

MINUTES OF THE MEETING OF THE BOARD
OF ROWAN COUNTY COMMISSIONERS
REGULAR SESSION - JUNE 1, 1992
RED ROOM - COMMUNITY BUILDING

The Rowan County Board of Commissioners met in Regular Session, on Monday, June 1, 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 called the meeting to order, and Commissioner Welch gave the invocation.

APPROVAL OF MINUTES:

The following Minutes were submitted for approval:

- * May 4, 1992 (Regular)
- * May 12, 1992 (Adjourned)
- * May 18, 1992 (Adjourned)

County Attorney, John Holshouser, noted that, in the May 4th & 12th Minutes, the County Attorney Representative is Jennifer Flynn, not Ames.

With no other corrections, Commissioner DeMarcus made a motion to approve the Minutes as submitted. Vice-Chairman Palmer seconded, with unanimous approval.

ADDITIONS TO AGENDA:

* Commissioner Webb discussed a request from the Bostian Heights Fire District. Fire Marshall, Randall Faggart, had previously distributed information regarding the request, as attached to these Minutes. Mr. Faggart and a representative from

Bostian Heights Fire Department addressed the Board to request extension of the Department's boundaries to the 5-mile limit. Mr. Faggart was asked to obtain approval from the residents before requesting Commissioners to take action, and implement a tax.

* Commissioner DeMarcus requested discussion of 1992-93 personnel/budget concerns from Harold Caudill of Cooperative Extension, during Executive Session.

CORRESPONDENCE:

Various correspondence was reviewed, as attached to these Minutes:

- * Memorandum, dated April 29, 1992, from N.C.A.C.C., regarding the Association Policy Statements.
- * Letter, dated April 3, 1992, from Centralina, regarding upcoming Board appointments.
- * Memorandum, dated May 26, 1992, from the Clerk to the Board, regarding the appointment for the Board's portrait.
- * Memorandum, from the Governor's Office, re: 1992 Governor's Volunteer Recognition Program.

ROAD PETITIONS:

There were none to be offered.

TAX COLLECTOR'S REPORT:

Tax Collector, Wayne Simpson, presented the Preliminary May, 1992 report, as attached to these Minutes.

RECOGNITION OF RETIRING EMPLOYEES:

Chairman Cohen recognized Mr. Herbert Hawley, Health Department Director, and Ms. Pat Nelson, Supervisor, Board of Elections, on their upcoming retirements. Chairman Cohen presented each with a Certificate of Appreciation for their dedication and service.

At this time, Commissioner Webb made a motion to open the Public Hearing. Commissioner DeMarcus seconded, with unanimous

approval.

PUBLIC HEARING - Home & Community Care Block Grant:

Members of the Board reviewed information regarding the grant, as attached to these Minutes. Mr. Clyde Fahnestock, Senior Services Director, and Ms. Sue Archer, of Centralina, explained the purpose of the grant, and the options available, to the Board. Mr. Fahnestock explained that the County's cost would be \$45,210.00. Chairman Cohen then asked for comments from the audience. Their being no further discussion, Vice-Chairman Palmer made a motion to close the hearing and return to Regular Session. Commissioner Webb seconded, with unanimous approval.

Commissioner DeMarcus then made a motion to approve Option A, as explained by Mr. Fahnestock, and authorize him to enter into the agreement. Vice-Chairman Palmer seconded, with unanimous approval.

FOOD CONTRACT AWARD TO COMMERCIAL CATERER FOR 1992-93:

Mr. Clyde Fahnestock had distributed information regarding recent bids for services, as attached to these Minutes. He then recommended awarding the contract to the lowest bidder, ServiceMaster, at a net of \$1.975/meal, + .1190 (tax) = \$2.094/meal.

Commissioner DeMarcus made a motion to approve the recommendation by Mr. Fahnestock. Commissioner Webb seconded, with unanimous approval.

