

**STANLY COUNTY  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
OCTOBER 3, 2016**

**COMMISSIONERS PRESENT:**

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

**ABSENT:**

Gene McIntyre

**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, October 3, 2016 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman Efird called the meeting to order at 7:10 p.m. with Vice Chairman Lawhon giving the invocation and the Mecklenburg County Young Marines leading the pledge of allegiance.

**APPROVAL / ADJUSTMENTS TO THE AGENDA**

With no amendments to the agenda, Commissioner Ascitutto moved to approve it as presented. The motion was seconded by Commissioner Burleson and carried by unanimous vote.

**ITEM # 1 – RECOGNITION OF STANLY COUNTY EMERGENCY SERVICES WITH THE STORM READY COMMUNITY CERTIFICATION**

**Presenter: Nick Petro, National Weather Service (NWS) Warning Coordinator**

Mr. Petro thanked the Board for the opportunity to be in attendance for the special presentation. He stated that the National Weather Service had been working with Stanly County planners and emergency services recently to develop ways to communicate storm readiness to its citizens in order to mitigate fatalities and property damage during storms. Emergency Management Director Brian Simpson was in attendance to accept the NWS certificate and storm readiness plaque.

## **EXCUSAL OF COMMISSIONER MCINTYRE**

Due to Commissioner McIntyre's absence, Commissioner Burluson moved to excuse him from the meeting. The motion was seconded by Commissioner Dennis and passed by unanimous vote.

## **ITEM # 2 – RED RIBBON WEEK PROCLAMATION – OCTOBER 23-31, 2016**

**Presenter: Chairman Scott Efird**

PFC Lee and PFC Harrison of the Mecklenburg County Young Marines were in attendance to accept the Red Ribbon Week proclamation. PFC Lee provided a few brief comments about the Young Marine program noting that it is for youths between 8 – 18 years of age with the goal of developing good citizenship and promoting a healthy drug-free lifestyle. It was requested the Board adopt the proclamation as a show of support for the event.

The proclamation was read by Chairman Efird who then requested a motion be made for its adoption. Vice Chairman Lawhon moved to adopt the proclamation and was seconded by Commissioner Dennis. The motion carried by unanimous vote.

**See Exhibit A**

**Proclamation by the Stanly County Board of Commissioners**

**Red Ribbon Week**

**October 23-31, 2016**

## **ITEM # 3 – TAX ADMINISTRATION – PUBLIC HEARING FOR THE PROPOSED 2017 SCHEDULES OF VALUE**

**Presenter: Clinton Swaringen, Tax Administrator and Charles Johnson, Revaluation Director**

Mr. Swaringen stated that per NCGS 105-317, a public hearing for the proposed 2017 Schedules of Values is required to be held at least seven (7) days prior to their adoption. He and Mr. Johnson entertained questions from the Board prior to the public hearing.

With no questions, Chairman Efird declared the public hearing open. With no one coming forward to speak for or against, the hearing was closed. No further action was required.

## **ITEM # 4 – GREATER BADIN WATER & SEWER DISTRICT**

**Presenter: Donna Davis, Utilities Director**

Prior to Ms. Davis' presentation, Chairman Efird entertained a motion to recess the Board of County Commissioners meeting and reconvene as the Greater Badin Water & Sewer District's Board of Governors. Commissioner Dennis moved to do so and was seconded by Commissioner Burluson. The motion passed by a 6 – 0 vote.

Ms. Davis provided an update on the project known as the Greater Badin Water & Sewer Project Part A stating that the water system replacement project has been completed and also came in \$150,000 below the projected cost. The project included installation of 4.25 miles of waterlines, replacement of 33 hydrants, installation and connection of 220 customers and businesses to the system, and improved overall water quality, reliability and fire protection capability for the West Badin community. With construction completed, the final (permanent) loan closing with USDA to payoff of the interim financing obtained through Uwharrie Bank is scheduled for November 15, 2016. The loan amount will be \$2,132,000 for a term of forty (40) years at a rate of 1.875%. It was requested the Board approve the bond/loan resolution needed for the loan closing.

Commissioner Dennis moved to approve the bond/loan resolution as requested and was seconded by Commissioner Ascitutto. The motion carried by unanimous vote.

