

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, NOVEMBER 6, 2023 – 6:00 PM**

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

CALL TO ORDER & WELCOME

The Stanly County Board of Commissioners (the "Board") met in regular session on Monday, November 6, 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

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

SCHEDULED AGENDA ITEMS

1. PUBLIC COMMENT

Heather Carlson took a moment to introduce herself as a candidate for appointment to the Consolidated Human Services Board.

2. Consolidated Human Services Board Appointments

Presenter: Andy Lucas, County Manager

The Consolidated Human Services Board has five (5) General Public members and one (1) Social Worker member with terms expiring 11/6/2023. The members are Sherry Poplin (General Public), Georgette Edgerton (General Public), Kristi Small (General Public), Larry Gibson (General Public) and Beth Thomas (Social Worker). All are eligible and have agreed to serve

again if reappointed. Mrs. Jann Lowder (General Public) does not wish to be considered for reappointment. Additionally, two (2) other members, Dr. Amy Poole-Jordan (Veterinarian member) and Kenneth Chambers (Consumer member) recently resigned their seats effective immediately.

It was requested the Board take action to appoint five (5) General Public members for four (4) year terms expiring 11/6/2027, a Social Worker member also for a four (4) year term ending 11/6/2027, a Veterinarian member to serve a partial term ending 11/6/2025 and a Consumer of Human Services member to serve a partial term expiring 3/3/2026.

Chair Efird opened the floor for nominations for the Consumer seat. Commissioner Crump nominated Heather Carlson, Commissioner Ascianto nominated Jocelyn Torres and Commissioner Hatley nominated Seena Koohestani. With no additional names presented, the nominations were closed.

The initial votes were as follows:

- Heather Carlson - Vice Chair Barbee, Commissioner Crump, Commissioner King
- Jocelyn Torres - Commissioner Ascianto
- Seena Koohestani - Chair Efird, Commissioner Hatley, Commissioner Lawhon

With Heather Carlson and Seena Koohestani receiving the same number of votes, Chair Efird called for a second vote between the two (2) nominees.

Following are the votes as recorded:

- Heather Carlson - Vice Chair Barbee, Commissioner Crump, Commissioner King
- Seena Koohestani - Chair Efird, Commissioner Ascianto, Commissioner Hatley, Commissioner Lawhon

Mr. Seena Koohestani was appointed as the Consumer member to serve a partial term expiring 3/3/2026.

Next, Chair Efird called for nominations for the Veterinarian member seat to serve a partial term expiring 11/6/2025.

Commissioner Lawhon nominated Dr. James Link. With no other names presented, the nominations were closed.

Dr. Link was selected by unanimous vote.

Chair Efird opened the floor for nominations for the Social Worker member to serve a four (4) year term expiring 11/6/2027.

Commissioner Lawhon nominated Beth Thomas. With no other names presented, the nominations were closed.

Beth Thomas was selected by unanimous vote.

Chair Efird opened the floor for nominations for the General Public seat previously held by Jann Lowder.

Commissioner Hatley nominated Kenneth Kendall, Jr. and Commissioner Asciutto nominated Jocelyn Torres. With no other names presented, the nominations were closed.

The votes were as follows:

- Kenneth Kendall, Jr. - Chair Efird, Vice Chair Barbee, Commissioner Crump, Commissioner Hatley, Commissioner King, Commissioner Lawhon
- Jocelyn Torres - Commissioner Asciutto

Kenneth Kendall, Jr. was chosen by a 6 - 1 vote as a General Public member to serve a four (4) term ending 11/6/2027.

Chair Efird requested nominations for the General Public seat recently held by Sherry Poplin.

Commissioner Crump nominated Dr. Mark Speight followed by Commissioner Asciutto's nomination of Sherry Poplin. With no other names presented, nominations were closed.

Following are the votes as recorded:

- Dr. Mark Speight - Vice Chair Barbee, , Commissioner Crump, Commissioner Hatley, Commissioner King
- Sherry Poplin- Chair Efird, Commissioner Asciutto, Commissioner Lawhon

Dr. Mark Speight was chosen by majority vote.

Chair Efird called for nominations for the General Public seat recently held by Georgette Edgerton.

Commissioner King nominated Shaun Morgan and Commissioner Asciutto nominated Georgette Edgerton. With no other names presented, the nominations were closed.

Following are the votes as recorded:

- Shaun Morgan - Vice Chair Barbee, Commissioner Crump, Commissioner Hatley, Commissioner King
- Georgette Edgerton - Chair Efird, Commissioner Asciutto, Commissioner Lawhon

Shaun Morgan was chosen by majority vote.

Chair Efird called for nominations for the General Public seat recently held by Kristi Small.

