

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
June 4, 2001 – 9:00 AM
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 9:00 am.

Commissioner Tadlock provided the Invocation and Commissioner Belk led the Pledge of Allegiance.

ADDITIONS TO THE AGENDA:

- Commissioner Chamberlain asked for a brief discussion on an EMS issue.
- Chairman Blount asked to go into Closed Session to discuss a personnel issue.

COMMISSIONER LIAISON REPORTS:

Commissioner Chamberlain made a point that at Budget time, every board and committee “wants” and “needs” everything and they think that the Commissioners can get it for them.

CONSIDERATION OF THE CONSENT AGENDA:

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

The Consent Agenda consisted of the following:

- A. Approval of the minutes of the 05/21/2001 Board of Commission meeting.
- B. Approval to set a public hearing for Z-10-01 (CUP-10-01), a request from Thomas Edwards to rezone RR to CBI.
- C. Approval to set a public hearing for Z-12-01 (CUP-14-01), a request from Kathy Peeler, owner and Garland Faw, agent, to rezone RA to IND.
- D. Approval to set a public hearing for Z-13-01 (CUP-12-01), a request form Charles Johnson to rezone RA to IND.
- E. Approval of the road name of Houpe Road, a unanimous petition.
- F. Approval of the Budget Amendments.

PUBLIC HEARING FOR CUP-11-01, A REQUEST FROM GARY PROPST:

Chairman Blount declared the public hearing in session and explained that Gary Propst had submitted an application for consideration to subdivide his property in the Commercial, Business, and Industrial district. This property is located north off the 2200 block of East NC 152 Highway on a private road known as Fish House Road and is identified as Rowan County Tax Parcel 126-014 (Exhibit A).

Chairman Blount reviewed the procedural guidelines for the public hearing.

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

Ed Muire, from the Planning Department, presented the staff report informing the Board that, in October of 1999, the Board of Commissioners adopted a text amendment to the Zoning Ordinance that made all subdivisions of property in the CBI district a Conditional Use.

Mr. Propst had applied for a Conditional Use Permit (Exhibit B) to subdivide the property, using the family subdivision provision to convey the “middle” tract to his son. Mr. Muire referenced a map (Exhibit A1), which was submitted with the application and depicts the three lots. Mr. Muire

continued to review the requirements for a family subdivision that would require compliance with the following:

- Subdivision approval
- Zoning compliance
- Access
- Septic Systems
- Additional considerations

Mr. Muire stated that staff recommended that fair and reasonable conditions might be attached for approval of a conditional use application to insure that the spirit and intent of the Zoning Ordinance and the effectiveness of the Subdivision Ordinance is maintained. Staff recommended approval of the request subject to the following conditions:

1. The net lot sizes of all tracts created comply with the minimum lot size of 20,000 square feet.
2. If three (3) tracts are to be created, the grantors may only retain one (1) tract and the other two (2) tracts must initially be conveyed to an immediate family member; otherwise approval is limited to two (2) new tracts only.

Commissioner Belk asked about the family rental and was informed that permits must be issued in the family name, but that does not prevent it from becoming a rental unit down the road.

Chairman Blount questioned if the property were to be sold to someone else and if that person were to seek a permit for a garage, would this person be issued a permit? Mr. Muire stated that they would issue a permit, since there is not a time period attached.

Commissioner Andrews questioned the requirements for the upgrade of the road, if a family member were to sell the property to a non-family member. Mr. Muire stated that there were no requirements.

Those that came forward to provide testimony were as follows:

1. Larry Weaver stated that he lives at 2340 NC 152, just directly below the property in question, and he has lived at this residence for fifteen years. Mr. Weaver voiced concern about the increasing number of commercial buildings and trucks in this area. Mr. Weaver questioned why Mr. Propst was going to subdivide the lot for his son and not just give his son the whole lot? Mr. Weaver stated that he felt this action is

for the placement of a mobile home at a later date and he could see a problem arising. Mr. Weaver stated he objected to this request.

