

# LEE COUNTY

NORTH CAROLINA

*Committed Today for a Better Tomorrow*

## MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS FOR THE COUNTY OF LEE, STATE OF NORTH CAROLINA

JUNE 16, 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, Robert T. Reives, and Linda A. Shook.

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

Commissioner Linda Shook delivered the invocation after a moment of silence in memory of former Commissioner Raymond "Buck" Cox who passed away Sunday morning. Mr. Cox served as a County Commissioner from 1984 – 1988.

The pledge of allegiance was recited.

The Board considered changes/additions to the agenda. County Manager John Crumpton asked the Board to consider the reallocation of lottery funds for the Board of Education. Commissioner Reives asked that the Board discuss an equipment issue at the Lee County Courthouse. Commissioner Paschal moved to approve the above additions to the agenda. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

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

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

The Chairman ruled the motion had been adopted unanimously.

Commissioner Lemmond moved to approve the Consent Agenda as presented, which consisted of the following items:

- Minutes from the June 2, 2008 regular meeting;
- Minutes from the June 5, 2008 Finance Committee meeting;
- Tax Releases and Refunds for May 2008 (copy attached);
- Bids for purchase and installation of generator for fuel pumps at General Services;
- Renewal contract for inmate labor service with the North Carolina Department of Correction (copy attached);
- Resolution in support of widening SR 1140 – McDougald Road (copy attached);
- Annual fire works permit for Lee County Mud Motorsports Complex;
- Approval to write off delinquent taxes over 10-years old;
- Commercial Equipment Direct Assistance Program for Emergency Management;
- Homeland Security Grant for National Incident Management Program for Emergency Management;
- Department of Homeland Security Grant for All Hazards Training Program for Emergency Management; and
- Contract for Lemon Springs Fire Department to cover Cameron Fire District in Lee County (copy attached)

Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

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

- Mr. Keith Clark, 233 Chris Cole Road, Sanford
- Mr. John Daniel, Chairman of the Lee County Economic Development Corporation;
- Mr. Bob Joyce, President of the Sanford-Lee County Chamber of Commerce; and
- Mr. Eugene Barufkin, 376 Kittery Point, Carolina Trace, Sanford

At this time the Board conducted public hearings in reference to the FY 2005 and FY 2008 Community Development Programs. Ms. Patt Crissman, representative from The Wooten Company stated a close-out hearing must be held for the FY 2005 Scattered Site Housing Community Development Block Grant project. The purpose of the hearing is to allow citizens the opportunity to discuss the performance of the program that included \$400,000 for housing rehabilitation. A total of six (6) homes were renovated during the project. Commissioner Lemmond expressed his appreciation to Planner Karen Kennedy and Patt Crissman from The Wooten Company for their work and handling of the project on such a tight time schedule.

Chairman Brown opened the first public advertised for the FY 2005 CDBG project.

No one present spoke in reference to the 2005 CDBG project.

Chairman Brown closed the public hearing.

Commissioner Shook moved to approve the Closeout Performance Report and Certificate of Completion for the FY 2005 Community Development Block Grant project, a copies of which are 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, Reives, and Shook  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Chairman Brown opened the second public hearing in reference to the FY 2008 Scattered Site Housing Community Development Block Grant project.

Ms. Patt Crissman, representative from The Wooten Company stated a second public hearing was required to allow interested citizens to hear about and comment on the \$400,000 proposed FY 2008 grant application. Ms. Crissman stated the project is intended to provide whole house rehabilitation assistance to homeowners making 50% or less of area median income. The applicant's house must be deteriorated, but capable of being brought up to HUD housing standards. The County can elect to relocate households where housing units are beyond repair. No local match is required for the grant. Lee County received a total of 104 applications for housing assistance with eleven (11) applicants being ineligible due to household income over the 50% median income level. A preliminary evaluation of the top thirty (30) applicants will be done by reviewing needs on the application and by drive-by inspections of the exterior of the houses. The Project Advisory Committee will meeting on July 9, 2008, to review the initial evaluations and complete write-ups for the top priority unites. Ms. Crissman further stated the Board would need to consider three decision points which include (1) relocation (typical cost +/- \$100,000); (2) rehabilitation (typical cost \$40,000-\$60,000 (substantial rehabilitation request) and (3) urgent repair (up to \$40,000 total can be budgeted with \$5,000 limit per unit).

