

**PERSON COUNTY BOARD OF COMMISSIONERS**

**AUGUST 2, 2010**

**MEMBERS PRESENT**

**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, August 2, 2010, at 7:00 p.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 Puryear and **carried 5-0** to add to the agenda a Resolution Ratifying the Action of the Person County Board of Commissioners taken on July 8, 2010 as well as a Closed Session.

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

**PUBLIC HEARING:**

**REQUEST FOR A SPECIAL USE PERMIT FROM ELDERBERRY VILLAGE, LLC FOR A CLUSTER OPEN SPACE DEVELOPMENT OFF ROUGEMONT ROAD, MT. TIRZAH TOWNSHIP:**

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Puryear, and **carried 5-0** to open the public hearing for a Special Use Permit request from Elderberry Village, LLC for a Cluster Open Space Development off Rougemont Road in Mt. Tirzah Township

Planning Director, Paula Murphy told the Board this is a Special Use Permit request for a Cluster Open Space Development. The parent tract is a 10.01 acre parcel owned by Elderberry Village LLC with access to the site off Rougemont Road. The proposal as presented is to create 18 independent living structures (attached dwellings of either 2 or 4 units). The dwellings will be for individuals age 55 and older. Ms. Murphy stated the plan shows a craft house and community house.

Ms. Murphy noted each lot will be served by community water and sewer. The water and sewer have not been approved by the County at this time. It should be noted that due to the requirements of the community well and septic that some changes to the plan could be required. The Special Use Permit allows the project as approved and any changes to the plan will require a new special use permit.

The Cluster Open Space development is off Elderberry Lane, a private fifty foot easement. The road is gravel and has not been built to Person County standards and presently serves two residences. The Board will need to decide what type of road standards need to be applied to Elderberry Lane. Staff feels that the road should be paved from Rougemont Road to the entranceway of Elderberry Village. The proposed development per Section 77-6 may be designed to meet NCDOT specifications but can be approved to a lesser design if approved within the Special Use Permit process. The roads within the development must be paved. The plans do show the access and parking to be paved but not to NCDOT standards. Ms. Murphy stated a waiver to the paving requirement is being requested. The travel way within the subdivision is shown as 24 feet which will allow two-way traffic. The ordinance requires 18 parking spaces and it meets the requirement. A handicap space will be required and it is not shown. Ms. Murphy requested the Board to address the road standards within Elderberry Village.

Ms. Murphy commented open space of at least 30 % is required and shall be subject to a conservation easement and such proposed conservation easement has been approved by the County Attorney. Open space accounts for 3 acres or 30% of the parcel.

In granting a Special Use Permit, Ms. Murphy stated the following needs to be addressed according to Section 74-4:

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

Section 160-5 (b) requires a written recommendation from the Planning Board that addresses that the proposed amendment is consistent with the comprehensive plan. The County's future land use map shows this area as Rural Residential/Agricultural which allows for low density residential (single site-built and manufactured homes); agriculture, forestry, churches; very limited commercial, office, or public/institutional uses meeting locational criteria. Section 1.5.1 of the land use plan states "Adopt new residential subdivision design standards that encourage clustering of homes to conserve open space, reduce infrastructure installation and maintenance costs, and reduce negative impacts of storm water runoff.

Planning Staff recommends that the following items be addressed in the Special Use Permit process:

1. The portion of Elderberry Lane to the entrance of the Cluster Open Space Development to be paved with a minimum of 18' travel way. Road plans to be presented to the Person County Planning Department for review and approval by the County Engineer. The road to be approved by the County prior to the issuance of any Zoning or Building Permits. Driveway permit for Elderberry Lane onto Rougemont Road to be approved by NCDOT. A copy of the approval to be presented to the Planning Department.
2. An Erosion and Sedimentation Control Plan to be submitted to NCDHNR, Division of Land Resources, Land Quality Section and a copy of the approved plan to be submitted with the construction plan.
3. A Road Maintenance agreement is to be prepared, reviewed and approved by the County Attorney prior to approval of the final plat. Board needs to determine who is responsible for the road maintenance of the entirety of Elderberry Lane.
4. Conservation Easement to be recorded prior to the issuance of a Zoning Permit or Building Permit. A copy is to be presented to the Planning Department.
5. Person County Environmental Health Department to approve the community well and septic system. No well or septic areas to be located in the designated thirty percent open space area.
6. Board to address the use of the open space area. Applicant has only designated it as open space and does not state how it will be used.
7. All other requirements of the Subdivision Regulations of Person County, North Carolina should be met prior to submittal of the final plat.

The Planning Board held a Public Hearing on June 10, 2010 and July 8, 2010 and in a 5 to 1 vote have forwarded this item with a favorable recommendation to include staff comments, to pave Elderberry Lane (18' of pavement) to the first entranceway of the Cluster Open Space and that it was consistent with the comprehensive plan.

Ms. Murphy told the Board that Mr. Ernie Wood was present and available to answer questions on behalf of the developer.

The following individuals spoke in favor of the special use permit request from Elderberry Village, LLC for a Cluster Open Space Development off Rougemont Road in Mt. Tirzah Township:

Ms. Mary Bennett of 568 Potluck Farm Road, Rougemont spoke in favor of the special use permit request from Elderberry Village, LLC for a Cluster Open Space Development off Rougemont Road in Mt. Tirzah Township stating her preference of the roads to be unpaved opposing the recommendation of the Planning Board.

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Ms. Vonda Frantz of 119 Potluck Farm Road, Rougemont stated her support and offered to answer questions.

