

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS  
August 6, 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 9:05 am.

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

**ADDITIONS TO THE AGENDA:**

- John Holshouser, County Attorney requested to update the Board on Colortex and to ask for direction on this issue.
- Commissioner Andrews requested to add past business on the intent of a Planning ruling.
- Chairman Blount requested to add a discussion on School Supply Money.
- Mr. Russell request to add a discussion on the South Rowan Water Extension Agreement.

**COMMISSIONER LIAISON REPORTS:**

Commissioner Chamberlain informed the Board that the Child Abuse Prevention Task Force has held two (2) follow up meetings concerning the protocol of the agencies that are involved in suspected child abuse situations.

Commissioner Chamberlain feels the lines of communication are open and the task force is doing well.

Commissioner Chamberlain also informed the Board that Piedmont Behavioral Healthcare has achieved full program accreditation.

**CONSIDERATION OF THE CONSENT AGENDA:**

Commissioner Andrews requested to pull item “C” for discussion.

Commissioner Tadlock made a motion to approve the Consent Agenda, with the exception of item “C”. Commissioner Belk seconded the motion and the motion carried unanimously.

The Consent Agenda consisted of the following:

- A. Approval of the minutes for 07/09/2001.
- B. Approval to set a public hearing for **CUP-18-01**, Jacqueline Shuffler request to subdivide in the CBI district.  
Approval to set a public hearing for **CUP-19-01**, Leilani Watson request for Family Subdivision in a CBI District.  
Approval to set a public hearing for **CUP-21-01**, Earl Corriher request to subdivide in CBI district.
- C. Approval of rental lease for the Southmark property
- D. Approval of the Budget Amendments.

Commissioner Andrews asked for clarification as to how the Southmark Property facility was chosen as the site, which would house the Child Support Offices.

Mr. Russell explained that in his opinion, the site was still not considered as the best, considering the location, proximity of the courts, and the proximity to other buildings. Mr. Russell continued by stating the original price was \$11.50 per square foot, but is now available at \$8.00 per square foot. Mr. Russell explained that the lower price and the fact that the building is ready for occupancy made the site more appealing.

Mr. Tadlock reminded the board of the safety issues that surfaced after the state inspected the main Department of Social Services (DSS) building. Commissioner Tadlock inquired as to whether the main DSS building could be reconfigured to create more office space to ensure a safer work environment.

Mr. Russell responded that all of the safety issues in the letter had been addressed. Mr. Russell stated that he felt the additional space created by transferring 25-30 employees to a different location would create a temporary solution for the crowded facility. Mr. Russell stated that in his opinion the problem of overcrowding would surface again in two (2) years.

Commissioner Belk made a motion to approve item "C". Commissioner Chamberlain seconded and the motion passed unanimously.

**PUBLIC COMMENT PERIOD:**

Bill Earnhardt, who had previously signed up to address the Board during the Public Comment Period, was not present.

**ADDITION: UPDATE ON COLORTEX:**

Mr. Holshouser updated the Board on the tax foreclosure filed on the real estate of Colortex on July 12, 2001.

Mr. Holshouser felt it to be in the best interest of Rowan County to authorize Glen Moore, Rowan County Tax Collector, to levy against the personal property and hold a sale, due to Colortex owing Rowan County in excess of \$174,000. Mr. Holshouser stated the levy would be authorized by the Board through a resolution. Mr. Holshouser continued by saying the levy against the personal property is an action that takes precedence over the foreclosure of real estate.

Mr. Holshouser proposed to dismiss the County's action on real estate and requested the Board to approve the resolution to proceed with the levy.

Commissioner Chamberlain made a motion to approve the resolution as presented, authorizing Glen Moore to levy against the personal property of Colortex. Commissioner Andrews seconded the motion and the motion was approved unanimously.

**PUBLIC HEARING FOR THE ROAP APPLICATION:**

Clyde Fahnestock, Director of Senior Services, discussed the Rural Operating Transportation Program (ROAP) funds, which are available through the North Carolina Department of Transportation.

Mr. Fahnestock reviewed how the funding in the amount of \$117,902.00 would be used to assist with transportation needs for the elderly and

disabled. Mr. Fahnestock stated the program would not require matching funds from the County.

Sandra Wilkes, Director of the Department of Social Services, discussed the portion of DOT funds, which would be used by DSS to pay for work-related transportation costs for low-income families.

Mr. Fahnestock requested the Board to accept the grant in the amount of \$117,902.00 for the administration and proposed uses as discussed.

Commissioner Andrews inquired as to how much money is taken in as fares charged to participate in the RGP.

