

MINUTES OF THE MEETING OF
ROWAN COUNTY COMMISSIONERS
JANUARY 5, 1998 - 9:00 A.M.
COMMISSIONER'S MEETING ROOM, ADMINISTRATION BUILDING

PRESENT: Jim Neely, Chairman
J. Newton Cohen, Vice-Chairman
Steve Blount, Member
Dave Rowland, Member
Frank Tadlock, Member

The County Manager, County Attorney, Finance Director and Clerk to the Board were also present. Chairman Neely called the meeting to order and Commissioner Blount gave the invocation.

ADDITIONS TO THE AGENDA:

* Mr. Russell asked the Board to formally ratify the water/sewer agreement with the City of Salisbury for the Ohio Packaging project. He noted that the Board had approved the agreement by consensus at its last meeting.

CONSIDERATION OF CONSENT AGENDA:

Commissioner Rowland moved to approve the consent agenda as submitted. Commissioner Tadlock seconded the motion and it passed by unanimous vote.

The consent agenda consisted of the following items:

- (a) Approval of Minutes from 12/1/97 and 12/12/97 Meetings
- (b) Set Public Hearing for SNIA Overlay Application and SNIA Permit Application for January 19, 1999 at 7:15 p.m.
- (c) Approval of Refunds totaling \$2,931.70

PUBLIC HEARING: APPLICATION FOR LOCAL LAW ENFORCEMENT BLOCK GRANT AND MUTAL ASSISTANCE RESOLUTION:

Commissioner Cohen moved to open the public hearing for comments on an application for local law enforcement block grant funds. Commissioner Tadlock seconded and the motion carried.

Sheriff Bob Martin presented the Board with an application for \$46,054 in funds to be used for the renovations to the North Kannapolis Office. He stated that the grant required a 10% match, but that he had funds to cover the match in the asset forfeitures fund. He added that once the North Kannapolis office was refurbished citizens would be able to obtain the same information and forms as the main Salisbury office.

Sheriff Martin also asked the Board to approve a resolution to allow officers from other municipalities and counties to work in Rowan as well as Rowan officers to work in the other areas. He stated that periodically officers will work with other jurisdictions during investigations and the resolution would formally recognize this agreement.

Chairman Neely called for public comment, and there being none offered, Commissioner Rowland moved to close the public hearing. Commissioner Blount seconded and the motion carried.

Commissioner Blount moved to adopt the resolution for the mutual assistance agreement. Commissioner Rowland seconded and the motion passed upon unanimous vote.

Commissioner Blount then moved to approve the application for block grant funds. Commissioner Rowland seconded the motion and it passed unanimously.

PUBLIC HEARING: ROCKWELL ETJ APPOINTMENTS

Commissioner Blount moved to open the public hearing for comments on extraterritorial appointments to the Town of Rockwell's Planning Board. Commissioner Tadlock seconded and the motion carried.

Chairman Neely called for comments and none being offered Commissioner Blount moved to close the public hearing. Commissioner Cohen seconded the motion and it passed unanimously.

Commissioner Blount then moved to appoint Steven Furr, Raymond Haynes, Homer Lewis, Larry Bruce, Jim Wilson, and Barbara Gallimore as the ETJ representatives to the planning board. Commissioner Rowland seconded the motion and it passed by unanimous vote.

PUBLIC HEARING: BPI INDUCEMENT AGREEMENT WITH IFPCFA

Commissioner Rowland asked Mr. Russell to explain the application for revenue bonds. Mr. Russell asked Mr. Holshouser who convenes the Board to explain the process to Commissioner Rowland. Mr. Holshouser stated that the Industrial Facilities and Pollution Control Financing Authority was established to help local businesses obtain financing through the Department of Commerce in the form of revenue bonds. He noted that the Authority itself had no money and the county only approved the application and was in no way liable.

Commissioner Blount moved to open the public hearing for comments on the application. Commissioner Tadlock seconded and the motion carried.

Mr. Terry Salinski, plant manager for B.P.I, addressed the Board and explained their project. There being no other comments, Commissioner Blount moved to close the public hearing. Commissioner Cohen seconded and the motion carried.

Commissioner Cohen then moved to approve the resolution for funds. Commissioner Tadlock seconded and the motion passed unanimously.

SPACE NEEDS FOR PROBATION/PAROLE OFFICES:

Mr. Wayne Kinney addressed the Board with a request for help finding space for eight new officers being assigned to Rowan County. He noted that the Courthouse was currently full and the state would not give any money for office rental, and asked the Board to help in any way possible.

