

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
August 2, 2004 – 9:00 AM
J. NEWTON COHEN, SR. ROOM, ADMINISTRATION BUILDING**

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

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

CALL TO ORDER

Chairman Andrews convened the meeting at 9:00 am. Commissioner Mitchell provided the Invocation and Commissioner Tadlock led the Pledge of Allegiance.

ADDITIONS

- Attorney Holshouser noted that he did not have an addition to the agenda but mentioned that he must report to court at 10:00 am.
- County Manager Tim Russell distributed correspondence and asked for discussion at the appropriate time.
- Mr. Russell also requested to add an Executive Session for discussion regarding economic development.
- Rita Foil, Clerk to the Board, handed Commissioners a memo for the NCACC requesting proposed legislative goals to be submitted back to the NCACC by September 15, 2004.

COMMISSIONERS LIAISON REPORTS

There were no reports provided.

ADDITIONS TO THE AGENDA:

Mr. Russell referred to the correspondence from Environmental Services Director Don Conner, which indicated Mr. Conner's plans to retire from county service, effective December 1, 2004. Commissioner Tadlock asked "What Year?"

Mr. Russell said Mr. Conner had been with the county a "long time" and through a transition of new challenges. Mr. Russell said he wished Mr. Conner well in his retirement.

Chairman Andrews said he hated to see Mr. Conner retire but congratulated him upon his decision.

CONSIDERATION OF CONSENT AGENDA

Chairman Andrews requested to remove Item E and place it as the first item (1b) for discussion on the agenda. Chairman Andrews said Ed Muire would provide a presentation regarding the proposed text.

Commissioner Blount moved to approve the Consent Agenda with the removal of Item E as requested. Commissioner Mitchell seconded the motion and the motion passed unanimously. The Consent Agenda consisted of the following items:

- A. Approval of the 7/12/04 minutes
- B. Set a public hearing for Z-07-04 & CUP-06-04, William Kluttz
- C. Approval of sale to NC DOT of two sections on Hwy 70 for Right-of-Way
- D. Approval to set a public hearing for road/name readdressing
- E. Approval to set a public hearing for text amendments addressing high impact uses (removed for discussion)
- F. Budget Amendments

PROPOSED TEXT AMENDMENTS FOR HEAVY IMPACT USES

Ed Muire of the Rowan County Planning Department reported on the proposed text amendments to Section 21-60 (2) of the Rowan County Zoning Ordinance that have specific conditional use standards for thirteen (13) manufacturing uses in the Industrial (IND) district.

Mr. Muire said the Planning Board met on July 26, 2004 and approximately 100 people were in attendance.

Mr. Muire said the committee reviewed how adjoining counties handled asphalt plants and other heavy impact uses. Mr. Muire said with the

exception of Iredell County, the uses were treated as permitted uses in the heavy industrial districts. Mr. Muire said Rowan County was the only county with conditional uses in an industrial setting.

Mr. Muire highlighted the following changes recommended by the Planning Board:

1. Require financial surety for site rehabilitation of these uses.
2. Require Type B screening to the sides and rear of the operational area and Type A along frontage of operational area. This approach allows the facility to screen the operational area as opposed to the entire tract.
3. Require a ½ mile separation distance from churches, daycares, schools and healthcare facilities.

Mr. Muire said the screening requirements could be added by the Board for any application

Chairman Andrews questioned the separation distance of a heavy industrial facility from churches, schools, homes, etc. Mr. Muire responded that no separation distance was recommended by the Committee or Planning Board. Mr. Muire said a group had approached the “board” about a separation distance prior to the moratorium. Mr. Muire said staff reviewed the ordinance and found three (3) instances where separation standards are used: 1) bars; 2) sexually oriented businesses, and 3) junkyards. Mr. Muire said the separation distance varied from ½ mile to 1,000 feet. Mr. Muire recalled that bars have separation from a residence.

Chairman Andrews felt that part of the study and looking at impact of heavy industry was to review the protection of the citizens. Chairman Andrews said, “It really doesn’t provide them with anything.”

Commissioner Belk agreed with Chairman Andrews and said the residential areas were just as important as churches, schools, daycares and healthcare facilities.

