

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

December 3, 2007
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
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 Monday, December 3, 2007 at 7:00 p.m. in the Auditorium of the Person County Office Building.

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

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

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

PUBLIC HEARING:

Request to Amend Note 9: A Local Ordinance Regulating the Siting of Wireless Telecommunications Facilities

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

County Planner Paula Murphy introduced Mr. Rusty Monroe with The Center for Municipal Solutions. Mr. Monroe told the Board that due to new legislation, Senate Bill 831, it became necessary for Person County to revise its current Wireless Telecommunication Ordinance- Note 9. He said the changes have been created to make the process easier, faster and less costly to the applicant. The major changes are: 1. The co-location process is streamlined; 2. the application fees are combined into one fee which will include the amount to be paid to the consultant; 3. the applicant can submit a Special Use Permit without a carrier but cannot obtain a Zoning Permit until there is a carrier for the tower and 4. height is restricted to 120 feet, but the County can relax this requirement to any height that is justified by the applicant. The County can give relief for any height that it feels necessary.

Ms. Murphy informed the Board that the Planning Board held a Public Hearing on November 8, 2007 and recommended approval in a 5 to 0 vote.

Chairman Lunsford asked if there was anyone who wished to speak in favor or in opposition to the Amendment to Note 9. No one spoke.

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

A **motion** was made by Chairman Lunsford, **seconded** by Commissioner Clayton and **carried** to approve the Amendment to Note 9: A Local Ordinance Regulating the Siting of Wireless Telecommunications Facilities.

INFORMAL COMMENTS:

Patrick Riley – His family has been in Person County since 1762 family – there is no finer place to live than Person County.

APPROVAL OF MINUTES:

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Bowes, and **carried** to approve the minutes of November 6, 2007.

ADMINISTRATIVE REPORTS:

A motion was made by Commissioner Clayton, seconded by Commissioner Puryear and carried to accept the following Administrative Reports: Airport, Detention Center and Fire Marshal.

CONSIDERATION OF SPECIAL USE PERMIT AND VESTED RIGHTS APPLICATION PLAN FOR EXPANSION OF THE UPPER PIEDMONT ENVIRONMENTAL LANDFILL:

County Attorney Aycock reviewed the procedures the Board is required by law to follow during the deliberation of the Special Use Permit and Vested Rights Application plan. He explained that the Special Use Permit proceeding is in law a quasi-judicial proceeding. Mr. Aycock also stated that the each Board member has signed a statement as follows:

IN THE MATTER OF A SPECIAL USE PERMIT AND VESTED RIGHTS APPLICATION TO EXPAND THE UPPER PIEDMONT ENVIRONMENTAL LANDFILL IN PERSON COUNTY:

I am aware that the law prohibits each of us from having a fixed opinion prior to hearing this matter that is not susceptible to change, and from having undisclosed ex parte communications, close familial, business, or other associational relationships with the applicant or other persons affected by this decision, or a financial interest in the outcome of the matter. I hereby state the following:

1. I have no financial interest in the outcome of this matter, and
2. I have no close familial, business or other associational relationship with the applicant or any other person affected by this decision, and
3. I have heard members of the public speak to our Board both as proponents and opponents to the proposed landfill expansion during the public comment period, and

4. I hereby disclose that to the best of my recollection I have had contact with the following persons concerning this matter:

, and

5. To the extent that I have expressed an opinion on this matter, it was preliminary and was never a fixed opinion that was not susceptible to change, and
6. I shall make a decision in this matter based only upon facts learned or opinions heard at this hearing and not upon preconceived notions, but only on the competent evidence presented here tonight, and
7. I have not formed a fixed opinion prior to hearing this matter that is not susceptible to change.

This 3rd day of December, 2007

Mr. Aycock further explained that the Board may take any one of several actions. They can, on a majority vote, approve or deny the Special Use Permit, or approve the Special Use Permit with conditions. The Board could decide they need more time to deliberate and continue the decision to some time in the future.

