

## **Rowan County Board of Commissioners**

130 West Innes Street • Salisbury, NC 28144  
Telephone 704-216-8181 • Fax 704-216-8195

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

**October 5, 2020 – 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  
Craig Pierce, Member

Participating Remotely: Judy Klusman, Member

County Manager Aaron Church, Clerk to the Board Carolyn Barger, County Attorney Jay Dees, Assistant County Manager/CIO Randy Cress and Finance Director James Howden were also present and/or participating remotely.

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

Chaplain Michael Taylor provided the Invocation.

Chairman Edds led the Pledge of Allegiance.

Chairman Edds took a moment to welcome new Salisbury Post Reporter Ben Stansell to the meeting.

Chairman Edds also welcomed James Howden as Rowan County's new Finance Director. Chairman Edds said he knew the County was in good hands and he looked forward to working with Mr. Howden.

#### **CONSIDER ADDITIONS TO THE AGENDA**

- Chairman Edds added a request from County Attorney Jay Dees to schedule and advertise a courtesy hearing for October 19, 2020 to hear comments from the public and consider or take action on the Temporary Use Permit for TJ Jenkins and Reapers Realm Haunted House and Trail. Chairman Edds added the issue to the Consent Agenda as Item J.
- Chairman Edds added a request from the Economic Development Commission to schedule a public hearing for October 19, 2020 to consider an incentive

request from Project Enterprise. Chairman Edds added the request to the Consent Agenda as Item K.

**CONSIDER DELETIONS FROM THE AGENDA**

Chairman Edds deleted agenda item #5 (Consider FSW-02-20: Patterson Request).

**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 Greene moved, Commissioner Pierce seconded and the vote to approve the minutes of the September 21, 2020 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 Pierce and passed unanimously.

The Consent Agenda consisted of the following:

- A. Second Lease Amendment for Amos Aviation
- B. Lease Agreement with RSSS For Use of Morgan Elementary Parking Lot
- C. Sale of Ground Lease Hangar from Greene to Michael
- D. Schedule Quasi-Judicial Hearing for CUP 01-20 for October 19, 2020
- E. Declare County-Owned Property Off McCleave Road as Surplus and Instruct Clerk to Advertise for Upset Bids
- F. Proposed New Policy for Rowan Transit
- G. Carolina Family Connections Contract - Foster Care
- H. Request Approval for Open Broadband Contract for Broadband Expansion
- I. Replacement of HVAC System Lower Unit (EMS) at Agricultural Building
- J. Schedule and advertise a courtesy hearing for October 19, 2020 to hear comments from the public and consider or take action on the Temporary Use Permit for TJ Jenkins and Reapers Realm Haunted House and Trail (addition to the Consent Agenda)
- K. Schedule a public hearing for October 19, 2020 to consider an incentive request from Project Enterprise (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. With no one coming forward or having phoned in to speak, Chairman Edds closed the Public Comment Period.

**3. PUBLIC HEARING: SOLAR MORATORIUM ORDINANCE**

Planning Director Ed Muire highlighted the Solar Moratorium Ordinance (Ordinance) and reviewed the authority of the Board of Commissioners.

Mr. Muire noted it would be a disservice if the Ordinance did not have any statements as to how the COVID-19 Pandemic had impacted the ability to meeting publicly and receive feedback on both sides of the issue.

At its September 21, 2020 meeting, the Commission expressed its intent to extend the moratorium for another six-month period. Mr. Muire discussed Section 2 of the Ordinance pertaining to the rationale for extending the six-month moratorium and the Board's course of action. The effective and termination dates for the recommended actions were included in the Ordinance.

Commissioner Pierce asked if each application would have to come back to the Board for approval and Mr. Muire said yes, in some format. Commissioner Pierce said he wanted to ensure the Board of Commissioners were not removed from the process so the Board could keep control of how citizens would be affected.

Chairman Edds opened the public hearing to receive citizen input regarding the Solar Energy System Moratorium. There were no citizens in the audience, either in person or virtually, wishing to address the Board. There were also no citizens who had phoned in wishing to speak.

Mr. Muire said five (5) emailed comments were also accepted and the Clerk to the Board had provided copies of the emails to the Commissioners. For the record, the emails were from the following: Claudia Register, Carole and Ron Massey, Jackie R. and Kathy S. Webb, Ron and Kathy Webb, and Marie Howell. Each of the emails generally supported the Commissioners extending the moratorium.

Mr. Muire reminded the Board that once the public hearing was closed, the meeting should be recessed to the following afternoon. County Attorney Jay Dees confirmed the Chairman should recess this portion of the meeting to the next day.

