

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
September 20, 2004 – 7:00 PM
J. NEWTON COHEN, SR. ROOM, ADMINISTRATION BUILDING**

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

Tim Russell, County Manager, Rita Foil, Clerk to the Board, John Holshouser, County Attorney and Leslie Heidrick, Finance Director were also present.

Chairman Andrews convened the meeting at 7:00 pm.

Commissioner Tadlock said the County had recently lost an outstanding citizen and public servant in former Sheriff Bob Martin. Commissioner Tadlock called for a moment of silence in memory of Bob Martin.

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

ADDITIONS

- County Manager Tim Russell requested to add consideration for approval of a Grant Agreement and adoption of an Airport Resolution.
- Chairman Andrews wished Commissioner Belk a Happy Birthday and humorously added that he was “glad to see the cake in the kitchen.”

LIAISON REPORTS

There were no liaison reports provided by the Commissioners.

CONSIDERATION OF THE CONSENT AGENDA

Commissioner Blount moved to approve the Consent Agenda. Commissioner Mitchell seconded and the motion passed unanimously. The Consent Agenda consisted of the following:

- A. Approval of the 9/7/2004 Minutes

PUBLIC HEARING FOR THE APPROVAL OF THE LLEBG

At the request of Chairman Andrews, Lieutenant John Sifford explained that the Local Law Enforcement Block Grant (LLEBG) was a Federal program through the Bureau of Justice Assistance that allots funds based an evaluation of the jurisdiction. Lt. Sifford reviewed the recommendations for the LLEBG and also reviewed those who serve on the Advisory Board.

Lt. Sifford explained that the 2004 LLEBG award was in the amount of \$13,770 and would be used to cover the remaining expenses for the position held by Sgt. Robert Price, County Facility Coordinator. Lt. Sifford said Mr. Price assisted the school system with security issues and also worked to set up the security program at the courthouse.

Commissioner Belk questioned the Knox Boxes and asked if Mr. Price would be working to establish one key in order to “to get into these buildings.” Commissioner Belk mentioned that not all schools had Knox Boxes and said, “they need to be in one location.” Lt. Sifford responded that it was the goal of Mr. Price and Dr. Robert Heffern to meet the needs of the schools.

Commissioner Belk mentioned a grant received by Mecklenburg County that would provide virtual tours of the school and county buildings. Commissioner Belk said she would follow up and send information to Lt. Sifford on the grant that Mecklenburg County had received.

Chairman Andrews opened the public hearing to entertain comments from those in attendance.

With no one coming forward to address the Board, Chairman Andrews closed the public hearing and opened the floor for discussion or to entertain a motion.

Commissioner Belk moved for approval of the request as presented. Commissioner Tadlock seconded and the motion passed unanimously.

PRESENTATION ON THE ROWAN COUNTY MARKETING INITIATIVE WORKING COMMITTEE

Dyke Messinger and Tom Smith addressed the Rowan County Marketing Initiative Working Committee and the goals of the committee. Mr. Messinger said the Board had designated \$150,000 of the 2004-05 budget to support the countywide marketing initiative with the stipulation that a plan of action is presented prior to the funds being released. Mr. Messinger said he and Mr. Smith were present to ask that the funds be released to the Committee of 100.

Mr. Messinger said the initiative had been named the “Rowan Jobs Initiative” (RJI) with a mission of “Building Our Future with Quality Jobs.”

Brian Miller distributed a handout.

Mr. Messinger recommended hiring Luquire George Andrews (LGA) to proceed with the process. Mr. Messenger said LGA had done similar work in other communities with excellent results in recruiting business and industry to this region. Mr. Messenger said it was important to note the process would involve a wide array of resources within the community and would solicit input from different facets of the community through the Executive Committee.

Mr. Messinger said the RJI would serve as the catalyst through which funding for the effort would be obtained and dispersed, but would not be the only body responsible for the end product. The Executive Committee would also be involved in the program during its 5-year implementation.

Mr. Messenger introduced Steve Luquire, President of LGA, to provide a presentation as to how the RJI would implement the marketing plan.

Mr. Luquire provided the background of LGA based in Charlotte. Mr. Luquire said LGA had been engaged by the Committee of 100 to facilitate the process that would ultimately result in the “articulation of the grand promise for Rowan County.” Mr. Luquire said brand articulation is a core competency of LGA.

