

LEE COUNTY

NORTH CAROLINA

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

DECEMBER 7, 2015

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, First Floor, Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina, on said date. Commissioners present when the meeting was called to order were Amy M. Dalrymple, Dr. Ricky D. Frazier, Larry "Doc" Oldham, Robert T. Reives, and Timothy S. Sloan. Commissioners Kirk D. Smith and Dr. Andre Knecht arrived later during the meeting.

County Attorney Kerry Self called the meeting to order.

Commissioner Ricky Frazier delivered the invocation.

The pledge of allegiance was recited.

County Attorney Kerry Self led discussion in the re-organization of the Board. Ms. Self discussed the selection of a Chairman and Vice Chairman for a one-year term and the means by which to vote. Commissioner Oldham moved to vote by a show of hands. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Oldham, Reives, and Sloan

Nay: None

Absent: Knecht and Smith

Ms. Self ruled that the motion had been adopted unanimously and that the votes would be tallied by a show of hands.

The Board considered the appointment of a Chairman for the upcoming year. Commissioner Frazier moved to appoint Commissioner Dalrymple as Chairman for the upcoming year. Commissioners Sloan moved that the nominations be closed. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Oldham, Reives, and Sloan

Nay: None

Absent: Knecht and Smith

Ms. Self ruled that the motion had been adopted unanimously and Commissioner Dalrymple would serve as Chairman for the upcoming year.

The Board considered the appointment of a Vice Chairman for the upcoming year. Commissioner Oldham moved to nominate Commissioner Frazier as Vice Chairman. Commissioner Sloan moved to close the nominations. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Oldham, Reives, and Sloan
Nay: None
Absent: Knecht and Smith

Ms. Self ruled the motion had been adopted unanimously and Commissioner Frazier would serve as Vice Chairman for the upcoming year.

Ms. Self presented a Resolution Setting the Meeting Schedule for the upcoming year. Commissioner Frazier moved for the Board of Commissioner meetings to remain at 4 p.m. on the first and third Monday of the month in the Commissioners' Room. After discussion, Commissioner Frazier withdrew his motion and Commissioner Dalrymple moved for the Board of Commissioners' meetings to be moved to 5 p.m. the first and third Monday of each month, with public hearings at 6 p.m. on the third Monday. She stated this would allow time for working citizens to make the meetings, and resolve parking issues at the Government Center. After discussion, the results were as follows:

Aye: Dalrymple, Frazier, Oldham, Reives, and Sloan
Nay: None
Absent: Knecht and Smith

Ms. Self ruled the motion had been adopted unanimously.

Commissioner Sloan moved to approve the Resolution to Set Meeting Schedule for 2016 for the Lee County Board of Commissioners, 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, Frazier, Oldham, Reives, and Sloan
Nay: None
Absent: Knecht and Smith

Ms. Self ruled the motion had been adopted unanimously.

Ms. Self told the Board that each year at the first meeting in December, the Board must approve official bonds for the following employees:

- Sheriff (\$25,000)
- Register of Deeds (\$50,000)
- Every other officer of the county who is required by law to give a bond for the faithful performance of his/her duties, which for our county includes the following:
 - Tax Administrator (\$100,000)
 - Finance Officer (\$100,000)
 - Any employee who handles \$100.00 or more at any one time

Commissioner Sloan moved to approve the bonds as recommended by the County Attorney. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Oldham, Reives, and Sloan
Nay: None
Absent: Knecht and Smith

Ms. Self ruled that the motion had been adopted unanimously.

At this time, the meeting was turned over to Chair Dalrymple.

The Board considered additions/changes to the Agenda. County Manager John Crumpton withdrew Item B under *Consent Agenda – Project Flint Agreement* - due to the company needing more time to review the agreement. Mr. Crumpton also highlighted the need to further review the transfer of an EMS lease under New Business. With no other changes made, Commissioner Frazier moved to approve the Agenda as amended. Upon a vote, the results were as follows:

- Aye: Dalrymple, Frazier, Oldham, Reives, and Sloan
- Nay: None
- Absent: Knecht and Smith

The Chair ruled the motion had been adopted unanimously.

Commissioner Smith arrived at 3:09 p.m.

