

LEE COUNTY

NORTH CAROLINA

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

DECEMBER 1, 2014

The regular meeting of the Board of Commissioners for the County of Lee, State of North Carolina, convened at 10 a.m. in the Commissioners' Room, First Floor, Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina, on said date. Commissioners present were Amy M. Dalrymple, Dr. Ricky D. Frazier, Larry "Doc" Oldham, Robert T. Reives, and Timothy S. Sloan. Commissioner Kirk D. Smith was absent but participated via teleconference (with no voting privileges). Dr. Andre Knecht was absent for the entire meeting.

County Manager John Crumpton called the meeting to order as this was the organizational meeting of the Board.

Commissioner Frazier delivered the invocation.

The pledge of allegiance was recited.

Mr. Crumpton discussed the selection of a Chairman and Vice-Chairman for a one-year term. Commissioner Frazier moved to appoint Commissioner Amy Dalrymple as Chairman for the upcoming year. Commissioner Sloan moved to close nominations. Upon a vote, the results were as follows:

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

Mr. Crumpton ruled the motion had been adopted unanimously and Commissioner Amy Dalrymple would serve as Chair for the upcoming year.

The Board considered the appointment of a Vice-Chairman for the upcoming year. Commissioner Reives moved to nominate Commissioner Ricky Frazier as Vice-Chairman for the upcoming year. Commissioner Sloan moved to close nominations. Upon a vote, the results were as follows:

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

Mr. Crumpton stated the motion had been adopted unanimously and Commissioner Ricky Frazier would serve as Vice-Chairman for the upcoming year.

Mr. Crumpton presented a *Resolution Setting the Meeting Schedule* for the upcoming year. Commissioner Reives moved to approve the above referenced Resolution with meetings beginning at 4 p.m. the first and third Monday of each month, and public hearings with the Lee County Planning Board at 6 p.m. the third Monday of each month, if needed. Commissioner Smith asked the Board to amend the meeting schedule for 6 p.m. Commissioner Reives stated he did not accept the amendment. Upon a vote of the original, the results were as follows:

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

Mr. Crumpton stated the motion had been adopted by a unanimous vote. A copy of said Resolution is attached to these Minutes and by this reference made a part hereof.

Mr. Crumpton told the Board each year at the first meeting in December, the Board must approve official bonds for the following employees:

- Sheriff (\$25,000)
- Register of Deeds (\$50,000)
- Every other officer of the county who is required by law to give a bond for the faithful performance of his/her duties, which in our case are the following:
 1. Tax Administrator (\$100,000)
 2. Finance Officer (\$100,000)
 3. Any employee who handles \$100.00 or more at any one time.

Commissioner Reives moved to approve the above bonds as recommended by the County Manager. Upon a vote, the results were as follows:

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

Mr. Crumpton stated the motion had been adopted unanimously.

At this time, the meeting was turned over to Chair Dalrymple.

The Board considered additions/changes to the Agenda. Commissioner Frazier asked the Board to consider a Resolution to remove recent appointees to the Sanford-Lee County Partnership for Prosperity. Commissioner Oldham asked the Board to consider removal of the recent appointment to the Triangle South Workforce Development Board. Chair Dalrymple asked the Board to consider, on the Consent Agenda, Minutes from the November 25, 2014 special called meeting of the Board, and an update on the coal ash issue under New Business. With no other changes made, Commissioner Reives moved to approve the Agenda as amended. Upon a vote, the results were as follows:

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

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 November 17, 2014 regular meeting,
- Minutes from the November 25, 2014 special called meeting, and
- Request to apply for FDA Grant for Environmental Health equipment up to \$7,847.17.

Upon a vote, the results were as follows:

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

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. Ms. Ann McCracken, 520 Maplewood Drive, Sanford (against coal ash),
2. Mr. Richard Hayes, 2004 Vantage Pointe, Sanford (against coal ash),
3. Ms. Jane Barringer, 490 Barringer Road, Sanford (against coal ash),
4. Ms. Lynda Turberville, 1514 Briarcliffe Drive, Sanford (against coal ash),
5. Mr. Andy Stevens, 2109 Leona Drive, Greensboro, representing Grassroots of NC, (against repealing gun control in county buildings),
6. Ms. Claire Pickett, 521 Valley Road, Sanford (against coal ash),
7. Mr. Jeremy Cleary, 1918 Meadowbrook St., Sanford (against repealing gun control in county buildings),
8. Mr. Kenneth Gilstrap, 1112 Pendergrass Road, Sanford (meeting time for future BOC meetings and gun control in county buildings)
9. Mr. Keith Clark, 212 Acorn Drive, Sanford (solar farms), and
10. Mr. John Paul Johnson, 242 Saddle Ridge road, Sanford (against coal ash)

