

**STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
SEPTEMBER 8, 2015**

COMMISSIONERS PRESENT:

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

COMMISSIONERS ABSENT:

None

STAFF PRESENT:

Andy Lucas, County Manager
Jenny Furr, County Attorney
Tyler Brummitt, Clerk

CALL TO ORDER

The Stanly County Board of Commissioners (the "Board") met in regular session on Tuesday, September 8, 2015 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman Lowder called the meeting to order with Vice Chairman Dennis giving the invocation and leading the pledge of allegiance.

APPROVAL / ADJUSTMENTS TO THE AGENDA

With no adjustments to the agenda, Commissioner Ascitutto moved to approve it as presented. The motion was seconded by Vice Chairman Dennis and passed by unanimous vote.

ITEM # 1 – DRIVER EDUCATION RESOLUTION

Presenter: Marvin Smith, Smith Driving School

For Board consideration, Mr. Smith presented a resolution to request the General Assembly reconsider its decision to eliminate driver education funding in the Fiscal Year 2015-2016 budget. In addition, Mr. Smith provided detailed information related to the benefits and importance of the driver education course in local school districts.

Commissioner Ascitutto moved to approve the adoption of the resolution and was seconded by Vice Chairman Dennis. Motion passed by unanimous vote.

See Exhibit A
Driver Education Funding Resolution

ITEM # 2 – WISCASSETT ATHLETIC COMMITTEE PRESENTATION

Presenter: Chris Lambert, Stanly County CVB & Wiscassett Athletic Committee Member
Brett Speight, Wiscassett Athletic Committee Member

Due to the number of local youth that participate in travel ball tournaments, a committee was formed to investigate the possibility of building an athletic complex in Albemarle to host some of the tournaments in Stanly County. Mr. Lambert provided an overview of the planning and final design of the proposed “Wiscassett Mills Athletic Complex” completed by Site Solutions. The final design includes six (6) batting cages, a skate park, play area, six (6) softball/baseball fields and three (3) restroom facilities. Mr. Brett Speight provided additional details including the cost to build the complex which is estimated between \$7 - \$9 million, the economic impact to the city and county of \$82,500 per two (2) day tournament and the general cost to maintain the facility. It was noted that the City of Albemarle has made a \$3 million commitment to the project over the next several years. As the next step, the committee plans to move forward by bringing public awareness to the project in order to draw public and private support, establish a 501(C)3, and seek grant sources to help cover the cost of construction. Mr. Lambert and Mr. Speight then entertained questions from the Board.

The presentation was for information only.

ITEM # 3 – DOMESTIC VIOLENCE AWARENESS MONTH PROCLAMATION

Presenter: Vicki Coggins, Esther House Board Member

For Board consideration, Ms. Coggins presented a proclamation naming October 2015 as Domestic Violence Awareness Month. Ms. Coggins also took a moment to note several upcoming events sponsored by Esther House.

By motion, Commissioner Ascitutto moved to approve the proclamation. His motion was seconded by Vice Chairman Dennis and carried with a 7 – 0 vote.

See Exhibit B
Domestic Violence Awareness Month Proclamation

ITEM # 4 – SENIOR SERVICES

A. Appointments to the Region F Aging Advisory Committee

Presenter: Janice Abernathy

It was requested the Board reappoint Ms. Janice Abernathy to a third term and appoint Mr. Gilbert P. “Rick” Russell to fill a vacant seat on the Region F Aging Advisory Committee. Both would serve for a two (2) year term until June 30, 2017.

Commissioner Ascitutto moved to reappoint Ms. Abernathy and appoint Mr. Russell as requested. The motion was seconded by Commissioner Lawhon and passed by unanimous vote.

B. In Home Aide Annual Evaluation Presentation

Presenter: Mary Troutman, Senior Services

As required each year, Ms. Troutman provided an overview of the Senior Services Department In Home Aide program for the Board’s acceptance. The presentation included a review of the evaluation which assesses the quality of the program that is provided to seniors in the county through an explanation of the services, client data, funding, policies and procedures and staffing.

Following the presentation, Commissioner Efirm moved to accept the annual evaluation and was seconded by Vice Chairman Dennis. The motion carried by a 7 – 0 vote.

