

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

August 4, 2008
OTHERS PRESENT

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

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, August 4, 2008 at 7:00 p.m. in the Commissioners' meeting room in the Person County Office Building.

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

PUBLIC HEARINGS:

Rural Operating Assistance Program (ROAP) Fiscal Year 2008-09

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Bowes and **carried** to open the duly advertised Public Hearing for the Rural Operating Assistance Program (ROAP) Fiscal Year 2008-2009 Allocation. Mr. Gerald Lunsford, Director of Person Area Transportation presented six requests totaling \$146,682 noting that the anticipated State appropriation is \$100,001. The 2008-09 requests and recommendation to the Board are:

<u>Agency</u>	<u>2008-09 Requests</u>	<u>2008-09 Recommendation</u>
Person Area Transportation System (PATs)	\$ 47,343	\$ 47,343
Person County Council on Aging	\$ 24,728	\$ 14,825
Person Counseling Center/Club Creative	\$ 27,000	\$ 13,785
Person County Group Homes	\$ 20,000	\$ 8,096
Person County Department of Social Services	\$ 7,456	\$ 7,456
Person Industries	<u>\$ 20,155</u>	<u>\$ 8,496</u>
	\$146,682	\$100,001

No one from the public spoke in support or in opposition to the Rural Operating Assistance Program Fiscal Year 2008-09 Allocation.

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

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes and **carried** to approve the recommended allocations totaling \$100,001 for the Rural Operating Assistance Program Fiscal Year 2008-09.

Request to Rezone Property at the Corner of Skylark Drive and Semora Road

A **motion** was made by Commissioner Bowes, **seconded** by Commissioner Puryear and **carried** to open the duly advertised Public Hearing for a Request to Rezone a Portion of Tax Map A3, Parcel 130 and Parcel 89 at the Corner of Skylark Drive and Semora Road from Residential to B2 (Neighborhood Business).

Ms. Paula Murphy, Director of Planning & Zoning advised the Board that the County has received an application from Legacy Land Group to amend the official zoning map. The request is to rezone Tax Map A3 Parcel 130 on Skylark Drive 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 area to the west of this property is in Caswell County and zoned business. The remainder of the surrounding area is zoned residential and used as single family dwellings and farmland. There are several very large tracts of land in the area.

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.

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.
 - 2.2.1 Encourage well-planned commercial establishments to provide necessary goods and services to area employers and residents.
 - 2.2.2 Encourage development of small service-oriented commercial activities only at existing intersections or median crossovers on US 501 and other major thoroughfares.
 - 2.2.3 Discourage strip commercial development by limiting highway access.

This parcel consists of 98+ acres and this request is to rezone 15 acres along Skylark Drive 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 3710996900J, 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 Skylark Drive 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.

The properties immediately adjacent are all zoned Residential except for the property on the northwest corner of Skylark and NC 57. It is zoned B-2. On April 6, 1985 Mr. Joe Daniels had Tax Map A3 Parcel 18A (1.49 acres rezoned from Residential to B-2. On February 18, 1991, Mr. Daniels had Tax Map A3 Parcel 83 (2.0 acres) rezoned from Residential to B-2. On October 11, 1999, Mr. Daniels requested to rezone Tax Map A3 Parcel 89 (1.39 acres) from Residential to B-2. This request was to allow him ample parking and septic system area for the other two previously zoned properties. The Board denied the request due to the area not being compatible for 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.
Relationship of Uses. Need to look at the relationship between the proposed uses and the current uses of adjacent properties.

The Planning Board held a Public Hearing on June 12, 2008. There were two motions made pertaining to the rezoning request. The Board voted unanimously to recommend approval of the requested rezoning in that it meets 2.2 and 2.2.1 of the Land Use Plan. The Board also recommended the rezoning of Tax Map A3 Parcel 89 to B2 in that it is not out of line and with the same rationale as the previous request and that everyone within the required 500 foot range was notified. The motion passed 3 to 2 and the only reason for objection was with procedure not the rezoning. All adjacent property owners have been notified of the Board of County Commissioners' Public Hearing and an ad was placed in the local paper.

