

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS  
October 16, 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 Chamberlain provided the Invocation and Commissioner Blount lead the Pledge of Allegiance.

**ADDITIONS TO THE AGENDA:**

- Mr. Russell requested to add the approval of an Advisory Board for a proposed Local Law Enforcement Block Grant (LLEBG).
- Mr. Russell requested a Closed Session to discuss an Economic Development Issue.
- Commissioner Blount requested to update the Board on a recent NCACC State Board meeting.

**CONSIDERATION OF THE CONSENT AGENDA:**

Commissioner Tadlock made a motion to approve the Consent Agenda as submitted. Commissioner Blount seconded. Mr. Russell explained that the Health Department **Client Fee Schedule Update** was added to the Budget Amendments and should be a separate item on the Consent Agenda. Upon this clarification, the motion carried unanimously.

The Consent Agenda consisted of the following:

- A. Approval of the minutes for the 10/02/00 Commission meeting.
- B. Approval of the NCDOT request for Rosebud Place to be added to the Secondary Road System for maintenance.
- C. Approval of the NCDOT request for Arcadia Road Extension to be added to the Secondary Road System for maintenance.
- D. Approval of the NCDOT request for Elizabeth Avenue to be added to the Secondary Road System for maintenance.
- E. Approval of the NCDOT request for Willow Leaf Court to be added to the Secondary Road System for maintenance.
- F. Approval of the unanimous road name petition for Tom's Trail.
- G. Approval of the Resolution for bids for the Landfill Compactor.
- H. Approval of the Budget Amendments
- I. **Approval of the Client Fee Schedule Update.**

**PUBLIC COMMENT PERIOD:**

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

Mr. Jim Fremouw had previously sign up to address the Board concerning road signs, but was not in attendance.

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

**PUBLIC HEARING FOR Z-18-00, A REQUEST FROM GERALD HERRIN FOR A REZONING FROM MHP TO RA:**

Marion Lytle, from the Planning Department, reviewed with the Board the previous Temporary Use Permit to Gerald Herrin, which was approved by the Board of Commissioners on August 7, 2000. This permit was to move a manufactured home in order to build a house beside the manufactured home.

Staff is recommending rezoning this area from MHP to RA to:

1. Rezone the property to a district that reflects its use.
2. Reduce the 50-ft. side yard setback in the MHP district to 10-ft. in the RA district. This would allow for the location of the proposed manufactured home without a variance.

This request was approved unanimously by the Planning Board.

Chairman Cohen opened the public hearing to entertain comments.

There being no one in attendance who wished to address the Board, Chairman Cohen closed the public hearing.

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

**PUBLIC HEARING FOR Z-17-00, A REQUEST FROM HUT STRICKLIN ENTERPRISES INC. FOR A REZONING RA TO IND:**

Ed Muire, from the Planning Department, explained to the Board the request from Hut Strickland Enterprises, Inc. for a rezoning from RA to IND on a 10.05-acre tract for the construction of a 42,000 square-foot motorsports racing facility. The property has 1164-feet of frontage along Caldwell Road and borders the southern back of Kerr Creek for 385-feet. Approximately .845 acres of the tract lies within the 100-year flood plain of Kerr Creek. A site plan was included in the Commissioner's packets.

Mr. Muire continued to evaluate the "Staff Report and Review", stating that the Planning Board conducted a courtesy hearing in August 2000. There were citizens present that spoke in favor and against the request. Prior to a decision by the Board, the request was withdrawn to resubmit a parallel conditional use request. The owner then decided to proceed with only the rezoning request. Mr. Strickland had concerns about being "locked-in" with a parallel conditional use.

The Planning Board had no recommendation since the vote was split, with 5 voting in favor of the request and 5 voting against the request.

The Planning Staff recommended against the request in rezoning.

Commissioner Rowland asked the Planning Staff who makes the decisions about the recommendations. Mr. Lytle responded that the whole staff decides and as the Administrator, he makes the final decision.

Commissioner Blount asked if the Planning Board would have voted unanimously for a conditional use request. Mr. Muire answered that the decision would have been more favorable.

In response to a question from Chairman Cohen, Commissioner Rowland stated that he sold Hut Strickland his home but did not sell the property in question for rezoning.

