

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS  
OCTOBER 21 2002 – 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 convened the meeting at 7:00 pm.

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

**ADDITIONS:**

- Chairman Blount requested to add a resolution concerning High Rock Lake to be heard after item #12.
- County Manager Tim Russell requested a closed session to discuss an Economic Development issue to be heard after item #13.

**COMMISSIONERS LIAISON REPORTS:**

Commissioner Belk expressed that good things are happening at DSS, reflecting on recent Round Table Talks concerning Child Abuse and Neglect, where approximately 35 people attended.

Commissioner Tadlock stated the Library Board held a meeting to discuss the enhancement of library services and added that this was a very positive meeting.

Commissioner Chamberlain thanked everyone for the “good stuff” sent to him during his absence.

Attorney John Holshouser updated the Board on the status of two (2) matters which are pending in Superior Court.

1. Mr. Holshouser stated that Parish Junk Yard is now in compliance and will be going before the court and also that penalties would be assessed.
2. The second matter involved the construction of a will. Mr. Holshouser explained that the Rowan County Public Library could be the beneficiary of approximately \$25,000, plus First Union stock. Mr. Holshouser said he is urging for the interpretation that would allow the library to receive \$100,000. Mr. Holshouser stated that the testimony should be finished October 22, 2002 and the case would then be taken into consideration.

### **CONSENT AGENDA:**

Commissioner Tadlock made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Andrews and passed unanimously.

The Consent Agenda consisted of the following:

- A. Approval to set a public hearing for the CTP Grant
- B. Approval of the Resolution to protect the interest of Rowan County concerning the franchise agreement with Adelphia Communications
- C. Approval of Client Fee Schedule Update from the Health Department

### **APPROVAL OF WORK FIRST PROGRAM PLAN:**

Sandra Wilkes, Director of the Department of Social Services (DSS), addressed the Board concerning the Work First Committee appointed by the Board in August 2002. Ms. Wilkes informed the Board that the committee had met to discuss the needs among Work First families and suggested meeting on a regular basis, to prioritize issues and develop strategies to address the needs. Ms. Wilkes said that interagency roundtable discussions are occurring quarterly.

Ms. Wilkes stated that the proposed Work First Plan was written and made available for public comment and that public comment yielded no changes for the plan. Ms. Wilkes continued by highlighting the benefits of the plan, which may be amended at any time. Ms. Wilkes asked the Board to approve the plan for submittal to the State Division of Social Services for inclusion in the State Work First Plan.

Commissioner Tadlock made a motion to approve the Work First Plan as presented, followed by a second from Commissioner Belk. The motion passed unanimously.

### **PUBLIC HEARING FOR Z-14-02, RR TO RA:**

Marion Lytle, County Planner, reviewed the background for the rezoning request from Perry McKnight of 2355 Patterson Road. Mr. Lytle explained that Mr. McKnight was seeking a rezoning to allow his daughter and son-in-law to locate a Type III

manufactured home on the site. Mr. Lytle referred to the map to point out how the properties were “cut up” during the initial rezoning.

Mr. Lytle discussed the Staff Review as follows:

1. Relationship and conformity with any existing plans or polices.
2. Consistency with the Article and the requested zoning districts purpose and intent.
3. The compatibility with all uses in the proposed zoning district classification with other properties and conditions in the county.

Mr. Lytle explained the primary difference between the current and proposed zoning district is the allowance of the type III mobile home versus the type II mobile home. Mr. Lytle again referred to the map, discussing the surrounding land uses.

Mr. Lytle stated that Mr. Dennis Isaacson was one of five citizens that spoke concerning the rezoning at the Planning Board Meeting. Mr. Isaacson, developer of adjacent Country Manor Estates and Carriage Court, spoke in opposition of the request and raised concerns of a decrease in property values, spot zoning issues and generally bad planning practices. Mr. Isaacson also suggested a variance for the requested use; however, Mr. Lytle said there were no grounds for a variance to be granted. Mr. Lytle named Mr. Bill Moore of Country Manor Estates, as well as a citizen (unnamed) of Carriage Court who also spoke in opposition to the request. Nicholas White spoke in support of the request. The Planning Board voted unanimously to recommend approval of the request.

Chairman Blount questioned the number of homes in Country Manor Estates. Mr. Lytle responded that there were approximately 8-10 homes “close to the road” and indicated on the map, the locations of other homes. Mr. Lytle also pointed out the location of several homes in the Carriage Court and Davis Farms developments. Mr. Lytle stated the developments were “relatively young subdivisions” and anticipated “a fair number of houses” in 3-4 years.

