

**STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
JULY 13, 2009**

COMMISSIONERS PRESENT: Tony Dennis, Chairman
Gene McIntyre, Vice Chairman
Lindsey Dunevant
Jann Lowder
Sherrill Smith

COMMISSIONERS ABSENT: None

STAFF PRESENT: Andy Lucas, County Manager
Jenny Furr, County Attorney
Mike Taylor, Interim County Attorney
Tyler Brummitt, Clerk to the Board

CALL TO ORDER

The Stanly County Board of Commissioners (the “Board”) met in regular session on Monday, July 13, 2009 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman Dennis called the meeting to order and gave the devotion.

APPROVAL / ADJUSTMENTS TO THE AGENDA

Commissioner Smith made the motion to accept the agenda as presented and was seconded by Vice Chairman McIntyre. The motion passed by unanimous vote.

ITEM # 1 – RETIREMENT AWARDS PRESENTATIONS

The Board took the opportunity to recognize and thank Carolyn H. Honeycutt of the Stanly County Department of Social Services and Gary L. Harvell of the Stanly County Inspections Department each for their 30 years of service to Stanly County.

ITEM # 2 – 2009 SCATTERED SITE HOUSING PROJECT

Presenter: Michael Walser, Grant Administrator for Hobbs, Upchurch & Associates, P.A.

The NC Division of Community Assistance conditionally awarded Stanly County \$400,000 for Scattered Site Owner-Occupied Housing funds for Stanly County residents. The funds are expected to assist up to eight (8) low income families.

Chairman Dennis declared the public hearing open. Hearing no comments, the hearing was closed.

A motion to adopt the authorizing resolution, policies, procedures, plans, resolutions, and ordinances for the project, and budget amendment # 2010-01 to create Fund # 251 for the 2009 Scattered Site Housing Project was made by Vice Chairman McIntyre. His motion was seconded by Commissioner Lowder and passed by a 5 – 0 vote.

ITEM # 3 – 2009 URGENT REPAIR PROGRAM

Presenter: Michael Walser, Grant Administrator for Hobbs, Upchurch & Associates, P.A.

Stanly County received funding from the NC Housing Finance Agency in the amount of \$75,000 under the 2009 cycle of the Urgent Repair Program (URP09). The funds are expected to assist a minimum of fourteen (14) low income households with special needs. Mr. Walser requested the assistance policy, grant project budget ordinance, procurement policy, and budget amendment # 2010-02 to create Fund # 252 be adopted for the Urgent Repair Program.

Commissioner Smith made a motion to approve the above documents including budget amendment # 2010-02. The motion was seconded by Commissioner Lowder and passed by unanimous vote.

ITEM # 4 – FY 2009 – 2010 RURAL OPERATING ASSISTANCE PROGRAM (R.O.A.P.)

Presenter: Andy Lucas, County Manager

Mr. Lucas provided a brief overview of the Rural Operating Assistance Program and requested Board approval to allow the Transportation Services Department to apply for, receive, and distribute the following funds: 1) Elderly and Disabled Transportation Assistance Program (EDTAP) in the amount of \$84,106, 2) Employment Transportation Assistance Program in the amount of \$20,800, and 3) Rural General Public (RGP) in the amount of \$96,555.

Chairman Dennis declared the public hearing open. Hearing no comments, he declared the public hearing closed.

Commissioner Dunevant made the motion to approve the application for and receipt of the above mentioned funds with all funds to be administered by the Transportation Services Department. His motion was seconded by Vice Chairman McIntyre and passed by a 5 – 0 vote.

ITEM # 5 – EMERGENCY SERVICES

Presenter: Michael Roark, Fire Marshall

Due to an oversight at the time the 6-mile fire district maps were redrawn and approved, an area located on Running Creek Church Road between Bethel Church Road and Austin Road was now in question. It was requested the Board hold a public hearing and make the determination as to which fire tax district (Ridgecrest or West Stanly) this property would be included in going forward.

Chairman Dennis declared the public hearing open. Hearing no comments, the public hearing was closed.