Commissioner Asciutto nominated Kristi Small, Commissioner King nominated Heather Carlson and Commissioner Hatley nominated Victoria Ramos. With no other names presented, the nominations were closed.

Following are the initial votes as recorded:

- Kristi Small - Chair Efird, Commissioner Asciutto, Commissioner Lawhon
- Heather Carlson - Commissioner Crump, Commissioner King
- Victoria Ramos - Vice Chair Barbee, Commissioner Hatley

Kristi Small was selected by majority vote to serve a four (4) year term ending 11/6/2027.

Chair Efird called for nominations for the General Public seat held by Larry Gibson.

Commissioner Lawhon nominated Victoria Ramos, Commissioner Asciutto nominated Larry Gibson and Commissioner Crump nominated Jennifer Lehn. With no other names presented, the nominations were closed.

The votes were as follows:

- Victoria Ramos - Chair Efird, Vice Chair Barbee, Commissioner Lawhon
- Larry Gibson - Commissioner Asciutto
- Jennifer Lehn - Commissioner Crump, Commissioner Hatley, Commissioner King

With Victoria Ramos and Jennifer Lehn receiving the same number of votes, Chair Efird called for a second between the two (2) nominees.

- Victoria Ramos - Chair Efird, Vice Chair Barbee, Commissioner Asciutto, Commissioner Lawhon
- Jennifer Lehn - Commissioner Crump, Commissioner Hatley, Commissioner King

Victoria Ramos was selected by majority vote to serve a four (4) year term ending 11/6/2027.

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

3. Fiscal Year 22-23 Audit Presentation

Presenter: Stuart Hill, Auditor

Mr. Hill expressed his appreciation of the Finance Department staff in collecting the information needed and responding to questions in order to complete the audit. The presentation provided a summary of the audit results which included an analysis of the General Fund Balance for the past five (5) years as well as a breakdown of the Cash & Fund Balances by category, collection percentages, debt analysis as well as General Fund revenue and expenditures by category. Mr. Hill noted that no significant findings or questioned costs were found with the County receiving a good audit. Following the presentation, it was requested the Board take action to accept the audit report as presented.

Following a brief period of questions, Commissioner Lawhon moved to accept the audit as presented, seconded by Vice Chair Barbee and passed by unanimous vote.

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

4. Public Hearing - Economic Development Incentive Grant

Presenter: Candice Lowder, EDC Director

EDC Director Candice Lowder presented the request for approval of an economic development incentive grant that will result in an eight (8) year, 75% economic development agreement between the County and a manufacturer of residential building components from Cabarrus County with plans to relocate their operations to the Riverstone Industrial Park in Stanfield, NC.

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The grant will aid and encourage new taxable investment and job creation in Stanly County. The company intends to invest approximately \$6,700,000 in real and business property, relocate 47 existing jobs and create 11 new jobs over the next five (5) years.

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

By motion, Commissioner Lawhon moved to approve an economic incentive grant equal to 75% of new taxes for eight (8) years based on a minimum investment of \$6,700,000, the relocation of 47 existing jobs and the creation of 11 new jobs as requested, seconded by Vice Chair Barbee and carried by unanimous vote.

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

5. Public Hearing - Economic Development Property Conveyance

Presenter: Candice Lowder, EDC Director

The County proposed the conveyance of a fee simple interest in 12.122 acres of real property located on the corner of Browns Hill Road and Riverstone Drive in the Riverstone Industrial Park in Stanfield, NC from the County of Stanly to a manufacturer of residential building components. In consideration of said property, the County will receive a one-time monetary payment equal to the appraised value of \$728,738.27 (or \$60,117 per acre) from the company. Following the presentation, EDC Director Lowder responded to specific questions concerning a first right of refusal that was included in the agreement on behalf of the County.

Chair Efird declared the public hearing open. Leslie Boone, a resident of Nance Road, Stanfield addressed the Board to ask for the name of the company and express concerns with the increase in traffic on Nance Road as a result of the company's relocation. Chair Efird responded that the name could not be released since the company has not announced its relocation yet and that the majority of the traffic will use Browns Hill Road to enter and exit the property instead of Nance Road. With no one else coming forward, the hearing was closed.

With no further discussion, Commissioner King moved to approve the conveyance of the County's interest in the 12.122 acres of real property in the Riverstone Industrial Park for a one-time monetary payment equivalent to the appraised value of \$728,738.27, seconded by Commissioner Lawhon and carried by a 7 - 0 vote.

