

**STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
AUGUST 7, 2017**

COMMISSIONERS PRESENT: Bill Lawhon, Chairman
Joseph Burleson, Vice Chairman
Scott Efir
Janet K. Lowder
Gene McIntyre (Participated by phone)
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, August 7, 2017 in the Commissioners Meeting Room, Stanly Commons. Chairman Lawhon called the meeting to order at 7:00 p.m. with Commissioner Efir giving the invocation and leading the pledge of allegiance.

APPROVAL / ADJUSTMENTS TO THE AGENDA

Vice Chairman Burleson moved to approve the agenda with the noted change to the July 10th regular meeting minutes. Commissioner Swain seconded the motion which passed by unanimous vote.

ITEM # 1 – RETIREMENT AWARD PRESENTATION FOR REGINA FARMER

The Board recognized Ms. Regina Farmer upon her retirement with twenty (20) years of service with the Stanly County Public Library.

ITEM # 2 – THE FORK FARM & STABLES UPCOMING SPORTING CLAY EVENT AND ITS ECONOMIC IMPACT FOR THE COUNTY

**Presenters: Jim Cogdell, Owner of the Fork Farm & Stables
Austin Kiker, Events Director**

CVB Director Chris Lambert introduced Mr. Cogdell stating that the Fork Farm & Stables continues to be an integral part of the county's economy by generating \$2 - \$3 million dollars in tourism annually. Mr. Cogdell and Mr. Kiker provided a brief overview of the history of The Fork Farm and the upcoming sporting clay event in October which will include more than 600 shooters from around the world. As a show of support, it was requested that the Board allow signage to be placed throughout the county for the event and to request the Board consider a monetary donation to help cover the expenses associated with it. Mr. Cogdell and Mr. Kiker then entertained questions from the Board. No further action was taken.

ITEM # 3 – LIVESTOCK ARENA FUNDRAISING UPDATE & BID REQUEST

Presenter: Reggie Medlin, Project Committee Representative

Mr. Medlin was in attendance to provide an update on the fundraising efforts for the livestock arena. He thanked the Board for their earlier commitment of \$250,000 for the project adding thus far \$1.025 million has been secured via payments and pledges from citizens and local businesses towards the total cost of construction. He noted several fundraising events that are planned as well as pending grant applications totaling \$300,000 that have been submitted as well.

It was requested the Board consider putting the project out to bid so a definitive cost of construction can be determined. Additionally, the committee requested the Board provide "bridge/gap" funding to cover the cost of construction while fundraising efforts continue.

After a brief period of questions, Commissioner Efirm moved to put the arena project out to bid and provide the bridge/gap funding as requested. The motion was seconded by Vice Chairman and passed by unanimous vote.

ITEM # 4 – TAX COLLECTOR'S ANNUAL SETTLEMENT STATEMENT

Presenter: Clinton Swaringen, Tax Administrator

Pursuant to GS 105-373, the Tax Collector presented the annual settlement report to the Board which provides a summary of the collection activity for FY 2016-17 with the statutory remedies of garnishment, attachment, debt setoff, escheat and pre-foreclosure being utilized to the extent possible for collection of taxes. As part of the settlement, it was also requested the Board charge the Tax Collector with the collection of taxes for FY 2017-18 and also accept/approve the annual settlement report.

By motion, Vice Chairman Burlison moved to accept and approve the annual settlement report and charge the Tax Collector with collection of the current fiscal year taxes. Commissioner Morgan seconded the motion which carried by unanimous vote.

ITEM # 5 – PLANNING & ZONING

Presenter: Michael Sandy, Planning Director

A. Recognition of Tim Swaringen as 2017 NC Zoning Official of the Year

Planning Director Michael Sandy took a moment to recognize Tim Swaringen who was recently honored as the 2017 NC Zoning Official of the Year by the NC Association of Zoning Officials on Tuesday, July 18th. Mr. Sandy and the Board commended him on a job well done.

