

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 3, 2012

The regular meeting of the Board of Commissioners for the County of Lee, State of North Carolina, convened at 11 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, Charles T. Parks, Robert T. Reives, Linda A. Shook, Kirk D. Smith, and James K. Womack.

Chairman Shook called the meeting to order.

Commissioner Parks delivered the invocation.

The pledge of allegiance was recited.

County Manager John Crumpton began the process of the Boards' re-organization as required for the first meeting in December each year. The first order of business was the selection of a Chairman for the upcoming year. Commissioner Womack moved for the Board to elect the Chairman by a show of hands. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Parks, Reives, Shook, Smith, and Womack
Nay: None

The County Manager ruled the motion had been adopted unanimously.

Commissioner Shook nominated Commissioner Parks to serve as Chairman for the upcoming year. Commissioner Womack moved to close nominations and accept Commissioners Parks as Chairman by acclamation. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Parks, Reives, Shook, Smith, and Womack
Nay: None

The County Manager ruled the motion had been adopted unanimously and Commissioner Charles Parks had been appointed Chairman of the Lee County Board of Commissioners for the upcoming year.

Mr. Crumpton opened the floor for nominations for Vice-Chairman for the upcoming year. Commissioner Frazier nominated Commissioner Amy Dalrymple. Commissioner Womack nominated Commissioner Kirk Smith. Commissioner Parks moved to close the nominations. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Parks, Reives, Shook, Smith, and Womack
Nay: None

The County Manager ruled the motion had been adopted unanimously.

Mr. Crumpton asked for a show of hands for the nomination of Commissioner Amy Dalrymple as Vice-Chairman. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, and Reives
Nay: Parks, Shook, Smith, and Womack

The County Manager ruled the motion had failed by a four to three vote and therefore Commissioner Kirk Smith had been elected Vice-Chairman of the Lee County Board of Commissioners for the upcoming year.

Mr. Crumpton asked the Board to consider a *Resolution to Set the Meeting Schedule for 2013 Regular Meetings*. Commissioner Parks moved to approve the above-referenced resolution with the meeting schedule of 6 p.m. for the first and third Monday of each month. Public hearings will be held at 7 p.m., if so required. A copy of the Resolution is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Parks, Shook, Smith, and Womack
Nay: Reives

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

Mr. Crumpton told the Board each year at the first meeting in December that 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:
 - Tax Administrator (\$100,000)
 - Finance Officer (\$100,000)
 - Any employee who handles \$100,000 or more at any one time

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

Aye: Dalrymple, Frazier, Parks, Reives, Shook, Smith, and Womack
Nay: None

The County Manager ruled the motion had been adopted unanimously.

At this time, the meeting was turned over to Chairman Parks.

The Board considered additions/changes to the Agenda. Chairman Parks asked the Board to add two items to the Agenda for consideration which included (1) emergency purchase of a new boiler and steamer for the Jail, and (2) Budget Amendment for the road project at the Lee County Industrial Park. Commissioner Smith asked that the item listed on the Consent Agenda for acceptance of additional Family Planning funds to the Health Department be pulled for discussion 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, Parks, Reives, Shook, Smith, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously.

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

- Minutes from the November 13, 2012 joint meeting with Economic Development, City of Sanford and Town of Broadway,
- Minutes from the November 19, 2012 regular meeting,
- Closed Session Minutes from the August 20, September 17, October 1, October 15, November 5, and November 12, 2012 meetings,
- Budget Amendment # 12/03/12/06 (copy attached),
- Acceptance of additional Immunization funds from the State
- for the Health Department in the amount of \$3,802.00, and
- Appointments of Darius Buie, Devin Rudisill and Markita McCrimmon
- to the Juvenile Crime Prevention Council Board.

Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Parks, Reives, Shook, Smith, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously.

