Tommy Jordan
Chairman

Zach Almond
Vice Chairman

Peter Asciutto
Commissioner

Mike Barbee
Commissioner

Scott Efird
Commissioner

Lane Furr
Commissioner

Bill Lawhon
Commissioner

STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
MONDAY, JUNE 6, 2022 – 6:00 PM

Attendee Name	Title	Status	Arrived
Tommy Jordan	Chairman	Present	
Zach Almond	Vice Chairman	Present	
Peter Asciutto	Commissioner	Present	
Mike Barbee	Commissioner	Present	
Scott Efird	Commissioner	Present	
Lane Furr	Commissioner	Present	
Bill Lawhon	Commissioner	Present	

CALL TO ORDER & WELCOME

The Stanly County Board of Commissioners (the "Board") met in regular session on Monday, June 6, 2022 in the Gene McIntyre Meeting Room, Stanly Commons. Chair Jordan called the meeting to order with Commissioner Efird giving the invocation and leading the pledge of allegiance.

APPROVAL / ADJUSTMENTS TO THE AGENDA

Chair Jordan requested the "Resolution By Stanly County Board of Commissioners" associated with the financing of the West Stanly 2.5 MGD Waste Water Treatment Plant Expansion Project be added to the consent agenda at item # 11(H). Commissioner Efird moved to approve the agenda as amended, seconded by Commissioner Furr and carried by a 7 - 0 vote.

SCHEDULED AGENDA ITEMS

1. PUBLIC COMMENT

The following individuals addressed the Board:
- Chief Dakota Raborn, West Stanly Fire Department
- Travis Moorehead
- Jason Phibbs
- Melvin Poole
- Harold Schmoecker
- Debbie Bennett

- Patti Crump
- Dr. Jarrod Dennis, SCS Superintendent

2. FY 2022-2023 Budget Public Hearing & Workshop Dates

Presenter: Andy Lucas, County Manager

Per NCGS 159-12, the Board must hold a public hearing to consider comments related to the recommended budget prior to its adoption. Additionally, it was requested the Board set the dates and times for budget workshops to discuss and review items in the proposed budget.

With no questions from the Board, Chair Jordan declared the public hearing open. With no one coming forward, the public hearing was closed.

Following a brief discussion, Commissioner Asciutto moved to establish the following dates for budget workshops: Thursday, June 16, 2022 at 2:00 p.m., Monday, June 20th at 3:00 p.m. and Tuesday, June 21st at 9:30 a.m. in the County Manager's Conference Room, Stanly Commons. The motion was seconded by Vice Chair Almond and passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Peter Asciutto, Commissioner
SECONDER:	Zach Almond, Vice Chairman
AYES:	Jordan, Almond, Asciutto, Barbee, Furr, Lawhon

3. Stanly County Aging Funding Plan (HCCBG FY22-23)

Presenter: Pamela Sullivan, Senior Services Director

For Board approval, County Manager Lucas presented the Stanly County Aging Funding Plan for FY 2022-23. As required, the HCCBG committee met, discussed and allocated funds in the amount of $500,188 to each of the seven (7) aging programs. Approval of the plan was requested in addition to acceptance of these funds into Senior Services budget for next fiscal year.

By motion, Vice Chair Almond moved to approve the plan for July 1, 2022 - June 30, 2023 as presented and accept these funds into the county budget, seconded by Commissioner Lawhon and passed by a 7 - 0 vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Zach Almond, Vice Chairman
SECONDER:	Bill Lawhon, Commissioner
AYES:	Jordan, Almond, Asciutto, Barbee, Furr, Lawhon

4. Public Hearing - Economic Development Incentive Grant

Presenter: Candice Lowder, EDC Director

The County is proposing an economic development incentive that will result in a five (5) year, 30% business development grant agreement between the County and an existing manufacturer of packaging products located in Stanly County. The company plans to invest a minimum of $1.5 million and create approximately four (4) new jobs over the next five (5) years.

Following a brief period of questions, Chair Jordan declared the public hearing open. During this time Jason Phibbs addressed the Board speaking against the incentive grant. With no one else coming forward, the hearing was closed.

