

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

AUGUST 1, 2011
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 1, 2011 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 Commissioner Jeffers, **seconded** by Vice Chairman Puryear and **carried 5-0** to approve the agenda.

PUBLIC HEARING:

REQUEST BY PSNC ENERGY FOR A SPECIAL USE PERMIT FOR A TRANSMISSION REGULATOR STATION ON ROLLING HILLS ROAD:

A **motion** was made by Vice Chairman Puryear, **seconded** by Commissioner Jeffers and **carried 5-0** to open the duly advertised public hearing to consider a request by PSNC Energy for a Special Use Permit for a Transmission Regulator Station on Rolling Hills Road.

Chairman Clayton stated the public hearing set to hear a request by PSNC Energy for a Special Use Permit for a Transmission Regulator Station on Rolling Hills 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:

Paula Murphy

Jerry Littlejohn
Duncan Warren

W. Reid Crane
Matthew Rhoad

August 1, 2011

Planning Director, Paula Murphy stated the county received a request by PSNC Energy for a Special Use Permit for Tax Map A28 Parcel 16 for a Transmission Regulator Station (supplying Natural Gas) on Rolling Hills Road. Ms. Murphy stated the company proposes to purchase 1.44 acres out of a 4.5 acre parcel with the station enclosed by a 90' x 75' fenced area with a concrete pad for the station. The site will be unmanned and visited periodically for routine maintenance. There will be no well or septic. Ms. Murphy stated the station would be located in the South Hyco WSII watershed which allows up to 24% impervious noting the total impervious area proposed is 15.7 percent which meets the requirements of the ordinance. Ms. Murphy stated access to the site will be by a 20 foot gravel drive off Rolling Hills Road. The surrounding area is primarily farms.

Ms. Murphy stated the Board must address the following Findings of Fact per Section 74-4 of the Zoning Ordinance:

- 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.

Ms. Murphy stated the Board must also consider Section 160-5(b) of the Zoning Ordinance requiring the Board to address whether it is consistent with the comprehensive plan. The Land Use Plan has this area as Rural Residential and in Section 5.0 states that a goal of the plan is to provide efficient, high quality public services and facilities in a manner, which encourages planned growth and development. Section 5.1.1 states "Utilize the provision of infrastructure as a tool to stimulate or control land development."

Ms. Murphy stated should the Board decide to grant approval of the Special Use Permit, the following conditions should be included:

1. Applicant to obtain all Federal, State and Local permits that are required.
2. Applicant to obtain a driveway permit from NCDOT and a copy of the approval presented to the Planning Department prior to obtaining a zoning permit.
3. The proposed lot must be subdivided prior to obtaining a zoning permit.

Ms. Murphy stated the Board must also address the Findings of Fact in Section 74-4 and whether this proposal is in keeping with the comprehensive plan.

The Planning Board held a Public Hearing on July 29, 2011 and voted 6 to 0 to recommend approval of the Special Use Permit with staff comments, that it was in keeping with Section 74-4 of the Zoning Ordinance and was consistent with the Comprehensive Plan.

Ms. Murphy noted the Board has the site plans showing the area landscaped. Commissioner Kennington stated it looks good.

The following individuals appeared before the Board to speak in favor of the request by PSNC Energy for a Special Use Permit for a Transmission Regulator Station on Rolling Hills Road:

Mr. Duncan Warren of 2451 Schieffelin Road, Apex, representing PSNC Energy spoke on behalf of Messrs. Jerry Littlejohn, W. Reid Crane and Matthew Rhoad, all of which were present representing PSNC Energy, as well as sworn in to provide testimony in case the Board had questions. Mr. Warren provided the Board with a brief overview of the project. PSNC Energy is building a pipeline to provide natural gas to the new CertainTeed Gypsum Plant near Hyco Lake. A connection to the existing transmission pipeline and installation of a pressure regulating station will be necessary to provide this natural gas service. The subject of the Special Use Permit application is the site on Rolling Hills Road where the connection will be made and pressure regulating equipment installed necessary to operate the pipeline. The installation is a public necessity in order to provide natural gas service to CertainTeed and the community in the area. The proposed regulating station is a common installation in a natural gas system and will not endanger public health or safety. PSNC performs routine operations and maintenance for these installations in keeping with Federal regulations and will have qualified technicians available to respond and handle any emergencies. PSNC has prepared the application noting all information contained therein is accurate. The use as shown on the site plan submitted meets all conditions and specifications required in the application. An environmental assessment has been done and the property is included in an erosion control and sedimentation plan approved by NCDENR. The property developed according to the submitted plan will be in harmony with the rural farmland area and in conformity with the comprehensive plan. Landscaping will be provided around the site to screen the site from view as much as reasonably possible and a vinyl covered, chain link fence will surround the facility for security. The facility will be locked and unmanned except for the regular inspections and maintenance activities. The installation as proposed will not substantiately injure the value of the adjoining or abutting properties. Mr. Warren offered to answer any questions from the Board about the Special Use Permit application.

Commissioner Kennington asked Mr. Warren if all the lines were now down and in the ground from the site to CertainTeed. Mr. Warren stated the ones going in an out will be in the ground but there is section that would be above ground. Mr. Warren passed around to the Board members a photo illustrating the fence and above ground pipe at a similar site about one year old. Commissioner Kennington stated Mr. Warren has said the public along the line would be able to have access to natural gas. Mr. Warren confirmed noting as the pipeline comes out of the station going to the plant will be available for taps for the public. Chairman Clayton told Mr. Warren what Commissioner Kennington is asking if the pipeline is already in. Mr. Warren stated it is being installed now, probably a little over half way complete. Commissioner Kennington asked if the

people along that line know the pipeline is being put in front of them with the opportunity as described. Mr. Warren stated they do have marketing folks going door-to-door putting flyers out as well as some people see their vehicles and come out and ask questions with PSNC responding to those requests.

Commissioner Blalock asked if the installation is similar to that at Somerset on 501. Mr. Warren stated similar but the Somerset station actually has three different components (three stations) to it with this one will just have one station inside the fence.

Commissioner Jeffers asked the completion date of the pipe currently being put down on Concord Ceppo Road. Mr. Warren stated they hoped to have gas on the pipeline to CertainTeed by October 1 as that is when they are expecting it.

Commissioner Kennington acknowledged and thanked PSNC for the screening and the asphalt apron leading into the facility noting his appreciation to go the extra to do that as they were not required to do that. Mr. Warren stated DOT does require to pave back to the edge of the right-of-way if large trucks are leaving the pavement as their fear is as it leaves the pavement, it may break off and cause maintenance problems for them so they do require it on something like that. Commissioner Kennington thanked Mr. Warren for the shrubbery and crepe myrtles.

Chairman Clayton confirmed that Mr. Warren was speaking for the others signed up in favor of the request so not to deny anyone signed up a chance to speak. Mr. Littlejohn stated they were all here representing PSNC Energy and available for any questions that came up.

