

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

September 2, 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 Tuesday, September 2, 2008 at 7:00 p.m. in the Commissioners' meeting room in the Person County Office Building.

Chairman Lunsford called the meeting to order and Commissioner Clayton led in prayer. Commissioner Bowes led the Pledge of Allegiance.

PUBLIC HEARINGS:

#1 Request to Rezone 3.6 Acres of Tax Map A15, Parcel 44 at the Northeast Corner of Lynn Smith Road and Semora Road from Residential to B2 (Neighborhood Business)

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

County Planner Paula Murphy made the following presentation.

REZONING REQUEST RZ-03-08

APPLICANT: WALLACE CLAYTON

PROPERTY OWNER: WALLACE CLAYTON

REQUEST: REZONE PROPERTY ON NORTHEAST CORNER OF LYNN SMITH ROAD AND SEMORA ROAD (TAX MAP A15, PARCEL 44) FROM RESIDENTIAL (R) TO NEIGHBORHOOD BUSINESS (B-2)

*LOCATION: LYNN SMITH ROAD AND SEMORA ROAD
CUNNINGHAM TOWNSHIP*

The County has received an application from Wallace Clayton to amend the official zoning map. The request is to rezone Tax Map A15 Parcel 44 on Lynn Smith Road and NC 57 (Semora Road) from Residential to Neighborhood Business. If rezoned, all land uses permitted in the B-2 District will be allowed. The general intent of the B-2 Neighborhood Business District is to provide for small clusters of retail service and other commercial development which could be compatible with nearby residential areas. Along NC 57 and the Hyco Lake area there are pockets of

neighborhood business zoned areas. Within these areas are such businesses as real estate offices, a convenience store, Hyco Marina and an office for the NC Wildlife Service Agent.

The Person County Land Use Plan's "Future Land Use Map" shows this area as Rural Residential/Agricultural (poor soils). It is defined as low-density residential (single site-built and manufactured homes); agriculture, forestry, churches; very limited commercial, office, or public/institutional uses meeting locational criteria. Most of the land within protected water supply watersheds should be placed in this category. Locational criteria for non-residential uses within this land use category would include frontage and access to a major State Highway or secondary road, proximity to similar uses and spatial separation from non-compatible uses such as existing residential development. Land uses within this category would be expected to develop without public sewer, i.e. with private septic tank systems.

Section 160-5(B) of the Zoning Ordinance states: "The Planning Board shall provide a written recommendation to the Board of County Commissioners that addresses that the proposed amendment is consistent with the comprehensive plan, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of County Commissioners. Prior to adopting or rejecting any zoning amendment, the Board of County Commissioners shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and why such action is reasonable and in the public interest.

The Land Use Plan has Goals and Objectives for future land development within the County. The following items are listed within this section:

1.4 Preserve large tracts of prime agricultural land from early development.

1.4.1 Discourage incompatible non-farm development from intruding into prime agricultural areas.

2.2 Encourage well-planned commercial establishments to provide necessary goods and services to area employers and residents.

2.2.1 Encourage development of small service-oriented commercial activities only at existing intersections or median crossovers on US 501 and other major thoroughfares.

2.2.2 Discourage strip commercial development by limiting highway access.

This parcel consists of 33+ acres and this request is to rezone 3.6 acres along Lynn Smith Road and NC 57. It is not located within a designated watershed nor are there any one hundred year flood areas on the property per Map 3710996800J and 3710997800J, dated July 25, 2006.

There is no City water or sewer available to the site. If developed an individual well and septic system will be required.

Access to the site is on either Lynn Smith Road or NC 57, Semora Road.

Typical uses permitted by right in the B-2 District are as follows: ABC store, retail sales, banks, bowling alley, carwash, convenience store, dry cleaners, single family dwelling, restaurant, fire station/law enforcement center, funeral home, golf course, nursery (plants), professional office, planned building group, etc.

There are many other uses allowed with a Special Use Permit such as multiple family dwelling, electrical generating facility, Industrial operations, clothing manufacture, Mobile Home Park, etc. There are other uses allowed with a Conditional Use Permit: commercial cemetery, church, day care center, two family dwelling, kennel operation, private or public recreation, open storage, auto sales, camping areas, construction trades, home for the ages, household storage, etc.

