

**STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
FEBRUARY 1, 2016**

COMMISSIONERS PRESENT:

T. Scott Efird, Chairman
Bill Lawhon, Vice Chairman
Peter Ascitutto
Joseph Burleson
Tony Dennis
Janet K. Lowder
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, February 1, 2016 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman Efird called the meeting to order and Commissioner McIntyre led the invocation and pledge of allegiance.

APPROVAL / ADJUSTMENTS TO THE AGENDA

With no adjustments to the agenda, Commissioner Burleson moved to approve it as presented and was seconded by Commissioner Dennis. The motion passed by unanimous vote.

ITEM # 1 – PROCLAMATION DECLARING FEBRUARY 7 – 13, 2016 AS NATIONAL FBLA-PBL WEEK

Presenters: Katrina Sams, Chapter President & State PBL Historian, Stanly Community College

Chase Clontz, State PBL President, Pfeiffer University

Representatives of the Stanly Community College and Pfeiffer University Phi Beta Lambda Chapters were in attendance for the presentation of the proclamation declaring February 7-13, 2016 as National FBLA-PBL Week.

Ms. Katrina Sams and Mr. Chase Clontz addressed the Board and introduced other members in attendance.

After a few brief comments from the Board, Commissioner Lowder moved to approve acceptance of the proclamation. The motion was seconded by Commissioner Dennis and passed with a 7 – 0 vote.

ITEM # 2 – PLANNING & ZONING

Presenter: Michael Sandy, Planning Director

A. ZA 16-01 – Rezoning Request for David Cuthbertson on Behalf of Henry D. & Ruth Y. Purser

For Board consideration, Mr. Sandy presented the request to rezone a 6.18 acre tract (Tax Record 32644) which is located on the southwest corner of Purser Drive and Ridgecrest Road from RA to R20. A change to R20 would allow for a minimum lot size of 15,000 square feet where RA districts allow for a lot size of 30,000 square feet. The proposal is to subdivide the property along the south side of Purser Drive into approximately fourteen (14) lots. The Planning Board forwarded the case to the County Commissioners with an unfavorable recommendation due to concerns raised by neighbors regarding the increased density of residences and loss of rural character in the Ridgecrest community.

Chairman Efird declared the public hearing open. During this time, the following individuals addressed the Board:

- Joe Collins, a realtor representing the property owner and builder, came forward to speak in favor of the rezoning. He noted the requested rezoning is located in a designated growth area of the county and that homes built on the property would increase property values therefore generating additional tax revenue for the County. Restrictive covenants will also be in place so the homes that are built will be of equal or greater value than the existing homes. Mr. Collins then entertained questions from the Board.
- Elbert Brown, the sole resident of Purser Drive, spoke against the rezoning. He stated his concerns with the possibility of property values depreciating due to smaller less comparable properties being established. He also noted that he is not against having six (6) houses built across the street from his home, but objects to allowing fourteen (14) to be built.
- Lewis M. Furr of Ridgecrest spoke against the rezoning. He stated that Stanly County needs to differentiate itself from surrounding counties where people are able to have larger lots with their homes. He also stated that there is a problem with water run-off on the property since it was graded.
- Gary Veazy of Ridgecrest spoke against the request stating he had moved from Mecklenburg County to have more space and to feel safe. He noted concerns with the

increased traffic on Ridgecrest Road once the new homes are built and does not want to see the number of home doubled in the area.

- Curtis Furr, a farmer from the Ridgecrest community, spoke against the rezoning.
- Gareth Smith, a resident of Ridgecrest, also spoke against the rezoning stating the proposed plat has nineteen (19) lots which are totally out of place for the area. People live there to have space and a rural setting.
- Mark Dyer stated that he previously lived in Charlotte and moved to Stanly County for the peace and quiet. He now owns a farm which faces the property being considered for rezoning and asked the Board to keep it as is.

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

For clarification, Commissioner Lawhon addressed the Planning Director to confirm that as is, the subdivision is zoned for eight (8) single-family residences and the rezoning request will increase it to fourteen (14). Mr. Sandy replied yes. Commissioner Lawhon then stated he is pro-growth and the county needs housing to generate tax revenue for schools and other services that are funded by the county. However, he understands the residents that spoke are not opposed to eight (8) houses being built but are not in favor of the proposed fourteen (14). In response, the residents in the audience replied yes.

Based on the information presented, Commissioner McIntyre moved to deny the request which was seconded by Commissioner Dennis. Prior to the vote, Commissioner Ascitutto stated his intentions to vote for rezoning due to the fact that the County needs growth to increase its tax base since the majority of the Board is against increasing property tax rates. In response, Commissioner McIntyre stated that a house valued at \$200,000 does not generate enough tax revenue to support one student in the school system.

With no further discussion, Chairman Efird called for the vote. The motion to deny passed with a 6 – 1 vote.

