

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS**

**April 1, 2013 – 3:00 PM**

**J. NEWTON COHEN, SR. ROOM**

**J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING**  
.....

Present: Jim Sides, Chairman  
Craig Pierce, Vice-Chairman  
Jon Barber, Member  
Mike Caskey, Member  
Chad Mitchell, Member

County Manager Gary Page, Clerk to the Board Carolyn Barger, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Sides convened the meeting at 3:00 p.m.

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

**CONSIDER APPROVAL OF THE MINUTES**

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the minutes of the March 18, 2013 Commission Meeting passed unanimously.

**CONSIDER ADDITIONS TO THE AGENDA**

There were no additions to the agenda.

**CONSIDER DELETIONS FROM THE AGENDA**

Commissioner Pierce moved to pull item A from the Consent Agenda. The motion was seconded by Commissioner Barber and passed unanimously.

**CONSIDER APPROVAL OF THE AGENDA**

Commissioner Barber moved, Commissioner Pierce seconded and the vote to approve the agenda passed unanimously.

## **1. CONSIDER APPROVAL OF CONSENT AGENDA**

Commissioner Pierce moved approval of the Consent Agenda. The motion was seconded by Commissioner Barber and passed unanimously.

The Consent Agenda consisted of the following:

- A. Adoption of Cabarrus-Rowan MPO MOU (pulled from the agenda)
- B. Set Quasi-Judicial Hearing for CUP 03-13 for April 15, 2013
- C. Proclamation for Child Abuse Prevention Month
- D. Purchase Agreement for Summit Crossing

## **2. PUBLIC COMMENT PERIOD**

Chairman Sides opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward:

- Pete Prunkl spoke in opposition to the Board opening meetings with sectarian prayer.
- Will McCubbins spoke in support of the Board opening meetings with sectarian prayer.
- Larry Wright spoke in support of the Board opening meetings with sectarian prayer.
- Emma Labovitz spoke in opposition to the Board opening meetings with sectarian prayer.

With no one else wishing to address the Board, Chairman Sides closed the Public Comment Period.

## **3. PUBLIC HEARING ON PROPOSED TRANSFER OF FIRE PROTECTION FOR WELLINGTON ESTATES**

Fire Marshal Aaron Youngblood said the Board received a report during regular session on February 18, 2013 regarding proposed changes to the county service district or fire protection within Bostian Heights and Mount Mitchell fire districts. Mr. Youngblood said the required notifications pertaining to the current public hearing, including notification to property owners had taken place.

Chairman Sides opened the public hearing to receive citizen input regarding the proposed transfer of fire protection from Mt. Mitchell fire district to Bostian Heights fire district for the Wellington Estates subdivision.

The following individuals came forward to address the Board:

- Skip Morse said he had initiated the petition for the transfer of fire protection. Mr. Morse said the petition came about as a result of an insurance increase that affected him personally. Mr. Morse said he had gone to Emergency Services staff to ask specific questions and at that point the insurance issue became the secondary matter. Mr. Morse asked

the Board to support the request and place Wellington Estates where it would be best protected by services.

- Ron McGinnis of 135 Cherish Lane questioned how the boundaries for Mount Mitchell and Bostian Heights were established.

With no one else wishing to address the Board, Chairman Sides closed the public hearing.

Commissioner Barber moved to instruct staff to make the Wellington Estates subdivision a part of Bostian Heights Volunteer Fire District. The motion was seconded by Commissioner Pierce and passed unanimously.

#### **4. PUBLIC HEARING FOR Z 01-13**

Senior Planner Shane Stewart presented the staff report for Z 01-13. Mr. Stewart said Randall Horton wished to open a small business located at 7570 US 52 Highway. After discovering the property and two (2) surrounding parcels contained non-conforming businesses zoned Rural Agricultural (RA), staff encouraged Mr. Horton to talk with his neighbors about a joint rezoning request to a conforming district.

Mr. Stewart said Planning Staff received four (4) applications to rezone the following properties from RA to Commercial, Business, Industrial (CBI). The applications were from Randall Horton, Joyce Miles, Curtis Parridgen and Kluttz Piano Company.

Mr. Stewart reviewed the Zoning Criteria as contained in the staff report.

Mr. Stewart said since the request was for a “small scale rezoning” the Board must develop a statement of reasonableness before approving or denying the request to address any claims of spot zoning.

Mr. Stewart reported that Mr. Horton spoke in favor of the request during the February 25, 2013 Planning Board Meeting. The Planning Board voted unanimously to recommend approval based on the following statements:

#### **STATEMENT OF REASONABLENESS:**

1. The proposed rezoning is consistent with the Eastern Land Use Plan
2. There are existing businesses on three (3) of the four (4) parcels
3. US 52 Highway is a major thoroughfare

#### **STATEMENT OF CONSISTENCY:**

The rezoning request for Z 01-13 is consistent with the Eastern Land Use Plan; this type of zoning is encouraged and compatible with other uses in the area and can comply with the CBI zoning district.

