

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

August 3, 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, and Assistant County Manager/Finance Director Leslie Heidrick were present. County Attorney Jay Dees was absent.

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

Chaplain Michael Taylor provided the Invocation.

Chairman Edds led the Pledge of Allegiance.

CONSIDER ADDITIONS TO THE AGENDA

- Commissioner Caskey requested to add a discussion concerning the Veterans Service Council and Rowan Honor Guard's continued use of space at the West End Plaza.

Chairman Edds added the issue as agenda item #8c.

- Commissioner Greene requested to add an economic development matter to the Closed Session.

CONSIDER DELETIONS FROM THE AGENDA

- Chairman Edds deleted agenda item #8 (Presentation Regarding Yadkin River Veterans Memorial Bridge).
- Chairman Edds pulled item K from the Consent Agenda (West End Plaza Rental Policy).

Chairman Edds placed the issue as item #8 on the agenda but the item was later moved to #8f in the order of discussion.

- Chairman Edds pulled item L from the Consent Agenda (Authorize County Manager to Negotiate Contract with Talbert, Bright & Ellington for Community Hangar) and placed the issue as item #8a for discussion.
- Commissioner Pierce requested to pull item G (Request to use Space at the West End Plaza for a Job Fair) and item J (Consider Request From Humane Society To Use Space At West End Plaza) from the Consent Agenda for discussion.

Chairman Edds placed the items as #8d and #8e respectively.

CONSIDER APPROVAL OF THE AGENDA

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Klusman moved, Commissioner Caskey seconded and the vote to approve the minutes of the July 6, 2015 and July 14, 2015 Commission Meetings passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

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

The Consent Agenda consisted of the following:

- A. State Request to Add Extension of Cantiberry Drive to the State Secondary Road System for Maintenance
- B. Update of Statewide Emergency Management Mutual Aid Agreement
- C. Duke Energy Landfill Property Easement Request
- D. FY 2015 Year End Settlement
- E. Consider Approval of Grant Application for Emergency Services
- F. Permission to Apply for First United Church of Christ Grant
- G. Request to use Space at the West End Plaza For A Job Fair (placed on the agenda as item #8d)
- H. Lease Agreement With Alcoa Power Generating, Inc. for Eagle Point Nature Park Preserve
- I. Articles of Association and Agreement for the Centralina Workforce Development Consortium
- J. Consider Request From Humane Society to Use Space At West End Plaza (placed on the agenda as item #8e)
- K. West End Plaza Rental Policy (discussed on the agenda as item #8f)
- L. Authorize County Manager to Negotiate Contract with Talbert, Bright &

Ellington for Community Hangar (placed on the agenda as item #8a)

2. SPECIAL RECOGNITION

Commissioner Caskey recognized the Rowan County Emergency Services EMS Division for receiving the American Heart Association's 2015 Mission: Lifeline EMS Gold Award. Commissioner Caskey said the award demonstrated the quality department in Rowan County, including the volunteer fire departments and emergency services agencies. Commissioner Caskey expressed gratitude for EMS Staff and the work they do.

Chairman Edds also expressed appreciation for EMS Staff, the leadership of Emergency Management Director Frank Thomason and Rescue Squad Chief Eddie Cress for a job well done.

A round of applause followed the recognition.

Chairman Edds said he would have one (1) other recognition that would take place later in the meeting.

3. PUBLIC COMMENT PERIOD

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

- Ronald Young applauded the Board's decision for the West End Plaza purchase; however, he spoke in opposition to allowing alcohol sales at the West End Plaza.

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

4. QUASI-JUDICIAL HEARING FOR Z 20-04 & CUP 16-04 AMENDMENT

Chairman Edds read the Chairman's Speech (Exhibit A) and declared the public hearing for Z 20-04 and CUP 16-04 to be in session. Chairman Edds said the hearing would focus on an application submitted by Glandon Forest Equity, LLC for property located at the 5100 block of US 601. The purpose of the application was to consider modifying an existing conditional use district to accommodate a retail sales business on Tax Parcels 310-098, part of 099 and 297.

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

Senior Planner Shane Stewart presented the Staff Report (Exhibit B), as well as a power point presentation (Exhibit C) as he discussed the request.

Mr. Stewart said on November 15, 2004, the Board of Commissioners (BOC) approved a rezoning request for property owner Aaron Martin from Rural

Residential (RR) to Commercial, Business, Industrial (CBI) with a conditional use district (CBI-CUD) at the corner of US Hwy 601 and Cauble Road to accommodate the retail sale of primitive furniture, storage buildings, crafts, and other items. In April of 2007, Mr. Martin was approved for an amendment to his conditional use district to expand the operation limits and construct an additional building. In July of 2011, Mr. Martin was approved for a third amendment to allow for an automotive tire and minor repair facility, which was never constructed.

Using the power point (Exhibit C), Mr. Stewart showed the site in question, as well as the surrounding properties. Mr. Stewart reported George Venters with Glandon Forest Equity, LLC was requesting an amendment to a 1.7 acre portion of an existing 3.6 acre CBI-CUD at the 5100 BLOCK OF US 601 Hwy to accommodate a new 9,403 square foot retail sales business (general merchandise) where the previous automotive service facility was proposed.