Commissioner Smith made the motion to include the property in the Ridgecrest Fire District. His motion was seconded by Commissioner Dunevant. The motion was passed by unanimous vote.

ITEM # 6 – BADIN VOLUNTEER FIRE DEPARTMENT

Presenters: Charles Brown, Attorney

J. Dale Ward, President of the Badin Volunteer Fire Department

Badin Volunteer Fire Department requested the Board adopt a resolution approving the issuance of a note in an amount not to exceed \$350,000 to the Bank of Stanly with the loan proceeds to be used for the purchase of a 2009 Ferrara Pumper Truck. A public hearing was advertised and held on June 18, 2009 at the Badin Volunteer Fire Department to discuss the method of financing.

Commissioner Smith made the motion to approve the resolution for the issuance of the note to Badin Volunteer Fire Department. Commissioner Lowder seconded the motion which passed with a unanimous vote.

Below is the resolution as approved:

**RESOLUTION APPROVING THE ISSUANCE OF A NOTE OF
BADIN VOLUNTEER FIRE DEPARTMENT, INCORPORATED
TO BANK OF STANLY AND DESIGNATING SUCH NOTE AS
A “QUALIFIED TAX-EXEMPT OBLIGATION”**

WHEREAS, Badin Volunteer Fire Department, Incorporated (the “Issuer”) desires to finance the acquisition of a new fire truck for the fire department (the “Project”) to be located at 128 NC 740 Highway, Badin, Stanly County, North Carolina;

WHEREAS, the Issuer will enter into a Term Loan Agreement with Bank of Stanly (the “Bank”) by which the Bank will loan to the Issuer not to exceed \$350,000 to finance a portion of the costs of the Project by the Issuer; and

WHEREAS, the Issuer will issue its promissory note in the principal amount not to exceed \$350,000 substantially in the form attached as Exhibit A to said Term Loan Agreement (the “Note”), payable to the order of the Bank, to evidence its obligations under the Term Loan Agreement;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), provides that the governmental unit having jurisdiction over the issuer of certain obligations and over the area in which any facility financed with the proceeds of such obligations is located shall approve the issuance of such obligations; and

WHEREAS, in accordance with Section 150(e) of the Code, the Issuer issues its notes on behalf of the County of Stanly, North Carolina, the Project is located in the County of Stanly, North Carolina and the Board of County Commissioners constitutes the elected legislative body of the County of Stanly, North Carolina; and

WHEREAS, a Public Hearing was held pursuant to proper notice on June 18, 2009, and a certificate regarding the public hearing has been filed with the Clerk of the Board of County Commissioners.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Stanly, North Carolina as follows:

- (1) The issuance of the Note by the Issuer to assist in the financing of the Project is hereby approved to the extent required by said Section 147(f) of the Code.
- (2) Such approval does not constitute an endorsement to the prospective purchaser of the Note of the creditworthiness of the Issuer or the Project, and the Note shall not constitute an indebtedness or obligation of the State of North Carolina, the Town of Albemarle, or the County of Stanly, but the Note shall be payable solely from the revenues pledged to the payment thereof and no holder or owner of any of the Note shall ever have the right to compel any exercise of the taxing power of said State or of any county, municipal corporation, or political subdivision thereof, nor to enforce the payment thereof against any property of said State or of any such county, municipal corporation, or political subdivision.
- (3) The Board hereby finds and determines that the reasonably anticipated amount of tax-exempt obligations (other than obligations described in Section 265(b)(3)(C)(ii) of the Code) which will be issued by Stanly County, North Carolina and all subordinate entities thereof (including but not limited to the Issuer) during this calendar year will not exceed \$10,000,000;
- (4) The Board hereby designates the Note to be a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3)(B) of the Code.

Adopted this the 13th day of July, 2009.

Tony M. Dennis, Chairman
Stanly County Board of Commissioners

Tyler Brummitt
Clerk to the Board

ITEM # 7 – PROJECT LEGACY

Presenter: Maurice Ewing, Union County Partnership for Progress

Mr. Ewing presented an overview of a new regional business park in Union County known as Project Legacy. The proposed 5,000 acre business park, which is an initiative of the Union County Partnership for Progress, will offer corporate offices, distribution centers, light and heavy industry, and retail sites. At the conclusion of the presentation, it was requested the Board approve a resolution in support of the project.

