

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
JANUARY 21, 2003 – 7:00 PM
J. NEWTON COHEN, SR. ROOM, ADMINISTRATION BUILDING**

Present: Steve Blount, Chairman
Gus Andrews, Vice-Chairman
Leda Belk, Member
Chad Mitchell, Member
Frank Tadlock, Member

The County Manager, Clerk to the Board, Finance Director and County Attorney were also present.

Chairman Blount convened the meeting at 7:00 pm.

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

ADDITIONS:

- Chairman Blount added a Closed Session to discuss a personnel issue.

LIAISON REPORTS:

Commissioner Belk mentioned that there would be an Ice Storm Critique on January 22nd to evaluate the emergency response to the ice storm. Commissioner Belk also stated that the DSS Task Force on Child Facilities would announce recommendations next week.

CONSIDERATION OF CONSENT AGENDA:

Commissioner Belk referred to Item K and expressed hope that all law enforcement agents would be able to use the equipment if the grant is received.

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

The Consent Agenda consisted of the following items:

- A. Approval of the 12/02/2002 minutes
- B. Approval of the 01/06/2003 minutes
- C. Approval of NCDOT request that Fairfield Lane be added to the State Secondary Road System for maintenance
- D. Approval of NCDOT request that Pit Road be added to the State Secondary Road System for maintenance
- E. Approval of NCDOT request that SR 2461 Kingstree Road (extension) and Kingsway Drive be added to the State Secondary Road System for maintenance
- F. Approval of NCDOT request that an extension of SR 2660 – L.M. Overcash Road be added to the State Secondary Road System for maintenance
- G. Approval to set a public hearing for CUP-01-03, Hill family subdivision on Mt. Hope Church Road
- H. Approval to retire service side arms for two retired deputies with the Sheriff's Department
- I. Approval of request from the Health Department for approval for Fee Schedule Update, Request to increase Smile Center Co-Pay, Program Debt Write-ff, Kate B. Reynolds Grant Funding, Youth Centered Tobacco Cessation and Prevention Grant, The ABC's of Nutrition...Grant, Women's Preventive Health Special Project Funds
- J. Approval of the NCDOT Secondary Road Right of Way Agreement
- K. Approval of a grant request from the Sheriff's Department
- L. Approval of Budget Amendments

REQUEST TO FUND A PATIENT MANAGEMENT SOFTWARE PACKAGE FOR THE HEALTH DEPARTMENT:

Leonard Wood, Health Department Director, explained that the Health Department had been using an antiquated state software system for seventeen (17) years. Mr. Wood presented a power point overview of the proposed Mitchell and McCormick software system and discussed how the software would allow the department to function more efficiently with an "on-line, real-time system," as well as comply with HIPAA. Mr. Wood explained that the "Request for Proposals" was mailed in December and four (4) responses were received, with Mitchell and McCormick being the lowest at \$200,000. Mr. Wood anticipated the cost would be approximately \$25,000 less, due to working with Rowan County's Information Systems Department. Mr. Wood highlighted the costs included in the proposal and stated the funds to purchase the software system would come from the Health Department Medicaid Escrow Reserve funds.

Commissioner Andrews emphasized that the HIPAA requirements placed on the Health Department to update records was "overwhelming." Commissioner Andrews stressed

that the request was a “dire, desperate need” for the department and encourage the Board to support the request.

Mr. Wood verified to Commissioner Tadlock that there would be no impact on county services due to the Health Department having the funds available to purchase and maintain the system.

Commissioner Belk said the program might also be an issue to review regarding the Department of Social Services.

Commissioner Belk made a motion to approve the request as submitted. Commissioner Andrews seconded the motion and the motion passed unanimously.

PUBLIC HEARING TO CONSTRUCT A NEW TELECOMMUNICATION TOWER, CUP-24-02 (A QUASI JUDICIAL PROCEEDING):

Chairman Blount declared that the public hearings for CUP-24-02, CUP-25-02 and CUP-26-02 would shortly be in session and that the Chairman’s Speech would be applicable to all three (3) public hearings. The hearings would focus on applications by SBA Network Services, Inc. for telecommunication facilities on portions of Tax Parcels 501-002, 632-003, 615-004. The applications include placement of a 150-foot monopole tower on a portion of the Raymond Blake property located on Flint School Road, the Ronnie Loflin property located on Gold Knob Road and Rowan County property located on Providence Church Road.

