

**STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
MAY 4, 2009**

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

COMMISSIONERS ABSENT: None

STAFF PRESENT: Andy Lucas, County Manager
Mike Taylor, Interim 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, May 4, 2009 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman Dennis called the meeting to order and Commissioner Smith gave the devotion.

APPROVAL / ADJUSTMENTS TO THE AGENDA

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

ITEM # 1 – COUNTY BOUNDARY LINE WITH CABARRUS COUNTY

Presenter: Keith Whitley and Michael Sandy

Cabarrus County requested the Stanly County Board of Commissioners take the next step to begin the process of clarifying the Stanly-Cabarrus County line by adopting the resolution below which will allow North Carolina Geodetic Survey (NCGS) to research and provide their interpretation of the location of the line. As part of the resolution, Keith Whitley was appointed as the contact agent for the county to assist with the North Carolina Geodetic Survey (NCGS) and staff was directed to submit a written request to the NCGS to make this request. There is no cost for the survey from the NCGS and both the Stanly and Cabarrus County Boards will have to agree by resolution for the findings to become valid. The only cost incurred in the future would be if the county desires to place permanent markers along the county line and the recording cost at the register of deeds.

Attached is the resolution as presented and adopted:

**RESOLUTION AUTHORIZING COUNTY LINE
SURVEYING**

WHEREAS, the North Carolina Geodetic Survey has been designated and funded by the North Carolina General Assembly to assist with the resurvey of ambiguous or uncertain county property boundaries; and

WHEREAS, the work can be done at the invitation of the counties involved at no cost to the county government; and

WHEREAS, in order to initiate the process, the county should identify the county's ambiguous or uncertain boundaries and must appoint a "Special Commissioners of Boundaries"; and

WHEREAS, the Counties of Stanly and Cabarrus have already made such requests.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of Stanly County:

1. As a result of the age of the current tax maps and the unavailability of reliable survey data, the Board deems that the boundary line between Stanly and Cabarrus are uncertain.
2. The Board hereby appoints Mr. Keith Whitley, as Stanly County's Special Commissioner of Boundaries for this project.
3. The Board of Commissioners requests that Stanly County's lines be surveyed by the North Carolina Geodetic Survey.
4. This resolution shall be in full force and effect upon its adoption this the 4th day of May, 2009.

Stanly County Board of Commissioner

Tony M. Dennis, Chairman

ATTEST:

Tyler Brummitt, Clerk to the Board

A motion to approve the resolution as presented, to appoint Keith Whitley as the contact agent, and direct staff to submit the written request to NCGS as required was made by Vice Chairman McIntyre. The motion was seconded by Commissioner Smith and passed by a 5 – 0 vote.

ITEM # 2 – PLANNING & ZONING

Presenter: Michael Sandy, Director

- (A) PUBLIC HEARING - ZA 09-03 Rezoning from M-2 (Heavy Industrial) to R-8 (Multifamily Residential)**

Wynnefield Properties, Inc. requested that a 2.12 acre tract (Tax Rec: 6276) currently zoned M-2 (Heavy Manufacturing) be rezoned to R-8 (Multifamily Residential). The property is located 210 west of Henson Street and borders east with Henson Place Apartments in Albemarle. The purpose of the amendment is to allow construction of apartment buildings. It is also being requested that the City of Albemarle rezone 1.39 acres from heavy industrial to multifamily residential on property bordering Henson Street. This would provide a total of 3.51 acres to build the apartment buildings.

Resolution as presented:

**RESOLUTION TO AMEND
ZA 09-03**

AN AMENDMENT TO THE STANLY COUNTY ZONING MAP TO REZONE 2.12 ACRES OF WYNNEFIELD PROPERTIES (TAX RECORD NUMBER 6276), CURRENTLY ZONED HEAVY MANUFACTURING (M-2), TO MULTI-FAMILY RESIDENTIAL (R-8). THIS PROPERTY IS LOCATED AT 210 FEET WEST OF HENSON STREET (S. R. 1783) AND BORDERS EAST OF HENSON PLACE APARTMENTS IN ALBEMARLE.

WHEREAS, the Planning Board by virtue of Section 1102 of the Stanly County Zoning Ordinance made a recommendation that the area hereinafter described be rezoned from its **present M-2 (Heavy Manufacturing) to R-8 (Multi-Family Residential) zoning:** and

WHEREAS, a public hearing on the question of said rezoning was held by the Stanly County Board of Commissioners, after due notice and advertisement thereof, at its regular meeting on May 4, 2009.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of Stanly County, North Carolina as follows:

Section 1. That the following described area be and the same is hereby rezoned from its present **M-2 (Heavy Manufacturing) to R-8 (Multi-Family Residential)** classification to wit:

The proposed zoning map change would be to include the property identified on the map as Tax record 6276 of Henson Street in Albemarle.