B. ZA 17-03 – Consideration of a request by John Mason for approval of the attached amendment to the language for Zoning Ordinance Section 611.1

Applicant John Mason submitted a request for the uses permitted by right in an M-1 District be amended to include the ability of the property owner to sell automobiles, trucks and other vehicles (new or used). This change will allow for the sale of any type of vehicle (cars, trucks, boats, motorcycles, heavy equipment, tractors, travel trailers, utility trailers, etc.). Currently an M-1 District allows for the sale of boats, but no other vehicles. Mr. Mason restores motorcycles as a hobby and leases a property on Mission Church Road which is zoned M-1 as a machine shop. NCDMV requires those that sell more than 5 vehicles each year hold a dealer's license and maintain an office. Mr. Mason wishes to acquire a dealer's license and have an office in a building adjacent to the machine shop. The requested amendment will permit him to operate legally and allow the Planning Department to issue a letter to the NCDMV certifying that the location is appropriately zoned for a sales office prior to his receipt of a dealer's license. The Planning Board unanimously recommended approval of the amendment at their meeting on July 10, 2017.

After a brief period of questions, Chairman Lawhon declared the public hearing open. Mr. Mason came forward to speak in favor of the request adding that he feels the amendment will encourage economic development for all M-1 Districts in the county. With no one else coming forward, the hearing was closed.

By motion, Vice Chairman Burlison moved to approve the requested amendment to the language of Zoning Ordinance Section 611.1 stating that the amendment follows the 2010 Stanly County Land Use Plan by encouraging land use patterns that provide a compact mix of land uses at a higher intensity of development. The motion was seconded by Commissioner Efir and passed by unanimous vote.

C. ZA 17-04 – Rezoning request for Timothy Wilson & Mary Moses

Applicants Timothy B. Wilson and Mary E. Moses submitted a request to have the property located northwest of Airport Road and just south of its intersection with NC 740 in New London to be rezoned to M-1 Light Industrial (Tract # 9565). The property is currently zoned RA

(Residential Agricultural) with surrounding properties being zoned RA, the property just north zoned M-1 and the airport property zoned M-2. Mr. Wilson has requested the property be rezoned in order to use it for a car sales lot. With approval of the earlier request submitted by Mr. John Mason, ZA 17-03 will also include the new language for Zoning Ordinance Section 611.11 as well. It was requested the Board rezone the subject property from RA to M-1.

With no questions, Chairman Lawhon opened the public hearing. Mr. Timothy Wilson came forward to speak in favor of the request. With no one else coming forward to speak for or against, the hearing was closed.

After a brief discussion, Vice Chairman Burleson moved to approve the rezoning request as presented adding that the proposed location is in a growth area per the 2010 Stanly County Land Use Plan which also recommends the promotion of economic development in Stanly County. The motion was seconded by Commissioner Lowder and carried by a 7 – 0 vote.

ITEM # 6 – HEALTH & HUMAN SERVICES CONSOLIDATION DISCUSSION AND PUBLIC HEARING

Presenter: Andy Lucas, County Manager

County Manager Lucas introduced the item noting that the Board had previously discussed the idea of consolidating the Public Health and Social Services departments at its planning retreat earlier this year and a budget workshop in June. Board instructed staff to provide public notice for a public hearing related to the human services consolidation for the August 7th meeting. It was requested the Board hold a public hearing to receive comments regarding the potential consolidation and discuss or consider any action related to it.

With no questions from the Board, Chairman Lawhon declared the public hearing open. During this time the following individuals came forward to address the Board:

- Joan Eudy, At-Large Board of Health member, spoke against the consolidation stating that no gain or benefit has been determined by doing so.
- Larry Faulkner, Board of Health Chairman, spoke against the consolidation stating that no savings would be incurred and employee moral would be an issue.
- Robin Listerman, Social Services Board member, spoke against the potential consolidation noting concerns that doing so would gravely interfere and affect the services provided by the departments.
- Amy Yow, Butterfly House Director, feels the consolidation is a needless change since both departments work well individually.
- Martha Sue Hall stated that she has worked with the NC court system for the past 30 years and has learned that the Health Department and Social Services each have their

own responsibilities. She encouraged the Board not to consolidate the departments just because 30 plus counties have already chosen to do so.

- Barbara Whitley, retired Social Services Director, expressed concerns that the potential consolidation will create more issues rather than solve any adding that the current system is effective and works well.
- Tommy Jordan, small business owner, spoke against the consolidation stating that based on his research he sees no benefit in doing this and expressed concerns that the county has not contacted the School of Government to see if any positive feedback has been received from the counties who have already consolidated their departments.
- Burnetta Maske, former Social Services Board Chairperson, agreed with previous comments stating that the majority seems to be against the consolidation and that the reasons of cost effectiveness and improving accountability within the departments are not enough to warrant what is being considered even under Option 2.