County Manager Carpenter explained that staff had prepared a number of documents to assist the Board in associating facts with findings. He said the attorney's for both sides had provided what, in their opinion, were the facts that substantiated their case. Those documents from both Mr. John Runkle, representing PCPride and Steve Weber, representing Republic Services. He told the Board it was now their duty to decide what are the viable facts that correspond with the findings and based on those facts, an action can be proposed that is supported by the facts.

County Attorney Aycock explained if the Board decided to take positive action, it should be noted that the prepared proposal includes a proposal to make positive action contingent upon action related to the site study and the socioeconomic and demographic study.

At 7:30 p.m. the Board recessed to review and deliberate, each on their own, the four documents as presented for consideration.

At 8:00 p.m. the meeting was called back to order.

Commissioner Puryear questioned if the Special Use Permit application included the tonnage increase. County Attorney Aycock responded that it did not.

Commissioner Yarborough said after thoroughly reading the Special Use Permit application, he could not find any details if the Special Use Permit is just to add the

eleventh cell or is it part of the request Mr. Weber made in his closing argument at the end of the Public Hearing.

County Attorney Aycock stated that the Planning Director had gone to get the original document, but it was his opinion, that the increase in tonnage or increase in geographic area served, is not a matter before the Board and not a part of the Special Use Permit. He further explained that if positive action is taken by the Board there is still the necessity for permitting at the state level, a negotiation of a contract and amending the franchising ordinance. Increased geographic coverage and tonnage increase are items not included in the approval of the Special Use Permit.

County Planner Paula Murphy read from the official Special Use Permit application. *We are submitting an application for a Special Use Permit and Vested Rights on additional property currently owned by Republic Services of North Carolina. The additional property totaling 93.8 acres is adjacent to and directly west of current permitted landfill operation. This request for a Special Use Permit adds one (1) additional landfill cell to the permitted Special Use for the site. This cell designated as Cell #11 is approximately 13.9 acres in size.*

Commissioner Puryear made the following **motion**: I move that the Board take the following actions:

1. Adopt the Findings of Fact and action contained in the document entitled "Proposed Findings of Fact for Board of County Commissioners Staff Draft.
2. Take NO action on the associated alternative sites information and socioeconomic and demographic data issue until such time as:
 - (a) a thorough study of alternatives to waste disposal is made by a competent professional which shall include a study of transfer stations or a county run facility, and
 - (b) a study of the impacts of various pollutants on the citizens of Person County and the effect of an increased landfill size on those impacts.

**PROPOSED FINDINGS OF FACT FOR BOARD OF COUNTY
COMMISSIONERS (REPUBLIC) – STAFF DRAFT**

I **move** that the Board make the Findings of Fact and take the action contained below:

Having heard and considered all the evidence and arguments submitted and introduced at the hearing, the Board of County Commissioners hereby grants the Special Use Permit application of applicant Republic Services of North Carolina, LLC, and hereby grants the applicant's request for vested rights status for a period of five years. The Board's conclusion is based on the following Findings of Fact:

- 1. It is the Board's conclusion that the proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved. This conclusion is based on the following findings of fact:**
 - (A) The proposed use is an expansion of an existing landfill that currently is operated under two special use permits for uses that this Board found not to materially endanger the public health or safety. The proposed expansion will not result in additional material impacts to public health or safety.
 - (B) The expansion may only proceed once the North Carolina Department of Environment and Natural Resources considers the public health and safety protections set forth in Republic's permit application and issues permits for construction and operation of the expansion.
 - (C) During development, cell filling, and closure, a leachate collection system will be utilized to ensure that all rainfall and any other liquids within the cells will be collected and managed as leachate.
 - (D) The landfill liner system in place at the landfill and to be installed in the expanded area of the landfill is protective of public health and safety.
 - (E) No public water supply or service water intakes are located within two miles of the perimeter of the facility.
 - (F) The facility's groundwater discharges at on-site streams which provide favorable groundwater monitoring conditions.
 - (G) The facility is not located in the critical area of a water supply watershed. The stream adjacent to the site is classified as WS IV.
 - (H) The site plan complies with the Person County Planning Ordinance.

