

**STANLY COUNTY  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
MARCH 4, 2013**

**COMMISSIONERS PRESENT:** Gene McIntyre, Chairman  
Peter Ascitutto  
Tony Dennis  
Lindsey Dunevant

**COMMISSIONERS ABSENT:** Josh Morton, Vice Chairman

**STAFF PRESENT:** Andy Lucas, County Manager  
Jenny Furr, County Attorney  
Tyler Brummitt, Clerk

**CALL TO ORDER**

The Stanly County Board of Commissioners (the “Board”) met in regular session on Monday, March 4, 2013 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman McIntyre called the meeting to order and noted that Vice Chairman Morton was absent from the meeting due to illness. Commissioner Dennis gave the invocation.

**APPROVAL / ADJUSTMENTS TO THE AGENDA**

There being no adjustments to the agenda, Commissioner Dennis moved to approve the agenda as presented. His motion was seconded by Commissioner Ascitutto and passed by unanimous vote.

**ITEM # 1 – PROCLAMATION CELEBRATING THE 100<sup>TH</sup> ANNIVERSARY OF NC EXTENSION & COMMUNITY ASSOCIATION**

**Presenter: Lori Ivey, NC Cooperative Extension Agent**

Members of the NC Extension and Community Association were in attendance for the Board’s recognition of its 100<sup>th</sup> anniversary in Stanly County. Commissioner Dunevant read the proclamation and by motion moved to approve its acceptance. The motion was seconded by Commissioner Dennis and passed with a 4 – 0 vote.

**ITEM # 2 – RECOGNITION OF MELIA MILLER, TAX ADMINISTRATOR**

**Presenter: Chairman McIntyre**

The Board took a moment to recognize Melia Miller for her completion of the requirements of the North Carolina General Statutes for Certification as County Assessor.

### **ITEM # 3 – PLANNING & ZONING**

**Presenter: Michael Sandy, Planning Director**

#### **A. ZA-13-01 – Gerald R. Whitley**

Mr. Whitley requested a 13 acre parcel of land (tax record number 9685) be rezoned from RA (Residential Agricultural) to M1 (Light Industrial). The property is located at the corner of NC Highway 24/27 and Teeter Road. The purpose of the amendment is to allow Mr. Whitley to operate a construction business on the property.

Commissioner Dunevant asked if any restrictions were being placed on the rezoning request to prohibit access to the property from Highway 24/27 in order to maintain the traffic flow. Mr. Sandy stated that the County has no rules or restrictions to prohibit access to the highway. However, when the NCDOT removed a house from the property as part of the highway widening project, a driveway was added from Highway 24/27 as access. Mr. Whitley plans to continue to use the driveway from Teeter Road that was already established rather than the access road from Highway 24/27.

Chairman McIntyre declared the public hearing open. During this time, Gerald Whitley came forward to speak in favor of the rezoning request stating he has stored his equipment on the property for the past seventeen (17) years and was now requesting the property be rezoned for that purpose.

With no one else coming forward, the public hearing was closed.

By motion, Commissioner Dennis moved to approve the rezoning request. His motion was seconded by Commissioner Ascitutto and carried by unanimous vote.

#### **B. ZA 13-02 – WDT Development, Inc. on behalf of Dennis Holbrook & MDS Smith GR**

Commissioner Dennis asked to be excused from voting on this item, which was approved by the Board.

Mr. Holbrook and Mr. Smith submitted a request to have a 5 acre parcel of land located off Henson Street (tax record number 6276) be rezoned from M2 (Heavy Industrial) to R-8 (Residential). The purpose of the rezoning will be to allow for construction of multi-family dwellings.

Chairman McIntyre declared the public hearing open. During this time, Dennis Tharington from Henderson, NC spoke in favor of the rezoning by stating he intends to build senior living apartments on the property. He also provided a preliminary plan for the development for the Board's information and review.

Commissioner Dunevant asked if transportation would be available for seniors living in the complex to provide access to the surrounding retail shops and restaurants. Mr. Tharington stated that transportation would be available. With no one else coming forward to speak, the public hearing was closed.

Commissioner Ascitutto moved to approve the rezoning request and was seconded by Commissioner Dunevant. The motion carried unanimously.

