

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
JUNE 18, 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 Tadlock provided the Invocation and Commissioner Belk led the Pledge of Allegiance.

ADDITIONS TO THE AGENDA:

- Chairman Blount requested to add approval of the last Zoning Board of Adjustment minutes.

COMMISSIONER LIAISON REPORTS:

Commissioner Belk gave a report from the Parks and Recreation Board stating the recent Eagle Point dedication and invited citizens to go down Black Road and walk through the beautiful landscape. Chairman Blount added that a representative of Yadkin Incorporated attended the dedication and they are in the final stages of dedicating their 100 acres to that park, which will bring to total up to 200 acres.

Commissioner Chamberlain reported that the Board prior to this meeting had a billboard workshop and “slap the backs” of the Planning Department, complimenting them on a good job.

Commissioner Chamberlain also mentioned that the Emergency Services Task Force has taken shape. Chairman Blount is the facilitator and Commissioner Chamberlain and Commissioner Belk are the co-chairs.

CONSIDERATION OF THE CONSENT AGENDA:

Chairman Blount requested to add the ZBA minutes to the Consent Agenda

Commissioner Tadlock made a motion to approve the Consent Agenda, including the minutes of the last ZBA meeting. Commissioner Chamberlain seconded and the motion carried unanimously.

The Consent Agenda consisted of the following:

- A. Approval of the minutes for 06/04/01 Board of Commission meeting.
- B. Approval of the revised fee schedule from the Health Department.
- C. Approval of the revised water rates from the Environmental Services Department.
- D. Approval of the revised building permit fees from Environmental Services Department.
- E. Approval to set a public hearing for CUP-15-01, a request from Mezak Tucker, to subdivide in CBI district.
- F. Approval to set a public hearing for Special Consideration for a proposed Road Named of Newfound Street.
- G. Approval to set a public hearing for the road name change request of Cedar Pond Lane.
- H. Approval of the Budget Amendments.

PUBLIC HEARING FOR CUP-10-01, A REQUEST FROM THOMAS EDWARDS:

Chairman Blount declared the public hearing in session and explained that Thomas Edwards had requested a rezoning from RR (Rural Residential) to CBI (CUD) (Commercial-Business-Industrial - Conditional Use District). The application presented would make an existing convenience store, located at 2580 Airport Road, a conforming use.

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.

Marion Lytle, Rowan County Planner, presented background concerning the request. Mr. Lytle stated the site is in a residential development corridor. Mr. Lytle stated that Mr. Edwards discovered the property was not zoned CBI and requested rezoning from RR to CBI. Mr. Lytle stated the site is in a location suitable for expansion that would be compatible with the proposed list of uses (Exhibit "A").

Mr. Lytle presented a staff review (Exhibit "B") in which the following is required:

1. Relationship and conformity with any existing plans or policies.
2. Consistency with this article and the requested districts purpose and intent.
3. Compatibility of all uses without the proposed zoning district classification with other properties and conditions in the vicinity.
4. Potential impacts on facilities such as roads, utilities and schools.

Mr. Lytle continued by outlining the following requirements (Exhibit "C") for review of CUP-10-01:

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

Mr. Lytle commented, in reference to number 1, Airport Road is capable of handling additional traffic and has a capacity of approximately 11,000 vehicles per day. The 1991 volume was 4,100 vehicles per day and the estimated 2020 volume was 7,000 vehicles per day.

While reviewing a vicinity map (Exhibit "D") and a site plan map (Exhibit "E"), Mr. Lytle pointed out the location of the convenience store, a nearby church and various other roads and locations. Mr. Lytle stated that the close proximity of the church is the main reason the convenience store was not zoned CBI initially. During the review of the maps, Chairman Blount asked Mr. Lytle if there were any other commercial developments in the area. Mr. Lytle responded that the area was residential.

Mr. Lytle explained that a public hearing was held April 23, 2001 and the concerns raised were after hours loitering at the payphone and lights from gas trucks shining into residential windows. The applicant was not present during the public hearing. After discussion, the issue was tabled. Mr. Lytle stated that on May 21, 2001, he had met with Mr. Edwards, who was willing to put screening at the rear of the lot. Mr. Lytle stated that staff did not contact adjoining property owners in writing, but on May 24, 2001, messages were left at those residences. Mr. Edwards attended the next monthly meeting of the Planning Board and reiterated his willingness to screen the property.

The Planning Board voted to recommend approval with the following conditions:

1. Approve rezoning with uses limited to approved list.
2. All expansions and new approved uses be allowed, upon site plan review and approval by planning staff, without further review by County.
3. Vegetative buffer 5-6 ft. tall at planting.
4. Remove payphone at end of contract.
5. Provide method of off loading gas truck to minimize lighting on adjoining property.

