

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

May 17, 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
Craig Pierce, Member
Judy Klusman, Member

Absent: Mike Caskey, Member

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

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

Chaplain Michael Taylor provided the Invocation.

Chairman Edds led the Pledge of Allegiance.

Chairman Edds took a moment to express appreciation to the County Manager for his dedication and for the long hours he works.

CONSIDER ADDITIONS TO THE AGENDA

Chairman Edds added a topic to Closed Session, which was a request for attorney-client privileged communication to discuss the Mediko Medical Services Agreement.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

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

CONSIDER APPROVAL OF THE MINUTES

Commissioner Klusman moved, Commissioner Greene seconded and the vote to approve the minutes of the May 3, 2021 and May 6, 2021 Commission Meetings passed unanimously (4-0).

1. CONSIDER APPROVAL OF CONSENT AGENDA

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

The Consent Agenda consisted of the following:

- A. Environmental Health Biweekly Report
- B. Fireworks Display
- C. Request for Approval in Change of EDC Bylaws
- D. Removal of Hiring Freeze
- E. Schedule Public Hearing for Z 03-21 & SNIA 04-21: East Coast Developers for June 7, 2021
- F. Schedule Public Hearing for Z 04-20 Amendment: Morgan Well, for June 7, 2021
- G. Erosion Control Services Contract
- H. Proclamation for Motorcycle Safety and Awareness Month

WHEREAS, motorcycle riding is a popular form of recreation and transportation for thousands of citizens across North Carolina and Rowan County; and

WHEREAS, North Carolina has over 195,000 registered motorcycles; and

WHEREAS, it is important that the citizens of North Carolina be aware of motorcycles on our roadways and recognize the importance of motorcycle safety through motorcycle awareness programs like those promoted by the Concerned Bikers Association (CBA) or programs offered during driver's education classes in area high schools; and

WHEREAS, Motorcycle Safety & Awareness Month is designed to increase public awareness about motorcycles and to encourage their safe and proper use among motorcycle riders and to encourage other motor vehicle operators to be cautious and observe motorcycles, especially during their seasonal return to our streets and highways; and

WHEREAS, the safe operation of a motorcycle is enhanced through a combination of rider training and experience, good judgment, and motorist awareness of motorcycles sharing the roads of Rowan County and North Carolina, the Charlotte CBA, Rowan-Cabarrus CBA, and the Concerned Bikers Association of North Carolina urge motorists in the County of Rowan to: "Look Twice and Save a Life" MAY = Motorcycle Awareness & YOU.

NOW, THEREFORE BE IT PROCLAIMED that the Rowan County Board of Commissioners does hereby recognize the month of May 2021 as Motorcycle Safety & Awareness Month in Rowan County, North Carolina, and urges all citizens to be cautious and to help create an awareness of motorcyclists who share the road.

- I. Authorization to Develop RFQ for Long Ferry Rd Corridor Improvements
- J. Environmental Health Fees
- K. Juvenile Crime Prevention Council FY 20-21 Funding Plan
- L. Juvenile Crime Prevention Council FY 21-22 Funding Plan

2. SPECIAL RECOGNITION – EMS WEEK

Chairman Edds read the following Proclamation, which he put in the form of a motion for approval:

WHEREAS, emergency medical services are a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services have grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care, and access to telemedicine; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week.

NOW, THEREFORE the Rowan County Board of Commissioners does hereby proclaim the week of May 16-22, 2021, as EMERGENCY MEDICAL SERVICES WEEK with the EMS Strong theme, THIS IS EMS: Caring for Our Communities, and encourages the community to observe this week with appropriate programs, ceremonies, and activities.

The motion was seconded by Commissioner Pierce and passed unanimously (4-0).

A round of applause followed the reading. The Board then presented the Proclamation to Allen Cress, Chief of Emergency Services. The Board also took the opportunity to have a photograph taken with Chief Cress and Sheriff Kevin Auten.

3. PUBLIC COMMENT PERIOD

Chairman Edds opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward:

- Stacy Gainey said he was present because he had been informed his neighbor was bringing a crowd to the meeting to talk about the Gainey's and their dogs. Mr. Gainey apologized to Commissioner Pierce for the calls his neighbor had made to Commissioner Pierce.

Commissioner Pierce said he was aware of the situation and the conversations that had taken place. Commissioner Pierce said he was also aware that Mr. Gainey had complied with the requests from Animal Services and there was nothing further the County could do. Commissioner Pierce said the neighbor had complained about the odor from the dogs in addition to their barking. Commissioner Pierce reiterated there was nothing more that could be done.

Mr. Gainey explained he was only present to defend his property in the event the neighbor had attended to the meeting complain.

- Ashley Gainey said their nearest neighbor was present to speak on behalf of the Gainey's and to confirm their dogs were not a nuisance to neighboring properties.
- Johnny Brooks, a neighbor to the Gainey's, said he had no issues with the Gainey's dogs.

With no one else coming forward, Chairman Edds closed the Public Comment Period.

