

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



Aaron Church, County Manager  
Sarah Pack, 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

January 17, 2023 – 6:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

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#### PRESENT:

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

County Manager Aaron Church, Clerk to the Board Sarah Pack, and Finance Director Anna Bumgarner were also present. County Attorney Jay Dees was absent.

#### Call to Order

Chairman Edds called the meeting to order at 6:00 p.m. Chaplain Michael Taylor provided the invocation. Chairman Edds lead the Pledge of Allegiance.

#### Consider Additions to the Agenda

Chairman Edds requested that the following items be added to the Agenda:

- Authorization of the publication of the County's intent to lease property at the Rowan County Landfill. (Consent Item O)
- Citizen request to use the parking lot at the West End Plaza during an event. (Consent Item P)
- Resolution Recognizing January 16, 2023, as Dr. Martin Luther King, Jr. Day in Rowan County. (Active Consent Item 2a)
- A deed and lien waiver that need to be approved for the sale of 3.744 acres (Lot 2, Summit Corporate Center) to Dkota Investments. (Consent Item Q)

#### Consider Deletions From the Agenda

Chairman Edds requested that Consent Item C, Consider Rules of Procedure for Public Comment Period, be removed from the agenda. A resolution was previously passed in 2007 addressing public comment rules of procedure.

Chairman Edds said Consent Agenda Item K, the Apple Lease Agreement Resolution, will be pulled from Consent and added to the Regular Agenda as Item 3a.

**Consider Approval of the Agenda**

*On motion of Pierce, seconded by Greene, the Board voted 5-0 to approve the agenda as amended.*

**Consider Approval of the Minutes**

*On motion of Klusman, seconded by Pierce, the Board voted 5-0 to approve the minutes of the January 3, 2023, meeting.*

**Consider Approval of the Consent Agenda**

*On motion of Pierce, seconded by Klusman, the Board voted 5-0 to approve the Consent Agenda as presented, as amended:*

- A. Revision to Policy 6.6 Use of Comp-Time*
- B. Incentives For Detention Center Employees*
- C. ~~Consider Rules of Procedure for Public Comment Period~~ (removed from agenda)*
- D. Amendment Number 1 - Talbert, Bright & Ellington, Inc. Project No. 3708-1901*
- E. Wellpath - Change Order 22030*
- F. Accept Funding from Duke Energy Foundation for Emergency Services*
- G. Salisbury Rowan Community Foundation Grant for Artist Mural*
- H. Quarterly Lobbying Expense Report*
- I. Tax Refunds for Approval*
- J. Contribution-based Benefit Cap*
- K. ~~Apple Lease Agreement Resolution~~ (moved to Regular Agenda Item 3a)*
- L. Special Meeting for West End Plaza Approval for Financing and Construction Bids*
- M. Amendment to Agreement of Sale*
- N. Proclamation Recognizing Human Slavery and Human Trafficking Awareness, as follows:*

*PROCLAMATION RECOGNIZING JANUARY 2023 AS HUMAN  
SLAVERY AND HUMAN TRAFFICKING AWARENESS MONTH IN  
ROWAN COUNTY AND JANUARY 11, 2023, AS NATIONAL HUMAN  
TRAFFICKING AWARENESS DAY*

*WHEREAS, by Presidential proclamation, each annual January has been designated National Human Slavery and Human Trafficking Prevention month; and*

*WHEREAS, each year, the 11th day of January has been designated as National Human Trafficking Awareness Day; and*

*WHEREAS, the issues of sex trafficking and labor trafficking are a violation of fundamental human rights; and*

*WHEREAS, the County of Rowan wishes to acknowledge the following organizations for their work to combat human trafficking: Project Light Rowan, Family Crisis Council, and the Terrie Hess House Advocacy Center; and*

*WHEREAS, Rowan County supports the three pillars, "Protect, Prevent, Prosecute," that are included in the United Nations Global Plan of Action; and*

*WHEREAS, human trafficking is recognized as a national, state, and local issue.*

*NOW THEREFORE BE IT PROCLAIMED that the Rowan County Board of Commissioners, on behalf of the County employees and Citizens of Rowan County, do hereby recognize the month of January 2023 as "HUMAN SLAVERY AND HUMAN TRAFFICKING PREVENTION MONTH" in the County of Rowan and recognize January 11, 2023, as NATIONAL HUMAN TRAFFICKING AWARENESS DAY. We urge our fellow citizens to educate themselves to protect, prevent, and support the prosecution of human traffickers and bring an end to slavery and human trafficking.*

- O. Authorize the publication of the public notice of the County's intent to lease property at the Rowan County Landfill*
- P. Approve Citizen Request for Use of the West End Plaza Parking Lot*
- Q. Approve the Deed and Lien Waiver for closing for Dkota Investments, Incorporated's purchase, and authorize the Chairman to sign these and any other documents related to the closing*

*Active Consent – Item 2a*

*Resolution Recognizing January 16, 2023, as Dr. Martin Luther King, Jr. Day in Rowan County*

Chairman Edds recognized new Rowan-Salisbury Schools Superintendent Kelly Withers who was present in the audience.

### **Public Comment Period**

Sheriff Travis Allen, 232 North Main Street, Salisbury, gave an update on the Sheriff's Department. He addressed crime area complaints and explained the formation of an eight-person response team that has already been active. This is a local crime unit available to all citizens to address problem areas in the county. A mental health training policy is under development. All new hires will be required to take this training. He thanked the Board for recent reclassifications and gave a brief staffing update. The Detention Center is still recruiting. Sheriff Allen appreciates the relationships built between County departments.

### **Special Recognition – Active Consent Agenda Item 2a**

Commissioner Klusman invited DeeDee Wright, a local civil rights leader with whom she served on the Social Services board, to join the Board in the front of the room. Commissioner Klusman read into record the Resolution Recognizing January 16, 2023, as Dr. Martin Luther King, Jr. Day in Rowan County and presented a copy to Ms. Wright. The Resolution was read as follows:

*RESOLUTION RECOGNIZING JANUARY 16, 2023, AS DR. MARTIN LUTHER KING, JR. DAY IN ROWAN COUNTY*

*WHEREAS, the Reverend Dr. Martin Luther King, Jr. was the leading civil rights advocate of his time, spearheading the civil rights movement in the United States during the 1950s and 1960s, earning worldwide recognition as an eloquent and articulate spokesperson for equality; and*

*WHEREAS, Dr. Martin Luther King, Jr. devoted his life to advancing social justice, affirming human rights, and unifying the community, which continues to inspire millions of North Carolinians to help others in their communities; and*

*WHEREAS, in 1983, the United States Congress designated Dr. Martin Luther King, Jr.'s birthday as a Federal holiday, and in 1994, designated the holiday as a National Day of Service; and*

*WHEREAS, Rowan County residents are encouraged to volunteer during the Dr. Martin Luther King, Jr. Day of Service, and work together to build their communities into places of justice, peace, and equality; and*

*WHEREAS, recognizing Dr. Martin Luther King, Jr. Day allows us all to reflect on the ongoing need to embrace those principles essential to Dr. King's message: loving our neighbors, ending poverty, creating equitable economic opportunities, and taking nonviolent, direct action against hatred, racism, and oppression of any kind.*

*NOW, THEREFORE, BE IT RESOLVED THAT the Rowan County Board of Commissioners does hereby name January 16, 2023, as Dr. Martin Luther King, Jr. Day in Rowan County, and encourages all residents to celebrate Dr. King as a civil rights leader by honoring his life and legacy through the promotion of justice, peace, service, and community engagement.*

Commissioner Klusman invited Ms. Wright to speak and said that she is a published author.

