

MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
MAY 15, 2000 – 7:00 P.M.
COMMISSIONER'S MEETING ROOM, ADMINISTRATION
BUILDING

Present: J. Newton Cohen, Chairman
Steve Blount, Vice-Chairman
Arnold Chamberlain, Member
Frank Tadlock, Member
Dave Rowland, Member

The County Manager, the Clerk to the Board, The County Attorney and the Finance Director were present.

Chairman Cohen called the meeting to order at 7:15 p.m. Commissioner Chamberlain provided the Invocation and a visiting Boy Scout member provided the Pledge of Allegiance.

Chairman Cohen recognized Boy Scout Troop # 448, Scout Master Jack Kepley and Assistant Scout Master Ed Norvell.

ADDITIONS:

- Commissioner Chamberlain requested to add a Resolution for a turn lane at East Rowan High School
- Commissioner Chamberlain also asked to add a Proclamation announcing Emergency Medical Services Week
- County Manager Tim Russell added an issue concerning Vocational Opportunities
- County Attorney John Holshouser stated that there would need to be an Executive Session to discuss a legal issue.
- Commissioner Blount asked to address a concern about the school supply funding.

PROCLAMATION DESIGNATING EMERGENCY MEDICAL SERVICES WEEK:

Commissioner Chamberlain read from a Proclamation declaring May 14, 2000 through May 20, 2000 as Emergency Medical Services (EMS) Week, emphasizing that approximately two-thirds of all emergency medical services providers are volunteers. Whether career or volunteer, EMS workers engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills.

Commissioner Chamberlain presented the Proclamation to Beth Connell, EMS Manager, acknowledging appreciation for all the hard work and dedication that the Rowan County EMS provides for the citizens of Rowan County.

RESOLUTION ESTABLISHING A TURN LANE AT EAST ROWAN HIGH SCHOOL:

Commissioner Chamberlain expressed the need for a turn lane at East Rowan High School (ERHS) to address the increasing amount of traffic, which turns left across Highway 52 into the parking lot near ERHS.

By passing a resolution, Commissioner Chamberlain explained that the Board is endorsing this effort in establishing a turn lane at ERHS.

CONSIDERATION OF THE CONSENT AGENDA:

Commissioner Blount moved to approve the Consent Agenda as submitted. Commissioner Tadlock seconded and the motion carried by a unanimous vote.

The Consent Agenda consisted of the following:

- A. Approval of the 5/1/2000 minutes
- B. Resolution in Support of Extending Passenger Rail Service to Asheville, NC
- C. Amendment to Commissioner's meeting of 10-7-1996, addressing the "Noise Ordinance"
- D. Amendment to Commissioner's meeting of 3/15/1999 addressing Board Appointments
- E. Approval of JCPC programs
- F. DOT request that St. John's Drive be added to the Secondary Road System for maintenance
- G. Budget Amendments
- H. Approval of Audit Services for FYE June 30, 2000

PUBLIC COMMENT PERIOD:

Chairman Cohen opened the Public Comment Period for those in attendance that wished to address the Board.

1. Bill Owens, addressed the Board concerning gaining cable television access for Public, Educational, and Governmental programs to enable better communication throughout the community. He cited the recent poor turnout for the elections as an example for a better communication network throughout our county. Mr. Owens stated that he would like to form a committee, of which he volunteered to be a member.
2. Ashley McManus, spoke to the Board about her concerns about keeping the I-85 corridor for industrial growth. Ms. McManus cited the disadvantages keeping this section along I-85 for industry. She pointed out the increase of people, traffic and pollution that would come with bringing industry into this area. She stressed the need for preserving our land and the appreciation she has for this area.

PUBLIC HEARING FOR CUP-3-00, REQUEST FROM SBA TOWERS:

Ed Muire, from the Planning Department, gave the Board an overview of the conditional use permit application from SBA Towers, for the location and construction of wireless communication sites in a Rural Agricultural (RA) district. Staff recommended conditional approval.

Eddie Moore and Brad Lagano from SBA Towers stated that space was not available on nearby towers and Paul Strother from AT&T, explained that AT&T's technology is different from other services, because they require towers to be closer together. Mr. Strother also showed the Board maps, pointing out the locations of the proposed cell towers. Chairman Cohen expressed with humor "so that's why I can't call my wife".

Commissioner Rowland questioned the number of towers already in existence, which are not currently being used. Commissioner Chamberlain stated that, by turning down the request, this would force advancement of AT&T's technology and stop the vicious cycle of erecting more towers.

Chris Butler, from SBA Towers, confirmed that they have met all the requirements to comply with the Rowan County Zoning Ordinance.

