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
TUESDAY, SEPTEMBER 6, 2022 – 6:00 PM

Attendee Name	Title	Status	Arrived
Tommy Jordan	Chairman	Present	
Zach Almond	Vice Chairman	Remote	
Peter Asciutto	Commissioner	Present	
Mike Barbee	Commissioner	Present	
Scott Efird	Commissioner	Present	
Lane Furr	Commissioner	Present	
Bill Lawhon	Commissioner	Present	
Andy Lucas	County Manager	Present	
Jenny Furr	Attorney	Present	
Tyler Brummitt	Clerk	Present	

CALL TO ORDER & WELCOME

The Stanly County Board of Commissioners (the "Board") met in regular session on Tuesday, September 6, 2022 in the Gene McIntyre Meeting Room, Stanly Commons. Chair Jordan called the meeting to order at 6:04 p.m. with Commissioner Efird giving the invocation and leading the pledge of allegiance.

APPROVAL / ADJUSTMENT TO THE AGENDA

With no amendments to the agenda, Commissioner Lawhon moved to approve it as presented, seconded by Commissioner Efird and carried by unanimous vote.

SCHEDULED AGENDA ITEMS

1. PUBLIC COMMENT

Pastor Clint Lewey of Friendship Baptist Church in Stanfield addressed the Board.

2. Livestock Arena Project Presentation

Presenter: Andy Lucas, County Manager

With preliminary cost estimates for the livestock arena finalized, Livestock Arena Committee members, Gary Hatley and Curtis Furr, addressed the Board to thank them for their support of the project since its inception ten (10) years ago. Mr. Furr provided an update on fundraising efforts thus far with the hope that once construction begins even more donations will be received.

County Manager Lucas' presentation included the timeline for the project beginning in July 2018 when an initial bid of $3.492 million was received with the County pledging $1.75 million toward the project. The Board later tabled it to seek $1 million in funding from other sources before moving forward. By August 2018, $900,000 was raised by the committee through private grants and pledges, and by August 2019 the amount had increased to $1.223 million for a total of $2.973 million.

Following a tour of Union County's arena in 2020, the Board made the decision to go with a design-build project based on a revised facility design that includes 7,000 square feet of heated/cooled space for restrooms, kitchen, event space, offices and storage. The event space as designed is 3,500 square feet with seating for 300-500 people at a cost $600,000 which brings the total estimated project cost to $5.8 million.

As information, County Manager Lucas identified two (2) additional capital projects currently being considered by the County including a new Sheriff's Office at an estimated cost of $10 million and a new E911/EOC/Emergency Services Center at an estimated cost of $8 million. With the addition of the livestock arena, the total cost for all three (3) projects is estimated to be $24 million. If the County were to utilize $8 million in available reserves to offset the cost of the projects, the projected annual debt service of $1.126 million based on borrowing $16 million for a twenty (20) year term at a 3.5% interest rate.

Following the presentation, the Livestock Arena Committee members responded to questions concerning the types of events the arena can be used for and the potential revenue to be generated by its use. It was requested the Board direct staff to either move forward with the full design and obtain a maximum guaranteed price, adjust the scope of the project prior to obtaining a guaranteed maximum price, or table/defer the project.

Following comments, Commissioner Asciutto moved to proceed with the full design of the arena at an estimated cost of $5.8 million to include the additional meeting space. County Manager Lucas requested that the motion also authorize staff to obtain a guaranteed maximum price for the project. Commissioner Asciutto agreed and amended his motion to include this.

Prior to a second, Chair Jordan requested the motion be amended to state that if the cost does not exceed $5.8 million, staff can proceed with the project and execute a contract. Commissioner Barbee expressed concerns with including $5.8 million as part of the motion and would rather exclude a specific dollar amount.

Commissioner Asciutto agreed with Commissioner Babee's comments and amended his motion to direct staff to obtain a guaranteed maximum price from general contractor, MCT, based on the full design to include the additional meeting space for the proposed livestock arena. The motion was seconded by Commissioner Barbee and carried by unanimous vote.

