

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



Aaron Church, County Manager  
Carolyn Barger, Clerk to the Board  
John W. Dees, II, County Attorney

**DRAFT**

## Rowan County Board of Commissioners

130 West Innes Street • Salisbury, NC 28144  
Telephone 704-216-8180 • FAX 704-216-8195

### MINUTES OF THE MEETING OF THE ROWAN COUNTY BOARD OF COMMISSIONERS

September 19, 2016 – 6:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

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Present: Greg Edds, Chairman  
Jim Greene, Vice-Chairman  
Mike Caskey, Member  
Judy Klusman, Member  
Craig Pierce, Member

County Manager Aaron Church, Clerk to the Board/Assistant to the County Manager Carolyn Barger, County Attorney Jay Dees and Assistant County Manager/Finance Director Leslie Heidrick were present.

Chairman Edds convened the meeting 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 to add a memorandum from Airport Director Thad Howell regarding a recommendation from the Airport Advisory Board to change the name of the Rowan County Airport to the Mid-Carolina Regional Airport. Chairman Edds said if approved, he would like to add the issue as item N to the Consent Agenda.

Commissioner Pierce moved approval of the addition, followed by a second from Commissioner Klusman. The motion passed unanimously.

#### **CONSIDER DELETIONS FROM THE AGENDA**

There were no deletions from the agenda.

#### **CONSIDER APPROVAL OF THE AGENDA**

Commissioner Greene moved, Commissioner Klusman seconded and the vote to approve the agenda passed unanimously.

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## **CONSIDER APPROVAL OF THE MINUTES**

Commissioner Greene moved, Commissioner Klusman seconded and the vote to approve the minutes of the September 6, 2016 Commission Meeting passed unanimously.

## **1. CONSIDER APPROVAL OF CONSENT AGENDA**

Commissioner Pierce moved approval of the Consent Agenda (as amended). The motion was seconded by Commissioner Klusman and passed unanimously.

The Consent Agenda consisted of the following:

- A. Resolution Allowing Retiring Officer (Ricky Vanhoy) to Purchase Service Sidearm
- B. Set Public Hearing for October 3, 2016 for FY '18 Community Transportation Grant
- C. RCHD Dental Grants
- D. Refunds for Approval
- E. MV Transportation Contract Renewal
- F. Consider Approval of FSW 01-16
- G. Grant Request for One Church One Child
- H. Task Order 2016/17-01 HDR General Services
- I. Request to Accept Grant for Regional 911 Backup Center
- J. Task Orders for Health Dept. and Detention Center Roofing System
- K. Termination of Lease with Payless Shoe Source
- L. Phase II Part 2 Re-roofing of West End Plaza
- M. Consider Authorization for Vehicle Replacement
- N. Rename the Rowan County Airport to the Mid-Carolina Regional Airport (addition to the Consent Agenda)

## **2. PUBLIC COMMENT PERIOD**

Chairman Edds opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward:

- Theresa Pitner said she was present to thank the Board for its support of a dog park in the City of Salisbury.

With no one else wishing to address the Board, Chairman Edds closed the Public Comment Period.

## **3. QUASI-JUDICIAL HEARING FOR CUP 07-16**

Chairman Edds read the Chairman's Speech (Exhibit A) and declared the public hearing for CUP 07-16 to be in session. Chairman Edds said the hearing would focus on an application submitted by O2emc, LLC (Company) to construct a 5 megawatt solar energy system on Tax Parcel 762-006 located at the 2100 block of Graham Road.

The Clerk swore in those wishing to provide testimony in the case.

Assistant Planning Director Shane Stewart presented the Staff Report (Exhibit B) and provided a power point presentation (Exhibit C) as he reviewed the application. Mr. Stewart said the Company was requesting a conditional use permit (CUP) to construct a five (5) megawatt photovoltaic solar energy system on a 44.2 acre portion of a 103 acre parcel owned by William Barber located at the 2100 block of Graham Road, referenced as Tax Parcel 762-006.

Using the power point (Exhibit C), Mr. Stewart showed the site in question as well as the surrounding area.

Mr. Stewart highlighted the conditional use requirements and evaluation criteria contained in the Staff Report (Exhibit B).

Mr. Stewart reviewed the procedures for the Commissioners for consideration of approval of the application.

Chairman Edds opened the floor for testimony from those that had been sworn. The following came forward:

- Tony Pezo and Logan Stevens with O2emc, LLC said they were in attendance to answer any questions the Board might have regarding the application. Mr. Logan said the application was the third solar application for their company in Rowan County.

