

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
December 3, 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 a.m.

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

ADDITIONS TO THE AGENDA:

- Tim Russell, County Manager, asked to add an item on the Community Development Block Grant (CDBG) about “scattered housing.”
- Chairman Blount asked to add an item on a previous conditional use permit approval to add the findings of fact.
- Chairman Blount also asked to add as item on zoning text amendments previously held at the Planning Board.

SELECTION OF CHAIRMAN AND VICE-CHAIRMAN:

Mr. Russell presided over the selection of the Chairman and Vice-Chairman for the Board and opened the floor for nominations for Chairman.

Commissioner Tadlock nominated the current Chairman, Steve Blount. There being no further nominations, the nominations were closed. Commissioner Andrews seconded the motion and the motion carried unanimously.

Mr. Russell then asked for nominations for Vice-Chairman. Commissioner Belk nominated Gus Andrews. Chairman Blount moved to close the nominations by acclamation. Commissioner Tadlock seconded and the motion carried unanimously.

Chairman Blount stated that the current Commissioner Liaison's to boards and committees would not change and if any Commissioner would like to make a change, to please let him know.

COMMISSIONER LIAISON REPORTS:

Commissioner Andrews stated that he had attended a recognition program for student volunteers. The students were nominated based on their character, schoolwork, and involvement in special volunteer programs through the schools, churches and in the community. Commissioner Andrews praised the outstanding job of the volunteers and for the services they perform in the community.

Commissioner Chamberlain informed the Board that the progress on the magistrate's office was going well.

Commissioner Tadlock stated that the Library Board had launched a campaign to raise \$450,000 for various projects. Commissioner Tadlock recognized Friends of the Library for a \$5,000 donation towards the campaign effort.

Commissioner Belk stated that she was very proud of the Department of Social Services for receiving accreditation and that she would reserve her comments for later during the meeting.

Chairman Blount commented that the parades this year had been well attended and the spirit of patriotism was appreciated.

CONSIDERATION OF THE CONSENT AGENDA:

Chairman Blount led a discussion concerning a second meeting for December. Due to the need of holding (2) public hearings, the Board agreed to hold a second meeting on Monday, December 17, 2001, at 7:00 pm.

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

The Consent Agenda consisted of the following:

Consideration Of Consent Agenda:

- A. Approval of the 11/19/2001 minutes
- B. Approval of the NCDOT request that North Fishermans Lane, South Fishermans Lane, Lakeshore Drive, Sunfish Terrace, Catfish Terrace, and Panfish Lane be added to the Secondary Road System for maintenance
- C. Approval to set a public hearing for Z-30-01 and CUP-28-01 for the establishment of a MHO, Samuel Lowman, owner
- D. Approval to set a public hearing for SUP-01-01, Matlock Auto Parts
- E. Approval of a Resolution to approve State funds for Councils of Governments (COG)
- F. Approval of two requests to retain the official duty weapons
- G. Approval of the Budget Amendments

RECOGNITION OF DSS STAFF FOR ACCREDITATION:

Chairman Blount recognized Sandra Wilkes, Director of the Department of Social Services, and the DSS staff, for receiving accreditation. Ms. Wilkes explained that the North Carolina Council on Social Services Accreditation agreed that DSS had met the accreditation standards and had also received the approval of the Governor. Ms. Wilkes extended an invitation to the Board to attend a ceremony, to be held later in the day, for the achievements of DSS. Ms. Wilkes stated that staff and community partners would be recognized for their accomplishments in helping children and families. Ms. Wilkes explained that DSS had been accredited at an overall Level 3 and DSS had begun to tackle a list of achievements to become an even stronger agency. Ms. Wilkes thanked the Board of Commissioners for their support of two (2) Medicaid positions, and the approval of relocating child support staff. Ms. Wilkes stated that each employee of DSS would be receiving the gift of a pen at the afternoon presentation and she would like the Board of Commissioners to receive the first pens.

Chairman Blount presented Ms. Wilkes with a certificate recognizing the Department of Social Services as the “Department of the Month.”

RESOLUTION AUTHORIZING THE SUBMISSION OF THE CTP APPLICATION TO NCDOT AND THE PUBLIC NOTICE TO INFORM CITIZENS OF THE CTP GRANT:

Chairman Blount asked Clyde Fahnestock, Senior Services Director, to explain the Community Transportation Program application process. Mr. Fahnestock explained that

the North Carolina Department of Transportation is now accepting CTP applications for fiscal year 2003. Mr. Fahnestock continued by stating the official applicant would be the Rowan County Board of Commissioners. The application would secure 85% grant support for Rowan Transit System administrative costs and 90% grant support for capital and technology purchases. Mr. Fahnestock described the application requirements to include a public hearing held by the Board of Commissioners, and approval of a "Resolution to Apply" authorizing the Chairman to submit the application.

Commissioner Andrews made a motion to adopt the public notice and the resolution as presented. Commissioner Belk seconded and the motion carried unanimously.

