

**STANLY COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
APRIL 7, 2008**

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

COMMISSIONERS ABSENT: Gene McIntyre, Vice Chairman

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, April 7, 2008 at 7:00 p.m. in the Commissioners Meeting Room, Stanly County Commons. Chairman Dennis called the meeting to order and gave the devotion.

APPROVAL AND/OR ADJUSTMENTS TO AGENDA

Jerry Myers requested that a closed session be added to the agenda. Chairman Dennis then asked for approval of the agenda with the adjustment. Commissioner Mehta made a motion to approve and was seconded by Commissioner Smith with a vote of 4 – 0.

ITEM # 1 RETIREMENT AWARDS PRESENTATION

Presenter: Chairman Dennis

The Board took the opportunity to recognize and thank Barbara Gathings of the IT Department, Donna J. Brooks of the Tax Collectors Office, and Chuck Sturdivant of Facilities Management for their many years of service to Stanly County.

ITEM # 2 RESOLUTION TO APPROVE THE STANLY COUNTY AREA REVITALIZATION POLICY (S.C.A.R.P.)

Presenter: Jerry Myers, County Manager

The Downtown Incentive Grant Program was tabled from the last meeting due to additional information requested by the Board. The County Manager now submitted a resolution for the program and explained that each municipality would submit a map of the downtown area to be revitalized to the Board for approval. The program would then provide grants for a five year period equal to the increased property taxes that result from the qualified investments. These grants would be given only after the increased taxes have been levied and paid by the property owner.

Chairman Dennis was in favor of the grant program, but felt the County should limit the grant to a maximum of 85% of the increased property taxes. Commissioner Dunevant agreed and stated this would also provide consistency and would address the residential uses in downtown areas. Commissioner Smith encouraged all municipalities to participate in this program. Commissioner Mehta commented on how well the resolution was written.

**RESOLUTION APPROVING THE
STANLY COUNTY AREA REVITALIZATION POLICY
(S.C.A.R.P)**

BE IT RESOLVED by the Board of County Commissioners of Stanly County that the following policy entitled “Stanly County Area Revitalization Policy” is adopted as follows:

Sec. 1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Grant Incentive means a sum of money, established by the County Commissioners as the current effective tax rate per \$100 property valuation for the difference between the current or preconstruction appraised tax value of a parcel(s) of property and the post-construction appraised tax value of same said parcel(s) at a rate of 85%.

Sec. 2. Authority.

The County, with agreement with the local Municipality, as authorized under G.S. Section 160A-456 and NCGS 153A-376, did establish by adopting on April 7, 2008 the (S.C.A.R.P.) Policy.

Sec. 3. Objectives.

The purpose of the Stanly County Area Revitalization Policy, hereinafter referred to as S.C.A.R.P., is to encourage and/or promote infill growth with new commercial development, to include mixed use, in any of Stanly County’s Municipalities’ designated area as set forth in attached map which is incorporated herein fully by reference of the Stanly County Municipal Service Districts, hereinafter referred to as the SCMSD. This map may be modified from time to time by the Stanly County Board of Commissioners with recommendation of the Municipality.

The objective of S.C.A.R.P. is to provide an incentive to property owners and individuals for the purpose of improving the appearance and viability of the SCMSD and to stimulate long-term investment in the Municipality and the County. The incentive will be in the form of a grant. Revitalization grant incentives are as follows:

- (1) Appraised tax value of site or building is determined before any construction begins.
- (2) Appraised tax value of site or building is determined after construction is completed upon the issuance of a certificate of occupancy.
- (3) Owner pays full amount of newly appraised tax value of property.
- (4) Stanly County provides grant incentive to property owner at 85% of increased county tax.

(5) Five (5) concurrent tax years is the applicable time period for grant incentive.

Revitalization goals are as follows:

- (1) Improve Downtown Municipal areas;
- (2) Attract new investors and development for businesses;
- (3) Reinforce existing businesses in remainder of Central Business District through growth and diversification of the Municipality's economy;
- (4) Improve the visual appearance of the Municipality;
- (5) Broaden the tax base of both the Municipality and County.

Sec.4. Revitalization Program Requirements.

