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

OCTOBER 5, 2015

The regular meeting of the Board of Commissioners for the County of Lee, State of North Carolina, convened at 4 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, Larry "Doc" Oldham, Robert T. Reives, Timothy S. Sloan, and Kirk D. Smith. Dr. Andre Knecht arrived at 4:15 p.m.

Chair Dalrymple called the meeting to order and the following business was transacted:

Commissioner Frazier delivered the invocation.

The pledge of allegiance was recited.

The Board considered additions/changes to the Agenda. With no changes made, Commissioner Frazier moved to approve the *Agenda* as presented. Upon a vote, the results were as follows:

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

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 September 21, 2015 regular meeting, and
- Minutes from the September 28, 2015 Joint Interlocal Sub-Committee meeting.

Upon a vote, the results were as follows:

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

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. Ms. Kay Coles, 177C Traceway, Sanford (UDO Text Amendments)
2. Ms. Keely Wood, 363 Angel Road, Sanford (Moratorium)
3. Ms. Therese Vick, 4617 Pearl Road, Raleigh (Moratorium)
4. Ms. Marsha Ligon, 1413 Palmetta Path, Sanford (Moratorium)

The Board considered a Moratorium for Oil and Gas Extraction. County Attorney Kerry Self stated a lot of time had been put into researching and drafting the Moratorium. Commissioner Frazier stated he was in favor of going forward with the Moratorium, adding mining extraction to the Moratorium, and scheduling a public hearing. A time frame for the Moratorium was discussed. Community Development Director Marshall Downey stated it would take 18-24 months to complete text amendments to the revised Unified Development Ordinance. Commissioner Knecht arrived during this discussion at 4:15 p.m. After further discussion, Commissioner Reives moved to approve the *Moratorium for Oil and Gas Extraction as presented, add mining extraction to the Moratorium, place a two-year limit on the Moratorium, and schedule a public hearing for 6 p.m., Monday, November 2, 2015*, a copy of which is attached to these Minutes and by this reference made a part hereof. Commissioner Smith stated he was opposed to moving forward with the Moratorium. Commissioner Dalrymple stated she respected Commission Smith's opinion but disagreed. She felt the legislature was targeting counties and the people have a voice. Upon a vote, the results were as follows:

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

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

The Board considered a Promissory Note for the Sanford-Lee County Regional Airport Authority. County Manager John Crumpton stated that during the August 17th meeting the Board approved a request from the Airport Authority to borrow funds from the City and County for construction of T-hangars and infrastructure improvements at the Airport. Staff has prepared the required 15-year loan documents to lend the Airport Authority $650,000 at a market interest rate of 2.83%. Mr. Crumpton stated the Local Government Commission (LGC) would be meeting on October 6th to approve the Note. After discussion, Commissioner Oldham moved to approve a *Promissory Note in the amount of $650,000 to the Sanford-Lee County Regional Airport Authority*, 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 an amendment to the Lee County Smoking Ordinance. Health Director Terrell Jones stated that in 2008 Commissioners adopted an Ordinance prohibiting the use or smoking of tobacco products in County government buildings and/or vehicles. Existing N.C. Law (General Statute §14-313) defines e-cigarettes as a tobacco product because they contain tobacco-derived nicotine. The NC Tobacco Prevention and Control Branch suggests stating the Ordinance restricts "the use or smoking of tobacco products, including e-cigarettes" to more clearly state that e-cigarettes are included. In July 2015 the Board of Health passed a Resolution requesting expansion of the tobacco products definition to include e-cigarettes and vaping products. Mr. Jones further stated that if the

amendments are approved, new signage will be required for all County buildings. After discussion, Commissioner Reives moved to approve the *Amended Lee County Smoking Ordinance* (which has not been drafted at this time) and schedule a public hearing for 6 p.m., Monday, November 2, 2015, to consider modification to the Lee County Ordinance's definition of tobacco products. 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. It was noted that the Ordinance will require one public hearing and two readings before final approval.

The Board considered bids for the Sanitary Sewer Rehabilitation Project at OT Sloan Park @ Atlantic & Western Railroad. General Services Director Russell Spivey stated bids were opened on September 30th for the above referenced project. He also gave the Board a brief history over the past 10-years concerning the sewer line. The issue is at the railroad tracks and approval had to be given by the railroad authority before the project could be undertaken since it is a railroad right-of-way project. Engineer Jeremy Thomas (J. Thomas Engineering, Inc.) stated three (3) bids were received from the following vendors:

1. ELJ, Inc., Jacksonville, NC $ 52,825.00
2. Sandhills Contractors, Inc. $ 69,413.61
3. Eberhart Construction Co., Inc. $182,820.00

Note: Bid from Eberhart was rejected due to an error provided on the Bid Form.

