

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
January 18, 2005 – 7:00 PM
COMMISSIONER’S MEETING ROOM, ADMINISTRATION BUILDING**

Present: Frank Tadlock, Chairman
Arnold Chamberlain, Vice-Chairman
Steve Blount, Member
Chad Mitchell, Member
Jim Sides, Member

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

Chairman Tadlock called the meeting to order at 7:00 pm. Commissioner Mitchell provided the Invocation and Commissioner Sides led the Pledge of Allegiance.

CORRESPONDENCE:

A financial report from the Register of Deeds was included in the Commissioner’s packets.

ADDITIONS/DELETIONS TO THE AGENDA:

Chairman Tadlock asked if there were any additions to the agenda, to which there were none.

APPROVAL OF THE AGENDA:

Chairman Tadlock asked for approval of the agenda.

Commissioner Mitchell moved to approve the agenda as presented.
Commissioner Chamberlain seconded and the motion passed unanimously.

CONSIDERATION OF THE CONSENT AGENDA:

Commissioner Mitchell moved to approve the Consent Agenda as presented. Commissioner Sides seconded and the motion passed unanimously.

The Consent Agenda consisted of the following:

- A. Approval of the January 3, 2005 minutes
- B. Approval of the Certificate of Resolutions and the First Amendment to the Rowan County Medical Reimbursement Plan
- C. Approval of resolution in support of the National Guard and Reserve
- D. Approval from Rowan Public Library to sell withdrawn library materials to the public
- E. Approval to set a public hearing for a unanimous road name petition for Swanner's Park Drive
- F. Approval to set a public hearing for a majority road name petition for Franks Farm Lane
- G. Approval to set a public hearing for special consideration for the road names of Kesler Farm Drive and New Jersey Drive
- H. Approval of surety bond for Bev Lane
- I. Approval to set a second public hearing for the Scattered Site Housing grant
- J. Approval to set a public hearing for CUP-12-04, Telecommunication Tower Request from Muldowney Group, Inc.
- K. Budget Amendments

REPORT ON ROWAN COUNTY'S UNITED WAY CAMPAIGN:

Melody Moxley, from the Rowan Public Library, reported to the Board on this year's Rowan County Employees' United Way Campaign. Ms. Moxley, along with Laurel Reisen, co-chaired this year's campaign.

Ms. Moxley reported that Rowan County employees raised a total of \$68,745, which represents a 10% increase over the amount raised in the 2003/'2004 campaign, and met the goal set for the 2005 campaign. Ms. Moxley reported that 455 employees contributed to the United Way.

Chairman Tadlock commended Ms Moxley and the Rowan County employees for a "job well done".

SECOND PUBLIC HEARING TO CONSIDER APPROVAL OF THE ROWAN COUNTY HAZARD MITIGATION PLAN "MULTI-JURISDICTIONAL":

Frank Thomason, Rowan County Emergency Services Director, informed the Board that this is the second public hearing to consider approval of the Rowan County Hazard Mitigation Plan, which is required by the NCGS.

Mr. Thomason said the purpose of the Hazard Mitigation Plan is to project the critical areas and facilities in Rowan County, and also the municipalities that

might be affected by natural or manmade disasters. The plan recommends potential solutions that may effectively reduce or prevent catastrophic damages, physical and financial losses to these facilities.

Mr. Thomason reviewed those responsible for developing the plan and said public input was also received in the process.

Mr. Thomason said the County and its municipalities now have a better understanding “of where we need to go and the goals that we need to set.” Mr. Thomason described the plan as “dynamic” and “fluid” and said the plan was “not developed merely to fulfill a state or federal requirement and slide on the shelf never to be used again.”

Mr. Thomason said the plan had been tentatively approved by the State and had been submitted to FEMA for final approval.

Mr. Thomason requested the Board’s approval on the plan.

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

There being no one who wished to address the Board, Chairman Tadlock closed the public hearing.

Commissioner Chamberlain made a motion to approve the Rowan County Hazard Mitigation Plan. Commissioner Mitchell seconded and the motion passed unanimously.

REQUEST FROM ROWAN-SALISBURY SCHOOLS FOR USE OF BUDGETED CONTINGENCY FUNDS:

Jim Christy, Assistant Superintendent for the Rowan-Salisbury Schools, Bill Burgin, Architect with Ramsay, Burgin and Smith and Ed Watson of Construction Control Corporation presented a request to the Board for approval to use the Budgeted Contingency Funds to complete the project at Salisbury High School.

Mr. Watson said the Isenburg construction was complete with Erwin Middle School just days from completion.

Mr. Watson said Salisbury High School is an older building and he turned the discussion over to Bill Burgin to explain the work that would require the additional funds.

Mr. Burgin reviewed the following six (6) items that could not be completed without the additional funds:

1. Move fire alarm conduits at cafeteria addition.
2. Gas line remediation and additional tree removal.

3. Omitted footing information for north ramp.
4. Additional steel required because existing building was not square.
5. Additional work required to connect new addition to the water supply.
6. Additional necessary structural steel elements added after the award of the early structural steel package.

Mr. Burgin said the total request was for \$20,873 from the contingency fund.

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

PRESENTATION OF THE JUNE 30, 2004 COMPREHENSIVE ANNUAL FINANCIAL REPORT:

(Chairman Tadlock moved to the next agenda item in order to wait on the arrival of the representatives from Potter and Company.)

Sam Leder, accountant with Potter and Company, and Cindy Spencer were present to provide the Rowan County Comprehensive Annual Financial Report for Fiscal Year ending June 30, 2004. Ms. Spencer distributed a handout to the Board. Mr. Leder apologized for being late explaining that they had missed the I-85 Salisbury exit due to the construction. This explanation brought laughter from the Board as the Commissioners knew one of the Salisbury exits was dropped by the Department of Transportation.

Mr. Leder thanked the Board for allowing the company the opportunity to once again perform the audit. Mr. Leder thanked and commended the Finance Department for their assistance in making this an "easier job." Mr. Leder described the staff members as a very talented and qualified group.

Mr. Leder referred to page 2 of the handout and said the firm had issued an unqualified audit report, which is the highest level of assurance that a CPA firm could issue on the financial statements.

Mr. Leder discussed the internal control over financial reporting and said there had been no instances of non-compliance. Mr. Leder recalled the first audit with the Department of Social Services (DSS) and said the department had been a "mess." Mr. Leder said each year there continues to be "constant improvement" with the records at DSS.

Mr. Leder reviewed Rowan County's Financial Position on page 3 of the audit report and attributed the increase in cash and investments largely to the bonds/school projects.

Mr. Leder analyzed the Operating Results on page 4.

Mr. Leder highlighted page 5 regarding the Enterprise Funds consisting of the Landfill and Sports Authority. Mr. Leder said the Landfill “had another good year” and the Sports Authority stayed approximately the same.

Mr. Leder turned the presentation over to Ms. Spencer. Ms. Spencer expressed her appreciation to numerous departments for their assistance in providing information for the audit.

Ms. Spencer reviewed the various graphs depicting the Governmental Revenues and Expenditures, Property Tax Levies and Collections, Assessed Value of Taxable Property, County Population and School Enrollment. Ms. Spencer pointed out that the largest expenditures are for schools and human services. Ms. Spencer praised the Tax Collector for doing a great job, collecting 96% of the taxes levied in a revaluation year.

While discussing the Reports to Management, Ms. Spencer mentioned the following suggestions:

- Improvement with internal control over cash receipts. Ms. Spencer encouraged all departments to make sure accounting procedures are in written form and she also suggested that employees sign a form stating they understand the county’s policies and procedures.
- Updated policies and procedures manual.
- Recommendation that the County hire an employee to perform internal audit functions.

Lastly, Ms. Spencer highlighted the required letter to the Commissioners, which reviews the firm’s auditing responsibilities.