There were no individuals appearing before the Board to speak in opposition to the request by PSNC Energy for a Special Use Permit for a Transmission Regulator Station on Rolling Hills Road:

A **motion** was made by Commissioner Blalock, **seconded** by Commissioner Jeffers and **carried 5-0** to close the public hearing for a request by PSNC Energy for a Special Use Permit for a Transmission Regulator Station on Rolling Hills Road.

A **motion** was made by Commissioner Jeffers, **seconded** by Vice Chairman Puryear and **carried 5-0** to approve the request as presented by PSNC Energy for a Special Use Permit for a Transmission Regulator Station on Rolling Hills Road.

PUBLIC HEARING:

CONSIDERATION TO LEVY AN ADDITIONAL 1% ROOM OCCUPANCY TAX:

A **motion** was made by Commissioner Blalock, **seconded** by Commissioner Jeffers and **carried 5-0** to open the duly advertised public hearing to consider public comments related to the Board levying an additional 1% Room Occupancy Tax.

The following individuals appeared before the Board to speak in favor of the Board levying an additional 1% Room Occupancy Tax:

Mr. Randy King of 304 Erroll Court, Leasburg and Person County appointed Tourism Development Authority (TDA) member, stated the TDA mission is to distribute room tax proceeds to promote tourism in Person County as well as support the law while funding tourism related venues and events in Person County noting some of the funded projects. Mr. King presented the Board with pros and cons of increasing the room tax to 6%. Mr. King stated it is the TDA's intent to continue to fund events including the Person County Museum. Mr. King encouraged individuals or organizations to submit a grant request for funding to encourage out of town guests to visit Person County. Mr. King told the Board the additional 1% room tax would generate about \$30,000 based on this past year's figures. Mr. King stated with the additional 1% tax generated funding, the TDA would increase the allocation (current year allocation around \$20,000) to the Museum noting TDA also may have grant requests that can not be fulfilled in its entirety.

Ms. Angie Brown of 5943 Boston Road, Roxboro and President of the Museum spoke in favor of the occupancy tax noting the mission of the Museum of History is to collect, preserve and present the artifacts and history of Person County, further noting goals to research, collect, preserve and exhibit history, provide learning experiences as well as promote appreciation and respect for the heritage of the generations of people of Person County. Ms. Brown described the Board of Directors, part-time Director and volunteers as a banded family working together to achieve the goals and mission.

Mr. Mac Wagstaff of 1289 Brooks Dairy Road, Roxboro and Treasurer of the Museum for the last 9 years and member of board for 14 years, told the Board that in 1996 the Board of Commissioners authorized purchase of the Kitchin House as well as in 1999 purchased the Parsonage/Male Academy and Hunter House. Mr. Wagstaff noted various other structures added to the Museum campus over time. Mr. Wagstaff stated the county has paid all utilities at the Kitchin House including water, sewer, electrical and gas for heating as well as maintains the property and provides content insurance on all buildings on the campus. Mr. Wagstaff noted the utilities of the Parsonage have been paid by the Museum since 2002, further noting in 2010 those costs equaled \$4,000. In addition to utilities, the Museum pays for security service for the entire Museum campus which costs \$1,000 this past year. Lawn maintenance and landscaping have amounted to \$5,800 this past year. \$1,800 has been spent on heating and air conditioning plus an

additional. \$1,800 was spent on electrical upgrades. Mr. Wagstaff stated money for these expenses have been subsidized by the county with its annual appropriation of \$15,000 noting the City of Roxboro appropriated \$4,500 and TDA funded \$21,000 in 2010-11. In 2010, donations and museum memberships generated around \$13,000 in 2010. Mr. Wagstaff stated the TDA office is housed in the Parsonage since 2002 at no costs for the office space and utilities. Beginning in July, TDA will begin paying \$200 per month to the Museum. The Board of Directors, per Mr. Wagstaff, respectively request the county to continue subsidizing these expenses as the Museum is county owned property. Mr. Wagstaff noted the county notified the Museum of no county funding in early 2011 and the TDA notified the Museum that its board had approved funding 2011-12 in the amount of \$20,125. Mr. Wagstaff stated the estimated 1% additional room occupancy tax according to the Finance Director may generate \$35,000 which would cover the \$15,000 needed by the county as well as the \$20,125 already appropriated by the TDA noting it is the Museum's Board of Directors' desire the Board to approve levying the 1% additional room occupancy tax.

Ms. Blossom Gardner of 1001 Gardner Road, Roxboro and Secretary of the Museum Board thanked and acknowledged the County, City, TDA, supporters, visitors, media of the Museum. Ms. Gardner told the Board, according to the NC Association of County Commissioners Property Schedule for the Person County Museum, buildings are worth \$1,370,700 with contents (fine arts) valued at \$650,000 totaling \$2,020,700. Ms. Gardner noted the room available for a future expansion as well as highlighted the many events and exhibits. Ms. Gardner stated the Board of Directors will fulfill, going forward, with due diligence the Museum's place in Person Future's Strategic Plan as a priority under the Foster a Sense of Community and Re-Imagine Our County for a Better Future areas.

Ms. Claudia Berryhill of 279 Knolls of Hyco, Roxboro and founding Museum Board member, past Board Chair and present Board member, pointed out events listed on the timeline noting the support throughout the years from governmental entities, donors, and community volunteers. Ms. Berryhill described the many additions to the campus. Ms. Berryhill invited the Board to the Museum to see the JA Long exhibit (Father of Modern Roxboro), other exhibits as well as attend the annual events on Memorial Day and Veterans Day. Ms. Berryhill expressed appreciation for the Board's support both in the past and in the future.

There were no individuals appearing before the Board to speak in opposition to the Board levying an additional 1% Room Occupancy Tax:

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Blalock and **carried 5-0** to close the public hearing related to the Board levying an additional 1% Room Occupancy Tax.

A **motion** was made by Commissioner Jeffers, **seconded** by Vice Chairman Puryear Jeffers and **carried 5-0** to amend the agenda to for the Board to move the item to take action related to the Board levying an additional 1% Room Occupancy Tax following the public hearing.

A **motion** was made by Commissioner Blalock, **seconded** by Commissioner Kennington and **carried 4-1** to adopt the Resolution to Levy an additional 1% Room Occupancy Tax. Vice Chairman Puryear cast the lone dissenting vote.

Chairman Clayton thanked Representative Winkie Wilkins for all his work in the legislature as well as TDA and Museum representatives for their support.

Commissioner Jeffers confirmed with the group that once the Board levies the additional tax, the funds will go to the TDA to distribute reiterating his intent to continue support the Museum with those funds.

Commissioner Kennington concurred with Commissioner Jeffers to make clear to the TDA of the Board's intent for use of the additional funds to support the Museum.

Commissioner Puryear stated his pride in history and supports the TDA however he made a promise to people of Person County that he would not support a tax increase noting he could not support the motion.

Commissioner Kennington stated the occupancy tax levy does not have a sunset date and asked the County Attorney to confirm the Board's ability to repeal such tax. County Attorney, Ron Aycock stated the law provides that the Board may enact such tax to be effective no sooner than October 1, 2011 as well as repealed at any time but if repealed, the repeal cannot be effective until the end of the fiscal year.

