

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
MAY 19, 2003 – 7:00 PM
J. NEWTON COHEN, SR. ROOM, ADMINISTRATION BUILDING**

A reception was held at 6:30 pm to honor the West Rowan High School JROTC.

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 Mitchell led the Pledge of Allegiance.

Chairman Blount distributed correspondence from UNC-Charlotte that expressed appreciation to the Board for adopting a resolution in support of the university.

ADDITIONS

- Commissioner Belk added discussion regarding Summit Corporate Center. Chairman Blount added the discussion as Item 15.1.
- County Attorney John Holshouser requested the Board to consider a Declaration of Withdrawal relating to lots subdivided at the airport. Chairman Blount added the discussion as Item 15.2.
- County Manger Tim Russell requested to provide the Board with a brief overview of the proposed budget.

Chairman Blount distributed an employee appraisal form for Tim Russell to the Commissioners. Chairman Blount requested that the Commissioners complete and return the form to him within two (2) weeks.

COMMISSIONER LIAISON REPORTS

Commissioner Mitchell expressed congratulations for the North Rowan High School Men's Track Team for its state championship title.

Commissioner Mitchell also expressed congratulations to the West Rowan High School Softball Team for winning the North Piedmont Conference tournament. A round of applause followed this announcement from members of the audience who were present for the West Rowan JROTC recognition.

CONSIDERATION OF CONSENT AGENDA

Commissioner Tadlock moved to approve the Consent Agenda as presented. The motion was seconded by Commissioner Belk and passed unanimously.

The Consent Agenda consisted of the following items:

- A. Approval of NCDOT request to add Dutch Farm Road to the Secondary Road System for Maintenance
- B. Approval of resolution for intent to close a road and set the public hearing for June 16, 2003
- C. Approval to set a public hearing for text amendments to Chapter 2 of the Rowan County Code of Ordinances

PROCLAMATION TO HONOR THE WEST ROWAN HIGH SCHOOL JROTC

Chairman Blount read a proclamation honoring the West Rowan High School JROTC for their outstanding Raider Challenge victory. The proclamation hailed the stamina, determination and desire of the team.

A round of applause and a standing ovation followed the reading and each member of the unit was recognized and presented with the proclamation.

Team Commander- Cadet Lt. Colonel Franklin Gover, III, described the various events and challenges the unit had accomplished to win the Raider Challenge. Gover thanked Master Sergeant Rick Castro for his leadership and for pushing the team to be the best. Another round of applause followed the comments.

Chairman Blount also thanked the parents for their guidance of the students.

REPORT FROM PIEDMONT BEHAVIORAL HEALTHCARE ON THE FINANCIAL AUDIT FOR FY 2002 AND A QUARTERLY REPORT OF SERVICES

Dan Coughlin, Area Director/CEO of Piedmont Behavioral Healthcare (PBHC) presented the annual audit report for PBHC. Mr. Coughlin highlighted the information and graphs included in the Board's packets, and discussed the 2002 revenues by source and 2002 expenditures.

Mr. Coughlin also reviewed the second quarterly report of services as required by the NC General Statute 122C-117. The report provided a breakdown of State and Medicaid-funded services.

Commissioner Belk questioned why PBHC is required to maintain a formal waiting list for Developmentally Disabled Adults. Mr. Coughlin explained that the state recognizes that there are not enough funds in the state to provide services for every request and therefore PBHC is required to keep a formal list of those who were denied services. Commissioner Belk expressed concern that there were approximately 500 adults waiting for services.

In response to queries from Commissioner Mitchell, Pam Shipman, Chief Operating Officer of PBHC, said that time on the waiting list varies and can sometimes be "pretty long." Ms. Shipman said the waiting list has been over 400 "for some time." Ms. Shipman continued by explaining that some people on the waiting list are already receiving services and are on the waiting list to receive new services.

Commissioner Belk asked if those on the waiting list are referred to other agencies for assistance. Ms. Shipman replied, "If we can."

Commissioner Mitchell asked if PBHC was responsible for the waiting list. Ms. Shipman and Mr. Coughlin both said yes. Mr. Coughlin went on to explain to say that PBHC is hopeful that the new system will eradicate waiting lists with additional funds for services.

Chairman Blount thanked Mr. Coughlin and his staff for their report.

PRESENTATION FOR "GEARED UP FOR SUCCESS"

Chairman Blount said this presentation would be postponed to a future meeting due to an illness of one of the presenters. Chairman Blount asked the Board to give the information in the packets to the Clerk to be kept until a new date and time could be established.

