

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
JULY 21, 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 Softball Team.*

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

The following additions were made to the agenda:

Chairman Blount requested an Executive Session to discuss a legal, personnel, and economic development issue.

Chairman Blount requested to add a brief discussion on Animal Control, a Finance Department Award and the Rowan County Initiatives.

Commissioner Andrews requested to add a discussion about a recent meeting with Alcoa.

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 the June 16, 2003 minutes
- B. Approval of the June 20, 2003 budget minutes
- C. Approval of the July 7, 2003 minutes
- D. Approval of a resolution supporting signage for Dan Nicholas Park
- E. Approval of NCDOT request to abandon 150' at the end of SR 2083 – Erwin Temple Church Road, from the Secondary Road System
- F. Budget Amendments

PROCLAMATION HONORING THE WEST ROWAN HIGH SCHOOL SOFTBALL TEAM

Chairman Blount declared it to be a privilege, to once again, honor the West Rowan High School Softball Team upon winning the 3A State Championship.

Chairman Blount read the Proclamation, which honored the team for winning its second consecutive championship. A round of applause followed the reading. Each player was presented with a copy of the proclamation and another round of applause followed the presentation.

Commissioner Andrews praised the softball team for its commitment and then quoted the words that as a former coach he used to recite to his teams:

How do you act when the pressure's on?
When the chance of victory is almost gone,
When fortune's star has refused to shine,
When the game is on the line.

How do you act when the going is rough?
Does your spirit lag when breaks are tuff?
Or is there in you a flame that glows,
As brighter and fiercer, at the battle grows?

How hard, how long will you fight the foe?
That's what the world would like to know.
A coward can fight when he's out ahead,
The uphill grind shows a thoroughbred.

So tell me girls, how do you act when the pressure's on?

Commissioners Andrews' words were met with another round of applause.

PUBLIC HEARING FOR THE PROPOSED ROAD NAME OF LITTLE BRANCH ROAD

Fredda Greer read the staff report for the proposed road name of Little Branch Road which is located West off of the 400 block of Geter Road. Ms. Greer also mentioned that Sandra Jeffries, petition leader was only able to obtain two (2) out of four (4) signatures to problems with 911 responses to her home.

Mailings were sent to property owners and notices were posted in the appropriate places.

Staff recommended approval to name the road "Little Branch Road".

Chairman Blount opened the public hearing to entertain citizen input concerning the proposed road name.

There being no citizen comments, Chairman Blount closed the public hearing.

Commissioner Andrews made a motion to approve the proposed name Little Branch Road as presented. Commissioner Belk seconded and the motion passed unanimously.

PUBLIC HEARING FOR Z-14-03, A REQUEST FROM BRIAN AND KAREN COLLINS

Ed Muire of the Planning Department provided the background information regarding the case and identified the 8.6-acre tract located at the intersection of Crescent Road and Fisher Road, which is zoned CBI. Mr. Muire indicated that the applicants and property owners, Brian and Karen Collins, had requested to rezone the property listed Map 359 Parcel 089 from Commercial, Business, Industrial (CBI) to Rural Residential (RR). Mr. Muire stated that the rezoning request was due to the fact that the applicants wanted "to create a twelve (12) lot subdivision provided with a new street." Mr. Muire also mentioned, "under the current zoning guidelines, the proposed residential subdivision is subject to the 10-18-99 amendment to the county's zoning ordinance that made all subdivisions or property in the CBI district a conditional use."

Mr. Muire reported that the Planning Board met June 23, 2003 and favored rezoning Tax Map 359 Parcel 089 from CBI to RR.

Mr. Muire discussed items 1-4 listed in the Zoning Review. Mr. Muire also mentioned that the maximum accessory structure is not to exceed two-thousand (2,000) square feet.

Commissioner Belk asked if the twelve (12) lots were going to be on a septic system, to which Mr. Muire answered by saying they would be.

Mr. Muire stated that Attachment “A” Site Plan is the “worse case scenario”. Mr. Muire also discussed the lots that would have access to Fisher Road (1&3) and lots (12&4) would have access to McBride Drive.

Commissioner Belk expressed her concerns for the over capacity of the schools in that area (Rockwell Elementary, Erwin Middle and East Rowan High School). Mr. Muire stated that it could take up to four (4) to five (5) years to construct all twelve (12) homes.

Commissioner Tadlock questioned when the perk test would be completed. Mr. Muire stated that it would be done prior to permits being issued.

Chairman Blount opened the public hearing to entertain citizen comment. Those that came forward are as follows:

1. Thad Wicker, Oak Tree Properties, Brian Collins property owner, stated that he originally went to the Planning Department to get a conditional use permit under the CBI zoning to develop the property for residential use. Mr. Wicker mentioned that the Planning Department suggested getting the property rezoned for RR. Mr. Wicker indicated that McBride’s Place would be consistent with other developments on Crescent Road in use and in lot size if it were zoned residential.

Commissioner Belk questioned if the land would perk, and Mr. Wicker stated it did perk.

2. Roger Troutman, adjacent property owner, referenced this area and stated that it does not fit the criteria of the property that is in surrounding areas. Mr. Troutman indicated that the lots are not compatible with other residential residents because of the smaller lot size. Mr. Troutman stated that he couldn’t understand how all twelve (12) lots would perk. Mr. Troutman expressed his concerns by stating it is “doing him injustice to let this go on.” Roger Troutman indicated that this would also devalue his property.
3. Derrick Sifford, resident on Crescent Road, is currently building on five (5) acres of land bordering the Collins’ property. Mr. Sifford brought a map of Walnut Glenn showing the acre size, which range from $\frac{3}{4}$ -2 acre lots. Mr. Sifford mentioned the lots and homes in the Carrington East housing development, which are mostly $\frac{1}{2}$ acre lots with 1200 square foot houses. Derrick Sifford also shared with the board, a video and pictures that compared Walnut Glenn and Carrington East to the proposed twelve (12)-lot subdivisions. Mr. Sifford stated there are currently wooded borders separating the properties. Mr. Sifford shared his video with the Board.
4. Jim Sifford, owner of adjacent property, mentioned that he did not want to see sewage problems similar to Happy Hollow (a current housing development). Mr. Sifford mentioned that the proposed twelve (12) lot subdivisions should stretch its lots from $\frac{1}{2}$ acre to one (1) acre lots in order to avoid sewage problems.

Commissioner Andrews questioned if this property has a covenant in place. Mr. Muire stated that there is no guarantee because there is no attached conditional use permit. Mr. Muire indicated when this property is rezoned to RR; the only allowance would be for residential uses.

Ed Muire also stated that twelve (12) lots would be the maximum number of lots allowed.

Commissioner Andrews made the statement that sewage concerns are addressed by the Health Department. Mr. Muire indicated that the minimum lot size and minimum lot width are governed by the zoning ordinances and stated that during the preliminary review process, the Health Department could require the developer to increase the lot size.

Commissioner Andrews questioned if there would be a buffer. Mr. Thad Wicker stated that there was higher elevation near the road, and the excess dirt would be used in certain areas. Commissioner Andrews stated that this is not required, but “highly encouraged”.