Ms. Wright described her personal connection to Dr. Martin Luther King, Jr. Day and her pride related to this special holiday. She showed a copy of her book "The (W)right Thing" to the Board and audience and read several comments featured in her book supporting her efforts in the civil rights movement.

### **Rowan County Working Agriculture Lands Presentation**

Amy-Lynn Albertson, County Extension Director, introduced Kim Starnes, Chair of the Agricultural Advisory Board, and Ben Knox, member of the Agricultural Advisory Board and representative of the Soil and Water Board.

Mr. Starnes gave statistics regarding agriculture in Rowan County. The agriculture sector accounts for 13.8 percent of Rowan County's total employment, while agriculture and agribusiness have contributed \$82 million in income. All the photographs in Mr. Starnes' presentation showed local Rowan County farmers.

Mr. Knox showed a depiction of projected agricultural land conversion from 2016 to 2040 in a "Business as Usual" scenario throughout North Carolina, and a map of prime farmland by type in Rowan County. North Carolina is projected to lose 1.2 million acres of farmland by 2040, including 9,100 farms in North Carolina, equating to a \$1.25 billion dollar loss.

Mr. Starnes said from 2010 to 2021, the population in Rowan County has increased by 7.1 percent. As such, there is an increased demand for space, which impacts agricultural land. Currently in North Carolina, 64 counties have Farmland Protection Plans. Rowan County is one

of the five counties that has a plan under development. Thirty-one counties do not have any sort of Farmland Protection Plan.

Mr. Knox said a survey has been created to receive feedback from Rowan County non-farm residents, agricultural producers, and those involved in agricultural business. Fifty-seven percent of farmers said they lacked access to land to expand or diversify. The cost and availability of labor has also had a negative impact. The average age of Rowan County farmers is 59 years. Of the farmers surveyed, 63 percent indicated they didn't have a transition plan for their farm to transfer to a younger generation. Ninety-nine percent of those surveyed support local governments taking action to support farmers, and 95 percent support using government funds to do so.

Mr. Starnes said the plan needs to be evaluated annually to celebrate accomplishments and add new recommendations as needed. The recommendations are:

1. Support measures to protect and promote working forest and farmland in Rowan County.
2. Educate Landowners on the benefits of enrolling Conservation Easement Program to keep land available for agricultural use.
3. Expand Voluntary Agricultural District (VAD) and Enhanced Voluntary Agricultural District (EVAD) Programs.

There are 91 counties with Voluntary Agricultural Districts. Rowan County is one of 36 that has both VAD and EVAD programs. Mr. Starnes gave statistics regarding each.

Mr. Knox continued explaining the remaining recommendations.

4. Develop and construct programs to assist Rowan County farm and forest landowners with farm transition planning.
5. Promote appreciation and awareness of the benefits of agriculture to Rowan elected officials and citizens.
6. Expand and Support Youth Agricultural Educational Programs.

Mr. Knox explained various programs and training opportunities available to up-and-coming farmers. This plan is designed to serve as a guide. Agriculture is important to Rowan County.

Vice-Chairman Green asked Mr. Knox to give an example of the cost to plant a particular crop. Mr. Knox said corn costs roughly \$500 to \$600 an acre to plant. Soybeans are slightly cheaper at approximately \$450 per acre. Strawberries and tomatoes are bumper crops. The cost is closer to \$15,000 per acre to establish strawberries, and \$8,000 to \$10,000 for tomatoes. There is no guarantee on return.

Ms. Albertson handed out an updated version of the Plan and said funding for plan production came from a grant.

Commissioner Klusman asked how many farms are in the VAD. Ms. Albertson said as of the 2017 agriculture census there were 925, but there is a census going on right now. Ms. Albertson said the assumption is that more farms will be lost during this census. Commissioner

Klusman asked how many farms might be lost. Ms. Albertson said between the years 2012 and 2017, over 100 farms were lost.

There are no ordinance or zoning changes associated with this Plan. North Carolina is losing farmland at the second fastest rate in the country, with Union, Wake, and Johnston counties being the most impacted. Rowan County is in the Charlotte/Interstate-85 corridor and the land loss is spreading this direction.

Chairman Edds thanked Ms. Albertson and said the Board will work with Extension to find solutions and continue producing the Plan.

### **Item 3a – Apple Lease Resolution (Moved from Consent Agenda)**

Chairman Edds said leases like this are frequently questioned. State statute requires that the Board of Commissioners (BOC) must approve commitments the school system takes on. The School Board votes and sends capital requests to the BOC for approval. Recently a meeting was held with administrative staff to discuss the Apple Lease. This is a three-year lease. There were questions regarding how the lease works. The word “lease” is slightly misleading; the school system owns these units after the lease term is up. The suggestion was made at the administrative meeting to meet with Apple representatives directly.

The School Board determines what equipment is needed and the BOC determines funding. The BOC’s main concern is whether a three-year lease is good for the county. Chairman Edds said a frequently asked question is “why are new units needed if existing units are in good repair?” The community wants to know if this is a good financial decision.

Superintendent Kelly Withers said devices are a key tool, but they are one of many. Teachers are the most valuable resource. People have asked why devices are needed. Besides operational uses, devices are meant to redefine learning. They allow for connectivity and access to real world resources and allow students to design authentic products. Devices in schools provide access, creation, and connection.

Chairman Edds asked why units would be replaced if they were in good shape, and how a three-year life is determined. Apple representatives previously said the units could likely be in service another year without major issues. Chairman Edds said there are three issues to address:

1. At the end of this year, the school system will sell all units. The residual will greatly reduce a year from now.
2. Built into the new lease rate is zero percent financing. This will likely not be the case next year.
3. If device usage is extended another year, the Applecare warranty is lost, meaning the County would assume maintenance responsibility. Based on statistics, the County’s share of repairs and replacements outside of warranty would equal roughly \$1 million. The sell off residual will be about \$3.3 million. In the past, the units were sold for over \$4 million. However, there were a tremendous number of MacBooks for grades nine through twelve which are more expensive than iPads. The contract price was \$13.8 million, which dropped to \$12.7 million,

then to \$11.5 million (3 years ago). 3 years ago, Macbooks were removed and replaced with iPads. The equipment inventory is different this time.

The cost is \$11.5 million. The residual buyback is \$3.3 million. The total cost of the contract would be \$8.2 million. If the current contract were extended, the buyback would drop by \$1 million, costing the County an additional million. The interest rate would increase, equaling an estimated \$1.3 million in interest over the term. There would be a \$1 million cost in maintenance, costing the county \$11.5 million. It is cheaper to sign a new lease. The net cost now is \$8.2 million but would rise to \$11.5 million if we wait a year. To extend Applecare would cost \$760,000.