PUBLIC HEARING FOR ROAD NAME CHANGE OF BLACKWELDER FARM ROAD

Fredda Greer of the Planning Department explained that this was a road that had been identified by ASI as meeting the criteria to be named at a public hearing held in October. Ms. Greer said that property owners were mailed notification of the need to name the road with a staff generated name. The property owners responded with a petition containing 5 of 9 signatures, requesting to name the road Blackwelder Farm Road. Ms. Greer said staff supports the name.

Chairman Blount opened the public hearing to entertain citizen input regarding the naming of Blackwelder Farm Road. With no citizens wishing to address the Board, Chairman Blount closed the public hearing.

Commissioner Mitchell moved to approve the road name as presented by staff. Commissioner Andrews seconded the motion and the motion carried unanimously.

PUBLIC HEARING FOR THE ROAD NAME CHANGE OF TOOTSIE ROAD

Ms. Greer, from the Planning Department, said that the road in question had been scheduled for the October public hearing and had been ready for presentation to the Board. Ms. Greer said that Mr. Lane had submitted a petition with 2 out of 3 signatures to name the road Lane Acres Road. A third property owner requested that staff delay naming the road until another petition could be submitted.

Ms. Greer explained that the property owner, Ms. Hodge, had actually signed both petitions and when contacted by Ms. Greer in December, Ms. Hodge preferred the name of Tootsie Road. Staff supports this choice.

Ms. Greer said she had received a call from Mr. Lane questioning the proposed name. Ms. Greer said she had explained the procedures to Mr. Lane and informed him of the public hearing, which would provide him the opportunity to address the Board.

Chairman Blount opened the public hearing at 7:30 pm to entertain citizen input.

1. Michael Lane of 215 May Road said he owned the property with the proposed name of "Tootsie." Mr. Lane said he had (2) separate deeds, one to the property, which he owns, and the section of property that leads into the back of his property. Mr. Lane explained that at the time, Ms. Hodges owned eight (8) acres of land next to his property. Mr. Lane said he had "just spoke" with Ms. Hodge and that she did not have a preference for which road name was chosen. Mr. Lane said if he had taken a third petition to Ms. Hodge, she would have signed it as well. Mr. Lane said, "She don't live there; it's not her property and it doesn't matter to her what she names it." Mr. Lane said the back of the Honeycutt property borders his property and described their address as being off of Leach Road and Terrace Court. Mr. Lane said he was under the impression that the road

naming was for 911 emergency purposes. Mr. Lane said he had observed the Board's expressions upon hearing the name "Tootsie" and that he saw the Board "snicker." Mr. Lane felt that the name "Tootsie" would become a subject of "ridicule." Mr. Lane said Ms. Hodges is 91 years of age and has no interest in the road name and he was told that Ms. Hodge's son is Power of Attorney for his mother. Mr. Lane said he did not care to have the property where he resides named "Tootsie" and suggested a compromise by naming the road with the original recommendation of "Reese Acres Road."

Chairman Blount verified with Ms. Greer that Ms. Hodges had preferred the name of Tootsie Road.

2. William Hodge, son and Power of Attorney for Ms. Hodge, said his mother told him that she had signed the petition for Reese Acres Road but questioned why she didn't have input regarding the road naming. Mr. Hodge, referring to his mother's memory, said, "Mother's not all here everyday" and she is 93 years old. Mr. Hodge said his mother had been "living out here since 1939." Mr. Hodge informed the Board that $\frac{3}{4}$ of the length of the road was on his mother's property and that he was unsure about Mr. Lane's second deed or any deed to the road. Mr. Hodge said his mother said she had never received any money for the road and also stated that they are "not contesting the fact that they can use the road." Mr. Hodge said Mr. Honeycutt felt that Ms. Hodge should have a say in naming the road. Mr. Hodge expressed that "Tootsie" was a "special meaning to my mother."

Chairman Blount said that policy in the past was to go with the majority.

With no other citizens wishing to address the Board, Chairman Blount closed the public hearing.

Commissioner Tadlock moved to approve staff's recommendation of Tootsie Road. Commissioner Andrews seconded the motion and the motion carried unanimously.

PUBLIC HEARING FOR Z-06-03, BROADCAST TOWER TEXT AMENDMENTS

Ed Muire, Assistant County Planner, reported that the proposed text amendments had been reviewed by the Committee A of the Planning Board and had gone through the courtesy hearing process on April 28, 2003.