Commissioner Tadlock questioned if there would be individual wells. Mr. Wicker mentioned that each lot has been perked, and stated he had a layout where the wells and septic tanks would go specifically on each lot.

Mr. Wicker expressed the proposed development would consist of what is currently on Crescent Road.

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

Commissioner Belk expressed her concerns about the number of lots and the question of whether the soil would support the septic tanks.

Commissioner Andrews also expressed his concerns with zoning changes and meeting the county’s current standards.

Commissioner Tadlock made a motion to approved zoning change from CBI to RR, based on certification from the Health Department that the land would perk. Chairman Blount seconded and the motion passed unanimously.

PUBLIC HEARING FOR Z-15-03 (CUP-16-03), A REQUEST FROM MARY ALICE CARPENTER

Chairman Blount read the Chairman’s Speech (Exhibit A) and declared the Public Hearing for Z-15-03 and CUP-16-03 to be in session. Chairman Blount stated that the hearing would focus on an application submitted by Carol Tucker to establish a horse arena in the 6100 block of Old Beatty Ford Road, further identified as Rowan County Tax Parcel 430-018.

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

Marion Lytle, County Planner, presented the Staff Report (Exhibit B), explaining the request of Carolyn Tucker, on behalf of property owner Mary Alice Carpenter, is for a rezoning from RA to CBI (CUD) to establish a horse arena in the 6100 block of Old Beatty Ford Road. Mr. Lytle stated the facility is designed for two-thousand (2,000) spectators and the indoor arena will be 150' x 300'. Mr. Lytle also mentioned that six (6) barns will contain 375 stalls, which will be a covered walkway connected to the arena. Mr. Lytle stated there would also be a practice area, a restaurant, a child play area, and ten (10) RV/Camper sites adjacent to the barns.

Mr. Lytle discussed the background (Exhibit B) of the case using a power point presentation (Exhibit C), pointing out the proposed site plan. Mr. Lytle stated that the location is on Old Beatty Ford Road.

Mr. Lytle discussed the site plan (Exhibit C), pointing out the location of the arena, practice areas, parking, horse stalls and covered walkways.

Mr. Lytle mentioned that the applicant Carol Tucker, proposed the site plan (Exhibit C), but there are still questions whether this will be the actual site plan. Mr. Lytle suggested going ahead and having a public hearing or to recess the public hearing and come back at a later time with the final plan because of grading expenses.

Mr. Lytle stated the Procedural Guidelines (Exhibit B) and described this as a parallel conditional use proposal.

Mr. Lytle highlighted the Staff Evaluation (Exhibit B) and mentioned there are not any specific standards, which exist in the ordinance. The items Mr. Lytle discussed were lot size, location, lighting, setbacks, security fencing, buffer, hours of operation, noise standards and parking.

Mr. Lytle mentioned the four (4) General Rezoning Criteria which include:

1. Relationship and Conformity with adopted plans or policies.
2. Consistency with this article and the requested zoning districts purpose and intent.
3. Compatibility of all uses within the proposed zoning district classification with other property and conditions in the vicinity.
4. Potential impacts on facilities such as roads, schools and utilities.

Mr. Lytle said the conditional use process requires the applicant to comply with six (6) criteria contained on page three (3) of the Staff Report (Exhibit B). In addition, the several items taken from the site plan narrative that may be modified include the following:

- An eastbound turn lane and westbound deceleration lane be constructed as approved by NCDOT.
- A type "B" be provided on the perimeter of the site. This is an 80 ft. wide buffer with significant vegetation. Existing vegetation will be utilized if possible.

- Lighting shall be shielded to prevent glare shining on adjoining property and shall not exceed 35 ft. in height.
- All loud speakers shall be inside buildings.
- Security fencing shall be provided around the external operational area of the facility. This will ensure animals are prevented from escaping into the community.
- Hours of operation are limited to 6:00 a.m. to 12:00 p.m.
- RV/ Camper sites shall only be used by persons who are attending events and cannot be rented to the general public.
- Rowan County noise standards will be complied with.

Mr. Lytle stated on page 4 Staff Report (Exhibit B) and the information regarding the Planning Board Hearing and Recommendations. The Planning Board recommended approval of the request with the following conditions.

- An approved waste disposal plan be approved by staff.
- Significant site layout changes be approved by the Board of Commissioners.

Mr. Lytle mentioned that staff supports the request from Carol Tucker.

- Carol Tucker, proposed to build this horse arena, shared with the Board her preferred site plan (Exhibit B). Mrs. Tucker stated she went around to neighbors and tried to meet all of their concerns. Mrs. Tucker indicated that she is willing to work with the Board of Commissioners and the residents around the area with their concerns. Mrs. Tucker mentioned that she has contacted the Landfill about taking the waste and she also tried to get in contact with DOT about the turn lane and deceleration lane. Mrs. Tucker has also done research on the lighting, the PA systems on the inside so the sound will not travel outside and the water drainage into Buffalo Creek.

Commissioner Tadlock questioned Mrs. Tucker of asking how close is her property to the East Rowan Saddle Club. Mrs. Tucker answered in saying four (4) to five (5) miles.

- Tim Roberts, 6150 Beatty Ford Road, adjacent property owners of proposed site. Mr. Roberts indicated that he does not oppose this site but had two (2) concerns:
 - The number of accidents that have happened on Old Beatty's Ford Road he has seen in the eighteen (18) years of living on that road because of the curvy blind spots.
 - Hours of operation of weekend hours 6 a.m.-12 a.m.

Mr. Roberts expressed to the Board to show respect to the community on the hours of operation.

With no further citizen comment, Chairman Blount closed the public hearing at 9:15 p.m.

Commissioner Andrews suggested the DOT changing speeds because of the many concerns of accidents on Old Beatty Ford Road.

Marion Lytle stated that they could not demand DOT change the speed limit signs but they could request DOT change the speed limit signs.

Commissioner Andrews asked Carol Tucker about the time of hours of events. Mrs. Tucker stated that most events are ending by 10:30-11:00 p.m. Mrs. Tucker mentioned that Bell racing would usually take a little longer.

Chairman Blount clarified the hours of events to the Board.

Commissioner Belk made a motion to rezone from RA to CBI (CUD). Commissioner Tadlock seconded and the motion passed unanimously.

Commissioner Belk made a motion to approve the CUP as requested and the ten (10) conditions and also to extend the hours to 12:00 p.m. Commissioner Tadlock seconded.

Commissioner Andrews shared his concerns about the added hours. Commissioner Andrews suggested amending the motion by changing only Sunday nights hours to last until 11:00 p.m. Chairman Blount seconded the amendment by Commissioner Andrews for discussion purposes.

Commissioner Belk questioned the impact this change would have on a Sunday night.

The amendment suggested by Commissioner Andrews failed in a 1-3 vote. Commissioner Belk, Commissioner Tadlock and Chairman Blount were not in favor of the amendment. Commissioner Andrews was for the amendment.

Chairman Blount brought up the original motion and it passed 3-1 with Commissioner Andrews voting against motion.

