

LEE COUNTY

NORTH CAROLINA

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REGULAR MEETING
OF THE
LEE COUNTY BOARD OF COMMISSIONERS
106 HILLCREST DRIVE
SANFORD, NORTH CAROLINA 27330

MARCH 16, 2009

The regular meeting of the Board of Commissioners for the County of Lee, State of North Carolina, convened at 2:00 p.m. in the Commissioners' Room, Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina, on said date. Commissioners present were Amy M. Dalrymple, Richard B. Hayes, Larry "Doc" Oldham, Nathan E. Paschal, Robert T. Reives, and Linda A. Shook. Commissioner James C. Kelly joined the meeting later.

Chairman Hayes called the meeting to order.

Commissioner Dalrymple moved for the Board to go into closes session to consider a personnel matter per N.C. General Statute 143-318.11 (A) (6). Upon a vote, the results were as follows:

Aye: Dalrymple, Hayes, Oldham, Paschal, Reives, and Shook
Nay: None
Absent: Kelly

The Chairman ruled the motion had been adopted unanimously.

The Board recessed to the Small Conference Room (Room #124) at this time, with Commissioner Kelly joining the meeting. Upon completing business in closed session, Commissioner Kelly moved to go out of closed session. Upon a vote, the results were as follows:

Aye: Dalrymple, Hayes, Kelly, Oldham, Paschal, Reives, and Shook
Nay: None

The Chairman ruled the motion had been adopted unanimously and the Board reconvened to the Commissioners' Room for their regular 6:00 p.m. meeting with all members present.

Chairman Richard Hayes presided and called the meeting to order. The following business was transacted:

County Attorney K. R. Hoyle delivered the invocation.

The pledge of allegiance was recited.

The Board considered additions/changes to the agenda. Chairman Hayes asked the Board to remove the closed session listed on the agenda. Mr. Hayes also asked the Board to discuss the Deputy County Attorney vacancy. With no other changes or additions, Commissioner Kelly moved to approve the agenda as amended. Upon a vote, the results were as follows:

Aye: Dalrymple, Hayes, Kelly, Oldham, Paschal, Reives, and Shook
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Kelly moved to approve the Consent Agenda which consisted of the following items:

- Minutes from the March 2, 2009 regular meeting;
- Minutes from the March 7, 2009 joint meeting with the Lee County Board of Education;
- Tax Releases and Refunds for February 2009 (copy attached);
- Request to unfreeze a Public Health Nutritionist I position in the Health Department;
- Resolution for a DOT project on NC 78 between US 1 and the Sanford City Limit (copy attached);
- Bid from Roy Consulting, Charlotte, North Carolina, in the amount of \$6,470.00 for lead based paint/asbestos inspections for the FY 2008 Scattered Site CDBG Housing Project; and
- FY 2009 Emergency Management Performance Grant Application

Upon a vote, the results were as follows:

Aye: Dalrymple, Hayes, Kelly, Oldham, Paschal, Reives, and Shook
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Pursuant to North Carolina General Statute 153A-52.1, Chairman Hayes opened the floor for public comments. The following individuals spoke:

- Mr. Michael Graves, 1813 Thorpshire Drive, Raleigh
- Mr. Keith Clark, 233 Chris Cole Road, Sanford
- Mr. Eugene Barufkin, 376 Kittery Point, Sanford

The Board considered appointments to the Lee County Board of Equalization and Review. Tax Administrator Dwane Brinson presented four applications for consideration for the three vacant alternate positions. Applicants were discussed and three names presented for consideration. After discussion, Commissioner Reives moved to close the nominations and accept the appointments of Cindy Ammons, Drew Lucas, and Mike McDonald by acclamation as alternates to the Lee County Board of Equalization and Review. Upon a vote, the results were as follows:

Aye: Dalrymple, Hayes, Kelly, Oldham, Paschal, Reives, and Shook
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a *Communication Policy* for staff and elected officials that had been deferred from the March 2, 2009 meeting. Commissioner Oldham moved to take the matter off the table for discussion. Upon a vote, the results were as follows:

Aye: Dalrymple, Hayes, Kelly, Oldham, Paschal, Reives, and Shook
Nay: None

The Chairman ruled the motion had been adopted unanimously.

