

MINUTES OF THE MEETING OF THE BOARD  
OF ROWAN COUNTY COMMISSIONERS  
REGULAR SESSION - APRIL 6, 1992  
RED ROOM - COMMUNITY BUILDING

The Rowan County Board of Commissioners met in Regular Session, on Monday, April 6, 1992, 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 Webb gave the invocation.

MINUTES:

The following Minutes were submitted for approval:

- \* March 09, 1992 (Regular)
- \* March 16, 1992 (Adjourned)
- \* March 19, 1992 (Public Hearing)

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

ADDITIONS TO AGENDA:

\* Commissioner DeMarcus shared a letter recently received from Denise Jacobs, President, NFB of Rowan County. The letter stated its concerns for improper handicapped parking facilities throughout the county. By consensus, the Board will check all County Handicapped Parking areas, and forward the letter to the City of Salisbury, also.

- \* Commissioner Welch discussed his dissatisfaction at the

events of the recent Carolinas' Partnership meeting. He stated his concerns at our representatives' (Mr. Paul Fisher, and Mr. Morris Bagwell) voting directions. Vice-Chairman Palmer suggested voicing the disapproval of the Commission, and ask that the representatives consider issues more carefully in the future. Mr. Welch continued that he would like for the Board of Commissioners to be consulted before representatives make any future decisions.

\* Commissioner Welch made a motion to disband the Planning Board, based on the comments from citizens at the recent public hearings. Chairman Cohen seconded. During discussion of the motion, Vice-Chairman Palmer supported protecting the rights of all citizens, and using land-use planning together. Commissioner DeMarcus stated her support for land-use planning, and felt that the citizens who opposed are not the majority. Vice-Chairman Palmer felt the current proposal is too restrictive; that revisions should be brought back to the Commission before going to the public. Chairman Cohen stated he felt the public would not support planning/zoning.

Commissioner Webb then offered a substitute motion that a decision be delayed until the Board could schedule a special meeting to review notes and comments from the 4/4/92 meeting. Vice-Chairman Palmer seconded, and the vote was as follows:

Commissioner Welch - no	Commissioner Webb - yes
Chairman Cohen - no	Commissioner DeMarcus - yes
	Vice-Chairman Palmer - yes

The Board then set the meeting for 4/8/92, at 7:30 p.m., in the Red Room of the Community Building.

\* Commissioner Webb and Vice-Chairman Palmer commended County Manager, Tim Russell, on the excellent Open House festivities at the Rowan County Airport, yesterday.

#### CORRESPONDENCE:

The following correspondence was reviewed by the Board, as attached to these Minutes:

\* Letter, dated March 3, 1992, from the N. C. Alliance for Conservation Action, informing the Board of their local efforts to provide residents with conservation information.

#### ROAD PETITIONS:

Commissioner Webb presented a petition for Ohara Drive in the Franklin Township, as attached to these Minutes. Mr. Webb then made a motion to approve the addition. Commissioner DeMarcus seconded, with unanimous approval.

TAX COLLECTOR'S REPORT:

Tax Collector, Wayne Simpson, presented the Preliminary March 1992 report, as attached to these Minutes. Mr. Simpson also stated that House Bill 20 will go into effect as of 1/1/93, with tax bills reflecting the bill on 3/1/93.

UPDATE ON ALEXANDER/FLAHERTY CONSENT AGREEMENT:

Mr. Edwin Koontz, DSS Director, addressed the Board with an update on the issue. According to Mr. Koontz, on 2/13-14/92, a new consent order was signed. The new order stays fines, gives relief to deadlines for applicants, established thresholds for DSS, removes cases with deductibles from "pending" category, established the "sunset provision", and allows caseworkers to take clients' statements unless there was a need for question. In conclusion, Mr. Koontz stated that there were 154 carryover applications as of 4/1/92.

PROPOSED PLANS FOR AIR NATIONAL GUARD FACILITY:

Major Greg Smith addressed the Board with Sgt. Don Jewel, and distributed information regarding their proposals, as attached to these Minutes. According to Major Smith, the cost of maintenance is approximately 25% - 30% of what an active-duty facility would be. He concluded by stating that he felt the 1-for-1 reduction plan was unnecessary.

Chairman Cohen made a motion to adopt a Resolution supporting the National Guard. Commissioner Webb seconded, with unanimous approval.