Chairman Blount declared the **FINDINGS OF FACT** to staff findings as listed on pages 3 and 4 of the Staff Report (Exhibit B).

Chairman Blount called for a break at 8:30 pm

Chairman Blount reconvened the meeting at 8:40 pm

PUBLIC HEARING FOR CUP-17-03, A REQUEST FROM SALISBURY MEDIA, LLC

Chairman Blount read the Chairman's Speech (Exhibit A) and declared the Public Hearing for CUP-17-03 to be in session. Chairman Blount stated that the hearing would focus on an application submitted by Salisbury Media, LLC to erect a 1350' FM

broadcast tower on a portion of Tax Parcel 565-004 owned by Richard and Dorcas Parker. The proposed tower site is located off NC 801 Hwy.

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

Chairman Blount explained that the Board could not accept “opinions” or hearsay evidence and that the attorneys present, along with the Board of Commissioners could cross-examine.

Ed Muire, Assistant County Planner, presented the Staff Report (Exhibit B), explaining that the Board had adopted text to implement specific standards to determine the applicants due diligence in selecting sites in Rowan County.

Mr. Muire said the applicant had provided the specific conditional use criteria listed in the ordinance and was requesting consideration for a conditional use permit to construct a 1350’ broadcast tower for WTHZ-FM 94.1, Channel 231C on a portion of Tax Parcel 565-004, owned by Richard and Dorcas Parker. Mr. Muire said the application (Exhibit B) was included in the handout. Mr. Muire pointed out the information on the back of the application that reflected the Process Record dates.

Mr. Muire highlighted the background regarding WTHZ-FM 94.1, saying the station is licensed in Lexington, NC and currently broadcasts from a 1014’ tower located in the Welcome community of Davidson, NC. Mr. Muire said the station had changed from a Christian station, WWGL, in 2000, to an 80’s format currently known as 94.1. Mr. Muire said the parent company of Salisbury Media, LLC is Davidson County Broadcasting, which also owns WLXN 1440 located in Lexington and WSTP 1490 located in Salisbury.

Using a power point presentation, Mr. Muire referred to the maps (Exhibit C) and explained for the benefit of the audience, that the maps had been included in the agenda packets. Mr. Muire reviewed the map labeled as Attachment A (Exhibit C) to point out the usable area study. Mr. Muire discussed the proposed coverage map labeled as Attachment B (Exhibit C). Mr. Muire said the relocation of the Welcome site to the proposed site in western Rowan was approximately 31 miles. Mr. Muire used the map labeled as Attachment C (Exhibit C) to illustrate the existing and proposed broadcast towers in Rowan County. Mr. Muire said the FCC licensing requirements are for the station to continue to provide coverage to its city of licensure, which is Lexington.

Mr. Muire highlighted the Staff Review Specific Criteria (Exhibit B) beginning with:

1. Co-location was not used in the application.
2. WFMX, WRDX and WEND are three (3) existing broadcast towers in Rowan County.
 - Mr. Muire stated that WFMX is located 12.8 miles north of the site and is currently owned by WFMX Broadcasting in Statesville. Mr.

Muire said no response was received from WFMX about the availability of the tower site. Mr. Muire explained that the coverage map that was provided indicates the lack of a city grade signal over Lexington and loss of city grade coverage in Rowan County “more or less pulled this site out of contention for them anyway.”

- Mr. Muire said the WRDX site is located approximately 7.6 miles from the proposed site and the response Attachment D4 (Exhibit C) from the communications manager indicates that the current loading situation on the tower would not accommodate any additional antennas.
- Mr. Muire reported on the WEND site, which is located approximately 7.2 miles southeast from the proposed site. Due to the limitation on the existing tower height and the potential expansion of the Rowan County Airport, the tower could not be raised any further. The applicant’s response Attachment D7 & D8 (Exhibit C) indicates use of this site would cause a downgrade in station classification with fewer people being covered as compared to the current WTHZ site and a new signal overlap would be created as well, which would not be allowed by the SEC guidelines.

Mr. Muire referred to the site plan Attachment E (Exhibit C) and topography Attachment E information (Exhibit C). Using the power point presentation, Mr. Muire showed photo simulations Attachments F3, F4, F5, F6 (Exhibit C) that depicted the visual impacts of towers. Mr. Muire mentioned the population impacts and said WTHZ currently has a market grade coverage that is reached by 2.6 million people and the proposed relocation would up the city grade, along with market grade coverage, to 3.13 million people. Mr. Muire said no coverage gain or loss is expected for Rowan County since the existing and proposed site would continue to provide market grade coverage.

Mr. Muire continued with the power point presentation and reviewed Item #8 in the Staff Review Specific Criteria (Exhibit B) regarding Obstruction Lighting and Marking.

Mr. Muire presented the Staff Review: General Review Criteria (Exhibit B) and said these are the criteria the applicant must illustrate compliance with for consideration by the Board of Commissioners. Mr. Muire said he would not address each criteria but highlighted the following information:

- Item #2. The use will not significantly detract from the character of the surrounding area. Mr. Muire described the proposed site as being located in Census block 519.02 block 2 and said according to a staff count, there are “at least 28 agricultural operations that exist within this area.” Mr. Muire said according to the 2000 census, there are 52 people per square mile, which is 80% less than the county average of 249 people per square mile. Mr. Muire said this could be a significant factor in determining the character of an area. In this case, density combined with prevalent

agricultural uses defines this as a rural agricultural area. Mr. Muire said the majority of the area is zoned Rural Agriculture (RA).

- Item #3. Hazardous safety conditions will not result. Mr. Muire said the FAA letter Attachments J1, J2 and J3 (Exhibit C) in the packets provided analysis of the site with regards to its potential impact on navigable airspace. Mr. Muire said the FAA had issued a “determination of no hazard to air navigation” Attachments J1, J2 and J3 (Exhibit C); the analysis is limited to impacts on airports and their flights. Mr. Muire said that Miller Air Park is a private airstrip located approximately two (2) miles due south of the proposed tower site. Mr. Muire informed the Board that there was a typing error in the Staff Review: General Review Criteria, Item #3 (Exhibit B). Mr. Muire said the error indicates 1300’, which is not the case. Mr. Muire pointed out that since the private airstrip is not subject to FAA guidelines with regard to operation standards and access; it is also not protected by FAA’s navigable airspace standards. Mr. Muire said the NC DOT Aviation Division provided a contradictory opinion Attachment K (Exhibit C), that the proposed tower presents “a hazard to the aircraft using Miller Air Park.”
- Item #6. The use will not create significant visual impacts for adjoining properties or passersby. Mr. Muire referred to the tower photo simulations Attachments F1, F2, F3, F4, F5, F6 (Exhibit C) he had shown and said the tower has significant visibility from adjoining properties and for the general public, both vehicular and property owners in western Rowan County.

Mr. Muire referred to the Supplementary Information Attachments L1, L2, L3, L4, L5, L6, L7, L8, L9, L10, L11, L12, L13, L14, L15 (Exhibit C) provided by the applicant “early on in the process.” Mr. Muire said the information was tax values of adjoining properties to existing towers in the county.

