Bill Lawhon
Chairman

Mike Barbee
Commissioner

Tommy Jordan
Vice Chairman

Lane Furr
Commissioner

Peter Asciutto
Commissioner

Scott Efird
Commissioner

Zach Almond
Commissioner

STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
TUESDAY, SEPTEMBER 7, 2021 – 6:00 PM

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

CALL TO ORDER & WELCOME

The Stanly County Board of Commissioners (the "Board") met in regular session on Tuesday, September 7, 2021 in the Gene McIntyre Meeting Room, Stanly Commons. Chair Lawhon called the meeting to order at 6:00 p.m. with Commissioner Efird giving the invocation and leading the pledge of allegiance.

APPROVAL/ADJUSTMENTS TO THE AGENDA

Vice Chair Jordan requested that an appointment to the Health & Human Services Board be added as item # 16 on the agenda with the consent agenda moved to # 17. Commissioner Efird requested that approval of a fireworks display for the City of Locust on October 9, 2021 be added to the consent agenda as Item # 17 (O).

Vice Chair Jordan moved to approve the agenda as amended, seconded by Commissioner Almond and carried by unanimous vote.

SCHEDULED AGENDA ITEMS

1. PUBLIC COMMENT

Ron and Nancy Bryant addressed the Board concerning climate change and its overall effects in the county and encouraged the Board to create a Climate Resiliency Task Force to address the effects of extreme weather now and in the future.

2. 5311 Community Transporation Program FY23

Presenter: Randy Shank, Transportation Services Director

Transportation Services Director Shank provided a brief overview of SCUSA Transpotation's request to apply for the FY 2023 Community Transportation Program (CTP) funds in the estimated amount of $323,571 with a local match request of $44,718. If received, these funds will be used as follows:

- **Administrative Funds:** Estimated request of $247,201, with a 15% local match estimated of $37,081, 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.
- **Capital Funds:** Estimated request of $76,370 with a 10% local match estimated of $7,637 will be used to replace one (1) light transit vehicle with lift and agency lettering.

Following a brief period of questions, Chair Lawhon declared the public hearing open to receive comments related to SCUSA's application. With no one coming forward to speak for or against, the hearing was closed.

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

See Exhibit A
Public Transportation Program Resolution
FY 2023 Resolution

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

3. 5311 Designee Certification Form

Presenter: Randy Shank, Transportation Services Director

For Board approval, Director Shank presented the 5311 Designee Certification noting that the form is required to allow an entity, such as SCUSA, to apply for and receive 5311 grant money for a period of five (5) years beginning FY 2023-2027. Once approved, the resolution authorizes the filing of applications with the NCDOT Integrated Mobility Division for federal assistance authorized by 49 U.S.C 5311 United States code, other federal statues administered by the FTA or state statutes administered by the State of North Carolina.

With no questions from the Board, Vice Chair Jordan moved to approve the 5311 Designee Certification Form as requested, seconded by Commissioner Almond and passed by unanimous vote.

Exhibit B
5311 Designee Certification Form

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

4. NCDOT FY23 5310 Capital Purchase of Service Grant Public Hearing and Program Resolution

Presenter: Pamela Sullivan, Senior Services Director

The Senior Services Department intends to apply for the FY23 NCDOT Capital Purchase of Service grant in the amount of $60,000 which will aid in expanding transportation services for adults 65 years of age and older in the county. The funds will allow for the purchase of additional transportation services from SCUSA above the level that the HCCBG funds currently allows. The 10% required local match will come from the HCCBG funds that Senior Services already receives.

With no questions from the Board, Chair Lawhon declared the public hearing open to receive comments on the proposed application. With no one coming forward to speak for or against, the hearing was closed.

By motion, Commissioner Furr moved to approve the program resolution and application for the grant as requested, seconded by Vice Chair Jordan and carried by unanimous vote.

