

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
November 1, 2004 – 9:00 AM
J. NEWTON COHEN, SR. ROOM, ADMINISTRATION BUILDING**

Present: Gus Andrews, Chairman
Frank Tadlock, Vice-Chairman
Leda Belk, Member
Steve Blount, Member
Chad Mitchell, Member

Tim Russell, County Manager, Rita Foil, Clerk to the Board, John Holshouser, County Attorney and Leslie Heidrick, Finance Director were also present.

Chairman Andrews convened the meeting at 9:00 am.

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

ADDITIONS

No additions

LIAISON REPORTS

No reports

CONSIDERATION OF THE CONSENT AGENDA

Commissioner Mitchell moved to approve the Consent Agenda. Commissioner Blount seconded and the motion passed unanimously. The Consent Agenda consisted of the following:

- A. Approval of the 10/18/2004 Minutes
- B. Approval to apply for grant funding for the Scattered House Program
- C. Approval to set a public hearing for Z-19-04 and CUP 15-04, request for RR to CBI (CUD) for Auto Facility

- D. Approval to set a public hearing for Z-20-04 and CUP-16-04, request for RR to CBI (CUD) for Outdoor Retail Sales
- E. Approval to set a public hearing for unanimous road name petition for Buffalo Creek Lane
- F. Approval to set a public hearing for unanimous road name petition for Goff Acres Road
- G. Update of Rowan-Salisbury Schools Classroom Supply Program
- H. Budget Amendments

RECOGNITION FOR EMPLOYEES OF THE MONTH OF NOVEMBER

Chairman Andrews expressed that it was a pleasure to announce the employees of the month for November, Melody Moxley and Laurel Reisen. Chairman Andrews stated that this month two (2) employees would be honored for their outstanding accomplishments with the Rowan County Employee United Way Campaign.

Chairman Andrews asked Rowan Public Library Director Phil Barton to come forward and present background for these two employees.

Mr. Barton said he was proud of the accomplishments of Melody and Laurel for their work as co-chairs of the Rowan County Employees United Way campaign. Mr. Barton said that under their leadership, new ways of running the campaign were explored. This year, for the first time, a luncheon event was held to collect most of the pledges in a single day. The event was a success and will be something to build upon in the future. Mr. Barton said that under Melody and Laurel's leadership, county employees contributed to a successful "Pacesetter's Campaign," in which county employees surpassed last year's collection by ten percent and raising \$68,745.

Mr. Barton said that Melody and Laurel are always willing to help others when they are needed and to do their share, and more. Mr. Barton continued to state that Melody and Laurel are exemplary employees who are committed to achieving excellence in all that they do on behalf of Rowan County Government.

Chairman Andrews congratulated Melody and Laurel, called them forward and presented each with a certificate. Each Commissioner, along with staff, shook hands and congratulated both employees.

PUBLIC HEARING TO UPDATE THE EXISTING EMERGENCY MANAGEMENT ORDINANCE AND ADOPTION OF THE STATE OF EMERGENCY ORDINANCE:

Frank Thomason, Emergency Services Director, referred to the information in the agenda packets and explained that the purpose of the public hearing was to update the existing Emergency Management Ordinance and also to adopt a County State of Emergency Ordinance.

Mr. Thomason said that the current Emergency Management Ordinance was adopted on April 2, 1990 and while it is complete and comprehensive in its scope, minor revisions needed to be adopted to correctly identify the location of Emergency Management within the Rowan County Government structure.

In addition, Mr. Thomason said that the NCGS gives the Chairman of the County Commissioners the authority to declare a "local state of emergency" during specific times of public crisis or disaster. Staff recommended adoption of the ordinance.

Commissioner Belk praised Mr. Thomason and the EMS Department in completing this task.

Commissioner Tadlock questioned the procedure used to activate an emergency plan. Mr. Thomason explained that there would be communication with the Board of Commissioners, the Chairman and the County Manager. The process would cover the county and apply to a situation that would affect a wide spread area. Mr. Thomason said that once the Board Chairman declares a State of Emergency for the "non-municipal areas," however the municipalities would follow suit with the same ordinance.

Chairman Andrews opened the public hearing to entertain citizen input regarding the proposed ordinances. With no one wishing to address the Board, Chairman Andrews closed the public hearing.

Chairman Andrews opened the floor for discussion or to entertain a motion.

Commissioner Tadlock made a motion to approve the updated Emergency Management Ordinance and the adoption of the State of Emergency Ordinance as requested by staff. Commissioner Belk seconded the motion and the motion passed unanimously.

Chairman Andrews acknowledged Mr. Thomason to give an announcement.

Mr. Thomason made a brief announcement to the Board about an upcoming 2004 Project Safeside Severe Weather Awareness event, in which Chairman Andrews and Commissioner Belk will be participating along with other county officials and staff. Mr. Thomason explained that Project Safeside Severe Weather Awareness is a joint effort of Time Warner Cable, the Weather Channel, the American Red Cross and our local government to bring awareness to area middle school students. Mr. Thomason said the event is scheduled for November 3, 2004 at 12:30 pm at the West Rowan Middle School Gymnasium.