Mr. Muire reviewed the Staff Summary (Exhibit B) and said while the application satisfies the specific conditional use criteria for broadcast towers, staff finds that the general conditional use criteria for items two (2), three (3) and six (6) present significant questions as to the appropriateness of the application.

Mr. Muire pointed out the **required findings** (Exhibit B).

Mr. Muire mentioned that there was “a lot of information” to cover and that he had somewhat “highlighted” the information. Mr. Muire said he would answer any questions.

Chairman Blount questioned Mr. Muire’s opinion regarding the FAA area of responsibility as that being with public airports. Mr. Muire said, “That is correct” and confirmed to Chairman Blount that Miller Air Park is operated as a private airstrip. Mr. Muire said that based on his understanding, the FAA has no jurisdiction over private airstrips and therefore did not consider Miller Air Park in its analysis. Mr. Muire also agreed that the FAA letter did not address Miller Air Park.

Chairman Blount opened the public hearing at 8:55 pm to entertain citizen comment regarding CUP-17-03. Chairman Blount requested to hear from the applicant and the applicant's attorney first.

1. Gig Hilton introduced himself as President of Davidson Broadcasting, also Salisbury Media, "which is a subsidiary of ours, that did own WSTP which we purchased in 1996 and developed that radio station; built it in a news talk station. Our AM station in Salisbury is Newstalk and of course FM is an eighties-based adult contemporary station."
2. Glen Ketner, Jr., attorney in Salisbury of 121 East Kerr Street, said he had been working with Salisbury Media on the tower permit.

Mr. Ketner said, "We feel a little bit like we're part of the history of this ordinance." Mr. Ketner explained that the issue had initially arisen when his client wanted to put up a tower. Mr. Ketner said, "The ordinance simply did not fit broadcast towers." Mr. Ketner said the ordinance was designed primarily for cell towers and as a consequence, a new ordinance was adopted.

Mr. Ketner said the application that had been submitted by Salisbury Media made its best effort to comply with the ordinance. Mr. Ketner commended staff for its review and presentation.

Mr. Ketner mentioned the General Review Criteria (Exhibit B) and said some of the items were "touched on fairly lightly." Mr. Ketner referred to:

- Item #1. Adequate transportation access to the site exists. Mr. Ketner said the item clearly has adequate support with transportation access to the site with a 20' right-of-way. Mr. Ketner stated the recommendation for the entrance onto NC 801 Hwy to obtain a commercial driveway permit would be complied with.
- Item #2. The use will not significantly detract from the character of the surrounding area. Mr. Ketner said this item "speaks for itself" and mentioned the various agricultural operations in the area. Mr. Ketner said the population density had been noted and was lighter than the rest of the county. Mr. Ketner said the Planning Board's deliberations had determined that RA was the appropriate district for a broadcasting tower. Mr. Ketner said he believed other towers located in the county were also located in RA districts and they do not detract from the agricultural uses in those areas.
- Item #3. Hazardous safety conditions will not result. Mr. Ketner said this issue was more difficult to deal with "because there is an apparent conflict." Mr. Ketner said he appreciated Mr. Muire making the correction regarding the 1300' from the proposed tower from the airport to just over 2 nautical miles, saying this was a considerable difference. Mr. Ketner requested that Mr. Muire pull up Attachment F6 (Exhibit C) in the power point presentation. Mr. Ketner said the photo was taken from 8150', which is less than 2 nautical miles. Mr. Ketner then read the following portion of Item #3 (Exhibit B) – "Since this private airstrip is not subject to FAA guidelines with regard to operation standards and access, it is

also not protected by FAA's navigable airspace standards." Mr. Ketner said, "regulated would be a better word there, than protected." Mr. Ketner said private airstrips operate on their own; they are not regulated. Mr. Ketner felt it significant to note that, "Our contention is that the FAA does have jurisdiction over the airspace and this tower had to be permitted by the FAA." Mr. Ketner said the FAA had to take into consideration all of the factors, including the existence of Miller Airstrip. Mr. Ketner said, "We would submit that it do so. In fact, there was an appeal by some of the Miller Airport applicants. That appeal was denied by the FAA." Mr. Ketner said, "Frankly, the July 9, 2003 letter from DOT was a bit of a surprise to us, that matter never having been raised in any prior consideration of the ordinance or the application." Mr. Ketner said he did not believe the DOT makes any contention that it has jurisdiction over private airstrips. Mr. Ketner said the DOT "may have an opinion but I don't think that it has any jurisdiction on tower placement." Mr. Ketner continued by saying Miller Airport is a private airstrip and its use is not regulated by the FAA nor by the DOT. Mr. Ketner said the FAA, with the knowledge of the Miller Airport location has approved the tower and made a finding of no hazard. Mr. Ketner said, "We submit to you that that should take the weight of burden in making your decision."

- Mr. Ketner referred to the Staff Review (Exhibit B), page3, Item #8 that reviewed Obstruction Lighting and Marking. Mr. Ketner said the FAA response pertaining to the painting on the tower. Mr. Ketner said the FAA would evaluate the request on impact to aviation safety and the FAA is "aware and they have to take that matter into consideration."
- Mr. Ketner said he would like to submit that Attachment J (Exhibit C) is sufficient evidence that no hazardous safety conditions will result. Mr. Ketner said, "If jurisdiction is a question or an issue, we shall be happy to provide additional information. We don't have it at this point because we were not -- we were surprised." Chairman Blount interjected at this point and said, "I think we recognize that we have jurisdiction. This is just the advice of FAA and DOT." Mr. Ketner responded that he was talking about the jurisdiction of the FAA as opposed to the State of North Carolina; not the jurisdiction of the Commissioners.
- Mr. Ketner discussed the safety issue and referred to a document that he had received by fax earlier in the day. Mr. Ketner said the document addressed the public hearing "tonight" and the document was not signed and has no attribution, but refers to studies having been conducted on harmful effects of highly concentrated radio waves. Mr. Ketner said to learn more about such effects, refer to msn.com/radiotowers#89#147#148. Mr. Ketner said he was unsuccessful in his attempt to "call up" this website but presumably someone may wish to address the issue. Mr. Ketner said the FCC requires consideration of radio wave frequencies in its consideration of licensing. Mr. Ketner said that before the proposed tower would be allowed to operate it would have to provide proof to the FCC that there are no hazardous levels of radio frequency waves. Mr. Ketner expressed hope that this acknowledgement was sufficient to overcome the material that he had not seen.

Chairman Blount questioned Mr. Ketner's statement, that he "felt certain the FAA had taken the Miller Airpark location into consideration when they issued this opinion." Chairman Blount asked, "Is there something that gives you that opinion?" Mr. Ketner responded, "I think the fact that the advocates, or proponents, of the Miller Airstrip, the people who are interested there, appealed the FAA's decision. They must have been aware of it and the FAA must have been aware of it when they denied the appeal."

Mr. Hilton stated that he did not believe the Board had in its packets, "the appeal, the response to the appeal and the findings of the FAA, but we can propose those." Mr. Hilton explained that when an application is filed with the FAA to determine if a tower can be placed in any location, they regulate the airspace over 200 feet and determine the air safety of that airspace. Mr. Hilton said he understood that the FAA does not take private airstrips into consideration because "they are not regulated." Mr. Hilton said when you take off from any direction on a private airstrip, however, on a public airport, you must follow certain rules and regulations.

