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

JANUARY 7, 2013

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, 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, Kirk D. Smith, and James K. Womack.

Chairman Parks called the meeting to order.

Commissioner Frazier delivered the invocation.

The pledge of allegiance was recited.

Chairman Parks stated he would be changing the order of the agenda to approve Consent Agenda items first and allow a presentation listed under New Business to be given before Old Business.

Commissioner Smith stated that in lieu of pulling the Community Services Block Grant Program application from the Consent Agenda, he would like to have the Executive Director of the Johnston-Lee-Harnett Community Action to be present during the upcoming budget deliberations to answer the following questions:

1. What actions has the Johnston-Lee-Harnett Community Action taken to correct the deficiencies found in a recent audit?
2. What number of families served has successfully moved into self-sufficiency?
3. What number of families served has not moved into self-sufficiency and why?
4. How do you conduct "life-style" audits to determine actual need?

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

- Minutes from the December 3, 2012 regular meeting,
- Acceptance of resignation of former Commissioner Linda Shook (copy attached),
- Budget Amendment # 01/07/13/08 (copy attached),
- Annual Software Maintenance Renewal Agreement with Tyler Technologies for the Tax Appraisal system (copy attached),

- FY 2013-14 Community Services Block Grant Program for Johnston-Lee-Harnett Community Action, and
- Tax Releases and Refunds for November 2012 (copy attached).

Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

The Board considered additions/changes to the Agenda. County Manager John Crumpton asked the Board to consider bids for Phase I of the paving project for the Clyde Rhyne Road project in the Lee County Industrial Park. With no other changes made, Commissioner Womack moved to approve the Agenda as amended. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

The Board considered the appointment of a new County Commissioner from District 3 to replace former Commissioner Linda Shook. Chairman Parks stated the local Republican Party had nominated Dr. Andre Knecht to replace Commissioner Shook. Commissioner Parks moved to approve a *Resolution Appointing Andre Knecht to 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: Dalrymple, Frazier, Parks, Reives, Smith, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously.

At this time, Clerk to the Board Gaynell Lee administered the Oath to Dr. Knecht who joined other Commissioners on the bench.

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 3 minutes for comments:

1. Ms. Wendy Bryan, 204 Crystal Drive, Broadway (sales tax redistribution)
2. Mr. Donald Andrews, Mayor, Town of Broadway, 126 West Lake Drive, Broadway (sales tax redistribution)

Ms. Brooks Gage completed the required paperwork to appear before the Board to give a presentation in reference to the Lee County Environmental Affairs Board (EAB). Ms. Brooks discussed the matter on whether to dissolve the existing board and create a new Environmental Review Advisory Committee. Specific points made were to show what the EAB has worked on in the past, an overview of existing by-laws, and skill sets of the current membership. She also asked the Board of Commissioners to consider the ideas presented for creating a better review board without disbanding the existing Environmental Affairs Board.

