

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

Rowan County Board of Commissioners

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MINUTES OF THE MEETING OF THE ROWAN COUNTY BOARD OF COMMISSIONERS

February 15, 2021 – 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 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.

Luke Mesimer and Graham Shue with St. John's Lutheran Church Boy Scout Troop #443 led the Pledge of Allegiance.

CONSIDER ADDITIONS TO THE AGENDA

- Chairman Edds added a lease agreement with Mean Mug Coffee Company to the Consent Agenda as item M. (The lease was to allow the Company to sell coffee at the West End Plaza on February 19-20, 2021 during the Gun Show).
- Commissioner Pierce requested to move agenda item #9 to item #3a in the order of discussion.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Klusman moved, Commissioner Pierce seconded and the vote to approve the agenda as amended passed unanimously.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Klusman moved, Commissioner Greene seconded and the vote to approve the minutes of the February 1, 2021 Commission Meeting passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

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

The Consent Agenda consisted of the following:

- A. Schedule Public Hearing for March 15, 2021 to Consider No Wake Zone for Tamarac Shores Marina
- B. On-Airport Obstruction Clearing (Design-Bid) Grant Agreement
- C. Schedule Public Hearing for PDS 01-14 Amendment for March 1, 2021
- D. Nature Center FY21
- E. CRF Expenditure Report
- F. Purchase of Transportation Vans
- G. Schedule Public Hearing for CUP 01-21 for March 1 2021
- H. Schedule Public Hearing for Majority Road Name Petition for March 1, 2021
- I. Procurement Policy Revision - Bond Requirement Threshold
- J. Land Sustainability Plan Consultant
- K. Change Order HVAC Renovation EMS Station 87 (lower part of Ag Building)
- L. Revised Task Order 14 with McGill Associates
- M. Lease Agreement with Mean Mug Coffee Company (addition to the Consent Agenda)

2. SPECIAL RECOGNITION

Chairman Edds said the Board wished to recognize a special couple, William and Nancy Stanback. Chairman Edds said the Stanback family had been important to the community in many ways.

Chairman Edds continued by discussing how instrumental Mrs. Stanback had recently been for Rowan County Animal Services and how she had made it possible for construction of a new dog wing at the Animal Shelter.

Commissioner Pierce said the Resolution before the Board would name only one (1) of many projects after the Stanbacks. Commissioner Pierce noted the County had offered to name the new dog wing adoption center after Mrs. Stanback; however, she had declined. Commissioner Pierce said Mrs. Stanback had instead encouraged the County to name the facility after an active member of Shelter Guardians. Commissioner Pierce said the action had spoken highly of Mrs. Stanback's character.

County Attorney Jay Dees added the Stanbacks were one of the families that made the community special. Mr. Dees said the Stanbacks had touched a lot of things "we won't know about" making the value of what they had done immeasurable.

Chairman Edds read the Resolution presented as follows:

WHEREAS, Nancy Hart Stanback is a long-time resident of Rowan County where she and her late husband, William C. "Bill" Stanback, have championed numerous projects and together they became a hallmark for how a true partnership works through their efforts to give back to the community; and

WHEREAS, Nancy's work has been frequently done quietly and behind the scenes with her compassionate nature driving her vision to help meet the needs of those downtrodden or often forgotten; and

WHEREAS, her love of God's creatures and earth's creation has embodied the core of Nancy's desire to make a difference to those involved and for the betterment of all; and

WHEREAS, the Rowan County Board of Commissioners hereby honors the generosity of both Bill and Nancy Stanback for their dedication and commitment, including but certainly not limited to environmental stewardship, the protection and welfare of animals, and significant enhancements to the County's parks and recreation system.

NOW, THEREFORE, BE IT RESOLVED THAT to ensure the Stanback legacy is honored for generations to come, the Rowan County Board of Commissioners does hereby name the Observation Platform at Dunn's Mountain Park in honor of William C. "Bill" and Nancy Stanback for their long-standing and visionary support of parks and conservation in Rowan County.

A standing ovation and round of applause followed the reading.

Chairman Edds said the Resolution would be delivered to Mrs. Stanback at her home.

3. PUBLIC COMMENT PERIOD

Chairman Edds opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. With no one wishing to comment, Chairman Edds closed the Public Comment Period.

