

**STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
NOVEMBER 7, 2016**

COMMISSIONERS PRESENT:

T. Scott Efird, Chairman
Bill Lawhon, Vice Chairman
Peter Ascitutto
Joseph Burleson
Tony M. 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, November 7, 2016 in the Commissioners Meeting Room, Stanly Commons. Chairman Efird called the meeting to order at 7:00 p.m. with Commissioner McIntyre leading the invocation and pledge of allegiance.

APPROVAL / ADJUSTMENTS TO THE AGENDA

Commissioner McIntyre moved to approve the agenda as presented and was seconded by Commissioner Burleson. Prior to the vote, Commissioner Ascitutto stated the agenda needed to be amended to include approval of the revised bond/loan resolution for the Greater Badin Water & Sewer District Part A water project. Commissioner Burleson withdrew his second of the motion followed by Commissioner McIntyre’s withdrawal of the motion. Commissioner Burleson then moved to amend the agenda to include the revised bond/loan resolution as item 6(A). His motion was seconded by Commissioner McIntyre and passed by unanimous vote.

ITEM # 1 – SUPERSTREET INTERSECTION PROPOSAL – NC HIGHWAY 24/27 & NEWT ROAD

Presenters: Scott Cole and Pate Butler, NCDOT

Due to several crashes in recent years at the intersection of NC Highway 24/27 and Newt Road, NCDOT’s Scott Cole and Pate Butler were in attendance to obtain the Board’s support of a

superstreet type intersection at the location. A superstreet configuration would help by redirecting traffic from the main intersection at Newt Road to U-turn points built a short distance away and reduce the likelihood of crashes. The \$675,000 cost of the project will be submitted for funding through the state NCDOT and compete against other projects statewide. If approved, no county funds would be required. It was requested the Board adopt a resolution of support as part of the funding request.

Prior to any action, Mr. Cole and Ms. Butler entertained questions from the Board. Commissioner Burleson noted concerns that the proposed design would result in drivers avoiding the Newt Road area once the superstreet is completed and cause traffic to shift to Odell Road which would then cause similar traffic issues at that location. Ms. Butler noted that the superstreet design is extremely safe based on the research data obtained and that when accidents do occur, they are typically side swipe crashes that result in fewer severe injuries than the t-bone crashes that occur with the current design at the Newt Road intersection.

Commissioner Ascitto asked other than property damage, what other information does the state use to calculate the total expense of a crash. Ms. Butler stated that the dollar amount assigned to a crash includes the cost of property damage, any insurance and medical costs including the duration of treatment associated with the injuries.

Commissioner Burleson asked how the state selected the Newt Road intersection for reconfiguration. Ms. Butler noted that it was due to a recent crash that resulted in a fatality during high school graduation at the Agri-Civic Center earlier this year as well as the number of accidents at the intersection over the past five (5) years.

Commissioner Dennis noted his support of the superstreet stating it is a much safer design and keeps traffic moving.

Commissioner Lawhon noted his only concern would be due to the number of cars that will stack up in the U-turn lane due to an event at the Ag-Center which may result in traffic issues in the lane and on Highway 24/27. Mr. Cole noted that the state has been successful with the superstreet design in areas with similar traffic patterns and have had no issues.

Commissioner Burleson reiterated concerns with the proposed superstreet design stating that based on his knowledge of the traffic patterns in that area, he feels certain that people will change their driving route to avoid Newt Road which will result in similar traffic issues at other intersections along Highway 24/27.

With no further discussion, Commissioner Ascitutto moved to adopt the resolution of support as requested. His motion was seconded by Commissioner Dennis. The motion carried by a 6 – 1 vote. (No: Commissioner Burleson).

ITEM # 2 – E911 – PUBLIC HEARING TO CONSIDER NAMING CURL TAIL LANE

Presenter: Brandy Webster, Database Coordinator

Ms. Webster stated that the easement to be named previously circled around and intersected with Gold Branch Road at both ends. At some point in time, a fence was installed between two of the properties prohibiting full access from one end to the other. To eliminate confusion for emergency responders, resident Jacob Lehn requested that the side of the easement granting access to his property be named. Based on the responses received from residents in that area, Curl Tail Lane was selected. Ms. Webster requested the Board hold the public hearing and consider approving the proposed name of Curl Tail Lane.

