

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 1, 2021 – 3:00 PM

J. NEWTON COHEN, SR. ROOM
J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

Present: Greg Edds, Chairman
Mike Caskey, Member
Craig Pierce, Member
Judy Klusman, Member

Participating Remotely: Jim Greene, Vice-Chairman

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.

CONSIDER ADDITIONS TO THE AGENDA

- Chairman Edds added a request from the Economic Development Commission to schedule a public hearing for March 15, 2021 for Project ACDC. The matter was placed on the Consent Agenda as item N.
- Chairman Edds added a Resolution in Support of Aviation Grant for Aviation Stem Training to the agenda as item #2b.
- Chairman Edds added an update regarding the Northeast Water System to the agenda as item #2c

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Klusman moved, Commissioner Pierce seconded and the vote to approve the minutes of the February 15, 2021 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. Moratorium on Rental of Events Center at West End Plaza
- B. Tax Refunds for Approval
- C. Medicaid Transformation – Rowan Transit System
- D. Proposed Revision: 6.2 Vacation Time
- E. Schedule Public Hearing: HOME Funding Action Plan for 2021-22
- F. Grant Administrator - Eastern Wholesale Fence
- G. Request for Proposals - Cybersecurity Assessment
- H. Request Permission to Apply for SCAAP Reimbursement
- I. BOE HAVA Funding and BA
- J. Rowan County 4H Grants
- K. Change Order for Concession/Office Building at Dan Nicholas Park
- L. Authorization for Chairman to Sign Letter for Pooletown VFD Financing
- M. Amended Contract for Chaplain Services
- N. Request from the Economic Development Commission to schedule a public hearing for March 15, 2021 for Project ACDC (addition to the Consent Agenda)

2. SPECIAL RECOGNITION - PROCLAMATION – 19TH ANNUAL MARCH FOR MEALS MONTH

Chairman Edds said the month of March was known as March for Meals Month and he asked the Board to join him in front of the dais with Meals on Wheels staff.

Chairman Edds read a Proclamation for March for Meals Month as follows:

WHEREAS, on March 22, 1972, President Richard Nixon signed into law a measure that amended the Older Americans Act of 1965 and established a national nutrition program for seniors 60 years and older; and

WHEREAS, Meals on Wheels America established the March for Meals campaign in March 2002 to recognize the historic month, the importance of the Older Americans Act Nutrition Programs, both congregate and home-delivered, and raise awareness about the escalating problem of senior hunger in America; and

WHEREAS, the 2021 observance of March for Meals celebrates 19 years of providing an opportunity to support Meals on Wheels programs that deliver vital and critical services by donating, volunteering and raising awareness about senior hunger and isolation; and

WHEREAS, Meals on Wheels Rowan in Rowan County, North Carolina has served our community admirably for 45 years; and

WHEREAS, volunteers for Meals on Wheels Rowan are the backbone of the program and they not only deliver nutritious meals to homebound seniors and disabled citizens who are at significant risk of hunger and isolation, but also caring concern and attention to their welfare; and

WHEREAS, Meals on Wheels Rowan provides nutritious meals to seniors and disabled citizens throughout Rowan County that help them maintain their health and independence, thereby preventing unnecessary falls, hospitalizations and/or premature institutionalization; and

WHEREAS, Meals on Wheels Rowan provides a powerful opportunity for social connection for hundreds of seniors in Rowan County to help combat the negative health effects and economic consequences of loneliness and isolation; and

WHEREAS, Meals on Wheels Rowan and its dedicated volunteers deserve recognition for the heroic contributions and essential services they have provided amid the COVID-19 Pandemic and will continue to provide to seniors and disabled citizens in Rowan County long after the Pandemic is over.

NOW, THEREFORE, the Rowan County Board of Commissioners proclaims March 2021 as the 19th Annual March for Meals Month and urges every citizen to take this month to honor our Meals on Wheels programs, the seniors they serve and the volunteers who care for them. Our recognition of, and involvement in, the national 2021 March for Meals can enrich our entire community and help combat senior hunger and isolation in America.

The reading of the Proclamation and was followed by a round of applause.

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

ADDITION

2b. RESOLUTION IN SUPPORT OF AVIATION GRANT FOR AVIATION STEM TRAINING

Chairman Edds said there was a group, including the Rowan-Salisbury School System, working on an aviation grant to offer an Aviation Stem Program in hopes of getting kids interested in aviation. Chairman Edds said the Resolution before the Board was in support of the grant opportunity.

