

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 15, 2021 – 6:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

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

County Manager Aaron Church, Clerk to the Board Carolyn Barger, Assistant County Manager/CIO Randy Cress and Finance Director James Howden were also present and/or participating remotely. County Attorney Jay Dees was absent but joined the meeting remotely during Closed Session.

Chairman Edds convened the meeting at 6:00 p.m.

Chaplain Michael Taylor provided the Invocation.

Chairman Edds led the Pledge of Allegiance.

CONSIDER ADDITIONS TO THE AGENDA

There were no additions to the agenda.

CONSIDER DELETIONS FROM THE AGENDA

Chairman Edds removed Item N from the Consent Agenda (Atrium Health Data Exchange Resolution).

Commissioner Pierce explained the item was being removed from the agenda in order to provide Atrium Health with time to accommodate what the County needed to help service the County's citizens with emergency services. Commissioner Pierce added that within thirty (30) days if there was no compliance the matter would "run again".

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 Greene moved, Commissioner Pierce seconded and the vote to approve the minutes of the March 1, 2021 Commission Meeting passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

The Consent Agenda consisted of the following:

- A. Rowan County Health Department - Vaccine Distribution Plan
- B. Rowan County Health Department - Health Education Program Manager Position
- C. Eastern Fence Request
- D. Ratify PDS 01-14 Amendment: Rowan Summit
- E. Rowan County Health Department - Environmental Health Report
- F. Woodleaf Park Master Plan
- G. Tax Refunds for Approval
- H. Ratify New Road Name Pop Eller Dr
- I. Schedule Public Hearing for Z 01-21 for April 5, 2021
- J. Surplus Vehicle
- K. EMPG Grant Application Update
- L. Employee Health Insurance
- M. Proclamation - April 2021 North Carolina 811 Safe Digging Month
- N. Atrium Health Data Exchange Resolution (this item was deleted from the Consent Agenda)
- O. FY20 EMPG Agreement Amendment
- P. County Manager Professional Development

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, Chairman Edds closed the Public Comment Period.

3. PUBLIC HEARING & SUMMARY PRESENTATION – EDC “PROJECT ACDC”

Scott Shelton, Vice President of the Economic Development Commission (EDC), presented the summary for the proposed expansion of Project ACDC (Project) in Rowan County. The company behind the Project was an advanced manufacturer that employed a large number of people in the community. The owners were evaluating its existing locations for the placement of an expansion that would allow them to meet the increasing demand for their product. The expansion would create 75 new jobs over the next two (2) years and the company would invest approximately \$28 million into the chosen location through improvements to the existing facility and major equipment upgrades. The improvements would be completed by the end of 2022.

Mr. Shelton highlighted the requested assistance for a Level 1 Grant under the County's Investment Grant Program and also the projected outcomes:

- During the five incentivized years, Rowan County would collect \$814,906 in revenue and provide incentive grants totaling \$611,180. The County would retain \$203,726 of revenue during this five-year period.
- During the five non-incentivized years, Rowan County would collect a total of \$489,443 in revenue.
- Modeled with a 10-year horizon, Rowan County would stand to collect an estimated \$1,304,349, disburse grants totaling \$611,180 and retain an estimated \$693,169 of new revenue.

Potential State incentives were as follows:

- The company was seeking a \$500,000 Building Reuse Grant (BRG) from the State for the project
- The County would need to apply for the grant on the company's behalf
- A resolution authorizing the submission of a BRG was in the agenda packet
- The required 5% local match for the grant (\$25,000) would be satisfied through the County's Level 1 Grant
- As a condition of applying for the grant on the company's behalf, the County would require a promissory note from the property owner, secured by either a deed of trust or a letter of credit

The EDC requested the County consider hiring a professional grant administrator for the BRG.

In closing, Mr. Shelton said the project appeared to have a lengthy list of benefits and no apparent liabilities. If Rowan County were chosen, Project ACDC would create a total of 75 new full-time jobs, as well as add \$28 million to the County's tax base. The project would also generate approximately \$693,000 of new tax revenue for the County over a ten-year period.

