

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
March 4, 2013 – 3:00 PM
J. NEWTON COHEN, SR. ROOM
J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING**

Present: Jim Sides, Chairman
Craig Pierce, Vice-Chairman
Jon Barber, Member
Mike Caskey, Member
Chad Mitchell, Member

County Manager Gary Page, Clerk to the Board Carolyn Barger, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

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

Chairman Sides provided the Invocation and also led the Pledge of Allegiance.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Pierce seconded and the vote to approve the minutes of the February 18, 2013 Commission Meeting passed unanimously.

Commissioner Caskey moved to approve the minutes of the February 7, 2013 Commission Meeting. The motion was seconded by Commissioner Pierce and carried unanimously.

CONSIDER ADDITIONS TO THE AGENDA

- Chairman Sides moved to add the Healthy Beginnings Grant Award as Consent Agenda Item I and the Robertson Family Foundation Grant Application as Consent Agenda Item J. The motion was seconded by Commissioner Barber and passed unanimously.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Barber moved, Commissioner Pierce seconded and the vote to approve the agenda passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

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

The Consent Agenda consisted of the following:

- A. Safe Havens FY 2013 Grant Application
- B. Report of 2012 Unpaid Property Tax
- C. Permission for Rowan Public Library to Sell Withdrawn Library Materials
- D. Set Quasi-Judicial Hearing for March 18, 2013 for CUP 02-13
- E. Set Public Hearing for March 18, 2013 for FY 13-14 HOME Application
- F. Reschedule Public Hearing to March 18, 2013 to Close Out RDH Tire Project
- G. Sale of Surplus Property
- H. Unfreeze Internal Auditor's Position
- I. Healthy Beginnings Grant Award for Health Department (Addition to the Agenda)
- J. Robertson Family Foundation Grant Application for Health Department (Addition to the Agenda)

2. PUBLIC COMMENT PERIOD

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

- Larry Wright voiced his appreciation for the individual efforts of Rowan County's Legislative Delegation.

Chairman Sides reminded citizens that Rowan County's delegation also included Senator Gene McLaurin and he encouraged citizens to thank Senator McLaurin for his service to Rowan County and the State of North Carolina.

With no one else wishing to address the Board, Chairman Sides closed the Public Comment Period.

3. PUBLIC HEARING FOR ZTA 03-12

Senior Planner Shane Stewart presented the staff report for ZTA 03-12. Mr. Stewart said the proposed amendment to the Zoning Ordinance would separate solar energy systems from other energy generation land uses and establish development standards for their use.

Mr. Stewart discussed the table of use excerpt found on page four (4) of the staff report. Mr. Stewart stated on average, the basis of 6,000 square feet would be enough to power six (6) single family dwellings. Mr. Stewart said the text would remove the screening component for solar energy systems and allow the Board, with the CUP process, to have that as a condition. Mr. Stewart said any system on the roof, an exterior wall, or DOT right of way would be exempt.

Mr. Stewart said the Board would need to develop a Statement of Consistency. Mr. Stewart referred to the Planning Board's recommended Statement on page five (5) of the Staff report. Mr. Stewart said the Planning Board recommended unanimous approval of the proposed text.

Mr. Stewart confirmed to Commissioner Pierce that as long as the solar array was on the roof or on an elevated wall a zoning permit would not be needed.

Chairman Sides opened the public hearing to receive citizen input regarding ZTA 03-12. With no one wishing to address the Board, Chairman Sides closed the public hearing.

Commissioner Mitchell moved approval of the Statement of Consistency. The motion was seconded by Commissioner Barber and passed unanimously.

The Statement of Consistency read as follows:

1. "Based on the current zoning ordinance language, a solar energy system would be classified as a power generator (SIC 491) and evaluated the same as a coal, natural gas, or nuclear facilities permitted only in CBI or IND subject to a conditional use permit and specific standards of Sec. 21-60 (4) listed below. The Planning Board is of the opinion this particular method of power generation is generally passive in nature and should exhibit a minimum level of impacts compared to other methods of power generation. As such, the following text would address this use separate from the other power generators and provide a clear option for property owners who desire small systems to power their structures and / or sell to utility companies and
2. This ordinance would allow for applications with rezoning or requiring a conditional use permit."

Commissioner Mitchell moved to approve ZTA 03-12. The motion was seconded by Commissioner Barber and passed unanimously.

