

MINUTES OF THE MEETING OF THE BOARD  
OF ROWAN COUNTY COMMISSIONERS  
REGULAR SESSION - JUNE 3, 1991  
RED ROOM - COMMUNITY BUILDING

The Rowan County Board of Commissioners met in Regular Session, on Monday, June 3, 1991, at 9:00 a.m., in the Red Room of the Community Building.

PRESENT: J. Newton Cohen, Chairman (9am - completion)  
Henry H. Palmer, Vice-Chairman (9am - completion)  
Jamima P. DeMarcus, Member (9am - completion)  
Charles H. Welch, Member (9am - completion)  
Thomas M. Webb, Member (9am - completion)

The County Manager, Finance Director, County Attorney, and Clerk to the Board were also in attendance.

Chairman Cohen called the meeting to order, and Commissioner DeMarcus gave the invocation.

MINUTES:

The following Minutes were submitted for approval:

- \* May 6, 1991 (Regular Session)
- \* May 6, 1991 (Public Hearing)

There being no corrections, Vice-Chairman Palmer made a motion to approve the Minutes as submitted. Commissioner Webb seconded, with unanimous approval.

ADDITIONS TO AGENDA:

\* Commissioner Webb recognized Commissioner DeMarcus for her efforts in the "Welcome Home Troops" festivities.

\* Ms. Beverly Sigmon addressed the Board to express her concerns regarding recycling procedures, and the Salisbury Convenience Center Site.

\* Atwell Fire Service District: County Attorney John Holshouser reported his findings that a per-house taxation would be impractical, and the Board would have no leverage for non-payment. Commissioner Webb then made a motion to impose a tax for the proposed Atwell Fire Service District. Vice-Chairman Palmer seconded, with unanimous approval. By consensus, the Board decided to appoint 5 persons as Fire Commissioners, with information as attached to these Minutes. Commissioner DeMarcus nominated George Fleming, Wayne Simpson and Murray Corriher; Vice-Chairman Palmer nominated Judy Haire, and Commissioner Webb nominated Jerry Karriker; Vice-Chairman Palmer then made a motion to close the nominations. Commissioner Webb seconded, with unanimous approval. County Manager will send a letter and give a list of the other Fire Departments, showing their individual taxes.

CORRESPONDENCE:

Mr. Russell presented items of correspondence, as attached to these Minutes:

\* Letter, dated May 20, 1991, from Kannapolis Chamber of Commerce, regarding Rowan County's participation in the Carolinas Partnership 2000 Program.

\* List of nominations from Chip Short, for the "Committee of 100".

ROAD PETITIONS:

Commissioner Webb presented two (2) road petitions, as attached to these Minutes:

(1) Montclair Drive in the Salisbury Township, to be added

(2) I-85 Service Rd. (SR2575) in the Salisbury Township, to be abandoned

Commissioner Webb then made a motion to grant these two (2) as requested. Commissioner DeMarcus seconded, with unanimous approval.

TAX COLLECTOR'S REPORT:

Tax Collector, Wayne Simpson, gave the Preliminary May 1991 Report, as attached to these Minutes. Vice-Chairman Palmer asked Mr. Simpson for a status report on HB20. Mr. Simpson reported that the Bill has been re-referred to the Senate Finance Committee, and explained the problems with the legislation. Commissioner DeMarcus then made a motion to send a letter to local legislators expressing the Board's position. Vice-Chairman Palmer seconded, with unanimous approval.

SOIL/WATER CONTRIBUTION AGREEMENT & UPDATE OF COUNTY SOIL SURVEY:

Mr. Lipe Barrier distributed information regarding the status of the project, as attached to these Minutes. He also asked for an extension for completion, which involves no additional funding. Commissioner DeMarcus made a motion to grant the requested extension. Commissioner Webb seconded with unanimous approval.

POLLUTION PROBLEM IN WESTERN ROWAN COUNTY - COMMISSIONER WELCH:

Information was distributed to Board members, regarding a current problem between area residents and Holly Farms Foods, Inc., as attached to these Minutes. Commissioner Welch explained the problems involved, and Mr. Ronnie Campbell and Mr. Arthur Harrell stated the residents' concerns. Mr. Campbell also elaborated on recent efforts made with the Dept. of Environment, Health, and Natural Resources, without results.

County Attorney John Holshouser explained the implication of trying to establish a County Ordinance against such procedures. Commissioner Welch made a motion to send a letter/representative of support to the Mooresville Office, and request that they rectify the situation or halt proceedings. Vice-Chairman Palmer seconded, with unanimous approval. Mr. Holshouser will also check with Davie and Iredell County Attorneys regarding why the procedure was disallowed there.