In response to a query from Commissioner Chamberlain regarding DSS, Ms. Spencer and Mr. Leder said DSS Staff was very helpful in assisting with the audit.

Commissioner Chamberlain asked about the internal control with the Health Department. Mr. Leder said the county “had the controls in place” but unfortunately they weren’t being followed.

Commissioner Chamberlain asked Finance Director Leslie Heidrick her opinion regarding an internal auditor. Ms. Heidrick responded that she hoped staff would have the time to go to each department and write procedures. Ms. Heidrick agreed this needed to be done and said she had tried to free up staff to achieve this. Ms. Heidrick said staff member Wendy Hogrewe was currently writing policies. Ms. Heidrick said it is difficult for staff to go to the various departments and she agreed that a new position for an internal auditor would provide the

opportunity for documentation and follow-up surprise audits. Ms. Heidrick explained that one person was assigned this task the documentation alone could take several months. Mr. Leder added that an internal auditor “keeps people on their toes.”

Commissioner Sides made a motion to approve the audit as presented and Commissioner Chamberlain seconded. The motion passed unanimously.

Chairman Tadlock thanked Mr. Leder for the presentation and also for the kind words pertaining to Rowan County Staff.

REQUEST FORM THE ROWAN MUSEUM CONCERNING THE ELEVATOR PROJECT:

Kaye Hirst, Ed Norvell, Paul Fisher and Don Carter came before the Board to request funds for the elevator project and the extension of the lease for the Rowan Museum.

Mr. Norvell provided the background of the museum explaining that Rowan Museum had leased this property from Rowan County since 1997. Mr. Norvell said a Capital Master and Exhibits Plan had been developed to provide guidance for developing all three (3) levels of the building into a general history museum.

Mr. Norvell said the first floor contained a 50-year accumulation of history exhibits but he said the second and third floors could not be fully utilized due to the lack of an elevator and being ADA accessible.

Mr. Norvell said estimates for the elevator project, re-building of the garden and the additional work at the rear of the building was approximately \$300,000.

Mr. Fisher explained that approximately \$300,000 was the “least” the project would cost. Mr. Fisher continued by saying the museum would invest \$150,000 and in turn request the Board of Commissioners to invest \$150,000. Mr. Fisher reported that if the costs exceeded \$300,000, the additional costs would be raised by the museum. Mr. Fisher said the museum would not ask for the funds until the museum had raised \$150,000, which he felt could be raised within six (6) months. Mr. Fisher said the county’s investment was approximately \$1.10 per resident of Rowan County or 55 cents per resident over a two-year period. Mr. Fisher asked for the Board to contribute \$1.00 each time the museum raised \$1.00, up to the maximum of \$150,000. Mr. Fisher said the museum would be responsible for any amount of \$300,000. Mr. Fisher said the museum would like to complete the project this year.

Mr. Norvell briefly discussed the history of the courthouse and said records had been saved back to 1753. Mr. Norvell said the courthouse had recently been marked by a Civil War Marker, which would bring more tourists following the

national trail to Rowan County. Mr. Norvell thanked the Board for its support and asked the Board to assist with the investment of this building.

Chairman Tadlock described the building as one the “oldest and most precious buildings in Rowan County” and verified with Mr. Norvell that the installation of an elevator would make the building handicapped accessible and offer full utilization of the building.

Mr. Norvell said the museum was also requesting an extension of the lease since the current ten-year lease would expire in 2007. Mr. Norvell requested an additional ten-year lease.

Commissioner Blount pointed out that “anything over \$300,000” required the Board to go through the public bid process.

Mr. Fisher discussed the construction and architecture fees as one cost and said the “finishing touches” such as landscaping, could be a separate project.

Mr. Norvell asked those who came to the meeting in support of the project to please stand. Approximately eight (8) individuals stood.

Commissioner Blount requested that the County Manager follow up and verify that the County does not violate any laws regarding the public bid process.

Commissioner Chamberlain pointed out that the museum is willing to spend \$150,000 in a building that is owned and maintained by the County.

Commissioner Blount said he understood that the museum was in the process of “trying to get in line for” several grants and he felt that by consensus, the Board could authorize the grant applications. Commissioner Blount said he preferred to handle the issue during “budget time” with the retreat date being so near.

Commissioner Chamberlain made a motion to approve the request followed by a second from Chairman Tadlock.

Commissioner Mitchell asked where the \$75,000 for “this year” would come from? Mr. Russell felt that the museum’s effort to spread the funding over a two-year period was an effort to help the County. Mr. Russell said the Board could make the entire funds available July 1, 2005. Mr. Russell said the issue was a normal building/maintenance repair that would be presented to the Board in the “normal budget.”

Commissioner Blount said he supported the project but expressed concern with voting on what would be considered a major expenditure in what would be a “tight budget year.” Commissioner Blount said he planned to vote for the project at budget time but was concerned about voting on the issue “now.”

Chairman Tadlock responded that the project was at a point where it required immediate attention and he felt the Board could handle the funding issue. Chairman Tadlock said funds were available for maintenance of county-owned property and asked the Board for full consideration of granting the request. Chairman Tadlock said if the funds were not available in the maintenance account during the budgeting process, the Board could anticipate moving funds for the one-time expense.

Commissioner Mitchell asked what the normal procedures would be if the County actually ran the building? Mr. Russell said that any major expenditure that was not anticipated, an increase would always be requested during the budget process.

Commissioner Mitchell moved to amend the motion to disperse the funds after July 1, so that the Board would not have any problems in locating the funds in this budget year and at budget time there would be discussion as to where the money will come from.

Mr. Fisher said July 1, 2005 was not a problem if the Commissioners would consider the project "a go."

Commissioner Sides seconded the amendment and the amendment was unanimously approved.

Upon being put to a vote, the motion, with the amendment was unanimously approved.

PUBLIC HEARING FOR A UNANIMOUS ROAD NAME PETITION FOR BARN DANCE DRIVE, BOBS PLACE, WILHELM FARM ROAD:

Fredda Greer of the Planning Department presented a unanimous petition for Barn Dance Drive. Ms. Greer said the road currently has no name and runs east off of the 6400 block of US 601 Highway. Ms. Greer said there is only one property owner and the road services one (1) business, Shoaf's Barn Dance and three (3) residences. Ms. Greer said the road meets the criteria for naming and staff recommended approval.

Ms. Greer reported that Bobs Place is currently known as Barnview Lane and is located north off of the 300 block of Barnview Lane. Ms. Greer said the road services several duplex units. Ms. Greer said the lone property owner submitted a petition for Bobs Place and staff recommended approval.

Ms. Greer reported that Wilhelm Farm Road is located south off of the 7400 block of Old Concord Road and two (2) of two (2) property owners signed the petition. Ms. Greer said when ASI first identified the road for naming several months ago, the property owners alerted staff that the courts were settling a

right-of-way dispute. The property owners requested to delay the road naming process. Ms. Greer said staff was recently notified that the courts had settle the dispute and the property owners had proceeded to name the road. Ms. Greer said staff recommended approval of the unanimous petition for Wilhelm Farm Road. Ms. Greer said both property owners would like to address the Board.

Commissioner Mitchell questioned why the Resolution to Amend the Rowan County Road Name and Address Display Ordinance was included in the agenda packet? Ms. Greer responded that the Department Director had felt it would be good for the Commissioners to have the document “on hand” during the process of road naming.

Chairman Tadlock opened the public hearing to entertain comments on the road name petitions. The following citizens addressed the Board:

1. Sue Lentz, along with Debbie Beaver said the proposed road of Wilhelm Farm Road was a “simple dirt road” with both of their properties adjoining the road. Ms. Lentz requested that the road name be changed to Wilhelm Ridge Lane as opposed to Wilhelm Farm Road.

Ms. Greer stated that Ms. Lentz had contacted staff earlier in the day and this change was acceptable.