There were no individuals appearing before the Board in opposition of the special use permit request from Elderberry Village, LLC for a Cluster Open Space Development off Rougemont Road in Mt. Tirzah Township.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried 5-0** to close the public hearing for a special use permit request from Elderberry Village, LLC for a Cluster Open Space Development off Rougemont Road in Mt. Tirzah Township.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Puryear, to approve the special use permit request from Elderberry Village, LLC for a Cluster Open Space Development off Rougemont Road in Mt. Tirzah Township including the recommendations by the Planning Board.

A **substitute motion** was made by Commissioner Jeffers, **seconded** by Commissioner Clayton, to approve the special use permit request from Elderberry Village, LLC for a Cluster Open Space Development off Rougemont Road in Mt. Tirzah Township including the recommendations by the Planning Board with the exception of the requirement of paving the roads. The **substitute motion died for lack of majority 2/3**. Commissioners Jeffers and Clayton voted for the substitute motion. Chairman Lunsford and Commissioners Puryear and Kennington voted against the substitute motion.

The **original motion** to approve the special use permit request from Elderberry Village, LLC for a Cluster Open Space Development off Rougemont Road in Mt. Tirzah Township including the recommendations by the Planning Board **carried 5-0**.

**PUBLIC HEARING:**

**REQUEST BY WAGSTAFF INC. TO REZONE 15+ ACRES ON SEMORA ROAD, NC 57 FROM RESIDENTIAL TO HIGHWAY COMMERCIAL:**

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried 5-0** to open the public hearing for the Request by Wagstaff Inc. to Rezone 15+ Acres on Semora Road, NC 57 from Residential to Highway Commercial.

Planning Director, Paula Murphy stated the County has received an application from Wagstaff Associates to amend the official zoning map. The request is to rezone a 15.1 acre portion of Tax Map A15 Parcel 3 on NC 57 (Semora Road) from Residential to Highway Commercial. The property in question consists of 165+ acres and the proposed rezoning is for a 400 foot deep strip of land (consisting of 15.1 acres) on the south side of Semora Road. If rezoned, all land uses permitted in the B-1 District will be allowed. The general intent of the B-1 Highway Commercial District is to provide for commercial and light industrial development which operates in a relative quiet, clean and non noxious manner. Along NC 57 and the Hyco Lake area there are pockets of neighborhood business (B-2) zoned areas. Within these areas are such businesses as real estate offices, a convenience store, Hyco Marina and an office for the NC Wildlife Service Agent.

The Person County Land Use Plan's "Future Land Use Map" shows this area as Rural Residential/Agricultural (poor soils). It is defined as low-density residential (single site-built and manufactured homes); agriculture, forestry, churches; very limited commercial, office, or public/institutional uses meeting locational criteria. Most of the land within protected water supply watersheds should be placed in this category. Locational criteria for non-residential uses within this land use category would include frontage and access to a major State Highway or secondary road, proximity to similar uses and spatial separation from non-compatible uses such as existing residential development. Land uses within this category would be expected to develop without public sewer, i.e. with private septic tank systems.

There is no City water or sewer available to the site. If developed an individual well and septic system will be required. Access to the site is on NC 57, Semora Road. It is not located within a designated watershed nor are there any one hundred year flood areas on the property per Map 3710997800J, dated July 25, 2006.

The Land Use Plan has Goals and Objectives for future land development within the County. The following items are listed within this section:

- 1.4 Preserve large tracts of prime agricultural land from early development.
- 1.4.1. Discourage incompatible non-farm development from intruding into prime agricultural areas.

2.2 Encourage well-planned commercial establishments to provide necessary goods and services to area employers and residents.

2.2.1 Encourage development of small service-oriented commercial activities only at existing intersections or median crossovers on US 501 and other major thoroughfares.

2.2.2 Discourage strip commercial development by limiting highway access.

Ms. Murphy stated typical uses permitted by right in the B-1 District are as follows: ABC store, retail sales, banks, bowling alley, camping areas carwash, convenience store, dry cleaners, single family dwelling, restaurant, fire station/law enforcement center, funeral home, golf course, nursery (plants), professional office, planned building group, etc.

Ms. Murphy noted many other uses allowed with a Special Use Permit such as multiple family dwelling, electrical generating facility, Industrial operations, clothing manufacture, Mobile Home Park, private recreation for profit, etc. There are other uses allowed with a Conditional Use Permit: commercial cemetery, church, day care center, two family dwelling, kennel operation, private recreation, open storage.

The property is located on the south side of NC 57 adjacent to Woodland Elementary. The area is primarily large parcels, farmland and Woodland Elementary.

If the property were to remain residential, the following uses would be permitted by right: single family dwelling, Class "A" and Class "B" manufactured homes, modular homes, family care homes, nursery operations, horse stables, etc. Ms. Murphy confirmed for the Board that the uses permitted by right did not allow any such that would be detrimental to the Public School property (Woodland Elementary) adjacent to the site.

The Residential district allows other uses by either a special use permit or a conditional use permit. Some uses allowed with a special use permit are multiple family dwellings, Mobile Home Park, non-hazardous solid waste disposal, planned building group, quarry operations, private recreation for profit, airport operations and transmitting towers. Uses allowed with a conditional use permit are ambulance or rescue service, antique shops, bed and breakfast, camping area, commercial cemetery, church, medical and dental clinics, club or lodges, convenience store, day care center, two family dwelling, garage apartments, funeral home, golf course, hospital, library, professional office, rest home and schools.