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

3. Department Presentation

Presenter: Randy Shank, Transportation Director

Transportation Services Director Randy Shank provided an overview of the services offered to residents of Stanly County which include trips to and from agencies, employment sites, businesses, medical centers (in and out of county) and other general needs. Services are provided utilizing vans and buses to enhance and improve residents quality of life and promote an independent lifestyle that allows individuals to remain in their homes as long as possible. He provided statistics related to the number of service days operated in 2021, number of clients served, total miles driven, number of SCUSA employees and a brief review of the department's operating budget and various revenues.

Following the presentation, Director Shank responded to Board questions with no further action being taken.

RESULT:	**WITHDRAWN**

4. Public Hearing FY24 5311 Admin Only

Presenter: Randy Shank, Trasnportation Director

Director Shank requested Board approval for SCUSA Transportation to apply for the FY 2024 5311 Community Transportation Program (CTP) funds in the estimated amount of $259,561 with a 15% local match request of $38,934. If received, these funds will be used to fund the salaries and benefits for three (3) existing full-time and one (1) part-time staff, vehicle insurance, drug testing, daily office operations and advertising. Director Shank noted the current application and resolution are for administrative costs only with the capital portion of the program to be applied for in November.
Following a brief period of questions, Chair Jordan declared the public hearing open to receive comments related to the application. With no one coming forward to speak for or against, the hearing was closed.

Commissioner Lawhon moved to approve the program application and associated resolution to apply for, receive and have the funds administered by the Transportation Services Department, seconded by Commissioner Asciutto and carried by a 7 - 0 vote.

See Exhibit A
Public Transportation Program Resolution
FY 2024 Resolution

4

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

5. NCDOT FY24 5310 Captial Purchase of Service Grant Public Hearing and Program Resolution

Presenter: Sherri Parker, Senior Services Social Worker

The Senior Services Department intends to apply for a FY24 Capital Purchase of Service grant in the amount of $60,000. If received, these funds will be used to expand transportation services for adults 65 and older in the county. This grant will allow for the purchase of additional transportation services from SCUSA and provide more services above the level that HCCBG funds allows. The ten percent (10%) local match will come from the HCCBG funds that the department already receives. It was requested the Board conduct a public hearing to receive comments on the application and approve the department's application and associated program resolution for the grant.

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

By motion, Commissioner Asciutto moved to approve the application and program resolution for the grant, seconded by Commissioner Efird and carried by a 7-0 vote.

See Exhibit B
Public Transportation Program Resolution
FY 2024 Resolution

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

6. ZA22-13 Forrest Davis, Sr - Barnhardt Road

Presenter: Bob Remsburg, Planning Director

Mr. Robert Davis, Jr. submitted a request to rezone a one (1) acre lot at the corner of Barnhardt Road and Adam Road (40557 Barnhardt Road, Tax Record # 140337) from RA-Residential Agricultural to R20-Residential. The purpose of the request is to divide the property and allow his daughter to construct a home on it. Mr. Davis' home is on the south side of the lot at 40557 Barnhardt Road. The location of his home in addition to the road frontage and septic system considerations allows for the division of the lot into two (2) parcels with approximately 21,500 square feet each. The RA zoning district requires lots to be 40,000 square feet in watershed areas. By rezoning the property to R20, the lot can be subdivided as requested and will comply with the Watershed Ordinance. The Zoning Ordinance does not allow more than one site-built or modular home to be constructed on one lot, so the lot must be divided to allow the daughter's home to be built. Adjacent lots toward Camp Barnhardt are approximately 20,000 square feet in size and were established prior to current zoning requirements. The area has public water provided by Stanly County Utilities. The Planning Board unanimously recommended approval of the request subject to the new lot receiving an improvement permit from Environmental Health for a septic system. Since the meeting, the permit has been approved. No one spoke in opposition to the request at the Planning Board meeting held July 18, 2022.

With no questions from the Board, Chair Jordan declared the public hearing open. Petitioner Mr. Forrest Davis, Sr. spoke in favor of the request. With no one else coming forward, the hearing was closed.

By motion, Commissioner Efird moved to approve the rezoning request for 40557 Barnhardt Road from RA (Residential Agricultural) to R20 (Residential) due to the lot being adjacent to other smaller lots and fits into the character of the existing neighborhood, seconded by Commissioner Furr and passed by unanimous vote.

