

MINUTES OF THE BOARD OF
ROWAN COUNTY COMMISSIONERS
SEPTEMBER 8, 1998 – 9:00 A.M.
COMMISSIONER'S MEETING ROOM, ADMINISTRATION BUILDING

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

ABSENT: Jim Neely, Chairman

The County Manager, Clerk to the Board and County Attorney were also present. Vice-Chairman Cohen called the meeting to order and Commissioner Blount provided the invocation.

ADDITIONS TO THE AGENDA:

Mr. Russell noted that he had given the Board a letter from Connex, general contractor for the carousel project, in which they demanded arbitration to settle their suit. Mr. Russell told the Board that they had been found in default on the project and had been removed from the job.

Mr. Russell stated he also had provided the Board with updated information on the school's request for the Board to reconsider the disbursement process for school funding.

CONSIDERATION OF CONSENT AGENDA:

Commissioner Blount moved to approve the consent agenda as submitted. Commissioner Rowland seconded and the motion carried. The consent agenda consisted of the following items:

- (A) Approval of Minutes from August 3 and August 17 Meetings
- (B) Approval of Refunds totaling \$1,765.82

- (C) Approval of DSS Budget Amendments
 - 1) Receipt of Smart Start Funds for Child Care
 - 2) Federal Crisis Intervention Funds Authorized by Congress as Result of Severe Heat
 - 3) Additional Child Care Development Block Grant Administrative Funds
- (D) Request to Write-Off Family Planning Debt of \$2,029.74 incurred between July, 1996 to December 1996
- (E) Proclamation Establishing September 26, 1998 as Hunting and Fishing Day in Rowan County
- (F) Request to Declare Law Library Books as Surplus to be Sold
- (G) Approval of Adjustment in Medicaid Fee
- (H) Unanimous Road Name Petition for *Horse Whisper Lane* and *Rocky Rick Lane* and Special Consideration for *Simmons Hollow Road*
- (I) Approval of Resolution for Airport Grant/Relocation of Taxiway

ARNOLD CHAMBERLAIN & BETH DIXON/GUARDIAN AD LITEM:

Mr. Chamberlain and Ms. Dixon addressed the Board regarding the Guardian Ad Litem program in the Courts and asked the Board to unfreeze the two positions in children's services as the Department of Social Services. They noted the need for foster care workers. Ms. Dixon cited the number of her caseload, noting that it had doubled in the past two years.

They thanked the Board for listening and asked them to support a new attitude at the Department of Social Services by supporting the two positions.

PUBLIC HEARING: LLEBG GRANT APPLICATION 1998:

Commissioner Blount moved to open the public hearing for comments on the 1998 Local Law Enforcement Block Grant. Commissioner Tadlock seconded and the motion carried.

Sheriff Martin stated that the grant was for \$47,880 and would require a 10% match, which would come from forfeitures in drug seizures. The grant money would be used to purchase equipment such as mobile data terminals and to complete the project to equip three satellite offices.

There being no one else wishing to speak, Commissioner Rowland moved to close the public hearing. Commissioner Blount seconded and the motion carried.

Commissioner Blount moved to approve the grant. Commissioner Tadlock seconded the motion and it passed by unanimous vote.

APPROVAL OF GRANT FOR CHILD ABUSE PROSECUTION ADVOCATE:

Mr. Russell explained to the Board that District Attorney Bill Kenerly had made a request to them in November, 1997 to apply for a grant to enable them to hire a child abuse prosecution advocate to work in their office. He had stated at that time that the grant would require a 25% match but the match could include in-kind services.

Mr. Russell told the Board that on August 20th he received a letter that the grant had been approved and the person hired. He noted that money had not been included in the budget since staff had not been notified of the grant approval.

Commissioner Blount stated that the Board had agreed with the application initially and moved to accept the grant at this time. Commissioner Tadlock seconded and the motion carried.

REQUEST TO LIFT HIRING FREEZE ON TWO CHILDREN'S SERVICES POSITIONS:

DSS Director Rick Travis addressed the Board concerning a request to lift the freeze on two supervisory positions in children's services so that the positions could be filled.

The Board discussed the positions that were initially approved and the fact that two clerical positions had been added and filled. Mr. Travis stated they had thought the positions could be covered by the 100% reimbursement of the other positions. He stated that it wasn't until several months later that it was determined the positions would not be fully reimbursed.

