

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

August 6, 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 C. 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, August 6, 2007 at 7:00 p.m. in the Commissioners' Room 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.

PUBLIC HEARINGS:

* **Presentation of 2007-2008 Secondary Road Construction Program**

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

Tasha N. Johnson, P. E.-District Engineer, Wally Bowman, P.E.-Division Engineer, Brandon Jones, P.E.-Division Maintenance Engineer, Michelle Farmer-Assistant District Engineer, Mike Goodwin, Assistant District Engineer, were in attendance to present the 2007-2008 Secondary Road Construction Program for Person County.

<u>FY 2007-2008</u>	<u>Anticipated Allocation</u>
Highway Fund GS 136-44.5b (Paved Roads)	\$ 590,000
Highway Fund GS 136-44.5c (Unpaved Roads)	228,000
Trust Fund GS 136-182 (Unpaved Roads)	<u>1,152,000</u>
Total	\$ 1,970,000

Rural Paving Priority

9F	SR 1128	.90	Tom Oakley From Church to SR 1129 (Complete funding of \$250,000 estimated Cost)	\$150,000
10F	SR 1378	.40	John Pleasant Rd. from SR 1102 to Dead End	120,000
11	SR 1550	.40	Charlie Gentry Rd. from SR 1547 to Dead End	120,000
12	SR 1185	.90	Whitmore Rd. from SR 1111 to Dead End	270,000
13	SR 1411	.45	Jack Ford Rd. from SR 1348 to Dead End	135,000
14	SR 1375	.60	Munday Rd. from SR 1337 to Dead End	180,000
15	SR 1338	.30	Seamster Road from SR 1337 to Dead End	100,000
16	SR 1584	.40	Hal Melton Rd. from NC 49 to Dead End	<u>120,000</u>
				\$ 1,195,000

General Secondary Paved Road Improvements GS 136-44.5b

Various	2' widening, drainage, improvements, shoulder improvements, Pavement strengthening, and/or realignments	\$	590,000
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Funds reserved for surveying, right-of-way acquisition, acquisition, road additions, contingencies, overdrafts and paving entrances to certified fire departments, rescue squads, etc.		\$	185,000
		\$	1,970,000

Chairman Lunsford asked if there was anyone who wished to speak.

Mary Moore – Resident of Whitmore Road – Thanked NCDOT for beginning work on Whitmore Road. Stated that residents were excited about the paving project.

There were no further comments.

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

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Yarborough and **carried** to accept the NCDOT Secondary Roads Construction Program.

* **Request for Vested Rights for Carolina Sunrock, LLC for A Stone Quarry, Asphalt Plant and Concrete Plant on Woodsdale Road**

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

County Planner Paula Murphy stated that on May 2, 2005, a Special Use Permit was approved by the Board of County Commissioners for Carolina Sunrock, LLC for a stone quarry, hot mixed asphalt plant and a ready mix concrete plant on Woodsdale Road. They are back before the Board to request vested rights status for period of five (5) years. She said to clarify vested rights – this is only to allow Sunrock to build their plant as approved by the Board of Commissioners in 2005. This does not in any way change what was approved in 2005. The plans will remain the same. No changes can be made to those plans unless Sunrock comes back for an amendment to the Special Use Permit.

The Planning Board reviewed this at a Public Hearing on July 12, 2007 and voted 6 to 1 to recommend approval of vested rights for a period of five years.

Commissioner Yarborough asked for clarification – the Special use Permit is just for the stone quarry? Ms. Murphy stated it was for all of it as it came in together, but the asphalt and concrete plants are permitted by right. Sunrock wants to be vested in case anything in the

Ordinance changes. The Vested Rights protects Sunrock until they obtain the zoning and building permits. Once those permits are obtained, they are vested.

Chairman Lunsford asked for comments.

PAT HILL – Spoke against Vested Rights status for Sunrock. Stated that not giving Sunrock vested rights will not stop them from proceeding as planned; however, it will make them accountable to any new ordinances that the county decides may be needed to protect its citizens. Hold Sunrock accountable.