Chairman Blount asked hypothetically if the tower could be located at the end of the airstrip and if the FAA would approve that. Mr. Hilton responded, "I'm sure they would not. They would say that you have to have certain abilities to turn if you're leaving that airstrip."

Mr. Ketner continued with the General Review Criteria (Exhibit B):

- Item #4. The use will not generate significant noise, odor, glare, or dust. Mr. Ketner said the report addresses this issue and "any effect there is minimal, although there would be a light at the top of the tower."
- Item #5. Excessive traffic or parking problems will not result. Mr. Ketner said the proposed site "wouldn't be a generator of a great amount of traffic."
- Item #6. The use will not create significant visual impacts for adjoining properties or passersby. Mr. Ketner said that Item #6 is "clearly subjective in the way that it's written." Mr. Ketner said there is no doubt that the tower would be visible but contended that it would not be adverse to the property owners or passersby. Mr. Ketner said there are no houses near the site and the tower "is not nearly as obtrusive as cell towers." Mr. Ketner said the tower is constructed differently, the dimensions are smaller and it more of a "needle-shape than an A-frame."

Chairman Blount questioned Mr. Ketner's comment that there would be a light on top of the tower. Chairman Blount referred to the Staff Review Specific Criteria, Item #8 (Exhibit B) and read: a series of 24 red lights (8 per tower stanchion). Mr. Ketner and Mr. Hilton both agreed this is correct. Chairman Blount said, "So, it's not just a light on top of the tower." Mr. Hilton said, "No, no. It has to be red-lit at night. It could be strobe-lit if you prefer. That's an FAA decision. They determine how you can light it. You can either strobe light it and not paint it, but that would be strobed day and night and that to me is not particularly a pigment." Chairman Blount continued to question Mr. Hilton is saying, "Do you know right off hand what the wattage of the lights are?" Mr.

Hilton answered in saying “ No, I do not.” Mr. Hilton commented, “ I’m sure that is regulated by requirements that we have to address.”

Gig Hilton mentioned that Item # 2 (Exhibit B) under General Review Criteria that by definition with requirements to fall zones for it, “to be appropriate you have to move out into a rural area simply by definition. It is hard to find places in which a tall tower will not fall on someone else’s property.” Mr. Hilton stated, “Use of Property will not change because it would still remain as farmland. Farmers would still be able to farm and would also be able to use the farmland underneath the tower outside of the guild wires or inside of the guide wires to farm just like they are right now. So the use of property from that aspect will not change.”

Commissioner Andrews questioned Mr. Hilton about the control and effects of the power of emission, which is coming off of the tower. Commissioner Andrews also questioned Mr. Hilton, “If the power of emissions off the radio signals are too great, what would happen then?” Gig Hilton stated, “Prior to any new operation being fully licensed, you have a temporary operational license, then you take particular measurements so they will fall in FCC guidelines and if they are not in guidelines you can correct them.” Mr. Hilton continued by saying, “It has to operate, as it is licensed to operate.” Mr. Hilton mentioned that there is also an environmental impact study that is done prior to operating full time. Commissioner Andrews indicated that it is resolved that you can operate under the tower.

Commissioner Andrews also questioned Mr. Hilton saying, “If it doesn’t create any problems, then why do they have to go in and check it.” Mr. Hilton answered, “We have to make sure everything is operating correctly.” “We are regulated very strictly with environmental studies to make sure your ‘RF’ is not exceeding its limits. You will also receive more problems with AM than you would with FM.”

Commissioner Andrews stated that we currently have AM towers in Rowan County that are monitored on an annual basis. Mr. Hilton replied the FCC could check them anytime.

Attorney Glen Ketner informed the Board the items, which are regulated by the FCC.

Mr. Ketner gave the Clerk to Board, Objective Criteria in Support of the Tower Application (Exhibit D). Mr. Ketner read the list (Exhibit D) to the Board. Mr. Ketner stated that submitting the application is in order.

Commissioner Andrews questioned if the seventeen (17) to twenty-two (22) people fulltime in the studios were going to be employed in Rowan County. Mr. Hilton responded in saying, “They are planning on moving studios from Lexington to the old RDX studios are and Statesville Boulevard Studio will be moved with WSPT and operate the radio stations from Rowan County.” Mr. Hilton also explained, “Not all the people who work now are from Davidson County, but they do work at our studio in Lexington.”

Chairman Blount highlighted a letter from W. Gray Hodge (Exhibit C) Attachment H, professional engineer stating the possibility of the construction collapsing. Chairman Blount reminded Mr. Hilton that our ordinance indicates the tower not to fall on any adjoining property. Chairman Blount questioned Mr. Hilton if it is possible that the tower could fall 1350 ft away from its space. Mr. Hilton answered by saying, "They are designed to fall in the radius of the guides because they are built in sticks."

Chairman Blount referred to Attachment F5 (Exhibit C) stating the proximity of the house looked very close. Mr. Hilton explained that the nearest house is 1800 feet away.

3. Sean Walker, Attorney representing the opposition, questioned Mr. Hilton about the ice crystals during the winter months and also the potential damage that could happen. Mr. Hilton explained that it would be cooler at the top of the tower and there would be a possibility of having ice crystals. Mr. Hilton also stated that you could have ice fall off of the tower.

Sean Walker also questioned Mr. Hilton about the wind and the affects that would have on the ice crystals. Mr. Hilton stated that he did not know. Mr. Walker asked Mr. Hilton if he could make an absolute guarantee there would not be any potential damage from the ice falling. Mr. Hilton said there are cows on the current location since 1994 and no damage had been reported. Mr. Walker asked Mr. Hilton if he could guarantee there would not be any damage, and Mr. Hilton stated, "I could not guarantee but I guess that is what insurance is for."

Sean Walker asked Mr. Hilton if the coverage area would remain the same in Rowan County. Mr. Hilton answered by saying yes. Mr. Walker commented that if they were increasing the range further west and south so the station can reach the Charlotte Broadcast Market. Mr. Hilton answered by saying, "Yes and also the ADI, or Metro in which Rowan County is part of." Sean Walker questioned Mr. Hilton about the distance and also if it reached the Charlotte Broadcast Market. Mr. Hilton informed the Board that it did reach the market but not with enough strength. Mr. Hilton also stated that he "Could take it until 485 South/ South Charlotte area and it should reach through Matthews into Gastonia."

Sean Walker referred to (Exhibit D) about the broadcasting of school closings and weather information. Mr. Hilton stated that "Since we are primarily in the Greensboro area, that type of information is relevant to the Greensboro area. But if this move were to take place, the information could be geared toward the Salisbury, Charlotte metro area."

Mr. Walker referred to (Exhibit C) about the collapsing of the tower to Mr. Hilton. Mr. Walker questioned if it had been constructed in accordance with EIA-222. Mr. Hilton reported that he did not know. Mr. Walker also questioned Mr. Hilton if he was a pilot or owned an airport. Mr. Hilton answered by saying no.

