

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

**OCTOBER 18, 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

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, October 18, 2010 at 9:00 a.m. in the Commissioners' meeting room in the Person County Office Building.

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

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

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers and **carried 5-0** to add to the agenda a Senior Tar Heel Legislature Report from Herbert Harris.

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

**RESOLUTION OF APPRECIATION**

Chairman Lunsford read and presented a Resolution of Appreciation to Dr. Kimberly Yarborough.

RESOLUTION OF APPRECIATION

WHEREAS, Dr. Kimberly Yarborough has served the people of Person County nearly ten years as the Medical Director for Emergency Services; and

WHEREAS, Dr. Kimberly Yarborough's dedication and countless hours to Person County's Emergency Services System has been invaluable; and

WHEREAS, the County of Person recognizes the many contributions Dr. Kimberly Yarborough has made to maintain a consistent, proficient, caring emergency system with highly skilled paramedics available to answer emergency calls for Person County citizens.

NOW, THEREFORE, I, Johnny Myrl Lunsford, Chairman of the Person County Board of Commissioners, do hereby extend this Resolution of Appreciation to Dr. Kimberly Yarborough for her service to Person County.

Adopted this, the 18th day of October, 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

October 18, 2010

**PUBLIC HEARING:**

**PROPOSED 2010-2011 SECONDARY ROAD CONSTRUCTION PROGRAM  
FOR PERSON COUNTY:**

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried 5-0** to open the public hearing designated for the proposed 2010-2011 Secondary Road Construction Program for Person County

In attendance from NC Department of Transportation were:

Tasha Johnson, P.E. District Engineer  
Wally Bowman, P.E. Division Engineer  
Joey Hopkins, P.E. Deputy Division Engineer  
Brandon Jones, P.E. Division Maintenance Engineer  
Anthony Talley, Person County Maintenance Engineer  
Mike Goodwin, Assistant District Engineer  
Michelle R.F. Gray, Assistant District Engineer

Ms. Johnson presented the Board with the Annual Secondary Road Construction Road Program for Person County as follows.

**North Carolina Department of Transportation  
Secondary Roads Construction Program**

Person County

FY 2009-2010 Allocations	Highway Fund GS 136-44.5b	\$344,902.00
	Trust Fund GS 136-182	\$445,660.38
FY 2010-2011 Allocations	Highway Fund GS 136-44.5b	\$528,509.99
	Trust Fund GS 136-182	\$764,199.47
	<b>Total</b>	<b>\$2,083,271.84</b>

I. Paving Unpaved Roads                                  Programmed Paving Goal: 3.18 Miles

**A. Rural Paving Priority**

<u>Priority Number</u>	<u>SR No.</u>	<u>Length (Miles)</u>	<u>Road Name and Description</u>	<u>Est. Cost</u>
5	1126	0.70	Charlie Cash Road from US 501 to NC 57 (Complete Funding)	\$250,000.00
6	1183	0.60	Hall Road from SR 1176 to Dead End	\$300,000.00
7	1114	0.30	Etzold Painter Road from SR 1001 to Dead End	\$150,000.00
8	1199	0.30	Vance Wrenn Road from NC 49 to Dead End	\$150,000.00
9	1569	0.80	John Moore Road from US 158 to SR 1567	\$400,000.00
<b>Total Miles: <u>2.7</u></b>			<b>Subtotal</b>	<b><u>\$1,250,000.00</u></b>

\*\*In the event that any roads in priority have to be placed on the "Hold List" due to unavailable right of way or environmental review, or if additional funding becomes available, funds will be applied to the roads listed in priority order in the rural unpaved priority list.

**B. Subdivision Paving Priority**

<u>Priority Number</u>	<u>SR No.</u>	<u>Length (Miles)</u>	<u>Road Name and Description</u>	<u>Est. Cost</u>
	1437	0.48	Quall Roost Drive	\$250,000.00
<b>Total Miles: <u>0.48</u></b>			<b>Subtotal</b>	<b><u>\$250,000.00</u></b>

**II. General Secondary Road Improvements**

**A. Paved Road Improvements**

Various	Various Secondary Road Improvements	\$500,000.00
<b>Subtotal</b>		<b><u>\$500,000.00</u></b>

**October 18, 2010**

III. Trust Fund Safety Improvements (GS 136-182)

<u>SR No.</u>	<u>Length (Miles)</u>	<u>Project Description</u>	<u>Est. Cost</u>
			Subtotal <u>\$0.00</u>

IV. Funds reserved for surveying, right of way acquisition,  
road additions, contingencies, overdrafts, and paving entrances  
certified fire departments, rescue squads, etc.

Subtotal \$83,271.84  
GRAND TOTAL \$2,083,271.84

The following individual spoke in favor of the proposed 2010-2011 Secondary Road Construction Program for Person County:

Mr. Raymond Birdsall of 115 Possum Trot Lane, Semora requested Board support to approve the 2010-2011 Secondary Road Construction Program for Person County.

No one spoke in opposition of the proposed 2010-2011 Secondary Road Construction Program for Person County.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Puryear, and **carried 5-0** to close the public hearing designated for the proposed 2010-2011 Secondary Road Construction Program for Person County

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried** to approve the 2010-2011 Secondary Road Construction Program for Person County.

