

**STANLY COUNTY  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
DECEMBER 1, 2008**

**COMMISSIONERS PRESENT:** Tony Dennis, Chairman  
Gene McIntyre, Vice-Chairman  
Lindsey Dunevant  
Sherrill Smith  
Jann Lowder

**COMMISSIONERS ABSENT:** None

**STAFF PRESENT:** Andy Lucas, County Manager  
John Roberts, County Attorney  
Tyler Brummitt, Clerk to the Board

**REORGANIZATIONAL MEETING**

**CALL TO ORDER**

The Stanly County Board of Commissioners (the “Board”) met in regular session on Monday, December 1, 2008 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. County Manager, Andy Lucas, acting as temporary chairman, called the meeting to order for the purpose of reorganization of the Board pursuant to NCGS 153A-39.

**ELECTION OF CHAIRMAN**

The county manager opened the floor for nominations for Chairman and noted that in accordance with NCGS 153A-39 at its first meeting in December of each year, the Board shall choose a Chairman for the ensuing year and shall also choose a Vice-Chairman to act in the absence or disability of the Chairman.

Motion was made by Commissioner Smith to nominate Tony Dennis to serve as Chairman. His motion was seconded by Commissioner Lowder. No other nominations were made and the nomination was unanimously approved 5 – 0.

The county manager announced that Tony Dennis had been elected Chairman for 2009 and relinquished the proceedings to Chairman Dennis.

**ELECTION OF VICE CHAIRMAN**

Chairman Dennis opened the floor for nominations for Vice-Chairman in accordance with NCGS 153A-39.

Motion was made by Commissioner Lowder to nominate Gene McIntyre to serve as Vice-Chairman and seconded by Commissioner Dunevant. No other nominations were made and the nomination was approved by unanimous vote.

**APPROVAL OF BONDS**

Chairman Dennis asked for a motion to approve the following public official bonds:

<b>Bond Type</b>	<b>Amount</b>	<b>Expiration Date</b>
Tax Administrator (Rick Johnson)	\$100,000	June 30, 2009
Finance Officer (Toby Hinson)	\$100,000	June 30, 2009
Register of Deeds (Suzanne Lowder)	\$50,000	December 1, 2009
Sheriff (Rick Burris)	\$5,000	December 4, 2010

Motion was made by Vice-Chairman McIntyre to approve the bonds as listed. The motion was seconded by Commissioner Dunevant and approved unanimously 5-0.

**BOARD APPOINTMENTS**

Chairman Dennis opened the floor for appointments to the following Boards and Committees. Vice-Chairman McIntyre made a motion to approve the following appointees:

- |  |                         |
|--|-------------------------|
| 1. Chairman, Economic Development Commissioner               | S. Smith                |
| 2. Member, Board of Health                                   | G. McIntyre             |
| 3. Member, Piedmont Area Mental Health                       | L. Dunevant             |
| 4. Member, Social Services Board                             | S. Smith                |
| 5. Member, Library Board of Trustees                         | G. McIntyre             |
| 6. Member, Airport Authority                                 | T. Dennis               |
|  | G. McIntyre – Alternate |
| 7. Member, Historic Preservation Commission                  | L. Dunevant             |
| 8. Chairman, Fire District Commission                        | T. Dennis               |
| 9. Member, Downtown Development Commission                   | L. Dunevant             |
| 10. Member, Senior Services Board                            | J. Lowder               |
| 11. Member, Rural Transportation Planning Organization (RPO) | G. McIntyre             |
|  | J. Lowder – Alternate   |
| 12. Member, Stanly County Convention & Visitors Bureau       | X                       |
| 13. Member, Water & Sewer Authority                          | J. Lowder               |
|  | T. Dennis - Alternate   |

Motion was seconded by Commissioner Smith to accept the nominees as listed and motion passed by unanimous vote.

**SET MEETING DATES FOR 2009**

Commissioner Lowder made a motion to establish the regular meeting dates for 2009 with the meetings being held at 7:00 p.m. in the Stanly Commons Board of Commissioners Meeting Room.

The meeting schedule for 2009 is as follows:

January 5 and January 20 \*  
February 2 and 16  
March 2 and 16  
April 6 and 20  
May 4 and 18  
June 1  
July 13 \*\*  
August 10 \*\*\*  
September 14 \*\*\*\*\*  
October 5 and 19  
November 2 and 16  
December 7

- \* January 19 meeting moved to Tuesday, January 20 due to conflict with Martin Luther King, Jr. holiday
- \*\* July 6 meeting moved to July 13 due to conflict with 4<sup>th</sup> of July holiday
- \*\*\* August 3 meeting moved to allow 4 weeks between meetings
- \*\*\*\*\* September 7 meeting moved due to conflict with Labor Day holiday

Commissioner Smith seconded the motion. The motion passed by a 5 – 0 vote.