Chairman Cohen opened the public hearing to entertain comments.

1. Bob Cruish from Mt. Ulla expressed his concerns to the Board about the number of towers that already exist in this area. He stated that in the northern cities there are not many towers, but in Rowan County they “stick out like porcupines”.

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

Commissioner Blount agreed with Commissioner Chamberlain for the need to stop the number of towers being erected. However, Commissioner Blount emphasized that Rowan County has a Zoning Ordinance and SBA Towers did follow all the rules for approval.

Commissioner Rowland made a motion to deny the request from SBA Towers. Commissioner Chamberlain seconded the motion for the purpose of discussion.

The motion carried to deny the request by a 3/2 vote, with Commissioners Blount and Tadlock voting against the motion.

Commissioner Blount made a motion to enact a 90 day moratorium to accept no new applications for towers. If any applications have already been received, permission would be granted to complete those request. Commissioner Tadlock seconded and the motion carried.

Chairman Cohen asked that any maps shown in the future should have Rowan County outlined on them.

Mr. Brown again emphasized that they had met all conditions.

TEMPORARY USE REQUEST FROM LINNET YATES:

Ed Muire reported to the Board that a request was received from Mr. Linnet Yates to construct a forty-foot by sixty-foot metal building for personal storage on a parcel of land on Long Ferry Road with no road frontage. Mr. Linnet plans to build a residence on the property directly in front of this parcel, which does have road frontage. Mr. Yates plans to construct this residence within the next twenty-four months, which will make this building a conforming use as an accessory structure and would be in compliance with the zoning ordinance. Staff recommended approval of the request.

Commissioner Blount made a motion to approve the temporary request for a maximum period of 24 months. Commissioner Chamberlain seconded and the motion carried unanimously

PUBLIC HEARING FOR Z-9-00, RA TO MFR, REQUEST FROM L.G. BEAVER CONSTRUCTION COMPANY:

Ed Muire presented the Board with a report on a request from L. G. Beaver Construction Company, Inc. to change a zoning designation from RA to Multi-Family Residential (MFR) for a 7.6 acre tract with 150-feet of road frontage along Airport Road and also bordering Grants Creek for approximately fifteen hundred-feet. The majority of this tract lies within the 100-year flood plain of Grants Creek. The request would shift the required fifty-foot buffer from its positions on lots 1-14, which are parcels owned by Mr. Beaver in an adjacent MFR district, to the area paralleling Grants Creeks. Mr. Beaver's request is to bring all his property, in this area, into the same zoning.

Mr. Muire reviewed with the Board the rezoning request, emphasizing that, according to the Rowan County Floodway Ordinance, construction is allowed in the flood plain when flood-proofing measures are used. The requirement is for the finished floor elevation of the dwelling to be one-foot above the 100-year flood elevation. Mr. Muire stated that without this rezoning, this would result in the potential loss of lots 6-13 in the adjacent MFR district owned by Mr. Beaver.

Mr. Muire explained that the area west of Grant's Creek is a mix of multi-family housing and single-family residences and stated that at the Planning Board Meeting, several residents from the Stonybrook, Homestead Hills and Kings Forest subdivisions spoke against the rezoning citing problems with increased traffic, concerns about the populations in area schools, environmental impacts and the appearance of unsightly conditions of multi-family units in the area.

The Planning Board Voted 6-4 against the request.

Mr. William Brown, the Vice-President of Development & Acquisition for L. G. Beaver's Company, passed out topographic maps of the area for the Commissioners to review. Mr. Brown explained the plans to construct two-bedroom, two-bath townhouses to sell and to rent. About seven acres will be part of the Grants Creek Greenway and work is in the process with Yadkin Pee Dee River to place this area in the Land Trust. Mr. Beaver expressed that he is offering affordable housing and feels that this will enhance the area.

Chairman Cohen expressed his concern about the flood plain, referencing the recent disaster caused by Hurricane Floyd.

Chairman Cohen opened the public hearing to entertain comments.