Mr. Luquire presented a power point presentation, which highlighted the following:

- The Process and the goal, which consisted of four (4) Phases
 - Phase I – Consensus-Building and Announcement
 - Phase II – Brand Development
 - Phase III – Marketing Plan Development and Implementation
 - Phase IV – Tracking and Refinement

Mr. Luquire reported that the Committee of 100 had appointed Tom Smith as RJI Chairman. Mr. Luquire described the duties of three (3) committees that had been established to carry out the process.

Mr. Luquire discussed the Funding Process and said that Rowan County had pledged \$150,000 and other sources had pledged \$350,000 for a total commitment of \$500,000.

Mr. Luquire highlighted the Timing and Projected Budget and explained that the overall process was projected through 2010. Mr. Luquire mentioned that his company would only be involved until January 2005 for Phases I and II. Mr. Luquire said at that point the Committee of 100 would take over.

Mr. Smith expressed his excitement and said he firmly believes in RJI. Mr. Smith said the Executive Committee would meet “this Thursday” and said he felt the committee would be able to comprise a compelling story as to why an employer should choose to locate in Rowan County.

Commissioner Belk asked if RJI would be working in conjunction with the Regional Comprehensive Economic Development Strategy (CEDS), which was scheduled to kickoff on September 29th in Charlotte. Randy Harrell, Economic Development Director, responded that RJI had been invited to attend and be a part of that process. Commissioner Belk said she had provided Mr. Harrell with information regarding the CEDS process and she requested that Mr. Harrell share the information with RJI to avoid duplication of efforts.

Commissioner Mitchell asked Mr. Luquire if he was aware of another “single” county with similar marketing initiatives and what were their experiences. Mr. Luquire said didn’t think anyone “has gone to the level that you’re taking this to.” Mr. Luquire said other counties had different initiatives but had “not identified their own unique brand.”

As a liaison to Centralina, Commissioner Belk reported “no other county has stepped up to put their money where we’re putting it to brand this county to move us forward.”

Commissioner Mitchell referred to the timeline on page 14 of the handout and questioned the funds that were already committed. Commissioner Mitchell asked if the Board could “assume” that it would not be asked for additional funding before 2006. Dyke Messinger responded that the \$150,000 was sufficient to “get started” but was unsure it would carry the process through 2006.

Commissioner Blount said the process had been a goal of this board for a number of years and was needed in Rowan County to establish an “edge over our competition.”

Commissioner Blount made a motion to:

1. Endorse the marketing plan as presented.
2. Commissioner Blount said the second part of the motion was to appropriate the \$150,000 earmarked in the budgeting process to be dispersed by request to the County Manager.
3. Commissioner Blount said the third part of the motion was that money appropriated be spent only on this marketing initiative and no other expenses of the Committee of 100.
4. Commissioner Blount said the fourth part of the motion was to have Tim Russell continue to serve on the Steering Committee and a Commissioner to continue to serve on the Executive Committee.
5. Commissioner Blount said the last part of the motion was for the group to report back to the Board on a yearly basis, if not more often as to the progress of the marketing initiative.

Commissioner Tadlock seconded the motion for further discussion.

Commissioner Mitchell questioned the commitment of the other pledges. Mr. Messinger said the \$200,000 pledges from the private sector were “very solid.” Mr. Messinger said the City of Salisbury had also pledged \$150,000. Mr. Messinger said, “We’re going to make this happen.”

Commissioner Mitchell asked if the funds would be wasted if future Boards were to refuse to allocate additional funds. Mr. Messinger said no. Mr. Luquire added that when the 1st stage of the brand articulation is complete, it would be “incumbent on the people of this County to take that and run with it.” Mr. Luquire said it was a step you cannot afford not to take. Mr. Luquire said the early stages would create benefits for “Rowan down the road.”

Chairman Andrews pointed out that the County had been trying to create jobs for years. Chairman Andrews told the Board about attending State meetings where he was asked what Rowan County could offer that is “unique.” Chairman Andrews told them about our location, access to major highways, etc. and was told that there were approximately 50 other counties in the state with these same characteristics. Chairman Andrews said the brand identity would establish that “uniqueness.” Chairman Andrews said he saw the process as a vital part of creating jobs and growth for the county. Chairman Andrews also said he would be “remiss” if future boards would

“kill” the potential for jobs that would be established through this “major effort.”

Mr. Smith mentioned that while working with Food Lion, he worked to put together a similar plan to bring people in. Mr. Smith said the enthusiasm would begin to build for the project.

Commissioner Mitchell said he had no doubt that the goal of the group was “a good one, as I also have no doubt that a future Board will stop funding for this at some point in time.” Commissioner Mitchell said he felt like his question had been answered and he stressed that his question had been, “Is this money wasted if it’s pulled and how long do we have to continue putting money into it for it to gain our \$150,000 worth.” Commissioner Mitchell said he understood that apparently the \$150,000 would be “gained after the first \$100,000 is spent.” Commissioner Mitchell said, “It’s a pretty good deal as far as I’m concerned.”

