

LEE COUNTY

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

SEPTEMBER 20, 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:

Commissioner Doc Oldham delivered the invocation.

The pledge of allegiance was recited.

The Board considered additions/changes to the Agenda. With no changes made, Commissioner Oldham moved to approve the Agenda 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.

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

- Minutes from the August 16, 2010 regular meeting;
- Minutes from the August 31, 2010 quarterly joint meeting with the Lee County Economic Development Corporation;
- Appointment of Ms. Johnnye Waller to the Juvenile Crime Prevention Council Board (School Superintendent's designee);
- Jail Health Services Renewal Agreement with Southern Health Partners (copy attached);
- Tax Releases and Refunds for August 2010 (copy attached);
- *Language Access Plan* for Community Development Block Grant Program (copy attached);
- Purchase of new vehicles for the Sheriff's Office

1. 2011 Ford F-350 Cargo Van
 2. 2010 Dodge Charger (for the Jail Division)
 3. 2010 Chevrolet Tahoe
 4. Five 2010 Dodge Chargers (replacement for high mileage vehicles)
 5. 2011 Ford F-250 Truck
 6. 2010 Dodge Charger (paid for by reimbursement from insurance company)
- Budget Amendment # 09/20/10/03 (copy attached);
 - Applications for Lottery funds for various school related projects (copies attached);
 - Renewal agreement for data storage hardware in IT Department;
 - Upgrades to Laserfiche software program;
 - Amendment to the Lee County Transportation Advisory Board By-Laws (copy attached);
 - Acceptance of additional State Aid to County Funds for the Lee County Health Department in the amount of \$15, 671.00

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.

Ms. Patrice Roesler, Deputy Director from the North Carolina Association of County Commissioners presented an award to Commissioner Robert Reives for his 20 years of service as a County Commissioner. She also presented an award to Commissioner Richard Hayes for completing the first level of service for the State Local Elected Leaders Academy.

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. Russell Noel, 4113 Cherokee Trail, Sanford

The Board considered an *Ethics Policy* for County Commissioners. County Manager John Crumpton presented a revised policy with changes as referenced from the July 19, 2010 Commissioners meeting. Mr. Crumpton stated that legal staff had reviewed the section which set forth a procedure for review of a complaint under the policy. The revised policy was discussed and Commissioner Shook moved to remove Section 8 – Reporting of Ethics Policy Violations, along with Attachment B in its entirety from the Ethics Policy. Upon a vote of Commissioner Shook's motion, 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.

After further discussion of the Ethics Policy, with no other changes made, Commissioner Reives, moved to approve the Ethics Policy for Lee County Commissioners, with the removal of Section 8 and Attachment B, 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 change orders for the San Lee Dam project. County Manager John Crumpton stated that due to variations in field conditions found underneath the existing concrete spillway, Hall Contracting Corporation submitted three (3) change orders for items not included in their original bid. In January 2010 Hall Contracting Corporation, Charlotte, North Carolina, was awarded the low bid to make repairs to the San-Lee Dam lower dam spillway. Mr. Crumpton discussed the change orders as follows:

- (1) Change order 001: for mass concrete and flowable fill material behind the concrete chute endwall;
- (2) Change order 002: drill and install dowels into bedrock beneath five (5) concrete slab turndown sections;
- (3) Change order 005 rev 1: add six (6) turndowns in the concrete (west side) slope sections

Mr. Crumpton asked the Board to approve the above three change orders from Hall Contracting Corporation in the amount of \$21,310.00. Upon discussion, Commissioner Reives moved to approve the change orders as recommended by the County Manage. 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 two (2) addendums to the San-Lee Park Dam spillway repair project. Mr. Crumpton stated that when attempting to reduce the lake level of the lower reservoir the contractor discovered that the bottom drain valve (underneath the boat dock) was not working properly. While already making repairs to the spillway, Hall Contracting has been asked to submit pricing to repair this item and dredge around the perimeter of the lower lake to remove years of built up sediment. The following quotes were presented for consideration:

