

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
May 21, 2001 – 7:00 PM
J. NEWTON COHEN SR. ROOM, ADMINISTRATION BUILDING**

Present: Steve Blount, Chairman
Gus Andrews, Vice-Chairman
Arnold Chamberlain, Member
Frank Tadlock, Member
Leda Belk, Member

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

Chairman Blount called the meeting to order at 7:00 pm.

Commissioner Chamberlain provided the Invocation and Commissioner Andrews led the Pledge of Allegiance.

ADDITIONS TO THE AGENDA:

- Chairman Blount requested to add to the agenda a budget item concerning school funding.
- Commissioner Chamberlain requested to add to the agenda a discussion concerning old business.

COMMISSIONER LIAISON REPORTS:

Commissioner Chamberlain informed the Board that a Committee is still meeting to discuss the security issues at the Courthouse and there will be more information concerning this issue at a later date.

Commissioner Tadlock reported that the Commissioner's trip to Raleigh, last week to attend the Legislative Briefing, was a big success and he thanked Tim Russell and Rita Foil for all the preparations. Commissioner Tadlock

reported about the rally, held outside the Legislative Building to ask for reimbursements to be returned to the local governments, was a “good effort”.

CONSIDERATION OF THE CONSENT AGENDA:

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

The Consent Agenda consisted of the following:

- A. Approval of the minutes of the 05/07/2001 Board of Commission meeting.
- B. Approval to set a public hearing for CUP-11-01, a request from Mr. Propst to subdivide in the CBI district.
- C. Approval of authorization to open a new checking account at CCB.
- D. Approval of the Budget Amendments.

APPEAL FROM BILLY RAY AND ADDIE BROWN CONCERNING A BURNED HOUSE:

Don Conner, Director of Environmental Services, reviewed with the Board the chronology of events concerning a burned house, located at 110 East 30th Street in Kannapolis and owned by Addie and Billy Ray Brown. Mr. Conner informed the Board that this house burned in 1996, with a fatality, and since this event, calls have been received from neighbors complaining about the abandoned remains of this structure.

After allowing for several extensions in the delay of demolishing the remains of the burned house, a hearing took place, at which time Mr. Conner determined that the house was damaged beyond repair and declared it a fire and safety hazard. Since there was no justifiable reason for any further delays in demolishing the house, the Browns were notified and ordered to remove the house within 60 days. The Browns were also notified that they had 10 days to appeal this decision to the Rowan County Board of Commissioners.

Ms. Foil received a faxed copy of a letter from Lillie Peebles, attorney, initiating an appeal. Ms. Foil notified the Browns that the appeal would be heard on May 21, 2001 at 7:00 pm.

The Browns were not present for this appeal. The Board asked if the letter informing them about this hearing was sent certified mail and the Clerk responded that it had not been mailed certified mail.

Mr. Russell informed the Board that neighbors had also contacted Congressman Mel Watt. Mr. Russell had been in contact with Congressman Watt’s staff, keeping them informed of the progress of this situation.

Commissioner Tadlock made a motion, based on the chronology presented, to affirm the decision of Mr. Conner. Commissioner Belk seconded and the motion passed unanimously.

The Board complimented Mr. Conner and his staff for their work in this matter.

**** After the Board took action on this appeal, Billy Ray and Addie Brown arrived at the Board meeting. Chairman Blount explained to the Browns that the hearing was scheduled for 7:00 pm and that the Board had made a decision to deny the appeal and the decision of the Board would stand. Ms. Brown explained that they experienced difficulty in locating the building and also that their concern was an insurance problem with the adjuster. Commissioner Tadlock stated that the decision of the Board is final.

PUBLIC HEARING FOR Z-09-01 FOR A REZONING FROM RA TO CBI:

Marion Lytle, from the Planning Department, gave the Board an overview of the request from James Anderson for a rezoning from RA to CBI. Mr. Anderson would like to sell his tract of land located on the east side of NC 801 Hwy to recoup his investment.

Mr. Lytle presented a staff review addressing:

- The relationship and conformity with existing plans and policies
- The consistency with this article
- The requested zoning districts purpose and intent
- The compatibility with all uses within the proposed zoning district classification with other property and conditions in the vicinity
- The potential impact on facilities such as schools, roads, utilities, etc.