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

1. Ann McCracken, 520 Maplewood Drive, Sanford (Voter ID)
2. Gladys McAuley, 2100 Eveton Lane, Sanford (Against Dog Park)
3. Brooks Gage, 2201 Lord Ashley Drive, Sanford (Environmental Affairs Board)
4. Donnie Oldham, 2412 Brookwood Trail, Sanford (take positions seriously)
5. Ron Hewett, 608 Valley Road, Sanford (Strategic Planning)
6. Tom Snell, 211 S. Steele Street, Sanford (on behalf of Chamber) (Economic Development)
7. Emily Harris, 304 Robin Hood Lane, Sanford (For Dog Park)

Parks & Recreation Director John Payne provided a power-point presentation on a proposed Dog Park for Kiwanis Park. Mr. Payne shared results from a recent survey and discussed benefits and concerns expressed from the survey, rules and regulations for the Park, along with the design of the Dog Park. Funding for the Park (approximately \$20,000) would come from existing funds once

allocated for renovations to Horton Park but never used. No additional money would be requested from the County for the Dog Park. Mr. Payne stated the Parks & Recreation Commission approved the project at their November meeting. Commissioner Shook stated she thought this should be a City project instead of a County project. Commissioner Reives had concerns that this project has not been brought before the Commissioners until now. Horton Park on Washington Avenue, which has been closed for a few years, was discussed. Commissioners' expressed concerns that the \$20,000 should not be taken from Horton Park. After further discussion, Commissioner Womack moved to deny the request for a Dog Park at Kiwanis Park and see if the City of Sanford would be interested in taking on this project. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Parks, Reives, Shook, Smith, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The *2012 State of the County Health Report* was presented by Sandra Boyd, Supervisor of the Lee County Community Health Education & Promotion section of the Lee County Health Department. Ms. Boyd stated a report must be completed and approved every four years. One revision was passed out to Commissioners to be incorporated in their report. After discussion, Commissioner Womack moved to approve the 2012 State of the County Health Report, with corrections as noted. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Parks, Reives, Shook, Smith, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered an emergency replacement request for a boiler and steam for the Lee County Jail that had been added to the Agenda at the beginning of the meeting. Captain Kent Everett with the Lee County Jail stated the steamer is seven years old and the boiler is almost 20 years old. Recently \$3,000 was spent to have the boiler serviced and it has now been determined it is a safety issue due to two leaks that were found. An estimate of \$29,446.73 (minus labor) has been received for a replacement. Mr. Everett stated labor and installation charges would be taken from the Jail's current budget. After discussion, Commissioner Womack moved to approve up to \$30,000 for the emergency purchase of a boiler and steamer for the Jail with funds coming from Fund Balance, upon receipt of bids. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Parks, Reives, Shook, Smith, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a Budget Amendment for the Lee County Industrial Park road project that had been added to the Agenda at the beginning of the meeting. County Manager John Crumpton stated that remaining funds of \$45,323 from the San-Lee Dam Project are being transferred to the Industrial Park Expansion Project Fund, along with \$4,677 from the General Fund Balance to allocate funds for the easements needed to complete the road project in the Industrial Park. After discussion, Commissioner Reives moved to approve Budget Amendment # 12/03/12/07, 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, Parks, Reives, Shook, Smith, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a *Resolution to Transfer School Resource Officers to the Lee County Sheriff*. Commissioner Womack stated that Lee County is one of only ten or so counties in North Carolina still using a special policing organization to provide school safety. In the vast majority of counties, a local police force or sheriff's office performs this function in coordination with the school system. Mr. Womack further stated the Lee County Sheriff's office has the skills, expertise, and training to prepare and manage school safety officials. The Sheriff, himself, was formerly a School Resource Officer and is very familiar with all requirements. Moving the SROs from the direct supervision of the high school and/or middle school principals should free those staff from the burden of directing law enforcement tasks and providing management oversight of their SROs, leaving those tasks to the Sheriff who is much better trained and equipped for those responsibilities. Commissioner Womack moved to approve the Resolution to Transfer School Resource Officers to the Lee County Sheriff. Sheriff Tracy Carter stated he could use the seven SROs during the summer to help his department with patrolling. He has not talked with the City or school personnel in reference to this matter. Commissioner Dalrymple stated she would like to see the matter tabled until the school system could be notified and the matter discussed with them. Commissioner Reives stated he wants to allow others to speak on the matter before a decision is made. After further discussion, Commissioner Reives moved to amend the motion to delay the matter until the January 7th meeting. Upon a vote of the amended motion, the results were as follows:

Aye: Dalrymple, Frazier, and Reives
Nay: Parks, Shook, Smith, and Womack

The Chairman ruled the amended motion failed with a four to three vote and therefore the motion passed to approve the Resolution to Transfer School Resource Officers to the Lee County Sheriff, a copy of which is attached to these minutes and by this reference made a part hereof.

