

MINUTES OF THE BOARD OF
ROWAN COUNTY COMMISSIONERS
NOVEMBER 7, 1994 - 9:00 A.M.
SETH MURDOCH AUDITORIUM, AGRICULTURE BUILDING

PRESENT: J. Newton Cohen, Chairman
Thomas M. Webb, Vice-Chairman
Jamima P. DeMarcus, Member
Charles H. Welch, Member
Todd Arey, Member

The County Manager, Clerk to the Board, County Attorney designee, and Finance Director were also present.

Chairman Cohen called the meeting to order and gave the invocation.

APPROVAL OF MINUTES

The following minutes were submitted for approval:

- * October 3, 1994 - Regular
- * October 17, 1994 - Adjourned

There being no corrections, Commissioner DeMarcus moved for approval of the minutes. Commissioner Webb seconded and the vote was unanimous.

ADDITIONS TO THE AGENDA:

* Commissioner DeMarcus requested time to bring the Board up to date on the Our Region Tomorrow Steering Committee.

CORRESPONDENCE:

* A letter was received from the NC Extension Homemakers Association donating a piano located in the Seth Murdoch Auditorium to the County. Commissioner Webb moved to accept the donation. Commissioner DeMarcus seconded and the vote was unanimous.

* Information was received from the Information Referral service showing the breakdown of the types of calls received for the quarter. The Board accepted the information.

* Commissioners received information as required by law from the NC Utilities Commission. The notice concerned the application of Frontier Utilities of North Carolina for the construction of an intrastate pipeline and distribution system. The Commissioner accepted the information and no action was taken.

UPDATE ON MOBILE HOME PARK ORDINANCE:

Planner Marion Lytle discussed with the Board some of the proposed amendment changes in the Mobile Home Park Ordinance. He stated the revisions would be brought before the Planning Board on November 28th. Commissioner DeMarcus asked if the changes could be approved earlier in order to allow a public hearing for the current Board to vote before the December meeting. Mr. Lytle stated he could have the changes ready for public inspection in a matter of days. Commissioner DeMarcus then moved to hold a public hearing for the changes in the Mobile Home Park Ordinance on November 21, 1994 at 7:30 p.m. and directed planning staff to have copies available for public inspection as well as the Board for review. Commissioner Arey seconded and the motion passed unanimously. Mr. Lytle stated he would have to have attorney review for one section.

PLANNING BOARD RECOMMENDATION FOR FEE SCHEDULE FOR SUBDIVISION ORDINANCE:

Marion Lytle submitted information from a survey of surrounding counties and their fee schedules for subdivision ordinances. The Planning Board recommended \$10.00 for minor subdivisions, \$50.00 for major subdivisions (with no roads) and \$100.00 plus \$5.00 per lot created for major subdivisions. Commissioner DeMarcus moved to approve the fee schedule as recommended. Commissioner Arey seconded and the motion passed unanimously.

REQUEST FOR VARIANCE OF SUBDIVISION ORDINANCE:

A request was submitted from Ronald and Gerald Horton for a variance in the Subdivision Ordinance. The Horton's had been in the process of developing a subdivision for over a year and with the recent adoption of the ordinance, would not be able to meet all of the criteria for road standards. Planning staff stated the Horton's had followed all necessary avenues and had worked with planning staff to meet all requirements. Staff recommended a variance be granted with a statement being placed on plats stating the road was not NCDOT standards. Commissioner DeMarcus moved to approve the variance. Commissioner Webb seconded and the motion passed unanimously.

REPORT ON MINIMUM HOUSING ORDINANCE:

Planner Ed Muire discussed with the Board an outline of events of a meeting of staff and the Board of Realtors concerning the Minimum Housing Ordinance draft. Mr. Muire stated a copy had been sent to the president of the Home Builders association and a response was distributed. The staff noted a major change in the draft would cause renters to share responsibility for conditions of a rented residence. Commissioner DeMarcus moved to approve the revised ordinance. There being no second Commissioner Webb moved to hold another public hearing since many changes had been implemented, on November 21, 1994 at 8:00 p.m. and for the Board to take action on the ordinance immediately following the hearing. Commissioner Arey seconded and the motion passed unanimously.

