

**BOARD OF COMMISSIONERS**  
**MEMBERS PRESENT**

**MAY 4, 2009**  
**OTHERS PRESENT**

Johnny Myrl Lunsford  
Jimmy B. Clayton  
Kyle W. Puryear ABSENT  
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 special session on Monday, May 4, 2009 at 5:00 p.m. in the Commissioners' meeting room in the Person County Office Building for the purpose of discussing the Person County 2009/2010 Capital Improvement Plan

Chairman Lunsford called the meeting to order. Commissioner Puryear was absent.

**CAPITAL IMPROVEMENT PLAN DISCUSSION:**

County Manager Heidi York stated she and the Finance Director, Amy Wehrenberg wanted the Board to have an opportunity for further discussion on the 2009/2010 Capital Improvement Plan. The Board will be requested to approve the Capital Improvement Plan in concept with noted priority rankings at an upcoming meeting with plans to approve funding for the projects once the fund balance has been realized.

Finance Director, Amy Wehrenberg recommended to the Board to consider paying for projects as the fund balance allows, i.e., there are many roofing projects required annually and could be considered an operational expense versus capital so not to pay interest. Ms. Wehrenberg suggested to only finance capital projects when imminent to spread out costs. Ms. Wehrenberg recommended if roofing projects were to be financed, that at least 3 years if not all 5 years, approximately 7 million of roofing projects be included.

Ms. Wehrenberg stated the Local Government Commission considers 15% or more of debt service payment of general fund expenditures too heavily in debt. Most counties relative to the size of our county has a benchmark of approximately 7% and Person County is at 6 ½% for the coming year.

The Board discussed the Recreation Center/Senior Center as a binding referendum and agreed to move up the Recreation Center/Senior Center \$52,000 Engineer Fees to fiscal year 2011 and the 6,000,000 for the Recreation and Senior Center to fiscal year 2012. Ms. Wehrenberg explained that a General Obligation Bond has the backing of the taxpayers to use property tax as a revenue stream for the financing the project, noting the Board is not obligated to raise taxes to finance should the Board desire

to use another form of financing. No grant opportunities can be realized until a site plan/floor plan is readily available for the Recreation Center/Senior Center.

Ms. Wehrenberg stated the county fund balance would be used this year to finance the Tech Education Building at Piedmont Community College noting plans were to borrow the funds for the Tech Education Building at the same time the Courthouse financing would take place, and reimburse Person County the proceeds. Ms. Wehrenberg requested Board consideration to allow the fund balance to absorb the costs of the Tech Education Building this year and only finance the Courthouse project.

Ms. Wehrenberg mentioned that the largest roofing project for Northern Middle School at 1.5 million has been split for fiscal years 2009/2010 and 2010/2011 but stated if the fund balance allows, it could be completed sooner. The same concept applies if the Board wants to designate 1 million in fund balance to be held for the Recreation Center/Senior Center.

**RECESS:**

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers and **carried** to recess the meeting until 6:07 p.m.

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Brenda B. Reaves  
Clerk to the Board

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Johnny Myrl Lunsford  
Chairman

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The Board of Commissioners for the County of Person, North Carolina, met in recessed session on Monday, May 4, 2009 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.

**PUBLIC HEARING:**

**UPDATE TO TEN YEAR SOLID WASTE MANAGEMENT PLAN:**

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Clayton and **carried** to open the public hearing.

Assistant County Manager, Paul Bailey presented to the Board a draft three-year update to the Person County Planning Area Solid Waste Management Plan. The 1997 plan was prepared in accordance with N.C. General Statute 130A-309.09A(b) for the purpose of meeting local solid waste needs and protecting public health and the environment. Through implementation of this comprehensive solid waste management plan and subsequent plan updates that follow every three years, the Person County planning area provides for the management of solid waste and its reduction for the next 10 years. The planning area includes Person County and the City of Roxboro. Person County's long-range plan is to offer a comprehensive waste management program. This program provides disposal capacity, waste collection services, and waste reduction programs to all persons within the planning area at equitable costs. The solid waste management plan includes the elimination of improper disposal of waste and continued waste reduction opportunities that are convenient for residents. Mr. Bailey noted the draft three-year update has been available for public review at the Person County Public Library, County Manager's Office, City Hall as well as on the Person County web site.

