

LEE COUNTY

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

JULY 19, 2010
3 P.M.

The regular meeting of the Board of Commissioners for the County of Lee, State of North Carolina, convened at 3 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, James C. Kelly, Larry "Doc" Oldham, Nathan E. Paschal, and Linda A. Shook. Commissioner Reives joined the meeting during later discussion.

Chairman Hayes called the meeting to order and the following business was transacted:

Chairman Hayes delivered the invocation.

The pledge of allegiance was recited.

The Board considered additions/changes to the Agenda. County Manager John Crumpton asked the Board to consider a Modification Agreement of Terms and Conditions of Trust between Lee County and Mrs. Neadella Wilson. With no other changes made, Commissioner Oldham moved to approve the Agenda as amended. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

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

- Minutes from the June 21, 2010 regular meeting;
- Tax Releases and Refunds for June 2010 (copy attached);
- Purchase of new vehicle for the Sheriff's Department from Bobby Murray Chevrolet in the amount of \$36,832.00;
- Annual payment agreement for Microsoft software licensing;
- One-year amendment to operating agreement with ARAMARK food service for meals at the Lee County Jail and Senior Services (copy attached);

- Resolution to approve Lee County Comprehensive Emergency Operations Plan (copy attached);
- Change Order for paving of Colon Road Convenience Center (copy attached);
- Changes to the Lee County Personnel Policy for *Transitional Duty* and *Workers Compensation Leave*; and
- Budget Amendment # 07/19/10/01 (copy attached)

Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

No one signed up to speak during the *Public Comments* section of the meeting.

The Board considered a recommendation from the Planning Board in reference to a recent rezoning request submitted by Stephen Stroud, Triassic LLC, Brenda B. Wicker, Jimmie L. Thomas, and Hobert and Sandra Wicker. Planner Althea Thompson presented the Planning Boards' unanimous recommendation to approve the rezoning request. Commissioner Reives joined the meeting during the end of this discussion. Commissioner Paschal moved to approve the recommendation of the Planning Board to approve said rezoning request and Ordinance Amending the Official Zoning Map 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: Dalrymple, Hayes, Kelly, Oldham, Paschal, Reives, and Shook
 Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered an appointment to the Lee County Fire Advisory Board. Clerk to the Board Gaynell Lee presented an application from Mr. David Vann to fill the vacant "business/industry" slot on said board. Commissioner Kelly moved to accept the appointment of Mr. David Vann to the Lee County Fire Advisory Board for a 4-year term 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.

County Manager John Crumpton presented an update on the Brookhaven Development project. In December 2009 residents of the Brookhaven Development appeared before the Board of Commissioners and discussed various health related and community concerns in their neighborhood. In December and January the Health Department completed a septic system survey and the Solid Waste Division investigated dumped garbage on certain lots and an issue involving a pond in the area. Mr. Crumpton stated that the Solid Waste Division will continue to monitor the subdivision as it relates to the Solid Waste Ordinance and will take appropriate action to abate any current or future violations of the Solid Waste Ordinance. Commissioner Reives stated he would like to continue assisting residents that might wish to tap onto the city's sewer line in the future. No action was taken.

Tax Administrator Dwane Brinson presented an update on the Social Media (*Lee Linked*) project. The purpose of the project is to capitalize on advances in technology and have more/better communication with citizen. No action was taken.

The Board considered a review audit in reference to energy savings and energy grants for Lee County buildings. County Manager John Crumpton stated that the county was approached by Linc Energy Services and McGill and Associates several months ago about conducting an energy audit and applying for energy grant funds through the American Recovery and Reinvestment Act. Linc Energy conducted the energy audit and McGill and Associates helped complete the grant application. The County was notified approximately 4 weeks ago that we were awarded the energy grant in the amount of \$170,000.00. This notice allowed us to begin reviewing the entire energy audit plan which shows where savings can be achieved by upgrading certain county facilities so less energy will be used. The energy savings are used to finance the improvements in the buildings. Mr. Daniel Dowell with Linc Services was present and explained the audit and how financing of the improvements can work for Lee County. After discussion, Commissioner Kelly moved that county staff proceed with Request for Quotes for said project. 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 voting delegate for the August North Carolina Association of County Commissioners (NCACC) conference scheduled in Pitt County. The NCACC ask each county to designate a voting delegate to each annual conference to vote on behalf of their county. Commissioner Hayes moved that Commissioner Amy Dalrymple be appointed as Lee County's voting delegate for said conference. 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 the Tax Collector's annual settlement and the collection of taxes for the upcoming year. Tax Administrator Dwane Brinson stated that each year the Tax Collector must make settlement with the governing board per North Carolina General Statute 105-373. As part of the settlement, the governing board charges the Tax Collector with collecting taxes for the current fiscal year. This "charge" gives the Tax Collector authority to use enforced collection measures and gives notice that the tax lien is first in priority for unpaid taxes. Mr. Brinson presented a power point presentation highlighting the current year's settlement as well as performance of the tax office for FY 2010. Following the presentation, Commissioner Oldham moved to approve the *Affidavit, Order of the Board of Commissioners for the Tax Collector to Collect Taxes, Resolution Approving the Tax Collector's Annual Settlement for FY 2010 and Prior Years, and Sworn Statement of the Lee County Tax Collector*, 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: Dalrymple, Hayes, Kelly, Oldham, Paschal, Reives, and Shook
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a *Code of Ethics Policy for County Commissioners*. County Manager John Crumpton discussed a "draft" policy that had been prepared and presented to Board members for consideration. Commissioner Shook questioned a section in the policy that relates to Commissioners not holding an office in a political party while serving on the Board of Commissioners. (Commissioner Shook currently holds the title of Chairperson of the Lee County Republican Party). County Attorney K. R. Hoyle stated he had discussed the matter with staff from the School of Government and was told this section would not "stand the test" in court if appealed. Commissioner Shook also stated she had received confirmation from a School of Government employee stating the same thing. Commissioner Shook moved this section be removed in it's entirety from the "draft" policy. Commissioner Reives seconded the motion. After further discussion, the Board voted on the above motion presented by Commissioner Shook with the following results:

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

The Chairman ruled the motion had been adopted unanimously. Discussion continued on an additional section in the policy that addressed "Reporting of Ethics Policy Violations". After further discussion, it was agreed that the section in question needed to be rewritten. After still further discussion, consensus of the Board was to wait until September to adopt a Code of Ethics Policy for County Commissioners.

The Board considered a *Certificate of Satisfaction and Modification Agreement* for Ms. Neadella Wilson in reference to the Community Development Block Grant Project. County Attorney K. R. Hoyle explained the required documents as it relates to the project and Commissioner Shook moved to approve the *Certificate of Satisfaction and Modification Agreement* as presented by the County Attorney, 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: Dalrymple, Hayes, Kelly, Oldham, Paschal, Reives, and Shook
Nay: None

The Chairman ruled the motion had been adopted unanimously.

County Manager John Crumpton presented the *Monthly Financial Report* for month ending June 30, 2010. No action was taken.

County Manager John Crumpton reported the county-owned building located on Linden Avenue that previously housed the Head Start Program for Johnston-Lee-Harnett Community Action was now vacant. He stated the building had termite and water damage that needed to be repaired. His recommendation to the Board was to make the necessary repairs and sale the property. Commissioner Dalrymple moved to approve the County Manager's recommendation to make necessary repairs, surplus the property and sale the property using the upset bid process. 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 Kelly 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 5:30 p.m.



Gaynell M. Lee Clerk

Richard B. Hayes
Richard B. Hayes, Chairman
Lee County Board of Commissioners