

MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
APRIL 19, 1999 – 7:00 P.M.
COMMISSIONER’S MEETING ROOM, ADMINISTRATION BUILDING

PRESENT: J. Newton Cohen, Chairman
Frank Tadlock, Vice-Chairman
Steve Blount, Member
Arnold S. Chamberlain, Member
Dave Rowland, Member

The County Manager, Clerk to the Board, County Attorney, and Finance Director were also present. Chairman Cohen called the meeting to order and Commissioner Blount provided the invocation. Commissioner Tadlock led the Pledge of Allegiance.

ADDITIONS TO THE AGENDA:

Commissioner Blount asked to have a brief discussion on the industrial park; to discuss a matching grant for the United Arts Council; and to give the Board an update from a meeting held on April 12 with judicial officials.

CONSIDERATION OF CONSENT AGENDA

Commissioner Blount asked about the purpose for the refund listed in item “a”. The Clerk stated the \$1,000 refund was for Mr. Greg Felton who had been denied a variance by the Zoning Board of Adjustment for a planned RV park.

Mr. Blount also asked about item “c” – Budget Amendment for Local Law Enforcement Block Grant Funds, and how the grant funds would be used. Mr. Russell stated that he would like the Board to pull this item from the agenda because it was for a budget amendment for grant funds from a proposal written by the previous Sheriff. He stated that staff needed to review the proposal with the

new Sheriff to insure the funds would be used for the purposes outlined and to make sure Sheriff Wilhelm was in agreement with those proposals.

Commissioner Blount then moved to approve consent items a,b,d and to remove item c. Commissioner Chamberlain seconded and the motion carried.

The consent agenda consisted of the following items:

- (a) Approval of Refunds totaling \$1,000
- (b) Road Name Change for *Brandon Scott Lane* Located East Off Bostian Road.
- (c) Approval of Budget Amendment for Local Law Enforcement Block Grant Funds
- (d) Approval of Applications for March of Dimes Grant and Maternity Care Coordination Grants As Approval by Board of Health

PUBLIC HEARING: CONDITIONAL USE PERMITS 1-5 FOR SBA TOWERS, INC.:

Ed Muire presented the Board with staff's report on the five applications from SBA Communications for the placement of cellular towers in the western part of Rowan County. He noted that a tower cannot be erected within a one mile radius of another tower. He also discussed the fall zone requirement which requires enough leased space around the tower in case the tower should fall.

Mr. Bill Bitner from SBA Communications spoke to the Board concerning his company's application for the towers. He stated that the towers were designed to accommodate more than one tenant per tower.

An engineer from SBA also described how the tower locations were chosen.

Chairman Cohen declared the public hearing on the conditional use permit applications open. Citizens who addressed the Board were:

Robert Mosely – stated he lived on Umberger Road the site of tower number 5. He stated he felt the towers should not be placed close to the property line, but further back into the leased property. He also objected to all five of the towers being located in the West Rowan area.

Mark Dahl – stated he too objected to all five towers being located in West Rowan and added that he felt the towers would destroy the aesthetics of the area.

Mr. Dahl also questioned the placement of the notice sign for the public hearing, stating he felt the sign was not put up within the 10 day notice period.

Jack Kiser – stated his wife owned ¼ of the property to be leased and he felt the tower was to be placed at a good distance from the neighbors and would be surrounded by woods. He added that they tried to place the tower in the area where it would have the least impact.

There being no further comment, Chairman Cohen closed the public hearing.

Ed Muire clarified for the Board that the tower 5 the fall zone did cross the property line by about 10 or 15 feet. He stated that the Board could require the tower to be moved back from the property line to accommodate that area as part of the conditional use permit.

Commissioner Rowland asked if the Board could require the tower to be placed at the back of the property. Mr. Muire stated he felt that could be a requirement set by the Board.

Commissioner Blount asked if the Board could require that the tower not be visible from the road. Mr. Lytle stated he felt that would be an unreasonable condition and would not be appropriate.

The Board looked at aerial maps to determine the exact location of the towers on the leased property. Commissioner Blount moved to table the item until the next meeting to allow the Board to receive better maps of the locations. The Board agreed by consensus and asked staff to make sure the maps included property lines and residences.

PUBLIC HEARING: PROPOSED REZONING FOR ADAM NOBLITT:

Mr. Lloyd Pace stated that the application was to rezone an area located off of Long Ferry Road from RA to CBI for the construction of mini-warehouses. He noted that the area was around the County's water tower and would "square-up" the parcel. Mr. Pace added that the property owners did not want the entire parcel rezoned fearing that it would increase the value.

Mr. Adam Noblitt, Applicant, described the type of mini-warehouses to be constructed noting that the units would be sold and an association formed for maintenance.

Chairman Cohen opened the public hearing for comments on the application. There being none offered, he then closed the public hearing.

