

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

October 21, 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
Craig Pierce, Commissioner (exited where noted)

ABSENT:

Judy Klusman, 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 said the Special Recognition for Pat Ivey would be moved to the Consent Agenda as Item BB. There was one addition to the agenda: Required Bi-directional Amplifier for the RCC Events Center at West End Plaza (Consent Item CC).

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 3-0 to approve the agenda as amended.

Consider Approval of the Consent Agenda

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

- A. Consider Approval of the Minutes - 10/7/24 Regular Meeting*
- B. NC Soil and Water Conservation Shared Personnel Mutual Aid Agreement*
- C. Budget Amendments, as follows:*

<i>Finance</i>	<i>To budget for civil penalties to NC State per general statute</i>	<i>\$900</i>
<i>Finance</i>	<i>To reognize reserved funds from FY24 for soil & water</i>	<i>\$110</i>
<i>Finance</i>	<i>To record inkind donations from the Blanche & Julian Foundation</i>	<i>\$22,000</i>
<i>Finance</i>	<i>Transfer funds to cover increased agreement cost for Mcguire LLP</i>	<i>\$10,000</i>
<i>Finance</i>	<i>Transfer funds to cover payments for bond debt service in April 2025</i>	<i>\$4,909,713</i>
<i>Finance</i>	<i>Transfer funds for Caskey salary & travel to appropriation account for donation</i>	<i>\$13,539</i>
<i>Health Department</i>	<i>Transfer funds to increase funding and distribute expenditure funds to correct accounts for community outreach</i>	<i>\$15,000</i>
<i>Finance</i>	<i>Transfer funds to budget for awarded funds for 247 state aid to public libraries</i>	<i>\$8,161</i>
<i>Finance</i>	<i>Transfer funds to cover a change order for generator project at the airport for food lion</i>	<i>\$180,000</i>
<i>Finance</i>	<i>Transfer funds to cover 2 change orders for new hangar project at the airport</i>	<i>\$60,000</i>

- D. Award Tax Office Printing & Mailing Services - BMS Direct*
- E. Sole-Source EMS Technology, Solutions LLC - FY25-28*
- F. VTS & TAX REFUNDS FOR APPROVAL*
- G. Sole-Source HLP Inc-Chameleon Software - FY25-27*
- H. Rowan County - Duke Energy - Young Mountain Communication Tower Lease Agreement*
- I. Donation of Personal Property*
- J. Corrections Memo to Autumn Jubilee Pay*
- K. Change Order #1 & Amendment #1 - Krydon Group - Airport Generator*
- L. Change Order #3 - ADW - Health Dept - Fire Lanes*
- M. Opioid Settlement: Local Funding Authorization correction*
- N. McGuireWoods Fee Change for LOBs*
- O. Commissioner Caskey Pay*
- P. Schedule Legislative Hearing for November 4, 2024, RE: ZTA 03-24*
- Q. GRANT AGREEMENT: Approve amendment to NON-STATE ENTITY AWARD AGREEMENT State Aid to Public Libraries*
- R. GRANTS: Approve ROCOC to Accept Award from First United Church of Christ Foundation*
- S. Two Grant-Funded Veterans Treatment Court Positions*
- T. Reclassification of Position in Environmental Services - Landfill*
- U. Approve GRANT AGREEMENT for FTA Section 5311 Community Transportation Program Funds*
- V. Approve GRANT AGREEMENT for FTA Section 5339 Bus and Bus Facility Funds*

- W. Change Order #2 - KMD Construction, LLC - New Corporate & Box Hangars*
- X. Affirm Continuation of ZTA 02-24 Decision until November 18, 2024*
- Y. Change Order #1 - Mid-State Metals - Ellis Park Storage Building*
- Z. Sole - Source Priority Dispatch FY25 - Revised*
- AA. Rowan Community Center (RCC) WEP - Piedmont Natural Gas Easement Extension*
- BB. Required Bi-directional Amplifier for the RCC Events Center at West End Plaza*
*(**Agenda Addition**)*

Chairman Edds moved to table the Legislative Hearings for Z 08-24/SNIA 02-24/PDS 01-24 and SNIA 04-24 as it was expected that Commissioner Pierce would leave the meeting before a vote could take place due to illness. Chairman Edds rescinded his motion when Commissioner Pierce said he would remain at the meeting to vote on these zoning items.