Commissioner Webb then made a motion to have the County Manager contact all legislators in support of the Guard and ask for their support, also. The motion was seconded, with unanimous approval.

REQUEST FOR SALE OF WITHDRAWN MATERIALS AT LIBRARY BOOKSALE:

Jennifer Carpenter, Library employee, addressed the Board with

the request for sale of withdrawn materials, as attached to these Minutes. Commissioner DeMarcus made a motion to approve the request. Commissioner Welch seconded, with unanimous approval.

UPDATE ON RENAMING OF ROADS - WAYNE ASHWORTH (EMS):

Wayne Ashworth, EMS Director, updated the Board on recent controversy regarding renaming two (2) roads, and distributed information regarding same, as attached to these Minutes.

(1) SQUIRREL RUN (currently Jean Yates Road): After reviewing information regarding the history of the current name, Commissioner Webb made a motion to approve the renaming to Squirrel Run. Vice-Chairman Palmer seconded, with unanimous approval.

(2) BURGRAY ROAD (currently Shortrows Road): Mr. Ashworth showed photographs of the position of the road, and recommended that Lucy Lake Road keep its current name. Vice-Chairman Palmer then made a motion to approve the renaming of Shortrows Road to Burgray Road. Commissioner Webb seconded, with unanimous approval.

Mr. Ashworth also distributed information regarding 100% landowner-approval, for petitions of renaming, as attached to these Minutes:

Joy Street - to remain the same.

Miracle Drive (from St. Luke's Church Rd. to just south of Beulah Lane: changes to Majestic Lane.

Miracle Drive (from just south of Beulah Lane around to St. Luke's Church Rd.: stays the same)

Tabernacle Lane (from Majestic Dr. to dead end: change to Beulah Lane)

Commissioner DeMarcus made a motion to approve the changes. Commissioner Webb seconded, with unanimous approval.

In conclusion, Mr. Ashworth presented a listing of roads to be addressed at a public hearing, as attached to these Minutes:

<u>Proposed Name</u>	<u>Former Name</u>
Derek Drive	Sides Drive
Pleasant Village Lane	Third Street
Parkwood Road	None (private road)
Elaine Road	None (private road)

Rowland Lane	Fry Street
Sandra Avenue	None (private road)
Sweet Gum Lane	None (private road)
Hodge Place Lane	None (private road)

Commissioner DeMarcus then made a motion to set the public hearing for May 4, 1992 at 9:30 a.m. Vice-Chairman Palmer seconded, with unanimous approval.

PROCLAMATION FOR PUBLIC SAFETY TELECOMMUNICATORS' WEEK:

EMS Director, Wayne Ashworth, presented a Proclamation for Public Safety Telecommunicators' Week, as attached to these Minutes, and requested approval.

Commissioner Webb made a motion to approve the designation. Vice-Chairman Palmer seconded, with unanimous approval.

JAIL/COURTHOUSE PROJECT UPDATE:

Mr. John Hill, Doug Tennent, and Paul Bonsal (architect) addressed the Board to give the current update on the project.

UPDATE FROM COUNTY ATTORNEY ON SMOKING-BAN:

County Attorney, John Holshouser, updated the Board regarding the recent request for a referendum on a smoking ban in the County. He informed the Board that they could not put the proposed referendum on the ballot without prior legislative approval. The Board does have the authority to enact a non-smoking ordinance; however, it would not be effective within local municipalities, unless the ordinance is adopted by the respective municipalities. Ms. Barbara Finney of Rockwell stated her opposition to the ban, stating that it would put an end to small businesses.

APPROVAL OF BOND COUNSEL FOR THOR-LO, INC.:

Mr. Holshouser produced a resolution requesting approval of bond counsel for Thor-Lo, Inc., as attached to these Minutes. After Mr. Holshouser explained the purpose, Vice-Chairman Palmer made a motion to approve the request. Commissioner Welch seconded, with unanimous approval.

Mr. Holshouser also informed the Board, that the Jerry Walters suit had been dropped.

TIRE RECYCLING ISSUE - MR. W. D. SMITH:

Mr. Tim Smith and Mr. W. D. Smith addressed the Board, regarding recently alleged violations of tire recycling, and distributed information, as attached to these Minutes.