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

Chairman Blount declared the public hearing for the Raymond Blake property to be in session.

Ed Muire, Assistant County Planner, expressed that the Board and the general public realized the lack of uniform coverage in the east rowan area and that the issue had been addressed in 2001 and also during the revision of the zoning ordinance. Mr. Muire felt the proposed sites would begin to address the shortcomings for the area, as well as the lake area. Mr. Muire reported that staff, and a telecommunications consultant had spent a lot of time and effort confirming that the applications meet the county’s criteria.

Mr. Muire reported that there was a Staff Report (Exhibit A) with each application, which summarized the material submitted in support of the applications. Mr. Muire said the power point presentations (Exhibit B) would highlight the key points of the Staff Report. Mr. Muire also mentioned that there would be less paperwork for the Board regarding future applications for telecommunications towers.

Mr. Muire presented the Staff Report (Exhibit A) for the Flint School Site, pointing out the application was for construction of a 150’ monopole telecommunication tower on a portion of the Raymond Blake property. Mr. Muire used a power point presentation

(Exhibit B) to depict the site and the surrounding area. Mr. Muire referred to maps (Exhibit C) of the coverage area, saying the maps were submitted with the application but not included in the Board's packets. Mr. Muire used the maps to point out the coverage areas. Mr. Muire continued with the Staff Review, contained in the Staff Report (Exhibit A), and the investigation of preferred sites. Mr. Muire also referred to (Exhibit A1), which was the summary analysis of why the preferred sites would not work.

Mr. Muire said an issue of concern was visibility of the tower at the Flint School site. Mr. Muire used the power point presentation (Exhibit B) to demonstrate visibility with the balloon test. The sites tested were a residence approximately 800' from the site on Flint School Road, Scout Road (no visibility), Sail Boat Drive (no visibility on day of visit), Eagle Point Preserve, a preferred site (no visibility), Emerald Bay Subdivision (no visibility), and the 400 and 600 blocks of Black Road. Mr. Muire said the tower was visible from the motorcycle track located in the 600 block of Black Road. Mr. Muire stated the proposed site was in the RA District that requires monopole construction and limits tower height to 150 feet. Mr. Muire reported that the county had contracted with Consultant Frederick G. Griffin, P.C., and correspondence from the Consultant was included in (Exhibit D).

In response to a query from Commissioner Belk as to why the site at Eagle's Nest was not selected, Mr. Muire stated that 1) the applicant submitted the application for the Flint School site, and 2) the Eagle Point Preserve does not lend itself to an institutional type use.

1. Henry Campen, PO Box 389, Raleigh, NC 27608, attorney appearing on behalf of AT&T Wireless, addressed the Board, saying that he had spoken with County Attorney John Holshouser in order to "streamline" the hearings. Mr. Campen stated that the testimony the Board would hear from two (2) of the witnesses would be common to all three (3) sites. Mr. Campen informed the Board that after the first time the testimony is given, he would request to adopt the testimony into the record of the successive hearings.

Mr. Campen stated that under NC law, an applicant is entitled to a Conditional Use Permit if the application meets the requirements of the Rowan County Ordinance. Mr. Campen referred to Section X of the ordinance, which lists the Specific Standards for telecommunication towers. Mr. Campen pointed out that the Staff Report (Exhibit A) indicates AT&T Wireless has complied with the technical requirements and the County's Consultant had filed a report recommending approval of the proposed sites. Mr. Campen stated that for the sake of time, he would not offer additional testimony on "those particulars of the ordinance." Mr. Campen focused on the General Standards of the Ordinance, contained in Section VIII (d), and Section IV Article 4, regarding the criteria by which conditional uses must be evaluated.

Mr. Campen detailed the education and expertise of the first witness, Scott Robinson, a State Certified General Real Estate Appraiser with fifteen (15) years

of experience. Mr. Campen stated that Mr. Robinson would be tendered as an expert in the subject of real property valuation and highlighted the areas of testimony forthcoming from Mr. Robinson. Mr. Campen also stated that Mr. Robinson's report (Exhibit E) would be submitted as evidence. Mr. Campen announced that the second witness to provide testimony would Mr. Eddie Moore, and that Mr. Moore's testimony would concern the first General Standard of the Ordinance. Mr. Campen stated that all evidence submitted to the Board, along with the application, the consultant's report and staff's recommendation, would demonstrate that the proposed towers meet all requirements of the ordinance.

