**STANLY COUNTY**

**BOARD OF COMMISSIONERS**

**REGULAR MEETING MINUTES**

**JANUARY 7, 2013**

**COMMISSIONERS PRESENT:**  Gene McIntyre, Chairman

Josh Morton, Vice Chairman

Peter Asciutto

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, January 7, 2013 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman McIntyre called the meeting to order and Commissioner Dennis gave the invocation.

**APPROVAL / ADJUSTMENTS TO THE AGENDA**

Chairman McIntyre requested the resolution to reaffirm Jennifer R. Furr’s appointment as County Attorney for Stanly County be added to the consent agenda as Item 8(F). In addition, Commissioner Asciutto requested the December 17, 2012 regular meeting minutes be amended to include the amount spent on the APGI public records requests lawsuit thus far, and that Item 8(E)-Legal Dept. budget amendment # 2013-18 be pulled from the consent agenda and discussed as a standalone item. By motion, Commissioner Dennis moved to approve the agenda with the requested amendments and was seconded by Commissioner Asciutto. The motion carried unanimously.

**COMMISSIONER MORTON’S REQUEST TO BE EXCUSED FROM VOTING**

Commissioner Morton requested to be excused from voting on the following agenda items due to various conflicts of interest: Item # 1 – Planning & Zoning – ZA – 12-04 - Rezoning request for Reece Gibson, Item # 2 – EDC – Presentation of the performance agreement for Carolina Paper Convertors, Inc., and Item # 4 – Bridge to Recovery Request. Commissioner Morton stated he had filed the proper paperwork with the Clerk to the Board earlier in the day for these three items.

**ITEM # 1 – PLANNING & ZONING – ZA 12-04 – REZONING REQUEST FOR REECE GIBSON**

**Presenter: Michael Sandy, Planning Director**

Mr. Gibson requested a 23.9 acre tract of land located on Renee Ford Road (RECN 31172) be rezoned from RA to R-20. The purpose of the requested amendment was to reduce the minimum lot size requirement to 20,000 square feet to allow more density for a proposed subdivision. The Planning Board forwarded this case to the County Commissioners with a favorable recommendation due to the fact that the property is located in a residential zoning area, is in a growth area, and is in accordance with the Stanly County Land Use Plan.

Chairman McIntyre declared the public hearing open. With no one coming forward to speak, the public hearing was closed.

With the property in question being located in a “buffer zone” for a voluntary agriculture district, Commissioner Dunevant asked the Planning Director to explain how a buyer is notified of this. Mr. Sandy stated that individuals who purchase property in the ‘buffer zone” are notified at the time of closing in order to make them aware of the farming type enterprise in that particular area.

With no further questions presented, Chairman McIntyre called for a vote. By motion, Commissioner Dennis moved to approve the rezoning request and was seconded by Commissioner Asciutto. The motion carried with a vote of 4 – 0.

Due to Mr. Gibson being a client of Commissioner Morton as well as having completed title work on this particular property for him, Commissioner Morton abstained from voting.

**ITEM # 2 – ECONOMIC DEVELOPMENT COMMISSION – PRESENTATION OF THE PERFORMANCE AGREEMENT FOR CAROLINA PAPER CONVERTERS, INC.**

**Presenter: Paul Stratos, EDC Director**

Mr. Stratos presented the performance agreement for the Board’s consideration stating the company plans to further expand its operations by adding a high speed, fully automated converting machine which will result in a $1 million dollar capital investment and provide eight (8) additional jobs.

Chairman McIntyre declared the public hearing open. Having no one come forward to speak, the public hearing was closed.

By motion, Commissioner Dennis moved to approve the performance agreement between Stanly County and Carolina Paper Converters, Inc. His motion was seconded by Commissioner Dunevant and passed by unanimous vote.

Commissioner Morton abstained from voting due to a Carolina Paper Converters, Inc. being a client and having handled contracts and title work for them previously.