Chairman Sides opened the public hearing to receive citizen input regarding Z 01-13. The following individuals came forward to address the Board:

- Victoria Hancock said her property ran parallel with Klutz Piano Company and she did not understand the need for action that she felt would increase her taxes. Ms. Hancock said she did not want the Board to take an action that would impact her, her family, or surrounding businesses.

With no one else wishing to address the Board, Chairman Sides closed the public hearing.

Commissioner Barber moved to adopt the Statement of Consistency as presented. The motion was seconded by Commissioner Caskey and passed 4-1 with Commissioner Pierce dissenting.

Commissioner Barber moved approval of the Statement of Reasonableness as presented. The motion was seconded by Commissioner Caskey and carried 4-1 with Commissioner Pierce dissenting.

Commissioner Barber moved to approve Z 01-13. The motion was seconded by Commissioner Mitchell and carried 4-1 with Commissioner Pierce dissenting.

#### **5. PERMIT TO EXCEED FOR RELAY FOR LIFE**

Planner Julian Barton reported that the 15<sup>th</sup> annual Relay for Life event would be held from 1:00 p.m. on May 3, 2013 to 3:00 p.m. on May 4, 2013 at the Rowan County Fairgrounds.

Mr. Barton said Relay for Life had submitted an application to exceed the Rowan County Noise Ordinance (Ordinance) for their event. Staff recommended approval based on compliance with the criteria listed in Section 14.12(c) of the Ordinance.

Chairman Sides asked if anyone wished to address the Board pertaining to the request and no citizens came forward.

Commissioner Pierce moved approval of PE 02-13 for Relay for Life. The motion was seconded by Commissioner Caskey and passed unanimously.

#### **6. CONSIDER APPROVAL OF BOARD APPOINTMENTS NURSING HOME ADVISORY COMMITTEE**

- Anita Jordan submitted a letter of resignation.

There are currently three (3) vacancies. Karen Ann Hay submitted an application. The term would be for one (1) year beginning May 1, 2013 and expiring April 30, 2014.

Commissioner Mitchell moved to accept the letter of resignation from Anita Jordan. The motion was seconded by Commissioner Pierce and passed unanimously.

Commissioner Mitchell nominated Karen Ann Hay and the nomination passed unanimously.

#### **ADULT CARE HOME ADVISORY COMMITTEE**

- Colleen Brown tendered her resignation.
- Leigh Ann Ellington submitted her resignation.

There are five (5) vacancies and the following application has been received: Dawn Courtney Mason. The term would be for one (1) year beginning April 1, 2013 and expiring March 31, 2014.

Commissioner Mitchell moved to accept the resignations of Colleen Brown and Leigh Ann Ellington. The motion was seconded by Commissioner Pierce and passed unanimously.

Commissioner Barber nominated Dawn Courtney Mason and the nomination passed unanimously.

#### **ROWAN COUNTY LANDMARKS COMMISSION**

There is one (1) vacancy and the following application was received:

- Dawn Courtney Mason

The term is for three (3) years beginning April 1, 2013 and expiring March 31, 2016.

Commissioner Mitchell nominated Dawn Courtney Mason and the nomination carried unanimously.

#### **SALISBURY-ROWAN HUMAN RELATIONS COUNCIL**

- Deborah Scales has submitted a letter of resignation.

Commissioner Mitchell moved to accept the resignation of Deborah Scales. The motion was seconded by Commissioner Barber and passed unanimously.

#### **LOCAL EMERGENCY PLANNING COMMITTEE**

Mike Thompson has submitted an application to replace Tom Collins from Southern Power – Rowan Facility. There are no term limits for this appointment.

Commissioner Mitchell moved, Commissioner Caskey seconded and the vote to appoint Mike Thompson passed unanimously.

**ELLIS CROSS COUNTRY VFD FIRE COMMISSIONERS**

There are three (3) vacancies and the following submitted applications:

- Gordon E. Rutzen
- Charles Robert Kennerly

The terms are for two (2) years beginning May 1, 2013 and expiring April 30, 2015.

Commissioner Pierce nominated Gordon E. Rutzen and Charles Robert Kennerly. The nominations passed unanimously.

**SCOTCH-IRISH VFD FIRE COMMISSIONERS**

There are three (3) vacancies and the following applications were received:

- Frederick Conway McDaniel
- Brent Curtis Carlton for reappointment
- William Steven Reavis for reappointment

The terms are for two (2) years beginning April 1, 2013 and expiring March 31, 2015.

Commissioner Barber nominated Frederick Conway McDaniel, Brent Curtis Carlton for appointment and William Steven Reavis for reappointment.

**WOODLEAF VFD FIRE COMMISSIONERS**

There are three (3) vacancies and following submitted applications:

- Benny S. Barber
- Eubert T. Correll
- John A. Weaver

The terms are for two (2) years beginning April 1, 2013 and expiring March 31, 2015.

Commissioner Pierce nominated Benny S. Barger, Eubert T. Correll and John A. Weaver. The nominations carried unanimously.

**7. ADJOURNMENT**

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 3:36 p.m. The motion was seconded by Commissioner Pierce and passed unanimously.

Respectfully Submitted,

Carolyn Barger, CMC, NCCCC  
Clerk to the Board/  
Assistant to the County Manager