(Nos: Commissioner Ascitutto voted against)

B. PLANNING BOARD APPOINTMENTS

Mr. Sandy presented the request for the Planning Board appointments. Commissioner Burleson asked that his name be removed from consideration and replaced with Mr. Alan McGuire. By motion, Commissioner Burleson then moved to reappoint Robert Loflin and Robert Davis until February 2018, reappoint Terry Smith and Alan McGuire until February 2019, appoint Kevin Brickman to serve until February 2018 and appoint Dr. John Eckman III to a term ending February 2019. The motion was seconded by Commissioner McIntyre.

Prior to the vote, Commissioner Ascitutto asked that each appointment be made separately for clarification. As a point of order, Commissioner McIntyre noted that a motion had been made and it was time to cast the vote. The motion failed with a 5 – 2 vote.

(Nos: Commissioner Burleson and Commissioner McIntyre voting against).

Commissioner Lawhon moved to reappoint Robert Loflin to serve until February 2018 and was seconded by Commissioner Ascitutto. The motion passed by unanimous vote.

Commissioner Lawhon moved to reappoint Robert Davis to serve until February 2018 and was seconded by Commissioner Ascitutto. Motion carried unanimously.

Commissioner Lawhon moved to reappoint Terry Smith to serve until February 2019. The motion was seconded by Commissioner Ascitutto and passed by unanimous vote.

Commissioner Lowder moved to appoint Frank Sparger to serve until February 2019 and was seconded by Commissioner Ascitutto. Prior to the vote, Commissioner Burleson stated that he felt Alan McGuire would be a better candidate than Mr. Sparger due to having served on the Planning Board previously. Chairman Lowder stated that Mr. Sparger is a contributing member to the county and that he will have no problem fulfilling his duties on the board.

The motion to appoint Frank Sparger carried with a 5 – 2 vote

(Nos: Commissioner Burleson and Commissioner McIntyre.)

Commissioner Lawhon moved to approve the appointment of Kevin Brickman until February 2018. The motion was seconded by Commissioner Ascitutto and carried with a 7 – 0 vote.

Commissioner Lawhon moved to approve the appointment of Dr. John Eckman III until February 2019 and was seconded by Commissioner Ascitutto. Motion passed by unanimous vote.

C. BOARD OF ADJUSTMENT APPOINTMENTS

With four (4) current board members' terms having expired, it was requested the Board consider the following appointments: Jennifer Lisk and Devron Furr currently serve as alternates and may be appointed to serve as full members of the board. Marvin Smith and Billy Franklin Lee have agreed to serve if appointed. It was also noted that two (2) additional appointments are needed to serve as alternates.

Commissioner Dennis moved to approve the following appointments: to appoint Jennifer Lisk and Devron Furr as full members to serve until June 2017 and appoint Billy Franklin Lee and

Marvin Smith as full board members to serve until June 2018. The motion was seconded by Commissioner Ascitutto. The motion carried by unanimous vote.

Commissioner Lawhon moved to table the appointment of two (2) alternate members for further consideration. Commissioner Dennis seconded the motion which passed with a 7 – 0 vote.

ITEM # 3 – TAX ADMINISTRATION

Presenter: Clinton Swaringen, Tax Administrator

Per G.S. 105-369(a), the Tax Collector must report to the Board the total amount of unpaid taxes for the current fiscal year that are liens on real property. For FY 2015-16, this amount came to \$2,125,712.99. Upon receipt of the report, the Board must order the Tax Collector to advertise the tax liens.

By motion, Commissioner Burleson moved to approve the order to advertise the tax liens during the month of March 2016. The motion was seconded by Commissioner Dennis and carried by unanimous vote.

ITEM # 4 – BOARD & COMMITTEE APPOINTMENTS

A. Senior Services Advisory Board

Presenter: Becky Weemhoff, Senior Services Director

The Senior Services Advisory Board has a vacancy due to board member Dr. Nalin Mehta moving out of the county. It was requested that Dr. J. C. Boone be appointed to serve the remainder of Dr. Mehta's term which expires October 30, 2017.

Commissioner McIntyre moved to appoint Dr. J. C. Boone as requested and was seconded by Commissioner Dennis. Motion carried with a 7 – 0 vote.

B. Stanly Community College Board of Trustees

Presenter: Andy Lucas, County Manager

Due to the recent resignation of Dr. Anita Owens-Scott, it was requested the Board name a replacement to serve her unexpired term which ends June 30, 2018.

Commissioner Ascitutto moved to appoint Daisy Washington and was seconded by Commissioner Dennis. The motion passed by a 5 – 2 vote (Nos: Commissioner Burleson and Commissioner McIntyre).

C. Aquadale VFD Firefighter Relief Fund Board Appointment

Presenter: Andy Lucas, County Manager

Per the Aquadale Volunteer Fire Department Relief Fund by-laws, two (2) of the five (5) members of the board are to be appointed by the County Commissioners. Due to Melvin Simpson's term expiring in January, it was requested the Board appoint a representative to serve a two (2) year term until January 20, 2018.

