

**STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
FEBRUARY 4, 2013**

COMMISSIONERS PRESENT:

Gene McIntyre, Chairman
Josh Morton, Vice Chairman
Peter Ascitutto
Tony Dennis
Lindsey Dunevant

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 4, 2013 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman McIntyre called the meeting to order and Vice Chairman Morton gave the invocation.

APPROVAL / ADJUSTMENTS TO THE AGENDA

Chairman McIntyre stated that a discussion regarding an employment agreement (personnel) needed to be added to the closed session. With no other amendments to the agenda, Commissioner Dennis moved to approve the agenda as amended and was seconded by Commissioner Ascitutto. The motion carried by unanimous vote.

ITEM # 1 – PROCLAMATION DECLARING THE WEEK OF FEBRUARY 11 -15, 2013 AS NATIONAL FBLA-PBL WEEK

Presenters: Courtney Seidenschmidt and Brandon Harkey, Representatives of the NC State PBL from Stanly Community College

Representatives of the Stanly Community College and Pfeiffer University Phi Beta Lambda Chapters were in attendance for the presentation of the proclamation declaring February 11 – 15, 2013 as National FBLA-PBL Week. Commissioner Dunevant read the proclamation and moved to approve its acceptance. The motion was seconded by Commissioner Dennis and passed with a 5 – 0 vote.

ITEM # 2 – TAX ADMINISTRATION

Presenter: Melia Miller, Tax Administrator

Per General Statute 105-369, the Tax Collector must report to the governing body the total amount of unpaid taxes for the current fiscal year that are liens on real property. Ms. Miller stated that as of February 4, 2013, the total amount of unpaid property taxes was \$2,361,731.00 and then requested the Board approve the order to advertise the liens in the local newspaper during the month of April 2013.

By motion, Commissioner Ascutto moved to approve the order to advertise the tax liens during the month of April 2013. His motion was seconded by Commissioner Dennis and passed by unanimous vote.

ITEM # 3 – NCACC 2013-14 ADOPTED LEGISLATIVE GOALS & RESOLUTION OF SUPPORT

Presenter: Andy Lucas, County Manager

For the Board’s information, a copy of the NCACC’s adopted 2013-14 Legislative Goals was included which lists the top five goals for the upcoming year. These goals are to:

1. Oppose the shift of state transportation responsibilities to counties
2. Reinstate ADM and lottery funds for school construction
3. Oppose unfunded mandates and shifts of state responsibilities to counties
4. Preserve the existing local revenue base

It was then requested the Board approve the associated resolution as a show of support for the NCACC’s county agenda. By motion, Commissioner Dunevant moved to approve the resolution and was seconded by Commissioner Dennis. The motion carried with a 5 – 0 vote.

**See Exhibit A
RESOLUTION**

**IN SUPPORT OF LEGISLATIVE GOALS ADOPTED BY THE MEMBERSHIP OF THE
NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS**

ITEM # 4 – BOARD & COMMITTEE APPOINTMENTS

Presenter: Andy Lucas, County Manager

A. Planning Board Appointments

There are three Planning Board members whose terms will expire on February 28, 2013: Marvin Smith, Allan McGuire and William B. Lilly, Jr. All three have served one term, however Allan McGuire and William B. Lilly, Jr. requested not to be reappointed. It was requested the Board reappoint Marvin Smith to a second, three (3) year term until February 29, 2016 and appoint two (2) additional members to replace Mr. McGuire and Mr. Lilly.

By motion, Commissioner Dunevant moved to reappoint Marvin Smith to a second term, but delay the appointment of the two (2) other members in order to allow time for additional volunteer applications to be received since the current members’ terms do not expire until the

end of February. The motion was seconded by Commissioner Dennis and passed by unanimous vote.

B. STANLY COUNTY COMMUNITY ADVISORY (CAC) COMMITTEE

Due to the recent death of CAC member, Mr. Roy Still, it was requested the Board name a replacement to serve his unexpired term until February 28, 2014.

Commissioner Ascitutto moved to appoint Ms. Sarah J. Grantier and was seconded by Commissioner Dunevant. The motion passed with a 5 – 0 vote.

ITEM # 5 – FY 2013-14 BUDGET CALENDAR

Presenter: Andy Lucas, County Manager

For the Board’s consideration and approval, the County Manager presented a budget calendar which outlined the proposed schedule and various deadlines between now and June 30th.

After a brief review of the information, Commissioner Dunevant moved to approve the budget calendar as presented and was seconded by Commissioner Dennis. The motion carried by unanimous vote.

ITEM # 6 – THIRD PUBLIC HEARING ON THE REVISED STANLY COUNTY ANIMAL CONTROL ORDINANCE

Presenter: Dennis Joyner, Health Director

Health Director Joyner highlighted the revisions that have been made to the ordinance since it was previously presented in October 2012.