Commissioner Pierce moved to extend the Solar Moratorium Ordinance to begin October 6, 2020 and extend until April 6, 2021. The motion was seconded by Commissioner Caskey and passed unanimously.

The ordinance was presented as follows:

An Ordinance to Extend the Moratorium for  
Establishing or Expanding Ground Mounted Solar Energy Systems  
In Rowan County's Planning Jurisdiction

WHEREAS, North Carolina General Statutes 153A-34 delegates the authority to govern Rowan County, NC to the Rowan County Board of Commissioners; and,

WHEREAS, North Carolina General Statutes 153A-340 (future codification as NCGS 160D-702) grants North Carolina counties the power to enact zoning and development regulations, "for the purpose of promoting health, safety, morals, or the general welfare;" and,

WHEREAS, North Carolina General Statute 153A-340(h) (future codification as NCGS 160D-107) authorizes counties to adopt temporary moratoria on any development approval required by law provided the duration is reasonable to correct, modify or resolve such conditions necessitating the moratorium; and,

WHEREAS, North Carolina General Statute 153A-340(h) (future codification as NCGS 160D-107(e)) allows for renewal or extension of a moratorium when the steps outlined in the course of action still remain or new facts and conditions warrant an extension; and,

WHEREAS, the COVID-19 pandemic is a condition that has affected every aspect of daily life for all U.S. citizens, prompting federal, state and local governments to initiate drastic changes to protect the public health, safety and welfare of the nation, North Carolina and Rowan County; and,

WHEREAS, the North Carolina General Legislature adopted Session Law 2020-3 (Senate Bill 704) on May 4, 2020, entitled "An Act to Provide Aid to North Carolinians In Response to the Coronavirus Disease (COVID-19) Crisis" authorizing a variety of measures and programs allowing for remote meetings; extensions to permit deadlines; extensions for mandated legislative updates and adoption of local planning related ordinances; and,

WHEREAS, Rowan County has taken every precaution to protect not only its citizens, but also its employees by instituting a number of protective measures including remote meetings, but has observed instances where a lack of reliable internet service in parts of the County have prevented some of its citizens from participating in meetings; and,

FURTHERMORE, Rowan County is keenly aware this moratorium is of significant interest to its citizens and the solar industry and desires their input in the process in developing suggested text amendments to the Rowan County Zoning Ordinance; and,

NOW, THEREFORE BE IT RESOLVED, that the Board of County Commissioners of Rowan County, North Carolina, does amend and extend the following:

Section I. Title

This ordinance shall be known and may be cited as the Ground Mounted Solar Energy System (Photovoltaic Array) Moratorium for facilities greater than six thousand (6,000) square feet in area located in Rowan County, North Carolina.

Section 2. Problem Statement and Course of Action

Pursuant to NCGS 153A-340(h)(1) (future codification as NCGS 160D-107(e)), the rationale for extending the six-month moratorium is substantiated by the following:

a. The COVID-19 Pandemic has impacted the effectiveness and meaningful discussion that local government meetings have proffered.

Inadequacy: Lack of internet connectivity in parts of the County; inability to share ideas and receive information from all interested parties in a virtual meeting format.

b. The Land Use Plans for the Eastern Area, Western Area and the I-85 South Corridor of Rowan County did not consider or provide recommendations for locating ground mounted solar energy systems greater than 6,000 sq ft in area.

Inadequacy: Recommendations or considerations for locating new ground mounted solar energy systems in the County's land use plans were not provided.

c. The Commission has received complaints from property owners and residents adjoining said facilities during the construction phase related to dust and erosion, vehicular congestion and construction traffic, further exacerbated by a lack of adequate visual separation once operational.

Inadequacy: Text amendments did not provide recommendations for dust and erosion and vehicular congestion during construction phase of the project.

d. Amendments to the Rowan County Zoning Ordinance (RCZO) adopted March 4, 2013 applicable to said facilities did not adequately anticipate their proliferation and associated impacts related to scale, location, setbacks and screening / buffering.

e. Due to the purported longevity of said facilities, the Commission has concerns about ongoing maintenance and decommissioning if no longer operational.

Inadequacy: Although the County's proposed Decommissioning Plan establishes responsibility and framework for decommissioning, the County still desires to research issues related to executing the bond and options for designating a payee other than the County in land lease situations.

Absent extension of this ordinance, it is anticipated the County will receive additional applications for these facilities that may create additional or continued conflicts with adjoining land uses. Given the amount of study invested in previous amendment preparations, the County was hopeful this recent extension would have been brief, but the COVID-19 pandemic significantly altered all aspects of daily life. The County believes another brief extension will

allow adequate consideration by both the Planning Board and Board of Commissioners relative to the items listed in Section 2 of this Ordinance.