Those that came forward to provide testimony were as follows:

1. Mr. Tom Edwards, owner of the convenience store located at 2580 Airport Road in Salisbury, came forward and stated that when he applied for rezoning, he didn't think there were any concerns from the neighbors. He said the payphone had become an issue after one of the neighbors had added on to the back of their house. He stated that BellSouth had sent him a letter concerning the discontinuing of payphones in the area because of increased cell phone usage. He said it is his intention to have the payphone removed by the end of the year. Mr. Edwards also didn't realize the lights from the fuel trucks were an issue. The fuel companies have now been instructed to deliver during daylight hours and if it were necessary to make a delivery at night, they would park parallel to Airport Road and use park lights. Mr. Edwards presented a petition (Exhibit "F") from surrounding neighbors, in support of the convenience store. Mr. Edwards stated he would like to be a good neighbor and that he receives comments from those who appreciate the location of the store. Mr. Edwards said his store has been at this location for eight (8) years and he feels his request for the limited zoning is justified.

Mr. Edwards responded to a question by Commissioner Andrews that he had received a document (Exhibit "G") upon purchase of the property, stating the property was for commercial use. Mr. Edwards said the document shows the parcel was specifically set aside by the developers of Kluttz Acres to be either residential or light commercial. Mr. Edwards said he had owned the property for ten (10) years and the store had been located on the site for eight (8) years. Commissioner Andrews asked Mr. Edwards if 6:00 am would be considered daytime. Mr. Edwards replied that he was not sure and that the deliveries in the last few months had been during the middle of the day. Mr. Edwards repeated that he had now instructed the fuel companies to park parallel to Airport Road, if a delivery is to be made at night.

Chairman Blount asked Mr. Edwards if he had any intentions to increase the size of his business. Mr. Edwards replied that he had no plans to increase the size of his business at this time, but it would be possible in the future.

2. Christopher Pierce of 180 Lane Street, in Kluttz Acres, came forward to give testimony in opposition to the rezoning request. Mr. Pierce stated that his residence is almost directly behind Mr. Edwards store. Mr. Pierce said he had attended the Planning

Board meetings and the board had been presented with some examples of the issues the neighbors have to deal with. The issues are not “life threatening” situations. Mr. Pierce said had lived at this address for almost eleven (11) years and when he moved into his home, he was told the only thing that could be built was residential. Mr. Pierce continued by saying Mr. Edwards had built his store and the examples given at the meetings, of the payphone, people walking through his property to get to the store, lights from the gas trucks, these are all just examples of what they deal with in this area. Mr. Pierce felt the results of the “planners meetings” were to fix these problems and everyone would be “happy”. Mr. Pierce stated that the main point is that by allowing Mr. Edwards to do more on the property, what future problems would Mr. Pierce have with his home, selling his home and will the value on his home go down? Mr. Pierce said he had planted trees to block out the sight of the store. He stated that a neighbor would be presenting pictures, showing the store from his backyard and he continued by saying the pictures do not really show how close in proximity the store is to his backyard. Mr. Pierce stated the traffic had increased and he does not blame that on the store.

Commissioner Andrews questioned Mr. Pierce as to what was on the property when he bought his home. Mr. Pierce responded “grass” and “trees”. Commissioner Andrews asked what was shown to be on the corner when he received the plat and information for his property. Mr. Pierce said residential, as far as he could remember. Mr. Pierce said he remembered the realtor stating that it was only residential.

3. Amanda Stoner, a resident of 140 Lane Street, came forward to give testimony in opposition to the rezoning request, stating that her property is directly behind the store, and in fact, her property line is forty-five (45’) feet to the back of the store. Ms. Stoner presented photos (Exhibit “H”) to show the proximity of the store to her property and that of her neighbors. Ms. Stoner referenced a traffic study mentioned by Mr. Lytle, stating the traffic study was done before her house was built. Ms. Stoner discussed the fact that there is no public restroom at the store and with her six-foot (6’) privacy fence, she still has to deal with being able to see everything at the store, including people relieving themselves outside of the store. Ms. Stoner said she has lived in her home for two (2) years and the store was already located there when she moved. Ms. Stoner said the previous owner of her home, had also been told there would be “nothing” there; there would be no gas station, or no gas pumps. The previous homeowner had put up the privacy fence. Ms. Stoner inquired if the property is zoned commercial, would the state have to maintain the roads in the development. Ms. Stoner said she had a document dated in 1989, stating that the roads in Kluttz Acres are kept up by the developer, Mr. Kluttz. Ms. Stoner stated she had put up no trespassing signs due to the people cutting through her property to get to the store. Ms. Stoner stated she has been to the store and bought things and found the atmosphere not friendly. Ms. Stoner gave further examples of the problems of traffic from people loitering and two (2) night lights installed by Duke Power that shine into her bedroom. Ms. Stoner said to allow Mr. Edwards to add on to the store would make problems worse.

