

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
December 17, 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 p.m.

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

ADDITIONS TO THE AGENDA:

County Manager Tim Russell requested to add an item concerning library surplus materials.

Chairman Blount added an Executive Session to discuss the purchase of property, in addition to the Executive Session listed on the agenda for a litigation issue.

COMMISSIONER LIAISON REPORTS:

Commissioner Chamberlain informed the Board that the progress on the building for the magistrate's office is going well. Commissioner Chamberlain also stated he had gone to see the tree that was removed in front of the courthouse and the photograph in the Salisbury Post did not do justice to the size of the hole in the tree.

Commissioner Andrews commented that he had joined the Rufty-Holmes Board for a luncheon celebrating the season and that he was proud to be part of this Board, which is doing a great job.

Chairman Blount informed the Board that Tim Russell, Commissioner Andrews and himself, had met with school staff and school board members Clyde Miller, Dr. Doby, Gene Miller and Jim Christie concerning a plan the school board had approved for capital needs. Chairman Blount stated the school board would be presenting the plan in the next month to the Board of Commissioners for approval to put this issue on a ballot for a bond. Chairman Blount continued by stating one issue proposed separately from the bond package is the overcrowding at elementary schools and the need to proceed with an addition at Isenberg Elementary.

CONSIDERATION OF THE CONSENT AGENDA:

Mr. Russell questioned the budget amendment in the amount of \$201,451 from the schools, requesting to appropriate sales tax reserve fund balance. Mr. Russell referenced the additions needed at Isenberg Elementary and that these funds could possibly be used for the design fees to get the project started.

Commissioner Belk made a motion to approve the Consent Agenda as presented, with a stipulation on the budget amendment request from the schools, that those funds may be needed for the design fees on the Isenberg Elementary additions. Commissioner Chamberlain seconded and the motion carried unanimously.

The Consent Agenda consisted of the following:

- A. Approval of the 12/03/2001 minutes.
- B. Approval of the NCDOT request that Mayberry Lane be added to the Secondary Road System for maintenance.
- C. Approval of the NCDOT request that Yankee Drive be added to the Secondary Road for maintenance.
- D. Unanimous road name petitions for Leader Lane and Excel Drive, located in the same MHP.
- E. Unanimous road name petition for Dallas Drive.
- F. Approval of the Budget Amendments.

SPECIAL PRESENTATION TO THE BOARD FROM REVEREND MICHAEL TAYLOR:

Reverend Michael Taylor, Chaplain for the Rowan County Sheriff's Department, expressed his appreciation to the Board for its support of the Shield-a-Badge with Prayer Program. Reverend Taylor presented each Board member with a pin and asked for continued prayers and support for officers.

PUBLIC HEARING FOR Z-30-01 AND CUP-28-01 FOR THE ESTABLISHMENT OF A MHO, SAMUEL LOWMAN, OWNER:

Chairman Blount read the Chairman's speech (Exhibit A) and declared the public hearing to be in session, for consideration of an application submitted by Samuel Lowman, Sr. for establishment of a Manufactured Home Overlay (MHO) on Tax Parcel 522-076. The proposed overlay would apply to the entire parcel located at 212 Pan Handle Road, Gold Hill, NC.

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

Marion Lytle, County Planner, reviewed the staff report (Exhibit B) and presented a background summary, stating that Mr. Lowman had purchased the subject property, unaware of the text amendment to the Zoning Ordinance that required a newly created lot to have a doublewide. Mr. Lowman had purchased this lot with the intention of moving a single wide home onto the lot. Mr. Lytle continued by stating the lot is located in an RA district and there is a mix of housing in the area. Mr. Lowman's applications for the rezoning and the conditional use permit were completed (Exhibit C) and he did provide written documentation (Exhibit D) for the evaluation criteria as required by the ordinance.

Staff recommended approval with the suggested findings of fact (listed below).

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 made a motion to grant the zoning request. The motion was seconded by Commissioner Tadlock and carried unanimously.

