

**STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING AGENDA
AUGUST 8, 2016
7:00 P.M.**

**CALL TO ORDER & WELCOME – CHAIRMAN EFIRD
INVOCATION & PLEDGE OF ALLEGIANCE – COMMISSIONER MCINTYRE
APPROVAL/ADJUSTMENTS TO THE AGENDA**

SCHEDULED AGENDA ITEMS

- 1. RETIREMENT AWARD PRESENTATION**
JUDIE DEMUTH, FORMER HEALTH DEPARTMENT ADMINISTRATIVE ASSISTANT II

- 2. SHERIFF'S OFFICE AWARD PRESENTATIONS**
Presenter: Sheriff George T. Burris

- 3. PRESENTATION ON THE LANDTRUST FOR CENTRAL NORTH CAROLINA**
Presenter: Travis Morehead, Executive Director

- 4. TAX COLLECTOR'S ANNUAL SETTLEMENT STATEMENT FOR FY 2015-16**
Presenter: Clinton Swaringen, Tax Administrator

- 5. PLANNING & ZONING**
Presenter: Michael Sandy, Planning Director
 - A. CUP 16-01- Rex Greg and Gina Slack**
 - 1. Hold the public hearing.**
 - 2. Request the Board approve, modify or deny the request.**
 - B. ZA 16-04 – Ron and Sheila Bales**
 - 1. Hold the public hearing.**
 - 2. Request the Board approve, modify or deny the request.**

6. LAW ENFORCEMENT SUPPORT RESOLUTION

Presenter: Chairman Scott Efir

7. ONE-QUARTER CENT (1/4¢) SALES TAX SPECIAL ADVISORY REFERENDUM RESOLUTION

Presenter: Chairman Scott Efir

8. CONSENT AGENDA

A. Minutes – Regular meeting of July 11, 2016.

B. Finance – Request approval of the attached vehicle tax refunds.

C. Health Department – Request approval of budget amendments # 2017-03 and #2017-04.

PUBLIC COMMENT

BOARD COMMENTS, ANNOUNCEMENTS & COMMITTEE REPORTS

CLOSED SESSION: To discuss economic development in accordance with G. S. 143-318.11(a)(4) and real estate transaction in accordance with G.S. 143-318.11(a)(5).

ADJOURN

The next regular meeting is scheduled for Tuesday, September 6th at 7:00 p.m.



Stanly County Board of Commissioners

Meeting Date: August 8, 2016
 Presenter: Chairman Efird

Consent Agenda | Regular Agenda

Presentation Equipment: Lectern PC* Lectern VCR Lectern DVD Document Camera** Laptop***
 Please Provide a Brief Description of your Presentations format: _____

* PC is equipped with Windows XP and Microsoft Office XP (including Word, Excel, and PowerPoint), Internet connectivity and Network connectivity for County Employees.

** If you have need to use the Document Camera and zoom into a particular area, if possible please attach a copy of the document with the area indicated that you need to zoom into. A laser light is available to pinpoint your area of projection.

*** You can bring in a laptop that will allow video out to be connected at the lectern – set display to 60Mhz.

ITEM TO BE CONSIDERED

**RETIREMENT AWARD PRESENTATION
 FOR JUDIE DEMUTH,
 FORMER HEALTH DEPARTMENT ADMINISTRATIVE ASSISTANT II**

Subject

Requested Action

Signature: _____

Dept. _____

Date: _____

Attachments: Yes _____ No x

Review Process

Approved		Initials
Yes	No	
Finance Director	_	_
Budget Amendment Necessary	_	_
County Attorney	_	_
County Manager	_	_
Other:	_	_

Certification of Action

Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on

Tyler Brummitt, Clerk to the Board Date _____



Stanly County Board of Commissioners

Meeting Date: August 8, 2016
 Presenter: Sheriff George Burris

Consent Agenda | Regular Agenda

2

Presentation Equipment: Lectern PC* Lectern VCR Lectern DVD Document Camera** Laptop***
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ITEM TO BE CONSIDERED

SHERIFF'S OFFICE AWARD PRESENTATIONS

Subject

- Sergeant Mike Haigler – Advanced Service Award
- Captain Roddy Tomberlin – Advanced Certificate Award
- Detective George Miller – Advanced Certificate Award

Requested Action

No action required.

Signature: _____

Date: _____

Dept. _____

Attachments: Yes No x

Review Process

Approved		Initials
Yes	No	
Finance Director	___	___
Budget Amendment Necessary	___	___
County Attorney	___	___
County Manager	___	___
Other:	___	___

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Stanly County Board of Commissioners

Meeting Date: August 8, 2016

Presenter: Travis Morehead, Executive Director

Consent Agenda | Regular Agenda

3

Presentation Equipment: Lectern PC* Lectern VCR Lectern DVD Document Camera** Laptop***

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ITEM TO BE CONSIDERED

PRESENTATION ON THE LANDTRUST FOR CENTRAL NORTH CAROLINA

Subject

Requested Action

For information only – no action required.

Signature: _____

Dept. _____

Date: _____

Attachments: Yes No x

Review Process

Approved		Initials
Yes	No	
Finance Director	___	___
Budget Amendment Necessary	___	___
County Attorney	___	___
County Manager	___	___
Other:	___	___

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Stanly County Board of Commissioners

Meeting Date: August 8, 2016
 Presenter: Clinton Swaringen, Tax Administrator

4 X
 Consent Agenda | Regular Agenda

Presentation Equipment: Lectern PC* Lectern VCR Lectern DVD Document Camera** Laptop***
 Please Provide a Brief Description of your Presentations format: _____

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ITEM TO BE CONSIDERED

Tax Collector's Annual Settlement for FY 2015-2016

Subject

Pursuant to GS 105-373, the Tax Collector must present an annual settlement report to the governing board. The attached financial reports provide an overview of collection activity for FY 2015-16. The real and personal property collection rate (excluding registered motor vehicles) was 96.86%. The collection rate for registered motor vehicles was 0%, yielding an overall collection rate of 96.86%. The overall collection rate represents an increase in the overall rate from the prior fiscal year (FY 2014-15) which had an overall rate of 96.54%. The statutory remedies of garnishment, attachment, debt setoff, escheat, and pre-foreclosure, have been utilized to the extent possible for the collection of ad valorem taxes.

As part of the settlement, the governing board charges the Tax Collector with collecting taxes for the current fiscal year, FY 2016-17. This "charge" gives the Tax Collector authority to use enforced collections measures and it gives notice that the tax lien is first in priority.

Attachments: Analysis of Countywide Levy; Annual Audit Report; Delinquent Collections Report; Uncollected Taxes Information; Affidavit; Charge to Collect

Requested Action

I respectfully request the Board:

- (1) Accept and approve the annual settlement report
- (2) Charge the Tax Collector with collecting FY 2016-17 taxes

Signature: *Clinton Swaringen*
 Date: 8-8-2016

Dept. _____
 Attachments: Yes X No _____

Review Process

Approved
 Yes No Initials

Finance Director	___	___
Budget Amendment Necessary	___	___
County Attorney	___	___
County Manager	___	___
Other:	___	___

Certification of Action

Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on

 Tyler Brummitt, Clerk to the Board Date

Stanly County, North Carolina
 Analysis of Countywide Levy
 Summary Report FY 2015/2016

	<u>COUNTYWIDE PROPERTY VALUATION</u>	<u>RATE</u>	<u>AMOUNT OF LEVY</u>	<u>TOTAL LEVY EXCLUDING REG MTR VEH</u>	<u>***REGISTERED MOTOR VEHICLES ***</u>
ORIGINAL LEVY:					
Current Year	\$3,999,967,559	0.67	\$26,799,787.81	\$26,799,787.81	\$0.00
Late List Penalties			\$36,926.36	\$36,926.36	
TOTAL	\$3,999,967,559		\$26,836,714.17	\$26,836,714.17	\$0.00
DISCOVERIES:					
Current Year	\$11,405,300	0.67	\$76,415.51	\$76,415.51	
Current Year Penalties			\$461.95	\$461.95	
Curr Yr Public Service Penalties			\$435.31	\$435.31	
Prior Year Penalties			\$97,246.98	\$97,246.98	
Prior Year Taxes			\$174,559.75	\$174,559.75	\$0.00
TOTAL	\$11,405,300				
RELEASES:					
Current Year	-\$27,736,345	0.67	-\$185,833.51	-\$185,833.51	
Penalties			-\$6,255.94	-\$6,255.94	
TOTAL	-\$27,736,345		-\$192,089.45	-\$192,089.45	\$0.00
TOTAL VALUE	\$3,983,636,514				
TOTAL LEVY			\$26,819,184.47	\$26,819,184.47	\$0.00
Collections as of June 30, 2016			\$25,977,360.68	\$25,977,360.68	
Uncollected Taxes			\$841,823.79	\$841,823.79	
COLLECTION PERCENTAGES			96.86%	96.86%	0.00%

*** (Does not include Registered Motor Vehicle Collected in NCVTS) ***
 *** (Last Registered Motor Vehicle Bill from One Tax Software was October 2014) ***

Stanly County
Annual Audit Report
Fiscal Year 2015/2016
As of June 30, 2016

MONTH	Motor Vehicle		Levy
	Valuation	Rate	
July	0	0.6700	\$ -
August	0	0.6700	-
September	0	0.6700	-
October	0	0.6700	-
November	0	0.6700	-
December	0	0.6700	-
January	0	0.6700	-
February	0	0.6700	-
March	0	0.6700	-
April	0	0.6700	-
May	0	0.6700	-
June	0	0.6700	-
TOTAL VALUE	<u>0</u>		<u>\$ -</u>
Real & Personal Value	3,863,302,444	0.6700	\$ 25,884,131.48
Public Service Value	136,665,115	0.6700	915,656.33
TOTAL	<u>3,999,967,559</u>		<u>\$ 26,799,787.81</u>
ORIGINAL VALUE & LEVY	3,999,967,559		\$ 26,799,787.81
Discoveries			\$ 76,415.51
Non-Discoveries			97,246.98
Releases			(185,833.51)
RELEASE & DISCOVERY NET			<u>\$ (12,171.02)</u>
Late Listing			\$ 36,926.36
Late Listing Public Service			
Late Listing Discoveries			461.95
Late Listing Non-Discoveries			435.31
Releases on Late Listings			(6,255.94)
LATE LISTING NET			<u>\$ 31,567.68</u>
ADJUSTED LEVY			\$ 26,819,184.47
Collections Allowed			\$ 25,951,064.42
Late Listings Collected			26,296.26
TOTAL COLLECTED			<u>\$ 25,977,360.68</u>
Uncollected as of June 30, 2016			\$ 836,552.37
Late Listings Uncollected			5,271.42
TOTAL UNCOLLECTED			<u>\$ 841,823.79</u>
PERCENT CURRENT YEAR COLLECTED			96.86%

Stanly County, North Carolina
Delinquent Collections FY 2015/2016
June 30, 2016

<u>Fiscal Year</u>	<u>Uncollected as of</u>		<u>Discoveries (+)</u>	<u>Releases (-)</u>	<u>Payments (-)</u>	<u>Uncollected as of</u>
	<u>07/01/15</u>	<u>06/30/16</u>				
2014-2015	\$916,097.57	\$424,335.15	\$6,146.41	-\$11,095.55	-\$486,813.28	\$424,335.15
2013-2014	\$507,106.50	\$310,255.26	\$4,628.42	-\$9,184.75	-\$192,294.91	\$310,255.26
2012-2013	\$389,419.42	\$277,841.91	\$1,429.03	-\$5,732.56	-\$107,273.98	\$277,841.91
2011-2012	\$289,423.58	\$219,545.72	\$44.72	-\$181.05	-\$69,741.53	\$219,545.72
2010-2011	\$231,642.12	\$189,058.55	\$0.00	-\$220.70	-\$42,362.87	\$189,058.55
2009-2010	\$256,203.85	\$225,727.23	\$0.00	-\$140.59	-\$30,336.03	\$225,727.23
2008-2009	\$159,949.58	\$141,335.89	\$0.00	-\$140.56	-\$18,473.13	\$141,335.89
2007-2008	\$108,234.92	\$94,387.67	\$0.00	-\$145.39	-\$13,701.86	\$94,387.67
2006-2007	\$93,508.18	\$82,391.65	\$0.00	-\$139.11	-\$10,977.42	\$82,391.65
2005-2006	\$74,883.70	\$67,334.02	\$0.00	-\$144.18	-\$7,405.50	\$67,334.02

* Purged due to NC G.S. 105-378 (10 year statute of limitations) *
Figures do not include late listing penalties

Stanly County North Carolina
 Tax Collector's Settlement Information
 Uncollected Taxes for FY 2015-2016

End of Year Report - Levy Collected Report (CL2237) Menu 53 Option 5

Record Group	100 (Real and Personal Property)	\$836,552.37
	150 (State Assessed)	\$0.00
	200 (Registered Motor Vehicles)	<u>\$0.00</u>
	Total Uncollected	\$836,552.37

End of Year Report - Summary Levy Uncollected Report (CL2232) Menu 53 Option 7

Record Group	100 (Real and Personal Property)	\$836,552.37
	150 (State Assessed)	\$0.00
	200 (Registered Motor Vehicles)	<u>\$0.00</u>
	Total Uncollected	\$836,552.37

End of Year Report - Outstanding Tax Reports (CL2108) Menu 54 Option 8

These Detailed Reports List Ownership by Name and Principal Amount Owed

Record Group	100 (Personal Property)	\$65,253.20
	100 (Real Property)	\$771,299.17
	150 (State Assessed)	\$0.00
	200 (Registered Motor Vehicles)	<u>\$0.00</u>
	Total Uncollected	\$836,552.37

Annual Settlement Information is Located in the Tax Administration Office Storage Room



Office of Tax Administration

AFFIDAVIT

Clinton Swaringen, Tax Collector for Stanly County, being sworn, says:

That in accordance with NCGS 105-373, the following lists will be available for inspection on August 8, 2016: (a) a list of the persons owning real property whose taxes for the preceding fiscal year (FY 2015-2016) remain unpaid and the principal amount owed by each person; and (b) a list of the persons not owning real property whose personal property taxes for the preceding fiscal year (FY 2015-2016) remain unpaid and the principal amount owed by each person. I have made a diligent effort to collect the taxes due from the persons listed out of their personal property and by other means available to me for collection. The lists of unpaid property taxes will be filed in the Tax Administration Office and retained as required by law.

This is the 1st day of August 2016.

Affiant *Clinton Swaringen*

Sworn to and subscribed before me the _____ day of August 2016.

Notary Public

My Commission Expires: _____

(SEAL) AFFIDAVIT

**Order Directing the Tax Collector to Collect the Taxes Charged in the
Tax Records and Receipts**

State of North Carolina

County of Stanly

To: The Tax Collector of Stanly County

Pursuant to North Carolina General Statute 105-321(b), you are hereby authorized, empowered and commanded to collect the taxes set forth in the tax records filed in the Office of the Tax Administrator and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in Stanly County, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this the _____ day of August, 2016.

