

**STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
APRIL 4, 2016**

COMMISSIONERS PRESENT:

T. Scott Efird, Chairman
Bill Lawhon, Vice Chairman
Peter Ascitutto
Joseph Burleson
Tony Dennis
Janet K. Lowder
Gene McIntyre

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, April 4, 2016 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman Efird called the meeting to order and Commissioner McIntyre gave the invocation and led the pledge of allegiance.

APPROVAL / ADJUSTMENTS TO THE AGENDA

With no amendments to the agenda, Commissioner Burleson moved to approve it as presented and was seconded by Commissioner Dennis. The motion passed by unanimous vote.

ITEM # 1 – PRESENTATION OF AN ADDENDUM TO THE STANLY COUNTY PARKS, RECREATION & TRAILS MASTER PLAN BY THE TOWN OF NEW LONDON

Presenter: Susan Almond, Town Administrator

Mayor Tate Daniels introduced Town Administrator Ms. Susan Almond who presented the request. Ms. Almond stated that the County's Parks, Recreation & Trails Master Plan adopted in 2010 referenced the one park New London had at the time. Since then twenty-two (22) acres of land has been donated to the town which they wish to develop into additional recreational facilities. To help with the cost, the town is applying for a Parks and Recreation Trust Fund (PARTF) grant and requested the Board adopt an addendum (Appendix F) to the County's Parks, Recreation & Trails Master Plan to aid their application.

By motion, Commissioner Dennis moved to approve the addendum (Appendix F) as requested. His motion was seconded by Commissioner Ascutto and carried with a 7 – 0 vote.

See Exhibit A
Appendix F
New London Parks and Recreation Plan
2016 Update to the Stanly County Park, Recreation & Trails Master Plan

ITEM # 2 – PLANNING & ZONING

Presenter: Michael Sandy, Planning Director

A. ZA 16-02 – Rezoning request by Kaw Valley Engineering / Zimmerman Properties on behalf of Dennis Holbrook and MDS Smith, request rezoning from M2 to R8.

Prior to the presentation, Commissioner Dennis requested to be excused from voting due to a conflict of interest. Commissioner Burleson moved to approve the request and was seconded by Commissioner McIntyre. The motion passed by unanimous vote.

Mr. Sandy stated the request is to rezone a 4.25 acre tract of land (a portion of Tax Record 6276) from M2 (Heavy Manufacturing) to R8 (Multi-Family Residential). The property is located south and east of the Leonard Avenue extension and west of Henson Street between sections of the tract which are zoned R8. The purpose of the request is to develop the property for a multi-family residential development. The Planning Board forwarded the request with a favorable recommendation due to the fact that the requested change is located in a primary growth area for the City of Albemarle and is in accordance with the Stanly County Land Use Plan. Prior to the public hearing, Mr. Sandy entertained questions from the Board.

Commissioner McIntyre asked what type of multi- housing is involved in the rezoning request. Mr. Sandy responded that it is unknown since zoning cannot dictate the type of housing to be built.

With no further questions from the Board, Chairman Efird declared the public hearing open. During this time, Mr. Michael Osbourn of Kaw Valley Engineering came forward to speak in favor of the rezoning. He stated the proposed site plan requires at least two additional acres more than what is currently zoned R8. He also noted that a limited amount of traffic will be generated by the proposed development and that during the morning commute, traffic would not be a concern since it is not a busy retail time. He then referenced the traffic study completed by the NC DOT in February 2012 at the request of the City of Albemarle which addresses this concern. The proposed development includes four (4) three-story buildings for a total of eighty (80) housing units which will utilize a total of 8.25 acres of land.

Commissioner Ascitutto asked what the value of the development would be when completed. Mr. Osbourn replied it will be \$9.2 million investment. Commissioner Ascitutto then asked the County Manager how much property tax would be generated by the development and the County Manager stated approximately \$67,000 per year.

Commissioner Burleson noted his concerns with the increased traffic and that if changes are made to Leonard Avenue and/or Highway 24/27/73 in the future to address this the decision would be made by the City of Albemarle/ NC DOT with the cost of those changes falling on the taxpayers. Mr. Osbourn agreed stating he is not aware that any decisions have been made yet. However once one is made, Zimmerman Properties is willing to participate in the cost of those changes based on the percentage the proposed development impacts traffic.

