

MINUTES OF THE MEETING OF
THE ROWAN COUNTY BOARD OF COMMISSIONERS
JULY 12, 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 County Finance Director were also present. Chairman Cohen called the meeting to order and Commissioner Chamberlain provided the invocation. Commissioner Rowland led the Board in the Pledge of Allegiance.

ADDITIONS TO THE AGENDA:

Chairman Cohen added the Minutes from the Board's June 7, 1999 meeting as submitted by the Clerk to the agenda. He also requested the Board to hold a short closed session to discuss personnel.

Mr. Russell told the Board that Rowan County had been awarded one of ten Ralph Ketner Productivity Awards for its submission concerning the non-emergency transportation program. He stated that Clyde Fahnestock had worked with the committee to develop this program and the Board as well as the committee would be recognized at the Association's annual conference in August.

CONSIDERATION OF CONSENT AGENDA:

Commissioner Tadlock 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) Approval of Minutes from 6/29/99 and 6/30/99 Meetings
- (b) Approval of Refunds Totaling \$3,823.28
- (c) Set Public Hearing for Majority Road Name Petitions for *Tree Limb Lane* and *Cauble Stout Circle*

COMMUNITY ADVISORY COMMITTEE ANNUAL REPORT:

Ms. Linda Miller from Centralina Council of Governments, presented the Board with the annual reports from the Nursing Home Advisory Committee and the Adult Care Home Advisory Committee.

She reviewed the work that had been done by the committees during the past year and thanked the Board for their support.

Ms. Virginia Graves, Chairman of the Nursing Home Advisory Board also described some of the work the committee performed and thanked the Board for their work in support of the elderly.

REQUEST FOR MOBILE HOME EXPANSION FOR LITTLE ACRES:

A request was received for the expansion of Little Acres Mobile Home Park for the addition of one lot. The subdivision was zoned as a mobile home park but the lot in question (lot 84) had never had a manufactured home placed on it.

Marion Lytle, Planner, stated that the lot had previously not been approved by the health department for a septic permit, but that the state had change the requirements for certain soils and it now passed inspection.

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

PUBLIC HEARING: SBA TOWERS

A request was received for a conditional use permit by SBA Towers for a tower to be located on Cook Road.

Marion Lytle stated that staff recommended delaying the request until the applicant could furnish the following information:

1. SBA Towers, Inc. has not satisfied requirements contained in Article IV Section 10 (c) 1.A and B. for notice sent to towers within a one-mile radius of the proposed location requesting permission to co-locate and/or provide documentation as to why co-location is not feasible. Furthermore Duke Power has created the subsidiary Duke Communication Services to market existing power transmission towers and utility rights-of-way for the location of wireless communication facilities. As evidenced by the vicinity map depicting the distance between the proposed monopole facility and the existing MCI site, power transmission lines are in the area and could provide possible opportunities for co-location.
2. "Fall zone" easement for the site to be recorded in the Rowan County Register of Deeds prior to issuance of a zoning permit or verification from NC Registered PE that in event of a fall the tower will fall on its own property.
3. Revised plans or an addendum for depicting obstruction lighting as outlined in item 3 of staff report.
4. Provide documentation that facility is available and constructed to accommodate other wireless providers.
5. Obtain approval for a commercial driveway permit with NCDOT
6. Documentation that facility will be removed once site/technology has become obsolete.
7. Federal Aviation Administration determination that the site proposes no hazard to air navigation.

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

W.A. Overcash – stated that the tower was close to his back yard and he would rather it not be placed there.

Zane Ketner – stated that the tower adjoins his property and will make the property useless.

Michael Overcash – stated that he owned property that adjoined the property in question and he felt his property would be better suited for the tower placement.

Jonathon Yates, attorney for the applicant responded to the requests made by staff. He stated that the tower would be placed on a 31 acre tract of property and would be heavily buffered by trees.

Blake Mullis, BellSouth Engineer described why they needed the tower in the specified location to provide coverage and why co-location on the MCI tower and Duke Power utility pole would not work.