Chairman Edds commended Randy Cress, Chief Information Officer and Assistant County Manager, for his work with the school system and Apple on this issue.

*On motion of Edds, seconded by Pierce, the Board voted 5-0 to approve the Apple Resolution as follows:*

*RESOLUTION TO ENTER INTO CONTRACT TO PURCHASE COMPUTER  
HARDWARE, SOFTWARE, AND RELATED EQUIPMENT FOR PUBLIC  
SCHOOL PURPOSES*

*WHEREAS, the Rowan-Salisbury Board of Education wishes to enter into a continuing contract for capital outlay under N.C. Gen. Stat. § 115C-528 with Apple, Inc. for the purchase of certain computer hardware, software, and related equipment to be used for public school purposes; and*

*WHEREAS, the contract will require the Board of Education to pay Apple, Inc., up to \$11,503,367.76 over 2023-24, 2024-25, 2025-26, and 2026-27 fiscal years; and*

*WHEREAS, the Board of Education will pay Apple in approximate installments of \$1,643,338.26 in the 2023-24 fiscal year, \$3,286,676.50 in the 2024-25 fiscal year, \$3,286,676.50 in the 2025-26 fiscal year, and \$3,286,676.50 in the 2026-27 fiscal year; and*

*WHEREAS, the contract may be a continuing contract for capital outlay subject to the provisions of N.C. Gen. Stat. §§ 115C-441(c1) and 115C-528, including the approval of the Rowan County Board of Commissioners.*

*NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Rowan County Board of Commissioners agrees to appropriate sufficient funds to the Rowan-Salisbury Board of Education in ensuing fiscal years to meet the Apple, Inc. contract obligations, so long as the amount the Board of Education shall be obligated to pay under that contract shall be generally equal to the amounts noted above. Said funds shall be a part of, and not in addition to, regular appropriations made to the Board of Education. Said funds obligated by this contract for fiscal years 2023-24, 2024-25, 2025-26, and 2026-27 shall be budgeted by the Board of Education for this purpose, and the Rowan County Board of Commissioners shall not be obligated to increase its annual appropriation to the Board of Education by the amount due under this contract with Apple, Inc.*

*On motion of Pierce, seconded by Greene, the Board voted 5-0 to move Regular Agenda Item 11, the Rowan County Tourism Wayfinding Signage for American Rescue Plan Act Funding Request, to be presented next.*

**Rowan County Tourism Wayfinding Signage for American Rescue Plan Act (ARPA) Funding Request**

James Meachum, Rowan County Tourism Executive Director, said this proposal aligns with American Rescue Plan Act (ARPA). Should the Board choose to approve this proposal, the Grant Administrator's evaluation shows that such funding would be available and allowable under the Revenue Replacement category of ARPA funding. Past ARPA funding allocated specifically to Rowan County Tourism was vital in replacing lost tourism revenues, retiring funding obligations for the Farmers Market and providing for a COVID pandemic grant program for lodging and arts organizations who sustained significant fiscal losses from the pandemic. The resources approved by the Board of Commissioners are a testament to the County's leadership.

Rowan County Tourism respectfully requests additional ARPA funds for the growth and expansion of infrastructure that benefits all Rowan County municipalities, sites, businesses, and the community at large. Additional ARPA funds would be utilized to support the development and implementation of community and tourism infrastructure in the form of a uniform and countywide directional wayfinding signage system.

The pandemic amplified the community's need for branded and recognizable directional support for its residents and visitors as they travel to key sites in Rowan County. These sites include, but are not limited to, public institutions, government facilities, municipalities, parks, recreation, outdoor, culture, historical, and agricultural sites. Wayfinding signage serves as a resource by supporting movement to and from community sites by travelers, while providing a regular and consistent welcoming message.

Signage benefits also include:

1. Location Association – While a resident or visitor is following a path to a particular destination for the first time, they are more likely to stay the course when accompanied with clear and identifiable signage. Each sign gives them vital, location-based information to help increase their knowledge about the area while also prompting opportunities to either extend their stay or return for future visits.
2. Community Branding – Brand recognition is one of the highest values attributed to wayfinding signage. A community's brand creates a solid impression that is visually identifiable and amplified regularly through wayfinding signage. Wayfinding further supports quality of life in communities by presenting the community as a welcoming place. Wayfinding signs tell each visitor and resident they are welcome. Due to the wayfinding function, departments of transportation allow for such signs to be placed within their right of way. This amount of brand positioning would be impossible otherwise and is a benefit to a community seeking to support residents, visitors, and businesses.

3. Safety Enhancements – Wayfinding provides safety enhancements for motorists and pedestrians. When a community has an organized wayfinding system, it is an additional guide for motorists and visitors heading to their destination and decreases the need to utilize distracting devices. These important wayfinding projects have been developed and integrated into the Manual on Uniform Traffic Control Devices (MUTCD), which is utilized by the North Carolina Department of Transportation (DOT).
4. Decrease Sign Clutter – A community-wide wayfinding signage system allows for consolidation of existing individual DOT signs to a more uniform system featuring multiple location points per sign. For example, a road may currently exhibit three DOT signs: for a courthouse, a library, and a park. The three individual signs would be removed and replaced with one community specific wayfinding sign that lists all three locations. This eliminates three signs and adds one new sign for a net reduction of two signs.
5. Visibility and Improved Access to Impacted Industries and Community Infrastructure.

This system proposes 93 total signs throughout the county, including 97 mentions of impacted industry, 73 mentions of government services/schools/public health facilities, 76 mentions of outdoor spaces and public facilities, and 15 Gateway signs welcoming drivers to individual communities and municipalities. Mr. Meachum showed design examples of various signs.

In seeking to further partner on community and economic development, Rowan County Tourism requested \$500,000 in ARPA funds for fiscal year 2022-23. These funds would be dedicated for Rowan Tourism to produce and install a uniform, countywide wayfinding signage system for Rowan County and its municipalities. Rowan County Tourism would provide the remaining \$34,100 needed to complete the project, for a total investment of \$534,100.

A draft wayfinding signage system is currently under staff review at the Tourism Office. The system designer has mapped out the county and developed a complete system. Following approval of ARPA funding and completion of tourism staff review, Rowan Tourism will present to county staff for input and consideration. After staff reviews are complete, the system would be presented to each municipality, and finally to the Board of Commissioners for consideration and request for adoption. Upon adoption by the Board of Commissioners, the system would then be submitted to DOT for review and approval. All municipality meetings, staff reviews, and presentation to Commissioners have a target completion by early 2023.

Completing this one-time community and tourism infrastructure project will better position visitors and residents of Rowan County to safely travel and explore the community's public sites, while fostering greater community and economic development opportunities. The project will directly support continued recovery and growth in the local tourism industry, while enhancing the community through greater location association, branding, development, and safety. Lastly, it will continue to position Rowan County as a destination that welcomes both its current and future residents, visitors, and businesses.

Vice-Chairman Greene clarified that the proposed number of signs would cover the entire county. Mr. Meachum said yes. Vice-Chairman Greene asked if municipalities had been consulted regarding the number of signs in their communities and Mr. Meachum said yes. After consulting municipalities and the County, the package would be presented to the DOT.

