

MINUTES OF THE MEETING OF THE BOARD OF
ROWAN COUNTY COMMISSIONERS
JUNE 7, 1999 – 9:00 A.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 Chamberlain led the Board in the Pledge of Allegiance.

ADDITIONS TO THE AGENDA:

Commissioner Blount asked the Board to hold a closed session to discuss economic development.

CONSIDERATION OF THE CONSENT AGENDA:

Commissioner Rowland asked to discuss item "g"- road name changes. Commissioner Chamberlain asked to discuss item "c"- approval to reallocate school health funds to the state.

Commissioner Blount moved to approve the remaining items in the consent agenda. Commissioner Chamberlain seconded and the motion carried. The consent agenda consisted of the following items:

- (a) Approval of Minutes from 5/3/99 and 5/17/99 Meetings
- (b) Approval of Refunds Totaling \$8,999.25
- (c) Approval to Reallocate School Health Funds to the State
- (d) Approval of Client Fee Update at Health Department
- (e) Approval of Budget Amendments from Finance Department
- (f) Approval of Renewed Agreement for Cabarrus, Iredell & Rowan Housing Consortium
- (g) Approve Road Name Changes of *Porterfield Lane, Bull Dog Lane, Enterprise Lane*, Set Public Hearing on June 21 for *Stamey Road*

Item C

Commissioner Chamberlain asked for additional information concerning a request from the Health Department to reallocate \$3,500 in school health funds to the state. Mr. Russell explained that during the last quarter of the fiscal year, the state would ask counties that had a surplus of funds to return the money to the state to be allocated to those counties who had shortfalls in their health budgets.

Commissioner Rowland moved to approve the reallocation. Commissioner Chamberlain seconded and the motion carried.

Item G

Commissioner Rowland stated that he had received several complaints about the renaming of Central Street to Porterfield Lane. Chairman Cohen stated that the road had been named Central Street in 1928 and he felt that the road that had had the name the longest should be able to keep the name.

Staff noted that a letter had been sent to the property owners notifying them of the road name change and no responses were received.

Commissioner Rowland stated that he felt the citizens who lived on the road should be able to determine the name and asked staff to work with the citizens and bring a name change back to the Board.

Commissioner Rowland moved to accept the remaining road name changes of Bull Dog Lane and Enterprise Lane. Commissioner Blount seconded and the motion carried.

PUBLIC HEARING: ROAD NAME CHANGE:

Chairman Cohen opened the public hearing for comments on the proposed road name change of Suzanne's Road. There being no public comment offered, Chairman Cohen closed the public hearing.

Commissioner Blount moved to approve the road name change. Commissioner Chamberlain seconded and the motion carried.

ISSUES REGARDING SITING OF ANTENNAE FACILITIES:

Ed Muire, Assistant Planner, provided the Board with background information concerning the Telecommunications Act of 1996 and the subsequent changes that led to the widespread use of cellular phones and the need for tower placements.

He reviewed a map showing the existing towers in Rowan County and noted that a tower cannot be denied if the provider can substantiate the proposed site as essential to their coverage plan.

Staff asked the Board to consider requiring future providers to submit documentation that the facility will be available for co-location and that they submit an affidavit that the tower will be dismantled within six months after its abandonment.

The Board took no action.

PRESENTATION ON CELLULAR TOWERS:

Todd Griffin with American Towers made a presentation to the Board concerning cellular towers. He noted that there are six carriers licensed through the FCC for Rowan County.

He reviewed the history of mobile telephone service as well as the system design and operation.

The Board thanked Mr. Griffin for his presentation.

SCHEDULE PUBLIC HEARING FOR CONDITION USE PERMIT FOR AMERICAN TOWERS, INC.:

The Board noted that they needed to set a public hearing for a condition use permit for American Towers at its next meeting.

Commissioner Tadlock discussed rescheduling the second meeting in order to allow Chairman Cohen to be present. Commissioner Chamberlain moved to reschedule the second meeting in June to June 29th at 7:00 p.m. Commissioner Blount seconded and the motion carried.