Commissioner Cohen stated he would like to perform an in-house efficiency study to determine if the clerical positions are really necessary.

Commissioner Tadlock stated he agreed with the efficiency study but felt the morale needed to be boosted in the department and as a effort to show support moved to unfreeze the two supervisory positions and to ask Personnel to study the two clerical positions and report back to the Board. Commissioner Blount seconded the motion and it passed by unanimous vote.

REVIEW REVISION FOR NOISE ORDINANCE:

Marion Lytle stated that Ed Muire had been working with the Sheriff's Office to amend the current noise ordinance. He stated the changes would allow a deputy to issue citations for complaints which are judged to be unreasonable. The

amendment would also include a change in the notification procedure for violations and an increase in fines for violations.

Commissioner Blount stated he was concerned the changes would make the ordinance arbitrary and would then be hard to enforce in court.

Mr. Lytle stated that staff would be meeting with the District Attorney to discuss the changes, but the Sheriff's Department felt they would be more acceptable to judges.

The Board decided to delay any action until staff could meet with judiciary officials to review the ordinance.

Commissioner Cohen added he would like to see if a time limit could be placed on quarries and their hours of operation. Mr. Lytle agreed to study the request.

INHERENTLY DANGEROUS EXOTIC ANIMAL ORDINANCE:

Mr. Lytle stated that at the request of Commissioner Blount, Planning and Health staff had worked to develop an ordinance governing inherently dangerous exotic animals.

Mr. Lytle reviewed the main provisions of the ordinance. He stated that the ordinance would require primary and secondary containment areas and someone would only be grandfathered if the containment standards were met.

Commissioner Blount asked about the exemption for non-profit and government entities. He stated the non-profit exemption should be struck from draft and only government institutions included.

Commissioner Blount also questioned the size requirement for some of the enclosures, adding he felt they were too small to be humane for some of the larger animals.

He asked Mr. Lytle to ask the judges to review this ordinance as well as the noise ordinance. He then moved to hold a public hearing on the ordinance on September 21, 1998 at 7:15 p.m. Commissioner Tadlock seconded and the motion carried.

TEMPORARY USE PERMIT REQUEST:

John Bost, Ordinance Enforcement Officer, presented the Board with a request for a temporary use permit from Mr. and Mrs. James Jordan. He stated

that they were seeking a temporary use permit for family mobile home parks which required 50' setbacks.

Mr. Bost stated that the Jordans wished to move a mobile home onto their property for Mrs. Jordan's 95 year old mother to live in order for them to provide care for her. The mobile home would only be 30' from the setback on one side. They stated that once the mobile home was no longer in use they would remove it from the property or bring it into county standards.

Commissioner Rowland moved to grant the temporary use permit for the two year duration period. Commissioner Tadlock seconded and the motion carried.

ZONING MAP AMENDMENT (COMMISSION INITIATED):

Mr. Lloyd Pace, Enforcement Officer, stated that Mr. Daryl Padgett operated a mobile home park but during the adoption of zoning the park was classified as a subdivision and was not grandfathered. He stated the Board had initiated a rezoning for the property to a mobile home park which would allow vinyl underpinning.

Commissioner Blount moved to initiate the rezoning based on the schedule provided by planning. Commissioner Rowland seconded and the motion carried.

ZONING MAP AMENDMENT/PROPOSED QUARRY:

Mr. Lytle stated that Piedmont Quarries, L.L.C had submitted an application to rezone property on Harris Quarry Road from RA to IND in order to open and operate a quarry.

Mr. Lytle said that there are two other quarries in the area but they were considered legal non-conforming uses. He added that the Planning Board had approved the rezoning request, and if the Board agreed they would need to set a public hearing.

Commissioner Rowland stated that he receives the most complaints concerning quarries and did not feel another one should be opened and did not feel the need to hold a public hearing.

Commissioner Blount stated he felt the County would have better legal standing if the public hearing was held since the planning board had recommended the rezoning.

Commissioner Cohen noted that under the current ordinance the application would not qualify because a 300' setback is required and the applicant did not have these setbacks.

The Board asked staff to investigate the need for a public hearing and report back at the next meeting.

ZONING TEXT AMENDMENT-REDUCTION OF SETBACKS FOR QUARRIES:

Mr. Lytle presented the Board with a zoning text amendment which would reduce the setbacks required for quarry operation as related to the application the Board had just discussed.

