

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

**NOVEMBER 15, 2010**  
**OTHERS PRESENT**

Johnny Myrl Lunsford  
Jimmy B. Clayton  
Kyle W. Puryear  
B. Ray Jeffers  
Samuel R. Kennington

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

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The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, November 15, 2010 at 9:00 a.m. in the County Office Building Auditorium.

Chairman Lunsford called the meeting to order and asked Commissioner Clayton to lead in prayer and Commissioner Kennington to lead the Pledge of Allegiance.

**RECOGNITION OF LOCAL GOVERNMENT DAY:**

Chairman Lunsford welcomed the Person High School students participating in Local Government Day to observe the Board of County Commissioners in session.

All Board members, County Attorney, County Manager and Clerk to the Board gave an introduction to the group.

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

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Puryear and **carried 5-0** to add to the agenda a Closed Session for personnel and contracts.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers and **carried 5-0** to add to the agenda an item considering a Memorandum of Understanding between Person County and the City of Roxboro regarding Person County Communications (911) and the Statewide VIPER System Radio Tower.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers and **carried 5-0** to approve the agenda as adjusted.

**RESOLUTIONS OF APPRECIATION:**

Chairman Lunsford read and presented Resolutions of Appreciation for Person County Retirees Lou Harris and Connie Slaughter.

RESOLUTION OF APPRECIATION

WHEREAS, Lou Harris has served the people of Person County during her tenure as an Income Maintenance Caseworker III at the Department of Social Services; and

WHEREAS, Lou Harris has served the citizens of Person County with honor, integrity, sincerity and dedication, providing accurate, concise services for twenty-one years, October, 1989 – November, 2010; and

WHEREAS, Lou Harris has earned the respect and admiration of all who have known her and worked with her throughout her career; and

WHEREAS, the County of Person recognizes the many contributions Lou Harris has made to the County and offers her sincere best wishes for her retirement.

NOW, THEREFORE, I, Johnny Myrl Lunsford, Chairman of the Person County Board of Commissioners, do hereby extend this Resolution of Appreciation to Lou Harris for continually striving to make Roxboro and Person County a better place to live and work.

Adopted this, the 15th day of November, 2010.

(signed)

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Johnny Myrl Lunsford, Chairman  
Person County Board of Commissioners

Attest:  
(signed)

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Brenda B. Reaves  
Clerk to the Board

November 15, 2010

RESOLUTION OF APPRECIATION

WHEREAS, Connie Slaughter has served the people of Person County during her tenure as an Accounting Technician III at the Department of Social Services; and

WHEREAS, Connie Slaughter has served the citizens of Person County with honor, integrity, sincerity and dedication, providing accurate, concise services for twenty-three years, November, 1987 – November, 2010; and

WHEREAS, Connie Slaughter has earned the respect and admiration of all who have known her and worked with her throughout her career; and

WHEREAS, the County of Person recognizes the many contributions Connie Slaughter has made to the County and offers her sincere best wishes for her retirement.

NOW, THEREFORE, I, Johnny Myrl Lunsford, Chairman of the Person County Board of Commissioners, do hereby extend this Resolution of Appreciation to Connie Slaughter for continually striving to make Roxboro and Person County a better place to live and work.

Adopted this, the 15th day of November, 2010.

(signed)

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Johnny Myrl Lunsford, Chairman  
Person County Board of Commissioners

Attest:  
(signed)

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Brenda B. Reaves  
Clerk to the Board

November 15, 2010

## **INFORMAL COMMENTS:**

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

Mr. Martin Rimmer of 12200 Hurdle Mills Road, Hurdle Mills, and Assistant Chief for the Hurdle Mills Volunteer Fire Department spoke to the item on the agenda related to Volunteer Fire Department Contracts noting the proposed contract was presented to the Fire Chiefs on November 3, 2010 via email and has not been addressed at the Fire Chiefs quarterly meeting nor sufficient time been allowed to discuss with Fire Department Board members.

Mr. Patrick Riley of 256 Hicks Yarboro Road, Roxboro made comments regarding the Board's last meeting informal comments period as he requested the minutes be corrected for the October 18, 2010 Board meeting minutes related to Ad Valorem Property Tax Deferred Agricultural Land Tax Hearing to be accurate according to the NC General Statutes. Mr. Riley stated the County Attorney skirted the accuracy law implying his testimony need not be considered in the minutes and accused the Board of dissecting the property tax payer's life and grossly misrepresented testimony from record and further noted such blatant arrogance never wins respect from the people, only contempt. Mr. Riley stated review of the October 18, 2010 indicates his property tax testimony was the only one butchered and concerning this issue, Mr. Riley recounted a public hearing for Cogentrix held before the City Council whereas he described an entire dialogue deleted from the minutes. Mr. Riley stated the informal comments minutes for the Board's November 1, 2010 meeting where he made comments are also butchered.

Mr. James Hughes of 1387 Saint Paul Church Road, Roxboro and Assistant Chief for the Triple Springs Volunteer Fire Department requested the proposed contract for Volunteer Fire Department be presented to the Fire Chiefs Association.

## **APPROVAL OF MINUTES:**

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Clayton, and **carried 5-0** to approve the minutes of October 25, 2010 and November 1, 2010.

## **ADMINISTRATIVE REPORTS:**

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried 5-0** to approve the Administrative Reports for the Airport, Inspection Department and Public Library.