4. QUASI-JUDICIAL HEARING FOR CUP 01-13

Chairman Sides read the Chairman's Speech (Exhibit A) and declared the public hearing for CUP 01-13 to be in session. Chairman Sides said the hearing would focus on an application submitted by John Dwinell for his property located at the

300 block of Country Ridge Road. The purpose of the application was to consider a 1,232 square foot residential storage facility on Tax Parcel 431A-075.

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

Senior Planner Shane Stewart presented the Staff Report (Exhibit B) and explained that John and Regina Dwinell were requesting to construct a 1,232 square foot residential storage facility on a lot without a residence. Mr. Stewart said the Dwinell's plan was to store their personal belongings until their home sells and later construct a single-family dwelling on this parcel.

Mr. Stewart said the application met the requirements for specific uses in accordance with Section 21-60 of the Zoning Ordinance.

Mr. Stewart reviewed the Conditional Use Criteria contained in the Staff Report (Exhibit B).

Mr. Stewart provided the Board with sample Findings of Fact (Exhibit C).

At this time the property owner, John Dwinell, was sworn in order to address the Board. Mr. Dwinell spoke as to why the storage facility needed to be built on the 5.6 acres located between his sons.

With no further testimony to be provided, Chairman Sides closed the public hearing.

Commissioner Mitchell moved that the development of the property in accordance with the proposed conditions will not materially endanger the public health or safety based on facts in sample findings. The motion was seconded by Commissioner Pierce and passed unanimously.

FACT: This request meets all eight (8) specific requirements identified in Section 21-60 (9) for residential storage facilities.

FACT: The proposed storage building is subject to compliance with applicable building code standards.

Commissioner Mitchell 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. The motion was seconded by Commissioner Pierce and passed unanimously.

FACT: No material evidence was presented suggesting this request would injure property values.

Commissioner Mitchell 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. The motion was seconded by Commissioner Pierce and passed unanimously.

FACT: As evidenced by the accompanying map, surrounding properties currently consist of large wooded parcels.

FACT: Based on current conditions, the structure would only be visible to properties owned by members of the Dwinell Family.

FACT: The Eastern Rowan Land Use Plan is silent on this topic therefore would not be in conflict with the plan.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve CUP 01-13 with any recommended conditions passed unanimously.

5. CONSIDER PE 01-13: PERMIT TO EXCEED NOISE ORDINANCE

Senior Planner Shane Stewart presented a PE 01-13, a request from Saving Grace Farm, Inc. to exceed the Noise Ordinance for the proposed Earth Day Jam on April 20, 2013 from 11:00 a.m. to 2:00 a.m. at 565 Trexler Loop in Salisbury. The purpose of the event is to raise funds for the Land Trust and Saving Grace Farm's Therapeutic Horsemanship Center, which serves special needs children and adults in the community.

Mr. Stewart said based on the information provided in the application, the request met all criteria for approval.

Chairman Sides opened the floor to receive comments from any citizens regarding the request. No one came forward to address the Board.

Commissioner Barber moved to approve PE 01-13. The motion was seconded by Commissioner Pierce and passed unanimously.

6. CONSIDER SNIA 01-13: SPECIAL NON-RESIDENTIAL INTENSITY ALLOCATION

Senior Planner Shane Stewart presented Special Non-Residential Intensity Allocation (SNIA) 01-13. The request was from the Atwell Volunteer Fire Department (VFD) to construct a new fire station at the 8400 block of Unity Church Road. Current watershed standards allow only 12% impervious coverage while the SNIA permit would allow up to 70%.

Chairman Sides explained that the Board was not approving a fire station but rather the non-residential intensity allocation. Chairman Sides explained that on September 25, 2011, the County Manager received a letter from the VFD stating

their intent to purchase property and build a new fire station. Chairman Sides the letter indicated the VFD would not be seeking a fire tax increase in order to build the station. Chairman Sides went on to say in the 2012-13 budget packets, the VFD outlined the capital outlay for the building. Chairman Sides said the VFD had identified the funding without asking for a tax increase.

Commissioner Barber moved to approve SNIA 01-13. The motion was seconded by Commissioner Caskey and passed unanimously.