Mr. Stewart highlighted the Zoning Criteria, as well as the Evaluation Criteria listed in the Staff Report (Exhibit B).

With regards to procedures, Mr. Stewart said since the request could be considered a small-scale rezoning, the Board of Commissioners should develop a statement of reasonableness before approving or denying the request to address any claims of spot zoning. Mr. Stewart said motions would be needed to consider the Conditional Use District (Z 20-04), to establish findings of fact (Exhibit D) and to consider CUP 16-04.

Should the request be approved, Mr. Stewart said Staff recommended the following condition be applied:

- Tax parcels 310-098, part of 99 and 297 must be combined by deed prior to the issuance of a zoning permit.

Other than the applicant, Mr. Stewart reported no one spoke at the courtesy hearing conducted by the Planning Board on June 22, 2015. The Planning Board voted unanimously to recommend approval subject to the recommended condition and based on the recommended Statements of Reasonableness and Consistency.

Statement of Consistency – In accordance with section 21-361(b), this request is consistent with the Western Area Land Use Plan, in commercial zone per plan, previously been zoned for CBI use, and adjacent properties zoned CBI.

Statement of Reasonableness – In accordance with section 21-362(j), this request is consistent with the Western Area Land Use Plan, zoning of surrounding properties and CBI use.

Commissioner Pierce expressed concern there was no access from Cauble Road to enter the site. Commissioner Pierce felt it would be safer with an entrance to the side.

Mr. Stewart said access from Cauble Road was originally looked at but would not work based on the North Carolina Department of Transportation (DOT). Mr. Stewart said he would defer to the applicant to elaborate. Commissioner Pierce said he traveled Cauble Road every day and there was quite a bit of traffic. Commissioner Pierce said he did not want to deny the request; however, he preferred the site be a safe situation.

Mr. Stewart confirmed to Chairman Edds the site plan was for the location of a Dollar General Store.

Commissioner Greene asked if the plans included adding a lane and Mr. Stewart said the preliminary plans indicated a left turn lane would have to be built.

The applicant, George Venters, with Glandon Forest Equity, LLC said the company requested the amendment to allow for commercial retail sales and he described the type of building proposed. Mr. Venters discussed the numerous reviews with the DOT regarding the entrance to the site. Mr. Venters said Chris Corriher, District Engineer with the DOT, was very strict in what was allowed. Mr. Venters explained the entrance off Cauble Road was not deep enough to get a truck in and get it turned around. Mr. Venters said the site was designed so delivery trucks could enter without obstructing traffic on Hwy 601. Mr. Venters said the site was fully evaluated by the DOT and all requirements had been incorporated.

Commissioner Pierce repeated he wanted to see the building located at the site; however, he stressed he would like to see another entrance off Cauble Road for local traffic.

Mr. Venters discussed the location of the septic system and regulations regarding the distance between the well and septic.

Chairman Edds inquired as to the possibility of putting the septic system even with the building. Mr. Venters said he did not have an answer and would not be opposed to the suggestion if it did not render the site unusable. Mr. Venters said he did not want moving the septic system to become a condition that would render the whole plan unusable.

In response to comments from Commissioner Klusman about the septic system, Mr. Venters said the location was where the engineer said to put the system. Mr. Venters felt the engineer would have advised of other options if they had been available.

At this point, Reverend Michael Taylor came forward to be sworn in. Reverend Taylor questioned whether Lifeway Church was aware of the project and he also questioned alcohol being sold at the Dollar General Store. Mr. Stewart responded the Dollar General Store could sell alcohol as the separation distance from the church was 50'.

Commissioner Klusman read the Statement of Reasonableness as follows: In accordance with section 21-362(j), this request is consistent with the Western Area Land Use Plan, zoning of surrounding properties and CBI use.

Commissioner Caskey moved approval of the Statement of Reasonableness as ready by Commissioner Klusman. The motion was seconded by Commissioner Klusman and passed unanimously (Commissioner Pierce abstained and was therefore counted as voting in the affirmative).

Commissioner Klusman read the Statement of Consistency as follows:
Statement of Consistency – In accordance with section 21-361(b), this request is consistent with the Western Area Land Use Plan, in commercial zone per plan, previously been zoned for CBI use, and adjacent properties zoned CBI.

Commissioner Klusman moved to approve the Statement of Consistency. The motion was seconded by Commissioner Caskey and passed unanimously (Commissioner Pierce abstained and was therefore counted as voting in the affirmative).

Commissioner Klusman moved, Commissioner Caskey seconded and the vote to approve Z 20-04 passed unanimously (Commissioner Pierce abstained and was therefore counted as voting in the affirmative).

Commissioner Greene moved that the development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.

FACT: Compliance with the terms and conditions of the approved driveway permit and required turn lane constructed on US 601 ensures the public will have safe and adequate access to the proposed store.

FACT: Comparing current traffic counts, estimated road capacity, and estimated new vehicle trips generated by the proposed store according to the ITE Manual suggest US 601 will continue to operate under capacity.