Commissioner Lowder moved to appoint Mr. Virran Crump to serve until January 20, 2018. The motion was seconded by Commissioner Burlison and carried by unanimous vote.

ITEM # 5 – SHERIFF'S OFFICE 2015 REVIEW AND STATISTICS

Presenter: Sheriff George T. Burris

Sheriff Burris provided a review of the various programs and events sponsored by the Sheriff's Office in 2015 noting the start-up of the Explorers Program, establishment of a Facebook page, biweekly radio addresses to inform the community of upcoming events and sponsored a community church safety program. He then provided statistics related to the jail including the number of individuals booked and released, the number of courts managed by the bailiffs in addition to providing security at the courthouse, details for the civil and patrol divisions and overall crime statistics. Sheriff Burris thanked the staff and commended them for a job well done.

The presentation was for information only and required no action.

ITEM # 6 – BLACKBOARD CONNECT – AUTOMATED PHONE MESSAGING SYSTEM

Presenter: Commissioner Ascutto

Commissioner Ascutto stated his concerns regarding Commissioner McIntyre's use of the Blackboard Connect system the previous week to inform citizens of the School Board's public hearings related to the proposed school closings. He then asked if there are any guidelines in place for its use. The County Manager responded that there are no specific guidelines for use, but it has generally been used to communicate information during emergencies such as utility breaks, public health issues and weather alerts. Commissioner Ascutto requested this item be discussed further during the retreat to determine if a policy should be established for the system's use in the future.

IN response, Commissioner McIntyre stated that he provided the message as a public service announcement with no position being taken. He then asked Commissioner Ascutto if he feels the issue of public education is not important enough issue to warrant such use of the system.

Commissioner Ascitutto responded yes, it is important but felt the message should have been sent by the School Board and not the County.

Commissioner Lawhon requested staff put together a potential policy for use of the system for review and consideration.

ITEM # 7 – CONSENT AGENDA

- A. Minutes – Regular meeting of January 19, 2016
- B. Finance – Request acceptance of the Monthly Financial Report for Six Month Ended December 31, 2015
- C. Central Administration – Request approval of the Southside Volunteer Fire Department Financing Verification

Commissioner McIntyre moved to approve the consent agenda with the correction noted on page 2 of the minutes. His motion was seconded by Commissioner Burleson and passed by unanimous vote.

PUBLIC COMMENT

Billy Mills, an Albemarle resident and Salisbury School teacher, addressed the Board to speak against the School System's proposed closing of Albemarle High School. As an option, he proposed the County and School System consider developing an Air Force ROTC program at the high school which would draw students from surrounding counties and noted that as with other ROTC programs, the state will fund half the salaries of those employed by the program as well.

BOARD COMMENTS, ANNOUNCEMENTS & COMMITTEE REPORTS

Commissioner Ascitutto congratulated Greg Snyder, the previous Park Ranger for Morrow Mountain State Park, on his move to Lake Norman. He also noted a recent online article from his home county of Highlands County, Florida where they are trying to pass a ½ cent sales tax referendum for the third time as well to help fund education. Lastly, he asked Chairman Efirm if a joint meeting between himself, the County Manager, School Board Chair Dr. Angela Mills and School Superintendent Dr. Terry Griffin had been scheduled. Chairman Efirm replied that they are trying to schedule it for some time this week.

Commissioner Lawhon stated that he had attended the Rocky River RPO meeting where it was noted that the Highway 24/27/73 widening project has been delayed twelve (12) to eighteen (18) months to allow time for a study to be completed by the state to determine the cost to consider the rehabilitation of the old arch bridge. The project is now expected to begin in 2019 and completed in 2022 -2023.

In response to the request for a joint meeting between the School Board Chair and County Commissioner Chair, Commissioner McIntyre stated that he feels the meeting will not accomplish anything since Chairman Efird cannot commit without the Board's approval. He also feels Chairman Efird should excuse himself from the meeting due to his relationship to Dr. Griffin and allow Vice Chairman Lawhon to take his place when the meeting takes place. Commissioner McIntyre also expressed his discontent with how school officials have not utilized resources available from the NC Department of Public Instruction or special legislation available to assist schools that are struggling.

CLOSED SESSION

Commissioner Burleson moved to recess the meeting into closed session to discuss a real estate transaction in accordance with G. S. 143-318.11(a)5) and was seconded by Commissioner McIntyre. The motion passed by unanimous vote at 8:42 p.m.

ANNOUNCEMENT

Upon returning to open session, Commissioner Burleson made the motion not to pursue the purchase of the 11.8 acres of land across from Aquadale School that was offered by the School System. His motion was seconded by Commissioner Dennis and carried by a 7 – 0 vote.

ADJOURN

There being no further discussion, Commissioner Lowder moved to adjourn the meeting and was seconded by Commissioner McIntyre. Motion passed unanimously at 9:02 p.m.

Terry Scott Efird, Chairman

Tyler Brummitt, Clerk