In response to a query from Commissioner Andrews, Mr. Lytle stated that if the zoning request were not approved, the couple would not be able to place the mobile home they wished to purchase, on the property. The mobile home would have to have shingles rather than a metal roof. Using the map, Mr. Lytle indicated where proposed easements would be located, to subdivide the property. Mr. Lytle continued by saying under Family Subdivision standards, there could be up to three (3) homes for family members on an entire tract.

Commissioner Belk asked if the mobile home could remain, possibly as a rental property, if the family built a home in the future. Mr. Lytle said the mobile home would have to be for immediate family members and could not be used as a rental property.

Chairman Blount opened the public hearing at 7:20 pm to entertain citizen comment.

1. Perry McKnight of 2355 Patterson Road addressed the Board, saying he owns the property in question. Mr. McKnight said his plans are not to add additional mobile homes but to provide a home for his daughter until her financial situation allows her to build a house. Mr. McKnight said neither he nor his daughter have plans to allow additional mobile homes.
2. Christina McKnight of 2355 Patterson Road, daughter of Perry McKnight, stated that the intentions of her and her fiancée were to have a mobile home as a temporary residence. Ms. McKnight stated that she would be graduating in May as a teacher from UNC-Charlotte and that her fiancée is a firefighter. Ms. McKnight said their income would not allow them to purchase a home at this point and the mobile home would allow them to “have a good start.”

With no further comments from citizens, Chairman Blount closed the public hearing.

Commissioner Tadlock made a motion to accept staff’s recommendation for the rezoning. The motion was seconded by Commissioner Belk and carried unanimously.

**PUBLIC HEARING FOR CUP-21-02, A REQUEST FROM TAYLOR CLAY PRODUCTS FOR AN EXPANSION:**

Chairman Blount declared the public hearing for consideration of CUP-21-02 to be in session and read the Chairman’s speech (Exhibit A). Chairman Blount explained that the hearing would focus on an application submitted by Taylor Clay Products for expansion of their kiln capacity. The proposed expansion is in two (2) phases, each phase consisting of a periodic kiln with a capacity of 9,000 tons/year.

The Clerk swore in those who wished to provide testimony in the case.

Mr. Lytle stated that Taylor Clay Products currently has two (2) tunnel kilns each with a capacity of 32,000 tons/year and that the company proposed its expansion in two (2) phases. Each phase consists of a periodic kiln with a capacity of 9,000 tons/year. Phase one would consist of one (1) kiln Mr. Lytle highlighted the Staff Review (Exhibit B) and discussed the criteria required by the applicant. Mr. Lytle also referred to the Site Plan Map (Exhibit C), the Site Plan Information (Exhibit D) submitted by the applicant, as well as the applicant’s response to the Evaluation Criteria (Exhibit E).

Mr. Lytle stated that staff recommends approval of the request.

Doug Loeblein, Environmental Health and Safety Director for Taylor Clay Products, was present to represent the company.

Chairman Blount opened the public hearing at 7:30 pm to entertain citizen input. With no citizens wishing to address the Board, Chairman Blount closed the public hearing.

Commissioner Andrews made a motion to approve the Conditional Use Permit as submitted. Commissioner Tadlock seconded the motion and the motion carried unanimously.

Chairman Blount declared staff's recommendations (found in Exhibit B) as the Findings of Fact:

1. The development of the property in accordance with the proposed conditions will not materially endanger the public health and safety because the facility has a long standing record of safe operations and is obtaining all required environmental permits from the state.
2. The development will not substantially injure the value of adjoining or abutting property because the surrounding property is industrial or commercial in nature.
3. The proposed development is in general harmony with the surrounding area because it is located in an industrial/commercial area. It is in conformance with county plans for the I-85 corridor because the expansion helps promote and sustain high capital investment and high-wage jobs.

**PUBLIC HEARING FOR CUP-20-02 FOR SUBDIVISION IN CBI DISTRICT:**

Chairman Blount waived the Chairman's Speech (Exhibit A) and asked the Clerk to swear in those who wished to provide testimony in the case. Chairman Blount stated the application was CUP-20-02, for Thomas Sheppard, Tax Parcel 481-006 & 481-007.