See Exhibit C
Public Transportation Program Resolution
FY 2023 Resolution

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

5. Public Hearing - Economic Development Incentive Grant

Presenter: Candice Lowder, EDC Director

The County proposed an incentive agreement that would result in an eight (8) year, 75% economic development grant between the County and a manufacturer of pipe and metal fitting components which plans to locate in Badin. The company intends to invest a minimum of $7,750,000 and create approximately forty (40) new jobs at an above average county salary. It was requested the Board hold a public hearing to receive comments on the proposed agreement then approve it as presented.

With no questions from the Board, Chair Lawhon opened the public hearing. With no one coming forward, the hearing was closed.

By motion, Commissioner Almond moved to approve an economic incentive agreement equal to 75% of property taxes for a term of eight (8) years based on a minimum investment of $7,750,000 and the creation of forty (40) new jobs. The motion was seconded by Vice Chair Jordan and passed by a 7 - 0 vote.

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

6. Authorizing Resolution - NC Commerce Building Reuse Grant

Presenter: Candice Lowder, EDC Director

For Board consideration and support, EDC Director Lowder presented the resolution authorizing staff to execute all application and reporting documents required for the NC Department of Commerce Building Reuse grant for Project Sub.

Commissioner Efird moved to approve the resolution as presented, seconded by Commissioner Barbee and passed with a 7 - 0 vote.

Exhibit D
Authorizing Resolution by Stanly County
for the North Carolina Department of Commerce
Building Reuse Program
"Project Sub Building Reuse Project"

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

7. Library Card Sign-Up Month Proclamation

Presenter: Melanie Holles, Library Director

Library Director Melanie Holles presented the proclamation declaring September 2021 as Library Card Sign-Up Month in Stanly County and requested the Board take action to adopt it.

By motion, Vice Chair Jordan moved to adopt the proclamation as presented, seconded by Commissioner Asciutto and carried by a 7-0 vote.

See Exhibit E
Library Card Sign-Up Month 2021 Proclamation

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

8. ZA21-09 Jeffrey Chandler, US 52, rezone RA to HB

Presenter: Bailey Emrich, Planner II

Mr. Jeffrey Chandler requested the rezoning of a 1.24 acre tract located at 37953 US Highway 52 in New London from RA (Residential Agricultural) to HB (Highway Business). The parcel is adjacent to land that was rezoned to HB on June 1, 2015 to allow for construction of Stanly Tractor's current location. Across US Highway 52, the parcels are zoned RA (Residential Agricultural) by the County and HID (Industrial) by the City of Albemarle. There are two (2) structures on the property which include a dilapidated house and outbuilding that would have to be brought up to commercial code for use. If the parcel is rezoned to HB, it must comply with the list of permitted uses listed in Section 607 and meet the setback requirements in Section 701. The parcel is located in a growth area per the 2010 Stanly County Land-Use Plan. The Planning Board recommended approval of the request by a vote of 5 - 1 at their August 16, 2021 meeting.

With no questions from the Board, Chair Lawhon declared the public hearing open. Mr. Jeffrey Chandler spoke in favor of the request stating that he and his sister had inherited the property when their father passed. He plans to removed the house then sell the property with the outbuilding. After speaking with several people who are interested, it would be beneficial for the property to be zoned commercial which is the reason for the rezoning request. With no one else coming forward, the hearing was closed.

With no questions, Commissioner Efird moved that ZA 21-09 to request the rezoning of the 1.24 acre parcel of land located at 37953 US Highway 52, New London from RA (Residential Agricultural) to HB
(Highway Business) be approved because it is consistent with the Stanly County Land-Use Plan due to its location in a growth area. The motion was seconded by Commissioner Almond and passed by unanimous vote.

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

9. ZA 21-03 Text Amendment - Section 423 Short Term Rentals

Presenter: Bob Remsburg, Planning Director

Planning Director Remsburg noted that due to the increasing popularity of Air B&Bs and other similar short-term rentals (STRs), the county's current zoning ordinance language only addresses Boarding/Rooming houses and limits traditional Bed & Breakfast locations to the R10 zoning district or through a Special Use Permit as "recreation". Most of the STR requests being proposed or started are in the R20 or RA zoning districts. NCGS 160D-1207 restricts local governments from having a registration or annual business license to regulate STRs, but allows for regulation through land-use ordinances. The addition of this text amendment to the County's zoning ordinance will give clarification and provide guidance to the Planning Department and owners of STRs.

