

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS  
August 7, 2000 – 9:00 AM  
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 9:00 am. Commissioner Tadlock provided the Invocation and the Commissioners led the Pledge of Allegiance.

**ADDITIONS TO THE MINUTES:**

- Tim Russell, County Manager, requested to add to the Agenda an update on Level 3 and the current negotiation status.
- Mr. Russell also requested to have a closed session to discuss the purchase of property.

**CONSIDERATION OF THE CONSENT AGENDA:**

Chairman Cohen asked to have the Budget Amendments, item K under the Consent Agenda, explained by Leslie Earnhardt, the Finance Director. Ms. Earnhardt reviewed the following Budget Amendments:

- a. To establish a new budget for the March of Dimes Grant.
- b. To increase revenue and expense to cover the new tap onto the water system.
- c. From the Library Services to carry over gift funds to FY 2000-2001.
- d. From the Senior Services Department to adjust Title V to reflect FY 2001.
- e. To budget LLEBG block grant for the Rowan County Sheriff's Department.
- f. To carry forward funds for outstanding purchase orders.
- g. To remove amount budgeted as of July 1, 2000 for Community Relations Drug Enforcement, DARE program and the Explorer Scout Post. Funds will be budgeted as received.
- h. To remove amount budgeted as of July 1, 2000 for federal and state asset forfeiture funds. Funds will be budgeted as received.
- i. To reduce bulletproof vest grant to actual reward. There is a 50% county match.

In reference to the minutes from the July 10, 2000 meeting, Commissioner Chamberlain expressed that he did not receive any communication from Brian Johnson of Warrior Golf Club stating approval to locate a cell tower on their property. Ed Muire, from the Planning Department, confirmed that a letter was received and a copy would be sent to Commissioner Chamberlain.

Commissioner Rowland questioned the public hearing to be set for approval of the CP&L Incentive Package. Commissioner Rowland stressed his concern about the availability of water in the South Rowan area and expressed his concern about becoming dependent on the City of Salisbury. Commissioner Blount stated that water was not part of the Incentive Package and that there is also benefits in working with the City of Salisbury.

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

The Consent Agenda consisted of the following:

- A. Approval of the 7/10/00 minutes.
- B. Approval of the transfer of control of Cable operation from Benchmark Media to Adelphia Communications Corporation.
- C. Resolution to accept the state airport aid grant agreement for the funding of State Airport Aid Project 9.9963993.
- D. NCDOT request that Chippewa Trail be added to the Secondary Road System for maintenance.
- E. Set a Public Hearing for CUP-6-00, Benefield request.

- F. Set a Public Hearing for Z-14-00 Text Amendment and Z-15-00 Map Amendments for I-85 Study Area 2.
- G. Set a Public Hearing for Proposed Conditional Use District and Conditional Use Permit Procedure.
- H. Set a Public for Incentive Package for CP&L
- I. Approval of a unanimous road name change to Dalton Drive.
- J. Approval to purchase property by Piedmont Behavioral Healthcare.
- K. Approval of Budget Amendments.

**PUBLIC COMMENT PERIOD:**

Chairman Cohen declared the Public Comment Period open to entertain comments from those who wished to address the Board.

Comments were received from the following:

1. Jim Stricker addressed the Board about the water level on High Rock Lake. Mr. Stricker expressed his concern over the public hearings that were held by Alcoa, to address the Shoreline Management Plan, and that there were no County Commissioners present at these hearings. Mr. Stricker emphasized his concern over the low water level and erosion and asked the Commissioners for their support.

Commissioner Blount informed Mr. Stricker that the Commissioners passed a Resolution and sent a letter to FERC (Federal Energy Regulatory Commission) addressing this issue. Therefore, it would be repetitious to attend the forums, since all the information was sent to FERC.

There being no other comments, Chairman Cohen closed the Public Comment Period.

**REPORT ON THE ROWAN COUNTY CHILD FATALITY PREVENTION TEAM:**

Leonard Wood, Health Department Director and Beth Connell, EMS Manager and Chairperson for the Rowan County CFPT (Child Fatality Prevention Team), presented highlights from “The Annual Report of the CFPT of Rowan County For Child Deaths in 1998”.

Ms. Connell reviewed the statistical information on the different causes of death among children emphasizing that SIDS (Sudden Infant Death Syndrome) remains the leading cause of death for infants.

Ms. Connell outlined the following goals and recommendations: an emphasis on improved access to prenatal care for all women; accident prevention, stating that the team has purchased child restraint seats for the low-income families; the encouragement of the expansion of service to the Hispanic Latino community and the benefit of bi-lingual employees to break the language barriers. CFPT also supports the restrictive drivers license laws and the new provisions about smoke detectors that affect landlords in public buildings.

