

MINUTES OF THE BOARD OF
ROWAN COUNTY COMMISSIONERS
NOVEMBER 6, 1995 - 9:00 A.M.
SETH MURDOCH AUDITORIUM, AGRICULTURE BUILDING

PRESENT: Todd Arey, Chairman
Thomas M. Webb, Vice-Chairman
Steve Blount, Member
Jim Neely, Member

ABSENT: J. Newton Cohen

The County Manager, Clerk to the Board, Finance Director and acting County Attorney were also in attendance. Chairman Arey called the meeting to order and gave the invocation. Commissioner Neely asked to have a moment of silence in memory of Yitzhak Rabin.

ADDITIONS TO THE AGENDA:

* Commissioner Webb stated he had recently given the opening address to the Cooperative Extension Homemakers group and wanted to commend the group for giving over 6,000 days of volunteer time. He added he wanted to commend the group for all of their work.

* Mr. Russell asked the Board to add the award of a contract for the purchase of a track-type tractor to the consent agenda. Commissioner Blount asked about receiving only one bid and asked if this would hinder receiving the best price. Mr. Conner stated it was rare to receive only bid, but some of the bidders could not meet the specifications. The Board agreed by consensus to add the contract to the consent agenda.

CONSIDERATION OF CONSENT AGENDA:

Chairman Arey asked the Board if any member wanted to pull an item from the consent agenda for discussion. Commissioner Neely moved to approve the consent agenda as submitted with the addition of the contract for the tractor. Commissioner Blount seconded the motion and it passed by a unanimous vote.

The consent agenda consisted of:

- (a) Approval of Minutes from 10/2/95 and 10/16/95 meetings
- (b) Approval of Refunds totaling \$ 983.39
- (c) Approval of request to declare Network Data Systems tax stamp machine surplus
- (d) Interest Report
- (e) Approval of fee adjustment for pneumonia immunizations
- (f) Consideration of canceling second monthly meeting for December
- (g) Approval of Resolution from COG to receive funds
- (h) Request to write off Ambulance bills for year 1990-93
note: A corrected amount of \$172,428.23 was submitted after the meeting

- (i) Set a public hearing for November 20, 1995 at 7:30 p.m. for proposed road name change of *Skyview Circle*

REQUEST FOR SNIA OVERLAY CONSIDERATE IN CODDLE CREEK WATERSHED AREA:

Planning staff provided the Board with a request from Fred Gore of Civiltek Associates for consideration of an overlay of an 18.32 acre site in the 8800 block of West NC 152 Hwy. Commissioner Webb moved to hold a public hearing at 7:15 p.m. on November 20, 1995. Commissioner Blount seconded the motion and it passed unanimously.

PUBLIC HEARING: ROAD NAME CHANGE FOR UPPER OVERCASH AVENUE:

Commissioner Blount moved to open the public hearing for comments on the proposed road name change of Upper Overcash Avenue (SR 1404). Commissioner Neely seconded the motion and it passed by a unanimous vote. Chairman Arey called for comment and there being none offered Commissioner Webb moved to close the public hearing. Commissioner Neely seconded and the motion carried unanimously. Commissioner Blount then moved to approve the name change. Chairman Arey seconded the motion and it passed by a unanimous vote.

SNIA PERMIT APPLICATION:

Planning staff provided the Board with two SNIA permit applications. The applications were from Nelson Crozier, 706 Performance Road and from Dave Rowland, 220 block of East NC 152 Hwy. Chairman Arey moved to change the public hearing previously scheduled for the SNIA overlay on November 20, 1995 at

7:15 p.m. to include the two SNIA permit applications. Commissioner Blount seconded the motion and it carried unanimously.

APPROVAL OF IMPROVEMENTS GUARANTEE FOR WILLOW CREEK SUBDIVISION:

Planning staff presented a request from Mr. Ray Ritchie of Willow Creek subdivision for an improvement guarantee. The guarantee would be in the form of a certified check in the amount of \$42,557.50. Planning staff recommended approving the guarantee. Commissioner Blount moved to grant the request. Chairman Arey seconded the motion and it passed unanimously.

TIP DRAFT DOCUMENT RECOMMENDATIONS:

Marion Lytle presented staff recommendations for Rowan Transportation Improvement projects and asked the Board's input in order to prepare a document for presentation to the NCDOT. The plan included:

- A. Widening of I-85
- B. West NC 150 Hwy improvements
- C. US 29-601, NC 152, I-85 intersection improvements
- D. Connector from SR 2180 (Lane St.) to SR 1308 (Moose Rd.)
- E. Interchange at I-85 and SR 1210 (Old Beatty Ford Rd.)

Mr. Lytle stated he would like for one of the Commissioner to attend the meeting and make the presentation. Several Commissioner stated they would attend. Mr. Lytle also asked Chairman Arey to write an introductory letter for the document. The Board agreed to the projects listed by consensus.

REQUEST FOR SUPPORT FROM SPENCER SHOPS CELEBRATION:

The reviewed a request from a previous meeting from the Spencer Shops Centennial Celebration for monetary support for the year long celebration of events. Commissioner Blount stated the Board should support something of such benefit to the entire county. He then moved to support the Centennial Celebration by becoming a gold partner for \$10,000, stating Rowan should be a leader. Commissioner Webb seconded the motion. Chairman Arey stated he would like to see a report of where the money from the County is spent. Commissioner Blount stated he hoped an event would be named for the County on behalf of its sponsorship. Chairman Arey stated the County Manager should work with the committee to determine which event the county would sponsor.

BOARD APPOINTMENTS:

Historic Properties - no appointments were made for this board and action was tabled until a report from planning staff was brought to the board concerning criteria for landmark designation.

