

LEE COUNTY

NORTH CAROLINA

Committed Today for a Better Tomorrow

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

JULY 13, 2015

The regular meeting of the Board of Commissioners for the County of Lee, State of North Carolina, convened at 6 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.

Nathaniel Hamer from the *Lee County Young Commissioners Leadership Program* called the meeting to order.

Angel Uy from the *Lee County Young Commissioners Leadership Program* delivered the invocation.

Naquan Hill from the *Lee County Young Commissioners Leadership Program* led the pledge of allegiance.

4-H Agent Bill Stone provided a short overview of the Lee County Young Commissioners program, an intensive two-week youth leadership program comprised of twelve youth from Lee County. The program kicked off Monday, July 6th and will run through Thursday, July 16th. During the two-week program, under the Commissioner's mentorship, participants gain valuable leadership skills through hands-on workshops and training while also developing a greater awareness and understanding of local government and relevant issues facing their community. Participate Cobey Ledford gave a brief overview of activities to date. The Young Commissioners introduced themselves and a group picture was made with County Commissioners.

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

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

- Minutes from the June 15, 2015 Regular Meeting,
- Minutes from the June 22, 2015 Joint Interlocal Committee Meeting,
- Resolution in Memory of Former Commissioner Herbert A. Hincks (copy attached),
- Tax Releases and Refunds for June 2015 (copy attached),
- Proclamation for July as Parks & Recreation Month (copy attached), and
- Acceptance of \$4,998.00 LSTA EZ Edge Grant Tech Award for the Library (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.

Commissioner Oldham read the Resolution in Memory of Herbert A. Hincks.

Commissioner Frazier read the Proclamation for Parks & Recreation.

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. Mr. Jay Calendine, 210 High Ridge Drive, Sanford (public hearing–oil & gas extraction)
2. Mr. Andrew Manhardt, 161 Charles Riddle Road, Sanford (fracking restrictions)
3. Mr. Mike McDonald, 1904 Wedgewood Drive, Sanford (pull oil & gas public hearing)
4. Mr. Robert Buzinski, 460 Buckroe Drive, Sanford (Subdivision Street Maintenance Policy)
5. Ms. Terica Luxton, 3616 Lee Avenue, Sanford (pull oil & gas public hearing)
6. Ms. Keely Wood, 363 Angel Road, Sanford (need health assessment tests for NC)
7. Ms. Debbie Hall, 957 Cumnock Road, Sanford (asked for moratorium on fracking)
8. Ms. Jeanette Davis, 502 Buckroe Drive, Sanford (Subdivision Street Maintenance Policy)
9. Mr. Ben Little, 123 Buckroe Drive, Sanford (Subdivision Street Maintenance Policy)
10. Ms. Marsha Ligan, 1413 Palmetta Path, Sanford (pull oil & gas public hearing)
11. Ms. Debra Champion, 222 Healing Acres Lane, Carthage (pull oil & gas public hearing)
12. Mr. Max Dolan, 809 Woodyhill Road, Sanford (oil & gas regulations)
13. Mr. Charles Oldham, 2205 Southern Road, Sanford (oil & gas regulations)

At this time the Board conducted the first advertised public hearing to consider text amendments to the Unified Development Ordinance (UDO). Zoning Administrator Althea Thompson presented text amendments to allow for the use of a “Travel Trailer/Recreational Vehicle/Motor Home/Camper” to be used as a temporary residence during the construction of a new single-family dwelling, or major remodeling of an existing single-family dwelling, or under certain unforeseen circumstances. The change would be permitted in the RA, RR and R-20 zoning districts in Lee County and the extraterritorial (ETJ) jurisdictions of Sanford and Broadway.

Chair Dalrymple opened the public hearing that had been advertised for this date and time.

No one present spoke for or against the proposed text amendments for the above referenced UDO amendment.

Chair Dalrymple closed the public hearing.

