

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

November 18, 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
Judy Klusman, Commissioner

ABSENT:

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

Consider Additions to the Agenda

Chairman Edds said Consent Item N (Approve Rowan County Health Department Construction Contract - Holden Building Company, Inc.) would be moved to the Regular Agenda as Item E. He also said the Adoption of a Litigation Hold (Consent Item U) would be added. He noted that some revised documentation had been provided for Consent Item F.

Chairman Edds said Regular Agenda Item B, ZTA 02-24 (Mooresville Motorsports Complex) will be moved in the order to item E.

Consider Deletions From the Agenda

There were no deletions from the agenda.

Consider Approval of the Agenda

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

Consider Approval of the Consent Agenda

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

- A. Consider Approval of the Minutes - 11/4/24 Regular Meeting
- B. Budget Amendments, as follows:

4125- Finance	Transfer funds to cover water and sewer easement for the airport hangar project	\$29,575
4125- Finance	Transfer funds to appropriate funding from PARTF Grant for the construction of park bathrooms	\$4,029,140
4125- Finance	Transfer funds to record capital project ordinance for public schools 2024 LOBS	\$73,042,870
4125- Finance	Transfer funds for GASB 96 for contract 25242	\$99,276
4125- Finance	Transfer funds for GASB 87 for contract 22241	\$3,737
4125- Finance	Transfer funds for GASB 87 for contract 25141	\$19,844
4125- Finance	Transfer funds to reflect appropriations for the health department project	\$32,654,390
4125- Finance	Transfer funds from Food Lion covering 50% of CO for generator that will reduce GF contributions	\$44,750

- C. Sole Source - Freshworks FY25 Revised
- D. Sole Source - Eagleview FY25-29
- E. Award Carpet/Flooring and Installation - Multiple Library Locations - Furnish My Place
- F. DayMark Agreement related to BHUC
- G. RSS Lease agreement for roof projects
- H. Capital Project Ordinance for 2024 Limited Obligation Bonds for Public Schools
- I. Rowan County - Duke Energy - Young Mountain Communication Tower Lease Agreement-Revised
- J. Mid-Carolina Airport Hanger Water-Sewer Project - Easement with Alliance Real Estate III, Inc.
- K. TAX & VTS REFUNDS FOR APPROVAL
- L. NCCMT Arbitrage Agreement for 2024 LOBS School Projects
- M. Contribution-based Benefit Cap
- ~~N. Approve Rowan County Health Department Construction Contract - Holden Building Company, Inc. (**Moved to Regular Agenda**)~~
- O. Amendment #2 - Family Closet & Consignment Shop Lease
- P. Health Department Capital Project Ordinance
- Q. Update of Policy - Asset Policy
- R. Mid-Carolina Airport Hanger Water-Sewer Project - Easement with Lakewood
- S. Consolidation of Positions in Library
- T. GRANTS: PARTF Accessible Parks Grant Agreement Approval
- U. Adoption of Litigation Hold (**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 increasing property taxes have driven the value of homes up. Young families or families with children may now not be able to afford a home due to the high rate of taxes. The Board of Commissioners is the first line of defense towards helping citizens. There are county residents that desperately need help.

Public Hearing and Executive Summary Presentation: EDC “Project Secure”

Scott Shelton, Rowan Economic Development Council Vice President, said the company behind Project Secure has been in business for decades and is an internationally known name in its industry. The company is currently evaluating potential properties in the Charlotte region for a new manufacturing facility. An under construction building in the Rusher Farms Commerce Center in East Spencer is among the candidates for this new facility. If our community were chosen, the company would create 29 new jobs over the next five years. It is estimated that the company would also invest \$1 million in equipment for this project. The company plans to begin operations at its chosen location in the second quarter of 2025.

There do not appear to be any regulatory barriers to this project moving forward. The company will work with Town of East Spencer officials and the Rowan County Building Inspections Department to navigate the appropriate review and permitting process. There are no components of the proposed project that appear outside the normal scope of operations for these types of facilities.

