

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
OCTOBER 20, 2003 – 7:00 PM
J. NEWTON COHEN, SR. ROOM, ADMINISTRATION BUILDING**

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

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

Chairman Blount convened the meeting at 7:00 pm.

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

CORRESPONDENCE

Chairman Blount mentioned the correspondence from Clyde Fahnestock, Senior Services Director, concerning an upcoming Open House for a new meal site location and asked the Board to review the correspondence at their leisure.

Chairman Blount also reminded Commissioners Belk and Tadlock of the meeting scheduled for Tuesday for the Fair Study Committee.

CONSIDERATION OF CONSENT AGENDA

Chairman Blount asked the Board to correct the name on Item F from Carrington Lane Trail to Carrington Lane.

Commissioner Tadlock moved to approve the Consent Agenda as presented. Commissioner Belk seconded the motion and the motion passed unanimously. The Consent Agenda consisted of the following items:

- A. Approval of the October 6, 2003 minutes
- B. Approval of the Record Retention Schedule for the Register of Deeds Office
- C. Approval of NC DOT request to add Wagon Wheel and Buck Board Lane to the Secondary Road System for maintenance
- D. Approval of NC DOT request to add Shawnee Trail to the State Secondary Road System for maintenance
- E. Approval of NC DOT request to add Hawkesbury Drive and Melbourne Drive to the State Secondary Road System for maintenance
- F. Approval of NC DOT request to add Carrington Lane to the State Secondary Road System for maintenance
- G. Approval to set a public hearing for CUP-32-03, for a family subdivision in the CBI District
- H. Approval to set a public hearing for Special Consideration for: Lockart Road, Davidson Circle, Molasses Mill Road, Montrose Road Address Reassignments
- I. Approval to set a public hearing for Unanimous Petitions: Barn Lao Drive and Red Pine Drive
- J. Approval to set a public hearing for Majority Petition: Silver Trail
- K. Approval of Lease Amendment with Nazareth Children's Home to include liability insurance
- L. Budget Amendments
- M. Approval to award service side arms to Sgt. Roy Purvis

PUBLIC HEARING FOR ETJ REZONING

Marion Lytle, County Planner, said that on August 19, 2003 the Salisbury City Council initiated action to rescind a portion of Salisbury's ETJ, which includes Summit Corporate Center and the surrounding area. Mr. Lytle explained that the county had requested this action to facilitate permitting of new industries in the park.

Mr. Lytle said the area in question, which is zoned predominantly M-1, is cumulative and very similar to the County's CBI zoning. Mr. Lytle said one significant difference is that the M-1 District does allow apartments while the CBI District does not.

Mr. Lytle reported that the Planning Board concurred with staff recommendations that the predominant zoning be CBI and that the homes zoned A-1 be zoned RR.

Mr. Lytle reviewed the Procedural Requirements.

Mr. Lytle said staff received a call from Cherri Vanhoy of 824 Stafford Estates, on October 13th, to complain about the misleading nature of the mailed ad. Mr. Lytle said Ms. Vanhoy had specifically stated that Stafford Estates Drive should be labeled and also stated that one may think that the proposal, based on the map legend, included a rezoning of Stafford Estates to CBI. Mr. Lytle said staff felt that anyone who read the ad would

understand this was not the case. Mr. Lytle said another ad had been run and the legend was revised. Mr. Lytle said Ms. Vanhoy also wanted the ad changed to state that racetracks are allowed as conditional uses in the CBI District but the change was not made since this would be one of numerous other uses allowed as a conditional use.

Mr. Lytle said Jessie Burchette informed staff that CBI was incorrectly stated to be Commercial Business Institutional instead of Commercial Business Industrial. Mr. Lytle said this was corrected in the re-mailed notice and in the newspaper ad scheduled to be in the Salisbury Post on October 17th.

Mr. Lytle said the county has sixty (60) days from the effective date of September 22nd to make the zoning change.

Chairman Blount opened the public hearing to receive citizen comments concerning the proposed zoning for Summit Corporate Center to CBI. Chairman Blount said the format for the hearing would have a three-minute time limit.

1. Cherri Vanhoy, of Stafford Estates Drive, said she had a “few” questions regarding the rezoning. Ms. Vanhoy asked how the rezoning related to race related businesses and “what are your plans for that?”

