

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 2, 2013

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, First Floor, Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina, on said date. Commissioners present were Dr. Ricky D. Frazier, Dr. Andre Knecht, Charles T. Parks, Robert T. Reives, Kirk D. Smith, and James K. Womack. Commissioner Amy M. Dalrymple was on jury duty and unable to attend the meeting.

Chairman Parks called the meeting to order.

Commissioner Kirk Smith delivered the invocation.

The pledge of allegiance was recited.

The meeting was turned over to County Manager John Crumpton who led discussion in the re-organization of the Board.

Mr. Crumpton discussed the selection of a Chairman and Vice-Chairman for a one-year term. Commissioner Smith moved to appoint, by acclamation, Commissioner Charles Parks, as Chairman for the upcoming year. Upon a vote, the results were as follows:

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

Mr. Crumpton ruled the motion had been adopted unanimously and Commissioner Charles T. Parks would serve as Chairman for the upcoming year.

The Board considered the appointment of a Vice-Chairman for the upcoming year. Commissioner Womack moved to nominate Commissioner Kirk Smith as Vice-Chairman. Commissioner Frazier moved to close the nominations. Upon a vote of Commissioner Womack's motion, the results were as follows:

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

Mr. Crumpton ruled the motion had been adopted unanimously.

Mr. Crumpton announced that Commissioner Kirk Smith had been appointed Vice-Chairman for the upcoming year.

Mr. Crumpton presented a *Resolution Setting the Meeting Schedule* for the upcoming year. Commissioner Frazier moved for the Board of Commissioner meetings to start at 4 p.m. instead of the current 6 p.m. schedule. After discussion, the results were as follows:

Aye: Frazier and Reives
Nay: Knecht, Parks, Smith, and Womack
Absent: Dalrymple

Mr. Crumpton ruled the motion failed with a 4 to 2 vote.

Commissioner Smith moved to approve the *Resolution to Set Meeting Schedule for 2014 for the Lee County Board of Commissioners*, 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: Frazier, Knecht, Parks, Reives, Smith, and Womack
Nay: None
Absent: Dalrymple

Mr. Crumpton ruled the motion had been adopted unanimously.

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

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

Mr. Crumpton stated 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. County Manager John Crumpton asked the Board to add, for discussion and consideration, an application for Lottery Funds for the Board of Education. With no other changes made, Commissioner Womack moved to approve the Agenda as amended. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

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

- Minutes from the November 18, 2013 regular meeting,
- Appointment to the Rest Home-Nursing Home Advisory Board, and
- Appointment to the Lee County Environmental Review & Advisory Committee.

Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

No one signed up to speak during the *Public Comments* section of the meeting.

The Board considered Guidelines for Late Tax Listings that had been deferred at the November 18th meeting. County Attorney Neil Yarborough drafted said Guidelines that reference North Carolina General Statute §105-312(k) which states that after a tax receipt has been charged to the tax collector, the board of county commissioners, upon petition of the taxpayer, may compromise, settle or adjust the county's claim for taxes. The statute does not allow the board to delegate the authority to the Tax Collector or Assessor. It does however, allow the board to delegate the authority to the Board of Equalization and Review. North Carolina General Statute §105-380 prohibits the board from compromising taxes except for situations as stated in North Carolina General Statute §105-381 but does not prohibit the board from using the power to compromise. The statute allows any resident to file a civil action against any member of the board, if a tax is compromised in violation of the statute. During the November 4th meeting, the Board requested the Tax Administrator, County Manager and County Attorney to develop a set of guidelines to be considered by the Board pertaining to appeals of late listing penalties. The guidelines pertain only to penalties imposed as a result of listing after the regular listing period has ended and do not pertain to property discovered for prior years or property discovered to be under-reported as a result of an audit. Commissioner Frazier moved to defer action on the matter until the December 16th meeting. Upon a vote, the results were as follows:

Aye: Frazier and Reives
Nay: Knecht, Parks, Smith, and Womack
Absent: Dalrymple

The Chairman ruled the motion had failed with a 4 to 2 vote.

After further discussion, Commissioner Womack moved to approve the *Resolution for Late Tax Listing Penalty Guidelines* as written and 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: Frazier, Knecht, Parks, Reives, Smith, and Womack
Nay: None
Absent: Dalrymple

The Chairman ruled the motion had been adopted unanimously,

Commissioner Womack stated he would like to re-visit the late tax listing penalty issued to Magneti Marelli at the November 18th meeting. After discussion, Commissioner Womack moved to decrease the penalty to Magneti Marelli from \$25,000 to \$5,000 as voted on during the last meeting on November 18th. Upon a vote, the results were as follows:

Aye: Knecht, Parks, Reives, and Womack
Nay: Frazier and Smith
Absent: Dalrymple

The Chairman ruled the motion passed with a 4 to 2 vote.

The Board considered a Grant Application for FY 2014 Seniors Health Insurance Information (SHIIP) Outreach Grant under the Medicaid Improvements for Patients and Providers Act (MIPPA). Senior Services Representative Melanie Rodgers stated that Lee County has been allocated \$1,739.00 in grant funding to provide outreach for Older Adults to better understand Medicare benefits. No matching funds are required. Funds are proposed to be used in the SHIIP program to assist with outreach activities to Medicare recipients in understanding their summary of benefits statements and extra help availability. The funds will be used as follows:

COLTS advertising on two vans	\$1,200.00
Advertising in Center Post newsletter	139.00
Advertising in <i>The Sanford Herald</i>	200.00
Advertising on local radio	<u>200.00</u>
Total	\$1,739.00

Ms. Rodgers stated funds will be used to purchase advertising on two County of Lee Transportation vehicles that are in operation Monday through Friday transporting passengers county-wide and outside Lee County. The advertising will promote the "Extra Help" program that is available to assist Medicare beneficiaries and encourage the application process. Enrollment clinics will be offered at local pharmacies to present information regarding the program and promote the benefits of low income subsidy assistance (LIS). Local churches will also be contacted to add the Extra Help information to their church bulletins. Additional advertising will be purchased through various media outlets including print and radio. Commissioner Frazier moved to approve the *Grant Application for FY 2014 Seniors Health Insurance (SHIIP) Outreach Grant* 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: Frazier, Knecht, Parks, Reives, Smith, and Womack
Nay: None
Absent: Dalrymple

The Chairman ruled the motion had been adopted unanimously.