Terry Scott Efird, Chairman

Stanly County Board of Commissioners

ATTEST:

Tyler Brummitt, Clerk to the Board

Stanly County Board of Commissioners



Stanly County Board of Commissioners

Meeting Date: August 8, 2016
 Presenter: Michael Sandy

5A

Consent Agenda | Regular Agenda

Presentation Equipment: Lectern PC* Lectern VCR Lectern DVD Document Camera** Laptop***

Please Provide a Brief Description of your Presentations format: Verbal only

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ITEM TO BE CONSIDERED

PUBLIC HEARING PLANNING AND ZONING

Subject
 CUP 16-01 Rex Greg and Gina Slack request to amend CUP 07-01 to remove condition #9 – “Construction on applicant’s house located on Lot 10 in the Running Creek Estates Subdivision will begin within one year of issuance of certificate of occupancy for business.” This Conditional Use Permit is for Lot 11 of the Running Creek Estates Subdivision and is located at 28727 Hunters Lane, Albemarle. (Tax Record Numbers 29041 and 29042).

Requested Action
 It is requested that the Board of Commissioners approve, modify, or deny this request.

Signature: 
 Date: 7-8-16

Dept. _____
 Attachments: Yes _____ No x

Review Process		
	Approved	Initials
	Yes	No
Finance Director	___	___
Budget Amendment Necessary	___	___
County Attorney	___	___
County Manager	___	___
Other:	___	___

Certification of Action

Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on

Tyler Brummitt, Clerk to the Board Date _____



PLANNING DEPARTMENT
1000 N. 1st Street, Suite 13-B
Albemarle, NC 28001
704-986-3667

MEMORANDUM

To: Stanly County Board of County Commissioners
From: Michael Sandy, AICP, CZO, Planning Director
Date: July 15, 2016

CUP 16-01 Rex Greg and Gina Slack request to amend CUP 07-01 to remove condition #9 – “Construction on applicant’s house located on Lot 10 in the Running Creek Estates Subdivision will begin within one year of issuance of certificate of occupancy for business.” This Conditional Use Permit is for Lot 11 of the Running Creek Estates Subdivision and is located at 28727 Hunters Lane, Albemarle. (Tax Record Numbers 29041 and 29042).

The business was constructed in 2007 on the portion of Lot 11 which was zoned with as M1-CUP with 9 conditions recommended by the Planning Board and adopted by the Board of County Commissioners. Please see the Conditional Use Permit attached. Lot 11 is a 10.46 acre tract with 3.10 acres zoned as M1-CUP and the remaining 7.36 acres zoned as RA, Tax record number 29042. Lot 10 is a 10.83 acre tract zoned as RA, Tax Record Number 29041. Both properties are located at the end of Hunters Lane in Running Creek Estates. Lot 10 is currently accessed through Lot 11. The business located on Lot 11 and operated by Rex Greg and Gina Slack is known as S&S Saw Service and is housed in a 9,000 square foot building located in the M1-CUP zoned district. Lot 10 has a 2,000 square foot barn located on it for horses. Because no home has been constructed on the lot, the owners are not in compliance with requirement #9 of the Conditional Use Permit. After receiving an inquiry in March 2016, Stanly County planning staff informed the owners that they must come into compliance with the Conditional Use Permit. The owners have decided to request an amendment to the Conditional Use Permit. The owners have indicated to Planning Department staff that they plan to construct a home on Lot 10 at an undetermined time, but are not prepared to do so at present.

Adjacent properties are in Stanly County, zoning jurisdictions and are zoned RA except for the lot along Noritake Drive which is adjacent to Lot 10 and is in the city limits of the City of Albemarle and is zoned R-10. These properties are not located in a regulated floodplain or a WS-IV Water Supply Watershed. Traffic on Hunters Lane is limited to minor local traffic.

Planning staff recommends removing condition 9 from the Conditional Use Permit which required that a home be built on Lot 10 within 1 year of the completion of the business facility on Lot 11. This recommendation is made based on the fact that there has been no adverse impact caused by the existence of the business on Lot 11.

A copy of the draft minutes for the June 13 Planning Board meeting are attached which describes the presentations of those for and against the issuance of a new Conditional Use Permit. The Planning Board forwards this case to the County Commissioners with a unanimous favorable recommendation to approve a new Conditional Use Permit eliminating requirement #9.



PETITION FOR ZONING CHANGE OF PROPERTY AND/OR TEXT AMENDMENT

(Please read petition thoroughly before completing. Incomplete or illegible applications will not be accepted.)

* * * * *

The petitioner requests that the County of Stanly Zoning Map be amended as indicated below.

IMPORTANT: Supplementary information required as part of petition to be included:

- Copy of recorded deed
- Copy of the Stanly County Tax Map which delineates the property requested for rezoning
- Legal description of property requested for rezoning, by metes and bounds or a recorded plat depicting such
- Text changes submitted on 8½ x 11 with shaded text representing new language and strikethroughs for language to be removed.

Additional information may be provided and attached to this petition.

Applications must be submitted and reviewed by the Planning Department, 1000 N. First Street, Suite 13B., Albemarle, NC 28001 for completeness prior to acceptance. Fees payable to the County of Stanly must accompany the petition.

This petition will be scheduled for the next possible regular Planning and Zoning Board meeting. The petitioner or his representative should be present at the meeting to answer any questions. Planning and Zoning Board meetings are held on the second (2nd) Monday of each month at 7:00 P.M. in the Commissioners Chambers located at the Stanly County Commons Building, 1000 N. First Street, Albemarle, NC 28001. Petitioners will be informed of any changes in date, time, or location of meetings. Petitions and supplementary information must be received at least 11 working days prior to the scheduled meeting date to allow time for processing and advertisement as required by the General Statutes of North Carolina.

PLEASE PRINT

Name of Petitioner: Gina C Slack 704-467-6870
(Phone Number)

Owner Name and Address: Rex Greg + Gina Slack 29654 Seaside/WA
(Print Name) (Address)
Alb. NC 28001 gslack6870@gmail.com
(City, State, Zip) (Email Address)

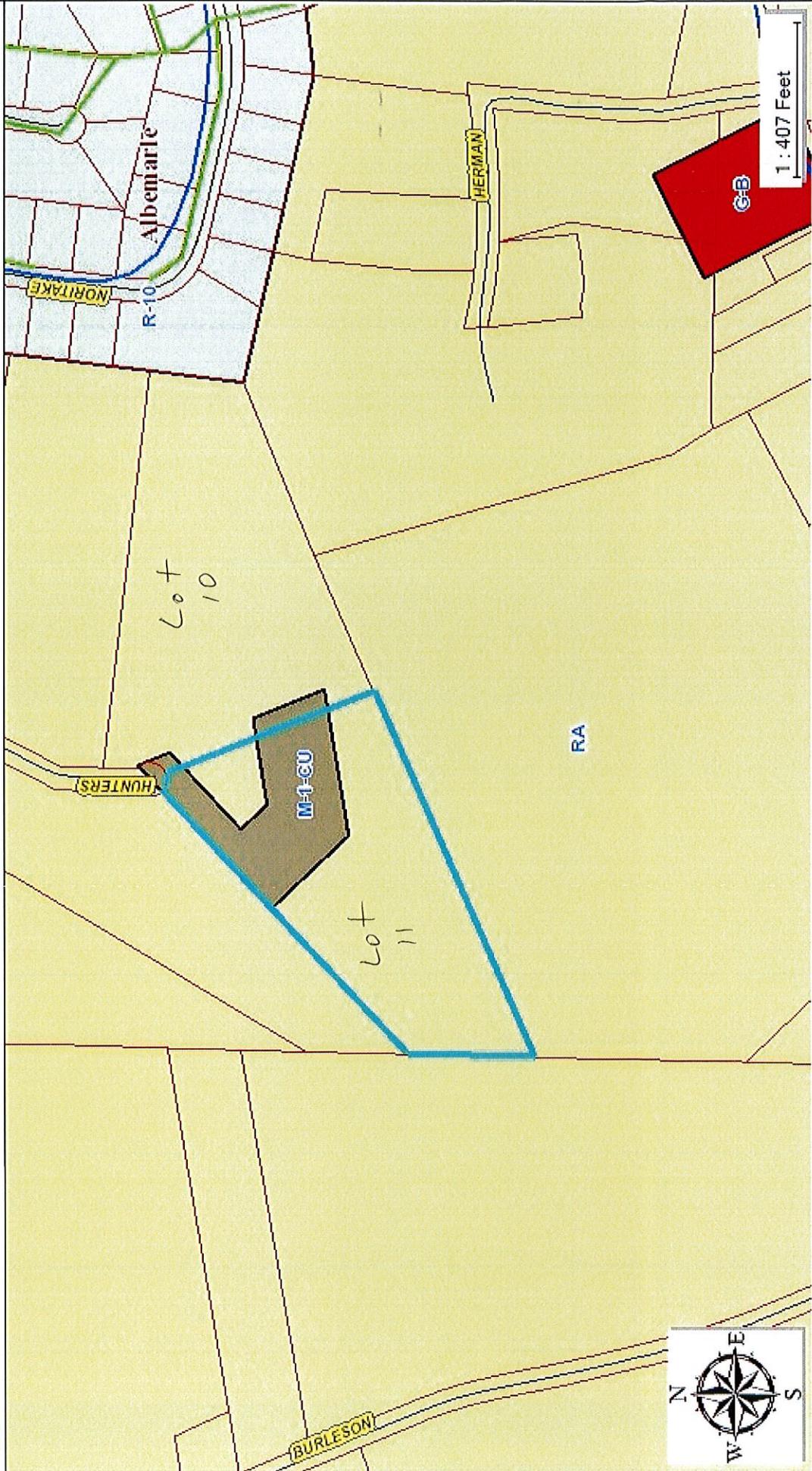
Address(s) of Requested Site: 28727 Hunters Lane Lot 11 + 10

Tax Parcel #(s) Lot 10 (29041) Lot 11 (29042)

Acreage/Sq. Ft Lot 10 (10.46) Lot 11 (10.83) Existing Zone M1-CU Requested Zone M1-CU (amend condition # 9)

Signature of Petitioner: Gina C Slack Date 5/5/16

Signature of Owner Gina C Slack Date 5/5/16
(if owner is not petitioner)



This map is prepared for the inventory of Real Property found within this jurisdiction, and is compiled from recorded deeds, plats and other public records and data. Users of the map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The Stanly County Geographic Information Systems Division of the Office of Information Technology assumes no legal responsibility for the information contained on this map. Also, when the deeds and or plats are viewed for a parcel, the Stanly County Register of Deeds Office makes no guarantees regarding the collection, accuracy, authenticity, or use of these records. The web site is for informational use and convenience only. The Register of Deeds shall in no way be held responsible for errors or omissions in these records nor for any actions resulting from their use. The official records are kept in the Stanly County Register of Deeds Office. To view deeds on this site you must install the AlternatIFF viewer. To install, please visit <http://www.alternatiff.com/install-ie/>



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Stanly County Planning Board March 12, 2007 Meeting Minutes

Call to Order

The Stanly County Planning Board held a meeting on March 12, 2007 in the Stanly County Commons Meeting Room located at the Stanly County Commons 1000 N First Street, Albemarle North Carolina.

Stanly County Planning Board Members Attending

John Horne, Chairman
Joe McManus, Vice Chairman
Ronald Crawley
Houston Clark (arrived at 7:08 PM)
Robert Davis
Floyd Eudy
Laura Mauldin

Stanly County Planning Staff Attending

Michael M. Sandy, AICP, CZO Planning Director
Alycia Kempf, Planner

Others Present

List of those signing in at the meeting is filed with the official minutes for this date.

Item 1- Approval of minutes for the regular meeting held on February 12, 2007.

Motion: Ron Crawley made a motion to approve the minutes of February 12, 2007.

Second: Floyd Eudy seconded the motion.

Action: The motion was unanimously approved by the Board.

Item 2 – ZA 07-05, CUP 07-01 – Greg and Gina Slack – Rezoning Request from RA to CU-M1

***Items two and three were switched in order, with item three being heard first.**

Greg and Gina Slack request that a 3.1 acre portion of property (Tax Record Number 29042) currently zoned Residential Agricultural (RA) be rezoned to Conditional Use Light Industrial (CU-M1). The property in question is located on Lot 11 in the Running Creek Estates Subdivision on the south side of Hunters Lane. The purpose of this request is to allow the.

Chairman Horne called on Alycia Kempf to present this case.

requesting to zone so much is because of the driveway and that it had to be included. She said that the company does not see any need for future expansion if they are able to relocate to this site. They currently have nine employees and would like to add machinery that could possibly employ two more people. She said that it would be hard to contain if they grew too much. Ms. Slack said that her family wants to stay in Stanly County and that they have horses and want to live on the parcel of land located next door. She said that her business cannot expand on its current property due to the zoning issue. The business has lost some of the companies that they service because they cannot have the industrial needs where they are currently located. She said that at first, nobody seemed to have a problem with her request, but that there seems to be some concerns now. Ms. Slack said that they would not clear anymore trees than needed. She said that there would not be a sign advertising the business because they do not do much walk in business and do not want to service the public. They ship via UPS and an employee of the company picks up the equipment to be serviced and then delivers it back to the client.

Mr. Clark asked about lot eleven of the subdivision. Ms. Slack said that it is currently 10.46 acres and that the total of lots ten and eleven was twenty one acres and that they want to buy both pieces of land. The business would be in the middle of all of the acreage when completed and they would pick colors that blend in with the surrounding nature. She said that she and her family enjoy living and working in the same location. She also mentioned that Hunters Lane was a privately maintained road and that the deed states that owners have to fix any damages that have been caused. She said that she believes people are concerned about the future possibilities, not her actual project and that she has tried to put every possible stipulation on the permit as possible to help alleviate any concerns.

Chairman Horne asked Mr. Sandy if a conditional use permit reverts back to the original zoning once the business has closed. Mr. Sandy said that the conditional use permit would remain with the property but would only allow for the exact same operation to take place. Mr. Crawley asked Ms. Slack to briefly describe the type of work her business performs. Ms. Slack explained that her business sharpens industrial saws for major mills and that they pick up, service, and return the saws back. They also build high performance torque converters that are shipped in and out. Currently they are housed in two buildings but both are too small for the needs they have. Mr. Crawley asked about the amount of traffic that would be generated. Ms. Slack said that other than employees, there is an employee who leaves in the morning on deliveries and returns in the afternoon. UPS also comes daily and Waste Management would come once a week. Mr. Crawley said that he was surprised that Ms. Slack and her family do not want their business to go big and possibly expand. Ms. Slack said that expansion was always a possibility but not right now. Her husband is the only person who builds and knows how to sell the torque converters and that quality control would suffer if the business got too big. Mr. Crawley asked if more buildings would be needed for the business in the future. Ms. Slack said that they would not need anymore than what was on the site plan.

Chairman Horne asked Ms. Slack if her business would be servicing the new machine at Culp. She said that they had been in discussions but that Culp might hire employees of their own to service it. She said that if her business put a bandsaw machine in, they will get some of the customers they have lost back. Mr. Crawley asked Ms. Slack what the dollar value of her business was. She responded that the business did approximately \$162,000 in torque converters and \$380,000 in saw sharpening.

reasonable time frame to start his home. Mr. Slack said that he would hate to be forced to start building if he did not have the funds available. Mr. Horne asked what would be a reasonable time frame. Mr. Slack said that five years would be pushing it and that the fifteen employee cap is large. His business is shrinking and he cannot meet his clients' needs. Mr. Davis asked if any of the other lots in the subdivision were unsold by the developer. Mr. Slack said that he did not know. Mr. Clay informed the Board who owned each parcel of land. Mr. Horne said that if the Slacks closed their business, the only other thing that could be done there is what the permit states and that nobody could put a different type of business there without first coming before the Planning Board.