Mr. Don Conner, Environmental Services Director, also updated the Board regarding his recent visits to the operation.

SENIOR SERVICES ADVISORY COUNCIL:

Mrs. Ruth Gullledge and Mr. W. O. T. Fleming addressed the Board with two (2) requests and supporting information, as attached to these Minutes:

(1) Request to transfer funds in order to continue the Share-A-Ride Program (\$6,000). Commissioner DeMarcus made a motion to approve the request. Commissioner Welch seconded. Commissioner Webb made a substitute motion, that the current motion be amended, stating that the Share-A-Ride Program budget be reviewed by Mr. Russell, Clyde Fahnestock, Senior Services Director, and the Advisory Council, to avoid recurrence of the problem. Commissioner Welch seconded, with unanimous approval.

Mr. David R. Atkinson, Sr., submitted a written statement to the Board, representing disabled citizens, as attached to these Minutes.

(2) Request to fill two (2) vacancies:

- (1) Care Manager Position: (been vacant 5 weeks; and
- (2) 1/2-time Meal Site Manager

Commissioner DeMarcus suggested referring both to the Personnel Committee for further consideration.

RTS GRANT APPLICATION - CLYDE FAHNESTOCK:

Senior Services Director, Clyde Fahnestock, addressed the Board with information regarding the Section 16(b)(2) application, as attached to these Minutes. They requested:

- (1) authorization to proceed with the Section 16(b)(2) application.

(2) tentative approval for a 15% match (\$15,861).

Commissioner DeMarcus made a motion to approve both requests. Vice-Chairman Palmer seconded, with unanimous approval.

PROPOSED CDBG FOR WHITE HILL COMMUNITY:

County Manager Russell explained the efforts made by County Planner, Danny Johnson, to secure funds for the project (construction of water system for the White Hill Community). Mr. Russell suggested that \$20,000 - \$25,000 be allocated for a local match. According to Mr. Johnson, the deadline for the application is 5/15/92, and two (2) public hearings must be held prior to that date.

Commissioner Welch made a motion to authorize the beginning of the process. Commissioner Webb seconded, with unanimous approval. Commissioner DeMarcus then made a motion to set the public hearings for 4/20/92 at 7:00 p.m., at the Cleveland Volunteer Fire Department, and 5/4/92, at 10:00 a.m., in the Red Room of the Community Building. Commissioner Welch seconded, with unanimous approval. Vice-Chairman Palmer requested additional information at the 4/20/92 meeting.

Commissioner Webb then made a motion to authorize County Manager Russell to contract 40 hours with COG on the project. Vice-Chairman Palmer seconded, with unanimous approval.

AIRPORT T.I.P. PROGRAM - MR. PAUL CARTER:

In the absence of Mr. Carter, Board Member Ashley Roberts, and Mr. Carl Sloop addressed the Board regarding the proposed T.I.P. Project, as attached to these Minutes. Mr. Roberts expressed his appreciation from the Advisory Board for the exemplary efforts of the Commission toward Airport improvements.

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

PROPOSED HANGAR EXPANSION FOR NATIONAL INDUSTRIES:

County Manager Russell explained the proposed \$40,000 renovations to the National Industries hangar. The request is to expand the hangar an additional 25 feet onto County property, and add five (5) additional years to the lease. Vice-Chairman Palmer made a motion to approve the request. The motion was seconded,

with unanimous approval.

PROPOSED LEGISLATION TO REVISE TOURISM ORGANIZATIONAL STRUCTURE:

Information was distributed regarding the sponsorship of the Tourism Authority, as attached to these Minutes. According to Mr. Russell, the Authority is currently stated as being under the control of the Chamber of Commerce. The request is to change the wording to show the Tourism Authority as sponsored by Rowan County, instead. Vice-Chairman Palmer made a motion to approve the request, and ask the legislators to change the wording accordingly. Commissioner Webb seconded, with unanimous approval.

PROPOSED LEGISLATION REGARDING TRESPASSING VIOLATIONS:

The Board reviewed Chapter 252 of House Bill 816, regarding Trespassing Violations, as attached to these Minutes. Commissioner Welch suggested adding "loitering" to the wording. He then made a motion to accept the document as offered, with the amendment. Vice-Chairman Palmer seconded, with unanimous approval.

