

**PERSON COUNTY BOARD OF COMMISSIONERS**  
**MEMBERS PRESENT**

**AUGUST 6, 2012**  
**OTHERS PRESENT**

Jimmy B. Clayton  
Kyle W. Puryear  
B. Ray Jeffers  
Samuel R. Kennington  
Frances P. Blalock

Heidi York, County Manager  
C. Ronald Aycock, County Attorney  
Brenda B. Reaves, Clerk to the Board

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, August 6, 2012 at 7:00 p.m. in the Commissioners' meeting room in the Person County Office Building.

Chairman Clayton called the meeting to order, led invocation and asked Commissioner Kennington to lead the Pledge of Allegiance.

**DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:**

A **motion** was made by Vice Chairman Puryear, **seconded** by Commissioner Jeffers and **carried 5-0** to move item #7 on the agenda to follow item #3 as requested by Chairman Clayton.

A **motion** was made by Commissioner Jeffers, **seconded** by Vice Chairman Puryear, and **carried 5-0** to add a Closed Session for personnel to the agenda and to approve the agenda as adjusted.

**PUBLIC HEARING:**

**REQUEST FOR A REVISION TO A SPECIAL USE PERMIT FROM CAROLINA SOLAR ENERGY, LLC FOR A SOLAR FARM OFF OF FRANK TIMBERLAKE ROAD:**

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Blalock, and **carried 5-0** to open the duly advertised Public Hearing for a request for a revision to a Special Use Permit from Carolina Solar Energy, LLC for a solar farm off of Frank Timberlake Road.

The public hearing set to hear a request for a revision to a Special Use Permit from Carolina Solar Energy, LLC for a solar farm off of Frank Timberlake Road required a quasi-judicial zoning decision whereby witnesses are to be sworn in and subject to cross examination, no ex parte communication and requires findings of fact. Chairman Clayton administered the Oath of Sworn Testimony to the following individuals who would offer testimony during the public hearing:

Ms. Paula Murphy and Mr. Richard Harkrader

Planning Director, Paula Murphy told the Board that on February 20, 2012, the Person County Board of County Commissioners approved a Special Use Permit request from Carolina Solar Energy, LLC, for a solar energy generator off Montgomery Drive, Flat River Township, adjacent to the Person County Airport. The proposal was to purchase 24.2 acres off of a 36.4 acre parcel for a solar farm. Ms. Murphy stated the new request shows the solar farm site (Parcel A) with 22.22 acres and Parcel B with 14.68 acres. A subdivision of the property will be required. Electrical Generating Facilities are allowed with a Special Use Permit in the Rural Conservation District.

Ms. Murphy noted the facility is a 2.4 MWac solar photovoltaic generating system. The system is similar in design to the two previous solar farms installed by Carolina Solar Energy. Ms. Murphy stated the design is the same as approved in the special use permit on February 20, 2012 except for the access to the site. The new Special Use Permit is to allow a change in the access to the property from Montgomery Drive to Frank Timberlake Road. Montgomery Drive will not be used for access as was approved in the initial special use permit. The applicant is requesting to allow access on a proposed fifty foot easement off Frank Timberlake Road (SR 1129). The fifty foot easement crosses property owned by Curtis Moore, the estate of Doreen Lunsford and the Helena Hunt Club. Ms. Murphy noted the easement also has a thirty foot existing Piedmont EMC easement within the fifty foot easement. Ms. Murphy further noted the subdivision ordinance requires a Class B road as described in "Minimum Construction Standards for Private Road, Person County, North Carolina" which will require plans to be submitted and approved by the County as well as the final inspection of the road. The drive is shown as 12 feet in width with 4 inches ABC stone. The applicant will have to show that they have legal authority to use this private easement. Ms. Murphy stated the easement will need to have a road name for emergency access purposes and addressing. The new access will need documentation on existing impervious surface and new proposed impervious including disturbed areas per the Falls Lake Rules. It should be noted that any new disturbance will be included in each lots' totals which are cumulative in acquisition and should they exceed one half acre for single family residential or 12,000 square feet for commercial, industrial, multi-family, etc., this will require stormwater plans.

Ms. Murphy reminded the Board that the site will not require a well or septic system and the use will be unmanned and only visited periodically for routine maintenance. The plans show three parking spaces but the size is not shown. Ms. Murphy noted Person County's ordinance requires parking spaces to be a minimum of 9' x 18'. Within the Special Use Permit process, all setbacks per the Zoning Ordinance must be met. The setback requirements are 25 feet for front and rear yards and 20 feet for side yards.

**PHYSICAL CHARACTERISTICS:**

Watershed: Located in the Flat River Balance of Watershed, WSIII.

**August 6, 2012**

Flood Hazard: There are no one hundred flood areas on the property. Parcel A, the location of the solar farm, will have 6038 square feet of impervious area or .624%. Per the new Falls Lake Rules, anything over 12,000 square feet of disturbed area, not impervious requires Best Management Practices for commercial or Industrial property. This would require both parcels to provide some type of stormwater control per the Falls Lake Rules. It should be noted that any redevelopment of structures or improvements that existed prior to December 2006 and would not result in an increase of built upon area and provides stormwater control at least equal to the previous development is not required to meet the nutrient loading targets of the rules. Retrofits will be required of all property developed after December 2006.