SNIA PERMIT APPLICATION:

A request for a permit application was submitted for approval from Donald Schaffter located in the Mooresville Motor Sports Complex. This area had been designated as an SNIA overlay area. Commissioner Arey moved to hold a public hearing for comment on the permit application on November 21, 1994 at 8:30 p.m. Commissioner DeMarcus seconded. Commissioner Webb then noted other public hearings had been established and to save time the Board may want to move this hearing to an earlier time in the night. Commissioner Arey amended his motion to change the time to 7:10 p.m. The motion passed by unanimous decision.

WATERSHED SUBDIVISION APPROVAL:

A request for a Watershed Subdivision was submitted from Nathan Chad Daniels located in the Irish Buffalo Creek area. Commissioner Arey moved for approval of the subdivision request. Commissioner Welch seconded and the motion passed unanimously.

RESOLUTION AWARDING CONTRACT FOR THE PURCHASE OF BALER:

A resolution for the purchase of a new baler was submitted for the Board's approval. The resolution awarded the bid to Tri-State Process Equipment who had the lowest bid at \$30,980. This price was for a refurbished baler. \$15,000 of the money is from a state grant. Commissioner Arey moved to approve the resolution awarding the bid to Tri-State Process Equipment. Commissioner Webb seconded and the vote was unanimous.

Commissioner DeMarcus added she would like to make the Board aware that staff is currently working on a plan to place receptacles at the collection sites to collect old clothes that many people were throwing away. The Salvation Army would collect the clothes to be sold for those needing assistance.

JOBS PROGRAM AWARD PRESENTATION:

Social Services Director Edwin Koontz introduced Ms. Nancy Brandt who then introduced members of the JOBS program team. Ms. Libby Hinson from the NC Division of Social Services then presented the team, Mr. Koontz, Ms. Brandt, and Mr. Arey with an

outstanding performance award for their work during the past year. Rowan was one of four counties to receive the award throughout the State. The Board thanked the Staff for their hard work.

REQUEST FROM VISION CABLE TO TRANSFER FRANCHISE TO NEW PARTNERSHIP:

Mr. George Little, Vision Cable manager, made a request to transfer the franchise from Vision Cable to the new merger, Time Warner/Advance Newhouse Partnership. No changes would be made in the original franchise agreement. Commissioner Welch moved for approval. Commissioner Webb seconded and the motion passed unanimously. A second reading was placed on the next Commission agenda.

Chairman Cohen questioned Mr. Little about the change in channels which would drop channel 2 and 8. He stated he had received numerous complaints and asked if anything could be done to stop the change. Mr. Little explained that Vision Cable is in the Charlotte market and two new "must carry" stations are coming on line which would bump channel 2 and 8 which are currently optional stations. Commissioner DeMarcus suggested writing the FCC to try to influence a change in coverage for this area. Chairman Cohen asked that more information be brought back at the next meeting.

RESOLUTION FROM COG TO RECEIVE STATE FUNDS:

A Resolution from Centralina Council of Governments was presented to the Board. This would allow Rowan to receive \$5,318.64 in funds from the General Assembly. Commissioner Arey moved to approve the resolution. Commissioner Welch seconded and the motion passed unanimously.

APPROVAL OF AIRPORT GRANTS:

Three resolutions for Airport Grants concerning the lighting system with ILS were submitted for approval from the NC Department of Transportation, Division of Aviation. Commissioner DeMarcus moved to approve the resolutions. Commissioner Welch seconded and the motion passed unanimously.

APPROVAL OF WATER AGREEMENT WITH CITY OF SALISBURY:

An agreement between the City of Salisbury and Rowan County for the purchase of water for the West Rowan waterline was submitted for approval. The agreement is for five years. Rowan County would also purchase water from the Town of Cleveland and sell to Freightliner. Commissioner Arey moved to approve the agreement. Commissioner Welch seconded and the motion passed unanimously.