The Board considered a recommendation presented by Commissioner Womack at the December 3, 2012 meeting to reorganize the Environmental Affairs Board with a new Environmental Review & Advisory Committee. Commissioner Womack stated the present Environmental Affairs Board (EAB) has provided a valuable service to Lee County citizens for nearly 25 years, during which time there has been little change in its charter and tasks. He stated he was looking at a different angle for the Board (EAB) from what it is currently is doing. He further stated he wanted to get away from political appointments by the County, City of Sanford, and Town of Broadway. With Lee County on the verge of major new industrial developments in the highly technical and complex energy fields of Horizontal Drilling for Natural Gas and Bio-Fuels, the County needs a much more diverse and balanced group of technical experts to advise the Board of Commissioners and County staff on a wide range of environmental-technical matters. He stated the Committee should be made up of representatives from Agriculture, Biology/Animal Science, Ecology, Environmental Engineering, Environmental Health/Toxicology, Environmental Law, Forestry, Geology, Hydrology/Water Testing, Meteorology/Air Testing, Soil Science/Soil Testing, Waste Management, and Regulator Planning & Enforcement. Mr. Womack further stated he would like to keep the Committee at 9 members and that current members of the EAB with qualifying expertise will be eligible for transfer to the Environmental Review & Advisory Committee, upon a vote of approval by the Lee County Board of Commissioners. Commissioner Dalrymple stated she thought a 12-15 member board would be best and include "ordinary people" from the community to serve. Commissioner Reives stated he wanted to keep the EAB as it currently is. He expressed concern about adding so many different people to a committee. He further suggested the EAB stay intact and to create another individual board like Commissioner Womack stated. After discussion, Commissioner Womack moved to disband the Lee County Environmental Affairs Board (EAB) and instead create an Environmental Review & Advisory Committee (ERAC) that will be composed of 9 appointed members, each possessing technical skills and experience from the following areas – Agriculture, Biology/Animal Science, Ecology, Environmental Engineering, Environmental Health/Toxicology, Environmental Law, Forestry, Geology, Hydrology/Water Testing, Meteorology/Air Testing, Regulatory Planning & Enforcement (DENR or EPA experience), Soil Science/Soil Testing, and Waste Management. Members of the EAB are encouraged to submit applications to serve on the ERAC if they have skills or experience. The mission of this newly established board will be to review technical documentation and to advise the Board of Commissioners on testing, monitoring, and regulatory matters affecting the environment of Lee County. After further discussion, Commissioner Reives amended the motion to make the Committee recommended by Commissioner Womack as a sub-committee under the current Environmental Affairs Board. Upon a vote of Commissioner Reives amended motion, the results were as follows:

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

The Chairman ruled the motion failed by a 4 to 3 vote.

Upon a vote of the original motion, the results were as follows:

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

The Chairman ruled the motion had been adopted by a 4 to 3 vote.

Mr. Ted Abernathy Executive Director from Southern Growth Policies Board and Mr. Dan Parks from N.C. State University Business and Technology Extension Service State Program Director (SBTDC) gave a presentation of several months of interviews and research on findings and recommendations from a newly-created county economic growth plan. Mr. Abernathy and Mr. Parks

were asked several months ago to identify the best practices for county economic development, including focus, organizational structure, collaboration, and funding models, laying the groundwork for future work and turning feedback from community leaders into goals for the long term growth of Lee County. Numerous individuals were interviewed in late April through June 2012. From the Commissioner interviews, the charge was modified from the development of a long-term strategic plan to essentially laying the groundwork for a comprehensive economic growth strategy in 2013. Commissioners provided the following instructions to the consultants:

1. Expand the planning input; interview additional parties including mayors, town managers, community college, school leaders, chamber leaders, EDC, leading employers, small businesses, medical, agriculture, and agri-business.
2. Identify best practices for County economic development including focus, organizational structure, collaboration, and funding models.
3. Lay the groundwork; complete the input phase and build the plan architecture this year for a comprehensive economic strategy next spring in time for the budget cycle.
4. Frame the feedback into major goals for the long-term County growth plan.

It was stated that the next steps for the newly created Board of Commissioners should be to determine their collective economic development priorities as soon as possible. A community-wide economic development summit could then be used to determine if the next step is the development of multiparty, multiyear strategy for economic growth or County Commissioners only approach for 2013. After discussion, Commissioner Womack moved to accept the recommendations from SBTDC to conduct an internal Board of Commissioner strategy session followed by an economic growth summit with all county stakeholders participating, with both meetings being facilitated by the SBTDC. The motion also included for the County Manager to negotiate a reasonable cost for the continuing work of SBTDC as facilitators of the county's economic growth planning process. An internal Board of Commissioners meeting is scheduled for January 16, 2013, beginning at 12 noon in the Gordon Wicker Conference Room at the Lee County Government Center and the Economic Growth Summit to be held on March 1, 2013 from 9 a.m. to 4:30 p.m. at the McSwain Extension Education & Agriculture Center located on Tramway Road. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

The Board considered a request from the Lee County Schools for special appropriation of funding for security equipment. Dr. Jeff Moss, Superintendent of Lee County Schools stated he had received 3 bids for security to entrances to all schools, except Lee County High School. Bids range between $206,775 and $370,047. Commissioner Womack stated he felt private discussion needed to take place to address security issues for all the schools. Superintendent Moss stated he would love to sit down in private and go over processes and procedures the schools currently have in place. After further discussion, Commissioner Smith moved to defer action on the request and set a private meeting of the Board of Commissioners, Board of Education, and Sheriff Tracy Carter to meet and discuss the matter. County Manager John Crumpton informed the Board that a closed session (private meeting) could not be held because it did not meet any of the permitted reasons for a closed session. Commissioner Smith amended his motion to have 3 representatives from each Board to meet in private with Sheriff Carter to discuss security matters. Upon a vote of the amended motion, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