The Board discussed the possibilities of renovating one of the Norman's buildings, moving records storage from the basement to the Rufty building, as well as renting office space.

Chairman Neely asked about the possibility of working double shifts. Mr. Kinney stated that second shift workers made more money and there was no money left for personnel.

Commissioner Cohen stated that court fees have risen over the past few years yet the amount allocated to the county has remained the same and added he felt Raleigh needed to change the amount distributed to pay for things such as this.

Commissioner Blount suggested the building and grounds committee meet with Mr. Russell to look at a quick temporary solution and report to back to the Board at its next meeting.

Commissioner Tadlock moved to authorize staff to do a study for facility needs with phase I being a short term solution and phase II being a long term study for the building and surrounding properties. Commissioner Blount seconded the motion and it passed on unanimous vote.

STATEWIDE ELECTIONS INFORMATION MANAGEMENT SYSTEM:

Election Supervisor Nancy Evans and Information Systems Director David Boling addressed the Board about new legislation affecting each County. They explained that the state was implementing a Statewide Elections Information Management System which counties could choose to process locally or not.

Mrs. Evans told the Board that the new system would allow counties to transmit data electronically automatically to the state data system.

Commissioner Cohen asked why the County couldn't just transmit the data once a day instead of having to pay to update information automatically.

Mr. Boling explained that the County would be required to provide the necessary "hook-ups" whether it chose to participate or not and the County could decide at a later time not to participate if it chose not to.

Commissioner Blount moved to accept the Statewide system for local processing. Commissioner Rowland seconded and the motion passed by a vote of 4/1 with Commissioner Cohen voting against.

RECOGNITION OF CHILD SUPPORT ENFORCEMENT UNIT:

DSS Director Rick Travis told the Board that for the second fiscal year Rowan County had been chose one of the top six counties in the state for child support enforcement collections. He stated that they had a 37.7% increase over the previous year. The Board recognized the staff of the Child Support Enforcement Unit and thanked them for their hard work and dedication.

REVIEW OF ETJ JURISDICTIONS:

Chairman Neely recognized Mayor Susan Kluttz and the Salisbury City Council who were in attendance at the meeting.

Mayor Kluttz stated that City Council was interested in the County's plans for rolling back extra territorial jurisdiction areas once zoning was approved.

Commissioner Rowland stated that before the Board could discuss the ETJ areas the Commissioners needed to decide which direction the County was headed.

He added that the Board needed to have a presentation from planning staff about the ETJ areas.

Commissioner Blount asked to authorize county staff to review the current municipal zoning classifications and ETJ areas in order to make a presentation for the Board before the planning retreat. He suggested the Board could meet with the City Council after the retreat to review the information.

All Board members expressed a willingness to work with City Council and stated they hoped the two Boards would be able to work together.

WORK FIRST COUNTY PLAN:

DSS Director Rick Travis presented the Board with the draft copy of Rowan County's Work First plan to be submitted to the State.

He reviewed the goals of the plan and the agencies involved in the implementation. He asked the Board to review the plan and asked to place a vote on the plan on the Board's next agenda in order to send the plan to Raleigh as required. The Board agreed by consensus and thanked Mr. Travis and all of the planning participants for their work.

CHILD FATALITY TEAM ANNUAL REPORT:

Mr. John Shaw presented the Board with the annual report from the Child Fatality Review Team concerning child deaths in Rowan County during 1995.

He noted that this Team was established by the General Assembly in 1993 to review all deaths of children under the age of 18. He then reviewed the report with the Board.

The Board thanked Mr. Shaw for his presentation.

SPECIAL CONSIDERATION FOR ROAD NAME CHANGE:

The road name change of Community Lane was presented to the Board for consideration. The Board had received a petition earlier requesting the road be named White House Lane, but approval was delayed after opposition at the public hearing.

Planning staff stated that letters were sent to all property owners concerning the new name and only one positive response was received.

The Board discussed with Mr. Holshouser the legality of naming the road since there was a legal dispute with the property owners over the validity of the existence of the road. Mr. Holshouser stated that he felt the County had more liability in not naming the road for emergency reasons and if a court found the road to be invalid at a later date, no harm would have been done.

Commissioner Blount moved to name the path Community Lane adding that the approval added no legal credence to the path as a legitimate road but was for emergency services purposes only. Commissioner Rowland seconded the motion and it passed unanimously.

REQUESTED ZONING MAP CHANGES:

Ed Muire presented the Board with requests for zoning designation changes for property owners. He noted that two of the changes were due to oversight by the planning office and the others related to economic development plans.

