

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS  
November 15, 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 Mitchell provided the Invocation and Commissioner Tadlock led the Pledge of Allegiance.

**ADDITIONS**

- Chairman Andrews requested to add to the Consent Agenda under Item K, a preliminary budget for the Rowan County Airport.

**LIAISON REPORTS**

- Commissioner Tadlock expressed praise for the recent grand opening of the South Rowan Library and gave an open invitation to everyone to visit this new facility. Commissioner Tadlock gave sincere thanks and appreciation to Rowan Public Library Director Phil Barton for his efforts. Commissioner Tadlock said that this provides a great tool for educators and for the future in Rowan County and that the new library site is surrounded with magnificent beauty and it has been well received.
- Commissioner Mitchell mentioned a recent experience with the Rowan County Emergency Management response team and personally thanked

the ladies and gentlemen from the fire departments and EMS who responded to a fire at Commissioner Mitchell's residence. Commissioner Mitchell said that many times this service goes unnoticed until "it personally affects you".

- Commissioner Mitchell also praised the Rowan County Elections Department for the great job performed by staff during the recent elections. Commissioner Mitchell explained that many surrounding counties experienced many problems, but the Rowan County Elections staff performed a very smooth operation and deserve praise for their accomplishments.
- Commissioner Belk mentioned that Emergency Services sponsored a great exercise this past weekend and acknowledged that it is "great where they are going with Homeland Security."

### **CONSIDERATION OF THE CONSENT AGENDA**

Commissioner Blount stated that **Item B should be 8/30/04** minutes and not the 8/26/04 minutes.

Commissioner Mitchell moved to approve the Consent Agenda as corrected and with the addition to item K. Commissioner Tadlock seconded and the motion passed unanimously. The Consent Agenda consisted of the following:

- A. Approval of the 11/1/2004 Minutes
- B. Approval of the **8/26/2004 Corrected to 8/30/2004** Minutes of meeting with the Board of Education
- C. Approval of NCDOT request to add Copper Leaf Lane to the State Secondary Road System for maintenance
- D. Approval to set a public hearing for a unanimous road name petition for Ladybug Lane
- E. Approval to set a public hearing for a unanimous road name petition for Wilson Wood Drive
- F. Approval to set a public hearing for special consideration for the road name for Hill Haven Drive
- G. Approval to set a public hearing for a majority road name petition for Christie Farm Road
- H. Approval to set a public hearing for a unanimous road name petition for Kenway Drive
- I. Approval to set a public hearing for a unanimous road name petition for Oak Hill Drive
- J. Approval of Interlocal Agreement for Building Code and Floodplain Administration / Ed
- K. Budget Amendments **Including the Rowan County Airport Budget**

**APPROVAL OF TRANSFER OF FUNDS WITHING THE “GEARED UP FOR SUCCESS” BUDGET:**

Dr. Jerry Chandler from Rowan Cabarrus Community College (RCCC) came before the board to request a transfer of allocated funds within the “Geared Up for Success Grant Program.”

Dr. Chandler referred to the attachments in the Commission packets during the presentation.

Dr. Chandler reviewed that the Commissioners allocated \$100,000 for this program to promote workforce development and provide grants for qualified Rowan County citizens. Dr. Chandler reviewed the purpose, criteria and comprehensive educational levels, which was included in the Board’s packets. Dr. Chandler noted that 90 Rowan County citizens have benefited from this program and reviewed some of the programs that these funds have provided to students, including the GED program.

Dr. Chandler reviewed the original funds and the use of federal funds. Dr. Chandler said funds are needed for credit programs.

Dr. Chandler requested approval to move \$2,000 from the short-term training programs account to the degree and diploma training programs account and \$5,000 from the basic education/GED training programs account into the emergency assistance programs account. Dr. Chandler stated that the transfer of these funds will enable the college to meet additional workforce development needs of Rowan County and assist students with meeting their educational goals.

Dr. Chandler thanked the Commission for these funds and consideration of this request.

Chairman Andrew said during the past year and a half, Rowan County has experienced difficult economic times and RCCC has done a “fabulous job.” Chairman Andrews said that the Board of Commissioners appreciates the accomplishments of RCCC in providing an outstanding job opportunity for our citizens.

Commissioner Blount made a motion to approve the request. Commissioner Belk seconded and the motion passed unanimously.

**PRESENTATION OF DONATION FOR PARKS AND AN UPDATE ON PLANS FOR THE NATURE CENTER EXPANSION**

Jim Foltz, Parks Director and Jack Kepley came before the Board to announce the receipt of a grant for the Nature Center Animal Habitat. Mr. Kepley said it was a pleasure to come before the Board to make the following announcements:

- Habitat for white tail deer

- Entry Plaza at Dan Nicholas Park (DNP). Mr. Kepley announced that \$200,000 was donated to apply to the Entry Plaza.

Mr. Kepley said that one of the most exciting things happening at the Parks is the installation of video cameras at DNP so people will be able to view the park on the web at anytime. Mr. Kepley said: "Thank you for it".

Commissioner Belk reviewed that the new building that would house the Nature and Learning Center that included a new reptile exhibit area, a new teaching auditorium for kids, a new restroom facility and additional office and exhibit preparation space for the nature center and a new information/ranger station. Commissioner Belk stated that the Board allocated for this project and explained that due to costs efforts were focused on the current buildings that housed the Nature Center to come up with ideas for renovations and expansions of existing buildings.

Commissioner Belk then gave an update to the Board on the plans for the Nature Center Expansion. Commissioner Belk reviewed three prints on display at the meeting for the Board to review.

In response to a query from Commissioner Belk, Mr. Foltz said the buildings are approximately 28-29 years old. Commissioner Belk reported that Cheerwine had already given \$90,000 for an aquarium for the "front" building.

The following mini-projects were reviewed as providing the Parks with a manageable solution:

1. \$125,000 - New restroom facility
2. \$150,000 - Renovation of Existing Reptile Exhibit Center
3. \$400,000 – New Teaching Auditorium
4. \$ 37,410 – Miscellaneous Revisions

Commissioner Belk requested Board approval for these funds, which is less than originally allocated by the Board.

Mr. Russell highlighted the proposals and expressed the need for the Board's approval.

Commissioner Belk said that this request is strictly for education and that DNP reaches out to 22 counties and 100,000 school children on an average each year.

Commissioner Belk made a motion to approve the request. Commissioner Blount seconded the motion.

Mr. Russell mentioned that \$360,000 in funds has been announced in donations in the previous few weeks.

Commissioner Belk asked about the Otter project to which Mr. Foltz responded that there is a donor for the amount of \$160,000.

Mr. Russell said Alcoa was sponsoring the first Red Wolf Habitat in this area.

Chairman Andrews questioned the total amount when the project was originally brought to table, prior to funding of the front building. Mr. Russell responded that the entire plan was approximately \$4.5 to \$5 million for entire plan and the County's commitment was for infrastructure such as water (well), sewer, paths, entryways, etc. Mr. Russell recalled that the original plan was close to \$5 million and the County had budgeted \$3 million, assuming the County could raise additional funds, plus \$750,000 in grants. Mr. Russell said most of the funds raised were to be applied to the habitats themselves. Mr. Russell said when the stock money was put in, it was to complete this building. Mr. Russell explained that the use of the existing buildings could provide adequate expanded areas in lieu of constructing a new building.

Mr. Russell said Mr. Kepley and Mr. Foltz had worked very hard to get an entryway redesigned into the nature center and "that's where this donor has stepped up and wants to do the entryway, a fountain that's going to blow you away." Mr. Russell described the donation of \$200,000 as "very generous."

Upon being put to a vote, the motion on the floor passed 3/2 with Commissioners Andrews and Mitchell voting against the motion.

### **PUBLIC HEARING FOR APPROVAL OF THE CTP GRANT APPLICATION FROM RTS**

Clyde Fahnestock, Senior Services Director and RTS Director reviewed the Community Transportation Program (CTP) application for funds for FY 2006 beginning July 1, 2005 and ending on June 30, 2006.

Mr. Fahnestock said that the application requires a public hearing. Mr. Fahnestock said there was also a Resolution in the handout that would authorize the County Manager to submit the application.