Commissioner Belk explained that Mr. Thomason had conducted a three-day workshop on dealing with setting up various emergency scenarios.

Commissioner Belk said that she applauded and thanked Mr. Thomason and the City of Salisbury for their efforts in emergency preparedness.

Chairman Andrews said that he had participated in the event at the schools in the past and was amazed at how the children become involved.

Chairman Andrews thanked Mr. Thomason for his work.

UPDATE ON THE PROGRESS OF THE COUNTY AIRPORT TRANSITION

Mr. Russell informed the Board of the progress in the transition with Rowan County taking over the operations of the Rowan County Airport.

Mr. Russell said that the county had assumed operations of the Rowan County Airport on October 21st after negotiating with Salisbury Air Service, who had two years remaining on their contract. Mr. Russell thanked Leslie Heidrick, Finance Director and her staff for assisting with taking an inventory. Mr. Russell said that assets were originally estimated to be approximately \$183,000 and ended up being \$110,000, minus the monies owed to the county. Mr. Russell said the county netted approximately \$95,330.

Mr. Russell reported that Salisbury Air Service had six (6) employees at the time the contract terminated and Rowan County had accepted three (3) of those employees and hired a fourth (4th) employee, who had previously worked at the airport. Mr. Russell said staff would conduct interviews for the hiring of an airport manager to oversee the operations. Mr. Russell added that part-time staff would also be hired.

Mr. Russell said the County still had two (2) contracts at the airport, one with Alpha One for flight service, which had been extended until June 30th, 2005; the second contract was with Carolina Avionics for aircraft/instrument repairs, which has also been extended to June 30th, 2005. Mr. Russell said the county would most likely negotiate with the company for continued service.

Commissioner Tadlock asked if the \$15,000 took care of all the delinquent accounts that Rowan County had for Salisbury Air Service. Mr. Russell responded yes and that payment had been made. Mr. Russell said that with Attorney Holshouser's assistance, the agreement with Salisbury Air Service had been signed. Mr. Russell said a third party, Eastern Aviation, had placed a lien on "a lot of things" at the airport and Mr. Holshouser had negotiated with Eastern Aviation to release the lien.

Chairman Andrews thanked Mr. Russell for the update.

UPDATE ON RECENT CONCERNS ABOUT ONLINE ACCESS OF LAND RECORDS FROM THE REGISTER OF DEEDS OFFICE:

Chairman Andrews enlightened the Board on the current status of the public's access to the Register of Deeds Office (ROD) and online information containing social security numbers and other personal information. Chairman Andrews recalled that the Board had temporarily suspended the online access at the previous board meeting until a committee could review the issue.

Chairman Andrews discussed a meeting that took place with a committee consisting of himself, Commissioner Mitchell, Mr. Russell, staff (David Boling, Director of Information Systems) and Bobbie Earnhardt, Register of Deeds earlier in the week. Chairman Andrews described the meeting as informative and said Ms. Earnhardt was helpful in her efforts to help resolve the issue, while at the same time, trying to keep the ROD operating and providing public information in a legal manner. Chairman Andrews said the committee had a plan for possible implementation.

Commissioner Mitchell said the purpose of the meeting was to determine how the county could provide online access to ROD documents and yet protect the citizens. Commissioner Mitchell said that during the meeting, the committee considered the safety and identity of the citizens to be a "paramount" concern and quickly determined which documents might contain social security numbers. Commissioner Mitchell said deeds should be allowed to go through online access; however, Deeds of Trusts and mortgage documents potentially contain personal information and this issue was discussed with staff as to how to put this information online with limited access that would require a user name and password; or completely removing those type of documents from the internet.

Commissioner Mitchell said he understood that Deeds of Trusts and mortgages from 1995 and back were the documents that most likely contained personal identification numbers. Commissioner Mitchell said the committee looked at removing access from Deeds of Trusts and mortgages from 1994 back to 1975, "which is the earliest that online access goes" and added there were no documents online "pre-1975."

Commissioner Mitchell said it had been suggested to remove all access from Deed of Trusts and mortgages from 2004 back to 1975. Commissioner Mitchell said a public service announcement could be made to citizens to create awareness that it is their responsibility to make sure their attorneys remove any personal information before they go to the ROD and before they file a document as a public record.

Commissioner Mitchell reviewed the options available to the Board:

1. Allow online access to Deeds of Trust and mortgages through the use of a password;

2. Remove Deeds of Trust and mortgages from 1995-1975
3. Remove access from 2004-1975 and warn citizens not to sign documents that are going to be made public that will include personal information; from “here on out after that announcement is made, we can begin adding those documents back on line.”

Commissioner Belk requested clarification as to why the conversation first referred to records “1995 and back” and not “current back.” Commissioner Mitchell said apparently the mortgage companies required the information on their documents and the attorneys had their clients sign them and the attorneys then filed the documents but apparently this practice has subsided. Bobbie Earnhardt added that there might be a few that continue the practice from out of state.

