

MINUTES OF THE MEETING OF THE BOARD
OF ROWAN COUNTY COMMISSIONERS
REGULAR SESSION - NOVEMBER 2, 1992
RED ROOM - COMMUNITY BUILDING

The Rowan County Board of Commissioners met in Regular Session, on Monday, November 2, 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
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 Commissioner Webb gave the invocation.

MINUTES:

The following Minutes were submitted for approval:

- * October 5, 1992 (Regular)
- * October 19, 1992 (Adjourned)
- * October 29, 1992 (Adjourned)

There being no corrections, Commissioner DeMarcus made a motion to approve the Minutes of 10/5/92. Vice-Chairman Palmer seconded, with unanimous approval. Commissioner DeMarcus did, however, request an update on the situation previously mentioned by Mr. Privette, regarding obtaining a house-number on his road. County Manager, Tim Russell, explained that the situation had been rectified.

With still no corrections, Vice-Chairman Palmer made a motion to approve the Minutes of 10/19/92, and 10/29/92. Commissioner Webb seconded, with unanimous approval.

ADDITIONS TO AGENDA:

* Commissioner Welch discussed the recent Airport Board meeting. There was a concern over the alleged lack of communication, regarding the Food Lion hangar. Members agreed to strive for better liaison communication.

* Vice-Chairman Palmer discussed the recent request for use of space in Shuford School. County Manager Russell explained the request. However, the requested space is currently used by the Schools, and has no available heating.

* Vice-Chairman Palmer requested an update on the Kannapolis Country Estates road concerns. The County Manager recently spoke to Ms. Diane Needham. At present, only 76% of landowners' are participating. He also explained the process of assisting them in their request.

* Vice-Chairman Palmer also requested an update regarding Vision Cable negotiations. At present, no firm negotiations are being made. Vision Cable has, however, been made aware of certain stipulations requested by the Commission, in the next contract. Vice-Chairman Palmer stated that he would like to see a reduced density, and a 5-year contract. Commissioner DeMarcus stated her willingness to agree to a 10-year contract. Commissioner Webb suggested that the County Manager, Chairman, and Finance Director begin negotiations. County Manager Russell will periodically update the Board on any progress.

* Clerk to the Board, Denise Daugherty, discussed discrepancies in Cabarrus-Rowan Park Commission Board Appointments, during the regular Board Appointment session.

* County Manager Russell presented three (3) Airport Resolutions for approval:

(1) Project #9.9463930 for \$415,000. Commissioner Webb made a motion to approve as submitted. Commissioner DeMarcus seconded, with unanimous approval.

(2) Project #9.9463932 for \$60,000. Commissioner DeMarcus made a motion to approve as submitted. Commissioner Webb seconded, with unanimous approval.

(3) Project #9.9463933 for \$71,900. Commissioner Webb made a motion to approve as submitted. Vice-Chairman Palmer seconded, with unanimous approval.

* Vice-Chairman Palmer mentioned the upcoming dates for the Salisbury/Spencer and South Rowan Christmas Parades. By consensus, the Board will participate.

CORRESPONDENCE:

The Board reviewed correspondence, as attached to these Minutes:

* Notice, from the Clerk to the Board, regarding the 11/12/92 dinner-meeting with Cleveland Town Officials, Cleveland VFD Officials, and the Commissioners.

* Notice, from the Clerk, regarding the upcoming meeting/public hearing, on 11/16/92, at Cleveland Lion's Den.

ROAD PETITIONS:

Commissioner Webb introduced a petition to add Vanderbilt Avenue Extension (SR 1489), as attached to these Minutes. He then made a motion regarding same. Vice-Chairman Palmer seconded, with unanimous approval.

REQUEST FOR ADDITION OF NATIONAL GUARD ROAD TO STATE SYSTEM:

The Board reviewed a request for addition of the National Guard Road, to the State system, as attached to these Minutes. Commissioner Webb made a motion to approve. Commissioner DeMarcus seconded, but the issue was deferred until after Executive Session. Upon conclusion of Executive Session, Commissioner Webb made a motion to approve the addition of the road to the State system. Vice-Chairman Palmer seconded, with unanimous approval.

