

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

November 3, 2008
OTHERS PRESENT

Johnny Myrl Lunsford, Chairman
Jimmy B. Clayton, Vice-Chairman
Kyle W. Puryear
Larry H. Bowes
Larry E. Yarborough, Jr.

Heidi N. York, County Manager
C. Ronald Aycock, County Attorney
Faye T. Fuller, Clerk to the Board
Brenda B. Reaves, Deputy Clerk to the Board

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, November, 3, 2008 at 6:30 p.m. in the Commissioners' meeting room in the Person County Office Building.

Chairman Lunsford called the meeting to order.

The Board held interviews for applicants for the vacancy on the Planning Board. The three applicants were: Derrick Smith, Kenneth Hill, Lindsay T. Wagstaff, II; however, Mr. Smith was unable to attend due to a scheduling conflict.

Upon completion of interviews with Mr. Wagstaff and Mr. Hill, a **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton and **carried** to close the interview process.

At 7:00 p.m. Chairman Lunsford called the regular meeting to order.

Commissioner Clayton led in prayer and Commissioner Bowes led the Pledge of Allegiance.

PUBLIC HEARING:

***REQUEST FOR A TEXT AMENDMENT TO APPENDIX C:
Table of Permitted Uses to Allow Torrefied Biomass Product***

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Yarborough and **carried** to open the duly advertised Public Hearing at 7:00 p.m.

Planning Director Paula Murphy explained that the request from the Planning Board was to add torrefied biomass product to the Table of Permitted Uses (Appendix C). These uses will be allowed in the GI and RC Districts with a Special Use Permit. She further explained that torrefaction is a thermo-chemical process during which woody biomass is transformed into a product that does not absorb water and is able to be used to generate electricity.

The Planning Board reviewed this item at its October 9, 2008 meeting and voted unanimously to forward with a favorable recommendation.

Chairman Lunsford asked if there was anyone who wished to speak to the issue. No one spoke.

A **motion** was made by Commissioner Bowes, **seconded** by Commissioner Clayton and **carried** to close the Public Hearing.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Yarborough and **carried** to approve the text amendment to Appendix C: Table of Permitted Uses to allow Torrefied Biomass Product.

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

Commissioner Clayton requested that Mr. Sam Winstead be allowed to speak in the place of Kay Reynolds who was not able to attend the meeting due to family illness. A **motion** was made by Commissioner Lunsford, **seconded** by Commissioner Yarborough and **carried** to grant the request.

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Clayton and **carried** to approve the agenda with the approved adjustment.

INFORMAL COMMENTS:

Eunice Jones: Asked two questions: 1. When, and if, the Board of Commissioners will do anything to clean up junk from the county. She expressed concern about water contamination and devaluation of homes caused by these junk piles. 2. What is one thing the Board has done for the entire county this past year.

Sue Whitt: 395 Carver Huff Well - Concerned about junk cars and well contamination.

APPROVAL OF MINUTES:

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to approve the minutes of October 20, 2008.

ADMINISTRATIVE REPORTS:

A **motion** was made by Commissioner Bowes, **seconded** by Commissioner Yarborough and **carried** to accept the following Administrative Reports: E-911, Surplus Vehicles, Tax Administration & Collection.

RESOLUTION OPPOSING THE NATIONAL BIO-AND AGRO-DEFENSE FACILITY:

Sam Winstead, speaking on behalf of Kay Reynolds, asked that the Board reconsider approval of the Resolution Opposing the national Bio-and Agro-Defense Facility. Ms. Reynolds, by letter, stated that it is the duty of the Board of Commissioners to protect the citizens of this county in every way possible. That includes protecting the

air we breathe, the land we live on farm on, and surrounds us and also the water supplies including the underground table water.

A **motion** was made by Commissioner Clayton and **seconded** by Commissioner Bowes to approve the Resolution to Oppose the National Bio-and Agro-Defense Facility. The motion was **defeated** by a 2/3 vote. Commissioners Lunsford, Yarbrough and Puryear cast the dissenting votes.