The requested actions by the Board were:

- A Level 1 Grant for Project ACDC (75% over 5 years)
- Submission of a \$500,000 Building Reuse Grant application to the State of NC
- Authorization to hire a professional grant administrator to administer the Rural Building Reuse Grant
- Authorization of the County Chairman, County Manager and staff to execute the grant application and other BRG documents

Chairman Edds opened the public hearing to receive citizen input regarding the Project. With no one wishing to address the Board, Chairman Edds closed the public hearing.

Following a brief question and answer period, Commissioner Pierce moved to approve the incentive grant for Project ACDC along with all requested actions as outlined by Mr. Shelton. The motion was seconded by Commissioner Klusman and carried unanimously.

4. PUBLIC HEARING: ZTA 02-19 SOLAR ENERGY SYSTEMS & MISCELLANEOUS TEXT AMENDMENTS WITH LAND USE PLAN RECOMMENDATIONS

Planning Director Ed Muire presented the background and the proposed text amendments for ZTA 02-19 regarding Solar Energy Systems and miscellaneous text.

Mr. Muire said the Solar Moratorium Draft 1.6 was an excerpt of the County's Zoning Ordinance specific to the text amendments recommended by the Planning Board. The proposed zoning text amendments for consideration appeared as bold italic underlined with deletions as double ~~strikethrough~~ text.

Topics and issues for further study as requested by the Board of Commissioners during regular session on March 1, 2021 were listed as follows with staff commentary. As applicable, suggested text for consideration was offered in the subset of the public hearing Draft 1.6 and appears as bold italic underlined with deletions as ~~strikethrough~~ text.

Mr. Muire provided a power point as he reviewed the recommended text amendments. The Commissioners asked questions of Mr. Muire and also offered additional suggestions as he went through the presentation. The information in the agenda packet was as submitted as follows:

*Requiring approval from NC Utilities Commission prior to applying to Rowan County

Commentary: Proposed amendments to the Conditional Use Permit (CUP) section (21-60(4)b) on page 80 require the applicant to provide its Certificate of Public Convenience (CPCN) for any site over 2 MW and Report of Proposed Construction for facilities under 2MW. In Staff opinion, this effectively requires the NCUC review and approve an application prior to making a local CUP application. This similar requirement was not included in the Conditional District (CD) standards until the Planning Board's Courtesy Hearing and only then, it was recommended "optional" to the extent that if an applicant had NCUC approval they could provide the items (i) relevant studies, reports, etc.; (ii) intent to interconnect; (iii) CPCN. If the Commission wants to make this a CD requirement as well, the proposed amendment to Section 21-64(a)6 on page 100 line 28 would appear as below:

Suggested Text: ***Supplementary Materials. As applicable, the applicant shall provide the following with the conditional district permit application:***

Rationale: Requiring a CPCN or similar approval from NCUC for both CUPs and CDs will likely ensure utility scale applications are not speculative and have been evaluated by state agencies for general oversight. Furthermore, the County will have some perspective as to the extent or scale of the proposed project. As a reminder, NCUC approval does not preempt Rowan County's zoning authority.

e*Can an application include multiple tracts to create system areas to circumvent the requirements

Commentary: As there is no proposed ordinance standard limiting size for conditional district zonings, this situation may only occur in IND conditional use permit application requests. If the Commission has a concern about this item, it may opt to establish an ordinance requirement, as opposed to a land use recommendation, limiting the maximum system area size for RA and CBI (CD) applications also. If doing so, Staff opinion is that maximum system area sizes should differ between a CUP and CD consideration, i.e. fifty (50) acres should not be the maximum size in both scenarios. Consider a scheme that adjusts the system area size relative to district desirability, e.g. systems in RA(CD) to one hundred (100) acres; CBI(CD) to fifty (50) acres and IND(CUP) system area size to twenty-five (25) acres; or some variation thereof.

