

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

August 19, 2024 – 6:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

PRESENT:

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

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

Consider Additions to the Agenda

Chairman Edds requested the addition of a Contract Change Order for SCS Field Services (Consent Item HH) and a Railwalk Interlocal Agreement (Consent Item II). He also noted that the budget amendment for Contract 24015 in Consent Item D had been updated.

Consider Deletions From the Agenda

Chairman Edds said the legislative hearing for Z 08-24 and SNIA 02-24 (Sunwest Business Park) would be postponed until the October 21 regular meeting per applicant request. He also asked to remove Consent Item U, the Public Hearing Request for EDC Project Seattle.

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 Consent Agenda

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

- A. Consider Approval of the Minutes*
- B. FY24 Equitable Sharing Agreement and Certification*
- C. Rowan Transit System Request to Schedule Public Hearing for FY26 GRANT APPLICATION Approval*

D. Budget Amendments, as follows:

Health Department	To align budget with awarded funding for AA583 Refugee Health Assessments	\$20,800
Finance	To recognize reserved FY24 funds for parks & rec restricted purpose	\$26,796
Finance	To recognize reserved FY24 funds for Animal Services restricted purpose	\$21,887
Finance	To recognize reserved FY24 funds for Sheriff restricted purpose	\$185,628
Finance	To recognize reserved FY24 funds for Sheriff restricted purpose	\$25,992
Finance	To budget for the ROD supplemental pension fund	\$20,000
Health Department	To align WIC nutrition budget for the FY 24-25 Special funding opportunity-Phase III award	\$23,487
Health Department	To align the budget with awarded funding for the CCPN Capacity Building Grant	\$28,391
Health Department	To budget for the awarded funding from the REACH grant	\$63,469
Finance	To recognize reserved FY24 funds for health Department for a restricted purpose	\$72
Finance	Carry over FY 24 purchase orders to FY25	\$529,861
Finance	Carry over FY 24 purchase orders to FY25	\$33,900
Finance	Contract carry over from FY 24 to FY 25 for Wharton Smith and needed furniture	\$3,644,297
Finance	Contract carry over from FY 24 to FY 25 for KMD	\$15,632,164
Finance	Transfer funds to recognize revenue donation to purchase heartworm treatment	\$3,379
Finance	To recognize reserved funds from fy24 for DSS restricted purpose	
Finance	Transfer funds to cover additional appropriation to match per pupil for Faith Academy and RSS	\$10,693
Finance	Move funds to cover start-up costs for school project- funds will be eligible for reimbursement from loan	\$5,000,000

E. First Tryon Financial Advisor Financing Agreement

F. Sole Source - Citrix Systems Inc and Subsidiaries

G. Change Order #1 - Elite Mfg. - Ambulance Remount

H. Sole Source - ESRI - FY25 - Revised

I. Sole Source - LEA Aid - Pole

- J. GRANTS: Approve ROCOC grant application - Salisbury Rowan Community Foundation
- K. Change Order #3 - WSP USA INC - Groundwater Monitoring
- L. Sole Source - Printelect - FY25
- M. Sole-Source TK Elevator Corporation - FY25
- N. McGuire Woods Bond Counsel for Financing Agreement
- O. RSS Start-up Costs
- P. Supply funds for Faith Academy and KCS
- Q. US-29 Temporary Lane Closure Ordinance
- R. Designate September 2024 as Library Card Sign-Up Month
- S. VTS & TAX REFUNDS FOR APPROVAL
- T. GRANTS: Request to Approve Grant Agreement Amendment with NC DoC/Continental Structural Plastics (Teijin)
- ~~U. Public Hearing Request - EDC 'Project Seattle' (**Removed from agenda**)~~
- V. 2 CFR Part 200 Indirect Cost Plan
- W. Change Order #20 - Wharton Smith - WEP
- X. Schedule Public Hearing for September 3, 2024-Road Naming Thistle Grove Rd
- Y. Position Location Changes in Sheriff's Office
- Z. Sole Source - Envisionware
- AA. Combination of Parcels WEP
- BB. Award - Judicial Facilities Needs/Space Study - Moseley Architects
- CC. GRANTS: Request Approval to Apply for Stop-Gap Solutions Broadband Grant Program
- DD. HCCBG Contract Agreement for FY25
- EE. Sole-Source CDP, Inc - FY25
- FF. South Data Inc. Approval - FY25
- GG. Authorize County Manager to Enroll in Executive Education Course
- HH. Contract Change Order for SCS Field Services (**Agenda Addition**)
- II. Railwalk Interlocal Agreement (**Agenda Addition**)

Public Comment

Chairman Edds opened the floor for public comment and closed it after everyone wishing to speak had done so.