Chairman Edds read the Resolution as follows:

WHEREAS, Rowan County believes that aviation is an important contributor to our national, state, and local economies; and

WHEREAS, in the very near future, the aviation industry will experience a significant shortage of pilots and aviation maintenance professionals; and

WHEREAS, the aviation industry provides wonderful opportunities for employment, pays good wages and benefits, and offers its employees a significant opportunity for professional and personal development; and

WHEREAS, Rowan County's economy and citizens benefit greatly from the presence of Mid-Carolina Regional Airport, which contributed \$147.97 million to Rowan County's economy in 2019, supports 850 jobs, generated \$43.24 million in personal income and \$5.15 million in state in local taxes; and

WHEREAS, Rowan-Salisbury School System's (RSSS) Career and Technical Education (CTE) programming offers training to our students in high-demand employment fields to help provide skills necessary to find relevant, competitive job opportunities after graduation.

WHEREAS, Rowan County Commissioners fully supports RSSS leadership as they work to bring Aviation Stem training to our CTE programming.

NOW THEREFORE BE IT RESOLVED, the Rowan County Board of Commissioners does fully support applying for an Aviation Grant to the Federal Aviation Administration to help bring Aviation Stem Training to the students of the Rowan-Salisbury School System.

Chairman Edds moved, Commissioner Pierce seconded and the vote to approve the Resolution as presented passed unanimously.

2c. WATER UPDATE

Chairman Edds referenced the Dukeville area and announced that water test kits had been delivered to all homes connected to the Northeast Water System (NEWS). Chairman Edds said the County was striving to obtain 100% testing and he encouraged NEWS customers to send in their water samples. The testing would assist the County in determining how many homes had lead/copper in their private homes and for which the County could get the water treated. Chairman Edds said the County genuinely wanted to provide for the health and wellbeing of the citizens in the Dukeville area.

3. PUBLIC COMMENT PERIOD

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

- Kia Whittlesey of the Community Fusion Coalition (CFC) spoke in support of more diversity when considering applicants to the County's advisory boards.

Chairman Edds took the opportunity to explain to Ms. Whittlesey that the Board of Commissioners typically consider board appointments during the first meeting of each month. Chairman Edds announced that the County had approximately forty (40) vacancies on the County's many boards and now was the perfect time for folks to get involved. Chairman Edds encouraged citizens to go to the County's website and review the boards and the description of each board to find a board of interest. Chairman Edds also suggested interested applicants contact and lobby Commissioners for consideration, as well. Chairman Edds said it was a good time to put into effect the issues Ms. Whittlesey had mentioned. Chairman Edds said the first Monday of each month the Board talked about the vacancies and begged people to get involved in local government.

In closing, Chairman Edds thanked Ms. Whittlesey for joining the Board and again said it was a great opportunity to help get the vacant seats on the advisory boards filled. With no one else coming forward, Chairman Edds closed the Public Comment Period.

4. QUASI-JUDICIAL HEARING; CUP 01-21

Chairman Edds read the Chairman's Speech (Exhibit A) and declared the public hearing for CUP 01-21 to be in session. Chairman Edds said the hearing would focus on an application submitted by Tammy Baucom to construct a residential storage facility on Tax Parcel 644 104 located in Pleasant Cove.

Carolyn Barger, Clerk to the Board, swore in those wishing to provide testimony in the case.

Aaron Poplin, Planner, Rowan County Planning Department, presented the Staff Report (Exhibit B) and also provided a power point (Exhibit C) as he discussed the request. Mr. Poplin said Ms. Baucom was requesting a conditional use permit (CUP) to accommodate a 960 square foot residential storage facility for her boat and other personal property.

Using the power point (Exhibit C), Mr. Poplin showed the site in question, as well as the surrounding area. Mr. Poplin also reviewed the conditional use requirements and evaluation criteria contained in the Staff Report (Exhibit B).

Procedurally, Mr. Poplin reported the Board must adopt facts supporting the below findings based on the criteria in the Staff Report (B):

1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety;
2. That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity; and
3. 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.

Mr. Poplin provided a handout of example Findings of Fact (Exhibit D) for the Board.

