

**STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
APRIL 5, 2010**

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
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, April 5, 2010 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

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

ITEM # 1 – PUBLIC HEARING – AMENDMENT TO THE CDBG INFRASTRUCTURE SEWER/WATER HOOK-UP PROGRAM (GRANT # 00-D-1917)

Presenter: Michael Walser, Grant Administrator for Hobbs, Upchurch & Associates

The purpose of the public hearing was for approval of an amendment to the CDBG Infrastructure Hook-Up Grant Program that will provide an additional \$4,006.75 for water and/or sewer taps and house connections to two (2) additional low-to-moderate income households.

Chairman Dennis declared the public hearing open. Having no one come forward to speak, the public hearing was closed.

Commissioner Smith moved to accept the \$4,006.75 in additional funding and was seconded by Commissioner Lowder. The motion was approved by a 5 – 0 vote.

ITEM # 2 – MR. PATEL, OWNER OF TILLERY SPORTSMAN

Mr. Patel requested the Board consider an alcoholic beverage election for the South Albemarle Township. Currently, Mr. Patel owns and operates the convenience store known as Tillery Sportsman and would like to be able to offer alcoholic beverages for sale.

After a brief discussion, Commissioner Dunevant made a motion requesting staff explore the issue further and bring the item back to the Board at its next meeting for further consideration. The motion was seconded by Vice Chairman McIntyre and passed unanimously.

ITEM # 3 – PLANNING & ZONING

Presenter: Michael Sandy, Planning Director

A. PUBLIC HEARING - ZA 09-10 and CUP 09-01 – Rezoning and Conditional Use Permit (CUP) Requests for Bryan A. and Sandy E. Burris

Michael Sandy presented an overview of the case and explanation of the rezoning and conditional use requests. Property owners Bryan A. and Sandy E. Burris submitted a request to rezone a 0.651 parcel (Tax Record Number 29861) located on Maners Circle in New London from R-A (Residential Agricultural) to H-B (Highway Business). The purpose of the request is to allow for a boat repair and related boat storage facility on the property.

Chairman Dennis explained the process for conducting the public hearings associated with Rezoning ZA 09-10 and Conditional Use Permit CUP 09-01. He then declared the public hearing open for the rezoning request. All parties speaking for or against were sworn in by the Clerk to the Board prior to the beginning of the meeting.

Speaking in favor were the applicants Bryan A. and Sandy E. Burris. Mr. Burris stated he is willing to do what is necessary to meet the county requirements in order to receive approval of the request. Commissioner Dunevant and Vice Chairman McIntyre both felt screening should be installed to shield the view of the storage facility from Old Whitney Road and Maners Circle. Mr. and Mrs. Burris stated they would be willing to do this if requested.

Having no one else come forward to speak for or against, Chairman Dennis declared the public hearing closed.

Vice Chairman McIntyre made the motion to approve the rezoning request subject to screening being installed to shield the view of the storage facility from both roads. The motion was seconded by Commissioner Lowder and passed by a vote of 5 – 0.

FINDINGS OF FACT:

The following Findings of Fact were read aloud and followed by a motion to either approve or deny each based on the evidence presented.

- Maintain or enhance the public health, safety and general welfare if located where proposed, developed and operated according to the plan submitted.

Vice Chairman McIntyre moved to approve this finding based upon the evidence presented and was seconded by Commissioner Lowder. The motion was unanimously approved.

- Maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not do so).

Vice Chairman McIntyre moved to approve this finding based upon the evidence presented. The motion was seconded by Commissioner Dunevant and passed by unanimous vote.

- Assure the adequacy of:
 - 1) Sewage disposal facilities
 - 2) Solid waste and water
 - 3) Police, fire and rescue squad protection
 - 4) Transportation systems, within and around the site; and

Vice Chairman McIntyre moved to approve this finding based upon the evidence presented. The motion was seconded by Commissioner Lowder and passed unanimously.

- Comply with the general plans for the physical development of the County as contained in the County Land Use Plan, or portion thereof, adopted by the Board of Commissioners.

By motion, Vice Chairman McIntyre moved to approve the finding based upon the evidence presented and was seconded by Commissioner Lowder. The motion was passed by a 5 – 0 vote.

APPROVAL OF FINDINGS OF FACT AND ISSUANCE OF A CONDITIONAL USE PERMIT (CUP)

Vice Chairman McIntyre made the motion to approve the adoption of each of the Findings of Fact as required to issue the conditional use permit. The motion was seconded by Commissioner Smith and approved by a 5 – 0 vote.

B. PUBLIC HEARING – ZA 10-01 – Rezoning Request for Teresa Smith

Owner Teresa Smith requested a change in zoning from R-A (Residential Agricultural) to H-B (Highway Business) on a 0.356 acre parcel (Tax Record Number 10498) located at the intersection of Canton Road (SR 1249) and Canton Heights Road (SR 1250) in Albemarle.