- Dredging lake - \$69,250.00
- Valve inspection and repair - \$15,680

Commissioner Kelly moved to approve the above quotes in the amount of \$84,930.00 as presented by the County Manager. 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 discussed an amendment with McKim & Creed, PA, for engineering services for the San-Lee Park Dam modification project. Mr. Crumpton stated that McKim & Creed has respectfully submitted an amendment to the current contract that will add dredging services (including revision of NCDENR and 401/404 permits, dredging calculations and coordination), and additional construction observation expenses in the amount of \$19,290.00. A contract was approved in November 2009 with McKim & Creed, PA to provide engineering services for the Park project. Mr. Crumpton recommended the Board only approve an amendment to the current contract to

include dredging services in the amount of \$3,710.00. After discussion, Commissioner Shook moved to approve the recommendation of the County Manager to approve an amendment with McKim & Creed in the amount of \$3,710.00. 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 an application and consultant contract to start two new PEG (Public-Education-Government) Channels for Lee County and Central Carolina Community College (CCCC). County Manager John Crumpton stated that CCCC has requested that Lee County apply to Charter Communications for two new PEG Channels in Lee County that are provided as part of our franchise agreement with Charter Communications. One Channel will be a County Information Channel and the other an Education Channel. CCCC has offered to maintain the Channels for the County and use students in the communications department to manage the Channels as part of their curriculum. Mr. Crumpton stated Lee County would receive revenue to run each Channel, but will need to front funds in order to set up the Channels. Dr. Robert Sepe was introduced and discussed the project in more detail. Dr. Sepe is a consultant who assists localities with applying for the Channels and then setup of the systems. The initial outlay for consulting fees and set up costs is \$90,000. Lee County would receive \$32,000 per Channel in revenue to run the systems beginning July 1, 2011. After Dr. Sepe's presentation and discussion, Commissioner Oldham moved to approve the proposal with Action Audits and authorize the County Manager to sign required documents and to make additions, corrections or deletions that might be necessary in the agreement, and instruct staff to develop an agreement with CCCC to run the systems and begin the process for operation.

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

The Chairman ruled the motion had been adopted unanimously.

At this time the Board took a five minute recess.

Upon returning from recess, with all members present, the meeting resumed.

The Board considered the *Lee County Working Lands Preservation Plan*. Mr. Donald Nicholson, Chairman of the Lee County Agriculture Advisory Board stated that in 1986, the North Carolina General Assembly passed the North Carolina Farmland Preservation Enabling Act that authorizes counties to undertake a series of programs to encourage the preservation of farmland. Mr. Nicholson stated that Lee County entered into an agreement with BRAC in the fall of 2007 to write a farmland preservation plan for Lee County. The Lee County Working Lands Preservation Plan is another tool designed to encourage the preservation and protection of family farms, increase the visibility of agricultural, forestry and horticultural operations and protects and promotes these land uses. Mr. Nicholson further stated that by endorsing this plan our County leaders are supporting and preserving North Carolina's number one industry, Agriculture. The County will also benefit economically from a net gain of revenue for the tax base since the cost of services to open lands is lower than services for residential development. The plan also aids in maintaining our rural heritage and quality of life. In addition, future funds sought from the Agricultural Development and Farmland Preservation Trust Fund reduces our County match to 15%. Commissioner Reives moved to endorse the *Lee County Working Lands Preservation Plan* 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.

At this time the Board conducted a public hearing that had been advertised for the FY 2010-2011 Rural Operating Assistance Grant. Senior Services Director Debbie Davidson stated that due to a publication error, North Carolina DOT was requiring the public hearing be held a second time in order receive funds (first public hearing was held during the August 16, 2010 Commissioners meeting). Ms. Davidson outlined the following funding levels that have been allocated to Lee County totaling \$191,279.00:

Elderly and Disabled Transportation Assistance - \$79,020 (with no match required). These funds assist clients of Lee County Senior Services, Lee County Industries, and The Center for Independent Living, Dialysis patients and other elderly or disabled Lee County residents with needed transportation services.

Employment Funds - \$19,428.00 (with no match required). These funds assist Department of Social Services Work First clients, Workforce Development programs or other citizens in need of employment transportation.

Rural General Public - \$92,831.00 (minimum match required – 10% fare charged to passengers). These funds will be used to transport the general public for various transit needs. Fare rates vary depending on pick-up and destination point of service.

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

Ms. Davidson spoke in favor of the request on behalf of Senior Services.

No one present spoke in opposition to the request.

Chairman Hayes closed the public hearing.