2. Scott Robinson, of 104 West Colonial Drive, Salisbury, addressed the Board, saying he had been an appraiser in Rowan County for fifteen (15) years and had dealt with situations where adjacent and abutting uses may differ, having an affect on the value of property. Mr. Robinson stated he had received extensive information regarding the proposed tower sites and other existing tower sites in the area. Mr. Robinson said that he reviewed the existing tower sites, adjacent sites, rural, urban and suburban areas, demographic sales data, trends of population growth, new construction and other supply and demand factors to determine if any of these trends were developing around the tower sites. Mr. Robinson reported that the data was summarized through direct comparison using a price per square foot, or price per acre. Mr. Robinson stated that conclusions were made based on data, further supported by general data and observation, including publications, case law, and other impact studies from other areas of North Carolina. Mr. Robinson continued by saying he was surprised by significant lack of impact of the tower sites to Rowan. County, which demonstrates that proper planning and zoning are in place. Mr. Robinson commended the Planning Department for the proper placement of the towers that are already in place. Mr. Robinson discussed the price of homes in the area that ranging from mobile homes worth less than \$50,000, to homes worth over \$400,000, and emphasized again that he found no impact to the homes from the towers. Mr. Robinson said his report summarizes the findings and conclusions. Mr. Robinson referred to a map (Exhibit F), which depicted various tower sites within the county. Mr. Robinson commended SBA for its site selections and said that the impact of the towers would "less than a telephone pole."

Commissioner Andrews asked if a light was required on top of the towers. Mr. Robinson responded that the tower on Flint School Road and the tower on the Rowan County park site would require a light.

3. Eddie Moore with SBA Network Services, Inc., located at 4402 Suite G, Stewart Andrew Blvd. in Charlotte, NC 28217, stated that SBA had been contracted to assist in the site selection and permitting for expansion of AT&T Wireless Network. Mr. Moore reported that he had seven (7) years experience with local government/urban planning experience, as well as three (3) years of wireless telecommunications experience with SBA. Mr. Moore said the purpose of his testimony was to address one of the General Standards applicable to all

conditional uses under the County's Zoning Ordinance. Mr. Moore stated that Section VII (d)1 of Article IV requires applicants to demonstrate that the development of the property in accordance with the proposed conditions would not materially endanger the public health or safety. Mr. Moore continued by saying wireless communication services have become a vital feature of public safety, which has been demonstrated by emergencies at national and regional levels. Mr. Moore pointed out that when landline telephone service has been interrupted, public and emergency service providers have relied on wireless service to communicate. Mr. Moore said that AT&T had provided the County with copies of a study (Exhibit E) demonstrating that the proposed tower would fully comply with the standards of the Federal Communications Commission (FCC), with the maximum permissible exposure to radio frequency admissions. Mr. Moore reported that the County's Consultant had concluded that the tower would fully comply with FCC requirements. AT&T also provided the County with certification (Exhibit F) from a North Carolina licensed, professional engineer, regarding the structural safety of the tower. Mr. Moore concluded his testimony by addressing Section IX, Article IV, of the ordinance regarding: 1) adequate transportation access is provided to the site, 2) there will be no hazardous safety conditions as a result of the tower, 3) the tower will not generate any noise, odor, glare or dust.

Commissioner Belk requested an explanation as to why two (2) of the towers would be required to have a light at the top. Mr. Moore responded that the Federal Aviation Administration (FAA) required lighting on towers above 200'. Mr. Moore continued to explain that the towers in question would have lights under the fish and wildlife recommendation due to the Bald Eagles in the area.

Chairman Blount opened the public hearing to entertain citizen input. With no citizens wishing to address the Board, Chairman Blount closed the public hearing.

Commissioner Andrews commended SBA in its efforts to provide coverage to the lake area.

Commissioner Andrews made a motion to approve CUP-24-02 as requested, followed by a second from Commissioner Tadlock. The motion carried unanimously.