Commissioner Chamberlain then moved to set the public hearing for the conditional use permit on June 29th at 7:30 p.m. Commissioner Blount seconded and the motion carried.

PUBLIC HEARING: NCDOT SECONDARY ROAD PROGRAM:

Chris Corriher, County Engineer, Mike Patton, District Supervisor and Chuck White, County Maintenance Engineer presented their proposal for the 1999-2000 Secondary Road program.

Chairman Cohen opened the public hearing to entertain comments on the proposed plan. There being no comments offered, Chairman Cohen closed the public hearing.

Commissioner Rowland moved to approve the NCDOT proposal as submitted. Commissioner Tadlock seconded and the motion carried.

PLANNING BOARD RECOMMENDATION FOR HOME BUSINESSES IN RA ZONING DISTRICT:

Planner Marion Lytle reviewed with the Board regulations for home businesses in the RA zoning district and presented recommended modifications to the text.

The changes would require that the property must be owned by the business owner, the building size could be up to 5% per acre with a 5 acre maximum, the business must be on or adjacent to the residence of the business owner, outdoor storage must be made unnoticeable to adjacent residences and if a change in owners within the family occurred it would be classified as a nonconforming use.

Commissioner Rowland stated that he felt the changes worked against home businesses and could not agree with changing the size from 10% to 5%.

Commissioner Blount stated that at some point, however, a home business grows so large that it is no longer a home business and should fall under industrial standards. He then moved to set a public hearing on June 29th to review a portion of the proposed changes. Chairman Cohen seconded the motion. Commissioner Blount withdrew his motion and made a different motion to hold a public hearing on

the portion of the text amendment that would put a cap on the size of a home business. Commissioner Chamberlain seconded. The motion failed with Commissioners Cohen, Rowland, and Tadlock voting against.

Staff asked the Board about the section of the text amendment concerning screening requirements for outdoor storage. Chairman Cohen stated he would like staff to develop a list of screening options before a public hearing.

Commissioner Blount moved to set a public hearing on June 29th for proposed screening requirements for outdoor storage. Commissioner Chamberlain seconded and the motion passed by a vote of 3/2 with Commissioners Rowland and Tadlock voting no.

SITE PLAN APPROVAL TO ADD LOT TO LITTLE ACRES MHP:

Mr. Lytle stated that a request was received from June Goodman, owner of Little Acres Mobile Home Park, to add an additional lot. Mr. Lytle stated that it was platted as a subdivision and zoned as a mobile home park.

Commissioner Blount moved to approve the lot addition. Chairman Cohen seconded and the motion carried.

ROWAN COUNTY FOSTER/ADOPTIVE PARENT ASSOCIATION:

Mrs. Darlene Murphy and Mrs. Melissa Shue addressed the Board as representatives of the Foster/Adoptive Parent Association. They described the types of children passing through the foster care system and how the system had changed over the years. They thanked the Board for their support of the foster care program through the Department of Social Services.

The Board thanked them for their work and presentation.

REQUEST TO BEGING PROVIDING SERVICES THROUGH PRIMARY CARE & DISCUSSION OF FAMILY PLANNING BUDGET AMENDMENT:

Mr. Leonard Wood, Director of the Health Department spoke with the Board concerning a request from the Board of Health. He stated that they had voted to begin providing primary care services to those without third party insurance and who were up to 200% of the federal poverty level. He stated they viewed this as a way to generate revenue to offset the cost of the program.

Commissioner Rowland moved to approve the request. Commissioner Tadlock seconded and the motion carried.

Mr. Wood stated that the Health Department had received an additional \$4,000 from the state that they wished to use the money to purchase Depro Prevera birth control injections.

Commissioner Chamberlain asked if the shots would be given to minors without parent notification. Mr. Wood stated that it was possible that that could happen. He noted that they were mandated by law to provide the family planning services and would have to purchase the birth control anyway.

Commissioner Chamberlain asked if the money had been identified that could pay for these shots prior to the additional \$4,000. Mr. Wood stated that the money was in the budget but not necessarily identified.

Commissioner Rowland moved to approve the budget amendment to accept the additional money from the state. Commissioner Tadlock seconded and the motion passed by a vote of 3/2 with Commissioners Chamberlain and Cohen voting no.