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

7. Public Hearing and Adoption of the Stanly County System Development Fee Ordinance

Presenter: Duane Wingo, Utilities Director

For Board consideration and adoption, Utilities Director Wingo presented the System Development Fee (SDF) Study and the Water & Sewer System Development Fee Ordinance. The purpose of the study is to provide the required professional engineering analysis for the County's water distribution and sewer collection systems based on the previously approved water and sewer capital improvement plans to determine maximum fees that may be assessed by the County for new developments that request water and sewer connections.

Mr. Wingo explained that the fees would not apply to existing residential, commercial, or industrial development, or to those that have applied for water or sewer service connection before the SDF Ordinance adoption date. The fees will apply only if there is a request to upgrade the size of the water or sewer service connection, or a new development is constructed on the property requiring additional water and/or sewer service capacity as described in the SDF Ordinance.

The proposed ordinance includes the recommended system development fees that were derived from comparable SDFs charged by other municipal systems in the region. As required by NC General Statute, once the SDF Ordinance is adopted a new SDF study must be completed every five (5) years to reassess the maximum fees implemented. However, the fees cannot exceed the maximum fees identified by the engineering consultant as part of the SDF study.

The SDF study was published on the Stanly County Utilities website on June 13, 2022 and posted as required for 45 days. Contact information was provided to direct all comments or questions to the Utilities Director with none being received by staff or the Wooten Company as of September 6, 2022. It was requested the Board conduct the required public hearing then take action to adopt the ordinance as presented.

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

Following the presentation, Mr. Wingo responded to questions concerning the average cost per mile to construct water and sewer lines, the cost to complete the upgrade to the West Stanly Wastewater Treatment Plant, and how SDFs will aid the County in paying for future system improvements and expansions needed to accommodate growth in the county.

Commissioner Lawhon moved to adopt the maximum SDF fees as presented by The Wooten Company fee study, seconded by Vice Chair Almond. The motion passed by a 6 - 1 vote. (Chair Jordan voting against.)

County Attorney Furr requested the Board take action to adopt the SDF ordinance as well as the fees. Commissioner Efird moved to approve the SDF ordinance as presented to include the maximum SDF fees, seconded by Commissioner Asciutto and carried by unanimous vote.

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

RESULT:	**APPROVED [6 TO 1]**
MOVER:	Scott Efird, Commissioner
SECONDER:	Peter Asciutto, Commissioner
AYES:	Almond, Asciutto, Barbee, Efird, Furr, Lawhon
NAYS:	Jordan

8. SWSA Interim Financing Extension

Presenter: Andy Lucas, County Manager

In March 2022, the Board provided a zero percent (0%) interest, interim loan to the Stanly Water & Sewer Authority (SWSA) to cover the cost of engineering and easement acquisition for the Phase 4 SWSA waterline project. This interim financing agreement expired in April 2022. As such, it is recommended the Board extend the terms of the agreement until June 30, 2023 to allow SWSA additional time to complete all of the USDA Loan requirements. As agreed to previously, SWSA will reimburse the County once the USDA loan is secured and closed.

With no questions from the Board, Commissioner Lawhon moved to approve the interim loan extension as requested, seconded by Commissioner Barbee and carried by a 7 - 0 vote.

See Exhibit D
Extension # 1 of Interlocal Agreement for Short Term Interim Financing

Recess
Chair Jordan called for a short recess at 7:27 p.m. with the meeting reconvened at 7:35 p.m.

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

9. Animal Protective Services Discussion
Presenter: Commissioner Peter Asciutto

Chair Jordan began by recognizing those who signed up for public comment. Shelter volunteer Kathryn Hinkle Russell addressed the Board first then read comments submitted by Angela Laws of Killer Kitties Rescue. With no one else coming forward to speak, Chair Jordan opened the floor for Board discussion.

