

**STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
JUNE 1, 2009**

COMMISSIONERS PRESENT: Tony M. 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, June 1, 2009 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman Dennis called the meeting to order and Vice Chairman McIntyre gave the devotion.

The County Manager took a moment to introduce and welcome the new county attorney, Jenny Furr and her family. Ms. Furr thanked the Board for the opportunity extended to her and that she looked forward to working with the Board and citizens of the county.

APPROVAL / ADJUSTMENTS TO THE AGENDA

The County Manager requested the following items be added or amended on the agenda: 1) a second public hearing for Planning & Zoning regarding the acreage formerly included in the New London ETJ be added as Item # 2, 2) the Board of Elections item listed as # 2 would be presented during the public hearing for the 2009-2010 Recommended County Budget, 3) add item # 7(A) for the Old Central Elementary School and consideration of subcommittee appointments, and 4) the public comment portion of the meeting be the first item of business. Vice Chairman McIntyre requested a resolution in support of HB 870 (Stanly County Boards Bill) be added as item # 9 and Commissioner Dunevant requested Item # 8(A) Minutes from the May 20, 2009 meeting be pulled from the consent agenda, requested edits made, then resubmitted for approval at a later meeting.

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

ITEM # 1 - PUBLIC COMMENT

Jason Phibbs, the volunteer coordinator for the Stanly County NC For Marriage Campaign approached the Board with a request of support for the marriage amendment

resolution that was presented at the April 6th meeting. He then requested each member state their position on the resolution. In response, each Commissioner expressed their personal affirmation of marriage as an institution between a woman and a man. Others who spoke in support included Lloyd Barringer, Hal Bilbo, Howard Boulware, Preacher Wayne Austin, Reverend Paul Crews, and Reverend Bob Gruver.

After hearing everyone who wished to address the Board, Vice Chairman McIntyre made a motion to table the item for further consideration and to discuss it during the budget workshop to be scheduled the following week. His motion was seconded by Commissioner Lowder and passed by unanimous vote.

Preacher Wayne Austin of Dunn's Grove Baptist Church expressed his concern over a letter the church had received regarding a sign placed on the Northeast Connector promoting the church. Even though the church had obtained permission from the landowner to place the sign at the location, it was found to be in violation of the City's zoning ordinance and had been removed in order to avoid a penalty.

Chairman Dennis recommended Preacher Austin contact the Albemarle City Council since the sign was located within the city limits.

Chairman Dennis declared a ten minute recess to allow those who wanted to leave to do so before resuming the business portion of the meeting.

ITEM # 2 - PUBLIC HEARING- 2009-2010 RECOMMENDED COUNTY BUDGET

Presenter: Andy Lucas, County Manager

Chairman Dennis reconvened the regular meeting and declared the public hearing open.

At this time, Mickey Furr approached and asked for clarification on the requested increase for the fire district tax rate. The County Manager stated it was the Central-Rural Fire District who had requested an increase of \$0.03 per \$100 in valuation, but as of yet it had not yet been approved. Mr. Furr then questioned the proposed \$3.00 per household fee increase for the landfill. The County Manager explained that due to the City of Albemarle recommending a \$3.00 increase in its fees for the landfill, the County found it necessary to recommend the same increase to keep the County's contribution at a minimum level.

Kim Wilson, Director for Board of Elections, addressed the Board with concerns on the recommended budget for the Elections Office. The recommended budget includes a reduction in line item 126 Salaries & Wages/Part-Time by \$15,750.00 for a permanent part-time position, which the Board of Elections feels must be maintained. It was proposed instead that line item 126 Part-time Salaries be reduced by \$17,844.00 through elimination of a One-Stop Worker pay of \$7,200.00 for elections in September 2009 and June 2010, one part-time worker pay in the amount of \$3,000.00 for the required absentee voting team and post election assistance during September 2009 and June 2010, and cut

the additional One-Stop Voting sites in Norwood, New London, and Locust for the May 2010 Primary which would reduce salaries in the amount of \$7,644.00. With the probable elections of September 2009 and September 2010, Ms. Wilson stated the Board of Elections would be required to come back and request funds for the salaries at that time.

