

**STANLY COUNTY  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
NOVEMBER 6, 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 Monday, November 6, 2017 in the Commissioners Meeting Room, Stanly Commons. Chairman Lawhon called the meeting to order at 7:04 p.m. with Commissioner McIntyre giving the invocation and leading the pledge of allegiance.

**APPROVAL / ADJUSTMENTS TO THE AGENDA**

With no amendments to the agenda, Commissioner Efir moved to approve it as presented. Commissioner McIntyre seconded the motion which passed by unanimous vote.

**ITEM # 1 – RIDGECREST VOLUNTEER FIRE DEPARTMENT TAX EXEMPT FINANCING & PUBLIC HEARING**

**Presenter: Andy Lucas, County Manager**

The County Manager stated that Ridgecrest VFD is seeking approval to finance up to \$265,000 for the purchase of a new tanker truck. Per IRS code, 1986, Section 147(f), the Board is required to hold a public hearing to receive public comment and approve the financing since the debt will be incurred on a tax-exempt basis.

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

By motion Commissioner Swain moved to approve the tax-exempt financing not to exceed \$265,000 from Uwharrie Bank for the purchase of a new tanker truck as requested. The motion was seconded by Commissioner Lowder and carried by a 7 – 0 vote.

## **ITEM # 2 – PLANNING & ZONING**

**Presenter: Bob Remsburg, Planner 1**

### **A. ZA 17-06 – Rezoning request for Rodney Keck**

Mr. Keck submitted a request to rezone three (3) lots containing 4.26 acres located at 36802 Auto Drive, New London, NC (Tax Records # 138267, 36833 and 10611) from GB (General Business) to M-2 (Heavy Industrial). The property currently houses H & K Auto Repair with the shop being located more than 500 feet from US Hwy 52. Mr. Keck plans to sell the front portion of the property to East Albemarle Towing which will enable them to have a storage yard for damaged or inoperable vehicles that have been towed to that location. An M-2 designation will allow for more than five (5) vehicles in outside storage as well. The Planning Board has reviewed the case and voted unanimously to recommend approval.

With no comments or questions from the Board, Chairman Lawhon declared the public hearing open. With no one coming forward to speak, the hearing was closed.

Vice Chairman Burleson moved to approve ZA 17-06 as requested adding that the proposed location is in a growth area per the 2010 Stanly County Land Use Plan which also promotes the economic development of Stanly County. His motion was seconded by Commissioner Morgan and passed by a 7 – 0 vote.

### **B. ZA 17-07 – Rezoning request for ESA Albemarle NC, LLC**

ESA Albemarle, NC LLC requests to add the overlay zoning district Solar Electric Power Generating System (SEPGS) to 18.75 acres of a parcel owned by Charles Sandifer, LER located at the end of Broadway Road, Albemarle, NC (Tax Record # 5277). The property is currently zoned RA (Residential Agricultural). The SEPGS designation will be added to the underlying district requirements and all permitted activities and requirements of the SEPGS designation will apply. The Planning Board unanimously recommends approval of this request due to its location in a growth area and the economic benefit. It was requested the Board hold the required public hearing for the requested rezoning.

After a brief period of questions from the Board, Chairman Lawhon declared the public hearing open. During this time, the following individuals came forward:

- Justin Vandebroek with ESA came forward to state his support of the request and answer questions from the Board.

- Attorney Charles Brown spoke on behalf of the property owner Ms. Elaine Moore and affirmed her support of the rezoning request as well.

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

By motion, Commissioner Efird moved to approve the rezoning request adding that the proposed location is in a growth area per the 2010 Stanly County Land Use Plan which also promotes the economic development of Stanly County. The motion was seconded by Vice Chairman Burleson and carried with a 7 – 0 vote.

### **C. ZA 17-08 – Rezoning request for Casey Ammons**

Mr. Ammons submitted a request to rezone an approximately one (1) acre lot located on the southeast corner of Webb Road and NC 200 South Highway, Stanfield, NC (Tax Record # 138524) from RA (Residential Agricultural) to M-1 (Light Industrial). This is an adjacent parcel to the 1.87 acre lot which was rezoned on September 5, 2017. Mr. Ammons plans to construct an office building on this lot and the one recently rezoned for a vehicle repair shop. The Planning Board voted unanimously to recommend approval of the request.