A RESOLUTION

**of the Person County Board of Commissioners
to levy an additional 1% Room Occupancy Tax
pursuant to 2011 NC session Law 161(HB 518)**

WHEREAS, General Assembly enacted House Bill 518 as session law 2011-161 on June 16, 2011, which authorized Person County to levy an additional 1% room occupancy tax in addition to the room occupancy tax previously levied, and

WHEREAS, Person County published a public notice in the local newspaper, the *Courier-Times*, on July 20, 2011 that the Board of Commissioners would hold a public hearing on August 1, 2011 in the Commissioners Meeting Room in the Person County Office Building, Roxboro, NC to consider the following action:

Levy an additional Room Occupancy Tax of one percent (1%) of the gross receipts derived from the rental of any room, lodging or similar accommodation furnished by a hotel, motel, inn or similar place within the county subject to the sales tax imposed by the State under GS 105-164.4(a)(3).

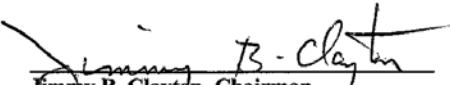
WHEREAS, the Person County Commissioners held a public hearing on August 1, 2011 at the regularly scheduled meeting of the Person County Board of Commissioners at which time the Board received and discussed comments on the proposed additional 1% room occupancy tax;

NOW THEREFORE BE IT RESOLVED that the Person County Board of Commissioners:

- 1- Hereby approves the levy of an additional one percent (1%) of the gross receipts derived from the rental of any room, lodging or similar accommodation furnished by a hotel, motel, inn or similar place within the county subject to the sales tax imposed by the State under GS 105-164.4(a)(3),and
- 2- That such additional levy shall be effective on all rentals from and after October 1, 2011.

Adopted and approved this the 1st day of August, 2011.




Jimmy B. Clayton, Chairman
Person County Board of Commissioners

Attest:

Brenda B. Reaves
Clerk to the Board

August 1, 2011

INFORMAL COMMENTS:

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

Ms. Ollie Jeffers of 285 Dunnaway Road, Semora wanted to thank the Board as well as give an update on DL Forbes Foundation Camp. Ms. Jeffers stated the camp that has taken place each year for 9 years lasted 20-days at Mayo Park that served 29 cadets (ages 9-15), 11 of which from Person County. Ms. Jeffers stated the camp would be taking 20 cadets from Person County next year. Ms. Jeffers expressed her appreciation to five drill instructors from Roxboro Police Department that volunteered their time as well as Nu-Way Cleaners for cleaning the cadets' clothing and the support from the City of Roxboro, Board of Education and the Board of Commissioners. Ms. Jeffers invited the Board to attend a Public Service Appreciation event on August 13, 2011 at Hyco Lake from 1-9 pm.

Mr. Patrick Riley of 256 Hicks Yarboro Road, Roxboro presented the Clerk to the Board as well as the County Attorney (accepted on behalf of the Tax Administrator) a written request to the Board that an appeal hearing date be set for his obviously revoked timely application for disability, certified by a North Carolina licensed physician, and not reflected in the recently sent county tax bills applied to his property.

APPROVAL OF MINUTES:

A **motion** was made by Vice Chairman Puryear, **seconded** by Commissioner Jeffers, and **carried 5-0** to approve the minutes of July 5, 2011.

ADMINISTRATIVE REPORTS:

A **motion** was made by Commissioner Blalock, **seconded** by Commissioner Jeffers, and **carried 5-0** to approve the Administrative Reports for the Detention Center, Inspection Department, Public Library, Tax Administration & Collections and Zoning.

NEW BUSINESS:

ALTERNATE SITE FOR VIPER COMMUNICATIONS TOWER:

EMS Director and Emergency Management Coordinator, Michael Day told the Board that in early 2010, Person County was selected as a VIPER tower site location and grant monies (\$706,000) were set aside for the express purpose of constructing a radio tower suitable to handle the state VIPER radio needs as well as any local emergency services uses. The NC State Highway Patrol (NCSHP) oversees the VIPER program and it is managed through NC Crime Control and Public Safety. Mr. Day stated with that link in place, the State Highway Patrol contacted local Emergency Management Coordinators to assist in the VIPER tower projects. Person County was contacted to assist in locating appropriate sites within the county to construct the tower and then the Highway Patrol would begin discussions with the appropriate jurisdictions and governing bodies to secure

August 1, 2011

the site and begin steps toward construction. Mr. Day noted with the available information and criteria from the Highway Patrol, the local state owned properties were ruled out as unsuitable for various reasons with the best suited and primary area selected for the tower is the 911 Center on Hill Street. This area is the most desirable because it is the highest point in the surrounding area and it would be very easy to replace and run new equipment from this new tower into the 911 Center.

Mr. Day told the Board that given the delay with securing the ideal site (Hill Street), the Highway Patrol has requested an alternate site be named as primary and the project be allowed to move forward so the grant funds allocated for the project will not be lost (grant expires February 1, 2012). The alternate site chosen is the County owned lot at the far, back corner of Critcher Wilkerson and Wesleyan, beside Roxboro Christian Academy, near the back property line. Mr. Day noted the alternate site would require a plat of land, 100' x 100' to allow the construction of a single 480' radio tower suitable for the State VIPER radio network and all emergency services radio and IT equipment needs for the County. Mr. Day noted the site would also include a building that would house a generator and radio equipment that is maintained by the NCSHP. The entire site will be secured by a fence with access available to NCSHP and necessary County personnel.

Mr. Day stated several meetings were held with the appropriate city and county personnel to discuss this option noting the former City Manager had some concerns and questions prompting additional meetings to address his issues. As of the time of Mr. Barlow's resignation from the City of Roxboro, there were no indications that he was willing to sign the initial agreements necessary for the project to begin. Mr. Day stated a final meeting was held by the Highway Patrol with the Interim City Manager and he too was unwilling to move forward with the tower construction on City property. Mr. Marty Randall, VIPER Construction Manager with the NC State Highway Patrol told the Board he has spoken with the Interim City Manager with no final decision noting the City's request for a bond that he did not have funds to provide. County Manager, Heidi York noted she too, had spoken with the Interim City Manager, Tommy Warren further noting he had requested further documentation from the NCSHP.

Mr. Day noted this project is to establish an infrastructure for the State VIPER system in Person County and which Person County will be allowed to use the new tower for the county internal needs and equipment. Mr. Day further noted the construction of VIPER tower in no way indicates the desire or preference for any agencies to switch to the VIPER system but will allow such a transition easier in the future. Mr. Day confirmed for the Board that there are no costs required for any County services to switch or upgrade radios or to change frequencies associated with the construction of the VIPER tower and is part of the State build-out process whereby the entire State VIPER system will create interoperability between jurisdictions.

Chairman Clayton stated no opposition designating 100' x 100' area for the VIPER tower to be constructed noting the county would have access to the tower without any further costs other than the designating the land.

