

Greg Edds, Chairman
Jim Greene, Vice- Chairman
Mike Caskey
Judy Klusman
Craig Pierce



Aaron Church, County Manager
Carolyn Barger, Clerk to the Board
John W. Dees, II, County Attorney

Rowan County Board of Commissioners

130 West Innes Street • Salisbury, NC 28144
Telephone 704-216-8181 • Fax 704-216-8195

MINUTES OF THE MEETING OF THE ROWAN COUNTY BOARD OF COMMISSIONERS

April 4, 2022 – 3:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

Present: Greg Edds, Chairman
Jim Greene, Vice-Chairman
Mike Caskey, Member
Craig Pierce, Member
Judy Klusman, Member

County Manager Aaron Church, Clerk to the Board Carolyn Barger, County Attorney Jay Dees, and Finance Director James Howden were also present.

Chairman Edds convened the meeting at 3:00 p.m.

Chaplain Michael Taylor provided the Invocation.

Chairman Edds led the Pledge of Allegiance.

CONSIDER ADDITIONS TO THE AGENDA

Commissioner Klusman moved to add the following requests as additions to the Consent Agenda:

1. Authorize the County Manager to sign the North Carolina Museum of Natural Sciences Grant Contract for the County to receive \$75,000 (Added as Consent Agenda Item L).
2. Allocate \$258.09 to each teacher at Faith Academy Charter School for school supplies to match what is provided to each teacher at Rowan-Salisbury Schools. (Added as Consent Agenda Item M).

The motion was seconded by Commissioner Greene and carried unanimously.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Klusman moved, Commissioner Greene seconded and the vote to approve the agenda passed unanimously.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Klusman moved, Commissioner Greene seconded and the vote to approve the minutes of the March 21, 2022 Commission Meeting passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Klusman moved approval of the Consent Agenda as amended. The motion was seconded by Commissioner Greene and passed unanimously.

The Consent Agenda consisted of the following:

- A. ARPA Funding Request
- B. National Cinemedia Agreement
- C. FY 22-23 HOME Funding Action Plan
- D. Cheerwine Satellite Parking Request
- E. Contract with Family Advantage, LLC for DSS
- F. Schedule Public Hearing for ZTA 02-22: Conditional Zoning, for April 18, 2022
- G. Schedule Public Hearing for Z 03-22
- H. Fifth Amendment for Securus Technologies
- I. Amendment No. 2 for REI Engineers, Inc. Master Agreement
- J. East Gold Hill VFD Lease and Option Agreement with HomeTrust Bank
- K. Request for Detention Center Staff Incentives
- L. Authorize the County Manager to sign the North Carolina Museum of Natural Sciences Grant Contract for the County to receive \$75,000 (addition to the Consent Agenda)

To: Rowan County Board of Commissioners
Aaron, Church, County Manager

From: Anna Bumgarner, Director of Purchasing/Contract Administration
Bob Pendergrass, Animal Services Director

Re: North Carolina Museum of Natural Sciences Grant Contract

Date: April 1, 2022

On February 21, 2022, Rowan County Board of Commissioners awarded and approved a budget amendment to receive \$75,000 from the North Carolina Museum of Natural Sciences Grant. The County has now received the grant contract.

Attached is the Grant Contract, the request for payment and the approved agenda item D from 2/21/22.

Recommendation: The Animal Services and Purchasing Directors recommend that the Board of Commissioners authorize the County Manager to sign the North Carolina Museum of Natural Sciences Grant Contract for the County to receive \$75,000.

- M. Allocate \$258.09 to each teacher at Faith Academy Charter School for school supplies to match what is provided to each teacher at Rowan-Salisbury Schools (addition to the Consent Agenda).

King Dicks, Chairman
Eric Green, Vice Chairman
Mike Caskey
Betsy Klemmer
Craig Elliott



Assoc. County Clerk
Candice Boyce, Clerk to the Board
John M. Davis, Jr. County Attorney

Rowan County Board of Commissioners
131 West Jones Street • Salisbury, NC 28144
Telephone 704-226-6100 • FAX 704-226-6195

Board of Commissioners:

Request: Consider allocating \$258.09 to each teacher at Faith Academy Charter School for school supplies to match what is provided to each teacher at Rowan Salisbury Schools. The teach list is as follows:

Kindergarten - 4
1st - 3
2nd - 3
3rd - 3
4th - 3
5th - 3
6th - 4
7th - 2
Total: 21

Enhancement Teachers:

PE - 2
Art - 1
Life Skills - 1
Music - 1
Theatre Arts - 1
Total: 6

Teacher Assistants - 4
EC Teacher - 1

Recommendation: The Board to approve providing \$258.09 per teacher at Faith Academy Charter School for the purchase of school supplies and to approve the County Manager allocating funds via a budget amendment to cover appropriation.

