

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
NOVEMBER 4, 2002 – 9:00 AM
J. NEWTON COHEN, SR. ROOM, ADMINISTRATION BUILDING**

Present: Steve Blount, Chairman
Gus Andrews, Vice-Chairman
Arnold Chamberlain, Member
Frank Tadlock, Member
Leda Belk, Member

The County Manager, the Clerk to the Board, and the Finance Director were also present. The County Attorney was absent.

Chairman Blount convened the meeting at 9:00 am.

Commissioner Tadlock provided the Invocation and Commissioner Chamberlain led the Pledge of Allegiance.

SPECIAL PRESENTATION:

Rick McCollister of the Department of Juvenile Justice, and also a member of the Rowan County Juvenile Crime Prevention Council (JCPC), made a special presentation to recognize and honor Commissioner Arnold Chamberlain. Mr. McCollister mentioned that Commissioner Chamberlain's family was present, and also asked the JCPC members in the audience to stand. Mr. McCollister explained that the JCPC funds programs that work with at-risk youth in Rowan County, kids that "haven't had the privileges that others have." Mr. McCollister commended the leadership that Commissioner Chamberlain offers to the JCPC, serving as Co-Chair, and also praised his "passionate" work and dedication to the children. Mr. McCollister explained to Commissioner Chamberlain that the JCPC was present to say, "Thank you for the work you've done on the Council." Mr. McCollister called Amy Collins of the Guardian Ad Litem Program forward and stated that Commissioner Chamberlain also volunteered his time to the Guardian Ad Litem Program. Mr. McCollister informed Commissioner Chamberlain that the JCPC wished to honor him, with a financial gift to the Guardian Ad Litem Program, in his honor, to "help a family have a good Christmas." Mr. McCollister finished by

reading a card, which was followed by a lengthy round of applause and a standing ovation from the Board and the audience.

Chairman Blount said that Commissioner Chamberlain did not know about the presentation. Chairman Blount expressed appreciation to Commissioner Chamberlain for his work.

Commissioner Chamberlain said an emotional thank you and said, "I will still do the best I can." Commissioner Chamberlain called granddaughter, Anna, forward for a hug, declaring that there are many children who don't have anyone to love them and appealed for volunteers in guardian ad litem.

Chairman Blount thanked the members of the JCPC for the presentation.

ADDITIONS:

Chairman Blount gave special recognition to Clerk Rita Foil, for achieving the status of a Certified Municipal Clerk designated by the International Institute of Municipal Clerks. A round of applause followed the announcement.

Commissioner Belk expressed appreciation to Ken Deal, Director of Administration, for providing additional safety at the Department of Social Services Child Support Division. Commissioner Belk said DSS was "very appreciative."

CONSIDERATION OF CONSENT AGENDA:

Commissioner Tadlock made a motion to approve the Consent Agenda. Commissioner Andrews seconded the motion and the motion passed unanimously. The Consent Agenda consisted of the following items:

- A. Approval of the 10/07/02 minutes
- B. Approval to set a public hearing for a Special Consideration for Jade Street
- C. Approval to set a public hearing for Unanimous Petitions for the following: Cedar Glen Circle, Lucas Lane, Jesse Drive, Goodman Park Road, Morris Farm Road, Hill Farm Road, Kittey Lane, Kings Farm Drive, Reids Pecan Drive
- D. Approval to set a public hearing for CUP-23-02, a request from Vernon and Alice Davis for a subdivision in CBI District
- E. Budget Amendments

APPROVAL OF THE CTP RESOLUTION FOR RTS:

Clyde Fahnestock, Director of Senior Services congratulated Commissioner Chamberlain for the recognition he had just received, saying it was well deserved.

Mr. Fahnestock explained the annual application process for the Community Transit Program (CTP) funding. Mr. Fahnestock reported Rowan County to be the legal applicant for the fiscal year of July 1, 2003 through June 30, 2004. Mr. Fahnestock described the application, mentioning that the Board would again review the details during the standard budget process. Mr. Fahnestock highlighted the application as follows:

- Part I – Administration – Covers two (2) positions with the county paying 15% or \$18,364.00 and the state and federal government paying 85% or \$122,428.00.
- Part II – Capital – Replacing two (2) vans with a conversion van, with a lift, at very little cost to the county. The cost of the conversion van is approximately \$35,000, with the county match of 10% of the amount, at \$3,500.00.
- Part III - Employee Development – For employee training at a cost of approximately \$2,000.
- Part IV - Technology – Purchase of a fax machine.
- Part V - Facility Funding – Mr. Fahnestock explained that the county is in its eighth year of a ten-year contract with the school system, for the use of the old bus garage facility.

Mr. Fahnestock reported that he had received a DOT grant for approximately \$12,000 to renovate two (2) offices at the bus garage. Mr. Fahnestock expressed his belief that the school system would like to have the use of the bus garage back. Mr. Fahnestock said that he and the County Manager had discussed applying for funds to build its own facility. The only requirement at this time would be for the county to submit a letter of intent that it planned to pursue grant funds, to reserve the possibility of building its own offices and garage. Mr. Fahnestock also mentioned that Mr. Russell was looking into the possibly sharing the facility with general services and recycling.