Commissioner Burleson asked if the land being considered for rezoning was originally part of a larger fifty-five (55) acre tract and if so, who paid to construct Leonard Avenue? Mr. Osbourn replied that he did not know the history of the property and therefore could not respond.

Commissioner Burleson stated concerns with the ingress and egress to the property noting that Highway 24/27/73 was built as a major thoroughfare and fears continued development will result in major traffic issues. Mr. Osbourn replied noting that the recommended improvements outlined in the traffic study by NC DOT will help to improve traffic flow in the north bound lane and as well that of Leonard Avenue and Highway 24/27/73. Mr. Osbourn then provided a copy of the traffic study for Commissioner Burleson's information.

Commissioner Ascitutto stated he is pro-growth and is concerned because the Board has turned down two projects over the past two years which would have generated more than \$100,000 in property tax revenue due to potential traffic concerns. He stated his support of the rezoning request and wished the developers much success.

With no further discussion, Chairman Efird declared the public hearing closed.

Commissioner Burleson commented that he is pro-growth but feels the county has to consider each project individually to help manage growth rather than approve it just because it will increase our tax base. Commissioner Burleson then stated his support of the rezoning request as well.

By motion, Vice Chairman Lawhon moved to approve rezoning request ZA 16-02. His motion was seconded by Commissioner Lowder and carried with a 6 – 0 vote. (Commissioner Dennis was excused.)

B. ZA 16-03 – Lanny Page on behalf of Janice R. Efird to rezone 2.5 acres from R-A to G-B.

Mr. Sandy stated the applicant has requested the rezoning of a 2.5 acre tract (Tax Record 7096) located on the southwest corner of South Oak Ridge Road (NC 205) and Bear Claw Road from RA (Residential - Agricultural) to GB (General Business) to locate a business on the property. The Planning Board forwarded the request with a favorable recommendation due to the property being located in a growth corridor with water and sewer available as well as being located on a highway with other businesses in the area.

Prior to discussion, Commissioner Burlison requested to be excused from voting due to a perceived conflict of interest. Commissioner McIntyre moved to approve the request and was seconded by Commissioner Dennis. Motion passed unanimously.

With no questions from the Board, Chairman Efird declared the public hearing open. The following residents came forward to address the Board.

- Lanny Page came forward to present the request noting the reason he is purchasing the land is to establish a farmers' market which will be operated by his daughter. He has spoken with several vendors who have agreed to supply cheeses, produce, etc. to be sold there.
- Kimberly Abeyta came forward stating that she and her husband live adjacent to the property and are against the rezoning. She presented a binder including a petition signed by 25 area residents who are also against it and included photos of vacant area businesses and properties she feels are more suitable locations.
- Kevin Abeyta reiterated his wife's comments stating that Bear Claw is an established neighborhood and feels the farmers' market would not fit in.
- Rocky Hartsell resides in the neighborhood and stated concerns that the increased traffic caused by the market would result in more accidents. He also feels there are better locations elsewhere for the business.
- Irene Little, who lives across from the subject property, is concerned with what other business may locate on the property should the farmers' market fail and it still be zoned for business.
- Harold Little, husband of Irene Little, noted that there is already a farmers' market in downtown Oakboro and another one so close is not needed. He also has concerns with customers parking in their yard while at the market.
- Eilene Hunt Miller stated concerns with the market causing a decrease in property values in the area as well as concerns with the increased traffic.
- Jacob Efird, a local resident, stated there have been issues with the property flooding in the past and that anything built on it will be washed away with heavy rains.
- Lanny Page came forward to respond to these comments stating that he has a signed contract to purchase the property from Ms. Efird which has been for sale since March 2015. Some of the residents have signed a back-up contract for the property should his offer fall through. Mr.

Page stated he in turn had offered to sell the property to Mr. Abeyta for \$22,000 (\$2,000 more than his purchase price) and thus far Mr. Abeyta has been unable to obtain financing at a reasonable rate and term. Therefore, Mr. Page now plans to move forward with the market.

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

Vice Chairman Lawhon asked if the property is rezoned for General Business, will it require a privacy fence to which Mr. Sandy replied yes.

Chairman Efird then asked if the property is located in a flood zone. Mr. Sandy responded no that it is not, but there may be storm water runoff.

Commissioner McIntyre inquired if there are any other businesses located in the area. Mr. Sandy stated that there is a convenience store one block away, a dog grooming service and Hinson's Auction located nearby.