### **C. Planning Board Appointments**

Planning Board members Allan McGuire and William B. Lilly, Jr. terms expired on February 28, 2013 and both have asked not to be reappointed. It was requested the Board name two new members to take their place.

By motion, Commissioner Dunevant moved to appoint Joseph Burlison and Terry Smith to the Planning Board, each to serve a three (3) year term until February 28, 2016. The motion was seconded by Commissioner Dennis and passed with a 4 – 0 vote.

### **D. Update on the Stanly–Cabarrus County Line**

As an update on the identification of the county line between Stanly and Cabarrus Counties, Mr. Sandy outlined what had taken place since being contacted by Cabarrus County in 2009 to begin the process. Based on the work completed by Dennis Lee with the NC Geodetic Survey, the western border line for the county does not follow the Rocky River as shown on the maps, but is a straight line. As a result, four (4) houses and approximately two hundred (200) acres of land currently considered to be in Stanly County were determined to be in Cabarrus County, and approximately sixty (60) acres of land considered to be in Cabarrus County were determined to be in Stanly County. Once the maps for the new county line are recorded, Stanly County will request to be allowed to continue to provide services to the four houses since Cabarrus County would not be able to serve these properties across the river.

This item was presented for the Board's information only and required no action.

#### **ITEM # 4 – BOARD OF HEALTH APPOINTMENT**

**Presenter: Dennis Joyner, Health Director**

Due Ms. Margaret Rudisill's recent resignation from the Board of Health, it was requested the Board appoint a Registered Nurse representative to complete the final year of her term which ends December 31, 2013.

Commissioner Dunevant moved to appoint Ms. Debora P. Norris to the Board of Health to complete the unexpired term. The motion was seconded by Commissioner Dennis and carried by unanimous vote.

#### **ITEM # 5 – CONSENT AGENDA**

- A. Minutes – Regular meeting of February 18, 2013
- B. EDC – Request approval of budget amendment # 2013-28
- C. EMS – Request approval of budget amendment # 2013-27
- D. Health Dept. – Request approval of budget amendment # 2013-29

After a review of the above items, Commissioner Dennis moved to approve them as presented and was seconded by Commissioner Ascutto. The motion passed with a 4 – 0 vote.

#### **PUBLIC COMMENT**

Dale Ward of Badin thanked Commissioner Ascutto for keeping everyone informed of the amount spent on the 401 relicensing issue. He stated that initially he felt the County was right to challenge Alcoa, but that when Alcoa was willing to negotiate a settlement, the County became greedy and urged the Board to come to a settlement.

#### **GENERAL COMMENTS & ANNOUNCEMENTS**

Commissioner Dennis gave a report on the Stanly County Airport noting several improvements including the installation of the new AWOS weather system and the new overlay added to the runway over the past two years, as well as groups including Team Aerodynamics, Pressley Aviation and the NC National Guard who use the facility on a regular basis.

Commissioner Ascutto stated that \$5,076,087.00 has been spent thus far on the relicensing issue and noted that if a settlement on the RSA is reached, APGI will donate one thousand (1000) acres of land to Morrow Mountain State Park. He then provided details on the economic impact of the park to the county. The previous week, he also worked with Taylor Jolly of Environmental Health as he continues to work with a different county department each month.

Commissioner Ascitutto and Commissioner Dunevant updated the Board on their recent meeting with the Board of Health concerning the proposed animal control ordinance. Once the recommended changes from the meeting are made, the ordinance will be brought before the Board again for their review and possible action.

**CLOSED SESSION**

Commissioner Dennis moved to recess the meeting into closed session to consult with the County Attorney in accordance with G. S. 143-318.11(a)(3) to discuss the 401 water quality permit intervention and APGI’s public records requests lawsuit. The motion was seconded by Commissioner Dunevant and passed unanimously at 7:45 p.m.

**ADJOURN**

There being no further discussion, Commissioner Dennis moved to adjourn the meeting and was seconded by Commissioner Dunevant. The motion carried with a 4 – 0 vote at 8:02 p.m.

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**Gene McIntyre, Chairman**

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**Tyler Brummitt, Clerk**