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

JUNE 4, 2007

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

Chairman Brown presided and the following business was transacted:

County Attorney K. R. Hoyle delivered the invocation.

The pledge of allegiance was recited.

Ms. Lavelle McLean from the Employee Selection Committee introduced Ms. Brenda Potts, Social Services Director as the June 2007 *Employee of the Month*. Chairman Brown presented Ms. Potts 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 asked that a matter pertaining to BRAC be discussed. Commissioner Lemmond moved to approve the agenda as amended. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

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

- Minutes from the May 21, 2007 regular meeting;
- Lee County Arts Council grant application for Youth Services;
- Resolution in memory of Mr. Donald Buie (per attached copy)
- Board of Election grant from the Department of Health and Human Services in the amount of \$4,710.77;
- FY 2007-08 Home and Community Care Block Grant for Senior Services;
- Refund of \$110.00 for overages collected by the Register of Deeds Office;
- Acceptance of three (3) canoes for San-Lee Park in memory of Mr. Donald Buie, valued at \$900.00; and
- Permission for Mr. Stephen Campbell, Campbell Lawncare to temporarily use the Lee County Landfill while the Anderson Creek Landfill is under construction

Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

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

- Mr. Jimmy Fraley, 3535 Nicholson Road, Cameron - in support of Kirk Smith for the District 2 seat; disappointed in some members of the Board.
- Ms. Gail Hogan, 223 McIver Street, Sanford – in support of Mr. Kirk Smith for the District 2 seat; should not penalize him for his outspoken comments.
- Mr. Eugene Bareufkin, 376 Kittery Point, Sanford – (1) questioned why the public comment section of the meeting is at the first of the meeting instead of at the end, (2) thinks Sandhills Mental Health should furnish more information to the Commissioners, and (3) in favor of a 1% property transfer tax that could generate over \$2.4 million for the county in one year.
- Mr. Matt Garrett, 1305 Clearwater Drive, Sanford – commended Commissioners on their resolution in memory of Mr. Donald Buie.

Commissioner Lemmond read and presented a resolution in memory of Mr. Donald Buie to Mr. Buie's wife, Mrs. Jeannie Buie.

At this time the Board held a public hearing in reference to the FY 2007-08 budget. Interim County Manager Lisa Minter gave brief high-lights of the recommended budget.

Chairman Brown opened the public hearing and the following individual spoke:

1. Mr. Eugene Bareufkin, 376 Kittery Point, Sanford – (1) in support of the four (4) deputies requested in the Sheriff's budget, and (2) in support of a 1% property transfer tax.

Chairman Brown closed the budget public hearing.

The second advertised public hearing was in reference to an application from Central Carolina Hospital for a three-month extension of its existing franchise for EMS services. County Attorney K. R. Hoyle stated the purpose of the hearing is to hear comments from citizens concerning an application from Central Carolina Hospital for an extension of its existing franchise for emergency and non-emergency ambulance service until September 30, 2007. Mr. Hoyle stated that representatives from the hospital were present if Board members wished to ask questions. Mr. Hoyle stated he was in favor of the extension as presented.

No one present spoke in favor of or in opposition to the franchise extension as presented.

Chairman Brown closed the public hearing.

At this time the Board considered a vacancy on the Board of Commissioners for the District 2 seat formerly held by Ms. Amy Stevens. On April 30, 2007, the Lee County Republican Party Executive Committee recommended Mr. Kirk D. Smith as a replacement for this vacant District 2 seat. The Commissioner's, at their May 7, 2007 meeting, deferred action on the appointment until this date and time. Per N. C. General Statute §153A-27, the Board of Commissioners must select someone to fill a vacancy within 60 days after a resignation. Ms. Stevens submitted her resignation on April 15, 2007.

Chairman Brown opened the floor for nominations to the District 2 seat.

County Attorney K. R. Hoyle read Rule # 31 from the *Lee County Board of Commissioners Rules of Procedure* that addressed the method the Board must take in filling a vacancy.

Commissioner Shook nominated Mr. Kirk Smith.