Ms. Frances Blalock of 1504 Surl- Mt Tirzah Road, Timberlake requested a couple of changes to the draft three-year update plan: 1) to raise the recycling goals and, 2) to develop education programs to coincide with startup of the material recycling facility.

**May 4, 2009**

Commissioner Jeffers pointed a couple of corrections in the draft three-year update place: 1) on page 10 Carolina Power and Light Company (CP&L) should read Progress Energy, and 2) on page 13, 8 lines down, missed paper should read mixed paper. Commissioner Jeffers stated he would like to see a goal in place for the Prevention of Illegal Disposal and Management of Litter as well as Litter Management and Promiscuous Dumping.

Commissioner Kennington asked Mr. Bailey about the Progress Energy Industrial Landfill. Mr. Bailey stated the Progress Energy Industrial Landfill is a state permitted landfill that would fall under the same guidelines as the Upper Piedmont Landfill. Commissioner Kennington inquired about the timeframe to permit a new landfill. Mr. Bailey stated an estimate would be 5 years starting from scratch but could vary with other factors. Commissioner Kennington confirmed with Mr. Bailey the present landfill will expire in June, 2017. Commissioner Kennington asked Mr. Bailey why there was no program plan for household hazard waste and Mr. Bailey noted the two main reasons are the lack of demand and the associated costs to sponsor such an event.

Commissioner Clayton noted the County Cooperative Extension Program often sponsors programs for chemicals and waste disposal. Mr. Bailey stated the Cooperative Extension annual program was put off due to lack of funding.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers and **carried** to close the public hearing.

Mr. Bailey stated he would be bringing the three-year update plan back to the Board for formal approval at a future meeting noting the City of Roxboro will be holding a public hearing as well. Chairman Lunsford stated all comments and information has been received for informational purposes.

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

Chairman Lunsford stated a Proclamation has been requested to be added to the agenda recognizing Children's Mental Health Awareness Day in Person County.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers and **carried** to add a Proclamation recognizing Children's Mental Health Awareness Day in Person County as well as approval of the agenda as adjusted.

#### **INFORMAL COMMENTS:**

There were no comments from the public.

**May 4, 2009**

**CONSIDERATION OF A PROCLAMATION RECOGNIZING CHILDREN'S MENTAL HEALTH AWARENESS DAY IN PERSON COUNTY:**

Melissa King, an Intern at the National Center for Child Traumatic Stress at Duke University Medical Center requested Person County's Proclamation recognizing Children's Mental Health Awareness Day on May 7, 2009. Children's Mental Health Awareness Day is aimed at promoting positive youth development, resiliency, recovery, and the transformation of mental health service delivery for children and youth with mental health needs and their families.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Puryear and **carried** to issue a Proclamation proclaiming May 7, 2009 as Children's Mental Health Awareness Day in Person County.

PROCLAMATION

**WHEREAS**, strong mental health is essential to the success of a child; and

**WHEREAS**, according to the United States Department of Health and Human services, at least one in five children and adolescents have a mental health disorder with one in 10, or about 6 million people, suffering from a serious emotional disturbance; and

**WHEREAS**, mental health disorders can have negative impacts on behavior, school performance, and concentration; and

**WHEREAS**, untreated mental health disorders can lead to alcohol and drug abuse, violence, and life threatening behaviors; and

**WHEREAS**, an awareness of the mental health services provided by Person county high schools can lead to diagnoses and treatments of these mental health disorders; and

**WHEREAS**, as parents, teachers, guidance counselors, neighbors, friends, and concerned citizens there are many ways to reach out to the youth of Person county that are in need of education, information and mental health resources; and

**NOW, THEREFORE**, I, Johnny Myrl Lunsford, by virtue of the authority vested in me by the laws of Person County, do hereby proclaim May 7, 2009, **CHILDREN'S MENTAL HEALTH AWARENESS DAY in Person County.**

**IN WITNESS WHEREOF**, I have hereunto set my hand this 4th day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

(signed)

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Johnny Myrl Lunsford, Chairman  
Person County Board of Commissioners

**May 4, 2009**

### **APPROVAL OF MINUTES:**

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried** to approve the minutes of April 15, 2009, April 20, 2009 and April 27, 2009.