Equal Opportunity Employer
Rowan County

2. SPECIAL RECOGNITION

A. PROCLAMATION FOR PUBLIC SAFETY TELECOMMUNICATORS WEEK

Commissioner Caskey described Telecommunicators as unsung heroes. Commissioner Caskey said Telecommunicators are faced with stressful situations and are unable to physically help someone in an emergency because they are manning the 9-1-1 phone lines. Commissioner Caskey talked about the importance of the role of Telecommunicator.

Commissioner Caskey then moved approval of a Proclamation for Public Safety Telecommunicators Week, which he read. The motion was seconded by Commissioner Pierce and passed unanimously.

The Proclamation was approved as follows:

WHEREAS, the services and functions performed by the Rowan County Public Safety Telecommunicators are critical to the safety and welfare of the citizens of Rowan County and the municipalities; and

WHEREAS, the Public Safety Telecommunicators provide 24-hour service seven days per week as the vital link in the chain of emergency services providers; and

WHEREAS, these dedicated professionals are the initial point of contact for citizens in crisis situations who need emergency services assistance. In answering the public's daily cries for help, they are often instrumental in saving lives and reducing property damage when tragedy strikes.

NOW THEREFORE the Rowan County Board of Commissioners does hereby proclaim April 10-16, 2022 as "Public Safety Telecommunicators Week" in Rowan County and urges all citizens to acknowledge the contributions of these loyal public servants.

The Board of Commissioners joined Allen Cress, Chief of Emergency Services, along with Battalion Chief Jenna Overcash and Captain Joe Garmye of the 9-1-1 Division in front of the dais for presentation of the Proclamation and for a photograph.

B. PROCLAMATION FOR CHILD ABUSE PREVENTION AND AWARENESS MONTH

Commissioner Klusman moved approval of the Proclamation for Child Abuse Prevention and Awareness Month, which she then read. The motion was seconded by Commissioner Pierce and passed unanimously.

The Proclamation was approved as follows:

WHEREAS, child maltreatment is a community problem and finding a solution depends upon involvement among people throughout the community; and

WHEREAS, child maltreatment occurs when parents find themselves in stressful situations without community resources and unable to cope; and

WHEREAS, approximately 117,268 children were subject of investigations of abuse, neglect and/or dependency in North Carolina in Fiscal Year 2020; and

WHEREAS, 27 children were victims of homicide by their parent or caretaker in North Carolina during the year 2020; and

WHEREAS, the majority of child maltreatment cases stem from situations and conditions that are preventable in an engaged and supportive community; and

WHEREAS, the effects of child maltreatment are felt by whole communities, and need to be addressed by the entire community; and

WHEREAS, effective child maltreatment prevention programs succeed because of partnerships created among social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community.

NOW THEREFORE, the Rowan County Board of Commissioners, does hereby proclaim April 2022 as Child Abuse Prevention Month in Rowan County and calls upon all citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in our efforts to prevent child maltreatment and strengthen the communities in which we live.

The Board joined members from several agencies in front of the dais for presentation of the Proclamation and a photograph. Those joining the Board were Amy Brown, Executive Director of Smart Start and Chair of the Community Child Protection Team (CCPT), Micah Ennis, Director of Rowan County Department of Social Services (DSS), Alyssa Harris, Director of the Rowan County Health Department, and Shawn Edman with Prevent Child Abuse Rowan.

Ms. Brown sought the Board's approval of the 2021 Annual Report submitted by the CCPT. Ms. Brown explained that multiple agencies come together on a regular basis throughout the year to look at child abuse cases and prevention measures to ensure the well-being of children and to prevent future cases of child fatalities.

Each of the agency members in attendance (named above) came forward to highlight how their respective agencies worked together to serve children and their families.

In closing, and on behalf of the CCPT, Ms. Ennis asked the Board to accept and approve the Annual Report.

Commissioner Klusman moved to accept the Annual Report. The motion was followed by a second from Commissioner Pierce and passed unanimously.

3. PUBLIC COMMENT PERIOD

Chairman Edds opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. With no one coming forward, Chairman Edds closed the Public Comment Period.

4. PUBLIC HEARING & SUMMARY PRESENTATION – PROPOSED RED ROCK INDUSTRIAL PARK

Scott Shelton, Vice President of the Rowan Economic Development Council (EDC), presented the economic impact summary for the proposed Industrial Park (Park) by Red Rock Developments (RRD). Mr. Shelton said RRD was a privately-held real estate and development company based in Columbia, South Carolina. The Company's primary focus was in the speculative development of warehouse/distribution facilities located in major United States markets.

RRD identified property on Long Ferry Road as a potential site along the I-85 corridor for a new industrial park. The location was approximately 380 acres and comprised of six (6) parcels (Parcels 603 045, 603 112, 603 113, 603 114, 603 116 and 603 118) located approximately a half-mile from the Chewy facility and near Dukeville Road.