Commissioner Greene asked if the site was visible from Graham Road. Mr. Stevens responded there was one small gap; however, he said the location was well buffered.

With no one else coming forward to provide testimony, Chairman Edds closed the public hearing.

Commissioner Pierce moved that the development of the property in accordance with the proposed conditions would not materially endanger the public health or safety:

FACT: The proposed warning signage and security fence will caution individuals of potential hazards while restricting unauthorized access.

FACT: Site construction will be in accordance with the Building Inspections Department and engineering certifications to ensure the panels are properly installed and securely anchored.

The motion was seconded by Commissioner Klusman and passed unanimously.

Commissioner Pierce moved that the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity.

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

The motion was seconded by Commissioner Klusman and passed unanimously.

Commissioner Pierce moved that the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.

**FACT:** Solar energy systems that comply with specific criteria found in section 21-60 of the Zoning Ordinance are generally accepted as compatible uses in rural areas and with other uses the RA zoning district.

**FACT:** The passive nature of a solar facility would serve as an appropriate neighbor to the surrounding active farmland.

**FACT:** The facility would have minimal visibility from adjacent residential uses and traffic along Graham Road.

**FACT:** Solar energy systems do not generate significant levels of noise, odor, glare, or dust.

The motion was seconded by Commissioner Klusman and passed unanimously.

Commissioner Pierce moved to approve CUP 07-16 with the conditions for approval. The motion was seconded by Commissioner Klusman and passed unanimously

**4. QUASI-JUDICIAL HEARING FOR PCUR 03-16**

Chairman Edds read the Chairman's Speech (Exhibit A) and declared the public hearing for PCUR 03-16 to be in session. Chairman Edds said the hearing would focus on an application submitted by Venture Properties VII (Venture) for property located at 6300 Bringle Ferry Road. The purpose of the application was to rezone a 2.21 acre portion of a 4 acre parcel referenced as Tax Parcel 621-021 from Rural Agricultural (RA) to Neighborhood Business (NB) with a conditional use district to accommodate a retail store.

The Clerk swore in those wishing to provide testimony in the case.

Chairman Edds said if any member of the Board felt they had a conflict of interest in hearing the case, they were to address the concerns to the Board. Chairman

Edds went on to state he was aware some board members had received calls and some had been to the site. Chairman Edds asked each Commissioner if they felt the information could be heard with an open mind.

Commissioner Pierce stated he had been contacted by citizens and had been to the site. Commissioner Pierce said he had actually done work in several of the homes that surround the area. Commissioner Pierce said he had no problem basing a decision on the facts.

Commissioner Greene stated he had received calls and had been to the site. Commissioner Greene said he had no connections to anyone in the area and he felt he could take the information and make a decision without any prejudice.

Chairman Edds said he had also received calls and had visited the site. Chairman Edds said he was open to the meeting.

Commissioner Klusman said she had received emails and had spoken with several people and did not find any conflict whatsoever.

Commissioner Caskey said he was good with considering the application.

Senior Planner Shane Stewart presented the Staff Report (Exhibit B) and provided a power point (Exhibit C) as he discussed the application and described the surrounding area. According to the Staff Report (Exhibit B), Venture, represented by Ronnie Walsh, was requesting a parallel conditional use rezoning for a 2.21 acre portion of a 3.98 acre tract referenced as Tax Parcel 621-021 owned by Leonard and Phyllis Clark located at 6380 Bringle Ferry Road from RA to NB with an accompanying conditional use permit to accommodate a 9,100 square foot retail store. The remaining 1.77 acres not part of the rezoning would consist of a 1.27 acre parcel created to relocate the Clark's residence and associated storage buildings, and a ½ acre portion combined with Tax Parcel 621-027 owned by Richard Shue.

The adoption of ZTA 01-16 on September 6, 2016 amended the Zoning Ordinance to remove the option of conditional use rezoning in favor of conditional zoning for all applications received after ordinance adoption. Per North Carolina General Statute § 153A-320.1 and 143-755, if a rule or ordinance changes between the time a permit application is received and a permit decision is made, the permit applicant is afforded the choice of which version of the ordinance would apply to their request. The applicant expressed a desire to continue under the conditional use rezoning process.

Mr. Stewart highlighted the site plan, zoning and evaluation criteria contained in the Staff Report (Exhibit B).

