

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
March 2, 2015 – 3:00 PM**

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

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

County Manager Aaron Church, Clerk to the Board/Assistant to the County Manager Carolyn Barger, County Attorney Jay Dees and Assistant County Manager/Finance Director Leslie Heidrick were present.

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

Commissioner Caskey provided the Invocation and also led the Pledge of Allegiance.

CONSIDER ADDITIONS TO THE AGENDA

There were no additions to the agenda.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Pierce moved, Commissioner Greene seconded and the vote to approve the minutes of the February 16, 2015 Commission Meeting passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

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

The Consent Agenda consisted of the following:

- A. High Rock Radio Tower Site Lease with North Carolina
- B. Allow County Employees Time Off With Pay To Participate In United Way Day of Caring
- C. General Nutrition Corporation (GNC) Fourth Amendment to Lease
- D. Allow Use of Former JC Penney Facility for V.A. Volunteer Appreciation Luncheon
- E. Bath & Body Works Eighth Amendment to Lease
- F. Electronic Medical Record Software
- G. Robertson Grant Application for Health Link-Healthy Families
- H. NACo Dental Discount Program
- I. Contract Amendment 01 to Space Needs Assessment

2. PUBLIC COMMENT PERIOD

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

- Alexander Clark spoke in support of A New Beginnings 2 Development Corporation (Corporation) and encouraged the Board to assist the Corporation with its initiatives (to be presented later in the meeting).

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

3. PUBLIC HEARING FOR Z 02-15

Senior Planner Shane Stewart presented a request from Martin Marietta Materials, Inc. for rezoning 2.62 acres identified as tax parcels 812-007 and 045 from Rural Agricultural (RA) to Commercial, Business, Industrial (CBI) and a .29 acre portion of tax parcel 811-018 from RA to Industrial (IND) located at 9025 Cool Springs Rd.

Using a power point presentation, Mr. Stewart showed the property in question, as well as the surrounding areas and businesses.

Mr. Stewart highlighted the zoning criteria contained in the staff report. Mr. Stewart said the request fell within the Western Land Use Plan.

Mr. Stewart said the Planning Board had voted unanimously to recommend approval of the following statements:

Statement of Reasonableness – The rezoning request is reasonable because the structures and property will be office use only.

Statement of Consistency – 1) The rezoning request is consistent with the Western Area Land Use Plan. 2) The rezoning request is consistent with the intended uses allowed in the CBI district.

In response to an inquiry from Commissioner Pierce, Mr. Stewart confirmed the Company was requesting office space for this particular rezoning.

Brian North from Martin Marietta stated the application was to modify an existing building for use as office space. Mr. North explained that the Company did a land swap in 2010 with the Woodleaf Volunteer Fire Department (VFD) and now wished to renovate the old VFD for use as office space. Mr. North reiterated the use would not be for the quarry but rather to house engineers and staff. Mr. North said there were no plans to expand the quarry and there would be no impact on the surrounding community other than to use as office space. Mr. North continued by saying the Company was based out of Raleigh and had continued to grow. Mr. North highlighted the number of employees at its various locations and said the Company had invested a lot of time and effort into Rowan County with many feeling the economic benefit.

Commissioner Klusman asked about improvements to the building, as well as any screening to be put in place.

Chairman Edds opened the public hearing to receive citizen input regarding Z 02-15. With no one wishing to address the Board, Chairman Edds closed the public hearing.

Commissioner Greene said the Quarry had been a fixture in Woodleaf for as long as he could remember and the Company had been a good corporate neighbor to the community. Commissioner Greene asked that the company bring even more jobs to the county as time allowed.

In response to Chairman Edds, Mr. Stewart said the change of use would trigger the screening requirements.

Chairman Edds moved, Commissioner Pierce seconded and the vote to approve the Statement of Reasonableness as recommended passed unanimously.

Chairman Edds moved, Commissioner Klusman seconded and the vote to approve the Statement of Consistency as recommended carried unanimously.

Commissioner Pierce moved, Commissioner Greene seconded and the vote to approve Z 02-15 passed unanimously.

4. PUBLIC HEARING FOR HOME APPLICATION / ADMINISTRATION

Planning and Development Director Ed Muire explained that as a member of the Cabarrus / Rowan / Iredell HOME Consortium, Rowan County anticipated receiving approximately \$124,000 in project funds for FY 2015-2016. Mr. Muire

said based on the anticipated funding, the required match for participation in this program could be \$31,000 or 25% of the project funds. Mr. Muire said that in previous program years, the match was expected to be obtained from other program eligible sources. Mr. Muire explained that the County would be financially responsible for all or the remainder of the match amount should the required match not be obtained from other sources.

Mr. Muire said the County proposed to use the funding for rehabilitation assistance to four (4) owner-occupied homes. Mr. Muire offered other eligible activities as new home construction, down payment assistance to first-time homebuyers, and acquisition / rehabilitation of foreclosed homes.

