

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
November 15, 1999 – 5:00 p.m.
COMMISSIONER’S MEETING ROOM, ADMINISTRATION BUILDING**

PRESENT: J. Newton Cohen, Chairman
Frank Tadlock, Vice-Chairman
Steve Blount, Member
Arnold 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 at 5:00 p.m. Commissioner Chamberlain provided the Invocation and Commissioner Tadlock led the Pledge of Allegiance.

ADDITIONS TO THE AGENDA:

- Chairman Cohen requested a closed session to discuss a personnel issue and he also stated that no action would be taken.

CONSIDERATION OF CONSENT AGENDA:

Commissioner Chamberlain moved to approve the Consent Agenda as submitted. Commissioner Rowland seconded and the motion carried.

The Consent Agenda consisted of the following items:

- (A) Approval of minutes from 11/01/99 Board Meeting
- (B) DOT’S request that Alleghany Dr. and Rhodes Dr. to be added to the Secondary Road System for maintenance
- (C) DOT’S request that Cimmaron Circle in Cimmaron Subdivision to be added to the Secondary Road System for maintenance
- (D) DOT’S request that Four Lakes Drive, Springway Lane, and Raven Court, in the Cleveland Township, be added to the Secondary Road System for maintenance
- (E) Resolution to the Medical Reimbursement Plan
- (F) Set Public Hearing for CUP-19-99, Tax Parcel 411-045, for approval of family subdivision in CBI district
- (G) Budget Amendments

PUBLIC COMMENT PERIOD:

There was no Public Comment Period.

PUBLIC HEARING ON ROAD NAME CHANGE TO OLD FLAT ROCK ROAD:

Chairman Cohen declared the public hearing open for comment on the proposed road name change.

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

Commissioner Blount made a motion to rename this section of road to Old Flat Rock Road as recommended by staff. Commissioner Chamberlain seconded and the motion carried.

PUBLIC HEARING: ROAD NAME CHANGE TO NC FINISHING LANE:

Chairman Cohen declared the public hearing open for renaming Fieldcrest Cannon Lane to NC Finishing Lane.

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

Fredda Greer, from the planning department, stated that the purpose for this road name change was due to a change in ownership of the Fieldcrest Cannon plant.

Commissioner Blount made a motion to name the road NC Finishing Lane per the request of staff. Commissioner Chamberlain seconded and the motion carried unanimously.

**Commissioner Blount expressed appreciation on the many “Thanks” in the form of cards which have been passed around to the Commissioners from the local grammar school classes in regards to the funding that has been provided to them this year. Commissioner Tadlock also mentioned the “Thanks” which has also been previously received from the Kannapolis schools and how overwhelmed he has been with their show of appreciation.

PUBLIC HEARING: REQUEST TO REZONE AREA ON CAMPBELL ROAD:

Case Z-23-99 – Marion Lytle, from the Planning Department, presented to the Board the request from Pablo Valesquez, to rezone a parcel of land from RA to CBI (CUD) for the purpose of constructing a 50 x 100 Ft. building to warehouse and sell produce on a 3-acre tract on Campbell Road. At the suggestion of the Planning Board, Mr. Valesquez has modified his request to rezone an area around the property large enough to have the required setbacks. The usage would be limited to warehousing of produce. This is a family operation. The Planning Board recommended approval of an appropriate parallel conditional use district, limiting the use to produce distribution.

Commissioner Blount asked Mr. Lytle about the recommendations concerning the hours of operation. Mr. Lytle stated that the hours would be from 5:30 a.m. to 9:00 p.m. and emphasized that this is not a retail operation.

Chairman Cohen opened the public hearing.

- 1) John Benice, a friend and spokesperson for Mr. Valesquez, stated to the Board that Mr. Valesquez is asking for this property to be rezoned so that he will have a storage space to house his produce. Nothing is sold on this premise. Mr. Valesquez is also planning on building a house on this property and he is asking that only the property that holds the storage space be rezoned. The rest will remain RA.

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

Commissioner Chamberlain made a motion to approve the rezoning from RA to CBI (CUD) with the hours of operation limited from 5:30 a.m. to 9:00 p.m. Commissioner Blount seconded and the motion carried.

PUBLIC HEARING: TO REZONE AREA ON LONG FERRY ROAD:

Case Z-26-99 – Marion Lytle stated that this is a 33 acre property adjacent to Middle Oak Subdivision and is zoned RS. Mr. Ron Bankett is requesting this be changed to RA because the property was taxed at a higher rate because of the RS zoning. This property does not perk and the value of the property has been reduced. Mr. Bankett is concerned that the property may increase again during the next revaluation. The Planning Board recommends approval of the rezoning.

