Bill Lawhon
*Commissioner*

Brandon King
*Commissioner*

Mike Barbee
*Commissioner*

Patty Crump
*Commissioner*

STANLY COUNTY
NORTH CAROLINA
*Water. Air. Land. Success.*

Peter Asciutto
*Commissioner*

Scott Efird
*Commissioner*

Trent Hatley
*Commissioner*

# STANLY COUNTY
# BOARD OF COMMISSIONERS
# REGULAR MEETING MINUTES
# MONDAY, MARCH 6, 2023 – 6:00 PM

| Attendee Name | Title | Status | Arrived |
|---|---|---|---|
| Bill Lawhon | Commissioner | Present | |
| Brandon King | Commissioner | Present | |
| Mike Barbee | Commissioner | Present | |
| Patty Crump | Commissioner | Present | |
| Peter Asciutto | Commissioner | Present | |
| Scott Efird | Commissioner | Present | |
| Trent Hatley | Commissioner | Present | |

**CALL TO ORDER & WELCOME**

The Stanly County Board of Commissioners (the "Board") met in regular session on Monday, March 6, 2023 in the Gene McIntyre Meeting Room, Stanly Commons. Chair Efird called the meeting to order at 6:00 p.m., gave the invocation and led the pledge of allegiance.

**APPROVAL / ADJUSTMENTS TO THE AGENDA**

With no amendments requested, Vice Chair Barbee moved to approve the agenda as presented, seconded by Commissioner Hatley and passed by unanimous vote.

**SCHEDULED AGENDA ITEMS**

## 1. PUBLIC COMMENT

Those who addressed the Board during public comment were:
- Harold Schmoecker
- Margo Borg
- Jason Phibbs
- Travis Alley

### 2. Livestock Arena - Design-Build Guaranteed Maximum Price Amendment

Presenter: Andy Lucas, County Manager

County Manager Lucas noted Livestock Arena Committee members, Reggie Medlin, Curtis Furr, Jeff Williams, Frank Simpson and Cooperative Extension Molly Alexi, who were in attendance.

For Board approval, County Manager Lucas presented the amendment with MCT for the design-build cost to construct the proposed arena. The guaranteed maximum price (GMP) given for the project is $5,842,833 which includes the design cost of $143,685 and construction cost of $5,699,148. This amount includes all work associated with the construction of the building, including grading, and contingency funds of $200,000. The price does not include metal bleachers, fans or audio visual equipment which it is anticipated will be purchased from the contingency funds, additional private donations or additional county funds as the project progresses. Due to the County's available General Fund Balance and the private, non-profit and government fundraising that has taken plan thus far, it is not recommended that the County incur any debt for the project.

As information, County Manager Lucas provided the following breakdown of the revenue /committed funds and expenses to date associated with the project:

**Received**
$175,000 - NC Commerce Grant
$507,000 - NC SCIF Grant + Interest
$615,619 - Private Fundraising Received by County or Friends of the Agri-Civic Center (businesses and Individuals)
<u>$575,000</u> - Previously Committed by County
$1,872,619

Committed
$400,000 - Stanly County Farm Bureau (with naming rights)
<u>$ 25,000</u> - Private Donations
$425,000

Total to date = $ 2,297,619
Expenses to Date = <u>($ 86,807)</u> (For initial plans, site due diligence, marketing for fundraising)
Balance Remaining = $2,210,812

Following the presentation, County Manager Lucas responded to questions concerning continued fundraising efforts. Board approval of the proposed GMP amendment to the existing MCT design-build contract was requested in addition to authorizing staff to review and execute the contract amendment documents upon review by the County Attorney.

Commissioner Lawhon moved to approve the GMP amendment as requested, seconded by Vice Chair Barbee. The motion then passed by unanimous vote.