The Board considered an amendment to the Clyde Rhyne Drive Road Extension Project. County Manager John Crumpton asked the Board to approve the amendment to add geotechnical services to the current agreement with The Wooten Company for the maximum price of $45,650. The current contract for professional (engineering) services includes design, permitting, and construction administration to the Clyde Rhyne Drive Extension. The amendment will add geotechnical services (through a subcontract with the highly qualified firm S&ME), including construction materials testing which will assure compliance with NCDOT standards, required for the road being accepted into the State's Secondary Road System. Mr. Crumpton stated funding for the project would come from grant funds. After discussion, Commissioner Womack moved to approve an amendment to add geotechnical services to the current agreement with The Wooten Company for the maximum price of $45,650, 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, Parks, Reives, Smith, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered bids for the Phase I paving project of the Clyde Rhyne Road in the Lee County Industrial Park that was added to the agenda at the beginning of the meeting. County Manager John Crumpton stated this is a continuation of the process associated with the Caterpillar Incentive/Expansion. EDA requires the County to use a competitive process for the selection of the contractors for the paving project. Mr. Crumpton further stated the County is under a time constraint to begin the project prior to February 15, 2013. He is still working on the construction easements for 2/3rds of the project, and an agreement has been reached for Phase I to begin. The Wooten Company conducted the bidding process for this Phase of the project and is recommending the award go to S.T. Wooten. After discussion, Commissioner Womack moved to approve the low bid of $97,113.87 from S. T. Wooten Corporation of Wilson, North Carolina, for Phase I of the Clyde Rhyne Road Paving Project at the Lee County Industrial Park. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

The Board considered appointments to the Lee County Board of Equalization & Review. Clerk to the Board Gaynell Lee presented applications for consideration. Ballots had been prepared and passed out to all Commissioners prior to the meeting in order for the voting process to move faster. Upon tabulation of the signed ballots, the following were appointed to serve on the Lee County Board of Equalization & Review:

FULL TIME MEMBERS
Allen Sloan
Robert Garrett
Mike McDonald
Cindy Ammons

ALTERNATE MEMBERS
John Ramsperger
Al Rushatz
Herb Hincks
Frank Del Palazzo
Harry Stryffeler

Commissioner Smith moved to approve the above referenced individuals to the Lee County Board of Equalization & Review as presented. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

The Board considered a voting delegate for the upcoming Legislative Goals Conference scheduled for January 24th & 25th in the Research Triangle Park. Each Board of County Commissioners is asked to designate one voting delegate for the conference. Commissioner Womack moved to appoint Commissioner Parks as Lee County's voting delegate for the Legislative Goals Conference. With no other nominations received, nominations were closed. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

Finance Director/Assistance County Manager Lisa Minter presented the *Monthly Financial Report* for month ending November 2012. No action was taken.

County Manager John Crumpton discussed a proposed joint meeting with the Town of Broadway to discuss the sales tax distribution method and all services the County and Town of Broadway share together. After discussion, Commissioner Smith moved to approve the joint meeting with the Town of Broadway, at an off-site location, and also to extend the invitation to the City of Sanford for a separate off-site meeting to discuss the sales tax distribution method and interlocal agreements and services. County Manager John Crumpton was asked to schedule the meetings the first week of February. Upon a vote, the results were as follows:

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

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

Chairman Parks passed out Commissioner Board appointments for the upcoming year, a copy of which is attached to these minutes and by this reference made a part hereof.

Commissioner Smith 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). Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously and the Board was in closed session. Upon returning from closed session, with all members present, the meeting resumed.

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

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

The Chairman ruled the motion had been adopted unanimously and meeting adjourned at 9:05 p.m.

Charles T. Parks, Chairman
Lee County Board of Commissioners

ATTEST:

Gaynell M. Lee, Clerk to the Board