Having no others come forward, Chairman Dennis declared the public hearing closed.

No action was required by the Board.

ITEM # 3 – PUBLIC HEARING – PLANNING & ZONING – ZA 09-05

Presenter: Michael Sandy, Planning Director

ZA 09-05 – It was requested the Board approve the rezoning of 466.9 acres that had previously been included in New London’s Extraterritorial Jurisdiction, but was now under the authority of the County through a land exchange. It was proposed that the following parcels be rezoned to Residential Agricultural (R-A): 7021, 7071, 9305, 10113, 10117, and 18724.

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

Commissioner Smith made a motion to approve the rezoning of the above mentioned parcels to a Residential Agricultural district (R-A). His motion was seconded by Commissioner Dunevant and passed by unanimous vote.

ITEM # 4 – CONVENTION & VISITORS BUREAU

Presenter: Chris Lambert, Executive Director

One of the two representatives on the Stanly County Convention & Visitors Bureau’s Board of Directors is Mr. Wayne Cole, whose term expires July 1, 2009. It was requested the Board either reappoint Mr. Cole or appoint another member to fill the position.

A motion to reappoint Mr. Wayne Cole for a three year term was made by Vice Chairman McIntyre and seconded by Commissioner Lowder. The motion passed by a 5 – 0 vote.

ITEM # 5 – UTILITIES

Presenter: Andy Lucas, County Manager

- A) **Stanly County Utilities** has applied to NC DENR for funding under the American Reinvestment & Recovery Act of 2009 for Water Storage Tank Mixers. The application required a resolution affirming the County’s commitment of other funds or repayment of the loan, if the project is funded. Loan payments would be funded through the Utilities operating budget and not paid by County funds.

**RESOLUTION BY
STANLY COUNTY BOARD OF COMMISSIONERS**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater or drinking water system improvements, and

WHEREAS, The County of Stanly has need for and intends to construct a wastewater or drinking water system project described as *Water Storage Tank Mixers*, and

WHEREAS, The County of Stanly intends to request state loan or grant assistance for the project,

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

That the County of Stanly, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the County of Stanly to make scheduled repayment of the loan, to withhold from the County of Stanly any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Andy Lucas, County Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan or grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

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

Adopted this the 1st day of June 2009 at Albemarle, North Carolina.

Tony M. Dennis,

Chair, County of Stanly Board of Commissioners

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Clerk of the County of Stanly Board of Commissioners does hereby certify:

That the above / attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the County of Stanly Board of Commissioners duly held on the 1st day of June 2009; and further, that such resolution has been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of June, 2009.

(Signature of Recording Officer)

(Title of Recording Officer)

Vice Chairman McIntyre made a motion to adopt the above resolution and was seconded by Commissioner Dunevant. The motion was passed by a vote of 5 – 0.

B) Greater Badin Water & Sewer District has applied to NC DENR for funding under the American Reinvestment & Recovery Act of 2009 for Water Storage Tank Mixers. The application required a resolution affirming the County's commitment of other funds or repayment of the loan, if the project is funded. No additional funds are required from the County and the loan repayments will be funded by the Greater Badin operating budget.

Vice Chairman McIntyre made the motion to recess the meeting of the Stanly County Board of Commissioners and reconvene as the Greater Badin Water & Sewer Authority. His motion was seconded by Commissioner Lowder and passed by unanimous vote.

RESOLUTION BY

**GREATER BADIN WATER & SEWER DISTRICT BOARD
OF GOVERNORS**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater or drinking water system improvements, and

WHEREAS, The Greater Badin Water & Sewer District has need for and intends to construct a wastewater or drinking water system project described as *Water Storage Tank Mixers*, and

WHEREAS, The Greater Badin Water & Sewer District intends to request state loan or grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF GOVERNORS OF THE GREATER BADIN WATER & SEWER DISTRICT:

That the Greater Badin Water & Sewer District, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the County of Stanly to make scheduled repayment of the loan, to withhold from the County of Stanly any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Andy Lucas, County Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan or grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

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

Adopted this the 1st day of June 2009 at Albemarle, North Carolina.

