

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

April 15, 2024 – 6:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

PRESENT:

Jim Greene, Vice-Chairman
Craig Pierce, Commissioner
Mike Caskey, Commissioner

ABSENT:

Greg Edds, Chairman
Judy Klusman, Commissioner

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

Call to Order

Vice-Chairman Greene called the meeting to order at 6:00 p.m. Chaplain Michael Taylor provided the invocation. Vice-Chairman Greene led the Pledge of Allegiance.

Consider Additions to the Agenda

Vice-Chairman Greene noted that two budget amendments would be added to the Budget Amendments Consent Agenda Item H.

Consider Deletions From the Agenda

There were no deletions from the agenda.

Consider Approval of the Agenda

On motion of Pierce, seconded by Caskey, the Board voted 3-0 to approve the agenda as amended.

Consider Approval of the Consent Agenda

On motion of Pierce, seconded by Caskey, the Board voted 3-0 to approve the Consent Agenda as amended, as follows:

- A. Consider Approval of the Minutes*
- B. Retire K9 "Rex" and transfer ownership to Corporal Patrick Michael*
- C. Sale of Ground Leased Hangar T3 (Thurston to Foster)*
- D. RCCC Lease - FY25 - Temporary Driving Range*

- E. Request to Approve Quarterly Zero Expense Lobbying Report
- F. Schedule Legislative Hearing for Z 05-24: Yost, for May 6, 2024
- G. Approve Plumbing Grant Award
- H. Budget Amendments, as follows:

Finance	To recognize donation for Conservation Farm Family Event	\$10,500
Finance	To recognize increase in revenue and disposal fees at the landfill	\$35,974
Finance	To budget revenue received in FY24 not previously budgeted	\$2,893
Finance	To budget revenue received in FY24 not previously budgeted	\$7,515
Animal Services	To transfer funds from animal services to Health for Preexposure rabies vax	\$3,272
Finance	To transfer funds to cover South Rowan HS complete roof replacement from Lottery	\$89,201
Finance	To allocate sheriff grant funds to accounts that will be utilized for expenditures	\$720,000
Finance	To transfer funds to cover the cost of Hazmat truck with Insurance settlement	\$13,101
Finance	To transfer funds to cover 911 Server update- IT will cover remaining funds for project	\$25,740
Finance	To cover soil for parking lot and new sign for transit	\$29,059
Finance	To adjust Fire District Tax budget for FY24	\$273,531

- I. Proclamation Recognizing Lineworker Appreciation Day
- J. Sole-Source for Printelect - FY24 Revision 1
- K. TAX & VTS REFUNDS FOR APPROVAL
- L. 4-H Grant Acceptance
- M. GRANT AGREEMENT: Approval of directed grant agreement for SL2023-134 funding to Sheriff's Office
- N. Sole-Source 120 Water - FY24/25
- O. Rowan County Public Health Week Proclamation

Special Recognitions

Vice-Chairman Greene recognized the Governor's Volunteer Service Award winners and presented them each with a certificate. The winners are as follows: Lisa Monroe, Sheila Prevatte, Sabra Mills, Dr. Jim Duncan, Ashley Honbarrier, Micah Ennis, and the Circle of Friends.

Vice-Chairman Greene recognized the West Rowan High School Women's Basketball team for their outstanding season and second consecutive 3A State Championship title.

On motion of Greene, seconded by Commissioner Pierce, the Board voted 3-0 to approve a Proclamation Honoring the 2023-2024 West Rowan High School Girls Basketball Team, as follows:

**PROCLAMATION HONORING THE 2023-2024 WEST ROWAN HIGH
SCHOOL GIRLS BASKETBALL TEAM**

WHEREAS, the West Rowan High School Girls Basketball Team, under Head Coach Ashley Poole and Assistant Coach Keyotta Garris, is hereby recognized and honored for their 2023-2024 victorious basketball season; and

WHEREAS, by their extraordinary efforts, the following members of this dynamic and talented team are to be congratulated for their remarkable and triumphant season: Makaylah Tenor, Aubrey Martin, Demya Phifer, Kennedy Clawson, Lydia Wilson, Mya Edwards, Lauren Arnold, Emma Clarke, Tiara Thompson, and Katie Hoffner; and

WHEREAS, due to their hard work, dedication, and their exceptional chemistry, this outstanding group of Falcons claimed their second consecutive 3A State Championship title on March 15, 2024, finishing the season with a 31 - 1 record; and

WHEREAS, the individual contributions from each team member were crucial to the successful season; and the tremendous commitment and excellent performance of these young Rowan County women, along with their coaching staff, have proven to be a source of admiration and inspiration to the citizens of Rowan County.