#### ORDINANCE PROVISIONS:

Article VII, Section 74-4;

On receiving the recommendation of the Planning Board, the County Commissioners shall consider the application and said recommendation and may grant or deny the Special Use Permit requested. The Special Use Permit, if granted, shall include such approved plans as may be required. In granting the permit, the County Commissioners shall find:

1. that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
2. that the use meets all required conditions and specifications.
3. that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and
4. that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the comprehensive plan.

Section 160-5(B) of the Zoning Ordinance states: “The Planning Board shall provide a written recommendation to the Board of County Commissioners that addresses that the proposed amendment is consistent with the comprehensive plan, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of County Commissioners. Prior to adopting or rejecting any zoning amendment, the Board of County Commissioners shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and why such action is reasonable and in the public interest. The Land Use Plan has this area identified as Office and Institutional/Commercial which is defined as “commercial uses, office and public/institutional uses, light industrial, limited residential uses. Residential uses can be located near non-residential uses with appropriate buffers. Development should be limited to areas identified for economic development and with public water and sewer. The Land Use Plan in Section 2.1 states “Promote continued economic investment through retention and expansion of existing industrial concerns and the recruitment of new industries and commercial businesses.

Ms. Murphy requested the Board's consideration to the following conditions be included should they decide to grant approval of the Special Use Permit:

1. Applicant to obtain all Federal, State and Local permits that are required.
2. Applicant to subdivide the property as shown on the plat and the recorded plat presented to the Planning Department prior to the issuance of a zoning permit.
3. Access to the site by a "Class B" private road per the Person County Subdivision Ordinance. Construction plans (drawn by a licensed professional) to be submitted to the County Planning Department for approval. Final Road approval to be approved by the Planning Department prior to the issuance of a Zoning Permit.
4. Parcel A to meet the new Falls Lake Rules with Best Management Practices and the reduction of nitrogen and phosphorus if they exceed state requirements. Applicant to show existing and new disturbance amounts for the access easement.
5. Applicant to show that they have legal access to use the private portion of the access easement. The access must have a road name for emergency purposes.
6. Applicant to present a final "as built" showing setbacks, drives, parking, etc. This is to include Parcel A as well as the access easement to the site. Impervious calculations including disturbed areas must be shown for Parcel A and the access easement.
7. Applicant to meet all required conditions and specifications of the Person County Zoning Ordinance.

Ms. Murphy also requested the Board to address the findings of fact in Section 74-4 and whether this proposal is in keeping with the comprehensive plan.

Ms. Murphy stated the Planning Board held a Public Hearing on July 12, 2012 and voted 4 to 0 to recommend approval of the special use permit request with staff comments and noted that it is in keeping with the Land Use Plan, Section 2.1 and Section 74-4 of the Zoning Ordinance. The Board stipulated that the easement agreement signed by the three property owners must be presented and an update to the map showing the entire easement and access prior to forwarding to the County Commissioners.

Commissioner Jeffers asked Ms. Murphy to confirm if the new Falls Lake rules would apply as the project was approved the 20<sup>th</sup> of February. Ms. Murphy confirmed the rules would apply due to it being a commercial business noting the county would be responsible for retrofitting everything if it was not addressed. Ms. Murphy added that none of the solar farms go over the 12,000 threshold to implement plans but are counted as existing. Should there be future new development on those parcels that goes over 12,000 square feet, the grandfathered part will be lost. Ms. Murphy stated they are starting a basis for the parcels to be grandfathered noting the other land is vacant off the access easement, and part of that access easement is not showing as already existing, noting it is all cumulative, i.e. if they divide up the property, it can hurt them in the future.

Commissioner Jeffers asked if the rules added any extra costs to the project other than what was approved in February. Ms. Murphy stated no, noting they look at impervious calculations with the only difference now is to review the actual disturbance.

Commissioner Blalock asked Ms. Murphy why the property is required to be subdivided. Ms. Murphy stated the property was divided into two lots and already done and recorded creating Parcel A which is the Solar Farm, and Parcel B.

Commissioner Kennington asked Ms. Murphy if the new request was only to change the easement access. Ms. Murphy confirmed noting it is a major change from the original approval for access to be off Montgomery which came across Parcel B to the new request with access off Frank Timberlake crossing other people's property, further noting those property owners and people within 500 feet had to have a chance to speak on the new proposed access as a part of the public hearing process.

Commissioner Kennington asked Ms. Murphy where the gate would be located. Ms. Murphy stated the gate is on the applicant's property noting she thought the gate is already up. Commissioner Kennington asked Ms. Murphy to confirm the gate was at the entrance of the applicant property and not at the entrance of Frank Timberlake. Ms. Murphy confirmed the gate is not at the entrance of Frank Timberlake and is on the applicant property.

Commissioner Jeffers confirmed with Ms. Murphy the solar panels are not counted as impervious. Ms. Murphy confirmed noting just the poles.

Commissioner Jeffers asked Ms. Murphy if the new access road would be impervious and be paved or graveled. Ms. Murphy stated the access road will be graveled and from what she was told, it already existed, not sure if they had to expand noting that is why they will see it as built as to what was existing and the only thing they added was more gravel.

Commissioner Jeffers asked Ms. Murphy if the property was subdivided prior to the project. Ms. Murphy stated no and confirmed the requested access road was just a gravel road with no name.