If Rowan County were chosen, Project Secure plans to begin operations in the second quarter of 2025. The overall investment timeline is based on information provided to the Rowan EDC by the company. The evolving nature of County tax rates, assessed value of the installed equipment, and construction timelines require certain assumptions in order to develop a functioning model. To establish a baseline, Mr. Shelton said the following constants were applied:

- The County tax rate is fixed at the current rate of \$0.58
- The company’s new facility has an estimated value of \$13.77 million and will be completed by June 30, 2024
- Because the company will be responsible for reimbursing the building owner 33.7% of the real property taxes paid, we applied that same percentage to the \$13.77 million overall estimated building value which resulted in the \$4,640,490 amount used in the real property calculations on pages 5 and 6.
- \$1 million of equipment installation occurs prior to June 30, 2024
- Depreciation for business personal property was estimated using the State of North Carolina’s 2024 Depreciation Schedule A
- Twelve-year lifespans were assumed for all business personal property depreciation

In application, it is unlikely that all assumptions will hold constant. The model provides general trends of expected revenues and expenditures. Incorporating the above framework, the following outcomes are projected:

- During the five incentivized years, the County would collect \$161,482 in revenue and provide incentive grants totaling \$64,592. The County would retain \$96,890 of revenue during the incentive term.
- Modeled with a 10-year horizon, the County would stand to collect an estimated \$312,995, disburse a \$64,592 grant and retain an estimated \$248,403 of new revenue.

This project appears to have several positive attributes and no apparent liabilities. If Rowan County were chosen, Project Secure would create a total of 29 new full-time jobs, and the new facility at Rusher Farms will add millions to the tax bases of both the County and the Town of East Spencer. The project would also generate approximately \$250,000 of net tax revenue for the County over the next ten years.

Chairman Edds asked for details regarding average wage and Mr. Shelton said the starting wages are on the higher side for manufacturing jobs.

At 6:15 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 4-0 to approve a five-year Level 1 Grant to Project Secure, equivalent to 40% of the company's paid prorated share of real property taxes, and to approve the associated Relocation And Expansion Assistance Agreement.

Continuation of Legislative Hearing for ZTA 03-24: Automobile Towing with Storage

Aaron Poplin, Planning Technician, said the Legislative Hearing for ZTA 03-24 was opened at the November 4th, 2024, meeting and was tabled until the November 18th meeting. ZTA 03-24 is a Zoning Text amendment that defines Automobile Towing with Storage and gives the option to be considered through a Conditional District Rezoning process or with a Special Use Permit in the IND district.

Typically, a vehicle would be on-site from 90 days to six months, which was the main concern of the Board at the November 4th meeting. Vice-Chairman Greene asked how a time limit could be enforced to prevent the towing facility from becoming a junkyard. Mr. Poplin said a timeline could be written into the ordinance, but the only true verification option is observation. Ideally the yard would remain full, so it's likely that it would be difficult to tell which cars are coming and going and for how long they remain on site.

Applicant Jeremy Good said they don't buy scrap and he tries to move vehicles quickly. They tow vehicles and once titles are received, the vehicles are removed. Chairman Edds clarified that money isn't made if vehicles are sitting and Mr. Good agreed. Most of the time, the vehicles are moved within 90 days.

Commissioner Pierce suggested a six-month deadline for vehicles to be moved, where cancellation of the conditional use would be the enforcement mechanism. Mr. Poplin said this could be added to the requirements for the specific district.

Commissioner Klusman clarified that a fence would be required around the property and Mr. Poplin confirmed.

On motion of Pierce, seconded by Greene, the Board voted 4-0 that ZTA 03-24 is reasonable, appropriate, and necessary to meet the development needs of Rowan County not previously envisioned by the East and West Land Use Plans based on the following:

- The addition of Automobile Towing with Storage as a Commercial Business Industrial Conditional District (CBI-CD) will help meet the needs of the county.*
- The additional option of CBI-CD for Automobile Towing with Storage will allow for conditional standards to be added as needed on a case by case basis.*
- The table of uses change for Automobile Towing with Storage will allow this use in an Industrial Zone (IND) with a Special Use Permit or as a CBI-CD.*

Furthermore, this adoption is deemed an amendment to the East and West Land Use Plans.

On motion of Pierce, seconded by Greene, the Board voted 4-0 to approve ZTA 03-24 with the following condition of approval:

- Section 21-64(g)(2) defining the Operational Area will include a statement that “Such vehicles may be stored for a maximum of six (6) months.”*

Financial Reports

Finance Director Anna Bumgarner presented the financial reports. She compared annual cumulative expenditures, with FY 2025 equaling \$63,630,677 in October. Annual cumulative revenue is at \$92,736,220. The annual cumulative property tax was \$71,743,035 in September. In July, the annual cumulative sales tax was \$3,583,420. She compared monthly sales taxes from fiscal years 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, 2023

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 26.4% invested in Treasury Bill, Notes or Government Agencies, 72.35% of its total portfolio in North Carolina Capital Management Trust (NCCMT) and the remaining 1.24% in money market instruments. With the change in the market the County’s investment portfolio has decreased by 2 basis points from September 30, 2023, to September 30, 2024. Year to date interest earnings total \$3,085,639 as rates begun to trend down. The chart below shows that on Treasuries and agencies we are getting average yield of 4.24%.