**See Exhibit B**  
**Resolution Of**  
**The Board of Governors of the Greater Badin Water & Sewer District,**  
**Stanly County, North Carolina**  
**Providing for the Issuance of a**  
**\$2,132,000 Water & Sewer Revenue Bonds, Series 2016**

Chairman Efird then requested the Board adjourn the meeting of the Greater Badin Water & Sewer District Board of Governors and reconvene as the Board of County Commissioners. Vice Chairman Lawhon moved to do so and was seconded by Commissioner Dennis. Motion passed with a 6 – 0 vote.

**ITEM # 5 – PLANNING & ZONING**

**Presenters: Michael Sandy, Planning Director, Tim Swaringen, Zoning Code Enforcement Officer & Bob Remsburg, Planner I**

**A. ZA 16-05 – Amendment to the Stanly County Zoning Ordinance to Replace Article 13-Definitions**

Mr. Sandy stated that the proposed amendment will expand the list of definitions as well as provide updates needed due to recent case law, legislative updates and new technologies. If adopted, the Planning Department and Planning Board will then be able to recommend revisions to other sections of the Zoning Ordinance as needed in the future. As a result, Stanly County's Zoning Ordinance will be more compliant and provide the Planning Department and

County Commissioners with the tools to encourage growth and development in the county. Mr. Sandy recognized Mr. Remsburg to respond to questions from the Board.

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

Commissioner Ascitutto moved to approve the request to amend the Stanly County Zoning Ordinance to replace Article 13 – Definitions. His motion was seconded by Vice Chairman Lawhon and carried by unanimous vote.

#### **B. PUBLIC HEARING AND ORDINANCE ADOPTION TO DEMOLISH 37668 MILLS ROAD AND 30545 TOM ROAD**

Mr. Sandy noted that the purpose of the public hearing was to receive public comment on the adoption of an ordinance declaring seven (7) dwellings owned by Richard S. Huneycutt unfit for human habitation and to authorize and direct the Housing Inspector to proceed with demolition and removal of the violations from these properties: 37668 Mills Road, Lots 2,3,7,8 and 10, and 30545 Tom Road, Lots 3 and 5. He then provided a brief review of the minimum housing ordinance approved by the Board in 2012.

Code Enforcement Officer Swaringen came forward and presented each of the seven (7) cases individually:

- 37668 Mills Road, Lot 2, New London, NC - Original complaint was filed by David Harrington, Inspections Director with an inspection completed by the Zoning Officer. The Findings of Fact and Order of the Housing Director was issued and received by Mr. Huneycutt in October 2013 which instructed him to obtain all construction permits and make all necessary repairs to the dwelling to comply with the County's Minimum Housing Code Standards, or to vacate, close, demolish and remove the structure(s) on the property by no later than January 1, 2014. That time has now expired and the property remains non-compliant, has continued to decline and is unfit for human habitation.
- 37668 Mills Road, Lot 3, New London, NC – Original complaint filed by Mr. Harrington with an inspection completed by the Zoning Officer. The Findings of Fact and Order of the Housing Inspector was issued and received by Mr. Huneycutt in October 2013 instructing him to obtain all construction permits and make all necessary repairs to the dwelling to comply with the County's Minimum Housing Code Standards, or to vacate, close, demolish and remove the structure(s) on the property by no later than January 1, 2014. That time has expired as well and the property remains non-compliant, has continued to decline and is unfit for human habitation.

