

**STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
MARCH 6, 2017**

COMMISSIONERS PRESENT:

Bill Lawhon, Chairman
Joseph Burleson, Vice Chairman
Scott Efirm
Janet K. Lowder
Gene McIntyre
Ashley Morgan
Matthew Swain

COMMISSIONERS ABSENT:

None

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 6, 2017 in the Commissioners Meeting Room, Stanly Commons. Chairman Lawhon called the meeting to order at 7:00 p.m., gave the invocation and led the pledge of allegiance.

APPROVAL / ADJUSTMENTS TO THE AGENDA

With no amendments to the agenda, Commissioner Lowder moved to approve it as presented. The motion was seconded by Vice Chairman Burleson and passed by a 7 – 0 vote.

ITEM # 1 – EAST ALBEMARLE STUDENT ESSAY PRESENTATIONS – “HOW CAN YOU SHOW PRIDE IN YOUR COMMUNITY?”

Elementary school teacher Ms. Krista McGuire was in attendance to introduce 5th grade students Ella Combs, Ryan Dejak and Jaydan Lilly who took turns reading their winning essays for the Board. The Board members thanked the students for their presentations and congratulated each of them on a job well done.

ITEM # 2 – PLANNING & ZONING – ZA-17-01 – REZONING REQUEST FOR MR. TORI THOMAS

Presenter: Michael Sandy, Planning Director

Mr. Tori Thomas requested a 3.01 acre property (Tax Record 22901) located on the southwest corner of NC 740 and Martin Road, which is currently zoned RA (Residential Agricultural) and

HB (Highway Business), be rezoned to GB (General Business). Additionally, he requested the rezoning of a 5,000 square foot lot (Tax Record # 22903) which is adjacent to the first parcel be rezoned to GB (General Business) as well. Mr. Thomas' request for a GB zoning would allow for a large variety of business uses. He has indicated that he may possibly operate a bait/tackle shop, convenience store and possibly a truck repair shop in the future. If approved, a buffer would be required between the business use and the residential uses. The Planning Board unanimously recommended approval of the rezoning request.

With no questions from the Board, Chairman Lawhon declared the public hearing open. With no one coming forward, the hearing was closed.

Commissioner Efird moved to approve rezoning request ZA-17-01 and was seconded by Commissioner Swain. The motion passed by a 4 – 3 vote.

Ayes: Chairman Lawhon, Commissioner Efird, Commissioner Morgan and Commissioner Swain

Nos: Vice Chairman Burluson, Commissioner Lowder and Commissioner McIntyre

ITEM # 3 – ECONOMIC DEVELOPMENT – PROPOSED LAND PURCHASE FOR INDUSTRIAL /BUSINESS SITE DEVELOPMENT

Presenter: Andy Lucas, County Manager

The County Manager stated the County intends to purchase 76.03 acres of property in western Stanly County for industrial/business purposes which would require the County expend \$1,444,570 in General Fund Balance. It was requested the Board hold the required public hearing for the proposed purchase.

Chairman Lawhon declared the public hearing open. With no one coming forward, the public hearing was closed.

Commissioner McIntyre moved to direct staff to execute the purchase of 76.03 acres in western Stanly County for the purpose of industrial/business development at a cost of \$1,444,570. His motion was seconded by Commissioner Lowder and carried by unanimous vote.

ITEM # 4 - ECONOMIC DEVELOPMENT – AUTHORIZING RESOLUTION FOR BUILDING REUSE GRANT APPLICATION TO SUPPORT THE CREATION OF NEW HEALTHCARE JOBS IN LOCUST

Presenter: Andy Lucas, County Manager

The Stanly County EDC seeks to assist a pediatric dentistry project with their new location in the Locust Town Center. The company plans to renovate a former dentist office, install new equipment and ultimately create seven (7) new jobs. The EDC is working with the partners of the project in pursuing a Building Reuse Grant from the NC Department of Commerce for up to

\$61,000. The overall estimated value of the project including renovation and equipment is \$290,000. A 5% match from the County is required for the grant. It was requested the Board consider and approve the attached resolution of support for the grant and appropriation of up to \$6,000 for the required 5% match and grant administration fees.

Vice Chairman Burleson moved to approve the resolution of support, the required matching funds of up to \$6,000 and associated administration fees as requested. The motion was seconded by Commissioner McIntyre and passed by a 7 – 0 vote.

See Exhibit A
Authorizing Resolution by Stanly County

ITEM # 5 – PFEIFFER UNIVERSITY SEWER COLLECTION ASSET ACQUISITION RESOLUTION

Presenter: Andy Lucas, County Manager

The County Manager stated that the County intends to acquire Pfeiffer’s sewer transmission and collection system at no cost for the purchase. It was requested the Board review and consider approval of the resolution approving the acquisition of certain sewer collection assets from the university.

After a brief period of questions related to the age of the system, cost of updates and ongoing operation of the system, Vice Chairman Burleson moved to approve the resolution as presented and was seconded by Commissioner Swain. Motion carried by unanimous vote.