Chairman McIntyre then declared the public hearing open. During this time, the following individuals came forward to address the Board:

- Larry Faulkner, Board of Health member, encouraged the Board to approve the ordinance stating it would help Animal Control in responding to calls and/ or the questions they receive, as well as make pet owners more responsible for their animals.
- David Gardin expressed his concerns regarding what the ordinance considers to be proper housing for dogs and that the use of plastic barrels is one of the best options available. He also feels the new ordinance would provide Animal Control Officers with too much authority.
- Tom Hyde objected to the sections pertaining to stray cats stating the ordinance requirements are too harsh and tries to criminalize those who take care of strays. He suggested that individuals who are involved in the care and feeding of strays be exempted from any civil or criminal procedures.
- Henri McClees, Lobbyist for the NC Sporting Dog Association, feels that the demands of the ordinance would become very expensive and require additional staff to keep up with the growing demands if passed.
- Deborah Sprayberry, a 15 year member of the Animal Rescue League, stated her concerns with Article 7, Section 2 and Section 3 pertaining to stray animals. Ms. Sprayberry feels the

wording is too broad and needs further clarification as it relates to individuals who care for strays.

- Ned Russell, Rocky River Beagle Club member, reiterated Mr. Gardin's comments concerning the use of plastic barrels as acceptable shelter. He then expressed concerns regarding the minimum requirement of a 10' x 10' enclosure stating one size does not suit all dogs. He encouraged the Board to consider forming a committee of local citizens to help in the development of the ordinance.
- Hannah Hearne, an Animal Rescue League member, feels that Section 7 pertaining to stray animals treats people who care for them as criminals. In addition, she feels the proposed ordinance gives Animal Control Officers too much power and that their responsibilities need to be written in the ordinance. She then suggested Animal Control maintain a list of strays on the county website and place notices in the newspaper as a way to help reunite pet owners with their animals.
- Sharon Gadd of the Stanly County Humane Society feels the ordinance should be approved in order to give Animal Control more authority to handle various situations such as reports of animal cruelty.
- Sandy Stoker encouraged the Board to readdress the tethering policy.

With no one else coming forward to speak, Chairman McIntyre closed the public hearing.

Commissioner Ascitutto asked Health Director Joyner to come forward and address the concerns expressed during the public comment. Mr. Joyner stated that based on what he had heard, most concerns involve the section on strays and how it is written. The wording for this section was taken from similar sections found in other counties' ordinances and may need to be revised in order to clarify it further.

After a period of discussion, Commissioner Dunevant moved to appoint two members of the Board to a subcommittee to meet with the Board of Health (or a subcommittee of its Board) to discuss the information presented during tonight's meeting. The motion was seconded by Commissioner Dennis.

Prior to a vote, Commissioner Ascitutto stated that on the day he spent with Animal Control the previous week, they were extremely busy although it is their slow time of year. He does not feel the ordinance means to harm animal lovers, but will allow Animal Control to better respond to the calls they receive on a daily basis and would like to see the ordinance pass as it is.

Based on Commissioner Dunevant's earlier motion, Chairman McIntyre called for a vote to table this item and appoint two members to a subcommittee. The motion carried with a 4 – 1 vote.

Ayes: Chairman McIntyre, Vice Chairman Morton, Commissioner Dennis, Commissioner Dunevant

Nays: Commissioner Ascitutto

Commissioner Dunevant volunteered to serve on the subcommittee and encouraged Commissioner Ascitutto to participate as well to which Commissioner Ascitutto agreed. By motion, Commissioner Dunevant moved to approve both appointments and was seconded by Commissioner Ascitutto. The motion passed unanimously.

Commissioner Dennis stated he would like to see representatives of both the hunting community and animal rescue included in the meetings as well to provide their input.

ITEM # 7 – CONSENT AGENDA

- A. Minutes – Regular meeting of January 22, 2013
- B. Senior Services – Budget amendment # 2013-25
- C. Health Dept – Budget amendment # 2013-26

By motion, Commissioner Dennis moved to accept the consent agenda as presented and was seconded by Commissioner Ascitutto. The motion passed unanimously.

PUBLIC COMMENT

None

GENERAL COMMENTS & ANNOUNCEMENTS

Commissioner Ascitutto noted that \$5,063,648.00 has been spent since 2006 on the Alcoa relicensing issue. He stated that he had also spent a day the previous week with Animal Control and had attended the Essentials of County Government workshop in New Bern. He then reminded everyone of the upcoming Outdoor Bonanza and wine festival sponsored by the Albemarle Downtown Development Commission.

As an update, Commissioner Dunevant stated that Locust and Red Cross have requested an updated Comprehensive Transportation Plan (CTP) and are not moving forward with the Strategic Highway Corridor (SHC) modification.

Commissioner Dunevant then responded to Commissioner Ascitutto's comments stating that over the past six and a half years, the county has spent a total of \$385 million in its overall budget, and that the amount spent on the relicensing issue compared to the total expenditures equals approximately one percent. Additionally, \$1 million has been spent in response to the public records and open meetings lawsuits filed against the County by Alcoa and feels this amount should not be included in Commissioner Ascitutto's reported monthly total. He then reiterated the importance of the issue stating it is the most critical economic development issue that has come before the county in his lifetime.

Commissioner Ascitutto again noted the amount spent thus far is \$5,063,648.00 and that he will continue to report this amount in an effort to keep the citizens informed.

CLOSED SESSION

Commissioner Dennis 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 the 401 water quality permit intervention and APGI’s public records requests lawsuit, and to discuss an employment contract issue in accordance with G. S. 143-318.11(a)(5). The motion was seconded by Commissioner Dunevant and carried with a 5 – 0 vote.

ADJOURN

There being no further business brought forward, Commissioner Dunevant moved to adjourn the meeting. His motion was seconded by Commission Dennis and passed by unanimous vote at 8:36 p.m.

Gene McIntyre, Chairman

Tyler Brummitt, Clerk