

**STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
JULY 11, 2011**

COMMISSIONERS PRESENT:

Josh Morton, Chairman
Jann Lowder, Vice Chairman
Tony Dennis
Lindsey Dunevant
Gene McIntyre

COMMISSIONERS ABSENT:

None

STAFF PRESENT:

Andy Lucas, County Manager
Jenny Furr, County Attorney
Tyler Brummitt, Clerk

CALL TO ORDER

The Stanly County Board of Commissioners (the "Board") met in regular session on Monday, July 11, 2011 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman Morton called the meeting to order and Commissioner Dennis gave the invocation.

APPROVAL / ADJUSTMENTS TO THE AGENDA

There being no adjustments to the agenda, Commissioner McIntyre moved to approve the agenda as presented and was seconded by Commissioner Dennis. The motion passed by unanimous vote.

ITEM # 1 – PLANNING & ZONING

Presenter: Michael Sandy, Planning Director

A. ZA 11-06 – Aquadale Volunteer Fire Department

A request to rezone three parcels (Tax Record Numbers 11941, 11942 and 3944 for a total of 2.484 acres) from RA (Residential Agricultural) and GB (General Business) to R20 and GB was submitted by the Aquadale Fire Department in order to allow for the relocation of the fire department on the property. The property is located at the intersection of Highway 138 and Plank Road.

Chairman Morton opened the public hearing. Myron Crump, Assistant Chief for the Aquadale Volunteer Fire Department, came forward to speak in favor of the rezoning. Mr. Crump stated the three lots which include a house had been purchased previously by the fire department with plans to sale the home to recuperate some of the funds spent to purchase the lots. At this time, there are no immediate plans to build.

With no one else coming forward, the public hearing was closed.

By motion, Commissioner McIntyre moved to approve ZA 11-06 and was seconded by Vice Chairman Lowder. The motion passed with a 5 – 0 vote.

B. ZA 11-07 –Danny Starnes, Starnes Rental Property

It was requested that a parcel of land (Tax Record Number 16349, a 0.707 acre tract) located at 20730 US Highway 52 South be rezoned from RA (Residential Agricultural) to HB (Highway Business). The purpose of the rezoning is to allow the continuation of a printing business on the property.

Chairman Morton declared the public hearing open. Danny Starnes came forward and stated when he originally purchased the property, he was unaware it was zoned for residential use and was now trying to correct the situation.

With no one else coming forward, the public hearing was closed.

Commissioner Dennis moved to approve ZA 11-07 and was seconded by Vice Chairman Lowder. The motion passed unanimously.

C. ZA 11-08 – Roger L. Hahn and Dwan Hahn

Mr. Hahn requested that a five (5) acre tract of land (a portion of Tax Record Number 33573, total of 8.26 acres) located at 13132 Mission Church Road be rezoned from RA (Residential Agricultural) to M2 (Heavy Manufacturing). The purpose of the rezoning is to allow for the continuation of a non-conforming auto salvage yard on the property.

Chairman Morton opened the public hearing. Roger Hahn came forward and stated he had started the business in 1988-1989 and had no previous issues. The property is used to store salvaged automobiles for his wrecker service which is based in Oakboro.

With no one else coming forward, the public hearing was closed.

Commissioner McIntyre moved to approve ZA 11-08 and was seconded by Vice Chairman Lowder. The motion passed with a 5 – 0 vote.

D. ZA 11-09 – Tony Treece – Text Amendment Request to Section 611.1 to add Auction Houses to M1 Zoning District

Mr. Treece requested a text amendment to Section 611.11 of the Zoning Ordinance to allow auction houses to be added to the list of permitted uses in the M-1 Zoning District. If approved, this text amendment will provide a good reuse of the property which can later be easily converted back to a manufacturing facility if needed.

Chairman Morton declared the public hearing open. Auctioneer Tony Treece came forward to speak in favor of the text amendment request stating at the time he signed a lease for the property in April 2011, he was unaware of the zoning issue. He is now requesting the amendment in order to correct the situation.

With no one else coming forward to speak for or against, the public hearing was closed.

By motion, Commissioner McIntyre moved to approve ZA 11-09. His motion was seconded by Commissioner Dennis and passed by unanimous vote.

ITEM # 2 – PRESENTATION OF THE DRAFT STANLY COUNTY COMPREHENSIVE TRANSPORTATION PLAN (CTP)

Presenter: Rueben Crummy, NC Department of Transportation

Mr. Crummy presented an overview of the draft comprehensive transportation plan for Stanly County. Detailed maps and summary sheets were included for the Board's information which included the recommended improvements to the transportation network which will serve the present and anticipated travel demand for the area over the next 30 years. The plan itself will be updated every 5 years.