Mr. Muire highlighted the information in the Board's agenda packets.

Commissioner Andrews questioned if the signals from 1300' high towers would "cross each other's paths." Mr. Muire responded that 3 or 4 existing radio broadcast towers are located throughout the county to affect the Charlotte market and that the county wants to know if there is any interference or crossing of signals.

Chairman Blount asked if there was any language in the proposed text amendments to prevent location of towers in the flight path of the airport. Mr. Muire said the airport overlay zone is a separate section and would take precedence over the proposed amendments.

Chairman Blount opened the public hearing to entertain citizen input regarding the proposed text amendments for broadcast towers.

1. Attorney Glen Ketner, Jr., representing Salisbury Media, LLC, addressed the Board regarding an application submitted by his client in January. Mr. Ketner was of the opinion that the application had initiated the proposed amendments due to the difference in cell towers and broadcast towers. Mr. Ketner said he had been impressed by the manner in which the County Planning Board and the Committee had worked during the application process. Mr. Ketner stated that it is important to have an ordinance in place in order to make an application and announced that Mr. Hilton of Salisbury Media, LLC was in attendance, along with several of his staff to respond to any concerns the Board might have.

With no further citizens wishing to address the Board, Chairman Blount closed the public hearing.

Commissioner Belk moved to approve Z-06-03 Broadcast Tower text amendments as presented. Commissioner Mitchell seconded the motion.

Commissioner Andrews verified that the Board was accepting cell towers in the I-85 ED District. Commissioners Belk and Mitchell agreed they were accepting the request for cell towers in the motion.

The motion passed unanimously.

PE-01-03, REQUEST FOR UPDATE

Mr. Muire said the request is for an update to the Relay for Life “permit to exceed.” Mr. Muire reported that inclement weather had forced the event to be rescheduled for June 13-14, 2003 and the request is to revise the permit for the date change.

Mr. Muire said notices were not mailed to adjoining property owners regarding the updated permit. Mr. Muire said there is one (1) property owner that objects to any event held at the fairgrounds, even though that citizen lives out of town.

Mr. Muire said the event is a positive event and that staff recommends approval.

Chairman Blount requested to enter Mr. Holt’s anticipated opposition into the record.

Commissioner Tadlock moved to accept staff's recommendation as requested. Commissioners Belk, Andrews and Mitchell seconded the motion. The motion passed unanimously.

PROPOSAL FOR LAND USE PLAN ADVISORY BOARD

Mr. Muire reviewed the proposed guidelines and overall makeup for membership of the Land Use Plan Advisory Board. Mr. Muire said the board would be involved in the whole process and would "filter" the information received from the consultant, the Board of Commissioners, Planning Board, and staff.

Mr. Muire stated that after approval of the proposed guidelines, staff would begin development of a proposed membership list. Mr. Muire said staff would like for individuals to submit an application for review and approval by the Commissioners.

Chairman Blount referred to the guidelines and pointed out that representatives must live outside the municipality for which they are serving. Chairman Blount expressed concern with having to "pass up" any highly qualified individuals because they live within a municipality. Chairman Blount encouraged the Board to give qualified individuals consideration.

Mr. Muire agreed with Chairman Blount and stated that the presentation is merely a guide.

In response to a query from Chairman Blount, Mr. Muire stated that the advisory board would meet approximately once per month for two (2) years.

After further discussion regarding membership, Mr. Muire informed the Board that he and Marion Lytle agreed that John Linker would serve well as chairman of the advisory board. Mr. Muire also said that Mr. Linker was willing to serve in this capacity.

Commissioner Tadlock made a motion to appoint John Linker as Chairman of the Land Use Planning Advisory Board. Commissioner Andrews seconded the motion and the motion passed unanimously.

Chairman Blount requested the Clerk to advertise for applicants and to put the information on a future agenda.

Mr. Muire said a letter would be sent to the municipalities to encourage them to participate in the process.

PUBLIC HEARING FOR Z-12-03, RA TO INST FOR ESTABLISHMENT OF A DAYCARE

Matt Ward, Assistant County Planner, presented the background regarding the rezoning request from property owner Darlene Gordy, from RA to INST. Mr. Ward identified the property as Tax Map 370 Parcel 100, which was approximately 1.14 acres in size with 209 linear feet of road frontage.

Mr. Ward said the rezoning was to allow for expansion of a current daycare facility to accommodate twelve (12) to fifteen (15) children. Mr. Ward said the application states the hours of operation would be Monday through Friday between the hours of 6:30 am to 5:30 pm.