FACT: The project plans demonstrates proposed compliance with all applicable local development standards which are designed to promote the public health, safety, and general welfare.

The motion was seconded by Commissioner Klusman and passed unanimously (Commissioner Pierce abstained and was therefore counted as voting in the affirmative).

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

The motion was seconded by Commissioner Klusman and passed unanimously.

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.

FACT: This location meets the intent of CBI application based on the suburban setting and location as a corner lot adjacent to a major and minor thoroughfare.

FACT: According to the staff report, this property is part of an existing 18 acre CBI/NB zoned area consisting of 5 businesses that have existed for over 35 years.

FACT: The Land Use Plan encourages highway business uses at potential node locations.

FACT: Based on the evaluation criteria, the proposed building will have a masonry front façade and landscaping added along the front property line, which are encouraged by the Land Use Plan for highway business consideration.

FACT: Previous board decisions in 2004, 2007, and 2011 deemed or reaffirmed the appropriateness of CBI designation for retail uses at this location.

The motion was seconded by Commissioner Klusman and passed unanimously (Commissioner Pierce abstained and was therefore counted in the affirmative).

Commissioner Pierce moved to examine the possibility of an alternate route to enter off Cauble Road providing it is cost effective and does not prevent an issue for the development not to locate and to give staff the authority to work with the applicant. Commissioner Caskey seconded and the motion passed unanimously.

Commissioner Klusman moved to approve CUP 16-04. The motion was seconded by Commissioner Pierce and passed unanimously.

5. PUBLIC HEARING FOR Z 06-15

Planner Franklin Gover reported that Aaron Goss of Goss Farms, requested that approximately five (5) acres of an 22.7 acre parcel, owned by VMC Investments II, LP, located west of Cleveland at the 13000 block of Statesville Boulevard/Hwy 70, be rezoned from Rural Agricultural (RA) to Commercial, Business, Industrial (CBI). The property was identified as Tax Parcel 265 001.

Mr. Gover reviewed the zoning criteria contained in the staff report.

Mr. Gover said Staff recommended the Board develop a statement of reasonableness before approving or denying the request to address any claims of spot zoning. A statement of consistency was also necessary to address the relationship between the request and any applicable county adopted plans prior to making a decision to approve or deny the request.

Mr. Gover said the Planning Board Meeting was held on June 22, 2015 and no public comments were made. The Planning Board voted unanimously to recommend approval based on the recommended Statements of Consistency and Reasonableness.

In response to an inquiry from Commissioner Klusman, Mr. Glover pointed out an area that was vacant farmland.

Commissioner Klusman asked if there were rules limiting the access along the four lanes of Hwy 70. Mr. Glover said staff deferred to the North Carolina Department of Transportation (DOT) and there was already an existing driveway permit.

Commissioner Pierce questioned the reason for the property to be changed to CBI. Mr. Glover said there was a proposed site plan and the residual portion of the property would be agricultural use but the area to be located within the CBI did not qualify for agricultural use.

Commissioner Greene commented there were no residences located in the general area.

Chairman Edds asked if the applicant would like to address the Board.

Aaron Goss came forward and said there was already an existing driveway and he would not be adding a driveway to Hwy 70. Mr. Goss said there was a commercial use plan for a malting operation for the 5-acre portion. Mr. Goss said the malting operation processes raw barley to prepare it for various uses, including making beer. Mr. Goss said at this time there were no plans to make beer on the site; however, the CBI would allow him to if he changed his mind in the future. Mr. Goss said there were no plans at this time to be open to the public other than incidental tours.

Chairman Edds asked if anyone else wished to address the Board and no one came forward.

Commissioner Pierce read and moved approval of both the Statement of Reasonableness and the Statement of Consistency as recommended. The motion was seconded by Commissioner Greene and passed unanimously.

The Statement of Consistency read as follows: The rezoning request is consistent with the Western Rowan Area Plan which recommends industrial and commercial uses within industrial and commercial corridors because it is located along US Hwy 70/Statesville Boulevard.

The Statement of Reasonableness read as follows: This rezoning request is reasonable because of its consistency with the Western Rowan Area Plan and location along US Hwy 70/Statesville Boulevard and this development will generate business and job growth. This request is also located approximately one-half mile from the Town of Cleveland's Business and Industrial area.

Commissioner Pierce moved, Commissioner Klusman seconded and the vote to approve Z 06-15 passed unanimously.

6. CONSIDER APPROVAL OF HLC 01-15

Planner Franklin Gover reported that on September 18, 2014 the Rowan County Historic Landmarks Commission (HLC) received an application from James D. Carlton to establish the Peter Kern House and Grounds as a Rowan County Historical Landmark. The Peter Kern House is located at 1360 Kern Carlton Road on a 12.6 acre property further referenced as Tax Parcel 603 121. The applicant wishes to designate the structure, interior and exterior, and grounds, giving written consent.

Karen Bowyer, HLC Chair provided a power point presentation as she discussed the background regarding the request. Ms. Bowyer showed pictures of the home before the restoration began, as well as once the restoration had been completed. Ms. Bowyer said the HLC had toured the home approximately 2 to 3 months ago and had been very impressed.

