

PERSON COUNTY BOARD OF COMMISSIONERS

JULY 8, 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 recessed session on Thursday, July 8, 2010 at 6:00 p.m. in the Commissioners’ meeting room in the Person County Office Building for the purpose to meet jointly with the Person County Planning Board to discuss the proposed amendments to the Zoning Ordinance pertaining to Campers and Recreational Vehicles.

Planning Board members present were Barry Walker, Planning Board Chairman, Brenda W. Riley, Derrick A. Smith, Lindsay T. Wagstaff III, C.L. Oakley and Kenneth Malcolm Montgomery. Planning Board member Phillip Hall was absent. Planning Director, Paula Murphy was present.

Chairman Lunsford called the meeting to order.

Board members spoke in agreement that language should be added to allow flexibility of tent camping and temporary visits of a travel trailer or RV for two weeks or less.

Ms. Murphy confirmed for the group that the proposed amendments to the Zoning Ordinance pertaining to Campers and Recreational Vehicles would be applicable county-wide. Ms. Murphy explained for the group the complaint based process. Ms. Murphy stated if she or any other individual finds, reports or complains of a potential violation to the Planning Ordinance, the process includes site verification. Upon verification of a violation, Ms. Murphy noted a certified letter is sent to the property owner requesting a meeting and/or resolution of the violation. A second certified letter is sent or delivered by the Sheriff’s Department if no response. Ms. Murphy noted the process could take months. Legal action is the last resort if the issue is not resolved. Ms. Murphy stated that during her tenure with the County no case had proceeded into legal action.

County Attorney, Ron Aycock recounted the background of the issue at hand noting the Person County Planning Board submitted to the County Commissioners, proposed amendments to the Planning Ordinance pertaining to Campers and Recreational Vehicles. These recommendations stemmed from months of examination of the issue and were in response to citizens’ complaints about the semi-permanent (or permanent) locations of Campers and RVs in residential neighborhoods.

The proposed changes include:

1. Continuing a prohibition of campers/RVs except in officially designated Camper/RV Parks,
2. Allowing storage of one camper/RV per lot,
3. Allowing temporary use of a camper/RV during a natural emergency,
4. Allowing temporary use during construction of a properly permitted permanent dwelling, and
5. Updating and clarifying terms and definitions

The public hearing on the proposed changes involved an approximate equal number of proponents and opponents to the proposed changes. The proponents argued that continued unregulated placement of campers/RVs diminished their property values and generally degraded their enjoyment of their property. The opponents argued that regulation was in violation of their rights to use their property as they wished and would restrict legitimate use of their property.

Mr. Aycock stated the Board of Commissioners have at least the following options:

1. Do nothing. This would continue the present general prohibition of campers on private residential property and either order the ordinance enforced or continue the present practice of occasional complaint driven enforcement.
2. Adopt the ordinance as proposed by the Planning Board.
3. Make changes to the proposed Ordinance that might include:
 - a) authorize a permitted period of use of a camper/RV on residential property similar to what is authorized in the Durham County ordinance below:

Use of a travel trailer or recreational vehicle (RV) as an accessory dwelling shall be prohibited within a residential district or on property devoted to residential use, except that use of a travel trailer or RV during temporary visits of two weeks or less shall be allowed.

Clarifying language to this Durham Ordinance provision should be added to define the period during which the two week use is authorized such as:

- “Any subsequent visit of two weeks or less shall be separated by a period of at least four weeks.”
- “Only one (travel trailer) camper or RV shall be allowed to be utilized on a lot devoted to residential use”

4. Insert clarifying language as follows:
“ Nothing contained in this ordinance shall be interpreted to prohibit use of temporary back yard overnight tent camping by family members or friends of the family members or camping during hunting or fishing or scouting trips in remote areas”(may have to define remote areas)
5. Make any of these provisions applicable only in specified areas in the County (townships with Lakes), thereby eliminating a county-wide restriction

Board members discussed with Planning Board members the possibility of adding the bold text (Durham provision text above) as an option as well as adding clarifying language as listed in #4 above. The group discussed taking out the reference of residential areas in the bold text as well as removing reference to remote areas so not to single out individuals. Ms. Murphy stated singling out individuals would involve notification by mail of such.

Mr. Aycock stated the proposed amendments created a more clearly defined and more enforceable ordinance.

Chairman Lunsford asked the Planning Board to send the County Manager, County Attorney and the Board information previously considered related to landowners previous to the 1966 ordinance.

CLOSED SESSION:

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton, and **carried 5-0** to enter Closed Session pursuant to General Statute 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the county at 7:07 p.m.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton, and **carried 5-0** to return to open session at 8:00 p.m.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton, and **carried 5-0** to adopt the Resolution Designating the County of Person, North Carolina as a Recovery Zone pursuant to the American Recovery and Reinvestment Act of 2009.