Mr. Ward said that staff met on April 22, 2003, with Lori McFate, Rowan County Daycare License Consultant for North Carolina to discuss the state requirements a residential daycare.

Mr. Ward highlighted the Staff Report, which listed the requirements and staff recommendations.

Mr. Ward stated that the Planning Board unanimously voted on April 28, 2003 to recommend approval of the rezoning request to the Commissioners.

Mr. Ward explained that staff felt, if local and state conditions were met to fulfill the safety guidelines, the property would be appropriately equipped to be rezoned from RA to INST. The applicant would also be required to provide buffering and parking standards if needed to comply with zoning regulations.

Chairman Blount referred to Item #3 in the handout and verified with Mr. Ward that staff recommended approval if local and state conditions were met regarding safety guidelines.

Chairman Blount opened the public hearing at 8:08 to entertain citizen input regarding the rezoning request.

1. Darlene Gordy, owner and operator of Darlene's Daycare, located at 1905 Emanuel Church Road in Rockwell addressed the Board. Ms. Gordy thanked the Board for the opportunity to present her case. Ms. Gordy had also distributed a handout prior to the meeting. Ms. Gordy read a prepared statement that emphasized the basis for the application.

Commissioner Tadlock asked Ms. Gordy if she anticipated any problems with state guidelines pertaining to adequate space.

Ms. Gordy responded, "Only if I go up to 25 and then I'm considered a center."

2. Pastor Sheets, representing the church council of Emanuel Lutheran Church, stated that he had received correspondence from the Planning Board regarding the courtesy public hearing as well as the May 19th public hearing. Pastor Sheets explained that the church council was not opposed to the residential childcare facility but did have several concerns. Pastor Sheets conveyed those concerns to be: 1) that church council does not fully understand what the term “institutional” identifies and 2) after the property is rezoned and should Ms. Gordy decide to sell property, it would leave the property open for something less desirable to be established there. Pastor Sheets mentioned that Ms. Gordy’s property adjoins the church property. Pastor Sheets said the neighbors had also expressed concern that if the property were rezoned, there could be a possible increase in tax value. Pastor Sheets reiterated that the church council is not opposed to the rezoning but just had some concerns for “down the road.” Pastor Sheets said the Ken Brown was also present from the church council.

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

In response to a query from Commissioner Andrews, Mr. Muire highlighted the uses for INST zoning and said the uses would only apply to Ms. Gordy’s 1.14 acres. Mr. Muire pointed out that the size of the tract would limit what type of business could be located on the property.

Chairman Blount used several types of businesses as examples and asked Mr. Muire about their future location if Ms. Gordy’s property were to be rezoned. Mr. Muire was not certain, but said the examples used “doesn’t fit into the context of what we have done with different districts.” Mr. Muire said that as far as the screening and buffering issue, the separation standards are measured from structure to structure.

Commissioner Andrews stated that due to the entire parcel not being rezoned, the restrictions would be even greater for approximately one acre of land.

Commissioner Belk moved to accept staff’s recommendation for approval of the rezoning subject to the applicant meeting local and state safety guidelines, and the applicant meeting buffering and parking standards as required by zoning regulations. Commissioner Andrews seconded the motion. The motion carried unanimously.

Chairman Blount suggested that staff “start carrying around with them a table of uses.”

FSW-01-03

Matt Ward presented the request from owner Faye Houston Hunt, of 203 Institute Street, for a family subdivision waiver based on the creation of four (4) lots recently surveyed. Mr. Ward stated that Ms. Hunt would like to grant said properties to four (4) of her children.

Mr. Ward stated that staff recommends approval of the request for four (4) new lots plus the residual from Tax Parcel 280 005 & 006.

In response to a query from Chairman Blount, Mr. Ward stated that one (1) of the four (4) children currently plans to put homes on the lots.

Commissioner Andrews questioned the sale of the lots to members outside of the family and Ed Muire explained that anyone outside the family would not be issued a permit to put anything on the property.

The applicant was not present, however, several of Ms. Hunt's children were in the audience and responded to Chairman Blount that they understood they could not just "accept the lots and then sell the lots to somebody else."

Commissioner Mitchell moved to approve FSW-01-03 as recommended by staff. Commissioner Belk seconded the motion and the motion passed unanimously.

