

**STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
MAY 6, 2013**

COMMISSIONERS PRESENT:

Gene McIntyre, Chairman
Josh Morton, Vice Chairman
Peter Ascitutto
Tony Dennis
Lindsey Dunevant

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, May 6, 2013 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman McIntyre called the meeting to order and Commissioner Dennis requested a moment of silence.

PLEDGE OF ALLEGIANCE

With the Board's permission, Chairman McIntyre requested the Pledge of Allegiance be added to the beginning of each meeting going forward. The Chairman then led everyone in the pledge.

APPROVAL / ADJUSTMENTS TO THE AGENDA

Chairman McIntyre requested the addition of an agenda item to discuss the proposed House Bill 1005 –An Act to District the Stanly County Board of Commissioners and the Stanly County Board of Education.

By motion, Commissioner Dennis moved to approve the agenda as amended and was seconded by Commissioner Ascitutto. Motion carried by unanimous vote.

ITEM # 1 – RETIREMENT AWARD PRESENTATIONS

The Board took a moment to recognize Clarence R. Beach (Emergency Medical Services) and Franklin Sanders (Facilities Maintenance) for their many years of service to the county and its citizens.

ITEM # 2 – APPROVAL OF THE FY 2013-14 JUVENILE CRIME PREVENTION COUNCIL (JCPC) FUNDING ALLOCATION & CERTIFICATION OF THE COUNCIL MEMBERS

Presenter: Jackie DeSantis, JCPC Chairman

For the coming year, JCPC has been allotted a total of \$174, 070.00 in federal funding. Ms. DeSantis provided a breakdown of how these funds will be used as determined by the JCPC and requested Board approval of the budget and certification of its council members.

By motion, Commissioner Dunevant moved to approve the funding for FY 2013-14 and to certify the council members as recommended. His motion was seconded by Commissioner Dennis and carried with a 5 – 0 vote.

ITEM # 3 – UPDATE ON THE LOCUST-RED CROSS COMPREHENSIVE TRANSPORTATION PLAN (CTP)

Presenter: Dana Stoogenke, RRRPO Director

In 2012, the County and the majority of the municipalities adopted a Community Transportation Plan for their areas with the exception of Locust and Red Cross. Since the state mandates that all areas have a CTP to help with future transportation planning, the Rural Planning Organization (RPO) has begun the process of working with both municipalities to develop a plan. The CTP will include the City of Locust, Town of Red Cross and unincorporated portions of Stanly County. Ms. Stoogenke outlined the steps involved in the process and entertained questions from the Board.

The presentation was for information only and required no action.

ITEM # 4 – PLANNING & ZONING

Presenter: Michael Sandy, Planning Director

A. Public Hearing - Resolution Requesting the Re-Survey and Legislative Recognition of the Joint Boundary Between Stanly and Cabarrus Counties

Mr. Sandy presented the resolution below for Board consideration and entertained questions concerning the determination of the boundary line between Stanly and Cabarrus Counties:

RESOLUTION REQUESTING THE RE-SURVEY AND LEGISLATIVE RECOGNITION OF THE JOINT BOUNDARY BETWEEN STANLY AND CABARRUS COUNTIES

WHEREAS, the boundary line between Cabarrus and Stanly Counties was first determined as early as 1762 and over the ensuing years the location of that line has become uncertain; and

WHEREAS, that boundary has not been verified by field survey since at least 1841 when Stanly County was formed: and

WHEREAS, the two counties' Land Records divisions maintain property records, but do not display a single agreed upon boundary line in those tax map records; and

WHEREAS, both counties have requested assistance from the North Carolina Geodetic Survey to help resolve the differences in the mapped boundary and have assisted the Geodetic Survey by supplying deed research for all properties located on the joint boundary; and

WHEREAS, both counties have notified affected property owners, held public meetings, met with affected property owners individually and held a Public Hearing at a regularly scheduled Board of Commissioner meeting per North Carolina General Statute 153A-18:

NOW, THEREFORE, BE IT RESOLVED by the Stanly County Board of Commissioners that said Board requests the final re-survey of the agreed upon boundary line be completed and that the North Carolina General Assembly recognize by local legislation the County line with the following provisions:

1. On and after January 1, 2014, all papers, documents, and instruments required or permitted to be filed or recorded that involve residents and property located in areas affected by the re-survey of the boundary line, which previously may have been recorded in the adjoining counties, shall be recorded in the correct County based on the agreed upon common border.
2. Effective January 1, 2015 all real property located in areas affected by the re-survey of the common boundary line shall be listed and assessed by the county in which that property lies based upon the approved common boundary.
3. No course of action, including criminal actions, involving persons or property located in areas affected by the re-survey of the boundary line that is pending on January 1, 2014, shall be abated, and such actions shall continue in the appropriate county based upon the approved common boundary.
4. Should it be determined based on the re-survey that any residence is actually in the adjoining county, the Board of Elections of each County shall, effective January 1, 2014 transfer the voter registration records pertaining to the occupants of those residences to the adjoining county and thereafter the registered voters so transferred shall be validly registered to vote in that adjoining county.
5. The Jury Commission of each county shall revise its jury lists to add to or eliminate therefrom those persons subject to jury duty who reside in areas affected by the re-survey of the common boundary, effective January 1, 2014.
6. The areas affected by the re-survey of the common boundary shall be transferred into the appropriate Superior Court district, District Court district and prosecutorial district effective January 1, 2014.

