

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

SEPTEMBER 8, 2009
OTHERS PRESENT

Johnny Myrl Lunsford - ABSENT
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 Tuesday, September 8, 2009 at 7:00 p.m. in the Commissioners' meeting room in the Person County Office Building.

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

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Jeffers and **carried** to add an item to the agenda concerning the use of campers and recreational vehicles in the County.

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

INFORMAL COMMENTS:

The following individuals addressed the Board during the public comment period.

Ms. Frances Blalock of 1504 Surl Mt. Tirzah Road, Timberlake spoke on behalf of PC PRIDE whose vision is a cleaner, healthier, and safer environment for future generations. Ms. Blalock told the Board that more space should not be permitted at the landfill. Ms. Blalock provided a packet and visual aids noting the geographical area served by Republic Services illustrating the following:

- 19 counties in Virginia
- 26 counties in North Carolina
- 34,000 employees
- 2nd largest waste company in United States
- 213 landfills
- 242 transfer stations
- 79 recycle facilities
- 400 hauling companies

September 8, 2009

Ms. Blalock stated Person County is paying approximately \$1.4 million to Republic each year. Republic, in turn, pays Person County approximately \$480,800 plus the \$25,000 specified for recycling annually resulting in approximately \$1 million cost.

Ms. Martha Bradsher of 320 S. Morgan Street, Roxboro withdrew her name from the list to address the Board.

Ms. Dolly Denton of 325 Leasburg Road, Roxboro, Chairman of the Board of Adjustment, stated her interest in hearing Gerald Lunsford's proposal regarding the proposed parking lot as related to the property located at 306 S. Morgan Street. Ms. Denton went on record stating opposition to the home at 306 S. Morgan Street being demolished and turned into a parking lot.

Mr. Clyde Kelly, PO Box 84, Semora addressed the Board regarding the interpretation of the current existing ordinance regulating campers and recreational vehicles for an unrestricted neighborhood and suggested some clarification and definition by the Planning Board and/or the Board of Adjustment to review, redefine, explaining the difference between camping versus a campground, living in versus temporary stay versus a residence. Mr. Kelly stated there are 411 travel trailers, 150 motor homes licensed and registered in Person County accounting for \$55,000 tax revenue.

Mr. Bill West of 182 Munday Road, Semora reiterated his support of the existing ordinance regulating use of campers and recreational vehicles on unrestricted communities to protect property values.

APPROVAL OF MINUTES:

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Puryear, and **carried** to approve the minutes of August 17, 2009 & August 24, 2009.

ADMINISTRATIVE REPORTS:

Commissioner Puryear inquired if the Recycling Center Report reflected all recyclables sold. Ms. Wanda Rogers stated the report showed all sold products noting there was a small percentage of unsold recyclables due to some commodities requiring a minimum weight to be sold.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried** to approve the Administrative Reports for the Airport, Detention Center, Recycling Center and Tax Administration & Collections.

**RECOGNITION OF YOUTH VOLUNTEERS FOR PERSON COUNTY
ANIMAL SHELTER:**

Animal Control Director, Ron Shaw requested Board recognition of 11 youth volunteers that worked this past summer at the Animal Shelter. Mr. Shaw thanked Kay Farrell and Sonya Carver, both staff at the shelter as well as the youth and their parents who participated in the many duties to assist the shelter staff with the animals. Vice Chairman Clayton presented the youth volunteers with a plaque of appreciation for their time and work at the Animal Shelter. The youth recognized were Garrett Dorthy, Delaina Hawkins, Ashley Stewart, Wyatt Kimbrough, Samantha Stewart, Paige Carver, River Ellis, Allison Day, and Aaron Adams. Anna Kiser and Sarah Roberts were not present.

Board members thanked and commended the volunteers for their part in rehabilitating and socializing the animals to be adopted.