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Bill Lawhon, Commissioner |
| **SECONDER:** | Mike Barbee, Commissioner |
| **AYES:** | Lawhon, King, Barbee, Crump, Asciutto, Efird, Hatley |

**3. Enhanced & Voluntary Agricultural District Program Applications**

Presenter: Rebecca Brickner, Natural Resource Conservationist

For consideration, Ms. Brickner presented the following Voluntary Ag-District (VAD) application for Board approval:
- Linda Mills Sample & John Mark Sample - 36580 Old Salisbury Road, New London, NC (16.08 acres; Tract # 16505)

At Commissioner Lawhon's request, Ms. Brickner provided a brief review of the VAD and EVAD programs including the benefits of each.

Vice Chair Barbee then moved to approve the Samples' application for the VAD as presented, seconded by Commissioner Asciutto and carried by a 7 - 0 vote.

Separately, an Enhanced Voluntary Ag-District (EVAD) application was presented for approval:
- J-Caine Inc. (Josh Amick) - 30123 Sides Road, Albemarle, NC (184.5 acres; PIN # 652502880437)

Vice Chair Barbee moved to approve J-Caine Inc./ Josh Amick's application for the EVAD as presented, seconded by Commissioner Lawhon and passed by unanimous vote.

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Mike Barbee, Commissioner |
| **SECONDER:** | Peter Asciutto, Commissioner |
| **AYES:** | Lawhon, King, Barbee, Crump, Asciutto, Efird, Hatley |

**4. Planning Board Appointment - 2023**

Presenter: Bailey Emrich, Planner II

With current Planning Board member, TJ Smith's term expiring March 31, 2023, it was requested the Board appoint one (1) member for a three (3) year term expiring February 28, 2026.

Commissioner Lawhon moved to reappoint Mr. Smith to a three (3) year term ending February 28, 2026, seconded by Commissioner Ascuitto and carried with a 7 - 0 vote.

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Bill Lawhon, Commissioner |
| **SECONDER:** | Peter Asciutto, Commissioner |
| **AYES:** | Lawhon, King, Barbee, Crump, Asciutto, Efird, Hatley |

**5. ZA23-01 Campers in Manufactured Home Parks**

Presenter: Bob Remsburg, Planning Director

Mr. Remsburg stated that if approved, text amendment ZA23-01 would allow existing manufactured home parks (MHP) on parcels of 10 or more acres to rent an existing space for the placement of a camper trailer or recreational vehicle for up to ten (10) months. Except for recreation areas, rules for campgrounds would apply. This amendment was suggested to Planning staff by several manufactured home park owners. Parks with septic systems for each manufactured home would be limited to one camper per system with all electrical, water and septic connections required to meet current code requirements as well. All campers would be required to meet RV Industry Association and National Fire Protection Association standards with only hard-sided camper trailers or recreational vehicles permitted.

Similar to the amendment to allow campers in the General Business district, this would primarily serve contractors in the area working with long-term projects. Some of the existing MHPs have numerous vacant lots and would like to utilize these for contractors. The parks are inspected annually by the County Zoning Enforcement Officer who is responsible for noting whether or not campers have remained on the lot longer than ten (10) months. MHP owners with lots available would be required to submit a form quarterly to the Planning Department identifying which campers are on which lots and when they were set up. Any camper or recreational vehicle found in violation of the ordinance would be subject to normal code enforcement procedures and fines.

Mr. Remsburg noted the Planning Board discussed the proposed amendment at length during their February 7th meeting along with input from Anthony Efird, owner of Tyson Village Manufactured Home Park. The Planning Board added language requiring a quarterly report be submitted and voted unanimously to recommend approval of this zoning ordinance amendment.

Following the presentation, Director Remsburg entertained questions from the Board. Vice Chair Barbee requested Board consideration in adding a stipulation that proof of employment be obtained for contractors staying in the MHP and that the maximum term of stay be enforced at ten (10) months with the understanding that a camper/recreational vehicle (RV) must relocate at that time. Commissioner Asciutto noted his disagreement with the ten (10) month term of stay.

With no further discussion, Chair Efird declared the public hearing open. Anthony Efird, owner of Tyson Village MHP, addressed the Board in favor of the amendment. With no one else coming forward, the hearing was closed.