ITEM # 5 – STANLY COUNTY CHILD FATALITY PREVENTION TEAM / COMMUNITY CHILD PROTECTION TEAM 2015 REVIEW

Presenters: Dennis Joyner, Health Director and Tammy Schrenker, DSS Director

Health Director Joyner provided a brief history of the Child Fatality Prevention Team noting that it meets quarterly with the Community Child Protection Team to review the deaths of children in the county between the ages of 0 – 17. By reviewing these cases, the teams work to identify system problems and make recommendations to the state coordinator who in turn relays this information to the state. The state then uses the information as a means to improve or develop policies which aid in reducing the number and rate of child deaths. Examples of the programs developed as a result of these recommendations include the child booster seat law, graduated driver’s licenses and children’s water safety programs.

As the second part of the presentation, Social Services Director Tammy Schrenker provided an overview of the purpose of the Community Child Protection Team which was formed to provide a community-wide approach to address the problem of child abuse and neglect. Through the review of child fatalities where there has been DSS involvement, they are able to identify gaps

in services and advocate for system changes. In 2014, a total of four (4) cases were reviewed by the team with the main focus being on the mental health needs of children and their families.

The presentation was for information only and required no Board action.

ITEM # 6 – UTILITIES / GREATER BADIN WATER & SEWER DISTRICT

Presenter: Donna Davis, Utilities Director

A. 2015 NC DENR CDBG-I Funds

Ms. Davis addressed the Board by reading the following statement:

This public hearing on Tuesday September 8, 2015, will provide an explanation and description of the 2015 North Carolina Department of Environment and Natural Resources (DENR) Community Development Block – Infrastructure Grant (CDBG-I).

We are present to discuss the purpose of the public hearing for the County of Stanly's CDBG-I funding application. The purpose of the public hearing is to obtain citizen's views and to allow response from the public to funding proposals and answer any questions posed by citizens. This public hearing will cover the County's community development needs, development of the proposed activities, and a review of program compliance before the submission of the County's CDBG-I funding application to the state of the North Carolina.

The County proposes to request funding from NCDENR'S CDBG-I program for the 2015 Stanly County Hook up Project. The purpose of the CDBG-I grant program is:

To improve the quality of life for low to moderate income people by providing a safe, clean environment and clean drinking water through water and sewer infrastructure improvements and extensions of service.

- To benefit a residential area where at least 51% of the beneficiaries are low to moderate income as defined by the United States Department of Housing and Urban Development.
- To perform eligible activities.
- To minimize displacement, and
- Provide displacement assistance as necessary.

For the fiscal year of the CDBG-I funding available is expected to be \$26 million split in two grand rounds of \$13 million. The maximum available grant is \$2.0 million over a 3 year period. Applications for funding will be received September 30, 2015 (application deadline).

The CDBG program is able to fund a wide variety of community development activities. The State of North Carolina has chosen to fund two activities: water and sewer infrastructure, and

economic development projects that lead to job creation or retention. The infrastructure program, or CDBG-I program can fund a range of water and sewer infrastructure activities, including, but not limited to the, following:

Water:

- Projects that resolve water loss in distribution systems.
- Projects that extend public water to areas with contaminated wells.
- Projects that extend water lines to areas with dry wells.
- Projects that assist with low water pressure in public water systems.
- Projects that regionalize two or more water systems.
- Project that rehabilitate or replace a water treatment plant.

Wastewater:

- Projects that resolve inflow and infiltration to collection systems and surcharges from pumps stations and manholes.
- Projects that extent public sewer to areas with failed septic tanks.
- Projects that rehabilitate a wastewater treatment plant to allow for greater efficiency/compliance with regulations.

The County is seeking an amount in CDBG-I funds not to exceed \$428,000 (amount) for the 2015 Stanly County Hook up Project. The purpose of the County's request is to connect approximately 75 low to moderate income users with water quality and quantity problems to the Stanly County public water system.

The project proposed by the County of Stanly was identified in 2015 review and update of the Stanly County Utilities Capital Improvement Plan/Asset Management Plan at the Commissioner's Budget Retreat on March 6, 2015.

A total of 100% of the CDBG- I funding will be used to benefit Low to Moderate Income (LMI) people. The project area in the County of Stanly has been determined to have a per applicant (area-wide/Income survey area) of 100%. The project area includes any accessible area throughout the Stanly County Utilities system service area.

