

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
November 20, 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 and the Finance Director were also present.

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

ADDITIONS TO THE AGENDA:

- Commissioner Blount asked to add a discussion concerning the arrangements for the upcoming holiday parades.
- Mr. Russell requested to go into Closed Session to discuss an award to be presented.
- Mr. Russell requested a Closed Session to discuss an Economic Development Issue.

CORRESPONDANCE:

Commissioners reviewed a letter from Mr. George Little, the General Manager of Time Warner Cable concerning a new rate structure to be effective January 1, 2001. The current rate for the combined basic and

standard cable programming tiers is \$32.95 and will increase to \$34.60, including the addition of two new channels. Commissioner Rowland stated that he would still like to see the Board of Commission meetings on a cable channel.

CONSIDERATION OF THE CONSENT AGENDA:

Commissioner Chamberlain made a motion to approve the Consent Agenda with the exception of the Budget Amendment for a donation received from J.F. Hurley Foundation in the amount of \$50,000 listed under Item I. Commissioner Tadlock seconded and the motion carried unanimously.

The Consent Agenda consisted of the following:

- A. Approval of the minutes for the 11/06/00 Commission meeting.
- B. Approval of the Health Department Program Debt Write-Off;
- C. Approval of Surplus property and cars.
- D. Set a public hearing for a Special Consideration for a road name change of "Rollingwood Drive".
- E. Set a public hearing for the proposed road name change of "Sleepy Hollow Road".
- F. Approval of the Budget Amendments

Commissioner Chamberlain expressed appreciation for Jim Hurley in his donation of \$50,000 to restore and refurbish the Granite Quarry Depot, which is located at Dan Nicholas Park. The Parks staff will assist with this project.

Commissioner Chamberlain praised Jim Foltz, the Parks and Recreation Director, for his ability to successfully raise money for the Parks.

In addition, Commissioner Chamberlain mentioned that the Franklin-Ellis Pee Wee League raised \$5,000 to construct two bathrooms at Ellis Park.

Commissioner Chamberlain made a motion to approve this budget amendment. Commissioner Tadlock seconded and the motion carried unanimously.

PUBLIC COMMENT PERIOD:

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

1. Donna Jackson spoke to the Board about her concerns on the poor conditions of “trailer parks” comparing them to Third World Countries. Ms. Jackson emphasized the importance of improving these areas for the benefit of children and future generations. Ms. Jackson suggested that public containers, large enough to hold appliances and furniture, be placed at the parks. Ms. Jackson also suggested the use of “inmates” to maintain these areas.
2. Johnny Smith presented pictures to the Board of a 1973 model mobile home located on his property on Morgan Road. Mr. Smith requested permission for his son, daughter-in-law and their newborn baby to move into this home, emphasizing that if they do not move in at this location, they would have to go to county housing. (Mr. Smith’s request was heard at the Zoning Board of Adjustment’s (ZBA) meeting prior to the Board of Commission meeting. The ZBA rejected Mr. Smith’s appeal to the Zoning Administrator. Mr. Smith arrived late for the ZBA and was no able to speak at that time).

Commissioner Blount suggested to Mr. Smith that there are other options, which he could pursue, including seeking a variance for hardship reasons.

3. Elizabeth Smith, a resident of the Woodleaf area, appealed to the Board for a satellite Sheriff’s Office in the Western Rowan community to address the many problems in this area. Ms. Smith expressed that the presence of a Sheriff’s Office would do much to deter crime and the increase in drug problems. Ms. Smith suggested that some of the funding, which the County will receive through the Local Law Enforcement Block Grant (LLEBG), could be used to open this site. Ms. Smith also offered a building owned by her and her husband as a possible site

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

APPROVAL OF THE WORK FIRST PLAN FOR 2001-2003:

Sandra Wilkes, Director for the Department of Social Services (DSS), outlined the State Division of Social Services required guidelines and a plan that was developed through the community planning process involving organizations designated by the Board of Commissioners. This plan states how DSS will manage the Work First program in accordance with State requirements. Ms. Wilkes informed the Board that although DSS has been successful in getting people off welfare, a greater effort would be needed to meet the new goals.

Commissioner Blount made a motion to approve the Work First Plan for 2001-2003, subject to the approval of the DSS Board. Commissioner Chamberlain seconded and the motion carried unanimously.