2. Debbie Beaver said that the road had been re-routed and she expressed concern that a firetruck would not be able to “get down the road because of the sharp curves.” Ms. Beaver asked the Board for direction in getting the issue corrected. Ms. Beaver said there are people living at the end of the road and asked how Emergency Services would be able to reach them. Ms. Beaver clarified that the case did not go to court but was held with a mediator.

Chairman Tadlock questioned the width of the road. Ms. Beaver estimated the re-routed road to be thirty (30') feet maximum width.

County Manager Tim Russell pointed out that the Fire Marshal Art Delaney was in attendance and suggested that Mr. Delaney look at the road and possibly make a recommendation.

Attorney Holshouser suggested that Emergency Services Director Frank Thomason also visit the site.

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

Commissioner Mitchell made a motion to approve the road names of Wilhelm Ridge Lane, Barn Dance Drive and Bobs Place. Commissioner Chamberlain seconded and the motion passed unanimously.

PUBLIC HEARING FOR A MAJORITY ROAD NAME PETITIONS FOR CLAYTON TRAIL, FREEDLE LANE:

Fredda Greer of the Planning Department presented a majority petition for Clayton Trail, currently unnamed and located west off of the 1000 block of Beagle Club Road. Ms. Greer said five (5) of seven (7) property owners signed the petition. Ms. Greer reported that the road services five (5) residences and meets the criteria for needing to be named. Ms. Greer said staff recommended approval of Clayton Trail.

Chairman Tadlock opened the public hearing to entertain comments on the proposed road name of Clayton Trail.

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

Commissioner Blount made a motion to approve the road name as presented. Commissioner Mitchell seconded and the motion passed unanimously.

Ms. Greer reported that Freedle Lane is located northwest off of the 100 block of Yadkin Baptist Church Road and two (2) three of the (3) property owners signed the petition. Ms. Greer said the road was presented for approval in September and prior to the meeting, the residents requested to submit a petition. Ms. Greer said staff recommended approval of Freedle Lane.

Chairman Tadlock opened the public hearing to entertain comments on these road name petitions.

There being no one who wished to address the Board, Chairman Tadlock closed the public hearing.

Commissioner Blount made a motion to approve the road name as presented. Commissioner Mitchell seconded and the motion passed unanimously.

CONTINUATION OF PUBLIC HEARING FOR SPECIAL CONSIDERATION OF HILL HAVEN DRIVE (FROM THE 1/3/2005 BOC MEETING):

Fredda Greer of the Planning Department recalled that the proposed road runs west off of the 16500 block of Cool Springs Road. Ms. Greer said a petition to name the road had been submitted with one (1) of two (2) property owner's signatures. Ms. Greer reported that Ms. Killian had submitted the petition but was unable to get the signature of Mr. Klutz. Ms. Greer said staff recommended approval of the proposed road name of Hill Haven Drive.

Ms. Greer said Mr. Steele had addressed the Board at the January 3, 2005 meeting, requesting that staff revisit the road. Ms. Greer said staff member Columbus Hawks had visited the road and had submitted a new map of the area in the agenda packets. Ms. Greer said staff was still concerned for Ms. Killian who understood the need to name the road for emergency purposes. Ms. Greer said after Mr. Hawks visit, staff still recommends naming the road.

Chairman Tadlock opened continued public hearing to entertain citizen input on the proposed road name of Hill Haven Drive.

1. Kenny Steele said he was opposed to naming the driveway for many reasons. Mr. Steele said he had “lived and done business at this address for over twenty-two (22) years and despite the Planning Board’s opinion, we have absolutely no doubt that in an emergency, we could and would be found easily by our fire department and first responders; as most of them are either members of our family or have been long-time neighbors and friends of ours.” Mr. Steele said the slow response times for emergency personnel that have been questioned, “have nothing to do with logistics or an address – they have to do with the travel time involved to cross the county.” Mr. Steele said emergency services had been dispatched to his home within minutes on several occasions. Mr. Steele said the assumption that the shops on the property are occupied or considered as a separate business were false. Mr. Steele said Mr. Hawks visited the road on January 17, 2005 and was in agreement that the business was the home and should not be considered a separate dwelling. Mr. Steele said the buildings were also for storage buildings for equipment and supplies. Mr. Steele said one opinion “for us would be to run a new driveway along side of our existing drive, up to a point where the Killian’s given right-of-way ends.” Mr. Steele said he was prepared to do this “in order to prevent the chaos that would be caused by being forced to change our address.” Mr. Steele said changing his address was not only a “waste of time but also cost our company quite a bit of money” in regards to letterhead, banking information and updating a computer system. Mr. Steele said it would also cause confusion with delivery trucks and customers.
2. Pat Killian said she lived in the second house on the driveway being discussed. Ms. Killian said that when Mr. Steele and his wife wanted to build a house “down there, they came to my parents and also Mr. Bill Pence.” Ms. Killian said Mr. Steele had wanted a right-of-way. Ms. Killian said each of the two (2) parties “gave him a half of road right-of-way” and at that point Mr. Steele had “promised that any of us” could also use the driveway if they wanted to build there. Ms. Killian said in late 1986 she decided to build a house and in order to get Mr. Steele to agree to fulfill his promise, Mr. Steele “had us to sign a road maintenance agreement.” Ms. Killian said in order to get the loan for her house, she had to have the

deeded right-of-way. Ms. Killian said she had lived on the road since July of 1987 and she had kept up with her portion of the maintenance agreement. Ms. Killian said Mr. Steele and his wife thought she had contacted the Planning Department requesting that the road be named. Ms. Killian stressed that she had nothing to do with the process until she received a notice about naming the road for 911 purposes. Ms. Killian said Mr. Steele received the same information and had the same opportunity to suggest a road name. Ms. Killian said she had hand-delivered her petition to the Planning Department. Ms. Killian said Mr. Steele spoke with her shortly after July 4, 2004 and he had said “they weren’t going to name it.” Ms. Killian said she told Mr. Steele that she had turned in her petition. Ms. Killian said Mr. Steele has since said the road would not have been named if she had not submitted the petition. Ms. Killian said in reality the road would have been named Carborough Court as suggested by staff if she had not turned in the petition. Ms. Killian said Mr. Steele continues to insist that she is “pushing” the naming of the road. Ms. Killian said she realized the “911 system is a good thing when we need it.” Ms. Killian continued by saying she has her name and address on her mailbox to assist emergency services. Ms. Killian said she did not understand what the problem is and that she was only doing what was asked of her. Ms. Killian said she couldn’t get Mr. Steele to understand that she did not instigate the road naming process.

3. Columbus Hawks is the Rowan County GIS technician and handles the 911 addressing. Mr. Hawks said he did meet with Mr. Steele on the 11th and that that he does have an office in his home. Mr. Hawks said he had specifically asked the Steele’s if there was a phone in the building and they had said no. Mr. Hawks said the Steele’s had asked him if he would like to look inside the buildings. Mr. Hawks said one of the buildings had a phone hanging on the left-hand side of the wall. Mr. Hawks said he had inquired about the alarms and that Mr. Steele said he had alarms in both buildings and the alarms work off of telephone lines. Mr. Hawks said he did not say to Mr. Steele that it was best to leave the addresses as they are. Mr. Hawks said he did mention that it was best to leave the driveway as it is. Mr. Hawks said Mr. Steele made comments regarding an easement so therefore Mr. Hawks researched the deed, which was included in the Board’s agenda packet. Mr. Hawks said Mr. Steele could put in another driveway but he added, “That’s an awful long driveway just to prevent one address change.” Mr. Hawks said he had also spoke with Rowan County’s Telecommunications Director, Rob Robinson, who was also of the opinion that the road needed naming, as well as addressing the buildings.

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

Commissioner Mitchell asked if the Steele house would be named off of the new road name or off of Cool Springs Road. Mr. Hawks said he would like to see the house addressed off of the proposed road but said the Steele's could leave it off of Cool Springs Road. Ms. Greer pointed out that the property is driveway accessed.