Commissioner Klusman asked if municipalities will be contributing funding. Mr. Meachum said the request is for ARPA funding. Ms. Bumgarner said that this project can be funded with available ARPA funding.

*On motion of Pierce seconded by Greene, the Board voted 5-0 to approve a reimbursement, up to \$500,000, of allowable expenses based on the agreement between Rowan County and the Tourism Development Authority and to approve the associated budget amendment.*

### **Zoning Text Amendment (ZTA) 04-22**

Aaron Poplin, Planning Technician, said ZTA 04-22 is a text amendment proposed by Planning Staff to add provisions to the Subdivision and Zoning Ordinances to allow for "Density Averaging." This hearing was recessed from the December 5, 2022, meeting.

Density Averaging (DA) is a process that allows for two non-contiguous properties to be treated as a single contiguous property for the purposes of compliance with the local water supply watershed program. DA is only allowed for non-residential development. Local governments are required to allow DA.

When two parcels are involved with DA, the "Donating Property" gives up its development rights and must remain in a natural or vegetative state in perpetuity. The "Receiving Property" is allowed to use the acreage of the Donating Property when calculating the total amount of built-upon area allowed for the development. The overall project density must meet the requirements of the Watershed.

Mr. Poplin gave an example of a density averaging situation.

Mr. Poplin explained the proposed amendments, as follows:

1. 21-4 Definitions
  - Definitions were added for Density Averaging, Donating Property, and Receiving Property.
2. 21-33 Overlay Districts
  - Added a new section 21-33(2)(f)(4).
  - Lays out purpose and intent along with the eligibility requirements to use Density Averaging.
3. 21-311 Board of Commissioners
  - Establishes the Board of Commissioners as the Watershed Review Board.
4. 21-318 Density Averaging Permit Application
  - Establishes a new section of the Zoning Ordinance sec 21-318.
  - Lays out the process for applying for a Density Averaging Permit.
5. 22-59 Certifications and notations on plats

- Adds a new certificate that will need to be on all final plats with a Donating or Receiving Property.

The Planning Board adopted a Statement of Consistency and Reasonableness stating that ZTA 04-22 is reasonable, appropriate, and necessary to meet the development needs of Rowan County not previously envisioned by the East and West Area Land Use Plans. Furthermore, the adoption of ZTA 04-22 is deemed an amendment to the East and West Area Land Use Plans. This text amendment will allow for the flexibility of applying impervious limitations across multiple parcels and reflects North Carolina Senate Bill 249 which became North Carolina General Statute § 143-214.5 as adjusted to exceed state requirements in keeping with the Rowan County Watershed Program.

Mr. Poplin said Density Averaging is mandated by General Statute §143-214.5. Without specific adopted standards the County would need to follow the state required minimums.

Chairman Edds said the County is required to have a Density Averaging policy. There is not currently one in place.

This text amendment has a few standards that exceed the state minimums. These higher standards are proposed to help the County stay in compliance with the Water Supply Watershed program. It is important to consider that Donating Properties must remain in an undeveloped state in perpetuity. Density Averaging standards and Land Use Plan recommendations should take that fact into account. Mr. Poplin again reviewed the proposed amendments.

Chairman Edds asked Mr. Poplin to explain the standards that exceed State minimums. Mr. Poplin pointed out the third eligibility requirement, that the donating property must be its own tract of land. This makes the chain of title easier to track in County systems. Another example is certain areas that are not eligible for density averaging as donating land.

### **Public Hearing**

At 7:17 p.m., Chairman Edds opened the Public Hearing.

**Jay Wallace**, 5506 Mooresville Road, Salisbury, said he understands the mandate but has two concerns. The receiving property doesn't seem to have a system of checks and balances. The site engineer (SE) is paid by the applicant to make a situation work. The SE may not be concerned about the surrounding property. The SE needs to also consider surrounding property. With the quasi-judicial system, there is no "out." The Board's hands are figuratively tied. This will kill small business and turn Rowan County in a pay-to-play area. This is influencing the loss of farms.

**Larry Bell**, 970 Briggs Road, Salisbury, said this request goes back to a property on Briggs Road and the related watershed district. This all boils down to building a Dollar General on Briggs Road.

At 7:21 p.m. Chairman Edds closed the Public Hearing after hearing no further comments.

Chairman Edds said the Dollar General is not asking to be pulled out of the watershed. These issues appear to be connected but they are not.

Mr. Poplin said the density averaging issue was brought about with other counties facing situations with density averaging, and Rowan County wanted to get ahead of the curve.

Chairman Edds asked if the County doesn't approve this amendment, can people still exercise their rights to density averaging under state law? Mr. Poplin said that is correct. There would simply be no County standard.

This issue is unrelated to current county events. Chairman Edds said the County wants to have a say in the density averaging issue. This is not to help any specific case.

Mr. Poplin said there have been no requests to use density averaging at this point.

Chairman Edds asked Mr. Wallace to reiterate the issues he had.

Mr. Wallace said the receiving property has no checks and balances other than the site engineer. Chairman Edds asked Mr. Poplin to address this concern.

Mr. Poplin said Sections 9 and 10 of Eligibility address this concern. Chairman Edds said evidence could be brought to the board to support a decision.

Mr. Wallace said he wants to make sure there's an "out" for the County in the future.

Craig Powers, County Engineer, made a comment via Zoom video conferencing software that there might could be detention requirements. Other jurisdictions have required receiving properties to meet detention requirements. This can be solved interdepartmentally at the staff level.

Shane Stewart, Assistant Planning Director, said there are evaluation criteria for each application. There are differences between state stormwater requirements and increasing density. Applicants must address concerns of the public and the Board.

Chairman Edds asked if Mr. Powers' suggestion should be incorporated. Mr. Stewart said he would hesitate building in such a requirement since we were trying to satisfy a state mandate.

Mr. Powers said he would agree that a requirement shouldn't be incorporated just yet.

Mr. Stewart said Planning will lean on Mr. Powers for support.

*On motion of Edds, seconded by Pierce, the Board voted 5-0 to approve a Statement of Consistency and Reasonableness that ZTA 04-22 is reasonable, appropriate and necessary to meet the development needs of Rowan County not previously envisioned by the East and West Area Land Use Plans. Furthermore, the adoption of ZTA 04-22 is deemed an amendment to the East and West Area Land Use Plans. This text amendment will allow for the flexibility of*

*applying impervious limitations across multiple parcels and reflects North Carolina Senate Bill 249 which became North Carolina General Statute § 143-214.5 as adjusted to exceed state requirements in keeping with the Rowan County Watershed Program.*

*On motion of Edds, seconded by Pierce, the Board voted 5-0 to approve Zoning Text Amendment 04-22 as presented.*

### **Road Name Assignments**

Pamela Ealey, Planning Technician, said the following road name changes have been submitted to the Rowan County Planning Department and are presented for approval by the Board of Commissioners. As required by North Carolina General Statute §153A-239.1, a public hearing will be held to consider and receive comment for the following road name requests:

1. Currently Known As: N/A  
Proposed Name: Makers Way  
Location: driveway that connects to State Road (SR) 2128 Walton Road in the 300 block  
Property Owners: John & Tiffaney Reiszal, Paul & Delane Reiszal, Steven & Kim Reiszal  
Reason for Change: 3 single family dwellings will share this driveway and therefore it must be named.
  