Vice Chair Barbee moved to approve the text amendment as presented with the stipulation that proof of employment for contractors be obtained and that a ten (10) month term of stay be enforced with the camper/RV required to relocate at that time, seconded by Commissioner Crump. Commissioner Asciutto again restated his disagreement with the ten (10) month term of stay limit being included as part of the amendment. The motion to approve ZA23-01 with Vice Chair Barbee's requested amendments passed by a 6 - 1 vote. (Commissioner Asciutto voting against.)

For clarification, it was requested that Vice Chair Barbee restate the motion with the language provided by staff. Vice Chair Barbee agreed and moved that text amendment ZA23-01 be approved to allow campers/RVs to be placed in vacant spaces in existing manufactured home parks as proposed by the Planning Board. This change will allow older manufactured home parks additional revenue and encourage contractors and others to stay in Stanly County while working their job or conducting business in our community. Additionally, proof of employment will be required as well as a maximum ten (10) month term of stay limit enforced with the camper/RV required to relocate at that time, seconded by Commissioner Crump. Commissioner Asciutto again restated his disagreement of the ten (10) month time limit. The motion carried by a 6 - 1 vote. (Commissioner Asciutto voting against.)

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| **RESULT:** | **APPROVED [6 TO 1]** |
| **MOVER:** | Mike Barbee, Commissioner |
| **SECONDER:** | Patty Crump, Commissioner |
| **AYES:** | Lawhon, King, Barbee, Crump, Efird, Hatley |
| **NAYS:** | Asciutto |

**6. ZA23-3 Text Amendment - Parking Space Width**

Presenter: Bob Remsburg, Planning Director

During the NC General Assembly's 2022 session, NCGS 160D-702 was amended to state that no land-use law in NC can require a regular parking space to be larger than 9' x 20'. The current regulation in the County's Zoning Ordinance requires regular parking spaces to be 10' x 20'. Since the new law supersedes the county's current ordinance, it was requested the Board conduct the required legislative hearing followed by approval of ZA23-03 - text amendment related to parking space width.

Per Mr. Remsburg, the revised language for Off Street Automobile Parking and Storage will read as follows:

**Section 409.4** Each automobile parking space shall not be less than nine (9) feet wide and twenty (20) feet long exclusive of adequate egress and ingress drives and maneuvering space as determined by the Zoning Enforcement Officer. Such space shall be provided with vehicular access to a street or alley and shall be designed by use of landscaping or wheel guards to prevent commercial traffic from backing onto any public roadway. Such use shall not thereafter be encroached upon or altered, and shall be equal in number to at least the minimum requirements for the specific use set forth below:

Following the presentation, Director Remsburg responded to questions concerning whether or not current parking spaces are grand fathered in and clarification that the amendment will apply to county jurisdictions only.

With no further discussion, Chair Efird declared the legislative hearing open. With no one speaking for or against, the hearing was closed.

By motion, Commissioner King moved to approve text amendment ZA23-03 to require the minimum size for a regular parking space to be 9' x 20' as stated in Section 409.4 of the Stanly County Zoning Ordinance. This will bring the ordinance into compliance with new requirements from the NC General Assembly, seconded by Commissioner Hatley and passed by unanimous vote.

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Brandon King, Commissioner |
| **SECONDER:** | Trent Hatley, Commissioner |
| **AYES:** | Lawhon, King, Barbee, Crump, Asciutto, Efird, Hatley |

**7. Utilities - McCoy Pump Station Buildings and Grounds Improvement**

Presenter: Duane Wingo, Utilities Director

Director Wingo presented the request stating that after receiving numerous complaints from nearby homeowners, Stanly County Utilities has completed a pilot study to reduce odors at the McCoy Creek Pump Station in Oakboro. The study was conducted by Vand Solutions, LLC in partnership with Viola Water Technologies, Inc. where it was determined that the likely cause of the odor is due to the release of Hydrogen Sulfide (H2S) gas at the pump station which occurs naturally when sanitary sewer has limited oxygen exposure for prolonged periods of time. The production of this gas in unavoidable due to the extended travel time the sanitary sewer flow has from the City of Locust and Town of Stanfield through the Big Lick force main to the McCoy Creek Pump Station. The study involved introducing two (2) chemicals, 50% concentrated Hydrogen Peroxide and a proprietary catalyst called Talon, which react to break down the gas where it has no odor. Sensor recordings and staff have confirmed that this has been effective in doing so.