Total Portfolio as of September 30, 2024:

Investment Portfolio	Investment Amount	Weighted Average Yield to Maturity	Average Maturity (Days)
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US Treasury & Government Agency Securities	\$ 69,649,038	4.22%	107.8
NCCMT	\$ 190,844,479	5.07%	1
Money Market Instruments	\$ 3,283,787	2.70%	1
Total Portfolio	\$ 263,777,304		

Interest earned through September 30, 2024, is mainly from NCCMT and Truist Bank it totals \$2,694,555. This interest is received monthly. Interest earned on Treasuries and Agencies is \$994,904 through September 30, 2024, and is only received on maturity date. Total interest earned since July 1, 2024 is \$3,689,459. 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.

Approve Rowan County Health Department Construction Contract - Holden Building Company, Inc. (Pulled off of Consent Agenda**)**

County Manager Aaron Church said the reason for pulling the item was to add two words into the recommendation. The bid has already been approved; this is authorizing the Board to approve the contract. He explained the requested changes.

On motion of Edds, seconded by Pierce, the Board voted 4-0 to approve, execute, and sign the Rowan County Health Department Construction Contract, not to exceed \$14,842,904.00.

Continuation of Legislative Hearing for ZTA 02-24: Mooresville Motorsports Complex

Ed Muire, Planning and Development Director, said the Board held a legislative hearing for ZTA 02-24 on October 7, 2024, but a decision was not rendered. He distributed an updated text amendment to the Board (Attachment A). This property is already a non-conforming use and it operates that way. Violations have been issued on two occasions to the property owners, but they have remedied the situation. Mr. Muire anticipates an expansion request for this property in the future.

Tim Broome, president of the Mooresville Motorsports Complex, said he appreciates the Board's consideration and said they are making a solid effort to clean the property up and make it fun for families. He apologized for past miscommunications and said they will not happen again.

Mr. Muire explained the next required steps.

At 6:39 p.m. Chairman Edds closed the public hearing.

On motion of Edds, seconded by Pierce, the Board voted 4-0 that ZTA 02-24 is reasonable, appropriate, and necessary to meet the development needs of Rowan County not previously envisioned by the East and West Land Use Plans and reasonable/appropriate based on the following:

- 1. This is a new zoning type.*
- 2. There is potential for other similar development in the county.*

Furthermore, the adoption of ZTA 02-24 is deemed an amendment to the East and West Land Use Plans.

On motion of Pierce, seconded by Greene, the board voted 4-0 to approve ZTA 02-24.

Chairman Edds amended his motion to state that ZTA 02-24 would be approved as amended and submitted. This motion was seconded by Pierce, and the board voted 4-0 to approve ZTA 02-24 as amended and submitted.

Closed Session

On motion of Edds, seconded by Pierce, the Board voted 4-0 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 September 3, 2024, as described by NCGS 143- 318.10(e), and to NCGS 143-318-11(1), to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, as described by NCGS 132-1.7(a)(1).

Resume Open Session

At 7:10 p.m. Open Session resumed.

On motion of Klusman, seconded by Greene, the Board voted 3-1 (Pierce opposed) to approve proposed floor plans and designs and authorize County Manager/Purchasing Director to proceed to the next phase of bidding out the construction portion for the Crawford Building project.

Adjournment

At 7:12 p.m. on motion of Pierce, seconded by Klusman, the Board voted 4-0 to adjourn.

Sarah Pack, NCCCC
Clerk to the Board

ZTA 02-24

Section 21-4. Definitions.

Go kart means a miniature open wheeled four-wheeled open framed racing vehicle having a maximum engine displacement of 253 cc. This definition shall also include but not be limited to quarter midget racecars sanctioned by the Quarter Midgets of America and go karts sanctioned by the World Karting Association.

Motorsports racing complex means a facility consisting of more than one (1) type of racing activity track, spectator seating or viewing areas, buildings or structures supporting track operations, concessions, and parking.

