

**STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
APRIL 6, 2015**

COMMISSIONERS PRESENT:

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

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, April 6, 2015 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman Lowder called the meeting to order and Commissioner McIntyre gave the invocation and led the pledge of allegiance.

APPROVAL / ADJUSTMENTS TO THE AGENDA

Vice Chairman Dennis requested that a Utilities Item be added to the agenda as Item # 4 and the consent agenda changed to Item # 5. With no discussion, Vice Chairman Dennis moved to approve the agenda as amended. The motion was seconded by Commissioner Burleson and carried by unanimous vote.

ITEM # 1 – RECOGNITION BY THE STANLY COUNTY SHERIFF'S OFFICE

Presenter: Sheriff George Burris

Sheriff Burris took a moment to recognize two (2) employees of the Sheriff's Office: Jeffrey Martin for receiving the Advanced Certificate of Law Enforcement and Darrell Burgess for his receipt of the Order of the Long Leaf Pine Award from the State of North Carolina.

ITEM # 2 – APPOINTMENT TO THE NURSING HOME COMMUNITY ADVISORY COMMITTEE

Presenter: Andy Lucas, County Manager

Due to John Bell's recent resignation, it was requested the Board name a replacement to serve the remainder of his term which expires February 28, 2018.

After thanking Mr. Bell for his service on the Board, Commissioner Asciutto moved to appoint Mr. M. W. (Bill) Mullinix, Jr. and was seconded by Commissioner Lawhon. Motion passed with a 7 – 0 vote.

ITEM # 3 – DISCUSSION REGARDING HOUSE BILL 111 & HOUSE BILL 112

Presenter: Commissioner Asciutto

Commissioner Asciutto played an audio clip of Representative Burr's presentation of House Bill 111 to members of the House of Representatives. Commissioner Asciutto stated that if passed, the bill will allow citizens to file a petition that requires 15% of registered voters (or 5,800 signatures) to begin the process for a recall election of School Board members. For those removed by a recall election, the county commissioners will be responsible for appointing their replacements.

Commissioner Asciutto requested the Board discuss the bill openly and began by voicing his concern as to who will be responsible for the cost of a recall election - the School Board or the County? Also, should other elected officials such as County Commissioners, Sheriff, Register of Deeds and Clerk of Court be included in HB 111 as well? In response, Commissioner McIntyre stated that it is not the County Commissioners conducting the recall, but the citizens of the county. If citizens are unhappy with the School Board or other elected officials, it is their right to contact their representative with concerns. He then stated that House Bill 111 should be left as it is.

By motion, Commissioner Asciutto proposed that the Board take action by issuing a letter to NC Senators to request their non-support of House Bill 111. With no second to the motion, the motion failed.

By a second motion, Commissioner Asciutto requested that all elected officials be included as part of HB 111 and subject to a recall election. After further discussion to clarify his request, Commissioner Asciutto withdrew his motion.

Next, Commissioner Asciutto played an audio clip of Representative Burr's presentation of House Bill 112 to the House of Representatives. After, he explained that the purpose of the bill is to change the School Board from a non-partisan to a partisan board. Commissioner Asciutto

provided figures which show an increase in the number of unaffiliated voters in Stanly County as well as statewide over the past eleven (11) years. He stated concerns that if the bill passes, unaffiliated voters will not be allowed to run for the School Board.

By motion, Commissioner Ascutto moved that the Board issue a letter to NC Senators requesting their non-support of House Bill 112 as well. With no second to the motion, the motion failed.

ITEM # 4 – UTILITIES – GREATER BADIN USDA BOND ANTICIPATION NOTE RESOLUTION

Vice Chairman Dennis moved to recess the Stanly County Board of Commissioners meeting and reconvene as the Greater Badin Water & Sewer District board. The motion was seconded by Commissioner McIntyre and carried by unanimous vote.

For Board consideration, the Utilities Director presented a resolution prepared by McGuire Woods, LLP in compliance with the Local Government Commission (LGC) for the selling of Bond Anticipation Notes (BANs) for the Badin Water Rehabilitation Project Part A. Ms. Davis stated that the BANs would provide the interim financing for the project during the construction phase. Once completed, the project will then be converted to permanent financing through the USDA.

Vice Chairman Dennis asked the County Manager how interim financing for other water projects had been handled previously. The County Manager stated that past projects were financed by one of three ways: the County lends the money to the Utilities Department for the construction phase and is repaid by loan proceeds from the permanent financing, a local bank may purchase the bond, or through the use of BANs.

By motion, Vice Chairman Dennis moved to approve the resolution. Prior to a second on the motion, Commissioner Lawhon asked if it would be possible to review the details of the financing options available prior to approving the resolution. Ms. Davis and the County Manager stated that the requested information can be provided at the next meeting or at a special called meeting of the Board. However, the project would be delayed since the LGC cannot move forward until the resolution is adopted.