RRD proposed to construct up to six (6) buildings totaling 2.6 million square feet at the location. The total capital investment was estimated at approximately \$198 million. Once the buildings were completed, they would either be leased or sold to companies seeking to locate or expand their businesses in Rowan County. The number of new jobs created and amount of capital investment in personal property would be determined by the end users of the new buildings.

The Park would be developed in multiple phases. Mr. Shelton highlighted the scope and timing for each phase.

Phase I would be for the construction of two (2) buildings with a combined 1.65 million square feet. The estimated completion date was the fourth quarter of 2022 with an estimated capital investment of \$117 million.

Phase II would be for the construction of two (2) buildings with a combined 660,000 square feet. The estimated completion date was by the fourth quarter of 2024 with an estimated investment of \$55 million.

Phase III would be for the construction of two (2) buildings with a combined 330,000 square feet. The estimated completion date was by the fourth quarter of 2025 with an estimated capital investment of \$26 million.

Mr. Shelton reported that providing utilities to the site would require the extension of approximately 4,000 linear feet of 16" water main, as well as approximately 4,000 linear feet of force main sewer (4"). A pump station would need to be installed in the southern portion of the new development.

Due to the increased traffic that would result from the Project, improvements to Long Ferry Road (Road) would be necessary. A Traffic Impact Analysis (TIA) was completed on the Project in February, and as a result, the North Carolina Department of Transportation (DOT) would require numerous improvements to the Road as a condition of their approval of the Project. The improvements included, among others:

- Installation of a traffic signal at Long Ferry Road and Front Creek Road
- Installation of a traffic signal at Long Ferry Road and the I-85 northbound ramp
- Installation of a traffic signal at Long Ferry Road and the I-85 southbound ramp
- Addition of numerous turn lanes and the extension of existing ones

RRD would be responsible for the cost of the infrastructure improvements, which RRD estimated at \$4.2 million.

The property was zoned for residential and agricultural purposes. As such, RRD or the current property owners would need to apply for a conditional district rezoning.

Mr. Shelton discussed the County's adopted Investment Grant Program and the requested assistance from RRD for each phase of the Park as follows:

Requested Assistance – Phase I

Based on RRD's potential investment of \$117 million for Phase I, RRD would typically qualify for a Level 3 Grant, which would provide a five-year grant equal to 85% of new taxes paid.

If Red Rock were to receive a Level 3 Grant, it would have an estimated value of \$3,269,419.

As previously mentioned, RRD anticipated its cost for water, sewer, and the Road improvements to be \$4.2 million. In lieu of a traditional Level 3 grant, RRD was requesting Rowan County reimburse the Company \$4.2 million for these infrastructure improvements. The reimbursement would be paid upon the lease of substantially all of the facilities or sale of the facilities and property to a third-party job creator that qualified for Economic Development Grants under North Carolina General Statute § 158-7.1.

Based on the County's current tax rate of .6575, the completed project should generate approximately \$769,275 per year of real property tax revenue and \$7,692,750 over a ten-year period. Utilizing these projections, the County should recoup the \$4.2 million expenditure within five years and finish with \$3,492,750 in net revenue over a ten-year period.

Requested Assistance – Future Phases of the Project

Phase II – RRD planned to invest \$55 million in the construction of two (2) speculative buildings. It was requested that incentives be offered as stated in the County's adopted incentive policy for this phase. Based on a \$55 million investment, the policy's current terms provided for a grant equal to 80% of new taxes paid for five (5) years. This would result in the County collecting an estimated \$3,616,250 of revenue while disbursing an incentive grant of \$1,446,500. The County would retain \$2,169,750 in net tax revenue over a ten-year period from Phase II.

Phase III - RRD planned to invest \$26 million in the construction of two speculative buildings for Phase III of this project. It is requested that incentives be offered as stated in the County's adopted incentive policy for this phase. Based on a \$26 million investment the policy, under its current terms, provides for a grant equal to 75% of new taxes paid for five years. This would result in the County collecting an estimated \$1,709,500 of revenue while disbursing an incentive grant of \$641,063. The County would retain \$1,068,438 in net tax revenue over a ten-year period from Phase III of the project.

Like the reimbursement request for Phase I's infrastructure expenditures, the future incentive grants for Phases II and III would only be payable upon the lease of substantially all of the facilities or sale of the facilities and property to a third-party job creator that qualifies for Economic Development Grants under North Carolina General Statute §158-7.1.

Todd Ward with RRD participated in the meeting via Zoom. Mr. Ward noted the investment for the spec buildings that had been reported did not include upfits that any of the future tenants/employers would be making. Mr. Ward said those investments would further add to the real and personal property figures in the tax base.