If the property were to remain residential, the following uses would be permitted by right: single family dwelling, Class "A" and Class "B" manufactured homes, modular homes, family care homes, nursery operations, horse stables, etc.

The Residential district allows other uses by either a special use permit or a conditional use permit. Some uses allowed with a special use permit are multiple family dwellings, Mobile Home Park, nonhazardous solid waste disposal, planned building group, quarry operations, private recreation for profit, airport operations and transmitting towers. Uses allowed with a conditional use permit are ambulance or rescue service, antique shops, bed and breakfast, camping area, commercial cemetery, church, medical and dental clinics, club or lodges, convenience store, day care center, two family dwelling, garage apartments, funeral home, golf course, hospital, library, professional office, rest home and schools.

PHYSICAL CHARACTERISTICS:

Watershed: Not located within a designated watershed

Flood Hazard: There are no one hundred year flood areas on the property

CHARACTER OF THE SURROUNDING AREA:

The property is located at the corner of Lynn Smith Road and NC 57. The area is primarily wooded. The surrounding area consists of large parcels of land, lake homes and two real estate offices.

STAFF COMMENTS:

This is a request to rezone a 3.6 acre piece of property out of a 33+ acre tract from Residential to B-2 (Neighborhood Business).

There are four factors in determining a reasonable basis for spot zoning. They are as follows:

- 1. Size of tract. The general rule is the smaller the tract, the more likely the rezoning will be held invalid.*
- 2. Compatibility with Plan. Need to see if the rezoning fits into a larger context involving rational planning for the community.*
- 3. Benefits and Detriments. Who benefits and who is harmed from the rezoning. Need to look at the property owner and the neighbors.*
- 4. Relationship of Uses. Need to look at the relationship between the proposed uses and the current uses of adjacent properties.*

PLANNING BOARD REVIEW

The Planning Board held a Public Hearing on August 14, 2008 and voted 4 to 1 to recommend approval and that it was in keeping with Section 2.2, 2.2.2 and 2.2.2 of the Land Use Plan.

Chairman Lunsford asked if there was anyone who wished to speak in favor or in opposition to the request. No one spoke.

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

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Bowes and **carried** to approve the request by Wallace Clayton to rezone 3.6 acres out of a 33+ tract (Tax Map A15 Parcel 44) from Residential to Neighborhood Business as it is in keeping with the Land Use Plan, Section 2.2 and 2.2.1 and 2.2.2.

#2 Request for a Text Amendment to the Zoning Ordinance, Section 110-2 (Off Street Parking and Loading) to Change the Size of the Off Street Parking Spaces from 9' x 20' to 9' x 18'

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Clayton and **carried** to open the duly advertised Public Hearing.

County Planner Paula Murphy made the following presentation:

PROPOSED TEXT AMENDMENT TO SECTION 110-2 (OFF STREET PARKING AND LOADING)

The Planning Board has requested that Section 110-2 of the Zoning Ordinance be amended.

Present Ordinance

An off street parking space shall not be less than 9' x 20' per space.

Proposed Ordinance

An off street parking space shall not be less than 9' x 18' per space.

The Planning Board held a Public Haring on August 14, 2008 and voted unanimously to recommend approval of the proposed amendment change.

Chairman Lunsford asked for comments in favor or in opposition to the request. No one spoke.

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

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Clayton and **carried** to approve the Text Amendment to Section 110-2 (Off Street Parking and Loading) to read as follows: An off-street parking space shall not be less than 9'x18' per space.

#3 Request for a Text Amendment to the Zoning Ordinance to Delete the Submission Requirements in Section 74-1(A) and 160-3

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Clayton and **carried** to open the duly advertised Public Hearing.

County Planner Paula Murphy made the following presentation relative to the request.

*ZONING ORDINANCE AMENDMENT TO SECTION 74 AND 160-3
(PROCEDURE FOR SPECIAL USE PERMITS)*

The Planning Board has requested a Public Hearing to consider removing fee schedules, submission deadlines, number of copies, etc. from the Zoning Ordinance.

The Land Use Plan in 1.2.1.e states “Remove fee schedule, submission deadlines, number of copies for submittals, etc. from the zoning ordinance. Instead establish these items as administrative policy that is more easily revised and updated.”