Bobby Kemp, 250 Chalk Maple Road, said he is concerned about veterans, seniors, and the disabled who may face challenges this winter. He suggested a County-run program for seniors or “give-back” of \$300. He questioned the cost of building a new school and how the bid process is run. He said there are ways to trim the budget.

Chairman Edds said he is willing to meet with Mr. Kemp along with the County Manager and Finance Director in order to answer Mr. Kemp’s questions.

Special Recognitions

Commissioner Klusman recognized Jeanie Moore for her outstanding service to Rowan County.

Chairman Edds commended Ms. Moore for her service. Vice-Chairman Greene praised Ms. Moore for her work in the community.

On motion of Klusman, seconded by Pierce, the Board voted 5-0 to approve a Proclamation Honoring Jeanie Moore, as follows:

PROCLAMATION HONORING JEANIE MOORE

WHEREAS, Jeanie Moore began her service at Rowan-Cabarrus Community College in 1977 where, throughout her tenure, she held various roles showcasing her strong passion for education, from an adjunct faculty member to her distinguished position as a senior-level administrator; and

WHEREAS, Ms. Moore was known throughout Rowan-Cabarrus Community College as a positive leader, problem solver, and relationship builder, and she consistently demonstrated her exceptional leadership skills and dedication to students and the community; and

WHEREAS, Ms. Moore's most notable achievement was her instrumental role in spearheading what became known as "The Pillowtex Project," a collaboration between Rowan-Cabarrus Community College and the Governor's Task Force made up of state and local officials; and

WHEREAS, Ms. Moore also served as president of the North Carolina Community College Adult Educators Association and Co-Director of the North Carolina Community College Leadership Program, as well as serving on the Economic Development Commission and became the first female Chair of the Board in 2008; and

WHEREAS, Jeanie Moore retired as Vice President of Advancement and Continuing Education at Rowan-Cabarrus Community College, and received the prestigious Order of the Long Leaf Pine award for the lasting impact she made on the institution that spans decades of service.

NOW, THEREFORE, BE IT PROCLAIMED THAT the Rowan County Board of Commissioners does hereby honor Jeanie Moore for her exceptional contributions to Rowan-Cabarrus Community College and her unwavering commitment to educational excellence and to the citizens of Rowan County. Ms. Moore's legacy will continue to inspire and shape the future of Rowan-Cabarrus Community College and community for years to come.

Legislative Hearing for Z 07-24: Perand USA LLC

Shane Stewart, Assistant Planning and Development Director, said on behalf of property owner Perand USA LLC., the Bogle Firm is requesting rezoning of a 3.67 acre parcel, identified as tax parcel 054B-021 located at 155 Jenny Dr., from Rural Agricultural (RA) to Commercial, Business, Industrial with a Conditional District (CBI-CD). The request would:

1. Establish the existing use as conforming;
2. Create a conditional district with a subset of permitted uses from the Construction, Manufacturing, Transportation, and Wholesale trade sectors; and
3. Allow a 15,000 sf building expansion.

Mr. Stewart said as best staff can discern from available information, former property owner William and Karen Jennings operated an auction business (rural home occupation [RHO]) adjacent to their residence at 295 Jenny Dr. (tax parcel 054B-026) sometime prior to 2003 most likely from an existing accessory structure at 335 Jenny Dr. Zoning Permit ZP-0201369 was issued on January 3, 2003 for the construction of a 16,900 sf auction house at 155 Jenny Dr. closer to Old Union Church Rd. Two (2) months after permit issuance, the Jennings' discussed the possibility of leasing

a portion of the building for a separate business, which staff informed would require rezoning since it would no longer be considered a RHO. While the Jennings' did submit a rezoning application, they ultimately decided not to pursue the request and leased space in their permitted building, which was constructed slightly smaller at 14,440 sf.

The Jennings' sold the 3.67 acre lot containing the auction house on December 15, 2021, to William Eshleman (Deed Book 1391 Page 90). While two (2) subsequent deeds were filed thereafter, the property owner's address remained the same for both listed owners. It appears the property was listed for sale in April of 2021 but staff is uncertain when structure was last used as an auction house. Section 21-53(1)(d) of the Zoning Ordinance indicates if a business permitted as a RHO no longer complies with the standards for such operation (e.g. business sold), the specific business use is considered non-conforming subject to compliance with Article VI of the ordinance. Per the applicant, the building is currently used as an electric race car shop. In short, the non-conforming limitations of Article VI include:

- Non-conforming status only applies to the specific business type in operation when in compliance.
- Non-conforming status is lost if operations cease for 365 days.
- May change from one non-conforming use to another non-conforming use if determined of equal or less intensity through a special use permit (SUP) considered by the Board of Commissioners (BOC).
- Expansions within the existing operational area may be considered through a SUP.