Following his presentation, Mr. Remsburg responded to questions from the Board concerning the application process and fee to establish an Air B&B, the 180 day limit in which a permit will expire if an STR goes unused, and clarification on how the maximum overnight occupancy is determined as stated in the proposed amendment.

Chair Lawhon opened the public hearing to receive comments on the proposed text amendment. With no one coming forward, the hearing was closed.

Following further discussion, Vice Chair Jordan moved to table ZA 21-03 until the October 4th meeting in order for several minor changes to the amendment to be made per the Board'S s request. These changes include the addition of a $50 application fee, an increase in the number of consecutive days an STR can go unused from 180 days to 365 days before the permit expires, and language to clarify how the maximum overnight occupancy for an STR is determined as noted in Section 423.4(1). The motion was seconded by Commissioner Furr and carried by unanimous vote.

RESULT:	**TABLED [UNANIMOUS]**	**Next: 10/4/2021 6:00 PM**
MOVER:	Tommy Jordan, Vice Chairman	
SECONDER:	Lane Furr, Commissioner	
AYES:	Lawhon, Barbee, Jordan, Furr, Asciutto, Efird, Almond	

10. Cardiac Monitor Acquisition Project

Presenter: Dale Chandler, EMS Training Officer

For Board consideration, Mr. Chandler presented a request for the replacement of the Lifepack 15 cardiac monitors currently being used by EMS. He noted various issues with the monitors due to the majority of them being beyond their serviceable life with no new solution offered by the current vendor.

As research, a committee of EMS field training officers was formed to consider the options for replacement. The two (2) models selected for further consideration were the Phillips Tempus Pro and Zoll X-Series. The committee members spent several days evaluating each model and recommended Phillips Tempus Pro based on it usability and features such as video laryngoscopy. EMS staff also contacted Mecklenburg and New Hanover counties who currently use the Phillips Tempus Pro with both stating the monitors have performed well.

Phillips Tempus Pro was recommended at a cost of $512,620.20 for the purchase of sixteen (16) monitors plus a five (5) year service maintenance cost of $79,476 that includes "bumper to bumper" coverage for devices should damage occur. Financing is available at a 0% interest rate for five (5) years with a $1 buy out at the end of the term.

Following a brief period of questions, Vice Chair Jordan moved to approve the purchase of sixteen (16) Phillips Tempus Pro cardiac monitors as requested, seconded by Commissioner Almond and carried by 7 - 0 vote.

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

11. COVID-19 Update

Presenter: David Jenkins, Health & Human Services Director

HHS Director Jenkins' presentation included the latest statistics on the COVID-19 pandemic in Stanly County, which is still currently considered a high risk county. Information included the number of daily new positive cases by age group, hospitalizations, deaths and the number of vaccinations (1st and second doses) administered thus far. Mr. Jenkins emphasized to the need to follow the necessary precautions to remain safe which includes getting vaccinated, wearing masks and social distancing. Following the presentation Mr. Jenkins responded to Board questions concerning booster shots, the number of breakthrough cases thus far and information on the new MU variant. The presentation was for information only with no action requested.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Peter Asciutto, Commissioner
SECONDER:	Tommy Jordan, Vice Chairman
AYES:	Lawhon, Barbee, Jordan, Furr, Asciutto, Almond
RECUSED:	Efird

12. Commissioner Appointment to Partners Board of Directors

Presenter: Andy Lucas, County Manager

With the recent approval by Secretary Cohen to increase the number of seats on the Partners Board of Directors to accommodate the new counties, it was requested the Board appoint a county commissioner (or commissioner designee) to represent Stanly County.

Following a brief discussion, Commissioner Asciutto moved to appoint Commissioner Efird, who also serves as a commissioner appointment on the Consolidated Health & Human Services Board. The motion was seconded by Commissioner Barbee and carried by unanimous vote.

