

MINUTES OF THE MEETING OF THE BOARD
OF ROWAN COUNTY COMMISSIONERS
REGULAR SESSION - MAY 6, 1991
RED ROOM - COMMUNITY BUILDING

The Rowan County Board of Commissioners met in Regular Session, on Monday, May 6, 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
Thomas M. Webb, Member
Charles H. Welch, Member

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

Chairman Cohen opened the meeting, and Commissioner Welch gave the invocation.

MINUTES:

The following Minutes were submitted for approval:

- * March 24, 1991 (Special Called Meeting) - no corrections
- * March 25, 1991 (Adjourned Meeting) - no corrections
- * March 26, 1991 (Adjourned Meeting) - no corrections
- * March 27, 1991 (Adjourned Meeting) - Commissioner DeMarcus noted that, on page 2, it should read, "information shared on a cargo airport was received only as information".

* April 1, 1991 (Regular) - Commissioner Welch noted that, on page 4, it should read, "donate or sell property at tax value, to benefit both parties". Commissioner DeMarcus also noted that, on page 7, paragraph 2 should read, "similar procedures should be written for Commissioners serving as liaisons to committees or Boards".

* April 10, 1991 (Adjourned) - no corrections

* April 12, 1991 (Adjourned) - Commissioner DeMarcus noted that page 1 should read, "Highview Farms' plans were in compliance, but without follow-through".

* April 15, 1991 (Adjourned) - Commissioner Welch noted that he did not leave early that day, as stated incorrectly in the Minutes, but left early the following day.

* April 16, 1991 (Adjourned) - no corrections

* April 17, 1991 (Adjourned) - no corrections

There being no further corrections, Commissioner DeMarcus made a motion to approve the Minutes with corrections. Commissioner Webb seconded, with unanimous approval.

Commissioner DeMarcus stated she had permission from the County Attorney to restate a motion from the March 4, 1991 meeting, regarding the bond referendum. The Minutes should read, "Commissioner DeMarcus made a motion of intent to begin plans for a General Obligation Bond Referendum in the November 1991 elections, addressing the pressing needs of Rowan County Courts and Jails, including the use of the present buildings and the Ruffy Building and our administrative office building;

that the Rowan County Health building be renovated and additional space be added and a new Animal Control Shelter be built;

the Old Post Office Building be restored for use as the County's Administrative Office, housing the Manager's Office and support staff;

and that we consult with the County School System, offering them the opportunity to be included on the referendum. Commissioner Welch seconded, with unanimous approval."

Commissioner Webb then made a motion to amend the March 4th Minutes to include the correction. Vice-Chairman Palmer seconded, with unanimous approval.

ADDITIONS TO AGENDA:

* Commissioner Webb will recognize outstanding EMS personnel - Mr. Wayne Ashworth presented recognitions to outstanding employees, as attached to these Minutes. Commissioner DeMarcus made a motion to present a Certificate of Appreciation to each of these persons. Vice-

Chairman Palmer seconded, with unanimous approval.

* Commissioner DeMarcus stated that the Health Board and Architects Atkinson/Dyer/Watkins will meet tomorrow at 10:00 a.m., to discuss proposed expansion/remodeling plans. She invited the Board to attend.

* County Attorney John Holshouser introduced a Resolution regarding the Rufty building and lease-purchasing, and distributed information to the Board. Vice-Chairman Palmer made a motion to proceed with the execution of the document. Commissioner Webb seconded, with unanimous approval.

* Commissioner DeMarcus discussed the idea of assisting Mr. Ralph Ketner and Mr. Jake Fisher with their low-income housing projects.

* County Fire Marshall, Randall Faggart, presented information regarding the upcoming Atwell Fire Department Public Hearing (7:00 p.m.), as attached to these Minutes. Information included a petition from Kimball Road residents wishing to remain in the Landis Fire Department District. Commissioner DeMarcus suggested contacting the Landis Mayor/Town Board for their input.

PUBLIC HEARING - AIRPORT FINANCING:

At this time, Chairman Cohen opened the Public Hearing for the purpose of discussing Airport Financing. Finance Director Brady Frick explained the financing procedures and distributed a resolution, as attached to these Minutes. According to Mr. Frick, the project will require an additional \$150,000. He also stated that the prime rate had dropped to 8%. With no one to speak for/against the issue, Chairman Cohen closed the hearing. Vice-Chairman Palmer then made a motion to approve the resolution as submitted. Commissioner Webb seconded, with unanimous approval.