#3a. PROPOSED CHANGES TO ROWAN COUNTY ORDINANCES CHAPTER 5 SECTION 5-26

(This item was initially listed on the agenda as item #9 and was moved at the beginning of the meeting to item #3a in the order of discussion).

Bob Pendergrass, Director of Animal Services, stated that on January 19, 2021 the Board of Commissioners had conducted a public hearing to consider proposed text amendments to Animal Control ordinances. The Commissioners had tabled a decision to the current meeting.

Mr. Pendergrass said the department had been dealing with an issue that pertained to a neighbor who fed large animal carcasses to his dogs within a neighborhood. Mr. Pendergrass said the current ordinance did not address this type of activity and staff had drafted language for the Commissioners to consider. Mr. Pendergrass read the

proposed text as follows: It shall be unlawful to intentionally feed whole large animal carcasses to domesticated animals in public view.

Mr. Pendergrass mentioned the organizations and agencies Animal Services had reviewed the proposed text with and reported they had no issues with the language.

While the public hearing had already been conducted and closed, Chairman Edds stated the Board would provide an opportunity for those in attendance to speak on the matter. The following citizens came forward to address the Board:

- Paul Parrish spoke in support of the proposed text.
- Chris Casper spoke in support of the proposed text.
- Jeff Bliss spoke in support of the proposed text.

All three (3) citizens shared their concerns with the situation. The concerns included having animal carcasses fed to dogs in the front yard in view of other neighbors and children; the large number of buzzards in the area and in neighbors yards; and the potential for the spread of disease from increased rodents and vermin, and the potential public health hazard from water runoff.

Commissioner Klusman questioned the kenneling used for the dogs. Mr. Bliss said the dog owner had screwed pallets together and put tarps over the pallets for shelter. Mr. Bliss said there were approximately 11-13 large dogs involved and he described their shelter as minimal. He also confirmed to Commissioner Klusman the dogs were confined within an electric fence and appeared to have buckets of water for drinking.

Mr. Pendergrass said the shelters that had been erected for the dogs currently met the standards and that staff would continue to follow up on the situation.

Chairman Edds questioned any recourse the Board might have. County Attorney Jay Dees responded the County had police power for zoning ordinances and the Board was considering proposed language where the situation could be enforced by ordinance. Mr. Dees said there was also a general summary action he had been working on with Environmental Health Supervisor, Adrian Pruett. Mr. Dees said staff could determine if the situation was a public health nuisance. Mr. Dees said there were pros and cons to each approach.

In response to an inquiry from Commissioner Greene, Mr. Pendergrass said the proposed ordinance was designed to address whole animal carcasses and not bones/partial animals. Mr. Pendergrass said initially whole carcasses had been left intact for the dogs, which was the intent behind the proposed text.

County Manager Aaron Church read North Carolina General Statute (NCGS) §130-19, which would allow the Health Department to take the necessary action to abate a public health issue.

Health Director Nina Oliver was in the audience. Ms. Oliver came forward and said she was hearing about the situation for the first time. Ms. Oliver said the matter fell under abatement of a public health nuisance and she viewed the situation from a communicable disease aspect. Ms. Oliver said the carcasses would attract vermin and rodents, which carried disease. Ms. Oliver said she would work with the County Attorney on the issue.

Chairman Greg preferred to give the Health Department the opportunity to abate the matter as opposed to adoption of an ordinance. Chairman Edds shared his thoughts about not creating a new ordinance because of one (1) bad neighbor.

Commissioner Pierce felt the Board should put a timeframe on a remedy to the situation since the problem began in September. Commissioner Pierce pointed out the person that had created the situation was the tenant and did not own the property.

Chairman Edds felt the easiest way to fix the issue was for the Health Department to render a decision as to whether the situation created a public health hazard. Chairman Edds asked the Commissioners and also those who had spoke if they were agreeable to allowing the Health Director to provide an update on the matter at the next meeting. Chairman Edds said the matter would be placed on the next agenda unless the Commissioners heard the situation was settled.

In response to Commissioner Klusman, Mr. Dees explained the applicable NCGS and steps involved in dealing with public health nuisances.

Chairman Edds questioned Mr. Dees about the Board's actions and Mr. Dees responded the Board would be tabling the issue for one (1) more meeting.