There are four factors in determining a reasonable basis for spot zoning. They are as follows:

1. Size of tract. The general rule is the smaller the tract, the more likely the rezoning will be held invalid.

2. Compatibility with Plan. Need to see if the rezoning fits into a larger context involving rational planning for the community.
3. Benefits and Detriments. Who benefits and who is harmed from the rezoning. Need to look at the property owner and the neighbors.
4. Relationship of Uses. Need to look at the relationship between the proposed uses and the current uses of adjacent properties.

The Planning Board held a Public Hearing on July 8, 2010 and voted 5 to 0 to forward with a favorable recommendation and noted that it was in keeping with the comprehensive plan.

Ms. Murphy stated Mr. Ernie Wood was present and available to answer questions on behalf of the developer.

Commissioner Kennington asked if the Planning Board was reviewing or was going to review the entire zoning around Hyco Lake. Ms. Murphy stated the Planning Board had not been directed by the Board of County Commissioners to do such review.

The following individuals spoke in favor of the Request by Wagstaff Inc. to Rezone 15+ Acres on Semora Road, NC 57 from Residential to Highway Commercial:

Mr. Ernie Wood representing the developer stated the Board of County Commissioners has indicated interest in zoning around Hyco Lake for business use. Mr. Wood noted the Request by Wagstaff Inc. to Rezone 15+ Acres on Semora Road, NC 57 from Residential to Highway Commercial is providing the availability for future business development.

There were no individuals appearing before the Board to speak in opposition of the Request by Wagstaff Inc. to Rezone 15+ Acres on Semora Road, NC 57 from Residential to Highway Commercial.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried 5-0** to close the public hearing for the Request by Wagstaff Inc. to Rezone 15+ Acres on Semora Road, NC 57 from Residential to Highway Commercial.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried 5-0** to approve the Request by Wagstaff Inc. to Rezone 15+ Acres on Semora Road, NC 57 from Residential to Highway Commercial.

**PUBLIC HEARING:**

**PROPOSED RURAL OPERATING ASSISTANCE PROGRAM (ROAP)  
APPLICATION FOR FISCAL YEAR 2010-2011:**

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Clayton, and **carried 5-0** to open the public hearing designated for the Proposed Rural Operating Assistance Program (ROAP) Application for Fiscal Year 2010-2011.

Person Area Transportation System's Interim Director, Kathy Adcock, told the Board the proposed Rural Operating Assistance Program (ROAP) application is due to be submitted to the North Carolina Department of Transportation no later than August 31, 2010 by the county of Person.

The programs included in the Rural Operating Assistance Program application are:

1. Elderly & Disabled Transportation Assistance (EDTAP) Program provides operating assistance for the transportation of elderly and disabled citizens. This transportation assistance allows for the individual to reside for longer periods in their homes, thereby enhancing their quality of life. For the purpose of EDTAP, an elderly person is defined as one who reaches the age of 60 or more years. A disabled person is defined as one who has a physical or mental impairment that substantially limits one or more major life activity, an individual who has a record of such impairment, or an individual who is regarded as having such impairment.
2. Employment Transportation Assistance Program is intended to provide operating assistance for transitional Work First, Workforce Development Programs and general public employment transportation needs.
3. Rural General Public (RGP) Program funds are intended to provide transportation service to individuals who are not human service agency clients and live in non-urbanized areas.

Ms. Adcock stated all programs are 100% funded by the State with the exception of Rural General Public (RGP) which is funded 90% by the State and 10% by the County. The County contribution is funded from the patron fares for the transportation system.

Ms. Adcock stated to the Board the Employment Transportation Program assists clients of agencies with transportation needs to and from the work place.

The period of performance for Rural Operating Assistance Program funds is July 1, 2010 through June 30, 2011. The FY2011 ROAP individual program totals are:



<b>PROGRAMS</b>	<b>TOTAL</b>	<b>AGENCY</b>	<b>AMOUNT</b>
EDTAP	\$45,584	Person Area Transportation System Council on Aging Person Industries	7,634 20,000 17,950
EMPL	\$ 8,623	Dept. of Social Services	8,623
RGP	\$41,026	Person Area Transportation System	41,026
Supplemental EDTAP	\$26,276	Person Area Transportation System Council on Aging	11,276 15,000
Supplemental EMPL	\$10,816	Dept. of Social Services Person Industries	2,500 8,316
Supplemental RGP	\$36,350	Person Area Transportation System	36,350
<b>TOTAL</b>	<b>\$168,675</b>		<b>\$168,675</b>

No individuals appeared before the Board to speak in favor or in opposition of the Proposed Rural Operating Assistance Program (ROAP) Application for Fiscal Year 2010-2011.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers, and **carried 5-0** to close the public hearing designated for the Proposed Rural Operating Assistance Program (ROAP) Application for Fiscal Year 2010-2011.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers, and **carried 5-0** to approve the Proposed Rural Operating Assistance Program (ROAP) Application for Fiscal Year 2010-2011.

**INFORMAL COMMENTS:**

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

Mr. George Naylor of 481 Valhalla Drive, Timberlake, spoke on the proposed changes of the Zoning Ordinance pertaining to campers and recreational vehicles advocating property rights as well as made suggestions for Board consideration.

**APPROVAL OF MINUTES:**

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton, and **carried 5-0** to approve the minutes of July 19, 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 Detention Center and Tax Administration & Collections.

**OLD BUSINESS:**

**PROPOSED AMENDMENTS TO ZONING ORDINANCE PERTAINING TO CAMPERS AND RECREATIONAL VEHICLES:**

County Attorney, Ron Aycock provided an explanation to the Board regarding the proposed changes recommended to the Planning Ordinance:

Camper/Recreational Vehicle Park:

“Any site or tract of land upon which two or more recreational vehicles or tent spaces are provided for occupancy according to the requirements set forth in this ordinance.”

