

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
JULY 10, 2000 – 7:00 PM
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 Finance Director and the County Attorney were also present.

Chairman Cohen called the meeting to order at 7:00 pm. Commissioner Blount provided the Invocation and Commissioner Rowland led the Pledge of Allegiance.

ADDITIONS TO THE MINUTES:

- County Manager Tim Russell made an addition to discuss setting a public hearing for the CP&L Incentive Package.
- Mr. Russell also added the unanimous road name changes to the Consent Agenda for Holt Drive and Hall’s Dairy Drive. This request was attached to Item #5 and should have been placed on the Consent Agenda.
- Commissioner Blount asked to have an Executive Session to discuss an Economic Development concern.

- County Attorney John Holshouser asked to have an Executive Session to look for direction on a legal issue.

COUNTY COMMISSIONERS SERVING AS THE ZONING BOARD OF ADJUSTMENTS:

Chairman Cohen asked Mr. Holshouser if it were improper for the Board of Commissioners to serve as the Zoning Board of Adjustments. This concern was in response to the recent questions raised by the Rowan County Planning Board. Commissioner Blount stated that he was in attendance at the Planning Board meeting when the issue was addressed. Planning Board members questioned if the County Commissioners were allowing their personal opinions to interfere with their ability to make “zoning” work in Rowan County and if this interference could be setting up the County for legal challenges. In response to a question by Commissioner Chamberlain, Mr. Holshouser stated that it was not unusual for the Board of Commissioners to serve as the Zoning Board of Adjustments and they are doing nothing improper or illegal.

ADDITION TO THE AGENDA / PUBLIC HEARING FOR CP&L INCENTIVE PACKAGE:

Mr. Russell explained to the Board that a resolution was passed in September 1999 by the Commissioners that outlined the County’s intentions to provide financial assistance to CP&L in its proposed construction of an electrical generating facility in Rowan County. A public hearing is required, according to the NC General Statutes, for any proposed financial incentive plans. This incentive package with CP&L was inclusive of Phase I, which was prior to any knowledge of a waterline being needed in the south area.

Commissioner Rowland stated that, since it appears the City of Salisbury will be supplying the water for CP&L, he was not willing to agree to the incentive package. He continued to state that the agreement with CP&L was under the pretense that most of the incentive money would go towards the waterline from the Yadkin River, out Highway 70 to Kannapolis, then to Landis. This would take care of the southern part of the County.

Commissioner Blount explained that the agreement with CP&L was that if the plant came to this area, the Commissioners would agree to certain economic incentives. At that time, it was expressed to CP&L that the County would like to take this opportunity to extend water. However, Commissioner Blount stressed that the agreement for Phase I did not require any water to be drawn from the Yadkin River.

Chairman Cohen stated that he thought the initial agreement was for the County to furnish the raw water to CP&L. He continued to express that this issue needed to be negotiated with CP&L. Commissioner Rowland concurred.

Commissioner Chamberlain suggested putting the public hearing off until negotiations with CP&L could take place; or the public hearing could be set with an agreement *not* to vote on the incentive package after the hearing. Commissioner Tadlock suggested postponing the vote until negotiations take place to see exactly “what’s on the table”.

Commissioner Blount reiterated that the Commissioners are sending a dangerous message by not scheduling the public hearing.

Chairman Cohen expressed that the Board should be thinking about Landis, China Grove and Kannapolis having adequate water in the future.

Commissioner Chamberlain made a motion *not* to set a public hearing for the CP&L incentive package at this time. Commissioner Rowland seconded and the motion carried 4/1 with Commissioner Blount voting against the motion.

CONSIDERATION OF CONSENT AGENDA:

Commissioner Blount made a motion to approve the Consent Agenda, with the addition of the two (2) unanimous road name changes for Holt Drive and Hall’s Dairy Drive. Commissioner Tadlock seconded and the motion carried unanimously.

The Consent Agenda consisted of the following:

- A. To approve the minutes of the 6/19/2000 meeting.
- B. To adopt a Resolution for the Law Enforcement Mutual Aid Agreement.
- C. To approve a NCDOT request to add Sportsman Drive to the Secondary Road System for maintenance.
- D. To approve a NCDOT request to add Sailboat Drive & Boating Terrace to the Secondary Road System for maintenance.
- E. To approve a NCDOT request to add Cold Water Creek Road to the Secondary Road System for maintenance.
- F. To approve a NCDOT request to add Bonaventure Drive Extension, McIntosh Lane, & O’Leary Court to the Secondary Road System for maintenance.
- G. To accept the letter of credit and release from Jim Thabet, S-8-00.