Chairman Blount declared the **Findings of Fact** to be as listed on page 3 in the Staff Report (Exhibit A):

1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.
2. That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity, and

3. That the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted County plans.

PUBLIC HEARING TO CONSTRUCT A NEW TELECOMMUNICATION TOWER, CUP-25-02 (A QUASI JUDICIAL PROCEEDING):

Chairman Blount stated that he would not read the Chairman's Speech for each case. Chairman Blount confirmed with Mr. Campen that the applicant wished the Board to accept prior testimony from the witnesses to be the same for each of the three (3) cases. Mr. Campen responded that he would ask Mr. Robinson several questions in order to adopt his testimony, and Mr. Moore would be asked if his testimony in the first case applied to the second and third cases.

Chairman Blount stated the case was for Tax Parcel 632-003 for the placement of a 150-foot monopole tower on a portion of the Ronnie Loflin property located on Gold Knob Road.

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

Mr. Muire referenced the Staff Report (Exhibit A) stated the application was for the Gold Knob Site on property owned Ronnie Loflin. Mr. Muire used a PowerPoint presentation (Exhibit D) and referred to the map (Exhibit B) to depict the areas surrounding the site. Mr. Muire informed the Board that the optimum coverage area was estimated at approximately 7.6 square miles and the minimum coverage area was approximately 2 ½ - 3 miles. Mr. Muire referred to the map (Exhibit B) and pointed out the Gold Knob Site located in the 4-mile search ring as required by the county's ordinance. Mr. Muire also pointed out other sites SBA had considered but which did not meet SBA's coverage requirements. Mr. Muire said that the Consultant, Mr. Griffin, was in agreement with SBA's findings. Mr. Muire continued with the PowerPoint presentation (Exhibit D) and pointed out three (3) preferred structures existing within four (4) miles of the proposed site. Mr. Muire referred to documentation in (Exhibit A2), which listed the existing structures not suitable for co-location in providing coverage to the area. Through the PowerPoint presentation (Exhibit D), Mr. Muire displayed the photos of the balloon visibility from various sites, including a residence located 750 feet from the site. Mr. Muire also showed a list of adjoining property owners.

Mr. Muire reported the information as being part of the cadastral information staff was receiving from its vendor.

1. Mr. Henry Campen, Attorney for AT&T Wireless, stated that there were two (2) witnesses, one being Mr. Scott Robinson. Mr. Campen verified with Mr. Robinson that he had testified in the case of CUP-24-02 and had also prepared a study of the effect of cell towers on the value of adjoining property in Rowan County. Mr. Robinson verified that he had prepared a similar study (Exhibit C) for case CUP-25-02. The study was then distributed to the Board. Mr. Robinson

testified that the underlying facts contained in the study for CUP-24-02 were the same as those contained in the study for CUP-25-02, with the exception of the neighborhood analysis. Mr. Robinson explained that the area was more of a suburban location than a rural location and the analysis focused on the impact of towers in a suburban area. Mr. Robinson referred to the tower on Red Road, which abuts development along Red Road as well as a “fast growing new residential development.” Mr. Robinson reiterated that the data was more of a suburban nature. In response to a query from Mr. Campen, Mr. Robinson stated that he was of the opinion that there is no measurable diminution of value to adjacent or abutting properties, and based on the selection of the site, and placement of the tower, the buffer setbacks and the location of the site is in harmony with the area.

Mr. Campen requested that Mr. Robinson’s testimony in the case of CUP-24-02 regarding Mr. Robinson’s analysis, and the basis for his opinion, be adopted into the record.

With no objections from the Board, the request was granted.

2. Mr. Eddie Moore of SBA verified to Mr. Campen that he had testified in case CUP-24-02 and confirmed that his testimony in the case applied equally to the case of CUP-25-02. Mr. Campen requested that Mr. Moore’s testimony in the case of CUP-24-02 be adopted into the record for the case of CUP-25-02.

With no objections from the Board, the request was granted.

Mr. Campen offered into evidence Mr. Robinson’s report (Exhibit C), an aerial photograph of the area (Exhibit E) and all the materials submitted with the application (Exhibit F).

In response to a query from Chairman Blount, Mr. Campen said the tower would not have a light.

