

**STANLY COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
MARCH 17, 2008**

COMMISSIONERS PRESENT: Tony Dennis, Chairman
Gene McIntyre, Vice Chairman
Lindsey Dunevant
Dr. Nalin Mehta
Sherrill Smith

COMMISSIONERS ABSENT: None

STAFF PRESENT: Jerry Myers, County Manager
John Roberts, County Attorney/ Clerk to the Board
Tyler Brummitt, Assistant to the County Manager

CALL TO ORDER

The Stanly County Board of Commissioners (the "Board") met in regular session on Monday, March 17, 2008 at 7:00 p.m. in the Commissioners Meeting Room, Stanly County Commons. Chairman Dennis called the meeting to order and Vice Chairman McIntyre gave the devotion.

APPROVAL AND/OR ADJUSTMENTS TO AGENDA

Chairman Dennis asked for approval of the agenda as presented. Dr. Mehta made a motion to approve and was seconded by Commissioner Smith with a vote of 5 – 0.

ITEM # 1: DOWNTOWN INCENTIVE GRANT PROGRAM

Presenter: Jerry Myers, County Manager

Mr. Myers addressed the Board and stated that the Albemarle City Council voted to implement a new downtown incentive program that will provide grants for a five year period equal to the increased property taxes that result from new qualified investments. These grants are given only after the increased taxes have been levied and paid by the property owner.

The City Council had requested the Board adopt a similar program for any municipality in the County that does the same. The program will be more effective in attracting new investment into the downtown areas of Stanly County if it includes both the County and municipalities.

Chairman Dennis stated that it was a good program. However, he felt the County should limit the grant to a maximum of 85% of the increased property taxes if approved and not 100% as the City had adopted. Vice Chairman McIntyre then asked if all municipalities would implement this program, and what would constitute a qualified project under the guidelines of this program. Commissioner Dunevant stated that he would be in support of

the program at any level to encourage development in the downtown areas, and to remember that the incentives offered were for a short period of time (5 years).

Mr. Myers then offered to obtain more information in order to answer these questions and to follow-up at later meeting. The item was then tabled for further study by consensus.

ITEM # 2: REQUEST FOR RESOLUTION IN SUPPORT OF ¼ CENT SALES TAX REFERENDUM

Presenter: Jerry Myers, County Manager

Mr. Myers approached the Board and requested approval of the resolution in support of the sales tax referendum and to have it added to the Board of Elections ballot in May, 2008.

By increasing the sales tax by ¼ of one cent, it would be a more fair tax versus increasing property taxes by the same amount. Mr. Myers stated that the increased sales tax would be paid by more of the people in the County, as well as those who come from out of town to shop and dine. By increasing the property taxes, only those who own real property in the County would be affected. Some suggested uses of the revenues included: water and sewer needs, capital projects, and the schools.

RESOLUTION OF THE STANLY COUNTY BOARD OF COMMISSIONERS

WHEREAS, the continued economic future of Stanly County is predicated upon continued growth and high quality education; and

WHEREAS, Stanly County is growing at a substantial pace and infrastructure and facilities must be developed and maintained with limited county funds; and

WHEREAS, continued growth in Stanly County will coincide with both present and future student population growth, which will require adequate classroom space; and

WHEREAS, the quality of facilities and the education provided to our children is a primary factor in economic development recruitment efforts; and

WHEREAS, growth in Stanly County requires capital and infrastructure improvements; and

WHEREAS, the quality of education within Stanly County plays a vital role in creating strong learning environments that will have direct bearing on the present and future educational achievements of our students; and

WHEREAS, in order to adequately address both the immediate and future infrastructure and facility improvements and maintenance, it is necessary that a new revenue stream be created; and

WHEREAS, the North Carolina General Assembly is allowing counties to place a voter referendum before the citizens to consider the Local Option Sales Tax.

NOW, THEREFORE, BE IT RESOLVED that the Stanly County Board of Commissioners has directed the Board of Elections staff to place this referendum question on the ballot for consideration on May ____, 2008 and upon its passage hereby expresses its intent to dedicate the proceeds of the ¼% local option sales tax for the purpose of addressing infrastructure and facility needs in Stanly County.