Due to extraneous factors involved in this application, staff recommended approval of the request. The Planning Board held a public hearing and voted unanimously to recommend approval of the request.

Chairman Blount opened the public hearing to entertain comments.

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

The Board discussed concerns about the great number of uses that would be allowed if the request were to be approved and also the possibility of rezoning this area to IND versus CBI.

By consensus, the Board agreed to table this request and instructed staff to convey the Board's concerns to the applicant.

PUBLIC HEARING FOR Z-11-01 FOR ZONING TEXT AMENDMENTS TO CLAIRFY DUTIES OF THE ZONING ADMINISTRATOR:

Mr. Lytle reviewed with the Board that the proposed zoning text amendments addressing clarification on the Zoning Administrator's duties and definition.

Chairman Blount opened the public hearing to entertain comments.

There being no one present that wished to address the Board, Chairman Blount closed the public hearing.

Commissioner Chamberlain made a motion to accept the proposed text amendments. Commissioner Tadlock seconded and the motion passed unanimously.

PUBLIC HEARING FOR CUP-09-01 A REQUEST FROM GRADY OVERCASH:

Chairman Blount opened the public hearing and reviewed the case for CUP-09-01, a request from Grady Overcash to establish a 17-unit campground to the property located in the 800 block of Needmore Road. Chairman Blount reviewed the procedural guidelines for the public hearing.

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

Mr. Lytle presented the case for the County giving the Board background information on the request from Mr. Overcash and presented a site plan (Exhibit A) of the area. Mr. Lytle continued to state that Mr. Overcash owns a manufactured home park, which includes seven RV's at this same location. After staff received a complaint regarding the campground, an Ordinance Enforcement Officer investigated the site and issued a Notice of Violation to Mr. Overcash. Mr. Overcash responded by filing a conditional use permit application to establish a RV campground.

Mr. Overcash stated that the primary clients for the RV's are construction workers for CP&L, Entergy and KOSA. Mr. Lytle stated that the proposed plan met the following criteria requirements:

1. Minimum lot size
2. Setback
3. Density
4. Interior drives of 18 ft. with 6 inches of gravel
5. Parking
6. Screening and Buffering

Mr. Lytle also explained that the following specific criteria are required to be addressed by the applicant:

1. Adequate transportation access to the site exists
2. The use will not significantly detract from the character of the surrounding
3. Hazardous safety conditions will not result
4. The use will not generate significant noise, dust, odor, glare or dust
5. Excessive traffic problems will not result
6. The use will not generate significant visual impacts

Commissioner Andrews questioned the road measurements standards and voiced concern over the road regulations for RV Parks versus Mobile Home Parks. Mr. Lytle responded that the road in question was for the RV's and not for the Mobile Home Park and that if a Mobile Home were placed at this location, the standards would change. Mr. Lytle continued to state if another road were to come off of Needmore Road, another public hearing would be required.

The Board was also informed that each RV is not required to have a separate septic tank. The requirement is for one (1) septic tank for four (4) RV's. Mr. Overcash informed the Board that he is working with the Rowan County Health Department and will do "whatever it takes" to comply.

Chairman Blount closed the public hearing and asked for further comments from the Board or to entertain a motion.

Commissioner Andrews voiced concern over the statement from Mr. Lytle that reads: "this approval will allow continued operation of the park if sold".

Commissioner Andrews stated that he would move to approve the request if the Board would have the flexibility to come back and readdress this issue, if necessary.

Chairman Blount suggested that the approval also state that the conditional use permit would last only as long as Mr. Overcash owns this property.

Commissioner Tadlock seconded the motion. Chairman Blount stated that the motion was to allow the conditional use permit with the now "five" conditions. The Board agreed to the understanding of the motion, which passed unanimously.

FINDING OF FACT: The Finding of Fact is based on the following five conditions:

1. The existing spaces be brought up to building code and environmental health standards.
2. A category 1 buffer be placed along the front and on the south side of the property by November 15, 2001. This will allow the applicant to wait until planting season to landscape.
3. Noise generated (other than that required for maintenance and construction of the park) shall be unnoticeable at the property line.
4. The applicant obtain a commercial drive-way permit.