Commissioner Pierce questioned the time frame for construction. Mr. Todd expressed hope the ground breaking would commence at the end of summer and it would be around the end of the third quarter or beginning of the fourth quarter when RRD hoped

to have the Certificate of Completion for the shell buildings. At this point, Mr. Todd said marketing could begin.

Commissioner Pierce inquired as to how the proposed road improvements would impact the timeline for RRD's construction. Mr. Todd responded that RRD had built the road improvements into its' schedule for construction. The buildings would be done concurrent with the other site work. Mr. Ward noted there would be left and right turn lanes in/out of the project site and through traffic would not be hindered, at least in design. Mr. Ward said RRD had worked closely with the DOT to ensure RRD went above and beyond what would be required for public safety in travel.

Chairman Edds agreed that travel on Long Ferry Road (Road) had been a concern. Chairman Edds said there would be turn lanes from both directions so travel could be maintained.

Chairman Edds stated that in addition to what RRD had to do, they had to perform a DOT study. Chairman Edds said the Road was important for lake and residential travel. The County had worked with the Metropolitan Planning Organization (MPO) to commission the County's own study of the Road, which would be done in conjunction with existing study RRD had done. Chairman Edds mentioned the Town of Spencer (Spencer) was also interested in the Road study as Spencer had projects being considered along the west side of I-85. Chairman Edds said he had extra copies of the DOT study if anyone was interested. Chairman Edds said there would be a couple of new traffic lights at I-85, as well. Chairman Edds discussed the turn lanes that would result from the proposed project.

Mr. Ward reiterated RRD had gone above and beyond with regards to traffic improvements for the different types of tenants/uses in the spec buildings.

Chairman Edds noted and Mr. Ward confirmed the DOT had required RRD to make sure the Chewy traffic was considered for the road changes.

Chairman Edds opened the public hearing to receive citizen input regarding the proposed RRD Industrial Park. The following citizens came forward:

- William Clay Shoaf of 2710 Long Ferry Road asked if any costs for the road improvements to RRD would be passed on to the taxpayers, or, if RRD would take care of the expenses.

Chairman Edds said Mr. Shelton had talked about the water line during his presentation. Chairman Edds said the water line went past the site; however, RRD would require approximately 2500 feet of a fire line that would come onto the south side of the property. Chairman Edds said the sewer would extend from the line to Chewy, which had been paid for through a State grant. RRD intended to design, engineer and hire contractors to pay for the sewer line. Chairman Edds said the County was normally

asked to negotiate economic development incentives for a new project of this type; however, RRD was instead asking the County to reimburse them for the cost of the improvements.

Mr. Shoaf said the taxpayers would be involved for the reimbursement.

Chairman Edds said the developer/company pays in taxes and as part of an incentive, the County agrees to pay back an inducement to have the company bring the development and jobs to the community. The County would refund up to \$4.2 million since a lot of the improvements were to Long Ferry Road.

Mr. Shoaf asked if the current meeting was the proper time to talk about rezoning and Chairman Edds responded the current hearing was about the incentive and the Board did not have a date for the rezoning.

- Jackie Watson, 3715 Long Ferry Road, stated there were millions of square feet of speculative warehouse space and she asked how much more the County needed. Ms. Watson felt there were plenty of empty warehouses and the County planned to add more empty buildings with no tenants. Ms. Watson wondered where all the employees would live since there were constantly articles in the newspaper about the lack of housing in the County. Ms. Watson felt the County did not have the infrastructure to handle the growth. Ms. Watson referred to the comments from Chairman Edds about projects for Spencer and she asked what those projects were. Ms. Watson said she had a lot of questions but no answers.

Chairman Edds stated current information for the Charlotte region showed a demand for 46 million square feet. Chairman Edds reported that in the recent past the County missed an opportunity to land a business looking for 80,000 square feet for manufacturing. Chairman Edds continued by saying RRD did not want to build \$117 million in facilities to go broke and was building due to the demand in and around the County. Chairman Edds said development was occurring along the I-85 corridor and RRD would not be building facilities if it did not believe the buildings could be marketed and filled.

With regards to housing, Chairman Edds talked about the increase in the number of permits for houses and apartments. Chairman Edds said there was concern about what would happen with the schools. Chairman Edds said police protection also did not come free. Chairman Edds said there was a “push and pull” and people wanted better jobs and better benefits. Chairman Edds said the County had to make itself attractive to companies looking for space and the payroll, retail sales, etc. that comes from the new companies were huge for the County. Chairman Edds said the County had been waiting decades for the growth.

Ms. Watson asked how the funds were put in the coffers to pay for schools.

Commissioner Greene said RRD would spend millions on the speculative buildings and the taxes for the buildings would come due every year. Commissioner Greene said someone would be paying taxes on the structures whether they were occupied or not.

Chairman Edds highlighted the spinoff benefits from the new Macy's distribution center currently being built and the benefits that would come from 2800-plus additional jobs, the \$100 million in payroll to families in the community, retail sales, etc.

