

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

September 5, 2023 – 3:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

PRESENT:

Greg Edds, Chairman
Jim Greene, Vice-Chairman
Craig Pierce, Commissioner
Mike Caskey, Commissioner
Judy Klusman, 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 3:00 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 Rowan County (ADA) Contracts for Fiscal Year 2024 as Consent Item Z.

Consider Deletions From the Agenda

There were no deletions from the agenda.

Consider Approval of the Agenda

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

Consider Approval of the Consent Agenda

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

- A. Sole-Source SHI International - FY24*
- B. Sole-Source Northwoods Compass - FY24*
- C. Sole-Source ESI Acquisition, Inc - FY24*
- D. Revision of WEPEC procedure and event contract*
- E. Sole-Source Leads OnLine - FY24*
- F. Sole-Source TK Elevator Corporation - FY24*

- G. South Data Inc. Approval - FY24
- H. Request for Public Hearing on Amendments to Ordinance Ch. 8.5 Farmland Preservation
- I. Consider Approval of the Minutes of the 8/3/23 Joint Meeting and the 8/21/23 Regular Meeting
- J. GRANT APPLICATION: Rowan DSS: Salisbury-Rowan Community Foundation Grant 2023: One Church One Child
- K. RFQ Authorization - Crawford Building
- L. Rowan County Health Department - 2023-24 Environmental Health Fee Schedule
- M. Approval of Purchase - NCDOT IMD Vehicle Order - 20' LTV - Rowan Transit System
- N. Approval of Purchase - NCDOT IMD Vehicle Order (2-Raised Roof) - Rowan Transit System
- O. Budget Amendment - Dog Exercise Area NDDAC at Rowan County Animal Shelter
- P. Budget Amendments, as follows:

DSS	To budget Low Income Energy Assist funding	18,993
Sheriff	To acknowledge donation to purchase bloodhound K-9	17,500
Health	To align budget with awarded funding for CCHC Smart Start	22,537
Cooperative Extension	To correct FY23 Reserved Funds	1,140
Parks and Rec	To recognize ARPA funds and FY23 reserved funds for Nature Center grants	56,870
Health	To budget for AA914 ARPA funding for lead in water and paint in schools	14,144
Health	To correct FY24 budgeted revenue for Mayor's award	20,513
Finance	To record FY21, FY22, and FY23 ARPA Interest	472,119
Finance	To budget for new dog exercise area at new Animal Shelter - Sep Agenda Item	24,000
Finance	To appropriate Fund Balance for FY23 Encumbrances - Sheriff Dept PO 23000600	20,280
Parks and Rec	To transfer funds to cover Sheriff Deputy's working Autumn Jubilee	7,500
Health	To recognize FY23 Reserved funds	80,046
Health	To recognize FY23 Reserved funds	119,995
Finance	To carry forward available funds for WEP project	6,048,840

- Q. Plumbing Grant correction
- R. Refund to Novant Health
- S. Sole-Source Freshworks - FY24
- T. FIRST AMENDEMENT Hangar Lease Retail Business Services, LLC
- U. CPS Social Worker Sign-On Bonus and Salary Increase
- V. GRANT APPLICATION: Sheriff's Office request approval to apply for NHTSA Funding

- W. Proclamation: September 2023 Library Card Sign-up Month*
- X. Dave Clay - Centenarian*
- Y. Reduced Adoption Fees for the Month of September*
- Z. Rowan County ADA Contracts – FY24 (Agenda Addition)*

Public Comment Period

Chairman Edds opened the floor for Public Comment and closed it after no one wished to speak.

Public Hearing for Rowan Transit FY25 Grant Applications

Valerie Steele, Rowan Transit System Director, said the North Carolina Public Transportation Division is accepting Transportation Program applications for FY25. The Board of Commissioners is the official applicant for these funds. The deadline for application is October 6, 2023. The public hearing allows residents an opportunity to comment on community transportation needs and the Rowan Transit System (RTS) grant applications.

The Community Transportation Program (CTP) covers administrative costs including salaries, travel, communications, utilities, advertising, and a secured parking lot. The request is for \$275,956. Of the request, 85% (\$234,563) is grant-funded with a 15% (\$41,393) County match.

The State/Rural program is designed to enhance mobility of seniors and individuals with disabilities. This includes Rowan Vocational Opportunities (RVO), Trinity Living Center (TLC), and Dialysis-Rural. The requested amount is \$300,000, with \$150,000 in grant funds, \$150,000 from contract revenue, and Dialysis-Rural providing a 50% match from ROAP funding.