This amendment would only be applicable to the CUP standards in Section 21-60(4)b(3) on page 79 lines 36/37 as it establishes a maximum acreage for system area. *Suggested Text: **Size. Regardless of tract size, To preserve industrial properties for job creation, tax base and economic development opportunities, the maximum system area per utility scale solar energy system application shall be no greater than fifty (50) twenty-five (25) acres. For purposes of delineating setbacks and calculating size, the system area may consist of a single or multiple non-contiguous fenced areas on a parcel(s).***

This amendment would create another CD standard in Section 21-64(4)a on pages 100-101 as it establishes a maximum acreage for system area.

*Suggested Text: **Size. To maintain rural character and commercially viable corridors, the maximum system area per utility scale solar energy system application shall be no greater than one hundred (100) acres in Rural Agricultural (RA) and fifty (50) acres in Commercial, Business, Industrial (CBI) districts. For purposes of delineating setbacks and calculating size, the system area may consist of a single or multiple non-contiguous fenced areas on a parcel(s).***

*Will the County receive notice of financial surety lapse or sale of a utility scale system

Commentary: The three (3) options for posting financial surety are cash; surety bond and irrevocable letter of credit. Using the latter two (2), the County can protect its interests in a decommissioning bond or a letter of credit, as the bonding company or bank are both required to send notice of any intent to release or modify the bond or letter of credit.

Ownership of real property through a request for notice can be filed with Register of Deeds, but there is no mechanism to track the sale of business personal property prior to such sale due to the nature of the assets (solar array/panels and mechanical equipment). A permit condition may require the applicant to provide the County a notice of sale of assets, although it may be difficult to enforce if this occurs frequently. Where real property is owned by an individual and leased to a solar company, the solar assets can be transferred without any public notice either by an asset purchase or by purchase of the company itself. At the risk of a 10% penalty, the tax office receives notice of the sale of business personal property by the previous owner, otherwise.

*360 day period of no power being produced / Up-fitting of panels

Concern: This standard is associated with implementing decommissioning of a facility when it no longer produces power and the question is whether this would allow a facility to have “one or two panels” operating and not be subject to decommissioning actions. Related, the County would like to ensure the longevity of a facility and its continued operation thru the replacement of broken or inefficient panels with new units.

Commentary: The County’s approach toward conditioning approval of these land uses tends to focus on appearance and location, i.e. setbacks, size, screening, etc. as opposed to power produced. As such, it may be difficult to incorporate a percentage standard for establishing a threshold for which a system is no longer in operation. In this case, “no power” means the system is not producing energy for a 360 continuous day period. This time period of inactivity is identical to the manner the zoning ordinance deems land uses discontinued or abandoned. That being said, an option may be to require an “efficiency analysis” be provided at the time of bond or surety renewal.

*Require renewal of surety bond or letter of credit

Commentary: Due to the purported 20-25 year lifespan of these facilities, the Commission wanted the ability to have the cost estimates for decommissioning reevaluated at the ten year (10) anniversary and every five (5) years thereafter.

This proposed amendment would be applicable to Section 21-60(4)b(7)i on page 80 and Section 21-64(a)5 on page 101.

*Suggested Text: **The applicant shall provide a decommissioning plan that includes a cost estimate and salvage values prepared by an NC Professional Engineer having professional credentials, recognized expertise or specialization in construction and removal of similar facilities 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. Acceptance of the decommissioning plan and cost estimates by Rowan County shall be subject to independent review by an NC Professional Engineer of the County's selection. Prior to permitting, the applicant shall provide Rowan County financial surety at 1.25 times the mutually agreed cost estimate amount, ~~Renewable bonds are expected to provide updated estimates and reflect changes due to labor costs, demolition practices, etc.~~ minus fifty percent (50%) of the salvageable value, which will remain in effect for the first ten (10) years of operation.***

