

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

April 19, 2021 – 6:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

Present: Greg Edds, Chairman
Jim Greene, Vice-Chairman
Craig Pierce, Member
Judy Klusman, Member
Mike Caskey, Member (arrived at 6:09 p.m.)

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 6:00 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 County Attorney Jay Dees to the Consent Agenda for approval of the Foley Settlement Agreement and Release. The request was added as Item H.
- Chairman Edds added a request to the Consent Agenda from Facilities and Parks Director Don Bringle to allocate \$100,000 for the Woodleaf Community Park. The matter was added as Item I.
- Chairman Edds added a request from Sheriff Auten to the Consent Agenda for Approval of the Rowan County Detention Center Medical Plan. The issue was added as Item J.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Klusman moved, Commissioner Pierce seconded and the vote to approve the minutes of the April 5, 2021 and April 7, 2021 Commission Meeting passed unanimously (4-0).

1. CONSIDER APPROVAL OF CONSENT AGENDA

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

The Consent Agenda consisted of the following:

- A. Health Department - Environmental Health Report
- B. Ratify Z 01-21: K Town Homes
- C. FAA Sponsor Land Ownership Verification
- D. Inmate Healthcare Services - Award Contract
- E. Auditing Services - Award Contract
- F. Acceptance of Tier II Grant
- G. Professional Development Revision
- H. Foley Settlement Agreement and Release (addition to the Consent Agenda)
- I. Request to Allocate \$100,000 for the Woodleaf Community Park (addition to the Consent Agenda)
- J. Approval of the Rowan County Detention Center Medical Plan (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, Chairman Edds closed the Public Comment Period.

3. PUBLIC HEARING: Z 02-21 NORTHPOINT DEVELOPMENT

Shane Stewart, Assistant Planning Director, provided a power point as he presented the staff report for Z 02-21. Mr. Stewart said Northpoint Development (ND) had submitted a rezoning petition for Tax Parcel 409 022 located in the 400 block of Webb Road. The 44.85-acre parcel was owned by Sharon Fesperman and Willis Myers and zoned 85-ED-2. The request sought to change to Commercial, Business, Industrial (CBI).

Mr. Stewart reviewed the property characteristics, zoning analysis, East Rowan Land Use Plan (LUP) and potential impacts for the request.

(Commissioner Caskey arrived at 6:09 p.m.)

The Planning Board unanimously approved the request at its March 22, 2021 meeting and provided a Statement of Consistency for the Commissioners consideration. Mr. Stewart noted the procedural requirements and said the Commissioners would need to adopt a Statement of Consistency prior to rendering a decision for Z 02-21.

Chairman Edds stated that Northpoint Development had brought the Chewy facility to Rowan County and was now looking at a site for development along i-85. Chairman Edds welcomed Michael Johnston with Northpoint Development to the meeting.

Mr. Johnston expressed appreciation for the Board's consideration and also to Planning Staff. Mr. Johnston said he looked forward to working with the County on another project and especially with the great access, staffing, etc. that was available.

Chairman Edds thanked Mr. Johnston for the difference Northpoint Development had made to the community and Chairman Edds encouraged Mr. Johnston to please reach out if the County could provide assistance with the new project.

Chairman Edds opened the public hearing to receive citizen input regarding Z 02-21. The following individuals addressed the Board:

- Pastor Bill Godair of Cornerstone Church shared his enthusiasm for the project and for the job opportunities that had been brought to the County.

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

Chairman Edds moved approval of the following Statement of Consistency: The Z 02-21 general rezoning from 85-ED-2 to CBI is based on the following facts:

- Current zoning [and use] of the [surrounding] land is being used for commercial, industrial and mixed use already;
- [The request] is consistent with the East Rowan Land Use Plan's I-85 and US 29 corridor [recommendations]
- CBI is consistent and complimentary to other uses in the area and the parcel is adjacent to existing CBI districts.

The motion was seconded by Commissioner Pierce and passed unanimously.

Commissioner Klusman moved, Commissioner Pierce seconded and the vote to approve Z 02-21 carried unanimously.

4. CONDUCT QUASI-JUDICIAL HEARING FOR AMENDING CUP 08-16: CHERRY TREESORT

Chairman Edds read the Chairman's Speech (Exhibit A) and declared the public hearing for Cup 08-16 Amendment #2 to be in session. Chairman Edds said the hearing would focus on an application submitted by Trent Cherry to add eight (8) additional treehouses on Tax Parcel 120-140 located at the 1800 block of Flat Rock Road.

