

**STANLY COUNTY  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MARCH 16, 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, March 16, 2009 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman Dennis called the meeting to order and Commissioner Dunevant gave the devotion.

**APPROVAL / ADJUSTMENTS TO THE AGENDA**

Commissioner Dunevant made a motion to approve the agenda as presented and was seconded by Commissioner Smith. The motion passed by unanimous vote.

**ITEM # 1 – CRIMINAL JUSTICE PARTNERSHIP PROGRAM (CJPP)**

**Presenter: Allen Lawrence, Director of the Stanly County CJPP**

Board approval was requested in order to file the Application for Continuation of Implementation Funding for the CJPP in the amount of \$ 73,996. This application is submitted annually to the state in order to apply for continued funding of this program.

Motion to approve the application was made by Commissioner Dunevant. The motion was seconded by Commissioner Lowder and passed by a 5 – 0 vote.

**ITEM # 2 – STANLY COUNTY COMPREHENSIVE RECREATION PLAN**

**Presenter: Andy Lucas**

It was requested that the Board appoint a member to the Steering Committee to represent Stanly County on this project.

Commissioner Dunevant made a motion to appoint Kelly Dombrowski of New London and was seconded by Vice Chairman McIntyre. The motion passed by unanimous vote.

**ITEM # 3 – PROPOSED REVISIONS TO THE BOARD’S COMMITTEE / COMMISSION / BOARD APPOINTMENT POLICY**

**Presenter: Andy Lucas**

A copy of the proposed policy with the revisions requested by the Board was included in the agenda packets. These revisions were made in order to increase consistency, accountability, and transparency in the policy.

**STANLY COUNTY  
BOARD AND COMMITTEE POLICIES**

The Stanly County Board of Commissioners has throughout the years created a series of Boards, Committees, and Commissions to serve in an advisory or supplementary capacity to the Board of Commissioners in the conduct of specific and general County business. Many of these advisory or supplementary committees have been created as the result of statutory or regulatory action of the State and Federal government which in many instances has established membership criteria, term requirements and other policy or procedural limitations affecting the members and the committee in carrying out their duties and responsibilities. Not inconsistent with any statutory, regulatory provision or local ordinance affecting these committees, the following general policies shall apply prospectively to all Board, Committees, and Commissions subject to appointment by the Stanly County Board of Commissioners. Any provision of this policy can be waived by a simple majority vote of the Board.

1. Appointments to Boards, Committees and Commissions shall not exceed a four-(4) year term with a maximum of two (2) consecutive terms or any combination of years and terms not to exceed eight (8) consecutive years of service with a two-(2) year waiting period prior to reappointment to the same Board. This policy may be waived if, the Board of Commissioners determines the removal of an individual or a number of individuals made ineligible by this policy would be detrimental to the functioning of that board, commission, or committee.
2. Any individual interested in serving on a Board, Committee or Commission must submit a written application to the Clerk of the Board which shall include the individual’s name, address, desired Boards/Committees/Commissions and the individual’s qualifications for said Boards/Committees/Commissions. All applications will be kept on file for a period of two (2) years from the date of submission.
3. Appointments shall be on a staggered term basis to assure continuity in Board membership.

4. All potential applicants, nominations and/or appointment recommendations must be provided to the Clerk to the Board in advance of a meeting agenda being established. This will ensure all Board members have time to review the list of potential applicants/nominations prior to any action being taken.
5. Each Board and Committee shall establish attendance requirements for its members or shall abide by the rule that three (3) consecutive absences constitute a resignation.
6. Appointments to vacancies on Boards caused by resignations, either voluntary or involuntary due to attendance, shall be for the remainder of the unexpired term.

**Adopted by the Stanly Board County Board of Commissioners**

**This the 3<sup>rd</sup> day of February, 2003**

**Amended the 16<sup>th</sup> day of March, 2009**

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Tony M. Dennis, Chairman

Attest:

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Tyler Brummitt, Clerk to the Board

A motion to approve the amendments to the existing policy was made by Commissioner Smith and seconded by Commissioner Dunevant. Motion passed by unanimous vote.

**ITEM # 4 – STANLY COUNTY BOARD OF EDUCATION**

**Presenter: Andy Lucas**

The Stanly County Board of Education requested a release of \$750,000 from the Public School Capital Fund in Lottery distributions for the Albemarle High School PE / Athletic Facility Construction Project. This project was one of four previously approved by the Board as part of a \$15 million multi-facility renovation package.

It was requested that the Board also approve Budget Amendment # 2009-40 for the release of these funds and the Public School Building Capital Fund application which requires Chairman Dennis' signature.

A motion to approve both items was made by Vice Chairman McIntyre and seconded by Commissioner Dunevant. The motion passed with a 5 – 0 vote.

