

MINUTES OF THE MEETING OF
THE ROWAN COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 20, 1999 – 7:00 P.M.
COMMISSIONERS 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, Interim Clerk to the Board, County Attorney and County Finance Director were also present. Chairman Cohen called the meeting to order and Commissioner Tadlock provided the invocation. Boy Scout Troop 404 of Back Creek Church led the Board in the Pledge of Allegiance.

ADDITIONS TO THE AGENDA:

- Commissioner Blount added the United Arts Council
- County Attorney John Holshouser added Upset Bid Process

CONSIDERATION OF CONSENT AGENDA

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

The consent agenda consisted of the following item:

Budget Amendment in the amount of \$2,985.00 for the Health Department's NC Health Choice Outreach funds.

CAROLINA POWER & LIGHT COMPANY(CP & L):

County Manager Tim Russell presented a Resolution/Incentive Package for the relocation of CP & L to Rowan County. The contract between Rowan County and CP & L will be handled by the attorneys. With a motion by Commissioner Blount to

approve the Resolution & Incentive Package, and a second by Commissioner Chamberlain, the motion passed by unanimous vote.

PUBLIC HEARING : ROAD NAME CHANGES

Chairman Cohen opened the public hearing at 7:15 pm to consider a road name change request. The road currently has no name and is located N/W off the 400 block of Morgan Road. The proposed name is Reedy Creek Drive. With no public to address the issue, the public hearing was closed at 7:16 pm. Commissioner Blount made a motion to change the name to Reedy Creek Drive. Commissioner Chamberlain seconded the motion. Carried – unanimous.

Chairman Cohen opened the second public hearing at 7:16 pm to consider a road name change request. The road currently has no name and is located South off 5000 block of West NC 152 Hwy. With no public to address the issue, the public hearing was closed at 7:17 pm. Commissioner Blount made a motion to change the name to Old Foutz Farm Road. Commissioner Tadlock seconded the motion. Carried – unanimous.

Commissioner Blount moved to set a public hearing at 9:30 am for the next Board meeting to be held October 4, 1999 for a road name change request for Blaze drive. Commissioner Chamberlain seconded the motion – carried unanimously.

DAN STREET TOWER SITE

Frank Thomason, Director of Telecommunications was present to discuss The Dan Street Tower Site & the fact that the site is not used by the County. County Manager Tim Russell asked the Board to declare the site as surplus property and allow staff to advertise & accept proposals for thirty (30) days. Commissioner Blount made a motion to declare the Dan Street Tower Site surplus property & allow for advertising. Commissioner Rowland seconded the motion. The motion passed by unanimous vote.

SURPLUS VEHICLES

Commissioners reviewed the list of vehicles requested by the Finance Office to be declared as surplus. Commissioner Rowland questioned what determined these vehicles to be surplus. County Manager Tim Russell stated that all vehicles are tracked through maintenance & at the point the vehicle becomes more costly with repairs, it is then considered as surplus. A motion was made by Commissioner Tadlock to declare the list of vehicles surplus. Commissioner Blount seconded the motion. The motion carried – unanimous.

Also discussed, was a request from Rockwell Volunteer Fire Department and from Rowan Rescue Squad, to receive one surplus vehicle to each. A motion was made by Commissioner Tadlock to allow Rockwell Volunteer Fire Department and Rowan Rescue Squad to pick a surplus vehicle. The motion was seconded by Commissioner Blount and passed by unanimous vote.

PUBLIC HEARING: COUNTY ZONING OF RESCINDED SALISBURY ETJ FOR FRANKLIN, LOCKE, LITAKER & SALISBURY TOWNSHIPS

Chairman Cohen opened the public hearing at 7:30 pm to discuss the County Zoning designation of ETJ area rescinded by the City of Salisbury. County Planner, Marion Lytle stated the County has sixty (60) days to adopt zoning in this area .

Several residents addressed the Board of Commissioners concerning their property. The majority of the speakers were requesting zoning changes from those proposed by the County.

Properties deferred back to the Planning Board for review were as follows:

1. Lucille Kesler, 3350 Old Mocksville Road, property at Ellis Crossroads, rezone from RA to CBI
2. Martha Agner, 3411 Old Mocksville Road, property at Ellis Crossroads, rezone from RA to CBI
3. Rowan Wildlife Club, 650 Majolica Road, a tract of 115 acres, rezone from RA to CBI
4. Margaret Kirby, seeking to change several properties at Enon Church Road and Hwy 70, located on Gwyn Drive, from CBI to RS.

Chairman Cohen closed the public hearing at 8:15 pm.

Commissioner Blount made a motion to make individual modifications to zoning requests.

