

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

June 4, 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
C. Ronald Aycock, County Attorney
Faye T. Fuller, Clerk to the Board

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, June 4, 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.

At 7:00 p.m. Chairman Lunsford called the duly advertised Public Hearings to order.

➤ **Vested Rights Request – CertainTeed Gypsum, NC**

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

County Planner Paula Murphy addressed the Board and read a letter from the company in which they asked for a continuance until June 18, 2007 at 9:00 a.m. CertainTeed's representatives had a scheduling conflict that would not allow them to attend today's hearing and respond to any concerns raised by the Board regarding the proposed project.

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

➤ **Special Use Request for a Cluster Development-Bowmantown Road**

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

The request, dated April 13, 2007, was submitted by Bryant and Katie Gravitte for a Special Use Permit for a Cluster Open Space Development of 39 lots on 150 acres off of Bowmantown Road, SR 1512, Holloway Township. The Ordinance requires a minimum of thirty percent open space and the plat shows 21.33 acres or 30 percent as open space. The conservation area will be used for cattle. A conservation easement was included for review. All roads will be built to NCDOT standards. The project will be served by individual water and sewer. The developer is requesting to build in four phases.

The property in question is partially wooded with open pasture areas. Part of the property is adjacent to Mayo Lake. The subdivision entrance is off Bowmantown Road. All roads will be built to NCDOT standards. The subdivision entrance will need to be approved by NCDOT. The

developer is proposing to develop the subdivision in four phases. Phase 1 will be Lots 1 through 10, Phase 2 will be Lots 11 through 21, Phase 3 will be Lots 22 through 31 and Phase 4 will be lots 32 through 39.

In granting a Special Use Permit, the following needs to be addressed according to Section 74-4 of the Ordinance:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
2. That the use meets all required conditions and specifications.
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and
4. That 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 located and in general conformity with the comprehensive plan.

Section 160-5(b) requires a written recommendation from the Planning Board that addresses that the proposed amendment is consistent with the comprehensive plan. The County's future land use map shows this area as Rural Residential. This allows for low-density residential (single site-built and manufactured homes); agriculture, forestry, churches; very limited commercial, office, or public/institutional uses meeting locational criteria. Land uses within this category would be expected to develop without public sewer. An objective of the land use plan is to plan and zone for open space, recreational, agricultural or low intensity uses within environmentally sensitive areas such as floodway fringes. Section 1.5.1 of the and use plan states "Adopt new residential subdivision design standards that encourage clustering of homes to conserve open space, reduce infrastructure installation and maintenance costs, and reduce negative impacts of storm water runoff.

The Planning Board held a Public Hearing on May 10, 2007 and recommended approval in a 6 to 0 vote with the following staff comments:

1. The road to be constructed to the standards approved in the Special Use Permit NCDOT. Road construction plans are to be submitted to NCDOT for approval. A copy of the approved road construction plans are to be submitted to the Planning Department. Subdivision entrance to be approved by NCDOT. The subdivision entrance to have one lane ingress and two lanes egress.
2. An Erosion and Sedimentation Control Plan to be submitted to NCDHNR, Division of Land Resources, Land Quality Section and a copy of the approved plan to be submitted with the construction plan.
3. A Road Maintenance agreement is to be prepared, reviewed and approved by the County Attorney prior to approval of the final plat.
- 4, No wells or septic systems to be located within the designated thirty percent required open area.
5. The Conservation Easement to be recorded prior to approval of the final plat.
6. All other requirements of the Subdivision Regulations of Person County, North Carolina be met prior to submittal of the final plat.

There was no public comment.

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

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton and **carried** to approve the Special Use Permit for a Cluster Open Space Development off Bowmantown Road, Holloway Township as requested by Bryant and Katie Gravitte.

➤ **Proposed Installment Financing Agreement to Finance Cost of Various Projects**

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Yarborough and **carried** to open a duly advertised Public Hearing on the Proposed Installment Financing Agreement to Finance Cost of Various Projects.

Finance Director Andy Davenport recommended that RBC be awarded the financing for the various projects.

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, at 7:00 P.M. on June 4, 2007.

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

Absent: None.

* * * * *

The Chairman of the Board of Commissioners for the County of Person, North Carolina (the "County") announced that this was the hour, day and place fixed for the public hearing for the purpose of considering whether the Board of Commissioners for the County should approve a proposed installment financing agreement and certain related documents pursuant to G.S. §160A-20, as amended, for the purpose of providing funds in an amount not to exceed \$4,300,000, with any other available funds, for the construction and other accomplishment of the

Project hereunder defined. The County would secure the repayment by it of moneys advanced pursuant to such proposed agreement by granting a security interest in a portion of the School Project hereinafter defined constituting a part of the Project and certain related property.

The Project consists of (a) constructing, equipping and furnishing a new public school bus garage to maintain a fleet of school buses on a site of 10.92 acres in Roxboro Township, Person County, North Carolina, on the north side of N.C. Highway 49 North (the "School Project"), (b) replacing the roofs on buildings "B" and "C" at the Person County Campus of Piedmont Community College (the "Community College Project") and (c) renovating, equipping and furnishing the former Health Department main and annex buildings to provide space for other County departments (the "Renovation Project" and, together with the School Project and the Community College Project, the "Project").