Commissioner Rowland moved to deny the change and not to consider changing any setbacks. Commissioner Tadlock seconded and the motion carried.

REPORT ON AMENDED WATERSHED BOUNDARIES:

Mr. Lytle stated that the planning office had been notified by the state that the Yadkin River Watershed and the South Yadkin Watershed had been reduced in size and the County could amend it's map to take the areas out. He asked the Board if they wished to do so.

Commissioner Rowland moved to set a public hearing on the watershed map change on October 19th. Commissioner Tadlock seconded and the motion carried.

REVIEW OF MEETING WITH CITY STAFF CONCERNING ETJ AREAS:

Mr. Russell told the Board that County staff had met with the City planning staff to review the Counties plans for determining extraterritorial jurisdiction areas.

He stated that City staff had stated they would draft their response to be presented to City Council and would forward it to County staff. The Board asked to notified if the staff response was placed on the City Council agenda.

REVIEW BIDS FOR HEALTH/MENTAL HEALTH FACILITY:

Jim Powell from Atkinson, Dyer, Watson Architects reviewed the bids which were received for the Health/Mental Health facility. He noted that he received eleven multi-prime and 8 single-prime bids.

Mr. Powell then reviewed the six alternates that he would like to add to the base bids since the prices were much lower than anticipated. He recommended the

Board accept all alternates because he felt they would greatly enhance the building while still remaining within budget.

The bids recommended for approval were:

<u>Bids</u>	<u>Base Bid</u>	<u>Alts. #1-6</u>	<u>Total</u>
General- H.M. Kern Corp.	\$1,083,700	\$178,200	\$1,261,900
Plumbing – Yandle & Davies	260,800	1,500	262,300
Mechanical – G & S Metal	209,830	-0-	209,830
Electrical – Air Master Electrical	<u>185,000</u>	<u>6,600</u>	<u>191,600</u>
Totals	\$1,739,330	\$186,300	\$1,925,630

Commissioner Blount requested that a joint construction schedule be established for contractors to ensure a timely finish for the project.

Commissioner Rowland stated he would like to have more detail on some of the alternates to determine if fair prices were given. He added that some of the work could be done in-house by the General Services department.

Commissioner Blount moved to approve the bids as presented contingent upon negotiation for cabinet upgrade with the general contractor. Commissioner Cohen seconded and the motion passed by a vote of 3/1 with Commissioner Rowland voting against.

CONSIDERATION OF RESOLUTIONS FROM VARIOUS COUNTIES:

Mr. Russell noted that resolutions concerning annexation had been received requesting Rowan County's support. Commissioner Blount stated that Rowan should draft the annexation resolution as well.

LEGISLATIVE GOALS FOR NCACC:

Mr. Russell noted that the North Carolina Association of County Commissioners had requested Counties to forward their legislative goals for consideration by the legislative goals committee. Mr. Russell added that these goals would become what the Association lobbied for in Raleigh. He asked that if any member had a goal they wished to be forwarded the deadline was October 8th.

BOARD APPOINTMENTS:

Adult Care Home Committee – Commissioner Blount moved to appoint Betty Kirk to the Committee. Commissioner Rowland seconded and the motion carried.

Nursing Home Committee – Commissioner Blount moved to appoint Peggy Lipe to the Nursing Home Committee. Commissioner Rowland seconded and the motion passed by unanimous vote.

Town of China Grove – Commissioner Blount moved to approve the request to appoint Harry Karriker as an extraterritorial member of the China Grove Planning board. Commissioner Rowland seconded and the motion carried.

ADDITIONS TO THE AGENDA:

- Mr. Russell reviewed the school funding disbursement schedule and noted that the County could advance (in November) the sales tax money that would have been received next year for the Henderson project. He noted that this would completely deplete any reserve and the county would not be able to advance funds in the future without using a different funding source.

He stated that in the future the County should follow the 1/12 funding plan and the school board should prepare their construction schedules accordingly.

Commissioner Tadlock moved to inform the School Board of the County's intent to establish a 1/12 reimbursement plan for the next fiscal year. Commissioner Blount seconded and the motion carried.

- Commissioner Blount asked Mr. Russell to review the Board's rules of procedure and if necessary amend them to allow the Chairman to call and close a public hearing.

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

Respectfully Submitted,

Kelly Dickinson, CMC
Clerk to the Board