In order to accomplish this, Section 74-1 (A) and 160-3 of the zoning ordinance should be changed to read as follows:

(Current 74-1(A))

An application for a Special Use Permit must be submitted to the Planning and Zoning Department at least four weeks prior to the regular scheduled Planning Board meeting at which it is to be reviewed. Twenty four copies of the site plan, prepared by a North Carolina registered land surveyor, engineer or architect, shall accompany the application, the plan drawn to scale shall depict the following:

(Proposed 74-1(A))

An application for a Special Use Permit must be accompanied by a site plan, prepared by a North Carolina registered land surveyor, engineer or architect. The site plan, drawn to scale, shall depict the following:

(Current Section 160-3)

The Zoning Administrator shall have up to 30 days, at his or her discretion, prior to the regular Planning Board meeting to review petitions from the public to amend this ordinance or Official Planning Map. Each petition unless initiated by the Board of County Commissioners, the Planning Board, the Board of Adjustment or the Zoning Administrator shall be accompanied by a fee as set out in Section 181-1 to defray the cost of advertising and other administrative costs. Applications for the amendments to the Official Planning Map and/or Planning Ordinance text shall contain at least the following:

(Proposed Section 160-3)

Applications for the amendments to the Official Planning Map and/or Planning Ordinance text shall contain at least the following:

(It should be noted that the fees that were in Section 181-1 were removed from the Ordinance in July, 2002.

The Planning Board held a Public Hearing on August 14, 2008 and voted unanimously to recommend approval of the proposed amendment change.

Chairman Lunsford asked for comments in favor or in opposition to the proposed change. No one spoke.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Bowes 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 delete the submission requirements in Section 74-1(A) and 160-3.

#4 Proposed Schedules, Standards, and Rules to be Used in Appraising Real Property in Person County

A motion was made by Commissioner Yarborough, seconded by Commissioner Puryear and carried to open the duly advertised Public Hearing.

Chairman Lunsford stated that the proposed schedules, standards and rules to be used in appraising real property in Person County have been submitted to the Board of Commissioners and that the document has been available for public inspection in the Revaluation Office and in the office of the Clerk to the Board. He asked if there was anyone present who wished to address the Board regarding the document. No one spoke.

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

No action was taken on the Public Hearing.

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner and **carried** to approve the agenda as presented.

INFORMAL COMMENTS:

John Lawrence Blanks – Appeared before the Board and presented the following petition which requests that he and the residents of Roxdale Place, Poplar Lane and those residents on Cavel-Chub Lake Road from the intersection of Chub Lake Road to Kelly Carver Road be changed from the Ceffo fire district to the Roxboro district. He presented the following petition.

Chairman Lunsford told Mr. Blanks he would refer the matter to the Fire Marshal and County Attorney for consideration.

February 2, 2007

Person County Fire Marshall
Person County Commissioners

To Whom It May Concern:

We the residence of the Chub Lake community from 3068 Chub Lake Road including **Roxdale Place and Poplar lane subdivision, continuing on Chub Lake Road turning right on Cavel-Chub Lake Road and continuing to Kelly Carver Road** request to be changed from the Ceffo fire district. We have city fire hydrants and live closer to Roxboro fire stations than we do the Ceffo fire department. The Roxboro fire department is also manned twenty-four hours a day were as the Ceffo department is voluntary. With this area being listed in the Ceffo district we are receiving a rating of nine with our homeowners insurance companies causing our insurance premiums to be higher than if we were listed in the Roxboro district and received a four rating for our insurance policies.

Johnny Blanks receives a nine on his insurance policy and his premium is \$262.00 more a year and he has a fire hydrant in his front yard. Mr. Blanks lives at 1525 Cavel-Chub Lake Road, from his driveway it is 3.9 miles to the Ceffo department, 2.3 miles to the Roxboro #3 fire station, and 3.8 miles from the Roxboro #1 fire station.

It is the communities hope that you will be able to help us resolve this issue.

Thank you for your time and consideration in this matter.

Sincerely the Chub Lake Community.