4. Tony Gant, of 220 Lane Street, came forward to give testimony. Mr. Gant stated he had lived at this address for eleven (11) years and one of the reasons he located there was

because Kluttz Acres is restricted. Mr. Gant said since the store has been built, he gets woken up at 2:00 am hearing “boom, boom, boom” and that he sees people meet in the parking lot of the store, get out of their cars and “exchange and leave”. Mr. Gant stated it was a real nice, quiet neighborhood until the “good neighbor” moved in, and now there are people walking through his back yard. Mr. Gant said he has heard the trucks come in and he also mentioned the traffic in the mornings. Mr. Gant said he cherishes the nice, quiet neighborhood but he sees that slowly being taken away with “good neighbors” coming in from another part of town, who leave at night. Mr. Gant said he lives there and these are issues he has to confront. Mr. Gant said he hates to lose his neighborhood because someone wants to build something bigger. He inquired what would happen five (5) or six (6) years down the road when someone else comes before the Board wanting to put something else there.

Commissioner Andrews asked if he understood Mr. Gant to say it is the expansion that concerns him or if Mr. Gant wants to see the store shut down. Mr. Gant responded that if he had his “rathers” he would like to see family dwellings there. Mr. Gant continued by saying when you add “more and more” it multiplies the problem they are already living with. Mr. Gant stated that neighbors were beginning to put up fences and when the fences go up, the neighbors become private, taking away from the camaraderie of the neighbors.

Commissioner Tadlock asked Mr. Gant if there was a document to substantiate the fact that he was told it was a residential neighborhood when he purchased his home. Mr. Gant said he would have to check and see – it would soon be twelve (12) years that he had been at that address.

Commissioner Chamberlain asked Mr. Gant about the “boom, boom, boom” he had earlier referenced. Mr. Gant replied this is the word he uses for loud radios. Commissioner Chamberlain questioned Mr. Gant as to what he had meant by “exchange.” Mr. Gant replied that he works in the alcohol and drug business at the VA Hospital, working with drug addicts. He said he has seen cars pull up, people get out and hand something. He said occasionally the alarm goes off at the store and the store had been broken into twice, creating concern for their safety.

5. Earl Koontz, an attorney assisting the neighbors who are in opposition to the rezoning request, stated the residents had been living in Kluttz Acres relying on the fact that it was a rural resident area and not compatible with CBI zoning. He said the neighbors understand the convenience store is there to stay and their real concerns are items on the proposed list of uses, such as eating and drinking places, hotels, rooming houses, campgrounds and lodging places. Mr. Koontz continued by saying that Mr. Edwards may not have any desire right now to do anything different, but in the future when the store is sold the neighbors could be faced with any one of the proposed uses listed. Mr. Koontz commended Mr. Edwards for meeting with Mr. Lytle and addressing some of the issues that have been raised. Mr. Koontz stated in looking solely at the Zoning Ordinance, the neighbors don’t necessarily agree with the Planning Department’s “take on this.” Mr. Koontz expressed that the neighbors do think that CBI zoning can be

in other areas, if compatible with the surrounding community. He referred to the evidence presented and stated by looking at the surrounding community, the neighbors do argue that it is not compatible and request that the site not be rezoned.

Chairman Blount recalled Mr. Lytle. Chairman Blount verified with Mr. Lytle that the site is a legal nonconforming use, therefore, zoned incorrectly for its use – but legal, because it was there when zoning was put into place. Mr. Lytle responded to a question from Chairman Blount that Mr. Edwards could expand his business under current standards as a retail business, as long as he continued to meet setback and parking requirements. Mr. Lytle stated that setbacks in the RR district are more restrictive than in CBI and if rezoning is granted, setbacks would be reduced for Commercial Business. Chairman Blount asked Mr. Lytle if the request were to be denied, could Mr. Edwards change the use of the business. Mr. Lytle said it could be changed to a similar retail use.

Commissioner Andrews queried Mr. Lytle as to whether Mr. Edwards could expand his current business with a grill. Mr. Lytle replied that there is already a grill there. Chairman Blount asked if there is a grill, but no restrooms? Mr. Lytle responded that he did not think there were any on-premises eating.