By motion, Commissioner Lawhon moved to approve the incentive grant as requested, seconded by Commissioner Furr. Prior to the vote, Commissioner Asciutto and Chair Jordan spoke in support of incentive grants as a means to help local businesses expand and encourage new businesses to locate in the county. The motion passed by a 7 - 0 vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Bill Lawhon, Commissioner
SECONDER:	Lane Furr, Commissioner
AYES:	Jordan, Almond, Asciutto, Barbee, Furr, Lawhon

5. EDC Board Appointments

Presenter: Candice Lowder, EDC Director

Recusal of Vice Chair Almond

Prior to the presentation, Commissioner Lawhon moved to recuse Vice Chair Almond from the vote due to a conflict of interest, seconded by Commissioner Furr and carried by a 6 - 0 vote.

County Manager Lucas stated the following (5) EDC board member terms expired May 31, 2022: District 1: Larry Baucom, District 2: Phil Burr, District 3: Joseph Burleson, District 4: Charles Brown and District 5: Cindy Beane. It was requested the Board take action to appoint one (1) from each district for a two (2) year term expiring May 31, 2024.

By motion, Commissioner Lawhon submitted the following slate of nominees for appointment:

- District 1: Larry Baucom
- District 2: Phil Burr
- District 3: James Richard Jones
- District 4: Charles Brown
- District 5: Cindy Beane

Prior to a vote, Commissioner Asciutto requested the nominees be presented individually rather than by slate. Commissioner Lawhon amended his motion to do so which was then seconded by Commissioner Efird.

Commissioner Lawhon nominated Larry Baucom. With no other names submitted, nominations were closed. Mr. Baucom was appointed by unanimous vote.
Commissioner Lawhon nominated Phil Burr. With no other names presented, nominations were closed. Mr. Burr was appointed by a 6 - 0 vote.

Commissioner Lawhon nominated James Richard Jones. With no other names submitted, nominations were closed. Mr. Jones was appointed by unanimous vote.

Commissioner Lawhon nominated Charles Brown. With no others submitted, nominations were closed. Mr. Brown was appointed by a 6 - 0 vote.

Commissioner Lawhon nominated Cindy Beane. With no other names presented for consideration, Ms. Beane was appointed by unanimous vote.

RESULT:	**APPROVED [5 TO 0]**
MOVER:	Bill Lawhon, Commissioner
SECONDER:	Lane Furr, Commissioner
AYES:	Jordan, Asciutto, Barbee, Furr, Lawhon
RECUSED:	Almond

6. Public Hearing for Consideration of Road Naming

Presenter: Kyle Griffin, E-911 Communications Director

The Communications Department received a request from Mr. James (Jim) Leopard to name a private drive that will extend east from the intersection of Old Salisbury Road and Mann Road. The name submitted for approval is Leopard Lane.

With no questions from the Board, Chair Jordan declared the public hearing open. With no one coming forward to speak for or against, the hearing was closed.

Commissioner Efird moved to deny the request, seconded by Commissioner Furr and passed by a 7 - 0 vote.

RESULT:	**DEFEATED [UNANIMOUS]**
MOVER:	Bill Lawhon, Commissioner
SECONDER:	Lane Furr, Commissioner
AYES:	Jordan, Almond, Asciutto, Barbee, Furr, Lawhon

7. CD22-03 Anthony Giordano - Old Concord Road Conditional District

Presenter: Bob Remsburg, Planning Director

Mr. Giordano requested that two (2) parcels on Old Concord Road, one (1) containing 2.7 acres and the other containing 60.43 acres for a total of 63.68 acres, be rezoned from RA (Residential Agricultural) to RA - Old Concord Road Conditional District. The purpose is to allow the property to be divided into eight (8) lots ranging between seven (7) to nine (9) acres each and to establish conditions on the quality of the development.

Rather than treat this as a major subdivision which requires a paved access road, Mr. Giordano prefers to have this designated as a conditional zoning district to establish certain restrictions on the property and allow the lots to be served by an access easement. The easement will have a maintenance agreement agreed upon by each property owner. The majority of land surrounding this property is currently zoned RA with nearby parcels zoned General Business, Neighborhood Business, Highway Business and Heavy Industrial. Water and sewer services are not available to serve these lots therefore both well and septic will be required. The Environmental Health Department has begun soil tests for these lots but is waiting on the lot lines to be established which cannot be done until this rezoning request is determined.