Ms. Connell mentioned that CFPT works closely with the DSS (Department of Social Services) in the areas of assisting with the Child Abuse Task Force and will become more knowledgeable in the areas of community based efforts to reduce child abuse, neglect and fatality, and they would also support public awareness in these areas. Efforts are being made to improve and speed services to local children at risk.

Mr. Wood added that one of the goals of this team is to provide an Interpreter for the Health Department, the funds will come from the Smart Start program.

Referring to the Infant/Child Death Rate, Commissioner Blount asked for the National Statistics, which compare all the states, so that a clearer picture could be presented as to where Rowan County falls.

### **DISCUSSION OF MORATORIUM ON SUBDIVISIONS ALONG NORTH I-85:**

Marion Lytle, from the Planning Department, requested an extension of the Moratorium on subdivisions along North I-85 until after the public hearings for the Text Amendments and Map Amendments for the I-85 Study Area are conducted.

Commissioner Blount made a motion to extend the moratorium for 30 days. Commissioner Chamberlain seconded and the motion carried unanimously.

### **SNIA PERMIT APPLICATIONS FOR SNIA-1-00, SNIA-2-00 AND SNIA-3-00:**

Ed Muire, from the Planning Department, informed the Board that all three permit applications are industrial zoned property. The applicants and locations are as follows:

- SNIA-1-00 is from Craig Briggs and is located at 409 Performance Road, Mooresville, NC

- SNIA-2-00 is from Bob Blake and is located at 101 Performance Road, Mooresville, NC
- SNIA-3-00 is from Ron Hornaday and is located on Shinn Farm Road, Mooresville, NC.

Staff recommended approval of all three requests for development in the Coddle Creek watershed.

Commissioner Rowland made a motion to grant the three applications. Commissioner Chamberlain seconded and the motion carried unanimously.

### **REVIEW CELL TOWER ISSUES:**

Ed Muire reviewed the recommendations from the Rowan County Planning Board's "Committee A", which met to discuss the current zoning ordinance requirements and to develop recommendations for enhancing the application process for the locations of cell towers. Mr. Muire referred also to the July 6, 2000 meeting in which a representative from the NCACC (North Carolina Association of County Commissioners) met with the Board to discuss Cell Towers.

Mr. Muire reviewed the amendments, pointing out the process to encourage co-location and the steps required for this verification. Mr. Muire also reviewed the "Provisions for Tower Safety" and the height requirements, emphasizing that taller towers will be able to house more locators, where smaller towers may only be able to house one locator.

In regards to the "Retention of Consultants", Commissioner Chamberlain asked that the word "equally" be removed from the sentence referring to the expenses involved for consulting or professional services, which is to be borne by the County and the applicant.

Commissioner Rowland stated that it was obvious a consultant would be needed to assist with enforcing these regulations in determining if the tower is justified. Mr. Muire reviewed and discussed the following consultants and fees to be considered:

1. Paul Rosa
2. MetroSite
3. Monroe Telecom

Commissioner Rowland made a motion to extend the moratorium on Cell Towers for an additional 90 days. Chairman Cohen seconded and the motion passed unanimously.

The Board decided to postpone setting the public hearing for the text amendments on Cell Towers.

**AMENDMENT FOR CEDAR VILLAGE MULTI-UNIT DEVELOPMENT PLAN:**

Ed Muire reported that L. G. Beaver Construction Company, Inc. is requesting consideration of two amendments to the multi-unit development. The Board granted approval for this development on June 5, 2000. This company proposes to change the method of water supply from a municipal connection to a community system that is licensed by NCDENR (North Carolina Department of Environment and Natural Resources).

Also, the Board required that a 50-foot buffer to remain along the sewer easement. In order for the sewer line to obtain a positive flow, the sewer easement must disturb the buffer area.

William Brown, Vice-President of Acquisition and Development with the L. G. Beaver Construction Company, Inc., explained to the Board that the water change is due to cost estimates and there would probably be two wells needed for this area. Chairman Cohen stated that this area would lose the ability for fire hydrants and fire protection, but would be in the Locke Fire district. Plans are still in place to use the city sewer lines.

Staff recommends approving the request with the provision that the disturbed buffer area be reclaimed through plantings, etc.

Commissioner Blount made a motion to grant the request with the condition to replant any vegetation disturbed in the 50-foot buffer, where possible, and that staff would oversee this process. The motion died for lack of a second.

Commissioner Chamberlain made a motion to grant the request. Commissioner Rowland seconded and the motion passed by a 4/1 vote with Commissioner Blount voting “no”.