Marion Lytle presented the Staff Report (Exhibit B) and stated that Mr. Sheppard owns two (2) tracts, for a total of 4.5 acres, located on the 5900 block of Bertie Avenue. The properties are zoned CBI and contain five (5) duplexes and two (2) single-family units. Mr. Lytle explained that Mr. Sheppard was seeking to subdivide the property for investment purposes as a cluster subdivision. Mr. Lytle mentioned that a driveway, Karri Lane, serves the properties. Tax records indicate the units were built between 1984 and 1988.

Mr. Lytle stated that staff did not have a problem with the concept of the subdivision; however, variances would need to be required. Mr. Lytle continued by saying there were several different options, and named cluster subdivision as an option that would allow flexibility with the setbacks. Mr. Lytle referred to the Site Plan (Exhibit C) and discussed the setback requirements.

Mr. Lytle explained that the CUP would give Mr. Sheppard the opportunity to seek the required variance and then proceeded to present the Staff Review and outlined the general criteria required for a conditional use (Exhibit B). Mr. Lytle said staff supports the concept based upon Mr. Sheppard's ability to obtain the required variances and providing the required screening.

Mr. Lytle listed the recommended Findings of Fact as:

- Approval would not endanger public safety because the buildings are still there and 911 records indicate very little activity on the property in the last few years.
- Would not endanger adjoining property values – the project will upgrade the site.
- The project is in harmony with the mixed use of properties in the area.

In response to a query from Commissioner Andrews, Mr. Lytle stated that staff felt the best option for Mr. Sheppard was to first obtain the conditional use permit. Mr. Lytle explained that the conditional use permit is not approved until all conditions are met and that if the variances are denied, the conditional use permit is void.

1. Mr. Thomas Sheppard of Concord stated he had purchased the property one (1) year ago from Phillip Karriker. Mr. Sheppard provided a letter (Exhibit D) from Mr. Karriker which stated the residences on the properties were built as conforming to existing building codes, setbacks and zoning requirements. Mr. Sheppard stated that Mr. Karriker was providing the funding for the proposed enhancements to the property. Mr. Sheppard said the road is currently a 15' wide concrete lane and his desire is to upgrade the property with a road that would meet state standards. Mr. Sheppard explained that a state road would enhance property values and allow him to seek financing for each home in the proposed cluster subdivision. Mr. Sheppard stated the upgrades would not only benefit him, but the neighborhood as well. Mr. Sheppard explained to Commissioner Andrews that the cluster subdivision concept was a more simplified process.

Chairman Blount opened the public hearing at 7:40 pm to entertain citizen comment. With no citizens wishing to address the Board, Chairman Blount closed the public hearing.

Commissioner Belk made a motion to approve the CUP-20-02 as requested. Commissioner Tadlock seconded the motion. The motion carried unanimously.

Chairman Blount declared the Findings of Fact as suggested by staff and detailed by Mr. Lytle.

- Approval would not endanger public safety because the buildings are still there and 911 records indicate very little activity on the property in the last few years.
- Would not endanger adjoining property values – the project will upgrade the site.
- The project is in harmony with the mixed use of properties in the area.

Chairman Blount called for a short break at 7:40 pm.

Chairman Blount reconvened the meeting at 7:45 pm.

## **REPORT FROM ABC LAW ENFORCEMENT:**

Chairman Blount mentioned that Commissioner Andrews had raised questions at the previous board meeting concerning Rowan County ABC Law Enforcement and the City of Kannapolis.

Commissioner Andrews thanked ABC Law Enforcement Officer Ray Shuler for being present and asked Mr. Shuler to explain the working relationship between Rowan County ABC Law Enforcement and the City of Kannapolis.

Mr. Shuler pointed out that NC General Statute 18B-501(f), creates a special scenario of ABC enforcement for a municipality that is located in two (2) counties. Mr. Shuler stated that the law gives the city the option of contracting with the local Board to give the ABC officers inspection authority. Mr. Shuler continued by saying when there is ABC enforcement within a county, “you cannot then swear in another agency with that agency having its stand alone ABC authority.” Mr. Shuler explained that the 502 Inspection Authority allows ABC Enforcement Officers to search any business that sells alcohol, without a search warrant. Mr. Shuler stated the contract with the City of Kannapolis would empower three (3) or four (4) officers with the City of Kannapolis to have ABC enforcement authority within the city limits of Kannapolis, in both Cabarrus and Rowan County.