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

Assistant Planning Director Shane Stewart presented the Staff Report (Exhibit B) and also provided a power point (Exhibit C) as he discussed the request.

According to the Staff Report (Exhibit B), Mr. Stewart said the Board approved a conditional use permit (CUP) for CUP 08-16 for property owner Trent Cherry for two (2) existing treehouses and five (5) proposed treehouses. The treehouses used for overnight rental were included in the definition of a "cabin" by the Zoning Ordinance distinguished as a habitable structure used for overnight or temporary lodging of a recreation purpose.

Mr. Cherry constructed three (3) of the proposed five (5) treehouses resulting in a total of five (5) completed treehouses before the 2-year expiration date to obtain permits for requested improvements from the CUP 08-16 plan. In March 2020, Mr. Cherry requested ten (10) new structures comprised of treehouses and "hobbit" style houses, which are principally underground, and a vested right period of five (5) years to obtain construction permits rather than the default two (2) years. On March 16, 2020, the Board approved three (3) of the ten (10) requested units along with the vested rights request for five (5) years.

Mr. Cherry constructed the three (3) approved units from the 2020 amendment request and is seeking approval for seven (7) additional tree houses along the southern portion of his property. Mr. Stewart said the Staff Report (Exhibit B) indicated Mr. Cherry was seeking approval for eight (8) additional trees houses; however, Mr. Cherry settled on seven (7) after the Staff Report (Exhibit B) had been generated.

Mr. Stewart said the condition of the road had been approved by the Fire Marshal's Office. The Fire Marshal did request an agreement for the upkeep of the road and Mr. Cherry was aware and in agreeable to the request.

Using the power point (Exhibit C), Mr. Stewart showed the property, the surrounding areas, as well as the sites for the proposed expansion as he reviewed the information contained in the Staff Report (Exhibit B). Mr. Stewart noted the Land Use Plan did not have recommendations for tree houses.

Public notice of the hearing was mailed on April 7, 2021 to eighteen (18) adjoining land owners (within 100' of the subject property). In addition, a sign was posted on the property on April 7, 2021 and the request and materials were posted on the County's website on April 14, 2021.

Procedurally, Mr. Stewart said the Board must adopt facts supporting the below findings of fact based on the evaluation criteria listed in the Staff Report (Exhibit 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.
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.

Based on the Staff Report (Exhibit B), the request in 2020 was approved subject to the following conditions, which had all been met:

1. Obtain commercial driveway permit from NCDOT for lower entrance; submit road names for consideration;
2. Make necessary road improvement to comply with 18' wide road and 6" compacted stone base, including hammerhead style turn arounds, for existing and proposed internal roads;
3. Comply with all applicable Building Code and Environmental Health standards for construction and operation; and
4. A five (5) year vested right was authorized for initiating construction of the three (3) units and related improvements, expiring March 17, 2025.

Chairman Edds called the applicant, Trent Cherry, forward. Mr. Cherry reported he had a contractor look at the road, which would be 18' wide as requested and also include a turnaround large enough for a firetruck. Mr. Cherry also discussed the different types of evergreens and shrub ideas that had been provided by a design architect. Mr. Cherry said he had discussed the expansion with his neighbor, Mr. Tidwell, who had no problem with either using fencing or planting trees.

Chairman Edds opened the floor to receive testimony from those who had been sworn and the following individual came forward:

- Donna Hampton of 445 Beaver Road stated her residence was in close proximity to Cherry Treesort. Ms. Hampton expressed concern with the noises she heard from the property on occasion, as well as other issues such as a lost puppy from the Treesort and noise created by construction vehicles working at the Treesort. Ms. Hampton felt a quiet time should be imposed and said in the future she would call 911 if she heard noises past an unreasonable hour. Ms. Hampton also asked how many treehouses Mr. Cherry would have to build for a profit.

With no one else sworn to provide testimony in the case, Chairman Edds closed the public hearing.

Chairman Edds asked Mr. Cherry if he had an on-site manager and Mr. Cherry said no.

Chairman Edds Mr. Cherry if he had policies in place for his guests and Mr. Cherry responded yes. Mr. Cherry said the policies did not allow for dogs and he had not been aware of the dog on the property.