Mr. Muire said Rowan County had opted to solicit proposals for administration of its housing programs in 2012 and selected the Salisbury Community Development Corporation (CDC). Mr. Muire stated staff was recommending the CDC administer the County's FY 15-16 HOME Program.

Chairman Edds opened the public hearing to receive citizen input regarding the FY 2015-16 HOME application. With no one wishing to address the Board, Chairman Edds closed the public hearing.

Commissioner Greene moved, Commissioner Pierce seconded and the vote to approve the application and authorize the County Manager to sign the necessary paperwork for submittal of the HOME Action Plan carried unanimously.

Commissioner Klusman moved to authorize the County Manager to enter into contract with Salisbury CDC for administration of the County's FY 2015-16 HOME Program. The motion was seconded by Commissioner Pierce and passed unanimously.

5. QUASI-JUDICIAL HEARING FOR Z 01-15 & CUP 01-15

Chairman Edds read the Chairman's Speech (Exhibit A) and declared the public hearing for Z 01-15 and CUP 01-15 to be in session. Chairman Edds said the hearing would focus on an application submitted by Carolina Quarries, Inc. to rezone Tax Parcel 427-044 located at 280 Comolli Road from Rural Agricultural (RA) to Industrial (IND) and an associated conditional use permit (CUP) for expansion of mining operations.

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

Planning and Development Director Ed Muire presented the Staff Report (Exhibit B) as well as a power point presentation (Exhibit C), which depicted the site in question, as well as the surrounding areas. Mr. Muire explained that Carolina Quarries was requesting a zoning change from RA to IND to allow for the expansion of the waste area by 6.32 acres in the southeastern corner of the property.

Further, Mr. Muire stated that Carolina Quarries must obtain a CUP to expand operations at their site, as mining operations are a conditional use in the IND district.

Mr. Muire highlighted the zoning criteria, conditional use and specific use criteria contained in the Staff Report (Exhibit B).

Mr. Muire said the Planning Board conducted a courtesy hearing for the request at its January 26, 2015 meeting and forwarded a favorable recommendation based on its Statement of Consistency included as Attachment 4 in the Staff Report (Exhibit B).

Mr. Muire said that although both applications had been combined into one (1) request, separate actions by the Commission for the map amendment and the conditional use permit were necessary.

Mr. Muire provided sample Findings of Fact (Exhibit D) and said the Board must adopt findings of fact based on the evaluation criteria contained in the Staff Report (Exhibit B).

Branson Pethel, an attorney representing Carolina Quarries, provided the Board with a handout (Exhibit E), which was the General Warranty Deed whereby the Beaver's sold the quarry property.

Mr. Pethel also provided the Board with copies of deeds (Exhibit F) where the Beaver's gave property to their children.

Mr. Pethel said he understood the concerns expressed during the courtesy hearing; however, he pointed out the quarry was in existence when the individuals chose to move to the quarry. Mr. Pethel said the grandchildren moved to the quarry because the land had been free but he emphasized the quarry was already there. Mr. Pethel said the area in question the quarry wished to use was in the opposite direction of the residential uses. Mr. Pethel said the biggest concerns during the courtesy hearing related to the issue of dust and property values. In conclusion, Mr. Pethel said the owner was present to answer any questions regarding operations.

Robert Holshouser, Quarry Manager, said he wished to correct the issue pertaining to dust and stated the company was dust free. Mr. Holshouser said the company used water on all its equipment and was also putting pumps along the road in order to put water on the road.

Commissioner Pierce asked if the rezoning was strictly for waste and no more mining and Mr. Holshouser said that was correct.

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

Chairman Edds said a Statement of Reasonableness was not required; however, the Board would need to consider approval of a Statement of Consistency.

Commissioner Pierce moved approval of the Statement of Consistency as recommended by the Planning Board.

The Statement of Consistency read as follows:

- 1) The rezoning request is consistent with the present use.
 - 2) The intended rezoning will not impact traffic, noise, schools or utilities.
 - 3) The property to be rezoned is adjacent to a parcel zoned IND.
- Commissioner Caskey moved that the rezoning request was consistent with its present use. Commissioner Greene seconded and the motion passed unanimously.
 - Commissioner Klusman moved the intended rezoning will not impact traffic, noise schools or utilities. The motion was seconded by Commissioner Pierce and passed unanimously.
 - Commissioner Greene moved the property to be rezoned is adjacent to a parcel zoned IND. Commissioner Pierce seconded and the motion carried unanimously.
 - Commissioner Pierce moved to approve Z 01-15. The motion was seconded by Commissioner Klusman and passed unanimously.
 - Commissioner Caskey moved the development of the property in accordance with the proposed conditions will not materially endanger the public health or safety according to the facts prepared by staff. Commissioner Pierce seconded and the motion passed unanimously.