Commissioner Tadlock made a motion to grant the CUP. Commissioner Belk seconded the motion and the motion passed unanimously.

The **FINDINGS OF FACT** were stated as:

1. The establishment of an MHO for placement of a singlewide manufactured home on TP: 522-076 is compatible with housing stock along Pan Handle Road (SR 2384) and potential impacts to the character of the area are no

different than those typically associated with new single-family construction or doublewide manufactured home set-ups.

2. Based upon the material evidence (site plan) and prepared response to the evaluation criteria provided by the applicant, the Z-30-01 and CUP-28-01 applications are consistent with the purpose and intent for establishing an MHO on TP: 522-076.

PUBLIC HEARING FOR SUP-01-01, MATLOCK AUTO PARTS:

Chairman Blount declared the public hearing for consideration of SUP-01-01 for Matlock Auto Parts to be in session.

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

Marion Lytle, County Planner, presented his report (Exhibit A) and reminded the Board that several months back Jeff Matlock had approached the County seeking a rezoning and a conditional use permit to add buildings to his existing facility on Cool Springs Road. The property is currently zoned RA and would require rezoning to IND with a conditional use permit to expand the buildings on the site. Mr. Lytle continued by stating the issue went before the Planning Board and the individuals, who spoke at the public hearing in September, were not against the buildings being built, but against rezoning the property to IND. At a proposal from Planning Board member, Bill Yow, the nonconforming use section of the Zoning Ordinance was modified and a procedure developed for special use permits. Mr. Lytle outlined the criteria required for a special use permit as follows:

1. There is no increase in the total amount of area devoted to the nonconforming use;
2. There is no greater non-conformity with respect to dimensional restrictions such as setback requirements, height limitations, or density requirements or other requirements such as parking, loading and landscaping requirements; and
3. There is no significant adverse impact on surrounding properties or the public health or safety including but not limited to no increase in the level of noise, dust, odor, glare or other nuisances.

Mr. Lytle gave a power point presentation (Exhibit B) depicting Mr. Matlock's site plan and the surrounding areas and stated that staff recommends approval based on the proposed findings.

Staff Findings:

1. **All proposed construction is located on buildings currently used for salvage yard and operations.**
2. **No greater non-conformity with regards to setbacks will exist.**

3. The proposed construction will not create adverse impacts on adjoining properties and may decrease impacts by moving some operations currently occurring outside indoors.

Chairman Blount queried Mr. Lytle as to whether someone buying the property from Mr. Matlock could continue with the same salvage business. Chairman Blount expressed concern that by passing on the special use permit, it would possibly allow someone else to sell mufflers, or fencing materials, etc. Mr. Lytle stated that perhaps Mr. Matlock should be sworn in to address this issue, however, Mr. Matlock had indicated to Mr. Lytle that if the racking business did not pan out, he would use the buildings to store parts.

Chairman Blount asked Mr. Lytle if the SUP could be issued with the modifications that the site could only be used as a salvage yard and for selling racking systems, which would require Mr. Matlock to present future changes to the Board for review. Mr. Lytle responded yes.

Commissioner Andrews added that he had attended some of the meetings on this issue, and there were some property owners who had concerns on the smaller site. Commissioner Andrews stated that discussions had centered on the salvage yard and that he did not recollect any discussion as to what was inside the building. Mr. Lytle responded that the primary opposition to the salvage yard had stemmed from a property owner named Ms. Fraley, who lives in town. Mr. Lytle stated he did not recall anyone else in opposition to the buildings on the site.

Chairman Blount reminded the Board that as a quasi-judicial board, the board should consider only evidence being presented at this hearing.

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 made a motion to approve SUP-01-01 for Mr. Matlock of Cool Springs Road with the modifications as indicated by Chairman Blount. Commissioner Tadlock seconded the motion.

Commissioner Chamberlain confirmed with Mr. Lytle that this was the Board's first ruling under the modified standards, for approval of nonconforming use expansions.

