

**PERSON COUNTY BOARD OF COMMISSIONERS**  
**MEMBERS PRESENT**

**July 23, 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

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The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, July 23, 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.

**DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:**

A **motion** was made by Commissioner Clayton, seconded by Commissioner Bowes and **carried** to add District Attorney Joe Brewer to the agenda for a presentation.

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

**INFORMAL COMMENTS:**

**Kathy Williams, President of Person County APS:** – Thanked the Board for providing an expanded state-of-the-art animal shelter. Concerned there should be more of an increase in pet adoptions. Spoke of customer service concerns. Spoke about limited shelter hours which do not allow for more citizen accessibility. Asked that Board review information which she distributed and bring back for board discussion, survey surrounding counties for shelter hours and that shelter personnel attend customer service training. Also asked that the Animal Control Advisory Committee hold regular meetings. Felt that the shelter needs an up-to-date mission statement that would be displayed on the Animal Control website.

**APPROVAL OF MINUTES:**

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to approve the minutes of May 21, 29, June 4, 7, 8, 11, 13, 18, 26 and July 11, 2007.

**ADMINISTRATIVE REPORTS:**

The following Administrative Reports were received and accepted by the Board: Airport, Detention Center, Fire Marshal, Inspections, Public Library, Tax Administration & Collections. A **motion** was made by Commissioner Bowes, **seconded** by Commissioner Clayton and **carried** to accept the reports as presented.

**7:00 – PUBLIC HEARING**

***Request to Amend Table of Permitted Uses and Definition for Group Homes in Planning Ordinance***

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 the county received a request from Sharon and Jonathon McNeil to amend the Planning Ordinance to allow a group home, a residential treatment facility for children or adolescents as a Special Use Permit in a Residential and Rural Conservation District and to amend Appendix B which is the definition section which describes a residential treatment facility. It describes a residential treatment facility as a residence which provides services for two to eight children or adolescents with histories of:

1. Diagnosis of psychiatric problems such as mood disorders, adjustment disorders, ADHD, oppositional defiant disorder and behavioral disorders.
2. Dysfunction within the home, community, or school system.
3. Children who are involved with Department of Social Services and children adjudicated delinquent or undisciplined involved with the Department of Juvenile Justice who met the criteria for admission.
4. Children or adolescents who demonstrate the capacity to respond favorably to rehabilitative counseling and re-integration back into their family and community.

Ms. Murphy stated that presently under State law, Person County Ordinance allows Family Care Homes and Group Homes by right in the Residential, B-1, B-2 and Rural Conservation districts. The Ordinance defines this as follows: A home with support and supervisory personnel that provides room and board, personal care and habitation services in a family environment for not more than six resident handicapped persons. A handicapped person is the key to family care in a group home.

In order to qualify for this treatment, the facility must be designed to provide room, board and care for six or fewer handicapped persons in a family environment. Handicapped persons include those with physical, emotional, or mental disabilities, but not those who have been deemed dangerous to themselves or to others.

Ms. Murphy stated this had been a difficult issue for the Planning Board. The Planning Board held a public hearing on May 10, 2007 and June 14, 2007 and voted in a four to two vote to recommend unfavorably the request to allow a Group Home-Residential Treatment facility with a Special Use Permit in the Residential and Rural Conservation Districts with the definition and reference to Section 1700 of the North Carolina Administrative Code.

Chairman Lunsford as for comments in favor of the request.

Sharon McNeil: She and her husband plan to open the residential facility for youth from the ages of 5 to 19. She said they hoped to open here and eventually branch out.

Nan Jeffers: consultant to Phoenix Center – did not know they had to be zoned in the

County until she started to file licensure. She reiterated that the youth are not handicapped persons, they are adjudicated, youth with mental disabilities, etc.

Chairman Lunsford then asked for comments from anyone present who is opposed to the request.

Beverly Warren – understanding that this home is a private endeavor. Concerned about where they would turn for consultation when children give problems. DSS does not have staff or expertise to handle cases. Concern that resources do not exist in county to offer services which will be needed. Adjudicated children will present different problems. DSS does not have staff to provide professional consultation or mental health staff to provide professional consultation for persons with types of problems.

No one else spoke.

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

Chief Deputy Al Rhew said this type of facility, based on prior history, would put a burden on law enforcement.

Chairman Lunsford made a **motion** to accept the recommendation from the Planning Board to deny the requests. The motion was **seconded** by Commissioner Clayton and **carried** unanimously.

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**Rural Operating Assistance Program (ROAP) for FY 2007-08**

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

Person Area Transportation System Director Gerald Lunsford informed the Board that six requests were received for the allocation of the Rural Operating Assistance Program (ROAP) for Fiscal Year 2007-2008. He said the six requests totaled \$140,431. A State appropriation of \$90,553 is anticipated. The recommended 2007-08 allocation is as follows: PATS- \$37,726; Person County Council on Aging- \$14,825; Person Counseling Center/Club Creative- \$13,785; Person County Group Homes- \$8,096; Person County Department of Social Services- \$7,664; Person Industries- \$8,457.