Ms. Earnhardt made one clarification that she said she “realized afterwards.” Ms. Earnhardt said, “There are no Deeds of Trust online before January 1, 1990.” Ms. Earnhardt said the Deeds of Trust before that time were on cards and Ms. Earnhardt said this was not changed because the cost was \$2 per card as opposed to five to six cents per image. Ms. Earnhardt said the consolidated index went into effect January 1, 1990 and prior to that time there was a mortgage or Deed of Trust book. Ms. Earnhardt said there was a few rolls of microfilm that she had chose not to put online. Ms. Earnhardt said the problem images are January 1, 1990 and forward.

Commissioner Belk said in order to protect the citizens, the restricted access would allow the county to determine who was using the information.

Chairman Andrews said the information would be available to “all” but there would be a process for accessing the information. Chairman Andrews pointed out that due to public law, the Board was unable to totally restrict the information; however, the Board could have some control as to where the information was going. Chairman Andrews said the use of a password would narrow the process down and from this point forward, the public should be made aware that the documents in the ROD are Public Record.

Ms. Earnhardt said the Credit Union and several banks had assured her that no bank account numbers were listed in full.

Chairman Andrews said the issue had created an awareness regarding information that is considered to be public record and that local government was mandated by law to make the information available.

In response to a query from Commissioner Belk, Mr. Russell said technology would be able to identify the “frequency” in which someone uses the system. Mr. Russell felt that 99% of the users would be local professionals, but was unsure if

any records that are reviewed by an attorney with a password could be released as public information.

Chairman Andrews said the county had received good input from “an attorney” regarding the overall process being considered.

Mr. Russell added that the county was also working with a software vendor to make the transition possible.

Commissioner Mitchell asked Attorney Holshouser if an attorney could “get rid” of a social security number placed by a mortgage company on a mortgage document before it is filed with the ROD. Attorney Holshouser said every mortgage broker includes a letter of instruction with each “packet.” Attorney Holshouser recalled “years ago” when real estate existed, lawyers prepared the documents and did not include the personal information. Attorney Holshouser said the banks and mortgage companies went to standardized documents where lawyers had “no hand in the actual drafting of documents.” Attorney Holshouser said there is now an awareness that banks and mortgage companies should no longer do this. Attorney Holshouser stressed that awareness is the key at this point.

Chairman Andrews reviewed the recommendations of the committee and said that once the recommendations are implemented, there may still be some numbers out there. Chairman Andrews said the process appears to be the “strictest way” to address the issue.

In an effort to determine which records to “pick up,” Chairman Andrews suggested beginning the process with the present and “back.”

Ms. Earnhardt said she was very proud of the ROD office and that she hoped everything that had been done since she had taken office was to the advantage of other departments. Ms. Earnhardt praised the advantages of having the online access to public records for various departments. Ms. Earnhardt said other larger counties had put their index online and she appreciated the Board’s “over zealousness in taking us back a little bit.” Ms. Earnhardt said she hoped the Board and the public realized that she never had the intentions of compromising public information but that she had tried to be progressive for Rowan County.

Commissioner Mitchell made a motion that as soon as technically possible, we immediately put back online access to all documents except for the Deeds of Trust and Mortgages, and that Deeds of Trusts and Mortgage documents from December 31, 2004 back, require a user name and password to access and any document processed from January 1, 2005 and beyond be completely open. Commissioner Blount seconded and the motion passed unanimously.

Chairman Andrews thanked Ms. Earnhardt and read the following excerpt from the information in the agenda packet:

“In conclusion, the Committee and the Register of Deeds both support the legal responsibility to provide public records for inspection and viewing; however, both agree that personal information, such as social security numbers, that has inadvertently been placed on public documents must be restricted within the legal parameters of the state statute that will serve to protect citizens from possible identity theft and other illegal acts. Every effort must be made to protect this information while still maintaining the most efficient public records system for Rowan County.”

BOARD APPOINTMENTS

Rowan Transit System Advisory Committee

Commissioner Blount made a motion to nominate Helen Garcia Leak, from Piedmont Behavioral Healthcare (PBHC) to fill the slot for Mental Health, which was vacated by Revella Nesbit from PBHC, who has been reassigned to another county. The motion passed unanimously.

Rowan County Parks and Recreation Commission

Commissioner Belk made a motion to nominate Stephen Brown to fill the vacancy of Ken Carroll and that would leave one opening of Dellene Gudger who resigned from this commission. The motion passed unanimously.

PUBLIC COMMENT PERIOD

Chairman Andrews open the floor to receive public comments from those in attendance.

Since no one came before the Board, Chairman Andrews closed the public hearing.

ADJOURNMENT

With no further business to discuss, Chairman Andrews adjourned the meeting at 9:50 am.

Respectfully Submitted,

Rita K. Foil, CMC
Clerk to the Board