Tony M. Dennis,

Chair, Greater Badin Water & Sewer District Board of Governors

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Clerk of the Greater Badin Water & Sewer District Board of Governors does hereby certify:

That the above / attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Greater Badin Water & Sewer District Board of Governors duly held on the 1st day of June 2009; and further, that such resolution has been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of June, 2009.

(Signature of Recording Officer)

(Title of Recording Officer)

Commissioner Smith by motion moved to approve the adoption of the above resolution and was seconded by Commissioner Dunevant. The motion was passed by unanimous vote.

A motion to adjourn the meeting as the Greater Badin Water & Sewer Authority and reconvene as the Stanly County Board of Commissioners was made by Vice Chairman McIntyre. His motion was seconded by Commissioner Lowder and passed by a 5 – 0 vote.

ITEM # 6 – DEPARTMENT OF SOCIAL SERVICES

Presenter: Sharon Scott, Director

A) The Department of Social Services requested acceptance of \$35,040 from the American Reinvestment & Recovery Act of 2009 for administrative assistance with the

Food and Nutrition Services Program. The funds are 100% federal with no matching funds required from the county. It was requested these funds be used to hire a temporary employee to assist in the provision of the Food and Nutrition Program and to purchase computer equipment for the employees who administer the Food and Nutrition Services Program. The first allocation of funds must be used by September 30, 2009 and a second allocation for a similar amount by September 30, 2010. The second allocation would be used to continue to employ the temporary employee as long as funding is available.

B) It was requested the Board approve the new Income Maintenance Caseworker I position which would be funded with the above referenced Stimulus funds. The position would no longer be funded once the Stimulus funds are exhausted and the employee would be considered a contract worker and not entitled to any county employee benefits.

Vice Chairman McIntyre made a motion to approve acceptance of the funds and to approve the new Income Maintenance Caseworker I position for DSS. His motion was seconded by Commissioner Dunevant and passed by unanimous vote.

ITEM # 7 – CENTRALINA WORKFORCE DEVELOPMENT BOARD – BOARD APPOINTMENTS

Presenter: Andy Lucas, County Manager

The Centralina Workforce Development Board (WFD) requested that Ms. Sharon Scott and Mr. Tom Ramseur both be reappointed for an additional two year term beginning July 1, 2009 – June 30, 2011 to represent Stanly County on its Board.

A motion to reappoint Ms. Sharon Scott and Mr. Tom Ramseur was made by Commissioner Smith and seconded by Commissioner Dunevant. The motion passed by a 5 – 0 vote.

ITEM # 7 (A) – OLD CENTRAL ELEMENTARY SCHOOL – REQUEST FOR SUBCOMMITTEE MEMBERS

Presenter: Andy Lucas, County Manager

The County Manager stated the results of the environmental assessment had been completed and the information reviewed. He now requested the Board consider appointing two members to a subcommittee that would work with the developers on the project. Commissioner Dunevant and Commissioner Smith volunteered for the subcommittee.

Frank Warlick of Integrity Development introduced himself and stated the company is looking forward to working with the subcommittee on the school renovation. With their emphasis being in restoration, Mr. Warlick stated the company is very capable of handling the project and hoped to have the school placed on the National Register of Historic Properties once completed. He also stated no cash investment would be required from the county or city for the project.

ITEM # 8 – CONSENT AGENDA

- A) Minutes – Regular meeting on May 20, 2009 (**pulled for corrections**)
- B) Library – Request the attached list of books be declared surplus and donated to the Friends of the Library for an ongoing book sale in the branch libraries.
- C) Finance – Monthly Financial Report for Ten Months Ended April 30, 2009.
- D) Budget Amendment # 2009-53 – To budget for the Solid Waste Disposal Tax distributions received in February and May.
- E) Budget Amendment # 2009-54 – To transfer funds reduced from JCPC Restitution to OJJ Administrative Costs and Monarch and Genesis programs.

