

MINUTES OF THE MEETING OF THE BOARD
OF ROWAN COUNTY COMMISSIONERS
MARCH 4, 1991 - REGULAR SESSION
RED ROOM - COMMUNITY BUILDING

The Rowan County Board of Commissioners met in Regular Session, on Monday, March 4, 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.

Chairman Cohen called the meeting to order, and Vice-Chairman Palmer gave the invocation.

MINUTES:

The following Minutes were submitted for approval:

* February 4, 1991 (Regular)

Vice-Chairman Palmer suggested that, on Page 8, Paragraph 4, Item #1 be specified as relating to Social Services.

There being no further corrections, Commissioner DeMarcus made a motion to approve as submitted. Vice-Chairman Palmer seconded, with unanimous approval.

ADDITIONS TO AGENDA:

The following additions were noted for later discussions:

- * Commissioner Welch - Letter of 2/11/91, re: County Fund Balance
- * Commissioner Welch - Board of Equalization/Review
- * Commissioner DeMarcus - Budget for Landfill
- * Commissioner DeMarcus - Library
- * Commissioner DeMarcus - Keep N. C. Clean & Beautiful Program
- * Commissioner DeMarcus - Special Homecoming Parade/Celebration for local troops
- * Commissioner DeMarcus - Anniversary of the George Washington Southern Tour
- * Commissioner Webb - Atwell Fire Department
- * Commissioner Webb - Parks
- * Chairman Cohen - Resolution Honoring Soldiers
- * Chairman Cohen - Bar Association
- * Chairman Cohen - Courthouse/Jail Expansion
- * Vice-Chairman Palmer - Delinquent Accounts at Landfill
- * Vice-Chairman Palmer - Upcoming Invitations/Events
- * County Manager Russell - Legislature Regarding Collection of Landfill Fees With Relation to Tax Collector's Duties
- * County Manager Russell - NPDES Program
- * County Attorney Holshouser - Executive Session (Forum Insurance and other litigation)

CORRESPONDENCE:

The County Manager noted several items of correspondence, as attached to these Minutes:

- * Daily Bulletin from the N. C. General Assembly, regarding H. B. 60 (Hazardous Waste Commission Repealed)
- * Request, dated February 14, 1991, from Montgomery Co. Commission Chairman, Mr. D. T. Scarborough, regarding

the endorsement of a Resolution to prohibit federally mandated local programs.

* Letter dated February 5, 1991, from Mr. George Little, General Manager of Vision Cable, regarding their franchise renewal.

ROAD PETITIONS:

There were none to be offered, as noted by Commissioner Webb.

BOARD APPOINTMENTS:

Rowan County Nursing Home Advisory Committee: The term of Ms. Diana Huffstutler has expired. Commissioner DeMarcus made a motion to reappoint Ms. Huffstutler for another term. Commissioner Webb seconded, with unanimous approval.

Senior Services Advisory Council: The term of Mrs. Etta Mae Kirk has expired, and she has requested not to be reappointed. Commissioner DeMarcus made a motion to appoint Ms. Virginia Graves to fill the position. Commissioner Webb seconded, with unanimous approval.

Planning Board: A vacancy exists, due to the recent resignation of Mr. Paul Carter. Vice-Chairman Palmer nominated Mr. Larry Correll. Commissioner Webb nominated Mr. Norman Frick. Mr. Correll was selected, and the vote was cast as follows:

Chairman Cohen: Correll

Commissioner Webb: Frick

Vice-Chairman Palmer: Correll

Commissioner Welch: Frick

Commissioner DeMarcus: Correll

Region F Aging Advisory Committee: A vacancy exists, due to the recent resignation of Mr. Robert C. Thomas. Commissioner DeMarcus suggested accepting the resignation as information, and deferring this to the April meeting. The Board agreed by consensus.

Rowan Transit System: The Board received a memorandum, from Chairman Clyde Fahnestock, requesting the appointment of Dr. Joe McCann, and also, to increase the Board by one (1) member. Commissioner DeMarcus made a motion to grant the requests. Vice-Chairman Palmer seconded, with unanimous approval.

Town of Spencer: The Board received a letter requesting the appointments of Mr. Harold Thomas and Mr. Tim Witkowski to the Spencer Planning Board as extraterritorial members; also, to reappoint Mr. W. L. Noles and Mr. Albert S. Stout as extraterritorial members to the Spencer Board of Adjustment. Commissioner DeMarcus made a motion to approve the requests. The motion was seconded, with unanimous approval.