Chairman Horne asked if anyone wished to speak in opposition to this request.

Phil Burleson came forward and stated that he was an adjoining property owner on the back side of the property. He said that Ms. Slack had never contacted him and that he was concerned about the road. He said that he does not want part of the subdivision to be industrial and that he has a problem with spot zoning. He also stated that there were many other uses that are allowed in the M-1 zoning district and that he would prefer not to look at an industrial building in a residential area. He thinks that industry needs to be located in that type of area. Mr. Burleson also said that if the Slacks were to begin construction on their home before their business, it would be a different story. He stated that there were several sites available throughout the county that would be better suited for this project. He said that he feels for the residents on Bob Cat Road with Fed Ex and UPS visiting two to three times a day.

Ms. Slack responded to Mr. Burleson's comments and said that she did not contact him because she only had his brother's name and that she got that phone number through Mr. Jerry Burleson.

Chairman Horne asked if anyone wished to speak in favor of this request.

Mr. Robert Van Geons, Economic Development Commission Director, came forward. He said that while this is a complex matter and you do not want to be a burden on neighbors, businesses such as the Slacks are the backbone of the economy. He said that the EDC supports this request. Mr. Van Geons also suggested that some binding conditions could be developed. He said that it was possible that an annual letter of existence and status that would verify that the Slack's business was still operating be part of the conditions of the permit. If the Slack's failed to send the letter, the Planning Board would be informed of the situation.

Chairman Horne asked if anyone wished to speak in opposition of this request.

Mr. Lanny Burleson came forward and said that he had received a phone call from Ms. Slack and he had given her the suggestion of another building. He said that he is 100% against this rezoning and said that the purpose of zoning is to protect residents. He said that he wants to preserve his farm and that he is not naïve; after the Slack's retire, the building will not sit there empty and go to waste. Mr. Burleson said that the Slack's need

has trouble with the time frame for building the house and he also is concerned about the fact that this is a private road. He asked what the limitations are on a business being located on a privately maintained road. Mr. Sandy said that Hunters Lane was a privately maintained road and that there was no restriction about the number of cars each lot can have. Mr. Davis asked if anything mentioned maintenance. Mr. Sandy read the statements regarding road maintenance that were on the plat. Mr. McManus questioned the maintenance load and whether or not the Slack's would have the share of two lots expense. Mr. Sandy said that the Slack's could agree to maintain the road to a high standard. Mr. Crawley asked if the current owners can get together and decide to upgrade the road. Mr. Clark asked if easements were on each deed for the road and who actually owns the road. Mr. Sandy said that all of the lots go to the center of the road and are fee simple.

Mr. Lanny Burleson came back to the podium and said that Mr. Tony Miller, another property owner, could not make it to the meeting but that he is also not in favor of this request.

Ms. Slack came back to the podium and said that once the business is up and running, they would want to build the house and that they want to spend their weekends there. She said that they want to be able to break ground and build the house themselves. Ms. Slack also said that she had spoken with Mr. Miller who lives on Lot 12 and that he had signed the petition she had submitted with her rezoning application. She said that she had also spoken with Mr. Ritchie Hearne from NCDOT about paving the road and that it was supposed to have been paved when it was built. She said that the roads will be paved up to Hunters Lane this year and that she had asked NCDOT about the cost of paving Hunters Lane and that she would try to consume more than her share, if not $\frac{1}{2}$ the cost of paving the road. She said that her business used a Ford Ranger as their delivery truck and that the school bus does in fact travel Hunters Lane because Mr. Clay widened his driveway in order to allow the bus to pick his children up there. Mr. Horne asked what the time frame was to start construction on the house. Ms. Slack said that they could start clearing land within a year but that their first concern is the business. Mr. Horne asked if they would be willing to include the condition of construction beginning within a year on the conditional use permit. Mr. Crawley asked when they planned to move the business out there. Ms. Slack said that if they were approved, they would purchase the land, start clearing it and hopefully have the building up and running by the end of the year.

Mr. Slack came forward to the podium and said that they can move the torque converter within a week. He said that the saw service only shuts down two times a year, on July 4th and around Christmas, and that they would only be able to move the equipment during one of those times. Mr. Crawley said that there were several people opposed who said they would be ok if the Slack's were living out there. Ms. Slack said that once the business was up and running, with both shops completely moved, they could start clearing the land and get the footings done. Mr. Sandy said that they could add the condition of having to break ground within 12 months of having the certificate of occupancy issued on the business; the Slack's agreed to that. Mr. Horned asked Mr. Sandy to go over the Conditional Use Permit with the added conditions.

and US roads. He discussed the changes made to the prohibited uses and also said that an appeal process was added. It was also changed to have the Overlay apply to all property uses, not just industrial and commercial. Mr. Sandy said that NCDOT had reviewed the updated Overlay and said that all of the distances were fine. Mr. Sandy introduced Ms. Dana Stoogenke, the Director of the Rocky River Rural Planning Organization. Ms. Stoogenke gave a Power Point presentation about the Highway Overlay District and gave both good and bad examples of local connectivity. Mr. Clark asked how common interconnectivity is between commercial and residential uses and what problems that could create. Ms. Stoogenke said that more urban areas are going back to the grid system and that design can take care of a lot of traffic flow problems. She said that a dense road network takes a large amount of money. Mr. Crawley thanked Ms. Stoogenke for all of her time and help with the Overlay.

***This item was tabled at 7:20 PM in order for Item 2 to be heard. It was opened back up for discussion at 9:15PM.**

Mr. Sandy asked if the Board had any other questions about the overlay. He said that the subcommittee will meet Tuesday at 2PM and that the Planning Board needs to make a recommendation to have a public hearing. Ms. Mauldin asked Mr. Sandy to explain the overlay since she was not present at the previous meeting. Mr. Sandy briefly explained the overlay and said that it encourages connectivity. Ms. Mauldin asked about the design guidelines for buildings and whether or not vinyl would be permitted. Mr. Sandy said that no more than 25% of the building could be vinyl. Mr. Crawley said that we maximize the control the county has, we can always make exceptions later. Ms. Mauldin said that she did not want to be so restrictive that small businesses would be discouraged. Ms. Mauldin asked what inputs the towns have had. Mr. Sandy said that Red Cross was very interested in the Overlay and had already met about it. Mr. Crawley said that we might also receive input from others. Ms. Mauldin said that we need a county wide approach and cited the situation down in Locust as an example. She said that we need to make an effort to include everyone and get their input. Mr. Crawley said that Locust and Albemarle have both been notified. Mr. Clark asked what defined a highway for the purpose of this ordinance. Mr. Sandy said that any NC or US route as well as the Northeast Connector would be included. Mr. Crawley said that the Commissioners want all of the major roadways included now, rather than having to go back and add each one at a later time.

Motion: Floyd Eudy made a motion to accept the Text Amendment as written.

Second: Ron Crawley seconded the motion.

Action: The motion was unanimously approved by the Board.

Item 4- Other Business

Mr. Crawley asked if Planning staff could inform adjoining property owners of rezoning requests exactly what could go in the proposed zoning district. Mr. Sandy said that would not be a problem.

Mr. Sandy showed the Board a map that showed a bridge that has been proposed to go over the Rocky River by a developer on Polk Ford Road. He said that the developer believes that it could be cheaper to build a bridge over the river for sewer rather than go under the river.

Planning Board

Guest Sign-In List

Please Print

Meeting Date: 3-12-07

<u>Name</u>	<u>Address</u>	<u>Phone</u>
✓ Amy & Alen Hunter	Albemarle N.C.	
✓ Ducky	" "	
✓ Greg Slack	24654 Scenic View Dr. Albemarle	704 984 6398
✓ Greg Slack	21654 Seminole View Dr. Alb	704-984-6398
✓ Mike Clay	20820 Hunters Lane Albemarle	704-984-4164
✓ Phil Burkson	160 Woodcreeks Dr Angier NC 27501	919-795-6307
✓ Lanny Burkson	145 Sandmark Drive Salisbury, NC 28146	704-637-3420
✓ M.L. Walby	28770 Hunters Ln. Albemarle, N.C.	704-986-2859
✓ TERRY YATES	29776 Bob Crut Rd. Albemarle, NC	704-983-5367
✓ Jerry Burkson	28139 Parker Pl. Albemarle, N.C.	704-982-2286
✓ Robert VanGreens	EDC	
✓ Ritaine Hearne	NCDOT	

If you wish to speak as a representative please put a check beside your name. Thank you!

1107



Stanly County Planning Board
June 13, 2016 - Meeting Minutes

Call to Order

Chair Robert Loflin called the meeting to order on June 13, 2016, at 7:00 p.m. in the Commissioner's Meeting Room at 1000 N First Street, Albemarle, North Carolina.

Stanly County Planning Board Members Attending

Robert Loflin, Jr. - Chair
Terry Smith – Vice-Chair
Kevin Brickman
John Eckman, III
Ned Stallings
Bob Davis

Planning Board Members Absent:

Frank Sparger

Stanly County Planning Department Staff Attending

Michael Sandy, Planning Director
Bob Rensburg, Planner I
Tim Swarringen, Code Enforcement Officer

Others Present: See sign-in sheet

Chairman Loflin asked the Board to review the minutes of March 14, 2016. He asked if there were any corrections to the minutes. Hearing none, he asked for a motion to approve.

Motion: Terry Smith made a motion to approve the March 14, 2016, minutes as written.

Second: John Eckman seconded the motion.

Action: The Board unanimously approved this motion.

Chairman Loflin called on Bob Rensburg to present the first hearing, Item 1, CUP 16-01.

Item 1 – CUP 16-01 Rex Greg and Gina Slack request to amend CUP 07-01 to remove condition #9 – “Construction on applicant’s house located on Lot 10 in the Running Creek Estates Subdivision will begin within one year of issuance of certificate of occupancy for business.” This Conditional Use Permit is for Lot 11 of the Running Creek Estates Subdivision and is located at 28727 Hunters Lane, Albemarle. (Tax Record Numbers 29041 and 29042).

Bob Rensburg, Planner I, presented that this request is due to an inquiry raised concerning the non-fulfillment of a Conditional Use requirement tied to the building of a commercial structure on Lot 11 of the Running Creek estates subdivision. The requirement added by the Planning Board in 2007 mandated that the owner construct their house on Lot 10 within 1-year of the issuance of a certificate of occupancy for the business. The certificate of occupancy was issued

in 2007. No home has been constructed on Lot 10 and no concerns or complaints were received by the Planning Department until March of 2016. All other Conditions for CUP 07-01 have been met except several of the annual letters required by item 8 have either not been received or cannot be found. A horse barn has been constructed on Lot 10 which is in compliance with the Stanly County Zoning Ordinance. The owners have requested that the requirement for constructing their residence on Lot 10 be removed. To do that requires that the Board of County Commissioners adopt a new Conditional Use Plan for the M1-CUP as granted in 2007 for Lot 11. These lots are in Stanly County's zoning jurisdiction. All adjoining properties are zoned RA with the exception of a lot on the east line of Lot 10 which is in the City of Albemarle and is zoned R-20.

Mr. Loflin invited Gina Slack, property owner to come forward and speak to their request to remove a provision of the Conditional Use Permit. Mrs. Slack presented a petition and a map showing the location of her property and those nearby property owners who signed the petition supporting her request. She explained that the Certificate of Occupancy was granted in July 2008 and that her husband was diagnosed with cancer about the same time. After the first year, she met with Michael Sandy and indicated that due to the illness of her husband, the building of a home would be delayed. The Planning staff responded indicating that they should still work toward the goal but that there would be no issue with the failure to meet all requirements until someone raised it as an issue. Letters were sent annually indicating that S&S Saw Service was still in business until after several years, she forgot and contacted Mr. Sandy after the due date. He indicated that she should simply contact the Planning Department if anything ever changed concerning the status of the business. Mrs. Slack explained that her husband's medical condition has continued to be a challenge with various bouts with cancer. The business of S&S Saw Service and the torque converter work continues and employees 5 people with a business exceeding \$300,000 each year.

Mr. Loflin invited any others in favor of the amended Conditional Use permit to speak. Mr. Michael Walker from Lot 9, 28770 Hunters Lane, spoke in favor of allowing the change in the permit. He has lived on Hunters Lane adjacent to the Slack property since 2001. He indicated that he saw no problem with this in 2007 and still don't. The Slacks are on the property almost every day and are good neighbors. He indicated that the Slack family had helped him raise his daughter as a single parent. He confirm that Mr. Slack had cancer and has struggled with the illness for a number of years. He ended by saying that the Slacks are good neighbors.

Mr. Loflin then invited anyone to speak against. Mr. Tony Miller, Lot 12, 28761 Hunters Lane, indicated that, in his opinion, the business should not have been allowed and should not have been built. He said that illness and death are a fact of life and should have no bearing on the decision of the board. He indicated that there was now a shooting range on the property and that people had paid \$100 to get a concealed-carry permit, but he didn't know for sure. The noise carries into the valley and affects him and his wife.

Mrs. Slack asked to reply. She indicated that there was a firing range on the property, but the only money collected was from those who had paid for a concealed carry class conducted by a third party at another location, but using their firing range just for the shooting portion. Each participant was giving \$5 to help offset the cost of road maintenance for Hunters Lane. Rock came from Vulcan and Mrs. Slack helps to spread the rock on Hunters Lane which is a private

road. The class shooting times vary based on weather and season but generally do not occur before 11:00 AM or after 6:00 PM. The firing range is also used by neighbors for no charge.

Mr. Loflin recognized Jerry Burleson of 28139 Parker Road, Albemarle who owns adjoining farm land. Mr. Burleson indicated that he had known the Slack family for many years and knows them to be good, honest people. Greg (Slack) has been gracious and looks after his property.

Mr. Loflin then called for any others opposing the Conditional Use and recognized Phil Burleson of 160 Woodcroft Drive, Angier who owns adjoining farm land. Mr. Burleson indicated that he was here opposing the Conditional Use in 2007 on the grounds that this was a commercial use in a residential/agricultural area and should not have been allowed. He could sympathize with the medical situation but felt that there was a need for the Slacks to follow through on the original Conditional Use. Mr. Burleson sought clarification on how the residential structure could be built on commercial land and whether a shooting range was permitted. He has livestock on the adjoining property and wants to make sure the correct procedures are being followed. There have been a lot of issues with firing ranges in the Angier area. He asked what business was in operation at the Slack property. Mrs. Slack responded that the same businesses that were placed in operation in 2008; S&S Saw Service and the torque converter business. Mr. Burleson questioned whether fire and safety access was addressed to get to this property and why there have been loud engine sounds coming from there.

Mr. Loflin invited Tim Swarringen, County Code Enforcement Officer, to speak of any reports of violations on the Slack property. Mr. Swarringen reported that there had been no formal complaints. He may have had a phone call a few years ago, but nothing further and nothing written. Mr. Swarringen indicated that personal firing ranges are allowed in Stanly County. A violation occurs whenever the owner charges for use of the range turning it into a commercial operation. Mr. Sandy clarified that the Board of County Commissioners has directed the Planning Department to only address formal written complaints regarding possible zoning violations.

