

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

JUNE 20, 2016

The regular meeting of the Board of Commissioners for the County of Lee, State of North Carolina, convened at 5 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.

Diamond Evans from the *Lee County Young Commissioners Program* called the meeting to order.

Rebecca Crabtree from the *Lee County Young Commissioners Program* delivered the invocation.

Daisha Ferguson from the *Lee County Young Commissioners Program* led the pledge of allegiance.

A group picture of the *Young Commissioners* and the Lee County Board of Commissioners was taken at this time.

Chair Dalrymple resumed the Chair duties at this time and the meeting continued.

Cooperative Extension Director Bill Stone stated this was the fourth session which consists of an intensive two-week youth program comprised of twelve 9th-11th graders. The program kicked off Monday, June 13th and will run through June 23rd. During the two-week period, participants will gain valuable leadership and citizenship skills through hands-on workshops and training while also developing a greater understanding of local government and relevant issues facing the community. Hailey Page and Kevin Hernandez gave overviews of their experiences during the first week of class along with what is scheduled for the remainder of the program.

Chair Dalrymple asked for additions/changes to the Agenda. County Manager John Crumpton asked that the Board add a closed session to discuss an economic development matter. He also asked that Item VI. F. under New Business (presentation by Commissioner Reives) be pulled from the Agenda. Chair Dalrymple asked the Board to appoint a voting delegate for the upcoming NACo Conference in July. 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 Sloan moved to approve the *Consent Agenda* which consisted of the following items:

- Minutes from the June 6, 2016 regular meeting,
- Tax Releases and Refunds for May 2016 (copy attached),
- 2016 Tier II Grant from the NC Department of Public Safety for Emergency Services,
- Permit for July 4th Fireworks Event on Farrell Road (copy attached), and
- Proclamation Designating July as Parks & Recreation Month (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, Chair Dalrymple opened the floor for *Public Comments*. The following signed up to speak and were allowed 3 minutes for comments:

1. Donna Strickland, 1708 Woodridge Drive, Sanford
2. Robert Woods, 152 S. Steele Street, Sanford
3. Marsha Ligon, 1413 Palmetto Path, Sanford
4. Keely Wood, 363 Angel Road, Sanford

County Manager John Crumpton stated bids for the San Lee Nature Center were received on May 10th. M & R Associates were low bidder but within 72 hours pulled their bid due to a clerical error. Construction Systems, Inc., (CSI) Fayetteville, was the next low bidder with a base bid of \$1,997,000. For the last 3 weeks the Architects, CSI staff and county staff have been reviewing the bids and attempt to value engineer the project to remove as much cost as possible. A value engineering reduction of \$121,656.00 has been reached, making the final base bid at \$1,875,344,000. The following three options were presented to the Board for consideration:

- Option 1 – award the project as bid. \$723,920 would be moved from the capital reserve funds the County set aside in FY 2016-17 to pay for the project. Thus the County would award a contract to CSI for \$1,997,000.
- Option 2 – remove the allowances in CSI's bid for contingency and site work of \$31,800 and \$43,858 to the project ordinance contingency and award a contract of \$1,921,342 to CSI. The County would then be in control of all contingency funds and any change orders would have to come before the Board of Commissioners.
- Option 3 – accept CSI's and H & H's value engineering proposal which would reduce the cost by \$45,998. We would continue to hold the allowances in contingency and award a contract to CSI in the amount of

\$1,875,344. This would also lower the transfer from capital reserve by \$45,998 to \$667,922.

Mr. Crumpton stated the facility is designed to last and will be low maintenance for the County. Many of the design decisions made by staff were to limit ongoing maintenance and operational expenses. Commissioner Smith moved to approve Option 3 as stated above and award the contract to CSI for the project. Commissioner Oldham stated the matter should be studied further and not rush into anything. Commissioner Frazier stated prices keep going up and a decision needs to be made now. After further discussion, the Board voted on Commissioner Smith's motion to accept Option 3. Upon a vote, the results were as follows:

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

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

Ms. Pam Glover, Chair of the Juvenile Crime Prevention Council (JCPC) completed the required paperwork to appear before the Board and presented their County Plan and funding decisions for the upcoming year. The following funding decisions for FY 2016-17 were presented:

| | |
|---|---------------|
| Hope Thru Horses (Kickn Back) | \$51,161 |
| Hope Thru Horses (Strengthening Families) | 31,239 |
| Project Challenge North Carolina | 61,101 |
| Psychological Evaluations | 4,000 |
| Administrative | <u>14,270</u> |
| TOTAL | \$161,771 |

Commissioner Frazier moved to approve the JCPC funding request 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.