Commissioner Mitchell questioned the reference to Mr. Kluttz in the Staff Report and staff clarified that it should read as Mr. Steele.

Commissioner Sides recalled that he had requested a delay on the proposed road name to provide additional time for someone to talk with the property owners in an effort to reach an agreement. Commissioner Sides said he had visited the area and had hoped to speak to both parties however Mr. Steele was not at home. Commissioner Sides said he spent approximately forty-five minutes talking to Ms. Killian. Commissioner Sides said Ms. Killian was very receptive and did not want to cause any trouble. Commissioner Sides said he "waited around" for Mr. Steele but he did not get home in time to meet with him. Commissioner Sides said he did call Mr. Steele. Commissioner Sides said he wanted to hear taxpayers concerns. Commissioner Sides said Ms. Killian relayed a story regarding an incident that happened "years ago" when it took responders forty minutes to reach their location. Commissioner Sides felt this would not be a problem now but he did notice Ms. Killian's home is barely visible from Cool Springs Road whereas Mr. Steele's home and buildings were not visible from the road. Commissioner Sides felt that if an employee were to be injured at one of Mr. Steele's buildings, it was imperative that EMS responds quickly. Commissioner Sides said he would have to vote in favor of staff's recommendation to name the road. Commissioner Sides said if Mr. Steele wanted to put in a new drive off of Cool Springs Road, his address could remain the same. Commissioner Sides confirmed that Ms. Killian did not prompt the road naming issue. Commissioner Sides said the road Ms. Killian lived on did need to be named.

Commissioner Sides made a motion to approve the request for the road name petition. Commissioner Blount seconded and the motion passed unanimously.

APPROVAL OF SNIA-01-05:

Shane Stewart of the Rowan County Planning Department informed the Board that Piedmont Baptist Church had petitioned for an SNIA permit request for construction of a new sanctuary on the 5800 block of Wright Road. Mr. Stewart said the property is located in the Watershed II Balance of the Coddle Creek watershed and per that watershed, development restrictions are limited to 12% built upon and that 12% of the six-acre parcel would be approximately 32,000 square feet. Mr. Stewart referred to the information in the agenda packet and said per the impervious coverage, the proposed coverage was approximately 66,000 square feet or 25% of the property. The SNIA permit allows up to 70%

built upon and based on the application and site plan, staff recommended approval of the request.

Commissioner Mitchell made a motion to approve the request as presented. Commissioner Sides seconded and the motion passed unanimously.

PUBLIC HEARING FOR Z-21-04, SUNSET POINTE AT HIGH ROCK LAKE:

Rowan County Planning Department Manager Ed Muire presented the background for case Z-21-04 for Sunset Pointe, LLC. Mr. Muire said that Sunset Point, LLC was represented locally by Dan Fisher, who is also a member of the Rowan County Planning Board.

Mr. Muire said the multi-family rezoning was a component of a planned development subdivision (PDS-01-04) concept plan approved by the Rowan County Planning Board on December 20, 2004. Mr. Muire reported that this request for consideration includes two (2) multi-family residential (MFR) districts. Overall, the project encompasses over 240 acres and proposes a mix of single-family residential, multi-family residential, a recreation area, residential clustering (patio homes) and a commercial area on 240.71 acres. This project has 3400' of frontage along Goodman Lake Road (SR#2168) and almost two (2) miles of frontage along High Rock Lake.

Mr. Muire used a power point presentation to discuss the PDS and the surrounding areas. Mr. Muire said the larger multi-family area was 25.32 acres located along internal road adjacent to recreation area and the smaller multi-family area was 14.32 acres located along the internal road adjacent to community well and Feezor property.

Mr. Muire said there would be a mix of multi-and single-family uses, and possibly commercial uses later in development.

Mr. Muire said a significant feature of the property is the two (2) miles of frontage along High Rock Lake.

Mr. Muire highlighted the Zoning Review as follows in accordance with Article XIV Section 21-362 (i):

1. Relationship and conformity with any plans and policies

Plans and Policies: Although the county has adopted no specific plans or formal policies for this area, ALCOA's enforcement of the shoreline management plan has an impact on this project relative to the placement of piers, setbacks and buffering from the lake and marina operations. ALCOA representatives participated in the concept plan review by the Subdivision Review Committee (SRC) and this proposal satisfies their regulatory authority.

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

Purpose and Intent: MFR districts are intended to be the primary location for multi-family development and are generally located near arterials or collectors. While the district is focused toward multi-family development, typical residential housing such as stick-built, modular and manufactured housing are permitted.

The MFR district should be viewed as a “safe” district because only residential uses are allowed and multi-family development requires conditional use permitting by the Board of Commissioners. This application seeks to secure the MFR district zoning for preparation of the required site plan for conditional use permit processing. The maximum allowable density for the 2 MFR areas based on the proposed community well system and engineered septic systems is 8 units per acre (317 units). If the multi-family development is not pursued, the developer may elect to subdivide the property at a reduced density of 1 unit per 15,000 sq ft.

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

Compatibility of uses: While the majority of properties in vicinity of these requests are single-family residential in nature, these proposed rezoning areas are well buffered from adjoining residentially developed tracts. Appearance, design and screening may be addressed during the conditional use permit phase of the project when a site-specific plan has been developed.

Conditions in the vicinity: Goodman Lake Road exhibits a rural character with a mix of residential housing, subdivisions and vacant open and wooded tracts. Pebble Point Subdivision borders the CBI area and portrays the same type of development the single-family residential component of the PDS-01-04 proposes. Commercial activity in the area is limited to the High Rock Lake Boat and Ski Club located south of the site on Providence Church Road.

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

Roads: Internal roads within the project will be designed and built to NC DOT standards, but are proposed to be privately maintained. The 1997 Salisbury Area Thoroughfare Plan indicates that Goodman Lake Road has an 8500 average daily traffic (ADT) capacity. According to 2002 ADT information for Goodman Lake Road, 1200 cars use this minor collector. Response from NC DOT indicates the proposed 97 single-family lots should generate an additional 970 daily trips. Although this is not enough traffic to warrant a deceleration lane and left turn lane into the project, local DOT staff will review plans for the multi-family and residential clustering to ensure the entrance location does not compromise the function of the road in this area. Likewise, Staff is of the opinion that an additional access to Goodman Lake should be provided as part of the multi-family phase of the project.

Utilities: A series of community well systems and multiple engineered septic systems will be established to service the multi-family and commercial areas. These systems must be approved by NC DENR and are subject to periodic inspections. A homeowners association or utility management firm would be responsible for its ongoing maintenance.

Schools: Developments of this type typically generate less school age children than traditional residential subdivisions. Condominium residents tend to be between the ages of 25-35 and 50 plus with no children; patio homes are generally geared toward retirees; and single-family homes represent a wide range of ages and families.

The anticipated school impacts listed below are based on the maximum allowable density for all housing types (477 units) in the project and multiplied by a student per household factor. Although Staff used a high (.9) and low (.4) factor for projected student increase, a cursory review of several other jurisdictions found the rate used to be between .4 and .5. Staff opinion is that the impacts to Hanford Dole Elementary, North Rowan Middle and High Schools will be similar to the numbers in the "PROJECTED INCREASE (1)" column.

SCHOOL	CURRENT ENROLLMENT	CAPACITY*	PROJECTED INCREASE (1)	PROJECTED INCREASE (2)
Hanford Dole Elementary	567	828	88	198
North Rowan Middle	696	811	44	99
North Rowan High	783	783	59	132
TOTAL STUDENTS	2046	2422	191	429

* Total capacity without use of mobile classrooms

(1) Using a rate of .4 students per dwelling based on lowest % for new developments

(2) Using a rate of .9 students per dwelling based on highest % for new developments

NOTE: Distribution of students for projections was based on the assumption that each grade has an equal percentage of total students generated by this development

STAFF RECOMMENDATION

Staff recommended that the Board of Commissioners approve the rezoning request as submitted.