Vand Solutions submitted a proposal for the capital cost to install all necessary holding tanks, sensors, communication equipment, metering pumps stations along with setup and training to operate an odor control system year round at the pump station. Staff also received a price from Veolia Water Technologies, Inc. to supply the two (2) chemicals needed to breakdown the H2S gas. The capital cost is $78,250 and chemical cost is $57,250 which should last until spring 2024 before a refill is necessary. The total cost of implementation will be $135,500.

Staff requested approval of a buildings and ground improvement project as part of the West Stanly Sewer District operations budget to provide funds to implement a full scale chemical treatment process at the pump Station in order to abate odor complaints. It is recommended this be implemented before the onset of summer when people will be outside more often and the gas smell will be at its peak.

Following the presentation, Director Wingo responded to a brief period of questions. He then presented budget amendment # 2023-90 to approve the transfer of $135,500.00 from the West Stanly Sewer District 631 Retained Earnings into the West Stanly Sewer District 631 Operations Account for buildings and grounds improvements.

Commissioner Crump moved to approve budget amendment # 2023-90 as presented, seconded by Commissioner King and carried by unanimous vote.

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Patty Crump, Commissioner |
| **SECONDER:** | Brandon King, Commissioner |
| **AYES:** | Lawhon, King, Barbee, Crump, Asciutto, Efird, Hatley |

**8. Medical Freedom Act Resolution**

Presenter: Commissioner Patty Crump & Dr. Amir Koohestani

Commissioner Crump thanked Mr. Schmoecker and Mrs. Borg for their earlier comments and encouraged them to continue to share this information with others. She then introduced HB 98, also known as the Medical Freedom Act, which is currently sitting in committee at the state level. If passed the bill would prohibit State agencies, local governments and political subdivision of the State from discriminating against persons based on their refusal to provide proof of a COVID-19 vaccination or to submit to a COVID-19 vaccination. Further it would prohibit public schools, state and local public health agencies and local governments from requiring any person to provide proof of or to submit to a COVID-19 vaccination. Additionally, it will prohibit mandated face coverings and will protect healthy, unvaccinated North Carolinians from quarantine due to COVID exposure.

Commissioner Crump noted that she recently spoke with Representative Wayne Sasser who feels strongly that the bill will be passed by the state, but feels it is still important for our elected officials to hear from county commissioners, community leaders and the people on the issue.

Prior to presenting the resolution, Commissioner Crump introduced Dr. Amir Koohestani who spoke on the pros and cons of mandating vaccines for children and young adults, as well as the concerns being expressed by the scientific community regarding the COVID-19 vaccines and the myths associated with the vaccine.

Following Dr. Koohestani's comments, Commissioner Crump read the resolution then moved to approve its adoption, seconded by Vice Chair Barbee. Prior to the vote, Commissioner Asciutto noted the Consolidated Health & Human Services Board's recommendation that the Board not adopt the resolution and provided statistics on the number of COVID-19 deaths in the county broken down by those who were vaccinated versus unvaccinated.

With no further discussion, Chair Efird called for the vote. The motion passed with a 6 - 1 vote. (Commissioner Asciutto voting against.)