An updated decommissioning plan detailing costs and salvageable values shall be submitted to the Planning Department at least six (6) months prior to the ten-year anniversary of installation and six (6) months prior to every five (5) year anniversary thereafter. In addition to the updated decommissioning plan submittals, the system owner shall provide an analysis of the power produced annually by the facility; an operational efficiency and status report of the panels and equipment; and any intended upgrades or replacements of panels, equipment, etc. Acceptance of the updated plans and estimates by Rowan County shall be subject to independent review by an NC Professional Engineer of the County's selection. A new financial surety at 1.25 times the mutually agreed cost estimate amount, minus fifty percent (50%) of the salvageable value, shall be provided by the owner / operator to Rowan County for the time period associated with the updated plan.

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.

***Decommissioning Plan contents**

Commentary: The notion of providing a decommissioning plan is a given, but the contents of a plan will likely differ among applicants. As such Staff suggests utilizing the attached template decommissioning plan from the NC Solar Template Model Ordinance as a basis.

This proposed addition would be applicable to Section 21-60(4)b(7)i on page 80 and Section 21- 64(a)5 on page 101.

Suggested Text: At a minimum, the contents of the decommissioning plan shall include the cost estimates referenced herein and information found in the NC Template Solar Ordinance's Example Decommissioning Plan updated to reflect the site's locational attributes. This plan shall be recorded in the Rowan County Register of Deeds prior to construction of the site.

***Land Use Plan recommendations**

Commentary: Areas of the County that have poor soils or building / septic constraints may also be in a corridor or area the County is interested in extending utilities that overcome the soil limitations. As such, modifying these policies may be warranted.

Suggested Text: Subject to potential utility extension(s), Sites having identified poor soils or building / septic constraints are generally encouraged for selection.

Areas currently served or having the potential to be served by water and sewer infrastructure are not preferred locations.

Furthermore, if the system acreage suggested changes proposed herein are accepted, it will be necessary to eliminate the land use plan recommendation, which states:

~~**A maximum system acreage of 50 acres is preferred, but may be increased based on the site's ability meet all other requirements contained herein.**~~

*Applicable Tax Implications

Commentary: Although not directly tied to its consideration of appropriateness in a zoning district, the question of applicable tax rate was posed by the Commission. Staff has provided the accompanying information based on conversations with the Tax Assessor.

Solar facilities are taxed on land value and improvement value; the land and any non-power producing buildings are considered real estate and the photovoltaic panels and related equipment are deemed business personal property. Land in a solar facility is not eligible for inclusion in the present use value system (agricultural use) and any lands transitioned from present use into solar production is responsible for three (3) year taxation in arrears at the general land use rate. There is no set market value for solar land, as the rate can be influenced by location, similar sales or lease rates, etc.

In contrast, the rate of taxation and depreciation is uniform throughout NC as established by the NC Dept. of Revenue (DoR). An eighty percent (80%) exemption is applied to the initial value of solar equipment as reported by the owner/operator and the adjusted value is subject to a depreciation schedule over an eighteen (18) year period. Minus the initial 80% exemption, the rate decreases from six percent (6%) in year one to seventy-five percent (75%) in year eighteen; refer to attached DoR schedule.

A three (3) year example of the overall property tax billing provided below is based on an assumed land value of \$200,000 and equipment value (business personal property) of \$80 million:

Year	Land Value	Business PP Value	Depreciation Schedule	Adjusted BPP	Total Assessed Value	Rowan Tax	Fire Tax	Total Tax Bill
1	200,000	16,000,000	6%	15,040,000	15,240,000	100,203	12,192	\$112,395
2	200,000	16,000,000	18%	13,120,000	13,320,000	87,579	10,656	\$98,235
3	200,000	16,000,000	22%	12,480,000	12,680,000	83,371	10,144	\$93,515

Taxation of the assed value is subject to the rate of the county, fire district, etc. in addition to the land value rate.

It's worth noting that if the solar facility is owned by a public service company, e.g. Duke Energy, the values and rates are established by NC DoR, and the example above does not apply.