County Manager John Crumpton discussed the revised policy addressing the County Manager as the official spokesperson for Lee County Government Administration and the Board Chairman as the official spokesperson for the Lee County Board of Commissioners as the issue relates to an official position taken by the Board of Commissioners where a state of emergency exists. Each Commissioner may speak on their own individual position with the media and general public if they so desire. After discussion and a minor change recommended by Commissioner Reives, Commissioner Oldham moved to approve the amended *Lee County Communication Policy*, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Dalrymple, Hayes, Kelly, Oldham, Paschal, Reives, and Shook
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a *Resolution Opposing Employee Free Choice Act* that had been deferred from the March 2, 2009 meeting. Commissioner Shook moved to take the matter off the table for discussion. Upon a vote, the results were as follows:

Aye: Dalrymple, Hayes, Kelly, Oldham, Paschal, Reives, and Shook
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Shook read aloud the above-referenced Resolution as rewritten by herself and Commissioner Dalrymple, and moved the *Resolution Opposing Employee Free Choice Act* be approved, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Dalrymple, Hayes, Kelly, Oldham, Paschal, and Shook
Nay: Reives

The Chairman ruled the motion had been adopted by a six to one vote.

Chairman Reives stated he voted against the Resolution because "it was another situation where we have no dog in the fight; we have more serious problems here at home".

The Board considered an *FY 2009-2010 Community Transportation Grant* for Senior Services. Senior Services Director Debbie Davidson stated a public hearing must be held to hear comments concerning the proposed grant. Ms. Davidson stated she was requesting the following funding levels in the grant application:

- Administrative and Employee Development - \$158,950.00 with a local match of 15% (\$23,843.00); and
- Capital – one mini van replacement, mobile radio, and three computer desk top replacements - \$32,260 with a 10% local match of \$3,226

Ms. Davidson stated the public hearing was published in *The Sanford Herald* on February 27, 2009, both in English and Spanish.

At this time Chairman Hayes opened the advertised public hearing for this date and time.

Mr. Eugene Barufkin, 376 Kittery Point, Sanford, spoke and asked if more or less funding would be received this year from last year.

No one present spoke in opposition to the proposed grant application.

Chairman Hayes closed the public hearing.

Commissioner Dalrymple moved to approve the *FY 2009-2010 Community Transportation Grant* as presented. Upon a vote, the results were as follows:

Aye: Dalrymple, Hayes, Kelly, Oldham, Paschal, Reives, and Shook

Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered an *Elderly and Disabled Federal Grant Application for Transportation*. Senior Services Director Debbie Davidson told the Board that Senior Services was asking approval to apply for new funding available through the Federal Transit Administration to improve and enhance transportation services to elderly and disabled citizens. A Human Services Transportation Plan was approved by the Lee County Transportation Advisory Board in March 2009 that addressed the transportation needs of Lee County's citizens. This proposal is to offer a circular route with scheduled stops and extended hours on Saturday to offer additional mobility options and affordable transportation for Lee County residents. The application will be submitted to the North Carolina Department of Transportation for consideration and submission to the Federal Transit Administration for final approval. Ms. Davidson stated this was a competitive process for a two-year grant cycle from July 1, 2009, through June 30, 2011, and would address the following funding levels:

- Operating Expenses - \$81,469 with a 50% local match of \$40,735 (funds through the Home and Community Care Block Grant allocated through the Senior Services Department may be used as match; therefore, no additional funding from the County will be required). These funds will cover salary for two drivers and vehicle operation expenses for two years.
- Capital – One lift equipped vehicle, mobile radio, and insurance - \$60,260 with a 10% local match of \$6,026. This match will be covered by contract payments and fares.

