

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

March 18, 2008
OTHERS PRESENT

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

Steve Carpenter, County Manager
C. Ronald Aycock, County Attorney
Faye T. Fuller, Clerk to the Board
Brenda Reaves, Deputy Clerk to the Board

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Tuesday, March 18, 2008 at 9:00 a.m. in the FEMA room at the Human Services Building due to Local Government Day.

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

Chairman Lunsford welcomed the students from Person High School who were in attendance.

DISCUSSION/ADJUSMENT/APPROVAL OF AGENDA:

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Bowes and **carried** to approve the agenda as presented with no adjustments.

INFORMAL COMMENTS:

None

APPROVAL OF MINUTES:

A **motion** was made by Commissioner Bowes, **seconded** by Commissioner Puryear, and **carried** to approve the February 18, 2008 minutes.

ADMINISTRATIVE REPORTS:

The following Administrative Reports were received and accepted by **motion** of Commissioner Puryear and **second** of Commissioner Bowes: Detention Center and Tax Administration and Collections.

County Manager Carpenter told the Board that the Jail Inspection Report has been received from the State and it reflected no inconsistencies.

CONSIDERATION OF LETTER TO PERSON COUNTY LAKE AUTHORITY REQUESTING REVIEW OF TERA SLAUGHTER’S CONCERNS:

Commissioner Puryear made a motion that the Board of Commissioners send a letter to the Person Caswell Lake Authority and request they review concerns previously presented to them by Mr. Tera Slaughter.

Commissioner Clayton said the Lake Authority has its own appeal procedure and that the Board of Commissioners has no authority to ask them to hear any appeal.

Commissioner Puryear stated he had spoken with the Lake Authority's attorney and that the Authority would be willing to hear Mr. Slaughter's appeal. Commissioner Puryear then offered an **amended motion** to reflect the wording *to ask the Lake Authority to review the Slaughter case*. The motion was **seconded** by Chairman Lunsford.

CONSIDERATION OF AMENDED PERSON COUNTY NOISE ORDINANCE:

County Attorney Aycock informed the Board that the revised ordinance incorporates several changes in the language of the original ordinance. Times of operation have been inserted. He did, however, point out that Attorney King, representing Roxboro Motorsports, had brought to his attention that an event scheduled for the third Thursday in October had not been addressed.

Mr. King informed the Board that the Ronnie Sox Memorial Race, one of the biggest annual races at the dragway, would have to be cancelled because it regularly falls on a Thursday. The event coincides with Vance County's annual festivities commemorating Ronnie Sox and other prominent drag racers of North Carolina. He respectfully requested the Board, in order to accommodate his clients and permit them to continue this tradition, that the following line be included in paragraph N of the Noise Ordinance: *From 12:30 p.m. until 11:00 p.m. on the third Thursday in October.*

Mr. Aycock advised the Board they could approve the amendment as presented today if they so desired.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes and **carried** to incorporate the wording *From 12:30 p.m. until 11:00 p.m. on the third Thursday in October.*

APPROVAL OF RESOLUTION IN SUPPORT OF CAROLINA SUNROCK LLC TO LOCATE A PRODUCTION/MANUFACTURING FACILITY IN PERSON COUNTY:

In conjunction with Carolina Sunrock's NCDOT Rail Division Project Application a resolution in support of the project was presented for Board approval. Sunrock plans to build a railroad siding into their Woodsdale quarry which is located at 5280 Woodsdale Road in Roxboro. The proposed siding will be used to ship railcars loaded with ballast to various locations. It is anticipated that carloads of cement for the proposed concrete operation will also be received via the siding. These projects will help boost employment at the quarry and place more high load factor shipments on rail as opposed to on the roads of Person County.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Yarborough and **carried** to approve the following Resolution of Support:

RESOLUTION SUPPORTING IMPROVED RAILROAD RIGHT-OF-WAY ACCESS ALONG THE HIGHWAY 501 SOUTH CORRIDOR IN THE CITY OF ROXBORO AND THE COUNTY OF PERSON

Whereas, the thoroughfare corridor along Highway 501 has been identified as one key ingredient to long-term growth and development in the City of Roxboro and the County of Person; and

Whereas, the citizens of Roxboro are committed to making our community a place where people want to locate for jobs and for its quality of life; and

Whereas, the Strategic Plan adopted by the Roxboro City Council in 2006 specifically seeks to eliminate the unused railroad spur along Highway 501 for the purpose of encouraging economic development and to beautify the southern entryway into the City; and

Whereas, the section of unused railroad is about four miles in length and currently has 16 road cuts across the tracks. Eight of those crossings lie in a 1.6 mile section where the tracks have been removed; and

Whereas, we know Norfolk Southern is a community-conscious corporation and have been stellar partners when working with new industry that plan to make use of the services the railroad offer; however, we have found the real estate division to be significantly less concerned about the negative impact they make on future economic development opportunities in the City of Roxboro and the County of Person; and

Whereas, the leaders of the City of Roxboro, Person County, the Roxboro Uptown Development Corporation, the Roxboro Area Chamber of Commerce, and the Chamber's Economic Development Center would very much like to engage in open and fair dialogue with the railroad. Unfortunately, the response thus far from Norfolk Southern representatives (if any response is provided) is rarely one that encourages dialogue.