## **ITEM # 5 – CONSENT AGENDA**

**Presenter: Chairman Dennis**

- A) Minutes – Regular meeting on March 2, 2009
- B) Minutes – Board Retreat on February 27, 2009
- C) Tax Administration – Refund for Susan & Charles Gurley
- D) Tax Release & Discovery Report – February 2009
- E) Stanly County 911 Advisory Board – Request approval of proposed amendments to the Bylaws.
- F) Budget Amendment # 2009-39 – To amend Fund 641 to increase Miscellaneous Revenues for tank antenna fees and DOT right-of-way purchase.
- G) Budget Amendment #2009-41 – To appropriate \$275,000 for the ALCOA legal challenge and environmental study.

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

### **PUBLIC COMMENT**

Mickey Furr addressed the Board with questions regarding whether the county had considered a freeze on spending and hiring until it is determined what funds are available from the federal and state government. The county manager stated that several steps have been taken including a freeze on non-essential spending, a hiring freeze that has been in effect since December 2008, and the county has also put aside \$1,000,000 in contingency funding through various budget amendments should the need arise.

Mr. Furr asked the Board if there was the possibility of a tax rate increase for the upcoming year. Vice Chairman McIntyre stated the Board has no intentions of raising the tax rate and will do its best to leave it at the current rate.

### **GENERAL COMMENTS**

Commissioner Dunevant read the following prepared statement in response to Alcoa Power Generating, Inc.'s (APGI's) filing a legal complaint against the county.

### **STANLY COUNTY STATEMENT ON PUBLIC RECORDS REQUEST**

It seems from the filing of the litigation that some at APGI may not be aware of the good faith that both sides have displayed in discussing how best to handle the issues involved in responding to APGI's public records request. The County has acted appropriately and has responded and will respond to APGI's request as required by law. We are confident that Stanly County has met its duties and that it is responding to APGI's request in a prompt manner.

It is important to note that the scope of APGI's original request was narrowed and prioritized by APGI, at least in the short term. Stanly County appreciates APGI's efforts

to assist the County in this regard. With this background, Stanly County has focused its review and is working diligently to produce non-confidential documents covered by the revised scope as soon as reasonably possible. The County then intends to address the other categories in APGI's request.

It appears that APGI's most prominent concerns relate to the timing and process of production. The County would like to highlight several points that bear directly on these concerns. First, even with the narrowed request (records from 2006 forward from four e-mail accounts), a mutually agreed search protocol resulted in over 42,000 electronic records to review (many with several pages and many with multi-page attachments). Second, given the litigation and administrative processes, responding to APGI's request involves an evaluation of all of these records for possible protection under the attorney-client communication and/or trial preparation privileges. Finally, Stanly County does indeed bear (and is bearing) the cost to separate non-confidential information from confidential information, as required under the Act.

We understand and agree that APGI has a right to all non-confidential public records responsive to its request. The County has been proceeding to date in the "review order" to which the parties agreed, and given the passage of time had thought we finally arrived at an acceptable process. We were also under the impression that APGI preferred that the materials be produced in this order, while reserving its right to request the other categories of information. In any event, we certainly do not believe that it is anybody's interest to litigate this issue or that any litigation is warranted.

Vice Chairman McIntyre stated he recently attended the NACo Conference in Washington, D.C. where he participated in a session regarding New Technology that included Broadband. During the conference, there were many questions regarding the stimulus package and how the money would be distributed by the state and would be distributed by the state. Vice Chairman McIntyre also met with Representative Larry Kissell and one of Senator Kay Hagan's aids to discuss local county needs and found the information was well received.

Commissioner Smith reminded everyone of the Sports Hall of Fame Banquet with guest speaker Roy Williams on May 18<sup>th</sup> and the Legislative Breakfast on March 23<sup>rd</sup> and encouraged everyone to attend.

Commissioner Dunevant stated he had attended the ADDC retreat on Saturday where there was a lot of information shared and stated he looked forward to the opportunity to work more closely with the towns. He also commended those who helped plan the Agri-Civic Center's 20<sup>th</sup> Year Celebration that took place over the weekend and stated it was a great asset to the county to have this facility.

County attorney John Roberts stated in follow-up to Commissioner Dunevant's comments regarding APGI's request that the county and counsel have worked in good faith to come to an arrangement to review these documents totaling more than 180,000

pages. Thus far, the county has produced several thousand pages to APGI and would continue to work in good faith even though a complaint has been filed.

Chairman Dennis, Commissioner Lowder and the county manager had no comments.

**CLOSED SESSION**

Commissioner Smith made a motion to recess to closed session to consult with the county attorney in accord with G.S. 143-318.11(a)(3). The motion was seconded by Commissioner Lowder and passed by unanimous vote at 7:32 p.m.

**RETURN TO OPEN SESSION**

There being no further business, Commissioner Smith made a motion to return to open session. His motion was seconded by Vice Chairman McIntyre and passed by a 5 – 0 vote.

**ADJOURN**

Vice Chairman McIntyre made a motion to adjourn until Monday, April 6, 2009 at 7:00 p.m. His motion was seconded by Commissioner Dunevant and passed by unanimous vote at 8:03 p.m.

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Tony M. Dennis, Chairman

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Tyler Brummitt, Clerk to the Board