Chairman Blount repeated the motion for the approval of SUP-01-01 with the modification that the only business, in addition to the salvage yard that is acceptable to this permit, is the selling of the rack system that is currently being sold at this time.

The motion carried unanimously.

FINDINGS OF FACT: The staff findings were listed as the findings of fact.

Chairman Blount thanked Clerk Rita Foil and staff for their hard work and for the success of the Department Directors Christmas party.

Chairman Blount requested to move Item 8 up in the agenda.

ADOPTION OF A RESOLUTION TO ESTABLISH THE ROWAN COUNTY TOURISM DEVELOPMENT AUTHORITY:

Chairman Blount explained that previously the board of the “old” tourism group asked that the Board of Commissioners authorize the tourism group to become an authority instead of an advisory board. The Board of Commissioners had granted this request, which the state incorporated into their legislative process. Chairman Blount continued by stating that part of the legislation was for the Board of Commissioners to establish, by resolution, the Tourism Development Authority. Chairman Blount stated that the resolution presented was to establish the Rowan County Tourism Development Authority.

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

ADDITION: LIBRARY DONATION TO ROWAN MUSEUM

Tim Russell distributed a handout and explained that Phil Barton, Library Director, was requesting the Board of Commissioners to declare the items listed on the handout as surplus items in the library’s history room. Mr. Russell described the items as being duplicates, or having a minimum geological value. Mr. Russell explained that the Library Board wished to donate the items to the Rowan Museum, but the Board of Commissioners must first declare the items surplus, and then agree to donate the items to the museum.

Commissioner Tadlock made a motion to approve the request from Mr. Barton, declaring the items listed as surplus and to donate the surplus property to the Rowan Museum. Commissioner Belk seconded the motion and the motion carried unanimously.

PRESENTATION FOR THE ANNUAL AUDIT REPORT FROM POTTER & COMPANY:

Sam Leder, an auditor from Potter & Company, presented the county’s annual audit report for fiscal year ending June 30, 2001. Mr. Leder thanked the Board and the Finance Department for the opportunity to perform the audit for Rowan County. Mr. Leder continued by stating Potter & Company had performed the audit for the county for five years, and this was the fourth year that he personally had been involved. Mr. Leder praised the Finance Department for a “fantastic job” and declared the county’s financial information to be “in good shape.” Mr. Leder expressed that five years ago, the firm could not report such good news, but the county “had come a long way.”

Mr. Leder reviewed the audit report and informed the Board that Potter & Company had issued an Unqualified Report, declaring this to be the highest level of assurance a CPA firm can give on financial statements. Mr. Leder also commended Sandra Wilkes, Pat Spears and the staff at the Department of Social Services for an excellent job.

Mr. Leder proceeded to highlight Rowan County's financial position, and mentioned that the Sports Authority still reflects a loss, however, the figures did improve from last year. Mr. Leder referred to graphs as he depicted the various Revenues and Expenditures. Mr. Leder pointed out that a "good chunk of money" was spent on education. Mr. Leder stated that spending on education was up 22% over the previous year, and commented that this was remarkable, considering that expenditures went down.

Commissioner Chamberlain questioned Mr. Leder if the audit reflected a conservative approach to spending. Mr. Leder responded "absolutely."

Mr. Leder addressed the findings stating that there were small mistakes found at the Department of Social Services concerning daycare records, and also mentioned that there were a few policies and procedures that could be put into the manual by the Finance Department.

Mr. Leder finished his report to the Board by stating, "everything was in good shape" and that Potter & Company encountered no difficulties while performing the audit.

Chairman Blount reiterated the fact that school spending was dramatically up and overall spending was down.

Commissioner Andrews commented that this was the largest budget the county has ever had with the largest percentage going to the schools.

Chairman Blount thanked Mr. Leder for the audit report.

Commissioner Andrews praised the staff and the management for a job well done during a very difficult year.