#### **ADOPTION OF HOLIDAY SCHEDULE**

Vice Chairman McIntyre moved to approve the county holiday schedule for 2009.

<b>Holiday</b>	<b>Observance Date</b>	<b>Day of Week</b>
New Year's Day	January 1, 2009	Thursday
Martin Luther King, Jr.	January 19, 2009	Monday
Good Friday	April 10, 2009	Friday
Memorial Day	May 25, 2009	Monday
Independence Day	July 3, 2009	Friday
Labor Day	September 7, 2009	Monday
Veterans Day	November 11, 2009	Wednesday
Thanksgiving	November 26 & 27, 2009	Thursday & Friday
Christmas	December 24 & 25, 2009	Thursday & Friday

Motion was seconded by Commissioner Dunevant and unanimously approved.

#### **ANNOUNCEMENT**

Chairman Dennis announced that during any regular meeting of the Board, the County Commissioners, in order to act in their capacity as Board of Governors for the Greater Badin Water/Sewer District or for the Piney Point Water District, may, in their discretion, recess a Commissioners regular meeting and reconvene as the Board of Governors of either of the above two entities in order to conduct business matters related to that entity.

## **DEVOTION**

Commissioner Dunevant gave the devotion.

## **AWARDS PRESENTATION – DR. NALIN MEHTA**

The Board presented Dr. Mehta with a plaque and thanked him for his work as a county commissioner during the past four years.

## **RETIREMENT AWARDS PRESENTATION – CECIL ALMOND**

The Board presented Cecil Almond with a retirement award and thanked him for his many years of service to the county as Register of Deeds.

## **APPROVAL / ADJUSTMENTS TO THE AGENDA**

Chairman Dennis requested one item be added to the consent agenda, which was identified as item # 6(G) Nabell Bellows expansion and rehabilitation project.

Motion to approve the agenda as amended was made by Vice-Chairman McIntyre and seconded by Commissioner Smith. The motion was approved by a 5 – 0 vote.

## **ITEM#1 – PUBLIC HEARINGS – PLANNING & ZONING**

Presenter: Michael Sandy, Director

### **A) ZA 08-02 and CU 08-01 – Daphne Smith**

Ms. Smith requested a 2.5 acre tract (Tax Record number 22256) of her property located at 32435 Guard Road currently zoned R-20 be rezoned to CU R-A and issuance of a Conditional Use Permit. The purpose of the request was to place a single-wide manufactured home on the property. On October 13, 2008, the Planning Board unanimously gave a negative recommendation to ZA 08-02 and CU 08-01.

Chairman Dennis declared the public hearing open.

At this time, Daphne Smith addressed the Board stating her reasons for the rezoning request. Chris Snyder, Vanessa Mullinix, and Max Little addressed the Board in opposition to the rezoning request and expressed their concerns regarding the effect the manufactured home would have on property values and their interest in preserving the Morrow Mountain State Park area.

Hearing no other comments, Chairman Dennis declared the public hearing closed.

Vice-Chairman McIntyre made a motion to deny the request to rezone the property. His motion was seconded by Commissioner Dunevant and the motion was approved by unanimous vote.

**B) ZA 08-03 - David Lee Harward**

Darrell Furr requested 6.4 acres located at 31220 Steakhouse Road be rezoned from Neighborhood Business (N-B) to General Business (G-B). The purpose of the request is to use an existing building as a cabinet shop.

Chairman Dennis declared the public hearing open. Kirk Bowling, attorney for Darrell Furr and Jeremy Bowers of Dreamwork Custom Cabinets, addressed the Board requesting the rezoning be approved stating it would help to bring additional jobs, commerce and trade to Stanly County.

Hearing no other comments, Chairman Dennis declared the public hearing closed.

Commissioner Smith made a motion to approve the rezoning request. The motion was seconded by Vice-Chairman McIntyre and approved by a 5 – 0 vote.

**C) ZA 08-04 - TEXT AMENDMENT CHANGE TO SECTION 905.4 CITATIONS**

The Planning & Zoning Staff requested a text amendment change to Section 905.4 which would allow contractors to be cited for zoning violations on projects under their control. Planning & Zoning has encountered more than one case where the contractor did not comply with zoning and was not acting on the owner's behalf or direction.

The Planning Board voted unanimously to recommend this to the Board at their October 13, 2008 meeting.

Chairman Dennis declared the public hearing open. Hearing no comments, the public hearing was closed.