PUBLIC HEARING FOR THE ROAD NAME CHANGE OF CELESTIAL DRIVE:

Fredda Greer, Rowan County Planning Department, reviewed with the Board the proposed name of Celestial Drive, currently known as Barger Drive. Ms. Greer explained that there was constant confusion and mail delivery mix-up between Barger Road and Barger Drive, and that only one (1) property owner had worked with the Planning Department in an attempt to rename the road.

Chairman Blount opened the public hearing to entertain comments.

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

Commissioner Tadlock made a motion to approve the road name change of Barger Drive to Celestial Drive. Commissioner Andrews seconded and the motion carried unanimously.

PUBLIC HEARING FOR THE MODIFICATIONS TO CUP-14-99, A REQUEST FROM PROGRESS ENERGY AND CONSIDERATION OF THE REQUEST FOR ZONING VESTED RIGHTS:

Chairman Blount read the Chairman's speech (Exhibit A) and declared the public hearing for consideration of CUP-14-99 to be in session and stated that the hearing would focus on an application (Exhibit B) from CP&L, a Progress Energy Company, to add two (2) combined cycle electrical generation units to their facility at 5744 NC Highway 801.

The Clerk swore in all those that came forward to provide testimony in this case.

Marion Lytle, Rowan County Planner, presented his report (Exhibit C) to the Board, beginning with the background concerning the conditional use application. Mr. Lytle explained that three combustion turbine generators currently exist at the site. Mr. Lytle stated that if approved, the modifications would be completed in Phase II and Phase III, which would increase the total capacity of the site to 1100 megawatts.

Mr. Lytle outlined the specific requirements in the Rowan County Zoning Ordinance for power plants, which are the following:

1. Setbacks
2. Separation
3. Dust, Odor, Glare
4. Operation
5. Security Restrictions.
6. Other Special Conditions

Mr. Lytle explained that Article IV, Section 7 of the Zoning Ordinance, requires the applicant to illustrate that they can comply with the following criteria:

1. Adequate transportation 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 levels of noise or dust
5. Excessive traffic or parking problems will not result
6. The use will not create significant visual impacts for adjoining properties

Mr. Lytle presented a review through pictures (Exhibit D) in a power point presentation that included the power plant site, the surrounding areas and also Phase II. Mr. Lytle pointed out that pictures of Phase III were not presented but would basically be identical to Phase II.

Mr. Lytle stated the public comments he had received prior to the meeting focused on the alleged deception of CP&L in seeking approval for the original project. Mr. Lytle commented that Mr. Gene Myers, owner of the Falcon Crest subdivision and also a resident of Godbey Road, had been the most vocal. Mr. Lytle reported that the basic concern of Mr. Myers has been how the CP&L development will affect the subdivision lot sales. Mr. Lytle explained that Mr. John Cook, of CP&L, had responded to the concerns of Mr. Myers (Exhibit E).

Mr. Lytle explained that when he met with Mr. Neil Cobb, resident of Godbey Road, and with Mr. Myers on November 15, 2001 to discuss the CP&L application, he had been presented with a written list of concerns.

Mr. Lytle reported that Mr. James Wallace, owner of property at the intersection of Second Creek and Statesville Blvd. expressed concern about added utility rights-of-way across his property.

Mr. Lytle informed the Board that staff had contacted state environmental officials in response to some of the concerns. According to Mr. Ed Perkins, who is responsible for air quality permits, with NCDENR in the Raleigh office, a permit for Phase II was approved effective March 14, 2001. Mr. Mike Parker of NCDENR in the Mooresville

office, who is responsible for water discharge permits, informed staff that a permit for a maximum of 58,000 gpd into Second Creek was being issued.

Mr. Lytle reviewed the staff findings and recommended approval of the request with the following conditions:

1. Natural vegetation be augmented as needed along the perimeter to create a minimum buffer of 80 feet wide around the perimeter of the developed area. Utilization of natural vegetation is encouraged. At a minimum the buffer shall consist of a row of tall evergreens stagger planted in rows 25 feet on center. The trees shall be 8-10 feet tall at planting and be white pines or similar species approved by staff. Outside of this planting shall be a row of willow oaks, red maples or other hardwood species spaced 35 feet from the outside row of evergreens. These trees shall be 8-10 feet tall at planting and spaced no more than 50 feet on center. All trees shall be planted and maintained according to the best planting practices of the American Association of Nurseryman (AAN).
2. CP&L provide documentation that the facility will comply with county Noise Ordinance standards prior to beginning operation. The standards at the apparent property line are:

7:00 am – 11:00 pm	70db
11:00 pm – 7:00 am	65db
3. Lighting of towers be minimized and other lighting be shielded to minimize effects on the surrounding area.

Chairman Blount asked if any Commissioners had questions for Mr. Lytle at this point.

