

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 704-216-8180 • Fax 704-216-8195

MINUTES OF THE MEETING OF THE ROWAN COUNTY BOARD OF COMMISSIONERS

November 21, 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
Craig Pierce, Member
Judy Klusman, Member

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

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 a request to consider budget amendments from Finance Director Anna Bumgarner. The issue was added as item #7a.
- Chairman Edds added a request to the Consent Agenda from County Attorney Jay Dees for Century Communities Southeast, LLC for roadway access to National Guard Road. The issued was added to the Consent Agenda as item AB.
- Chairman Edds added a Resolution for the Clerk to the Board to the agenda under Special Recognition as Item #2b.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Pierce moved, Commissioner Klusman seconded and the vote to approve the agenda as amended passed unanimously.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Pierce moved, Commissioner Greene seconded and the vote to approve the minutes of the November 1, 2022 and November 7, 2022 Commission Meetings passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

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

The Consent Agenda consisted of the following:

- A. Donation from Keeping K-9s in Kevlar
- B. Transit Advisory Board - Updated Bylaws
- C. Nonpublic Forum Recommendation
- D. Updated Resolution for Appointment Process for Boards and Commissions
- E. Tax Refunds for Approval
- F. Updated West End Plaza Event Center Rental Contract
- G. Schedule Public Hearing for ZTA 04-22
- H. Resolution to Award Service Sidearm to Retiring Sheriff Kevin Auten
- I. Resolution to Award Service Sidearm to Retiring Chief Deputy David Ramsey
- J. Resolution to Award Service Sidearm to Retiring Major John Sifford
- K. Resolution to Award Service Sidearm to Retiring Major Chad Moose
- L. Resolution to Award Service Sidearm to Retiring Captain Randy St. Clair
- M. Resolution to Award Service Sidearm to Retiring Lieutenant Carmon Williams
- N. Resolution to Award Service Sidearm to Retiring Detective Phillip "Lane" Kepley
- O. Resolution to Award Service Sidearm to Retiring Deputy Brad Bebbler
- P. Resolution to Award Service Sidearm to Retiring Deputy Shauna Wale
- Q. Schedule Public Hearing for Z 09-22: RP Salisbury Partners LLC, for December 5, 2022 at 6:00 PM
- R. Schedule Public Hearing for ZTA 05-22: SNIA Designations and Land Use Plan Recommendations, for December 5, 2022
- S. Sole-Source Mercury Medical
- T. Rowan County Travel Policy
- U. Sheriff's Bond
- V. Position Requested as Part of Opioid Settlement
- W. Rowan County Health Department - Grant Opportunities
- X. Adoption of 2023 Schedule of Values
- Y. Rowan County Visitation Station Program
- Z. Authorize the Manager to Enter Into a Contract with Pete Bogle for Cost Estimate and Preliminary Design for Rowan Transit
- AA. Consider Offer to Purchase County-Owned Property On Flat Rock Road
- AB. Century Communities Southeast, LLC Permission to Access National Guard Road (Addition to the Consent Agenda. See documentation below.)

Add to Consent AB

Greg Edds, Chairman
Manager
Jim Greene, Vice-Chairman
to the Board
Mike Caskey
County Attorney
Judy Klusman
Craig Pierce



C. Barger
11/21/22

Aaron Church, County
Carolyn Barger, Clerk
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To Whom it may concern:

Century Communities Southeast, LLC and its contractors, subcontractors, etc. are hereby permitted roadway access to National Guard Road beyond the Security Gates as shown in Exhibit A. This grant of access will allow for access to large construction vehicles such as excavators, front loaders, material delivery trucks, off-road trucks, etc.

Century Communities Southeast, LLC and its contractors, subcontractors, etc. are hereby permitted access to the Rowan County Sewer Easement via National Guard Road as shown in Exhibit B.

Century Communities Southeast, LLC and its contractors, subcontractors, etc. are hereby permitted access to the Rowan County Sewer Easement for purposes of connecting new sewer lines to the to the main Rowan County Sewer Line as shown on Exhibit C.

Advance coordination with the Mid-Carolina Regional Airport (RUQ) Airport Director is required prior to obtaining access as granted by this document.