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, withdrew from speaking.

Alvin Merritt, 1635 W. Ridge Road, said there is gravel on a road corner near his house due to the nearby rock quarry and asked if that could be handled.

Connie Byrne, 216 Goldston Street, said the Sheriff's Department has been assisting in Buncombe County after the Hurricane Helene disaster and she thanked the Board for their support of this endeavor. She suggested people contact congressmen and request more help from FEMA.

Chairman Edds said he recently visited the disaster area with Sheriff Travis Allen and said he was very impressed with the work being done.

Legislative Hearing for Z 08-24 and SNIA 02-24: Sunwest Business Park

Shane Stewart, Assistant Planning and Development Director, said Sunwest Construction, LLC. is requesting the following approvals associated with approximately 107 acres identified as three (3) tax parcels – 231-006, 231-009, and 231-012 – located at the southeast corner of W. NC 152 Hwy. (8500 – 8600 block) and Wilkinson Rd. (100 – 300 block):

1. **Z 08-24:** Rezone all acreage currently Rural Agricultural (RA) to Commercial, Business, Industrial with a Conditional District (CBI-CD) for a 33 Lot business park proposing a specific set of permitted uses.
2. **SNIA 02-24:** Special Non-Residential Intensity Allocation (SNIA) to allow built-upon area (BUA) up to seventy (70) percent coverage (reviewed as a conditional district to the Water Supply Watershed Overlay [WSO]).
3. **PDS 01-24:** Planned Development Subdivision with lots proposing a thirty (30) foot front setback in lieu of the standard fifty (50) foot for principal uses in the CBI district.

Applicant Sunwest Construction, LLC. is proposing a thirty-three (33) Lot business park with lot sizes ranging from 1.0 to 3.86 acres. Mr. Stewart explained the zoning districts and consistency

with the proposed district. He discussed conformity with adopted plans and policies, including the West Area Land Use Plan and the Working Agricultural Lands Plan.

Considering this property is located on a busy highway, adjacent to existing commercial uses, would be used for additional commercial use, and is currently used for fescue hay only, the conversion to a non-agricultural use seems appropriate. According to the Tax Assessor records, approximately 105 acres are listed in the present use value program for tax deferment.

Staff recommends the following:

Eliminate:

- 0782: Greenhouses
- 2426: (part) Dimension, hardwood
- 2429: (part) Sawmills, special product
- 2491: Wood preserving
- 261: Pulp mill
- 262: Paper mill
- 4221: Farm product warehousing and storage
- 5015: Motor vehicle parts, used (outdoor) [salvage yard]
- 5093: Scrap and waste materials
- 5153: Grains and field beans
- 5154: Livestock (wholesale)
- 5159: Farm product raw materials, NEC
- 516: Chemical and allied products
- 517: Petroleum and petroleum products
- 7948 (part): Motorsports racing complex
- 7996: Amusement Park
- 7999 (part): Archery ranges, etc. (outdoor)
- 8059 (part): Convalescent homes...
- 8063: Psychiatric hospitals
- 8069 (part): Drug addiction rehab...
- 82 (part): Facilities providing overnight habitation
- 8351 (part): Child care center
- 8361: Residential care

Requires Special Use Permit:

- 5813: Drinking places (alcoholic beverages)
- 7941: Sports clubs and promoters
- 7994 (part): Gun club, shooting club

Consider Adding:

- 30: Rubber and miscellaneous plastic products
- 34: Fabricated metal products...
 - Less 3483: Ammunition except small arms
 - Less 3489: Ordinance and accessories