Section 2. The official zoning map of the County be changed to show the rezoning thereon as herein provided for in Zoning Amendment File ZA 09-03.

Section 3. That this amendment shall be effective from its passage.

Tyler Brummitt, Clerk to the Board

Date approved

A motion to excuse the Chairman from the vote due to a conflict of interest was made by Commissioner Dunevant. Commissioner Smith seconded the motion which was passed by unanimous vote.

Vice Chairman McIntyre declared the public hearing open. During this time, Craig Stone of Wynnefield Properties, Inc. came forward to speak in favor of the rezoning request. Hearing no other comments, the public hearing was closed.

Commissioner Smith made the motion to approve the rezoning request which was seconded by Commissioner Dunevant. The motion passed by a 4 – 0 vote.

Commissioner made a motion to readmit Chairman Dennis to the meeting and was seconded by Commissioner Dunevant. The motion passed with a 4 – 0 vote.

(B) PUBLIC HEARING - ZA 09-04 New London Extraterritorial Jurisdiction (ETJ)

The town of New London requested several parcels currently in their ETJ west and north of town be relinquished to Stanly County and similar acreage in the County's ETJ to the east and south of town also be relinquished to New London's ETJ. The new ETJ lines would follow property lines or other natural features in accordance with the NC General Statutes.

**RESOLUTION TO AMEND
ZA 09-04**

AN AMENDMENT TO THE STANLY COUNTY ZONING MAP TO REMOVE 467.3 ACRES FROM STANLY COUNTY JURISDICTION TO THE TOWN OF NEW LONDON EXTRA_TERRITORIAL JURISDICTION AND 466.9 ACRES TO REMOVE FROM THE TOWN OF NEW LONDON EXTRA_TERRITORIAL JURISDICTION TO STANLY COUNTY JURISDICTION.

WHEREAS, the Planning Board by virtue of Section 1102 of the Stanly County Zoning Ordinance made a recommendation that the area hereinafter described be rezoned

WHEREAS, a public hearing on the question of said removal was held by the Stanly County Board of Commissioners, after due notice and advertisement thereof, at its regular meeting on May 4, 2009.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of Stanly County, North Carolina as follows:

Section 1. That the above mentioned 467.3 acres from Stanly County are hereby removed from its present jurisdiction to the Extra Territorial Jurisdiction of the Town of New London. The above mentioned 466.9 acres are hereby removed from its present jurisdiction in the Extra Territorial Jurisdiction of own of New London to the Stanly County Jurisdiction.

Section 2. The official zoning map of the County be changed to show the removal thereon as herein provided for in Zoning Amendment File ZA 09-04.

Section 3. That this amendment shall be effective from its passage.

Tyler Brummitt, Clerk to the Board

Date approved

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

Vice Chairman McIntyre made the motion to approve the request. Commissioner Lowder seconded the motion which passed by unanimous vote.

(C) PUBLIC HEARING – TEXT AMENDMENT TO SECTION 405 “More than one principle structure on a Lot of Record” of the Stanly County Zoning Ordinance.

It was requested that the existing Section 405 of the Stanly County Zoning Ordinance be removed and the revised section shown below be inserted as follows:

**AN ORDINANCE TO AMEND THE
ZONING ORDINANCE OF STANLY COUNTY**

In pursuance of authority conferred by G.S. 153A-340, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the County by lessening congestion in and around the streets; securing safety; preventing the overcrowding of land; avoiding undue congestion; and facilitating the adequate provision of transportation.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF STANLY THAT THE OFFICIAL ZONING ORDINANCE OF STANLY COUNTY, NORTH CAROLINA, BE AMENDED AS FOLLOWS;

**TEXT AMENDMENT
ZA 09-02**

Delete existing section 405 and insert revised Section 405 below

Section 405 More Than One Principle Use or Structure on a Lot of Record

Two or more principle structures and uses may be constructed or placed on a lot of record not intended to be subdivided into customary streets and lots provided the following conditions are met:

405.1 All structures and uses shall be limited to those uses permitted within the zoning district in which they are located. In no case shall a use not permitted in the district be approved.