Commissioner Andrews questioned if the authority given to the Kannapolis officers would alleviate Rowan County ABC Officers of the responsibility for covering the City of Kannapolis. Mr. Shuler responded the authority would “supplement” and provide additional manpower to Rowan County ABC Law Enforcement. Mr. Shuler stated his department would continue to cover the northern portion of Kannapolis.

Mr. Shuler responded to a query from Commissioner Andrews, saying the special provision of the law allows Kannapolis to have its own ABC enforcement authority. Mr. Shuler said “nowhere else in the state can you have both ABC Officers and another agency that sworn ABC Officers at the same time, with the exception of Mecklenburg County.”

Commissioner Andrews asked if there was a way for Rowan County to coordinate with the Sheriff’s Department or Salisbury Police Department to work with ABC Enforcement. Mr. Shuler said the Board could seek special legislation to allow a contract to swear in officers for ABC enforcement.

Commissioner Andrews asked if the special law that provided ABC Law Enforcement coverage for the City of Kannapolis, had created an additional workload or was costing additional funds for the ABC Enforcement Officers of Rowan County. Mr. Shuler responded “No, sir,” and explained that there would be an increased number of ABC outlets in “that area” and that the contract would actually benefit Rowan County ABC Law Enforcement with the additional manpower in the area.

Commissioner Andrews commended ABC Law Enforcement, as well as all law enforcement officers in Rowan County.

In response to a query from Chairman Blount, Mr. Shuler said the Rowan County ABC Board would realize the profits for liquor sold by the drink in both, Cabarrus and Rowan Counties.

### **REPORT ON THE WATER LINE FUNDING:**

Chairman Blount stated that Matt Bernhardt and John Vest from the City of Salisbury were present to report on the water line funding issue. Chairman Blount stated that the Board of Commissioners had several questions pertaining to a newspaper article concerning funding of a “possible connector” between Rowan County and Salisbury’s water system to the Statesville area.

Commissioner Andrews stated that the drought throughout the region had been difficult for everyone and referred to an announcement by the State concerning the installation of a water line from Salisbury, from the Yadkin River, to cover the Statesville area. Commissioner Andrews felt the drought had been no more severe in Statesville than it had been in China Grove and Landis, where the taxpayers had to pay for a water line. Commissioner Andrews said the newspaper article indicated that the State would be working with the City of Salisbury to get the water line installed to Statesville. Commissioner Andrews asked the representatives from the City of Salisbury to update the Board on “exactly what the State did offer.”

Mr. Bernhardt said the City of Salisbury did not initiate discussion concerning the drought relief to Statesville, but “was approached” and asked a series of technical questions about the possibility of providing water to the area. Mr. Bernhardt said the City responded to the State’s questions and also explained to the State about the \$35 million expansion underway to the south rowan area, saying that the City would accept any assistance the State could offer on the project. Mr. Bernhardt said the City made it very clear that it was not in a position to fund the Statesville project. Mr. Bernhardt added that Statesville was also not in a position to fund a water project. Mr. Bernhardt said the City made it clear that the State would have to “take the leadership role.” Mr. Bernhardt said the City also informed the State of needed improvements with the system and the possible enhancements that State funding would create. Mr. Bernhardt stated that no tax dollars were contemplated and that as far as revenues were concerned, the City was at capacity with major projects.

Mr. Vest added that the connection would be an “emergency” connection that could “go either way” and would not be a permanent allocation to Statesville. Mr. Bernhardt added that neither Salisbury nor Statesville indicated an interest in a permanent daily situation. Mr. Bernhardt also stated that the emergency connection would create economic development potential as well as an economic benefit.

Commissioner Andrews asked if the situation with the Statesville project was “fruition” or “discussion.” Mr. Bernhardt stated that the City has not received any confirmation on the project.

Commissioner Andrews asked if the project for Statesville would cause the project in the southern portion of Rowan County to “shut down.” Mr. Bernhardt replied that the Statesville project would strengthen the project due to a boost in capacity. Mr. Bernhardt stated that with the funding from the State, the south rowan area would “not necessarily” be held to the minimum amounts negotiated.

Commissioner Andrews asked if the Statesville project would allow a possible rate reduction to the south rowan area. Mr. Bernhardt stated that all customers pay one rate and by increasing the customer base and amount of water delivered, the rates would be stabilized. Commissioner Andrews confirmed that Mr. Bernhardt meant no decrease in rates, just “minimize” the increase.

