

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
FEBRUARY 17, 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, the Clerk to the Board, Finance Director and County Attorney 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:

- Attorney Holshouser requested to add information concerning proposed leases with Piedmont Behavioral Healthcare
- Mr. Russell asked to add a discussion on the Request for Qualifications for the School Bond Construction Management Services
- The Clerk requested to add discussion concerning the meeting structure.

LIAISON REPORTS:

Commissioner Mitchell expressed congratulations for the North Rowan High School Quiz Bowl Team for winning the county competition.

Commissioner Tadlock echoed the congratulations for the North Rowan High School Quiz Bowl Team.

Commissioner Belk informed the Board that DSS was hosting an Interagency Roundtable on February 21, 2003 in an effort to address senior issues.

CONSIDERATION OF 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 items:

- A. Approval of the 1/21/2003 minutes
- B. Approval of the 2/3/2003 minutes
- C. Approval of Bioterrorism Funding
- D. Approval of state grant for Health Department
- E. Approval of NCDOT request that Graceland Place be added to the State Secondary Road System for maintenance
- F. Approval of NCDOT request that Fair Share Road be added to the State Secondary Road System for maintenance
- G. Approval of NCDOT request that Quail Circle be added to the State Secondary Road System for maintenance
- H. Approval to set a public hearing for a majority petition for the proposed road name of Broken Pines Lane

PUBLIC HEARING FOR Z-01-03, A REQUEST TO REZONE RA TO NB:

Marion Lytle, County Planner, presented the background concerning the request for rezoning Tax Map 824 Parcels 041, 032, and 024 from RA to NB. Mr. Lytle explained that the property is located at the intersections of Woodleaf and Godbey Roads. Mr. Lytle reported that the applicant, Lois Smith, plans to build a new facility providing salon services.

Chairman Blount opened the public hearing to entertain citizen comment concerning the issue. With no citizens present 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 Mitchell. The motion passed unanimously.

PUBLIC HEARING FOR Z-02-03, A REQUEST TO REZONE RR TO NB:

Mr. Lytle reviewed the background regarding the rezoning request for Tax Map 310 044, located at 5120 US Hwy 601. The applicant, Carl Doby, plans to establish web-based car-sales-services and the business will focus on classic car sales. Mr. Lytle reported that the Planning Board unanimously approved the rezoning and that staff also recommended approval of the request.

Chairman Blount confirmed that adjacent property owners were notified of the rezoning request.

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 made a motion to approve the rezoning as requested. Commissioner Mitchell seconded the motion and the motion carried unanimously.

REQUEST FOR A TEXT AMENDMENT FROM SALISBURY MEDIA, LLC:

Ed Muire, Assistant County Planner, discussed the background pertaining to the request and stated that a recent application by Salisbury Media, LLC for consideration of a 1350' FM radio tower/antenna site was deemed incomplete due to criteria that could not be met. Mr. Muire reported that Staff considered the request to be reasonable to modify or clarify specific conditional use requirements for this type of use. Staff recommended referring the issue to the Planning Board for further study.

Mr. Muire confirmed to Chairman Blount that the towers had the same impact as cell towers on adjoining property owners.

In response to a query from Chairman Blount, Mr. Muire explained the procedure for the balloon test.

By consensus, the Board referred the issue to the Planning Board for review.

REQUEST FROM SHERIFF'S DEPARTMENT TO PARTICIPATE IN A MATCHING GRANT FROM THE GOVERNOR'S CRIME COMMISSION:

Major Tim Bost and Lt. John Sifford addressed the Board concerning the possibility of the Sheriff's Department participating in a multi-agency data-sharing network. Major Bost stated that funding is available through the Governor's Crime Commission and would require a 25% county match. Major Bost said that all of the agencies participating in the shared database would share the required 25% matching amount and described the types of information that the database would enable the agencies to share. Major Bost said the contract for the software would be with Open Software Solutions, Inc.