Commissioner Blalock stated the gravel road will be impervious and will be the property owners with an easement for the applicant. Ms. Murphy confirmed noting a road name is needed to address the access into the Solar Farm for easier use for EMS and Fire Departments, etc., in case of an emergency out there. Ms. Murphy stated if the property is further subdivided, the road name would be there and the Solar Farm would have its own address.

Commissioner Jeffers referred to the subdivision noted in the paragraph and asked if it fell under the other subdivision rules related to road and name. Ms. Murphy stated it was only the access easement going into the one lot, different, in that, it has more lots on it.

Vice Chairman Puryear asked Ms. Murphy if the access road is required to meet DOT standards. Ms. Murphy stated no, noting it is a Class B only 10 feet in width and 4 inches of gravel and further noted she has been told it already meets the conditions.

Commissioner Jeffers asked Ms. Murphy who chooses the road name. Ms. Murphy asked the applicant, Mr. Richard Harkrader, and he stated, he, in conjunction with the other property owners, agreed and signed off on the road name.

The following individuals spoke in favor of the request for a revision to a Special Use Permit from Carolina Solar Energy, LLC for a solar farm off of Frank Timberlake Road.

Mr. Richard Harkrader of 1320 Shepherd Street, Durham, stated he was available to answer any questions confirming what the Planning Director had said that the only change is the access which is considered a major change in the Zoning Ordinance and due to come back before the Board.

Commissioner Kennington asked Mr. Harkrader why the change. Mr. Harkrader stated the access during construction via Montgomery was a very wet and swampy area. Mr. Harkrader noted the other access already existed noting Piedmont UMC built that road to service their line coming into the airport.

There were no individuals appearing before the Board to speak in opposition to a revision to a Special Use Permit from Carolina Solar Energy, LLC for a solar farm off of Frank Timberlake Road.

A **motion** was made by Commissioner Jeffers, **seconded** by Vice Chairman Puryear, and **carried 5-0** to close the Public Hearing for a request for a revision to a Special Use Permit from Carolina Solar Energy, LLC for a solar farm off of Frank Timberlake Road.

**CONSIDERATION TO GRANT OR DENY SPECIAL USE PERMIT FROM CAROLINA SOLAR ENERGY, LLC FOR A SOLAR FARM OFF OF FRANK TIMBERLAKE ROAD:**

A **motion** was made by Commissioner Jeffers, **seconded** by Vice Chairman Puryear, and **carried 5-0** to approve the special use permit request with all recommendations noting that it is in keeping with the Land Use Plan, Section 2.1 and Section 74.4 of the Zoning Ordinance.

**PUBLIC HEARING:**

**PROPOSED INSTALLMENT FINANCING AGREEMENT TO FINANCE A PORTION OF THE COST OF CERTAIN IMPROVEMENTS TO SCHOOL FACILITIES AND ACQUISITION OF CERTAIN PROPERTY:**

A **motion** was made by Commissioner Blalock, **seconded** by Vice Chairman Puryear, and **carried 5-0** to open the duly advertised Public Hearing for the proposed Installment Financing Agreement to finance a portion of the cost of certain improvements to School Facilities and Acquisition of Certain Property.

Finance Director, Amy Wehrenberg stated the purpose of the Public Hearing is to present the option to consider whether the Board of Commissioners for Person County should approve a proposed installment financing agreement and certain related documents associated with the repair and/or replacement of roofing for Southern Middle School and Person High School. The provision of proceeds will not exceed 3,132,537.50 for these projects, and Person County will secure the repayment with the conveyance of Southern Middle School from the Board of Education as a security interest that will be defined in the financing documents. Ms. Wehrenberg noted the Notice of the Public Hearing was published in *The Courier Times* not less than 10 days before the date of the Public Hearing.

Ms. Wehrenberg described the Project proposed included an installment financing agreement for the purpose of providing funds in an amount not to exceed \$3,132,537.50, with the remaining cost to be funded from available funds in the County's Capital Improvement Plan that were initially approved for the Project. Ms. Wehrenberg stated an increase in taxes to fund the repayment of the debt described is not anticipated, and the County's current debt structure has been determined to be sound and sufficient to support the additional debt that is the subject of the Public Hearing.

Ms. Wehrenberg stated Person County received bids on August 1, 2012 from the banking lenders in response to the County's request for proposals on the \$3,132,537.50 proposed installment financing agreement to repair and/or replace roofing for Southern Middle School and Person High School, which is the Project and subject of the Public Hearing noting the proposal requested a fixed taxable interest rate-financing for the principal amount stated with a desired term of 10 to 15 years with an effective interest rate that accounts for 100% interest credit allowable under the Qualified School Construction Bonds.

Ms. Wehrenberg referenced the bid sheet that was provided to the Board on Friday via email and with a hard copy prior to the meeting that summarizes the bids. Ms. Wehrenberg noted there are many variables on which to base the comparison with the primary factor to compare are the interest rates. Ms. Wehrenberg stated given that this is a financing on a Qualified School Construction Bond, it is anticipated that each of the bidding banks will attempt to lock in on a rate that achieves a 100% interest

reimbursement to the County, making all bids equal with regards to the provided rates. Ms. Wehrenberg stated other factors considered in the bid proposals to be more heavily weighted, such as the costs for banking issuance fees, terms offered, and other account options. Out of the three responses, Ms. Wehrenberg stated BB&T's proposal appeared to be the most appropriate of the proposals received by the County to meet its needs and recommended to the Board to be the lending institution for the proposed financing agreement.

