

LEE COUNTY

NORTH CAROLINA

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MINUTES OF THE REGULAR MEETING
OF THE
BOARD OF COMMISSIONERS
FOR THE
COUNTY OF LEE, STATE OF NORTH CAROLINA

AUGUST 18, 2008

The regular meeting of the Board of Commissioners for the County of Lee, State of North Carolina, convened at 3:00 p.m. in the Commissioners' Room, Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina, on said date. Commissioners present were James C. Kelly, Jerry M. Lemmond, Nathan E. Paschal, John T. Quiggle, Robert T. Reives, and Linda A. Shook. Commissioner Robert H. Brown was absent due to sickness in his family

Vice-Chairman Lemmond 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.

Ms. Lavelle McLean from the Employee Selection Committee introduced Ms. Deborah McKay, Income Maintenance Caseworker II, with the Lee County Department of Social Services, as the *August 2008 Employee of the Month*. Vice-Chairman Lemmond awarded Ms. McKay with her awards which include a day off with pay, a *Star Award*, a framed certificate, a pizza (compliments of Papa John's Pizza), Coca Cola products from Sanford Coca Cola Bottling Company, and a movie rental from the Movie Gallery.

The Board considered additions/changes to the agenda. County Manager John Crumpton asked that the following items be added to the Agenda:

- (1) Resolution from the Lee County Bar Association in reference to smoking at the Lee County Courthouse;
- (2) Bids for a new chiller unit at the Lee County Courthouse;
- (3) Budget Amendment # 08/18/08/#04 to cover the new chiller stated above (if request is approved);
- (4) QZAB Project Budget Ordinance for the Lee County Schools; and
- (5) Request from the Health Department to adjust salary grades for Environmental Health Specialist positions

Commissioner Reives moved to approve the above additions to the agenda. Upon a vote, vote, the results were as follows:

Aye: Kelly, Lemmond, Paschal, Quiggle, Reives, and Shook
Nay: None
Absent: Brown

The Vice-Chairman ruled the motion had been adopted unanimously.

The Board considered approval of the Consent Agenda. Commissioner Shook asked that the Consent Agenda item pertaining to the Mortgage-Style Foreclosure Program for the Tax Office be pulled for further discussion. Commissioner Quiggle moved to approve the Consent Agenda as amended which consisted of the following items:

- Minutes from the July 21, 2008 regular meeting;
- Minutes from the July 21, 2008 closed session meeting;
- Minutes from the July 28, 2008 special public BRAC meeting;
- FY 2008-09 application for State Aid to Libraries;
- Social Services to operate as a "Standard Work First County";
- Proclamation to designate September 20 – October 4, 2008, as the FALL *Litter Sweep* time in Lee County (copy attached);
- Appointments to the Lee County Board of Adjustment;
- Budget Amendment # 08/18/08/#03 (copy attached);
- Tax Releases and Refunds for July 2008 (copies attached);
- Bid for Household Hazardous Waste Collection Program to be held Saturday, October 18, 2008, at the Dennis Wicker Civic Center;
- Addendum of Lease Agreement for Secondary Storage Area Network (SAN) for the IT Department;
- Recommendation from the Planning Board to rezone property located at 1395 Dycus Road (Ordinance to amend the UDO attached);
- Resolution honoring Mrs. Margaret Murchison (copy attached);
- Resolution to allow the County Manager to manage Memoranda of Agreement process for Emergency Management (copy attached);
- Pre-Disaster Mitigation Grant Application for Emergency Management in the amount of \$40,000;
- One-year extension of ARAMARK Food Service contract (copy attached); and
- Rate increase from Central Carolina Hospital for Central Carolina Advanced Life Support services (copy attached)

Upon a vote, the results were as follows:

Aye: Kelly, Lemmond, Paschal, Quiggle, Reives, and Shook
Nay: None
Absent: Brown

The Vice-Chairman ruled the motion had been adopted unanimously.

At this time, Commissioner Reives read and presented the resolution honoring Mrs. Margaret Murchison for her thirty years of service to the people in Lee County.

Commissioner Kelly read the Proclamation for the Lee County FALL *Litter Sweep*.