July 8, 2010

Extract of Minutes of a recessed meeting of the Board of Commissioners of Person County, North Carolina, held in Room 215 of the Person County Office Building in Roxboro, North Carolina, at 6:00 p.m. on July 8, 2010.

* * *

A recessed meeting of the Board of Commissioners (the "Board") of Person County, North Carolina (the "County"), was held in Room 215 of the Person County Office Building in Roxboro, North Carolina, at 6:00 p.m. on July 8, 2010 (the "Meeting"), after proper notice to each of the Commissioners of the Board, and was called to order by the Chairman, and on the roll being called, the following Commissioners answered present: Chairman Johnny Myrl Lunsford and Commissioners Jimmy B. Clayton, B. Ray Jeffers, Kyle W. Puryear and Samuel R. Kennington.

The following Commissioners were absent: None.

On motion of Commissioner Puryear, the following resolution (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," was duly adopted at the Meeting by the recorded affirmative vote of a majority of all of the Commissioners of the Board by a roll call vote, the following Commissioners having answered in favor: Commissioners Puryear, Clayton, Jeffers, Kennington and Chairman Lunsford.

The following Commissioners having answered against: None.

The following Commissioners abstaining: None.

Attached hereto is a true, complete and correct copy of the Resolution as recorded in full in the minutes of the Meeting. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

WITNESS my signature and the seal of Board of Commissioners of Person County, North Carolina, this 8th day of July, 2010.



Brenda B. Peaves
Clerk to the Board,
Person County, North Carolina

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

PREAMBLES

WHEREAS, The Person County Industrial Facilities and Pollution Control Financing Authority, a political subdivision and body corporate and politic of the State of North Carolina (the "*Authority*"), is empowered by the Industrial and Pollution Control Facilities Financing Act, Chapter 159C of the General Statutes of North Carolina, as amended (the "*Acr*"), to issue bonds for the purpose of financing the acquisition, construction and equipping of facilities that qualify as recovery zone property in connection with the issuance of recovery zone facility bonds pursuant to the American Recovery and Reinvestment Act of 2009 ("*ARRA*");

WHEREAS, ARRA authorizes state and local governments to issue recovery zone facility bonds for recovery zone property located in a recovery zone;

WHEREAS, the term "recovery zone" under ARRA means, among other areas, any area designated by the issuer of such obligations as having significant poverty, unemployment, rate of home foreclosures or general distress;

WHEREAS, the Authority has received a request from the owner and operator of the Project defined below, requesting that the Authority issue its recovery zone facility bonds to assist such owner and operator of the Project defined below, or a related corporation (collectively, the "*Company*"), in financing the proposed construction and equipping of a project given the name "Project Gypsy" by the North Carolina Department of Commerce, which facilities would be located in the County of Person, North Carolina (the "*Project*") and which would constitute recovery zone property eligible to be financed with recovery zone facility bonds under ARRA; and

WHEREAS, the Board of Commissioners (the "*Board*") of the County of Person, North Carolina (the "*County*"), wishes to support the Authority, the Company and the Project in connection with the Authority's issuance of the recovery zone facility bonds for the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

Section 1. **Findings.** It is hereby found and determined that the undertaking and completion of the Project would be in the public interest and would benefit the inhabitants of the County and the State of North Carolina.

Section 2. **Declaration of Recovery Zone.** The Board hereby finds that there is significant unemployment and general distress in the County and, accordingly, hereby designates the area of the County as a recovery zone pursuant to ARRA; and the Project, by virtue of being located in the County, would be in such recovery zone as so designated.

Section 3. **Assist in Financing Project.** Should the Company move forward with the Project, the County hereby agrees to use its best efforts to assist the Company in financing the Project and hereby gives its preliminary approval of the issuance of the Authority's recovery zone facility bonds (the "*Bonds*") in an amount not to exceed \$165,000,000 on terms and conditions mutually agreeable to the Authority and the Company. The actual issuance of the Bonds will be undertaken by a resolution of the Authority at a future meeting in its sole discretion and after a public hearing to be held by the Board at a

future meeting and a related resolution to be adopted by the Board after such public hearing in its sole discretion.

The officers of the County are hereby authorized and directed to file any necessary notice or request with the North Carolina Tax Reform Association Committee and to take any further actions that are necessary or appropriate in relation to this Resolution.

The County hereby allocates any recovery zone facility bond allocation that it might receive in connection with the Project to the Project.

The County hereby designates the Authority as the governmental entity authorized to issue recovery zone facility bonds for the Project in accordance with this Resolution.