The Board considered a request to approve additional *Family Planning Funds* to the Health Department that had been pulled from the Consent Agenda at the beginning of the meeting. Health Director Terrell Jones stated the \$7,404.00 awarded by the Division of Public Health would be used to help support the Coalition for Families of Lee County for their *Sister Love Program* through the Health Departments Family Planning Program. The Board of Health approved the acceptance of these monies at their November meeting. Commissioner Womack stated he would like an update on what the *Sister Love Program* did. After further discussion, Commissioner Womack moved to approve the acceptance of \$7,404.00 in additional Family Planning Funds to the Lee County Health Department as presented. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Parks, Reives, Shook, Smith, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a *Resolution in Support of Requiring Voter Identification Prior to Voting in Local Elections*. Commissioner Womack asked the Board to consider a Resolution to support North Carolina General Assembly legislation for voter identification of all voters in future elections. Mr. Womack stated that currently, North Carolina does not require standardized identification of each voter when casting his/her ballot at the polls. Each voter is only required to produce a photo identification

and proof of residence upon registering to vote and then by only stating his/her address when voting. Mr. Womack stated that each of our neighboring states requires positive identification of each voter at the polls. He stated there are loopholes in the process for registering voters, including scenarios in which a person can be added to the voter rolls without actually producing photo identification. As a result, voter confidence is diminished and the potential for abuse or fraud is elevated. The General Assembly is expected to take up legislation to require Voter ID early in the upcoming session. Commissioner Womack moved to approve the Resolution as presented, a copy of which is attached to these minutes and by this reference made a part hereof. Commissioner Frazier stated he would like to see the Resolution tabled for further discussion. After much discussion, and upon a vote of Commissioner Womack's motion, the results were as follows to approve the Resolution as presented:

Aye: Parks, Shook, Smith, and Womack
Nay: Dalrymple, Frazier, and Reives

The Chairman ruled the motion had been adopted by a four to three vote.

The Board considered a *Resolution for Reform of the North Carolina (K-12) Public Education System*. Commissioner Womack presented and moved to approve a Resolution to Support Legislation in the North Carolina General Assembly to reform public schools for better educational outcomes. Mr. Womack stated that North Carolina public schools continue to lag national performance averages on college aptitude and placement testing. Half the graduates of North Carolina high schools attending community college require costly remediation in reading, writing, and/or math before they are prepared to take credit-bearing courses towards a college education. He further stated the state's "one size fits all" approach to public education is failing the 20% of students who do not graduate and those that graduate only to find their fundamental skills are lacking on entering college or the workforce. The General Assembly has a number of education reforms in mind for the upcoming session. Among the more highly publicized reforms are increased interventions for grades one through three students; elimination of teacher tenure; provision for merit or performance pay; and reducing the size of the bureaucracy in the Department of Public Instruction (DPI). Future reforms may include expanded education grants for privately schooled students and tax deductions for private schooling. After discussion, Commissioner Dalrymple stated she would like to see the matter tabled for further study. Commissioner Reives stated he wanted to hear from those dealing in education as to how this would affect them. Upon a vote to approve the Resolution, a copy of which is attached to these minutes and by this reference made a part hereof, the results were as follows:

Aye: Parks, Shook, Smith, and Womack
Nay: Dalrymple, Frazier, and Reives

The Chairman ruled the motion had been adopted by a four to three vote.

At this time the Board took a short recess. Upon returning from recess, with all members present, the meeting resumed.

