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

NOVEMBER 2, 2015

The regular meeting of the Board of Commissioners for the County of Lee, State of North Carolina, convened at 4 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, Dr. Andre Knecht, Larry "Doc" Oldham, Robert T. Reives, Timothy S. Sloan, and Kirk D. Smith.

Chair Dalrymple called the meeting to order and the following business was transacted:

Rev. David Dudley pastor of Pocket Presbyterian Church 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 hold a closed session to instruct staff concerning the negotiation of the price and terms of a contract concerning the acquisition of real property located at 1500 S. Horner Blvd. for courthouse operations. Commissioner Reives asked the Board to consider an appointment to the Triangle South Workforce Board (Old Business). With no other changes made, Commissioner Dalrymple moved to approve the Agenda as amended. 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 approve the *Consent Agenda* which consisted of the following items:

- Minutes from the June 15, 2015 Closed Session meeting,
- Minutes from the October 19, 2015 Regular Meeting,
- Acceptance of FY 2015 Homeland Security Grant and Memorandum of Understanding for Emergency Services,
- FY 2015-16 Senior Center General Purpose Funding Application,
- Acceptance of "Bright Ideas" Grant Funding for the Health Department,
- Acceptance of additional State Revenue for STD/HIV Prevention Program, and

- Application for School Lottery Funds in the amount of $700,000 for West Lee Middle School (copy attached).

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.

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. Ms. Debbie Hall, 957 Cumnock Road, Sanford (for Moratorium)

The Board considered an appointment to the Triangle South Workforce Development Board that was added at the beginning of the meeting. Commissioner Reives moved to appoint Ms. Alice Kendrick to the above referenced Board to fill the *Community Based Organization* slot. 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 bids for the Courthouse/Jail roof replacement project. General Services Director Russell Spivey stated eleven companies participated in a pre-bid meeting on October 6, 2015 at the Courthouse/Jail for the above referenced project. The following bids were received for said project on October 20, 2015:

- Triad Roofing, Winston Salem $ 87,975.00
- McRae Roofing, Asheboro $111,674.00
- DKT Roofing, Kenly $129,000.00
- Owens Roofing, Raleigh $148,367.00
- Nations Roof of Carolina, Charlotte $163,300.00
- Roofwerks, Raleigh $164,900.00

Mr. Spivey stated the low bid from Triad Roofing did not provide the six required references as stated in the bid document. After speaking with a Triad Roofing representative they did provide references as requested. References were checked with good responses. Mr. Spivey recommended the low bid from Triad Roofing be approved at $87,975.00. A total of $150,000 was approved in the current budget for the roofing replacement project. After discussion, Commissioner Reives moved to approve the low bid from Triad Roofing, Winston Salem, in the amount of $87,975.00 for the roof replacement project at the Courthouse/Jail, and waive the reference requirements not included in the bid package. 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.