405.2 The distance of every structure from the nearest property line shall meet side and rear yard setbacks required with the applicable district, in accordance with orientation of each structure upon the lot. No structure shall be located closer to the front property line or road right-of-way than is required within the zoned district regardless of structure orientation on the lot. Corner lot setbacks shall also be met for the district.

405.3 Single family structures shall be limited to no more than two total dwelling units where no more than one site built structure is permitted on any single lot of record (excepting a bona fide farm as provided under Section 302 of this ordinance, accessory dwellings under section 807 of this ordinance or within an approved Manufactured home park or approved multifamily project). Each structure shall be located on the property so that:

(A) Total lot area shall equal no less than one acre per dwelling unit if more than one (1) residence is to be placed on a lot or parcel of record.

(B) Each residential site must abut a publicly dedicated right-of-way or be located so that a recorded fifty (50) foot right-of-way or easement giving access to a publicly dedicated right-of-way is provided, and

(C) Minimum lot size and setback requirements for the pertaining district of this ordinance, as well as any requirements of the County Subdivision, Floodplain or Watershed Ordinances, are maintained were the land to be divided into separate lots of record.

405.4 The overall intensity of land use shall be no higher and the standard of open space no lower than permitted in the zoned district in which the uses or structures are located.

405.5 Upon request by the Zoning Enforcement Officer, or the property owner, the Board of Adjustment may review development plans or other necessary information involving development of more than one principle structure or use on any lot of record to assure compliance with the above requirements.

WHEREAS, the Planning Board by virtue of Section 1102 of the Stanly County Zoning Ordinance made a recommendation that the above mentioned text be adopted.

WHEREAS, a public hearing on the question of said rezoning was held by the Stanly County Board of Commissioners, after due notice and advertisement thereof, at its regular meeting on May 4, 2009.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of Stanly County, North Carolina as follows:

Section 1. That the above mentioned text will replace existing Section 405.

Section 2. The Zoning Ordinance for Stanly County will be changed to show the text thereon as herein provided for in Zoning Amendment File ZA 09-02.

Section 3. That this amendment shall be effective from its passage.

Date approved

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

Commissioner Smith made a motion to approve the amendment to Section 405 of the Stanly County Zoning Ordinance. His motion was seconded by Vice Chairman McIntyre and passed by a 5 – 0 vote.

(D) Appointment of Board of Adjustment Alternate Member

A motion to table this item until applications for potential members were received and reviewed prior to the next Board meeting was made by Commissioner Dunevant and seconded by Vice Chairman McIntyre. The motion was passed by a 5 – 0 vote.

ITEM # 3 – TRANSPORTATION

Presenter: Andy Lucas, County Manager

(A) PUBLIC HEARING – American Recovery and Reinvestment Act of 2009 Application

This is the required public hearing to receive public comment on the proposed application to be submitted to the NC Department of Transportation for funds under the American Recovery and Reinvestment Act of 2009. Below is the total estimated amount requested for the period of July 1, 2009 – June 30, 2010.

<u>Project Capital</u>	<u>Total Amount</u>	<u>Federal Share</u>
Replacement Vehicles	\$243,500	\$243,500 (100%)
Expansion Vehicles	\$ 40,000	\$ 40,000 (100%)
Associated Capital	\$ 45,000	\$ 45,000 (100%)
Facility Improvements	\$125,000	\$125,000 (100%)
Facility Construction	\$ 0	\$ 0 (100%)
Advanced Technology	\$ 0	\$ 0 (100%)
Preventative Maintenance	\$ 15,000	\$ 15,000 (100%)
Mobility Management	\$ 0	\$ 0 (100%)
TOTAL	\$468,500	\$468,500 (100%)

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

(B) Request Approval of Application

Commissioner Smith made a motion to approve the application and receive the above mentioned funds with all funds being administered by the Transportation Services Department. The motion was seconded by Commissioner Lowder and approved by a 5 – 0 vote.

ITEM # 4 – SENIOR SERVICES – AWARD OF NUTRITION PROGRAM CONTRACT

Presenter: Andy Lucas, County Manager

Senior Services recently opened bids for a caterer for the Nutrition Program. This was for a 12 month contract period of July 1, 2009 – June 30, 2010 and for the 24 month alternate contract period of July 1, 2009 – June 30, 2011. Two bids were submitted: one from Stanly Regional Medical Center and another from Aramark Correctional Services. Based on the bids provided, it was requested that Aramark Correctional Services be awarded the 24 month service contract.