Commissioner Kennington requested Ms. Johnson to address the process by which decisions are made to pave roads in the county. Ms. Johnson confirmed the Department of Transportation, by General Statute 136-44, prioritize unpaved roads, take care of right-of-way and environmental issues and as funds become available, DOT makes recommendations and determinations for which roads will be paved in the county.

Chairman Lunsford noted Board members and citizens could attend state and local forums to express concerns about certain roads within the county when advertised by the DOT.

## INFORMAL COMMENTS:

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

Mr. Patrick Riley of 256 Hicks Yarborough Road, Roxboro stated Cogentrix is not owned by Progress Energy noting Progress Energy purchases power from Cogentrix at four times their own costs.

Ms. Judy Spivey of 25 Willie Mae Road, Timberlake advocated for the proposed quarter-cent sales tax referendum on the upcoming November ballot as well as supporting the senior center as a volunteer, as a Board member of the Friends of the Senior Center and as a citizen stretching funds to do more at the senior center.

Ms. Millie Hester of 5714 Hester Store Road, Hurdle Mills urged the Board to enforce the Junk Car Ordinance noting she lives within one-half mile of two junk car yards, one being adjacent to a family cemetery. Ms. Hester stated the junk cars are unsightly, health hazards and lower the tax values.

Mr. Kenny Rickman of 3936 Allensville Road, Roxboro requested Board consideration to delegate a code enforcement officer upon the Planning Department as he feels it is a civil matter and should not be included as a law enforcement duty.

Mr. Louis Rodriquez of 30 Ellis Pleasant Drive, Leasburg requested the Board to enforce the county ordinance noting approximately 100 junk cars are currently across from his residence. Mr. Rodriquez stated he was before the Board and issued complaint three-years ago and nothing has been done. Mr. Rodriquez stated concerns related to property values, environmental and health issues.

Ms. Searie Rodriquez of 30 Ellis Pleasant Drive, Leasburg stated support of the county ordinance in place and noted complaint of a non-licensed junk yard across from her property. Ms. Rodriquez requested the Board to provide guidelines and a solution.

Mr. Larry Yarborough of 87 Duck Pointe Drive, Roxboro requested the Board to reconsider the cell tower ordinance as well as the consultant to improve upon the time frame to receiving better cell coverage.

Mr. Mamon Poole of 470 Enos Slaughter Road, Roxboro requested Board support of a non-profit organization, People of Person, to secure Roxboro's first homeless shelter.

## APPROVAL OF MINUTES:

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers, and **carried 5-0** to approve the minutes of October 4, 2010.

October 18, 2010

### **ADMINISTRATIVE REPORTS:**

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton, and **carried 5-0** to approve the Administrative Reports for the Airport, Detention, Inspection, Library, Surplus and Tax Administration & Collections.

Commissioner Kennington stated he would like to see a better job of advertising to make citizens aware of the surplus property available for sale. Commissioner Clayton stated the Gov Deals in place was an improvement from how it was done in the past.

### **NEW BUSINESS:**

#### **FALLS LAKE UPDATE:**

Commissioner Clayton introduced Mr. Jim Wrenn of Hopper, Hicks & Wrenn, counsel that is representing Person County, Granville County, South Granville Water and Sewer Authority, the City of Creedmoor and the Town of Butner's interest related to the Falls Lake Nutrient Management Strategy.

Mr. Wrenn stated Senate Bill 981 directed the Environmental Management Commissioner to adopt a Nutrient Management Strategy for Falls Lake. Mr. Wrenn noted from 2005-2007 monitoring data, a determination of significant accidentance of the chlorophyll A standard from the Falls Lake, particular in the Upper Falls watershed. Mr. Wrenn noted the Division of Water and Quality (DWQ) estimates a \$1.5 billion issue for the Upper Lake jurisdictions. The Falls Nutrient Management Strategy is based on the strategy adopted for the Neuse Basin, Tar-Pamlico Basin as well as Jordan Lake with the differences for Falls Lake are significantly more than the other basins. Mr. Wrenn stated the reduction goals for Falls Lake are 40% reduction in total phosphorous and 77% reduction in total in nitrogen from the 2006 levels. Mr. Wrenn noted DWQ has recommended stage adapted management approach:

Stage 1 projected to last 10 years until 2021 with a goal to reduce levels to 2006 baseline levels at a cost of \$604,000,000. Agriculture will require a collective reduction of 20% total nitrogen and 40% total phosphorous. If not met, buffer exclusion requirements will be placed upon agriculture.

Stage 2 will last an additional 15 years after Stage 1 to 2036. Agriculture will require a collective reduction of 40% total nitrogen and 77% total phosphorous projected to cost \$946,000,000.

Mr. Wrenn discussed the impacts to New Development and Existing Development:



New Development: The proposed Falls Lakes Rules requires no more than 2.2 pounds per acre of nitrogen or 0.33 pounds of phosphorous output. Mr. Wrenn noted a significant change requiring 50-60% of reductions done on-site with remaining to be done off-site impacting the type of development that can take place in the Falls Lake watershed.

Existing Development: During Stage 1 requirement to reduce levels to the 2006 baseline by 2021. During Stage 2 requirements to achieve the full reduction levels.

Mr. Wrenn noted state and federal entities including DOT are required to meet standards in terms of reductions. The rules are currently projected to allow trading to be flexible with trading to be defined in the next few years. Fertilizer management is also addressed by the rules noting any commercial agriculture application will have to be done pursuant to a certified plan with all applicators to be trained.