Chairman Edds opened the floor to hear from those who had been sworn to provide testimony in the case.

- George Baucom, husband of the applicant, discussed a permitting issue that had occurred.

Commissioner Pierce asked if anyone had objected to the building and Mr. Baucom said no. Mr. Baucom's neighbor, John Barber, stepped forward and described the building that was put up as nice. Mr. Barber said he was in attendance to support the request.

With no one else coming forward or having phoned in to speak, Chairman Edds closed the public hearing.

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

FACT: This request complies with all eight (8) specific requirements identified in section 21-60 (10) for residential storage facilities.

FACT: The proposed structure is subject to compliance with applicable building code standards.

The motion was seconded by Commissioner Klusman 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, and;

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

The motion was seconded by Commissioner Klusman and passed unanimously.

Commissioner 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: The proposed building is made of materials similar to other storage buildings in Pleasant Cove.

The motion was seconded by Commissioner Klusman and passed unanimously.

Commissioner Klusman moved, Commissioner Pierce seconded and the vote to approve CUP 01-21 carried unanimously.

5. PUBLIC HEARING FOR MAJORITY ROAD NAME PETITION FOR MARCH 1 2021

Aaron Poplin, Planner, Rowan County Planning Department, reported that Sara Wells submitted a road name petition to name an un-named road located at the 750 block of Coley Road. Since the petition was not unanimous, a public hearing was required for the road naming. The proposed name was Pop Eller Drive.

Chairman Edds opened the public hearing to receive citizen input regarding the proposed road name of Pop Eller Drive. The following individuals came forward to address the Board:

- Andy Eller spoke in support of the request, which would name the road after his great-grandfather who was born in 1888.

With no one else coming forward and no one having phone in to speak, Chairman Edds closed the public hearing.

Commissioner Pierce moved to approve the road name of Pop Eller Drive. The motion was seconded by Commissioner Klusman and passed unanimously.

6. PUBLIC HEARING FOR PDS 01-14 AMENDMENT AND SURETY BOND ACCEPTANCE; ROWAN SUMMIT

Assistant Planning Director Shane Stewart reported that Rowan Summit, LLC was requesting a second amendment to their Planned Development Subdivision (PDS 01014) identified as the Rowan Summit Shopping Center located at the corner of Julian Road and Summit Park Drive in the Summit Corporate Center (SCC).

Mr. Stewart highlighted the background for the plans and/or amendments that had been approved since 2014.

If PDS 01-14 was approved, Mr. Stewart said Rowan Summit was requesting acceptance of a performance guarantee in the form of a bond in lieu of installing the required improvements prior to recording the final plat as per section 22-57(c) of the Subdivision Ordinance. Berry Engineers provided a cost estimate in the amount of \$109,038, which included the ordinance required 25% contingency, to complete the required private road extension, sidewalks, waterline, and miscellaneous work for Lot 6. Mr. Stewart said changes were made to the original estimate at the request of staff and the second cost estimate appeared reasonable as best as staff could discern. A draft bond was submitted indicating a completion date of December 31, 2021. If accepted, the final bond would be reviewed by the County Attorney for completeness prior to approving the final plat.

Mr. Stewart reviewed the PDS criteria contained in the staff report.

The Subdivision Review Committee recommended approval subject to:

1. Extend waterline and road to Lot 6
2. Provide vehicular access around building on Lot 6 or sprinkle.

The Planning Board voted unanimously to recommend approval as requested at its January 25, 2021 meeting and, after receiving no public comments thereafter, on January 28, 2021.

Staff does not have any concerns with the PDS request. As with any cost estimate, staff is not equipped to properly evaluate the values provided but from conversations with other departments, the figures seem reasonable. Staff would assume the required improvements would be constructed in conjunction with development of the adjacent restaurant development slated to begin in March of this year.

Chairman Edds opened the public hearing to receive citizen comment and with no one coming forward or having phoned in to speak, Chairman Edds closed the public hearing.

Commissioner Klusman moved, Commissioner Caskey seconded and the vote to approve PDS 01-14 with the conditions as outlined (above) carried unanimously.

Commissioner Pierce moved to approve the surety bond. The motion was seconded by Commissioner Klusman and passed unanimously.

