

**STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
SEPTEMBER 4, 2012**

COMMISSIONERS PRESENT:

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

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 Tuesday, September 4, 2012 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman Dunevant called the meeting to order and Commissioner Morton gave the invocation.

APPROVAL / ADJUSTMENTS TO THE AGENDA

There being no adjustments to the agenda, Commissioner Dennis moved to accept the agenda as presented. His motion was seconded by Vice Chairman McIntyre and passed by unanimous vote.

ITEM # 1 – NO- WAKE ZONE REQUEST FOR LAKE TILLERY MARINA

Presenter: Devon Morton, Owner of Lake Tillery Marina

Ms. Morton addressed the Board with concerns regarding the excessive speed in which boats enter the marina and requested the Board's assistance in having the area surrounding the marina designated as a no-wake zone. The County Manager stated if the request is granted, an advertised public hearing concerning the proposal is required followed by the Board taking formal action through adoption of a resolution as a show of support. The resolution would then be submitted to the NC Wildlife Resources Commission with the required application by the marina owners.

After a brief period of discussion, Commissioner Dennis moved to set a public hearing date of Monday, October 1, 2012. The motion was seconded by Vice Chairman McIntyre and carried with a 5 – 0 vote.

ITEM # 2 – NEW LONDON VOLUNTEER FIRE DEPARTMENT – CONSIDERATION OF A RESOLUTION TO APPROVE THE ISSUANCE OF A NOTE WITH BANK OF STANLY

Presenter: Tate Daniels, Treasurer for the New London VFD

The New London Volunteer Fire Department requested a public hearing to receive public comment on the issuance of a note in the amount of \$200,000 to the Bank of Stanly with proceeds being used to purchase a 2012 E-One / IH 4400 2-Door Rescue Truck. Based on the loan amount of \$200,000 for a four (4) year term at a rate of 2.53%, the monthly payment will be \$5001.00. Additionally, a resolution was presented for the Board’s consideration and adoption as a show of support for the issuance of the note as well as designating it as a “qualified tax-exempt obligation.”

Chairman Dunevant declared the public hearing open. Tate Daniels spoke on behalf of the fire department stating the new truck is specifically built for rescue and will replace a truck that is twenty (20) years old which was previously adapted for rescue. Mr. Daniels requested the Board’s approval of the resolution in support the issuance of the note from Bank of Stanly.

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

By motion, Commissioner Lowder moved to approve the resolution and was seconded by Commissioner Dennis. The motion passed by unanimous vote.

See Exhibit A
Resolution Approving the Issuance of a Note of
New London Volunteer Fire Department, Incorporated
to the Bank of Stanly and Designating such Note as a
“Qualified Tax-Exempt Obligation”

ITEM # 3 – TRI-COUNTY FARM & FOOD COUNCIL (FFC)

Presenter: Robin McCree, Interim Board Chair

Mr. Ron Bryant introduced Ms. McCree who is the acting Interim Board Chair for the FFC. Ms. McCree provided a brief background for the FFC Council stating that its vision is to encourage and support a locally based, economically resilient farm and food system, and its mission is to encourage, support and coordinate the local farm and food system. In addition, the FFC sought formal recognition by the Board through endorsement of the resolution below.

Commissioner Dennis moved to approve the resolution as presented and was seconded by Vice Chairman McIntyre. The motion carried with a 5 – 0 vote.

**See Exhibit B
Resolution in Support of the
Tri-County Farm and Food Council (FFC)**

ITEM # 4 - HEALTH DEPARTMENT

Presenter: Dennis Joyner, Health Director

A. Appropriation of funds from the Charlotte Affiliate of the Susan G. Komen for the Cure Foundation – Budget Amendment # 2013-05

The health department requested funds in the amount of \$2,408 be carried forward and appropriated to the FY 2012-2013 budget in order to fully utilize them.

By motion, Commissioner Lowder moved to carry forward and appropriate \$2,408 to the health department's FY 2012-13 budget and was seconded by Commissioner Dennis. The motion passed unanimously.

B. Blue Cross and Blue Shield of North Carolina Foundation Grant Award – Budget Amendment # 2013-06

The Stanly County Health Department's Dental Clinic has received notification of a grant award from Blue Cross and Blue Shield of NC in the amount of \$10,000. Board authorization was requested to accept these grant funds into the health department's FY 2012-2013 dental budget.

Vice Chairman McIntyre moved to accept and appropriate the grant funds in to the health department's FY 2012-2013 dental budget. The motion was seconded by Commissioner Lowder and carried by unanimous vote.

C. Authorization to sell Unusable and Irreparable Dental Hand-pieces

The Stanly County Dental Clinic has accumulated 15 – 20 old and/or broken hand-pieces (drills & attachments) which are no longer functional. Board authorization was requested to sell these hand-pieces to vendors such as "Bills for Drills" who are willing to purchase such items.