FACT SUBMITTED BY STAFF: Based upon satisfactory compliance with County conditional use standards and conditions of the NC Department of Environment and Natural Resources permit included as Attachment #3 of the Staff Report.

- Commissioner Caskey 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 based on the facts provided by staff. The motion was seconded by Commissioner Klusman and passed unanimously.

FACT SUBMITTED BY STAFF: The Quarry's existence predates the location of several adjoining residential uses. No factual evidence from a certified appraiser has been presented to the contrary.

- Commissioner Caskey moved that 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 based on facts provided by staff. The motion was seconded by Commissioner Pierce and passed unanimously.

FACT SUBMITTED BY STAFF: The Quarry appears to be in harmony with the industrial zoned property to its south; the commercial agricultural use to its east and solar farm to its west. The Land Use Plan recognizes that expansion of existing businesses that minimize conflict should be encouraged.

- Commissioner Pierce moved, Commissioner Klusman seconded and the vote to approve the issuance of CUP 01-15 passed unanimously.

6. PRESENTATION BY NEW BEGINNINGS 2 COMMUNITY DEVELOPMENT CORPORATION REGARDING CHARTER SCHOOL INITIATIVE

Commissioner Pierce introduced Yusuf Muhammad to speak on behalf of A New Beginnings 2 Community Development Corporation (CDC).

Mr. Muhammad referenced a letter from the United States Congress, which he stated recognized some of the challenges in Rowan County. Mr. Muhammad said the CDC wanted to be part of the solution to the challenges. Mr. Muhammad said Rowan County had a major problem with poverty in that of its 138,000 citizens, there were 28,000 recipients of Medicaid, and 1 of every 4 children in the County lived in poverty. Mr. Muhammad said 62% of children received free or reduced lunches in public schools in Rowan County. Mr. Muhammad said the community must find ways to work together to reach the children. Mr. Muhammad expressed hope that CDC would be able to run a charter school, provide after school programs and assist those drowning in despair with building affordable new homes.

Commissioner Klusman said she had asked Mr. Muhammad for a list of supporting organizations of CDC and that she had not yet received the information. Mr. Muhammad held up a handful of letters and said he could provide copies if provided access to a copier.

Commissioner Klusman said she would like to see the letters before voting on the matter.

Commissioner Pierce said the CDC was not asking for funding. Commissioner Pierce said CDC had arranged their own financing and their model for a charter school. Commissioner Pierce said CDC was only seeking the Board's support of the ideas they wanted to bring to the Town of East Spencer (Town).

Commissioner Caskey expressed appreciation to CDC for coming together and said he supported their efforts.

Chairman Edds said he would call for a recess if Commissioner Klusman needed time to see the information she had requested.

Commissioner Greene said he supported the group for having the best interests of children at heart and as a former educator, he understood the value of an education.

Chairman Edds thanked CDC for their time in explaining the goals they wished to achieve. Chairman Edds said as candidates had campaigned over the last few years, there was talk about the whole community having to come along to make the County stronger. Chairman Edds said he supported the project.

At the request of Commissioner Klusman, Chairman Edds called for a brief recess at 4:03 p.m.

Chairman Edds reconvened the meeting at 4:09 p.m.

Commissioner Pierce read the Resolution in the agenda packet, which asked the Board to support the goals of A New Beginnings 2 Community Development Corporation. The Resolution read as follows:

WHEREAS, the East Spencer community has been severely effected by the transfer of educational opportunities into other areas of the County; *and*

WHEREAS, socio-economic conditions in the East Spencer city limits have made it difficult for their children to afford the same opportunities as other children in the County; *and*

WHEREAS, A New Beginnings 2 Community Development Corporation, has identified this shortfall to East Spencer and has assembled a work plan and resources that do not include County funding; *and*

WHEREAS, this initiative is a positive way to support the educational system, the economy, and the citizens of East Spencer

THEREFORE, BE IT RESOLVED that the Rowan County Board of Commissioners does hereby support the goals of A New Beginnings 2 Community Development Corporation, and sincerely wishes them the energy and success they will need to help improve the lives of individuals and families of East Spencer.

Commissioner Klusman moved approval of the Resolution. Commissioner Pierce seconded and the motion carried unanimously.

Mr. Muhammad acknowledged the presence of Ms. Fox, who was in the audience. Mr. Muhammad thanked Ms. Fox for her support and encouragement.

7. CONSIDER AWARD OF CONSTRUCTION CONTRACT FOR GILDAN PROJECT

Bids were opened on February 27, 2015 for the construction of the proposed access road to serve the Gildan site. Based on the certified bid tabulation

provided by Blue Ridge Environmental Consultants, P.A., it was recommended by RowanWORKS staff and county staff to award a construction contract to Country Boy Landscaping, the lowest responsive bidder at \$1,381,350.00.