7. CONSIDER SNIA 01-21; CARRIE BROWN

Assistant Planning Director Shane Stewart reported Planning Staff had received a Special Non-Residential Intensity Allocation (SNIA) request from Carrie and Kabin Brown to construct a 1,600 square foot building to operate a home décor retail sales business at 6931 W. NC 152 Highway, Mooresville further referenced as Parcel ID 233-062. The Browns currently reside on an adjacent parcel owned by Mr. Brown's mother, Cathy Brown Irvin, at 6925 W. NC 152 Highway (233-064) but planned on constructing a new home behind the business in 2-5 years. Either of the above arrangements would comply with the rural home occupation standards in the zoning ordinance.

Approving this request would allow the project to exceed the administrative allowance of 12% built-upon area (e.g. buildings, pavement, gravel) limitation requirement of the Coddle Creek watershed and allow up to seventy (70) percent built-upon area for the project. A total of 10% of the watershed acres may be removed from the 12% limitation and permit up to 70% built upon area.

Commissioner Klusman questioned the berm and Ms. Brown responded the berm was to provide privacy.

Commissioner Klusman asked if Ms. Brown planned on paving the drive and the response was no.

Commissioner Pierce moved approval of SNIA 01-21. The motion was followed by a second from Commissioner Caskey and passed unanimously.

8. CONSIDER SNIA 02-21: MATT ERICH

Assistant Planning Director Shane Stewart presented the request from for a Special Non-residential Intensity Allocation (SNIA) 02-21. The request was from Matt Erich to construct two (2) 12,000 square feet "personal storage" buildings at the 700 block of Performance Road, further referenced as Tax Parcel 239-086. Mr. Erich indicated he initially planned to construct one (1) building to be used exclusively for storage of his personal vehicles and equipment but will construct a second building in the future. Staff discussed with Mr. Erich the need to coordinate with both Rowan County Environmental Health and Building Inspections regarding the details of the proposed design in relation to any future change of use/occupancy. According to Mr. Stewart, Mr. Erich had been in conversation with the North Carolina Department of Environmental Quality regarding the intermittent stream

crossing and was subject to compliance with the US Army Corps of Engineers permitting requirements.

Approving this request would allow the project to exceed the administrative allowance of 12% built-upon area (e.g. buildings, pavement, gravel) limitation requirement of the Coddle Creek watershed and allow up to seventy (70) percent built-upon area for the project. A total of 10% of the watershed acres may be removed from the 12% limitation and permit up to 70% built upon area.

In response to an inquiry from Commissioner Klusman, Mr. Stewart confirmed the parking lot would be non-pervious in the future. Commissioner Klusman asked if the owner would consider keeping as much of the property as impervious as possible. The owner who was participating via Zoom agreed.

Commissioner Klusman moved approval of SNIA 02-21 request with a condition that both parking lots be pervious materials. The motion was followed by a second from Commissioner Caskey and passed unanimously.

9. ZTA 02-19 SOLAR ENERGY SYSTEMS AND MISCELLANEOUS TEXT AMENDMENTS

Planning Director Ed Muire provided a power point as he explained that Rowan County was exercising a moratorium in its planning jurisdiction on the submittal of applications for creation or expansion of ground mounted solar energy systems greater than 6,000 square feet. The moratorium was set to expire on April 5, 2021.

Mr. Muire reviewed the current ordinance criteria (adopted in 2013), as well as the proposed terminology changes and the proposed text amendments.

Using the power point, the proposed standards for solar energy systems were highlighted as follows:

Residential Solar Energy System

- Proposed as an accessory use subject to Special Requirements (SR) in all zoning districts except the Economic Development (ED) districts
- Special Requirements (SR) include:
 - Up to the lesser of 6,000 sq ft or 10% of the lot size
 - Setbacks for panels 0-4000 sq ft are 30' Front / 10' side & rear
 - Setbacks for panels 4001 – 6000 sq ft are 30' front / 40' side & rear
 - Screening and Buffering - No applicable standards
 - Review and Approval Process is Administrative

Non-Residential Solar Energy System

- Proposed to be allowed subject to Special Requirements (SR) in the Economic Development (ED) districts and RA / CBI / INST / IND
- Special Requirements (SR) include:
 - No minimum panel size but a system >6000 sq ft must be certified by a PE that system does not exceed 1 megawatt (MW) and primarily serves to provide or off-set power to non-residential use on site