Commissioner Reives moved to approve the *FY 2010-2011 Rural Operating Assistance Grant* 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 late application for a *2010 Homestead Exemption*. Tax Administrator Dwane Brinson stated that a taxpayer had filed an exemption application with the Tax Office in August and was denied since it was after the June 1st statutory deadline. North Carolina General Statute 105-282.1 gives the governing board authority to consider untimely exemption applications. Mr. Brinson was asking the Board to deny the application due to not filing by June 1st without good cause. After discussion, Commissioner Kelly moved to approve the application submitted for a *2010 Homestead Exemption* and deny the Tax Administrators recommendation. 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 *Lee County Social Media Policy*. Tax Administrator Dwane Brinson presented a draft policy for consideration that will protect the County and establish expectations and set-up for social media usage and aid in the continual development of Lee County's strategic planning process. After discussion, Commissioner Hayes moved to approve the *Lee County Social Media Policy*, 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, and Shook
Nay: Reives

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

The Board considered a revision to the *Lee County Personnel Policy*. Human Resource Director Joyce McGehee presented changes to Personnel Policy B-1 that are being made to comply with changes in the new legislation enacted in Bill 961 which expands the law regarding release of personnel records. Employees will be provided copies of the updated policy once approved by the Board of Commissioners. After discussion, Commissioner Oldham moved to approve revisions to the *Lee County Personnel Policy (Policy B-1)* 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 revised *Lee County Noise Ordinance*. Deputy Attorney Dale Talbert presented a revised Ordinance at the request of Commissioner Amy Dalrymple. The purpose of the revised Ordinance is to make it more effective and enforceable. The existing Ordinance contains only a subjective standard for determining whether a sound or noise is illegal. Mr. Talbert stated the amended Ordinance also adds an objective standard – decibel levels crossing property lines – to define violations. The levels are within the range of levels used by other counties employing the standard. The civil penalty and fine has also been increased in the revised Ordinance. After discussion, Commissioner Reives moved to approve the revised *Lee County Noise Ordinance*. After further discussion, Commissioner Oldham moved to approve the *Lee County Noise Ordinance* but revise wording in Section 12-37 – Exception to limitation standards (a) (3) to delete the words “during the day time”. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted by a six to one vote. Since the Noise Ordinance was not adopted by a unanimous vote, it must be presented and voted on a second time before final approval. The Noise Ordinance will be placed on the October 4, 2010 agenda for a second vote.

The Board considered a *Deed of Conveyance* for property located on Maple Avenue (the old Whitin Roberts building site). County Manager John Crumpton stated that the Whitin Roberts property in downtown Sanford (Maple Avenue) was recently foreclosed on for non-payment of taxes. The property has been part of a bankruptcy case for a number of years and recently the City of Sanford was able to foreclose on the property. The City has spent around \$90,000 in demolition and Brownfield

Development costs to try and restore the property to a marketable condition. The County was approached about either transferring the property to the City or participating in the Brownfield Development documents on the property. Given the liability issues on the property and the fact that the City's lien on the property continues to grow with the cleanup, Mr. Crumpton recommended that Lee County divest our interest in the property. The County is still owed \$12,000 in back taxes that will unlikely ever be collected. After discussion, Commissioner Reives moved to approve a *Deed of Conveyance* and *Resolution Authorizing Transfer of Interest Owned to the City of Sanford*, 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.

Assistant County Manager/Finance Director Lisa Minter presented the *Monthly Financial Report* for month ending August 2010. No action was taken.

Commissioner Dalrymple moved to go into closed session to discuss 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. Upon completing business in closed session, Commissioner Oldham moved to go out of closed session. 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.

Upon returning to open session, with all members present, Commissioner Dalrymple moved to hold a public hearing at the October 4, 2010 regular meeting to consider an incentive agreement between the Lee County Economic Development Corporation and Magneti Marelli. 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 discussed with the Board a matter concerning the sewer lift station at the Lee County Industrial Park. Mr. Crumpton stated the City of Sanford would assess anyone that wished to tap onto the system. Current cost of tapping to the system is \$34,000. After discussion, Commissioner Dalrymple moved that the County Manager work with the City Manager on scheduling a joint meeting of the two Boards to discuss annexation and water-sewer issues at the new Industrial Park. Upon a vote, the results were as follows:

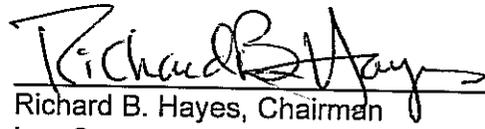
Aye: Dalrymple, Hayes, Kelly, Oldham, Paschal, Reives, and Shook
Nay: None

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 7:05 p.m.


Richard B. Hayes, Chairman
Lee County Board of Commissioners



Gaynell M. Lee, Clerk