

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 20, 2008

The regular meeting of the Board of Commissioners for the County of Lee, State of North Carolina, convened at 3:00 p.m., in the Commissioners' Room, Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina, on said date. Commissioners present were Robert H. Brown, James C. Kelly, Jerry M. Lemmond, Nathan E. Paschal, John T. Quiggle, and Linda A. Shook. Commissioner Robert T. Reives had been excused from the meeting.

Chairman Brown presided and called the meeting to order. The following business was transacted:

Commissioner Quiggle delivered the invocation.

The pledge of allegiance was recited.

The Board considered additions/changes to the agenda. With there being no changes, Commissioner Paschal moved to approve the agenda as presented. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Quiggle, and Shook
Nay: None
Absent: Reives

The Chairman ruled the motion had been adopted unanimously.

Chairman Brown announced that Item D under New Business (Revisions to the Public Comments Procedures) was being pulled from the agenda. Commissioner Quiggle moved to approve the deletion of Item D from the Agenda as stated by Chairman Brown. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Quiggle, and Shook
Nay: None
Absent: Reives

The Chairman ruled the motion had been adopted unanimously.

Commissioner Lemmond moved to approve the agenda as amended. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Quiggle, and Shook
Nay: None
Absent: Reives

The Chairman ruled the motion had been adopted unanimously.

The Board considered approval of the Consent Agenda. Commissioner Kelly moved to approve the Consent Agenda as presented which consisted of the following items:

- Minutes from the October 6, 2008 regular meeting;
- Tax Releases and Refunds for September 2008 (copy attached);
- Amended Records Retention Schedule for Tax Administration (copy attached);
- Application for lottery funds in the amount of \$1,465,619 for the Board of Education (copies attached);
- Resolution Imposing a Gross Receipts Tax on Heavy Equipment in Lieu of Property Tax (copy attached);
- Purchase of four new vehicles for the Sheriff's Department, totaling \$87,551.35;
- Acceptance of a \$32,750 Federal grant from the United States Department of Justice to purchase an AFIS Tracker System for the Sheriff's Department; and
- Budget Amendment # 10/20/08/#10 (copy attached)

Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Quiggle, and Shook
Nay: None
Absent: Reives

The Chairman ruled the motion had been adopted unanimously.

The following signed up to speak during the *Public Comments* section of the meeting:

- Harry Undy, 558 Argyll Drive, Sanford
- Herb Hincks, 2207 Wilkins Drive, Sanford
- Richard Littiken, 314 Rhynewood Drive, Sanford
- Keith Clark, 233 Chris Cole Road, Sanford
- Eugene Barufkin, 376 Kittery Point, Sanford

Mr. Lewis Riddle completed the required paperwork to appear before the Board to discuss the donation of road signs to replace the current ROD Sullivan road signs. Mr. Riddle asked the Board allow him to pay for two road signs adding "Captain" to the current ROD Sullivan signs. Mr. Riddle stated that Mr. Sullivan was a famous and heroic person that should be honored. In June 2002 the Planning Board denied this same request after the public hearing when residents who had signed petitions were informed of the numerous address change notifications that would be required. Chairman Brown informed Mr. Riddle his request would have to follow proper procedures with an application to the GIS and Planning Departments. After further discussion, Commissioner Paschal moved to refer the matter to the GIS and Planning

departments and forward a letter of support from the Commissioners. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Quiggle, and Shook
Nay: None
Absent: Reives

The Chairman ruled the motion had been adopted unanimously.

The Board considered a request from the Lee County Board of Education for funding to relocate students and staff at Lee Senior High School and for mold remediation. Interim School Superintendent Gary Jackson discussed the recent inspection reports generated by the Lee County Health Department in reference to a mold study. The Board of Education voted at their last meeting to demolish the Foreign Language/Communications building and purchase POD classrooms to replace the classrooms that will be lost in the demolition. The request also addresses fire safety issues and the mold remediation and prevention issues that arose from the recent Environmental Report. The Board of Education asked for a total of \$656,300 to cover the following:

- \$385,000 for mobile classrooms (2 pods with 26 classrooms and restrooms) which includes the first year lease only, 48 month term lease to own
- \$115,000 demolition of Foreign Language building, Art Annex, and canopies
- \$ 58,000 for asbestos abatement
- \$ 42,000 for furniture for new mobiles
- \$ 46,300 for technology for new mobiles

Mr. Jackson also asked for \$37,164.74 for mold remediation that was addressed in the report from the Health Department. Total amount requested from the Board of Education equals \$693,465.00. It was noted that the Finance Committee recommended approval of the above-referenced funding during their meeting earlier in the morning. After some discussion, Chairman Brown moved to accept the Finance Committee's recommendation to approve \$693,465.00 to the Board of Education to cover the above-referenced expenses. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Quiggle, and Shook
Nay: None
Absent: Reives

The Chairman ruled the motion had been adopted unanimously.