3. Terry Hill, of Bringle Ferry Road, asked if the proposed sites would be multi-use. Mr. Muire responded that the tower was designed for five (5) wireless carriers.

With no further citizen input, Chairman Blount closed the public hearing.

Commissioner Andrews made a motion to approve CUP-25-02 as requested. Commissioner Tadlock seconded the motion and the motion passed unanimously.

Chairman Blount declared the **Findings of Fact** to be as listed in the Staff Report (Exhibit A):

1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.

2. That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity, and
3. That the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted County plans.

PUBLIC HEARING TO CONSTRUCT A NEW TELECOMMUNICATION TOWER, CUP-26-02 (A QUASI JUDICIAL PROCEEDING):

Chairman Blount stated that the Board would consider CUP-26-02, which is Tax Parcel 615-004, on Rowan County property located on Providence Church Road.

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

Ed Muire, Assistant Planner, summarized the conditional use requirements that were submitted with the application in the Staff Report (Exhibit A). Mr. Muire reported that a 150-foot monopole tower proposed for a site north and west of Dan Nicholas Park. Mr. Muire used a PowerPoint presentation (Exhibit B) and referred to the map (Exhibit C) that depicted the park site and surrounding areas. Mr. Muire highlighted the optimum proposed coverage area to be eight (8) square miles. Mr. Muire said the lack of coverage along the lake had been a safety concern in the past and that the proposed site would lend itself to coverage of those areas. Mr. Muire discussed the preferred structures and the existing sites. Using the PowerPoint presentation (Exhibit B), Mr. Muire displayed views of the balloon visibility test from Goodman Lake Road, Providence Church Road, Parkland Subdivision, Ned Marsh Road, and Bringle Ferry Road. Mr. Muire said Jim Foltz, Parks & Recreation Director, had driven around on the day of the visibility test and there were no visibility issues. Mr. Muire verified to Chairman Blount that he had performed a “fairly extensive drive around” during the balloon test to check for visibility intrusions. Mr. Muire pointed out the adjoining property owners’ information included in the Staff Report (Exhibit A).

Commissioner Belk asked if the proposed site was selected due to county policy. Mr. Muire responded that with the three (3) proposed sites, as well as with sites in the past, the applicant came to staff with the site already chosen. Mr. Muire stated that when the applicant is performing a search for a site, the applicant is given a copy of the ordinance, as well as a map, a spreadsheet with the Tax Assessor’s data and a copy of the nonresidential land use codes. Mr. Muire mentioned several issues that arose in 2001 when staff was revising the ordinance. The issues were the preferred sites, access, co-location, and the fact that the sites are “not a given.”

Commissioner Belk said she has family members that have property adjacent to the park. Commissioner Belk questioned if the County was penalizing citizens who own property adjacent to county property, by encouraging the towers to be located on county property. Mr. Muire responded with an analogy of the industrial park and agreed that, “Yes, we are

encouraging them.” Mr. Muire informed the Board that the County also encourages co-locates for water towers.

1. Mr. Campen asked Scott Robinson to verify that he had testified in the case of CUP-24-02, and that he had prepared a study and the affects of cell towers on the value of adjoining property. Mr. Robinson stated that he also prepared a similar study in the case of CUP-26-02. Mr. Robinson agreed that the facts in the study of CUP-26-02 were the same as those contained in CUP-24-02. Mr. Robinson stated that CUP-26-02 was borderline rural suburban with more emphasis on areas with similar density. Mr. Robinson referred to an aerial photograph (Exhibit D) of the proposed site, which depicted the surrounding areas. Mr. Robinson confirmed to Mr. Campen that he was of the same opinion as the hearing on CUP-24-02, that there was no measurable diminution of value of the properties adjacent to, or abutting the tower, and due to placement of the tower on the site with the setbacks, the tower would be harmonious with the area.

Chairman Blount granted Mr. Campen’s request to adopt Mr. Robinson’s testimony for the earlier case be into the record for CUP-26-02.

2. Mr. Moore confirmed to Mr. Campen that the testimony he had given in the case of CUP-24-02 applied equally to the case of CUP-26-02. In response to a query from Mr. Campen, Mr. Moore stated that the proposed tower would be lit, due to the issue of Bald Eagles in the area.