The Board considered reorganization of the Environmental Affairs Board with a new Environmental Review Advisory Committee. Commissioner Womack discussed with the Board the dissolving of the Environmental Affairs Board in favor of an Environmental Advisory Committee that more directly serves the Lee County Board of Commissioners and County staff needs. Mr. Womack stated this matter was for discussion only at this time. The present Board has provided a valuable service to Lee County citizens for nearly 25 year, during which time there has been little change in its charter and tasks. With Lee County now on the verge of major new industrial developments in the highly technical and complex energy fields, of Horizontal Drilling for Natural Gas and Biofuels, the

County needs a much more diverse and better balanced group of technical experts to advise the Commissioners and staff on a wide range of environmental-technical matters. Lee County residents with the following technical skills are needed: Ecology, Environmental Engineering, Soil Science/Soil Testing, Environmental Health/Toxicology, Regulatory Planning Enforcement (DENR or EPA-related experience), Environmental Law, Hydrology/Water Testing, Meteorology/Air Testing and Geology. Commissioner Reives stated there should still be available slots on the Board for "ordinary" people that were interested but did not have the above requirements. Commissioner Dalrymple stated she would like to see individuals from agriculture, forestry, livestock and a physician on the Board. Much discussion followed but no action was taken. Commissioner Womack asked this item be placed on the January 7th agenda for further discussion and action.

The Board discussed Economic Development Corporation Transformation. Commissioner Womack requested the Board consider transforming the Lee County Economic Development Corporation (LCEDC) into a public-private partnership with proportional board representation based on financial commitment. This would realign the focus of the organization towards balanced expansion of the economic base and employment opportunities across the spectrum of retail, services, and industrial production. It would also reduce the dependence on economic incentives for attracting and retaining companies. Mr. Womack further stated since 1996, the LCEDC has generally focused on expanding the economic base of Lee County with a focus on recruiting industrial manufacturing companies. Beginning with changes to the LCEDC Charter and By-Laws during the last seven years, the County Board of Commissioners has had fewer appointees and influence (proportional to its investment) than the rest of the LCEDC partners. These votes have been further diluted by voting Ex Officio members. Despite attempts by the Commissioners to balance the EDC's work effort towards small business growth with greater diversity in the workforce, the organization has sustained its efforts to recruit industrial manufacturers with relatively low wage rates, using incentives as a recruiting tool. This has yielded higher unemployment rates in Lee County and a much lower per capita income over the past five years. It was further stated that if Lee County is to sustain its LCEDC, the County needs to achieve representation proportional to its commitment of taxpayer funds; the LCEDC needs to better balance its work efforts towards small business interests; the LCEDC should only use incentives as a tool of last resort; and the Executive Director of the LCEDC needs to provide by-monthly updates to the Commissioners to keep the Board focused on the local situation with employment, economic growth, and overall prosperity. Discussion followed but no action was taken.

The Board discussed Economic Incentive Thresholds for Economic Development. Commissioner Womack asked the Board to consider changes to the Economic Development Corporation (EDC). He stated that changes to the EDC Contract in 2010 removed all references to economic incentive standards or thresholds. Subsequently, the Board of Commissioners has received multiple incentive requests that fail to adequately invest in the local economy or that fail to provide suitable wages or numbers of positions for employment. He further stated it is incumbent on the Board of Commissioners to be fiscally responsible and equitable in its treatment of prospective new and expanding businesses. The standards for being eligible for economic incentives should be cited and easily identifiable on the internet. Moreover, these incentive thresholds should be set high so incentives are not exploited or abused as a tool for economic growth in Lee County. Standard thresholds should be established for the minimum amount of Capital Investment (real and personal property); for minimum numbers of new full-time jobs created (with benefits); for average wages paid to those workers on site in Lee County; and for the number of years of required continuous local operations for the company. The County should differentiate existing businesses from new businesses and make the thresholds for expanding already existing businesses lower than that of prospective new businesses. Commissioner Womack stated Commissioners' should identify what other counties are doing in establishing thresholds for economic development incentives and be prepared to offer

suggestions for the Lee County Policy at the first meeting in January 2013. Discussion followed but no action was taken.

The Board discussed Commissioner's Financial Policy changes. Commissioner Womack discussed the need to update the 2007 group of Financial Policies. The current version of financial policies dates back to May 2007. At that time, Commissioner Reives and the Finance Committee put together a set of financial policies addressing debt, fees and charges, fund balance, competitive employment, and tax rates. At least two of the policies require updates – (1) Policy on Debt and Debt Service; and (2) the Policy addressing ad valorem tax rates not changing except during revaluation years. Commissioner Womack stated these policies should be reviewed and reconsidered each year and updated as appropriate and he hoped for a consensus on the changes needed by the January 7th meeting. Discussion followed but no action was taken.

