

# 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 16, 2015

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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.

Chair Dalrymple called the meeting to order and the following business was transacted:

Commissioner Knecht delivered the invocation.

The pledge of allegiance was recited.

The Board considered additions/changes to the Agenda. Commissioner Smith asked the Board to discuss a July meeting date in order to accommodate the Young Commission's Program. County Manager John Crumpton asked that a Resolution be added in reference to accepting an offer from Duke Energy in reference to the coal ash issue. With no other changes made, Commissioner Sloan moved to approve the *Agenda* as amended. 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 March 2, 2015 regular meeting,
- Tax Releases and Refunds for February 2015 (copy attached),
- Approval for the Library to apply for the following grants requiring no local matches:
  1. Cannon Foundation - \$45,000
  2. Dollar General Youth Literacy/Technology - \$4,000
  3. ALA Latino American - \$3,000
  4. LSTA Edge Initiative Technology - \$5,000, and
  5. Redbox Grant - \$5,000, and

- Amendment to Professional Services Contract with *The Wooten Company* for the 2011 CDBG Project (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.

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

1. Johnsee Tipton, 79 T. Tarpey Lane, Sanford (coal ash)
2. Debbie Hall, 957 Cumnock Road, Sanford (coal ash)
3. Lynette Hampton, 359 Osgood Road, Sanford (coal ash)
4. Keely Wood, 363 Angel Road, Sanford (coal ash)
5. Arlene Jackson, 5057 Cox Mill Road, Sanford (coal ash)
6. Donna Strickland, 1708 Woodridge Drive, Sanford (coal ash)
7. Richard Hayes, 2004 Vantage Pointe, Sanford (coal ash)
8. Marsha Ligon, 1413 Palmetto Path, Sanford (coal ash)
9. Andrew Manhardt, 161 Charles Riddle Road, Sanford (coal ash)
10. Terry McInturff, 4463 Colon Road, Sanford (coal ash)

At this time the Board held a Public Hearing in reference to the closeout of the 2011 Community Development Block Grant Program. Community Development Manager Karen Kennedy stated as part of the project administration process, a public hearing must be held at the time of project closeout. The purpose of the public hearing is to discuss the application submitted for the project, work completed during the project, and to allow citizens an opportunity to make comments. A total of \$400,000 was received for the project, with \$398,101 used, which assisted 5 families with rehabilitation to their homes. Ms. Kennedy stated the General Assembly has eliminated this program.

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

The following spoke in favor of the CDBG Program:

1. Ms. Beatrice Evans, 157 Hayes Road (stated her home was upgraded and she is very grateful and appreciative)

No one present spoke in opposition to the CDBG Program.

Chair Dalrymple closed the public hearing.

Commissioner Frazier moved to authorize the Chair to execute required closeout documents for the 2011 Community Development Block Grant Program, 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 meeting time change for the April 6<sup>th</sup> and April 20<sup>th</sup> meetings. Commissioner Smith asked the Board at the March 2<sup>nd</sup> meeting to change the meeting time for the next three (3) meetings from 4 p.m. to 6 p.m. due to his work schedule. The Board agreed to hold today's meeting (March 16<sup>th</sup>) at 6 p.m. to discuss meeting times for the next two (2) meetings. After discussion, Commissioner Smith moved to change the meeting time for the April 6<sup>th</sup> and April 20<sup>th</sup> meetings to 6 p.m. Upon a vote, the results were as follows:

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

The Chair ruled the motion failed with a 5 to 2 vote.

The Board discussed a Subdivision Street Maintenance Policy for Buckroe Drive/Subdivision in the Deep River area. Michael James, Management Fellow stated that during the September 8, 2014 meeting, the Board heard from property owners residing along Buckroe Drive in the Doe Run Subdivision in the northeastern portion of the County in reference to assistance in getting DOT to accept maintenance of the road. The street in question was publicly dedicated and designed to meet DOT standards but the developer went bankrupt and the road was never completed to required DOT standards. Mr. James stated this is a common problem for citizens in rural subdivisions and counties may choose to address the issue through special assessments. Property owners can also address the issue privately through homeowner associations or informal agreements, but this is not always feasible. A copy of Pitt County's policy was shared with the Board that deals specifically with "Special Assessments". Mr. James discussed the process that would have to be followed if the Board chose to adopt a policy for "Special Assessments" to improve subdivision streets. Commissioner Smith stated he would like to see the Board move forward and assist residents with road issues. County Manager John Crumpton stated the Board would need to adopt and have in place a policy before anything can move forward. It was also noted that the Department of Transportation would have to approve the policy before the project can move forward. Commissioner Smith moved for staff to provide a policy for consideration at the April 6<sup>th</sup> 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.

