

MINUTES OF THE MEETING OF THE BOARD
OF ROWAN COUNTY COMMISSIONERS
REGULAR SESSION - JANUARY 7, 1991
RED ROOM - COMMUNITY BUILDING

The Rowan County Board of Commissioners met in Regular Session on Monday, January 7, 1991, at 9:00 a.m. in the Red Room of the Community Building.

PRESENT: J. Newton Cohen, Chairman
Henry H. Palmer, Vice-Chairman
Jamima P. DeMarcus, Member
Charles H. Welch, Member
Thomas M. Webb, Member

The County Manager, Finance Director, County Attorney, and Clerk to the Board were also in attendance, as well as administrative staff and concerned citizens.

Chairman Cohen called the meeting to order, and Commissioner Webb gave the invocation.

MINUTES:

The following Minutes were submitted for approval:

- * December 3, 1990 (Regular Session)
- * December 12, 1990 (Special Called - Letter)
- * December 12, 1990 (Special Called - Tires)
- * December 28, 1990 (Special Called - Tuttle Lease)

Commissioner DeMarcus noted that, on the Minutes of December 3rd, page 2, "Oath of Office" paragraph 1: Mrs. DeMarcus' name was omitted, and should be added. There being no other corrections, she then made a motion to approve the Minutes as submitted. Vice-Chairman Palmer seconded, with unanimous approval.

ADDITIONS TO AGENDA:

- * County Manager Tim Russell would like to address:

(1) Forum Insurance Lawsuits: Mr. Russell distributed information regarding legal expenses involving Forum Insurance Company, as attached to these Minutes. Mr. Russell then explained the previous circumstances, and that there is a discrepancy as to whether or not the County owes the disputed fees. Commissioner DeMarcus suggested referring the issue to the County Attorney for further advisement, and defer to the February meeting.

(2) Tourism (occupancy tax): Mr. Russell distributed a memorandum previously sent to Mrs. Judith Newman of the Convention & Visitors Bureau, as attached to these Minutes. Mr. Russell's memorandum states the problem of delinquent occupancy taxes in Rowan County. He also proposed a letter (attached) to be sent to each motel owner, addressing the problem.

Commissioner DeMarcus made a motion to approve sending the letter composed by Mr. Russell. Commissioner Webb seconded, with unanimous approval.

CORRESPONDENCE:

The following correspondence was submitted, as attached to these Minutes:

* Memorandum, dated November 26, 1990, from David T. Flaherty, NCDHR, regarding Adoption of Task Force Recommendations

* Public Hearing Notice, regarding Jake Alexander Blvd. Extension from I-85 to Stokes Ferry Rd. (SR 1004)

* Announcement, dated December 14, 1990, regarding the 1990 Volunteer Rescue/EMS Fund

* Manager's Memo, dated December 26, 1990, regarding:
(1) State Budget Proposals
(2) Additional Information on Joint Meeting with School Boards Association Officers

* Article from Bond Reporter regarding General Obligation Bonds

* Letter, dated December 10, 1990, from Iredell Co. Manager Joel Mashburn, regarding the Annual Carolinas Counties Coalition Conference for 1991

* Letter from Cleveland Community VFD submitting their request to receive surplus equipment

* NSWMA Legislative Report, regarding the "Political Report Election '90 Wrap-Up"

* Memo, dated December 11, 1990, from Joe Kilpatrick of the Z. Smith Reynolds Foundation, Inc. Memo is regarding the OFF projects grant recipients

* General information regarding Recycling Solid Waste, Recycling in the States, Public Attitudes Toward Garbage Disposal, and The Future of Newspaper Recycling.

ROAD PETITIONS:

Commissioner Webb presented one (1) Road Petition for approval (as attached to these Minutes) requesting the addition of Plantation Ridge Drive and Deerfield Circle to the Secondary Road System. He then made a motion to accept the petition, and Commissioner DeMarcus seconded, with unanimous approval.

BOARD APPOINTMENTS:

* Rowan County Nursing Home Advisory Committee: As no one had any nominations to replace Mr. John Steele, the appointment was deferred to the February meeting.

* Tri-County Mental Health Board: Previously, Mrs. Anna Mills Wagoner submitted her resignation, due to her position as District Court Judge. Vice-Chairman Palmer made a motion to appoint Mrs. Mona Lisa Wallace to the position. Commissioner Welch seconded, with unanimous approval.