Commissioner Lowder moved to approve the dental clinic's request and was seconded by Commissioner Dennis. The motion passed by unanimous vote.

D. Authorization to Apply for Grant Funding from The Cannon Foundation, Inc.

The Stanly County Health Department requested authorization to apply for grant funding from The Cannon Foundation, Inc. to support two additional operatories in the dental clinic. Currently, due to limited operatory and consultation space, there is a three month waiting period. This expansion will allow for the improved utilization of staff and provide dental services to patients in a more efficient manner. Cost of the anticipated expansion will be approximately \$136,200. Of this total amount, \$75,000 would come from the grant funds and the remaining balance of \$61,200 department's Dental Fund balance.

By motion, Vice Chairman McIntyre moved to authorize the application for grant funding from The Cannon Foundation, Inc. His motion was seconded by Commissioner Morton and carried by a 5 – 0 vote.

E. Consideration of the Revised Stanly County Animal Control Ordinance

Health Director Joyner presented an overview of the revised animal control ordinance. If approved, it was requested that the effective date begin thirty (30) days from the date of adoption in order to allow staff time to complete and distribute the required paperwork as needed.

Chairman Dunevant declared the public hearing open.

During this time, the following individuals came forward to address the Board:

- Lewis Furr and Billy Mills, both hunters, expressed concerns with the required tethering of dogs and the need to have time to train the dogs without them being restrained.
- Luanne Williams stated her concerns with the tethering of dogs noting that many farmers depend on dogs for protection and cannot afford to fence in their farms, and also whether or not the county has the staff available to enforce the ordinance.
- Daphne Smith expressed concerns regarding large dogs and feels they should be restrained in order to protect the elderly against vicious attacks.
- Ron Bryant, who owns farm in Norwood, stated concerns with being required to keep his dogs restrained or having to fence in his property.
- Bryan Smith spoke in favor of the ordinance stating that while riding horses in the past, unrestrained dogs have chased him which can result in a dangerous situation.
- Jerry Cotton of Richfield spoke in favor of the ordinance stating it will provide the Sheriff's Department and Animal Control the authority to deal with situations that the current ordinance does not.
- Cindy Call of Richfield stated concerns with dogs being restrained at all times and the requirement that dogs wear their rabies tags at all times since they are easily lost from a dog's collar. Another concern is the section pertaining to exotic animals in which Ms. Call requested the Board consider specifying the size or type of constrictor snake that can be kept as a pet instead of banning all of them.
- Sharon Gadd, President of the Stanly County Humane Society spoke in favor of the ordinance due to the number of calls she receives daily concerning stray dogs.

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

After a brief period of questions, Chairman Dunevant requested the Board consider returning the ordinance to the Board of Health for further refinement. Health Director Joyner agreed, but also noted how difficult it will be to develop an ordinance which will be acceptable to everyone and at the same time help prevent situations such as those that occurred in Fort Mill and Weddington where children were mauled. After a period of discussion, Board consensus

was to return the ordinance for further revisions based on the comments made during the public hearing.

ITEM # 5 – LIBRARY

Presenter: Melanie Holles, Library Director

Library Director Holles presented a proclamation declaring September and October 2012 as the 411-4 Districts, 1 Book, 1 Community Months for Stanly County with “The Hunger Games” by Suzanne Collins being selected as this year’s novel for the project. It was requested the Board adopt the proclamation as a show of support.

By motion, Vice Chairman McIntyre moved to approve the proclamation and was seconded by Commissioner Lowder. The motion passed by unanimous vote.

ITEM # 6 – SHERIFF’S OFFICE

Presenter: Sheriff Rick Burris

A. Patrol/Narcotics Detection Canines – Budget Amendment # 2013-03

Two (2) of the current canines have reached retirement age and need to be replaced. Board authorization was requested to approve budget amendment # 2013-03 to transfer funds from the Federal Forfeiture Funds and State Drug Seizure Funds to cover the cost of the two (2) new canines, training, handlers, their dwelling and the purchase of four (4) heat alert systems for the canine transport vehicles. It was also requested that canine “Tonyk” be retired to his handler Deputy Rick Collins and “Ozy” to his handler Deputy Jamie Shue. A liability release form will be signed by both deputies with the county.

Commissioner Dennis moved to approve budget amendment #2013-03 and was seconded by Commissioner Lowder. The motion carried with a 5 – 0 vote.

B. Retirement of Canines and Transfer of Ownership

By motion, Commissioner Dennis moved to approve the retirement of “Tonyk” and “Ozy” and the transfer of ownership to their handlers, Deputy Collins and Deputy Shue. The motion was seconded Vice Chairman McIntyre and passed by unanimous vote.