Chairman Efird declared the public hearing open. Ms. Jennifer Lehn came forward stating that she and her husband Jacob are the property owners who requested the road be named. Due to neither she nor her husband being fond of the name Curl Tail Lane, she asked that another one be selected. With no one else coming forward, the hearing was closed.

Commissioner Burleson asked Ms. Webster what the process would be to select another name. Ms. Webster stated that the Road Naming Committee would reconvene to choose another name and also verify that it is not a duplicate.

Commissioner Lawhon asked if the property owner had submitted other names. Ms. Lehn stated they had submitted the name of Old John Deere Road and Lehn Road, but that another road already exists that is similar to Lehn.

Commissioner Burleson requested the item be tabled until the next meeting in order to allow other names to be considered.

Commissioner Ascitutto noted that Ms. Lehn's husband Jacob had agreed to the names submitted to E911 including Curl Tail Creek Drive. Ms. Lehn stated he had submitted the form and listed the names in order of their preference with Curl Tail Creek Drive being the fourth (4TH) choice. She noted that with their residence being the only one located on the easement, the name only affects them.

With no further questions, Commissioner Burleson moved to table the item to consider additional names. The motion was seconded by Commissioner McIntyre and passed by unanimous vote.

ITEM # 3 – PLANNING & ZONING

Presenter: Michael Sandy, Planning Director

A. CE 16-0038 – Public Hearing & Ordinance Adoption to Demolish 12862 Austin Road, Locust, NC

Mr. Sandy introduced CE 16-0038 stating the Planning Department requested an ordinance be adopted declaring the dilapidated and partially burned dwelling owned by Manual Recillas Hernandez located at 12862 Austin Road, Locust, NC (Tax Record # 4334) as unfit for human habitation and authorizing and directing the Stanly County Housing Inspector to proceed with demolition and removal of the minimum housing code violations from the property.

With no questions from the Board, Chairman Efird declared the public hearing open. Zoning Code Enforcement Officer Tim Swaringen spoke in favor of the ordinance stating that the case has taken a long period of time to get this point due to having difficulty locating the responsible parties. The owner was located and notified of the hearing. The hearing was conducted with the Findings of Fact found to be so with an order to demolish the house being issued after the allotted amount of time had passed. He then requested Board approval of the ordinance to proceed with demolition. With no one else coming forward, the hearing was closed.

Commissioner Lowder asked if the lien against the property would cover the county's cost of removal. Mr. Swaringen replied yes and would also include any other fees incurred and noted that per the County's minimum housing ordinance code, the lien will be filed as a special assessment lien under Article 10 of NCGS 168 and collected by the tax office.

Commissioner Lawhon asked if there is an outstanding mortgage against the property. Mr. Swaringen replied that a mortgage balance was owed at the time of the fire in 2011, but the bank has since been paid by the insurance company and any other obligations met as confirmed by the bank trustee.

With no further discussion, Commissioner Lowder moved to authorize the Stanly County Housing Authority to proceed with demolition and removal of the minimum housing code violations from the property. Her motion was then seconded by Commissioner Ascitutto. For clarification, Commissioner Burleson asked if the motion should be amended to authorize the housing inspector and not housing authority as stated to proceed with demolition. Chairman Efird noted the correction. The motion carried with a 7 – 0 vote.

See Exhibit A
Minimum Housing Violation Ordinance

B. ZA 16-06 – REZONING REQUEST FOR PAULA ALMOND ON BEHALF OF ELLIS SPRINGS DEVELOPMENT COMPANY

Per Mr. Sandy, the applicant submitted a request to rezone three (3) tracts totaling 3.4 acres (Tax Records 565, 37680 and 18627) that are located at the intersection of NC Hwy 73 and Hatley Farm Road. The property contains five (5) rental homes which are currently on lots too small to meet the minimum lot sizes required in a RA district. The owner plans to divide the largest tract (2.41 acres) which contains three (3) homes in to three (3) separate lots. The homes were built prior to adoption of the Stanly County Zoning Ordinance. If changed to R-20, all non-conformities will be eliminated once the large lot is subdivided. The Planning Board recommended approval of the request.