Mr. Thomas stated he had contacted three references for ELJ, Inc. and everyone he spoke with had been satisfied with their work. It was noted that once the project is complete the line will be turned over to the City of Sanford and tied into their sewer line. The City will pick up the annual $650.00 fee once the project has been completed. It was recommended by Mr. Thomas and Mr. Spivey that the bid be awarded to ELJ, Inc. in the amount of $52,825.00 for said project. After discussion, Commissioner Reives moved to award the bid to ELJ, Inc., Jacksonville, North Carolina, in the amount of $52,825.00 for the Sanitary Sewer Rehabilitation Project referenced above, and include a 10% contingency for the project. 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 bids for the Waterline Replacement Project at the Lee County Government Center. General Services Director Russell Spivey gave the Board a brief history on the water line and repairs that have been completed over the past several years. He further stated it was essential that the project move forward due to the offices located at the Government Center (Health Department, Tax Office, and Social Services). Engineer Jeremy Thomas (J. Thomas Engineering, Inc.) told the Board bids were opened on September 30th for the above referenced project. A total of three (3) bids were received from the following vendors:

1. ELJ, Inc., Jacksonville, NC $ 51,350.00
2. Eberhart Construction Co., Inc. $106,150.00
3. Sandhills Contractors, Inc. $115,638.44

Mr. Thomas stated reference checks have been completed on the low bidder ELJ, Inc. Mr. Thomas and Mr. Spivey both recommended the bid be awarded to ELJ, Inc. in the amount of $51,350.00 for the waterline replacement project referenced above. Mr. Spivey also stated he was $21,790.00 over budget on this project and requested the Board approve an additional appropriation in this amount. After discussion, Commissioner Reives moved to approve the low bid from ELJ, Inc. in the amount of $51,350.00, proceed with the above referenced project, and include a 10% contingency for the project. 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 Smith questioned if the water at the Government Center had been tested. After discussion, it was agreed the Health Department would conduct water testing at the Lee County Government Center.

The Board considered Budget Amendment # 10/05/15/03 which consisted of revisions to the following departments:

Library – appropriate funds from the K. Brown Bequest Fund to purchase a computer and microfilm reader/scanner for the history room at the Library.

Senior Services – rollover funds from FY 2014-15 for furniture that was ordered prior to June 30th but not received until July 2015.

Senior Services-COLTS – adjust budget for actual grant allocations that differed from budgeted amounts.

Solid Waste – using fund balance for a site assessment at the landfill per NCDENR

Commissioner Reives moved to approve the above referenced *Budget Amendment* 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.

The Board considered a Resolution supporting TARPO road projects. Chair Dalrymple asked the Board to approve said Resolution as approved recently during the Triangle Area Rural Planning Organization (TARPO) meeting. Ms. Dalrymple outlined the following projects related to the City and County:

HIGHWAY

- Kelly Drive realignment at Central Carolina Community College in Sanford,
- NC 78 widening project, from US 1 to Lemon Springs Road,
- Colon Road modernization and widening from US 421 Bypass to Deep River Road.

BICYCLE AND PEDESTRIAN

- Little Buffalo Creek Greenway in Sanford, from Charlotte Avenue to City Hall,
- Woodland Avenue sidewalk project, from Evergreen Lane to Globe Street in Sanford,
- Fields Drive sidewalk project, from Horner Blvd. to Carthage Street in Sanford,
- S. Main Street sidewalk project, from Mansfield Drive to 100 block of Main Street in Broadway,
- Carthage Street road diet project, from Wicker Street to Chatham Street in Sanford.

AVIATION

- Taxiway and apron strengthening to match runway strength at Raleigh Executive Jetport,
- Runway extension justification, EA and PE at Raleigh Executive Jetport,
- Corporate hangar apron expansion Phase I at Raleigh Executive Jetport,
- Terminal building expansion and renovation at Raleigh Executive Jetport,
- Corporate hangar apron expansion Phase 2 at Raleigh Executive Jetport, and
- New 13-unit T-hangar at Raleigh Executive Jetport.

RAIL

- Automotive terminal along CSX line in northern Lee County, near Moncure, and
- Sanford passenger rail station.

After discussion, Commissioner Frazier moved to approve a *Resolution Endorsing TARPO Road Projects Identified for Consideration in NCDOT Prioritization 4.0*, 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. Commissioner Reives stated he would like to see a copy of the original list generated to form the above referenced list.

County Manager John Crumpton asked the Board to consider a request from the State Employees' Credit Union to use the Nash Street Extension (going into OT Sloan Park) for an entrance driveway for their new building. After discussion, Commissioner Knecht moved to approve the State Employees' Credit Union request to use the Nash Street Extension as a driveway for their new building. 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 Frazier moved to go into Closed Session to (1) consider a personnel matter per North Carolina General Statute §143-318.11(a) (6) and (2) 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, 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, Chair Dalrymple called the regular meeting back to order.

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 5:55 p.m.

Amy M. Dalrymple, Chair
Lee County Board of Commissioners

ATTEST:

Gaynell M. Lee, Clerk to the Board