2. Rick Pinyan stated that he lives at 270 White Pines Lane, which runs behind the property in question. Mr. Pinyan questioned why the property was to be subdivided into several lots and emphasized that he had no desire to see more and more mobile homes being placed in the area. Mr. Pinyan objected to the request.

Mr. Propst was not present for the hearing.

Mr. Muire stated that the applicant has two adjacent tracts connected to the tract in question and Mr. Propst felt that this area was “better” than the other two. Mr. Muire made the point that if a mobile home were to be placed on this site, it would need to be subdivided because of the standards that allow only one manufactured home per lot.

Chairman Blount requested to make it clear, for the record, that the Family Subdivision Exclusion was enacted to look after the families that had a large parcel of land and wanted to make it possible for their children to live next to them, without having to upgrade the roads. Roads were a key interest to avoid deterioration, which is why the standards were set high, except for the family subdivisions. Mr. Muire stated that Fish House Drive does exhibit the characteristics for the exclusion.

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

Commissioner Chamberlain voiced his concern about the road access and would like to see the lot line adjustment for one lot only.

Commissioner Tadlock stated that he knew Gary Propst and his family and that Mr. Propst is a person that believes in doing things right. Commissioner Tadlock emphasized that he believes that Mr. Propst request is genuine and the intent is good.

Chairman Blount answered that he did not doubt Mr. Propst’s intent, but was concerned that it was time to bring the road up to state standards. Chairman Blount questioned putting language in the deed that they are agreeing to the fact that this is an unimproved road. Chairman Blount stated that his preference would be to bring the road up to state standards.

Commissioner Andrews stated that there are currently four (4) lots with access to this road and this approval would allow for three (3) more lots,

making it a total of seven (7) lots using a “path”. Commissioner Andrews stated that he would be against this request.

Chairman Blount stated that this request could be referred back to staff to ask Mr. Propst to upgrade the road to state standards, instead of voting against the request.

Commissioner Belk requested to look at moving the lines so that there is only one parcel instead of subdividing.

By consensus the Board asked that staff go back to Mr. Propst and discuss these options with him and then come back to the Board, at the next meeting, for a decision.

PRESENTATION OF A COMPOSTING SYSTEM:

As an introduction, Mr. Russell told the Board of a trip he took last year with former County Commission Chairman Newton Cohen, Commissioner Arnold Chamberlain and Don Conner, Environmental Services Director, to visit a waste-composting site in New York. The purpose of the trip was to look at the most cost effective and efficient composting processing system in the country. After previously visiting several other sites in the country, this site was of interest, but would require making an investment in the Landfill Enterprise Fund. Mr. Russell introduced Paul Roth, from Wright Environmental Management Inc.

Mr. Roth presented the Board with a power point presentation on an overview of the composting system, in addition to handing the Board a packet of information. Through the power point presentation, Mr. Roth walked the Board through the composting process, stressing materials that may be passed through the system, the elimination of odor and the safety of the equipment. After the waste has gone completely through this process, the compost could be sold to greenhouses and used for landscaping, etc.

Mr. Roth stressed that this system would reduce the size of waste brought to the landfill by 40 percent. It could also provide a cover for the landfill and reduce the methane produced at the landfill.

Mr. Russell informed the Board the Darrell Blackwelder, from the Cooperative Extension Service, used the compost from this waste system for flowers and found that there was nutritional value. Mr. Russell also stressed the importance of conservation with the Landfill.

Commissioners expressed the need to extend the life of the landfill and that this venture could be funded through the Landfill Enterprise Fund.

Chairman Blount asked that Mr. Russell, Mr. Conner and Mr. Roth prepare a list of available options and report back to the Board.

Mr. Russell suggested that the Commissioners could visit the site in New York, if they wished. This could be done in a one-day trip.

SNIA PERMIT FOR BIBLE MISSIONARY BAPTIST CHURCH:

Mr. Muire presented the request for a SNIA permit from Bible Missionary Baptist Church, stating that this request is above the 12 percent impervious cover limit that is allowed without a SNIA approval. This location is on approximately a nine-acre site and the proposal is for almost an acre of improvements. The applicants are also planning on future expansions. These expansions would fall under this category and would require being monitored by staff on a case-by-case basis for permit approval. Mr. Muire showed a map of this location to the Board. Staff recommended approval of the SNIA permit request.