Mr. Fahnestock responded that the fares are in excess of \$3,000.00, which provides the matching funds required for the program.

Commissioner Tadlock asked if the Work First Program appeared to have been a good benefit for those who participated during last year.

Ms. Wilkes responded that the Work First Program had helped many families and had proven to be a supportive service to those families.

Chairman Blount opened the public hearing at 9:45 am to receive comments from citizens concerning the ROAP application.

With no citizens present wishing to address the Board, Chairman Blount closed the public hearing at 9:45 am.

Commissioner Tadlock made a motion to approve the acceptance of the grant in the amounts indicated. Commissioner Andrews seconded the motion and the motion carried unanimously.

Mr. Fahnestock informed the Board that it is time to advertise Request for Proposals for private operators to bid on the operating of the Rowan Transit System. Mr. Fahnestock stated a proposal would be presented to the Board in September as to who should be awarded the contract to manage the system.

**APPROVAL OF A RESOLUTION FROM ROWAN REGIONAL MEDICAL CENTER:**

James Freeman presented a resolution and requested assistance from the Board in opposing Medicare taking Rowan County out of the Metropolitan Statistical Areas (MSA). Mr. Freeman explained the change would divert money from smaller

communities hospitals to larger ones, resulting in fewer services and opportunities to reduce overall healthcare costs.

Commissioner Tadlock made a motion to adopt the resolution as presented followed by a second from Commissioner Chamberlain. The motion carried unanimously.

**PUBLIC HEARING FOR Z-15-01 AND CUP-13-01 TO REZONE CBI TO MHP AND PERMIT FOR EXPANSION IN MHP DISTRICT:**

Chairman Blount declared the public hearing for Z-15-01 and CUP 13-01 in session. Chairman Blount explained the purpose of the public hearing was for a rezoning request from CBI (Commercial/Business/Industrial) to MHP (Manufactured Home Park). Chairman Blount explained the rezoning involved a 1.2-acre tract located off Roseman Road and is also adjacent to 7.3 acres also owned by the applicant. Chairman Blount continued by stating if the Board were to approve the request, the Board would consider CUP-13-01, a plan to add 13 manufactured home spaces to the three units currently on the site. Due to the cases being so closely related, the Board conducted a single public hearing.

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 the request for Z-15-01. Mr. Lytle reviewed the case and stated the 1.20 acre tract is adjacent to other property owned by the applicant, Mr. Bridges, which is zoned MHP. Mr. Bridges purchased the park in 1999 and the subject property in 2000.

Mr. Lytle explained that other manufactured home parks bound the park on the east, west and northeast.

Mr. Lytle summarized the zoning review as follows:

1. Relationship and conformity with existing plans and policies.
2. Consistency with the requested zoning districts purpose and intent.
3. Compatibility of all uses within the proposed district classification with other properties and conditions in the vicinity.

Mr. Lytle summarized the conditional use district review as follows:

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 will not result.
6. The use will not create significant visual impacts.

Mr. Lytle stated that the staff conclusion was that the park would offer housing opportunities to lower income families.

Mr. Lytle stated that several residents had spoke in opposition to the request to the Planning Board, however, the Planning Board recommended unanimously to approve the request.

Commissioner Andrews inquired as to whether the rezoning would enable Mr. Bridges to place thirteen (13) mobile homes on the 1.2-acre parcel. Mr. Lytle responded that the site plan encompassed the 1.2-acre parcel and the adjacent parcel of 7.3 acres.

Commissioner Chamberlain inquired as to where the parking for the proposed new spaces would be. Mr. Bridges responded that parking would be off of the street, on the required 20 x 20 parking pad.

With no further questions or comments, Chairman Blount closed the public hearing.

Commissioner Chamberlain made a motion to approve the rezoning request for Z-15-01 as presented. Commissioner Belk seconded the motion and the motion carried unanimously.

Commissioner Chamberlain made a motion to approve CUP-13-01 as presented, followed by a second from Commissioner Tadlock. The motion was unanimously approved.

**PUBLIC HEARING FOR Z-16-1 AND CUP-17-01 TO REZONE RA TO CBI (CUD), A REQUEST FROM JACK PHILLIPS:**

Chairman Blount declared the public hearing for Z-16-01 and CUP-17-01 in session. Chairman Blount explained the purpose of the public hearing was to consider a rezoning request from RA (Rural Agricultural) to CBI (CUD) (Commercial-Business-Industrial Conditional Use District). The application requests is to make an existing garden shop on Providence Church 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 presented the case for Rowan County. Mr. Lytle explained that the site was rezoned from MHP to RA in November 2000. The purpose of the rezoning was to allow the location of a nursery/greenhouse on the site engaging in the production of ornamental plants and other nursery products. The petitioners were told at that time that selling products not produced on the site was allowed as long as it was a minor part of the operation.