1. Larry Bunts, East Ridge & Garrick Road, rezone from RA to RS
2. Lucille Orbison, property on Hwy 29, rezone from CBI to RA
3. Warren Vancroft, Stafford Estates, rezone from CBI to RS

Commissioner Rowland seconded the motion. The motion was approved unanimously.

PUBLIC HEARING: REQUEST FROM JON WALKER TO CHANGE FROM RA TO CBI

Chairman Cohen opened the public hearing at 8:30 pm.

Marion Lytle stated the Planning Board recommends to rezone for the purpose of reestablishing a convenience store already existing on site.

With no public present to address the issue, the public hearing was closed at 8:34 pm.

A motion was made by Commissioner Tadlock to rezone this parcel from RA to CBI. The motion was seconded by Commissioner Chamberlain and carried unanimously.

PUBLIC HEARING: REQUEST FOR PROPERTY OF CAROLYN BROWN
CORRIHER TO BE REZONED FROM RA TO CBI

Chairman Cohen opened the public hearing at 8:35 pm.

Mr. Ed Muire was present from the Rowan County Planning Department. He addressed questions raised by Joyce Caldwell. Ms. Caldwell is concerned about the possibility of mobile homes and an increase in traffic. She requests that if the zoning request is granted, that it be with restrictions as to the type of business that could locate. Mr. Dale White was also present and is concerned about the water run-off downstream.

With no further public comment, the public hearing was closed at 8:45 pm.

Commissioner Rowland asked what the property was going to be used for? Mr. Muire said there is no guarantee the property owner will use the property for what the zoning request was for.

Commissioner Blount made the motion to change the zoning to CBI as recommended by Planning. Dave Rowland seconded the motion. Carried Unanimously.

PUBLIC HEARING: HAMMILL CONSTRUCTION COMPANY- INCREASE IN
OPERATION SIZE

Chairman Cohen opened the public hearing at 8:50 pm.

The majority of public comment was against the increase of production at Hammill Construction Company. Their concerns were due to dust, noise, safety issues & possible future company expansion. Letters & photographs were presented to the Board from property owners in reference to the way Hammill Construction Company conducts its business. A resident, who resides en route to the Cabarrus County operation of Hammill Construction Company, dusted the meeting room with weeds pulled from the roadside, to dispute claims of any dust control methods by Hammill Construction Company. Representatives from Zion Church expressed the need for Hammill Construction Company to locate another entrance to the business.

Donna Hammill Miller, Secretary to Hammill Construction Company stated the business was not aware that Zion Church was being used, and if so, the company would explore another avenue for entering the business.

Also, submitted to the Board was a copy of the General Statutes concerning easements by prescription. This was introduced by the law firm of Benjamin D. McCubbins, representing Hammill Construction Company.

Commissioner Rowland stated the biggest argument stemmed from Zion Church members and Commissioner Rowland, too, would have a problem granting this request from Hammill Construction Company due to the safety of church members. Mr. Hammill stated that the attorneys for each group were consulting to consider a land swap.

The public hearing was closed at 10:13 pm.

Chairman Cohen questioned County Planner Marion Lytle if dust restrictions could be applied on a conditional use permit? Mr. Lytle says yes, but enforcement would be a problem.

Commissioners questioned Mr. Hammill about the number of days per year the trucks would be hauling and whether or not the product could be stock-piled? Mr. Hammill stated the trucks would running 2-3 days every two (2) weeks and yes, the product can be stock-piled.

Commissioner Rowland made a motion to allow the zoning change and a conditional use permit with a deeded right of way to a public road with a minimum of forty (40) feet, dust control and speed bumps.

Commissioner Blount stated the best swap of land would be with the church.

Commissioner Tadlock made a second to the motion.

Mr. Hammill asked if a thirty (30') foot right of way would be acceptable? After some discussion, the Commissioners agreed to accept thirty (30') feet.

Commissioner Blount requested the motion be more specific.

Commissioner Rowland made a motion to allow the zoning change and a conditional use permit with a dust control method as approved by Planning Staff, have a 15 mph speed limit and a thirty (30') deeded right of way. The motion was seconded by Commissioner Chamberlain and carried unanimously.

Chairman Cohen adjourned the meeting at 10:25 pm for a short break. The meeting resumed at 10:38 pm.

REQUEST FROM LIBERTY VFD TO ESTABLISH A SPECIAL SERVICE DISTRICT FOR FIRE PROTECTION

Fire Marshall Randall Faggart & Tim Shaver, President of the Liberty VFD Board of Directors were present to ask the Board of Commissioners to schedule a date for a public hearing to set a service district.

Tim Shaver stated the need of creating a special service district tax to support the fire service to its residents. This district would be effective July 1, 2000.

Chairman Cohen stated that with boundaries already established it should not be too much trouble and questioned how much revenue a one-cent tax would generate? Mr. Shaver said \$20,000 maximum.