ADOPTED this ____ day of _____ .

Tony M. Dennis
Chairman, Board of Commissioners

Attest:

John Roberts
Clerk to the Board of Commissioners

There being no additional questions, a motion to approve the resolution and add it to the May ballot was made by Commissioner Smith and seconded by Vice Chairman McIntyre with a final vote of 5-0.

ITEM # 3: CREATION OF CENTRAL PERMITTING DEPARTMENT

Presenter: John Roberts, County Attorney

Mr. Roberts requested that the Board approve the budget amendment to create the Central Permitting Department that would combine Planning, Inspections, and Environmental Health into a “one stop shop.” This would allow for better customer service, less paperwork, and improved turn around time for citizens, builders, and developers who would be able to take care of all of their needs in one visit.

Motion to approve was made by Vice Chairman McIntyre and was seconded by Commissioner Dunevant with a vote of 5 – 0.

ITEM # 4: RESOLUTION FOR NEW 6-MILE FIRE DISTRICT INSURANCE BOUNDARY LINES

Presenter: Michael Roark, Fire Marshal

Mr. Roark approached the Board and explained that new 6-Mile Fire District Insurance Boundary Lines have been accepted by the OSFM as acceptable extensions of district lines in order to maintain a Class 9 rating. Historically, anything outside the five mile distance beyond a fire station would be in a “non-coverage” area. This would mean insurance coverage would be either nonexistent or result in premiums that were more expensive than those within the five mile district. By approving the 6 Mile district maps, areas in Stanly County that were previously in a non-coverage area would now be covered by the fire departments insurance rating.

Mr. Roark requested the Board approve a resolution for the 6-Mile Fire District Insurance Boundary Lines in order to stay in accordance with State regulations.

STANLY COUNTY BOARD OF COMMISSIONERS RESOLUTION APPROVING INSURANCE DISTRICT BOUNDARIES

WHEREAS, fire district boundaries for fire departments are established by boards of county commissioners pursuant to N.C.G.S. 153A-233, which districts are also used for insurance grading purposes; and

WHEREAS, the fire district boundaries in the unincorporated portion of Stanly County need to be revised to change the way they have historically been described by a point to point description to by reference of maps created using the GIS system, and to reflect annexations by municipalities in the County; and

WHEREAS, the Stanly County Fire Marshal has caused to be created new fire insurance district maps using the GIS system for all fire districts which are incorporated by reference into Exhibits A through O to this Resolution; now, therefore, be it

RESOLVED that the Stanly County Board of Commissioners approves the boundary lines of the Aquadale Rural V.F.D., Inc., Badin Fire Department, Bethany Community Fire Department Inc., Center Rural Fire & Rescue, East Side V.F.D., Inc., Endy V.F.D., Inc., Locust Volunteer Fire Department, Inc., Millingport V.F.D., Inc., New London V.F.D., Inc., Oakboro Rural Fire Department Inc., Richfield-Misenheimer Fire Department, Ridgecrest V.F.D., Inc., Rocky River V.F.D., Inc., South Side Volunteer Fire Dept. Inc., exclusive of current or future municipal town limits, and as represented in the GIS produced map certified by the County Fire Marshal referenced in Exhibit A through O.

Adopted this _____ day of _____.

Tony Dennis, Chairman
Stanly County Board of Commissioners

John Roberts
Clerk to the Board

Motion to approve was made by Vice Chairman McIntyre and seconded by Commissioner Dunevant with a vote of 5 – 0.

ITEM # 5: FINAL APPROVAL OF THE INDUSTRIAL REVENUE BOND DOCUMENTS FOR THE EXPANSION OF CHICAGO TUBE AND IRON COMPANY

Presenter: John Roberts, County Attorney

Mr. Roberts stated that at the February 25, 2008 meeting, the Board had authorized the Stanly County Industrial Facilities and Pollution Control Financing Authority to issue the revenue bonds in the principal amount of not more than \$10 million for this expansion. Mr. Roberts requested the Board approve the Industrial Revenue Bond documents to proceed with this.