- 37668 Mills Road, Lot 7, New London, NC – Original complaint filed by Mr. Harrington, with an inspection completed by Zoning Officer Swaringen. The Findings of Fact and Order of the Housing Inspector was issued and received by Mr. Huneycutt in October 2013 instructing him to obtain all construction permits and make all necessary repairs to the dwelling to comply with the County’s Minimum Housing Code Standards, or to vacate, close, demolish and remove the structure(s) on the property by no later than January 1, 2014. That time has now expired and the property remains non-compliant, has continued to decline and is unfit for human habitation.
- 37668 Mills Road, Lot 8, New London, NC - Original complaint was filed by Mr. Harrington with an inspection completed by the Zoning Officer. The Findings of Fact and Order of the Housing Inspector was issued and received by Mr. Huneycutt in October 2013 instructing him to obtain all construction permits and make all necessary repairs to the dwelling to comply with the County’s Minimum Housing Code Standards, or to vacate, close, demolish and remove the structure(s) on the property by no later than January 1, 2014. That time has expired and the property remains non-compliant, has continued to decline and is now unfit for human habitation.
- 37668 Mills Road, Lot 10, New London, NC - Original complaint was filed by Mr. Harrington with an inspection completed by the Zoning Officer. The Findings of Fact and Order of the Housing Inspector was issued and received by Mr. Huneycutt in October 2013 instructing him to obtain all construction permits and make all necessary repairs to the dwelling to comply with the County’s Minimum Housing Code Standards, or to vacate, close, demolish and remove the structure(s) on the property by no later than January 1, 2014. That time has expired and the property remains non-compliant, has continued to decline and is now unfit for human habitation. Mr. Swaringen noted that he re-inspected the property on September 21, 2016 and found that the property still fails to meet minimum housing standards.
- 30545 Tom Road, Lot 3, Albemarle, NC – Original complaint filed by Mr. Harrington with an inspection completed by the Zoning Officer. The Findings of Fact and Order of Housing Inspector was issued and received by Mr. Huneycutt in August 2014 instructing him to obtain all construction permits and make all necessary repairs to the dwelling to comply with the County’s Minimum Housing Code Standards, or to vacate, close, demolish and remove the structure(s) on the property by no later than November 4, 2014. That time has passed and the property remains non-compliant, has continued to decline and is now unfit for human habitation.
- 30545 Tom Road, Lot 5, Albemarle, NC - Original complaint was filed by Mr. Harrington with an inspection completed by the Zoning Officer. The Findings of Fact and Order of the Housing Inspector was then issued and received by Mr. Huneycutt in October 2013 instructing him to obtain all construction permits and make all necessary repairs to the

dwelling to comply with the County's Minimum Housing Code Standards, or to vacate, close, demolish and remove the structure(s) on the property by no later than January 1, 2014. That time has now passed and the property remains non-compliant, has continued to decline and is now unfit for human habitation.

Mr. Swaringen then entertained questions from the Board. Vice Chairman Lawhon asked how many of the homes are currently inhabited to which Mr. Swaringen replied that only Lots 7 and 8 on Mills Road are occupied.

With no further questions, Chairman Efird stated the Board would hold a public hearing for each property individually.

- 37668 Mills, Lot 2, New London, NC – Chairman Efird declared the public hearing open. Mr. Richard Huneycutt came forward stating that he had received the letter from Planning & Zoning a month ago and since then has worked to complete repairs to the property once the renters were evicted. With no one else coming forward, the public hearing was closed.
- 37668 Mills Road, Lot 3, New London, NC - Chairman Efird declared the public hearing open. Mr. Huneycutt stated that he has remodeled the mobile home extensively. Mr. Swaringen had noted a stain on the ceiling which when checked was not a leak from the roof, but a stain on the ceiling. With no one else coming forward to speak, the public hearing was closed.
- 37668 Mills Road, Lot 7, New London, NC - Chairman Efird declared the public hearing open. Mr. Huneycutt stated the repairs to the mobile home have been made and it will pass inspection now. With no one else coming forward, the public hearing was closed.
- 37668 Mills Road, Lot 8, New London, NC - Chairman Efird opened the public hearing. Mr. Huneycutt stated repairs have been made to the mobile home including new receptacles on the walls and that it will pass inspection. Renters Mr. James Vanhoy and Ms. Kristen Vanhoy came forward stating that Mr. Huneycutt has also made repairs to the floors, bathroom and other electrical repairs. Ms. Vanhoy stated that she feels a renter who was evicted is the one filing complaints on the other properties. With no one else coming forward, the public hearing was closed.
- 37668 Mills Road, Lot 10, New London, NC - Chairman Efird declared the public hearing open. Mr. Huneycutt stated that repairs have been made and it will pass inspection as well. With not one else coming forward, the public hearing was closed.

- 30545 Tom Road, Lot 3, Albemarle, NC - Chairman Efird declared the public hearing open. Mr. Huneycutt stated that there are still repairs to be completed on the mobile home and requested additional time to do so since the previous renter just recently removed their belongings. With making the repairs himself and also operating a business, the only time available to complete the repairs is in the evenings and on weekends. With no other comments received, the public hearing was closed.
- 30545 Tom Road, Lot 5, Albemarle, NC - Chairman Efird declared the public hearing open. Mr. Huneycutt stated the property still needs work which will take approximately one week to complete in order to pass inspection. With no one else coming forward, the hearing was closed.