APPROVAL OF BIDS FOR WEST ROWAN WATERLINE:

This item was delayed in order for Peirson Whitman to complete it's tabulation of the bids received.

BOARD APPOINTMENTS:

Agriculture Advisory Board - Commissioner DeMarcus moved to reappoint Mr. Charles Sloop and Mr. H. Frank King for another term on this board. Commissioner Webb seconded and the motion passed unanimously.

CBA Task Force - Commissioner Webb moved to reappoint Mr. Clayton Jones and Mr. Timothy Truemper to the task force. Commissioner Arey seconded and vote was unanimous.

Nursing Home Advisory Committee - Mr. George Bender was submitted for nomination to this board. Commissioner DeMarcus moved to appoint Mr. Bender. There being no further nominations Mr. Bender was appointed.

Public Library Board - This item was deferred to a later date.

Salisbury/Rowan Human Relations Board - This item was deferred to a later date.

Bostian Heights Fire Commissioner - A letter requesting a replacement for Vernon Clodfelter was submitted to the Board. Commissioner DeMarcus moved to appoint Mr. Walter Wise to the position. There being no further nominations Mr. Wise was appointed.

Enochville Fire and Rescue - Commissioner DeMarcus moved to replace Mr. Paul Akers with Mr. Albert Wingler upon the Enochville Fire and Rescue's request. Commissioner Arey seconded and the motion passed unanimously.

Senior Services Advisory Council - A letter was submitted requesting Mr. Dink Safriet and Mr. Demont Roseman be appointed to replace Rev. Jimmie Holland and Mrs. Ester Gibson. Commissioner Arey moved to approve these requests. Chairman Cohen seconded and the motion passed unanimously.

MANAGER'S REPORT:

Refunds - Refunds from the Health Department and Tax Collector totaling \$2,222.51 were submitted for approval. Commissioner DeMarcus moved for approval of the refunds. Commissioner Arey seconded and the motion passed unanimously.

Interest - The Manager read the interest report as prepared by the Finance department, as attached to these minutes.

Request to Purchase Property - The Manager discussed a request from Ken Stamey to purchase a strip of land located on Airport Loop Road. He recommended the Board defer any action until a later time when plans for the growth of the airport were determined. Commissioner DeMarcus suggested the Board make a policy not to sell any land in the Airport area in order to protect from overdevelopment.

The North Carolina Department of Transportation also made a request to purchase an area of land in the Cleveland/Amity Hill area for a right of way. The agreement was for .66 acres leaving divided acreage across the street. Commissioner Webb moved to sell the .66 acres as well as .55 acres adjacent to the property and to retain the remaining 1.32 acres. Chairman Cohen seconded and the motion was unanimous.

Commissioner Webb moved to enter closed session for the purpose of approving previous closed session minutes and to discuss personnel. Commissioner Arey seconded and the motion passed unanimously.

Upon conclusion of Closed session Commissioner Webb moved to return to open session. Commissioner DeMarcus seconded and the vote was unanimous.

Commissioner Webb moved to approve the Personnel Board request to reclassify two Clerk II positions to Clerk III and to donate \$97.32 remaining in the Cafeteria Fund to the Donnelly Home. Commissioner DeMarcus seconded and the motion passed unanimously.

There being no further business the meeting was adjourned until 1:30.

DISCUSSION OF JUSTICE CENTER:

Mr. John Stratton, Mr. Joe Hennings, and Mr. Bob Stanley from John S. Clark Company discussed with the Board their request for a time extension. The Board previously granted a 28 day extension, but the Contractors felt a longer extension was deserved. They stated the three main causes of delay were architectural design problems, site conditions and weather. They presented charts of their delays and agreed to provide the Commissioners with documentation to back their claims.

There being no further business Commissioner Webb moved to adjourn the meeting until November 21, 1994. Commissioner Arey seconded and the motion passed unanimously.

Respectfully Submitted,

Kelly Dickinson,
Clerk to the Board of Commissioners