Commissioner Andrews addressed Mr. Wallace’s concern over the additional rights-of-way and questioned if additional power lines would have to be built. Mr. Lytle responded that there is currently a gas line across this property. Mr. Wallace’s concern is that CP&L received a different right of way for potential condemnation procedures, which additionally cut up his property. Mr. Lytle continued by stating instead of trying to widen the existing right-of-way to get to the gas line, a new gas line right-of-way was put across Mr. Wallace’s property. Mr. Lytle stated there would be no new above ground power lines.

Chairman Blount confirmed that this was done by Piedmont Natural Gas Company.

Chairman Blount asked if the applicant had any comments at that time.

Jerry Letchworth, Manager of Project Planning and Siting for CP&L, a subsidiary of Progress Energy, came forward to address the Board. Mr. Letchworth asked Mr. Lytle to

display the slide of the rendering. Mr. Letchworth continued by highlighting the sequence of events for the CP&L construction in Rowan County.

Mr. Letchworth addressed the need to increase plantings for better screening on the east side of the CP&L facility.

Mr. Letchworth referred to Commissioner Andrews question concerning the additional power lines on Mr. Walker's (Wallace's) property, which is east of Second Creek. Mr. Letchworth stated that for Phase I, CP&L needed to get the Duke Power lines onto the property to build a substation and back across. CP&L received the easements on the west side of the creek and Duke Power and Piedmont Natural Gas acquired the easements on the east side of the creek from Mr. Walker (Wallace), without CP&L being directly involved. Mr. Letchworth stated "we did hear" that Mr. Walker (Wallace) was more interested in a land swap rather than in the money, however, CP&L retained all of its property for buffering and screening. Mr. Letchworth explained that Duke Power had tried unsuccessfully to find land to "trade" with Mr. Walker (Wallace) and finally agreed on a cash easement, as well as Piedmont Natural Gas agreeing on a cash easement. Mr. Letchworth stated that to complete Phase II and Phase III, no upgrade to the power lines or gas lines would be needed.

Mr. Letchworth distributed photographs (Exhibit F), the first being aerial photographs displayed at a rendering of an earlier community meeting, depicting units 4 and 5. Additional photos were shown depicting the Richmond County site with 4 simple cycle units, identical to the 3 simple cycle units in Rowan County. Mr. Letchworth pointed out one difference in the units was that the stack height in Richmond County was 145 feet and the stack height in Rowan County would be required to be 184 feet.

Mr. Letchworth distributed ground level photographs of the combined cycle unit in Richmond, including the cooling tower.

Commissioner Chamberlain inquired as to how tall the simple cycle units in Richmond were. Mr. Letchworth responded 114 feet, which is the same stack height as Phase I in Rowan County.

Mr. Letchworth continued with another ground level photograph from the Richmond plant, which focused more on equipment, and did not show the cooling tower.

Commissioner Belk confirmed that the Rowan County stack height would be approximately 40 feet taller the Richmond facility.

Mr. Letchworth stated that the exhaust stacks are natural gas fired units and emissions would not be seen from these units when burning natural gas. Mr. Letchworth informed the Board that CP&L has number 2 oil backups, and that CP&L would contract for natural gas transportation year round. The oil backup would be used for emergency, in the event the natural gas was curtailed. Mr. Letchworth stated that when using oil, once

the unit is hot, there are virtually no emissions, however, if the unit were cold you would see dark emissions for approximately 20-30 minutes.

Commissioner Chamberlain asked if any oil had been used in Rowan County. Mr. Letchworth replied that CP&L had only tested with oil.

Mr. Letchworth informed the Board that several of the neighbors had raised questions as to the cooling towers and emissions. Mr. Letchworth distributed photographs of the Mayo plant in Person County and explained that the tower is four times larger than the tower for Rowan County. Mr. Letchworth pointed out the exhaust at the top and the water vapor coming out of the tower dissipating at approximately 40 feet. Mr. Letchworth also submitted a photograph depicting how an individual could “see through” the water vapor.

Mr. Letchworth stated that there were initial questions raised as to whom CP&L would be selling power to. Mr. Letchworth stated the output from the first three units were sold to the following: Unit #1) South Carolina Public Service Authority for a period of one year, scheduled to end May 31, 2002. Beginning June 1, 2002 Duke Power will buy from this unit, as a reserve unit for five (5) years; #2 Unit) Sold to Duke Power for a period of 4 years; #3 Unit) Not sold to anyone but has been on the market since June 1, 2001.

Commissioner Chamberlain questioned if the oil vapors are monitored and how problems are detected. Mr. Letchworth responded that on the simple cycle units there are no continuous emission monitoring systems, however there is a limit of 20% opacity, which the operators observe. Mr. Letchworth stated that when burning oil, the system is computer monitored. Mr. Letchworth continued by saying for the combined cycle, a higher level of environmental control is required through continuous emissions monitoring, which also has alarms.

Chairman Blount opened the public hearing to entertain comments from those who had been sworn in.

