

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

May 2, 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, Administrative Secretary Peggy Whitley, County Attorney Jay Dees and Finance Director Leslie Heidrick were present. Clerk to the Board Carolyn Athey was absent.

Chairman Mitchell convened the meeting at 3:00 pm.

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 April 18, 2011 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

- Commissioner Barber moved to add an item regarding the House budget currently under consideration in Raleigh and what the budget would mean to counties such as Rowan. The motion was seconded by Commissioner Sides and passed unanimously.

Chairman Mitchell added the discussion as agenda item #9a

- Commissioner Sides moved to add an item regarding a caved in septic tank at 305 Meadow Green Drive. The motion was seconded by Commissioner Ford and carried unanimously.

Chairman Mitchell added the issue as agenda item #9b.

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 as amended passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

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

The Consent Agenda consisted of the following:

A. Proclamation for Day of Prayer In Rowan County

WHEREAS, America was founded on the principles of religious faith and freedom; and

WHEREAS, the Declaration of Independence, our first statement as Americans of national purpose and identity, made "the Laws of Nature and Nature's God" the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and

WHEREAS, May 5, 2011, marks the 60th annual ***National Day of Prayer***, as mandated by both houses of Congress and by our President in Public Law 100-307; and

WHEREAS, the 2011 theme for the National Day of Prayer is "A Mighty Fortress Is Our God"; and

WHEREAS, across our nation on May 5th, Americans will unite at specific times in prayer to acknowledge our dependence on God, to give thanks for the blessings our country has received, to ask God to guide our leaders and to bring healing to the United States and its citizens; and

WHEREAS, it is fitting and proper to give thanks to God by observing the ***National Day of Prayer in Rowan County***, where all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our County, State and Nation; and

NOW, THEREFORE BE IT PROCLAIMED that the Rowan County Board of Commissioners does hereby proclaim May 5, 2011 as a **DAY OF PRAYER IN ROWAN COUNTY** and encourages the citizens of Rowan County to join together in their homes, places of work and places of worship, to pray for the unity of the hearts of all mankind and to continue in prayer for our State and our Nation.

B. Proclamation for Let's Get Connected Day

WHEREAS, The Salisbury-Rowan Human Relations Council and its subcommittee, the Covenant Community Connection, strives to promote unity, cooperation, and understanding among the various and diverse faith groups throughout our community; and

WHEREAS, "Let's Get Connected Day" is a gathering of social unity for all citizens of our community for a day of friendship, fun, and festivities; and

WHEREAS, we acknowledge that prayer is a deeply personal experience and is an expression of our individual dispositions as well as our religious convictions; and

WHEREAS, the Circle of Prayer symbolizes the unification of diverse people and faith groups by joining hands in prayer for harmony, peace and understanding; and

WHEREAS, Let's Get Connected Day will bring the diverse faith groups throughout our community together to pray for our community and our world, and to promote understanding across racial, cultural and religious boundaries.

NOW, THEREFORE, the Rowan County Board of Commissioners, does hereby proclaim Saturday, May 21st, 2011 as **LET'S GET CONNECTED DAY** in Rowan County, and encourages participation by our fellow citizens to join in prayer for our community at noon on this day.

C. Proclamation for Emergency Medical Services Week

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of our local emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services providers have traditionally served as the safety net of America's health care system; and

WHEREAS, locally our emergency medical services system consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and

WHEREAS, approximately two-thirds of all emergency medical services providers in the nation are volunteers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, citizens of Rowan County and it's municipalities benefit daily from the knowledge and skills of these highly trained individuals; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating **Emergency Medical Services Week**; and

WHEREAS, injury prevention and the appropriate use of the EMS system will help reduce national health care costs; and

NOW, THEREFORE BE IT RESOLVED that the Rowan County Board of Commissioners, in recognition of this event do hereby proclaim the week of May 15-21, 2011 as **EMERGENCY MEDICAL SERVICES WEEK** and encourages the community to observe this week with appropriate programs, ceremonies and activities.

D. Add Belmont Place to the State Secondary Road System for Maintenance

E. Change Orders for Removal of Bad Soil at Satellite Jail Site

F. Sale of Property Located at 6205 Mooresville Highway

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:

- Martha West spoke on behalf of 4 (four) organizations that she was a part of, Rowan Museum, Salisbury Rowan Symphony, Piedmont Players and Waterworks Visual Art Center. Ms. West asked the Commissioners not to

cut the funding to these organizations any more than they had to. Ms. West discussed the importance of the educational programs to the children.

- Linda Jones, Business Manager for the Salisbury Symphony (Symphony) began by stating the Symphony had nothing to do with an article in the Salisbury Post regarding the healing power of music. Ms. Jones said she represented over 80 (eighty) musicians who came to Rowan County over two dozen times a year to play music and she described their economic impact. Ms. Jones said people come to Rowan for the arts and the experiences. Ms. Jones stated if there was a 10% reduction in funding, there would be no gifts of the arts to give to the children or residents.
- Susan Trivette, a retired music educator with the Rowan Salisbury Schools, said she was the Education Director and a performing musician for the Symphony. Ms. Trivette discussed the importance of the quality of music education in Rowan County's economy. Ms. Trivette explained that a budget cut of 10% would still allow programs to operate.
- Tim Proper, Waterworks Visual Arts Center current Board Chairman, stated that Waterworks received \$6000 per year through the county appropriation to the Rowan Arts Council. Mr. Proper said the investment the county made was worthwhile and he asked the Board to consider the value of the programs and the arts before budgetary decisions were made.
- Kaye Brown Hirst, of Rowan Museum, discussed the mission of the Museum and said the Museum was the steward of Rowan County history and had been for 58 years. Ms. Hirst asked the Board to help make it possible to continue to be the stewards of history.
- Bruce Reid Leonard, Jr., Director of Piedmont Players Theater, clarified the designation of the Arts Council on the Commissioners agenda. Mr. Leonard said 25% of the allocation goes to Piedmont Players, 25% to Waterworks, 25% to the Symphony, and 25% goes to the Arts Council, who allocates funds to smaller groups. Mr. Leonard said Piedmont Players not only entertained people, but also educated. Mr. Leonard asked the Board to look at cuts that would work with them, as there was support for funding the arts throughout Rowan County.
- Rita Foil, Public Information Officer for Rowan Salisbury School System, extended an invitation to attend a Technology Extravaganza, to be held on May 21, 2011 at North Rowan High School.
- Percy Myers discussed his concerns with the proposed funeral home and effects on wells.

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

3. PUBLIC HEARING FOR TARGETED TRANSIT ASSISTANCE GRANT

Rowan Transit Services (RTS) Director Gary Price reported that the Public Transportation Division of the NC Department of Transportation (DOT) had

released applications for the FY 2012 Targeted Transit Assistance Grants. Mr. Price said the grants had a 2-year period of performance from July 1, 2011 through June 30, 2013. Mr. Price said the DOT encouraged RTS to apply for the grant programs in an effort to utilize more federal funding since 5311 state funding could be cut by as much as 39%. Mr. Price said both federal grants required a 50% local match. Mr. Price said current 5311 state funded grant dollars and contract revenue could be used for most of the local match.