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

Vice Chairman Lawhon moved to approve ZA 16-06 and was seconded by Commissioner Dennis. Prior to a vote, Commissioner McIntyre asked if the company plans to build additional homes/buildings on the property and secondly, why not grandfather the homes on the property versus rezoning. Mr. Sandy stated that there are no plans for additional homes to be added and that this was the simplest way to bring the property in to conformity. With a first and second motion, Chairman Efird called for a vote. The motion was approved by unanimous vote.

C. ZA 16-07 – REZONING REQUEST FOR FRANK T. MCCOY

Mr. McCoy submitted the request to rezone a tract of land totaling 4.17 acres (Tax Record 31849) located at the intersection of Hwy 740 and Shady Rest Road at 41222 Shady Rest Road, New London, NC. The lot currently contains six (6) rental homes and the owner plans to divide the property into six (6) separate lots. Presently the lot does not meet the requirements of the RA zoning district by having six (6) homes on the lot and were constructed prior to adoption of the Stanly County Zoning Ordinance. If rezoned to R-20 and subsequently divided, the property will be brought in to conformity. The Planning Board recommended approval of the rezoning request.

Chairman Efird declared the public hearing open. With no one speaking for or against, the hearing was closed.

Vice Chairman Lawhon moved to approve ZA 16-07 and was seconded by Commissioner Dennis. The motion passed by a 7 – 0 vote.

D. ZA 16-08 – REZONING REQUEST FOR TRAVIS ALLEY FROM RA TO R-20

Mr. Alley requested approval to rezone one (1) tract of land totaling 19.87 acres (Tax Record 10579) which is adjacent to the largest of the Ellis Springs Development Company lots. With water and sewer available along Hwy 73, Mr. Alley may develop the property in the future. An R-20 designation will allow a minimum lot size of 15,000 square feet versus RA which requires a minimum lot size of 30,000 square feet. The Planning Board recommended approval of the request due to the potential for future development and being in a designated growth area.

With no questions, Chairman Efird opened the public hearing. With no coming forward to speak for or against, the hearing was closed.

Commissioner Dennis moved to approve ZA 16-08 as requested. His motion was seconded by Commissioner McIntyre and passed by unanimous vote.

ITEM # 4 – BOARD & COMMITTEE APPOINTMENTS

Presenter: Andy Lucas, County Manager

A. Gaston Community Action, Inc. Reappointment

Per a letter received from Joseph Dixon, Executive Director for Gaston Community Action, Inc., it was requested Ms. Deloris Chambers be reappointed as a Public Representative on the Board of Directors for a three (3) year term beginning December 2016 – December 2019.

Commissioner Ascitutto moved to approve the appointment as requested and was seconded by Commissioner McIntyre. The motion carried by a 7 – 0 vote.

B. NURSING HOME ADVISORY COMMITTEE APPOINTMENT

Due to Ms. Hilda Lee’s resignation from the committee earlier this year, it was requested the Board appoint Mr. Lane Peeler as her replacement to serve a one (1) year term beginning November 7, 2016 – November 7, 2017.

Vice Chairman Lawhon moved to approve the appointment. His motion was seconded by Commissioner Lowder and passed by unanimous vote.

ITEM # 5 – CONSENT AGENDA

Presenter: Chairman Efird

A. Minutes – Regular meeting of October 17, 2016.

- B. County Attorney – Request approval of the updated/amended Records Retention & Disposition Schedules for County Management, Register of Deeds, Sheriff’s Office and Veterans Services.
- C. Health Dept. – Request approval of budget amendment # 2017-13.
- D. Finance – Request acceptance of the Monthly Financial Report for Three Months Ended September 30, 2016.
- E. CCOG – Request approval of the attached resolution of support for Centralina’s application to NCDOT for Section 5310 transit funds.
- F. Airport – Request approval of budget amendment # 2017-15.
- G. Finance – Request approval of the attached vehicle tax refunds for October 2016.
- H. Sheriff’s Office – Request approval of budget amendment # 2017- 14.
- I. Finance – Request approval of budget amendment # 2017-16.

