

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

**JULY 6, 2009**  
**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, July 6, 2009 at 5:30 p.m. in the Commissioners' meeting room in the Person County Office Building. The purpose for the Board to meet at 5:30 p.m. was to go into closed session to conduct informal interviews with applicants of competitive committees and boards prior to the regular scheduled meeting.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried** to go into closed session at 5:30 p.m. for the purpose of considering appointment of individuals through an informal interview process with applicants of competitive committee, boards, and commissions per General Statutes 143-318.11(a)(6).

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Puryear, and **carried** to return to open session at 7:40 p.m.

Chairman Lunsford called for a five minute recess.

Chairman Lunsford called the regular scheduled meeting to order at 7:45 p.m., and asked Commissioner Clayton to lead in prayer and Commissioner Kennington to lead the Pledge of Allegiance.

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

Commissioner Puryear requested the addition of an agenda item to discuss No Wake Zones and Lake Authority at Mayo Lake. Chairman Lunsford stated an American Recovery and Reinvestment Act of 2009 Resolution should be added to the agenda.

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

**INFORMAL COMMENTS:**

There were no comments from the public.

**APPROVAL OF MINUTES:**

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried** to approve the minutes of June 15, 2009.

**July 6, 2009**

**ADMINISTRATIVE REPORTS:**

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

Commissioner Kennington asked the County Manager about the Corporate Rental Fee noted at zero for the last two months on the Airport Report. County Manager, Heidi York confirmed there are no corporate rentals at the Airport at this time.

**VIDEO STREAMING OF COUNTY COMMISSIONER MEETINGS:**

County Manager, Heidi York stated at the June 15, 2009 meeting of the Board of Commissioners, a discussion concerning the recording and streaming of all Board meetings was raised by Commissioner Kennington. The Manager and the Attorney were directed to work with Commissioner Kennington to develop a motion to be brought back for consideration by the Board. The proposed motion is:

As of July 6, 2009 barring unforeseen technical difficulties all official meetings of the Person County Board of County Commissioners shall be streamed over the internet. The Chair is granted authority to determine whether or not unforeseen technical difficulties exist or will exist which would make streaming of a particular meeting difficult or impossible.

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Puryear, and **carried** to adopt the motion as presented.

**REQUEST BY PROPERTIES III, INC., TO PHASE NORTHWOOD SUBDIVISION:**

Planning Director, Paula Murphy noted in May 2003, a Major Subdivision Concept Plan was approved for K and L Properties for Northwood Subdivision consisting of 24.97 acres with 19 residential lots and two phases. In 2007, the Board of County Commissioners approved the addition of property to Lots 4 and 5 which was from land that was not in the original subdivision. There was no increase in the number of lots and the phasing remained the same. The property is located in Woodsdale Township off of SR 1332, Royster Clay Road, not within a designated watershed or in a flood area. Ms. Murphy stated the property has now been bought by Properties III, Inc., who is requesting a revision to the phasing (from two phases to five phases) of this subdivision.

Ms. Murphy stated the developer is asking for the following phases: (Phase 1 will be Lots 4, 5, 19), (Phase 2 will be Lots 16, 17, 18), (Phase 3 will be Lots 6, 7, 8, 9), (Phase 4 will be Lots 10, 11, 12), (Phase 5 will be Lots 1-3 and 13-15). Lots 4 through 19 will have access on the proposed Northwood Court. Lots 1, 2 and 3 will have access directly on Royster Clay Road.

Ms. Murphy quoted Section 12-1 of the Subdivision Ordinance “It is hereby declared to be the policy of Person County to consider the subdivision of land and the subsequent development of the subdivision plat as subject to control of the County pursuant to the prevailing comprehensive plan in an effort to ensure that orderly, planned, efficient growth is realized.”

Ms. Murphy stated this request is unique in that the Subdivision road has been built and approved to NCDOT standards and is ready to be recorded. The current road maintenance agreement requires that the expense of maintaining the road to be equally apportioned among each of the lot owners. The first phase consists of only three lots. This would mean that the first owner would bear the burden of paying for 25% of the road maintenance of a road that is approximately 1200 feet in length. Planning Staff did not recommend approval of the phasing request as this subdivision is ready to be recorded.