Commissioner Belk asked if there is a law that requires a restroom for the public, due to having the grill. Mr. Lytle referred the question to Don Conner, Director of Environmental Services, who replied that building codes require a restroom, but not a public restroom.

Chairman Blount asked if there were any restrictive covenants for the neighborhood. Mr. Lytle said he did not research this.

Commissioner Chamberlain verified that if the zoning were left as RR, Mr. Edwards could increase the physical size of his operation for the same operation or something similar, based on his setbacks. Mr. Lytle responded yes and that the list of uses could be modified, the conditions could be modified and the plan would have to be signed by the Chairman of the Board of Commissioners, as well as by Mr. Edwards. Mr. Lytle explained that if Mr. Edwards did not sign the document and have it notarized, then zoning would remain as is.

Chairman Blount asked for clarification on the legal nonconforming use – is this not allowing a business to live out its lifetime in hopes that it will go away because it is not a good use for that area or piece of land. Mr. Lytle replied that this is not the intent of the nonconforming section and the intent is to try and make the uses as compatible as possible when they expand.

Commissioner Chamberlain stated his intent would not be to make the store go away but he is sensitive to the concerns of the neighbors.

Commissioner Andrews referred to the recorded plat map (Exhibit “G”) presented by Mr. Edwards that listed which properties were for residential or light commercial. Mr. Lytle

stated there are two lots in that subdivision reserved for light commercial use and he could not blame Mr. Edwards or the neighbors.

Chairman Blount closed the public hearing and opened the floor for deliberation.

Commissioner Belk stated that if the rezoning request were to be granted, she would like to see the setback requirements for RR to stay in place. Chairman Blount was in agreement.

Commissioner Chamberlain said he would like to deny the rezoning request and leave it like it is, knowing that Mr. Edwards could expand his business to some degree.

Chairman Blount said there were some uses listed on the proposed list that would “scare” him if he were the neighbor. Chairman Blount continued with the fact that if Mr. Edwards’s property was left as RR, he could expand the business with a similar use.

Chairman Blount reminded the Board that if the rezoning request were to be denied, the Board could not apply any conditions such as requirements to put in a buffer screen, remove the payphone, controlling the lights from truck and noise from car radios.

Commissioner Andrews stated if zoning were left as is, he would highly recommend that Mr. Edwards would address the concerns, even though the Board could not require this. Secondly, Commissioner Andrews stated that at night something should be done to block entrance to the parking lot. Commissioner Andrews stated he hoped if the property were not rezoned, these would be the actions of Mr. Edwards in response to the sensitivity of the situation.

Commissioner Chamberlain made a motion to deny the rezoning request and leave as RR. Commissioner Tadlock seconded the motion. Upon being put to the vote, the motion passed 4-1, with Commissioner Belk voting against.

PUBLIC HEARING FOR Z-12-01 (CUP-14-01), A REQUEST FROM KATHY PEELER/ GARLAND FAW:

Chairman Blount declared the public hearing in session and explained the application submitted by Mr. Garland Faw was for the rezoning of Tax Map 540 Parcel 022, located in the 1200 block of High Rock Road, Gold Hill, NC. The request is to rezone from RA (Rural Agricultural) to IND (Industrial) and the establishment of a parallel CUD (conditional use district) upon the parcel.

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.

Marion Lytle, County Planner, presented the staff report that included a power point slide presentation of an aerial view of the property and pictures of the site. Mr. Lytle pointed out the following nearby sites: the Old Statesville Brick site, three manufactured homes (315 feet apart), an explosive manufacturing facility, a sawmill operation and a single wide home. The soils are poor and will not perk. Mr. Faw is planning to use a chemical deposable facility and is proposing a change for the operation of a “timber cutting and wood planning” facility that make logs for log homes. Mr. Lytle reviewed the Site Plan (Exhibit “B”) indicating the operational area will be centered on a tract in a fenced area 95.6’ X 290’ and there will be a wood and metal pole building that will house the sawmill. The parking is satisfactory and there will be four employees. The hours of operation will be form 7:00 am to 3:30 pm.

Mr. Lytle pointing out the Zoning Review (Exhibit “C”) emphasizing the following:

1. Relationship and conformity with any plans and policies.
2. Consistency with the requested zoning district’s purpose and intent.
3. Compatibility of all uses within the proposed district classification with other property and conditions in the vicinity.
4. Potential impact on facilities such as roads, utilities and schools.

Mr. Lytle then reviewed the CUP request and Conditional Use Review (Exhibit “D”) of the following:

- a. Adequate transportation access to the site exists.
- b. The use 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.

