

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

**June 18, 2007**  
**OTHERS PRESENT**

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

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

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The Board of Commissioners for the County of Person, North Carolina, met in recessed session on Monday, June 18, 2007 at 9:00 a.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 HEARING:**

**VESTED RIGHTS REQUEST – CERTAINTEED GYPSUM**

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes and **carried** to open the duly advertised public hearing for Vested Rights for CertainTeed Gypsum NC, Inc.

County Planner Paula Murphy told the Board that on March 14, 2005, a Special Use Permit was approved by the Board of Commissioners for BPB NC, Inc. on Shore Road. CertainTeed Gypsum NC, Inc. has bought out BPB. CertainTeed is requesting Vested Rights status for a period of five years.

The Planning Board held a Public Hearing on May 10, 2007 and voted 7 to 0 to recommend approval of vested rights for five years.

Mr. Russell Killen, Attorney with Parker & Poe, explained that the project had been delayed after a change in ownership in order for Stain-Gobain to complete a corporate analysis. With the change and the delay, the company wanted to renew the five-year vested rights on the earlier Special Use Permit granted by the county for the new plant. He said it was CertainTeed plans to be and running by late 2009.

No one else spoke in favor or opposition.

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 Puryear and **carried** to approve the Vested Rights status for five years for the proposed development for CertainTeed Gypsum, Inc.

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

A **motion** was made by Commissioner Bowes, **seconded** by Chairman Lunsford and **carried** to remove from the agenda the Presentation Regarding Alternative Sites Study and Socioeconomic & Demographic Study – Upper Piedmont Environmental Landfill and to approve the agenda as adjusted.

**INFORMAL COMMENTS:**

**Betty Blalock:** Spoke on behalf of Frances Blalock who could not attend. Asked the Board to consider Zero Waste proposal and visit Horry County site. PCPRIDE will organize the trip if there is interest. Will bring at a later date information she received on a recent visit to NCDHNR water and air quality divisions.

PC PRIDE will host a Zero Waste Initiative Rally on August 18, 2007 to be held at Merritt Commons between the hours of 2:00-8:00 p.m. The rally is sponsored and produced by Blue Ridge Environmental Defense League and the Center for Health and Environmental Justice. Lois Gibbs will be the keynote speaker.

Betty Blalock Presentation: Thank the Board for denying Republic Services request to expand the daily waste collection limit. Waste will penetrate the land and the liner will fail and pollute ground water. Concerned about fish kills in area ponds. Hazardous chemicals have been found in the leachate and they will seep into the soil. Showed picture of landfill where trees should have been planted years ago.

**ADMINISTRATIVE REPORTS:**

A **motion** was made by Commissioner Bowes **seconded** by Commissioner Clayton to receive and accept the following Administrative Reports: Airport, EMS, Fire Marshal, Inspections.

**RE-DESIGNATION OF ANIMAL CRUELTY INVESTIGATION OFFICER:**

A **motion** was made by Commissioner Bowes, **seconded** by Commissioner Clayton and **carried** to re-designate Kay Farrell to a one year term as an Animal Cruelty Investigation Officer.

**APPROVAL OF RESOLUTION APPROVING INSTALLMENT FINANCING DOCUMENTS:**

Finance Director Andrew Davenport presented for Board approval, a Resolution Approving Installment Financing Documents.

A regular meeting of the Board of Commissioners for the County of Person, North Carolina, was held in the Commissioners' Meeting Room in the Person County Office Building, in Roxboro, North Carolina, the regular place of meeting, on June 18, 2007, at 9:00 A.M.

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

Absent: Commissioner Larry E. Yarborough, Jr.

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

**RESOLUTION APPROVING AN INSTALLMENT FINANCING CONTRACT, A DEED OF TRUST AND OTHER DOCUMENTS AND APPROVING AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH THE FINANCING THE COST OF VARIOUS PROJECTS**

WHEREAS, the County of Person, North Carolina (the "County"), is a validly existing political subdivision of the State of North Carolina (the "State"), under and by virtue of the Constitution and laws of the State; and

WHEREAS, the County has the power, pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended, to (a) finance the purchase of real and personal property by installment contracts that create in the property purchased a security interest to secure payment of the purchase price to the entity advancing moneys for such transaction and (b) finance the construction of fixtures or improvements on real property by contracts that create in such fixtures or improvements and in the real property on which such fixtures or

improvements are located a security interest to secure repayment of moneys advanced or made available for such construction; and