Now, Therefore Be It Resolved, the leaders of our community strongly support assistance or intervention from the Federal Railroad Administration so that we might be able to encourage a more cooperative spirit from representatives of the Norfolk Southern real estate division.

Adopted this 10th day of March 2008.

(signed)

**Johnny Myrl Lunsford, Chairman
Person County Board of Commissioners**

(attest)

**Faye T. Fuller, CMC
Clerk to the Board**

DISCUSSION OF MHA/WORKS PLAN RELATIVE TO COURTHOUSE RENOVATIONS:

Mr. Bill McCaffrey, MHAworks, appeared before the Board to address renovations to the Courthouse. He estimated probable construction costs of \$3,000,000. He said this would give a fifteen-year solution. Items included in this estimate of probably construction costs would include:

- Provide new interior finishes as necessary throughout Courthouse
- Upgrade fire alarm system for entire Courthouse to an addressable fire alarm system
- Provide central heating and cooling to all areas not currently being served with central heating and cooling
- Renovate toilet rooms to meet current ADA requirements and replace plumbing fixtures
- Renovate fourth floor to house Judge's offices, law library and large conference room
- Replace or refurbish benches in Superior Courtroom
- Replace carpet in both Courtrooms
- Provide more secure entrances into Courthouse and departments by utilizing card readers, video cameras, metal detectors, etc.
- Update phone systems
- Provide chair lift at front stair to Superior Courtroom
- Minor electrical upgrades as needed throughout Courthouse
- Renovate each department providing demolition and new partitions as necessary to achieve a more efficient use of space
- Construction phasing will be required with a minimum of 5 phases
- Construction of temporary construction barriers required due to phasing, allowing day-to-day courthouse business to continue with as little interruption as possible.

Mr. McCaffery further stated that in order to reach the next step in the design process and determine more accurate construction cost estimates, it will necessary to begin the design development phase of the design process. He said Architectural and Engineering design fees for this project as outlined would be \$360,000, of which a large portion of this fee would go towards construction administration due to the extensive phasing required to complete the project with minimal disruption.

The design development phase of the design fee would be 20% (\$72,000). Included in the design development phase would be:

- Demolition floor plans
- Renovation floor plans reviewed and approved by the users/owners
- Phasing plans with timeline estimates
- Structural details associated with proposed demolition and renovation
- Engineering plans showing DD level drawings of plumbing, mechanical, electrical and fire alarm
- Revised cost estimates
- Detailed code analysis, Appendix B – Building Code Summary

- Toilet fixture count

Mr. McCaffrey indicated that with the Tax Office and the Register of Deeds moving out of the Courthouse in September/October there will be an opportunity to have swing space for renovation to begin.

Commissioner Yarborough said he would like to see a priority setting on items. He questioned if the County could borrow money and pay out of a number of years or stagger work over a number of years to fit in budget.

Commissioner Puryear expressed concern about the impact on the budget by the project.

A **motion** was made by Commissioner Clayton, seconded by Commissioner Bowes, to move forward with the design development phase of the Courthouse renovation project at a cost of \$72,000. The motion carried by a 3/2 vote with Commissioners Yarborough and Puryear casting the dissenting votes.

Mr. McCaffrey told the Board he would bring a contract for approval to the April 7, 2008 meeting.

APPROVAL OF SYSTEM SAFETY PROGRAM PLAN FOR PERSON AREA TRANSPORTATION:

Person Area Transportation System Director Gerald Lunsford appeared before the Board for approval of the System Safety Program Plan and Title VI Compliance Plan.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton and **carried** to approve the Person Area Transportation System Safety Program and the Title VI Compliance Plan.

CONSIDERATION OF DEBT SERVICE REFINANCING:

Finance Director Andy Davenport appeared before the Board to discuss possible refinancing of three installment financings pursuant to G.S. §160A-20. A public hearing will be called on whether the Board should approve a proposed installment financing agreement to refinance a portion of the cost of certain existing facilities refinanced or financed in 1996, 1999, and 2000 and providing for certain related matters. He said the proceedings would not obligate the county to proceed with the refinancing.