In response to an inquiry from Chairman Edds, Mr. Cherry said the policy calls for guests to be courteous of other people. Mr. Cherry noted there were more gunshots in the area than there was noise at the Treesort. Mr. Cherry noted that his neighbor's property (Mr. Tidwell) backed up to the Treesort and Mr. Tidwell had no problems with the Treesort. Mr. Cherry felt the comments of the previous speaker had been exaggerated.

Chairman Edds encouraged Mr. Cherry to make sure guests were aware of others and to be considerate of the neighbors. Chairman Edds continued by saying those who lived in neighborhoods all heard noise from backyard birthday parties, mowers and blowers, etc. Chairman Edds noted that if Mr. Cherry sold the acreage at least 50 homes could be built and the noise would be a lot worse than from the Treesort. In closing, Chairman Edds said it was not up to the Commissioners to determine how much money Mr. Cherry could generate from the Treesort.

Commissioner Pierce said he appreciated the comments of the speaker and said if the noise was too loud, to report the noise to the Sheriff's Office.

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

- a. NCDOT has issued approvals for driveway entrances to safely access Flat Rock Road.
- b. Enhanced screening or fencing along the eastern property line toward Beaver Rd should eliminate any future visual conflicts.

The motion was seconded by Commissioner Pierce and passed unanimously.

Chairman Edds 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.

- a. 8 new residential units have been built within ½ mile of the project during the last 5 years suggesting the project is not a deterrent to adjoining residential properties or those in the area.

Commissioner Pierce seconded and the motion carried unanimously.

Chairman Edds 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.

- a. The material and evidence presented has demonstrated the Cherry Treesort project complies with general and specific conditional use criteria and in

conjunction with the conditions this Board has attached to approval, suggest it is generally compatible with land uses in the RA district.

Commissioner Pierce seconded and the motion passed unanimously.

Commissioner Pierce moved to approve amending CUP 08-16 followed by a second from Commissioner Klusman. The motion carried unanimously.

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

Shane Stewart, Assistant Planning Director, reported the Commission had conducted the required public hearing for the program at its March 15, 2021 meeting prior to adopting its FY 2021-22 HOME Funding Action Plan. The anticipated allocation to the County was to be approximately \$178,200. A member jurisdiction opted not to participate this year; therefore, the funding was increased to all jurisdictions.

The anticipated funding for FY 2021-22 increased to \$209,969 and required the County to conduct another public hearing.

Staff recommended the scope of the program continue to focus on owner occupied rehabilitation as the need for this service to the community is evident based on inquiries. Although there was an increase in funding, the rising costs of materials and construction would keep the number of anticipated homes to be served at five (5) units with any remaining funds spent towards rehabilitation of owner-occupied housing.

Chairman Edds opened the public hearing to receive citizen input regarding the FY 2021-22 HOME Funding Action Plan. With no one wishing to address the Board, Chairman Edds closed the public hearing.

Commissioner Greene moved to approve the FY 21-22 HOME Funding Action Plan and accept modifications of a decrease or increase in Consortium funding of 10 percent. Commissioner Pierce seconded and the motion passed unanimously.

Commissioner Greene moved to 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 2021-22. The motion was seconded by Commissioner Pierce and passed unanimously.

6. UPDATE FROM CHARTER ON RDOF AWARD IMPACT IN ROWAN COUNTY

Mike Tanck, Director of Government Affairs for Charter Communications provide an update regarding Charter's recent award of Federal Rural Digital Opportunity Funds (RDOF) for unserved/underserved areas for broadband in Rowan County.

Mr. Tanck provided a power point and highlighted the following information:

- Purpose to expand broadband service into unserved areas
- Economics to expand broadband in rural low-density areas
- Eligible Census Blocks - No Broadband Service (25/3 Mbps)
- Revers Auction
- Awards announced December 7, 2020
- Quite Period ended January 29, 2021

Mr. Tanck said RDOF was a large effort for Charter and a new department was being established. Mr. Tanck reported over 2,000 new employees were being hired, as well as many contractors to help with the work.

Mr. Tanck shared how the project would be broken down into regions. Mr. Tanck also discussed the “boots on the ground work” now that the bids had been won.

According to Mr. Tanck, one of the issues going forward was making sure the existing poles could be used. When looking at the poles in the rural areas, Mr. Tanck described them as very old and designed for hanging power or phone lines but not for hanging broadband attachments. There were requirements for the attachments.