Commissioner Tadlock made a motion to proceed with the establishment of a special service district of Liberty VFD in accordance with the schedule that was presented. The motion was seconded by Dave Rowland and carried unanimously.

MERGER OF SERVICE DISTRICTS FOR CENTENERY & MT. ULLA FIRE DEPARTMENTS

Fire Marshall Randall Faggart stated his office has received letters from the Board of Directors from Centenery and Mt. Ulla Fire Departments requesting the two (2) departments be allowed to merge.

Commissioner Rowland questioned whether the facilities would merge and whether the merger is a result of finances? Mr. Faggart says everything will remain the same. The merger is due to a lack of personnel. The departments do not have enough participation to meet state requirements.

Commissioner Rowland made a motion to set a public hearing for the regular board meeting to be held November 15, 1999. It was determined to hold the meeting at Centenery Fire Departments at 7:00 pm. Commissioner Chamberlain seconded the motion which was approved and carried unanimously.

APPROVAL OF AGREEMENT WITH ROWAN RESCUE SQUAD, INC.

County Manager Tim Russell presented a proposed contract for services with the Rowan Rescue Squad, Inc. While the County has had a contract with Rowan Rescue Squad, Inc. for countywide rescue services for many years, no one has been able to locate such a contract. The purpose of the proposed contract being presented is to restate those services that are currently being provided by the squad.

Commissioner Blount inquired about the need for a public hearing to accept this contract? County Attorney John Holshouser stated no.

Commissioner Blount made a motion to adopt the contract for services as presented with a second by Commissioner Chamberlain. The motion carried unanimously.

THIRD CREEK WATERSHED

The Board was briefed by County Manager Tim Russell on the recent trip to inspect various farms lying in the bottomland areas along Third Creek in Rowan County. The purpose of that trip was to view actual farms subject to flooding and to discuss with the farm owners their actual usage of the acreage.

Commissioners questioned the County Manager as to whether he had any recommendations. Mr. Russell stated the County should attempt closure on this issue and extended his thanks to the families who hosted this tour.

Mr. Russell passed out a proposal (attached) and recommended that Rowan County decline at this time to participate in the invoice that was presented by Iredell County for the construction repairs of the five (5) dams, #10, #18, #19, #20 & #21, in the amount of \$127,060.80. He also recommended that the Board should consider the Third Creek Watershed Project at its annual goal-setting retreat in February 2000.

Commissioner Rowland inquired about the apparent expenditures of \$500,000 in 1985. County Manager Tim Russell responded that those funds were Federal funds received by the Third Creek Water and Soil District and used to perform external repairs to the existing eleven (11) dams. Approximately \$350,000 was used in the repairs. Most of those funds were expended in sediment removal.

Commissioner Rowland questioned why Iredell County didn't ask Rowan County, as a partner, how the funds should have been spent. No response was offered.

Commissioner Tadlock made a motion to accept the recommendation as presented by the County Manager. The motion was seconded by Commissioner Chamberlain and carried unanimously.

BOARD APPOINTMENTS

Parks & Recreation Board – Commissioner Chamberlain moved to approve Keith Yount to fulfill the vacancy created by Ed Norvell's resignation. The term will expire 12/31/2000. The motion was seconded by Steve Blount. Carried unanimously.

Juvenile Justice Crime Prevention Council – Commissioner Chamberlain moved to appoint Karen South Carpenter as a member at large. The appointment will expire 6/30/0001. The vote was four (4) in favor with Commissioner Rowland voting against the motion.

ADDITIONS TO THE AGENDA

Commissioner Blount informed the Board that Piedmont Players had received a grant of \$2,000.00 in past years from the United Arts Council (State Grass Roots Grant). This grant is for the production of a children's theatrical performance. The theater was

informed recently that the grant was not forthcoming this year. This theatrical play is viewed by many of the public school children throughout the year.

Commissioner Blount made a motion to appropriate the sum of \$2,500 as a one time grant to the United Arts Council for distribution to Piedmont Players. The motion was seconded by Commissioner Rowland and carried unanimously.

Attorney John Holshouser informed the Board that the public advertisement for public bid process had been completed for the sale of property in Summit Corporate Center to Peirson Properties, Inc. No upset bids were received. Therefore, the sale can proceed with closing to be handled by the attorneys.

PUBLIC COMMENT

Ben Knox thanked the Board for touring the Third Creek Watershed areas and asked that the Board continue to consider this project at its annual retreat.

County Manager Tim Russell recommended to the Board to appoint Carolyn Athey as Interim Clerk until a new Clerk is hired. Commissioner Blount made a motion to appoint Ms. Athey as recommended with a second by Commissioner Tadlock. The motion carried.

There being no further business, Chairman Cohen adjourned.

Respectfully Submitted,

Carolyn M. Athey
Interim Clerk to the Board