Chairman Blount opened the hearing to the audience and those sworn in could come forward.

Sean Walker, attorney of 201 West Council Street and Bruce Joseph of Florida came forward. Mr. Walker brought attention to an issue to the Planning Department on Attachment F4 (Exhibit C). Mr. Muire of the Planning Department stated that the “One to the left is the proposed tower, while on the right an existing wireless communication tower.” Mr. Walker questioned Mr. Muire if the height of the proposed tower is 1350 feet. Mr. Muire answered by saying that was correct. Mr. Walker questioned Mr. Muire again about the height of the existing wireless communication tower. Mr. Muire stated that it ranged from 250 feet to 299 feet.

4. Bruce Joseph, of Florida is currently employed by US Airways as a pilot. Mr. Jones discussed information, which could be found on (Exhibit E-1).

Sean Walker questioned Mr. Joseph by saying if he had the opportunity to investigate air traffic accidents. Mr. Joseph stated that he had investigated more than five (5) but less than ten (10). Mr. Walker asked Mr. Joseph if he had the opportunity to be familiar with FAA and North Carolina regulations. Mr. Joseph answered saying he did.

Sean Walker told Chairman Blount he would tender Mr. Joseph as an expert witness, in the expertise field of airline safety. Chairman Blount asked Mr. Ketner if he had any objections. Mr. Ketner stated that he did not.

Mr. Walker asked Mr. Joseph if he reviewed the FAA No Hazard Letter Attachment J1-J3 (Exhibit C) and also the Department of Transportation Attachment K (Exhibit C). Mr. Joseph answered in saying he did. Mr. Walker stated that, “It had been characterized in testimony there had been some conflict or some conflicting positions as to the FAA and to the State of North Carolina Department of Transportation position in regard to Miller Airport.

Mr. Joseph stated, “I disagree that it is in conflict, I would submit the FAA document speaks to its jurisdiction in limits they are in, which are found in Attachment J (Exhibit C). Mr. Joseph read this to the Board. Mr. Joseph commented, “The most important words of the private airport, which is Miller Airport, is not in the jurisdiction to speak to.” Mr. Walker questioned Mr. Joseph in asking him if he looked at the attachment to that study. Mr. Joseph answered by saying, “It speaks that Miller Airport was considered to be a private use airport and traffic pattern was not considered.”

Mr. Joseph presented the Board with a ‘sectional’ in the aviation world (Exhibit E). Mr. Joseph stated that if he was a private pilot, this is what he would use to navigate visually. Mr. Joseph showed the Board, Miller Airport on the ‘sectional’ (Exhibit E).

Chairman Blount questioned Mr. Joseph by saying, “Would the FAA allow this tower to be placed at the end of the run way?” Mr. Joseph answered, “I would submit that the letter would say almost the same thing, if you are asking about navigable airspace. In essence, how I read this, it is not our jurisdiction.”

Attorney Sean Walker questioned who had jurisdiction of this area. Mr. Joseph answered by saying private airport airspace jurisdictions are left to the authority of the Department of Transportation in the State of North Carolina, and to you folks. This is a local matter that FAA has refused to deal in because they speak in the sovereignty of North Carolina in its airspace issues.”

Mr. Joseph mentioned and reviewed Chapter 63-11 Sovereignty in Space (Exhibit F). Mr. Walker asked if there are limitations or restrictions that a State can regulate its airspace in regard to Federal authority. Mr. Joseph stated, “absolutely”. Mr. Walker questioned Mr. Joseph about the regulations. Mr. Joseph stated that the restrictions are set up by the state of North Carolina. Mr. Joseph commented, “If Miller Airpark was built today I would expect the state of North Carolina to set approach perimeters, clear zones on the sides of the runways and at the ends of the runways that which cannot be penetrated by any land obstacle as a result of their addressing the safety of flight issue over that land.”

Mr. Joseph reviewed the letter from North Carolina Department of Transportation Attachment K (Exhibit C).

Mr. Joseph explained the Topographical map (Exhibit E), which contained Flight Impacts and Traffic Patterns. Mr. Joseph stated, “Everyone flies in the left hand traffic pattern at 800 feet above the ground, which is standard.” Mr. Joseph mentioned that FAA would avoid towers by 2,000 feet horizontally and vertically. Mr. Joseph stated, “We are closer than 2,000 feet in this traffic pattern.” Mr. Joseph also commented, “If we are on an Instrument Flight Plan, we can actually file to this airport. If we are on a Visual Flight Plan we could make a decent into this airpark provided we were under the clouds, when we went to land under VFR minimums. If you let down directly on the center of this runway, on a 3 degree glide path to that runway, you will actually be about 750 feet above the ground. So that leaves about 600 feet of the tower above you.”

Mr. Walker questioned Mr. Joseph about Flight Take Off. Mr. Joseph stated that you only take off either North or South and it may not be possible to make that turn, if someone had mechanical failure. Mr. Joseph also expressed his concerns about the difficulty in seeing guide wires.

Mr. Joseph showed the topographical map (Exhibit E) to the Board again. Mr. Joseph suggested that, “The tower be at least five (5) miles away from the Miller Airpark if it would be a commercial facility. I would also suggest that standard could also be applied here.”

Glen Ketner questioned Mr. Joseph if he had ever flown out of Miller Airpark and the number of planes that fly out of Miller Airpark. Mr. Joseph commented that he had never flown in and out of Miller Airpark but there are approximately twenty-five (25) planes that fly in and out every day.

Mr. Ketner asked Mr. Joseph if he was aware of the appeal made in an effort to keep this tower from getting approved. Mr. Joseph stated, "FAA denied the petition due to navigable airspace." Mr. Ketner mentioned, "Miller Airpark was attempted to be a public airport at one point in an effort to private changes established there." Mr. Joseph answered, "Actually that is not correct. It was a public use airport until about twelve (12) years ago, then it became a private airport and an application has been submitted for it to become a public use airport again."

Mr. Ketner submitted a FAA Letter (Exhibit I) to the Board.

Mr. Joseph stated that this is a jurisdictional issue with FAA. Mr. Joseph mentioned "They do not have jurisdiction over that airport and they defer it back to the State."

Sean Walker questioned Mr. Joseph if the Man Media Situation is similar to this situation. Mr. Joseph replied, "It was to the extent that there was application of the FAA of a similar letter was submitted back to the County Board and they used that as their reason to initially approve the tower location. The appeal was unappealed and remanded back and reversed by the Supreme Court."

5. Howard Miller, 2970 Oak Valley Road, Winston Salem, is co-owner of Miller Airpark.

Mr. Walker questioned if he had been notified by either the FAA/FCC last year about the tower. Mr. Miller replied, "yes". Mr. Walker then questioned Mr. Miller if he took any action to address his concerns about the tower. Mr. Miller stated they decided to try and get the airport as a public airport, but FAA turned it down because of the time element."

Mr. Walker asked Mr. Miller why he wanted to switch to a public airport. Mr. Miller stated he wanted it switched "To keep the tower going up in our traffic pattern". Mr. Miller also commented, "We would rather be private airport and we feel this is a safety issue, and we do not want to be regulated".