**November 15, 2010**

**OLD BUSINESS:**

**REQUEST BY PROGRESS ENERGY FOR A SPECIAL USE PERMIT AND VESTED RIGHTS FOR A MONOFILL (INDUSTRIAL LANDFILL FOR DISPOSAL OF COAL COMBUSTION PRODUCTS) OFF OLD 501, WOODSDALE TOWNSHIP:**

County Attorney, Ron Aycock stated on October 4, 2010, the Person County Board of Commissioners held a public hearing to receive evidence on the request from Progress Energy for a Monofill Special Use Permit and Vested Rights for an industrial landfill for disposal of coal combustion products on 659 acres owned by Progress Energy. The actual footprint of the landfill will be 118.4 acres when completed with access to the site off of Old 501, north of the Mayo Plant.

Mr. Aycock noted the Board, after hearing the testimony at the public hearing on October 4, 2010, tabled the request. Mr. Aycock stated the request is on the agenda this date for Board action. Mr. Aycock presented to the Board two optional actions of ruling, positive and negative, for findings of fact and conclusions of law reminding the Board of the quasi-judicial function in which Board members consider the facts and evidence of the public hearing like in a court of law.

A **motion** was made by Commissioner Puryear, **seconded** by Chairman Lunsford, to adopt the findings of fact and conclusions of law and grant Progress Energy a special use permit with conditions recommended by the Planning Board and grant vested rights for a five-year period.

Commissioner Kennington asked the County Attorney if unanswered questions can be directed to the Planning Director. Mr. Aycock stated the process required by law allows only discussion amongst Board members at this time following the testimony heard at the public hearing.

Commissioner Kennington asked if the procedures outlined by the County Attorney applied to all special use permits. The County Attorney, Ron Aycock confirmed the procedure would apply to all special use permits noting the process for considering a special use permit measures if standards set forth in the Planning Ordinance have been met against the facts.

A **substitute motion** was made by Commissioner Kennington, **seconded** by Commissioner Puryear, to add the following requirements to Progress Energy:

- 1) meet with the 18 individual adjacent property owners to answer any questions or concerns,
- 2) ask NC DOT to make determination if a lane turn is needed on 501 N where the 100 trucks will be traveling between 8:00 am to 5:00 pm on a daily basis,
- 3) coal ash be wet down or covered on a daily basis to prevent fugitive dust leaving the area,
- 4) require a fence around the monofill footprint to prevent illegal entry, and
- 5) increase the buffer from 200 feet to 300 feet.

Commissioner Puryear asked for further detail of the substitute motion. Commissioner Kennington stated the intent of the substitute motion was to ensure the adjacent property owners are given the opportunity to meet with Progress Energy to discuss concerns, defer assessment and decision to NC DOT regarding improvement on public road, ensure safety practices on a daily basis regarding fugitive dust, preventing children in the neighborhood entry into the area since the area will not always be supervised as well as increasing the buffer is not an unreasonable request.

Mr. Aycock stated Commissioner Kennington's substitute motion is adding conditions to the issuance of the special use permit and recommended the Board be specific of such conditions so the applicant knows exactly what is required.

Commissioner Puryear stated confidence in the Planning Board's recommendation as noted in his original motion.

Commissioner Kennington **withdrew** his **substitute motion** and requested the items mentioned in the substitute motion be considered for additional requirements in order to issue the special use permit.

Commissioner Puryear stated his **original motion stands as called**.

A **substitute motion** was made by Commissioner Kennington, **seconded** by Commissioner Jeffers, and **carried 5-0** to adopt the findings of fact and conclusions of law for a positive ruling to grant Progress Energy a special use permit with conditions recommended by the Planning Board as well as grant vested rights for a five-year period subject to the additional requirements to Progress Energy:

1) meet with the 18 individual adjacent property owners to answer any questions or concerns,

2) comply with any NC DOT requirements regarding a turn lane on 501 N,

3) coal ash will be managed in such a way to prevent fugitive dust leaving the area in accordance with the operating permit issued by NCDENR,

4) require a fence around the portion of the monofill footprint where operations have begun in order to prevent illegal entry, provided that such fencing may be removed from any portion of the footprint once that portion has been closed pursuant to NCDENR regulations, and

5) increase the buffer from 200 feet to 300 feet from adjacent property lines.

Commissioner Kennington confirmed for Commissioner Puryear that Progress Energy owns the land to meet the last requirement.

The Board adopted the following findings of fact and conclusions of law and granted Progress Energy a special use permit and vested rights for a five- year period for the Monofill noted above:

### **FINDINGS OF FACT**

1. All parties necessary to the determination of this request were properly notified and were or had the opportunity to be represented at the hearing.

2. Section 74-4 of the Person County Planning Ordinance requires the following conditions be satisfied before a special use permit may be issued:

a. 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;

b. that the use meets all required conditions and specifications;

c. that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

d. 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.

3. The competent, credible evidence produced at the hearing of this matter established that the applicant has satisfied the above criteria, as follows:

a. state-of-the-art technology will be used to minimize the possibility of any environmental contamination, the use is less environmentally sensitive than the existing use that it will replace, the use will comply with all state and federal regulations, and the use is wholly contained within lands owned by the applicant and there are no nearby residences;

b. all conditions and specifications of the Planning Ordinance for this use have been met;

c. the use will not substantially injure the value of adjoining or abutting property, as all adjoining and abutting property is owned by the applicant and used as part of an electric power generation plant, other nearby properties primarily are vacant and undeveloped, and the use is a public necessity; and

d. the general area is undeveloped with some industrial uses (including the applicant's power generation plant) and the use is in conformity with the comprehensive plan for the area.