A. Public Hearing

Chairman Morton declared the public hearing open. With no one coming forward to speak for or against, the public hearing was closed.

B. Resolution to Adopt the Comprehensive Transportation Plan (CTP) for Stanly County, NC

By motion, Commissioner Dunevant moved to table the adoption of the resolution for the CTP to allow time to receive feedback from Economic Development and the Chamber of Commerce on the proposed plan. The motion was seconded by Commissioner McIntyre and passed by unanimous vote.

ITEM # 3 – E-911 COMMUNICATIONS – NAMING OF TWO ROADS

Presenter: Karen McDaniel, E-911 Director

For the Board's consideration, two roads were submitted for naming in accordance with the Stanly County Road Name, Road Sign and Address Display Ordinance. The names and locations were presented as follows:

- A. Dogwatch Trail** – located on the east side of Nelson Mountain Road, approximately 693 feet north of its intersection with NC 73 Hwy.

Chairman Morton declared the public hearing open. With no one coming forward to speak, the hearing was closed.

By motion, Commissioner McIntyre moved to approve the name Dogwatch Trail and was seconded by Commissioner Dennis. The motion passed with a 5 – 0 vote.

- B. Ironwood Drive** – located on the east side of NC 740 Hwy, approximately 482 feet south of its intersection with Wood Street.

Chairman Morton declared the public hearing open. Anne Harwood, a citizen of Badin and Town Council member came forward to speak in favor of renaming Sewer Plant Road to Ironwood Drive. With no one else coming forward, the public hearing was closed.

Vice Chairman Lowder moved to approve the name Ironwood Drive and was seconded by Commissioner Dunevant. The motion passed by unanimous vote.

ITEM # 4 – CONTRACT AWARD FOR THE NEW E-911 SYSTEM

Presenter: Karen McDaniel, E-911 Director

Ms. McDaniel presented an overview of the qualifying proposals and bids received for the purchase of the Geo-Diverse Sentinel Patriot VOIP E-911 System with Aurora MIS. The vendor with the lowest qualifying bid was CenturyLink for a total cost of \$421,741.54. The equipment will be leased through Presidio Technology Capital, LLC for five (5) years with the monthly payments coming from the 911 Surcharge money fund and not from ad valorem tax money. It was requested the Board award the contract and approval to move forward with the lease, maintenance and remote monitoring of Cassidian Geo-Diverse Sentinel Patriot VOIP E-911 System with Aurora MIS.

Commissioner McIntyre moved to award the contract and was seconded by Commissioner Dunevant. The motion passed by a 5 – 0 vote.

ITEM # 5 – FINANCE – PRESENTATION OF THE 2006 JAIL CONSTRUCTION INSTALLMENT PURCHASE CONTRACT TO BANK OF STANLY

Presenters: Toby Hinson, Finance Director and Chris Alexander, First Tryon Advisors

Toby Hinson and Chris Alexander presented information related to the refinance of the Jail Construction Loan. Three financial institutions submitted proposals with the following rates: Bank of Stanly 2.92%, RBC 3.08% and Sun Trust Bank 3.35%. Based on the lowest rate of 2.92% rate, the potential net savings is \$180,000.00 for the term of the loan, or \$19,000.00 annually.

The following actions were submitted for the Board’s consideration and approval:

A. Consider and approve the refinancing of the 2006 Jail Construction Installment Purchase contract with the Bank of Stanly.

By motion, Commissioner Dennis moved to approve the contract with the Bank of Stanly and was seconded by Vice Chairman Lowder. The motion was passed by unanimous vote.

B. It was requested the Board set a meeting date for the public hearing on the Jail Construction Loan refinance.

Commissioner McIntyre moved to set the public hearing date for Monday, July 25, 2011 at 2:00 p.m. in the Manager’s Conference Room, Stanly Commons. His motion was seconded by Vice Chairman Lowder and passed unanimously.

C. Consider and approve the Initial Resolution prepared by Parker Poe

Commissioner McIntyre moved to approve the Initial Resolution and was seconded by Commissioner Dennis. The motion passed with a 5 – 0 vote.

