board. The appointment would fill a vacant seat with a term ending date of February 28, 2012.

Commissioner Coltrain moved to appoint Mike Cauble and the nomination passed unanimously.

SHELTER MINISTRIES BOARD

The Shelter Ministries By-Laws require one member to be appointed by the Rowan County Commission, and may be, but need not be a Commissioner. The appointment would fill an unexpired term through September 30, 2011 with a request to extend the term for an additional three years, ending September 30, 2014.

Chairman Mitchell nominated Commissioner Coltrain and the nomination passed unanimously.

Commissioner Sides clarified that the nomination would be through September 30, 2011

ADDITION

13. a CLOSED SESSION

Commissioner Ford moved for the Board to enter Closed Session at 5:02 pm pursuant to North Carolina General Statute § 413-318.11(a)(6) for a personnel matter. The motion was seconded by Commissioner Sides and passed unanimously.

The Board returned to Open Session at 5:29 pm. No action was taken.

14. ADJOURNMENT

There being no further business to come before the Board, Commissioner Sides moved to adjourn at 5:29 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