TAX COLLECTOR'S REPORT:

Tax Collector Wayne Simpson presented the Preliminary February 1991 Report, as attached to these Minutes. Mr. Simpson also requested authorization to place a disclaimer in the local newspaper, with regards to unpaid real estate taxes for servicemen/women in the Persian Gulf War. Vice-Chairman Palmer made a motion to approve the request. Commissioner DeMarcus seconded, with unanimous approval.

Mr. Simpson also presented information on a number of delinquent landfill accounts, as attached to these Minutes. County Manager Russell then distributed House Bill 886, regarding allowing the collection of such fees by the Tax Collector, as attached to these Minutes. Commissioner DeMarcus made a motion to allow Rowan County Legislators to request the addition of Rowan County to this Bill. Commissioner Webb seconded, with unanimous approval.

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

PUBLIC HEARINGS - PROPOSED ROAD NAME CHANGES:

- (1) Country Lane (SR 1819) to "Country Hill Drive"
- (2) 1st Street (SR 2127) to "Cliffdale Rd."
- (3) Private Road to "Hurley School Drive"

Mr. Ashworth also presented a fourth petition representing (100% of) the landowners, requesting their private road be named "Highland Park Drive." With no one speaking for/against the four (4) changes, Commissioner DeMarcus made a motion to return to Regular Session. Commissioner Webb seconded, with unanimous approval.

In Regular Session, Vice-Chairman Palmer made a motion to approval all four (4) changes as submitted. Commissioner Welch seconded, with unanimous approval.

UPDATE ON ROAD NAME CHANGES:

(1) Canterbury Drive: Wayne Ashworth submitted information regarding the history of all similar names in the County, as attached to these Minutes. He continued that the landowners had chosen "Chaucer" as the alternate name. With no opposition, Commissioner Welch made a motion to accept the proposed renaming. Commissioner DeMarcus seconded, with unanimous approval.

(2) Foutz St./Davis/Doris Drive: Mr. Ashworth has recommended "Darlington Drive" as an alternate name for the road, and requests a date for the Public Hearing. Commissioner Welch made a motion to hold the Public Hearing at the April 1, 1991 meeting, at 9:30 a.m. Commissioner Webb seconded, with unanimous approval.

(3) Mr. Ashworth also noted another request for the name change of a private road (north off the 5800 block of Statesville Blvd.) to "Rock Hump Road." Commissioner DeMarcus made a motion to set this Public Hearing, also, for the April 1st meeting at 9:30 a.m. Commissioner Webb seconded, with unanimous approval.

EMS LIFESAVING AWARD - COMMISSIONER WEBB/WAYNE ASHWORTH:

Information regarding the four (4) categories for the "SAVE" program was presented, as attached to these Minutes. Commissioner DeMarcus made a motion to accept the suggestion of the award, and to have Mr. Ashworth and Commissioner Webb to develop the criteria. Vice-Chairman Palmer seconded, with unanimous approval.

UPDATE ON EMS TRAINING OFFICER - TIM RUSSELL:

County Manager Russell explained events of the prior meeting to discuss the position. Mr. Richard Hurder (R.E.M.A.C. Chairman) addressed the Board with his comments, as did Ms. Beth Connell, EMS Manager, and Dr. John Barr. Commissioner DeMarcus suggested deferring a decision until the department's overall budget could be studied. Vice-Chairman Palmer made a motion to authorize a 1/2-time position, with stipulations. Commissioner Webb seconded, with unanimous approval.

At this time, Mr. Ashworth distributed a contract, regarding Atwell Fire Department's inclusion as a Fire Service District, as attached to these Minutes. Commissioner Webb also noted a letter from Atwell confirming the request. County Attorney Holshouser will refer back to our prior Resolution, and revise to accommodate. Commissioner DeMarcus then made a motion to approve the contract. Vice-Chairman Palmer seconded, with unanimous approval. Commissioner Webb made a motion to authorize Atwell Fire District as a Service District. Commissioner DeMarcus seconded, with unanimous approval. Mr. Holshouser also explained the process for sending the notices prior to the Public Hearing. Mr. Russell stated that, in the past, the Public Hearings for such were held at the Fire Department.

UPDATE ON EROSION CONTROL/SEDIMENTATION PROBLEMS - DON CONNER:

Mr. Paul Canup, Environmental Specialist, distributed information and explained events to-date, regarding the Highview Farms violation, as attached to these Minutes. He also made a slide presentation to the Board, indicating problems on the site.

Mr. Don Conner, Environmental Services Director summarized actions to-date. Commissioner Welch questioned Mr. Canup regarding specified modifications. Mr. Jerry Cook, Regional Engineer of the N. C. Department of Environment, Health and Natural Resources also gave his evaluation of the situation.