Mr. Wrenn stated land cover in the Falls Lake jurisdiction is 58% forest, 18% agriculture and 11% existing development. Forest, alone contributes 21% of the nitrogen and 4% of the phosphorous into the Falls Lake. Agriculture contributes 29% of the nitrogen and 46% of the phosphorous into the Falls Lake. Existing Development contributes 13% of the nitrogen and 5% of the phosphorous. Mr. Wrenn noted the rules will be difficult if not impossible to achieve noting he and other attorneys representing jurisdictions are requesting a reevaluation prior to Stage 2 implementation to review the rules as technological and economically achievable.

Mr. Wrenn stated an Association of Local Governments is forming through passage of a bill authorizing a Falls Lake Association as a 501c6 to allow engagement of lobbying activities to work with DWQ to monitoring of Falls Lake. The Association should also define and determine the 2006 base line standards. Mr. Wrenn recommended the smaller jurisdictions, such as Person County, to pool resources to hire an engineer(s) to implement a storm water program.

Commissioner Clayton noted the reported poor sampling and modeling has created inaccurate data.

Commissioner Kennington stated undue hardship on those located within the basin requires regulations on some but not the users of Falls Lake water. Mr. Wrenn stated the draft rules require the below Highway 50 jurisdictions (referred to as Lower Lake) to meet the same new development standards and anticipates the Upper Lake jurisdictions will have to improve more stringent existing development regulations over time, further noting the majority of the impairment is located within the Upper Lakes. Lower Lakes jurisdictions will have to do retrofitting to clean up the Upper Lakes impairments. Mr. Wrenn stated cost of compliance on the generating party as standard in water/sewer law.

The Board thanked Mr. Wrenn for his update related to the Falls Lake Rules.

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

Tax Administrator, Russell Jones informed the Board of the Present-Use (also known as Deferred) Program 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 G.S. 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 and d. Income. Mr. Jones noted the North Carolina Department of Revenue has issued a Present-Use Value Program Guide that was revised on 12/28/2009 that the Tax Office references as a technical guide to assist in administration of the Present-Use Program. Mr. Jones stated the guide is over 200 pages long, and only included sections that pertain to the current appeal. Mr. Jones noted the guide is available at the Tax Office or online at [http://www.dornc.com/publications/puv\\_guide.pdf](http://www.dornc.com/publications/puv_guide.pdf) and will be referred to as the PUV guide.

Mr. Jones stated the Tax Office requested a new application from the taxpayer, Mr. Patrick Riley of 256 Hicks Yarboro Road, Roxboro, after a recent deed was recorded. Mr. Riley submitted a new application on 8/26/2010 and is included as Attachment I. The copy provided to the Board does not include income information as income is not a matter of public record. Mr. Jones noted the application was reviewed and the subject properties were reviewed. The Tax Office determined the subject properties do not qualify and has disqualified the property from the program, as well as issued a rollback bill for the required 4 year period (Mr. Jones referred to Attachment II in the Board packet). Mr. Jones noted Mr. Riley paid this rollback bill in full on 9/20/2010.

Mr. Jones reviewed the application and properties and noted 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 sound management requirement and referred the Board to Attachment III that defines Sound Management (an excerpt from the PUV guide, page 71).
3. The subject properties do not meet the acreage requirement. Mr. Jones referred the Board to Attachment IV illustrating a GIS map of the two subject properties outlined in blue and red. The blue outlines indicate the property boundaries. The red outlines indicate the areas that are not wooded. The total non-wooded areas total 9.241 acres. The 9.241 acres falls into the category of Fallow Land. Mr. Jones referred the Board to Attachment V that defined Fallow Land and explains that Fallow Land is not considered land in production (excerpt from the PUV guide, page 35).
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. Mr. Jones referred the Board to Attachment VI (excerpt from PUV guide, page 56).

Mr. Jones highlighted a letter from the Person County Farm Service Agency indicates that no crop production has been reported since 1999 and referred the Board to Attachment VII.

Mr. Jones stated Mr. Riley failed to report to the Tax Office of any change in use as required by General Statute 105-277.5 noting it is the taxpayer's responsibility to report to the assessor any change that could disqualify all or part of the property. Mr. Jones referred the Board to Attachment VIII (excerpt from the PUV guide, page 133). Mr. Jones noted the Tax Office has not imposed the 10% at this time.

Mr. Jones noted Attachment IX highlights General Statutes 105-277.2, 105-277.3 and 105-277.4, which is the applicable law.

Mr. Jones told the Board since the ownership requirement is not in dispute, the Board does not need to hear evidence on this issue. The Board should consider any evidence on the Acreage, Sound Management, and Income requirements. Mr. Jones stated Mr. Riley must meet the four criteria to be eligible for the Present-Use Program and only meets one of the four requirements. Mr. Jones requested the Board to up-hold the decision of the Person County Tax Assessor to Disqualify the Subject Properties from the Present-Use Program.

Commissioner Jeffers asked if owner of property in the Present-Use Program could lease the land to another farmer for production. Mr. Jones responded the farm can be farmed by someone other than the owner. The commercial production and income would be verified by the Tax Office.

Mr. Riley presented his case to the Board for consideration.