Name	Address
Johnny F. Blanks	1525 Cavel Chub Lake Rd.
R. S. Warram Co.	3620 " " " "
Jack Reynolds	98 Roxdale Place Roxboro, NC
Jimmy Budusker	1455 Cavel Chub Lake Rd Roxboro NC
Jimmy Lewis	3068 Chub Lake Rd Roxboro, NC
Leslie C. Durbin	3067 Chub Lake Rd Roxboro NC
Marjorie B. Cole	134 Roxdale Pl. Roxboro, N.C.
Road Martin	178 Roxdale Pl. Roxboro, N.C.
Samuel Brown	261 Roxdale Pl.
William E. Almon Guard	25 Poplar Lane Roxboro NC 27574
Denise Kuller	Theresa Baptist Church 101 Poplar Lane Roxboro, N.C. 27574
Joe Burgess	PO Box 136 PO Box 1, N.C. 27574
Joe Burgess	3478 Chub Lake Rd Roxboro NC 27574
Bobby Bell	3127 Chub Lake Rd Roxboro, NC 27574
Alan B. Duncan	3495 CHUB LAKE RD Roxboro, N.C. 27574
Sally S. Roberson	245 Roxdale Pl Roxboro NC 27574

APPROVAL OF MINUTES:

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Yarborough, and **carried** to approve the minutes of August 18, 2008.

ADMINISTRATIVE REPORTS:

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes, and **carried** accept the following Administrative Reports: Airport, Detention Center, Fire Marshal, Public Library and Tax Department.

POTENTIAL CAPITAL PROJECTS FOR SPRING 2009 FINANCING:

County Manager York presented a list of potential capital projects for Spring 2009 financing to the Board for their information. She pointed out that the Courthouse renovation project may be funded separately. Ms. York informed the Board that she made a request to the schools, but to date they have not supplied the information. She was informed that the Board of Education would include discussion of the issue at their September 11th meeting.

CAPITAL REQUEST FROM PIEDMONT COMMUNITY COLLEGE FOR THE TECHNICAL EDUCATION BUILDING: APPROVAL OF CAPITAL PROJECT ORDINANCE AND DECLARATION OF OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES:

Finance Director Amy Wehrenberg requested permission to appropriate necessary funds from Fund Balance to advance no more than \$619,000 to Piedmont Community College for the construction of a technical education building. The Capital Project Ordinance gives the Finance Director permission to set up a capital project with the intent to finance this under an installment financing.

**PIEDMONT COMMUNITY COLLEGE TECHNICAL EDUCATION BUILDING
CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED by the Board of Commissioners of Person County, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1 The project authorized is the construction of a technical education building for the community college. The project is to be financed by an installment financing under G. S. 160A-20 in addition to funds provided by the state and any other revenues that may become available.

Section 2 The officers of this unit are hereby directed to proceed with the capital project within the terms of the financing resolution and the budget contained herein.

Section 3 The following amounts are appropriated for the project:

PCC Technical Education Building \$ 616,117

Section 4 The following revenues are anticipated to be available to complete this project:

Proceeds from Financing Agreement..... \$ 616,117

Section 5 The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of any and all applicable requirements of North Carolina General Statutes. The terms of the financing resolution also shall be met.

Section 6 Funds may be advanced from the General Fund for the purpose of making payments as due. Any such advances made prior to the securing of adequate financing is intended to be reimbursed from the proceeds from the financing. Reimbursement requests should be made to the financing institution in an orderly and timely manner.

Section 7 The Finance Director is directed to report periodically on the financial status of each project element in Section 3 and on the total revenues received or claimed.

Section 8 The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project periodically to the Board.

Section 9 Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Director for direction in carrying out this project.

Adopted this 2nd day of September 2008

Johnny Myrl Lunsford, CHAIRMAN
Person County Board of Commissioners

Faye T. Fuller, CMC
Clerk to the Board

A **motion** was made by Commissioner Bowes, **seconded** by Commissioner Clayton and **carried** to approve the Capital Project Ordinance for the PCC Technical Education Building

Ms. Wehrenberg explained that the Declaration of Intent specifies that the Finance Director is designated by the Board of Commissioners to reimburse the County for the amount not-to-exceed \$619,000 with the proceeds of debt to be issued by the County.

