

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS  
May 17, 2004 – 7:00 PM  
J. NEWTON COHEN, SR. ROOM, ADMINISTRATION BUILDING**

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

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

Chairman Andrews convened the meeting at 7:00 pm.

Chairman Andrews recognized Scout Troop #448 from Coburn Memorial Methodist Church and asked the members to please sit in the front of the audience. Chairman Andrews expressed pleasure that the scouts would be observing the procedures of the meeting.

Commissioner Tadlock provided the Invocation and Boy Scout Troop #448 led the Pledge of Allegiance.

**ADDITIONS**

- Attorney John Holshouser requested to add a Closed Session regarding the broadcast towers litigation.
- Rita Foil, Clerk to the Board, requested to add the following items to the Consent Agenda:
  - A public hearing to be scheduled for the Commissioners regular meeting on June 7, 2004 concerning the financing of the South Rowan Library Project.

- A public hearing to be scheduled for the Commissioners regular meeting on June 7, 2004 concerning the financing of the Park Renovations Project.

Chairman Andrews approved the additions requested by Ms. Foil as Consent Agenda Items F and G.

### **COMMISSIONERS LIAISON REPORTS**

Commissioner Belk said Jack Kepley who was attending the meeting with Scout Troop #448, also served on the Parks Board. Commissioner Belk explained that Mr. Kepley and the Scouts had worked to develop the new Cluster Badge for the work at Eagle's Nest Park. Commissioner Belk thanked Mr. Kepley and the Scouts for their contribution to the project and the county.

Chairman Andrews announced that Howard Platt had been recognized by the National Sportscasters Association as the North Carolina Sports Announcer of the Year.

### **CONSIDERATION OF CONSENT AGENDA**

Commissioner Mitchell moved to approve the Consent Agenda as presented with the additions as requested by the Clerk. The motion was seconded by Commissioner Tadlock.

Chairman Andrews pulled Item B and read the Proclamation for EMS Week.

The motion to approve the Consent Agenda passed unanimously. The Consent Agenda consisted of the following:

- A. Approval of Proclamation for "NASCAR Nextel All-Star Challenge Week"
- B. Approval of Proclamation for EMS week
- C. Approval of HCCBG funding
- D. Update report on the Teacher's Classroom Supply funding
- E. Budget Amendments
- F. A public hearing to be scheduled for the Commissioners regular meeting on June 7, 2004 concerning the financing of the South Rowan Library Project.
- G. A public hearing to be scheduled for the Commissioners regular meeting on June 7, 2004 concerning the financing of the Park Renovations Project.

Frank Thomason, Director of EMS was presented the Proclamation for EMS Week. A round of applause followed the presentation.

### **SECOND READING ON THE PROPOSED FRANCHISE AGREEMENT WITH TIMEWARNER CABLE**

Dave Harris of Piedmont Triad Council of Governments was present for the second reading of the proposed franchise agreement with TimeWarner Cable.

County Manager Tim Russell said there was no additional information to be provided unless the Board had further questions.

Commissioner Mitchell moved to approve the franchise agreement. The motion was seconded by Commissioner Tadlock and passed unanimously.

### **PROPOSED ADJUSTED BUDGET FOR THE SCHOOL BOND PROJECTS**

Jim Christy of the Rowan-Salisbury Schools and Ed Watson of Construction Control were present to discuss the school bond projects.

Mr. Christy said the presentation was a follow-up to the April 13, 2004 meeting when the school bond projects and funding sources were examined.

Mr. Christy highlighted the information in the agenda packet and reviewed the differences in the previous proposals. Mr. Christy said the East Elementary School was moved to 2006 and now reflects the same budget of South Elementary at \$10,309,851. Mr. Christy said the School Board had approved funding in the amount of \$188,500 for gym renovations at Salisbury High School (SHS). Mr. Christy said the appropriation was included in the total bond project of \$3,545,758.

Mr. Christy said the bond issuance costs were an additional \$250,000 that was not included in the original proposal.