DECEMBER 20, 2004 PLANNING BOARD MEETING

Mr. Muire noted that five (5) residents of the area spoke in opposition to the CBI request, but generally supported the MFR requests. Based on these comments and apparent reluctance from the Planning Board, the applicant decided to withdraw the CBI request until a parallel conditional use district application and site plan was developed. The Planning Board voted unanimously (9-0 vote) to forward a favorable recommendation on the Multi-Family Residential (MFR) rezoning requests to the Board of Commissioners.

Chairman Tadlock opened the public hearing to entertain citizens' comments regarding the request.

1. Dan Fisher, representative for Sunset Pointe, LLC and Planning Board member said the group had worked closely with Planning Staff and Alcoa from the early planning stages concerning the multi-family residential districts. Mr. Fisher said the plan originally was for Planned Urban Development (PUD) with a commercial mix. Mr. Fisher said details were not complete for the commercial portion of the plan and therefore the commercial portion of the request was withdrawn. Mr. Fisher added, "You will see that part again." Mr. Fisher referred to comments by Mr. Muire and clarified that Sunset Pointe, LLC anticipated 30 units in the larger area and 24 units in the smaller section. Mr. Fisher said the group anticipated a restaurant and a marina in the commercial area. Mr. Fisher said the marina had been approved by all agencies including Alcoa. Mr. Fisher again said the group would be approaching the Board for the PUD. Mr. Fisher expressed hope for the Board's approval for the MFR.

Commissioner Sides asked if the marina would be private. Mr. Fisher responded that the marina would have private access but would be for public use. Mr. Fisher said boats would be launched from a 100-unit dry storage area and approval had also been received for 49 wet slips. Mr. Fisher said, "We have dredging permits in hand and we will provide channel markers." Mr. Fisher said if the water level did not go below twelve (12) feet, "we will always be in the water."

With no further comments, Chairman Tadlock closed the public hearing.

Commissioner Blount made a motion to approve the request as presented and applauded Dan Fisher and partners for a well-planned smart-growth example. Commissioner Chamberlain seconded.

Commissioner Chamberlain asked for clarification that this was only a straight zoning, to which Commissioner Blount responded "yes" that was correct.

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

SUGGESTED TEXT AMENDMENTS TO THE SUBDIVISION ORDINANCE:

Ed Muire, Rowan County Planning Department Manager, reported to the Board about the idea of requiring water point sources for new major subdivisions, which was discussed during a subdivision forum conducted by planning staff held during March and April 2002. Although the forum participants proposed several suggestions for specific development standards, only the notion of requiring water point sources received unanimous support. Staff received no feedback or directive from the Board of Commissioners regarding this or any of the proposed standards from the forum.

While the attached correspondence represents concerns from the Miller Ferry Fire Department, staff discussions with members from other volunteer fire departments regarding their ability to adequately provide fire protection to new

subdivisions prompted staff to forward this item for consideration to the Board of Commissioners.

Mr. Muire said that staff envisions using the “minimum protection requirements for new developments” referenced in the Miller Ferry memo as a starting point for discussion at the Planning Board committee level. Staff proposes to involve Art Delaney from the Rowan County Fire Marshal’s Office, Todd Kidd from Miller Ferry Fire Department as a county representative and Dan Peters of Granite Quarry as a municipal representative for technical experts.

Commissioner Mitchell asked if the purpose was to insure adequate water supply to the fire departments, to which Mr. Muire responded “yes”.

Commissioner Mitchell noted a concern about back up power and questioned if this would have an impact. Mr. Muire responded that he “imagine it would” and felt that this would be taken into account. Commissioner Chamberlain expressed that this was a great point and would need to go to planning.

Mr. Muire noted the concerns from Miller Ferry Fire Department for additional water supply systems that would assist in maintaining and lowering their current ISO community town class rating.

Commissioner Blount moved for approval. Commissioner Sides seconded and the motion passed unanimously.

Chairman Tadlock called for a break at 9:45 pm

Chairman Tadlock resumed the meeting at 8:55 pm

PUBLIC HEARING FOR THE PRICING SCHEDULE FOR SPEEDWAY BUSINESS PARK:

Mr. Russell reviewed with the Board that the pricing schedule for the speedway Business Park is required to go through a public hearing process. Mr. Russell said that the Board approved the schedule at the last meeting and a public hearing is required. Mr. Russell added that notices were published.

Commissioner Blount made a motion to reduce tract 4 (four) to \$39,000. Commissioner Mitchell seconded the motion for discussion

Commissioner Chamberlain asked if the price is set “is that it”. County Attorney John Holshouser informed the Board that the Statute allows the Board to set the price for particular company to purchase a particular piece of land. Mr. Holshouser added that it is reasonable to put flexibility into the motion.

Commissioner Sides asked for clarification. Mr. Russell responded that a proposal was received for an offer to purchase track 4 at that price of \$39,000.

Commissioner Blount added that the purpose of the motion is to allow the transaction to move quicker. Mr. Holshouser said that this request is like Summit Corporate Center and would be handled the same way that the Board is dealing with the representative for that property. Mr. Russell added that any final offer would come to before the Board, but the point is how to get to that number.

In response to a query from Commissioner Sides, Mr. Holshouser explained the upset bid process.

Commissioner Sides explained that each parcel has some useable land and some unusable land. Commissioner Sides said that there should be a set rate for the useable land and a set rate for unusable land and then come to the total price.

Commissioner Chamberlain added who would want to have watershed property to which Commissioner Sides said that is why it is broken up like that.

The motion passed unanimously.

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

With no comments to come before the Board, Chairman Tadlock closed the public hearing.

Commissioner Blount said that the next step would be to approve the process and recommended to proceed similar to Summit Corporate Center, since the Board would need to start somewhere.

Chairman Tadlock asked if there would be an option to adjust the price of the property according to the demand, to which Commissioner Blount responded that the price could change at the next meeting.

Commissioner Mitchell said that he was confident to approve the schedule as written and if the market dictates a change, he would have no problem with that. Commissioner Mitchell expressed the need to sell the property and bring in jobs.

Mr. Russell reviewed the pricing for the usable and unusable land.

Commissioner Mitchell made a motion to approve the pricing scheduling for Speedway Business Park with the amendment made before the public hearing to make tract 4 \$39,000. Commissioner Blount seconded and the motion passed with a 4-1 vote. Commissioner Sides voted against the motion.

DISCUSSION OF THE TOWER ISSUE:

Commissioner Blount told the Board that information we as included in the Commission packets, which addressed the tower issue. Commissioner Blount said that he wanted to add this item to bring closure to this issue. Commissioner Blount reviewed the information provided by county attorney, John Holshouser. Commissioner Blount added that he wanted to see where other commissioners stood on this issue.

Commissioner Mitchell asked if there were any pending applications, to which staff responded "one".

In response to a query from Commissioner Mitchell regarding the current ordinance, Ed Muire of the Planning Department said it was his impression after speaking with Attorney John Holshouser that broadcast towers are allowed in the RA district as a conditional use permit. Commissioner Mitchell said he was on vacation when the "original" application was presented the first time. Commissioner Mitchell said he was not present for the testimony and that he understood the "application was withdrawn that evening." Mr. Muire clarified that the application was withdrawn at a subsequent meeting "but not that meeting."

Commissioner Mitchell said he understood that the applicant must prove at their expense, that property value will not be decreased in the area and that the tower is safe.

Mr. Muire explained that there is a set of "very specific criteria" that the applicant must show compliance with according to the ordinance. Mr. Muire said there are also some general criteria that the applicant may supply at the time application is submitted or the applicant may address the Board. Mr. Muire continued by saying, "Those findings that you just mentioned are the ones that the five (5) Commissioners in their Findings of Fact need to satisfy themselves." Mr. Muire said it up to the applicant to prove how they satisfy the Findings of Fact. Mr. Muire said, "It is up to the opposition to show you how they don't satisfy that." Mr. Muire said the Board could accept expert testimony but should not accept "hearsay evidence."