Due to citizen concerns raised at the Planning Board meeting regarding accidents at the intersection, Mr. Stewart said Planning Staff obtained 911 call logs from the past five (5) years with a total of fifteen (15) vehicle accidents around the area. Mr. Stewart said Staff had also obtained a figure from the NC Department of Transportation (DOT) to compare the intersection with the statewide average for vehicle accidents. The DOT captured 8 accidents within the same timeframe for the area.

Procedurally, Mr. Stewart said the Board would need to first consider the rezoning element with a statement of consistency and reasonableness. The Staff Report (Exhibit B), according to Mr. Stewart, contained what the Planning Board determined as their statements of reasonableness and consistency. The next item the Board would move into would be the consideration of the rezoning itself, a conditional use district. Mr. Stewart said the third item for the Board would be the findings of fact should the Board rezone the property to NB. The final item would be for the Board to consider the conditional use permit element. Mr. Stewart directed the Board to page eight (8) of the Staff Report (Exhibit B) for the Planning Board's statements and also said staff had examples for consideration to be passed out as well.

Commissioner Caskey asked if there was only the main entrance off Providence Church Road. Mr. Stewart confirmed and said there would have been a turn lane required for access on Bringle Ferry Road.

Commissioner Klusman inquired as to how many feet there were from the actual stop sign to the driveway. Mr. Stewart said he would have to look at his files but estimated 200 feet.

Commissioner Klusman asked about the severity of the eight (8) accidents at the intersection. Mr. Stewart referred to a report from the NCDOT (Exhibit D) indicating there was one (1) fatal accident, two (2) non-fatal injuries, three (3) total injuries, and five (5) property damaged crashes.

Chairman Edds asked the petitioner or their representatives if they wished to address the Board. The following individuals came forward:

- Derek Goddard, Blue Ridge Environmental Consultant, the civil engineering firm for project, 126 Executive Drive, Wilkesboro, NC. Mr. Goddard said he represented Venture Properties and the rezoning application for the Dollar General (DG) project. Mr. Goddard said the DOT had issued a driveway permit for site, which meant the DOT had reviewed all aspects of the site to determine the safety of the site entrance. Mr. Goddard pointed out the traffic at the site was well below state average. Mr. Goddard emphasized that even one (1) accident was one (1) too many, and went on to say the traffic would be slower from the side entrance off of Providence Church Road. Mr. Goddard pointed out the Clarks residence would be relocated on the property and, by default,

would also be the closest neighbor to the store. The Clark's, according to Mr. Goddard, were not concerned about lighting, safety, noise, etc., and asked the Board to keep the Clark's opinion in mind during the deliberations.

In response to a question from Chairman Edds, Mr. Goddard said the Clark's house and outbuildings would be relocated. Mr. Goddard said great lengths had been taken to provide adequate buffers in the site plan providing the best protection for the surrounding properties. Mr. Goddard felt the efforts had gone above and beyond what the neighborhood business rezoning would require. Mr. Goddard asked to reserve the right to testify again should a technical issue come up.

- Ronnie Walsh, with Venture Properties, elaborated on what Mr. Goddard had shared. Mr. Walsh said not only do the Clarks offer support but Mr. and Mrs. Shue, adjacent property owners to the west, were there to voice support, as well. Mr. Walsh said three (3) of the four (4) folks most affected and adjacent to the store were present to support the petition. Mr. Walsh said there has been a lot of concern pertaining to traffic accidents. Mr. Walsh said the accident history indicated it was less than half the state average. Mr. Walsh said in the report the Planning Department Staff presented, the traffic count along Bringle Ferry Road was 3600 cars per day, which was under the NCDOT published capacity of 14,600 per day. The traffic along Providence Church Road was 1500 cars per day and well under the NCDOT published capacity of 13,600. Mr. Walsh discussed the Planning Departments' numbers regarding trips generated by the development, measured at 510 trips per day. Mr. Walsh said a good DG store generated about half the number of trips, but there was no factual information for him to validate the number. Mr. Walsh said in making an assumption the development would generate 510 trips per day and the current traffic on Bringle Ferry is 3600 per day, the increase in traffic due to the DG would amount to about 14%. Mr. Walsh said a lot of the trips would be people in transit along the road anyway. According to Mr. Walsh, in looking at the numbers, there would be the expectation of two (2) additional accidents over the course of five (5) years, or one every 2.5 years as the result of increased traffic. Mr. Walsh explained that three (3) of the accidents occurred during hours that were outside of a DG normal operating hours. Mr. Walsh said that based on the County's projections, the increase in traffic would not contribute significantly to the number of accidents and injuries. While there would be an increase in traffic, Mr. Walsh stated it would not create the traffic hazard that had been portrayed. Mr. Walsh reiterated the DOT had issued the driveway permit and was the responsible agency charged in determining traffic safety.