**DECLARATION OF OFFICIAL INTENT
TO REIMBURSE CERTAIN EXPENDITURES**

I, Amy Wehrenberg, Finance Director of the County of Person, North Carolina (the "County"), having been designated by the Board of Commissioners for the County pursuant to a resolution passed by said Board on April 3, 2006 as a person authorized to declare official intent on behalf of the County to reimburse certain expenditures with the proceeds of debt to be issued or incurred by the County, DO HEREBY DECLARE, on behalf of the County, as follows:

1. This declaration of official intent is made pursuant to Treasury Regulation Section 1.150-2, promulgated by the United States Department of Treasury, to declare expressly the intention of the County to reimburse itself with the proceeds of debt to be hereafter issued or incurred by the County for certain expenditures paid by the County on or after the date which is sixty (60) days prior to the date hereof.
2. The expenditures for which the County reasonably expects to reimburse itself with the proceeds of debt to be hereafter issued or incurred by the County include a portion of the costs of constructing a technical education building at Piedmont Community College.
3. \$619,000 is the maximum principal amount of debt reasonably expected to be hereafter issued or incurred for the purpose of paying the costs of such project.

WITNESS my hand this 2nd day of September 2008. (signed) Amy Wehrenberg, Finance Director

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes and **carried** to approve the Declaration of Official Intent to Reimburse Certain Expenditures.

APPOINTMENT TO AIRPORT COMMISSION:

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to Suspend the Rules to make an appointment to the Airport Commission.

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to appoint Brantley Burnett to the Airport Commission.

PROCLAMATION DESIGNATING SEPTEMBER AND OCTOBER 2008 AS BIG READ MONTHS IN PERSON COUNTY:

PCC President Dr. H. James Owen presented a Proclamation declaring September and October 2008 as **THE BIG READ** months in Person County. The Proclamation was accepted and **approved** by **motion** of Commissioner Puryear and **second** by Commissioner Clayton.

PROCLAMATION

of the Board Of County Commissioners of Person County North Carolina

WHEREAS, the Piedmont Community College, Person County Schools and Person County Library as a member of the Hyconeechee Regional Libraries are members of the North Central Piedmont Literacy Collaborative (NCPLC), represents one of five organizations in the United States that will receive grants to support the its Big Read program on John Steinbeck Epic Novel” *The Grapes of Wrath in September and October 2008* and

WHEREAS, the Big Read is a national program by the National Endowment for the Arts (NEA), in partnership with the Institute of Museum and Library Services (IMLS) and Arts Midwest; and

WHEREAS, the Big Read encourages literary reading by asking communities to come together to read and discuss one book;

WHEREAS NCPLC in its mission works to increase literacy in Person County, will encourage citizens in Person, Caswell and Orange counties to read John Steinbeck’s “**THE GRAPES OF WRATH**” and

WHEREAS reading and discussing a book is an effective means by which to engage people in discourse, promote the breaking down of barriers between them, and ultimately lead to the building of stronger communities; and

WHEREAS, it is through reading that an educated and informed citizenry is able to make positive contributions to the economic, cultural and political life our community; and

WHEREAS, the Piedmont Community College and its collaborative Partners will receive a grant of \$20,000 to promote and carry out a month and half -long, three County (Person Orange and Caswell) community-based reading and discussion programs; and

WHEREAS, in addition to direct grants, the NEA also will provide participating communities with a library of free material such reader and teacher guides for the Big Read novel, audio guides for each novel, online organizer’s guide for hosting a Big Read program, customized public service announcement, Big Read display materials and a comprehensive program Web site; and

WHEREAS, the BIG READ (*The Grapes of Wrath*) is an opportunity for government to join forces with Person County Government, Piedmont Community College, Person County person Library and other community organizations and cultural institutions to explore the themes portrayed in *The Grapes of Wrath*

WHEREAS, to encourage community participation in the project, the Piedmont Community College, Person County Schools and the Person County library will collaborate with many private and public partners and institutions;

NOW, THEREFORE BE IT RESOLVED, that the Board Of County Commissioners of Person County does hereby support **The Big Read** program in conjunction with Piedmont Community College, Person County Schools and Person County Library and its partners of the North Central Piedmont Literacy Collaborative and hereby officially proclaim September and October 2008 as **THE BIG READ** months in Person County and encourage the entire Person County community to participate wholeheartedly by reading and discussing “**THE GRAPES OF WRATH**” to increase reading in our community.

Dated this 2nd day of September 2008.