Mrs. Slack indicated that the shooting range was in the R-A portion of Lot 11 and the only funds received have been donations toward the road maintenance. The Slacks do store a drag racing car at their business and run it occasionally as a hobby. There is no sound from the torque converter business.

Mr. Loflin asked if anyone else wanted to speak against. Mr. Lanny Burleson from Salisbury who owns nearby farmland spoke against. He indicated that this was the family farm and that he is there every day. He was concerned that this was an example of spot zoning. His concern was that the emphasis in 2007 was on the Slacks building a home so they would be right at their business. This had been a key point in getting the Conditional Use Permit approved by the Board of Commissioners. The point of zoning was to keep business separate from residential.

Mr. Loflin asked if anyone else wished to speak for or against. Dr. Keith Andrew came forward and indicated that he lives on Noritake Trail near the Slack's property. He said that noise from the Slacks was not a problem and that he would favor the modification to the Conditional Use.

No one else from the audience wished to address this case, so Mr. Loflin requested that the board discuss the issue or ask any questions. Mr. Sandy was asked if this was in a growth area to which he responded that it was. Terry Smith asked what would happen if not approved to remove the requirement. Mr. Sandy responded that it would be treated as a code enforcement issue. The owner would receive a Notice of Violation from the Planning Department followed by a second notice from the County Attorney. This is at least a 60-day process. After that, the owner would be fined for each day not in compliance. Kevin Brickman asked Mrs. Slack how often she and her husband were on the property and where they were living. Mrs. Slack responded that they are there 7-days a week, spending more time there than at home. They live off of St. Martin road about 8-minutes from the business. She added that the Millingport Fire Department had recently conducted a response time practice using their property bringing their crews and equipment. They had no issue getting there. There are no trespassing signs and cameras on the property as well as no trespassing signs on the entrance to Hunters Lane to discourage traffic.

Chairman Loflin asked if there were any further questions from the Board. Hearing none, he invited the members of the board to propose a motion to recommend approval or denial of the request.

Motion: Terry Smith made a motion to recommend approval of CUP16-01 to the Board of County Commissioners.

Second: Kevin Brickman

Action: The Board unanimously approved this motion.

Chairman Loflin called on Bob Rensburg to present the second hearing, Item #2, ZA16-04.

Item 2 – ZA 16-04 Ron and Sheila Bales request to rezone approximately 2.5 acres of a 23.32 acre tract located at 24285 NC 49 Hwy S., Richfield from RA-Residential Agricultural to GB-General Business. A portion of the property is currently zoned RA and a portion is zoned GB. The 2.5 acres is located adjacent to and south of the present GB district extending to NC 49 Hwy. (Tax Record Number 8384)

Bob Rensburg, Planner I presented that this rezoning is in accordance with the Stanly County Land Use Plan. This property is located on NC 49 approximately 1,500 feet northeast of Matton Grove Church Road. 4.7 acres of the property is zoned General Business with the remainder zoned as Residential Agricultural. Properties to the north, east and west are zoned Residential Agricultural and property to the south along NC 49 is zoned Highway Business. An M-1 Light Industrial district is located at the Matton Grove Church Road intersection beginning 1,100 feet away from the property. The owners, Ron and Sheila Bales have requested adding 2.5 acres of their property to the General Business section to allow an expansion of the business. Approximately 5,100 vehicles per day travel this section of NC 49. This highway is designated as a North Carolina Scenic Byway. That designation is for tourist purposes and does not carry any development restrictions. Water is available from the Pfeiffer-North Stanly Water Association. There is no sewer service available. This property is not located in a regulated floodplain. Planning staff recommends approval as this project is located in a growth corridor along a moderately traveled road with other business property located nearby.

Mr. Loflin invited Ron Bales, property owner to speak concerning why he has requested the rezoning. Mr. Bales presented his payroll records to the Board showing his contribution to the Stanly County economy. He indicated that the rezoning was needed to allow him to display vehicles for sale from his business, CCR Truck Sales. The original rezoning in 1993 did not include the road frontage. He has lived here since 1988. Currently, Mr. Bales, his wife, sister, granddaughter and great-grandchildren live on the property as an extended family. There will be no change to the entrance on the property.

Mr. Loflin invited board members to ask any questions of Mr. Bales. Terry Smith, asked about the area to be rezoned. Mr. Sandy helped clarify the area showing a map. Mr. Loflin asked if this property was both for home and business. Mr. Bales responded that his family lives there but that the business was only on the area zoned for business. Kevin Brickman asked if there were to be any changes or improvements to the lot. Mr. Bales indicated that there would be no changes.

Mr. Loflin invited any who opposed the rezoning request to speak. Dr. Jim Link came forward and gave Board members an aerial view of the Bales property showing the members what neighbors look at. He spoke on behalf of neighbors on all four sides. Dr. Link had acquired his property in 1982 and Mr. Michael Sells in the 1960s. It is rolling hills and hardwoods. When Mr. Bales acquired the adjacent property, he removed the barn and put up the large metal building which is there now. Dr. Link read a statement which reviewed the 1993 decision by the Board of County Commissioners and their desire to be pro-business which created this spot zoning situation. Dr. Link claimed that in its current condition it was actually a salvage yard and now has become a truck sales lot. Based on Mr. Bales past behavior, it is apparent that he will continue to fail to work within the zoning laws.

Next to speak was Mr. Jim Scarboro, attorney from Concord representing Dr. Link. Mr. Scarboro shared that the current use on the property per the 2015 images from Stanly County GIS indicate that there is much debris on the area zoned for General Business. Mr. Scarboro shared the use section from the Stanly Zoning Ordinance with the Board members for both General Business and for M2-Heavy Industrial. He asked members to review the list and see where open storage is permitted. Mr. Scarboro claimed that Mr. Bales was presently in violation of the General Business district by having open storage. Open storage is only allowed in the M2-Heavy Industrial district. Mr. Scarboro believes that Mr. Bales' business has evolved beyond the zoning ordinance. Mr. Scarboro expressed concern that the Stanly Planning Board would consider any zoning request for a straight rezoning district which would allow any of the uses. That is no longer done in Cabarrus County as nearly all rezoning requests are based on conditional uses. He gave Board members copies of General Statute 153A.321 which describes the role of the Planning Board which calls for all zoning to be compliant with the County's Comprehensive Plan. Mr. Scarboro then presented Board Members with a copy of the 2009 proposed Sustainability Map from the 2010 Land Use Plan found online. He indicated that the rezoning should be consistent with the sustainability area shown on the map. According to the map key, the area in beige, including the areas along NC 49 were Sustainability areas and that rezoning to business would be inconsistent with the Land Use Plan. Michael Sandy interjected that the online map has an error which has not been corrected. The beige areas are actually

Growth areas while the white sections of the map are the Sustainability areas. He apologized for the confusion and indicated that he had attempted to get this changed in the past and will try again.

Dr. Link spoke again indicated that he had tried to stop the rezoning in 1993 and that they had tried to be good neighbors and not complain.

Mr. Loflin asked if anyone else wished to speak against. Richard Cosgrove came forward. He indicated that he lives about 1,500 feet from the Bales property. He had convinced the Commissioners in 1993 to not rezone the area of the Bales property that fronted NC 49 and that he had raised the complaint because he knew that the area in front of the business was zoned RA and should not have vehicles for sale on display. He asked that the Board recommend that the Commissioners leave the property zoned as it currently stands.

Mr. Loflin invited Tim Swarrigen to come forward and report on any complaints received on the Bales property. Mr. Swarrigen indicated that a written complaint was received on April 27 which he investigated the following day. He found that there were 6 unlicensed vehicles in the portion that is presently zoned Residential Agricultural and that there was open storage in the General Business section. He has photos in the case file. He proceeded with a Notice of Violation for the vehicles and the open storage. This led to Mr. Bales requesting the rezoning to allow the vehicles to be displayed.

Mr. Loflin invited the Board to ask Mr. Swarrigen any questions. Terry Smith inquired whether the violations in open storage have been investigated since. Mr. Swarrigen replied that he had not investigated further awaiting the rezoning process. Mr. Bales added that the crane parts were part of his inventory as a licensed dealer since 1992. All items are for sale.

Mr. Scarboro asked if the notice of violation included the open storage. Mr. Swarrigen replied, yes. Mr. Sandy reminded everyone that under the direction of the Board of Commissioners, the Stanly County Code Enforcement is strictly complaint driven and investigation occurs after a complaint is received.

Dr. Link indicated that the neighbors had been dealing with this for a long time and needs to be dealt with now. He expressed frustration that no lawyer in Stanly County was willing to speak before the Planning Board.

Terry Smith asked Mr. Sandy what was permitted for open storage in the General Business district. Mr. Sandy indicated that the contractors could have open storage of spare materials kept on their storage yards associated with the business office. Bob Davis asked if any violations currently exist on the property. Mr. Sandy replied that staff would need to investigate. Mr. Bales indicated that the trucks which had been on display had been moved back into the GB district and that the materials on the lot were inventory, not junk.

Chairman Loflin asked if there were any further questions from the Board. Hearing none, he invited the members of the board to propose a motion on to recommend the approval or denial of the request to the County Commission.

Motion: Bob Davis made a motion to send this case to the Board of County Commissioners with a recommendation to approve ZA 16-04.
There was no second, so the motion died.

Motion: Terry Smith made a motion to send this case to the Board of County commissioners with a recommendation to deny ZA 16-04 because the property was in violation of zoning compliance.

Second: Kevin Brickman seconded the motion.

Action: The Board unanimously approved this motion.

Other Business: Michael Sandy invited Bob Remsburg to present a proposal for an amendment to the Zoning Ordinance. Mr. Remsburg reviewed a list of definitions which would replace the existing Section 1300 of the current ordinance. Mr. Remsburg expressed that these definitions were more comprehensive than the current definitions and would help as other updates are made to the ordinance. This list is alphabetical and any additions to the list as the ordinance is amended would be inserted so alphabetical order could be maintained.

Chairman Loflin asked if there were any further questions from the Board. Hearing none, he invited the members of the board to propose a motion on to recommend the approval or denial of the request to the County Commission.

Motion: Kevin Brickman made a motion that the definitions as presented to be Zoning Amendment ZA 16-05 and to be presented to the Board of County Commissioners with a recommendation to approve ZA 16-05.

Second: Bob Davis seconded the motion.

Action: The Board approved this motion.

Mr. Remsburg also presented a proposed revised portion of the Stanly County Zoning Ordinance covering Articles I-IV. This included a new section dealing with exterior lighting and a revised sign ordinance section to come into closer compliance with the Reed-Gilbert decision by the U.S. Supreme Court. Board members received copies of the new Articles for their review. Discussion of the revised Articles will occur at the next Planning Board meeting

Adjournment

Chairman Loflin asked for a motion to adjourn. A motion to adjourn was made by John Eckman and second by Bob Davis. The meeting was adjourned at 8:30 p.m.

Chairman

Clerk



Stanly County Board of Commissioners

Meeting Date: August 8, 2016
 Presenter: Michael Sandy

5B

Consent Agenda | Regular Agenda

Presentation Equipment: Lectern PC* Lectern VCR Lectern DVD Document Camera** Laptop***

Please Provide a Brief Description of your Presentations format: Verbal only

* PC is equipped with Windows XP and Microsoft Office XP (including Word, Excel, and PowerPoint), Internet connectivity and Network connectivity for County Employees.

** If you have need to use the Document Camera and zoom into a particular area, if possible please attach a copy of the document with the area indicated that you need to zoom into. A laser light is available to pinpoint your area of projection.

*** You can bring in a laptop that will allow video out to be connected at the lectern – set display to 60Mhz.

ITEM TO BE CONSIDERED

PUBLIC HEARING PLANNING AND ZONING

Subject
 ZA 16-04 Ron and Sheila Bales request to rezone approximately 2.5 acres of a 23.32 acre tract located at 24285 NC 49 Hwy S., Richfield from RA-Residential Agricultural to GB-General Business. A portion of the property is currently zoned RA and a portion is zoned GB. The 2.5 acres is located adjacent to and south of the present GB district extending to NC 49 Hwy. (Tax Record Number 8384).

Requested Action
 It is requested that the Board of Commissioners approve or deny this rezoning request.

Signature: 

Date: 7-8-16

Dept. _____
 Attachments: Yes _____ No x

Review Process

	Approved		Initials
	Yes	No	
Finance Director	___	___	
Budget Amendment Necessary	___	___	
County Attorney	___	___	
County Manager	___	___	
Other:	___	___	

Certification of Action

Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on

Tyler Brummitt, Clerk to the Board Date



PLANNING DEPARTMENT
1000 N. 1st Street, Suite 13-B
Albemarle, NC 28001
704-986-3667

MEMORANDUM

To: Stanly County Board of County Commissioners
From: Michael Sandy, AICP, CZO, Planning Director
Date: July 15, 2016

ZA 16-04 Ron and Sheila Bales request to rezone approximately 2.5 acres of a 23.32 acre tract located at 24285 NC 49 Hwy S., Richfield from RA-Residential Agricultural to GB-General Business. A portion of the property is currently zoned RA and a portion is zoned GB. The 2.5 acres is located adjacent to and south of the present GB district extending to NC 49 Hwy. (Tax Record Number 8384)

Adjacent properties are in Stanly County zoning jurisdiction. Properties are zoned RA with the exception of one lot across NC 49 S. which is zoned HB-Highway Business and is presently operated as a stone and masonry business. Approximately 1,100 feet away is a parcel at the corner of Matton Grove Church Road and NC 49 which is zoned M1- Light Industrial.

Water is available from the Pfeiffer - North Stanly Water Association. No sewer service is available. This property is not located in a regulated floodplain or a WS-IV Water Supply Watershed. Traffic on this section of NC 49 Hwy S. has been studied by NCDOT averaged 5,100 vehicles per day in 2014. NC 49 through Stanly County is designated as a Scenic Byway by the NC Department of Transportation. This designation is primarily for tourism promotional purposes and does not hold any developmental restrictions other than the placement of new billboards.

Planning staff recommends this project as it is located in a growth corridor along a moderately traveled road with nearby property zoned Highway Business and M1-Light Industrial.

A copy of the draft minutes for the June 13 Planning Board meeting are attached which describes the presentations of those for and against the rezoning request. Concerns were raised about the current condition of the General Business section of Mr. Bales' property and that the property could be an example of spot zoning. Neighbors expressed that, in their opinion, the original rezoning should have never taken place in 1993. The Planning Board forwards this case to the County Commissioners with a unanimous recommendation to deny the rezoning request.



PETITION FOR ZONING CHANGE OF PROPERTY AND/OR TEXT AMENDMENT

(Please read petition thoroughly before completing. Incomplete or illegible applications will not be accepted.)

* * * * *

The petitioner requests that the County of Stanly Zoning Map be amended as indicated below.

IMPORTANT: Supplementary information required as part of petition to be included:

- Copy of recorded deed
- Copy of the Stanly County Tax Map which delineates the property requested for rezoning
- Legal description of property requested for rezoning, by metes and bounds or a recorded plat depicting such
- Text changes submitted on 8½ x 11 with shaded text representing new language and strikethroughs for language to be removed.