Chairman Blount asked, “When is the water going to flow to south rowan?” Mr. Bernhardt distributed a project update, stating that hopefully by the end of the month water would be flowing to the “first leg.” Mr. Bernhardt discussed January 13, 2003, as the anticipated completion date for the pump station. Mr. Bernhardt stated that the project has had complications but overall is going very well. Mr. Bernhardt thanked the Board of Commissioners for their leadership in making the project happen.

In response to a query from Commissioner Andrews, Mr. Bernhardt discussed various changes the Salisbury Utilities Department has undergone since inception of the south rowan project. Mr. Bernhardt explained the various monitoring procedures that the City now performs. Mr. Bernhardt continued by saying what happens with the High Rock Lake Reservoir does not impact the City and that the lowest level was approximately 105-109 million gallons per day. Mr. Bernhardt stated that the most water used by the City was 9 ½ million gallons on a peak day.

Chairman Blount inquired about the average flow, which Mr. Bernhardt stated was approximately 1.4 trillion gallons per day. Chairman Blount corrected that to be “billion” and not “trillion.”

Chairman Blount and Commissioner Andrews expressed appreciation to Mr. Bernhardt and to Mr. Vest for attending the meeting.

**PUBLIC HEARING FOR THE LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG):**

Sheriff Wilhelm addressed the Board pertaining to the LLEBG, which has been used for the County’s security officer. Sheriff Wilhelm discussed the duties of the security officer, saying the officer had started by investigating and making recommendations for the security of the schools. Sheriff Wilhelm stated that there is a higher priority for school security and discussed a program that is currently being promoted nationwide for

all schools and municipalities. Sheriff Wilhelm stated that the LLEBG is a federal grant in the amount of \$30,000.00 and requires matching funds of 10%. Sheriff Wilhelm referenced a check from the State in the amount of \$18,931.77, for unauthorized substance tax distribution, which could be used for the matching percentage. Sheriff Wilhelm said the grant would be at no cost to the citizens of Rowan County.

In response to a query from Chairman Blount concerning the submitted list of offenders, Sheriff Wilhelm explained that when an individual is charged for having illegal drugs, the State of North Carolina requires the individual to pay a tax on the drugs. Sheriff Wilhelm referred to the list mentioned by Chairman Blount and stated that most of the fees owed by those offenders is payroll deducted. Sheriff Wilhelm also stated that if a large quantity of drugs is seized, the Sheriff's Department confiscates items of value such as refrigerators, stoves, cars, etc.

Leslie Heidrick, Finance Director, distributed a revised Budget Amendment to replace the amendment in the agenda packets. Ms. Heidrick pointed out the revised amendment is to budget the matching funds, whereas the original amendment was for the entire grant amount.

Sheriff Wilhelm stated the grant is one way to increase the department's manpower without using tax dollars. Sheriff Wilhelm praised the hard work of the drug unit.

Commissioner Andrews made a motion to approve the LLEBG grant and the revised budget amendment. Commissioner Belk seconded the motion and the motion passed unanimously.

### **PUBLIC HEARING FOR Z-13-02:**

Chairman Blount stated the public hearing would focus on a request from MSMC Holdings, LLC to rezone TP212-047 from MHP to IND.

Ed Muire, Assistant County Planner, referred to the aerial map (Exhibit A) to illustrate the history of MSMC, known as Mid-State Machine. Mr. Muire explained that the company began in 1964 as a small machine shop and underwent expansions in 1994, 1996 and again in 1998. Mr. Muire stated that during the 1998 expansion, the Board rezoned adjoining property from RA to Industrial. Using the map, Mr. Muire pointed out the 3.8-acre tract the applicant has requested to be rezoned. The tract is currently an eight-unit manufactured home park. Mr. Muire stated that once the eight units are removed, the site would be in compliance with the water supply watershed requirements. Mr. Muire said discussion concerning watershed requirements would follow the public hearing. Mr. Muire continued to explain that staff visits to the site found the business operating well within the rural setting, with no apparent negative effects on the character of the area. Mr. Muire mentioned that the impacts for the proposed facility mirror those at the existing facility. The Planning Board, on an 8-0 vote, recommended changing the zoning designation from MHP to IND. Staff also recommends approval of the rezoning request.

Chairman Blount opened the public hearing to entertain citizen comment and with no citizens wishing to address the Board, Chairman Blount closed the public hearing.