Mr. Price highlighted the FY 2012 and FY 2013 allocations and matches as follows:

- Elderly Individuals and Individuals With Disabilities (Section 5310) \$480,000 (50% match from contract revenue/ROAP)
- Job Access and Reverse Commute (JARC) Program (Section 5316) \$436,000 (\$38,000 local match/ROAP)
- Two 22 seat replacement vehicles for Rowan Express South \$178,000 (\$17,000 local match)

Chairman Mitchell opened the public hearing to receive comments from any citizens wishing to address the Board. With no one coming forward, Chairman Mitchell closed the public hearing.

Commissioner Sides moved to adopt the Public Transportation Program Resolution. Commissioner Barber seconded and the motion passed unanimously.

Commissioner Sides moved to appoint the County Manager as the authorized official to make necessary federal and state assurances and certifications. The motion was seconded by Commissioner Ford and passed unanimously.

4. PUBLIC HEARING FOR Z 01-11

Rowan County Planner Andy Goodall explained that Elizabeth Withers Smith owned tax parcel 813 036, located at the intersection of Mill Street and Cool Springs Road in the Woodleaf community (9010 Cool Springs Road). The one (1) acre parcel is currently zoned Rural Agricultural (RA) and contains a +/-1,000 square foot commercial building that was previously Brightner's Corner Ice Cream Shop and is now being used for personal storage.

Mr. Goodall provided a power point presentation to illustrate the request. Mr. Goodall said Ms. Smith wished to rezone the one (1) acre parcel from RA to Commercial, Industrial, Business (CBI) in order to reopen the ice cream shop as a conforming business. Mr. Goodall said the use was permitted with Special Requirements in the RA district, one of which was the owner must live on or adjacent to the parcel in which the business was being operated. Mr. Goodall said Ms. Smith did not live on or adjacent to the parcel and a rezoning to CBI would be necessary to comply with zoning.

Mr. Goodall said Staff recommended approval of the request. Mr. Goodall said the Planning Board considered the request March 28, 2011 and no one spoke in opposition.

The Planning Board submitted the following Statements of Reasonableness and Consistency:

Statement of Reasonableness

Z 01-11 is reasonable and compatible with its past and proposed use. This tract is adequate for the commercial use as proposed and follows CBI zoning and is bringing the zoning in line with proposed and past uses. The proposed plan will have minimal impact on the surrounding community and neighbors and is compatible with the Western Area Land Use Plan.

Statement of Consistency

Z 01-11 rezoning change is consistent with proposed current and past operations, the Zoning Ordinance, and the Western Land Use Plan. The proposed plan will benefit the public, is consistent with the CBI approved uses, and will have no impact on utilities, roads, or schools.

Chairman Mitchell opened the public hearing for any citizens wishing to address the Board regarding Z 01-11. With no one coming forward, Chairman Mitchell closed the public hearing.

Commissioner Sides moved adoption of the recommended Statements of Reasonableness and Consistency (as stated above). The motion was seconded by Commissioner Coltrain and passed unanimously.

Commissioner Sides moved approval of Z 01-11. The motion was seconded by Commissioner Coltrain and passed unanimously.

Chairman Mitchell called for a recess at 3:41 pm.

Chairman Mitchell reconvened the meeting at 3:46 pm.

5. QUASI-JUDICIAL PUBLIC HEARING (CONTINUED FROM APRIL 4, 2011) FOR PCUR 01-11

Chairman Mitchell announced that the quasi-judicial public hearing for PCUR 01-11 was still open and that the additional staff reports needed would be heard.

Rowan County Planner Andy Goodall recalled that during the quasi-judicial hearing on April 4, 2011, Commissioner Sides inquired whether the Planning Board discussed or considered the underground storage tanks at 4725 Long Ferry Road during the courtesy hearings. Mr. Goodall said he had responded no and the possibility of a UST contamination issue had been brought to his attention following the initial courtesy hearing. Mr. Goodall said he had inquired of the North Carolina Department of Natural Resources (DENR) about the status

of underground storage tanks (UST) at the site and was informed no records were found for 4725 Long Ferry Road. Mr. Goodall said since no records to verify any UST, Staff did not include any further information for the courtesy hearing. Mr. Goodall said no one offered any evidence to the contrary during public comment. Mr. Goodall said after the quasi-judicial hearing was conducted by the Commission, it was discovered that records for the site were filed by DENR under Route 4, Box 394-E.

Mr. Goodall provided a power point presentation (Exhibit H) as he highlighted the UST closure timeline contained in the staff memorandum (Exhibit G). The details were as follows:

There are four (4) UST on this site that are still there, three (3) gasoline and one (1) kerosene. These tanks were purged of any material, cleaned, and filled with sand and slurry. There was some soil contamination found under what used to be the pump island. Steps were taken, including removing 70 yards of soil from the site, and on March 12, 1998 DENR issued a letter of no further action for the site. The site is clean and safe for environment and human health.

Mr. Goodall referred to previous concerns regarding the road/curve. Mr. Goodall explained that the applicant had applied for and received a commercial driveway permit from the North Carolina Department of Transportation (NCDOT). Mr. Goodall said due to sight distance issues, the applicant would have to make some improvements, including removing any trees, brush and debris. Mr. Goodall said the recommendation and condition were listed on the PCUR permit. Mr. Goodall said it would also be necessary for the applicant to blacktop 50 feet for both driveway connections.

Mr. Goodall also discussed previous concerns for law and emergency traffic and he read NC General Statute § 20-157.1(e) as follows:

Operators of vehicles in funeral processions shall yield the right of way to Law Enforcement Vehicles, fire protection vehicles, rescue vehicles, ambulance and other emergency vehicles giving appropriate warning signals by light or siren and shall yield the right of way when directed to do so by the law enforcement officer.

Mr. Goodall reviewed the concerns that had been mentioned previously pertaining to chemicals that might be used at the funeral home. Mr. Goodall said on the topic of the building, the applicant, if approved of the land use measure, still had to go through the Building Inspections Department and the Health Department, and, due to the added nature of the chemicals, would have to go through DENR. Mr. Goodall pointed out there were other regulatory agencies that the case would have to go through prior to opening.

Chairman Mitchell asked if the conditions for driveways were already imposed by the DOT or would the conditions have to be imposed by the Board. Mr. Goodall responded that with the clearing of the trees and brush as part of the commercial driveway permit, it was not part of the PCUR.

Commissioner Sides inquired as to the no parking and Mr. Goodall said the no parking signs would remain as part of the conditional use.

Chairman Mitchell noted anyone sworn in at the previous hearing who wished to readdress the Board was still under oath. Chairman Mitchell instructed those not previously sworn and wishing to provide testimony, to come forward and be sworn in by County Attorney Jay Dees.