DAVID BROOKS – 1519 Woodsdale Road – felt that Sunrock entered neighborhood through deceit. Asking Board of Commissioners to hold Sunrock accountable to prove they will be good neighbors. Company should figure out ways to protect citizens from health hazards, and increased traffic.

BETTY PARHAM – lives adjacent to Sunrock property - Commissioners have a vested interest in bringing business into county which is good for jobs and economy. Board also has interest in seeing that ethical concerns are abided by. Would like to know what benefits community will receive from businesses coming in. Neighbors were never fully informed about the business or vested rights. Feels community has been neglected; community expects to have same benefits as other communities. Community has no fire hydrant. Concerned about health issues with plant in close proximity to citizens.

VICKIE NELSON – 4715 Woodsdale Rd. – Stated that Woodsdale community has been there over 100 years – brought petition from citizens who do not want rock quarry in community. Asked Board to consider vested rights for one year and give citizens an opportunity to try and change planning & zoning in residential neighborhood – Business could bring potential health hazards and danger to children getting on/off buses. No speed limit signs on road. Again, asked Board to consider vested rights for one year only.

JOYCE LEVEN - 5300 Woodsdale Rd. – Spoke of loud noises emitting from Sunrock and increase in traffic on Woodsdale Road. Asked if the county knows how long lease is between the Berryhills and Sunrock. Asked who will the vested rights be given to – property owners or Sunrock. Asked how much tax revenue will be generated by Sunrock. Asked that Board give vested rights status for one year.

SERIO CARRINGTON – 5536 Woodsdale Rd – since process began there has been deception all way - road has a lot of traffic currently – Sunrock will create more traffic – opposed to 5 year vested rights - it is a bad idea for Woodsdale community.

There were no other speakers.

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 Yarborough to grant the vested rights status to Sunrock for a period of one year.

The motion **carried** unanimously.

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

A **motion** was made by Commissioner Puryear, seconded by Commissioner Clayton and **carried** approve the agenda as stated.

INFORMAL COMMENTS:

Frances Blalock – invited everyone to a media event on August 18 from 2:00-7:00 p.m. at Merritt Commons. The event is part of the statewide *Don't Dump on Us: Keep North Carolina Health Tour* of 10 counties from August 12th to 20th. The national Center for Health, Environment & Justice (CHEJ), North Carolina's Blue ridge Environmental Defense League (BREDL, and *PCPRIDE* are sponsoring the event. CHEJ Executive Director Lois Gibbs will speak at the event.

Ms. Blalock also presented for the Board's information, a revenue comparison sheet showing what Person County could receive if the expansion occurs and what Republic could receive. The printed material stated if Person County could take over the landfill after Republic's contract expires in 10 years, the county could turn Person County's waste problems into economic development, not economic degradation.

Patrick Riley – Spoke on the dangers of benzene. Asked Board to listen to the voice of the people in Person County regarding the landfill.

Estelle Poteat – Person County educator – Asked the Board to reconsider the budget request from the Person County Board of Education.

Joe DeBoni – Timberlake – Spoke against landfill expansion.

Phillip Barnes – Opposed to expansion of Republic landfill – Asked Board to vote against proposed expansion.

Kay Reynolds – Asked Board to not allow expansion of landfill and not allow more toxins to be brought into county.

Michael Barrett – This landfill business is like the end of a scary movie in which the monster just won't die. So, please kill this landfill expansion. Kill it dead and drive a stake through its heart.

Tommy Whitfield – Concerned about location of ST Wooten plant – poor choice of location for such an industrial facility - County needs to revise zoning laws.

APPROVAL OF MINUTES:

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes, and **carried** to approve the minutes of July 23, 2007.