Commissioner Andrews made a motion to approve the rezoning as requested, followed by a second from Commissioner Tadlock. The motion carried unanimously.

**APPROVAL OF SNIA-02-02:**

Mr. Muire discussed the water supply watershed designation, saying the limit for impervious cover is at 12% for all non-residential development. Mr. Muire reported that in limited cases the Board could approve a site plan that gives applicants additional built upon area of up to 70%. Mr. Muire referred to the site plan for MSMC, which indicates approximately 56% of the property would be occupied. Mr. Muire explained that since the Board had just approved the rezoning for MSMC, it would be in order to approve SNIA-02-02.

Commissioner Chamberlain made a motion to approve the SNIA permit application as submitted. Commissioner Belk seconded the motion. The motion passed unanimously.

**PUBLIC HEARING FOR CUP-18-02 FOR A TELECOMMUNICATIONS TOWER:**

Chairman Blount read the Chairman's Speech (Exhibit A) and declared the public hearing for consideration of CUP-18-02 to be in session. Chairman Blount stated the application would focus on an application submitted by the Berkley Group, LLC for a telecommunication facility on a portion of Tax Parcel 540-021 and includes the placement of a 190 foot monopole tower on a portion of the Statesville Brick property located in the 400 block of High Rock Road.

The Clerk swore in those wishing to provide testimony in the case.

Ed Muire, Assistant County Planner, presented the Staff Report (Exhibit B), and reported that the request from the Berkley Group, was the first permit application received since the conditional use permit criteria for telecommunication towers was amended in January of 2001. Mr. Muire explained that the application submitted by the Berkley Group was for a 190' monopole tower and used a power point presentation (Exhibit C) to discuss and illustrate the industrial properties in the Gold Hill area.

Mr. Muire stated that there were two (2) representatives from the Berkley Group present to address any unanswered questions the Board might have.

Mr. Muire referred to the Staff Review Criteria (found in Exhibit B), Item #3, saying no preferred sites were found in the vicinity of the proposed location. Mr. Muire referred to the "Communications Tower Review Form" (Exhibit D), a response from the State Historic Preservation Office, which indicates the proposed tower would have no adverse

impact on historic properties in the area. Mr. Muire then referred to the “Existing Telecommunication Tower Locations and Proposed Tower Site” map (Exhibit E) to illustrate existing telecommunication tower locations as well as the proposed tower site. Mr. Muire noted that the American Tower Site on Old Beatty Ford Road had been installed since 1993 with one (1) carrier on the site. Mr. Muire reported that the proposed site is geared more toward the lake and the eastern rowan area. Mr. Muire discussed the Existing Alternative Structure and Item #4 of the Staff Review (Exhibit B), concerning the Balloon Test. Using the power point presentation (Exhibit C), Mr. Muire showed a photograph taken from the driveway of a resident across High Rock Road. The balloon was flown at 190 feet. Mr. Muire also showed photographs of the balloon that were taken from Hwy 52 looking north along High Rock Road. Mr. Muire continued to show photographs of the balloon test that were taken from various locations in the area and said the balloon was not visible from the Gold Hill Village. Mr. Muire explained that the monopole towers were least visible compared to the lattice-type towers.

Mr. Muire presented the Staff Review, General Consideration Issues (found in Exhibit B), and stated that staff recommends approval of the application.

Commissioner Andrews expressed concern over the “closeness of the two towers.” Mr. Muire responded that numerous discussions were held with the applicant pertaining to that issue and part of their “burden of proof,” the Berkley Group would address the concern.

In response to a query from Commissioner Tadlock concerning complaints with the lack of service in the eastern portion of the county, Mr. Muire commented that Cingular Wireless appears to be moving in that direction. Mr. Muire reported that he had dealt with the applicant since the ordinance was amended in 2001, and that the applicant has “met their burden” with the information provided. Mr. Muire said the County would be looking at approximately 6 (six) to 8 (eight) additional applications towards the end of the year.

Bonne Newell of the Berkley Group addressed the Board, stating the application was submitted to enhance the wireless service in the Rowan County area. Ms. Newell conveyed that the company had worked diligently to follow the ordinance and to provide the Board with information.