### Section 3. Applicability

Pursuant to the requirements of NCGS 153A-340(h)(2) (future codification as NCGS 160D-107(d)2) , this ordinance shall apply to any and all properties in the planning and zoning jurisdiction of Rowan County, NC that submit an application(s) for a building or electrical permit, soil erosion and sedimentation control plan, conditional use or a zoning permit to establish or expand a ground mounted solar energy system (photovoltaic array) in excess of 6,000 sq ft in area. These facilities are classified within Industry Group Number 491 in the 1987 Standard Industrial Classification (SIC) manual.

Extending the moratorium will provide the Rowan County Planning Board an opportunity to finalize text amendments that address the primary and secondary impacts associated with these facilities and prepare recommendations for the Board of Commissioners to consider as amendments to the RCZO and the Eastern Area, Western Area and the I-85 South Corridor Land Use Plans, as applicable.

### Section 4. Moratorium Duration

The extension of this moratorium ordinance shall be in effect for an additional six (6) month time period beginning October 6, 2020 until April 6, 2021 unless such revisions to the RCZO are adopted prior to the moratorium deadline enumerated in this section. The six (6) month extension is reasonable to the extent that it allows the Planning Board to further study the items of 'inadequacy' identified in Section 2 of this Ordinance.

### Section 5. Schedule of Actions

Upon extension of this moratorium ordinance, the Rowan County Board of Commissioners will direct the Planning Board to update its recommended amendments to the RCZO standards based on this schedule. Depending on duration, the scheduled activities will coincide with the 6-month moratorium.

October – December 2020 Planning Board will prepare DRAFT text amendments to the RCZO as directed herein

January 2021: Planning Staff will provide DRAFT text amendments to the Rowan County Board of Commissioners for direction and guidance

January - February 2021: Suggested revisions or guidance from the Board of Commissioners will be incorporated into the DRAFT text amendments (as necessary)

February 2021: Rowan County Planning Board will conduct a Courtesy Hearing on the DRAFT text amendments and provide its recommendation to the Board of Commissioners

March 2021: Board of Commissioners schedules Public Hearing for Planning Board's recommended DRAFT text amendments

April 5, 2021: Board of Commissioners conducts Public Hearing

### Section 6. Exception to Moratorium Provisions

This moratorium does not apply to the rights of an individual to erect or place solar collectors on residential property as allowed per NCGS 153A-144.

### Section 7. Effective and Termination Dates

This ordinance shall be extended and enforced as of the 6th day of October, 2020 until April 5, 2021 unless its terms and duration are amended by the Rowan County Board of Commissioners.

## **4. PUBLIC HEARING FOR CDBG-CV APPLICATION**

Assistant County Manager/Chief Information Officer Randy Cress said Rowan County was preparing an application to the North Carolina Department of Commerce for the Community Development Block Grant Coronavirus (CDBG-CV) to respond to and recover from the health and economic impacts of COVID-19. Mr. Cress said the public hearing would be the first of two (2) that were required for the CDBG-CV Application (Grant). The maximum grant amount was \$900,000 per grantee with some restrictions for specific activities. There was no minimum grant amount.

The objective of the CDBG-CV program is to provide programs that benefit low to moderate income (LMI) people. All activities must result in achievement objective, typically by providing services to an LMI clientele or to LMI persons residing in a qualified area. Funds must be used for public services, public facilities, and special economic development activities that prevent, respond to, or prepare for COVID-19.

The purpose of the hearing was to obtain citizens input into the identification of economic needs and desired economic development activities. The input from the hearing would be incorporated into the County's consideration and submission of a CDBG-CV application to the Department of Commerce.

Chairman Edds opened the public hearing to receive citizen input regarding the CDBG-CV application. The following individuals came forward to speak on the matter:

- Cindy Fink, Executive Director of Meals on Wheels (MOW), encouraged the Board to apply for the Grant. Ms. Fink discussed the West End Plaza Kitchen and Transport Project, which was proposed to be located in the former K&W Cafeteria facility and would serve low to moderate income individuals.
- Patty Overcash, Executive Director of Rowan Partners for Education (RPE), spoke in support of the Grant application. Ms. Overcash said it was the mission of RPE to support Rowan-Salisbury School System (RSSS). Ms. Overcash shared how RPE could utilize grant funds to enable students to complete projects that may have associated costs that families could not afford.

With no one else having submitted written comments, phoned in, or coming forward to address the Board, Chairman Edds closed the public hearing.

Chairman Edds reported no other action was required at this time.