Commissioner Tadlock said the Board had discussed and expanded on different ideas regarding jobs for years but without much success. Commissioner Tadlock said spending \$150,000 made him “a little nervous” but he felt that the opportunity being presented would provide positive results.

Commissioner Belk said she was proud of Rowan County and she praised Mr. Messinger and Mr. Smith for presenting the initiative. Commissioner Belk said the timing was perfect in regards to efforts with the Regional Planning Alliance and with the CEDS study coming forward.

Chairman Andrews commented that he was personally involved with a county in North Carolina concerning the public/private partnership that had been very successful. Chairman Andrews commended the leadership and committees bringing the initiative forward. Chairman Andrews particularly thanked Mr. Smith for being Chair of the group.

Upon being put to a vote, the motion on the floor passed unanimously.

PUBLIC HEARING FOR Z-11-04 ZONING TEXT AMENDMENTS FOR MODEL AUTOMOBILE RACING

Shane Stewart of the Planning Department provided the Board with the background information regarding Z-11-04. Mr. Stewart explained that staff along with Committee B of the Rowan County Planning board discussed potential text amendments to address the land use, which would allow model automobile racing. Mr. Stewart explained that there was concern over a recent rezoning from RA to CBI (CUD).

Mr. Stewart reviewed the definition of a Model Automobile and highlighted the following proposed text amendments for model automobile racing:

1. Minimum Lot Size - The minimum lot size shall be three (3) acres.
2. Setbacks – A fifty- (50) foot separation from operational area to adjacent properties and road right-of-ways.
3. Screening – Type A screen is required around operational area.
4. Noise – The operation shall not exceed the maximum allowable noise levels as provided in Section 21.24.
5. Facility – Track operation must be outdoors. Indoor operations must be located in the NB, CBI, or IND zoning districts. The Zoning Administrator shall determine elements that constitute indoor.

Commissioner Blount asked if staff had a definition for Operational Area. Mr. Stewart said he was unsure if Operational Area was defined when dealing with the text amendments for asphalt plants. Commissioner Blount suggested “cleaning up” the text before the Board was to be challenged.

Ed Muire, Acting Planning Manager, said the County does have a definition for Operational Area and that was the reason the term was selected.

Mr. Muire confirmed to Commissioner Blount that the Operational Area included the grand stands but not parking spaces.

Commissioner Belk requested clarification regarding noise levels. Mr. Stewart referred to the Noise Ordinance and explained that the noise could not exceed a certain decibel level for more than eight (8) minutes.

Commissioner Belk questioned the length of the races. Mr. Stewart said staff did not get involved in the actual time of race for the one (1) request.

Commissioner Blount questioned additional specifics concerning the use of “small scale” in the definition of Model Automobile. Commissioner Blount said past experiences show the Board is challenged on language that is not more specific. Commissioner Blount said this could be addressed as a future text amendment. Mr. Muire said the Board could delay approval of the proposed text amendments and allow staff to come back with more specific language.

Mr. Muire said there are currently no pending applications.

Chairman Andrews opened the public hearing to entertain citizen comment regarding the proposed text amendments.

With no citizens wishing to address the Board, Chairman Andrews closed the public hearing and opened the floor for discussion or to entertain a motion.

Commissioner Blount moved to delay approval until staff could report back with appropriate sizing to replace small-scale as a definition. Commissioner Belk seconded and the motion passed unanimously.

Chairman Andrews called for short break at 7:50 pm.

Chairman Andrews reconvened the meeting at 7:55.

PUBLIC HEARING FOR Z-16-04 ZONING MAP AND TEXT AMENDMENTS FOR MODIFYING STANDARDS FOR RACETRACKS

Chairman Andrews read the Chairman's Speech and declared the public hearing for consideration of Z-16-04 to be in session. Chairman Andrews said the hearing would focus on proposed text amendments to Section 21-4 and 21-60 (8) (b) of the Rowan County Zoning Ordinance clarifying standards for locating new racetracks in Rowan County's zoning jurisdiction.

Ed Muire, Acting Planning Manager, presented the Staff Report and reviewed the request for the proposed zoning text amendments, which were designed to clarify standards for locating new racetracks in Rowan County. Mr. Muire reported that staff had consulted with the County Attorney to address two (2) issues raised in the lawsuit filed against the County by citizens living near the Quarter Midget Track on Porter Road:

1. Mr. Muire referred to page 1 of the information in the agenda packet to highlight the first issue, which was the definition of a go-kart. Mr. Muire also referred to the pictures in the agenda packet and discussed the types of vehicles that would be permitted on racetracks requiring twenty (20) acres.
2. Mr. Muire reviewed the second item, which involved the track location on an interstate service road.