WHEREAS, the County has determined to finance pursuant to said Section 160A-20, with any other available funds, the cost of constructing and otherwise accomplishing various projects consisting of certain school, community college and other public facilities, as more particularly described in Exhibit A attached to the Installment Financing Contract hereinafter described (collectively the “Project”); and

WHEREAS, it is now necessary for the Board of Commissioners for the County (the “Board”) to approve an installment financing contract, an escrow deposit agreement, a deed of trust and other documents related thereto and to approve and authorize certain actions in connection therewith; and

WHEREAS, there have been presented for consideration by the Board copies of the following documents relating to such matter:

(a) a draft of an Installment Financing Contract, dated July 18, 2007 and between the County and RBC Centura Bank (the “Installment Financing Contract”), under which RBC Centura Bank (the “Bank”) would advance funds to finance the cost of the Project and the County would be obligated to make Installment Payments (as defined therein) to repay the funds advanced to it and to make certain other payments, among other requirements, such obligations being subject to termination by the County under certain circumstances as provided therein;

(b) a draft of an Escrow Deposit Agreement, dated July 18, 2007 and among the County, the Bank and RBC Centura Bank as escrow agent (the “Escrow Deposit Agreement”), which provides for the expenditure of funds advanced pursuant to the Installation Financing Contract to pay Project costs;

(c) a draft of a Deed of Trust and Security Agreement, made and entered into as of July 18, 2007 (the “Deed of Trust”), which the County would execute and deliver to a trustee for the benefit of the Bank and which would encumber the site of the School Project, as defined in the Installment Financing Contract, and the improvements on such site and certain related property, subject to certain exceptions, as security for the County’s obligation to repay the funds advanced to it pursuant to the Installment Financing Contract;

(d) a draft of an Agreement Concerning a New Public School Bus Garage for the Person County School Administrative Unit, dated July 18, 2007 and between The Person County Board of Education (the “Board of Education”) and the County (the “Administrative Agreement”), which furthers a plan to finance the cost of constructing and otherwise accomplishing the School Project which each has found to be necessary and desirable to provide for improved public school facilities and improved public education in the County and which constitutes a part of the Project; and

(e) a draft of a Lease, dated July 18, 2007 and between the County, as lessor, and the Board of Education, as lessee (the “Lease”), which provides for the lease by the County to the Board of Education of the School Project as a part of such plan to finance the cost of the School Project;

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

Section 1. The Board hereby confirms that the Project and its use are essential for the County and that the Project will permit the County to carry out public functions that it is authorized by law to perform.

Section 2. The Board hereby finds and determines that it is in the best interest of the County to enter into the Installment Financing Contract, the Escrow Deposit Agreement, the

Deed of Trust, the Administrative Agreement and the Lease in order to effectuate the financing of the cost of the Project as described above.

Section 3. The form and content of the Installment Financing Contract, the Escrow Deposit Agreement, the Deed of Trust, the Administrative Agreement and the Lease, each of which will be a valid, legal and binding obligation of the County in accordance with its terms, are hereby approved in all respects and the Chairman of the Board, the County Manager of the County, the Finance Director of the County, the County Attorney of the County and the Clerk to the Board are hereby authorized and directed to execute and deliver the Installment Financing Contract, the Escrow Deposit Agreement, the Deed of Trust, the Administrative Agreement and the Lease, as may be applicable, in substantially the forms presented to the Board, together with such additions, changes, modifications and deletions as they, with the advice of counsel, may deem necessary and appropriate, and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the Board and the County; provided, however, that the due date of the final Installment Payment is not later than June 1, 2014 and that the aggregate amount of the principal components of the Installment Payments does not exceed \$4,300,000.

Section 4. The Board hereby approves, ratifies and confirms the actions of the County Manager, the Finance Director and the County Attorney of the County in connection with this matter.

Section 5. The officers and employees of the County are authorized and directed (without limitation except as may be expressly set forth herein) to take such other actions and to execute and deliver such other documents, certificates, undertakings, agreements or other instruments as they, with the advice of counsel, may deem necessary or appropriate to effectuate

the transactions contemplated by the Installment Financing Contract, the Escrow Deposit Agreement, the Deed of Trust, the Administrative Agreement and the Lease.

Section 6. The County covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code"), as applicable to the Installment Financing Contract except to the extent that the County obtains an opinion of nationally-recognized bond counsel to the effect that noncompliance would not result in the interest components of the Installment Payments being includable in the gross income of the recipient thereof under Section 103 of the Code, as more specifically provided in the Installment Financing Contract.