TAX COLLECTOR'S REPORT:

Tax Collector, Wayne Simpson, presented the Preliminary October 1992 Report, as attached to these Minutes. Mr. Simpson also distributed copies of the N. C. Motor Vehicle Taxation Changes, also attached.

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

PUBLIC HEARING - APPROVAL OF ORDINANCE SUPPLEMENT:

The Board received a copy of the notice of Public Hearing, as

attached to these Minutes. Previously, the Clerk distributed copies of the first supplement to the Codified Code of Rowan County Ordinances, for approval. By procedures of the Board, this action requires a public hearing prior to approval. Chairman Cohen then asked for comments from the audience. Vice-Chairman Palmer offered favorable comments. With no one else to speak for/against, Commissioner DeMarcus made a motion to close the hearing. Vice-Chairman Palmer seconded, with unanimous approval. Vice-Chairman Palmer then made a motion to approve the supplement as submitted. Commissioner Webb seconded, with unanimous approval.

FIRE MARSHALL - BOSTIAN HEIGHTS FIRE DEPARTMENT:

County Fire Marshall, Randall Faggart, addressed the Board requesting a date be set for a public hearing, regarding the expansion of the Bostian Heights Tax District. Commissioner DeMarcus made a motion to set the date for 1/18/93, at 7:00 p.m., at the Bostian Heights Fire Department. Commissioner Webb seconded, with unanimous approval.

The Board also reviewed a request from Mr. Faggart, for approval, regarding a road petition (attached), renaming Long Street (in Briarwood Terrace Subdivision) to "Briarwood Terrace". As the petition was unanimous (100%), Vice-Chairman Palmer made a motion to approve as submitted. Commissioner DeMarcus seconded, with unanimous approval.

EROSION CONTROL:

Erosion Control Supervisor, Paul Canup, previously submitted information regarding Erosion Control Violations, as attached to these Minutes:

* Cozart Lumber Company: Approximately 2-1/2 acres involved; work was begun without a permit, but, upon receipt of notification, the plan was submitted, and the project abandoned; Staff recommends a \$50 penalty. Commissioner DeMarcus made a motion to accept the recommendation. Vice-Chairman Palmer seconded, but continued discussion led to attempts for consistency in implementing penalties, and the motion/second were both withdrawn. Afterwards, Vice-Chairman Palmer then made a motion to set the penalty at \$100. Commissioner Webb seconded, and the vote was 3/2, with Chairman Cohen and Commissioner Welch voting against.

* Westwood Company: Staff recommends no additional penalty, as it was already assessed, but recommends an extension of grace period. Commissioner Webb made a motion to extend the grace period

to the full 14 days. Vice-Chairman Palmer seconded, with unanimous approval.

REQUEST FOR ADDITIONAL FUNDING (FORESTRY SERVICE):

The Board reviewed correspondence from County Ranger, Wayne Alexander, and District Forester, Victor W. Owen, regarding their request for an additional \$2,411 as attached to these Minutes. For the present, the Board accepted the request as information. Commissioner Webb stated that he would try to introduce the request at the Legislative Goals Conference this week.

MANAGER'S REPORT:

Interest: The County Manager presented the Report of Interest Earned through 9/30/92, as attached to these Minutes.

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

Heritage Home: The Board reviewed recent correspondence from Mr. Daniel Tuttle, Administrator, of Heritage Home, requesting an extension of his lease (1-year), and his interest in purchasing the property from the County. Commissioner DeMarcus made a motion to extend the lease for 1-year. Vice-Chairman Palmer seconded. Commissioner Welch then made a substitute motion to, in addition, increase the rent from \$1,500 to \$1,800 for the upcoming year. Commissioner DeMarcus seconded, with unanimous approval.

BOARD APPOINTMENTS:

Cooperative Extension Service: The term of Mr. Richard Deal has expired. Commissioner DeMarcus questioned if the Board had the authority to make appointments, or if it belonged to the State. The Clerk will contact Harold Caudill, Director, for information. The appointment was deferred to the December meeting.

Domiciliary Home Community Advisory Committee: The replacement for Mr. B. B. Honeycutt remains unappointed. The Board deferred to the December meeting.