7. The Cabarrus County Board of Education and Stanly County Board of Education shall cooperate with each other on behalf of any resident student affected by the re-survey of the common boundary to ensure that a transition is made that provides students and their siblings with a choice to remain in their current school system until graduation from high school for so long as they reside in the residence affected by the re-survey. Resident students may transfer to the district of their residence if they so choose.
8. Students and their siblings may attend the same school system previously attended without the necessity of a release or payment of tuition. Any such student shall be considered a resident of the county in which they attend school for all public school purposes, including transportation, athletics and funding formulas. Notice must be given to all affected school systems by the parent or guardian in order to exercise the privilege granted in this and the previous (#7) section.
9. The areas affected by the re-survey of the common boundary shall be adjusted into the proper fire district for service and taxation effective January 1, 2015.
10. Cabarrus and Stanly counties shall submit to the North Carolina General Assembly for ratification a completed survey as determined by the North Carolina Geodetic Survey and agreed upon by both counties.

Adopted this the 6th day of May, 2013

Gene McIntyre, Chairman
Stanly County Board of Commissioners

ATTEST:

Tyler Brummitt
Clerk to the Board

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

By motion, Commissioner Dunevant moved to approve the resolution and was seconded by Commissioner Ascitutto. The motion carried unanimously.

B. Board of Adjustment Appointments

The following Board members terms will expire on June 30, 2013: Cathy Bennett, Grover Stewart, Richard Cosgrove and Alternate Rebecca Carter. Richard Cosgrove and Rebecca Carter have agreed to serve again if reappointed, however Cathy Bennett and Grover

Stewart have asked not to be reappointed. It was requested the Board make the following appointments:

- Reappoint Richard Cosgrove to serve a three (3) year term until June 30, 2016,
- Reappoint Rebecca Carter to serve a three (3) year term until June 30, 2016 and move her from Alternate Member to Regular Member to replace Cathy Bennett.
- Move Alternate Houston B. Clark II from Alternate Member to Regular Member to replace Grover Stewart with a term to expire June 30, 2016.
- Appoint two (2) new Alternates, each to serve a three (3) year term expiring June 30, 2016.

Commissioner Dennis moved to reappoint Richard Cosgrove, Rebecca Carter and Houston B. Clark II as requested, but table the appointment of two (2) Alternates. His motion was seconded by Commissioner Ascitutto and carried by with a 5 – 0 vote.

ITEM # 5 – CONSIDERATION OF THE PROCLAMATION DECLARING SATURDAY, MAY 11, 2013 AS “STAMP OUT HUNGER FOOD DRIVE DAY”.

Presenter: Commissioner Dunevant

For the Board’s consideration, Commissioner Dunevant presented the proclamation and moved to approve its acceptance. His motion was seconded by Commissioner Dennis and carried with a 5 – 0 vote.

ITEM # 6 – DISCUSSION OF HOUSE BILL 1005 – AN ACT TO DISTRICT THE STANLY COUNTY BOARD OF COMMISSIONERS AND THE STANLY COUNTY BOARD OF EDUCATION

At the request of Chairman McIntyre, each Board member stated their position on HB 1005 as it relates to the Stanly County Board of Commissioners.

- Commissioner Dennis stated that after talking with Representative Justin Burr concerning the proposed bill, he does not understand the reasoning behind it and cannot support it.
- Commissioner Ascitutto agreed with Commissioner Dennis by stating that if the current Board is increased from five (5) to seven (7) members, it would result in an additional \$30,000 - \$40,000 in expenses to the County each year. He also feels the current members of the Board represent all areas of the county and cannot support the bill either.
- Vice Chairman Morton stated his only opposition to the bill is that it becomes effective immediately. If Representative Burr were to change the bill to make it effective in 2014, he would be better able to support it.
- Commissioner Dunevant feels that based on the County’s current size, five (5) commissioners is sufficient. If commissioners are elected for a two (2) year term as

proposed rather than four (4) years, it may eliminate those interested in running due to the expense of running a campaign. If some of concerns stated are addressed, Commissioner Dunevant would be more willing to support the bill.

- Chairman McIntyre stated that after talking with Representative Burr, the idea behind the bill is to get more people involved in government on a local level. He encouraged both the Board members and citizens to keep an open dialogue and to contact Representative Burr with any thoughts or concerns on the bill since it is still a work in progress.

By motion, Commissioner Dennis moved to direct staff to contact local legislators and inform them that the County is not in favor of proposed HB 1005. His motion was seconded by Commissioner Ascitutto. The motion carried with a 3 – 2 vote.