Chairman Cohen opened the public hearing to entertain comments.

Those choosing to come forward were as follows:

1. Terry Stevens, a neighbor, stated that he was opposed to the rezoning. He stated that “what you do with your own property” is not the issue. The issue is changing the zoning to IND from RA. Mr. Stevens questioned what would happen if the property were to be sold in the future or if the business were to fail.
2. Phyllis Hoffner, a resident of Hwy. 150, stated that she has “long roots” in the area being involved with dairy farming. Ms. Hoffner cited the distractions of “odor” that come from dairy farming. She stated that Hut Strickland wants to make an honest living and views the new facility as an “asset” to the area and supports the rezoning.
3. Jack Owens, Salisbury resident in construction, emphasized the perspective of “race shops”, stating that they are “upscale, state of the art” buildings and not large mechanical shops. Mr. Owens spoke about the value and resources that follow this industry, stating that this facility would be an asset to Rowan County and would add about 30 to 40 jobs within this industry.
4. Larry Graham expressed his concerns that the property to be rezoned was not conducive to farming. Mr. Graham continued to emphasize that Mr. Strickland had “gone by the procedures” and was offering a “state of the art” facility that would not emit any noise, smoke or odor.
5. Doug Bailey, a neighbor, informed the Board that he was “OK” with the conditional use request but not with a complete rezoning. Mr. Bailey warned that decisions made about the rezoning would set a precedent and affect everyone in Rowan County. Mr. Bailey stressed that he wants “peace and quiet” in the neighborhood and that this facility needs to be established in an industrial park.

6. Donnie Allison, father-in-law of Hut Strickland, stressed that the facility would not produce noise. Mr. Allison stated that if something were to happen to Hut Strickland, the family would take over the facility.
7. Darrin Wiggins, a neighbor, stated that he works in an area that has race shops and has found the engines to be “loud”. Rowan County has a Zoning Ordinance and asked the questions of “why change the zoning” and “do we stick by the ordinance or do we do away the ordinance”? Mr. Wiggins stated that there were industrial zoned areas within five miles that could be considered for placement of this facility.
8. Pat Allison, mother-in-law of Hut Strickland, spoke of the “first class” character of Hut Strickland and that the race shop could be the “crown jewel” of Rowan County. Ms. Allison stressed the increase in tax money and jobs for the County that this establishment would provide.
9. Amy Wiggins, neighbor and wife of Darrin Wiggins, voiced concern that this issue was not about being against the race shop, but against rezoning to IND. Ms. Wiggins expressed concern about disturbing the “peace and quiet” of the area and asked the Board to vote against the request and keep the area zoned RA.
10. Cynthia Hoffner, resident of Ketchie Road, re-emphasized that the issue was not the establishment of the race shop, but rezoning the area to IND. Ms. Hoffner sees the change in rezoning as producing a “domino affect”.
11. Mike Sherrill stated that he enjoyed racing, but described it as a “cut throat business”. Mr. Sherrill echoed that he was not against building the race shop, but against the rezoning to IND.
12. Murray Corriher stressed that the land was suitable for “building” only and not suitable for farmland. Mr. Corriher stated that the Ordinance was responsible for this. When “zoning” was passed, this took away property rights and became a “socialistic government by default”.
13. June Echelman expressed that she “strongly” supported zoning in Rowan County and she appreciates strict zoning. Mr. Echelman stated that farmers should be protected and strongly urged the Board to keep the zoning “in tact”.
14. Sue Stevens, a neighbor, reiterated that this issue is not about the establishment of a race shop, but an issue about zoning to industrial

and the future potential from this rezoning. Ms. Stevens stated that there would be the same tax if the shop were in an industrial area and asked the Board to deny the request.

15. Curtis Graham spoke and informed the Board that he sold the property to Hut Strickland. Mr. Graham thanked the Board for what they are doing and stated “rules were made to be changed”.

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

Commissioner Tadlock made a motion to table the request, in order to further study the impact of this request. Chairman Cohen seconded the motion.

Commissioner Blount stated that there were strong opinions and a large amount of information to consider. Commissioner Blount asked to consider the compromise of a conditional use.