The following individuals came forward:

1. Betty Evans, of Anchor Downs, said she had lived at the same address since 1991. Ms. Evans expressed concern with the possibility of a funeral home on Long Ferry Road, which she described as a small two lane road. Ms. Evans questioned how the emergency vehicles would get through if there were cars on both sides of the road. Ms. Evans stated she had been stopped behind a school bus at the crest of the hill where the proposed funeral home would be, and was nervous sitting at a stop where someone could come over the hill and knock her into the school bus. Ms. Evans said she counted fourteen (14) small children getting off the bus. Ms. Evans stated there are eight (8) property developments within two (2) to three (3) miles of the proposed funeral home location. Ms. Evans estimated there were 50 to 75 mobile homes in the nearby mobile home park. Ms. Evans reiterated that Long Ferry Road was a narrow, curvy and dangerous road with miles of double yellow lines where there should be no passing. Ms. Evans expressed concern with people not observing the posted speed and concern as to what chemicals would be used for embalming. Ms. Evans asked the Board to give the issue serious consideration.
2. Percy Myers, 5155 Long Ferry Rd, agreed with the comments made by Ms. Evans. Mr. Myers said Long Ferry Road was unpredictable as to what would pull out or what situation would come up. Mr. Myers said there were still issues on proving there would be no well contamination or by-products from a fire or the chemicals that would be used. Mr. Myers said the fire department was not prepared to handle such situations at this time. Mr. Myers said Long Ferry Road had unpredictable waves in the road; the property had hidden clutter; and, you did not know what to expect until you got to the area. Mr. Myers said he was concerned with contamination and safety of citizens. Mr. Myers pointed out that a water point to supply fire tankers was in Middle Oaks. Mr. Myers went on to state if there was a hazardous materials incident, the hazardous materials team from the City would

need to be called in. Mr. Myers said if there were facts showing the water would not be contaminated, he would like the information. Mr. Myers said he had two (2) wells and one (1) was contaminated and had been shut down. Mr. Myers said he would also like to request an incident report from the Highway Patrol and Sheriff's Department concerning incidents on Long Ferry.

3. Joe Morton, 101 North Clinton Street, China Grove, said he was with Morton Engineering and that his firm had been working with Ms. Carroll for a location for the business for over two (2) years. Mr. Morton said the business would add tax value to the county, in addition to several new jobs. Mr. Morton said the site on Long Ferry met Ms. Carroll's needs and that Ms. Carroll wished to improve the community while creating a good place for her business. Mr. Morton addressed the following complaints that were previously registered with the Board of Commissioners and with the Planning Board:
 - a. The former fuel tanks referenced by Mr. Goodall were pronounced clean by DENR.
 - b. With regards to roadway traffic issues, emergency vehicles announce their presence very loudly and persons in a funeral procession would not react any differently than an individual paying attention to the law and giving the right of way. Ms. Carroll would instruct the lead vehicles to abide by the regulations. Notice would be given of a funeral procession to fire and emergency officials. No funeral would be scheduled in the early morning hours when school buses were going to school and very rarely, would there be a scheduled procession in the afternoon when the school buses would be coming home. It would be to Ms. Carroll's detriment for this to take place.
 - c. No Parking signs and sight lines had been addressed and the driveway permit was issued by the NCDOT. The engineer responsible for issuing the permit went to the site, checked sight lines and made recommendations. Ms. Carroll would enforce no parking in the right of way, which is also enforced by any Sheriff's official.
 - d. There is an 80 seat chapel with 31 parking spaces, so the maximum line of cars should be 31 in the procession.
 - e. The embalming waste would be collected in a holding tank and hauled off site by a certified hauler. DENR has given Ms. Carroll three (3) choices for removal; city sewage, which is not possible; hauling off site; or, the fluids can be put into an injection septic system. Ms. Carroll would like for the chemicals to be hauled off site. No formaldehyde would be used; however, chemicals allowed by the state would be used and the Fire Marshal would approve the plans prior to a building permit being issued. A list of allowed chemicals would be issued to the fire department and emergency personnel to inform them of

what was being used before they arrived on the site. No off site water source would be involved since the chemicals would be collected in a tank and hauled away periodically. The County Environmental Department would approve or disapprove the system to ensure that no embalming fluids or chemicals were able to enter the new septic system.

- f. When alterations are complete to the building, the appearance would have improved at least five-fold, including a new entrance, new paint, new paving, and plantings.
4. Karen Prudnore, 5250 Long Ferry Road, submitted a petition with over 250 signatures from members of the community (Exhibit I) asking the Board to reject the application for the funeral home. Ms. Prudnore read the petition asking the Commissioners to deny approval of PCUR 01-11 (Boone-Carroll Funeral Home), proposed location of 4725 Long Ferry Road. Ms. Prudnore said in talking to people in the community, the question was always, "Why?" Why would you put a funeral home that far out from town and in a residential area? Ms. Prudnore stated the reason given was that it fit the applicant's budget. The next question Ms. Prudnore asked was whether the applicant had looked elsewhere? Ms. Prudnore said the understanding was the applicant had looked in China Grove, Kannapolis and other places. Ms. Prudnore asked if the business should be placed where it made sense. Ms. Prudnore said the people she spoke with asked her to come before the Board and ask for consideration, as it was a residential area where there were children and families. Ms. Prudnore said the community would welcome a business such as an ice cream parlor; however, the community was concerned with the issues that had been heard for the proposed funeral home. Ms. Prudnore asked that, as elected Commissioners, to please represent the citizens and consider what people in the area wanted and to deny the approval.
 5. James R. Baker, 315 Charolais Drive, Salisbury, said he appreciated the gentleman sharing the law about yielding. Mr. Baker pointed out there was nowhere to yield. Mr. Baker said if cars were coming both ways, there was no shoulder for emergency vehicles to get through. Mr. Baker presented a letter dated August 12, 1999 (Exhibit J) from the County declaring the wells on the property to be unauthorized and illegal. Mr. Baker said the well was within fifty (50) feet of an existing septic system and the man who drilled the well knew it was not a legal well. If approved, Mr. Baker said a new well should be drilled. Mr. Baker said he did not want to be flippant about the issue, but he would rather see a brothel with free beer as opposed to a funeral home.
 6. Kimberly Boling, 102 Middle Oaks, shared information from the county's website concerning consistency with the rezoning for district purposes and intent, which she read as follows: "CBI zone allows for a wide range of commercial business and light industrial activities, which provides goods and services. The District is typically for more densely