2. Currently Known As: N/A  
Proposed Name: Jet Ski Trail [Staff suggested; Property Owner did not respond]  
Location: driveway that connects to Marsh Campsite Rd in the 200 block and then connects to SR 2168 Goodman Lake Road in the 6600 block  
Property Owners: Crane Point, LLC  
Reason for Change: change in addressing ordinance requires all campground sites to have an individually numbered address and for all roads to be named.
  
3. Currently Known As: N/A  
Proposed Name: Hammock Trail [Staff suggested; Property Owner did not respond]  
Location: driveway that connects to Marsh Campsite Rd in the 100 block and then connects to SR 2168 Goodman Lake Road in the 6600 block  
Property Owners: Crane Point, LLC  
Reason for Change: change in addressing ordinance requires all campground sites to have an individually numbered address and for all roads to be named.

Chairman Edds asked if people at Crane Point will be notified of any changes if approved and Ms. Ealey said yes.

### **Public Hearing**

At 7:36 p.m., Chairman Edds opened the Public Hearing.

**Jim Shepherd**, 520 Persimmon Cove Road, said his mother owns land affected by the road name changes and pointed out the roads on a map. Many campsites were missed on the map.

Chairman Edds asked if Mr. Shepherd would be affected by the name change. Mr. Shepherd said yes. Chairman Edds asked how Mr. Shepherd felt about the names. Mr. Shepherd said “Jet Ski” is a term trademarked by the Kawasaki company.

Chairman Edds asked if Mr. Shepherd could work with Planning on acceptable names. Mr. Shepherd said he has not received contact from the Planning Department regarding names.

Chairman Edds said the Planning Department has contacted the property owner, which is Mr. Shepherd’s mother.

Mr. Shepherd asked where the signs and numbers will come from to renumber campsites. Chairman Edds asked if the sites have been renumbered by Emergency Communications. Mr. Shepherd said he has been through this situation before. Ms. Ealey said this comes from State ordinances and from a safety perspective. Staff visited the site with a mobile geographic information system mapper to map plot points for each site. Mr. Shepherd said some campsites are empty so mappers may have missed sites. Mr. Stewart said staff may not have been allowed to physically visit every site.

Hearing no additional comments, Chairman Edds closed the Public Hearing closed at 7:43 p.m. Decisions on the proposed Hammock Trail and Jet Ski Trail will be tabled in order give Mr. Shepherd an opportunity to work with the Planning Department regarding names.

*On motion of Pierce, seconded by Greene, the Board voted 5-0 to approve the petition for Makers Way as submitted.*

### **Historic Landmark Commission 03-22**

Aaron Poplin said the Rowan County Historic Landmarks Commission (HLC) received an application from Jack S. Kepley, Jr. and William K. Kepley to establish the Kesler Newsom Kepley Farmhouse as a Rowan County historic landmark. The Kesler Newsom Kepley Farmhouse is located at 7255 Bringle Ferry Road, further referenced as Rowan County Tax Parcel 643-145. The applicant wishes to designate the exterior of the house along with the 1.57 acres it sits on.

Mr. Poplin gave a history of the home and property. The HLC wishes to recognize the Kesler Newsom Kepley Farmhouse because it is locally significant under the category of architecture. The architectural significance of the Kesler Newsom Kepley Farmhouse derives from for being one of the few remaining wood-frame farmhouses from the nineteenth century in rural eastern Rowan County and for being a well-preserved example of Queen Anne Victorian style in a rural setting. The property is also significant culturally due to it being the home of two well-known and distinguished Rowan County citizens, Tobias Kesler and Jack Simpson Kepley Sr.

Mr. Poplin showed elevation photographs of the house and gave a summary of additions and alterations to the property. The first was made in 1883. Two subsequent renovations were completed in the first half of the twentieth century. Another alteration and addition were completed in the 1970s. The most recent update was in 1985.

Based on these comments the HLC recommends approval of the Kesler Newsom Kepley Farmhouse as a Rowan County Historic Landmark. After reviewing the application, an on-site investigation of the property, and extensive research, the HLC deems the Kesler Newsom Kepley Farmhouse to be of special significance in terms of its historical and cultural importance, and to possess integrity of design, setting, workmanship, materials, and character.

On December 13, 2022, the HLC conducted a courtesy hearing to receive comments regarding the Kesler Newsom Kepley Farmhouse designation. No one spoke in opposition to the designation. On a vote of 3-0, the HLC recommended landmark designation for the exterior of Kesler Newsom Kepley Farmhouse. Mr. Poplin reviewed the Designation Report.

### **Public Hearing**

At 7:51 p.m., Chairman Edds opened the Public Hearing and closed it after no one wished to speak.

*On motion of Pierce, seconded by Greene, the Board voted 5-0 to approve HLC 03-22 and the associated Ordinance Designating the Kesler Newsom Kepley Farm Hall House, and Adjoining 1.57 acres in the Jurisdiction of Rowan County, North Carolina, as a Local Historic Landmark, as follows:*

*AN ORDINANCE DESIGNATING THE KESLER NEWSOM KEPLEY FARM HALL HOUSE, AND ADJOINING 1.57 ACRES IN THE JURISDICTION OF ROWAN COUNTY, NORTH CAROLINA AS A LOCAL HISTORIC LANDMARK*

*WHEREAS, the Rowan County Historic Landmarks Commission has made an investigation and recommends the following property be designated a historic landmark; and*

*WHEREAS, the North Carolina Department of Cultural Resources has made a determination that the following property is eligible to be designated a historic landmark; and*

*WHEREAS, on the 17th day of January, 2023 a public hearing was held in the J. Newton Cohen, Sr. Room, in the J. Newton Cohen, Sr. Building, Salisbury, NC, by the Rowan County Board of Commissioners to determine whether the Kesler Newsom Kepley Farmhouse should be designated as a local historic landmark; and*

*WHEREAS, all the prerequisites to the adoption of this ordinance as prescribed in Part 3C, Article 19, Chapter 160A of the North Carolina General Statutes have been met; and*

*WHEREAS, the Kesler Newsom Kepley Farmhouse is believed to be one of the few examples of a nineteenth century Queen Anne farmhouses in Rowan County; and*

*WHEREAS, construction of the Kesler Newsom Kepley Farmhouse began circa 1844; and*

*WHEREAS, the Kesler Newsom Kepley Farmhouse was the home of two influential citizens of Rowan County, Tobias Kesler and Jack Simpson Kepley Sr; and*

*WHEREAS, the Kesler Newsom Kepley Farmhouse and adjoining 1.57 acres are an important historic resource worthy of preservation,*