PRESENTATION OF PARTNERSHIP FOR CHILDREN’S ANNUAL REPORT:

Ms. Judy Batten, Executive Director, Person County Partnership for Children, appeared before the Board to present the Partnership’s 2007-2007 Annual Report. Upon completion of her presentation, she asked that the County reinstate financial support to the Partnership for Children for this year and subsequent years.

Chairman Lunsford commented on how the funds have benefitted the children of Person County and thanked Ms. Batten for the services provided to the citizens of the county.

RESOLUTION ADOPTING A POLICY FOR MUTUAL ASSISTANCE BETWEEN THE SHERIFF’S OFFICE AND OTHER LAW ENFORCEMENT AGENCIES:

Sheriff Dewey Jones appeared before the Board to request approval for the Sheriff’s Office to enter into mutual aid agreements with other law enforcement agencies for the purpose of assisting and receiving assistance as needed during emergencies and special operations.

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to approve the Resolution Adopting a Policy For Mutual Assistance With Other Law Enforcement Agencies.

PERSON COUNTY SHERIFF'S OFFICE	
TITLE: Mutual Assistance	
POLICY #	EFFECTIVE DATE:

**RESOLUTION ADOPTING A POLICY FOR MUTUAL ASSISTANCE
WITH OTHER LAW ENFORCEMENT AGENCIES**

WHEREAS, pursuant to North Carolina General Statutes § 160A-288, the governing body of a county may adopt appropriate guidelines for the purpose of mutual assistance with other municipal and county law enforcement agencies; and

WHEREAS, pursuant to said laws, the law enforcement assistance to be rendered authorizes lending officers to work temporarily with officers of the requesting agencies, including in an undercover capacity, and lending equipment and supplies; and

WHEREAS, it is deemed to be in the best interests of the citizens of Person County to adopt a reasonable policy and guidelines whereby reciprocal law enforcement assistance can be both rendered to and obtained from other governmental jurisdictions; and

WHEREAS, such reciprocal assistance is necessary for effective law enforcement for the protection of the citizens of Person County;

NOW, THEREFORE, BE IT RESOLVED BY THE Person County Board of Commissioners *THAT:*

1. The Sheriff is hereby authorized to enter into mutual assistance arrangements with other municipal and county law enforcement agencies, provided that the head of the requesting law enforcement agency makes such a request in writing.
2. The Sheriff is hereby authorized to permit officers of the Person County Sheriff's Office Sheriff's Office to work temporarily with officers of the requesting agency, including in an undercover capacity, and the Sheriff may lend such equipment and supplies to requesting agencies as he deems advisable.
3. All such request and authorizations shall be in accordance with North Carolina General Statutes § 160A-288, as applicable.
4. While working with a requesting agency, an officer shall have the same jurisdiction, powers, rights, privileges and immunities (including those relating to the defense of civil actions and payment of judgments) as the officers of the requesting agency in addition to those the officer normally possesses.
5. While on duty with the requesting agency, an officer shall be subject to the lawful operational commands of the officer's superior officers in the requesting agency, but the officer shall for personnel and administrative purposes, remain under the control of the officer's own agency, including for purposes of pay. An officer shall furthermore be entitled to worker's compensation and the same benefits to the extent as though he were functioning within the normal scope of the officer's duties.

6. The Sheriff is hereby authorized to enter into mutual assistance agreements with other law enforcement agencies in accordance with such reasonable arrangements, terms and conditions as may be agreed upon between the respective heads of the law enforcement agencies.

Commissioner Puryear moved for the adoption of the foregoing resolution

Commissioner Yarborough seconded the motion and, upon vote, the same was adopted.

This the 3rd day of November, 2008



Chairman, Johnny M Lunsford
Board of Commissioners

APPROVAL OF USE OF FUNDS FROM THE RESTRICTED UNAUTHORIZED SUBSTANCE TAX:

Sheriff Jones appeared before the Board to request approval to use funds from the “Restricted Unauthorized Substance Tax”, in accordance with N.C.G.S. 159. The use of these funds will be used for the purchase of equipment not funded by current budget and placement of a mobile classroom (donated by the school system) at the firearms range.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Yarborough and **carried** to grant approval of the use of the funds in the amount of \$82,555 from the “Restricted Unauthorized Substance Tax”.