Chairman Efird opened the floor for discussion. Vice Chairman Lawhon asked Mr. Huneycutt how much more time he would need to complete all the repairs to which Mr. Huneycutt stated thirty (30) days.

Commissioner Lowder asked if Lot 8 on Mills Road is the only property currently occupied. Mr. Huneycutt stated that all are rented except for one. Commissioner Lowder also asked how many of the mobile homes need repairs to which Mr. Huneycutt replied Lots 2 and 3 on Mills Road and Lot 5 on Tom Road.

Commissioner Burleson noted concerns due to the number of calls for service (254 calls in the last 12 months) for the Mills Road properties as stated by Planning & Zoning earlier. In response, Ms. Vanhoy stated the previous renters for Lots 6 and 9 on Mills Road made many of the calls, but they have now been evicted.

Commissioner Ascitutto noted the terrible conditions of the homes when he visited the properties in late August and that he would support the ordinances to demolish as requested. Mr. Huneycutt stated that many of the repairs have been made since Commissioner Ascitutto's visit in August which has greatly improved the properties.

Commissioner Lowder asked the age of the mobile homes and Mr. Huneycutt stated all are 1970s models.

Addressing Mr. Sandy, Commissioner Burleson inquired how long it would take for demolition to begin if the ordinances are approved. Mr. Sandy stated that one final inspection will be completed over the next thirty (30) days and if the properties do not meet code, demolition could begin on the 31<sup>st</sup> day.

Commissioner Lowder asked if a re-inspection has been completed for Lot 8 Mills Road since Mr. Huneycutt stated repairs have been made. Mr. Swaringen stated he has not yet re-inspected the property, however, a prior inspection revealed a heat source that does not meet state building code. Commissioner Lowder noted her reluctance to move forward with the demolition of Lot 8 Mills Road due to the renters (Vanhoys) coming to speak tonight and hopes that Mr. Huneycutt will make the repairs as promised. She then asked if the County will have to obtain new administrative warrants for the re-inspections. Mr. Swaringen replied that if the landlord and tenant do not allow a re-inspection, new warrants would be required.

Vice Chairman Lawhon asked if Planning & Zoning has contacted Mr. Huneycutt to schedule the re-inspections. Mr. Swaringen stated the tenants of the properties have to allow access for the re-inspections which have not yet been completed.

By motion, Commissioner Ascitutto moved to approve adoption of all seven (7) ordinances as presented.

Commissioner Burleson requested Commissioner Ascitutto amend the motion to allow an additional thirty (30) days as requested by Mr. Huneycutt to complete all repairs. To allow for further discussion, Commissioner Ascitutto agreed and amended the motion which was then seconded by Commissioner Burleson.

Commissioner Lowder stated she could not support the additional thirty (30) days based on Mr. Huneycutt's statement that he can complete all the repairs within the thirty (30) days allotted in the ordinance and therefore felt the additional time is not needed.

As clarification, Vice Chairman Lawhon asked if the thirty (30) day extension meant an additional thirty (30) days beyond the original time frame. Mr. Sandy noted that as written, the ordinances state that demolition will proceed on the thirty- first (31) day. However, if the Board wishes to extend the time it is acceptable to do so.

Commissioner Ascitutto reiterated the need to pass the ordinances and move forward with demolition. He also agreed with Commissioner Lowder's comments stating he is unsure about supporting the additional time requested. Commissioner Ascitutto addressed Mr. Huneycutt and asked which of the properties he felt would pass inspection now. Mr. Huneycutt stated that all but two (2) mobile homes (Mills Road Lot 2 and Tom Road Lot 5) would pass.

After further discussion, Commissioner Burleson withdrew his second of Commissioner Ascitutto's motion. Commissioner Burleson then moved to allow an additional thirty (30) days for all the properties as requested by Mr. Huneycutt. Commissioner Dennis seconded the motion.

Prior to the vote, Commissioner Ascitutto noted that Mr. Huneycutt had previously stated that five (5) of the properties would pass code now. He encouraged the Board to approve the ordinances for those five (5) properties and allow the extra time for the two (2) remaining properties that still need repairs. Commissioner Burleson recommended allowing the extra time for all properties to make things less confusing.

Chairman Efird restated the motion which was to approve an additional thirty (30) days to bring the mobile homes into compliance with the County's minimum housing code prior to December 3, 2016. With a first and second motion, Chairman Efird called for the vote. The motion passed by unanimous vote.