Mr. Tanck discussed the timing for the project, as well as realistic expectations.

Chairman Edds asked Mr. Tanck to do what he could to make sure Rowan County was pushed to the front.

In response to an inquiry from Chairman Edds, Assistant County Manager/CIO Randy Cress reported there were just over 1100 total homes underserved in the County. Mr. Cress said it appeared Charter would cover a large number of the homes.

Mr. Tanck encouraged the Board to contact him if the members had any further questions.

Chairman Edds thanked Mr. Tanck for the presentation.

7. COMMUNITY ACCESS POINT FOR VA’S VET CENTER PROGRAM

Justan Mounts, Director of Veteran Services discussed a request from Lance Nelson, Veterans Outreach Specialist, regarding the possibility of setting up a Community Access Point in Rowan county for the Veterans (Vet) Center Program. The closest Vet Centers were located in Charlotte and Greensboro. The Vet Centers were community-based counseling centers that provided a wide range of social and psychological services, including professional readjustment counseling to eligible Veterans, active duty service members, including National Guard and Reserve components, and their families.

The request was for space to conduct Groups Therapy and a private office to conduct individual counseling. They have a standard Memorandum of Agreement (MOA) if the BOC were to move forward with this.

Chairman Edds asked what action was required of the Board. Mr. Mounts responded that he was only asking permission to move forward with the MOA and for the MOA to be sent to the appropriate individuals within the County to determine if the County was interested in the project.

In response to an inquiry from Chairman Edds, Mr. Mounts felt the County Attorney and County Manager should be involved. Mr. Mounts said his own involvement would be at the request of the County Manager and County Attorney. Mr. Mounts explained that the issue would have to come back to the Board.

Commissioner Caskey moved to allow County Staff and County Attorney Jay Dees to move forward and with these groups. Commissioner Pierce seconded the motion.

Commissioner Caskey took the opportunity to praise Mr. Mounts as Director of Veteran Services and for the great work he does with the Veterans.

Chairman Edds also expressed appreciation for Mr. Mounts.

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

8. DISCUSSION REGARDING DATE FOR BUDGET WORK SESSION

Chairman Edds said the Board was being asked to schedule a date in early May to hold a budget work session.

County Manager Aaron Church said the work session would be a hybrid of a retreat and a budget work session, as well as a discussion of the American Recovery Act budget. Mr. Church asked if the Board could meet either as early as the end of April or the first of May.

After a brief discussion, the consensus of the Board was to hold a budget work session on May 6, 2021 at 10:00 a.m.

9. BUDGET AMENDMENT

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

- Social Services – The County signed an agreement with Cardinal Innovations Healthcare (CIH) and the County agrees to reinvest funds for the children in foster care to provide permanency outcomes. Funds were received and the budget amendment is to budget the expenditure and revenue line items. \$795,900

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

10. FINANCIAL REPORTS

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

- Annual Cumulative Expenditure Comparisons as of March 2021 - \$109,426,754
- Annual Cumulative Revenue Comparisons as of March 2021 - \$131,005,904
- Annual Cumulative Current Year Property Tax Comparisons as of February 2021 – \$84,160,195
- Annual Cumulative Sales Tax Comparisons as of December in FY 2021 - \$15,512,757
- Monthly Sales Tax Comparisons as of December in FY 2021 - \$2,993,691

11. LITTER REPORT

Chairman Edds noted the Environmental Management Department had removed 37.77 tons of litter and debris from along Rowan County roadsides in the first quarter of 2021. The Department also removed 330 improperly discarded tires and 131 syringes.

12. CLOSED SESSION

Chairman Edds moved at 7:41 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 Session held on April 5, 2021; and North Carolina General Statute § 143-318.11(a)(4) to discuss a potential economic development matter. The motion was seconded by Commissioner Pierce and passed unanimously.

Commissioner Pierce moved the Board return to Open Session at 8:29 p.m. The motion was seconded by Commissioner Greene and passed unanimously. No action was taken.

13. ADJOURNMENT

There being no further business to come before the Board, Commissioner Pierce moved to adjourn at 8:30 p.m. The motion was seconded by Commissioner Klusman and passed unanimously.

Respectfully Submitted,



Carolyn Barger, MMC, NCMCC
Clerk to the Board