PUBLIC HEARING FOR APPROVAL OF RECOMMENDATIONS FROM THE LLEBG ADVISORY BOARD:

Major Tim Bost, from the Rowan County Sheriff's Department, gave a review of the process for the LLEBG for Rowan County. The application is for two (2) grants for 1999 and 2000 with a total amount of over \$80,000. This funding will be used for digital imaging equipment and for laptop computers, which will be used to prepare field reports and search warrant affidavits, store and retrieve suspect's data, to receive driver's license information and to communicate on the statewide network. These are recommendations from the LLEBG Advisory Board.

Chairman Cohen declared the public hearing open to entertain comments on the proposed recommendations from the LLEBG Advisory Board.

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 recommendations from the LLEBG Advisory Board and to approve the budget amendment. Commissioner Tadlock seconded and the motion carried unanimously.

Major Bost thanked Chairman Cohen and Commissioner Rowland for the service they have provided to the community while serving on the Rowan County Board of Commission.

PUBLIC HEARING FOR Z-20-00, MHP TO RA, A REQUEST FROM JACK PHILLIPS:

Marion Lytle, from the Planning Department, reviewed with the Board a request from Jack Phillips for rezoning a portion of his manufactured home park to Rural Agricultural (RA), Tax Parcel 615-007 for the possible use of a greenhouse nursery operation.

Mr. Lytle informed the Board that Staff recommends approval of the request since the operation of the nursery is a compatible use with the surrounding area. The Planning Board was also in favor of the request.

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 Tadlock made a motion to approve the request. Commissioner Blount seconded the motion, which passed unanimously.

PUBLIC HEARING FOR CUP-10-00, A REQUEST FROM ARNOLD ABERNATHY:

Chairman Cohen reviewed the quasi-judicial procedural guidelines for the public hearing for CUP-10-00. This application request is from Arnold F. Abernathy to create a family subdivision in the CBI district.

The Clerk administered the oath to those who came forward to provide testimony in this case.

Ed Muire, from the Planning Department, presented the overview, explaining that the request is for Tax Parcel: 418-020 to be created as a family subdivision consisting of a two (2) acre tract. Mr. Abernathy will transfer this land to his son. Mr. Muire stated that staff recommends approval of the request. Mr. Muire presented a map to the Board (Exhibit B). A detailed map was included with the Commissioner's packets (Exhibit A).

A citizen in the neighborhood spoke in opposition of the request opposing a housing development and the increase in crime that would follow. This resident misunderstood the request. After Staff clarified the request, this citizen was no longer in opposition.

Commissioner Rowland made a motion to approve the request from Mr. Abernathy. Commissioner Chamberlain seconded and the motion passed unanimously.

PUBLIC HEARING FOR Z-17-00 -- CUP-8-00, HUT STRICKLIN REQUEST FOR RA TO IND (CUD):

Chairman Cohen reviewed the quasi-judicial procedural guidelines for the public hearing for Z-17-00 CUP-8-00. This is an application from Hut Stricklin to rezone the property denoted as Rowan County Tax Parcel 205-051 to IND (CUD).

The Clerk administered the oath to those who came forward to provide testimony in this case.

Mr. Muire reviewed with the Board that this application includes a site plan (Exhibit A), which was included in the Commissioner's packets. Mr. Stricklin is requesting a change in zoning from RA to IND for a 10.05-acre tract for the construction of a 42,000 square foot motor sports racing facility that would be located along Caldwell Road and border on the southern bank of Kerr Creek for 385-feet. If circumstances should warrant the sale of the property or building, Mr. Stricklin has agreed to limit the potential uses to seventeen (17) categories out of a potential one hundred and four (104) uses in the IND district. Mr. Muire reviewed these uses with the Board including the noise guidelines. Mr. Stricklin agreed not to exceed 55 decibels from 11:00 pm until 7:00 am and not exceed 70 decibels from 7:00 am until 11:00 pm.

Hut Stricklin reviewed with the Board that he would comply with the following:

- A. Adequate transportation to the site exists.
- B. The site will not significantly detract from the character of the surrounding area.
- C. Hazardous safety conditions will not result.
- D. The use will not generate significant noise, odor, glare or dust.
- E. Excessive traffic or parking problems will not result.
- F. The use will not create significant visual impacts for adjoining properties or passersby.

Darrell Wiggins, a neighbor, spoke in opposition to allowing the race shop in an agricultural and residential district. Mr. Wiggins stressed that if the Commissioners approve the request, they would be "scrutinized". He suggested that the Board should consider changing zoning regulations.