Mr. Lytle stated that a citizen expressed concern over the business, operated by proprietor Jeff Rogers, and when staff investigated, the facility was found to be out of compliance. The property owner, Mr. Jack Phillips, requested the CBI (CUD) zoning restricting the property to only "Retail Nursery, Lawn and Garden Supply Stores".

Mr. Lytle summarized the staff review as follows:

1. Relationship and conformity with adopted plans and policies.
2. Consistency with this article and the requested zoning districts purpose and intent.
3. Compatibility of all uses within the proposed zoning district classification with other property and conditions in the vicinity.
4. Potential impact on schools, utilities, etc. will be minimal.

Mr. Lytle reviewed the Conditional Use Permit criteria as follows:

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

Mr. Lytle reported the staff findings to be that the request is compatible with the surrounding area and staff supports the request.

Mr. Lytle informed the board that the Planning Board unanimously approved a favorable recommendation.

Commissioner Chamberlain questioned what the owner could be allowed to do with the property, with the approved CUP, that he could would not be

allowed under RA zoning. Mr. Lytle responded that under RA, the owner can operate a landscaping/contracting business but cannot sell mulch and products not produced on the site. The owner currently sells mulch which is inline with this type of business and which would be a conforming use under CBI zoning. Mr. Lytle informed the board that the mulch is kept out of site behind a building and the premises are very attractive.

Jeff Rogers stated that the business had lined the entire road, adjacent to the property where the mulch is kept, with Bradford Pear trees. Mr. Rogers also stated that a berm had been created from the front side of the business as well.

Chairman Blount closed the public hearing.

Commissioner Belk made a motion to approve the rezoning to CBI (CUD) as requested. Commissioner Tadlock seconded the motion and the motion carried unanimously.

**SNIA-04-01 FOR CONSIDERATION OF A REQUEST TO EXCEED 12% IMPERVIOUS, A REQUEST FROM BRETT BODINE:**

Ed Muire, Assistant Planner for Rowan County, presented the SNIA-04-01 request from Brett Bodine Racing. Mr. Muire explained that Mr. Bodine's property is zoned Industrial and is located in the Mooresville Motor Sports Complex. Mr. Muire informed the board that the property is located in a watershed area and non-residential development is limited to a 12% built-upon area. Mr. Muire explained that the state allows up to a 70% built-upon area and Mr. Bodine's request is below this requirement.

Commissioner Chamberlain made a motion to approve SNIA-04-01 request as presented. Commissioner Tadlock seconded the motion. The motion carried unanimously.

**EMPLOYMENT SECURITY COMMISSION PRESENTATION ON UNEMPLOYMENT:**

Karen Leonard of the Employment Security Commission (ESC) gave a presentation on unemployment in Rowan County. Ms. Leonard explained that the "roller coaster" unemployment percentages reflected in the media have been accurate. The percentages are taken around the 12<sup>th</sup> of each month and are based on an estimated number of unemployed individuals. The percentages include those who are temporarily laid off, as well as permanent layoffs. Ms. Leonard continued by saying when a large employer files temporary layoffs, the unemployment numbers can go way up. Ms.

Leonard stated that individuals could receive up to 50% of the earnings of their regular pay, with a cap of \$396.00 per week. The maximum length of time an individual can file for unemployment is twenty-six (26) weeks. Ms. Leonard discussed the various training programs and agencies available to help people improve their skills to locate jobs.

The Commissioners devoted considerable time to the discussion of educational opportunities and training available to the citizens.

Chairman Blount called for a short break at 10:45 am. The meeting reconvened at 11:00 am.

### **UPDATE ON THE GIS SYSTEM:**

Marion Lytle distributed a handout and reviewed the background and expenses of the County Geographic Information System (GIS) Project. Mr. Lytle explained that a GIS system is a database of combined layers of information about an area in a computerized format. Mr. Lytle stated that the Board of Commissioners had granted staff the authority on October 5, 1998 to negotiate a contract with ASI Landmark to develop cadastral map coverage and modernize street addressing for Rowan County.

Adrian Rollins, GIS Coordinator, explained the status of the contract with ASI Landmark. Mr. Rollins stated that ASI underwent a company wide reorganization, but has delivered an estimated 75,000 parcels and final delivery for cadastral data is scheduled for February 7, 2002. Final delivery for the addressing project is scheduled for June 30, 2002. Mr. Rollins informed the Board that the project is approximately 4-5 months behind schedule.

