

**STANLY COUNTY  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
AUGUST 17, 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  
Jenny Furr, 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, August 17, 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 AGENDA**

Item #5 – E-911 - Amendments to the Road Naming Ordinance was removed from the agenda and approval of the closed session minutes added as item # 13(H) to the consent agenda. Commissioner Dunevant made the motion to approve the agenda as amended and was seconded by Commissioner Smith. The motion passed by unanimous vote.

**ITEM # 1 – THE BUTTERFLY HOUSE**

**Presenter: Amy Calloway, Director and Brian Freeman, Vice President of Stanly Regional Medical Center**

Ms. Calloway took a few moments to provide an overview of the services provided by the Butterfly House, a child advocacy center created to work with abused children or children who have suffered some form of trauma. The majority of the referrals received are from the Stanly County Department of Social Services and law enforcement agencies, but also from doctors, mental health agencies and surrounding counties such as Anson, Richmond, and Montgomery.

Mr. Freeman summarized the current year's budget for the Butterfly House. Since its beginning in July 2005, Stanly Regional Medical Center (SRMC) has supplied the office space and has funded the remaining portion of the total budget not covered by grants and donations. However due to budget cuts, the hospital will not be able to continue to do so. The intent is to transition the Butterfly House into its own tax-exempt entity in which

SRMC will continue to provide the office space, but will instead make a monetary donation towards the operating budget. Because of the reduced funding from the hospital and reduction in grant funds received, financial support was requested from the County. Representatives of the Butterfly House plan to contact the City of Albemarle and other municipalities to request their financial support as well.

No action was required by the Board at this time and was provided as information only.

## **ITEM # 2 – TAX ADMINISTRATION – ANNUAL SETTLEMENT/CHARGE TO COLLECT**

**Presenter: Rick Johnson, Tax Collector**

The Board received a copy of the annual settlement report for the fiscal year ending June 30, 2009. It was requested the Board approve the “Charge to Collect” which authorizes the Tax Collector to collect past due taxes by any means within the limits of the law.

Commissioner Lowder made the motion to accept the settlement report as presented and approve the charge to collect. The motion was seconded by Vice Chairman McIntyre and passed by unanimous vote.

## **ITEM # 3 – UTILITIES**

**Presenter: Donna Davis, Director**

### **A) Ridgecrest-Running Creek School Sewer System**

Several bids were received for the repair of the Ridgecrest-Running Creek School sewer system. After review, it was requested the bid be awarded to the lowest bidder, Shoreline Enterprises, Inc.

Motion to award the bid to Shoreline Enterprises, Inc. was made by Vice Chairman McIntyre and seconded by Commissioner Smith. The vote passed by a 5 – 0 vote.

### **B) Bid Award for the CDBG Recovery Infrastructure Project for Tyson Village and Rolling Hills Mobile Home Parks**

Two proposals were received for the administration of the \$7,600 received from the Recovery Infrastructure Project to extend water service to Tyson Village and Rolling Hills Mobile Home Parks. After reviewing the proposals, it was requested the bid be awarded to Hobbs, Upchurch & Associates.

Commissioner Dunevant made the motion to award the bid to Hobbs, Upchurch & Associates and was seconded by Vice Chairman McIntyre. The motion was passed with a 5 – 0 vote.

## **ITEM # 4 – FACILITIES BOILER REPLACEMENT FOR THE STANLY COUNTY COURTHOUSE**

**Presenter: Jerry Morton, Director**

The Board was asked to consider replacing the boiler for the Stanly County Courthouse. Due to the age and current condition of the boiler, it was not recommended repairs be

made. Based on the three bids received, it was requested Facilitech, Inc. be awarded the contract to replace the boiler at a cost of \$175,000.

A motion to award the bid to Facilitch, Inc. was made by Commissioner Smith and seconded by Vice Chairman McIntyre. The motion passed by unanimous vote.

**ITEM # 5 – E-911 – AMENDMENTS TO ROAD NAMING ORDINANCE**

This item was pulled and will be presented at the September meeting.

**ITEM # 6 – HISTORIC PRESERVATION COMMISSION APPOINTMENTS**

**Presenter: Andy Lucas, County Manager**

The HPC Board requested Jim Harwood and Susan Brooks be reappointed with each serving a three year term beginning July 1, 2009 – June 30, 2012. It was also requested Joe Godwin be appointed to fill the seat previously held by Rebecca Gaddy for a three year term beginning July 1, 2009 – June 30, 2012.