APPROVAL OF CERTIFICATION FOR WILSON AMBULANCE SERVICE AND SUPPORT:

Emergency Services Director Michael Day appeared before the Board and informed the Board that Emergency Services has received an application from Wilson Ambulance Service and Support to begin operating a private ambulance service in the county. As a start-up company, they have completed the application to the best of their current ability but there are certain sections that cannot be answered until they are able to move forward with securing funds and implement a business plan. Those sections are as follows:

- 2.1 (C) Roster/resume of agents and employees
- 2.1 (D) Description of ambulances – no current fleet
- 2.1 (E) Description of place of business – no current location to operate from.
- 2.1 (F) Audited financial statement and financial plan – none available as the business is not in operation.

Mr. Day stated that the Wilson AS&S application has four sections that cannot be completed until county approval is granted. Per Section III of the Person County Ambulance Franchise Ordinance, a franchise may be granted if the county finds the following three conditional sections are met. The discrepancies for each section are listed:

- 3.1 (A) Public convenience and necessity – considering the financial responsibility, experience and character of the applicant. There is no foundation to review the financial responsibility and experience. This will not be available until Wilson AS&S is nearing completion of the business and can provide specific details to their business.

3.1 (B) Ambulance, equipment and premises designated by the applicant certified by the county or State of NC as meeting current rules and regulations – None of this exists at this point and cannot be verified until the business is nearing operational readiness.

3.1 (C) Duly credentialed EMT's employed – There are no current employees and an evaluation cannot be done until the business is nearing operational readiness.

With all things considered, Mr. Day recommended approval of a Certificate of Compliance with of the conditions in the Franchise Ordinance except for Section II 2.1(C), 2.1 (D), 2.1 (E), 2.1 (F). He said this would allow Wilson AS&S to move forward with their plan to begin securing funds, equipment, facilities and employees to establish their business. Once all the criteria has been met, the necessary information will be submitted back to the county for verification and reported to the Board for full franchise approval.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Puryear and **carried** to grant Wilson Ambulance Service and Support a Certificate of Compliance with all conditions in the Person County Ambulance Franchise Ordinance except for:

Section II:

2.1 (C) A roster/resume of the training and experience of the applicant, its agents and employees in the transportation and care of patients – There are no current employees.

2.1(D) Description of ambulances – No current fleet.

2.1(E) Description of place of business – No Current Location to operate from.

2.1 (F) Audited financial statement and financial plan – None available as the business is not in operation.

BOARD AND COMMITTEE APPOINTMENTS:

Juvenile Crime Prevention Council:

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to appoint Melanie H. Puryear to an unexpired term (7/31/09) for a DSS Representative on the Juvenile Crime Prevention Council.

Planning Board:

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Bowes and **carried** to appoint Lindsay T. Wagstaff, III to fill an expired term (6/30/09) on the Planning Board.

Roxboro/Person County Human Relations Commission:

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to appoint Angelas Garcia Hunt to a 3-year term on the Roxboro/Person County Human Relations Commission.

Work Force Development Board:

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Puryear and **carried** to appoint Ken Hill to a one-year initial term on the Work Force Development Board representing private industry.

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to appoint Beverly Warren to a 2-year reappointment representing DSS.

CHAIRMAN'S REPORT:

None

MANAGER'S REPORT:

Next Board meeting will be at FEMA Shelter due to Local Government Day.
3% budget cuts due by Friday - Piedmont Community College and Board of Education have also been asked to submit budget cuts.

COMMISSIONER REPORT/COMMENTS:

Commissioner Yarborough – Commented that the election process had been a learning process for him. He thanked the citizens of Person County for allowing him to serve them for the past four years.

Commissioner Clayton - Expressed his appreciation to the citizens of Person County for allowing him to serve for the past eight years.

Commissioner Bowes - Thanked people of county and associates on Board for the opportunity to serve the citizens for the past four years. He said any decisions he made during his tenure as Commissioner were made for the benefit of the county.

ADJOURNMENT:

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Puryear and **carried** to adjourn the meeting at 8:05 p.m.

Faye T. Fuller, CMC
Clerk to the Board

Johnny Myrl Lunsford
Chairman