Major Bost estimated Rowan County's matching share to be approximately \$6,372.50 for the first year and estimated that the annual ongoing costs would be \$ 1,997.50. Major Bost informed the Board that at the expiration of the grant, the ongoing cost was estimated to be \$ 8,000 per year.

Major Bost proposed that the funding be accomplished through future substance abuse tax revenues, which are revenues received from the seizure of illegal drugs.

Chairman Blount noted that the package did not include Cabarrus, Iredell and Mecklenburg Counties. Major Bost responded that the counties mentioned by Chairman Blount were included in a different network for a different grant. Major Bost stated that there are two (2) networks in the Piedmont. Major Bost explained that the software was compatible with existing software.

Chairman Blount confirmed with Finance Director Leslie Heidrick that staff is in agreement with the future funding assessment. Major Bost explained that the contract is on a year-to-year basis to allow the Sheriff's Department an opportunity to "bail out" if it chooses.

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

Commissioner Andrews emphasized the importance of communication in protecting the citizens.

Commissioner Belk applauded the law enforcement agencies in their effort to enhance the communication network.

PUBLIC HEARING FOR CUP-02-03, A REQUEST FOR THE ESTABLISHMENT OF A QUARTER MIDGET RACETRACK ON PORTER ROAD:

Please see the attached transcript, as submitted by Knowles Court Reporting, to be approved as the minutes of the public hearing for CUP-02-03.

Chairman Blount called for a brief recess at 9:45 pm.

Chairman Blount reconvened the meeting at 9:55 pm.

APPROVAL OF NCDOT ACQUISITION OF LONGS FERRY ROAD PROPERTY:

Mr. Russell referred to a previous offer of \$390,000 by the NCDOT regarding the acquisition of the property on Longs Ferry Road. Mr. Russell mentioned that the Board had declined to accept the offer. After additional negotiations, Mr. Russell stated the DOT is now offering \$525,000.

Commissioner Belk inquired where the processing center would relocate.

Mr. Russell stated that staff proposes locating the building at the landfill.

In response to a query from Commissioner Mitchell, Don Conner stated the property is approximately four (4) acres.

Commissioner Tadlock made a motion to approve the sale of property to the NCDOT for Tax Map 52 Lot 139, subject to any upset bids. Commissioner Belk seconded the motion. The motion passed unanimously.

DISCUSSION OF “FOCUS FORWARD” CAMPAIGN:

Chairman Blount referred to booklet in the agenda packet that was prepared by the Chamber of Commerce. Chairman Blount stated the booklet was “basically a request for funding” for the Focus Forward Campaign and the issue would be brought before the Board at “budget time.” Chairman Blount referred to discussions held at the retreat and stated that the Board could possibly subcontract with the Chamber to achieve some of the items discussed.

Attorney Holshouser referred to the issue concerning the offer from the NCDOT and the upset bid process. Mr. Holshouser agreed to follow up to confirm if the county would have to go through the upset bid process.

ADDITIONS:

Lease Inquiry from Piedmont Behavioral Healthcare

Mr. Holshouser stated that he had received an inquiry from Piedmont Behavioral Healthcare (PBHC) as to whether the county could locate a lease on two (2) properties being operated by PBHC. Mr. Holshouser conveyed that the two homes, Stepping Stone Group Home and Turning Point Group Home, were for the handicapped. Mr. Holshouser said that it was discovered that there were no leases and PBHC was using the facility “with the blessing of the county” and the leases are necessary due to changes in the law. Mr. Holshouser stated the proposed leases are for February 17, 2003 to June 30, 2004 and

would relieve the county of responsibilities and maintenance to the facilities. The county would not receive income from the leases.

Commissioner Mitchell made a motion to approve the lease as presented. Commissioner Belk seconded the motion. The motion passed unanimously.

Mr. Holshouser presented the Chairman with two (2) documents to sign.

Request for Qualifications from Construction Management Firms

Mr. Russell announced that the Request for Qualifications (RFQ) had been received and were available for review. Mr. Russell said the Board needed to establish the procedures for evaluating the firms.

