

Bill Lawhon
Commissioner

Brandon King
Commissioner

Mike Barbee
Commissioner

Patty Crump
Commissioner



Peter Asciutto
Commissioner

Scott Efird
Commissioner

Trent Hatley
Commissioner

**STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
MONDAY, JULY 10, 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, July 10, 2023 in the Gene McIntyre Meeting Room, Stanly Commons. Chair Efird called the meeting to order at 6:00 p.m. with Vice Chair Barbee giving the invocation and leading the pledge of allegiance.

APPROVAL / ADJUSTMENTS TO THE AGENDA

Chair Efird noted the request to pull item # 2 - Voluntary Ag-District Advisory Board appointments from the agenda. Commissioner Crump moved to approve the agenda as amended, seconded by Commissioner Hatley and carried by unanimous vote.

SCHEDULED AGENDA ITEMS

1. PUBLIC COMMENT

- On behalf of the Stanly County Board of Education, Superintendent Dr. Jarrod Dennis thanked the County Commissioners for committing the funds needed to cover the cost of six (6) School Resource Officer (SRO) positions in next year's budget which will provide an officer for every school in the county.
- Ron Lewis of Foundation Forward, Inc. of Burke County presented the County with a framed print of the Charters of Freedom which includes selected amendments from the United States Constitution.

- Shane Almond, a New London resident, requested the Board consider imposing a developer's fee to help fund the cost to expand water and sewer infrastructure in the county with a portion of the fee shared with the schools in order to meet the demand being generated by new residential developments and the number of new students entering the school system.
- Sam Walker of the Keith Corporation addressed the Board in support of text amendment ZA23-05 regarding Group Care Facilities stating that he has worked closely with Ward Blanchard and feels the proposed text amendment creates a good opportunity to provide a community amenity to help address the County's opioid epidemic.
- Ward Blanchard of the Blanchard Institute noted his support of ZA23-05 as well stating that he has spent the last twenty (20) years fighting the opioid epidemic and hopes to bring the much needed resources to do so to the community by establishing such a facility on Vickers Store Road.

2. Voluntary Ag-District Advisory Board Appointments

Presenter: Curtis Furr, Vice Chair of the VAD Advisory Board

This item was pulled from the agenda.

RESULT:	WITHDRAWN
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3. Region F Aging Advisory Committee (RFAAC) Appointments

Presenter: Pamela Sullivan, Senior Services Director

Two (2) of Stanly County's three (3) representatives on the RFAAC, Nicole Ashton (Delegate) and Roger Eudy (Alternate), have terms which expired June 30, 2023. Both agreed to serve again if re-appointed.

The RFAAC requested that Nicole Ashton be reappointed as a Delegate for a two (2) year term ending June 30, 2025 and Roger Eudy be re-appointed as Alternate for a one (1) year term ending June 30, 2024.

By motion, Commissioner Asciutto moved to approve the reappointments as requested, seconded by Commissioner Crump and passed by a 7 - 0 vote.

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

4. Department Presentation - Library

Presenter: Sara Hahn, Library Director

Library Director Sara Hahn gave a detailed presentation on the many services, programs and resources the library provides to the community from the age of birth through adulthood. A few of the programs noted include a new sensory lab, new art & animation club for teens and young adults, the Rinse & Read Laundromat Literacy Center located at the Corner Supermarket in Albemarle and summer reading programs for all age groups.

Beginning July 26th, the Stanly County Library will also become 1 of 63 counties in the state to be a part of the NC Cardinal Library system consortium which is an online catalog and integrated library system to share resources with other member libraries.

A few of the recent updates to the library noted during the presentation includes a re-branding of the library's logo that mimics the County's logo, minor aesthetic updates both inside and outside the Albemarle Main Library with plans to renovate the meeting room and add exterior cameras to the downstairs book drop area for security.

Following the presentation, Director Hahn thanked the Board for their continued support of the public library and responded to questions from the Board.

5. Board of Adjustment Appointment

Presenter: Bailey Emrich, Planner

Two (2) of the regular board members, Richard Cosgrove and Devron Furr, and one (1) alternate member, Michael Fleming, have terms that expired June 30, 2023. All three (3) have agreed to serve again if re-appointed. It was requested the Board appoint two (2) regular members and one (1) alternate to the Board of Adjustment with each serving a three (3) year term ending June 30, 2026.