Commissioner Chamberlain moved to grant the rezoning request for the property as submitted. Commissioner Rowland seconded the motion and it passed by unanimous vote.

Mr. Pace noted that the Board would also need to approve the site for multi-unit development.

Commissioner Blount moved to approve multi-unit use as submitted on the site plan. Commissioner Chamberlain seconded and the motion carried.

PUBLIC HEARING: PROPOSED REZONING & CONDITIONAL USE PERMIT FOR HILL MINI-WAREHOUSES:

Marion Lytle presented the staff report on the application from Gary Hill for a rezoning and conditional use permit for a project located on Johnson Dairy Road.

He stated that originally the site plan proposed 57,000 square feet of mini-warehouse storage space. He stated that the planning board had held courtesy hearings and after hearing the concerns of neighbors recommended that the rezoning be approved as a CBI-CUD (conditional use district). He recommended that the business be allowed to develop up to 10% of the area or 16,500 square feet. He stated this equated to about 5 or 6 units.

Chairman Cohen opened the public hearing for comments on the application. Citizens who addressed the Board were:

Dean & Susan Brown – stated they owned the property adjacent to the proposed mini-warehouse site and would support rezoning the entire piece of property so that only the approved plan could be built.

Gary Hill – stated he was the applicant and he felt that with the approved plan he would have a large portion of the property that he could not use.

Beverly & Ralph Seceast – stated they lived in a mobile home beside the property but felt they would not have a problem as long as the conditions concerning buffering and hours of operation were met.

There being no further comment, Chairman Cohen closed the public hearing.

Mr. Lytle asked to clarify that the proposed site was located southeast and west on the site map and that it was listed incorrectly on the maps presented to the Board.

Commissioner Chamberlain stated he could accept the 16,500 sq. ft. of warehouse space much more easily than the original 57,000 sq.ft..

Commissioner Blount moved to grant the request for rezoning with the condition that the area be 10% built upon or 16,500 sq. ft. and included the conditions shown on the site plan. He added that the warehouses should be moved so that they are at least 100' from the nearest property line. Commissioner Tadlock seconded the motion and it passed by unanimous vote.

PUBLIC HEARING: PROPOSED ZONING TEXT AMENDMENTS FOR OFF-PREMISES SIGNS ALONG I-85:

Commissioner Tadlock asked Chairman Cohen to be excused from deliberation on this item since he leases property for an interstate sign and did not want to create a conflict of interest. The Chairman agreed.

Mr. Lytle stated that the Board had asked to change the portion of the Zoning Ordinance dealing with the sign regulations so that they reflected the regulations of the North Carolina Department of Transportation. He stated that they had basically removed all reference to billboards so that they would be governed by NCDOT by default. He noted that they did leave language dealing with lighting in order to prevent a glare on traffic.

Chairman Cohen opened the public hearing for comments on the proposed Zoning Text Amendments. There being no comments offered, Chairman Cohen then closed the public hearing.

Commissioner Blount stated he felt it was important to keep the 1000' separation of the interstate signs as now stated in the Zoning Ordinance and moved to leave the text as it is currently written. The motion died for lack of a second.

Commissioner Rowland moved to accept the Zoning Ordinance Text Amendment. Commissioner Chamberlain seconded and the motion passed by a vote of 3/1 with Commissioner Blount voting no.

PREVENT CHILD ABUSE ROWAN:

Micah Melton from the Families for Kids Initiative made a presentation to the Board about the group Prevent Child Abuse Rowan.

She reviewed the activities of local groups in recognition of April as Child Abuse Prevention Month in Rowan County.

Ms. Melton also reviewed the groups that are represented in the Prevent Child Abuse Rowan Association and their goals for the Association. She stated that they hoped to gain a professional affiliation with the state and national Prevent Child Abuse Associations, and explained the steps necessary to gain the affiliation.

Mr. Steve Thackery from the Department of Social Services gave the Board a brief update on the increased collections by the Child Support Enforcement Unit.

Ms. Heather Shue briefly discussed the goals of the child abuse advocate in the District Attorney's office as they deal with cases of children who have been victimized.

Ms. Melton asked the Board for their support of the group in its efforts to become a professional affiliate of the state and national Associations.

The Board thanked Ms. Melton for her presentation and Commissioner Chamberlain urged all in attendance to support all efforts to prevent child abuse throughout the county.

SNIA PERMIT REQUEST:

Staff presented an application for an SNIA permit on the 2200 block of West NC 152 Hwy for Dave Rowland.

Commissioner Rowland asked to be excused from deliberation since the application was his.

Commissioner Blount moved to approve the SNIA permit application. Commissioner Chamberlain seconded and the motion carried.

APPROVAL OF ROWAN COUNTY THOROUGHFARE PLAN:

Linda Dosse' with the State's planning division of the Department of Transportation asked the Board to formally approve the map and resolution which were presented at the Board's previous meeting.

