

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

January 3, 2022 – 3:00 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, County Attorney Jay Dees, and Finance Director James Howden were also present.

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 the Consent Agenda as Item AE. The request was to schedule a public hearing for January 18, 2022 to consider an economic development incentive request for "Project Rabbit".

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.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Klusman moved, Commissioner Greene seconded and the vote to approve the minutes of the December 6, 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 Greene and passed unanimously.

The Consent Agenda consisted of the following:

- A. Salisbury-Rowan Community Foundation Grant Acceptance for One Church One Child
- B. Parking Lease Agreement with First Baptist Church
- C. FY22 American Rescue Plan (ARP) Transit Grant Application
- D. On-Airport Obstruction Removal Bid Award and Contract Approval
- E. Change Order for Contract with Children's Home Society of NC, Inc
- F. Change Order for Contract with Carolina Family Connections
- G. Change Order for Contract with Lutheran Family Services
- H. Change Order for Contract with Thompson Child & Family
- I. Contract with Superior/Central Square
- J. Acceptance of FFY20 5310 Urban City of Concord Grant Revenue Agreement
- K. Change in Existing Foster Child Reinvestment Agreement
- L. Tax Refunds for Approval
- M. Proclamation for Martin Luther King, Jr. Day
- N. Approval to Extend Premium Pay
- O. Amend Motion From December 6, 2021 Commission Meeting
- P. Salisbury-Rowan Community Action Agency 2022-2023 CSBG Grant Application
- Q. Addendum to RACE-CARS Trial Grant Funding
- R. Award Fleet Maintenance RFP to Vector Fleet Management, LLC
- S. Agreement with Girl Scouts Hornets' Nest
- T. Lease Agreement with First Baptist Church
- U. Request for Revised Incentive Agreement - Hexagon
- V. Agreement with Green Energy Biofuel
- W. Deposit Threshold
- X. Change Order RFC-002 and RFC-003 for Dellinger, Inc
- Y. Contract with Rae's Playze Adult Day Center for DSS
- Z. Contract with Monarch for DSS
- AA. Additional CARES Funding for Rowan Transit 5311
- AB. Award Sidearm of Master Deputy Billy Marsh to His Surviving Spouse
- AC. Schedule Public Hearing for Z 09-21: Jaypal Kalagiri for January 18, 2022
- AD. FY22 Pet Fee Refund
- AE. Schedule Public Hearing for January 18, 2022 for Economic Development Project Rabbit (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. QUASI-JUDICIAL HEARING FOR SUP 01-22

Chairman Edds read the Chairman's Speech (Exhibit A) and declared the public hearing for SUP 01-22 to be in session. Chairman Edds said the hearing would focus on an application submitted by Russel Woolf and Danielle Soroka to construct a residential storage facility on Tax Parcel 614 132 located in Waters Edge.

The Clerk swore in those wishing to provide testimony in the case.

Aaron Poplin, Rowan County Planner, presented the Staff Report (Exhibit B).

Mr. Poplin stated Russel Woolf and Danielle Soroka were requesting a Special Use Permit (SUP) to accommodate a 2,400 square foot residential storage facility on Tax Parcel 614 132. The proposed structure would be located on the parcel diagonally across the street from their house and would be used to store personal items and for storage of their boat.

Using a power point (Exhibit C), Mr. Poplin showed the site in question as well as the surrounding area. Continuing with the power point (Exhibit C), Mr. Poplin also reviewed the special use requirements of the County's Zoning Ordinance, as well as the evaluation criteria.

Mr. Poplin provided the Board with Example Findings of Fact (Exhibit D). Procedurally, Mr. Poplin said the Board must adopt facts supporting the findings based on the evaluation criteria.

Commissioner Klusman asked if there had been objections voiced by any of the neighbors. Mr. Poplin said calls had been received and the general consensus was there were issues with the materials being used in the building but not with the application itself.

Commissioner Klusman asked if the building would be constructed of steel and Mr. Poplin said he believed the building would be metal. Mr. Poplin said the applicant was present and could address the question.

In response to questions from Commissioner Pierce, Mr. Poplin confirmed that approvals would be needed by both the Home Owners Association (HOA) and the Board of Commissioners. Mr. Poplin said it did not matter which agency considered the request first as both had to grant approval. Mr. Poplin noted the County did not enforce HOA policies nor did the County's ordinance address which agency should consider the request first.