DISCUSSION OF THE UNIFIED ZONING PROCESS

Chairman Blount said he had sent several emails throughout the past month to the managers and mayors of the municipalities in Rowan County regarding unified zoning and that he had received only positive responses. Chairman Blount requested the Board's approval to call a meeting of the mayors and managers of the municipalities in Rowan County to discuss a "merged" zoning process.

Commissioner Belk made a motion to allow the Chairman to proceed with the meeting as requested. Chairman Blount seconded the motion.

Commissioner Andrews asked Chairman Blount to repeat the request and asked if the individuals recently appointed to serve on the Land Use Planning Board would be "left out" of those invited to participate. Chairman Blount responded that the municipalities would be involved in the land use planning process.

Mr. Muire clarified to Commissioner Andrews that grant funds would not be available if municipalities were involved in the planning process.

Commissioner Tadlock said that, at times, the qualifications differ for municipalities to receive grant funds as opposed to the county receiving grant funds. Commissioner Tadlock expressed concern for county citizens to have to comply with unified zoning that may be adequate for municipalities. Commissioner Tadlock said he "piggybacked" the comments of Commissioner Andrews pertaining to the availability of grant funds.

Commissioner Andrews felt the land use plan would be a "county land use plan" that excluded municipalities due to separate zoning ordinances. Commissioner Andrews said people choose to "move" in the county because of "entirely different" restrictions and freedoms as opposed to the restrictions within a municipality.

Commissioner Belk expressed that unified zoning would show the areas that are “in sync” as well as show the areas that are of concern that could be “merged.”

Chairman Blount responded as follows to the concerns that had been raised:

1. Grants are not being mentioned at this time. Chairman Blount emphasized his request is to bring the mayors and managers together for discussion purposes to determine interest in a merged zoning document.
2. The citizens in the county do not want a municipal level of zoning control.

Chairman Blount said he is not trying to impose municipal zoning standards on county residents nor was he asking municipal residents to “give up” their zoning protection. Chairman Blount stressed that “anything that would be put into motion” and eventually acted upon would allow multiple levels on control very similar to existing zoning. Chairman Blount pointed out that ultimately “some level of overlays” would be required that would allow control by the municipality.

Commissioner Andrews said the municipalities already have extraterritorial jurisdiction overlays and inquired if Chairman Blount was proposing “something else.” Chairman Blount responded, “If something else is necessary.” Chairman Blount said any future merged documents that impose municipal controls on county residents would completely lose his support. Chairman Blount said that when the municipalities met with the Board during its planning retreat, the municipalities were in accord in wanting to work with the county to coordinate a land use plan. Chairman Blount said no municipality would be forced to be a part of the plan.

In response to a query from Commissioner Mitchell, Chairman Blount expressed hope that the municipalities and the county would:

1. -Identify terms that are basically the same with different terminologies
2. -Possible expansion of zoning classifications

Commissioner Mitchell suggested this was one more attempt to control the use of property. Chairman Blount disagreed; saying the process for the county would remain the same.

After further discussion, Commissioner Tadlock said he would like to see the Unified Zoning Process delayed.

Commissioner Andrews emphasized that he did not have a problem with Chairman Blount talking to the “other group” but that he did have concerns with “where we’re going with it.”

Upon being put to the vote the motion failed 3-2 with Commissioners Mitchell, Tadlock and Andrews opposed.

Commissioner Tadlock stressed again that he would like to see the Land Use Plan finalized first.

PRESENTATION OF THE VOICE AND CHOICES “OPEN SPACE FRAMEWORK PLAN”

Chairman Blount distributed a booklet for the Board to review a presentation concerning the open space framework. Chairman Blount said the booklet also contained maps and disks pertaining to open space, park, and water shed issues, etc.

Commissioner Belk informed the Board that COG was “out-sourcing” work to Voices & Choices rather than duplicate services. Commissioner Belk applauded COG for its efforts to work with other agencies.

DISCUSSION ON MOU IN SUPPORT OF A THREE-COUNTY REGIONAL GREENWAY SYSTEM

Chairman Blount referred to the proposed Memorandum of Understanding (MOU) and said that a Greenways Committee had been established, which included the counties of Cabarrus and Davidson. Chairman Blount said the invitation to join the planning process was also extended to Stanly and Davie counties. Chairman Blount explained that the MOU did not commit the county to any expenditure of funds or adoption of joint plans. Chairman Blount said the MOU expressed common interest in making the greenways possible in the various counties.

Chairman Blount said the MOU was being presented for any modifications.

Commissioner Belk applauded the effort of the Greenways Committee as well as the level of enthusiasm that had been brought to the table.