5. The conditional use permit will last only as long as Mr. Grady Overcash owns the property.

PUBLIC HEARING FOR PROPOSED ROAD NAME PETITION FOR PENNY LANE:

Fredda Greer, from the Planning Department, reviewed with the Board that Mr. Gary Goodman applied for a permit and discovered that the road, where the new residence is to be placed, was not named. Mr. Goodman led this petition, which three out of five property owners signed. The proposed name of “Penny Lane” is located east off of the 600 block of Ned Marsh Road.

Chairman Blount opened the public hearing to entertain comments.

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

Commissioner Tadlock made a motion to grant the request. Commissioner Chamberlain seconded and the motion passed unanimously.

PUBLIC HEARING FOR PROPOSED ROAD NAME PETITION FOR BURCHETTE DRIVE:

Ms. Greer reviewed the request for the proposed road name of “Burchette Drive”, which is located east off of the 200 block of Country Place Drive. This unnamed road was discovered during a permit request from Bobby Burchette. Mr. Burchette is the petition leader and seven out of nine names were received.

Chairman Blount opened the public hearing to entertain comments.

There being no one present that wished to address the Board, Chairman Blount closed the public hearing.

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

PUBLIC HEARING FOR PROPOSED ROAD NAME PETITION FOR HAMBY WAY:

Ms. Greer reviewed the request for the name change of the road Crosby Street to Hamby Way. There is currently a Crosby Street within Rowan County. Five out of nine owners signed the petition, which Ms. Hamby is the petition leader. This road is located N/S off of Crossridge Avenue. Ms. Greer informed the Board that all property owners were notified and in order for the petition to be brought before the Board for a public hearing, fifty percent, plus one, are required to sign the petition for a road name change.

Chairman Blount opened the public hearing to entertain comments.

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

Commissioner Belk made a motion to approve the road name change request. Commissioner Andrews seconded and the motion carried unanimously.

PUBLIC HEARNG FOR Z-08-01 FOR AMENDMENTS TO THE NUISANCE SECTION OF THE ZONING ORDINANCE:

Ed Muire, from the Planning Department, presented the staff report, stating that the Board recommended, at the last Commission meeting, to have staff return with additional options for consideration for obtaining sound level measurements. Mr. Muire explained Options A, B and C under Section 1 (c) of the proposed text amendments as well as the revised definitions.

Chairman Blount opened the public hearing to entertain comments on the proposed text amendments for mining and manufacturing industries.

There being no one present that wished to address the Board, Chairman Blount closed the public hearing.

The Board discussed the decibel levels and the difficulty of being at the site for the specified period of time necessary to read the levels. It was stated that go-carts would also be governed by this ordinance.

The Board discussed at length the concern of where to measure the noise, by looking at options A, B and C.

Commissioner Belk made a motion to approve Option C of the proposed text amendment. Commissioner Chamberlain seconded and the motion carried unanimously.

PRESENTATION OF PROPOSED RACE TRACK REGULATIONS:

Mr. Lytle presented the staff report and reviewed the proposed additional requirements for racetracks, which include lot size, location, lighting, setbacks, security fencing, buffers, hours of operation, muffled race vehicles and noise standards. Staff recommended that racetracks be made conditional uses in the CBI and IND districts based on the above additional requirements.

The Board discussed the noise standards and the use of mufflers on the vehicles. Chairman Blount suggested revising the section on “Noise Standards” to read: “The operation of the track will not exceed the maximum allowable noise levels as provided in this ordinance or the County Noise Ordinance”.

Commissioner Andrews suggested to allow parking up to 100-feet from the adjacent property lines and the track should be a minimum of 300-feet from adjacent property lines.

The Board requested to run these changes through the Planning Board and return to the Board with the proposed text amendments.

PRELIMINARY DISCUSSION ON LANDMARK COMMISSION:

Chairman Blount asked the Board for approval to proceed with the establishment of the Historic Properties Commission as a Landmarks Commission. Chairman Blount explained that the purpose of this commission is to protect historical properties in Rowan County and that the Board would have control of this effort and cost.