Mr. Christy said the school system requested to move \$2,487,426 from the State Bond Funds and Public School Building Capital Funds (PSBCF) to remove the allocation from contingencies and future current expense. Mr. Christy explained that this was “picking up the shortfall in the State Bond Funds and PSBCF.”

Mr. Christy also mentioned that the Governor’s budget was proposing to cut PSBCF by as much as 50 percent. Mr. Christy said if the proposals he had just presented were affected by the cut, the school system would come back with a different proposal.

Chairman Andrews expressed concern that in Short Session, the Governor was talking about removing \$60 million from the PSBCF. Chairman Andrews said it was also rumored that over a three-year period, the whole program could possibly be cut.

Mr. Christy said if the Governor cuts the PSBCF by 50 percent, “we’ll still be okay, but if he starts eliminating” then additional funding sources would be sought.

Commissioner Blount moved to approve the budget as presented subject to any changes necessary due to the state budgeting process. Commissioner Tadlock seconded the motion and the motion carried unanimously.

**CONSIDERATION OF AWARDING A CONTRACT FOR THE “LUNCH AND MORE” NUTRITION PROGRAM**

Judy Crews and Willie Redick of Senior Services discussed the handout in the agenda packets.

Ms. Crews reported that Chartwells has been the food service contractor “for a number of years” for the Rowan County Lunch and More Nutrition Program. Ms. Crews said a Request for Proposals (RFP) had been mailed to seven (7) contractors and three (3) bids had been received.

Ms. Crews requested that the Board approve the bid from Chartwells, stating that staff is happy with the service provided by the company.

In response to a query from Commissioner Blount, Ms. Crews said that Chartwells is an international company and that staff deals with the headquarters in Charlotte, North Carolina.

Commissioner Blount said that several people had contacted him concerning this issue, suggesting that the money stay in Rowan County with a local entity.

Ms. Redick said that Chartwells is located at Catawba College and is also the caterer for the college. Ms. Redick said when considering the bid from the Downtowner, staff had felt the company was not equipped to prepare and deliver the meals in a timely manner due to the size of the company’s small kitchen. Ms. Redick said the program had received great service from Chartwell’s for the past nine (9) years and explained that the company had also just renewed a fourteen (14) year contract with the college.

Ms. Crews pointed out that the Downtowner lease was for a one or two-year basis and the program was more comfortable with the longevity of the lease with Chartwell’s.

Commissioner Blount moved to approve the request to renew the contract with Chartwell’s as requested. Commissioner Belk seconded the motion and the motion carried unanimously.

**PUBLIC HEARING FOR Z-04-04, A REQUEST FROM HALL STEELE**

Marion Lytle, County Planner, presented the background regarding the rezoning request from Hall Steele for properties located at Barber Junction in Cleveland. Mr. Lytle said US 70 was designated as a development corridor during the initial countywide zoning in 1998 and tracts larger than ten (10) acres were targeted for IND zoning. Mr. Lytle said owners of these tracts were mailed letters regarding zoning, resulting in significant IND zoning in the area.

Mr. Lytle said the two (2) tracts are smaller vacant tracts and Mr. Steele has discussed the development of these tracts numerous times with staff.

Mr. Lytle highlighted the Staff Review as follows:

1. Relationship and conformity with any existing plans and policies.
2. Consistency with this article and the requested zoning districts purposes and intent.
3. Compatibility of all uses within the proposed zoning district with other properties and conditions in the vicinity.
4. Potential impacts on facilities such as roads, utilities and schools.

Mr. Lytle said staff recommends a favorable decision to the Commissioners.

Mr. Lytle reported that no one spoke at the public hearing regarding the request and that the Planning Board voted 9-1 to a favorable recommendation on the issue.

Chairman Andrews opened the public hearing to entertain citizen input pertaining to the request. With no citizens wishing to address the Board, Chairman Andrews closed the public hearing.

Commissioner Mitchell moved to approve the request as submitted. Commissioner Belk seconded the request and the motion passed unanimously.