7. DISCUSSION REGARDING OFFER TO ROWAN-SALISBURY SCHOOL SYSTEM FOR FORMER DSS AND MAHALEY AVENUE BUILDINGS

Chairman Sides recalled that during regular session on February 4, 2013 the Board of Commissioners (BOC) voted to offer the two (2) former Department of Social Services (DSS) buildings to the Rowan-Salisbury School System (RSSS) for use as a temporary central office. The offer was for thirty (30) days with an expiration date of March 4, 2013. Chairman Sides said the County Manager had received additional correspondence on the issue.

Mr. Page said the Board of Education (BOE) had asked for answers to various questions about the buildings with a request the information be provided by February 22, 2013. Mr. Page said the information was submitted; however, the BOE had asked for an extension until March 18th in order to respond to the offer.

Commissioner Pierce said for too long the properties had been in limbo and had previously been suggested to the BOE for use. Commissioner Pierce said the suggestion had finally been made into the form of a proposal and he felt if the BOE wanted to use the property there had been adequate time provided for the BOE to make a decision. Commissioner Pierce said he felt it was time to move forward with utilizing the buildings for County needs, such as relocating the Board of Elections, Veterans Service Officer, and the Economic Development Department to one of these locations. Commissioner Pierce mentioned implementing the possibility for an incubator business into a true study and moving forward with ideas in the County. Commissioner Pierce said he did not see any need to put the decision off. Commissioner Pierce said if RSSS decided within the next fifteen (15) days to seriously consider the options, it would not be too late for the Commissioners to take another direction. Commissioner Pierce said if the disposition of the buildings required they be put up for sale, he felt the County should move to dispose of the buildings and utilize the funds for other needed capital improvements.

Commissioner Barber said he had not supported the offer to the BOE when it was discussed thirty (30) days ago, as he did not feel it would meet the BOE needs. Commissioner Barber said if the BOE moved forward on the central office project with the City of Salisbury, the former DSS buildings should be considered during budget discussions. Commissioner Barber agreed with

Commissioner Pierce that it was time to move forward and should the BOE come back with further interest, it could be addressed at that time.

Commissioner Caskey said he had spoken with some of the BOE members and in his discussions, the BOE was still planning on locating the central office downtown. Commissioner Caskey agreed with Commissioner Pierce that it was time to do something useful with the former DSS buildings.

Commissioner Pierce moved to put this topic (former DSS buildings) in the discussions during the budget sessions and to make sure the BOC came up with a definite decision about the disposition of the two (2) buildings during the budget session. Commissioner Pierce said if the BOE showed an interest in the buildings during the next fifteen (15) days, the BOC would consider the ideas at that time and make a decision accordingly. The motion was seconded by Commissioner Caskey and passed unanimously.

8. CONSIDER REQUEST TO SEEK LEGISLATION FOR DE-ANNEXATION OF ROWAN COUNTY AIRPORT

Chairman Sides recalled that the Board had voted 3-1 on February 18, 2013 to seek legislation for de-annexation of the Rowan County Airport (Airport). Chairman Sides said Commissioner Mitchell was not present at the meeting and he did not want to go forward with the letter to the Legislators without a 4-1 vote. Chairman Sides said he requested the matter be put on the current agenda to take another vote.

Chairman Sides moved to request legislation for the de-annexation of the Rowan County Airport. Commissioner Pierced seconded the motion.

Commissioner Mitchell said that since he was not present for the last meeting, he wanted to voice his support. Commissioner Mitchell said he did not think any reasonable company with an airplane wanted to double their tax liability. Commissioner Mitchell supported the motion to get the process started.

Commissioner Barber said he and Vice-Chairman Pierce attended a Salisbury City Council (City) meeting where the issue was discussed. Commissioner Barber said the City gave the history of the Airport from 1927 to present. Commissioner Barber said the City had sent a letter of opposition to the legislative delegation regarding the action the Commissioners took on February 18, 2013. Commissioner Barber said the BOC had received an invitation from the City for a meeting with the legislative delegation for all parties to discuss other options available. Commissioner Barber said over the last several weeks he had been asked by citizens when the County was going to mend the relationship with the City. Commissioner Barber said some people felt both sides were being unreasonable; however, he was of the opinion it was time for the County to take the high road and show the County was reasonable. Commissioner Barber said he planned on attending the meeting with the

legislative delegation and would rather the Board wait until the next Commission Meeting on March 18, 2013 to pass any resolution. Commissioner Barber asked the Board to accept the olive branch from the City, not pour gas on the fire, and sit down with the legislative delegation. Commissioner Barber stated again he would like for the Board to wait to make a final decision until after the meeting with the City of Salisbury and the legislative delegation.

