

LEE COUNTY

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

JUNE 7, 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:

County Attorney K. R. Hoyle delivered the invocation.

The pledge of allegiance was recited.

The Board considered additions/changes to the Agenda. Commissioner Reives asked that an item be discussed under Old Business concerning his non-attendance at the June 3, 2010 budget work session. Commissioner Shook discussed a change to the resolution in opposition of Senate Bill 3194-Collective Bargaining for Public Safety Workers listed on the Consent Agenda. Commissioner Dalrymple moved to approve the amended agenda and to accept changes to the resolution presented by Commissioner Shook. 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 Kelly moved to approve the Consent Agenda which consisted of the following items:

- Minutes from the May 17, 2010 regular meeting;
- Resolution in opposition to Senate Bill 3194 –Collective Bargaining for Public Safety Workers (copy attached);
- Acceptance of \$7,000 from Kiwanis Club of Lee County for new playground equipment;
- Renewal contract for inmate labor between NC Department of Corrections and Lee County General Services (copy attached);
- Renewal contract for inmate labor between NC Department of Corrections and the Lee County Animal Control Shelter (copy attached);

- Memorandum of Agreement between NCDOT and Lee County General Services for debris removal (copy attached);
- Architectural services agreement for jail improvements with Moseley Architects in the amount of \$14,800 (copy attached);
- Budget Amendment # 06/07/10/14 (copy attached);
- Resolution for assistance from NCDOT for paving a portion of the driveway at the new Cape Fear Fire Department sub-station (copy attached); and
- Application for lottery funds from the Board of Education in the amount of \$115,862.00 for replacement of HVAC handlers and new controls at Greenwood Elementary School (copy attached)

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. T. C. Yarborough, Sheriff's Department, on behalf of funding for HAVEN
2. Mr. Jim Womack, Boone Trail Road, Sanford, discussed funding for non-profit organizations and BRAC

Commissioner Reives discussed with the Board his absence from the June 3, 2010 budget work session. After discussion, Commissioner Reives moved that all Commissioners be contacted via phone in the future when special meetings are scheduled. 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.

Mr. Russell Noel, 1413 Cherokee Trail, Sanford, completed the required paperwork to appear before the Commissioners and discuss the following:

1. Status of Code of Conduct/Ethics Policy;
2. Board of Commissioner transparency/dialogue at meetings; and
3. Status of funding controls for Board of Education and Lee County Economic Development Corporation

Commissioners responded to Mr. Noel's questions as stated above. Commissioner Reives moved that a letter of support be sent to the Lee County Board of Education on Mr. Noel's behalf to appear before their Board and address funding issues and other matters of concern. 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 held a public hearing to hear comments from the public in reference to an economic development project between the Lee County Economic Development Corporation and Challenge Printing Company. Economic Development Director Bob Heuts discussed the project which consists of the construction of a manufacturing facility located in the Lee County Industrial Park which will consist of a building containing not less than 30,000 square feet and equipment for a \$4 million project. If approved, Lee County would be asked to appropriate funds to pay incentives in the amount of \$12,615.00 per year over a five-year period beginning January 2012.

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

The following spoke in favor of the above-referenced project:

- (1) Mr. Bob Heuts, on behalf of the Lee County Economic Development Corporation

The following spoke in opposition to the project:

- (1) Mr. Russell Noel, 1413 Cherokee Trail, Sanford

Chairman Hayes closed the public hearing.

Chairman Hayes moved to approve the *Resolution Authorizing the Expenditure of Funds for an Economic Development Project and Approving an Agreement with the Lee County Economic Development Corporation and **Challenge Printing Company***, 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 Reives
Nay: Shook

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

The Board held a public hearing to hear comments from the public in reference to an economic development project between the Lee County Economic Development Corporation and Axxor manufacturing company. Economic Development Director Bob Heuts discussed the project which consists of retrofitting space and the cost of new machinery for the Company on property leased by it in Lee County, North Carolina, which will have a cumulative initial ad valorem taxable value of at least \$5 million and will provide new employment. If approved, Lee County would be asked to appropriate funds to pay incentives in the amount of \$14,133.75 per year over a five-year period beginning January 2012. The City of Sanford will also be asked to participate in this project since the facility will be located within the city limits.

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

The following spoke in favor of the above-reference project:

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

No one present spoke in opposition to the project.

Chairman Hayes closed the public hearing.

Commissioner Reives moved to approve a *Resolution Authorizing the Expenditure of Funds for an Economic Development Project and Approving an Agreement with the Lee County Economic Development Corporation and **Axxor, LLC***, 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 Reives
Nay: Shook

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

The Board held a public hearing to hear comments from the public in reference to an economic development project between the Lee County Economic Development Corporation and Parkdale America, LLC. Economic Development Director Bob Heuts discussed the project which consists of installing additional machinery for the Company on property owned by it at 1921 Boone Trail Road, Sanford, which will consist of installing equipment which will have a cumulative initial ad valorem taxable value of at least \$4.3 million and will provide additional employment opportunities. If approved, Lee County would be asked to appropriate funds in the amount of \$11,803.50 per year over a five-year period beginning January 2012.