At this time Social Services Director Brenda Potts presented a report on the USDA threat of withholding funds for FNS (Food Stamp) Administration. Ms. Potts stated that the USDA tolerance rate for the State is 90% for processing FNS applications. The State of North Carolina received an "Advanced Warning Letter" in May 2015 from USDA requiring North Carolina to develop an aggressive Correction Action Plan to achieve and maintain a 95% statewide timeliness rate for the 6-month period of January – June 2016. For October 2014 – May 2015, North Carolina's timeliness rate was 81.69%. The most recent figures show the statewide rate at around 84.5%, well below the mandated 95%, and even the standard 90% tolerance rate. USDA is saying that North Carolina will have to meet a timeliness rate of 95% for January – June 2015 to avoid loss of Administrative Funding for FNS. These funds pay 50% of the Food Stamp Income Maintenance caseworker's salary. Lee County is meeting the required 95% for processing of applications and is at 100% for the cases being used for the report that goes to USDA regarding the sanction. This helps the statewide percentage but does not prevent Lee County from being sanctioned. The statewide sanction is all or nothing – meaning if there are twenty-five counties unable to turn their program around, the other complying seventy-five will be sanctioned as well, even though they are passing. Using the final figures in the 2014-15 budget to estimate the loss in revenues, Lee County would be looking at losing $432,000.00. Ms. Potts further stated there are other issues of a possible sanction by USDA but that sanction is to withhold $1 million in administrative funds to the State. This is not funds that would normally come down to the counties in the form of an allocation, but in the form of free training. After discussion, Commissioner Reives moved a letter be sent to Lee County's congressional delegates for assistance in this matter. 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 the purchase of three replacement lift vans for COLTS. Senior Services Director Debbie Davidson asked the Board to approve the purchase of three replacement 20' lift equipped vans in the amount of $141,034. The County of Lee Transit System (COLTS) applied to the NC Department of Transportation to purchase the replacement lift vans that have reached the 115,000 replacement requirement as of October 1, 2013 and October 1, 2014. The FY 2015 grant application was approved by Commissioners and funding was included in the FY 2015 budget; however, the vehicles were not available until now. Funds were transferred to the current fiscal year budget for the purchase. The remaining vehicle capital grant application was approved by Commissioners on November 3, 2014, and funds for the purchase are included the current budget. After discussion, Commissioner Oldham moved to approve the purchase of three replacement 20' lift vans for COLTS as presented above. 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 the hiring of a relative of the Sheriff. County Manager John Crumpton stated the Sheriff has asked permission to allow his son to be employed by the Sheriff's Department. North Carolina General Statute §153A-103(1) states that before the Sheriff can employ a person who is a relative by blood or marriage of nearer kinship than first cousin the County Board of Commissioners must give its approval. After discussion, Commissioner Reives moved to approve the request for the Sheriff to hire his son at the Sheriff's Department. 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 to apply for National Association of County and City Health Officials (NACCHO) Grant Funding. Health Director Terrell Jones asked the Board to allow Environmental Health to apply for additional grant funding through a 5-year cooperative agreement between NACCHO and the Food and Drug Administration (FDA) to aid in the completion of policy development projects to enhance conformance with the Voluntary National Retail Food Regulatory Program Standards. In year 1, Lee County Environmental Health completed and presented the self-assessment standard that was approved in July 2015. This year Lee County Environmental Health has interest in becoming a mentor. Mentorship allows Lee County to be ambassadors of the FDA Volunteer National Retail Food Regulatory Program Standards. If Lee County is approved as a mentor, it also provides the opportunity receive funding from NACCHO to provide mentorship training to other jurisdictions. The grant will allow Lee County to build upon existing policies and mentor within the local Environmental Health program and integrate innovative ideas into the food, lodging and institution inspection process. After discussion, Commissioner Sloan moved to approve the request for the Lee County Environmental Health to apply for National Association of County and City Health Officials Grant Funding as presented above. 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 approval of bad debt write-offs for the Health Department for FY 2013-14. Health Director Terrell Jones asked the Board of Commissioners to approve the bad debit write-off for three health department programs for FY 2013-14 in the amount of $11,329.41. This is a State requirement and the department is contractually bound to make every effort to collect revenues owed and write-off those that are uncollectible. After discussion, Commissioner Knecht moved to approve the $11,329.41 bad debt write-off for the Health Department as presented. 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 modification of existing water sample fees. Health Director Terrell Jones asked the Board of Commissioners to review/approve an updated water sampling fee schedule from Environmental Health and to review/approve the fee for a new type of water sample – Hexavalent Chromium ($80.00) - which is a by-product of coal ash. Mr. Jones stated the State Laboratory of Public Health have revised their fees to local health departments twice in the past year. The most recent change went into effect on July 1, 2015. With the new fee change, Lee County Environmental Health must modify county fees to compensate for the new State fee schedule. Also, Hexavalent Chromium is now available as a water sample test for applicants concerned about the effects of coal ash. After discussion, Commissioner Frazier moved to approve the new water sample fees as presented above. 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 the Health Department to purchase two new vehicles. Health Director Terrell Jones asked the Board of Commissioner to approve the purchase of two new 2016 SUV Dodge Journeys for the Animal Services Shelter and Environmental Health from Ilderton Chrysler, Dodge, Jeep, High Point, in the amount of $17,184.00 per vehicle. The new vehicles will replace two 1999 Ford Rangers with high mileage. After discussion, Commissioner Sloan moved to approve the above purchases as requested from the Health Department. 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 an Assignment of Foreclosure Sale Bid. County Attorney Kerry Self stated at the August tax foreclosure sale, Lee County was the high bidder in the amount of $2,189.52 for a parcel of land located at 851 Eagles Nest Drive. After the sale, Mr. Kenneth Garrett contacted the County and asked to have the county's bid assigned to him in the name of KKG, LLC. North Carolina General Statute §105-376(a) gives the county authority to assign its bid for not less than the amount of the bid. After discussion, Commissioner Frazier moved to approve the *Assignment of Bid* and *Resolution Authorizing the Assignment of Bid to KKG, LLC*, 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, Frazier, Knecht, Oldham, Reives, Sloan, and Smith
Nay: None

The Chair ruled the motion had been adopted unanimously.

The Board considered a second Assignment of Foreclosure Sale Bid. County Attorney Kerry Self stated at the August tax foreclosure sale, Lee County and the City of Sanford were the high bidder in the amount of $6,883.50 for property located at 109 Third Street. After the sale, Mr. Charles Dean Brown contacted the County and asked to have the county's bid assigned to him. General Statute §105-376(a) gives the county authority to assign its bid for not less than the amount of the bid. It was noted that the City of Sanford tabled this matter at their last meeting. Ms. Self listed three options the Board could take on this matter: (1) table the matter, (2) proceed and approve request from Mr. Brown, or (3) waive the request from Mr. Brown and go through the upset bid process. After discussion, Commissioner Oldham moved to defer action on the *Assignment of Bid* and *Resolution Authorizing the Assignment of Bid to Mr. Charles Dean Brown* until the City makes a decision. 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 Resolution to Repeal Section 4-46(a) (1) of the Lee County Code of Ordinances. County Attorney Kerry Self stated House Bill 553 states that "no county ordinances may