Vice-Chairman McIntyre made a motion to approve the text amendment change to Section 905.4. The motion was seconded by Commissioner Lowder and passed by a 5-0 vote.

**ITEM # 2 – APPOINTMENT OF BOARD OF HEALTH MEMBERS**

Presenter: Dennis Joyner, Health Director

The Board of Health requested the new appointment of Larry Faulkner (General Public Member) and reappointment of Teresa E. Hathcock (Pharmacist) to the Stanly County Board of Health.

Vice-Chairman McIntyre made a motion to approve the appointments and was seconded by Commissioner Dunevant. The motion passed by unanimous vote.

**ITEM # 3 – STANLY COUNTY LIBRARY BOARD OF TRUSTEES**

Presenter: Penny Welling, Director

The library requested the Board appoint Dr. Nalin Mehta to the Library Board of Trustees to fill the unexpired term of C. Wayne Mabry who resigned.

Commissioner Smith made a motion to approve the appointment and was seconded by Vice-Chairman McIntyre. The motion passed by a 5-0 vote.

**ITEM# 4 – LEGAL DEPARTMENT – AUTHORIZATION FOR LEGAL SETTLEMENTS**

Presenter: John Roberts, County Attorney

Under NCGS 143-318.11, the governing Board may give attorneys instructions regarding the settlement of legal disputes. North Carolina law generally authorizes the Board to delegate authority of their choosing to the county manager to settle legal disputes involving amounts in controversy under \$25,000. This authority was not included in the county manager’s contract and should have been. The county attorney requested the Board approve a resolution authorizing the county manager to approve settlement of legal disputes involving amounts of \$25,000 or less.

**RESOLUTION OF THE STANLY COUNTY BOARD OF COMMISSIONERS AUTHORIZING THE COUNTY MANAGER TO SETTLE CERTAIN LEGAL DISPUTES**

**WHEREAS**, Stanly County is a Body Politic and Corporate under the Laws of the State of North Carolina; and

**WHEREAS**, Stanly County is occasionally involved in legal disputes; and

**WHEREAS**, the Board of Commissioners (the “Board”) is authorized under the Laws of the State of North Carolina to settle legal disputes on behalf of the County and by its nature is generally unable to attend settlement negotiations as a unit, thus potentially jeopardizing settlement negotiations where immediate binding decisions are often required; and

**WHEREAS**, the Board is further authorized to delegate its authority in certain matters to the County Manager; and

**WHEREAS**, in the interest of providing for a more expedient process and avoiding the time and expense of litigation where possible it has been determined that the County Manager should be authorized to settle legal disputes on behalf of Stanly County where the amount proposed to be paid by the County is equal to or less than \$25,000.00, with the exception of those legal disputes in which the County is bound by contract to accept settlement; and

**WHEREAS**, certain legal disputes involve significant sums, the settlement of which should only be dealt with by majority vote of the Board, it has been determined that the Board shall remain responsible for authorizing and approving all settlements for amounts greater than \$25,000.00.

**NOW, THEREFORE BE IT RESOLVED**, that the Stanly County Board of Commissioners, having determined that the County Manager should be authorized to settle certain legal disputes, hereby authorizes the County Manager to, after consultation with the County Attorney, settle any legal disputes that may arise wherein the amount proposed to be paid by Stanly County is equal to or less than \$25,000.00.

This the \_\_\_\_ day of December, 2008.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Tyler Brummitt, Clerk to the Board

Commissioner Smith made a motion to approve the resolution. Commissioner Lowder seconded the motion and the motion passed by unanimous vote.

**ITEM # 5 – ALBEMARLE DOWNTOWN DEVELOPMENT CORPORATION (ADDC)**

Presenter: Andy Lucas, County Manager

The Albemarle Downtown Development Corporation (ADDC) has requested to lease an alley owned by the county in downtown Albemarle for merchant parking. The goal is to provide additional parking for merchant employees to free up additional on-street parking for customers.

The Board directed staff to proceed with the public notice of the terms and restrictions as requested so action can be taken at the next regularly scheduled Board meeting.