Due to Devron Furr serving multiple terms as a regular member, Commissioner King requested that he be moved to the Alternate seat and Michael Fleming appointed as a regular member.

By motion, Commissioner King moved to appoint Richard Cosgrove and Michael Fleming as regular members and Devron Furr as the alternate with each serving three (3) year terms ending June 30, 2026, seconded by Commissioner Crump and passed by unanimous vote.

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

6. ZA23-02 Text Amendment - Temporary Use of Camper Trailers

Presenter: Bob Remsburg, Planning Director

Director Remsburg stated that the Stanly County Planning Department receives requests on a regular basis regarding the temporary use of a camper trailer during the construction of a primary residence. Currently, Planning staff would permit the recreational vehicle under the accessory building zoning fee which is \$20. There have also been code enforcement cases where individuals are living in their campers and have been fined per day because it is not properly permitted. If approved, text amendment ZA 23-02 would resolve this issue and allow them to get a permit to do so.

July 10, 2023

During their February 22, 2023 meeting, the Planning Board tabled ZA23-03 to obtain additional information on the procedures being followed by surrounding counties. It was learned that many counties do not allow for this type of temporary housing. Beaufort, NC allows individuals to reside in recreational vehicles for up to nine (9) months by pulling permits for a site built home and having septic approval prior to issuing a temporary permit for the recreational vehicle. Both Jackson and Carteret Counties allow individuals to live in a recreational vehicle temporarily for up to nine (9) months (or 180 days) as well.

One of the main concerns expressed by the Planning Board was how to deal with wastewater, water and electric connections. Any new use of a septic system would require approval by Environmental Health. Some may choose to use a tank for wastewater and utilize a pump and haul service as well. A new tap may be installed or a well permitted for a water source. Electrical would be a saw service unless a pre-existing structure provides a source of electricity. Campers would be required to meet the RV Industry Association and National Fire Protection Association safety standards and permitted for up to two (2) consecutive six (6) month periods as long as construction is ongoing and the required inspections are completed.

The Planning Board considered this amendment again at their June 12, 2023 meeting and unanimously recommended approval of it with the added language that requires the camper trailer to be disconnected from utilities once a Certificate of Occupation is issued for the residence.

Following the presentation, Director Remsburg responded to Board questions concerning whether or not a fine can be imposed on those who go beyond the two consecutive six (6) month periods. Following discussion it was requested the Board conduct the required public hearing then either approve, deny or modify the proposed amendment.

Chair Efird declared the public hearing open. With no one coming forward, the hearing was closed.

By motion, Commissioner Lawhon moved to approve text amendment ZA23-02 to amend Section 407.2 of the Stanly County Zoning Ordinance to allow the use of camper trailers which meet certain criteria to be utilized during construction of a primary residence. This will allow property owners to utilize their own property while construction is underway on their home. The motion was seconded by Vice Chair Barbee and carried by a 7 - 0 vote.

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

7. ZA23-04 Increase Lot Sizes If Public Water & Sewer Are Not Available

Presenter: Bob Remsburg, Planning Director

The proposed text amendment ZA23-04 to Section 701 which would increase lot size requirements in the RA, R40, R20 and R10 zoning districts where public water and sewer are

not available. This idea was discussed by the committee during the development of the latest Stanly County Land-Use Plan in order to encourage growth to occur primarily where water and sewer connections are available. Residences with well and /or septic systems would also be required to be on larger lots in these districts.

Section 701 of the current County Zoning Ordinance allows for 30,000 square foot lots in the RA zoning district if the parcel is not in the watershed and 40,000 square feet if located in a watershed. If approved, the new language in text amendment ZA23-04 would allow 30,000 square foot lots only where both water and sewer services are available and would require 40,000 square foot lots where only one or neither service is available.

R10 and R20 zoning districts currently allow for smaller lot sizes. In an R20 district, lots can be 15,000 square feet in size when water or sewer is available and 20,000 square feet where neither is present. This new language would require 20,000 square foot lots unless both public water and sewer are available. The R10 district currently allows for lots to be 10,000 square feet where water or sewer is available and 15,000 if neither is present. The new language would require parcels zoned R10 to have 15,000 square feet if either public water or sewer is not available. Environmental Health has indicated that most soils in the County require a minimum of 15,000 square feet to support a septic system and repair field.