Mr. Henry Elwell expressed his concern of the procedure causing a public nuisance. Other residents stated the problems with air quality, possible contamination of drinking water, and the property owner allowing coyotes in the area.

AWARD OF SOLID WASTE HAULING CONTRACT - MR. DON CONNER:

Environmental Services Director, Don Conner, reported the low bid for the hauling contract was from BFI, and recommends awarding the contract to them. Mr. Conner continued that the bid

is lower than last year, and terms may be revised if necessary.

Commissioner DeMarcus then made a motion to award the contract to the low bidder. Vice-Chairman Palmer seconded, with unanimous approval.

UPDATE ON SOIL/EROSION CONTROL ISSUES - PAUL CANUP:

Mr. Don Conner, in the absence of Paul Canup, gave an update on the following two (2) violations:

(1) Brentwood Acres: According to Mr. Conner, the letter of notification was returned, unclaimed. It was then given to the Sheriff's Office for delivery. The program is still out of compliance, and the fee is recommended for reinstatement on a daily basis. Commissioner Webb made a motion to reinstate the penalty at \$100/day at the end of the 15-day period, with Mr. Holshouser to instigate the proper language. Vice-Chairman seconded, with a 4/1 vote (Commissioner Welch against).

(2) Highview Farms: Mr. Conner stated that he had made an inspection earlier in the day, and the property is still out of compliance. Mr. Harry Welch disputed Mr. Conner's statement, saying that all seeding is completed. The Board received as information.

TIRE DISPOSAL - DON CONNER:

The Board reviewed information regarding tire disposal tax issues, as attached to these Minutes. Mr. Conner recommends leaving \$5,822 (of \$15,822) of the collected tax to cover illegal dumps and distribute the remainder to the local tire dealers. Commissioner Welch made a motion to return the entire \$15,822 to the tire dealers in designated amounts to reimburse for tire disposal. Motion died for lack of a second. Commissioner DeMarcus then made a motion to immediately reimburse \$10,000 of the \$15,822 to the tire dealers, and if the remaining \$5,822 remain unused, distribute it also. Chairman Cohen seconded. Commissioner Webb then made a substitute motion to distribute the \$10,000, and hold the remaining \$5,822. The motion was seconded, and the vote was 3/2 with Vice-Chairman Palmer and Commissioner Welch voting against.

Mr. Conner also presented a proposal regarding scrap tire disposal procedures, as attached to these Minutes. This proposes a reimbursement of 65¢/tire to the dealers if they bring the tires to the landfill. Vice-Chairman Palmer then made a motion to accept Mr. Conner's proposal. Commissioner DeMarcus seconded, with unanimous approval.

R.T.S. BID PROPOSAL - CLYDE FAHNESTOCK:

Ms. Renita Ritchie and Mr. Clyde Fahnestock discussed information regarding the terms of the FY '91-92 Transportation Contract, as attached to these Minutes. Vice-Chairman Palmer made a motion to approve the contract as awarded to CTS Management. Commissioner Webb seconded, with unanimous approval.

1991 GOVERNOR'S VOLUNTEER AWARDS PROGRAM:

Information was distributed requesting nominations for the 1991 Governor's Outstanding Volunteer Awards Ceremony, as attached to these Minutes. Names are to be submitted no later than 6/21/91.

ADOPTION OF 1991 RECORDS RETENTION AND DISPOSITION SCHEDULE:

Clerk to the Board Denise Barrow presented the 1991 revision of the records retention and disposition schedule, as attached to these Minutes. The schedule controls the retention and disposal of all County records. Commissioner Welch made a motion to adopt the schedule as submitted. Commissioner Webb seconded, with unanimous approval. Ms. Barrow will distribute copies to all departments.

REQUEST FOR WRITE-OFF OF AMBULANCE CHARGES - BRADY FRICK:

Finance Director, Brady Frick, explained the need to write-off remaining charges from the 1987 calendar year, totaling \$146,352.46. Commissioner Webb made a motion to approve the request. Vice-Chairman Palmer seconded, with unanimous approval.

BOARD APPOINTMENTS:

Centralina Development Corporation: Commissioner DeMarcus made a motion to reappoint the three (William Lombard, J. Newton Cohen, and Jim Henderson) eligible for reappointment. Vice-Chairman Palmer seconded, with unanimous approval.

Centralina Private Industry Council: Vice-Chairman Palmer made a motion to reappoint the two (Mr. Jerry Thrift, Mr. Dow Perry) eligible for reappointment. Commissioner Welch seconded, with unanimous approval.

Region F. Aging Advisory Committee: Commissioner Webb made a motion to reappoint Mr. W. O. T. Fleming. Vice-Chairman Palmer seconded, with unanimous approval.