- Mike Julian, 135 Whippoorwill Lane, expressed concern with the traffic flow and whether the new traffic lights would back up traffic coming off the I-85 ramp and/or from the Chewy facility. Mr. Julian felt a round-about would keep traffic flowing faster and keep it moving.
- Zachary Hedrick, 975 Long Ferry Road, said he lived in the middle of the Carlton site. Mr. Hedrick said he found the comments from others about RRD upsetting. Mr. Hedrick said he did not want false rumors or selfish interests to get in the way of letting the proceedings move along.
- William Shoaf came back to the podium. Mr. Shoaf said there seemed to be a lot of "ifs" being put into the project. Mr. Shoaf said he did not know where the County would get the employees to fill the jobs.

Commissioner Greene described the EDC as an independent agency and that a couple years ago the EDC reported there were at least 3.5 million people within a 50-mile radius. Commissioner Greene stated that companies perform studies in order to know they will be able to fill the jobs.

Chairman Edds said it was highly unlikely the buildings would not be filled and Commissioner Greene noted RRD had investors to put money into the project and therefore did not rely on banks.

With no one else wishing to address the Board, Chairman Edds closed the public hearing.

Mr. Ward said the incentives were performance-based meaning there are no incentives unless there is a tenant. Therefore, Mr. Ward said all of the risk was on RRD. Mr. Ward referred to the \$4.2 million infrastructure reimbursement and shared that the reimbursement did not include design, permitting fees, etc. RRD was absorbing some of the costs. Mr. Ward said investors required RRD to provide them with a labor study to show the labor force exists.

Commissioner Greene moved to approve the request from the EDC regarding RRD. The motion was seconded by Commissioner Caskey and passed unanimously.

5. PUBLIC HEARING & SUMMARY PRESENTATION – GENERAL RV PROJECT

Scott Shelton, Vice President of the Rowan Economic Development Council, presented the request regarding an offer to purchase county-owned land off East Ritchie Road.

Mr. Shelton reported that General RV was considered one of the nation's premier recreational vehicle dealers and operated fourteen (14) dealerships across seven (7) states. General RV was seeking a site along the I-85 corridor for a new facility in the southeastern United States. The Company had identified a 40.24-acre site, identified as Tax Parcel 401 108 off East Ritchie Road, as a site of interest. The Company offered \$2.9 million. A recent appraisal estimated the market value for the property at \$1,950,000.

If acquired, General RV planned to open a large recreational vehicle dealership and service center. The Company would create 150 full-time jobs over the next three (3) years as part of the project. The new jobs would include a variety of positions such as mechanics, sales, finance, and administration. According to the Company, the average annual salary for these positions was expected to be \$65,000.

General RV would invest approximately \$25 million into the Project through the construction of a new facility and the installation of equipment. The Company estimated the facility would be completed within thirty (30) months of acquiring the property.

Mr. Shelton reported that General RV was not seeking any incentives from the County for the Project and only asked the County to sell them the property for their offered price of \$2.9 million.

The Board was asked to consider conveyance of the property for economic development purposes utilizing North Carolina General Statute § 158-7.1(d), which eliminated the upset bid process requirement and allowed for private negotiation.

Mr. Shelton highlighted the revenue projections the Project would generate. Mr. Shelton said the Project appeared to have a lengthy list of benefits and no apparent liabilities. The Project would add \$25 million to the County's tax base and generate approximately \$1.6 million of new property tax revenue over a ten-year period. The County would also benefit from increased sales tax revenue and visitor spending as a result of the Project. In addition to the creation of 150 new jobs by the Company, General RV's new dealership would lead to the creation of 66 indirect and induced jobs.

In closing, Mr. Shelton said the EDC was requesting the Board consider approval for the sale of Parcel 401-108 to General RV for \$2.9 million.

John Balice, Director of Facilities and Development for General RV, came forward to speak to the Board. Mr. Balice felt the site and community would be a good fit for General RV. Mr. Balice said the area had a strong RV market, as well as a strong

employment base. Mr. Balice said the Company would be a strong economic partner for Rowan County.

Chairman Edds opened the public hearing to receive citizen input regarding the offer to purchase county-owned land from General RV. With no one wishing to address the Board, Chairman Edds closed the public hearing.

Chairman Edds recalled the County received a different offer for the property several months back in the amount of \$1.2 million, which was the tax value. The County then had the land commercially appraised, which came in at \$1.9 million. Chairman Edds continued by saying the original offer had been bumped to \$1.9 million. However, the same day, the County had received a second offer and this time from General RV. The offer was for more than the commercial appraised value.

Chairman Edds said the County had not initially been keen about the project; however, that had changed when General RV brought its whole team to meet about with the County about the proposed project. Chairman Edds talked about General RV's sales and services, as well as the 150 or more jobs the company would bring, paying \$65,000 per year. Chairman Edds said General RV would attract tens of thousands of visitors to Rowan County and those visitors would stay in the County's hotels and eat in restaurants, etc.

