

**STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
NOVEMBER 4, 2013**

COMMISSIONERS PRESENT:

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

COMMISSIONERS ABSENT:

None

STAFF PRESENT:

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

CALL TO ORDER

The Stanly County Board of Commissioners (the "Board") met in regular session on Monday, November 4, 2013 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman McIntyre called the meeting to order, gave the invocation and led the pledge of allegiance.

APPROVAL/ADJUSTMENTS TO THE AGENDA

Commissioner Ascitutto stated that the Albemarle Downtown Development Corporation (ADDC) had requested the Board's support and approval for a fireworks display during the Albemarle Downtown Christmas Event scheduled for Saturday, December 7th. This item was added as Item # 4(B) for further consideration.

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

EXCUSED FROM VOTING

Vice Chairman Morton requested to be excused from participating in Item# 1(C) – Rezoning request for American Towers LLC on behalf of Wade Hinson. Vice Chairman Morton stated he represented Mr. Hinson at the time he purchased the property that is being considered for rezoning and considers it a conflict of interest.

Commissioner Ascitutto moved to excuse Vice Chairman Morton from the discussion of Item # 1(C) and was seconded by Commissioner Dennis. The motion passed by unanimous vote.

ITEM # 1 – PLANNING & ZONING

Presenter: Michael Sandy, Planning Director

A. ZA 13-06 – Rezoning request by American Towers, LLC on behalf of Joyce Ann Hartsell Baucom

American Towers and property owner Joyce Baucom requested the rezoning of a 100' x 100' section of a 12.63 acre parcel (RECN 1563) located at 8499 Renee Ford Road from RA to RA/TO to erect a 195 foot monopole telecommunications tower. The Planning Director provided a brief overview of the request including the factors used to evaluate a tower for aesthetic reasons based on section 614.4 of the Zoning Ordinance and staff recommendations for the conditions of approval. The Planning Board forwarded the case to the County Commissioners with a favorable recommendation, in accordance with the 2010 Stanly County Land Use Plan.

Chairman McIntyre declared the public hearing open. During this time, Brian Pearce, an attorney with Nexsen-Pruet, came forward to address the Board in support of the rezoning request. With no one else coming forward to speak, the public hearing was closed.

By motion, Commissioner Dennis moved to approve rezoning request ZA 13-06. His motion was seconded by Commissioner Ascitutto and passed with a 5 – 0 vote.

B. ZA 13-07 – Rezoning request by American Towers, LLC on behalf of Nancy Carpenter

American Towers and property owner Nancy Carpenter requested the rezoning of a 100' x 100' section of a 7.16 acre parcel (RECN 4003) located at 12449 NC 138 Highway from RA to RA/TO to erect a 195 foot monopole telecommunications tower. The Planning Director again provided an overview of the request which included the factors used to evaluate a tower for aesthetic reasons based on section 614.4 of the Zoning Ordinance and staff recommendations for the conditions of approval. The Planning Board forwarded the case to the County Commissioners with a favorable recommendation, in accordance with the 2010 Stanly County Land Use Plan.

With no questions from the Board, Chairman McIntyre declared the public hearing open. Attorney Brian Pearce came forward to address the Board and spoke in favor of the rezoning request.

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

Commissioner Dennis moved to approve rezoning request ZA 13-07 and was seconded by Commissioner Ascitutto. The motion carried by unanimous vote.

C. ZA 13-08 – Rezoning request by American Towers, LLC on behalf of Wade Hinson

American Towers and property owner Wade Hinson requested the rezoning of a 100' x 100' section of a 50.66 acre parcel (RECN 24846) located at 14120 Travis Road from RA to RA/TO to erect a 195 foot monopole telecommunications tower. The case was forwarded by the Planning Board with a favorable recommendation in accordance with the 2010 Stanly County Land Use Plan.

Chairman McIntyre declared the public hearing open. Once again, Attorney Brian Pearce came forward to speak in favor of the rezoning and to answer any questions. With no one else coming forward, the hearing was closed.

By motion, Commissioner Dennis moved to approve rezoning request ZA 13-08 and was seconded by Commissioner Ascitutto. The motion passed with a 4 – 0 vote (Vice Chairman Morton was previously excused from voting due to a conflict of interest.)