Region F. Emergency Medical Services Advisory Council: Vice-Chairman Palmer made a motion to reappoint Mr. Wayne Ashworth and Ms. Beth Connell. Commissioner DeMarcus seconded, with unanimous approval.

Rowan County Special Populations Board: Commissioner DeMarcus made a motion to reappoint Bill Hall, Jr. and Jim Murtaugh. Vice-Chairman Palmer seconded, with unanimous approval.

Rowan County Convention & Visitors Bureau: Appointments were deferred to the July 1 meeting.

Economic Development Commission: Vice-Chairman Palmer made a motion to reappoint Mr. Hall Steele. Commissioner DeMarcus seconded, with unanimous approval.

Senior Services Advisory Council: These appointments were deferred to the July 1

meeting.

CBA Task Force: The Board had previously received suggested nominations, as attached to these Minutes. Commissioner DeMarcus made a motion to approve the list as submitted. Vice-Chairman Palmer seconded, with unanimous approval.

Union Fire Department: Commissioner DeMarcus made a motion to approve the request to appoint Mr. Arnold Cauble as Fire Commissioner. Vice-Chairman Palmer seconded, with unanimous approval.

Town of Granite Quarry: Commissioner Webb made a motion to approve the request to appoint Mr. Howard W. Brown, Jr., Ed Cockman, and Greg Lowe to the Granite Quarry Planning Board, and Mr. W. O. Brown and Hugh Teague to the Zoning Board of Adjustment. Commissioner DeMarcus seconded, with unanimous approval.

United Arts Council: The Board received a letter from Mr. Michael W. Agee of the United Arts Council, requesting a Commissioner to sit on their Board, as attached to these Minutes. Due to a potential conflict of interest, the Commission chose to decline the request.

Special Review Team: Vice-Chairman Palmer stated that the Governor has required a special committee be setup in each County through the Dept. of Social Services. Mr. Palmer then explained the goals and purpose of the proposed committee, and made a motion to elect Mr. Edwin Koontz as Chairman of the committee. Commissioner Webb seconded, with unanimous approval.

#### MANAGER'S REPORT:

Interest: County Manager Russell gave the monthly report of interest earned through May, 1991.

Refunds: A listing of current requested refunds was distributed to the Board for their review. Chairman Cohen suggested compiling a single list of refunds, in lieu of individual pages, as presently done. Vice-Chairman Palmer then made a motion to approve all refunds as submitted. Commissioner DeMarcus seconded, with unanimous approval.

Town of East Spencer: A letter was received from the Town of East Spencer, as attached to these Minutes, regarding CDBG monies for a sewer project in the Heiligtown Road area, and requesting approval to purchase an easement from the County. Vice-Chairman Palmer made a motion to approve the request. Commissioner Webb seconded, with unanimous approval.

Nickel Offense (NCACC): Mr. Russell previously distributed information regarding the Nickel Offense Program, as attached to these Minutes. The program will require County funding of \$2,931 over the next two (2) budget years, for a total of \$5,530. Commissioner DeMarcus suggested receiving as information until after the completion of the budget deliberations.

At this time, Commissioner Welch made a motion to go into Executive Session to discuss litigation. Commissioner DeMarcus seconded, with unanimous approval.

REPORT FROM ARCHITECT ON HEALTH DEPARTMENT SPACE NEEDS:

The motion was later made and seconded, with unanimous approval to return to Regular Session. Upon returning, Mr. Richard Atkinson of Atkinson/Dyer/Watson Architects presented a space needs study which was composed for the Health Department, as attached to these Minutes.

Commissioner DeMarcus made a motion to leave the Environmental Health Section at its present site, and make a recommendation for the Codes Enforcement Clerk to receive applications. Commissioner Webb seconded, with unanimous approval. Commissioner Welch questioned the price involved, to which Mr. Atkinson answered: \$80/sq. ft.

Commissioner DeMarcus then made a motion to approve the 28,000 square foot size which was recommended by the Health Department. Vice-Chairman Palmer seconded, and the vote was as follows:

Cohen - no	Palmer - yes
Welch - no	DeMarcus - yes
	Webb - yes

By consensus, the Board agreed that Mr. Russell will be responsible to coordinate future meetings with the architects.

OTHER BUSINESS:

1991-92 Budget Review: Due to the time element, County Manager Russell gave the "message" regarding the proposed budget. By consensus, the Board agreed to set the Public Hearing on the proposed 1991-92 Budget for 6/12/91 at 7:00 p.m., a joint meeting with the Planning Board at 8:00 p.m., and presentation from J. N. Pease, Architects at 8:45 p.m. Vice-Chairman Palmer then made a motion to adjourn the meeting to 6/4/91 at 9:00 a.m. Commissioner Webb seconded, with unanimous approval.

Respectfully submitted,

Denise J. Barrow  
Clerk to the Board