1. Ellen Trexler, 3021 Old Mocksville Road, stated she had six (6) questions she would like the Board to consider before approving the request. Ms. Trexler mentioned that she is the current President of the Rowan Astronomical Society and was disappointed that the City of Salisbury had put up high sodium lights. Ms. Trexler declared her questions/concerns as summarized below:
 - Is this electricity to be generated more valuable than the water supply? What will happen if we have all of this hot water that has to be cooled, where will it go? How are you going to load boiling hot water and carry it off?
 - Light pollution? What about the crops in the area? “They” are going to run 24/7 and that will ruin the whole light table for crops, especially fruit trees.
 - What about the heat pollution? Heat pollution is important to the state and our nation. “Trees are most important.” What will happen to our forests?

- What will happen to the damage done to cool all these gallons of water produced by the water in the Yadkin River? Is this water poison, will it kill the wildlife?
 - To have a well-operated power plant, a big lake is needed for cooling the water and then put it into a stream.
 - The estuaries and the tributaries will be hurt and the trees by the water vapor and the heat. This is an agricultural county. Do we need electricity this bad? To run the power plant 24/7 is too much.
2. Luther Sowers, a resident of 5050 Statesville Blvd., stated the water issue is a concern to him for two reasons. Mr. Sowers referenced another power plant that is under negotiation to be built less than a quarter of a mile from the CP&L plant and felt these plants are too much for the small area. Mr. Sowers expressed concern over the waterline and questioned if the waterline to be built along Hwy 70 would be coordinated with the construction of Highway 70. Mr. Sowers stated the current plan would overlap part of the area needed for delivery of the water to the CP&L plant. Mr. Sowers mentioned the buffering on the east side of the power plant and expressed his disappointment that the trees mentioned for buffering would not reach maturity for 45 to 50 years. Mr. Sowers also expressed his displeasure with the lighting and the continuous glow in the sky. Mr. Sowers asked the Board to preserve Rowan County.
 3. Larry Burns, 2885 Parks Road, stated that he lives between the substation and the power plant and most of his family live closer to the power plant. They have resided in this area for forty years. Mr. Burns asked how long it would take to grow the redwood trees that will act as a buffer for the towers and that there were no buffers on the Parks Road side.
 4. Chris Myers, resides at 1050 Kestrel Court in the Falcon Crest development, presented a handout with photographs (Exhibit G). Mr. Myers expressed his concerns about his property value being effected by the building of the facility and who would be interested in housing with a facility like this running 24/7. Mr. Myers pointed out a picture taken from his bedroom window that does not show a lot of buffer for the stacks and another picture showing how the plant illuminates at night from the lighting. Mr. Myers stated that he did not have a problem with the lights being used when they are needed, but could not see a need for them to be on all the time. Mr. Myers informed the Board that he is a Mechanical Engineer from NC State University and was well versed in Heat Transfer and Thermodynamics and questioned that the data was based on averages and should be based on worst-case scenarios. Mr. Myers cited an average humidity of 54 percent when in the middle of the summer the humidity is well over 90 percent. Mr. Myers questioned how much water could be given up from these stacks when there is already a high humidity. Mr. Myers also questioned the “fog bank.” and continued by questioning the construction, the lights being on all through the night and the noise from the equipment and generators. Mr. Myers asked if the construction could be done during the day. Mr. Myers expressed concern over

what to expect next from CP&L. Mr. Myers completed by asking what would happen if this permit were denied. Mr. Myers asked the Board not to get greedy at the expense the people they were elected to serve. Mr. Myers gave additional pictures (Exhibit H) of the plant taken from his home.

5. Gene Myers, of 2070 Godbey Road, gave a handout that he read from (Exhibit I) to the Board and began by expressing the deception he felt in being told that this would be a peaking facility and there would be no steam operation on the site. Mr. Myers continued to talk about the deception and CP&L's change of plans. Mr. Myers voiced concern about the odor caused from the smoke stacks, the lights glaring from the facility and the inadequate plantings to buffer the adjacent property lines. Mr. Myers asked the Board to "please" look at the application carefully in making a decision.
6. Bonnie Cobb of 2110 Godbey Road stated that she was present to voice deep concerns over the CP&L amended application. Ms. Cobb reviewed a letter from CP&L with their outline of intentions and a computer picture of the plant surrounded by trees, stressing that CP&L said the plant would not be intrusive to the neighborhood. Ms. Cobb reviewed another letter that followed stating that the operations at CP&L would be increasing. Ms. Cobb said that the letter received in November 1999 was the last communications received from CP&L. Ms. Cobb stated that area residents learned CP&L had submitted an amended permit to add two steam turbine generators and associated equipment to the site, which was never shared with the public and the area residents. Ms. Cobb expressed that the change from simple to combine cycle turbines with cooling towers, running 24 hours a day, was not what was promised. Ms. Cobb voiced concern over the water to be used, emissions, height of the towers, increase odor, buffers and the effect of home values. Ms. Cobb stress the misrepresentation from CP&L and that she is "adamantly" opposed to these modifications. Ms. Cobb presented a folder (Exhibit J) with copies of letters from CP&L, pictures, an application for the conditional use permit and a copy of her verbal presentation.