Commissioner Welch had the Clerk distribute information regarding the contract between Highview Farms and Spivey & Self, Inc.; a letter from Mr. Harold Caudill of the Agricultural Extension Office; and information on rainfall amounts for Nov.-Dec.-Jan., as attached to these Minutes.

COMMENTS FROM HIGHVIEW FARMS PROPERTY OWNERS:

Mr. Harry Welch gave his comments and explained his transactions to-date, after which Mr. Conner gave the Staff's recommendations:

- (1) Bring the property into compliance within thirty (30) days
- (2) If not in compliance within 30 days, set a penalty on a daily basis.
- (3) Should implement a penalty regarding damage already done

Commissioner DeMarcus made a motion to (1) accept the Staff recommendations as submitted; (2) after 4/1/91, then implement a \$370/day penalty; (3) As a Board, implement a (yet undecided) penalty from 9/20/90 to 3/4/91. Vice-Chairman Palmer seconded, and the vote was 4/0 with Commissioner Welch abstaining.

PETITION OF CONCERNS FROM WESTCLIFFE CIVIC ASSOCIATION:

The Board had previously received information regarding a proposed quarry or mining operation, from Westcliffe Civic Association, as attached to these Minutes. Association President, Len Clark, presented a map showing the proposed area, and requested a moratorium against such, until county-wide zoning is provided. County Planner Danny Johnson recommends a moratorium

until 6/30/92. Commissioner DeMarcus made a motion of intent to adopt a moratorium, and to discuss the issue further at the 3/25/91 (adjourned) meeting. The motion was seconded, with unanimous approval.

RECOMMENDATIONS FROM SOLID WASTE TASK FORCE- ALFRED WILSON:

Mr. Alfred Wilson, Chairman, presented the recommendations, as attached to these Minutes. He also explained how the Task Force had divided into various committees, and explained their objectives. Commissioner DeMarcus thanked Mr. Wilson for their efforts, accepted the report, and suggested that this program be considered (for continuation) at budget time.

OPERATING FUNDS FOR AGRICULTURE ADVISORY BOARD- MS. GLORIA CORRELL:

Members of the Commission had previously received information regarding the needs of the Agricultural Advisory Board, as attached to these Minutes. After discussion, Vice-Chairman Palmer made a motion to approve the request (for \$304), exempting the per diem amounts (travel to meetings). Commissioner Webb seconded, with unanimous approval.

VARIANCE ON PROPOSED WEST ROWAN MIDDLE SCHOOL - DR. JOE MCCANN:

Dr. Joe McCann presented information regarding a variance on the proposed West Rowan Middle School, as attached to these Minutes. He is requesting authorization to apply for a balance of \$375,000, already budgeted to them. Vice-Chairman Palmer made a motion to approve the deviation. Commissioner Webb seconded, with unanimous (4/0 - Commissioner Welch was absent) approval.

Commissioner Webb then made a motion to approve the contract as submitted. Vice-Chairman seconded, with unanimous (4/0) approval.

REQUEST FOR SENIOR SERVICES DEPARTMENT PRINTING NEEDS - FREIDA NIKOLAI:

Ms. Freida Nikolai addressed the Board to request an additional \$500 for printing supplies. She also presented samples of brochures printed and distributed by the department, as attached to these Minutes. Commissioner Webb made a motion to appropriate the \$500 as requested. Commissioner DeMarcus seconded, with unanimous (4/0) approval.

Next, Commissioner Webb presented a Resolution, requesting that March 10-16, 1991 be proclaimed "Employ the Older Worker Week" in Rowan County, as attached to these Minutes. Commissioner DeMarcus made a motion to approve the request. Commissioner Webb seconded, with unanimous (4/0) approval.

LAND USE QUALIFICATIONS/COMMERCIAL AUDITING - JERRY ROWLAND:

County Assessor, Jerry Rowland, questioned whether the Board preferred to sit (themselves) as the Board of Equalization/ Review, or to appoint a separate Board. By consensus, the Board's decision to remain as the Board of E/R stands. Mr. Rowland then introduced Mr. Roger Ellis and Mr. Tom Tucker of Tax Management Associates, Inc.

The Board had previously received a packet of information from TMA, as attached to these Minutes.

Mr. Ellis and Mr. Tucker explained their services, and how the County could benefit from them. In conclusion, the Board took their information under advisement.