NOW, THEREFORE BE IT PROCLAIMED, that the Rowan County Board of Commissioners does hereby honor and congratulate the West Rowan High School 2023-2024 Girls Basketball Team and Coaching Staff for their incredible achievements and commends them for their display of sportsmanship and leadership as they represented Rowan County.

Vice-Chairman Greene recognized Rowan County Telecommunicators for the vital services they provide citizens.

On motion of Commissioner Pierce, seconded by Commissioner Caskey, the Board voted 3-0 to approve a Proclamation for Public Safety Telecommunicators Week, as follows:

PUBLIC SAFETY TELECOMMUNICATORS WEEK

April 14-20, 2024

WHEREAS, the services and functions performed by the Rowan County Public Safety Telecommunicators are critical to the safety and welfare of the citizens of Rowan County and the municipalities; and

WHEREAS, the Public Safety Telecommunicators provide 24-hour service seven days per week as the vital link in the chain of emergency services providers; and

WHEREAS, these dedicated professionals are the initial point of contact for citizens in crisis situations who need emergency services assistance. In answering the public's daily cries for help, they are often instrumental in saving lives and reducing property damage when tragedy strikes.

NOW THEREFORE the Rowan County Board of Commissioners does hereby proclaim April 14-20, 2024 as "Public Safety Telecommunicators Week" in Rowan County and urges all citizens to acknowledge the contributions of these loyal public servants.

Public Comment

Vice-Chairman Greene opened the floor for public comment and closed it no one wished to speak.

Quasi-judicial Hearing SUP 02-24

Vice-Chairman Greene called the hearing for consideration of SUP 02-24 to order and said it would focus on an application submitted by Garry Potts to expand a non-conforming use on Tax Parcel 137 00301 located at 4095 Old Beatty Ford Rd. He asked that if any member of the Board may have a conflict of interest in hearing the case, please address the Board now prior to any testimony or information being presented. When the Board enters into deliberations to decide the case, no further testimony may be presented. The Board will render one of the following three decisions:

1. Approve the permit as requested or with additional conditions;
2. Continue the request; or
3. Deny the request.

Vice-Chairman Greene said all parties who plan to testify in this case may come forward and be sworn in. Those who testify must state their name and address at the podium for the benefit of the Board's Clerk. All material presented must be given to the Clerk and will become part of the record. This Board can only accept sworn testimony. No hearsay evidence is admissible.

Clerk to the Board Sarah Pack swore in all those who wished to testify.

Aaron Poplin, Planning Technician, presented the case for the County and distributed an example finding of fact sheet (Exhibit 1). Mr. Poplin said that Garry Potts on behalf of the Shree Shree Askhar Cooperation is requesting a Special Use Permit (SUP) for the expansion of a non-conforming use, the Express Corner gas station, located at 4095 Old Beatty Ford Rd further reference as county tax parcel 137 00301. The owner of the property wants to replace the existing 24X26 canopy over the gas pumps with a new 42X26 canopy. The Zoning Ordinance would allow the repair or replacement of the canopy within the same footprint, but the replacement of the canopy with a larger one is considered an expansion of a non-conforming use.

The gas station at 4095 Old Beatty Ford Rd. exists as a non-conforming use. This means that the use does not conform to the current standards of the Zoning Ordinance. Parcel 137 00301 does not comply with numerous sections of the Zoning and Subdivision ordinances. The use is not permitted in the current zoning district, the lot is below minimum lot size, and the store and canopy are within the required setbacks. The Zoning Ordinance allows for the continuation of non-conforming uses that were legally existing at the time of adoption or amendment of the ordinance. In this case the gas station has been in constant operation since well before the adoption of the Zoning Ordinance in 1998, so it has been allowed to continue operation in the same capacity at it had been prior to adoption. In general, non-conforming uses are not allowed to be extended, enlarged, or replaced. Sec 21-135 (c) of the Zoning Ordinance give the Board of Commissioners a mechanism to allow the expansion, enlargement, or replacement of a non-conforming use through the issuance of a SUP subject to procedures established for quasi-judicial hearings, if the

Board of Commissioners finds that, in completing the extension, enlargement, or replacement work, the facts included in Exhibit 1 are true.