The requests were from:

Harrill Wiggins - TP:235-180 from R to CBI
Harrill Wiggins - TP235-011 to extend CBI
Steven Campbell - TP235-007 from R to CBI
Charles Floyd - TP:271-009 from RR to Industrial
Janet Gant - TP: 407B-008/008B/091 from MHP to CBI

The Board agreed by consensus to the changes as presented.

A special consideration was also received from David Wood requesting a zoning change for property he wished to purchase for development. The Board agreed they would not consider a change to property that was not owned by the petitioner.

REVIEW OF ZONING PETITIONS:

Marion Lytle presented the Board with four requests for changes to zoning areas. The requests were from residents on Patterson Road, Corriher Grange/Corriher Springs/Unity Church Road, Old Concord Road/Webb Road and Saw Road.

Mr. Lytle stated that on the Patterson Road petition several responses in opposition to the change had been received from residents on Weaver Road. He

stated that staff would revise the maps to reflect the removal of this area and return to the Board on January 19th.

Mr. Lytle stated that the petition for the Corriher Grange area represented 90% of the acreage and 85% of the property owners in favor of the change. He added that the Saw Road petition appeared to all property owners and noted that staff would bring completed maps to the next meeting.

Mr. Lytle told the Board that the petition received from the Old Concord Road area did not qualify for the change and staff recommended no action.

The Board agreed with staffs findings and stated the issue would be discussed further at the January 19th meeting.

BOARD APPOINTMENTS:

Cabarrus-Rowan Park Commission - Commissioner Cohen moved to extend the terms of Bernard Beaver and Fred Ponder until the park was turned over to the City of Kannapolis.

Commissioner Blount made a motion to formally advise Kannapolis that Rowan County will cease funding for Baker's Creek Park at the end of this fiscal year. Commissioner Rowland seconded the motion and it passed by unanimous vote.

Board of Health - Commissioner Rowland moved to re-appoint Dr. David King and Vernon Johnson and to appoint Mrs. Kathy Clark Bailey to replace Teresa Osborne. Commissioner Blount seconded the motion and it passed unanimously.

Parks & Recreation - Commissioner Blount moved to appoint Rick Shulenburg, Alice Stanback and Stephen Brown. There being no further nominations the appointments were unanimously approved.

Planning Board - Commissioner Rowland moved to nominated William Hall, Terry Hill and Joe Teeter.

Commissioner Cohen nominated Kevin Fisher.

Commissioner Blount nominated William Waller and Phil Young.

With four seats vacant each Commissioner received four votes and the following votes were cast:

William Hall - 5

Terry Hill - 4/1
Joe Teeter - 4/1
Kevin Fisher - 5
William Waller - 1
Phil Young - 1

Library Board - Chairman Neely nominated Norene Foster. Commissioner Blount nominated Carole Brooke and Bruce Jones. There being no further nominations the appointments were unanimously approved.

Centralina Council of Governments - The Board agreed by consensus that the Chair and Vice-Chair would serve as the delegate and alternate

Rowan Transit Authority - Commissioner Cohen moved to approve Dr. Esther Winters to fill the mental health seat on the RTS Board. Commissioner Blount seconded the motion and it passed unanimously.

Enochville Fire & Rescue - Commissioner Tadlock moved to appoint Johnny Morgan to serve as fire commissioner. There being no further nominations Mr. Morgan was unanimously appointed.

China Grove ETJ - Commissioner Blount moved to accept the request from China Grove to reappoint Mr. Joel Thompson and Ms. Martha Corriher as ETJ representatives to the Planning Board and Zoning Board of Adjustment.

Nursing Home & Adult Care Home Committees - Commissioner Blount moved to appoint D.J. Whitfield to the Nursing Home Committee and Carole Harrington Bentley to the Adult Home Care Committee. The appointments were passed by unanimous vote.

ADDITIONS TO THE AGENDA:

Mr. Russell gave the Board a copy of the agreement with the City of Salisbury to provide water/sewer services to Ohio Packaging Company. He noted that the Board had approved the agreement by consensus at its last meeting and needed to formally ratify the action.

Commissioner Blount moved to adopt the agreement with the City of Salisbury. Commissioner Rowland seconded and the motion carried.

There being no further business Commissioner Rowland moved to enter closed session to discuss possible litigation. Commissioner Cohen seconded and the motion carried.

Upon conclusion of closed session, Commissioner Tadlock moved to return to open session. Commissioner Rowland seconded and the motion carried. No action was taken during closed session.

There being no further business, Commissioner Blount moved to adjourn the meeting. Commissioner Cohen seconded and the motion carried.

Respectfully Submitted,

Kelly Dickinson, CMC
Clerk to the Board