With no further questions, Commissioner Ascitutto moved to approve ZA 16-02 and was seconded by Commissioner McIntyre. The motion passed with a 5 – 1 vote.

Ayes: Chairman Efird, Commissioner Ascitutto, Commissioner Dennis, Commissioner Lowder and Commissioner McIntyre

Nos: Vice Chairman Lawhon

(Commissioner Burlison was excused.)

ITEM # 3 – PRESENTATION OF THE STANLY COUNTY VOLUNTARY AGRICULTURAL DISTRICT (VAD) & ENHANCED VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE

Presenter: Lori Ivey, Cooperative Extension Director

Ms. Ivey began by providing a brief history of the voluntary agricultural district ordinance noting that when it was originally adopted in 2002, Stanly County was one of the first to adopt such an ordinance. In 2009, the Board then approved the Farmland Protection Plan with a recommendation that an enhanced voluntary agricultural district ordinance be created and adopted as well. Ms. Ivey was now in attendance to present the Enhanced VAD ordinance developed with the help of the Agricultural Advisory Committee. She noted that the application has not changed, but the ordinance has been updated to include revisions due to changes in the general statutes. After the presentation, Ms. Ivey entertained then questions from the Board.

Commissioner Lowder asked if the VAD and the Enhanced VAD are both for ten (10) year terms. Ms. Ivey responded yes, both are for a ten (10) year period. The main difference between the

two is that the VAD has the option to cancel the agreement at any time if a thirty (30) day notice is provided and the Enhanced VAD renews automatically for a three (3) year period unless terminated.

With no further questions, Commissioner Dennis moved to approve the ordinance and was seconded by Commissioner Burlison. Motion carried by unanimous vote.

ITEM # 4 – DESIGNATION OF A COUNTY OFFICIAL TO MAKE RECOMMENDATIONS TO THE NC ALCOHOLIC BEVERAGE CONTROL COMMISSION ON ABC PERMIT APPLICATIONS

Presenter: Andy Lucas, County Manager

Per G.S. 18B-904(f) a governing body can designate an official to make recommendations to the NC ABC Commission concerning the suitability of persons or locations for ABC permits within the county. The county must notify the NC ABC Commission of its designation as required by statute. Board consideration was requested in approving the associated resolution designating the County Manager as the official to make such recommendations.

By motion, Vice Chairman Lawhon moved to approve the resolution and was seconded by Commissioner Dennis. The motion carried by a 7 – 0 vote.

ITEM # 5 – FY 2016-17 PUBLIC SCHOOL FUNDING DISCUSSION

Presenter: Commissioner Peter Ascitto

Commissioner Ascitto stated his main purpose for the discussion is to clarify the Board's position on school funding in order to help the school board with the decisions they are facing. He provided a brief recap of the school system's current financial situation noting that since the last meeting, the school system has learned it will face an additional \$1.1 million shortfall due to eighty-eight (88) fewer students being enrolled in the school system next year and also having to fund salary increases for teachers and other personnel. Commissioner Ascitto stated that based on the feedback received from various interest groups, Dr. Griffin and the school board developed a fiscally conservative plan (Plan B) to make the school system's programs more competitive with surrounding counties by closing community schools and reinvesting those funds to enhance the curriculum.

Due to the amount of discussion taking place regarding the county's need to increase funding for education, Commissioner Ascitto sought the Board's input on whether or not to consider placing the ¼ cent sales tax referendum on the November ballot for a third time. Chairman Efird responded that he is not against placing it on the ballot but feels the Board needs to discuss

how the funds will be divided between the school system and community college as part of the budget process.

To promote additional discussion, Commissioner Ascitutto made the following motions related to school funding:

- Motion to take \$2.5 million from the county's General Fund Balance for education. The motion failed due to lack of a second.
- Motion to increase the property tax rate by six (6) cents to provide the \$2.5 million in funding for the school system in order to keep all schools open and add the enhanced curriculum. The motion failed due to lack of a second.
- Motion to increase the property tax rate by five (5) cents for education. The motion failed due to lack of a second.
- Motion to increase the property tax rate by four (4) cents for education. The motion failed due to lack of a second.

After a brief review of the school system's facilities study, Commissioner Ascitutto continued by asking if the Board would be willing to increase the property tax rate by five (5) cents to raise the \$1.7 million needed for repairs to Norwood, East Albemarle and Oakboro schools if the school board agrees to keep them open. He then made this in the form of a motion which failed due to lack of a second.