PUBLIC HEARING - ROAD NAME CHANGE:

Mr. Ashworth explained the procedures involved to change all duplicated road names (including those within the City), with the exception of the "oldest" Cantiberry Road. At this time, Chairman Cohen opened the Public Hearing, regarding the proposed name change of Cantiberry Drive (SR 2027) to Primrose Drive. According to Mr. Ashworth, this particular petition has the majority vote, and no known opposition. With no one present to speak for/against the change, Chairman Cohen closed the hearing. Commissioner DeMarcus then made a motion to approve the change. Vice-Chairman Palmer seconded, with unanimous approval.

PUBLIC HEARING - OCCUPANCY TAX:

Mrs. Judy Newman, Executive Director of the Convention/Visitors Bureau introduced Mr. Charlie Peacock and Mrs. Margaret Kluttz, also in attendance. She reported that the Tourism Board supports the proposed increase (from 2% to 3%) in occupancy tax. At this time, Chairman Cohen opened the Public Hearing. There being no one to speak for/against the increase, Chairman Cohen closed the hearing. Vice-Chairman Palmer then made a motion to approve the increase.

Commissioner DeMarcus seconded, with unanimous approval.

TAX COLLECTOR'S REPORT:

Tax Collector Wayne Simpson presented the Preliminary April 1991 Report, as attached to these Minutes.

PRESENTATION OF RECYCLING AWARD - COMMISSIONER DEMARCUS:

Commissioner DeMarcus presented the 2nd Place Award, which Rowan County recently received, in the Keep North Carolina Clean & Beautiful Competition.

UPDATE SOIL/EROSION CONTROL VIOLATIONS:

Brentwood Acres: Mr. Paul Canup, Environmental Specialist, previously distributed a letter sent to Mr. Barry Medinger regarding violations, as attached to these Minutes. He later distributed calculations for civil penalty assessment (also attached). The Board was updated on the events to-date, including a recommendation by Mr. Don Conner, Environmental Services Director, of \$100/day penalty effective from 4/16/91 to 5/16/91.

Commissioner Webb made a motion to charge \$100/day from 4/6 to 5/6/91, and give 15 days to comply, then reinstating the \$100/day penalty thereafter.

Highview Farms: Mr. Canup explained information which the Board previously received, as attached to these Minutes. Mr. Canup explained that pine seedlings had been planted, but no reseeded took place. This action will not be sufficient as ground cover, according to Mr. Lipe Berrier of the Soil/Water Conservation District, and also per Mr. Wayne Alexander of the N. C. Forestry Division.

Attorney Randy Reamer stated his views on the current disagreement of "ground cover", and requests a reduction of the penalty, due to the amount of recent work on-site. County Attorney John Holshouser gave his professional opinion on the situation. Commissioner DeMarcus stated that this was "not the place for arguments-they should be taken to the courts". Vice-Chairman Palmer requested more time to decide whether or not to reinstate the penalty. Chairman Cohen then made a motion to reinstate the penalty at a reduced rate from \$370/day to \$200/day, effective 5/2/91. Vice-Chairman Palmer seconded, and the vote was 4/1, with Commissioner Welch voting "no".

UPDATE ON FOODSTAMP BIDS - EDWIN KOONTZ:

Mr. Edwin Koontz, DSS Director, introduced Ms. Glenda Long, and Mr. Todd Arey, afterwhich he informed the Board of the recent request from the vendor to end the foodstamp contract. According to Mr. Koontz, the DSS Board recommends accepting bids for services from Cost Containment, beginning 6/1/91.

Vice-Chairman Palmer made a motion to approve the contract with Cost Containment for

Foodstamps with the proviso to negotiate on high-risk issuances. Commissioner DeMarcus seconded, with unanimous approval.

APPROVAL TO RECEIVE STATE APPROPRIATIONS FOR CBA TASK FORCE - SALLY ANTOSEK/SANDY REITZ:

Ms. Sally Antosek presented a request for members of the CBA Task Force, as attached to these Minutes. She continued that the deadline for application of funds is 6/1/91. The Board will defer appointments to the next Regular meeting. At this time, Vice-Chairman Palmer made a motion to approve the program, as submitted. Commissioner DeMarcus seconded, with unanimous approval.