Ms. Bowyer asked the Commissioners to acknowledge research of HLC and recognize the house as an important Rowan County Historic Landmark.

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

7. PUBLIC HEALTH NUISANCE CONSIDERATION

Planning and Development Director Ed Muire said Planning Staff was tasked with enforcement of the County's Solid Waste Ordinance and the site for consideration was located at 5680 Wright Road, Kannapolis, NC. The site is in

violation of Section 19-28 of the Rowan County Code based on the continued storage of bulky waste, construction and demolition waste, solid waste and refuse. Mr. Muire said given that all administrative measures had been exhausted for enforcement and compliance, the matter is being referred to the County Commission for a determination as to the appropriate course of action, i.e. abatement as a public health nuisance, provided for additional time for compliance, etc.

Mr. Muire provided the background and said an initial complaint was received by the Planning Department on April 10, 2015 and a site visit was conducted by the Ordinance Enforcement Officer, Lloyd Pace the same day. The site visit resulted in a warning citation issued April 16, 2015 directing the owner to have the violations removed or make satisfactory progress toward removal.

Mr. Pace conducted a follow-up inspection on May 5, 2015 and observed no appreciable progress and on May 18, 2015 another inspection was conducted. The latter inspection confirmed that adequate progress had not occurred and the violations still existed. Staff scheduled an administrative hearing on June 4, 2015 to hear testimony or receive evidence from the owners and determine the appropriate course of action for resolving the violations.

The property owners attended the administrative hearing, along with County Attorney Jay Dees, Mr. Pace and Mr. Muire. Based on testimony from the owner, the site would be removed of all violation within three (3) weeks. Staff's decision granted the three (3) week extension plus an additional ten (10) days resulting in a July 6 deadline. After a visit to gauge the progress at the site on July 6, it was determined that 25 to 30% of solid waste had been removed and the property owner requested two (2) more weeks to finish. Mr. Pace granted the request. Another inspection on July 20, 2015 observed no additional progress toward solid waste removal. Mr. Muire also showed photos of the site as of August 3, 2015. Mr. Muire did point out that a dumpster was now located on the property.

Mr. Muire discussed abatement and the statutory requirements. Mr. Muire said Staff recommended the Commissioners adopt the Abatement Resolution authorizing Staff to contract the removal of all obvious violations and the associated or related expenses shall constitute a lien against the property.

Commissioner Pierce inquired as to the health status of the property owners and whether they were physically able to clean up the property, i.e. if they were in a wheelchair.

Lloyd Pace, Code Enforcement Officer, responded that Mr. Mullis had a Bobcat, a dump truck and a lot of other equipment on the site. Mr. Pace said the issue had been ongoing for years. Mr. Pace said the County could pursue a criminal offense; however, the property would still not be cleaned up.

Commissioner Pierce inquired as to an estimated cost to clean up the site. Mr. Pace said the estimated minimum was \$3,000 plus landfill fees.

Mr. Pace said the property owners had stated some of the materials were salvageable and staff had advised them to get the salvageable materials that were of value into the rear yard.

Commissioner Pierce asked Mr. Pace if more time would solve the problem. Mr. Pace said approximately 90% of the time when violations are found, people either clean it up immediately or they do nothing.

Chairman Edds read the staff recommendation as follows: Adopt the Abatement Resolution authorizing Staff to contract the removal of all obvious violations and the associated or related expenses shall constitute a lien against the property as authorized by Section 19-32(b) of the Rowan County Code of Ordinances and North Carolina General Statute § 153A-140.

Commissioner Klusman moved approval of the Staff recommendation (as read above by Chairman Edds above). The motion was seconded by Commissioner Greene.

Commissioner Pierce questioned the County's protection if the property owner was to complain because the County removed something the owners felt were of value. Mr. Muire responded, "That is the process we are engaged in now. He has notice and has the opportunity to appeal. He was aware of this hearing today". Mr. Muire said there was due process. Mr. Muire said part of the negotiations in giving the owner the four (4) weeks from the administrative hearing, were to take the things the owner deemed of value and put them within a fence at his own suggestion. Mr. Muire said there are some things there the County would not remove, such as a truck, that did not fall under the guise of what the County was trying to accomplish. Mr. Muire said there was nothing to prevent the property owner from filing a lawsuit but the process has been documented.

Mr. Muire explained that as part of the process, there was a minimal amount of money in the Planning Department's annual budget to remove manufactured housing and deal with demolitions. Mr. Muire said there was a good possibility the case would take care of the allotment for the year. Mr. Muire said the landfill fees are also applied to the lien.

Upon being put to a vote the motion on the floor passed unanimously.

Mr. Muire said it was not imperative to read the Abatement Resolution in its entirety but he felt the Board should acknowledge the Resolution contained what

the Board felt was the appropriate course of action as it related to the last two (2) paragraphs.

