

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

September 21, 2015 – 6:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

Present: Greg Edds, Chairman
Jim Greene, Vice-Chairman
Mike Caskey, Member
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 6:07 p.m. (due to a technology problem).

Chaplain Michael Taylor provided the Invocation.

Before the Pledge, which was led by Boy Scout Troop #443 from St. John's Lutheran Church, the Rowan County Veterans Honor Guard offered a salute.

CONSIDER ADDITIONS TO THE AGENDA

Commissioner Pierce requested to add a purchase offer from Faith Assembly International Church for the property located at 1236 West Innes Street in Salisbury and have the County Manager and Clerk to the Board prepare a notice.

Chairman Edds added the issue as Consent Agenda Item O.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Greene moved, Commissioner Pierce seconded and the vote to approve the minutes of the September 1, 2015, September 8, 2015, and September 14, 2015 Commission Meetings passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

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

The Consent Agenda consisted of the following:

- A. Refunds for Approval
- B. Rural Operating Assistance Program (ROAP) Grant
- C. Request Public Hearing for October 5, 2015 for FY '17 Community Transportation Grant (CTP)
- D. Update of Statewide Emergency Management Mutual Aid Agreement
- E. Permission to Apply for Salisbury Community Foundation Grant
- F. Purchase Fourteen Vehicles for Sheriff's Office
- G. Purchase a Landfill Compactor for Environmental Management
- H. Professional Engineering and Planning Services for the Rowan County Landfill
- I. Authorization for County Manager to Sign Housing Related Documents
- J. Set Public Hearing for Z 08-15 for October 19, 2015
- K. West End Plaza Phase 1 Design Development
- L. Authorize County Manager to Solicit Request for Qualifications to Conduct a Master Plan for Parks and Recreation and a Feasibility Study for a Sports Complex for Youth Active Competitive Sports
- M. Authorize Chairman to Send Letter of Opposition to New EPA Ozone Regulations
- N. First Amendment to Mediated Settlement Agreement with Rowan-Salisbury Board of Education
- O. Purchase Offer From Faith Assembly International Church For The Property Located At 1236 West Innes Street In Salisbury

2. SPECIAL RECOGNITION: ROWAN COUNTY VETERANS HONOR GUARD

Chairman Edds said it was a rare honor to have the opportunity to recognize heroes and that Rowan County had some of its bravest in attendance.

Chairman Edds said the Rowan County Veterans Honor Guard (Honor Guard) had won the National Championship in Baltimore, Maryland on August 28, 2015. Chairman Edds said the Honor Guard had spent countless hours working and preparing to represent Rowan County in the event. Chairman Edds recognized the following individuals:

- Kiesha Westmoreland – Right Rifle
- Chuck Quinn – Left Rifle
- Rebecca Forbes – American Flag

- Charlie Cauble - Commander of the Honor Guard, Legion Flag
- Bill Lane – Commander of the Drill Team
- Tommy Woods – Reserve
- John Pharr – Reserve

Other participants were Bill Craddock, Publicity; Jim Fox, Technical Support/Website Administrator; Teresa Fox, Photographer; and Harold Andrews, Transportation Coordinator.

Commissioner Caskey read the following Proclamation Honoring the Rowan County Veterans Honor Guard:

WHEREAS, the Rowan County Veterans Honor Guard is made up of honorably discharged veterans from all branches of the military who are committed to preserving the dignity and honor of the men and women who have served our nation; *and*

WHEREAS, the Rowan County Veterans Honor Guard was founded in 1947 and is dedicated to providing military funeral honors at no cost to any honorably discharged veteran answering the final roll call; *and*

WHEREAS, the Rowan County Veterans Honor Guard also provides Color Guard Detail for schools, churches and other civic organizations; *and*

WHEREAS, through their desire to promote patriotism, these men and women are a testament to their devotion in strengthening the connection between the military and the community; *and*
WHEREAS, the Rowan County Veterans Honor Guard is to be recognized for its excellent performance at the National American Legion Convention held in Baltimore, Maryland on August 28, 2015 ; *and*

WHEREAS, through self-discipline, resilience and inner strength, the drill team members achieved the NATIONAL CHAMPIONSHIP TITLE in the competition for advancing and retrieving the colors.

