

MINUTES OF THE BOARD OF  
ROWAN COUNTY COMMISSIONERS  
AUGUST 7, 1995 - 9:00 A.M.  
SETH MURDOCH AUDITORIUM, AGRICULTURE BUILDING

PRESENT: Todd Arey, Chairman  
Thomas M. Webb, Vice-Chairman  
J. Newton Cohen, Member  
Steve Blount, Member  
Jim Neely, Member

The County Manager, County Attorney, Finance Director and Clerk to the Board were also in attendance. Chairman Arey called the meeting to order and gave the invocation.

ADDITIONS TO THE AGENDA:

\* Commissioner Webb relayed the names of winners from the Rowan County junior dairy show that was held August 2, 1995, as attached to these minutes.

\* Chairman Arey stated he wanted to add a discussion and vote of the 911 surcharge that had been tabled from the previous meeting. He added that he would also like to have a short closed session to discuss personnel.

CONSIDERATION OF CONSENT AGENDA:

Chairman Arey asked if there was any discussion among the Board concerning the consent agenda items. Commissioner Blount moved to approve the items as submitted. Commissioner Webb seconded and the motion passed by a unanimous vote. The consent agenda items consisted of:

- a) approval of minutes from 7/17/95 and 7/31/95.
- b) approval of refunds totaling \$292.09
- c) Tax Collector's report
- d) approval of unanimous petitions for the road name changes of *Fellowship Park Road* and *Water Oak Lane*.

## RECOGNITION OF STATE 3A CHAMPIONS-EAST ROWAN BASEBALL TEAM:

Chairman Arey recognized the East Rowan Baseball Team for winning the State 3A championship. The Board presented each player with a certificate of appreciation and congratulated them for their hard work.

## PUBLIC HEARING: ROAD NAME CHANGES:

Commissioner Webb moved to open the public hearing for comments on proposed road name changes. Commissioner Cohen seconded and the motion passed by a unanimous vote. The road name changes were Allman Farm Road, Field Trace Road, Red Rose Lane, Wal-Hollow Lane, and Wild Bill Lane. Chairman Arey called for public comment and there being none offered, Commissioner Blount moved to close the public hearing. Commissioner Webb seconded and the motion passed unanimously. Commissioner Blount then moved to approve the road name changes. Commissioner Neely seconded and the motion passed by a unanimous vote.

## DISCUSSION ON COURTHOUSE REQUESTS:

Clerk of Court Terry Osborne read a prepared letter to the Board concerning space needs and facility repairs needed for the existing court facilities. He stated he was concerned over the structural damage sustained during basement flooding and lack of working space. Chairman Arey stated that the Board had not wanted to work on the court facility until the Justice Center was completed. He stated he would like to determine how the city could be forced to pay a fair share for use of the building. Commissioner Blount stated the County needed to meet with all interested parties in determining an operation plan and a plan of action for the facilities. He added that an alarm system or backup pump should be added to control the possibility of the basement flooding. Commissioner Blount then moved to hold joint meeting to determine a plan for space requirements and a facility use plan. Commissioner Neely seconded and the motion passed unanimously. Chairman Arey asked if the meeting should include the full Board. Commissioner Blount stated he did not feel the entire Board would be required and perhaps the building committee could meet.

## CONSIDERATION OF 911 SURCHARGE:

Chairman Arey asked if there was discussion among the Board concerning the 911 surcharge as a means of paying for the 911 phone lines and to update the mapping system tied into the 911 system. Commissioner Webb noted that the mapping update would only be for mapping tied to 911. Commissioner Blount added that the mapping would be a great benefit to the community in many ways other than 911. Mr. Russell then gave an explanation of the 911 system and a sequence of past events leading to the current request. Commissioner Neely asked

if the \$0.50 portion of the charge would be dropped after the mapping is paid for. Mr. Russell answered yes the Board would be able to delete that portion if it wished. Commissioner Neely stated he would like that to be part of the motion. The Board was then given a chart of the necessary charges throughout the next five years. The chart showed a decrease in fees to a final charge of \$0.19. Chairman Arey moved to approve the 911 charges. Commissioner Blount seconded. Commissioner Neely asked for the motion to include taking \$0.50 off the charge when the mapping is complete. Chairman Arey stated the Board should address the charge each year during the budget and determine the rate. He then added to his motion that it was the intent of this Board review the charge when the mapping is completed. Commissioner Cohen offered an amendment to the motion to attach a \$0.25 surcharge to the telephone bills and use fund balance to pay for the mapping, replacing the amount used from fund balance with next year's growth. Commissioner Cohen's amendment died for lack of a second. Chairman Arey then called for question on his motion and the motion passed by a vote of 4/1 with Commissioner Cohen voting "no".

#### REPORT FROM BOARD OF EQUALIZATION & REVIEW:

Tax Assessor Jerry Rowland gave the Board final figures from the revaluation and boards of equalization and review. Commissioner Webb stated he felt the boards went very well having served for many of the meetings. He added that in the future the members should be appointed earlier in the process to allow them to become familiar with the revaluation process. Mr. Rowland requested approval of a resolution to advance the revaluation schedule to 1995 and then every four years thereafter. Chairman Arey moved to approve the resolution. Commissioner Blount seconded and the motion passed unanimously.