Commissioner Reives moved to approve the amended *Consent Agenda* which consisted of the following items:

- Minutes from the November 16, 2015 regular meeting, and
- Addition of an Accounting Specialist II position to the Lee County Pay and Classification Plan.

Upon a vote, the results were as follows:

- Aye: Dalrymple, Frazier, Oldham, Reives, Sloan, and Smith
- Nay: None
- Absent: Knecht

The Chair ruled the motion had been adopted unanimously.

Pursuant to N.C. General Statute §153A-52.1, Chair Dalrymple opened the floor for *Public Comments*. The following signed up to speak and were allowed 3 minutes for comments:

1. Terrica Luxton, 3616 Lee Avenue, Sanford (for moratorium)
2. Debbie Hall, 957 Cumnock Road, Sanford (for moratorium)
3. Susan Alexander, 784 Gilliam Road, Sanford (for moratorium)
4. Martha Girolami, Chatham County (for moratorium)
5. Sharon Garbutt, Chatham County (for moratorium)
6. Glenn Bozorth, Rockingham County (for moratorium)
7. Ira Tilley, Rockingham County (for moratorium)
8. Keely Wood, 363 Angel Road, Sanford (for moratorium)
9. Martha Underwood, 3309 Westcott Circle, Sanford (the anniversary of Pearl Harbor)

The Board conducted the second reading of the Temporary Moratorium Ordinance on Oil and Gas Development Activities and Mining. A public hearing was held on November 16, 2015 and the first reading of the Temporary Moratorium Ordinance was approved by a majority of the Board. The second reading is required by statute and the Board must vote again on the Ordinance. Commissioner Frazier moved to approve the above referenced Ordinance, a copy of which is attached to these minutes and by this reference made a part hereof. Commissioner Smith read a prepared statement sent to all Commissioners from a citizen against the Ordinance. After discussion, the results were as follows:

- Aye: Dalrymple, Frazier, Oldham, Reives, and Sloan
- Nay: Smith
- Absent: Knecht

The Chair ruled that the motion had been adopted by a 5-1 vote.

The Chair announced the meeting would recess to the Gordon Wicker Conference Room for two presentations.

The Board heard a presentation on coal ash water testing and visualization analytics from Don Helms with Integrated Training Solutions and Bob Care from Empire Media Group. Mr. Helms, a property owner near the Colon Road Ash Site, approached staff with a proposal to analyze and compare data from the water testing and other public information sources. Mr. Helms explained that the Lee County Coal Ash Assessment and Reporting Model is designed to monitor, track, measure, report and provide a visual experience of historical and current forecasted conditions for items of interest related to the Colon Mine site. Mr. Care explained the visualization capabilities of drones as a way to track progress at the coal ash site. No action was taken.

Commissioner Knecht arrived at 4:10 p.m. during the above presentation.

The Board heard a presentation from Architect Taylor Hobbs with Hobbs Architects on the 2015 Central Carolina Community College bond building projects that were approved by voters during the last election. The presentation highlighted status updates and proposed site plans on the following projects: Emergency Services Training Center, Veterinary Medical Technology, Dennis A. Wicker Civic Center, and the Health Sciences Building. Various interior renovations across campus were also presented. No action was taken.

Chair Dalrymple called a ten minute recess of the Board at 4:30 p.m. Following the recess, the meeting was called to order at 4:40 p.m. in the Commissioners' Room with all members present.

Finance Director Lisa Minter presented information on the refinancing of the County's 2006 Certificates of Participation. On November 16, 2015, the Board heard a proposal from Davenport & Company, LLC regarding the potential savings the County could realize by refunding a portion of the outstanding debt related to the 2006 Certificates of Participation that were issued to build San Lee Middle School, to do repairs on various building on the Central Carolina Community College campus, and to construct Tramway Road Park. Based on market conditions as of November 16, 2015, the County could refund \$18,980,000 of the outstanding debt and potentially see a gross savings of \$1,246,712. On November 16, 2015, the Board authorized Davenport & Company LLC to issue an RFP for rates on a direct bank loan to do the refinancing. The RFP was issued November 18, 2015. Mitch Brigulio from Davenport & Company, LLC discussed the result of the RFP that was sent to thirty-five banks, with three responses received. After discussion of the pros and cons associated with each direct bank loan option, as well as the public sale option, Commissioner Reives moved to approve Ms. Minter's recommendation to select the Capital One Option A Fixed Rate direct bank loan. After discussion, the results were as follows:

Aye: Dalrymple, Frazier, Knecht, Oldham, Reives, Sloan, and Smith
Nay: None

The Chair ruled the motion had been adopted unanimously.