The range of activities covered by the CDBG-I funds for the 2015 Stanly County Hook up Project includes:

- Construction.
- Environmental Review
- Engineering Design

- Construction Administration and observation.
- Legal activities.
- Surveying.
- Grant Administration.

If County of Stanly is awarded a CDBG-I grant, the town is required to adhere to federal procurement requirements and other federal regulations which include:

- American with Disabilities Act/Section 504 Survey
- Davis-Bacon & Related Labor Acts
- Adoption/Submittal of a Citizen’s Participation Plan
- Adoption/Submittal of an Equal Opportunity Plan
- Adoption/Submittal of a Fair Housing Plan
- Adoption/Submittal of a Language Access Plan
- Adoption/Submittal of a Relocation Assistance Plan
- Adoption/Submittal of a Section 3 Plan
- Excess Force Provision

The State of North Carolina requires that the if the County of Stanly receives CDBG grant funding that the town will certify that they will comply with the requirements of the general displacement and relocation policy for CDBG grant funding. This policy assists low to moderate income people with costs associated with relocation or displacement, should such relocation become necessary due to the project activities. CDBG funds can be used for those costs, if necessary. No displacement and relocation will occur as a result of the proposed CDBG grant activity, and the County of Stanly confirms that during this public hearing.

In the past, the County has applied for and received for the following completed CDBG project:

- List Name of Projects and Outcomes/outputs of the projects:
 - multiple rounds of Scattered Site Housing grants
 - multiple rounds of Homeowner Hook up project grants
 - the Clete Road Community Revitalization Project grant
 - ARRA CDBG-I funding for the Rolling Hill and Tyson Village MHPs

The County will submit its CDBG-I application for the 2015 Stanly County Hook up Project on September 30, 2015. The CDBG-I application will be available for review during normal business hours at the Stanly County Utilities Office located at 1000 N 1st Street Suite 12, Albemarle, North Carolina 28001. Additional information is available from Donna Davis, Utilities Director, Stanly County Utilities, 1000 N 1st Street Suite 12, Albemarle, North Carolina 28001. Should you have any complaints or grievances regarding the subject public hearing, they should be

addressed to the addressee mentioned above within 10 business days or by September 22, 2015 and a written response to the written complaints and/or grievances will be sent by the Town/City/County within 10 business days, where practicable.

We open the floor for comments and questions about the CDBG program, and about the proposed project.

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

Vice Chairman Dennis moved to approve the application for funding and was seconded by Commissioner Burleson. The motion passed by unanimous vote.

Vice Chairman Dennis then moved to approve the application resolution as presented. His motion was seconded by Commissioner Ascitutto and the motion carried with a 7 – 0 vote.

See Exhibit C
Resolution by Governing Body of Applicant

B. NC DENR Drinking Water State Revolving Fund (DWSRF) Program – Application Resolution for the Palestine Pump Station Rehab/Replacement

Stanly County Utilities sought Board approval of the application resolution to seek funding through the DWSRF program for the rehabilitation / replacement of the Palestine Pump Station.

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

See Exhibit D
Resolution by Governing Body of Applicant

C. Approval to Write-Off Uncollectible Debt for Stanly County Utilities, Greater Badin Water & Sewer District and Piney Point Water District

Based on the recommendation of the Finance Department and the request of the Utilities Department, Board approval was requested to write-off the uncollectable debt for all three (3) utility departments. The totals for each of the departments that fit the criteria as uncollectable are as follows:

Piney Point Water District	\$ 2,268
Greater Badin Water & Sewer District	\$103,212

Stanly County Utilities

\$153,326

After a brief period of questions from the Board, Commissioner Burleson moved to approve the write-off of the above debts for accounting purposes and was seconded by Vice Chairman Dennis. The motion carried by unanimous vote.

D. Greater Badin Water & Sewer District (GBWSD)

At the request of Ms. Davis, Vice Chairman Dennis moved to recess the meeting of the Board of County Commissioners and reconvene as the Greater Badin Water & Sewer District Board of Directors. The motion was seconded by Commissioner Ascitutto and passed by a vote of 7 – 0.