Ms. Wehrenberg explained her recommendation for BB&T over the other lenders was due in part for the terms offered, i.e. PNC offered 10 years with no other terms offered and Person County wanted to lengthen the time for the debt payoff up to 15 years noting BB&T and SunTrust did accommodate that request. Ms. Wehrenberg stated legal fees were also a consideration noting BB&T have the lowest quoted fees than the other two lenders, further noting Person County will not get reimbursed for these costs.

Commissioner Jeffers asked Ms. Wehrenberg the amount, if any, is in the Capital Improvement Plan (CIP) being set aside for Southern Middle School. Ms. Wehrenberg stated a recommended amount is in the CIP based on the roofing study estimating \$72,000. Ms. Wehrenberg confirmed that the roofing project was slated for later in the CIP noting it was bumped up due to the opportunity to receive Qualified School Construction Bonds that sunset the end of this year. Ms. Wehrenberg and County Manager, Heidi York confirmed the roofing project was a priority of the School Board. Ms. Wehrenberg stated prepayment was not a factor in this financing due to the 100% interest credit reimbursement.

Commissioner Jeffers asked Ms. Wehrenberg if school lottery funds would be available for this project debt. Ms. Wehrenberg noted \$2.1 lottery funds have been designated by the Board of Education for the Alternative School project. Ms. York told the Board no further conversations have taken place related to future lottery funds and the priority of the School Board for those funds. Commissioner Jeffers supported the idea of using future lottery fund allocations to go toward the roofing financing debt. Ms. York stated it would be a good topic to discuss at the Fall joint meeting with the School Board.

Commissioner Kennington asked if the Board of Education has approved conveying Southern Middle School to Person County to use as the collateral for the financing. Ms. Wehrenberg stated the Board of Education has passed certain documents pertaining to the financing affirmatively.

Commissioner Blalock inquired to the legal costs to transfer the property to the county. Ms. Wehrenberg stated the legal fees are built into the total \$3.1 million financing.





**Person County Bid Tabulation  
Southern Middle School and Person High School Re-roofing Project**

**Project: \$3,132,537.50 Installment Financing Contract  
Term: Optional up to 15 Years, Fixed Rate**

Bank	Taxable Interest Rate (QSCB)	Interest Rate lock in period	Terms Offered*	Acceptance Date	Prepayment Penalty/Premium ("PPP")	Account options	Bank Legal Fees*	Collateral Acceptance	(1) Special Conditions	(2) Special Conditions	(3) Special Conditions
PNC	2.89%	Rates valid through Sept. 20, 2012	10 years (no optional terms offered)	Board acceptance by August 7, 2012	0.5%	Sinking Fund option offered. PNC to be beneficiary	Not to exceed \$10,000	SMS Property	Completion of environmental questionnaire on SMS	Evidence of LGC approval	Opinion Letter from Bond Counsel related to Warranties
BB&T	3.93%	Rates valid through Sept 20, 2012 with a lock-in provision on or before August 10, 2012	15 years (optional terms of 10-14 years offered)	Board acceptance by August 10, 2012	1%	Project Fund available with lender	\$2,900	SMS Property	County's Bond Counsel to prepare all docs	Reserves right to terminate if financing does not qualify as QSCB	Reserves right to terminate offer prior to closing if material changes occur
SunTrust	3.30%	Rates valid through Sept. 20, 2012	15 years (optional terms of 10 & 13 years offered)	Board acceptance by August 7, 2012	None (optional rates offered with PPP)	Funds to be deposited into a SunTrust NOW account	\$6,000	SMS Property	Lender's Counsel to review docs prepared by County's Counsel	Environmental Assessment by Bank Officer is required	A survey or Title Insurance is required with no exceptions unacceptable to Bank

\* Note: Terms Offered and Bank Legal Fees were factors that more heavily weighed in on the recommendation of lender. Rates and Prepayment Penalty options were not as significant to this decision due to this financing being part of a Qualified School Construction Bond, eligible for 100% interest credit reimbursement from the Federal Government.

There were no individuals appearing before the Board to speak in favor or in opposition to the proposed Installment Financing Agreement to finance a portion of the cost of certain improvements to School Facilities and Acquisition of Certain Property.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Blalock, and **carried 5-0** to close the Public Hearing for the proposed Installment Financing Agreement to finance a portion of the cost of certain improvements to School Facilities and Acquisition of Certain Property.

#### **APPROVAL OF LENDER FOR FINANCING OF SOUTHERN MIDDLE SCHOOL (SMS) AND PERSON HIGH SCHOOL (PHS) RE-ROOFING PROJECTS:**

Vice Chairman Puryear respectively requested Board permission to recuse himself from the vote for Board action related to the approval of the lender for financing of Southern Middle School and Person High School Re-roofing projects due to the recommended lender is his employer.