Mr. Campen requested that Mr. Moore’s testimony in case CUP-24-02 be adopted into the record for case CUP-26-02. Mr. Campen requested that Mr. Robinson’s report and the aerial photographs (Exhibit E), along with materials submitted with the application be accepted into evidence.

Chairman Blount asked if anyone on county staff had required or coerced the applicant into choosing the site in lieu of any other potential sites. Mr. Campen responded, no, and continued by saying the applicant had complied with the ordinance, which asks that the applicant give consideration to preferred sites. Mr. Campen explained that in compliance with the ordinance, the applicant was able to meet its coverage objectives with the site.

Mr. Campen expressed gratitude to Mr. Muire for his cordial and efficient assistance throughout the process.

Chairman Blount opened the public hearing to entertain citizen input concerning the site selection.

3. Troy Thompson of 2350 Providence Church Road said he lives “directly across the street from the proposed site” and informed the Board that he was the “family” that Commissioner Belk alluded to. Mr. Thompson expressed that Commissioner Belk might have a conflict of interest due to the relationship.

Chairman Blount verified with County Attorney John Holshouser that the definition of conflict of interest meant Commissioner Belk would receive a financial benefit regarding the decision. Commissioner Belk confirmed to Chairman Blount that she would not receive financial benefit from the decision.

Mr. Thompson said he had been approached “earlier last year” by Wes Smith, Project Manager for SBA, in regards to the placement of a tower on property he owns on Providence Church Road. Mr. Thompson stated that technicians and AT&T had examined the site and he had “copies of a lease in hand that I submitted to my attorney for review.” Mr. Thompson understood that his property was acceptable. Mr. Thompson said Mr. Smith informed him that he had spoken with several county officials regarding various sites and that he had been directed to consider the county property across the street. Mr. Thompson stated that he was left with the impression that Mr. Smith understood there to be an ordinance in place that required him to locate towers on county property where available. Mr. Thompson said the direction by county officials “took my parcel out of consideration.” Mr. Thompson explained that a “substantial sum of money” would have been received over the duration of the lease and expressed that he was upset at the loss. Mr. Thompson was concerned that his property was not selected because it adjoins county property. Mr. Thompson pointed out that the property is part of Dan Nicholas Park and that one of the nature trails runs by the base of the proposed tower. Mr. Thompson conveyed that he and his wife tried to justify the decision by realizing how Dan Nicholas Park would be further enhanced by the extra funds. Mr. Thompson said that after additional review, he understood the funds from the tower would not go to the park but rather to the County’s General Fund. Mr. Thompson emphasized that citizens have entrusted land to the county’s park systems for protection from development and that for the Board to proceed, would be sending a message that county officials “will use it for whatever purpose they see fit.” Mr. Thompson asked if it were appropriate for the County to take land from the park system for commercial use. Mr. Thompson concluded by asking the Board to consider rejecting the site and requesting that SBA reconsider the original site on Providence Church Road.

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

Commissioner Andrews asked Mr. Campen if he was cognizant of the comments presented by Mr. Thompson.

Before Mr. Campen answered, Chairman Blount requested to offer his opinion on the process for a conditional use permit. Chairman Blount said the Board was to receive testimony based on the requirements of the ordinance and to make a decision based on the answers to the questions and specific requirements of the ordinance. Chairman Blount pointed out that there had been questions raised regarding some sections of the ordinance and that “this is not the venue to discuss the short fallings or any specifics of the ordinance itself.” Mr. Holshouser agreed with the Chairman’s opinion.

In response to a query from Commissioner Belk, Chairman Blount explained that if the Board has questions about the ordinance, then action should be taken on the ordinance and not on the approval of a conditional use permit. Chairman Blount stated that to reject the request would be at the risk of appeal to the courts, based on the standards of the ordinance.

Commissioner Andrews commented that Dan Nicholas Park has a high traffic area and that there is a need for the tower in the area.

Commissioner Tadlock made a motion to approve the conditional use permit as requested followed by a second from Chairman Blount. The motion carried 4-1, with Commissioner Belk opposed.

Chairman Blount declared the **Findings of Fact** to be as listed in the Staff Report:

1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.
2. That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity, and
3. That the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted County plans.