**November 15, 2010**



4. The competent, credible evidence produced at the hearing of this matter established that the applicant requires five (5) years of vested rights in order to properly complete this project.

### **CONCLUSIONS OF LAW**

1. The requirements of Section 74-4 of the Person County Planning Ordinance have been met and the applicant, Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc., is entitled to a special use permit for a monofill.

2. The applicant, Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc., has established a need for five (5) years of vested rights pursuant to Section 74-9, *et seq.*, of the Person County Planning Ordinance.

### **CONDITIONS TO THE SPECIAL USE PERMIT:**

1. A 300 foot buffer from adjacent property lines.
2. A 22 foot wide graveled road into the site.
3. Approval to include the phasing as shown on the plat.
4. The maximum height to be 180 feet.
5. Vested Rights for a period of five years.
6. Approval from NCDENR for a Waste Management Permit prior to obtaining a Zoning Permit.
7. Approval of an Erosion and Sedimentation Plan prior to obtaining a Zoning Permit. A copy of the plans and the approval letter to be submitted to Planning.
8. All required Federal, State and local permits to be obtained and a copy of those approvals submitted to Planning prior to a Zoning Permit.
9. Finding of Fact as noted on Page 8 and 9 of Progress Energy's application.
10. In keeping with the Comprehensive Plan in Section 2.1.
11. Meet with the 18 individual adjacent property owners to answer any questions or concerns.
12. Comply with any NC DOT requirements regarding a turn lane on 501 N.
13. Coal ash to be managed in such a way to prevent fugitive dust leaving the area in accordance with the operating permit issued by NCDENR.
14. Require a fence around the portion of the monofill footprint where operations have begun in order to prevent illegal entry, provided that such fencing may be removed from any portion of the footprint once that portion has been closed pursuant to NCDENR regulations.

**November 15, 2010**

**NEW BUSINESS:**

**GENERAL GOVERNMENT AND ADMINISTRATION CLASSIFICATION AND PAY STUDY CONDUCTED BY THE MAPS GROUP:**

County Manager, Heidi York introduced Ms. Becky Veazey of the MAPS Group and told the Board that following the full Classification and Pay Study conducted for Person County in the Spring of 2006, the County adopted a strategy to keep salaries of employees competitive within the market. Ms. York stated this study is the third and last phase of a three-year phased implementation that reviewed one-third of all County jobs each year noting Public Safety positions were reviewed in Fiscal Year 2008-2009 as the first of these three phases and in Fiscal Year 2009-2010 Human Services, specifically Public Health and Social Services were reviewed. Ms. York stated this final phase compares the salary data within a designated market for General Government and Administrative positions. Ms. York stated the funding to implement the final phase effective January 1, 2011 is included in the budget adopted for Fiscal Year 2010-2011.

Ms. Veazey explained to the Board that the 2006 Classification and Pay Study resulted in Person County salaries being significantly below the market noting the value of implementing the 3-year cycle is keeping jobs up to date as well as spreading costs across multiple years as opposed to one year. Ms. Veazey noted two important parts of the study, one being the classification that is reflected by reviewing job duties that change possibly due to reorganization or by a change in services and correcting any such inequities that are present. The second important part of the study is the market and ensuring the county is within the market for equal pay for equal work. Ms. Veazey told the Board the greatest benefit to staying within the market is preventing turnover. Ms. Veazey quoted the estimated the cost to an organization for turnover is 66% to 125%.

Commissioner Jeffers asked if the recommended salary included a 5% cap as done previously. Ms. York stated that is correct, however, Ms. Veazey corrected noting a few situations of more than 5% to get employees to the starting salary of a pay grade.

Commissioner Kennington inquired about the cost of living comparisons to the areas studied to Person County. Ms. Veazey stated the standard methodology for compensation work is to review first within the core market. The core market area is the area that is within a commutable distance from Person County. Ms. Veazey stated cost of living comparisons are not part of the compensation study methodology. Ms. Veazey stated if insufficient data is received within the core market, then a review would be extended to further distances. Ms. Veazey noted that data from Caswell County was not obtained due to no response from Caswell.

Commissioner Clayton asked the County Manager the affect on the budget to approve implementation of the final phase. Ms. York stated the cost of the third and final phase is approximately \$135,000 for a full year noting \$67,850 of the budgeted \$100,000 would be used to implement January 1, 2011.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Kennington, and **carried 5-0** to approve implementation of the General Government and Administrative Classification and Pay Study final phase effective January 1, 2011.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Kennington, and **carried 5-0** to exclude the raise for County Commissioner.

**BUDGET PROJECTIONS FOR THE PERSON COUNTY SENIOR CENTER FOR FISCAL YEAR 2011-2012:**

County Manager, Heidi York stated as a follow-up to the discussion with the Council of Government staff on October 11<sup>th</sup>, information regarding the funding needs of the Person County Senior Center is being presented by Ms. Diane Cox noting the draft budget projections for Fiscal Year 2011-2012 require an appropriation of county funding in the amount of \$100,000 in addition to other non-locally supported revenue to operate the Senior Center.

Ms. Diane Cox, Kerr-Tar COG Area Agency on Aging Director presented and explained to the Board the budget projections for the Person County Senior Center for Fiscal Year 2011-2012 as outlined below. Ms. Cox stated the projected revenues outlined are state and federal funding that is currently received and is in no way guaranteed for next fiscal year. Ms. Cox noted a possible increase in the funding is expected in the Health Promotion/Disease Prevention allocation.