Mr. Lytle informed the Board that the Planning Board held a courtesy public hearing where no one spoke in opposition or in favor of the request. The Planning Board recommended a unanimous approval contingent upon Mr. Faw submitting a parallel CUD (conditional use district) application limiting use of the property to a sawmill and planning mill (Exhibit “E”).

Staff recommended approval with the following conditions:

1. Development of the site is generally in accordance with site plan (Exhibit “B”); future expansions will require an amendment of the parallel conditional use district.
2. Limit hours of operation for saw and/or blower from 7:00 am until 3:30 pm, Monday thru Friday (Exhibit “A” item i).

3. Maintain existing vegetation outside fenced area in its current state for its effect in buffering noise and visual impacts.
4. Use of a trailer to capture sawdust from the blower.
5. Obtain a commercial driveway permit from NCDOT.

Commissioner Chamberlain question the time of 7:00 am to 3:30 pm. It was stated that the application could be modified.

Those that came forward to provide testimony were as follows:

1. Bobby Kemp resides at 1830 High Rock Road and stated that he could care less if a sawmill is placed at this location and there was one already in existence close by. Mr. Kemp stated that his concerns were for road maintenance and what will happen, as far as County Taxes with his property, and will the County keep up the maintenance of the road. Also, Mr. Kemp stated concern about if this facility could be changed to something else if they decided to. Mr. Kemp continued to voice concern about the poor soil problems and drainage to nearby residents. Mr. Kemp stated that he wanted to go on record as saying that he thinks that “you five folks sitting right here probably, in the State of North Carolina, probably have, outside the Governor, more power that anybody I have seen. You folks need to get behind somebody and take care of our roads.”

Chairman Blount informed Mr. Kemp that the County does not keep up roads, but the State keeps up the roads.

Commissioner Tadlock said that Mr. Kemp made a good point about the roads and that these concerns could be forwarded on to our State Representatives.

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

Commissioner Andrews made a motion to accept the staff’s recommendation for a rezoning and a conditional use permit with the conditions as specified. Commissioner Chamberlain seconded and the motion passed unanimously.

PUBLIC HEARING FOR Z-13-01 (CUP-12-01), A REQUEST FROM CHARLES JOHNSON TO REZONE RA TO IND (CUD):

Chairman Blount declared that the public hearing for consideration of Z-13-01 and CUP-12-01 in session. Chairman Blount explained the hearing would focus on applications submitted by Mr. Charles Johnson for the rezoning of Tax Parcel 576-044 and a portion of Tax Parcel 576-037 from RA (Rural Agricultural) to IND (Industrial) and the establishment of a parallel CUD (conditional use district) upon these same parcels. These parcels are located at 255 Belk Road and 120 Belk Road, respectively.

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.

Mr. Lytle informed the Board that Mr. Johnson had been in operation of a business that manufactures wood stairs, which he ships all over the country. Through a series of slides from a power point presentation, Mr. Lytle showed the existing site and the proposed expansion (Exhibit "A"), which are about 390 feet apart. Mr. Lytle also showed that Centenary Church is 585 feet from the property and also a single-family manufactured home, which is 360 feet from the property. Mr. Lytle reviewed other details about the parcel, showing entrances, the placement of the lumber shed expansion and a turkey house that is to be turned into a stairs facility, noting that there is still some activity for raising turkeys at this location.

Mr. Lytle made reference to the Conditional Use Review (Exhibit "B") emphasizing section (d) concerning the noise levels and decibels measurements, which showed to be at or below 60 dB during operational hours.

Mr. Lytle stated that at the Planning Board Courtesy Hearing, a neighbor, Mr. West, spoke in favor of the expansion of the existing facility, but was opposed to the expansion to 120 Belk Road. Mr. Johnson was agreeable to withdraw consideration of the 120 Belk Road site. However, the Planning Board voted to forward a favorable recommendation for both sites to the Board of Commissioners with the following conditions:

1. All storage of materials and finished products be sited to the rear of the building.
2. Commercial driveway permit be obtained for the 120 Belk Road site.
3. Maintain existing tree line along road frontage for 120 Belk Road site.
4. Any change in use at either facility must obtain site plan review and approval by the Rowan County Planning Board.

Those that came forward to provide testimony are as follows:

1. Charles Johnson, the applicant, stated that what he had going on was an operation in a 400-foot turkey house building, where he builds stairs. The company has been growing, so he went to an employee that owns a turkey house down the street to see if he would be interested in leasing this turkey house to put part of the "stair" operation. This employee stated that he would be in favor of this. Mr. Johnson stated that he spoke with Mr. West after the Planning Board Public Hearing and understands his concerns about the rezoning. Mr. Johnson stated that it would not stop his operation if he did not get the building. There are other options.