The Planning Board reviewed this item at their June 11, 2009 meeting and recommended forwarding to the Board of County Commissioners an unfavorable recommendation but suggested that the developer might consider three phases such as 1 and 2, 3 and 4, and then 5 in an orderly fashion. The Planning Board vote was unanimous.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers, and **carried** to approve Properties III, Inc. to phase Northwood Subdivision in three phases as proposed by the Planning Board.

**CONSIDERATION TO PROCLAIM THE WEEK OF AUGUST 9-15, 2009 AS NATIONAL HEALTH CENTER WEEK IN PERSON COUNTY:**

Clerk to the Board, Brenda Reaves told the Board that Ms. Susan Burnette, staff at Person Family Medical & Dental Center located at 702 N. Main Street, Roxboro requested the Board to proclaim the week of August 9-15, 2009 as “National Health Center Week”.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Clayton, and **carried** to adopt the Proclamation.

## PROCLAMATION

### NATIONAL HEALTH CENTER WEEK

**WHEREAS**, Health Centers are nonprofit, community-owned and operated health providers serving uninsured and medically underserved people in the County of Person; and

**WHEREAS**, Health Centers expand access to quality health care for all people and contain health care costs by fostering prevention and integrating the delivery of primary care with aggressive outreach, patient education, translation and other enabling services; and

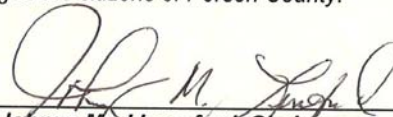
**WHEREAS**, Health Centers have made great strides in the County of Person health care system specifically by maintaining high standards of accountability, demonstrating cost effectiveness and efficiency in the delivery of care, and empowering communities to address unmet health needs, reduce health disparities, and reduce preventable deaths, costly disabilities, and communicable diseases; and

**WHEREAS**, There is a continuing need to support implementation of Health Centers throughout the State of North Carolina as part of Person County's enduring commitment to the provision of quality primary health care; and

**WHEREAS**, Health Centers promote 100% access and zero health disparities to help achieve health care for all people.

**NOW, THEREFORE**, I Johnny Myrl Lunsford, Chairman of the Person County Board of Commissioners, do hereby proclaim the week of August 9-15, 2009 as "National Health Center Week" in Person County and urge citizens to recognize the important contributions of health centers in safeguarding health and improving the quality of life for all people. **Be It Further Resolved**, that the County of Person does hereby recognize the valued contributions of health centers in expanding access to health care and improving the health and future well being of the citizens of Person County.



  
Johnny Myrl Lunsford, Chairman  
Person County Board of Commissioners

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**AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 RESOLUTION:**

Person Area Transportation staff member, Rhonda Long appeared before the Board requesting approval of the American Recovery and Reinvestment Act of 2009 Resolution:

**American Recovery and Reinvestment Act of 2009 Resolution**  
**Federal Section 5311**  
**FY 2010 RESOLUTION**

Applicant seeking permission to apply for American Recovery and Reinvestment Act of 2009 funding, enter into agreement with the North Carolina Department of Transportation and to provide the necessary assurances.

A motion was made by *(Board Member's Name)* Commissioner Jimmy Clayton and seconded by *(Board Member's Name or N/A, if not required)* Commissioner Ray Jeffers for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, the "American Recovery and Reinvestment Act, 2009" (Pub. L. 111-5; "ARRA"), signed into law by President Barack Obama on February 17, 2009, includes \$8.4 billion for transit capital improvements, for which the intent of the legislation is to: a) preserve and create jobs and promote economic recovery; b) assist those affected negatively by the recession; c) provide investments needed to increase economic efficiency by spurring technological advances; d) invest in transportation infrastructure that will provide long-term economic benefits; and e) stabilize State and local government budgets, in order to minimize reductions in essential services and counterproductive State and local tax increases; and

WHEREAS, the ARRA provides \$680 million of the \$6.9 billion available under the Transit Capital Assistance Program, to nonurbanized areas based on 49 U.S.C. section 5311; and

WHEREAS, the nonurbanized area funds are apportioned based upon the nonurbanized population of each state relative to the national urbanized area and land area in nonurbanized areas, of which the State of North Carolina has been apportioned \$33 million, and, after required set-asides for intercity projects and state administration costs, North Carolina has announced the availability of approximately \$24.7 million to fund eligible transit capital projects, as defined in 49 U.S.C. 5302(a)(1), in nonurbanized areas; and

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the purpose of these ARRA transportation funds is to provide grant monies to local agencies for rural public transportation capital improvement projects consistent with the intent of the legislation and to support efforts to stimulate the economy; and

WHEREAS, *(Legal Name of Applicant)* Person County hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 5333 (b) Warranty, and all special Federal and State reporting requirements (at least quarterly) which relate to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the *(Authorized Official's Title)\** Person County Manager of *(Name of Applicant's Governing Body)* Person County is hereby authorized to submit a grant application for federal funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation capital.