Ms. Davis stated that the GBWSD has received funding from the NC DENR Drinking Water State Revolving Fund (DWSRF) program for the Badin Rehabilitation Project Part B. Because the project was revised to accommodate NC Department of Transportation requirements, NC DENR has requested a revised resolution from the District.

Vice Chairman Dennis moved to approve the revised resolution and was seconded by Commissioner Burleson. Motion passed by unanimous vote.

See Exhibit E

Resolution by Governing Body of Applicant

By motion, Vice Chairman Dennis moved to adjourn the meeting of the GBWSD and reconvene as the Board of County Commissioners. Commissioner McIntyre seconded the motion which carried by a 7 – 0 vote.

ITEM # 7 – RESOLUTION SUPPORTING THE DEFUNDING OF PLANNED PARENTHOOD

Presenter: Commissioner Joseph Burleson

Prior to the presentation of the resolution, Chairman Lowder turned the proceedings over to Vice Chairman Dennis in order to participate in the discussion.

For Board consideration, Commissioner Burleson presented a resolution of support calling on all federal delegates to support the defunding of Planned Parenthood. By motion, he moved to approve the resolution and was seconded by Commissioner McIntyre.

Prior to the vote, Chairman Lowder stated her non-support of the resolution as presented due to its reference to a specific political party platform, but would support an amended resolution that addresses the issue without any political affiliation. Commissioner Ascitutto agreed with

Chairman Lowder's comments by stating that any reference to a particular party should be removed to more adequately represent the voters of the county. By motion, he moved to strike the first four (4) paragraphs of the resolution.

Chairman Lowder also recommended the following changes be made to the resolution: remove the Republican Party reference in the first paragraph, omit paragraphs 2 – 4, leave paragraphs 5 – 12 as is and change the last paragraph to reflect that the resolution be submitted to Senators Burr and Tillis and all thirteen members of the House of Representatives.

As a point of order, Commissioner Burleson noted that there was already a first and second motion on the floor to vote on the resolution as presented. Chairman Lowder requested Commissioner Burleson amend his motion to allow the Board to consider the proposed amendments. Commissioner Burleson refused and again called for a vote.

Commissioner Asciutto restated his concern with the resolution's support of the Republican Party Platform and requested that someone explain the platform. In response, Commissioner Lawhon noted that the proposed resolution and the 2015 Report of the Republican Party both include the statement "we believe in the sanctity of all human life and that the government must respect and protect all innocent human life from conception to natural death" and would be glad to share this information if any would like to see it.

Commissioner McIntyre stated that he did not find anything in the resolution that excludes any citizen based on political affiliation.

With no further discussion, Vice Chairman Dennis called for a vote. The motion to approve the resolution as presented passed with a 4 – 3 vote.

Ayes: Commissioner Burleson, Commissioner Efird, Commissioner Lawhon, Commissioner McIntyre

Nos: Chairman Lowder, Vice Chairman Dennis, Commissioner Asciutto

Vice Chairman Dennis then turned the proceedings back over to Chairman Lowder.

Exhibit F
Resolution
Supporting the Defunding of Planned Parenthood
By the Stanly County Board of Commissioners

ITEM # 8 – PROPOSED VOTER REFERENDUM REGARDING THE BOARD’S SIZE AND STRUCTURE

Presenter: Commissioner Peter Asciutto

Commissioner Asciutto began by stating his concerns that although the majority of the Board voted against increasing the number of county commissioners from five (5) to seven (7) in 2013, it was still approved by local legislators in Raleigh. Since that time, many citizens have requested the Board return to five (5) members due in part to the increased cost associated with having two (2) additional commissioners which is estimated to be between \$45,000-\$60,000. Commissioner Asciutto also expressed concerns with the current election cycle due to when the bill was implemented and district voting since he feels it limits the pool of candidates.

Commissioner Asciutto then proposed the Board take action to authorize the County Attorney to draft a letter to be sent to Senator Tom McInnis, Representative Justin Burr, Representative Tim Moore and Senate Phil Berger to request a referendum be placed on the November 2016 ballot to allow the citizens to vote and decide on a five (5) or seven (7) member Board and to amend the current election cycle. Vice Chairman Dennis stated his concerns with district voting as well stating it limits the number of candidates.