Commissioner Dunevant made the motion to award the contract to Aramark and was seconded by Vice Chairman McIntyre. The motion passed by unanimous vote.

ITEM # 5 – SHERIFF’S DEPARTMENT

Presenter: Rick Burris, Sheriff

(A) Budget Amendment # 2009-50 – Desktop Printrak LiveScan Fingerprint System

It was requested the Board approve the above amendment to transfer \$16,300 of State Drug Forfeiture Monies to Capital Outlay to purchase the Desktop Printrak LiveScan Fingerprint System.

Motion to approve the budget amendment was made by Commissioner Lowder and seconded by Vice Chairman McIntyre. The motion passed with a 5 – 0 vote.

(B) Request approval to transfer ownership of Canine “Mako”

It was requested the Board approve the transfer of ownership of Canine “Mako” to Mark Lee Locklear with the completion and understanding of the “General Release of Liability.”

Vice Chairman McIntyre made the motion to approve the transfer of ownership. His motion was seconded by Commissioner Lowder and passed by unanimous vote.

ITEM # 6 – CRIMINAL JUSTICE PARTNERSHIP PROGRAM (CJPP) AND JUVENILE CRIME PREVENTION COMMITTEE (CJPC) ADVISORY BOARD APPOINTMENTS

Presenter: Allen Lawrence, Director

It was requested the Board select a member of the Stanly County Board of Commissioners to serve on each of the CJPP and CJPC Program Advisory Boards.

A motion to table this item until the May 20, 2009 meeting was made by Commissioner Dunevant and seconded by Commissioner Smith. The motion passed by a 5 – 0 vote.

ITEM# 7 – CONSENT AGENDA

Presenter: Chairman Dennis

- A) Minutes – Regular meeting on April 20, 2009
- B) Minutes – Recessed meeting on April 20, 2009
- C) Budget Amendment # 2009-49 – To amend the General Fund due to increased participation in trips by the Senior Center.
- D) Budget Amendment # 2009-46- To create Fund 250 for the 2002 CDBG Infrastructure Hook-Up Project for \$3,318.
- E) Budget Amendment # 2009-47- To create Fund 248 for the CDBG Infrastructure Hook-Up Grant for \$50,000.
- F) Budget Amendment # 2009-48- To create Fund 249 Single Family Rehab Project for \$400,000.
- G) Library – Request attached list of books be declared surplus and donated to the Friends of the Library to be sold in an ongoing book sale at the five library branches.
- H) Finance – Monthly Financial Report for Nine Months Ended March 31, 2009.
- I) IT – Request the attached list of computers and monitors be declared surplus and auctioned through Innovative Solutions.

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

PUBLIC COMMENT

Mickey Furr questioned the Board regarding a \$60.00 solid waste fee that had been added to the previous year's property tax statement. The County Manager explained that there had been no tax rate increases, but the increase was due to a state mandated increase in solid waste tipping fees.

Mr. Furr referred to the announcement made by Senator Kay Hagan that 80 new temporary jobs would be coming to area due to the construction of the bridge on Highway 73. He asked what was being done to bring more permanent full-time jobs to the county. Commissioner Smith stated that everything was being done to draw new industry to the area, but with the current economy it was very hard to entice companies to expand or start a new facility.

Chairman Dennis, Vice Chairman McIntyre, Commissioner Dunevant, and Commissioner Lowder had no comments.

Commissioner Smith requested the regular meeting scheduled for May 18, 2009 be rescheduled for a later date. After some discussion, Commissioner Smith made the motion to change the meeting date to Wednesday, May 20, 2009 at 5:00 p.m. The motion was seconded by Vice Chairman McIntyre and passed by a 5 – 0 vote.

Interim County Attorney, Mike Taylor stated it was a pleasure to serve the Board and appreciated the opportunity.

CLOSED SESSION

Vice Chairman McIntyre made a motion to recess to closed session to discuss a personnel issue in accord with G.S. 143-318.11(a)(6), consult with the county attorney in accord with G.S. 143-318.11(a)(3), and to discuss economic development in accord with G.S. 143-318.11(a)(4). The motion was then seconded by Commissioner Smith and passed by unanimous vote at 8:05 p.m.

RECESS

There being no further business, Commissioner Smith made a motion to recess the meeting until Tuesday, May 12, 2009 at 5:00 p.m. in the Manager's Conference Room. His motion was seconded by Vice Chairman McIntyre and passed by a 5 – 0 vote at 9:10 p.m.

Tony M. Dennis, Chairman

Tyler L. Brummitt, Clerk