Commissioner Chamberlain stated that the establishment of this commission would be very detailed and time-consuming and suggested to table this effort indefinitely. Commissioner Chamberlain voiced concern about the budget and giving tax breaks at such a difficult time.

Commissioner Belk stated that structures that are 100 years old have a right to be preserved and limiting the number of structures allowed per year would control the tax breaks. Commissioner Belk emphasized that lost history cannot be recaptured.

Commissioner Andrews stressed that incentives mean cost and voiced his concern over the budget and starting something that would involve incentives. Commissioner Andrews suggested tabling this issue and revisiting it at a later date.

Commissioner Tadlock agreed with Commissioner Andrews and made a motion to table this issue until after the budget is concluded. Commissioner Chamberlain seconded and the motion carried unanimously.

ADDITION: DISCUSSION OF SCHOOL FUNDING BUDGET:

Chairman Blount reviewed with the Board the current expense funding for public education in Rowan County. Three years ago, Mr. Russell devised a process for funding the schools at the state average for current expense and the schools agreed, in turn, to raise the test scores. There was a public hearing and the plan was adopted.

There was an incorrect assumption that the state average growth would be 2-3 percent per year. The state average growth has been 6-7 percent per year.

Chairman Blount suggested revising the funding with the schools for current expense by deleting the top 10 and the bottom 10 school systems (the richer and poorer schools) from the calculations. This would put Rowan County in a position of competing with communities similar to the Rowan-Salisbury School System. It was discussed that the funding for this year would go no lower than last years total funding and additional

money would be added for new students. Chairman Blount also suggested giving the new superintendent an additional three years, under the new funding formula, to improve the test scores. Chairman Blount informed the Board that he and Commissioner Tadlock had met and discussed these revisions with Clyde Miller and Kay Norman, from the School Board. Mr. Russell had also met with the school's staff to review the new proposed plan and they understand the financial restraints faced by the County at this time. Chairman Blount asked the Board to officially endorse the following modifications:

1. Adjusting the state average by removing the top and bottom 10 school systems.
2. Extend the agreement concerning the state average on test scores by three years.
3. Not to go below the current total funding, plus additional monies for the additional students.

Commissioners supported the proposal, stressing that this was not a good time to raise taxes.

Commissioner Chamberlain questioned the increase in the school's unrestricted fund balance since the Board has been funding at state average. Chairman Blount added that the schools would need to spend from this fund balance, in order to make up the difference this year.

By consensus, the Board approved the modifications and asked Mr. Russell to draft a revision of the funding agreement.

ADDITION: COMMISSIONER CHAMBERLAIN'S DISCUSSION OF OLD BUSINESS:

In response to Commissioner Chamberlain's inquiry about the six-month moratorium on building in the floodplains, it was stated that there had been no response from anyone on this issue.

Commissioner Chamberlain was informed that staff would be meeting with the Sheriff's Department staff on May 24, 2001 to discuss issues addressed by the Sheriff at a previous Board meeting.

Mr. Russell informed Commissioner Chamberlain that a request had been made for the Category I Environmental Study on the 10 acres of property for Ellis Park.

Commissioner Chamberlain stated that he has not received any mosquito calls from citizens since the last meeting.

PUBLIC COMMENT PERIOD:

Chairman Blount opened the public comment period to entertain comments from those in attendance.

There being no one that wished to address the Board, Chairman Blount closed the public comment period.

ADDITION: BILLBOARD WORKSHOP:

Commissioner Chamberlain reminded the Board of the Billboard Workshop for 6:30 pm on June 18, 2001.

Commissioner Tadlock suggested extending the moratorium in order to allow for time to get through the budget period. Chairman Blount added that a public hearing would be needed if text amendments were required and an extension of the moratorium would allow time for setting a public hearing.

Commissioner Chamberlain made a motion to extend the Billboard Moratorium 60-days, until August 20, 2001. Commissioner Tadlock seconded and the motion carried.

BUDGET WORK SESSION:

Mr. Russell informed the Board that the Budget work session would begin on Monday, June 4th, after the Commission meeting and would begin at 9:00 am the next day, June 5th.

There being no further business, Chairman Blount adjourned the meeting at 9:45 pm.

Respectively Submitted,

Rita K. Foil,
Clerk to the Board