**See Exhibit C  
Ordinances**

**ITEM # 6 – MANUFACTURING AWARENESS WEEK PROCLAMATION**

**Presenter: Andy Lucas, County Manager**

For Board consideration, the County Manager presented the proclamation below for approval.

Commissioner Dennis moved to approve it as presented and was seconded by Commissioner Burleson. The motion passed with a 6 – 0 vote.

**See Exhibit D  
Manufacturing Awareness Week Proclamation**

**RECESS**

Chairman Efird called for a 5 minute recess at 8:30 p.m. The meeting was reconvened at 8:35 p.m.

**ITEM # 7 – BOARD & COMMITTEE APPOINTMENTS**

**Presenter: Andy Lucas, County Manager**

**A. Convention & Visitors Bureau**

At the July 11, 2016 meeting, the Board tabled one of the two appointments to the CVB Board until a new Agri-Civic Center Director was selected. It is now requested that new Agri-Civic Center Director Ms. Doshia Swaringen be appointed to serve on the board until June 30, 2019.

Commissioner Burluson moved to approve the appointment of Ms. Swaringen and was seconded by Commissioner Dennis. The motion passed unanimously.

#### **B. Piedmont Community Board Representative**

It was requested the Board appoint a County Commissioner or designee to represent Stanly County on the community Board. Commissioner Lowder nominated and moved to appoint Chairman Efird as the representative. Commissioner Dennis seconded the motion which carried by a 6 – 0 vote.

#### **C. Region F Aging Advisory Committee**

Due to the recent resignation of Mr. Rick Russell, it was requested the Board name a replacement to serve the remainder of his term until June 30, 2017. It was also noted that there is one vacant alternate position on this committee for Stanly County as well.

This item was tabled to allow time for volunteer applications to be submitted.

#### **ITEM # 8 – COMMISSIONER COMPENSATION DISCUSSION**

##### **Presenter: Commissioner Peter Asciutto**

For discussion, Commissioner requested the Board discuss the direct compensation received by Board members. Commissioner Dennis and Chairman Efird both felt that such a discussion should take place during budget workshops which will also allow the incoming Board members to participate as well. With no further comments, Commissioner Asciutto thanked the Board for allowing him to speak.

#### **ITEM # 9 – CONSENT AGENDA**

##### **Presenter: Chairman Scott Efird**

- A. Minutes – Regular meeting of September 6, 2016
- B. Finance – Request acceptance of the Monthly Financial Report for Two Months Ended August 31, 2016
- C. EMS – Request approval to update signatures on the 2016 NC Statewide Emergency Management Mutual Aid & Assistance Agreement
- D. Library – Surplus all weeded library books and donate them to the October book sale
- E. Sheriff's Office – Request approval of budget amendment # 2017-08
- F. Senior Services – Request approval of budget amendment # 2017-07

- G. Register of Deeds – Request approval of the “Thank You For Your Service “ Day proclamation
- H. EMS – Request approval of budget amendment # 2017-09

Commissioner Dennis moved to approve the consent agenda items as presented. His motion was seconded by Commissioner Burleson and passed by unanimous vote.

**PUBLIC COMMENT** – None.

**BOARD COMMENTS, ANNOUNCEMENTS & COMMITTEE REPORTS**

Commissioner Ascitutto noted the peaceful protest that took place the previous week at the Stanly County Courthouse and commended the Sheriff’s Office and City of Albemarle Police Department for their handling of the situation. He also mentioned the 4-H Citizens for Government program held the previous week at Stanly Commons which he, Chairman Efird and Commissioner McIntyre participated in.

Chairman Efird noted the pink tie he was wearing was in honor of Breast Cancer Awareness month which is observed in October.

**CLOSED SESSION**

Commissioner Lowder moved to recess the meeting into closed session to discuss economic development in accordance with G. S. 143-318.11(a)(4). The motion was seconded by Commissioner Dennis and carried unanimously at 8:50 p.m.

**ADJOURN**

With no further discussion, Commissioner Ascitutto moved to adjourn the meeting. The motion was seconded by Commissioner Dennis and passed with a 6 – 0 vote at 9:16 p.m.

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**Terry Scott Efird, Chairman**

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**Tyler Brummitt, Clerk**