The Board considered an application from Mr. Johnny Knight and Mr. Mike Barbour dba Northwest Pocket LCID, LLC for a franchise to develop and operate a LCID landfill on property located on Pickard Road in Lee County. The facility will cover 1.99 acres of land and will have a life expectancy of approximately two years. The facility will accept land clearing and inert debris including uncontaminated soil, stumps, brush and limbs, rock and gravel, bricks, concrete and concrete block, road asphalt, and unpainted and untreated wood waste. Solid Waste Superintendent Joe Cherry presented the request and stated Northwest Pocket LCID is asking for a ten-year exclusive franchise for the area covering the west side of US #1. Mr. Cherry stated

that if approved, the Board would need to approve an annual application fee and fee charges. Mr. Cherry recommended that an annual application fee of \$500.00 be charged. Commissioner Paschal stated there was a great need for a landfill of this type in the county. Commissioner Shook moved to defer action on the matter until more information could be provided. Upon a vote, the results were as follows:

Aye: Kelly, Quiggle, and Shook
Nay: Brown, Lemmond, and Paschal
Absent: Reives

The Chairman ruled the motion failed with a tie vote.

After further discussion, Commissioner Paschal moved to approve the application submitted by Northwest Pocket LCID, LLC, a ten-year exclusive franchise for the area covering the west side of US #1, preliminary site plan, preliminary plat, \$500.00 annual application fee, and a fee schedule of \$15.00 per pickup truck load, \$35.00 single axle load, \$55.00 tri-axle load, and \$65.00 quad or trailer load. Upon a vote, the results were as follows:

Aye: Brown, Lemmond, Paschal, and Quiggle
Nay: Kelly and Shook
Absent: Reives

The Chairman ruled the motion on the first vote for the franchise agreement had been adopted by a four to two vote. **Per N.C. Gen Stat 153A-46 a franchise may not be adopted until it has been passed at two regular meetings.** This item will be on the November 3, 2008 agenda for the second and final vote.

The Board considered a *Memorandum of Understanding* between Lee County, the Lee County Arts & Community Center and United Way of Lee County for maintenance services at the Lee County Arts Center. County Manager John Crumpton stated he had been contacted about the County providing basic maintenance services to the Lee County Arts Center where current services are provided by volunteers. The Memorandum of Understanding will have the County's General Services Department perform inspections of the facility and provide basic maintenance services for a fee as outlined in the agreement. The United Way of Lee County, who has an office in the facility, will act as the liaison between the tenants of the building and General Services. The County will bill the Arts Council by the hour for labor services performed. In addition, the Arts Council will reimburse the County for all materials purchased by the County on their behalf at the County's cost. After some discussion, Commissioner Lemmond moved to approve the *Memorandum of Understanding* between Lee County, the Lee County Arts & Community Center and United Way of 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: Brown, Kelly, Lemmond, Paschal, Quiggle, and Shook
Nay: None
Absent: Reives

The Chairman ruled the motion had been adopted unanimously.

County Manager John Crumpton presented the *Monthly Financial Report* for month ending September 2008 in the Finance Directors absence.

After some discussion, Commissioner Shook moved that a hiring freeze be effective immediately through January 15, 2009, with safety sensitive positions excluded. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Quiggle, and Shook
Nay: None
Absent: Reives

The Chairman ruled the motion had been adopted unanimously.

County Manager John Crumpton gave a BRAC update.

At 4:15 p.m. Chairman Brown recessed the meeting until 7:00 p.m.

The meeting resumed at 7:00 p.m. in Courtroom #4 at the old Lee County Courthouse, 1408 S. Horner Blvd., Sanford, North Carolina. Commissioner's present were Robert H. Brown, James C. Kelly, Nathan E. Paschal, and Linda A. Shook. Commissioners absent were Jerry M. Lemmond, John T. Quiggle, and Robert T. Reives

Chairman Brown called the joint meeting to order with the Lee County Planning Board that had been advertised for this date and time.

Planner Althea Thompson outlined the rezoning petition submitted by the Cape Fear Volunteer Fire Department to rezone 1-acre of land located at 5725 Buckhorn Road from Residential Agricultural (RA) district to Office and Institutional (O & I) district.

Chairman Brown opened the public hearing.

The following spoke in favor of the rezoning petition:

- Tim Sloan, President of the Cape Fear Fire Department
- Cecil Cameron, 3459 Avents Ferry Road, owner of property

No one present spoke in opposition to the rezoning request.

Chairman Brown closed the public hearing.

Assistant Community Development Director Marshall Downey discussed the following text amendments recommended to the Unified Development Ordinance (UDO):

- Exemption for government owned wireless telecommunication facilities for the purposes of public safety communications;
- Motorized scooter, motorcycle and/or ATV sales/rentals in the CBD Central Business District; and
- Add new rules for concessionaire vendors to the temporary use regulations

No one present spoke in favor of or in opposition to the above-referenced text amendments.

Chairman Brown closed the public hearing.

With no further business to come before the Board, Chairman Brown adjourned the meeting at 7:25 p.m.

Robert H. Brown, Chairman
Lee County Board of Commissioners

ATTEST:

Gaynell M. Lee, Clerk