Chairman Dennis declared the public hearing open. At this time, owner Teresa Smith addressed the Board to request approval of the rezoning in order to allow for future commercial development of the area. With no others coming forward to speak for or against, the public hearing was closed.

Commissioner Smith moved to approve the rezoning from R-A to H-B and was seconded by Commissioner Lowder. The motion was passed by unanimous vote.

C. Town of Badin - Amendment to the Inter-local Agreement Regarding Administration of the Minimum Housing Ordinance

The town of Badin requested an amendment to the existing inter-local agreement in order to add a provision to allow the County to administer their Minimum Housing Ordinance within the town limits. The town has agreed to pay the county an hourly rate of \$25 and mileage at the current IRS rate in order for current Planning and Zoning staff to provide this service.

By motion, Commissioner Dunevant moved to approve the amended agreement to be effective April 6, 2010. The motion was seconded by Vice Chairman McIntyre and passed by unanimous vote.

D. Appointments / Reappointments to the Board of Adjustments

The following four Board of Adjustment members terms will expire on June 30, 2010: Cathy Bennett, Andrew Eades, Grover Stewart, and Stephen Watson. It was requested Cathy Bennett, Andrew Eades, and Grover Stewart be reappointed for a second term to expire on June 20, 2013. In the event that Stephen Watson was not reappointed due to serving two consecutive terms, it was requested that Alternate Richard Cosgrove be appointed in his place as a regular member to serve a two year term to expire on June 30, 2012, and a new Alternate be appointed for a three year term.

Commissioner Dunevant moved to approve the reappointment of Cathy Bennett, Andrew Eades, and Grover Stewart, but table the reappointment of Stephen Watson and an Alternate until further review of the volunteer applications. His motion was seconded by Commissioner Lowder and passed by a vote of 5 – 0.

ITEM # 4 – UTILITIES – Contract Award for the CDBG-Recovery Water Project for Rolling Hills and Tyson Village Mobile Home Parks

Presenter: Donna Davis, Director

Based on the bids received, it was requested the contract be awarded to the apparent low bidder, Ritchie Construction Co., LLC for \$299,556.89 for the portion of the project bid by Stanly County.

Commissioner Smith moved to award the contract to Ritchie Construction Co., LLC and was seconded by Commissioner Dunevant. The motion passed by unanimous vote.

ITEM # 5 – FACILITIES MANAGEMENT

Presenter: Andy Lucas, County Manager

Three (3) sealed bids were received for the County's lawn care and landscaping services for FY 2010-11. It was recommended the Board award the contract to the existing provider GrassPro.

Commissioner Dunevant moved to approve the contract award to GrassPro. Commissioner Lowder seconded the motion which passed by a 5 – 0 vote.

ITEM # 6 – CONSENT AGENDA

Presenter: Chairman Dennis

- A. Minutes for the meetings of March 15 and March 25, 2010.
- B. Library – Request the attached list of books be declared surplus, donated to the Friends of the Library and sold in an ongoing book sale in the library branches
- C. Finance – Monthly Financial Report for Eight Months Ended February 28, 2010
- D. Tax Administration – Refund request for Patrick Industries, Inc. in the amount of \$4,538.59
- E. Economic Development – Proclamation declaring April 2010 as *Industry Appreciation Month*

Motion to approve the consent agenda as presented was made by Vice Chairman McIntyre and seconded by Commissioner Smith. Vice Chairman McIntyre made specific mention of the Industry Appreciation Proclamation and thanked all the local businesses for their investment and job creation in Stanly County. The motion passed unanimously.

PUBLIC COMMENT

None

GENERAL COMMENTS

Chairman Dennis, Commissioner Smith and Commissioner Dunevant expressed their condolences to the family of J.T. Russell on his recent passing.

Commissioner Dunevant encouraged everyone to take advantage of early voting beginning April 15th.

Vice Chairman McIntyre, Commissioner Lowder, County Manager and County Attorney had no comments.

CLOSED SESSION

By motion, Commissioner Smith moved to recess the meeting to a closed session to discuss economic development in accordance with G.S. 143-318.11(a)(4) and to consult with the county attorney in accordance with G.S. 143-318.11(a)(3). His motion was seconded by Commissioner Lowder and passed by a 5 – 0 vote.

ADJOURN

There being no further business, Commissioner Smith moved to adjourn the meeting until Monday, April 19th at 7:00 p.m. Vice Chairman McIntyre seconded the motion which was passed unanimously at 8:26 p.m.

Tony M. Dennis, Chairman

Tyler Brummitt, Clerk