Rowan Vocational Opportunities (RVO) is a non-profit rehabilitation facility providing work adjustment, vocational training, long term or transitory employment and life skills for people with intellectual or developmental disabilities. Trinity Living Center (TLC) is a community-based adult day service to meet the needs of frail elderly and functionally and/or cognitively impaired adults. Davita provides patients with integrated care regardless of the stages of kidney disease.

There is a combined capital request for funding to replace three raised roof vans, all with lifts. There is no guarantee of NCDOT approval or when the vehicles will be received. The request is for \$317,175, with 90% (285,457) in grant funding and 10% (\$31,718) in County match funds.

The total amount requested is \$893,131, with \$670,020 in grant funding and a County match of \$73,111, with an additional \$150,000 in contract revenue. All grant agreements are brought back to the Board of Commissioners for official acceptance, the certification that funding is available, and the approval for signature by the County Manager.

Chairman Edds clarified that these grants were applied for last year. Ms. Steele said yes and explained the amount changes.

Commissioner Caskey asked what happens to the vehicles at the end of their useable life and Ms. Steele explained the options after the vehicles are released to the County.

Commissioner Pierce asked the average life of the vehicle. Ms. Steele said likely 3-5 years for the vehicle to reach 100,000 miles.

At 3:08 p.m. Chairman Edds opened the Public Hearing and closed it after no one wished to speak.

On motion of Pierce, seconded by Klusman, the Board voted 5-0 to approve Rowan Transit System to complete and submit applications for the Fiscal Year 2025 grants presented.

On motion of Pierce, seconded by Klusman, the Board voted 5-0 to adopt the CTP Public Transportation Program Resolution, as follows:

PUBLIC TRANSPORTATION PROGRAM RESOLUTION FY 2025 RESOLUTION

Section 5311 (including ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof.

Applicant seeking permission to apply for Public Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match.

A motion was made by Pierce and seconded by Klusman for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural, small urban, and urban public transportation services consistent with the policy requirements of each funding source for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, the funds applied for may be Administrative, Operating, Planning, or Capital funds and will have different percentages of federal, state, and local funds.

WHEREAS, non-Community Transportation applicants may apply for funding for "purchase-of-service" projects under the Capital Purchase of Service budget, Section 5310 program.

WHEREAS, Rowan County hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to

implement and manage the project(s), prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

WHEREAS, the applicant has or will provide all annual certifications and assurances to the State of North Carolina required for the project; NOW, THEREFORE, be it resolved that the County Manager of Rowan County is hereby authorized to submit grant application (s) for federal and state funding in response to NCDOT's calls for projects, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural, small urban, and urban public transportation services.

Consider PE 06-23 – Mooresville Motorsport Complex

Aaron Poplin, Planning Technician, said Tracy Broome on behalf of the Mooresville Motorsport Complex is requesting a Permit to Exceed from 12 PM to 12 AM September 15th, 2023 at the Mooresville Dragstrip 1255 Wilkinson Rd (Tax Parcel 239 111) in Mooresville for a post-race concert. The duration of the request covers the entirety of the event, not just the live music portion. The applicant expects to attract around 200 people. This event is the final points paying race of their season and will have a post-race concert. The applicant has indicated that this will be the same as one of their typical races just with the addition of a post-race concert.

The Mooresville Dragstrip is a legal non-conforming use that existed prior to county-wide zoning was adopted in 1998. As a legal non-conforming use, the Dragstrip has been allowed to continue operations while not conforming to all the standards of the zoning ordinance. The regular drag racing that occurs on this property does not require a permit to exceed as the races do not involve amplified sound. The post-race concert does require a permit to exceed as the music will involve amplified sound.

According to Section 14-10 of the Noise Ordinance, "It shall be unlawful for any person, group, event or business to play, use or otherwise operate any sound amplification equipment (to include radio, tape player, stereos, etc.) emitting sound that is unreasonable, frequent and continued with such volume at any time on any given day of the week, in a manner which may annoy or disturb the quiet, comfort or repose of the general public. This provision is applicable when the source of the noise is plainly audible to the responding law enforcement officer at a distance of one hundred (100) feet."