Chairman Cohen opened the public hearing.

- 1) Ron Bankett, owner of the property, spoke to the Board about his concerns that this property will not perk and is asking for this property to be rezoned from RS to RA. There is a federal tax stamp on this parcel and he wants to keep this in forestry.

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

Commissioner Chamberlain made a motion to approve the rezoning. Commissioner Blount seconded and the motion carried unanimously .

PUBLIC HEARING: TO REZONE AREA ON MOORESVILLE HIGHWAY:

Case Z-24-99 – Marion Lytle stated that this property is located approximately ¾ of a mile west of Patterson Road on Mooresville Road. The applicant, Robert Stokes, is seeking the rezoning from RA to CBI (CUD) in order to operate a sports bar so he can obtain a permanent license to serve alcoholic beverages. This business has been in operation for several months without the appropriate zoning and was brought to staff's attention by the Alcohol and Firearms officers. The Planning Board voted to deny the request of CBI rezoning, but would consider a resubmittal to rezone to CBI (CUD).

Commissioner Blount asked if Staff was recommending to deny the request at which time Mr. Lytle stated that yes they were still planning on recommending to deny the request. Commissioner Chamberlain asked Mr. Lytle if the business was still in operation. Mr. Lytle stated that Mr. Stokes has been told he could not continue to operate the business as a sports bar; however, they have not been out to this site to check if Mr. Stokes is complying with the request.

Chairman Cohen opened the public hearing.

- 1) Robert Stokes, operator of the sports bar, stated that he has been in operation as a sports bar since February, 1999 and has had no complaints, fights, trouble etc., and that they do have police protection. Mr. Stokes is asking that this area be rezoned and although this facility currently has been operated as a bar, it could be changed to a recreation facility for children.

Commissioner Blount asked Mr. Stokes if he understood him correctly in stating that he could run this facility as a community center and not necessarily as a bar. Mr. Stokes answered that Paul Curry was the owner and he could state what he wanted to do with the property. Mr. Stokes stated that he would like to have control of whatever operations takes place; he wants a bar but he would be open for other options. Commissioner Blount asked Mr. Stokes about a similar business which he operated in the town of Cleveland's ETJ which was not allowed. Mr. Stokes mentioned that Cleveland rezoned the area.

Since there were no further comments, Chairman Cohen closed the public hearing.

Commissioner Blount asked Mr. Lytle that if Mr. Stokes was allowed to operate this facility as a community center and not have the sale of alcoholic beverages, would he need a rezoning. Mr. Lytle stated that Mr. Curry was issued a zoning permit that was for a community center but was not sure if that permit was still valid.

Commissioner Blount expressed his concern about a bar being operated in primarily a residential area, but he would be willing to approve a community center.

Commissioner Chamberlain voiced concern that community centers are sometimes synonymous with alcohol and he is concerned about the overall public good.

Commissioner Rowland made a point that if approved for alcohol use, that the ABC officers can go in anytime and observe the premises. If not, and people are allowed to bring in their own mixed drinks, there would be no control over the alcohol use. Commissioner Tadlock also mentioned that a license is required for brown-bagging.

Mr. Lytle stated that if the Commissioners voted to deny the request, it would be one year before he could come back and request another CBI zone.

Commissioner Chamberlain made a motion to deny the request. Commissioner Blount seconded and the motion carried unanimously.

PUBLIC COMMENT:

Chairman Cohen opened the floor for public comment. There was no one in attendance for public comment.

At 6:00 p.m. Commissioner Blount made a motion to go into executive session for the purpose of a personnel matter. Commissioner Tadlock seconded and the motion carried.

The Board returned to open session at 6:20 p.m.

RESOLUTION FOR RICK ELDRIDGE:

Commissioner Rowland made a motion to approve a Resolution in recognition of Rick Eldridge for his hard work in helping Rufty Holmes Senior Center achieve the Accreditation of Excellence from the State. Commissioner Blount seconded and the motion carried.

At 6:20 p.m. Commissioner Tadlock made a motion to adjourn the Board meeting to be continued at the Centenary Fire Station. The motion was seconded by Commissioner Tadlock and carried unanimously.

Respectfully Submitted,

Rita K. Foil,
Clerk to the Board