The County hereby finds, declares and represents that (a) it reasonably expects that it, all subordinate entities thereof and all entities which issue obligations on behalf of the County (all within the meaning of Section 265(b)(3)(E) of the Code) will not issue in the aggregate more than \$10,000,000 of tax-exempt obligations (not counting certain current refunding obligations and private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2007 and (b) no entity has been or will be formed or availed of to avoid the limits described above. In addition, the County hereby designates its obligation to make Installment Payments under the Installment Financing Contract as a "qualified tax-exempt obligation" for the purposes of Section 265(b)(3) of the Code.

Section 7. If any section, phrase or provision of this resolution is for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this resolution.

Section 8. All motions, orders, resolutions, ordinances and parts thereof in conflict herewith are hereby repealed.

Section 9. This resolution shall take effect immediately upon its passage.

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

Ayes: Commissioners Johnny M. Lunsford, Jimmy B. Clayton, Larry H. Bowes, Kyle W. Puryear.

Noes: None

**APPROVAL OF PLACEMENT OF COMMEMORATIVE SIGN AT FORMER BUSHY FORK SCHOOL:**

Nancy Wilkerson Jones requested the placement of a sign signifying the site of the former Bushy Fork School. The school is no longer in existence and there is no visible recognition that it ever did exist. The cost of the permanent sign will be underwritten by former school students.

A **motion** was made by Commissioner Bowes, **seconded** by Commissioner Puryear and **carried** to approve the placement of a commemorative sign at the former Bushy Fork School.

**DISCUSSION OF INTERVIEW PROCESS FOR BOARDS, COMMITTEES, COMMISSIONS:**

County Manager Carpenter told the Board that first group of appointments for Board, Committee and Commissions is due since the new interview process was approved. There will be approximately fifteen interviews to be scheduled. Commissioner Puryear suggested the interview process be scheduled for June 26 at 6:00 p.m. He further suggested that each applicant be interviewed separately. The date was agreed on by the entire Board.

County Attorney Ron Aycok presented the following Resolution for the appointment process for authorities, boards, commissions and committees. He indicated this document includes those specific boards, commissions and committee which will be subject to the interview process.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Bowes and **carried** to approve the Resolution –Appointment Process for Authorities, Boards, Commissions, and Committees.



**RESOLUTION  
APPOINTMENT PROCESS  
FOR AUTHORITIES, BOARDS, COMMISSIONS, AND COMMITTEES**

**WHEREAS**, it is the statutory duty of the Person County Board of Commissioners (hereinafter called “BOC”), as the Governing Body of Person County to appoint qualified, knowledgeable, and dedicated people to serve on various authorities, boards, commissions, and committees (hereinafter called “Organizations”) to assist in the operation of county government; and

**WHEREAS**, the BOC solicits the interest and opinion of the citizens of Person County in making said appointments; and

**WHEREAS**, the BOC believes written policies and procedures will increase public awareness and interest in the solicitation by the BOC of information and recommendations from the public to assist the BOC in these appointments.

**NOW, THEREFORE, BE IT RESOLVED** by the Person County BOC that:

**SECTION I.**

The policies and procedures governing appointments by the BOC to the various organizations follow:

- 1) *Qualification*: Any citizen of Person County if eligible to serve where state statute and other applicable ordinances or conflicts of interest do not prohibit such appointment. The BOC will make appointments within guidelines of applicable state statute, ordinance, resolution, or policy that created said organization;
- 2) *Appointments*: The BOC will make all appointments according to the applicable statute, ordinance, resolution or policy that created the organization from timely submitted, completed applications. No citizen of Person County may serve in more than two appointed positions of Person County Government unless exempted by nature of the position they may hold in governmental service. This policy will not apply to Person County Commissioners;
- 3) *Term Limits*: Unless otherwise provided by North Carolina law, the BOC sets no term or length of service, but encourages citizens to apply when vacancies occur. At the expiration of a member’s term if they want to continue serving, they must thoroughly complete another application form.
- 4) *Absenteeism*: If not addressed in the bylaws of an organization and a member in any 12-month period has unexcused absences that are more than 25 percent of the meetings they are required to attend pursuant to their appointment, they are obligated to resign. Absences caused by events beyond one’s control are considered excused absences. Absenteeism violations must be reported to the BOC. If the individual refuses to resign, action of the BOC may dismiss them

unless law prohibits dismissal by the BOC. A twelve-month period beginning on the date of appointment will constitute a year.

- 5) *Binder Information:* The County Manager will keep a binder containing a list of all county appointments, with the following data available for public inspection:
- Names of organization and brief summary of its function
  - Statute or cause creating organization
  - Names of members, terms, addresses, telephone numbers, and number of terms served
  - Regular meeting date, time, and location
  - In the event a member's term expires and the organization holds a meeting before the BOC makes an appointment, the incumbent will continue to serve until the BOC takes action.