Mr. Walsh said he was not going to elaborate on the facts the DG would be good for Rowan County by creating and expanding the tax base, generating tax dollars the County needed, the fact that jobs would be created, and the DG would provide an economic benefit to all residents of the community.

Mr. Walsh said he was asking the Board to support the position of the two (2) most affected adjacent property owners. Mr. Walsh went on to ask the Board to support the Planning Staff's recommendations contained in the Staff Report (Exhibit B), which stated:

- The request meets the NB District purpose and intent as a retail operation to serve a small trading area, land use plans recommendations for NB designation, and is located on a corner lot of a major and minor thoroughfare.
- The proposed development subject to Special Restrictions (SR) in the NB district and recommendations from the land use plan could generate a development more conducive to the surrounding properties than allowed in the Residential Agriculture (RA) subject to SR.
- Noise levels should experience a minimal increase during business hours from vehicle entering and exiting the site
- The proposed site plan provides thirty (30) spaces compared to the twenty-six (26) required by the Zoning Ordinance. The site is designed to facilitate on-site movements without a need to back out on Providence Church Road, thereby minimizing traffic impact in the immediate vicinity of the site.
- Based on the purpose and intent of the NB district and land use plan recommendations, the request appeared to be a reasonable zoning designation.
- The Statement of Consistency, PCUR-03-16 is consistent with Area 2 of the Eastern Area Land Use Plan based on the plan calling for mixed uses and service oriented development for that area. The Statement was approved and adopted by the Rowan County Planning Board, which is comprised of people appointed by the Commissioners to help make these decisions.
- The Statement of Reasonableness as adopted by the Rowan County Planning Board, stating PCUR-03-16 is reasonable because of frontage on two thoroughfares. It is also reasonable because of the architectural standards in the plan mitigate the effect on neighboring parcels.
- Rely on the NCDOT, who is charged with the responsibility of ensuring the safety of traffic movement, who have indicated their approval through the issuance of the driveway permit.
- The overwhelming recommendation of the Rowan County Planning Board, who by a vote of 5-1, recommended approval of the petition.

Chairman Edds then reviewed the public hearing rules and opened the floor for testimony from those that had been sworn. The following came forward:

- Jennifer Morrow, 2040 Providence Church Road, spoke in opposition. Ms. Morrow addressed the number of traffic accidents, the creating of more jobs, and the potential to hurt other local businesses.
- Nancy Wyrick, who is building a home at 1401 Providence Church Road, spoke in opposition, addressing spot zoning and the visual impact to the area.
- Mike McNeely, 620 Ned Marsh Road, who had been at his residence for 25 years spoke in support of the application. Mr. Marsh recommended a speed limit reduction on Bringle Ferry Road. Mr. Marsh also pointed out those camping at Dan Nicholas Park could utilize the DG.
- Alisha Wilson, 320 White Grove Road and an employee of Tamarac Marina, spoke in opposition. Ms. Wilson felt DG would affect employment to the community businesses. Ms. Wilson asked the Board to support the local businesses and say no to Dollar General.
- Leonard Smith, 6445 Bringle Ferry Road, spoke in opposition. Mr. Smith presented the Clerk with a petition (Exhibit E) of signatures of those in the area who did not want the DG in the neighborhood.
- Leonard Clark, 6380 Bringle Ferry Road spoke in support of the application. Mr. Clark pointed out many senior citizens are on fixed incomes, have no transportation and rely on others to help get their groceries. Mr. Clark said the majority of those who shop at DG will be those in the community.
- Danny Moss, 102 Sunfish Terrace, Fisherman's Cove, spoke in favor and described himself as one of the senior citizens Mr. Clark referred to. Mr. Moss discussed the added benefit of law enforcement presence in the area and how it would help the community.
- Sonya Baxley, 220 Hayley Road, spoke in opposition. Ms. Baxley discussed the potential for increased traffic that she felt would affect the safety of the number of cyclists and runners that go through the area. Ms. Baxley said when in the country, people do not want to see what she felt would be an eyesore.
- Desiree Lane, 580 Davis Drive, spoke in opposition. Ms. Lane said her family had put the construction of their home on hold when they learned of the potential of the DG in the area.
- Joel Earnhardt, 875 Shaver Road, spoke in favor. Mr. Earnhardt spoke on how the DG would prevent him from driving further for supplies needed for his family.
- Dan Harrington, 6430 Bringle Ferry Road, spoke in opposition. Mr. Harrington did not feel the area needed another store on the road. Mr. Harrington did not feel the citizens in the area wanted to take a beautiful residential community and start building stores there.