Commissioner Mitchell said if a resident builds a house next to an industrial zoned area, the resident must expect an industry of some type.

Commissioner Blount said the separation agreement “sounds good” for churches, etc., but said when considering protection of individual homes, he would ask staff to review maps and determine where the industrial areas could be located. Commissioner Blount said there are very few places in Rowan County “where you can go ½ mile without running into a house.”

Commissioner Blount said the Board would have to be careful with separation requirements in an effort not to rule out certain applications. Commissioner Blount said the Board might want to consider reducing the separation requirement to less than ½ mile.

Mr. Muire said there had been discussion in the past concerning protection of public parks. Mr. Muire said the Board might want to consider adding public parks to the separation distance.

Commissioner Blount said he was comfortable to add parks since there were such a limited number of parks in the county. Mr. Muire said he was unaware of any industrial-zoned areas near the parks.

Mr. Muire noted that Bulk Storage Facilities/Tank Farms (SIC 516 and 517) deal with the distribution of chemical and petroleum products. Mr. Muire said they were allowed as a conditional use in the CBI district, however, staff felt it would be good to remove these from CBI and require them to be a conditional use in the industrial district.

Commissioner Mitchell inquired as to how many uses would become non-conforming if the Board enacted the proposed text. Mr. Muire said, "There would be some."

In response to a query from Commissioner Tadlock, Mr. Muire confirmed that conditional use permits are transferable to new ownership.

Commissioner Belk thanked staff for responding so quickly with the proposed text amendments.

Commissioner Blount moved to set a public hearing to consider text amendments addressing high impact uses. Commissioner Belk seconded the motion and the motion passed unanimously.

PRESENTATION FROM SOIL & WATER ON THE SOIL SURVEY

Lee Menius of the Rowan Soil and Water Conservation District and Bruce Miller, Supervisor of the District, addressed the Board regarding the Soil Survey.

Mr. Menius presented a copy of the Soil Survey and said the project had been ongoing for approximately twenty (20) years. Mr. Menius said the information was important not only for agriculture but for developers and land use planning.

Chairman Andrews asked if there were significant areas that contained poor soil. Mr. Menius said there was a map in the back of the survey that depicted an overview of the soil classifications throughout the county. Mr. Menius noted that the more productive soils were located in the western and northwestern corners of the county.

Mr. Miller said the survey was funded by the Board and said it was a pleasure to finally have the survey available. Mr. Miller said soil ranking was the single most important criteria to Farmland Preservation.

Mr. Menius also provided the online address for access to the survey.

Chairman Andrews expressed appreciation for the presentation.

PUBLIC HEARING FOR THE ROAD CLOSING OF NEVADA PLACE

Don Conner, Director of Environmental Services, described the road closing as a short cul-de-sac with approximately 5 or 6 lots. Mr. Conner reported that the petitioners own all of the lots around the cul-de-sac, with their house built in the middle of the easement for the road.

Mr. Conner referred to the affidavit from Attorney Farrar Griggs, Jr. that the road closing had been advertised and posted as required by the General Statutes.

Mr. Conner recommended approval of the road closing.

Chairman Andrews opened the public hearing to entertain citizen input regarding the road closing of Nevada Place.

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

Commissioner Tadlock moved to accept the recommendation from Don Conner. The motion was seconded by Commissioner Belk and passed unanimously.

PUBLIC HEARING FOR THE ROAD CLOSING OFF OF HWY 601

Mr. Conner explained that the road led off of Hwy 601 through part of what is known as Crescent. Mr. Conner said most of the road is in the City of Salisbury and was closed by the city two (2) years ago. Mr. Conner said the county found out afterwards that a small portion of the road was outside of the city limits.

Mr. Conner said the road closing was advertised, posted and neighbors were notified. Mr. Conner said he had spoke with 2 of the 3 neighbors along the road.

Mr. Conner recommended closing the road.

In response to a query from Commissioner Blount, Mr. Conner confirmed that he had spoke with Steve Jarrett and he was in agreement with the road closing.

Chairman Andrews opened the public hearing to entertain citizen comment regarding the road closing off of Hwy 601. With no citizens wishing to address the Board, Chairman Andrews closed the public hearing.