Chairman Edds continued by saying the County had asked for references and held Zoom calls with people in two (2) of the existing General RV locations. Chairman Edds said the references encouraged the County to let General RV become a part of the community.

Commissioner Greene stated the land belonged to the County's citizens and would be sold at \$70,000 an acre. Commissioner Greene said no taxes had been paid on the property for many years and it would now be turned into a productive tax base.

Commissioner Caskey agreed that General RV would be a good fit for the area and possibly spur additional growth in the vicinity.

Chairman Edds thanked Mr. Balice for attending the meeting.

Commissioner Pierce moved to approve the sale of Rowan County land to General RV for \$2.9 million. The motion was seconded by Commissioner Greene and passed unanimously.

6. PUBLIC HEARING FOR Z 02-22: CHRIS ROSEMAN

Planner Aaron Poplin presented the staff report via a power point for rezoning petition Z 02-22. Mr. Poplin said two (2) months after purchasing twenty-one (21) acres of land at 5145 Bringle Ferry Road, property owner Chris Roseman discussed his plans for subdividing and developing the property. Mr. Roseman and his brother, Chase,

proposed to create a one-acre lot for the existing house at 5145 Bringle Ferry Road, create one (1) lot for each brother to build their personal residences, and one (1) lot for their family business – a general contractor of single family homes. Mr. Poplin said Planning Staff had shared the standards for Rural Home Occupations (RHO) to incorporate into the lot layouts in anticipation of plan submittals once residences were constructed.

Mr. Poplin used the power point to depict the site and the surrounding areas.

In early December of last year, the Roseman's indicated the construction of their homes would be delayed due to lumber prices and inquired about options that would permit the construction of a non-residential building. Staff indicated rezoning to Neighborhood Business was the only other option.

The property owners requested the rezoning of their 4.52-acre parcel identified as Parcel 619 130 located at the 5200 block of Bringle Ferry Road from Rural Agricultural (RA) to Neighborhood Business with a Conditional District (NB-CD) to operate a general contractor's business.

The proposed plans included:

- 7,200 square foot enclosed building with two (2) lean-to sections, which total another 4,600 square feet that will be used for storage (12,000 square feet total)
- Structure would be 500' off the road (note this could change unless a specific condition of approval was established)
- Small gravel area in front to accommodate parking needs
- No outdoor storage proposed
- While the lot has frontage along with an identified 30' easement to Drew Roseman's lot (Parcel 619 131), access is proposed via a newly constructed driveway from Bringle Ferry Road on the adjacent Parcel 619 129 (Chris Roseman's lot), which will serve the two (2) future residences and the business. In anticipation of the three (3) future addressable structures, Planning and IT Staff accepted the proposed road name of Duckhorn Drive for the new driveway.
- Proposed swimming pool behind the building

Mr. Poplin discussed the rezoning's conformity with adopted plans and policies, consistency with the districts purpose and intent, NB special requirements, and compatibility of uses.

Mr. Poplin said the North Carolina Department of Transportation (DOT) approved a residential driveway permit for the proposed houses and commercial structure on January 25, 2022. A separate commercial permit was not required due to the assumed minimal impact.

The Roseman's hired a private soil scientist, Steve Cannon, to design a septic system that would extend on Tax Parcel 619 129. All required septic easements would be identified and recorded as necessary, prior to permitting.

The property was located within a Phase II stormwater area identified by the North Carolina Department of Environmental Quality (DEQ). According to DEQ staff, developments that meet the low density requirement would not require stormwater control measures.

Mr. Poplin highlighted the decision making process for the Board and noted that procedurally, the Board must develop a Statement of Consistency/Reasonableness.

The Planning Board met on February 28, 2022. Other than the owner/applicant, no one spoke at the courtesy hearing. The Planning Board voted unanimously (6-0) to recommend approval with no conditions. Planning Board member Mike Julian did question whether a condition to pave a portion of the driveway entrance was needed. [Staff's comment: Condition #9 of the permit indicated permanent driveways shall be paved a minimum of 50' but are typically enforced by DOT only in instances where safety issues arise due to mud/gravel extending onto the roadway. Note, the driveway is located on an adjacent lot not part of the rezoning request.]

The Planning Board's Statement of Reasonableness/Consistency was as follows: Z 02-22 is consistent with the East Area Land Use Plan and reasonable and appropriate based on the following:

- Appears it will have low impact on the surrounding community;
- Consistent with the NB and RHO standards;
- Bringle Ferry Road is considered a major thoroughfare, which is where NB is intended; and
- Seems to align with the spirit and intent of the ordinance.