The Planning Board discussed this amendment at two (2) different meetings and unanimously recommended approval of the draft language at the June 12, 2023 meeting. Community members were present at both meetings and expressed concerns that the recommendations included in the new Land Use Plan have not been integrated into the County's Zoning Ordinance. The new Land Use Plan calls for a minimum lot size of five (5) acres for subdivisions of properties within the Rural Preservation Area and that any major subdivisions be discouraged unless they are Conservation Subdivisions which "leave large areas for permanent open space, agriculture and rural vistas." The proposed amendment helps meet the recommendations of the Land-Use Plan which states "Amend the zoning ordinance to codify recommendations for the Rural Preservation Area of the future land use map to support larger minimum lot sizes for single-family residential and encourage Conservation Subdivisions." Public and Land Use Plan Committee members input regularly cited encouraging growth to occur near municipalities where water and sewer infrastructure is already available.

The existing requirements allow for smaller lot sizes if either public water or sewer service is available. LUP Committee members noted that smaller lots should only be allowed if both are available. This text amendment makes that adjustment as well.

Prior to the vote, Vice Chair Barbee noted that he had spoken with Director Remsburg earlier that day to confirm that if adopted, this text amendment would not interfere with the integration of the Land Use Plan into the County's Zoning Ordinance. Director Remsburg responded that the proposed text amendment is a separate item with no bearing on the proposed integration. He also shared that the Planning Board will meet on July 24th to consider a proposal to recommend a minimum lot size of 60,000 square feet for areas designated as Rural Preservation Area in the current Land-Use Plan which is typically found in

the RA (Residential Agricultural) zoning district. He added that anytime changes are made to the ordinance, it is important to understand all of the effects it will have when someone wants to subdivide their property in the future and provided various examples. Commissioner Lawhon added that a property owner also has the option to request a variance from the Board of Adjustment in order to subdivide their property to which Mr. Remsburg agreed.

With no further discussion, Chair Efird declared the public hearing open.

- Shane Almond stated that he feels the text amendment is not against individuals who wish to subdivide their property, but developers who construct as many houses as possible on a property when the local school system, volunteer fire departments and infrastructure are unable to support the continued growth that is taking place in the county.

- Kelly Hart, who served on the Land-Use Plan Committee, noted the 5-acre minimum requirement to subdivide property is already included as part of the adopted Land-Use Plan and is not intended to prevent individuals from subdividing their property but applies to developments. She noted her support of the proposed amendment as long as it does not interfere with the recommendations of the LUP being followed.

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

Commissioner King moved to approve the text amendment to amend Section 701 of the Stanly County Zoning Ordinance, as highlighted in Attachment B to this agenda item, to require lot sizes to be larger in the RA, R40, R20 and R10 residential districts if either water or sewer is not available, as has been recommended by the Planning Board. This will help assure that lots are large enough to ensure that distances between wells and septic systems are sufficient. The motion was seconded by Commissioner Lawhon and passed by unanimous vote.

Commissioner Lawhon expressed concerns with the current setbacks and road frontage requirements for developments and requested the Planning Board review and consider increasing them as well. Director Remsburg acknowledged the request.

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

8. ZA23-05 Text Amendment - Group Care Facility

Presenter: Bailey Emrich, Planner

Text amendment ZA23-05 would allow a Group Care Facility to be located on a parcel of eight (8) acres or more in a RA (Residential Agricultural) and the RR (Rural Recreational) zoning districts following the issuance of a Special Use Permit by the Board of Adjustment (BOA) and to amend the definition of a Group Care Facility to include any facility licensed by the NC Department of Health & Human Services (NCDHHS) under NC Administrative Code 27G.

If adopted, Group Care Facilities would be defined as nonprofit facilities or any facility licensed by the NCDHHS under NCAC 27G for the purpose of assisting more than twenty (20) residents

recuperating from the effects of drugs or alcohol, runaway children or battered individuals or to provide shelter and support for those who are handicapped. It was noted that the facilities are not an alternative to incarceration, but primarily serve for counseling and rehabilitation. The requirement for eight (8) acres will create some separation from adjoining properties and differing uses. Currently these districts allow Group Homes and Boarding and Rooming Houses, but do not allow for larger Group Care Facilities. The RA district allows for Nursing, Rest or Convalescent Home with no acreage restrictions. The proposed amendment would not affect group homes for six (6) or fewer people under care which are allowed in all residential zoning districts by statute.

