

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

March 16, 2020 – 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

Absent: Judy Klusman, Member
Craig Pierce, Member

County Manager Aaron Church, Clerk to the Board Carolyn Barger, County Attorney Jay Dees and Assistant County Manager/Finance Director Leslie Heidrick were 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 discussion regarding the use of West End Plaza for relief efforts during the current Coronavirus Pandemic. Chairman Edds added the topic as agenda item #15a.

CONSIDER DELETIONS FROM THE AGENDA

- Chairman Edds stated the Board no longer needed to hold the Closed Session.
- County Manager Aaron Church requested removal of agenda item #9 (West End Plaza Agricultural Center Interior Renderings).

CONSIDER APPROVAL OF THE AGENDA

Commissioner Greene moved, Commissioner Caskey seconded and the vote to approve the agenda as amended passed unanimously (3-0).

CONSIDER APPROVAL OF THE MINUTES

Commissioner Greene moved, Commissioner Caskey seconded and the vote to approve the minutes of the March 2, 2020 Commission Meeting passed unanimously (3-0).

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Caskey moved approval of the Consent Agenda. The motion was seconded by Commissioner Greene and passed unanimously (3-0).

The Consent Agenda consisted of the following:

- A. Tax Refunds for Approval
- B. Schedule Quasi-judicial Hearing for CUP 01-20 (Suretha Springs: Event Center) for April 20, 2020
- C. Library Request for West End Plaza Space
- D. The Grand On Julian, LLC
- E. Sale of Surplus Vehicles

Chairman Edds took a moment to welcome Commissioner Mike Caskey back from 30 days of National Guard service. Chairman Edds expressed appreciation for Commissioner Caskey's commitment to service in the military and as a Charlotte-Mecklenburg police officer.

2. 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:

- Reverend Michael Taylor said he wished to pray for our nation and the world during the Coronavirus Pandemic.

Following the prayer, Chairman Edds emphasized to the public that it was a time to reach out and help one another and not a time to fight.

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

3. QUASI-JUDICIAL HEARING: CUP 08-16 AMENDMENT REQUEST FROM TRENT CHERRY

Chairman Edds read the Chairman's Speech (Exhibit A) and declared the public hearing for CUP 08-16 to be in session. Chairman Edds said the hearing would focus on an application submitted by Trent Cherry to construct seven (7) treehouses and three (3) underground cabins for temporary and overnight lodging on Tax Parcel 120-140 located on Flat Rock Road.

The Clerk swore in those wishing to provide testimony in the case.

Planning and Development Director Ed Muire presented the Staff Report (Exhibit B) and provided a power point (Exhibit C) as he discussed the application. Mr. Muire explained that Mr. Cherry had requested an amendment to the conditional use permit (CUP) issued for his project on January 17, 2016 that authorized him to utilize two (2) existing tree houses and construct five (5) additional tree houses for temporary and overnight lodging on his 26.1 acres. Mr. Muire said CUP 08-16 was valid for two (2) years from the date of approval and expired January 2018. Any units that were not built or started prior to the CUP 08-16 expiration were no longer vested, or grandfathered.

Following approval of CUP 08-16, the two (2) existing treehouse units and three (3) additional treehouse units have been inspected and deemed compliant with applicable NC residential building codes. Likewise, permits for water supply and septic systems have been obtained. A commercial driveway permit was obtained for access onto Flat Rock Road for Treehouse Lane.

Continuing with the power point (Exhibit C), Mr. Muire showed photos depicting the site and existing units. Mr. Muire said the amendment request sought to add the two (2) units from the original CUP 08-16 application, along with another eight (8) for a total of fifteen (15) units when completed. As proposed, twelve (12) of the units would be treehouses and three (3) would be built in a "Hobbit house" style partially underground.

Using the power point (Exhibit C), Mr. Muire showed the surrounding area and discussed the zoning designations, as well as the property characteristics. Mr. Muire said aside from improvements on the site, new development within ½ mile included five (5) new single-family homes since the project was permitted in 2016.

Mr. Muire highlighted the Conditional Use Criteria and the Specific Conditional Use Criteria contained in the Staff Report (Exhibit B).

Mr. Muire mentioned he had received three (3) calls since the notice was posted to advertise the public hearing. Mr. Muire said the callers biggest concern pertained to noise from the site. Mr. Muire said there had been several occasions when people had stayed at the Treesort and had a "good time." Mr. Muire said the callers did not want to hear the noise or see the Treesort. Mr. Muire said he had encouraged the callers to attend the hearing.

The staff recommendations were reviewed as follows:

1. Obtain commercial driveway permit from NCDOT for lower entrance; submit road names for considerations.
2. Make necessary road improvements to comply with 18' wide road and 6" compacted stone base.
3. Comply with all applicable Building Code and Environmental Health standards for construction and operation.

