

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



Aaron Church, County Manager  
Sarah Pack, 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

February 20, 2023 – 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, Commissioner  
Judy Klusman, Commissioner  
Craig Pierce, Commissioner

County Manager Aaron Church, Clerk to the Board Sarah Pack, County Attorney Jay Dees, and Finance Director Anna Bumgarner were also present.

#### Call to Order

Chairman Edds called the meeting to order at 6:00 p.m. Chaplain Michael Taylor provided the invocation. Chairman Edds lead the Pledge of Allegiance.

#### Consider Additions to the Agenda

Chairman Edds requested to add the following items to the Consent agenda:

- Proclamation Honoring and Celebrating the Service of Centenarian James Deal (Consent Item S)
- Proclamation Honoring Javon Hargrave (Consent Item T)
- Drainage Easement on Leonard Road (Consent Item U)
- Budget Amendment for Vehicles/fleet nontarget and target costs (Consent Item V)
- Corrected contract for RTS vehicles camera work – Sole-Source Coast 2 Coast (Consent Item W)
- Rowan Transit Certifications and Assurances for Grant Application (Consent Item X)

#### Consider Deletions From the Agenda

There were no deletions from the agenda.

#### Consider Approval of the Agenda

*On motion of Pierce, seconded by Klusman, the Board voted 5-0 to approve the agenda as amended.*

#### Consider Approval of the Minutes

*On motion of Klusman, seconded by Pierce, the Board voted 5-0 to approve the minutes of the February 6, 2023, Regular Meeting and the February 6, 2023, Special Meeting.*

**Consider Approval of the Consent Agenda**

*On motion of Klusman, seconded by Pierce, the Board voted 5-0 to approve the Consent Agenda as amended, as follows:*

- A. Retail Business Services Hangar Exterior Alternation Request*
- B. Three Rivers Land Trust Raffle Retail Ticket Outlet*
- C. Amendment #2 - Town of Landis*
- D. Sign for Airport Fuel Farm*
- E. Duke Energy Easement - Hangar Expansion Project*
- F. Report of 2022 Delinquent Taxes*
- G. Award Airport Parking Lot Bid - Barnes Asphalt Maintenance Incorporated*
- H. Rowan County Chemical Booster Station - Change Order 6*
- I. GRANT APPLICATION: Rowan Public Library Request to Apply for Robertson Family Foundation 2023 Grant*
- J. GRANT APPLICATION: Rowan Public Library Request to Apply for Library Services and Technology Act Grant Funding*
- K. GRANT AGREEMENT: Department of Natural and Cultural Resources Non-recurring Grant to Rowan Nature Center (American Rescue Plan Act Grant)*
- L. DIRECTED GRANT: Combined Scope of Work for State Grant 20542*
- M. DIRECTED GRANT: Revised Funding Request to Department of Environmental Quality for Session Law 2022-74 Appropriated Projects*
- N. Tax Refunds for Approval*
- O. FY 23-24 HOME Application*
- P. Rowan County Working Agriculture Lands Plan*
- Q. Partial Road Abandonment - Carter Loop Road*
- R. Funding Request for Paving at the Animal Shelter*
- S. Proclamation Honoring and Celebrating the Service of Centenarian James Deal (agenda addition)*
- T. Proclamation Honoring Javon Hargrave (agenda addition)*
- U. Drainage Easement on Leonard Road (agenda addition)*
- V. Budget Amendment for Vehicles/fleet nontarget and target costs (agenda addition)*
- W. Revised contract for Rowan Transit System vehicles camera work – Sole-Source Coast 2 Coast (agenda addition)*
- X. Rowan Transit Certifications and Assurances for Grant Application (agenda addition)*

**Public Comment Period**

There were no public comments.

**Consider Farm Lease with Bobby Waller**

Finance Director Anna Bumgarner presented the Lease Agreement between the County and Bobby Waller to the Board for a piece of land near the landfill. The request to advertise the intent to lease had been approved at a prior board meeting.

Chairman Edds said this is a good use of unused land.

Vice-Chairman Greene said the lessee had been Farmer of the Year.

*On motion of Greene, seconded by Klusman, the Board voted 5-0 to approve entering into a Lease Agreement with Bobby Waller and authorized the County Manager to sign the contract.*

### **Consider Family Subdivision Waiver (FSW) 01-23**

Aaron Poplin, Planning Technician, said Jeramy Goodman is requesting a family subdivision waiver to allow for a 4th new lot in the existing family subdivision off Gheen Rd, further referenced as Rowan County Tax Parcel 305 096. Jason Goodman plans to receive a new lot from the property he jointly owns with his father and brothers.