See Exhibit B
A Resolution of the Board of Commissioners of the County of Stanly, North Carolina
Approving the Acquisition of Certain Sewer Collection Assets from Pfeiffer University

ITEM # 6 – RESOLUTION SUPPORTING PROPOSED LEGISLATION

Presenter: Vice Chairman Burleson

Vice Chairman Burleson presented the resolution of support. He noted his support of the legislation stating he feels it is in the County’s best interest to have a better understanding of what is going on in the different areas should the Board be working on or be aware of an issue that will affect all citizens and not just for a particular municipality. Vice Chairman Burleson then moved to approve the resolution of support and was seconded by Commissioner McIntyre.

Prior to the vote, Commissioner Swain asked if there had been any legislation drafted related to this or is it the Board’s request to draft legislation. Vice Chairman Burleson stated he believes a

draft has been prepared but that it has not yet been filed. Commissioner Swain noted his full support of the resolution, but added that he would like to see the wording of the legislation before it is filed. Vice Chairman Burleson stated he felt sure the Board would have an opportunity to review the bill before it is filed if they so desire.

Commissioner Lowder requested the item be tabled until the Board has time to review the proposed legislation. She noted concerns that those elected to serve on the municipal boards understood that they would have the power to initiate and pursue contracts/agreements for their areas as did the voters who elected them. Vice Chairman Burleson responded that the resolution is only a show of support in order to move forward with the bill and once drafted the Board would be able to provide input as to what is included in it.

Commissioner Lowder then asked the County Manager what recourse the County has if they feel a contract that was approved by a municipality is not in the best interest for that area.

The County Manager responded that the County could potentially exercise their rights through the judicial system to seek some means of remedy with success depending on a judge finding the contract invalid or some part of it inconsistent with the law. From what he understands, the thought process behind this bill is to mitigate any issues up front to avoid the need to seek a remedy at a later date. He then deferred to the County Attorney for additional comments.

The County Attorney agreed with the County Manager's comments adding that if the County was aware of a contract negotiation between a municipality and outside entity, she assumes the County could provide their opinion and guidance if the Board chooses to do so even though it is not legally required. If a contract is entered into in which there is a legal basis to declare it invalid or void after the municipality has approved it, the County may have some legal remedies at that point.

Commissioner Lowder then asked if a municipality enters into a contract and things go awry would the county be liable. The County Attorney responded that she is not aware of any situation in which the county would be liable as a third party when the contract was entered into by the municipality.

Commissioner Morgan stated that he feels the legislation is needed due to elected officials in the municipalities representing their areas only and that it is the Board's job to oversee the entire county. This legislation would give the County the ability to have that oversight which they do not have currently.

Commissioner McIntyre noted the last paragraph of the resolution which states the Board supports the introduction and subsequent passage of the legislation which leads him to believe the Board would have an opportunity to review the bill before it is introduced. He then reiterated his support of the resolution.

With a first and second motion made, Chairman Lawhon called for the vote. The motion carried by unanimous vote.

ITEM # 7 – CONSENT AGENDA

Presenter: Chairman Lawhon

- A. Minutes – Regular meeting of February 20, 2017.
- B. Finance – Request approval of the attached vehicle tax refunds for February 2017.
- C. Agri-Civic Center- Request approval of budget amendment # 2017-34.

Commissioner Efird moved to approve the consent agenda as presented with the motion seconded by Commissioner Morgan. The motion carried by a 7 – 0 vote.

PUBLIC COMMENT – None.

BOARD COMMENTS, ANNOUNCEMENTS & COMMITTEE REPORTS

Commissioner Morgan thanked the students at East Albemarle Elementary for the invitation noting that he and Commissioner McIntyre had gone earlier that day to visit and tour the facility.

Commissioner Efird stated he enjoyed his visit to East Albemarle Elementary as well and that it an honor and pleasure to attend.

Vice Chairman Burleson noted that the Board participated in its annual planning retreat the previous Friday which marks the start of the budget process. He encouraged citizens to provide their input during the process and to keep the Board members in their prayers during this time.

Commissioner Lowder wished everyone a Happy St. Patrick's Day.

Commissioner McIntyre reiterated Commissioner Morgan's comments and thanked East Albemarle Elementary for his invitation and tour of the facility as well.

Commissioner Swain noted that he had attended the Soil & Water Awards Banquet on February 27th as well as a concert at the Agri-Civic Center sponsored by the Stanly County Arts Council. Both were great events for the students involved and the community.

Chairman Lawhon noted his appreciation of the students' presentation of their essays as well. He also thanked the Board members and staff for all that they do.

CLOSED SESSION

Vice Chairman Burleson moved to recess into closed session to consult with the county attorney in accordance with G. S. 143-318.11(a)(3). The motion was seconded by Commissioner McIntyre and passed unanimously at 7:43 p.m.

ADJOURN

With no further discussion, Commissioner Efird moved to adjourn the meeting and was seconded by Vice Chairman Burleson. Motion carried with a 7 – 0 vote at 8:15 p.m.

Bill Lawhon, Chairman

Tyler Brummitt, Clerk