

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
December 20, 1999 – 9:00 A.M.
COMMISSIONER’S MEETING ROOM, ADMINISTRATION BUILDING**

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

The County Attorney and Clerk to the Board were also present.

Chairman Cohen called the meeting to order at 9:00 A.M. Commissioner Chamberlain provided the Invocation and Commissioner Tadlock led the Pledge of Allegiance.

ADDITIONS TO THE AGENDA:

- John Holshouser, attorney, asked to speak briefly about the Level 3 Communications.

CONSIDERATION OF THE CONSENT AGENDA:

Commissioner Blount moved to approve the Consent Agenda as submitted. Commissioner Tadlock seconded and the motion carried unanimously.

The Consent Agenda consisted of the following:

- (A) Budget amendments
- (B) Refunds

PUBLIC COMMENT PERIOD:

Chairman Cohen opened the Public Comment Period. Those speaking to the Board were as follows:

1. James McGraw, a resident of Cabarrus County, expressed to the Board his concern over an incident which occurred in October, 1998. He explained to the Board that someone from Rowan County DSS, along with a Rowan County Detective, went into Cabarrus County and brought his two children back to Rowan County where they are being held in the Foster Care Program. Mr. McGraw stated that he has full custody of his children and feels there is a jurisdiction problem which needs to be addressed. He continued to express his concern for the damage done to his children, himself and his family over this incident. He expressed his frustration of not knowing what to do and that his children are confused as to why they are not at home. He concluded to the Board that tax dollars are paying to support his children and to keep them from their family.

2. Terri Hess introduced herself to the Board as being the court appointed Guardian Ad Litem to represent the children that Mr. McGraw just spoke about. She stated that Mr. McGraw brought this situation to her attention and she has also been working with DSS. She has spoken with numerous attorneys and the Attorney General's office and found that the children were taken within the jurisdiction of Rowan County and that Rowan County has been very proactive in protecting these children. Ms. Hess continued to inform the Board that this situation has gone through many judicial situations and hearings for over a year.

Ms. Hess responded to a question asked by Commissioner Chamberlain that, in her opinion, the proactive response was taken to protect the children. She has a strong opinion that the children still need to be maintained in protective custody and in foster homes. Ms. Hess stated that if the children were moved to Cabarrus County she would still be willing to remain as their Guardian Ad Litem.

Chairman Cohen asked John Holshouser if the board needed to take any action on this case. Mr. Holshouser informed the Board that he had spoken with Mrs. Granger, grandmother to the children, on several occasions. He expressed to her that since the courts have maintained jurisdiction over this matter, Mr. McGraw should file the proper petitions and allow the judicial system to address this issue, but that we would give him the courtesy to come before the Board and make comments.

There being no further comments, Chairman Cohen Closed the Public Comment Period.

PUBLIC HEARING FOR THE ROAD NAME CHANGE OF ASBURY:

Fredda Greer, from the Planning Department, explained to the board that the location of this road runs south of Kelly Drive. Ms. Greer informed the Board of an incident recently, in which 911 received a call from this location and had difficulty in locating the residents. She stated that this was definitely a separate road and needs to be named. After receiving no response by mail from the property owners, Ms. Greer contacted a resident who agreed to lead the petition. However, the residents chose not to be involved in naming the road. Therefore, this lady, as a representative of the property owners, asked that the road be named Asbury Road. Notices of this public hearing followed all the legal requirements. Staff recommends the name Asbury Road.

Chairman Cohen opened the public hearing. There was no one in attendance who wished to address the Board. Chairman Cohen declared the public hearing closed.

Commissioner Blount made a motion to approve the name change to Asbury Road. Commissioner Chamberlain seconded and the motion carried unanimously.

DSS BUDGET REVISION OF THE MAINTENANCE-OF-EFFORT FOR TANF PROGRAM:

Sandra Wilkes, Director of DSS, restated to the Board that an amount of over \$660,000 in this year's Maintenance-of-Effort (MOE) for the TANF program will remain unspent. The Board was advised of the different ways in which these funds could be spent, but chose to table that decision until more information could be received.