Commissioner Pierce moved awarding a Construction Contract for the Gildan Project to Country Boy Landscaping. Commissioner Caskey seconded and the motion carried unanimously.

For the record, the bid tabulations were provided as follows:

- County Boy Landscaping, Inc. - \$1,381,350.00
- Jimmy R. Lynch & Sons - \$1,436,709.11
- Blythe Construction - \$2,060,000.00
- Blythe Development - \$1,685,000.00
- Rifenburg Construction - \$1,513,126.00
- J. T. Russell & Sons - \$1,635,000.00

8. CONSIDER LEASING PROPERTY TO FAIR ASSOCIATION

Chairman Edds said there were still questions regarding the request by the Fair Association.

Commissioner Pierce moved, Commissioner Klusman seconded and the vote to table the issue passed unanimously.

9. CONSIDER APPROVAL OF CONTRACT FOR COMPENSATION PLAN STUDY

County Manager Aaron Church and Human Resources Director Darlene Boling presented a recommendation to award a contract to Springsted Incorporated for a Compensation Plan Study. The cost, according to Mr. Church was not to exceed \$37,250.

In response to questions from Commissioner Pierce, Ms. Boling explained that reclassifications from the Human Resources Department had been recommended to the Board of Commissioners over the past few years but were not approved. Ms. Boling explained that recommendations from Human Resources were very conservative and were the lowest according to market. Ms. Boling said having an outside firm perform the pay study would not only provide validity to the study, but would deliver more information than what the Human Resources Department could provide.

Based on an inquiry from Commissioner Caskey, Mr. Church discussed the type of information the study would provide.

Commissioner Caskey said he supported the endeavor and felt it important to retain the best employees possible.

Commissioner Klusman moved to award a contract to Springsted Incorporated for a Compensation Plan Study not to exceed \$37,250. Commissioner Pierce seconded and the motion passed unanimously.

10. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Health Department – The State has granted WIC with additional funds to pay for postage, telephone, office and medical supplies - \$4,031
- Sheriff's Office – Transfer excess funds in revenue account and move to proper expense account to help cover cost of uniforms for new Resource Officers - \$1,442
- Social Services – Funding received for foster care caseworker visits to promote safe and stable families. DSS needs to budget funds in the expense and revenue line items. There is no county money required - \$7,717

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

11. CONSIDER APPROVAL OF BOARD APPOINTMENTS

WEST ROWAN VFD FIRE COMMISSIONER

There are three (3) vacancies and the following have submitted an application for consideration:

- James Rollans for reappointment
- Daniel Caldwell
- Stephen Coble

The terms are for two (2) years beginning March 1, 2015 and expiring December 31, 2016.

Commissioner Klusman moved, Commissioner Greene seconded and the vote to appoint James Rollans, Daniel Caldwell and Stephen Coble passed unanimously.

BOARD OF EQUALIZATION AND REVIEW

The following applications have been received for consideration:

- Michael Darrell Upright for reappointment
- Hugh Blackburn for reappointment
- Robert Talley Roakes for reappointment
- James Franklin Honeycutt for reappointment
- Donald J. Conner for reappointment
- Jennifer Anne Craft for reappointment
- Lisa Cleary Cartner
- James David LaFevers
- Randy Joel Johnson
- James T. Kirks
- Jeffrey Michael Brown

Commissioner Klusman moved approval of the applicants. Commissioner Pierce seconded and the motion carried unanimously.

BOARD OF PUBLIC HEALTH

There is one (1) vacancy for a Veterinarian appointment, as required by NCGS § 130A-35(b) and the following application has been submitted for consideration:

- Gregory Jay Lowe

The term is for three (3) years beginning March 1, 2015 and expiring December 31, 2017.

Commissioner Klusman moved, Commissioner Pierce seconded and the vote to appoint Gregory Jay Lowe passed unanimously.

SALISBURY-ROWAN COMMUNITY ACTION AGENCY

- Detavius Mason has submitted an application to fill the unexpired term of a member that resigned. The term will expire July 31, 2016.

Commissioner Klusman moved to appoint Detavius Mason. The motion was seconded by Commissioner Pierce and passed unanimously.

12. CLOSED SESSION

Chairman Edds moved at 4:28 p.m. to enter into Closed Session in accordance with North Carolina General Statute 143-318.11(a)(4) to consider an economic development matter at the Rowan County Airport and for attorney-client privileged communication regarding a conditional district application to the City of Salisbury.

Commissioner Pierce seconded and the motion passed unanimously.

The Board returned to Open Session at 5:45 p.m. No action was taken.

13. ADJOURNMENT

There being no further business to come before the Board, Commissioner Pierce moved to adjourn at 5:45 p.m. The motion was seconded by Commissioner Greene and passed unanimously.

Respectfully Submitted,

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