Mr. Fahnestock provided breakdown of the application and highlighted the funding amounts as follows:

- Administration: The application was for \$131,849 in Administration with a 15% county match of \$19,778.
- Capital Equipment: \$77,500, with a 10 % County match of \$7,750. Mr. Fahnestock announced that the County qualified for two (2) new vehicles.

Commissioner Mitchell verified that the county match would be \$27,528, to which Mr. Fahnstock said was correct.

Commissioner Mitchell asked how the \$27,528 compared to this year's budget. Mr. Fahnstock stated that the request was "actually less."

Chairman Andrews opened the public hearing to entertain citizens' comments.

With there being no one present who wished to address the Board, Chairman Andrews closed the public hearing,

Commissioner Mitchell made a motion to approve the CTP grant application resolution. Commissioner Belk seconded and the motion passed unanimously.

### **APPROVAL TO ACCEPT FUNDING FROM THE HEALTH DEPARTMENT**

Leonard Wood, Health Department Director, said the Health Department was notified in early November that the department had received an additional \$3200 in Title X funds earmarked for voluntary sterilizations.

Mr. Wood said that these funds are to be used for clients with income/family size falling below 101% of the Federal Poverty level. Mr. Wood said that these funds are for men and women who request vasectomy or tubal ligation procedures and all clients must be 21 years of age. All procedures must be reported as paid by May 15, 2005.

Commissioner Blount made a motion to approve the request. Commissioner Tadlock seconded the motion. The motion passed unanimously.

Mr. Leonard announced that the Health Department would sponsor another flu vaccine clinic this coming Friday.

### **RECOMMENDED REVISIONS TO THE RESTRICTIVE COVENANTS FOR SUMMIT CORPORATE CENTER**

Alan Lewis from the Keith Corporation presented the Board with a proposal to amend the covenants for Summit Corporate Center. Mr. Lewis noted the reference to the Lincoln County restrictive covenants and praised them as "the best set of covenants that I've seen." Mr. Lewis proposed to take the basic form of the Lincoln County covenants and implement changes to Rowan County's current document. Mr. Lewis also proposed that the Board give the Keith Corporation the latitude to work with the County Attorney, Tim Russell, Randy Harrell, Don Conner and Ed Muire to craft the final documents as outlined in the agenda packets.

Chairman Andrews asked if the current covenants were considered as too restrictive? Mr. Lewis said yes and highlighted the areas where he would like to see the covenants offer more flexibility.

Mr. Lewis explained that he thought it was the County's intentions to phase out its financial commitment to the park and he felt that an Owners Association should be established. Mr. Lewis said the association would be responsible for maintenance of the park and that as properties are sold, owners pay a pro rata cost per acre, per year. Mr. Lewis said if the monies do not cover the cost of the landscaping maintenance, the County would pay the balance.

Mr. Lewis continued to review the proposed amendments to the covenants.

In response to Mr. Lewis' suggested members for an Architectural Review Committee, Commissioner Belk felt the County should also have a representative on the committee. Commissioner Blount agreed and said Section 3.10 should include the County Manager or his designee.

With the above modification, Commissioner Blount made a motion to adopt recommendation as far as the revisions to the restrictive covenants or the adoption of documents similar to the Lincoln County Park. Commissioner Mitchell seconded and the motion passed unanimously.

On another matter, Mr. Lewis said that he was going to ask for approval on the option agreement regarding the "Option to Purchase" all or a portion of the real property and improvements located in Summit Corporate Center in Rowan County.

Mr. Lewis said the Keith Corporation would like to take 4 sites in the Master Plan, do the civil drawings and create an artist rendering and get the sites to the permitting stage. Mr. Lewis said this would take 2-3 months "out of the process" and would entail the corporation spending "quite a bit of money" on the site, as well as a lot of internal human resources. Mr. Lewis said the Keith Corporation would have a substantial investment in the project and would need the ability to purchase the land.

Mr. Russell said Staff recommends approval of the above request.

Mr. Lewis said he had submitted a dual agency agreement to Mr. Russell for signatures.

Commissioner Belk made a motion to approve the recommendation, followed by a second from Commissioner Blount.

Chairman Andrews commended and thanked the Keith Corporation for its partnership in the project. Chairman Andrews stressed the partnership was an important component in making the project "move."

The motion passed unanimously.

Commissioner Blount jokingly asked that Randy Harrell “stick around a couple hours” for the meeting and he then explained that Mr. Harrell and his wife were celebrating their 35<sup>th</sup> wedding anniversary. Chairman Andrews humorously added that he hoped the remainder of their evening would be more romantic.

### **RECOMMENDATION FROM COG FOR THE RCEDS PROGRAM**

Laura Mundell, from the Centralina Council of Government (COG) provided a power point presentation on the “Regional Comprehensive Economic Development Strategy” (RCEDS), which is the product of a four-month process for a nine county region including Anson, Cabarrus, Gaston, Iredell, Lincoln, Mecklenburg, Rowan, Stanly, and Union and anchored by the City of Charlotte. Ms. Mundell explained that RCEDS is the first step in a process to designate the region as an Economic Development District, which is a federal designation that will improve the region’s ability to obtain federal funds for economic development projects. Ms. Mundell added that the intention of the focus groups was to bring in Rowan County and the City of Charlotte. Ms. Mundell asked the Board to endorse the ED District.

Ms. Mundell explained that Angelou Economic, the RCEDS consultant, has completed a Community Assessment of the region’s strengths challenges and opportunities and a Recommendation Report, which focuses on specific recommendations addressing issues, opportunities, key industries and priority areas that have been identified as goals for implementation.

Ms. Mundell reviewed the Key findings, strengths, opportunities and areas of improvements:

- Decrease in the population of 25-44 year olds
- Workforce skills and literacy levels could hamper overall success in economic development
- Entrepreneurial efforts are fledgling, somewhat duplicative and competing for similar resources
- Research and development assets are tremendous but not well known or leveraged in the region
- Recreations and tourism assets exist throughout the area but are not promoted in a coordinated fashion
- Collaboration among workforce, education, economic developers and businesses is not focused

Ms. Mundell then reviewed the recommended priority projects that would provide the most significant impact for growth and development of the region’s economy:

- Incorporate advanced manufacturing
- Expand research and development
- Improve the region’s workforce preparedness
- Development a culture that promotes and encourages entrepreneurship
- Promote the region’s tourism assets
- Enhance regional distribution network

- Develop a regional grants team

Ms. Mundell said that the next steps would be to:

- Endorse “no Boundaries” for the nine counties and the City of Charlotte
- Authorize COG will form a 501c(3) and submit an application for designation as an EDD
- Implement the RCEDS

Ms. Mundell discussed the Primary Functions of the EDD

- Provide assistance in the implementation of the recommended regional strategies
- Support regional capacity building and public infrastructure development
- Help counties and communities position themselves to attract new businesses
- Provide preparation and maintenance of the annual update of the Regional CEDS

Ms. Mundell also discussed the CEDC (Centralina Economic Development Commission).

Commissioner Blount said that he had an opportunity to serve on this committee effort and that establishing an EDD is a way to tap into regional assistance.

Commissioner Blount moved to endorse the plan as presented. Commissioner Belk seconded for purpose of discussion.

Commissioner Belk stated that the qualification was due to closing of Pillowtex and other companies in our area. Commissioner Belk recommended taking a had look at the proximity of Rowan County to UNC-Charlotte, which is a “diamond in the rough” and what Rowan County needs to do to get ready to grow. Commissioner Belk expressed that this was another tool to grow.

Commissioner Mitchell questioned number of local entities that have approved this plan, to which Ms. Mundell stated that several have approved and presentations like this one are scheduled for the others through December 20<sup>th</sup>.

All approved the motion.

Chairman Andrews reviewed that several years ago local officials met with the officials at UNC-Charlotte about the proximity and they were very cooperative and Chairman Andrews said that they would be totally supportive.

### **SPECIAL GUEST**

Chairman Andrews noted a special guest reporter in attendance with Salisbury Post Reporter, Jessie Burchette. Ms. Burchette introduced Izziddeen Khalifeh, a journalist from Jordan who is visiting the Salisbury area on a UNC program. Mr.

Khalifeh is observing how the operations at the Salisbury Post are run as compared to that of Jordan. Glad to have you in my country.