**See Exhibit A**

**Performance Agreement: Between Stanly County, NC, the Town of Oakboro, NC**

**and Carolina Paper Converters, Inc.**

**ITEM # 3 – PROPOSED ANIMAL CONTROL ORDINANCE – BOARD OF HEALTH FOLLOW-UP**

**Presenter: Commissioner Peter Asciutto**

Commissioner Asciutto provided feedback from discussions held during the most recent Board of Health (BOH) meeting. The BOH feels that all of the issues and complaints expressed during the previous two (2) public hearings have been addressed and requested the County Commissioners either pass the ordinance or tell them what additional changes need to be made.

During a period of discussion by the Board, Commissioner Asciutto stated he would like to move forward by taking action on the ordinance if no further changes are requested. Commissioner Dunevant suggested the ordinance be brought back before the Board at its next meeting to allow time to receive additional feedback from the BOH meeting before taking any action.

By motion, Commissioner Dunevant moved to have the proposed animal control ordinance with the appropriate documentation be presented during the next commissioners meeting for a formal vote. The County Manager stated that if the Board desires to have a third public hearing on the ordinance, the ordinance may need to be presented during the February 4th meeting in order to allow time for the notice to be published properly in the local newspaper. Commissioner Dunevant then amended his motion to have the ordinance presented during the February 4, 2013 meeting and was seconded by Commissioner Dennis. The motion carried by unanimous vote.

**ITEM # 4 – BRIDGE TO RECOVERY REQUEST**

**Presenter: Andy Lucas, County Manager**

The County Manager stated Mr. Jim Allred, Chairperson for the Bridge to Recovery Board, had submitted a letter requesting the Board consider waiving the 2011 property taxes due to their 501 C-3 non-profit status granted in February 2009. Because the non-profit failed to file the appropriate tax exemption with the tax office, a bill was generated in the amount of $1,270.00. This has since been corrected. Staff recommendation was not to relieve the tax obligation, but offer a one-time start-up grant as approved in the past for similar non-profits who provide services which align with the Board’s goals for public health.

Commissioner Dennis moved to approve the one-time grant to the Bridge to Recovery and was seconded by Commissioner Asciutto. The motion carried with a vote of 4 – 0.

By motion, Commissioner Dennis moved to approve associated budget amendment #2013-17 for $1,270.00. The motion was seconded by Commissioner Asciutto and passed unanimously.

Commissioner Morton serves as a member of the Board of Directors for the Bridge to Recovery. Due to a conflict of interest, he abstained from voting on both items.

**ITEM # 5 – EMERGENCY COURTHOUSE ELEVATOR REPAIR & OTHER COST SAVING UPGRADES**

**Presenter: Andy Lucas, County Manager**

The County Manager presented information concerning an emergency “jack” repair to one of the Courthouse elevators as well as other cost saving upgrades to both elevators which are currently forty-three (43) years old. Based on a quote received from ThyssenKrupp Elevator Corporation, the total estimated cost to complete the repairs and upgrades would be $180,720.00. It was requested the Board approve the contract with ThyssenKrupp to complete the work and the associated budget amendment #2013-21 in the amount of $200,000.00. The County Manager noted the budget amendment includes an additional 10% in contingency funding to cover any unforeseen repair issues.

By motion, Commissioner Dunevant moved to approve the contract for the emergency repair and upgrades to both Courthouse elevators and budget amendment # 2013-21. The motion was seconded by Commissioner Morton and carried by unanimous vote.

**ITEM # 6 – OAKBORO WASTEWATER TREATMENT PLANT DISCUSSION**

**Presenter: Andy Lucas, County Manager**

The Town of Oakboro has formally approached the Board of Commissioners regarding the possibility of the County taking ownership of Oakboro’s current wastewater treatment assets to include the plant, transmission lines, pump station(s) and outfall lines. Based on the Board’s interest in pursuing this project, it was requested the Board take the following actions:

* Authorize staff to negotiate a contract with Chambers Engineering to determine the feasibility of the project,
* Approve the associated budget amendments #2013-22 and # 2013-19 in the amount of $77,900.00 to provide funds to cover the cost to evaluate the project
* Appoint two members to a sub-committee to review status reports from the contract engineer and meet with elected representatives from Oakboro, Locust and Stanfield.