*NOW, THEREFORE, BE IT ORDAINED BY THE ROWAN COUNTY BOARD OF COMMISSIONERS THAT:*

*1. The Kesler Newsom Kepley Farmhouse and adjoining 1.57 acres at 7255 Bringle Ferry Rd. in the County of Rowan is hereby designated as a Local Historic Landmark pursuant to Part 3C, Article 19, Chapter 160A of the North Carolina General Statutes. This property is presently owned by The estate of Jack Simpson Kepley and wife Grace K Kepley and is further identified as part of Rowan County tax parcel 643 145.*

*2. The significant features of the building's exterior located on said property may not be moved, demolished, materially altered, restored or removed without a Certificate of Appropriateness being issued by the Historic Landmark Commission of Rowan County. Any application for the demolition of this building shall require the waiting period set forth in the Historic Landmarks Ordinance.*

*3. Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any architectural feature in or on the said building and property that does not involve a change in design, material or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a Rowan County building inspector or similar official certifies to the Historic Landmarks Commission that such action is required for the public safety because of an unsafe or dangerous condition. Nothing herein shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.*

*4. A suitable sign or plaque shall be posted indicating the property has been designated as a local historic landmark and containing any other appropriate information. If the owner consents, the sign or plaque shall be placed upon the building or property. If the owner objects, the sign or plaque shall be placed on nearby public right-of-way.*

*5. The owner and occupants of the building known as the Kesler Newsom Kepley Farmhouse shall be given notice of this ordinance as required by applicable law and copies of this ordinance shall be filed and indexed in the offices of the Rowan County Register of Deeds, the County's Chief Building Inspector and the Rowan County Tax Supervisor as required by applicable law.*

*6. Rowan County Ad Valorem Tax Implications: Taxpayer shall be eligible for tax treatment and assessment according to NCGS 105-278 for only that portion of the total property subject of this ordinance and designation as a Historic Landmark that is not currently assessed at present use value pursuant to NCGS 105-277.2 et seq.*

**Zoning Text Amendment 05-22: Special Non-Residential Intensity Allocation Designation Process and Land Use Plan Recommendations**

Shane Stewart, Assistant Planning Director, said there is no requirement to amend this ordinance. Requests for a Special Non-Residential Intensity Allocation (SNIA) is a current process whereby the Board of Commissioners (BOC) can identify up to ten percent of the acreage within each watershed area, not including the critical area, and allow up to seventy percent impervious coverage. Current standards for review are minimal and do not include a public process.

Mr. Stewart explained the current SNIA permit process. Planning staff propose a series of changes to section 21-33(2) of the Zoning Ordinance pertaining to the Water Supply Watershed Overlay (WSO) district:

- Revised density and built-upon limits table [section (sec.) 21-33(2)(d)] – This single table contain the density options by type: low density, density averaging, high density, and SNIA.
- Options to obtain density compliance [sec. 21-33(2)(f)] – Each density option is identified by review type. SNIA requests are proposed to be reviewed as a conditional district (rezoning) instead of an “administrative” review by the Board of Commissioners.
- SNIA review process [sec. 21-33(2)(f)(2)] – This section includes a purpose statement, eligibility, and process for previously approved requests and minor changes.
- Land use plan recommendations – General recommendations including maximum acreage of removal by parcel.

Mr. Poplin explained changes in the watershed areas and its relation to the policy shift. He gave a summary of the recommended changes:

- Review Process: Change from “administrative” review to Conditional Zoning (Rezoning).
- Purpose Statement: Advance public interest – tax base/employment, public or semi-public use, or other benefits determined by the BOC.
- Eligibility: No change but land use plan recommendations to consider.
- Previously Approved SNIAs: Staff review only.
- Minor change after 2022: Additional built-upon area (BUA) but less than maximum density and reduction in building size not to exceed greater than 5,000 or 25%.

Mr. Stewart said prior to amending the Zoning Ordinance on January 17, 2023, SNIA requests were considered by the Board of Commissioners through an “administrative” review process perceived as “first come, first served.” The county recognized a need for appropriate ordinance standards, land use plan guidance, and a legislative hearing process to evaluate allocation requests for use of this density “resource.” SNIA designation provides a substantial benefit to property owners and developers within Water Supply Watershed Overlay (WSO) areas through significantly increased built-upon area allowances for non-residential use. The following recommendations are intended as guiding principles for both a prospective applicant requesting a SNIA and the Planning Board/Board of Commissioners for evaluating a request. Non-compliance with a single criterion should not be interpreted as “in opposition” to the land use plan, rather the collective plan guidance should be applied. Development not recommended to receive SNIA designation based on the guidance herein should consider other options for density compliance identified in the Zoning Ordinance.

Mr. Stewart said in one instance, a property owner who can only develop 12% of their land will simply buy more contiguous land which will allow for more development. Due to the available acreage difference for SNIA allocation and anticipated development pressure within each watershed area, the following table denotes a general recommendation for the maximum acreage removal for an SNIA request on a single parcel:

Water Supply (WS) Classification	Watershed Name	Removal Acreage
WS-II BW	Back Creek/Sloans Creek	3 Acre
WS-II BW	Coddle Creek	2 Acre
WS-II BW	Dutch Buffalo Creek	2 Acre
WS-II BW	North Branch	1 Acre
WS-III BW	Irish Buffalo Creek	1 Acre
WS-IV PA	Coldwater Creek	1 Acre
WS-IV PA	Flat Rock Branch	1 Acre
WS-IV PA	South Yadkin River	3 Acre
WS-IV PA	Tuckertown Reservoir	5 Acre
WS-IV PA	Yadkin River	5 Acre

PA = Protected Area

BW = Balance of Watershed

Developments that propose an increase in tax base and/or job creation reasonably proportionate to the requested acreage are generally encouraged. Requests that will remove a significant acreage in either A or B below are not encouraged:

- a) Propose use of a small percentage over the low-density limit (example: 20 percent proposed built-upon area in a 12 percent WSII-BW) for an undeveloped parcel.
- b) Propose a small built-upon area expansion to a parcel developed prior to WSO designation where the expansion will exceed the low-density option causing a disproportionate amount of acreage being removed (example: removing a 3-acre parcel to permit a 2,000 square foot building expansion).

Requests that meet either a) or b) should consider reducing the proposed built-upon area or other site plan detail changes to comply with low density standards; use gravel not considered “built-upon area” by definition (when appropriate). Allocations to Rural Home Occupations (RHO) are generally not preferred. Applications on properties used for a public purpose, semi-public use (example: churches, civic organizations, etc.), and small-scale utility equipment sites referenced in 21-277(b) are generally encouraged but the merits will be evaluated on an individual basis. Comply with all other land use plan recommendations for the proposed use and specific area.

When considering a request, any identified capital improvement plan/potential need on public property within the watershed area, which may warrant SNIA designation, should be noted and set aside for future allocation needs. Consider each request in comparison with undeveloped commercial or industrial zoned acreage, which may be conducive to a future SNIA request.

Mr. Poplin said for areas west of I-85 allocations within Community/Regional nodes within WS-II areas are encouraged and may exceed the general recommendation for maximum acreage for removal assuming the use complies with all other plan recommendations. Designations within existing Commercial/Industrial Parks within a WS II area established prior to 2022 are encouraged.