Chairman Andrews thanked Mr. Khalifeh for his attendance and welcomed him to our country. Commissioner Tadlock asked the Board to “give him a big welcome” with a round of applause.

### **FARMLAND PRESERVATION RECOMMENDATION**

Ed Muire, Rowan County Planning Manager; Jim Summers, Chairman of the Rowan Soil & Water Conservation District; and Andy Abramson, Associate Director of the Landtrust for Central North Carolina, reviewed with the Board the Farmland Preservation Advisory Committee’s (FPAC) scoring of farmland applicants for the purchase of development rights and that the FPAC’s recommendation for potential candidates. Mr. Muire mentioned that 12 new applicants were submitted for consideration in this funding cycle. Mr. Muire said that collectively, 23 farms representing 4,700 acres have submitted applications.

Mr. Muire said the two top candidate farms selected by the FPAC for purchase of development rights were the Robert Knox, III Farm and the Mary Barber Farm, which were presented to the Board at the April 19, 2004 meeting for consideration. The Knox Farm was selected at that time, with the understanding that the Mary Barber Farm would be the number one candidate for the next cycle.

Mr. Muire used a power point presentation as he described the Barber Farm, located off of Redmon Road.

Mr. Muire said the FPAC recommendation is for the county funding to be applied to the purchase of development rights for the Mary Barber Farm. Mr. Muire said that the purchase of an easement on this farm is valued at \$529,000 but will be purchased at a cost of \$375,000, with the county’s portion representing \$128,750 and matched with \$246,250 from the USDA’s Farmland Preservation Program.

A number of FPAC members were present during this presentation.

Mr. Muire asked for questions.

Commissioner Belk moved to approve \$128,750 to purchase the development rights for the Mary Barber Farm. Commissioner Blount seconded the motion.

Chairman Andrews referred to the selection process and asked how the Barber Farm became the farm of choice.

Mr. Abramson explained that the selection process was based on a scoring system that went through three years of public input. Mr. Abramson said very little point value is given for size. Mr. Abramson reported that the maximum

allocation was a total of 5 points. Mr. Abramson said the Barber Farm scored 55.38 points. The points are based on soil content, physical characteristics, conservation values and implementation practices taking place on the property, landowner's contribution to the local agricultural community, open space values, and proximity to other protected properties. Mr. Abramson pointed out the farm is adjacent to 250 acres that are already protected by the Landtrust.

Chairman Andrews asked if the Landtrust property was "bought" or "donated" property. Mr. Abramson said the site was acquired through a conservation easement and a combination of grants.

Chairman Andrews asked how the value that is being paid for the property is formulated. Mr. Abramson said the appraised value of the conservation easement was determined by Scott Robinson, an independent appraiser. The landowner expressed an interest in terms of the amount they would like to receive in compensation and also expressed the amount they would like to donate in terms of "donated value." Mr. Abramson said the federal farmland program requires that the local match be 25% of the easement's appraised value.

Chairman Andrews recalled that when the Board first appropriated the farmland program, part of the discussion was that the State of NC was implementing a program with millions of dollars that would "come down." Chairman Andrews asked, "What is happening in the State?" Mr. Abramson responded that the State has seen a "rise and fall of Farmland Preservation Trust Funds." Mr. Abramson said recent conversations with local General Assembly members is they are going to try to get some of the funds that are set aside for conservation put into farmland and try to increase the funding. Mr. Abramson said, "Right now they are at zero, so anything would be an improvement." Mr. Abramson said the as the State funds began to diminish, the federal 2002 Farm Bill provided millions of dollars in matching funds. Mr. Abramson said North Carolina had been allocated approximately \$2 million of the \$150 million in federal funds for this cycle.

Chairman Andrews asked how many counties in the State are doing Farmland Preservation and "what is our competition?" Mr. Abramson said Rowan County had been a leader and with the County's leadership, word has spread and there are now approximately a "half-dozen" county programs.

Chairman Andrews referred to Mr. Abramson's mention of federal funds and asked if Rowan County would receive federal funding for Farmland Preservation. Mr. Abramson said, "absolutely" but explained that the County must present a farm to the federal program that was selected and identify the local funds as the match. Mr. Abramson said, "With that we can be assured that we will get substantial federal funding."

Chairman Andrews asked if the county competes with the Landtrust and other agencies to get money. Mr. Abramson said the Landtrust did not put in for any other farm applications. Mr. Abramson said the Soil and Water Conservation District applied “individually” and at this point the Landtrust for the coming grant cycle, does not have its own property to be submitted. Mr. Abramson said a stronger application would be presented by the agencies working in collaboration.

Commissioner Mitchell asked if points were received for the donation of easement rights. Mr. Abramson responded that there are bonus points for donated value but it is hard to qualify.

Commissioner Mitchell asked Mr. Abramson to elaborate on the qualities other than farming and open space for which points are given. Mr. Abramson said the program was designed to preserve farmland and open space and that “points are given for that.” Mr. Abramson continued by explaining that points are given for physical characteristics, stream frontage, wetlands, ponds, timber, etc., with the greater points being focused on farming.

Commissioner Blount said the Farmland Preservation Advisory Committee was aware the Board might have questions about the evaluation process. The committee is looking forward to having dialogue with the Board, possibly at the Board’s planning retreat, to suggest ways that the evaluation process might be modified for long-range goals.

Chairman Andrews asked what “hope” the Rowan County farmers have for getting their land preserved. Mr. Abramson said it varies from year to year and depends on what the landowners are willing to donate, how much is received from the county, and matching funds. Mr. Abramson said \$14 million would be needed to provide full funding to every landowner.

Chairman Andrews reviewed that there was a motion and a second to appropriate \$128,750 for the preservation of the Mary Barber Farm. Chairman Andrews said \$200,000 was budgeted for Farmland Preservation.

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

Mr. Muire said the second candidate was the Adams Farm, which was located in the northwest portion of the county. Mr. Muire used a power point presentation to depict the farm and the surrounding area.

Mr. Muire referred to the funding and said the county’s portion for protection of the 2100 acres was \$60,000.

Chairman Andrews requested an explanation as to why the county had just approved \$128,000 for a “couple hundred” acres compared to \$60,000 for 2100 acres.

Mr. Abramson said, “Some things are inexplicable” and described the situation as a “remarkable opportunity.” Mr. Abramson said the landowner had been able to acquire significant acreage and wanted to see the land permanently protected for a certain amount of funding. Mr. Abramson reported that the landowner’s easement was valued at over \$5 million and was one of the largest land protection projects the LandTrust had ever worked on. Mr. Abramson described the farm as an “economy” in that it provides work for multiple farmers and farmhands through the “trickle down effect.”

Commissioner Blount moved to approve the request, followed by a second from Chairman Andrews. The motion passed unanimously.

Mr. Muire provided the Board with a brief description of the properties being considered by the Farmland Preservation Advisory Committee for the next funding cycle: Mary and Anna Knox tract of 193 acres; Ben and Clark Knox tract of 119 acres; Sue Knox tract of 72 ½ acres. Mr. Muire said the idea is for potentially donated easements from Allen Knox at 33 acres.

Chairman Andrews called for a short break at 8:40 pm.

Chairman Andrews reconvened the meeting at 8:45 pm.

### **PRESENTATION FROM THE HISTORIC LANDMARK COMMISSION**

D.C. Linn, Chairman of the Historic Landmark Commission (HLC) provided a presentation on the work of the HLC, emphasizing that the next step in furthering the work of the HLC is to request from the Board the designation of Certified Local Government. Mr. Linn said that funding would be needed for work required to develop submittals to meet two of the requirements for certification.

Mr. Linn reviewed the background of the HLC, saying that the ordinance establishing the HLC was approved in October of 2002. The mission of the HLC is to preserve the historic sites that embody important elements of its cultural, social, economic, political, archeological and architectural history. Additionally, it is to promote the use and conservation of such sites for the education, pleasure and enhancement of the residents of Rowan County.

Mr. Linn said the HLC was working closely with the NC Department of Cultural Resources and its division of Archives and History. Mr. Linn explained that it was through this department that the HLC was working to achieve Certified Local Government. Upon designation, Rowan County can participate in local, state and federal partnership of technical assistance and small matching grants.

