

MINUTES OF THE BOARD OF
ROWAN COUNTY COMMISSIONERS
OCTOBER 3, 1994 - 9:00 A.M.
SETH MURDOCH AUDITORIUM, AGRICULTURE BUILDING

PRESENT: J. Newton Cohen, Chairman
Thomas M. Webb, Vice-Chairman
Jamima P. DeMarcus, Member
Charles H. Welch, Member
Todd Arey, Member

The County Manager, Clerk to the Board, Finance Director, and County Attorney were also present. Chairman Cohen called the meeting to order and Commissioner Arey gave the invocation.

APPROVAL OF MINUTES:

The following minutes were submitted for approval:

- * September 12, 1994 - Regular
- * September 19, 1994 - Adjourned

There being no corrections Commissioner DeMarcus moved for approval. Commissioner Arey seconded and the motion passed unanimously.

ADDITIONS TO THE AGENDA:

- * Commissioner Webb stated he would like the minutes to reflect his appreciation to Parks and Recreation staff for their work on Autumn Jubilee. He noted the work of Jim Foltz, Phyllis Cornelison, Skipper Snider, and Andrea Baucom.
- * Commissioner DeMarcus asked the Board to recognize John Shaw and Clarence Fox for a discussion of an animal control problem.

* Commissioner Welch asked to discuss parks.

CORRESPONDENCE:

There was no correspondence for this meeting.

ROAD PETITIONS:

No road petitions were submitted for this meeting.

ANIMAL CONTROL:

Chairman Cohen recognized John Shaw, Health Director, and Clarence Fox, Environmental Health Supervisor who discussed an animal control problem in East Spencer. Mr. Shaw stated they were short of two staff positions and requested permission to hire a temporary animal control officer for a four month period. Commissioner Webb moved to authorize the Health Director to hire a temporary animal control officer for a four month period. Commissioner Arey seconded and the motion passed unanimously.

TAX COLLECTOR'S REPORT:

Wayne Simpson gave the Commissioners a preliminary September report and a recap of the August report, as attached to these minutes. He introduced staff members Vicki White and Amy Gobble. He also discussed with the Board the distribution of tax moneys to the taxing units. Commissioner DeMarcus asked Mr. Simpson what the collection percentage was for the County. Mr. Simpson stated the rate is approximately 97%.

ROAD NAME PETITIONS:

Ed Muire presented the Board with three majority petitions for road name changes. The three name change requests were for Blackberry Lane, Cemetery Circle, and Hader Street. Commissioner DeMarcus moved to hold public hearing for the proposed changes on October 17, 1994 at 7:15 p.m. Commissioner Webb seconded and the motion passed unanimously.

PUBLIC HEARINGS:

DESIGNATE SNIA OVERLAY AREA:

Commissioner Arey moved to open the public hearing for comments on the designation of an SNIA overlay area located at 2225 East NC 152 Highway. Commissioner Webb seconded and the vote was unanimous. Mr. Muire explained that the property was located in the Dutch Buffalo Creek watershed and comprised 9.5 acres of total land area. There being no public comment Commissioner Welch moved to close the public hearing. Commissioner DeMarcus seconded and the motion passed unanimously. Commissioner Welch then moved for approval of the overlay designation. Commissioner DeMarcus seconded and the motion passed by a unanimous vote.

SNIA PERMIT APPLICATION:

Commissioner Webb moved to open the public hearing for an SNIA permit application for 702 Performance Road which is in a previously designated overlay area. Commissioner Arey seconded and the vote was unanimous. There being no public comment Commissioner Arey moved to close the public hearing. Commissioner Welch seconded and the motion passed unanimously. Commissioner Arey then moved for approval of the permit application. Commissioner Webb seconded and the vote was unanimous.

AMENDMENT TO THE WATERSHED MAP ATLAS:

Commissioner Webb moved to open the public hearing for the amendment to the Watershed Atlas. Commissioner Welch seconded and the vote was unanimous. Marion Lytle explained that the change would be to remove an area which had been annexed by the City of Kannapolis and had been added to their zoning maps. Chairman Cohen then called for public comment. There being no comments Commissioner Arey moved to close the public hearing. Commissioner Webb seconded and the motion passed unanimously. Commissioner Arey moved to approve the amendment. Commissioner Welch seconded and the vote was unanimous.

PROGRESS REPORT ON MINIMUM HOUSING ORDINANCE CHANGES:

Mr. Lytle relayed to the Board the results of meeting between Staff and members of the Salisbury Board of Realtors. Several changes had been made to the ordinance and a draft had been sent to the Board of Realtors for further comment. Commissioner DeMarcus requested the Board of Commissioners be given a draft copy as well. Chairman Cohen stated he had spoken to a representative of the Home Builders Association and they had not seen the ordinance. Commissioner Welch suggested they be sent a copy. Commissioner Arey moved to direct the planning department to send the president of the Home Builders Association a revised copy of the ordinance and have comments back to the Board in ten days. Commissioner Welch seconded and the motion passed unanimously.