Commissioner Belk moved to approve the MOU as presented. Commissioner Tadlock seconded the motion and the motion passed unanimously.

In response to a query from Commissioner Mitchell, Chairman Blount stated that Davidson County Commissioners had approved the concept and were waiting to hear of approval by the Rowan County Board of Commissioners.

Chairman Blount called for a short break at 9:05 pm.

Chairman Blount reconvened the meeting at 9:10 pm.

BOARD APPOINTMENTS

City of Salisbury Planning Board ETJ

Commissioner Tadlock made a motion to appoint Mitzi Clement as an ETJ member of the Salisbury Planning Board and to appoint Rand Reamer as an ETJ Alternate for the Salisbury ZBA. The motion passed unanimously

Rowan-Cabarrus Community College Board of Trustees

Commissioner Tadlock moved to reappoint Ray Paradowski to the RCCC Board of Trustees and the motion passed unanimously.

ADDITIONS:

Summit Corporate Center

Commissioner Belk discussed her recent visit to Rock Hill, SC, with Commissioners Mitchell and Tadlock and reporter Jesse Burchette. Commissioner Belk reported that they had been impressed by the shopping center.

Commissioner Belk informed the Board that Rock Hill had built four (4) industrial parks in the time that Rowan County had been working with Summit Corporate Center. Commissioner Belk explained that Rock Hill also had another phase that had been set aside for industrial development but had realized it would not be beneficial to the community or the citizens. Commissioner Belk said Rock Hill had committed \$10.5 million to develop a sports complex which would “recycle the dollar” into retail, hotels, restaurants, etc.

Commissioner Belk said when the Board is considering retail for Summit Corporate Center, it only for the first fifty acres and added that someone with a proven track record could develop the park and the county would have something to be proud of for years to come. Commissioner Belk gave examples of the mixed uses the Commissioners had observed in Rock Hill and said mixed use in Summit Corporate Center could be the opportunity for the start of development.

Commissioner Belk asked the Board to discuss the possible uses for Summit Corporate Center.

Commissioner Tadlock agreed that he was impressed with the center in Rock Hill and that it was very obvious the developer did “a great job putting that together.” Commissioner Tadlock said the developer felt that Summit Corporate Center had the same potential.

Commissioner Tadlock said he had concerns with the AAP Building and expressed regret that the building had not been sold. Commissioner Tadlock emphasized his concern with the legalities of the covenants regarding the AAP building and the legal impact that any deviation from the covenants might have.

Commissioner Belk asked if there would be a legal impact if there were any deviations from the covenants for the AAP building.

Commissioner Mitchell echoed the sentiments of Commissioner Belk and said he viewed the mixed-use park as an opportunity for jobs. Commissioner Mitchell said while the jobs may not pay as well as industry, the “bottom line is that they are jobs and they bring dollars into our local economy and they bring dollars into our local tax base.”

Commissioner Mitchell said it troubled him that the Board talks about bringing in jobs, but yet basically do nothing about it.

Commissioner Mitchell said he was slightly concerned with any legally binding agreements with AAP and changing the scope of Summit Corporate Center.

Commissioner Mitchell felt there would be ways around the covenants and suggested closing the road to the building as an example to work out the legalities, since closing the road would separate the park.

Commissioner Mitchell asked Attorney Holshouser’s opinion regarding the county’s legal position with changing the scope of Summit Corporate Center. Attorney Holshouser said he would need to review a master plan before reaching a conclusion.

Commissioner Andrews said he understood where the Commissioners Belk, Mitchell and Tadlock were coming from and that the area the Commissioners were referring to was one of the fastest growing regions in North Carolina.

Commissioner Andrews named several retail stores that would possibly be willing to locate in Summit Corporate Center, but pointed out that there has been no new industry or growth in Rowan County during the past year. Commissioner Andrews said, “Part of the picture you were presented was based on a numbers percentage and a direct growth gain pattern.” Commissioner Andrews said that if the developer were willing to sign a contract and guarantee that he could bring in several major retail stores, he would be more receptive to the idea. Commissioner Andrews continued by offering the scenario of the developer asking for an “option on that property for the next year, I think I can generate some people because I generated some in some of these other places.”

Commissioner Andrews stressed that if the market were good and a retail store wanted to locate in Rowan County, it wouldn’t matter which parcel of land was selected; the store would not come until the market is right.