For areas east of I-85, allocations within Community nodes are encouraged and may exceed the general recommendation for maximum acreage for removal assuming the use complies with all other plan recommendations. Requests that support retail/service needs for High Rock Lake may exceed the general recommendation for maximum acreage for removal assuming the use complies with all other plan recommendations.

### **Public Hearing**

At 8:07 p.m., Chairman Edds opened the Public Hearing and closed it after no one wished to speak.

*On motion of Edds, seconded by Pierce, the Board voted 5-0 to approve a Statement of Consistency and Reasonableness that ZTA 05-22 is reasonable, appropriate, and necessary to meet the development needs of Rowan County not previously envisioned by the East and West Area Land Use Plans. Furthermore, the adoption of ZTA 05-22 is deemed an amendment to the East and West Area Land Use Plans. The requirement that SNIA permits be submitted and approved as conditional districts is a more appropriate method to evaluate the SNIA request; the application will be legislative and not quasi-judicial, allowing easier input by the public and review by the Planning Board; and it defines criteria to be considered while reviewing the SNIA request.*

*On motion of Pierce, seconded by Klusman, the Board voted 5-0 to approve Zoning Text Amendment 05-22 as presented.*

### **Financial Statements**

Finance Director Anna Bumgarner showed graphs of current expenditures and revenues. She showed a graph of cumulative current year property tax collections and the monthly sales tax comparisons through September. Sales tax numbers are slightly behind. She also showed a graph of annual cumulative sales tax.

Ms. Bumgarner said on September 19, 2022, the Rowan County Board of Commissioners adopted an Investment Policy for Rowan County that includes providing a quarterly investment report to the Board. Per the policy this report shall summarize the investment activities in the most recent quarter and comment on anticipated investments in the next quarter. Since this is the first report provided to the Board, Ms. Bumgarner gave an overview of activities going back to July 1, 2022.

The County has decided to be conservative in the purchase of investments and at this time will no longer be investing in commercial paper. Currently the County has 50 percent invested in Treasury Bill, Notes or Government Agencies, 46 percent of its total portfolio in North Carolina Capital Management Trust (NCCMT) and the remaining four percent in money market

instruments. With the change in the market the County’s investment portfolio has improved for the quarter ended December 31, 2022, 88 basis points higher than June 30, 2022. Year to date interest earnings of \$1,149,912 as rates continued to increase. Finance has mainly invested in shorter terms as the interest rates have been better in the 6 to 12-month range. In June 2022, the County was receiving rates around two and one half percent, and as of December those rates rose to four and six tenths percent.

Ms. Bumgarner reviewed the total portfolio as of December 31, 2022. NCCMT has a short-term focus in its portfolio, and as such the NCCMT yield leads Treasury and Agency issues when rates are rising and lags when rates are falling.

Chairman Edds explained how the portfolio factors into County financials.

**Budget Amendments**

Finance Director Anna Bumgarner presented the budget amendments, as follows:

<i>Cooperative Extension</i>	<i>To recognize Salisbury Rowan Community Foundation Grant – Project Butterfly</i>	<i>\$7,000</i>
<i>Animal Services</i>	<i>To move funds from General Government to cover Animal Services repairs</i>	<i>\$5,500</i>
<i>Emergency Services</i>	<i>To recognize Duke Energy Foundation Grant for Emergency Preparedness</i>	<i>\$25,000</i>
<i>Soil and Water</i>	<i>To recognize Conservation Easement Funding from North Carolina Department of Agriculture ADFP trust fund</i>	<i>\$239,621</i>
<i>Finance</i>	<i>To transfer funds to cover Rowan County Tourism Wayfinding Signage Project using American Rescue Plan Act revenue replacement</i>	<i>\$500,000</i>
<i>Animal Services</i>	<i>To transfer funds for employee retirement</i>	<i>\$150</i>

*On motion of Pierce, seconded by Greene, the Board voted 5-0 to approve the presented Budget Amendments.*

**OpenBroadband Deployment Update**

Kent Winrich, Chief Technology Officer of OpenBroadband, gave an update on two towers: Young Mountain in Cleveland and Crescent Fortress in Rockwell. Young Mountain is operational. The line-of-sight equipment of Crescent Fortress is operational. Non-line of sight equipment is staged and being configured. Nokia is the company who was the most available with the best speeds as opposed to competing equipment brands. Mr. Winrich showed a predictive coverage map.

Mr. Winrich reviewed some of the challenges OpenBroadband has faced. Due to supply chain delays, OpenBroadband had to make changes to the equipment plan. Nokia was chosen as

the selected carrier because the Tarana Equipment would take much longer to receive and deploy. Additional supply chain issues due to the COVID-19 pandemic caused the Nokia equipment to take over ten months to receive, an additional month to get on the schedule for the tower climb and an additional two months for configuration. It is now being tested on one of the three sectors for a controlled rollout until the configuration is optimized.

OpenBroadband deployed line-of-sight (LOS) service to get as many Rowan County citizens connected as possible; however, LOS is challenging and unfortunately with rural terrains there are many citizens that cannot be served with LOS. OpenBroadband has turned up 15 hubs and many citizens in the community are served off these hubs. With the Citizens Broadband Radio Service (CBRS) up, the areas of focus are Cool Springs Road, Mount Vernon Road, and the Scotch Irish areas (Mr. Winrich is also hoping to cover a lot of Mooresville Road and the Rary Road neighborhood) to start.

The next steps are that CBRS will help with Rockwell as there is very little LOS. The main hub that had been identified and solidified off LOS went into probate as the owner passed away shortly after the equipment went up on the tower. Mr. Winrich explained that a hub is a smaller version of a tall distribution site. Nearly any structure with line of sight to other equipment can be used to provide service to the properties around it. This helps to navigate trees, hills, and other obstructions. Mr. Winrich described the impact of a particular hub on a 1 mile and 2-mile radius. He showed photographs of radio installations.

Vice-Chairman Greene said people aren't getting hooked up to reliable service. If non-line of sight works properly, some could be covered. Right now, there just aren't many people covered. Mr. Winrich said about 100 citizens are covered with line-of-sight service. Vice-Chairman Greene asked when crews will be deployed to get people connected and Mr. Winrich said within the next two weeks. Rockwell will follow. Vice-Chairman Greene said right now people don't have confidence due to the lack of non-line of sight. Mr. Winrich said non-line of sight has worked well in other counties. Nokia has faster speeds and handles more traffic better. Vice-Chairman Greene said he has line of sight service, and it works well. There is a list of interested parties to contact once service is available.