A public notice was placed in *The Sanford Herald* on March 6, 2009.

Chairman Hayes opened the public hearing.

The following spoke in favor of the grant application:

- Mr. Eugene Barufkin, 376 Kittery Point, Sanford;
- Mr. Jerry Lemmond, 1403 Spring Lane, Sanford; and
- Mr. Keith Clark, 233 Chris Cole Road, Sanford (in favor if no County money was required)

No one present spoke in opposition to the grant application.

Chairman Hayes closed the public hearing.

Commissioner Reives moved to approve the *Section 5310 Elderly and Disabled Federal Grant Application for Transportation* as presented. Upon a vote, the results were as follows:

Aye: Dalrymple, Hayes, Kelly, Paschal, Oldham, Reives, and Shook
 Nay: None

The Chairman ruled the motion had been adopted unanimously.

Mr. Terry Myers completed the required paperwork to appear before the Board to discuss activities of the Environmental Impact Resource Conservation and Development (RC&D) Inc. No action was taken.

Representatives from the Engineering Firm of McKim and Creed presented an overview and design/site constraints for the San Lee Dam Project and discussed time frames and an updated opinion of the estimated construction cost. The presentation also included the proposed spillway repair with graphic exhibits. Estimated cost of the project will be approximately \$1.5 million. County Manager John Crumpton stated this is a liability issue for the County because of the danger to the homes down stream. The County has been working on this project since 1996 and will be fined by the State if not corrected in the near future. No action was taken.

The Board considered a *North Carolina Statewide Mutual Aid Agreement*. Emergency Management Director Eric Griffin stated the North Carolina Association of County Commissioners and the North Carolina League of Municipalities joined with the Governor of North Carolina after Hurricane Fran in 1996 to develop a mechanism for jurisdictions to receive and provide mutual aid assistance via a standard agreement. This voluntary mutual aid agreement sets forth a series of standards for requesting, sending, receiving, and providing reimbursements for mutual aid assistance. The last updated agreement was approved by the County in November 2002. Mr. Griffin asked the Board to accept and approve the Mutual Aid Agreement and authorize appropriate staff to execute said agreement. Commissioner Shook moved to approve the *North Carolina Statewide Mutual Aid Agreement* as presented, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Dalrymple, Hayes, Kelly, Oldham, Paschal, Reives, and Shook
 Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a *Resolution to Delay the 2011 Revaluation*. Tax Administrator Dwayne Brinson told Board members he had been working on the 2011 revaluation for several months and found that sales numbers are down, sales prices are down, and the sales ratio study is too high. Mr. Brinson also stated there is a significant amount of cost involved to perform a countywide revaluation and he therefore was recommending the 2011 revaluation be postponed

until January 2013. After some discussion, Commissioner Reives moved to approve a *Resolution Delaying the Effective Date of a Reappraisal of Property in Lee County Until January 1, 2013*, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Dalrymple, Hayes, Kelly, Oldham, Paschal, Reives, and Shook

Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a revised *Lee County Reduction in Force Personnel Policy*. Human Resource Director Joyce McGehee told Board members that Section H-5 (Reduction in Force) of the Lee County Personnel Policy has been rewritten to update and better define guidelines for reduction in force. In reviewing the previous policy and personnel fines for past performance it became apparent there wasn't enough documented performance evaluation history on each employee to fairly comply with the requirement of assigning points for performance; which combined with points for seniority and written warnings determined the order in which employees are rifted. Ms. McGehee stated employees would be provided copies of the revised policy if approved by the Board. After some discussion, Commissioner Kelly moved to approve the revised *Lee County Reduction in Force Policy* of the Lee County Personnel Policy as presented. Upon a vote, the results were as follows:

Aye: Dalrymple, Hayes, Kelly, Oldham, Paschal, Reives, and Shook

Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a *Resolution Opposing the Passage of the Public Safety Employer-Employee Cooperation Act* which was presented by Commissioner Shook. Ms. Shook read the resolution and stated the North Carolina Association of County Commissioners (NCACC) and National Association of County Commissioners (NACo) both oppose this act. After discussion, Commissioner Shook moved to approve the above-referenced Resolution, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Dalrymple, Hayes, Kelly, Oldham, Paschal, Reives, and Shook

Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Oldham moved for the County Manager and HR Director to begin reference checks on selected individuals for the Deputy County Attorney position. Upon a vote, the results were as follows:

Aye: Dalrymple, Hayes, Kelly, Oldham, Paschal, Reives, and Shook

Nay: None

The Chairman ruled the motion had been adopted unanimously.

Finance Director Lisa Minter presented the *Monthly Financial Report* for month ending February 2009. No action was taken.

The Board discussed estimates from the federal stimulus package for Medicaid. According to an e-mail from the North Carolina Association of County Commissioners, it was stated counties' share of Medicaid is set at 7.5% of the non-federal share, as the federal reimbursement dollars for Medicaid goes up, our costs are reduced proportionately. Lee County's Medicaid cost from the stimulus package savings total \$122,722 for February 2009. No action was taken.

The Board considered a *Retirement Incentive Plan* for Lee County. County Manager John Crumpton presented a revised incentive plan for all permanent employees who are eligible for retirement for this one time offer. Requirements include the following:

1. Must be eligible for either full or partial retirement from the Local Government Retirement System;
2. Must have been employed by Lee County for at least five consecutive years;
3. Must be eligible by August 1, 2009, to take retirement; and
4. Must notify the Human Resource Office in writing of intent to retire by April 1, 2009.

Incentives include the following:

1. All eligible employees who notify HR of intent to retire will receive one month salary as severance pay to be paid in a separate check so that deductions are minimized;
2. Those employees eligible for longevity pay will receive their longevity pay for FY 2010 with other full time employees in November 2009; and
3. Employees who take early retirement and are age 50 or above and meet the number of service years requirements will be eligible for the health care coverage as outlined in the Personnel Policy (current policy is age 55). Intent to retire must be received in HR by April 1, 2009. All paperwork required to retire must be filled out and submitted to the Local Government Retirement System at that time.

Mr. Crumpton stated all other Personnel Policies as they relate to retiring employees will apply. This is a one-time offer and in no way changes the ongoing Personnel Policies of the County. Interested individuals should contact the HR Department and ask them to assist with an estimate of their retirement benefits. After some discussion, Commissioner Reives moved to extend the sign-up period from April 1, 2009, to April 15, 2009, in order to give employees more time to discuss the circumstances with their spouses. Upon a vote, the results were as follows:

Aye: Dalrymple, Hayes, Kelly, Oldham, Paschal, Reives, and Shook
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Reives moved to approve the *Retirement Incentive Plan* as presented by the County Manager with the extension period changed to April 15, 2009. Upon a vote, the results were as follows:

Aye: Dalrymple, Hayes, Kelly, Oldham, Paschal, Reives, and Shook
Nay: None

The Chairman ruled the motion had been adopted unanimously.

County Manager John Crumpton discussed a Workers' Comp decrease of 12.8%, resulting in a savings of \$480,000.00 to the County. After discussion, Commissioners Reives moved to

authorize the County Manager to execute required documents for Workers' Comp for the upcoming year. Upon a vote, the results were as follows:

Aye: Dalrymple, Hayes, Kelly, Oldham, Paschal, Reives, and Shook
Nay: None

The Chairman ruled the motion had been adopted unanimously.

With no further business to come before the Board, Commissioner Oldham moved to adjourn the meeting. Upon a vote, the results were as follows:

Aye: Dalrymple, Hayes, Kelly, Oldham, Paschal, Reives, and Shook
Nay: None

The Chairman ruled the motion had been adopted unanimously and the meeting adjourned at 7:30 p.m.

ATTEST:

Richard B. Hayes, Chairman
Lee County Board of Commissioners

Gaynell M. Lee, Clerk