Commissioner Blount moved to approve the recommendations, resolutions and maps for the Rowan County Thoroughfare plan as presented. Commissioner Tadlock seconded the motion and it passed on unanimous vote.

FINAL APPROVAL OF ETJ MAP:

Marion Lytle presented the Board with a final map of the extraterritorial jurisdiction areas as agreed upon by the Board during previous meetings.

Commissioner Blount moved to accept the map subject to the approval of the City of Salisbury. Commissioner Chamberlain seconded and the motion carried.

Commissioner Blount asked staff to forward the approved map to the City's planning staff for approval from city council.

RESPONSE TO MORATORIUM: MANUFACTURED HOUSING INSTITUTE:

Mr. Chris Sinclair from the Manufactured Housing Institute stated that he was present as a representative of the Manufactured Housing Association in response to the County's moratorium on manufactured housing.

Mr. Lynn Caskey, president of the Southern Piedmont Manufactured Housing Association spoke on behalf of his association's members stating that they were concerned at the manner in which the moratorium was enacted without public input. He asked the Board to rescind the moratorium and for the Association to be included in the development of regulations that affect manufactured housing.

Mr. John Carr, legal counsel for the Manufactured Housing Institute addressed their view of the legality of the moratorium. He stated that the NC General Statutes did not address the legality of moratoriums, adding he felt that if governing bodies did have the authority to impose one it should have been handled as an amendment to the Zoning Ordinance and should include public notice and public hearings.

County Attorney John Holshouser stated he agreed with Mr. Carr on the fact that the State Statutes did not address the legality of a moratorium, but that he felt they were looking at the issue from two sides. He stated he felt the County had enacted the moratorium as part of its police powers to allow the County enough time to develop language to address large mobile home parks and their impact on the surrounding community.

Commissioner Blount moved to set a public hearing for the text amendments at the Board's May 17th meeting and asked that staff find a location large enough to accommodate all those who wished to speak. Commissioner Tadlock seconded the motion.

Commissioner Rowland asked Mr. Blount about the language of the text amendment. Mr. Blount stated that it would allow the creation of an overlay district which could be located in any of the zoned areas, but would require approval of the Board.

Chairman Cohen called for the question and the motion passed by a vote of 4/1 with Commissioner Rowland voting no.

Commissioner Rowland moved to rescind the moratorium. The motion died for a lack of a second.

DISCUSSION ON COUNTY'S BIOSOLIDS ORDINANCE:

Mr. Russell asked the Board to give staff direction on enforcement of the Biosolids Ordinance. He stated that there had been some question about the ordinance being applicable to municipalities and after reviewing the ordinance with the Institute of Government they felt that all private and public entities should be subject to compliance of the ordinance.

Commissioner Blount moved to authorize the County Manager to write a letter to Salisbury City Manager advising that the Board had voted to enforce the ordinance on all parties as stated and it would be enforced with penalties from this point forward. Commissioner Tadlock seconded the motion and it passed on unanimous vote.

DISCUSSION ON SALES TAX PLAN:

Mr. Russell asked the Board to review a draft letter to Park Helms, Chairman of the Mecklenburg Board of Commissioners, concerning his request for support of legislation to allow a local option sales tax.

Mr. Russell reviewed the differences between the bills that were introduced from both Mecklenburg and Rowan and asked the Board to consider supporting language that would give counties the authority to enact the tax by either a resolution or a referendum.

Chairman Cohen suggested Mr. Russell respond to Mecklenburg County with the draft letter submitted and to copy each of the counties that have bills in the General Assembly.

BOARD APPOINTMENTS:

Commissioner Rowland moved to approve the three requests from the Town of Granite Quarry, Town of Faith and Special Populations Board as submitted. Commissioner Blount seconded and the motion carried. A copy of the letter is attached to these minutes.

ADDITIONS TO THE AGENDA:

* Commissioner Blount stated that the Industrial Park had been developed for industrial development but since its inception several developers had approached the Board with commercial ventures. He asked the Board to consider changing the covenants of the park to allow commercial development with the Board having final approval.

Chairman Cohen asked staff to contact EDC Director Randy Harrell and consultant John Barker to determine their thoughts on the change and to make a decision after hearing their input. The Board agreed by consensus.

* Commissioner Blount stated that the United Arts Council had the opportunity to receive \$3,000 through matching state funds if the County would appropriate \$1,500 in the current budget. He moved to appropriate the \$1,550 to the Arts Council from contingencies in order for them to receive grant funds. Commissioner Chamberlain seconded the motion and it passed by unanimous vote.

Mr. Blount also noted that three of the Board members had met with judicial officials to discuss Courthouse space needs and stated that the list of needs was long and the price tag high. He stated the Board could review the needs at its next meeting.

There being no further business before the Board, Chairman Cohen adjourned the meeting.

Respectfully Submitted,

Kelly Dickinson, CMC
Clerk to the Board