** The Clerk swore-in Newton, Cohen.

7. Newton, Cohen spoke in favor of the modifications and expressed that he wants his lights, refrigerator, furnace and air conditioner to operate, which depends on electricity. Mr. Cohen added that this facility would greatly increase the tax base and would educate a large number of children at the given rate per student. Mr. Cohen urged approval of the application.

Mr. Letchworth responded to the confusion of rendering, which were five simple-cycle units, at the first community meeting and at the second community meeting, the rendering of combined-cycle unit. Mr. Letchworth stated that there was a letter notifying the community of the second community meeting in May 2000 and he could provide a copy of this letter.

Chairman Blount asked the audience for respect and consideration while Mr. Letchworth continue with his response.

Commissioner Andrews asked about the three-year compliance requirement. Mr. Letchworth stated that the “three-year” statement did not relate to the CP&L permit and if they exceed emissions, the plant would be shut down immediately and cannot start back up until the cause has been repaired. Mr. Letchworth added that the “three-year” statement was for the attainment and non-attainment areas concerning the ozone. The State monitors the ozone and there must be a three-year accedence’s to be declared a non-attainment for ozone.

Commissioner Andrews asked if this was done at the State level. Mr. Letchworth responded that “yes” it was with EPA approval.

Commissioner Chamberlain asked about the 24-hour operation and how this would affect the noise level. Mr. Letchworth responded that the combustion turbines would be quieter because the heat recovery boiler acts as natural buffer. With the addition of the steam turbine, cooling tower and additional transformers, there would be an additional source of sound, but they are committed to meet the 65db level at the property boundary. CP&L will be doing the acoustical modeling that is required, which will have the three simple-cycle units and the units four and five in combined-cycle with all the additional equipment to see what the projected sound level will be at the property boundaries.

Commissioner Chamberlain asked who would determine the noise level. Mr. Letchworth answered that they would measure and test the sound levels for compliance and the County has the opportunity to test the area also.

Commissioner Andrews asked if staff were to test the area and determine the noise level is over the requirement, can CP&L be shut down right away or will there be a three-year wait. Chairman Blount stated that the county has procedures and one of the conditions on the conditional use permit is that CP&L will meet the county’s sound ordinance.

Commissioner Chamberlain asked Mr. Lytle if any noise levels were taken during the construction of the facility. Mr. Lytle responded “no.”

Commissioner Chamberlain asked if the construction could be limited to “not” after dark. Mr. Letchworth stated that construction is preferred to daytime hours. Sometimes it may continue into the night and there would be construction occurring for a period of approximately 17 months. Chairman Blount added that the noise ordinance allows for construction noise.

Commissioner Chamberlain asked Mr. Letchworth for a copy of the letter about the second community meeting. Mr. Letchworth responded that he would get a copy to the Board.

Commissioner Belk asked about the temperature of the water being dispersed into Second Creek and would this be detrimental to the fish and plant life. Mr. Letchworth answered that the “hot” water is cooled in the cooling tower and the water going into Second Creek would be somewhat near ambient temperature and that NPDES limits must be met. Mr. Letchworth added that they would be receiving “potable” water from the City of Salisbury, which is chlorinated water (or drinking water) and they would be adding chlorine to the water to prevent biological growth. Biological growth causes odor. Mr. Letchworth added that if the chlorine levels are too high, a de-chlorinated substance would be added before the water goes to Second Creek and the water is generally cleaner going back into the creek than when it was taken out.

Commissioner Tadlock stated Mr. Lytle would be responsible to “police” the noise and Mr. Letchworth would be verifying the noise level and the equipment has a factory warranty not to exceed the noise level. Mr. Letchworth reiterated that he does not see any difficulty in meeting the 65db level at the property boundary.

Commissioner Tadlock asked about the emissions and if this is a state and federal requirement. Mr. Letchworth responded that the Air Permit is a PSD (Prevention of Significant Deterioration), which is administered by the EPA, NCDENR. The air permit is critical. Mr. Letchworth acknowledged that the plant would be shut down if they fall out of compliance. Mr. Letchworth added that they are given a period of time to correct the problem and once they start back up, the state will administer test to assure the problem has been corrected.

Chairman Blount asked what the peak and average water usage would be. Mr. Letchworth stated that an adequate water supply for a combined-cycle was an issue from the beginning. One cooling tower for units four and five would require approximately 3 ½ gallons of water that would be evaporated for a full load and there would be another 3 ½ gallons with Phase III.

Chairman Blount mentioned that 1.7 billion gallons of water per day flow thru the river at the low flow (7Q10). Therefore 7 million gallons per day is minimal on the river. Chairman Blount responded to the concerns of the humidity level of the cooling towers and asked if the home sites downstream would be affected because of the discharge from the cooling towers. Mr. Letchworth responded “no” because there is an 1100-foot buffer on the east and a 1600-foot buffer on the north and there are requirements for keeping the water droplets down by the tower design.

Mr. Letchworth addressed several additional comments made by those that spoke during the public hearing. Mr. Letchworth stated that he has no control over the widening of Highway 70 and CP&L has no association with Entergy in regards to their permits or project.