Chairman Edds said the language of the Resolution would be entered into the motion unless there was objection. With no objections voiced, Chairman Edds then read the following portion of the Resolution:

NOW, THEREFORE BE IT RESOLVED, the Rowan County Board of Commissioners finds the storage of solid and bulky waste located at 5680 Wright Road, Kannapolis, NC, further identified as Rowan County Tax Parcel 249B-212, is in violation of Chapter 19 Article II of the Rowan County Code and is hereby declared a Public Health Nuisance in accordance with NCGS 153A-140. This declaration does not prevent the property owner from appealing the Commission's decision to Superior Court in the nature of certiorari provided the petition for review is filed within thirty (30) days after this decision is filed in the office of the County Manager.

FURTHERMORE, following expiration of the thirty (30) day appeal period and assuming the property owners have not abated all solid waste violations, the Rowan County Board of Commissioners does hereby direct Planning Staff to contract the removal of all obvious violations and the associated or related expenses to be filed as a lien against the property as authorized by NCGS 153A-140.

Commissioner Klusman moved, Commissioner Pierce seconded and the vote to approve the language of the Resolution passed unanimously.

The Resolution was submitted as follows:

WHEREAS, Rowan County has adopted and enforces a Solid Waste and Hazardous Waste Ordinance codified as Chapter 19 of the Rowan County Code of Ordinances; and,

WHEREAS, Article II of Chapter 19 specifically regulates solid waste management with the purpose of regulating the generation, storage, collection, transportation, separation, treatment, processing, recycling, recovery and disposal of solid waste in the unincorporated areas of the county; and,

WHEREAS, the property located at 5680 Wright Road, Kannapolis, NC, further identified as Rowan County Tax Parcel 249B-212 is located in the unincorporated area of Rowan County and therefore subject to regulation by Chapter 19 of the County Code of Ordinances; and,

WHEREAS, upon an initial complaint and inspection on April 10, 2015 revealed violations of Section 19-28 of the County Code and a Warning Citation was issued to remove or make satisfactory progress toward removing the storage of solid and bulky waste on the property within thirty (30) days or be subject to additional enforcement actions; and,

WHEREAS, due to the lack of progress toward compliance with the Warning Citation, an Administrative Hearing was conducted on June 4, 2015 attended by the property owners, Staff and the County Attorney; and,

WHEREAS, the property owners stated during the Administrative Hearing the solid and bulky waste violations would be removed within three (3) weeks of the hearing date and Staff provided them an additional ten (10) days resulting in a compliance date of July 6, 2015; and,

WHEREAS, the compliance inspection on July 6, 2015 revealed minimal progress toward removal of the solid and bulky waste violations but an additional fourteen (14) days were afforded the property owners to remedy the violations; and,

WHEREAS, the most recent inspection of July 20, 2015 observed no progress toward removal of the solid and bulky waste violations; and,

WHEREAS, the property owners were notified in correspondence dated July 20, 2015, the Rowan County Board of Commissioners would consider declaring the storage of solid and bulky waste at 5680 Wright Road, Kannapolis, NC as a public health nuisance at the August 3, 2015 meeting; and,

WHEREAS, following evidence and information included in the Staff presentation regarding the violations and considering the cumulative total of one hundred (100) days provided the property owners to bring the property into compliance since the initial inspection of April 10, 2015 and the violations continue to exist; and,

NOW, THEREFORE BE IT RESOLVED, the Rowan County Board of Commissioners finds the storage of solid and bulky waste located at 5680 Wright Road, Kannapolis, NC, further identified as Rowan County Tax Parcel 249B-212, is in violation of Chapter 19 Article II of the Rowan County Code and is hereby declared a Public Health Nuisance in accordance with NCGS 153A-140. This declaration does not prevent the property owner from appealing the Commission's decision to Superior Court in the nature of certiorari provided the petition for review is filed within thirty (30) days after this decision is filed in the office of the County Manager.

FURTHERMORE, following expiration of the thirty (30) day appeal period and assuming the property owners have not abated all solid waste violations, the Rowan County Board of Commissioners does hereby direct Planning Staff to contract the removal of all obvious violations and the associated or related expenses to be filed as a lien against the property as authorized by NCGS 153A-140.

SPECIAL RECOGNITION

At this time Chairman Edds said he would like to recognize Assistant County Manager/Finance Director Leslie Heidrick. Chairman Edds continued by saying the comprehensive annual financial report for the fiscal year ending June 30, 2014 qualified for a Certificate of Achievement for Excellence in Financial Reporting (Certificate). The Certificate is the highest form of recognition in governmental accounting and financial reporting.

Chairman Edds said the County received the Certificate for the first time in 2002 and had received the Certificate consecutively since that time.

Chairman Edds then read a news release regarding the Certificate. Chairman Edds praised the quality of representation for Rowan County. Chairman Edds said when the board members went to Ms. Heidrick, the members knew they

would receive an honest and right answer. Chairman Edds thanked Ms. Heidrick and expressed appreciation for her work.

A standing ovation and round of applause followed the recognition.

Chairman Edds called for a recess at 4:45 p.m.

Chairman Edds reconvened the meeting at 4:55 p.m.

8. PRESENTATION REGARDING YADKIN RIVER VETERANS MEMORIAL BRIDGE

This item was removed from the agenda.