Commissioner Dunevant moved to approve both budget amendments and to appoint Commissioners Morton and Dennis to the sub-committee. Commissioner Asciutto seconded the motion which carried by a 5 – 0 vote.

**ITEM # 7 – BOARD’S ANNUAL PLANNING RETREAT**

**Presenter: Andy Lucas, County Manager**

Staff requested the Board consider holding a one-day retreat to discuss priorities for the current year, the next fiscal year and into the future.

By motion, Commissioner Dunevant moved to hold the retreat in the Stanly County Airport Conference Room on Friday, February 22, 2013 beginning at 9:00 a.m. and to hire a facilitator for the retreat. The motion was seconded by Commissioner Asciutto and passed with a 5 – 0 vote.

**ITEM # 8 – CONSENT AGENDA**

**Presenter: Chairman McIntyre**

1. Minutes – Regular meeting of December 17, 2012
2. Health Dept. – Budget amendment #2013-16
3. Utilities – Budget amendment # 2013-15
4. Sheriff’s Dept. – Budget amendment # 2013-20
5. Legal Dept. – Budget amendment # 2013-18 **(Pulled for further discussion)**
6. Resolution to reaffirm the appointment of Jennifer R. Furr as County Attorney for Stanly County (See Exhibit B)

By motion, Commissioner Dunevant moved to approve the above items as presented (with the exception of Item E). His motion was seconded by Commissioner Dennis and carried by unanimous vote.

**CONSENT AGENDA ITEM 8(E) – LEGAL DEPT – BUDGET AMENDMENT # 2013-18 FOR $150,000.00 FOR THE OPEN MEETINGS AND PUBLIC RECORDS LAWSUIT**

Commissioner Asciutto previously requested that Consent Item # 8(E) be pulled from the consent agenda for possible further discussion and a standalone vote. Commissioner Dennis moved to approve budget amendment # 2013-18 and was seconded by Commissioner Asciutto. The motion carried with a 5 – 0 vote.

**PUBLIC COMMENT**

Mr. Frazier Huneycutt came forward to request the Board’s consideration in adopting a resolution honoring the town of Badin which is celebrating its 100th birthday this year. Chairman McIntyre requested Mr. Huneycutt have the mayor of Badin contact the County Manager to proceed with the request.

**GENERAL COMMENTS & ANNOUNCEMENTS**

Commissioner Asciutto stated the Board continues to discuss and move forward toward a settlement with Alcoa. The total amount spent thus far by the county is $5,050,039.00.

Commissioner Asciutto stated that Governor Pat McCrory had recently announced the members of his cabinet and that now is the time to work together to obtain a settlement on the relicensing issue.

Chairman McIntyre thanked the department heads for their hard work as well as the Board of Commissioners.

**CLOSED SESSION**

By motion, Commissioner Dennis moved to recess the meeting into closed session to consult with the County Attorney in accordance with G. S. 143-318.11(a)(3) to discuss the 401 water quality permit intervention and APGI’s public records requests lawsuit, to discuss economic development in accordance with G. S. 143-318.11(a)(4), and a personnel issue in accordance with G. S. 143-318.11(a)(6). The motion was seconded by Commissioner Asciutto and carried by unanimous vote at 7:50 p.m.

**ANNOUNCEMENT**

Chairman McIntyre stated that no action was taken during the closed session.

**ADJOURN**

There being no further business brought forward, Commissioner Dennis moved to adjourn the meeting and was seconded by Commissioner Morton. Motion carried with a 5 – 0 vote at 8:50 p.m.

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**Gene McIntyre, Chairman Tyler Brummitt, Clerk**