Commissioner Rowland stated he didn't understand why the companies couldn't get together to use the same towers or grids instead of putting in new ones.

Mr. Yates stated that his client would lose 150' of height and lose their coverage area if they co-located on the MCI Tower. He stated that the technology and frequencies have changed and that once these new towers for the new technology were in place, other companies would come into the county and co-locate.

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

Commissioner Chamberlain stated that he agreed with Commissioner Rowland that there was a problem with towers being placed all over the county, but he understood the professionals testimony and that if a monopole were ever to be approved for a location, this would be it. He then moved to approve the application subject to the applicant providing the information required by staff. Commissioner Tadlock seconded the motion and it passed by a vote of 4/1 with Commissioner Rowland voting no.

PUBLIC HEARING: REZONING REQUEST FROM STATESVILLE BRICK:

The Board received a rezoning and conditional use request from Statesville Brick Company located on Highway 52. Mr. Lytle stated that they currently used the property for a shale mine and had been in operation for many years. He told the Board that the current mine would close in a couple of years and they were seeking to begin mine operations on a piece of property located across the street from the current operation. He added that the property was already permitted for mining operations.

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

Keith Allmon – asked how the relocation of 52 would affect the entrance for the property.

Mr. Lytle stated that as proposed the portion of 52 located at the mining operation would follow the old 52 location.

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

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

Commissioner Blount then moved to approve the conditional use permit. Commissioner Chamberlain seconded and the motion carried.

PUBLIC HEARING: ZONING TEXT AMENDMENTS:

Mr. Lytle stated that Statesville Brick was seeking a zoning text amendment to change the setbacks for ceramic clay and refractory mining from 300' to 100'. He stated that this type of mining was considerably different than blast mining and the setback would be acceptable.

Chairman Cohen opened the public hearing for comments on the zoning text amendment.

Keith Allmon addressed the Board asking what normal setbacks were for industrial properties.

Mr. Lytle stated that industrial side yard setbacks were 10'.

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

Commissioner Blount moved to approve the zoning text amendment. Commissioner Tadlock seconded and the motion passed by a 4/1 vote with Chairman Cohen voting no.

PUBLIC HEARING: REZONING REQUEST FROM DENIS WEBER:

Mr. Lytle told the Board that Mr. Denis Weber was seeking a rezoning for his property located at 1655 Childress Road. He stated that when Mr. Weber purchased the property in 1994 it had three mobile home sites. The property was not zoned as a manufactured home park because the sites were not owned by one property owner.

Mr. Lytle stated that staff recommended rezoning the area of the three sites, but not the entire 10 acre site.

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

Commissioner Chamberlain moved to approve the rezoning per staff recommendation. Commissioner Blount seconded and the motion carried.

Commissioner Chamberlain also moved to approve the site plan as submitted. Commissioner Blount seconded and the motion carried.

DELIBERATION ON CUP-10-99 FOR AMERICAN TOWERS:

County Attorney John Holshouser told the Board that he had looked into concerns raised at the Board's last meeting concerning the placement of a cellular tower in the vicinity of a private air strip.

He stated that he had been provided a letter from the Aerospace Safety Analysis Corporation who determined that the tower was not a safety hazard and that there was a hill which was approximately the same height located in front of the tower in relationship to the airstrip.

Mr. Russell stated that he had spoken with the State Division of Aviation and that by following the standard operating procedures for landing the tower would not be in the standard approach height. He stated that as far as take offs, the tower was located outside of the safety "fan" at the end of the runway.

Commissioner Blount stated that he was concerned about the flying public but he felt this tower did not create a safety hazard that the county could legally defend and moved for approval of the conditional use permit. Commissioner Tadlock seconded and the motion passed by a vote of 4/1 with Commissioner Rowland voting no.

INFORMATION ON WIDENING US-70:

Mr. Lytle told the Board that the North Carolina Department of Transportation would be holding a public hearing on the proposed widening of US 70 on July 22 at West Rowan High School.