ITEM # 6 – SENIOR SERVICES – PRESENTATION OF THE FY 2012 COUNTY AGING FUNDING PLAN

Presenter: Andy Lucas, County Manager

The County has received its “interim” HCCBG Allocations for FY 2012 in the amount of \$380,912.00. The HCCBG Committee met to discuss, vote and distribute this funding into the six Aging programs in the County which are: In Home Services Level I and II, Congregate Nutrition, Home Delivered Meals, Transportation and Information and Assistance.

It was requested the Board approve the FY 2012 County Aging Funding Plan and acceptance of these funds into the county budget.

By motion, Commissioner McIntyre moved to approve the funding plan and accept these funds into the county budget. His motion was seconded by Vice Chairman Lowder and passed unanimously.

ITEM # 7 – APPOINTMENTS

A. Stanly County Board of Health Physician Member

Presenter: Dennis Joyner, Health Director

Due to the recent resignation of Dr. Raquel Mullen, it was requested that Dr. Hal Royer be appointed to fulfill the term of Dr. Mullen which ends December 31, 2013.

Commissioner Dunevant moved to approve the appointment of Dr. Hal Royer and was seconded by Commissioner McIntyre. The motion passed by a 5 – 0 vote.

B. Stanly Community College Board of Trustees (SCC)

Presenter: Andy Lucas, County Manager

Due to the resignation of Vice Chairman Lowder from the Stanly Community College Board of Trustees, it was requested the Board appoint someone to complete her unexpired term until June 30, 2015.

By motion, Vice Chairman Lowder moved to appoint Karmen Mock Phillips to serve the remainder of the four (4) year term until June 30, 2015. The motion was seconded by Commissioner McIntyre and passed by unanimous vote.

Board of Trustees member Shirley Lowder's term expired June 30, 2011. It was requested the Board either reappoint Ms. Lowder or another member for a four (4) year term to serve until June 30, 2015.

Commissioner McIntyre moved to reappoint Shirley Lowder to a four (4) year term and was seconded by Vice Chairman Lowder. The motion passed with a 5 – 0 vote.

C. SELECTION OF A VOTING DELEGATE FOR THE 2011 NCACC ANNUAL CONFERENCE

Presenter: Andy Lucas, County Manager

By motion, Commissioner Dunevant moved to appoint Commissioner McIntyre as the voting delegate for Stanly County during the 2011 NCACC Annual Conference in Cabarrus County. The motion was seconded by Vice Chairman Lowder and passed by unanimous vote.

ITEM # 8 - TRANSFER OF VEHICLE ASSETS TO THE NEW SPONSORING AGENCY FOR THE JCPC JUVENILE RESTITUTION PROGRAM

Presenter: Andy Lucas, County Manager

A 2005 Kia Sedona van and a 2007 Carr trailer became assets of the County in 2008 when it became the sponsoring agency for the JCPC Juvenile Restitution program. Both were purchased

with state grant funds and belong to the JCPC Restitution program. These assets must now be transferred to the new sponsoring agency, the Stanly County Juvenile Restitution Program organization for use by the program. The registration and insurance on the vehicle and trailer will be terminated effective July 12, 2011.

Commissioner Dunevant moved to transfer the above assets to the new sponsoring agency for the JCPC Juvenile Restitution program and was seconded by Vice Chairman Lowder. The motion passed with a vote of 5 – 0.

ITEM # 9 – CONSENT AGENDA

Presenter: Chairman Morton

- A.** Minutes of the regular meeting of June 6 and recessed meetings of June 13, June 20, and June 27, 2011
- B.** Tax Release & Discovery Report for April, May and June 2011
- C.** Finance – Request acceptance of the Monthly Financial Report for Eleven Months Ended May 31, 2011
- D.** Tax – Refund request for Michael W. & Barbara E. Poplin

Commissioner Dennis moved to approve the consent agenda as presented. His motion was seconded by Commissioner McIntyre then passed by unanimous vote.

PUBLIC COMMENT

None

GENERAL COMMENTS

By motion, Commissioner Dunevant requested the date of the next meeting be changed from August 8th and rescheduled for August 15th.

There were no other comments.

CLOSED SESSION

Commissioner Dunevant moved to recess the meeting 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 request lawsuit and the County's 401 water quality permit intervention. His motion was seconded by Vice Chairman Lowder and passed unanimously at 8:01 p.m.

RECESS

With no further business brought forward, Commissioner McIntyre moved to recess the meeting until Monday, July 25, 2011 at 2:00 p.m. in the County Manager's Conference Room, Stanly Commons. The motion was seconded by Vice Chairman Lowder and passed by a vote of 5 – 0 at 9:20 p.m.

Joshua J. Morton, Jr., Chairman

Tyler Brummitt, Clerk