#### UPDATE ON TAX DISCOVERY:

Jerry Rowland, Joe Williams and Phil Evans reviewed with the Board the progress of a tax discovery for a local company. Mr. Evans explained how the findings were reached and stated they would now issue a final discovery and which time the company may begin formal appeals of the amount due to the County. Mr. Evans stated the discovery found approximately 1.6 million in back taxes with penalties and interest owed. Mr. Evans recommended the Board seek outside legal counsel in someone who is trained for this specific area of the law. John Holshouser agreed with Mr. Evans and told the Board he would work as far as he could on the case and when he felt he had reached his limit he would recommend to the Board to seek the outside counsel.

#### PROPOSED NOISE ORDINANCE CONSIDERATIONS:

Ed Muire reviewed the current noise ordinance with the Board and recommended five possible solutions to make the ordinance enforceable. The five

recommendations were: develop decibel based standards for noise control, designating the Sheriff's Office as the office responsible for enforcement, define penalties for violation, set criteria for permits to exceed, determine exemptions from the ordinance. Staff recommended drafting a new ordinance and consulting with the Sheriff's Office then presenting it to the Board. Commissioner Blount stated it seemed that the biggest issue was grandfathering and who should be included. Commissioner Neely added that the ordinance needed specific rules for grandfathering some types of businesses. The Board referred the ordinance to staff for was as requested.

#### RECOMMENDATION FOR JUNK YARD/CAR ORDINANCE:

Planner Marion Lytle gave a brief overview of the ordinance reviewing the definitions for junked and abandoned cars. Commissioner Webb stated the ordinance needed a time period to allow cars to be parked in front of a building because someone may be waiting on a part. Mr. Lytle stated staff could add a time frame for car restoration. He reiterated that the ordinance would mainly be enforced by complaint. Commissioner Neely stated he would like to have the opportunity to study the document. The Board agreed they would hold a worksession to study the ordinance and set a public hearing at that time.

#### ARTHRITIS POOL PROGRAM FEE INCREASE:

Health Director John Shaw discussed with the Board state cuts to arthritis programs. He stated the county would lose \$14,991 in the state funds. The Health Board proposed asking the participants to donate \$2.50 each week for the twice a week program to help compensate for the loss. He stated the county could not charge the participants because the program receives federal funds. He asked the Board for permission to proceed with the first ten week session to determine the feasibility of the proposal. The Board agreed by consensus to the test for the first session.

#### REQUEST FOR SUPPORT OF SPENCER SHOPS CENTENNIAL CELEBRATION:

Ms. Kay Saintsing reviewed with the Board the planned celebration events for the Spencer Shops centennial anniversary. She stated the centennial coordination group was seeking a contribution from the county to become a partner in the celebration. Chairman Arey thanked Ms. Saintsing and stated the Board would accept the information and determine at a later date the amount of a contribution.

#### PERSONNEL BOARD POLICY REVIEW:

A revised personnel policy was presented to the Board. The policy would allow the personnel board to review reclassifications, salary adjustments, hiring new employees above step 4, and the review of personnel policies. Commissioner Neely stated he supported the new policy because he did not feel the personnel policies covered should be a function of the full board. Chairman Arey added that the Board of Commissioners would set the policy and the personnel board would implement the policy. Commissioner Blount moved to adopt the policy change. Commissioner Neely seconded and the motion passed by a vote of 4/1 with Commissioner Cohen voting "no".

#### ROAD PAVING POLICY:

Commissioner Blount stated that he and Commissioner Neely had met with representatives from Kannapolis Country Estates and determined that they should work with the state and the state had seemed to be taking more interest in helping. He explained that the county had exhausted all efforts to resolve the problem and the Board agreed by consensus to permanently table this issue.

#### COMMUNITY BUILDING USE PROPOSALS:

Commissioner Cohen asked to table discussions on uses for the Community Building until space needs at the Courthouse were determined.

#### BOARD APPOINTMENTS

Chairman Arey asked to delay Board appointments. The Board agreed by consensus, however, to removed George Bender from the Nursing Home Advisory Board at the request of it's chairman.

#### RESULTS OF AIRPORT USE SURVEY:

Mr. Russell reviewed the results from an survey sent to transient and based airport users. Commissioner Blount stated the Board needed to address all of the issues at the airport including the FBO and the Airport Board. Chairman Arey stated he would like to have a worksession to determine what the Board wants from the airport. The Board agreed by consensus to meet at 2:00 p.m. on August 21, 1995.

\* John Holshouser told the Board that the legal fees and litigation fees involved in the Elvis King vs. Rowan County had been lowered but the final ruling had not been made.

Chairman Arey moved to enter closed session to discuss personnel. Commissioner Blount seconded the motion and it passed unanimously. Upon conclusion of closed session Commissioner Webb moved to return to open session.

Commissioner Blount seconded and the motion passed by a unanimous vote. Commissioner Webb then moved to adjourn the meeting. Commissioner Blount seconded the motion and it passed unanimously.

Respectfully Submitted,

Kelly Dickinson, Clerk to the Board