

MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS  
APRIL 5, 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

The County Manager, County Attorney, Clerk to the Board and Finance Director were also present. Chairman Cohen called the meeting to order and Commissioner Tadlock gave the invocation. Commissioner Blount led the pledge of allegiance.

ADDITIONS TO THE AGENDA:

- Commissioner Rowland asked to discuss the revaluation.
- Mr. Holshouser asked to give the Board a brief update on the Brownfields agreement for the Norman's property.

CONSIDERATION OF CONSENT AGENDA:

Commissioner Rowland asked for clarification on item "d" – Approval of Change Orders for Health/Mental Health Project. He asked if these change order covered the additional 2,000 square feet the Board had previously approved for completion. Mr. Russell answered that it was the area the Board had approved and that it was completed under budget.

There being no further questions, Commissioner Blount moved to approve the consent agenda as submitted. Commissioner Tadlock seconded and the motion carried.

The consent agenda consisted of the following items:

- (a) Approval of Minutes from 3/15/99 Meetings
- (b) Approval of Refunds totaling \$ 597.00
- (c) Approval of Budget Amendments
- (d) Approval of Change Orders for Health/Mental Health Project
- (e) Approval of Road Name Change for *Crossridge Avenue*, currently known as Ridge Avenue.

PIEDMONT BEHAVIORAL HEALTHCARE:

Dr. Esther Winters, Director of the Rowan Center for Piedmont Behavioral Healthcare, discussed with the Board the achievements of the center for the past year, as well as the goals for the upcoming year.

Dr. Winters gave the Board her budget request for FY2000, which was an increase of \$15,000. She stated she would like to use the money to increase the salary for a few of the positions that have been very hard to fill.

Dr. Winters briefly discussed a problem they have had with receiving money State had pledged to Piedmont Behavioral Healthcare. She stated that they never received approximately \$58,000 from last year and that this year the State still owes \$307,000. Mr. Russell asked if perhaps the county should get involved by contacting Representative Charlotte Gardner. Dr. Winters agreed that a contact would help.

There being no further questions, the Board thanked Dr. Winters for her presentation.

ROWAN COMMUNITY PENALTIES:

Amy Anderson, Director of Rowan Community Penalties, discussed her program with the Board. She stated that the Rowan office had been operational since January but the program had been operating in Cabarrus County for some time.

She described the process of the program in working with convicted offenders to try to place them back into the community, stating that a recommendation must be made by a defense attorney or a judge for an applicant to be considered.

Mr. Russell asked how many clients they turned down after going through the screening process. Mrs. Anderson stated that they turned down approximately

40% of the people who apply. She stated that safety to the community was their number one priority.

Mrs. Anderson stated that 90% of her agencies funds come from the Administrative Office of the Courts and the other 10% are raised from private donors.

The Board thanked Mrs. Anderson for her presentation and for providing them with information on the Rowan Community Penalties program.

RESOLUTION TO APPROVE APPLICATION FOR GRANT JOINT HEALTH PLANNING INIATIVE:

Health Director Leonard Wood told the Board about a grant that was available from the Robert Wood Johnson Foundation. He said Rowan would like to partner with Cabarrus County in order to make an application for funds to be used to identify ways to provide care for uninsured citizens. He stated that in order to apply for the grant the applicant had to have a population total of over 240,000 with a certain percentage who were uninsured. He said by joining the Cabarrus Health Alliance both counties would meet the requirements. Mr. Wood noted that he was only seeking the Board's support for the partnership and that he would return to the Board at a later date should a grant be awarded.

Commissioner Rowland moved to adopt the resolution of support for the joint planning initiative. Commissioner Tadlock seconded the motion and it passed by unanimous vote.

APPEAL OF SUBDIVISION ADMINISTRATOR'S RULING:

Ed Muire presented an appeal from Mr. & Mrs. David Miller concerning the Subdivision Administrator's ruling denying their request for an additional lot under the subdivision-special exception of the old Subdivision Ordinance.

Mr. Muire stated that under the provision they were allowed to create three lots on a 20 foot right-of-way. He said he explained this Mrs. Miller as well as their surveyor, Martin Henningan. He added that when the survey was returned to the office for approval it did not show what he had explained as acceptable, but instead had an additional lot.