Commissioner Jeffers inquired if the county was paying to lease space on the tower on Hill Street owned by a 3rd party vendor. Ms. York stated she would have to review.

Vice Chairman Puryear stated this project is a win-win noting the VIPER system has proven critical to communications. Mr. Day and Mr. Randall reiterated the State and Federal agencies that have already transitioned to the VIPER communications system.

Mr. Tyrus Tatum with NC Emergency Management updated the group that \$141,769 of the \$706,000 has been obligated to date for equipment for the Person County VIPER site.

Commissioner Jeffers suggested Mr. Day attend the next Chiefs Association meeting as there was a lot questions about the VIPER system.

Commissioner Kennington asked for clarification related to approving a 480' cell tower at the same time not to be in violation with the county cell tower ordinance that has not been addressed with specific requirements. Commissioner Kennington noted concern to make people that reside on Frank Street aware of the 480' cell zone and specifically the fall zone. Commissioner Kennington stated his concerns about communication with City Council related to this project moving forward.

Ms. York suggested the Board consider allowing staff to research and review the county cell tower ordinance and putting action on this item on the August 15, 2011 Board agenda.

Commissioner Jeffers stated he did not see this as a conflicting issue with the City noting it is not a joint decision.

Commissioner Kennington asked Mr. Randall asked if one location is better than the other. Mr. Randall stated the Hill Street site is 100" higher than the alternate site yet the alternate site will not have all the RF producing equipment which will cut down on the noise thus increasing the operation of the site so by comparison not so much difference in the two sites. Mr. Randall stated the 3-legged, lattice tower could be designed to essentially fall within itself.

Commissioner Blalock asked Mr. Randall if he would like to take the issue back to the City Manager and City Council for a definitive answer. Mr. Randall stated they have stressed the importance of getting a yes or no at least twice without receiving such. Mr. Tatum stated the City wants to be held harmless as well as not be required to

transition to VIPER for a communications system. Mr. Tatum stated Person County is the link missing among surrounding counties for the communication system.

Ms. York noted the Agreement she and the previous City Manager both signed stating the county would at no time require the City to transition to VIPER radios through the 911 contract or any other means. Mr. Randall stated the City requested for that to be spelled out in the lease agreement and he could not accommodate that request or such stipulation.

A **motion** was made by Commissioner Jeffers, **seconded** by Vice Chairman Puryear, to approve the alternate site for the construction of a radio tower by the NCSHP with Federal grant funds to assist the Highway Patrol in establishing a VIPER link in Person County reiterating the project is fully funded through the grant and no local dollars are needed.

Commissioner Kennington asked the Planning Director, Paula Murphy if the Board would have an issue with the county cell tower ordinance. Ms. Murphy could not state the specifics of the county cell tower ordinance but was sure it would require a Special Use Permit. Commissioner Jeffers asked Ms. Murphy if she was aware of any noted exemptions for emergency towers in the county cell tower ordinance. Ms. Murphy stated an exemption could probably be done with the fees but not the Special Use Permit, if required. Commissioner Kennington requested a delay of the vote for two weeks until answers related to the county cell tower ordinance could be answered.

Mr. Aycock stated for the Board three alternative procedures:

- 1) Go forward with the motion as is,
- 2) Substitute motion to approve subject to compliance with the county cell tower ordinance, or
- 3) Put off consideration until next meeting and get clarification of the effect of the county cell tower ordinance.

Commissioner Jeffers suggested the vote and further discussion be delayed to the end of the agenda to allow the Planning Director time to review the county cell tower ordinance. Ms. York asked if the County Attorney and the Planning Director could confer and they agreed to do so. It was the consensus of the Board to delay further discussion and action to the end of the agenda.

Mr. Day asked if Messrs. Randall and Tatum would be needed to stay to the end of the meeting. Chairman Clayton said no.

**JUVENILE CRIME PREVENTION COUNCIL FUNDING
RECOMMENDATIONS FOR 2011-2012:**

Juvenile Crime Prevention Council (JCPC) Chairperson, David Carter told the Board that each year, funding is made available through the North Carolina Department of Juvenile Justice & Delinquency Prevention to Person County and its JCPC to be utilized to address the needs of youth at-risk for delinquency as well as adjudicated undisciplined and delinquent youth in Person County in the form of a county allocation. All 100 counties in the State of North Carolina are allocated funds based on the population of youth in the county between the ages of 10 and 17 and Person County receives \$123,213 in its allocation from the Department of Juvenile Justice and Delinquency Prevention.

Mr. Carter stated annually, the JCPC conducts a planning process which includes an array of legislated tasks: a review of the community risk factors and the risk levels of youth in the community; an assessment of the needs of the target populations; a review of the service resources available to address those needs; the identification of service gaps; and the strategic development of a plan to structure a seamless continuum of service programming to address the target population needs. As part of the development of the needed services identified in the continuum, there is a request for proposal process (RFP) that is completed by the JCPC. Non-profits and government entities may apply for the opportunity to provide services per the guidelines of the RFP. The JCPC reviews all requests and award is made to service providers to address service needs identified by the JCPC. The JCPC makes its recommendation of expenditure of the allocation and presents its written annual planning documents to the Person County Board of County Commissioners for its approval. The JCPC performs this function as an extension of the County Commission Board in its fulfillment of the legislated duties imposed upon them through general statute. Additionally, on an on-going basis, the JCPC evaluates the performance of its funded programs by annually monitoring each program through on-site visits and also monthly through program reporting at the local monthly JCPC meetings. The JCPC is also charged with the tasks of increasing public awareness of the causes of delinquency, addressing strategies to intervene and appropriately respond to and treat the needs of juveniles while at the same time reducing juvenile recidivism. The JCPC stands ready to respond to the changing needs of youth and service delivery in the community. Mr. Carter stated the Person County Juvenile Crime Prevention Council met on May 4, 2011 and unanimously voted to approve the DJJDP allocation to be distributed in the following manner for the 2011-2012 fiscal year:

<u>Program</u>	<u>DJJDP Funds</u>	<u>County Cash Requested</u>
4-H YES	\$116,113	\$18,474
Roots & Wings Parenting Program	\$ 3,000	\$0
Central Children’s Home	\$ 100	\$ 7,422
Administrative Fund	\$ 1,000	\$0
GREAT program	\$ 3,000	\$0
Total	\$123,213	\$25,896

County Manager, Heidi York confirmed for the Board the county cash requested funds were budgeted and does not require any new allocation.

A **motion** was made by Vice Chairman Puryear, **seconded** by Commissioner Blalock, and **carried 5-0 to approve** to Juvenile Crime Prevention Council funding recommendations for 2011-2012.