Mr. Stewart discussed the conditions in the vicinity and described adjoining parcels. He also detailed potential impact on roads, schools, and utilities. Amy Massey, Transportation Engineer with Kimley-Horn, prepared a Transportation Technical Memorandum (TTM) to analyze the proposed development's impact on W. NC 152 Hwy. and Wilkinson Rd. (study excerpt enclosed). Trip generation assumed a Business Park use with a total of 350 employees and a projected 2,045 daily trips. Level of Service (LOS) grades measuring the average delay for vehicle movements at studied intersection suggest a LOS A (less than 10 second delay) for W. NC 152 Hwy. and Wilkinson Rd. movements. LOS C (17.3 seconds) and LOS D (29.6 seconds) are estimated for AM (7:00 AM to 9:00 AM) and PM (4:00 PM to 6:00 PM) peak hours respectively for internal movements exiting the park onto W. NC 152 Hwy. In conclusion, the study recommends the following:

- Left and right turn lanes with one hundred (100) feet of storage along W. NC 152 Hwy.
- Widen asphalt turn radii on Wilkinson Rd. based on truck turn template. Will involve purchase of right of way on a portion of tax parcel 229-008 to complete the improvement.
- These improvements would be required as part of the major subdivision process and development of the new streets.

Mr. Stewart described the SNIA 02-24 request and said per the application, all 107 acres proposed for rezoning are included in the SNIA request, which would allow BUA to exceed the administrative maximum of twelve (12) percent and allow up to seventy (70) percent. A total of ten (10) percent of the Coddle Creek watershed acres may be approved to exceed 12% and develop up to seventy (70) percent. Sheet CZ 1.01 contains conceptual site plans and tentative BUA calculation for Lots 1-33, which would remain under 70%.

Considering a full boundary survey has not been performed and lot configuration / acreage may change after final construction drawings, acreage consideration should include a "not to exceed" figure over the identified 61.4 acres (staff suggestion is 10% or 6.14 acres or 67.54 acres total) or the final acreage of the collective recorded lots and the road right of way – whichever is less, to account for variation of final design. Mr. Stewart described the land use plan recommendations and tax related records and impacts. He also discussed the request in comparison to undeveloped non-residential zoned acreage.

Section 22-58 of the Subdivision Ordinance allow consideration a Planned Development Subdivision (PDS) to modify dimensional standards (i.e. lot width, depth, building setbacks) and even road design standards for private roads "to encourage innovative development". While staff would not necessarily classify this as an innovative development, the county had approved similar requests for the Rowan Summit Shopping Center (Julian Rd. / I-85) and the Windwood Apartments (7550 US 52 Hwy.) for modified setbacks, which is the lone deviation being requested.

The ordinance requires the Subdivision Review Planning Committee (SRC) to make a recommendation regarding the PDS concept plan for consideration by the Planning Board and Board of Commissioners (BOC). The SRC recommended approval with the following conditions:

1. Remove the option for a 10" ABC for the pavement schedule noted on Sheet CZ 1.00; pavement schedule B not required; increase pavement schedule C from 2" to 3".

2. Increase the two (2) cul-de-sac pavement radius from 48' to match the proposed 57' between Lots 17 & 18.
3. Eliminate SIC 8351 (part): Child Care Center from table of uses.

In addition to the above criteria, sec. 21-362 (c) of the Zoning Ordinance indicates the primary question before the BOC in a rezoning decision is “whether the proposed change advances the public health, safety, or welfare as well as the intent and spirit of the ordinance.” Additionally, the board “shall not regard as controlling any advantages or disadvantages to the individual requesting the change but shall consider the impact of the proposed zoning change on the public at large.”