NOW, THEREFORE BE IT PROCLAIMED that the Rowan County Board of Commissioners is proud to commend the Rowan County Veterans Honor Guard for its outstanding achievements and for their service to our community and to our great nation.

A round of applause and standing ovation followed the reading of the Proclamation.

Commissioner Greene moved, Commissioner Pierce seconded and the vote to approve the Proclamation as read passed unanimously.

Each member of the Honor Guard was presented with the Proclamation.

Commander Cauble thanked the Board for the recognition and said it had been an honor and privilege to represent Rowan County. Commander Cauble showed the first place trophy and banner the Honor Guard had won. Commander Cauble said the competition was available for viewing on the internet. Commander Cauble also expressed appreciation for the following individuals for attending the

Commission Meeting: State Commander, Don Bridgers; National-Elect Commissioner, Bill Richards; and Larry Rosser, State Photographer.

Another round of applause followed Commander Cauble's comments.

3. 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:

- Sam McNeely and Harrison Parrott – a senior and freshman respectively at Salisbury High School, talked about poverty in Rowan County and its affect on students. Both students discussed technology in the school system and the reasons they felt education was being hindered as a result of the technology. Mr. McNeely and Mr. Parrott asked the Commissioners to “be the change”.
- Tony Shaw referenced the topic of a master plan for parks and recreation in Rowan County and especially the need for a sports complex. Mr. Shaw emphasized the economic impact of parks and recreation and said he supported a feasibility study for a sports complex.

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

4. PUBLIC HEARING FOR Z 07-15

Senior Planner Shane Stewart reported that Wanda Ryan has requested the rezoning of 4.45 acres located at 1040 Hugo Drive from Manufactured Home Park (MHP) to Rural Agricultural (RA). The property was referenced as Tax Parcel 418-001.

Using a power point presentation, Mr. Stewart showed the site in question, as well as the surrounding area.

Mr. Stewart referred to the East Rowan Land Use Plan (LUP) and said the area would be supported by the LUP.

Procedurally, Mr. Stewart said there was a recommendation from the Planning Board to approve the request, along with a Statement of Consistency for the Commissioners consideration.

Commissioner Klusman questioned the intent of the owner as to the use for the property in question. Mr. Stewart said the owner did not realize the property was zoned MHP and wanted to subdivide the property for RA.

Chairman Edds opened the public hearing to receive input regarding Z 07-15. With no one wishing to address the Board, Chairman Edds closed the public hearing.

Commissioner Klusman expressed concern with changing the use to agricultural when the property was surrounded by homes. Chairman Edds said the owners were asking for the property to be RA in order to subdivide the 4.45 acres and be able to put up stick built homes there. Chairman Edds explained the change did not mean the owners wished to start a farming operation.

Commissioner Pierce added that over 75% of the County was zoned RA. Commissioner Pierce said when the property owners were ready to transact business with a bank, the bank would want the property zoned as RA as opposed to MHP. Commissioner Pierce said the changes would more than likely increase the property value.

Commissioner Pierce moved approval of the Statement of Consistency: The proposed amendment is consistent with the West Rowan Land use plan based on its location and the uses of the surrounding properties. This request borders the RA district on two (2) sides, is in keeping with the district's purpose and intent, and is compatible with the surrounding uses. The motion was seconded by Commissioner Greene and passed unanimously.

Commissioner Pierce moved approval of Z 07-15. Commissioner Caskey seconded and the motion passed unanimously.

5. QUASI-JUDICIAL HEARING FOR CUP 03-15

Chairman Edds read the Chairman's Speech (Exhibit A) and declared the public hearing for CUP 03-15 to be in session. Chairman Edds said the hearing would focus on an application submitted by Duke Energy requesting a conditional use permit to construct a six (6) megawatt photovoltaic solar energy system on a portion of their 111 acre Industrial (IND) zoned property located at the corner of Old US 70 and NC 801 Hwy. The property was further referenced as Tax Parcel 826-002.