With regards to public notice, Mr. Poplin reported letters were mailed on March 22, 2022 to four (4) adjacent property owners within 100' of the subject property and signs were also posted on the same date. On March 24, 2022 and March 31, 2022, notices were published in the Salisbury Post.

Staff comments noted in the agenda packet were listed as:

General contractor businesses typically do not generate much site activity less morning and evening movements. Visual impacts with outdoor storage are one of the primary concerns with some contractor businesses but none are proposed with this application. Additionally, the NB district requires any outdoor storage – other than equipment parking – be located behind the building and screened. Staff is of the understanding all equipment will be either within the building or under the lean-to, which could be discussed with potential conditions for assurance. The site plan meets the RHO standards (less residency) designed to address compatibility in most RA zoned areas.

Chairman Edds opened the public hearing to receive citizen input regarding Z 02-22 and the following citizen came forward:

- Mike Julian referred to the commercial construction equipment that would be using the driveway. Mr. Julian believed the DOT standards required a certain amount of the driveway to be paved when coming off Bringle Ferry Road. Mr. Julian said he supported the request; however, he would like to see a certain amount of the driveway be paved to prevent gravel from getting onto Bringle Ferry Road.

Mr. Poplin said the DOT would put on its driveway permit that the first 50' of the driveway must be paved.

With no one else wishing to address the Board, Chairman Edds closed the public hearing.

Commissioner Greene moved approval of the following Statement of Reasonableness and Consistency: Z 02-22 is consistent with the East Area Land Use Plan and reasonable and appropriate based on the following:

- Appears it will have low impact on the surrounding community;
- Consistent with the NB and RHO standards;
- Bringle Ferry Road is considered a major thoroughfare, which is where NB is intended; and
- Seems to align with the spirit and intent of the ordinance.

The motion was seconded by Commissioner Pierce and passed unanimously.

Commissioner Pierce moved, Commissioner Greene seconded and the vote to approve Z 02-22 carried unanimously.

7. APPEAL OF ADDRESS ASSIGNMENT: WILLIAM CHRISTIE PROPERTY

Planning Director Ed Muire provided a power point and said as provided in Section 19.5-31 in Rowan County's recently amended Road Naming and Addressing Ordinance, Mr. and Mrs. William Christie were requesting the Commission consider their appeal of a decision by the Address Program Administrator (APA).

According to address records, the Christie's address was changed in 2016 when a road naming petition was submitted for a private drive off Warren Drive (also private). The Christie's apparently signed the petition supporting the naming of this new private road to "Bronco Run" and were subsequently assigned an address of 1045 Bronco Run.

Based on recent information received from the West Rowan Fire Department, the Christie's are still using an address of 140 Warren Drive. Two (2) recent calls for emergency services caused some confusion in response efforts and the Christie's were notified of the addressing problem.

The Christie's opted to appeal use of the 1045 Bronco Run address assigned in 2016 and the appeal was reviewed by the APA committee. Based on pictures from a site visit and review of aerial photographs, the APA recommendation was for the Christie's to change their address to 1045 Bronco Run.

The attachments in the agenda packet summarized the actions and correspondence of this request, which included: notice to the Christie's; their appeal request; notice of the APA decision; and the Christie's appeal to the Commission.

Mr. Muire asked the Board to allow the Christie's to speak and that the Board also hear from the Volunteer Fire Department (VFD) and Emergency Medical Services (EMS).

Chairman Edds opened the floor to receive input regarding the appeal. The following individuals came forward:

- Brandon Holt said he resided in front of the Christie's. Using Mr. Muire's power point, Mr. Holt pointed out his residence, as well as that of the Christie's and others nearby. Mr. Holt said the Christie's were in their 80's and did not wish to have to change their address on approximately forty (40) different accounts. Mr. Holt shared information about various lots and how they had been divided. Mr. Holt also discussed the access that had been put in to deliver a new home. Mr. Holt said the Christie's wanted to keep the Warren Drive address because the Drive was named after Mr. Christie's father. Mr. Holt said before the new house was put in, EMS did not have an issue locating the Christie's home.

In response to an inquiry from Chairman Edds, Mr. Holt used the power point to illustrate the drive used to transport the new home to its location. Mr. Holt said Google maps and FedEx showed 1045 Bronco Run as a non-existent address.

- Allen Cress, Chief of Emergency Services, and John Lee Morrison, Chief of the West Rowan VFD, shared their concerns for emergency vehicles being able to find the Christie's. Mr. Morrison discussed medical responses to the Christie's address and the time it had taken to find their residence. Mr. Morrison said there was confusion with the new sign and he wanted to ensure emergency response teams could find the right location during an emergency. Mr. Morrison said the County's ordinance stated a road must be named once a third structure was located on a drive and it was up to the Board to decide whether it wished to enforce its ordinance since there were three (3) residences using the new drive.
- Columbus Hawks, Rowan County GIS Manager and 911 Analyst, provided the Board with a different map, which he stated showed how to access the Christie's home. Mr. Hawks explained why he could not name the road the way the Christie's wanted him to and that he was trying to make it easier for 911 to locate the Christie's.