**See Exhibit A**
**Resolution In Support of Medical Freedom Act**

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| **RESULT:** | **APPROVED [6 TO 1]** |
| **MOVER:** | Patty Crump, Commissioner |
| **SECONDER:** | Mike Barbee, Commissioner |
| **AYES:** | Lawhon, King, Barbee, Crump, Efird, Hatley |
| **NAYS:** | Asciutto |

**9. Resolution Against NC House Bill 76 & Medicaid Expansion**

Presenter: Vice Chairman Mike Barbee

Vice Chair Barbee presented the resolution against HB 76 noting his concerns with the several provisions of the bill including the expansion of Medicaid benefits to an estimated 600,000 low-income adults in North Carolina. He added that if the federal government cannot finance this expansion in the future, it would no longer be funded and those previously insured would no longer have insurance. Additionally, the expansion will result in a financial impact on state income taxpayers, increase the administrative burden and cost to local DSS agencies, and increase the burden on the healthcare system which is already understaffed and overworked.

Following his comments, Vice Chair Barbee moved to approve the resolution which was seconded by Commissioner King. Prior to the vote, Commissioner Asciutto noted that the majority of the Consolidated Health & Human Services Board recommended the Board not support the resolution. Commissioner King and Commissioner Crump voiced their support of it for various reasons.

Following brief discussion, Chair Efird called for the vote. The motion to adopt the resolution against Medicaid expansion failed by a 4 - 3 vote.
Ayes: Vice Chair Barbee, Commissioner Crump, Commissioner King
Nos: Chair Efird, Commissioner Asciutto, Commissioner Hatley, Commissioner Lawhon

**See Exhibit B**
**Resolution to Oppose Medicaid Expansion and Reduce Government Dependency**

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| **RESULT:** | **DEFEATED [3 TO 4]** |
| **MOVER:** | Mike Barbee, Commissioner |
| **SECONDER:** | Brandon King, Commissioner |
| **AYES:** | King, Barbee, Crump |
| **NAYS:** | Lawhon, Asciutto, Efird, Hatley |

## 10. CONSENT AGENDA

Commissioner Ascuitto moved to approve the consent agenda as presented, seconded by Commissioner Lawhon and carried by unanimous vote.

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Peter Asciutto, Commissioner |
| **SECONDER:** | Bill Lawhon, Commissioner |
| **AYES:** | Lawhon, King, Barbee, Crump, Asciutto, Efird, Hatley |

**A. Minutes - Regular meeting of February 20, 2023**

**B. Finance - Vehicle tax refunds**

**C. Sheriff's Office - APS Medical Supplies**

**D. SCUSA - Vehicle Sale FY23**

**E. SCUSA - Van Conveyance to Cooperative Extension**

**F. Utilities - Budget Amendments for Stanly County Utilities Repairs**

**G. Health - Budget Amendment #2023-87 - WIC**

**H. Library Budget Amendment # 2023-88 - HVAC Unit**

**BOARD COMMENTS, ANNOUNCEMENTS & COMMITTEE REPORTS**

Commissioner Lawhon reported on the Economic Development Commission meeting held the previous week where representatives from Custom Alloy and Alcoa were in attendance. Custom Alloy, a manufacturer of nuclear submarine parts, will begin operating by the second quarter of 2023 in the Badin Business Park with forty (40) employees. Alcoa reported that the company has given 1000 acres of land to Morrow Mountain State Park and provided an update on environmental issues they are currently working on as well as a new Clean Water Act permit due to their current permit expiring October 2022.

Vice Chair Barbee noted his appreciation of those of the public in attendance. He also stated that the resolution against Medicaid expansion he presented earlier was not intended to step on the toes of any elected officials but to give them ammunition.

Commissioner Crump stated she feels a major victory for medical freedom has been won through adoption of the Medical Freedom Act resolution and hopes it will help safeguard the future of our children in order to give them a choice.

Commissioner Asciutto expressed his appreciation of the Board's discussion during the meeting. He also clarified his earlier statement regarding vaccines noting that they are never 100% effective but lessen your chances of getting sick.

Commissioner King addressed the Board members who did not support the resolution against Medicaid expansion stating that he hopes they voted no because they believe in it and not because of concerns of retaliation from state officials and are representing their constituents.

**ADJOURN**

By motion, Commissioner Asciutto moved to adjourn the meeting, seconded by Commissioner King and carried with a 7 - 0 vote at 8:01 p.m.

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**T. Scott Efird, Chair** **Tyler Brummitt, Clerk**