Additional information may be provided and attached to this petition.

Applications must be submitted and reviewed by the Planning Department, 1000 N. First Street, Suite 13B., Albemarle, NC 28001 for completeness prior to acceptance. Fees payable to the County of Stanly must accompany the petition.

This petition will be scheduled for the next possible regular Planning and Zoning Board meeting. The petitioner or his representative should be present at the meeting to answer any questions. Planning and Zoning Board meetings are held on the second (2nd) Monday of each month at 7:00 P.M. in the Commissioners Chambers located at the Stanly County Commons Building, 1000 N. First Street, Albemarle, NC 28001. Petitioners will be informed of any changes in date, time, or location of meetings. Petitions and supplementary information must be received at least 11 working days prior to the scheduled meeting date to allow time for processing and advertisement as required by the General Statutes of North Carolina.

PLEASE PRINT

Name of Petitioner: A. Ronald Bales Sheila D. Bales
(Phone Number)

Owner Name and Address: Same 24285 NC 49 Hwy S.
(Print Name) (Address)

Richfield NC 28137 Rons33@aol.com
(City, State, Zip) (Email Address)

Address(s) of Requested Site: 24285 NC 49 Hwy S. Richfield NC 28137

Tax Parcel #(s) 8384

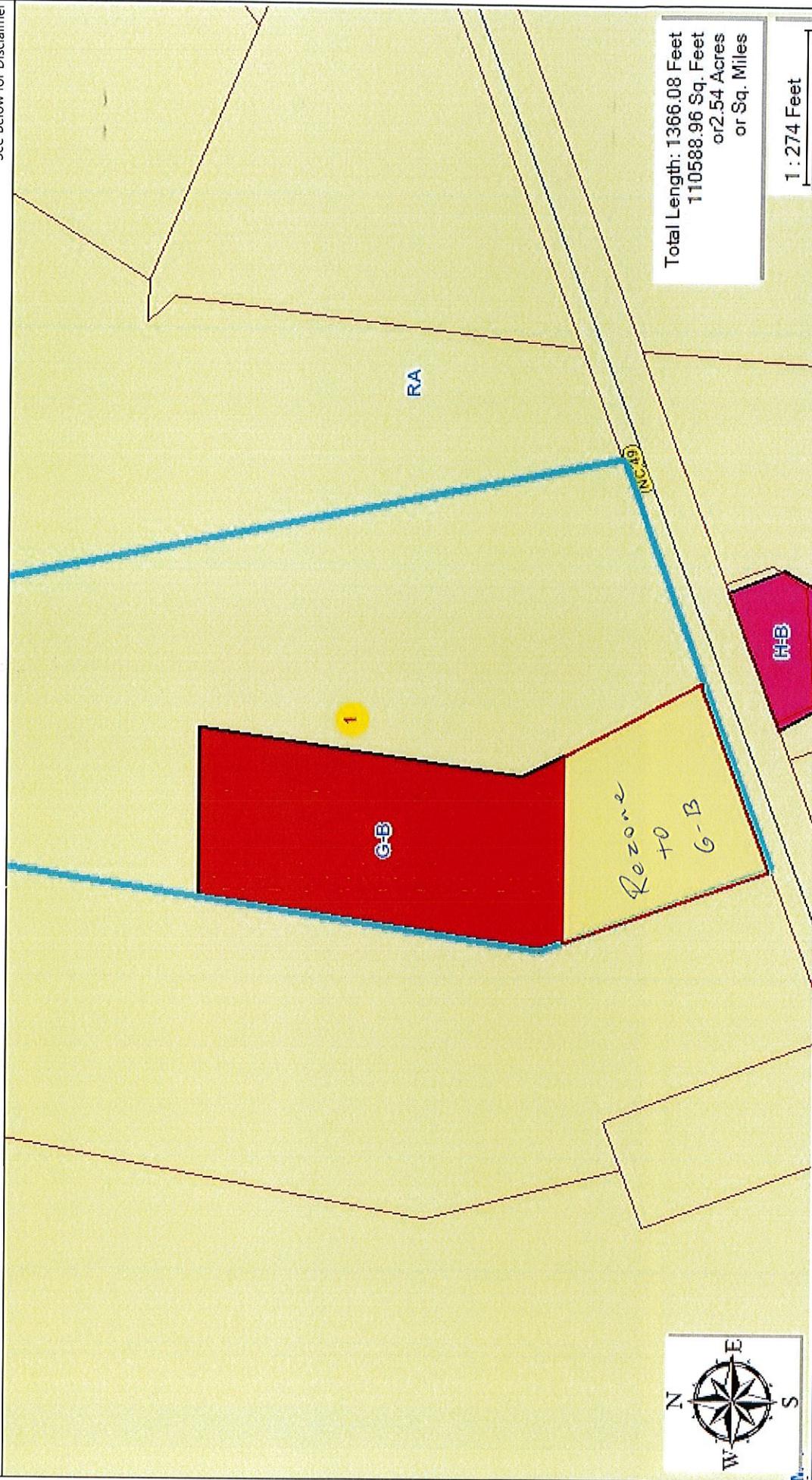
Acreage/Sq. Ft Approx 2.54 Acreage Existing Zone RA Requested Zone GB

Signature of Petitioner: A. Ronald Bales Date 5-16-16
Sheila D. Bales

Signature of Owner (if owner is not petitioner) _____ Date 5-16-16



Stanly
Printed May 16, 2016
See Below for Disclaimer



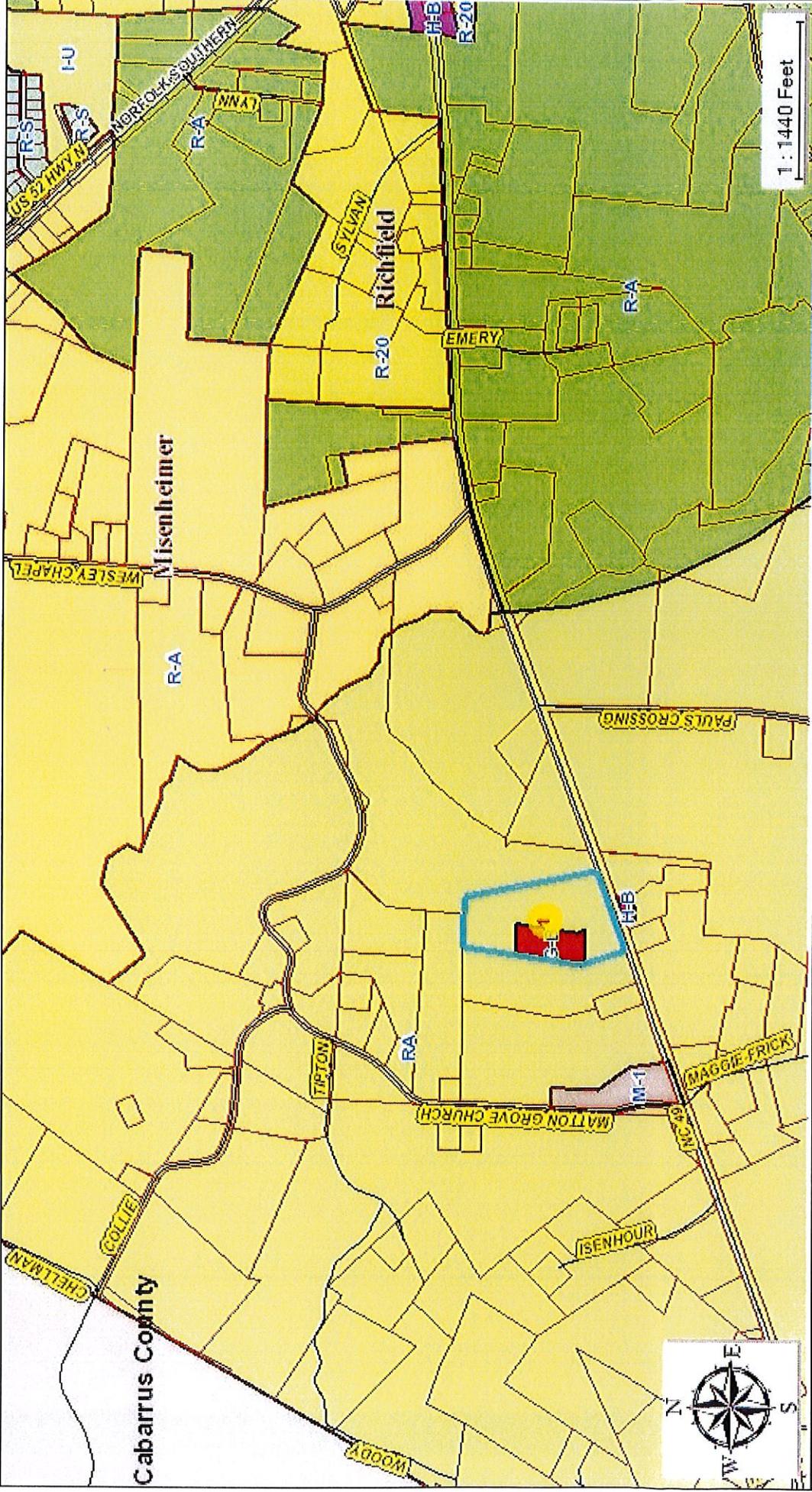
Total Length: 1366.08 Feet
 110588.96 Sq. Feet
 or 2.54 Acres
 or Sq. Miles

1 : 274 Feet

This map is prepared for the inventory of Real Property found within this jurisdiction, and is compiled from recorded deeds, plats and other public records and data. Users of the map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The Stanly County Geographic Information Systems Division of the Office of Information Technology assumes no legal responsibility for the information contained on this map. Also, when the deeds and or plats are viewed for a parcel, the Stanly County Register of Deeds Office makes no guarantees regarding the collection, accuracy, authenticity, or use of these records. The web site is for informational use and convenience only. The Register of Deeds shall in no way be held responsible for errors or omissions in these records nor for any actions resulting from their use. The official records are kept in the Stanly County Register of Deeds Office. To view deeds on this site you must install the AlternatIFF viewer. To install, please visit <http://www.alternatiff.com/install-ie/>



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Stanly County Planning Board June 13, 2016 - Meeting Minutes

Call to Order

Chair Robert Loflin called the meeting to order on June 13, 2016, at 7:00 p.m. in the Commissioner's Meeting Room at 1000 N First Street, Albemarle, North Carolina.

Stanly County Planning Board Members Attending

Robert Loflin, Jr. - Chair
Terry Smith – Vice-Chair
Kevin Brickman
John Eckman, III
Ned Stallings
Bob Davis

Planning Board Members Absent:

Frank Sparger

Stanly County Planning Department Staff Attending

Michael Sandy, Planning Director
Bob Remsburg, Planner I
Tim Swarringen, Code Enforcement Officer

Others Present: See sign-in sheet

Chairman Loflin asked the Board to review the minutes of March 14, 2016. He asked if there were any corrections to the minutes. Hearing none, he asked for a motion to approve.

Motion: Terry Smith made a motion to approve the March 14, 2016, minutes as written.

Second: John Eckman seconded the motion.

Action: The Board unanimously approved this motion.

Chairman Loflin called on Bob Remsburg to present the first hearing, Item 1, CUP 16-01.

Item 1 – CUP 16-01 Rex Greg and Gina Slack request to amend CUP 07-01 to remove condition #9 – “Construction on applicant’s house located on Lot 10 in the Running Creek Estates Subdivision will begin within one year of issuance of certificate of occupancy for business.” This Conditional Use Permit is for Lot 11 of the Running Creek Estates Subdivision and is located at 28727 Hunters Lane, Albemarle. (Tax Record Numbers 29041 and 29042).

Bob Remsburg, Planner I, presented that this request is due to an inquiry raised concerning the non-fulfillment of a Conditional Use requirement tied to the building of a commercial structure on Lot 11 of the Running Creek estates subdivision. The requirement added by the Planning Board in 2007 mandated that the owner construct their house on Lot 10 within 1-year of the issuance of a certificate of occupancy for the business. The certificate of occupancy was issued

in 2007. No home has been constructed on Lot 10 and no concerns or complaints were received by the Planning Department until March of 2016. All other Conditions for CUP 07-01 have been met except several of the annual letters required by item 8 have either not been received or cannot be found. A horse barn has been constructed on Lot 10 which is in compliance with the Stanly County Zoning Ordinance. The owners have requested that the requirement for constructing their residence on Lot 10 be removed. To do that requires that the Board of County Commissioners adopt a new Conditional Use Plan for the M1-CUP as granted in 2007 for Lot 11. These lots are in Stanly County's zoning jurisdiction. All adjoining properties are zoned RA with the exception of a lot on the east line of Lot 10 which is in the City of Albemarle and is zoned R-20.

Mr. Loflin invited Gina Slack, property owner to come forward and speak to their request to remove a provision of the Conditional Use Permit. Mrs. Slack presented a petition and a map showing the location of her property and those nearby property owners who signed the petition supporting her request. She explained that the Certificate of Occupancy was granted in July 2008 and that her husband was diagnosed with cancer about the same time. After the first year, she met with Michael Sandy and indicated that due to the illness of her husband, the building of a home would be delayed. The Planning staff responded indicating that they should still work toward the goal but that there would be no issue with the failure to meet all requirements until someone raised it as an issue. Letters were sent annually indicating that S&S Saw Service was still in business until after several years, she forgot and contacted Mr. Sandy after the due date. He indicated that she should simply contact the Planning Department if anything ever changed concerning the status of the business. Mrs. Slack explained that her husband's medical condition has continued to be a challenge with various bouts with cancer. The business of S&S Saw Service and the torque converter work continues and employees 5 people with a business exceeding \$300,000 each year.

Mr. Loflin invited any others in favor of the amended Conditional Use permit to speak. Mr. Michael Walker from Lot 9, 28770 Hunters Lane, spoke in favor of allowing the change in the permit. He has lived on Hunters Lane adjacent to the Slack property since 2001. He indicated that he saw no problem with this in 2007 and still don't. The Slacks are on the property almost every day and are good neighbors. He indicated that the Slack family had helped him raise his daughter as a single parent. He confirm that Mr. Slack had cancer and has struggled with the illness for a number of years. He ended by saying that the Slacks are good neighbors.

Mr. Loflin then invited anyone to speak against. Mr. Tony Miller, Lot 12, 28761 Hunters Lane, indicated that, in his opinion, the business should not have been allowed and should not have been built. He said that illness and death are a fact of life and should have no bearing on the decision of the board. He indicated that there was now a shooting range on the property and that people had paid \$100 to get a concealed-carry permit, but he didn't know for sure. The noise carries into the valley and affects him and his wife.

Mrs. Slack asked to reply. She indicated that there was a firing range on the property, but the only money collected was from those who had paid for a concealed carry class conducted by a third party at another location, but using their firing range just for the shooting portion. Each participant was giving \$5 to help offset the cost of road maintenance for Hunters Lane. Rock came from Vulcan and Mrs. Slack helps to spread the rock on Hunters Lane which is a private

road. The class shooting times vary based on weather and season but generally do not occur before 11:00 AM or after 6:00 PM. The firing range is also used by neighbors for no charge.

