

**STANLY COUNTY  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
JUNE 7, 2010**

**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, June 7, 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 invocation.

**APPROVAL / ADJUSTMENTS TO THE AGENDA**

Vice Chairman McIntyre moved to approve the agenda as presented and was seconded by Commissioner Smith. The motion passed unanimously.

**ITEM # 1 – STANLY COUNTY COMMUNITY DEVELOPMENT BLOCK GRANTS**

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

**A. Public Hearing – Closeout of the 2000, 2002, and 2008 CDBG Infrastructure Hook-Up Projects (00-D-1917), (02-D-1916) and (08-C-1845)**

The purpose of the public hearing was to receive public comment concerning the closeout of the above grants. The grant funds were used to assist low to moderate income homeowners hook up to county water and sewer. In total, fifty-six (56) residences were served for a total of \$132,323.97.

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

No action was required from the Board.

**B. Public Hearing – Grant Amendment for the 2007 CDBG Community Revitalization Project (#07-C-1697)**

The purpose of the hearing was to receive public comment on the proposed amendments to the above grant as listed below:

- Delete the Acquisition budget line item in the amount of \$30,000
- Delete the Disposition budget line item in the amount of \$5,000
- Delete the Clearance budget line item in the amount of \$20,000
- Delete the Relocation budget line item in the amount of \$30,000
- Decrease the Rehabilitation budget line item by \$100,000 with the new Rehabilitation budget line being \$255,000
- Increase the Water Improvements budget line item by \$185,000 with the new Water Improvements budget line item being \$274,585.

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

By motion, Commissioner Dunevant moved to approve the amendment for submission to the state as outlined above. His motion was seconded by Commissioner Lowder and passed with a 5 – 0 vote.

## **ITEM # 2 – PLANNING & ZONING**

**Presenter: Michael Sandy, Director**

**A. Public Hearing - ZA 10-02- Rezoning Request for Max and Claudine Hinson**

Request to rezone two adjacent parcels totaling 0.813 acres (Tax Records # 11602 and 11598) located on NC Hwy 24/27 near Canton Road from R-A (Residential Agricultural) to H-B (Highway Business).

**B. Public Hearing - ZA 10-03- Rezoning Request for William Faulkner**

Request to rezone a 0.23 acre parcel (Tax Record 7732) located on Canton Heights Road from R-A (Residential Agricultural) to HB (Highway Business).

**C. Public Hearing - ZA 10-04 – Rezoning Request for Steven Bowers**

Request to rezone a 0.565 acre parcel (Tax Record 3209) located on Canton Heights Road from R-A (Residential Agricultural) to HB (Highway Business).

Chairman Dennis declared the public hearing open for all three of the above requests. With no one coming forward to speak, the public hearing was closed.

By motion, Vice Chairman McIntyre moved to approve all three requests. Commissioner Lowder seconded the motion passed which passed by unanimous vote.

**D. Public Hearing – ZA 10-05 and CUP 10-01**

Property owners Benji and Kristy Burris submitted a request to rezone a 2.61 acre portion of Tax Record Number 31239 from R-A to GB-CU. The property is located at 20024 Newsome Road (SR 1219) and approximately 1600 feet north of the intersection with Frog Pond Road (SR 1221). The purpose of the request is to allow for the expansion of an existing automotive shop to be used for an automobile repair shop.

The County Attorney explained the process for conducting the public hearing associated with ZA 10-05 and CUP 10-01. Chairman Dennis then declared the public hearing open. All parties speaking for or against were sworn in by the Clerk to the Board prior to the meeting.

Speaking in favor were applicants Benji and Kristy Burris.

Having no one else come forward, the public hearing was closed.

Vice Chairman McIntyre moved to approve the rezoning request and was seconded by Commissioner Lowder. The motion passed with a 5 – 0 vote.

**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.

Commissioner Smith moved to approve the finding and was seconded by Commissioner Lowder. The motion was approved by unanimous vote.

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

By motion, Vice Chairman McIntyre moved to approve the finding and was seconded by Commissioner Lowder. The motion passed unanimously.

- 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

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

- 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 and was seconded by Commissioner Smith. The motion passed unanimously.

By motion, Vice Chairman McIntyre moved to approve the Findings of Fact and issuance of the Conditional Use Permit. His motion was seconded by Commissioner Lowder and approved with a vote of 5 – 0.

**E. Public Hearing – ZA 10-06 – Text Amendment to Add Section 614.6(H) Provisions for Annual Inspections of All Telecommunication Towers in Stanly County**

It was requested an amendment be added to the Zoning Ordinance which would require an annual inspection fee of one hundred dollars (\$100.00) on all pre-existing and approved telecommunications towers. The inspection fee would be paid by the tower owner and not the property owner.

Motion to approve the addition of section 614.6(H) to the Zoning Ordinance was made by Commissioner Dunevant and seconded by Commissioner Smith. The motion passed with a vote of 5 – 0.

Resolution as approved:

**A RESOLUTION 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 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 COUNTY COMMISSIONERS OF THE COUNTY OF STANLY THAT THE OFFICIAL ZONING ORDINANCE OF STANLY COUNTY, NORTH CAROLINA, BE AMENDED AS FOLLOWS:**

**TEXT AMENDMENT  
ZA 10-06**

Add the following to section 614.6 of the Zoning Ordinance of Stanly County:

H) An annual inspection shall be performed on all pre-existing and approved telecommunication towers to ensure the following: Adequate insurance, signage for owner and emergency contact, screening as required, access for emergency response, vegetation removal from within the tower area, and adequate safety fencing. An annual inspection fee may be required per the county fee schedule as adopted by the County Commissioners.