The Board conducted the second public hearing as advertised. Community & Development Director Marshall Downey presented Text Amendments to the Unified Development Ordinance (UDO) to add a new land use category for "Mining and Quarries, Oil and Gas Extraction". The following sections of the Ordinance is being proposed to be amended: (1) Amendment to Article 4, Table 4.6-1 Permitted Use Matrix to add a new land use category "Mining and Quarries, Oil and Gas Extraction" and further indicate that the use shall be permitted as a Special Use with development regulations in the RA and LI zoning districts and permitted by right with development regulations in the HI zoning district, and (2) Amendment to Article 5, Supplemental Development Regulations, to create a new Section 5.41 in order to add supplemental design standards for the land use "Mining & Quarries, Oil & Gas Extraction".

An amendment to the Permitted Use Matrix to revise/update the existing land use category for "Mining and Quarries" was also presented. Mr. Downey stated it was recommended an Amendment to the Permitted Use Matrix to revise/update the existing land use category for "Mining and Quarries" to "Mining and Quarries, *except Oil and Gas*" and prohibit the land use category as being allowed as a Special Use in the RR, R-20, R-14, R-12SF, R-12, R-10, R-6, MF-12, NC, HC, C-1, C-2, O&I, and CBD districts and further indicate that the use shall be permitted as a Special Use with development regulations in the RA and LI zoning districts and as a permitted use by right with development regulations in the HI zoning district. Mr. Downey stated the matter had been approved by the Joint Planning Commission and feedback was received from the School of Government. He further suggested that an informational meeting be held to allow citizens to ask questions and possibly have a newspaper article done on the specific issues.

Chair Dalrymple opened the public hearing that had been advertised for this date and time.

No one present spoke in favor of the proposed Text Amendments as referenced above.

The following spoke in opposition to the proposed Text Amendments:

1. Mr. James Womack, 1615 Boone Trail Road, Sanford (number of problems with the proposed Ordinance as presented. Need to work with the Mining & Energy Commission because they will have answers to all questions).
2. Mr. Dan Butler, Moore County resident but owner of property in Lee County (feels rules are being changed and not sure why due to the proposed Ordinance. Need to work with the Mining & Energy Commission to come up with a good ordinance).

Chair Dalrymple closed the public hearing.

After discussion, Commissioner Sloan moved to defer action on the matter until the 6 p.m., August 17, 2015 meeting. After further discussion, Commissioner Frazier amended the motion to table the matter indefinitely. Upon a vote of the amended motion, 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 conducted a public hearing to consider a \$12 million economic development investment project over the next two years. Ms. Joy Thrash, Interim CEO of the Sanford Area Growth Alliance (SAGA) asked the Board to participate in an economic development project which consists of participation in the costs of new machinery and equipment for "Project Gizmo". A total of seventy-six (76) new jobs would be added over the two-year period. If approved, the Board would share up to \$185,563.00 for the cost of the project with revenues from the Lee County General Fund.

Chair Dalrymple opened the public hearing that had been advertised for this date and time.

The following spoke in favor of the economic development project:

1. Mr. Bob Joyce, Chamber of Commerce Division (representing the 522 Chamber members who are in favor of the project. Could have a big impact on the Lee County economy if approved).

No one present spoke in opposition to the economic development investment request.

Chair Dalrymple closed the public hearing.

Attorney Kerry Self discussed changes to the Incentive Agreement that had been included in the Agenda package. It was noted the name of the company would be released by the Governor in the next few days. After discussion, Commissioner Oldham moved for the Board to waive their policy to not vote on public hearing matters until the next meeting of the Board and vote on the matter at this meeting. Upon a vote, the results were as follows:

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

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

Commissioner Oldham moved to approve the granting of an incentive to Project Gizmo and authorize the Chair to sign the Incentive Agreement after the name of the company is announced by the Governor. Upon a vote, the results were as follows:

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

The Chair ruled the motion had been adopted by a 5 to 2 vote.