Mr. Riley requested the Board for summary dismissal due to an insufficient review by the Tax Assessor, absence of record keeping as well as no access to the review process. Mr. Riley stated Mr. Jones did not advise him of any violation(s). Mr. Riley rebutted by stating he actively manages the property and has been involved in a soil and water conservation program approved by Jim Huey. Mr. Riley stated his goal for his program is to raise organic, non-pesticide, non-commercially fertilized food. Mr. Riley stated he had been farming his soil for ten years to transition his clay soil to become rich, organic soil. Mr. Riley held up samples of the soil taken from his property as he described it as his crop. Mr. Riley stated the soil illustrated, when covered with grass and other plants do not allow erosion to occur. Mr. Riley stated he asked Mr. Jones to give to him the documentation of the prior reviews and there was no documentation. Mr. Riley stated the documentation from Soil and Water states 12 plus acres to meet the acreage requirement as well as the tobacco buyout program qualifies for the income requirement. Mr. Riley stated discrimination is against the law and maintained in the absence of record keeping, anyone in the review process is being discriminated. Mr. Riley went on the record requesting verbatim minutes and for the Board not to modify the minutes to

remove material. Mr. Riley noted there is no erosion to release phosphorous into the surface waters noting sound management. Mr. Riley stated ground cover is continually maintained by his farming system so soil will not erode. Mr. Riley stated he had spent \$100 on the generic round-up, \$40-\$60 per year on LP gas for the self-built tractor noting active production. Mr. Riley stated he helps nature by mowing allowing the under storing plants to grow doubling production of the soil. Mr. Riley stated he had constitutional law, 14 Amendment if the Board would like to review. Mr. Riley requested the Board to give him any copies of the material should the Board not rule in his favor as he plans to take to the next level. Chairman Lunsford stated any copies would be left with the Clerk for him to pick up. Mr. Riley thanked the Board for their time and effort.

Commissioner Kennington asked Mr. Jones if a probationary period for compliance is a consideration. Mr. Jones stated the law does not allow for a probationary period, however, noting situations i.e., drought, hail storms that affect production of a crop that are taken into consideration to allow a farmer remain in the program. Mr. Jones stated the property in question was last reviewed in December 2008 during the reevaluation process as an informal audit.

Commissioner Kennington asked Mr. Jones to address the accusations of Mr. Riley. Mr. Jones clarified he instructed Mr. Riley call Mr. Lee Harris, Present-Use Specialist at the Department of Revenue for better understanding of the law related to Mr. Riley's use as not commercial production. Mr. Jones stated he rode by Mr. Riley's property and deemed it ineligible to qualify for the program. Mr. Jones stated he did visit with Mr. Riley to verify land mapped was representative of the cleared acreage. Mr. Jones confirmed Mr. Riley does own 12.4 acres but law requires 10 acres in active production.

Commissioner Kennington asked if any farmer, after denied for an appeal for deferment, to reapply the following year for deferment. Mr. Jones noted the conditions of qualification would be contingent upon raising a crop for 4 years with income before applying in January. Mr. Jones noted Mr. Riley would like to establish a commercial production on at a minimum of 10 acres for 4 years prior to reapplying in any January.

Commissioner Jeffers asked how often properties are reviewed. Mr. Jones stated the law dictates review of one-eighth (informal reviews once every four years) noting all properties are reviewed during re-evaluation. Mr. Jones stated over 100 new applications are received each year that are formal reviews. Mr. Jones stated Mr. Riley had been in the program since 1984 noting there is not a requirement to report crop production.

Mr. Jones confirmed tobacco buyout is allow as income only if land is in production.

Commissioner Clayton commented Mr. Riley is a good steward of the land, sincere in his intentions to preserving the land, preventing run-off, yet not in compliance with the rules.

County Attorney, Ron Aycock told the Board all procedures had been complied with and the Board's judgment is based upon the Tax Assessor complying with the requirements existing in the law explaining the four criteria to meet eligibility.

Commissioner Kennington asked the County Attorney if the Board had the option to grant an extra year to comply with the four regulations as presented. Mr. Aycock stated the Board did not have that option and is not authorized to take action beyond the law.

A **motion** was made by Chairman Lunsford, **seconded** by Commissioner Puryear, and **carried 5-0** to uphold the decision of the Person County Tax Assessor to Disqualify the Subject Properties from the Present-Use Program.

All the attachments and forms submitted by Tax Assessor and the Taxpayer will be incorporated into minutes by reference and will be on file in the Office of the Clerk to the Board.

**PERSON COUNTY RECYCLING CENTER FY2010 ANNUAL REPORT:**

Person Industries Director, Wanda Rogers and Becky Clayton, Manager of the Recycling Center presented to the Board the Person County Recycling Center Fiscal Year 2010 Annual Report. Ms. Rogers and Ms. Clayton provided the following presentation to the Board:

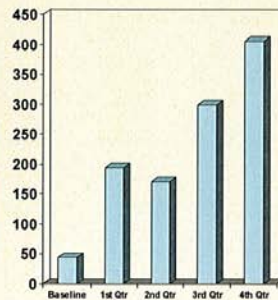
Person County Recycling Center  
Annual Report



