

MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
JUNE 29, 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 Tadlock provided the invocation. Commissioner Blount led the Board in the Pledge of Allegiance.

ADDITIONS TO THE AGENDA:

Mr. Russell asked the Board to add the following items

- Closed Session for Economic Development
- Request to Reconsider:
 - * Cost-of-Living Adjustment
 - * DSS Child Support Enforcement Positions
- Request to Amend Capital Project for Health/Mental Health Building Parking Lot Repaving and Drainage
- Report on "Perk Test" for County-Owned Surplus Lot
- Selection of NCACC/NACo Voting Delegate
- Approval of Resolution Authorizing County to Enter Agreement with the NC Department of Transportation
- Approval of Refunds
- Approval of Budget Amendment

CONSIDERATION OF CONSENT AGENDA

Commissioner Blount moved to approve the consent agenda as submitted. Commissioner Chamberlain seconded the motion and it passed by unanimous vote.

The consent agenda consisted of the following items:

- (a) Request to add *Elk Train* and *Timberwolf Lane* in the Franklin Township to the NCDOT Secondary Road System
- (b) Approval of Airport Grant for Clearing & Removal of Obstructions
- (c) Approval of Minutes from 5/26, 5/27 Meetings
- (d) Proclamation Establishing July 18, 1999 as Third Creek A.M.E. Zion Church Day in Honor of Their 115th Anniversary
- (e) Approval of Unanimous Road Name Change of *Wankel Drive*
- (f) Approval of Authorization for the Finance Director to Open New Investment Accounts at North Carolina Cash Management Trust
- (g) Approval of Budget Amendments

CAROLINAS PARTNERSHIP:

Mr. Mark Health presented a mid year review for the Carolinas Partnership. He reviewed the missions and goals of the Partnership and various ways they had been beneficial to Rowan County during the past ten years in efforts to attract economic development.

Commissioner Rowland discussed the number of company's that the Partnership had helped bring to the County noting that there were only two and only one was still in operation.

Mr. Heath noted that they worked to attract industry to all of the Charlotte/Metro Region and that they were one of many resources available to Rowan County.

The Board thanked Mr. Health for his presentation.

PUBLIC HEARING: CONDITIONAL USE PERMIT REQUEST FOR AMERICAN TOWERS:

Ed Muire, Assistant County Planner, noted that the Board had previously received a request for a wireless tower to be located off of US601 near Young Road. He stated that after reviewing all of the requirements, staff recommended approval.

Chairman Cohen opened the public hearing for comments on the proposed conditional use permit for American Towers.

Citizens who addressed the Board were:

Todd Griffin, American Towers, stated he would provide the additional information as requested by staff and would provide documentation that American Towers was actively marketing the tower to other carriers for co-location.

Lamar Nichols – stated that he owned a private airstrip two miles away in Davie County and he felt the tower would be a danger to airplanes landing or taking off from the strip.

Luther Sowers – stated that more towers would take away from the historical aspect of the County.

Robert Hayes – stated that he felt the airport needed protection.

Paul Thornton – stated that the airfield was very busy during their annual fly-in and the tower would pose a danger to those pilots.

Jan Nichols – stated she co-owned the air field with her husband and they had developed it from nothing.

Todd Griffin responded saying that American Tower could certify their compliance with the Rowan County Zoning Ordinance as well as FAA and FCC requirements.

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

Commissioner Blount asked staff if the tower permit could be denied. Mr. Muire stated that although the FCC allows counties to regulate cell towers the rules are written so that each carrier must be handled in an identical way, and if the carrier could show the need for the area in question, the county must permit.

The Board discussed the legal requirements, and decided by consensus to table the issue until the next meeting to allow Mr. Holshouser time to advise them of the legal issues.

PUBLIC HEARING: ROAD NAME CHANGE:

Chairman Cohen opened the public hearing for a proposed road name change of Stamey Road.

Citizens who addressed the Board were:

Dean Orbison – stated that he was a resident of the area in question and his mother had completed the name change application at the request of their neighbor Mr. Stamey. He stated that they had listed Orbison Road as the unanimous choice for the neighbors but that when Mr. Stamey turned in the application he marked out the name they had agreed upon and wrote in Stamey Road. He added that Mr. Stamey had taken \$150 from his mother for the application fee and not until they contacted staff did they realize the fee was on \$50.

B.T. Lyles – stated that he did not feel all property owners were notified and he felt the majority wanted to leave the area unnamed or named Orbison Street.

Commissioner Blount stated that Mr. Stamey had committed fraud and had made a misrepresentation to the County by altering and submitting the road name change application. He then moved to deny the request to name the road Stamey Road. Commissioner Rowland seconded and the motion carried.

Commissioner Chamberlain moved to name the road Orbison Road. Commissioner Tadlock seconded. Mr. Holshouser asked that the Board allow staff to resubmit a correct and true application for the proper renaming. Commissioner Chamberlain then withdrew his motion.

Commissioner Blount asked Mr. Holshouser to investigate the county's options in dealing with Mr. Stamey.