The Board conducted the fourth last public hearing advertised for a Subdivision Street Assessment Policy. County Manager John Crumpton stated that earlier this year the Board considered adopting a policy to assist property owners in getting North Carolina DOT to assume maintenance of rural subdivision and residential streets. General Statute §153A-205 authorizes counties to levy special assessments to finance road improvements to subdivision and residential streets in order to bring those streets up to DOT standards so they may become part of the State-maintained system. A policy was drafted that would allow property owners to petition the Board of Commissioners to use this special

assessment authority. The policy is restricted to streets that were publicly dedicated, but have not yet been accepted by NCDOT for maintenance. It would not cover private dedicated streets. Mr. Crumpton reminded the Board that the County was not in the road business and this should be handled by DOT. According to the proposed Policy, 75% of the homeowners will have to approve the request. Assessments would be spread over a 10-year period with their tax bill, with a lien being placed on the property.

Chair Dalrymple opened the public hearing that had been advertised for this date and time.

The following spoke in favor of a Subdivision Street Maintenance Policy:

1. Mr. Robert Buzinski, 460 Buckroe Drive, Sanford
2. Mr. Bob Bridwell, former Community Development Director
3. Mr. Vance Blanton, 2434 Lydia Perry Road, Bear Creek

The following spoke in opposition to a Street Maintenance Policy:

1. Mr. Ben Little, 123 Buckroe Drive, Sanford
2. Ms. Rebecca Little, 123 Buckroe Drive, Sanford

Chair Dalrymple closed the public hearing.

After discussion, Commissioner Frazier moved to amend wording on the Subdivision Street Assessment Policy that 100% of the property owners must sign a petition before submitting a request for assistance to the County, and cost of improvements to be assessed in a dollar amount or funding mechanism acceptable under NC General Statute, 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: Frazier, Knecht, Oldham, Reives, and Sloan
Nay: Dalrymple and Smith

The Chair ruled the motion had been adopted by a 5 to 2 vote.

At this time, the Board took a 10-minute recess. Upon returning from recess, with all members present, the Chair called the regular meeting back to order.

The Board considered a recommendation from the Planning Board in reference to the first public hearing held earlier in the meeting for text amendments to the UDO for temporary occupancy of Travel Trailers/RV's. Zoning Administrator Althea Thompson stated the Planning Board recommended the Text Amendments be approved with a stipulation that after construction is completed and upon issuance of a Certificate of Occupancy, the temporary unit shall be disconnected from all utilities and/or sewage disposal systems within 60-days and can no longer be occupied as a permanent residence. After discussion, Commissioner Sloan moved to waive the Boards policy to not vote on public hearing matters until the next meeting of the board and to vote on the matter at this 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.

Commissioner Sloan moved to approve the recommendation of the Planning Board for the above referenced matter (*Ordinance Amending the Lee County Unified Development Ordinance*), 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 recommendation from the Lee County Planning Board in reference to Text Amendments to the UDO for Solar Collectors. Ms. Amy McNeill, Design Review Coordinator with the Sanford/Lee County Community Development stated a public hearing was held on June 15, 2015, to hear comments/concerns in reference to Text Amendments for Commercial & Residential Solar Collectors. The Text Amendment creates two new land uses with specific approval methods and development standards. Ms. McNeill stated the Planning Board voted unanimously to recommend approval of the Text Amendment with one additional standard added to the bonding requirement, which requires a new cost estimate to be submitted to the Sanford/Lee County Planning & Development Department each year verifying that the bond is still an adequate amount to ensure compliance with the ordinance. Ms. McNeill presented letters from Solterra Partners and Smithmoore Leatherwood asking the Ordinance be revised asking that a new estimate and bond certificate be required every five-years rather than every year. After discussion, Commissioner Frazier moved to approve the recommendation of the Planning Board to approve an *Ordinance Amending the Lee County Unified Development Ordinance*, with a one-year bond requirement, 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 the First Amendment to the Buggy Factory Lease Agreement. Kerry Self, County Attorney addressed changes to the Lease Agreement. After discussion, Commissioner Smith moved to approve the *First Amendment to the Buggy Factory Lease Agreement*, 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 Resolution to Amend the By-Laws for the Joint Lee County Environmental Affairs Board (EAB). County Attorney Kerry Self stated as originally agreed by the City of Sanford and County of Lee, the new EAB would consist of five members from the City, five from the County, and one member from the Town of Broadway. However, to prevent terminating appointees prior to the expiration of their original terms, the then-current members of the former Environmental Review and Advisory Committee (ERAC) were allowed to continue their membership until their original appointments expire. The City recently appointed two of the County members to city positions, thereby creating the need to amend the EAB by-laws to reflect current membership, the process for appointments by the City and County, and changes to the quorum due to a decrease in the number of