The Board considered recommendations from the Planning Board. Community Development Director Marshall Downey stated the Planning Board recommended approval of the five UDO recommendations heard at the November 17th meeting; however, bonding issues for solar farms is currently being studied and the Board might wish to defer action on that item. After discussion, Commissioner Reives moved to approve the following UDO amendments, a copy of which is attached to these Minutes and by this reference made a part hereof, and defer action on the solar farm matter until more information could be obtained and discussion held with the Environmental Review & Advisory Committee:

- Amendment 1 – remove Cluster Subdivision references,
- Amendment 2 – remove the color standard for Signs in Shopping Centers,
- Amendment 3 – permit Freestanding Ice Vending Machines in select zoning districts, and
- Amendment 4 – revise the allowance of Adult Care Facilities and add supplemental development regulations and definitions.

Upon a vote, the results were as follows:

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

The Chair ruled the motion had been adopted unanimously.

The Board considered an Amended Ordinance to Modify Concealed Handguns on County Property. Commissioner Frazier read aloud the proposed Amended Ordinance. Commissioner Smith expressed concerns about the matter being presented at the first meeting of the new Board. He stated the previous Ordinance was presented in August and finalized in September, and would not go into effect until January 1, 2015. He further stated the Board of Commissioners is responsible to the law abiding citizens and to discriminate against them is unconstitutional. Commissioner Sloan stated he was concerned for staff in Social Services and Child Protective Services and this was a decision he was not taking lightly. Deputy James Estes discussed the Conceal Carry class he teaches and went over permit holder responsibilities. After discussion, Commissioner Frazier moved to approve the first reading of the *Amended Ordinance to Modify Concealed Handguns on County Property*, with the second reading to be presented at the December 15th meeting. Upon a vote, the results were as follows:

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

The Chair ruled the first reading of the Amended Ordinance had passed unanimously.

The Board considered the removal of recent appointees to the Sanford-Lee County Partnership for Prosperity (SLCPP) that had been added at the beginning of the meeting. Commissioner Frazier made a motion to remove Mr. Brian McRae and Mr. James (Jim) Womack from the SLCPP and Mr. Bruce Ledford from the Triangle South Workforce Development Board, and re-advertise for interested individuals. The above appointments were made at the November 17th regular meeting and November 25th special called meeting of the Board. Upon a vote, the results were as follows:

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

The Chair ruled the motion had been adopted unanimously.

At this time Tax Administrator Mary Yow and Appraisal Manager Lisa Faulkner presented a 2014 Sales/Assessment Ratio Report to the Board. The report provided the Tax office's analysis of the current real estate market and discusses implications for the next revaluation. It was recommended by staff that no revaluation be done in 2017. No action was taken.

The Board considered matters related to the November 2014 Bond Referendum for Community College Bonds. Assistant County Manager/Finance Director Lisa Minter asked the Board to adopt a Resolution Declaring the Result of the Bond Referendum held in the County of Lee, North Carolina, on November 4, 2014, Upon the Questions of Approving \$9,000,000 Community College Bonds (Health Science), \$5,000,000 Community College Bonds (Veterinary Technology), \$4,000,000 Community College Bonds (Emergency Services), and \$5,000,000 Community College Bonds (Civic Center). A certified copy of the proceedings of the Board of Elections taken on November 14, 2014 had been received in the County Manager's office. After discussion, Commissioner Frazier moved to approve the

Resolution Declaring the Result of the Bond Referendum Held in the County of Lee, North Carolina, on November 4, 2014, for the above referenced Community College Bonds, 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, Oldham, Reives, and Sloan
Nay: None
Absent: Knecht and Smith

The Chairman ruled the motion had been adopted unanimously.

The Board discussed security in County buildings. Chair Dalrymple stated the Board needed to address security in a different way for County buildings, especially the Government Center, possibly the same way the School Resource Officers situation was addressed. She is interested in looking for a compromise to have law enforcement on the premises by training people and using metal detectors. Commissioner Oldham asked what type security problems we currently have and has a security study been completed. County Manager John Crumpton discussed the security cameras approved in a recent meeting that will be installed in the parking lots and some inside areas at the Government Center. Commissioner Frazier stated the County should have a cost analysis completed to take precaution and a study of security issues. After discussion, Chair Dalrymple stated she would get with the County Manager and Sheriff Carter to study the issue and possibly meet with department heads to get feedback for discussion at a later meeting. Commissioner Reives stated he would like to see what the costs would be for metal detectors. No action was taken.