**REVENUES**

Home and Community Care Block Grant	286,532.00
Family Caregiver Program	7,000.00
Senior Center General Purpose	12,643.00
IID-Health Promotion/Disease Prevention	3,617.00
SHIP Grant	3,282.00
ROAP (EDTAP)	30,000.00
Consumer Contributions	20,000.00
Ensure Sales	8,000.00
Misc. Income (Including donations, building rental, private pay)	12,000.00
County Funding Required (includes match)	\$100,000.00
	483,074.00

	Expenses
<b>PAYROLL &amp; PAYROLL BASED EXPENSES</b>	
Salary-In Home Services Coord. (1FTE)	\$25,000.00
Salary-Nutrition Program Manager (1FTE)	\$21,743.00
Salary-Activities Coordinator(1FTE)	\$25,000.00
Salary-Aging Director (1FTE)	\$46,500.00
Salary-Receptionist (1FTE)	\$19,500.00
401K	\$3,443.58
FICA	\$10,537.34
Retirement	\$8,884.42
Insurance	\$26,952.00
Workers Comp	\$2,754.86
Travel	\$2,500.00
<b>TRANSPORTATION</b>	
Transportation Contract	\$50,000.00
<b>NUTRITION</b>	
Catering Contract	\$60,000.00
Meal Supplies	\$3,600.00
Ensure	\$8,000.00
<b>IN-HOME AIDE</b>	
In-Home Aide Contract	\$109,725.80
<b>SENIOR CENTER OPERATIONS</b>	
Education & Training	\$1,000.00
General Supplies	\$9,000.00
Telephone and Internet	\$3,500.00
Postage	\$400.00
Utilities (includes water and sewer, PSNC, electricity)	\$16,000.00
Repairs and Maintenance	\$9,000.00
Misc. Expenses	\$5,000.00
Marketing & Advertising	\$500.00
Dues and Subscriptions	\$150.00
<b>HEALTH PROMOTION/DISEASE PREVENTION</b>	
Medication Management	\$969.00
Evidence Based Health Promotions	\$1,436.00
New Equipment/Maintenance on Equipment	\$1,696.00

**November 15, 2010**

<b>SHIIP</b>	\$3,282.00
<b>FAMILY CAREGIVER PROGRAM</b>	\$7,000.00
	\$483,074.00

Commissioner Clayton suggested the County Manager to set up a meeting including the previous non-profit board members for the Council on Aging, COG staff and Board members to further discuss possible formation of a new non-profit for the future of the Senior Center. It was the consensus of the Board for such meeting to be scheduled.

Ms. Cox invited the Board members to a COG Board of Director's meeting to be held in Person County at the Homestead on Thursday, November 18 at 6:30 p.m. The guest speaker will be Dennis Street, Director of the Division of Aging and Adult Services.

**REVISION OF PERSON COUNTY ANIMAL CONTROL ORDINANCE:**

Animal Control Director, Ron Shaw stated thanks to the Person County Animal Control Advisory Board and staff who have been working on revising and updating the Animal Control Ordinance for many months. Mr. Shaw highlighted programs noting successful rescue groups pulling approximately 267 animals and approximately 99 adoptions so far this year. Mr. Shaw stated 1,823 animals have entered the shelter this year with 1,376 animals being euthanized. Mr. Shaw anticipates space issues at the shelter by 2013 and noted this is a good time to revise and update the Person County Animal Control Ordinance. Mr. Shaw stated revisions are needed to the Animal Control Ordinance to meet state requirements, to increase the quality care for animals, to bring irresponsible pet owners into compliance and to increase revenue for Person County. The major change with the revision of the Person County Animal Ordinance will be implementation of citations. Mr. Shaw requested Board support in the next budget year for a Compliance Officer position. Mr. Shaw requested the Board's feedback on implementation and enforcement of the proposed revisions of the Person County Animal Control Ordinance.

Commissioner Clayton asked the County Attorney if a public hearing is required for this ordinance change. Mr. Aycock stated a public hearing is not required for a revision to the Animal Control Ordinance.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Clayton, and **carried 5-0** to table action on this item for further examination.

Commissioner Puryear confirmed for Commissioner Kennington that the Animal Control Advisory Board has been working and providing input for the revisions.

**ALLENSVILLE VFD RELIEF FUND BOARD APPOINTMENT:**

Fire Marshal, John Gentry stated under General Statute 58-84-30, the Board of Commissioners shall be responsible for appointing a member to each Fire Department relief fund board. The Allensville VFD has requested Shelia D. Williams, 4850 Denny's Store Rd., Roxboro, NC to be appointed to the Allensville VFD Firefighters Relief Fund Board. Mr. Gentry stated Ms. Williams will be replacing a board member who passed away this year.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Puryear, and **carried 5-0** to appoint Shelia D. Williams to the Allensville VFD Firefighters Relief Fund Board.

**VOLUNTEER FIRE DEPARTMENT CONTRACTS FOR FIRE PROTECTION:**

Fire Marshal, John Gentry stated the current contracts with the Volunteer Fire Departments will expire on December 1, 2010 noting these contracts have been in place since December 1, 2005. Mr. Gentry noted the contracts in place have no set requirements. Under the proposed contract the Volunteer Fire Departments will have to meet some basic requirements for ISO and documentation. Mr. Gentry stated the requirements would be a step into providing documentation and rural water supply sites for a reduction in insurance rates for the citizens of Person County.