The Board considered Budget Amendment # 03/16/15/12 for the following departments:  
Health Promotion – appropriate \$13,757 in additional DEHNR Health Promotion funds to be used to assist with community projects as well as travel and training for Health Educators.  
Health WIC – appropriate \$2,714 in additional DEHNR WIC funds awarded by the State.

After discussion, Commissioner Frazier moved to approve the above referenced *Budget Amendment*, a copy of which is attached and upon 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 meeting time for the July Commissioner's meeting. Commissioner Smith stated the third *Young Commissioner's Program* will take place July 6<sup>th</sup> – July 20<sup>th</sup>. Since the Board normally only holds one meeting during the month of July, he asked the Board to consider holding that meeting on Monday, July 13<sup>th</sup> which would allow the youth to participate in the Board meeting. After discussion, Commissioner Sloan moved to hold the one meeting in July on Monday, July 13<sup>th</sup> at 4 p.m. Upon a vote, the results were as follows:

The *Monthly Financial Report* for month ending February 2015 was presented. No action was taken.

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

Chair Dalrymple stated a Commissioners' Planning Retreat would be held on the evening of Friday, April 17<sup>th</sup> and one-half day on Saturday, April 18<sup>th</sup>. More information will follow once an agenda is finalized.

Commissioner Sloan moved to go into Closed Session to consult with the attorney to protect the attorney-client privilege per N.C. General Statute §143-318.11(a) (3). 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 the Board was in Closed Session. Upon returning from Closed Session, with all members present, the regular meeting resumed.

Chair Dalrymple read a Resolution Accepting an Offer from Duke Energy for Coal Ash Storage at the Colon Road Mine in Lee County that had been added to the Agenda at the beginning of the meeting. Attorney Kerry Schmid gave legal advice to the Board stating the Board had 3 options to deal with the issue - (1) do nothing, (2) fight from a litigation standpoint, or (3) enter into an agreement with Duke to have a contractual agreement. Commissioner Smith asked how the City of Sanford entered into this agreement since they run the water system. He continued to state that he felt the citizens on Colon Road should be connected to city water since their wells may not be good in the future. Commissioner Oldham also stated the County should look out for those individuals on Colon Road by assisting with water hookups. Chair Dalrymple outlined a meeting held on March 12<sup>th</sup> between 3 Commissioners and 3 Duke Energy representatives in which Duke Energy gave several different outlines of how they see an agreement with us. Chair Dalrymple outlined some of the items discussed during the March 12<sup>th</sup> meeting as referenced above which are as follows:

1. Safety is a main issue for the County – some of the permits obtained by Charah will be amended,
2. Agreed that no coal ash from outside North Carolina will be brought into Lee County,
3. Duke wants to re-establish trust with Lee County and will take on full responsibility,
4. Charah's protocol for testing will be monitored and given to Lee County to look at to see if it is strict enough and allow us to amend before any coal ash is transported into the County,
5. Lee County is to create a list of things on how we can keep the community as safe as possible from a health standpoint and environment issues,

6. Transportation issues will be addressed (rail and truck), and
7. Duke will send their economic development division to work with our economic development staff.

Ms. Dalrymple stated legislation has taken everything away from us with nowhere to turn. The question is – do we fight – do we go through all the money we have to fight and then possibly lose or have to raise taxes. It is felt the County needs to try to serve the citizens of Lee County and look after them. Ms. Dalrymple stated that Duke came to us with an offer that must be considered – the Board of Commissioner speak for the whole county. After further discussion, Commissioner Frazer moved to have Duke propose to us in writing what their plans are and what their offer is. County Attorney Kerry Schmid stated a formal agreement can be worked out between staff, the Chair and legal before a final agreement is signed. Commissioner Frazier amended his motion for Duke Energy to provide a written agreement and offer for consideration in reference to the storage of coal ash in Lee County addressing issues discussed during the March 12<sup>th</sup> meeting, and provide a contract to the Board. 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.

There being no further business to come before the Board, Commissioner Frazier moved to recess the meeting until 6 p.m., Monday, March 23, 2015. Upon a vote, the results were as follows:

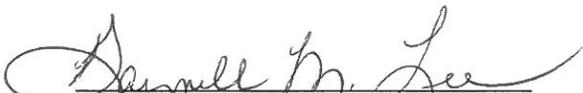
Aye: Dalrymple, Frazier, Knecht, Oldham, Reives, Sloan, and Smith  
Nay: None

The Chair ruled the motion had been adopted unanimously and the meeting recessed at 8:55 p.m.



Amy M. Dalrymple, Chair  
Lee County Board of Commissioners

ATTEST:



Gaynell M. Lee, Clerk to the Board