### **ADMINISTRATIVE REPORTS:**

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton, and **carried** to approve the Administrative Reports for the Tax Administration and Collections.

### **UPDATE ON THE JULY 4, 2009 FIREWORKS SHOW:**

Direction of Recreation, Arts and Parks, Mitch Pergerson confirmed with the Board that the City of Roxboro has committed to their share for the 2009 fireworks show of \$4,500. Mr. Pergerson stated his effort of pursuing corporate sponsors had not been successful, although he will continue pursue for the 2010 fireworks show which is not currently in the fiscal year budget for 2010.

County Manager, Heidi York added that Mr. Pergerson is currently negotiating the contract for the 2009 fireworks show and the County Attorney, Ron Aycock would like to recommend the contract for execution be entered into with Person County, not the Recreation Department as the contracting party. Mr. Aycock revealed for information a couple of the features of the contract includes a 15% premium on the contract price should the fireworks show has to be rescheduled, as well as 40% costs of the contract should show be cancelled.

Commissioner Puryear asked about the insurance requirements. Mr. Pergerson replied insurance is stated at 5 million.

Commissioner Kennington thanked Mr. Pergerson for pursuing corporate sponsorship and requested he continued to pursue with the same intensity as pursuing grants.

Commissioner Clayton commented on the budget impact for funding the fireworks show during such an abnormal budget year.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, to approve the contract with the vendor for the fireworks show with the contracting party being Person County and not the Recreation Department. The **motion passed on a 3/2 vote**. Commissioners Lunsford and Clayton cast the dissenting votes.

**INFORMATION REGARDING GRANT FUNDS TO AID IN IMPLEMENTING A POLICY FOR THE ABANDONMENT OF MANUFACTURED MOBILE HOMES IN PERSON COUNTY:**

Assistant County Manager, Paul Bailey reminded the Board that this policy is one that has to be mentioned in the Solid Waste Plan. Mr. Bailey presented the following information as highlights of the general statute that addresses this issue.

**Management of Abandoned Manufactured Homes**

**Purpose**

The purpose of this General Statute is to provide units of local government with the authority, funding, and guidance needed to provide for the efficient and proper identification, deconstruction, recycling, and disposal of abandoned manufactured homes in this State. "Abandoned manufactured home" means a manufactured home or mobile classroom that is both:

- a. Vacant or in need of extensive repair.
- b. An unreasonable danger to public health, safety, welfare, or the environment.

**Management of abandoned manufactured homes.**

Each county shall consider whether to implement a program for the management of abandoned manufactured homes. If the county decides to implement a program, the county shall develop a written plan for the management of abandoned manufactured homes and include the plan as a component of the comprehensive solid waste management plan it is required to develop under G.S. 130A- 309.09A.(b). At a minimum, the plan shall include:

- (1) A method by which the county proposes to identify abandoned manufactured homes in the county, including, without limitation, a process by which manufactured homeowners or other responsible parties may request designation of their home as an abandoned manufactured home.
- (2) A plan for the deconstruction of these abandoned manufactured homes.
- (3) A plan for the removal of the deconstructed components, including mercury switches from thermostats, for reuse or recycling, as appropriate.
- (4) A plan for the proper disposal of abandoned manufactured homes that are not deconstructed under subdivision (2) of this subsection.

An intact abandoned manufactured home shall not be disposed of in a landfill.