- Setbacks – 50’ from adjoining property lines and R/W and 100’ from an existing residence, church or school
- Airport Zoning Overlay (AZO) – Location within the horizontal or conical surface is not allowed
- Fencing – Security fencing six foot (6’) in height installed at system area
- Screening and Buffering - Current standard stipulates that if the panel is >200’ from a structure on adjoining tract, then screening doesn’t apply. Screening from a structure on the same parcel does not apply.
- Review and Approval Process is Administrative

Roof Mounted Solar Energy System

- Proposed to be allowed subject to Special Requirements (SR) in all zoning districts and the Economic Development (ED) districts
- Special Requirements (SR) include:
 - Airport Zoning Overlay (AZO) – Location within the horizontal or conical surface is not allowed
- Review and Approval Process is Administrative

Utility Scale Solar Energy System – Conditional Use

Proposed for consideration as a Conditional Use in the Industrial (IND) district subject to specific criteria which include:

- Setbacks – 100’ from property lines and R/W; internal setbacks for panels and equipment along common property lines may be reduced to 25’
- Equipment Setbacks – 300’ from an existing residence, church or school
- Airport Zoning Overlay (AZO) – Location within the horizontal or conical surface is not allowed
- Size – maximum system area is fifty (50) acres
- Screening and Buffering – Applicable to segment of system area when w/in 300’ of residence, church or school
- Glare – panels should be constructed of anti-reflective coating
- Supplementary Materials – submitted / received from NCUC ; confirmation from utility provider for interconnection; certificate from NCUC
- Decommissioning Plan – Documentation and financial surety required
- Emergency Access Plan – Review and submitted to ES Director / Fire Marshal / Fire Dept
- Process for Consideration is Quasi-Judicial

Utility Scale Solar Energy System - Decommissioning Requirements

Applicable to both Conditional Use Permits and Conditional District Rezoning and include:

- Plan that includes a cost estimate prepared by an NC Professional Engineer detailing how the solar energy system will be removed and system area will be reasonably restored to its original condition in the event it does not produce energy for a three hundred sixty (360) day continuous basis.
- Prior to permitting, the applicant shall provide Rowan County financial surety at 1.25 times the cost estimate amount. Renewable bonds are expected to provide updated estimates and reflect changes due to labor costs, demolition practices, etc.
- The system owner / operator may request an extension of the 360 day period to prevent execution of the Decommissioning Plan. The request shall be considered in the same manner as approval was granted.

Other changes were presented as:

Dumps, Garbage, Landfills, Refuse Systems, Rubbish, Sludge Disposal and Land Clearing and Inert Debris Landfill (LCID)

- Proposed to be “moved” from a conditional use process in the RA district to a conditional district process. Remains as a conditional use in the IND district.

Motor Vehicle parts (outdoor), used in the RA district

- Proposed to be “moved” from a conditional use process in the RA district to a conditional district process. Remains as a conditional use in the IND district.

Zoological Gardens

- Proposed to be “moved” from a conditional use process in the RA district to a conditional district process. Remains as a conditional use in the CBI district, but eliminate as a CUP in the INST district.

Proposed Screening Standards

Screening shall be required along the side and rear property boundaries of the zoning lot.

(2) *Type B.*

a. Buffer: Eighty (80) feet.

b. Screening shall consist of:

1. A row of trees, **composed of a mixture of deciduous and evergreen species**; forty (40) percent of which **shall be** large maturing trees. **All species used shall be between four (4) and six (6) feet tall** at the time of planting; **and in combination with 2 and 3 of this subsection, creates a visual separation. The design shall be submitted for review and installed by a certified member of the NC Landscape Contractors Licensing Board.**
2. An opaque fence located within the required buffer; such fence shall be a minimum height of six (6) feet; and
3. Lawn, low-growing evergreen shrubs or broadleaf evergreens, evergreen ground cover, or rock mulch covering the balance of the buffer.

The Board members discussed the topic at length and offered suggestions to be considered, as well. The Board continued the discussion and took action at the conclusion of the next agenda item.

10. ZTA 02-19 LAND USE PLANS RECOMMENDATIONS

Planning Director Ed Muire presented the staff report. Based on the information contained in the agenda packet, the recommendations were intended as an amendment to the East, West and South I-85 Corridor Land Use Plans for siting utility scale solar energy systems. The general recommendations would apply countywide, the East, West and South I-85 Corridor would apply within their respective areas.