By motion, Commissioner Smith moved to approve the resolution in support of Project Legacy and was seconded by Vice Chairman McIntyre. The motion passed by a 5 – 0 vote.

Below is the resolution as approved:

**STANLY COUNTY, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
RESOLUTION**

Whereas, the Union County Partnership for Progress in concert with economic development consultants, real estate professionals, local and state government officials and regional economic development agencies has determined that there is a deficiency in market competitive industrial parks, office parks, industrial sites, industrial buildings and other non-residential properties.

Whereas, the Union County Partnership for Progress has proposed a bold, transformational, long range solution to these problems and

Whereas that proposal consists of the establishment of Legacy Business Park in eastern Union County near the Town of Marshville adjacent to the Eastern boundary of Union and the Western Boundary Anson County.

Whereas Legacy Business Park at over 5,000 acres is proposed to be the foremost location for business, industry and other non-residential tax base in the two Carolinas and

Whereas Legacy Business Park could host more than \$2 Billion in capital investment and

Whereas Legacy Business Park could accommodate 20,000 jobs and sustain job development for many generations to come and

Whereas Legacy Business Park could provide Economic Development opportunities for 30 or more years and

Whereas there has been substantial early support from both inside and outside of Union County for Legacy Business Park and

Whereas the successful establishment of Legacy Business Park could be a powerful positive economic legacy from our generation to many future generations of citizens in both Union and Stanly Counties

Now therefore be it resolved that the Stanly Board of County Commissioners support the pursuit of Project Legacy by the Union County Partnership for Progress and encourages all citizens in the region, other government agencies and other organizations to cooperate in the investigation of opportunities that can lead to the successful establishment of Legacy Business Park.

Sealed before me this _____ day of _____, 2009.

Tony M. Dennis, Chairman

Tyler Brummitt, Clerk

ITEM # 8 – MONARCH

Presenter: Peggy Terhune, Director

Ms. Terhune took a few moments to provide an overview of the services offered by Monarch, a non-profit organization that provides support to individuals with intellectual and developmental disabilities, mental illness, and substance abuse issues. Within Stanly County, it is the third largest non-profit organization, employs 301 individuals in the county, and made a \$28 million dollar economic impact in the county last year.

No action was required by the Board and was provided as information only.

ITEM # 9 – SHERIFF’S DEPARTMENT

Presenter: Sheriff Rick Burris

The Board was requested to approve a resolution allowing Sheriff Rick Burris to enter into a mutual aid agreement with law enforcement agencies within the Centralina Council of Governments Charlotte Region. The agreement is for a one year term and would be renewed annually with Board approval.

Commissioner Dunevant made the motion to approve the resolution and was seconded by Vice Chairman McIntyre. The motion passed with a vote of 5 – 0.

The resolution was presented and approved as follows:

**RESOLUTION
ADOPTING A POLICY FOR MUTUAL AID ASSISTANCE
WITH OTHER LAW ENFORCEMENT AGENCIES**

WHEREAS, pursuant to North Carolina General Statutes GS160A-288 and GS 90-95.2, the governing body of a city or county may adopt appropriate guidelines, for the purpose of mutual aid assistance with other municipal and county law enforcement agencies; and

WHEREAS, pursuant to said laws, the law enforcement assistance to be rendered authorizes lending officers to work temporarily with officers of the requesting agencies; including in an undercover capacity, and lending equipment and supplies; and

WHEREAS, it is deemed to be in the best interest of the County of Stanly to adopt a reasonable policy and guidelines whereby reciprocal law enforcement assistance can both be rendered to and obtained from other governmental jurisdictions; and

WHEREAS, such reciprocal assistance is necessary for effective law enforcement for the protection of the citizens of the County of Stanly,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF COUNTY OF STANLY THAT:

1. The SHERIFF is hereby authorized to enter into mutual assistance arrangements with other municipal and county law enforcement agencies, provided that the

head of the requesting law enforcement agency makes such a request in writing.