MEMORANDUM OF AGREEMENT WITH PIEDMONT COMMUNITY COLLEGE FOR ADMINISTRATION OF THE CULTURAL ARTS PROGRAM:

County Manager, Heidi York told the Board that over the last several months, Person County Government and Piedmont Community College (PCC) have been negotiating a partnership to elevate the cultural arts programming for Person County. These negotiations have resulted in a Memorandum of Agreement between the two entities whereby PCC will serve as an independent contractor to operate the Cultural Arts Program for the County. Ms. York stated that once executed by the County, the contract period will begin August 1, 2011 and will remain in place until one of the parties wishes to terminate it. PCC will have a qualified individual housed at the Kirby Theater and Gallery to perform administrative duties related to programming, performances, facility operations, and class instruction. PCC will work closely with the Arts Council and the Recreation, Arts, and Parks Department. The Memorandum of Agreement further defines the share of revenues and expenses, with Person County Government responsible for one-third of the share of the administrative salary with PCC bearing two-thirds of the costs. Ms. York stated there is also an evaluation component of this Agreement with mutually agreed upon performance measures to be developed once staff is in place. Ms. York noted PCC has signed and executed this Agreement. Ms. York further noted this is an exciting partnership and believes has great potential to enhance our community. Ms. York asked the Board to review the Memorandum of Agreement and authorize the Manager to sign it, if appropriate.

Commissioner Kennington noted his excitement of this partnership creating a collaborative relationship with PCC, Arts Council as well as Recreation, Arts and Parks, further noting a boost for uptown Roxboro as a strong economic development tool. Commissioner Kennington stated his hope of future consideration to expand hours of operation to include Saturdays for the exhibit room for the purpose of showcasing not only PCC students but other local artists as well.

PCC's President, Dr. Walter Bartlett told the group there are many options once a staff person is hired and agreed work-study students and volunteers are definite possibilities. Dr. Bartlett noted continuing education courses could be offered with many opportunities. Dr. Bartlett anticipated 50-100 students participating on a daily basis.

August 1, 2011

Recreation, Arts and Parks Director, John Hill stated the Arts Council members are already involved and is a matter of communicating the need to be open Saturdays.

A **motion** was made by Commissioner Jeffers, **seconded** by Vice Chairman Puryear, and **carried 5-0** to authorize the County Manager to sign the Memorandum of Agreement by and between Person County Government and Piedmont Community College.

Commissioner Kennington thanked Dr. Bartlett, PCC, Mr. Hill, Recreation Department as well as the Arts Council for their efforts. Dr. Bartlett likewise thanked Ms. York and Mr. Hill.

TAXPAYER APPEAL OF DISQUALIFICATION AND REMOVAL FROM PRESENT-USE PROGRAM:

Tax Administrator, Russell Jones reminded the Board that this an item before the Board of Commissioners not the Board of Equalization & Review noting once the Board of Equalization & Review is adjourned, the Board of Commissioners are to hear appeals outside of that timeframe limited to the same powers of the Board of Equalization & Review. Present-Use (also known as Deferred) is a tax deferral that can be granted by application and values land in its current use as agricultural, horticultural, or forest land. To be eligible for Present-Use under General Statute 105-277, the owner of the property must file an application and meet four requirements. The four requirements are:

- a. Ownership
- b. Sound Management
- c. Acreage
- d. Income

Mr. Jones stated the taxpayer, Mr. Patrick Riley filed a timely application for Horticulture for the 2011 tax year noting the application was received on or about December 20, 2010. Upon review, the 2011 application was denied with a denial letter mailed to Mr. Riley on or about April 28, 2011. Mr. Jones stated Mr. Riley filed a timely appeal with the Person County Tax Office and a copy of the application was included in the Board packet as Attachment I as well as the denial letter was included as Attachment II.

Based on the Tax Office review of the application and properties, Mr. Jones stated the following:

1. The subject properties meet the ownership requirement. Mr. Riley has owned the properties for more than 4 years.
2. The subject properties do not meet the acreage requirement. Mr. Riley

does have more than 5 acres of non-wooded land, however there is not 5 acres in active production. General Statute 105-277.2(2) states “Land that is part of a horticultural unit that is actively engaged in the commercial production or growing of fruits or vegetables or nursery or floral products under a sound management program”. On Mr. Riley’s application, Mr. Riley indicates that he is growing 10 acres of “sod”. Mr. Riley has also indicated that he might be planting 5 acres of carrots later this summer. The Tax Office feels that there is no active production on these tracts. All non-wooded areas fall into the category of Fallow Land. See Attachment III that defined Fallow Land and explains that Fallow Land is not considered land in production.

3. The subject properties do not meet the sound management requirement. See Attachment IV that defines Sound Management (land to be used for production of agriculture, horticulture and forestry in a manner that maximizes return from the land).
4. The subject properties do not meet the income requirement. While the tobacco buyout monies can be considered income, it can only be considered if the acres involved are in actual production. See Attachment V explaining to have at least \$1,000 on average, per year from the farm. Mr. Riley’s income has come from the tobacco buyout program. The tobacco buyout program income can only be included as income if you meet the actual production as required.

Mr. Jones summarized that of the four requirements, the Tax Office believes Mr. Riley only meets one of the four. Mr. Jones offered to answer any questions from the Board. Commissioner Kennington asked Mr. Jones if growing sod would qualify. Mr. Jones stated a sod farm would grow to sell the sod and there is no sod sold from the subject property.

Mr. Riley showed the Board an example of switch grass cut from his property this date noting the grass is going to seed so he avoided during his mowing, further noting if he had cut, the grass would come back and seed during the Fall. Mr. Riley said the seed is spread by wildlife and food for quail. Mr. Riley also provided an example, sericea lespedeza, which he had wrapped due to many tiny leaves noting the plant stands thick, and further noting both plants when grown build sod. Mr. Riley quoted from a Swenky article “growing sod is the only economical alternative for small scaled sustainable agriculture”. Once the plants grow and is cut, it becomes hay. Mr. Riley stated he respects Mr. Jones as a person. Mr. Riley said the Property Tax Commission told him several times that if he had further information, to take it to the County Commissioners as it seems they would like to have local issues settled locally, i.e., that we not pester them

with issues like “what does “or” mean” as in commercial production or growing of crops, plants or animals noting his examples comprise a crop and when cut are hay, or do shadows constitute woodlands. Mr. Riley stated Mr. Jones made a point to mark out shadows from trees on neighboring property so that forest land on his property doesn’t qualify for agriculture.

Mr. Riley stated the four requirements for tax deferred status:

- 1) Ownership is uncontested – the property belongs to Patrick Riley.
- 2) Acreage – the letters and maps that have been presented to the Commissioners from Hamlett and Jennings Land Surveyors indicate the 10 acres requirement has been met and as Mr. Jennings gave him permission to quote him “that any reasonable person can understand”. Mr. Riley stated more than 10 acres with reserve.
- 3) Sound Management Requirement – an approved program completed and supervised by the Person County Soil and Water Conservation District, growing a yearly crop of hay and sowing switch grass and sod production essential for long term sustainable farming. Mr. Riley stated he is not cutting sod to put in people’s yards noting sod is a layer of plant roots, fungi and bacteria that take nitrogen from the air and produces free fertilizer. It is not just something baled up in rolls and put on yards in a new housing development.
- 4) Income – with sound management, which already answered, the program supervised by the Person County Soil and Water Conservation District in the State of NC and DENR, the Federal tobacco transition program monies exceed the minimum yearly required of \$1,000 gross income per farm.