developed suburban area, major transportation corridor and major crossroad community.” Ms. Boling said we are not a densely developed suburban area, not a major transportation corridor and not a major crossroad community. Ms. Boling continued to read the Zoning Ordinance: “This district may also exist or be created in other areas listed in this subsection if the existing or proposed development is compatible with the surrounding area and overall public good is served”. Ms. Boling felt the area was not compatible with the surrounding area and the public good would not be served. Ms. Boling went on to correct a prior statement made concerning the young man who was killed on Long Ferry Road, and she provided an article from the Salisbury Post (Exhibit K), which stated the young man was going 70 mph, not 100 mph. Ms. Boling spoke pertaining to statements by Mr. Morton regarding the seating of 80 people in the chapel and parking spaces for 31 cars. Ms. Boling said with five (5) employees, parking spaces would be reduced to 26, bringing the total to three (3) people per car. Ms. Boling asked if people would be turned away. Ms. Boling said people would not be able to park in her development and would not turn around in her driveway. Ms. Boling said she had made calls and other funeral homes were not using formaldehyde, but are using glutaraldehyde, which she stated was stronger than formaldehyde. Ms. Boling said OSHA did not regulate chemicals or funeral homes, but did regulate employees. According to Ms. Boling, the effects of glutaraldehyde were more extreme. Ms. Boling said she would like to hear more from Ms. Carroll and not from Mr. Morton. Ms. Boling felt Mr. Morton liked to speak of guarantees with no accidents. Ms. Boling read from OSHA Code of Federal Regulations Title 29 Part 1910, which maintained a safe work environment for funeral home employees. Ms. Boling presented an article (Exhibit L) on the exposure levels for formaldehyde as .75 ppm for up to 8 hours and glutaraldehyde is .2 ppm for only 15 minutes. Ms. Boling stated that with only 1.3 miles before the road ended, there was no place for any business on the road. Ms. Boling stated the existing businesses in the area did serve the general purpose of the community. Ms. Boling addressed concerns of the underground storage tank and stated that the EPA had done a study on underground storage tanks in 1999. Ms. Boling said the study revealed contamination did occur in Missouri in 1992, where two (2) drinking water wells were contaminated at a church and school; there were 28 Hepatitis A incidents; in 1989 in Arizona, there were 900 cases of gastroenteritis; in 1974 with drinking water wells, there were 1200 cases of gastrointestinal disease. According to Ms. Boling, HIV transmission lived in waste water up to 48 hours and remained infectious for up to 96 hours. Ms. Boling said the County would only inspect the storage tanks once every five (5) years. Ms. Boling thanked Staff for resolving the issue and posting the information on the underground storage tanks on the website and

keeping the community safe. Ms. Boling mentioned that the buyer, seller, engineer, and real estate agent were all unaware that the tanks were still underground because they failed to perform their due diligence. Ms. Boling asked the County Commissioners to perform their due diligence and thanked them for their consideration

7. Gordon Wise, 215 Foresail Road, in Anchor Downs, spoke of trying to be convinced that the grounds with grass would look worse than the 31 parking places with asphalt and white lines. Mr. Wise remarked that part of the parking would be taken up with staff. Mr. Wise gave a scenario of a four (4) inch snow covering 31 parking places, which he said would generate over 88 cubic feet of snow. Mr. Wise said if the snow was stacked in one parking place it would reach 19 feet high, or it would take up to 3 to 4 parking spaces. Mr. Wise said no parking signs would litter the countryside and require the Sheriff's office to try to enforce. Mr. Wise told of two deaths in Anchor Downs, one of heart failure, another choked on a potato chip. In the previous meeting, Mr. Wise recounted the first responder speaking pertaining to the difficulty of getting down the road due to traffic problems. Mr. Wise said the probability of traffic problems happening was small; however, he felt the actuality was 100%. Mr. Wise asked the elected officials to make the moral and correct decision.
8. William Turner, Pastor and retired teacher, spoke on behalf of Ms. Carroll, who was a parishioner. Pastor Turner praised the integrity and neighborliness of Ms. Carroll. Pastor Turner addressed the suggestions made by some that the request would be acceptable if it were not a funeral home but rather an ice cream parlor, or a brothel with free beer. Pastor Turner said he was struck by how immature people could be. Pastor Turner expressed hope that the problem was with the funeral home and that it did not go deeper. Pastor Turner said he was a person of diversity. Pastor Turner stated that people going to funeral homes were not speeders; however, he felt that people going to ice cream parlors and brothels were. Pastor Turner went on to say that Ms. Carroll would be a good neighbor who had done her homework. Pastor Turner said more important was the fact that if it was legally found to be the problem was not the funeral home and that the problem was racial, it was hoped there would not be a civil lawsuit.
9. Georgina Turner, 440 Hedrick Lamb, Salisbury, said she lived 6.4 miles from the Interstate. Ms. Turner said there were lots of curves, different speed limits, double yellow lines, cyclists that tour, Shriners, and lots of homes. Ms. Turner said all of the neighbors were concerned with the "what if" syndrome, including how EMS would get down the road in the event of an emergency. Ms. Turner said the emergency facility was approximately about 2 miles away. Ms. Turner said the emergency vehicles had to find a way to get to them and the road was one way in and one way out. Ms. Turner said there were no right of ways where the emergency vehicles would have to come. Ms.

Turner questioned why, as tax payers, we have to be chastised for a service that is totally 100% ours, as it is yours. Ms. Turner added that the issue had been going on for three (3) months with people trying to get all the demographics and at no time had the matter ever been racial. Ms. Turner said the issues were with a funeral home and the well and septic tank. Ms. Turner said there were still the “what ifs” with responding to emergencies and who would be held responsible for services that were paid for that were not delivered when something happened.

10. Ms. Annie Boone Carroll, 301 South Lloyd Street, Salisbury said she was astonished at what had been heard. Ms. Carroll said she had heard the concerns and had contacted the Environmental Protection Agency (EPA) and was told of three (3) ways a funeral home could dispose of embalming fluids on the site. Ms. Carroll said one way was through the sewer system; a second way was through the container system, and the third way was to apply for a UIC permit. Ms. Carroll was told the Health Department permit would declare how often the tank should be pumped. Ms. Carroll stated she was told the issue came under solid medical waste and could be hauled away in the same manner as from a hospital. Ms. Carroll said she did not understand why 1400 people had built homes on a road that was considered to be so dangerous and why only 250 residents signed the petition. Ms. Carroll stated most funerals were held at churches; the only reason most funerals were at funeral homes was if they offered a higher capacity for seating of 150 to 200. Ms. Carroll said the small funeral homes have church services. Ms. Carroll mentioned that a funeral procession on the road in question would be the same as a stopped school bus with cars behind it. Ms. Carroll said the cars would have to get as far off the road as possible to allow emergency vehicles to get around. Ms. Carroll stated the majority of the funerals were escorted. She noted the roads were narrow and there was speeding. Ms. Carroll felt people should contact the Highway Patrol and let them know to send someone out to check the speeders and if the narrowness of the road was a concern, people should contact the DOT. Ms. Carroll said the issue had been going on since November 16, almost 7 months. Ms. Carroll said all requests by the County and the Zoning Board had been fulfilled. Ms. Carroll reiterated it had never been indicated there would be a crematory on site. Ms. Carroll said if the Board would put in the recommendation that there would not be a crematory, she will honor the recommendation. Ms. Carroll requested the issue be resolved today and she expressed hope the Board would consider the request to rezone the location for the funeral home. Ms. Carroll said the funeral home would be a new, small business and Rowan County needed jobs. Ms. Carroll said the funeral home would make a difference in someone’s life.