This the __ day of November, 2022

Gregory C. Edds, Chairman
Rowan County Board of Commissioners

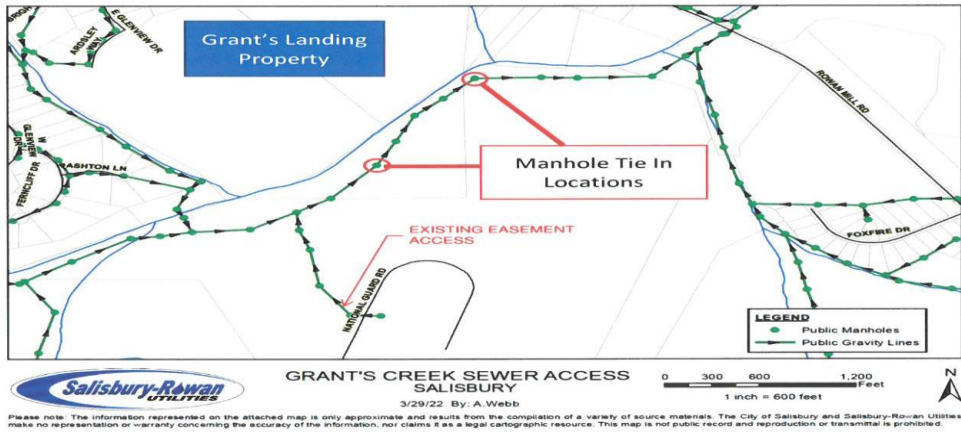


EXHIBIT B



DRAFT

EXHIBIT C



OK



2. SPECIAL RECOGNITION

A. RECOGNITION OF RETIRING SHERIFF KEVIN AUTEN

Chairman Edds said the special recognition during the meeting was bittersweet for the County and the Board of Commissioners. Chairman Edds said the Board would be expressing congratulations to some friends on their next chapter in life and not saying good-bye.

Chairman Edds praised Sheriff Auten for outstanding competence to navigate the job of Sheriff and take care of the citizens of Rowan County. Chairman Edds praised Sheriff Auten's competence at navigating the political landscape while advocating for the folks of the County. Chairman Edds said he appreciated Sheriff Auten and the opportunity to have worked with him.

Commissioner Pierce shared that he used to play golf on Wednesdays with the Sheriff. Commissioner Pierce said Sheriff Auten had led him to see what it meant to do things for youth in an effort to prepare them for real life. Commissioner Pierce said he could not thank Sheriff Auten enough for all he had done for the youth across the County and he expressed hope he and Sheriff Auten would continue to work together in those endeavors.

Commissioner Greene said when he was first elected as a County Commissioner, he did not have a clue as to what was involved with the operations of a Sheriff's Office. Commissioner Greene recalled a time Sheriff Auten had stepped up when the City of Salisbury had sought help with their municipal law enforcement. Commissioner Greene said no egos had been involved – just public service between agencies – and he was proud to be associated with an organization that worked so well. Commissioner Greene said the Board would miss Sheriff Auten and wished him all the best.

Commissioner Klusman said she appreciated Sheriff Auten and his willingness to be open to new ideas and new ways of doing things. Commissioner Klusman shared an earlier conversation she had with Sheriff Auten and said she appreciated him as a person and as the Sheriff.

Commissioner Caskey shared appreciation for Sheriff Auten and how great he had been to work with. Commissioner Caskey said he also appreciated the fact that Sheriff Auten looked out for both the employees and the citizens. Commissioner Caskey then read a plaque, when he presented to Sheriff Auten on behalf of the Board and the people of Rowan County.

A round of applause and a standing ovation followed the presentation.

Sheriff Auten held back tears as he expressed appreciation for the people at the Rowan County Sheriff's Office, as well as the Board of Commissioners. Sheriff Auten said he was not "going away" because he had a desire to continue to serve the community, especially the kids.

Sheriff Auten took a moment to tell Clerk to the Board, Carolyn Barger, that he had loved working with her and to thank her for the trust and confidence he had in their conversations. He thanked County Attorney Jay Dees for his work and for always taking his calls. Sheriff Auten thanked Finance Director Anna Bumgarner for her guidance on County policy. He thanked County Manager Aaron Church and Sheriff-Elect Travis Allen. Sheriff Auten said Mr. Allen had inherited 200 employees and the job was about the employees.

In closing, Sheriff Auten invited everyone to attend the retirement party on November 28, 2022 for many of his staff who were retiring with many years of service/longevity.