DISCUSSION ON PROPOSAL TO NAME "ELAINE ROAD":

Mr. Wayne Ashworth, EMS Director, addressed the Board regarding the recent request to name "Elaine Road". Mr. Ashworth had previously provided information regarding landowners' efforts and petitions, as attached to these Minutes. Mr. Kenneth Whitley, a landowner, was not contacted regarding the petition, and opposes the effort. By consensus, the Board accepted as information, and deferred until more research could be done.

J. N. PEASE PROJECT UPDATE:

Mr. John Hill and Mr. Doug Tennent, Architects, updated the Board, and showed plans regarding the jail/courthouse project.

RECOMMENDATION FOR LANDFILL EQUIPMENT PURCHASE:

Accountant, Vicki McCombs, and Environmental Services Director, Don Conner, addressed the Board regarding the requested purchases. A Four-Wheel Drive Loader, and an Elevating Scraper are needed at the Landfill. Mrs. McCombs previously submitted a resolution of approval, as attached to these Minutes.

Commissioner Welch opposed the purchases. Vice-Chairman Palmer made a motion to approve the purchases as requested. Commissioner DeMarcus seconded, and the motion passed (3/2), with Commissioners Welch and Webb opposing.

EROSION CONTROL:

Environmental Services Director, Don Conner, and Supervisor, Paul Canup, updated the Board on three (3) erosion control issues, as attached to these Minutes:

(1) Walter A. Kepley - Mr. Conner explained that Mr. Kepley instigated a violation, by beginning work without obtaining a permit, and recommended a \$200 penalty. Commissioner Welch made a motion to apply a \$25 fine. The motion died for lack of a second. Commissioner Webb made a motion to apply a \$100 fine. Commissioner DeMarcus seconded, and the vote was as follows:

Chairman Cohen - abstaining	Commissioner Webb - aye
Commissioner Welch - no	Commissioner DeMarcus - aye
	Vice-Chairman Palmer - aye

(2) Raymond Wagoner - Mr. Wagoner was present and stated that he was unaware he should have presented a plan before beginning work. Commissioner DeMarcus made a motion to apply a \$100 fine. The motion died for lack of a second. Commissioner Welch then made a motion to apply a \$25 fine. Motion died for lack of a second. Commissioner Webb made a motion to apply a \$50 fine. Commissioner Welch seconded, and the vote was as follows:

Commissioner Webb - aye	Chairman Cohen - abstaining
Commissioner Welch - aye	Commissioner DeMarcus - no
Vice-Chairman Palmer - aye	

Commissioner Welch stated that there was no policy in place to address issues such as these, and that penalties are arbitrarily decided at these meetings.

(3) Grady F. Lawrence, Jr. - Mr. Conner stated that Mr.

Lawrence also began work without a permit; however, he brought his project back into compliance before his due date. Commissioner Welch made a motion to apply a \$25 fine. Motion died for lack of a second. Vice-Chairman Palmer made a motion to apply a \$100 fine. Commissioner Webb seconded, and the vote was as follows:

Vice-Chairman Palmer - aye Commissioner Welch - no
Commissioner Webb - aye Chairman Cohen - abstaining
Commissioner DeMarcus - aye

Commissioner Webb suggested discussion to set a policy for erosion control penalties, at the next monthly meeting. He also suggested that Mr. Conner and staff make periodic checks for "discoveries" of this nature.

CONCERNS FROM TOWN OF CLEVELAND:

Cleveland Mayor, Mr. Travis Hendren, addressed the Board and distributed information regarding suggestions for the former West Rowan Junior High School Facility, as attached to these Minutes.

Mr. Hendren suggested two (2) options:

- (1) Requested \$10,000 start-up funding for utilities and maintenance. This would enable the YMCA to host several community programs within the premises.
- (2) Support the proposed West Rowan Library Branch with \$50,000 matching funds (with Town of Cleveland). County Attorney, John Holshouser, distributed information regarding disposal of school property, in accordance with the General Statutes.

At present, the Board accepted all as information.

UPDATE FROM HEALTH DEPARTMENT RE: HEPATITIS VACCINATIONS:

Commissioner DeMarcus distributed information regarding costs for ordering the vaccination from Federal Contract, as attached to these Minutes. The Board accepted as information.