Mr. Ernie Wood, Engineer with Summit Consulting stated he is currently working with the developer on this project and requested the Board's favorable consideration.

Mr. John Rimmington of 420 Estate Road, Semora stated he was only in opposition to this project should it be used to locate an inappropriate business as was intended in previous requests for rezoning.

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

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton and **carried** to approve the Rezoning of a Portion of Tax Map A3, Parcel 130 and Parcel 89 at the Corner of Skylark Drive and Semora Road from Residential to B2 (Neighborhood Business).

Request for Text Amendment to the Zoning Ordinance Section 110-3

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Puryear and **carried** to open the duly advertised Public Hearing for the Request for Text Amendment to the Zoning Ordinance Section 110-3 (Off-Street Parking and Loading) to Create a Requirement for Independent Living Facility (Age Restricted) and to Amend Section 110-2 to Allow Twenty Percent of Parking to be for Compact Cars With a Space Size of 7.5' x 15'.

Mrs. Murphy, Director of Planning and Zoning stated the County has received a request to amend Article XI, Section 110-3 of the Zoning Ordinance to create a new off-street parking space use. The new use would be "Independent Living Facility (Age Restricted). As proposed, the amount of parking required for an Independent Living Facility would be .7 spaces for each dwelling unit plus one space for every employee during maximum employment with 20 percent of required parking spaces designated for compact cars sized not less than 7.5' x 15' per space.

In March 1999, the County added Assisted Living Facilities and Home For The Aged to the list of parking requirements. The change was to require one parking space per each two bed spaces. Hospitals and Nursing homes require one space for every bed space.

The Planning Board held a Public Hearing on July 10, 2008 and voted unanimously to recommend that Section 110-3 be amended to include Independent Living Facility (Age Restricted) with a parking requirement of 1 space per unit and one space per employee during maximum employment. The Board also voted unanimously to recommend amending Section 110-2 to allow twenty percent of required parking spaces to be for compact cars with a minimum size of 7.5' x 15'.

Mr. J. Kenneth Edwards, Attorney and Applicant for this Request for Amendment to the Planning Ordinance Text spoke in support of this Request. Mr. Edwards address is 5909 Falls of Neuse, Suite 200, Raleigh, NC 27609.

No one spoke in opposition of this Request.

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

A **motion** was made by Commissioner Bowes, **seconded** by Commissioner Puryear and **carried** to approve the Request for Text Amendment to the Zoning Ordinance Section 110-3 Off-Street Parking and Loading) to Create a Requirement for Independent Living Facility (Age Restricted) and to Amend Section 110-2 to Allow Twenty Percent of Parking to be for Compact Cars With a Space Size of 7.5' x 15'.

Request to Amend Section 75, Table of Dimensional Requirements Pertaining

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton and **carried** to open the duly advertised Public Hearing for a Request to Amend Section 75, Table of Dimensional Requirements Pertaining to Porches, Decks and Steps.

Mrs. Murphy, Director of Planning and Zoning stated the Planning Board has requested review of Section 75, Table of Dimensional Requirements pertaining to porches, decks and steps extending into any required yard area. The following is the suggested amendment to Section 75:

Create a Note 6 which will state: Unenclosed stoops, decks and steps may extend into any required yard area no more than one half the required yard depth or width for lots without central water and sewer and with central water except no encroachment will be allowed adjacent to US or NC Highways.

The Planning Board held a Public Hearing on June 12, 2008, and voted 6-0 to forward this item to the Board with a favorable recommendation.

No one from the public spoke in support or in opposition to the proposed amendment to Section 75.

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

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton and **carried** to approve the Amendment to Section 75, Table of Dimensional Requirements.