To respond to questions concerning daycare from the December 6th Commissioner's meeting, Ms. Wilkes reported that, 45 out of about 350 families, who receive a subsidy on daycare, earn \$25,000 or more per year. These subsidies are given on a first come, first serve basis with the exception of a "Work First" family. \$320,000 per month is allotted to daycare subsidies. Commissioner Rowland stated that the Board approved an additional \$20,000 at the last meeting which now brings this monthly amount to \$340,000. He strongly stressed that with this additional amount, there are still people on the waiting list that need the help and there are people receiving this money, with a middle income, because they were on the list first.

Kevin Fitzgerald, from the State Division of Social Services, recognized that the Rowan County DSS staff has done a remarkable job in “Work First” activities. He explained to the Board that MOE starts with the federal government giving the state about \$300,000,000 for TANF to be distributed to counties. The federal government requires that the state maintain a MOE of \$164.4 million. If the state does not meet this amount, they are subject to substantial penalties that reduces the federal grant. The counties have flexibility in how they can spend their funds; such as, transportation, training and child care. An important element to the MOE is to support the child welfare system.

Mr. Fitzgerald explained that the law provides for counties to reduce the MOE if three things are accomplished: 1) to be sure child welfare goals are in place, 2) to be sure supportive services are available, 3) to be sure that employment goals are being met. He confirmed that his staff is available to assist Rowan County in doing what is right for its families. Mr. Fitzgerald cautioned that if this fund is reduced, it may cause an impact on allocations for subsequent years.

Commissioner Tadlock expressed his concern about allocating money to items which appear to be unnecessary when this money could be utilized in better ways. Mr. Fitzgerald reviewed the items on the list as previously given at the December 6th Commissioner’s meeting and stated that the items listed are to help people become presentable so they can go to work and keep a job.

Commissioner Rowland emphasized that the \$660,000 left in the MOE should go back to the citizens, since this is taxpayers money. Mr. Fitzgerald cited that the reason there is money left in this account is because federal money is being used extensively to support this fund. Mr. Fitzgerald continue to state that the MOE is a federal requirement and must be administered according to the law.

Chairman Cohen recognized the State Legislators, Senator Betsy Cochrane, Senator Jim Phillips, Representative Charlotte Gardner and Representative Eugene McCombs.

Representative Gardner, spoke to the Board first, stating that the Republican proposal would have allowed the flexibility the Commissioners are requesting, however, the General Assembly did not accept this proposal and did not want County Commissioners to be allowed to spend this money. Representative Gardner expressed that the only possible solution she sees at this time is to request a reduction of MOE, which means a reduction in total dollars in future years as well. There are some states that have 80% MOE requirements. This was not a decision made in North Carolina and would

require a change in the law. She also stated that everyone is having problems meeting the MOE requirements. Federal laws do allow a “permanent” reduction of federal TANF funds if they fail to meet 80% of state and local historical spending (which is approximately \$164.5 million in North Carolina). According to the state fiscal staff, if the state had failed to meet its MOE in fiscal year 1997-1998, the state would have lost \$15 million in block grant funds and would have been required to replace it with an amount double in state and local funds.

Senator Cochrane concurred with Representative Gardner. She stated that she is not sure that the federal government would agree with a reduction since they do not want to be in a position to come up with more dollars at a later date. Senator Cochrane stated that to get Rowan County to the 80% level, so that figures are not based upon the 1996-1997 dollars, would be something that could be addressed in the Short Session. There would be a better chance of having this enacted if the Commissioner’s Association would go to the General Assembly with a proposal. Senator Cochrane emphasized the need for the acceptance from the federal government and that they would not agree to a reserve.

Commissioner Rowland expressed that since Sandra Wilkes has done a good job, he would like to give the taxpayers a one cent tax decrease. As a result of this savings, if the federal government cuts funds, this will trim the waste out of some of these programs . Commissioner Rowland stated that at some point, someone needs to stand up and say this is wrong.

Senator Cochrane cautioned to be sure that all child protection and daycare goals are being met.

Representative McCombs voiced his concern to the Board by a letter he sent to the Governor. He referred back to Mr. Fitzgerald in his suggestions on the various ways to spend some of this money. Representative McCombs was hoping the Governor could get an exemption for North Carolina so that some of this money could be put in a reserve fund. Sometimes exemptions are granted.

Senator Jim Phillips expressed his frustration over this situation. He hoped some of the items that Ms. Wilkes had previously listed would meet the Commissioners approval. He continue to expressed the offense he felt to the people in this community for the newspaper articles and cartoons depicting this problem. Senator Phillips commended Ms. Wilkes for the job she has done.