Commissioner Greene felt it a waste of time for the Board to consider the request if the request did not meet with the approval of the HOA. Commissioner Caskey added that Commissioner Greene had made a good point; however, the application was already

before the Board. Commissioner Caskey said in the future perhaps the Commissioners should request HOA approval first.

Chairman Edds noted if the Board approved the request, it did not mean the building would be erected. Chairman Edds said the only question before the Board was for consideration of the 2,400 square foot building.

Chairman Edds said he had asked some of the residents in Waters Edge if they had a problem with the size (2,400 square feet) of the building and they did not. Chairman Edds said the applicant would have to legally comply with the HOA from a construction materials standpoint.

Chairman Edds referred to the sketch in the power point (Exhibit C) and mentioned the setback requirements and whether the site would be front-loading.

The applicant, Russell Woolf of Deer Lake Run, who had been sworn to provide testimony, came forward and provided a new rendering (Exhibit E) of the proposed facility and he said the site would be front-loading.

Commissioner Klusman asked what materials the neighbors were objecting to and Mr. Woolf said the materials were up to the HOA. Mr. Woolf explained that when the HOA disagreed with him, he had the option to submit a petition, which he did. According to Mr. Woolf, of the 70 homes he stopped by, he obtained 50 signatures from residents who "don't care" what materials he builds the facility with, as long as it would look like the rendering he had provided to the Board (Exhibit E). Mr. Woolf said four (4) people in the neighborhood would not sign in support of the building and one (1) did not like it. Mr. Woolf said he was not trying to construct a building that looked like a workshop or industrial building. To date, Mr. Woolf said he had done all he could to follow the rules and guidelines.

Commissioner Klusman asked if vehicles would be kept inside. Mr. Woolf said his belongings were in storage elsewhere and he was erecting the facility so he could put the items in the building where he would have easier access to them.

Chairman Edds said no one he had talked with had an issue with the size of the building and that Mr. Woolf would have to come to agreement with the HOA on the materials to be used.

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

Commissioner Greene moved that 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 21-56 (10) for residential storage facilities.

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

The motion was seconded by Commissioner Pierce and carried 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.

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

The motion was seconded by Commissioner Klusman and passed unanimously.

After a brief discussion, the third example Finding of Fact (Exhibit D) was not adopted since the materials that were to be used must be approved by the HOA.

Commissioner Pierce moved to approve SUP 01-22 followed by a second from Commissioner Klusman.

Mr. Poplin confirmed to Chairman Edds the storage facility was to only be used for personal storage and not for business purposes.

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

4. QUASI-JUDICIAL HEARING FOR SUP 01-18 AMENDMENT: CELLCO PARTNERSHIP

Chairman Edds read the Chairman's Speech (Exhibit A) and declared the public hearing for SUP 01-18 to be in session. Chairman Edds said the hearing would focus on an application submitted on behalf of Cellco Partnership to construct a 165-foot wireless support structure on Tax Parcel 422-179 located at 280 Rimer Road.

The Clerk swore in those wishing to provide testimony in the case.

Assistant Planning Director Shane Stewart presented the Staff Report (Exhibit B).

Mr. Stewart provided a power point (Exhibit C) as he discussed SUP 01-18. Mr. Stewart explained that on behalf of Cellco Partnership d/b/a Verizon Wireless, Baker Donelson, etal. PC was requesting a Special Use Permit (SUP) to accommodate a 165-foot wireless support structure (a.k.a. cell tower) on a 24-acre tract identified as Rowan County Tax Parcel 422-179 located at 280 Rimer Road, Salisbury. Verizon had an identified need to improve coverage and capacity within the Mt. Hope Church Road

area southwest of the Town of Faith. Verizon determined the coverage could be accomplished by the construction of a new tower at the requested location. An identical request was approved by the Commissioners on March 19, 2018 but expired due to the lack of a zoning permit being issued within two (2) years of approval.

Using the power point (Exhibit C), Mr. Stewart showed the site in question as well as the surrounding areas. Because the request was almost identical to the request in March of 2018, Mr. Stewart said he would not review the report exhaustively with regards to compliance, etc.

Mr. Stewart provided Example Findings of Fact (Exhibit D). Mr. Stewart referenced the second Finding and the reference to testimony given that was somewhat an assumption but also something that could be referenced to the 2018 hearing.