Mr. Stewart gave zoning district descriptions for Rural Agricultural, Commercial/Business/Industrial, and Conditional Districts. Based on the purpose and intent statement, this request does not meet typical locational requirements of CBI. The last sentence of the CBI district statement is the only portion that may be used to support a change. See further discussion in the plan section. Public water from Salisbury Rowan Utilities (SRU) appears to be located approximately 1 road mile away at the intersection of Old Union Church and Choate Rds., while SRU public sewer extends behind Aldi distribution at 1985 Old Union Church Rd. and Chewy at 255 Front Creek Rd. Staff is of the opinion the 8/10 of a road mile extending from the I-85 northbound ramp to the Crane Creek crossing would qualify as a potential "commercial corridor" – nearly all of which is in The Town of East Spencer's zoning jurisdiction (zoned 85-ED-2). while the subject parcel is another .37 road miles beyond the creek.

Mr. Stewart described the location of the site and surrounding areas, including the conformity with adopted plans and policies. In comparison to NB district special requirements from section 21-65, the proposed plan appear to meet the requirements with the exception of allowed building square footage. For a 3.67 acre parcel, a maximum building size of 11,795 sf would be permitted. Additionally, the district would limit total sf to a maximum of 25,000 regardless of the parcel size (29,440 sf proposed herein). Proposed use codes SIC 47 and a portion of SIC 50 are not permitted in NB.

For consistency, the following SIC codes should be eliminated from this list (to ensure clarification in any approved use list) and a few to consider adding to their warehousing interest:

Eliminate:

- 3483: Ammunition except small arms

- 3489: Ordinance and accessories.
- 5015: Motor vehicle parts, used (outdoor) [salvage yard].
- 5093: Scrap and waste materials.

Since “warehousing” is one of the targeted uses, any approved list may need to include:

Consider Adding:

- 421: Trucking and courier services, except air.
- 4222: Refrigerated warehousing and storage.
- 4225: General warehousing and storage.

Mr. Stewart described the conditions in the vicinity, including the locations of local homes and businesses and the potential impact on roads, utilities, and schools.

Aside from the property owner, three (3) citizens spoke during the Planning Board hearing, two (2) of which were in favor of the change while one (1) citizen was opposed – referencing spot zoning concerns, not desiring industrial “in his back yard”, and location being in the middle of two (2) VAD areas. The Board voted 7-0 to recommend approval based on the following statement and conditions of approval: Reasonableness and Consistency: “Z 07-24 is reasonable, appropriate, and necessary to meet the development needs of Rowan County not previously envisioned by the East Land Use Plan Area 2, based on the following:

1. The East Land Use Plan states in Area 2 proposals for expansion of existing businesses that minimize conflict with surrounding residential uses through design standards or impact mitigation techniques are encouraged.
2. The current owner has continued to be a good neighbor to those in the area.
3. The current owner runs a clean “green” business.
4. The property is less than 300 feet from the I-85 corridor making this a viable option.

Furthermore, this adoption is deemed an amendment to the East Land Use Plan.”

Conditions of Approval:

1. Install 20’ wide asphalt entrance from the start of Jenny Drive at Old Union Church Road, through the northern extent of the proposed operational area connecting to the driveway; and
2. Modify proposed use list with additions / deletions as follows:
 - Eliminate:
 - 3483: Ammunition except small arms
 - 3489: Ordinance and accessories.
 - 5015: Motor vehicle parts, used (outdoor) [salvage yard].
 - 5093: Scrap and waste materials.

Since “warehousing” is one of the targeted uses, any approved list may need to include:

- Consider Adding:
 - 421: Trucking and courier services, except air.
 - 4222: Refrigerated warehousing and storage.
 - 4225: General warehousing and storage.

Since this request does not meet typical location requirements of CBI designation, any approval would have to consider the last sentence of the of the district's purpose and intent statement; land use statements on expansions of existing business; comparison to allowed NB standards; and reuse of a former RHO. Should this request be approved, staff would recommend the use changes noted on page 4, asphalt paving of Jenny Dr. from Old Union Church Rd. to the northern extent of the proposed operational area connecting to the driveway, and any other condition to address potential impacts.

Commissioner Klusman asked where the septic and well areas are on the property and Mr. Stewart pointed the areas out on a map.

Vice-Chairman Greene said he visited the site and there were multiple tractor trailers on the property. He asked how those trucks will be managed if the request is approved. Mr. Stewart explained that the owner understands the space restrictions and there is no standard that would regulate the tractor trailers being on the site. Vice-Chairman Greene asked if trees would be removed and Mr. Stewart said he thought that some trees would be removed.