READING OF SECOND AMENDMENT TO PRE-TAX PREMIUM PLAN:

Personnel Director, Ken Deal, presented a Resolution for approval, as attached to these Minutes. According to Mr. Deal, the plan allows for premiums to be pre-taxed through payroll deduction.

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

UPDATE ON REQUEST FROM LIVINGSTONE COLLEGE FOR SHERIFF'S DEPARTMENT VEHICLE:

County Attorney Holshouser updated the Board regarding sale of property, in accordance with G. S. 160A-279. After careful consideration, the Board declined the request by consensus.

APPROVAL OF LEGAL COUNSEL FOR JAIL/COURTHOUSE PROJECT:

County Manager Russell explained the procedure in approving the firm of LeBoeuf, Lamb, Leiby & MacRae as the legal counsel for the jail/courthouse project. Commissioner DeMarcus made a motion to approve the counsel as recommended. Vice-Chairman Palmer seconded, and the vote was as follows:

Commissioner DeMarcus - aye Chairman Cohen - abstaining
Vice-Chairman Palmer - aye
Commissioner Webb - aye
Commissioner Welch - aye

APPROVAL OF FINANCING SCHEDULE FOR JAIL/COURTHOUSE PROJECT:

Mr. Russell presented a schedule of financing procedures for the jail/courthouse project, as attached to these Minutes. After careful consideration, Commissioner DeMarcus then made a motion to approve the schedule as submitted, and hold a public hearing on 7/6/92, at 9:30 a.m. Vice-Chairman Palmer seconded, and the vote was as follows:

Commissioner DeMarcus - aye Chairman Cohen - abstaining
Vice-Chairman Palmer - aye
Commissioner Webb - aye
Commissioner Welch - aye

WRITE-OFF OLD LANDFILL ACCOUNT BALANCES:

Finance Director, Brady Frick, previously submitted a letter of explanation, regarding the need and process, for writing-off old landfill accounts, as attached to these Minutes. Commissioner Webb made a motion to approve the procedure as recommended by Mr. Frick. Vice-Chairman Palmer seconded, with unanimous approval.

WRITE-OFF OF OLD AMBULANCE ACCOUNTS:

Mr. Frick also submitted a letter of explanation, regarding the need and process, for writing-off old ambulance accounts, as attached to these Minutes. Commissioner Webb made a motion to approve the procedure as recommended by Mr. Frick. Vice-Chairman Palmer seconded, with unanimous approval.

PUBLIC COMMENT - MR. AUSTIN MITCHELL:

Mr. Austin Mitchell addressed the Board, and distributed information from Citizens Coalition For Responsible Government, as attached to these Minutes. In the information, Mr. Mitchell states his opposition to increased taxes, and proposes an act to amend the Constitution, to revise Article V, State and Local Finance.

At this time, Commissioner DeMarcus made a motion to go into Executive Session. Vice-Chairman Palmer seconded, with unanimous approval.

During Executive Session, the Airport Board submitted a Standards of Operation Report to the Board, for their review, as attached to these Minutes.

At the conclusion, the motion was made and seconded, with unanimous approval, to return to Regular Session.

AIRPORT BOARD:

Vice-Chairman Palmer made a motion to accept the report of Standards of Operation, as submitted. Commissioner Webb seconded, with unanimous approval. It was also decided to form a committee, comprised of Commissioner DeMarcus, Larry Jones, Rufus Honeycutt, and Ashley Roberts, to negotiate the ideas.

PARKS:

No action was taken from discussion held during Executive Session.

SHERIFF'S OFFICE:

No action was taken from discussion held during Executive Session.

By consensus, the Board agreed to defer all other business to the 6/16/92 meeting.

The motion was then made and seconded, with unanimous approval, to adjourn the meeting to 6/2/92 at 5:30 p.m., for a continuation of 1992-93 budget deliberations.

Respectfully submitted,

Denise J. Barrow, CMC
Clerk to the Board