1. Michael Miller, from the Stonybrook subdivision, presented pictures to the Board showing his house under water, which he stated has happened three times since 1990. Mr. Miller expressed his concern that if the flood plain is altered, it will affect his property.
2. Sue Pinkston, resides beside Mr. Miller in the Stonybrook subdivision, expressed her concerns about the increase of students, crime and also the increased potential of flooding behind her property, if the request for rezoning is approved.
3. Phillip Rafferty, a resident of Stonybrook, also expressed his concerns about the increase of crime that this rezoning would bring to this area. Mr. Rafferty questioned who would buy these homes. He voiced his concern about the flood zone. Mr. Rafferty's home is not in the flood area but he is concerned about his neighbors and about the effect of the property value of the homes in this area.
4. Gail Marsh, landowner of property behind the Homestead Hills subdivision, expressed her concern that this is a flood area and she is unable to acquire flood insurance. She also expressed concern for the appearance and the increase of students and traffic in the area. Ms. Marsh stated that she felt Hispanics would be purchasing this property and with the language barriers, they would not be able to understand that this is in a flood plain and that they cannot get flood insurance.
5. Don Pruett, a resident of the Kings Forest subdivision, stated that he supports his neighbors in Stonybrook and asked the Commissioners to "protect us".

Chairman Cohen closed the public hearing.

Commissioners discussed the complexity of the builder verses the concerns of the residents and the concerns in general for building in a flood plain. Commissioner Blount stated that construction of the development could not be stopped if rezoned. However, Commissioners must approve site plans.

Commissioner Chamberlain made a motion to deny the rezoning. Commissioner Blount seconded and the motion carried by a 4/1 vote, with Commissioner Tadlock voting against the motion.

Commissioner Blount asked for staff to come back with recommendations on flood plain building.

Chairman Cohen called for a break at 9:30 pm

Chairman Cohen reconvened the meeting at 9:45 pm.

ROWAN COUNTY ADULT CARE HOME AND COMMUNITY ADVISORY COMMITTEE ANNUAL PRESENTATION:

Linda Miller, the Ombudsman from Centralina Council of Government (COG), recognized the Rowan County Adult Care Home and Nursing Home Community Advisory Committee members, which are all volunteers appointed by the Commissioners. Ms. Miller that these volunteers should receive the credit they deserve in their commitment to these committees. She continued to inform the Board that they are required to attend 15 hours of training. The volunteers visit homes, in teams of three, bringing gifts, activities and any assistance they can. She added her appreciation for the help and assistance provided by the Rowan County Senior Services and the Rowan County Department of Social Services. Ms. Miller presented the Board with an annual report of each committee, emphasizing the large area and number of people, which are reached through these committees.

Commissioner Chamberlain expressed to the volunteers that they are heroes and they are appreciated. Commissioner Tadlock confirmed the great job they are doing and the group in attendance gave a round of applause to the volunteers.

I-85 UPDATE FROM PUBLIC WORKSHOP:

Marion Lytle, from the Planning Department, summarized the findings of a recent workshop conducted to gather public input on the I-85 Study Area II. Mr. Lytle informed the Board that approximately one-hundred people attended the workshop and thirty-nine completed the comment forms, which Mr. Lytle handed out to the Commissioners. Eight of the thirty-nine people who commented were against changing the zoning to industrial.

Commissioner Blount pointed out the comments concerning keeping the area agricultural, stating that he would agree to keep the area agricultural, if

there were a zoning for agricultural only. Commissioner Blount stated his concern that the land not be sold for residential.

Staff was instructed to proceed with the study and return with recommendations.

REVISED FEE SCHEDULE FOR HEALTH DEPARTMENT SERVICES:

Leonard Wood, Health Department Director, reviewed with the Board the revised fee schedule, which was approved by the Board of Health for presentation to the County Commissioners. Mr. Wood explained the changes in the fees for the Rowan County Environmental Health Department, emphasizing the proposal to collect the residential fees up front. Mr. Wood pointed out the addition of the pool/spa and tattoo parlor inspections. Mr. Wood also explained the changes in the fees for the Rowan County Animal Control Department.

Commissioner Blount asked what percentage of collection of the fees is expected. Mr. Wood stated they would like to have a write-off of three and one-half to four percent, but he did not have an exact figure to present

Commissioner Blount made a motion to approve the fee adjustments as presented. Commissioner Tadlock seconded and the motion carried unanimously.

PROPOSED POLICY-VEHICLES AND EQUIPMENT:

Tim Russell, County Manager, presented to the Board a proposed Vehicles and Equipment Policy, stating that the purpose is to establish policies and procedures for all Rowan County Departments and agencies to follow regarding motor vehicles. Mr. Russell emphasized that the primary intent of the policy is to coordinate the purchase, maintenance and disposal of the fleet of county-owned vehicles while ensuring compliance with all legal statutes regarding political use.

Commissioner Blount questioned personal use of county vehicles, asking if this would include driving vehicles home. Mr. Russell stated that law enforcement would need to take the vehicles home and there needs to be some uniform usage with some flexibility that would be reasonable.