#### **PUBLIC HEARING FOR CUP-08-04, A REQUEST FROM YATES DEVELOPMENT, LLC**

Chairman Andrews read the Chairman's Speech (Exhibit A) and declared the public hearing for CUP-08-04 to be in session. Chairman Andrews said the hearing would focus on an application submitted by Yates Development, LLC for the proposed subdivision of Tax Parcel 477-069 on South Main Street. Chairman Andrews said due to the location in the CBI district, the proposed subdivision requires conditional use review.

The Clerk swore in those wishing to provide testimony in the case: Ed Muire and Lane Yates.

Ed Muire, a member of the Rowan County Planning Staff, provided the Staff Report (Exhibit B) and explained that the request from Yates Development, LLC was for consideration of a conditional use permit to subdivide property in the CBI district.

Mr. Muire referred to the survey (Exhibit C) in the agenda packet and said the proposal would allow the property to be divided into three (3) separate tracts. Mr. Muire recalled that approximately one (1) year ago, staff had made some wholesale zoning changes east of the interstate to "get out from under the blanket CBI district" at that time. Mr. Muire said staff had not yet "extended that same exercise west of the interstate." Mr. Muire said based on the tract's location, he felt that it was "highly unlikely" the zoning would change to "anything other than a CBI type of designation."

Mr. Muire described the surrounding properties, including a restaurant.

Mr. Muire referred to the General Review Criteria (Exhibit B) and said Mr. Yates had provided a response to the criteria. Mr. Muire said he would not go over all of the criteria, as it was “fairly general in nature.”

Mr. Muire said Staff recommends approval of CUP-08-04 to divide the parcel into three (3) tracts.

Mr. Muire referred to the three (3) suggested findings (Exhibit B) in support of staff’s recommendation and said the Board could modify the findings.

Chairman Andrews opened the public hearing to entertain citizen input.

1. Lane Yates, property owner and owner of Yates Development, LLC addressed the Board. Mr. Yates described the parcel in question as being a ¼ of a mile long, which his company had acquired in 1996. Mr. Yates referred to a restaurant on the parcel that was converted to a local “grocer” and said he had the intentions of offering the local grocer the option to purchase and therefore separate the parcel. Mr. Yates said there would be other activity on the right side that would be a separate business and there were future ideas for the left side.

Mr. Yates said he would appreciate the Board’s consideration of the request.

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

Commissioner Tadlock moved to approve the issuance of the permit as requested. Commissioner Mitchell seconded the motion.

In response to a query from Chairman Andrews, Commissioner Tadlock agreed that the Findings of Fact be “attached” to the motion and the motion passed unanimously.

The **Findings of Fact** were listed in the Staff Report (Exhibit B) as follows:

1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.
2. That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity.
3. That the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted County plans.

## **CONSIDERATION OF APPLICATION FOR ENHANCEMENT GRANT FROM NC DOT FOR THE GREENWAY PROJECT**

Marion Lytle, County Planner, Bob Pendergrass of the Rowan County Parks & Recreation Department and Greg Crawford of the China Grove Rotary Club presented the information concerning the grant application.

Mr. Pendergrass said the Grants Creek Greenway Master Plan had been developed and the County was situated to begin pursuing development of sections of the system.

Mr. Pendergrass reported that funding for the Greenway development would come from the NC DOT. Mr. Pendergrass said there are two (2) types of funds:

- 1) Bike and Pedestrian Funds, which is 100% of what is applied for through the Transportation Improvements Plan (TIP) and dedicated to development; and
- 2) Enhancements Program, which is a reimbursable development program that requires a 20% cash match of local support. Mr. Pendergrass said the funds are not available every year however, current funding for the Rowan County region is approximately \$3 ½ million.

Mr. Pendergrass said the logical place to start the Greenway development is in the China Grove and Landis area due to the high percentage of municipality ownership, wide diversity of destinations, a dense population base and strong public support.

Mr. Pendergrass said the first section of priority would be from Corriher-Lipe School to Kimball Road.