Aside from the applicant and his team, three (3) citizens spoke during the hearing two (2) of which were in favor of the change while one (1) citizen was opposed indicating he would be surrounded by the development. The Board voted 7-0 to recommend approval based on the following statement and conditions of approval: Reasonableness and Consistency: “Z 08-24, SNIA 02-24, and PDS 01-24 are consistent with the West Land Use Plan area 3 and reasonable/appropriate based on the following:

1. The property is located in the Highway 152 Corridor Overlay; and
2. There are similar industrial parks in the surrounding area.”

Based on the land use plan recommendations and the adjacent IND zoned areas, a CBI zone would be an appropriate designation. Establishing a minimum enclosed building square footage is likely the easiest way to ensure future development appropriately uses the watershed allocation. Additional mutually agreed upon conditions could added as appropriate.

Conditions to Consider:

1. Revise use list.
2. Include SRC conditions.
3. SNIA acreage may not exceed the lesser of the collective lot and road right of way acres (less COS and well lot) on the recorded final plat or 67.54 acres.
4. Built upon area on each individual lot may not exceed 70%.
5. All lots must be developed with a fully enclosed building having a square footage totaling the greater of 7,500 square feet or 10% of the lot size, which may not be reduced administratively by section 21-33 (2)(f)(2)(f).
6. Square footage of portable modular buildings and similar type structures without a permanent foundation may not be used as part of the required square footage from condition # 5.
7. Any future combination of lots must be developed with the same required minimum square footage total for the collective number of combined lots.

Jeremy Carter, Attorney at Carter Law Group, introduced Thomas Shirley, Principal Engineer at Kimley-Horn who worked on the traffic study. He explained the results of the study and the associated recommendations. Mr. Shirley is a licensed professional engineer.

Chairman Edds clarified that the traffic study recommendations were included as part of the conditions and Mr. Stewart said yes.

Mr. J. Carter introduced Paul Carter, Principal Engineer and president of EastLake Engineering. He explained inclusions for the watershed area that will increase public safety. The property owners will jointly control the open space area. There will be adequate watershed for each lot.

Mr. J. Carter introduced Bob Lyons of Sunwest Construction, LLC, who said community recommendations have been incorporated into the plans for the design. There will be a property owner's association and there will be standardized requirements for external property care. As the developer, he is willing to consent to all proposed conditions. Vice-Chairman Greene asked if interested persons were involved in the racing industry and Mr. Lyons said the majority are. Chairman Edds asked the average square size of the buildings and Mr. Lyons said 10-12,000 sf.

Chairman Edds opened the Public Hearing at 6:39 p.m. and closed it after everyone wishing to speak had done so.

Alvin Merritt, 1635 W. Ridge Road, asked if addresses will be visible and questioned access by transfer trucks in the area.

Mr. J. Carter said addresses are required by the 911 system. The required turn radius should allow truck access. Mr. Lyons said anyone not doing business will not be allowed to park overnight.

On motion of Edds, seconded by Pierce, the Board voted 3-0 that Z 08-24, SNIA 02-24, and PDS 01-24 are consistent with the West Land Use Plan area 3 and reasonable/appropriate based on the following:

- 1. The property is located in the Highway 152 Corridor Overlay; and*
- 2. There are similar industrial parks in the surrounding area.*

Vice-Chairman Greene asked if a condition should be added requiring 70% masonry on the front façade of the building. Mr. Stewart said this would be difficult to enforce. Mr. Lyons said one of the requirements of the Property Owner's Association is the façade description. Mr. Carter suggested allowing this requirement to remain as part of the Property Owner's Association rather than the zoning.

On motion of Edds, seconded by Pierce, the Board voted 3-0 to approve Z 08-24, SNIA 02-24, and PDS 01-24 with the following conditions:

- 1. Revise use list as noted on pages 4-5 of staff report.*
- 2. Include SRC conditions as noted on page 13 of staff report.*
- 3. SNIA acreage may not exceed the lesser of the collective lot and road right of way acres (less COS and well lot) on the recorded final plat or 67.54 acres.*
- 4. Built upon area on each individual lot may not exceed 70%.*
- 5. All lots must be developed with a fully enclosed building having a square footage totaling the greater of 7,500 square feet or 10% of the lot size, which may not be reduced administratively by section 21-33 (2)(f)(2)(f).*