He reviewed the state's proposed plan for a divided median on US 70 from Statesville to the City of Salisbury. He told the Board about a safety hazard created at Majolica Road, and some of the other areas where traffic would have to make u-turns.

Commissioner Blount asked Bill Burgin (City Councilman) who was in attendance why the City felt it needed the divided median. Mr. Burgin stated that the state had taken the City's wishes to the extreme and that he certainly did not want to inconvenience people. He stated he hoped that the state could temper the city's request and they could arrive at a plan everyone could agree upon.

REQUESTS FROM NACo AND INSTITUTE OF GOVERNMENT:

Mr. Russell told the Board that he had received two request for one time appropriations for NACo and the Institute of Government.

He told the Board that the state association was seeking financial assistance to aid Charlotte/Mecklenburg who is hosting the national NACo conference in 2000. They requested an appropriation of \$.03 per capita.

Commissioner Rowland stated he felt the Association had never helped Rowan County and he would not support the appropriation. Commissioner Tadlock stated that he was also disappointed in the Association's lack of efforts in aiding the County during the \$.01 sales tax debate.

Commissioner Rowland moved to deny the request. Commissioner Blount seconded and the motion carried.

Mr. Russell stated that a request was also received by the Institute of Government for a one time appropriation to aid in the renovation and construction of a new facility. He told the Board that the project had been approved by the General Assembly with an appropriation of \$15 million over a two year period.

Commissioner Blount stated he felt the state should fund the needs of the Institute. Commissioner Rowland moved to deny the request, however his motion died for lack of a second.

Commissioner Tadlock stated he felt more information about the facility and the use of county appropriations would be helpful and moved to table the request. Commissioner Blount seconded and the motion carried.

WORKSESSION WITH ARCHITECTS FOR JUSTICE CENTER PROJECT:

Bill Burgin and Judy Kandle from Ramsay, Burgin Architects, talked with the Board about their plans for the Justice Center Project.

Mr. Burgin stated that they thought the first item that should be addressed was the completion of the two unfinished courtrooms and then work to develop a master plan for the 300 North Main block.

The Board asked Mr. Burgin about estimated time frames and costs. Mr. Burgin stated that he felt they could develop the drawings for the courtrooms in four months, go through the bidding process and begin construction in approximately six months. He estimated the cost to around \$1.3 million plus a 6.6% architectural fee. He stated that they used the cost of the structure plus 3% as a general rule to reach this estimate, which equated to \$110/square foot.

The Board thanked Mr. Burgin and Ms. Kandle for their presentation.

The Board adjourned for lunch.

Chairman Cohen reconvened the meeting at 1:30 p.m.

Richard Atkinson, Jim Powell and Brian Gattis from the architectural firm of Atkinson, Dyer, Watson presented their ideas for the justice center project to the Board.

Mr. Atkinson stated that they felt first and foremost the Board needed to upfit the two unfinished courtrooms. He stated that he felt they could be completed without making many structural changes.

He estimated the cost of the project at \$241,200 for the upfit and approximately \$98,000 for the furnishings. He asked the Board to approve a flat rate of \$25,000 for the architectural fee instead of a percentage. He estimated the completion time at 15 weeks.

The Board also discussed Mr. Atkinson's ideas about renovating the Home Town building and developing a master plan.

Commissioner Rowland moved to accept Atkinson, Dyer & Waton's proposal for upfitting the two courtrooms, refurbishing the small district courtroom beside the round courtroom and to complete a long term study for the 300 N. Main block. Commissioner Tadlock seconded the motion and it passed by unanimous vote.

There being no further business, Chairman Cohen declared the Board in closed session to discuss a personnel issue.

Chairman Cohen returned the Board to open session. No action was taken during closed session. There being no further business before the Board, the meeting was adjourned.

Respectfully Submitted,

Kelly Dickinson, CMC
Clerk to the Board