Camper/recreational vehicle “A vehicular type unit designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper, and motor home.”

Amend Appendix C (Table of Permitted Uses) to change camping areas to Camper/Recreational Park. These will be permitted with a Special Use Permit in all districts except GI and they are not allowed.

60-7 Campers and Recreational Vehicles shall not be used for dwelling purposes on individual lots but can be stored provided they are registered to the owner of the lot and there is an existing dwelling. There shall only be one camper/recreational vehicle stored per lot. A Conditional Use Permit will be required for storage of more than one camper/recreational vehicle and property owner and camper/rv owner must be the same.

60-8 Use of one camper/recreational vehicle shall be permitted as an accessory dwelling on an improved lot or on an unimproved lot or tract for a period not to exceed two continuous weeks. No subsequent permit for a two week stay shall be issued unless a period of four weeks has intervened since the expiration of the previous permit. A tract of land owned by a single owner may not be subdivided into multiple lots for the purpose of evading this section. A permit for such use must be obtained from the Environmental Health Department and the Planning Department.

60-9 Use of camper/recreational vehicle shall be permitted as a temporary dwelling on large tracts of land in single ownership so long as the tract utilized is at least 10 acres and is at least 250 feet from an adjoining property line or public road. An annual permit for such use must be obtained from the Environmental Health Department and the Planning Department.

60-10 Nothing in this ordinance shall be construed to interfere with the operation of any valid covenant or condition which runs with the land or shall be construed to allow non compliance with any building or environmental law, rule or ordinance.

#### 74-1 B

In addition to requirements listed in Section 74-1 A, a Special Use Permit site plan for a camper/recreational vehicle park must show compliance with the following in addition to meeting the requirements of Section 81 (Site Plan Requirements):

1. A minimum lot size of two acres is required
2. Density to be 2500 square feet for each tent or trailer space
3. A minimum undisturbed fifty foot buffer from all property lines
4. Each campsite shall contain a stabilized parking pad of either pavement or gravel and one off-street parking space
5. A sanitary source of drinking water shall be not more than 200 feet, toilet facilities not more than 400 feet and wash houses not more than 1500 feet from any tent or trailer space. This provision shall not apply where community water and sewer connections are provided to trailers having self contained kitchens and bathroom facilities.

#### NOTE 7A- TEMPORARY EMERGENCY USE OF CAMPER/RECREATIONAL VEHICLE

Temporary emergency use of a camper/recreational vehicle is allowed for a period of six months in the event of a fire, flood or other natural disaster which has made the principal dwelling uninhabitable. The temporary use must be located on the same lot and a zoning permit is required. The zoning permit may be renewed for one additional six month period.

The Board of Adjustment may grant a Conditional Use Permit to allow the temporary use of a camper/recreational vehicle for dwelling purposes during the construction or installation of a permanent residential unit provided that :

1. A building permit has been issued for construction of the permanent home
2. Approval is for a period of one year. Applicant shall only be allowed one reapplication for the same lot.
3. The camper/recreational vehicle cannot be used for residential purposes on the same lot once the certificate of occupancy is issued or the time allowed by the Conditional Use Permit has expired.

Mr. Aycock stated Commissioner Kennington asked the following questions regarding proposed section 60-9 this date. Mr. Aycock answered as follows:

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60-9 Use of camper/recreational vehicle shall be permitted as a temporary dwelling on large tracts of land in single ownership so long as the tract utilized is at least 10 acres and is at least 250 feet from an adjoining property line or public road. An annual permit for such use must be obtained from the Planning Department.

1. What is the definition of “temporary dwelling”?

We can add a definition of temporary dwelling. One such definition is:

*A temporary dwelling shall mean a dwelling intended for human habitation for a continuous period not exceeding 90 days.”*

According to the building code an occupation for 90 days or more requires an electrical permit.

2. How long can this “temporary dwelling” be used?

The intent of the proposal is for an annual permit period. We should clarify this to add at the end of 60-9 the following new sentence:

*“Such permit shall be valid for a period of one year from the date of issuance”.*

3. How many campers, trailers, motor homes, etc. can be on this tract at one time?

The current proposed wording is in the singular. We can add an “a” or “one” before the word “camper” to make it clearer.

Mr. Aycock asked the Board if the county wanted to deal with the “Hunting Camp” situation that is understood to involve several campers at a central location. The wording would have to be clear to distinguish between this “hunting camp ground” and the camper/ recreational vehicle park regulated in another part of the ordinance.

The Board discussed many options including deleting Section 60-9, addressing singular use of campers/recreation vehicles, defining a camper/recreation vehicle park as two or more, tent camping not included in the regulations, environmental health requirements set out by State guidelines, taking out references to Environmental Health requirements, taking out permitting/fees requirements, enforceability based on a complaint driven basis.

A **motion** was made by Commissioner Clayton, **seconded** by Chairman Lunsford, to adopt the Proposed Amendments to the Zoning Ordinance pertaining to campers and recreation vehicles including the exceptions presented this date to read as follows:

The following items would be included in the definition section of the Ordinance:

Camper/recreational vehicle park:

“Any site or tract of land upon which two or more recreational vehicles or tent spaces are provided for occupancy according to the requirements set forth in this ordinance”.

Camper/recreational vehicle “A vehicular type unit designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper and motor home.”

Amend Appendix C (Table of Permitted Uses) to change camping areas to Camper/Recreational Park. These will be permitted with a Special Use Permit in all districts except GI and they are not allowed.