Mr. Muire said the Planning Board gave the proposed text a favorable recommendation on August 23rd, 2004.

Chairman Andrews opened the public hearing to entertain citizen input regarding the proposed text amendments. The following citizens addressed the Board:

1. Cherry Vanhoy of 824 Stafford Estates said she opposed the proposed zoning map and the proposed text amendment modifying the standards for the racetracks.

Ms. Vanhoy discussed the twenty-acres required for go-karts and the fifty- (50) acres required for “anything other than a go-kart.” Ms. Vanhoy expressed concern with the noise created by larger racing vehicles. Ms. Vanhoy said it was necessary to have more acreage to create a buffer that would lessen the noise from racing activities.

Ms. Vanhoy said the vehicles are transported to the racetrack through different means. Ms. Vanhoy said a go-kart could be placed in the bed of a pickup truck and not require a trailer for hauling. Ms. Vanhoy said other racing vehicles must be hauled on trailers and she felt fifty- (50) acres would be necessary to accommodate parking of the trucks and trailers. Ms. Vanhoy reminded the Board that the current “statute” was fifty- (50) acres “for anything other than a go-kart.”

Ms. Vanhoy asked if the quarter midget race vehicle was closer to the definition of a go-kart or a dragster/racecar. Ms. Vanhoy said a quarter midget car could not be hauled in the bed of a pickup, therefore making a quarter midget car “fit more closely with the definition of a dragster.”

Ms. Vanhoy requested that a Quarter Midget Racetrack should require fifty- (50) acres of land and reminded the Board “the Court of Appeals has upheld our position in this case.”

2. Steve Blanchard, a resident of Stafford Estates said he had purchased a \$240,000 house last year. Mr. Blanchard reiterated the comments made by Ms. Vanhoy and added that the proposed text was an attempt to “circumvent what has been in place all this time so that somebody can put a racetrack in the backyard of a developing, nice neighborhood.” Mr. Blanchard described the neighborhood as peaceful and quiet asked the Board not to allow “these people to circumvent these avenues and allow them to put a racetrack where it doesn’t belong.” Mr. Blanchard referred to his clothing and said he was dressed to show what a normal neighbor looks like. Mr. Blanchard asked the Board to listen to the cries of a “working man.”
3. Vernon Lane resides in the Orchard Hill Subdivision, which is next to the Quarter Midget Racetrack. Mr. Lane said the track would be a nuisance to the neighbors and asked the Board why the County would

“shut down three racetracks for being a nuisance when this one is not going to be.”

Chairman Andrews interrupted Mr. Lane and said the public hearing was to receive comments regarding the proposed text and not the Board.

Mr. Lane said the Board was sending the message that it “thinks more of the wildlife than the 150 homes that are around this racetrack.”

4. Cherry Vanhoy returned to address the Board. Ms. Vanhoy said the County felt the project would be successful and if it was successful, there would be a lot of noise. Ms. Vanhoy felt sure fifty- (50) acres would be needed instead of twenty- (20) acres.

With no further citizen input, Chairman Andrews closed the public hearing and opened the floor for discussion or to entertain a motion.

Commissioner Mitchell referred to the pictures in the agenda packet and questioned if the two (2) go-karts were provided as examples or if there are only two (2) types of go-karts that would be allowed under the ordinance. Mr. Muire said they were provided as examples and said others fall within those size standards.

Commissioner Mitchell questioned the dimensions and asked how the pictures relate to the text standards. Mr. Muire said he was unsure of the actual dimensions but stated that in order for the kart to be sanctioned by the Quarter Midget Association or the World Karting Association, they couldn't exceed those standards. Mr. Muire said the definition was crafted “to include both of these karts because the feeling was when the initial application was reviewed, that's what the intent was; that's a go-kart.”

Commissioner Blount referred to earlier comments that the County “had fallen short on the acreage.” Commissioner Blount pointed out that “what we've fallen short on was having a clear definition of what a go-kart was versus other types of race cars.”

Commissioner Blount mentioned earlier comments regarding the inability to haul quarter midget cars in the bed of a pickup. Commissioner Blount said the cars he had seen had been hauled in the bed of a pickup truck and were actually smaller than go-karts. Commissioner Blount referred to a go-kart track on Potneck Road and said he had seen the quarter midget track, which was smaller than a go-kart track.