members. The amended By-Laws will reduce its voting members from 10 to 8. Three members have terms expiring in 2016, and five have terms expiring in 2017. No new appointments will be made until 2017, at which time two members will be appointed for two-year terms and three members will be appointed to three-year terms. Ms. Self addressed changes to the Amendment and answered questions from the Board. After discussion, Commissioner Sloan moved to approve the *Resolution to Amend By-Laws of the Joint Environmental Affairs Board*, 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 appointments to Boards. Clerk to the Board Gaynell Lee presented applications for the Lee County Americans with Disabilities Board (ADA) and Lee County Fire Advisory Board. Commissioner Smith moved to approve the appointments of Ms. Emilia Guerrero to the ADA Board and Mr. Charles Baker to the Fire Advisory Board. 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.

Ms. Lee also presented an application for the Optometrist vacancy on the Lee County Board of Health. Due to the applicant not living in Lee County, (but operating a business in the County), Ms. Lee asked the Board to waive their policy to allow the individual to serve on said Board. Commissioner Sloan moved to waive their residency policy and appoint Dr. Alex Martin to the Lee County Board of Health (Optometrist vacancy). 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 Addendum to the FY 2015-16 Home and Community Care Block Grant. Senior Services Director Debbie Davidson asked the Board to approve an Addendum for the FY 2015-16 Home and Community Care Block Grant Title IIID Evidence Based Health Promotion and Disease Prevention. Total allocation is \$2,617 with a local match of \$291 which is available in the current Senior Services Budget. Ms. Davidson stated, if approved, funds would be used to pay instructor fees to offer Tai Chi designed for Arthritis patients, Matter of Balance Classes, Powerful Tools for Caregivers and supporting materials and advertising. After discussion, Commissioner Smith moved to approve the *FY 2015-16 Addendum for Home and Community Care Block Grant* 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 contract agreements between *The Stevens Center* and COLTS for day and evening services. Senior Services Director Debbie Davidson stated *The Stevens Center* contracts with the County of Lee Transit System (COLTS) for general day service and "Rideability" for evening and weekend services. *The Stevens Center* receives grant funding through North Carolina DOT Section 5310 for Disabled Residents. The day service, Monday through Friday, is for general purposes to include transportation for clients to access *The Stevens Center* as well as other areas of interest in Lee County such as shopping, medical, employment or recreation. The average COLTS income per month for this service is \$1,200. Trips are coordinated with other agencies and public access clients. The evening service called "Rideability" requires clients to be certified eligible as disabled through *The Stevens Center* staff. This service is available from 5 p.m. to 10 p.m. Thursday and Friday evenings and Saturday from 10 a.m. to 2 p.m. COLTS revenue totals for this service, which has door-to-door access, averages \$2,400 per month. After discussion, Commissioner Smith moved to approve *Contract Agreements with The Stevens Center*, 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 request from the Health Department to apply for potential "Bright Ideas" funding. Health Director Terrell Jones asked the Board to approve his department submitting an application to the North Carolina Department of Health and Human Services Public Health Preparedness and Response Division for a local Public Health Preparedness Grant of up to \$10,000. "Bright Ideas" funding is a special funding opportunity to provide aid to local public health preparedness projects. Grant money received would provide at-risk individuals in the county with an Emergency Supply Kit consisting of a NOAA weather radio, flashlight, batteries, cans of food, potable water, can opener, first aid kit, hand sanitizer, and other supplies deemed appropriate for coping with emergency situations. The request has not been approved by the Board of Health due to not having a quorum at their last meeting. Deadline for application for the grant is July 15th. After discussion, Commissioner Oldham moved to approve the request for the Health Department to apply for the "Bright Ideas" funding through the North Carolina Department of Health and Human Services. 