

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

MARCH 5, 2012

The regular meeting of the Lee County 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 Richard B. Hayes, Larry "Doc" Oldham, Charles T. Parks, Robert T. Reives, Linda A. Shook, and James K. Womack. Commissioner Nathan E. Paschal was out due to recent surgery but did participate in the meeting via teleconference.

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

Attorney K. R. Hoyle delivered the invocation.

The pledge of allegiance was recited.

The Board considered additions/changes to the agenda. Assistant County Manager/Finance Director Lisa Minter (sitting in for County Manager John Crumpton) asked that Item V. C. under New Business (request by Ms. Sheila Barber to appear before the Board) be pulled from the agenda (due to Ms. Barber being sick and unable to attend the meeting). Commissioner Reives asked that Item V. F. under New Business (discussion in reference to the 2012-13 budget) be delayed or transferred to the March 8th budget work session. Commissioner Womack, who requested the item be placed on the agenda, asked that the item be left on the agenda for a brief discussion. Commissioner Reives then made a motion to remove said item from the agenda (since the County Manager was not in attendance to participate in discussion). Upon a vote of Commissioner Reives motion to remove said item, the results were as follows:

Aye: Hayes, Oldham, Paschal, and Reives
Nay: Parks, Shook, and Womack

The Chairman ruled the motion had been adopted by a 4 to 3 vote and the item was removed from the agenda and further discussion.

Commissioner Womack moved to approve the agenda as amended. Upon a vote, the results were as follows:

Aye: Oldham, Parks, Paschal, Reives, Shook, and Womack
Nay: Hayes

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

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

- Minutes from the February 20, 2012 regular meeting,
- Proclamation for April 14-28, 2012 spring *Litter Sweep* (copy attached),
- Fireworks Permit for Central Carolina Community College (copy attached),
- Budget Amendment # 03/05/12/10 (copy attached),
- One-year extension of banking services with First Citizens Bank,
- Delinquent 2011 Tax Lien advertisement, and
- Amendment to DDI Leasing contract (copy attached).

Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Pursuant to N.C. General Statute 153A-42.1, Chairman Shook 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 a recommendation from the Lee County Planning Board in reference to the February 20, 2012 public hearing for a rezoning request from Abdalfatah Mohamed Abutaha to rezone approximately 5.2 acres of land located at 3132 Jefferson Davis Highway from Light Industrial Conditional Use (LI-CU) district to Highway Commercial (HC) district. Planner Althea Thompson stated the Planning Board unanimously voted to approve the recommendation for rezoning as stated above. Commissioner Oldham moved to approve an Ordinance Amending the Official Zoning Map of Lee County, North Carolina, 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: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board heard a presentation from Tax Administrator Dwane Brinson in reference to a "Citizen 2013 Revaluation Officer" program his office is initiating. Mr. Brinson stated the Tax Office is trying to educate the public on the upcoming 2013 revaluation by giving presentations and recorded introductory videos online. In an attempt to create a public-private partnership and further improve the accuracy and efficiency of this revaluation, he is proposing an incentive for local business professionals and citizens to attend presentations and become involved. Mr. Brinson stated that citizens interested in becoming a "Citizen 2013 Revaluation Officer" will need to attend or watch on YouTube each of the tax office's three presentations and take and pass a short quiz after each to be accepted. No action was taken.

Mr. Don Schreiner from the Lee County Veterans Council completed the required paperwork to appear before the Board and give an update on the Council's activities since its organization in November 2010. Mr. Schreiner stated the Council meets on a monthly basis, has met with and received approval from the Town of Broadway to use the Veterans Memorial for special events, received approval to use the Lee County Seal as part of their logo, sponsored a booth at the Sanford-Lee County Fair, and assisted with the Toys for Tots program. Future activities include a Memorial Day event, Flag Day in June, a July 4th activity, and a Veterans' Day activity. All veterans are welcome to join and attend meetings. No action taken.

Mr. Mark Thomas provided the required paperwork to appear before the Board to ask that the sale of beer and wine be placed on the May primary ballot. As noted in a memo from Attorney Dale Talbert, the Board of Elections is required to hold an alcoholic beverages election upon the request of the Board of Commissioners or upon a petition by registered voters. The election may be conducted County-wide or on a township basis. The law recognizes seven different propositions for the sale of alcoholic beverages that may be the subject of an election (NCGS 18B-602). Four propositions concern the "off-premises" and "on-premises" sales of malt beverages. Three propositions concern the sale of unfortified wine. Ms. Nancy Kimble from the Board of Elections discussed the process and stated that a signed resolution by the Commissioners will need to be received in her office by Thursday, March 8th if the matter is to be placed on the May ballot. After discussion, Commissioner Reives moved to approve a resolution requesting the Lee County Board of Elections to conduct an alcoholic beverages election in all county townships for the off-premises sale only of malt beverages and fortified wine, 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: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Community Development Director Bob Bridwell presented a power-point presentation on a *Medical Arts Village* concept for Sanford. Mr. Bridwell stated the area surrounding Central Carolina Hospital should be viewed as a significant economic, physical and social asset for Lee County and would benefit by design enhancements to its thoroughfares, lighting, pedestrian, signage and streetscape facilities creating a village environment. He discussed design elements, development analysis and financing possibilities for such a project. No action was taken.