Chairman Edds informed the Board for the record that he had received a gift certificate to the Treesort but had not yet redeemed the certificate.

Trent Cherry, the applicant (sworn), came forward to answer questions from the Board.

Commissioner Greene asked Mr. Cherry how far he lived from the Treesort and Mr. Cherry said approximately two and a half (2.5) miles.

Commissioner Greene asked Mr. Cherry how he would resolve the noise issue described by the callers to Mr. Muire. Mr. Cherry felt the calls resulted from a December 8, 2019 Winterfest event. Mr. Cherry said the Treesort had been open to the public for Winterfest until 8:00 p.m. and he thought the event had been reported. Mr. Cherry continued by mentioning the noise from guns going off in the rural area around the Treesort. Mr. Cherry said in the past 4.5 years there had been no service calls to his property from law enforcement. Mr. Cherry estimated 90% of his clientele was families and there was no WIFI at the site since people came to relax and enjoy the outdoors. Mr. Cherry said some groups had possibly sat around a campfire until 10:00 p.m. and probably talked too loudly; however, he did not view three (3) calls over the course of a year as a problem.

Chairman Edds opened the floor to hear from those who had been sworn to provide testimony.

- Donna Hampton, who asked to speak, came forward and was sworn.

Ms. Hampton said she resided on Beaver Road east of the Treesort and she had a good view of the site, especially during the winter months. Ms. Hampton felt she had no privacy in her backyard. Ms. Hampton said she had lived at her residence for twenty (20) years. Ms. Hampton spoke in opposition to the proposed development stating she was tired of the noise from the garbage truck and the number of people at the Treesort. Ms. Hampton estimated she had seen approximately 20 to 30 cars at the site on numerous occasions. Ms. Hampton recalled from last year a group she thought were college kids were at the site and she felt they were drinking because of the noise. Ms. Hampton appealed to the Board not to allow further development and if the development were approved, additional screening should be required.

In response to an inquiry from Commissioner Greene, Ms. Hampton indicated on the map where her property adjoined Mr. Cherry's.

Chairman Edds called Mr. Cherry back to the podium. Chairman Edds stated the Commissioners were fans of private property rights until those rights infringed on others and reduced the enjoyment of others.

Mr. Cherry shared that Ms. Hampton had not contacted or approached him. Mr. Cherry noted South Rowan High School (SRHS) was closer to Ms. Hampton than his property and SRHS generated a lot more noise with sporting events and the bands. Mr. Cherry noted there was a large tree buffer between the Treesort and Ms. Hampton. He also mentioned the garbage was picked up every other week.

Mr. Muire said he failed to say when reviewing the general conditional use criteria contained in the Staff Report (Exhibit B) was the idea that we talk about the character of the area. Does 10 additional units fit the character of the area. Mr. Muire said Mr. Cherry indicated there were twenty-three (23) potential occupants for five (5) treehouses and if there were fifteen (15) treehouses there was a potential for sixty-nine (69) occupants on any given weekend. Mr. Muire said the difference was the Treesort was a commercial entity and a business adjoining residential properties. Mr. Muire said the concerns would be different if the proposed development was residential units. Mr. Muire said the Treesort did a lot to blend in; however, the proposed increased in occupancy was a big difference.

County Attorney Jay Dees described the Treesort as a novel use and as a rising industry in North Carolina. Mr. Dees said Staff was grappling with the other issues that came into play and how to regulate this type of development. Mr. Dees said the number of people at the Treesort on weekends and nights should be considered when discussing compatibility with the area.

Mr. Cherry said applied to be able to build the treehouses but it did not mean they would all be built. Mr. Cherry said, "I pay as I go." Mr. Cherry said he built one at a time based on demand. Mr. Cherry did not think he would reach a total of fifteen (15) treehouses. Mr. Cherry said the extra property he had purchased was a 27.2-acre tract and he pointed out that a subdivision of 27 acres had hundreds of people in the development. Mr. Cherry said his method of operation was to offer peace and quite and enjoyment of the woods. Mr. Cherry said it would be years down the road before he built out the fifteen (15) additional treehouses; however, he was applying now so that he would not have to go through the CUP process again.

Commissioner Caskey asked if Mr. Cherry's clients had to sign an agreement and if so, what did it contain about noise levels. Mr. Cherry said most bookings were through Airbnb; however, he did have rules posted on the refrigerators in each unit. Mr. Cherry said he had never received a complaint between guests/units.

Commissioner Caskey asked Mr. Cherry how he would handle an issue of someone being too loud. Mr. Cherry said he would personally drive to the site and remedy the situation. Mr. Cherry said the Resource Officer from SRHS also periodically drove through the Treesort.

Chairman Edds noted one issue as being no on-site supervision. Chairman Edds said he was inclined to approve the request but only for two (2) units. Chairman Edds said the current process was necessary because the previous CUP had expired.