60-7 Campers and Recreational Vehicles shall not be used for dwelling purposes on individual lots but can be stored provided they are registered to the owner of the lot and there is an existing dwelling. There shall only be one camper/recreational vehicle stored per lot. A Conditional Use Permit will be required for storage of more than one camper/recreational vehicle and property owner and camper/rv owner must be the same.

60-8 Use of one camper/recreational vehicle shall be allowed as an accessory dwelling on an improved lot or on an unimproved lot or tract for a period not to exceed two continuous weeks. A four week interval shall be required between each allowed use. A tract of land owned by a single owner may not be subdivided into multiple lots for the purpose of evading this section.

60-9 Nothing in this ordinance shall be construed to interfere with the operation of any valid covenant or condition which runs with the land or shall be construed to allow non compliance with any building or environmental law, rule or ordinance.

#### 74-1 B

In addition to requirements listed in Section 74-1 A, a Special Use Permit site plan for a camper/recreational vehicle park must show compliance with the following in addition to meeting the requirements of Section 81 (Site Plan Requirements)

1. A minimum lot size of two acres is required.
2. Density to be 2500 square feet for each tent or trailer space
3. A minimum undisturbed fifty foot buffer from all property lines.
4. Each campsite shall contain a stabilized parking pad of either pavement or gravel and one off-street parking space.
5. A sanitary source of drinking water shall be not more than 200 feet, toilet facilities not more than 400 feet and wash houses not more than 1500 feet from any tent or trailer space. This provision shall not apply where community water and sewer connections are provided to trailers having self contained kitchens and bathroom facilities.

NOTE 7A- TEMPORARY EMERGENCY USE OF CAMPER/RECREATIONAL VEHICLE

Temporary emergency use of a camper/recreational vehicle is allowed for a period of six months in the event of a fire, flood or other natural disaster which has made the principal dwelling uninhabitable. The temporary use must be located on the same lot and a zoning permit is required. The zoning permit may be renewed for one additional six month period.

The Board of Adjustment may grant a Conditional Use Permit to allow the temporary use of a camper/recreational vehicle for dwelling purposes during the construction or installation of a permanent residential unit provided that :

1. A building permit has been issued for construction of the permanent home
2. Approval is for a period of one year. Applicant shall only be allowed one reapplication for the same lot.
3. The camper/recreational vehicle can not be used for residential purposes on the same lot once the certificate of occupancy is issued or the time allowed by the Conditional Use Permit has expired.

A **substitute motion** was made by Commissioner Puryear, **seconded** by Commissioner Kennington to keep the existing Planning Ordinance as is without any changes. The **substitute motion died for lack of majority 2/3**. Commissioners Puryear and Kennington voted in support of the substitute motion. Chairman Lunsford and Commissioners Clayton and Jeffers voted in opposition to the substitute motion.

The **original motion passed by majority vote 3/2** to adopt the Proposed Amendments to the Zoning Ordinance pertaining to campers and recreation vehicles including the exceptions presented this date with the following changes above. Chairman Lunsford and Commissioners Clayton and Kennington voted in support of the original motion. Commissioners Puryear and Jeffers cast the dissenting votes.

**NEW BUSINESS:**

**JUVENILE CRIME PREVENTION COUNCIL (JCPC) FUNDING RECOMMENDATIONS:**

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

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

The Person County Juvenile Crime Prevention Council met on May 12, 2010 and unanimously voted to approve the DJJDP allocation to be distributed in the following manner for the 2010-2011 fiscal year:

4-H YES	\$120,113
Roots & Wings Parenting Program	\$ 3,000
Central Children's Home	\$ 100
<b>Total</b>	<b>\$123,213</b>

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Mr. Carter stated during FY2009-10 Person County provided \$30,158 in cash to support JCPC sponsored programming under the 4H YES Cooperative Extension Service. Of this cash support to the 4-H YES Program, \$7,422 was utilized to purchase respite care for youth at Central Children's Home. This was supported by way of a contract directly between Person County and Central Children's Home. The contract allowed placement of youth for up to 30 days and was often used in lieu of detention for juveniles. The Roots and Wings Program was also supported by \$3000 of county cash to provide parent/family skill building services. This service is a dispositional option for the juvenile court judge and was fully utilized during this current fiscal year.

The Person County JCPC is requesting continued support of JCPC funded programs by recommending that the Person County Board of Commissioners support programming in much the same manner as it did during the 2009-2010 fiscal year. The total amount of county cash supplied to programming was \$33,158 during the 2009-10 fiscal year and the Person County JCPC is recommending no increases in the cash match request for the 2010-2011 fiscal year. The Person County JCPC is requesting that the county cash match be distributed as follows:

4-H YES:	\$22,736
Roots & Wings Parenting Program	\$ 3,000
Central Children's Home	\$ 7,422
<b>Total</b>	<b>\$33,158</b>

Commissioner Kennington requested a copy of the community risk factors be provided to the Board. Mr. Carter stated a copy of the risk and needs summary will be forwarded to the Board.

Mr. Carter told the Board about the prevalence of gang violence in Person County noting a Gang Task Force is actively distributing a survey that should be complete by September 30, 2010. Mr. Carter invited Board members to attend a Community Forum on August 12, 2010 at City Hall at 6:00 p.m.

County Manager, Heidi York, confirmed the county match was included in the current year budget. The Board discussed and requested confirmation from the County Manager of the \$3,000 allocated to Roots & Wings as a non-profit during the budget sessions would be in addition to the \$3,000 allocation included as a part of the JCPC recommendation presented to the Board this date.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Puryear, and **carried 5-0** to approve the DJJDP allocation to be distributed as recommended by the JCPC for the 2010-2011 fiscal year.