Chairman Edds said the matter would come back and the Board would either take action or be done with the matter. Inaudible comments were offered from a citizen in the audience and Chairman Edds said unless the matter was settled, he would see everyone back in two (2) weeks.

4. UPDATE FROM OPEN BROADBAND ON COUNTY BROADBAND EXPANSION PROJECT

Kent Winrich with OpenBroadband, LLC (Company) provided an update to the Board on the status of the Company's project utilizing County grant funds to assist in the expansion of fixed wireless broadband service to Rowan County citizens.

Mr. Winrich said the money received from the County had been used to purchase the equipment needed to make installs for getting customers online. Mr. Winrich said the Company had:

- Created agreements for towers it could broadcast from
- Had temporary LTE service until the Company could get all steps/items deployed
- Received FCC license

- Done a backhaul drop where the Company was getting internet at the main tower site in Salisbury

Mr. Winrich said the Company needed to put antenna up on the towers. A site across the lake had been identified for a tower site and the Company was waiting for the rain stop in order to get the concrete poured. Mr. Winrich said he anticipated the tower would go up in March and people in eastern Rowan County would be online in April.

According to Mr. Winrich, the second portion of the project was the Scotch-Irish community. Mr. Winrich said he was talking to organizations about getting WIFI in underserved areas.

Mr. Winrich said the main tower was “good to go” on Statesville Boulevard and would serve as the main tower for the whole County.

A brief question and answer period followed the update with Mr. Winrich confirming he hoped people would be utilizing the broadband service by April and May.

Chairman Edds stressed the importance of broadband being available so that every home in Rowan County had internet. Chairman Edds also requested that he, along with Commissioner Klusman, Randy Cress (Assistant County Manager/CIO) and Mr. Winrich meet in the next couple of weeks to get an understanding and timeframe locked in. Chairman Edds said broadband ranked as one of the top five issues for the Board.

5. FISCAL YEAR 2020 FINANCIAL REPORT PRESENTATION

Kari Dunlap, with Martin, Starnes and Associates, CPAs, P.A. provided a power point as she highlighted the financial data in County’s Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2020.

Ms. Dunlap said Martin Starnes & Associates had rendered an unmodified opinion and she expressed appreciation for the cooperation the firm had received from the Finance Department’s staff during the audit.

Using the power point, Ms. Dunlap reviewed the financial position of the County, as well as any changes that were relative to information contained in the CAFR.

6. BI-WEEKLY ENVIRONMENTAL HEALTH REPORT

Adrian Pruett, Environmental Health Supervisor, presented an update to the Board regarding the status of the Department’s inspections. Mr. Pruett reported the Department was at a two-week backlog, which had been previously discussed as an average wait time for most counties.

Mr. Pruett also reported that he had interviews scheduled with two (2) authorized applicants for the Department’s food and lodging inspection positions.

7. UPDATE ON COVID-19 VACCINATION AND FUTURE PLANS

Health Director Nina Oliver provided a power point as she updated the Board concerning the COVID-19 Readiness and Response.

Ms. Oliver said the Pandemic was coming up on the one-year mark and the Health Department was in moving in the direction from testing to providing vaccinations. Ms. Oliver

Ms. Oliver highlighted the COVID response structure, the current vaccine process and clinics, the number of vaccines allocated from the federal and state government, as well as the requirements of those who could administer the vaccine.

The Board discussed and questioned Ms. Oliver at length regarding the information presented.

Chairman Edds asked what the County could do to outperform other counties and hold mass vaccination events. Chairman Edds suggested getting organizations and agencies in a meeting together, along with staff and Assistant County Manager/CIO Randy Cress to figure out how and where the community could pull off the mass events.

Commissioner Klusman expressed concern with the forecast and prediction for inclement weather on Thursday. Commissioner Klusman shared various reasons why she felt the upcoming vaccination clinic should be moved indoors at the West End Plaza by Thursday. Ms. Oliver said the move could occur by the next week if that was the wish of the Board.

Commissioner Klusman said from her conversations with County Manager Aaron Church, the move indoors could remain for the duration of the vaccination program. Commissioner Klusman asked a second time why the move could not occur by Thursday of this week. Ms. Oliver said she was not the only one making the decisions and she could not speak for the other departments. Ms. Oliver said she would work with Emergency Management and law enforcement the following day and report back on when the program could move indoors.