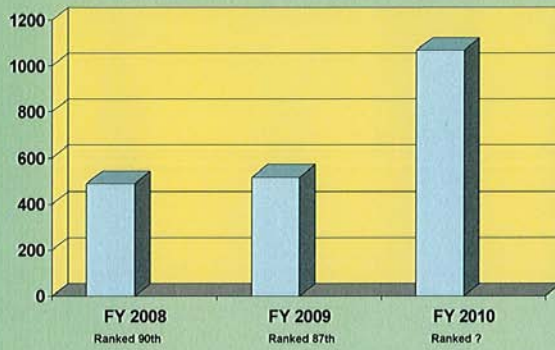
Fiscal Year Ending June 30, 2010

**Make a Difference-Recycle Person County!**

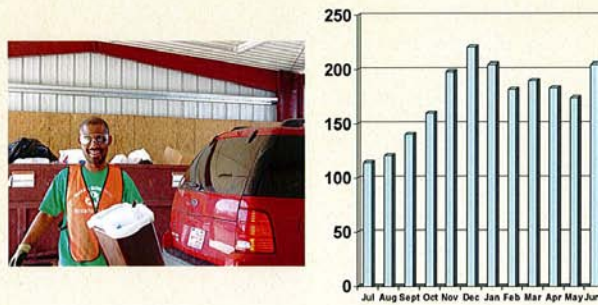
July 1, 2009 – June 30, 2010 = 1068 tons  
Recycling Tonnage



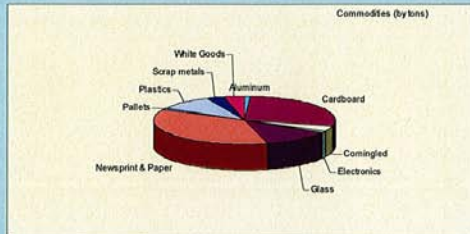
## Tonnage History



## Average Vehicles Per Day



## Recycling Sold



PCRC accepts all of these items that are banned from the landfill:

- Cardboard
- Aluminum Cans
- Plastic Bottles
- Oil Filters
- Pallets



**Oil Filters**





## Financial Summary

Revenues	
Sales	\$124,131.54
Fee/Disposal tax	\$52,234.13
Grant-NCDENR	\$20,000.00
County funding	\$286,539.55
Program Generated	\$182,929.61
<b>Total Revenues</b>	<b>\$573,047.28</b>

Expenses	
Personnel	\$294,774.99
Operating	\$142,542.71
MRF equipment financing	\$98,668.29
<b>Total Expenses</b>	<b>\$535,985.99</b>

<b>Revenues over Expenses</b>	<b>\$37,061.29</b>
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## Education and Outreach

### Tours and Presentations



### Grand Opening September 2009



## Satisfaction

	Poor	Fair	Avg	Above Avg	Excellent	N/A
Quality of services	0%	0%	1%	8%	90%	1%
Helpfulness of service & 0% information	0%	2%	13%	85%	0%	
Timeliness & effectiveness of follow-up	0%	0%	1%	12%	57%	30%
	<b>Yes</b>		<b>No</b>		<b>No response</b>	
Would you recommend PCRC to others?	98%		1%		1%	



## Services to Person County

- PCRC picks up recycling weekly at 12 schools
- PCRC picks up recycling bi-weekly at 17 county office locations
- PCRC provides a convenient, drop off service to all Person County residents and businesses at no charge.

**2009 Outstanding County  
Program Award from the NC  
Association of County  
Commissioners**



**Future Goals of PCRC**

- Prepare and comply with electronics ban (July 2011)
- Continue outreach programs
- Growth: materials accepted  
processed  
sold

Ms. Rogers and Ms. Clayton stated other counties (Rockingham, Granville, Vance and Caswell) have visited and toured the Person County Recycling Center to get ideas for their county. Ms. Rogers noted the Recycling Center has partnered with industries in Person County.

The Board commended the Recycling Center staff for a job well done. Ms. Rogers thanked the Board for their support.

**ORDINANCE REQUIRING UNREGISTERED MOTOR VEHICLES TO BE SCREENED FROM PUBLIC VIEW:**

Commissioner Kennington stated concerns about enforcement of county ordinance requiring unregistered motor vehicles to be screened from public view as well as all county ordinances noting the many complaints with nothing being done. Commissioner Kennington suggested clarification for the process by which an individual files a complaint, any follow-up after a complaint is submitted, enforcement, a time-line, prohibitions and consideration of nearby parks and recreations facilities and cemeteries to unregistered motor vehicles. Commissioner Kennington suggested addressing the maximum number of unregistered vehicles owned by an individual prior to becoming a junkyard noting a junkyard request would be a special use process.

County Attorney, Ron Aycock stated the ordinance is a criminal ordinance with a violation at misdemeanor whereby a citizen can issue complaint to the Sheriff's Department. Mr. Aycock noted a provision in the ordinance which authorizes equitable remedies in which the county could go to court and file in effect a civil lawsuit against the alleged defender for a court issue a mandatory injunction and order of abatement to have the alleged defender stop and clean up. Mr. Aycock stated only an authorized law enforcement official can serve a warrant for violation of criminal law. Mr. Aycock further stated the county may appoint an enforcement officer that would have to be sworn by a law enforcement agency. Mr. Aycock told the Board a county official could indeed submit information to the magistrate and request issuance of a warrant for violation as is the practice currently with county ordinances as written, including the ordinance regarding unregistered motor vehicles. Mr. Aycock stated by amending the ordinance to direct and designate a county official to submit such information and commented the Sheriff had designated a specific deputy to enforce.

Commissioners Clayton and Kennington recommended directing the County Manager for proposed changes to bring back to the Board for review. Commissioner Kennington requested the County Manager address the concerns he presented to the Board.