With no one coming forward to speak in favor of the consolidation, Chairman Lawhon closed the public hearing.

The Chairman introduced the item for discussion by the Board. Vice Chairman Burleson began by stating that he had heard the term substantial equivalency in recent discussions and asked the County Manager to explain it further as a possible option. The County Manager provided a brief explanation of it adding that ultimately substantial equivalency would result in consistency with personnel in both departments but would not address concerns expressed by the Board regarding accountability. Vice Chairman Burleson stated that because of this, it would not be the best option to consider.

Commissioner McIntyre stated that he can see some benefits in consolidating the departments but has concerns that no feedback has been obtained from other counties who have already done. He encouraged the Board to enlist the help of the School of Government to determine both the pros and cons of a consolidation and to provide guidance in developing a plan should the Board decide to move forward with the consolidation. He then requested the Board consider tabling the issue to allow additional time to obtain this information.

Commissioner Lowder expressed concerns that although 22 counties have consolidated their departments, no additional counties have done so since 2012. She feels that if any of the counties who have done so had positive results, the Board would have heard about it or the county would have contacted the School of Government with those results. Commissioner Lowder moved to authorize staff to gather information from those counties who have consolidated their departments for information, but to abandon the consolidation at this time.

Vice Chairman Burleson asked Commissioner Lowder to restate her motion to clarify whether the request is to table or abandon the issue. Commissioner Lowder amended the motion to state that the Board will not approve consolidation of the health and social services departments. Commissioner McIntyre seconded the motion.

Vice Chairman Burleson stated his non-support of the motion to abandon the issue but feels more research is needed to educate the Board and address concerns expressed during earlier discussions. He requested Commissioner Lowder consider amending her motion to state this. In response, Commissioner Lowder stated that the Board has discussed the issue at length and would not amend the motion.

Commissioner Morgan addressed the County Manager to request that he provide details of the information he had received by speaking with the county managers in several of the counties who have completed the consolidation. County Manager Lucas stated he had spoken with the managers in Rockingham, Montgomery and Richmond counties and had heard a presentation from the Carteret County Manager, all of whom noted that there were bumps along the way while working through the consolidation, but still felt there was enough benefit in doing it from their perspective. Commissioner Lowder stated concerns that no feedback has been obtained from the board members or clients, but only county managers.

Commissioner Efird stated he does not disagree with any of the comments made but would prefer to have more information before making a decision. Therefore he would rather table the item for further discussion rather than abandon it.

Commissioner Morgan stated concerns with further delaying a decision adding that he is against abandoning the issue and being in the same situation next year. He stated his support of obtaining additional information now and to move forward with developing a plan for Option 2 which can be communicated to the public.

Commissioner Swain stated that he had spoken with the majority of the Social Services Board members and a few from the Board of Health earlier that evening. He agreed that there are unanswered questions, however he does not feel the issue needs to be abandoned but prefers the Board conduct its due diligence by obtaining additional information for the benefit of the Board and public. Commissioner Swain then requested Commissioner Lowder amend her motion to abandon the issue but instead choose a specific option to be researched. Commissioner Lowder restated her unwillingness to amend the motion.

With a first and second motion on the floor to not consolidate the departments, Chairman Lawhon called for a vote. The motion failed by a 5 – 2 vote.

Ayes: Commissioner Lowder and Commissioner McIntyre.

Nos: Chairman Lawhon, Vice Chairman Burleson, Commissioner Efird, Commissioner Morgan and Commissioner Swain.

By motion, Commissioner Swain moved to authorize staff to proceed with a research based option (without selecting a specific option) for Option 2 and to develop a departmental structure to be brought back to the Board at a later date. Commissioner Morgan seconded the motion.

For the public's information, Commissioner Lowder requested Commissioner Swain explain why Option 2 is being considered and not Options 1 or 3. Commissioner Swain stated that Option 1 does not consolidate the departments and Option 3 is not being considered because the responsibilities of the current social services board and health department board would fall on the county commissioners. However, Option 2 includes some of the very ideas that both boards are trying to preserve.

With a motion and second on the floor to table the item for further study of Option 2, Chairman Lawhon called for a vote. The motion passed with a 6 – 1 vote.

Ayes: Chairman Lawhon, Vice Chairman Burleson, Commissioner Efird, Commissioner McIntyre, Commissioner Morgan and Commissioner Swain.