Economic Development Director Bob Heuts presented a power-point presentation on economic development matters. The legal basis for a local EDC Program was discussed which states, per NCGS 158-7.1 that each county and city in this state is authorized to make appropriation for the purpose of aiding and encouraging the location of manufacturing enterprises, making industrial surveys, and locating industrial and commercial plants in or near such city or in the county;....or other purposes which in the discretion of the governing body....will increase the population, taxable property, agricultural industries, and business prospects of any city or county. These activities may be funded by levy of property taxes. Mr. Heuts stated a county or city may undertake the following economic development activities:

- City or county may acquire and develop land for an industrial park, to be used for manufacturing, assembly, warehousing, R&D, office use or similar industrial or commercial uses,
- City or county may acquire, assemble and hold for resale property suitable for industrial or commercial use,

- City or county may acquire options for property,
- City or county may construct buildings,
- City or county may construct, extend, or own utility facilities,
- City or county may provide for or extend water and sewer lines to industrial properties, and
- City or county may engage in site preparation for industrial properties or facilities.

After the presentation, a question and answer session was held by Board members. No action was taken.

Commissioner Womack discussed with the Board the need to create a new Advisory Board to review and make Board of Commissioner (BOC) recommendations on all matters related to the emerging natural gas industry that will directly impact Lee County. Mr. Womack stated that at present, Lee County has several standing boards and committees who have limited oversight and interest in the extraction of shale gas from thousands of feet below Lee County. However, no one board has comprehensive oversight and expertise across the broad scope of the future shale gas industry in Lee County. The BOC should consider establishing a new standing body to review and report on all measures; impact fee assessments; tax policy; road and bridge upgrades; water quality monitoring; education and training for workforce development, etc. The concept is for this to be a BOC appointed Advisory Board of 12 or so select individuals veering the interests of all stakeholders. There would be 6-10 volunteer subcommittees of this body each of which could have dozens of participants who provide grass roots reporting to the Subcommittee head for subsequent representation at the Advisory Board. Those boards and committees already in existence in Lee County – including Public Health, Environmental Affairs, and Agriculture Advisory Board – would naturally collaborate with the new Advisory Board and their standing authority would not be lessened. No action was taken.

At this time the Board took a 5-minute recess. Upon returning from recess, with all members present, the regular meeting resumed.

Assistant County Manager/Finance Director Lisa Minter gave the Manager's Report in the absence of County Manager John Crumpton who was attending a NACo Conference in Washington, D.C. Ms. Minter gave Board members copies of the final report of the performance audit for Lee County Government and Lee County Schools. It was stated that a representative from Evergreen Solutions will be at the March 19th meeting to present the final report. Board members were reminded of the March 8th Budget Kickoff Work Session in the Gordon Wicker Conference Room beginning at 8:30 a.m. A copy of the agenda for the work session was provided to all Commissioners.

Commissioner Paschal asked for the Boards' prayers for a speedy recovery from recent surgery.

Commissioner Oldham discussed a trash enforcement issue on Beulah Brown Road. County Attorney Dale Talbert stated he was working with code enforcement and law enforcement in reference to a civil law suit concerning this matter.

Commissioner Parks presented his thoughts on prayer at the beginning of Commissioner meetings and the threat of a lawsuit against the Board if it continues. His recommendation to the Board was for a possible vote at the next meeting that the Board recognizes a silent prayer at the beginning of each meeting. By doing so, Mr. Parks stated this will not put the county at risk of a lawsuit.

Commissioner Womack stated he did not wish to change anything that is currently being done in reference to praying before the beginning of a Commissioner's meeting. County Attorney Talbert was asked to check into a recent ruling from the ACLU where counties were being asked to pay \$20,000 for a lawsuit. Mr. Womack also expressed disappointed that one Commissioner voted to have an item removed from the agenda where a Commissioner had been the one to place the item on the agenda to begin with. He also stated he would be advocating a 2-cent reduction in taxes this year based on the Evergreen audit. He further stated he would also recommend changing the sales tax distribution this year.

Commissioner Reives asked County Attorney Dale Talbert to study and research the prayer matter. He also asked that staff get something out to citizens and businesses on severe weather this year.

Commissioner Parks moved to go into closed session to consider a personnel matter per N.C. General Statute 143-318.11(a) (6). Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously and the Board was in closed session. Upon returning from closed session, with all members present, the regular meeting resumed.

Commissioner Reives moved to approve an Employment Agreement between Lee County and County Attorney W. Dale Talbert, 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:

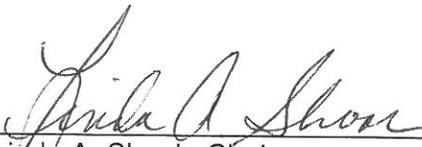
Aye: Hayes, Oldham, Paschal, Reives, and Shook
Nay: Parks and Womack

The Chairman ruled the motion had been approved by a 5 to 2 vote.

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

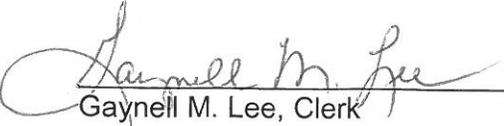
Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously and the meeting adjourned at 6:15 p.m.



Linda A. Shook, Chairman
Lee County Board of Commissioners

ATTEST:



Gaynell M. Lee, Clerk