DISCUSSION CONCERNING ZONING TEXT AMENDMENTS FOR ACCESSORY BUILDINGS:

Chairman Blount referred to previous discussions concerning zoning text amendments for accessory buildings and reminded the Board that at the last meeting, no action was taken and this issue was left for the Planning Board to "deal with at their leisure." Chairman Blount continued by stating he had received calls concerning the text amendments and would like for the Board to approach the issue again.

Commissioner Andrews queried Mr. Lytle as to the specifics of what was trying to transpire. Mr. Lytle explained that the issue at hand is allowing a text amendment to provide for a residential storage structure that is not associated with the residence. Mr. Lytle stated it would basically “allow warehousing out in the county.”

Chairman Blount questioned as to whether Board members wished to address this issue as a Board, or revert the subject back to the Planning Board with the additional information from staff.

Commissioner Belk felt the Planning Board should review the text amendments and come back to the Board of Commissioners with a recommendation.

Chairman Blount confirmed with Marion Lytle that an official request from the Board of Commissioners “starts a clock ticking” which would allow the Planning Board a certain amount of time to respond to the request. Mr. Lytle replied that when a request comes from the Board of Commissioners, the Board of Commissioners must allow the Planning Board at least thirty (30) thirty days to review. Mr. Lytle continued by explaining that the Board of Commissioners could also allow more than thirty days. However, if no recommendation is received from the Planning Board after thirty (30) days, the Board of Commissioners can consider the request as a positive recommendation.

Commissioner Belk stated that she would like to see action taken as soon as possible for the sake of Mr. Lomax.

Commissioner Andrews asked if the Zoning Board had made its ruling on the case of Mr. Lomax.

Mr. Lytle stated that the Zoning Board of Adjustments had upheld his decision that Mr. Lomax’s building was not a permitted structure.

Chairman Blount stated it is a complex matter to amend zoning text and that adequate time is needed for discussion and public hearings.

Mr. Lytle responded to a question from Commissioner Andrews, that Mr. Lomax’s building would “sit there” until a decision is made. Mr. Lytle also stated that there was a lapse of time in notifying Mr. Lomax of the findings by the Zoning Board of Adjustments and that Mr. Lomax was still within the timeframe to file suit if he chooses.

Commissioner Tadlock felt that allowing the Planning Board ninety (90) days would be more adequate for reviewing text amendments.

Commissioner Belk made a motion to revert the issue of zoning text amendments for accessory buildings back to the Planning Board for consideration, along with the additional information from staff, with a response requested in ninety (90) days. Commissioner Tadlock seconded and the motion carried unanimously.

ACCEPTANCE OF SURETY FOR ROAD IMPROVEMENTS AT BAY RIDGE ESTATES:

Mr. Lytle presented a request from developer, Mr. Ron Bankett, requesting the Board of Commissioners to consider acceptance of either cash security or a letter of credit guaranteeing completion of the internal road at Bayridge Estates to DOT standards.

Chairman Blount inquired as to whether a letter of credit would guarantee the same level of security. Mr. Lytle responded that the letter of credit is from a bank and is for 125% of the engineer's estimated amount for completion of the road.

Commissioner Andrews questioned the worst-case scenario with the letter of credit. Mr. Lytle responded that the letter of credit is from a financial institution and would secure the funds to pave the road if necessary.

Commissioner Tadlock made a motion to approve the request as presented by staff. Commissioner Andrews seconded and the motion carried unanimously.

APPROVAL TO AWARD A BID FOR 911 FURNITURE:

Frank Thomason, Telecommunications Director, stated that four (4) bids had been received for replacement of the console furniture at the Telecommunications Center. Mr. Thomason explained that this was part of an ongoing project for the wireless 911 updates.

Chairman Blount mentioned that the quote from Xybix seemed to be considerably lower than other bids received and asked if this was cause for concern. Mr. Thomason stated Xybix did not offer the same warranty and the furniture did not offer the same ergonomic features. Mr. Thomason stated that Xybix is also located out of state.