Chairman Edds opened the public hearing to receive comments regarding the proposed text amendments. The following individuals addressed the Board:

- Brian Bednar, Chief Executive Officer of Birdseye Renewable Energy (Birdseye), located in Charlotte, North Carolina, described Birdseye as one of the earliest developers in the State. Mr. Bednar stated Duke Energy was one of Birdseye's largest partners. Mr. Bednar praised Mr. Muire and Planning Staff for their very thorough examination of solar energy. Mr. Bednar reported North Carolina was second in the country for solar. Mr. Bednar explained his job was to find the

balance of a piece of land that had interconnection capabilities but also met the criteria in a Land Use Plan (LUP). Mr. Bednar discussed the reasoning for larger solar farms and also the Planning Staff's recommendations with regards to the LUP.

Mr. Bednar disclosed that Birdseye had been working on a large project and had been working in the County for approximately two and a half years. The project was north of Hwy 52 on a piece of land owned by the Nash family. Mr. Bednar said the property did not perk and there was no water/sewer for the proposed 400-acre solar project. However; there was an existing power line where Duke Energy agreed a solar project of scale could cost-effectively be connected.

Mr. Bednar highlighted the considerations given when looking for a solar site. Mr. Bednar referred to buffer requirements and noted that planting of traditional commercial buffers had not been too successful. Mr. Bednar said Birdseye had successfully put in thirty feet of a naturalized area supplanted with native species that grew very quickly. Mr. Bednar said Birdseye had worked with US Fish and Wildlife, North Carolina Wildlife and Nature Conservationists to create buffers that had the least impact on the buffering/vegetation.

Mr. Bednar discussed setback requirements for solar projects. Using the Nash property as an example, Mr. Bednar felt it was impractical to require 50' setbacks through the middle of a project.

Lastly, Mr. Bednar said he felt the decommissioning plan was reasonable.

- Mike Barron, a resident of 360 Tamarac Shores Drive, expressed concern with long-term environmental impacts of solar farms. Mr. Barron asked who would be responsible for the clean-up of a solar farm if the solar company went bankrupt.

Commissioner Pierce explained to Mr. Barron the decommissioning plan would address the clean-up. Commissioner Pierce continued by saying that a solar company had a bond - or a line of credit - and those funds were escrowed to provide the County with the financial means from the solar company to put the property back as it initially was.

- Chris Carmody, Executive Director of Carolinas Clean Energy Business Association, agreed with Mr. Bednar's comments and stated that Planning Staff had done a great job with the proposed text amendments.

Mr. Carmody continued by saying he had emailed the Clerk to the Board a letter with recommendations and a study that had been done regarding the improvement in tax values, etc. Mr. Carmody mentioned personal property tax abatements and said the statute applied not just to solar but to 75 different items from public utilities to gas, etc.

Mr. Carmody described a 1,000-acre solar farm as large and 100 acres as small and noted there was a lot of acreage between the two (2) figures. Mr. Carmody said developers obviously liked flexibility; however, he agreed that the areas further out and not connected to water/sewer were the best for solar locations.

Mr. Carmody agreed with Mr. Bednar about the setbacks and that it was more esthetic to have the setback on the perimeter.

With regards to the decommissioning, Mr. Carmody felt Planning Staff had done a great job. Mr. Carmody described solar as a technology and not a commodity and that solar became cheaper and more efficient every year.

In closing, Mr. Carmody said the land could easily be converted back to the previous use at the end of its useful life.

At this point, the Board held another question and answer period with Mr. Muire.

Mr. Muire noted for the record the Board had received emailed comments from the following citizens: Kathy Webb, Laura Kruckow, Jackie Wilson and Sam Nash.

Mr. Muire said the Board could continue the public hearing to April 5, 2021; however, he noted the expiration date of the current moratorium and pointed out that all board members would need to be present on April 5, 2021 if the public hearing was continued.