The Board considered an FY 2014 Health Promotion and Disease Prevention Grant Application for Senior Services. Senior Services Representative Melanie Rodgers stated the total proposed funds allocated through Triangle J Area Agency on Aging for Health Promotion and Disease Prevention is

\$2,814.00 with a required local match of \$313.00 that will be paid from current budgeted funds for administration and supplies. Funds will be used in the following services:

- Workbook-\$30-CD-\$25 for Diabetes Self-Management Class - \$1,320
- Tai Chi Classes for Diner's Club participants (spring and fall class) - \$400
- Matter of Balance Training/supplies - \$594
- Sponsor registration fees for Senior Games - \$500

Commissioner Frazier moved to approve the *FY 2014 Health Promotion and Disease Prevention Grant Application* 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: Frazier, Knecht, Parks, Reives, Smith, and Womack
Nay: None
Absent: Dalrymple

The Chairman ruled the motion had been adopted unanimously.

The Board considered the acceptance of the FY 2013 Homeland Security Grant Program and Memorandum of Agreement for Emergency Services. Emergency Services Director Shane Seagroves stated The Homeland Security Grant Program was established to implement objectives addressed in a series of post 9-11 laws, strategy documents, plans, and presidential policy directives. The State of North Carolina Department of Public Safety, Division of Emergency Management will serve as the State Administrative Agency to administer funds under the U.S. Department of Homeland security, FEMA Grants program, and the County of Lee, for the benefit of Lee County and Domestic Preparedness Region 6 to conduct training activities to improve preparedness, response and recovery. After discussion, Commissioner Smith moved to accept the *FY 2013 Homeland Security Grant Program and Memorandum of Agreement* and authorize the County Manager and Emergency Services Director to sign required documents, 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: Frazier, Knecht, Parks, Reives, Smith, and Womack
Nay: None
Absent: Dalrymple

The Chairman ruled the motion had been adopted unanimously.

The Board considered a request from the North Carolina Department of Transportation to close a portion of Bruce Coggins Road. The NC Department of Transportation provided requested documents from Martin Marietta Materials asking that a .022 mile section of SR 1294 – Bruce Coggins Road be closed. The section in question meets standards by the Department of Transportation and is being considered for abandonment from the State System once a Resolution is adopted by the Board of Commissioners. Several years ago Martin Marietta revamped the operation of their facility and rendered the rear portion of Bruce Coggins Road to be essentially unnecessary for their access and for public use. Martin Marietta, who owns all adjacent property, has completed the necessary petition requirements for the road to be abandoned. After discussion, Commissioner Reives moved to approve the *Resolution Requesting Board of Transportation to Abandon a Portion of Bruce Coggins Road (SR 1294) in Lee County*, 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: Frazier, Knecht, Parks, Reives, Smith, and Womack
Nay: None
Absent: Dalrymple

The Chairman ruled the motion had been adopted unanimously.

The Board considered an application for Lottery Funds for the Board of Education that had been deferred at the October 21st meeting until a meeting between the County Manager, School Superintendent, Chairman and Vice-Chairman from the Board of Commissioners, and Chairman and Vice-Chairman from the School Board could meet and discuss this matter. County Manager John Crumpton stated the FY 2013-14 budget includes \$700,000 of lottery proceeds. The Lee County Board of Education has prepared an application to draw \$700,000 of Lottery proceeds for Phase I of the replacement of air handlers and electric heat at East Lee Middle School. The total project is expected to cost \$1,284,000. Since the initial request for Lottery proceeds the County Manager has met with the Facilities Committee for the Board of Education. At that meeting, it was suggested using Energy Savings Contracting (performance contracting) for the project and this was received with a favorable recommendation from the committee. The recommendation has to go to the full Board of Education for approval so in the meantime, the Facilities Committee and staff have asked that Commissioners proceed with approval of the Lottery Funds request, subject to a thorough review of the performance contracting proposal. If the proposal is feasible then the funds will not be drawn down for this project. If the project is not feasible then the schools can proceed with the draw-down of Lottery funds. Time is of a concern with the construction of East Lee needing to take place during the summer. After discussion, Commissioner Reives moved to approve the *Application for Lottery Funds* contingent upon the performance contracting project going forward, 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: Frazier, Knecht, Parks, Reives, Smith, and Womack
Nay: None
Absent: Dalrymple

The Chairman 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:

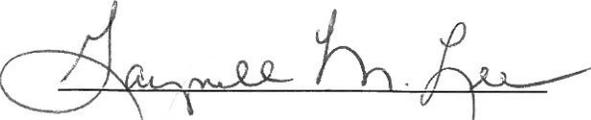
Aye: Frazier, Knecht, Parks, Reives, Smith, and Womack
Nay: None
Absent: Dalrymple

The Chairman ruled the motion had been adopted unanimously and the meeting adjourned at 4:05 p.m.



Charles T. Parks, Chairman
Lee County Board of Commissioners

ATTEST:



Gaynell M. Lee, Clerk to the Board