Racing activity track means a paved or dirt course, strip or track used for the racing, practicing or testing of automobiles, trucks, tractors, motorcycles, all-terrain vehicles (ATV), go-karts and similar motorized vehicles driven or operated by a person(s). The non-motorized racing, practicing, or training using bicycles and animals are also included in this definition for purposes of defining the types of racing activity on a course or track.

Traffic Impact Analysis (TIA) means a specialized engineering study that forecasts potential traffic associated with a proposed development project, evaluates the impacts, and proposes mitigation solutions as needed. A TIA is performed by a licensed professional engineer or engineering firm specializing in traffic engineering operations and is pre-qualified by NCDOT's Congestion Management Section to produce TIAs.

Vehicle trip means a one-way movement of a vehicle between two (2) points.

Section 21-64. Conditional Standards for Specific Uses.

(f) Motorsports Racing Complex

1. Uses allowed. A motorsports racing complex is intended to accommodate a variety of racing types and related activities at a site planned and designed for such activities subject to the standards herein. Racing on different track types is the primary function of the complex, but other ancillary uses permitted (P) or permitted with Special Requirements (SR) in the manufacturing, retail and service sector categories in the Commercial, Business, Industrial (CBI) district may be appropriate to support or compliment the complex's operation. Justification for incorporating select sector uses ancillary to the complex's primary function is incumbent upon the applicant.
2. Lot size. The resulting complex shall consist of one (1) parcel and its minimum lot size will be calculated based on **at least** two (2) of the racing activity track types proposed for the complex using the acreages in the table below. For the purposes of determining required acreage when more than one (1) type of racing activity occur on a single track, the higher tier group shall control.

Tier	Racing Activity Tracks	Minimum Acreage
1	Motor Speedway	50 acres
	Drag Strip Complex	50 acres
2	Go-Kart	20 acres
	Motorcycle / ATV	20 acres
	All other motorized vehicles	20 acres
3	Bicycles and animals	10 acres

Complexes may reduce the required minimum acreage by fifty percent (50%) for each additional different type racing activity identified as Tier 2 or 3 only when combined with a Tier 1 racing activity track. For example, a motor speedway and ATV racing track must have a minimum lot size of at least sixty (60) acres; a drag strip, go-kart and motorcycle track must have a minimum lot size of seventy (70) acres. Combinations of tier group 1 or tier groups 2 / 3 are not afforded the 50% reduction. To wit, a motor speedway and drag strip complex must have at least one hundred (100) acres; a go-kart and motorcycle complex must have at least forty (40) acres. Notwithstanding, two (2) racing activity tracks of the same type (e.g. paved and dirt strip) within the same complex do not require additional acreage to establish the minimum lot size for the complex (i.e., 50 acres); if not intended to operate simultaneously; conversely, simultaneous operation and but inclusion of a third and subsequent racing activity tracks of the same type in the same complex shall require that each contribute fifty percent (50%) of the minimum acreage toward the lot size.

3. Location. The complex must have frontage and access on a state-maintained road and obtain an approved commercial driveway permit from NCDOT for access. In the alternative to frontage requirement, the complex may be accessed by a road that has been specifically built to NCDOT secondary road standards.
4. Traffic. When anticipated vehicle trips generated by the complex onto the adjoining road network are likely to exceed an average of three thousand (3,000) daily trips, the applicant shall provide a Traffic Impact Analysis (TIA). Anticipated average daily vehicle trips between one thousand (1,000) and three thousand (3,000) will require the applicant to coordinate with the County and NC DOT on the type and level of traffic engineering analysis related to access, existing / future conditions, operations, and mitigation. Anticipated vehicle trips will be based on required parking plus ten percent (10%). The required TIA or engineering analysis must be furnished by the applicant with the CD application.
5. Lighting. Lighting shall be located throughout the complex to adequately light parking and areas of public assembly and be designed and positioned in such a manner that glare spillover onto adjoining properties is not apparent at the common property line(s).
6. Setbacks. Racing activity tracks and stands shall be set back three hundred (300) feet from side and rear property lines when the adjoining property is in a residential zoning classification as grouped by the Table of Uses in Section 21-113. Side and rear setbacks for racing activity track

and stands may be reduced to two hundred (200) feet when adjoining a non-residential zoning classification. Buildings, parking and operational area shall be set back a minimum of one hundred (100) feet from the front property line and shall employ either a Type A or B buffer as the side and rear yard setback based on 21-64(f)(8).