At this time, Chairman Edds moved to place the West End Plaza Rental Policy on the agenda as item #8f. The motion was seconded by Commissioner Pierce and passed unanimously.

8a. AUTHORIZE COUNTY MANAGER TO NEGOTIATE CONTRACT WITH TALBERT, BRIGHT & ELLINGTON FOR COMMUNITY HANGAR

(This item was pulled from the Consent Agenda).

Chairman Edds said the Airport Advisory Board (AAB) had been deliberating for several months regarding the direction for the Rowan County Airport (Airport). The AAB has determined from an economic development standpoint that another community hangar should be built like the one built in 2014 and the same plans could be used.

Commissioner Pierce discussed the lack of hangar space at the Airport and how the AAB arrived at the conclusion to build another community hangar. Commissioner Pierce recommended building a 15,000 square foot hangar. Commissioner Pierce said there would be some slight modifications, which he highlighted. Commissioner Pierce also recommended adding a small office and restroom to the side of the hangar. Commissioner Pierce pointed out there would not be expenses for the cost of the print, water/sewer, electrical and road installation.

Commissioner Pierce moved to approve for Talbert, Bright and Ellington to give numbers on a 15,000 square foot structure at the Airport similar and almost identical to the hangar there now.

In response to an inquiry from Commissioner Greene regarding the AAB reviewing the drawings, Commissioner Pierce said Talbert, Bright and Ellington would review the drawings. Commissioner Pierce discussed the importance of building the hangar at a size to accommodate the larger aircraft.

Chairman Edds added the County was in conversations with an aircraft owner that was larger than any aircraft currently located at the Airport.

Chairman Edds repeated the motion to pursue a 15,000 square foot hangar and authorize the County Manager to negotiate a contract with Talbert, Bright and Ellington for a community hangar. The motion was seconded by Commissioner Klusman and passed unanimously.

Chairman Edds said the vote did not “tie” the County to the project and the County Manager would negotiate and bring specifics back to the Board for approval to move forward.

8c. DISCUSSION CONCERNING THE VETERANS SERVICE COUNCIL AND ROWAN HONOR GUARD’S CONTINUED USE OF SPACE AT THE WEST END PLAZA.

Commissioner Caskey said the Rowan County Honor Guard and Veterans Service Council (VSC) had been using space at the West End Plaza (WEP) for training and organizational meetings; however, the County had turned off the power in the space being used.

Commissioner Caskey asked that the VSC be allowed to use the area already designated for the Veteran Services Office (VSO) up to the point that construction would cause the VSC to have to move. Commissioner Caskey said the Board could discuss the matter again at that point to determine how the Board could help the VSC.

Chairman Edds explained that the Honor Guard represents the military at funerals and they needed a place to practice and set up.

For clarification, Commissioner Pierce said the VSC would only be allowed to utilize the space until construction started for the VSO.

Commissioner Greene inquired how the VSC would get in and out of the space. Commissioner Caskey said the VSC would have to come in when the WEP was open or the Commander could be provided a key.

Commissioner Pierce seconded and the motion passed unanimously.

8d. REQUEST TO USE SPACE AT WEST END PLAZA FOR A JOB FAIR
(This item was pulled from the Consent Agenda).

Commissioner Pierce said the Board of Commissioners would be talking about adopting a rental agreement for the West End Plaza (WEP) later in the meeting. Commissioner Pierce said the proposed rental policy identified the Economic

Development Commission (EDC) and several other groups as being able to use the property at no charge.

Commissioner Pierce explained that he felt there should also be a policy in place for those identified to use the WEP at no charge. The policy should address who was in control and responsible, who would pick up the key, etc. Commissioner Pierce said the County should consider adoption of a “use” policy, as well as a rental policy.

Chairman Edds said the suggestion had been mentioned to the County Manager and he would create a use policy.

Economic Development Director Robert Van Geons said the EDC was working with a company that had substantial operations here and across the Carolinas on a potential job fair that would bring in leadership eligible applicants.

Mr. Van Geons concurred with Commissioner Pierce regarding use of the facility at the WEP and said the EDC wished to be a good steward of the space.

Commissioner Greene moved, Commissioner Pierce seconded and the vote to allow the EDC to use the space as requested passed unanimously.

8e. CONSIDER REQUEST FOR HUMANE SOCIETY TO USE SPACE AT WEST END PLAZA

(This item was pulled from the Consent Agenda).

Chairman Edds asked if discussion was needed regarding the request and Commissioner Pierce said the item had been pulled from the Consent Agenda for the same reason as item #8d.

Commissioner Pierce moved, Commissioner Klusman seconded and the vote to allow the Humane Society to use the space passed unanimously.

8f. WEST END PLAZA RENTAL POLICY

Chairman Edds explained the West End Plaza (WEP) Rental Policy (Policy) was initially on the Consent Agenda; however, changes to the Policy had occurred since the agenda packet had been posted.

Chairman Edds said the changes to the most recent version of the Policy were indicated in red. The Policy was specifically for rental of the former JC Penney site only.