PRESENTATION OF LANDFILL ALTERNATE SITES STUDY AND SOCIOECONOMIC AND DEMOGRAPHIC ASSESSMENT:

The following presentation was given by Ed Joran, Republic Services:

I appreciate the opportunity to come before you this evening to give you a brief introduction to the landfill siting study that Republic Services of North Carolina, LLC has provided to the County Manager and which I understand is in your information packet. As you know, Republic is seeking the Board's approval to expand the Upper Piedmont Environmental Landfill. Under North Carolina law, before a Board of County Commissioners makes a decision on siting a landfill, it must consider alternative sites and socioeconomic and demographic data.

To assist the Board with its consideration of alternative sites and socioeconomic and demographic data, Republic has prepared a study that is included in your information packet.

- The first section of the siting study is an *alternative sites study* in which Republic's consultant reviewed land tracts of approximately 500 acres or more to determine if those tracts may be suitable for a landfill under state and federal landfill laws. That study is called the "County Siting Evaluation" and is behind Tab 1.
- The second section is a *socioeconomic and demographic* study that analyzes socioeconomic and demographic data in the areas of the potentially eligible sites. That study is called the "Socioeconomic and Demographic Assessment" that is behind Tab 2.
- Republic also had a realtor contact owners of the potentially eligible sites to determine if the properties may be available for purchase for industrial use. The realtor's findings are behind Tab 3.

Based on the siting study, Republic compiled a list of potentially eligible properties for siting a landfill, including the site of the existing landfill where Republic's proposed expansion would occur and one qualifying alternative site. This list is set forth in Drew Isenhour's cover letter at the beginning of the siting study. Drew Isenhour is the President of Republic Services of North Carolina who will be making a presentation at the **September 17th public hearing**. Republic recommends and respectfully submits to the Board that expansion of the Upper Piedmont Environmental landfill is the best alternative.

If I may, I wish to say a few words about the County approval process. Prior to selecting a landfill site, North Carolina law requires that the Board *carefully and thoroughly* consider the alternative sites, socioeconomic and demographic data, and to hold a public hearing. We understand that a public hearing has been scheduled for September 17th. As with all public hearings, notice of the hearing must be published.

Therefore:

- We respectfully request that the Board direct the County Manager to publish the appropriate notice in Roxboro's *Courier-Times* and the Durham *Herald-Sun*.
- We also request that the County Manager post the siting study and public hearing notice on-line and make both available to the public at the public library and at the County Manager's office.

From now to the public hearing, we respectfully request that the Board thoroughly and carefully consider the information Republic has provided and any other information you are provided or wish to consider. We understand that the County Manager and County Attorney will meet with each of you to assist with your consideration.

- To further assist you, we wish to schedule a *van tour* of each potentially eligible site in the next few weeks. We respectfully request that the Board select a date prior to the September 17th public hearing to take the van tour. We anticipate the tour will take approximately 2 hours to complete.

One other item I wish to mention is that Republic also has submitted an application for a **Special Use Permit** to address the zoning aspects of a possible expansion. The application will come before the Planning Board for its consideration at the Planning Board's public hearing on the application scheduled for September 13, 2007. We understand that you will then consider the Planning Board's recommendations on the application at the public hearing on September 17th (which will be a joint public hearing on the siting study and the application.)

Commissioner Yarborough asked Mr. Joran to explain the steps involved with the proposed expansion process.

Mr. Joran explained that the Board of Commissioner will carefully study the alternative sites and socio-demographic data, vote on September 17, 2007 to accept or reject this submittal and then move forward into contract negotiations and the franchise agreement. Later in the fall (dates yet to be determined) there will be two (2) public hearings – on the contract and franchise agreement. During the contract negotiations, Republic will conduct detailed engineering work in order to complete the contract negotiations. A part of that will be how many years will be in the new agreement. He said that would be at least twenty (20) years, perhaps longer, but until the detailed engineering work is complete, that cannot be determined. After the local approval process is complete, NCDHNR's review will take three (3) to five (5) years.