Mr. Letchworth added that the gas line is sized for five combustion turbines to serve CP&L and if Entergy were added to this line then Entergy would need to add additional pipes. Mr. Letchworth noted that the lights on the exhaust stacks only need to work when

personnel need to be on these stacks and there is a lot that can be done to keep the lighting down. Mr. Letchworth said that paving has been minimal and much of the area is graveled.

Mr. Letchworth said that when he met with Gene Myers in 1999, the plans were to build simple-cycle peaking units and there were no plans to build combined-cycles and as soon as the plans changed to combined-cycles, the neighbors and county were notified. Mr. Letchworth noted the newspaper had misquoted by stating that 7 million gallons of water would be used per day. The correct amount is 3 ½ gallons for one combined-cycle and 7 million gallons for two combined-cycle.

Mr. Letchworth stated that slightly more than 350 evergreen trees were planted on the east side and 2,000 loblolly pines were planted on the north side. Mr. Letchworth noted that a lot more work is needed on the east side and they are willing to do so.

In reference to comments made by Ms. Cobb, Mr. Letchworth said that there was a change of plans and the neighbors were notified at that time, which was the reason for the community meeting in May 2000 at which time the associated equipment was explained.

Mr. Letchworth said the deregulation of the wholesale market has caused a lot of problems with planning for future generations. Prior to deregulation of the wholesale market, each power company had a franchise and they had full control of planning and all construction of transmission lines and generation within that control area. This is no longer the case. Planning for generation and transmission is more difficult today with the opening up the independent power producing market.

Mr. Letchworth said there is still a maximum of five gas turbines and the Air Permit allows no more than three of those turbines can be operated on oil at any one time.

Mr. Letchworth submitted a letter that answers the evaluation criteria to Mr. Lytle (Exhibit K).

There being no further comments, Chairman Blount closed the public hearing and declared the Board in the deliberation and no further testimony would be taken.

Commissioner Chamberlain asked for two weeks to consider the conditions for the conditional use permit. Mr. Letchworth responded that they have the right to proceed with the foundations for the gas turbines, but they cannot continue to proceed with the other equipment for the combined cycle until this revision is approved. Mr. Letchworth said that he could live with two weeks.

Commissioner Andrews said that he was not involved in this project from the beginning and he understood that this was a dual cycle operation. Commissioner Andrews said that everyone knew from the beginning that this was going to be a major operation and buffering cannot hide the plant, since it is such a large operation. Commissioner Andrews asked Gene Miller when the Falcon Crest development started. Mr. Myers

stated that it started prior to January 1999. Commissioner Andrews asked Mr. Myers if most of the homes in this development were sold after the people knew that CP&L were coming to this location. Mr. Myers said ...(inaudible)... the lots in the development are not even laid out yet and he has submitted plans to the county planning office for about 129 building sites, which will be done in phases. Mr. Myers said that about half of the lots that are there now have been sold or have a contract on.

Commissioner Andrews said that it is a difficult situation with the property owners expressing their concerns. But at the same time, Commissioner Andrews said that this is an industrial area designated to bring in large industrial facilities and the county is looking to grow in this area.

Commissioner Tadlock asked Mr. Lytle about the deficiency on the east side. Mr. Lytle said that it takes about 15 years to get the height from the buffers...(inaudible)...Mr. Lytle said that this is the time of the year for maximum visibility....

Commissioner Tadlock asked Mr. Letchworth for a verbal commitment to correct the deficiencies on the east side. Mr. Letchworth said "yes" and that they would go beyond those request. Mr. Letchworth added that they are willing to work with Gene Myers, if the county would mediate, on the plantings. Chairman Blount stated that Mr. Myers was shaking his head that he does not want this.

Commissioner Belk said that she empathized with the homeowners, but with Highway 70 designated as an industrial corridor, this will probably not be the last time that an issue like this will arise. Commissioner Belk stated that she would want the buffers and the three conditions met.

Commissioner Chamberlain said that language is needed to address the lighting and paving concerns. Commissioner Chamberlain said that he would like to see the hours of heavy construction to be from 6:00 am to 8:00 pm or 10:00 pm and that from 8:00 pm until 6:00 am the construction would come under the nighttime decibel reading of 65db.

Commissioner Chamberlain asked Mr. Letchworth if they "sit down" with disgruntled property owners and negotiate to purchase their property. Mr. Letchworth said that he has never been associated with that procedure.

Chairman Blount proposed the following modifications to the conditions of the modifications to CUP-14-99:

1. Add the following to item #1 concerning improving the buffer around the plant:
As an alternative or an addition to this condition, CP&L will offer to provide plantings on property owner's lines that spoke at the public hearing.

2. Add the following to item #2 concerning noise:
 - a. Heavy construction is to be limited to the hours of 6:00 am to 9:00 pm and after that time the noise level is to be less than 65 db.

b. To submit the computer generated sound modeling to prove this would meet Rowan County's Noise Ordinance.

