

MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
JANUARY 4, 1999 – 9:00 A.M.
COMMISSIONER'S MEETING ROOM, ADMINISTRATION BUILDING

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

Chairman Cohen called the meeting to order. Commissioner Chamberlain provided the invocation and the Board then recited the Pledge of Allegiance.

ADDITIONS TO THE AGENDA

Attorney John Holshouser stated that he would have to excuse himself during the meeting to attend to several matters in Court.

CORRESPONDENCE:

The Board received a 1998 Department of Transportation Bond report explaining how money allocated to Rowan County was spent during the calendar year.

CONSIDERATION OF CONSENT AGENDA:

Commissioner Blount moved to approve the consent agenda as submitted. Commissioner Chamberlain seconded and the motion carried.

The consent agenda consisted of the following items:

- (A) Approval of December 7, 1998 Minutes
- (B) Refunds totaling \$1,601.05
- (C) Proclamation Establishing 1999 as the Year of the Older Adult
- (D) Approval of Unanimous Road Petition for *Stamper Drive*
- (E) Approval of Resolution Establishing January 18, 1999 as Martin Luther King, Jr. Day in Rowan County

ARCHITECTURAL FIRM FOR DAN NICHOLAS ADMINISTRATION BUILDING:

Rick Shulenberger, Chairman of the Parks and Recreation Commission stated that they had taken proposals from four architects on the construction of an administration/multi-purpose building at Dan Nicholas Park.

Mr. Shulenberger stated that out of the four architects the firm of Stewart, Cooper seemed to have the best proposal. He asked the Board to approve entering a contract with the firm for \$9,600.

Mr. Russell stated that the Board had budgeted the money to hire an architect to perform a study at the park.

The Board also discussed using the Granite Quarry Depot which Mr. Foltz, Park Director, felt staff could renovate for use as a museum. Commissioner Tadlock stated he would like to see a plan developed for use of the Depot.

Commissioner Rowland moved to approve the architectural firm as recommended. Commissioner Tadlock seconded and the motion carried.

REVIEW OF DECISION FOR TAX RELIEF FOR MARY KECK:

Attorney John Holshouser talked with the Board about the decision that was made at the Board's previous meeting to allow Mary Keck to file late in order to abate past taxes owed on her property.

Mr. Holshouser reviewed the two General Statutes dealing with tax issues and told the Board in his opinion they did not have the authority to abate the taxes for 1998 or 1993, but only 1997 since it that was the discovery year.

Commissioner Blount moved to accept Counsel's advice and to set up a payment plan for Ms. Keck that was as lenient as possible. Commissioner Tadlock seconded and the motion carried.

NOTIFICATION OF ADDITIONAL GRANT FUNDS:

Senior Services Director Clyde Fahnestock addressed the Board concerning additional Home Care Community Block Grant funds being allocated to Rowan County.

Mr. Fahnestock stated that Rowan County had been allocated an additional \$70,176 in HCCBG funds. He added that no new County money would be needed for the 10% match because already budgeted departmental funds could be used.

Mr. Fahnestock told the Board how the HCCBG committee planned to use the additional funds and asked the Board to approve receipt.

Commissioner Blount moved to accept the funding as presented. Commissioner Chamberlain seconded and the motion carried.

BOARD APPOINTMENTS:

Planning Board - Four seats were available for nominations. Commissioner Blount nominated Frank Patterson, William Yow and Mary O'Donnell. Commissioner Chamberlain nominated Andrew Hinson. Chairman Cohen nominated Ralph Baker, Sr.

The following people were appointed to the Board:

Frank Patterson – 5/all
William Yow – 5/all
Mary O'Donnell – 1/4 (Blount in favor)
Andrew Hinson – 4/1(Blount)
Ralph Baker, Sr. – 3/2 (Chamberlain, Blount)

Board of Public Health

Commissioner Rowland moved to reappoint Dr. Norman Sloop, Mrs. Martha Harrell and Dr. Melvin Morgan.

Commissioner Blount nominated Carol Ann Haupt.

By majority vote Dr. Sloop, Mrs. Harell and Dr. Morgan were reappointed.

Adult Care Home Community Advisory Committee

Commissioner Blount nominated Carole Bentley and the Board agreed by unanimous vote.

Piedmont Behavioral HealthCare

Commissioner Chamberlain stated that Rowan County had one vacancy on the Piedmont Behavioral HealthCare Board and he had spoken to Beth Dixon, who agreed to serve.