However, Section 14-12 provides an opportunity to exceed the amplified sound standards in the form of a "permit to exceed" when the event is open to the public. As provided in Section 14-12 (c) of the Rowan County Noise Ordinance, the following criteria shall be considered in issuing or denying an application for a permit to exceed:

1. The timeliness of the application
 - Finding: Planning Staff received this application on August 2nd well in advance for consideration on September 5th.

2. The nature of the requested activity
 - Finding: This is a post-race concert for the final race of the season.
3. Previous experience with the applicant.
 - Finding: This is the first time the applicant has requested a permit to exceed.
4. The time of the event.
 - Finding: The event will begin on Friday September 15th at 12:00 PM, and end at 12:00 AM that night.
5. Other activities in the vicinity of the proposed event.
 - Finding: none to our knowledge.
6. Frequency of the event.
 - Finding: The applicant is considering future post-race concerts, but none are planned at this time. Future concerts could be considered under one application if all concert dates are known.
7. Cultural or social benefits of the proposed event.
 - Finding: The applicant expects to attract an estimated 200 people.
8. The effect of the activity on any adjacent residential area.
 - Finding: see attached map of area properties.
9. Previous violations, if any, by the applicant.
 - Finding: The current owners have not had any past violations of the noise ordinance.
10. Adjoining property owners surrounding the location are notified by the Planning Department or applicant at least seventy-two (72) hours prior to consideration by the Board of Commissioners.
 - Finding: The Planning Department provided mailed notice to property owners within 100 feet of the event and posted a sign on August 24th regarding this application (12 days notice before the BOC meeting and three weeks before the event).

The only concern staff have with this request is how late the event is proposed for.

Commissioner Caskey asked what time racing normally finishes and Mr. Poplin said he was unsure.

Chairman Edds asked if there was a history of similar events with prior owners. Mr. Poplin said there have not been similar events in the past that have been applied for through the permit to exceed process.

At 3:15 p.m. Chairman Edds opened the Public Hearing.

Dan Timmons, 510 Performance Road, owns property in the industrial park and is the Vice President of the Landowners Association. Work has been completed on the park to be more aesthetically pleasing. He is concerned about traffic and parking availability. People may try to join in on the concert without paying by parking in obscure locations. There have been issues in the past with theft and break-ins. He would like to see the site secured. He supports the facility but is concerned about the impact of traffic and parking, along with site security.

Commissioner Klusman asked what time the races normally stop. Mr. Timmons said sometimes 11:00 p.m. on a big event.

Rene Descoteaux, 105 Performance Road, declined to comment and said Mr. Timmons covered his concerns.

Mr. Timmons suggested addition a condition to the permit approval to increase security or traffic control. There is one main entrance to the industrial park, adjacent to the drag strip, named Performance Road.

Attorney Jay Dees said the County has been working with the owners and will convey the concern that someone be added at Performance Road to direct traffic to the correct entrance.

Hearing no further comments, Chairman Edds closed the Public Hearing at 3:24 p.m.

Commissioner Klusman asked how long the concert would be and Mr. Poplin said it would end before midnight. Mr. Poplin explained the sound restrictions for a permit to exceed.

On motion of Pierce, seconded by Greene, the Board voted 5-0 to approve PE 06-23 with a condition of the owner providing adequate security and traffic control, including at the entrance to Performance Road.

Board Appointments

On motion of Klusman, seconded by Pierce, the Board voted 5-0 to appoint Dr. Darise Caldwell to the Registered Nurse seat, appoint Dr. Anthony Davis to the General Public seat, and appoint Linus Goodman III to the Engineer seat on the Public Health Board.

***Clerk's note: Each of these Health Board appointments is effective January 1, 2024. These early appointments have been made due to the Health Director's impending leave of absence.*

On motion of Klusman, seconded by Pierce, the Board voted 5-0 to appoint Timothy Crews to the Chief of Police seat on the Juvenile Crime Prevention Council.

On motion of Greene, seconded by Pierce, the Board voted 5-0 to appoint Andrew Maben to the Rowan County Chamber of Commerce seat and Stephen Kidd to the County Tourism Development Interest Seat on the Tourism Development Authority.

Closed Session

At 3:28 p.m. on motion of Edds, seconded by Pierce, the Board voted 5-0 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 August 7, 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)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or

employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

Regular Session

At 4:17 p.m. regular session resumed.

Adjournment

At 4:18 p.m., on motion of Pierce, seconded by Klusman, the Board voted 5-0 to adjourn.

Sarah Pack, NCCCC
Clerk to the Board