3. Add the following to item # 3 concerning the lighting of the towers:
These efforts will include lighting direction, shielding and hours of operation. The intent is to minimize the light impact on surrounding neighborhoods as much as possible.

4. Submit a copy of the second letter that indicated the change of plans (for the May 24, 2000 community meeting sponsored by CP&L) previously requested by Commissioner Chamberlain.

5. The use of gravel, wherever possible, in lieu of pavement, to reduce the impermeable surface.

Commissioner Tadlock made a motion to approve the modifications to CUP-14-99 with the five conditions as indicated. Commissioner Andrew seconded and the motion passed unanimously.

FINDINGS OF FACT: Based on the testimony and submittal the finding of fact is:

The expansion of the conditional use permit will not negatively impact the surrounding areas and specifically the six (6) criteria as listed in the letter to Marion Lytle, dated November 30, 2001 from CP&L:

1. Adequate transportation 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 levels of noise or dust.
5. Excessive traffic or parking problems will not result.
6. The use will not create significant visual impacts for adjoining properties.

Zoning Vested Rights:

Mr. Lytle explained that a regular conditional use permit is to be reviewed after two years if no work is commenced. A zoning vested right as provided in Article 1, Section 10 of the zoning ordinance and NCGS 153A-344.1, gives a vesting up to a period of five years. Mr. Lytle stated that CP&L is requesting a vesting of five years and staff approves the request (Exhibit L).

Commissioner Tadlock made a motion to grant the zoning vested rights. Commissioner Belk seconded the motion.

Commissioner Chamberlain said that he wanted to make it clear that if it weren't for the fact that this was such a huge project, he would not vote for something like this.

The motion passed unanimously.

Chairman Blount asked Mr. Lytle if a Finding of Fact was required. Mr. Lytle stated that it was. Chairman Blount said that he would give this information to the Clerk.

Chairman Blount called for a break at 12:15 pm.

Chairman Blount reconvened the meeting at 12:30 pm.

APPROVAL OF THE MODIFICATIONS TO THE SIGN ORDINANCE AS APPROVED BY COMMISSIONERS:

Mr. Lytle reviewed with the Board the modifications to the Rowan County Sign Ordinance as approved at the November 19, 2001 meeting and reviewed the staff report.

Chairman Blount asked the Board for questions. There being no questions from the Board, the modifications were accepted and there was no vote since this was approved at the last Commission meeting.

REQUEST FOR APPROVAL OF SNIA PERMIT:

Ed Muire, from the Planning Department, reviewed the sixth SNIA request for this year. This request is from L. B. Builders is proposing to build a race shop. Due to the amount of impervious cover, the request is coming before the Board. The allowable is 70 percent and this request is at approximately 59 percent. Staff recommends approval as presented.

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

PRESENTATION OF ROWAN COUNTY'S ANTI-TERRORISM PLAN (draft for future approval):

Wayne Ashworth, EMS Director and Leonard Wood, Health Director, presented this report.

Mr. Ashworth stated that after the September 11th attacks, many jurisdictions were encouraged to review local Anti-Terrorism plans. Mr. Ashworth stated that there have been no threats to Rowan County to date and that a small community would require assistance if a major incident were to occur. There were participants from emergency agencies that had input into this plan and several meetings have taken place. Mr. Ashworth continued to state that a draft of the results of these meetings was included in the Commissioners packets. This is for information only and if the Board viewed the plan favorably, they would return to the first meeting in January for formal approval. Mr. Ashworth added that there are procedures in place for scares such as the anthrax scare. The Haz Mat (Hazardous Materials) Response Team went from one call a day to four a day to answer these scares. However these calls are going back to normal. Mr. Ashworth said that the Rowan County Sheriff's Department has consented to take charge

of suspicious items, such as envelopes that are powdered. The items are double and triple bagged and taken to a secure location that the Sheriff's Department has control over. These items are watched for 30 days and if there are no signs of any public health hazard, the items are disposed of.

Mr. Wood added that this process began in September 2000 and was revived after September 11th. Mr. Wood stated that there are five or six public health teams formed at the State level to assist across the State to help manage a bio-terrorist or weapons of mass destruction issues. Mr. Wood said that they are discussing having a "table top" exercise for our community in January.

DISCUSSION OF OMITTING THE SECOND MEETING IN DECEMBER AND CHANGING THE SECOND MEETING DATE IN JANUARY:

The Board previously decided to meet on December 17th due to the scheduling of two public hearings.

By consensus the Board decided to change the second regular scheduled meeting for the month of January from January 21st to January 22nd due to a conflict with January 21st date falling on Martin Luther King, Jr. Holiday, which is now observed by Rowan County.

BOARD APPOINTMENTS:

Agricultural Advisory Board:

Commissioner Andrews nominated Dr. Ann Furr
Commissioner Chamberlain nominated Darrell Nichols
Commissioner Belk nominated Charles Sloop

Dr. Furr was unanimously appointed and Mr. Sloop was unanimously reappointed to the board.

