

**STANLY COUNTY  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
SEPTEMBER 5, 2017**

**COMMISSIONERS PRESENT:** Bill Lawhon, Chairman  
Joseph Burleson, Vice Chairman  
Scott Efir  
Janet K. Lowder  
Gene McIntyre  
Ashley Morgan  
Matthew Swain

**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 5, 2017 in the Commissioners Meeting Room, Stanly Commons. Chairman Lawhon called the meeting to order at 7:00 p.m., gave the invocation and led the pledge of allegiance.

**APPROVAL / ADJUSTMENTS TO THE AGENDA**

Commissioner McIntyre moved to approve the agenda with the amended State Board of Education resolution as item # 13. Commissioner Morgan seconded the motion which passed by unanimous vote. Commissioner Swain than requested budget amendment # 2018-04 for Senior Services be added as item # 14 (E) on the consent agenda. Commissioner Lowder seconded the motion which also passed by unanimous vote.

**ITEM # 1 – RED RIBBON WEEK PROCLAMATION**

**Presenter: Vice Chairman Burleson**

For Board consideration, Vice Chairman Burleson read the proclamation then moved to have it approved. The motion was seconded by Commissioner Lowder and carried by a 7 – 0 vote.

**See Exhibit A**

**STANLY COUNTY BOARD OF COMMISSIONERS  
DECLARES OCTOBER 23 – 31, 2017 AS RED RIBBON WEEK**

## **ITEM # 2 – PLANNING & ZONING – ZA 17-05- REZONING REQUEST FOR CASEY AMMONS**

**Presenter: Michael Sandy, Planning Director**

Casey Ammons submitted a request to rezone an approximately 1.87 acre lot owned by Jeffrey Wayne Mills on the southeast corner of Webb Road and NC 200 Highway South (Tax Record 138483) in Stanfield from RA (Residential Agricultural) to M-1 (Light Industrial). Mr. Ammons intends to use the lot for a vehicle repair shop and plans to construct a building for this purpose. Because M-1 district allows for up to 5 vehicles to be stored outside and GB district does not, Mr. Ammons requested the property be rezoned to M-1. He plans to store the vehicles in a fenced in area.

After a brief period of questions from the Board, Chairman Lawhon declared the public hearing open. During this time, Mr. Ammons spoke in favor of the request noting that he has been in the auto repair business for 10 years, 5 of which have most recently been in Stanly County. With no one else coming forward to speak, the hearing was closed.

By motion, Vice Chairman Burleson moved to approve the rezoning request and was seconded by Commissioner McIntyre. The motion carried with a 7 – 0 vote.

## **ITEM # 3 – PRESENTATION ON THE DEVELOPMENT OF A STATEWIDE PUBLIC TRANSPORTATION STRATEGIC PLAN ON BEHALF OF THE NCDOT**

**Presenter: Candice Moffitt, Transportation Services Director**

On behalf of the NC DOT's Public Transportation Division, Ms. Moffitt gave a presentation regarding NC DOT's development of the statewide public transportation strategic plan noting that the presentation was to inform and engage local elected officials. The purpose of the plan is to help public transit systems keep pace with projected growth through improved partnerships and recommendations for strategic transit investments that will build on the success of the state's current system. Due to the expected population increase in metropolitan areas and in smaller communities over the next 20 + years, it is crucial that North Carolina's public transportation system be able to connect residents in urban and rural areas to opportunities and services such as jobs, higher education, healthcare and recreation. Ms. Moffitt noted that any feedback or comments received from the Board will be delivered during the community meeting on October 16<sup>th</sup>. After the presentation, Ms. Moffitt entertained questions from the Board.

No action was required from the Board.