### **Process for the disposal of abandoned manufactured homes.**

If a county adopts and implements a plan for the management of abandoned manufactured homes, the county shall notify the responsible party and the owner of the property on whose land the abandoned manufactured home is located, that the abandoned manufactured home must be properly disposed of by the responsible party within 90 days. The notice shall disclose the basis for the action and advise that a hearing will be held before a designated public officer at a place within the county in which the manufactured home is located.

If, after notice and hearing, the public officer determines that the manufactured home under consideration is abandoned, the officer shall state in writing the officer's findings of fact in support of that determination, and the county shall order the responsible party to dispose of the abandoned manufactured home within 90 days of the expiration of this period. If the responsible party fails to comply with this order, the county shall take any action it deems reasonably necessary to dispose of the abandoned manufactured home, including entering the property where the abandoned manufactured home is located and arranging to have the abandoned manufactured home deconstructed and disposed of in a manner consistent with the plan.

When a county removes, deconstructs, and disposes of an abandoned manufactured home, the responsible party shall be liable for the actual costs incurred by the county, less the amount of grants for reimbursement received by the county. Nonpayment of any portion of the actual costs incurred by the county shall result in the imposition of a lien on any real property in the county owned by the responsible party.

### **Grants to local governments.**

The Department shall use funds from the Solid Waste Trust Fund to:

- (1) Provide Grants to counties to reimburse their expenses for activities under this Part.
- (2) Provide technical assistance and support to counties to achieve the purposes of this Part.

Reimbursement grants shall be made in accordance with the terms of the grant agreement developed pursuant to subsection (b) of this section, but in any event all reimbursements shall be calculated on a per-unit basis and based on the actual cost of such activities, not to exceed one thousand dollars (\$1,000) for each unit. For a county designated as a development tier one or two area where the costs associated with the disposition of an abandoned manufactured home exceed one thousand dollars (\$1,000) per unit, a county may request a supplemental grant in an amount equal to fifty percent (50%) of the amount in excess of one thousand dollars (\$1,000).

A county shall use reimbursement grant funds only for operating expenses that are directly related to the management of abandoned manufacture homes.



**Authority to adopt ordinances.**

A county may adopt necessary ordinances in order to implement this Part.

The Department of Environment and Natural Resources shall annually use up to one million dollars (\$1,000,000) from the Solid Waste Management Trust Fund in order to fund the cleanup of abandoned mobile homes.

A County designated as a development tier one or two area may, upon resolution of the Board of Commissioners of their intent to (i) develop a plan for the management of abandoned manufactured homes and (ii) implement the plan once developed, request a planning grant of up to two thousand five hundred dollars (\$2,500) from the Solid Waste Management Trust Fund. These funds shall be used by the county to prepare a plan.

Mr. Bailey stated while there is a mechanism in place to recover costs, he feels it would not cover 100% of the costs and that the county would be liable for some costs. Mr. Bailey noted that decisions would have to be made as to who the public officer would be, whether it is a staff or a committee with considerable authority that would meet with controversy at times. Mr. Bailey felt compliance may fit with county inspections or planning and zoning with a contracted function to implement services. A criticism per Mr. Bailey would be the county infringing upon private property. Mr. Bailey noted the law affecting this issue will be effective July 1, 2009 and suggested to investigate further reiterating should the county apply for the available grant and is awarded, the county would have no choice but to implement the program.

Commissioner Clayton recommended proceeding slowly with considerations on how other counties plan to implement such a program.

Commissioner Puryear agreed to see what other counties plan to do but felt our county was not in dire need for this program nor did he want to infringe on individual's property rights.

Commissioner Kennington stated there are current complaints with the Planning and Zoning but there is nothing in place to enforce the removal of such abandoned mobile homes. Mr. Kennington would like for the Board to continue to explore the ordinance options but and voiced his concern with enforcement.

Commissioner Jeffers stated he has issues with this program and felt the Board needed more information.

Chairman Lunsford thanked Mr. Bailey for providing the information as requested and noted the Board would received the information for that purpose.