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to approve the Resolution Calling a Public Hearing on Whether the Board of Commissioners for the County of Person, North Carolina Should Approve a Proposed Installment Financing Agreement to Refinance a Portion of the Cost of Certain Existing Facilities and Providing for Certain Related Matters.

A regular meeting of the Board of Commissioners for the County of Person, North Carolina, was held in the FEMA Room in the Human Services Building, in Roxboro, North Carolina, on March 18, 2008, at 9:00 A.M.

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

Absent: NONE.

* * * * *

Commissioner Lunsford introduced the following resolution, a copy of which had been provided to each Commissioner and which was read by its title:

RESOLUTION CALLING A PUBLIC HEARING ON WHETHER THE BOARD OF COMMISSIONERS FOR THE COUNTY OF PERSON, NORTH CAROLINA SHOULD APPROVE A PROPOSED INSTALLMENT FINANCING AGREEMENT TO REFINANCE A PORTION OF THE COST OF CERTAIN EXISTING FACILITIES AND PROVIDING FOR CERTAIN RELATED MATTERS.

WHEREAS, the County of Person, North Carolina (the "County") and the First Union National Bank of North Carolina entered into an Installment Financing Contract, dated February 16, 1996 (the "1996 Contract"), to refinance pursuant to G.S. §160A-20, as amended, the County's obligations under an Installment Payment Agreement, dated June 1, 1991, the proceeds of which were used to acquire, construct and equip a law enforcement center of the County (the "Law Enforcement Center"); and

WHEREAS, the County and First Union National Bank entered into an Installment Financing Contract, dated June 3, 1999 (the "1999 Contract"), and an Installment Financing Contract, dated January 25, 2000 (the "2000 Contract"), to finance pursuant to G.S. §160A-20, as amended, a portion of the cost of a project consisting of the construction of Helena Elementary School and Stories Creek Elementary School and the construction of additions to and the renovation of certain existing school facilities, as more particularly described in the 1999 Contract and the 2000 Contract (collectively the "School Project"); and

WHEREAS, the County is considering entering into an installment financing agreement and certain related documents pursuant to G.S. §160A-20, as amended, for the purpose of providing funds in an amount not to exceed \$15,000,000, with any other available funds, for the refinancing of all or some portion of the County's obligations under the 1996 Contract, the 1999 Contract and the 2000 Contract (collectively the "Prior Contracts") in order to realize debt service savings for the County; and

WHEREAS, it is necessary to call a public hearing on such proposed agreement and to provide for certain related matters at this time;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County as follows:

Section 1. A public hearing shall be held at 7:00 P.M. on April 7, 2008 in the Commissioners' Meeting Room in the Person County Office Building, in Roxboro, North Carolina for the purpose of considering whether the Board of Commissioners for the County (the "Board") should approve such proposed agreement and certain related documents pursuant to G.S. §160A-20, as amended, for the purpose of providing funds in an amount not to exceed \$15,000,000, with any other available funds, for the refinancing of all or some portion of the County's obligations under the Prior Contracts in order to realize debt service savings for the County. The County would secure the repayment by it of moneys advanced pursuant to such proposed agreement by granting a security interest in a portion of the School Project and certain related property.

Section 2. The Clerk to the Board shall cause a notice of such public hearing to be published in The Courier-Times once at least 10 days before April 7, 2008, such notice to read substantially as follows:

Section 3.

NOTICE OF PUBLIC HEARING ON WHETHER THE BOARD OF COMMISSIONERS FOR THE COUNTY OF PERSON, NORTH CAROLINA SHOULD APPROVE A PROPOSED INSTALLMENT FINANCING AGREEMENT TO REFINANCE A PORTION OF THE COST OF CERTAIN EXISTING FACILITIES.

NOTICE IS HEREBY GIVEN of a public hearing to be held at 7:00 P.M. on April 7, 2008 in the Commissioners' Meeting Room in the Person County Office Building, in Roxboro, North Carolina for the purpose of considering whether the Board of Commissioners for the County of Person, North Carolina (the "County") should approve a proposed installment financing agreement and certain related documents pursuant to G.S. §160A-20, as amended, for the purpose of providing funds in an amount not to exceed \$15,000,000, with any other available funds, for the refinancing of all or some portion of the County's obligations under the 1996 Contract, the 1999 Contract and the 2000 Contract, as each such term is hereinafter described, in order to realize debt service savings for the County. The County would secure the repayment by it of moneys advanced pursuant to such proposed agreement by granting a security interest in a portion of the School Project hereinafter defined and certain related property.