Commissioner Chamberlain asked Mrs. Miller why she had not followed staff's advice had the plat prepared without regards to staff's recommendation. Mrs. Miller stated that it was more economical to divide the parcels in the manor including the additional lot.

There was lengthy discussion about staff's recommendation and the decision of a citizen to ignore their advice and try to gain approval from the Board.

Commissioner Blount moved to deny the appeal of the Subdivision Administrator's ruling. Chairman Cohen seconded the motion and it passed by a vote of 4/1, with Commissioner Chamberlain voting against.

REQUEST FOR TEMPORARY USE PERMIT:

Lloyd Pace presented a request for a temporary use permit from Greg and Mildred Ball for 160 Pleasant Cove Road. He stated that the Ball's used the property for a summer home and had purchased a mobile home to be placed on site. When the mobile home was delivered it was severely damaged and the Ball's were currently in litigation with Fleetwood Homes to settle the case. He stated the Ball's were seeking a six month temporary use permit to put an RV on the site until their case with Fleetwood Homes could be settled.

Commissioner Rowland moved to approve the temporary use permit for a six month period. Commissioner Chamberlain seconded the motion and it passed by unanimous vote.

SET PUBLIC HEARING FOR CONDITIONAL USE PERMITS:

Mr. Muire stated that requests for conditional use permits had been received from Sprint Communications and SBA Communications in order to place cell towers in several locations. He added that Sprint had withdrawn their application, but a public hearing needed to be set for the request from SBA Communications.

Commissioner Blount moved to set the public hearing on April 19, 1999 at 7:15 p.m. Commissioner Chamberlain seconded and the motion carried.

SET PUBLIC HEARING FOR REZONING REQUEST:

A request for a rezoning was made by Ms. Noel Clark on behalf of Mrs. Carolyn Brown Corriher. Mr. Muire stated that they had held courtesy hearings through the Planning Board and recommended denying the request. Mr. Muire told the Board that Ms. Clark had requested that the Board not set a public hearing until May.

The Board discussed the RA rezoning classification that the Planning Board had been working on. Commissioner Blount discussed the use of an overlay area for mobile home parks to help determine the proper placement of these developments.

After lengthy discussion about the development of a mobile home overlay area, Commissioner Blount moved to enact a ninety day moratorium on the issuance of zoning permits for manufactured homes on lots of record created after 12:00 noon, April 5, 1999 with the following exceptions:

1. Subdivisions with complete applications as provided in the Rowan County Subdivision Ordinance on file with the planning department before 12:00 noon, April 5, 1999.
2. Family Subdivisions created from lots of record existing prior to 12:00 Noon, April 5, 1999
3. Temporary uses approved as provided by the Rowan County Zoning Ordinance.

Commissioner Chamberlain seconded the motion and the motion passed by a vote of 4/1 with Commissioner Rowland voting no. He stated he supported an overlay but did not support moratoriums.

#### PRESENTATION OF THE ROWAN COUNTY THOROUGHFARE PLAN:

Linda Dosse', from the NCDOT State Planning Office along with County Planner Marion Lytle presented the recommendations and map for the Rowan County thoroughfare plan. Mr. Lytle stated they had met with representatives from local municipalities to receive their input.

Ms. Dosse' gave the Board two sample resolutions for their consideration and asked them to review the recommendations and resolutions and hopefully be able to adopt them at the Board's next meeting.

Chairman Cohen adjourned the Board at 11:57 for a Zoning Board of Adjustment Hearing. He then reconvened the Board at 12:13 p.m.

#### SCHOOL BOARD REQUEST FOR EFFICIENCY STUDY PROPOSAL TO SHARE COST:

School Board members Bruce Jones, Vic Bost, Clyde Miller, Kay Norman and Superintendent Joe McCann discussed recent action by the Board of Education concerning an efficiency study for the school system.

Mr. Jones told the Board that the Board of Education had given approval to proceed with the study and to commit up to \$100,000 of its general fund if the County would be willing to match the amount.

Dr. McCann stated that they were currently trying to negotiate with one of the firms who had responded to the request for proposals to lower the cost of the study.