CBA "OUT ABOUT AFTER HOURS":

Ms. Willette Johnson, Rowan Youth Services, addressed the Board to answer questions and provide information concerning the "Out About After Hours" program which would utilize CBA money. Commissioner Welch raised concerns that the facility was not centrally located and could pose a transportation problem. Ms. Johnson stated the YMCA had offered to allow their buses to be used to take juveniles from the Salisbury YMCA to the Cleveland facility and back again. The Salisbury YMCA would be used as the central "drop-off" destination. She stated the Cleveland YMCA facility was chosen because it could house the program full time and other programs could be scheduled around them as the YMCA facility grew. Commissioner Arey moved to give approval of the proposal. Commissioner DeMarcus seconded and the vote was unanimous.

WEST ROWAN MEAL SITE:

Clyde Fahnestock presented the Board with a request to move the West Rowan Meal Site from the West Rowan Community Center to the new West Rowan YMCA facility. Commissioner Welch moved to approve the request. Commissioner Arey seconded and the motion was passed unanimously.

Mr. Fahnestock also asked the Board to accept additional grant moneys which had been granted from the State for the In-Home Aide program. The award was for \$455,834 for the fiscal year. Commissioner Arey moved to accept the moneys. Commissioner DeMarcus seconded and the motion passed unanimously.

APPROVAL OF GRANT APPLICATION:

Elections Supervisor Nancy Evans presented the Board with a request for approval of a grant application. If awarded the grant money would be used to implement the National Voter Registration Act. There would be no matching funds required for the one time grant. Commissioner Welch questioned the figures used for equipment stating he felt they were excessive. Commissioner DeMarcus moved for approval. Commissioner Arey seconded and the motion passed by a vote of 4/1 with Commissioner Welch voting against. Commissioner DeMarcus added that Mrs. Evans should expand her explanations to show need for what was requested.

RESOLUTIONS FOR FINANCING PACKAGES:

Brady Frick gave the Board a resolution which would combine financing for Old Post Office renovations and the Sports Complex. The application to the Local Government Commission would be for ten year financing. Chairman Cohen asked if it would be possible to repay the Old Post Office debt in less than ten years, which would save on interest. Mr. Frick stated the two issues would be financed as one, but could be associated into two issues in order to repay the Old Post Office debt quickly. Commissioner Arey moved for approval of the resolution. Commissioner DeMarcus seconded and the motion passed by a vote of 4/1 with Commissioner Welch voting no. Mr. Frick also presented the Board with a Declaration of Intent for repayment of the loan. Commissioner Arey moved to approve the declaration. Commissioner Webb seconded and the vote was 4/1 with Commissioner Welch voting no.

Mr. Frick gave the Board a resolution for financing the Freight liner water line project for a total of \$2.8 million dollars. Commissioner Arey moved for approval of the Resolution. Commissioner DeMarcus seconded and the motion passed unanimously. Commissioner Webb moved to approve the Declaration of Intent with regard to the West Rowan Waterline Project. Commissioner Arey seconded and the vote was unanimous.

BOARD APPOINTMENTS:

Rowan County Nursing Home Advisory Committee - Commissioners deferred action on this appointment and requested the Clerk to ask Centralina for possible nominations.

Domiciliary Home Community Advisory Committee - Commissioner Arey moved to reappoint Ms. Rosella Caldwell. Commissioner Welch seconded and the motion passed unanimously.

Rowan County Housing Authority - Commissioner DeMarcus moved to reappoint Mr. Joseph Sloop. Commissioner Welch seconded and the motion passed unanimously. Commissioner deferred the second appointment until the Board readjourned for the evening meeting in order for the Clerk to provide the suggested name for nomination.

Public Library Board - Commissioner Arey asked this appointment be deferred until the next regular meeting.

Rowan Cabarrus Community College - Commissioner Welch noted Mr. Harold Kenerly, who had recently be reappointed, had passed away. He nominated Mr. George Knox to fill the unexpired term. Commissioner Arey seconded and the motion passed unanimously.

Salisbury-Rowan Human Relations Board - Commissioner DeMarcus moved to nominate Mrs. Diane Hundley. Commissioner Webb seconded and the motion passed unanimously. She noted there was still a vacancy on this board to be filled.

Convention & Visitors Board - Commissioner Welch moved to appoint Ms. Lisa Wallace Duskin and Mr. K. Patel as requested, to fill two vacancies on the board. Commissioner Webb seconded and the motion passed unanimously.

MANAGER'S REPORT:

Refunds - Refunds totaling \$2,566.82 were submitted for approval. Commissioner Webb moved to approve the refunds. Commissioner DeMarcus seconded and the vote was unanimous.

Interest - The Manager read the interest report for the month of September, as attached to these minutes.