2. The SHERIFF is hereby authorized to permit officers of the STANLY COUNTY SHERIFF'S OFFICE to work temporarily with the Officers of the requesting agency, including in an undercover capacity; and the SHERIFF may lend such equipment and supplies to the requesting agencies as he/she deems advisable.
3. The SHERIFF is hereby authorized to request officers of other law enforcement agencies to work temporarily with officers of the STANLY COUNTY SHERIFF'S OFFICE including in an undercover capacity; and the SHERIFF may borrow such equipment and supplies from other law enforcement agencies as he/she deems advisable.
4. All such requests and authorizations shall be in accordance with North Carolina General Statutes 160A-288 and 90-95.2, as applicable.
5. While working with a requesting agency, an officer shall, have the same jurisdiction, powers, rights, privileges, and immunities including those relating to the defense of civil actions and payment of judgments as the officers of the requesting agency in addition to those he/she normally possesses.
6. While on duty with the requesting agency, an officer shall be subject to the lawful operational commands of his/her superior officers in the requesting agency, but shall, for personnel and administrative purposes, remain under the control of his/her own agency, including for purposes of pay. An officer shall furthermore be entitled to Worker's Compensation and the same benefits to the extent as though he/she were functioning within the normal scope of his/ her duties.
7. The SHERIFF is hereby authorized to enter into mutual assistance agreements with other law enforcement agencies in accordance with such reasonable arrangements, terms, and conditions as may be agreed upon between the respective heads of the law enforcement agencies.

Adopted, this the _____ day of _____, 2009.

COUNTY OF STANLY
North Carolina

MR. TONY DENNIS
CHAIRMAN – STANLY COUNTY BOARD OF COMMISSIONERS

Attest: _____
CLERK TO THE BOARD OF COMMISSIONERS

STANLY COUNTY SHERIFF'S OFFICE

SHERIFF RICK BURRIS

(NOTARIZED)

ITEM # 10 – ECONOMIC DEVELOPMENT

Presenter: Kevin Gullette, Director

The Board had previously received a copy of the Stanly County Economic Development Commission's 2009-2010 Plan of Work. Mr. Gullette provided a brief overview of the plan for the coming year that included three main goals: 1) to establish a business retention and expansion program, 2) to develop a product development strategy, and 3) to develop a comprehensive marketing strategy. Steps to reach these goals and objectives were included as part of the presentation.

The item was presented as information only and required no action from the Board.

ITEM # 11 – TAX ADMINISTRATION

Presenter: Rick Johnson, Director

A) Extension of the Listing Period for Exemptions / Exclusions

Under G.S. 105-277.1, applications for exemption and exclusion may be accepted through June 1 of each year. It was requested the Board extend this deadline permanently to August 31st of each year in order to allow time to process the applications received from the elderly and disabled applicants of the county.

Commissioner Lowder made the motion to permanently extend the application deadline until August 31st of each year and was seconded by Commissioner Smith. The motion passed by unanimous vote.

B) Extend Terms of Board of Equalization & Review Members Until 12/31/09

Due to the ongoing appeals of personal property audits, it was requested the Board extend the terms of the five members of the Board of Equalization & Review until December 31, 2009 that had previously expired on June 30, 2009. This would allow time for any remaining appeals to be heard as the audit process comes to a close.

Vice Chairman McIntyre made the motion to extend the current term of the members until December 31, 2009. The motion was seconded by Commissioner Dunevant and passed with a 5 – 0 vote.

ITEM # 12 – PLANNING

Presenter: Michael Sandy, Director

The current Land Use Plan was adopted on June 24, 2002 and needs to be updated to reflect changes occurring in the development of land and infrastructure within the county.

Planning Staff requested the Board consider establishing a committee with meetings to begin in September, 2009 to aid in revising the current plan. A list of the previous twenty-six (26) member committee from 2002 was provided to show the interests that were represented within the county at that time.

The item was taken under consideration with no action from the Board and will be brought back to the Board during the August meeting where committee members will be recommended at that time.

