

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 March 2, 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
Judy Klusman, Member
Craig Pierce, Member

Absent: Mike Caskey, 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 attorney-client privileged communication to Closed Session.
- Chairman Edds added a Proclamation Honoring the Legacy of Alex Clark to the agenda as item #8A.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Klusman moved, Commissioner Greene seconded and the vote to approve the agenda as amended passed unanimously (4-0).

CONSIDER APPROVAL OF THE MINUTES

Commissioner Klusman moved, Commissioner Greene seconded and the vote to approve the minutes of the February 17, 2020 and February 24, 2020 Commission Meetings passed unanimously (4-0).

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Klusman moved approval of the Consent Agenda. The motion was seconded by Commissioner Greene and passed unanimously (4-0).

The Consent Agenda consisted of the following:

- A. Sale of Ground Lease Hangar
 - B. NCDOT Resolution for Secondary Road Petition Process
 - C. Sale of Ground Lease Hangar (2 of 2)
 - D. Closure for Taxiway Rehabilitation
 - E. Schedule Quasi-Judicial Hearing for an Amendment to CUP 08-16: Cherry Treesort and Consideration of a Vested Right for 5 Years
 - F. Fighting Against Cancer Together Event at WEP
 - G. CommScope Donor Hold Harmless Agreement
 - H. Reserve Funds for Repairs at RiverPark at Cooleemee Falls
 - I. West End Plaza Leasing Policy
- Before opening Public Comment Period, Chairman Edds reported the County's website contained a 2019 Rowan County Litter Mitigation Report. Chairman Edds noted the amount of trash picked up from roadsides by the Department of Environmental Management alone totaled 47.99 tons of litter and 157 tires.

2. PUBLIC COMMENT PERIOD

Chairman Edds opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. With no one coming forward, Chairman Edds closed the Public Comment Period.

3. PUBLIC HEARING & SUMMARY PRESENTATION – EDC 'PROJECT TOASTER'

Scott Shelton, Vice President of the Economic Development Commission (EDC), presented the request for the economic development incentive for 'Project Toaster'. Mr. Shelton announced the company behind the Project was Powerhouse Recycling (Company). According to Mr. Shelton, the Company currently employed over 150 people at its facility located at 220 Ryan Patrick Drive.

Mr. Shelton said the Company planned to expand by adding 100,000 square feet of space in the back of its facility. The existing public sewer line, owned by the City of Salisbury, ran along the back of the Company's property and in the path of the proposed expansion. In order to accommodate the expansion, the sewer line would have to be moved to the rear property line.

The expansion would not result in a significant increase in water/sewer usage. Therefore, the estimated cost (\$135,000) associated with moving the line was the responsibility of the Company.

The EDC was assisting the Company to pursue a \$110,000 Rural Division Infrastructure Grant (Grant) through the State of North Carolina. The Grant would be used to help fund the relocation of the sewer line. A decision regarding the Grant would not be made until April 16, 2020.

The Company planned to invest approximately \$4.25 million and also add 56 new jobs over the next three (3) years as part of the expansion. The majority of the infrastructure improvements would be completed by the end of 2020.

Mr. Shelton continued by highlighting the revenue the County would receive as a result of the project.

Chairman Edds opened the public hearing to receive citizen input regarding the incentive for the proposed project. With no one coming forward to address the Board, Chairman Edds closed the public hearing.

Commissioner Pierce moved to approve the economic incentive package for Powerhouse Recycling. The motion was seconded by Commissioner Greene and passed unanimously (4-0).

4. PUBLIC HEARING: 2020-21 HOME FUNDING ACTION PLAN

Planning Director Ed Muire explained that as a member of the Cabarrus/Iredell/Rowan HOME Consortium, Rowan County anticipated receiving approximately \$192,081 in project funds for FY 2020-21. As noted in the County's application, Staff anticipated the required match for participation [25% of project funds] would be obtained from Urgent Repair Program funds (NC Housing Finance Agency) and a property donation in the Town of Spencer. Both of these qualify as non-Federal sources and can be used as matching funds.

The scope of the FY 20-21 program would provide housing rehabilitation to at least five (5) owner occupied homes in the County. The County's application for submittal to the City of Concord was in the agenda packet.

