

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

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MINUTES OF THE MEETING OF THE ROWAN COUNTY BOARD OF COMMISSIONERS May 16, 2022 – 6:00 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
Judy Klusman, Member

Absent: Craig Pierce, Member

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

Chairman Edds convened the meeting at 6:00 p.m.

Chaplain Michael Taylor provided the Invocation.

Chairman Edds led the Pledge of Allegiance.

CONSIDER ADDITIONS TO THE AGENDA

- Chairman Edds added an addendum to the contract with McGuire Woods Consulting. Chairman Edds added the issue to the Consent Agenda as Item S.
- Chairman Edds requested to strike agenda item #4 (Public Hearing for Z 04-22). Chairman Edds reported that Red Rock LLC had a couple items to finalize and had asked for the public hearing to be pulled until the June 6, 2022 meeting. (Please Note: This matter was revisited at the end of the current meeting and the public hearing was rescheduled for June 20, 2022).
- Chairman Edds requested to schedule a public hearing for June 6, 2022 to consider economic development incentives for Red Rock LLC. Chairman Edds added the request to the Consent Agenda as Item T.

CONSIDER DELETIONS FROM THE AGENDA

(See deletion above).

CONSIDER APPROVAL OF THE AGENDA

Commissioner Klusman moved, Commissioner Greene seconded and the vote to approve the agenda as amended passed unanimously (4-0).

CONSIDER APPROVAL OF THE MINUTES

Commissioner Klusman moved, Commissioner Greene seconded and the vote to approve the minutes of the May 2, 2022 Commission Meeting passed unanimously (4-0).

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 (4-0).

The Consent Agenda consisted of the following:

- A. Kania Law Firm, P.A. Contract Amendment
- B. Schedule Public Hearing: ZTA 01-22
- C. Allow Contract Negotiation for Inmate Communications System
- D. Schedule Public Hearing for June 20, 2022 for Road Closure Request
- E. NC State Highway Patrol Hangar Lease (Hangar 20)
- F. Margaret C. Woodson Foundation Grant Award
- G. Schedule Public Hearing for FY 2022-23 Proposed Budget
- H. Allow Contract Negotiation for Solid Waste Collection System
- I. Report of 2021 Delinquent Tax
- J. Tax Refunds for Approval
- K. Schedule Public Hearing for June 6, 2022: Road Name Change
- L. Approval of Bank of America Exterior Lighting at ATM Located at WEP
- M. Ellis Cross-Country Lease and Option Agreement With HomeTrust Bank
- N. Second Amendment to Lease for Lisa's Hair Salon
- O. Amos Aviation Third Lease Amendment LFBO
- P. Resolution Requesting City of Salisbury Release Portion of its ETJ for Airport
- Q. Professional Services Agreement with Benesch for Woodleaf Community Park
- R. Acceptance of Emergency Management Performance Grant Award
- S. Addendum to contract with McGuire Woods Consulting - addition to the Consent Agenda as follows:

1. Expenses: Rowan County will be responsible for expenses MWC incurs in providing services under this Agreement, including but not limited to lobbyist and principal registration fees, travel costs, express mail and other delivery services. Any secretarial or other administrative overtime expenses will be included in the fixed fee and will not be charged to Rowan County.
2. Business Conflicts: Rowan County acknowledges that MWC represents Fab-Con Machinery Development Corporation. MWC acknowledges that Rowan County has invested substantial time and fees in this contractual relationship and Rowan County is the primary client. Thus, in the event that a conflict should arise in the representation of Fab-Con Machinery Development Corporation and Rowan County, MWC shall continue to represent Rowan County.

- a. MWC North Carolina will not engage with Rowan County with respect to local tax benefits and/or incentives.
- b. MWC North Carolina may NOT presently or in the future engage in direct government affairs or lobbying services with Rowan County on behalf of Fab-Con Machinery Development Corporation so long as Rowan County continues to be represented by MWC.

T. Schedule a Public Hearing for June 6, 2022 to Consider Economic Development Incentives for Red Rock LLC (addition to the Consent Agenda)

2. 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.

3. PUBLIC HEARING FOR Z 01-22

Planner Aaron Poplin provided a power point as he presented the rezoning petition for Z 01-22. Mr. Poplin said Thaddeus Ogg was petitioning to rezone his two (2) parcels located at the approximate block of Cauble Road from Rural Residential (RR) to Commercial Business Industrial (CBI-CD) for the placement of a mini-storage warehouse facility. The properties were further identified as Tax Parcels 310 325 and 310 327.

This property was located in Area 2 of the Western Area Land Use Plan areas adjacent to Salisbury, Spencer, China Grove, and Landis. Area 2 encouraged mixed development throughout the area. Cauble Road was identified as a minor throughcare and the plan recommended Neighborhood Business off minor thoroughfares.

Within approximately one-half mile of the request off US 601 Highway there had been five (5) approved commercial rezonings. Three (3) of the rezoning requests were to a general NB district and the other two (2) requests were to Conditional District CBI. The current request would follow the same trend of CBI districts being requested as conditional districts.

Mr. Poplin highlighted the information in the staff report, including the consistency with the requested zoning district's purpose and intent; compatibility of all uses within the proposed district classification with other properties; potential impact on facilities such as roads, utilities and schools.

Mr. Poplin reviewed the decision making process, as well as the procedures, Mr. Poplin said the Board must develop a statement of consistency describing whether its action was consistent with any adopted comprehensive plans and indicate why their action was reasonable and in the public interest [sec. 21-362 (j)]. A statement analyzing the reasonableness of the decision was also necessary. A statement of reasonableness was necessary to substantiate a small-scale zoning decision and ensure the decision is "reasonable".