Ms. Glover also presented Commissioners with a plaque thanking the Commissioners for their support throughout the years for Lee County youth and JCPC.

County Manager John Crumpton presented an Addendum to the Lease Agreement at the Buggy Factory. The City of Sanford and Lee County entered into a Commercial Lease Agreement in September 2014, whereby the tenants agreed to pay rent per square foot for the footage occupied by each renter. An additional square footage of 221 sq. feet has been added to accommodate the County Environmental Health offices, IT Closet and Mechanical HVAC Room (shared by the City and County). The Addendum Agreement states the County will now pay an additional rent amount of \$1,386.33 to cover the additional 221 sq. footage. After discussion, Commissioner Smith moved to approve the *First Addendum to Commercial Lease Agreement* 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 request from Wake Stone, Inc. to amend the *Ordinance Instituting a Temporary Moratorium on Oil and Gas Development and Mining within Lee County*. County Manager John Crumpton stated Wake Stone recently contacted the Lee County Planning and Zoning office to request a modification to their existing Conditional Use Permit for mining operations off Deep River Road. Due to the wording of the Moratorium Ordinance staff would not accept their application for this change. For their application (Wake Stone) to move forward the Moratorium would need to be amended or repealed. After discussions with Attorney Neil Yarborough the following wording was offered to amend the Ordinance and would allow Wake Stone to move forward with their application. Adding the exception to Section 12-110: Limitation on Moratorium (c) "Any existing permitted mining quarry which wants to expand its activity to adjacent area". Since the Moratorium is an Ordinance this would require two readings to pass. If the Board wishes to consider moving forward then this wording can be read at this time and would constitute the first reading. The second reading would occur at the July 18th meeting. If passed, Wake Stone would still have to go through a joint public hearing with the Planning Board and go through the formal procedures to modify their permit. Mr. Tom Oxholm, Vice President of Finance and Administration with Wake Stone stated they were requesting a Conditional Use Permit to rezone a 1.15-acre tract of land acquired in 2007. The tract would be used to grant access to another four acres the company acquired in 2003, which would be used for storing natural materials. None of the five acres in question would be excavated for new mining activity. Commissioner Smith moved to repeal the Ordinance Instituting a Temporary Moratorium. After discussion, Commissioner Oldham moved to approve the added wording as presented by Attorney Neil Yarborough to the Moratorium. Upon a vote of Commissioner Smith's motion, the results were as follows:

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

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

Upon a vote of Commissioner Oldham's motion, the results were as follows:

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

The Chair ruled the motion had been adopted unanimously.

The Board considered Budget Amendment # 06/20/16/20 for the following departments:

Youth Services – appropriate \$24,392 in additional funds received from the State for the "Hope Thru Horses" program to purchase a used 12-15 passenger van.

General Services – transfer \$50,000 from Courthouse Renovations to General Services Building Improvements for renovations to the Elm Street property.

State Services – appropriate \$15,900 from Fund Balance to cover increased Medical Examiner costs.

Commissioner Smith moved to approve *Budget Amendment # 06/20/16/20* 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.

At 6 p.m. the Board conducted joint public hearings with the Lee County Planning Board. The first hearing presented was to consider an amendment to the Official Zoning Map of Lee County for the proposed "Sanford Soccer Field Complex District". Design Review Coordinator Amy McNeill outlined the petition by Toblbo Hernandez to rezone from Residential Agricultural (RA) district to a Conditional Zoning district to be known as "Sanford Soccer Field Complex District". The petition is for an 8.75 ± portion of a larger 9.95 acre ± tract of land off Airport Road, formerly addressed as 2917 Airport Road. The subject property is a portion of a larger tract that is located in both the City of Sanford's ETJ and Lee County. This rezoning request is for the portion of the tract of land that is located within the jurisdiction of Lee County only.

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

The following spoke in favor of the rezoning request:

1. Steve Malloy (Adcock & Associates), representing the Hernandez family,
2. Joseph Klimek, jfk architect, 3032 Ross Road, Durham,
3. Lorenzo Hernandez, family member from Mexico,
4. Toribio Hernandez, petitioner (Pastor Calleb Villabos translated), and
5. Van Johnson, life-long resident of Lee County.

Everyone that spoke in favor of the request stated it would benefit the youth of the county and assist in helping young children learn to play soccer.

The following spoke in opposition to the rezoning request:

1. Donna Holt, 2019 Tramway Road,
2. Elsie Stovall, 1909 Tramway Road,
3. Lessie Richmond, 2012 Tramway Road,
4. Peggy Dollar Dilworth, 7710 Villanow Drive (parents lived on Tramway Road before their death), and
5. Sherry Thomas, spoke on behalf of her mother that currently lives on Tramway Road.