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

13. Design-Build General Contractor Approval

Presenter: Andy Lucas, County Manager

The County received three (3) responses from the RFQ for a design-build general contractor for the livestock arena project. After reviewing each firm's qualifications, the Livestock Arena Committee recommended MCT from Monroe, NC. It was noted that MCT will enter into a due diligence contract with the County to program, value engineer and prepare an initial design for the proposed livestock arena. Based on this information, the County will decide whether or not to enter into a guaranteed maximum price contract for construction of the facility.

Following a brief period of questions, Commissioner Efird moved to approve MCT as the design-build general contractor for the proposed livestock arena facility and authorize staff to execute a due diligence contract. The motion was seconded by Commissioner Barbee and passed by a 7 - 0 vote.

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

14. Guard Rd Property Presentation

Presenter: Andy Lucas, County Manager

At the request of Chair Lawhon, County Manager Lucas gave a presentation regarding the old NC National Guard facility on Guard Road that the County took ownership of in September 2015. Currently, Utilities, EMS, Sheriff, and Emergency Management are utilizing four (4) of the six (6) buildings on the west side of the property with no immediate plans for the remaining two (2) deteriorated buildings on the east side.

Staff recommendations include maintaining the west side of the property for utility operations and for use as storage facilities for Emergency Management, EMS, Sheriff and Facilities. In the future, the County may want to consider removal of the buildings on the east side in order to utilize the land for future County buildings and operations which would also require extending sewer to the property to maximize its use. The estimated cost to remove the buildings is $250,000 - $500,000.

Following the presentation, County Manager Lucas responded to various questions from the Board. Board consensus was for staff to obtain a quote for removal of the east side buildings and share this information for discussion as part of next year's budget retreat.

Recess

Chair Lawhon called for a five (5) minute recess at 7:45 p.m. then reconvened the meeting at 7:50 p.m.

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

15. Vaccination Discussion & Employee Mask Requirement Proposal

Presenter: Commissioner Peter Asciutto

Commissioner Ascuitto thanked the Board for allowing him to present the Covid-19 vaccination and employee mask requirement proposal for discussion. As elected officials, he feels the Board is ultimately responsible for the health and safety of the citizens and county employees. Therefore, he asked that the Board discuss potential ways to increase the vaccination rate in the county and to further consider the mask policy which would require all county employees to wear masks as long as the percent testing positive in the community is greater than 10%. Commissioner Asciutto provided several slides with updated statistics on the number of cases and deaths in the county in recent months.

Following the presentation, Commissioner Asciutto moved to approve the Stanly County Government Common Sense Mask Policy for Stanly County Employees. Vice Chair Jordan seconded the motion to allow for Board discussion.

Commissioner Furr noted that although he has been personally affected by Covid-19, he does not feel the Board has a right to implement such a policy for employees or the general public. Instead he tries to lead by example in wearing a mask in public, social distancing and getting vaccinated to do his part.

Vice Chair Jordan stated that in his opinion, the Board was not elected to mandate such policies, but that the authority to do so lies with the Health & Human Services Director. He added that although Commissioner Asciutto has the best of intentions, he feels there are better ways to get through the pandemic rather than adopting mandates.

Commissioner Efird noted concerns that the policy states face masks are "required" instead of "recommended," and that if passed it would difficult to enforce.

Commissioner Barbee expressed concerns with the freedoms that are being taken away from citizens in our country, and that much of the information we have received from organizations we put our trust in are lies. He also feels that masks and vaccinations are a personal decision.

Commissioner Almond noted that he has been vaccinated although initially he was skeptical about it. With County Manager Lucas stating previously that a mask policy would be a morale killer for the majority of county employees, he cannot support implementing such a policy. As county commissioner, he works for the citizens of the county and feels most would not agree with the mandate either.

Chair Lawhon noted that although he and his wife were both vaccinated, both still contracted Covid with neither of them being hospitalized. He also feels there will be a lot more breakthrough cases and that herd immunity will develop over time from those exposed and vaccinated. He expressed his frustration with the State using taxpayer dollars in offering lotteries and gift cards to pay citizens to get vaccinated in recent months. As far as the mask mandate, he does not like that masks would be required but feels the county manager and county department heads will make the decisions necessary to protect employees.

