

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



Aaron Church, County Manager
Carolyn Barger, Clerk to the Board
John W. Dees, II, County Attorney

Rowan County Board of Commissioners

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MINUTES OF THE MEETING OF THE ROWAN COUNTY BOARD OF COMMISSIONERS

January 6, 2020 – 3:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

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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 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.

Chaplain Michael Taylor provided the Invocation.

Chairman Edds led the Pledge of Allegiance.

CONSIDER ADDITIONS TO THE AGENDA

Chairman Edds added the following items:

- Chewy CDBG-ED Grant Administration as Consent Agenda Item C
- Agreement for Services Between the Rowan County Sheriff's Department and Chaplain Michael Taylor as Consent Agenda Item D
- Proclamation Establishing January 20, 2020 as Dr. Martin Luther King, Jr. Day as Consent Agenda Item E
- Request from the Rowan County Health Department to Submit a Grant Application to the NC Department of Health and Human Services Office of Rural Health as Consent Agenda Item F

Chairman Edds moved to add two (2) additional topics to the Closed Session:

- Attorney-client privileged communication regarding possible litigation
- Discussion regarding an honorary recognition

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Klusman made a motion to approve the agenda as amended. The motion was followed by a second by Commissioner Pierce and passed unanimously.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Klusman moved, Commissioner Greene seconded and the vote to approve the minutes of the December 16, 2019 Commission Meeting 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. FY20 ROAP Grant Application
- B. Purchase of Tables and Chairs From Classroom Essential
- C. Chewy CDBG-ED Grant Administration (Addition to the Consent Agenda)
- D. Agreement for Services Between the Rowan County Sheriff's Department and Chaplain Michael Taylor (Addition to the Consent Agenda)
- E. Proclamation Establishing January 20, 2020 as Dr. Martin Luther King, Jr. Day (Addition to the Consent Agenda)
- F. Request from the Rowan County Health Department to Submit a Grant Application to the NC Department of Health and Human Services Office of Rural Health (Addition to the Consent Agenda)

2. PUBLIC COMMENT PERIOD

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

- Charles David Allen from China Grove discussed a problem he was having with a neighbor's sewer issue. Mr. Allen sought the Board's assistance and Chairman Edds said the County Attorney would contact Mr. Allen.

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

3. PUBLIC HEARING FOR Z 09-19

Planner Aaron Poplin presented the staff report for Z 09-19 and also provided a power point as he discussed the request. Mr. Poplin said Daniel Gomez and Karen Mendieta were requesting a rezoning of their properties located off US Hwy 52 to expand their business operations to include auto repair and used tire sales. They currently operate a used car dealership off Tax Parcel 542 045.

In 2013 Tax Parcels 542 045 and 542 044 were rezoned from RA to a CBI-CUD with the only allowed use being auto sales. There were no extra conditions attached to the zoning district and the parcels still had this zoning classification. Parcel 542 030 was zoned RA and had been vacant since around 2013; the last use of the property was for a mobile home, which was removed around 2013.

With regards to the request according to any plans and policies, Mr. Poplin said the Eastern Area Land Use Plan (LUP) encouraged commercial and industrial uses that had a need for rail and US Highway access in this area.

Using the power point, Mr. Poplin discussed the zoning district's purpose and intent.

Mr. Poplin said the application was for a CBI/CUD, which would only allow for the requested uses of continued automobile sales, the addition of an auto mechanics shop and a used tire shop. Using the power point, Mr. Poplin showed the location for the proposed uses.

The existing auto sales business was over 300' from the nearest residence, which exceeded the need for screening. The proposed use would come within 200' of a residence that would require Type A screening. Mr. Poplin discussed a 20' buffer area between a home site and a commercial use as required in the Zoning Ordinance. The buffer would comprise of a 20' buffer along with 100% opaque fencing.

Mr. Poplin highlighted any potential impacts on facilities such as roads, utilities and schools.

On November 25, 2019 the Planning Board held a courtesy hearing for the request and there were no concerns with the site as proposed. The Planning Board approved the request and adopted the following statements.

Statement of Consistency: Z 09-19 is consistent with the Eastern Land Use Plan based upon the identified use and attached site plan; furthermore, the adoption of Z 09-19 is reasonable and in the public interest based upon the same.

Statement of Reasonableness: In accordance with Section 21-362J of the Rowan County Zoning Ordinance and after due consideration, the Planning Board advises that Z 09-19 request is reasonable and in the public interest based upon the identified usage and compatibility with the Eastern Land Use Plan and the requested zoning.

Mr. Poplin noted staff's comments in the staff report indicating that since the request was a conditional district, the Board may want to suggest mutually agreed upon conditions to the request. Also, with a conditional district, only the uses and buildings shown on the site plan would be allowed. Changes to the buildings or uses would require another rezoning process.

Commissioner Klusman asked if the applicant would be required to have a septic system and Mr. Poplin said the matter would be an issue for consideration by the Environmental Health Department.