2. Leonard West, an adjoining property owner, made a reference to Article 6, Section 2, Table 6 of the Rowan County Zoning Ordinance, where he feels Mr. Johnson can continue and expand his operation without the area being rezoned. Mr. West does not understand why it is necessary to rezone the property to IND, when it is not necessary for his business. Zoning is to enhance growth and progress in an orderly manner. Therefore,

why not leave it RA and not rezone IND. This would be spot zoning and basically you have no zoning.

In response to questions from Commissioner Andrews, Mr. West responded that he had no complaints about Mr. Johnson's operation and had no complaints about the turkey business across the street or expansion of that business.

Chairman Blount officially closed the deliberation period and went into deliberation.

Commissioner Belk asked if Mr. Johnson could expand without the rezoning. Mr. Lytle stated Mr. Johnson could expand "some" on his site, since he is in a watershed. Commissioner Belk confirmed with Mr. Lytle that, in order to expand on the second site, there would need to be a rezoning.

Commissioner Chamberlain stated that this was similar to the prior case, but not exactly. Mr. Johnson has a business that is growing and needs to expand.

Commissioner Chamberlain made a motion to grant the rezoning request for both partials. Chairman Blount added with conditions by staff. Referencing comments made during the public hearing, Commissioner Chamberlain stated that he like what was said and the way he said it. Chairman Blount stated the motion was to approve the rezoning and the conditional use permit with the conditions as listed by staff and called for a second. Commissioner Belk seconded and the motion passed unanimously

UPDATE ON THE GRANTS FOR THE HANDICAPPED PLAYGROUND AT DAN NICHOLAS PARK:

Jim Foltz, Director for the Parks and Recreation Department, Renita Ritchie, Special Populations Supervisor and Lisa Black (Nick's Mom) presented an update to the Board on the funds received for "Nick's Playground" at Dan Nicholas Park. Bob Pendergrass, the Nature Center Supervisor, was also present.

Ms. Ritchie informed the Board that two recent grants have been received that include, \$25,000 from the Cannon Foundation and \$5,000 from the Salisbury Community Foundation. This brings the total to \$66,000 in funds received for "Nick's Playground". Ms. Ritchie presented the Board with the \$30,000 in new funds.

Ms. Black stated that the playground was going to benefit many children with handicaps in Rowan County and surrounding counties by offering a unique area for these kids to go and have the freedom and independence in this environment.

Mr. Pendergrass informed the Board of a \$2,000 grant and commitment from the Duke Power Retired employees, here locally in Rowan County to rebuild old structures on a two-mile nature trail.

The Board voiced appreciation for their attendance and for all the good work they are doing.

UPDATE OF CUP-11-01, A REQUEST FROM GARY PROPST:

Mr. Lytle informed the Board that Mr. Propst has indicated that he would withdraw his conditional use permit request and pursue another option.

SNIA-03-01, A REQUEST FROM PEDULLA EXCAVATING AND PAVING COMPANY:

Mr. Lytle stated that this request is in an area zoned IND and an area approved under the watershed standards for high density development prior to zoning and then it was zoned IND when zoning came into effect. Mr. Pedulla, from Pedulla Excavating and Paving, Inc. can meet calculations, there may need to be some screening along Hwy 152, since this operation is within 200 feet of the houses across the road.

Staff recommended approval of the SNIA request for development in the Coddle Creek watershed based on compliance with the attached site plan.

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

Chairman Blount called for a short break at 8:35 pm.

Chairman Blount reconvened the meeting at 8:50 pm.

PUBLIC HEARING FOR THE PROPOSED BUDGET FOR FY 2001-2002:

Chairman Blount opened the public hearing and stated that five minutes would be allowed to address the Board. Chairman Blount asked those present who wished to address the Board to please come forward.

1. Bruce Miller spoke on behalf of the Rowan Public Library and the citizens of the southern part of Rowan County and thanked the Board for moving forward with the construction of the regional branch.
2. Chairman Blount noted a letter received from David Aycoth, School Board member and entered this letter as his comments.
3. Clyde Miller, Chairman of the Rowan-Salisbury School Board, expressed his concern to the Board about the School System. Mr. Miller expressed his pride in the relationship that the School Board and County Commissioners have together. Mr. Miller stated how the shortfall with the State funding has hurt the Schools and

the County Commission. The schools are not only being cut locally but by the State as well. Mr. Miller acknowledged that there is a new superintendent with a new vision and looking at school system with positive changes. The cuts will limit starting new programs, new ideas and new organizations, etc. Mr. Miller expressed the need to work together on capital needs for the schools. The schools will also be losing personnel, due to the State cuts and this really hurts. Mr. Miller stated that these cuts are severely hurting the schools. And when the classroom supplies are taken away, this hurts the teachers and every single student. There is currently 4.6 million in the schools fund balance and 3 million of this will be obligated, leaving a balance of 1.6 million in the fund balance. Mr. Miller pointed out 2 items in the budget of concern: 1) Utilities and 2) E.C. Students. Mr. Miller stated that they have to speak up for the students.