Commissioner Blount stated that the efficiency study had first been proposed in order to show the citizens that the schools were using their money wisely. He added that he felt the School Board has gone in a different direction from that initial idea.

Mr. Jones stated he did not believe the School Board was deviating from the original idea but were only taking it a step further.

Commissioner Chamberlain stated he was definitely in favor of the efficiency study but he was deeply concerned about the School Board spending \$100,000 from its fund balance. He asked if the School Board members if they could afford it.

Mr. Jones stated they felt they couldn't afford not to, because they could not get the necessary information without going through the process.

Mr. Bost stated that he thought that the study should be done by a community based effort and the two Boards should have a joint meeting to hear the proposals before making a decision.

Commissioner Rowland stated that since the School Board supported the efficiency study and were willing to spend money to have it done, he was willing to proceed and for the Board of Commissioners to pledge their half of the cost in order to get started.

Chairman Cohen stated that if the study found ways to save a little money it would more than pay for itself within a few years. He added that he was willing to vote in favor of appropriating an additional \$20,000 to bring the County's share to \$100,000.

Commissioner Blount stated he felt the Board should commit \$100,000 and let the two boards representatives proceed with the study.

Commissioner Rowland added that if the County committed \$100,000 then any savings realized through contract negotiation would go the School Board.

Commissioner Chamberlain said he couldn't support committing \$100,000 today because he did not feel the Schools had it.

Commissioner Rowland moved to commit \$100,000 on a joint venture for the efficiency study with the School Board receiving any savings realized through contract negotiations. Commissioner Tadlock seconded the motion. Commissioner Chamberlain asked the Board to consider deferring action for two weeks. Commissioner Rowland called for the question, and the motion passed by a vote of 4/1 with Commissioner Chamberlain voting no.

#### LEASE AGREEMENT FOR STATE EMPLOYEES CREDIT UNION ATM:

Mr. Russell reviewed a lease agreement from the State Employees Credit Union to place an ATM kiosk on County property at the Health/Mental Health facility. He noted that the rental agreement would be for \$175 per month.

Commissioner Chamberlain asked about any liability for the County. Mr. Holshouser stated that he had reviewed the lease and it had a provision for the Credit Union to provide liability coverage.

Commissioner Blount moved to approve the lease agreement with the State Employees Credit Union. Commissioner Tadlock seconded and the motion carried.

#### PROPOSED OUT-OF-COUNTY SOLID WASTE PLAN:

Mr. Russell reviewed a proposal with the Board for the County to accept out of county waste as a means of operating the landfill more efficiently.

Mr. Russell stated that the tonnage received at the landfill had dropped significantly over the past few years and explained it in part by the opening of a new transfer station in East Spencer. He stated that many haulers had chosen to dump at the transfer station rather than the landfill because of convenience.

Chairman Cohen stated he would like to explore how to keep customers coming on a regular basis, perhaps by signing contracts with the haulers.

Part of Mr. Russell's proposal was to take the money generated by the acceptance of out-of-county waste and use it for different projects, such as aid to the needy, and capital construction needs like the Courthouse expansion.

Commissioner Rowland stated he thought the money generated should just be put into the general fund and then used as needed. He said he didn't like the idea of each Commissioner having an allocation to spend on their pet projects,

because he thought the whole board should approval an allocation of money when it is spent on any one thing.

Commissioner Tadlock discussed the feasibility of creating a platform at the landfill where haulers could dump on a cement pad and avoid wear and tear on their trucks. Commissioner Rowland stated he didn't think that would be possible because the area being filled in the landfill was constantly changing.

Don Conner discussed the process of applying for a change in the County's landfill permit in order for the County to accept out of county waste. He noted it was a process that would take a few months.

Commissioner Rowland moved to approve a resolution to change Rowan County's solid waste plan and permit to allow the landfill to accept out-of-county waste, adding that no waste would be accepted prior to Board approval. Commissioner Chamberlain seconded the motion and it passed by unanimous vote.

Commissioner Chamberlain added that he would like to try to encourage local haulers to come back to the landfill.