As information, Commissioner Asciutto provided a history of Animal Protective Services (APS) and the changes that have taken place since the department was transferred to the Sheriff's Office in November 2020. He included statistics related to adoption rates, the total number of intakes, the average number of calls for service per month, personnel changes and salary increases/decreases. He expressed concerns that even though the budget for APS has increased by $150,000 since the transfer, the shelter's hours of operation have been reduced. Also volunteers at the shelter have stated that the deputies assigned to APS have not been available in the afternoons to help with the animals and paperwork as anticipated, but often assist the Sheriff's Office on other calls. However, Commissioner Asciutto stated thate he feels encouraged due to some recent changes that have taken place at the shelter including a sergeant being assigned to the shelter to supervise the deputies.

Commissioner Barbee expressed concerns that before the Sheriff's Office took over, the APS budget was $500,000. Now with the budget increase, it is over $650,000. In response, County Manager Lucas stated the increase was due to several changes in personnel, salary increases, the purchase of new vehicles and cages as well as other operational costs that have increased as well.

Commissioner Lawhon responded stating that the County is responsible for funding the Sheriff's Office with APS being part of their budget. Therefore, the sheriff is in charge of APS and the deputies, and it is not the Board's place to make management decisions for the sheriff.

The item was for discussion only with no action taken.

RESULT:	**WITHDRAWN**

10. Public Safety Complex - Project Ordinance & Budget Amendment
Presenter: Andy Lucas, County Manager

The Board previously authorized staff to move forward with the acquisition of land and the Phase 1 environmental assessment and soil testing for the new public safety complex. For Board approval, staff presented the initial project ordinance and budget amendment to establish the project fund.

Commissioner Lawhon moved to approve the capital project ordinance for $500,000 and associated budget amendments # 2023-29 & 2023-28, seconded by Commissioner Furr and passed by a 6 - 1 vote. (Commissioner Barbee voting against.)

RESULT:	**APPROVED [6 TO 1]**
MOVER:	Bill Lawhon, Commissioner
SECONDER:	Lane Furr, Commissioner
AYES:	Jordan, Almond, Asciutto, Efird, Furr, Lawhon
NAYS:	Barbee

11. Trades Facility Architect & Construction Administration Budget Amendment
Presenter: Andy Lucas, County Manager

The Board previously authorized the use of Article 46 sales tax reserves for the design and construction administration of the SCC Trades Facility. These funds were appropriated in the FY 20-21 and FY 21-22 budgets. With $194,575 remaining on the contract for construction administration, it is recommended the Article 46 sales tax be re-appropriated in the FY 22-23 budget for the remaining balance of the design and construction administration services with ADW Architects.

With no questions from the Board, Commissioner Efird moved to approve budget amendment # 2023-27 as presented, seconded by Commissioner Barbee and carried by a 7 - 0 vote.

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

12. Region F Aging Advisory Committee (RFAAC) Appointments
Presenter: Andy Lucas, County Manager

Stanly County is represented by three (3) Delegates and one (1) Alternate on the Centralina COG Region F Aging Advisory Committee. Two (2) of the Delegates, Janice Abernathy and Joan Eudy, have terms which expired June 30, 2022. Alternate member, Roger Eudy's term also expired June 30, 2022. All three (3) have agreed to serve again if re-appointed. The RFAAC has requested that Janice Abernathy and Joan Eudy both be re-appointed as Delegates for two (2) year terms ending June 30, 2024, and that Roger Eudy be re-appointed as Alternate for a one (1) year term ending June 30, 2023.

By motion, Commissioner Barbee moved to approve the reappointment of Janice Abernathy, Joan Eudy and Roger Eudy as requested, seconded by Commissioner Furr and passed by unanimous vote.

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

13. Juvenile Crime Prevention Council (JCPC) Appointment

Presenter: Andy Lucas, County Manager

Due to recent resignations and existing vacancies, the County Commissioners have an opportunity to make appointments to the JCPC. At the JCPC's August meeting, the council recommended Ms. Kelly Misiak be appointed to fill the vacant seat for the United Way Representative or other nonprofit until June 30, 2023. Ms. Misiak currently serves as the Executive Director for the United Way of Stanly County.

Commissioner Lawhon moved to approve the appointment of Ms. Misiak as requested, seconded by Commissioner Efird and carried by a 7 - 0 vote.