### **Board Appointments**

*On motion of Edds, seconded by Pierce, the Board voted 5-0 to appoint Dr. Anthony Jerome Davis to the Agricultural Advisory Board.*

*On motion of Pierce, seconded by Caskey, the Board voted 5-0 to appoint Ryan Yost to the Atwell Volunteer Fire Department Board of Trustees.*

*On motion of Pierce, seconded by Greene, the Board voted 5-0 to appoint Kevin Auten to the Rowan County Board of Adjustment.*

*On motion of Pierce, seconded by Greene, the Board voted 5-0 to appoint Virgil Misenheimer and Tracy Winecuff to the Bostian Heights Volunteer Fire Department as Fire Commissioners.*

*On motion of Pierce, seconded by Klusman, the Board voted 5-0 to appoint David Degrave and Ronald Herion to the Cleveland Community Volunteer Fire Department Board of Trustees.*

*On motion of Klusman, seconded by Edds, the Board voted 2-3, with Caskey, Greene, and Pierce opposed, to appoint Mary Ponds to the Health Board. The motion did not pass.*

*On motion of Pierce, seconded by Caskey, the Board voted 3-2, with Klusman and Edds opposed, to appoint John Thomason to the Health Board.*

*On motion of Caskey, seconded by Greene, the Board voted 5-0 to appoint Timothy Crews to the Juvenile Crime Prevention Council.*

*On motion of Pierce, seconded by Greene, the Board voted 5-0 to appoint James Basinger and David Linker to the Locke Volunteer Fire Department Board of Trustees.*

*On motion of Pierce, seconded by Klusman, the Board voted 5-0 to appoint Courtney Meece to the Parks and Recreation Board.*

*On motion of Pierce, seconded by Greene, the Board voted 5-0 to appoint Tom Stoner to the Pooletown Volunteer Fire Department Board of Trustees.*

*On motion of Edds, seconded by Pierce, the Board voted 5-0 to appoint Dr. Anthony Jerome Davis, Cynthia Mynatt, and R. Victor Wallace to the Rowan Economic Development Council.*

Elaine Holden was acknowledged to her Ex Officio seat on the Rowan Economic Development Council. By virtue of her position as the Chair of the Chamber of Commerce, no appointment was necessary.

*On motion of Pierce, seconded by Greene, the Board voted 5-0 to appoint Ramona Thames to the Rowan Transit System Advisory Board.*

*On motion of Pierce, seconded by Greene, the Board voted 5-0 to appoint Mike Aistrop and Ryan Thompson to the Scotch-Irish Volunteer Fire Department Board of Trustees.*

*On motion of Pierce, seconded by Greene, the Board voted 5-0 to appoint Cynthia Ehrman to the Town of Faith Planning Extra-Territorial Jurisdiction.*

*On motion of Greene, seconded by Pierce, the Board voted 5-0 to appoint Matthew Owen and Robert White to the West Rowan Volunteer Fire Department as Fire Commissioners.*

### **Consider Awarding Landfill Phase V Construction to NJR Group**

Jody Farrow-Bennett, Director of Purchasing and Contracts, Craig Powers, Director of Engineering and Environmental Services (present remotely via Zoom video conferencing software), and Michael Plummer, Engineer representing HDR Engineering, were present to discuss the request to award the landfill construction bid.

Mr. Plummer gave a presentation regarding the history of the landfill and scope of the proposed project. Rowan County has maintained a landfill since the 1960s. The site hosting the current landfill began operation in 1989 and is located at 789 Campbell Road in Woodleaf. The landfill services Rowan County waste and is permitted to receive waste from any other North Carolina county (no out-of-state waste is allowed). In fiscal year (FY) 2022, the Landfill received approximately 190,000 tons of household garbage. The landfill is estimated to continue service until the year 2049.

Commissioner Pierce asked if a new landfill will be needed by 2050 and Mr. Plummer said yes. Mr. Plummer said capacity will depend on many factors.

Chairman Edds asked if garbage from outside of Rowan County was accepted at the landfill. Mr. Plummer said approximately 32,000 tons comes from Davie County. Chairman Edds asked if Davie County has their own site and Mr. Plummer said no.

Chairman Edds asked if citizens are charged different amounts by county of residence and Mr. Powers said yes. Chairman Edds asked how the charges differ. Mr. Powers said there is an out of county rate. To maximize the landfill's life, the rate could be evaluated, or the acceptance of out-of-county trash could be considered. County of residence may be hard to police.

Chairman Pierce asked if residential and construction waste are both accepted from Davie County. Mr. Powers said both types of waste are probably coming if the landfill is convenient to the worksite. Recycling from outside the county is also allowed; county of residence is not checked.

County Manager Aaron Church said the cost is \$34 per ton for county residents and \$39 per ton for non-county residents.

Phase V of construction includes a 19.25-acre expansion, adding approximately eight years of life and 960,000 tons of capacity to the landfill. The project will add the associated infrastructure for the landfill cell, including installation of a perimeter drainage channel and leachate sump enclosure with ancillary erosion control measures. This project falls within the permitted landfill footprint. Current operational landfill space is becoming limited, with an estimated "full" date of January 2024. Mr. Plummer said Rowan County worked with HDR Engineering, Inc. and received proposals to complete Phase V of the Landfill Construction project. Four bids for the above-referenced project were received by the Rowan County Purchasing Department and forwarded to HDR for review. Bids were received from the following contractors and are listed in order based on lowest to highest base bid:

1. NJR Group Inc.: \$10,882,888.81
2. Morgan Corp.: \$11,599,636.80
3. Thalle Construction Co., Inc.: \$12,435,000.00
4. Polivka International.: \$13,895,063.50

The County would like to award the bid to NJR Group Inc. who submitted the lowest total base bid in the amount of \$10,882,888.81. The Contract will be submitted to the Board of Commissioners (BOC) later for final approval. Once approval from the BOC has been

confirmed, an award letter will be sent to NJR. NJR needs this letter to obtain required performance and payment bonds. Upon receipt of bonds from NJR, and contract confirmation. The contract packet will be put together for a final approval from the BOC.

Chairman Edds asked how the site is prepared to open the cell. Mr. Plummer said there is a lot of site work involved including earth work, adding a liner system, a pump system, and layers of footing.

Vice-Chairman Greene asked where the residual pump waste goes. Mr. Plummer said there is a sewer line that it is pumped into.

Chairman Edds asked if the landfill is utilizing methane capture. Mr. Plummer said not at this time. Currently, burning is a utilized method of removal.

Vice-Chairman Greene asked where the sewer line runs, and Mr. Plummer pointed it out on a map.

*On motion of Pierce seconded by Greene the Board voted 5-0 to award the Landfill Phase V Construction Contract to NJR Group based on a base bid amount of \$10,882,888,81.*

### **Closed Session**

*At 8:55 p.m. on motion of Edds, seconded by Pierce, the Board voted 5-0 to enter into closed session pursuant to NCGS 143-318.11(a)(1) to consider approval of the minutes of the Closed Sessions held on December 1, 2022, December 5, 2022, and December 8, 2022, as described by NCGS 143-318.10(e) providing that minutes or an account of a closed session may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session, and pursuant to NCGS 143-318.11(a)(1) to prevent disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes as described by NCGS 132-1.4(a) which includes records of criminal investigations conducted by public law enforcement agencies, records of criminal intelligence information compiled by public law enforcement agencies, and records of investigations conducted by the North Carolina Innocence Inquiry Commission, as defined by G.S. 132-1.*

### **Regular Session**

At 9:20 p.m. regular session resumed.

### **Adjournment**

*At 9:20 p.m., on motion of Pierce, seconded by Greene, the Board voted 5-0 to adjourn.*

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Sarah Pack, NCCCC  
Clerk to the Board