Request by JPB Family Ltd. Partnership for a Variation to the Subdivision Ordinance to Allow the Creation of Two Flag Lots

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Bowes and **carried** to open the duly advertised Public Hearing for the Request by JPB Family Ltd. Partnership for a Variation to the Subdivision Ordinance to Allow the Creation of Two Flag Lots.

Mrs. Murphy, Director of Planning and Zoning stated to the Board that on June 12, 2008 a request for a variation to the Subdivision Ordinance to allow two flag lots was presented by Neal Hamlett, Surveyor for JPB Family Limited Partnership.

This is a request to create three lots out of an 8.32 acre wooded tract on Hyco Lake off Wild Turkey Drive. Lot 1 and 2 are being developed as flag lots which require a variation to the subdivision ordinance. Lot 3, consisting of 2.47 acres has a width of 126.10 feet on Wild Turkey Drive. Lot 2 consists of 2.23 acres and the lot width is 82.39 feet. Lot 1 has 3.42 acres with a width of 77.20 feet. The minimum flag lot width allowed is thirty five feet. It is not located within a designated watershed nor are there any one hundred flood areas on the property.

Subdivision Regulations of Person County, North Carolina, Article V, Section 53:

53-9 FLAG LOTS – A lot, created by a subdivision, composed of a narrow “flagpole” strip extending from the street and a much wider “flag” section lying immediately behind a lot or lots having the required width at the building line for a conventional lot. In the case of a flag lot, the lot line at the end of the flagpole lying generally parallel to the street to which the flagpole connects shall be considered the front lot line for setback purposes.

If not properly regulated, flag lots can have a serious impact on land development, drainage, traffic, aesthetics, emergency access, fire protection, and the overall character of a neighborhood. Because of these potential negative impacts, flag lots should be considered a “remedial” action, to be approved only when there is no other option for providing access to a parcel.

Therefore, Person County discourages and restricts forming flag lots. A flag lot, if necessary to allow a property owner reasonable use and benefit from his/her land or to alleviate situations which would otherwise cause extreme hardship for him/her, flag lots are allowed only:

- a. Where necessary to eliminate access onto arterials.
- b. To reasonably utilize irregularly shaped land.
- c. To reasonably utilize land with difficult topography.
- d. To reasonably utilize land with limited site suitable for septic tank nitrification.
- e. Where it is unlikely that a road created in lieu of a flag lot would ever be extended, or otherwise needed to provide access to adjoining parcels.
- f. To provide for the protection of significant natural or cultural resources.

No flag lot will be allowed if it increases the number of access points onto a State Maintained Road. Flag lots are prohibited behind flag lots when they both access the same road. The minimum width of the flagstaff is 35 feet. The area of the flagstaff portion of the flag lot shall not be included in the calculation of minimum lot area.

Section 71-1 Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of the regulations of this Ordinance would cause an unnecessary hardship (monetary considerations are not a proper criterion in determining unnecessary hardship), the sub-divider may request a variation. Such request must be submitted in written form and explain the need for such variation. Any and all variations shall be forwarded to the County Commissioners with recommendation and rationale for approval or disapproval by the Planning Board. Any variation thus authorized by the County Commissioners required to be entered in writing in the minutes of the County Commissioners and the reasoning on which the departure was justified shall be set forth.

The Ordinance states that flag lots should be considered when there is no other option for providing access to a parcel. The developer is trying to obtain the highest use of his property and some times this can be against sound planning principles. The Board needs to look at whether there are other options for the development of these proposed lots such as a cul-de-sac or the creation of two lots with proper lot width rather than three lots.

The Planning Board reviewed this item at their July 10, 2008 meeting and voted 5 to 0 to forward with a favorable recommendation due to the drain field situation and that it was Lake Property.