With no further comments, Chair Lawhon called for a vote. The motion to approve the Stanly County Government Common Sense Mask Policy failed by a 1 - 6 vote.
Ayes: Commissioner Asciutto
Nos: Chair Lawhon, Vice Chair Jordan, Commissioner Almond, Commissioner Barbee, Commissioner Efird, Commissioner Furr

Secondly, Commissioner Asciutto stated that he has been contacted by several citizens who have expressed concerns with county employees who interact with the public not wearing masks. County Manager Lucas responded that those departments who interact with customers, citing the utilities, central permitting and library, have installed glass barriers to limit close contact with citizens, and others who are unable to social distance wear masks. Additionally, some department heads have required masks when issues arise or when they feel they are needed.

Commissioner Asciutto stated that as a community ambassador for Atrium Health, he would like the Board's input on ways the county can encourage vaccinations among citizens and county employees. For discussion, he outlined various incentives the county could offer to both groups.

In response, Chair Lawhon, Vice Chair Jordan and Commissioner Furr all stated that getting the vaccine is an individual choice and would not support paying or incentivizing someone to do so. No further action was taken.

RESULT:	**DEFEATED [1 TO 6]**
MOVER:	Peter Asciutto, Commissioner
SECONDER:	Tommy Jordan, Vice Chairman
AYES:	Asciutto
NAYS:	Lawhon, Barbee, Jordan, Furr, Efird, Almond

16. Consolidated Health & Human Services Board Appointment

Presenter: David Jenkins

On August 5th, the Consolidated Health & Human Services Board recommended the appointment of Dr. Jenny Hinson to fill the physician member seat recently vacated by Dr. Eric

Johnsen. It was requested the Board take action to appoint Dr. Hinson to serve the remainder of his unexpired term ending March 14, 2025.

Vice Chair Jordan moved to approve the appointment as recommended, seconded by Commissioner Asciutto and carried by a 7 - 0 vote.

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

17. CONSENT AGENDA

Commissioner Asciutto moved to approve the consent agenda as presented, seconded by Vice Chair Jordan and carried by unanimous vote.

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

A. Minutes- Regular meeting of August 9, 2021.

B. Finance - Vehicle tax refunds for August 2021

C. 2020 Stanly County Community Child Protection Team Activityt

D. 2020 Child Fatality Prevention Team Activity

E. Social Services - Adoption Promotion Program

F. Social Services - Coronavirus Aid Relief

G. Health -Budget Amendment #2022-19

H. Dental Health - Budget Amendment #2022-18 - Medical Equipment

I. Senior Services - Budget amendment # 2022-13

J. Sheriff's Office - Budget amendment # 2022-15 - Medical Supplies

K. Sheriff's Office - Budget amendment # 2022-03 - Governor's Crime Grant proceeds

L. Sheriff's Office - Budget amendment # 2022-20 - Bullet proof vests

M. Sheriff's Office - Budget amendment # 2022-21 - Ammo

N. Sheriff's Office - Budget amendment # 2022-14 - Vehicles

O. City of Locust - Approval of fireworks display on October 9, 2021.

BOARD COMMENTS, ANNOUNCEMENTS & COMMITTEE REPORTS

Commissioner Asciutto thanked the Board members for their participation in the vaccination discussion and employee mask proposal during the meeting. As information, he mentioned several events taking place in the county over the weekend.

Commissioner Furr thanked Vice Chair Jordan for inviting him to the Butterfly House bike ride adding that after winning $100 in a drawing during the event, he donated it back to the Butterfly House on behalf of the Board of County Commissioners.

Chair Lawhon provided updated figures one the number of residential building permits issued through August 2021 versus the same period last year including the total dollar value of those permits and average home value.

ADJOURN

By motion, Commissioner Efird moved to adjourn, seconded by Commissioner Barbee and carried by a 7 - 0 vote at 8:33 p.m.

______________________________ ______________________________

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