Commissioner Klusman asked for additional clarification regarding the septic tank and leech field.

Pete Bogle, Bogle Firm Architecture, explained the request. Conditional districts are designed specifically for situations such as this one. This offers the best combination of property use and protection of neighboring properties. He described the intent for the future of the property. He addressed Vice-Chairman Greene's questions regarding tractor trailers on the property. The expansion will allow these large trucks to be parked indoors. The intent is to expand into the entire facility, but potentially lease warehouse space while the business is developing. The owner is willing to put up a fence if neighbors would prefer that instead of planted buffers.

Andres Eriksen, 330 Water Road, said the company is focused on green practices. This isn't a huge business. There is growth potential in this industry. He wants everything done correctly and for the business to remain clean and green. The electric car industry is expanding.

Vice-Chairman Greene clarified that the property entrance will be paved and Mr. Bogle said Planning staff recommended a 20' paved drive to the easement. Mr. Eriksen said trucks will remain clean and the site will remain tidy. Paving the entrance will decrease the dust that is currently at the site.

At 6:50 p.m. Chairman Edds opened the public hearing and closed it after everyone wishing to speak had done so.

Rob Sarno, 450 Jenny Drive, said he supports the project. The site will be beautified on the outside. This is good for property values.

William Jennings, 295 Jenny Drive, said he built the building years ago as an auction gallery. He described how the building was built. He has visited the building since Mr. Eriksen has owned it and the building is incredibly clean. He supports the project.

Luther Lyerly, 500 Lake Fork Road, is a neighbor of the site and is opposed to the zoning change. He doesn't want an industrial site in his back yard. There haven't been issues, but this opens the door for potential future problems. He is opposed to spot zoning. This is a rural residential area.

At 6:57 p.m. Chairman Edds closed the public hearing.

On motion of Pierce, seconded by Klusman, the Board voted 5-0 that Z 07-24 is reasonable, appropriate, and necessary to meet the development needs of Rowan County not previously envisioned by the East Land Use Plan Area 2, based on the following:

- 1. The East Land Use Plan states in Area 2 proposals for expansion of existing businesses that minimize conflict with surrounding residential uses through design standards or impact mitigation techniques are encouraged.*
 - 2. The current owner has continued to be a good neighbor to those in the area.*
 - 3. The current owner runs a clean "green" business.*
 - 4. The property is less than 300 feet from the I-85 corridor making this a viable option.*
- Furthermore, this adoption is deemed an amendment to the East Land Use Plan.*

On motion of Pierce, seconded by Klusman, the Board voted 5-0 to approve Z07-24 with the following Conditions of Approval:

- 1. Install 20' wide asphalt entrance from the start of Jenny Drive at Old Union Church Road, through the northern extent of the proposed operational area connecting to the driveway; and*
- 2. Modify proposed use list with additions / deletions as noted on page 4 of staff report, as follows:*
 - Eliminate:*
 - 3483: Ammunition except small arms*
 - 3489: Ordinance and accessories.*
 - 5015: Motor vehicle parts, used (outdoor) [salvage yard].*
 - 5093: Scrap and waste materials.*

Since "warehousing" is one of the targeted uses, any approved list may need to include:

- Consider Adding:*
 - 421: Trucking and courier services, except air.*
 - 4222: Refrigerated warehousing and storage.*
 - 4225: General warehousing and storage.*

- 3. The owner will work with neighbors on acceptable property border screening.*

Legislative Hearing for Z 09-24: Red Rock Development

Shane Stewart, Assistant Planning and Development Director, said on June 20, 2022, the Board of Commissioners (BOC) approved Z 04-22 for Red Rock Development consisting of 384 acres along the 1700 – 2300 block of Long Ferry Road for a 2.66 million square foot six (6) lot industrial park. The Commercial, Business, Industrial Conditional District (CBI-CD) approved request included a permitted use list from the manufacturing, transportation, and wholesale trade sectors. Red Rock Development is requesting an amendment to the use list to add “Data Center” classified as Standard Industrial Classification (SIC) codes 7374: Computer Processing and Data Preparation and Processing Services and 7379: Computer Related Services, Not Elsewhere Classified to the approved use list.

In the context of land use, a “data center” is a somewhat generic term for a facility containing a series of computer servers storing and processing electronic data. As best staff understands the technology, this could include “cloud” storage for e-commerce businesses and their customers or “crypto mines”, which support the crypto mine currency owner. Equipment used generate a significant amount of heat which require operations to be temperature controlled and / or through other mechanical means with liquid or air cooling. Not including the subject site, staff have spoken with data center developers who referenced housing server equipment both with an enclosed building or in shipping containers upfit with appropriate insulation and mechanical cooling.