Commissioner Coltrain asked Ms. Carroll where the primary churches and cemeteries to be served were located. Ms. Carroll's response was Spencer all the way to downtown Salisbury. Ms. Carroll said she had been given permission by Pastor Turner to use his church for services whenever necessary. Ms. Carroll added that the majority of funerals were held in daytime hours and not in the morning when school buses were running and that most wakes were at night when there were no school buses.

11. Shirley Alexander, Skysail Road in Anchor Downs, said she wrote the insurance policy on the building years ago for a previous owner. The owner, at the time, had to acquire 250 signatures to be able to get the loan and build the building. Ms. Alexander said homes and developments had increased over the years. Ms. Alexander said she was concerned with the storage tank holding fluids that would require pumping. Ms. Alexander questioned how residents would know the tank was being pumped properly with no leaks. Ms. Alexander said she was concerned for the community.
12. Cheryl Nickerson stated she had heard the comments from Ms. Carroll, her architect, and her pastor. Ms. Nickerson said she had lived in the area approximately six (6) years and at first, Long Ferry Road had scared her with too many twists, bends, and its narrowness. Ms. Nickerson said she could not count the number of times she had heard crashes and sirens. Ms. Nickerson said there were a lot of people on well water a stone's throw from the building and that it did not make them feel "cuddly" with chemicals going into a holding tank or septic tank. Ms. Nickerson felt that a business or a commercial establishment of the nature of a funeral home should be based in an urban area, accessible to cemeteries and churches so people would not have to drive so far out. Ms. Nickerson said she had a dim view of the pastor's comments.

Commissioner Sides questioned Mr. Morton regarding one of the witnesses that had alluded to a problem with the placement of a well and septic tank. Commissioner Sides asked if the business would have to go through a new permitting process to place a new septic tank on the property and whether it would be a requirement for it to be 100 feet from the existing well. Mr. Morton confirmed, unless the existing well was satisfactory, which would be determined by the Health Department. Mr. Morton said if the well was found not to be satisfactory, the new well would be placed further away.

Commissioner Sides said a problem that may have existed would be resolved, one way or the other, should the permit go forward. Mr. Morton concurred.

Commissioner Sides commented that the request was an emotional issue and it was important for everyone to understand that if Ms. Carroll were to fix a couple of rooms within the building to live in, there would be no request before the

Board. Commissioner Sides explained that if Ms. Carroll chose to live on the property, she could put a funeral home on the property with the current zoning without coming before the Board. Commissioner Sides said what was being done was allowing a permitted use on the property without living there.

With no one else wishing to address the Board, Chairman Mitchell closed the public hearing.

Commissioner Barber said with the additional documents entered into evidence today, he would like to look at the documents for further review. Commissioner Barber said he realized the issue had been going on since November.

Commissioner Barber moved to table the request until May 16, 2011. The motion died for lack of a second.

Commissioner Sides said all issues related to the documents had been addressed through direct testimony and the only issue the Board would not resolve was where people felt the safety of the road was a major factor. Commissioner Sides said it was a curvy road; however, as far as sight distance from the proposed funeral home, the sight distance was adequate. Commissioner Sides went on to say that there was some probability that traffic issues brought up could exist, but were fairly remote.

Commissioner Sides said based on testimony presented, he would move adoption of the Statements of Reasonableness and Consistency. The motion was seconded by Commissioner Ford.

Commissioner Coltrain said in order to perform due diligence on the issue, he rode out to the site. Commissioner Coltrain said the location was not the most convenient place for a funeral home for patronage and there was a need for plans to be in place for 50 years from now. Commissioner Coltrain said based on the ordinances in place, the request was an allowable use. Commissioner Coltrain felt a person had a right to sell and to buy property and to use it within the guidelines. Commissioner Coltrain said he had to let the ordinances be his guide and not his personal opinion. Commissioner Coltrain said he personally would not want to put a business there due to the geographic location. Commissioner Coltrain said a planning process was being embarked upon and he expressed hope that the County would determine what communities would look like down the road. Commissioner Coltrain said he hoped all would get involved in the process.

Commissioner Barber said he had spoken with several Board members and the Planning Board as to where he stood on the issue. Commissioner Barber said the Planning Department had done its due diligence and done a good job. Commissioner Barber said he had heard things during the current meeting to cause him to rethink his position. Commissioner Barber said he would still like to

review the documents that had been entered as evidence and he went on to say he would like to add jobs in Rowan County; however, he had listened to people in the area who were opposed to the business. Commissioner Barber said some of the testimony given had caused him to change his mind and he would not be in support of the motion.

Commissioner Sides stated the County had a land use plan and the area had been designated RA. Commissioner Sides said under RA zoning, a funeral home could exist if the applicant were living on the property. Commissioner Sides said based on that statement alone, he had to rule in this case to approve the zoning.

Upon being put to a vote, the motion to adopt the Statements of Reasonableness and Consistency passed 3-2, with Chairman Mitchell and Commissioner Barber dissenting.

Commissioner Sides moved approval of the rezoning request, based on the belief that the information presented in the case has been substantial, competent, material evidence. Commissioner Coltrain seconded and the motion carried 3-2, with Chairman Mitchell and Commissioner Barber dissenting.

Commissioner Sides moved acceptance of the required Findings of Fact (Exhibit M). Commissioner Ford seconded and the motion passed 3-2, with Chairman Mitchell and Commissioner Barber dissenting.

Commissioner Sides moved approval PCUR 01-11 with the one condition recommended by the Planning Board (Staff Report, Exhibit B) and an additional condition that no crematorium be allowed on the property as indicated by the applicant. Commissioner Ford seconded and the motion passed 3-2, with Chairman Mitchell and Commissioner Barber dissenting.

Commissioner Barber applauded the Planning Board for its work. Commissioner Barber also wished the applicant the best of success and applauded the efforts of the community to bring forward the information for consideration.

Commissioner Coltrain thanked everyone for being involved, and asked the applicant to keep the Board informed of the progress with the funeral home.

6. QUASI-JUDICIAL PUBLIC HEARING FOR PCUR 02-11

Chairman Mitchell read the Chairman's Speech (Exhibit A) and declared the public hearing for PCUR 02-11 to be in session. Chairman Mitchell said the hearing would focus on an application submitted by Sean Walker for property located at 11710 Bringle Ferry Road. The purpose of the application was to rezone 9.51 acres from Rural Agricultural to Industrial with a conditional use district to accommodate a metal recycling center on Tax Parcel 507-039.

County Attorney Jay Dees swore in those wishing to provide testimony in the case.

Senior Planner Shane Stewart presented the Staff Report (Exhibit B) and also provided a power point presentation (Exhibit C) to depict the site and surrounding areas. Mr. Stewart said on September 2, 1999, Planning Staff issued a zoning permit for a 4,600 square foot storage building located at 11710 Bringle Ferry Road not to be used for business purposes. Mr. Stewart said according to the Tax Assessor's Office, Paul and Kathy Beckham began operating P&K mobile wash and equipment rental in late 1999/early 2000. Mr. Stewart said the business may have met the Special Requirements (SR) since the Beckhams lived on an adjacent parcel but was permitted by both Planning Staff and Building Inspections as residential storage.