Ms. Hampton was granted permission by Chairman Edds to come back to the podium for a second time to address the Board.

Ms. Hampton said she had not contacted Mr. Cherry as she was trying to be a good neighbor. Commissioner Caskey pointed out if Ms. Hampton had communicated with Mr. Cherry the noise issues might not be occurring. Commissioner Caskey said he felt sure Mr. Cherry would like to be made aware of when issues arose so he could address them.

Mr. Cherry noted the County's logo focused on being original and he said the Treesort was ranked as one of the top glamping sites in North Carolina. Mr. Cherry said the Treesort had been featured in three (3) magazines and been on television twice. Mr. Cherry said people from twelve (12) different countries visited the Treesort last year. Mr. Cherry said his priority was to make the facilities as nice as possible and to send his guests to other County venues. Mr. Cherry said there were probably only five (5) places with hobbit homes in the country. Mr. Cherry said until ten (10) minutes ago he thought he was applying for more treehouses versus the two (2) he thought were already permitted. Mr. Cherry did not realize the permit for the previous two (2) had expired. Mr. Cherry said he wanted to put nice treehouses on the property and that he would talk to Ms. Hampton.

Chairman Edds questioned the limit of vehicles per unit and Mr. Cherry said two (2). Mr. Cherry said the units were not rented by Airbnb to people under 21. Mr. Cherry said the facilities were booked solid for the Polar Express and Thomas the Train events. Mr. Cherry said people would not rent the spaces if they were built on top of one another.

Mr. Dees asked if the Treesort held special events. Mr. Cherry said Winterfest was held at the site, as well as four weddings in the past five (5) years with fifty (50) people or less. Mr. Cherry confirmed to Mr. Dees the Treesort advertised for up to 125 guests. Mr. Dees noted the Board was not just considering overnight guests as special events were held and led by a Special Events Coordinator. Mr. Dees said the website also advertised for corporate events and birthdays up to 125 guests. Mr. Dees reiterated the Board was talking about more than just treehouses and the Board was taking the right steps to take its time.

Chairman Edds closed the public hearing.

Chairman Edds said the request was for the Board to re-authorize the two (2) units that had expired and add an additional eight (8), which would be for a total of fifteen (15) units. Chairman Edds was inclined to re-authorize the two (2) and once they were built to re-evaluate the site.

Mr. Cherry confirmed two (2) treehouses were already scheduled for construction and the hobbit house would be next on the list.

Commissioner Caskey said he would not mind allowing Mr. Cherry to build one (1) hobbit house, as he felt it was an interesting idea.

Mr. Muire said the site plan locked in the unit locations and if the Board made recommendations to allow only two (2) or three (3) units, the Board would need to indicate the locations for them.

Using the power point (Exhibit C), Mr. Muire again showed the proposed unit locations. Mr. Cherry pointed out the proposed locations for the hobbit house(s) and treehouses. Mr. Cherry asked if he would be able to move the locations around if a professional recommended a better location. Mr. Dees answered that Mr. Cherry would need to submit an amended plan. Mr. Dees said 25' towards a neighbor could create a problem.

Chairman Edds moved to approve the two (2) expired units, plus one (1) additional for the hobbit house and to require Mr. Cherry to come back to the Board for any additional units; if the units were in locations other than as indicated in the current site plan, Mr. Cherry would be required to bring back an amended site plan request. The motion was seconded by Commissioner Greene.

Chairman Edds asked Mr. Muire about recommended conditions. Mr. Muire responded by requesting clarification as to whether the two (2) treehouses would be located on the lower drive and the hobbit house would be the lower unit. Mr. Cherry confirmed Mr. Muire was correct. Mr. Muire said when Mr. Cherry was ready, he would need to pull the commercial driveway permits and submit road names.

Commissioner Greene asked Mr. Cherry if there was a possibility he would move one of the proposed hobbit house locations. Mr. Cherry shared his thoughts regarding the proposed locations.

Chairman Edds instructed Mr. Cherry to do what was best for the Treesort but stated if he changed what was outlined on the site plan, he would have to come back to the Board with an amended plan.

1. Obtain commercial driveway permit from NCDOT for lower entrance; submit road names for considerations.
2. Make necessary road improvements to comply with 18' wide road and 6" compacted stone base.
3. Comply with all applicable Building Code and Environmental Health standards for construction and operation.

Mr. Cherry asked Mr. Muire to show the site plan (Staff Report, Exhibit B) again. Mr. Cherry referred to the proposed unit locations and asked if he could change up whether he built a treehouse or a hobbit house if the treehouse occupancy were to drop off.

Chairman Edds said he had no problem with the request and stated the Board was still only approving three (3) total units.

Mr. Muire referred to the site plan in the Staff Report (Exhibit B) and asked for confirmation on the specific locations for the three (3) proposed units.