FIRE PROTECTION DISTRICT MAP APPROVAL:

Fire Marshal, John Gentry requested Board approval of the new fire protection boundaries and district maps. Mr. Gentry stated Mr. John L. Blanks, who resides 1525 Cavel-Chub Lake Rd., has previously requested through the Fire Marshal's office that the area along Chub Lake Rd. from 2900 block to Cavel-Chub Lake Rd. turning onto Cavel-Chub Lake Rd. to the Kelly Carver Rd., which also includes Roxdale Place and Poplar Lane be placed in the Person County Fire Department #1 district, which is covered by the City of Roxboro Fire & Rescue. Mr. Gentry reminded the Board that during the March 23, 2009, Board of County Commissioners meeting the request was for the redrawing of the Ceffo Fire & Person County Fire District #1 district maps. On March 24, 2009, Mr. Gentry sent a letter to Mr. Jon Barlow, City Manager requesting approval, which was received on April 20, 2009. By being moved to the Fire Department #1 district, the homeowners would receive a reduction in insurance rates of about 20% annually. The Fire Department #1 district with fire hydrants is a 4 under the ISO classification and to receive the reduced rates, a home must be within 1000' of a fire hydrant. Mr. Gentry noted this area is also within the 5 mile response district of the City of Roxboro Fire & Rescue. Mr. Gentry presented the Board the new revised district maps which require Board approval before submission to Office of the State Fire Marshal.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried** to approve the new fire protection boundaries and district maps for submission to the Office of the State Fire Marshal.

CEFFO FIRE INSURANCE DISTRICT
SERVED BY: CEFFO FIRE DEPARTMENT
PERSON COUNTY
MAP 1" – 1 MILE
APPROVED BY PERSON COUNTY ON SEPTEMBER 8, 2009

Beginning at point (1) on Road 1333, 1.0 mile north of its intersection with SR 1406; thence in a southerly direction to point (2) on SR 1333, 0.1 mile north of its intersection with SR 1531, excluding all property on SR 1350, thence in a southwesterly direction to point (3) on SR 1348, .1 mile west of its intersection with SR 1333, excluding all property on SR 1531 and SR 1533; thence in a southwesterly direction to point (4) on SR 1336, .4 mile west of its intersection with SR 1333, excluding all property on SR 1333; thence in a southwesterly direction to point (5) on HC highway 57, .8 mile southeast of its intersection with SR 1343; thence in a southwesterly direction to point (6) on SR 1307, .2 mile north of its intersection with US 158; thence in a northwesterly direction to point (7) on SR 1305, .2 mile south of its intersection with SR 1304; thence in a northwesterly direction to point (8) on SR 1304, .2 mile northwest of its intersection with SR 1305; thence in a northwesterly direction to point (9) on SR 1343, .2 mile west of its intersection with SR 1427; thence in a westerly direction to point (10) on SR 1343, .1 mile east of its intersection with SR 1102; thence in a southwesterly direction to point (11) on SR 1102, .1 mile south of its intersection with SR 1343; thence in a northerly direction to point (12) at the intersection of SR 1313 and NC Highway 57; thence in a northerly direction to point (13) on SR 1318, 1.0 mile southwest of its intersection with SR 1319, excluding all property on and accessed from SR 1314 between this and the preceding point thence northerly to point (14) on SR 1319, .6 mile northwest of its intersection with SR 1320; thence in a northeasterly direction to point (15) on SR 1320, .6 mile north of its intersection of SR 1319; then in an easterly direction to point (16) at the intersection of SR 1373 and the North Carolina/Virginia State Line; thence in an easterly direction to point (17) on the North Carolina/Virginia State Line; .5 mile east of the intersection of SR 1399 and the North Carolina/Virginia State Line; thence in a southerly direction to point (18) on SR 1322, .7 mile southwest of its intersection with SR 1334; thence in a southeasterly direction to point (1) the beginning.