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

**ITEM # 7 – ECONOMIC DEVELOPMENT – ALTERNATE EDC BOARD APPOINTMENT**

**Presenter: Andy Lucas, County Manager**

Based on the new session law (S.L.-2009-253) passed by the General Assembly in July, 2009, the Board now has the authority to appoint an alternate member to the EDC Board.

Commissioner Lowder made a motion to appoint Commissioner Dunevant as an alternate member to the EDC Board. Vice Chairman McIntyre seconded the motion which then passed by unanimous vote.

**ITEM # 8 – DESIGNEE FOR THE CENTRALINA COUNCIL OF GOVERNMENTS BOARD**

**Presenter: Andy Lucas, County Manager**

With the County becoming an official member of the Central Council of Governments (COG), it was requested the Board appoint a designee and alternate member to the COG Board of Delegates.

A motion was made by Vice Chairman McIntyre to appoint Commissioner Dunevant as designee and Chairman Dennis as the alternate member. His motion was seconded by Commissioner Lowder and passed by unanimous vote.

**ITEM # 9 – REGION F AGING ADVISORY COMMITTEE APPOINTMENT**

**Presenter: Andy Lucas, County Manager**

It was requested the Board appoint Gene McAlister as a member of the Region F Aging Advisory Committee for a two year term beginning July 1, 2009 – June 30, 2011.

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

**ITEM # 10 – ECONOMIC DEVELOPMENT – RECOVERY ZONE RESOLUTION**

**Presenter: Kevin Gullette, Director**

A new set of economic development tools created by the ARRA (Stimulus Bill) known as the Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds, has been allocated to Stanly County to help attract private investment and aid in job creation. Prior to approving or authorizing these bonds, the Board was required to designate a “Recovery Zone” where future investments associated with these bonds can be applied.

Below is the resolution as adopted:

**RESOLUTION**

**Stanly County Recovery Zone Designation Pursuant to the American Recovery and Reinvestment Act of 2009**

**Whereas**, Section 1401 of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 124 Stat. 115 (2009) (the “Act”), added Sections 1400U-1 through 1400U-3 to the Internal Revenue Code of 1986, as amended (the “Code”), authorizing states, counties and large municipalities to issue Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds; and

**Whereas**, Recovery Zone Economic Bonds and Recovery Zone Facility Bonds may be used to finance certain “qualified economic development purposes” and certain “recovery zone property”, generally for use within Recovery Zones; and

**Whereas**, a Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds may be used to finance certain “qualified economic development purposes” and certain “recovery zone property”, generally for use within Recovery Zones; and

**Whereas**, a Recovery Zone is defined in Section 1400U-1 as (i) any area designated by the issuer as having significant poverty, unemployment, rate of home foreclosures, or general distress; (ii) an area designated by the issuer as economically distressed for any reason of closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990; and (iii) any area for which a designation as an empowerment zone or renewal community is in effect as of the effective date of the Act, which the effective date is February 17, 2009; and

**Whereas**, Stanly County (the “County”) has been allocated \$3,909,000 in Recovery Zone Economic Development Bonds and \$5,863,000 in Recovery Zone Facility Bonds that can be issued through January 1, 2011; and

**Whereas**, Internal Revenue Service Notice 2009-50 (the “Notice”) states that an issuer of Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds can make designations of Recovery Zones in any reasonably manner as it shall determine in good faith in its discretion; and

**Whereas**, the Board of County Commissioners must designate and approve the Recovery Zone area prior to authorizing the use of either Recovery Zone Economic Development Bonds or Recovery Zone Facility Bonds; and

**Whereas**, all requests for the use of Recovery Zone funds shall be approved by the Board of Commissioners in accordance with the rules and regulations relating to issuance of bonds or any financing documents relating to such issuance.

**Now Therefore Be It Resolved**, that due to the fact that Stanly County's unemployment rate has persistently exceeded the rate of the State of North Carolina and the United States, the Board of County Commissioners designates the entire county as a recovery zone. The County hereby declares that such designation has been made in good faith and in a reasonable manner based on the available unemployment rate data.