Mr. Lunsford said it may be possible for Person County to receive Supplemental Funding totaling \$59,548 and if these funds are awarded they would be distributed in the following manner: PATS- \$24,934, COA- \$6,737; Counseling Center/Club Creative- \$6,737; Group Homes- \$6,737; DSS- \$7,664 PI- \$6,739.

Chairman Lunsford asked for comments from the public in attendance. No one spoke in favor or opposition.

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

### **CONSIDERATION OF APPROVL OF MAJOR SUBDIVISION CONCEPT PLAN FOR CHARLOTTE WEAVER:**

County Planner Paula Murphy informed the Board that the Planning Board reviewed a request for a Major Subdivision Concept Plan (Charlotte Weaver) on SR 1128, Tom Oakley Road and SR 1131, Cates Mill Road. The property consists of 120 acres and three lots are proposed. The property will be served by individual well and septic. No new roads are proposed, all access will be on existing Secondary roads. The property is directly adjacent to the Person County Executive Airport and part of the property is within the Industrial Zoning District.

Tract One consists of 3.80 acres and is located on Cates Mill Road. A large portion of this tract is zoned Industrial. Residential structures are not permitted in Industrial zones. Tract Two consists of 36.8 acres and access will be off Cates Mill Road. Tract Three consists of 79.57 acres and access will be off Tom Oakley Road. Any future subdivision of these lots will require major subdivision process.

The Planning Board reviewed this item at their June 14, 2007 meeting and recommended approval with staff comments in a 6 to 0 vote.

Planning Staff recommended the following conditions:

1. Driveway entrances to be approved by NCDOT.
2. All water features to have a fifty-foot buffer.
3. Any further subdivision will require major subdivision approval.
4. No residential uses within the Industrial district.
5. All other requirements of the Subdivision Ordinance

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Lunsford and **carried** to approve the request with staff comments.

### **REQUEST FOR WATER LINE EXTENSION – PROGRESS ENERGY, ROXBORO PLANT:**

Assistant County Manager/Engineer Paul Bailey told the Board that the City of Roxboro has received a request for a water line extension to serve the Progress Roxboro Plant located at 1700 Dunaway Road, Semora, NC. This request is being made by Progress Energy to allow the Roxboro Plant domestic water supply to be connected to the City of Roxboro's water system. Progress Energy has 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.

Mr. Bailey recommended approval of the request.

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

#### **CONSIDERATION OF RECYCLING CENTER HAULING AGREEMENT:**

Assistant County Manager/Engineer Paul Bailey presented a request for approval of a Recycling Center Hauling Agreement. He said a new Agreement was necessitated by the closing of a company in South Boston, Virginia that processed half of the materials received at the Person County Recycling Center. The term of the Recycling Center Hauling Agreement is one year. Mr. Bailey reviewed the Agreement with the Board.

A **motion** was made by Commissioner Bowes, **seconded** by Commissioner Puryear and carried to authorize Assistant County Manager/Engineer Paul Bailey to execute a Recycling Center Hauling Agreement with First Piedmont Corporation for term of one-year.

#### **CONFIRMATION OF AWARD OF JUSTICE ASSISTANCE GRANT (JAG):**

Chief Deputy Al Rhew informed the Board that the Sheriff's Department applied for and was awarded a technology grant which will allow sharing of information with some adjoining counties/cities through a database. Mr. Rhew asked for a transfer of \$10,000 from the Drug Seizure Fund to be used to purchase equipment for the SRT team.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Puryear and **carried** to approve the request for transfer of funds.

#### **CONSIDERATION OF DETENTION CENTER MEDICAL SERVICES CONTRACT BY AND BETWEEN PERSON COUNTY SHERIFF'S DEPARTMENT AND SOUTHERN HEALTH PARTNERS, INC.:**

Chief Deputy Al Rhew appeared before the Board to explain a proposed medical service contract with Southern Health Partners. Southern Health Partners will supply medical personnel, prescriptions, and supplies for the Detention Center for a population up to one hundred for an annual cost of \$117,300. SHP will pay up to \$30,000 for outside services. SHP will also provide medical professional liability insurance cover of \$1 million per claim and will hold harmless the Sheriff and the County should any medical litigation arise concerning their medical care responsibilities.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes and **carried** to authorize the Sheriff to execute the contract by and between Person County Sheriff's Department and Southern Health Partners, Inc. following review by the County Attorney.

**CONSIDERATION OF APPOINTMENT TO RPO-RTAC:**

As a Rural Transportation Planning Organization (RPO), Person County has a voting seat on the Transportation Advisory Committee (RTAC) that is filled by a County Commissioner. The appointment to the RTAC will serve a two-year term from 2007 to 2009.

Commissioner Yarborough stated he would be willing to be reappointed. He did, however, state that the Thoroughfare Advisory Committee feels the City and County should move forward with joining the MPO.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes and **carried** to reappoint Commissioner Larry Yarborough as Person County's appointee on the RTAC for a period of two years.