Chairman Blount inquired as to whether the delivery delay has caused concern for the Planning Department. Mr. Rollins stated the concern would only arise if the County Assessor's Department would undergo a revaluation.

Mr. Lytle stated it does concern the Planning Department in the sense that the department would like the data, but there was no concern as to the quality of the data.

Chairman Blount informed the Board that the cadastral map is a valuable system to the county and to various groups and felt the board should continue to support this project.

**DISCUSSION ON Z-18-01, THE PROPOSED AMENDMENTS TO THE MANUFACTURED HOME PARK STANDARDS:**

Mr. Lytle reviewed the history of the proposed standards for manufactured home parks through the courtesy public hearing and committee meetings by the Planning Board. Mr. Lytle presented a spreadsheet and reviewed the standards recommended by the Planning Board.

Commissioners discussed these changes concerning “potholes” and the width of the roads in the parks. The Board also discussed the time period for compliance to these standards.

Commissioner Tadlock made a motion for 16-foot roads in all manufactured home parks (MHP). Chairman Blount seconded and the motion failed on a 3-2 vote. Commissioners Belk, Chamberlain and Andrews voted against the motion.

Commissioners discussed further options for 16-foot roads in the parks such as all new parks would require 16-foot paved roads and the current roads would be required to have gravel to meet the 16-foot requirement.

Commissioner Chamberlain made a motion to require a minimum of 12-feet in existing MHP’s. Chairman Blount seconded for discussion purposes. The motion failed on a 4-1 vote with Commissioner Chamberlain voting in favor of the motion.

Chairman Blount made a motion for 16-foot roads, with any combination of paving and gravel, in existing parks. Commissioner Tadlock seconded and the motion carried by a 3-2 vote. Commissioners Andrews and Chamberlain voted against the motion.

Mr. Lytle was asked to prepare a document in text form with changes for the next Commission meeting. By consensus from the Board, Chairman Blount requested that a public hearing be set for the August 20, 2001 meeting at a time designated by the Clerk.

**REQUEST FOR AUTHORIZATION FOR FUNDING TO REMOVE ABANDON MOBILE HOMES:**

Lloyd Pace and Carl Doby, from the Planning Department, reviewed the memo sent to the Board and the number of complaints received concerning abandoned manufactured homes. Mr. Pace also reviewed with the Board the procedure followed once a complaint has been received.

Mr. Pace stated that 35 homes have been removed and there are now approximately fifteen homes that need to be removed with the help of the County. Mr. Pace requested \$20,000 to have these homes removed and liens to be placed on the property.

Commissioner Chamberlain made a motion to appropriate \$20,000 from the General Fund Balance for the removal of these homes and to allow the County to expedite all legal resources for collection. Commissioner Belk seconded and the motion passed unanimously.

**DISCUSSION ON THE PROPERTY OWNED BY ROWAN COUNTY IN SUMMER PLACE:**

Mr. Russell informed the Board that the County owns a parcel of property in the Summer Place Subdivision, through foreclosure. This property is a small lot that will not perk and homeowner's dues are being assessed. Staff is recommending that the property be sold or donated.

Commissioner Andrews made a motion to authorize staff to dispose of this property. Commissioner Tadlock seconded and the motion passed unanimously.

**REVIEW OF PROPOSED POLICY FOR VEHICLES AND EQUIPMENT:**

Mr. Russell reviewed with the Board that staff had been requested, a year ago, to write a proposed policy on regulations, purchasing, disposition and maintenance of vehicles and equipment. This policy was deferred for further review and staff has been asked to bring this proposal back at this time for the Board to consider adopting a uniform policy.

Mr. Russell stated that the County currently maintains 170 vehicles through a uniform purchase and disposition process that has worked very well. Mr. Russell continued to state that the purpose of this policy is to put the policy in writing and to have the policy in one place and more detailed.

Mr. Russell stated that this policy would specify the types of vehicles, acquiring vehicles, disposition of vehicles, colors of vehicles, marking of vehicles, and use of vehicles in political situations.

Commissioners discussed the personal use of County vehicles, colors and styles, specifically in the Sheriff's department and it was suggested to include the exception of elected officials to item number "I".

Commissioner Chamberlain made a motion to exempt the Sheriff's Department from this policy, except those that are legally mandated, as long as the Sheriff enforces his policy. And if the purchases are not legally mandated, the Board should be involved in that also. This motion died for a lack of a second.

Commissioner Tadlock made a motion to adopt the proposed policy as presented with the addition of number 5 under item "I - Personal Use" to exempt elected officials. Commissioner Belk seconded and the motion carried on a 4-1 vote. Commissioner Chamberlain voted against the motion.

