

MINUTES OF THE MEETING OF  
ROWAN COUNTY COMMISSIONERS  
APRIL 7, 1997 - 9:00 A.M.  
COMMISSIONER'S MEETING ROOM, ADMINISTRATION BUILDING

PRESENT: Jim Neely, Chairman  
J. Newton Cohen, Vice-Chairman  
Steve Blount, Member  
Dave Rowland, Member  
Frank Tadlock, Member

The County Manager, Finance Director, County Attorney and Clerk to the Board were also in attendance. Chairman Neely called the meeting to order and Commissioner Tadlock gave the invocation.

ADDITIONS TO THE AGENDA:

- Mr. Russell asked the Board to also add to their closed session a discussion concerning economic development.
- Mr. Russell also asked the Board to review a request from Duke Power for a right of way agreement.

CONSIDERATION OF CONSENT AGENDA:

Commissioner Blount moved to approve the consent agenda as submitted. Commissioner Rowland seconded and the motion carried. The consent agenda consisted of the following items:

- (A) Approval of Minutes from 3/3/97 and 3/17/97 Meetings

- (B) Finance Interest Reports
- (C) Approval of Unanimous Petition to Name *Russell Farm Road*
- (D) Approval of Refunds totaling \$3351.58
- (E) Request to add *Mellon Drive Extension* to the NCDOT Secondary Road System for Maintenance

PUBLIC HEARING: SNIA PERMIT APPLICATION:

Commissioner Blount moved to open the public hearing for comments on an SNIA permit application for Richie Bickle and Eddie Smith. Commissioner Rowland seconded and the motion carried. Chairman Neely called for public comment and there being none offered, Commissioner Cohen moved to close the public hearing. Commissioner Blount seconded the motion and it passed unanimously. Commissioner Blount then moved to approve the permit application. Commissioner Rowland seconded and the motion carried.

PUBLIC HEARING: LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM:

Commissioner Blount moved to open the public hearing for comments on the LLEBG application. Commissioner Cohen seconded and the motion carried. Sheriff Bob Martin explained the grant application and process to the Board, noting that the grant money would be used to purchase equipment for personnel hired through the COPS ahead program. There being no further public comments, Commissioner Rowland moved to close the public hearing. Commissioner Cohen seconded and the motion carried. Commissioner Blount then moved to approve the grant application. Commissioner Rowland seconded and the motion passed unanimously.

CONSIDERATION OF JOINT RESOLUTION WITH CITY OF KANNAPOLIS TO AMEND G.S. 153A-15 TO ALLOW THE CITY TO ACQUIRE REAL PROPERTY:

Mr. Russell explained a resolution which would allow an exception to G.S. 153A-15 for the City of Kannapolis. He explained that other municipalities in the county could condemn land without the county's approval, but Kannapolis could not because of the wording of G.S. 153A-15. He stated that the Resolution would be forwarded to Representative Richard Moore who was introducing the bill exception. Commissioner Cohen stated he would like to see legislation introduced that would require the County's approval before land was condemned by any municipality.

Commissioner Blount moved to approve the joint resolution. Commissioner Cohen seconded and the motion carried.

APPROVAL OF PROCLAMATION TO ESTABLISH APRIL AS CHILD ABUSE PREVENTION MONTH:

Chairman Neely read a proclamation to establish April as child abuse prevention month. Commissioner Blount moved to approve the proclamation. Commissioner Cohen seconded and the motion carried.

Director Rick Travis distributed a letter to the Board inviting them to spend time with social workers during the month of April to see how they do their job.

Commissioner Rowland asked Mr. Travis for a list of state and federal guidelines on mandated services. Mr. Travis agreed to get the list for him.

PROCLAMATION ESTABLISHING APRIL 13-19, 1997 AS PUBLIC SAFETY TELECOMMUNICATORS WEEK:

Telecommunications director Frank Thomason talked with the Board about the role of telecommunicators. He read a proclamation establishing April 13-19 as Public Safety Telecommunicators week. Commissioner Blount moved to approve the proclamation. Commissioner Rowland seconded and the motion carried.

REQUEST TO CHANGE LEAD PLANNING AGENCY FOR MPO:

A request was received from the Cabarrus/South Rowan Urban Area MPO to change the memorandum of understanding to change lead agency from Cabarrus County to the City of Concord. Commissioner Rowland moved to approve the change. Commissioner Tadlock seconded the motion and it passed unanimously.

