



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

SEPTEMBER 15, 2008

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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 Robert H. Brown, James C. Kelly, Jerry M. Lemmond, Nathan E. Paschal, John T. Quiggle, Robert T. Reives, and Linda A. Shook.

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

Chairman Brown delivered the invocation.

The pledge of allegiance was recited.

Ms. Brenda Potts from the Employee Selection Committee introduced Sergeant Peter West with the Lee County Jail, Lee County Sheriff's Office, as the *September 2008 Employee of the Month*. Chairman Brown awarded Mr. West with his 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. Commissioner Quiggle asked that the item pertaining to the purchase of new vehicles for the Sheriff's Department be pulled from the Consent Agenda for discussion. County Manager John Crumpton asked the Board to remove the item under New Business for relief of interest on 1998 unpaid tax bills. Commissioner Reives moved to approve the revised agenda. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

Chief Randall Butler discussed the purchase of two new vehicles for the Sheriff's Department and explained the bid process. Commissioner Quiggle moved to approve the

purchase of two new 2008 4x4 Ford Explorers from Crossroads Ford, Cary, North Carolina, in the amounts of \$22,052.90 and \$22,339.90. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

The Board considered approval of the Consent Agenda. Commissioner Kelly moved to approve the Consent Agenda as amended which consisted of the following items:

- Minutes from the August 18, 2008 regular meeting;
- Minutes from the September 2, 2008 joint meeting with the Board of Education;
- Recommendation from the Lee County Planning Board in reference to a rezoning request from the Deep River Volunteer Fire Department (copy attached);
- Recommendation from the Lee County Planning Board in reference to a new 22-lot subdivision on Dycus Road (copy attached);
- Tax Releases and Refunds for August 2008 (copy attached);
- Modification agreement to County Manager's Employment Contract (copy attached);
- Request from CCCC to use contingency funds to complete the Emergency Services Training Center;
- Budget Amendment # 09/15/08/#06 (copy attached); and
- Capital Project Budget Ordinance for San Lee Park Dam (copy attached)

Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

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

1. Mr. Russell Noel, 1413 Cherokee Trail, Sanford (tax matter)
2. Ms. Ann Blakely, Clerk of Court (smoking at Lee County Courthouse); and
3. Mr. Keith Clark, 233 Chris Cole Road, Sanford (tribute to County employees)

The Board considered a *Smoking Ordinance* for Lee County buildings. This item has been on the agenda for the past two meetings, with action deferred at the first meeting and a tie vote resulted at the last meeting when a motion was made to take the matter off the table for consideration. County Attorney K. R. Hoyle drafted a revised Ordinance for the Board to consider along with a Resolution asking the City of Sanford and Town of Broadway to permit the Smoking Ordinance to be applicable within their jurisdictions.

Commissioner Reives moved to take the item off the table for discussion and consideration. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

Chairman Brown explained that the Ordinance would require two votes if not adopted unanimously on the first reading. County Manager John Crumpton advised the Board that if the Smoking Ordinance was adopted, a Resolution would also need to be adopted asking the City of Sanford and Town of Broadway to adopt resolutions to permit the Lee County smoking ordinance to be applicable within their jurisdictions. After some discussion, Commissioner Lemmond moved to approve an *Ordinance Restricting the Use of Smoking or Tobacco Products in County Government Buildings or Vehicles*, a copy of which is attached to these minutes and by this reference made a part hereof. Commissioner Reives amended the motion to also include the expansion of office space for the District Attorney's Office. Upon a vote of the amended motion, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

Commissioner Reives moved to approve a *Resolution asking the City of Sanford and Town of Broadway to Adopt Resolutions to Permit the Lee County Smoking Ordinance to be Applicable within their Jurisdictions*, 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: Brown, Kelly, Lemmond, Paschal, Quiggle, Reives, and Shook  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered the second reading of the *Lee County Solid Waste Ordinance*. This Ordinance was presented and approved at the August 18, 2008 meeting of the Board. According to Roberts Rules of Order if an ordinance is not approved unanimously (by the full Board) on the first reading it must be presented for a second reading. Since Chairman Brown was not in attendance at that meeting the Ordinance did not pass even though it was a unanimous vote of members present. County Manager John Crumpton stated the revised Solid Waste Ordinance would give county employees more authority to enforce litter and illegal dumping in the county. Commissioner Kelly moved to approve the second reading of the *Lee County Solid Waste 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: Brown, Kelly, Lemmond, Paschal, Quiggle, Reives, and Shook  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered the second reading of the *Lee County Voluntary Agricultural District Ordinance*. This Ordinance was presented and approved at the August 18, 2008 meeting but like the Solid Waste Ordinance above, it required a second reading since one Commissioner was absent. Commissioner Kelly moved to approve the second reading of the *Lee County 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 follow:

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

The Chairman ruled the motion had been adopted unanimously.

The Board considered an *Emergency Management Ordinance*. Emergency Management Director Eric Griffin asked the Board to adopt the Ordinance to provide the legal authority for the County to implement an effective emergency management program. During discussion of the Ordinance, the following changes/additions were made by various Commissioners:

- Section 2 – (Public Proclamation of Emergency). Add First Responders to the list to exempt from all or any part of restrictions, while acting in the line of and within the scope of their respective duties.....
- Section 4 – (Evacuation). Delete Emergency Management Coordinator or his designee as authorized to impose the evacuation of all or part of the population of the county if a disaster occurs.....
- Section 5 – (Curfew). Delete Emergency Management Coordinator or his designee to impose a curfew in case of a disaster.....
- Section 13 – (Disability of Chairperson). Show line of succession if neither the Chairperson nor Vice-Chairperson may be contacted .....to also include the County Manager if no Commissioner can be reached.