A **motion** was made by Commissioner Puryear that the County Manager be directed to schedule a public hearing on September 17, 2007 at 7:00 p.m. in the County Office Building Auditorium to hear comments on a location for an expansion of the Upper Piedmont Environmental landfill and Special Use Permit application required for the expansion. Also that the Board begin careful and thorough consideration of alternative sites required by State rules and regulations including the socioeconomic and demographic data associated therewith and that the County Manager schedule a tour of the proposed locations at a suitable time and date to accommodate most Commissioners.

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

Commissioner Clayton stated that with new legislation, a fee of \$2.00/ton of garbage will be imposed. He further stated that there are ten (10) years remaining on the current contract.

Commissioner Yarborough said he goes into this process with great trepidation. He said the present contract is terrible. It does not plan for the future in any way or do anything for Person County's future garbage. There is a whole world of possibilities of what to do with our landfill. The citizens of the county own the landfill. There are many opportunities, if the contract and franchise negotiations does not go toward his or the citizens satisfactions, he will be the loudest voice opposing it. At this point, he wants to see the process move forward.

County Manager Carpenter reminded the Board that September 17th is a regular 9:00 a.m. meeting date/time for the Board. He suggested that the regular meeting be held at that time and the Board reconvene at 7:00 p.m. for the Public Hearing.

The **motion** carried by a 4/1 vote with Commissioner Clayton casting the dissenting vote.

PRESENTATION RELATIVE TO ARTS, PARKS, AND RECREATION NEW YOUTH SPORTS POLICY:

Anthony Horton appeared before the Board to speak in opposition to the Arts, Parks and Recreation Department's draft system adopted May 2, 2007. Under the draft system all youth athletic leagues will utilize a draft system to insure all participants will have an opportunity to a safe, fun, enjoyable experience in youth athletics.

Mr. Horton spoke on behalf of parents and five (5) booster clubs who feel the new system is not fair to the clubs, communities, parents and the children. He said the draft system was put into effect without the consent or consideration of the people of the county. The group felt that the draft will take children away from the communities. He said the Recreation Department was unwilling to work with the clubs and at meetings with the Athletic Committee, coaches have been disregarded on issues they did not agree with or on issues that they felt were important and needed to be addressed.

He asked, on behalf of the group he represented that the Board abolish the draft system, give the clubs a better choice and a voice. He presented petitions (*Petition to do away with the draft, and the (PCAPR) not allowing the Booster clubs county wide to operate as a home field, and allowing the youth that request to play for that booster club to play there and have home games there. Also the (PCAPR) not allowing the booster clubs to supply their teams with uniforms if they so wish*) containing over 1250 signatures, all of whom are in opposition to the proposed changes.

Chairman Lunsford, who serves on the Recreation Advisory Committee, explained that the new process was adopted in order to give an opportunity for every child in the county to get involved on a team.

Commissioner Clayton questioned if there might be any compromise for the booster clubs that are active in their community.

Commissioner Puryear asked if the issue was sent back to the Recreation Advisory Committee, would that make a difference.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes that the new youth athletic draft procedure be referred back to the Recreation Advisory Committee for further consideration of some type of compromise. The motion further included that Mr. Horton be notified of the next meeting and that he be allowed to speak at that meeting.

Commissioner Puryear stated he did not feel it was fair to the children to be forced to play on a team with strangers. He said he could not support the motion because he worried that no changes will be made.

Commissioner Yarborough said he did not believe that it will be as bad or as good as people think. There will be some compromise in the system.

The motion **carried** by a 4/1 vote with Commissioner Puryear casting the dissenting vote.

CONSIDERATION OF APPROVAL FOR A MAJOR SUBDIVISION CONCEPT PLAN FOR THE WOODS AT MOORE'S GLEN ON LEWIS WINSTEAD ROAD:

County Planner Paula Murphy presented a request for approval of a Major Subdivision Concept Plan (Woods at Moore's Glen). She said the Planning Board reviewed a request for a Major Subdivision Concept Plan (The Woods at Moore's Glen) off SR 1203, Lewis Winstead Loop Road. The property consists of 64.4 acres and six (6) one acre minimum lots are proposed. All lots will be served by individual well and septic systems. The roads will be built to Person County standards due to only having six lots. As presented, the plat shows the road design with a 90 degree turn and this does not meet the Person County standards. The proposed subdivision is located in the Flat River watershed and there are flood areas on the property.