Mr. Stewart said in January of 2011, a contractor working for the current owner JEMM, LLC requested permits from the Rowan County Environmental Health Office to install a new septic system at the above address, prompting questions from Planning Staff as to the intended use. Planning Staff informed the principal owner the property required rezoning to accommodate the proposed scrap metal operation.

Mr. Stewart said on March 1, 2011, Planning Staff received an anonymous complaint regarding a "junkyard for recycled metal" in operation, prompting Staff to contact the business operator and inform him of the violation.

Mr. Stewart said JEMM's agent, Attorney Sean Walker, submitted a parallel conditional use rezoning request to rezone approximately 9.51 acres from Rural Agricultural (RA) to Industrial with an accompanying conditional use district (IND-CUD) to accommodate a metal recycling center. JEMM's tenant, Charles Blackwelder proposes a metal recycling center that would accept scrap metals, catalytic converters, and sealed car batteries. Mr. Stewart said according to the information provided, materials brought to the site would be weighed within the existing building and transported by employees to one of the storage containers located to the rear of the building or remain within the building depending on the product. Mr. Stewart said no disassembly or demolition was proposed.

Mr. Stewart said the visibility to adjoining properties was limited; the site distance was approximately 580 feet, 80 feet more than needed from North Carolina Department of Transportation (DOT) standpoint. Mr. Stewart noted the importance of the fact due to the site distance being only 450 feet from the other direction. Mr. Stewart said Staff recommended the business obtain a driveway permit and not leave the driveway as is, even though the DOT would not mandate a permit.

Mr. Stewart said there was discussion at the last Planning Board meeting pertaining to the topography and water runoff. Mr. Stewart said the contour map

showed the property contributing to the water runoff and also experiencing the runoff.

Mr. Stewart said the Board must develop Statements of Reasonableness and Consistency before approving or denying the request to address any claims of “spot zoning.” The Planning Board recommended the following statements:

Statement of Reasonableness:

PCUR 02-11 rezoning request is reasonable, serves a vital public interest, and fits within the zoning of the surrounding properties. This property’s tract is adequate for the commercial use proposed and will have a minimal impact on the immediate properties and the surrounding community.

Statement of Consistency:

PCUR 02-11 is consistent with planned growth along Bringle Ferry Road and the intended use fits with commercial and business industrial zoning. The proposed use and development is in a low residential density area and is compatible with the surrounding area and provides an essential service benefiting the general public.

Mr. Stewart said the Planning Board met on March 28, 2011 at which time four (4) individuals spoke in favor of the request while two (2) nearby property owners expressed the following concerns with the request:

- Water runoff, ability to sell his property, difficulty in policing the operation and hazardous materials on site.
- Noise, increased traffic, metal falling from vehicle deliveries, site distance for driveway and business potential to grow due to lot size.

Mr. Stewart said the Planning Board voted unanimously to recommend approval of the request subject to four (4) conditions:

1. Pave the driveway 50 feet;
2. Obtain a commercial driveway permit from DOT;
3. Provide a type A buffer [along the property frontage]; and
4. Limit the operation to the front half of the property.

Mr. Stewart said Staff offered up seven (7) comments in the Staff Report (Exhibit B) for consideration of conditions should the Board decide to approve the request. Mr. Stewart pointed out that some of the comments were different from the Planning Board’s. Mr. Stewart expressed hope that along with the two (2) statements, and the checklist contained in the Staff Report (Exhibit B), the Board would be able to use the information in the decision process and he also reminded the Board of the Findings of Fact (Exhibit D).

Chairman Mitchell opened the floor for further testimony from those that had been sworn. The following individuals came forward:

Attorney Sean Walker said he represented the property owner and he then addressed the recommendations from the Planning Board. Mr. Walker said the owner was fine with all recommendations; however, he would like additional consideration in regards to the buffer. Mr. Walker explained that due to the elevation change, the buffer would not be effective from a blocking or obstruction point of view. Mr. Walker said the concern came regarding the cost for the buffer. Mr. Walker said the business was small. Secondly, Mr. Walker felt that putting too much buffering would effectively cover the perimeter of the property, potentially allowing people to come in at night and steal the metal stored in the bins. Mr. Walker felt the smaller buffer would be a deterrent for potential theft. Mr. Walker stated that the buffer would be for the frontage request, and at the Board's pleasure, the company would be happy to comply.

Commissioner Coltrain inquired as to whether anything would be put in front, from an aesthetic view point, such as a fence. Mr. Walker said trees would be better than a fence since the trees would hide more than a fence. Mr. Walker stated the owner was looking for ways to spruce things up with shrubbery and greenery and if required by the Board, the better time for planting trees would be in the fall.

Carl Long, an employee, said the site was not a junk yard but rather a small recycling center. Mr. Long said the business did not take junk cars, batteries were kept inside or in containers, and there was daily pick up.

With no one else wishing to address the Board, Chairman Mitchell closed the public hearing.

Commissioner Sides moved adoption of the Statements of Reasonableness and Consistency. The motion was seconded by Commissioner Barber and passed unanimously.

Commissioner Sides moved approval of the rezoning request. Commissioner Barber seconded and the motion passed unanimously.

Commissioner Sides moved approval of PCUR 02-11 subject to conditions 1-4 from the Planning Board and conditions 1-7 from Staff. Commissioner Barber seconded and the motion passed unanimously.

7. CONSIDER REQUEST FOR PE 02-11

Senior Planner Shane Stewart reported that the 13th annual Rowan County Relay for Life event would be held on May 13-14, 2011 at the Rowan County Fairgrounds located at 1560 Julian Road in Salisbury. Mr. Stewart said while the property was located in the extraterritorial jurisdiction of the City of Salisbury, the County's noise ordinance governed unreasonable amplified sound for all areas of the county outside municipal limits.

Mr. Stewart said Staff recommended approval of the request as listed in the Staff Report.

Chairman Mitchell opened the floor for any comments from the public and no citizens came forward to address the Board.

Commissioner Barber moved, Commissioner Ford seconded and the vote to approve PE 02-11 passed unanimously.

Chairman Mitchell called for a recess at 5:28 pm.

Chairman Mitchell reconvened the meeting at 5:39 pm.

8. CONSIDER AUTHORIZATION FOR STAFF TO BEGIN EAST ROWAN LAND USE STUDY

Planning and Development Director Ed Muire said as directed by the Board during its March 7, 2011 meeting, Staff and the Planning Board Chairman had prepared a proposal for the Board's consideration in developing an East Rowan Land Use Study (Study). The proposal was detailed in the agenda packets as follows:

Steering Committee

Committee A of the County's Planning Board has been tasked as the primary group responsible for report development and will be supported by Planning Staff. Committee A currently consists of Jack Fisher (Chair); Bill Brown; Greg Edds; Craig Pierce; and Larry Wright. Progress updates will be made to the full Planning Board at monthly meetings and posted on the departmental website.