In 2021 James Goodman divided three tracts off his approximate 100-acre property. Lot one was deeded to his son Jeffery Goodman, lot two was deeded to his son Jeramy Goodman, and lot three to himself. The 90-acre residual tract was placed in joint ownership of Jeramy, James, Jeffery, and Jason Goodman. Now Jason Goodman is looking to build a house on the property and needs his own lot.

Jeramy Goodman has indicated that they may come back to the Board for future waivers once other immediate family members come of age and get ready to build homes.

One of the reasons Rowan County adopted a Subdivision Ordinance was in response to maintenance issues often created by private roads, especially those providing access to a significant number of residences. Requirements specified new divisions could only be established on property containing sufficient public road frontage for both the new and residual lot and where new roads were constructed to meet North Carolina Department of Transportation (NCDOT) standards. In lieu of these options, the ordinance established a process where a property owner could convey parcels to their immediate family members for the purpose of establishing new residences.

The family subdivision waiver process provides the Board of Commissioners (BoC) an option to consider relaxing one or more of the family subdivision requirements in a legislative process rather than quasi-judicial (variance through the Board of Adjustment) when undue hardship may result from strict compliance. Traditionally, the BoC have considered waivers for families seeking more than three new lots, or conveyance to family members outside the “immediate family.”

In accordance with Section 22-54 of the Subdivision Ordinance, the BoC should consider the following four criteria and ensure the waiver “shall not be detrimental to the county and the area surrounding the subdivision.”

- Nature of the proposed subdivision: The proposed subdivision is a family subdivision resulting in one new parcel, for a total of five parcels.
- Existing use of the land in the vicinity: The surrounding land uses are residential and agricultural.

- Number of persons to reside or work in the proposed subdivision: The five lots will be occupied by the Goodman family. Each lot will be deeded as follows:
  - Lot 1. Jeffery Goodman.
  - Lot 2. Jeramy Goodman.
  - Lot 3. James Goodman.
  - Lot 4. Jason Goodman.
  - Residual. James, Jason, Jeramy, and Jeffery Goodman.
- Probable effect of the proposed subdivision upon traffic conditions in the vicinity: Traffic count information provided by the North Carolina Department of Transportation's (NCDOT) Comprehensive Transportation Plan (CTP) estimates a carrying capacity of 13,600 average vehicles per day. The most recent traffic count estimates from 2016 tallied 660 average daily trips along that section of Gheen Road.

Commissioner Pierce asked if the road on the property will need to be named.

Mr. Poplin said at this point names are not needed, but if an additional waiver is requested, naming the roads would be required.

*On motion of Pierce, seconded by Greene, the Board voted 5-0 to approve Family Subdivision Waiver 01-23.*

**Consider Proposed Changes to Speedway Business Park Protective Covenants**

Shane Stewart, Assistant Planning and Development Director, said Bowtie Properties LLC (limited liability company) owns three lots in the Speedway Business Park, identified as Parcel IDs 401A-023, 025, & 031 along with an adjacent parcel to the north, identified as 401-019, which is not part of the Speedway Business Park. Mr. Stewart reviewed the parcels and adjacent properties on a map.

Planning Staff met with the owners regarding their desire to re-combine the eastern portion of 401-019 with the associated adjacent lot portions including the LGC Holdings LLC tract (401A-024) as noted on the map. The proposed reconfiguration would address buffer encroachments along the rear property line at two of the lots and offer future expansion possibilities on the lots.

Planning Staff along with the County Attorney indicated the first step should be an amendment to the covenants to address the process of adding acreage to the park and ensuring the application of covenant standards. On behalf of Bowtie Properties, attorney Hank Niblock prepare a draft of proposed changes to the Speedway Business Park Protective Covenants to address the following:

1. Language to address new land added to the park and ensure covenant application;
2. Allow lots 11 and 12 to be sold and be subject to the covenants for signage and landscaping only (Bowtie is interested in purchasing these "lots." This is merely an enabling measure should the county entertain offers;
3. Flexibility on loading areas and fencing standards;
4. Miscellaneous clean up text.

Staff informed Bowtie they will need to apply for a rezoning and special use permit to accommodate the request if the covenants were amended. The draft has been reviewed by the County Attorney and deemed acceptable. Mr. Stewart reviewed some of the suggested revisions and updates to the covenants. There is interest in purchasing the two lots owned by the County to erect a sign at the road front.

Vice-Chairman Greene asked where the entries to the parcels will be, and Mr. Stewart pointed out options on a map. The proposal is for the land in question to be combined with the existing lots.

Commissioner Pierce asked if the new lots would need rezonings and Mr. Stewart said yes. The land is currently zoned rural/residential. County Attorney Jay Dees said rezoning would be the next step.

Chairman Edds asked Mr. Stewart to show the two parcels owned by the County on a map and asked if they can be developed. Mr. Stewart said as it stands, there is limited ability to develop. These lots are zoned separate from lots 2 through 10.