Commissioner Andrews questioned the range of the tower coverage. Ms. Newell said the tower would communicate with two (2) existing towers, one of which is 5.4 miles to the southeast and has 4 (four) or 5 (five) users. Ms. Newell described the other tower as being 3 ½ miles to the west, also with several carriers. Ms. Newell also mentioned a tower to the south that has two (2) carriers. Ms. Newell expressed hopes to be operational in the first quarter of 2003 and go into the Craven area, which was essential to connect to one additional tower for the southern portion of the lake.

Commissioner Andrews commented that the map given to the Board did not indicate the location of towers “by the lake.”

Commissioner Andrews questioned the concerns of the Berkley Group pertaining to the closeness of the other towers. Ms. Newell stated that the Berkley Group “does not consider them close” and stated the Duke Power tower is 108’ tall and that the trees which are approximately 60 to 80 feet, hinder the signal strength. Ms. Newell referred to maps in the booklet (Exhibit F)) submitted by the Berkley Group, and pointed out the areas where cell phones work consistently. Ms. Newell also reported that the balloon was the actual diameter of the tower.

Commissioner Andrews said he couldn’t envision Rowan County allowing towers to be in such close proximity “all over the county.” Commissioner Andrews said the tower was supposed to support the lake area and that he felt Hwy 52 was not part of the “lake region.” Ms. Newell referred to the map and explained that the tower would connect to the “next tower.”

Referring to the map, Commissioner Andrews indicated the area that appears to need the most help does not seem to be covered under the proposal. Chairman Blount stated the tower would be a “stepping stone.”

Commissioner Andrews pointed out on the map, that the existing tower on Old Beatty Ford Road appears not to offer coverage. Commissioner Andrews stated the “need factor” appears to be Morgan Road, High Rock and the “bottom of Bringle Ferry” Road. Ms. Newell responded that the key to building out the system is to ensure contiguous coverage, the “stepping stone effect.” Ms. Newell continued by explaining how the towers overlap with one another to prevent customers from being disconnected. Ms. Newell said the proposed tower enhances the structure that already exists, and helps to build the “infrastructure that will be there for tomorrow.”

Commissioner Andrews emphasized that the tower was not providing coverage for the “rural lake area.”

Chairman Blount opened the public hearing at 9:00 pm to entertain citizen comment. There were three (3) people sworn in that did not address the Board, but who supported the tower location. Chairman Blount closed the public hearing.

Commissioner Tadlock questioned a target date for having adequate coverage for the “total picture.” Ms. Newell estimated the coverage to be implemented by approximately 2004.

Commissioner Belk made a motion to approve the CUP-18-02 as submitted, followed by a second from Commissioner Tadlock. The motion carried 4-1, with Commissioner Andrews opposed.

Chairman Blount presented the suggested Findings of Fact by staff as follows:

1. Development of the site in accordance with the fencing requirements contained in the site plan and the professional engineer's certification that in the event of a structural failure the tower would land within its 100' x 100' lease area will ensure the public health and safety are protected.
2. Based on the findings of James A. Meyer, Jr., MAI, in the appraisal report for the proposed telecommunication site, the values of adjoining properties or those in the vicinity will not experience a substantial decrease in value.
3. The limited visibility of this site relative to historic sites and area attractions allows this site to be in general harmony with the surrounding area.

Chairman Blount also requested to add the booklet from the Berkley Group as part of the record.

### **ACCEPTANCE OF BID FOR COURTHOUSE SECURITY:**

Ken Deal, Director of Administration, reported that twelve (12) bid requests were sent to vendors, with two (2) responses being received. Intech Fire & Security was the lowest bid in the amount \$ 54,015.56, with the second bid from Spectrum Sales totaling \$82,907.00.

In response to a query from Chairman Blount, Mr. Deal stated the bids were within the budgeted amount. Mr. Deal said the price difference between the bids was initially a concern. Mr. Deal cited an example of equipment that was priced between the vendors and explained the items quoted appear to be identical.

Mr. Deal responded to Commissioner Chamberlain, saying that InTech Fire & Security has been in business for approximately ten (10) years. Mr. Deal added that staff would closely monitor the installation of the security system.

Chairman Blount verified with Sheriff Wilhelm in the audience, that he had reviewed the bid and was comfortable with InTech.

Commissioner Chamberlain made a motion to approve the purchase of equipment from InTech Fire & Security. Commissioners Andrews and Tadlock seconded the motion and the motion passed unanimously.