* Domiciliary Home Community Advisory Committee: The term of Mrs. Mary Morrow has expired. Commissioner DeMarcus made a motion to reappoint Mrs. Morrow. Commissioner Palmer seconded, with unanimous approval.

* Board of Health: The term of Mr. Charles Deadwyler, Jr. has expired, and he is ineligible for reappointment. Commissioner Webb made a motion to appoint Mr. Joe Hager (pharmacist) to the position. Commissioner Welch seconded, with unanimous approval.

* Senior Services Advisory Council: The terms of Mrs. Hope Davis, Mrs. Hazel Everhart, Ms. Etta Mae Kirk, Ms. Leah McFee, and Rev. Jimmie Holland have all expired. Ms. Kirk does not wish to be reappointed. Commissioner DeMarcus made a motion to reappoint all eligible members, excluding Ms. Kirk. Vice-Chairman Palmer seconded, with unanimous approval. A replacement for Ms. Kirk was deferred to the February meeting.

* Kannapolis Zoning Board of Adjustment: Commissioner DeMarcus made a motion to appoint Ms. Martha Harrell, and Vice-Chairman Palmer seconded. Commissioner Webb made a motion to appoint Mr. Robert Freeman, and Commissioner Welch seconded. The vote was cast 3/2 in favor of Mr. Freeman.

* Cabarrus-Rowan Park Commission: The term of Mr. Walter Boger has expired. Commissioner Webb made a motion to reappoint Mr. Boger. Vice-Chairman Palmer seconded, with unanimous approval.

At this time, Commissioner DeMarcus made a motion to open the Public Hearing regarding the expansion of the Enochville Fire District. Commissioner Webb seconded, with unanimous approval.

PUBLIC HEARING - PROPOSED EXPANSION OF ENOCHVILLE FIRE DISTRICT:

Information regarding the proposed expansion was previously distributed to the Board, as attached to these Minutes. Mr. Fred Jordan addressed the Board to support the expansion. With no one else wishing to speak, Vice-Chairman Palmer made a motion to close the Public Hearing and return to Regular Session. Commissioner Welch seconded, with unanimous approval.

Vice-Chairman Palmer then made a motion to approve the proposed expansion. Commissioner Welch seconded, with unanimous approval.

PROPOSED SCHEDULE FOR BOARD OF EQUALIZATION/REVIEW - JERRY ROWLAND:

County Assessor Jerry Rowland requested a set schedule for April, for the Board of Equalization and Review. The schedule has been set as follows:

Tuesday, April 2, 1991	8:30 a.m. - 5:00 p.m.
Wednesday, April 3	8:30 a.m. - 5:00 p.m.
Friday, April 5	9:00 a.m. - 4:00 p.m.
Monday, April 8	1:00 p.m. - 9:00 p.m.
Wednesday, April 10	1:00 p.m. - 9:00 p.m.
Friday, April 12	1:00 p.m. - 9:00 p.m.

Also, April 29th & 30th are scheduled, should they be needed for additional meetings.

PUBLIC HEARING - PROPOSED NAME CHANGES:

- (1) D. Bost Road to Sugar Maple Lane
- (2) Linn Drive to Red Leaf Lane
- (3) 1300 Block of Shore Acres Drive to Moonlight Drive

Emergency Services Manager Wayne Ashworth first distributed information on upcoming road name changes, as attached to these Minutes. Mr. Ashworth requested a Public Hearing for the February meeting. Vice-Chairman Palmer made a motion to hold the Public Hearing on February 4, 1991 at 9:30 a.m. Commissioner Webb seconded, with unanimous approval.

Due to the increasing amount of road name changes, Commissioner DeMarcus would like to expedite the process. Mr. Ashworth will provide a listing of information regarding all roads ready for the process, at the February meeting, and Public Hearings will be set for the March meeting.

At this time, Commissioner Webb made a motion to open the Public Hearing. Vice-Chairman Palmer seconded, with unanimous approval.

Ms. Sue Stevens noted that the road is SR 1548, not SR 1546, as stated on the notification. Ms. Stevens also added her support to the name change.

With no one else wishing to address the issue, Commissioner Welch then made a motion to close the Public Hearing and return to Regular Session. Commissioner Webb seconded, with unanimous approval. With no one else wishing to speak for/against the changes, Commissioner Welch made a motion to approve the name changes as submitted. Vice-Chairman Palmer seconded, with unanimous approval.

