



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

DECEMBER 4, 2006

A swearing-in ceremony for newly and re-elected Commissioners for the County of Lee, State of North Carolina, was held at 9:00 a.m. in Courtroom #4 at the old Lee County Courthouse, 1408 S. Horner Blvd., Sanford, North Carolina, on said date. Superior Court Judge Frank Lanier swore re-elected Commissioners Robert T. Reives and Amy L. Stevens into office, along with newly elected Commissioners James C. Kelly, Jr., and Linda A. Shook. Re-elected Clerk of Court Ann Blakely and newly elected Sheriff Tracy L. Carter were also sworn into office. Retiring Sheriff Billy Bryant and Commissioners W. Chad Adams and Herbert A. Hincks were presented resolutions and plaques for their years of service with Lee County. A reception was held immediately following the ceremony in the downstairs lobby of the new Lee County Courthouse.

The regular meeting of the Board of Commissioners for the County of Lee, State of North Carolina, convened at 1:30 p.m. in the Commissioners' Room, Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina. Commissioners present were Robert H. Brown, James C. Kelly, Jerry M. Lemmond, Nathan E. Paschal, Robert T. Reives, Linda A. Shook, and Amy L. Stevens

County Attorney K. R. Hoyle presided and the following business was transacted:

Commissioner Bob Brown delivered the invocation. Mr. Hoyle led the pledge of allegiance.

County Attorney K. R. Hoyle told the Board the first order of business was the election of a Chairman for a one-year term. The Board agreed to vote by using signed ballots. Ballots were distributed and tabulated with the following votes recorded:

COMMISSIONER

VOTED FOR

Brown	Brown
Kelly	Lemmond
Lemmond	Lemmond
Paschal	Brown
Reives	Lemmond
Shook	Brown
Stevens	Brown

Mr. Hoyle announced that Commissioner Brown had received four votes and Commissioner Lemmond had received three votes, and therefore Commissioner Robert H. Brown had been elected Chairman for the coming year by a four to three vote.

County Attorney K. R. Hoyle called for the election of a Vice-Chairman for a one-year term. Ballots were distributed and tabulated with the following votes recorded:

COMMISSIONER

VOTED FOR

Brown	Stevens
Kelly	Lemmond
Lemmond	Lemmond
Paschal	Stevens
Reives	Lemmond
Shook	Stevens
Stevens	Stevens

Mr. Hoyle announced that Commissioner Stevens had received four votes and Commissioner Lemmond had received three votes, and therefore Commissioner Amy L. Stevens had been elected Vice-Chairman for the coming year by a four to three vote.

Mr. Hoyle asked the Board to consider a Resolution to Set the Meeting Schedule for Regular Meetings. Commissioner Lemmond moved to approve a *Resolution to Set Meeting Schedules for the Board of Commissioners*, a copy of which is attached to these minutes and by this reference made a part hereof. The meeting schedule will remain as it currently is with the Board meeting the first and third Monday of each month at 9:00 a.m. and 3:00 p.m. respectively. Joint public hearings with the Lee County Planning Board will be held the third Monday of each month at 7:00 p.m. if required. Upon a vote, the results were as follows:

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

Mr. Hoyle ruled the motion had been adopted unanimously.

Mr. Hoyle told the Board each year at the first meeting in December, the Board must approve official bonds for the following employees:

- Sheriff (\$25,000)
- Register of Deeds (\$50,000)
- Every other officer of the county who is required by law to give a bond for the faithful performance of his/her duties, which in our case are the following:
 - Tax Administrator (\$100,000)
 - Finance Officer (\$100,000)
 - Any employee who handles \$100.00 or more at any one time

Commissioner Pascal moved to approve the above stated bonds as recommended by the County Attorney. Upon a vote, the results were as follows:

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

Mr. Hoyle ruled the motion had been adopted unanimously.

IT Director Ryan Draughn discussed with the Board new recording equipment recently installed in the Commissioners' Room. Mr. Draughn stated he was very pleased with the new system and that voice patterns and noises will be detected easily. He asked for patience, as sound adjustments may need to be made on the system from time-to-time.

At this time Mr. Hoyle turned the meeting over to Chairman Brown.