- (I) No portion of the facility is located within any one hundred (100) year flood plain as designated on the FEMA Flood Zone Map.
- (J) No portion of the facility is within ten thousand feet (10,000') of any public or private airport runway.
- (K) There are no geological hazards in the area. No portion of the facility is located within two hundred (200') of a fault that has a displacement in the Holocene Time.
- (L) The facility's structure, including liners, leachate collection system, and surface water control systems, is designed to withstand all seismic activity projected for the site.
- (M) Natural resources impact analyses have been conducted for the site which indicate that the landfill does not adversely impact natural resources, including endangered species, wetlands and cultural resources.
- (N) Traffic impacts of the proposed expansion will not materially endanger public health or safety.
- (O) Noise impacts of the proposed expansion will not materially endanger public health or safety.
- (P) Adequate measures are conducted to control odor at the facility.
- (Q) Adequate measures are conducted to control litter at the facility.

2. It is the Board's conclusion that the proposed use does meet all required conditions and specifications. This conclusion is based on the following findings of fact:

- (A) The proposed use is an expansion of an existing landfill that is operated under two special use permits. The applicant is in compliance with all required conditions and specifications of its current special use permits.
- (B) The existing landfill (and the proposed expansion of that landfill) is a permitted use in a Rural Conservation Zoning District upon the approval of a special use permit by the Board of Commission.
- (C) The proposed site plan complies with the Person County Planning Ordinance.
- (D) County Planning staff has concluded that the proposed use meets all required conditions and specifications.

3. It is the Board's conclusion and recommendation that, in granting the special use permit, the use will not substantially injure the value of adjoining or abutting property, and that the use is a public necessity. This conclusion is based on the following findings of fact:

- (A) The proposed use is an expansion of an existing landfill that is operated under two special use permits. The proposed expansion will be within the footprint of the existing landfill and will not have any additional, substantial impact on the value of adjoining or abutting property.
- (B) Data and market analyses of real property in the vicinity of the Upper Piedmont and similar North Carolina landfills indicate that the expansion will not substantially injure the value of adjoining or abutting property.
- (C) The site is isolated from the surrounding uses by both vegetative and topographic features within the site. The site and lands around the site are pastures, wooded production pine growth, and natural hardwood stands. These wooded areas provide a visual and wooded buffer around the facility. The total horizontal buffers between the waste cells and the adjacent property are a minimum of three hundred feet (300').
- (D) The character of the area is rural residential and agricultural. Homes are generally situated on acreage tracts which provide a buffer between neighbors.
- (E) The proposed expansion is a public necessity as a result of recent landfill legislation and stricter regulations resulting in the closure of the pre-existing Person County landfill and the continued need for a disposal site for municipal waste.
- (F) As areas of the landfill are closed, they will be returned to pasture-like vegetation.
- (G) A Landfill Siting Study indicates that the existing landfill is one of two possible sites for the proposed expansion in Person County, and that the existing landfill is the preferred location for the proposed expansion.

4. It is the Board's conclusion and recommendation that, in granting the special use permit, the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be developed and is in general conformity with the plans of the area. This conclusion is based on the following findings of fact:

- (A) The proposed use is an expansion of an existing landfill that is operated under two special use permits. The expansion of the existing landfill will continue to be in harmony with the surrounding area and in conformity with the plans of the area.
- (B) The site is isolated from surrounding land uses by both vegetative and topographic features within the site. The site and the lands around the site are pastures, wooded production pine growth, and natural hardwood stands. These wooded areas provide a visual and wooded buffer around the facility. The total horizontal buffer between the waste cells and adjacent properties is three hundred feet (300’).
- (C) A line of sight analysis indicates that the final grade of the landfill will be in harmony with the area.
- (D) The character of the area is rural residential and agricultural. Homes are generally situated on acreage tracts that provide for buffers between neighbors.
- (E) As areas of the landfill are closed, they will be returned to pasture like vegetation.
- (F) Traffic impact analysis indicates that the traffic impact of the proposed use will be in harmony with the area as the existing roadway has more than adequate capacity to handle any new traffic generated by the proposed use.
- (G) An acoustical analysis indicates that the noise impacts of the proposed use will be in harmony with the area as the proposed use will meet recommended compatibility requirements for residential areas.
- (H) Adequate measures are conducted to control odor at the facility.
- (I) Adequate measures are conducted to control litter at the facility.
- (J) The facility currently is operating under two special use permits that are in general conformity with the comprehensive plan.
- (K) The proposed use is in general conformity with the County solid waste management plan and land use plan such that it is in general conformity with the comprehensive plan.
- (L) County Planning staff has concluded that the proposed use is in general conformity with the comprehensive plan.

5. **It is the Board's conclusion and recommendation that that the applicant should be granted vested rights status for a period of five years.**

- (A) Based on the findings of fact set forth above, and based on the fact that once a special use permit is granted, the applicant will be required to obtain construction and operation permits from NCDENR (a process that could take a number of years), it is appropriate to grant vested right status for a period of five years.

Conditioned on careful and thorough consideration of alternative sites information and socioeconomic and demographic data with respect to the proposed expansion of the Upper Piedmont Environmental Landfill and subject to the Board's determination that the existing Upper Piedmont Environmental Landfill site is the appropriate location for the proposed expansion. **The Board of County Commissioners hereby:**

1. **Grants Republic Services of North Carolina, LLC's application for a Special Use Permit, and**
2. **Further grants Republic Services of North Carolina, LLC's vested rights status for a period of five (5) years.**

The motion was **seconded** by Chairman Lunsford.

Commissioner Puryear offered the following conclusions:

Yes we have a landfill. We have ten years left on the contract. Should this county proceed to the next public hearing for the alternative sites hearing? I don't think we should.

Should the county proceed to negotiate an extension to the existing contract between Republic Waste Services and Person County? Not at this time.

Should the county proceed to negotiate additional tonnage at the Upper Piedmont Environmental landfill? No we shouldn't.

Should the county proceed to negotiate the existing service radius of the Upper Piedmont Environmental landfill? Not at this time.

Should the county investigate alternative methods to solve our solid waste issues? Yes we should.

Did Republic legally meet the criteria for the Special Use Permit to create an 11th cell? Yes they did.

What is the best solution to solve our solid waste problem? Frankly, I don't know at this point because there are other alternatives out there and I don't think we should just be focusing on Republic's option. Is this problem going away? No it is not unless we do something about it.

Commissioner Clayton stated he felt there were more issues than just adding one cell. The fact that low level PCB's were brought into the landfill must be considered that might endanger the ground water as well as the employees at the landfill because other things might be added with the soil. Republic stated property values around the landfill had not been affected, however, a certified appraiser submitted evidence that land adjoining the landfill sold for far less than land two miles from the landfill. The traffic study omitted the two busiest garbage days of the week, Monday and Friday. When the landfill is completed it will be 880 feet above sea level which is equal to the highest point in Person County. He said he did not feel the landfill was in harmony with the rural lifestyle. He further stated that he could not support proceeding with the Special Use Permit at this point. He also expressed concern about the potholes in the road caused by additional landfill truck traffic.

Commissioner Puryear clarified that he was not in favor of proceeding to the Alternative Site hearing at the present time. He questioned if the county issued a Special Use Permit, would Republic be able to proceed to the state permitting?

County Aycock stated he believed that an application to the state would be consideration of alternative sites. He said he was not prepared to issue a ruling on whether Republic could proceed pending the alternative sites consideration. Before final approval, the alternative sites consideration is required.

Commissioner Puryear stated he felt it would be irresponsible of the county to not consider all options.