**DISCUSSION OF CHANGING THE MONDAY, SEPTEMBER 3, 2001 COMMISSION MEETING:**

Commissioner Tadlock made a motion to change the first Board meeting in September to Tuesday, September 4, 2001 at 9:00 am. The motion was approved by consensus.

**DISCUSSION ON PARLIAMENTARY PROCEDURES FOR THE BOARD OF COMMISSIONERS, PLANNING BOARD, ZONING BOARD OF ADJUSTMENTS:**

By consensus the Board agreed to pull this item until the next meeting.

**DISCUSSION ON HOW CITIZENS ARE APPOINTED TO THE LOCAL BOARDS AND COMMITTEES:**

By consensus the Board agreed to pull this item until the next meeting.

**BOARD APPOINTMENTS:**

Job Link Career Center Representative:

Commissioner Tadlock made the motion to approved Ken Deal to be the Representative to the Job Link Career Center. The motion passed unanimously.

Granite Quarry Planning Board ETJ Members:

Commissioner Belk made the motion to reappoint Clarence Bost, Jr. and Maggie Reid to the Granite Quarry Planning Board as ETJ members. The motion passed unanimously.

Granite Quarry Zoning Board of Adjustments:

Commissioner Tadlock made a motion to reappoint Howell Kesler, Jr. as a member to the Granite Quarry Zoning Board of Adjustment. The motion passed unanimously.

Juvenile Crime Prevention Council:

Kisha Sommer was appointed in the Under 21 slot and Michael Adkins was appointed to the At-Large slot on a motion made by Commissioner Chamberlain. The motion passed unanimously.

**ADDITIONS TO THE AGENDA:**

**Past Business in Planning:**

Commissioner Andrews reviewed an earlier rezoning involving Primestar on Menus Road and the person in charge was asked if they were going to build mobile homes, doublewides or stick-builts. The Board was informed that stick-built homes were going to be used to fit in with the neighborhood. Commissioner Andrews asked that Planning check out this piece of property and find out if this has happened or what is being built at this location. Mr. Conner is to relay this information to the Planning Department.

**South Rowan Water:**

Mr. Russell passed out to the Board a copy of the proposed Memorandum of Understanding for the South Rowan Water Extension Project. Mr. Russell explained that Dave Treme, the Salisbury City Manager, would like for the Board to approve this agreement in order to proceed with adopting agreements with China Grove, Landis and Kannapolis. Mr. Russell explained that the City of Salisbury would have agreements not only with Rowan County, but also with China Grove, Landis and Kannapolis. The agreement with Rowan County, that has not been received yet, would be to “pay all” and then to collect from China Grove, Landis and Kannapolis.

Mr. Russell stated that City of Salisbury would proceed with the easements, construction and bidding and arrange the financing. The County will make payment to the City of Salisbury and collect the money from China Grove, Landis and Kannapolis. Mr. Russell suggested that the first sentence under Number 7 – County Payments, should be changed to read, “The County agrees to reimburse to the City all cost as part of this agreement”. Mr. Russell also suggested that under Number 9 – Water Rates, to clarify that the rates that will be charged are City rates and not new rates. Mr. Russell also suggested adding, possibly as Number 14, “This Memorandum of Understanding is subject to the County’s ability to secure financing agreements with the towns of China Grove, Landis and the Kannapolis.

Commissioner Tadlock made a motion to approve this Memorandum of Understanding with the above-suggested modifications. Commissioner Chamberlain seconded and the motion passed unanimously.

**Billboard Moratorium:**

Commissioner Chamberlain made a motion to extend the moratorium on billboards for 60 days. Commissioner Tadlock seconded and the motion passed unanimously.

**School Supply Money:**

Chairman Blount informed the Board of an invitation he received to attend a meeting on Wednesday Morning at 7:30 am where the School Board would discuss accepting the School Supply Money with the “strings attached” as was originally offered. Chairman Blount asked that Commissioner Tadlock, Mr. Russell and Leslie Heidrick attend this meeting with him.

Chairman Miller asked for a joint meeting with the School Board and Board of Commissioners to talk about positive issues, such as capital needs, the upcoming bond issue and relations between the two boards.

Commissioners discussed possible dates and decided on a Tuesday in October and to make this a lunch meeting at the County Administration Building.

**PUBLIC COMMENT:**

There were no citizens present for the Public Comment Period.

There being no further business, Chairman Blount adjourned the meeting at 1:00 pm.

Respectively Submitted,

Rita K. Foil,  
Clerk to the Board