## **BOARDS AND COMMITTEES APPOINTMENTS:**

Clerk to the Board, Brenda Reaves, stated the Board at its July 12, 2010 meeting deferred appointment to the Person-Caswell Lake Authority and Piedmont Community College Board of Trustees. Ms. Reaves requested nomination from the Board for the appointments.

### - Person-Caswell Lake Authority

3-Year Term: 1 position available

- 1) Bill Dallas requested reappointment
- 2) Robert M. Wagstaff, Jr. requested appointment
- 3) Lindsay T. Wagstaff, Jr. requested appointment
- 4) Larry Yarborough requested appointment
- 5) Lois McIver Winstead requested appointment

Commissioner Clayton nominated Bill Dallas for reappointment. Commissioner Kennington nominated Lindsay T. Wagstaff, Jr. for appointment. A **motion** by Chairman Lunsford, **seconded** by Commissioner Puyear, and **carried 5-0** to close nominations for the Person-Caswell Lake Authority appointment. By show of hand, Commissioners Jeffers, Puyear and Kennington voted in favor of Lindsay T. Wagstaff, Jr. Chairman Lunsford and Commissioner Clayton voted in favor of Bill Dallas. **By majority vote of 3/2** Lindsay T. Wagstaff, Jr. was appointed to the Person-Caswell Lake Authority for a 3-year term.

### - Piedmont Community College Board of Trustees

4-Year Term; 1 position available

- 1) Maggie Whitt requested appointment
- 2) Larry Yarborough requested appointment

Commissioner Clayton nominated Maggie Whitt for appointment. Commissioner Puyear nominated Larry Yarborough for appointment. By show of hands, Commissioners Puyear and Kennington voted in favor of Larry Yarborough. Chairman Lunsford and Commissioners Clayton and Jeffers voted in favor of Maggie Whitt. **By majority vote of 3/2** Maggie Whitt was appointed to the Piedmont Community College Board of Trustees for a 4-year term.

**NORTHWOODS DOCUMENT MANAGEMENT CONTRACT & RESOLUTION APPROVING A PURCHASE PURSUANT TO GENERAL STATUTE 143-129 (G) PIGGYBACK EXCEPTION:**

Department of Social Services Director, Beverly Warren told the Board the purchase of the Northwoods software package and one-year maintenance was included in the FY 2010-2011 Budget for the Department of Social Services. Since a formal bid process for this system was recently conducted by Surry County and Northwoods is the only vendor currently offering this document management system, and the contract was awarded by Surry County to Northwoods, Person County has the option to piggyback onto the Surry County process. County Attorney Ron Aycock stated the ability to piggyback allows for a more efficient transition and provides a savings to the county in staff time. Ms. Warren and Mr. Aycock requested Board approval for the Resolution Approving a Purchase pursuant to General Statute 143-129(G) Piggyback Exception and the Northwoods Document Management Contract.

Commissioner Kennington reminded the Board and Staff that estimated maintenance costs of \$30,000 would be a recurring expense. County Manager, Heidi York stated the vendor would be training county IT staff thereby lowering the overall maintenance costs.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Clayton, and **carried 5-0** to adopt the Resolution Approving a Purchase pursuant to General Statute 143-129(G) Piggyback Exception as well as approve the Northwoods Document Management Contract as presented.

**Person County Board of County Commissioners**  
**Resolution approving a purchase pursuant to**  
**General Statute 143-129(g) PIGGYBACK EXCEPTION**

**WHEREAS**, North Carolina General Statute 143-129(g) authorizes counties to utilize an alternative method for purchase of apparatus, equipment and supplies; and

**WHEREAS**, the Person County Social Services Department has a need to purchase a new electronic document imaging and client scheduling system; and

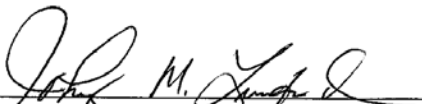
**WHEREAS**, Surry County, for its Social Services Department, entered into a contract on June 1, 2010 with Northwoods Consulting Partners for such a system; and

**WHEREAS**, Northwoods Consulting Partners has agreed to offer the same or better cost and conditions to Person County as it did to Surry County.


**NOW THEREFORE BE IT RESOLVED** by the Person County Board of County Commissioners that it hereby waives competitive bidding requirements pursuant to General Statute 143-129(g) for this contract and hereby awards the attached contract to Northwoods Consulting Partners.

Adopted this 2nd day of August, 2010.



  
\_\_\_\_\_  
**Johnny Myrl Lunsford, Chairman**  
**Person County Board of Commissioners**

**Attest:**

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

**FUNDING FOR PERSON FUTURES STRATEGIC PLANNING:**

Commissioner Kennington presented the Board with a copy of a budget prepared by Paul Murray for fiscal year 2010-2011 Person Futures Strategic Plan outlining expenditures totaling \$3,000. Commissioner Kennington stated the adopted Strategic Plan is an ongoing project with the Executive Committee agreeing to meet on a quarterly basis.

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Puryear, to allocate \$3,000 to the 2010-2011 Person Futures budget funding from the Governing Body Travel, Meetings and Conference budget line.

Commissioner Kennington stated the County Manager felt that Governing Body Travel, Meetings and Conference budget line would still be sufficient based on this past year, with the proposed allocation to the Person Futures Strategic Planning.

Commissioner Jeffers asked the County Manager to confirm the budget allocation for Roots & Wings. County Manager, Heidi York stated to her knowledge the Board, with the action this date, has allocated a total of \$6,000 to Roots & Wings. Ms. York agreed to verify.