Commissioner Blount said from his own experience that quarter midget cars were much quieter than go-karts. Commissioner Blount addressed an earlier comment comparing a quarter midget car to a dragster and said the comment “is the most ludicrous statement I’ve ever heard.” Commissioner Blount stressed that quarter midget cars were smaller than go-karts.

Commissioner Blount said the proposed text amendments were an attempt to clear up some of the definitions within the text of the ordinance.

Commissioner Blount moved to approve the text amendments as presented by staff. Commissioner Belk seconded the motion and the motion passed unanimously.

ADDITION:

Rowan County/Rowan County Airport Grant Agreement

County Manager Tim Russell distributed a copy of a grant agreement and explained that the agreement was for acceptance of \$259,555 for land acquisition. Mr. Russell said the funds were approximately 90 percent of the necessary funds for the land purchase. Mr. Russell also requested that the Board approve the attached Resolution for acceptance of the funds.

Commissioner Blount asked if the remaining ten percent was budgeted. Mr. Russell responded that the ten percent had been budgeted for the last two (2) years.

Commissioner Blount moved to approve the Manager’s request. Commissioner Belk seconded and the motion passed unanimously.

BOARD APPOINTMENTS

Region F Again Advisory Committee

Commissioner Belk made a motion to appoint Robbie Davis to the regular slot and Manie Richardson to the alternate slot on this committee. The motion passed.

Rowan County Housing Authority

Joe Sloop and Robert Curry have terms that will be expiring on September 30, 2004. Mr. Sloop has served on this authority since 1979 and Millie Clawson, the Director of the Rowan County Housing Authority has requested Mr. Sloop’s reappointment. Mr. Curry does not wish to be reappointed.

Commissioner Belk made a motion to appoint Sara Potts and Sam Washington to this authority.

Rita Foil, Clerk, explained that the NCGS regulate the *length* of the terms on the Housing Authority, but according to David Lawrence from the Institute of Government, the Board has the authority to regulate the *number* of terms members may serve. Ms. Foil explained the resolution the Board passed in 1999 allowing board members to serve two three-year terms.

Chairman Andrews nominated Joe Sloop for this position.

The Board unanimously appointed Sara Potts to this Board.

Sam Washington was appointed by a 3-2 vote with Chairman Andrews and Commissioner Mitchell voting for Joe Sloop.

Rowan County Landmarks Commission

Commissioner Blount made a motion to appoint James Rollans to fill the vacancy left by Mickey Black on this commission. The motion passed unanimously.

Zoning Board of Adjustments

A resignation was received from Max Kent, who holds a position on this board from “outside the ETJ”. There is also an alternated slot open from “anywhere”, which Dennis Isaacson’s term has been extended until a replacement is found.

RTS Advisory Board

Commissioner Belk made a motion to appoint Revella Nesbit, from Piedmont Behavioral Healthcare to fill the slot for the “Area Mental Health Program”. The motion passed unanimously.

Special Populations Board

John Harer and Mitzi Rusher have resigned from this board. Commissioner Blount made a motion to appoint William Broadway and Cassandra Beaver to the board. The motion passed unanimously.

Town of Granite Quarry ETJ

Commissioner Tadlock made a motion to reappoint Clarence Bost, Jr. and Love Reid as representatives in the ETJ to this planning board. The motion passed unanimously.

PUBLIC COMMENT PERIOD

Chairman Andrews open the floor to receive public comments from those in attendance.

Since no one came before the Board, Chairman Andrews closed the public hearing.

Chairman Andrews called for a break at 8:25 pm.

Chairman Andrews reconvened the meeting at 8:45 pm.

EXECUTIVE SESSION – TO CONSULT THE ATTORNEY AND PERSONNEL ISSUES

Chairman Andrews convened the meeting to closed session at 8:45 pm for the purpose of a Legal Consultation and Personnel issues.

Chairman Andrews reconvened the meeting to Open Session at 9:15 pm.

MERITS FOR THE SHERIFF AND REGISTER OF DEEDS

Commissioner Blount made a motion to give the Register of Deeds a 2% merit increase and the Sheriff a 2% bonus. Commissioner Mitchell seconded the motion and the motion passed unanimously.

ADJOURNMENT

Mr. Holshouser asked to be excused from the Board of Commissioner's special meeting, to be held on the following day, due to a personal conflict.

With no further business to discuss, Chairman Andrews adjourned the meeting at 9:20 pm.

Respectfully Submitted,

Rita K. Foil, CMC
Clerk to the Board