## **ITEM # 4 – DENTAL CLINIC PRESENTATION**

**Presenter: Dr. Mindy Turner, Pediatric Dentist**

At Chairman Lawhon's request, Dr. Turner provided an overview of the Dental Clinic's programs and the services offered. Dr. Turner stated that the clinic was started fifteen (15) years ago for patients between the ages of 0 – 19 and provides services which include cleanings, extractions, xrays, fillings, crowns, etc. Included in the presentation was a list of the staff who serve in the clinic, revenue sources, local accomplishments, collaboration partners, and future projects planned for the clinic. It was noted that the clinic is a cost neutral program which requires no county dollars for operation with all expenses being covered by the revenues generated within the clinic or through grant monies received. The County does provide the space and administrative support for the clinic. Dr. Turner ended by expressing her appreciation to all the individuals and organizations that support the clinic's various programs. She then entertained questions from the Board.

No additional action was taken.

#### **ITEM # 5 – STANLY COUNTY UTILITIES**

**Presenter: Donna Davis, Utilities Director**

##### **A. Authorization to apply funding through the NC DEQ/DWI for a State Water Grant and approval of the associated resolution**

Ms. Davis noted that the County intends to apply to the NC Department of Environmental Quality (NC DEQ) Division of Water Infrastructure (DWI) for a State Water Grant to construct and install 2 trihalomethane removal and supplemental chlorine injection systems in problematic areas of the water distribution system. Ms. Davis sought Board approval to submit the application as well as approval of the associated application resolution.

Commissioner Swain moved to approve the funding application and associated resolution as requested. The motion was seconded by Vice Chairman Burleson which passed by unanimous vote.

**See Exhibit B**

#### **RESOLUTION BY GOVERNING BODY OF APPLICANT**

##### **B. Request approval of attached changes to the Utilities Department policies**

It was requested the Board approve the following changes to the Stanly County Utilities policies:

1. Document: Utility System Rules & Regulations – Section 9: Disconnection of Service for Nonpayment
2. Document: Utility Rate System Rules & Regulations – Section 15: Billing Adjustments
3. Document: Stanly County Water Main Extension Policy – Reimbursable Programs

By motion Vice Chairman Burleson moved to approve all policy changes as requested. The motion was seconded by Commissioner McIntyre and carried by unanimous vote.

**C. Stanly County Utilities Language Access Plan (LAP)**

Ms. Davis stated that the USDA now requires that a LAP be in place for entities who receive USDA funds. Since Stanly County is a recipient of these funds for the West Stanly Wastewater Treatment Plant, it was requested the Board review and approve the attached Stanly County Utilities Language Access Plan. It was noted that the LAP presented is also consistent with the Stanly County LAP approved by the Board in September 2012 and the Greater Badin Water & Sewer District in January 2017.

Vice Chairman Burleson moved to approve the LAP as presented and was seconded by Commissioner McIntyre. The passed with a 7 – 0 vote.

**See Exhibit C  
Language Access Plan  
Stanly County Utilities  
Stanly County, NC**

**ITEM # 6 – GREATER BADIN WATER & SEWER DISTRICT (GBWSD)**

**Presenter: Donna Davis, Utilities Director**

Prior to the presentation, Vice Chairman Burleson moved to recess the meeting of the Board of County Commissioners and convene as the Great Badin Water & Sewer District Board of Governors (GBWSD) The motion was seconded by Commissioner Swain and passed by unanimous vote.

For Board consideration, Ms. Davis presented the airport sewer project’s Assignment of Easements and Rights of Way for Sanitary Sewer Lines and Facilities in which GBWSD grants its easements to the County of Stanly. The Deed of Easement signed by the individual property owner(s) granted the easements to the GBWSD, but the County is technically the entity that needs them. The document presented conveyed one (1) permanent easement and one (1) temporary easement which are necessary for the construction/maintenance of the airport sewer lines.

By motion, Vice Chairman Burleson moved to approve the Assignment of Easements and Rights of Way for Sanitary Sewer Lines and Facilities. The motion was seconded by Commissioner Morgan and carried by unanimous vote.

Commissioner McIntyre then moved to recess the meeting of the GBWSD and reconvene as the Board of county Commissioners. The motion was seconded by Commissioner Swain and passed with the 7 – 0 vote.