Commissioner Jeffers asked Captain Michael Clayton in the audience about use of part-time reserve deputies in which he responded part-time deputies are used as needed to cover full-time absences. Reserve deputies are BLET trained and sworn officers. Captain Clayton suggested including the ordinance a time frame to become compliant. Captain Clayton stated one citation was given out this past year and the case was dismissed.

Commissioner Jeffers requested the County Manager to report back to the Board the increase of the part-time salary in the Sheriff budget to use a reserve officer 2-3 days per week as a designated code enforcement officer.

Commissioner Clayton asked the County Manager to include a time-frame in the ordinance as suggested by Captain Clayton.

Chairman Lunsford confirmed with the group it was consensus of the Board for staff to address the questions and concerns raised this meeting to bring back to the Board for review at a future meeting.

**PERSON FUTURES STRATEGIC PLAN UPDATE:**

County Manager, Heidi York and Community Development Coordinator Paul Murray updated the Board on the progress towards completion of the Person Futures Strategic Plan and an opportunity to discuss future implementation. Mr. Murray noted since the plan adoption in July 2010, the plan has been presented to several community organizations including the Kerr Tar RPO Board, the City of Roxboro, and the Person County Board of Education. Mr. Murray stated the plan has also been distributed to the community stakeholders identified by the Futures Executive Committee, and the first volume of an on-going newsletter, Progress in Person, to track progress has also been distributed. Mr. Murray prepared and included in the Board packet a County Responsibility Matrix, which will assist county departments' involvement with the plan. A matrix was not prepared nor presented to the City of Roxboro or Person County Schools. Mr. Murray recommended a matrix be prepared for the City of Roxboro and Person County Schools. Mr. Murray stated a reporting form had been created and would be on the county web site soon to assist as an intermediary with the plan. Mr. Murray urged the Board to continue to champion the plan, recognizing any successes.

Commissioner Kennington acknowledged Mr. Murray's leadership and assistance with the Person Futures Strategic Plan. Chairman Lunsford stated appreciation to Mr. Murray for all his contributions to Person County.

Commissioner Clayton commented Mr. Murray came to Person County through an intern program and recommended the county pursuing such in the future.

### **ENERGY EFFICIENCY GRANT FOR COUNTY BUILDINGS:**

Community Development Coordinator, Paul Murray reminded the Board that in June 2010, Person County was awarded a competitive Energy Efficiency for County and Municipal Buildings Grant from the North Carolina State Energy Office. The grant is an ARRA (stimulus) grant. The grant, originally totaling \$117,546, was to improve the energy efficiency in the Person County Office Building, the County Courthouse, and the Library. The scope of the project consisted of changing all lighting in these buildings from T-12 to T-8 fixtures, replacing incandescent lamps with compact fluorescents, and installing sensor controls on lighting to eliminate unnecessary use as well as included installation of programmable thermostats and HVAC upgrades. Mr. Murray stated the grant originally required no County funding match; it did however require the County to put in \$56,000 worth of staff administration time, estimated at 2,800 hours which could not include contractor time. The project also included approximately \$19,000 in anticipated rebates from Progress Energy. The State Energy Office grant funding, combined with the in-kind county contribution of employee time and the Progress Energy rebates brought the total of the entire project to \$192,594.

Mr. Murray stated after the grant was awarded, further examination by County General Services, the State Energy Office, and the County Economic Development Office determined three things:

- 1) The estimated county staff time needed for the project was too high.
- 2) The Courthouse did not qualify for use of these funds because it is currently under going renovations.
- 3) Ceiling repairs and engineering costs, two critical components to this project are not an eligible use of ARRA funds and must be paid by the County.

Mr. Murray noted major portions of the grant were re-written to encompass the above changes. The county staff time was re-estimated at approximately 250 hours, making the county's in-kind hours contribution at \$5,000. The Courthouse was removed from the scope of the project. Finally, ceiling repair and engineering estimates were provided by the General Services Department and Dewberry & Davis Inc., totaling \$69,700. This reflects ceiling repairs in the County Office building, a new ceiling in the Person County Library, and \$35,000 in engineering fees. Mr. Murray stated by making these new changes, the total cost of the project changed to \$174,385. This reflects \$89,643 in State Energy Office funding, \$69,700 in County funding (to cover engineering and ceiling repairs), and \$15,042 in Progress Energy rebates. The \$69,700 Person County

contribution is cash only and does not include the \$5,000 in County staff time that will be needed as well.

Mr. Murray stated the \$69,700 cash contribution is not currently budgeted and is therefore brought to the Board for discussion noting implementation of the energy efficiency upgrades would therefore require an appropriation from Fund Balance. Mr. Murray noted the importance of the energy efficiency improvements in the County Office Building and the Library will save money as well as energy in the long-term. Estimates given by the State Energy Auditor project an annual energy cost savings at \$37,896 for these two buildings, giving this project an approximately two-year return on investment.

Mr. Murray informed a representative of the State Energy Office that Person County is holding decision to realize any savings from current capital projects. Mr. Murray stated the deadline for project completion is December, 2011 with no impending deadline to accept the grant. Mr. Murray suggested allowing six months to complete the project and make a decision on acceptance of the grant by early 2011.

Commissioner Clayton suggested holding a decision but was opposed to losing the opportunity for the grant funds for this project.

Commissioner Jeffers proposed hearing from Mr. Foushee, General Services Director regarding current projects, services being impacted, project manager, etc.

It was the consensus of the Board to hold off from making a decision at this time.