Mr. Poplin explained the required findings from Section 21-135(c). * *Italics are the applicant's response to the findings.* ***Bold are staff comments.**

1. There is no increase in the operational area existing on the effective date of the ordinance from which this section derives. *The operational area remains unchanged as does the impervious lot coverage. The use of the lot will remain unchanged.* **The area that the canopy will extend to has been paved and part of the operational area since before zoning.**
2. There is no greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, or density requirements or other requirements such as parking, loading and landscaping requirements; and. *The nonconformity will be no greater than the existing nonconformity. The new canopy will be in the same area as the existing canopy thus the front setback nonconformity will remain unchanged.* **Part of the existing canopy is inside the 30' front setback. The additional canopy cover is only proposed in an area that meets the front and side street setback requirements.**
3. There is no significant adverse impact on surrounding properties or the public health or safety including, but not limited to, no increase in the level of noise, dust, odor, glare or other nuisances. *There will be no significant adverse impact on the surrounding properties as this request is to replace an existing fuel canopy with a new and improved canopy. The use of the area under the new canopy will remain unchanged as will the use of the entire site.* **The proposed canopy expansion adds 384 Sq Ft of new coverage.**

Mr. Poplin said it is not often that staff receives requests to expand on a non-conforming use. It is preferable to try and bring non-conforming situations into conformity with the County's development ordinances. In this specific case there was no way to bring the existing use or the proposed expansion into conformity with the development ordinances. SUPs require a Quasi-judicial hearing and findings of facts prior to issuing a decision. An expansion of a non-conforming use requires the Board of Commissioners to make six total findings. The findings are the three findings from sec 21-58(e) and the three findings from sec 21-135(c).

Vice-Chairman Greene opened the floor for comments at 6:45 p.m.

George Akers, 120 Compass Way, Sanford, works for the fuel company that supplies this location. With the Board's approval, this site will go from an unbranded station to a Marathon branded location. Adding a brand can increase local residential values.

At 6:47 p.m. Vice-Chairman Greene closed the public hearing after no one else wished to speak.

On motion of Pierce, seconded by Caskey, the Board voted 3-0 that the development of the property in accordance with the proposed conditions will not materially endanger the public health or safety. FACT: The proposed structure is subject to compliance with applicable building code standards.

On motion of Pierce, seconded by Caskey, the Board voted 3-0 that the development of the property in accordance with the proposed conditions will no 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.

On motion of Pierce, seconded by Caskey, the Board voted 3-0 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 Eastern Area Land Use Plan encourages expansions of existing businesses that minimize conflict with surrounding residential uses.

On motion of Pierce, seconded by Caskey, the Board voted 3-0 that there is no increase in the operational area existing on the effective date of the ordinance from which this section derives. FACT: The area that will be covered by the new canopy was existing operational area prior to the adoption of zoning in 1998.

On motion of Pierce, seconded by Caskey, the Board voted 3-0 that there is no greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, or density requirements or other requirements such as parking, loading, and landscaping requirements. FACT: The new canopy does not encroach further into the setbacks than the existing canopy.

On motion of Pierce, seconded by Caskey, the Board voted 3-0 that there is no significant adverse impact on surrounding properties or the public health or safety including, but not limited to, no increase in the level of noise, dust, odor, glare or other nuisances. FACT: The expansion of the canopy does not create any new non-conformities in relation to the County's development ordinances.

On motion of Pierce, seconded by Caskey, the Board voted 3-0 to approve SUP 02-24.

Legislative Hearing for Z 03-24

Aaron Poplin, Planning Technician, said Joshua Scarborough on behalf of Scott Beaver is petitioning to rezone the Manufactured Home Park (MHP) zoned portion of parcel 249A023 to Rural Agricultural (RA). This property is an 18.27-acre tract located at the intersection of Freeze Rd and Wright Rd. When county wide zoning was adopted in 1998, a four-acre portion of parcel 249A023 was zoned MHP because it contained a small mobile home park. Between 2006 and 2009 the last remaining mobile homes were removed from the site. Since 2009 there have been no new mobile homes added to the property and the mobile home park has not been in operation. Currently the property has one residence at 7590 Freeze Rd. The applicant is seeking to remove the MHP zoning so that they can subdivide off portions of the former mobile home park.

This property is located in area two of the Western Area Land Use Plan. The plan encourages medium density residential development in the area. Traditional and conservation subdivisions are both encouraged. Approximately a half mile north on Freeze Rd a similar MHP to RA rezoning request was granted in 2016 (Z 05-16). This request follows a trend of rezoning nonconforming MHP districts into single family residential districts for redevelopment.

Mr. Poplin described the impact on the vicinity, including roads, utilities, and schools. The impact was minimal to none. This is a straight district rezoning so no conditions may be requested. This rezoning follows a trend of rezoning non-conforming MHP districts into a single family residential district for redevelopment.

At 6:54 p.m. Vice-Chairman Greene opened the Public Hearing and closed it after no one wished to speak.

On motion of Commissioner Pierce, seconded by Commissioner Caskey, the Board voted 3-0 that Z 03-24 is consistent with area 2 of the Western Land Use Plan and reasonable/appropriate based on the following:

- Since 2009 there have been no new mobile homes added to the property and the MHP has not been in operation.*
- A similar request Z 05-16 was granted in 2016 to a property approximately a half mile to the north of this site.*

On motion of Pierce, seconded by Caskey, the Board voted 3-0 to approve Z 03-24.