Chairman Lawhon declared the public hearing open. Casey Ammons addressed the Board noting his support of the request and his availability to answer questions. With no one else coming forward, the hearing was closed.

Vice Chairman Burleson moved to approve rezoning request ZA 17-08 stating the proposed location is in a growth area per the 2010 Stanly County Land Use Plan which also promotes the economic development of Stanly County. The motion was seconded by Commissioner Lowder and passed by unanimous vote.

### **ITEM # 3 – RESOLUTION TO PROCEED WITH A RATE REDUCTION MODIFICATION AGREEMENT FOR THE COUNTY’S EXISTING SCHOOL CONSTRUCTION LOANS**

**Presenter: Toby Hinson, Finance Director**

Mr. Hinson stated that the County has two (2) existing loans with BB&T that total \$7,526,316 at a rate of 3.67%. With the help of First Tryon Investors, BB&T has agreed to decrease the rate to 2.69% which will result in a savings of approximately \$367,000 over the remaining term of the loan after consideration of the costs of issuance. It was requested the Board approve the resolution to proceed with the rate modification to reduce the rate and combine both loans into one (1) new loan. Mr. Hinson then entertained questions from the Board.

After a period of discussion concerning First Tryon Investors and the \$5,000 fee being charged by them to coordinate, financially analyze and negotiate the refinance on behalf of the County, Commissioner Lowder moved to approve the resolution as requested. The motion was then seconded by Commissioner McIntyre.

Prior to the vote, Vice Chairman Burleson stated his support of the refinance. He agreed that the fee amount seems reasonable, but questioned it to ensure that when the Board is spending the citizens' money he understands where it is going and that it is something that should be done. The motion passed by unanimous vote.

**See Exhibit A**

**Resolution of the Board of Commissioners of the County of Stanly, North Carolina  
Approving a Modification Agreement Amending an Installment Financing Agreement  
With the Associated Modification Agreement & Exhibit A**

**ITEM # 4 – BOARD & COMMITTEE APPOINTMENTS**

**A. Board of Equalization & Review**

**Presenter: Clinton Swaringen, Tax Administrator**

The Board of Equalization & Review consists of five (5) members. Two of the current members, Sammy Estridge, Jr. and Richard Cosgrove, Jr.'s terms will expire December 31, 2017. Additionally, there is one (1) vacancy on the Board due to Jerry Almond's resignation earlier this year. It was requested the Board appoint three (3) new members to the board with each to serve a four (4) year term until December 31, 2021 and also designate a chairman of the board per G.S. 105-322(a).

Vice Chairman Burleson moved to appoint James F. Starnes effective January 1, 2018 as a member of the Board of Equalization & Review for a four (4) year term until December 31, 2021. The motion was seconded by Commissioner McIntyre and passed by unanimous vote.

Commissioner Lowder then moved to appoint Jerry Burleson as chairman effective January 1, 2018. Prior to the vote, Vice Chairman Burleson requested to be recused from the vote due to Jerry Burleson being his father. His request was granted by a 6 – 0 vote. Commissioner Swain then seconded Commissioner's Lowder's motion to appoint Jerry Burleson as chairman. The motion carried by unanimous vote.

**B. Library Board of Trustees**

**Presenter: Melanie Holles, Library Director**

Due to Jessica Holt's resignation from the board, it was requested the Board name a replacement to complete her term which will expire June 30, 2019.

Vice Chairman Burlison moved to appoint Glenda Gibson and was seconded by Commissioner Lowder. The motion passed by a 7 – 0 vote.

**C. Norwood ABC Board**

**Presenter: Andy Lucas, County Manager**

As a reminder, the County Manager stated that current ABC Board member Chalmers Glenn has asked not to be reappointed when his term expires on November 30, 2017. It was requested the Board appoint a replacement to serve as a county representative for a three (3) year term to expire November 30, 2020.

Due to having no volunteer applications on file, this item was tabled.