Commissioner McIntyre asked if the Board is not in favor of the interim financing offered, can the County refuse it, to which the County Manager replied yes. Ms. Davis also stated that the BANs are to provide only interim financing for the project and not the long term permanent financing.

Commissioner McIntyre then seconded Vice Chairman Dennis' motion to approve the resolution. The motion carried with a 6 – 1 vote with Commissioner Lawhon voting against.

Commissioner Dennis moved to adjourn the meeting of the Greater Badin Water and Sewer District and reconvene as the Stanly County Board of County Commissioners. His motion was seconded by Commissioner Ascitutto and passed by unanimous vote.

**See Exhibit A
Resolution**

ITEM # 5 – CONSENT AGENDA

Presenter: Chairman Lowder

- A.** Minutes – Recessed meeting of March 6, 2015 and special meeting of March 26, 2015
- B.** Finance – Request acceptance of the Monthly Financial Report for Eight Months Ended February 28, 2015
- C.** Legal Dept. – Request approval of the attached easement
- D.** Finance – Request approval of the attached vehicle refunds

After a brief review, Commissioner McIntyre moved to approve the above items as presented. The motion was seconded by Vice Chairman Dennis and passed by unanimous vote.

PUBLIC COMMENT

During public comment, the following individuals addressed the Board:

- Elizabeth Helms, an Oakboro resident with two (2) children at Oakboro School, thanked the Board for their continued support against the School Board's proposed plans and requested the Board consider issuing a resolution stating their opposition. She also stated her support of Representative Justin Burr and both House Bills 111 and 112.
- Annabelle Speight, a resident of Red Cross, asked if the School Board has to decide on a plan before the Board can make a decision as to whether or not to move forward with the sales tax referendum, to which Vice Chairman Dennis replied no.
- Patty Crump, a member of the ACES (Advocates for Communities & Excellence in Schools) Leadership Coalition, thanked the Board for their support of community schools and stated her hopes are that the County will support them financially and keep them open with the help of a ¼ cent sales tax referendum during the November 2016 election. She also stated her support of House Bills 111 and 112 as well.
- Catherine Laws, a West Stanly Middle School student, spoke against the School Board's proposed plans to close community schools and her support of both house bills.

- Alex Laws, an Oakboro resident and parent of two (2) children currently enrolled in the school system, advocated for an equal opportunity for all students at all schools rather than close five (5) community schools. Ms. Laws voiced her support of Representative Burr's house bills as well.
- Barbara Hartsell stated her support of both bills.
- Carla Smith thanked the Board for their past support and continued support of the schools.
- Melissa Parker voiced her support of Representative Burr's bills stating that parents feel it is the only option remaining since the School Board is not taking their concerns into consideration.
- Melvin Poole thanked the Board for offering financial support as a "lifeline" for the community schools as well as their inaction in opposing the house bills.

GENERAL COMMENTS, ANNOUNCEMENTS & COMMITTEE REPORTS

Commissioner Ascitutto thanked everyone for expressing their concerns and encouraged the Board to provide money for education in the schools whether by a ¼ cent sales tax referendum or by a property tax increase. He also stated that the Library Board of Trustees plans to attend an upcoming Board meeting to share the results of a feasibility study completed to explore the possibility of relocating the Stanly County Museum and Heritage Room to the City Hall Annex building.

Commissioner Lawhon thanked Sheriff Burris for his recognition of Officers Jeffrey Martin and Darrell Burgess. He then thanked everyone for their comments and encouraged their participation even after the school issue has been resolved.

Vice Chairman Dennis reiterated the previous commissioners' comments by encouraging citizens to continue to come to the meetings and have their voices heard.

Commissioner Burlson recognized District Attorney T. Lynn Clodfelter and Sheriff George Burris who were in attendance and thanked citizens for their feedback. He also asked everyone to stay informed of Senate Bill 369, which as proposed calls for a redistribution of the state's sales tax and could result in an estimated \$3.4 million for Stanly County.

Commissioner McIntyre thanked the citizens of the county and Sheriff Burris for their hard work.

Commissioner Efird recognized Catherine Laws for her earlier comments and thanked District Attorney Clodfelter and Sheriff Burris for their attendance. He also encouraged everyone to continue to participate in the meetings and stay involved with local government.

Chairman Lowder acknowledged those in attendance for expressing their opinions and to continue to do so in order to help guide the Board.

ADJOURN

With no further discussion, Vice Chairman Dennis moved to adjourn the meeting and was seconded by Commissioner Ascutto. Motion carried by unanimous vote at 8:12 p.m.

Janet K. Lowder, Chairman

Tyler Brummitt, Clerk