Mr. Miller presented photographs of the facility (Exhibit J). Mr. Miller stated they had twenty-four (24) homes and twenty-five (25) airplanes based there.

Mr. Walker asked Mr. Miller about the tax values (Exhibit K). Mr. Miller stated the tax value is \$6,190,213 that included the houses and real estate.

Mr. Walker questioned if this would cause an impact on the use. Mr. Miller stated, "It would have a big impact and it would be a safety issue." Mr. Miller mentioned, "Miller Airpark has been in service for approximately twelve (12) years. It started as an airport in 1946.

Mr. Miller stated, "The airport will become self-sufficient over time and each home owner owns part of the runway. When all the lots are sold, the homeowners group will

manage the airport.” Mr. Miller also stated that he had been a licensed pilot for fifty-seven (57) years and people can use the airport by permission.

Chairman Blount questioned if someone had an emergency if they would be allowed to land. Mr. Miller stated, “Yes, they would be.”

Mr. Ketner questioned Mr. Miller about the traffic patterns. Mr. Miller responded, “It depended on the weather. If you have good weather you could have fifteen (15) to twenty (20) flights on the weekend.” Mr. Ketner continued to question Mr. Miller about the obstructions. Mr. Miller stated if there were an obstruction (the radio tower), you would have to go around obstruction because it would be a safety hazard.”

Chairman Blount clarified Mr. Miller in asking if the location of the tower were in the centerline of the runway, whether you had a right or left hand pattern it would still be an obstruction. Mr. Miller stated, “Yes, it would still be considered an obstruction.”

Mr. Walker summed up the previous testimonies.

6. Jack Edwards is a pilot who lives at Miller Airpark and has flown since 1969. He stated that the proposed tower would be a safety hazard.

Mr. Edwards brought forward a petition, which had been signed by fifty-nine citizens (Exhibit L). Mr. Edwards stated he recently went down to the coverage area and picked up twenty-nine (29) radio stations and stated, “There is no need to additional coverage in that area.” Mr. Edwards commented, “I and other home owners have a lot of money invested in our homes.” Mr. Edwards expressed, “Not only are there FR (Flight Regulations) arrivals at the private airport there are more FR Departures. There is also a tower to the Southwest and now you would be limited to the North if this tower were to be built.” Mr. Edwards reviewed the points of regulations for pilots in the FARAIM (Federal Aviation Regulations and Airman’s Information Manual). Mr. Edwards expressed that the Board consider the following:

- The Financial Burdens it would cause for the citizens of Rowan County.
- Detrimental effects of health/safety issues of the citizens of Rowan County.
- Hazards to airport and surrounding areas.
- To deny the request of Salisbury Media, LLC to put their tower in the requested area.

7. Marian Parker Rollans, referred to Harmony with the surroundings, a petition with 275 signatures, (Exhibit M).

Mrs. Rollans stated, “Ask that you deny this applicant’s request for the reason stated in #1, 2, and 3 on page five (5) of the Planning Staff’s report (Exhibit B).

Chairman Blount question Mrs. Rollans by asking her if she was a realtor of any type. Mrs. Rollans stated she was not a realtor of any type, but her property adjoins the proposed site.

8. Adrian Rollans, former resident of Mt. Ulla, presented a pictures on power point and submitted a floppy disk (Exhibit H) (a print out of this information is included in Exhibit H). Mr. Rollans, expressed his concerns about the following:

- Technical Information- No consultant to verify information.
- Showed Randolph County Towers with warning signs. Mr. Rollans stated that no one could farm under the towers and guide wires.

9. Henry Womble, 134 Chicken Pen Lane, lives approximately one (1) mile from proposed site.

Mr. Womble expressed his concerns with Health and Safety issues regarding the proposed tower. Mr. Womble submitted the documents (Exhibit N) and (Exhibit O) to the clerk. Mr. Womble stated the problems of birth defects, RF radiation, cancer, leukemia, EEG disruption and neurological changes.

Chairman Blount asked Mr. Womble if he had any expertise in this field. Mr. Womble replied that he did not.

10. James Rollans, lives North of Parcel, stated his concerns on property values attachment L1 (Exhibit C).

Mr. Rollans mentioned, "This has little or anything with fair market value of the land." Mr. Rollans suggested the Board deny the request for Salisbury Media, LLC to put up the tower. Mr. Rollans also informed to the Board if they considered the Tower to be a public necessity.

Chairman Blount questioned Mr. Rollans if he was a licensed realtor or appraiser. Mr. Rollans stated that he was neither.

Chairman Blount asked if attachment L1 (Exhibit C) was prepared by a licensed land appraiser. Mr. Gig Hilton stated that he did it.

Mr. Ketner presented a letter from FAA (Exhibit P) to the Board. Mr. Ketner stated that he would not of been here if he did not have a letter of determination from FAA. Mr. Ketner read the letter on page 2 dated December 2002 (Exhibit P) to the Board. Mr. Ketner expressed he was happy to provide further evidence to the Board.

Commissioner Andrews questioned to Mr. Ketner, "Are you insinuating that DOT does not govern private airports and that the information we got really should be and superceded by the FAA?" Mr. Ketner replied, "There is a serious question in my mind of

who has authority.” Chairman Blount indicated that the Board of Commissioners has the authority of the location of the tower.

Mr. Hilton stated that he did not want to build a tower if airplanes would run into it. Mr. Hilton stated, “It is not good for me and it is not good for them”. Mr. Hilton indicated that the FAA had assured him, that it would not cause any problems.

Commissioner Andrews asked Mr. Hilton, “When the site was identified, were you aware of the air problem?” Mr. Hilton mentioned, “We did not know it would create a problem and if it created a hazardous situation I would not of picked this part.”

Mr. Walker read a portion of the December 2002 FAA letter (Exhibit P) to the Board, refuting previous comments made by Mr. Ketner.

With no further citizens, Chairman Blount closed the Public Hearing at 11:00 p.m.

County Attorney, John Holshouser stated this is a legal issue. Mr. Holshouser referred to a similar case of Twin Lakes Airport. Mr. Holshouser indicated, “The letter from DOT which it does not say you cannot put up a tower but it recommends you do not do so.” Mr. Holshouser stated the Board would do well to find out “why the conflict exists”. Mr. Holshouser stated the Board needed conduct further study before making a decision.

Commissioner Tadlock made a motion to delay making a decision for thirty (30) days, until the August 18, 2003 Commission meeting. Commissioner Belk seconded the motion for attorney John Holshouser to study this case further.

Mr. Holshouser stated that an appeal would be forth coming and more study would be needed.

The Board came to a consensus to delay for thirty-(30) days the decision of the Proposed Radio Tower.

Chairman Blount called for a break at 11:00 pm.

Chairman Blount reconvened the meeting at 11:10 pm

****** Upon returning from the break, Mr. Holshouser reminded the Board that CUP-17-2003 is in the deliberation period and Commissioners should not be speaking with constituents about the case.