Commissioner Bowes agreed with Commissioner Clayton and that the county should not move forward until all issues have been answered.

Commissioner Yarborough commented that when the landfill expansion came up two years ago, he was very much against it and was still not in favor of it this summer. Since that time he has been exposed to many individuals who know a lot about landfills. His opinion has changed as his knowledge has grown. If there was no landfill currently, the decision would be easy-never. If there was no landfill the conditions of the Special Use Permit would be hard to meet. No one will ever be happy with some of the problems that have been demonstrated with the current arrangements. Many problems such as the county not getting its fair share of the revenue will become more apparent as the cost of waste disposal climbs. The issue of alternative daily cover is an ongoing problem. Recycling has not been adequately addressed. The latest technology is being utilized. The latest issue of the PCB's is another example of problems with the present contract. Person County does not need the money from an updated contract or an expanded landfill. He said the county spends too much money already. That is a good reason to

look into a contract at the present time. The old contract was negotiated when the county needed a landfill. Today the county is in a much better position to negotiate a better contract. The landfill is a regional resource. He said he was concerned that the state might take over the landfill unless Person County can show it can control it. He said he sees an opportunity to make the landfill better than we found it. Landfill can be better if all work together to keep learning about the issue. He said those were the reasons he was interested in further discussions about the future of the landfill. The Special Use Permit is only the third step in a seven step process required to change the operation of the landfill. He said he did not feel Republic was ready to seriously work with the county as partners in the project. He said he was not willing to work with Republic until they have earned his trust and shown they can be a responsible corporate citizen.

He said he has looked for a way to deny the request to add an 11th cell. An 11th cell will not change anything about the present landfill. There was no evidence presented that it did not meet the conditions and specifications that are required of the other cells. One more cell will not significantly endanger the public health and safety more than the other 10 cells. An additional cell is in harmony with the other 10 cells. He said he could not find a good reason to deny the additional cell. The same is not true of the increase in rate in which the waste is brought into the landfill. This request made in the Public Hearing tripled the rate. That would have a substantial effect on the contracts that are pursued by Republic. There would be temptation to pursue contracts that would not be in the best interest of Person County. He said he could not be sure that such an increase would not endanger the public health and safety, which is condition number one. Therefore, he stated, he could not vote in favor of increasing the daily tonnage at this time. He said Commissioner Puryear's idea of putting this off until further study is completed is a good plan. Otherwise, he would approve the one cell.

ACTION: The motion offered by Commissioner Puryear carried by a 3/2 vote. Commissioner Puryear, Lunsford and Yarborough voted in favor and Commissioners Bowes and Clayton cast dissenting votes.

DISCUSSION OF COURTHOUSE SPACE NEEDS:

Amanda Garrett, Register of Deeds, Mr. Bill McCaffrey, MHA Works and Mr. Lucien Roughton, Roughton-Nichelson-DeLuca, appeared before the Board and offered four options for expansion of Courthouse space. They provided cost comparisons for renovation of the old jail space in the courthouse, for lease of the Maxway building, and lease or sale of a local building. Option 2 for the Maxway building would satisfy the needs of the Register of Deeds and the Tax Office with a total of 12,827 square feet. The up fit construction and design costs would be by the owner of the building.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes and **carried** to direct the consultants to ask the owner of the former Maxway building to confirm contract costs and that the contract be brought back to the Board for consideration as soon as possible.

REORGANIZATION OF BOARD:

County Attorney Ron Aycock presided over the reorganization of the Board. He opened the floor for nominations for Chairman of the Board of Commissioners. Commissioner Bowes nominated Johnny Myrl Lunsford. His nomination was seconded by Commissioner Yarborough who also moved that the nominations be closed. Chairman Clayton seconded his motion to close the nominations. By acclamation, Johnny Myrl Lunsford was elected to Chairman of the Person County Board of Commissioners.