Commissioner Andrews referred to the covenants and said he felt that the owner of the AAP Building would have to agree to any changes. Commissioner Andrews said the EDC was still pursuing ideas for the park and stated that developers in Rowan County could do “whatever” a developer in Charlotte proposed to do for Summit Corporate Center.

Commissioner Belk disagreed with Commissioner Andrews by saying, “I don’t know that anybody here in town can do it because they haven’t done it yet.” Commissioner Belk said the property had been vacant in the park for seven (7) years and that retail and

distribution are strong. Commissioner Belk pointed out that citizens leave the county and go elsewhere to shop. Commissioner Belk stated that the county brought in experts to assist with the school developments and suggested bringing in an expert with a proven track record that could present a master plan and fulfill the development.

Commissioner Andrews appreciated the concept of bringing in a professional and said that the master plan being requested had already been done for Summit Corporate Center. Commissioner Andrews said he was not totally convinced that retail as a “quick fix” is what is needed on the corner of the park.

Commissioner Belk said that Commissioners at one time thought the AAP building would be a good “spec building” and in good faith had pursued the idea. Commissioner Belk said the idea “didn’t prove to be right” and added that the Board should take current information and develop and modify according to demand.

Commissioner Mitchell described the condition of the AAP building, in that it had broken windows and an open door. Commissioner Mitchell felt the Board should take the opportunity to negotiate with a developer for one-year option and attempt to utilize the \$7 million taxpayers investment in the property.

Chairman Blount distributed a handout that he had prepared in anticipation of the discussion regarding the industrial park and applauded the Commissioners that had visited the Rock Hill parks. Chairman Blount proceeded to review the history of the industrial park.

Chairman Blount agreed with Commissioner Belk that times have changed but did not agree that heavy retail was the solution for the park. Chairman Blount was of the opinion that the Board would set the county back ten (10) years if it changed the ideas behind the establishment of the park.

Chairman Blount said that he had served on the Board for nine (9) years and that every two (2) years there is a debate regarding the establishment of retail. Chairman Blount stressed that “you cannot recruit retail” and said he did not feel Summit Corporate Center was the location for retail.

Chairman Blount agreed with Commissioner Belk that times have changed and that changes also need to be made at Summit Corporate Center. Chairman Blount said the changes “are going to cost us dollars.” Chairman Blount said if the Board went with retail, the county should buy the AAP building.

Chairman Blount referred the discussion back to Commissioner Belk.

Commissioner Belk asked that the Board ensure that it was on solid legal grounds by obtaining an opinion from Attorney Holshouser regarding the AAP building. Commissioner Belk also requested that the Manager enter into discussion with the developer and/or other developers pertaining to mixed use with retail, mixed use without

retail and mixed use supporting retail. Commissioner Belk said it was not up to EDC to have the direction for Summit Corporate Center.

Commissioner Andrews added that the developer Commissioner Belk referred to had previously presented a plan for mixed use on fifty acres. Commissioner Andrews said the primary emphasis at the time the plan was presented, was for hotels.

Chairman Blount mentioned that after the Board's retreat, EDC had been asked to make a presentation for various uses in the industrial park. Chairman Blount said three (3) presentations had been made and that all three (3) scenarios would work.

Commissioner Belk made a motion to: 1) allow the manager to make sure the county was on sound legal ground before proceeding; (Chairman Blount asked Commissioner Belk to clarify her definition of "sound legal ground." Commissioner Belk responded that if the Board goes retail and is on dangerous grounds, she would like the manager to find out what is necessary to protect the county regarding the AAP building) and, 2) Meet with the developer or any other developers to find out what is being brought to the table. Commissioner Mitchell seconded the motion.

Commissioner Tadlock asked if Commissioner Belk would accept an amendment to the motion to only include for the Board to find out its legal obligations AAP before deciding the next step.

Chairman Blount chose to divide the motion into the following two parts: 1) Investigate the liability of changing to retail as to the AAP building and, 2) ask the Manager to meet with developers at his discretion, the one that was met with prior, and others that the Manager may choose to meet with, and bring back a presentation and his recommendations.

Mr. Russell said he was under the impression from EDC Director Randy Harrell, that the previous developer was not interested in submitting an RFP.

Commissioner Belk modified the motion to include just the one developer and Commissioner Mitchell stated that his second to the motion still stood.

In response to a query from Chairman Blount, Mr. Russell stated that he could not render an opinion pertaining to the legalities of the AAP Building. Mr. Russell felt the attorneys should research the issue.