Commissioner Chamberlain stated that if a second job is in law enforcement and in uniform, that they should be able to use the car. If the second job was at McDonalds, then they should not be able to use the car.

Mr. Russell expressed caution about vehicles being donated to departments, to be sure that this will not become a liability for the county for upkeep and replacement and also any additional staff that may be needed due to the donation.

Commissioner Chamberlain expressed that the Sheriff's Department changed the uniform, which Mr. Russell explained that the cost came through concession fund money. Commissioner Chamberlain stated that there were questions about why the colors changed on the Sheriff's Department vehicles. Chairman Cohen stated that the changes are being made as new vehicles are being purchased. Mr. Russell stated that about 10 cars were changed to present the "look" and that money is budgeted to decal cars each year.

Commissioner Chamberlain expressed that he has a problem with telling the Sheriff's department what looks good on their car and that they should decide the design and the Board of Commissioners should approve the funding.

Chairman Cohen expressed that all county vehicles, if not marked Rowan County Sheriff's Department and/or EMS should have the County Seal on them.

Commissioner Chamberlain continued to state that he wants to "leave the Sheriff alone", and wants the decals and color of uniforms for the Sheriff's Department taken out of the policy, emphasizing that he is getting too many calls about this issue and that this is taking the Sheriff's mind off his job.

Mr. Russell is to bring back revisions on the plan and Commissioner Blount stated that he wants to leave the "advertisement" section of the policy, concerning the Sheriff's Department's decals, colors etc., to be left in the plan for now and that can be debated at a later date.

DISCUSSION ON BUDGET PROPOSAL & PROPOSED BUDGET REVIEW DATES:

Mr. Russell presented to the Board a plan to reduce the county budget by 4.5 cents on the property tax rate (63.5 to a 59 cent rate), which is in a response to the Board of Commissioner's motion made at the May 1,2000 Commission meeting. Mr. Russell stated that he is seeking direction from the Board and that he has approached this plan as a recession.

Mr. Russell explained that he has followed three steps to make this reduction in the tax rate. 1) Using natural growth revenues and recognizing mandated programs (Public Assistance) and Commission approved priorities (Schools).

2) Reducing continuation Budget by special appropriations made to special agencies. 3) Reducing county staff in all departments based on the number of department employees to the total county employment. Departments could submit a reduced operating budget in lieu of reducing staff positions. If there are reductions in department operating hours or coverage, this must be submitted for approval by the Board.

Mr. Russell stated that notification was received that the State Average Per Pupil Appropriations is substantially higher than estimated. As an example, Mr. Russell stated that with a tax reduction, the positions to be cut were approximately 42. This figure would climb between 70 to 140 county positions to be cut, with the new state figures.

Mr. Russell also explained that the number of county employees per citizen ratio is the lowest level of 11 other counties surveyed.

Commissioner Blount made a motion to ask the County Manager to come back with a no tax increase budget. Commissioner Tadlock seconded the motion for the benefit of further discussion.

Commissioner Tadlock expressed that the report presented by the County Manager is good information to have, but emphasized that it is not intended to threaten county employees or to put anything in jeopardy that is essential. In order to provide the citizens with the level of service they deserve, this cannot be accomplished with these cuts.

Mr. Russell stated that the State Average Per Pupil Appropriations for the proposed budget year, in dollar amounts, is an increase of 1.2 million dollars more than estimated. In order to stay within the available revenues, all but about \$200,000, of these revenues, will go to the schools. With no tax increase, there will be no cost of living and merit increases for county employees, no appropriations for the Rescue Squad or any other appropriations.

Mr. Russell reminded the Board that they voted not to use more than forty-percent of growth for the schools, if more funds are needed, they would look elsewhere and consider raising property taxes.

The motion previously made and seconded was unanimously approved.

ADDITION: SCHOOL SUPPLY FUNDING:

Commissioner Blount informed the Board that questions were being asked concerning restrictions on the teacher's school supply money, which is appropriated from the Commissioners.

After discussion among the Commissioners, it was decided that there were no restrictions placed on the money from the Commissioners, as long as the teachers remained employed in Rowan County. Mr. Russell was asked to contact Dr. Joe McCann to discuss this issue.

Chairman Cohen adjourned the regular meeting to go into the Closed Session to discuss a legal matter at 11:15 p.m..

Returning to regular session, Chairman Cohen acknowledged that no action was taken during the Closed Session.

Chairman Cohen adjourned the meeting at 11:25 p.m. and stated that it would reconvene at 9:00 a.m. on Wednesday, May 31, 2000 to begin the Budget Review.

Respectfully Submitted

Rita K. Foil
Clerk to the Board