RESOLUTION FROM MONTGOMERY COUNTY, RE: SB 917:

A Resolution from the Montgomery County Clerk to the Board, regarding SB 917, was reviewed, as attached to these Minutes. The letter is asking support from the Commission, to dissolve the Bill, which involves establishing the Register of Deeds Office under a State agency. Vice-Chairman Palmer made a motion to adopt the Resolution of disapproval, as submitted, and send it to local legislators, also. Commissioner Webb seconded, with unanimous approval.

RESOLUTION FROM LEE COUNTY, RE: PUBLIC SCHOOL ENERGY COSTS:

The Board reviewed a Resolution from the Lee County Board of Commissioners, regarding financial responsibility for energy costs for public schools, as attached to these Minutes. The Resolution requests that public schools energy costs remain the financial responsibility of the State. Commissioner DeMarcus made a motion to adopt the Resolution. Commissioner Welch seconded, with unanimous approval.

PROCLAMATION FROM GOVERNOR MARTIN, RE: NORTH CAROLINA COUNTY GOVERNMENT WEEK:

A Resolution from Governor Jim Martin, proclaiming County Government Week as April 5 - 11, 1992, was reviewed, as attached to these Minutes. Commissioner Webb made a motion to order 200 booklets (shown by the Chairman), regarding County Government, for general distribution. Commissioner DeMarcus seconded, with unanimous approval. The Board also reviewed a Resolution from the Governor, proclaiming May 10 - 16, 1992, as Emergency Medical Services Week. Commissioner DeMarcus made a motion to recognize same. Commissioner Webb seconded, with unanimous approval.

At this time, Chairman Cohen read a letter he had received from the International Institute of Municipal Clerks, as attached to these Minutes, stating their congratulations to Rowan County

Clerk to the Board, Denise Barrow, for obtaining the degree of "Certified Municipal Clerk". Commissioner Webb made a motion to allow the Minutes to reflect the Chairman's statement. The motion was seconded, with unanimous approval.

PROPOSED ORDINANCE TO REGULATE TREATMENT OF CONTAMINATED EARTH BY LAND-FARMING: COMMISSIONER WEBB:

Commissioner Webb previously submitted information from Iredell County, regarding the treatment of contaminated earth by land-farming, as attached to these Minutes. Mr. Webb requested that County Attorney Holshouser and County Manager Russell create a land-farming ordinance for Rowan County.

PROPOSAL TO AUDIT BUSINESS PROPERTY LISTING:

Mr. Russell submitted information from Tax Equity Consultants, previously sent to County Assessor R. G. Rowland, as attached to these Minutes. He suggested that two (2) "tests" of each kind be performed, as most costs would be recuperated.

Vice-Chairman Palmer made a motion to approve the procedure. Chairman Cohen seconded, with unanimous approval.

MANAGER'S REPORT:

Interest: County Manager Russell presented the Report of Interest Earned Through February, 1992, as attached to these Minutes.

Refunds: The Board reviewed various refunds for approval, as attached to these Minutes. Vice-Chairman Palmer made a motion to approve the refunds as submitted. Commissioner Welch seconded, with unanimous approval.

BOARD APPOINTMENTS:

Nursing Home Advisory Committee: Two (2) vacancies exist, due to the resignation of Mr. Jim Duncan, and ineligibility of Ms. Linda Tyree. The Board received the nominations of Ms. Virginia Graves and Ms. Bobbie Queen, as attached to these Minutes. Commissioner DeMarcus made a motion to appoint both. Vice-Chairman Palmer seconded, with unanimous approval.

Town of Spencer: A letter was received from Peggy Whitley,

Spencer Town Clerk, as attached to these Minutes. The letter requests approval of Mrs. Beth Arey as an extraterritorial member to the Spencer Community Appearance Commission. Commissioner DeMarcus made a motion to approve the request. Commissioner Welch seconded, with unanimous approval.

Domiciliary Home Advisory Committee: Lottie Massey, Ombudsman of Centralina COG, sent a letter to the Board stating the current ineligibility of Ms. Mary Morrow, as attached to these Minutes. Ms. Morrow is now a resident of Elma's Rest Home, thus making her ineligible to serve on the committee. By consensus, the Board will defer the appointment to the May meeting.

OTHER BUSINESS:

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

Respectfully submitted,

Denise J. Barrow, CMC  
Clerk to the Board