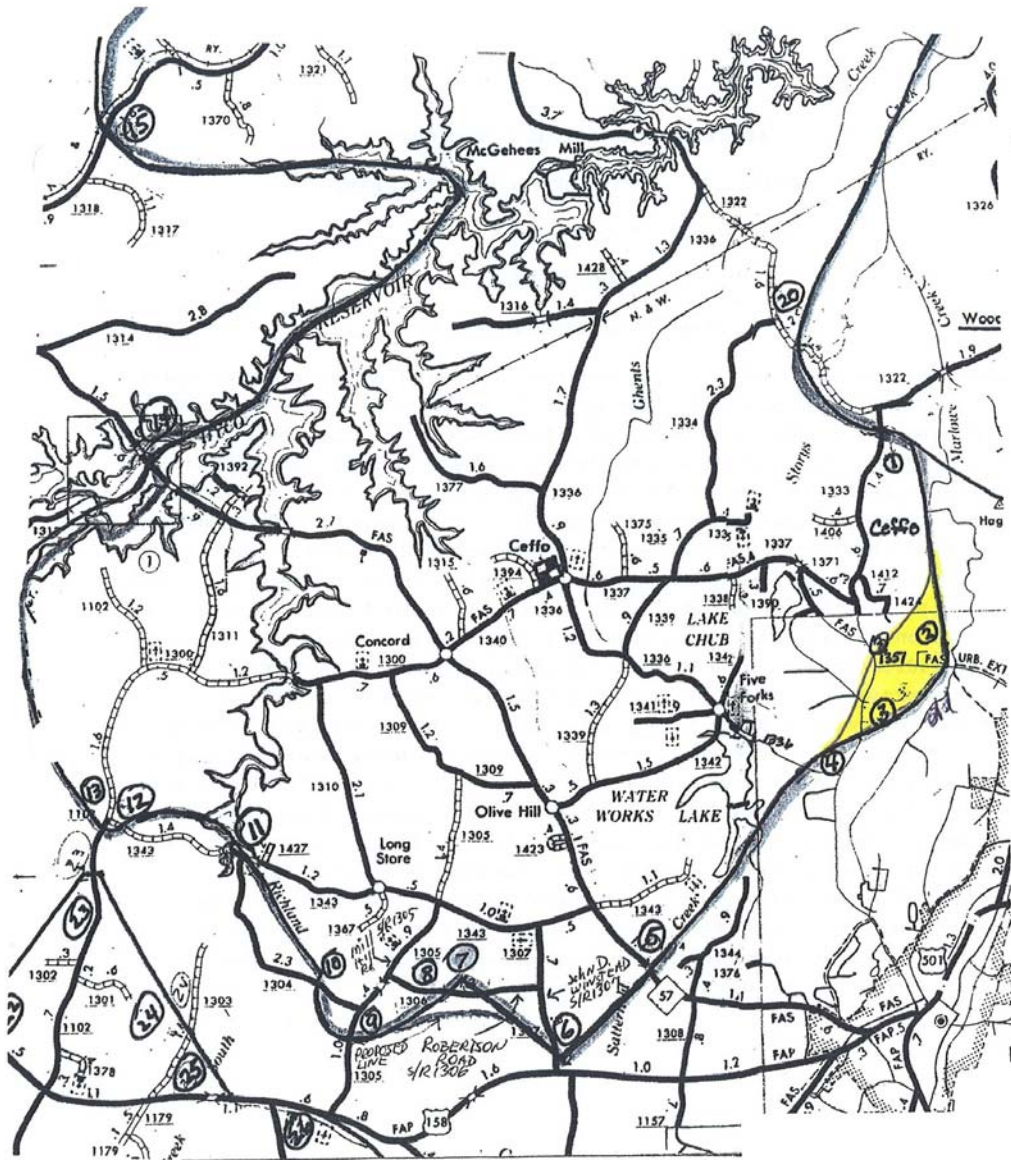
NOTE: This description describes an area of Person County pursuant to General Statute's 153A-233 for Insurance Grading Purposes Only.

NOTE: Points 18 and 1 are adjoining with Woodsdale Fire Insurance District.