The Board also considered approving a Resolution making certain findings and determinations regarding the refinancing project. Commissioner Reives moved to approve said Resolution, a copy of which is attached to these minutes and by this reference made a part hereof. After discussion, the votes were as follows:

Aye: Dalrymple, Frazier, Knecht, Oldham, Reives, Sloan, and Smith
Nay: None

The Chair ruled the motion had been adopted unanimously.

The Board considered setting a public hearing in reference to the refinancing project above. Commissioner Reives moved to hold a public hearing at 6 p.m., December 21, 2015. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Knecht, Oldham, Reives, Sloan, and Smith
Nay: None

The Chair ruled the motion had been adopted unanimously.

The Board considered approving an engagement letter with Davenport & Company, LLC. Finance Director Lisa Minter explained that the Municipal Securities Rulemaking Board requires under Rule G-23 that Davenport & Company, LLC has a written engagement letter with its clients promptly upon the inception of a financial advisory relationship. Therefore, Davenport & Company, LLC is asking the County to sign an engagement letter. Commissioner Smith moved to approve the engagement letter and authorize the Chair to sign required documents, 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, Frazier, Knecht, Oldham, Reives, Sloan, and Smith
Nay: None

The Chair ruled the motion had been adopted unanimously.

Finance Director Lisa Minter presented the FY 2014-2015 Financial Statement regarding the County's finances for the fiscal year ended June 30, 2015. Mr. Stuart Hill, CPA from Thompson, Price, Scott, Adams & Co., PA commented on the clean audit the County received, and thanked staff for their assistance. No action was taken.

Gaynell Lee, Clerk to the Board, sought direction from the Board regarding filling a vacant position on the Lee County Planning Board. The Clerk's office was notified that Mr. Joe Johnson had resigned from the Lee County Planning Board effective December 1, 2015. A replacement will need to be made for the vacancy at the pleasure of the Board. There was discussion regarding how to proceed and whether to fill the position with one of the alternate members, advertise the vacancy, or consider an application presented by Commissioner Oldham. Ms. Lee advised the Board that in the past, both advertising and moving alternates into vacancies have been done. After discussion, Commissioner Smith moved to approve moving alternate number one to the vacancy, move alternate number two into the first alternate spot, and add the applicant submitted by Commissioner Oldham to the second alternate spot. After discussion, the votes were as follows:

Aye: Knecht and Smith
Nay: Dalrymple, Frazier, Oldham, Reives, and Sloan

The Chair ruled the motion failed by a 5-2 vote.

Commissioner Oldham moved to accept the applicant submitted for the vacancy. Upon a vote, the results were as follows:

Aye: Oldham and Frazier
Nay: Dalrymple, Reives, Sloan, Knecht, and Smith

The Chair ruled the motion failed by a 5-2 vote.

Commissioner Sloan moved to look into current Board policy, advertise the position, and have the Clerk bring applications back to the Board at the January 4th meeting. After discussion, the votes were as follows:

Aye: Dalrymple, Frazier, Oldham, Reives, Sloan, and Knecht
Nay: Smith

The Chair ruled the motion had been adopted by a 6-1 vote.

County Manager John Crumpton presented the Board an Offer to Purchase property located at 1500 S. Horner Blvd. The property would be used to provide additional space for courthouse operations. The Option to Purchase would give the County until February 28, 2016, to do due diligence on the building, with closing to occur thirty days after. The tax value of the building is \$544,900, which has been accepted by both parties as the purchase price. After discussion, Commissioner Oldham moved to approve the Offer to Purchase, 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, Frazier, Knecht, Oldham, Reives, Sloan, and Smith
Nay: None

The Chair ruled the motion had been adopted unanimously.

Finance Director Lisa Minter presented Budget Amendment #12/07/15/07 to appropriate funds for the following departments:

Health: to appropriate additional funds awarded by the State in the amount of \$20,000 for an Ebola Grant and \$10,000 for the Project Lazarus Grant.

Library: to appropriate additional State Aid funding to be used for computer purchases.