Public Participation

As with any land use policy process conducted in Rowan County, public participation is an important component in drafting suggested guidelines. Anticipated locations for public forums during the study process will be Carson and East Rowan High Schools. A unique email address will be created for citizens to provide comments or questions and an on-line survey will be utilized to receive feedback on draft recommendations.

Data Collection

Planning Staff will obtain or produce relevant land use data and maps for the study area that includes county and municipal zoning; housing and demographic trends; transportation and utilities; and the natural environment. As necessary, Staff will conduct interviews with municipal, county or state representatives to obtain information or insight for issues affecting or to consider for the study area.

Study Components

The East Rowan Land Use Study will consist of elements similar to the Land Use Plan for Areas West of I-85, which consist of: Introduction / Summary of the Process; Background Research; Recommendations; and Appendices containing supplementary or supporting information gathered during the study process.

Timeline and Cost

Staff anticipates the study process to require approximately six (6) months or less for development and is of the opinion that the proposed departmental budget for FY 2011-12 will be sufficient to administer the project.

Commissioner Coltrain spoke in favor of the effort and said he would like to add that a group of people representing the geographical area be a part of the filter board. Commissioner Coltrain felt citizen involvement and input was important.

Commissioner Coltrain moved approval for staff use of time to move forward, with the amendment to add citizen involvement. Commissioner Barber seconded and said perhaps former members of the Planning Board from the east area could be approached. Commissioner Barber said a lot had been learned during development of the last Land Use Plan (LUP) and that the Planning Staff had been excellent. Commissioner Barber said he would like to see the citizens represented on the committee.

Commissioner Coltrain brought up the fact that the demographics of the county were changing.

Commissioner Sides expressed concern with Staff saying they could complete the study in 6 months. Commissioner Sides said he would like to see the plan fast tracked and completed in 3 to 4 months.

Commissioner Ford suggested including the entire Planning Board as opposed to adding another board.

Commissioners Barber and Coltrain supported using Committee A as suggested and also adding additional citizens to the committee who resided in the land use study area.

Commissioner Ford said he was not opposed to having citizen input; however, he felt the citizens should not have a vote when they had not been appointed to the Planning Board.

Commissioner Coltrain said it depended on how Committee A would like to function.

Commissioner Barber reviewed the list of Committee A members and said only one (1) person on the list lived in the East district.

Mr. Muire offered insight as to why the Committee was looked at for just members of Planning Board. Mr. Muire said the Planning Board had to be involved in the process statutorily. Mr. Muire said there would be public forums regarding any proposals by the Committee. Mr. Muire said another other option in terms of geographic representation was that three (3) members of Committee

B were from eastern Rowan and an ad hoc committee could be formed. The Planning Board, or subset, would function as it did in every other rezoning proposal. Mr. Muire said after proposals go out, and comments and feedback were received, a recommendation would be made to the Commissioners. Mr. Muire said if the wish was to include other citizens, direction would be needed as to how those citizens were to be selected.

Chairman Mitchell said the motion on floor was to add the amendment and Commissioner Coltrain was not willing not drop that portion of the request.

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

After further discussion, Commissioner Ford moved to go with the accepted plan and let it be up to the Planning Department as to whether they used Committee A, B, or the entire Planning Board. The motion was seconded by Commissioner Sides.

Commissioner Barber said he would be in favor of the motion; however, he preferred having other citizens included.

Commissioner Coltrain concurred with Commissioner Barber and expressed hope that citizen input would be received, regardless of which committee worked on the plan.

The motion passed 4-1 with Chairman Mitchell dissenting.

9. CONSIDER APPROVAL OF 800 RADIO STRATEGIC PLAN

Telecommunications Director Rob Robinson and CSC Consultant Michael Sandor were present to discuss the 800 Radio Strategic Plan (Plan) and entire radio system upgrade.

Mr. Robinson provided a power point presentation as he discussed the Plan. Mr. Robinson said in 2008, a presentation was given to Commissioners concerning the need for a staff estimated \$12 million Radio System Upgrade, which included:

- 800 Radio System Upgrade
- VHF Narrow-banding Per FCC rule change effective 2013
- Space needs for the 911 Center
- Adding three (3) new tower sites to improve coverage
- Replacement of existing VHF Paging transmitters to comply with FCC Narrow Banding orders by 2013
- Replacement of all existing analog mobile and portable on the 800 Radio System to digital
- Replacement of existing dispatch consoles in the 911 Center as part of the system upgrade

- Relocation of existing 911 Center due to lack of space and improved location for disaster contingency plan.

Mr. Robinson said the Board was advised that a consultant should be hired to validate staff's estimated figures and Radio System Plan. Mr. Robinson said CSC was hired by the County and the City of Salisbury (City) to prepare a Strategic Plan.

Mr. Robinson discussed the area studied and the following findings:

- City and County need to develop, write and adopt MOU's concerning existing and future radio system procurement, management and maintenance of the complete system.
- City and County should proceed with implementing an area wide Project 25 system, which includes the County adding three (3) additional tower sites to improve and maximize coverage.
- CSC recommended the County proceed with designing a new 911 Center and moving its current location.
- Recommends the build out of the current VHF system with narrow-banded equipment and test for coverage enhancements and abnormalities prior to the 2013 deadline.
- CSC recommends the County and the City begin working on the MOU preparation and design the County 911 Center specifications as soon as possible.
- CSC is able to assist with preparations and writings of MOU's.

Commissioner Sides questioned the current tower rental for the Salisbury site. Mr. Robinson described what was included in the fees for the two rental spaces.

Commissioner Ford said he had spoken with the Assistant City Manager and it was hoped with the new agreement that it could be negotiated where the County was no longer writing the City a check and the two could work together.

Discussion ensued as to how the system could work.

Mr. Robinson said Staff had looked at the issues before the consultant was hired in regards to co-locating to save costs, tower location, and grants to pay for a portion of the project.

Mr. Robinson shared how user fees for the mobile and portable radios were used and explained that the funds were supposed to be set aside for upgrades to the prime radio site and repairs.

A discussion on the tower space and costs associated with the use followed.

Commissioner Coltrain asked whether the study recommended relocating one center and keeping two or combining the County and the City into one entity.

Mr. Robinson responded and discussed the grant funding for the new 911 center and said theoretically one of two things could happen. The first option was building the new center near the EMS Station on Old Concord Road, which would separate the two centers. The City would be considered as a backup in this scenario. The second option was to apply to the 911 Board to get a backup 911 center paid for totally from 911 surcharge funds from the state and have a self-backup. Mr. Robinson said the first 911 center would have to be built in order to apply for the grant funding. Mr. Robinson stated either way, there would be no funds from the County; the monies would come from the state surcharge.