After further discussion and motion duly made, the results were as follows to approve the first reading of the Emergency Management Ordinance with the above revisions:

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

Chairman Brown ruled the motion passed with a six to one vote but will require a second reading at the October 6, 2008 meeting because it did not pass by a unanimous vote.

The Board considered an *Oil and Hazardous Substance Ordinance for Lee County*. Emergency Management Director Eric Griffin asked the Board to adopt the Ordinance to provide legal authority for the County to enforce cleanup of uncontained or unsecured oil and other hazardous materials. The Ordinance will also provide for the County to bill responsible parties for cleanup expenses incurred when the County must assume responsibility of cleanup and disposal of unsecured materials. After some discussion, Commissioner Reives moved to approve an *Ordinance for the Control of Oil and Other Hazardous Substances in the Unincorporated Areas of Lee County*, 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: Brown, Kelly, Lemmond, Paschal, Quiggle, Reives, and Shook  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a text amendment to the Unified Development Ordinance (UDO) relating to accessory dwellings in certain districts. Assistant Planning Director Marshall Downey told the Board action on this item was deferred at the July 21, 2008 meeting by a request of Planning Department staff. Commissioner Lemmond moved to take the item off the table for consideration. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

Mr. Downey explained the text amendment which would regulate accessory dwellings in the R-10 and R-12 zoning districts which are located only within the municipalities. The City of Sanford adopted the revised amendment at their August 19, 2008 meeting and the Town of Broadway will consider it at their meeting on September 22<sup>nd</sup>. Mr. Downey stated the amendment would not affect the zoning jurisdiction of Lee County; however, the Commissioners should consider adoption to ensure consistency in the UDO. Commissioner Reives moved to approve the text amendment to the Unified Development Ordinance as it relates to accessory dwellings, 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: Brown, Kelly, Lemmond, Paschal, Quiggle, 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 August 2008. Commissioner Lemmond moved to accept the report as presented. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

County Manager John Crumpton introduced Lee County's new Health Director Howard Surface. Mr. Surface spoke briefly and stated he was happy to be in Lee County.

Construction Consultant Ray Martin presented the Safety-Security Inspection Report for the Jonesboro Campus. Mr. Martin stated that bad conditions were found on the campus with the major one being no fire alarm system except for a few fire extinguishers. Water leakage was found around the roof line, windows, doors, and walls along with mold in various areas. Asbestos was also found in some areas. The report also stated that outside lighting was also an issue. Mr. Martin suggested that mobile units

be moved to the Jonesboro site or placed on property located across from the current CCCC campus on Kelly Drive. After discussion, Commissioner Reives moved to accept the report as presented. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

County Manager John Crumpton presented a BRAC update concerning the BRAC Relocation Fair held September 9–11, 2008 in Fort McPherson, Georgia. Economic Development Director Bob Heuts, Chamber of Commerce representative Jennifer St. Clair and Realtor Cindy Ammons represented Lee County.

County Manager John Crumpton introduced Kyle Edwards as Lee County's new IT Director.

Chairman Brown moved that a letter be forwarded to the North Carolina Department of Transportation asking that a study be completed to widen the shoulder along the roadway on Hickory House Road. This was requested due to a recent hit-and-run on a certain section of that road. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

Chairman Brown recessed the meeting at 5:10 p.m. until 7:00 p.m.

The meeting resumed at 7:00 p.m. in Courtroom #4 at the old Lee County Courthouse, 1408 S. Horner Blvd. to conduct a joint public hearing with members of the Lee County Planning Board. Commissioners present were Robert H. Brown, James C. Kelly, Jerry M. Lemmond, and Linda A. Shook. Commissioners Nathan E. Paschal, John T. Quiggle, and Robert T. Reives were absent.

Chairman Brown called the meeting to order.

Assistant Planning Director Marshall Downey discussed an amendment to the Unified Development Ordinance (UDO) regarding Group Homes/Residential Care Facilities. Mr. Downey stated that in the spring of this year, the City of Sanford had a proposal for a "Level 4" Group Home to be located in the 700 Block of Hawkins Avenue that is predominately residential in nature. The project caused quite a bit of discussion about how Group Homes are regulated and how the UDO may need to be updated. Mr. Marshall stated that currently Group Homes (intended to house more than six persons) are permitted in the following areas:

- MF-12 Multi-family Residential
- O-I Office-Institutional
- C-1 Light Commercial-Office
- C-2 General Commercial and

- HC Highway Commercial

Chairman Brown opened the public hearing.

No one present spoke in favor of or in opposition to the proposed text amendment.

Chairman Brown closed the public hearing.

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

Aye: Brown, Kelly, Lemmond, and Shook

Nay: None

Absent: Paschal, Quiggle, and Reives

The Chairman ruled the motion had been adopted unanimously and the meeting adjourned at 7:15 p.m.

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Robert H. Brown, Chairman  
Lee County Board of Commissioners

ATTEST:

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Gaynell M. Lee, Clerk