- John Wiser, 1565 Providence Church Road, spoke in favor of the application. Mr. Wiser said he would continue to support the other local stores; however, he felt the DG would offer items other businesses in the area do not.
- Ms. Clark, 6380 Bringle Ferry Road, owner of the property, spoke in favor. Ms. Clark spoke on issues facing senior citizens and how the DG request came about. Ms. Clark highlighted a newspaper article regarding contributions to the community made by DG.
- Patrick Broadway of 6435 Bringle Ferry Road spoke in opposition to the application. Mr. Broadway said he had another home at 6400 Bringle Ferry Road. Mr. Broadway disagreed with putting a business in a residential area and he also mentioned the number of traffic accidents in the area.
- Amanda Smith, 2050 Providence Church Road, spoke in opposition. Ms. Smith spoke on various safety issues, mainly dealing with traffic.
- Michelle Marr, 145 Partridge Trail, spoke in opposition. Ms. Marr shared that most of the names on the petition (Exhibit E) were citizens from Providence Country who did not want a DG in their backyard.

With no further testimony to be provided, Chairman Edds closed the public hearing.

Chairman Edds stated the Board needed to decide whether to approve the rezoning.

Commissioner Pierce moved to deny PCUR-03-16. Commissioner Klusman seconded for discussion.

Commissioner Pierce said in any rezoning there are always those who benefit and those who do not. Commissioner Pierce said he appreciated the situation of the Clarks, and it was not easy to tell people they were not going to get what they want. Commissioner Pierce said he was familiar with area and people moved to the area to get away from the city by choice. Commissioner Pierce said he did not feel it was fair to ask citizens to give up the choice to live in the county for the benefit of the DG. According to Commissioner Pierce, Dan Nicholas Park is the third most visited park in the state so there is going to be traffic. Commissioner Pierce said the citizens owning properties in the area deserve to have their property rights protected. Having the building in the area, according to Commissioner Pierce, would not increase property values, but rather be detrimental long term. Commissioner Pierce said he did feel there were elderly who could benefit, but hoped the good neighbors would assist in taking care of those elderly citizens. Commissioner Pierce went on to say he could not ruin the property value of hundreds of houses for the benefit of a few people that would be able to use the store out of convenience. Commissioner Pierce said he could not support the request.

Commissioner Klusman said it was a difficult when you found yourself in a position of having to sell because of needed income. Commissioner Klusman went on to say she had a problem with spot zoning and wished the store was going in next to other businesses further down the road. According to Commissioner Klusman, part of the attraction to come to Rowan County is to see the beautiful open land on the way to Dan Nicholas Park. Commissioner Klusman said she was not ready to support the change and supported denying the request.

Commissioner Greene said he felt the current Board was pro business. Having gone out and looked at the area, Commissioner Greene said there was a business that had been in the community for approximately 30 to 40 years and a church down the road. Commissioner Greene said while he would like to support any business coming into Rowan County, the request seemed to meet the guidelines of spot zoning and he could not support the request.

Commissioner Caskey said these types of applications were always tough when talking about property rights. In a perfect world, Commissioner Caskey said everyone should be able to do what they want with their property. Commissioner Caskey said he had not made up his mind when he came to the meeting but the issue he felt most problematic was the traffic issue. Commissioner Caskey said he would prefer an entrance off Bringle Ferry Road with a turning lane. Commissioner Caskey stated he visited the local DG in his community at least once a week as it was very convenient. Commissioner Caskey felt the DG in his area was a better fit based on surrounding businesses compared to the request before the Board. Commissioner Caskey said he did not feel the site selected was the best fit for the area.

Chairman Edds said tonight people had talked about protecting other businesses in the area. Chairman Edds said the Board could not protect the other businesses in the area nor could the Board pick the winners or losers. According to Chairman Edds, growth was coming and in long run the Board would not be able to protect these areas. Chairman Edds said as he looked at the map, he had a problem with the request in that everything on the map was residential with one exception. Chairman Edds discussed the fact the County had just finished a Parks and Recreation Plan and it referred over and over to the gem the County had in Dan Nicholas Park. Chairman Edds said there was a DG located near his home, but not right in his neighborhood. Chairman Edds said it was a hard case to say no to and especially while trying to bring economic growth to the County. Chairman Edds said it did not do any good to bring in growth if property values were reduced.