Commissioner Lemmond nominated Mr. George Bates.

Commissioner Kelly moved to close the nominations. Commissioner Reives seconded the motion. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

The Board discussed their method of voting. Commissioner Lemmond moved to vote by signing paper ballots. Upon a vote, the results were as follows:

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

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

County Attorney K. R. Hoyle passed out paper ballots that had been prepared for voting. At this time Mr. George Bates stated that he wished to withdraw his name from consideration from District 2 to fill the vacant Commissioner seat.

Commissioner Shook moved by acclamation that Mr. Kirk Smith fill the vacant seat on the Board of Commissioners. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

Chairman Brown declared a recess at this time while Clerk to the Board Gaynell Lee swore Mr. Kirk Smith into office. Once sworn into office, Mr. Smith joined other Commissioners on the bench and the meeting resumed.

Mr. Donald Andrews, Jr., presented to the Commissioners the Lee County Fire Advisory Board's recommendations for budgets from the nine (9) volunteer fire departments. Mr. Andrews stated the Fire Advisory Board had reviewed the fire budgets presented and worked with the departments to obtain justification for the budget requests. The Fire Advisory Board also met one-on-one with each department's representative to get a better understanding of each request. Mr. Andrews presented the following requested and recommended budgets for each fire department:

<u>DEPARTMENT</u>	<u>REQUESTED BUDGET</u>	<u>RECOMMENDED BUDGET</u>
Tramway Fire Department	\$ 312,838	\$ 292,838
West Sanford Fire Department	\$ 75,822	\$ 75,822
Deep River Fire Department	\$ 174,530	\$ 174,530
Cape Fear Fire Department	\$ 241,950	\$ 241,950
Northview Fire Department	\$ 385,350	\$ 361,350
Lemon Springs Fire Department	\$ 180,960	\$ 170,960
Carolina Trace Fire Department	\$ 221,145	\$ 197,145
Northwest Pocket Fire Department	\$ 173,157.32	\$ 149,157
Cameron Fire Department	\$ 82,293	\$ 52,000

After some discussion, Commissioner Shook moved to accept the recommendations from the Lee County Fire Advisory Board in reference to budgets from the volunteer fire departments. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

The Board considered an Ordinance to Extend the Franchise with Central Carolina Hospital. County Attorney K. R. Hoyle presented the Ordinance and stated that per N. C. General Statute § 153A-46 no ordinance making a grant, renewal, extension, or amendment of any franchise may be finally adopted until it has been passed at two regular meetings of the board of commissioners. If approved, a second public hearing and reading will take place at the June 18, 2007 meeting, and the franchise will be extended until September 30, 2007. Commissioner Reives moved to approve the first reading of an *Ordinance to Extend the Franchise Agreement with Central Carolina Hospital*, a copy of which is attached to these minutes and by this reference made a part hereof, and instructed the Clerk to the Board to place the matter on the agenda for the June 18, 2007 meeting. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

The Board considered recommendations from the Lee County Planning Board. At the May 21, 2007 meeting, the Commissioners and Planning Board members met jointly to hear a rezoning petition for White Dog Properties to rezone 2.34 acres of land on Old Jefferson Davis Highway from Residential Agricultural (RA) district to Highway Commercial (HC) district. Ms. Thompson stated the Planning Board recommended approval of this rezoning request. Commissioner Shook moved to approve the recommendation of the Planning Board. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

Ms. Thompson reviewed the second rezoning request submitted by Simpson and Simpson to rezone 0.11± acres of land south of Center Church Road, being the rear portion of property located at 2304 Jefferson Davis Highway from Residential Restricted (RR) district to Highway Commercial (HC) district. Commissioner Lemmond moved to accept the recommendation of the Planning Board. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