Another round of applause and a standing ovation followed, as well as the opportunity for a photograph with the Board.

ADDITION

B. RESOLUTION COMMENDING CAROLYN BARGER

Chairman Edds asked Jeff Barger, Clerk of Superior Court, to join the Board in front of the dais. Chairman Edds said most people knew Mr. Barger; however, he stated the Clerk to the Board, Carolyn Barger, was Jeff's wife. Chairman Edds called Mrs. Barger forward.

Commissioner Pierce read a ***Resolution Commending Carolyn Barger*** for her years of service to Rowan County. At the conclusion of the reading, Commissioner Pierce presented a framed Resolution to Mrs. Barger. A round of applause followed the presentation.

Commissioner Greene said the Board would miss Mrs. Barger and he jokingly added the Board did even not know at this time half of what it would miss her for. Commissioner Greene said Mrs. Barger had been very professional in the eight (8) years he had been on the Board and that he planned to continue to share pictures with her of his grandchildren.

Commissioner Pierce said his comments to Mrs. Barger were contained in the Resolution, which he had just read and presented.

Commissioner Caskey said he had met Mrs. Barger ten (10) years ago and he talked about how much she had helped him through the years. Commissioner Caskey said he had never met

anyone with Mrs. Barger's professionalism and dedication. Commissioner Caskey said he did not know how Mrs. Barger had done her job so well and that he truly appreciated her.

Commissioner Klusman said she would miss Mrs. Barger always being available for the board members and for Mrs. Barger's listening skills when board members needed to vent or share grandkids pictures. Commissioner Klusman said Mrs. Barger had been a special person to each Commissioner and she would be missed.

Chairman Edds said when he first got elected, he had told the County Manager he wanted him to keep the Commissioners out of jail because several of them were new to their roles and did not yet know all the laws/expectations. Chairman Edds said when he had met with Mrs. Barger, he had asked her to also help keep the board members out of jail. Chairman Edds said Mrs. Barger had seen the Commissioners at their best, and their worst, and she supported them anyway. Chairman Edds said the Board valued Mrs. Barger as a sister, a friend, and as someone who had taken her job seriously. Chairman Edds said we know the kind of person she is, and who she serves, and that is the most important thing to us. Chairman Edds wished both Mr. and Mrs. Barger all the best in retirement.

Mrs. Barger said she was so grateful to have served so many elected officials through the years. Mrs. Barger said it had been an honor to serve those officials and they had all been great in their own way. Mrs. Barger considered her role "to be the glue that held them together," and said she had performed her duties to the best of her ability. Mrs. Barger said it had been a privilege to be the Clerk for the current Board, as well as to have worked with so many great Department Directors. Mrs. Barger also expressed appreciation to Sheriff Auten for being a rock through so many situations. Mrs. Barger thanked County Attorney Jay Dees for his assistance and friendship through the years. Mrs. Barger thanked her husband, Jeff, saying he had been amazing and that she thought it was "pretty cool the County was losing both its Clerks on the same day." Mrs. Barger said she and her husband were looking forward to retirement and the next chapter of their lives.

Another round of applause followed Mrs. Barger's comments, as well as the opportunity for a group photograph with the Board.

3. PUBLIC COMMENT PERIOD

Chairman Edds opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individual came forward:

- Travis Allen, Sheriff-Elect, said he was present for Sheriff Kevin Auten. Mr. Allen said he owed his life and career to Sheriff Auten. Mr. Allen said he was a religious person and he sought a double portion of what Sheriff Auten had been. Mr. Allen thanked Sheriff Auten for his service to the County.

With no one else coming forward, Chairman Edds closed the Public Comment Period.

4. ROAD NAME CHANGE – PUBLIC HEARING

Planning Technician Pamela Ealey presented the staff report for the proposed road name of Stamey Way. The road was currently unnamed and located off Orbison Road off Corriher Grange Road in the 2100 block of SR 1552. According to Ms. Ealey there were two (2) existing structures already using the drive. An application was submitted for a third structure; therefore, the County's

ordinance required the road (driveway) to be named. The property owners, Robert Jr. And Kathy Stamey, Joseph and Amanda Little and Robert Stamey III submitted a petition for the proposed road name of Stamey Way.