**May 4, 2009**

**UPDATE ON THE ROLLING HILLS BRIDGE REPAIR:**

Assistant County Manager, Paul Bailey stated he had been in contact with Mr. Reese Briley with the NC Department of Transportation in Raleigh and advised a pre-bid meeting late May, or early June is being scheduled with construction commencing in July with a completion date in late 2009.

**REQUEST FOR APPROVAL OF TIME-LIMITED POSITION FOR FOOD ASSISTANCE WORKER TO BE FUNDED BY AMERICAN REINVESTMENT & RECOVERY ACT:**

Department of Social Services Director, Beverly Warren requested Board approval to establish a time-limited position for a Food Assistance Worker to be 100% federally funded by American Reinvestment & Recovery Act stimulus funds. Time-limited under the state personnel laws equals 18-24 months. Ms. Warren stated Person County Department of Social Services has received an allocation of \$31,015 to fund this time-limited position for the federal fiscal year ending September 30, 2010. Ms. Warren stated that 2607 families in Person County receiving food assistance just in the month of April issued \$719,668 in food assistance. Ms. Warren further noted funding is expected for the next federal fiscal year to be used to hire an Income Maintenance Caseworker to assist with the extreme increase of cases.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Clayton and **carried** for approval for the Department of Social Services to establish a time-limited position for a Food Assistance Worker to be filled until the designated stimulus funding ends on September 30, 2010.

**CONSIDERATION OF A CRIMINAL HISTORY RECORD CHECK ORDINANCE:**

Human Resources Director, Angie Warren requested Board approval of a Criminal History Record Check Ordinance. Ms. Warren stated in order to protect the citizens of Person County and their properties, the provisions of this ordinance are established to provide a policy and procedures for criminal history checks through the NC State Bureau Investigation/Division of Criminal Information on final applicants for employment with the County. The Person County Sheriff, or designee, shall provide the findings made by the use of the Division of Criminal Information network to the Person County Manager, or designee.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Puryear and **carried unanimously at its first reading** to adopt the Criminal History Record Check Ordinance.

PERSON COUNTY ORDINANCE

**CRIMINAL HISTORY RECORD CHECK ORDINANCE**

**Section 1- PURPOSE and AUTHORITY**

In order to protect the citizens of Person County and their properties, the provisions of this ordinance are established to provide a policy and procedures for criminal history checks through the North Carolina SBI/DCI on final applicants for employment with the County. Subject to the provisions of Section—below, employment with the County may be denied for those persons convicted of any crime against a person or crimes against property where intent is an element, or any drug or gambling related offense. This ordinance is adopted pursuant to North Carolina general statutes 153A-11 and 153A-12.

**Section 2- RECORD SEARCH - CANDIDATE TO PROVIDE PERSONAL INFORMATION**

The County Manager, or designee, may conduct an investigation of any final candidate for a part time or full time position with Person County government. It shall be a precondition of employment that an applicant, upon request, provide necessary personal identification including social security number and drivers license and submit to fingerprinting so that the County Manager, or designee, may cause a thorough search to be made of local and state criminal records to determine whether the applicant has a history of criminal convictions for the offenses named above by use of the networks of the State Bureau of Investigation, Division of Criminal Information Network (DCI).

**Section 3- FINDINGS**

The Person County Sheriff, or designee, shall provide the findings made by the use of the DCI network to the Person County Manager, or designee, provided that all necessary agreements with the State Bureau of Investigation Division of Criminal Information (DCI) have been executed.

**Section 4- EVALUATION OF FINDINGS**

An evaluation of any offense for purposes of employment will take into account the nature and the circumstances of the offense and the time of the offense as they relate to the essential job functions for the position applied for.

**May 4, 2009**

**Section 5- VERIFICATION OF IDENTITY**

No action to deny employment under this ordinance will be taken until the Person County Sheriff, or designee confirms the identity of the applicant by fingerprints through the State Bureau of Investigation or a certified copy of the public record is obtained.