The 1996 Contract consists of the Installment Financing Contract, dated February 16, 1996, entered into between the County and First Union National Bank of North Carolina to refinance the County's obligations under an Installment Payment Agreement, dated June 1, 1991, the proceeds of which were used to acquire, construct and equip a law enforcement center of the County.

The 1999 Contract and the 2000 Contract consist of an Installment Financing Contract, dated June 3, 1999, and an Installment Financing Contract, dated January 25, 2000, respectively, entered into between the County and First Union National Bank to finance a portion of the cost of a project consisting of the construction of Helena Elementary School and Stories Creek Elementary School and the construction of additions to and the renovation of certain existing school facilities, as more particularly described in the 1999 Contract and the 2000 Contract (collectively the "School Project").

Faye Fuller
Clerk to the Board of Commissioners
for the County of Person, North Carolina

Section 4. The Board hereby finds and determines in connection with such proposed agreement that (a) such proposed agreement is necessary or expedient in order to realize debt service savings for the County, (b) such proposed agreement is preferable to a bond issue of the County for the same purpose because (1) there is not sufficient time to authorize and issue general obligation bonds of the County for such purpose without putting the opportunity to realize debt service savings at greater risk and (2) the Law Enforcement Center and the School Project are not appropriate for refinancing with revenue bonds of the County, (c) the sums estimated to fall due under such proposed agreement are adequate and not excessive for its proposed purpose because (1) the proposed principal components of such sums are based upon the County's best estimates of the funds needed for such purpose and the sources of funds available to the County for such purpose and (2) interest rates applicable to such proposed agreement are relatively low currently, (d) the County's debt management procedures and policies are good and its debt will continue to be managed in strict compliance with law, (e) any increase in taxes necessary to meet the sums estimated to fall due under such proposed agreement will not be excessive because the County expects that it will realize debt service savings in connection with its entering into such proposed agreement and (f) the County is not in default regarding any of its debt service obligations.

Section 5. The County Manager, the Finance Director and the County Attorney of the County are each hereby designated as a representative of the County to file an application for

approval of such proposed agreement with the Local Government Commission of North Carolina and are authorized to take such other actions as may be advisable in connection with the negotiation of such proposed agreement and the development of the related refinancing; and all actions heretofore taken by any of such officers or any other officer of the County relating to such matter on behalf of the County are hereby approved, ratified and confirmed.

Section 6. The Board hereby requests the Local Government Commission of North Carolina to approve such proposed agreement under Article 8 of Chapter 159 of the General Statutes of North Carolina, as amended.

Section 7. The law firm of Robinson, Bradshaw & Hinson, P.A., Charlotte, North Carolina, is hereby appointed special counsel to the County in connection with such proposed agreement.

The Board hereby requests the Local Government Commission of North Carolina to approve such parties and professionals as members of such financing team.

Section 8. This resolution shall take effect immediately upon its passage.

Upon consideration of the foregoing resolution and motion duly made and seconded, the foregoing resolution was passed by the following vote:

Ayes: Commissioners Lunsford, Clayton, Yarborough, Bowes and Puryear.

Noes: None.

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I, Faye 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 March 18, 2008 as relates in any way to the matters described therein and that said proceedings are recorded in Minute Book No. 38 of the minutes of said Board.

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 the regular meeting to be held on March 17, 2008 will instead be held at 9:00 a.m. on March 18, 2008 in the FEMA Room in the Human Services Building in Roxboro, North Carolina, 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 18th day of March 2008.
(signed) Faye T. Fuller, CMC
Clerk to the Board of Commissioners

CHAIRMAN'S REPORT:

- ▶ County Manager Evaluation forms due by March 24

MANAGER'S REPORT:

- ▶ EOC performing a disaster training event today
- ▶ Met with insurance brokers last week – negotiations continuing – rates may be same or some savings may be realized. Property and Casualty insurance application have been completed. There may be some increase in the workers' compensation rates.
- ▶ Work is progressing on the budget – departmental budgets are being received
- ▶ Applications for Finance Director deadline was Friday, March 14, 2008

- ▶ Applications for County Manager deadline is Friday, April 4, 2008

COMMISSIONER REPORTS/COMMENTS:

Chairman Lunsford asked Board members to explain their rolls as elected officials to the students and what they do as private citizens.

ADJOURNMENT:

A motion was made by Commissioner Yarborough, seconded by Commissioner Puryear and carried to adjourn the meeting at 10:47 a.m.

Faye T. Fuller, CMC
Clerk to the Board

Johnny Myrl Lunsford
Chairman