Chairman Cohen thanked the legislators for coming to this meeting and adjourned for a break at 10:15 A.M.

Chairman Cohen reconvened the meeting at 10:25 A.M.

RECOGNITION OF EMPLOYEE OF THE MONTH FOR OCTOBER, NOVEMBER AND DECEMBER:

Paul Canup, Environmental Services Manager, recognized Richard Chaffin, Employee of the Month for October, and Richard Dudley, Employee of the Month for November, as outstanding equipment operators for the Rowan County Landfill. These two men entered in the Equipment Rodeo at the State Level, which Mr. Canup gave a brief description. Mr. Dudley placed third in the bulldozer event. Mr. Chaffin placed first in the compactor event and third place in the rubber tire loader event. Mr. Chaffin went to international competition for the compactor event and placed first in that event.

Chairman Cohen presented certificates and gifts to these two employees and congratulated them.

Beth Connell, Emergency Medical Services Manager, recognized Michael King, Employee of the Month for December. Mr. King has worked additional hours when it has been difficult to find part-time employees to fill in. Due to FLSA laws, he was not eligible for overtime hours in one particular incident. He actually donated his time the citizens of Rowan County. Unfortunately he could not be able to accept the certificate and gift in person. Ms. Connell thanked the Board on his behalf.

COMMENTS:

Commissioner Tadlock recognized and wished Steve Blount a Happy Birthday!

Chairman Cohen recognized that this was the first meeting that Tim Russell has missed. He announced that Mr. Russell's wife gave him a fishing trip for his 50th birthday and he also wished him a Happy Birthday.

APPROVAL OF FUNDS FOR JUVENILE JUSTICE CRIME PREVENTION COUNCIL:

Commissioner Chamberlain informed the Board that the Office of Juvenile Justice has come through with a \$5,000 grant allotted for the Council. The Boards approval is needed to officially accept these funds which will be used

for planning, assessment, program monitoring and administrative purposes and other different ways.

Chairman Blount made a motion to accept the funds. Commissioner Tadlock seconded and the motion carried unanimously.

APPROVAL FOR JJCP FUNDS TO BE USED FOR VISIONS STRUCTURED DAY:

Tony Burton, founder and executive director of VisionsWork Youth Services, talked to the Board about Visions Structured Day, which is a program designed to work with adjudicated youth. Initial approval has been received from the Juvenile Justice Crime Prevention Council and final approval is needed from the Board of Commissioners. Mr. Ferguson, who was also present, will be leading this group in Rowan County, if approved.

Commissioner Chamberlain stated there are no local funds used for this program.

Commissioner Blount made a motion to approve the Visions Structured Day Program. Commissioner Tadlock seconded and the motion carried unanimously.

ACCEPTANCE OF A GRANT FOR THE HEALTH DEPARTMENT DENTAL AND PRIMARY CARE PROGRAMS:

Leonard Wood, Health Department Director, asked the Board for approval of \$319,260 awarded to them from the Kate B. Reynolds Trust. These funds are for the Dental and Primary Care Clinics at the Health Department which will be used over a three year period. \$119,260 will go to the Dental Clinic with the remaining amount of \$200,000 going towards the Primary Care Clinic. The funding for the Dental program will be used in recruiting a Dentist, staff and also for the appropriate equipment needed. This Dental program is self supporting and will require no matching funds from the County. The Primary Care Clinic will need some outside funding when this three year period expires, but Mr. Wood stated he is not asking for additional funds at this time.

Commissioner Chamberlain made a motion to accept the funds. Commissioner Blount seconded and the motion carried unanimously.

APPROVAL FOR THE CRIMINAL JUSTICE PARTNERSHIP PROGRAM FOR FY 1999-2000:

Commissioner Blount gave an overview of the Pretrial Release Program and made a reference to the detail plan, which all Commissioners received a copy of prior to this meeting. The Criminal Justice Partnership Program Committee has unanimously approved this plan and it is to be submitted to the state for funding.

Commissioner Blount made a motion to approve the plan as presented. Commissioner Tadlock seconded the motion.

Commissioner Blount stated that there would be no local funding needed. The funds would come from the jail concession funds and state grants. The state funds would be used to hire the person to review the bonded cases being held in the county jail. The jail concession funds would be used to make the bail for these people with \$3000 or less in bonds. This program does not set any level of risk, but rather helps those people who are financially unable to make bonds.