Mr. Linn referred to the handout and reviewed the following standards, which must be met:

1. Maintain a system for the survey and inventory of historic properties
2. HLC must develop and approve a design guideline

Mr. Linn highlighted the following reasons the HLC is important to Rowan County:

1. Counties with Landmark Commissions report that landmark properties gained in tax revenue after being certified.
2. Tourism income.
3. Properties that are certified and listed in Raleigh carry an air of importance and are established as outstanding examples of Rowan County's prominent place in history.
4. Landmark properties make the county more beautiful and pleasing to see and favorably impress individuals and industries that consider moving to the county.

Mr. Linn requested approval for \$30,000 for the cost of a survey and inventory of Rowan County Historic Properties; to develop, write and publish a Design Guidelines book; and to publish publicity material for educating the public.

Commissioner Tadlock asked what is happening to the "old farms" and is the effort to establish the importance of protecting those properties. Mr. Linn responded that this was the objective but asked that the Board remember that this is done on a voluntary basis. Mr. Linn said the property owners must come to the County and request a landmark designation and they must submit a form for which there is a \$50 fee.

Commissioner Belk asked if the property could also be removed from the landmark designation. Mr. Linn responded yes and explained the process for removal.

Commissioner Blount pointed out that the Board kept hearing that tourism was going to become a bigger part of the economy in this region. Commissioner Blount said Rowan County has history and he felt it was "long past time that Rowan County" take more interest in preserving the history of the farming community and the small rural stores.

Commissioner Blount moved to appropriate \$30,000 from sources to be determined by the County Manager for this fund. Commissioner Tadlock seconded the motion.

Commissioner Mitchell asked how many properties would be surveyed and inventoried under the \$25,000. Mr. Linn said there is a list surveyors that are approved by the National Registry and the Archives in Raleigh. From the list of surveyors, bids are requested. Mr. Linn said the HLC had requested estimates

to have 120 properties surveyed with the best estimate being approximately \$25,000. Mr. Linn said when the projects are actually bid, it will then be determined how many properties can be surveyed for the appropriated amount.

Chairman Andrews thanked Mr. Linn for the presentation.

Chairman Andrews expressed concerns with appropriating funds that were not budgeted during the budget session. Chairman Andrews said he totally supported the HLC and that he would support the program during a budget session. Chairman Andrews said he personally had difficulty supporting the request at this time.

The motion carried on a 4/1 vote with Chairman Andrews voting against the motion.

### **APPROVAL OF SCHOOL BIDS FOR BOND PACKAGE**

Jim Christy, from the Rowan-Salisbury School System (RSS), and Ed Watson, from Construction Control Corporation (CCC) presented the Board with a request for approval of the recommendations from the Rowan-Salisbury School Board for the bids for the general construction contract for the Southeast High School, which were received on October 28, 2004.

Dr. Wiley Doby and Board of Education members, Kyle Huffman and David Aycoth were also in attendance.

Mr. Christy mentioned that the new high school would provide relief to South and East Rowan while the additions at Salisbury, West and North would not provide any relief to South and East Rowan. Mr. Christy said it was imperative that the new high school be completed in August of 2006 as originally planned. Mr. Christy requested the Board's approval for the bids on the West and North Rowan high school budgets. Mr. Christy said approval would require the transfer of funds but no additional funding.

Mr. Watson reviewed the recommendations for the contract award for the North Rowan and West Rowan High School bids. Mr. Watson reported that 13 bids were received on November 9, 2004.

Mr. Watson said that the combined project budgets for the general construction contract was \$6,642,100. The original low bid from Global Construction Company; however, there was an error in their bid and they had requested to be withdrawn.

Mr. Watson said the second low combined bid was from Farley and Associates, with a base bid, plus alternates totaling \$5,754,590. Mr. Watson recommended approval of this contracted amount, leaving a surplus for the construction budget at \$887,510.

Commissioner Blount made a motion to appropriate \$5,754,590 from the bond package for the additions at North and West High Schools. Commissioner Belk seconded and the motion passed unanimously.

Mr. Watson said the low bid for the general construction contract for Southeast High School was received on October 28, 2004 in the amount of \$24,648,815, from Sorenson Gross, Inc. Mr. Watson said the company had an error on their bid form and the bid ended up being a “non-responsive bid.”

Mr. Watson said the second low bid was received from New Atlantic Contracting with a base bid, plus alternates, totaling \$27,189,000. Mr. Watson recommended approval of the contract to New Atlantic Contracting, not to exceed \$25,806,815. Mr. Watson explained that the figure included the construction budget, plus the surplus amount from the North Rowan and West Rowan projects.

Mr. Watson continued by saying that the new revised high school budget of \$25,826,000 left a shortage of \$1,382,185. Negotiations between New Atlantic and the owner will identify changes in the project to get within the revised Southeast High School budget. Mr. Watson asked that the contract be contingent upon successful negotiations with New Atlantic. Mr. Watson said the school system would otherwise be responsible for any difference.

Commissioner Mitchell said that adding the \$838,000 surplus to the \$24,648,815 budget did not equal \$25,806,815. Commissioner Mitchell questioned the difference. Mr. Watson reviewed the figures and said the amount to be negotiated would be approximately \$300,000 less of a shortage.

Commissioner Mitchell again corrected the figure and said the amount would increase, not decrease the shortage.

Mr. Watson apologized for the error and said if the negotiations were not successful, the school system would use funds from their capital funds plan for the difference.

The corrected amount was a shortage \$1,702,185.

Commissioner Blount made a motion to fund the High School at total price of \$27,189,000 with the \$25,486,815 coming from the bond package and with the remainder of the monies coming from negotiations with the contractor or from other sources from the school system. Commissioner Blount added that negotiations on items to be removed that are the level of change in scope must be brought back to the Commissioners for approval. Commissioner Belk seconded the motion.

Chairman Andrews congratulated Mr. Watson for presenting a low bid.

Chairman Andrews asked if transferring the \$838,000, savings would jeopardize funding that might be used in the “rest of the bond project” pertaining to the elementary school. Chairman Andrews asked if the Board was taking money “out” that would prevent completion of the bond package. Mr. Christy said the school system shared the same concerns but recalled that the elementary school prices were escalated based on the bidding time frame. Mr. Christy said there was a commitment from the current Board of Education to complete the bond package but added that he could not speak for future boards.

The motion passed unanimously.

Commissioner Blount asked if the site work was included in the total package. Mr. Christy responded yes.

In response to a query from Chairman Andrews, Mr. Christy said the school system would be able to proceed immediately.

#### **PUBLIC HEARING FOR UNANIMOUS ROAD NAME PETITION FOR GOFF ACRES ROAD**

Fredda Greer, from the Planning Department, explained that after subdivision of property and placement of a new residence on the drive that already services the Denny Goff and Shirley Buckner residences, a petition to name the road was submitted with 2 out of 2 signatures. Ms. Greer said that Staff recommends the name of Goff Acres Road for approval.

Chairman Andrews opened the public hearing to entertain comments from citizens.

With no one to come before the Board, Chairman Andrews closed the public hearing and asked for a motion.

Commissioner Mitchell made a motion to approve the name of Goff Acres Road. Commissioner Blount seconded the motion, which passed unanimously.

#### **PUBLIC HEARING FOR UNANIMOUS ROAD NAME PETITION FOR BUFFALO CREEK LANE**

Ms. Greer informed the Board that the Staff recently discovered that a road name approved in early 2004 was processed with a name that was already in use. The property owners were contacted and another road name was submitted for consideration, Buffalo Creek Lane. Ms. Greer said the name is acceptable and Staff recommended approval.

Chairman Andrews opened the public hearing to entertain comments from citizens.

With no one wishing to address the Board, Chairman Andrews closed the public hearing and asked for a motion.

Commissioner Tadlock made a motion to approve the name of Buffalo Creek Lane. Commissioner Blount seconded the motion, which passed unanimously.