Commissioner Rowland moved to appoint Ms. Dixon to the board. Commissioner Tadlock seconded and the motion carried.

Chairman Cohen stated that Commissioner Chamberlain would be taking his place on the Piedmont Behavioral HealthCare Board.

PRESENTATION OF STATE'S DRAFT 2000-2006 TIP & ROWAN COUNTY TIP RECOMMENDATIONS:

Planner Marion Lytle stated that the State would be holding public hearings on the 2000-2006 TIP on January 20, 1999 at the Rowan Public Library.

He reviewed the funding and priorities as presented by the State and then reviewed the County's recommendations.

Commissioner Blount moved to approve a resolution endorsing the southern route of the Highway 52 relocation. Commissioner Tadlock seconded and the motion carried.

Commissioner Blount moved to approve the TIP recommendations. Commissioner Chamberlain seconded the motion and it passed on unanimous vote.

The Board asked to add the 52 relocation and TIP recommendations to the agenda for the planning retreat.

APPROVAL OF SNIA PERMIT APPLICATIONS:

Ed Muire, Assistant Planner presented the Board with two applications for SNIA permits. The applicants were:

J.B. Keller – 1116 Gateway Drive, Mooresville, NC 28115
Rowan Bank – 100 S. Enochville Ave., Kannapolis, NC 28082

Commissioner Rowan moved to approve both applications. Commissioner Tadlock seconded the motion and it passed on unanimous vote.

SUBDIVISION APPEAL:

Ed Muire presented an appeal of the Subdivision Administrator's ruling from Floyd Echerd concerning the Sleca-Wa subdivision.

Mr. Muire stated that the subdivision was a minor subdivision created within a major subdivision which would require roads to be built to state standard. However, Mr. Echerd would like to use a 20' deeded right-of-way/easement for access to one of the lots to be used by his daughter for construction of his home.

Mr. Muire stated that staff recommended granting the waiver because all parties were aware of the situation and it would be adversely affect them.

Commissioner Blount moved to approve the request subject to a deeded right of way being obtained. Commissioner Chamberlain seconded and the motion carried.

REQUEST FOR CONDITIONAL USE PERMIT:

Mr. Lytle presented a conditional use permit request for Bass Lake Resort located at 185 Jim Neely Road. He stated that the property was a campground and the owner wished to expand by 39 sites.

Commissioner Rowland moved to set the public hearing for the conditional use permit for January 18, 1999 at 7:30 p.m. Commissioner Tadlock seconded and the motion carried.

PROPOSED ZONING TEXT AMENDMENTS:

Mr. Lytle reminded the Board that proposed text amendments to the Zoning Ordinance were presented in theory in November. He then presented the actual text amendments as approved and recommended by the Planning Board (attached).

Mr. Lytle reviewed the text amendments with the Board and asked them to set a public hearing for the proposed changes.

Commissioner Blount moved to set a public hearing on January 18, 1999 at 7:35 p.m. Commissioner Rowland seconded and the motion carried.

PROPOSED SUBDIVISION TEXT AMENDMENTS:

Ed Muire presented the Board with proposed text amendments to the Subdivision Ordinance (attached) as approved by the Planning Board.

Commissioner Blount moved to set a public hearing on the proposed changes on January 18, 1999 at 7:45 p.m. Commissioner Chamberlain seconded the motion and it passed on unanimous vote.

DISCUSSION ON POSSIBLE UNIFORM CHANGES:

Sheriff George Wilhelm addressed the Board about the possibility of changing the uniforms for Sheriff's Deputies. He asked to change to a poly-cotton blend uniform in navy blue instead of the polyester brown uniforms currently used.

He told the Board that the old uniforms could possibly melt in a fire situation, picked easily, and were not comfortable. He proposed purchasing each full time officer three uniforms and each part-time officer, one.

Chief Steve Schenk estimated the cost to be approximately \$112,000 plus an additional \$24,000 to replace all leather gear with nylon.

Sheriff Wilhelm stated that he had spoken with the County Manager and would propose using jail fees received for housing state inmates to pay for the uniform change.

Commissioner Rowland moved to allow for the expenditure for the uniforms. Commissioner Chamberlain seconded and the motion carried.

The Board also talked at length with Sheriff Wilhelm about the in-house arrest program. Commissioner Rowland asked why the program had not been implemented after the Board was pressured into approving a \$100,000 appropriation.

Sheriff Wilhelm stated that he was not sure the program was an effective one, but that he had a visit scheduled with Onslow County to see how they operate their program. He stated he would return to the Board with more information.