ITEM # 13 – FY 2010 COUNTY AGING FUNDING PLAN

Presenter: Andy Lucas, County Manager

Stanly County's Home and Community Care Block Grant (HCCBG) allocations for the Aging Services for FY 2010 were approved by the HCCBG Board in May, 2009. Stanly County will receive a total of \$366,270 which is a decrease of \$6,165 from the previous year's funding. The HCCBG Board voted to distribute the funds to the six Aging programs in the county which include In Home Services Level I and Level II, Congregate Nutrition, Home Delivered Meals, Transportation, Information, and Assistance, and agreed to spread the reduction over all six programs so as not to have a major impact on any one service.

Vice Chairman McIntyre made a motion to approve the FY 2010 County Aging Funding Plan and accept these funds as part of the county budget. His motion was seconded by Commissioner Dunevant and passed by unanimous vote.

ITEM # 14 – BOARD APPOINTMENTS

Presenter: Andy Lucas, County Manager

A) Region F Aging Advisory Committee

It was requested that Glenna Hinson be appointed as an alternate member for a one year term beginning July 1, 2009 – June 30, 2010.

B) Stanly Community College Board of Trustees

It was requested Thomas Hawkins be reappointed for a four year term beginning July 1, 2009 – June 30, 2013.

By motion, Commissioner Smith moved to approve the appointment of Glenna Hinson and reappointment of Thomas Hawkins and was seconded by Commissioner Lowder. The motion passed with a 5 – 0 vote.

ITEM # 15 – SELECTION OF NCACC ANNUAL CONFERENCE VOTING DELEGATE

Presenter: Andy Lucas, County Manager

Commissioner Lowder moved to appoint Commissioner Dunevant as the designated voting delegate for Stanly County at the 2009 NCACC Annual Conference to be held in August. Her motion was then seconded by Vice Chairman McIntyre and passed by a vote of 5 – 0.

ITEM # 16 – CONSENT AGENDA

Presenter: Chairman Dennis

- A) Minutes – Recessed Meeting / Budget Workshop on June 29, 2009
- B) Tax Release & Discovery Report for May and June 2009
- C) Adoption of the Emergency Operations Plan (EOP) Resolution
- D) World War II Flight of Honor Day Proclamation
- E) Library – Request books be declared surplus and donated to the Friends of the Library and sold in an ongoing book sale in the library branches
- F) Finance – Monthly Financial Report for Eleven Months Ended May 31, 2009

PUBLIC COMMENT

None

GENERAL COMMENTS

Chairman Dennis welcomed new County Attorney Jenny Furr and stated he looked forward to working with her.

Commissioner Smith, Commissioner Lowder, Vice Chairman McIntyre, Commissioner Dunevant and the County Manager had no comments.

Interim County Attorney Mike Taylor thanked the Board for allowing him to serve and stated it was an honor to serve Stanly County.

CLOSED SESSION: Vice Chairman McIntyre made the motion to recess to closed session to discuss a personnel issue in accordance with G.S. 143-318.11(a)(6), to discuss economic development in accordance with G.S. 143-318.11(a)(4), and to consult with the county attorney in accordance with G.S. 143-318.11(a)(3) regarding APGI. The motion was seconded by Commissioner Dunevant and passed by unanimous vote.

ANNOUNCEMENTS

Interim County Attorney Mike Taylor announced that a \$250 settlement from the County had been accepted by Johnny Eugene Harris.

CHANGE IN MEETING DATE

Commissioner Dunevant made a motion to change the regularly scheduled meeting on Monday, August 10th to Monday, August 17th at 7:00 p.m. His motion was seconded by Vice Chairman McIntyre and passed by a 5 - 0 vote.

ADJOURN

There being no further business brought forward, Vice Chairman McIntyre made the motion to adjourn the meeting until Monday, August 17, 2009 at 7:00 p.m. His motion was seconded by Commissioner Smith and passed by unanimous vote at 9:00 p.m.

Tony M. Dennis, Chairman

Tyler Brummitt, Clerk