The Planning Board recommended approval of the proposed amendments with the additional requirement that each Group Care Facility be reviewed by the Board of Adjustment in a quasi-judicial hearing process for a Special use Permit which is a common practice followed by many surrounding counties as a requirement for this. This would result in all adjoining property owners being notified of the proposed use for the property with consideration by the BOA of any significant neighborhood impacts. The BOA would also have the option to add requirements to ensure that any Group Care Facility would not have a negative impact on the area.

There is no County zoning district that currently allows Group Care Facilities by right or through a Special Use Permit. The Planning Board agreed that there is a need for this type of facility in appropriate locations and unanimously recommended adoption of the text amendment.

Following the presentation, Director Remsburg responded to questions concerning why such an amendment is needed and how a GCF differs from foster care homes.

With no further discussion, Chair Efird declared the public hearing open. With no one coming forward to speak, the hearing was closed.

Commissioner Crump moved to approve the text amendment allowing Group Care Facilities to be located in the RA and RR zoning districts on lots of eight (8) acres or larger upon the approval of a Special Use permit by the Board of Adjustment as recommended by the Planning Board. Group Care Facilities offer an important service to our community and will have no significant negative effects on nearby properties. Vice Chair Barbee seconded the motion which passed by a 7 - 0 vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Patty Crump, Commissioner
SECONDER:	Mike Barbee, Commissioner
AYES:	Lawhon, King, Barbee, Crump, Ascitutto, Efird, Hatley

9. ZA23-06 Text Amendment - Section 607.2, Section 13.3 Adult Establishments

Presenter: Bob Remsburg, Planning Director

The Planning Department received a request from County Administration to draft language into the County Zoning Ordinance to address male and female impersonators who provide

July 10, 2023

entertainment that appeals to a prurient interest. The NC General Assembly is considering language which may address this issue statewide but has not yet been adopted. Currently the Stanly County zoning Ordinance restricts adult entertainments to the Highway Business District with a Special Use Permit from the Board of Adjustment if certain conditions are met. At this time, there are no Special Use Permits in place for such an establishment and none that are proposed.

The proposed text amendment would change the term "Adult Business" to "Adult Establishments" in Section 607.2 to match the definition in Section 13.3. The new language adds the clarification statement "and uses including Adult Entertainment". In Section 13.3 - Definitions of the Zoning Ordinance, the proposed amendments include a new definition for Adult Live Entertainment and add clarifying language to the definition of Adult Establishment and corrects a reference to the definitions related to Massage and Bodywork Therapy Establishment.

With no adult establishments or uses found in the County's zoning jurisdiction, no existing businesses will be affected by the amendment. The overall effect would be to help classify drag type shows which appeal to a prurient interest as adult live entertainment and require this type of activity to be held only at a location which has obtained a Special Use Permit as an adult establishment or use.

The Planning Board considered this text amendment during their meeting on June 12, 2023 and tabled it in order to wait and allow the General Assembly to make changes to the NC General Statutes under House Bill 673 titled "Clarify Regulations on Adult Entertainment.". At the request of County Administration, the Planning Board met in special session on June 19, 2023 to reconsider the amendment. Following discussion, the Planning Board chose to approve the amendment with the addition of the definition of prurient as defined by Webster's Dictionary.

During Board discussion, Commissioner Ascianto stated that deciding what is or is not prurient in relation to a drag show requires subjectivity. He provided several examples of events held throughout the county previously and asked if those would qualify as prurient. Director Remsburg responded that since the Planning & Zoning Department is complaint-driven, someone will have to file a complaint concerning the event before staff can investigate. If it's after the event takes place, there isn't much the department can do other than notify the sponsor that such an event isn't allowed in the future unless a Special Use Permit is approved.

Following discussion, Commissioner Ascianto stated that because he feels there are questions about the amendment and that it takes away an individual's freedoms, he cannot support it. Commissioner Crump stated the proposed amendment is in response to the recent drag shows that are being held at a location that could be dangerous for children to be around and as such citizens may not want them to be allowed here. Even though it's a subjective vote, she will support it.

With no further discussion, Chair Efird declared the public hearing open.

July 10, 2023

- Jason Phibbs spoke in support of ZA 23-05 stating that he feels the goal is to protect children in the community by keeping them from being exposed to inappropriate content that will ruin their lives. Although the amendment does not ban it completely, he feels it is a statement of who we want to be as a community.