The following signed up to speak during the *Public Comments* section of the meeting:

Mr. Russell Noel, 1413 Cherokee Trail (tax matters)
Attorney Rick Hager, 2105 Wilkins Drive (Smoking Ordinance)

Mr. Mike Beam from the District Attorney's Office completed the required paperwork to appear before the Board. Mr. Beam discussed second-hand smoking issues at the Lee County Courthouse that is affecting staff. Mr. Beam asked that smoking regulations be placed at the Courthouse so his office would not be affected by the smoke.

The Board considered a *Smoking Ordinance for Lee County Buildings*. This matter was discussed and action deferred at the July 21, 2008 meeting when Commissioner Reives asked for something in writing from the Register of Deeds, Clerk of Court, and Lee County Bar Association. County Manager John Crumpton stated at the July meeting that he had received a letter from District Attorney Susan Doyle requesting that the Lee County Courthouse be designed as a non-smoking building; specifically the attorney's lounge on the second floor of the building. Mr. Crumpton presented a "draft" Ordinance for the Board to consider that would prohibit smoking in any/all Lee County owned or leased facilities. Letters had been received, prior to the August meeting, opposing smoking in the courthouse from the Register of Deeds and Clerk of Courts offices. The Bar Association presented a Resolution asking "*that smoking inside the Lee County Courthouse may be restricted as long as space inside said courthouse is set aside and designated for use by those who choose to smoke.*" Commissioner Quiggle moved to take the Smoking Ordinance off the table (from the July meeting) for discussion and a vote. Upon a vote of the motion, the results were as follows:

Aye: Paschal, Quiggle, and Shook
Nay: Kelly, Lemmond, and Reives
Absent: Brown

The Vice-Chairman ruled the motion failed with a tie vote and therefore the Ordinance failed to pass.

Commissioners were offered the opportunity to tour the District Attorney's Office and Attorney's Lounge at the Courthouse at 6:30 p.m. on this date.

After some discussion, Commissioner Lemmond moved for Construction Consultant Ray Martin to inspect the Attorney's Lounge and make a recommendation to the full Board on some type of ventilation system that could be installed to assist with the second-hand smoke issue. Upon a vote, the results were as follows:

Aye: Kelly, Lemmond, Paschal, and Reives
Nay: Quiggle and Shook
Absent: Brown

The Vice-Chairman ruled the motion had been adopted by a four to two vote.

The Board considered a *Voluntary Agricultural District Ordinance*. Cooperative Extension Director Susan Condlin presented the Ordinance and stated income generated yearly in Lee County by production agriculture and government payments for agriculture programs is in excess

of \$45 million. Currently 89% of Lee County is composed of farmland (46,084 acres) and 99,188 acres of forestland. Unplanned development of these lands can have a negative impact on the county's budget, erode natural resources and threaten agriculture heritage. Ms. Condlin stated that sixty (60) counties and two (2) municipalities have adopted Voluntary Agriculture District (VAD) Ordinances. A VAD is designed to encourage the preservation and protection of family farms, to increase the visibility of agricultural, forestry and horticultural operations and to protect and promote these land uses. The Ordinance seeks to preserve open space; and increase the visibility of agricultural operations so new or potential landowners are aware of the potential for dust, noise, and smells associated with agriculture. Representatives from the Tax Office, Register of Deeds, GIS, Planning, Soil and Water, NC Cooperative Extension, NC Forestry, area farmers, agri-business, landowners, realtors and others have worked on the proposed Ordinance. Commissioner Reives moved to approve the *Voluntary Agricultural District Ordinance*, 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: Kelly, Lemmond, Paschal, Quiggle, Reives, and Shook
Nay: None
Absent: Brown

The Vice-Chairman ruled the motion passed on the first reading. The Ordinance must be considered again at the September meeting since Commissioner Brown was not present for the vote.