Commissioner Tadlock moved to accept the recommendation by Don Conner. Commissioner Belk seconded the motion and the motion carried unanimously.

APPROVAL OF BID FOR CONSTRUCTION OF CELL 3 AT THE LANDFILL

Don Conner referred to the Engineer's Bid Tabulation in the agenda packet concerning the bids for the construction of Cell 3 at the Rowan County Landfill.

Mr. Conner said four (4) bids were received with Morgan Corporation being the lowest at \$3,673,405.16. Mr. Conner said he concurred with S&ME's recommendation to award the contract to the Morgan Corporation.

Commissioner Tadlock moved to accept the Morgan Corporation bid in the amount of \$3,673,405.16. Commissioner Blount seconded the motion.

In response to a query from Commissioner Mitchell, Mr. Conner said the item was not budgeted but there were funds in the Landfill/Enterprise Fund to pay for the cell.

The motion on the floor passed unanimously.

PUBLIC HEARINGS FOR THE FOLLOWING UNANIMOUS ROAD NAME PETITIONS: HAPPY TRAILS ROAD, BACK SIDE DRIVE, YADKIN RIVER DRIVE, GLORY ROAD

Fredda Greer of the Rowan County Planning Department said there had been no feedback from any residents concerning each of the road names. Ms. Greer said the petitions were unanimous.

Ms. Greer recommended approval of the road names “as a group.”

Chairman Andrews opened the public hearing to entertain citizen input regarding the proposed road names. With no citizens wishing to address the Board, Chairman Andrews closed the public hearing.

Commissioner Mitchell moved for approval as presented. Commissioner Tadlock seconded the motion and the motion passed unanimously.

PUBLIC HEARINGS FOR THE FOLLOWING MAJORITY ROAD NAME PETITIONS: AGNER FARM ROAD, GUM TREE DRIVE, LAB LANE, RUNNING CEDAR DRIVE, LONE MOUNTAIN TRAIL, UNDERCOVER DRIVE

Fredda Greer presented the information regarding the proposed Majority Road name petitions and reported that there had been some controversy and contacts to Planning Staff concerning the names.

Agner Farm Road

Ms. Greer discussed Agner Farm Road and said 4 of 5 property owners had signed the petition. Ms. Greer said ASI had identified the road as meeting the criteria to be named.

Ms. Greer said the road name was acceptable and staff recommended approval.

Chairman Andrews opened the public hearing to entertain citizen input regarding the proposed road name.

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

Commissioner Tadlock moved to accept staff's recommendation for Agner Farm Road. Commissioner Blount seconded the motion and the motion passed unanimously.

Gum Tree Drive

Ms. Greer discussed the proposed road name of Gum Tree Drive and said the road runs north off of the 1500 block of Redmon Road. Ms. Greer said 3 of 5 property owners had signed the petition. Ms. Greer said there are 3 structures along the road and the road had been identified by ASI as meeting the criteria to be named. Ms. Greer said staff had received 2 petitions for the road with 1 of the petitions for Pink Graham Lane containing only 1 signature. Ms. Greer said staff did not accept Pink Graham Lane due to the proposed name being that of an individual. Ms. Greer said the other petition

for Gum Tree Drive had 3 signatures of the 5 property owners. Ms. Greer said staff accepted the petition for Gum Tree Drive.

Ms. Greer said she had received a call from Mr. Michael Kluttz who had submitted the petition for Pink Graham Lane. Ms. Greer said he was unhappy that his petition was not accepted and was also unhappy that the Commissioners were considering the petition in the morning hours, as he was unable to attend and speak.

Ms. Greer said staff recommends approval of Gum Tree Drive.

Chairman Andrews opened the public hearing to entertain citizen input regarding the proposed road name.

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

Commissioner Blount moved to approve staff's recommendation. The motion was followed by a second from Commissioner Tadlock and carried unanimously.

Lab Lane

Ms. Greer reported that ASI had identified the proposed road of Lab Lane as meeting the criteria of a road needing to be named. Ms. Greer said staff had received a petition with 3 of 5 signatures, however, since the petition was received, calls were received from owners who were unhappy with the proposed name, including one person who had signed the petition.

