LEE COUNTY

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

OCTOBER 4, 2010

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, Robert T. Reives, and Linda A. Shook.

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

Rev. Ira Smith, Pastor of Carbonton Methodist 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 (1) add an item to consider the purchase of 911 equipment for the Sheriff's Office and (2) a Closed Session for an economic development matter. Commissioner Kelly moved to approve the Agenda as amended. 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.

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

- Minutes from the September 20, 2010 regular meeting;
- Resolution for *Mutual Aid Agreement* for animal shelter matters (copy attached);
- Budget Amendment # 10/04/10/04 (copy attached); and
- Acceptance of proposal for disaster debris management services with Byrd Brothers Emergency Services, Wilson, North Carolina

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.

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

1. Mr. Keith Clark, 212 Acorn Drive, Sanford

The Board considered the second and final reading of the revised *Lee County Noise Ordinance*. Deputy Attorney Dale Talbert presented changes to the Lee County Noise Ordinance requested by the Board from the September 20, 2010 meeting. Commissioner Kelly moved to remove all contents relating to decimal levels in the ordinance, try the ordinance without decimal readings and revisit later if needed. Lt. David Prevatte discussed with the Board the District Attorney's position as it relates to the current Noise Ordinance; noting the ordinance is not strong enough in wording. After further discussion, Commissioner Reives amended the motion to approve the *Lee County Noise Ordinance* without the decimal levels, use on a trial and error basis, revisit in six months, and use civil procedures instead of criminal procedures, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote of the amended motion, the results were as follows:

Aye: Dalrymple, Hayes, Oldham, Paschal, and Reives
Nay: Hayes and Shook

The Chairman ruled the motion had been adopted by a five to two vote.

At this time, 1st Sgt. Terry Hunt and Capt. Bob Steele from the Combined Arms Battalion, North Carolina Army National Guard, Sanford, N.C., presented to the Board of Commissioners the Lee County flag that flew over their forward operating base in Iraq from April 2009 through January 2010. They also presented Commissioner Paschal and the Lee County Board of Commissioners with a *Certificate of Appreciation* for superior support of Delta Company "Bandits" during their recent deployment in support of Operation Iraqi Freedom from April 2009 through February 2010.

At this time, the Board conducted a public hearing to consider an incentive agreement and resolution between the Lee County Economic Development Corporation and Magneti Marelli. Economic Development Director Bob Heuts outlined the proposed project for Magneti Marelli to invest in approximately $21 million for new equipment. Mr. Heuts stated that Magneti Marelli is pursuing a business opportunity with Chrysler Corporation for three new fuel systems at their Nash Street Sanford location. Ten to thirty-five new employees could be employed due to the proposed expansion project. Mr. Heuts asked the Board to hold a public hearing and consider an agreement and resolution for the Economic Development Corporation to enter into an agreement with Magneti Marelli for a 5-year, 50% agreement that would total $281,363 from the County and $202,581 from the City of Sanford.

Chairman Hayes opened the public hearing that had been advertised for this date and time.

The following individuals spoke in favor of the Magneti Marelli project:

1. Bob Heuts, on behalf of the Lee County Economic Development Corporation
2. Keith Clark, 212 Acorn Drive, Sanford

No one present spoke in opposition to the proposed project:

Chairman Hayes closed the public hearing.

At this time, the Board considered an agreement and resolution for the above-referenced incentive project. After discussion, Commissioner Reives moved to approve an *Agreement Regarding Incentive Funds for Magneti Marelli, USA by and between the Lee County Economic Development Corporation and Magneti Marelli, USA and a Resolution Authorizing the Expenditure of Funds for an Economic Development Project Between the Lee County Economic Development Corporation and Magneti Marelli, USA,* 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, and Reives
Nay: Shook

The Chairman ruled the motion had been adopted by a six to one vote.

Board of Elections Director Nancy Kimble presented to the Board information on the upcoming November 2010 General Election. Ms. Kimble discussed instant runoff voting, possible Constitutional Amendment, and special instructions for straight party voting. Discussion followed but no action was taken.

The Board considered an amendment to the *Lee County Personnel Policy for Technology Use.* IT Director Kyle Edwards and Deputy Attorney Dale Talbert presented the amended policy and discussed the fact that although e-mail messages used to transact county business are considered public records, the county does not have a policy requiring them to be retained long term. The county also does not have the capability to store e-mail messages for any significant period of time. The proposed amendment to the policy will cure both deficiencies by requiring the Information Technology Department to utilize a computer appliance that will immediately capture and store all e-mail messages sent or received through the county e-mail system for up to ten-years. The proposed amendment also provides for those employees who use personal e-mail accounts and alternate messaging services, such as IM, SIS, iPhone, DROID, to conduct county business. Cost of the required computer appliance equipment is approximately $18,500. After discussion, Commissioner Reives moved to approve the amendment to the *Lee County Personnel Policy for Technology Use* and purchase required equipment 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.

The Board considered a request to approve funding and installation of a new 911 work station and associated equipment for the Lee County Sheriff's Office. County Manager John Crumpton stated the proposed upgrades will provide continued functionality as a ring down facility and ensure that the Sheriff's Office Communications Center will continue to operate as efficiently as possible and interoperate as well as possible with the City of Sanford 911 Communications Center. Mr. Crumpton stated that without the upgrades 911 communications between the City of Sanford and the Lee County Sheriff's Office will not continue to work as needed. The funds will include a new 911 work station with monitor, network equipment, software, support, and other hardware as well as a dedicated dual communication line between both sites for optimal functionality. Cost of the equipment, installation, 48-month support agreement as well as a six-year contract for a dedicated communication line totals $63,487.00. Mr. Crumpton further stated, if approved, funds would come from 911 funds previously

transferred to the General Fund for public safety purposes. Commissioner Reives moved to approve the purchase as stated above. 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.

Emergency Services Director/Fire Marshal Shane Seagroves updated the Board on a letter recently received from the Department of Insurance for fire department inspections where the Northview Fire Department failed their inspection. Maps of the departments new service area (boundary issues) did not agree with maps on file with the Department of Insurance; therefore, the fire department failed the inspection. New maps have been updated and provided to Raleigh and the fire department has been given six months to make the necessary revisions, with all action being run through the Lee County Fire Marshal's Office. No action was taken.

Commissioner Dalrymple moved to go into closed session to consider matters relating to the location or expansion of business in the area per North Carolina General Statute 143-318.11 (a) (4). 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 Board was in closed session. After completing business in closed session, Commissioners resumed their regular meeting, with all members present.

Commissioner Kelly moved to approve amendments to the agreement between the Lee County Economic Development Corporation and Caterpillar, Inc. that reflected changes to the completion date of the project to January 2013 (originally 2012) and deletion of the amount of wages for employees. A copy of the amended agreement 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, and Reives
Nay: Shook

The Chairman ruled the motion had been adopted by a six to one vote. Commissioner Shook stated she voted in opposition due to the fact that all job activity has been removed from the agreement.

Commissioner Reives moved to approve a request from the Lee County Economic Development Corporation to apply for a $1 million grant from the Golden Leaf Foundation. 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 Oldham 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 5:45 p.m.

Richard B. Hayes, Chairman
Lee County Board of Commissioners

ATTEST:

Gaynell M. Lee, Clerk