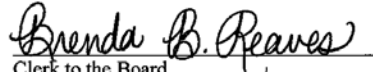
Section 4. **Ratification and Further Authority.** All actions of the staff of the County taken to date in connection with the Project and the Bonds is hereby authorized, ratified and confirmed. The Chairman of the Board, the County Manager, the County Finance Director and other staff of the County are hereby authorized and directed, with the advice of counsel, to do all things necessary to further the intent of this Resolution, including, without limitation, file any applications necessary for federal and state authorities and to work with the Authority and the Company in connection therewith and herewith.

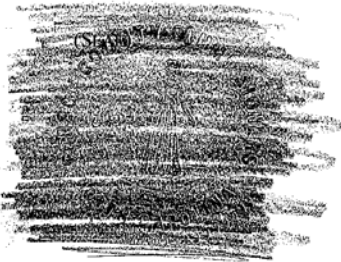
Section 5. **Effective Date.** This Resolution is effective immediately on its adoption.

* * *

The undersigned Clerk to the Board of Commissioners (the "Board") of the County of Person, North Carolina (the "County"), hereby certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Board present and voting at a recessed meeting duly held on July 8, 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 and seal of the County, this 8th day of July 2010.


Clerk to the Board,
Person County, North Carolina



PERSON COUNTY
ROXBORO, NORTH CAROLINA

I, Alan S. Hicks, do swear that I will well and truly execute the duties of the office of Commissioner of the Person County Industrial Facilities and Pollution Control Financing Authority faithfully and impartially according to the best of my skill and ability, according to law, so help me, God.


Alan S. Hicks

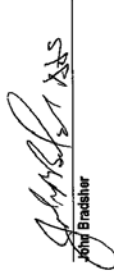
Subscribed and sworn to before me this 8th day of July, 2010.




Notary Public

PERSON COUNTY
ROXBORO, NORTH CAROLINA

I, John Bradsher, do swear that I will well and truly execute the duties of the office of Commissioner of the Person County Industrial Facilities and Pollution Control Financing Authority faithfully and impartially according to the best of my skill and ability, according to law, so help me, God.


John Bradsher

Subscribed and sworn to before me this 8th day of July, 2010.




Notary Public

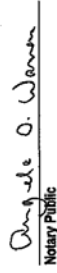
July 8, 2010

PERSON COUNTY
ROXBORO, NORTH CAROLINA

I, Conley Mangum, do swear that I will well and truly execute the duties of the office of Commissioner of the Person County Industrial Facilities and Pollution Control Financing Authority faithfully and impartially according to the best of my skill and ability, according to law, so help me, God.


Conley Mangum

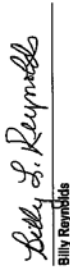
Subscribed and sworn to before me this 8th day of July, 2010.


Notary Public

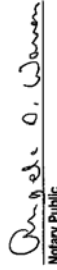


PERSON COUNTY
ROXBORO, NORTH CAROLINA

I, Billy Reynolds, do swear that I will well and truly execute the duties of the office of Commissioner of the Person County Industrial Facilities and Pollution Control Financing Authority faithfully and impartially according to the best of my skill and ability, according to law, so help me, God.


Billy Reynolds

Subscribed and sworn to before me this 8th day of July, 2010.


Notary Public

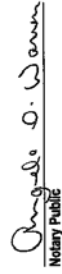


PERSON COUNTY
ROXBORO, NORTH CAROLINA

I, Gerry O'Neil, do swear that I will well and truly execute the duties of the office of Commissioner of the Person County Industrial Facilities and Pollution Control Financing Authority faithfully and impartially according to the best of my skill and ability, according to law; so help me, God.


Gerry O'Neil

Subscribed and sworn to before me this 8th day of July, 2010.


Notary Public



A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Puryear, and **carried 5-0** to accept the Oaths of the Commissioners of the Person County Industrial Facilities and Pollution Control Financing Authority and directed the Clerk to the Board to file said oaths.

County Attorney, Ron Aycock informed the Board that the Person County Industrial Facilities and Pollution Control Financing Authority currently has five members and recommended that the Board consider adding two additional members as allowed by law as well as to stagger all terms. It was the consensus of the Board to increase the membership of the Person County Industrial Facility and Pollution Control Financing Authority from five to seven members and stagger the terms as recommended by the County Attorney.

The Board agreed to continue the discussion of the proposed amendments to the Zoning Ordinance pertaining to Campers and Recreational Vehicles at the Board's July 19th meeting as the last agenda item.

RECESS:

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried** to recess the meeting at 8:14 p.m. until Monday, July 12, 2010 at 6:30 p.m.

Brenda B. Reaves
Clerk to the Board

Johnny Myrl Lunsford
Chairman

July 8, 2010