No: Commissioner Lowder.

RECESS

Chairman Lawhon called for a short recess at 9:08 p.m. The meeting reconvened at 9:18 p.m.

ITEM # 7 – DISCUSSION OF FUTURE ROAD PROJECTS: STRATEGIC TRANSPORTATION INVESTMENT

Presenter: Commissioner Swain

Commissioner Swain stated that at the previous RPO meeting, a list of road projects to be completed over the next 10 years was reviewed and are being considered for submission to NCDOT for funding. Of the 32 projects listed, 9 are in Stanly County. At the meeting, it was noted that 3 of the Stanly County projects may be removed by the elected officials on RPO since they are not expected to be ready for expansion in the near future. Commissioner Swain noted the public hearing that is currently taking place to allow comments to be submitted through the RPO website until September 14th. The RPO committee will then vote to determine which 18 projects are submitted for state funding.

The presentation was for information only and required no action.

ITEM # 8 – BOARD & COMMITTEE APPOINTMENTS

Presenter: Andy Lucas, County Manager

A. Centralina Workforce Development Board

Due to the recent resignation of Ms. Kris McVey, Private Sector Representative on the CWDB for Stanly County, it was requested the Board appoint a replacement to serve the remainder of her unexpired term which ends June 30, 2018.

By motion Commissioner Swain moved to appoint Ms. Monica Johnson as requested. The motion was seconded by Commissioner Lowder and passed by unanimous vote.

B. Economic Development Commission (EDC)

With the passing of House Bill 151, a new EDC Board needs to be appointed based on the new provisions of that law. It was requested the Board appoint ten (10) individuals representing business or industry from the five (5) election districts in the county in addition to two (2) county commissioners to serve on it as well.

Chairman Lawhon opened the floor for nominations. Vice Chairman Burleson moved to appoint the following individuals:

- District 1 – Rick Williams for a 2 year term; Larry Baucom for 1 year.
- District 2 – Steve Bradley for a 2 year term; Mike Laton for 1 year.
- District 3 – Wes Morgan for a 2 year term; Wayne Sasser for a 1 year term.
- District 4 – Greg Underwood for a 2 year term; Charles Brown for a 1 year term.
- District 5 – Ryan McIntyre for a 2 year term; Cindy Beane for a 1 year term.
- County Commissioners - Chairman Lawhon and Commissioner Lowder.

Commissioner Morgan seconded the motion. With no other nominations presented, Chairman Lawhon called for a vote. The motion failed with a 4 – 3 vote.

Ayes: Vice Chairman Burleson, Commissioner McIntyre and Commissioner Morgan.

Nos: Chairman Lawhon, Commissioner Efird, Commissioner Lowder and Commissioner Swain.

- **District 1** - Commissioner Lowder moved to appoint Larry Baucom for a 2 year term and Rick Williams for a 1 year term.

Prior to the vote and for clarification at the Board's request, the County Attorney stated the Board would need to cast a vote for each nominee for each district then cast a second vote to determine the individual terms per the Board's Rules of Procedure (Rule 31).

With a motion to appoint Larry Baucom and Rick Williams for District 1, Chairman Lawhon called for a vote. The motion to appoint Larry Baucom passed by unanimous vote and a second vote to appoint Rick Williams for District 1 passed by unanimous vote as well.

For the remaining districts, the following individuals were presented for consideration:

- **District 2** – Commissioner Morgan nominated Steve Bradley and Mike Laton. Both were appointed by unanimous vote.
- **District 3** – Commissioner Morgan nominated Wayne Sasser and Wes Morgan. Both were appointed by unanimous vote.
- **District 4** – Commissioner Lowder nominated Charles Brown and Kelly Lowder. Charles Brown was appointed by unanimous vote; Kelly Lowder’s appointment failed by a 3-4 vote.
Ayes: Chairman Lawhon, Commissioner Efird and Commissioner Lowder.
Nos: Vice Chairman Burleson, Commissioner McIntyre, Commissioner Morgan and Commissioner Swain.
- **District 4** - Vice Chairman Burleson nominated Greg Underwood. The appointment was approved by a 4 – 3 vote.
Ayes: Vice Chairman Burleson, Commissioner McIntyre, Commissioner Morgan and Commissioner Swain.
Nos: Chairman Lawhon, Commissioner Efird and Commissioner Lowder.
- **District 5** – Vice Chairman Burleson nominated Ryan McIntyre and Cindy Beane; Commissioner Lowder nominated Tiffany Dahle. Ryan McIntyre was appointed by a 4 – 3 vote.
Ayes: Vice Chairman Burleson, Commissioner McIntyre, Commissioner Morgan and Commissioner Swain.
Nos: Chairman Lawhon, Commissioner Efird and Commissioner Lowder.
Cindy Beane was appointed by a 7 – 0 vote.
The appointment of Tiffany Dahle failed with a 3- 4 vote.
Ayes: Chairman Lawhon, Commissioner Efird and Commissioner Lowder.
Nos: Vice Chairman Burleson, Commissioner McIntyre, Commissioner Morgan and Commissioner Swain.