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

6. CR23-02 Tony Mauldin - Conditional Zoning-39117 NE Connector

Presenter: Bailey Cline, Planner

Mr. Tony Mauldin submitted an application to rezone .55 acres of a parcel located at 39117 North East Connector in Albemarle, NC from RA (Residential Agricultural) and R20 to a Conditional Zoning District for the purpose of operating a produce stand. The parcel includes an existing produce stand area with no other portions of the property included. The request for a Conditional Zoning would limit the use of the property to a produce stand and market with a list of proposed conditions agreed upon by Mr. Mauldin. It was noted that the Board has the option to amend and /or include additional conditions as long as Mr. Mauldin is in agreement. Mr. Mauldin has operated the current produce stand for several years under a Rural Occupation Permit and has indicated that he hopes to continue operating the stand, but would like the option to lease or sell the parcel in the future. The parcel is located in a primary growth area per the Stanly County Land Use Plan with adjoining parcels zoned RA or R20 with public water located nearby but no public sewer available. Following the presentation, Ms. Cline entertained a brief period of questions from the Board.

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

By motion, Vice Chair Barbee moved to approve CR23-02, a Conditional Zoning District request for a .55 acre portion of 39117 North East Connector as presented, seconded by Commissioner King and passed by unanimous vote.

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

7. ZA23-10 Text Amendment - Zoning - Definition of Substantial Expenditure

Presenter: Bailey Cline, Planner

At the request of County Administration, the Planning Board considered potential language to clarify what is considered to be a substantial expenditure when trying to determine the establishment of common law vested rights for any building or development activity. Per NC General Statute 160D-108, once a development project has substantially commenced, the builder/developer has established a common law vested right to complete the project under the land use ordinances that were in place at the time the project was accepted by the Planning Department. The statute does not further define what constitutes substantially commenced or a substantial expenditure. Case law has determined that time, labor, energy, money and actual construction costs should be considered in determining whether the project has reached substantial expenditure. If adopted, text amendment ZA23-10 will provide a guideline for the Planning Director to make such a determination once a review of the submitted record of expenditures is completed and will therefore determine if the project has substantially commenced. As with any land use determination, it is subject to appeal to the Board of Adjustment.

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Following their meeting on October 10, 2023, the Planning Board unanimously recommended the Board of Commissioners approve the addition of the following language to both the Zoning Ordinance and the Subdivision Ordinance: "Substantial Expenditures - a common law vested right is established if the substantial beginning of construction in which the owner/developer would suffer undue losses if required to comply with any new requirements created after an application for property improvement has been accepted. To establish common law vested right, expenditures shall be 10% or more of the total estimated cost of the project as permitted. Expenditures of time, labor and materials as well as expenditures of money or actual construction may be considered in establishing a common law vested right." If adopted, the new text amendment language would be added to section 13.2 of the Zoning Ordinance and Section 66-5 of the Subdivision Ordinance.

Mrs. Cline explained that after several developers came to the Planning Department who had reached their two (2) year mark of construction and questioned their vested rights to complete the projects, the Planning Department found that the Zoning and Subdivision Ordinances have no definition of what is considered "work" when calculating what percentage of a project has been completed. This was brought before the Planning Board for discussion and to define what is considered to be a substantial expenditure. Following lengthy discussion, a recommendation was made that 10% or more of the project cost as permitted would establish a common law vested right.

Vice Chair Barbee, Commissioner Lawhon and Commissioner Crump expressed concerns with the recommended 10% used to establish a developer's vested rights and requested that it instead be a minimum of 33 1/3% of the project cost. Commissioner Lawhon also noted concerns with having no end date in place requiring construction to be completed following the initial two (2) year period after a project has been permitted.

County Manager Lucas noted that with the text amendment being referred back to the Planning Board, it would not be necessary to conduct a public hearing since the changes requested would be significant and will require a new public hearing to be advertised prior to it coming back before the Board.

By motion, Vice Chair Barbee moved to return the text amendment to the Planning Board to discuss increasing the recommended 10% of expenditures to 33 1/3% in order to establish a vested right, and to consider setting a time frame that a project must be completed by once the initial two (2) year period has lapsed after being permitted. The motion was seconded by Commissioner Hatley and passed with a 7 - 0 vote.

RESULT:	REFERRED [UNANIMOUS]	Next: 11/20/2023 6:00 PM
MOVER:	Mike Barbee, Commissioner	
SECONDER:	Trent Hatley, Commissioner	
AYES:	Lawhon, King, Barbee, Crump, Ascuitto, Efird, Hatley	

8.ZA23-11 Text Amendment Section 405 Zoning - # of dwellings

Presenter: Bailey Cline, Planner

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At the request of County Administration, the Planning Board proposed updating the language in the Zoning Ordinance regarding multiple homes on a single lot. The current language allows for up to two (2) homes, one (1) site-built home and one (1) manufactured home or two (2) manufactured homes on a parcel of two (2) acres or larger in the RA (Residential Agricultural) zoning district. The proposed language would allow up to two (2) homes, one (1) site-built and one (1) manufactured home on a parcel of three (3) acres or larger. If approved, the amendment would no longer allow two (2) manufactured homes on the same parcel. Existing lots with two (2) manufactured homes or multiple homes would be "grandfathered". Under both the current language and the proposed language, property owners are required to subdivide their lot to have two (2) site-built homes. Early versions of the Stanly County Zoning Ordinance (prior to 2000) allowed up to three (3) single-family homes on a parcel with a few still remaining in the county.