No one present spoke in reference to the FY 2008 CDBG project.

Chairman Brown closed the public hearing.

Commissioner Shook moved for staff to begin the application process for the FY 2008 CDBG project and to approve the three decision points stated above. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

The Board considered an Economic Development Incentive between the Lee County Economic Development Corporation and 3M manufacturing for a 5-year project to expand their leased facility. The County has been asked to participate in sharing up to \$40,463 of the cost of the project. A public hearing was held on June 2, 2008, and action was deferred on the matter until the June 16, 2008 meeting. Commissioner Reives moved to approve a *Resolution Authorizing the Expenditure of Funds for an Economic Development Project and Approving an Agreement with the Lee County Economic Development Corporation*, 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 Reives  
 Nay: Shook

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

Mr. Donald Andrews, Chairman of the Lee County Fire Advisory Board presented the FY 2008-09 fire district budgets. Mr. Andrews stated the Fire Advisory Board has worked diligently since April reviewing budgets received from the eight volunteer fire departments. Budgets were reviewed by line item plus by a one-on-one meeting with each department to review their submission. The Board is currently working on a countywide rate for each department but is not ready at this time to make a recommendation. Fire Advisory Board member John Altenburger was recognized for his dedication and hard work while serving on the Board. Mr. Altenburger has decided not to seek re-election for another term. A public hearing will be held at 5:30 p.m., Monday, June 23, 2008 to hear comments in reference to the Fire Department budgets. No action was taken.

The Board made the following appointments to various Boards and Commissions for the terms listed:

<b><u>BOARD/COMMISSION</u></b>	<b><u>TERM</u></b>	<b><u>TERM EXPIRES</u></b>
Lee County Airport Authority Buddy Keller *	3 years	2011
ADA Committee Patricia Cameron * Lisa Yancey Sylvia Morgan *	3 years	2011
Central Carolina Community College Board of Trustees Ed Garrison *	4 years	2012
Lee County Economic Development Corporation Tommy Mann, Jr. *	3 years	2011
Lee County Fire Advisory Board Royce Gaines * Donald Andrews * Kenneth Cameron	4 years	2012

Lee County Board of Health Linda Kelly, RN position Kenny Cole, Engineer position Dr. Diane Schaller, Veterinarian position Dr. Lauren Williams, Optometrist position	3 years	2011
Industrial Facilities and Pollution Control Financing Authority Robert Gray * Lowell Rickard *	6 years	2014
Library Board of Trustees Bob Joyce	3 years	2011
Parks and Recreation Commission Telesford Aguirre * Dean Sanders *	3 years	2011
Lee County Planning Board Martha Lucas * Elizabeth Kovasckitz	3 years	2011
Rest Home-Nursing Home Advisory Board Eugenia Foxx * Charma Mullins * Fran Starnes * Virginia Pembleton * Frances Foushee * Mary Bristow * Lois Yow * William Bates Sylvia Peak	3 years	2011
Sanford Board of Adjustments Paul Kelly *	3 years	2011
Social Services Board Paul Utley	3 years	2011
Transportation Advisory Board Billy Wolfenbarger *	2 years	2010

(\* Members Reappointed)

The Board considered the redirection of North Carolina Lottery Funds for the Lee County Schools which amounts to \$842,258.00. The request is a redirection of the balance of other project funds to the needs of renovations of the old Gym and demolition of the Science Building at Lee County High School. Commissioner Quiggle moved to approve the request to redirect funds from the North Carolina Lottery Fund, 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, Reives, and Shook  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board discussed a chiller unit at the Lee County Courthouse that has been down for the past ten days. General Services Director Russell Spivey stated the chiller unit that provides cold air for the building is fourteen years old and a portable unit is being used that costs the County \$4,500 per week. The cost of a new unit will run around \$175,000 - \$400,000 and is not being recommended at this time. Approximately \$15,000-\$20,000 has been spent to date on repairs to the current unit. Mr. Spivey stated that staff is working diligently to repair the unit and will exhaust all avenues to repair over purchasing a new unit. Commissioner Reives asked the County Manager to send a memo to courthouse staff updating them on what is going on with repairs. No action was taken.

County Manager John Crumpton presented the following information under the *Manager's Report*:

- Monthly Financial Report for month ending May 2008
- Budget updates – a second public hearing will be held at 5:30 p.m., Monday, June 23, 2008, to hear comments in reference to the proposed FY 2008-09 budget. A public hearing will also be held at that time to hear comments in reference to the Fire Department budgets for FY 2008-09. Final adoption of the budget is scheduled for 5:30 p.m., Monday, June 30, 2008.