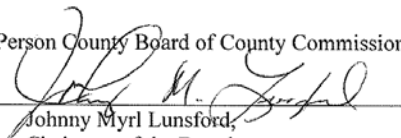
**Section 6- EFFECTIVE DATE**

This ordinance shall become effective upon its adoption.

Adopted this the 4th day of May, 2009.

Person County Board of County Commissioners

By: \_\_\_\_\_

  
Johnny Myrl Lunsford,  
Chairman of the Board

Attest: \_\_\_\_\_

  
Brenda B. Reaves  
Clerk to the Board

**May 4, 2009**

**BUDGET AMENDMENT:**

County Manager, Heidi York presented and explained the following Budget Amendment.

Upon a motion by Commissioner Puryear, and a second by Commissioner Jeffers and majority vote, the Board of Commissioners of Person County does hereby amend the Budget of the General Fund(s) on this, the 4th day of May 2009, as follows:

<u>Dept./Acct No.</u>	<u>Department Name</u>	<u>Amount</u> Incr / (Decr)
<u>EXPENDITURES</u>	<u>General Fund</u>	
	General Government	240
	Culture and Recreation	600
	Debt Service	626
	Human Services	(626)
	<u>Person Industries Fund</u>	1,069
<u>REVENUES</u>	<u>General Fund</u>	
	Other Revenue	840
	<u>Person Industries-Special Revenue Fund</u>	
	Other Revenue	1,069

Appropriate: Vendor reimbursement to Tax Office for damaged furniture during the move to the new building (\$240); interfund transfer to EMS for the Director's Level II certification; donations in the Public Library (\$600); the final ADM monies calculated by the Department of Revenue for the 2007-08 Medicaid hold-harmless distribution (\$626); and an insurance claim received for a damaged vehicle in the Person Industries Department (\$1,069).

Commissioner Kennington thanked the unanimous donors to the Library for their generous gift.

**CHAIRMAN'S REPORT:**

Commissioner Lunsford had no report.

**MANAGER'S REPORT:**

County Manager Heidi York stated her plans to present the 2009/2010 proposed budget at the May 18, 2009 meeting and requested the Board members to bring their calendars to schedule subsequent budget work sessions.

**COMMISSIONER REPORT/COMMENTS:**

Commissioner Kennington recognized the Roxboro Woman’s Club as they celebrate their 50<sup>th</sup> year noting their community contributions to all of Roxboro and Person County through scholarships and support to non-profit organizations.

Commissioner Kennington stated Leigh Woodall and Representative Winkie Wilkins had recently met with Jim Trogdon confirming Person County 501 North project to four-lane the road to the Virginia border was still in the Transportation Improvement Plan. Mr. Woodall stated the State of NC is in dire financial straits noting the Department of Transportation currently has 2.75 billion in projects with only 1.41 billion in available funding. Mr. Woodall was told by the State DOT officials that Person County’s project should not decline in the ranking. Commissioner Kennington thanked the Thorough Committee for their efforts.

Commissioner Kennington mentioned how much he enjoyed the joint meetings with the City of Roxboro and the School Board and the idea of meeting more regularly with these governing boards.

Commissioner Puryear congratulated the graduates of the Leadership Person County, noting he attended the recent graduation and thanked the Roxboro Area Chamber of Commerce for sponsoring the class providing an opportunity to citizens to learn about the Person County infrastructure and become the next community leaders.

Commissioner Jeffers stated he would be absent from the next Board meeting scheduled on May 18, 2009.

Commissioner Clayton gave the group information he had received from his recent visits to Raleigh attending the Association Commissioner’s Board Meeting and the County Assembly Day, highlighting a possible restructuring of sales tax in NC.

**ADJOURNMENT:**

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Clayton, and **carried** to adjourn the meeting at 8:06 p.m.

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Brenda B. Reaves  
Clerk to the Board

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Johnny Myrl Lunsford  
Chairman

**May 4, 2009**