A **substitute motion** was made by Commissioner Jeffers, to allocate \$3,000 to the 2010-2011 Person Futures budget to be funded with \$3,000 allocation made to Roots & Wings. The **substitute motion died for lack of second**.

Ms. York received confirmation from the Finance Director via email that \$3,000 was allocated to Roots & Wings in the budget work session and Board approval of the JCPC recommendation would allocate an additional \$3,000 to Roots & Wings.

An **amended motion** was made by Commissioner Kennington, **seconded** by Commissioner Clayton, and **carried 5-0** to allocate \$3,000 to the 2010-2011 Person Futures budget with the funding designation to be determined by the County Manager.

## **2010 – 2011 Person Futures Budget**

\$300	<u>Copies</u>	200 printed copies of the presentation x 50 pages x average of .03 per copy
\$500	<u>Supplies</u>	Clear Covers= \$100 Binding Combs= \$50 Backings= \$80 Miscellaneous=\$270
\$250	<u>Travel for Presentations</u>	Whatever presentations Paul Murray will make to the community regarding the plan, its implementation, and its progress. Guesstimates are 300 miles x \$.50 county mileage = \$150 ; plus \$100 in meals at the County's current per diem rates.
\$400	<u>Advertising</u>	To be used when necessary to publicize upcoming meetings, progress of the strategic plan, key successes etc. in both the Roxboro-Courier Times and WKRX Radio Roxboro. Keeping the public informed will be key to continued support of the plan's implementation.
\$900	<u>Executive Committee</u>	6 executive committee meetings x 15 people x \$10 per person = \$900. This is based on four quarterly meetings plus two extra meetings that may be called as needed. The need to provide food at these meetings since they are held at meal times was brought up at the last Executive Committee meeting.
\$300	<u>Annual Reporting</u>	This meeting will occur once a year to inform the public of progress that is being made toward the strategic plan's goals and objectives. The format will be similar to that of the two community conversation meetings that were held during the strategic planning process. This \$300 will be used to provide light refreshments for the audience, to hopefully encourage better attendance from the community.
\$350	<u>Miscellaneous</u>	This \$350 will be set aside and used only as needed for unanticipated expenses related to the implementation of this plan.
\$3,000	<b>Total Budget</b>	

August 2, 2010

**DECLARATION OF INTENT FOR QUARTER-CENT SALES TAX:**

County Manager, Heidi York reminded the Board at its July 19<sup>th</sup> Commissioners Meeting, the Board voted (3:2) in favor of conducting a non-binding advisory referendum to levy a .25% local sales tax on this November's ballot. Ms. York noted while counties may not stipulate uses of the revenue on the ballot as part of the referendum; Commissioners may adopt a resolution declaring the intended use for the revenue. Ms. York stating declaration of intent may helpful for voters understand the need for a new revenue source and assist in gaining support for its passage. The Board would not be bound by any such declaration of intent for use of the revenue. Ms. York provided for Board consideration examples of resolutions, brochures (New Hanover County and Onslow County) and data from counties that have been successful in passage of the quarter-cent sales tax referendum and conducted large-scale public information campaigns to assist in the understanding of both the needs of the county as well as the declared uses for the revenue.

Commissioners Clayton and Jeffers pointed out the New Hanover's Resolution intent was to fund Quality of Life Expenses. Chairman Lunsford stated the taxpayers of Person County want a facility for recreation and senior citizens noting the additional sales tax revenue, if passed, could pay for the operating costs.

Commissioner Kennington asked if the County Manager had received any projected costs of the marketing campaigns from New Hanover or Onslow counties. Ms. York did not have such information and indicated counties have elected to set up citizen run committees to promote to the community. Commissioner Kennington reminded the group that any such resolution would be non-binding. Commissioner Kennington asked if the County Manager had received from the Recreation Director any operating costs of such facilities. Ms. York stated the such information is forthcoming.

It was the consensus of the Board to model such a resolution after the New Hanover example relating to providing non-mandated quality of life programs for consideration at the next Board meeting.

**RESOLUTION RATIFYING THE ACTION OF THE PERSON COUNTY BOARD OF COMMISSIONERS TAKEN ON JULY 8, 2010:**

County Attorney, Ron Aycock stated the action requested by the Board is of legal necessity to ratify Board action at its July 8, 2010 noting the Industrial Facilities and Pollution Control Financing Authority have taken same action this date to induce and encourage the CertainTeed Corporation to build a facility using American Recovery Bond funds. Mr. Aycock explained a grant was pending from the state of North Carolina and there was a necessity to mask the identity of the company referred to as Project Gypsy at the July 8, 2010 Board Meeting. Since that time, the Governor of NC announced the grant and bond lawyers request ratification of action taken earlier to now include the proper names.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers, and **carried 5-0** to adopt the Resolution Ratifying the Action of the Person County Board of Commissioners taken on July 8, 2010 of passing Resolution entitled Resolution Designating the County of Person, North Carolina as a Recovery Zone pursuant to the American Recovery and Reinvestment Act of 2009.

RESOLUTION RATIFYING THE ACTION OF THE

PERSON COUNTY BOARD OF COMMISSIONERS

TAKEN ON JULY 8, 2010

**PREAMBLES**

**WHEREAS**, The Person County Board of County Commissioners met on July 8, 2010 and passed a resolution entitled:

**RESOLUTION DESIGNATING THE COUNTY OF PERSON, NORTH CAROLINA AS A RECOVERY ZONE PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.**

See minutes of the July 8, 2010 meeting for the complete text of the resolution.

**WHEREAS**, The July 8, 2010 Resolution related to the CertainTeed investment for reasons of confidentiality did not specify either the Company or the Project by name.