PUBLIC HEARING FOR APPROVAL OF THE REPUBLICATION OF THE ROWAN COUNTY CODE OF ORDINANCES BOOK

Chairman Blount opened the public hearing for approval of the republication of the Rowan County Code of Ordinances Books.

With no citizens coming forward to make comments, Chairman Blount closed the public hearing.

Rita Foil, Clerk to Board stated that the books would replace the old Rowan County Code of Ordinances Books and indicated to start using the new Rowan County Code of Ordinances Books.

Commissioner Belk made a motion to approve the Rowan County Code of Ordinances Books. Commissioner Andrews seconded and the motion passed unanimously.

DISCUSSION 2006-2012 TIP – REVIEW PRIORITY LIST AND MAKE RECOMMENDATIONS

Chairman Blount indicated the discussion 2006-2012 TIP- review priority list and to make recommendations be moved to the next Board of Commissioners Meeting, August 4, 2003 due to discretion of Marion Lytle.

REVIEW OF LAND USE PLAN COMMITTEE

Chairman Blount stated that Marion Lytle is working on the Land Use Plan Committee and Mr. Lytle attached a chart to come up with ideas of people to serve on the Land Use Plan Committee.

Chairman Blount mentioned that if you had any ideas to give them to the Clerk to Board, Rita Foil and she would pass it on to Marion Lytle.

UPDATE ON REQUEST FOR NO WAKE ZONE AT DUTCHMAN’S POINT

Clerk to Board, Rita Foil, highlighted the memorandum on the update of the request for a no wake zone at Dutchman’s Point Cove on High Rock Lake. Ms. Foil indicated that the Wildlife Officers Scott Isley and Sergeant Anthony Sharum responded to the request of Mr. Broadus Murph and found that a “no wake zone” would not affect the overall safety of Dutchman’s Point Cove.

Ms. Foil mentioned that Mr. Murph had been notified and a mailed copy of the memo from Sergeant Sharum had been sent to Mr. Murph.

Commissioner Tadlock made a motion to take no further action on this issue. Commissioner Belk seconded and the motion approved unanimously.

APPROVAL OF A RESOLUTION AUTHORIZING THE ISSUANCE OF \$31,600,000 SCHOOL BONDS, SERIES 2003

Finance Director Leslie Heidrick stated the resolution presented to the Board is for the issuance of the fifteen (15) year school bond series 2003 bonds with the principle amount

of \$31,600,000 and the Bonds will be dated August 1, 2003. Mrs. Heidrick indicated that the Local Government Commission would receive bids on July 29, 2003.

Mrs. Heidrick mentioned the resolution authorizes Chairman Blount, Manager Tim Russell, Leslie Heidrick and Rita Foil to execute and deliver all necessary documents.

Commissioner Tadlock made a motion to approve the resolution authorizing the issuance of \$31.6 million school bonds, series 2003. Commissioner Belk seconded and the motion passed unanimously.

**APPROVAL OF A RESOLUTION AUTHORIZING THE ISSUANCE OF
\$7,875,000 REFUNDING BONDS SERIES 2003**

Finance Director, Leslie Heidrick stated that on August 19, 2002 the Board of Commissioners adopted a refunding bond, series 2003 of \$30 million. Mrs. Heidrick indicated on October 1, 2002 Rowan County refunded \$19.8 million of the \$30 million. Mrs. Heidrick mentioned this represented majority of the 94-95 School Bonds.

Leslie Heidrick said this resolution would authorize the refunding of \$7,875,000 of the series 1996. Mrs. Heidrick stated the refunding bonds, if sold, would be dated August 1, 2003. Mrs. Heidrick also mentioned that the resolution would authorize Chairman Blount, Manager Tim Russell, Leslie Heidrick and Rita Foil to execute and to deliver all the necessary documents. Leslie Heidrick acknowledged the resolution approves an Escrow Deposit Agreement with First Citizens Bank.

Mrs. Heidrick informed the Board that if anticipated savings of three (3%) or more would not be realized on the sale date, the sale of the refunding bonds would be canceled.

Commissioner Andrews made a motion to approve the resolution authorizing the issuance \$7,875,000 refunding bonds series 2003 based on the conditions stated by Mrs. Heidrick. Commissioner Belk seconded and the motion passed unanimously.

DISCUSS CHANGE OF MEETING DATE FOR SEPTEMBER 1, 2003

Commissioner Tadlock suggested moving the September 1, 2003 meeting, which is Labor Day to Tuesday, September 2, 2003 at 7:00 p.m. The Board came to consensus with this issue.

BOARD APPOINTMENTS

Piedmont Behavioral Healthcare Board

June Showfety submitted a resignation.

Rowan County Planning Board

Commissioner Andrews moved to appoint June Showfety to this board. The motion carried.

Rowan County Zoning Board of Adjustments

Commissioner Belk moved to appoint Gwen Graham to this board. The motion carried.

ADDITIONS

Animal Control Issues

Chairman Blount mentioned addition 14.1 animal control issues. Chairman Blount asked Commissioner Andrews to bring an update back to the Board.

Finance Award

Chairman Blount indicated that the Finance Department, under Director Leslie Heidrick, received a certificate for Rowan County's comprehensive annual financial report for the fiscal year ended June 30, 2003. This qualifies Rowan County for a Certificate of Achievement for Excellence in Financial Reporting, which is the highest form of recognition in governmental accounting and financial reporting.

County Initiatives

Chairman Blount stated the County is still moving ahead on their initiatives and presented the Board with a listing of those initiatives.

Alcoa

Commissioner Andrews mentioned that he met with Gene Ellis about the possibility of a recreation area. Commissioner Andrews stated that it is in the licensing process.

County Manager Tim Russell stated groups are pushing for certain interest causing some imbalance. Mr. Russell commented that it was suggested Rowan County share the interest through sub committees in the re-licensing process. Mr. Russell also stated Rowan County be a sub-committee. Manager Tim Russell mentioned there would be a public meeting on July 31st at the Holiday Inn.

PUBLIC COMMENT PERIOD

There was no one present to speak during the public comment period.

EXECUTIVE SESSION:

Chairman Blount declared the Board go into Executive Session for the purpose of two (2) Personnel Issues, an Economic Development Issue, and to Consult an Attorney at 11:35 p.m.

RECONVENED TO OPEN SESSION – ACTION TAKEN:

Chairman Blount returned the Board to Open Session to take action on two issues:

Department Directors Benefit Package

Commissioner Belk made a motion to approve Life Insurance for Rowan County Department Directors and also to increase in 401 k benefits from 3% to 5%. Commissioner Tadlock seconded and the motion passed by a 3-1 vote with Commissioner Andrews voting against the motion.

County Manager’s Merit

The Board expressed great pleasure with the service of Rowan County Manager Tim Russell.

Commissioner Leda Belk made a motion to approve a 6% merit increase for Tim Russell. Commissioner Tadlock seconded the motion and the motion passed by a 3-1 vote with Commissioner Andrews voting against the motion.

ADJOURNMENT

With no further business to be brought before the Board, Chairman Blount declared that the meeting was adjourned at 12:35 a.m.

Respectfully Submitted,

Rita K. Foil, CMC
Clerk to the Board