(signed) Johnny Myrl Lunsford, Chairman, Person County Board of Commissioners
Faye T. Fuller, Clerk to the Board

DESIGNATION OF PERSON COUNTY AS A STANDARD WORK FIRST COUNTY FOR 2009-2011 AND APPOINTMENT OF 2009-2011 WORK FIRST PLANNING COMMITTEE:

DSS Director Beverly Warren appeared before the Board to request approval of Person County as a Standard Work First County for 2009-2011 and appointment of the 2009-2011 Work First Planning Committee.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes and **carried** to approve Person County as a Standard Work First County for 2009-2011 and the appointment of the Work First Planning Committee for 2009-2011.

WORK FIRST PLAN 2008 COMMITTEE LIST

Judi Akers
Judith Cassedy
Janet Clayton
Jill Coleman
Gean Gentry
Roy Holler
Russell Knopp
Gerald Lunsford
Ginger Moore
Roxie Russell
Beverly Warren
Vickie Winters
Heidi York

Angeline Brown
Sylvester Clay
Jimmy Clayton
Shavonne Davis
Annette Hampton
Barnabas Jay
Theresa Long
Grethel Miranda
Wanda Rogers
Debbie Smith
Angela Webb
Pam Wood

RESOLUTION INTRODUCING THE GENERAL OBLIGATION BOND ORDER

FOR THE RECREATION FACILITIES AND SENIOR CENTER AND APPROVAL OF THE SWORN STATEMENT OF DEBT:

A regular meeting of the Board of Commissioners for the County of Person, North Carolina, was held in the Commissioners' Meeting Room in the Person County Office Building, in Roxboro, North Carolina, the regular place of meeting, at 7:00 P.M., on September 2, 2008 (September 1, 2008 having been a holiday).

Present: Chairman Johnny Myrl Lunsford, presiding, and Commissioners Jimmy B. Clayton, Larry E. Yarborough, Kyle W. Puryear, Larry H. Bowes

ABSENT: NONE.

Also present: Amy Wehrenberg, Finance Director, and Faye T. Fuller, Clerk to the Board of Commissioners.

* * * * *

Commissioner Lunsford introduced the following order authorizing bonds which was read:

**ORDER AUTHORIZING
\$6,000,000 RECREATION FACILITIES BONDS**

BE IT ORDERED by the Board of Commissioners for the County of Person:

1. That, pursuant to The Local Government Bond Act, as amended, the County of Person, North Carolina is hereby authorized to contract a debt, in addition to any and all other debt which said County may now or hereafter have power or authority to contract, and in evidence thereof to issue Recreation Facilities Bonds in an aggregate principal amount not exceeding \$6,000,000 for the purpose of providing funds, with any other available funds, for providing additional recreation facilities of said County, including the construction of a recreation and senior center to provide recreation

opportunities to persons of all ages and the acquisition of necessary land, rights of way, furnishings and equipment.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of the debt of said County has been filed with the Clerk to the Board of Commissioners for said County and is open to public inspection.

4. That this order shall take effect when approved by the voters of said County at a referendum as provided in said Act.

The Board of Commissioners thereupon designated the Finance Director of the County as the officer whose duty it shall be to make and file with the Clerk to the Board of Commissioners the sworn statement of debt of the County which is required by The Local Government Bond Act, as amended, to be filed after the bond order has been introduced and before the public hearing thereon.

Thereupon the Finance Director filed with the Clerk to the Board of Commissioners, in the presence of the Board of Commissioners, the sworn statement of debt as so required.

Thereupon the order entitled: "ORDER AUTHORIZING \$6,000,000 RECREATION FACILITIES BONDS" was passed on first reading.

On motion duly made, seconded and unanimously carried, the Board of Commissioners fixed 9:00 A.M. on September 12, 2008, in the Commissioners' Meeting Room in the Person County Office Building, in Roxboro, North Carolina, as the hour, day and place for the public hearing upon the foregoing order and directed the Clerk to the Board of Commissioners to publish said order, together with the appended statement

as required by The Local Government Bond Act, as amended, once in The Courier - Times not later than the sixth day before said date.

Upon motion of Commissioner Clayton, seconded by Commissioner Lunsford and unanimously carried, the meeting was adjourned or recessed to be continued at 9:00 A.M. on September 12, 2008 in the Commissioners' Meeting Room in the Person County Office Building, in Roxboro, North Carolina.