Chairman Blount said the Board would receive comments but would not hold a question and answer period.

Ms. Vanhoy asked when she could have her questions answered and Chairman Blount informed Ms. Vanhoy to contact the County Manager’s Office. Ms. Vanhoy said she had “tried that on a number of occasions and sometimes they’re not very cooperative.”

Chairman Blount said the Board would hear Ms. Vanhoy’s comments.

Ms. Vanhoy said she would “go down her list of questions” and “hopefully you, or someone within the Commission Board can get back to me with the answers.” Ms. Vanhoy continued by asking the following questions:

- What are your proposed plans for race related businesses?
- Was the ad purposely and intentionally entered into the newspaper as Commercial Business Institutional or was it truly a mistake?
- What is the reasoning that CBI could not be published in the newspaper for the general public to recognize that there is a conditional use permit “that you can put a racetrack in there or any other thing that related to a racetrack”?
- Why was everyone in Stafford Estates or Orchid Hills not notified of the meeting other than the newspaper article?
- Is the racetrack going to be where the racetrack used to be or is it going to be in a new location?

As Ms. Vanhoy referred to a meeting in February when buffering was discussed, Chairman Blount interrupted and asked Ms. Vanhoy if the question dealt with the rezoning.

Ms. Vanhoy responded, "Mr. Blount, yes, it does have to do with the rezoning."

Chairman Blount stressed again that the Board would accept comments on the rezoning of the parcel shown on the map.

Ms. Vanhoy asked, "Exactly what is the parcel that's shown on the map?"

Chairman Blount said Phase I and Phase II of Summit Corporate Center. In response to another question from Ms. Vanhoy concerning the parcel in question, Chairman Blount said the parcel does not include the site where the racetrack is proposed.

Chairman Blount said the Board was accepting comment on the proposed rezoning.

Ms. Vanhoy said she would like answers to her questions and that she would make sure Chairman Blount received a copy of the questions. Ms. Vanhoy said, "We would all like answers because we totally feel like we've been ignored in our development and in the surrounding communities." Ms. Vanhoy finished by saying, "Everything that you've said in the past, we may as well forget it, because it hasn't happened."

2. Warren Bancroft, said he was a "real estate man" who lives in Charlotte and had been "with the subdivision from day one, Stafford Estates." Mr. Bancroft said in the past the Board had been protective of tracts in the area and gave example by referring to a ten-acre tract at the corner of Stafford Estates that had been inadvertently zoned as Commercial. Mr. Bancroft also referred to Ritchie Road and said the Board had been "helpful" regarding a buffer near the entrance of the commercial park. Mr. Bancroft said, "We're mainly concerned now about any further development down Ritchie Road, for example, that may border our land on the backside." Mr. Bancroft said Ms. Vanhoy had asked the questions for those concerned. Ms. Bancroft said Stafford Estates already had approximately ninety lots and provided a good tax base with nice homes. Mr. Bancroft said, "Perception is really reality to people." Mr. Bancroft said people are telling him they will not build in the subdivision as long as the racetrack is "up in the air." Mr. Bancroft said he did not agree with comments from the previous hearing pertaining to the level of noise as a result of the racetrack, particularly since the buffer has been destroyed. Mr. Bancroft thanked the Board for the opportunity to speak.
3. Andrew Alexander said he had property at 740 West Ritchie Road and he lived between the "Moose Lodge and the driving range." Mr. Alexander said that in 1999 he drove three (3) times from Asheville to Salisbury to keep his property

zoned Agriculture. (Mr. Alexander explained that he was in Asheville due to his father being hospitalized there). Mr. Alexander said he did not want the property changed because if something happened to him, his children would not be able to pay “that kind of property tax for something they just want to live on.” Mr. Alexander said he wanted to make sure that the proposed zoning did not interfere with his “winning” in 1999.”

Chairman Blount confirmed with Mr. Alexander that he was on the west side of the interstate. Chairman Blount said the proposal “has nothing to do with that property.”