**COMMUNITY DEVELOPMENT COORDINATOR POSITION:**

County Manager, Heidi York requested the Board to direct staff on filling the Community Development Coordinator position that will be vacant on October 19, 2010 Ms. York stated the current position of Community Development Coordinator is a shared position between the County (22.50 hours part-time) and the Roxboro Development Group (20 hours part-time). Ms. York noted the partnership for this position was created in 2009 capitalizing on the need for a highly professional employee and the limited resources of the County and the Nonprofit.

Commissioner Kennington stated support for the shared position and advocated for a candidate with expertise in grant writing. Ms. York noted grant writing is in the job description stating the demanding workload could justify a full-time position on the county side but noted limited resources make the partnership a good option.

Alan Hicks representing Roxboro Development Group stated the partnership had worked very well highlighting Main Street programs are commonly associated with City and County governments.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Kennington, and **carried 5-0** to direct the County Manager to proceed in moving forward with advertising and soliciting candidates to fill the Community Development Coordinator/Roxboro Development Group shared position.

#### **SALES TAX REFERENDUM INFORMATION:**

Assistant County Manager, Gene Hodges stated the Board voted to place the ¼ Cent Local Sales Tax Referendum on the November 2, 2010 ballot. Mr. Hodges presented the following pertinent information pertaining to the proposed sales tax:

- The amount of the tax is ¼ of 1 cent for every \$1 spent.
- The sales tax is not charged on groceries, prescription drugs, gas, vehicle purchases, or utilities.
- It is estimated that this sales tax will generate approximately \$675,000 (the equivalent of 1.8 cents on the property tax rate).
- This revenue from this tax has no restrictions or earmarks per the legislation. This allows the revenue to be used for any purpose including debt service.
- The Board has committed to using the revenue to support “quality of life” services in the county such as senior and veterans programs, parks, recreation, and arts programs, and libraries and museums.

Commissioner Jeffers commented on a recent editorial by the President of the Area Chamber of Commerce stating opposition to the proposed sales tax referendum. Commissioner Jeffers requested the County Manager to inquire if the editorial reflects a personal opinion or one representing the Chamber membership. If the editorial reflects the opinion of the membership, Commissioner Jeffers would like to know the numbers of members opposed to the sales tax and the total number of membership. Ms. York noted in Orange County, the Chamber is the one championing the effort of such a sales tax.

Chairman Lunsford stated the county needs revenues and there are needed improvements at the Senior Center building and space issues noting patients from the cardiac facility at the hospital are being sent to the senior center for rehabilitation, as well as other agencies that will benefit other than seniors, such as the Veterans Administration.

Commissioner Clayton stated he recently attended an Association Board meeting and he was told counties will not be getting any help from the State as the State is \$3 billion in the hole.

Ms. York commented the proposed revenue stream could support the recycling center as well.



**SENIOR TAR HEEL LEGISLATURE UPDATE:**

Mr. Herbert Harris, county delegate and Ms. Phyllis Sutton, alternate county delegate shared with the Board information regarding senior planning and the aging demographic growth in Person County. Mr. Harris stated the Governor's concern of 37% of the county has a population of 60 years and older greater than those of 17 years and under. 2030 projections is 71 of the counties in the State of North Carolina will experience aging population growth. Mr. Harris noted the budget shortfall stated by the Governor is at \$1.5 billion and growing. Mr. Harris recommended the Board being proactive in developing an aging plan for geriatric services.

Ms. Sutton told the Board there is an influx of seniors in North Carolina. Ms. Sutton stated preparing a plan for the future needs of Person County elderly should include programs for keeping healthy, being useful, transportation needs, more cooperation and communication between organizations. Ms. Sutton suggested when building schools, build with senior housing as a future use. Ms. Sutton advocated for elected officials to demand funding to implement starter programs.

Commissioner Jeffers asked for Ms. Sutton's opinion on the usage of the senior center and expected aging growth. Ms. Sutton stated discouragement with type of distorted use with lack of facilities for adapting for elderly, but noted a great exercise program. Mr. Harris added the majority of volunteers in the county are seniors and suggested utilization of the aging population.

Chairman Lunsford asked the Board if in agreement to consider an aging plan. Commissioner Jeffers stated a good idea to tie into the Strategic Plan. Commissioner Kennington stated an aging plan should be tied into the COG plan for a proposal for the senior center operation for next year.

It was the consensus of the Board to achieve an aging plan by working with the COG and Senior Center.

**BUDGET AMENDMENT:**

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

Upon a motion by Commissioner Clayton, and a second by Commissioner Jeffers and majority vote (5-0), the Board of Commissioners of Person County does hereby amend the Budget of the General Fund(s) on this, the 18th day of October 2010, as follows:

<u>Dept./Acct No.</u>	<u>Department Name</u>	<u>Amount</u> Incr / (Decr)
<u>EXPENDITURES</u>	<u>General Fund</u>	
	General Government	(76,613)
	Public Buildings	5,771
	Public Safety	44,442
	Transportation	22,914
	Human Services	753
	Culture & Recreation	3,859
	Environmental Protection	757
	Economic & Physical Development	2,777
	Transfer to Other Funds	24,959
	<u>Person Industries &amp; MRF Special Revenue Fund</u>	8,105
	<u>Reappraisal Special Revenue Fund</u>	1,082
	<u>Airport Capital Project Fund</u>	(1,222,222)
<u>REVENUES</u>	<u>General Fund</u>	
	Intergovernmental Revenues	7,472
	Other Revenues	5,375
	Transfer from General Fund	16,772
	<u>Person Industries &amp; MRF Special Revenue Fund</u>	
	Other Revenues	1,000
	Transfer from General Fund	7,105
	<u>Reappraisal Special Revenue Fund</u>	
	Transfer from General Fund	1,082
	<u>Airport Capital Project Fund</u>	
	Intergovernmental Revenues	(1,100,000)
	Other Revenues	(122,222)