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 Health Director Terrell Jones and Health Education Supervisor Ashley Graham presented the *2014 Lee County Community Health Assessment (CHA)* that local health departments are required to complete every four years as part of accreditation. The purpose of the CHA is to collect health data and information from county residents, the State Center for Health Statistics and other sources to identify the top health priorities for the county. During discussion, a couple of minor changes were referenced to the Report. After discussion, Commissioner Frazier moved to approve the *2014 Lee County Community Health Assessment Report*, including the referenced changes. 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 Tax Collector's Annual Settlement. Tax Administrator Mary Yow asked the Board to accept the Tax Collector's Settlement, Resolution Approving the Tax Collector's Annual Settlement for FY 2014 and Prior Years, and Charge for the Tax Collector to Collect 2015 Taxes. 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 and prior fiscal years with unpaid taxes. The "charge" gives the Tax Collector authority to use enforced collection measures and gives legal notice that the tax lien is first in priority. After discussion, Commissioner Oldham moved to approve the *Tax Collector's Annual Settlement*, 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 the *Resolution Approving the Tax Collector's Annual Settlement for FY 2014 and Prior Years*, 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 Oldham moved to approve the Order of the Board of Commissioners in Accordance with G.S. 105-373 and 105-321, 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 Lease Agreement with DDI Leasing for the IT Department. IT Director Kyle Edwards asked the Board to approve said Lease Agreement that will refresh the primary storage site at the Lee County Government Center which houses more than 90% of the county's mission critical data that it uses to operate on a daily basis. This lease replaces the existing equipment lease and allows a needed refresh of Lee County's data storage center architecture hardware. The equipment will more than double the primary and secondary storage site capacity and will reduce input/output. Mr. Edwards stated this was a modification of an existing lease for replacing existing equipment with new hardware. The quotation also includes annual support and maintenance costs on the associated hardware and software. After discussion, Commissioner Smith moved to approve the *Lease Agreement with DDI Leasing* 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 voting delegate for the August North Carolina Association of County Commissioners (NCACC) Conference. The Association is asking each county to appoint a voting delegate for said conference. Commissioners Amy Dalrymple, Dr. Ricky Frazier, and County Manager John Crumpton are signed up to attend the conference. Commissioner Smith moved to appoint Commissioner Amy Dalrymple as Lee County's voting for the August 20-23, 2015 NCACC Annual Conference. 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.

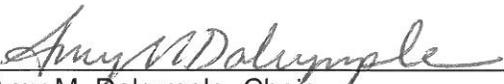
Finance Director Lisa Minter presented the *Monthly Financial Report* for month ending May 2015. No action was taken.

County Manager John Crumpton presented his *Monthly Report for July 2015*, a copy of which is attached to these Minutes and by this reference made a part hereof. No action was taken.

With no further business to come before the Board, Commissioner Frazier moved to adjourn the meeting. Upon a vote, the results were as follows:

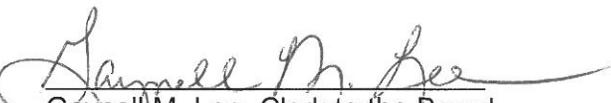
Aye: Dalrymple, Frazier, Knecht, Oldham, Reives, Sloan, and Smith
Nay: None

The Chair ruled the motion had been adopted unanimously and meeting adjourned at 9:30 p.m.



Amy M. Dalrymple, Chair
Lee County Board of Commissioners

ATTEST:



Gaynell M. Lee, Clerk to the Board