Mr. Loflin recognized Jerry Bureson of 28139 Parker Road, Albemarle who owns adjoining farm land. Mr. Bureson indicated that he had known the Slack family for many years and knows them to be good, honest people. Greg (Slack) has been gracious and looks after his property.

Mr. Loflin then called for any others opposing the Conditional Use and recognized Phil Bureson of 160 Woodcroft Drive, Angier who owns adjoining farm land. Mr. Bureson indicated that he was here opposing the Conditional Use in 2007 on the grounds that this was a commercial use in a residential/agricultural area and should not have been allowed. He could sympathize with the medical situation but felt that there was a need for the Slacks to follow through on the original Conditional Use. Mr. Bureson sought clarification on how the residential structure could be built on commercial land and whether a shooting range was permitted. He has livestock on the adjoining property and wants to make sure the correct procedures are being followed. There have been a lot of issues with firing ranges in the Angier area. He asked what business was in operation at the Slack property. Mrs. Slack responded that the same businesses that were placed in operation in 2008; S&S Saw Service and the torque converter business. Mr. Bureson questioned whether fire and safety access was addressed to get to this property and why there have been loud engine sounds coming from there.

Mr. Loflin invited Tim Swarrigen, County Code Enforcement Officer, to speak of any reports of violations on the Slack property. Mr. Swarrigen reported that there had been no formal complaints. He may have had a phone call a few years ago, but nothing further and nothing written. Mr. Swarrigen indicated that personal firing ranges are allowed in Stanly County. A violation occurs whenever the owner charges for use of the range turning it into a commercial operation. Mr. Sandy clarified that the Board of County Commissioners has directed the Planning Department to only address formal written complaints regarding possible zoning violations.

Mrs. Slack indicated that the shooting range was in the R-A portion of Lot 11 and the only funds received have been donations toward the road maintenance. The Slacks do store a drag racing car at their business and run it occasionally as a hobby. There is no sound from the torque converter business.

Mr. Loflin asked if anyone else wanted to speak against. Mr. Lanny Bureson from Salisbury who owns nearby farmland spoke against. He indicated that this was the family farm and that he is there every day. He was concerned that this was an example of spot zoning. His concern was that the emphasis in 2007 was on the Slacks building a home so they would be right at their business. This had been a key point in getting the Conditional Use Permit approved by the Board of Commissioners. The point of zoning was to keep business separate from residential.

Mr. Loflin asked if anyone else wished to speak for or against. Dr. Keith Andrew came forward and indicated that he lives on Noritake Trail near the Slack's property. He said that noise from the Slacks was not a problem and that he would favor the modification to the Conditional Use.

No one else from the audience wished to address this case, so Mr. Loflin requested that the board discuss the issue or ask any questions. Mr. Sandy was asked if this was in a growth area to which he responded that it was. Terry Smith asked what would happen if not approved to remove the requirement. Mr. Sandy responded that it would be treated as a code enforcement issue. The owner would receive a Notice of Violation from the Planning Department followed by a second notice from the County Attorney. This is at least a 60-day process. After that, the owner would be fined for each day not in compliance. Kevin Brickman asked Mrs. Slack how often she and her husband were on the property and where they were living. Mrs. Slack responded that they are there 7-days a week, spending more time there than at home. They live off of St. Martin road about 8-minutes from the business. She added that the Millingport Fire Department had recently conducted a response time practice using their property bringing their crews and equipment. They had no issue getting there. There are no trespassing signs and cameras on the property as well as no trespassing signs on the entrance to Hunters Lane to discourage traffic.

Chairman Loflin asked if there were any further questions from the Board. Hearing none, he invited the members of the board to propose a motion to recommend approval or denial of the request.

Motion: Terry Smith made a motion to recommend approval of CUP16-01 to the Board of County Commissioners.

Second: Kevin Brickman

Action: The Board unanimously approved this motion.

Chairman Loflin called on Bob Remsburg to present the second hearing, Item #2, ZA16-04.

Item 2 – ZA 16-04 Ron and Sheila Bales request to rezone approximately 2.5 acres of a 23.32 acre tract located at 24285 NC 49 Hwy S., Richfield from RA-Residential Agricultural to GB-General Business. A portion of the property is currently zoned RA and a portion is zoned GB. The 2.5 acres is located adjacent to and south of the present GB district extending to NC 49 Hwy. (Tax Record Number 8384)

Bob Remsburg, Planner I presented that this rezoning is in accordance with the Stanly County Land Use Plan. This property is located on NC 49 approximately 1,500 feet northeast of Matton Grove Church Road. 4.7 acres of the property is zoned General Business with the remainder zoned as Residential Agricultural. Properties to the north, east and west are zoned Residential Agricultural and property to the south along NC 49 is zoned Highway Business. An M-1 Light Industrial district is located at the Matton Grove Church Road intersection beginning 1,100 feet away from the property. The owners, Ron and Sheila Bales have requested adding 2.5 acres of their property to the General Business section to allow an expansion of the business.

Approximately 5,100 vehicles per day travel this section of NC 49. This highway is designated as a North Carolina Scenic Byway. That designation is for tourist purposes and does not carry any development restrictions. Water is available from the Pfeiffer-North Stanly Water Association. There is no sewer service available. This property is not located in a regulated floodplain. Planning staff recommends approval as this project is located in a growth corridor along a moderately traveled road with other business property located nearby.

Mr. Loflin invited Ron Bales, property owner to speak concerning why he has requested the rezoning. Mr. Bales presented his payroll records to the Board showing his contribution to the Stanly County economy. He indicated that the rezoning was needed to allow him to display vehicles for sale from his business, CCR Truck Sales. The original rezoning in 1993 did not include the road frontage. He has lived here since 1988. Currently, Mr. Bales, his wife, sister, granddaughter and great-grandchildren live on the property as an extended family. There will be no change to the entrance on the property.

Mr. Loflin invited board members to ask any questions of Mr. Bales. Terry Smith, asked about the area to be rezoned. Mr. Sandy helped clarify the area showing a map. Mr. Loflin asked if this property was both for home and business. Mr. Bales responded that his family lives there but that the business was only on the area zoned for business. Kevin Brickman asked if there were to be any changes or improvements to the lot. Mr. Bales indicated that there would be no changes.

Mr. Loflin invited any who opposed the rezoning request to speak. Dr. Jim Link came forward and gave Board members an aerial view of the Bales property showing the members what neighbors look at. He spoke on behalf of neighbors on all four sides. Dr. Link had acquired his property in 1982 and Mr. Michael Sells in the 1960s. It is rolling hills and hardwoods. When Mr. Bales acquired the adjacent property, he removed the barn and put up the large metal building which is there now. Dr. Link read a statement which reviewed the 1993 decision by the Board of County Commissioners and their desire to be pro-business which created this spot zoning situation. Dr. Link claimed that in its current condition it was actually a salvage yard and now has become a truck sales lot. Based on Mr. Bales past behavior, it is apparent that he will continue to fail to work within the zoning laws.

Next to speak was Mr. Jim Scarboro, attorney from Concord representing Dr. Link. Mr. Scarboro shared that the current use on the property per the 2015 images from Stanly County GIS indicate that there is much debris on the area zoned for General Business. Mr. Scarboro shared the use section from the Stanly Zoning Ordinance with the Board members for both General Business and for M2-Heavy Industrial. He asked members to review the list and see where open storage is permitted. Mr. Scarboro claimed that Mr. Bales was presently in violation of the General Business district by having open storage. Open storage is only allowed in the M2-Heavy Industrial district. Mr. Scarboro believes that Mr. Bales's business has evolved beyond the zoning ordinance. Mr. Scarboro expressed concern that the Stanly Planning Board would consider any zoning request for a straight rezoning district which would allow any of the uses. That is no longer done in Cabarrus County as nearly all rezoning requests are based on conditional uses. He gave Board members copies of General Statute 153A.321 which describes the role of the Planning Board which calls for all zoning to be compliant with the County's Comprehensive Plan. Mr. Scarboro then presented Board Members with a copy of the 2009 proposed Sustainability Map from the 2010 Land Use Plan found online. He indicated that the rezoning should be consistent with the sustainability area shown on the map. According to the map key, the area in beige, including the areas along NC 49 were Sustainability areas and that rezoning to business would be inconsistent with the Land Use Plan. Michael Sandy interjected that the online map has an error which has not been corrected. The beige areas are actually

Growth areas while the white sections of the map are the Sustainability areas. He apologized for the confusion and indicated that he had attempted to get this changed in the past and will try again.

Dr. Link spoke again indicated that he had tried to stop the rezoning in 1993 and that they had tried to be good neighbors and not complain.

Mr. Loflin asked if anyone else wished to speak against. Richard Cosgrove came forward. He indicated that he lives about 1,500 feet from the Bales property. He had convinced the Commissioners in 1993 to not rezone the area of the Bales property that fronted NC 49 and that he had raised the complaint because he knew that the area in front of the business was zoned RA and should not have vehicles for sale on display. He asked that the Board recommend that the Commissioners leave the property zoned as it currently stands.

Mr. Loflin invited Tim Swarrigen to come forward and report on any complaints received on the Bales property. Mr. Swarrigen indicated that a written complaint was received on April 27 which he investigated the following day. He found that there were 6 unlicensed vehicles in the portion that is presently zoned Residential Agricultural and that there was open storage in the General Business section. He has photos in the case file. He proceeded with a Notice of Violation for the vehicles and the open storage. This led to Mr. Bales requesting the rezoning to allow the vehicles to be displayed.

Mr. Loflin invited the Board to ask Mr. Swarrigen any questions. Terry Smith inquired whether the violations in open storage have been investigated since. Mr. Swarrigen replied that he had not investigated further awaiting the rezoning process. Mr. Bales added that the crane parts were part of his inventory as a licensed dealer since 1992. All items are for sale.

Mr. Scarboro asked if the notice of violation included the open storage. Mr. Swarrigen replied, yes. Mr. Sandy reminded everyone that under the direction of the Board of Commissioners, the Stanly County Code Enforcement is strictly complaint driven and investigation occurs after a complaint is received.

Dr. Link indicated that the neighbors had been dealing with this for a long time and needs to be dealt with now. He expressed frustration that no lawyer in Stanly County was willing to speak before the Planning Board.

Terry Smith asked Mr. Sandy what was permitted for open storage in the General Business district. Mr. Sandy indicated that the contractors could have open storage of spare materials kept on their storage yards associated with the business office. Bob Davis asked if any violations currently exist on the property. Mr. Sandy replied that staff would need to investigate. Mr. Bales indicated that the trucks which had been on display had been moved back into the GB district and that the materials on the lot were inventory, not junk.

Chairman Loflin asked if there were any further questions from the Board. Hearing none, he invited the members of the board to propose a motion on to recommend the approval or denial of the request to the County Commission.

Motion: Bob Davis made a motion to send this case to the Board of County Commissioners with a recommendation to approve ZA 16-04.
There was no second, so the motion died.

Motion: Terry Smith made a motion to send this case to the Board of County commissioners with a recommendation to deny ZA 16-04 because the property was in violation of zoning compliance.

Second: Kevin Brickman seconded the motion.

Action: The Board unanimously approved this motion.

Other Business: Michael Sandy invited Bob Remsburg to present a proposal for an amendment to the Zoning Ordinance. Mr. Remsburg reviewed a list of definitions which would replace the existing Section 1300 of the current ordinance. Mr. Remsburg expressed that these definitions were more comprehensive than the current definitions and would help as other updates are made to the ordinance. This list is alphabetical and any additions to the list as the ordinance is amended would be inserted so alphabetical order could be maintained.

Chairman Loflin asked if there were any further questions from the Board. Hearing none, he invited the members of the board to propose a motion on to recommend the approval or denial of the request to the County Commission.

Motion: Kevin Brickman made a motion that the definitions as presented to be Zoning Amendment ZA 16-05 and to be presented to the Board of County Commissioners with a recommendation to approve ZA 16-05.

Second: Bob Davis seconded the motion.

Action: The Board approved this motion.

Mr. Remsburg also presented a proposed revised portion of the Stanly County Zoning Ordinance covering Articles I-IV. This included a new section dealing with exterior lighting and a revised sign ordinance section to come into closer compliance with the Reed-Gilbert decision by the U.S. Supreme Court. Board members received copies of the new Articles for their review. Discussion of the revised Articles will occur at the next Planning Board meeting

Adjournment

Chairman Loflin asked for a motion to adjourn. A motion to adjourn was made by John Eckman and second by Bob Davis. The meeting was adjourned at 8:30 p.m.

Chairman

Clerk

Stanly County Board of Commissioners



Meeting Date August 8, 2016
 Presenter: Scott Efird, Chairman

Consent Agenda	<input checked="" type="checkbox"/>	Regular Agenda	<input type="checkbox"/>
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ITEM TO BE CONSIDERED

Law Enforcement Support Resolution

Subject

Review and consider adoption of the Law Enforcement Support resolution.

Requested Action

Signature: Andy Lucas

Date: 7/27/2016

Dept Governing Body

Attachments: Yes No

Review Process

	Approved		Initials
	Yes	No	
Finance Director	<input type="checkbox"/>	<input type="checkbox"/>	
Budget Amendment Necessary	<input type="checkbox"/>	<input type="checkbox"/>	
County Attorney	<input type="checkbox"/>	<input type="checkbox"/>	
County Manager	<input type="checkbox"/>	<input type="checkbox"/>	
Other:	<input type="checkbox"/>	<input type="checkbox"/>	

Certification of Action

Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on

_____ Date

Tyler Brummitt, Clerk to the Board



Resolution in Support of All Law Enforcement Officers

WHEREAS, law enforcement officers, including the men and women of the Stanly County Sheriff's Office and our local police departments as well as law enforcement officers around the nation, work tirelessly day in and day out to serve their communities; and

WHEREAS, these men and women sacrifice holidays and family moments to serve the public in this role; and

WHEREAS, recent events across the country have reminded all of us of the effort and risk these officers undertake daily;

NOW, THEREFORE, BE IT RESOLVED THAT the Stanly County Board of Commissioners does support and appreciate the men and women of the Stanly County Sheriff's Office, our local police departments, and all law enforcement officers around the nation.

This the 8th day of August, 2016.

Terry Scott Efird, Chairman
Stanly County Board of Commissioners

Attest:

Tyler Brummitt
Clerk to the Board



Stanly County Board of Commissioners

Meeting Date August 8, 2016

Presenter: Terry Scott Efird, Chairman

Consent Agenda	<div style="font-size: 2em; color: blue; margin: 0 auto;">7</div> Regular Agenda
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ITEM TO BE CONSIDERED

One-Quarter Cent (1/4¢) Sales Tax Special Advisory Referendum Resolution

Attached please find a resolution authorizing a special advisory referendum for an additional one-quarter cent (1/4¢) county sales and use tax during the November 2016 general election.

Subject

Requested Action

Review and consider adopting a resolution calling for a Special Advisory Referendum concerning the levy of a one-quarter cent (1/4¢) county sales and use tax during the November 2016 general election.