Depending on the operation size, data centers require a tremendous amount of power and could generate significant degree of noise depending on the specifics of the operation. Section 21-241 of the Zoning Ordinance regulating continuous noise decibels applies to both the current and proposed land use addition for this district. Decibels are limited to 65 between 11:00 PM and 7:00 AM and 70 between 7:00 AM and 11:00 PM. A potential project would have to illustrate compliance with these levels and would be subject to subsequent monitoring.

Chairman Edds asked where the noise would come from and Mr. Stewart said it could be exhaust fans, cooling equipment, or a number of other things.

Commissioner Klusman asked how a bitcoin operation would be prevented. Mr. Stewart said nothing would prevent it but the noise ordinance would help control it.

Aside from the applicant, one (1) citizen spoke during the hearing and referenced noise as his primary concern with this request. The Board voted 7-0 to recommend approval based on the following statement and conditions of approval: Reasonableness and Consistency: “Z 09-24 is consistent with the East Area Land Use Plan and reasonable and appropriate based on the following:

1. Industrial land uses are encouraged within the I-85 corridor;
2. Project complies with the plan’s encouraged use and extension of water/sewer utilities;
3. Perimeter buffering and screening proposed;
4. Fifty foot stream buffers provided;
5. 384 acre rezoning area borders a 172 acre area consisting of 85-ED-1 and 85- ED-2 districts to the west and a 585 acre IND zoned area to the north;
6. Request complies with the CBI district’s purpose and intent by utilizing public investment infrastructure to provide tax base and employment opportunities for the local and regional economies;

7. This property is identified by the Rowan County Economic Development Council as one of the best industrial sites in the county; and
8. The Conditional District ensures development will be limited to the approved plan.”

Conditions of Approval:

1. Reserve twenty (20) feet along the south and north side of Long Ferry Road for future transportation needs;
2. Add gravel or grass paver connection suitable for fire access along with signage to denote emergency access only at the following three (3) locations unless site conditions prohibit as determined by the Fire Marshal: 1. Employee parking driveway and west side truck parking access at Building A. 2. Southeast truck parking drive for Building B to the truck parking drive on the west side of Building D. 3. Trailer parking for Buildings E and F;
3. Eliminate SIC subgroups SIC 4221 – Farm Product Warehouse and Storage and SIC 515 – Farm Product Raw Materials;
4. All uses must connect to the Northeast Rowan water system; and
5. Outdoor storage must be located behind a building or otherwise screened with an opaque fence or evergreen vegetation from adjoining properties and Long Ferry Road.

Planning staff have limited experience with this land use type. A zoning permit was issued to upfit 45,000 square feet of the former Hoechst Celanese facility at 515 Mid-South Dr. for bitcoin mining, which is not yet operational. Aside from one other very small mining operation, staff is unaware of any other data centers in the county. Catawba County’s Economic Development website depict a series of identifiable companies with data center operations within the state and a mentioned a recent Microsoft announcement of planned facilities in Hickory, Conover, and Maiden. Other data centers are present throughout the state but may be less recognizable and may include crypto mining. Considering the Red Rock plan is for “speculative industrial development”, it would be reasonable to assume a data center project may warrant a subsequent review by the BOC once project details are known. Staff are authorized to review certain “minor changes” per section 21-62(d) in approved plans details, but other changes are subject to BOC review.

Todd Ward, Red Rock Developments, said there is a power study being completed by Duke Energy. Many similar projects have been requested across the state. He described other developments that are of similar scope. Right now nothing is being solicited for data centers. There are ways to mitigate the sound issue. It is not feasible for the entire site to be a data center due to the extreme power requirements. Opportunities will be created for the community. A data center is not guaranteed, this simply creates the opportunity.

Chairman Edds asked if water is recycled and Mr. Ward said yes and explained the process.

At 7:19 pm Chairman Edds opened the public hearing and closed it after no one wished to speak.

on motion of Edds, seconded by Pierce, the Board voted 5-0 that Z 09-24 is consistent with the East Area Land Use Plan and reasonable and appropriate based on the following:

1. *Industrial land uses are encouraged within the I-85 corridor;*
2. *Project complies with the plan’s encouraged use and extension of water/sewer utilities;*

3. *Perimeter buffering and screening proposed;*
4. *Fifty foot stream buffers provided;*
5. *384 acre rezoning area borders a 172 acre area consisting of 85-ED-1 and 85- ED-2 districts to the west and a 585 acre IND zoned area to the north;*
6. *Request complies with the CBI district's purpose and intent by utilizing public investment infrastructure to provide tax base and employment opportunities for the local and regional economies;*
7. *This property is identified by the Rowan County Economic Development Council as one of the best industrial sites in the county; and*

The Conditional District ensures development will be limited to the approved plan.