According to the staff report regarding the Program Administration, the Salisbury Community Development Corporation (CDC) had managed the County's HOME program since 2012 and Staff recommended the agency for administration of the FY 20-21 program. Housing and Urban Development (HUD) rules stipulated that procurement was necessary when general project administration exceeded \$25,000; however, based on an anticipated allocation of \$192,081, the maximum allowable project administration funds amounted to \$11,525. Therefore, no formal bids were necessary.

Chairman Edds opened the public hearing to receive citizen input regarding the HOME Funding Action Plan for 2020-21. With no one wishing to address the Board, Chairman Edds closed the public hearing.

Commissioner Klusman asked if the grant amount was the same as the prior year. Mr. Muire responded yes and explained how the funding cycle worked.

Commissioner Greene inquired as to the average spent on the homes. Mr. Muire reported the cap was \$40,000; however, he said not all homes reached this amount.

In response to an inquiry from Commissioner Klusman, Mr. Muire discussed how the grant funds were always “rolling.” Mr. Muire stated the number of homes actually worked on ranged from 5 to 8 each year, depending on the number of active programs.

Commissioner Klusman suggested showing the before and after pictures next year. Mr. Muire said the Consortium put together an update each year called the CAPER that was sent to HUD. Mr. Muire said he would send the CAPER to the Board.

Commissioner Greene asked who followed up on the grants and Mr. Muire said Staff was asking the Board to continue the County’s relationship with Salisbury Community Development for the administrative services.

Commissioner Pierce moved, Commissioner Klusman seconded and the vote to approve the FY 2020-21 HOME Funding Action Plan passed unanimously (4-0).

Commissioner Pierce moved approval to authorize the County Manager to sign the application as the Certifying Official; to authorize the County Manager to sign all administrative related housing documents associated with the program and to authorize the County Manager to enter into a contract with the Salisbury CDC to administer the County’s HOME Program for FY 20-21. The motion was seconded by Commissioner Greene and passed unanimously (4-0).

5. UPDATE: SOLAR ENERGY SYSTEM MORATORIUM [ZTA 02-19]

Planning Director Ed Muire provided a handout containing text from the existing Zoning Ordinance for reference. Mr. Muire recalled the Commissioners had enacted a 6-month moratorium on the creation or expansion of any new ground mounted solar energy system in the County's planning jurisdiction, beginning October 7, 2019 and it was scheduled to expire April 7, 2020.

Committee B of the Planning Board was tasked with review of the current standards and preparing recommendations for text changes to the Zoning Ordinance. Their study involved comparison of adjoining county ordinances, inventory of current sites in the county, material from the UNC School of Government and presentations/discussion from different perspectives in the solar industry and community stakeholders.

Mr. Muire said he was presenting a status update and the Board would not be asked to take any action during the current meeting.

Mr. Muire proceeded by discussing the proposed text amendments in the agenda packet. The solar energy systems were classified as:

- Type 1 - Ground mounted of six thousand (6,000) square feet or less; or, roof mounted on any code compliant structure.
- Type 2 - Ground mounted that exceeds six thousand (6,000) square feet and having a gross acreage sum that does not exceed fifteen (15) acres.
- Type 3 - Ground mounted having a gross acreage sum that exceeds fifteen (15) acres.

Commissioner Pierce asked if the 6,000 square feet referred to panels or acreage. Mr. Muire said 6,000 square feet of panels.

With regards to the setback requirements, Commissioner Pierce asked if the 300' setback requirement from any residence included outbuildings. Mr. Muire said the way the text was recommended pertained to existing residences. Mr. Muire said if there was no residence, church or school on the tract the 300' setback did not apply. The requirement applied to Type 2 or Type 3. Mr. Muire said the standards would apply regardless of the zoning district.

Mr. Muire continued with the review of the proposed text amendments. During the review there was a question and answer period between the Board members and Mr. Muire.

Commissioner Klusman asked if the County was requiring any type of bond for the decommissioning. Commissioner Klusman said if there was no financial responsibility connected to the decommissioning, the solar company could "walk out the door." Mr. Muire said there was a requirement in the plan.

Mr. Muire said he and County Attorney Jay Dees had discussed a request for notice of sale. Mr. Muire expressed hope the required notice would prompt the perspective owner's attorney to notify the County when the sale occurred, which was how staff would know signs needed to be updated and the bond needed to be changed.

Mr. Muire discussed the changes in the Table of Uses.