Chairman Lunsford opened the floor for nominations for Vice-Chairman of the Board of Commissioners. Commissioner Yarborough nominated Jimmy B. Clayton for Vice-Chairman of the Board. His nomination was seconded by Commissioner Puryear. Commissioner Yarborough then moved that the nominations be closed. His motion was seconded by Commissioner Puryear. Jimmy B. Clayton was elected Vice-Chairman of the Person County Board of Commissioners by acclamation.

CONSIDERATION OF REVISED FEE SCHEDULE FOR PERSONAL HEALTH SERVICES:

Health Director Janet Clayton appeared before the Board to present a Revised Fee Schedule for Personal Health Services which previously had been approved by Health Management Staff and the Board of Health.

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to approve the Revised Fee Schedule for Personal Health Services as presented by the Health Director.

ADOPTION OF 2008 PERSON COUNTY BOARD OF COMMISSIONERS MEETING SCHEDULE:

A **motion** was made by Commissioner Bowes, **seconded** by Chairman Lunsford and **carried** to adopt the 2008 Person County Board of Commissioners' Meeting Schedule.

**2008
Person County Board of Commissioners
Meeting Schedule**

January 7, 2008	7:00 p.m.
January 22, 2008 (Tuesday)	9:00 a.m.
February 4, 2008	7:00 p.m.
February 18, 2008	9:00 a.m.
March 10, 2008	7:00 p.m.
March 17, 2008	9:00 a.m.

April 7, 2008	7:00 p.m.
April 21, 2008	9:00 a.m.
May 5, 2008	7:00 p.m.
May 19, 2008	9:00 a.m.
June 2, 2008	7:00 p.m.
June 16, 2008	9:00 a.m.
July 7, 2008	7:00 p.m.
July 21, 2008	9:00 a.m.
August 4, 2008	7:00 p.m.
August 18, 2008	9:00 a.m.
September 2, 2008 (Tuesday)	7:00 p.m.
September 15, 2008	9:00 a.m.
October 6, 2008	7:00 p.m.
October 20, 2008	9:00 a.m.
November 3, 2008	7:00 p.m.
November 17, 2008	9:00 a.m.
December 1, 2008	7:00 p.m.
December 15, 2008	9:00 a.m.

**January 22nd meeting date changed due to Dr. Martin Luther King, Jr. Holiday
 **March 10th meeting date changed due to NACo Conference
 **September 2nd meeting date changed due to Labor Day Holiday

APPROVAL OF RIGHT-OF-WAY EASEMENT FOR ELECTRICAL FACILITIES AT SCHOOL BUS GARAGE:

County Manager Carpenter presented a right-of-way easement for electrical facilities Progress Energy will be installing on county owned property leased to the Person County Board of Education for the new school bus garage. He said the installation has been coordinated with the school personnel and the general contractor.

A motion was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to approve a right-of-way easement by and between Person County and Progress Energy Carolinas, Inc.

REQUEST FOR WATER LINE EXTENSION OFF PATTERSON DRIVE:

Paul Bailey appeared before the Board to present a request for a water line extension off Patterson Drive. He said a request had been received from Gary L. Jones for water and sewer line extensions to serve a proposed subdivision off Patterson Drive (Patterson Drive Subdivision). The concept plan for this subdivision was approved by the Board of Commissioners on May 7, 2007. He stated that Mr. Jones will bear the cost of the extension, but in accordance with the City-County Joint Water and Sewer Agreement, the Commissioners must approve any line extension outside the Roxboro City limits. Roxboro City Council approved the request on November 13, 2007.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Puryear and carried to approve the request for water line extension off Patterson Drive.

SUMMARY OF WORKSHOP ENTITLED “RURAL WATER AND WASTE WATER PROJECTS”:

Assistant County Manager Paul Bailey appeared before the Board and shared some highlights of the workshop held on November 14, 2007 and entitled “Rural Water and Wastewater Projects: Getting to Success With Your Consulting Engineer”. He shared the following some highlights with the Board

The North Carolina General Assembly, during its 2007 session, authorized \$ 138.5 million for clean water infrastructure and other rural development programs. The Rural Center is charged with administering the funds. \$100 million is for Clean Water Partners Grants that help local governments pay for **water or sewer construction projects that address a documented public health or environmental problem**. Person County received a \$400,000 Rural Center Grant in 2004 to assist with water line extensions on NC 49 South, Popular Lane and Roxdale Place.