Mr. Church said Allen Cress, Chief of Emergency Services was on the line. Mr. Church said the County would do whatever was necessary to support the Health Director, Health Board and Health Department. Mr. Church asked Mr. Cress if the move indoors could happen by Thursday.

Mr. Cress said the move would be possible "if we have the right resources and if we have enough resources and everything we need to get it done." Mr. Cress said there was a question regarding HIPPA issues that would have to be looked into and he noted staff did not currently have those resources. Mr. Cress said it was possible with the right resources and enough people.

Commissioner Klusman said she personally wanted to see the vaccination clinic move indoors.

In response to inquiries from Commissioner Klusman, Ms. Oliver discussed the timeframe to delivering the vaccine to teachers and the coordination with the school system. With regards to the homebound citizens, Ms. Oliver said the Health Department was working with EMS to get those citizens their vaccines.

Chairman Edds asked Ms. Oliver and Board of Health Chair Dari Caldwell what the County could do to set up a community meeting to discuss holding a mass vaccination event(s). Ms. Caldwell responded from the audience and was inaudible on the recording.

Chairman Edds expressed appreciation to Ms. Oliver for the update. Chairman Edds also expressed hope a meeting could occur this week to outline the roles of various community partners for a mass event(s). Chairman Edds said he hoped the Commissioners could be part of the community discussions, as he could not think of a more important issue at the moment.

Commissioner Greene asked Ms. Caldwell if she had any ideas as to how the County could obtain more vaccines. Ms. Caldwell said she had talked with several members of the County's legislative delegation; she also felt it was key to be able to show the State the County had a collaborative approach and the ability to pull off mega events.

8. 2021 COVID-19 SMALL BUSINESS "RESTAURANT" GRANT PROGRAM

Commissioner Pierce presented the 2021 COVID-19 Small Business Restaurant Grant Program (Grant). Commissioner Pierce said the Grant was an attempt to include those who inadvertently did not qualify in first the grant the County had offered.

Commissioner Pierce said the Grant is being offered to take care of the hospitality sites and their wait staff, etc. when they had to go to 50% capacity during the Pandemic.

Chairman Edds said when the original Grant program was offered it was offered for businesses with 1 to 25 employees. Chairman Edds said new Grant was for restaurants that had more than 25 employees.

Commissioner Pierce moved to approve the amended Small Business Restaurant Grant (as per the email from the County Manager on February 12, 2021: The program should have stated, "The small business must have at least **26 employees** to receive \$5,000."). The motion was seconded by Commissioner Klusman and passed unanimously.

Commissioner Pierce moved to approve the first revised contract with McGill & Associates. The motion was seconded by Commissioner Greene and passed unanimously.

9. PROPOSED CHANGES TO ROWAN COUNTY ORDINANCES CHAPTER 5 SECTION 5-26

This item was moved to item #3a in the order of discussion.

10. FINANCIAL REPORTS

Finance Director James Howden presented several financial graphs depicting the following information:

- Annual Cumulative Expenditure Comparisons as of January in FY '21 - \$85,526,614
- Annual Cumulative Revenue Comparisons as of January in FY '21 - \$100,671,733
- Annual Cumulative Current Year Property Tax Comparisons as of December in FY '21 – \$68,782,105
- Annual Cumulative Sales Tax Comparisons as of October in FY '21 - \$9,925,172

11. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director James Howden presented the following budget amendments for the Board's consideration:

- Social Services – Expenditures and/or revenues are revised based on Funding Authorizations received from the State. Funding Authorizations reflect the actual amount received and may increase or decrease the original budget estimate. \$7,850
- Social Services - Budget donations received in order to provide goods and services to clients. \$12,589

Commissioner Pierce moved approval of the budget amendments as presented. The motion was seconded by Commissioner Greene and passed unanimously (Commissioner Klusman had momentarily left the room and therefore counted in the affirmative).

12. ADJOURNMENT

There being no further business to come before the Board, Commissioner Pierce moved to adjourn at 8:49 p.m. The motion was seconded by Commissioner Greene and passed unanimously.

Respectfully Submitted,



Carolyn Barger, MMC, NCMCC
Clerk to the Board