**ITEM # 6 – CONSENT AGENDA**

- A) Minutes – Regular meeting on November 17, 2008
- B) Tax Administration – Refund for Mi Cocina Mexican Restaurant
- C) Request adoption of resolution in opposition to shifting transportation costs to counties

## **Stanly County**

### **Opposition to Shifting Transportation Costs to Counties**

**WHEREAS**, the North Carolina General Assembly passed Senate Bill 1513 during the 2007 session; and

**WHEREAS**, HB 1513 allows counties to “voluntarily” participate in the costs of transportation projects; and

**WHEREAS**, the 21<sup>st</sup> Century Transportation Committee and the Transportation Oversight Committee are considering eliminating the State’s Secondary Roads Program; and

**WHEREAS**, eliminating the State’s Secondary Roads Program could force counties to maintain and pave secondary roads.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF STANLY COUNTY THAT:**

1. It strongly opposes any efforts by the General Assembly or NCDOT to shift any transportation costs formerly paid by the State to the counties.
2. It strongly opposes any efforts by the General Assembly to appropriate local revenues whether property tax, sales tax, or any other local revenue for State transportation programs or any other State programs.
3. It strongly urges all counties to be fully aware and concerned that any invitation to participate in discussions of transportation needs may lead to an indirect appropriation of local funds.
4. It strongly urges all counties to contact the NC Association of County Commissioners and direct it to oppose any efforts to transfer the funding of any State programs to counties.
5. That a copy of this resolution be sent to each County in the state.
6. That copies of this resolution are sent to Transylvania County's representatives in the NC General Assembly along with each and every Commissioner's heartfelt concern about the transfer of this and future State costs to counties.

This the 1<sup>st</sup> day of December, 2008.

ATTEST:

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Tony M. Dennis  
County Commissioner

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Tyler Brummitt  
Clerk to the Board

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Gene McIntyre  
County Commissioner

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Lindsey Dunevant  
County Commissioner

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Sherrill Smith  
County Commissioner

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Jann Lowder  
County Commissioner

- D) Library – Request the attached list of books be declared surplus, donated to the Friends of the Library, and sold in an on-going book sale at the five branches.

- E) Budget Amendment # 2009-27- To appropriate \$350,000 for a loan to SWASA for construction of the Hwy 24/27/73 project.
  - F) Finance Dept. – Monthly Financial Report for four months ended October 31, 2008.
  - G) Economic Development – Grant application, commitment letter, and authorizing resolution for Nabell Bellows expansion and rehab project.
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**AUTHORIZING RESOLUTION BY STANLY COUNTY**

for the

North Carolina Rural Center

Building Reuse and Restoration Grants Program

**Nabell Expansion Project**

**WHEREAS**, The North Carolina General Assembly has authorized funds to stimulate economic development and job creation in distressed areas through constructing critical water and wastewater facilities, addressing technology needs, renovating vacant buildings, and implementing research and demonstration projects, and

**WHEREAS**, Stanly County has need for and intends to assist in the renovation of a vacant building in a project described as the Nabell Expansion Project; and

**WHEREAS**, Stanly County intends to request funding assistance from the Building Reuse and Restoration Grants Program for the project;

**NOW THEREFORE BE IT RESOLVED, BY THE STANLY COUNTY BOARD OF COMMISSIONERS:**

That Stanly County is in full support of the application and the project, if funding is received, and

That Stanly County will provide for a cash match of at least 3% of the total grant amount as a cash investment into the project, and

That Stanly County has substantially complied or will substantially comply with all State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

Adopted this the 1st day of December 2008 at Albemarle, North Carolina.

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Chairman, Board of Commissioners

**ATTEST:**

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Tyler Brummitt, Clerk

(Seal)

Vice-Chairman McIntyre made a motion to approve the agenda as amended. His motion was seconded by Commissioner Smith and the motion passed by unanimous vote.

**PUBLIC COMMENT**

None

**GENERAL COMMENTS & ANNOUNCEMENTS**

The Board welcomed Commissioner Jann Lowder and congratulated Chairman Dennis on his re-election as a county commissioner.

Commissioner Lowder thanked all of her supporters for the opportunity to serve as a county commissioner and stated she was looking forward to working with the Board over the next four years.

The county manager congratulated Commissioner Lowder and Chairman Dennis and stated he looked forward to working with the Board over the next year.

The county attorney advised the Board of their authority to approve one year leases without a public hearing and they can also authorize the county manager to dispose of county owned personal property under \$5,000 in value.

**CLOSED SESSION**

Commissioner Dunevant made a motion to recess to closed session to discuss a personnel matter in accord with G.S. 143-318.11(a)(6). The motion was seconded by Vice-Chairman McIntyre and passed by unanimous vote at 8:08 p.m.

**ANNOUNCEMENT**

Motion to approve the salary for Suzanne Lowder, Register of Deeds, as recommended by the county manager was made by Vice-Chairman McIntyre. His motion was seconded by Commissioner Lowder and approved by a 5 – 0 vote.

**ADJOURN**

There being no further business, Commissioner Smith made a motion to adjourn the meeting. Vice-Chairman McIntyre seconded the motion. Motion passed by unanimous vote at 8:33 p.m.

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Tony M. Dennis, Chairman

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Tyler Brummitt, Clerk to the Board