Ms. Greer said the proposed name was acceptable and recommended by staff.

Chairman Andrews asked if the person who had signed the petition had called back with another recommended name. Ms. Greer responded, "They actually wanted to name another road." Ms. Greer referred to the map in the handout to point out the referenced road.

Chairman Andrews opened the public hearing to entertain citizen input regarding the proposed road name.

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

Commissioner Blount moved to approve staff's recommendation of Lab Lane. Commissioner Belk seconded the motion and the motion passed unanimously.

Running Cedar Drive

Ms. Greer said the proposed road name of Running Cedar Drive runs off of the 10000 block of Old Beatty Ford Road. Ms. Greer explained that staff became aware of the road when a resident came to the office for an address and indicated this address was for a third structure on the road. A petition was submitted with 3 out of 4 signatures and is an acceptable name.

Ms. Greer said staff recommended approval of Running Cedar Drive.

Chairman Andrews opened the public hearing to entertain citizen input regarding the proposed road name.

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

Commissioner Belk moved to accept staff's recommendation. Commissioner Tadlock seconded the motion and the motion carried unanimously.

Lone Mountain Trail

Ms. Greer reported that the proposed road of Lone Mountain Trail ran east off of the 1300 block of Mountain Road and had been identified by ASI as meeting the criteria of needing to be named.

Ms. Greer said a petition was submitted with 4 out of 6 signatures and the proposed name is acceptable.

Ms. Greer said staff recommended approval.

Chairman Andrews opened the public hearing to entertain citizen input regarding the proposed road name.

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

Commissioner Blount moved for approval of staff's recommendation. Commissioner Tadlock seconded the motion and the motion passed unanimously.

Undercover Drive

Ms. Greer reported that the proposed road name of Undercover Drive was located north off of the 700 block of Goodman Road. Ms. Greer said a petition was received that contained 7 out of 12 signatures. Ms. Greer referred to the map in the agenda packets and pointed out the properties owned by Mr. Crowell. Ms. Greer explained that she had received a phone call from Mr.

Crowell and the tax assessor's records failed to show that Mr. Crowell also owned Tax Parcel 119 073. Ms. Greer said the parcel has been subdivided, which changes the number of actual property owners along the road to one less owner. Ms. Greer said the map was incorrect and therefore the property owners were incorrect.

Ms. Greer said the Crowell's advised her they were not approached about the road name and they were not agreement with the name to due the connotations and innuendos that could be associated with the proposed road name. Ms. Greer said Ms. Crowell told her that some property owners had signed the petition without the name of the road being "filled in."

Ms. Greer said Mr. and Mrs. Crowell had submitted a petition for Cool Breeze Lane, which had three (3) signatures that appeared on both petitions.

Ms. Greer said staff recommended withdrawing Undercover Drive and verifying the number of signatures on the petition for **Cool Breeze Lane**.

Commissioner Blount moved to accept staff's recommendation to withdraw the petition. Commissioner Belk seconded the motion and the motion passed unanimously.

In response to a query from Commissioner Tadlock, Ms. Greer confirmed that a public hearing would be held at the next meeting.

APPROVAL OF THE UPDATED FIRE AGENCY MUTUAL AID AGREEMENT

Emergency Services Director Frank Thomason discussed the revised mutual aid agreement for all fire agencies in Rowan County, including the municipalities. Mr. Thomason explained that the agreement had been on file for many years and discussed the agreement being updated due to the North Carolina General Statutes being modified. Mr. Thomason said the statutes consolidated the mutual aid authority between municipalities and rural fire protection/service districts.

Mr. Thomason requested the Board's approval of the revised mutual aid agreement due to the wording changes.

In response to a query from Commissioner Tadlock, Mr. Thomason said the agreement had been "excellent" between the agencies.

Commissioner Belk mentioned that during her four (4) years as a Commissioner, she had never seen the "level of cooperation any higher than

it is at this point.” Commissioner Belk said mutual aid has “come a long way in this county for the protection of our citizens.”

Commissioner Belk moved to approve the mutual aid agreement as presented, followed by a second from Commissioner Blount. The motion passed unanimously.