NOTE: Points 2, 3, 3, 5, 6 are adjoining with Person County Fire Insurance District No. 1.

NOTE: Points 12, 13, 14, 15 are adjoining points with Semora Fire Insurance District.

September 8, 2009

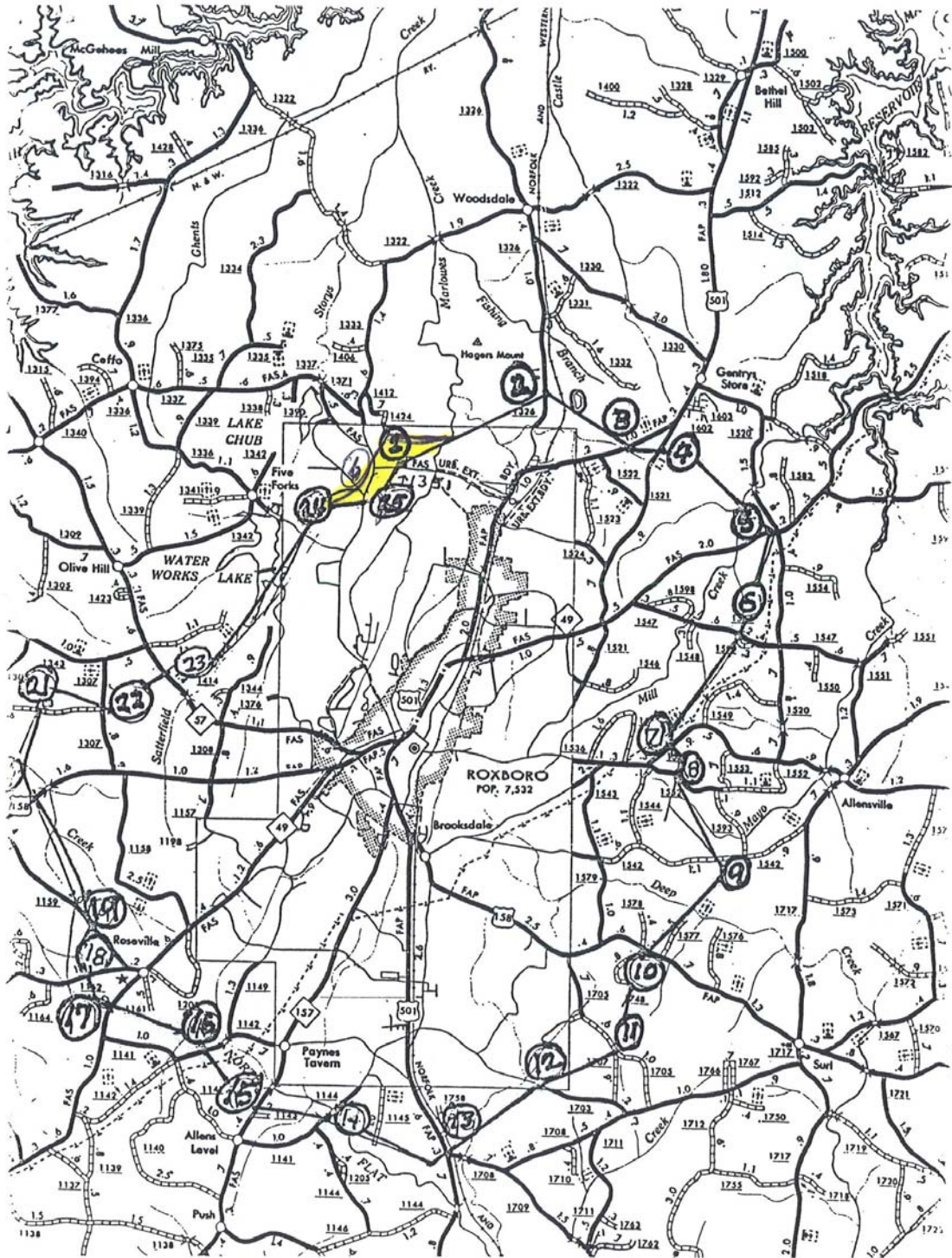


September 8, 2009

PERSON COUNTY FIRE INSURANCE DISTRICT #1
SERVED BY: CITY OF ROXBORO FIRE DEPARTMENT
PERSON COUNTY
MAP 1" – 1 MILE
APPROVED BY PERSON COUNTY ON SEPTEMBER 8, 2009