CAROLINA PARTNERSHIP 2000:

Ms. Jamie Pickrel and Mr. David Stovall presented a slide presentation and also information regarding the program, as attached to these Minutes. Mr. Stovall explained the purpose of the program, and the Board accepted as information.

UPDATE ON TDP PLAN - CLYDE FAHNESTOCK:

Clyde Fahnestock, RTS Chairman, presented an updated TDP Text, as attached to these Minutes. The TDP plan had previously been presented and accepted by the Commission. Mr. Fahnestock explained the purpose of the revisions, after which Commissioner DeMarcus made a motion to approve the amendments to the Transportation Development Program. Commissioner Webb seconded, with unanimous approval.

UPDATE ON R.T.S. BIDS:

Mr. Fahnestock also presented information regarding the RTS grant funding and Application of Section 16 (b)(2), as attached to these Minutes. Commissioner DeMarcus then made a motion to allow the application and intent to follow and inform the state of their actions. Vice-Chairman Palmer seconded, with unanimous approval. Mr. Dan Bradshaw reported that only CTS Management responded to the bid.

FOOD SERVICE CONTRACT:

Mr. Fahnestock also reported on the FY '92 Food Contract Award Recommendation, as attached to these Minutes. Staff recommends awarding the contract of \$2.1065/meal to Consolidated Coin Caterers Corporation. Commissioner DeMarcus made a motion to approve the awarding of the contract as recommended by staff. Vice-Chairman Palmer seconded, with unanimous approval.

SPENCER SHOPS' REQUEST FOR BOND REFERENDUM:

Mr. R. O. Everett and Mr. Charlie Peacock addressed the Board to request placement of the Spencer Shops on the upcoming Bond Referendum. Information to support their request was previously submitted to the Board, as attached to these Minutes. A total of \$2 million is requested by the "Shops". According to Mr. Everett, \$1 million is requested to implement the "railride" from Spencer to Salisbury Depot; an additional \$750,000 will stabilize the 37-stall roundhouse, and the remaining \$250,000 will be used for equipment repair. The Board accepted the presentation as information.

DISCUSSION ON ARCHITECT'S PROPOSALS:

Vice-Chairman Palmer made a motion to go into Executive Session to discuss recent architectural fee proposals. Commissioner Webb seconded, with unanimous approval.

Commissioner Welch left at 3:20 p.m.

At the conclusion of discussion, the motion was made and seconded, with unanimous approval, to return to Regular Session. Commissioner Webb then made a motion to accept the 6-1/4% fee, and authorize the County Manager to sign a contract with Ramsay & Associates for the renovation of the Old Post Office Building. The motion was seconded by Commissioner DeMarcus, with unanimous approval.

TIRE DISPOSAL ISSUE - DON CONNER:

Mr. Don Conner, Environmental Services Director, reported that D & S Trade will discontinue tire services to Rowan County as of 5/1/91. Mr. Conner previously distributed supporting information, as attached to these Minutes. He further recommends that the service be advertised for bids. Commissioner DeMarcus made a motion authorizing Mr. Conner to advertise. Commissioner Webb seconded, with unanimous approval.

UPDATE ON YOST TIRE DISPOSAL ISSUE:

County Attorney John Holshouser updated the Board regarding the Woster Street tire disposal issue, and explained the legalities/proper procedures for enforcement. At the present time, the question is "who will enforce (the Ordinance)" since the Town of Rockwell has adopted the County's Solid Waste Ordinance. Chairman Cohen suggested the County Manager &/or Mr. Holshouser contact the Town Board of Rockwell to suggest a joint enforcement. The Board agreed by consensus.

CORRESPONDENCE:

County Manager Russell presented items of correspondence to the Board, as attached to these Minutes:

- * Memo, dated April 17, 1991, from the NCACC, regarding the 1991 Annual Conference.
- * Copy of Notice for Public Hearing (5/6/91) at Atwell Fire Department, 7:00 p.m.

ROAD PETITIONS:

Commissioner Webb presented one (1) Road Petition (for Abandonment of Luther Casper Road-Morgan Township) as attached to these Minutes, and made a motion for approval. Vice-Chairman Palmer seconded, with unanimous approval.