Commissioner Rowland expressed his concern about using funds for bonds and also questioned the legal liability involved with this program.

The motion passed by a 4/1 vote with Commissioner Rowland voting no.

RESURVEYS OF ROWAN COUNTY/CABARRUS COUNTY LINE SEGMENTS:

Don Conner, Director of Environmental Services, explained to the Board that a resurvey of the Rowan County and Cabarrus County line segment is in accordance with the NC General Statues. After contacting the State Office of Planning, Mr. Conner was informed that this resurvey is seventh in priority and the state will pay for the full cost of the survey. Mr. Conner stated that a contact person was needed to be appointed as the county's official representative to resolve county boundaries per the statue.

Commissioner Rowland made a motion for approval and to appoint Mr. Conner as Rowan County's representative. Commissioner Blount seconded and the motion carried unanimously.

PURCHASE OF USED ROLL OFF TRUCK:

Don Conner informed the Board that four bids were received for a roll off truck to be used at the landfill to unload dumpsters. Mr. Conner

recommended the low bid from Mack Truck Sales of Charlotte for approval since this was the better meet the needs of the County. This amount is included in this years budget.

Commissioner Rowland voiced strong concern for the high mileage on the Mack truck. Mr. Conner stated that the truck would be used primarily for pick-up and hauling and that the bed of the Mack truck was in better shape than the lower mileage trucks.

The following bids were received.

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| 1. | \$70,560.00 | Mack Truck Sales of Charlotte |
| 2. | \$71,750.00 | Nu Life Environmental |
| 3. | \$76,167.00 | Nu Life Environmental |
| 4. | \$79,500.00 | Volvo & GMC Truck Center |

Commissioner Blount made a motion to approve the bid recommended by Mr. Conner for \$70,560.00 from Mack Truck Sales of Charlotte. Commissioner Tadlock seconded the motion.

Commissioner Rowland again expressed his concern about other trucks listed with lower mileage and why not make further negotiations.

Mr. Conner expressed the need to move quickly on this bid. In response to additional questions from Commissioners, Mr. Conner stated that the truck contained a Mack Engine and also a 18 month warranty. A new truck would cost about \$115,000.00.

The motion carried to approve the bid from Mack Truck Sales for \$70,560.00 by a 4/1 vote. Commissioner Rowland voted no.

BOARD APPOINTMENTS:

Rowan Public Library Board:

Commissioner Tadlock made a motion to approve Mr. Bruce Miller to the Rowan Public Library Board. The motion carried unanimously.

Adult Care Home Community Advisory Committee:

Commissioner Blount made a motion to approve Ms. Ola Mae Kirby to the Adult Care Home Community Advisory Committee. The motion carried unanimously.

CHANGE OF FIRST MEETING IN JANUARY:

After a brief discussion, the Commissioners decided not to change the date of the January 3, 2000 Commissioner's Meeting of the Month.

ADDITIONS TO THE MINUTES:

John Holshouser, county attorney, introduced Randy Reamer who is the attorney for Level 3 Communications, to come and address the Board to help clarify some areas of concern.

Mr. Holshouser stated to the Board that he is not sure that Level 3 even qualifies for the right of condemnation since they are solely an Internet provider and not a telephone company. There is a distinct difference between Internet and telephone cable and the courts may have to settle this issue.

Mr. Reamer addressed to the Board that settlement has been closed with 75 percent of the landowners in Rowan County. He stated that in his opinion, Level 3 is following the procedures for condemnation and there is a condemnation case scheduled for later this week.

Mr. Reamer informed the Board that he is one of the landowners who has sold his right-of-way to Level 3 prior to them hiring him to represent them.. He originally asked \$5.00 per foot and settled for about \$2.00 per foot.

Chairman Cohen asked about the tax value for Rowan County and stated that a pipeline filled with thousands of cables is worth more than a pipeline that has been abandoned. Chairman Cohen asked Mr. Holshouser if he would check with the State Utilities Commission to determine the value.

Chairman Cohen thanked Mr. Reamer for attending.

There being no further business, Chairman Cohen adjourned the meeting at 11:50 a.m.

Respectfully Submitted,

Rita K. Foil
Clerk to the Board