Commissioner Chamberlain pointed out that the bids were still considerably under budget.

Commissioner Belk made a motion to approve the contract with Wireless Communications at the prices as indicated in the quotation. Commissioner Andrews seconded the motion and the motion passed unanimously.

A Resolution awarding the contract for the console furniture system at the Telecommunications Center was unanimously approved.

APPROVAL OF BID FOR TECHNICAL ASSISTANCE AND ADMINISTRATION OF CDBG FOR SCATTER SITE HOUSING PROGRAM:

Mr. Russell stated that three proposals had been received in response to the county's advertisement for proposals to assist the county in applying for and administering the CDBG Scattered Housing Fund. Mr. Russell stated the county had also received one

letter declining to submit a proposal. Mr. Russell recommended consideration of the proposal of \$40,000.00, from Benchmark, Incorporated.

Discussion ensued in which Mr. Russell explained that no county funds would be required for the grant and that this is the first year Rowan County has been eligible to apply for the grant. Mr. Russell also explained that the county could apply every fourth year.

Commissioner Tadlock made a motion to approve Mr. Russell's request, followed by a second from Commissioner Belk. The motion carried unanimously.

UPDATE ON RPO:

Mr. Russell stated that for several months Rowan County had been trying to determine which Rural Planning Organization (RPO) to become aligned with in rural planning. Mr. Russell stated that \$100,000.00 in funds is available to each RPO throughout the state and the objective is to bring together counties, and parts of counties, that have common threads of interest in transportation in order to put together a planning organization. Mr. Russell stated Rowan has pursued interests with Iredell, Davie and Davidson Counties. Mr. Russell described that a portion of the RPO would be part of District 9 representation, and also that the RPO requires three (3) counties, or parts of three (3) counties.

Commissioner Belk informed the Board that the recent COG meeting she attended had included representation from Iredell, Cleveland, Lincoln and Gaston Counties. Commissioner Belk reported that these counties wished to know if the Rowan County Board of Commissioners would be able to make a decision to "come on board with them" prior to end of January. Commissioner Belk continued by saying, the state has set 4 contingencies, which are as follows:

1. Those involved with the RPO should look at multi-modal transportation, which would include greenways, bike paths, rail, all modes of transportation;
2. Look at public input in the process of planning;
3. TIP;
4. Conduct any follow-up studies.

Commissioner Belk advised the Board to look at which counties are most like Rowan, with similar interests.

Chairman Blount reported that Tim Russell and himself had attended a meeting in Iredell County, which was initiated because of concerns with the proposed voting arrangement. Chairman Blount explained that there are benefits to all options and stated a third option would be allowing Iredell, Rowan and a small portion of another county to be an independent RPO. Chairman Blount asked the Board to give the RPO considerable thought and stated another meeting would be scheduled in the near future.

Commissioner Chamberlain expressed concern over the amount of funds that may be pulled from the districts.

Commissioner Tadlock asked if the redistricting with the House and Senate members had any impact on the DOT representatives and the regions they represent. Chairman Blount responded that there had not been any changes.

Chairman Blount requested the Board to give the RPO consideration and answers would be sought for any questions raised.

BOARD APPOINTMENTS:

Bostian Heights Fire Department Commissioners

Commissioner Tadlock made a motion to approve the following recommended appointments as presented:

- James Carter, Jr.
- Carlee Henley
- A.D. Powell

- Walter Wise, appointed as an *alternate*

The motion passed unanimously.

PUBLIC COMMENT PERIOD:

There were no citizens present to address the Board.

Chairman Blount called for a break at 8:30 pm.

Chairman Blount reconvened the meeting at 8:45 pm and declared that the Board would go into Executive Session at to discuss a litigation issue and to discuss the purchase of property.

Chairman Blount reconvened the meeting back into Open Session.

There being no further business, Chairman Blount adjourned the meeting at 9:30 pm

Respectfully Submitted,

Rita K. Foil
Clerk to the Board

