

LEE COUNTY

NORTH CAROLINA

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

JUNE 2, 2008

The regular meeting of the Board of Commissioners for the County of Lee, State of North Carolina, convened at 9:00 a.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.

The pledge of allegiance was recited.

Ms. Andrea Currin from the Employee Selection Committee introduced Lt. David Prevatte, with the Lee County Sheriff's Office, as the *June 2008 Employee of the Month*. Chairman Brown awarded Lt. Prevatte with his awards which include a day off with pay, a *Star Award*, a framed certificate, a pizza (compliments of Papa John's Pizza), Coca Cola products from Sanford Coca Cola Bottling Company, and a movie rental from the Movie Gallery.

The Board considered changes/additions to the agenda. Commissioner Kelly asked that carpet replacement for the Sheriff's office be pulled from the Consent Agenda for discussion. Commissioner Shook asked that the 2008 COPS School Grant be pulled from the Consent Agenda for discussion. Chairman Brown asked that the renewal contract with Logan Systems for the Register of Deeds office be pulled from the Consent Agenda for discussion. Commissioner Reives moved to approve the above changes 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 Lemmond 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 amended, which consisted of the following items:

- Minutes from May 19, 2008 regular meeting; and
- FY 2008-09 Home and Community Care Block Grant for Senior Services;

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, Chris Cole Road, Sanford

At this time the Board conducted a public hearing to consider an economic development project between the Lee County Economic Development Corporation and 3M manufacturing company. Economic Development Director Bob Heuts told the Board the project would include participation in the cost of renovating and new equipment. The project represents an investment to Lee County of at least \$2,600,000.00 and the project will add at least 10 new jobs in Lee County. Mr. Heuts stated that if approved, the County would be responsible for \$40,463 over a 5-year period.

Chairman Brown opened the advertised public hearing.

The following individuals spoke in opposition to the economic development project with 3M:

- Mr. Keith Clark, 233 Chris Cole Road, Sanford
- Ms. Phyllis Lyons, 101 Wendy Lane, Sanford

The following individuals spoke in favor of the economic development project with 3M:

- Mr. Bob Heuts, Lee County EDC Director
- Mr. John Daniel, Chairman of the Economic Development Corporation

Chairman Brown closed the public hearing.

Commissioner Shook moved to defer action on a *Resolution Authorizing the Expenditure of Funds for an Economic Development Project and Approving an Agreement*

with the Lee County Economic Development Corporation until the June 16, 2008 meeting. 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 new State regulations pertaining to private drinking water wells. Health Director Mike Hanes told the Board that in 2006 the North Carolina General Assembly passed legislation directing the Environmental Management Commission to adopt rules for local health departments governing the permitting, inspection, sampling and testing of private drinking water wells. The new legislation goes into effect July 1, 2008, and local health departments will be responsible for enforcing the new regulations. Mr. Hanes further stated that Lee County has had its own well program for over thirty years. The Lee County regulations are very similar to the new State rules with few exceptions. Lee County could have chosen to have their own well regulations but would have had to be equal to or more stringent than the State rules, and by having local regulations, the County would have to assume all liability for the program. County Attorney K. R. Hoyle recommended the Commissioners let the County rules expire and adopt the State rules. After some discussion, Commission Reives moved to approve the new State rules and regulations pertaining to local well water rules. 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.

Health Director Mike Hanes discussed with the Board new Temporary Food Establishment Fees recently issued by the Attorney General's Office. Mr. Hanes stated that Temporary Food Establishments (TFE) is now subject to a permit fee similar to the one assessed to restaurants each year. The annual permit fee is \$50.00 for restaurants. Accordingly, a TFE is subject to the \$50.00 permit fee each time they receive a permit for an event. If a TFE sets up on consecutive weeks at a different event then they would be subject to two consecutive permit fees. Some vendors such as church groups and civic clubs are exempt from the ruling. The State Office of Environmental Health has determined these fees shall be assessed, collected and used locally to support the environmental health programs. Mr. Hanes further stated the permit fees are mandatory and become effective July 1, 2008. It is anticipated that Lee County will collect approximately \$1,250 of additional revenue a year due to this change. Mr. Hanes was asked to provide the Board information on how someone would appeal the process. No action was taken.

The Board considered bids for workers' compensation insurance coverage. County Manager John Crumpton told the Board that Lee County currently carries its workers' compensation insurance coverage with the North Carolina Association of County Commissioners Workers' Compensation Pool. A renewal quote for FY 2008-09 was received from the Association in the amount of \$831,162, an \$87,640 increase from the current year. Requests for Proposals were sent out for workers' compensation insurance coverage with the following four bids received:

NCACC (fully insured)	\$831,162.00
WAUSAU (fully insured)	\$620,449.00
Millennium Insurance Group (fully insured)	\$498,430.00
Compensation Claims Solutions (NCACC) Administrative Services Only	