Going back to the subject of a Decommissioning Plan (Plan) and requiring a bond, Mr. Muire highlighted the proposed Plan in the agenda packet. Mr. Muire said the Legislature had directed the Environmental Management Commission and there was an effort underway to draft a set of standards and the standards must be submitted by January 2022.

Commissioner Greene raised the issue of who the bond would be payable to (the landowner or the County). Commissioner Greene suggested since the County was not the landowner, the County could possibly require an escrow account. County Attorney Jay Dees said the County's authority usually came under the issuance of the Conditional Use Permit, which granted the County permission to go onto a property and remedy violations. Mr. Dees said staff would follow up on the suggestion.

Committee B provided their recommended text to the Planning Board for a Courtesy Hearing which was conducted on February 24, 2020. The Planning Board provided a favorable recommendation (6-2) on the accompanying text and decommissioning plan in the agenda packet, with the following reservations or concerns:

1. Tract Size - Is 15 acres an appropriate threshold between a Type 2 and Type 3 facility? If so, will this encourage the designation of Industrial districts in the Rural Agricultural areas of the county?
2. Screening - Should there be an option to allow existing trees or vegetation that satisfies the screening requirement to remain in place as opposed to removing and replanting with the ordinance standard? Should the residence of a landowner that leases property to a solar system be required to be screened and subject to setbacks?
3. Bond - Will the 1.25 times the decommissioning estimate amount be sufficient to remove the facility in 20 years? Can the bond be issued to the landowner as opposed to the County and still have an effective decommissioning plan?
4. Time - Does the Planning Board or committee need more time to review the recommendations and receive additional input? Correspondence from the solar industry seemed to support additional study of the topic and standards.

Chairman Edds questioned whether the County would have the right to go onto a landowner's property and tear down a solar farm if a bond was made out to the landowner. Mr. Muire said the Planning Board saw the role of the County as the permitting authority to be responsible for the cleanup. Mr. Muire felt the general idea was the County should be responsible for initiating and managing the cleanup. Mr. Dees said once the economic shelf-life had expired the companies did not want to come back in and clean up; however, the County has the "teeth" to make the cleanup happen. Mr. Dees said the County had the right to abate zoning violations, which in this discussion would be not removing the solar farm.

Mr. Dees suggested the questions should be submitted so they could be addressed more specifically.

Mr. Muire said there were a couple of options for the Commissioners to consider. The Commissioners could do nothing or refer the matter back to the Planning Board for

further study. Mr. Muire said if the matter did go back to the Planning Board it was likely the moratorium would need to be extended and another hearing would need to be advertised and held. Mr. Muire said the text could be presented at the next Commission Meeting on March 16, 2020 and the hearing could be held the first meeting in April. Mr. Muire explained that if the Commissioners were to go outside the scope of the Planning Board's recommendations, it would be necessary to send the issue back to them.

Commissioner Pierce asked if there was anyone waiting for the moratorium to end. Mr. Muire said the County did not have any applications but there could be some interest.

Commissioner Pierce said he would like for Commissioner Caskey to be able to provide input on the proposed text before moving forward.

Mr. Dees said some good questions had been raised in the current meeting.

Commissioner Greene said he would like to see language added for an annual inspection and to include a fee for the inspections.

Commissioner Greene praised Planning Staff for their work on the proposed text and Commissioner Klusman concurred.

In conclusion, Mr. Muire said the update was for informational purposes only. Mr. Muire said he would put the comments from the Board on the agenda for March 16, 2020.

Chairman Edds asked Mr. Muire to share the Board's appreciation to Committee B for their work on the text amendments.

6. CONSIDER APPROVAL OF WAFFLE HOUSE ARCHITECTURAL PLANS FOR WEST END PLAZA OUTPARCEL ON STATESVILLE BOULEVARD

County Attorney Jay Dees referred to the documentation in the agenda packet from Waffle House with regards to engineering plans, etc. for a new restaurant to be located on the undeveloped outparcel at West End Plaza (WEP). Mr. Dees said the undeveloped parcel was subject to the Declaration of Restrictive Covenants for WEP.

Mr. Dees explained the covenants required Waffle House to get architectural plan approval from the Declarant (or owner, Rowan County). Mr. Dees said it was undetermined at this point concerning underground sewer connections.