Mr. Riley stated he has met the four requirements and has worked hard since the year 2000 to build his soil producing hay, allowing cover for quail prior to hay production each year and has controlled invasives such as trees, multiflora rose privette, honeysuckle and Chinese sumac. Mr. Riley simply requested fair treatment that the formerly revoked agricultural status be reinstated having met the requirements and that the income be applied for transition to horticultural status which he requested to be approved as this is the first hearing of appeal for horticultural status. Mr. Riley noted he mistakenly used the term fallow land maintenance on the application that under crop produced he wrote hay. Mr. Riley also requested a rapid return of the \$1,400 paid as penalty for that represents his seed for horticulture.

Mr. Riley reported he has tried and proven his recently acquired tractor and sub-soiler plow which are the beginning essentials for horticultural production under which he must prove to average \$1,000 per year gross income for any three year period to which

be believes Mr. Jones did not include that part noting under horticulture for any three years the income must average \$1,000 per year. Mr. Riley invited inspection at the end of the 2013 crop year or 2014 if the Federal Tobacco Transition Program is intended as an income for transition programs.

Mr. Riley stated he has continued his practices, located a local source of ground limestone for the growing of root crops and acquired the equipment necessary including an Oliver Hayrake and though some may say “intentions” cannot be proven when only need to look at practices to gain a fair estimate of intentions.

Mr. Riley noted the PUV Guide is not The Machinery Act of 1939 and 1971 which govern the collection of property taxes in NC. Mr. Riley stated he wanted his \$1,400 back as well as to be treated fairly.

Commissioner Blalock stated this has come to the Board’s attention a number of times and Mr. Riley truly believes he has met the four conditions noting she would like to give him the benefit of the doubt because there is doubt. Commissioner Blalock stated he has requested that he be allowed to make this process work by 2013 as well as applied for disability that has not been met which would give him some other relief noting the Board should consider care about the citizens and his man who is working very hard to make a living.

Commissioner Jeffers asked Mr. Jones if Mr. Riley would not have to already make the income to enter the program. Mr. Jones stated if he had 10 acres of active production, the tobacco buyout money could be used to help with that \$1,000 income requirement. Mr. Jones stated there is quite a bit of question if Mr. Riley had 10 acres of production in 2010, 2009 and 2008 and offered to go over why the Tax Office feels there is less than 10 acres even after Mr. Riley has submitted the evidence he has. Mr. Jones noted the reference Commissioner Blalock made to Mr. Riley’s disability application; further noting that he met the qualifications and was approved as well as the benefit was reflected in his tax bill. Mr. Riley asked why it was a little more than last year. Mr. Jones stated he was not prepared to discuss the disability application at the meeting however confirmed the benefit and offered to show to him in the office.

Commissioner Jeffers asked Mr. Jones about the transition from agriculture to horticulture. Mr. Jones stated the law is silent about such transition noting if he had met all the qualifications for agriculture up until 2010, the interpretation of the law is to allow transition to horticulture allowing him to acquire the equipment during the growing season but noting the past issue of not having 10 acres of production. Mr. Jones noted the law states after production for three years. Chairman Clayton added it is written \$1,000 per year for three years proceeding January 1. Mr. Jones stated the tobacco buyout money received in 2010, 2009 and 2008 will only meet the requirement if he had 10 acres in production for those years and the Tax Office does not believe he had 10 acres. Mr. Jones referred to the maps included in the Board packet provided by Mr. Riley

as well as passed out photos taken from road right-of-way of the subject property for comparison and review. Mr. Jones stated at 10.03 acres, Mr. Riley would be 1,307 square feet over the requirement, pointing to noted Section A on the map at 4,050 square feet to the photo titled Allensville Road looking east further noting a 6-foot ditch not maintained by Mr. Riley telling the Board if Section A was excluded alone, the 10 acre requirement would not be met. Mr. Riley observed the photo Allensville Road looking east and stated Mr. Jones may have included the abandoned DOT ditch but he and Mr. Jennings did not. Mr. Jones gave Mr. Riley a set of the handouts containing the photos to which he was discussing. Mr. Jones pointed to Section B noting 2,100 square feet and the third photo in the packet illustrating the taller brush in the background included in Mr. Riley's application. Mr. Jones stated he did not have a photo of Section C and it is not included in Mr. Riley's application containing 8,200 square feet. Since Section C is not a part of Mr. Riley's application, Mr. Jones stated that Section can not be considered for the program. Mr. Jones pointed out the last photo in the handout – Hicks Yarboro Road looking south that refers to Section F which is 1,000 square feet indicating a part of his farm which is basically a road drainage ditch. Mr. Jones stated to exclude any of those areas; Mr. Riley does not meet the 10 acre requirement. Mr. Jones stated there is not active production on the property and does not feel that mowing the property, letting the product lie and rot is considered active production. Mr. Jones stated there was nothing in the Soil and Water Conservation that prohibited Mr. Riley from harvesting that crop rather than mowing to keep from growing up.

Mr. Jones told the Board that if Mr. Riley had 5 acres in horticulture production in this growing season (this calendar year) as well as 10 acres in agriculture production in the past three years, he would qualify. Mr. Jones stated he was not sure what Mr. Jennings was surveying. Mr. Jones stated the photos do not refer to anything in production. Mr. Riley stated the mowing refers to hay production and stated he mows 10 acres of hay noting his conservation plan does not specify what he does with his hay once mowed.

Commissioner Kennington asked Mr. Riley what is the total acreage of his property. Mr. Riley stated 10.03 with reserve according to Mr. Jennings (land in hay production). Mr. Jones stated the total acreage is 12.24 acres for two tracts. Mr. Riley stated Mr. Jones took a soy bean crop from 1999 and claimed the 9.2 acres that stated Farm Service Agency (FSA) use only to build his case. Mr. Riley asked the Supervisor of FSA what the line was drawn so straight and he said so a big harrow could plow the land noting he did not count around the tree lines and all the acres weren't planted. Mr. Riley stated the GIS maps were not accurate and a disclaimer is in the packet to go back to the source of information and Mr. Jones has not done any of that noting this is a roll-over scam. Mr. Riley stated the county could make more money with his little farm being put into one-acre development rather than having something to eat or grow for the future. Mr. Riley stated Mr. Jones is working to produce money for Person County and he is working to produce food for Person County. Mr. Riley stated he was leaving the hearing at 9:19 p.m., telling Mr. Jones he could inform him of the decision by mail.

Chairman Clayton referred to the letter from Hamlett-Jennings & Associates and read an excerpt... Some of the 0.79 ac. includes land that has been mowed under tree canopy, some under power lines and some outside the property boundaries shown on GIS (evidence of a marked survey line exists along the western boundary of areas D and E...). Chairman Clayton stated it clearly stating to have 5 acres in production and producing an average gross income of at least \$1,000 per year for three years. Chairman Clayton stated Mr. Riley has showed no proof of meeting the requirement.

Commissioner Blalock asked did it not say that the tobacco buyout could be included. Mr. Jones stated the tobacco buyout could be included only if the requirement of 10-acres of active production was met.