* * * * *

I, Faye T. Fuller, Clerk to the Board of Commissioners for the County of Person, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a regular meeting held on September 2, 2008 as relates in any way to the matters described therein.

I HEREBY FURTHER CERTIFY that a schedule of regular meetings of said Board, stating that regular meetings of said Board are held in the Commissioners' Meeting Room in the Person County Office Building, in Roxboro, North Carolina, on the first and third Mondays of each month at 7:00 P.M. and 9:00 A.M., respectively, except that regular meetings scheduled to be held on a holiday will be held on the next succeeding day that is not a holiday at the same time and place, has been on file in my office as of a date not less than seven days before the date of said meeting in accordance with G.S. §143-318.12.

WITNESS my hand and the corporate seal of said County, this 2nd day of September 2008.

(Signed)Faye T. Fuller, CMC, Clerk to the Board of Commissioners

A **motion** was made by Commissioner Clayton, **seconded** by Chairman Lunsford and **carried** to designate Amy Wehrenberg, Finance Director as the officer whose duty it shall be to make and file with the Clerk to the Board, the Sworn Statement of Debt of the County.

The Sworn Statement of Debt was then presented to the Clerk and executed by her.

COUNTY OF PERSON, NORTH CAROLINA

SWORN STATEMENT OF DEBT MADE PURSUANT
TO THE LOCAL GOVERNMENT BOND ACT, AS AMENDED

I, Amy Wehrenberg, Finance Director of County of Person, North Carolina, having been designated by the Board of Commissioners for said County to make and file with the Clerk to the Board of Commissioners a statement of the debt of said County pursuant to The Local Government Bond Act, as amended, DO HEREBY CERTIFY that the following is a true statement as shown by the books in my office, not taking into consideration any debt incurred or to be incurred in anticipation of the collection of taxes or other revenues or in anticipation of the sale of bonds other than funding and refunding bonds:

		(a)	GROSS DEBT
a(1)	Outstanding debt evidenced by bonds:		
	Refunding Bonds	\$	230,000
a(2)	Bonds authorized by order introduced on September 2, 2008, but not yet adopted:		
	Recreation Facilities Bonds	\$	6,000,000
a(3)	Unissued bonds authorized by adopted orders:	\$	0
a(4)	Outstanding debt, not evidenced by bonds.....	\$	21,245,000
a(5)	Installment financing debt authorized but not yet incurred.....	\$	0
(a)	GROSS DEBT, being the sum of a(1), a(2), a(3), a(4) and a(5).....	\$	<u>27,475,000</u>

(b) DEDUCTIONS

b(1)	Funding and refunding bonds authorized by orders introduced but not yet adopted.....	\$	0
b(2)	Funding and refunding bonds authorized but not yet issued.....	\$	0
b(3)	The amount of money held in sinking funds or otherwise for the payment of any part of the principal of gross debt other than debt incurred for water purposes or sanitary sewer purposes (to the extent that the bonds are deductible under G.S. §159-55(b)).....	\$	0
b(4)	Bonded debt included in gross debt and incurred, or to be incurred, for water purposes.....	\$	0
b(5)	Bonded debt included in gross debt and incurred, or to be incurred, for sanitary sewer system purposes to the extent that said debt is made deductible by G.S. §159-55(b).....	\$	0
b(6)	Uncollected special assessments heretofore levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred to the extent that such assessments will be applied, when collected, to the payment of any part of the gross debt.....	\$	0
b(7)	The amount, as estimated by the Finance Director, of special assessments to be levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred, to the extent that the special assessments, when collected, will be applied to the payment of any part of the gross debt	\$	0
(b)	DEDUCTIONS, being the sum of b(1), b(2), b(3), b(4)g b(5), b(6) and b(7).	\$	0

(c) NET DEBT

(c)	NET DEBT, being the difference between the GROSS DEBT (a) and the DEDUCTIONS (b)	\$	27, 475,000
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(d) APPRAISED VALUE

(d)	APPRAISED VALUE of property subject to municipal taxation before the application of any assessment ratio, being the value fixed in 2008.....	\$	3,843,921,714
(e)	Percentage which the NET DEBT (c) bears to the APPRAISED VALUE (d).....		.72%

I, Faye T. Fuller, Clerk to the Board of Commissioners for the County of Person, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of a statement which was filed with me at a meeting of the Board of Commissioners for said County held on September 2, 2008, after the introduction and before the public hearing on an order authorizing bonds of said County, and that said statement is open to public inspection my office as the Clerk to said Board.