Commissioner Pierce realized he had mistakenly referred to the wrong request title and moved to amend his motion to refer to “Z 03-24” and was seconded by Commissioner Caskey. The motion passed 3-0. This correction is reflected above with the corrected motion depicted.

Legislative Hearing for Z 04-24

Aaron Poplin, Planning Technician, said Brian Cranfield is petitioning to rezone his property from Neighborhood Business (NB) and Commercial Business Industrial with a Conditional District (CBI-CD) to Rural Residential (RR). This property is located at 5120 US 601 HWY further referenced as county tax parcel 310-044. Parcel 310-044 has seen its land use and configuration change multiple times since the adoption of zoning in 1998, which has led to the property being split between two different commercial zoning districts (NB and CBICD). The CBI-CD portion of this property was originally part of parcel 310-099 and was first rezoned in 2004 to from RR to CBI-CD to accommodate retail sales of primitive furniture, storage buildings, crafts, and other items.

In 2007 the CBI-CD district was amended to expand the operational area of the business to cover what is now parcel 310-098. 2011 would see the third amendment to the CBI-CD district to allow for automotive tire sales and minor repairs. The most recent amendment to this CBI-CD district came in 2015 to allow for a 9,403 Sq Ft general merchandise retail sales (Dollar General) on parcel 310-098 and to allow the existing business activities to continue on the CBI-CD portion or parcel 310-099. Parcel 310-044 was originally a 1.4-acre parcel zoned RR. In 2003 Parcel 310-044 would be rezoned from RR to NB.

In 2018 this parcel would be combined with the CBI-CD portion of parcel 310-099 to create the current configuration of the property. Brian Cranfield purchased the property in 2019 to be his residence. All the previous commercial activity have since been removed from the property and only the house and garage remain. Now the current owner would like to place a pool on the

property but cannot do so since the CBI-CD portion of his property does not allow for a residential accessory structure.

This property is located in area two of the Western Area Land Use Plan. The plan encourages medium density residential development in the area. Traditional and conservation subdivisions are both encouraged. Mr. Poplin described the impact on the vicinity, including roads, utilities, and schools. The impact was minimal to none. This is a straight district rezoning so no conditions may be requested. This request will clean up having multiple zoning on one parcel.

Commissioner Pierce asked if this property had been rezoned before and Mr. Poplin said yes. This rezoning would remove the limitations on construction on the site, as the owner would like to install a pool.

Vice-Chairman Greene opened the Public Hearing at 7:02 p.m. and closed it after no one wished to speak.

On motion of Caskey, seconded by Pierce, the Board voted 3-0 that Z 04-24 is consistent with area 2 of the Western Land Use Plan and reasonable/appropriate based on the following:

- *This would allow for one (1) consistent zone on the parcel.*
- *The request is consistent with area zoning.*

On motion of Caskey, seconded by Pierce, the Board voted 3-0 to approve Z 04-24.

Financial Reports

Finance Director Anna Bumgarner presented the financial reports. She compared annual cumulative expenditures, with FY 2024 equaling \$131,206,060 in March. Annual cumulative revenue is at \$164,570,945. The annual cumulative property tax was \$107,390,999 in February. In December 2023, the annual cumulative sales tax was \$20,912,412. She compared monthly sales taxes from 2021 to 2024. The State is suggesting a 2% increase across the state in reference to sales tax. Ms. Bumgarner suggested leaving sales tax as budgeted.

County Manager Aaron Church said if sales tax is flattening out, there will be a tightening of the budget.

Adjournment

At 7:07 p.m., on motion of Pierce, seconded by Caskey, the Board voted 3-0 to adjourn.

Sarah Pack, NCCCC
Clerk to the Board

SUP 02-24:

EXAMPLE FINDINGS OF FACT TO APPROVE REQUEST

1. **The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.**

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

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, and;**

* Assumed

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

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.**

FACT: The Eastern Area Land Use Plan encourages expansions of existing businesses that minimize conflict with surrounding residential uses.

4. **There is no increase in the operational area existing on the effective date of the ordinance from which this section derives.**

FACT: The area that will be covered by the new canopy was existing operational area prior to the adoption of zoning in 1998.

5. **There is no greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, or density requirements or other requirements such as parking, loading and landscaping requirements.**

Fact: The new canopy does not encroach further into the setbacks than the existing canopy.

6. **There is no significant adverse impact on surrounding properties or the public health or safety including, but not limited to, no increase in the level of noise, dust, odor, glare or other nuisances.**

Fact: The expansion of the canopy does not create any new non-conformities in relation to the County's development ordinances.