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Blalock, and **carried 4-0** to recuse Vice Chairman Puryear from the vote for Board action related to the approval of the lender for financing of Southern Middle School and Person High School Re-roofing projects.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Blalock, and **carried 4-0** to (a) proceed with the proposed financing of a portion of the cost of the Project and approve on a preliminary basis the Proposal to finance a portion of the cost of the Project in an amount not to exceed \$3,132,537.50 substantially as presented, (b) to authorize the Chairman of the Board of Commissioners and the County Manager and the Finance Director of the County to negotiate further with BB&T the terms of the Proposal as they consider to be necessary or advisable and to execute and deliver the Proposal to the Bank at such time as they determine to be appropriate and (c) to acquire the fee or any lesser interest in the real and personal property included in the Project, including specifically the site of Southern Middle School and the improvements thereon, for use by the Person County Schools in order to proceed with such plan by the County and the Board of Education to finance a portion of the cost of the Project.

### **INFORMAL COMMENTS:**

The following individual appeared before the Board to make informal comments:

Ms. Melanie Steele of 158 Patterson Drive, Roxboro addressed the Board related to animal welfare in Person County with the following comments:

- Inhumane to gas animals
- Requested a no kill shelter
- Encouraged the county to work with animal rescues
- Requested law enforcement to enforce the laws and investigate animal cruelty complaints
- Advocated stopping use of the gas chamber completely without phasing it out
- Stated workers at the shelter should be concerned for the animals
- Requested the Board to do more for the helpless animals

Ms. Steele gave the Board a copy of photos of horses located in the Berea area that are malnourished noting Animal Control has been notified.

### **APPROVAL OF MINUTES:**

A **motion** was made by Commissioner Blalock, **seconded** by Commissioner Jeffers, and **carried 5-0** to approve the minutes of June 20, 2012 and July 2, 2012.

### **TAX ADMINISTRATIVE REPORT:**

A **motion** was made by Vice Chairman Puryear, **seconded** by Commissioner Jeffers, and **carried 5-0** to approve the Tax Administrative Report noting the Releases for the month of June, 2012.

### **POLICY AND FEE UPDATES FOR PERSON COUNTY PUBLIC LIBRARY:**

Library Director, Christy Bondy told the Board that the dissolution of the Hyconeechee Regional Library System went into effect on June 30, 2012 necessitating a review of all policies concerning library procedures. Ms. Bondy stated at the first Library Advisory Board meeting on July 9, 2012, the advisory board appointed officers and adopted the group's bylaws, circulation policy, rules of conduct and courtesy, registration policy, computer use policy and meeting room use policy. In addition, the advisory board recommended the Board's consideration of the following changes to the fee schedule:

1. A \$3 fee per request for Interlibrary Loans was added to the circulation policy to aid in the cost of postage for borrowing items from other libraries. The fee will be waived for requests from high school students. Fines for overdue interlibrary loan items will be \$1/day.
2. The advisory board also reviewed the registration policy and recommended an out-of-county fee of \$25 per year for any individual wishing to obtain a library card, excluding Caswell and Orange County patrons who will be issued cards free of charge for a 5 year period through the Memorandum of Understanding approved by the Board of County Commissioners.

3. The advisory board further recommended a fee of \$75 per year for an out-of-state individual wishing to obtain a library card.
4. Replacement costs for lost or damaged items will be the item's list price plus a \$2 service charge per item.

The Board discussed the new, proposed \$75 per year out-of-state fee further. Ms. Bondy told the Board that Danville charges \$50 out-of-county fee and South Boston charges \$25 out-of-county fee.

Commissioner Blalock noted the advisory board discussed the difficulty in getting materials from out-of-state delinquent users. Ms. Bond confirmed there are currently 25 out-of-state delinquent users. County Manager, Heidi York added that the county did not have any means to collect past due accounts for out-of-state patrons which is different for in-state users. Ms. Bondy stated the average cost per book is approximately \$30 noting each user is eligible to check out 25 items at one time.

Ms. Bondy noted the current policy is for a free card within a 50-mile radius of the library. Ms. Bondy stated they noticed the out-of-state users within that radius are many who are delinquent failing to return the library materials. Ms. Bondy stated should the Board approve the out-of-state fee that the 50-mile radius will no longer be in effect for out-of-state users.

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Blalock, to approve the policy and fee updates for the Person County Public Library as presented.

A **substitute motion** was made by Commissioner Jeffers, **seconded** by Vice Chairman Puryear, to approve the policy and fee updates for the Person County Public Library as presented with the exception to change the \$75 per year out-of-state individual fee to \$50 for a one-year trial period with the fees to be revisited. The **substitute motion died 2-3 for lack of majority**. Commissioner Jeffers and Vice Chairman Puryear voted in favor of the substitute motion. Chairman Clayton and Commissioners Kennington and Blalock voted in opposition to the substitute motion.

The **original motion carried 3-2** Chairman Clayton and Commissioners Kennington and Blalock voted in favor while Vice Chairman Puryear and Commissioner Jeffers cast the dissenting votes.

Ms. Bondy announced that Person County Library has been selected as a pilot library for strategic planning with the state library in which a Steering Committee will soon meet to create a Strategic 5-year Plan to align with Person County's Strategic Plan.

**BUDGET AMENDMENTS:**

Finance Director, Amy Wehrenberg presented and explained the following two Budget Amendments.

Upon a motion by Commissioner Jeffers, and a second by Commissioner Kennington and majority vote (5-0), the Board of Commissioners of Person County does hereby amend the Budget of the General Fund(s) on this, the 6th day of August 2012, as follows:

<u>Dept./Acct No.</u>	<u>Department Name</u>	<u>Amount</u> Incr / (Decr)
<u>EXPENDITURES</u>	<u>Capital Improvement Plan Project Fund</u>	1,372,133
<u>REVENUES</u>	<u>Capital Improvement Plan Project Fund</u>	
	Other Funds	27,822
	Transfer from Other Funds	1,344,311

**Explanation:**

Recording new and closing out completed projects that were part of the FY2013 Adopted CIP.