**PUBLIC HEARING FOR Z-20-04 AND CUP-16-04 A REQUEST FOR RR TO CBI (CUD) FOR OUTDOOR RETAIL SALES**

Chairman Andrews, read the Chairman's speech (Exhibit A) and declared the hearing for the consideration of Z-20-04 and CUP-16-04 to be open. Chairman Andrews said the hearing would focus on applications submitted by Aaron Martin for his property located off 5120 Hwy 601N in the Franklin Township. Chairman Andrews said that the applications are for the rezoning of Tax Parcels 310-098, 297 and part of 099 from Rural Residential (RR) to Commercial, Business, Industrial (CBI) and includes an accompanying parallel conditional use district limiting uses on the property to indoor and outdoor furniture sales based on the attached site plan.

Rita Foil, Clerk to the Board, swore in seven (7) individuals that planned to testify in this case.

Mr. Stewart provided the Staff Report (Exhibit B) and reviewed the Background, reporting that on February 17, 2003, then owner Carl Doby (TP 310-044) was approved for a rezoning from Rural Residential (RR) to Neighborhood Business (NB) to operate an on-premise automobile sales lot and parts sales via the Internet. Mr. Stewart said at that time the application was a "straight rezoning request allowing any type of use within that district." In September of the same year, Mr. Doby sold his property to Aaron Martin, who in turn began operation of his outdoor furniture sales business. Mr. Stewart used a power point presentation (Exhibit C) to depict the property and surrounding area. Mr. Stewart said the site is located off of Hwy 601, north of Ridge Road. Mr. Stewart referred to a map (Exhibit D) and said the proposal is to rezone 3 parcels from RR to CBI with a site-specific development plan. Mr. Stewart said the site plan indicates this request would allow 4800 square feet of visible display, a screened overflow display area, and a 36' x 60' showroom and office.

Mr. Stewart continued using the power point presentation (Exhibit C) to point out the property line separating the existing business and the site built home. Mr. Stewart pointed out the proposed display area, parking, display area, showroom, existing drive and the applicant's home. Mr. Stewart said the applicant would like to expand the business onto neighboring property.

Mr. Stewart then went over the Staff Review and Zoning Criteria (Exhibit B) as follows:

## ZONING CRITERIA

1. Relationship and conformity with any plans and policies.

Plans: No specific plans for the area exist.

Policies: As a general rule, the Planning Board prefers a site-specific proposal when the use has the potential for adverse effects on adjoining properties. This proposal has limited the use to a specified outdoor sales area and a 2,040 sq. ft. building for indoor sales and the business office but does not include the lot with current display therefore potentially allowing 7,300 sq. ft. of visible outdoor display.

2. Consistency with the requested zoning district's purpose and intent.

This site is located off a major thoroughfare in US 601 adjacent to Cauble Road. The surrounding area is not heavily commercialized but does contain approximately nine properties zoned CBI which total about 15 acres north of the site. Based on this cluster, one other non-residential use west of the site, and the proximity to a minor thoroughfare in Cauble Road, this rezoning should be consistent with the intent of CBI.

3. Compatibility of all uses within the proposed district classification with other properties and conditions in the vicinity.

The applicant's single-family home is located south of the proposed rezoning currently zoned NB, while all other adjacent areas are zoned RR. As stated earlier, properties across Cauble Road along US 601 are zoned CBI containing two industrial buildings totaling 10,000 sq. ft., Phil's Auto Body shop, Myers Produce and convenient store, and Starship Engineering (motorcycle sales). Most properties across US 601 west and south of the proposed area are zoned RR containing single-family home with the exception of the Earnhardt's Bobcat and Tractor Shop (home-based business). Properties to the rear are mostly wooded and vacant.

4. Potential impact on facilities such as roads, utilities and schools.

Roads: US 601 is deemed a major thoroughfare by the 1997 Thoroughfare Plan for the Salisbury Area with capacities between 11,000-13,000. The 2003 DOT traffic count data suggests an annual average daily traffic (AADT) count of 8,000 cars per day. This use could generate less than 500 trips a day but would be well within the current capacity.

Utilities and schools were not applicable.

Mr. Stewart then reviewed the Conditional Use Criteria (Exhibit B) as the following:

- a. Adequate transportation access to the site exists. The site has 430 feet of frontage on US 601. Based on a conversation with NCDOT, the

application for a commercial driveway permit was not necessary due to the existing driveway and business.

- b. The use will not significantly detract from the character of the surrounding area. As mentioned above, there are several businesses across Cauble Road and the applicant's current furniture sales lot in the surrounding area. Based on the applicant's response, this request would increase the character of the surrounding neighborhood with the expansion of a family operated business. On two separate occasions, the site was over the allowable 2,500 sq. ft., which raises some concern on allowing an expansion of 4,800 visible sq. ft.
- c. Hazardous safety conditions will not result. N/A. With a display area only 25' from the edge of US 601 (7' from edge of road right-of-way- Planning Board recommended 20'), drivers could be distracted due to the close proximity of items to road.
- d. The use will not generate significant noise, odor, glare, or dust. Since this is merely a retail lot without any type of alternation to the products needed, this should not pose as an issue.
- e. Excessive traffic or parking problems will not result. The applicant stated only 3 to 4 vehicles are typically on property at a given time from the previous year. With proposed expansion, adequate parking is available on site. Site features a circle drive and a current commercial driveway based on the existing business, which should deter potential traffic problems.
- f. The use will not create significant visual impacts for adjoining properties or passersby. Applicant stated the outdoor display area would be set back as to not block view of passersby. Some area residents are concerned over the existing allowable area. Even though the applicant may intend to move the current display area of 2,500 sq. ft. to the adjacent lot and incorporate into the 4,800 sq. ft., the request does not include rezoning the current business lot, which could retain the 2,500 sq. ft. by right in NB regardless of the applicant's intentions.

Mr. Stewart reported that (2) citizens spoke against rezoning at the Planning Board Hearing, citing the increase in traffic and potential wrecks from retail business. Also, the citizens suggested their property values/marketability. Five individuals, including the applicant, spoke for the family business.

Mr. Stewart highlighted the applicant's suggested conditions (Exhibit B), as well as Staff suggestions (Exhibit B) for consideration.

The Planning Board unanimously voted (10-0) to recommend approval of the rezoning request and accompanying site plan, conditional use. The 7 conditions were as follows, with the first 5 coming from the plan itself. Point #3 was voted on by the Planning Board and modified from the suggested 7' setback to a 20' setback:

1. 4,800 sq. ft. of visible display and a display overflow area screened by proposed building and evergreen trees.
2. Display areas containing mulch base surrounded by low-profile shrubs and flowers
3. 20' setback from edge of right-of-way for display
4. 36'x 60' retail/office building
5. Move existing non-lighted sign on home lot to TP 310-099
6. Keep existing tree line behind proposed display area and building to screen from northern and eastern lot lines
7. Plant grass in areas outside display area to reduce dust and increase attractiveness

Mr. Stewart verified to Chairman Andrews that the applicant was not using the corner as part of the business. Mr. Stewart said the applicant added those parcels in with his request to have a continual flow of CBI across Cauble Road. Mr. Stewart referred to the power point presentation (Exhibit C) to indicate the area to be utilized for the business. Mr. Stewart said the applicant would have to modify the application and come back to the Board if he wished to expand in areas other than those listed in the current application.

Commissioner Belk requested that Staff's first suggestion (Exhibit B) be included as a consideration for approval. Mr. Stewart used the power point presentation (Exhibit C) and clarified the area at would still be NB.

Chairman Andrews opened the floor to hear comments from citizens. Those that came forward were as follows:

1. Joe Robbins said he lives across from the applicant. Mr. Robbins said he has approximately 400' of adjoining property with the applicant. Mr. Robbins said the applicant has improved the looks of the area and he supports the request.
2. Greg Robbins of 5225 Hwy 601 said he was in favor of the request. Mr. Robbins said Mr. Martin had discussed the business with the surrounding neighbors. Mr. Robbins said he lives across the street and he supports the request.
3. Rocky Hunsucker of 5145 Hwy 601 said he lives "straight in front" of the applicant and he would like to see the applicant receive the rezoning with

the restrictions of 20' off the road and "to get it moved out of his front yard."