The Board considered an offer to purchase property on San-Lee Drive. County Attorney Kerry Schmid stated the County had received an offer from the Estate of Wilma Chesney for the purchase of property located on San-Lee Drive, bordering property owned by Wilma Chesney. The Estate of Ms. Chesney has submitted an offer of \$100.00 to purchase the property which includes road right-of-way that was abandoned when Poplar Road was relocated and renamed San-Lee Drive. Ms. Schmid asked the Board to accept the offer of \$100.00 and advertise for upset bids pursuant to North Carolina General Statute §160A-269. After discussion, Commissioner Sloan moved to approve a *Resolution Authorizing the Sale of Property Located on San-Lee Drive, Bordering Property Owned by Wilma Chesney in 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: Dalrymple, Frazier, Oldham, Reives, and Sloan
Nay: None
Absent: Knecht and Smith

The Chair ruled the motion had been adopted unanimously.

Commissioner Smith presented and moved approval of a *Resolution Opposing the 2012 Marriage Amendment*. Commissioner Smith stated he was against same sex marriage and felt it should be between a man and a woman. The Resolution presented asked the approved Resolution be sent to the local legislative delegation in the North Carolina General Assembly, the county's US Congressional Representative, the state's U.S. Senators, Governor Pat McCrory, and the other 99 counties in the State of North Carolina. Commissioner Oldham stated the Resolution was being sent to the wrong place; it should go to the Judges that made the ruling. Commissioner Reives stated the County had other issues to face instead of this Resolution. Upon a vote of Commissioner Smith's motion to approve the Resolution, the results were as follows:

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

The Chair ruled the motion had failed with a 5 to 0 vote.

Chair Dalrymple and County Manager John Crumpton discussed the recent coal ash issue with Duke Progress Energy that had been added to the Agenda at the beginning of the meeting. It was noted that Duke Energy has scheduled a public hearing (information session) for December 10th at the Arts & Community Center at the corner of Weatherspoon and Steele Streets from 7 – 10 p.m. No formal invitation has been received to date in reference to this public hearing. Commissioners discussed the possibility of holding a public information session with coal ash experts to present facts about coal ash, along with a public comments section. The City of Sanford has stated they would like to participate in such a meeting with the County. After further discussion, it was agreed to work on a possible public hearing date of Monday, December 8, 2014. No action was taken.

County Manager John Crumpton discussed the November 29th fire at the San-Lee Park Nature Center. Mr. Crumpton stated the non-poisonous animals have been moved to the Hale Center (old Armory) on McIver Street. The poisonous animals have been moved to Wilmington and the snapping turtle has been relocated to an individual in Carthage. A total of five animals perished in the fire. Mr. Crumpton staff is waiting on the insurance adjuster to view the scene, and a report from the Fire Marshal's office on the cause of the fire. For the time being Nature Center staff will be working out of the Hale Center.

Mr. Crumpton stated the parking lot at the Government Center needed to be cleared by 5:15 on this date due to the Clydesdales being unloaded at this location for the Christmas Parade. A large transfer truck will be bringing the horses to the parking lot so all vehicles need to be cleared out.

Mr. Crumpton stated that the Triangle South Workforce Board would need to be contacted in reference to action taken earlier in the meeting to remove Mr. Bruce Ledford who had been appointed to that board during the November 25th special called meeting of the former board. He stated that Central Carolina Community College, who is in charge of this board, would have to give feedback in reference to removal of their members.

Commissioner Frazier moved to go into Closed Session to discuss matters relating to the location or expansion of a business in the area per North Carolina General Statute §143-318.11(a) (4), and to consult with the attorney to protect the attorney-client privilege per North Carolina General Statute §143-318.11(a) (3). Upon a vote, the results were as follows:

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

The Chair ruled the motion had been adopted unanimously and the Board was in Closed Session. Upon returning from Closed Session with Commissioners Dalrymple, Frazier, Oldham, Reives, and Sloan in attendance, the regular meeting resumed.

Commissioner Sloan moved to hire the Law Offices of F. Bryan Brice, Jr. and the Law Offices of James F. Hopf, PLLC as outside legal counsel to assist the Commissioners with the coal ash issue. Upon a vote, the results were as follows:

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

The Chair ruled the motion had been adopted unanimously.

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

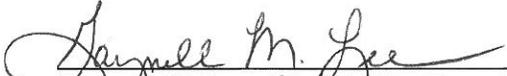
Aye: Dalrymple, Frazier, Oldham, Reives, and Sloan
Nay: None
Absent: Knecht and Smith

The Chair ruled the motion had been adopted unanimously and the meeting adjourned at 1:20 p.m.



Amy M. Dalrymple, Chair
Lee County Board of Commissioners

ATTEST:


Gaynell M. Lee, Clerk to the Board