THE BOARD OF COMMISSIONERS FOR THE COUNTY OF STANLY, NORTH CAROLINA

The Board of Commissioners for the County of Stanly, North Carolina, met in regular session in the County Commissioner Meeting Room at Stanly Commons, 1000 N. First Street, Albemarle, North Carolina, the regular place of meeting, at 7:00 o'clock P.M., on Monday, March 17, 2008.

Present: _____

Absent: _____

Also present: _____

* * * * *

Commissioner _____ introduced the following resolution, a copy of which had been distributed to each Commissioner and the title of which was read:

“RESOLUTION APPROVING THE ISSUANCE OF \$8,000,000

MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF INDUSTRIAL DEVELOPMENT REVENUE BONDS (CHICAGO TUBE AND IRON COMPANY PROJECT), SERIES 2008 OF THE STANLY COUNTY INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY TO FINANCE A PROJECT IN STANLY COUNTY FOR CHICAGO TUBE AND IRON COMPANY AND APPROVING THE PROJECT”

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

Section 1. The Board of Commissioners has determined and does hereby declare as follows:

The Board of Commissioners of The Stanly County Industrial Facilities and Pollution Control Financing Authority (herein referred to as the "*Authority*") has met and approved the following documents in connection with the proposed issuance and sale of the Authority's Industrial Development Revenue Bonds (Chicago Tube and Iron Company Project), Series 2008 (the "Bonds"), in the maximum aggregate principal amount of \$8,000,000:

1. Form of Indenture of Trust dated as of April 1, 2008 by and between the Authority and Wells Fargo Bank, National Association (the "Trustee") relating to Chicago Tube and Iron Company (the "Company")'s project in Stanly County;
2. Form of Loan Agreement dated as of April 1, 2008 by and between the Authority and the Company;
3. Form of Reimbursement Agreement dated as of April 1, 2008 between JPMorgan Chase Bank, N.A. (the "Bank") and the Company;

4. Form of Remarketing Agreement dated as of April 1, 2008 by and between J.P. Morgan Securities Inc. and the Company (the "Remarketing Agreement");
5. Form of Bond Purchase Agreement by and among the Authority, the Company and J.P. Morgan Securities Inc.;
6. Form of Official Statement relating to the Bonds;
7. Form of Letter of Credit issued by the Bank in favor of the Trustee.

Section 2. Pursuant to and in satisfaction of the requirements of Section 159C-4(d) of the General Statutes of North Carolina, the Board of Commissioners for the County of Stanly hereby approves the issuance by the Authority of its Industrial Development Revenue Bonds (Chicago Tube and Iron Company Project), Series 2008 in the maximum aggregate principal amount of \$8,000,000.

Section 3. This resolution shall take effect immediately upon its passage.

Commissioner _____ moved to pass the foregoing resolution, and the resolution was passed by the following vote:

Ayes: _____
 Noes: _____

I, John Roberts, Clerk to the Board of Commissioners for the County of Stanly, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Board of Commissioners for said County at a meeting held at the time and place noted on the front page of these excerpts, as relates in any way to the approval hereinabove set forth.

I DO HEREBY FURTHER CERTIFY that a schedule of regular meetings of said Board, stating that regular meetings of said Board are held on the First and Third Monday of each month at 7:00 P.M., in the County Commissioner Meeting Room at Stanly Commons, 1000 N. First Street, Albemarle, North Carolina, has been on file in my office pursuant to G.S. 143-318.12 as of a date not less than seven days before said meeting.

WITNESS my hand and the official seal of Stanly County this 17th day of March 2008.

 John Roberts, Clerk to the Board
 of Commissioners for Stanly County

Motion to approve was made by Vice Chairman McIntyre and seconded by Commissioner Mehta with a vote of 5 – 0.

ITEM # 6: STANLY COUNTY UTILITIES – Millingport Sewer Project

Presenter: Donna Davis, Utilities Director

Ms. Davis indicated that the Millingport Sewer Project has been delayed due to right of way issues and constraints imposed by the NC Department of Transportation. As a result, new easements had to be surveyed, appraised, and acquired in order to proceed with the project. Funds were not budgeted at this level for the land acquisition. Therefore the Utilities Department is requesting the transfer of funds from a completed project to cover the additional costs incurred.