regulate the standards of care for farm animals". The Board of Commissioners previously passed an Ordinance, Section 4-46(a)(1) that states the "proper shelter for an equine shall have a roof and at least three sides sufficient to prevent exposure to the elements." With the passing of HB 553, the County can no longer regulate standards of care for farm animals; therefore, it is necessary for the Board to repeal Section 4-46(a)(1) in order to comply with state law. After discussion, Commissioner Oldham moved to approve a *Resolution to Repeal Section 4046(a)(1) of the Lee County Code of Ordinances Concerning Shelter for Equine and Dogs*, 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 Budget Amendment # 11/02/15/05 for the following department:

Register of Deeds – to appropriate funds from the Register of Deeds' Automation and Preservation fund balance for new shelving and contracted services.

Commissioner Frazier moved to approve *Budget Amendment # 11/02/15/05* 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.

Finance Director Lisa Minter presented the *Monthly Financial Report* for month ending September 2015. No action was taken.

County Manager John Crumpton gave an update on the Colon Road – Osgood Community water testing requests to date. A total of fifteen (15) letters have been returned to the Health Department with eight (8) being eligible for sampling. Mr. Crumpton stated that some of the un-used wells no longer have electricity to the well and therefore cannot be tested. A total of seventy-seven (77) letters were mailed out and the deadline to request water testing is December 1st.

County Manager John Crumpton gave an update on the San-Lee Park Nature Center project. Drawings of the proposed new Nature Center were presented. A second new entrance to the Park will be constructed in order to help with the flow of traffic, parking, and entrance to the new Center. Mr. Crumpton stated it would be 45-60 days before bids go out. No action was taken.

Commissioner Frazier moved to go into Closed Session to instruct staff concerning the negotiation of the price and terms of a contract concerning the acquisition of real property located at 1500 S. Horner Blvd. for courthouse operations per North Carolina General Statute §143-318.11(a)(5). 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 Board was in Closed Session.

After completing business in Closed Session, the regular meeting resumed with all Board members present.

Commissioner Reives moved to switch the order public hearings were listed on the Agenda and hold the hearing for changes to the Lee County Smoking Ordinance first. 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.

At 6 p.m. the Lee County Board of Commissioners conducted the first of two public hearings advertised for this date.

Chair Dalrymple opened the public hearing that involved the first reading of a Resolution to Amend Chapter 2, Article III of the Lee County Code of Ordinances concerning the use or smoking of tobacco products in county government buildings, vehicles, and on county property. Health Director Terrell Jones stated that in 2008 Commissioners passed an Ordinance that included a section prohibiting the use or smoking of tobacco products in county government buildings and/or vehicles. Since 2008, the State has changed the language in North Carolina General Statute §130A-498, including changing the penalties that are allowed to be imposed by local governments. The Health Department is asking the language in the county's existing Ordinance be changed to include e-cigarettes in the definition of tobacco-derived products, as well as modifying the definitions and penalties so as to comply with Statute §130A-498.

No one present spoke for or against the above referenced amendment.

Chair Dalrymple closed the public hearing.

The second hearing involved the first reading of a temporary Moratorium on Oil and Gas Development and Mining within Lee County. At the September 21, 2015 meeting, the Board deferred action on changes to the UDO concerning oil and gas development and traditional mining. The Board instructed staff to draft a proposed temporary Moratorium on Oil and Gas Development in Lee County and bring the draft back to the Board for consideration.

Chair Dalrymple opened the public hearing that had been advertised for this date and time to consider a temporary Moratorium.

The following spoke for the proposed Moratorium:

1. Charles Ritter, 285 Beckingham Loop, Cary
2. Ed Harris, 231 Florence Harris Lane, Sanford
3. Martha Girolami, 473 Mt. Pisgah Rd., Apex
4. Keely Wood, 363 Angel Road, Sanford
5. Jeannie Ambrose, 675 Lichen Trail, Pittsboro
6. Lib Hutchby, 401 S. West Street, Cary
7. Jeanie Rhea, 751 Dycus Road, Sanford
8. Therese Vick, 4617 Pearl Road, Raleigh
9. John Wagner, 210 Jessumine Lane, Pittsboro

10. Terica Luxton, 3616 Lee Avenue, Sanford

The following spoke in opposition to the proposed Moratorium:

1. Jean Cashion, 1191 Henley Road, Sanford
2. Estelle Bullard, 107 Pleasure Lane, Sanford

Chair Dalrymple closed the public hearing.

With no further business to come before the Board, Commissioner Frazier 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 moved the motion had been adopted unanimously and the meeting adjourned at 6:40 p.m.

Amy M. Dalrymple, Chair
Lee County Board of Commissioners

ATTEST:

Gaynell M. Lee, Clerk to the Board