Chairman Edds questioned Mr. Muire about extending the current moratorium to allow time to continue to explore the alternatives that had been discussed. Mr. Muire responded that once the public hearing was closed, a motion could be made to schedule a public hearing for April 5, 2021 to consider an extension.

With no one else wishing to address the Board, Chairman Edds closed the public hearing.

Commissioner Pierce moved to set a public hearing for April 5, 2021 regarding an extension of the moratorium for thirty (30) days. The motion was seconded by Commissioner Klusman and passed unanimously.

Below are the amendments from the Draft 1.6 edition of the ZTA 02-19 text approved by the Commissioners. The page numbers and line references were associated with the document:

- Page 79 lines 21-25 and lines 20-24 on page 100 eliminated the internal setbacks within the system area: ~~**Adjoining tracts of the same solar energy system may have a twenty five feet (25') setback for panels and equipment along internal common tract lines, but where tract lines adjoin other properties or road rights of way the system area setback shall be 100'.**~~

- Page 101 line 28 eliminated the strikethrough text which reads: ***Supplementary Materials. As applicable, the applicant shall provide the following with the conditional district permit application:***
- Page 79 lines 36/37 were changed to: ***Size. ~~Regardless of tract size, To preserve industrial properties for job creation, tax base and economic development opportunities, the maximum system area per utility scale solar energy system application shall be no greater than fifty (50) twenty-five (25) acres.~~***
- Page 80 lines 31-45 and lines 1-2 on page 81 and Page 101 lines 12-27 were changed by inclusion of the underlined text and eliminating the double strikethroughs: ***The applicant shall provide a decommissioning plan that includes a cost estimate prepared by an NC Professional Engineer having professional credentials, recognized expertise or specialization in construction and removal of similar facilities 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. Acceptance of the decommissioning plan and cost estimates by Rowan County shall be subject to independent review by an NC Professional Engineer of the County's selection. Prior to permitting, the applicant shall provide Rowan County financial surety at 1.25 times the mutually agreed cost estimate amount, ~~Renewable bonds are expected to provide updated estimates and reflect changes due to labor costs, demolition practices, etc. which will remain in effect for the first ten (10) years of operation.~~***

An updated decommissioning plan detailing costs shall be submitted to the Planning Department at least six (6) months prior to the ten-year anniversary of installation and six (6) months prior to every five (5) year anniversary thereafter. In addition to the updated decommissioning plan submittals, the system owner shall provide an analysis of the power produced annually by the facility; an operational efficiency and status report of the panels and equipment; and any intended upgrades or replacements of panels, equipment, etc. Acceptance of the updated plans and estimates by Rowan County shall be subject to independent review by an NC Professional Engineer of the County's selection. A new financial surety at 1.25 times the mutually agreed cost estimate amount shall be provided by the owner / operator to Rowan County for the time period associated with the updated plan.

- The following new text was also added to the same Decommissioning section on pages 80 and page 101: ***At a minimum, the contents of the decommissioning plan shall include the cost estimates referenced herein and information found in the NC Template Solar Ordinance's Example Decommissioning Plan updated to reflect the site's locational attributes. This plan shall be recorded in the Rowan County Register of Deeds prior to construction of the site.***
- A copy of the Template Decommissioning Plan is attached for reference
- The following changes were made to the Land Use Plan Recommendations:
 - ***Subject to potential utility extension(s), sites having identified poor soils or building / septic constraints are generally encouraged for selection.***
 - ***Areas currently served or having the potential to be served by water and sewer infrastructure are not preferred locations.***
 - (The Commission opted to reject Staff proposal for eliminating this proposed change; the document for consideration had this policy as a double strikethrough) ***A maximum system acreage of 50 acres is preferred, but may be increased based on the site's ability meet all other requirements contained herein***

5. PUBLIC HEARING: HOME FUNDING ACTION PLAN FY 21-22

Planning Director Ed Muire reported that as a member of the Cabarrus/Iredell/Rowan HOME Consortium, Rowan County had been advised by the City of Concord it may receive funding for FY 21-22 similar to last year, i.e. approximately \$178,200 in project funds. Program funding was subject to change based on the actual allocation from HUD to the Consortium; changes in program funding by no more than ten percent (10%) did not require another public hearing. Furthermore, the County's program administrator has obtained other housing related grants from non-Federal sources and Staff anticipates that no local "match" for receipt of these funds to participate in the FY 21-22 budget year will be necessary.