I *(Certifying Official's Name)\** Brenda B. Reaves *(Certifying Official's Title)* Clerk to the Board of County Commissioners for Person County do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the *(Name of Applicant's Governing Board)* Person County Board of Commissioners duly held on the 6th day of July, 2009.

Brenda B. Reaves

*Signature of Certifying Official \*Note that the authorized official, certifying official, and notary public must be three separate individuals.*

Seal Subscribed and sworn to me *(date)* July 6, 2009

Angela O. Warren  
*Notary Public \**

304 S. Morgan St. Rm 208

*Address* Boxboro, NC 27513

My commission expires *(date)* 1-18-2010



**July 6, 2009**

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers, and **carried** to adopt the American Recovery and Reinvestment Act of 2009 Resolution.

#### **DISCUSSION OF NO WAKE ZONES AND LAKE AUTHORITY AT MAYO LAKE:**

Commissioner Puryear stated he had received numerous complaints regarding no wake zone areas exiting the loading dock at Mayo Marina as well as areas moving into the channel. Commissioner Puryear feels these areas are at risk of safety issues. Commissioner Puryear asked the County Manager and County Attorney to give the Board guidance on establishing no wake zones across the channel as well as educating what authority the Board of Commissioners is vested. The County Manager stated she had already talked with Mitch Pergerson, Director for Arts, Parks and Recreation about what the County regulates at Mayo Lake. Mr. Pergerson told the County Manager the Board of County Commissioners has the authority to designate which areas are no wake zones and noted that buoys currently exist in the loading dock area that Commissioner Puryear is referencing indicating no wake zones. Commissioner Jeffers stated Mayo Park Rangers do not have the authority to enforce the no wake zones, just as swimming is at own risk. The County Manager and County Attorney will look further into this matter and update the Board.

Secondly Commissioner Puryear requested the Board to discuss consideration of establishing a lake authority at Mayo Lake with ideas to possibly generate revenue, increasing property value and the property tax base for the County, while providing more convenience access for the residents that live around Mayo Lake. Commissioner Puryear asked the County Manager to research this item as well to report back to the Board.

#### **CHAIRMAN'S REPORT:**

Commissioner Lunsford told the Board that Person County will be the host for the Kerr Tar Regional Council of Governments (COG) Annual Awards Banquet that will be held on September 24, 2009 at the Homestead Festival House in Roxboro.

A **motion** was made by Chairman Lunsford, **seconded** by Commissioner Kennington, and **carried unanimously** to nominate Commissioner Jimmy B. Clayton for Outstanding County Elected Official for 2009 for the service he has rendered not only in Person County but for his service on the COG Board as well.

Chairman Lunsford stated a Floodplain Mapping meeting would be held on July 27, 2009 at 2:00 p.m.

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## **MANAGER'S REPORT:**

County Manager, Heidi York announced *The Courier-Times* has offered to organize a fundraising campaign effort to fund the future fireworks show in Person County. *The Courier-Times* will start the fundraising with 10% of the \$10,000 goal and will seek individual and corporate sponsors to join their efforts.

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Clayton, and **carried** to endorse the fundraising campaign spear-headed by *The Courier-Times*.

The Commissioners thanked *The Courier-Times* Editor in attendance, Tim Chandler for taking the initiative for this program. Mr. Chandler told the Board that Brinn Clayton, Publisher of *The Courier-Times* should be given credit and noted that there will be four levels of giving with published ads recognizing the contributors.

Ms. York announced a 2010 furlough administrative date change from Thursday, April 8, 2009 to Monday, April 5, 2009.

## **COMMISSIONER REPORT/COMMENTS:**

Commissioner Kennington recognized Liza Pratt from the University of California at Berkeley who was in attendance of the Board meeting. Commissioner Kennington noted Ms. Pratt was part of a group who had interviewed 31 people during the Person Future's Conference noting she would be remaining in Person County through the July 16<sup>th</sup> holding additional interviews and compiling data. Commissioner Kennington stated that Professor Randy Hester would like to attend the Board's August 3, 2009 meeting to site the results of the conference.