In response to a query from Chairman Blount, Mr. Russell stated that the Board should interview the top three (3) applicants who meet the qualifications for management services for public education.

The Board agreed to hear from the top three (3) applicants on Tuesday, February 25 at 1:00 pm.

Mr. Russell said the firms would be asked to give the Board a presentation concerning prior experience on similar projects and how the firms proposed to save the county money.

Public Comment

Rita Foil, Clerk to the Board, explained the Board's current Public Comment procedures. Ms. Foil stated that several years back, Public Comment had been added as an "agenda item" at the beginning of each board meeting. Ms. Foil said the added Public Comment session was seldom used and had caused some confusion. Ms. Foil asked for direction from the Board on the issue.

Commissioner Tadlock agreed that the added Public Comment session had created confusion and that he had received several calls during the past week concerning the issue.

Commissioner Tadlock made a motion to eliminate the Public Comment session at the beginning of the meeting and continue with the Public Comment session at the end of the meeting. Commissioner Andrews seconded the motion.

Commissioner Mitchell expressed concern that decisions would be made before allowing the public the opportunity to address an issue. Commissioner Mitchell felt the Board should allow the citizens to speak before a decision is made.

Chairman Blount pointed out that citizens are allowed to speak at public hearings.

Commissioner Mitchell suggested leaving the Public Comment as an agenda item and advertising the deadlines for being on the agenda more frequently.

Chairman Blount stressed that listening to public comment prior to the hearing for a conditional use permit “would have gotten us in trouble.”

Commissioner Mitchell emphasized that there is a difference in listening to someone and talking to someone.

Chairman Blount reminded the Board that a Commissioner could request any item to be placed on the agenda as long as the request is made by the established deadline.

Commissioner Mitchell responded to Chairman Blount that the process of calling a Commissioner to be placed on the agenda is just an added “step” for the citizen to go through. Commissioner Mitchell pointed out that the Commissioners must still meet the deadline.

The motion passed on a 4-1 vote with Commissioner Mitchell opposed.

PUBLIC COMMENT PERIOD:

1. Barbara Welter, of 109 North Main Street in China Grove, stated that she is owner of A & B properties. Ms. Welter said she is “not very happy that you’re now my competition.” Ms. Welter said she did not expect the county to take her racetrack away and to lease county property for a racetrack. Ms. Welter continued by naming NASCAR drivers such as Ted Musgrave and Ricky Rudd who reportedly had raced on her track in Millbridge. Ms. Welter finished by saying, “you took my money and now you’re against me.” Ms. Welter added that the case is still pending in court and that she couldn’t compete against the county because it “makes the rules.”
2. Cherry Vanhoy, addressed the Board saying it does appear the county is in competition with the Welters. Ms. Vanhoy said the neighborhood that adjoins the proposed racetrack site has approximately 60 lots that have not been developed. Ms. Vanhoy was doubtful that the lots would ever be developed and referred to their tax base. Ms. Vanhoy also felt that property values would be affected. Ms. Vanhoy asked whom the racetrack would be leased to and said the taxpayers own the land.

Chairman Blount directed Ms. Vanhoy to contact the County Manager with any questions.

Chairman Blount asked Ms. Vanhoy if the presentation concerning the racetrack had addressed the questions of the community regarding the sound, light, traffic and safety, and did the presentation “make you feel any better about the track?”

Ms. Vanhoy responded, no, due to a lot of “I believe, I feel, I think.” Ms. Vanhoy continued by saying, “No, they didn’t answer anything for me because I could have came up here and told you the same thing.” Ms. Vanhoy referred to the sound issue and said the noise from the interstate is intolerable from Mr. Ly’s house, “as it is.” Ms. Vanhoy felt the Board could have taken the time to visit other racetracks. Ms. Vanhoy also felt the racetrack was not the best use for the 22-acre tract.

There were no other citizens wishing to address the Board.

ADJOURNMENT:

With no further business, Chairman Blount adjourned the meeting at 10:30 pm.

Respectfully Submitted,

Rita K. Foil, CMC
Clerk to the Board