The Board considered the *Tax Collectors Annual Settlement for FY 2008 and Prior Years*. Tax Administrator Dwane Brinson stated each year the Tax Collector must make settlement with the governing board per NC Gen Stat 105-373. As part of the settlement, the governing board charges the Tax Collector with collecting taxes for the current fiscal year, which in this case is FY 2009. Mr. Brinson stated this "charge" gives the Tax Collector authority to use enforced collection measures and gives notice that the tax lien is first in priority. A power point presentation was presented to give highlight aspects of this year's settlement as well as to clarify the performance of the Tax Office for FY 2008. After discussion, Commissioner Kelly moved to charge the Tax Collector with collection of FY 2009 taxes and a Resolution approving the Tax Collector's Annual Settlement for FY 2008 and Prior Years, copies of which are attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Kelly, Lemmond, Paschal, Quiggle, Reives, and Shook
Nay: None
Absent: Brown

The Vice-Chairman ruled the motion had been adopted unanimously.

The Board considered the contract for *Mortgage-Style Foreclosure Program* Commissioner Shook had pulled from the Consent Agenda earlier in the meeting. Commissioner Shook stated she would like to see a spreadsheet showing the number of parcels numbered by owner, outstanding taxes due, and also questioned the expense and cost to Lee County for this program with Zaccheaus Legal Services (ZLS). A representative from Zaccheaus Legal Services was present and answered questions from the Board. After some discussion, Commissioner Kelly moved to approve the contract for Mortgage-Style Foreclosure Program with ZLS 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: Kelly, Lemmond, Paschal, Quiggle, and Reives
Nay: Shook
Absent: Brown

The Vice-Chairman ruled the motion had been adopted by a five to one vote.

Commissioner Shook stated she voted against the contract because she would have liked to see the spreadsheet requested before voting. Mr. Brinson stated he would furnish the Board the information requested by Commissioner Shook.

The Board considered a revised *Solid Waste Ordinance for Lee County*. County Manager John Crumpton asked the Board to consider a revised Solid Waste Ordinance that would give county employees more authority to enforce litter, illegal dumping and abandoned automobile policies in the County. Mr. Crumpton stated that staff has been reviewing ways to clean up illegal dumping and other items covered under the current Solid Waste Ordinance. This change would allow staff to site individuals who violate the Ordinance. Currently the County has to sue the violators and take them to court which is expensive and time consuming. The new process will allow staff to work straight through the court system and allow for a fine to be imposed. Mr. Crumpton stated at some time the County might need to consider the creation of a Solid Waste Code Enforcement Officer position if a great deal of time is spent in this area. After some discussion, Commissioner Kelly moved to approve the first reading of the Solid Waste Ordinance 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: Kelly, Lemmond, Paschal, Quiggle, Reives, and Shook
Nay: None
Absent: Brown

The Vice-Chairman ruled the Ordinance had passed on the first reading but must be considered again at the September meeting since Commissioner Brown was not present for the vote.

The Board considered bids for a new chiller unit at the Lee County Courthouse. General Services Manager Russell Spivey told the Board that a pre-bid conference was held on August 7, 2008, with county personnel, Project Architect Darrell Mullins, Mechanical Engineer Bob Lysiak, and ten (10) contractor representatives. The bid opening was held on August 14, 2008, with the following bids received for the project, a copy of which is attached to these minutes and by this reference made a part hereof:

Cooper Mechanical, Sanford, NC
Superior Mechanical Services, Inc., Greensboro, NC
Southern Piping Co., Raleigh, NC
Systems Contractors, Greensboro, NC

After some discussion, Commissioner Reives moved to accept the bid from Cooper Mechanical in the amount of \$228,000 with credit to delete extending chiller pad and relocating two transformers (\$10,500), and credit to delete Performance and Payment Bonds (\$4,560), for a total bid amount of \$212,940. Upon a vote, the results were as follows:

Aye: Kelly, Lemmond, Paschal, Quiggle, Reives, and Shook
Nay: None
Absent: Brown

The Vice-Chairman ruled the motion had been adopted unanimously.

The Board considered Budget Amendment # 08/18/08/#04 to transfer funds from the General Fund to cover the cost of purchasing a new chiller unit for the Lee County Courthouse and the rental unit that has been used for several months. Commissioner Shook moved to approve the above-referenced budget amendment 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: Kelly, Lemmond, Paschal, Quiggle, Reives, and Shook
Nay: None
Absent: Brown

The Vice-Chairman ruled the motion had been adopted unanimously.

