

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 3, 2024 – 3:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

PRESENT:

Greg Edds, Chairman
Jim Greene, Vice-Chairman
Mike Caskey, Commissioner
Craig Pierce, Commissioner
Judy Klusman, Commissioner (entered where noted)

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 a solemnizing prayer. Chairman Edds lead the Pledge of Allegiance.

Consider Additions to the Agenda

There were no additions to the agenda.

Consider Deletions From the Agenda

There were no deletions from the agenda.

Consider Approval of the Agenda

On motion of Greene, seconded by Pierce, the Board voted 4-0 to approve the agenda as presented.

Consider Approval of the Consent Agenda

On motion of Pierce, seconded by Greene, the Board voted 4-0 to approve the Consent Agenda as presented, as follows:

A. *Sole Source - Envisionware - FY25*

B. *Budget Amendments, as follows:*

5100-Health Department	To budget additional awarded funding from AA716 CDC COVID-19 vaccination program	\$247,623
5100-Health Department	To budget additional awarded funding from AA121 APRA TSF Public Health Services	\$100,000
5100-Health Department	To budget additional awarded funding from AA117 Public Health Infrastructure: Local	\$434,537

	Workers	
4500- Rowan Area Transit	To budget for newly award funds from 531 Rural State Elderly and Disabled Transportation Program	\$300,000
4125- Finance	To carry over funds for contract 23339	\$156,936
4125- Finance	To carry over funds for contract 23405	\$9,600
4125- Finance	To carry over funds for contract 24103	\$22,734
4125- Finance	To carry over funds for contract 24323	\$977,500
4125- Finance	To carry over funds for contract 24396	\$500,000
4125-Finance	To carry over funds for contract 24263	\$177,846
4125-Finance	To carry over funds for contract 24438	\$420,550
4125-Finance	Carry over funds for open contracts for function 48	\$95,133
4125-Finance	Carry over funds for open contracts for airport fund and rowan transit system	\$247,212
4125-Finance	Carry over funds for open contracts for general government accounts	\$826,906
4125-Finance	Carry over funds for open contracts for function 41	\$390,256
4125-Finance	Carry over funds for open contracts for Sheriff's and detention center	\$278,122
4125-Finance	Carry over funds for open contracts for RCC/WEP	\$422,601
4125-Finance	Carry over funds for open contracts for landfill	\$1,072,941
4125- Finance	To carry over funds for contract 24513	\$1,295,973
4125- Finance	Transfer funds to water fund for Lead& Copper grant and contract 24629/Lillian Morgan	\$5,618
4125- Finance	To carry over funds for contract 24358	\$700,197
4125- Finance	To budget RCSO Evidence revenue and expense	\$369,887
4125- Finance	Carry over funds for contract 23461 & 24321	\$885,917
4125- Finance	To recognize reserved funds from FY 24 for soil & water restricted purpose	\$230,347
5100-Health Department	To balance AA107 Care Management for High Risk Pregnancies budget	\$172
4400- Sheriffs Department	To budget for JAG Grant	\$24,500

C. *Sole Source - Overdrive - FY25*

D. *GRANTS: County Manager Endorsement for Golden Leaf CBGI Program*

E. *Sole Source - SHI International*

F. *GRANTS: Rowan County Public Health - 2025-26 One Year Access to Care Grant - Dental Services*

G. *GRANT AGREEMENT: Approve funding agreement for Transit FY25 5310 Enhanced Mobility Grant*

- H. *Rowan Transit System New Building Sign*
- I. *Sole Source - Cummins Allison CPI*
- J. *GRANTS: VTC Congressionally Directed Grant Agreement*
- K. *Tax Collector's Annual Tax Settlement FY 2024 Tax Year 2023 and Order to Collect FY25 Tax Year 2024 Taxes*
- L. *Change Order #1 - NEWS Plumbing Replacement Program agreement with Hazen*
- M. *PO Change Order #1 - NCDOT IMD Vehicle Order - 20' LTV - Rowan Transit System*
- N. *Systel Business Equipment Co, Inc.*
- O. *Temporary Part-Time Veterinarian*
- P. *Change Order #2 - HDR Landfill Construction Phase V*
- Q. *2024 Needs-Based Public School Capital Fund Grant*

Public Comment Period

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

Temporary Use Permit Request: Miller Family Farm (TEMP 01-24)

Ed Muire, Planning and Development Director, said Mike Miller has submitted a temporary use permit application for operation of a "vortex" during his family's annual Maze of Terror event on their family farm located on Weaver Rd. This attraction is considered a "non-farm use" on the property and is therefore subject to zoning compliance; likewise, the attraction is required to receive an annual inspection by the NC Department of Labor (NCDOL).