On motion of Edds, seconded by Pierce, the Board voted 5-0 to approve Z 09-24 with the following Conditions of Approval:

1. *Reserve twenty (20) feet along the south and north side of Long Ferry Road for future transportation needs;*
2. *Add gravel or grass paver connection suitable for fire access along with signage to denote emergency access only at the following three (3) locations unless site conditions prohibit as determined by the Fire Marshal: 1. Employee parking driveway and west side truck parking access at Building A. 2. Southeast truck parking drive for Building B to the truck parking drive on the west side of Building D. 3. Trailer parking for Buildings E and F;*
3. *Eliminate SIC subgroups SIC 4221 – Farm Product Warehouse and Storage and SIC 515 – Farm Product Raw Materials;*
4. *All uses must connect to the Northeast Rowan water system; and*
5. *Outdoor storage must be located behind a building or otherwise screened with an opaque fence or evergreen vegetation from adjoining properties and Long Ferry Road.*

Legislative Hearing for Z 10-24: BM Properties LLC

Ed Muire, Planning and Development Director, said Myers Septic Services have been operating since 1970 and currently provide a variety of septic related services that include pumping, repair, installation, inspection, grease traps, grinders / sewage pumps and lift stations. Current owners, Garrett Bean and Seth Mills bought the business in 2020 and formed BM Properties, LLC.

The business has operated at its current 1882 Briggs Road location behind the residence of former owner / operator Benny Myers. This location predates 1998 adoption of countywide zoning and is considered a “grandfathered” use but would likely be compliant as a Rural Home Occupation (RHO). Although BM Properties purchased the business it did not acquire the 1882 Briggs Rd site, instead obtaining two (2) other properties from Mr. Myers within .2 mile of the current site.

These properties consist of a four (4) unit manufactured home park (MHP) district (Tax Parcel 457-045) and a 21.65 acre tract (Tax Parcel 457-063) having 6.4 acres permitted as a Septage Land Application Site (SLAS) by NC Department of Environmental Quality's Division of Waste Management. As the name implies, the SLAS is for land applying treated septage (human waste) from domestic septic systems and this site has been permitted / operated since 1990 (reference

Attachment 1.3). A 3.2 acre portion of Tax Parcel 457-063 is the site at which BM Properties desires to relocate, pairing its business operations with the SLAS at one location.

A complaint regarding storage of port-a-johns and building placement at this site was made to the Planning Department's Ordinance Enforcement Officer (OEO) on April 5, 2024. His subsequent inspection on April 8, 2024 revealed a non-residential use was active on this property and had not obtained a zoning permit for the apparent business operations nor a building permit for the garage structure. BM Properties was notified of the apparent violation(s) on April 9, 2024 with an option to cease operations, file an appeal of the OEO's decision to be heard by the Board of Adjustment or apply for a rezoning of the property. Filing an appeal or rezoning application provides a "stay" of any further enforcement actions until a decision is rendered on the request or subsequent appeal to Superior Court. BM Properties filed its rezoning application on June 18, 2024.

Mr. Muire gave an analysis of the current and requested zoning district descriptions. Based on the applicants' request for use of the property as "septic business associated with existing land application site SLAS 80-04" Staff has interpreted that as two (2) specific uses for their NB-CD application: SIC 1711 Specialty Trade Contractors (includes septic tank installation) and SIC 7699 Miscellaneous Repair Services (includes septic tank cleaning). Both proposed uses are within major group SIC 17 and SIC 76 which may be permitted with Special Requirements (SR) in the NB district. Reference Section 21-113 Table of Uses, Rowan County Zoning Ordinance (RCZO).

The RA district permits both proposed uses as a Rural Home Occupation (RHO) subject to SR criteria, but in this case an RHO application would fail two (2) of the primary SR tests as the tract (Tax Parcel 457-063) does not have thirty-five (35) feet of state road frontage and neither applicant will reside on the property. Reference Section 21-55 General Criteria for RHO Uses listed as SR in Section 21-113 (RCZO). Spot zoning claims may be somewhat reduced, as the RA district acknowledges the presence of intermingled non-residential uses within the district and NB is intended to provide rural business opportunities that serve the community's needs. Likewise, the Z 10-24 request of 3.2 acres exceeds the NB district's minimum acreage requirement of two (2) acres.

Mr. Muire discussed conformity with the Western Area Land Use Plan, compatibility of uses, and conditions in the local vicinity. If approved, Staff recommends modifying TP: 457-045's MHP district boundary to include the unit on TP: 457-063. Applicants' site plan (Attachment 1.1) depicts a gap between the NB-CD area and the MHP district that could accommodate this boundary modification. To comply with MHP district setbacks, the distance between the unit and the NB-CD boundary must be at least fifty (50) feet.