The Board discussed FY 2013-14 Budget Planning Guidance. Commissioner Womack discussed the need to provide the County Manager with early planning guidance that he can use in developing the 2013-14 County budget. It was stated that several Commissioners believe it appropriate for the Board to provide consensus-driven planning guidance to the County Manager to help in developing his budget. This affords several advantages which include the following:

1. Avoids confusion and late-stage major adjustments in fiscal planning stemming from Commissioner's review of the budget late in the process,
2. Helps determine the will of the Board earlier in the budget process,
3. Helps establish fiscal priorities for the Manager to take into account during internal budget deliberation,
4. Helps "target" areas for increase or reduction,
5. Identifies those areas from the Evergreen Audit (and LCSS Financial Review) that merit inclusion in the Manager's proposed budget,
6. Drives Commissioner interaction much earlier in the budget process to identify consensus and the will of the Board on matters such as tax rate, sales tax distribution method, departmental spending levels, capital improvement priorities, etc.

Discussion of the joint agreements between the City and County were discussed. After discussion, Commissioner Shook moved for the County Manager to give the City of Sanford six-month notice of the Board's intent to end the current interlocal agreements on Community Development, Planning and Zoning, Building Inspections, GIS, Tax Collections, Space Rental at the Federal Building, and Animal Control Services effective June 30, 2013. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Parks, Reives, Shook, Smith, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously.

After further discussion of the Budget Planning Guidance and upcoming Capital Improvement Program (CIP), Commissioner Smith moved to approve the FY 2013-14 Budget Planning Guidance as presented by Commissioner Womack and to suspend the CIP planning process for this year. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Parks, Reives, Shook, Smith, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously.

County Manager John Crumpton stated the Lee County Economic Development Corporation (EDC) is trying to foreclose on a company located at the Sanford-Lee County Airport and is asking the City and County to sign for a \$240,000 bond. The actual cost of the bond would be \$2,400 and EDC would pay for the bond. After discussion, Commissioner Womack moved to deny the request. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Parks, Reives, Shook, Smith, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously.

At this time, Commissioner Shook submitted her letter of resignation from the Board effective midnight, December 10, 2012, a copy of which is attached to these minutes and by this reference made a part hereof. Chairman Parks read and presented a Resolution Honoring Commissioner Shook for her service, a copy of which is attached to these minutes and by this reference made a part hereof.

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

Aye: Dalrymple, Frazier, Parks, Reives, Shook, Smith, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously and the meeting adjourned at 3:35 p.m.

At 6 p.m. the Lee County Board of Commissioners convened in the Commissioners' Room, First Floor, Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina. Commissioners present were Amy M. Dalrymple, Ricky D. Frazier, Charles T. Parks, Kirk D. Smith, and James K. Womack. Commissioner's Robert T. Reives and Linda A. Shook were absent.

Chairman Parks opened the meeting.

The purpose of the meeting was to hold a public hearing on Lee County's Solid Waste Management Plan. Solid Waste Superintendent Joe Cherry discussed the Plan and explained the need for the public hearing.

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

General Services Director Russell Spivey spoke in favor of the Plan.

No one present spoke in opposition to the Plan.

Chairman Parks closed the public hearing.

Commissioner Womack moved to approve a *Resolution Accepting and Endorsing the Solid Waste Management Plan of 2012 for the Lee County Planning Area*, 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, Parks, Smith, and Womack
Nay: None
Absent: Reives and Shook

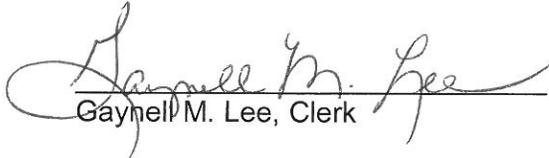
The Chairman ruled the motion had been adopted unanimously.

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

Aye: Dalrymple, Frazier, Parks, Smith, and Womack
Nay: None
Absent: Reives and Shook

The Chairman ruled the motion had been adopted unanimously and the meeting adjourned at 6:10 p.m.

ATTEST:


Gaynell M. Lee, Clerk


Charles T. Parks, Chairman
Lee County Board of Commissioners