By motion, Commissioner Asciutto to pursue such a referendum and was seconded by Vice Chairman Dennis.

Commissioner Lawhon stated that he is for smaller government and has no issue with district voting since it allows for representation of each district.

After consulting with the County Attorney, Commissioner Asciutto stated that based on the way the bill is written, the Board cannot place a referendum on the ballot but must do so through local legislation. As follow-up, the County Attorney added that House and Senate members would have to pursue local legislation to change the session law as it was passed in Session Law 153(A) -8.

Commissioner Efird requested the item be tabled to allow the County Attorney time to research Commissioner Asciutto’s request. Commissioner Burluson recommended a vote be taken to see if the Board has interest in pursuing the issue rather than continue to tie up county resources.

Chairman Lowder called for a vote with a motion being made by Commissioner Asciutto and seconded by Commissioner Efird to table for further discussion. Motion passed by a 6 – 1 vote. Ayes: Chairman Lowder, Vice Chairman Dennis, Commissioner Asciutto, Commissioner Burluson, Commissioner Efird and Commissioner Lawhon.

Nos: Commissioner McIntyre

ITEM # 9 – FINAL BRANDING INITIATIVE RECOMMENDATIONS

Presenter: Andy Lucas, County Manager

For Board consideration and approval, the County Manager presented the final branding recommendations developed by North Star Strategies. The abundance of natural resources (water, air and land) was determined to be the County's greatest assets which differentiate it from other communities in the region. The presentation outlined the narratives developed around this concept and how the County can implement the new brand over the next two (2) year period.

After a brief period of questions, Vice Chairman Dennis moved to accept the branding recommendations as presented to include the logo and tag line. The motion was seconded by Commissioner Efirm and passed by unanimous vote.

ITEM # 10 – CONSENT AGENDA

Presenter: Chairman Lowder

- A. Minutes – Regular meeting of August 3, 2015 and special meeting of August 19, 2015
- B. Health Department – Request approval of budget amendment # 2016-05
- C. Agri-Civic Center – Request approval of budget amendment # 2015-06
- D. Finance – Request approval of budget amendment # 2016-07
- E. Sheriffs' Office – Request approval of budget amendments # 2016-08 and # 2016-09
- F. Finance – Request approval of the attached vehicle tax refunds for August 2015
- G. County Attorney – Request approval of the enclosed easements to Richfield for the construction and maintenance of a public multi-recreational trail
- H. Solid Waste – Request approval of the enclosed convenience center lease agreements

PUBLIC COMMENT - None

BOARD COMMENTS, ANNOUNCEMENTS & COMMITTEE REPORTS

Commissioner Burlison noted several recent events including the groundbreaking for the Stanly Community College cosmetology facility, sixth year anniversary of the Community Inn, and the upcoming ribbon cutting ceremony for Tarheel Challenge on Monday, September 14th at 10:00 a.m. He also congratulated new Dare Officers Donnie Hatley and Keith Sigmon on passing their recent training through the Dare Program. Commissioner Burlison also reminded everyone of the upcoming observance of the September 11th Patriots Day and to remember our armed forces around the world.

Commissioner Efird stated that he and Commissioner Lawhon had recently attended the Fireman’s Association meeting and thanked the members for their hard work in protecting all the citizens.

Commissioner Ascitutto stated he had recently attended the NCACC Conference held in Pitt County. One of the sessions he attended was related to demographics across the state where it was noted that growth was taking place in the areas located between Mecklenburg and Wake counties and in the area near Myrtle Beach, South Carolina.

Commissioner Lawhon provided an update on economic development noting that building improvement permits have increased by more than 30% over the previous year and that the county is seeing growth in both retail and business expansions.

CLOSED SESSION

Vice Chairman Dennis moved to recess the meeting in to closed session in order to discuss economic development in accordance with G. S. 143-318.11 (a)(4). Commissioner Efird seconded the motion which passed by unanimous vote at 9:20 p.m.

ADJOURN

With no additional business brought forward for discussion, Commissioner Efird moved to adjourn the meeting and was seconded by Commissioner Ascitutto. Motion carried with a 7 – 0 vote at 9:49 p.m.

Janet K. Lowder, Chairman

Tyler Brummitt, Clerk