RESULT:	**APPROVED AS AMENDED [UNANIMOUS]**
MOVER:	Bill Lawhon, Commissioner
SECONDER:	Scott Efird, Commissioner
AYES:	Jordan, Almond, Asciutto, Barbee, Efird, Furr, Lawhon

14. Resolution Seeking Change to Board of Commissioners & Board of Education Staggered Terms Structure

Presenter: Andy Lucas, County Manager

The Board previously directed staff to research the process for changing the Board's current 5 - 2 staggered terms to a 4 - 3 staggered term structure for both the Board of County Commissioners and the Board of Education. After communicating with the Board of Education to get their feedback and potential support for the change, the Board of Education provided a letter stating their approval to do so. For Board consideration, County Manager Lucas presented a resolution seeking assistance from the County's legislative delegation in Raleigh with making the structural changes for both the Board of Commissioners and Board of Education.

With no questions, Commissioner Asciutto moved to approve the resolution, seconded by Commissioner Lawhon and carried by a 7 - 0 vote.

See Exhibit E

Resolution Seeking a Change to the Current Board of Commissioners and School Board Election Cycle

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

15. Closed Session & Work Session Location Discussion

Presenter: Commissioner Peter Asciutto

Closed Session

Commissioner Asciutto began by noting concerns with the Board meeting in closed session in the Joshua J. Morton, Jr. Conference Room for closed sessions due to the size of the room and being unable to maintain a minimum social distance per Covid guidelines. He requested the Board consider relocating the meetings to the larger Partnership Meeting Room when the level of community spread is high.

Board members discussed the availability of the Partnership Meeting Room and the option to participate by phone if a commissioner feels uncomfortable attending in person.

No further action was taken.

Work Session

Commissioner Asciutto also expressed concerns with the number of work sessions conducted without notice being provided to the public and press. Following comments, he moved that work sessions be added to the agenda going forward with a start time included to maintain transparency. County Manager Lucas explained that it would be difficult to set a specific time for a work session to begin since it varies and depends on when the closed session ends. The motion failed for lack of a second.

The Board continued discussion on the request with the recommendation being that the Board continue to hold closed and work sessions in the Joshua J. Morton, Jr. Conference Room and ensure the public and press in attendance are notified prior to the start of the work session.

RESULT:	**DEFEATED [2 TO 5]**
MOVER:	Peter Asciutto, Commissioner
SECONDER:	Zach Almond, Vice Chairman
AYES:	Almond, Asciutto
NAYS:	Jordan, Barbee, Efird, Furr, Lawhon

16. CONSENT AGENDA

Commissioner Lawhon moved to approve the consent agenda as presented, seconded by Commissioner Furr and carried by a 7 - 0 vote.

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

A. Minutes- August 8th regular meeting & work session

B. DSS - ASP Essential Services - Budget Amendment # 2023-24

C. DSS - ARPA Funds - FNS - Budget Amendment # 2022-26

D. Utilities - Budget Amendment and Change Order Approval for Liberty Hill Booster Pump Station

E. Utilities - Old Hickory Drive Water Main Interconnection

F. Utilities - Resolution To Apply For AIA NCDEQ Asset Management Grant (See Exhibit F)

G. Senior Services - Budget Amendment-Stanly Foundation Grant

H. SCUSA - Transportation Board Opening - Health Department Slot

I. Facilities - Request to sell surplus on Gov Deals

J. 2021 Stanly County Community Child Protection Team Activity

K. 2021 Child Fatality Prevention Team Activity

L. City of Locust Fireworks Display Request

M. Vehicle tax refunds for August 2022

BOARD COMMENTS, ANNOUNCEMENTS & COMMITTEE REPORTS

Commissioner Barbee thanked Reverend Lewey for his earlier comments and expressed his support of them.

Commissioner Efird noted his support of Reverend Lewey's comments as well. He also noted the City of Locust fireworks display on Saturday, September 17th at the conclusion of the final summer concert series event.

Commissioner Lawhon stated his support of Reverend Lewey comments and also encouraged him to attend an upcoming City of Albemarle council meeting to note his concerns there as well.

ADJOURN

Commissioner Efird moved to adjourn the meeting, seconded by Commissioner Barbee and passed by unanimous vote at 8:35 p.m.

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Thomas S. Jordan, III, Chair **Tyler Brummitt, Clerk**