The Planning Board considered the request at their meeting on Wednesday, May 11, 2022. Mr Giordano indicated that he plans to build homes in the $750,000 to $1,000,000 range. Numerous community members were present and expressed concern regarding farmland preservation, a long gravel road with a maintenance agreement, potential nuisance complaints from new residents concerning farm operations in the area, dangerous intersections and curves, the risk of the new wells causing dry wells on nearby properties and inadequate fire department access to the rear lots. The Planning Board voted to recommend denial of the request by a 6 - 0 vote. The basis for the recommendation was the continued loss of farmland and the property not being located in a growth area per the Stanly County Land Use Plan.

Recess

Following Mr. Remsburg's presentation, Chair Jordan called for a short recess at 7:24 p.m. with the meeting reconvened at 7:30 p.m.

Mr. Remsburg responded to Board questions concerning the Planning Board's decision to deny the request and the reasons given, types of homes allowed in an R20 zoning, specifically manufactured homes, and whether or not the property is currently farmed.

With no additional questions presented, Chair Jordan declared the public hearing open. The following individuals came forward to address the Board:
- Anthony Giordano, spoke in favor of the rezoning and responded to Board questions.
- Gary & Laura Hatley, adjacent property owners, spoke against the request.
- James & Barbara Lowder of Farmwood Lane, spoke against.
- Shane Almond of Vick Road spoke against it.
- Ronnie Burleson of Millingport Road and a local farmer spoke against it as well.

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

By motion, Commissioner Efird moved to deny the request to rezone the two (2) parcels on Old Concord Road from RA to RA-Old Concord Road Conditional District. This project is located in a sustainability area and although large lots comply with the description of a sustainability area in the current land use plan, it does not adequately preserve the farmland and rural character of the area. The motion was seconded by Commissioner Furr and carried by unanimous vote.

RESULT:	**DEFEATED [0 TO 7]**
MOVER:	Scott Efird, Commissioner
SECONDER:	Lane Furr, Commissioner
NAYS:	Jordan, Almond, Asciutto, Barbee, Furr, Lawhon, Efird

8. ZA22-11 Daryll Thomas, Sherwood Forest rezoning RA to R20

Presenter: Andy Lucas, County Manager

Mr. Thomas requested the rezoning of the Sherwood Forest subdivision owned by Uwharrie Harristown Land Trust from RA (Residential Agricultural) to R20 (Residential). This subdivision was platted and filed in 1988 and consisted of 37 lots. Four (4) contiguous lots containing 2.91 acres were conveyed to the Moses family previously and are not included with this rezoning request.

When this parcel was originally approved as a major subdivision in 1988, the zoning ordinance allowed the lot sizes in an RA district to be as small as 15,000 square feet if public water and sewer were available. All lots platted in Sherwood Forest exceed 20,000 square feet. When the zoning ordinance was updated approximately 20 years ago, the minimum lot size for a RA district in a watershed was increased to 40,000 square feet which now makes the platted lots in the subdivision nonconforming. Section 703 of the County Zoning Ordinance requires that vacant lots be recombined to meet the current zoning ordinance minimum lot size requirements which would require a new subdivision design and new plat to be filed unless the property is rezoned to R20 with no manufactured homes allowed. The Watershed Ordinance requires that single-family residential areas not exceed two (2) homes per acre density averaged over the project. The current Sherwood Forest subdivision plat meets the Watershed Ordinance requirements with an average of 0.64 acres per lot or 0.54 acres per lot if the right-of-way areas are deducted.

If rezoned to R20, the subdivision will be in compliance with the Watershed, Subdivision and Zoning Ordinances. Mr. Thomas has indicated that he will likely sell the property to a developer who would be required to have roads and utilities fully engineered to meet current standards. It was noted that public water and sewer is available for the subdivision from Stanly County Utilities. This property is in a growth area per the 2010 Stanly County Land-Use Plan.

The Planning Board heard from Mr. Thomas who stated that he had been approached by developers interested in using the property for manufactured homes. Mr. Thomas grew up in the area and does not want the property developed in this manner. Some Planning Board members expressed concerns due to the development's close proximity to the airport and the noise associated with the aircraft; however the Board decided that the nearby airport use should be obvious to anyone purchasing homes in the area. The Planning Board voted 6 - 0 to recommend approval of the rezoning request since this is in a growth area, has utilities available, the original subdivision was in compliance with the ordinance at the time it was recorded and the non-conformity was due to a change by the county. It was also noted that many lots in the Harristown area are non-conforming smaller lots.