Airport Grants - Two formal grant resolutions were submitted for moneys which have already been given to the County for a mower and apron extension. Commissioner Arey moved to approve the resolutions. Commissioner Welch seconded and the vote was unanimous.

ADDITIONS TO THE AGENDA:

* Commissioner Welch stated he would like members of the Board to tour Optimist Park in Greensboro. He noted the various amenities it offered citizens and thought Rowan County may want to consider a similar facility. Chairman Cohen stated he would go. Commissioner DeMarcus stated the Board could certainly look at the park and Jim Foltz should be asked to attend as well.

* Brady Frick noted that a public hearing needed to be set for the financing of the Old Post Office/Sports Complex and West Rowan Waterline packages. Commissioner Webb moved

to hold the public hearing October 17, 1994 at 7:30 p.m. Commissioner Arey seconded and the motion passed unanimously.

There being no further business Commissioner Arey moved to adjourn until 7:00 p.m. for the public hearing on the Subdivision Ordinance. Commissioner Welch seconded and the vote was unanimous.

RE ADJOURNMENT

Commissioners reconvened the Board's regular monthly meeting in order to entertain comment on the Subdivision Ordinance. Commissioner Arey moved to open the public hearing. Commissioner Webb seconded and the motion passed unanimously.

June Landreth - Spoke on behalf of a real estate client. She asked Commissioners to lift the moratorium on subdivision so her clients project would not be delayed.

Connie Holt - Asked Commissioners to lift the moratorium so she could subdivide her land for her children.

Pete Marriott/Neal Chaquette- Stated their concerns over the ordinance. They felt the ordinance was too restrictive and urged the Board to make changes.

Jim Fowler/Terry Jones - Spoke as members of the Board of Realtors and discussed with the Board a list of changes/additions/deletions, as attached to these minutes, they felt would improve the ordinance.

James Lyerly - Spoke against the ordinance stating it was unnecessary.

Eric Beaver - Spoke as a member of the Salisbury-Rowan Home Builders association, and asked the Board to consider some of the suggested changes before approving the ordinance.

Nelson White - Asked the Board to keep the ordinance to a minimum so landowners would not face hardships in selling their land.

Mike Leer - Stated growth should be supervised in the County, and an ordinance with enough "teeth" to be enforced was needed.

Ron & Jeff Horton - Stated they had purchased quite a bit of land in hopes of developing a small subdivision but with some of the requirements in the ordinance they will not be able to develop.

There being no further public comment, Commissioner Arey moved to close the public hearing. Commissioner Webb seconded and the vote was unanimous.

The Board requested members of the Planning department and Planning Board to answer some of the questions raised. A "worksession" was held with the following results:

- 1) Flood plain - By consensus the Board agreed to omit section C, lines 15-22 on page 17. Lot size will be a minimum of 10,000 square feet, with Health Department requirements determining the size of the lot.
- 2) Water/Sewer Facilities- Consideration of cost was added to the determination if requiring the facilities. The scale was changed to begin with 9 houses, and the Board will be allowed to grant exemptions.
- 3) Preliminary/Final Plats - No changes were made
- 4) Set Backs - Front yard setbacks were changed from 20 feet to 30 feet.
- 5) Patio Homes - A section covering patio type homes will be added to allow for this type of development.
- 6) Grace Period - It was determined the variance procedure would address hardship and appeal procedure.
- 7) Panhandle lots - No changes were made.

Commissioner Arey moved to approve the Subdivision Ordinance as amended with the approved changes effective immediately. Commissioner DeMarcus seconded and the motion passed unanimously.

The Board had a discussion on how the Subdivision Ordinance would impact the Mobile Home Park Ordinance. Commissioner Arey moved to request staff to update the Mobile Home Park Ordinance and to report to the Board at the November 7, 1994 meeting.

Commissioner Arey moved to declare a moratorium on the creation and development of mobile home parks until the planning department can update the Mobile Home Park Ordinance. Commissioner DeMarcus seconded and the motion passed unanimously

* Commissioner Webb noted the NC DOT TIP Public hearing would be held October 7 at 2:00 p.m. He asked for ideas on the TIP to be given to himself or Mr. Russell for presentation.

* Housing Authority - Commissioner DeMarcus moved to appoint Mr. Robert Curry to the Housing Authority Board. Commissioner Webb seconded and the vote was unanimous.

* Marion Lytle noted to the Board that no fee schedule had been determined for the Subdivision Ordinance permits. Commissioner Arey moved to set the fees at \$25 for minor or family subdivisions and \$100 for major subdivisions until further study could be done. Commissioner DeMarcus seconded and the vote was unanimous.

There being no further business Commissioner Arey moved to adjourn the meeting until October 17, 1994. Commissioner Webb seconded and the motion passed unanimously.

Respectfully Submitted,

Kelly Dickinson,

Clerk to the Board