The Planning Board conducted a courtesy hearing for Z 01-22 at their February meeting and two (2) people spoke in opposition to the rezoning. The main concerns were the potential for increased traffic and the potential for light to shine on one (1) adjacent residential property. One person spoke in support of the rezoning indicating the proposed use would be better than other uses that could occur on the site.

The Planning Board and the applicant agreed to three (3) conditions: The screening for the property would change from an opaque fence to a row of evergreen trees, the parcels would be combined, and the dusk to dawn lighting be motion activated.

The Planning Board also adopted the following statements:

Statement of Consistency – Z 01-22 is consistent with the Western Area Land Use Plan on minor thoroughfares and is adjacent to other CBI zoned properties.

Statement of Reasonableness – Z 01-22 is reasonable based on the fact there are many other CBI zoned parcels in the immediate area and that storage buildings will not be detrimental to the surrounding land owners.

After the Planning Board meeting the applicant updated the site plan to reflect the conditions agreed to at the meeting. Along with addressing the conditions the applicant added a small storm water control pond to comply with any potential DEQ stormwater requirements. The applicant assured staff that any design changes required by the DEQ would not require moving the pond.

Mr. Poplin confirmed to Chairman Edds that a business would not be allowed to operate out of the storage facilities.

- The applicant, Thad Ogg, said he had purchased the property as an investment when he returned from Iraq. Mr. Ogg said there would be no office building and there would be a 6' chain link fence around perimeter. Mr. Ogg said he planned to operate from a website standpoint where customers could create their account and have 24-hour access via a gate code.

Chairman Edds opened the public hearing to receive citizen input regarding Z 01-22. With no one wishing to address the Board, Chairman Edds closed the public hearing.

Chairman Edds moved approval of the Statement of Consistency as follows:
Z 01-22 is consistent with the Western Area Land Use Plan on minor thoroughfares and is adjacent to other CBI zoned properties. The motion was seconded by Commissioner Greene and passed unanimously (4-0).

Chairman Edds moved approval of the Statement of Reasonableness as follows: Z 01-22 is reasonable based on the fact there are many other CBI zoned parcels in the immediate area and that storage buildings will not be detrimental to the surrounding

land owners. The motion was followed by a second from Commissioner Greene and carried unanimously (4-0).

Commissioner Greene moved approval of Z 01-22 with the improvements of combining Tax Parcels 310 325 and 310 327 into one parcel; motion lighting for dusk to dawn; and, the plantings that were discussed. The motion was seconded by Commissioner Klusman and carried unanimously (4-0)

4. PUBLIC HEARING FOR Z 04-22: RED ROCK DEVELOPMENT LLC.

This public hearing was deleted at the beginning of the meeting.

5. UPDATE FROM VAYA HEALTH

Zack Shepherd, Community Relations Regional Director for Vaya Health, provided an update to the Board regarding Vaya Health. Mr. Shepherd provided a power point as he discussed the new LME/MCO county alignments and coverage areas.

Mr. Shepherd said Vaya had broken up its catchment area into four (4) regions, with Rowan County being in region 3. The regional boards were broken up based on similar population. Mr. Shepherd continued by reviewing the composition of the regional boards and the composition for the consolidated board of directors.

Lastly, Mr. Shepherd highlighted data for those receiving care.

6. FINANCIAL REPORTS

Finance Director James Howden presented several financial graphs depicting the following information:

- Annual Cumulative Expenditure Comparisons as of April 2022 - \$125,975,429
- Annual Cumulative Revenue Comparisons as of April 2022 - \$140,369,455
- Annual Cumulative Current Year Property Tax Comparisons as of March 2022 – \$87,439,626
- Annual Cumulative Sales Tax Comparisons as of January in FY 2022 - \$20,778,908

7. BUDGET AMENDMENTS

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

- Finance – To budget for Cooperative Extension Robertson Foundation Grants. \$8,200
- Social Services – Received funding for foster care caseworker visits to promote safe and stable families. Funding Authorizations reflect the actual amount received and may increase or decrease the original budget estimate. \$7,942
- Fund 201 - Fire Districts – Increase budget to cover fire districts' tax turnover for the rest of the fiscal year. \$435,000

- Library – Received the LSTA Adaptive Technology Grant in the amount of \$36,000 from the State Library.
- Sheriff – Recognize anticipated revenue for Concealed Weapon Permits Account and budget funds to the State Fees Concealed Weapon Account. \$32,000

Commissioner Klusman moved approval of the budget amendments as presented. The motion was seconded by Commissioner Caskey and passed unanimously (4-0).

Note: At this point, Chairman Edds said he would like to make a correction regarding the public hearing for the rezoning for Red Rock LLC. Chairman Edds said the Board typically held zoning hearings at 6:00 pm in order to provide citizens with the opportunity to attend the meetings. Chairman Edds said the Board would place the scheduling of the public hearing for the rezoning on the next agenda.

Chairman Edds moved the Board change the public hearing for the June 6, 2022 meeting to revisit the economic development incentive policy for Red Rock LLC. The motion was seconded by Commissioner Caskey and passed unanimously (4-0).

8. ADJOURNMENT

There being no further business to come before the Board, Commissioner Klusman moved to adjourn at 6:29 p.m. The motion was seconded by Commissioner Greene and passed unanimously (4-0).

Respectfully Submitted,

Carolyn Barger, MMC, NCMCC
Clerk to the Board