Using a power point, Mr. Muire highlighted the following information:

Solar Energy System Land Use Plan Recommendations

Due to the recent advent of solar energy systems as a significant presence in its landscape, Rowan County has taken steps to update its zoning ordinance with standards designed to encourage the use of solar for supplementing residential and commercial power generation along with minimum criteria to ensure utility scale systems are not a dominant land use featured in rural areas.

The County recognizes the site characteristics of a utility scale system will differ based on a variety of factors and has established the following policies for guidance when selecting a location and for consideration by the Planning Board or Board of Commissioners when evaluating an application.

No single "not preferred" policy herein should be viewed as the de facto criteria for denying an application, rather the policy standard may be mitigated thru conditional district negotiations, e.g. increased setbacks, buffering or screening, etc. However, multiple "not preferred" or "discouraged" policies strongly suggest the "orderly planned use of land resources" principle found in Section 21-2 of the Rowan County Zoning Ordinance has not been satisfied.

General Recommendations

- Areas currently served by water or sewer infrastructure are not preferred locations
- Existing Industrial (IND) and Economic Development (ED) zoning districts, or sites / properties listed with the Rowan County Economic Development Commission, are not preferred locations
- Encouraged in areas with low to moderate residential population densities in combination with buffers and screening
- Locations or areas of a site with topography such that screening / visual separation cannot be achieved from adjoining properties or roadways within a three (3) year time frame should be avoided
- Sites that will occupy prime soils or displace active farming operations are not preferred, but if approved should incorporate native plants or grasses as groundcover and include pollinator friendly vegetation
- Panel locations within the Special Flood Hazard Areas (SFHA) or placement of fill within these areas of a site is discouraged
- Sites having identified poor soils or building / septic constraints are generally encouraged for selection

- Sites within the viewshed of a public park, National Register listed historic property or Rowan County landmark are not preferred
- Utility scale solar energy systems locating within one (1) mile of another utility scale solar energy system is discouraged
- A maximum system acreage of 50 acres is preferred, but may be increased based on the site's ability to meet all other recommendations contained herein

Areas West of I-85

- Due to residential densities and proximity to municipalities, Area 2 is not a preferred location
- Based on existing infrastructure, e.g. transportation, water, and rail access, location within the US 29 and Hwy 70 corridor overlay are discouraged
- Locations that minimize visual impacts to the NC Scenic Byway Corridor are preferred

Areas East of I-85

- Site locations along the US 29 and I-85 highway corridors are discouraged
- Site locations along the East NC 152 and US 52 highway corridors are not preferred
- Sites in proximity to High Rock Lake located in Area 2 are not preferred I-85 South Corridor

I-85 South Corridor

- Sites within the identified and targeted growth nodes depicted in Figure 23 are discouraged

The Planning Board provided the following **Statement of Consistency**:

ZTA 02-19 is appropriate and necessary to meet the development needs of Rowan County for the following reasons not previously envisioned by the East and West Land Use Plans. Furthermore, the adoption of ZTA 02-19 is an amendment to the East and West Land Use Plans and is reasonable and in the public interest based on the following:

- This allows the conditional district rezoning with the addition of supplementary materials;
- Allows for solar energy growth while better categorizing system sizes and uses and encourages solar energy growth in the most appropriate land use areas;
- It provides reasonable standards for screening, setbacks and buffering to minimize negative impacts on adjacent properties and requires financial responsibility for operations and decommissioning of the installed utility scale system; and,
- Requires conditional district zoning within the CBI and RA zones and provides a list of recommendations of preferred and discouraged locations and sizes that will be used to review the utility scale systems located within the CBI and RA districts.

Mr. Muire said the Board had been provided with a lot of information and the Commissioners could schedule a public hearing for March 15, 2021, or, defer the information back to the Planning Board. Mr. Muire noted the Board could also hold the public hearing on March 15, 2021 and delay its decision; however, he cautioned that any substantial changes should be sent back to the Planning Board.

County Attorney Jay Dees suggested the Board schedule the public hearing for ZTA 02-19 for March 15, 2021 and defer a vote to April 5, 2021.