APPROVAL FOR THE PURCHASE OF A TUB GRINDER FOR LANDFILL:

Don Conner stated that his department had received a Wood Waste Grant in the amount of \$25,000 and that he wished to use that money toward the purchase a tub grinder. He stated the grinder would be used at the landfill to grind palettes and wood waste. He noted that bids had been received from :

Wrico Equipment Co. – 1994 Duratech HD12	\$87,500
Morbark, Inc. – 1997 Mobark Model 1200	\$185,000

He recommended purchasing the Wrico model and use funds from the landfill equipment account to pay for the difference.

Commissioner Chamberlain moved to approve the bid from Wrico Equipment Co. Commissioner Tadlock seconded and the motion carried.

INCREASE IN WATER/SEWER RATES:

Mr. Conner stated that the City of Salisbury had increased their water rates 25.6% which would affect the price of water that the County sells to Freightliner and Cleveland. He requested the Board approve raising the County's rate from \$2.09 to \$2.86/1000 gallons and to \$2.85/1000 gallons at the 2nd Creek wastewater plant.

Commissioner Blount moved to approve the rate increase. Commissioner Tadlock seconded and the motion carried.

BUDGET AMENDMENT FOR USE OF STATE FORFEITURE FUNDS FOR SHERIFF'S DEPARTMENT PURCHASE:

Steve Schenk and Tim Bost addressed the Board concerning a budget amendment submitted by the Sheriff's Department. They requested the reallocation of \$4,000 from state forfeiture funds to purchase a pontoon boat. They stated that they needed a pontoon to use as a floating platform for lake incidents.

They told the Board that the actual cost of the boat was \$11,000 but the remaining \$7,000 would come from funds already budgeted for a different purchase.

Commissioner Blount asked if they felt this was still a priority since many of the requested items in next year's budget had not been approved. Mr. Schenk stated that they did feel this was a priority.

Chairman Cohen stated he felt the Sheriff should have some discretion over the funds in certain accounts and moved to authorize the Sheriff to set his priorities and to spend a portion of the state forfeiture funds as he determined. He then withdrew his motion.

Commissioner Chamberlain stated he would like to have seen a budget amendment showing the full cost of the boat as well as what the appropriated \$7,000 had been initially approved to purchase.

Commissioner Chamberlain then moved to approve the budget amendment for the purchase of the pontoon boat. Commissioner Blount seconded and the motion carried by a vote of 3/2 with Commissioners Rowland and Blount voting against.

PROPOSAL FOR FINANCING 2 AMBULANCES AND SHERIFF'S DEPARTMENT VEHICLES:

Leslie Earnhardt stated that the Finance Department had sought bids for financing 2 ambulances and 12 sheriff's vehicles for a total of \$435,901.30. She stated that CCB was the low bid with a 3.95% finance rate.

Commissioner Rowland asked what type of the vehicles were being purchased. Ms. Earnhardt stated that the sheriff's vehicles were 9 Crown Victoria's and 3 Tahoe's. The Board discussed the need for 3 Tahoe's for administration. Ms. Earnhardt stated that the Sheriff's office had requested to change the initial purchase order to get 3 Tahoe's for the price of 4 Crown victories.

The bids received were:

Financial Institution	Interest Rate	Loan Amount	Interest Cost	Other Fees	Total Cost
Central Carolina Bank	3.950%	\$435,901.30	\$25,866.46	\$ -	\$461,767.76
Centura Corporate Banking	4.140%	435,901.30	27,413.36	-	463,314.66
BB&T Governmental Finance	4.260%	435,901.30	28,270.46	-	464,171.76
LaSalle National Bank	4.590%	435,901.30	30,503.24	-	466,404.54
Wachovia Leasing Corp.	4.570%	435,901.30	30,514.34	200.00	466,615.64
Koch Financial Corp.	4.760%	435,901.30	31,525.09	-	467,426.39
NationsBank	4.640%	435,901.30	30,591.31	21,79.80	468,672.41
Banc One Leasing Corp.	4.600%	435,901.30	35,754.78	-	471,656.08
First Union National Bank	4.800%	435,901.30	37,339.10	250.00	473,490.40

Commissioner Tadlock moved to approve the proposal from Central Carolina Bank for the financing package. Commissioner Blount seconded and the motion carried.