Continuing with the power point (Exhibit C), Mr. Stewart highlighted the identified coverage area. Mr. Stewart noted there were no cell towers in the area that could be used for co-location nor any identified preferred sites. Mr. Stewart discussed ordinance requirements for proposed tower location, including the fall zone area.

Mr. Stewart said it was the conclusion of the City Scope Consultant firm, hired by the County, that the application complied with the standards of the County's Ordinance.

Procedurally, Mr. Stewart said the Board must adopt facts supporting the findings of fact based on the evaluation criteria. Mr. Stewart used the power point (Exhibit C) to show the previous Findings of Fact and he reminded the Board it might wish to revise Finding #2. Mr. Stewart also showed the five (5) conditions of approval from the applicant's previous request.

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

Jeremy Holt with Chase Real Estate Services (10612 D Providence Road, Charlotte, NC) was present and had been sworn in to represent the applicant. Attorney Josh Rotenstreich who was not sworn, participated remotely.

Mr. Rotenstreich said Mr. Stewart presented the request well and Mr. Rotenstreich confirmed not much had changed since the original application had been approved back in 2018. Mr. Rotenstreich reported that Verizon had been unable to construct the tower within the approved timeframe and was requesting a renewal of the application. Mr. Rotenstreich continued by saying the purpose for the tower was to improve coverage and also to improve capacity in the Town of Faith area. Mr. Rotenstreich discussed the lack of coverage in the area and said the tower would also create a capacity offload. In closing, Mr. Rotenstreich said he believed the requirements under the County's Ordinance had been met and he requested the Board approve the application. Mr. Rotenstreich said he intended to keep his comments brief unless the Board wanted

further information from him. Mr. Rotenstreich moved into evidence the entire application along with the diagrams, charts and other materials contained therein (Exhibit B).

Chairman Edds recognized Chaplain Michael P. Taylor who asked if the tower would improve cell service from the Bostian Heights area towards Salisbury.

Mr. Holt came forward and said he was unsure as he did not have a location map for the specific area Chaplain Taylor had questioned.

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

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

FACT: Based on plans submitted and established conditions of approval, the proposed tower will comply with all applicable Federal, State, and Local regulations.

FACT: In the unlikely event of tower failure, the structure will be certified by a North Carolina Professional Engineer to fall within the lease area prior to the issuance of a zoning permit.

FACT: The proposed tower will provide the means for Verizon Wireless to address documented coverage and capacity deficiencies and co-location opportunities for future telecommunication providers, an industry recognized as a public necessity.

The motion was seconded by Commissioner Pierce and carried unanimously.

Commissioner Caskey 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.

FACT: State certified general appraiser Michael Berkowitz provided testimony summarizing statements from his impact study which concluded the proposed tower “will not substantially injure the values of adjacent properties and that it is located in an area where it does not substantially detract from the aesthetics and neighborhood character.

The motion was seconded by Commissioner Pierce and passed unanimously.

Commissioner Caskey 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: As evidenced from the balloon test and photo simulations, the proposed tower would only be visible along portions of Rimer Road and two small sections along Mount Hope Church Road.

FACT: According to the staff report, monopole towers less than 199 feet in height are permitted in 98% of the county zoning jurisdiction subject to a conditional use permit, a process that assumes the use is generally compatible with surrounding properties.

FACT: Wireless towers do not generate significant levels of noise, odor, glare, or dust.

FACT: This request complies with all specific special use requirements in section 21-60 (4) of the Zoning Ordinance.

The motion was seconded by Commissioner Pierce and carried unanimously.

Commissioner Klusman moved, Commissioner Pierce seconded and the vote to approve SUP 01-18 Amendment passed unanimously.

5. YEAR END LITTER REPORT

Chairman Edds highlighted the Litter Mitigation Report for the 2021 calendar year. It was noted that Rowan County has 2,498.58 shoulder miles of roadway. During the 2021 calendar year, the Department of Environmental Management removed approximately 117 tons of litter and roadside debris.

Rowan County law enforcement contributed to the program's success by focusing law enforcement efforts to enforce North Carolina litter laws and solid waste management rules for Rowan County. The Rowan County Environmental Enforcement Officer program issued (33) citations and initiated (22) dumpsite clean-ups.