Chairman Blount thanked Mr. Thompson for his comments and suggested that if the Board felt part of the ordinance was unfair; it could request Planning Staff to review the ordinance and bring back recommendations.

Commissioner Andrews expressed concern with the indications from Mr. Thompson's presentation that the county could be intervening in the free enterprise market with private landowners. Commissioner Andrews felt the issue should be reviewed.

Commissioner Belk felt the County should look at the ordinance in an effort to prevent the County from competing with the citizens.

Chairman Blount explained that the objective of the ordinance was not to compete with private citizens, but to place the towers on county property in order to have less impact on neighbors.

Marion Lytle, County Planner, mentioned that the first sites also included volunteer fire departments, churches, etc., in order to generate a revenue source for nonprofit organizations.

Commissioner Belk emphasized that the ordinance needed to be reviewed so the county would not be competing with the citizens.

Commissioner Andrews felt the county should continue to place emphasize on limiting the number of towers and using existing water towers, etc. already in place.

By consensus, the Board requested that the Planning Board, and Planning Staff, give the ordinance consideration as suggested and provide the Board with recommendations.

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

Chairman Blount reconvened the meeting at 8:45 pm.

APPROVAL OF A SUBDIVISION IMPROVEMENT GUARANTEE REQUEST:

Mr. Lytle explained that Silo Hill Associates, LLC was requesting approval of a subdivision improvement guarantee for Calico Court, a road located in the Silo Hill Subdivision off of Chenault Road.

Mr. Lytle reported that Dave Roberts Engineering had estimated the cost of completion to be \$31,680.00 and that the Subdivision Ordinance requires 125% of the amount totaling \$39,600.00.

Mr. Lytle stated that staff recommends acceptance of the letter of credit, cash security or surety bond and release of the security once NCDOT has provided a letter stating that the road meets their construction standards and if the site is stabilized in accordance with the Rowan County Sedimentation and Erosion Control Ordinance.

Commissioner Tadlock made a motion to approve the Subdivision Guarantee as requested. Commissioner Belk seconded the motion and the motion passed unanimously.

DISCUSSION AND APPROVAL OF PROPOSED SCHOOL BOND PHASING:

Commissioner Andrews summarized the various scenarios previously discussed concerning the different phasing of the school projects approved on the November school bond referendum. Commissioner Andrews presented a new plan, referenced as scenario #4 and provided the Board with a handout that showed a chart with a “Cost To The Taxpayer” and a “Cash Flow Projection Summary” graph. Commissioner emphasized that scenario #4 would provide a 14-yr payoff, with a savings of \$11 million and another \$4 million in possible savings. The projects would be completed by June of 2006.

Mr. Russell added that the attempt is to retire the debt in a quick time frame, which would financially result in a savings to the taxpayer’s. Scenario #4 would retire this bond and the ’93 bond in the year 2017.

Commissioner Mitchell voiced concern addressing the cost of staffing at the new schools and reminded the Board of the promises made by the “Bond Committee.” Commissioner Mitchell also added that “when a savings is realized, he would like to see technology “pushed up.”

Chairman Blount clarified that Mr. Russell was using technology, estimated at \$1.5 million, as a “safety valve” and agreed that when a savings is recognized, technology would proceed forward. Chairman Blount also added that staff is based on the number of students and not the number of buildings and principals are state funded positions.

Commissioner Andrews felt that using the “best business package” would be maximizing a total savings package and scenario #4 appears different than scenario #3, but only by a few months.

Commissioner Tadlock acknowledged that he preferred scenario #3. Commissioner Andrews expressed caution to ensure the maximum savings to the county.

Commissioner Andrews added that revaluation would drop the tax rate and even with the bond package, the tax rate would still not be up to the current rate.

Commissioner Mitchell emphasized that he could agree with scenario #2 and stressed the promises made by the bond committee.

Commissioner Belk made a motion to go with scenario #3. Commissioner Tadlock seconded the motion.

Commissioner Andrews stated that he felt that scenario #4 was the best business package.

Chairman Blount thanked Commissioner Andrews for presenting the plan for the “one-time, up-front increase because it certainly does save.” With no further discussion, Chairman Blount called for a vote on the motion.

The motion passed on a 3-2 vote, with Commissioners Andrews and Mitchell opposed.