Date: <u>8/2/2016</u>	Dept: <u>Central Administration</u> Attachments: X yes <input type="checkbox"/> no																												
Review Process	Certification of Action																												
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 10%; text-align: center;">Approved</th> <th style="width: 10%;"></th> <th style="width: 20%;"></th> </tr> <tr> <th></th> <th style="text-align: center;">Yes</th> <th style="text-align: center;">No</th> <th style="text-align: center;">Initials</th> </tr> </thead> <tbody> <tr> <td>Finance Director</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> </tr> <tr> <td>Budget Amendment Necessary</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> </tr> <tr> <td>County Attorney</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> </tr> <tr> <td>County Manager</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> </tr> <tr> <td>Other:</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> </tr> </tbody> </table>		Approved				Yes	No	Initials	Finance Director	<input type="checkbox"/>	<input type="checkbox"/>		Budget Amendment Necessary	<input type="checkbox"/>	<input type="checkbox"/>		County Attorney	<input type="checkbox"/>	<input type="checkbox"/>		County Manager	<input type="checkbox"/>	<input type="checkbox"/>		Other:	<input type="checkbox"/>	<input type="checkbox"/>		Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on <hr style="width: 80%; margin: 0 auto;"/> <hr style="width: 80%; margin: 0 auto;"/> Tyler Brummitt, Clerk to the Board Date
	Approved																												
	Yes	No	Initials																										
Finance Director	<input type="checkbox"/>	<input type="checkbox"/>																											
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County Attorney	<input type="checkbox"/>	<input type="checkbox"/>																											
County Manager	<input type="checkbox"/>	<input type="checkbox"/>																											
Other:	<input type="checkbox"/>	<input type="checkbox"/>																											



A Resolution Calling For A Special Advisory Referendum Concerning the Levy of a One-Quarter Cent (1/4¢) County Sales and Use Tax With the Proceeds Dedicated for _____ During The November 2016 General Election

WHEREAS, the North Carolina General Assembly has enacted the “One-Quarter Cent (1/4¢) County Sales and Use Tax Act” Article 46 of Chapter 105 of the North Carolina General Statutes (Session Law 2007-323), which authorizes counties to levy a local sales and use tax; and

WHEREAS, in order to levy the local sales and use tax, the Stanly County must conduct a special advisory referendum on the question of whether to levy a local sales and use tax and the election shall be held in accordance with the provisions of N.C.G.S. sec. 163-287; and

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners for Stanly County:

Section 1. The Stanly County Board of Commissioners hereby states its intent to use the revenues from the Article 46 one-quarter cent (1/4¢) County sales and use tax, if approved by the voters of Stanly County, to fund initiatives related to _____ effective the first day of the calendar quarter 90 days after the Board of County Commissioners provides formal notice of its enactment to the North Carolina Secretary of Revenue.

Section 2. A referendum is hereby called during the normal time the polls are open during the November 2016 general election, at which there shall be submitted to the qualified voters of Stanly County the question stated in Section 4 of this resolution.

Section 3. The said referendum shall be held in accordance with the procedures of G.S. § 163-287. The Stanly County Board of Elections is hereby directed to conduct said referendum and to take all necessary steps to that end in accordance with the provisions of this section.

Section 4. The form of the question to appear on the ballots and in the instructions to voters for said referendum shall be as follows:

[] FOR [] AGAINST

Local sales and use tax at the rate of one-quarter percent (0.25%) in addition to all other State and local sales and use taxes.

Section 5. The Clerk to the Board of Commissioners is hereby authorized and directed to mail or deliver a certified copy of this Resolution to the Stanly County Board of Elections within three (3) business days after the passage hereof.

Section 6. This resolution shall take effect upon its passage.

ADOPTED this the 8th day of August, 2016

Terry Scott Efird, Chairman
Stanly County Board of Commissioners

ATTEST:

Tyler Brummitt, Clerk to the Board



Stanly County Board of Commissioners

Meeting Date: August 8, 2016
 Presenter: Chairman Efird

8

Consent Agenda | Regular Agenda

Presentation Equipment: Lectern PC* Lectern VCR Lectern DVD Document Camera** Laptop***
 Please Provide a Brief Description of your Presentations format: _____

* PC is equipped with Windows XP and Microsoft Office XP (including Word, Excel, and PowerPoint), Internet connectivity and Network connectivity for County Employees.

** If you have need to use the Document Camera and zoom into a particular area, if possible please attach a copy of the document with the area indicated that you need to zoom into. A laser light is available to pinpoint your area of projection.

*** You can bring in a laptop that will allow video out to be connected at the lectern – set display to 60Mhz.

ITEM TO BE CONSIDERED

CONSENT AGENDA

- A. Minutes – Regular meeting of July 11, 2016.
- B. Finance – Request approval of the attached vehicle tax refunds.
- C. Health Department – Request approval of budget amendments # 2017-03 and #2017-04.

Subject

Requested Action

Request approval of the above items.

Signature: _____

Dept. _____

Date: _____

Attachments: Yes _____ No x

Review Process

	Approved		
	Yes	No	Initials

Finance Director	___	___	
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Budget Amendment Necessary	___	___	
----------------------------	-----	-----	--

County Attorney	___	___	
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County Manager	___	___	
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Other:	___	___	
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Certification of Action

Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on

Tyler Brummitt, Clerk to the Board Date

**STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
JULY 11, 2016**

COMMISSIONERS PRESENT:

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

ABSENT:

Joseph Burleson

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, July 11, 2016 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman Efird called the meeting to order with Commissioner Dennis leading the invocation and pledge of allegiance.

APPROVAL / ADJUSTMENTS TO THE AGENDA

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

ITEM # 1 – RETIREMENT AWARD PRESENTATION – GWEN HINSON, FORMER TRANSPORTATION SERVICES DIRECTOR (SCUSA)

The Board took a moment to recognize Ms. Hinson for her 30 years of service to the county.

ITEM # 2 – PRESENTATION REGARDING STANLY COUNTY 4-H

Presenter: Kate Vanhorn, Local 4-H Chapter Secretary

Local 4-H county council secretary Ms. Kate Vanhorn gave a presentation highlighting the benefits, activities and events of 4-H. She also noted that she will represent Stanly County at the upcoming NCACC Youth Summit in Raleigh on August 12th and 13th.

ITEM # 3 – ADOPTION OF THE CITY OF LOCUST AND TOWN OF RED CROSS COMPREHENSIVE TRANSPORTATION PLAN (CTP)

Presenter: Dana Stoogenke, Rocky River RPO Director

With the City of Locust and Town of Red Cross both having adopted the comprehensive transportation plan, Ms. Stoogenke was present to request the Board hold the required public hearing and adopt the CTP as well. Prior to the public hearing, Ms. Stoogenke noted that no changes have been made to the maps since her last presentation to the Board on March 7, 2016. The CTP still includes plans for Highway 24/27 (beginning at Red Cross and ending at the Locust city limits) to become a boulevard to aid with traffic congestion in the area. Other proposed improvements include:

- Three (3) proposed roundabouts: one along NC 200 at the juncture of Meadow Creek Church Road, another near West Stanly Middle School at the juncture of Running Creek Church Road and Bethel Church Road, and a third in Red Cross at the three-way juncture of Hilltop Road, Hatley-Burriss Road and NC Highway 205,
- Creation of an alternate route for local east/west traffic by adding a road parallel to NC 24/27 which would extend Stanly Parkway and stop at NC Highway 200,
- Extension of Lions Club Road east of Coley Store Road to provide another non-highway option for local traffic,
- Widening of nine (9) roads: Meadow Creek Church Road from NC 24/27 to NC 200; Bethel Church Road from NC 200 to NC 24/27; Lions Club Road from NC 200 to the end of the road; NC 205 from NC 24/27 to Liberty Hill Church Road; Brown's Hill Road from NC 24/27 to just north of Nance Road; Coley Store Road from NC 24/27 to just north of Hinson Farm Lane; Elm Street from NC 200 to Big Lick Road; Renee Ford Road from NC 200 to just south of Brentwood Drive; and Austin Road turn onto Bethel Church Road,
- Addition of two (2) new bicycle routes – one along NC 205 through Red Cross and another along the Stanly Parkway.

Ms. Stoogenke stated that once the county has adopted the CTP, it will then be presented to the local Technical Coordinating Committee for approval. Once approved, the plan will then be sent to the NC Board of Transportation in Raleigh with hopes that the projects will be funded in the future.

Due to Commissioner Burleson being absent, Chairman Efird requested the Board take action to excuse him from the meeting. Commissioner McIntyre moved to do so and was seconded by Commissioner Dennis. The motion carried by a 6-0 vote.

With no questions from the Board, Chairman Efird declared the public hearing open. With no one coming forward to speak for or against, the public hearing was closed.

By motion, Commissioner Dennis moved to approve the Comprehensive Transportation Plan. His motion was seconded by Commissioner Ascutto and passed by unanimous vote.

ITEM # 4 – PLANNING & ZONING

Presenter: Tim Fesperman, Zoning Code Enforcement Officer

A. Interlocal Agreement for Enforcement of Local Ordinance with the Town of Oakboro

The Town of Oakboro has adopted an Interlocal Agreement authorizing the Stanly County Planning Department to provide enforcement of Oakboro’s Zoning Ordinance within the bounds of their jurisdiction for a term of six (6) months. With the Planning Department already providing this service to Badin, Locust, New London and Norwood, it was requested the Board approve the agreement for the Town of Oakboro as well.

Commissioner Ascutto moved to approve the Interlocal Agreement and was seconded by Commissioner Dennis. The motion carried with a 6 – 0 vote.

B. BOARD OF ADJUSTMENT APPOINTMENTS

Three current members Michael D. Efird, Houston (Buddy) Clark II and Richard Cosgrove terms expired on June 30, 2018. Mr. Efird and Mr. Clark are eligible for reappointment and have agreed to serve again if reappointed. Mr. Richard Cosgrove has served two (2) consecutive terms and is ineligible for reappointment. Therefore one vacancy exists on the board. Cynthia Fish is currently serving as an alternate and is eligible to be appointed as a regular board member if the Board so chooses.

By motion, Commissioner McIntyre moved to:

- Reappoint both Michael D. Efird and Houston (Buddy) Clark II, each to serve a term ending June 30, 2019.
- Appoint Cynthia Fish as a regular member with her term ending June 30, 2018.
- Appoint James F. Starnes as an alternate member with his term ending June 30, 2019.

The motion was seconded by Commissioner Lowder and passed by unanimous vote.

ITEM # 5 – RESOLUTION IN SUPPORT OF THE STANLY COUNTY AVIATION AND US HIGHWAY 52 WIDENING PROJECTS

Presenter: Andy Lucas, County Manager

The County Manager stated that two (2) projects previously being evaluated by the NC DOT for funding and are of significant importance to the county are the lengthening and widening of the runway at the Stanly County Airport (known as SPOT ID A130451 and A130452) and the

widening of US Highway 52 South from Albemarle south to Crump Road in Norwood. Based on recent information received from the NC DOT, the county learned that these projects are no longer being considered for possible funding. It was requested the Board consider adopting a resolution to communicate the Board's specific concerns related to this decision and to reiterate the importance of the projects to the county.

By motion, Commissioner Ascitutto moved to approve the resolution and was seconded by Vice Chairman Lawhon. The motion carried by a 6 – 0 vote.

See Exhibit A

Resolution Expressing Concerns with the Proposed North Carolina Department of Transportation (NCDOT), Prioritization 4, Division 10 Point Allocation and Prioritization of the Stanly County Airport Lengthening and the US 52 Widening Projects

ITEM # 6 – SELECTION OF A VOTING DELEGATE FOR THE 2016 NCACC ANNUAL CONFERENCE

Presenter: Andy Lucas, County Manager

With Commissioner McIntyre planning to attend the conference, Commissioner Dennis moved to appoint him as voting delegate for Stanly County. The motion was seconded by Vice Chairman Lawhon and passed by unanimous vote.

ITEM # 7 – BOARD & COMMITTEE APPOINTMENTS

Presenter: Chairman Efirid

A. Richfield Board of Adjustment – ETJ

The Town of Richfield submitted a request for the Board to appoint Mr. Guy E. Medlin and Mr. Dale Burris to Richfield's Board of Adjustment – ETJ for a two (2) year term ending July 1, 2018.

Commissioner McIntyre moved to appoint both as requested and was seconded by Commissioner Dennis. The motion carried by a 6 – 0 vote.

B. JCPC COUNTY COMMISSIONER APPOINTEES

At the previous meeting on June 6, the Board tabled the request to name county commissioner appointees to the JCPC in order to review the volunteer applications on file. Based on this review, four (4) applicants were presented for consideration.

By motion, Commissioner McIntyre moved to appoint the following individuals to serve a one (1) year term ending June 30, 2017: Christopher C. Fish, Cary L. Hathcock, Jessica Holt Smith and Fredia B. Owens. The motion was seconded by Commissioner Dennis and passed by unanimous vote.

C. CONVENTION & VISITORS BUREAU BOARD OF DIRECTORS

Due to current board members Ms. Candice Moffitt and Ms. Ashley Smith's terms expiring on June 30, 2016, it was requested the Board appoint / reappoint two (2) county representatives to serve on the CVB Board for a three (3) year term ending June 30, 2019.

Commissioner Dennis moved to reappoint Ms. Ashley Smith and Ms. Moffitt. The County Manager noted that Ms. Moffitt's prior appointment to the CVB Board was based on her position as the Agri-Civic Center Director. Since she no longer serves in that position, the Board may want to consider tabling the second appointment until a new director is selected. Commissioner Ascitutto then moved to reconsider Commissioner Dennis' motion.

Commissioner Dennis amended the motion to reappoint Ms. Ashley Smith and moved to table the second appointment until a new agri-civic center director is selected. The motion was seconded by Commissioner Lowder and carried with a 6 – 0 vote.

D. REGION F AGING ADVISORY COMMITTEE APPOINTMENTS

Current delegate member Ms. Glenna Hinson's term expired June 30, 2016 and she agreed to serve again if reappointed. However, due to serving three (3) consecutive terms, she is ineligible to be reappointed as a delegate but can serve as an alternate for one (1) year if chosen. Therefore, there is also a vacant delegate position.

Commissioner McIntyre moved to appoint Ms. Hinson as an alternate for a one year term ending June 30, 2017 and table the appointment of a delegate until volunteer applications are received. His motion was seconded by Commissioner Lowder and passed by unanimous vote.

E. AIRPORT AUTHORITY BOARD APPOINTMENT

Due to Stephen Chamber's recent resignation, the Airport Authority took action and formally recommended Mr. David M. Rudisill be appointed to serve the unexpired board seat until March 31, 2017.

By motion, Commissioner Dennis moved to appoint Mr. Rudisill as requested and was seconded by Vice Chairman Lawhon. The motion carried unanimously.

ITEM # 8 – OAKBORO SCHOOL SUBCOMMITTEE / TASKFORCE

Presenter: Commissioner Peter Ascitutto

Commissioner Ascitutto requested the Board's consideration in forming a taskforce (one county commissioner, one school board member and one Oakboro Town Council member) to begin discussions related to possible uses for the Oakboro School facility.

The Board then participated in a brief discussion on how the school system is allowed to dispose of school facilities once closed and the process to do so. Commissioner Lawhon also noted a letter the Board received previously from the mayor of Oakboro requesting the county consider titling the property back to the town of Oakboro if the decision was made to close the school. Chairman Efird stated that he feels the taskforce is a good idea, but isn't sure what the commissioners can do until the School Board makes a decision regarding the facility.