Chairman Edds opened the public hearing to receive citizen input regarding the road name. With no one wishing to speak on the request, Chairman Edds closed the public hearing.

Commissioner Pierce moved, Commissioner Greene seconded and the vote to approve the road name of Stamey Way passed unanimously.

5. CONSIDER SNIA 03-22: TERAMORE DEVELOPMENT

Assistant Planning Director Shane Stewart provided a power point as he discussed the staff report. Mr. Stewart stated that Staff received a Special Non-Residential Intensity Allocation (SNIA) request from Teramore Development, LLC to build a 10,665 square foot retail store at the southwest corner of Mooresville and Briggs Roads referenced as parcel IDs 465A-043 and part of 044. Approving the request would allow the project to exceed the administrative allowance of 12% built-upon area (e.g. buildings, pavement, gravel) limitation requirement of the Back Creek / Sloans Creek watershed and allow up to 70% built-upon area for the project. A total of 10% of the watershed acres may be removed from the 12% limitation and permit up to 70% coverage.

Based on the staff report, the project details were proposed as follows:

- Nineteen (19) Red Maple trees planted thirty (30) feet on center along Mooresville Road and Briggs Road (some trees plantings may be delayed due to proximity to temporary sediment basin);
- Twenty-three (23) Green Giant evergreen trees planted ten (10) feet on center along with a six (6) foot opaque wood fence along the northern property line;
- According to the applicant, the site would feature a monument sign four (4) foot tall x eight (8) foot wide sign with a two (2) foot brick base (see enclosed example sign);
- Building elevation plans and rendering indicate a brick base on three (3) sides with fiber cement siding on the same three (3) sides (less north side at building rear). Although not shown, the applicant has agreed to substitute metal with fiber cement siding on the rear. According to the applicant, the façade would match the Woodleaf Dollar General approved by the BOC in 2019.

Mr. Stewart stated the North Carolina Department of Transportation (DOT) approved a commercial driveway permit in September for connection to Briggs Road. Without knowing the future of several adjacent parcels owned by Greer Goodman, it was difficult to discern what type of access could be granted to Mooresville Road. As such, the DOT and Planning Staff preferred a single access on Briggs Road that could serve both the retail store and future development on the adjacent lots. The Western Area Land Use Plan (LUP) generally encouraged mixed use development and access management within Regional Nodes.

On October 12, 2022, the applicant provided planning staff a report from Davenport Engineering regarding the transportation impact from the project. Page 4 of the study purported a minor change

in the level of service during PM peak hour comparing current conditions (Base Year) to store operation (2024 Build) noted as follows:

Mooresville Road / Briggs Road Intersection

- Level of Service change from D to E and
- Vehicle delay in seconds increase from 32.4 to 43.

Planning staff questioned the incorrect reference to speed limits and Average Annual Daily Traffic (AADT) counts on page 3 among a few other questions concerning the report.

In lieu of a single driveway, the owner and applicant proposed a reconfiguration of parcels to retain a forty-five (45) foot strip of land for a second Briggs Road driveway intended to serve as an alternative access for the future needs of the three (3) adjacent lots. According to NCDOT, it was possible, although not desirable, that a second driveway connection could be granted but depended on the type of development.

- Per the applicant, the proposed septic was identified by a private soil scientist as sufficient to support the store.
- The stormwater pond proposed along Mooresville Road is designed to comply with the North Carolina Department of Environmental Quality's Phase II Stormwater requirements as a permanent measure.

Staff's comments in the staff report indicated if approved, the following conditions should be included based on plans received:

1. Combine Parcel IDs 465A-043 and part of 465A-044 and the residual strip from 465A-044 with 465A-045;
2. Subject to approved site plan;
3. Subject to façade details on elevation plan including fiber cement siding on the north (rear) elevation; and
4. 4' x 8' monument sign with 2' brick base.

While a public hearing nor public comment was required, Chairman Edds asked if the applicant or members of the public wished to speak on the matter. The following individuals came forward:

- Mike Fox, an attorney from Greensboro, said he represented the applicant and was available for any questions the Commissioners might have. Mr. Fox identified others in the audience, who were available to answer questions, as well. Mr. Fox described the request as minor and nowhere near the County's SNIA limit. Mr. Fox said he felt the request would be a good use for some of the County's SNIA and the request would bring jobs and provide a service to citizens.
- Larry Bell of Briggs Road spoke in opposition to the request.
- Charlie Wallace of Mooresville Road spoke in opposition to the request.