Mr. Pendergrass said there was an opportunity through the Enhancements Program to have an additional section funded from Kimball Road to US Hwy 152 if the 20% match could be provided.

Mr. Pendergrass said there had been a strong show of organizational support in the area. Mr. Pendergrass introduced Greg Crawford, President of the China Grove Rotary Club, a club that had pledged over \$20,000 of the matching funds. Mr. Pendergrass said he had also brought letters of support reflecting the pledges from other organizations.

Mr. Pendergrass explained that the application required the support of the Board of Commissioners and must be submitted by June 4, 2004. Mr. Pendergrass said a document would also have to be signed, which agreed to provide the necessary 20% match, which was \$60,000. Mr. Pendergrass said half of the match, \$30,000, had been raised in approximately three (3) weeks and said, "We feel like we can raise more." Mr. Pendergrass said the applications are not considered until the first of August and the application could be pulled from review in mid-July if the additional matching funds were not raised by that point.

Mr. Pendergrass requested permission to proceed with the application.

Mr. Crawford said the Rotary Club was excited about the Greenway Project. Mr. Crawford said the club was approaching its centennial year and explained that clubs across the country were supporting a major project within their communities. Mr. Crawford said the China Grove Rotary Club began raising funds for its project over a year ago and was willing to commit a minimum of \$22,500 for the Greenway. Mr. Crawford said \$7,500 of the funds came from Rotary International. Mr. Crawford said the Rotary Club would be behind the project to make sure the Greenway happens. Mr. Crawford also said the club would like to take an active part in the development and maintenance of the project.

Mr. Crawford requested the Board's support of the project.

Chairman Andrews explained that the project was a budget item, however due to the fact that the application deadline would occur before the budget process, the Board would have to make a decision.

Commissioner Blount moved to approve the request with the Board's support, up to a \$30,000 match, and that the funds would be found from available resources during the budgeting process. Commissioner Blount said if the match were not raised, the application would "drop out."

Mr. Pendergrass asked for permission to pursue non-matching funds to "make that match" if the application were to be approved.

Commissioner Blount included the option to pursue non-matching funds as part of the motion. Commissioner Blount said he would also like the motion to include that a formal maintenance agreement be drafted for China Grove and part of Landis, prior to approving the actual construction of the Greenway. Commissioner Blount said the motion was in "three parts." Commissioner Belk seconded the motion.

In response to a query from Commissioner Tadlock, Mr. Pendergrass confirmed that the total application would be in the amount of \$300,000, with the 20% match totaling \$60,000. Mr. Pendergrass said over \$30,000 had already been pledged to meet the 20% match.

Mr. Pendergrass said the application could be pulled from consideration by July 15, 2004 with no repercussion.

Commissioner Mitchell said he was more than willing to support that the application be submitted but said he was not ready to commit money for the project. Commissioner Blount explained that the second part of the motion was subject to "finding the available revenue."

Commissioner Blount applauded Mr. Crawford and the Rotary Club of China Grove, as well as Rowan Bank and the South Rowan Y Service Club for their efforts.

Mr. Pendergrass also acknowledged China Grove Board of Trade for its pledge of \$2500.

Mr. Pendergrass said the Chairman of the Board would have to sign a statement agreeing for permission to submit the application and that the Board would agree to the 20% matching funds. Mr. Pendergrass said he did not want to “mislead” anyone and stressed that the Board would have the option to “pull out.”

Upon being put to a vote, the three-part motion was unanimously approved.

### **CONSIDERATION OF CHANGING THE SCHEDULE FOR THE JULY BOARD OF COMMISSION MEETINGS**

The Clerk to the Board, Rita Foil, explained that the July 5, 2004 Commission meeting would fall on a holiday observed by Rowan County Employees in celebration of July 4<sup>th</sup>. Ms. Foil said several Commissioners had requested to hold only one meeting in July and the date of July 12<sup>th</sup> had been proposed.

Ms. Foil said there would be approximately six (6) public hearings on that date and a suggested starting time for the meeting was 4:00 pm to allow ample time for citizen input.