Hank Niblock introduced himself to the Board and said these amendments to the covenants will help to build business in the area. The signage will contribute to a nice entrance.

Vice-Chairman Greene asked if the other owners of lots have been spoken with regarding signage. Mr. Niblock said he was unsure, but he just wants it to be a nice entrance to the business park.

Commissioner Klusman asked if Makson Incorporated, the development contractor, would be interested in purchasing the county owned land.

Bill Arndt, head developer for Makson Construction, said the plan for lots 1 and 12 is to enhance the entrance to what's already there. Makson works closely with landowners nearby. Makson is very interested in purchasing lots 1, 12, and the racetrack. There has been a bid submitted for lots 1 and 12. The intent is to enhance the entrance to the business park. He would like to continue the racetrack's business.

Mr. Niblock thanked county staff for their assistance with this matter.

Mr. Dees said if any changes are approved, the amendment will be circulated to other property owners for signatures. This is a best practice. Zoning would be the next step while the amendment is circulated.

Chairman Edds asked if there is a downside to selling lots 1 and 12 to one owner versus the park owning the entrance jointly. Mr. Dees said ideally, there would be an association that owns and manages the entrance. There are some downsides, but there are ways to mitigate risk.

Commissioner Klusman asked if the racetrack property was sold in the future, could restrictions be placed upon it relative to use and Mr. Dees said yes.

Commissioner Pierce said if lots 1 and 12 were sold, restrictions should be applied, but there is no need until it changes hands. Bowtie wants to be in this area because of the racetrack. It may not be beneficial for the county to hold this area as an asset.

Mr. Stewart said generally, the county shouldn't hold land without an intent to use it.

Chairman Edds said there could be an issue in the future if a tenant is disagreeable about one company holding ownership of the entrance.

*On motion of Pierce, seconded by Klusman, the Board voted 5-0 to approve the amended covenants and authorize the Chairman to sign the document after property owner signatures were collected.*

### **Budget Amendments**

Finance Director Anna Bumgarner presented the budget amendments, as follows:

<i>Library</i>	<i>To reduce funds for Library Services and Technology Act Bright Ideas Grant to actuals</i>	<i>\$1,822</i>
<i>Finance</i>	<i>To allocate fiscal year 2022 restricted sales tax to Rowan Salisbury Schools and Kannapolis City Schools capital improvements</i>	<i>\$4,809,045</i>
<i>Finance</i>	<i>Transfer American Rescue Plan Act funds to cover water flushing fees with City of Salisbury</i>	<i>\$120,000</i>
<i>Soil and Water</i>	<i>Increase budget for Tropical Storm Eta Grant and decrease for expired Hurricane Florence Grant</i>	<i>\$132,361</i>
<i>Water Fund</i>	<i>Transfer funds to cover additional costs for Chemical Booster Station</i>	<i>\$2,254</i>
<i>Parks</i>	<i>Increase budget for NC Science Museums Grant - Nature Center</i>	<i>\$75,000</i>
<i>Parks</i>	<i>Increase budget for American Rescue Plan Act Grant - Nature Center</i>	<i>\$141,079</i>
<i>Finance</i>	<i>Transfer funds for Vehicles Fleet Target and Non-target costs</i>	<i>\$583,723</i>
<i>Animal Services</i>	<i>Transfer funds for paving at the Animal Shelter</i>	<i>\$26,265</i>

*On motion of Pierce, seconded by Klusman, the Board voted 5-0 to approve the presented Budget Amendments.*

### **Financial Reports**

Ms. Bumgarner reviewed Financial Reports.

- Cumulative expenditures are up by \$4.8 million or 5.5%.

- Cumulative revenues are up by \$23.1 million or 22%. American Rescue Plan Act funds contribute to this.
- Current year property taxes are up by \$2.2 million or 3.1%.
- Monthly sales taxes show a 0.5% decrease, equating to \$16,000 for the month.
- Cumulative sales taxes are up by \$1.5 million, or 12.9%.

### **Closed Session**

Prior to going into Closed Session, Commissioner Klusman stepped out of the room unexcused.

*At 6:40 p.m. on motion of Edds, seconded by Pierce, the Board voted 4-0 (with Klusman absent) to enter into closed session pursuant to NCGS 143-318.11(a)(1) to consider approval of the minutes of the Closed Session held on February 6, 2023, as described by NCGS 143-318.10(e) providing that minutes or an account of a closed session may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session, and pursuant to NCGS 143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132-1.7(5) of the General Statutes.*

### **Regular Session**

At 7:16 p.m. regular session resumed.

### **Adjournment**

*At 7:17 p.m., on motion of Pierce, seconded by Klusman, the Board voted 5-0 to adjourn.*

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Sarah Pack, NCCCC  
Clerk to the Board