#### **ITEM # 7 – HUMAN SERVICES CONSOLIDATION**

**Presenter: Andy Lucas, County Manager**

The Board previously discussed the consolidation of the County's health and social services departments into one (1) agency, has reviewed the information from the UNC School of Government, analyzed data from other counties, evaluated the governance options available and held a public hearing on August 7, 2017 to comply with statute requirements.

For Board consideration, a resolution authorizing the consolidation and directing the existing Board of Health and Department of Social Services to make nominations to the new consolidated Health and Human Services Board by October 20, 2017 was presented.

With no comments, Commissioner Morgan moved to approve the resolution as presented. The motion was seconded by Commissioner Swain.

Prior to the vote, Commissioner McIntyre noted that while he understands there are certain aspects of the consolidation which are beneficial, he has concerns that there have been three limited discussions on the issue with nothing specific related to Option 2 discussed (if that's the option selected) to determine where it may lead, how it will be organized, the number of members on the joint board, etc. and therefore cannot support it.

Commissioner Lowder echoed Commissioner McIntyre's comments adding that the concerns expressed by those who spoke during the public hearing have not yet been addressed and feels they need to be prior to making a decision.

Chairman Lawhon recognized Larry Faulkner, Chairman of the Board of Health. Mr. Faulkner noted that Commissioners McIntyre and Lowder have both served on the Board of Health and understand how the health department functions. He commended Health Director Joyner and Pediatric Dentist Dr. Turner on the excellent job they do. He expressed concerns with combining the boards into one large board which will result in longer meetings and feels it will make it less effective overall.

With no further discussion, Chairman Lawhon called for a vote on the motion to approve the resolution to consolidate the County's health and social services functions into one (1) agency with a separate Human Services governing Board. The motion passed by a 4 – 3 vote.

Ayes: Chairman Lawhon, Vice Chairman Bureson, Commissioner Morgan and Commissioner Swain.

Nos: Commissioner Efir, Commissioner Lowder and Commissioner McIntyre.

**See Exhibit D**

**RESOLUTION APPROVING THE CREATION OF A CONSOLIDATED HUMAN SERVICES AGENCY  
IN ACCORDANCE WITH NC GENERAL STATUTE 153A-77**

**ITEM # 8 – EMERGENCY RADIO SYSTEM FOLLOW-UP**

**Presenters: Andy Lucas, County Manager**

**Brian Simpson, Emergency Services Director**

For Board information, the County Manager and EMS Director provided a follow-up presentation concerning the radio system and coverage issues being experienced in the eastern portion of the County. The County Manager noted that the system is fully operational with 95% percent on-street coverage and that feedback on the system has been overwhelmingly positive from first responders.

To address coverage issues in eastern Stanly County, staff has evaluated various options including building or leasing a fifth (5<sup>th</sup>) tower site, experimented with DVRS technology and the development of a potential patch for the VIPER system at Buck Mountain in Montgomery County. The County Manager provided detailed information for each option including cost, potential drawbacks and/or any concerns.

As the proposed next step, staff will continue to analyze the feasibility of a VIPER patch at Buck Mountain while continuing to evaluate the cost and feasibility of tower site locations, continue to track issues and work closely with radio system partners to identify solutions. An update will be provided at the Board's retreat in February.

County Manager Lucas and EMS Director Simpson entertained questions with no further action required.

**RECESS**

Chairman Lawhon called for a short recess at 8:23 p.m. The meeting was reconvened at 8:29 p.m.

**ITEM # 9 – LOCUST FIREWORKS APPROVAL**

**Presenter: Andy Lucas, County Manager**

The City of Locust requested approval of a fireworks display on Saturday, September 16<sup>th</sup> at approximately 9:00 p.m. as part of a civic event sponsored by the city.

Commissioner McIntyre moved to approve the request and was seconded by Commissioner Lowder. The motion carried unanimously.