No one from the public spoke in favor or in opposition of the variation to the Subdivision Ordinance, however, Mr. Johnny Blanks of 1525 Cavel-Chub Lake Road, Roxboro, questioned the impact this proposed variation to his adjacent property.

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

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton and **carried** to approve the Request by JPB Family Ltd. Partnership for a Variation to the Subdivision Ordinance to Allow the Creation of Two Flag Lots.

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

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

INFORMAL COMMENTS:

Jim Senter of 41 Potluck Farm Road, Rougemont stated he is a partner with his neighbors in livestock raising and is opposed to the proposed site of the National Bio-and Agro-Defense Facility being located in Butner. Mr. Senter resides seven and one-half miles from the proposed site and is in favor of the Resolution to Oppose being presented to the Board later in the meeting and requested the Board's consideration to endorse such Resolution.

REVIEW OF A MAJOR SUBDIVISION CONCEPT PLAN BY LUCIUS STREET FOR A FAMILY SUBDIVISION OFF OF SPORTSMAN CLUB ROAD, ROXBORO TOWNSHIP:

Mrs. Paula Murphy, Director of Planning and Zoning presented to the Board a Request to approve a Major Subdivision Concept Plan for Lucius Street.

This is a Major Subdivision Concept Plan request for a family subdivision by Lucius Street. The parcel consists of 20.12 acres and 8 lots are proposed. Access to the site is off Sportsman Club Road , a fifty foot private right of way off of NC 57, Semora Road. There is an existing fifty foot private right of way which will serve Lots 1 through 5. Lots 6 through 8 will use a proposed twenty foot access easement which runs parallel with the 150 foot Progress Energy right of way located on the eastern boundary of the property. The parcel is mostly wooded. Family Subdivision Roads do not have any size requirements, therefore, the twenty foot width is acceptable. There are also no road standards for construction. Birth certificates have been presented to the Planning Department to verify that this qualifies as a family subdivision. This property is located within the Stories Creek WSII designated watershed. This requires one dwelling unit per one acre. There are no flood areas on the property.

Planning Staff recommends that if this is approved, the following conditions be included:

1. Road names to be presented to the County for approval into the road system
2. Applicant to show that they have the right to use the Sportsman Club Road for access.
3. All other requirements of the Person County Subdivision Ordinance be met prior to submittal of the final plat.

The Planning Board reviewed this request at their July 10, 2008 meeting and voted unanimously to recommend approval as presented.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes and **carried** to approve the Major Subdivision Concept Plan for Lucius Street.

PROCLAMATION FOR NATIONAL HEALTH CENTER WEEK:

Chairman Lunsford read the following 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 10-16, 2008 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*

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Bowes and **carried** to adopt the Proclamation for National Health Center Week August 10-16, 2008.

PROPOSED ADDITION OF THREE NEW FEES TO HEALTH DEPARTMENT FEE SCHEDULE:

Mrs. Janet Clayton, Director of the Health Department stated that on July 28, 2008, the Person County Board of Health approved the addition of three new fees to our Fee Schedule. In accordance with the North Carolina General Statute 130A-39(g), the Board of Health requests the approval of the Board of Commissioners to implement the proposed new fees. The fees are listed below:

Procedure / Code	Procedure Code	Requested Fee
Birth Control Pills	S49993	\$6.50
Varicella	90716	\$86.00
Twinrix (Hep A/B)	90636	\$124.00

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes and **carried** to approve the addition of the three new fees as presented on the Health Department Fee Schedule.

APPROVAL OF DEPARTMENT OF SOCIAL SERVICES CONTRACTS FOR LEGAL SERVICES:

Ms. Beverly Warren, Director of Person County Social Services appeared before the Board for approval of annual contracts for legal services to be paid at an hourly rate to the agency’s primary attorney, Tom Fitzgerald at a rate of \$125.00 per hour as well as contracts for the secondary attorneys at a rate of \$75.00 per hour for Walter Cates, Julie Ramsey and Joe Weinberger. The Social Services Board approved a rate increase for Mr. Fitzgerald’s contracts from \$120.00 to \$125.00 in March of this year to include administrative costs that would now be reimbursable.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes and **carried** to approve annual contracts for legal services provided on behalf of the Department of Social Services.