The Board considered Schedule of Fee Charges for programs offered through the Parks and Recreation Department. Parks and Recreation Director John Payne told Commissioners the Parks and Recreation Advisory Board had reviewed and recommended increases in several of the programs in order to recover direct costs associated with the programs. If approved, the revised increases will be effective January 1, 2008. A detailed list of revisions had been furnished for review prior to the meeting. Commissioner Reives asked if the public had been notified of the proposed increases. Mr. Reives further asked that a notice be posted for citizens to review the increases before changes go into effect. After some discussion, Commissioner Paschal

moved to approve increases as recommended by the Parks and Recreation Commission to be effective January 1, 2008. Upon a vote, the results were as follows:

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

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

The Board considered a One NC Grant for the Challenge Printing Co. of the Carolinas, Inc. County Attorney K. R. Hoyle had prepared a *Resolution Authorizing the Execution and Delivery of a Local Government Grant Agreement and a Company Performance Agreement and Other Documents Pertaining to a One NC Fund Grant from the NC Department of Commerce Concerning the Challenge Printing Company of the Carolinas Project*. The Resolution authorized and directed the Chairman and Clerk to the Board to make application for and accept the One NC Fund Grant in the amount of \$50,000 for and on behalf of the County. Commissioner Reives moved to approve the above-referenced resolution, 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, and Shook  
Nay: Smith

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

Assistant County Manager Kenny Cole presented the following State Contract bids for the purchase of four (4) vehicles for General Services:

Piedmont Truck Greensboro, NC	\$52,108
Sanford Ford Sanford, NC	\$66,846
Chrysler/Jeep Sanford Sanford, NC	\$23,302 (no bid on two vehicles)
Sanford Central Chevrolet Sanford, NC	\$77,650

Mr. Cole asked the Board to approve the purchase of three (3) Ford vehicles from Piedmont Truck, Greensboro, North Carolina, for a total of \$52,108 and use remaining budgeted funds in the amount of \$10,052 to purchase the fourth vehicle. Commissioner Smith asked if the County had checked into leasing vehicles instead of purchasing. After further discussion, Commissioner Shook moved that Mr. Cole research the possibility of leasing vehicles instead of purchasing and bring a recommendation back to the Board as soon as possible. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

The Board considered meeting dates for the month of July 2007. The Board discussed changing their meeting schedule for July due to the July 4<sup>th</sup> holiday and the Annual NACo Conference scheduled for July 14-17, 2007. Commissioner Paschal moved to hold only one meeting at 3:00 p.m., Monday, July 23, 2007. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

The Board discussed funding for BRAC 2007-08 requested expenses as requested by Commissioner Reives. Concerns were expressed over the 10% grant match that increased from \$8,300 to \$16,938. Strategic Initiatives Director Lesa Price stated that Tier One counties are responsible for 10% of the total grant increase request of \$750,688.00. Mr. Reives stated he was not promoting that Lee County withdraw from the Tier One status, but stated we need a better grasp of what's going on. It was further stated it was becoming more expensive to be a member of the Tier One 11 county region. Mr. Reives stated he would like to see what Lee County is getting for the money we're paying. No action was taken.

Interim County Manager Lisa Minter reported that a reception for Mr. John Crumpton, the new Lee County Manager, will be held from 2:00-4:00 p.m., Thursday, June 14, 2007, in the Gordon Wicker Community Conference Room at the Lee County Government Center. Staff and citizens are welcome.

The Board discussed holding an additional budget work session. After some discussion, Commissioner Shook moved that a budget work session be held at 4:00 p.m., Thursday, June 7, 2007, in the Gordon Wicker Community Conference Room. Upon a vote, the results were as follows:

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

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

Chairman Brown stated the Finance Committee would meet immediately following the regular meeting in the Small Conference Room.

The Board discussed the hiring of a Tax Administrator. After some discussion, Chairman Brown moved that the HR Director advertise for the vacant Tax Administrator position, to be open until filled. Upon a vote, the results were as follows:

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

The Chairman ruled the motion had been adopted unanimously.

With no further business to come before the Board, Chairman Brown recessed the meeting until 4:00 p.m., Thursday, June 7, 2007.

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Robert H. Brown, Chairman  
Lee County Board of Commissioners

ATTEST:

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Gaynell M. Lee, Clerk