Chairman Edds said if the Board was moving toward denial of the request, there was a Statement of Consistency and Reasonableness that must be approved or denied.

Commissioner Pierce moved approval of the following Statement of Consistency (Exhibit F):

Although the East Rowan Land Use Plan indicates the Neighborhood Business (NB) district is considered appropriate along identified thoroughfares, the plan does not assume all 131.61 miles of minor and major thoroughfares within the plan area are suitable for NB designation. The land use plan does not identify this location as a “key intersection” for community node designation nor does the Board of Commissioners view this intersection as having the necessary characteristics for designation as a new community node.

Commissioner Greene seconded and the motion passed unanimously.

Commissioner Pierce moved the following Statement of Reasonableness (Exhibit G):

1. This request fails *the size and nature of the tract* test for spot zoning decisions as identified by North Carolina court decisions as this proposal totals 2.21 acres affecting only one property owner.
2. This request also fails the *compatibility with existing plans* test as identified in the statement of consistency.
3. With the exception of a small automotive repair facility at 1940 Providence Church Road, the nearest active CBI zoned area is 1.06 miles away containing the High Rock Boat and Ski Club restaurant.
4. The 102 acre Residential Suburban zoned Providence Country subdivision is located 217 feet west of the rezoning boundary. As such, the Neighborhood Business designation would be inconsistent with the purpose and intent of the Residential Suburban zoning district which states, “The purpose of this zoning district is to protect existing residential neighborhoods and promote the creation of more residential neighborhoods.... Commercial uses, business uses and multifamily uses are generally not allowed.”

Commissioner Greene seconded and the motion passed unanimously.

Commissioner Pierce moved to deny PCUR 03-16. Commissioner Greene seconded and the motion carried unanimously.

Chairman Edds called for break at 7:46 p.m.

Chairman Edds reconvened the meeting at 7:55 p.m.

**5. PUBLIC HEARING AND INITIAL ECONOMIC IMPACT STUDY PRESENTATION – EDC “PROJECT F2”**

Robert Van Geons, Executive Director of the Rowan County Economic Development Commission, presented an impact study for the proposed expansion of FillTech USA (Company) in Rowan County.

Mr. Van Geons said the Company was originally known as a small, local manufacturer that specialized in lip balms. Since its founding in 1995, the Company has operated a manufacturing facility on West Main Street in Rockwell. In 2008 the struggling Company was purchased by Dennis and Cookie Jones.

The Company has since modernized its manufacturing process, acquired several new clients and greatly expanded its product line. Under the leadership of the Jones', the Company is thriving and has a primary focus on items such as high quality lip balms, sunscreens, hand sanitizers and other personal care products for leading retailers such as Food Lion, Walmart, Dollar Tree, CVS and Walgreens.

The Company has 37 fulltime employees and would like to construct a new, 40,000 square foot production facility. The Company estimates it will invest approximately \$4 million in construction and equipment for the proposed project. The Company plans to create 23 new jobs over the next 2 to 3 years with an average starting salary of approximately \$21,224.

Mr. Van Geons said the proposed facility would increase the County's tax base by approximately \$265,000 in increased tax revenue over a 10-year period.

Chairman Edds opened the public hearing to receive citizen input regarding the proposed project. The following individuals came forward:

- Reverend Michael Taylor spoke in support of FillTech USA. Rev. Taylor described the Jones' as great supporters of veterans in Rowan County, as well as the Shield A Badge Program. Rev. Taylor asked the Board to approve the Company with the financial assistance needed for the expansion.
- Dennis Jones thanked the Commissioners for their public service. Mr. Jones discussed his vision for the business in Rockwell. Mr. Jones said he and his wife traveled the world providing mission services and liked to give away the blessings he said the Lord had given them. Mr. Jones said he and his wife felt they had a mission in Rockwell and his vision was to provide jobs and invest in people as opposed to business.

Mr. Van Geons offered up that the Company was also making application to the State and the project was pending final approval at the State level, as well.

With no one else wishing to address the Board, Chairman Edds closed the public hearing.

Commissioner Greene questioned the significance of the State's involvement in the project. Mr. Van Geons responded the County had a number of pending applications with the State and the County should receive a response shortly.