Mr. Muire explained the Neighborhood Business Special Requirements and the site's compliance:

1. Site Plan.
2. Lighting. None proposed; building mounted
3. Minimum zone lot size. 3.2 acre proposed
4. Building size. Max size = 11,960 sq ft
1. Proposed = 5,862 sq ft

2. Remain = 6098 sq ft
5. Impervious surface. Maximum = 90,605 sq ft
3. Current = 22,320 sq ft Proposed = 56,685 sq ft
4. Remain = 33,920 sq ft
5. Hours of Operation. 6 am to 11 pm
6. Parking. 17 spaces required
7. Signage. No limit for on-site; offsite 100 sq ft
8. Noise. Limited to 65 decibels 11 pm to 7 am, 70 decibels from 7 am to 11 pm

Commissioner Pierce asked about the status of one of the neighboring manufactured homes. Mr. Muire explained how the boundary lines will be changed.

Vice-Chairman Greene asked if a portion of the property will continue to be used as a leech field and Mr. Muire said yes.

Business owner Garrett Bean said the land disposal site is not a part of the proposal. The site is very well maintained. He explained how the property benefits the county. The request consolidates their business dealings once their lease is up on one of the properties they are currently using. Mr. Bean explained how the lease works on the site they've been operating on since 1970.

Chairman Edds asked what would go in the building and Mr. Bean said it would be storage for trucks and equipment. Mr. Bean explained how the holding tanks work on the land disposal site; nothing is changing on this site.

At 7:52 pm Chairman Edds opened the public hearing and closed it after everyone wishing to speak had done so.

Don Shaver, 645 Goodnight Road, said there are buffer trees on his property. He pointed out his property on a map. He does not live on the property; it is family land that has been passed down. In the winter time the trees lose leaves and don't act as a screening. He asked for the Board to consider requiring an 8' privacy fence. Sometimes truck arrive at the site late at night to spread wastewater. This business seems to be expanding. He asked for hours of operation to be required.

Chairman Edds asked if there was a maximum amount of waste that can be processed and Mr. Bean said yes. Chairman Edds asked if there was any option to relieve neighbors of their concerns regarding the aesthetic of the porta johns and Mr. Bean said he feels that erecting a fence is a reasonable request. The entire business has been built around this location and has been at the site a long time. He clarified the process when his company accepts waste from other locations. This is the only active field in the county that handles residential tanks and grease waste. The existing fences are pasture fences and can be replaced; this process has been put on hold while zoning is addressed.

Commissioner Pierce asked if Mr. Bean is accepting of evergreen screening and Mr. Bean said yes.

Chairman Edds said the Board is pro-business but neighbors must be protected as well. He asked for clarification regarding fencing and screening and Mr. Muire explained that the current conditions call for a 6' fence and evergreen screening, which can be updated to 8' at the request of the neighbors. Mr. Bean said he is open to an 8' fence or evergreen trees. Mr. Muire recommended installing a fence over evergreen trees. A fence can establish visual separation very quickly.

At 8:10 p.m. Chairman Edds closed the public hearing.

On motion of Pierce, seconded by Greene, the Board voted 5-0 that Z 10-24 is reasonable, appropriate, and necessary to meet the development needs of Rowan County not previously envisioned by the Western Land Use Plan Area 2, based on the following:

- 1. The Septage Land Application Site (SLAS) has been permitted and operating since 1990 without issue.*
- 2. Neighborhood Business (NB) is appropriate to provide rural business opportunities that serve the community's needs and the proposed site exceeds the minimum requirement of two (2) acres for NB designation.*
- 3. Briggs Road is considered a minor thoroughfare which is appropriate for NB designation.*
- 4. Approval will bring existing business into compliance and clean up the boundary lines of the adjacent MHP.*
- 5. NB Special Requirements will be met.*

Furthermore, this adoption is deemed an amendment to the Western Land Use Plan.

On motion of Pierce, seconded by Greene, the Board voted 5-0 to approve Z 10-24 with the following Conditions of Approval:

- 1. Compliance with Staff prepared Site Plan*
- 2. Modifying the MHP boundary to include portion of TP: 457-063 and 50' buffer*
- 3. Obtaining a commercial driveway permit from NCDOT immediately*
- 4. Install fencing and screening per site plan immediately*
- 5. Apply addition of stone to driveway from Briggs Rd to site entrance*
- 6. Obtain zoning permit and commercial building permit for garage structure*

Legislative Hearing for SNIA 03-24: Doug Foley

Shane Stewart, Assistant Planning and Development Director, said property owner Doug Foley is requesting a Special Non-Residential Intensity Allocation (SNIA) to construct a 14,520 sf multi-tenant "storage / light manufacturing building" at 150 Nitro Alley – further referenced as Lot 2 in Horsepower Park & Parcel ID 230E-002. Approving this request would allow the project to exceed the administrative allowance of 12% built-upon area (e.g. buildings, pavement, gravel) limitation requirement of the Coddle Creek watershed and allow up to seventy (70) percent built-upon area for the project. A total of 10% of the watershed acres may be removed from the 12% limitation and permit up to 70% coverage.