Ayes: Commissioner Ascitutto, Commissioner Dennis, Commissioner Dunevant

Nos: Chairman McIntyre, Vice Chairman Morton

ITEM # 7 – CONSENT AGENDA

- A. Minutes – Regular meeting of April 15 and special meeting of April 22, 2013
- B. Finance – Request acceptance of the Monthly Financial Report For Nine Months Ended March 31, 2013
- C. Health Dept – Budget amendment # 2013-37
- D. EMS – Budget amendment # 2013-39
- E. DSS – Budget amendment #2013-38

Commissioner Dennis moved to approve the above items as presented and was seconded by Commissioner Ascitutto. Motion carried by unanimous vote.

PUBLIC COMMENT

Mike Snyder of Albemarle expressed his concerns regarding the agreement that has been reached between the County and Alcoa/APGI concerning the 401 water quality certificate. He reminded the Board of how important the water is to the County and that it needs to be protected for the future of the community and its citizens.

GENERAL COMMENTS & ANNOUNCEMENTS

Commissioner Dunevant congratulated the Graystone and Park Ridge marksmanship teams who had both recently been named state champions, and congratulated all students on their accomplishments during the current school year.

Vice Chairman Morton stated he had recently attended the Ag-Tour sponsored by Cooperative Extension and commended them on all the work that went in to the event.

Commissioner Ascutto thanked everyone in attendance at tonight's meeting and hoped that a resolution could be reached so the County can move forward and begin working to bring jobs to the County.

Commissioner Dennis referenced the "2012 Economic Contribution of Airports in North Carolina" brochure included in the commissioners' agenda packets and encouraged them to read it.

Chairman McIntyre stated he had recently attended the child protection breakfast sponsored by the Butterfly House and commended the Butterfly House on the work that they do.

CLOSED SESSION

By motion, Commissioner Ascutto 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, and to discuss a real estate transaction in accordance with G. S. 143-318.11(a)(5) concerning a property owned by Stanly Funeral Home on Hilco Street in Albemarle. The motion was seconded by Commissioner Dennis and carried with a 5 – 0 vote at 7:42 p.m.

ANNOUNCEMENT

After returning to their seats, Chairman McIntyre called the meeting back to order and stated that an agreement in principle had been reached between the County and Alcoa/APGI. He then requested the Board take action on the agreement. Commissioner Ascutto moved to accept the agreement and was seconded by Vice Chairman Morton. In response to the motion, Commissioner Dunevant made the following statement:

"A few times in our lifetime we arrive at a situation that becomes a defining moment, an opportunity to declare what we stand for and who we are. These circumstances often provide a decision between a good choice and the best choice. For some time now, we have known that Stanly County Commissioners would face such a moment. It has arrived.

County Commissioners take an oath to uphold the laws of the land as they seek to provide for the health and welfare of the citizens whom they serve. Over seven years ago, Stanly County Commissioners chose a long, hard, uphill battle against tough odds to obtain a better future for our county. We requested a partnership that would provide jobs, improve our environment and give us access to water. After being refused, the county considered other methods to

obtain what legally belongs to the people. A team of leaders at the local, regional and state levels worked together to seek a better outcome. Decisions by elected officials affect the lives of people on a daily basis. This one needed to be right, especially since the result lasted so long.

This proposal we have been presented and under consideration tonight is not without merit. In fact, it is an affirmation of our decision to take a stand. As a result of our efforts, agencies in state government have done their job to help protect our environment and improve our water quality for decades to come. Citizens of our county will now have the option to access water as it becomes more and more valuable to our health and economy. The County and the town of Badin should benefit from development that can arise from goals stated in the proposal, development that may bring jobs.

I want to acknowledge and thank County Commissioners who had a vision of what our county could become if we were allowed to use God given resources to develop our infrastructure, improve our community and attract new business and industry. County Commissioners, including those currently not on the board (Gary Lowder, Sherrill Smith, Nalin Mehta, and Jann Lowder) will be recognized throughout history for their efforts over the past seven years to make Stanly County the best it could be. Generations to come will wish we had been more successful in our endeavors.

As a result of what we have learned, I believe:

- The availability of water will determine community vitality in the decades to come
- Environmental stewardship is essential to our quality of life
- The flow of rivers in our country belong to the people of the United States
- Federal law was written to promote development of rivers in the public interest
- Financial resources derived from the flow of our river should not be exported from North Carolina but should benefit citizens where they are located
- The license should provide public benefit during its full term

The citizens of Stanly County, and especially Commissioners with whom I have served, know my position on this issue. It would be dishonest of me to vote for this settlement offer. I respect and honor what each of the Commissioners has done to reach what they believe is in the best interest of our citizens. I pray that over the next decades things will work out best for our community.

As we move forward from this vote I pledge to continue to work with you, and all of our citizens, for the betterment of this wonderful place we call home.”

There being a motion and a second, Chairman McIntyre called for a vote. The motion carried with a 3 – 2 vote.

Ayes: Chairman McIntyre, Vice Chairman Morton, Commissioner Ascitutto

Nos: Commissioner Dennis, Commissioner Dunevant

ADJOURN

There being no further discussion, Commissioner Dennis moved to adjourn the meeting. His motion was seconded by Commissioner Ascitutto and passed by unanimous vote at 8:10 p.m.

Josh Morton, Vice Chairman

Tyler Brummitt, Clerk