

**STANLY COUNTY  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
FEBRUARY 2, 2009**

**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

**CALL TO ORDER**

The Stanly County Board of Commissioners (the “Board”) met in regular session on Monday, February 2, 2009 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman Dennis called the meeting to order and gave the devotion.

**APPROVAL / ADJUSTMENTS TO THE AGENDA**

Vice-Chairman McIntyre made a motion to approve the agenda with three amendments: Item # 11(A) - Essential Air Services Act program, item # 11(B) - Stanly County Airport Authority Agreement for Entry to the NC DOT, and item # 12 - appointment to the EDC Board. The motion was seconded by Commissioner Dunevant and passed by unanimous vote.

**ITEM # 1 – PUBLIC HEARING - PLANNING & ZONING**

Presenter: Michael Sandy, Director

**ZA 09-01 – Rezoning request from RA (Residential Agricultural) to M-2 (Heavy Manufacturing) for Oakmont Acquisition, LLC**

Mr. Sandy explained the purpose of the request stating if approved the rezoning would be in conformance with the 2002 Stanly County Land Use Plan and would be in cooperation with the Town of Oakboro’s zoning. The Planning Board gave a favorable recommendation to this request at its January 12, 2009 meeting.

Chairman Dennis declared the public hearing open.

Charles Brown, attorney for Oakmont Acquisition, LLC, spoke in favor of the request to rezone 4 tracts totaling approximately 42.9 acres currently zoned RA. The properties are located near the corner of Swift Road (SR 1110) and Buster Road (SR 1118) in Oakboro.

As part of the process, a total of seven entities including the NC DOT, Duke Energy, NC Rural Center, and Golden Leaf Fund were contacted, and all viewed this as a favorable proposal with the potential to help with future job creation in the area.

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

A motion to approve the request was made by Commissioner Smith and seconded by Commissioner Lowder. The motion passed by a 5 – 0 vote.

## **ITEM # 2 – PLANNING & ZONING**

Presenter: Michael Sandy, Director

### **A) Appointment of an Alternate Board of Adjustment Member**

The Board was requested to appoint an alternate Board of Adjustment member to replace Courtney Hildreth who was serving a three year term ending June 30, 2012.

Two nominations were received: Allen McGuire by Commissioner Lowder and Kevin Brickman by Commissioner Dunevant. Commissioner Smith made a motion to close the nominations and was seconded by Commissioner Lowder. Motion passed by unanimous vote.

Allen McGuire received 4 out of 5 votes: Vice-Chairman McIntyre, Chairman Dennis, Commissioner Lowder and Commissioner Smith with Commissioner Dunevant voting against. Kevin Brickman received one vote: Commissioner Dunevant. Allen McGuire was appointed to serve as the alternate Board of Adjustment member.

### **B) Appointment of Three Planning Board Members**

It was requested that the Board appoint three members to the Planning Board each for a three year term ending February 2012.

Commissioner Lowder nominated Buddy Clark, Sam Estridge, and Frank Lee. Commissioner Dunevant nominated Steve Watson and Kevin Brickman. A motion to close the nominations was made by Vice-Chairman McIntyre and seconded by Commissioner Smith. Motion passed by unanimous vote.

Buddy Clark and Frank Lee each received five votes. Sam Estridge received four votes: Vice-Chairman McIntyre, Chairman Dennis, Commissioner Lowder, and Commissioner Smith with Commissioner Dunevant voting against.

Motion to appoint Buddy Clark, Frank Lee, and Sam Estridge to the Planning Board was made by Vice-Chairman McIntyre and seconded by Commissioner Lowder. The motion passed by unanimous vote.

### **C) INTERLOCAL AGREEMENTS FOR THE TOWNS OF BADIN, OAKBORO, AND RED CROSS.**

The towns of Badin, Oakboro, and Red Cross requested interlocal agreements between the county and their municipalities to allow the County Planning Department to administer their FEMA flood ordinance and for the applicant to pay the same fee as the county currently charges for the same service in the county jurisdiction. Any legal expenses incurred would be paid by the municipality.

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

**ITEM # 3 – PROCLAMATION DECLARING FEBRUARY AS NATIONAL FBLA-PBL MONTH.**

Presenter: Sam Miller, PHL President at Pfeiffer University  
Stephanie Roach, Stanly Community College Chapter Secretary

Representatives of the Stanly Community College and Pfeiffer University Phi Beta Lambda chapters and the Stanly County Schools FBLA chapters presented the proclamation to the Board for approval.