The Board considered a *QZAB School Project Budget Ordinance*. County Manager John Crumpton told the Board the County has received \$1,622,021 in proceeds from the QZAB financing and an ordinance is needed in order to pay invoices on the approved school projects. Following discussion, Commissioner Kelly moved to approve a QZAB School Project Capital Project Budget Ordinance, 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: Kelly, Lemmond, Paschal, Quiggle, Reives, and Shook
Nay: None
Absent: Brown

The Vice-Chairman ruled the motion had been adopted unanimously.

Finance Director Lisa Minter presented the Monthly Financial Report for month ending July 2008. Commissioner Kelly moved to approve the report as presented. Upon a vote, the results were as follows:

Aye: Kelly, Lemmond, Paschal, Quiggle, Reives, and Shook
Nay: None
Absent: Brown

The Vice-Chairman ruled the motion had been adopted unanimously.

County Manager John Crumpton recognized Finance Director Lisa Minter and her staff on receiving the Government Finance Officers Association Certificate of Achievement for 2007. It was noted this is the 12th year Lee County has been recognized for this accomplishment.

County Manager John Crumpton presented a time-line, for review only, for renovations to the San Lee Dam. No action was taken.

Construction Consultant Ray Martin presented the final safety-health study report for Lee Senior High School. Mr. Martin stated conditions at Lee Senior are not bad and that piece-mill repairs and housekeeping will take care of many of the issues. It was noted the Jonesboro Campus study had been completed and a written report will be presented to the Board at the September meeting. Commissioner Shook stated she would like the Commissioners and Board of Education to start working on the "purpose and function" budget process for the FY 2009-2010 budget. No action was taken on the Lee Senior report.

The Board considered a request from the Lee County Board of Health to adjust salary grades for Environmental Health Specialist positions. It was noted there are only two certified Environmental Health Specialists currently employed, with one of those being the supervisor. Two Interns have been hired but it will take two years for them to obtain their full certification. It was noted that over the last four years the Department has lost several interns and experienced employees to neighboring counties due to pay. County Manager John Crumpton presented a recommendation from the Board of Health asking that pay grades for Environmental Health Specialist be increased from Grade 68 to Grade 71 and the Environmental Health Supervisor be increased from Grade 71 to Grade 74. After some discussion, Commissioner Reives moved to approve the request from the Lee County Board of Health to increase the Environmental Health positions as requested above. Upon a vote, the results were as follows:

Aye: Kelly, Lemmond, Paschal, Quiggle, Reives, and Shook
Nay: None
Absent: Brown

The Vice-Chairman ruled the motion had been adopted unanimously.

The meeting was recessed at 6:05 p.m. by Vice-Chairman Lemmond until 7:00 p.m.

The meeting resumed at 7:00 p.m. in Courtroom # 4 at the old Lee County Courthouse to conduct a joint public hearing with members of the Lee County Planning Board. Commissioners present were James C. Kelly, Jerry M. Lemmond, Nathan E. Paschal, and Linda A. Shook. Commissioners Robert H. Brown, John T. Quiggle, and Robert T. Reives were absent.

Vice-Chairman Lemmond called the meeting to order.

Planner Althea Thompson outlined the rezoning petition submitted by the Deep River Volunteer Fire Department to rezone approximately 2.14 acres of land located at 3316 Lower Moncure Road from Residential Agricultural (RA) district to Office and Institutional (O & I) district.

Vice-Chairman Lemmond opened the public hearing.

Mr. Larry Kelly, Chief of the Deep River Fire Department, 3241 Deep River Road, spoke in favor of the rezoning request and stated the Fire Department planned on building a 2-bay sub-station that would assist an unrated fire district.

No one present spoke in opposition to the rezoning request.

Ms. Linda Wilson, 2971 Lower Moncure Road, stated she was not in opposition but did have questions in reference to the rezoning request. Ms. Wilson was allowed time to address her concerns, of which were addressed by Mr. Kelly.

Vice-Chairman Lemmond closed the public hearing.

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

Aye: Kelly, Lemmond, Paschal, and Shook
Nay: None
Absent: Brown, Quiggle, and Reives

The Vice-Chairman ruled the motion had been adopted unanimously and the meeting adjourned at 7:20 p.m.

ATTEST:

Jerry M. Lemmond, Vice Chairman
Lee County Board of Commissioners

Gaynell M. Lee, Clerk