Doug Bailey, a resident on Caldwell Road, voiced his concern about the noise and his lack of knowledge in understanding decibel levels. Mr. Bailey also emphasized safety on the road. There is a bend in the road and Mr. Bailey questioned whether there would be enough time to slow down before coming to the entrance to the racing facility, especially for semi-trucks.

Commissioner Tadlock suggested reducing the speed limit in this area.

Terry Stephens, a resident of Caldwell Road, expressed his concern about the 17 uses that would still be permitted if this request were to be approved. Mr. Stephens voiced concern about the noise stating, "people retire early and get up early". He mentioned two (2) letters that he had written to Hut Stricklin, which there was no response. Mr. Stephens added that staff should try to get neighbors together for a discussion before a hearing takes place.

Amy Wiggins, wife of Darrell Wiggins, added that they would not have purchased their land had they know this racing facility would have come to their neighborhood. Ms. Wiggins would like the area to stay "rural".

Sue Stephens, wife of Terry Stephens, voiced her concern about zoning. She questioned, "if you're not going to abide by zoning, what's the point". Ms. Stephens noted that there are other areas near by that are zoned for this use.

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

Commissioner Chamberlain emphasized that there are 17 uses with this request not 104 and that everyone has the option of appealing if they so wish.

Commissioner Blount noted that the Board turns down as many requests as they approve and that the uses were narrowed down from 104 to 17 permitted uses to reach a compromise that meets everyone's needs.

Commissioner Rowland made a motion to approve the request with incorporating the noise levels of 55 decibels from 11:00 pm until 7:00 am and not exceed 70 decibels from 7:00 am until 11:00 pm. Commissioner Chamberlain seconded and the motion carried unanimously.

Chairman Cohen called for a break at 8:40 pm.

Chairman Cohen reconvened the meeting at 8:55 pm

RECOMMENDATIONS AND SETTING A PUBLIC HEARING ON THE PROPOSED CHANGES IN THE ORDINANCE REGULATING THE STORAGE OF MOBILE HOMES:

Mr. Lytle presented to the Board the revisions to the Manufactured Home Storage Ordinance to deal with the citizen concerns about abandoned and damaged mobile homes. Mr. Lytle informed the Board that staff had met with County Attorney John Holshouser to review the Ordinance and presented the changes. The changes included the “dead storage” of mobile homes, which would be allowed for up to 90 days, at which time penalties would be imposed starting with a warning citation, a first citation for the same offence would carry a fine of \$100. A second citation for the same offence would carry a fine of \$250. A third and subsequent violation for the same offence would carry a fine of \$500.

Mr. Lytle stated that this process would include detailed notification and enforcement.

Commissioner Blount made a motion to set a public hearing for the second meeting in December at a time designated by the Clerk. Commissioner Rowland seconded and the motion passed unanimously.

EXTENSION OF THE I-85 MORATORIUM:

Commissioner Blount made a motion to extend the I-85 moratorium for 90 days to allow this to be brought to the new Board after the New Year. Commissioner Chamberlain seconded and the motion carried unanimously.

REQUEST FROM THE EAST SPENCER BOARD OF ALDERMAN FOR A TRANSFER OF PROPERTY:

Mr. Russell informed the Board of a parcel of land in East Spencer that is jointly owned by the Town of East Spencer and Rowan County. In an effort to revitalize the town, the request is that Rowan County transfer their 47 percent ownership to the Town of East Spencer.

Commissioner Chamberlain made a motion for Rowan County to deed the 47 percent to the Town of East Spencer. If the Town of East Spencer will “non-profit” it, they will not owe Rowan County. If they “for-profit” it, they will give to Rowan County 47 percent of the appraised value of the lot, which would be a little over \$2,231.56. Commissioner Rowland seconded and the motion passed unanimously.

BOARD APPOINTMENTS:

The Town of Faith ETJ Board:

Vickie Miller was appointed unanimously as the ETJ representative to the Faith Zoning Board of Adjustment on a motion made by Commissioner Tadlock

There being no further business, Chairman Cohen adjourned the meeting at 9:15 to go into Closed Session at 9:40 pm to discuss an Economic Development issue and a discussion of an award to be presented.

Since Chairman Cohen left during the Closed Session, Vice-Chairman Blount convened the meeting to Open Session and adjourned at 10:00 pm.

Respectfully Submitted,

Rita K. Foil
Clerk to the Board