6. *Square footage of portable modular buildings and similar type structures without a permanent foundation may not be used as part of the required square footage from condition # 5.*
7. *Any future combination of lots must be developed with the same required minimum square footage total for the collective number of combined lots.*

Legislative Hearing for SNIA 04-24: NMD Property

Shane Stewart, Assistant Planning and Development Director, said property owner NMD Property LLC is requesting a Special Non-Residential Intensity Allocation (SNIA) to construct a series of three (3) buildings totaling 23,500 sf at 1180 Shinn Farm Rd. – further referenced as Parcel ID 230- 035 (see enclosed site plan). Phase I include Buildings #1 and #3 (9,900 sf) while the future expansion to Building #1 and Building #2 (13,600 sf) may not occur for several years (see enclosed site plan). According to the owner, the three (3) buildings would be used for indoor remote controlled car racing, warehouse / storage, and Recreational Vehicle storage. This request would allocate 1.33 new SNIA acres to the project and, based on a proposed reconfiguration of the owner’s adjacent parcels 230-066 & 067 located at 268 and 222 Pit Road respectively, result in a 2.25 acre parcel.

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. Mr. Stewart discussed the land use plan recommendations.

Applicant: NMD Property, LLC
Location: 1180 Shinn Farm Rd.
Zoning: IND
Watershed: WS II BW (Coddle Creek)

Property Owner: NMD Property, LLC
Tax Parcel: 230-035
Purpose: Indoor RC Racing & Warehouse

No one provided public comment during the Planning Board courtesy hearing. The board voted unanimously (7- 0) to recommend approval as requested with no conditions based on the following statement: Statement of Reasonableness and Consistency “SNIA 04-24 is consistent with the West Area Land Use Plan and reasonable / appropriate based on the following:

1. General recommendation for the maximum acreage of removal for a single parcel is 2 acres, this request is less than the maximum at 1.33 acres.
2. This approval will increase the tax base and create jobs proportionate to the acreage requested for removal.
3. The site plan will utilize the acreage to the maximum extent possible.”

The property owner has a very ambitious plan to maximize available acreage with improvements. As such, staff noted the owner’s commitment to building at least 9,900 sf as opposed to a full commitment to all 23,500 sf identified on the plans, which may not come to fruition (see minor change option in section 21-33(2)(f)(2)(f). If approved, a revised plat would be required for the reconfigured lots along with a septic supply line easement connecting each lot to the adjacent septic easement area located within the subject property. The above figures do not

include acreage requested by Sunwest Construction (SNIA 02- 24) or Paul Callaway (SNIA 05-24). This request meets all standards for approval.

Chairman Edds opened the Public Hearing at 6:54 p.m. and closed it after no one wished to speak.

On motion of Edds, seconded by Pierce, the Board voted 3-0 that SNIA 04-24 is consistent with the West Area Land Use Plan and reasonable / appropriate based on the following:

- 1. General recommendation for the maximum acreage of removal for a single parcel is 2 acres, this request is less than the maximum at 1.33 acres.*
- 2. This approval will increase the tax base and create jobs proportionate to the acreage requested for removal.*
- 3. The site plan will utilize the acreage to the maximum extent possible.*

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

Commissioner Pierce was excused from the meeting at 6:56 p.m.

Financial Reports

Finance Director Anna Bumgarner presented the financial reports. She compared annual cumulative expenditures, with FY 2025 equaling \$46,520,213 in September. Annual cumulative revenue is at \$80,373,249. The annual cumulative property tax was \$68,469,138 in August. In June, the annual cumulative sales tax was \$41,969,787. She compared monthly sales taxes from fiscal years 2021 to 2024.

Adjournment

At 6:59 p.m. Chairman Edds adjourned the meeting due to lack of a quorum.

Sarah Pack, NCCCC
Clerk to the Board