Mr. Robinson said the formal study completed in 2010 by CSC estimated \$12.7 million, not including towers and the new 911 Center. Mr. Robinson then reviewed the projected costs and funding opportunities and explained that numbers were changing daily. The waterproof radios being sought by the fire departments were higher than the ones provided for in the plan. Mr. Robinson said if a grant was not received to offset the higher cost, the fire departments understood they would have to make up the difference.

In regards to an inquiry from Commissioner Sides, Finance Director Leslie Heidrick discussed how much sales tax was available.

Mr. Robinson said he had actually sought out the tower usage at no cost to the County. Mr. Robinson said there were grant funds available. Mr. Robinson also stated that due to changes in the legislature this year there was a twelve-month window to act on the million dollar fund balance reserve in the surcharge. Mr. Robinson said Rowan County would be allowed to use approximately \$500,000 of those funds between now and June, 2012 to build a 911 center.

Commissioner Sides questioned the figure of \$12 million not covering the building or towers and only the radios. Mr. Robinson stated these numbers were list price plus 20%. Mr. Robinson said \$1.3 had already been saved off the \$12 million. The tower usage from Viper was at no cost to the County; the tower at Young's Mountain would be leased with Mr. Robinson negotiating the cost with the vendor. Mr. Robinson said Viper was looking at another tower in the next five years and with our help on the tower, Viper would let the County use that tower at no cost. Therefore, three (3) towers were not needed.

County Manager Gary Page reiterated that the County was not voting on upgrades, towers, expenses, or the size of the 911 center at this time, but rather approving the Study in concept to give direction.

Mr. Robinson said he had gone as far as he could until the Commissioners instructed him to proceed in negotiations with the tower companies, with Kannapolis, and in getting exact costs for building the 911 center.

Commissioner Sides recommended building of the 911 center as top priority.

The steps and recommendations for the Board were:

- Direct staff to prepare RFQ for architect for design phase of 911 center building.
- Direct staff to develop MOU between County and City with assistance from CSC Consultant
- Allow staff to begin negotiations with existing tower owner at Young's Mountain for lease arrangement.
- Allow staff to begin negotiations with City of Kannapolis to finalize and gain approval from co-locating on their site.
- Allow staff to begin negotiations with Motorola for replacement mobile and portable radios and to place order.

Commissioner Ford made a motion to move forward with the MOU with Salisbury, the RFQ for a free standing 911 center and negotiations for tower sites. The motion was seconded by Commissioner Barber.

Chairman Mitchell asked if the \$500,000 was not used, if it would be reverted to the state in the new formula. Mr. Robinson said it was still the County's money; however, the County was being given the opportunity to use the funds for things that were not currently allowable under the law.

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

ADDITIONS:

9a. DISCUSSION OF THE PROPOSED BUDGET FROM THE NC HOUSE OF REPRESENTATIVES

Commissioner Barber spoke concerning an email from the County Manager in regards to the House budget and its potential impact to counties. Commissioner Barber commended Senator Andrew Brock, and Representatives Harry Warren and Fred Steen for their work. Commissioner Barber said the state was shifting cost burdens to counties. Commissioner Barber asked County Manager Gary Page to highlight what the cost burdens would mean to Rowan County.

Mr. Page recalled the work session in February and how expenses were greater than revenue by \$3 million. Mr. Page said the goal became how to cut \$3 million, and the County had started by asking departments to cut 5%, or \$2 million. Also proposed, was cutting the schools by \$1 million, or 3%. Mr. Page said the cuts matched revenues with expenses. Mr. Page explained that two (2) years ago the County received \$2.6 million in lottery money. Last year, the County budgeted the \$2.6 million and the Governor withheld \$900,000 of those lottery funds, putting the County at \$1.7 million. Mr. Page said in the proposed County budget that would be given out in a couple of weeks, it was budgeted at \$1.7 million in lottery funds; however, based on the Governor's and the House proposed budgets, the number would drop to \$800,000 in 2011. Also being discussed in was for prisoners with less than six months remaining on their sentence to be returned to the counties. Mr. Page said if House budget was approved, the

County would get 112 prisoners costing Rowan \$1.4 million. Mr. Page said there was no space for the additional prisoners and the County would have to house them in another county. The County only budgeted for 40 people costing \$650,000. Mr. Page said there was also the possibility of cutting out Veteran's Service support money, aid to libraries, and less money for administration at the Department of Social Services (DSS). Mr. Page said when the figures were added up, the total equaled \$2.4 million. Mr. Page also discussed the possibility of cutting ADM money the schools received for repairs. Mr. Page the information translated into several options through additional cuts, raising taxes, or a combination.

Commissioner Sides said he sent an email to the Speaker of the House, the local delegation, and several others with what he saw as two options. The first option was to keep the one-cent sales tax (\$1.2 billion) and the second was to keep the fees the state intended to give the counties in lieu of the funds proposed to be cut.

Chairman Mitchell spoke of the disingenuous nature of the General Assembly to come up with a no tax increase budget. Chairman Mitchell felt the state was simply telling counties to take care of the state's expenses.

9b. SEPTIC ISSUE AT 305 MEADOW GREEN DRIVE

Commissioner Sides discussed the property in foreclosure at 305 Meadow Green Drive where the septic tank had completely caved in and created a health issue. Commissioner Sides said he had been contacted by some of the property owners in the area.

Commissioner Sides said he would like to see the property declared a public nuisance/health hazard and resolve the issue as swiftly as possible. Commissioner Sides said the County Attorney had provided a copy of the law stating the County could go on the property with a ten (10) day notice to the property owner requiring the matter to be resolved. Commissioner Sides said if it was going to take longer than 10 days, he would like to see the County repair the damages, put a lien on the property and take a chance on getting the money back. Commissioner Sides said the cost was estimated at approximately \$1200; however, the County's liability in knowing about the problem was greater. Commissioner Sides moved to authorize the County Attorney to communicate with the Health Department and to proceed with repairing this problem and then initiate a tax lien against the property. The motion was seconded by Commissioner Barber seconded and passed unanimously.

10. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Emergency Services - Donations from local business for EMS Week activities - \$100

- Social Services – Increase expenditure and revenue line items for donations based upon actual receipts to date - \$2,547

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

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

Ray Raper submitted an application for reappointment. In order to be considered, the Board would need to waive the term limits set forth in the Resolution adopted in September 2009.

The term would be three (3) years beginning May 1, 2011, expiring April 30, 2014.

Commissioner Sides moved, Commissioner Coltrain seconded and the vote to waive the term limits passed unanimously.

Commissioner Sides nominated Ray Raper for reappointment and the nomination carried unanimously.

JUVENILE CRIME PREVENTION COUNCIL

Letters of resignation have been received from Esther Armstrong and Josh Wagner.

Commissioner Sides moved, Commissioner Barber seconded and the vote to accept the letters of resignation from Ester Armstrong and Josh Wagner passed unanimously.

Benjamin Lynch's term expires May 31, 2011 and he does not wish to be reappointed at this time.

12. ADJOURNMENT

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 6:43 pm. The motion was seconded by Commissioner Ford and passed unanimously.

Respectfully Submitted,

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