Following the presentation, Mr. Remsburg responded to specific questions concerning the acreage required by ordinance for placement of mobile homes, the availability of water and sewer for the proposed development, whether or not the noise generated by the airport was considered by the Planning Board and the anticipated price range for the proposed homes.

Following discussion, Chair Jordan declared the public hearing open with the following individuals coming forward to speak:
- Darryll Thomas addressed the Board in favor of the request.
- Ronnie Burleson, a local farmer from Millingport Road spoke concerning the request.

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

Commissioner Asciutto noted his support of the rezoning due to the need for more affordable housing in the county and also because it was recommended for approval by the Planning Board.

Following continued discussion, Commissioner Lawhon and Commissioner Efird requested the Board table a decision until it can be confirmed that sewer is available to the property. As information, County Manager Lucas noted that if sewer is not available, it is the developer's responsibility to have it installed and the not the county.

Commissioner Barbee questioned the lot sizes and how that will restrict the type of houses to be constructed.

Commissioner Lawhon moved to table the item until the July 11, 2022 meeting to allow time for Stanly County Utilities to verify the availability of sewer to the property, seconded by Vice Chair Almond and carried by a 6 - 1 vote. (Commissioner Asciutto voting against.)

RESULT:	**TABLED [6 TO 1] Next: 7/11/2022 6:00 PM**
MOVER:	Bill Lawhon, Commissioner
SECONDER:	Zach Almond, Vice Chairman
AYES:	Jordan, Almond, Barbee, Furr, Lawhon, Efird
NAYS:	Asciutto

9. ZA22-12 Burleson Dev. Group - Millingport Road RA to R20

Presenter: Bob Remsburg, Planning Director

Burleson Development Group LLC submitted a rezoning request for nine (9) existing parcels that are located on the corner of Millingport Road and Highway 73 in New London consisting of 11.77 acres to be rezoned from RA (Residential Agricultural) to R20. The proposal is to recombine and divide the existing nine (9) parcels, with 1300 feet of road frontage, to create sixteen (16) lots which will reduce the average lot width to be as narrow as 80 feet. Under RA zoning, the lots can be as narrow as 100 feet. Under RA zoning, up to thirteen (13) lots can be placed with road frontage on Millingport Road. All lots would exceed 30,000 square feet in size due to their depth.

At the Planning Board meeting, there was some discussion about deed restrictions and covenants due to the lots being placed into covenants in May 2004 by the previous owner, Odell Almond. Since all lots covered by the covenants are now owned by Burleson Development, they opted to have the covenants removed. Mr. Remsburg noted that the Planning Board and county cannot consider deed restrictions or covenants in their decision process as these are a civil matter and the county is not subject to these restrictions and not permitted to enforce them. Under RA zoning, manufactured homes can be placed on the lots. The request to increase the number of lots is primarily to accommodate the cost of water and sewer extension.

Joseph Burleson provided a sketch of the proposed sixteen (16) lots with each being 30,000 square feet or larger and having 82 feet or more feet in road frontage if rezoned to R20 as requested. He also presented a second sketch which has four (4) of the sixteen (16) lots served by easements behind twelve (12) with frontage on Millingport Road. This design can be built even if the zoning remains RA district.

Ath the Planning Board meeting, numerous community members spoke in opposition to the plan for sixteen (16) homes facing Millingport Road. The Planning Board recommended that the Board of Commissioners deny the request by a 5 - 1 vote based on the need for farmland preservation and the increased density was not seen as being in harmony with the current neighborhood.

Following a brief period of questions, Chair Jordan declared the public hearing open. The following individuals addressed the Board:
- Dana Eudy, owner of the adjacent property on Millingport Road, spoke against the rezoning.
- Linda Moua, a nearby resident of Millingport Road, spoke against it as well.
- Ronnie Burleson, a local farmer on Millingport Road, spoke against.
- Hub Huneycutt, a Millingport Road resident that lives across the street from the proposed development, spoke against.
- Joseph Burleson of Burleson Development Group LLC, spoke in favor or the rezoning request and responded to Board questions.
- Shane Almond, a farmer and resident of Vick Road, spoke against the rezoning.
- Tracy Thompson, a local resident from the area, spoke against.
- Phil Burr, spoke in support of Joseph Burleson's character.