#### **ITEM # 10 – STANLY COUNTY – LOCUST WATER DISTRIBUTION SUBCOMMITTEE**

##### **Presenter: Andy Lucas, County Manager**

The City of Locust has requested the County explore opportunities to partner or collaborate with them on the provisions of public water services. Staff recommended a subcommittee of the Board be designated to meet with staff and representatives from the City of Locust to learn more about their issues, concerns and future plans. The Board did not appoint a formal committee but agreed by consensus to allow two (2) members of the Board to informally meet with the City of Locust officials.

Vice Chairman Burleson and Commissioner Swain volunteered to meet with the City of Locust officials along with the County Manager.

#### **ITEM # 11 – BOARD & COMMITTEE APPOINTMENTS**

##### **A. Department of Social Services - Presenter: Tammy Schrenker, DSS Director**

Current DSS Board member Nancy Smoak's term expired on June 30, 2017. She has served one (1) term and agreed to serve again if reappointed. It was requested the Board consider reappointing Ms. Smoak for a three (3) year term until June 30, 2020.

Commissioner Efird moved to reappoint Ms. Smoak as requested. The motion was seconded by Commissioner Lowder and passed unanimously.

##### **B. JURY COMMISSION - Presenter: Andy Lucas, County Manager**

Due to current commission member Paul Carpenter's term expiring on June 30, 2017, it was requested the Board appoint a new member as his replacement. Mr. Carpenter requested not to be reappointed after having served two (2) consecutive terms.

Commissioner Swain moved to appoint William Efird. The motion was seconded by Vice Chairman Burleson and carried by a 7 – 0 vote.

##### **C. REGION F AGING ADVISORY COMMITTEE - Presenter: Andy Lucas, County Manager**

With Janice Abernathy's term having expired on June 30, 2017, RFAAC requested the Board appoint a representative for Stanly County. Ms. Abernathy has agreed to serve as an Alternate since she is unable to serve again as a Delegate after having served three (3) consecutive terms.

Vice Chairman Burleson moved to appoint Ms. Abernathy as an Alternate on the committee to serve until June 30, 2018. His motion was seconded by Commissioner McIntyre and passed by unanimous vote.

#### **ITEM # 12 – SHERIFF'S OFFICE- INCENTIVE PAY FOR SWAT & K-9 PERSONNEL**

##### **Presenter: Commissioner Morgan**

Earlier this year, the Board discussed incentive pay for voluntary duty assignments of K-9 and SWAT personnel. The Board agreed by consensus to allow the Sheriff to provide incentive pay for special duty assignments at the Sheriff's discretion. The Board further agreed the funding for these incentives and any other pay increases for the Sheriff's Office personnel would be distributed by the Sheriff's Office in lieu of the annual merit allocation provided to County departments. Commissioner Morgan has since discussed this proposal with Sheriff Burris and brought it back to the Board for further discussion.

At Commissioner Morgan's request, Sheriff Burris addressed the Board. He spoke in support of the request stating that the Sheriff's Office has been in contact with several other county law enforcement offices and found that the majority of counties have incentive programs in place. He agreed that an additional incentive pay is needed and that \$7,500 (or \$500 per officer) annually is a good start and will make them more competitive with other counties. He thanked the Board for their continued support.

After a period of discussion, Vice Chairman Burleson moved to approve the additional \$7,500 and allow the Sheriff to be responsible for the distribution of merit pay for the Sheriff's Office employees. The motion was seconded by Commissioner Morgan.

For clarification, Commissioner Swain asked if the motion will allow the Sheriff to take the merit funds as a lump sum and distribute them based on employee performance plus the additional \$7500 for K-9 and SWAT bonuses. Vice Chairman Burleson replied yes and also amended his motion to state that no employee shall receive more than the maximum allowed of \$2,000 in merit pay. The County Manager noted that the funds will be distributed in January 2018 to coincide with all county departments.

Chairman Lawhon asked if the \$7,500 would be a recurring expense. Vice Chairman Burleson responded that in order for it to continue it would need to be considered again as part of the



budget next year. The County Manager added that a budget amendment will also need to be approved since the additional \$7,500 was not included in the adopted budget.