Commissioner Jeffers stated Mr. Jones works for the Board and he respects his professional opinion with no evidence presented to show much of the acreage, let alone 10 acres is in production, he proceeded to make a motion.

A **motion** was made by Commissioner Jeffers, **seconded** by Vice Chairman Puryear, and **carried 4-1** to deny the appeal and up-hold the decision of the Person County Tax Assessor to disqualify the subject properties from the Present-Use Program. Commissioner Blalock cast the lone dissenting vote.

It was the consensus of the Board to take a recess for a brief break at 9:22 p.m. The Board reconvened at 9:35 p.m.

Chairman Clayton asked the Board to consider moving the National Health Center Week Proclamation as the first item following the break.

A **motion** was made by Commissioner Blalock, **seconded** by Vice Chairman Puryear, and **carried 5-0** to amend the agenda to move the National Health Center Week Proclamation to the first item following the break.

Chairman Clayton read and presented the Proclamation designating August 7-13, 2011 as National Health Center Week in Person County to Person Family Medical and Dental Center's CEO, Mr. Eugene Hines, Jr. Mr. Hines invited the Board to attend the festivities at the health center on Thursday, August 11, 2011 from noon to 1:30 p.m.

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

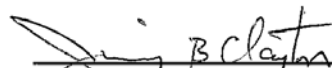
WHEREAS, Health Centers have made great strides in the County of Person health care system specifically by maintaining high standards of accountability, demonstrating cost effectiveness and efficiency in the delivery of care, and empowering communities to address unmet health needs, reduce health disparities, 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 7-13, 2011 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 1, 2011

REVIEW OF THE PROPOSED FALLS LAKE STORM WATER PROGRAM, PROPOSED ZONING ORDINANCE AMENDMENT, MAP, NUTRIENT ACCOUNTING TOOL AND MISCELLANEOUS FORMS:

Chairman Clayton and Planning Director, Paula Murphy told the Board this is an information item but will need review and referral to the NC Environmental Management Commission for approval.

The Falls Water Supply Nutrient Strategy, 15A NCAC 02B.0275-15A NCAC 02B.082, (the "Rules") became effective January 15, 2011. The New Development Rule (15A NCAC 02B.0277 Falls Reservoir Water Supply Nutrient Strategy: Stormwater Management for New Development) requires that all local governments submit their draft local stormwater program to the Division of Water Quality by August 15, 2011. Ms. Murphy noted the plan must require that all new development taking place in the jurisdiction disturbing one half acre or more for single family and duplex residential property and 12,000 square feet or more for commercial, industrial, institutional, multifamily residential or local government property meet mass loading rates for nitrogen and phosphorus of no more than 2.2 pounds per acre for nitrogen and 0.33 pounds per acre for phosphorus. In addition the local plan must ensure maintenance of best management practices implemented to comply with the New Development Rule and must ensure enforcement and compliance with the requirements of the New Development. DWQ will review the Person County local program and make recommendations to the Environmental Management Commission by January 15, 2012. Ms. Murphy stated Person County must adopt and implement a local program by July 15, 2012.

A **motion** was made by Vice Chairman Puryear, **seconded** by Commissioner Blalock, and **carried 5-0** to forward the proposed Person County Falls Lake Stormwater Program to NC Environmental Management Commission and NC Department of Environmental Health and Natural Resources for approval.

DEPARTMENT OF SOCIAL SERVICES ATTORNEY CONTRACTS:

Interim Department of Social Services (DSS) Director, Carlton Paylor presented the Board with contracts for legal services to be paid at an hourly rate to agency's primary attorney, Tom Fitzgerald, and secondary attorneys, Walter Cates, Julie Ramsey, and Joe Weinberger noting there are separate contracts for Child Support Services confirming there are two contracts per attorney. Mr. Paylor stated Mr. Fitzgerald, whom has served in this capacity for 28 years, had requested a \$10 per hour increase however agreed to keep the same rate as previously at \$125 per hour. The secondary attorneys will also charge at the same rate as previous at \$75 per hour. Commissioner Kennington asked Mr. Paylor is the contract had been put out for bid to which Mr. Paylor replied no.

A **motion** was made by Commissioner Jeffers, **seconded** by Vice Chairman Puryear, and **carried 5-0** to approve the Department of Social Services Attorney contracts.

DEMOLITION OF COUNTY-OWNED PROPERTY LOCATED AT 316 S. MORGAN STREET, WEST OF THE COUNTY OFFICE BUILDING AND FUTURE PLANS FOR OPEN SPACE:

County Manager, Heidi York reminded the Board had discussed demolishing the vacant residence located on the west-side of the County Office Building for potential use as open space as there is no current proposed use for the house. Ms. York asked General Services Director, Ray Foushee to give the Board an update regarding demolition versus deconstruction. Mr. Foushee stated both deconstruction and demolition options were both explored. Mr. Foushee noted the county has accepted bids for the demolition of the house, with the low bid coming in at \$3,800 by CM Solomon & Son Grading. Mr. Foushee noted Commissioner Blalock has provided a contact for the possibility of deconstructing the house, Mr. Paul Hair. Mr. Foushee stated Mr. Hair agreed to meet on site and upon his review of the house and premises, he indicated that the cost of deconstruction would exceed the value of anything that he could salvage noting the metal gutters/shutters, copper pipe/wiring, slate rocks, and a few old door knobs were the only items salvageable and it would cost him more to remove them than they were worth. Mr. Hair also pointed out to staff that the house was full of lead paint (prior to 1976) and that any 'legal' removal of interior materials would have to be done by someone certified in lead paint removal. Commissioner Blalock added that even with an offer of the \$3,800 to deconstruct, Mr. Hair was not interested in deconstructing. Mr. Foushee also spoke with Mr. Gordon Spivey with Habitat for Humanity. Mr. Spivey wanted to discuss the possibility with other members and he called back to indicated their group was not interested in pursuing.

A **motion** was made by Commissioner Kennington, **seconded** by Vice Chairman Puryear, to contract with CM Solomon & Son for \$3,800 to demolish the house.

Commissioner Jeffers stated his preference to hear the plans for the property prior to the vote.

Ms. York asked the Recreation, Arts and Parks Director, John Hill to discuss with the Board his proposal for the future plans for the open space. Mr. Hill passed to the Board a handout with a preliminary site plan for the area. Mr. Hill stated he has worked with Rolling Hills for a flexible, open plan with defined boundaries, low maintenance, incorporating the existing vegetation and trees. Mr. Hill stated the costs for maximum vegetation with county staff doing the planting is approximately \$900.00 compared to Rolling Hills doing the total job at \$1,800 to \$2,200 plus the \$900.00 for the plants. Mr. Hill summarized the maximum costs for a premier green space park would be \$4,000. Mr. Hill noted the possibility of having civic organizations, local schools, scout projects, and volunteers to cut the costs in half. Mr. Hill confirmed the space has water capability so the ability to irrigate is present.