Ms. Wehrenberg clarified for the Board that \$53,343 is budgeted in the CIP for Southern Middle School (full roof) and \$22,211 budgeted in the CIP for Person High School (portion of the roof), for roofing projects and combined is \$75,554 noting as a part of the above budget amendment will be moved to a project fund to cover any additional costs that may be incurred with the roofing project. Ms. Wehrenberg stated the financing of the roofing projects will move up the project by one year.

Commissioner Kennington inquired about who and the amount of the low bid on the roofing projects. General Services Director, Ray Foushee stated the low bid was from AAR of Kernersville, NC (\$1.60 million) but staff elected to award to the second low bidder, Triangle (\$1.67 million) due to AAR having a 40% mark up on any change orders (anticipating \$800,000-\$900,000 in change orders) whereas Triangle would only charge 25% mark up on change orders. Mr. Foushee noted all roofing will be the flat school roofs.

Upon a motion by Commissioner Blalock, and a second by Commissioner Kennington and majority vote (5-0), the Board of Commissioners of Person County does hereby amend the Budget of the General Fund(s) on this, the 6th day of August 2012, as follows:

<u>Dept./Acct No.</u>	<u>Department Name</u>	<u>Amount</u> Incr / (Decr)
<u>EXPENDITURES</u>	<u>General Fund</u>	
	General Government	53,239
	Human Services	(53,239)
	Public Safety	15,000
	Education	2,000,000
	Contingency	(11,508)
 <u>REVENUES</u>	 <u>General Fund</u>	
	Intergovernmental Revenues	2,015,000
	Fund Balance Appropriation	(11,508)

**Explanation:**

Transferring costs associated with new position adopted in FY 2013 from Dept. of Social Services (-\$53,239) to Information Technology (\$53,239) to correctly account for indirect cost reimbursement; recording the School Lottery funds approved by the Department of Public Instruction for the Alternative School renovation in the old VFW Building (\$2,000,000); reducing the appropriation of fund balance for the FY 2013 adopted contingency funds for appointed board and committee members as approved in the Board of Commissioners meeting on July 2, 2012 (-\$11,508); and appropriating Unauthorized Substance Tax Distribution revenues in the Law Enforcement Restricted Fund for various equipment expenditures (\$15,000).

**DESIGNATE NCACC VOTING DELEGATE:**

Clerk to the Board, Brenda Reaves stated voting credentials for the 2012 NCACC Annual Conference must be submitted by August 10, 2012 in order for Person County's delegate to participate in the association's annual election of officers and policy adoption.

Ms. Reaves asked the Board to designate Chairman Clayton or Commissioner Jeffers as Person County voting delegate at the upcoming NCACC Annual Conference.

A **motion** was made by Commissioner Kennington, **seconded** by Vice Chairman Puryear, and **carried 5-0** to designate Chairman Jimmy B. Clayton as Person County voting delegate at the upcoming NCACC Annual Conference.

**NATIONAL HEALTH CENTER WEEK PROCLAMATION:**

A **motion** was made by Vice Chairman Puryear, **seconded** by Commissioner Blalock, to adopt the National Health Center Week Proclamation.

**PROCLAMATION**

**NATIONAL HEALTH CENTER WEEK**

**WHEREAS**, Health Centers are nonprofit, community-owned and operated health providers serving uninsured and medically underserved people in the County of Person; and

**WHEREAS**, Health Centers expand access to quality health care for all people and contain health care costs by fostering prevention and integrating the delivery of primary care with aggressive outreach, patient education, translation and other enabling services; and

**WHEREAS**, Health Centers have made great strides in the County of Person health care system specifically by maintaining high standards of accountability, demonstrating cost effectiveness and efficiency in the delivery of care, and empowering communities to address unmet health needs, reduce health disparities, and reduce preventable deaths, costly disabilities, and communicable diseases; and

**WHEREAS**, There is a continuing need to support implementation of Health Centers throughout the State of North Carolina as part of Person County's enduring commitment to the provision of quality primary health care; and

**WHEREAS**, Health Centers promote 100% access and zero health disparities to help achieve health care for all people.

**NOW, THEREFORE**, I Jimmy B. Clayton, Chairman of the Person County Board of Commissioners, do hereby proclaim the week of August 5-11, 2012 as "National Health Center Week" in Person County and urge citizens to recognize the important contributions of health centers in safeguarding health and improving the quality of life for all people. **Be It Further Resolved**, that the County of Person does hereby recognize the valued contributions of health centers in expanding access to health care and improving the health and future well being of the citizens of Person County.



  
Jimmy B. Clayton, Chairman  
Person County Board of Commissioners

August 6, 2012

## **PRESENTATION OF THE RECREATION AND SENIOR CENTER AND ATHLETICS COMPLEX FEASIBILITY STUDY:**

John Hill, Director of Recreation, Arts, and Parks Department introduced the architects and engineering firm to present the Board with an overview and conceptual plan for the proposed Recreation and Senior Center including an Athletics Complex Feasibility Study.