Chairman Edds moved approval of the WEP Event Center Rental Policy and Event Center Rental Contract. The motion was seconded by Commissioner Pierce for discussion.

Commissioner Pierce expressed concern with the wording regarding the non-refundable \$250 deposit.

County Manager Aaron Church explained the \$250 nonrefundable deposit was part of the fee (regardless of the fee amount). The deposit would not be returned and was credited towards the fee. Mr. Church said perhaps the wording could be changed to reflect the \$250 as a nonrefundable down payment instead of a deposit. Mr. Church said the security deposit was separate.

A discussion ensued and it was agreed the wording should be changed from a nonrefundable deposit to a nonrefundable booking fee.

Commissioner Pierce pointed out the wording would have to be rewritten at the top of page 4 of the Policy to also reflect the wording for booking fee as opposed to deposit.

Commissioner Caskey referred to the requirement for officers to be present for events where alcohol would be served. Commissioner Caskey asked for clarification about officers being present during set up when alcohol would not be consumed. Mr. Church responded that security must be present during clean up but it was not specified that security must be present during preparation. Mr. Church referred to page 2, Section B, #7 and pointed out that the Lessee for the event understood and agreed that a minimum of three (3) North Carolina Law Enforcement Officers to staff the event from the beginning to the end, including clean up. Mr. Church said the beginning meant when the event actually started.

Commissioner Pierce inquired as to whether there was language to protect the County from the Lessee allowing someone else to share part of the time the space was rented. Mr. Church said the Lessee and alternate contact person were the responsible parties. Mr. Church said either the Lessee or the contact person must be present for the duration of the event and during clean up time.

In response to an inquiry from Commissioner Klusman, Mr. Church said alcohol could only be served during the event and it could only be served from one specific corner of the facility. Mr. Church said the contract further stated alcohol could only be served by a certified graduate of the NC Responsible Alcohol Seller Program. The Lessee cannot serve alcohol.

Commissioner Caskey described the issue as a tough one for him as he did not really want alcohol on county-owned property. Commissioner Caskey expressed appreciation that changes had been made concerning security and requirements that proper permits to be obtained.

Commissioner Pierce concurred with Commissioner Caskey and said the issue had not been an easy decision but rather a business decision. Commissioner

Pierce said it was good to have a policy to control the types of events and rentals that would take place on the property.

Mr. Church recognized the fact the Policy was new for the County and that items may have to be changed in time.

Upon being put to a vote, the motion on the floor passed unanimously.

9. CONSIDER APPROVAL OF CONTRACT WITH ADW ARCHITECTS

Chairman Edds said the County had talked with ADW Architects (ADW) regarding upfits at the West End Plaza (WEP). Chairman Edds explained that ADW had been performed the County's Space Needs Assessment and had also prepared a Master Plan to address the space needs identified. Chairman Edds said the contract would be for architectural services related to WEP renovations and to authorize the County Manager to execute the contract.

Commissioner Greene commented that ADW had been hired by the previous Board and he was extremely happy with the quality of work ADW had performed.

Chairman Edds said the contract for Phase 1 of the renovations consists of three major projects: 1) a new roof in the middle section 2) Upfits for the Board of Elections and 3) Upfits for Veterans Services.

Chairman Edds moved to ask the County Manager to execute the contract with ADW. The motion was seconded by Commissioner Klusman and passed unanimously.

10. CONSIDER DECLARING CINEMA PROPERTY AS SURPLUS

Commissioner Pierce said he would like for the Board to consider declaring the Cinema property located at the West End Plaza (WEP) as surplus and to list the property with R. Giles Moss Auction and Real Estate (Company). Commissioner Pierce said the Board had determined not to use the space for county departments and he therefore did not see the logic of keeping the property.

Commissioner Pierce put his comments in the form of a motion. Commissioner Caskey seconded the motion for the sake of discussion.

Commissioner Greene agreed the County did not need to do any additional repairs on the facility. Commissioner Greene said based on what the County was doing with the WEP, selling the Cinema property at this time might cause further problems down the road. Commissioner Greene felt the need to control the property to avoid detracting from what might take place at the WEP.

Chairman Edds expressed appreciation for Commissioner Pierce's point of view. Chairman Edds said he would hate to get rid of front acreage along Statesville Boulevard at this time, as he felt the property would become very valuable.

Chairman Edds said he would be in favor of asking the County Manager to investigate the cost to tear the building down. Chairman Edds said the County had turned off the power and the water and the building would begin to deteriorate in its physical appearance.

Commissioner Caskey agreed the site could have more value in the future and he supported a timeline as to keeping the property.

After further discussion, the motion on the floor to declare the property as surplus failed 1-4 with Commissioners Edds, Greene, Caskey and Klusman dissenting.

11. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Finance – To recognize reserved funds from FY 2015 for Emergency Services. Reserved funds represent money received by a Department for a restricted purpose. The funds that have not been spent by year-end are budgeted for expenditure in the new fiscal year - \$4,842
- Finance – To budget revenue associated with an EZ Edge Technology grant for the Rowan Public Library and miscellaneous donations. The Board of Commissioners approved acceptance of this grant award on July 6, 2015. - \$5,536
- Finance – To recognize reserved funds from FY 2015 for the Sheriff's Office. Reserved funds represent money received by a Department for a restricted purpose. The funds that have not been spent by year-end are budgeted for expenditure in the new fiscal year - \$232,036
- Finance – To appropriate fund balance and expenditures for fiscal year 2015 General Fund encumbrances - \$2,215,775
- Finance – To appropriate fund balance and expenditures for fiscal year 2015 Emergency Telephone System and Airport encumbrances - \$29,655

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

12. CONSIDER APPROVAL OF BOARD APPOINTMENTS

ROWAN TRANSIT SYSTEM ADVISORY COMMITTEE

There are two (2) vacancies and the following have submitted applications:

- Vance Eller representing Veterans
- Claire Antosek Brinkley representing an At Large vacancy

The terms are for three (3) years beginning August 1, 2015 and expiring June 30, 2018.

Commissioner Klusman nominated Vance Eller and Claire Antosek Brinkley. Commissioner Greene seconded and the nominations carried unanimously.

BOARD OF PUBLIC HEALTH

- Cathy Norris, serving in the position as a Registered Nurse, has submitted her resignation.
- Patricia Y. Yost has submitted an application to fill the unexpired term for Registered Nurse.

The term expires December 31, 2015 at which time Ms. Yost would be eligible for reappointment.

Commissioner Pierce moved acceptance of Cathy Norris' resignation. Commissioner Greene seconded and the motion carried unanimously.

Commissioner Klusman moved to appoint Patricia Yost to fill the unexpired term. Commissioner Greene seconded and the motion passed unanimously.

ROWAN COUNTY HOUSING AUTHORITY

On November 3, 2014 the Board passed a Resolution (see attached) establishing dedicated seats on the Rowan County Housing Authority Board to serve the residents of Kannapolis and East Spencer. Per the Resolution, the dedicated seat for Kannapolis shall become effective September 1, 2015.

There is one (1) vacancy and per the Resolution this vacancy should be dedicated to Kannapolis.

- Douglas H. Jones has submitted an application

The term is for five (5) years beginning September 1, 2015 and expiring August 31, 2020.

Commissioner Caskey moved to table the appointment until next month. Commissioner Pierce seconded and the motion passed unanimously.

TOURISM DEVELOPMENT AUTHORITY

There is one (1) vacancy and the following has submitted an application:

- Tony Shaw as the Chamber of Commerce Representative

The term is for two (2) years beginning August 1, 2015 and expiring June 30, 2017.

Commissioner Klusman moved to appoint Tony Shaw. Commissioner Greene seconded and the motion passed unanimously.

LOCAL EMERGENCY PLANNING COMMITTEE

- Aaron Youngblood resigned from employment with the County.

- Deborah Horne, Fire Division Chief with the EMS Department, has submitted an application. Ms. Horne would replace Mr. Youngblood and serve in one (1) of the seven (7) public safety positions.

There are no term limits associated with the committee.

Commissioner Klusman moved to accept the resignation of Aaron Youngblood with Commissioner Caskey providing a second.

Commissioner Klusman nominated Deborah Horne and Commissioner Pierce seconded. The nomination carried unanimously.

SCOTCH IRISH VFD FIRE COMMISSIONER

There are three (3) vacancies and the following applications have been submitted:

- Randolph Edward Powell
- Timothy Leroy Denton
- G. Michael Thompson

The terms are for two (2) years beginning August 1, 2015 and expiring March 31, 2017.

Commissioner Greene nominated Randolph Powell, Timothy Denton, and Michael Thompson. Commissioner Klusman seconded and the nominations passed unanimously.

SCOTCH IRISH VFD RELIEF FUND BOARD OF TRUSTEES

There are two (2) vacancies and the following have submitted applications for consideration:

- Mike Aistrop
- Ryan Thompson

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

Commissioner Pierce moved to approve Mike Aistrop and Ryan Thompson. Commissioner Greene seconded and the motion carried unanimously.

LIBERTY VFD FIRE COMMISSIONER

There are three (3) vacancies and the following applications have been received:

- Norman Grey Ribelin for reappointment
- Michael Scott Lambe for reappointment

The terms are for two (2) years beginning August 1, 2015 and expiring June 30, 2017.

Commissioner Klusman nominated Norman Ribelin and Michael Lambe for reappointment. Commissioner Pierce seconded and the nominations passed unanimously.

13. CLOSED SESSION

Chairman Edds moved at 6:02 p.m. for the Board to enter Closed Session. The motion was seconded by Commissioner Pierce and passed unanimously. The Closed Session was held pursuant to North Carolina General Statute §143-318.11(a)(3) to discuss a potential litigation matter and in accordance with North Carolina General Statute §143-318.11(a)(1) to consider approval of the minutes of the Closed Session held on June 15, 2015 and July 6, 2015. And north Carolina general statute 143-318.11(a)(4) for an economic development matter.

The Board returned to Open Session at 6:32 p.m. No action was taken.

14. ADJOURNMENT

There being no further business to come before the Board, Commissioner Klusman moved to adjourn at 6:32 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