Mr. Cress noted the County did have ambulance drivers that did not live in Rowan County and if EMS was dispatched to the Christie's, it would send the vehicle somewhere in the 100 block of Warren drive.

Mr. Morrison said if the Board made an exception, it would come up again as the road currently under consideration was not the only road with this type of issue. Mr. Morrison felt not following the ordinance would hurt EMS.

Further discussion ensued. Mr. Cress stated that Mr. Hawks could change the County's data base for the Christie's phone number and it would appear as 1045 Bronco Run.

Chairman Edds moved to deny the appeal followed by a second from Commissioner Pierce. The motion passed unanimously.

8. BUDGET AMENDMENTS

Finance Director James Howden presented the following budget amendments for the Board's consideration:

- Library – The library received additional aid to Public Libraries funding (administered through the North Carolina State Library). The library is seeking to transfer a portion of these funds from Library State Aid Grant into F/A: Furniture and Equipment in order to purchase a new scanner for patron use in the History Room and for the purchase of a new disc repair machine and Other Small Equipment to purchase new book carts. \$6,277
- Sheriff – Recognize excess state asset forfeiture revenue and budget to the asset forfeiture account used for informer fund. \$20,265

Commissioner Pierce moved approval of the budget amendments as presented. The motion was seconded by Commissioner Klusman and passed unanimously.

9. CONSIDER APPROVAL OF BOARD APPOINTMENTS

FRANKLIN VOLUNTEER FIRE DEPARTMENT FIRE COMMISSIONERS

Gary Ingram and Mark Monroe applied for reappointment and if approved, their terms will expire April 30, 2024.

Robert David Connor applied for a seat that will become vacant on April 30th. If appointed, Mr. Connor's term would expire April 30, 2024.

Commissioner Pierce moved to reappoint Mr. Ingram and Mr. Monroe and to appoint Mr. Connor. The motion was seconded by Commissioner Greene and carried unanimously.

HISTORIC LANDMARKS COMMISSION

Hunter Casper and Lucas Safrit applied to fill two (2) vacant seats. These seats have different term ending dates of January 31, 2023 and April 30, 2023. Therefore, the Board will need to select which seat each applicant will fill.

Commissioner Klusman moved to appoint Mr. Casper and Mr. Safrit followed by a second from Commissioner Greene. The motion carried unanimously

Commissioner Klusman moved Mr. Casper's term end January 31, 2023 and Mr. Safrit's term end April 30, 2023. The motion was seconded by Commissioner Greene and carried unanimously.

JUVENILE CRIME PREVENTION COUNCIL

Haylee Shuping applied to fill the remainder of the term for a General Public seat. If approved the term will expire June 30, 2022, after which she would be eligible for reappointment.

Commissioner Pierce moved, Commissioner Greene seconded and the vote to appoint Ms. Shuping passed unanimously.

TOWN OF ROCKWELL PLANNING AND ZONING BOARD ETJ

Andrew King applied to fill a vacant seat and if approved, his term will expire February 28, 2025.

Commissioner Pierce moved to appoint Mr. King. The motion was seconded by Commissioner Greene and passed unanimously.

CITY OF SALISBURY PLANNING AND ZONING BOARD OF ADJUSTMENT - ETJ

Esther Atkins Smith applied for a vacant ETJ seat that will expire March 31, 2024.

Commissioner Pierce moved to appoint Ms. Smith. The motion was seconded by Commissioner Greene and passed unanimously.

ROWAN TRANSIT SYSTEM ADVISORY COMMITTEE

Henry Ricardo Smith applied to fill the remainder of the term for an at large seat. The term will expire June 30, 2024.

Commissioner Pierce moved to appoint Mr. Smith. The motion was seconded by Commissioner Greene and carried unanimously.

10. CLOSED SESSION

Chairman Edds moved at 5:25 p.m. for the Board to enter into Closed Session in accordance with North Carolina General Statute § 143-318.11(a)(1) to consider approval of the minutes of the Closed Session held on March 21, 2022 and in accordance with North Carolina General Statute § 143-318.11(a)(3) for attorney-client

privileged communication. The motion was seconded by Commissioner Pierce and passed unanimously.

Commissioner Klusman moved the Board return to Open Session at 5:40 p.m. The motion was seconded by Commissioner Pierce and passed unanimously.

No action was taken.

11. ADJOURNMENT

There being no further business to come before the Board, Commissioner Pierce moved to adjourn at 5:40 p.m. The motion was seconded by Commissioner Klusman and passed unanimously.

Respectfully Submitted,

Carolyn Barger, MMC, NCMCC
Clerk to the Board