Mr. Holshouser recalled that the covenants were entered into under tight and comprehensive circumstances to ensure that the park would be a "high end park." Mr. Holshouser continued by saying any development that goes into the park that is not in keeping with the covenants "makes us very vulnerable."

Commissioner Belk said she would like to see if the county could purchase the AAP Building.

The first part of the motion passed unanimously.

Commissioner Tadlock expressed his reservations with the second portion of the motion.

Commissioner Mitchell moved to table the second portion of the motion for the purpose of determining the legal status of the county's relationship with the tenants of the park. Commissioner Belk seconded the motion. The motion passed unanimously.

Chairman Blount pointed out that it would be beneficial to all Board members to be aware of any future "Additions to the Agenda" in order to be prepared for the topic. Chairman Blount requested that Commissioners let the Clerk know in advance when discussions are to be added to the agenda.

Airport

Attorney Holshouser stated that he and Ken Deal, Director of Administration, had met with the attorneys for Shoe Show, Inc. to discuss the hangar lease for the company.

Mr. Holshouser stated that in 1997 the current hangar was subdivided into two (2) areas.

Using a plat, Mr. Holshouser described how Shoe Show wished to lease a portion of the property that is currently over the boundaries and which contained utility lines. Mr. Holshouser explained that the City of Salisbury had no problem with the county leasing the property to Shoe Show.

Mr. Holshouser read the Declaration of Withdrawal, stating the document would require the Chairman and Clerk's signatures. Mr. Holshouser requested the Board's permission to finalize the matter.

Commissioner Tadlock moved to proceed as recommended by the Attorney on the issue. Commissioner Belk seconded the motion and the motion passed unanimously.

Budget

Mr. Russell presented General Fund 101 of the proposed budget for fiscal year 2003-04. Mr. Russell explained that the Commissioners have received a copy of every request presented to the Board for consideration. Mr. Russell described the "white book" which provides the narrative form, outlines all issues, and provides an executive summary of the eight issues the board must deal with in fiscal year 2003-04.

Mr. Russell continued to outline the details of the book.

In briefing the Board concerning the teachers supply funds, Mr. Russell suggested that the Board consider appointing a committee to determine the best method for distribution of the teachers supply money.

Mr. Russell highlighted several proposals regarding the sale of the school bonds.

Mr. Russell said tax neutral was proposed at \$58.07 cents. Mr. Russell said the Finance Department was looking at alternatives for providing the revenue between the tax neutral and the tax rate of \$63.5 cents. Mr. Russell added that staff would be available over the next two weeks to meet with each Commissioner to review the budget in more detail.

Mr. Russell expressed to the Board that county departments have lived with a tight budget for the past couple of years and that there are requests for 68 new positions. Mr. Russell explained that some of these positions are required to fund and added that all of this information is outlined in the budget books.

Mr. Russell emphasized to the Board that there was \$400 million in Farmland Deferrals this year, which equates to \$2.5 million in taxes. Mr. Russell echoed, "This may very well be the best farmland preservation program we have." Commissioner Andrews added that this was a deferred tax to be paid back in three years. Commissioner Tadlock added that this deferral show appreciation to the farmers.

EDC

Chairman Blount reminded the Board that EDC Board was working on a Master Plan for Summit Corporate Center and questioned if this should be delayed. Commissioner Belk urged the EDC Board to proceed with the plan and added that the Commissioners were open to talking with anyone. Chairman Blount responded that he would pass this information on to EDC.

PUBLIC COMMENT

Chairman Blount opened the Public Comment Period to entertain comments from the audience. Those that came forward are as follows:

1. George Copley, a resident of Confederate Avenue, addressed the Board and thanked them for the new GIS website. Mr. Copley added that he was a 1960 Graduate of Boyden High School and an architect. Mr. Copley had attended the 5:00 pm Parks and Recreation Board meeting and expressed that there is "a lot to be a part of." Mr. Copley stated his disappointment in the Board not supporting the Unified Zoning Process and urged the Board to reconsider this decision.

Fire Districts

Leslie Heidrick, Finance Director, briefly discussed the fire districts budgets. Mr. Russell emphasized the fire departments need to work toward a uniform ISO rating. In answer to a query from Commissioner Belk, Mr. Russell stated the need to get Art Delaney's assessment on the status of the fire departments progress in implementing a five-year plan.

ADJOURNMENT

Chairman Blount echoed the County Managers offer to discuss the budget with Commissioners and urged the Board to do so.

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

Respectfully Submitted,

Rita K. Foil, CMC
Clerk to the Board