Chairman Edds restated that the motion would be to approve the original two (2) treehouses, plus a hobbit house with a little bit of flexibility in those three (3) locations, along with the three (3) conditions recommended by Staff.

With regards to the Findings of Fact (Exhibit D):

- Commissioner Greene moved the development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.
 - a. NCDOT has issued approvals for driveway entrances to safely access Flat Rock Road
 - b. Enhanced screening or fencing along the eastern property line toward Beaver Rd should eliminate any future visual conflicts

The motion was seconded by Commissioner Caskey and passed unanimously (3-0).

- Commissioner Greene moved that the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity.
 - a. 5 new residential units have been built within ½ mile of the project during the last 4 years suggesting the project is not a deterrent to adjoining residential properties or those in the area

The motion was seconded by Commissioner Caskey and passed unanimously (3-0).

- Commissioner Greene moved that the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.
 - a. The material and evidence presented has demonstrated the Cherry Treesort project complies with general and specific conditional use criteria and in conjunction with the conditions this Board has attached to approval, suggest it is generally compatible with land uses in the Rural Agriculture (RA) District.

The motion was seconded by Commissioner Caskey and passed unanimously (3-0).

Chairman Edds moved to approve CUP 08-16 Amendment for a total of three (3) units with the flexibility of the hobbit house as mentioned along with the conditions outlined by

Staff's recommendations. The motion was followed by a second from Commissioner Greene and carried unanimously (3-0).

4. PUBLIC HEARING: VESTED RIGHTS REQUEST FOR CHERRY TREESORT

Chairman Edds read the Chairman's Speech for CUP 08-16 Vested Rights and declared the public hearing regarding Trent Cherry's request for an extension of the vesting period for the recently amended CUP 08-16 from the two (2) year minimum to five (5) years. If granted, vesting for the project was associated with the land and not the owner. At the end of the vesting period, the vested rights terminate for any buildings for which no valid building permits had been submitted.

Planning and Development Director Ed Muire informed the Board of Commissioners that Section 21-11 of the Zoning Ordinance granted the Board the authority to authorize a vested right for a two (2) to five (5) year period based on warranted and relevant circumstances. Mr. Muire said based on the Board's approval during the current meeting for an amendment to CUP 08-16, the Board had the discretion to establish a vesting period beyond two (2) years when the petitioner demonstrated the vesting period was warranted by relevant circumstances such as the size of the project, phasing or level of investment.

If granted, Mr. Muire explained the vesting for the project was associated with the land and not the landowner. At the end of the vesting period, the vested rights terminate for any buildings for which no valid building permits had been submitted.

Mr. Cherry stated he was on a "pay as I go" plan. Mr. Cherry did feel he would need the full five (5) years but would need more than two (2) years. Mr. Cherry preferred to stay with a five (5) year vested period.

Chairman Edds opened the public hearing to receive citizen input regarding CUP 08-16 Vested Rights. With no one wishing to address the Board, Chairman Edds closed the public hearing.

Commissioner Greene moved, Commissioner Caskey seconded and the vote to authorize a vested right for a five (5) year period as requested passed unanimously.

5. ZTA 02-19: GROUND MOUNTED SOLAR ENERGY SYSTEM

Please note at this point in the meeting Chairman Edds made a motion to skip to agenda item #10 (Consider Approval of Apple Lease Resolution for Rowan Salisbury School System) in the order of discussion before coming back to agenda item #5. The motion was seconded by Commissioner Greene and passed unanimously (3-0).

Chairman Edds stated he felt the Board was not prepared to vote on ZTA 02-19 and was inclined to send the matter back to the Planning Board for additional review. Chairman Edds asked about scheduling another hearing for April 6, 2020 to consider another four-month extension of the ground mounted solar energy system moratorium.

Planning and Development Director Ed Muire said extending the moratorium was one of the options outlined in the staff report. Mr. Muire reviewed the other options and also provided the Board with a handout from Cooperative Solar, which shared the Company's opinion on the subject.

Mr. Muire felt four (4) additional months would be sufficient time for further consideration of proposed text amendments for ground mounted solar energy systems. In all fairness, Mr. Muire said the current Coronavirus Pandemic could possibly create some issues with when and how the Planning Board could meet.

County Attorney Jay Dees said the Board could discuss the length of the extension during the public hearing on April 6, 2020.

Chairman Edds moved to refer ZTA 02-19 text amendment and decommissioning plan back to the Planning Board for further study and extend the moratorium; and schedule a public hearing for April 6, 2020 to extend the Moratorium Ordinance for Ground Mounted Solar Energy Systems. The motion was seconded by Commissioner Greene and passed unanimously (3-0).