There was a question whether the Board had approved one position or two for the in-house arrest program. Ken Deal, Personnel Director, stated it was his understanding that only one position had been approved and was still vacant.

Sheriff Wilhelm added that he wanted to make a decision soon in order to end the contract for the equipment if necessary.

The Board also discussed the need for additional jail space and the possible solutions to the problem. They agreed to discuss the jail needs further at their planning retreat.

FAMILIES FOR KIDS BUDGET AMENDMENT PROPOSAL:

Interim DSS Director Sandra Wilkes addressed the Board concerning additional Families for Kids grant funds. The program was established to aid in finding permanent homes for children in foster care. She noted that the original grant was through the Kellogg Foundation and the grant has now been transferred into State IV-E funds.

She presented a revised plan for the grant money totaling \$140,956. The amount of money available to the County was \$100,000 in state money and \$65,000 in federal funds. She asked the Board to use the remaining \$24,000 for administrative support for the Families for Kids program.

Commissioner Rowland moved to approve the budget amendment. Commissioner Tadlock seconded and the motion carried.

Commissioner Chamberlain stated he felt this program was very important and the welfare of the children of the County should be a top priority.

RESOLUTION TO TRANSFER ABLE FRANCHISE FROM GENESIS CABLE TO BENCHMARK MEDIA, INC.

The Board received a resolution approving the transfer of franchise rights from Genesis Cable to Benchmark Media, Inc. because Benchmark was in the process of purchasing Genesis Cable.

The Board approved the first reading and agreed to place the resolution on the agenda for a second reading.

DISCUSSION OF WORKFORCE INVESTMENT ACT:

Mr. Russell told the Board that the State Legislature had passed the Workforce Investment Act which would replace the Job Training Partnership Act. The Board had received a letter from the Department of Commerce requesting support for Centralina Council of Governments to continue to serve as the sub-state area for administration of the program.

Commissioner Blount moved to approve Centralina as the designee for the program administration. Commissioner Tadlock seconded and the motion carried.

CREATION OF JUVENILE CRIME PREVENTION COUNCIL

Mr. Russell discussed with the Board recently enacted Senate Bill 1260- Juvenile Justice. The legislation would replace the Community Based Alternatives Program with a Juvenile Crime Prevention Council.

He gave the Board the current list of CBA members and the suggested types of members for the new Council. The Board agreed to try to fill the vacancies as soon as possible.

Commissioner Tadlock moved to establish the Juvenile Crime Prevention Council. Commissioner Blount seconded and the motion carried.

DISCUSSION ON 1999 NCACC LEGISLATIVE GOALS:

The Board was presented with a copy of legislative goals as recommended by the North Carolina Association of County Commissioners Board of Directors.

The Board discussed at length the support of a half cent sales tax option for Counties. Commissioner Rowland stated he could not support the legislation if it did not specify that it would be enacted by the vote of the people and the money would only be used for schools.

Commissioner Blount noted that many of the Counties needed the money for other infrastructure needs other than schools and we should not place such a limit on what we would support. He added that if all 100 counties supported the goal as written it had a much better chance of passing.

Commissioner Tadlock suggested that Chairman Cohen (voting delegate) offer an amendment to suggest counties have the option to enact the legislation if passed by either a resolution or by a referendum.

The Board also discussed opposing the removal of the tax on food and agreed to discuss further at the Board's planning retreat.

REQUEST FOR SUPPORT FOR ADDITIONAL ROAD MAINTENANCE FUNDING:

The Board received a resolution passed by the Perquimans Board of Commissioners supporting a two cent gasoline tax to be used for road maintenance.

By consensus the Board agreed to oppose such a tax stating the gasoline tax was already high.

UPDATE ON DSS DIRECTOR SEARCH:

Commissioner Tadlock brought the Board up to date on the search for a new DSS Director. He stated that they had received sixteen applications and had narrowed those to three finalists, one of which had withdrawn their application. He stated that the remaining two finalists would be interviewed on January 6th. A recommendation should be following shortly thereafter.

There being no further regular business, Chairman Cohen declared the Board in Closed session for the purpose of discussing litigation and acquisition of property (the Norman's property).

Upon conclusion of Closed Session, Chairman Cohen declared the Board in open session. No action was taken during closed session.

Commissioner Blount moved to approve a contract for services for expert testimony in the John S. Clark vs. Rowan County case. Commissioner Rowland seconded and the motion carried.

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

Respectfully Submitted,

Kelly Dickinson, CMC
Clerk to the Board