After further discussion, Commissioner Pierce moved to schedule the public hearing for March 15, 2021. The motion was seconded by Commissioner Klusman.

Chairman Edds expressed appreciation on behalf of the Board to Mr. Muire, Assistant Planning Director Shane Stewart, Planner Aaron Poplin and the Planning Board for their hard work on such a long project.

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

11. UPDATE REGARDING PROPOSED TEXT AMENDMENTS TO ROWAN COUNTY ORDINANCE CHAPTER 5 SECTION 5-46

(Note: During regular session on January 19, 2021 the Board of Commissioners held a public hearing to consider proposed amendments to the Animal Control ordinances. The Commissioners tabled a decision to the current meeting. The proposed text was the result of an issue with a neighbor who fed large animal carcasses to his dogs within a neighborhood; the current ordinance did not address this type of activity).

County Attorney Jay Dees updated the Board regarding public nuisance abatement for the property located at 175 Beck Road. Mr. Dees reported that three (3) departments had conducted site inspections. Environmental Management Code Enforcement issued a citation for trash with a fourteen (14) day time period to clean up. Mr. Dees said Animal Control had found the site did meet the minimum standards for the owner's animals.

According to Mr. Dees, he, along with Bob Pendergrass (Animal Services Director, Adrian Pruett (Environmental Health Supervisor), and County Manager Aaron Church performed a site visit. Mr. Dees continued by saying he and Mr. Pruett had reviewed health code regulations that might apply to the situation. Mr. Dees said he had determined the practice of regularly feeding animal parts in a densely populated residential area was a public health nuisance.

As of today, a notice of violation had been issued in accordance with the applicable health codes. Mr. Dees discussed the hearing process, etc. that would ensue. Mr. Dees described the number of vultures on the site as startling and he added that a vulture effigy had been ordered to help with the problem. Mr. Dees said the notice of violation included the fact the County expected the resident to abate the issue and to cease and desist feeding his dogs animal parts.

Commissioner Pierce expressed frustration with the expense of staff time involved in the process. Commissioner Pierce said the County could stop the process now if the Board would adopt the proposed ordinance language. Commissioner Pierce said the County could take the dogs from the owner if the owner did not abide by the ordinance.

Chairman Edds asked if the County would still have to go through the hearing process, etc. if the County had a statute in place. Mr. Dees responded depending on the statute, that typically with any enforcement mechanism there is a timeline for issuance of the notice of violation, the administrative hearing, and actual formal enforcement.

Chairman Edds asked if there was a need for any action in the current meeting. Mr. Dees said the best steps were to keep everyone abreast of the steps the County had been taken.

Chairman Edds mentioned the March 15, 2021 Board of Commissioners meeting and said there should be some timelines met. Chairman Edds asked the County Manager and Mr.

Dees to create communication to the neighbors since the Board had assured those neighbors the County would be taking steps to rectify the situation.

12. ENVIRONMENTAL HEALTH BI-WEEKLY UPDATE

Chairman Edds welcomed Alyssa Harris, recently appointed Interim Health Director and expressed appreciation for her work during this time of the Pandemic.

Adrian Pruett, Environmental Health Supervisor, provided a bi-weekly update regarding the inspections for the department between February 8, 2021 through February 19, 2021. Mr. Pruett said the tremendous amount of rain had thrown the department behind approximately 4 weeks.

Following the report, the Board agreed that going forward Mr. Pruett would only need to provide a written report to the Commissioners in a simplified one-page method that included (but not limited to) the number of permits, inspections and the backlog information.

Chairman Edds said at some point he would like to meet with Ms. Harris and Mr. Pruett to talk about their goals for the County.

13. LITTER REPORT

Chairman Edds read the litter report in the agenda packet and stated Rowan County staff removed more than 8,990 lbs. of roadside debris and litter during the two-week period beginning Monday, February 8th through Friday, February 19, 2021.