4. Doug Hefner of Stafford Estates said that if the property were rezoned, he would like to encourage the Board to consider the residents and not “just put anything there” when considering future businesses. Mr. Hefner asked the Board to “think about the people living there.” Mr. Hefner referred to an article from the editor of the newspaper indicating that there should be better communication between the county and residents concerning proposed businesses. Mr. Hefner said he “lives right down from this and I didn’t even get a letter.” Mr. Hefner said this “kind of miscommunication and mistrust kind of sets up, and it’s been in the paper, a kind of community you really don’t want to live in.” Mr. Hefner said he would like to work with the Board to ensure “good communication and the kind of trust, so that we can not only draw good business here, but people that want to live in this county.” Mr. Hefner said in previous conversations, he felt that he was not heard. Mr. Hefner said only one commissioner had communicated to him that his concerns were heard and that every effort would be made to ensure that limitations and boundaries were in place. Mr. Hefner said the Board was the protection for the citizens. Mr. Hefner asked the Board to treat the citizens with respect and said the citizens would treat the Board with the same respect.

Chairman Blount closed the public hearing.

Chairman Blount pointed out that the proposed rezoning is being caused by Salisbury relinquishing its zoning control to the county for the area. Chairman Blount said Salisbury’s M-1 zoning and the county’s CBI zoning are very similar in permitted uses. Chairman Blount said the rezoning would have very little impact on what would be allowed for the area and he felt the Board considers the issues presented by the citizens. Chairman Blount added, “This is an industrial park and there will be some industrial uses that possibly should not be sited next to a house and we will take those into consideration as we consider selling these properties in the future.” Chairman Blount acknowledged that buffers are required for some uses and the buffers will be installed. Chairman Blount stated that the county sends letters to property owners that live adjacent to the proposed rezoning, signs are put up at the sites and ads are placed in the newspaper but letters could not be sent to everyone.

In response to a query from Commissioner Mitchell, Chairman Blount said the properties that were zoned PSP and B1 were included in the rezoning and the uses were allowed in CBI.

Commissioner Belk moved to approve the CBI zoning for Phase I and Phase II of Summit Corporate Center as presented by staff. Commissioner Andrews seconded the motion.

Commissioner Belk said approval of the rezoning would give the county more control of what businesses are located in Summit Corporate Center.

The motion passed unanimously.

AIRPORT ISSUES CONCERNING THE MORATORIUM

Ed Muire of the Planning Department summarized the memo in the agenda packets. Mr. Muire said that staff had sought answers from Talbert & Bright concerning FAA dimensional standards for the type of private airports in the county.

Mr. Muire reviewed Attachment A, which reflected the standards that apply to the airports.

Mr. Muire referred to the third paragraph of the memo and said if the guidelines were applied to the airports recognized in the moratorium, it would ensure no tower would be constructed within a 9,000' radius that was greater than 350 feet above the airport elevation. Mr. Muire said any broadcast tower beyond the horizontal and conical surfaces would not be subject to the height limitations. However, telecommunications towers would still be limited to a maximum tower height of 150 feet in the RA District and 199 feet in CBI and IND Districts.

Mr. Muire discussed two (2) options for the Board's consideration:

- Option 1 – Mr. Muire said the standards seem excessive to apply to all airports in Rowan County but might be appropriate to apply the Gold Hill Airpark and Miller Airpark due to the number of homes and planes based at the facilities. Mr. Muire said other airports might request this standard through the rezoning and conditional use process. If the option were chosen, staff and the Planning Board would work toward incorporating the applicable standards from Attachment A, the definitions in Attachment B and amending the Table of Uses to recognize airports as Conditional Uses.
- Option 2 – Mr. Muire said this option would make no changes to the zoning text. Mr. Muire said sufficient language exists in the zoning ordinance to require broadcast and telecommunication tower applications to provide documentation utilizing the surface concepts for visual/utility runways and the anticipated impact the tower may have. Mr. Muire said the specific conditional use criteria for both broadcast and telecommunication towers allow staff the opportunity to contract with a consultant for services related to review of the application.

Mr. Muire said he was present to update the Board and possibly generate dialogue with staff for other issues to consider.

Chairman Blount said his concern was having a “defensible standard” in place regarding the location of towers in relation to airports.

In response to a request from Chairman Blount, Mr. Muire reviewed the details of Attachment A.