## **5. CONSIDER FSW-02-20: PATTERSON REQUEST**

This item was deleted from the agenda at the beginning of the meeting.

## **6. PRESENTATION BY THE BOGLE FIRM FOR DESIGN SOLUTIONS PHASE OF CARES ACT PROJECT**

Architect Pete Bogle of The Bogle Firm, reported that Phase I was under construction. Using a power point, Mr. Bogle provided a recap of what had been done.

Mr. Bogle then discussed the Design Solutions/Phase 2 of the contract as follows:

Focus on:

- Provide separation of Public / Staff with customer friendly appearance and functionality
  - Clear barriers with minimal framing

- Communicators
- Improved Circulation to allow distancing
  - Queuing areas, drop off options, one-way circulation
- Improved staffing arrangements to provide separation and distancing between staff workstations
  - Workstations Cubicles
  - Improved space planning
- Touch free entries at high traffic doors
  - Justice Center main entry/exit
  - 402 N Main, main entry/exit
  - Elections Board One Stop
- Temperature Scan Tunnels  
Justice Center (x3), DSS

Continuing with the power point, Mr. Bogle reviewed the priorities list, as well as the alternates.

### **ROWAN COUNTY FACILITIES**

- Justice Center
- Clerk of Court
- Courthouse
- District Attorney Office
- Rowan County Detention Center
- Rowan County Sheriff's Office
- County of Rowan Building (402 N Main)
- Tax Assessor and Business Tax Office
- Building Inspections
- Tax Collection
- Environmental Health
- Department of Social Services
- Health Department
- Landis Sheriff's Office (ALTERNATE)
- Satellite Jail (ALTERNATE)
- Magistrates Office (ALTERNATE)
- Elections Board (ALTERNATE)
- 911 Communications (ALTERNATE)

The next steps for Design Solutions were:

Publish Bid Documents

- Drawings: Plans, details, interior elevations
- Specifications
- Bidding forms, MBWE forms, etc.
- Contingencies and Allowances

Submit for Plan Reviews, Rowan BCE

- Advertise for Bids 10/06/20
- Bid Date 10/19/2020
- Present Bids to BOC 10/19/2020
- Award Bid 10/21/2020

Chairman Edds questioned the price of the temperature scanners and asked if the scanners were an expense the County should invest in when the hope was the scanners would not be needed next year. Mr. Bogle said the scanners were listed as alternates and were estimated at \$35,000 per unit.

Commissioner Pierce asked who would man the scanners and Mr. Bogle responded the Sheriff's Deputies who were currently manning the courthouse entryways would also man the scanners.

Commissioner Pierce expressed concern that someone could have a temperature unrelated to COVID-19, which would prevent the individual from taking care of business in the courthouse. Mr. Bogle said the current protocol was to reschedule court for individuals with a temperature of more than 100.4 degrees.

Commissioner Klusman referred to indoor air quality and asked if there was a recommended level from the Center for Disease Control (CDC) for fresh air in/pushing air out, or, if the air in county buildings was being recirculated. Mr. Bogle explained that with COVID-19 most of the virus was spread through droplets and the dangers were not really with the virus being pulled through the air. Mr. Bogle said the latest reports indicated taking the other measures that had been discussed first and then consider air purifiers.

In response to an inquiry from Commissioner Greene, Mr. Bogle said the window at the tax office would be a walk-up window and not a drive-through.

At the request of Commissioner Caskey, Mr. Bogle provided more details on the recommended improvements for the Liberty Street entryway at the Justice Center.

Commissioner Pierce moved to approve and allow The Bogle Firm to advertise for bids. The motion was seconded by Commissioner Greene and passed unanimously.

## **7. LITTER REPORT**

Chairman Edds reported that Rowan County Staff removed 6,560 lbs. of roadside debris and litter during the two-week period beginning Monday, September 7, 2020 through Friday, September 18, 2020.

## **8. CONSIDER APPROVAL OF BUDGET AMENDMENTS**

Finance Director James Howden presented the following budget amendments for the Board's consideration:

- Sheriff – Recognize funds donated and budget to RSCO K-9 Fund, which is where the Freedom Cruisers Riders Club requested the funds go. - \$1,408
- Finance – Recognize reserved funds from FY 2020 for the Library. 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. - \$19,877
- Finance – Recognize reserved funds from FY 2020 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. - \$24,451
- Rowan Transit – Increase to budget for CARES Act funding through Centralina Area Agency on Aging Centralina Council of Governments. - \$64,200
- Health Department – Disperse awarded funding per Agreement Addendum 403 WIC. - \$12,012
- Health Department – Disperse awarded funding per Agreement Addendum 168 Maternal Health Innovation. - \$7,500
- Health Department – Disperse awarded COVID funding 539 Health ELC CARES. - \$53,490
- Social Services – Amendment to budget Federal CARES Act Funding to support APS/CPS/Services and Foster Care Stipend Payments. State is now advancing funding. This amendment is to balance budget to EFT. Reference journal 02-234 for CPS/APS funding. Reference journal 02-10 for foster care funding. Expenditures will be reimbursed at 100% requiring no county funds. - \$79,729
- Finance – Recognize reserved funds from FY 2020 for Animal Services grants and donations. 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. - \$47,098
- Finance – Recognize reserved funds from FY 2020 for Register of Deeds. 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. - \$76,167
- Finance – Recognize reserved funds from FY 2020 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. - \$253,260
- Finance – Recognize reserved funds from FY 2020 for Parks and Recreation. 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. \$22,091
- Finance – Budget COVID-19 revenue and expenditures for the Airport. - \$69,000

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

## **9. CONSIDER APPROVAL OF BOARD APPOINTMENTS**

### **LOCAL EMERGENCY PLANNING COMMITTEE**

Allen Cress, Interim Emergency Services Chief, applied to the vacant Public Safety seat. There are no term limits for this Committee.

Commissioner Pierce moved, Commissioner Klusman seconded and the vote to appoint Mr. Cress as requested passed unanimously.

### **INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY**

Bradford Basinger applied for a vacant at-large seat and if appointed, the term would expire July 31, 2025.

Commissioner Pierce moved, Commissioner Caskey seconded and the vote to appoint Mr. Basinger passed unanimously.

### **NURSING HOME ADVISORY COMMITTEE**

Lena Sellers-Crook applied for reappointment; however, she has fulfilled the term limitations established by the Board of Commissioners.

Due to the difficulty of finding volunteers for this Committee, the Board is asked to consider waiving the term limits and to reappoint Ms. Sellers-Crook for a three-year term that will expire February 28, 2023.

Commissioner Pierce moved to waive the term limits as established by the Board of Commissioners. The motion was seconded by Commissioner Caskey and carried unanimously.

Commissioner Pierce moved, Commissioner Caskey seconded and the vote to reappoint Ms. Sellers-Crook passed unanimously.

### **ROWAN COUNTY RESCUE SQUAD**

For record-keeping purposes, the Board was asked to make two (2) appointments to the Rowan County Rescue Squad.

#### ***1. Vacant Seat for Emergency Services Chief***

Allen Cress was previously appointed to fill the seat on the Rowan County Rescue Squad as the Telecommunications Chief.

Mr. Cress has since been selected by the County Manager to serve as the Interim Emergency Services Chief. The Commissioners are asked to appoint Mr. Cress to the Rescue Squad's currently vacant seat of Emergency Services Chief in order for the Rescue Squad to maintain full membership. There are no term ending dates for this appointment.

**2. Telecommunications Chief**

Lonnie Owens was selected to serve as the Interim Telecommunications Chief. The Board is asked appoint Mr. Owens to the Rescue Squad to fill the seat for the Telecommunications Chief (previously held by Allen Cress). There are no term ending dates for this appointment.

Commissioner Greene moved, Commissioner Caskey seconded and the vote to appoint Mr. Cress and Mr. Owens as requested passed unanimously.

**10. RECESS**

Chairman Edds recessed the meeting at 3:55 p.m. and announced the Board would reconvene the following day at 4:00 p.m. on October 6, 2020.

**RECONVENE**

Chairman Edds reconvened the meeting virtually on October 6, 2020 at 4:05 p.m. Commissioners Greene, Caskey, Klusman and Pierce were participating. County Manager Aaron Church, Clerk to the Board Carolyn Barger, County Attorney Jay Dees, Assistant County Manager/CIO Randy Cress and Finance Director James Howden were also participating remotely.

In response to an inquiry from Chairman Edds, Clerk to the Board Carolyn Barger confirmed no additional comments had been received in the last 24-hour period regarding the Solar Energy System Moratorium. Chairman Edds then opened the floor to any callers who might wish to comment on the matter. There were no citizens wishing to speak.

Commissioner Pierce moved to extend the solar moratorium for an additional six (6) months, terminating on April 5, 2021 as specified in the ordinance. The motion was seconded by Commissioner Caskey and passed unanimously.

Commissioner Pierce moved to adjourn at 4:08 p.m. The motion was followed by a second from Commissioner Klusman and carried unanimously.

Respectfully Submitted,



Carolyn Barger, MMC, NCMCC  
Clerk to the Board