Note: Later in the meeting, various citizens appeared to address the name change issue; therefore, Commissioner DeMarcus made a motion to rescind the previous action, and allow the citizens to speak regarding the "1300 Block of Shore Acres Drive." Vice-Chairman Palmer seconded, with unanimous approval. Commissioner Webb then made a motion to reopen the Public Hearing. Commissioner DeMarcus seconded, with unanimous approval.

Mr. Mack Scoggins and Ms. Ruby Eller both expressed comments against the change. Due to continuing conflict of opinions, Commissioner DeMarcus suggesting deferring the issue for further consideration. With no others wishing to speak, Vice-Chairman Palmer made a motion to close the Public Hearing and return to Regular Session. Commissioner Webb seconded, with unanimous approval.

Commissioner DeMarcus then made a motion to request additional information from Mr. Wayne Ashworth, and defer the issue to the February meeting. Commissioner Webb seconded, with unanimous approval.

At this time, Commissioner DeMarcus made a motion to open the Public Hearing regarding the Rowan/Rufty Properties. Vice-Chairman Palmer seconded, with unanimous approval.

PUBLIC HEARING - Rufty/Rowan Properties:

County Attorney John Holshouser explained the legal proceedings regarding the exchange of property between Rowan County and the Ruftys. According to Mr. Holshouser, the County is currently receiving rent on the building, until the Ruftys vacate. With no one wishing to speak for/against the issue, Vice-Chairman Palmer made a motion to close the Public Hearing and return to Regular Session. Commissioner Welch seconded, with unanimous approval.

Vice-Chairman Palmer then made a motion to proceed with the exchange of properties. Commissioner DeMarcus seconded, with unanimous approval.

AMENDMENT TO COUNTY ROAD NAME/ADDRESS DISPLAY ORDINANCE:

County Attorney John Holshouser previously submitted a drafted Ordinance Amendment for approval, as attached to these Minutes. At this time, Mr. Holshouser presented a second drafted Amendment, reflecting changes. After consideration by the Board, Vice-Chairman Palmer made a motion to adopt the (second) Amendment with revisions. Commissioner Welch seconded, with unanimous approval.

UPDATE ON TIRE DISPOSAL REVENUES - DON CONNER:

Mr. Don Conner, Environmental Services Manager distributed information on Scrap Tire Disposal, as attached to these Minutes, after which he explained all available options for tire pickups. After reviewing proposals from both D & S Trade Corporation and U. S. Tire Disposal,

Commissioner Welch made a motion to accept the proposal from D & S Trade Corporation. Commissioner Webb seconded, with unanimous approval.

WELCOME NEIGHBOR PROGRAM - MRS. LOUISE ALDERSON:

Information was previously submitted to the Board regarding the Welcome Neighbor Program, as attached to these Minutes. Mrs. Alderson explained the operation of her company to the Board, and requested their "letter of welcome" to be included in her distributions. Vice-Chairman Palmer made a motion to approve her suggestion, and Commissioner DeMarcus suggested that the Board compose its own letter. Commissioner Welch seconded, with unanimous approval.

WELCOME WAGON PROGRAM - MRS. DOT LEAR:

As Mrs. Lear was unable to attend the meeting, the Tax Collector's Report will be presented at this time.

TAX COLLECTOR'S REPORT - WAYNE SIMPSON:

Tax Collector Wayne Simpson presented the Preliminary December 1990 Report, as attached to these Minutes.

PRESENTATION OF AUDIT REPORT - MR. DANNY LOVE:

Mr. Danny Love of Potter & Co., presented the 1990 Audit Report, briefly explaining "reportable conditions" to the Board, and recommendations for improvement. Chairman Cohen commended the County Manager and Finance Director Brady Frick for the operations in the Finance Office.

PARK DONATIONS - MR. JIM FOLTZ:

Parks Manager Jim Foltz introduced Mr. Skipper Snider and Mr. Red Gorman, and presented a listing of recent donations, as attached to these Minutes.

DISCUSSION ON SCHOOL BUDGET - DR. DON MARTIN:

Superintendent Don Martin appeared before the Commission to explain the Rowan-Salisbury Schools Budgets, as attached to these Minutes. Dr. Martin also introduced Dr. Joe McCann and Ms. Mary Whetstine, and explained the individual programs.

REQUEST FOR RADIO PURCHASE - RANDALL FAGGART:

Fire Marshall Randall Faggart previously submitted a request to purchase a mobile radio, as attached to these Minutes. According to EMS Manager Wayne Ashworth, the purchase would require an additional \$510.48 in funds, and the request had previously been denied. Upon hearing opinions from both, Commissioner Webb made a motion to approve the purchase. The motion died for lack of a second.

