

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
FEBRUARY 21, 2000 – 7:00 P.M.
COMMISSIONER’S MEETING ROOM, ADMINISTRATION BUILDING**

Present: J. Newton Cohen, Chairman
Steve Blount, Vice-Chairman
Frank Tadlock, 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 6:57 p.m. Commissioner Blount provided the Invocation and Commissioner Rowland led the Pledge of Allegiance.

ADDITIONS TO THE AGENDA:

- Commissioner Chamberlain stated that he would like to discuss a Code of Conduct issue.

CONSIDERATION OF THE CONSENT AGENDA:

Commissioner Blount expressed concern about a conflict of interest for item A. on the Consent Agenda since Commissioner Tadlock is affiliated with Corriher Beef and Sausage.

Commissioner Chamberlain made a motion to approve the Consent Agenda as submitted. Commissioner Blount seconded and the motion carried with a 4/0 vote with Commissioner Tadlock abstaining from voting.

The Consent Agenda consisted of the following:

- A. To set two Public Hearings: 1) Jim Daugherty, Case Z-01-00 RA to CBI and 2) Corriher Beef & Sausage, Case Z-4-00 RA to CBI to be held at the March 8, 2000 meeting.
- B. Unanimous Petition for a Road Name Change to Wagner Acres Trail.
- C. To set four Public Hearings: 1) Pamela Kilpatrick, Case Z-5-00 RA to CBI, 2) Grady Holshouser, Case Z-6-00 RR to CBI, 3) Harold Moore, Case Z-7-00 RA to CBI and 4) Mark Oden, Case Z-8-00 RA to CBI to be held at the March 20, 2000 meeting.
- D. Budget Amendments

PUBLIC COMMENT:

Chairman Cohen opened the Public Comment period. There being no one in attendance who wished to address the Board, Chairman Cohen closed the Public Comment period.

ETJ ZONING OF THE ALDI WATER TOWER AREA:

Tim Russell, County Manager, reviewed with the Board a request from Buddy Gettys, Mayor of Spencer, concerning rezoning the area around the new proposed water tower at the Long Ferry Road exit to preserve this area for industrial sites. Mayor Getty's has also received inquiries from two residential developers concerning this area since they know water is available.

Don Conner, Environmental Services Director, referenced a map for the Commissioners to view which showed the boundaries to be zoned pointing out the Spencer and County zoning areas.

Commissioner Blount made a motion to enact a temporary moratorium for 90 days which would not allow any new residential subdivisions 1.5 miles east of I-85 from Union Church Road to the Yadkin River and to include an area of 1.5 miles west of I-85 and north of Spencer's existing ETJ as of 7:15 p.m. today. Commissioner Chamberlain seconded and the motion carried unanimously.

Commissioner Blount made a second motion to ask staff to review this area, which a moratorium was just placed, and to come back to the Board with recommendations of rezoning for changes to CBI and Industrial and possibly

some high end residential from the current RA standards. Commissioner Chamberlain seconded.

Commissioner Rowland cautioned staff to be sure that the property is suitable for Commercial. Sewer is needed, not just water.

The motion carried by a unanimous vote.

PUBLIC HEARING FOR CASE Z-2-00 CBI TO RA, WIGGINGS REQUEST:

Ed Muire, Assistant Planner, reviewed this case for the Board, stating that Mr. Wiggins, property owner, is requesting a change from CBI to RA for the rear portion of a 10.35 acre tract to build his residence. Mr. Wiggins intends to combine this 5.3 acre area with land obtained from his parents for approximately 10 acres to qualify for the land use tax deferral program as a farming operation. The Planning Board recommends approval for this request.

Chairman Cohen declared the Public Hearing open to entertain comments. There being no one in attendance who wished to address the Board, Chairman Cohen closed the Public Hearing.

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

PUBLIC HEARING FOR CASE Z-3-00 MHO OVERLAY, HENRY MCMANUS REQUEST:

Carl Doby, Ordinance Enforcement Officer, gave a review of this case to the Board, stating that this property is located approximately 1 mile east of River Road on Reeves Island Road. This is a 10.5 acre parcel owned by Henry McManus. He is asking for a Mobile Home Overlay to allow him to place a single wide mobile home on this property. The Zoning Ordinance requires him to have a Mobile Home Overlay. The Planning Board recommends approval for one home.

Chairman Cohen declared the Public Hearing open to entertain comments. The following chose to come forward to make comments:

- 1) Henry McManus, asked permission to place a 14 X 60 1996 model mobile home on the 10.5 acre tract he purchased.