Drew Joiner from Waffle House was present to answer any questions pertaining to the plans in the agenda packet. Mr. Dees said if the County took care of approval of the architectural plans, the next question was whether the County could accommodate the underground sewer connect or if Waffle House would have to connect to the City of Salisbury's (City) main on Statesville Boulevard. Mr. Dees said there was questions as to the County's capacity and the condition of the lines. Mr. Dees recalled the County had to perform a major project behind the former theater to repair and replace lines at

that location. Mr. Dees said it was recognized the best option might be to connect to the City main.

Mr. Dees said the question today was whether to approve the architectural plans.

Commissioner Pierce inquired as to where the entrance to the restaurant would be located. Mr. Joiner responded the entrance would be off the main drive for WEP Boulevard and there would be a separate entrance to the access road.

Commissioner Greene commented at some point the County would have to tear down the former theater. Commissioner Greene asked if the connection would be at the theater's location. Mr. Dees said, "that is what we believe." Mr. Dees said the County had surveyors who had certified they had located the sewer lines. Mr. Dees said there was already a cleanout and connection at the empty lot that had been there from day one. Mr. Dees reported the City could not tell the County why the City did not accept this line into their system during the original development in the early 1980's, which was a red flag for everyone. Mr. Dees said there were cost issues involved with the development. One of the questions was if the County made changes to the architectural plans, the cheaper option was to connect to the County's system.

Mr. Dees confirmed to Chairman Edds the reason Waffle House was before the Board was due to the restrictive covenants requiring the County to approve the architectural plans.

The Board discussed at length its preferences for the quality of the building Waffle House planned to erect. Mr. Joiner responded by highlighting the types of materials to be used.

Mr. Joiner said he could provide the Board with color renderings; however, he did not currently have the renderings with him. Mr. Joiner pointed out he was not present under any type of zoning ordinances but rather under the Declaration from 1987. Mr. Joiner said it would be helpful to consider what was aesthetically required, as well as the buildings already in existence.

Commissioner Greene informed Mr. Joiner the County was preparing to spend millions of dollars on the WEP and the Board expected to have as nice a building as possible from Waffle House and not a building compared to those in existence from 20–30 years ago.

Commissioner Klusman emphasized the type of building she wanted to see from Waffle House. Commissioner Klusman said there would be thousands of people that would be utilizing the future conference space WEP.

Discussion ensued regarding other Waffle House locations. Chairman Edds reiterated Commissioner Greene's comments and said the County was embarking on a large

remodeling for WEP and the County was going to require new businesses to step up the quality of their facilities. Chairman Edds also noted that he personally did not like the yellow Waffle House signs and preferred to see better for Rowan County.

Mr. Joiner said the proposed building fits with the City's zoning. Chairman Edds said the Board understood this but the County had a say because the County owned the property. Chairman Edds stressed the County wanted better.

Commissioner Klusman suggested Mr. Joiner view the renderings for the proposed remodel at WEP. Commissioner Klusman preferred the signage be at ground level. Mr. Joiner responded the elevation of the sight falls off from Statesville Boulevard about 10-11 feet. Mr. Joiner said leveling the ground and putting in a monument sign when the Declarations permit a much taller sign might be difficult to accomplish.

Commissioner Pierce said the Board did not wish to dictate what Waffle House had to do with its restaurant; however, he agreed Mr. Joiner should review the renderings for the remodeling to take place of the WEP. Commissioner Pierce said the County wanted the best-looking Waffle House possible.

Chairman Edds said he did not wish to move forward with approval at this time but would like to try to work with Mr. Joiner for a facility both parties would be proud of.

7. PIEDMONT SKYDIVING RELOCATION

Valerie Steele, Airport and Transit Director, presented the request for the relocation of Piedmont Skydiving from its current location to the west side of the runway. The area was cleared and seeded and was ready to be leased for construction of a removable building prior to moving operations to the new drop zone. Ms. Steele expressed hope that by July 2020 the operations could move into the new drop zone.

Chairman Edds welcomed the owner of Piedmont Skydiving, LLC, Daniel McNulty. Chairman Edds said Mr. McNulty had purchased the business in May 2015.

Mr. McNulty said when the previous owner had the business, there were about 500 skydives per year. Mr. McNulty said the business had grown and last year there were 4500 jumps. Mr. McNulty said the change in location and the space was needed. Mr. McNulty said he would be able to bring more experienced jumpers to help teach people to skydive, as well.