Commissioner Ascitutto moved to approve the consent agenda as presented and was seconded by Commissioner Dennis. Motion carried with a 7 – 0 vote.

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

Presenter: Andy Lucas, County Manager

A. CONSIDERATION & APPROVAL OF THE REVISED BOND / LOAN RESOLUTION FOR THE GBWSD PART A WATER SYSTEM REPLACEMENT

Prior to any discussion, Commissioner Dennis moved to recess the meeting of the board of county commissioners and reconvene as the Greater Badin Water & Sewer District. The motion was seconded by Commissioner Burleson and passed by unanimous vote.

The County Manager stated that during the October 3, 2016 meeting, the Board approved a bond/loan resolution for the loan closing with USDA. However, bond counsel has since advised that the original date of maturity was incorrect. It was requested the Board approve the revised resolution which now reflects the correct date of maturity and final payment.

Commissioner Burleson moved to approve the revised bond/loan resolution and was seconded by Commissioner McIntyre. Motion passed by a 7 – 0 vote.

**See Exhibit B
Resolution of
The Board of Governors of the Greater Badin Water and Sewer District,
Stanly County, North Carolina
Providing for the Issuance of
\$2,132,000 Water and Sewer Revenue Bonds, Series 2016**

B. GBWSD RECORDS RETENTION & DISPOSITION SCHEDULE

The NC Department of Cultural Resources issued an update on May 1, 2016 for the Records Retention and Disposition Schedule for Water & Sewer Authorities and Sanitary Districts. Board approval of the updated schedule was requested.

Commissioner Burluson moved to approve the updated schedule and was seconded by Commissioner Dennis. The motion carried by unanimous vote.

By motion, Vice Chairman Lawhon moved to adjourn the meeting of the GBWSD Board of Governors and was seconded by Commissioner McIntyre. The motion passed with a 7 – 0 vote.

ITEM # 7 – PINEY POINT WATER DISTRICT RECORDS RETENTION AND DISPOSITION SCHEDULE

Presenter: Andy Lucas, County Manager

Commissioner Dennis moved to recess the meeting of the Board of County Commissioners and reconvene as the PPWD. Vice Chairman Lawhon seconded the motion which passed by unanimous vote.

As previously note, the NC Department of Cultural Resources issued an updated on May 1, 2016 for Water & Sewer Authorities and Sanitary Districts. Board approval of the revised schedule was requested.

Commissioner Burluson moved to approve the updated schedule and was seconded by Commissioner Dennis. The motion carried with a 7 – 0 vote.

Commissioner McIntyre then moved to adjourn the meeting of the PPWD Board of Governors and reconvene as the board of county commissioners. His motion was seconded by Commissioner Dennis and passed by unanimous vote.

PUBLIC COMMENT – None.

BOARD COMMENTS, ANNOUNCEMENTS AND COMMITTEE REPORTS

For clarification, Commissioner Ascitutto noted a recent political flyer from the NC Republican Party that included his name and record on several votes as a county commissioner stating that the information listed was inaccurate.

Commissioner McIntyre read a thank you note from Katie VanHorn, a Stanly County 4-H representative who attended the Youth Summit at the NCACC's annual conference in August. He also encouraged everyone to vote on Tuesday, November 8th.

Chairman Efird noted several upcoming events scheduled in honor of Veterans Day and thanked the veterans for their service. He also reiterated Commissioner McIntyre's comments and encouraged everyone to vote.

CLOSED SESSION

Upon motion of Commissioner Burleson, seconded by Commissioner Dennis and carried by unanimous vote, the Board moved to recess into closed session to discuss economic development in accordance with G. S. 143-318.11(a)(4) and a real estate transaction in accordance with G. S. 143-318.11(a)(5) at 8:05 p.m.

ADJOURN

With no additional items presented for discussion, Commissioner Burleson moved to adjourn the meeting and was seconded by Commissioner Dennis. Motion passed by unanimous vote at 9:07 p.m.

Terry Scott Efird, Chairman

Tyler Brummitt, Clerk