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.

Using the power point (Exhibit C), Mr. Stewart showed the site in question for the solar array, as well as the surrounding area. Mr. Stewart also showed photos of various other solar farms, which he said would be similar to the proposed solar farm.

When considering the Western Land Use Plan (LUP), Mr. Stewart reported the use was encouraged by the LUP.

Procedurally, Mr. Stewart provided the Board with example Findings of Fact (Exhibit D) for consideration.

Mr. Stewart said he had talked with one (1) adjoining property owner that had concerns with the request.

The following individuals that had been sworn, came forward to address the Board:

- Randy Welch, said he was the District Manager for Duke Energy for this area and also a resident of Rowan County. Mr. Welch said he was in attendance along with members of the Duke Energy Woodleaf Project Team, including Scott Hawkin, Project Manager.

Mr. Welch said the request was for the Board's consideration to review and approve a new Duke Energy solar facility. Mr. Welch said Duke Energy was proposing to build, own and operate a 6 megawatt solar facility near the community of Woodleaf. Mr. Welch discussed several Duke Energy projects in Rowan County.

Mr. Welch shared facts with the Board regarding the project, which he said would serve approximately 1,000 residential customers. Mr. Welch said the site was located on 26 acres of the 116 acres owned by Duke Energy. Mr. Welch said there would be approximately 25,000 solar panels at the facility and December 2016 would be the in service date, if approved by the Board. Mr. Welch discussed the number of jobs that would be created through the construction process. Mr. Welch also discussed the landscaping plan for the site. In conclusion, Mr. Welch thanked staff for their assistance with the request and he expressed appreciation to the property owners that had allowed Duke Energy to come into their homes to discuss the proposed project.

- Richard Kirkland, MAI Appraiser, said he had been asked to do an impact study to determine if the proposed project would impact the adjoining properties. Mr. Kirkland said he had reviewed and visited 130 different solar farm sites across North Carolina. Mr. Kirkland highlighted the matched pair analysis used when comparing impacts. Mr. Kirkland said his research revealed there was no impact on how quickly homes next to solar farms sold or their value. Mr. Kirkland said he had talked with home owners within the area of the proposed project to inquire as to whether they had any questions with the project. Mr. Kirkland said he received no feedback or concerns. Mr. Kirkland was of the professional opinion the

proposed project was harmonious with the surrounding area and would also serve as a buffer between the industrial and the residential areas.

Commissioner Greene inquired as to the visibility of the solar farm from Hwy 801 and Mr. Welch said it would be difficult to see. Mr. Welch confirmed trees would be planted on the south side to help buffer between the residential area.

Commissioner Klusman inquired as to future plans for the parcel that was not included in the proposed project. Mr. Welch said Duke Energy currently had no plans for the property. Mr. Welch said options would be kept open and that Duke Energy would come back to the Board with any future plans on the site.

Chairman Edds questioned the total investment and Mr. Welch responded \$15 million.

- Roy Mashow, an attorney with K&L Gates, LLP in Charlotte, clarified one technicality with the name of the applicant listed. Mr. Mashow said the applicant should be listed as Duke Energy Carolina Limited Liability Company and not Duke Energy Corporation. Mr. Mashow also provided the Clerk with a handout (Exhibit E), which included the site plan, the appraisal report, and the impervious area calculations.
- Renee Julian of 1077 Harbor Court said she was a property owner, whose property adjoined that of Duke Energy. Ms. Julian said her property would be approximately 50 to 100 feet from the solar facility. Ms. Julian highlighted the cons with solar facilities and said the disadvantages included pollution due to the toxic metals in the panels and she also stated solar facilities were fire hazards because of the electricity generated with no method for turning it off. Ms. Julian also referenced several negative issues with Duke Energy pertaining to The Clean Water Act and the fines of \$102 million for illegally discharging coal ash at 5 North Carolina power plants. Ms. Julian mentioned Duke Energy's plans to erect 3 wind turbines off Cape Hatteras, in North Carolina. Ms. Julian was of the opinion Duke Energy gouged both taxpayers and rate payers to pay costs.