WITNESS my hand and the corporate seal of said County, this 2nd day of September 2008.

(signed) Faye T. Fuller, CMC, Clerk of the Board of Commissioners

CHAIRMAN'S REPORT:

- ▶ Reported on NCACC conference in New Bern

MANAGER'S REPORT:

- ▶ Informed Board that pursuant to GS 130A-196 and 130A-197 the Public Health Director has designated Mr. Ron Shaw, Animal Control Director to make the determination and enforce the appropriate process when it is believed an animal has been exposed to a rabid animal.
- ▶ EMS Franchise Ordinance will be on the agenda on Sept. 15th.
- ▶ Memo on Research on Convenience Center Sites has been distributed to all Board members
- ▶ Kerr Tar COG Banquet
- ▶ Joint meeting with Board of Education tentatively set for November 17th at lunch
- ▶ **Water Line extension – Halifax Road/Virgilina Road:**
Assistant County Manager/Engineer Paul Bailey reviewed problems in the Halifax Road/Virgilina Road area in which a number of wells are contaminated. EPA and the Health Department have completed testing – everyone who has contaminated wells has been supplied bottled water or carbon filter systems have been installed. EPA informed the County that the site will qualify as a Superfund site and EPA will pay to install a permanent solution - which is a water line to this area and connections to the homes. Due to the process involved, the earliest that

money would be available from EPA is September 21, 2009. He suggested that the County proceed with engineering on the project to be ready by March 1st and then proceed with permitting and have bids in hand - then funds could be ready by Sept. 21, 2009 to begin construction. If this process is not followed, the engineering will not begin until after September 21st. EPA feels that the County would be more efficient with the engineering than an EPA contractor. He recommended that County proceed with engineering on the project, estimated at \$100,000, which will take the project through the bidding process. Funds would eventually come from the Water & Sewer Fund, but would have to come immediately from Fund Balance. He recommended the engineering firm that the City of Roxboro uses for their projects as Coulter Thames Jewel engineering firm is familiar with the city's water system. Mr. Bailey stated the Board would have to approve an exemption from the General Statute that requires an engineering firm to be selected through a RFQ process.

Mr. Bailey clarified that the county would not be reimbursed by EPA for any of engineering costs. EPA will pay for waterlines to the area and the hookups. He explained the total project is estimated at \$2M.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Puryear and **carried** to approve the following worded exemption. The motion also included approval of the expenditure of \$100,000 from Fund Balance to cover the cost of the engineering services.

The Person County Board of County Commissioners, at today's regular meeting, voted to exempt the engineering of a water line extension to the Halifax Road/Virgilina Road area from the provisions of North Carolina General Statute 143-64.31. The reason for the exemption is to expedite, at the request of the United States Environmental Protection Agency, the construction of a water line to an area of Person County that has numerous contaminated wells. It is the intent of Person County to negotiate a contract for the required professional services with the firm of Coulter Jewel Thames.

(signed) Johnny Myrl Lunsford, Chairman

COMMISSIONER REPORTS/COMMENTS:

- ▶ Commissioner Yarborough: Reported on meetings last week – RPO concerned that County has not executed a Memorandum of Understanding.

Roanoke River Commission meeting – State of Virginia is concerned that the State of North Carolina is tapping into Dan River and Kerr Lake - Virginia wants a more needs based system for tapping into water supplies.

- ▶ Commissioner Clayton: Reported on the NCACC which was the 100th anniversary meeting.

Reported on the conference budget workshop he and Commissioner Yarborough attended.

- ▶ Commissioner Puryear: OPC Board is looking at relocating their administrative offices from Chapel Hill to the renovated site in Orange County.

Attended EDC meeting – Mr. Jim Stovall was elected Chairman and Ray Wilkins as Vice-Chairman.

RECESS:

A motion was made by Commissioner Yarborough, seconded by Commissioner Puryear and carried to recess the meeting at 8:05 p.m. until Friday, September 12, 2008 at 9:00 a.m.

Faye T. Fuller, CMC
Clerk to the Board

Johnny Myrl Lunsford
Chairman