### **ADDITIONS:**

#### **Special Resolution Concerning High Rock Lake**

Chairman Blount distributed copies of a Resolution pertaining to the Board's support in requesting the Federal Energy Regulatory Commission (FERC) to take immediate action to change the Operating Guidelines of Yadkin, Inc.-APGI, in order to maintain a maximum drawdown that will leave High Rock Lake safe and usable year round.

Commissioner Chamberlain expressed the Board's concern being that the reservoirs were not created for recreation and the most important issues are the drinking water and the economic conditions.

Commissioner Chamberlain made a motion to accept the Resolution as submitted. Commissioner Andrews seconded the motion. The motion carried unanimously.

### **PUBLIC COMMENT PERIOD:**

Chairman Blount opened the Public Comment Period. Those wishing to come forward and address the Board are as follows:

1. Waylan Dabbs, addressed the Board concerning the "terrible comments" that had been directed towards the City of Refuge. Mr. Dabbs reported that a state inspection occurred "a month ago" at the City of Refuge, and the inspectors interviewed the children and parents of the boarding school. Mr. Dabbs referred to a recent newspaper article that raised the question of, "Who is watching the children?" Mr. Dabbs asked the children from the City of Refuge to stand and requested that everyone observe the children were healthy and "not abused, bruised or walking with a limp." Mr. Dabbs introduced Mr. And Mrs. Allen Hess, house parents of the boarding school, and asked members who were present from Bible Missionary Baptist Church to raise their hands. Mr. Dabbs said that "friends" from other churches were also present. Mr. Dabbs reported that Bible Missionary Baptist Church has 150 "active" members. Mr. Dabbs continued to explain that there are eight (8) Board of Trustees for the boarding school, who belong to other respected churches in the county; nine (9) trustees that oversee the activities of the churches. Mr. Dabbs said, "they watch the children." Mr. Dabbs said that parents make frequent visits to the church, to "our home," and they take the children out to eat and for overnight visits. The "parents watch the children." Mr. Dabbs conveyed that due to the negative comments, the goal to "reach people" and spread God's Word, has been hindered. Mr. Dabbs highlighted the various ministries performed by the church and extended an invitation for the Board to come and observe the children, adding, "we have nothing to hide." Mr. Dabbs challenged the Salisbury Post that if it were going to make the negative comments, to "please take time to include the positive comments." Mr. Dabbs asked that since the inspectors have come, and "what we feel is harassment, please, we humbly request that it end."
2. Barry Cummings, of High Rock Lake, asked the Board to make an addendum to an existing definition for a daycare facility. Mr. Cummings said currently a home daycare facility might have five (5) children during a 24-hour period. Mr. Cummings asked the Board to "tweak" the definition to say that a "home daycare facility may have no more than five (5) children at a time during a 24-hour period." Mr. Cummings explained that many companies have several shifts and a change in the definition would allow parents to keep their jobs, knowing childcare is available. Mr. Cummings stated that many people have to turn down second

and third shift jobs due to the lack of childcare. Mr. Cummings stated he was addressing the Board on behalf of a friend who operates a daycare and who may have to close her daycare. Mr. Cummings also distributed a handout of the current definition and proposed definition for home daycare.

Commissioner Belk requested that staff study the issue. Chairman Blount stated that the request is a text amendment, which would require a public hearing.

Mr. Muire stated that the “friend” that Mr. Cummings is referring to, had approached the Zoning Board of Adjustment (ZBA) and was denied an appeal concerning Mr. Lytle’s decision on the case. Mr. Muire said “they” have 30 days to appeal the case to Superior Court or cease operations of the daycare. Mr. Muire explained that if the Board directs staff to review the text amendment, the “30 day clock is still running.”

Commissioner Chamberlain said he was not concerned about a “specific case.”

Mr. Muire said he was “fairly certain” the definition was passed down from the state.

Chairman Blount asked staff to review the issue and come back to the Board with a recommendation.

Referring to those present in support of the “City of Refuge,” Commissioner Chamberlain commented, “You know and God knows” and you should count yourself blessed and fortunate when faced with persecution.

**Executive Session**

Chairman Blount called for an Executive Session at 9:25 pm.

Chairman Blount called the meeting back to open session at 10:10 pm.

Chairman Blount reminded the Board about the Public Hearing on October 22, 2002 on Structure Readdressing.

**ADJOURNMENT:**

With no further business to come before the Board, Chairman Blount adjourned the meeting 10:15 pm.

Respectfully Submitted,

Rita K. Foil, CMC  
Clerk to the Board