The following new employees were introduced to the Board:

- Ms. Billy Jo Stewart, Adult Services Department, Social Services
- Mr. Jonathan Godfrey, Environmental Health, Health Department;
and
- Mr. Eric Griffin, Emergency Management Director

Mr. Joe Cherry, Chairman of the Employee Selection Committee introduced Ms. Debby Oldham, Finance Accounting Specialist IV with the Lee County Finance Department as the *December 2006 Employee of the Month*. Chairman Brown presented Ms. Oldham with her 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 additions/changes to the agenda. Commissioner Reives moved to approve, on the Consent Agenda, the top five (5) priorities presented by the North Carolina Senior Tar Heel Legislature that will be presented to the North Carolina General Assembly when it convenes in January 2007. County Manager David Smitherman addressed the Supplemental Agenda that had been distributed to Board members with additional information pertaining to the appeals process for the 2007 Revaluation. Chairman Brown moved to approve the agenda as amended. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Reives, Shook, and Stevens

Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Kelly moved to approve the Consent Agenda as amended, which consisted of the following items:

- Minutes from the November 13, 2006 regular meeting
- Zoning map amendment: Pattishall petition (RA to HC) (copy attached)
- Budget amendment # 12/04/06/#08 (copy attached)
- Bids for lighting of two ball fields at Tramway Road Park (copy attached)
- Approval of five (5) N.C. Tar Heel Legislature priorities to be presented to the N.C. General Assembly (copy attached)

Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Reives, Shook, and Stevens

Nay: None

The Chairman ruled the motion had been adopted unanimously.

No one signed up to speak during the "Public Comments" section of the meeting.

Mr. Tim Cain from Assessment Solutions and Ms. Lisa Faulkner from the Tax Office addressed the Board in reference to approval of the Order Adopting Schedules of Values, Standards, and Rules to be used in Appraising Real Property in the 2007 Reappraisal. It was stated that a Public Notice would be advertised for four (4) consecutive weeks in the local newspaper once the Order has been approved. The Public Notice will state that the Schedules of Value, Standards and Rules have been adopted by the Board of Commissioners and are available for examination in the Office of the Acting Assessor on the third floor of the Lee County Government Center. The public will also be advised they

may appeal the Schedule within thirty (30) days of the first publication which will be posted on December 7, 2006. Notices will be mailed in February and community meetings/work sessions will be held to educate the public on the new revaluation process. Commissioner Reives stated he wants the appeal process to be very simple. Commissioner Shook asked that a work session be held with the Board of Equalization and Review in order to better understand the process; wants a comfort level for everyone. County Manager David Smitherman was asked to confer with the Board of Equalization and Review in reference to scheduling a work session. After further discussion, Commissioner Reives moved to approve the *Order Adopting Schedules of Values, Standards, and Rules To Be Used In Appraising Real Property in the 2007 Reappraisal*, 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, Reives, Shook, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a request from the Robert E. Lee Society to place a monument of General Robert E. Lee at the Lee County Courthouse. Mr. Bill Johnson and Mr. David Spivey, representatives from the Robert E. Lee Memorial Committee, appeared before the Board and stated that in September 1999 the Society received approval from the Board of Commissioners to place a memorial of General Robert E. Lee at the Lee County Courthouse. If approved, the proposed memorial site will be the center courtyard between the old and new courthouses. A tentative dedication date has been scheduled for April 14, 2007, and will be coordinated by the Robert E. Lee Society and the Lee County Centennial Committee. After some discussion, Commissioner Lemmond moved to reconfirm the proposal for the Robert E. Lee Society to place a memorial of General Robert E. Lee at the Lee County Courthouse and approve the site location in the courtyard between the two courthouses. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

The Board considered meeting dates for December 2006 and January 2007. Commissioner Reives moved to hold only one meeting in December 2006 and hold meetings at 9:00 a.m., Monday, January 8, 2007, and 3:00 p.m., Monday, January 22, 2007. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

The Board considered a voting delegate for the annual Legislative Goals Conference that is scheduled for January 11-12, 2007 in Pinehurst. Various Commissioners stated they would be attending the conference. Commissioner Lemmond volunteered to be Lee County's voting delegate if so desired by the Board. Commissioner Reives moved to accept Commissioner Lemmond as Lee County's voting delegate by acclamation for the annual Legislative Goals Conference. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