Commissioner Quiggle moved to go into closed session to discuss personnel matters per NC Gen Stat 143-318.11 (a) (6). Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously and the Board was in closed session.

After completing business in closed session, Chairman Brown recessed the meeting till 7:00 p.m.

Upon returning at 7:00 p.m. in Courtroom #4 at the old Lee County Courthouse, Chairman Brown called the meeting back to order. Commissioners present were Robert H. Brown, James C. Kelly, Jerry M. Lemmond, and Linda A. Shook. Commissioners Nathan E. Paschal, John T. Quiggle, and Robert T. Reives were absent.

Chairman Brown presided and the following business was transacted:

County Manager John Crumpton stated a public hearing had been advertised for this date and time to hear public comments concerning the proposed acquisition of J. Glenn Edwards Elementary School as collateral for the proposed QZAB installment financing

agreement. On May 21, 2007, the Board of Commissioners approved the Board of Education applying for QZAB funding for various capital items. In July 2007 the Lee County Schools were notified they had been approved for \$1,622,021 of QZAB authority. On May 5, 2008, the Commissioners approved a resolution supporting an application to the Local Government Commissioner. Mr. Crumpton stated that one of the schools receiving funds from the application must be used as collateral for the installment financing agreement. The Board of Education has selected J. Glenn Edwards Elementary School as that collateral. The school will be acquired by the County and leased back to the Lee County Board of Education until the debt is satisfied. Annual impact of the grant will be \$115,858.64. Mr. Crumpton recommended the Board approve the request.

Chairman Brown opened the public hearing.

No one present spoke in favor of or in opposition to the QZAB application.

Chairman Brown closed the public hearing.

Commissioner Lemmond introduced a *Resolution Accepting the Proposal of New Mexico Bank & Trust in Connection with an Installment Financing for the Renovation, Improvement and Equipping of Public School Facilities*, a copy of which is attached to these minutes and by this reference made a part hereof. Commissioner Kelly seconded the motion, and upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

Commissioner Shook introduced a *Resolution Making Certain Findings and Determinations Regarding the Financing of the Renovations, Improvement and Equipping of Pubic School Facilities by the County Pursuant to an Installment Financing Agreement and Requesting the Local Government Commission to Approve the Execution and Delivery of an Installment Financing Agreement*, a copy of which is attached to these minutes and by this reference made a part hereof. Commissioner Lemmond second the motion, and upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

Commissioner Kelly introduced a *Resolution Authorizing the Execution and Delivery of an Installment Financing Agreement, a Deed of Trust, a Rehabilitation Agreement, a Lease Agreement and Related Documents in Connection with an Installment Financing for School Improvements*, a copy of which is attached to these minutes and by this reference made a part hereof. Commissioner Lemmond second the motion, and upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

At this time the Board conducted a public hearing that had been advertised for this date and time with the Lee County Planning Board to consider text amendments to the Unified Development Ordinance (UDO).

Chairman Brown opened the public hearing.

Assistant Community Development Director Marshall Downey discussed the following proposed text amendments that have been recommended by the Joint Planning Commission:

Amendment 1 – Update to permit temporary religious events to occur in residential districts provided such events occur on parcels already developed as a religious complex or other non-residential use. Single-family dwelling lots or vacant tracts in residentially zoned areas could not be utilized.

Amendment 2 – Add new language to establish regulations and design standards for free-standing ice vending units.

Amendment 3 - Amendments to allow accessory dwellings in the R-6, R-10, R-12 and MF-12 residential districts.

Amendment 4 – Corrective amendment to Section 4.12.12, Appeal of Decision (Historic Preservation Commission). This change is related to the City of Sanford but the County of Lee and Town of Broadway will be asked to consider and vote on the amendment also.

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

Chairman Brown closed the public hearing.

The Planning Board will make a recommendation on the above amendments to the Board of Commissioners for deliberation at their July 21, 2008 meeting.

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

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

The Chairman ruled the motion had been adopted unanimously and the meeting adjourned at 7:20 p.m.

---

Robert H. Brown, Chairman  
Lee County Board of Commissioners

ATTEST:

---

Gaynell M. Lee, Clerk