Chairman Edds recapped the details of the incentive agreement. Chairman Edds thanked the Jones' for being good citizens and staying in Rowan County.

Commissioner Caskey said it was always good to have new jobs in the County. Commissioner Caskey said the project was special to him in that he knew several of the employees there. Commissioner Caskey said while he had never met the owners before, he could tell having met them now, the corporate culture comes from the top down. Commissioner Caskey said he had met some of the employees through community outreach projects helping those less fortunate. Commissioner Caskey said he was glad the County could help the Company grow.

Commissioner Greene moved to accept the proposal from Mr. Van Geons. The motion was seconded by Commissioner Pierce and passed unanimously.

**6. PUBLIC HEARING FOR PROPOSED REVISIONS TO CHAPTER 5 (ANIMALS) OF THE ROWAN COUNTY CODE OF ORDINANCES**

Chairman Edds reported there were two (2) copies of proposed text amendments in the agenda packet, one from Staff and one from Commissioner Pierce.

Commissioner Pierce explained that Animal Services Director Bob Pendergrass had gone through the original ordinance (Animals) to update the text with the current administration. Commissioner Pierce recapped the administration changes that occurred over the past to the current restructuring of Animal Services.

Commissioner Pierce said the main changes dealt with dogs. The changes were intended to provide environments that would be more humane for the animals. Commissioner Pierce highlighted several changes, which included the types of restraints to be used and requiring a 4-sided shelter off the ground, and shaded.

Commissioner Pierce said Mr. Pendergrass had developed a brochure that would capture the regulations, as well as recommendations for animal care. Each owner would be given the brochure when adopting from the Animal Shelter. Commissioner Pierce praised Mr. Pendergrass for his assistance with the proposed text and said it was the County's goal to be the number one shelter. Commissioner Pierce also thanked the rescue groups that had provided input with the proposed revisions.

Chairman Edds opened the public hearing to receive citizen input. The following individuals came forward:

- Peggy Mills of Spencer spoke in favor of the ordinance changes.
- Robert Kohl shared that his wife had decided she would like to become a volunteer at the Animal Shelter. Mr. Pendergrass responded from the audience he had only recently received the application.
- Mandy Nance spoke in favor of the ordinance changes.

With no one else coming forward to address the Board, Chairman Edds closed the public hearing.

Commissioner Pierce moved to approve the proposed revisions to Chapter 5 (Animals) of the Rowan County Code of Ordinances, the combined Commissioner and Staff recommended amendments. Commissioner Klusman seconded the motion.

Commissioner Greene inquired as to the burden the changes would put on staff and how many additional staff would be needed to enforce the laws regarding housing and tethering of dogs. Mr. Pendergrass said the goal would be for staff to check the items as part of routine investigations, as opposed to going out and seeking the changes overnight.

Commissioner Greene expressed concern the changes would be a burden on staff based on what had been occurring with Animal Services over the last year. Mr. Pendergrass said he could not honestly project how the changes would affect staff.

Commissioner Pierce addressed Commissioner Greene's concern by saying the intent was not to have staff ride around in trucks trying to police the changes. Commissioner Pierce said the intent was to say, "moving forward, as you adopt an animal, these are the requirements we want you to have and these are the recommendations the County is making to you for proper care for your animal." Commissioner Pierce gave an example of Animal Control being called out and the officer observes a dog on a chain and being housed in a barrel, the office can hand the owner a brochure with details regarding the regulations. The officer could advise the owner has 30 days to comply or be fined. Commissioner Pierce said the changes were not to require officers to ride through neighborhoods looking for violators.

Commissioner Klusman inquired as to the number of volunteers who had applied to work at the Animal Shelter. Mr. Pendergrass estimated there were ten (10) to eleven (11).

Commissioner Klusman pleaded for volunteers and said with the new cat wing, the County would have more animals and the County could not afford to hire people to manage the numbers.

Chairman Edds questioned the requirement for outside cats to have a shelter. County Attorney Jay Dees said the Board could add felines to the list of exempt animals.

Barbara Hart, who was in the audience, was asked her opinion and she agreed cats should be excluded from the requirement for an outside shelter.

In response to an inquiry from Chairman Edds, Commissioner Pierce was agreeable to strike the language regulating aquatic or semi aquatic animals.

Commissioner Pierce amended the motion to include the two (2) recommended changes (add felines to the excluded list and to strike aquatic or semi aquatic animals).