APPROVAL OF PURCHASE OF KODAK ARCHIVE WRITER SYSTEM FOR THE REGISTER OF DEEDS OFFICE

Sandy Fisher of the Finance Department presented the request for the purchase of the Kodak Archive Writer System. Ms. Fisher explained that the purchase was exempt from formal bidding requirements according to the General Statutes “Sole Source Purchase.” Ms. Fisher said the Register of Deeds had submitted justification of the purchase in keeping the equipment compatible with the existing equipment.

Ms. Fisher said the funds for the purchase were already budgeted and requested approval of the Sole Source Purchase.

Commissioner Blount asked if the County Manager had reviewed the request. Mr. Russell responded yes.

Commissioner Mitchell asked if the maintenance would become an annual \$4,000 expense. Finance Director Leslie Heidrick said the funds should be set-aside in automation and would be self-supporting.

Commissioner Belk moved for approval of the purchase. Commissioner Tadlock seconded the motion and the motion passed unanimously.

APPROVAL TO DESIGNATE ROWAN COUNTY AS A STANDARD OR ELECTING COUNTY FOR THE WORK FIRST PLAN FOR 05-07

Department of Social Services (DSS) Director Sandra Wilkes discussed the Work First Plan. Ms. Wilkes explained that Work First is the name of the cash assistance program, which is the monthly check that goes into the homes of typically single-parent homes with children under the age of 18. Ms. Wilkes said the average amount of the check is \$211. Ms. Wilkes said the assistance is provided for a temporary period of time and one of the requirements is that the parent participates in activities that will lead to employment.

Ms. Wilkes reported that there are currently 470 Rowan County families receiving Work First assistance and seven (7) years ago when the program began, there were 1400 families receiving assistance.

Ms. Wilkes said the Work First Plan is updated every two (2) years and each county develops its own plan based on its needs. Ms. Wilkes said a committee consisting of DSS staff members and representatives of service organizations develops the plan. Ms. Wilkes said the plan would provide guidance to DSS for a two-year period, beginning July 1, 2005 through June 30, 2007.

Ms. Wilkes requested the following two (2) actions from the Board:

1. Designate Rowan County as an electing or standard county. Ms. Wilkes said the DSS Board and her preference was to be designated as standard status.

Commissioner Belk praised the program and moved to designate Rowan County as a standard county. Commissioner Tadlock seconded the motion and the motion passed unanimously.

2. Appointment of representatives to the Work First Planning Committee. Ms. Wilkes referred to the DSS appointment recommendations in the agenda packet:
 - Mrs. Debbie Beaver – DSS Board
 - Mr. David Roberts – Rowan Board of Health
 - Ms. Angie Banther – Local Management Entity
 - Dr. Bob Heffern - Rowan-Salisbury Schools
 - Mr. Dan Peninger – Employment Security Commissioner
 - Ms. Diane Scott – Rowan Helping Ministries
 - Capt. Chris Thornehill – Salvation Army

Commissioner Blount moved to approve the recommended appointments with the addition of Commissioner Belk as the commission appointee. Commissioner Tadlock seconded the motion and the motion passed unanimously.

APPROVAL TO CHANGE THE DATE OF THE FIRST MEETING IN SEPTEMBER

Clerk to the Board Rita Foil said the first Board meeting for September would fall on the Labor Day Holiday and pointed out that in the past the meeting date had been changed to the following day.

Ms. Foil asked if the Board would like to consider Tuesday, September 7, 2004 at 9:00 as an alternative meeting date.

Commissioner Tadlock moved to change the date of the first meeting in September to Tuesday, September 7 at 9:00 am. Commissioner Blount seconded the motion and the motion passed unanimously.

PUBLIC COMMENT PERIOD

There were no citizens present that wished to address the Board.

EXECUTIVE SESSION

Chairman Andrews called for a short break and the Board went into Executive Session at 10:10 am for discussion regarding economic development.

The Board returned to Open Session at 11:10 am and Commissioner Blount informed the Board that due to a conflict he might be unable to attend the NCACC Annual Conference.

ADJOURNMENT

With no further business, Chairman Andrews adjourned the meeting at 11:15 am.

Respectfully Submitted,

Rita K. Foil, CMC
Clerk to the Board