Commissioner Ascitutto then amended his motion to have the County Manager contact School Superintendent Dr. Griffin and the mayor of Oakboro to see if there is any interest in creating the taskforce. The motion was seconded by Commissioner McIntyre and passed by unanimous vote.

ITEM # 9 – CONSENT AGENDA

- A. Minutes – Regular meeting of June 6, 2016 and budget workshops of June 14 & 23, 2016.
- B. Finance – Request approval of the Monthly Financial Report for Eleven Months Ended May 31, 2016.
- C. County Attorney – Review and consider adoption of the revised News Media Policy and Social Media Policy.
- D. Finance – Request approval of the attached vehicle tax refunds.
- E. Sheriff's Office – Request approval of budget amendment # 2017-01.
- F. Health Department – Request approval of budget amendment # 2017-02.

Commissioner Dennis moved to approve the above items as amended (correction made to the June 23, 2016 budget workshop minutes.) The motion was seconded by Commissioner Ascitutto and carried with a 6 – 0 vote.

PUBLIC COMMENT

Tim Fesperman, Town Administrator for the City of Locust, thanked the Board for their recent purchase of the Big Lick transmission line from the City of Locust and Town of Stanfield noting that it will be beneficial for the county and much easier for decisions to be made with the county being the sole owner going forward.

Trent Middlebrook, police officer for the City of Locust, also thanked the Board for the purchase of the new emergency radio system stating that as a user, the system is much better and easier to use than the previous system.

For consideration, Sheriff George Burris requested the Board's support and co-sponsorship of a Stanly County Law Enforcement Day of Prayer with a tentative date of Thursday, August 11th at 6:00 p.m. All local enforcement agencies will be invited in addition to citizens of the county. Commissioner Dennis moved to grant the request and was seconded by Commissioner McIntyre. The motion passed by unanimous vote.

BOARD COMMENTS

Commissioner McIntyre stated that he has been contacted by several citizens in support of the Sheriff's request for the law enforcement day of prayer and that with the county co-sponsoring the event the rental fee charged by the Ag-Center would not apply.

Vice Chairman Lawhon stated that several members of the Economic Development Commission plan to attend the aerospace manufacturing summit in Winston-Salem in August in hopes of making contacts and networking with companies who would consider locating future projects in Stanly County. He also provided statistics noting the increase in the number of housing/building permits issued between January and June of 2016 versus the same time period in 2015 which is an indicator that the economy continues to improve in Stanly County.

Commissioner Dennis mentioned a local success story recently published in the Stanly News & Press regarding a student who completed the nursing program at Stanly Community College, went on to pursue his doctorate degree at Duke University and is now a chief nurse practitioner at CMC Main in Charlotte.

Commissioner Ascitutto thanked Ms. Kate Vanhorn for her 4-H presentation and commended her on a job well done. He also thanked Airport Director David Griffin, Health Director Dennis Joyner and Sheriff George Burris, who were in attendance, for their hard work. He also noted the recent news of the Maryland based electric company Cube Hydro's purchase of Alcoa's four (4) hydroelectric dams and the impact this will have on Stanly County in the future.

CLOSED SESSION

Commissioner Dennis moved to recess the meeting into closed session in order to discuss economic development in accordance with G. S. 143-318.11(a)(4), a real estate transaction in accordance with G. S. 143-318.11(a)(5) and a personnel issue in accordance with G. S. 143-

318.11(a)(6). The motion was seconded by Commissioner McIntyre and passed unanimously at 7:58 p.m.

ADJOURN

There being no further discussion, Commissioner McIntyre moved to adjourn the meeting and was seconded by Commissioner Dennis. The motion carried with a 6 – 0 vote at 8:50 p.m.

Terry Scott Efird, Chairman

Tyler Brummitt, Clerk



Stanly County Board of Commissioners

Meeting Date: August 8, 2016
 Presenter: Consent

8B

Consent Agenda | Regular Agenda

Presentation Equipment: Lectern PC* Lectern VCR Lectern DVD Document Camera** Laptop***

Please Provide a Brief Description of your Presentations format: _____

* PC is equipped with Windows XP and Microsoft Office XP (including Word, Excel, and PowerPoint), Internet connectivity and Network connectivity for County Employees.

** If you have need to use the Document Camera and zoom into a particular area, if possible please attach a copy of the document with the area indicated that you need to zoom into. A laser light is available to pinpoint your area of projection.

*** You can bring in a laptop that will allow video out to be connected at the lectern – set display to 60Mhz.

ITEM TO BE CONSIDERED

Please see the attached July 2016 refund report from the North Carolina Vehicle Tax System for taxpayers due vehicle refunds over \$100 which requires Board of Commissioners approval.

Subject

Requested Action

Consider and approve the attached vehicle tax refunds.

Signature: Toby R. Hinson

Date: 8/02/16

Dept. Finance

Attachments: Yes No _____

Review Process

	Approved		Initials
	Yes	No	
Finance Director	—	—	
Budget Amendment Necessary	—	—	
County Attorney	—	—	
County Manager	—	—	
Other:	—	—	

Certification of Action

Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on

Tyler Brummitt, Clerk to the Board Date



North Carolina Vehicle Tax System

NCVTS Pending Refund report

Report Date 8/2/2016 9:49:23 AM

Vendor Number	Payee Name	Primary Owner	Secondary Owner	Address 1	Address 3	Tax Jurisdiction	Levy Type	Change	Interest Change	Total Change
	DAVIS, RUSSELL EDWIN	DAVIS, RUSSELL EDWIN		17630 EFIRD RD	ALBEMARLE, NC 28001	01	Tax	(\$153.48)	\$0.00	(\$153.48)
	DERRY'S WELL DRILLING INC	DERRY'S WELL DRILLING INC		44283A NC 24 27 73 HWY	ALBEMARLE, NC 28001	13	Tax	(\$13.74)	\$0.00	(\$13.74)
	KOPP, JONATHAN ANDREW	KOPP, KYLIE MARIE		25738 ROWLAND RD	LOCUST, NC 28097	01	Tax	(\$119.64)	\$0.00	(\$119.64)
	MOOSE, DOUGLAS RANDOLPH	MOOSE, DOUGLAS RANDOLPH		1105 PEE DEE AVE	ALBEMARLE, NC 28001	16	Tax	(\$17.86)	\$0.00	(\$17.86)
	NAHRGANG, JENNIFER COBLE	NAHRGANG, JENNIFER COBLE		5901 GOLD HILL CT	MARSHVILLE, NC 28103	01	Tax	(\$88.87)	\$0.00	(\$88.87)
	ROGERS, KEITH ANDRE	ROGERS, FELICIA TUCKER		734 REDAH AVE	LOCUST, NC 28097	14	Tax	(\$11.93)	\$0.00	(\$11.93)
	SCHWOB, DAVID MARTIN	SCHWOB, DAVID MARTIN		6117 SETTLERS TRL	STANFIELD, NC 28163	01	Tax	(\$64.67)	\$0.00	(\$64.67)
	YOUNG, SONYA LITTLE	YOUNG, WILLIAM THOMAS		303 E 10TH ST	OAKBORO, NC 28129	50	Tax	(\$56.95)	\$0.00	(\$56.95)
						50	Vehicle Fee	\$0.00	\$0.00	\$0.00
								\$0.00	Refund	\$121.62
						01	Tax	(\$106.58)	\$0.00	(\$106.58)
						50	Tax	(\$112.63)	\$0.00	(\$112.63)
						50	Vehicle Fee	(\$5.00)	\$0.00	(\$5.00)
						55	Tax	\$11.45	\$0.00	\$11.45
						55	Vehicle Fee	\$10.00	\$0.00	\$10.00
						11	Tax	\$2.68	\$0.00	\$2.68
						30	Tax	(\$19.09)	\$0.00	(\$19.09)
								\$0.00	Refund	\$219.17
						01	Tax	(\$147.40)	\$0.00	(\$147.40)
						55	Tax	(\$79.20)	\$0.00	(\$79.20)
						55	Vehicle Fee	(\$10.00)	\$0.00	(\$10.00)
						11	Tax	(\$18.52)	\$0.00	(\$18.52)
								\$0.00	Refund	\$255.12
						01	Tax	(\$112.15)	\$0.00	(\$112.15)
						11	Tax	(\$14.09)	\$0.00	(\$14.09)
								\$0.00	Refund	\$126.24
						01	Tax	(\$116.67)	\$0.00	(\$116.67)
						51	Tax	(\$71.39)	\$0.00	(\$71.39)
								\$0.00	Refund	\$188.06



Stanly County Board of Commissioners

Meeting Date: August 8, 2016

Presenter: Dennis R. Joyner, Health Director

	Consent Agenda Regular Agenda
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ITEM TO BE CONSIDERED

Subject

The Stanly County Animal Control Program requests to purchase 40 kennel beds with replacement vinyl for the animal shelter. The current PVC/vinyl beds are several years old and in disrepair. In addition, the vendor of the current style of beds no longer carries replacement vinyl. Funding for these items were not included in the FY 16-17 budget and we request to use Animal Control's designated fund balance for this expense. This fund balance is approximately \$85,700.

Requested Action

Request approval to amend the FY16-17 Animal Control budget and appropriate \$2,450 from the Animal Control designated fund balance for purchase of shelter kennel beds.

Signature: *Dennis R Joyner*
 Date: 8/2/16

Dept: Public Health
 Attachments: yes no

Review Process

	Approved		Initials
	Yes	No	
Finance Director	<input type="checkbox"/>	<input type="checkbox"/>	
Budget Amendment Necessary	<input type="checkbox"/>	<input type="checkbox"/>	
County Attorney	<input type="checkbox"/>	<input type="checkbox"/>	
County Manager	<input type="checkbox"/>	<input type="checkbox"/>	
Other:	<input type="checkbox"/>	<input type="checkbox"/>	

Certification of Action

Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on

 Tyler Brummitt, Clerk to the Board Date



AMENDMENT NO: 2017-03

STANLY COUNTY-BUDGET AMENDMENT

BE IT ORDAINED by the Stanly County Board of Commissioners that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2017:

To amend the General Fund 110, the expenditures are to be changed as follows:

<u>FUND/DEPART NUMBER</u>	<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>CURRENT BUDGETED AMOUNT</u>	<u>INCREASE (DECREASE)</u>	<u>AS AMENDED</u>
110.4380	261.000	Departmental Supplies	\$ 5,600	\$ 2,450	\$ 8,050
TOTALS			<u>\$ 5,600</u>	<u>\$ 2,450</u>	<u>\$ 8,050</u>

This budget amendment is justified as follows:

To increase the budget to purchase animal kennel beds in the Animal Control Program.

This will result in a net increase \$ 2,450 in expenditures and other financial use to the County's annual budget. To provide the additional revenue for the above, the following revenues will be increased. These revenues have already been received or are verified they will be received in this fiscal year.

<u>FUND/DEPART NUMBER</u>	<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>CURRENT BUDGETED AMOUNT</u>	<u>INCREASE (DECREASE)</u>	<u>AS AMENDED</u>
110.3500	990.4380	Fund Balance Animal Control	\$ 5,300	\$ 2,450	\$ 7,750
TOTALS			<u>\$ 5,300</u>	<u>\$ 2,450</u>	<u>\$ 7,750</u>

SECTION 2. Copies of this amendment shall be furnished to the Clerk of the Board of Commissioners, Budget Officer, and to the Finance Director.

Adopted this _____ day of _____, 20____

Verified by the Clerk of the Board _____

Dennis R. Joyner

 Reviewed by Department Head

8/2/16

 Date

Jody R. Vinson

 Reviewed by Finance Director

8-2-16

 Date

 Reviewed by County Manager

 Date

Posted by
Journal No.
Date



Stanly County Board of Commissioners

Meeting Date: August 8, 2016

Presenter: Dennis R. Joyner, Health Director

 Consent Agenda	Regular Agenda
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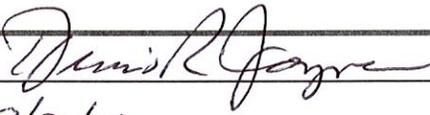
ITEM TO BE CONSIDERED

Subject

The Health Department requests to purchase TeamLinks, an electronic health record (EHR) and ePrescribing module for the Dental Clinic. This module integrates with our existing Dentrix record system and is certified under the “meaningful use” requirements of the Centers for Medicare and Medicaid Services (CMS) to advance the use of certified EHR technology to support health information exchange and interoperability, advanced quality measurement, and maximizing clinical effectiveness and efficiencies. Cost of the initial TeamLinks system, registration and training is \$9,080 and we’re requesting to move funds from the Dental Clinic Fund Balance for this purchase. Once operational, the clinic’s eligible providers will be able to generate approximately \$34,000 through the Medicaid EHR Incentive Program.

Requested Action

Request approval to appropriate funding in the amount of \$9,080 from the Dental Fund Balance to the Health Department’s Dental Clinic FY 16-17 budget for electronic health record system expenses.

Signature: 
 Date: 8/2/16

Dept: Public Health
 Attachments: yes no

Review Process

	Approved		Initials
	Yes	No	
Finance Director	<input type="checkbox"/>	<input type="checkbox"/>	
Budget Amendment Necessary	<input type="checkbox"/>	<input type="checkbox"/>	
County Attorney	<input type="checkbox"/>	<input type="checkbox"/>	
County Manager	<input type="checkbox"/>	<input type="checkbox"/>	
Other:	<input type="checkbox"/>	<input type="checkbox"/>	

Certification of Action

Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on

Tyler Brummitt, Clerk to the Board Date



AMENDMENT NO: 2017-04

STANLY COUNTY-BUDGET AMENDMENT

BE IT ORDAINED by the Stanly County Board of Commissioners that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2017:

To amend the General Fund 110, the expenditures are to be changed as follows:

FUND/DEPART NUMBER	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	CURRENT BUDGETED AMOUNT	INCREASE (DECREASE)	AS AMENDED
110.5158	291.000	Data Processing Supplies	\$ 3,200	\$ 9,080	\$ 12,280
TOTALS			<u>\$ 3,200</u>	<u>\$ 9,080</u>	<u>\$ 12,280</u>

This budget amendment is justified as follows:

To budget additional revenue from dental fund balance for electronic health record system expenses.

This will result in a net increase \$ 9,080 in expenditures and other financial use to the County's annual budget. To provide the additional revenue for the above, the following revenues will be increased. These revenues have already been received or are verified they will be received in this fiscal year.

FUND/DEPART NUMBER	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	CURRENT BUDGETED AMOUNT	INCREASE (DECREASE)	AS AMENDED
110.3500	990.5158	Fund Balance App Dental	\$ 90,000	\$ 9,080	\$ 99,080
TOTALS			<u>\$ 90,000</u>	<u>\$ 9,080</u>	<u>\$ 99,080</u>

SECTION 2. Copies of this amendment shall be furnished to the Clerk of the Board of Commissioners, Budget Officer, and to the Finance Director.

Adopted this _____ day of _____, 20____

Verified by the Clerk of the Board _____

Dennis R. Jayman

 Reviewed by Department Head

8/2/16

 Date

John R. Kinerson

 Reviewed by Finance Director

8-2-16

 Date

 Reviewed by County Manager

 Date

Posted by
Journal No.
Date