Chairman Blount opened the public hearing for consideration of the CTP. With no citizens wishing to address the Board, Chairman Blount closed the public hearing.

In response to a query from Commissioner Tadlock, Mr. Fahnestock stated that the grant funds are a combination of federal and state funds.

Commissioner Belk made a motion to approve the Resolution as presented for the Community Transportation Program. Commissioner Tadlock seconded the motion and the motion passed unanimously.

PRESENTATION OF THE PROPOSED SCHEDULE OF VALUES FOR THE 2003 REVALUATION AND APPROVAL TO SET A PUBLIC HEARING:

Jerry Rowland, Tax Assessor, presented the Proposed Schedule of Values, Standards and Rules for 2003 Rowan County General Reappraisal.

Mr. Rowland stated that Barbara Ames, Revaluation Director, was present and had also been instrumental in putting together the information distributed.

Mr. Rowland said the values were “very complicated” and covered “just about any kind of improvements” and land appraisal situations in the county. Mr. Rowland said that any appraisal question not covered would fall under the Marshall Swift Appraisal Manual. Mr. Rowland said the costs were verified locally with contractors and builders and mentioned this would be his 36th revaluation. Mr. Rowland referred to the Land Section, pointing out the “vast” variances in values, which were based on “location, desire and need.” Mr. Rowland described the manual as a tool that offers appraisal staff the ability and leverage to arrive at values that represent what is happening in the market and in the county. Mr. Rowland said the guidelines are “table driven.”

Chairman Blount announced that Commissioner Belk had arranged a meeting with a group of farmers in the community, as well as Chairman Blount, Mr. Russell and Mr. Rowland. The group discussed the proposed farm use evaluation schedule and Chairman Blount felt the farmers were pleased with the figures.

In response to a comment from Commissioner Belk, Mr. Rowland said the figures submitted by a gentleman at the referenced meeting, had been “included in our background information.” Mr. Rowland added that the discussion and agreements reached during the meeting were included in the manual.

Commissioner Belk praised the discussion held at the meeting.

Chairman Blount added that Mr. Rowland had explained the Fletcher Hartsell Bill, which modified farm use valuation.

Commissioner Belk commented that if necessary, additional meetings would be held.

Commissioner Andrews questioned Mr. Rowland as to how approximately 70,000 tracts are evaluated. Mr. Rowland explained that staff prints appraisal cards and appraisers are sent into the field to perform appraisals from the street. Appraisers look at the manual to compare old and new values. Mr. Rowland stated that all vacant land is not physically reviewed. Mr. Rowland said the years of 2000, 2001 and 2002 are used for sales data to determine the price, per acre. Mr. Rowland reported that the “real challenge” is evaluating commercial, industrial and real property, where there is the least amount of sales data available. Mr. Rowland mentioned several factors used in determining land values, such as, whether the road is paved or dirt, road frontage, private access or no access. Mr. Rowland said the base rate is based on size, utility and location.

Commissioner Chamberlain asked if staff would visit the property of a citizen who appealed their tax values. Mr. Rowland explained that an appeals form is sent out with tax notifications, and once the appeals are submitted back to the Tax Assessor’s Office, an appraiser visits the sites. Ms. Ames added that approximately 7,000 appeals are anticipated.

Commissioner Chamberlain questioned who appoints the Appeals Committee. Mr. Rowland responded that the Board of Commissioners appointed the committee around 1994 or 1995.

Chairman Blount asked Mr. Rowland if he could foresee the properties in the High Rock Lake area “going down” based on the values in the past three (3) years. Mr. Rowland said the property sales for the lake area have gone down, but the values have not decreased.

Commissioner Andrews made a motion to schedule a public hearing for the Schedules, at the next Board meeting, at a time designated by the Clerk. Commissioner Tadlock seconded the motion and the motion passed unanimously.

APPROVAL TO SET A PUBLIC HEARING FOR THE RENEWAL OF THE CABLEVISION CONTRACT AND APPROVAL OF REVISED ROWAN COUNTY CABLE TELEVISION ORDINANCE:

Dave Harris, of the Piedmont Triad Council of Governments, addressed the Board pertaining to amending the current cable ordinance. Mr. Harris informed the Board that he and Mr. Russell had reviewed the current ordinance, which was adopted in 1978, and that federal statutes had overtaken a majority of the County’s ordinance. Mr. Harris reviewed several changes to enlighten the Board as to why the current ordinance should be amended, saying the changes would set the legal parameters under the current statutes. Mr. Harris said the standards were outlined in the report submitted to the Board. Mr. Harris said the Board should set strong customer service standards that are enforceable and penalize the cable operator if it does not abide by those customer service standards. Mr. Harris continued by saying the county needs to ensure that service is extended to the most residents possible. Mr. Harris hoped to negotiate with the cable operator, a lower required number of homes in a linear mile, to 15 or 20 homes.