Piedmont Behavioral Board:

On a motion by Commissioner Chamberlain, June Showfety was unanimously appointed to fill the attorney position on this board.

Public Health Board:

Commissioner Belk nominated Martha Baker and Norman Sloop
Commissioner Tadlock nominated Martha Harrell and Norene Foster

Dr. Sloop was unanimously reappointed. Ms. Harrell was reappointed on a 3/2 vote with Commissioners Chamberlain, Tadlock and Belk voting in favor. Ms. Foster was reappointed with Commissioners Chamberlain, Tadlock and Blount voting in favor.

Martha Baker received two votes from Commissioners Belk and Andrews and was not appointed.

Nursing Home Advisory Committee:

D. J. Whitfield was unanimously reappointed on a motion by Commissioner Tadlock.

Rowan County Planning Board:

Commissioner Andrews nominated Andy Hinson
Commissioner Andrews nominated Miles Smith
Commissioner Andrews nominated Steve Johnson
Commissioner Tadlock nominated Ken Smith

Mr. Hinson was unanimously reappointed and Steve Johnson was unanimously appointed. Mr. Smith was appointed on a 3/2 vote with Commissioners Belk, Blount and Andrews in favor. Ken Smith received two votes from Commissioners Tadlock and Chamberlain and was not appointed.

Parks and Recreation Board:

Commissioner Belk nominated Ken Carroll
Commissioner Chamberlain nominated Ken Beck

Mr. Carroll was appointed on a 4/1 vote with Commissioners Belk, Blount, Tadlock and Andrews voting in favor. Commissioner Chamberlain voted for Mr. Beck.

Chairman Blount asked the Clerk to keep all the applications on file for further openings and to send them a letter to this fact.

ADDITIONS:

Community Development Block Grant (CDBG) on Scattered Site Housing Rehabilitation:

Mr. Russell informed the Board that the NC Department of Commerce has notified the county of our eligibility to apply for and receive a CDBG for scattered site housing. Based on the funding scenario, Rowan County will be eligible to receive up to \$400,00 every fourth year to improve low-income housing throughout the county and the county is eligible for the year 2002. There is not county match. The City of Salisbury and the City of Kannapolis are not eligible, since they are eligible on their own as large cities, but it does apply to other municipalities and unincorporated areas of the county.

Mr. Russell stated that there are companies that would administer this program for Rowan County, such as, COG, Benchmark, etc. They would take 10 percent of the grant for administration, which would include writing the plan, making the application,

assisting in setting up the committee to decide eligibility, etc. The Board would appoint a committee of citizens to oversee this and make decisions as to who is eligible and not eligible.

There is approximately a \$30,000 maximum to improve housing to make it more livable and in turn they will give a lien where they will stay in their house for about seven years and not sale the house and profit from the improvements.

Mr. Russell asked the Board for authority to advertise for proposals for an administrator and to return to the Board for approval of the administrator.

Commissioner Tadlock made a motion to grant staff approval to proceed. Commissioner Belk seconded and the motion carried unanimously.

Finding of Fact for CUP-27-01:

Mr. Lytle presented the following for approval as the Finding of Fact for CUP-27-01:

1. Specific criteria for campgrounds will be addressed on this site.
2. Harris Point Road, an unpaved state road, provides adequate transportation to the site.
3. With the addition of required buffering, the 10 approved sites will not generate significant visual impacts for surrounding residences.
4. The 10 approved spaces will generate a maximum estimated traffic volume of 48 vehicles per day, which will not result in excessive traffic.
5. A condition of approval is that noise be unnoticeable at the property line and otherwise will not generate significant dust, odor or glare.
6. Hazardous safety conditions will not result.

The Board approved these findings by consensus.

Zoning Text Amendments:

Chairman Blount informed the Board that the Planning Board was requested by a citizen to consider a zoning text amendment concerning accessory buildings. This was based on a case where the ZBA upheld the Zoning Administrator's decision that this citizen had built a structure that did not meet the zoning text requirements. The Planning Board said that they would look at this in the future. To date, this citizen has a building that cannot be utilized because of going around the zoning requirements. Chairman Blount informed the Board that there are several other citizens in similar situations that have received permits.

Mr. Lytle apologized to the Board for any permits issued in error and said that after a brief review of the permits issued over a two-year period, approximately 67 were issued. A good number of these were issued on lots adjacent to an owner's house. Mr. Lytle said

that there were two situations where accessory structures are requested. One is for additional storage space, which is not a concern.

The other is for a building that they do not want next to their house, which is a concern. Mr. Lytle suggested that some type of criteria be created to make sure that the structure is basically a personal storage type facility, as opposed to a structure where, for instance, cars could be worked on all night long.

The Board, by consensus, decided to allow the Planning Board to hand this concern at their convenience and recommend any text amendments back to the Board.

PUBLIC COMMENT PERIOD:

There were no citizens present to address the Board.

There being no further business, Chairman Blount adjourned the meeting at 1:10 p.m.

Respectfully Submitted,

Rita K. Foil
Clerk to the Board