6. PROCLAMATION HONORING THE LEGACY OF ALEX CLARK

Chairman Edds talked about Alex Clark and his compelling life story. Chairman Edds said Mr. Clark had made some bad decisions earlier in life and paid dearly for them by doing time in federal prison. Chairman Edds said during the prison time, Mr. Clark turned his life around, vowing to come back and work in the community to help kids make better decisions than he had.

Chairman Edds said he had become friends with Mr. Clark and met people who had been touched by Mr. Clark. Chairman Edds said he had presented a Proclamation to Mr. Clark's wife during his funeral. Chairman Edds said the County mourned Mr. Clark's passing but celebrated his life.

Chairman Edds moved to approve the Proclamation Honoring the Legacy of Alex Clark. The motion was seconded by Commissioner Greene and passed unanimously (3-0).

The Proclamation was approved as follows:

WHEREAS, Alex Clark lead by example and was a tireless advocate and community voice and mentor for our youth; and

WHEREAS, even though Alex struggled with Lou Gehrig's Disease, he conveyed to his mentees and to the world that every human has God-given value and worthwhile hopes and dreams; and

WHEREAS, Alex was a teacher of humanity who planted seeds and lead by example; and

WHEREAS, together with his wife Alisha, they founded Gemstones and COMPASS, two nonprofits to provide youth with necessary skills to reach their maximum potential; and

WHEREAS, Alex filled a critical need and served as a role model to our children to help make a difference in their physical, emotional, mental and spiritual development; and

WHEREAS, thanks to his dedication and commitment, the citizens and youth of Rowan County have been enriched through his insight and teachings, which have left a legacy for others to follow.

NOW THEREFORE, the Rowan County Board of Commissioners does hereby honor the memory of a Leader whose spirit will live on in each life touched by his philosophy and encourages others to consider how they might use their time and talents to transform the life of a child and help to build a better life and brighter future for our community.

7. PROCLAMATION FOR CHILD ABUSE PREVENTION MONTH

Chairman Edds read the Proclamation for Child Abuse Prevention month as follows:

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

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

WHEREAS, approximately 119,339 children were reported abused and/or neglected by their parents or caretakers in North Carolina in Fiscal Year 2018; and

WHEREAS, 27 children were victims of homicide due to abuse or neglect by their parent or caretaker in North Carolina during the year 2016; and

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

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

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

THEREFORE, the Rowan County Commissioners, does hereby proclaim April 2020 as Child Abuse Prevention Month in Rowan County and calls upon all citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in our efforts to prevent child maltreatment and strengthen the communities in which we live.

Chairman Edds moved, Commissioner Greene seconded and the vote to approve the Proclamation as read passed unanimously (3-0).

8. PRESENTATION REGARDING RADIO SYSTEM UPGRADES

Telecommunications Director Allen Cress and Assistant County Manager/Chief Information Officer Randy Cress were present to discuss the radio system upgrades.

Allen provided the background regarding the request for the radio system upgrades, including the infrastructure recommendations, as well as the costs. Allen reported the current prime site was in Granite Quarry. Allen stated if something happened to the site,

the County would lose its 800mhz system and would have nowhere near the coverage it currently had.

In response to an inquiry from Chairman Edds, Allen said the County was looking at a new tower site in Cleveland where the County owned land. Allen said the County currently leased space for approximately \$42,000/year on the Young Mountain Tower in Cleveland. Building a new tower would eliminate those lease costs. Allen expressed hope the County would be able to lease space to providers on its own tower in order to generate revenue.

Randy mentioned one of the discussions when going through the broadband meetings was the need for the County to have vertical assets. Randy explained if the County went from a leased tower to having its own tower site, the County would be able to negotiate with the wireless providers that had shown interest in providing service. Randy said if the County's tower was put up, staff could make sure the tower was not locked specifically to the radio system in the RFP process. The cost to build the tower was estimated at \$550,000

The radio recommendations were to shift from dual mobile and portable radios to per officer portable radios. The radios would be replaced in phases starting in FY 20-21 and the replacements would be completed in FY 23-24. Allen reported the first phase with infrastructure (\$1.5 million) and radio costs (\$2.5 million) totaled \$4 million. Phase 2 costs were estimated at \$6.5 million. The overall total for the request was \$10.5 million.

Commissioner Caskey asked how many batteries would be provided for each radio. Allen said each radio would have a charger and one (1) battery. Commissioner Caskey commented that GPS used a lot more power and it would probably be helpful to have an extra battery to switch out in the middle of a shift, if needed. Allen responded that staff could require the extra battery.

Allen stated the current support and maintenance with Motorola expired in December of 2021. Federal Engineering, who was awarded the public safety radio assessment, would engage in a contract negotiation on behalf of the County for maintenance on the proposed new equipment and ongoing services.