PROPOSAL FOR FINANCING IBM AS/400 UPGRADE:

Ms. Earnhardt stated that the Finance Department had also received bids for financing the upgrade of the AS/400 system at a cost of \$264,000.

The bids received were:

Financial Institution	Interest Rate	Loan Amount	Interest Cost	Other Fees	Total Cost
Central Carolina Bank	3.950%	\$264,000.00	\$10,449.43	-	\$274,449.43
Centura Corporate Banking	4.040%	264,000.00	10,740.96	-	274,740.96
BB&T Governmental Finance	4.170%	264,000.00	11,119.44	-	275,119.44
Wachovia Leasing Corp.	4.400%	264,000.00	11,970.04	200.00	276,170.04
Koch Financial Corp.	4.710%	264,000.00	12,505.90	-	276,505.90
LaSalle National Bank	4.350%	264,000.00	11,610.96	-	275,610.96
NationsBank	4.530%	264,000.00	12,044.28	1,320.20	277,364.48
Banc One Leasing Corp.	4.550%	264,000.00	15,183.86	-	279,183.86
First Union National Bank	4.890%	264,000.00	16,331.88	220.00	280,551.88

Ms. Earnhardt recommended the low bid from Central Carolina Bank. Commissioner Blount moved to award the financing bid to Central Carolina Bank. Commissioner Tadlock seconded and the motion carried.

COMMUNITY SERVICE ANNUAL PLAN:

Mr. Russell told the Board that the Juvenile Justice Crime Prevention Act had combined the old Community Based Alternative programs which were funded through the CBA programs last fiscal year. A new committee has been established to determine new programs for the upcoming fiscal year. He stated that the

committee was submitting the same programs as in the previous year for approval from the Board and would develop a new program during the next fiscal year to use approximately \$53,000 available from the state.

Commissioner Chamberlain moved to approve the community service plan for the juvenile justice committee. Commissioner Blount seconded and the motion carried.

REQUEST TO PURCHASE COUNTY-OWNED PROPERTY:

A request was given to the Board from Donald McNeely requesting to purchase property shown on Map 121D Parcel 1014-03 located on Flat Rock Church Road. They proposed to purchase the property for \$3,000.

Commissioner Rowland moved to defer this item until staff could determine if the property would perk and bring back more information. Commissioner Tadlock seconded and the motion carried.

RESCHEDULE BOARD'S JULY MEETING:

It was noted that the Board's first meeting fell on July 5th which was the day the County recognized the July 4th holiday. The second monthly meeting fell during the week when most of the Board would be out of town for the NACo conference.

Commissioner Tadlock moved to hold one Board meeting in July on July 12 at 9:00 a.m. Commissioner Blount seconded and the motion carried.

BOARD APPOINTMENTS:

Commissioner Chamberlain noted that the Board had approved a resolution in 1995 setting term limits for boards and committees. He said that the policy stated that a person could be removed for missing 25% of the board's meetings. He asked the Board to insert "or 3 consecutive meetings" to that item. He then moved to include the addition to the Resolution. Commissioner Blount seconded and the motion carried.

Convention & Visitors Bureau

Commissioner Blount moved to appoint Torri Jennings, Mark Pate and Frank Goodnight to the Tourism Board. Commissioner Chamberlain seconded and the motion carried.

RCCC – Commissioner Blount moved to reappoint Ray Paradowski to the Board. Commissioner Chamberlain seconded and the motion carried.

EDC – Commissioner Blount moved to reappoint Jake Alexander. Commissioner Tadlock seconded and the motion carried.

Senior Services Council – Commissioner Chamberlain moved to reappoint Leah McFee, Virginia Graves, and Bea Amendola. Commissioner Blount seconded the motion and it passed on unanimous vote.