ITEM # 7 – UTILITIES – 2011 CDBG INFRASTRUCTURE HOOK-UP PROJECT

Presenter: Donna Davis, Utilities Director

A. Stanly County Utilities has received a grant award in the amount of \$75,000 under the 2011 CDBG Infrastructure Hook-Up Application. These funds will be used to assist in providing water connections to approximately 30 homes with no matching county funds required. It was requested the Board approve the policies, procedures, plans, resolutions, ordinances and associated budget amendment #2013-04 for the grant.

B. Based on the proposals received for the administrative services portion of the proposed project, it was requested the Board award the administrative services contract to Carolina Governmental Services, LLC.

With one motion, Vice Chairman McIntyre moved to approve both items and was seconded by Commissioner Morton. The motion passed with a 5 – 0 vote.

ITEM # 8 – TAX ADMINISTRATION – PRESENTATION OF THE 2013 REVALUATION SCHEDULES, THE SCHEDULE OF VALUES FOR MARKET VALUE AND THE SCHEDULE OF VALUES FOR PRESENT USE VALUE

Presenter: Melia Miller, Tax Administrator

Charles Johnson, Real Property Appraisal Supervisor

Tax Administrator Melia Miller provided copies of the 2013 Revaluation Schedules, the Schedule of Values for Market Value and the Schedule of Values for Present Use Value for the Board's information. Ms. Miller and Mr. Johnson then presented a timeline for the adoption and appeal process for the Schedules. Copies of the schedules will be made available in the Stanly County Central Administration Office, Stanly County Tax Administration Office, and the Stanly County Public Libraries for public inspection.

This information was provided for the Board's information and required no action. A public hearing was scheduled for the October 1, 2012 for the Schedules of Values.

ITEM # 9 – PLANNING & ZONING – PRESENTATION OF THE PROPOSED STANLY COUNTY MINIMUM HOUSING ORDINANCE

Presenter: Michael Sandy, Planning Director

Mr. Sandy gave a power point presentation which provided an outline of the proposed ordinance to establish minimum housing standards for the county as well as the process to adopt it. A public hearing was scheduled for the October 1, 2012 in order to receive public comment on the proposed ordinance and for the Board to consider its approval, denial or modification. Copies of the proposed ordinance will be made available for public inspection in the Stanly County Central Administration Office, Stanly County Planning Department, and the Stanly County Public Libraries.

No action was required of the Board.

ITEM # 10 – BOARD & COMMITTEE APPOINTMENTS

Presenter: Andy Lucas, County Manager

A. Community Oversight Boards for Cardinal Innovations Healthcare Solutions

The appointments were tabled for further consideration.

B. Economic Development Commission Vacancy

EDC member Paul Childress recently resigned due to being relocated to Concord with his job. The Board was asked to fill Mr. Childress' unexpired term which runs through January 31, 2014 and is in the Central District.

Due to the recent notification of the vacancy, this item was tabled to allow time for additional volunteer applications to be submitted.

C. Senior Services Advisory Board

Five members of the Senior Services Advisory Board terms will expire at the end of September. It was requested that Robin Lentz, E. H. "Bud" Morton, Jr. and Wayne Sasser be appointed, and Vanessa Chambers and Dr. Marianne Bumgarner-Davis be reappointed with terms expiring September 30, 2015.

By motion, Commissioner Lowder moved to approve the appointments and was seconded by Commissioner Morton. The motion passed by unanimous vote.

ITEM # 11 – NCACC LEGISLATIVE GOALS

Presenter: Andy Lucas, County Manager

The Board requested the following proposed legislative items be submitted for the NCACC's consideration:

1. Support legislation to ensure Public School Capital Building Fund reverts back to comprising both Lottery and ADM revenue sources, and the Lottery funds are allocated at the full 40% rate.
2. Improve inmate medical care cost containment by seeking legislation that would authorize medical care providers to charge both the State and counties no more than the established Medicare or Medicaid schedule of charges.
3. Retain state aid to counties in order to maintain federal matching funds especially in the County's health, social services and transportation service areas.
4. Study the economic development impact of the State's new Energy Conservation Building Code. The code could potentially add significant costs to building construction, and this may put NC at a competitive disadvantage when competing against neighboring states that have not adopted comprehensive energy conservation standards.
5. Seek legislation to allow all counties to enact by resolution, or at the option of the Board of Commissioners, by voter referendum any and all revenue options from among those that have been authorized for any other county.
6. Seek legislation to eliminate second primary and run-off and run-off elections.
7. Authorize electronic notice of public hearings and other legal notices to provide counties with options for notice of public hearings, notice of delinquent taxes, and other legal notices, through electronic means.