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

By motion, Commissioner Crump moved to approve the text amendment to amend sections 607.2 and 13.3 to further define and clarify Adult Establishment and Adult Entertainment. This amendment will eliminate some ambiguity in the ordinance and establish that adult live entertainment includes male or female impersonators who provide entertainment that appeals to a prurient interest. Commissioner King seconded the motion.

Prior to the vote, Commissioner Asciutto added that he feels this is about fear and hate and that drag shows have been around for centuries and has no problem with them. People are simply living their lives and we're taking away their freedoms.

Chair Efird called for the vote with the motion passing by a 6 - 1 vote. (Commissioner Asciutto voted against.)

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

10. System Development Fee Ordinance - Proposed Fee Amendments

Presenter: Andy Lucas, County Manager

Per the Board's discussion during recent budget workshops, County Manager Lucas proposed fee changes to the System Development Fee (SDF) Ordinance for water and sewer connections of 1.5" and larger. For Board consideration, staff presented the proposed amendments to the fee schedule portion of the previously adopted ordinance for consideration and approval.

County Manager Lucas responded to a questions from the Board concerning whether or not any businesses or developers have paid the higher SDFs for a larger line thus far. County Manager Lucas responded that the request to reduce the fees was to help economic development throughout the county.

With no further questions, Chair Efird declared the public hearing open. With no one coming forward the hearing was closed.

Commissioner King moved to amend the specific fees in the System Development Fee Ordinance as presented, seconded by Commissioner Asciutto and passed by unanimous vote.

See Exhibit A

Ordinance SCU No. 2022-02**An Ordinance to Adopt System Development Fees for the Water and Sewer System
as Authorized by Article 8 of Chapter 162A of the North Carolina General Statutes**

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

11. 2023 NCACC Annual Conference Voting Delegate

Presenter: Andy Lucas, County Manager

The NCACC's 116th Annual Conference Business Session will be held in Wake County on Saturday, August 26th at 2:00 p.m. Each county is entitled to one (1) vote on items that come before the membership including the election of the NCACC Second Vice President. As such it was requested that each county select one (1) person to serve as the voting delegate and one (1) person as an alternate if the Board chooses to select one.

By motion, Commissioner Asciutto moved to select Commissioner King as the Delegate and Commissioner Asciutto as the Alternate, seconded by Commissioner Hatley and carried by a 7 - 0 vote.

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

12. CONSENT AGENDA

Commissioner Asciutto moved to approve the consent agenda as presented, seconded by Commissioner King and passed by unanimous vote.

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

A. Minutes**B. Finance - Request Acceptance of the Monthly Financial Report for May 2023****C. Finance - Request approval of the vehicle tax refunds for June 2023****D. Juvenile Crime Prevention Council (JCPC) Appointment****E. Juvenile Crime Prevention Council (JCPC) Program Agreement****F. Juvenile Crime Prevention Council (JCPC) Certification of Council Members****G. Sheriff's Office - Budget amendment # 2024-01**

H. 2023 Essential Single Family Rehabilitation (ESFR) Grant - Policies Approval

**I. Utilities - Budget Amendment #2024-02 & # 2024-03 - Stony Gap Water Main Extension
Easement Acquisition Services**

J. Sheriff's Office - Budget amendment # 2024-04 - New Personnel Items

BOARD COMMENTS, ANNOUNCEMENTS & COMMITTEE REPORTS

Commissioner King thanked Library Director Sara Hahn for her presentation and acknowledged the great work she and the library staff are doing.

Commissioner Asciutto noted several outstanding local athletes and their accomplishments and reminded everyone of the 2023 Stanly County Sports Hall of Fame annual induction next week. He noted his recent participation in a County work day in the Sheriff's Office where he went on boat patrol with Darnell Almond and expressed his condolences on the passing of former Stanly News & Press reporter, Ritchie Starnes.

Commissioner Lawhon announced that current SCUSA Transportation Director Randy Shank was selected as the new Airport Director effective July 17, 2023 and reported the various airport statistics for the month of June 2023.

Chair Efird noted his appreciation of those in the audience in attendance and expressed his condolences on the passing of Ritchie Starnes as well.

ADJOURN

By motion, Commissioner Crump moved to adjourn the meeting, seconded by Commissioner Asciutto and carried by unanimous vote at 7:50 p.m.

T. Scott Efird, Chair

Tyler Brummitt, Clerk