ITEM # 6 – CONSENT AGENDA

A. Minutes – Regular meeting of March 21, 2016

Commissioner Dennis moved to approve the consent agenda as presented. The motion was seconded by Vice Chairman Lawhon and passed by unanimous vote.

PUBLIC COMMENT

Bill Johnson, a resident of Norwood, noted concerns with Center Rural Fire Department's spending as well as recent comments made by Commissioner Burleson in which he stated the fire department was cleared of any wrong doing based on the results of a recent audit. Mr. Johnson stated that he had spoken with Barry Long with the State Auditors' Office and learned no audit was conducted. He requested the Board take action to fulfill their responsibilities by having thorough audits conducted on the financial management and spending of local fire departments.

Annabel Speight of Red Cross addressed the Board regarding the effects that closing schools will have on the communities if the school board proceeds with the proposed plan.

John Edwards, an Oakboro resident, expressed his disappointment with the Board's lack of discussion during the meeting concerning Plan B or school funding.

Curtis Furr of the Ridgecrest community volunteered to serve on a committee to help promote and educate citizens on the ¼ cent sales tax referendum stating that with the right people to promote it, he feels it will pass if placed on the November ballot.

Lynn Huneycutt of Oakboro feels the sales tax referendum did not pass due to the public not being informed and also stated her support of a property tax rate increase if needed for education.

Melvin Poole stated that he was encouraged by the schools' facilities study which confirmed they are in good shape. He then noted that while previously serving on the school board, he never received a complaint about the condition of the schools, but rather people wanting to keep them open. He feels if the school board had committed to keeping schools open, the ¼ cent sales tax would have passed.

BOARD COMMENTS, ANNOUNCEMENTS & COMMITTEE REPORTS

To address Mr. Johnson's previous comments related to Center Rural Fire Department, Commissioner Burleson read a portion of the approved minutes from the March 21, 2016 meeting which stated that an investigation was conducted – not an audit. Commissioner Burleson also read a portion of an email sent to the State Auditors' Office by the local newspaper to request information related to the audit and received a response that the State Auditors' Office does not typically discuss investigations which do not result in published reports and that no such report was issued.

To comment on the issue of school funding, Commissioner Burleson stated that early on he tried to gain the Board's support in tying the sales tax referendum to keeping community schools open. Otherwise, he could not support it. Further, he stated that as staff and the Board go through the budget process, school funding will be one of the issues considered. He continued by stating an additional \$850,000 in funding is likely to be recommended for the schools unless things change. The argument that the Board is not funding education is incorrect and requested that everyone please allow the budget process to take place.

Commissioner Ascitutto stated that the county will receive \$517,000 in tax revenue from the state with the majority of it going to education. Although the county plans to annualize the \$350,000 grant for stem labs, the school system in turn will be receiving \$457,000 less in

funding from the state due to there being eighty-eight (88) fewer students enrolled next year than previously thought. He continued stating the school board has some tough decisions to make and if finances are not handled efficiently, they will face the same decision of closing schools again in the near future. On a local note, Commissioner Ascitutto mentioned two local athletes, Denico Autry of the Raiders and Antonio Williams of the Ohio State Buckeyes, who are doing well and receiving a lot of good press.

Commissioner Dennis stated that he has always been a proponent of the sales tax referendum and that he is not in favor of closing schools.

Vice Chairman Lawhon commented that he believes the voters have spoken and are in support of community schools and restated his support of them as well. He also noted his support of the sales tax referendum adding that if it is placed on a future ballot he would hope the people in support of community schools would do the same. However, he also feels the Board's regular meeting is not the time to discuss a property tax rate increase with the County Manager still preparing the proposed budget. He then reminded everyone of the equestrian events being held at The Fork Farm and Stables this coming weekend and encouraged everyone to attend.

Chairman Efird announced the time and date of the next meeting. He then stated the county missed a gold opportunity with the ¼ cent sales tax referendum not passing and that he does not know what else to do in order to help it pass noting various newspaper articles and radio announcements that were made to try and get the word out.

ADJOURN

With no further discussion, Vice Chairman Lawhon moved to adjourn the meeting. His motion was seconded by Commissioner Ascitutto and passed unanimously at 8:35 p.m.

Terry Scott Efird, Chairman

Tyler Brummitt, Clerk