The following requirements apply to and are available under the revitalization program:

- (1) The project area shall be designated as set forth in attached map which is incorporated here in fully by reference as the delineated area of the SCMSD.
- (2) Any commercial property owner within the project area is eligible to apply.
- (3) Each commercial property owner engaged in a project(s) in the project area is eligible for the program incentives.
- (4) Incentives shall be for new construction only deemed in character to be consistent with the zoning requirements of the Municipal Zoning District. Existing remodeling or up fit shall be considered where the project increases the "building structure" tax value by 25%.
- (5) Any person starting a project after passage will be eligible to make application to Stanly County to participate in the S.C.A.R.P. incentive program.
- (6) Applicants must be the property owner and taxpayer for property.
- (7) Incentives must be used for commercial property to include mixed uses, but not necessarily be limited to the following:
 - Banks and other financial institutions;
 - Current Industrial Zoning Districts uses in project area;
 - Hotels and motels;
 - Offices/businesses, professional and public;
 - Restaurants;
 - Residential uses in support of a business district;
 - Retail stores;
- (8) This program does not apply to existing or renovation projects or properties.
- (9) The applicant must obtain all (Historic, Municipal and Zoning, etc.) approval and be awarded a grant from the Municipality before being awarded the grant by the County.
- (10) Structures must meet state and local building codes as approved by the local building inspector.
- (11) Applications will be administered by the County.
- (12) Applications shall be reviewed by Stanly County staff to ensure full compliance with the S.C.A.R.P. grant.

Sec. 5. Project Management.

- (1) The S.C.A.R.P. project managers will be the Stanly County Manager and the Town Manager of the respective town or their designee. His/her duties and responsibilities will be to administer the project in conjunction with the Stanly County Tax Office.
- (2) The applicant will secure the S.C.A.R.P. application form from the Stanly County office.
- (3) The applicant will submit the completed application to the County Manager for review of:

Purpose;
Feasibility; and
Compatibility.

ADOPTED this the 7th day of April, 2008.

Tony M. Dennis, Chairman

ATTEST:

John Roberts, Clerk to the Board

Motion to approve the resolution was made by Commissioner Smith and seconded by Commissioner Mehta with a vote of 4 – 0.

ITEM # 3 HISTORIC PRESERVATION COMMISSION

Presenter: Jonathan Underwood, Director

On behalf of the HPC Board of Directors and HPC Foundation Board of Directors, Mr. Underwood reiterated the plan to expand the museum, and wanted to inform the Commissioners that the two Boards plan to raise \$400,000 towards the expansion project's estimated cost of \$1.4 million. Mr. Underwood then requested that the Commissioners consider setting aside \$500,000 in the 2008 – 2009 budget, and \$500,000 in the 2009 -2010 budget to fund and complete the museum's expansion project.

The County Manager congratulated the HPC for being aggressive and wanting to pay the project off in 3 years, but that it would be premature for the Board to make a commitment before setting next year's budget. He suggested that once the \$400,000 was raised, the HPC Board and HPC Foundation come back to the Commissioners to discuss financing the remainder of the project.

Chairman Dennis and Commissioner Smith agreed with the County Manager's comments and also stated that the HPC should continue the project with the full support of the Board. Commissioner Dunevant applauded the project and stated that it would be a benefit to the downtown area.

ITEM # 4 RAILROAD CROSSING CLOSURE ON SOUTHSIDE ROAD (SR 1906)

Presenter: John Roberts, County Attorney

The NC Department of Transportation has proposed a closure of the Winston-Salem Southbound Railway Crossing at Southside Road (SR 1906) south of Albemarle in Stanly County. The DOT will construct a new bridge to carry the proposed US 52 extension over the Southbound Railway just south of the existing at-grade crossing at Southside Road (Crossing # 849 906F, CSXT Milepost W-61.3, SR 1906). The existing crossing would then be closed once the proposed highway and new bridge is open to traffic.

Chairman Dennis asked to be excused from voting since he is a member of NC Department of Transportation's Board. Motion to excuse Chairman Dennis was made by Commissioner Smith and seconded by Commissioner Mehta with a vote of 3 – 0.

Motion was then made to approve the railroad crossing closure at Southside Road by Commissioner Smith and seconded by Commissioner Dunevant with a vote of 3 – 0.

ITEM # 5 RESOLUTION TO APPROVE THE USE OF THE IN REM FORECLOSURE METHOD IN COLLECTING DELINQUENT PROPERTY TAXES

Presenter: John Robert, County Attorney

Previously, the County has used its attorneys in mortgage-style proceedings to collect delinquent property taxes. In an effort to be more time and cost efficient to the County and staff, he requested approval of a resolution to allow foreclosures to be handled by use of the In Rem method.