Commissioner Sloan moved to approve Budget Amendment #12/07/15/07 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, Frazier, Knecht, Oldham, Reives, Sloan, and Smith
Nay: None

The Chair ruled the motion had been adopted unanimously.

The Board considered a request from Central Carolina Hospital to assign the EMS Agreement to Duke LifePoint (DLP) Central Carolina Medical Center, LLC and to approve DLP's change of ownership EMS application. County Attorney Kerry Self stated that AMISUB of North Carolina, which currently owns and operates Central Carolina Hospital, intends to sell the hospital, including all emergency medical services, to DLP Central Carolina Medical Center, LLC, with closing scheduled for January 1, 2016. Ms. Self also explained that Lee County currently contracts with AMISUB of North Carolina for the provision of Emergency Medical Services, and that such agreement was renewed in 2014 and contains a provision whereby the agreement can be assigned with approval from the County. AMISUB has requested to assign the agreement to DLP Central Carolina Medical Center, LLC. Under this assignment, the contract terms and conditions would not change. Lastly, Ms. Self stated that DLP Central Carolina Medical Center, LLC must also file an application with the State, and such application requires Board approval and the signature of the County Manager. Ms. Self's recommendation was to approve assignment and application and authorize the Chair and County Manager to sign related documents. After discussion, Commissioner Smith moved to approve the request from Central Carolina Hospital to assign the EMS Agreement to Duke LifePoint (DLP) Central Carolina Medical Center, LLC, 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, Frazier, Knecht, Oldham, Reives, Sloan, and Smith
Nay: None

The Chair ruled the motion had been adopted unanimously.

Commissioner Smith moved to approve DLP Central Carolina Medical Center, LLC's Change of Ownership EMS Application, 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, Frazier, Knecht, Oldham, Reives, Sloan, and Smith
Nay: None

The Chair ruled the motion had been adopted unanimously.

Commissioner Smith moved to authorize the Chair and County Manager to sign related documents related to DLP Central Carolina Medical Center, LLC's State application, 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, Frazier, Knecht, Oldham, Reives, Sloan, and Smith
Nay: None

The Chair ruled the motion had been adopted unanimously.

County Manager John Crumpton gave an update on the Colon Road-Osgood Community water testing project. As of noon, December 8, 2015, the County had received thirty-three requests for testing out of the seventy-seven that were sent out. Of the thirty-three requests, fourteen have been taken, with twenty-three remaining. Mr. Heath Cain with Lee County Environmental Health spoke in reference to the results regarding four private water wells that showed levels of Hexavalent Chromium. After discussion, Commissioner Smith moved to authorize the County Manager to contract with Bryan Brice Law Firm regarding environmental law issues, request a summary of actions taken to date by the Health Department regarding water testing in the coal ash area, send a letter to the City inquiring the cost to run public water on private property, and request to seek funding for available low-interest loans to assist residents in the coal ash area. After discussion, the results were as follows:

Aye: Dalrymple, Frazier, Knecht, Oldham, Reives, Sloan, and Smith
Nay: None

The Chair ruled the motion had been adopted unanimously

Mr. Cumpton presented Budget Amendment #12/07/15/08 to expand water testing from 1,000 feet to one-half mile from the coal ash site. Commissioner Smith moved to approve Budget Amendment #12/07/15/08, 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, Frazier, Knecht, Oldham, Reives, Sloan, and Smith
Nay: None

The Chair ruled the motion had been adopted unanimously

Commissioner Frazier moved to go into Closed Session to discuss matters relating to the location or expansion of a business in the area per North Carolina General Statute 143-318.11(a)(4). Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Knecht, Oldham, Reives, Sloan, and Smith
Nay: None

After returning from Closed Session, with all members present, the regular meeting resumed. With no other business to come before the Board, Commissioner Smith moved to adjourn the meeting. Upon a vote, the results were as follows:

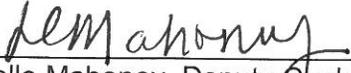
Aye: Dalrymple, Frazier, Knecht, Oldham, Reives, Sloan, and Smith
Nay: None

The Chair ruled the motion had been adopted unanimously and the meeting adjourned at 6:51 p.m.



Amy M. Dalrymple, Chair
Lee County Board of commissioners

ATTEST:



Danielle Mahoney, Deputy Clerk to the Board