October 18, 2010

Appropriate: Help America Vote Act (HAVA) funds (\$16,349) and 2010 One-Stop Absentee Voting Site HAVA grant (\$1,717) awarded to the Elections Department; a negative adjustment in the Very Important Parents program to match contractual requirements to the Partnership for Children (-\$5,400); 2010 Justice Assistance Grant (JAG) awarded to the Sheriff's Department (\$10,384); Vehicle claim received for damage to a van in the Person Area Transportation Systems (\$5,275); a Women, Infants and Children (WIC) mini-grant received in the Health Department (\$3,885); a donation (\$100) and various program adjustments in DSS (-\$19,463); Interfund transfers for property and liability insurance to various departments in the General Fund, Person Industries/MRF Fund, and Reappraisal Fund (\$24,959); a United Way donation to the Material Recycling Facility (\$1,000); and the closeout of the grant and expenditure budget for the Parallel Taxiway Project at the Airport (-\$1,222,222).

Commissioner Kennington asked the County Manager to report back to the Board if the vehicle insurance is bid out locally.

**RECOGNITION OF THE FINANCE DEPARTMENT FOR ACHIEVING EXCELLENCE IN FINANCIAL REPORTING FOR PERSON COUNTY'S FISCAL YEAR 2008-2009 COMPREHENSIVE ANNUAL FINANCIAL REPORT:**

Chairman Lunsford recognized the Finance Department Staff for achieving excellence in financial reporting for Person County's Fiscal Year 2008-2009 Comprehensive Annual Financial Report. Chairman Lunsford presented the plaque award to the Finance Director, Amy Wehrenberg.

In attendance were Finance Director, Amy Wehrenberg, Assistant Finance Director, Beth Farabaugh, Accounting Supervisor, Debbie Whitfield, and Senior Finance Technician, Karen Whitfield. Finance Technician, Consuela Williams was absent.

Chairman Lunsford congratulated the Finance Department staff for their exemplary efforts noting this is the 22<sup>nd</sup> consecutive year Person County has been notified of achieving such high standards. The Government Finance Officers Association of the United States and Canada (GFOA) has awarded Person County a Certificate of Achievement for Excellence in Financial Reporting for our Comprehensive Annual Financial Report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. The CAFR has been judged by an impartial panel to meet the high standards required including demonstration of a "spirit of full disclosure."

Finance Director, Amy Wehrenberg publicly thanked the Finance Department staff for their dedication to Person County.

**CHAIRMAN'S REPORT:**

Chairman Lunsford had no report.

**MANAGER'S REPORT:**

County Manager, Heidi York requested the Board to submit agenda items for the joint session with the Board of Education to be held on Monday, October 25, 2010 at 6:00 p.m. in the Auditorium.

**COMMISSIONER REPORT/COMMENTS:**

Commissioner Clayton thanked Todd McGee from the Association of County Commissioners for attending the Board meeting this date.

Commissioner Jeffers requested the information related to the Area Chamber of Commerce be sent through the County Manager or by phone call to him.

Commissioner Puryear had no report or comments.

Commissioner Kennington requested an update on the Farmer's Market. County Attorney, Ron Aycock stated the Cooperative Extension Director, Derek Day, could provide a more updated report, however, he told the Board a letter was written to the vendor requesting service as well as law enforcement in Indiana contacted the vendor to recommend he take care of obligations in North Carolina. As a result from the law enforcement in Indiana contacting the vendor, the lines of communication are now open with progress in the order for the steel being paid and on its way to the site. Commissioner Kennington asked the County Manager to request Mr. Day to give the Board a current update the Farmer's Market project including funds spent, supplies ordered, etc. Commissioner Kennington suggested consideration to change the name of the Farmer's Market to reflect Person County. Commissioner Kennington also requested a report from Mr. Day on the Volunteer Ag District.

Commissioner Kennington asked the County Manager regarding the retiree buyout program about eligibility to work for the county on a part-time basis. Ms. York stated the Board desired to add eligibility to work part-time in the policy noting the State Retirement System requires a 30-day break of work post retirement. Ms. York stated she and the Department Director would consider the need to re-hire an employee on a part-time basis.

**CLOSED SESSION:**

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Puryear, and **carried 5-0** to enter Closed Session at 11:50 a.m. for the purpose of consulting with the County Attorney pursuant to General Statute 143A-318.11(a)(3).

Chairman Lunsford announced a 5-minute break prior to Closed Session.

Chairman Lunsford called the Closed Session to order at 11:58 a.m.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried 5-0** to return to open session at 12:18 p.m.

**RECESS:**

A **motion** was made by Commissioner Jeffers, **seconded** by Chairman Lunsford, and **carried 5-0** to recess the meeting at 12:19 p.m. until October 25, 2010 at 6:00 p.m. in the Auditorium.

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Brenda B. Reaves  
Clerk to the Board

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Johnny Myrl Lunsford  
Chairman

**October 18, 2010**