The Planning Board considered whether to recommend requiring one (1) lot per single-family home or to allow a site-built or modular home and a manufactured home on a parcel of three (3) acres or larger. General consensus was that having two (2) manufactured homes on a three (3) acre parcel is not desirable. The Planning Board concluded that it is acceptable to have one (1) site built home and one (1) manufactured home on a parcel three (3) acres or more in the RA zoning district. This does not affect the ordinance language which currently allows Accessory Dwelling Units (mother-in-law suites) which are limited to two (2) bedrooms and can be half of the home's heated square footage or 800 square feet, whichever is less. The Board unanimously recommended approval of the text amendment to the Zoning Ordinance at their October 10, 2023 meeting.

Following the presentation, the Board discussed the portion of the zoning ordinance concerning the width required for an easement per the County's Zoning Ordinance versus what is required to meet fire code. During the discussion, County Manager Lucas offered to have Emergency Services Director Michael Roark come to a future work session to respond to the Board's questions prior to the revised amendment being brought back to the Board again for consideration.

County Manager Lucas again stated that it would not be necessary to conduct a public hearing due to the substantial changes being requested to the text amendment.

Due to concerns with the proposed amendment allowing for a manufactured home to be located on the same parcel as a stick-built home, Vice Chair Barbee moved to refer ZA23-11 back to the Planning Board to instead require a variance be requested when this situation arises. Commissioner Hatley seconded the motion which passed by a 7 - 0 vote.

RESULT:	REFERRED [UNANIMOUS]	Next: 11/20/2023 6:00 PM
MOVER:	Mike Barbee, Commissioner	
SECONDER:	Trent Hatley, Commissioner	
AYES:	Lawhon, King, Barbee, Crump, Asciutto, Efird, Hatley	

9. ABC Board Appointment

Presenter: Andy Lucas, County Manager

This item was tabled due to having no volunteer applications on file for the board.

RESULT:	TABLED [UNANIMOUS]	Next: 11/20/2023 6:00 PM
MOVER:	Bill Lawhon, Commissioner	
SECONDER:	Brandon King, Commissioner	
AYES:	Lawhon, King, Barbee, Crump, Asciutto, Efird, Hatley	

10. CONSENT AGENDA

Commissioner Asciutto moved to approve the consent agenda, seconded by Commissioner Hatley and passed by a 7 - 0 vote.

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

- A. Minutes- Work session & regular meeting of October 16, 2023**
- B. Finance - Vehicle tax refunds for October 2023**
- C. Finance - Acceptance of the Monthly Financial Report for September 2023**
- D. Livestock Arena Project - Change Order**
- E. DSS - SNAP - ARPA Funds - Budget Amendment # 2024-33**
- F. EMS - Budget Amendment # 2024-34**
- G. Required Federal Procurement Policy for ARRP/CSLFRF Funding**
- H. Sheriff's Office - Budget Amendment # 2024-35**
- I. Sheriffs Office - Anson/Stanly Agreement**
- J. Sheriff's Office - Department Supplies Budget Amendment # 2024-36**
- K. Sheriff's Office - Department Supplies Communication Budget Amendment # 2024-37**
- L. Sheriff's Office - Calendar Funds Budget Amendment # 2024-38**
- M. Sheriff's Office - Uniforms- Budget Amendment # 2024-39**

BOARD COMMENTS, ANNOUNCEMENTS & COMMITTEE REPORTS

Commissioner Asciutto expressed his appreciation to those who previously served on the Consolidated Human Services Board adding that the board was recently acknowledged as "Health Board of the Year".

Commissioner Crump stated that it was an honor to attend Charlotte Pipe's grand opening and tour of the facility and expressed her appreciation of having the industry here in the county.

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Commissioner Lawhon provided the number of new home permits issued in October 2023 compared to last year as well as the number issued year-to-date compared to last year which have declined overall.

Vice Chair Barbee thanked Planning & Zoning for the work they do.

Chair Efird noted that he attended the West Stanly ROTC event earlier in the day to honor our veterans. He also noted that the Oakboro Veteran's Day Parade will be held on Saturday at 11:00 am as well.

ADJOURN

Commissioner Lawhon moved to adjourn the meeting, seconded by Commissioner Ascutto and passed with a 7 - 0 vote at 7:19 p.m.

T. Scott Efird, Chair

Tyler Brummitt, Clerk