D. SDA 13-01 – County Planning Board Text Amendment to Modify the Stanly County Subdivision Ordinance, Section 66 -72, Curb, Gutter and Sidewalks, and Section 66 – 90 Construction Criteria Point Approval System

Board consideration was requested in amending Section 66 – 72 Curb, Gutter and Sidewalks by removing the current language and replacing it with the following: “Sidewalks are at the option of the developer and any horizontal portion of curb & gutter is counted into the pavement width.”

Secondly, it was requested that Section 66 – 90 Construction Criteria Point Approval System be amended by adding the following:

- 2-Sided Sidewalks 20 pts Per ADA requirements on both sides
- Engineered Storm Drainage 20 pts Designed and approved underground
- Curb and Guttering 25 pts Standing or Valley Type
- Home Owners Association 10 pts Recorded and Enforced

The Planning Board recommended the above-mentioned text amendment be adopted.

After a brief period of questions from the Board, Chairman McIntyre declared the public hearing open. With no one coming forward, the hearing was closed.

Commissioner Dennis moved to approve text amendment SDA 13-01, was seconded by Commissioner Ascitutto and passed with a 5 – 0 vote.

E. APPOINTMENT TO THE BOARD OF ADJUSTMENT

Due to the recent resignation of Rebecca Carter, it was requested the Board appoint a replacement to serve her unexpired term until June 30, 2016.

Commissioner Dunevant moved to table this item and was seconded by Commissioner Ascitutto. The motion passed by unanimous vote.

ITEM # 2 – TARHEEL CHALLENGE ACADEMY SPECIAL STATE GRANT FUNDS

Presenter: Andy Lucas, County Manager

The North Carolina General Assembly adopted the State budget for fiscal year 2013-2014 to provide a special grant in the amount of \$3,092,000 to Stanly County for the renovation and construction of a new Tarheel Challenge Academy in New London. The County will act as the fiduciary agent for the grant funds and provide all required documents to the NC Office of State Budget for execution of the funds. The County will also work closely with the Stanly County School System prior to the start of the project to work out all of the issues associated with the facility improvements, access, liability, utility expenses associated with the New London school facility. It was requested the Board approve the attached resolution stating its support in partnering with the NC Air National Guard and Tarheel Challenge Academy, and to recognize, receive and appropriate these funds.

By motion, Commissioner Dennis moved to approve the resolution and was seconded by Commissioner Ascitutto. The motion carried by unanimous vote.

Upon a second motion, Commissioner Dunevant moved to recognize, receive and appropriate these funds. His motion was seconded by Commissioner Dennis and passed by a vote of 5 – 0.

ITEM # 3 – APPOINTMENT TO THE GASTON COMMUNITY ACTION, INC. BOARD OF DIRECTORS

Presenter: Andy Lucas, County Manager

It was requested that Ms. Deloris Chambers be considered for reappointment to the Gaston Community Action Board of Directors to serve a term from December 2013 – December 2016.

Commissioner Dennis moved to approve the reappointment of Ms. Chambers as requested. The motion was seconded by Commissioner Dunevant and carried by unanimous vote.

ITEM # 4 – CONSENT AGENDA

A. Minutes – Regular meeting of October 21, 2013

ITEM # 4(B) – ALBEMARLE DOWNTOWN DEVELOPMENT CORPORATION FIREWORKS DISPLAY REQUEST

Presenter: Commissioner Ascitutto

The Albemarle Downtown Development Corporation (ADDC) requested the Board’s consideration in approving a fireworks display as part of the Albemarle Downtown Christmas event scheduled for Saturday, December 7th.

By motion, Commissioner Dennis moved to approve the fireworks display and was seconded by Commissioner Dunevant. The motion passed unanimously.

PUBLIC COMMENT

None

GENERAL COMMENTS & ANNOUNCEMENTS

Commissioner Ascitutto noted that the luncheon hosted by the Senior Center the previous week which included Olympic Gold Medalist Billy Mills as the guest speaker was well attended and overall a great program.

ADJOURN

With no further business presented for discussion, Commissioner Dennis moved to adjourn the meeting and was seconded by Commissioner Ascitutto. The motion carried by a 5 – 0 vote at 7:47 p.m.

Gene McIntyre, Chairman

Tyler Brummitt, Clerk