**Adopted**, this 17<sup>th</sup> day of August, 2009.

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Tony M. Dennis, Chairman  
Stanly County Board of Commissioners

ATTEST:

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Tyler Brummitt, Clerk to the Board

Commissioner Smith made the motion to approve the resolution as presented. His motion was then seconded by Vice Chairman McIntyre and passed by unanimous vote.

**ITEM # 11 – POLICY FOR TAX EXEMPT FINANCING APPROVAL FOR FIRE DEPARTMENTS**

**Presenter: Andy Lucas, County Manager**

Due to requests received for tax exempt financing by the county fire departments, it was determined a policy was needed in order to create consistency and to obtain the information necessary in order for the Board to make informed decisions. Included in the agenda packet was a draft of the policy for the Board's review and consideration.

Commissioner Dunevant made the motion to approve the policy as presented and was seconded by Commissioner Smith. The motion was passed with a 5 – 0 vote.

**ITEM # 12 – PLANNING & ZONING – LAND USE PLAN COMMITTEE APPOINTMENTS**

**Presenter: Michael Sandy, Director**

During the July meeting, staff addressed the Board concerning updates and revisions needed to the 2002 Stanly County Land Use Plan. Staff now requested that a committee be established to begin that process with start up meetings to begin in early September.

Commissioner Lowder made a motion for the Board of County Commissioners to serve along with the staff and the Planning Board to address any updates and / or revisions to the 2002 Land Use Plan with routinely scheduled public forums. Her motion was seconded by Vice Chairman McIntyre and passed by unanimous vote.

After the motion passed, Commissioner Dunevant stated he wanted to be involved in the process of updating the Land Use Plan, but wants to ensure the right message is being

sent to the citizens. His hope is that all interests will be represented on the committee and he challenged the towns to be involved in the process to provide the best opportunities for growth as well as providing a good place to live. He stated the Land Use Plan is a public process and encouraged the public to be actively involved in making the decisions rather than criticize the decisions after they are made.

Commissioner Lowder stated as part of being a Board member, each should be open to the public regarding any issue at any time, and she does not feel the public will be left out of this process. When the candidates for County Commissioner placed their names on the ballot, the Land Use Plan was one of the issues people addressed and each candidate tried to convey their message to the citizens. Commissioner Lowder restated her commitment to be open to the citizens at all times and felt if the Board has the right to tax the citizens of the county, the citizens have the right to question their actions. The citizens place their faith and trust in the Board to do their very best, but not to exclude anyone. With the routinely scheduled public forums for the Land Use Plan, it will not leave anyone out of the process.

### **ITEM # 13 – CONSENT AGENDA**

#### **Presenter: Chairman Dennis**

- A) Minutes – Recessed & Regular meetings on July 13, 2009
- B) Minutes – Special meeting on July 31, 2009
- C) RPO – Approval of Memorandum of Understanding HR Policy Addendum
- D) Budget Amendment # 2010-03 – To amend the Ag Program expenses budget for an additional donation of \$1,500 by Monsanto Company
- E) Request Carolyn Baucom be appointed as a review officer for surveys and plats for the Legal Department
- F) Library – Request the attached list of books declared surplus and sold in an ongoing book sale at the five branch libraries
- G) Tax Release & Discovery Report for July 2009
- H) Closed session minutes for May 12, 2009 – July 31, 2009

Motion to approve the consent agenda as amended was made by Commissioner Smith. His motion was seconded by Commissioner Dunevant and passed with a 5 – 0 vote.

### **PUBLIC COMMENT**

None

### **GENERAL COMMENTS**

Commissioner Smith stated the Board is not establishing the tax exempt financing approval policy in order to regulate the fire departments, but instead to offer help and support. He stated the Board tries to serve everyone to the best of their ability and to make the best decisions possible for the county and its citizens.

Commissioner Lowder reminded everyone that school would be starting soon and to please watch for the children and buses.

The County Manager informed everyone that the Board of Commissioners Meeting Room and Manager's Conference Room are now wireless and available for use.

Chairman Dennis, Vice Chairman McIntyre, Commissioner Dunevant and the County Attorney had no comments.

**ADJOURN**

There being no further business, Vice Chairman McIntyre made a motion to adjourn the meeting until Monday, September 14, 2009 at 7:00 P.M. His motion was seconded by Commissioner Dunevant and passed by unanimous vote at 7:55 P.M.

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Tony M. Dennis, Chairman

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Tyler Brummitt, Clerk