Those speaking in opposition had concerns about traffic, noise, children walking down the street (highway) and traffic cutting through yards.

Chair Dalrymple closed the public hearing.

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

The second hearing involved text amendments to the Unified Development Ordinance (UDO) for Sign Regulations. Senior Planner David Montgomery outlined the proposed amendments to Article 11 Sign Regulations, Section 11.8.2: Wall Signs by adding a new Subsection 11.8.2.6 Additional Wall Sign Permitted in NC, CBD, TNC, and PUD Zoning Districts and amending Table 11.2: Standards for Permanent Signage in the NC, CBD, TND, and PUD Zoning Districts to reflect the change.

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

No one present spoke for or against the above text amendment.

Chair Dalrymple closed the public hearing.

The third and final hearing presented was a text amendment to the UDO to add the definition of "Yard Sale", and establish standards for temporary events in residential areas. Zoning Administrator Althea Thompson outlined the proposed amendments for APPENDIX A – DEFINITIONS to add a definition of a "Yard Sale". The purpose of this amendment is to clarify that yard sales shall be permitted as an accessory to any residential use and shall not require a zoning permit. Design standards shall be included within this definition.

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

No one present spoke for or against the above text amendment.

Chair Dalrymple closed the public hearing.

Members of the Lee County Planning Board and staff adjourned to the Wicker Conference Room to continue deliberation of the above three hearings. Action will be taken on these items at the July 18th meeting of the Board of Commissioners.

At this time the regular meeting resumed, with all members present.

At this time, Clerk to the Board Gaynell Lee presented results from ballots completed and signed by Board members for the following board appointments for the upcoming year:

BOARD/COMMISSION

APPOINTED

Agriculture Advisory Board

Ed Angel, Greenwood Township **
George Watson, Jonesboro Township **
A. K. Griffin, Cape Fear Township **
Donald Nicholson, Greenwood Township **
Jane Barringer, Deep River Township **

CCCC Board of Trustees

Bobby Powell

Fire Advisory Board

Royce Gaines, Fire Fighters Assoc. **
Richard Holshouser, Public **
Donald Andrews, Business **

Board of Health

John Riley, Public **
Alice Hooker, Public **

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|---------------------------------------|--|
| | Dr. William Hall, MD ** Dr. Teresa Wooddell, Dentist ** Charity Dodson, Pharmacist ** |
| Library Board of Directors | Bill Tannenbaum Sue Porr William (Bill) Cline |
| Parks & Recreation Commission | Chad Spivey ** Butch Saunders |
| Lee County Planning Board | Roy Cox ** Herman Morris ** Walter Ferguson ** Frank Gilliam ** Charles Baker Kay Coles Charles Turner – Alternate 1 Kathy Woodell ** - Alternate 2 |
| Rest Home-Nursing Home Advisory Board | Joshue Godfrey ** Harvey Godfrey ** Carol Martindale ** Linda Perkins ** Diane Dowd ** Melanie Moog ** |
| Senior Services Advisory Board | James Payne ** Henry Merritt Cleo Bryant |

** Reappointed positions

Commissioner Frazier moved to approve the above referenced board appointments for FY 2016-17. Upon a vote, the results were as follows:

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

The Chair ruled the motion had been adopted by a 6 to 1 vote. Commissioner Knecht voted against the motion because he felt citizens that had been serving and wished to continue serving should have been reappointed unless there was an issue.

The Board considered a voting delegate for the July NACo Conference in California. Commissioner Reives moved to approve Commissioner Amy Dalrymple as Lee County's voting delegate. 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 *Monthly Financial Report* for month ending May 2016 was presented. No action was taken.

County Manager John Crumpton presented his *Monthly Report for June 2016*, a copy of which is attached to these Minutes and by this reference made a part hereof. No action was taken.

Commissioner Frazier moved to go into Closed Session to discuss a personnel matter per North Carolina General Statute 143-318-.11(a) (6), and to consider the location or expansion of a business in the area per North Carolina General Statute 143-318.11(a) (4). 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.

Commissioner Frazier moved approval for the Chair to sign a pre-application for "Project Fruit". 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.

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

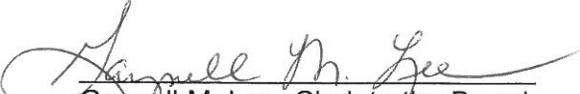
Aye: Dalrymple, Frazier, Knecht, Oldham, Reives, Sloan, and Smith
Nay: None

The Chair ruled the motion had been adopted unanimously and the meeting adjourned at 8:20 p.m.



Amy M. Dalrymple, Chair
Lee County Board of Commissioners

ATTEST:



Gaynell M. Lee, Clerk to the Board