Mr. Gentry stated he sent the information related to the proposed contracts to the Fire Chiefs on November 3, 2010 seeking comments and concerns. Mr. Gentry noted two Fire Chief submitted comments as well as a couple Fire Chiefs appeared before the Board to make comments this date. Mr. Gentry stated his role as Fire Marshal is a liaison to the Volunteer Fire Departments. Mr. Gentry stated the proposed two-year contract he and the County Manager developed contains much of the content of the current contract and mirrors the present contract with the City of Roxboro excluding specialized rescue services. Mr. Gentry explained the Addendums for Requirements for Reporting for insurance, training records, roster, hose testing, apparatus testing, etc. Ms. York clarified with the Fire Marshal there are no new ISO reporting requirements than with the current contract as well as proposed contract establishes the role of the Fire Marshal with needs and funding requests funneled through the County Fire Marshal Office.

Commissioners Puryear and Kennington stated support of the Fire Marshal meeting with the Fire Chiefs to explain the proposed contract as well as receive input.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Puryear, and **carried 5-0** to table action on this item and extend the current Volunteer Fire Department contracts until the Board takes action.

## **UPDATE ON THE FARMERS MARKET AND THE VOLUNTARY AGRICULTURAL DISTRICT:**

Cooperative Extension Director, Derek Day updated the Board on the following:

### Farmers Market

Mr. Day stated the Rural Advancement Foundation International awarded Person County Government a \$30,000.00 grant to construct a new Farmers Market in the spring of 2010. Mr. Day noted issues with the contractor have been resolved with the county expecting delivery of the structure on December 15 with construction complete by mid January. Mr. Day commented that even though no permanent structure was in place for this growing season, vendors operated under temporary tents and had a successful season. The market operated for a total of 50 days on Wednesday afternoons and Saturday mornings serving over 2,150 buyers with average sales of \$4000.00 on Wednesdays and \$9000.00 on Saturdays for the approximate 52 active vendors. Mr. Day told the group of the website: roxborofarmersmarket.com to see the daily available market items.

Commissioner Kennington requested Mr. Day to discuss with the committee a name change to Person County Farmers Market to distinguish from the present Roxboro Farmers Market located on Depot Street. Mr. Day stated Commissioner Kennington would be invited to the December committee meeting and encouraged his attendance to advocate for such proposed name change.

Chairman Lunsford stated elderly people may prefer the Depot Street location due to easy accessibility versus driving in the Madison Boulevard traffic.

### Voluntary Agricultural District (VAD)

Mr. Day stated the draft of Voluntary Agricultural District Ordinance is complete and is in the process of being reviewed by the VAD working group, the county attorney and a couple of individuals at the state level. Mr. Day noted the goal is to have it before the Board of Commissioners at its February 7, 2010 meeting. Mr. Day informed the group approximately 90 counties already have Voluntary Agricultural District whereas, Person County, Granville County, Vance County are among the last group of counties without a Voluntary Agricultural District. Mr. Day noted the Voluntary Agricultural District is a public relations/information service that notifies individuals of farms in the area as well as promote preservation of farm land.

Commissioner Kennington noted the Voluntary Agricultural District was a major recommendation from the Person Future's committee.

**REQUEST TO SCHEDULE INFORMAL INTERVIEWS DATE AND TIME FOR COMPETITIVE BOARDS AND COMMITTEES:**

Clerk to the Board, Brenda Reaves stated board and committee applications for current vacancies and terms expiring December 31, 2010 are forthcoming for Board consideration. Board and Committee vacancies were advertised in *The Courier Times* on November 13, 2010 with a deadline to submit applications by December 14, 2010. Listed below are the 4 boards or commissions that are deemed competitive at this time affecting 5 seats that will be eligible for the informal interview process.

Airport Commission

3-Year Term: 1 citizen-at-large position available and 1 position for a licensed pilot who flies at least monthly and holds a current FAA pilot certificate and current FAA flight medical certificate. Note: Light Sport Pilot and Student Pilot FAA licenses do not qualify.

Orange Person Chatham Area Mental Health Board

3-Year Term: 1 position available

Piedmont Community College Board of Trustees

Unexpired Term to June 30, 2012; 1 position available

Tourism Development Authority

3-Year Term: 1 position from the general public available

Ms. Reaves recommended the Board to consider January 3, 2011 at 6:15 p.m. as the date and time for the informal interview process.

Chairman Clayton stated Person County offices are slated to be closed on Friday, December 31, 2010 in observation of the New Year's Day holiday noting the Tax Office will be closed and unavailable for citizens attempting to pay property taxes by the end of the year.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Puryear, and **carried 5-0** for Person County offices to be open on Friday, December 31, 2010 with observation of the New Year's Day holiday on Monday, January 3, 2011. The Board's first meeting of 2011 would fall on January 3, 2011, however with the Board's action to change the New Year's Day holiday to January 3, 2011, the Board's first meeting of January would be held on Tuesday, January 4, 2011.

It was the consensus of the Board to schedule the informal interviews for the competitive boards and committees to be held at 6:15 p.m. on January 4, 2011.

**November 15, 2010**



## **CODE OF ETHICS:**

County Attorney, Ron Aycock stated the 2009-2010 NC General Assembly enacted legislation requiring each county, city and school board to adopt a Code of Ethics by January 1, 2011. The Code is required to have at least the following 5 elements:

- (1) The need to obey all applicable laws regarding official actions taken as a board member.
- (2) The need to uphold the integrity and independence of the board member's office.
- (3) The need to avoid impropriety in the exercise of the board member's official duties.
- (4) The need to faithfully perform the duties of the office.
- (5) The need to conduct the affairs of the governing board in an open and public manner, including complying with all applicable laws governing open meetings and public records.