Ms. Davis requested approval of the transfer of funds totaling \$47,527.76 from Project Fund 644 to 648 Millingport Sewer project.

Motion to approve was made by Commissioner Smith and seconded by Vice Chairman McIntyre with a vote of 5 – 0.

ITEM # 7: STANLY WATER AND SEWER AUTHORITY- Hwy 24/27/73 Phase 1 Project

Presenter: Donna Davis, Utilities Director

Ms. Davis stated that the Stanly Water and Sewer Authority is requesting assistance from Stanly County in the form of gap funding for the Phase 1 project to serve Hwy 24/27/73 and surrounding areas in the eastern part of Stanly County. Application has been made for grant funds to cover these bid prices that exceeded the anticipated budget, but are not expected before June 2008 in the amount of \$500,000. Ms. Davis asked that the Board authorize a loan to Stanly Water and Sewer Authority in the amount of \$350,000 in order to proceed immediately and in anticipation of grant funds being received.

Motion to authorize the loan to Stanly Water and Sewer Authority was made by Commissioner Mehta and seconded by Commissioner Dunevant with a vote of 5 – 0.

ITEM # 8 – CONSENT AGENDA

Presenter: Chairman Dennis

- A) Minutes – Regular Meeting on March 17, 2008
- B) Tax Relief and Discovery Report – February 2008
- C) CDBG Scattered Site Rehabilitation Contract Award for Fletcher Watkins
- D) Designation of Chairpersons for the Board of Equalization and Review
- E) Budget Amendment #2008-24- To amend the General Fund to change expenditures in Legal Department for ALCOA study.
- F) Budget Amendment #2008-25 – To amend the Criminal Justice budget to accept the Department of Corrections reallocation funds for \$2,026.
- G) Budget Amendment #2008-26- To amend Fund 110 to accept insurance settlement monies into the Sheriff's budget to replace a wrecked vehicle.
- H) Budget Amendment #2008-27- To recognize additional State aid received by the public libraries for \$15,291.
- I) Reappointment of committee members to the Stanly County Community Advisory Committee

Motion to approve was made by Commissioner Mehta and seconded by Commissioner Smith with a vote of 5 – 0.

ITEM # 9: PUBLIC COMMENT

None

GENERAL COMMENTS AND ANNOUNCEMENTS

Commissioner Dunevant expressed his sympathy to former County Attorney, Josh Morton on the passing of his mother. He also applauded Piedmont Behavioral Health for their work, the Albemarle Downtown Development Corporation on their list of many accomplishments, and the Historic Preservation Commission on their hard work in receiving substantial pledges to help with the cost of the expansion of the facility.

Chairman Dennis also commented on the number of projects completed by the Albemarle Downtown Development Corporation and announced that the State Aeronautical Council would be meeting on Tuesday at the Airport. Chairman Dennis then expressed his sympathy to the family of Bob Kelly on his recent passing.

County Attorney John Roberts extended his condolences to Josh Morton and expressed his appreciation for the help that Mr. Morton had given him in the past.

Vice Chairman McIntyre, Commissioner Smith, Commissioner Mehta, and County Manager, Jerry Myers had no comments.

CLOSED SESSION

Commissioner Smith moved to recess the meeting to closed session to consult with the County Attorney in accord with G.S. 143-318.11(a)(3) and discuss a personnel matter in accord with G.S. 143-318.11(a)(6). Motion was seconded by Vice Chairman McIntyre with a vote of 5 – 0.

RETURN TO OPEN SESSION

There being no further business, Vice Chairman McIntyre made a motion to return to open session. His motion was seconded by Commissioner Mehta and approved 5 – 0 at 8:21 p.m.

ADJOURN

Commissioner Smith moved to adjourn tonight's meeting until Monday, April 7, 2008 at 7:00 p.m. in the Commons Meeting Room. His motion was seconded by Vice Chairman McIntyre and approved 5 – 0 at 8:22 p.m.

Tony M. Dennis, Chairman

John L. Roberts, Clerk to the Board