REQUEST FOR CASH SECURITY IN LIEU OF ROAD PAVING FOR LANDON'S RUN SUBDIVISION:

Mr. Muire submitted a request from Brian Johnson for a cash security guarantee for completion of road paving and associated work in Landon's Run Subdivision.

Commissioner Blount moved to approve the cash security. Commissioner Rowland seconded the motion and it passed by unanimous vote.

Mr. Russell asked to clarify that the County did not pay interest on these type of cash securities, but that they were held in an escrow account until the work was complete.

PUBLIC HEARING: PROPOSED CHANGES FOR BUSINESSES IN AN RA ZONING DISTRICT:

Marion Lytle, Planner, reviewed the proposed text changes to the Zoning Ordinance concerning home businesses in the RA zoning district.

Chairman Cohen opened the public hearing for comments on the proposed changes. There being no comments offered, Chairman Cohen closed the public hearing.

Commissioner Blount moved to approve the text amendments as presented. Commissioner Chamberlain seconded and the motion passed by a vote of 4/1 with Commissioner Rowland voting against.

REQUEST FOR EXPANSION OF ROLLING ACRES MANUFACTURED HOME PARK:

Ed Muire presented a request from Ken Deal to allow the expansion of spaces 20-25 in the Rolling Acres manufactured home park.

Mr. Muire stated that the plan had been approved by planning staff but development was delayed for longer than the approved six month period and the expansion now required Board approval.

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

DISCUSSION ON PORTERFIELD/CENTRAL STREET:

Staff presented their report on the naming of Central Street. They noted that there are two additional streets named Central Avenue located in China Grove and Landis. Mr. Lytle told the Board that staff did not have the authority to change the name of the roads located in municipalities, but staff recommended changing the Central Street located in the County because of E911 confusion and to conform with the county policy of no duplication.

Chairman Cohen stated the Central Street in question was dated back to 1926 and he felt that whoever had the street name first should keep it. Mr. Lytle stated that the Central Avenues in Landis and China Grove were probably older since the Towns were 100 years old.

Commissioner Blount moved to set a public hearing on July 12 for determining a road name. Commissioner Tadlock seconded and the motion carried.

ZONING TEXT AMENDMENTS RE: CLAY AND MINERAL MINING:

Mr. Lytle stated that the text amendment request was associated with a rezoning request from Statesville Brick. The change would reduce the setbacks for ceramic clay and refractory mineral mining.

Commissioner Blount moved to set a public hearing on the text amendments for July 12, 1999. Commissioner Chamberlain seconded and the motion carried.

SCHEDULE PUBLIC HEARING FOR CONDITIONAL USE PERMIT FOR SBA TOWERS:

The Board received a request for a conditional use permit from SBA Towers for a wireless tower to be located south of East NC 152 off of Cook Road.

Commissioner Blount moved to set a public hearing on the permit request for July 12, 1999. Commissioner Chamberlain seconded and the motion carried.

ETJ RESOLUTION FROM THE CITY OF SALISBURY:

Mr. Lytle gave the Board a resolution from the City of Salisbury which rescinded the City's ETJ area to one mile from their current city limits. The County will zone the areas previously in the City's ETJ since the County now has zoning in place.

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

CONDITIONAL USE PERMIT REQUEST:

Statesville Brick submitted a request for a conditional use permit for a shale mine.

Commissioner Blount moved to set a public hearing on the permit request. Commissioner Tadlock seconded and the motion carried.

REZONING REQUEST:

A request was received from Dennis Weber for rezoning property located at 1655 Childers Road from RA to MHP.

Mr. Lytle stated that the property was not previously zoned as a mobile home park because the manufactured homes were owned by the individuals renting the spaces. This will allow Mr. Weber to add two additional spaces.

Commissioner Blount moved to set the public hearing for the request on July 12, 1999. Commissioner Tadlock seconded and the motion carried.

APPROVAL OF ALDI/SPENCER WATER PROJECT CAPITAL ORDINANCE:

Mr. Russell asked the Board to approve a capital project ordinance for the Aldi water project. He stated that the ordinance is based on estimates but the ordinance needed to be in place to be in compliance once the project began.

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

BIDS TO PURCHASE MEDICAL EQUIPMENT FOR THE HEALTH DEPARTMENT:

Vicki McCombs, Assistant Finance Director, stated that bids were received for the purchase of medical equipment for the new health building.

Bids were received from:

- Bergen Brunswick - \$54,331.14
- United Medical Supply - \$53,192.80
- Physicians Sales and Service – \$52,130.00
- Southeastern Medical –\$ 60,583.54

Mrs. McCombs recommended awarding the bid to Physician Sales and Service for \$52,130.

Commissioner Blount moved to award the bid to Physician Sales and Service. Commissioner Tadlock seconded the motion and it passed by unanimous vote.

APPROVAL OF BIDS FOR THE PURCHASE OF FURNITURE FOR THE HEALTH/MENTAL HEALTH FACILITY:

Mrs. McCombs told the Board that bids were received for furniture and files for the new health/mental health building.

She recommended awarding the bid to Corporate Express not to exceed \$152,008.80 and to Williams Office Supply for the purchase of Marcadet Files not to exceed \$18,250.85.