**APPOINTMENT OF VOTING DELEGATE TO NCACC ANNUAL CONFERENCE:**

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Bowes and **carried** to appoint Commissioner Jimmy B. Clayton as Person County's voting delegate to the NCACC Annual Conference to be held in Fayetteville, NC.

**APPOINTMENTS TO VARIOUS BOARDS AND COMMITTEES:**

**Juvenile Crime Prevention Council:**

By unanimous vote Froncello Bumpass was appointed to fill an unexpired term ending 12/31/08 for a Citizen-at-Large position.

There were no applicants for the Person Under the Age of 21 position.

Will Carver, by unanimous vote, was appointed to fill an unexpired term ending 12/31/08 for a Member of the Business Community.

Kristy Walker, by unanimous vote, was appointed to a 2-year term as the designee from the Police Department.

William H. Whitfield, Jr. was the lone applicant for the designee from the Sheriff's Department. However he was not appointed. The vacancy will be re-advertised.

Nathan Baskerville, by unanimous vote, was appointed for a 2-year term as the designee from the District Attorney's Office.

Judith Akers, by unanimous vote was appointed to a 2-year term as the designee from the **Department of Social Services.**

**Mayo Lake Advisory Committee:**

Applicants for two positions on the Mayo Lake Advisory Committee were Greta Paith, Doug Mabe, and Grant M. Christy. By unanimous vote, Doug Mabe and Grant M. Christy were appointed to two-year terms on the Advisory Committee.

**Person County Mentors:**

County Manager Carpenter explained that the Mentor's grant program expired. It is unclear at the present time if the program will be re-formed.

**Person County Nursing Home Advisory Committee:**

Elizabeth Blackwell was the only applicant for a term on the Person County Nursing Home Advisory Committee. By unanimous vote, Ms. Blackwell was appointed to a 3-year reappointment. The remaining three positions available will be re-advertised.

**Person Area Transportation System Board of Directors:**

There were no applicants for the 2 available positions. Both will be re-advertised.

**Adult Care Home Community Advisory Committee:**

There were no applicants for one available position. It will be re-advertised.

**Home Health and Hospice Advisory Committee:**

There were no applicants and will be re-advertised.

**Hyconeechee Regional Library Board:**

By unanimous vote, Carol O. Reed, was appointed to a 3-year term on the Hyconeechee Regional Library Board.

**Industrial Facilities and Pollution Control Financing Authority:**

Alan Hicks, Conley Mangum, Leon Martin and Dr. John Bradsher were appointed to 6-year terms on the Industrial Facilities and Pollution Control Financing Authority. The one remaining vacancy will be re-advertised.

**Jury Commission:**

There were no applicants and will be re-advertised.

**DISTRICT ATTORNEY JOE BREWER:**

District Attorney Joe Brewer appeared before the Board on behalf of the shareholders in the Courthouse. Register of Deeds Amanda Garrett and Clerk of Court Deborah Barker also were in attendance.

District Attorney Brewer spoke to the Board about various space, sanitation and security needs in the Courthouse. He reminded the Board that the Courthouse Space Needs Committee had met and proposed a floor plan, but the architect had not met the committee in months.

He asked the Board to direct the County Manager to direct architects to meet with the courthouse committee. The committee can come up with cost wise solutions for recommendation back to the Board.

**BUDGET AMENDMENT:**

Upon a motion by Commissioner Clayton, 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 23rd day of July 2007, as follows:

<u>Dept./Acct No.</u>	<u>Department Name</u>	<u>\$Amount</u> Incr/Decr(-)
<u>EXPENDITURES</u>	<u>General</u>	
	Human Services	41,239
<u>REVENUES</u>	<u>General</u>	
	Intergovernmental Revenues	41,239

**Explanation:**

Appropriate: Special WIC Mini-Grant for equipment, furniture and supplies \$41,239.

**CHAIRMAN’S REPORT:**

County Manager evaluation due by end of week.

**MANAGER’S REPORT:**

- **Rotary Club** plans to erect memorial at courthouse in honor of World War II Veterans.
- County will advertise and hold a Public Hearing prior to any agreements with FPI



**COMMISSIONER REPORTS/COMMENTS:**

**Commissioner Clayton –**

- Reported on NACo conference.
- Mentors Program - \$7500 appropriated for local match – since program was not funded, county could reallocate those funds to roots&wings. Suggested that Ronnie Dunevant and a representative from Good Samaritans be invited to the next Board meeting.

Commissioner Yarborough said he would like for the requests to be evaluated by the Department of Social Services prior to being brought to the Board.

**Commissioner Larry Yarborough** – County should move forward with renovation of top floor of courthouse.

**County Attorney Ron Aycock** – introduced Minnesota State Executive Director - Jim Mulder.

**ADJOURNMENT:**

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Bowes and **carried** to adjourn the meeting at 8:45 p.m.

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

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**Johnny Myrl Lunsford**  
**Chairman**