PUBLIC COMMENT PERIOD:

1. Terri Hess spoke to the Board of her concerns about someone being considered for a board appointment. Without mentioning any names or boards, Ms. Hess questioned the dedication of this individual by mentioning a history of sporadic attendance on past committees. Ms. Hess cited examples of reports not being prepared in a timely manner, refusal to meet with an Audit Committee concerning questions raised about checks that this individual had written and also an incident in which this individual hung-up on her during a phone conversation. Ms. Hess expressed concern that this appointment would be for three (3) years, without a “check and balance” in place. She continued to state that a parallel between previous elected positions, which this individual has held, should be studied for effectiveness, dedication and commitment. Ms. Hess added that it took one year to take care of a bill that this individual was responsible to pay.

Commissioner Chamberlain interrupted Ms. Hess by stating to the Chairman that this sounded like “character assassination”, based on hearsay, and she was out of order. Ms. Hess acknowledged that she could substantiate this information. Chairman Cohen instructed Ms. Hess to continue and cautioned her to only include information pertaining to Rowan County, which she stated that she had done.

Ms. Hess continued to explain that it took a motion made at a convention to pay the above-mentioned bill. Concern was also expressed that this individual is planning on running for sheriff and she questioned the possible conflict of interest.

Chairman Cohen interrupted Ms. Hess to ask Mr. Holshouser if she was out of order. Mr. Holshouser stated that he did not know if she was out of order but that the Chairman had a right to control the meeting and to *terminate or allow* anyone to continue to speak, at the Chairman’s discretion.

Ms. Hess stated that she would not continue, since she made her point in expressing her concern about this individual.

Commissioner Chamberlain asked Ms. Hess why she felt she needed to address the Board, since she had previously spoke with each one of the Commissioners personally and also asked her the purpose in making a public statement.

Ms Hess stated that she had not spoken with Commissioners Blount and Rowland and she wanted to make her opinion public since she had information of interest on this appointment.

2. Richard Shaver, who resides on Statesville Boulevard, addressed the Board on the issue of Cell Towers. He stated it appears that towers, “like it or not”, will exist. Mr. Shaver expressed that there is a need for towers and people cannot be denied this access. If there is a conflict of welfare and safety of citizens, the Board has the right to deny the permits for cell towers. Mr. Shaver asked the Board to protect the private airstrips and to place this language in the amendment.

Chairman Cohen stated that the Board would take Mr. Shaver’s remarks into consideration.

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

Mr. Holshouser briefed the Board on an earlier meeting he attended with Mr. Russell and Chairman Cohen and representatives from SBA Towers to receive additional information on an application for a cell tower.

Ed Muire explained that, at the discretion of the County Attorney, another public hearing was scheduled to consider additional information from SBA Towers to construct a telecommunications tower.

Those in attendance representing SBA Towers included Jonathan Yates, Attorney; Brad Lagano, Property Specialist; Chris Butler, Site Acquisition Manager; and Doug Ruwe, Manager from AT&T.

Chairman Cohen declared the public hearing open at 7:55 p.m., to entertain public comments. Those wishing to address the Board were as follows:

1. Jonathan Yates thanked the Board for allowing the presentation of this additional information. Mr. Yates apologized for the failure of SBA and AT&T engineers, at the previous public hearing, to give the necessary support for their request, but continued that they were prepared to show they have met all the obligations needed for approval.
2. Doug Ruwe presented a series of maps and mylar overlays to show the coverage areas and the locations that are needed. He emphasized that the tower they are requesting, is needed to provide coverage in the NC 152 and NC 153 intersection, with a portion lying in the Enochville area. He did express

that another tower would be needed for total coverage in the Enochville area. Mr. Ruwe stated that if the towers were no longer needed, they would be removed, according to the ordinance.

Commissioner Rowland expressed his opinion that the tower would detract from the area. A representative from SBA stated that an owner of a golf club on NC 152 had offered property on the golf course for placement of the tower. Commissioner Chamberlain expressed in astonishment that he would like to see proof of this offer.

There being no other speakers, Chairman Cohen closed the public hearing at 8:45 p.m.

In response to a concern from Commissioner Blount about approving this request during a moratorium, Mr. Holshouser stated that he felt since the initial request was prior to enacting a moratorium, it would be appropriate to proceed with this approval.

Commissioner Blount made a motion to approve the request from SBA Towers. Commissioner Tadlock seconded the motion for the purpose of discussion. Commissioner Tadlock made the following statements. First, he stated that the initial public hearing took place prior to the moratorium going into effect. Secondly, the height of the tower would allow for future co-locators to use the tower. And lastly, SBA Towers had met all the criteria for approval to construct the tower.

Commissioner Rowland stated that he had a serious problem with the differences in the two presentations by SBA. Commissioner Chamberlain stated that SBA admitted that they made a mistake and came here to rectify that mistake.