4. Jim Ogg of 603 Eastway Lane off of Gheen Road said he had known the applicant "since he first came down here" and Mr. Ogg felt the family was one of the finest to be found in Rowan County. Mr. Ogg said the applicant had been an asset to the community and that there couldn't be a better home-based business for someone trying to raise a family and teach their children business practices and good work ethics. Mr. Ogg said he had 6 grandchildren that live within a "stone's throw" of the applicant. Mr. Ogg said a question was raised at the Planning Board hearing regarding traffic for the business and Mr. Ogg was of the opinion that "garage sales create more traffic problems than this will ever create." Mr. Ogg said the business was a blessing to community and that Rowan County should encourage home-based businesses. Mr. Ogg said he could not foresee any traffic issues and he highly recommended approval of the application.
5. Aaron Martin, the applicant, expressed appreciation for the support of his neighbors. Mr. Martin said he has 6 children and he discussed the traffic concerns. Mr. Martin discussed setbacks and that if they are too far back, it would create more problems with traffic.

Commissioner Mitchell asked Mr. Martin if he would be opposed to including the existing business lot as part of the rezoning? Mr. Martin said he would be glad to "put it in."

Commissioner Tadlock asked Mr. Martin what he considered to be a reasonable setback. Mr. Martin said seven feet, which was suggested in the original application.

Chairman Andrews questioned the difference regarding the right-of-way. Mr. Stewart said the Planning Board was trying to pull the setback off of the road, which is a 30' right-of-way, due to concerns that it was too close and a visual distraction. Chairman Andrews verified that the applicant was requesting a 37' setback. Mr. Stewart said the Planning Board added an additional 13 feet.

There being no further comments from the audience, Chairman Andrews closed the public hearing and opened the floor for deliberation.

Commissioner Mitchell moved to approve rezoning of the Conditional Use Permit with the Planning Board recommendations of numbers 1, 2, 4, 5, 6, and 7; and to add in the applicants suggested conditions of #3 and Staff's suggestions of #1. Commissioner Tadlock seconded the motion.

Commissioner Blount questioned the rezoning of the current lot and asked if restrictions would be placed on the applicant regarding his residence. Mr.

Stewart said the overall request would have to come back for Board approval because this was left out of the request and not advertised.

Commissioner Blount asked if the Board could instead “make it a condition of the rezoning in the conditional use permit that he not use the front yard of that adjacent lot and just leave it as it is.” Mr. Stewart responded by saying, “I don’t think that you can do that on a property not requested in this case.”

Mr. Stewart said his suggestion was CBI because the applicant has parking on the lot. Mr. Stewart said the Planning Board had talked about residential and rescinding that back to the previous district that it was. Mr. Stewart said CBI with site specific would “be the way to go.” Mr. Stewart said the request would have to go back to the Planning Board and back to the Commissioners.

Commissioner Mitchell clarified his motion to approve the request for the rezoning and the conditional use permit with Planning Board recommendations of numbers 1-2-4-5-6-7 and to add in applicant’s suggested condition of number 3 and that Staff’ will initiate the rezoning of TP 310-044. Commissioner Belk seconded and the motion passed unanimously.

Chairman Andrews stated the **Findings of Fact** as follows: Staff items for the conditional use criteria as listed on the report (Exhibit B), items a through f.

**PUBLIC HEARING FOR Z-19-04 AND CUP-15-04 REQUEST FROM RR TO CBI (CUD) FOR AUTO FACILITY**

Chairman Andrews read the Chairman’s speech (Exhibit A) and declared that the public hearing to be in session. Chairman Andrews said the public hearing would focus on applications submitted by Erika Sanchez for her property located off 8040 Statesville Blvd in the Steele Township. The applications are for the rezoning of Tax Parcel 751-012 from Rural Residential (RR) to Commercial, Business, Industrial (CBI) and includes an accompanying parallel conditional use district limiting uses on the property to automobile sales based on the attached site plan (Exhibit B).

Rita Foil, Clerk to the Board, swore in 2 individuals that planned to testify in this case.

Mr. Stewart provided the Staff Report (Exhibit C) and explained that during the countywide zoning process, US 70 was designated as a development corridor. Property owners with tracts larger than 10 acres were targeted for Industrial (IND) zoning from Second Creek to Cleveland while areas between Second Creek and Salisbury’s ETJ were solicited for Commercial, Business, Industrial (CBI) zoning. Existing businesses were zoned CBI while those individuals without non-residential aspirations were zoned Rural Residential (RR). Mr. Stewart used a power point presentation (Exhibit B) as he provided a description of the Highway 70 area. The area between Cleveland’s ETJ and Invista was

mostly zoned RR due to lack of interest from property owners in 1998 but carries similar characteristics as those zoned CBI and IND.

Mr. Stewart used the power point presentation (Exhibit B) to highlight the area proposed for rezoning. Mr. Stewart said the applicant was proposing to rezone approximately 1 acre from RR to CBI site specific. Mr. Stewart said the entrance had been approved by the DOT and the applicant proposed to maintain 12 or fewer automobiles within a fenced area and exclude all other uses from consideration to ensure other more intrusive land uses would not follow in future desires.

Mr. Stewart said there would be an evergreen buffer along the northern side of the property.

Mr. Stewart used the power point presentation (Exhibit B) as he reviewed the Zoning Criteria (Exhibit C):

1. Relationship and conformity with any plans and policies.

Plans: No specific plans for the area exist.

Policies: As stated, US 70 is a development corridor in which this application would comply.

2. Consistency with the requested zoning district's purpose and intent.

This site is located off a major transportation corridor in US 70 and is between the NC 801 intersection at Barber Junction and NC 801 at Invista. As stated earlier, this area is similar to the areas zoned for non-residential uses and would comply with the district's purpose and intent.

3. Compatibility of all uses within the proposed district classification with other properties and conditions in the vicinity.

All properties immediately adjacent are parcels zoned RR containing two singlewide mobile homes, one site built home, and the New Smith Chapel St. Paul's Pentecostal Church. To the west and south (across US 70) are vacant, wooded properties zoned RR. Three hundred feet to the east contains a CBI zoned property containing the Allison's Racing shop. Several CBI and IND zoned parcels are clustered around Barber Junction and a large area zoned IND containing the Progress Energy and Invista properties.

4. Potential impact on facilities such as roads, utilities and schools.

Roads: US 70 is deemed a principal arterial by the 1997 Rowan County Thoroughfare Plan with capacities ranging from 9,500 to 12,000. Based on the sale of 12 total cars, additional traffic generated by this business should not significantly impact current traffic patterns as DOT traffic count data from 2003 suggest an annual average daily traffic (AADT) of 11,000,

which is at or near current capacity. DOT estimated capacity after the widening project is projected at 28,000.  
Utilities and Schools were not applicable.

Mr. Stewart used the power point presentation (Exhibit B) and discussed the **Conditional Use Criteria** (Exhibit C) as follows:

- a. Adequate transportation access to the site exists. The site has 191 feet of frontage on US 70 with an existing residential driveway. DOT has recently approved a new commercial driveway south of the existing drive for connection to US 70.
- b. The use will not significantly detract from the character of the surrounding area. Most of the area is wooded and vacant across the street and to the west. As suggested by the applicant, the required evergreen screen, which is required around sales area, should reduce any visual impacts upon the neighboring properties. Two lots on the eastern side contains the Allison's Racing property with approximately 25,000 square feet of space and a significant amount of outdoor storage.
- c. Hazardous safety conditions will not result. Staff did not feel this criteria was applicable.
- d. The use will not generate significant noise, odor, glare, or dust. With this application excluding automobile repair, these nuisances should not pose a problem. A small car lot isn't likely to generate a significant amount of noise with a limited number of customers (based on 12 cars).
- e. Excessive traffic or parking problems will not result. The sale of 12 cars or less should negate any fears for parking problems. Adequate space should be provided on site to complete a turn-around movement instead of backing out onto US 70.
- f. The use will not create significant visual impacts for adjoining properties or passersby. Based on the applicant's statement, only road-ready automobiles will be sold (i.e. no scrap materials or body/mechanic work on site). The applicant stated grass height would not extend over 8 inches in height to encourage a vermin free environment (which would be a difficult condition to enforce). With these added as fair and reasonable conditions, these items could ensure compliance with this section.