Mr. Aycock stated the Person County Board of Commissioners adopted a Code of Ethics on October 19, 1998 which contains the required 5 elements as well as 2 additional elements identified as Canon 6 relating to refraining from inappropriate political activity and Canon 7 relating to minimizing conflicts of interest. Mr. Aycock noted the Board is required to adopt canons of ethics containing the 5 elements above and may adopt additional canons. The proposed Canons contain the required 5 Canons and are identical to the 1998 Canons with only minor updates to the language as well as the additional two, Canons 6 and 7.

Mr. Aycock reviewed the proposed Code of Ethics and Canons with the Board and requested the Board to repeal the 1998 Code of Ethics and to adopt the 2010 Code of Ethics.

Commissioner Kennington inquired to the Board's authority to take or initiate action related to personnel under the County Manager. Mr. Aycock stated a need for clarification as the intent for Board action relates to direct appointment authority for the County Manager, County Attorney, Tax Assessor and Clerk to the Board. Mr. Aycock stated clarification may be needed to direct employees to bring concerns to the appointing authority.

Commissioner Clayton suggested the words, *where appropriate*, be added to Canon Four, under section C. Administrative Responsibilities, #4.

Board members discussed deleting section B of Canon Seven.

Mr. Aycock stated the requirement for the Board to adopt Canons of Ethics have no criminal nor civil liability for violation. The statute has no provision for a penalty at all and Board members would enforce by their own action.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Kennington, and **carried 5-0** to adopt the Code of Ethics as presented with the word changes for Canon Four, under section C. Administrative Responsibilities, #4 to read as follows, as well as deletion of section B of Canon Seven in its entirety:

4. County commissioners should take or initiate appropriate disciplinary measures against a county employee, where appropriate, for improper conduct of which the commissioners may become aware.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Clayton, and **carried 5-0** to repeal the 1998 Code of Ethics.

**Code of Ethics**  
**for the Board of County Commissioners**  
**of Person County, North Carolina**

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WHEREAS, the Constitution of North Carolina, Article I, Section 35, reminds us that a “frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty,” and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina’s State Motto, *Esse Quam Videri*, “To Be Rather than to Seem,” and

WHEREAS, Section 153A-53 of the North Carolina General Statutes requires County Boards of Commissioners to adopt a code of ethics pursuant to General Statute 160A-86, and

WHEREAS, as public officials we are charged with upholding the trust of the citizens and residents of Person County, and with obeying the law, and

WHEREAS, as public officials of Person County we believe our citizens and residents are entitled to the most open and ethical government possible under the law.

NOW THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens and residents of Person County and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the Person County Board of Commissioners do hereby adopt the following General Principles and Code of Ethics to guide the Board of County Commissioners and the advisory boards and committees of this Board in their lawful decision-making.

**November 15, 2010**

## **PREAMBLE**

The stability and proper operation of democratic representative government depends upon the continuing consent of the governed, upon the public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people. Government decisions and policy must be made and implemented through proper channels and processes of the governmental structure. The purpose of this code is to establish guidelines for ethical standards of conduct for county commissioners. It should not be considered a substitute for the law or a county commissioner's best judgment.

County commissioners must be able to act in a manner to maintain their integrity and independence, yet must be responsive to the interests and needs of those they represent. County commissioners serve in an important advocacy capacity in meeting the needs of their citizens and should recognize the legitimacy of this role as well as the intrinsic importance of this function to the proper functioning of representative government. At the same time, county commissioners must, at times, act in an adjudicatory or administrative capacity and must, when doing so, act in a fair and impartial manner. County commissioners must know how to distinguish these roles and when each role is appropriate and they must act accordingly. County commissioners must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each county commissioner must find within his or her own conscience the touchstone on which to determine appropriate conduct.

## **CANON ONE**

### **A County Commissioner Shall Obey the Law**

County commissioners shall support the Constitution of the United States, the Constitution of North Carolina and obey all applicable laws regarding official actions taken as a board member enacted by the Congress of the United States and the General Assembly pursuant thereto.

## **CANON TWO**

### **A County Commissioner Should Uphold the Integrity and Independence of His or Her Office**

County commissioners should demonstrate the highest standards of personal integrity, truthfulness, honesty and fortitude in all their public activities in order to inspire public confidence and trust in county government. County commissioners should participate in establishing, maintaining, and enforcing, and should themselves observe, high standards of conduct so that the integrity and independence of their office may be preserved. The provisions of this Code should be construed and applied to further these objectives.

### **CANON THREE**

#### **A County Commissioners Should Avoid Impropriety and the Appearance of Impropriety in All His or Her Activities**

- A. It is essential that county government attract those citizens best qualified and willing to serve. County commissioners have legitimate interests - economic, professional and vocational - of a private nature. County commissioners should not be denied, and should not deny to other county commissioners or citizens, the opportunity to acquire, retain and pursue private interests, economic or otherwise, except when conflicts with their responsibility to the public cannot be avoided. County commissioners must exercise their best judgment to determine when this is the case.
- B. County commissioners should respect and comply with the law and should conduct themselves at all times in a manner that promotes public confidence in the integrity of the office of county commissioner and of county government.
- C. County Commissioners should not allow family, social, or other relationships to unduly influence their conduct or judgment and should not lend the prestige of the office of county commissioner to advance the private interests of others; nor should they convey or permit others to convey the impression that they are in a special position to influence them.