PROCEDURE FOR FUTURE COMMISSION MEETINGS - CHAIRMAN COHEN:

In the interest of time, Chairman Cohen suggested that the members review the booklet regarding Procedures for Meetings of County Commissioners, and be prepared to discuss the issue and adopt policies at the February meeting.

LETTER FROM TOWN OF LANDIS RE: RECYCLING PROJECT:

Chairman Cohen recently received a letter from the Town of Landis, regarding a pilot Recycling Program, as attached to these Minutes. The letter requests that the County fund the program 100%. Commissioner DeMarcus noted that other municipalities had already begun curbside recycling at their own expense. Mr. Don Conner stated there are no plans to initiate any future "unmanned" sites. Commissioner Welch made a motion to send a letter to the Town of Landis declining their request. Vice-Chairman Palmer seconded, with unanimous approval. County Manager Russell will compose the letter.

LETTER FROM CITIZENS COALITION FOR RESPONSIBLE GOVERNMENT RE: CONTAMINATED WELLS IN ENOCHVILLE AREA:

Chairman Cohen had previously received a letter from the Citizens Coalition for Responsible Government, as attached to these Minutes. The letter concerns the problem of contaminated wells in the Enochville area. Mr. Austin Mitchell addressed the Board, asking for direction in rectifying the problem. At this time, Mr. Mitchell contends that the State has taken no action to solve the problem, other than giving "possible solutions." Chairman Cohen assured Mr. Mitchell that the Board will do everything possible to assist the affected residents.

Mr. Robert Freeman suggested that the City of Kannapolis should provide water to the affected residents. Mr. Mitchell then requested that the Board contact the Kannapolis City Council to work for a solution, then inform the coalition.

Lastly, Mr. Mitchell also stated that area citizens request assistance in having Cabarrus County setup an Inspection Department. According to his information, residents are currently forced to abide by Cabarrus County Code Enforcement, but inspections are being made by Rowan County.

FINANCING PROPOSAL FOR RUFTY BUILDING - BRADY FRICK:

Finance Director Brady Frick explained the options of financing real estate. According to Mr. Frick, Wachovia Bank can offer 6.88%, and First Union National Bank - 6.79%. Later, at the request of the Board, Mr. Frick contacted both institutions for the following information:

Wachovia - 6.75% (fixed); 67% of prime (variable)

F.U.N.B. - 6.72% (fixed); 68% of prime (variable)

After much deliberation, vice-Chairman Palmer made a motion to accept the offer from First Union National Bank, using the Deed of Trust as security. Commissioner Webb seconded, with unanimous approval.

MANAGER'S REPORT:

Interest: County Manager Russell presented the Report of Interest Earned Through December, 1990, as attached to these Minutes.

Refunds: Mr. Russell also submitted various refunds for approval, as attached to these Minutes. Commissioner DeMarcus made a motion to approve the refunds from the County Assessor's Office as submitted. Vice-Chairman Palmer seconded, with unanimous approval. After reviewing the remaining refunds from the Inspection Dept. and Ambulance Collections, Vice-Chairman Palmer made a motion to approve. Commissioner Welch seconded, with unanimous approval.

PROPOSAL FOR CONTRACT TO PURCHASE MOTOR FUELS:

Mr. Russell previously distributed a proposal from Mattox Distributing Co., Inc., as attached to these Minutes. Mr. Russell explained the terms, available locations, and price option. After reviewing the proposal, Commissioner DeMarcus made a motion to approve a 3-year contract with the company. Vice-Chairman Palmer seconded, with unanimous approval.

UPDATE ON REQUEST FOR STATE TO ENFORCE LOCAL SOIL EROSION/SEDIMENTATION CONTROL ORDINANCE:

Mr. Russell received a letter from Mr. Charles H. Gardner, P.G., P.E., of the N. C. Sedimentation Control Commission, as attached to these Minutes. The letter replies that the State will not be able to enforce the Ordinance as requested. According to Mr. Gardner's letter, it is the NCSCC policy that "local programs enforce all violations within their jurisdiction except those which are the exclusive regulatory authority of the Commission." The NCSCC has, however, offered to assist with related inspections.