4. QUASI-JUDICIAL HEARING CUP 14-99 AMENDMENT

Chairman Edds read the Chairman's Speech (Exhibit A) and declared the hearing for CUP 14-99 Amendment to be in session. Chairman said the hearing would focus on an application submitted by Rowan County Power to add a pole barn to their power generation facility on Tax Parcel 822 007 located at 5755 NC 801 Highway.

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

Aaron Poplin, Planner, presented the Staff Report (Exhibit B) and provided a power point (Exhibit C) as he discussed the case.

Mr. Poplin recalled that on August 17, 1999, the Board of Commissioners approved a conditional use permit (CUP 14-99) to allow for an electrical power generation facility at 575 NC 801 Highway, further referenced as Tax Parcel 822-007. There were subsequent amendments to the conditional use permit (CUP) over the years, including new turbines and warehouse expansion.

The current property owner, Rowan County Power, LLC, was proposing a 3200 square foot pole barn for equipment storage. The expansion was entirely inside the existing operational area and required an amendment to the CUP.

Using the power point (Exhibit C), Mr. Poplin showed the site in question, as well as the surrounding properties. Mr. Poplin also reviewed the CUP requirements and Evaluation Criteria contained in the Staff Report (Exhibit B).

Mr. Poplin provided example findings of fact (Exhibit D), and he stated the Board must adopt facts supporting the findings of fact based on the criteria as reviewed.

Commissioner Pierce inquired if the building would have electricity and Mr. Poplin said he was unsure.

Chairman Edds called those forward that had been sworn to provide testimony in the case:

- David Mohan of Southern Power Company, Project Manager, addressed the earlier question from Commissioner Pierce and confirmed the pole barn would have lighting. Mr. Mohan said he was present to answer any questions the Board might have.

Chairman Edds thanked Mr. Mohan for the investment Southern Power Company had made in Rowan County, as well as for being great neighbors and contributors to the community.

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

Commissioner Greene 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 seven (7) specific requirements identified in section 21-60 (4)(a) for Electric Services.

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

The motion was seconded by Commissioner Pierce and passed unanimously (4-0).

Commissioner Greene moved that the development of the property in accordance with the proposed conditions not substantially injure the value of adjoining or abutting property, or that the development is a public necessity.

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

The motion was seconded by Commissioner Pierce and passed unanimously (4-0).

Commissioner Greene 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 within the existing operational area and not visible from adjoining properties.

The motion was seconded by Commissioner Pierce and passed unanimously (4-0).

Commissioner Klusman moved to approve CUP 14-99 Amendment. The motion was seconded by Commissioner Pierce and passed unanimously (4-0).

At this point, Chairman Edds mentioned that Commissioner Caskey was not present because he was currently serving in the National Guard. Chairman Edds asked the Board to keep Commissioner Caskey in their prayers. Chairman Edds said Commissioner Caskey was also a police officer in Charlotte and he expressed appreciation for Commissioner Caskey's public service and encouraged others to thank him, as well.

5. BUDGET AMENDMENTS

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

- Finance – Budget for the Emergency Management FY 21 Tier II Grant for Disaster Preparedness (accepted by the Board of Commissioners on 4-19-21). \$1,000
- Finance – Budget projected additional restricted sales tax for Public School capital outlay. \$1,500,000
- Fund 201 – Fire Districts – Increase budget to cover Fire Districts' tax turnover for the rest of the fiscal year. \$397,000
- Sheriff – Recognize accounts containing excess revenue and budget to expense account that was underfunded. \$13,594

Commissioner Pierce moved approval of the budget amendments as presented. The motion was seconded by Commissioner Greene and passed unanimously (4-0).

6. FINANCIAL REPORTS

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

- Annual Cumulative Expenditure Comparisons as of April 2021. \$122,338,852
- Annual Cumulative Revenue Comparisons as of April 2021. \$139,114,665
- Annual Cumulative Current Year Property Tax Comparisons as of March 2021. \$86,331,943
- Annual Cumulative Sales Tax Comparisons as of January in FY '2021. \$18,035,975
- Monthly Sales Tax Comparisons as of January in FY '21. \$2,523,217

7. CLOSED SESSION

Chairman Edds moved at 6:27 p.m. for the Board 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 19, 2021, and North Carolina General Statute 143-318.11(a)(3) for attorney-client privileged communication regarding

OpenBroadband contract, Opioid Litigation and Mediko Medical Services Agreement. The motion was seconded by Commissioner Pierce and passed unanimously (4-0).

Commissioner Klusman moved the Board return to Open Session at 7:19 p.m. The motion was seconded by Commissioner Pierce and passed unanimously (4-0).

Chairman Edds moved to approve general terms for early termination of Mediko contract with the Sheriff's Department to include a \$50,000 credit to Rowan County and subject to final release agreement. The motion was seconded by Commissioner Klusman and passed unanimously (4-0).

ADJOURNMENT

There being no further business to come before the Board, Commissioner Pierce moved to adjourn at 7:19 p.m. The motion was seconded by Commissioner Greene and passed unanimously (4-0).

Respectfully Submitted,



Carolyn Barger, MMC, NCMCC
Clerk to the Board