**SITE PLAN APPROVAL FOR EXPANSION OF LITTLE ACRES MOBILE HOME PARK:**

Lloyd Pace, Ordinance Enforcement Officer, presented the background on Little Acres, which is predominantly a rental Mobile Home Park. This consideration is for a five-lot expansion on Camp Road, which originally was not developed because the lots did not perk. June Goodman, the owner, has

been able to have these lots connected to the City of Salisbury water and sewer lines.

Commissioner Chamberlain made a motion to grant the request.  
Commissioner Rowland seconded and the motion carried unanimously.

**REQUEST FOR TEMPORARY USE TO CONSTRUCT A STORAGE BUILDING FOR HEAVY EQUIPMENT:**

Marion Lytle reviewed with the Board the request from the Laidlaws for the Temporary Use to construct a storage building for heavy equipment prior to the construction of the associated house.

Staff recommended approval of the Temporary Use for a period of one year, which is based on the contract to build the house in the near future.

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

**REQUEST FOR TEMPORARY USE TO MOVE A 1969 MANUFACTURED HOME:**

Marion Lytle reviewed with the Board the request from Mr. Herrin for a Temporary Use to move a 1969 Manufactured Home, on property he owns, to a different location on the same lot to allow for the construction of a single family dwelling. This dwelling is occupied by Narvie Kesler.

Staff recommends approval of the Temporary Use occupancy by Narvie Kesler until he no longer is using the structure.

Commissioner Chamberlain made a motion to approve the Temporary Use.  
Commissioner Tadlock seconded and the motion carried unanimously.

**DISCUSS CHANGING THE FIRST COMMISSION MEETING IN SEPTEMBER:**

Since the first regular meeting date in September falls on a County observed holiday, Commissioner Tadlock made a motion to change the meeting date and time to be on Tuesday evening, September 5, 2000 at 6:00 p.m.  
Chairman Cohen seconded and the motion carried unanimously.

**DISCUSSION OF PLANS FOR THE 300 BLOCK OF NORTH MAIN:**

Mr. Russell informed the Board that before work could begin in the 300 block of North Main Street, two actions must be taken.

Mr. Russell stated that the agreement with the seller of the Hometown buildings included, providing them with a six-month notice to the occupants in order to give them an opportunity to relocate, or to liquidate their business. Mr. Russell asked the Board to give approval for the six-month notice at this time.

Also, to request a six-month notice from the restaurant occupant in order for plans to continue to either renovate the building for the Magistrate's operations or to demolish the building to increase parking to this area.

Commissioner Blount made a motion to approve giving a six-month notice to these two occupants. Commissioner Chamberlain seconded and the motion carried unanimously.

**PROCLAMATION TO HONOR THE ROWAN COUNTY AMERICAN LEGION BASEBALL TEAM:**

American Legion Coach Jim DeHart and team members Dan Moore and Brian Hatley were called to come forward. Commissioner Chamberlain read to them the Proclamation that honors the team for their outstanding season and for the leadership they presented during their successful season. They were all congratulated by the Commission for their accomplishments.

**BOARD APPOINTMENTS:**

The Board addressed the following board appointments:

Adult Care Home Community Advisory Committee:

There was not an appointment made to replace Wendy Scuteri.

Alcoholic Beverage Control Board:

Commissioner Chamberlain made a motion to "table" the naming of a chairman on the ABC Board. The motion carried by a 4/1 vote with Commissioner Rowland voting against the motion.

Centralina Workforce Development Board:

No applications have been received for the public sector slot on this board. Chairman Cohen stated that the effort is to continue to find a replacement.

City of Kannapolis, Kannapolis Board of Adjustment:

No applications have been received to fill the vacancy on this board. The City Clerk of Kannapolis is to seek names from the Mayor and Council members.

Salisbury-Rowan Human Relations Council:

Chairman Cohen was appointed to serve as the County Commissioner representative on this council.

Charlotte Regional Partnership:

Paul Fisher was reappointed unanimously on a motion made by Commissioner Blount.

Rowan County Housing Authority:

K. Eric Beaver was reappointed unanimously on a motion by Commissioner Blount.

**ADDITIONS:**

Mr. Holshouser gave an update on the negotiations received from Randy Reamer, Attorney for Level 3. Level 3 is considering the \$12.00 amount per foot to each Rowan County landowner with a pending action, if the County would execute a Right-of-Way and Easement Agreement.

Commissioners discussed the agreement and requested to have clarification to state that there will be no additional pipes, conduits or lines of any kind placed across the property. The Commissioners were in agreement that Level 3 could do whatever they want within the existing 10-inch conduit, but not outside.

Mr. Holshouser said he would convey this decision to Mr. Reamer.

Commissioner Chamberlain made a motion to have a break and then to go into Executive Session to discuss the purchase of property.

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 12:05 p.m.

Respectfully Submitted,

Rita K. Foil  
Clerk to the Board