REQUEST FOR TRANSFER OF FUNDS - SCHOOLS:

Finance Director, Brady Frick, explained a request from the Rowan-Salisbury School Board, to transfer \$249,680. Vice-Chairman Palmer made a motion to grant the request for transfer of funds. Commissioner Webb seconded, with unanimous approval.

Mr. Frick continued by explaining a letter of intent from the Rowan-Salisbury Board of Education, requesting the transfer of \$75,840, for the purchase of two (2) activity buses, as attached to these Minutes. Vice-Chairman Palmer made a motion to approve the letter of intent. Commissioner Webb seconded, with unanimous approval.

BOARD APPOINTMENTS:

Special Populations: Commissioner DeMarcus made a motion to reappoint Ms. Jean Wurster and Mr. James Wagoner. Vice-Chairman Palmer seconded, with unanimous approval.

Social Services: Due to the recent resignation of Mr. James Mathis, a replacement is necessary. Vice-Chairman Palmer made a motion to appoint Mr. Bill Swaim to fill the unexpired term. Commissioner DeMarcus seconded, with unanimous approval.

City of Salisbury: The City has requested approval of the Board to appoint Mr. Walter Morris as an extraterritorial alternate on the Zoning Board of Adjustment. Commissioner DeMarcus made a motion to approve the request. Vice-Chairman Palmer seconded, with unanimous approval.

EDC: Vice-Chairman Palmer made a motion to reappoint Mr. Bill Wagoner. Commissioner Webb seconded, with unanimous approval.

Region F Aging Advisory Committee: Commissioner DeMarcus made a motion to appoint

Mrs. Bea Amendola to fill the unexpired term of Mr. Robert Thomas. Vice-Chairman Palmer seconded, with unanimous approval.

MANAGER'S REPORT:

Interest: County Manager Russell gave the Report of Interest through April, 1991, as attached to these Minutes.

Refunds: Various refunds were submitted for approval, as attached to these Minutes. Commissioner DeMarcus suggested that, instead of making copies for all members, one master copy be provided prior to the Regular Meeting, to be reviewed by the Board. Vice-Chairman Palmer also suggested that the County Manager review the refunds and bring questions before the Board. County Attorney John Holshouser will check the legality of attaching a "fee" for certain refunds. At this time, Vice-Chairman Palmer made a motion to approve the refunds as submitted. Commissioner DeMarcus seconded, with unanimous approval.

SALE OF COUNTY VEHICLE:

A letter was submitted to the Board, as attached to these Minutes, requesting that a used Sheriff's Office vehicle be transferred to R.C.C.C., to be used during Law Enforcement Training. Commissioner DeMarcus made a motion to approve the transfer to R.C.C.C. Vice-Chairman Palmer seconded, with unanimous approval.

OTHER BUSINESS:

* Commissioner DeMarcus distributed information regarding the upcoming 200th Anniversary of the George Washington Tour. She and Chairman Cohen will be active participants in the festivities. The Board was formally invited to the ceremony.

* Commissioner Webb commended employee participation during the March of Dimes Walk, and Adopt-A-Highway activities. Vice-Chairman Palmer added his thank for the effort at Mayfest.

* Regarding the recent resignation of DSS Attorney, Bonnie Busby, Vice-Chairman Palmer questioned what direction the Board should take at this time, to secure legal counsel. County Manager Russell reminded the Board that all positions are currently frozen until 7/1/91. Commissioner DeMarcus made a motion to authorize advertisements for a replacement. Vice-Chairman Palmer seconded, with unanimous approval.

* Operation "Welcome Home, Soldier" Parade: Commissioner DeMarcus updated the Board with current details.

* Commissioner DeMarcus made a motion that the Clerk to the Board begin recording the times of attendance of all Board members, in the Minutes. Commissioner Webb seconded, with unanimous approval.

EXECUTIVE SESSION:

At this time, Commissioner Webb made a motion to go into Executive Session, to discuss the sale of County property. Commissioner DeMarcus seconded, with unanimous approval.

At the conclusion, the motion was made and seconded, with unanimous approval, to return to Regular Session. The motion was then made and seconded, with unanimous approval to adjourn the meeting to 7:00 p.m., for the Public Hearing at Atwell Fire Department.

Respectfully submitted,

Denise J. Barrow
Clerk to the Board