- 2) Barry Kemp, owner of a tract of land beside Mr. McManus, stated to the Board that he has no opposition to Mr. McManus placing a mobile home on the above mentioned property.

There being no one else in attendance who wished to address the Board, Chairman Cohen closed the Public Hearing.

Commissioner Blount made a motion to approve the Mobile Home Overlay with a stipulation that it be for a single mobile home on this parcel of land. Commissioner Tadlock seconded and the motion carried by a unanimous vote.

PUBLIC HEARING FOR CUP-1-00, BANCROFT & PATTERSON REQUEST:

Mr. Muire reviewed with the Board that this request was for an eight lot residential subdivision known as phase four of the Statford Estates Subdivision. All lots will have water and sewer from the City of Salisbury. This property was purchased by Mr. F. W. Bancroft and Mr. James C. Patterson with the intent to subdivide for residential purposes. Since an amendment to the zoning ordinance was added on October 18, 1999 which made all subdivisions of property in the CBI district a conditional use, the applicants submitted their site plan for review by the Board of Commissioners. Staff is recommending approval for this request.

Mr. Bancroft, applicant, stated to the Board that he purchased this property to protect the subdivision and to develop this area as a part of Statford Estates. He is asking the Board to act quickly, since any delay is costing him \$1,000 a month in interest. Several lots have already been sold and this area will be restricted.

Mr. Patterson, applicant, confirmed that the area is staked out and ready to be sold and that there is sewer on each lot. This development will enhance the property.

Chairman Cohen opened the Public Hearing to entertain comments. The following came forward to address the Board:

- 1) Casperson, a property owner in this subdivision, owning lots 6 and 7, stated to the Board that he is glad to see this zoning with residential. He has no opposition and welcomes this rezoning and the protection it brings.
- 2) Wallace Barford, Assembly Hall Board of Directors representative, expressed that they are very much in favor of this rezoning and he considers this protection for the Assembly Hall. He stated that this subdivision has been beautifully maintained.

- 3) Will Companion, a current builder in Statford Estates, stated that the value of the homes in this area is approximately \$200,000. He has had a positive experience with Mr. Bancroft and Mr. Patterson and he spoke in favor of the rezoning.
- 4) Randall Schenk, a resident who lives beside this subdivision, stated that he has no problem with the rezoning. He stated that they have done beautiful work. He also asked if he could see a map showing all the work which is being done.

There being no one else who wished to make comments, Chairman Cohen closed the Public Hearing and asked to entertain a motion.

Commissioner Rowland made a motion to approve the request. Commissioner Chamberlain seconded and the motion carried by a unanimous vote.

BOARD APPOINTMENTS:

Rowan Nursing Home Community Advisory Committee:

Commissioner Rowland made a motion for the reappointment of Cochitha “Chi Chi” Ray-Leazer. Commissioner Chamberlain seconded and the motion carried unanimously.

ADDITIONS TO THE AGENDA:

Commissioner Chamberlain informed the Board of his concern for a “Code of Conduct” and asked that staff and the County Attorney bring back to the Board information on how and what to set up as a code of conduct for all the boards and appointed boards. Even though there are boards that the County does not control (the Health Board, DSS Board and the Mental Health Board), they do operate as an agent of this County which makes us liable for their actions.

Commissioner Chamberlain addressed his concern about Lee Piper, on the DSS board of directors, who has been charge with contributing to the delinquency of minors. He stressed that she should take an immediate leave of absence from the Social Service’s board until this matter is resolved in the courts. Commissioner Chamberlain stated that if she is convicted, he will ask the Board of Commissioners to send a resolution to Governor Jim Hunt asking for her removal from this board. Commissioner Chamberlain asked other Commissioners for their comments. Chairman Cohen stated that Commissioner Chamberlain’s request was in order, but any action this Board would take would be *after* a conviction, and he would support the request in

asking Ms. Piper to take a leave of absence in the interim. Commissioner Tadlock stated that this certainly could be a request. Commissioner Rowland stated that he was not going to convict her. If this charge is true, he would like to see Ms. Piper take a leave of absence until this matter is resolved. Commissioner Chamberlain expressed his observation that he does not understand why the Commissioners are “tip toeing” on this issue.

John Holshouser, County Attorney, explained to the Board that he has spoken with Fleming Bell, with the Institute of Government, and there is a model code for local government bodies to follow. Mr. Holshouser has ordered these materials. The Commissioners also asked Mr. Holshouser to check with Mecklenburg County, since they are also in the process of drawing up a similar code.

There being no further business, Chairman Cohen adjourned the meeting at 7:57 p.m.

Respectively Submitted,

Rita K. Foil
Clerk to the Board