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

**WHEREAS**, a public hearing on the question of amending the Zoning Ordinance of Stanly County was held by the Board of Commissioners of the County of Stanly, after due notice and advertisement thereof, at its regular meeting on June 7, 2010.

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

Section 1. That the Zoning Ordinance of Stanly County be amended to reflect the addition of the above-mentioned text as subsection H) of section 614.6.

Section 2. That said amendment shall be effective immediately upon its passage.

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Tyler Brummitt, Clerk to the Board

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Date Approved

**ITEM # 3 – PUBLIC HEARING FOR THE FY 2010-11 RECOMMENDED COUNTY BUDGET**

**Presenter: Andy Lucas, County Manager**

The purpose of the public hearing was to receive public comment on the proposed budget for the upcoming fiscal year.

Chairman Dennis declared the public hearing open. At that time, Vanessa Mullinix came forward and expressed her concern regarding the amount of money being spent by the county in the 401 water quality permit intervention and stated her continued support of Alcoa.

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

No action was required of the Board.

**ITEM # 4 – UTILITIES**

**Presenter: Donna Davis, Director**

The NC Rural Economic Development Center, Inc. has funds available for planning grants for local government water and sewer projects. It was requested the Board approve an application to apply for funding for a capacity grant in the amount of \$24,000 to prepare an assessment of the needs and means of upgrading the water and sewer system near the Stanly County Airport. The grant would require \$12,000 in matching funds from the county which would be paid by the Utilities Department once the grant is awarded.

Commissioner Smith moved to approve the following documents: NC Water / Wastewater Common Application Form, Memorandum of Understanding, Commitment of Other Funds

Form, Authorizing Resolution, Local Funds Resolution, Conflict of Interest Letter, and Minority Business Enterprise (MBE) Resolution and Policy. His motion was seconded by Commissioner Lowder and passed by unanimous vote.

**ITEM # 5 – SENIOR SERVICES FISCAL YEAR 2011 AGING FUNDING PLAN**

**Presenter: Becky Weemhoff, Director**

Stanly County's Home and Community Care Block Grant (HCCBG) allocations for Aging Services for FY 2011 were approved by the HCCBG Board in April. Stanly County will receive \$375,305 which will be distributed between six Aging programs in the county. These programs include In Home Services Level I and II, Congregate Nutrition, Home Delivered Meals, Transportation and Information Assistance.

Commissioner Lowder moved to approve the FY 2011 Aging Funding Plan and acceptance of the funds into the county budget. Her motion was seconded by Commissioner Dunevant and passed by a 5 – 0 vote.

**ITEM # 6 – ECONOMIC DEVELOPMENT – RURAL CENTER PRE-APPLICATION FOR SOURCE MACHINING TECHNOLOGIES**

**Presenter: Kevin Gullette, Director**

Board approval was needed in order to move forward with the pre-application for Source Machining Technologies and the request for funds to assist with renovations to the Locust facility. Once completed, 5 – 10 new, full-time jobs will be added.

Commissioner Smith moved to approve the county's application for the Building Re-Use and Redevelopment grant on behalf of Source Machining Technologies and approve the authorizing resolution. Vice Chairman McIntyre seconded the motion which passed by unanimous vote.

**See Exhibit A  
Authorizing Resolution by Stanly County  
for the NC Rural Center Building Reuse and Restoration Grants Program**

**ITEM # 7 – CONSENT AGENDA**

**Presenter: Chairman Dennis**

- A.** Minutes – Recessed meeting of May 13 and regular meeting of May 17, 2010
- B.** IT Dept. – Request approval to auction the attached list of surplus equipment
- C.** EMS - Request approval of budget amendments #2010-54 and #2010-55
- D.** Finance – Request approval of budget amendments #2010-52, #2010-53, #2010-57 and acceptance of the Monthly Financial Report for Ten Months Ended April 30, 2010
- E.** Utilities – Request approval of budget amendment # 2010-56

Vice Chairman McIntyre moved to approve the consent agenda and was seconded by Commissioner Smith. The motion passed with a 5 – 0 vote.

**PUBLIC COMMENT**

None

**GENERAL COMMENTS**

Commissioner Dunevant welcomed Commissioner Lowder back from her recent absence due to surgery. He congratulated the City of Albemarle on receiving funds through the Parks and Recreation Trust Fund to renovate the E. E. Waddell Community Recreation Center and congratulated Oakboro on its award of funds for the next phase of its town park.

Commissioner Dunevant thanked Ms. Mullinix for coming forward to speak during the public hearing on the budget and welcomed the opportunity to talk with her regarding the Alcoa issue.

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

**CLOSED SESSION**

Vice Chairman McIntyre made the motion to recess into closed session to consult with the County Attorney in accordance with G.S. 143-318.11(a)(3) to discuss APGI’s public records lawsuit and the County’s 401 water quality permit prevention. The motion was seconded by Commissioner Lowder and passed by unanimous vote.

**RECESS**

By motion, Vice Chairman McIntyre moved to recess the meeting until Thursday, June 10, 2010 at 5:00 p.m. in the Manager’s Conference Room for a budget workshop. He was seconded by Commissioner Lowder and the motion with a 5 – 0 vote at 9:01 p.m.

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**Tony M. Dennis, Chairman**

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**Tyler Brummitt, Clerk**