6. BUDGET AMENDMENTS

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

- Social Services – Revise expenditures and/or revenues based on Funding Authorizations received from the State. Funding Authorizations reflect the actual amount received and may increase or decrease the budget estimate. \$158,160
- Finance – To de-obligate FY19 HSGP Grant. \$29,217
- Health Department – BOC approved use of ARPA funds to fund 6-months (January - June 2022) of the Health Department's PORT Program. \$123,000
- Rowan Transit – Decrease to FY22 ROAP Grant allocations awarded and to correct account lines in 4529 operational budget. \$236,035
- Social Services – To budget Low Income Water Assistance direct payments and administrative funding. No county funds required. \$289,134
- Water Fund – Increase in budget of revenue and expense to account for increase in water usage in the Dukeville area; increasing the County's sale of water but

correspondingly increasing our water purchased from Salisbury Rowan Utilities. \$70,000

- Finance – Budget the Farm Credit Grant awarded to Cooperative Extension approved at the 11/15/21 BOC Meeting. \$5,000
- ES/Sheriff/County Manager – Use of ARPA funds to continue hazard pay through June 25, 2022 for Sheriff and Emergency Services employees potentially exposed to COVID-19 based on their daily work schedule. \$844,424
- ES/Sheriff/County Manager – Requesting use of ARPA funds to cover overtime for the Detention Center, Building Inspection and DSS departments to help fight and control COVID-19 in the community and for those departments short-staffed because of COVID-19 through June 25, 2021. \$441,085
- Finance – To budget funding for the Rowan County Farmland Protection Plan Project awarded to Cooperative Extension under the ADFP Trust Fund. \$10,000
- Social Services – Budget Pandemic LIEAP ARPA direct service payments. Expenditures will be reimbursed at 100% requiring no county funds. \$929,079

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

7. CONSIDER APPROVAL OF BOARD APPOINTMENTS

ROWAN ECONOMIC DEVELOPMENT COUNCIL

There is a total of three (3) county seats to be filled by the Board of Commissioners.

For two (2) of the seats, Greg Anderson and Tim Proper re-applied. Both were eligible for reappointment. The third county appointment was needed due to a resignation. Applications were received from the following individuals:

1. Roger Lee Withers
2. Dr. Tony Watlington, Sr.
3. Bradford Michael Basinger
4. Carl Dangerfield, Jr.
5. Thomas Chandler Turpin
6. Corey Jo Hill

The selected applicants will serve three-year terms that will expire December 31, 2024.

Commissioner Klusman moved approval of Greg Anderson, Tim Proper and Dr. Watlington. The motion was seconded by Commissioner Pierce and passed unanimously.

SOUTH SALISBURY FIRE DEPARTMENT FIRE COMMISSIONERS

Judy Bernhardt and Wayne Taylor applied for reappointment; however, they both had served three (3) terms. During regular session on December 2, 2019, the Board waived

the term limits established by the Resolution governing the Board appointment process in order to allow Ms. Bernhardt and Mr. Taylor to serve a third term.

Fire Chief Jason Burnett submitted a letter asking the Board to waive the term limits again due to the Department's inability to identify new and interested applicants. If the Board chooses to waive the term limits, the reappointment for Ms. Bernhardt and Mr. Taylor would be for two (2) years and expire December 31, 2023.

Commissioner Klusman moved, Commissioner Pierce seconded and the vote to waive the term limits for Ms. Bernhardt and Mr. Taylor carried unanimously.

Commissioner Klusman moved to reappoint Ms. Bernhardt and Mr. Taylor. The motion was seconded by Commissioner Greene and carried unanimously.

Justin Belk applied to fill a vacant seat and if approved, his term would also expire December 31, 2023.

Commissioner Pierce moved the appointment of Mr. Belk. The motion was seconded by Commissioner Caskey and passed unanimously.

8. CLOSED SESSION

Chairman Edds moved at 3:55 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 October 18, 2021; and, in accordance with North Carolina General Statute § 143-318.11(a)(3) for Attorney-Client Privileged Communication regarding lease negotiations.

The motion was seconded by Commissioner Klusman and passed unanimously.

The Board returned to Open Session at 5:08 p.m. on motion by Commissioner Klusman. The motion was followed by a second from Commissioner Pierce and carried unanimously.

No action was taken.

9. ADJOURNMENT

There being no further business to come before the Board, Commissioner Pierce moved to adjourn at 5:08 p.m. The motion was seconded by Commissioner Klusman and passed unanimously.

Respectfully Submitted,



Carolyn Barger, MMC, NCMCC
Clerk to the Board