### **CANON FOUR**

#### **A County Commissioner Should Perform the Duties of the Office Diligently and Faithfully**

County Commissioners should, while performing the duties of the office as prescribed by law, give precedence to these duties over other activities. In the performance of these duties, the following standards should apply:

- A. Legislative Responsibilities.
  - 1. County commissioners should actively pursue policy goals they believe to be in the best interests of their constituents within the parameters of orderly decision-making, rules of the Board of County Commissioners and open government.
  - 2. County Commissioners should respect the legitimacy of the goals and interests of other county commissioners and should respect the rights of others to pursue goals and policies different from their own.
- B. Adjudicative Responsibilities.
  - 1. County commissioners should be faithful to the general and local laws pertaining to the office and strive for professional competence in them. They should be un-swayed by partisan interests, public clamor, or fear of criticism.

2. County commissioners should demand and contribute to the maintenance of order and decorum in proceedings before the board of county commissioners.
3. County commissioners should be honest, patient, dignified and courteous to those with whom they deal in their official capacity, and should require similar conduct of their staff and others subject to their direction and control.
4. County commissioners should accord to every person who is legally interested in a proceeding before the commission full right to be heard according to law.
5. County commissioners should dispose promptly of the business of the county for which they are responsible.

C. Administrative Responsibilities.

1. County commissioners should clearly distinguish legislative, adjudicatory and administrative responsibilities and should refrain from inappropriate interference in the impartial administration of county affairs by county employees. Commissioners should diligently discharge those administrative responsibilities that are appropriate, should maintain professional competence in the administration of these duties and should facilitate the diligent discharge of the administrative responsibilities of fellow commissioners and other county officials.
2. County commissioners should conserve the resources of the county in their charge. They should employ county equipment, property, funds and personnel only in legally permissible pursuits and in a manner that exemplifies excellent stewardship.
3. County commissioners should require county employees subject to their direction and control to observe the standards of fidelity and diligence that apply to commissioners as well as those appropriate for employees.
4. County commissioners should take or initiate appropriate disciplinary measures against a county employee, where appropriate, for improper conduct of which the commissioners may become aware.
5. County commissioners should not employ or recommend the appointment of unnecessary employees and should exercise the power of employment only on the basis of merit, avoid favoritism and refrain from illegal discrimination and nepotism. They should not approve compensation of employees beyond the fair value of services rendered.

## **CANON FIVE**

### **A County Commissioner Should Conduct the Affairs of the Board in an Open and Public Manner**

County commissioners should be aware of the letter and intent of the State's Open Meetings Law, should conduct the affairs of the Board of County Commissioners consistent with the letter and spirit of that law and consistent with the need to inspire and maintain public confidence in the integrity and fairness of county government and the office of county commissioner. Consistent with this goal of preserving public trust, county commissioners should be aware of the need for discretion in deliberations when the lack of discretion would pose a threat to the resources of the county, to the reputation of current or potential county employees, to orderly and responsible decision making, to the integrity of other governmental processes or to other legitimate interests of the county.

## **CANON SIX**

### **A County Commissioner Should Regulate His or Her Extra-Governmental Activities to Minimize the Risk of Conflict with His or Her Official Duties**

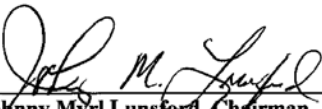
- A. County commissioners should inform themselves concerning campaign finance, conflict of interest and other appropriate state and federal laws and should scrupulously comply with the provisions of such laws.
- B. County commissioners should refrain from financial and business dealings that tend to reflect adversely on the Board or on county government or to interfere with the proper performance of official duties.
- C. County commissioners should manage their personal financial interests to minimize the number of cases in which they must abstain from voting on matters coming before the Board.
- D. Information acquired by county commissioners in their official capacity should not be used or disclosed in financial dealings or for any other purpose not related to official duties.

**CANON SEVEN**

**A County Commissioner Should Refrain from Political Activity  
Inappropriate to His or Her Office**

- A. County commissioners have a civic responsibility to support good government by every available means, to continue to inform and educate the citizenry about the affairs and processes of county government, and to make themselves available to citizens of the county so that they may ascertain and respond to the needs of the community. In doing so, county commissioners may and should join or affiliate with civic organizations whether partisan or non-partisan, may and should attend political meetings, may and should advocate and support the principles or policies of civic or political organizations consistent with the constitution and laws of the United States and North Carolina.

Adopted this, the 15<sup>th</sup> day of November, 2010.

  
\_\_\_\_\_  
Johnny Myri Lunsford, Chairman  
Person County Board of Commissioners

Attest:

  
\_\_\_\_\_  
Brenda B. Reaves  
Clerk to the Board

November 15, 2010



## **MEMORANDUM OF UNDERSTANDING:**

County Manager, Heidi York presented for Board consideration a Memorandum of Understanding between Person County and the City of Roxboro regarding Person County Communications (911) and the Statewide VIPER System Radio Tower that the NC Highway Patrol wishes to construct at 301 Hill Street, the location of the 911 Center. Ms. York stated the new tower would allow interoperability between all communication systems across the state. Ms. York stated upon completion of the new tower, Person County would move all current equipment to the new tower. In order to access the VIPER system, Person County would have to purchase new equipment. Ms. York did not propose allocating county funds to upgrade the equipment but noted grants are being sought to potentially purchase equipment to access the VIPER system.