Commissioner Reives discussed a proposed policy relating to future funding for public school construction projects. Mr. Reives stated the previous Board of Commissioners paid a very big debt in the area of financing new schools (approximately \$50 million) by using Certificates of Participation (COPs), a procedure that does not require approval by the public. He further stated he feels the public should be allowed to vote, by a public bond referendum, for future funding for new buildings or renovations to the public school system. Commissioner Kelly questioned if the request included financing of projects for the community college. Mr. Reives stated his concern was only for the public school system and measures that apply to projects in the current Capital Improvements Program (CIP), including proposed renovations to Lee County High School. Commissioner Kelly further stated he felt the public should be involved on funding for large projects. Commissioner Stevens stated the Board of Education should be notified of the Commissioner's decision so they may begin planning for renovations for Lee Senior High School. After further discussion, Commissioner Reives moved to approve a policy that requires future funding for new buildings or renovations for the public school system to be approved by a public bond referendum. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

Commissioner Reives asked that the County send Christmas cards to local guardsmen serving in Iraq (oversees). He further stated he felt this should be a continuing practice with possibly a newsletter included. After some discussion, Commissioner Reives moved for the Clerk to obtain a list and

addresses of local National Guardsmen serving overseas and mail Christmas cards to them. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

Commissioner Lemmond discussed with the Board Sections 3.3 (Eligibility) and 3.4 (Separation from Service) of the Lee County Personnel Policy as it relates to longevity pay for employees with at least fifteen (15) years of service should they be unable to return to work for medical reasons. Human Resource Director Joyce McGehee discussed with the Board a recent survey she had completed from other cities and counties addressing their method for paying longevity pay when employees leave employment. Discussion centered around an employee at the Sheriff's Department that retired a few days short of her anniversary date; therefore, denying her of her longevity pay because she was not employed on her anniversary date. It was noted that Sheriff's Department staff sometimes leave their positions because they have no choice when a new Sheriff is elected, as was the recent case when Sheriff Tracy Carter was elected. County Manager David Smitherman suggested longevity payments be made one time a year somewhere around Christmas and not on the employees anniversary date, as is the current Lee County policy. Commissioner Reives moved that Ms. Gayle Freeman, former Administrative Assistant with the Sheriff's Department, who retired on November 30, 2006, be granted her prorated longevity pay. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

Commissioner Reives moved that future longevity cases involving retirement and law enforcement personnel be treated on a case-by-case basis and that staff address all other areas of longevity and bring to the Board of Commissioners for a recommendation. After further discussion, Commissioner Stevens moved to defer consideration of the matter until staff can bring a recommendation back to the Board for consideration. Upon a vote of Commissioner Stevens motion, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Shook, and Stevens
Nay: Reives

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

The Board considered appointments to the Juvenile Crime Prevention Council (JCPC). Social Services Director Brenda Potts recommended that Ms. Shawnda Cherry, Principal of Bragg Street Academy and Ms. Allison Delaney Briggs, representing the Student Government Association from Lee County High School be appointed to serve on the above-mentioned Council. Commissioner Lemmond moved to approve the appointments of Ms. Shawnda Cherry and Ms. Allison Delaney Briggs to the Juvenile Crime Prevention Council. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

The Board considered three appointments to the Mid-Carolina Workforce Development Board. The Clerk to the Board was notified that one of the recent appointees to the above referenced Board cannot serve due to a conflict of interest and the other appointee stated she would be unable to attend scheduled meetings. It was noted that a third individual had been removed from the Board (by the Mid-Carolina Board) for lack of attendance. Commissioners were asked to appoint someone from organized labor, the business sector or the private sector to fill these vacancies. Commissioner Kelly moved for the Clerk to the Board to advertise for applications in The Sanford Herald to fill these vacancies. The matter will be discussed again at one of the meetings in January 2007. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

The Board considered an appointment to the BRAC RTF Executive Committee. County Manager David Smitherman told the Board that Mr. Tim McNeill, Chairman of the Base Realignment and Closure (BRAC) Regional Task Force (RTF), has notified Lee County of the need for a letter of appointment designating a third individual to represent Lee County to the BRAC RTF Executive Committee. Currently Commissioner Paschal represents Lee County and Mayor Cornelia Olive represents the City of Sanford, with Commissioner Reives serving as the alternate member. After some discussion, Commissioner Stevens moved to appoint Commissioner Paschal as a regular member to the BRAC RTF Executive Committee, along with Commissioner Reives and Strategic Initiatives Director Lesa Price as alternate voting members. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