Eligible program activities in the County's application for this program year will consider rehabilitation of owner-occupied housing.

Rowan County opted to solicit proposals for administration of its housing programs in 2012 and selected the Salisbury Community Development Corporation (CDC). During this partnership, the County and CDC Staff have successfully administered numerous rehabilitation projects. Based upon this successful collaboration and given the annual contract for services are less than \$25,000 [no formal bids are necessary per CFR]; Staff recommends the CDC administer the County's FY 21-22 HOME Program.

After conducting the public hearing for the HOME Funding Action Plan, it was Staff's recommendation to:

- Approve the FY 21-22 HOME Funding Action Plan and accept modification(s) of a decrease or increase in Consortium funding of ten percent (10%)
- Authorize the County Manager to sign the application as the Certifying Official
- Authorize the County Manager to sign all administrative and housing related documents associated with this program, including current and past Annual Agreements with the City of Concord
- Authorize the Chairman to enter into a contract with the Salisbury CDC to administer the County's program for FY 21-22

Chairman Edds opened the public hearing to receive citizen input regarding the HOME Funding Action Plan for FY 21-22. With no one wishing to address the Board, Chairman Edds closed the public hearing.

Chairman Edds moved to approve the HOME Funding Action Plan and accept modification(s) of a decrease or increase in Consortium funding of ten percent (10%); authorize the County Manager to sign the application as the Certifying Official; authorize the County Manager to sign all administrative and housing related documents associated with this program, including current and past Annual Agreements with the City of Concord; and to authorize the Chairman to enter into a contract with the Salisbury CDC to administer the County's program for FY 21-22. The motion was seconded by Commissioner Pierce and passed unanimously.

6. PUBLIC HEARING TO CONSIDER NO WAKE ZONE EXTENSION AT TAMARAC SHORES MARINA

During regular session on August 3, 2020, the Board of Commissioners voted to request an investigation by the Wildlife Resources Commission (WRC) to determine whether statutory authority may exist for establishment of a No-Wake Zone on High Rock Lake at Tamarac Shores Marina. The process was initiated as a result of a request from resident Michael Barron who lives on Tamarac Shores Drive.

The WRC submitted its No-Wake Zone Water Safety Hazards Matrix; however, it differed from Mr. Barron's initial request. The WRC Officer agreed the area had become much busier since the rule was codified in 1978 and Enforcement agreed that enlargement of the no-wake zone to accommodate the additional hazards to boater safety and water recreational activities was warranted.

According to Betsy Haywood, Water Safety Rulemaking Coordinator, the WRC Officer prepared the attached map showing a smaller area than Mr. Barron asked for. The WRC does not place no-wake markers to prevent property damage to docks or boats, nor for privacy, nor to prevent erosion. There is no history of boating accidents in the area but it is acknowledged that extending the no-wake zone would mitigate hazards to those enjoying water recreation, as well as boats entering and exiting the cove.

Chairman Edds opened the public hearing to receive citizen input regarding the proposed extension of the No-Wake Zone at Tamarac Shores Marina. The following individuals addressed the Board:

- Michael Barron of 360 Tamarac Shores Drive discussed the existing buoys near Tamarac Shores Marina. Mr. Barron said he was proposing the installation of one (1) additional buoy to protect his grandchildren and other swimmers in the cove. Mr. Barron felt his dock created a blind-spot and he stated when watercraft approached the buoy, the operator did not stop until right at the buoy. Mr. Barron said the buoys had been reset and had drifted over time. Mr. Barron referenced the videos he had provided (August 3, 2020 Commission Meeting). Mr. Barron said he was not worried his dock would be damaged and since he would have to pay for the buoy, he proposed to purchase one (1) additional buoy to put on the other side of his dock in order to slow down the watercraft. Mr. Barron suggested placing the buoy 80 yards from the shoreline. Mr. Barron emphasized his concerns were due to safety issues.