With no one else sworn to provide testimony, Chairman Edds closed the public hearing.

Commissioner Caskey said he understood the property owner's concerns; however, he pointed out the area was already zoned industrial and there could be a noisy industrial operation locating there instead.

At the request of Chairman Edds, Mr. Stewart highlighted the types of businesses that were allowable under the current industrial zoning.

Commissioner Greene asked if the solar farm would harm the environment any more than other uses in the area. Mr. Stewart said the proposed project met all standards in Staff's review.

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

FACT: The proposed warning signage and security fence will caution individuals of potential hazards while restricting unauthorized access.

FACT: Site construction will be in accordance with the Building Inspections Department and engineering certifications to ensure the panels are properly installed and securely anchored.

The motion was seconded by Commissioner Greene and passed unanimously.

Commissioner Pierce 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.

FACT: Based on testimony provided by State Certified General Appraiser, Richard Kirkland, Jr. and findings documented in his Woodleaf Solar Impact Study dated July 23, 2015, the proposed solar farm will not substantially injure the value of adjoining or abutting properties

The motion was seconded by Commissioner Greene and passed unanimously.

Commissioner Pierce 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 property is part of a 1.493 acre IND zoned area that includes multiple industrial uses nearby.

FACT: Noise levels for the internally located inverters should not be substantial at the property lines.

FACT: According to the staff report, panel glare should be similar to that exhibited by agricultural crops, grasses and bodies of water.

FACT: The proposed evergreen screen will reduce visual impacts on surrounding residences.

FACT: According to the West Rowan Land Use Plan, this property is within the highway corridor overlay for US 70 suggesting the proposed land use would be in general conformity with the plan.

The motion was seconded by Commissioner Greene and passed unanimously.

Commissioner Pierce moved approval of CUP 03-15. The motion was seconded by Commissioner Greene and passed unanimously.

6. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Finance – To carry forward remaining funds on purchase order (PO) #15-015761 for Tax Administration printing. The PO converts historical maps to electronic file formats - \$41,300

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

Chairman Edds called for a recess at 7:12 p.m.

Chairman Edds reconvened the meeting at 7:25 p.m.

7. PRESENTATION OF WATER/SEWER STUDY

Chairman Edds expressed appreciation to the previous Board of Commissioners for having the foresight to pursue a Water/Sewer Study (Study) for Rowan County. Chairman Edds said board members had met with McGill Associates numerous times to provide input and to receive information regarding the results of the Study.

Bill Cowan and Andy Lovingood with McGill Associates (McGill) presented the report.

Mr. Lovingood described infrastructure as often times the backbone for economic development. Mr. Lovingood said McGill was charged with looking at the areas of Rowan County along the I-85 corridor, which are lacking in infrastructure. The Study focused on the northern and southern portions of the County.

Mr. Lovingood said McGill quantified the total water/sewer need for each area by considering economic development, population trends and projections. The Study also reviewed existing and nearby sewer systems, and the feasibility of running the major arteries for water/sewer; operational/maintenance and management considerations were also factored in. Potential funding alternatives for installation of the types of infrastructure was considered, as well.

Using maps, Mr. Lovingood discussed the priorities that resulted from the Study. The northern area map showed a little over \$3 million in water and \$7 million in sewer, or approximately \$10.5 million. The southern area map showed an estimated \$5.2 million in water and \$9.6 million in sewer. Mr. Lovingood said there were other options; however, the plan being presented was a solid plan to pull from.

At the request of Commissioner Pierce, Mr. Lovingood explained that water does perish and maintaining quality water was paramount. Mr. Lovingood described how using hydraulic pressure and looping the lines provided better pressure and better service.