**D. Consolidated Health & Human Services Board Appointments**

**Presenter: Andy Lucas, County Manager**

With the Board's decision to consolidate the Health and Social Services departments, it was requested that the current Board of Health and Social Services Board submit a list of nominations to be considered for appointment to the new consolidated board. The County Manager noted that per NCGS 153A-77, the Board can make initial appointments for less than the standard four (4) year term in order to have uniform staggered terms. Furthermore, the Board can also appoint one (1) member to concurrently fill more than one category of membership if an individual qualifies. Additionally, it was also requested that the Board approve a stipend of \$30 for each member and \$40 for the chairperson per meeting.

After a brief period of questions, Commissioner Swain moved to approve the stipend of \$30 per person per meeting. Commissioner McIntyre seconded the motion which passed by unanimous vote. Commissioner Swain then amended his motion to include the \$40 stipend per meeting for the chairperson. Commissioner McIntyre seconded the amended motion which then passed by unanimous vote.

Commissioner McIntyre moved to appoint the slate of nominees presented by the Board of Health and Social Services as the initial members of the consolidated Health & Human Services Board with their terms to be staggered as determined by the County Commissioners and to appoint himself as a General Public member and Commissioner Lowder as the Commissioner appointment. Commissioner Morgan seconded the motion.

After a brief discussion concerning the number of total board members, Chairman Lawhon called for a vote. The motion passed by a 6 – 1 vote. (Commissioner Swain voted against.)

The Board then discussed how to stagger the terms of the board members and how to be fair in doing so. By motion, Commissioner Swain moved to appoint five (5) positions for a one (1) year term, five (5) positions for a two (2) year term, five (5) positions for a three (3) year term and five (5) positions for a four (4) year term and the two (2) commissioner appointments to be made annually.

For clarification, Chairman Lawhon asked what the minimum number of board members required for the consolidated board is. The County Manager responded that fifteen (15) positions are mandated per statute. However, these positions can potentially be filled with multiple members serving in dual roles thus resulting in a board with fewer than fifteen (15) members.

After continued discussion, Vice Chairman Burluson asked that the Board reconsider the previous vote regarding the slate of nominees presented. With no second, the motion failed.

By motion, Commissioner Morgan moved to appoint Dr. Amy Poole Jordan (Veterinarian), Eric Cain (Pharmacist), Dr. Dianne Daniels (Registered Nurse), Dr. Tom Norwood (Dentist) and Dr. James Marshall (Optometrist) as the professional representatives for four (4) year terms. Commissioner Lowder seconded the motion which carried with a 7 – 0 vote.

Commissioner Swain moved to appoint the following four (4) individuals as consumer representatives for a one (1) year term: Ms. Nancy Smoak, Mr. Boyd Huneycutt, Jr., Ms. Paige Emerson and Mr. Calvin Lloyd. Commissioner Lowder seconded the motion which passed by unanimous vote.

Commissioner Swain then moved to appoint Ms. Beth Thomas, Ms. Shirley Lowder, Mr. Larry Gibson, Ms. Caroline Sawyer, Ms. Georgette Edgerton and Dr. Joan Eudy as General Public members for a two (2) year term. Commissioner Efird seconded the motion which carried with a 7 – 0 vote.

At the County Attorney's recommendation, Commissioner Swain moved to approve the initial terms for the four (4) vacant professional positions of physician, engineer, psychologist and psychiatrist for a period of three (3) years when filled. Commissioner McIntyre seconded the motion which passed by unanimous vote.

Commissioner Swain then moved to appoint the two (2) commissioner seats annually and was seconded by Commissioner McIntyre. The motion carried by a 7 – 0 vote.

**ITEM # 5 – STANLY COUNTY UTILITIES**

**Presenter: Donna Davis, Utilities Director**

**A. Award of the Installation Contract for the SCADA Replacement System**

For Board consideration, Ms. Davis stated that after a review of the proposals received for the installation of a new SCADA replacement system, staff recommended the contract be awarded to Lord & Company, Inc. of Fort Mill, SC for an amount not to exceed \$278,901.15.

After a brief period of questions, Vice Chairman Burleson moved to award the contract as requested to Lord & Company, Inc. and was seconded by Commissioner Efird. The motion passed by unanimous vote.