ROWAN COUNTY BAR ASSOCIATION - MR. CHIP SHORT:

Attorney Chip Short addressed the Board on behalf of the Rowan County Bar Association. Mr. Short expressed the concerns of the Association, with regards to overcrowding at the Courthouse and Jail. He requests the addition of a "Citizens Advisory Committee" to study the problem. Commissioner Webb made a motion to advertise for architects for the Health Department as a separate entity from the Old Post Office and Jail/Courthouse renovations. Vice-Chairman Palmer seconded, with unanimous approval.

Commissioner DeMarcus then made a motion of intent to begin plans for a Bond Referendum in the November election. Commissioner Welch seconded, with unanimous approval.

UPDATE ON TIRE DISPOSAL - ATTORNEY JOHN HOLSHOUSER:

County Attorney John Holshouser updated the Board regarding the recent communication with Mr. Ray Yost, as attached to these Minutes, and explained the enforcement procedures involved. Chairman Cohen stated he would refer to Mr. Holshouser to report back to the Board on 3/25/91, with a suggested solution regarding the issue. Vice-Chairman Palmer made a motion to confirm this action, and Commissioner DeMarcus seconded, with unanimous approval.

DISCUSSION OF ADDITION OF SECOND MONTHLY MEETING - CHAIRMAN COHEN:

The Board agreed, by consensus, to defer a decision on a second monthly meeting, until after the Equalization/Review sessions have been completed.

DISCUSSION OF BOARD APPOINTMENT PROCEDURES - COUNTY MANAGER RUSSELL:

Mr. Russell previously submitted information regarding optional procedures for Board Appointments, as attached to these Minutes. Commissioner Webb suggested returning to the previous procedures. Commissioner DeMarcus also suggested the item be scheduled late in the afternoon. By consensus, the Board agreed with both suggestions.

UPDATE ON PROPOSED AIRPORT DESIGN - COUNTY MANAGER:

Mr. Russell distributed information regarding Mr. Robert Stone's cost calculations of the proposed Airport Terminal Building, as attached to these Minutes. Vice-Chairman Palmer made a motion to approve the design, as recommended by the Airport Board. Commissioner DeMarcus seconded, with unanimous approval.

MANAGER'S REPORT:

Interest: Mr. Russell gave the report of interest earned through February, 1991, as attached to these Minutes.

Refunds: Various refunds were previously submitted, as attached to these Minutes. Vice-Chairman Palmer made a motion to approve the refunds as submitted. Commissioner DeMarcus seconded, with unanimous approval.

Surplus Property: A complete listing of various surplus properties owned by the County was reviewed by the Board, as attached to these Minutes. Vice-Chairman Palmer made a motion to advertise the properties for sale, with certain exceptions. Commissioner Welch seconded, with unanimous approval.

NCACC: Information from N.C.A.C.C. regarding the "formation of a group to prepare and submit applications for NPDES storm water permits to EPA" was reviewed, as attached to these Minutes. Mr. Russell explained the necessity of the permits and the costs involved. Commissioner DeMarcus made a motion to approve the applications. Vice-Chairman Palmer seconded, with unanimous approval.

ADDITIONS TO AGENDA:

(1) Parks: Commissioner Webb stated that the Parks plan a homecoming rally for our troops. Commissioner DeMarcus suggested giving a parade in conjunction with the festivities. Chairman Cohen suggested a Resolution or Proclamation of Appreciation, with intent of the festivities, to be presented at the 3/25/91 meeting, along with a plaque.

(2) Library: Commissioner DeMarcus stated that Cleveland and Spencer are requesting libraries.

(3) Keep North Carolina Clean & Beautiful: Commissioner DeMarcus reported that Rowan County is in the top three (3) contenders.

(4) Anniversary of the George Washington Southern Tour: Commissioner DeMarcus noted the date (5/30/91), and suggested that the County host special festivities.

(5) Fund Balance: Commissioner Welch discussed a letter from the State, and questioned the level of the County's Fund Balance, with regards to State requirements. Finance Director Brady Frick explained the procedures followed by the County.

(6) Board of Equalization/Review: Commissioner Welch questioned why the County Assessor and Barbara Ames could not sit as this Board, instead of the County Commissioners. After discussion, the Board agreed to continue to sit as the Board of E/R.

(7) The Board then agreed to defer a decision on Highview Farms' penalty for violation of Soil/Erosion compliance to the 3/25/91 meeting.

At this time, Commissioner DeMarcus made a motion to go into Executive Session, to discuss litigation regarding Forum Insurance, and other litigation. Commissioner Webb seconded, with unanimous approval.

After returning to Regular Session, no action was taken. The motion was then made and seconded, with unanimous approval, to adjourn the meeting to March 25, 1991, at 9:00 a.m.

Respectfully submitted,

Denise J. Barrow
Clerk to the Board
Rowan County Commissioners