Region F Aging Advisory Committee – Commissioner Chamberlain moved to reappoint Dot Hauss, Lucy Gibson and Virginia Graves. The motion was seconded by Commissioner Tadlock and passed on unanimous vote.

Region F EMS – Commissioner Blount moved to reappoint Wayne Ashworth and Beth Connell. Commissioner Chamberlain seconded and the motion carried.

Board of Health – Commissioner Rowland asked to defer this appointment. The Board agreed by consensus.

Adult Care Home – Commissioner Chamberlain moved to appoint Bob Wood to the committee. Commissioner Blount seconded and the motion carried.

DSS – Commissioner Rowland nominated Zell Setzer. Commissioner Blount nominated Dianne Scott. There being no further nominations, Mr. Setzer was appointed by a vote of 4/1 with Commissioner Blount voting for Ms. Scott.

Faith ZBA – The Board approved the Town of Faith’s request to appoint John Bruce to the Zoning Board of Adjustment.

DISCUSSION ON THE MANUFACTURED HOUSING OVERLAY:

Commissioner Blount stated that the Board had held a great deal of discussion concerning the manufactured overlay and that he would like to make the following motion:

1. Modify the draft deleting the 2 acre minimum size requirement for rezoning.
2. Modify the draft stating “this will apply only to subdivisions that will create 5 or more lots.”
3. Adopt the proposed overlay district with these two modifications.
4. Drop the moratorium on double-wide subdivisions.
5. Extend the moratorium on single-wide subdivisions for an additional 90 days.

6. Ask staff to present to us within 60 days proposals that would:
 - A. Restrict single-wides to rental parks, existing lots where allowed by existing zoning and in other places by variance for hardship cases.
 - B. Create development standards (driveways, parking spaces, landscaping, porches, etc.) for all subdivisions.
 - C. Control “strip development” along highways.
 - D. Revise subdivision text reducing the limit on minor subdivisions from 8 to 4.

Commissioner Blount stated that if the Board wished the motion could be voted on one section at a time.

Commissioner Chamberlain moved to take each issue one at a time. Commissioner Blount seconded and the motion passed by a vote of 3/2 with Commissioners Rowland and Tadlock voting against.

The Board discussed the first option to delete the 2 acre minimum size requirement. Commissioner Tadlock said he would like to omit this entire option because the size requirement did not address stick-built homes.

Chairman Cohen suggested requiring an overlay for all subdivisions over 50 lots.

Commissioner Rowland stated that there was not a clear enough consensus on the Board today to vote on any of the motion and he felt staff should redevelop the proposed overlay.

Commissioner Blount stated he would make a motion to extend the moratorium another 90 days if the Board did not want to address his motion.

Commissioner Tadlock stated he wanted to continue studying the overlay and did not want to extend the moratorium.

Commissioner Blount moved to revise the draft to delete the 2 acre minimum and to apply the overlay only to single wides on newly created lots. Commissioner Chamberlain seconded the motion.

Commissioner Rowland offered an amendment to the motion to exempt single wide subdivisions of 30 or more units. Commissioner Chamberlain seconded the amendment and it passed by a vote of 4/1 with Commissioner Tadlock voting no. Commissioner Blount’s original motion passed by a vote of 3/2 with Commissioners Tadlock and Rowland voting against.

Commissioner Blount moved to drop the moratorium. Commissioner Chamberlain seconded and the motion passed on unanimous vote.

Commissioner Blount moved for staff to study development standards and ways to control strip development along highways, as well as to put together a committee of staff, manufactured housing retailers, developers and realtors to develop appearance standards for manufactured housing. Commissioner Chamberlain seconded the motion and it passed by unanimous vote.

* Mr. Russell told the Board that Sam & Mary Carter had approached the County to name the main entrance road at Dan Nicholas Park the David Miller Road. He stated that Mr. Miller was Mrs. Carter's father and had sold a piece of the park property to Dan Nicholas, who then donated it to the County. Mr. Russell said that the Park Commission had voted against naming the main entrance road after Mr. Miller, but voted in favor of naming the small entrance road to the side pond after him.

Commissioner Chamberlain moved to name the main entrance road after David Miller. His motion died for lack of a second.