The Board then took action to select the term for each member appointed:

- **District 1** - Larry Baucom for a 2 year term; Rick Williams for 1 year. The motion failed by a 4 – 3 vote.
Ayes: Chairman Lawhon, Commissioner Efird and Commissioner Lowder.
Nos: Vice Chairman Burleson, Commissioner McIntyre, Commissioner Morgan and Commissioner Swain.

- **District 2** – Steve Bradley for a 2 year term; Mike Laton for a 1 year term.
 The motion passed by a 4 – 3 vote.
 Ayes: Vice Chairman Burleson, Commissioner McIntyre, Commissioner Morgan and Commissioner Swain.
 Nos: Chairman Lawhon, Commissioner Efirm and Commissioner Lowder.
- **District 3** – Wes Morgan for a 2 year term; Wayne Sasser for a 1 year term.
 The motion passed by a 5 – 2 vote.
 Ayes: Vice Chairman Burleson, Commissioner Efirm, Commissioner McIntyre, Commissioner Morgan and Commissioner Swain.
 Nos: Chairman Lawhon and Commissioner Lowder.
- **District 4** – Greg Underwood for a 2 year term; Charles Brown for a 1 year term.
 The motion passed by a 4 – 3 vote.
 Ayes: Vice Chairman Burleson, Commissioner McIntyre, Commissioner Morgan and Commissioner Swain.
 Nos: Chairman Lawhon, Commissioner Efirm and Commissioner Lowder.
- **District 5** – Ryan McIntyre for 2 year term; Cindy Beane for a 1 year term.
 The motion carried with a 4 – 3 vote.
 Ayes: Vice Chairman Burleson, Commissioner McIntyre, Commissioner Morgan and Commissioner Swain.
 Nos: Chairman Lawhon, Commissioner Efirm and Commissioner Lowder.

By motion, Commissioner Swain moved to appoint Chairman Lawhon and Commissioner Lowder as the county commissioners to serve on the EDC Board. The motion was seconded by Vice Chairman Burleson. The motion passed by unanimous vote.

ITEM # 9 – CONSENT AGENDA

Presenter: Chairman Lawhon

- A. Minutes – Recessed meetings of June 22 and regular meeting of July 10, 2017.
- B. Facilities – Request the attached list of items be declared surplus & sold.
- C. Finance – Approval of budget amendments # 2018-02 & 2018-03.
- D. Finance – Approval of the attached vehicle tax refunds for July 2017

Commissioner McIntyre moved to approve the above items to include an amendment to the July 10, 2017 regular meeting minutes. His motion was seconded by Commissioner Efirm and carried by a 7 – 0 vote.

PUBLIC COMMENT – None.

BOARD COMMENTS, ANNOUNCEMENTS & COMMITTEE REPORTS

Vice Chairman Burleson invited everyone to the Stanly County Agri-Civic Day on August 19th.

Commissioner Efird noted the action taken by the Board earlier concerning the proposed livestock arena adding that it is a great venue not only for the county but surrounding counties as well.

Commissioner Morgan reiterated Commissioner Efird's comments concerning the livestock arena and Vice Chairman Burleson's invitation to the Agri-Civic Day on Saturday.

Chairman Lawhon noted that the previous weekend was the last time the C130 airplanes would fly out of the Stanly County Airport since they are being retired and replaced by C17s which are a much larger aircraft.

ADJOURN

With no further discussion, Commissioner Efird moved to adjourn the meeting and was seconded by Commissioner Swain. The motion carried by unanimous at 9:38 p.m.

W. D. (Bill) Lawhon, Jr.

Tyler Brummitt, Clerk