**RESOLUTION BY THE STANLY COUNTY BOARD OF COMMISSIONERS
AUTHORIZING THE USE OF IN REM PROCEEDINGS UNDER
NORTH CAROLINA GENERAL STATUTE 105-375**

WHEREAS, the County of Stanly has numerous cases in which property taxes on real property are delinquent; and

WHEREAS, the Board of Commissioners, in an effort to collect said delinquent taxes has previously pursued the collection through its attorneys in mortgage-style proceedings under North Carolina General Statute 105-374; and

WHEREAS, foreclosures under North Carolina General Statute 105-375, commonly referred to as "In Rem" proceedings, would be more time and cost efficient to the County and its staff; and

WHEREAS, it is in the best interest of the County and its citizens that taxes be collected from those citizens who consistently fail to pay lawfully assessed taxes.

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of Stanly County, in an effort to better serve the citizens of Stanly County and to prevent and discourage the wrongful and willful refusal by some few citizens to pay property taxes, hereby authorizes the Stanly County Attorney and the Stanly County Tax Administrator to follow the methods and procedures of North Carolina General Statute 105-375 to collect delinquent property taxes.

Adopted this 7th day of April, 2008.

Tony M. Dennis, Chairman

[SEAL]

John L. Roberts
Clerk to the Board

Motion to approve was made by Commissioner Mehta and seconded by Commissioner Dunevant with a vote of 4 -0.

ITEM # 6 STANLY COUNTY ANIMAL CONTROL – REQUEST APPROVAL TO PURCHASE ANIMAL CONTROL DATA MANAGEMENT SOFTWARE

Presenter: Dennis Joyner, Health Director

The Stanly County Animal Control Program in conjunction with the Information Technology Department has reviewed Animal Control data management software for their operation, and would like to proceed with the purchase. For this fiscal year, \$8,500 was budgeted for the purchase. But, after reviewing other software, Animal Control felt that purchasing a commercial product would provide greater enhancements and efficiencies to suit their needs. The recommended program is Chameleon. The cost of the software (including on-site training, licenses, support, and maintenance) is \$18,140. IT has also recommended purchasing a new server for the shelter at \$4,730, which brings the total cost at \$22,870.

Mr. Joyner then requested the Board appropriate funding in the amount of \$14,617 to the Animal Control Program budget to purchase the software and computer server hardware.

Motion to approve was made by Commissioner Dunevant and seconded by Commissioner Smith with a vote of 4 – 0.

ITEM # 7 SUMMARY OF THE STANLY COUNTY 2007 COMMUNITY HEALTH ASSESSMENT

Presenter: Dennis Joyner, Health Director

The Stanly County Health Department recently completed the Community Health Assessment and presented the results at its first annual 2008 State of the County's Health Expo on March 4, 2008. Mr. Joyner presented the Commissioners with a copy of the final document and gave a short presentation of the results.

No motion was required by the Board.

ITEM # 8 CONSENT AGENDA

Presenter: Chairman Dennis

- A) Minutes – Regular Meeting on March 17, 2008
- B) Library Book Sale on April 10 -12, 2008
- C) Stanly County Utilities Requests Designation of Water Meters as Surplus

D) Budget Amendment # 2008-30- To Amend the General Fund to Change Expenditures in Legal Department for Alcoa Study.

Motion to approve was made by Commissioner Smith and seconded by Commissioner Dunevant with a vote of 4 – 0.

ITEM # 9 PUBLIC COMMENT

None

GENERAL COMMENTS AND ANNOUNCEMENTS

Commissioner Dunevant stated that the Board continues to do the best they can for the citizens of the County and North Carolina regarding the Alcoa re-licensing issues, and that it will be investigated to the full extent. He also expressed his thanks to the Cabarrus County Commissioners in their signing of the resolution supporting Stanly County's position.

Commissioner Mehta stated that Governor Easley's letter supporting the County's position was very good news and that there is still a lot of work to be done. He also expressed his thanks to everyone and all their work on this.

Commissioner Smith stated that even with the downturn in the economy, Stanly County has seen \$30 million in new growth and asked that people continue to support such projects. He also expressed his appreciation for the 3 retirees honored earlier who had over 90 years of service to the County.

Commissioner Dennis thanked everyone for their hard work with the Alcoa re-licensing issue and that he would continue to fight for the County and State.

The County Manager and County Attorney had no comments.

CLOSED SESSION

Commissioner Mehta moved to recess the meeting to closed session to consult with the County Attorney in accord with G.S. 143-318.11(a)(3). Motion was seconded by Commissioner Dunevant with a vote of 4 -0.

RECESS

Commissioner Mehta moved to recess the meeting until Thursday, April 10, 2008 at 6:00 p.m. in the Patterson Building at Stanly Community College. His motion was seconded by Commissioner Smith and approved 4 – 0.

Tony M. Dennis, Chairman

John L. Roberts, Clerk to the Board