There being no further business, Chairman Cohen declared the Board in Closed Session to discuss economic development.

Upon conclusion of Closed Session, Chairman Cohen returned the Board to open session. No action was taken during closed session.

1999-2000 BUDGET REVIEW:

Mr. Russell reviewed the proposed budget ordinances for the general fund and the five other funds within the county's budgeting system. He reviewed the changes made by staff to bring the tax rate to \$.635 as requested by the Board.

There being no further business, Chairman Cohen adjourned the meeting until 7:00 p.m. for the public hearing on the proposed 1999-2000 budget.

PUBLIC HEARING:

Chairman Cohen reconvened the meeting and opened the public hearing for comments on the proposed 1999-2000 budget.

Citizens who addressed the Board were:

1. Darlene Murphy and Melissa Shue – stated they supported the budget because they supported the increase to the foster care program.

2. James Alexander – stated that senior citizens could not afford the taxes and could not support a tax increase.
3. Vic Bost – thanked the board for bringing the funds for education to state average.
4. Mark Shores – stated his appreciation for the educational funding.
5. Steve Thackery – told the Board he appreciated that they were doing for education. Asked the Board to reconsider the two child support agents for the Department of Social Services.
6. Rosalee Hart – asked the Board to reconsider the two child support agents for DSS because she felt they could impact the money collected for children.
7. Earlene Rivers – stated her appreciation for the Board continued support for DSS and asked that the two support agents be added to the budget.
8. James Sabo – thanked the Board for following what the citizens had asked them to do with bringing the schools funding to state average.
9. Howard Carter – spoke in opposition to the budget and the amount of money allocated for education stating he felt it was too much at once.
10. Michael Crayton – asked the Board to look at the budget again to see if something could be reduced in order to reduce the tax rate.
11. Ada Fisher – thanked the Board for the spirit of cooperation in working with the school board and for all they have done for education.
12. Traci Steele – thanked the Board for their support of education and recognizing teachers with an increase to their supplements.
13. Jan Harwood – thanked the Board for financially supporting education.
14. Terri Hill – thanked the Board for their support of education.
15. Frank Holman – stated he was willing to pay more taxes to support education because it would have the greatest benefit.
16. Lori Hough – thanked the Board for their support of teachers and for striving to reach beyond state average.

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

Commissioner Blount stated he would be willing to vote on the budget and offered to split his motion so that Commissioner Rowland could vote in support of the Schools.

Commissioner Blount moved to adopt the budget at a \$0.5977 tax rate in order to meet the mandates for public assistance and provide the schools the money that was committed to them. Commissioner Tadlock seconded the motion and it passed by unanimous vote.

Commissioner Rowland stated that he fully supported the schools but he could not support raising taxes and wished there were areas he could find to cut, but that he still voted in favor of the motion because he supported the schools.

Commissioner Chamberlain stated that during the election he had promised that he would not vote for a tax rate increase. He said that the first budget proposal did have a tax rate increase and the Board had worked very hard to reduce line items in order to reflect no increase in the rate. He stated that the Board had committed to the schools and although he did not want any tax increase it must be done in order to get things done. He added that if test scores did not reflect an increase then the public would know that money was not the answer.

Commissioner Blount then moved to add additional items as presented during the workshop and as reflected in the budget ordinances to bring the tax rate to \$0.635. Commissioner Tadlock seconded the motion and it passed by a vote of 4/1 with Commissioner Rowland voting against.

Commissioner Chamberlain stated that the Board had worked hard to find cuts in the budget but there weren't any because there were so many needs to be met. Commissioner Tadlock added that there were several items he wanted to fund but that were cut because of lack of funds.

Commissioner Rowland stated that he voted against the budget because he felt that there were items that could be done without during the next year because the County couldn't afford it.

Commissioner Blount then moved to approve the other funds, 201, 202, 501, 601 and 602 as presented. Commissioner Tadlock seconded the motion and it passed on unanimous vote.

There being no further business, Chairman Cohen adjourned the meeting until June 29th.

Respectfully Submitted,

Kelly Dickinson, CMC
Clerk to the Board