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

The following spoke in favor of the above-referenced project:

(1) Mr. Bob Heuts, on behalf of the Lee County Economic Development Corporation

No one present spoke in opposition to the project.

Chairman Hayes closed the public hearing.

Commissioner Kelly moved to approve *Resolution Authorizing the Expenditure of Funds for an Economic Development Project and Approving an Agreement with the Lee County Economic Development Corporation and **Parkdale America, LLC***, 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 Reives
Nay: Shook

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

The Board held a public hearing to hear comments from the public in reference to an economic development project between the Lee County Economic Development Corporation and Caterpillar. Economic Development Director Bob Heuts discussed the project which consists of a building containing not less than 250,000 square feet and the land, building, and equipment will have a cumulative initial ad valorem taxable value of at least \$31 million and will result in the retention and creation of up to 322 additional jobs. If approved, Lee County would appropriate funds to pay said incentives in the amount of \$900,000.00 in August 2010.

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

The following spoke in favor of the above-referenced project:

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

No one present spoke in opposition to the project.

Chairman Hayes closed the public hearing.

Commissioner Kelly moved to approve a *Resolution Authorizing the Expenditure of Funds for an Economic Development Project and Approving an Agreement with the Lee County Economic Development Corporation and **Caterpillar, Inc.***, a copy of which is attached to these minutes and by this reference made a part hereof. After further discussion, Commissioner Kelly moved that a letter be forwarded to the City of Sanford asking for their participation in this project. 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.

The Board held a public hearing to hear comments from the public in reference to the acquisition of the West Sanford Fire Department by the Northview Fire Department. Emergency Services Director/Lee County Fire Marshal Shane Seagroves stated that in January 2010 the Lee County Board of Commissioners voted to accept a recommendation of the Lee County Fire Advisory Board for the West Sanford and Northview Fire Departments to merge effective July 1, 2010. The West Sanford Department voted to cease operations at midnight, June 30, 2010, and the Northview Fire Department agreed to acquire all of West Sanford's liabilities, assets, and manpower as well as to utilize the West Sanford station as a Northview sub-station beginning at midnight, July 1, 2010.

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

The following spoke in favor of the merging of the two departments:

- (1) Mr. Shane Seagroves, on behalf of the Emergency Services Department
- (2) Mr. Donald Andrews, on behalf of the Fire Advisory Board

No one present spoke in opposition to the merger.

Chairman Hayes closed the public hearing.

Commissioner Reives moved to approve a *Resolution Approving Acquisition of the West Sanford Fire District by the Northview Fire Department*, 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.

Mr. Donald Andrews, Chairman of the Lee County Fire Advisory Board, presented an overview of budgets from all volunteer fire departments and discussed tax rates for each district. A public hearing must be held before tax rates can be established for FY 2010-11. Chairman Hayes moved that a public hearing be scheduled for 6 p.m., Monday, June 21, 2010, to allow citizens to make comments in reference to fire department budgets and rates. 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 discussed land use issues in the unincorporated areas of Lee County. County Manager John Crumpton, Planning Director Bob Bridwell, City Code Enforcement Officer Carl Anglin, and Solid Waste Superintendent Joe Cherry discussed issues of abandoned vehicles, dilapidated housing, unsightly yards and other land use issues in unincorporated areas of the County. Mr. Crumpton stated that currently the County does not have a means to do code enforcement, although we contract with the City of Sanford for Building Inspections and Planning/Zoning Administration services. Mr. Bridwell stated that the current Unified Development Ordinance (UDO) is the same across the City and County for land use issues but not housing/nuisance abatement matters. Mr. Crumpton stated if the County wished to enforce the above referenced matters outside the City, Solid Waste Superintendent Joe Cherry would have to be certified to undertake these additional enforcement responsibilities. Mr. Anglin explained procedures the City has in place to assist families/homes that need repair assistance. Illegal dumping was also discussed which is a concern in some areas of the County, along with a possible noise ordinance. After much discussion, Chairman Hayes moved to accept the County Manager's recommendation for staff to review the County Code of Ordinances for nuisance and noise issues and develop plans to make them more restrictive and present a recommendation at the August 2010 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.

County Manager John Crumpton provided the following information to Board members for their review:

- BRAC Marketing Plan;
- "Draft" Code of Ethics Policy for Lee County Board of Commissioners; and
- "Draft" Contract with the Lee County Economic Development Corporation (for consideration at the June 21, 2010 meeting)

Mr. Crumpton discussed funding for outside non-profit agencies. After much discussion, Commissioner Reives moved to appropriate the following amounts to the following non-profit organizations for FY 2010-11:

- | | |
|-------------------------|----------|
| • Boys and Girls Club | \$20,000 |
| • Lee County Industries | \$10,000 |
| • Temple Theater | \$12,000 |
| • Helping Hand Clinic | \$ 5,000 |
| • HAVEN | \$12,000 |

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 Dalrymple moved to go into closed session to consider personnel matters per North Carolina General Statute 143-318.11(a) (6). 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 Dalrymple 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 and the Board resumed their regular meeting, with all members present.

With no further business to come before the Board, Commissioner Kelly 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



Gaynell M. Lee
Gaynell M. Lee, Clerk

Richard B. Hayes
Richard B. Hayes, Chairman
Lee County Board of Commissioners