Commissioner Klusman entered the meeting at 3:03 p.m.

Mr. Miller requests use of the vortex on Friday and Saturday nights (4 pm until midnight) during this Halloween season beginning Friday, September 27 through November 2, 2024. Mr. Miller intends to apply for the Agricultural Overlay (AO) zoning designation in early 2025, which, if approved, would allow the vortex type of amusement activity to occur without need of a temporary use permit.

The Commission approved a similar request (TEMP 01-22) from Mr. Miller in October 2022 for a two (2) year period. Prior to the 2022 and 2023 events, Mr. Miller provided Staff copies of NCDOL approvals for operation of the vortex tunnel.

Mr. Miller said he plans to pursue an agricultural overlay zoning for the site.

At 3:06 p.m. Chairman Edds opened the floor for public comment and closed it after no one wished to speak.

On motion of Edds, seconded by Pierce, the Board made the following findings:

1. *Use will not endanger the public health, safety, or general welfare.*
2. *Use will not have a substantial negative impact on adjoining properties.*
3. *Use will be approved for a specific period of time not to exceed 2 years.*

On motion of Greene, seconded by Klusman, the Board voted 5-0 to approve TEMP 01-24.

Family Subdivision Waiver FSW 03-24 – Goodman

Aaron Poplin, Planning Technician, said Jeramy Goodman is requesting a family subdivision waiver to allow for a 5th new lot in the existing family subdivision off Gheen Rd, further referenced as Rowan County Tax Parcel 305 020. Jeramy Goodman joint owns the lot with his siblings and wants to deed a new lot to his son Brandon Goodman. In 2021 James Lynn Goodman divided three tracts off of his approximate 100-acre property. Lot one was deeded to his son Jason 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, Jason, and James Lynn Goodman. In 2023 a family subdivision waiver (FSW 01-23) was granted to divide a lot to James Heath Goodman. Jeramy Goodman indicated during the hearing for FSW 01-23 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 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 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 (3) new lots, or conveyance to family members outside the “immediate family”. Requests are considered based on the below four (4) criteria with a simple majority needed to approve or deny.

In accordance with Section 22-54 of the Subdivision Ordinance, the BoC Should Consider the following (4) criteria and ensure the waiver “shall not be detrimental to the county and the area surrounding the subdivision”. Staff provides the following comments:

Nature of the proposed subdivision: The proposed subdivision is a family subdivision resulting in one (1) new parcel, for a total of six (6) 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. Jason Goodman.
- Lot 2. Jeramy Goodman.
- Lot 3. James Lynn Goodman.

- Lot 4. James Heath Goodman.
- Lot 5. Brandon Goodman
- Residual. Jason, Jeramy, and James Lynn Goodman.

Probable effect of the proposed subdivision upon traffic conditions in the vicinity: Traffic count information provided by NCDOT's 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.

This waiver process was established to give the BoC the ability to waive certain requirements of the family subdivision standards in special situations. The subdivision ordinance allows for up to three new lots to be conveyed in a family subdivision administratively, which generally addresses most circumstances in the county. Historically the BoC has only received a handful of requests for large families, but the waiver process gives the BoC an opportunity to consider potential impacts and conditions of approval, if warranted.

At 3:10 p.m. Chairman Edds opened the floor for public comment and closed it after no one wished to speak.