Commissioner Pierce asked if Rowan County was the only county in a 50-mile radius that did not have water/sewer available in a county system. Commissioner Pierce continued by pointing out Rowan County's neighbors to the north had water/sewer as did Cabarrus and Mecklenburg, and Davie County to help with economic development. Mr. Lovingood confirmed that water/sewer infrastructure was a driver for your economic development.

Chairman Edds said citizens have asked why the County did not start its own water/sewer system. Chairman Edds explained why the suggestion was not a feasible option based on both the timeframe for which it is needed and the costs.

Commissioner Pierce discussed the importance of having infrastructure in place for future economic development projects. Commissioner Pierce also discussed building the infrastructure in phases and trying to find funding sources.

In response to an inquiry from Commissioner Greene, Mr. Lovingood estimated the timeframe for the construction phase for water for the north to be 8 to 12 months, depending on how aggressive the County wished to be.

An in-depth discussion took place regarding the selection of the targeted areas, timeframes, economic growth, as well as the purchase of water from Salisbury Rowan Utilities.

County Manager Aaron Church reported that he had talked with the Salisbury City Manager and the Director of Public Works for the City. Mr. Church said both had expressed a willingness to sell water to the County at a rate they currently sell to their water customers. Mr. Church said they had also reviewed the study and one of next steps would be to start working on inter-local agreement with the City of Salisbury.

Chairman Edds made the following recommendations and said he would like for the Board to consider voting on them:

1. Continue discussions with Salisbury Rowan Utilities (SRU) and Kannapolis to determine available water/sewer capacities to serve the targeted areas and the possibility of an inter-local agreement.
2. Coordinate potential water/sewer crossings of I-85 with NC Department of Transportation to explore the possibility of including these in the upcoming widening project on the south end.
3. Investigate funding mechanisms that may be appropriate to finance the potential water/sewer projects.
4. Develop a financial model for the water/sewer system which will come down after conversations with SRU about costs.
5. Consider preliminary engineering efforts for initial water/sewer facilities to move ahead with planning in the areas where the County is not yet ready to expand.
6. Direct the County Manager to do an RFQ to complete preliminary engineering report for initial water/sewer facilities in the north study area.

Chairman Edds said he put the recommendations in the form of a motion and Commissioner Pierce seconded for the purpose of discussion.

With regards to the first recommendation, Commissioner Pierce suggested appointing a task force to meet with SRU and Kannapolis.

Chairman Edds said he preferred to strike Kannapolis from item #1 and ask the County Manager to continue to speak with them.

Commissioner Pierce said he was willing to serve on the task force, as did Chairman Edds.

County Attorney Jay Dees clarified if the Chairman was creating a committee, it would be subject to open meetings laws and any meetings would need to be noticed to the Sunshine List.

Chairman Edds referred to items 5 and 6 and he recommended replacing the language with directing the County Manager to do an RFQ to complete preliminary engineering reports for initial water/sewer facilities.

Commissioner Pierce asked if the change also included what the NC Department of Transportation would need for the southern part of the County during the interstate widening project and Chairman Edds responded yes.

Chairman Edds clarified and repeated the recommendations as follows:

1. Continue discussions with Salisbury Rowan Utilities (SRU) to determine available water/sewer capacities and to begin to formulate an inter-local government agreement.
2. Coordinate potential water/sewer crossings of I-85 with NC Department of Transportation to explore the possibility of including these in the upcoming widening project to reduce future project costs.

3. Investigate funding mechanisms that may be appropriate to finance the potential water/sewer projects.
4. Develop a financial model for the water/sewer system.
5. Direct County Manager Aaron Church to do an RFQ to complete preliminary engineering report for initial water/sewer facilities in the north study areas.

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

Chairman Edds expressed appreciation to McGill and Associates for their work on the study.

8. ADJOURNMENT

There being no further business to come before the Board, Commissioner Greene moved to adjourn at 8:28 p.m. The motion was seconded by Commissioner Klusman and passed unanimously.

Respectfully Submitted,

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