**B. Acceptance of the NC DEQ Clean Water SRF Project Award for the West Stanly WWTP Rehabilitation & Associated Documents**

Stanly County Utilities has obtained funding for the West Stanly WWTP rehabilitation project through the NC DEQ Clean Water State Revolving Fund in the amount of \$3,058,300 for a 20 year term at 0% interest. Funding is contingent upon submission of a completed funding packet which includes the Board's acceptance of the project award and approval of the authorizing resolution and revised capital project ordinance.

With no questions from the Board, Vice Chairman Burleson moved to accept the project award, approve the authorizing resolution and revised capital project ordinance as requested. The motion was seconded by Commissioner McIntyre and passed by a 7 – 0 vote.

**See Exhibit B  
Resolution By Governing Body of Applicant  
& Revised Project Ordinance**

**C. Award of the Engineering Services Contract for the West Stanly WWTP Rehabilitation Project**

Stanly County Utilities solicited proposals for the engineering services needed for the rehabilitation of the West Stanly WWTP. Based on the five (5) proposals received, staff recommended the contract be awarded to W. K. Dickson of Charlotte, NC for an amount not to exceed \$275,894.

By motion, Vice Chairman Burleson moved to award the contract for an amount not to exceed \$275,894 to the firm of W. K. Dickson. The motion was seconded by Commissioner Swain and carried unanimously.

#### **ITEM # 6 – MEETING ROOM DESIGN PROPOSAL**

**Presenter: Andy Lucas, County Manager**

The Stanly County Convention & Visitors Bureau has proposed the installation of a wall mural behind the Commissioners dais at a total cost of \$1,825. The CVB proposes splitting the cost with the County with each paying approximately \$915.

After a brief period of discussion, Commissioner Swain moved to approve the installation of the wall mural and cost share of approximately \$915. Commissioner Lowder seconded the motion which passed by a 6 – 1 vote. (Commissioner Efird voted against.)

#### **ITEM # 7 – CONSENT AGENDA**

**Presenter: Chairman Lawhon**

- A. Minutes – Regular meeting of October 16, 2017.
- B. Health Dept. – Request approval of budget amendment # 2018-11.
- C. Finance – Request approval of the vehicle tax refunds for October 2017.
- D. Central Admin. – Request approval of the vehicle lease & fleet management contract.

Commissioner Efird moved to approve the above items as presented and was seconded by Commissioner McIntyre. The motion passed by unanimous vote.

**PUBLIC COMMENT** – None.

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

Vice Chairman Burleson stated he had attended the Stanly Water & Sewer Authority earlier in the evening where the Utilities Director noted that the current financial status of the Authority continues to improve. If this continues, the Authority hopes to move forward with the next waterline project in 2018. He also asked everyone to remember those affected by the recent mass shooting at the Summerland Springs church in Texas.

Chairman Lawhon stated that on October 17<sup>th</sup> he and representatives of the Centralina Council of Governments met with Congressman Richard Hudson where they discussed the importance of the regional transit plan, brownfield grant money and regional mobility plan. Also he, Commissioner Efird and the County Manager attended a Chamber of Commerce breakfast held the previous Thursday where Jeff Michael, Director of the UNC Charlotte Urban Institute was



the guest speaker and spoke concerning Stanly County's role in the Charlotte region economy. He also noted that the number of building permits issued continues to increase substantially over last year.

**CLOSED SESSION**

Vice Chairman Burleson moved to recess into closed session to discuss a real estate transaction in accordance with G. S. 143-318.11(a)(5) and economic development in accordance with G. S. 143-318.11(a)(4). The motion was seconded by Commissioner McIntyre then carried by unanimous vote at 8:34 p.m.

**CLOSED SESSION**

Vice Chairman Burleson moved to return to closed session to consult with the county attorney in accordance with G. S. 143-318.11(a)(3). Commissioner Swain seconded the motion which passed unanimously at 9:14 p.m.

**ADJOURN**

With no further discussion, Commissioner Efird moved to adjourn the meeting and was seconded by Vice Chairman Burleson. Motion carried with a 7 – 0 vote at 9:38 p.m.

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

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**Tyler Brummitt, Clerk**