Beginning at point (1) on SR 1351, 0.1 mile north of its intersection of SR 1531; thence easterly to point (2) on SR 1326, .2 mile north of its intersection with SR 1355; thence northeasterly to point (3) on NC Highway 501, .5 mile north of its intersection with SR 1522; thence northeasterly to point (4) on SR 1521, .5 mile north of its intersection with SR 1522; thence northeasterly southerly to point (5) on US Highway 49 of its intersection with SR 1520; thence southerly to point (6) on SR 1547, .5 mile west of SR 1520; thence southwesterly to point (7) on SR 1536, .5 mile west of intersection 1544; thence southerly to point (8) on SR 1552, .5 mile west of intersection 1544; thence southerly to point (9) on SR 1542, .5 west of intersection 1593; thence southwesterly to point (10) on US Highway 158 of its intersection with SR 1578; thence southerly to point (11) on SR 1705 of its intersection with SR 1707; thence westerly to point (12) on SR 1703, .1 mile of its intersection with SR 1707; thence southwesterly to point (13) on US Highway 501 at its intersection with SR 1708; thence westerly to point (14) on SR 1144 at flat river bridge; thence westerly to point (15) on HC Highway 157 at its intersection with SR 1143; thence northwest to point (16) on SR 1142, .5 mile of its intersection with SR 1149; thence westerly to point (17) on NC Highway 49, .1 mile southwest of the Roseville intersection; thence northwest to point (18) on SR 1162, .5 miles west of its intersection with SR 1159; thence north to point (19) on SR 1159, .5mile west of its intersection with SR 1162; thence northwesterly to point (20) on US Highway 158, .5 mile east of its intersection with SR 1159; thence north to point (21) on SR 1306, .1 mile east of intersection with SR 1305; thence easterly to point (22) SR 1307 at its intersection with SR 1306; thence northeasterly to point (23) NC Highway 57, .5 mile south of its intersection with SR 1343; thence northeast to point (24) SR 1336, .4 mile west of its intersection with SR 1333; thence northeast to point (25) on SR 1348, 0.1 mile west of its intersection with 1333; thence to point (1) the beginning. This description excludes all property within the City limits of Roxboro.

September 8, 2009



September 8, 2009

CONSIDERATION OF A POLICY FOR TIPPING FEES AT THE PERSON COUNTY RECYCLING CENTER:

Director of Person Industries, Wanda Rogers told the Board the Person County Recycling Center does not charge citizens and businesses that bring recyclables to the center presently. Ms. Rogers stated she had checked with other county run recycling centers and concluded as a general rule, there is no tipping fee charge to citizens and businesses located within the same county, however a charge of \$20-\$25 per ton is charged to out of county haulers. Ms. Rogers requested Board direction in regard to developing a policy for Board approval related to tipping fees to charge haulers bringing recyclables from other counties. Ms. Rogers recommended to the Board a policy be developed to charge tipping fees at a rate 50% of the present landfill charge or approximately \$17.30/ton. Ms. Rogers further recommended that fees be waived if a single commodity in high demand, i.e. cardboard, was received by a hauler. Commodities in high demand would be dependent upon current market trends.

County Attorney, Ron Aycock confirmed consideration of developing a policy for tipping fees at the Person County Recycling Center would not be in conflict with the present county contract with Republic Services due to the contract with Republic is for non-recyclable solid waste.