CONSIDERATION OF RESOLUTION TO OPPOSE THE NATIONAL BIO-AND AGRO-DEFENSE FACILITY:

Mrs. Frances Blalock of 1504 Surl-Mt. Tirzah Road, Timberlake told the Board that she had attended a recent held Public Hearing in Butner regarding the National Bio-and Agro-Defense Facility in which an environmental study was presented. Mrs. Blalock noted that Person County/Roxboro is located in the high impact zone for this facility. The study is accessible at www.dhs.gov.nbaf. Public can register comments at 866-501-6223. Mrs. Blalock presented the board and read the following proposed Resolution for Board consideration.

RESOLUTION TO OPPOSE THE NATIONAL BIO- AND AGRO- DEFENSE FACILITY

WHEREAS, protecting public health, security and the environment are among basic tasks of any local government and in the mission of the Person County Board of Commissioners to ensure public health, quality of life and economic development in Person County;

WHEREAS, the Department of Homeland Security is seeking to site a proposed National Bio- and Agro-Defense Laboratory (“NBAF”) in Butner, Granville County, at the Umstead Research Farm;

WHEREAS, the siting and operation of the proposed NBAF facility would result in the importation, infection of test animals and study of foreign animal diseases, including Foot and Mouth Disease, Rift Valley Fever, Nipah and Hendra Viruses, and Japanese Encephalitis, which can be carried off site in storm water, inadequately treated wastewater or in aerosols;

WHEREAS, for several of these diseases there is no effective treatment and the only possible means of control is quarantine and even slaughter of all animals that may have been exposed;

WHEREAS, in addition to the homes and farms within 10 miles of the site in Person, Granville and Durham Counties, there are within 1.5 miles of the site more than 7,000 residents without the ability to flee from exposure after a possible release, including mental health patients, surgical patients and federal prisoners, as well as more than 6,000 Butner residents, with over 800 public school and daycare attendees;

WHEREAS, in the event of a reported potential release, it will be extremely difficult to evacuate these and other humans close to the site, and it may be decided that quarantine is required to prevent further spread of any disease organisms;

WHEREAS, the general conditions in this and other proposed mainland sites would be readily conducive to transmission of these diseases and plans for the facility do not include real time monitoring for organisms in wastewater, stormwater runoff and ambient air around the facility, with the result that a release may not be detected until any infections have begun to spread in the community;

WHEREAS, the Department of Homeland Security anticipates that the NBAF will consume at more than 36,500,000 gallons of drinking water per year from the groundwater supply of an area already stressed by frequent drought conditions;

WHEREAS, the proposed Butner site in North Carolina would send its pre-treated wastewater to the South Granville Water and Sewer Authority to be discharged to Knapp of Reeds Creek, an arm of Falls Lake, the principal Raleigh drinking water supply, and that drinking water supply reservoirs for Durham (Lake Michie) and Butner (Lake Butner) are within 1 mile of the proposed site;

WHEREAS, an escape of biohazardous agents could result in substantial economic damage to livestock producers, and the risk of such an event can be expected to reduce real estate values and suppress other economic development;

WHEREAS, the record of the current foreign animal disease lab at Plum Island, New York indicates a history of failure of systems to contain organisms, security failures and exposures of workers to dangerous diseases;

WHEREAS, at laboratories across the U. S. and around the world handling bio-hazardous materials are proliferating with little or no coordination, and the combination of human error, inadequate oversight and maintenance, and ease of security breaches at these facilities presents a growing threat to public health and safety.