Commissioner Mitchell moved to change the July meetings to July 12<sup>th</sup> at 4:00 pm. The motion was seconded by Commissioner Tadlock and passed unanimously.

### **BOARD APPOINTMENTS**

#### **Salisbury-Rowan Human Relations Council**

Commissioner Blount moved to approve Lawrence Lee and the motion carried unanimously.

#### **Child Abuse Prevention Task Force**

Commissioner Belk moved to approve the addition of a new slot on the task force for the probation/parole area. The motion passed unanimously.

#### **Strategic Planning Executive Committee**

Commissioner Blount recalled that the Board had asked the Strategic Planning Executive Committee to review the strategic planning process and come back with recommendations for members to add to the committee. Commissioner Blount said the recommended members had been contacted and were willing to serve.

Commissioner Tadlock moved to approve the recommendations as submitted. The motion passed unanimously.

### **EDC Board**

Commissioner Mitchell moved to reappoint Newton Cohen and to appoint Eric Slipp to the “rotating” slot on the EDC Board. The motion carried unanimously.

### **Town of Cleveland ZBA and Planning Board in the ETJ**

Commissioner Belk moved to reappoint Locke Steele. The motion passed unanimously.

### **Union Volunteer Fire Department**

Commissioner Belk moved to appoint Arnold Cauble, Cecil Whitley and Charles Hartley as fire commissioners. The motion was unanimously approved.

### **PUBLIC COMMENT PERIOD**

Chairman Andrews opened the public comment period to entertain public comment.

- 1) Dr. Wiley Doby, Superintendent of the Rowan-Salisbury Schools, discussed the tough economic times and said the school system must continue to progress forward. Dr. Doby referred to the budget proposal and said school system had asked for what it felt was “no frill” items, with approximately half of the items being state-mandated such as retirement benefits, state salaries and medical benefits. Dr. Doby said the schools had requested a ten percent increase in funding from the County, or \$2.8 million dollars. Dr. Doby said the items were “very important for the progress and ongoing of our school system.” Dr. Doby said the items reflect the Strategic Action Plan previously submitted by the Board of Education and encouraged the Commissioners to consider the requests as it reviewed budgetary action.
- 2) Danny Shaw, a resident/business owner located on Highway 150, referred to recent press coverage regarding the Millbridge Racetrack. Mr. Shaw said, “We need to have an appeal of this Judge’s finding.”

Mr. Shaw said he would like to go on record as saying, “There were no races at that track after May 1999.” Mr. Shaw said a County Zoning Officer was informed in October of 2000 that all activity at the track had ceased. Mr. Shaw said that Barbara Welter (racetrack property owner) had told Mr. Lytle that there had been no races in 2000. Mr. Shaw handed out copies of a letter that he had received from the County Zoning Board as to “what was going on in this case.” Mr. Shaw said it appeared that the Judge’s decision was based on his assumption that someone had leased the property during the time in question, which would have been 1999 and 2000. Mr. Shaw said the assumption should not have been made unless a signed lease, receipt for payment, tax returns showing leased income and/or other proof that such a lease existed. Mr. Shaw said, “This was never brought up in any Board of Commissioners meeting here between the County and the Welters and their attorney.” Mr. Shaw said the Welters had never informed the County that they had a paid lease in force through those two (2) years. Mr. Shaw said the

Judge based his decision on the fact that the Welters were drawing an income from the track even though races weren't being held. Mr. Shaw said the Welters claimed to have paid an exorbitant amount of money for repairs to the track but had never provided proof of payment, cancelled checks or receipts for the work. Mr. Shaw said the Welters had only submitted bills they claimed to have incurred. Mr. Shaw said the history of the track would show that it has never positively contributed to the County. Mr. Shaw said when complaints were made to the County regarding the noise, parking and trash, citizens were told deputies were on site and would take care of the problem. Mr. Shaw said the deputies were off-duty being paid by the track. Mr. Shaw suggested that the Commissioners visit the track and asked that the Board not be intimidated by the Welters or their lawyers. Mr. Shaw stressed that the Commissioners should consider the quiet, serene area that would draw a future tax base from future homes as opposed to the racetrack. Mr. Shaw pleaded to the Board to get the Judge's decision overturned.