Mr. Aycock recommended any such proposed policy for Board approval to clearly define how the discretion would be used in waiving fees with commodities based on the market standards, i.e. when the market reaches a certain percentage, fees could be waived.

When asked about verification of which haulers were from out of county, Ms. Rogers stated staff would request verification from drivers hauling commingled recyclables from outside of Person County. Ms. Rogers stated tax records could be checked as a form of verification also.

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Jeffers, and **carried** to accept the recommendation to develop a policy for Board approval addressing tipping fees at the Person County Recycling Center.

Ms. Rogers reminded the Board of the Person County Recycling Center Grand Opening on September 11, 2009 with a ribbon cutting scheduled at 10:00 a.m.

DISCUSSION OF ACCEPTING AMERICAN RECOVERY AND REINVESTMENT ACT STIMULUS FUNDS:

Person Area Transportation System (PATS) Director, Gerald Lunsford appeared before the Board for discussion on a capital improvement project that would be 100% funded by American Recovery and Reinvestment Act of 2009 for facility improvements, one vehicle replacement and fleet preventive maintenance funding for two years. The project as described by Mr. Lunsford would include demolition of the house located at 306 South Morgan St., removal of trees, old curb, gutter and debris and replace the area with a new parking lot for PATS vehicles to include fencing, cameras, lighting and an electric gate. Mr. Lunsford stated a dedicated parking space was needed for the PATS fleet as well as protection of the property from vandalism which has been experienced in the past. The County Manager, Heidi York and Mr. Lunsford requested direction and guidance from the Board in proceeding with the described parking lot for the PATS vehicles using the federal funding.

Ms. York confirmed the only use at the county owned home is for storage of dog food for the Animal Shelter noting there was no proposed use of the home in the future.

Mr. Lunsford stated it was a good idea for him and his staff to view the vehicles from their office based on the nature of the business therefore he had not pursued any other options for the location of the proposed parking lot. Ms. York mentioned possible locations for consideration include the Human Services Complex parking lot, the small lot adjacent to Person Industries, behind the Administrative Government Complex where Inspections are housed but Mr. Lunsford did not feel these options were viable to him and his staff. Ms. Dolly Denton, from the audience, suggested the old school bus garage lot. The Board discussed options such as a monitor for Mr. Lunsford to view the parking lot regardless of location. Mr. Lunsford stated he had prior discussions with the City Planning Director for possible approval of a conditional use permit but no action has been taken.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Kennington, and **carried by majority vote 3/1** to pursue other avenues for the location of the proposed new parking lot for the PATS fleet of vehicles other than the property located at 306 S. Morgan Street. Commissioner Jeffers cast the dissenting vote based on no justification for the County to continue to own the property just to store dog food with no plans to use for expansion of services.

Commissioner Kennington asked Mr. Lunsford to explore the property adjacent to EMS (old health department building) or one of the parks within the county as options.

Commissioner Kennington thanked Mr. Lunsford for applying for stimulus funding. Commissioner Jeffers congratulated PATS on 10 years of service in Person County.

USE OF CAMPERS AND RECREATIONAL VEHICLES WITHIN THE COUNTY:

Commissioner Kennington stated after the last Board meeting, the Chairman instructed staff to review the current policy for clarification. Commissioner Kennington noted the County Planning Director contacted the School of Government in Chapel Hill to get clarification and it was noted that our policy needed to be revisited in their opinion.

The County Attorney, Ron Aycock stated to enforce any county ordinances it takes judicial action for a Court to order penalties such daily fines, i.e., in this case \$500 per day of violation. Mr. Aycock further stated with the present definitions in the county ordinance, a Court, in his opinion, may not be convinced the County has clear enough rules that a citizen knew what was prohibited. Mr. Aycock feels the current ordinance is not enforceable until specific language defines what is prohibited.

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Puryear, and **carried** to direct the Planning Board to revisit the use of campers and recreational vehicles on individual lots within the county and bring back a recommendation with specific language to the Board of County Commissioners for consideration as well as enforcement of the County zoning regulations related to campers and recreational vehicles on individual lots within the county as in the current existing ordinance be suspended while the Planning Board is working on this issue.