Allen highlighted the next steps for the Board, which were to allow staff to continue engagement with Federal Engineering to:

- Issue RP for radio replacements
- Negotiate service contracts for expiring contracts
- Solicit costs for System infrastructure upgrade and resiliency

County Manager Aaron Church said one of the main reasons the issue was before the Board was to receive approval for the direction staff was going. Mr. Church said in order to issue the RFP, staff needed to know what the RFP should include. Mr. Church said the Board would be effectively approving the plan that had been presented but was not

approving the purchase agreement. Mr. Church said the topic would come back to the Board several times before final approval.

Chairman Edds questioned the total number of radios to be purchased and Allen responded 1,425 by 2024. With regards to value from the old radios, Allen estimated the value was between \$100 - \$200. Allen said there were places overseas that could potentially use the older radios for parts until they could get the money to replace them. If there was a buyback value, the County could sell the radios, or, they would be declared as surplus.

Chairman Edds moved to allow staff to continue engagement with Federal Engineering to issue an RPF for radio replacements, negotiate service contracts for expiring contracts, and to solicit costs for System infrastructure upgrade and resiliency. The motion was seconded by Commissioner Greene.

Commissioner Caskey said the main item for him was to provide an option for another battery for each radio.

Allen also confirmed to Commissioner Caskey the volunteer fire departments were happy with the route being taken for the radio replacements.

Upon being put to a vote, the motion on the floor passed unanimously (3-0).

Commissioner Greene asked for confirmation that Allen would obtain a quote for a second battery and Allen confirmed yes. Commissioner Greene requested the quote be brought back to the Board.

9. WEST END PLAZA AGRICULTURAL CENTER INTERIOR RENDERINGS

This item was removed from the agenda at the beginning of the meeting.

10. CONSIDER APPROVAL OF APPLE LEASE RESOLUTION FOR ROWAN SALISBURY SCHOOL SYSTEM

Rowan Salisbury School System (RSSS) Superintendent, Dr. Lynn Moody, presented the request from the Board of Education (BOE) for approval of the Resolution for the Apple Lease. Dr. Moody said the first Apple lease was approved six (6) years ago and a second time three (3) years ago. Dr. Moody reported a meeting was held with RSSS teachers for their input concerning the new lease.

Dr. Moody discussed how the Apple technology had greatly assisted RSSS during the current Coronavirus Pandemic. Dr. Moody said the County should be proud that it could close its school system for a period of time and still be able to provide instruction to students.

Dr. Moody introduced staff members David Blattner, Chief Technology Officer, and Carol Herndon, Chief Financial Officer. She also introduced BOE members Kevin Jones and Susan Cox.

At the request of Chairman Edds, Dr. Moody discussed the use of iPads versus laptops for high school students. Dr. Moody said the old units would be returned and the students would receive new devices. Dr. Moody expressed hope the resale value of the used devices would be higher than was previously indicated due to the higher demand.

Ms. Cox supported the Resolution and highlighted the positives for using the technology. Ms. Cox said the State was reducing funding for textbooks and a portion of the books were obsolete when they were received in the classroom.

Mr. Jones, BOE Chairman, shared his insight for the technology as a parent of five (5) children. Mr. Jones said he had been able to see presentations, etc. at a district level and convince over and over again the value of the devices.

Chairman Edds asked if the BOE had voted in support of the Resolution. Mr. Jones said the vote was 4-2 and one (1) member had been missing.

Commissioner Greene inquired as to how RSSS handled the areas in the County that did not have internet/broadband service. Mr. Blattner said RSSS partnered with Sprint for the high schools and had also done some hot spots for lower grades. Mr. Blattner said one reason for using iPads was that teachers could download programs before the students were sent home.

In response to an inquiry from Chairman Edds, Ms. Herndon said \$12.3 million was the total cost for the lease over 3.5 years and the funds from the buyback of the used equipment would be used to pay towards the lease payments.

Mr. Blattner explained to Commissioner Caskey how the purchase worked. Mr. Blattner said RSSS leased to own and could sell the equipment at residual value. Mr. Herndon said RSSS would own the equipment once the last payment was made.

Commissioner Caskey asked in theory if there could be an extra million in funds from the resale of the used equipment. Mr. Blattner discussed the fees, warranties, etc. and said the savings was about \$1.3 million over a 4-year period.

Commissioner Caskey inquired as to the Commissioners duty and County Attorney Jay Dees said the BOE was statutorily required to get approval from the Board of Commissioners to enter into the agreement.

Commissioner Caskey posed additional questions concerning the lease. Assistant County Manager/Finance Director Leslie Heidrick said the lease was considered a type of debt and considered as a capital lease.

Ms. Herndon said RSSS was not asking for any incremental funding and that local monies had not yet been used.

Mr. Blattner explained to Commissioner Caskey whether other brands besides Apple equipment could be used.

Commissioner Caskey asked if anyone knew why two (2) BOE members voted against the lease. Mr. Jones said the general feeling was those members were trying to be conservative with the finances at a time when the BOE was talking about closing schools, etc. Mr. Jones said there had not been a vast improvement in the test scores as had been hoped for.