Commissioner Chamberlain asked if the Board had reverted back to the ordinance as it stood prior to Judge Spainhour's ruling? Mr. Muire said, "I assume so; yes." Mr. Muire verified that broadcast towers could be located in RA at a height of one foot and above. Mr. Muire discussed a conversation with the County Attorney as to whether the Board should hold a public hearing to "change our ordinance back to the way it was." According to Mr. Muire, Attorney Holshouser felt Judge Spainhour's ruling in effect "wiped the slate clean and we're back to where we were."

Attorney Holshouser confirmed Mr. Muire's comments and added that the text amendment "was stricken and so it is as if it does not exist."

Commissioner Chamberlain questioned the timetable for the current pending application? Mr. Muire said the application and the application fee have been accepted and staff will now begin looking at the criteria. Mr. Muire said a copy would also be forwarded to a technical review consultant where location and possible inadequacies might exist. Mr. Muire said once staff is comfortable with “these issues,” the application would be forwarded to the Commissioners to schedule a hearing. Mr. Muire estimated the process to take anywhere from two (2) months to six (6) months, based on the cell tower process.

Commissioner Mitchell asked if the expert would provide testimony as to whether the placement was the most appropriate site? Mr. Muire said staff would ask the expert that question. Mr. Muire said the expert certifies to the technical merits of cell tower applications. Mr. Muire said staff would ensure that due diligence was done in finding the correct location. Mr. Muire said the applicant brings the attorneys, appraisers and real estate agents, etc. to explain to the Board “why the tower is a fit.” Mr. Muire was of the opinion the broadcast tower application would follow the same pattern.

Commissioner Mitchell said, “A vote to keep the ordinance as it was before the change is not a vote for a broadcast tower. A vote to keep the ordinance as it was before the change, and before its subsequent demise, is just saying that we’re going to allow it in RA potentially if it meets certain safety criteria, if it meets certain property criteria and if it meets other general criteria as the ordinance already spells out.” Commissioner Mitchell continued by stating his opinion, “We have an ordinance well-worded, well-placed and it will serve the residents of Rowan County well if it is allowed to carry on its course.”

Commissioner Mitchell moved to say, “No changes to the ordinance; we’ll accept the Judge’s decision and leave it as was before the ordinance was stricken.” Commissioner Sides seconded.

Commissioner Blount said there was a lot of focus on one (1) tower when Rowan County is such a “big place.” Commissioner Blount said the requirement for a broadcast tower to be located in the CBI district was another step in the approval prior to allowing the tower to go “about anywhere in Rowan County it wants to go.” Commissioner Blount felt the Board should allow the Planning Board and staff to review the requirement that all towers over 200 ft be located in a CBI zoning district. Commissioner Blount said, “If we’re too late to stop this one with that move, we’re not too late to stop what may be a terrible thing happening somewhere else.”

Commissioner Chamberlain said he was not sitting on the Board when the tower issue was first raised and he said he would really like to hear the experts on both sides before making up his mind.

Commissioner Blount offered a motion to ask the Planning Board and staff to start looking at the possibility of going to CBI for future towers.

The motion by Commissioner Mitchell carried 4-1, with Commissioner Blount voting against the motion.

Commissioner Blount made a motion ask Planning Staff and the Planning Board to review and report back to the Board the possibility of requiring towers over 200' to locate in the CBI zoning district.

Mr. Muire commented that staff had received a text amendment offered by a citizen that proposed to “do what Commissioner Blount has alluded to.” Mr. Muire said that action would come before the Planning Board “next Monday night for discussion.”

The motion by Commissioner Blount died for lack of second.

APPROVE REQUEST FOR PFEIFFER-NORTH STANLEY WATER ASSOCIATION, INC.:

Rowan County Attorney John Holshouser informed the Board about the request from Bill Barringer from Pfeiffer-North Stanley Water Association, Inc. requesting permission to extend a water service along Stokes Ferry Road into Rowan County to serve Buddy’s Tavern and Cripple Creek Roadhouse & Grill that going Stanley County. Mr. Holshouser said approval needed to come before the full Board.

Commissioner Chamberlain made a motion to approve the request from Mr. Holshouser. Commissioner Sides seconded and the motion passed unanimously.

UPDATE ON CLASSROOM SUPPLY FUNDING:

Commissioner Mitchell said he had requested to add the topic to the agenda due to the numerous “responses” he had received concerning the funding for classroom supplies. Commissioner Mitchell referred to the handout from the Finance Department regarding the monies spent thus far. Commissioner Mitchell asked Finance Director Leslie Heidrick to review the report.

Ms. Heidrick highlighted the report explaining that 1,114 reimbursement requests totaling \$261,311.53 had been processed as of January 12, 2005. Ms. Heidrick said approximately 81% of the teachers were participating in the program. Ms. Heidrick referred to the second page of the handout for fiscal year 2004 as a comparison to fiscal year 2005.

In response to a query from Chairman Tadlock, Ms. Heidrick said teachers could spend the funds from July 1, 2004 through December 31, 2004, with all reimbursement requests postmarked by January 14, 2005.

Chairman Tadlock questioned the impact of the project on finance staff's time and also the additional impact that might be created if the deadline were to be extended? Ms. Heidrick referred to the prior year and said the reimbursement requests had poured in near the deadline dates. Ms. Heidrick reported that staff has 536 hours in the program.

Commissioner Mitchell questioned the cost of county staff for the program. Ms. Heidrick estimated the cost to be approximately \$10,000 to \$11,000.

In response to a query from Commissioner Chamberlain, Ms. Heidrick said the cost for staff is coming from county funds and not from classroom supply money.

Commissioner Chamberlain questioned the amount not spent in the program in 2004? Ms. Heidrick estimated \$70,000.

Commissioner Chamberlain referred to a combined estimated amount of \$150,000 that would not be utilized for fiscal years 2004 and 2005. Commissioner Chamberlain noted the teachers were not using the all of the funds and said he would look at reducing the allocation. Ms. Heidrick said the vast majority of the teachers are very appreciative of the funds.

Commissioner Chamberlain pointed out that the remaining \$75,000 per year in the program "would pay for an elevator." (The funding for the elevator was requested earlier in the meeting.)

Chairman Tadlock said the program had been in place for approximately seven (7) years and he had received feedback from teachers that "have been in place for a good while, that they are now pretty well fixed on a lot of these things." Chairman Tadlock said new teachers desperately need the funds more in starting up the classroom.

Commissioner Mitchell said there could be no argument that a new teacher needed the funds more than an experienced teacher. Commissioner Mitchell said the Board could revisit the issue during budget time concerning how the program is administered, etc. Commissioner Mitchell referenced an email in the agenda packets from an upset teacher concerning the missed deadline. Commissioner Mitchell pointed out that unless teachers plan "way ahead" they might not know what supplies they will need to finish out the school year. Commissioner Mitchell said he has been approached by more than one (1) teacher about the Board extending the deadline and he felt he owed it to his co-workers to have the deadline extended.

Commissioner Mitchell moved to extend the deadline to April followed by a second from Commissioner Blount.

Commissioner Sides referred to the email in the agenda packet and agreed that the expenses for that teacher should be paid. Commissioner Sides felt the deadline had been advertised and said that he was not in favor of approving an extension to the deadline.

The motion failed on a 2-3 vote with Commissioners Tadlock, Chamberlain and Sides voting against the motion.

Commissioner Mitchell moved to approve payment for expenditures that were made by the December 31, 2004 deadline if the expenditures were submitted for reimbursement by February 28, 2005.

County Manager Tim Russell said the County would do that anyway.