Planning Staff recommended the following conditions: 1. An Erosion and Sedimentation Control Plan to be approved and submitted to the Planning Department; 2. A road maintenance agreement to be approved by the County Attorney; 3. Road plans to be submitted to NCDOT because the plat does state that these will be built to NCDOT standards, but they will actually be built to County standards; 4. Road names to be presented to the County for approval into the road system; 5. Any further subdivision of the property will require a major subdivision; 6. All water features to have a fifty foot buffer. The exact location of the 100 year flood areas are to be shown on the final plat; 7. All other requirements of the Subdivision Ordinance. The Planning Board voted unanimously to recommend approval with staff comments and for the developer to

work with the County Engineer on the road design. (Ms. Murphy stated that the developer has conversed with the County Engineer and the road issue will be soon be resolved.)

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Yarborough to approve the Major Subdivision Concept Plan for the Woods at Moore's Glen.

Commissioner Yarborough questioned the road design. Ms. Murphy stated that instead of the road coming in at a right angle, it will come across and be angled more. The original design followed an existing old farm road. After further investigation, the road needs more of an angle. She said there were no speakers against the concept plan at the Planning Board meeting.

A **substitute motion** was made by Commissioner Clayton, seconded by Commissioner Yarborough to defer the matter until the next Board meeting on August 20, 2007. The motion **carried** unanimously.

PRESENTATION OF HEALTH ISSUES/CONCERNS:

Betty Blalock appeared before the Board to again discuss health concerns in and around the landfill. She spoke about traffic, sludge, contaminated soil and leachate in the landfill, promises unkept, teacher pay, computers in schools and violation by Republic of the creek and spring rule.

PRESENTATION OF LANDFILL ISSUES/CONCERNS:

Flora Peed appeared before the Board to again ask the Board not to allow expansion of the landfill. She spoke about road traffic, over tonnage, methane and school fund issues.

APPROVAL OF DSS ATTORNEY CONTRACTS:

County Manager Carpenter presented for approval, contracts for legal services to be paid at an hourly rate to the Department of Social Services primary attorney, Tom Fitzgerald, and secondary attorneys, Walter Cates, Julie Ramsey, and Joe Weinberger. There were separate contracts for Child Support services. He said the hourly rates are within scale.

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to approve the DSS Attorney Contracts as presented.

APPROVAL OF PROCLAMATION FOR NATIONAL HEALTH CENTER WEEK:

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to approve the Proclamation for National Health Center Week.

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 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 5-11, 2007 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*

APPOINTMENTS TO VARIOUS BOARDS AND COMMITTEES:

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Clayton and **carried** to make the following Board, Commission appointments:

Jury Commission – Tammy H. O’Briant - 2 year term

Home Health & Hospice Advisory Committee – Tammy H. O’Briant to a 3-year term

Person Area Transportation Board of Directors – Leon R. Martin to a 3-year term

Juvenile Crime Prevention Council – Dr. Larry Cartner as School Designee

CHAIRMAN’S REPORT: None

MANAGER’S REPORT:

NCACC – August 16-19, 2007
County will be awarded one of the Ketner Awards
Airport Taxiway project is in progress

COMMISSIONER REPORT/COMMENTS:

Commissioner Clayton stated he had thanked Person County’s representatives and others in the General Assembly for their work towards providing Medicaid relief to counties.

ADJOURNMENT:

A **motion** was made by Commissioner Bowes, **seconded** by Commissioner Yarborough and **carried** to adjourn the meeting at 9:40 p.m.

Faye T. Fuller, CMC
Clerk to the Board

Johnny Myrl Lunsford
Chairman