Nursing Home Advisory Committee: The replacement for Ms. Evelyn Brown remains unappointed. The Board deferred to the December meeting.

Senior Services: Ms. Hazel Everhart submitted a letter of resignation (to both Regional and Local committees), as attached to

these Minutes. Clyde Fahnestock, Senior Services Director, forwarded a recommendation of Ms. Edna Shelton to fill the unexpired term on the local committee, as attached to these Minutes. Also, the recommendation was made to promote Mrs. Leah McFee from alternate to voting member status, and replace Ms. Everhart on the Regional committee; and Mrs. Katherine Bias to be appointed alternate delegate to the Regional Advisory Council, to replace Mrs. McFee. Commissioner DeMarcus made a motion to approve the recommendations as submitted. Vice-Chairman Palmer seconded, with unanimous approval.

Cabarrus-Rowan Parks Commission: The Clerk submitted information, and explained discrepancies in terms, as attached to these Minutes. The term of Mr. Larry Brown expired in 12/91, but was entered as 1992 (typographical error). Therefore, if Mr. Brown is reappointed, it should possibly be for only 3 years, in lieu of 4 years, in keeping with the current schedule.

Also, the By-laws, and Resolution of Agreement state that members only serve two (2) consecutive terms, but members are serving beyond the specified date. Action is needed by the Board to either waive the stipulations, or amend the current by-laws and resolution. Parks Director, Jim Foltz, also addressed the Board, and suggested that the stipulations be amended to be consistent with Cabarrus County. The Board deferred any action to the December meeting.

At this time, Commissioner DeMarcus made a motion to go into Executive Session, to discuss Acquisition of Property, and Litigation. Vice-Chairman Palmer seconded, with unanimous approval.

EXECUTIVE SESSION:

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

* Commissioner Webb made a motion to amend the Erosion Control Ordinance, and set a public hearing. Vice-Chairman Palmer seconded. After continued discussion, the motion and second were withdrawn. By consensus, a proposal for amendment will first be brought to the next meeting (12/7/92), and then a public hearing date will be set.

* Regarding acquisition of property, Commissioner DeMarcus made a motion to take the option (\$5,000) on the Petrea property (67.4 acres adjacent to Dan Nicholas Park) over a three-year period, for a total purchase of \$185,000. Commissioner Webb

seconded, with unanimous approval.

UPDATE FROM ARCHITECTS ON JAIL/COURTHOUSE PROJECT:

(Commissioner Welch questioned the addition of this issue to the agenda, and left at 12:08 p.m.) Mr. John Hill, Architect, with J. N. Pease & Associates, updated the Board on recent efforts to down-scale the project. According to Mr. Hill, the following projections were made, regarding delaying portions of the project until 5-years later:

General Construction.....\$ 135,000
Mechanical/Plumbing.....increase of 40%
Electrical.....increase of 5%

Mr. Hill continued that there would be an approximate increase of \$43,000 to add a third-story to the "new" building, in lieu of fixing-up the present 3-story "Rufty Building". Architect, Paul Bonsal, presented sketches of the proposed changes, and also proposed "medical areas", which would offset current medical costs.

Another "down-scale", according to Mr. Hill, would be to eliminate the "new" courthouse, but to renovate/expand the 3rd floor for additional courtroom space.

Commissioner DeMarcus suggested inviting Sheriff Martin, Judges, and other selected Courthouse Personnel to a joint meeting with the Board, to discuss "down-scale" attempts.

Mr. John Duncan, also of J. N. Pease, agreed with Commissioner DeMarcus' suggestion. Commissioner DeMarcus then made a motion to hold the adjourned, joint meeting on 11/16/92, at 1:00 p.m., in the Red Room. Vice-Chairman Palmer seconded, and the vote was 4/0 (Commissioner Welch absent).

(* Note: The meeting was later rescheduled to 11/17/92, 7:00 p.m., in the Red Room.)

With no further business, the motion was made and seconded, with unanimous approval, to adjourn to 11/12/92, 7:00 p.m., at Cleveland Lion's Den.

Respectfully submitted,

Denise B. Daugherty, CMC
Clerk to the Board