Commissioner Kennington mentioned to the group that Dr. Larry Cartner's mother had passed.

Commissioner Puryear thanked all the applicants that appeared before the Board for the informal interview process and for their interest and patience.

Commissioner Jeffers passed along thanks to the Board that he had received from county staff and departments regarding the budget.

Commissioner Clayton noted his appreciation for the Board's earlier action for his nomination. Commissioner Clayton stated the Division of Water Quality and the Upper Neuse River Basin Association called a special meeting this date to discuss Falls Lake rules that are being proposed. The City of Raleigh made a proposal to submit for legislation for some interim rules to be adopted. The Division of Water Quality stated there is a state law that requires the rules be written for the Falls Lake protection to be in place by next year. A Neuse River Association meeting will be held on July 15, 2009.

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A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Clayton and **carried** to have a five minute recess after which the Board would return to closed session at 8:35 p.m. for the purpose of considering appointment of individuals through an informal interview process with applicants of competitive committee, boards, and commissions per General Statutes 143-318.11(a)(6) as well as for the purpose of the Board to consult with the County Attorney to preserved attorney-client privilege per General Statute 143A-318.11(a)(3) and per General Statute 143-318.11(a)(6) for the purpose the Evaluation of County Manager.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton and **carried** to return to open session at 10:10 p.m. The Board proceeded to Board and Committee Appointments.

### **BOARD AND COMMITTEE APPOINTMENTS:**

Clerk to the Board, Brenda Reaves presented to the Board the interested citizens' applications for 17 boards and committees as advertised in *The Courier Times* on May 13, 2009 with a deadline to submit an application by June 16, 2009. Ms. Reaves requested the Board to appoint individuals to Boards and Committees as appropriate. Applicants are listed under each board listing.

- ABC Board  
3-Year Term: 1 position available
  - 1) Ollie Chandler Jeffers
  - 2) Lindsay T. Wagstaff, Jr. withdrew his application from consideration at 3:20 pm on this date.
  - 3) John R. Bradsher
  - 4) Joseph Di Bona
  - 5) Lois McIver Winstead

By unanimous vote, the Board appointed John R. Bradsher to the ABC Board.

- Adult Care Home Community Advisory Committee  
1-Year Initial Term; 3-Year Reappointment: 3 positions available  
No applications were received.

By unanimous vote, the Board appointed Lois Winstead to the Adult Care Home Community Advisory Committee.

- Board of Adjustment  
3-Year Term: 1 position available
  - 1) Lindsay T. Wagstaff, Jr.

By unanimous vote, the Board reappointed Lindsay T. Wagstaff, Jr. to the Board of Adjustment.



- Board of Health  
 3-Year Term:  
 1 position for a physician
  - 1) Kimberly Yarborough, MD  
 1 position for a veterinarian
  - 1) Claudia K. Berryhill  
 1 position for a nurse
  - 1) Doris Pillow  
 2 positions from the general public
  - 1) Jack Hester
  - 2) Benjamin Tillett

By unanimous vote, the Board reappointed Kimberly Yarborough, MD, Claudia Berryhill, Doris Pillow, Jack Hester and Benjamin Tillett to the Board of Health.

- Economic Development Commission  
 3-Year Term: 3 positions available
  - 1) Ray Wilkins
  - 2) Frances P. Blalock
  - 3) Douglas W. Weaver
  - 4) Kenneth Perry
  - 5) Danny Talbert

By unanimous vote, the Board reappointed Ray Wilkins and Kenneth Perry as well as appointed Danny Talbert to the Economic Development Commission

- Home Health and Hospice Advisory Committee  
 3-Year Term: 1 position each representing Person Memorial Hospital, a Physician, and Piedmont Community College.  
 No applications were received.

- Hyconeechee Regional Library Board  
 3-Year Term; 1 position available
  - 1) Stephen Edwin Knott
  - 2) Montine Barnette
  - 3) Sandra (Sandy) Pleasant

By majority vote, the Board appointed Stephen Edwin Knott to the Hyconeechee Regional Library Board.

- Jury Commission  
2-Year Term; 1 position available
  - 1) Margaret Bradsher withdrew her application from consideration at 7:10 p.m. on this date.
  - 2) Tammy O'Briant

By unanimous vote, the Board reappointed Tammy O'Briant to the Jury Commission.