Mr. Blattner addressed additional questions, including whether the equipment was purchased directly from Apple, the bid process, and possible use of a different brand, such as Android.

Chairman Edds felt switching at a time when there was such upheaval (Coronavirus Pandemic) did not seem prudent. Chairman Edds said the Commissioners did not have all the information the BOE had and it did not seem wise to make changes at this time.

Dr. Moody shared her pride at the ability of RSSS to stay connected to students, parents and teachers at this time. Dr. Moody also shared that RSSS would be using buses to deliver books, meals, supplies, footballs, basketballs, packages for parents, etc. in the coming weeks. Dr. Moody said the school parking lots would also be open so people in the community could sit in the parking lots to connect to the internet.

With no further comments, Commissioner Greene moved to approve the Resolution as submitted. The motion was seconded by Chairman Edds and passed 2-1 with Commissioner Caskey dissenting.

Chairman Edds took a moment to discuss the broadband issue in Rowan County. Chairman Edds explained that two (2) years ago the County underwent a broadband study to try to get the private sector to bring broadband into rural Rowan County. Chairman Edds said a committee was formed to review the issue and the committee also included citizens from the study areas. Questionnaires were sent out and the public's responses were mapped. The private sector was then invited to discuss their interest in bringing private sector broadband. Chairman Edds said approximately five (5) companies responded; however, the larger companies bowed out right away due to the expense of running high speed broadband into such rural areas. Chairman Edds said the County began to understand the answer would most likely be through offering high speed wireless broadband. Chairman Edds said the County had continued to work with the companies; however, several issues had surfaced.

Chairman Edds said there were a couple of funding sources that would provide for the equipment needed to make high speed wireless broadband work in the rural areas. The funding sources were the North Carolina Broadband Fund (NCBF) and the United

States Department of Agriculture (USDA) at the federal level. The NCBF made its funding available in tiers and the Tier 1 counties were currently being served. Rowan County is a Tier 2 county and not eligible for funding through the NCBF until July 2020 and only the providers were eligible. Chairman Edds continued by saying he had received emails from folks stating the County had missed the application deadline but he clarified the County did not miss a deadline as the County was not eligible to apply for NCBF.

The County might be eligible; however, in several areas for USDA funds but the County did not have any providers showing interest in applying for the USDA grants at this time. The County is not the applicant for the USDA funds.

In conclusion, Chairman Edds said the County was looking towards the July 2020 date and he wanted to make sure everyone understood and had accurate information. Chairman Edds said the broadband process the County had undertaken had created a model across the State. In closing, Chairman Edds said providing broadband was high on the County's priority list.

The Apple Lease Resolution was approved as follows:

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 \$12,332,397.97 over 2020 - 2021, 2021 - 2022, 2022 - 2023 and 2023 - 2024 fiscal years; *and*

WHEREAS, the Board of Education will pay Apple in approximate installments of \$3,523,542.28 in the 2020 – 2021 fiscal year, \$3,523,542.28 in the 2021 – 2022 fiscal year, \$3,523,542.28 in the 2022 – 2023 fiscal year and \$1,761,771.14 in the 2023 – 2024 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 2020 – 2021, 2021 – 2022, 2022 – 2023 and 2023 – 2024 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.

[Please note at this point in the meeting the Board reverted back to agenda item #5 (ZTA 02-19: Ground Mounted Solar Energy System) to continue in the order of discussion as listed on the agenda].

11. ROWAN COUNTY TRANSIT DISCUSSION

County Manager Aaron Church provided an update regarding transportation services in Rowan County. Mr. Church reviewed statistics regarding the increases in service miles and total trips from FY 2019 to FY 2020.

Mr. Church said the most recent Home and Community Care Block Grant contract for transportation had increased resulting in an estimated shortfall for FY '20 in the amount of \$42,500. This included transportation to nutrition sites, medical transportation and general transportation such as to grocery and pharmacy stores, salons, etc.

Due to the rate increase there were changes the County could no longer support at the same level. Mr. Church reviewed the changes as follows:

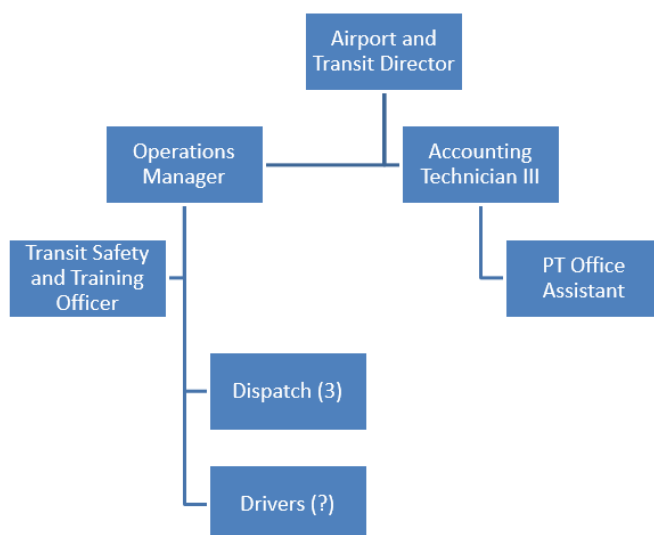
Not able to support special trips:

- Dan Nicholas Park summer camps
- Cooperative Ext summer camps
- Carter House
- Rufty-Holmes
- Meal Sites
- Parks and Rec
- Trinity Living Center (TLC)

Wait lists:

- HCCBG-Nutrition Sites – 13 clients
- Trinity Living Center
- Dialysis – Salisbury & Kannapolis – 15 clients

Mr. Church presented the proposed organizational structure for bringing transit services in-house. The goal was to have the services in-house by October 1, 2020.



Chairman Edds moved to ask the County Manager to pursue the steps necessary to begin the process of bringing transit in-house and operational by October 1, 2020. The motion was seconded by Commissioner Caskey and passed unanimously (3-0).

12. LITTER REPORT

Chairman Edds reviewed the litter report in the agenda packet. The report indicated a total of 4,425 pounds of trash was collected for the period beginning Monday, February 17 through Friday February 28, 2020. Chairman Edds appealed to the public not to litter.

13. SCHEDULE PUBLIC HEARING FOR APRIL 6, 2020 TO CONSIDER REVISIONS TO THE PERSONNEL ORDINANCE

Commissioner Greene moved the Board schedule a public hearing for April 6, 2020 to consider proposed revisions to the Rowan County Code of Ordinances. The revisions pertained to Chapter 2 Administration, Article II Personnel, Division 7 Section 2-138 – Military leave. The motion was seconded by Commissioner Caskey and passed unanimously (3-0).

14. FINANCIAL REPORTS

Assistant County Manager/Finance Director Leslie Heidrick presented financial graphs that depicted the following information:

- Annual Cumulative Current Year Property Tax Comparisons as of January in FY 2020 - \$81,524,980
- Annual Cumulative Sales Tax Comparisons as of November in FY 2020 - \$11,666,667
- Annual Cumulative Revenue Comparisons as of February FY 2020- \$114,811,770
- Annual Cumulative Expenditure Comparisons as of February FY 2020- \$94,591,984

15. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director Leslie Heidrick presented the following budget amendments for the Board's consideration:

- Finance - To budget donation made to Soil and Water - \$500
- Social Services – Expenditures/Revenues revised based on funding authorizations received from the State. Funding authorizations reflect the actual amount received and may increase/decrease the original budget estimate - \$27,878
- Sheriff – Recognize excess State Asset Forfeiture Funds revenue and budget to the designated expense accounts - \$15,956
- Finance – Budget FY '20 JCPC expansion funding awarded to County \$9,568
- Finance – Increase Medicaid transportation revenue and expense due to increase in rate per mile charged - \$125,000

- Finance – Increase Salisbury ADA transportation revenue and expense due to the increase in rate per mile charged - \$22,000

Commissioner Greene moved approval of the budget amendments as presented. The motion was seconded by Commissioner Caskey and passed unanimously (3-0).

15a. ADDITION

Use of West End Plaza for Coronavirus Pandemic Relief Efforts

Chairman Edds said due to the issues taking place nationally (Coronavirus Pandemic) as well as with the State and locally, the question had been raised whether the West End Plaza (WEP) could be used for some relief efforts. Chairman Edds said the details for the relief efforts were unknown but could be a staging area for food for kids, etc. Chairman Edds said there were a lot of rules that pertained to COVID-19 from the President of the United States on down.

Chairman Edds moved for the Board to give the County Manager the authority to work within the rules given by local, state and federal officials to be able to use the WEP for any kind of relief efforts that may come. The motion was seconded by Commissioner Greene.

Commissioner Caskey suggested the motion be amended to allow the County Manager to develop the policy in a manner that would allow the County Manager to have the authority ongoing in emergency situations.

Chairman Edds amended the motion to include allowing the County Manager to develop a policy that would grant the County Manager the ongoing authority to utilize the WEP in emergency situations. Commissioner Greene was agreeable to the amended motion and upon being put to a vote, the motion passed unanimously.

16. CLOSED SESSION

The Closed Session was removed from the agenda at the beginning of the meeting.

17. ADJOURNMENT

There being no further business to come before the Board, Commissioner Caskey moved to adjourn at 8:55 p.m. The motion was seconded by Commissioner Greene and passed unanimously (3-0).

Respectfully Submitted,

Carolyn Barger, MMC, NCMCC
Clerk to the Board