The Board considered an appointment to the Lee County Criminal Justice Partnership Advisory Board to replace former Chief Deputy Kevin Bryant. Commissioner Reives moved that a letter be sent to Sheriff Tracy Carter asking for a recommendation to fill Mr. Bryant's position on the Lee County Criminal Justice Partnership Advisory Board. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

Finance Director Lisa Minter presented Sales Tax Information for November 2006 and answered questions from the Board. Ms. Minter stated that Lee County received \$315,267 in October from the first lottery distribution. The Board took no action.

County Manager David Smitherman told the Board a committee, made up of Commissioner Stevens, Health Director Mike Hanes, and he had met and discussed the Caremark Drug Card Program as requested by the Board at the September 18, 2006 meeting when Pharmacist Charles Clifford presented the Board of Health's recommendation to not endorse this program. Mr. Smitherman stated the Committee was making the following recommendations:

1. The Board of Commissioners should request the Board of Health to conduct the necessary research to determine available discount drug program(s) and/or resources for discount medications and create a pamphlet for County citizens that will provide comparisons of these plans and resources. The pamphlet will assist citizens with determining which discount drug program or resource is best suited for their needs; and
2. The Health Department should make every effort to acquire and make these cards/programs available to the citizens of Lee County as well as the contact information for other discount medications.

Mr. Smitherman further stated it was the Committee's intent for the Health Department to promote the program and distribute the cards, but also give the public other options to select from. After discussion, Commissioner Stevens moved to approve the above two recommendations presented by the Committee. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Paschal, Shook, and Stevens
Nay: Lemmond and Reives

The Chairman ruled the motion had been adopted by a five to two vote.

Commissioner Reives requested that he be furnished a copy of the Board of Health's minutes discussing this matter along with any other correspondence to the same.

County Manager David Smitherman stated that Human Resource Director Joyce McGehee, Strategic Initiatives Director Lesa Price, and Clerk to the Board Gaynell Lee would conduct an Orientation Session for new Commissioners on Wednesday, December 13, 2006, from 8:00 – 12:00 noon in the Small Conference Room at the Lee County Government Center. Veteran Commissioners are invited to attend if they so desire.

County Manager David Smitherman told the Board that each year the Commissioner's hold a planning retreat to discuss future Capital Improvement Project issues and to set priorities for the upcoming year. Funds have been appropriated in the FY 2006-07 Budget to hold the retreat outside Lee County. The Board was given three dates to consider for this year's retreat. Mr. Smitherman also asked the Board to appoint two Commissioners to work with him to complete an agenda and location for the retreat. Commissioners Brown and Lemmond volunteered to work with the County Manager and Strategic Initiatives Director Lesa Price on the project. The Board also approved the dates of February 12-13, 2006, for the 2007 Planning Retreat.

Strategic Initiatives Director Lesa Price gave the Board an update on recent and upcoming BRAC meetings. The Board took no action.

Chairman Brown informed the Board that he was appointing Commissioners Reives and Kelly, along with himself, to serve on the Lee County Finance Committee, with Commissioner Reives serving as Chairman.

Chairman Brown informed the Board that he was appointing Commissioner Stevens, along with himself, to work with the County Manager and Strategic Initiatives Director Lesa Price on the Legislative Committee. Commissioner Lemmond will serve as an alternate member.

Chairman Brown informed the Board he would be contacting each member before the next meeting to discuss Board assignments.

Veteran Commissioners welcomed new Commissioners Jamie Kelly and Linda Shook to the Board.

Commissioner Lemmond moved to go into closed session to discuss personnel matters per N.C. General Statute 143-318(a)(6). Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously and the Board was in closed session. After completing business in closed session, the closed session adjourned upon a motion made and duly adopted.

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

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

The Chairman ruled the motion had been adopted unanimously the meeting adjourned in keeping with the motion.

Robert H. Brown, Chairman
Lee County Board of Commissioners

ATTEST:

Gaynell M. Lee, Clerk