## **SECTION II.**

Procedure for filling vacancies for appointed positions:

### **A. Notification of available appointments:**

- The County Manager will maintain a list of available positions stating terms of office, requirements and duties of the position. The Manager will set a deadline for receipt of applications and publish vacancies twice in *The Courier Times* at least forty-five (45) days prior to the month appointments are due.
- If there are no applications thirty (30) days after the first notice of general circulation, the Manager will notify the BOC. It will then be the BOC's responsibility to make contacts and encourage citizens to apply for the vacancy(ies) with the deadline at 12:00 Noon on the Tuesday before the BOC's meeting as the deadline for receipt of applications.
- The County Manager will keep all applications from interested citizens for one year from the date of application. After the one-year period, a new application is required.
- A notice will be mailed to members sixty (60) days before the expiration of their term. If interested in reappointment, they must file a new application. If an individual is not eligible for reappointment, they will be notified of the reason they are ineligible.
- Application forms are available upon request from the County Manager's Office and on Person County's web page (<http://www.person.net>). Individuals who are interested in serving must thoroughly complete the application.
- Upon receiving an application, the County Manager will send a notification letter to applicant acknowledging receipt of application.

### **B. Selection Process.**

- 1) Eligibility will be verified for each applicant to ensure they meet specific

requirements when governed by state statute, ordinance, or regulation.

- 2) The County Manager will send all applications along with a list of names, including those ineligible and the reason, to the BOC.

**C. Notification of appointment.**

The County Manager will prepare a letter of notification to the appointee with a copy to the appropriate department/agency head with a request that appointee be notified of the date, time, and place of the next meeting. The County Manager, or his designee, will contact the newly appointed person(s) to discuss the duties of the position and if desired, arrange an orientation meeting.

**SECTION III.**

This resolution shall be considered general policy only and shall not prohibit the BOC from making appointments and/or reappointments to the various organizations that deviate from this policy if special conditions exist which justifies the deviation.

**SECTION IV.**

This resolution will have the force and effect of a county ordinance and will be considered an amendment to all ordinances establishing terms of office for county-appointed organizations, unless law would prohibit said amendment.

**Adopted this 18<sup>th</sup> day of June, 2007.**

*(signed)*

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

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

County Attorney Ron Aycock also presented the Resolution Providing for Appointment of County Commissioners to Boards, Commissions and Committees. This resolution replaces the informal process used by the Chairman to make commissioner appointments to various committees.

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

**RESOLUTION  
PROVIDING FOR APPOINTMENT OF  
COUNTY COMMISSIONERS TO  
BOARDS, COMMISSIONS AND COMMITTEES**

**WHEREAS**, certain state statutes require the appointment of sitting members of the Board of County Commissioners to certain Boards, Commissions and Committees, and

**WHEREAS**, certain resolutions and action of the Person County Board of County Commissioners to certain Boards, Commissions and Committees, and

**WHEREAS**, the Board of County Commissioners periodically creates internal boards, commissions or committees and provides for designation of individual board members as representatives of the County Board of Commissioners, and

**WHEREAS**, the Board finds it desirable to create an efficient and effective method for make such appointments or designations.

**NOW, THEREFORE BE IT RESOLVED**, by the Person County Board of County Commissioners that the Chair of the Board be and hereby is designated and authorized as the official appointing authority for the Board of County Commissioners.

**BE IT FURTHER RESOLVED**, that all such appointments under the authority of this Resolution must be made in open and official meetings of the Board.

**BE IT FURTHER RESOLVED**, that any appointments made under this Resolution shall be and are designated as ex-officio appointments of the County Commissioner(s) so appointed.

**Adopted this 18<sup>th</sup> day of June, 2007.**

*(signed)*

**Johnny Myrl Lunsford, Chairman**

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

**CHAIRMAN'S REPORT:** None

**MANAGER'S REPORT:**

General Assembly still considering Medicaid & 9-1-1 funding.

Report on a meeting with insurance representatives – loss ratio was 70% for last quarter.

**COMMISSIONER REPORTS/COMMENTS:**

Commissioner Clayton – Attended the NCACC Board of Directors meeting this past weekend and there were three main topics of interest: Solid Waste Act - Wireline charge – Medicaid.

**RECESS:**

The meeting was recessed at 9:55 a.m. to be followed by a Budget Work Session. The **motion** was made by Commissioner Bowes, **seconded** by Commissioner Clayton and **carried**.

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

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