By motion, Vice Chairman McIntyre moved to approve the above proposed legislative items be submitted to the NCACC and was seconded by Commissioner Lowder. The motion carried with a 5 – 0 vote.

ITEM # 12 –HOMES OF HOPE – SURPLUS PROPERTY DONATION REQUEST FOLLOW-UP

Presenter: Andy Lucas, County Manager

At the August 6, 2012 meeting, a representative of Homes of Hope requested the Board consider donating the County’s surplus desktop computers to Homes of Hope for use by their clients. After a review of the applicable statutes, the County’s current surplus property disposition process and the subsequent fiscal/revenue impact of making any changes, staff’s recommendation is to maintain the current process of selling surplus technology equipment through GovDeals. This allows all potentials bidders (such as non-profits or local citizens) the same opportunity and maximizes non-property tax revenues.

Vice Chairman McIntyre moved to accept staff’s recommendation to maintain the current process for disposing of surplus personal property. His motion was seconded by Commissioner Lowder and passed by unanimous vote.

ITEM # 13 – CONSENT AGENDA

- A. Minutes – Regular meeting of August 6, 2012, special meeting of August 13, 2012 and emergency meeting of August 24, 2012
- B. Tax – Refund requests for Mi Fuente Mexican Restaurant, Cynthia Lewis, Billy & Margaret Thomas and Julian Trail.
- C. Utilities – Request to renew approval of the Stanly County Language Access Plan
- D. Airport – Request approval of the Talbert & Bright Inc. work authorization # 3803-1203 and its associated project ordinance

Commissioner Dennis moved to approve the above items as presented and was seconded by Vice Chairman McIntyre. Motion carried by unanimous vote.

PUBLIC COMMENT

None

GENERAL COMMENTS & ANNOUNCEMENTS

Chairman Dunevant congratulated the Stanly County Airport on the recent addition of Pressley Aviation which is a flight school that will be based at the airport.

CLOSED SESSION

Vice Chairman McIntyre moved to recess in to closed session in order to consult with the County Attorney in accordance with G. S. 143-318.11(a)(3) regarding the 401 water quality

permit intervention, APGI's public records requests lawsuit and to a potential class action lawsuit.

ANNOUNCEMENT

Chairman Dunevant presented the following resolution for the Board's consideration:

RESOLUTION

WHEREAS, Stanly County, North Carolina borders the Yadkin River and relies on this public resource as a source of drinking water to sustain life and for current and future community and economic prosperity; and

WHEREAS, APGI is seeking another 50 year license from the Federal Energy Regulatory Commission to operate four (4) hydro electric generation projects, including Badin Lake and other associated reservoirs (FERC No. 2197) along a 38 mile stretch of the Yadkin River; and

WHEREAS, Stanly County is currently obligated to provide potable water to the public in the growing unincorporated and municipal areas in Stanly County; and

WHEREAS, the Charlotte-metro region has experienced significant population growth over the past 10 years, and the municipalities in the western sections of Stanly County (situated less than 20 minutes from the city limits of Charlotte) experienced an average population increase of 33% from 2000 to 2010 based on the U. S. Census; and

WHEREAS, the Centralina Council of Governments (to which Stanly County is a member) recently received a federal US Dept. of Housing and Urban Development (HUD) planning grant to study, assess and develop recommendations for meeting the future infrastructure demands of the Charlotte-metro region via a collaborative, multi-jurisdictional approach; and

WHEREAS, neither the Final Environmental Impact Statement (FEIS) nor the Relicensing Settlement Agreement (RSA) in the current Project 2197 relicensing proceeding recommends or provides Stanly County with the means the access future adequate and reasonably-priced water from the Yadkin River and the Project 2197 reservoirs and impoundments in order to meet the community and economic development demands of Stanly County nor the Charlotte region consistent with the goals of the HUD planning grant process and in the public interest;

NOW THEREFORE, BE IT RESOLVED that Stanly County should promptly inform FERC of the current situation and seek FERC's assistance in assuring that specific license terms be included in any new license issued for Project No. 2197 to provide Stanly County with the ability to

access water from the Project to meet the identified local and regional community and economic development growth needs over the established new license term, at reasonable costs to the public and consistent with the purposes of the Federal Power Act.

Adopted this the 4th day of September 2012.

Attest:

Lindsey Dunevant, Chairman
Stanly County Board of Commissioners

Tyler Brummitt, Clerk to the Board

By motion, Commissioner Dennis moved to approve the resolution and was seconded by Commissioner Lowder. Motion carried with a 5 – 0 vote.

ADJOURN

With no further business brought forward, Commissioner Morton moved to adjourn the meeting. His motion was seconded by Commissioner Dennis and passed unanimously at 10:01 p.m.

Lindsey Dunevant, Chairman

Tyler Brummitt, Clerk