Upon being put to a vote, the amended motion to approve the changes to Chapter 5 of the Rowan County Code of Ordinances passed 4-1 with Commissioner Greene dissenting.

(In accordance with Chapter 2 of the County's Ordinances, text amendments with a majority vote require a second reading. Therefore, the proposed changes will be presented again at the next Board of Commissioners meeting).

## **7. CONSIDER APPROVAL OF ROCKWELL EMS STATION BIDS**

County Manager Aaron Church said the Rockwell EMS Station project had been redesigned and put out for bid a second time. The bids were received on September 8, 2016.

Mr. Church reported the base bid was \$513,000 and alternate #1 for an exterior brick veneer was \$18,250. The bid was from Crescent Construction for a total of \$531,250.

Commissioner Caskey expressed pleasure the project was to the point the Board could vote on the matter. Commissioner Caskey also felt the Board should approve the brick veneer. Commissioner Caskey added that funds for the project were excess funds from the ¼ cent sales tax for the communication tower and satellite jail. The funds were excess after the loans had been paid.

Commissioner Caskey moved to approve the bid price and the exterior brick veneer for a total of \$531,250 for the Rockwell EMS Station. The motion was seconded by Commissioner Pierce and passed unanimously.

**8. FINANCIAL REPORT**

Finance Director Leslie Heidrick provided the board with several graphs depicting the County's financial status for the fiscal year. The first graph was for annual cumulative revenue comparisons. Through the month of August, Ms. Heidrick said revenues were a little lower than the last two (2) years and in talking with the Tax Administrator the figures are due to the timing of when property taxes were received. Ms. Heidrick anticipated the figures would level out in September.

The second graph was cumulative expenditures, which showed the County had spent more than what appeared to be reasonable. Ms. Heidrick said the reason was due to three (3) pay periods in the month of August, which was the majority of the increase.

The third graph depicted property tax collections and showed property tax collections for the month of July were down. Ms. Heidrick said next month the Board would see that property taxes would be greater than they were in the year before.

The last slide highlighted sales tax revenues and showed revenues recorded for the month of May and received in August continued a downward trend. Ms. Heidrick said the County still received back \$80,000 more in August 2016 than in August of 2015. Ms. Heidrick said year to date the County was up approximately 9% in sales tax revenue.

**9. CONSIDER APPROVAL OF BUDGET AMENDMENTS**

Finance Director Leslie Heidrick presented the following budget amendments for the Board's consideration:

- Finance – To recognize reserved funds from FY 2016 for Animal Services – Grassroots Program - \$12,354
- Finance – To recognize funds from FY 2016 for Cooperative Extension - \$50,199
- Finance – To recognize reserve funds from FY 2016 for Emergency Services - \$6,846
- Health Department – Increase revenue and expenses for Environmental Health's Serve Safe Classes - \$2,600
- Health Department – Budget action to align county budget and State Agreement Addendum (Healthy Communities) - \$124
- Health Department – Increase revenue and expenses for immunizations - \$3,600
- Finance – Recognize reserved funds from FY 2016 for Library - \$24,294
- Finance – Recognize reserved funds from FY 2016 for Parks and Recreation - \$33,439
- Finance - Recognize reserved funds from FY 2016 for Register of Deeds - \$173,974

- Finance – Budget for riot gear for Sheriff employees as approved by the BOC on August 15, 2016 - \$60,000
- Finance - Recognize reserved funds from FY 2016 for Soil and Water - \$1,269
- Finance - Recognize reserved funds from FY 2016 for DSS (One Church One Child \$36,022; Special Child Adoption Funds \$129,241)
- Finance – Appropriate Fund balance and expenditures for FY 2016 General Fund encumbrances (Restricted \$472,300; Unrestricted \$1,442,099)
- Finance – Budget FY 2017 Comingled Recycled Collection Grant and the FY 2017 Waste Reduction and Recycling Grant awarded to Environmental Management - \$51,000
- Finance - Recognize reserved funds from FY 2016 for Environmental Management for E-Waste Management Program - \$12,245

Commissioner Pierce moved approval of the budget amendments as presented. The motion was seconded by Commissioner Greene and passed unanimously.

**10. ADJOURNMENT**

There being no further business to come before the Board, Commissioner Klusman moved to adjourn at 8:47 p.m. The motion was seconded by Commissioner Pierce and passed unanimously.

Respectfully Submitted,

Carolyn Barger, MMC, NCMCC  
Clerk to the Board/  
Assistant to the County Manager