14. CONSIDER APPROVAL OF BUDGET AMENDMENTS

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

- Social Services – The County received funding for foster care caseworker visits to promote safe and stable families. Social Services also reverted Crisis Intervention Payments funds to use among other counties. The budget amendment was to increase and decrease the budgeted amounts in the expenditure and revenue lines associated with the funding. There was no county money required. \$35,224
- Sheriff – Recognize expected excess revenue in account for pistol permits and budget to expense account for part-time. \$27,000
- Sheriff - – Recognize expected excess revenue based on the first seven (7) months of the fiscal year and budget to the expense accounts to cover costs associated with the permit process. \$75,000
- Health Department – Move funds in the Healthy Rowan Grant to cover purchase of laptops, training and to cover salaries for two (2) contracted employees for the remainder of the fiscal year. \$33,763

- Animal Services – To reflect the need for additional funds in the Shelter R&M Building account. These funds are needed to replace old, rusted fencing in our dog kennels per state inspector.

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

15. CONSIDER APPROVAL OF BOARD APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Sue Weddington applied for reappointment. If approved, the term would expire December 31, 2023.

Commissioner Pierce moved, Commissioner Klusman seconded and the vote to reappoint Sue Weddington passed unanimously.

HOME AND COMMUNITY CARE BLOCK GRANT ADVISORY COMMITTEE

Funded providers serve on this Committee during the year in which they are funded. Micah Ennis was recently appointed as the Director for the Board of Social Services. The Commissioners are asked to officially appoint Ms. Ennis for the remainder of this year's funding cycle, which ends June 30, 2021.

Commissioner Klusman moved, Commissioner Pierce seconded and the vote to appoint Ms. Ennis passed unanimously.

JUVENILE CRIME PREVENTION COUNCIL

Jeremy Jacobs applied to fill a vacant General Public seat. If approved the term would expire on June 30, 2022.

Commissioner Pierce moved, Commissioner Klusman seconded and the vote to appoint Mr. Jacobs passed unanimously.

SCOTCH-IRISH VOLUNTEER FIRE DEPARTMENT FIRE COMMISSIONERS

Jason Boger and Mark Menius applied for reappointment. If approved their terms would expire March 31, 2023.

Steve Simpson applied to fill a vacant seat and if approved, his term would expire March 31, 2023.

Commissioner Pierce moved the reappointment of Mr. Boger and Mr. Menius and the appointment of Mr. Simpson. The motion was seconded by Commissioner Klusman and carried unanimously.

THERAPEUTIC RECREATION BOARD

There are currently two (2) vacancies on this Board and two (2) applications have been received.

The first application is from Sheila Sapp and if approved, her term would expire July 31, 2023.

Commissioner Klusman moved the appointment of Ms. Sapp followed by a second from Commissioner Pierce. The motion carried unanimously.

Amanda Grieshaber applied for the other vacancy; however, Amanda resides in Iredell County. The Commissioners have a Resolution that requires appointees to reside in Rowan County.

Edward Hailey, Therapeutic Recreation Supervisor, noted that Amanda is a Recreational Therapist and the Therapeutic Recreation Director for Catawba College's degree program. Due to the difficulty of finding volunteers, Edward requests the Board waive the residency requirement and consider appointing Amanda for a term that would expire May 31, 2023.

Commissioner Klusman moved to waive the residency requirement and to appoint Ms. Grieshaber. The motion was seconded by Commissioner Pierce and passed unanimously.

TOWN OF FAITH PLANNING BOARD - ETJ

Mary Morales applied for reappointment and if approved, the term would expire February 28, 2023.

Commissioner Klusman moved, Commissioner Caskey seconded and the vote to reappoint Ms. Morales carried unanimously.

16. CLOSED SESSION

Commissioner Pierce moved at 6:09 p.m. for the Board to enter into Closed Session in accordance with North Carolina General Statute 143-318.11(a)(1) to consider approval of the minutes of the Closed Sessions held on June 15, 2020, July 13, 2020, July 21, 2020, August 3, 2020 and January 19, 2021; and North Carolina General Statute 143-318.11(a)(3) for attorney-client privileged communication to discuss insurance coverage, risk liability and cost-sharing with the State for Health Sanitarian Claims. The motion was seconded by Commissioner Klusman and passed unanimously.

The Board returned to Open Session at 6:25 p.m. on a motion by Commissioner Pierce followed by a second from Commissioner Klusman. The motion passed unanimously. No action was taken.

17. ADJOURNMENT

There being no further business to come before the Board, Commissioner Klusman moved to adjourn at 6:25 p.m. The motion was seconded by Commissioner Greene and passed unanimously.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Carolyn Barger".

Carolyn Barger, MMC, NCMCC
Clerk to the Board