Commissioner Dunevant made a motion to accept the proclamation and was seconded by Vice-Chairman McIntyre. The motion was approved by 5 – 0 vote.

**ITEM # 4 – STANLY COUNTY UTILITIES**

Presenter: Donna Davis, Director

Stanly County Utilities has been awarded a grant in the amount of \$500,000 for the construction of a water project along Hwy 52 south of the Albemarle city limits and to connect the existing water system on Hwy 138 via Southside Road. A resolution affirming the Stanly County Utilities residential water and sewer rates is required in order to proceed with this project.

**Stanly County Utilities  
Resolution Affirming Water and Sewer Rates**

**WHEREAS**, the Stanly County Utilities has requested grant assistance from the Supplemental Grants Program of the North Carolina Rural Economic Development Center, Inc. for the project; and

**WHEREAS**, the North Carolina Rural Economic Development Center, Inc. has awarded to the Stanly County Utilities a grant in the amount of \$500,000 for the project entitled “Highway 52 Water Line Extension Project”; and

**WHEREAS**, the annual median household income for Stanly County residents is \$36,898 as of the 2000 United States Census;

**WHEREAS**, the Stanly County Board of Commissioners has approved and adopted water and sewer rates for fiscal year 2008-2009 for Stanly County Utilities;

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

That residential water and sewer rates of Stanly County Utilities for 5,000 gallons of usage are at least 1.5% of the annual median household income for residents of Stanly County, as of the 2000 United States Census.

Adopted this the 2<sup>nd</sup> day of February, 2009 at the Stanly County Commons, Albemarle, North Carolina.

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Tony M. Dennis, Chair

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Tyler Brummitt, Clerk

Motion to adopt the resolution was made by Commissioner Smith and seconded by Commissioner Dunevant. The motion passed with a 5 – 0 vote.

**ITEM # 5 - STANLY WATER & SEWER AUTHORITY – APPOINTMENTS TO THE BOARD OF DIRECTORS**

Presenter: Donna Davis, Director

It was requested that the Board appoint two members to the Board of Directors for the Stanly Water & Sewer Authority to replace Mr. Terry Blalock and Mr. Charles Brooks, whose terms have expired. Mr. Blalock offered to continue to serve if requested, however Mr. Brooks was not available.

Chairman Dennis nominated Don Brooks and Commissioner Smith nominated Terry Blalock. Motion to appoint both to the Stanly Water & Sewer Board of Directors was made by Commissioner Lowder and seconded by Commissioner Smith. The motion passed by unanimous vote.

**ITEM # 6 – STANLY COUNTY COMPREHENSIVE RECREATION PLAN**

Presenter: Andy Lucas, County Manager

The county manager provided an update on the plan, and requested an appointment be made to the Steering Committee for the project and budget amendment #2009-28 be approved to create a budget for the Stanly County Comprehensive Recreation Plan.

Commissioner Dunevant requested the appointment to the Steering Committee be tabled until a later date. A motion to approve the budget amendment was made by Commissioner Dunevant and seconded by Vice-Chairman McIntyre. The motion was approved by a vote of 5 – 0.

**ITEM # 7 – PROPOSED LEASE AGREEMENT WITH THE NC DEPARTMENT OF CORRECTION FOR PROBATION AND PAROLE OFFICE SPACE**

Presenter: Andy Lucas, County Manager

The NC Department of Correction has requested a three year lease for Probation and Parole office space in the Stanly County Courthouse consisting of approximately 450 square feet at a proposed annual lease rate of \$8.32 per square foot (\$3,744 annually).

Vice-Chairman McIntyre made a motion to approve the lease to the NC Department of Corrections and was seconded by Commissioner Lowder. The motion passed by unanimous vote.

**ITEM # 8 – CENTRALINA WORKFORCE DEVELOPMENT BOARD APPOINTMENT**

Presenter: Andy Lucas, County Manager

The Centralina Workforce Development Board requested an appointment be made to fill the seat recently vacated by Justin Burr due to his election to the House of Representatives.

A motion to appoint Lonnie Swanner was made by Commissioner Lowder and seconded by Vice-Chairman McIntyre. The motion passed by a 5 – 0 vote.

**ITEM # 9 – MARTIN STARNES & ASSOCIATES AUDIT SERVICES CONTRACT FOR FY 2008 – 09.**

Presenter: Andy Lucas, County Manager

The contract to perform audit services for FY 2008-09 was submitted to the Board for approval. The charges in the amount of \$51,200 are the same as the prior year for the FY 2007-08 services.