Property owner Doug Foley said the units are renting quickly and doing well.

At 8:18 p.m. Chairman Edds opened the public hearing and closed it after no one wished to speak.

On motion of Pierce, seconded by Greene, the Board voted 5-0 that SNIA 03-24 is consistent with the West Area Land Use Plan and reasonable / appropriate based on the following: 1. Site is located within a Commercial/Industrial area. 2. The request is like four (4) other SNIA approvals in Horsepower Park.

On motion of Pierce, seconded by Greene, the Board voted 5-0 to approve SNIA 03-24.

Limited Obligation Bonds Approval Resolution

Anna Bumgarner, Finance Director said this request is for the approval of the Approval Resolution for the New School Project. This resolution will authorize the issuance of the 2024 Bonds and the financing of the Project pursuant to and in accordance with the terms and conditions of the Documents, in the aggregate principal amount not to exceed \$73,000,000, with a true interest cost not to exceed 4.75%, and a final maturity not to extend beyond December 1, 2044. It will also authorize the appropriate county officials to sign the required documents to complete the transaction.

Mary Nash Rusher of McGuire Woods, attending via Zoom teleconferencing software, explained the process prior to this final approval. She also clarified the documents that the Resolution references and the remaining steps in the process.

Commissioner Caskey asked for clarification regarding the financing amount and Ms. Bumgarner detailed costs.

On motion of Greene, seconded by Klusman, the Board voted 4-1 (Pierce opposed) to approve the Approval Resolution titled Resolution Authorizing Issuance Of Limited Obligation Bonds To Finance The Construction And Equipping Of A New School In The Rowan Salisbury School System, The Design, Construction And Equipping Of Roofing Projects At Schools Within The Rowan-Salisbury School System And The Construction And Equipping Of An Addition To Fred L. Wilson Elementary School Of The Kannapolis City Schools, And Authorizing The Execution And Delivery Of Documents In Connection Therewith.

Financial Reports

Finance Director Anna Bumgarner presented the financial reports. She compared annual cumulative expenditures, with FY 2025 equaling \$11,239,350 in July. Annual cumulative revenue is at \$2,086,956. The annual cumulative property tax was \$113,714,662 in June. In April, the annual cumulative sales tax was \$34,588,556. She compared monthly sales taxes from 2021 to 2024.

On September 19, 2022, the Rowan County Board of Commissioners adopted an Investment Policy for Rowan County that includes providing a quarterly investment report to the Board. Per the policy this report shall summarize the investment activities in the most recent quarter and comment on anticipated investments in the next quarter. Since this is the first year that reports are being provided to the Board, I will include an overview of activities going back to July 1, 2022.

The County has decided to be conservative in the purchase of investments and at this time will no longer be investing in commercial paper. Currently the County has 22.87% invested in Treasury Bill, Notes or Government Agencies, 7.78% of its total portfolio in North Carolina Capital Management Trust (NCCMT) and the remaining 1.35% in money market instruments.

With the change in the market the County's investment portfolio has improved 144 basis points from June 30, 2023, to June 30, 2024. Year to date interest earnings with the Market-to-Market adjustment total \$12,109,370 as rates begun to stabilize. The chart below shows that on Treasuries and agencies we are getting average yield of 3.72%.

Total Portfolio as of June 30, 2024:

Investment Portfolio	Investment Amount	Weighted Average Yield to Maturity	Average Maturity (Days)
US Treasury & Government Agency Securities	\$ 55,072,453	3.72%	171.02
NCCMT	\$ 182,497,959	5.22%	1
Money Market Instruments	\$ 3,258,726	3.10%	1
Total Portfolio	\$ 240,829,138		

Interest earned through June 30, 2024, is mainly from NCCMT and Truist Bank it totals \$8,930,445. This interest is received monthly. Interest earned on Treasuries and Agencies is \$3,178,924 through June 30, 2024, and is only received on maturity date. NCCMT's has a short-term focus in its portfolio, and as such the NCCMT yield leads Treasury and Agency issues when rates are rising and lags when rates are falling.

Adjournment

At 8:29 p.m., on motion of Pierce, seconded by Greene, the Board voted 5-0 to adjourn.

Sarah Pack, NCCCC
Clerk to the Board