The Commissioners discussed the need to hire a technical consultant for future concerns.

Commissioner Chamberlain asked SBA officials to send a statement in writing, within the next 10 days, that Mr. Brian Johnson, an owner of the previously mentioned golf course, did indeed want this tower on the golf course. They acknowledged that they would try to get this statement.

The motion passed by a 4/1 vote, with Commissioner Rowland voting no.

**REPORT ON THE CRIMINAL JUSTICE PARTNERSHIP
PROGRAMS FOR PRETRIAL SERVICES AND SUBSTANCE ABUSE:**

Superior Court Judge Larry Ford, Chairman of the Criminal Justice Partnership Program (CJPP) Board, thanked the Commissioners, Tim Russell, Ken Deal and all the staff for completing the new courtrooms and the assembly room. He stated that the jurors have been very appreciative. Judge Ford explained that the CJPP Board received \$136,000 in state grant money that went to establishing the Substance Abuse and the Pretrial Services Programs. Judge Ford acknowledged the hard work of Mr. Russell in putting these programs together and also the “marvelous” job of the CJPP secretary, Carolyn Athey.

Angie Banther, from Piedmont Behavioral Healthcare, presented the Board with a “Treatment Report” on the Substance Abuse Program from the beginning of the program on April 1, 2000 through June 30, 2000. This report listed the referrals received from probation officials and the actual number enrolled in the program.

Judge Ford stated that failure to complete this program is a “violation of probation”.

Ms. Banther reviewed those placed on Intensive Outpatient Level and Regular Outpatient Level. In total, 321 hours of Substance Abuse Treatment and 29 hours of Individual Therapy have been provided. In addition, referrals have been made to the Vocational Rehabilitation Center, the Literacy Program at the Library, and Pre-Intensive Case Management services have been provided.

“Buddy” Poplin, Pretrial Services Coordinator, acknowledged Mr. Russell’s foresight in the development of the Pretrial Services Program.

Mr. Poplin stated that he had developed the operating procedures and the forms and manuals for the program. The primary purpose of the Pretrial Services Program is to reduce the overall population of the Rowan County Detention Center, in order to maintain a reasonable population for the safety and well being of the employees and inmates. Mr. Poplin explained the criteria to select the inmates that qualify for the program and the interview process. Mr. Poplin reviewed the report from May 3, 2000 through June 30, 2000, explaining the number of interviews conducted, the number accepted into the program and the number of inmates rejected. This program also assists those who are able to make bond on their own. Mr. Poplin cited one inmate released with a serious medical condition, which would have cost the County \$5,900, if allowed to remain in the Detention Center. Mr. Poplin

stated, that for a two-month period, the grand total potential savings to Rowan County has been \$108,519.75.

Commissioner Chamberlain commented “WOW”, in response to Mr. Poplin’s report.

Judge Ford stated that two years ago the population in the jail was averaging about 220 inmates. That number is currently down to about 170 inmates.

Chairman Cohen informed the Board that the Pretrial Services Program has received the Ketner Productivity Award, which is a state award worth \$1,000.

Mr. Russell stated that when the numbers decrease in the Detention Center, safety increases. Also, the decreased number of inmates has deferred the expansion of the jail.

Leslie Earnhardt, Finance Director, added that three payments have been received for a total of \$120 from inmates for the return payment of bond premiums paid by the program.

PUBLIC HEARING FOR A ROAD NAME CHANGE TO RAINBOW VALLEY LANE:

Fredda Greer, from the Planning Department, informed the Board that Michael Hathaway petitioned for this road name change. This road is commonly known as Sullivan Street, although this is not the official name. The road is located in Atwell Township and is in the ETJ of Kannapolis. All property owners were notified and notices were posted according to the N.C. General Statutes. Staff supports this change to Rainbow Valley Lane.

Chair Cohen opened the public hearing at 9:15 p.m. for those who wished to address the Board for public comment. The following came forward:

1. Ruth Fesperman, a property owner in the area for 38 years, thanked the Board for hearing her. Ms. Fesperman stated that there was a survey conducted on November 28, 1940 and the road was named Sullivan. There are no other roads in Rowan County with this name. Ms. Fesperman expressed that she does not understand the change and that change is not always for the best.
2. Mike Hathaway, petitioner, stated that his house is located on Rainbow Drive. Sullivan Street is an unopened access. Mr. Hathaway’s driveway is located on Sullivan Street. He has opened

this access, which he also maintains. Mr. Hathaway prefers the name Rainbow Valley Lane for future development. Mr. Hathaway stated that the other property owner, who signed the petition, owns about 50 acres of adjoining land.

Chairman Cohen closed the public hearing at 9:35 p.m.