Mr. Bill McCaffrey with MHA Works (Michael Hining Architecture) of Durham, Mr. Dan Jewell and Mr. Kevin Burke with Coulter Jewel Thames, Civil Engineer/Landscape Architect of Durham presented the Person County Board of Commissioners the findings, results and recommendation of the Person County Recreation, Arts, and Parks Recreation and Senior Center and Athletic Complex Feasibility Study. The feasibility study included the following elements:

1. Project Summary
2. Data Analysis of Participants, Meeting input, and Research of wants and need.
3. Design process and meeting reports:  
Site Plan Building Design Concepts including Space Programs and Building Narratives (Includes engineering answers to: best design practices, best location, cost effective construction locations and practices)
4. Design Concept and Space Narratives
5. Building Cost Analysis and Development Time Line
6. Operational Cost Analysis
7. Market Analysis
8. Conclusion and Recommendations

Mr. McCaffrey told the Board the study was undertaken to examine the advantages and disadvantages of combining a new Person County Recreation Center and the Senior Center into one facility. Mr. McCaffrey stated information was gathered by holding three public hearings held at Huck Sansbury Gymnasium, Senior Center, and in the County Auditorium. A survey was passed out during the public hearings to which 208 surveys were returned. The top five amenities based on the survey included 1) Swimming Pool, 2) Exercise Equipment (Machines), 3) Exercise Programs, 4) Aerobics Classes, 5) Water Aerobics. Mr. McCaffrey summarized the sites identified and examined:

- 1) the Huck Sansbury site, 11.78 acres, existing infrastructure includes a full gymnasium, 11,000 square feet of available space, heavily used walking track and tennis courts with inadequate restroom facilities and ADA accessibility
- 2) the Critcher/Wilkerson site, an undeveloped site, remote in location that could be utilized as an expanded ball field site but costly development makes it unsuited for a full combined center, and
- 3) the existing Senior Center site in downtown Roxboro, two floors without an elevator with a variety of spaces; inadequate restrooms with a number of NC Building code violation and structural issues. To find land for all the requested uses such as a swimming pool, gymnasium, track, etc., would be difficult and costly.



The Feasibility Study called for use of the existing facility at Huck Sansbury, plus some new construction. The site with renovations and new construction totaled 45,000 square feet. The new construction addition total would be 21,000 square feet. The proposed facility would include a swimming pool, a covered walking track, exercise room, a multi-purpose area, the Senior Center, recreation office space, and a slightly smaller softball field.

Mr. McCaffrey outlined a conceptual floor plan of the facility functions and spaces identifying both common use space and dedicated use by each program using the Huck Sansbury site given the various parameters such as reusing and recycling of existing facilities, the amount of county owned property, central location and available funding budget. The Critcher-Wilkerson site could be developed solely as a new ball field center with room for ball fields, concessions, restrooms and parking.

Mr. McCaffrey stated the total project budget of \$3,700,000 included site work, building construction and design fees, and will be allocated over several years beginning in the fiscal year budget 2013 and ending at the end of the 2014 fiscal year. Other potential funding sources might be grants from the State or Federal government for both the Park and Recreation side and the Senior Center side with other potential funding sources available through local public and private entities.

Mr. McCaffrey provided a project budget for each location option:

Huck Sansbury Site:	\$82.22 per square foot	\$3,700,000
Critcher/Wilkerson Site:	\$168.62 per square foot	\$7,588,000
Roxboro Town Center Site:	\$157.53 per square foot	\$7,588,000 plus land costs

Mr. McCaffrey noted the un-budgeted items as the study could not find development funds for all requested amenities. The un-budgeted items total \$2,000,000 and included an additional gymnasium, racquetball courts, additional aquatic facilities, and a Skateboard Park.

Mr. McCaffrey indicated the existing staff at the recreation office and senior center may be sufficient to maintain the new combined facility. Mr. Hill estimated a increase in part-time staff at an estimated cost of \$100,000. Related to the revenue and expenditures, it is anticipated that membership and usage will increase. Total revenues presented were based on actual totals from the previous year at the existing Huck Sansbury facility. Projected revenues presented are based on similar activities offered at the Recreation Department or similar venues in the state. Expenditures for the Huck Sansbury facility for the past few years have been approximately \$200,000 per year. There is a potential for revenues to exceed expenditures based on the conservative revenue forecasts. Mr. Hill stated a projected need to operate at an additional \$200,000 which includes the additional part-time staff estimated at \$100,000.

Mr. McCaffrey stated each facility is currently paying their respective utility costs and thus having a combined center would add usable square footage to each facility and allow combined utility costs nearly equaling their present costs.

Senior Center Utilities for fiscal year 2011-12	\$24,822.08
Huck Sansbury Utility for fiscal year 2011-12	\$14,022.61
Combined Facility Utilities (projected)	\$38,300.00

Mr. McCaffrey stated the next step was to receive input from the Board of Commissioners, and from the community and to include further analysis on the operating costs and liability insurance costs.

The Board directed Mr. McCaffrey and Mr. Hill to include all the unbudgeted items so they may see the total package. Commissioner Kennington requested to see a drawing for the use of ball fields on the Critcher/Wilkerson site. The costs indicated for the proposed complex is at \$1.4 to \$1.6 million for 1 baseball field, 1 softball field, and a field to be used for soccer and football as well as concessions/restrooms. The Critcher/Wilkerson site would fall in the Falls Lake Watershed and the new rules would apply.