Commissioner Blount seconded the motion and the motion was unanimously approved.

APPROVAL TO ASSIGN/TRANSFER LEASE TO THE NEW OWNER OF THE BASEBALL TEAM:

County Manager Tim Russell reported that he, along with Chairman Tadlock and Commissioner Chamberlain, had met with the Smith family, the new baseball team owners.

Mr. Russell informed the Board that on January 7th a letter was received from Carolina Baseball, Inc., requesting that the Rowan County/Kannapolis Regional Sports Authority transfer the existing lease for Fieldcrest Cannon Stadium to the new team's owner, Smith Family Baseball, L.L.C. for the remainder of the lease.

Mr. Russell reviewed the following documents included in the Commission packets:

- A Original Lease (dated October 19, 1994) between Iredell Trading Company and Sports Authority
- B Addendum #1 to Operating Lease (dated May 5, 2000)
- C Letter From Sports Authority transferring Lease from Iredell Trading Company to Carolina Baseball, Inc. (dated August 11, 2000)
- D Addendum #2 to Operating Lease (dated March 1, 2003)
- E Letter From Carolina Baseball, Inc. requesting that operating lease be transferred to Smith Family Baseball, L.L.C. (dated January 7, 2005)

Mr. Russell called attention to pages 12 and 13 of the original lease concerning the sublease.

Mr. Russell recommended that the Board formally approve this request for the assignment of the current operating lease of Fieldcrest Cannon Stadium to Smith Family Baseball, L.L.C.

Chairman Tadlock said the Smith Family now owns 100% of the stock and this family is not related to Bruton Smith.

Commissioner Sides said he had read through the document twice and he requested that Mr. Russell explain “what it is we’re getting out of it and where we’re at financially with the ballpark.”

Mr. Russell explained that in March of 2003, Carolina Baseball, Inc. asked the County for an addendum to their existing lease. Mr. Russell said the lease was a fifteen-year lease with automatic extensions for five or ten additional years. Mr. Russell said the County approved a basic flat rate of \$75,000 per year and that addendum was for three (3) years. Mr. Russell said the addendum expires at the “end of baseball season” in 2006 and will revert back to the original lease where monies from tickets, concessions and parking will be shared with the county, along with a basic rent. Mr. Russell said the Board had felt it to be in the County’s best interest to adjust the revenues downward, approximately 50%, in an effort to allow the team to get the funds for a better marketing effort. Mr. Russell said

Commissioner Sides asked if the County receives financial reports from the baseball team. Mr. Russell said the team is required to provide the same financial reports that would have been previously provided.

Commissioner Sides asked if the County had received any documentation to indicate if the endeavor was successful. Mr. Russell responded that it is a little premature for only one (1) year.

Mr. Russell TR provided a brief background regarding the experience of the new owners.

Commissioner Sides referred to the rent cut in half at \$75,000 and asked if the County had “seen any efforts where they’ve spent anything like that kind of money” to promote the team? Mr. Russell said last year would have been the first opportunity to have seen those benefits and obviously the new ownership changes will make it more difficult.

Commissioner Chamberlain responded to Commissioner Sides and said, “In my opinion the answer to your question is, nothing.” Commissioner Chamberlain continued by saying Larry Hedrick had admitted that things had not gone well

and Commissioner Chamberlain again said he felt the County had not reaped what it had hoped to. Commissioner Chamberlain said the new owners and he was of the opinion that “if anyone can make it happen for the next several years, they can do it.” Commissioner Chamberlain said he had made it clear during the meeting that “they had better do it because I’m just about done on that place.”

Chairman Tadlock said Mr. Hedrick and Bruton Smith had been genuinely enthused and optimistic for the Intimidators, however the accident and loss Dale Earnhardt had been a downturn. Chairman Tadlock said he couldn’t be more pleased or impressed with the integrity and commitment the Smith family is “bringing to the table.” Chairman Tadlock continued by saying the Smith family had made it clear they were going to do whatever it takes to make the team successful.

Commissioner Chamberlain mentioned that the Smith family had paid off \$80,000 of Bruton Smith’s debt.

Commissioner Mitchell moved to assign the lease to Smith Family Baseball, L.L.C. Commissioner Chamberlain seconded the motion.

Commissioner Sides commented that he was not in favor of the stadium but he said since the county is involved, the stadium should make money.

The motion was approved unanimously.

BOARD APPOINTMENTS:

Juvenile Crime Prevention Council

Leda Belk resigned from the Council.

Rowan County Housing Authority

Floyd Echerd has resigned from this authority. Leda Belk has submitted an application to serve on this authority.

Commissioner Sides said he had received interest from two (2) individuals who would like to submit applications for nominations to this board.

Commissioner Sides moved to defer appointments to the board until the next Commission meeting. Commissioner Chamberlain seconded the motion and the motion was approved unanimously.

DISCUSSION ON DUNN’S MT. PROPERTY:

Commissioner Mitchell referred to a resolution approved by the Board on January 20, 2004. Commissioner Mitchell said it was his understanding at the time the resolution was approved, that the Board was authorizing the purchase of the land. Commissioner Mitchell continued by saying, “Apparently that was not the motion and that was not the resolution.” Commissioner Mitchell said the

Board only approved the authorization for the filing of the grant application. Commissioner Mitchell asked Rowan County Parks Director Jim Foltz to come forward and explain what has happened and what is going on with the park. Mr. Foltz recalled that in December of 2003 he had been approached by a donor offering \$250,000 to match grants in order to preserve Dunn's Mountain. Mr. Foltz said Rowan County received the donation one (1) year ago. Mr. Foltz said the Rowan County Parks & Recreation Commission called a special meeting on January 12, 2004 and unanimously voted to purchase the eighty-two acres. Mr. Foltz said the land was professionally appraised at \$356,000 and the parks were offered the land, including expenses, for \$110,000. Mr. Foltz reported that the grant for \$250,000 was approved and that \$500,000 was available for this project.

Mr. Foltz said the Board of Commissioners approval is needed to purchase the property from the Landtrust for \$110,000. Mr. Foltz stressed that no taxpayers' money would be used for the park and that the Parks Department would not come back and ask for additional money later.

Commissioner Mitchell noted that the land could be purchased now and the Board could discuss operating expenses for the park during budget time.

In response to a query from Commissioner Chamberlain, Mr. Foltz said the County would lose the matching grant funds if the park was not developed as a public park.

Mr. Foltz reported that Grants Administrator Kathy White had informed Parks Staff that the project was considerably behind and that the County would not get an extension. Mr. Foltz said Ms. White's exact words were, "We need to get busy on it."

Mr. Foltz responded to questions from Chairman Tadlock and said the park would be a passive park with no shelters that would require cleaning up. Mr. Foltz said various trails would be used to go "to the top" where the mountains could be viewed from a platform. Mr. Foltz stressed that the area would be "fenced in" but that the fencing might not be visible to visitors.

Commissioner Sides questioned the costs that would be incurred for maintenance and personnel? Mr. Foltz said he had spoke with Senior Services Director Clyde Fahnestock and three (3) individuals from Title V could manage the maintenance with the only expense being what Senior Services would pay to the three (3) individuals.

Mr. Foltz verified to Commissioner Mitchell that the \$500,000 could only be used for acquisition and construction.

Mr. Foltz described the plan for the park explaining that there would be restrooms, a small building “on top” to keep a worker in the dry, a “big, long porch with an overhang on it” that would provide a place for people to sit at a table and enjoy refreshments and a history wall that would contain the mountain’s history. Commissioner Chamberlain asked what would happen if the County chose not to purchase the land and the Landtrust keeps the property?

Chairman Tadlock asked Jason Walser of the Landtrust forward. Mr. Walser said the Landtrust Board would need to answer Commissioner Chamberlain’s question. Mr. Walser said there was a tremendous amount of concern regarding liability but he emphasized that the area could be a safe place with fencing around three (3) particular areas of concern. Mr. Walser said the Landtrust did not have the resources for this. Mr. Walser said if the County did not purchase the land, the Landtrust would probably look for others to take over ownership.