Mr. Stewart said no one spoke against the case at the Planning Board Hearing and the Planning Board recommendation was unanimous with the following seven conditions:

1. Limit of 12 operable cars for sale
2. No mechanic, body, or paint work on lot
3. No automotive scrap materials, parts, or inoperable vehicles
4. Sales area fully enclosed within chain-link fence and evergreen screen on the eastern and northern side of sales area
5. Modular office limited to 900 square feet

6. Grass will not be higher than 8" in height (Mr. Stewart said Staff felt this item should not be added)
7. Sign not larger than a 10 x 10 (which is the current allowed size by right)

Chairman Andrews opened the floor to hear comments from citizens. Those that came forward were as follows:

1. Erica Sanchez stated that she was the applicant and was trying to get a car business started and that the plans would not to affect the area. Ms. Sanchez said that they would start with five (5) cars, which would be nice cars for sale.

There being no further comments from the audience, Chairman Andrews closed the public hearing and invited the Board into deliberation.

Commissioner Blount moved for approval of the rezoning and conditional use as requested with Planning Board recommendations and not including item number six (6). Commissioner Tadlock seconded and the motion passed unanimously.

Chairman Andrews declared the Findings of Fact to be the Conditional Use Criteria as reported by Staff (Exhibit C):

- a. Adequate transportation to the site exists
- b. The use will not significantly detract from the character of the surrounding area
- c. Hazardous safety conditions will not result
- d. The use will not generate significant noise, odor, glare or dust
- e. Excessive traffic or parking problems will not result
- f. The use will not create significant visual impacts for adjoining properties or passersby

### **RECOGNIZE DON CONNER**

Chairman Andrews deviated from the agenda in order to recognize Don Conner, Environmental Services Director.

Chairman Andrews said Mr. Conner was retiring after 17 years of service with Rowan County and that the County would miss the experience that Mr. Conner provides to the position.

County Manager Tim Russell jokingly told Mr. Conner's wife, Betty, that "all those Monday nights that Don has said he's going out with the boys, this is what he's meant."

Mr. Russell recalled that in 1987 the County consolidated the departments that worked with environmental issues, with Mr. Conner being the first director hired for the position. Mr. Russell described Mr. Conner as a "catch all" for the

combined services and that his performance in the position had been “exceptional.”

Mr. Russell said the first major goal for Mr. Conner was finding a site for the landfill. The landfill was approaching its fifteenth anniversary and was considered as a tribute to Mr. Conner.

Mr. Russell said that recycling, erosion control programs and codes enforcement were consolidated with Mr. Conner leading the challenge. Mr. Russell said Mr. Conner had “stepped up” and assumed the “hats” when dealing with hazardous waste and low-level radioactive waste.

Mr. Russell referred to Summit Corporate Center and the issues dealing with the park. Mr. Russell said Mr. Conner had always been the “go to department” to supervise those projects.

Mr. Russell felt that the “most important” project he had worked on with Mr. Conner was finding an appropriate site for Progress Energy. Mr. Russell described the history behind the location of the Progress Energy plant and the extra effort in finding a suitable site to locate this power plant. Mr. Russell added that had it not been for the determination of Mr. Conner, this project would have never come to fruition. Mr. Russell said that the maps used for this project are still in the county manager’s office.

Mr. Russell expressed appreciation to Mr. Conner and wished him well. Mr. Russell said the County would certainly miss Mr. Conner and that his leadership would not be replaced anytime soon.

Commissioner Tadlock shared the story of how the Board of Commissioners had hired Mr. Conner and had asked him the lowest salary he would work for. Commissioner Tadlock pointed out how “conservative” the Board had been.

Chairman Andrews told Mr. Conner that he, along with the Board, hated to see him leave. Chairman Andrews praised Mr. Conner’s expertise and the support he had provided the Board.

Chairman Andrews called Mr. Conner and his wife forward. Chairman Andrews read the inscription on a plaque and presented it to Mr. Conner. A round of applause followed the presentation.

Mr. Conner said he had enjoyed his 17 years with the County and that he had enjoyed the Boards he had served. Mr. Conner said he had “very much enjoyed working for Tim. He is one of the best people I’ve ever met.”

Chairman Andrews called for a short break at 10:15 and invited those in attendance to share a cake honoring Mr. Conner.

Chairman Andrews reconvened the meeting at 10:25 pm.

**CONTINUATION OF DISPOSITION OF PROPERTY FROM THE ROWAN SALISBURY SCHOOLS**

County Manager Tim Russell informed the Board that at a prior meeting the Board delayed making a decision on the disposition of property located at the Dunbar Center from the Rowan Salisbury School System.

Mr. Russell informed the Board that it would take money to maintain and renovate the property at the Dunbar Center. Mr. Russell said that the Town of East Spencer could explore grants or other ways to take care of the property.

In a response to a query from Chairman Andrews, Mr. Russell recommended informing the schools that Rowan County declines acceptance of the property.

Commissioner Tadlock made a motion to decline acceptance of property. Commissioner Mitchell seconded and the motion passed unanimously.

**CONTINUATION OF THE PUBLIC HEARING FOR Z-11-04 ZONING TEXT AMENDMENTS FOR MODEL AUTOMOBILE RACING (FROM 9/20/04 BOC MEETING)**

Shane Stewart reviewed with the Board that this case is a continuation from a previous Board meeting of September 20, 2004. Mr. Stewart reviewed the background after neighborhood opposition to a proposed rezoning from RA to CBI (CUD) to allow model automobile racing. Staff along with Committee B of the Planning Board discussed potential text amendments to address this land use. While much of the concern stemmed from the use itself, many were concerned over the classification change to business zoning. Upon review of current text, a consensus was reached suggesting these uses could be appropriate in certain residential areas once meeting the attached specific criteria and any fair and reasonable conditions attached to the conditional use permit.

Mr. Stewart said that the text additions recommended by Committee B of the Rowan County Planning Board and staff concerning the use of model automobile racing. In general, this amendment includes adding the definition "model automobile" in Section 21-4, adding specific conditional use requirements in the Rural Agricultural (RA) zoning district in Section 21-60 (6) under a new category (g), and modify the use table in Section 21-113 to reflect the use as conditional in the RA district, permitted with Special Requirements (SR) in Neighborhood Business (NB), and by right in the Commercial, Business, and Industrial (CBI) and Industrial (IND) districts.

Mr. Stewart reviewed the following definitions to Section 21-4:

Model Automobile – Small-scale vehicle replica (not including aircraft) having a maximum height of 9.85 inches, a maximum length of 31 inches, a maximum wheel base of 13 inches, and a maximum engine displacement of 3.5 cc. These

automobiles are typically powered by battery pack, gasoline, or similar means of movement and may be operated by a hand-held device. This definition does not intend to regulate personal use of these vehicles.

Mr. Stewart said that Section 21-60 (6) (g) should read:

- g. *Model automobile racing. The use of these vehicles on a personal basis shall not be regulated in this section.*
  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 rights-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 21-241.
  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 Mitchell made a motion to approve Z-11-04 text amendments for model automobile racing. Commissioner Blount seconded and the motion passed unanimously.

#### **UPDATE ON A RECENT LAWSUIT REGARDING THE SHERIFF'S DEPARTMENT**

Ken Deal updated the board on a lawsuit regarding the Sheriff's department and that a claim of Dr. Charles Flynn had been settled for \$415,000, which had gone through the Court of Appeals and the suit would be dismissed with prejudice.

Mr. Deal said that the County is responsible for first \$50,000 and then the reinsurance would pick up for \$1 million. Mr. Deal said that Miss Matthews

previously settled for \$15,000 and the maximum cost to county would be \$50,000.

Mr. Deal stated that Larry Justice, the Compensation Claims Solutions agent for Rowan County, is requesting a check or transfer of funds in the amount of \$415,000 and once that all payments are made, the Excess carrier will be billed for the amount in excess of the retention, which equates to approximately, \$395,000 to \$400,000.

Mr. Deal asked for Board approval.

Commissioner Belk made a motion to approve the request from staff. Commissioner Blount seconded and the motion passed unanimously.

### **APPROVAL OF AGREEMENT BETWEEN ROWAN COUNTY AND THE TOWN OF CLEVELAND ON TRANSFER OF WATER LINE**

Don Conner, Environmental Services Director, explained that in 1994, the county had installed a water line along Highway 70 to the Freightliner plant. Mr. Conner said the agreement with the Town of Cleveland was once the line was paid for, the Town had the option to either take over and operate the line; or the county could continue to operate the line. Mr. Conner said the Town wanted to take over the line within its city limits. Mr. Conner reported that the final payment was made "last month" and the line is now paid for.