- 3) Jackie Shaw, wife of Danny Shaw, also discussed the racetrack. Ms. Shaw said that "years ago" the track was operating and many times it was operated in a responsible manner with go-carts and established hours. Ms. Shaw said other times there were individuals leasing the track that were irresponsible. Ms. Shaw said "years ago" before zoning, there was no control over noise, hours, etc. Ms. Shaw said the new zoning law says if the track were to be closed for 12 consecutive months, abandoned and not used, the property might be considered for a "different use" and would have to "follow some rules." Ms. Shaw said there is one small tract of land that divides her property from the racetrack and therefore, she was aware of the last time the track operated. Ms. Shaw said they, along with several neighbors kept close watch on the operation of the track. Ms. Shaw said races were not held, the grass wasn't cut, no one was at the track, and "no music when they were fixing the track and all of the things that they used to do." Ms. Shaw said after approximately eighteen (18) months she and several neighbors wrote to Mr. Lytle about that they had observed that "nothing going on at the track." Ms. Shaw said approximately six (6) months later, the owners of the track contacted Mr. Lytle and asked if they could open the track again. Ms. Shaw said the property owners had admitted at that time that no races were held during the summer of 2000. Ms. Shaw said no races were held in 1999 either. Ms. Shaw said Mr. Lytle confirmed the conversation with the property owners in the letter he had sent to the neighbors of the racetrack. Ms. Shaw mentioned that during this time, the Board of Commissioners also served as the Zoning Board of Adjustments. Ms. Shaw recalled that the decision of the Board was that the property owners could not re-open the racetrack. Ms. Shaw said the Welters had appealed and the decision had now been made to allow them to re-open the track. Ms. Shaw said she would swear under oath that the track had not operated during the alleged time period, that no one had cut the grass or maintained the track.

Ms. Shaw requested that the Board allow the County Attorney to file an appeal to the recent decision and asked the County to protect the interests of the citizens in western Rowan County.

- 4) David Hall, a resident of West Rowan, presented the Board with five (5) points of consideration regarding tall broadcast towers:
  1. Revisit the Planning Board's unanimous recommendations regarding tall broadcast towers.
  2. Protect the few remaining working farms in Rowan County through tax relief and protection, not by re-zoning.
  3. Don't spot zone.
  4. Remember that people choose to live in rural agricultural communities for the serene view and ties to the land, not for tall broadcast towers.
  5. Don't feel intimidated by high dollar lawyers representing big money interests.
- 5) Eric Leazer spoke in support of the Rowan-Salisbury Schools proposed budget from the Board of Education.

Mr. Leazer said he worked for the school system and that any deviation from the proposed budget would present the following negative conations for some of the programs:

1. Need for more career technical education teachers
2. Geared Up For Success Program
3. Biotech lab at West Rowan High School

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

Chairman Andrews called for a short break at 8:25 pm and announced that after the break, the Board would go into Closed Session.

### **EXECUTIVE SESSION**

Chairman Andrews declared that the Board would go into Executive Session at 8:30 pm.

Chairman Andrews reconvened the Board back into Open Session at 8:45 pm.

The Board reviewed the Budget Work Sessions beginning June 7, 8 and 9. Commissioner Tadlock recommended that the Board take a lunch break after the regularly scheduled morning Commission meeting on June 7, 2004 and begin the work sessions at 2:00 pm.

Commissioner Belk recommended starting the work sessions on the other days after 11:00 am.

Attorney Holshouser asked the Board for its support and prayers, as he would be involved in the appeal process for the Quarter Midget Racetrack on June 15, 2004.

**ADJOURNMENT**

With no further business to be brought before the Board, Chairman Andrews adjourned the meeting at 8:50 pm.

Respectfully Submitted,

Rita K. Foil, CMC  
Clerk to the Board