Commissioner Jeffers suggested the final concept include phases. Mr. Hill noted no grants have been sought at this point in time.

When asked about the architect fees included in the project budget, Mr. McCaffrey stated the total architect cost is 8% of the total cost. In the presented study using a \$3.7 million budget, the architect costs are \$320,000. The Feasibility Study will be linked on the county web site.

#### **CHAIRMAN'S REPORT:**

Chairman Clayton reported the following:

- NC Association of County Commissioners Annual Conference in the upcoming week noting he is the Chairman of the Environmental Committee and a meeting will be held.
- Two ribbon cuttings on Thursday, August 9, 2012 10:30 am and 11:00 am.

#### **MANAGER'S REPORT:**

County Manager, Heidi York reminded Vice Chairman Puryear that he may want to discuss with the Board the possibility to reschedule the September 4, 2012 Board meeting.

#### **COMMISSIONER REPORT/COMMENTS:**

Commissioners Kennington and Jeffers neither had comments.

Commissioner Blalock stated she has been working on the Partnership Agreement related to the Schools and increasing recycling noting it may be on the next Board agenda.

Vice Chairman Puryear requested Board consideration to reschedule the Board's Tuesday, September 4, 2012 meeting to the following Monday, September 10, 2012. Chairman Clayton asked the County Manager, Heidi York if she had any idea what the agenda would look like in September. Ms. York stated she had the consultant scheduled to come to the Board's September 4, 2012 meeting related to the feasibility study for the Durham/Person counties joint park noting that presentation could be moved to the September 17, 2012 meeting.

A **motion** was made by Commissioner Kennington, **seconded** by Vice Chairman Puryear, and **carried 5-0** to cancel the Board of Commissioners September 4, 2012 regular scheduled meeting.

Vice Chairman Puryear stated the State of NC has deregulated some of the counties authority to partner with private entities to provide high speed capability throughout the county and requested the County Manager to bring to the Board's next meeting details of the process, advocating the Board to strongly consider moving forward to bring Person County to 100% access to high speed internet.

#### **CLOSED SESSION:**

A **motion** was made by Commissioner Kennington, **seconded** by Vice Chairman Puryear, and **carried 5-0** to enter into Closed Session at 8:56 pm, per General Statute 143-318,11(a)(6) for the purpose to discuss personnel with the following individuals permitted to attend: County Attorney, Ron Aycock, County Manager, Heidi York, Clerk to the Board, Brenda Reaves, Assistant County Manager, Sybil Tate, Summer Intern, Will Brooks, Roxboro Mayor, Merilyn Newell, City Manager, Stephen Steese, Economic Development Commission Chairman, Phillip Allen, and Jim Stovall.

A **motion** was made by Commissioner Blalock, **seconded** by Commissioner Kennington, and **carried 5-0** to return to open session at 10:17 pm.

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Blalock, to support the County Manager in the direction that was given to her to hire an Economic Development Director.

A **substitute motion** was made by Vice Chairman Puryear, **seconded** by Commissioner Jeffers, to not take action and to extend an invitation to a joint, open meeting with City Council to receive direction and input from the presentation and proposal given by Mr. Stovall in Closed Session.

Vice Chairman Puryear stated the group heard from the Mayor and she felt the proposal had merit and that input should be received by City Council noting he and Commissioner Jeffers (2 of the 5 Board members felt there was merit) were asking the Board to consider giving City Council the opportunity to hear the proposal and not to move forward until all options are reviewed.

Commissioner Kennington disagreed with Vice Chairman Puryear noting all 5 Board members noted potential merit and suggested the leader of Economic Development to review what the merit is.

Commissioner Jeffers stated if the Board calls the City a partner and asks them to be a financial partner; they should be privy to the proposal presented.

Chairman Clayton noted when the City agreed to put the \$20,000 in their budget; the County had already decided to hire an Economic Development Director that would be funded by the City and the County, answering to the City and County Managers. Chairman Clayton added the new Economic Development Director would evaluate the situation for a different perspective as they go forward involving the City and the County. Chairman Clayton further noted the County has the responsibility for the making this hire and needs to follow through and move forward.

Vice Chairman Puryear stated a disservice for using the City's funds if there is an option available to do the job better and more effectively but not allowing input on the new proposal.

Commissioner Jeffers stated both governing bodies agreed to fund as was done noting his point that the Board should not have allowed a new proposal to be heard if all partners involved are not allowed to hear that proposal. Commissioner Jeffers stated his appreciation to Mayor for being present as a non-voting member of Council adding, if the Board was to hear proposals and vote down or vote to continue then all parties involved should have an opportunity to hear all proposals.

**The substitute motion died 2/3 for lack of majority** with Vice Chairman Puryear and Commissioner Jeffers voting in favor while Chairman Clayton and Commissioners Blalock and Kennington voting in opposition.

The **original motion carried 3-2** with Commissioners Kennington, Blalock and Chairman Clayton voting in favor while Vice Chairman Puryear and Commissioner Jeffers voted in opposition.

**ADJOURNMENT:**

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Blalock, and **carried 5-0** to adjourn the meeting at 10:23 pm.

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Brenda B. Reaves  
Clerk to the Board

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Jimmy B. Clayton  
Chairman

**August 6, 2012**