Rural Center Grant applications are ranked on a point system. Bonus points can be received by applicants for attending certain workshops.

1. Why local governments use consultants?

Lack of expertise and/or lack of time.

2. How do local governments choose consultants?

The Brooks Bill or N.C.G.S. 143-64.31 details how architects, engineers, and surveyors are to be selected. I would like to read a portion of the bill to you.

Procurement of Architectural, Engineering, and Surveying Services.

§ 143-64.31. Declaration of public policy.

- (a) It is the public policy of this State and all public subdivisions and Local Governmental Units thereof, except in cases of special emergency involving the health and safety of the people or their property, to announce all requirements for architectural, engineering, surveying and construction management at risk services, to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information at this stage, and thereafter to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm. If a contract cannot be negotiated with the best qualified firm, negotiation with that firm shall be terminated and initiated with the next best qualified firm.

There are certain exemptions from this law and they are covered in N.C.G.S. 143-64.32.

§ 143-64.32. Written exemption of particular contracts.

Units of local government or the North Carolina Department of Transportation may in writing exempt particular projects from the provisions of this Article in the in the case of:

- (a) Proposed projects where an estimated professional fee is in a amount less than thirty thousand dollars (\$30,000), or
- (b) Other particular projects exempted in the sole discretion of the Department of Transportation or the unit of local government, stating the reasons therefore and the circumstances attendant thereto.

The RFQ Process usually takes the following steps:

- Project is identified.
 - Scope of services is developed.
 - The RFQ is distributed to interested parties.
 - Responses are received and two to four most qualified firms are selected for interviews.
 - Following interview, the most qualified firm is selected.
 - Final scope of work and fee is negotiated with selected firm.
 - If this cannot be satisfactory done, start negotiations with second firm.
 - 3. A contract is developed with scope, fees, timelines, payments, etc. The contract signed by consultant and local government representative.
 - 4. Financial Planning Consultants are available to develop different kinds of financial planning tools:
 - Capital Improvement Plan
 - Capital Investment Plan
 - Capital Investment Budget
 - Annual Capital Budget
- These plans and budgets are normally required on grant applications. The City of Roxboro develops these plans for the projects which Person County participates in.
- 5. If a conflict develops between local government and consultant:
 - Don't let it fester.
 - Address concern with responsible party directly.
 - Refer to contract
 - Look for solution, not for whose fault it is.
 - Finally, seek formal conflict resolution:
 - Mediation
 - Arbitration
 - Litigation

REQUEST FOR APPROVAL OF GRANT SUBMISSION:

Sheriff Dewey Jones appeared before the Board to request permission to seek to apply for another GREAT grant. He told the Board the County received a grant in the amount of \$42,000 this past year. He spoke of the success from the GREAT program. He said 1,225 children have gone through this program.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton and **carried** to grant permission to the Sheriff to make application for another GREAT grant.

CHAIRMAN’S REPORT:

Thanked the Board for the confidence placed in him by re-electing him as Chairman. He said he will continue to do his best for the citizens of Person County.

MANAGER’S REPORT:

- ▶ Employee Christmas luncheon on Tuesday at the Festival House
- ▶ Thursday – exit speeches at Person High School
- ▶ Monday, December 10 - SPC champions meeting

COMMISSIONER COMMENTS/REPORTS:

Commissioner Clayton thanked fellow Board members for the confidence placed in him by electing him Vice-Chairman of the Board.

ADJOURNMENT:

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes and **carried** to adjourn the meeting at 9:21 p.m.

Faye T. Fuller, CMC
Clerk to the Board

Johnny Myrl Lunsford
Chairman