Commissioner Andrews made a motion to approve the request. Commissioner Belk seconded and the motion passed unanimously.

REQUEST FOR CONSIDERATION FOR A PRIVATE ROAD APPROVAL FOR WARRIOR GOLF CLUB:

Mr. Muire reviewed with the Board a request submitted for consideration for a private road in the Warrior Golf Club subdivision. This private road exists as an extension of Lake Wright Road.

Mr. Muire stated that the Rowan County Subdivision Ordinance allows for private roads based upon meeting the criteria required in the Ordinance. Mr. Muire reviewed the criteria and conditions with the Board. Staff recommended approval of the extension of the private road. This approval would be subject to staff reviewing and approving the road maintenance agreement prior to a plat being recorded.

Commissioner Tadlock made a motion to accept the request. Commissioner Andrews seconded and the motion passed unanimously.

PROPOSED RACE TRACK REGULATIONS AND TO SET A PUBLIC HEARING:

Marion Lytle, from the Planning Department, presented the proposed regulations for new racetracks. These proposals had been modified, at the Board's request, at the May 21, 2001 Commission meeting.

Mr. Lytle reviewed the proposed additions and specific requirements for racetracks. Mr. Lytle clarified that, when facing the street, *parking* can be brought within 100 feet of the front and side street property lines, but not the *track*.

Mr. Lytle stated that the Planning Board voted in favor of the amendment.

By consensus, the Board agreed to set a public hearing for the first meeting in July, at a time designated by the Clerk.

DISCUSSION OF JULY COMMISSION MEETING SCHEDULE:

By consensus, the Board agreed to change the Board of Commissioner's meeting schedule for the month of July *only* to be held on July 9, 2001 and on July 23, 2001.

BOARD APPOINTMENTS:

Rowan County Nursing Home Advisory Committee:

Chi Chi Leazer resigned from this Committee.

**Letters are to be sent to all churches in Rowan County seeking assistance in filling positions for this Committee and for the Adult Care Home Community Advisory Committee.

Criminal Justice Partnership Advisory Board:

Commissioner Belk made a motion to appoint Betty Cook to replace Janet Ruffin. The motion passed unanimously.

Rowan County Tourism & Development Authority:

Sidney Wilson was unanimously approved to serve on this Authority, on a motion made by Commissioner Andrews.

City of Kannapolis ETJ Member:

Commissioner Tadlock made a motion to reappoint Conrad Sloop as an ETJ member of the Planning Board. The motion passed unanimously.

Union Volunteer Fire Department:

Commissioner Tadlock made a motion to reappoint John Dry, Arnold Cauble and Cecil Whitley to the Board of Directors of Union Volunteer Fire Department.

ADDITIONS - EMS ISSUE:

Commissioner Chamberlain stated that there have been questions and confusion surrounding EMS and the Rescue Squad, in respect to the lines of communication. Commissioner Chamberlain stated that he was a liaison for EMS, but it appeared more like he was a liaison to the Rescue Squad. Commissioner Chamberlain stated that he would like to form another committee, with two liaisons, and call it the Emergency Services. This committee would include the President of the Fire Association; Art Delaney, Fire Marshall; and a designated representative from EMS and a designated representative from the Rowan Rescue Squad. This would enable better communication in all these areas. Commissioner Chamberlain stated he has a "passion" for emergency services and stated that it appears that Commissioner Belk also has an interest in emergency services.

Chairman Blount suggested that, prior to establishing a new committee, it would be better to establish a task force to address better working relations between all the above mention groups. Chairman Blount stated that the Board would consider an additional liaison after the task force is organized.

Chairman Blount adjourned the meeting to go into Closed Session at 10:30 am.

Chairman Blount reconvened the meeting to Open Session at 11:05 am. There being no further business, Chairman Blount called for a brief break and to reconvene at 11:30 am to begin the workshop for Budget Reviews for FY 2001-2002.

Respectively Submitted,

Rita K. Foil,
Clerk to the Board