Chairman Blount clarified with Mr. Russell that the projects were to begin as soon as possible. Mr. Russell stated the construction management firm would be hired by the Board and could assess each project.

Chairman Blount stated that the schedule should be considered a “preliminary schedule” until the actual construction schedule could be received by the Construction Coordinator.

Commissioner Tadlock felt a motion was necessary to insure the schedule would begin and end in a timely manner.

Commissioner Tadlock made a motion to give the staff working with the Coordinator the flexibility of starting the projects in a timely manner to be built and opened in time for the school year, as much as possible. Commissioner Belk seconded the motion.

In response to a query from Commissioner Andrews concerning the definition of a “timely manner,” Commissioner Tadlock stated, “That is based on staff and what they

feel,” leaving staff with the authority and flexibility of deciding when to start, within a reasonable amount of time.

Mr. Russell said the first step would be for the Coordinator to analyze the schedule to ensure delivery of the promised schedule.

The motion passed unanimously.

DISCUSSION ON APPROVING THE ARCHITECT FOR ISENBERG ELEMENTARY SCHOOL:

Chairman Blount discussed the request by the Board of Education (BOE), which indicated that the needs at Isenberg Elementary were critical in regards to relieving the overcrowding. Chairman Blount explained that the BOE had selected Ramsay, Burgin and Smith as the architect for the project and the BOE was now requesting approval to proceed with the design.

Mr. Russell pointed out that the Board had just approved a design in Scenario #3 at a cost of \$144,111. Mr. Russell also stated that the BOE had selected Ramsay, Burgin and Smith but had not signed a contract. Mr. Russell referred to the approved scenario, which indicated a start date of March 1, 2003, with completion scheduled for June of 2004. Mr. Russell questioned the urgency of the request.

In response to a query from Commissioner Belk, Mr. Russell explained that the cost of \$144,111 was an estimated breakdown of the design fee.

After continued discussion regarding the construction schedule, Commissioner Belk made a motion to postpone the issue until a management firm was selected to supervise all projects within the bond package. Commissioner Mitchell seconded the motion.

Commissioner Tadlock questioned using the language “management firm.” Mr. Russell confirmed the title to be “County Construction Coordinator.”

The motion passed unanimously.

SOUTH ROWAN CABARRUS COUNTY MPO REPRESENTATIVE:

Chairman Blount informed the Board that he had agreed with Commissioner Belk to serve as the South Rowan Cabarrus County MPO representative. Chairman Blount asked if any other Commissioner had an interest in serving as the representative.

Commissioner Belk asked that Chairman Blount continue to serve as the representative and agreed to serve as the alternate.

BOARD APPOINTMENTS:

Nursing Home Advisory Committee

Commissioner Belk made a motion to appoint Harold Belk for the committee. The motion passed unanimously.

Juvenile Crime Prevention Council

Commissioner Tadlock made a motion to appoint Victoria Slusser and Bonnie Harrell to the Council and the motion carried unanimously.

Rowan Transit System Advisory Committee

Chairman Blount stated that Jim Christie had resigned from the committee. Commissioner Andrews made a motion to appoint Johnny Brown. The motion carried unanimously.

Franklin Township Fire Department Commissioner

Chairman Blount stated that Tom Beam had resigned as Fire Commissioner. Commissioner Belk made a motion to appoint Ron Sells to fill the vacancy and the motion carried unanimously.

Rockwell Planning Board

Chairman Blount informed the Board that Don Bost had resigned from the Board. Commissioner Belk made a motion to appoint Mike Cauble to fill the vacancy. The motion passed unanimously.

PUBLIC COMMENT:

Mayor Jody Everhart expressed appreciation to the Board for its decisions concerning the school bond and for the Board's "hard work" to the county. Mayor Everhart asked the Board to feel free to call on the Town of Spencer if ever in need of assistance. Mayor Everhart.

CLOSED SESSION:

Chairman Blount declared that the Board would go into Closed Session at 9:55 pm to discuss a Personnel Issue and brought the Board back to open session at 10:20 pm.

ADJOURNMENT:

With no further business, Chairman Blount adjourned the meeting at 10:20 pm.

Respectfully Submitted,

Rita K. Foil, CMC
Clerk to the Board