Mr. Harris outlined the types of access channels such as public, education and government access. Mr. Harris explained that leased access is for locally produced commercial programming and said the Board, has no control over leased access.

Mr. Harris said the terms of the franchise agreement are negotiable, some of the insurance standards and the percentage of franchise fees the county is paying for use of the public rights of way.

In response to queries from Chairman Blount, Mr. Harris agreed there is a major difference between the ordinance and the cablevision contract. Mr. Harris explained that the ordinance is “setting the rules for doing business within the county.” The individual contract supplements the ordinance for setting the terms and the percentage of franchise fees. Mr. Harris said a government access channel is allowed under the ordinance and the terms are negotiated.

Commissioner Andrews asked Mr. Harris if the County was still “up to date,” due to the federal statutes, even though the current contract was approved in 1978. Mr. Harris responded, “yes.” Mr. Harris explained that in 1978, the ordinance and the contract were combined to be one document, and now the county needs to separate them to provide leeway in the ordinance. Commissioner Andrews asked about the customer service standards. Mr. Harris said the Board is setting the standards for the cable operator in the ordinance. Commissioner Andrews asked if the Board had any control over the cable operator to provide cable to the areas in the county that really need the service. Mr. Harris said it must be determined if it is economically feasible to provide service to that area.

In response to a query from Commissioner Belk, Mr. Harris said he was going to start negotiations that would require fifteen (15) homes in a linear mile for cable service. Mr. Harris said he had asked TimeWarner Cable to do a survey to determine possible areas to be served. Mr. Harris reported that TimeWarner Cable is now providing service and installations, 24/7.

Commissioner Chamberlain agreed with Commissioner Belk that the number of homes required in a linear mile for cable service should be reduced. Commissioner Chamberlain felt that the lower the number went however, the higher the rates would become. Mr. Harris said the Board does not have any control over the rates because they are “market driven.”

Commissioner Belk asked if TimeWarner was the only cable service provider in the county. Mr. Russell stated the county has a franchise with Adelphia Cable that began years ago, which has been through several owners. Mr. Russell said that when TimeWarner had been unwilling to go into the rural areas, Benchmark (Adelphia) had come in and provided the service to several small areas with a dish. Mr. Russell said the agreements are non-exclusive and that any cable operator is allowed to compete.

Mr. Russell responded to questions from Commissioner Chamberlain, saying the ordinance has not been updated since 1978, but the franchise agreement was renewed ten (10) years ago.

Mr. Harris recommended a fifteen (15) year franchise agreement with re-openers included. Mr. Harris said a fifteen (15) year contract also allows the cable operator to use the agreement as collateral for lower interest rates.

Commissioner Chamberlain requested that Mr. Harris explain “I-Net.” Mr. Harris replied that “Institutional Net” allows TimeWarner to negotiate an institutional network, which would “hook up” all the county buildings. Commissioner Chamberlain said he personally would like the “Peg Channels.” Mr. Harris said the Board would need to set up a nonprofit corporation to run it. Mr. Harris suggested calling other counties where the public access channels are well run.

Chairman Blount verified with Mr. Harris that the government and education channels are not “free.” There is no cost for the channel capacity. Chairman Blount inquired if there was data available to indicate how many viewers there are for the government and education channels. Mr. Harris said Neilson had done this in Winston-Salem on the public access channel. Mr. Harris said the results were so low they could not be tabulated.

Mr. Russell said the intent is to hold a public hearing concerning the ordinance, at the next Board meeting, as well as receive public input as to what should be included in the contract with TimeWarner Cable.

Mr. Harris suggested holding a public hearing at the next Board meeting for cable-related issues, close the public hearing and then open a public hearing concerning the ordinance.

Chairman Blount verified with Mr. Harris that the County has until December of 2003 to negotiate the contract, and also questioned having two (2) public hearings together. Mr. Harris said his experience have indicated the county would be “better served to do it all at one time.”

Mr. Russell asked if the county’s ordinance dealt with potential investments into telephone business. Mr. Harris said the ordinance dealt only with cable, due to telephones being regulated by the state. Mr. Harris responded to Mr. Russell, that Internet service has been classified as an information service and not a cable service. Mr. Harris said that an attempt is currently being made in the court system, to get Internet service classified as a cable service.

Commissioner Chamberlain thanked Mr. Harris for his expertise.

Commissioner Andrews made a motion to set (2) public hearings at the next Board meeting for the cable ordinance and the cable contract. Commissioner Chamberlain seconded the motion and the motion passed unanimously.

PUBLIC COMMENT:

There were no citizens present who wished to address the Board.

ADJOURNMENT:

With no further business to come before the Board, Chairman Blount adjourned the meeting at 10:20 am.

Respectfully Submitted,

Rita K. Foil, CMC
Clerk to the Board