With a motion and second, Chairman Lawhon called for a vote. The motion passed by unanimous vote.

### **ITEM # 13 – STATE BOARD OF EDUCATION RESOLUTION**

#### **Presenter: Commissioner Lowder**

Commissioner Lowder read the resolution followed by a motion to adopt it as presented.

Commissioner McIntyre seconded the motion.

Prior to the vote, Commissioner Morgan stated that he feels the resolution is premature and that the school board has not had enough time to discuss the issue.

Commissioner Lowder responded that the State Board of Education is already aware of the alleged incident which has also been reported by the media. The resolution simply requests the state promptly review the allegations and that she cannot support a “wait and see” strategy.

Vice Chairman Burleson reiterated Commissioner Morgan’s comments adding that the school board only became aware of the alleged incident on May 30<sup>th</sup> and feels it would be premature to adopt the resolution and that the school board should be allowed to do their job.

Commissioner McIntyre stated that the resolution is not directed at the local school board and does not accuse anyone but feels the allegations need to be put to rest.

Chairman Lawhon noted that personnel matters can take a long time to resolve and since the school board is meeting tonight, he prefers to wait and see the results from that meeting and would rather table the resolution for now.

With a motion and second on the floor to approve the resolution and sent it to the State Board of Education, Chairman Lawhon called for a vote. The motion failed 5 – 2.

Nos: Chairman Lawhon, Vice Chairman Burleson, Commissioner Efird, Commissioner Morgan and Commissioner Swain.

Ayes: Commissioner Lowder and Commissioner McIntyre.

Vice Chairman Burleson then moved to table the resolution for further consideration at a later date. Commissioner Morgan seconded the motion.

For clarification, Commissioner Swain asked the County Attorney if the resolution could be tabled and brought up for discussion at a later date. According to parliamentary procedure, the County Attorney stated that a motion to reconsider can be made by a member of the prevailing vote during the same meeting but cannot be tabled until a later date. With that, Vice Chairman Burleson withdrew the motion.

#### **ITEM # 14 – CONSENT AGENDA**

**Presenter: Chairman Lawhon**

- A.** Minutes – Regular meeting of August 7, 2017.
- B.** Elections – Request approval to surplus & sell modified voting booths through GovDeal and have any proceeds from the sale applied towards the purchase of table-top voting screens.
- C.** IT Dept. – Request approval of the attached revision to the Information Security Policy.
- D.** Finance – Request approval of the attached vehicle tax refunds
- E.** Senior Services – Budget amendment # 2018-04.

Commissioner McIntyre moved to approve the consent agenda as presented and was seconded by Commissioner Swain. The motion passed by unanimous vote.

**PUBLIC COMMENT** – None.

#### **BOARD COMMENTS, ANNOUNCEMENTS & COMMITTEE REPORTS**

Commissioner Efird thanked the Board for their approval of the City of Locust fireworks display.

Vice Chairman Burleson asked everyone to remember the victims of Hurricane Harvey in Texas.

Commissioner Lowder reminded everyone that with school recently starting back to please be mindful and look out for school buses.

Commissioner Swain thanked all those involved in putting together the opioid/drug abuse program presented recently at the Council of Governments meeting in Badin.

Chairman Lawhon read a thank you letter received from Charles Brown who was recently reappointed to the EDC board. He also provided statistics related to the increase in the number of building permits issued in August 2017 versus the same time in 2016 and that it is a sign that the economy continues to improve in the county.

**CLOSED SESSION**

Vice Chairman Burleson moved to recess the meeting into closed session in order to discuss a real estate transaction in accordance with G. S. 143-318.11(a)(5). His motion was seconded by Commissioner Morgan and carried with a 7 – 0 vote at 9:08 p.m.

**ADJOURN**

With no additional items presented for discussion, Commissioner Swain moved to adjourn the meeting. His motion was seconded by Commissioner Lowder and passed unanimously at 9:31 p.m.

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**W. D. Lawhon, Jr., Chairman**

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**Tyler Brummitt, Clerk**