CBA Task Force - Chairman Arey moved to reappoint Mr. Clayton Jones and Mr. Timothy Truemper to the CBA Task Force. There being no further nominations Mr. Truemper and Mr. Jones were unanimously reappointed.

Salisbury Human Relations Council & Senior Services Advisory Board - The Board delayed action on appointments to these boards in order to contact their chairman and request nominations.

DELIBERATIONS ON JUNKED CAR ORDINANCE:

Chairman Arey noted that the Board had held a public hearing on the junked and abandoned car ordinance and asked the Board what it's feelings were. Commissioner Blount then read the following statement: "It is the responsibility of elected officials empowered to create laws and ordinances to do so with one basic guiding principle, that being to maximize the good of the collective community while creating the least imposition on any individual or group of individuals. Our Planning staff and the Planning Board in drafting the automobile salvage yard and junked or abandoned motor vehicles ordinance, at our request, made every effort to follow this guiding principle by inviting input from the various groups and individuals impacted by this ordinance. During our public hearing on October 16, 1995 and during an earlier meeting attended by staff with Commissioner's Webb and Neely we heard from a group, specifically the automobile restorers, that felt their personal needs had been overlooked. Staff has responded to their input with several modifications specifically to the definition of a junked motor vehicle and the addition of language to section 22-19 allowing a total of ten junked vehicles with five being twenty years old or older. Staff has also added language to Section 22-12 (1) and Section 22-13 (3) to deal with side street setbacks. Staff has provided us with information pertinent to Section 22-14 (B), (1), specifically to the requirement of a 1500' separation from schools, residence, etc. from junk yards created after the effective date of this ordinance. Some Commissioners have expressed concern that this is too demanding but I would remind my fellow Commissioners that it would be possible to grant an exception to this rule reducing this requirement on a case by case basis at a later date but it will be impossible to demand higher standards than those stated in the ordinance without being guilty of discriminatory action. Under this reasoning I would suggest leaving that section of the ordinance at 1500' feet but adding language at an appropriate place that will clarify "that specific requirements on current and future salvage yards may be reduced or eliminated on a case by case basis as suggested by the Ordinance Administrator and approved by majority of the Board of County Commissioners. With this revision and those revisions suggested by staff as stated above I move for adoption of this ordinance." Chairman Arey seconded the motion and called for discussion. Commissioner Neely stated that he

had been prepared to vote for the ordinance but now had concerns that the language was not right for the restoration of old cars. He stated there should be language to address cars used as spare parts. Commissioner Webb added that he was looking for a definition and designation on classic and/or historical and antique cars. There was discussion among the Board about the language for parts cars and antique cars. Planner Marion Lytle stated he intentionally did not include a definition for classic cars because what one person considered classic another person may not. Commissioner Blount suggested adding language to the whole ordinance that each requirement could be evaluated on a case by case basis. Commissioner Webb moved to table the vote on the ordinance in order to allow the planning department time to meet with interested people that wanted to look at specifics of the ordinance and to review line by line. Commissioner Neely seconded the motion and it passed by a unanimous vote. Commissioner Webb stated he still had concerns on the required distance for setbacks and asked planning staff to look at bringing the distances more in line with other counties. Commissioner Neely added that his reason for hesitating to vote was in order to get the best ordinance possible and not because of the outpouring of rudeness from the public hearing.

REQUEST FROM HISTORIC ENTERTAINMENT REPERTORY CONCERNING AN OUTDOOR DRAMA AT DAN NICHOLAS:

Mr. Lee Church discussed with the Board the possibility of establishing an outdoor drama at the amphitheater at Dan Nicholas Park. He gave the Board statistical information about outdoor dramas across the nation. Chairman Arey stated the Board was interested in the drama and would like Mr. Church to meet with Jim Foltz and the County Manager and to provide them with the necessary information and let them bring a recommendation back to the Board. Mr. Church stated he would contact Mr. Foltz and thanked the Board for their interest.

DELIBERATION ON CONCEALED WEAPONS BAN ON COUNTY PROPERTY ORDINANCE:

Commissioner Blount distributed a prepared statement for the Board, as attached to these minutes, which changed the proposed ordinance to exclude parking lots. Commissioner Webb stated he felt the ordinance should address all concealed weapons and not just handguns. He then moved to table the ordinance until the November 20, 1995 meeting in order to have time to reread House Bill 90. Commissioner Neely seconded the motion and it passed unanimously. Commissioner Blount added that the County Attorney needed to address whether the county can ban all weapons under the new statute.

SECOND MONTHLY MEETING FOR DECEMBER 1995:

Chairman Arey asked the Board their pleasure in whether to hold a second monthly meeting in December adding that traditionally the Board did not hold the

meeting to accommodate Christmas Holidays. Commissioner Webb moved to cancel the second monthly meeting for December with the option to call a special meeting if necessary. Commissioner Blount seconded the motion and it passed by a unanimous vote.

* Commissioner Neely asked about the status of several issues from past meetings. He discussed them with the Board and County Manager.

Commissioner Blount made a motion to enter closed session in order to discuss personnel and land acquisition. Commissioner Neely seconded and the motion passed unanimously.

Upon conclusion of closed session Commissioner Webb moved to return to open session. Commissioner Blount seconded the motion and it passed by a unanimous vote.

The Board discussed preparing a policy for public hearings. Staff stated they would develop a policy and bring it to the Board.

There being no further business, Commissioner Webb moved to adjourn the meeting. Commissioner Blount seconded and the vote was unanimous.

Respectfully Submitted,

Kelly Dickinson,
Clerk to the Board