7. Security fencing. Security fencing six (6) feet in height shall be installed along the perimeter of the complex to restrict entry when the complex is not open and to prevent unauthorized access during racing events.

8. Buffer. A Type B buffer and screening consistent with Section 21-215(2) shall be provided along the side and rear property lines when the complex adjoins property in a residential category group. When the complex adjoins a developed non-residential category property, screening consistent with Section 21-215(1)(b)(1) shall be installed within the required Type A buffer.

9. Hours of operation. Hours of operation for racing, training, or testing are based on the zoning designation of properties contiguous to the motorsports complex at the time a conditional district application is submitted. A motorsports complex that is bordered by a minimum of sixty (60) percent commercial or industrial zoned properties, as measured by the total linear footage along the common property line, shall maintain the following hours of operation:

Monday- Wednesday: 8:00 a.m. to 10:00 p.m.

Thursday: 8:00 a.m. to 11:00 p.m.

Friday and Saturday: 8:00 a.m. to 12:00 a.m. (midnight)

Sunday 12:00 p.m. to 9:00 p.m.

Hours of operation for racing, training, or testing activities at a motorsports complex contiguous to less than sixty (60) percent commercial or industrial district zoned property requirements shall maintain the following hours of operation:

Monday - Thursday 8:00 a.m. to 8:00 p.m.

Friday-Saturday 8:00 a.m. to 10:00 p.m.

Sunday- 12:00 p.m. to 9:00 p.m.

Tier 2 racing activities, training or testing may not occur simultaneously when Tier 1 racing activities are occurring.

10. Muffled race vehicles. All vehicles with an internal combustion engine that race, train or test on Tier 1 and 2 tracks shall be equipped with mufflers to mitigate engine noise. Tier 1 or 2 facilities that have lawfully operated prior to this amendment and obtain conditional district designation as a *motorsports racing complex* pursuant to this section may continue to host racing events on the existing racing activity track without use of mufflers. The foregoing provision does not authorize racing, training or testing of non-muffled vehicles on any other racing activity track(s) added to the complex post conditional district approval.

11. Noise standards. To ensure that operations and events at the complex do not exceed the maximum allowable noise levels at the complex property lines as provided in Section 21-241(d), the applicant shall provide a report or study prepared by a qualified acoustical engineer or firm specializing in sound measurement with the conditional district (CD) application. The report or study should account for noise generated by vehicles and loud speakers at each racing activity track proposed in the complex and the combination of Tier 2 and Tier 3 activities that may occur simultaneously. The study should also provide recommendations for sound attenuation if the expected decibels for a track(s) exceed the standards of Section 21-241(d).
12. Parking. The minimum number of parking spaces shall be calculated at one (1) space per four (4) seats. A "seat" is based on the fixed seating standard of one (1) person per eighteen (18) inches for grandstand or bleacher seating in Section 1004.4 of the NC Building Code. Parking areas may have a parking surface consisting of either asphalt, concrete, gravel or grass, but not of soil or dirt. All other aspects related to parking shall comply with provisions specified in Article VII of this Chapter.

Section 21-113 Table of Uses.

<i>Services</i>											
		Residential					Non-Residential				
SIC	Use	RA	RR	RS	MHP	MFR	AI	CBI	NB	INST	IND
70	Hotels, rooming houses, camps and other lodging places, <i>all except</i>	SR	SR					P	SR		
7011	Cabins	S						S	S		
7032	Sporting and recreational camps	S	S					P	SR	P	P
7033	Campgrounds and RV parks	S						S	S		
72	Personal services, <i>all except</i>	SR	SR					P	SR		P
7261 (pt)	Crematories							P			P
73	Business services	SR	SR				SR	P	SR		P
75	Auto repair, services and parking	SR	SR					P	SR		P
76	Misc repair services	SR	SR				SR	P	SR		P
78	Motion pictures	SR	SR					P	SR		P
79	Amusement, recreational services, <i>all except</i>	SR	SR					P	SR		P
7941	Sports clubs and promoters							S			S
7948(pt)	Racetrack operations, including speedways, go-kart tracks and dragstrips							S			S
	Motorsports racing complex							CD			

Proposed ZTA 02-24 Edits to ZTA 04-23: Adopted Version of March 18, 2024

7992	Public golf courses	S	S					P			
7996	Amusement park							S			S
7997	Membership sports and recreational clubs, <i>all except</i>	SR or S	SR or S	SR				P	SR		P
7997 (pt)	Gun club, shooting clubs	S						S			S

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2
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