STAFF REPORT ON NOISE ORDINANCE COMPLAINT:

Ed Muire stated that the Board had asked staff to search for solution to provide relief for those who had petitioned the Board concerning a noise ordinance complaint. He stated that the OTE Inc. gun range did not violate the gun ordinance, and staff had looked into how other counties addressed firing ranges. He noted that other counties address the issue under their zoning documents. Mr. Kevin Vanderbeck, owner of OTE, Inc., addressed the Board stating he has made several changes to his business to try to be a good neighbor. Members of the Board asked Mr. Vanderbeck if he had sited his business in Rowan rather than Cabarrus County because of their zoning ordinance. Mr. Vanderbeck answered that business would still be allowable by Cabarrus County standards, although those standards were more stringent.

Commissioner Rowland stated that Mr. Vanderbeck was completely in compliance with the ordinance and there was no further action the Board could take. Commissioner Cohen asked that a letter be sent to the petitioners explaining the Board's position. Chairman Neely encouraged Mr. Vanderbeck to work with the residents to be a good neighbor.

### CONSIDERATION OF R.B.'S SALVAGE YARD:

Staff reviewed the facts of the application for R.B.'s salvage yard and stated that as a condition of permit the County would be willing to stipulate Mr. Beach sign an agreement to maintain 50% of the road. Mr. Russell asked if the county could do that, since the residents had rejected the agreement and questioned if Mr. Beach had a right of way. Mr. Lytle explained that the ordinance did not address whether a salvage yard required a right of way.

The Board stated that the County could not prevent Mr. Beach from acquiring a salvage yard permit and the issue of the road was a private matter between the residents and Mr. Beach. Mr. Lytle reminded the Board that it had delayed action from the last meeting in order to give residents time to hire a lawyer. Commissioner Cohen moved to approve the permit. Commissioner Rowland seconded the motion and it passed unanimously.

### ESTABLISH PUBLIC HEARING FOR ETJ AREAS:

Mr. Russell explained to the Board that newly enacted legislation required the County to hold a public hearing when a municipality changed its established zoning boundaries. He noted that the Town of Faith and the Town of China Grove had recently approved extending a one mile extra-territorial jurisdiction and in doing so the County would have to have a public hearing and appoint members to serve on their planning boards as ETJ representatives.

The Board agreed by consensus to hold the public hearing on April 21, 1997 at 7:15 p.m.

### CONSIDERATION OF OFFERES BY NCDTO TO PURCHASE RIGHT OF WAY:

Mr. Russell reviewed to offers to purchase right of ways located on county property off of Rowan Mills Road on Grants Creek. He noted that the state offered \$2,000 & \$2,150 respectively. Commissioner Rowland moved to accept the offer. Commissioner Cohen seconded the motion and it passed unanimously.

### UPDATE ON MENTAL HEALTH:

Mr. Russell brought the Board up to date on the progress of establishing a mental health program. He stated that the state wanted the county to merge with Piedmont Area Mental Health and had agreed to maintain operations of the Rowan County portion of Tri-County for 90 days to allow time for a study to be done. Mr. Russell added that after the study and report, if Rowan did not feel it was in the best interest of the County to merger, the state would accept a single county program. Chairman Neely noted that Rowan County was ready to serve its citizens regardless of the report.

## BOARD APPOINTMENTS

Nursing Home Advisory Committee - Commissioner Blount moved to appoint Betty Rufty and Patricia Hauck. Commissioner Rowland seconded and the motion carried.

Parks & Recreation - Commissioner Rowland moved to accept the Parks recommendation to appoint Donnie Bringle to replace Richard Luther. Commissioner Cohen seconded and the motion carried.

Special Populations Advisory Board - Commissioner Blount moved to appoint Mrs. Scott Rhodes and Ruby Paris. Commissioner Cohen seconded the motion and it passed by unanimous vote.

Cleveland ETJ - Commissioner Rowland asked to defer these appointments until staff could determine if a public hearing was necessary.

## ADDITIONS TO THE AGENDA:

Mr. Russell discussed a request for right of way agreement from Duke Power for the Draftex site at the industrial park. Commissioner Rowland moved to grant Duke Power a fifty foot right of way & and continued use of the exiting road and if that was not legally possible because of the cemetery the right of way would be moved to the side originally requested. Commissioner Blount seconded the motion and it passed by unanimous vote.

Commissioner Blount moved to enter closed session to discuss economic development and property acquisition (the Brendle's Building). Commissioner Cohen seconded and the motion carried. The Board also included Harry Whalen, David Colvin, Rufus Honeycutt & Jake Alexander from the Economic Development Commission

No action was taken during closed session. Commissioner Blount moved to return to open session. Commissioner Cohen seconded and the motion carried. There being no further business, Commissioner Cohen moved to adjourn the meeting. Commissioner Blount seconded the motion and it passed by unanimous vote.

Respectfully Submitted,

Kelly Dickinson, CMC  
Clerk to the Board