After further discussion, Chairman Blount requested that staff take the issue back to the committee and invite airport users to the meetings. Chairman Blount asked staff to bring the topic back before the Board.

DISCUSSION OF A RESOLUTION CONCERNING CLEAN AIR

Chairman Blount referred to the resolution in the agenda packet and explained that the resolution opposes the new EPA “routine maintenance” ruling due to the fact that it allows industrial plants and power companies to avoid the cost of cleaning up their smokestack emissions.

Chairman Blount said the industrial plants and power companies feel the EPA ruling would be an unfair imposition due to the companies need to perform routine maintenance.

Commissioner Belk referred to Duke Power and said the company had a history of compliance. Commissioner Belk said Duke Power had indicated it would have a 75% emission reduction by 2004.

In response to Commissioner Mitchell, Chairman Blount said the current EPA standard is, that if more than a 50% upgrade is performed, the “scrubbers” must be installed.

Bob Allen of Duke Power was in the audience and made several comments.

Mr. Allen was asked to come forward to address the Board.

Mr. Allen said the resolution was dealing with the condition of the plant, which obviously affects air quality. Mr. Allen said the “rule itself” had to do with how much repair, maintenance and replacement could be done, without having to become a new plant.

Chairman Blount said the issue was very complex and suggested that the issue be referred to the SCDC to make a recommendation to the Board as soon as possible.

Mr. Allen thanked the Board for inviting his input.

CONTINUATION OF BOARD DISCUSSION ON JOBS

Commissioner Belk explained that she had met with Commissioner Tadlock and Mr. Russell to discuss the possibility of offering incentives to the smaller existing businesses that choose to expand their workforce. Commissioner Belk said the task was complicated and had created more questions than answers.

Commissioner Belk stressed linking the community college with the expanding workforce, saying that the community college knows the areas the unemployed are being retrained for as well as the need of the existing market place.

Commissioner Tadlock felt that there was potential in coordinating with the community college to follow up on the grant money made available.

Commissioner Belk pointed out that when large industries downsize and layoff employees, the entire county suffers. Commissioner Belk expressed hope that the Board and the community could work together to recruit jobs and diversity in industry.

Chairman Blount said the executive committee of the Strategic Planning Committee (SPC) had also discussed dealing with diversity in employment. Chairman Blount said the SPC was planning to make a presentation to the Board at a future meeting.

Commissioner Belk and Mr. Russell discussed the possibility of offering incentives to small businesses that hire workers that have been re-trained through the community college.

Commissioner Belk used her age (57) as an example and asked if the county could encourage workers of that age group to be re-trained for the job market as opposed to them remaining permanently unemployed.

Chairman Blount suggested that the committee continue to work and bring back a plan with written details.

Commissioner Andrews said that the incentive was to stimulate small businesses to add jobs but felt the restrictions for hiring employees had “gone in a different direction.”

Commissioner Tadlock agreed with Commissioner Andrews and said the committee had concluded that business representatives as well as community college representatives should be included in the discussions.

Commissioner Belk mentioned the possibility of Bob McMahon of the North Carolina Department of Commerce meeting with the Board to share his vision. Chairman Blount requested that the County Manager invite Mr. McMahon to meet with the Board.

PUBLIC COMMENT PERIOD

There were no citizens in attendance to address the Board.

Chairman Blount said that if Ms. Vanhoy (who spoke during public hearing earlier in meeting) should submit her list of questions to the County Manager; he would like to receive a copy in order to respond.

Mr. Russell said, for the record, that the County Manager's Office had always cooperated with Ms. Vanhoy.

The Clerk verified that the Land Use Planning Presentations would be held on October 27, 2003, at 5:00 pm.

Commissioner Tadlock reminded the Board that there would be a continental breakfast prior to the board meeting on November 3, 2003, to provide citizens with the opportunity to meet with Erica Peterson, Vice-president of Agribusiness Council in North Carolina.

Commissioner Tadlock also mentioned that the Rowan County Fair Committee would be meeting on October 21, 2003.

ADJOURNMENT

With no further business, Chairman Blount adjourned the meeting at 8:40 pm.

Respectfully Submitted,

Rita K. Foil, CMC
Clerk to the Board