UPDATE ON APPRAISAL OF SURPLUS LAND ON AIRPORT LOOP ROAD:

An appraisal from Carpenter Appraisal Company of real estate on Airport Loop Road was presented to the Board, as attached to these Minutes. Mr. Russell explained the appraisal, which property owners were involved, and the appraised value of each parcel. Chairman Cohen suggested that a call be placed to each landowner informing them of the County's intentions. Commissioner Welch made a motion to send a letter to Carolina Farm Buildings (Parcel #33), stating that Rowan County will accept bids for the appraised value plus surveying expenses. Commissioner DeMarcus seconded, with unanimous approval.

Another appraisal was also submitted (as attached), regarding the Shuford School Building in Granite Quarry. The Board had previously requested the appraisal to assist in a decision of whether or not to sell the property.

REVISION TO CONTRACT FOR MEDICAL CARE AT COUNTY JAIL:

Dr. John Barr, M.D. of the Cleveland Family Practice had submitted a bid for medical services at the Rowan County Jail, as attached to these Minutes. County Manager Russell noted that no other bids had been received. After review of the bid, Vice-Chairman Palmer made a motion to accept the offer. Commissioner Webb seconded, with unanimous approval.

FARMLAND USE DEFERRAL - WHITE PROPERTY:

Mr. Russell had previously sent a memorandum to the Board, regarding recapture of Farm Land Use Deferral on property purchased by the County from the White family, as attached to these Minutes. Mr. Russell explained the circumstances, after which Vice-Chairman Palmer made a motion to eliminate the recapture from the Whites. Commissioner Welch seconded, with unanimous approval.

UPDATE ON JAIL LIASON PROJECT - SHERIFF BOB MARTIN:

Sheriff Martin introduced Liason Officer Randy Giessler. Mr. Giessler discussed the jail overcrowding problems, distributed a Monthly Report (attached), and explained his duties to the Commission.

There being no further business, Vice-Chairman Palmer made a motion to adjourn the meeting until 7:30 p.m., at which time the Commission will hold a joint meeting with the Rowan County Airport Board. Commissioner Welch seconded, with unanimous approval.

The Board reconvened at 7:30 p.m. at Holiday Inn, for a joint meeting with the Rowan County Airport Board, following a 6:30 p.m. dinner. Vice-Chairman Palmer gave the invocation.

Airport Board Vice-Chairman Paul Carter called the meeting of the Airport Board to order, and established a quorum. Mr. Rufus Honeycutt made a motion to approve the Minutes as submitted. Mr. Ashley Roberts seconded, with unanimous approval.

New Officers were elected as follows:

Chairman: Mr. Rufus Honeycutt made a motion to nominate Paul Carter as Chairman, seconded by Mr. Billy Brinkley. Mr. Hugh Bost then made a motion to close the nominations, seconded by Mr. Jerry Helms. Mr. Carter will serve as Chairman.

Vice-Chairman: The motion was made to nominate Mr. Jerry Helms, and then close the nominations. It was seconded by Rufus Honeycutt, with unanimous approval. Mr. Helms will serve as Vice-Chairman.

Mr. Jim Rogers with Espey, Huston & Associates addressed the Boards and reported on the grading project, as well as complications with the septic system. According to Mr. Rogers, the "VOR" must be shut-down in approximately 6 weeks. As this caused considerable concern among the members, County Manager Tim Russell will seek an additional opinion before taking any action.

Chairman Cohen then opened the (adjourned) meeting, explained the purpose of the meeting, and Mr. Lindsay Hess' stipulations in his proposal.

Mr. Hess gave his opening comments, and elaborated on his proposal for the new terminal building, as attached to these Minutes. Currently, Mr. Hess offered no drawings or specifications of his proposal.

In closing, Mr. Jerry Burnham commended the previous Board of Commissioners for their support and efforts to the Airport and the Landfill.

Commissioner Welch then made a motion for the Boards to meet in Executive Session. Commissioner Webb seconded, with unanimous approval.

After the motion was made and seconded to return to Adjourned Session, Mr. Larry Jones made a motion to not consider any options for lease extensions at this time. Mr. Billy Brinkley seconded, with unanimous approval.

Commissioner Webb then made a motion to accept the decision of the Airport Advisory Board, as submitted. Vice-Chairman Palmer seconded, with unanimous approval.

There being no further business, Commissioner DeMarcus made a motion to adjourn the meeting. Commissioner Welch seconded, with unanimous approval.

Respectfully submitted,

Denise J. Barrow
Clerk to the Board of
Rowan County Commissioners