**WHEREAS**, The intent of the Board of Commissioners was that they approved the Resolution with the understanding that the "Company" is to be CertainTeed Gypsum NC, Inc. or a related corporation and that the "Project" is to be a gypsum board manufacturing facility and certain appurtenant and related facilities to be located in Person County.

**WHEREAS**, the Board of County Commissioners desires to ratify its action in adopting the July 8, 2010 resolution as set out above and to formally refer to the Company as CertainTeed Gypsum NC, Inc..

**NOW, THEREFORE, BE IT RESOLVED BY THE PERSON COUNTY BOARD OF COUNTY COMMISSIONERS AS FOLLOWS:**

**Section 1. Ratification.** The Board of County Commissioners hereby ratifies in every manner and respect its action taken on July 8, 2010 including the adoption of the resolution entitled **RESOLUTION DESIGNATING THE COUNTY OF PERSON, NORTH CAROLINA AS A RECOVERY ZONE PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009** the "Resolution" (see minutes of the July 8, 2010 meeting for the complete text of the resolution).

**Section 2. References.** References in the Resolution to (a) the "Company" shall mean CertainTeed Gypsum NC, Inc. or a related corporation and (b) the "Project" shall mean a gypsum board manufacturing facility and certain appurtenant and related facilities to be located in Person County.

**Section 3. Effective Date.** This Resolution is effective immediately on its adoption.

August 2, 2010



**CERTIFICATE**

The undersigned Clerk of The Person County Board of County Commissioners, hereby certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Commissioners present and voting at a meeting duly called and held on August 2<sup>nd</sup>, 2010, in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on the date hereof.

*WITNESS* the following signature, this 2nd day of August, 2010.



*Brenda B. Reaves*  
Brenda B. Reaves, Clerk,  
The Person County Board of County  
Commissioners

**CHAIRMAN’S REPORT:**

Chairman Lunsford and the Board congratulated Clerk to the Board, Brenda Reaves for receiving the designation of Certified Municipal Clerk.

Chairman Lunsford highlighted information received from the NC Association of County Commissioners dated July 15, 2010, noting Person County will receive its federal Medicaid enhancement in the amount of \$121,594.

Chairman Lunsford shared information received from the Carolinas -Virginia Antique Airplane Foundation to illustrate use of Person County aviation facilities, hotels, restaurants, etc., and encouraged continued marketing of such events.

**MANAGER’S REPORT:**

County Manager, Heidi York had no report.

**COMMISSIONER REPORT/COMMENTS:**

Commissioner Kennington shared concerns of Lake Hyco not becoming like the Boulevard by implementing long-range planning as well as requested the County Manager discuss with the Planning Director for direction required to proceed with the Zoning Study around Hyco Lake related to planning development.

Commissioner Kennington stated Person County has received federal stimulus funds through June in the amount 20 and one-half million noting this figure represents \$546 per capita compared to the NC average per capita of \$1,081 and U.S. per capita of \$1,170. Commissioner Kennington mentioned Person County Schools has received \$3,115,464 as well as Piedmont Community College has been awarded \$2,565,000 in stimulus funds forewarning the Board if these funds are not recurring, Person County will be asked to provide additional funds. Chairman Lunsford commented on the importance of attending conferences and workshops throughout the state to network with other county representatives to learn how to obtain additional funds. County Manager, Heidi York stated larger counties are awarded a bigger share of funds sought as well as commented on the strings attached to grant awards to implement and follow up reporting requirements as a hardship without the necessary staff.

Commissioner Puryear asked the County Manager if CenturyLink has been contacted for an update. Ms. York stated CenturyLink has agreed to come before the Board to give an update on the implementation of High Speed Internet however the date has not been confirmed.

Commissioner Jeffers stated he represented Person County at the NACo Conference noting Robeson County Commissioner, Noah Woods, would be the NACo representative. Commissioner Jeffers will be distributing to the Board a list of vendors with related links and copies. Commissioner Jeffers stated he had already followed up with Eric Wilson of In Capital Management that represents counties and bridge the link to Washington, DC related to acquiring earmarked funds. Also, Commissioner Jeffers stated an amendment to the Animal Control Ordinance will be before the Board soon and related to such, he spoke with a license representative at the conference related to associated costs. Commissioner Jeffers also made contact with a recycle vendor that purchases and manufactures materials that he will pass along to Person Industries.

Commissioner Clayton stated he may invite Mr. Jim Wrenn, Attorney representing Person County regarding the Upper Neuse Basin to an upcoming Board meeting for an update.

Commissioner Clayton thanked Ms. York for following up on the formaldehyde landfill cover issue. Commissioner Clayton made further comments that during renegotiations of any contract, consideration should be made for payment for such waste even if used for alternative soil.

Chairman Lunsford inquired if anyone had received any information related a to Kerr Lake meeting in Clarksville. Commissioner Clayton stated this would be the Roanoke River Association and the Board has not appointed anyone to replace Larry Yarborough. Commissioner Clayton suggested the County Manager to contact Rick Seekins at the Kerr Tar Council of Government to find out information.

#### **CLOSED SESSION:**

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Puryear, and **carried 5-0** to go into Closed Session per General Statute 143-318.11(a)(6) for the purpose of the Evaluation of the County Manager, Heidi York at 9:28 p.m. Chairman Lunsford announced a ten-minute break prior to Closed Session.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried 5-0** to return to open session at 10:12 p.m.

**ADJOURNMENT:**

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton, and **carried 5-0** to adjourn the meeting at 10:12 p.m.

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Brenda B. Reaves  
Clerk to the Board

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Johnny Myrl Lunsford  
Chairman