Chairman Edds noted the Wildlife Resources Commission regulated water safety and he shared similar concerns with his own property located on High Rock Lake.

Mr. Barron said he was not complaining about anything but the wake and reiterated no one stopped for a buoy until they reached the buoy. Mr. Barron again stated his main concern was for safety. Mr. Barron said if the buoy was extended beyond where it was

actually needed, watercraft operators would slow down in time for where they needed to in the congested area under consideration.

Chairman Edds noted that based on the recently completed assessment, the Wildlife Enforcement Officer agreed an extension was warranted. However; the Officer prepared a map indicating a smaller area than what Mr. Barron proposed.

Commissioner Pierce said he understood Mr. Barron's point; however, the Board had to be consistent. Commissioner Pierce did not feel Mr. Barron's chances to deviate from the Officer's recommendation were good. Commissioner Pierce said if the Board agreed to request the expansion indicated by Mr. Barron, the Board would have to be willing to make the exception for everyone that wanted to stop the boats.

Carolyn Barger, Clerk to the Board, suggested the Board table a decision to its April 5, 2021 meeting to allow additional research and to ask additional questions from the Wildlife Resources Commission about existing buoys and the recommended buoy placement.

Chairman Edds was agreeable to tabling a decision and explained to Mr. Barron if the vote was taken tonight, it would be for the Officer's recommendation.

With no one else wishing to provide comments, Chairman Edds closed the public hearing.

Chairman Edds moved to table the issue to April 5, 2021 and said he would get information from the Wildlife Resource Officer and Ms. Haywood. The motion was seconded by Commissioner Pierce and passed unanimously.

7. FINANCIAL REPORTS

Finance Director James Howden presented several financial graphs depicting the following information:

- Annual Cumulative Expenditure Comparisons as of February 2021. \$96,186,493
- Annual Cumulative Revenue Comparisons as of February 2021. \$120,758,108
- Annual Cumulative Current Year Property Tax Comparisons as of January 2021. \$80,962,564
- Annual Cumulative Sales Tax Comparisons as of November in FY '21. \$12,519,066

8. BUDGET AMENDMENTS

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

- Sheriff – Recognize check from a public donation and budget to expense account of Meeting/Training Food account. \$500

- Social Services – Revised expenditures/revenues based on Funding Authorizations received from the State. Funding authorizations reflect the actual amount received and may increase or decrease the original budget estimate. \$3,600
- Sheriff – Recognize donation of \$20,000, budget funds to expense account #1154410-582009 for Meeting/Training Food. \$20,000
- Finance – Budget the FY '20 Homeland Security Grant Program for the project entitled: Exercise-Lost at the Lake. \$35,000
- Finance – Budget the FY20 Hazardous Material Emergency Preparedness Grant awarded to Rowan County for a HMEP project. \$,600
- County Manager's Office – Transfer funds from General Fund to Water Fund for lead and copper compliance. \$1,000,000

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

9. CLOSED SESSION

Chairman Edds moved the Board enter into Closed Session at 8:53 p.m. in accordance with North Carolina General Statute § 143-318.11(a)(1) to consider approval of the Closed Session minutes of March 1, 2021; and, in accordance with North Carolina General Statute § 143-318.11(a)(3) for attorney-client privileged communication regarding regulatory compliance.

The Board returned to Open Session at 9:14 p.m.

10. ADJOURNMENT

There being no further business to come before the Board, Commissioner Pierce moved to adjourn at 9:14 p.m. The motion was seconded by Commissioner Klusman and passed unanimously.

Respectfully Submitted,



Carolyn Barger, MMC, NCMCC
Clerk to the Board