Mr. Conner said the legal agreement basically turned over the county's assets in the water line easements, within the town limits, to Cleveland.

In response to a query from Chairman Andrews, Mr. Conner explained that per the agreement with the Town of Cleveland, the county would "still have the line between Celanese and the Cleveland Town limits." Mr. Conner said the next item on the agenda was for the agreement with the County and the City of Salisbury "to give them that line, plus the line that we put in for the Aldi plant."

Mr. Russell added that the Town of Cleveland had been unable to provide additional water for Freightliner expansions and the County had "stepped up and extended the line." The County paid for the line and the Town of Cleveland paid back the increased tax base experienced by the Freightliner expansion.

Attorney John Holshouser questioned the role of the water tank in the agreement. Mr. Conner responded that the water tank is in Salisbury portion of the agreement.

In response to a query from Commissioner Tadlock, Mr. Russell said the County would "actually be out of the water business."

Commissioner Tadlock made a motion to approve agreement between Rowan County and the Town of Cleveland on the transfer of the waterline. Commissioner Belk seconded and the motion passed unanimously.

**APPROVAL OF AGREEMENT BETWEEN ROWAN COUNTY AND THE CITY OF SALISBURY ON TRANSFER OF WATER LINES AND WASTEWATER TREATMENT PLANT**

Don Conner, Environmental Services Director, provided the background regarding the request for approval of the agreement.

Mr. Conner said the water line from Celanese to the town limits of Cleveland is the same water line. There is a small package wastewater plant at Meridian Automotive, which presently serves the plant as well as West Rowan Middle School. Mr. Conner said the water line had been extended along Hwy 70 to CP&L on Parks Road and out NC Hwy 801 to West Rowan High School. Mr. Conner said the county had also put in a line with the Town of Spencer on Longs Ferry Road to supply the water to Aldi, including a water tank.

Mr. Conner reported that in 2000, the County had reached an agreement with the City of Salisbury, that the City would be the water-sewer provider for Rowan County. Mr. Conner it was agreed that the County would get out of the water-sewer business once the Highway 70 water line was paid for.

Mr. Conner reviewed the agreement with Salisbury Rowan Utilities for the conveyance and transfer of the county water and sewer property.

Commissioner Blount made a motion to approve the agreement with the Salisbury Rowan Utilities. Commissioner Belk seconded and the motion passed unanimously.

**APPROVAL OF AN EASEMENT TO THE CITY OF SALISBURY FOR A SEWER LINE TO MI HOME PRODUCTS**

Mr. Conner reviewed the proposed easement that the City of Salisbury needs in order to run the sewer line to MI Home Products, Inc. Mr. Conner said that this is the only 44 square feet of Rowan County property on the east side of the Draftex property and is a widening of an existing easement. Mr. Conner said that this is an extension of the line that goes through GDX

Mr. Conner said that staff recommends approval.

Commissioner Belk made a motion to approve the easement with the City of Salisbury for the sewer line to MI Home Products. Commissioner Blount seconded and the motion passed unanimously.

**APPROVAL OF A CHANGE ORDER FOR THE LANDFILL CELL 3 CONSTRUCTION**

Mr. Conner said that approval is needed for a change order for the landfill cell 3 construction. Mr. Conner said that the construction of Phase III is progressing on schedule with the rough grading 80 to 85% completed and the fine grading is beginning and the clay liner is to be installed the first of January.

Mr. Conner said that the Board approved Phase III in August

Mr. Conner said that during the design phase of the project, one boring was made on each acre of the cell area, which none showed any rock that would be a problem. However an area of semi-weathered rock was found in the northeast corner of the new cell area. Mr. Conner said estimates are 30,000 cubic yards of rock would have to be removed and this process began the first week of November.

Mr. Conner said that in the bidding process, a price of excavation of rock was requested in the event that any was encountered. Mr. Conner said Morgan Corp's bid price for rock excavation was \$40.00 per cubic yard and because this rock is fairly soft, staff has negotiated a price of \$7.00 per cubic yard for removal.

Mr. Conner showed the Board a copy of a change order, which was in the Commission packets, from Morgan Corporation in the amount of \$213,692 for the rock removal.

Mr. Conner recommended that the change order be approved and the funds appropriated to cover the additional cost that will come out of the Landfill funds and from tipping fees.

Commissioner Blount made a motion to approve the request. Commissioner Tadlock seconded and the motion passed unanimously.

### **BOARD APPOINTMENTS**

#### **Agricultural Advisory Committee**

Commissioner Blount made a motion to reappoint Dr. Ann Furr and to appoint Mark Hammill to this committee. The motion passed unanimously.

#### **Rowan County Landmarks Commission**

Commissioner Tadlock made a motion to reappoint Judy Haire, Darius Hedrick and Rose Lacasse to this commission. The motion passed unanimously.

#### **Rowan County Parks and Recreation Commission**

Commissioner Tadlock made a motion to appoint Leda Belk to complete the term of Dellene Grudger, which will end on December 31, 2006. The motion passed unanimously (Commissioner Belk did not vote)

### **Rowan County Planning Board**

Commissioner Mitchell made a motion to reappoint Steve Russell and appoint Rick Hudson to this board. The motion passed unanimously.

### **Rowan County Rescue Squad**

Commissioner Belk made a motion to appoint Frank Thomason to the Emergency Services slot on this board. The motion passed unanimously.

### **Town of Granite Quarry Planning Board (ETJ)**

Commissioner Belk made a motion to appoint Robin Richards as an alternate representative in the ETJ to this board. The motion passed unanimously.

### **Rowan Public Library Board**

Commissioner Tadlock made a motion to appoint Gary Freeze, Pamela Misenheimer, Jamie Morgan, Michelle Patterson, Wilbert Sadler and Lori Yang to the board. The motion passed unanimously.

### **Juvenile Crime Prevention Council**

Commissioner Tadlock made a motion to appoint Leda Belk to replace Layton Woodcock on the council as an at large member. The motion passed unanimously.

### **Criminal Justice Crime Prevention Council**

Mary Haynes has resigned from this board and a replacement is needed.

### **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.

### **CLOSED SESSION**

Chairman Andrews announced that the Board would go into Closed Session at to discuss a Personnel Issue at 10:55 pm.

### **RESUME TO OPEN SESSION**

Chairman Andrews called the Board back into Open Session at 11:30 pm

### **COUNTY MANAGER EVALUATION AND PAY INCREASE**

Chairman Andrews said that "you learn very quickly" the value of 20 years of experience and how critical this experience is to local government. Chairman Andrews said that he was impressed by how other county managers would look to Mr. Russell for experience. Chairman Andrews said that Mr. Russell was invaluable and that Rowan County is privileged to have someone of his knowledge and experience, especially for new members of the Board. Chairman

Andrews continued to say that Mr. Russell's experience of county government enables him to deal with any issue, from putting together a bond package to coming out of a recession solid and strong.

Chairman Gus Andrews expressed to Mr. Russell, on behalf of the Rowan County Board of Commissioners, "thank you" for a job well done and the job you will continue to do. Chairman Andrews said that when it comes to an annual performance, "I don't know of anything more that we can do than to say thank you for the job well done and we appreciate it."

Chairman Gus Andrews made a motion to approve a three (3) percent bonus for this year, with an increase in the travel allowance from \$400 to \$600 per month for Tim Russell, County Manager. Commissioner Mitchell seconded the motion.

Commissioner Belk noted that this is the first increase in the travel allowance for Mr. Russell since 1986.

The motion passed unanimously

Mr. Russell thanked the Board for their support and expressed the difficulty in saying goodbye to retiring Board members. Mr. Russell said that it is "everyone" that makes it work, from the clerk, to the attorney, to the finance director, to the departmental staff members. Mr. Russell said that "we" will be the best staff you have.

### **ADJOURNMENT**

With no further business to discuss, Chairman Andrews adjourned the meeting at 11:45 pm.

Respectfully Submitted,

Rita K. Foil, CMC  
Clerk to the Board