Mr. Aycock confirmed the language in Commissioner Kennington's motion relates to enforcement being suspended only, not the law being suspended. Mr. Aycock stated enforcement includes financial penalties noting the rules are still on the books until such time the Board takes otherwise action.

BUDGET AMENDMENT:

County Manager, Heidi York presented the following Budget Amendment.

Upon a motion by Commissioner Jeffers, and a second by Commissioner Clayton and majority vote, the Board of Commissioners of Person County does hereby amend the Budget of the General Fund(s) on this, the 8th day of September 2009, as follows:

<u>Dept./Acct No.</u>	<u>Department Name</u>	<u>Amount</u> Incr / (Decr)
<u>EXPENDITURES</u>	<u>General Fund</u>	
	Public Safety	50,484
	Human Services	2,294
	Contingency-Undesignated	(6,090)
<u>REVENUES</u>	<u>General Fund</u>	
	Intergovernmental Revenues	46,688

Appropriate: School Resource Officer position and operating costs approved by Commissioners in meeting on August 24, 2009 (\$51,673). This cost covers a total of ten months for the current fiscal year which is to be reimbursed by the Board of Education, and operating costs which are expensed to the County and funded from undesignated contingency (-\$6,090). The 4H-YES (JCPC) program was reduced by the State for (-\$1,189). For budgeting and financial reporting purposes, the appropriation for the Museum of History needs to be re-located to its own department since it falls under a Culture & Recreation function rather than a Human Services function where it is currently located under the Special Appropriations Department. There is no change in funding. And finally, the Health Department was approved for a special projects grant related to the Women, Infants & Children program (\$2,294).

Vice Chairman Clayton on behalf of Chairman Lunsford announced the procedures for the public hearing scheduled for September 21, 2009.

Procedures for the Public Hearing on the Amendment to Person County Solid Waste Franchise Ordinance

- 1 The proponents of the proposition before the Board shall be allowed a total of 60 minutes to present testimony and arguments in favor of the issue. The allocation of time among proponents may be agreed to by the several proponents. If not so determined, the available time will be allocated to each speaker according to an equitable schedule determined by the Chair of the Board of Commissioners.
- 2 The opponents of the proposition before the Board shall be allowed a total of 60 minutes to present testimony and arguments against the issue. The allocation of time among opponents may be agreed to by the several opponents. If not so determined, the available time will be allocated to each speaker according to an equitable schedule determined by the Chair of the Board of Commissioners.

CLOSED SESSION:

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Kennington, and **carried at 8:14 p.m.** to go into closed session, after a five minute recess, to discuss economic development matters relating to the location or expansion of industries or other businesses in the county per General Statute 143-318.11(a) (4).

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Puryear, and **carried** to return to open session at 9:05 p.m.

The Board announced a meeting with Mr. Jim Stovall to discuss economic development updates, issues, as well as discussion regarding hiring a new Director, etc., to be held on Tuesday, October 20, 2009 at 6:30 p.m.

Commissioners Puryear and Kennington inquired with the County Manager the status of her review of the Boards and Committees noting some citizen complaints of not knowing when board and committee meetings are being held, minutes not being available, etc. The County Manager, Heidi York stated the Summer Intern had researched boards and committee activities and she would follow up once she reviewed the results of the study.

Commissioner Kennington inquired about county leases being sub-leased. The County Attorney and the County Manager both confirmed no sub-lease could be authorized without Board approval noting there are public notice provisions set by law.

Commissioner Kennington asked the County Manager about the Council on Aging follow up documentation. The County Manager stated there were still audit issues.

ADJOURNMENT:

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Kennington, and **carried** to adjourn the meeting at 9:10 p.m.

Brenda B. Reaves
Clerk to the Board

Jimmy B. Clayton
Vice Chairman

September 8, 2009