Commissioner Pierce said he did not follow Commissioner Barber's thinking at all. Commissioner Pierce said the City had already voted unanimously to try to defeat the proposal so he did not understand what the purpose of the meeting with the City and the legislators would be about. Commissioner Pierce said the City had made clear it would oppose the de-annexation. Commissioner Pierce said the Commissioners needed to make it clear they were moving forward with the de-annexation as it was the right thing to do for the County and citizens. According to Commissioner Pierce, approximately \$7 million was being invested by the County for a new hangar, which was the first improvement at the Airport, other than government funding that had been received for fencing. Commissioner Pierce said it was time that the County developed the Airport, since the County was the only one that had put money into it since annexation. Commissioner Pierce stated that not one dollar from the City had been put into the Airport since it had been annexed. Commissioner Pierce said the City had pulled approximately \$800,000 in tax revenue from the County with the Airport annexation. Commissioner Pierce said he would not vote to put the matter off.

Commissioner Caskey said he had voted to seek de-annexation at the last meeting and he would vote for it again. Commissioner Caskey said he did not have a problem meeting with the City but he felt what was best for the County and the overall economy of the County was to move forward.

Chairman Sides said pursuit of de-annexation was being done for all the citizens of Rowan County and not to be in competition with the City or other municipalities. Chairman Sides said the City was not being excluded and any development at the Airport would migrate towards Salisbury. Chairman Sides said the County was trying to create an environment of growth and the Airport was one of the best economic engines the County had.

Upon being put to a vote, the motion on the floor passed 4-1 with Commissioner Barber dissenting.

9. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Finance – To budget revenues and expenditures for the collection and payment of new kiosk fees at the Rowan County Detention Center - \$7,000

- Health Department – Budget amendment to decrease state funding for Immunizations – \$14,737

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

10. CONSIDER APPROVAL OF THE BOARD APPOINTMENTS
ADULT CARE HOME ADVISORY COMMITTEE

- Rhonda Potts has submitted her resignation.

Commissioner Barber moved to accept Ms. Potts resignation and Commissioner Mitchell seconded. The motion passed unanimously.

NURSING HOME ADVISORY COMMITTEE

- Matthew A. Trexler has submitted an application for consideration.
- Nancy W. Galyan has submitted an application. Please note that Ms. Galyan is appointed to the Region F Advisory Board. By virtue of this position and not a BOC appointment, Ms. Galyan also serves on the Home and Community Care Block Grant Committee. Per the Resolution adopted by the Board of Commissioners September 17, 2012, no citizen shall serve in more than two (2) appointed positions.

The terms would be for one (1) year beginning April 1, 2013 and expiring March 31, 2014.

Commissioner Mitchell moved to waive the position requirements for Ms. Galyan. The motion was seconded by Commissioner Barber and passed unanimously.

Commissioner Mitchell nominated Mr. Trexler and Ms. Galyan. The nominations passed unanimously.

CENTRALINA ECONOMIC DEVELOPMENT COMMISSION

The Centralina Economic Development Commissions' by-laws changed in 2011 to extend term limits for members to three years; however, Rowan County was not notified of this change. The Centralina Economic Development Commission has submitted a request to amend the ending term date for newly appointed member John Pruitt to reflect these changes in their by-law terms. Mr. Pruitt's appointed term currently ends February 28, 2015. The new term would expire February 28, 2016.

Commissioner Mitchell moved approval and Commissioner Pierce seconded. The motion passed unanimously.

KANNAPOLIS BOARD OF ADJUSTMENT ETJ

- Boyd E. Hardin has submitted an application for consideration.

The term would be for three years and would expire June 30, 2015.

Commissioner Barber nominated Mr. Hardin. The nomination carried unanimously.

11. ADJOURNMENT

There being no further business to come before the Board, Commissioner Caskey moved to adjourn at 3:40 p.m. The motion was seconded by Commissioner Pierce and passed unanimously.

Respectfully Submitted,

Carolyn Barger, CMC, NCCCC
Clerk to the Board/
Assistant to the County Manager