4. Kay Norman, Vice-Chairman of the School Board, voiced her concern for what is owed to the students and mentioned the comments made by the Board that the growth of the community is dependent on the quality of the school system. “You made a promise and now you are not keeping it.” Ms. Norman stressed that to delay what the Board had promised will hurt for the future. Ms. Norman stressed the changes during the 25 years in the educational system but most impressionably in the last five years. “When you made a promise to us, we felt that we should hold you accountable. You expected us to do something and you have said that you do not believe that we can do it.” Ms. Norman expressed that it is not fair to not give what was promised and she does not know how to play unfair. Ms. Norman expressed that students need the best education that can be provided and it takes money to do it and they now have no place to go. Ms. Norman applauded the Board for the funding in the past and stated that nothing can be done in the future on what had been done in the past and what is given now will improve the future of the children from now on. Ms. Norman concluded by saying that she has a real issue that the Board is not going to honor the commitment previously made and this is not the message to give to the youth of our community and our professional leaders.
5. Newton Cohen, former Commissioner, expressed his plea for the additional funding for the schools and expressed the commitment made in the past to bring the schools up to the state average in 3 years. The funding to the schools has increased 40 to 50 percent in the last few years. Mr. Cohen made his plea to fund at the State average this year and he stated he understands that the new students will not be funded as much as the “old” students. Mr. Cohen said to fund the schools at the level the past Board committed to, even if it means funding other areas, such as DSS, through the fund balance. Mr. Cohen suggested funding schools at the State average this year – “judgment day” is next year. The commitment was to do this funding, if the schools would bring its grades up to the State average. The schools have been increasing these goals slightly, but the State average is moving twice as fast as they are and the school system is not going to meet its commitment with us. Mr. Cohen also suggested investing \$2 million for this year’s commitment and considering reducing the schools portion next year by

\$5 or \$6 million. Mr. Cohen asked to the Board, if at all possible, to fund the schools this year.

6. Sheriff George Wilhelm, Rowan County Sheriff, told the Board that he understands how difficult the Budget is this year. Sheriff Wilhelm informed the Board that the Sheriff's Office coverage of the County has increased 23 percent in the last 10 years and there has not been an increase in patrol officers and they need help. Sheriff Wilhelm stated the need to be prepared and look to the future. "People aren't getting as much for their dollar because there are more people for the dollar to be spread out on." Sheriff Wilhelm explained that he did not know the answers, maybe to stop residential growth, but there needs to be a way to support everyone, Social Services, Schools, etc. Sheriff Wilhelm stated that once the budget is complete, his department would work to figure out a way to better serve the people of Rowan County. "We want you to know that we support you and would like to have the same support back." Sheriff Wilhelm said that he felt that most people do not realize all the services that are available through the County and we should find a way to make them more aware of how their tax dollars are spent.

There being no further comments Chairman Blount closed the public hearing and called for a discussion of the Budget.

Commissioner Chamberlain stated that there is only so much money to go around and will not vote to raise taxes, emphasizing the needs in the areas of DSS and the Schools.

Commissioner Chamberlain made a motion to add the addition of two Medicaid Workers at DSS to the proposed budget. Commissioner Chamberlain stated that the time has come to do something and after talking with the County Manager, he has identified the funds as one time money coming in that will fund these positions as \$20,000 each for a total of \$40,000. Commissioner Belk seconded the motion.

Commissioner Andrews stated that he was not brought up to date on new funds coming in and before he has an opportunity to address and evaluate this, he could not support the addition of new positions.

Commissioner Chamberlain stated that he was not privy to any information that others are not privy to.

Chairman Blount clarified that this funding source was referred to as "maybe" money during the Budget Workshop, which would come from a one-time source that would be much greater than \$40,000 and could possibly be funded for many years from this source.

Commissioner Tadlock received clarification that these positions would be funded from a 50/50 matching fund and not a grant.

The Board discussed the 63.5 positions that were requested and the other priority items to put things in place, other than personnel, which would do the County a better service. It was clarified that positions in the County were only frozen until the end of the budget year. Commissioners discussed the appropriate time to approve the budget.