Commissioner Chamberlain asked why the Landtrust was willing to sell the property at one-third of its appraised value. Mr. Walser said the Landtrust acted as an intermediary and had paid \$100,000 for the property. Mr. Walser said the Landtrust would like to donate the property however it had borrowed money from its endowment that must be paid back. Mr. Walser said, “We just want to get out from under it” and “we want the County to have it.”

Mr. Foltz verified to Chairman Tadlock that the County would have to return the \$250,000 donation if the County did not accept the property.

Commissioner Chamberlain said he personally felt that “we have enough parks in that part of the county.” Commissioner Chamberlain said the Board must have felt at the time of approval, that it was granting permission to purchase the property when it approved acceptance of the \$250,000 donation and when it authorized filing of the grant application.

Commissioner Mitchell responded to Commissioner Chamberlain’s comments and said, “I can assure you from my perspective that was the intent of the motion when it was made originally.”

Commissioner Chamberlain said he did not want to offend the donor of the \$250,000.

Commissioner Blount moved to allow the County to purchase the property from the Landtrust as presented. Commissioner Mitchell seconded and the motion passed unanimously.

PUBLIC COMMENT PERIOD:

Chairman Tadlock opened the Public Comment Period to hear from citizens who had signed up to address the Board.

Chairman Tadlock read a statement, which informed the citizens that the Board respected their right to comment and that the Board would offer the courtesy of listening to their concerns. Chairman Tadlock asked those preparing to speak to provide the same courtesy and respect to the Board. Chairman Tadlock asked that citizens limit their comments to three (3) minutes.

1. Jodi Cape distributed copies of a letter from Don Conner (recently retired Environmental Services Director) and said at the bottom of the page were provisions made in order to close a road at her home. Ms. Cape said the provisions had not been met and the neighbor in question had “blockaded” the road with dirt, causing “no access.” Ms. Cape referred to the handout, which also contained copies of the minutes of the October 6, 2004 Board of Commissioners meeting and copies of a plat approved by the Subdivision Administrator. Ms. Cape the Subdivision Administrator had said, “Because he did place this on file with the City, that he had the right to close the road even he did not provide the provisions to the City.” Ms. Cape said there was a breakdown in communications between the City and the County and they have allowed him to close the road “and have given him complete access to this as his land without provisions being made.” Ms. Cape referred to the handout and said the neighbor has “denied us access to our piece of property.” Ms. Cape continued by referring to an aerial photo in the handout that depicted the cul-de-sac and “where he has it almost built.” Ms. Cape said she was asking the County to please assist with this issue. Ms. Cape said the County had “set forth restrictions to actually help us and not put us in any way to where we’re restricted to our property.” Ms. Cape said, “The ball has been dropped somewhere.” Ms. Cape said the DOT wouldn’t return her calls. Ms. Cape said that the neighbor had been given verbal authorization by the City to close the road “and he has already done so.” Ms. Cape said there was no cul-de-sac and the cul-de-sac that was “approved is not being built where it was supposed to be.” Ms. Cape said she was being denied access to her land.
2. Bobby Ray Call of 5660 Wright Road in Kannapolis commented that he had adopted a classroom at Enochville School every year that his son had attended the school and he said the money for the teachers’ means a lot.

Mr. Call continued by saying he had lived on Wright Road for sixteen (16) years. Mr. Call said a new neighbor had become a “nuisance” to him. Mr. Call presented the Board with photographs of his residence as well as photographs of the area where the neighbor had previously lived. Mr. Call said he had been told by “everyone” including Planning, Coding, Zoning” that “there is nothing they could do.” Mr. Call said the neighbor is currently under violation concerning property in the City of Kannapolis. Mr. Call said, “I need help.”

In response to a query from Chairman Tadlock, Mr. Call clarified that the neighbor is currently being required to clean up property in the City of Kannapolis, which is located to two (2) elderly women. Mr. Call said he was concerned with two (2) properties, one at 8068 Georgia Avenue, Kannapolis and one (1) at 5680 Wright Road, which is located beside his house. Mr. Call referred to the photographs and discussed his concerns with a camper, truck, debris, dump truck, cats, etc. on the properties. Mr. Wright described Mr. Paul Canup (Rowan County Environmental Services) as an "excellent man" but said, "All the others has come to me" saying there "ain't nothing we can do." Mr. Call said he would like to see these properties cleaned up. Mr. Call described the area as nice development but said he thought the covenants had expired. Mr. Call said there were approximately twenty (20) houses in the development and he would like for someone to direct him as to how to address his concerns. Mr. Call said his house was for sale but he had promised the elderly women on Georgia Avenue that he would pursue getting the properties cleaned up. Mr. Call invited the Board to visit the sites and said he would appreciate any advice the Commissioners could provide.

Chairman Tadlock confirmed with Mr. Call that he lived at 5660 Wright Road. Mr. Call clarified that he had done a follow-up on the neighbor's past history that was at Georgia Avenue. Mr. Call discussed the area on Georgia Avenue.

Chairman Tadlock referred to the covenants and asked Mr. Call why the covenants had not been kept in place? Mr. Call estimated five (5) or six (6) of the homes had been sold in the past eight (8) years and apparently the "real estate people" are not introducing the covenants.

Chairman Tadlock pointed out that Mr. Call's concerns could have been controlled with the covenants in place. Mr. Call said it would revert back to the issue of money, which he didn't feel he should have to spend, to hire an attorney to have the covenants enforced.

Mr. Call said he felt "there are violations in the Rowan County codes or something if we just would really look." Mr. Call said it was "really frustrating" and he said the Health Department was the next department scheduled to visit the site. Mr. Call said, "When you talk to someone they go out and they come back and say," "Well, they ain't nothing they can do, you should talk to this person." Mr. Call said there were probably eight (8) to ten (10) people involved. Mr. Call said, "I'm not sure we did what we're supposed to do yet as far as the people that's working for Rowan County."

Chairman Tadlock asked if any Commissioners had questions for Mr. Call.

Commissioner Blount said the Board did not usually respond to comments and suggested that the Board turn the matter over to the County Manager.

Chairman Tadlock advised Mr. Call that threatening health and safety issue needed to be documented and he thanked Mr. Call for his comments. Chairman Tadlock said Staff would be asked to look into the concerns.

3. Tina Hall a resident of the Mt. Ulla community addressed the Board regarding the tall tower issue. Ms. Hall said she was pleased to see the Commissioners have the issue on the agenda, however she was disappointed “it waited this late to come to the agenda.” Ms. Hall said there was a missed opportunity in December and also a few weeks a missed opportunity “to discuss this out in the open.” Ms. Hall said in the meantime, Davidson Broadcasting had “filed a permit this morning to build the tall tower in Mt. Ulla.” Ms. Hall said the timing is “somewhat questionable that you waited until the permit was filed.” Ms. Hall said the Davidson had great input into the wording of the current ordinance and she said, “We’ve been reacting ever since.” Ms. Hall said the Citizens Against Tall Towers are very much opposed to the citing of the tower. Ms. Hall said, “Of course Davidson Broadcasting in the current ordinance has it written so that there is no height limitations and it would be placed in RA.” Ms. Hall said she found it unfortunate “that a company like Davidson Broadcasting has that kind of clout in Rowan County where they pretty much write it the way they want it and the citizens have to react.” Ms. Hall said, “We will move forward.” Ms. Hall said there are significant safety issues with the airport, as well as other concerns of the citizens and she expressed hope that the Board would be open- minded to this.

ADJOURNMENT:

There being no further business to be brought before the Board, Chairman Tadlock adjourned the meeting at 10:35 pm.

Respectfully Submitted,

Rita K. Foil, CMC
Clerk to the Board