Mr. David Crabbie, Rougemont resident and member of the Granville Non-Violent Action Team spoke in favor of the Resolution presented. Mr. Crabbie presented the Board with additional information noting the NBAF is scheduled to be the largest facility in the U.S. He feels North Carolina agriculture would be at risk and the economic benefits are grossly inflated without knowing the costs to taxpayers.

REQUEST FOR WATER LINE EXTENSION-WHITTINGTON PROPERTY:

Mr. Paul Bailey, Assistant County Manager, presented the Board with a Request for Water Line Extension.

The City of Roxboro received a request for a water line extension to serve property owned by Richard and Elizabeth Whittington off of Newell Drive, Roxboro. The size and length of the extension have not been finalized. It may serve more than one lot. The Whittington's have not requested assistance with the cost of this extension.

In accordance with the City-County Joint Water and Sewer Agreement, the Person County Board of County Commissioners must approve any water line extension outside the Roxboro City Limits. Roxboro City Council has approved this request.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton and **carried** to approve the Request for Water Line Extension to serve property owned by Richard and Elizabeth Whittington located at 236 Newell Drive, Roxboro.

CONSIDERATION OF PERSON COUNTY AIRPORT GRANT ADJUSTMENT FOR ALS PROJECT:

Mrs. Heidi York, County Manager presented the Grant Adjustment for ALS Project #36244.60.7.1 at the Person County Airport noting the Total State Aid Grant is \$100,000.00 with Local Matching Funds Required is \$11,111.00.

Mrs. York stated she would like to designate Amy Wehrenberg, Finance Director to oversee the administration and accountability of funds related to this project.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes and **carried** to approve the Grant Adjustment for ALS Project #36244.60.7.1 at the Person County Airport with Local Matching Funds Required at \$11,111.00.

BUDGET AMENDMENT:

Upon a motion by Commissioner Bowes, and a second by Commissioner Puryear 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 August 2008, as follows:

<u>Dept./Acct No.</u>	<u>Department Name</u>	<u>Amount</u> Incr / (Decr)
<u>EXPENDITURES</u>	<i>General</i>	
	Public Safety	8,650
	Human Services	11,500
	Education	300,000
<u>REVENUES</u>	<i>General</i>	
	Intergovernmental revenues	8,650
	Fund Balance Appropriated	311,500

Explanation:

Appropriate: Emergency Management Exercise Grant awarded to Emergency Management from the NC Crime Control & Public Safety \$8,650; Board of Education mediation settlement for NCWise program (capital purchase) \$300,000; Settlement of legal claim to James Mark Rumley from the Person County Environmental Health Department \$11,500.

CHAIRMAN’S REPORT:

- NC Association of County Commissioners Conference in New Bern 100th Celebration – Encourage attendance to conference and workshops
- Budget Amendment for \$300,000 for NC WISE beneficial for students accessing information and transcripts, processing college applications through College Foundation of North Carolina

MANAGER’S REPORT:

- Currently visiting county departments
- Submit items for inclusion for County Manager Work Plan

COMMISSIONER REPORTS/COMMENTS:

Commissioner Puryear invited everyone to a BB&T sponsored event to welcome our new County Manager and new Finance Director next Monday evening, August 11, 2008 at Vesuvios at 5:30 p.m.

Commissioner Clayton expressed sympathy to remember Paula Murphy during the recent loss of her mother.

Commissioner Clayton recognized Mr. Paul Murray as the first County Manager's Intern.

CLOSED SESSION:

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Bowes and **carried** to go into Closed Session at 8:23 p.m. pursuant to G.S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other business in the county.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Bowes and **carried** to return to open session at 8:50 p.m.

Commission Puryear requested the Board to clarify the process by which items are placed on the Board of Commissioners Meeting Agenda.

ADJOURNMENT:

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Bowes and **carried** to adjourn the August 4, 2008 meeting at 9:02 p.m.

Brenda B. Reaves
Deputy Clerk to the Board

Johnny Myrl Lunsford
Chairman