Mr. Russell stated that staff did not feel it was appropriate to approve the budget at this time because the Board would need to set a tax levy, since the House is still pondering the State Budget. Mr. Russell recommended delaying approval of the budget until late June. Mr. Russell explained that an Interim Budget could be adopted, if the General Assembly cannot approve its budget by July 1st. An Interim Budget would be adopting an interim tax rate, which would mean sending out two (2) tax bills. Once the House Budget is known, staff could better advise the Board. What happens with the reimbursements will affect the County Budget.

The Board discussed the issue of an Interim Budget.

Chairman Blount reminded the Board that there was a motion on the floor to add two (2) DSS workers to the proposed budget.

Commissioner Tadlock cautioned that it looks like we are getting the “cart before the horse” and he was concerned about the “freeze”, the request for 60 plus employees and the uncertainty about what the State will do. This addition of positions will call for money that is not earmarked.

Chairman Blount clarified that the freeze for hiring open positions was for this year, due to the lack of reimbursements in this current years budget. which ends the end of June.

Chairman Blount called for a vote on the motion. There was a 3-2 vote against the motion. Commissioners Chamberlain and Belk voted for the motion. Commissioners Blount, Andrews and Tadlock voted against the motion.

There was not a motion to adopt the budget at this time.

Mr. Russell asked for guidance in the following areas: If the General Assembly decided to reduce the reimbursements for next year, creating a “void” in the budget, will the Board give staff instructions to either balance the budget by reducing it by that amount or automatically say that a tax increase is necessary.

Commissioners discussed the options and by consensus decided to have the County Manager to present a recommendation, with the new information received when something is heard from the General Assembly and if nothing were decided from the General Assembly, the Board would meet again to decide on an Interim Budget.

Mr. Russell stated that part of the plan approved by the Board on the \$810,000 in funds withheld from the State this year, included asking the schools for return of a portion of

their funds. These funds must be found in our budget to be balanced this year, which may include some monies from the Fund Balance.

Commissioner Chamberlain requested to hear all recommendations publicly for the first time, with no influence from ‘behind the scenes.’ Commissioners Blount, Tadlock, Andrews and Belk requested to receive the information as soon as available.

Commissioner Andrews voiced concerns about comments made about the schools at the meeting, naming the comments about using the terms “misleading” and “not on the same page” and wondered if the Chairman and Vice-Chairman of the School Board would agree for a tax increase. Commissioner Andrews stated that when he evaluated Rowan County, he did not want to cut anybody, meaning less money than received last year. The Board is presenting to the schools no less money than last year and not a large increase. The cut was in the projection. Last year there was a certain amount of an increase that was projected, as was done this year. When the State Average came through, the average had increased at the state level, so that the increase that had been projected by last years school system and board had almost double, which they were given last year. Funds will not allow this to happen this year. The comments were made that the schools need this money for new programs, which Commissioner Andrews pointed out that new programs do not begin in the third year of a three year plan.

Commissioner Andrews continued to point out that that three years ago, the school’s fund balance was about \$500,000 and now after using their fund balance this year to balance the school’s budget, they will have \$1.6 million remaining. The County “dove” into our fund balance to make the budget work. We are all suffering.

Commissioner Andrews stressed that the schools continue to be a priority. There was an increase the first year, as the Board promised; there was twice the amount of increase as anticipated for the second year; and this year they will not get the anticipated increase. This is not a cut. This Board gave no cut and gave an increase for the new students. If projections had stayed in line as originally thought, the schools met the three years growth projection last year. Commissioner Andrew mentioned that no one came back last year and said since \$2 million was anticipated and \$4 million was received, keep the money next year and use it in some other areas.

Commissioner Andrew concluded by stating that the \$375,000 in teacher classroom supply funding is still in the budget and the school board could allocate this amount otherwise.

It was decided to set the date of June 26, 2001 at 2:00 pm to continue the budget discussions.

**REVIEW OF THE PROPOSED REVISIONS TO THE ROWAN COUNTY
EMPLOYEE HEALTH INSURANCE PLAN:**

Mr. Russell directed the Board to the information concerning the recommendation for the Employee Health Program, emphasizing that there are major changes in the reduction of benefits. Ken Deal, Director of Administration, reviewed these changes with the Board, showing the current benefits and the changes, stressing the co-pay for office visits, prescription drugs and deductible changes. The County is offering an incentive to employees who participate in the wellness program. Those employees choosing not to participate in the County's Wellness Program will pay a \$25 per pay period premium for employees.

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.

There being no further business, Chairman Blount adjourned the meeting at 10:00 pm to be continued on June 26, 2001 at 2:00 pm, in order to further discuss the Budget for FY 2001-2002

Respectively Submitted,

Rita K. Foil,
Clerk to the Board