Mr. Crumpton recommended Lee County contract with Millennium Insurance Group for workers' compensation insurance coverage at a cost of \$498,430.00 for FY 2008-09. After some discussion, Commissioner Quiggle moved to approve a *Resolution for Workers' Compensation Insurance Coverage with Millennium Insurance Group*, 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 considered a request from the City of Sanford for the donation of surplus County property located on Martin Street. County Manager John Crumpton stated the City of Sanford has requested the County allow them to own a parcel of property on Martin Street that would be use as a passive park to enhance the neighborhood. The property in question does not have paved access and has been used as a trash dump and criminal activity. Assistant Community Development Director Marshall Downey stated the City will address the unpaved access and possibly utilize the property with such things as a walking trail, scenic area, picnic shelter, playground equipment and/or common green space. The City of Sanford will control and maintain the park area. After some discussion, Commissioner Reives moved to approve the donation of surplus property located on Martin Street to the City of Sanford with the stipulation that the property will revert back to the County if the City does not use it as a park. 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 bids for carpet replacement at the Sheriff's Office that had been pulled from the Consent Agenda at the beginning of the meeting. General Services Director Russell Spivey told the Board the following bids were received for replacement of carpet at the Lee County Sheriff's office:

Southern Carpet & Interiors, Sanford	\$29,500
Terry's Floor Fashions, Inc., Cary	\$38,600
Factory Carpet Outlet, Inc., Sanford	No Bid

Commissioner Kelly asked why more Lee County vendors did not bid on the project. Mr. Spivey explained the bid procedure and why some small companies could not handle large projects, the insurance requirements a company must have, and the ability to match the carpet currently in the courthouse. Mr. Spivey also stated he selected vendors based on previous work experience. After further discussion, Commissioner Quiggle moved to accept

the low bid of \$29,500 from Southern Carpet & Interiors. 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 the 2008 COPS School Grant that had been pulled from the Consent Agenda at the beginning of the meeting. Lt. David Prevatte told the Board the grant is for law enforcement agencies to administer with partnering schools. The Lee County Sheriff's Office will assist with writing resources to help schools wishing to improve security equipment such as cameras, radios, locking mechanisms, lighting, metal detectors, etc. provided the school is able to meet the 50% financial matching obligation. Lee County will be under no obligation to provide monetary assistance for the grant. Mr. Prevatte stated he did not have a dollar amount for the grant at this time. He has worked with the schools on this project in the past and they are aware of what is required to participate. When the agenda packages were distributed Grace Christian School was the only school that had provided a letter agreeing to pay the 50% match required for security equipment. Superintendent Jim McCormick submitted a letter, after the agenda packages were distributed, stating the Board of Education would consider the matter at their June 9, 2008 meeting. Commissioner Shook questioned if the request should be approved pending approval from the Board of Education. Commissioner Reives asked if Provisions Academy would be included in the grant if they chose to participate. After further discussion, Commissioner Reives moved to approve the 2008 COPS School Grant application as presented. 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 a *Renewal Contract with Logan Systems, Inc.* for the Register of Deeds Office that had been pulled from the Consent Agenda. Register of Deed Mollie McInnis told the Board the only change to the contract was going from a 1-year to a 3-year agreement with no fee increase for the duration of the contract. After some discussion, Commissioner Lemmond moved to approve the *Renewal Contract with Logan Systems, Inc.*, 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.

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

- Final report on the 2005 CDBG Project that was completed on Friday, May 30, 2008. A final public hearing on the project will be held at the June 16, 2008 meeting;
- Presented the annual report from the NC Division of Forest Resources;

- Reminded Board members of the June 10, 2008 Legislative Day to be held in Raleigh;
- Advised the Board the City of Sanford has asked Representative Jimmy Love to address legislation to allow the City to extend water and sewer services into the County under their current policy;
- Expressed concern that no budget meetings have been held to date. Still waiting on budget information from the Lee County Board of Education; and
- Finance Committee has scheduled a meeting for 5:30 p.m., Thursday, June 5, 2008, to be held in the Gordon Wicker Conference Room.

Commissioner Reives moved that the Chairman send a letter today to the Board of Education asking for their budget information immediately. 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. (Note: The Board of Education furnished requested budget information to the Manager's Office during the Commissioners meeting).

Commissioner Reives asked the County Manager to contact the Lee County Economic Development Corporation and obtain a list of any company that has moved or closed prior to completing their incentive obligations. Mr. Reives also asked for the EDC Board and Commissioners to consider if a company receives an incentive agreement and has a lay-off that those individuals are given first choice for rehire.

Commissioner Lemmond asked that "before and after" pictures be taken of CDBG projects. He also wanted to thank the Forest Service for the excellent work they do in Lee County.

Commissioner Lemmond moved that a letter of support for Senate Bill 2092 be forwarded to Senator Bob Atwater, Representative Jimmy Love, and the North Carolina Association of County Commissioners to repeal the requirement of counties having to pay the cost of installing and maintaining courthouse telephones and related infrastructure. 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 asked that department heads make sure at least three Lee County vendors are contacted when bids are submitted for projects.

Commissioner Shook discussed the wording of public notices for economic development incentives. She also expressed concern with the incentive policy as it relates to wages. County Manager John Crumpton was asked to work with Economic Development

Director Bob Heuts on the above matters and also the need for more data on employment labor.

Commissioner Kelly moved to go into closed session to discuss personnel matters per North Carolina 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. Commissioner Shook was excused from the meeting at this time to attend a meeting in Raleigh and did not participate in the closed session discussion.

After completing business in closed session, Commissioner Lemmond moved to adjourn the meeting. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously and the meeting adjourned at 11:30 a.m.

Robert H. Brown, Chairman
Lee County Board of Commissioners

ATTEST:

Gaynell M. Lee, Clerk