Chairman Edds expressed concern with the potential of used tires piling up and asked how the Board could protect the surrounding neighbors. Mr. Poplin said the Board could impose a condition stating no outside storage of tires as part of the approval process.

Chairman Edds also shared concerns that some repair shops had vehicles that were not repairable and collected behind those sites in a storage area. Mr. Poplin reiterated the Board could impose conditions that would not allow unrepairable vehicles to be collected on site.

Commissioner Pierce added that if the Board had concerns about the visibility, the Board could require screening from the roadside and from the neighbors.

Commissioner Caskey inquired as to whether there was a limit on the number of junked vehicles allowed. Mr. Poplin said there was a limit applied to residences but not for businesses of this nature.

County Attorney Jay Dees said in a conditional district the Board could cap the number of vehicles and the option would need to be agreed to by the applicant. Mr. Dees said the Board could impose a condition for no outdoor storage of tires.

The applicant, Daniel Gomez came forward. Mr. Gomez explained that customers would come in and have their tires changed and he would be open to sell the used tires.

Chairman Edds said the Board wanted to ensure the surrounding property owners the site would not become a junkyard. Mr. Gomez said the business was not planning to be a junkyard or keep old cars.

Mr. Gomez confirmed to Commissioner Klusman he would be willing to put up more screening if he had to.

In response to an inquiry from Commissioner Greene, Mr. Gomez said he had already sent in the paperwork for the entrance to the building and was hoping for approval by the State.

Mr. Poplin clarified to Commissioner Pierce that Staff could cite the business if it exceeded the number of vehicles allowed on the property but only if a condition was imposed by the Board during the approval process.

Chairman Edds said he did not want to put a limit on the total number of cars but was more concerned with the screening.

Commissioner Pierce said he would like to put some type of limit on the number of vehicles in the event the number of vehicles became an issue. Commissioner Pierce felt the limit would give the Board recourse in the future for any violations.

Commissioner Greene said he would rather see a limit on the number of vehicles as opposed to requiring screening along the front of the property. Commissioner Greene said since Mr. Gomez was trying to start a business people needed to be able to see the business and services offered.

Commissioner Pierce agreed there should not be screening along the front of the business but wanted to see screening between the business and the neighbors.

Commissioner Pierce asked Mr. Gomez if he was agreeable to having a limit imposed on the number of cars that would be allowed on the property and Mr. Gomez said yes.

Chairman Edds suggested horizontal screening be required if vehicles were to be stored behind the well house that was depicted on the map.

Commissioner Klusman asked what number triggered the additional screening and Commissioner Pierce responded any vehicles stored behind the well house would require additional screening.

Chairman Edds opened the public hearing and with no one coming forward to address the Board, Chairman Edds closed the public hearing.

In response to an inquiry from Commissioner Caskey, Mr. Poplin said no citizen concerns had been expressed at the Planning Board meeting and Staff had not received any calls.

Chairman Edds moved approval of the Statement of Consistency as follows: Z 09-19 is consistent with the Eastern Land Use Plan based upon the identified use and attached site plan; furthermore, the adoption of Z 09-19 is reasonable and in the public interest based upon the same. The motion was seconded by Commissioner Pierce and passed unanimously.

Chairman Edds moved approval of the Statement of Reasonableness as follows: In accordance with Section 21-362(J) of the Rowan County Zoning Ordinance and after due consideration, the Planning Board advises that Z 09-19 request is reasonable and in the public interest based upon the identified usage and compatibility with the Eastern Land Use Plan and the requested zoning. The motion was seconded by Commissioner Pierce and passed unanimously.

Chairman Edds moved approval of Z 09-19 with the conditions as discussed. The motion was seconded by Commissioner Pierce and passed unanimously.

4. PUBLIC HEARING FOR Z 10-19

Shane Stewart, Assistant Planning Director, presented the staff report. The report stated Planning Staff had met with Bobby Harrison, a representative for the Price of Freedom Museum (Museum), concerning the Museum's desire to add a 4,800 square foot building for the storage of additional memorabilia.

According to Mr. Stewart, the Museum and Kenneth Seagle (Tax Parcel 207-052) were requesting the rezoning for the following 6.39 acres associated with their tax parcels: 207-007 (Museum) – 5.81 acres from Rural Agricultural (RA) to Institutional (INST) and .29 acres from RA to Rural Residential (RR); 207-052 (Seagle) - .29 acres from RR to INST. The Museum is located at 2420 Weaver Road in China Grove, NC.

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

Mr. Stewart said the site used to operate as the former Patterson School up until 1976. The Museum purchased the property from the Rowan-Salisbury School System (RSSS) approximately two (2) months ago.

Procedurally, Mr. Stewart said the request had received unanimous support from the Planning Board during its November 25, 2019 meeting. No one spoke in opposition to the rezoning at the meeting. The Planning Board adopted Statements of Consistency and Reasonableness, which were included in the agenda packet.

Commissioner Pierce moved approval of the Statement of Consistency as follows: Z 10-19 is consistent with the Western Land Use Plan based on the following: institutional district is a very exclusive zoning district set aside for public use and therefore matches the former use that was a school and the current use for a museum. The motion was seconded by Commissioner Klusman and passed unanimously.