With no one else coming forward, Chairman Edds closed the floor to public input.

Commissioner Caskey said several months ago the Board had received a letter with concerns from the Board of Directors at Locke Volunteer Fire Department (VFD) and he was not inclined to vote in favor of the request.

Commissioner Pierce said no one seemed to care about the County's SNIA allotments and everyone seemed to think their requests should be "excused." Commissioner Pierce said the County had the ordinance for a reason and he could not vote in favor of the request.

Commissioner Klusman said she also had been concerned about the SNIA designations and she felt water runoff was a serious problem. Commissioner Klusman said there would be more flooding and she could not support the request.

Commissioner Greene said there had been discussions with Teramore Development about the Dollar General Stores already here. Commissioner Greene said the Board had been told some of the stores were closed by the Fire Marshal because there was not enough room in the store aisles and also because of the trash outside the stores. Commissioner Greene did not feel the Board should allow anymore Dollar General stores in Rowan County until the company showed it was serious about the existing stores and cleaning up around the dumpsters and inside the stores.

Chairman Edds said unbeknownst to the applicant, the Board was anticipating some long-term SNIA issues with Iredell County. The Planning Board was also working on amendments to zoning text that would address the SNIA issues. Chairman Edds explained that Teramore Development built facilities for a lot of companies and the Board's issue was not with Teramore Development.

Chairman Edds continued by saying some of the Commissioners had spoken directly to Dollar General management regarding how their stores were operated and presented to the people of Rowan County. Chairman Edds said the Board did not have anything against Dollar General; however, the Commissioners did have concerns about life and safety. Chairman Edds said there had been candid discussions with Dollar General as to why the Board felt Rowan County citizens deserved better. Chairman Edds said the Board would deny the SNIA request and send a message to companies wanting to locate in Rowan County that the County expected quality stores/businesses for its citizens.

Commissioner Pierce moved to deny SNIA 03-22, followed by a second from Commissioner Greene. The motion carried unanimously.

6. DISCUSSION REGARDING ANNUAL PLANNING RETREAT

Chairman Edds turned the floor over to Clerk to the Board, Carolyn Barger, and requested she lead the discussion.

Mrs. Barger said the Board was asked to discuss its preferences as to whether it wished to conduct a planning retreat in 2023.

After a brief discussion, Commissioner Klusman moved to schedule the planning retreat for 10:00 a.m. on February 6, 2023. The motion was seconded by Commissioner Greene and passed unanimously.

Chairman Edds confirmed to Mrs. Barger the Board wished to hire a Facilitator for the retreat.

7. FINANCIAL REPORTS

Finance Director Anna Bumgarner presented several financial graphs depicting the following information:

- Annual Cumulative Expenditure Comparisons as of September in FY 2023 - \$51,729,261
- Annual Cumulative Revenue Comparisons as of September in FY 2023 - \$83,155,645
- Annual Cumulative Sales Tax Comparisons as of July in FY 2023 - \$3,216,933
- Monthly Sales Tax Comparisons as of July in FY 2023 - \$3,216,933
- Annual Cumulative Current Year Property Tax Comparisons as of September in FY 2023 - \$57,432,817

ADDITION: 7a. BUDGET AMENDMENTS

Finance Director Anna Bumgarner presented the following budget amendments for the Board's consideration:

- Finance – Transfer funds for new flag poles at the library - \$25,000
- Finance – Reverse BA-02-695 and budget tennis court reconstruction to correction account \$73,733
- Finance – Transfer funds for tennis court reconstruction at Ellis Park - \$29,000

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

9. CLOSED SESSION

Chairman Edds moved the Board 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 Sessions held on November 1, 2022 and November 7, 2022; and, § 143-318.11(a)(6) for personnel.

Commissioner Klusman moved the Board return to Open Session at 8:06 p.m. The motion was seconded by Commissioner Pierce and carried unanimously. No action was taken.

10. ADJOURNMENT

There being no further business to come before the Board, Commissioner Pierce moved to adjourn at 8:06 p.m. The motion was seconded by Commissioners Greene and Klusman and passed unanimously.

Respectfully Submitted,

Carolyn Barger, MMC, NCMCC
Clerk to the Board

DRAFT