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

Public Hearing for Road Naming: Thistle Grove Road

Aaron Poplin, Planning Technician, said the following road name changes have been submitted to the Rowan County Planning Department and are presented for approval by the Board of Commissioners. As required by NCGS 153A-239.1, a public hearing was held to consider and receive comment for the following road name requests:

1. Currently Known As: No name driveway
Proposed Name: Thistle Grove Road
Location: 1600 block of Gheen Road (SR 1945)
Property Owners: Jeremy Goodman, James Goodman, Mandy Baumgart, Jeffery Goodman
Reason for Change: drive has 2 addressed structure with plans for at least one (1) more structure sharing the same drive. Unanimous petition received, name choice approved by GIS and Emergency Services.

At 3:11 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 to approve the road naming of Thistle Grove Road as presented.

Public Hearing for Rowan Transit FY26 Grant Application

Valerie Steele, Airport and Transit Director, said the purpose of the public hearing is to allow residents of the community the opportunity to comment on Rowan County transportation needs

and grant applications. The total request is for \$908,056 with a required County match of \$74,603. \$150,000 will be matched from contract revenue.

The North Carolina Public Transportation Division is now accepting grant applications for Fiscal Year 2026:

- 5311 - Community Transportation Program (CTP) will secure 85% grant support for RTS administrative costs. The grant will provide salary support for three positions (director, operations manager, safety and training officer), travel, communications, utilities, advertising and office expenses.
 - Administration: Requesting \$275,956
\$234,563 (85% grant) & \$41,393 (15% County match)
- 5310 – (State/Rural) Enhanced Mobility of Seniors and Individuals with Disabilities Program will provide rural operating funds in support of increased demands for dialysis transportation and continued service to Rowan Vocational Opportunities and Trinity Living Center.
 - Operating: Requesting \$300,000
\$150,00 (50% grant) & \$150,000 (50% match from contract revenue) No County match.
- Combined Capital Equipment (Federal Section 5311, 5311 Appalachian, 5307, 5339) application will secure 90% grant support for Vehicles replacements.
 1. Three (3) vehicles qualified for replacement in FY26. DOT requirement is over 100,000 miles. Three (3) raised roof vehicles equipped with lifts.
 2. No guarantee the request for new vehicles will be approved by NCDOT.
 3. Continued supply shortage. In previous years vehicles would be delivered in the spring. Upon the receipt of replacement vehicles, the old vehicles must be removed from RTS service (surplus) and can then be sold at a county auction or through govdeals.com with all proceeds to be spent on transit operations.
 - Requesting \$332,100
\$298,890 (90% grant) & \$33,210 (10% County Match)
 - Total Requesting: \$908,056
NCDOT: \$683,453 County Match: \$74,603 Contract Revenue \$150,000
- 5310 – (Federal/Urban) Enhanced Mobility of Seniors and Individuals with Disabilities Program (City of Concord is the Grantee for this Grant)
 - Application will provide Preventative Maintenance on Rowan Transit Fleet
 - Requesting \$84,000: \$67,200 or 80% grant & \$16,800 or 20% match from County General Fund

At 3:17 p.m. Chairman Edds opened the public hearing and closed it after no one wished to speak.

On motion of Klusman, seconded by Pierce, the Board voted 5-0 to approve RTS to apply for the grants as described, adopt the Community Transportation Program,

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

Board Appointments

On motion of Pierce, seconded by Greene, the Board voted 5-0 to appoint Kimberly Morgan and Theresa Henderson to the two available County Lodging Seats on the Tourism Development Authority Board.

On motion of Pierce, seconded by Caskey, the Board voted 5-0 to waive the residency requirements for the open seat on the Tourism Development Authority Board.

On motion of Pierce, seconded by Greene, the Board voted 5-0 to appoint Annette Keller to the County Attractions Seat on the Tourism Development Authority Board.

Closed Session

At 3:19 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 June 3, 2024, as described by NCGS 143- 318.10(e), and pursuant to NCGS 143.318.11(a)(5)(i) to establish or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

Open Session

At 4:09 p.m. Open Session resumed.

Adjournment

At 4:09 p.m., on motion of Pierce, seconded by Klusman, the Board voted 5-0 to adjourn.

Sarah Pack, NCCCC
Clerk to the Board