Commissioner Pierce moved approval of the Statement of Reasonableness as follows: In accordance with Section 21-361(J) of the Rowan County Zoning Ordinance and after due consideration, the Planning Board advises that Z-10-19 request is reasonable and in the public interest based on the following: a good reuse of an existing abandoned public school building as a public museum well fitting to the institutional zoning district. It is reasonable in that it creates a conforming zoning for the existing non-conforming use. The motion was seconded by Commissioner Klusman and passed unanimously.

Commissioner Pierce moved approval of Z 10-19. The motion was seconded by Commissioner Greene and passed unanimously.

5. CONSIDER REQUEST FROM EMERALD BAY HOMEOWNERS ASSOCIATION FOR NO WAKE ZONE

Mark Scott, President of Emerald Bay Homeowners Association (HOA), presented the request for a No Wake Zone (Zone) at High Rock Lake in the Panther Creek area. Mr.

Scott said the Emerald Bay Subdivision was located on the southeast corner of the County on Panther Creek and right next to the Eagle Point Nature Preserve.

Mr. Scott the HOA met in November and approved allowing him to represent the HOA in submitting the request to the Commissioners. Mr. Scott shared the safety concerns on Panther Creek, which included high speed boats, jet skis, and of greatest concern were the water skiers and boats pulling children on tubes. Mr. Scott said these users were creating safety hazard issues for the residents in the Emerald Bay Subdivision.

Mr. Scott said the HOA recommended a No Wake Zone in the vicinity of the Emerald Bay HOA Community Piers or at a location recommended by the North Carolina Wildlife Resources Commission (WRC).

Mr. Scott said the WRC had a process for approving No Wake Zones and he provided a handout for the process. Mr. Scott said the WRC did not accept applications from individuals or organizations and would only accept applications from municipalities and counties. Mr. Scott asked the Board to pursue the process with the WRC to obtain approval for the No Wake Zone for the safety issues.

In response to an inquiry from Commissioner Greene, Mr. Scott described the location of an existing Danger Buoy. Mr. Scott said the Danger Buoy was not in the channel but rather upstream in Panther Creek. Mr. Scott said the HOA was not asking for further action in the area of the Danger Buoy.

Mr. Scott reiterated the HOA was looking for a No Wake Zone for the community pier.

Chairman Edds explained the request was just the beginning of the process and the Board was not making a decision. The WRC would investigate and make a recommendation back to the Board. Chairman Edds said everyone would have an opportunity to provide input regarding the No Wake Zone at a public hearing to be scheduled by the Board.

County Attorney Jay Dees said someone would have to pay for the buoy and its ongoing maintenance. Mr. Scott added the HOA had also discussed the issue of payment.

Commissioner Pierce moved to accept the request from the HOA at Emerald Bay to move forward with the procedures to have a No Wake Zone presented to the WRC. Commissioner Pierce included in the motion to schedule a public hearing for February 3, 2019. The motion was seconded by Commissioner Klusman and passed unanimously.

6. CONSIDER APPROVAL OF BOARD APPOINTMENTS
AGRICULTURAL ADVISORY BOARD

Michael Shepherd applied to fill a seat currently occupied by Darrell Nichols and that will become vacant on January 31, 2020. Mr. Nichols is not eligible for reappointment. The term will be for three (3) years and expire on January 31, 2023.

Commissioner Greene moved, Commissioner Pierce seconded and the vote to appoint Michael Shepherd passed unanimously.

HISTORIC LANDMARKS COMMISSION

Jonathan Barbee applied to fill a vacancy that will expire on April 30, 2020. At the conclusion of the term, Mr. Barbee would be eligible for reappointment for a three-year.

Chairman Edds moved, Commissioner Pierce seconded and the vote to appoint Jonathan Barbee passed unanimously.

PARKS AND RECREATION

Both Alex Bruce and Dennis Rogers have applied to fill one (1) at-large seat. The term will be for three (3) years and expire December 31, 2022.

Commissioner Klusman moved the appointment of Dennis Rogers. The motion was seconded by Commissioner Pierce and passed unanimously.

7. CLOSED SESSION

Chairman Edds moved at 4:00 p.m. for the Board to enter Closed Session pursuant to North Carolina General Statute 143-318.11(a)(3) for attorney-client privileged communication regarding a personnel matter and for attorney-client privileged communication regarding potential litigation, and North Carolina General Statute 143-318.11(a)(2) to discuss an honorary recognition. (Note: The latter two (2) topics were added to the Closed Session at the beginning of the meeting). The motion was seconded by Commissioner Pierce and passed unanimously.

The Board returned to Open Session at 4:22 p.m. No action was taken.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Pierce moved to adjourn at 4:23 p.m. The motion was seconded by Commissioner Greene and passed unanimously.

Respectfully Submitted,



Carolyn Barger, MMC, NCMCC
Clerk to the Board