Commissioner Chamberlain moved to award the bids as recommended. Commissioner Blount seconded and the motion carried.

ADDITIONS TO THE AGENDA:

Sandra Wilkes spoke to the Board about reinstating two Child Support Enforcement Agents to the budget. She gave the Board data about collections in the department and told the Board that they estimated that they two new agents could bring in approximately \$500,000 extra dollars. She noted that 66% of the positions would be funded by the Federal Government.

Earlene Rivers, Child Support Supervisor discussed the difficulty agent's have in trying to track down deadbeat parents or ensuring that child support payments are made.

Rosalee Hart Morrison, Attorney for DSS discussed the number of cases and the amount of time spent in court.

Mr. Russell told the Board that the budget had been finalized and there was \$69,483 remaining as an unallocated balance. He asked the Board to consider using these funds to reinstate the cost-of-living for employees to 2% and to fund the two positions. He stated that although the funds wouldn't completely cover the cost he could definitely find the additional \$13,000.

Commissioner Blount moved to ask the County Manager to review the budget and to approve the two positions and reinstate the employees cost-of-living. Commissioner Chamberlain seconded the motion. The motion failed by a vote of 2/3 with Commissioners Cohen, Tadlock and Rowland voting against.

Commissioner Tadlock suggested dropping the cost-of-living to 1.9% so that both issues could be funded with the unallocated balance.

Commissioner Blount moved to approve the two positions and a 1.9% cost-of-living for employees. Commissioner Tadlock seconded. The motion passed by a vote of 3/2 with Commissioners Cohen and Rowland voting against.

Commissioner Chamberlain asked if the Commissioners were voting against positions that would bring approximately \$500,000 new dollars to the County. Commissioner Rowland stated that he supported the positions but since he had voted against the budget he did not feel he could vote in favor of these changes.

BOARD APPOINTMENTS:

Board of Health – Commissioner Tadlock nominated David Roberts to fill the engineers position on the Board of Health. There being no further nominations, Mr. Roberts was unanimously appointed.

ABC – Commissioner Blount nominated Henry Palmer. Chairman Cohen nominated Harry Welch. Mr. Palmer was elected to the ABC Board by a 3/2 vote with Commissioners Blount, Tadlock and Rowland voting for Mr. Palmer and Chairman Cohen and Commissioner Chamberlain voting for Mr. Welch.

ADDITIONS TO THE AGENDA:

* Mr. Russell asked the Board to approve a plan to repave and correct a drainage problem in the Health/Mental Health parking lot. He stated that there will be an estimated \$300,000 remaining in the building project fund, and they could use these funds.

Commissioner Blount moved to authorize the County Manager and the Architect to solicit bids for the repair and drainage work. Commissioner Tadlock seconded.

Commissioners Chamberlain and Rowland asked why the architect would be needed, that staff could solicit the bids.

Commissioner Blount amended the motion to state that the County Manager was authorized to solicit bids for the repair work. Commissioner Tadlock seconded the amendment and the motion passed by a unanimous vote.

* Mr. Russell told the Board that at the last meeting a request to purchase county owned property was received and the Board had directed staff to gather more information. He told the Board that the property was 1.3 acres and would perk. He recommended denying the request and asked that the property be listed with a realtor for sale.

Commissioner Blount moved to deny the offer to purchase and to list the property with a realtor. Commissioner Tadlock seconded the motion and it passed by unanimous vote.

* Commissioner Blount moved that Chairman Cohen serve as the County's voting delegate for the NCACC and NACo annual conferences. Commissioner Chamberlain seconded and the motion carried.

* Mr. Russell gave the Board a resolution for the County to enter a contract with the State for the transportation program through CTS. He stated that this program provided transportation for handicapped individuals and required a 50% match. He stated the 50% match would be paid for through fees for the services.

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

* Commissioner Blount moved to approved refunds totaling \$490. Commissioner Chamberlain seconded the motion and the motion carried.

* Mr. Russell asked the Board to approve a budget amendment to recognize funds received as gifts at the public library. Commissioner Tadlock moved to approve the budget amendment. Commissioner Blount seconded and the motion carried.

* Commissioner Blount asked the Board to expand the committee on developing mobile home appearance standards to include two citizens who were involved in the concerned citizens group during the overlay debate. The Board agreed by consensus.

Chairman Cohen declared the Board in Closed Session to discuss economic development projects.

Upon conclusion of Closed Session, Commissioner Blount moved to accept an offer from Affordable Efficiency Suites to purchase tract 13 (2.1 acres) in Summit Corporate Center. Commissioner Chamberlain seconded the motion and it passed by unanimous vote.

Commissioner Blount then moved to approve an offer to purchase property in Summit Corporate Center from Robert Pearson for the construction of a 56,000 square foot speculative building. Commissioner Chamberlain seconded and the motion carried.

No action was taken during Closed Session.

There being no further business, Chairman Cohen adjourned the meeting until June 30 at 11:00 a.m.

Respectfully Submitted,

Kelly Dickinson, CMC

Clerk to the Board