Commissioner Rowland emphasized the need to “move on” with the request. Commissioner Rowland asked if this facility would work if it were rezoned to CBI. Commissioner Blount acknowledged that CBI zoning would also allow mobile home parks.

Commissioner Blount again stated that a conditional use with limitations and modifications to protect the neighbors and listing a range of uses that would be allowed should be considered.

Commissioner Rowland asked the Planning Staff to recommend other uses. Mr. Lytle stated that a distribution center would be allowed. Mr. Lytle emphasized that not having a sewer system limits the type of businesses that would be considered.

Chairman Cohen asked Hut Strickland if he would consider a conditional use. Mr. Strickland responded that considering the cost of construction for the building, he wants to do what is best to protect his investment. Mr. Strickland stated that he plans to keep the facility and pass it on to his family.

Chairman Cohen explained to Mr. Strickland that his motion could pass by a 3/2 vote or fail by a 2/3 vote and if the vote failed, it would be one year before he could request a rezoning. Chairman Cohen suggested that Mr. Strickland withdraw the request and resubmit another request. Commissioner Blount stated that Mr. Strickland could withdraw the request and work with staff on a conditional use.

Mr. Holshouser will define if another public hearing would be necessary before approval by the Board for a conditional use request.

Commissioner Tadlock withdrew his previous motion and Chairman Cohen withdrew his second.

Commissioner Rowland made a motion to table this approval until the next meeting so that staff and Mr. Strickland could meet and discuss the “uses” for his property and bring their suggestions back to the Board for a decision. Commissioner Tadlock seconded and the motion passed unanimously.

Chairman Cohen recessed for a break at 9:00 p.m.

Vice-Chairman Blount reconvened the meeting at 9:15 p.m. and announced that Chairman Cohen would not be present for the remainder of the meeting due to a family situation.

**EMPLOYEE OF THE MONTH FOR OCTOBER, DANIEL RYMER:**

David Boling, Information Systems Director, introduced to the Board, Daniel Rymer as October’s Employee of the Month. Mr. Rymer is the Network Administrator for the Rowan County Information Systems Department and has recently received his CISCO certification. Mr. Boling expressed what an asset Mr. Rymer is to the County and explained that the valuable skills and services he provides have resulted in a tremendous savings to the County.

**ADDITIONS: LOCAL LAW ENFORCEMENT BLOCK GRANT:**

Mr. Russell explained to the Board, two Local Law Enforcement Block Grants (LLEBG), for the years 1999 and 2000. These grants came to the attention of staff today, which total over \$80,000 and would require a 10 percent match from the County. Leslie Earnhardt and staff researched the requirements and Mr. Russell outlined the following procedures required of the Board.

1. To approve a local Advisory Committee consisting of Citizens in designated areas. A list of recommendations was handed out to the Board.
2. To present to the Board recommendations on allocations of funds from the two grants.
3. To conduct a public hearing and approve the LLEBG.

Commissioner Tadlock made a motion to approve the Advisory Committee. Commissioner Rowland seconded the motion.

Mr. Russell and the Board discussed the applications process and restraints on the allocations of funds. The Board will have the final word on the approval of the grant. It was stated that the 10 percent County match would come from the detainees telephone funds.

The motion passed unanimously.

**ADDITION: NORTH CAROLINA ASSOCIATION OF COUNTY  
COMMISIONERS (NCACC) STATE BOARD OF DIRECTORS  
MEETING:**

Commissioner Blount, a member of the North Carolina State Board of Directors, reported on the issue of the one-cent sales tax for public education, which was discussed at a recent State Board of Directors meeting. Commissioner Blount expressed the concern that the State Association does not recognize the importance of this issue and received the same concerns from Commissioners he spoke with at this meeting. Commissioner Blount informed the Board that the letter he wrote concerning this issue, which was approved at an earlier Commission meeting, will be mailed after the election to insure it reaches the right people.

Commissioner Blount recessed the meeting at 9:30 p.m. to go into Closed Session and stated that no action was anticipated.

Returning to Open Session, Commissioner Blount stated that no action was taken during the Executive Session and adjourned the meeting at 10:30 p.m.

Respectfully Submitted,

Rita K. Foil  
Clerk to the Board