Ms. York noted some hesitation from the City of Roxboro to grant authority to the Highway Patrol for construction of such tower on property owned by the City of Roxboro. Ms. York stated she and 911 Director, John Gentry developed a Memorandum of Understanding between the City and County Managers addressing the concerns of City Council, however the City Attorney firmly stated the decision belonged to both governing bodies and not the managers. Ms. York stated City Council approved the Memorandum of Understanding and requested Board approval. Ms. York outlined the major tenants of the Memorandum of Understanding for the Board.

County Attorney, Ron Aycock stated City Council approved the Memorandum of Understanding contingent upon full action of Board based on the City Attorney's interpretation of the authority granted to the county manager for contractual decisions. Mr. Aycock stated in his opinion that the Board had indeed granted the County Manager authority for contractual decisions through the adoption of the current year budget ordinance.

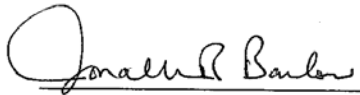
A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers, and **carried 5-0** to approve Memorandum of Understanding between Person County and the City of Roxboro regarding Person County Communications (911) and the Statewide VIPER System Radio Tower.

## ***Memorandum of Understanding***

Between Person County Government and the City of Roxboro, regarding Person County Communications (911) and the Statewide VIPER (800MHz) System Radio Tower that the North Carolina Highway Patrol wishes to construct at 301 Hill Street, the location of the 911 Center. The following assurances are made by the County and the following commitments are agreed to by the County and are made by it to the City of Roxboro.

1. Upon completion of the tower, Person County will move all current UHF radio equipment to the new tower, which will provide for improved transmission/reception for Roxboro's current equipment.
2. If any agency within Person County desires to move to the Statewide VIPER System, Person County 911 will patch Roxboro's current UHF system to the VIPER System for simulcast, allowing for direct communications between the current UHF System and VIPER. This would also include the continuation of paging capabilities for fire departments, as the 800 MHz system does not support paging.
3. The County further agrees to NOT require the City of Roxboro to acquire VIPER (800MHz). The option to move to the 800 MHz system will be solely the decision of the City of Roxboro.

This agreement has been adopted by the Roxboro City Council and signed by its Manager the 16<sup>th</sup> day of November, 2010; and this agreement has been adopted by the Person County Board of Commissioners and signed by its Manager on the 15 day of November, 2010.

  
Jonathan R. Barlow  
Roxboro City Manager

  
Heidi York  
Person County Manager

November 15, 2010

**CHAIRMAN'S REPORT:**

Chairman Lunsford had no report.

**MANAGER'S REPORT:**

County Manager, Heidi York told the Board members they were invited to join the Local Government Day lunch at Mayo Park this date at 1:00 p.m. Also at 1:00 p.m. this date, Ms. York noted the Industrial Facilities and Pollution Control Financing Authority would be meeting to approve a Resolution for issuance of recovery zone bonds for CertainTeed.

**COMMISSIONER REPORT/COMMENTS:**

Commissioner Clayton reminded the Board members and Commissioner Elect, Frances Blalock, of the COG meeting Thursday evening at the Homestead.

Commissioner Jeffers stated the Department of Social Services (DSS) Board have conducted interviews for the Interim DSS Director and should be announcing such soon.

Commissioner Puryear presented the Board copies of a recent High Speed Internet Committee meeting noting 24 people speaking to the committee expressing the need for continued support of the Board to pursue high speed internet for the entire county. Commissioner Puryear stated one specific concern was the cell tower ordinance. Commissioner Puryear requested the cell tower ordinance be placed on the Board agenda in December. Commissioner Puryear stated he recently attended the Planning Board meeting. Commissioner Puryear requested the Economic Development Director to identify grants to help Person County to reach 100% high speed internet goal. Commissioner Puryear thanked the citizens for allowing him to continue to serve on the Board of County Commissioners for another four years as well as stated his pleasure to serve with Johnny Lunsford the past four year commenting Chairman Lunsford is a honest and fair man. Commissioner Puryear thanked Chairman Lunsford for his 16 years of service. The group gave Chairman Lunsford a standing ovation.

Commissioner Kennington had no report or comments.

**CLOSED SESSION:**

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Kennington, and **carried 5-0** to enter Closed Session pursuant to General Statute 143-318.11(a)(6) for the purpose of the Board to discuss personnel and contracts at 11:20 a.m. It was the consensus of the Board to move the Closed Session to the Board's meeting room 215 as well as invite Commissioner Elect, Frances Blalock to join Board members only in the Closed Session.

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Puryear, and **carried 5-0** to return to open session at 11:50 a.m.

Upon open session, County Manager, Heidi York, Clerk to the Board, Brenda Reaves and County Attorney, Ron Aycock joined the Board.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Puryear, and **carried 5-0** to accept the County Manager, Heidi York's resignation.

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Jeffers, and **carried 5-0** to enter Closed Session pursuant to General Statute 143-318.11(a)(6) for the purpose of the Board to discuss personnel and contracts at 11:51 a.m..

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Puryear, and **carried 5-0** to return to open session at 12:32 p.m.

It was the consensus of the Board to have a public hearing on December 6, 2010 to hear public comments related to amendment, repeal or adoption of a wireless telecommunications facilities zoning ordinance and directed the Clerk to the Board to advertise such.

**ADJOURNMENT:**

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Puryear, and **carried 5-0** to adjourn the meeting at 12:32 p.m.

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Brenda B. Reaves  
Clerk to the Board

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Johnny Myrl Lunsford  
Chairman

**November 15, 2010**