Commissioner Tadlock made a motion for the name Sullivan Street. Commissioner Rowland seconded and the motion passed by a 4/1 vote. Commissioner Blount voted “no”.

PUBLIC HEARING FOR CUP-5-00, A REQUEST FROM THE HENDRICK FAMILY:

Ed Muire, from the Planning Department, reported that Cynthia Hendrick, representing the Hendrick Estate, has presented a preliminary plat for subdivision of the A. C. Hendrick Estate. This proposed subdivision will create four (4) new tracts and also meets the conditional use criteria contained in the zoning ordinance. Therefore, Staff recommends approval of the four (4)-lot division of the A. C. Hendrick Estate.

Chairman Cohen declared the public hearing open, at 9:40 p.m. to entertain public comment. Those who came forward were as follows:

1. A. C. Hendrick explained that this was property of his father. They wish to divide this property into lots.

There being no others in attendance that wished to address the Board, Chairman Cohen closed the public hearing at 9:45 p.m.

Commissioner Rowland made a motion to approve the request. Commissioner Blount seconded and the motion carried unanimously.

EMPLOYEES OF THE MONTH – FREDDA GREER AND BECKY BOST:

Marion Lytle, from the Planning Department, informed the Board of the hard work of Fredda Greer and Becky Bost, both employed in the Planning Department. They both have recently completed a two-year certification program for Clerk Training. Mr. Lytle congratulated them for a job well done. Ms. Greer was recognized as employee of the month for June, and Ms. Bost was recognized as employee of the month for July. Chairman Cohen presented them with certificates and congratulated them on behalf of the Board.

CONSIDERATION OF THE OFFER TO PURCHASE TRACT 2 AND TRACT 3 FOR THE DAN STREET TOWER:

Mr. Russell, reviewed with the Board, the bids received for the sale of the old radio tower located on Dan Street near the Salisbury Mall on Jake Alexander Boulevard. The appraisal indicates that the property is valued at approximately \$132,000 to \$165,000. SBA Towers has submitted a bid for \$100,000. Mr. Russell acknowledged that it appears, from the previous public hearing for SBA, that they have already claimed this property. Mr. Russell recommended that the Board reject the bid.

Commissioner Tadlock made a motion to reject the offer from SBA Towers. Commissioner Rowland seconded and the motion carried unanimously.

AMENDMENT TO THE RESOLUTION TO ESTABLISH AN ORDINANCE TO LEVY TAX ON TERM LEASE OR RENTAL OF MOTOR VEHICLES:

Mr. Russell informed the Board that this amendment is allowing the Finance Department to collect this tax. This is very similar to the Hotel Tax that the Finance Department also collects. There are currently approximately 25 vendors in Rowan County that have been contacted. This may entail collecting the tax from the City as well as the County.

Commissioner Blount made a motion to approve the amendment to the resolution. Commissioner Tadlock seconded and the motion carried unanimously.

BOARD APPOINTMENTS:

Adult Care Home Community Advisory Committee:

Frieda Nikolai and Don Law were unanimously reappointed to this Board on a motion made by Commissioner Chamberlain.

Alcoholic Beverage Control Board (ABC):

Commissioner Blount nominated Frank Tadlock to this position and Chairman Cohen nominated Harry Welch, Jr. to this position. Commissioners Blount, Rowland and Tadlock voted in favor of Frank Tadlock. Chairman Cohen and Commissioner Chamberlain voted in favor of Harry Welch, Jr. Mr. Tadlock was appointed to the Board by a 3/2 vote.

Board of Social Services:

Commissioner Tadlock explained that the decision for this position would go to the Judge Larry Ford.

Centralina Workforce Development Board:

The Commissioners asked the Clerk to advertise this position in the paper, since no applications have been received.

City Of Kannapolis, Kannapolis Board of Adjustment:

The Commissioners requested that the City of Kannapolis submit names for an appointment. The Clerk will advertise, if there are no names submitted.

Rowan County Personnel Commission:

Fred Evans, Ann Fuller, Rick Eldridge and Ronnie Smith were unanimously reappointed to this commission on a motion by Chairman Cohen.

Criminal Justice Partnership Advisory Board:

Rose Cox was unanimously reappointed to this Board on a motion by Commissioner Tadlock.

Salisbury-Rowan Human Relations Council:

Elia Gegorek was unanimously appointed to the Council on a motion by Commissioner Blount.

Chairman Cohen moved the Board into Executive Session to discuss an Economic Development issue and for the County Attorney to seek direction from the Board on a legal issue.

Returning to Open Session, Chairman Cohen acknowledged that no action was taken during the Executive Session. There being no further business, Chairman Cohen adjourned the meeting at 10:45 p.m.

Respectfully Submitted,

Rita K. Foil
Clerk to the Board