Commissioner Pierce moved approval of the Piedmont Skydiving relocation. The motion was seconded by Commissioner Klusman and passed unanimously (4-0).

8. CONSIDER APPROVAL OF BOARD APPOINTMENTS **GRANITE QUARRY PLANNING BOARD ETJ APPOINTMENTS**

The Town Board for Granite Quarry previously recommended Jared Mathis for appointment as an ETJ **Alternate** to its Planning Board. The County Commissioners

approved the Town's request on December 2, 2019. This left one (1) vacant ETJ seat on their Planning Board.

During the Town's meeting in January 2020, the Town Board voted to approve switching Jared Mathis from the **Alternate** ETJ seat to the regular ETJ seat. The Commissioners are asked to approve the change. With approval, the term would still expire 7-31-2022.

Commissioner Pierce moved to approve switching Mr. Mathis from the Alternate ETJ seat to the regular ETJ seat as requested. The motion was seconded by Commissioner Greene and passed unanimously (4-0).

The County also received an application from Delores Anderson Shannon. According to the Granite Quarry Clerk, Ms. Shannon should be considered for the now vacant **Alternate** seat (approved above). This term would expire on 7-31-2022.

Commissioner Klusman moved to appoint Ms. Shannon followed by a second from Commissioner Pierce. The motion carried unanimously (4-0).

ROWAN COUNTY ZONING BOARD OF ADJUSTMENT

David Miller applied for reappointment. The term would be for three (3) years, expiring on February 28, 2023.

Commissioner Klusman moved, Commissioner Pierce seconded and the vote to reappoint David Miller passed unanimously (4-0).

TOWN OF ROCKWELL PLANNING AND ZONING BOARD

The Mayor for the Town of Rockwell submitted a letter requesting a waiver of term limits for the reappointment of Wesley Plyler and Richard Terrell, Sr. The letter indicates the valuable input of these two (2) board members and the difficulty of finding other volunteers to serve.

The Board of Commissioners is asked to waive the term limits established in the Resolution that governs the board appointment process and to reappoint both members. The terms for both would be for three-years and expire on February 28, 2023.

Commissioner Pierce moved to waive the term limits as requested for the Resolution that governs the board appointment process. The motion was seconded by Commissioner Greene and passed unanimously (4-0).

Commissioner Pierce moved the reappointment of Mr. Plyler and Mr. Terrell. The motion was followed by a second from Commissioner Greene and carried unanimously (4-0).

ADDITION

Proclamation Honoring the Legacy of Alex Clark

The Board skipped this item and it will be added to the next Board of Commissioners Meeting for consideration.

9. CLOSED SESSION

Chairman Edds moved at 4:55 p.m. for the Board to enter Closed Session pursuant to North Carolina General Statute § 143-318.11(a)(1) to consider approval of the minutes of the Closed Sessions held on December 16, 2019; January 6, 2020; and February 24, 2020; § 143-318.11(a)(6) for a personnel matter; and § 143-318.11(a)(3) for attorney-client privileged communication regarding pending litigation for Thelma's lease at West End Plaza and tax collections. The motion was seconded by Commissioner Greene and passed unanimously (4-0).

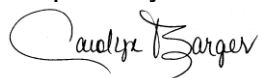
The Board returned to Open Session at 6:20 p.m. and the following actions were taken:

- Chairman Edds moved to reclassify the Transit Coordinator position to Transit Safety and Training Officer. The motion was seconded by Commissioner Pierce and passed unanimously (4-0).
- Chairman Edds moved to offer and hire Wendell "Chip" Main, II for the position of County Assessor with a starting salary of \$95,000 annually; a maximum of up to \$5,000 for relocation assistance that would be reimbursable upon presentation of related receipts to move to Rowan County; and, the start date would be March 23, 2020. Chairman Edds continued with the motion stating that in accordance with North Carolina General Statutes, the term would be to complete that of the previous Tax Administrator, which would be March 23, 2020 through August 26, 2020. The second term would begin on August 27, 2020 for three (3) years through August 26, 2023. The motion was seconded by Commissioner Pierce and carried unanimously (4-0).

10. ADJOURNMENT

There being no further business to come before the Board, Commissioner Greene moved to adjourn at 6:23 p.m. The motion was seconded by Commissioner Klusman and passed unanimously (4-0).

Respectfully Submitted,



Carolyn Barger, MMC, NCMCC
Clerk to the Board