The Board discussed the request at length noting concerns with the loss of farmland, the proposed 80 feet wide lot widths and whether or not both of the design layouts for the development were provided to the Planning Board for review at their meeting.

Following discussion, Commissioner Lawhon moved to deny the request to rezone nine (9) parcels on Millingport Road from RA (Residential Agricultural) to R20 (Residential) adding that the proposed rezoning creates narrow lots which are not characteristic of the area and other designs available to the developer without rezoning are preferred. Commissioner Asciutto seconded the motion which passed by unanimous vote.

RESULT:	**DEFEATED [0 TO 7]**
MOVER:	Bill Lawhon, Commissioner
SECONDER:	Peter Asciutto, Commissioner
NAYS:	Jordan, Almond, Asciutto, Barbee, Furr, Lawhon, Efird

10. Stanly Community College Board of Trustees Appointments

Presenter: Andy Lucas, County Manager

Two (2) members of the Stanly Community College Board of Trustees, Joe Brooks and Melvin Poole, have terms expiring June 30, 2022. Board action was requested the appoint two (2) members to the SCC Board of Trustees effective July 1, 2022, with each serving a four (4) year term ending June 30, 2026.

Prior to any discussion, Melvin Poole came forward stating that due to health reasons he asked the Board to withdraw his name from consideration.

With no discussion, Chair Jordan opened the floor for nominations.
- Commissioner Barbee nominated Joe Brooks,
- Commissioner Furr nominated William "Cliff" Robinson
- Commissioner Barbee also nominated Douglas Hughes

With no other names presented, the nominations were closed.

Following are the votes as recorded:
- Joe Brooks - Chair Jordan, Vice Chair Almond, Commissioner Asciutto, Commissioner Barbee, Commissioner Efird, Commissioner Furr and Commissioner Lawhon.
- Cliff Robinson - Chair Jordan, Vice Chair Almond, Commissioner Efird, Commissioner Furr, Commissioner Lawhon
- Douglas Hughes - Commissioner Asciutto, Commissioner Barbee

Joes Brooks and Cliff Robinson were appointed as the two (2) members on the Stanly Community College Board of Trustees effective July 1, 2022 - June 30, 2026.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Peter Asciutto, Commissioner
SECONDER:	Mike Barbee, Commissioner
AYES:	Jordan, Almond, Asciutto, Barbee, Furr, Lawhon, Efird

11. CONSENT AGENDA

By motion, Commissioner Asciutto moved to approve the consent agenda as presented, seconded by Vice Chair Almond and carried by a 7 - 0 vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Peter Asciutto, Commissioner
SECONDER:	Zach Almond, Vice Chairman
AYES:	Jordan, Almond, Asciutto, Barbee, Furr, Lawhon, Efird

A. Minutes- Work session & regular meeting minutes for May 16, 2022

B. Finance - Monthly Financial Report Ending April 2022

C. Finance - Vehicle tax refunds for May 2022

D. Sheriff's Office - Budget amendment # 2022-98

E. JCPC - Approval of updated funding plan for FY 2021-22

F. FMO - Approval of Fireworks Display

G. Oakboro 4th of July Fireworks Approval

H. Resolution to Grant Signatory Approval for USDA Loan Application Documents

BOARD COMMENTS, ANNOUNCEMENTS & COMMITTEE REPORTS

Commissioner Lawhon congratulated the South Stanly and West Stanly High School girls' softball teams for winning the state championships in each of their divisions.

Commissioner Asciutto noted that Pate Butler with NCDOT will give a presentation during the Board's regular meeting on July 11th concerning the proposed 4-way stop at the intersection of Highway 73 and Millingport Road.

Commissioner Barbee echoed Commissioner Lawhon's comments adding that he was fortunate to have a daughter and two (2) granddaughters who played softball in high school as well with each having played in state championship games in the past.

Commissioner Efird noted that Commissioner Lawhon's granddaughter is a member of the West Stanly girls' softball team where she plays 3rd base.

Chair Jordan thanked those in attendance for their participation in the meeting.

RECESS UNTIL JUNE 16, 2022 AT 2:00 P.M. IN THE JOSHUA J. MORTON, JR. CONFERENCE ROOM (FORMERLY THE COUNTY MANAGER'S CONFERENCE ROOM) FOR A BUDGET WORKSHOP.

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Terry Scott Efird, Acting Chair **Tyler Brummitt, Clerk**