Motion to approve the audit services contract was made by Commissioner Smith and seconded by Vice-Chairman McIntyre. Motion was approved by unanimous vote.

**ITEM # 10 – CONSENT AGENDA**

Presenter: Chairman Dennis

- A) Minutes – Regular meeting on January 20, 2009
- B) Minutes – Recessed meeting with the Tax Administration Office on January 12, 2009.
- C) Finance – Monthly Financial Report for six months ended December 31, 2008.
- D) Tax Administration – Refund requests for Larry D. Davis and James F. McIntyre.
- E) Stanly County FY 2009-2010 Budget Manual Calendar
- F) Library – Request the attached list of books be declared surplus and donated to the Friends of the Library to be sold in an on-going book sale at the five branch libraries.

Motion to approve the consent agenda as presented was made by Vice-Chairman McIntyre and seconded by Commissioner Lowder. The motion passed by unanimous vote.

## **ITEM # 11 – AIRPORT**

### **A) Land Easements for Ridge Street Extension Project**

The NC Department of Transportation has plans to extend Ridge Street to Airport Road for the purpose of providing easier access by larger vehicles. To proceed with the project, a right of entry agreement is required for the parcels of land (less than one acre total) needed to construct three permanent drainage easements, two permanent utility easements, and one right of way parcel, all situated along Airport Road on the southwestern side of the airport. If approved by the Board of Commissioners, the right of entry agreement would then be presented to the Stanly County Airport Authority for its approval.

Motion to approve the right of entry agreement was made by Vice-Chairman McIntyre. The motion was seconded by Commissioner Dunevant and passed by a vote of 5 – 0.

### **B) Essential Air Services Act**

The State of NC has received a grant from the U.S. Department of Transportation in the amount of \$580,000, which the NC Department of Transportation match in the amount of \$100,000. Through this grant, 11 counties in NC would be able to provide direct flights on demand from their local airports across the region, state, and country.

Participating communities would be required to contribute \$10,360 for the two years remaining on the grant. A web page would be developed or an existing web page enhanced to allow individuals to select a date, time and local / regional destination for flights out of the Stanly County Airport.

Chairman Dennis requested he be excused from voting due to a conflict of interest due to his appointment to the NC DOT Board. Motion to excuse Chairman Dennis was made by Commissioner Dunevant and seconded by Commissioner Smith. Motion passed by unanimous vote.

Motion to approve Stanly County's participation in the Essential Air Services Act, and to authorize the reallocation of existing funds with the FY 2009-2010 budget for the county's portion was made by Commissioner Smith and seconded by Commissioner Lowder. The motion passed by unanimous vote.

Motion to readmit Chairman Dennis to the meeting was made by Commissioner Smith and seconded by Commissioner Lowder. Motion passed by a 5 – 0 vote.

## **ITEM # 12 – ECONOMIC DEVELOPMENT COMMISSION BOARD APPOINTMENT**

Presenter: Commissioner Smith

Commissioner Smith made a motion requesting Mike Wilder be appointed to replace Michael Laton (Republican – East) for a two year term to serve until January 31, 2010. The motion was seconded by Commissioner Lowder and passed by unanimous vote.

#### **PUBLIC COMMENT**

Ray Huggins addressed the Board regarding his concerns for the lack of controls in place at the Clerk of Court's office to protect client files and records. He requested the Board consider the addition of cameras as a better way of monitoring the files.

#### **GENERAL COMMENTS**

Vice-Chairman McIntyre stated his sister had recently undergone heart surgery and to please keep her in our prayers.

Commissioner Lowder wished everyone a Happy Valentine's Day.

Commissioner Smith asked everyone to remember the family of Jim Long, former Commissioner to the NC Department of Insurance, who has recently passed.

Chairman Dennis, Commissioner Dunevant, county manager, and county attorney had no comments.

#### **CLOSED SESSION**

Vice-Chairman McIntyre 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 Commissioner Lowder and passed by a vote of 5 – 0.

#### **ADJOURN**

There being no further business, Vice-Chairman McIntyre made a motion to adjourn until Monday, February 16, 2009. His motion was seconded by Commissioner Lowder. The motion passed by a vote of 5-0 at 8:35 p.m.

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Tony M. Dennis, Chairman

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Tyler Brummitt, Clerk to the Board