#### DISCUSSION ON PROPOSED LEGISLATION CONCERNING MEDICAID FOR MENTAL HEALTH SERVICES:

Mr. Russell discussed a Legislative Alert from the County Commissioners Association which stated that the Governor's proposed budget plan would require a shift in funds from area mental health agencies to counties and would require counties to pay 50% of non-federal Medicaid services for mental health programs.

Commissioner Blount moved to adopt a resolution in opposition of the proposed change and to send a copy of the resolution to all state officials. Commissioner Chamberlain seconded the motion and it passed by unanimous vote.

#### PROPOSED DATES FOR BUDGET REVIEW:

Mr. Russell discussed the upcoming budget review process with the Board. He stated that the continuation budget would available for the Board by May 5<sup>th</sup> in order to allow them three weeks to sit down with staff and review line item by line item if they so wished.

He asked the Board to review the dates towards the end of May and determine which two days would work best for their schedules for the budget review. The Board agreed to make a decision at it's next meeting.

REQUEST FOR RESOLUTION TO CLOSE ROAD:

Mr. Conner told the Board that this item (submitted by Jerry Smith) had been withdrawn from the agenda.

BOARD APPOINTMENTS:

Enochville Fire Department – Commissioner Tadlock moved to appoint John Sims as a fire commissioner for the department. The Board agreed by unanimous vote.

Salisbury ETJ Appointments – Commissioner Blount moved to appoint John A. Daniels, Allen Brown and Paul Canup as ETJ representatives. The motion passed by a vote of 4/1 with Commissioner Rowland voting no.

Industrial Facilities & Pollution Control Authority

Commissioner Blount moved to reappoint W.S. Hall and William Wagoner to the Board. The Board agreed by unanimous vote.

Criminal Justice Partnership Act

Commissioner Blount moved to approve the list of members as submitted, with Commissioner Blount serving as representative from the Board. The motion passed by unanimous vote. Those who were appointed were:

County Commissioner  
Tim Russell  
Judge Larry Ford, Resident Superior Court Judge  
Judge Anna Mills Wagoner, Chief District Court Judge  
Bill Kenerly, District Attorney  
James Davis, Criminal Defense Attorney  
Sheriff George Wilhelm  
Jerry Clevenger, Citizen  
Capt. Mark Wilhelm, Chief of Police  
Gary Cox, Probation Officer  
Janet Ruffin, Community Service Coordinator  
Mike Cress, 1<sup>st</sup> Step Counseling  
Dr. Esther Winters, Director Mental Health

Centralina Workforce Development Board – Commissioner Tadlock moved to appoint Andrew Harris and Randy Harrell to the Development Board. The Board agreed by unanimous vote.

\*Chairman Cohen took a moment to remind the Board and citizens that the first Monday in April was set aside in order to “Remember Our Children”. Commissioner Blount suggested that the Child Abuse Task Force be called together to gather information about the status of child abuse protection in the County. The Board agreed by unanimous vote and added that Commissioner Chamberlain should serve as Chairman of the Task Force.

Commissioner Chamberlain told the Board that there would be a walk in downtown Salisbury Saturday April 8, 1999 to raise awareness for Child Abuse Prevention Month, and he encouraged all Commissioners to try to attend the walk.

\* Mr. Holshouser gave the Board an update on the Brownfield’s Agreement he was preparing for F & M Bank and the Norman’s property. He stated he had drafted a Letter of Intent and would be submitting it within the week.

\* Commissioner Rowland stated he had concerns over the new revaluation and had received many complaints about the way people’s property had been appraised. The Board discussed the process of appeal for those who felt their valuation was incorrect.

There being no further business, Chairman Cohen moved the Board into closed session to discuss the acquisition of property located on Montclair Drive.

Upon a conclusion of Closed Session, Chairman Cohen declared the Board in public session. Commissioner Rowland moved for the Board to offer to purchase property located at 130 Montclair avenue for \$260,000 from Silver Fox Supply Inc. The property is currently used for the recycling center for the county. Commissioner Blount seconded the motion and it passed by unanimous vote.

There being no further business, Chairman Cohen adjourned the meeting.

Respectfully Submitted,

Kelly Dickinson, CMC  
Clerk to the Board