A motion to approve the consent agenda as amended was made by Commissioner Dunevant and seconded by Commissioner Smith. The motion passed by unanimous vote.

ITEM # 9 – RESOLUTION IN SUPPORT OF HOUSE BILL 870

Presenter: Vice Chairman McIntyre

**Resolution in Support of HB 870
“Stanly County Boards”**

WHEREAS, the Stanly County Board of Commissioners appoint members of the governing body to positions on both the Airport Authority and Economic Development Commission; and

WHEREAS, these special boards, committees, commissions and authorities provide oversight to specific county operations and policy recommendations requiring action by the full Board of Commissioners; and

WHEREAS, the Stanly County Board of Commissioners have a responsibility to ensure each of the aforementioned boards are relevant, effective and assisting the Board of Commissioners with achieving its short and long term goals; and

WHEREAS, House Bill 870 would enable the Board of Commissioners to annually appoint an alternate member to the Airport Authority and to annually appoint the Chairman of the Economic Development Commission; and

WHEREAS, House Bill 870 would also enable the Board of Commissioners to appoint an alternate to each of these respective bodies to ensure continuity; and

NOW THEREFORE BE IT RESOLVED, that the Stanly County Board Commissioners kindly requests the North Carolina General Assembly consider and approve local legislation to apply the aforementioned provisions of House Bill 870 to Stanly County.

Adopted this the ___st day of _____, 2009

, Chairman

ATTEST:

Clerk to the Board

Vice Chairman McIntyre made a motion to approve the resolution in support of HB 870 (Stanly County Boards Bill) and was seconded by Commissioner Lowder. The motion passed with a vote of 3 – 2.

Ayes: Chairman Dennis, Vice Chairman McIntyre, and Commissioner Lowder
Nos: Commissioner Smith and Commissioner Dunevant

Commissioner Smith stated after the vote that he could not support the resolution due to the fact the local bill was not presented to the Board of Commissioners prior to it being introduced to the House of Representatives and did not follow the normal protocol.

Commissioner Lowder stated all Board members were aware of the bill since it was forwarded by the County Manager on March 24, 2009 to the Board members, filed on March 30, 2009, and presented in the House of Representatives on April 29, 2009 with ample time to address it formally.

Chairman Dennis agreed with Commissioner Smith, but stated he did not want to embarrass Representative Burr because of not following the proper procedure.

GENERAL COMMENTS

Commissioner Lowder welcomed Jenny Furr as the new County Attorney.

Commissioner Smith stated he felt HB 870 (Stanly County Boards) was a political bill brought to the Board's attention by an EDC Board member who wanted to serve as chairman of the EDC Board and was concerned with a chairman serving a four year term. Commissioner Smith felt this was a political issue and stated when you serve as a County Commissioner you do not serve as a Republican or Democrat, but represent everyone.

Chairman Dennis, Vice Chairman McIntyre, Commissioner Dunevant, the County Manager and the Interim County Attorney had no comment.

CLOSED SESSION

Commissioner Dunevant made the motion to recess to closed session to consult with the county attorney in accord with G.S. 143-318.11(a)(3) to discuss APGI's public records request and other matters and to discuss economic development in accord with G.S. 143-318.11(a)(4). His motion was seconded by Vice Chairman McIntyre and passed by unanimous vote.

RECESS

There being no further business, Vice Chairman McIntyre made the motion to recess the meeting until Monday, June 8, 2009 at 5:00 p.m. in Manager's Conference Room for a

budget workshop. The motion was seconded by Commissioner Lowder and passed by a 5 – 0 vote at 8:58 p.m.

Tony M. Dennis, Chairman

Tyler Brummitt, Clerk