Commissioner Jeffers stated his concern about the demolition taking place, sitting vacant as well as not having the community involvement so not fitting in with the area. Mr. Hill confirmed funds were carried forward for this purpose and it would not sit vacant long.

Ms. York told the Board that funds was carried forward from last year's budget in the General Services' budget to pay for the demolition in the amount of \$4,000 as well as \$4,000 was carried forward in the Recreation, Arts and Parks budget for the open space proposal.

A **amended motion** was made by Commissioner Kennington, **seconded** by Commissioner Jeffers, and **carried 4-1** to demolish the house and allow the Recreation Director to implement his plan with the monies available. Chairman Clayton cast the lone dissenting vote. Chairman Clayton stated his opposition to the motion due to county budgets being cut, buying extra cars, and county employees not receiving any extra benefit this year along with the present economy.

Commissioner Blalock asked how long the house had been sitting vacant. Commissioner Kennington stated 15-20 years.

DESIGNATE A VOTING DELEGATE FOR THE NC ASSOCIATION OF COUNTY COMMISSIONERS ANNUAL CONFERENCE:

Chairman Clayton requested the Board to designate a Commissioner attending the 2011 NC Association of County Commissioners Annual Conference (NCACC) so that voting credentials may be submitted by the August 12 deadline in order for Person County to participate in the association's annual election of officers and policy adoption.

A **motion** was made by Commissioner Kennington, **seconded** by Vice Chairman Puryear, and **carried 5-0** to designate Chairman Clayton as Person County's voting delegate for the 2011 NC Association of County Commissioners Annual Conference.

ALTERNATE SITE FOR VIPER COMMUNICATIONS TOWER:

(Discussion delayed to the end of the agenda to allow the Planning Director time to review the county cell tower ordinance).

Chairman Clayton stated the motion before the Board is as follows:

A **motion** was made by Commissioner Jeffers, **seconded** by Vice Chairman Puryear, to approve the alternate site for the construction of a radio tower by the NCSHP with Federal grant funds to assist the Highway Patrol in establishing a VIPER link in Person County reiterating the project is fully funded through the grant and no local dollars are needed.

County Attorney, Ron Aycock stated he and the Planning Director had talked, although not comprehensively and propose for following options for Board consideration:

- Withdraw the pending motion,
- Authorize the County Manager to execute the required request form (an intent to go forward) to the State so they can start their process (estimating taking 5-6 months) ending with the Counsel of State,
- There is no specific exemption for this kind of facility in the current county cell tower ordinance. The Board may consider the following:
 - Require the State to go through the process of a Special Use Permit (not recommended); or
 - Start a process to amend the cell tower ordinance as well as to the extent necessary any zoning ordinance to specifically exempt a tower built on county property for law enforcement and emergency communication (exempt specific use from the current county cell tower ordinance thereby avoiding the necessity of going through a Special Use Permit process).

Mr. Aycock confirmed the Board of Commissioners shall hold a public hearing on the amendment after giving required notice (publishing public notice once a week for two successive calendar weeks).

Mr. Aycock stated if the motion remains as on the floor, the State would have obtain a Special Use Permit to get tower built under the current cell tower ordinance.

The **motion** on the floor was **withdrawn** by Commissioner Jeffers and Vice Chairman Puryear and **carried 5-0 unanimously**.

A **motion** was made by Commissioner Blalock, **seconded** by Commissioner Jeffers, and **carried 5-0** to authorize and direct the County Manager to submit the pre-application form. Commissioner Kennington requested the County Manager to call the Interim City Manager to keep informed.

A **motion** was made by Vice Chairman Puryear, **seconded** by Commissioner Jeffers, and **carried 5-0** to authorize the County Attorney and Staff to prepare the necessary documentation to amend the existing Planning and Cell Tower Ordinances to allow such facility and to publish notice and call for a public hearing to be held on August 15, 2011.

Mr. Aycock confirmed notice of the public hearing would be in the local newspaper as well as on the county web site. It was the consensus of the group for Staff to notify adjoining property owners located within 500 feet from the property line of the alternate county-owned site located on Critcher Wilkerson and Wesleyan of such public hearing.

CHAIRMAN'S REPORT:

Chairman Clayton told the Board members a copy of a report from the Board of Education was left in their mailboxes. Chairman Clayton stated he would be attending an upcoming School Board meeting at which time the old Helena School site would be discussed.

Chairman Clayton noted the Environment Committee would be meeting during the NC Association of County Commissioner's Conference to discuss landfill closure.

MANAGER'S REPORT:

County Manager, Heidi York stated she would re-poll the Board for potential joint meeting dates in the fall with the School Board as the date proposed did not work for all Board members.

Ms. York asked for direction from the Board regarding a joint meeting with the City of Roxboro. Chairman Clayton stated the joint meeting should wait until after the election and appointment of a City Manager.

Vice Chairman Puryear requested the meetings to be held during the evening hours.

COMMISSIONER REPORT/COMMENTS:

Commissioner Kennington had no comments.

Commissioner Blalock made the Board aware of the following landfill/recycling issues requesting the Board not to enter into negotiations with Republic but to talk with Person County's neighbors:

- Contacted Greenville Paving and met with Mr. James Ross regarding private sector activity noting it had not been brought to fruition then discussed with Mr. Foushee and Person Industries to recycle shingles with the transfer station as a possibility. Mr. Ross is now working with Person Industries to get shingles out of the landfill as well as improve the product to pave roads. A transfer station exists that can be activated for the collection of shingles.
- Attended a Granville County Board of Commissioner meeting related to the issue of them expanding their landfill to include counties to which Person County was named to make a profit noting it is scheduled to open next year. Proposing a partnership with Granville County so that Person County can receive their recyclables (their current recycling contract expires in 2 years) and Granville County can accept Person County's non-recyclables to thereby fulfill a promise made to the people in Eastern Person County in 1997 when the Board stated the landfill would only be in Person County for 20 years and then to go somewhere else.

Commissioner Jeffers stated he is working with a group to develop a backpack feeding program within the schools that is looking at piloting 2 schools in the near future. Commissioner Jeffers also requested the Board's input and help as well as he would be contacting the ministerial alliances within the county.

Vice Chairman Puryear stated the House of Representatives passed the debt ceiling plan.

CLOSED SESSION:

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Jeffers, and **carried 5-0** to go into Closed Session per General Statute 143-318.11(a)(6) for the purpose of the Evaluation of the County Manager, Heidi York at 10:23 p.m.

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Jeffers, and **carried 5-0** to return to open session at 10:36 p.m.

Commissioner Kennington asked the Board about the proper protocol in asking questions to the Board of Education related to the letter from the Person County Schools Superintendent, Dr. Larry Cartner. Commissioner Jeffers read the letter addressed to each of the Board members from the Person County Schools Superintendent, Dr. Larry Cartner. Chairman Clayton stated each commissioner was an elected official and had the right to ask questions to whomever.

ADJOURNMENT:

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Blalock, and **carried 5-0** to adjourn the meeting at 10:38 p.m.

Brenda B. Reaves
Clerk to the Board

Jimmy B. Clayton
Chairman