- Mayo Lake Advisory Committee  
2-Year Term; 2 positions available
  - 1) Grant M. Christy
  - 2) Cheryl A. Peters
  - 3) Dennis L. Borton

By majority vote, the Board reappointed Grant M. Christy and appointed Cheryl Peters to the Mayo Lake Advisory Committee.

- Nursing Home Advisory Committee  
3-Year Reappointment; 4 positions available
  - 1) Geraldine Yancey

By unanimous vote, the Board reappointed Geraldine Yancey to the Nursing Home Advisory Committee.

- Person Area Transportation System Board of Directors  
3-Year Term; 3 positions available  
No applications were received.

- Person-Caswell Lake Authority  
3-Year Term: 1 position available
  - 1) Gil Stovall
  - 2) Franklin T. Harden
  - 3) John Rimmington
  - 4) Lois McIver Winstead

By unanimous vote, the Board reappointed Gil Stovall to the Person-Caswell Lake Authority.

- Piedmont Community College Board of Trustees  
4-Year Term; 1 position available
  - 1) Margaret Bradsher
  - 2) Timothy Gilliam

By unanimous vote, the Board reappointed Timothy Gilliam to the Piedmont Community College Board of Trustees.

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- Planning Board  
3-Year Term: 4 positions available
  - 1) Ollie Chandler Jeffers
  - 2) Derrick A. Smith
  - 3) Searie Pleasant-Yow
  - 4) Charlie Lee (CL) Oakley
  - 5) Brenda W. Riley
  - 6) Lindsay T. Wagstaff, III

By majority vote, the Board appointed Derrick A. Smith and reappointed Charlie Lee (CL) Oakley, Brenda W. Riley and Lindsay T. Wagstaff, III to the Planning Board.

- Recreation Advisory Board  
3 Year Terms: 2 positions available
  - 1) Vickie Kirk
  - 2) Kirk W. Redman

By unanimous vote, the Board reappointed Vickie Kirk and appointed Kirk W. Redman to the Recreation Advisory Board.

- Region K Aging Advisory  
1 position available to fill an unexpired term of 12/31/09
  - 1) Melinda Hudson

By unanimous vote, the Board appointed Melinda Hudson (Staff at Department of Social Services) to the Region K Aging Advisory contingent upon her employment at Person County Department of Social Services for a three year term.

- Work Force Development Board  
2-Year Reappointment: 1 position representing private industry
  - 1) Kenneth Hill

By unanimous vote, the Board reappointed Kenneth Hill to the Work Force Development Board.

- Research Triangle Regional Partnership Appointment:

Clerk to the Board, Brenda Reaves stated Mr. Jim Stovall has requested Board consideration to be appointed in the Economic Development Director slot replacing Glen Newsome on the Research Triangle Regional Partnership (RTRP) Board. The RTRP Board of Directors requests Board approval for the replacement and noted the interim slot would be ex-officio and effective until an Economic Development Director was hired in Person County.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Puryear, and **carried** to appoint Jim Stovall on the Research Triangle Regional Partnership (RTRP) Board as an interim, ex-officio status until an Economic Development Director is hired in Person County.

- Kerr Tar Regional Council of Government Appointment

Clerk to the Board, Brenda Reaves advised the Board a vacancy exists on the Kerr Tar Regional Council of Government (COG) Board for a Person County citizen representing the private sector/business. Ms. Reaves stated Mr. Jim Stovall inquired about replacing Glen Newsome on this board however, it was confirmed that Mr. Newsome was not on the COG Board. Mr. Stovall is interested in appointment on the COG Board if it is the desire of the Board.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried** to appoint Jim Stovall to the Kerr Tar Regional Council of Government (COG) Board for a Person County citizen representing the private sector/business. The term is for an unspecified time period at the pleasure of the Board.

- Kerr Tar Rural Transportation Planning Organization (RPO) – Transportation Advisory Committee (RTAC) Commissioner Appointment

By letter, Shelby Powell, Planning Director requested the Board to make appointment to the RPO Board by August. As a RPO member, Person County has a voting seat on the RTAC that is filled by a County Commissioner.

By unanimous vote, the Board reappointed Commissioner Puryear to the RPO Board for another two-year term.

**ADJOURNMENT:**

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried** to adjourn the meeting at 10:20 p.m.

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Brenda B. Reaves  
Clerk to the Board

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Johnny Myrl Lunsford  
Chairman

**July 6, 2009**