Notice of this public hearing was published in The Courier-Times not less than 10 days before the date of this public hearing.

The County Manager and the Finance Director of the County then described the Project as currently proposed and the current plan of the County to finance the cost of the Project. The Finance Director stated that the Community College Project as described in the notice of public hearing consists of replacing the roofs on buildings "C" and "D" at the Person County Campus of Piedmont Community College but, in fact, such project consists of replacing the roofs of buildings "B" and "C" at such campus.

The County Manager and the Finance Director of the County then presented and described a proposal to finance the cost of the Project, dated May 23, 2007, as revised, which the County had received from RBC Centura Bank in response to the County's request for such a proposal to finance the cost of the Project which it had sent to a number of financial institutions. Such proposal appears

to be the most appropriate of the proposals received by the County to meet its needs under existing circumstances and constitutes the proposed agreement that is the subject of this public hearing.

The Chairman of the Board of Commissioners for the County (the “Board of Commissioners”) then announced that the Board of Commissioners would immediately hear anyone who might wish to be heard on such matter.

No one appeared, either in person or by attorney, to be heard on such matter and the Clerk to the Board of Commissioners announced that no written statement relating to such matter had been received.

Thereupon, upon motion of Commissioner Clayton, seconded by Chairman Lunsford, the Board of Commissioners determined to proceed with the proposed financing the cost of the Project and approve on a preliminary basis such proposed agreement to finance the cost of the Project in an amount not to exceed \$4,300,000 substantially as presented. Such motion was approved by the following vote:

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

Noes: None

Thereupon, the Chairman of the Board of Commissioners announced that the public hearing was closed.

* * * * *

I, Faye Fuller, Clerk to the Board of Commissioners for the County of Person, North Carolina, DO HEREBY CERTIFY that the foregoing is an accurate copy of so much of the recorded minutes of a regular meeting of said Board held on June 4, 2007.

I HEREBY FURTHER CERTIFY that a schedule of regular meetings of said Board, stating that regular meetings of said Board are held in the Commissioners' Meeting Room in the Person County Office Building, in Roxboro, North Carolina on the first and third Mondays of each month at 7:00 P.M. and 9:00 A.M., respectively, has been on file in my office pursuant to G.S. §143-318.12 as of a date not less than seven days before said meeting.

WITNESS my hand and the corporate seal of said County, this 4th day of June 2007.

Faye T. Fuller, CMC
Clerk to the Board of Commissioners

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Clayton and carried to adjust the agenda by adding a letter resulting from a meeting of the Roxboro/Person County Transportation Advisory Committee

A **motion** was made by Commissioner Bowes, **seconded** by Commissioner Clayton and **carried** to approve the agenda with the adjustments as noted.

INFORMAL COMMENTS:

No one spoke.

APPROVAL OF MINUTES:

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Yarborough and **carried** to approve the minutes of May 7, 2007.

ADMINISTRATIVE REPORTS:

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Bowes and carried to receive and accept the Public Library monthly report.

EXPLANATION OF HOUSING FINANCE AGENCY GRANT RECEIVED FOR PERSON COUNTY:

Timmy Baynes, Executive Director, Kerr-Tar Regional COG, appeared before the Board and explained that the Kerr-Tar Regional Council of Governments has been awarded \$332,400 by the North Carolina Housing Finance Agency (NCHFA) under the 2007 cycle of the Single-Family Rehabilitation Program. This program provides funds to assist with the comprehensive rehabilitation of moderately deteriorated homes which are owned and occupied by lower-income elderly or disable households. Kerr-Tar plans to apply the funds toward the rehabilitation of seven (7) houses in Person County. The funds provided by NCHFA come from the US Department of Housing and Urban Development's (HUD) federal HOME Investment Partnerships Program.

Mr. Baynes reviewed the major requirements for eligibility for SFRO7 assistance. He also explained the types of work that will be done. Applications were available to the public starting May 15, 2007 and must be turned in to the COG by 5:00 p.m. on August 10, 2007. Selection of units will be made on November 19, 2007. All rehabilitation work must be under contract by July 1, 2008 and all work must be completed by September 30, 2008.

CONSIDERATION OF APPROVAL OF RESOLUTION SUPPORTING 2007 CLEAN WATER BOND:

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Bowes and **carried** to approve the 2007 Clean Water Bond Resolution.

2007 Clean Water Bond Resolution

WHEREAS North Carolina's continued prosperity depends on protecting the state's water resources for current use and future generations, and

WHEREAS North Carolina is expected to grow by 3.5 million people to exceed 12 million by the year 2030, placing pressures on the state's water resources and local water providers, and

WHEREAS North Carolina's businesses, traditional and emerging industries all depend on reliable supplies of clean water, reasonable utility costs and an attractive natural environment, and

WHEREAS the 1998 Clean Water Bonds delivered significant benefits to North Carolina communities and citizens, supporting 1,103 projects in 97 counties, which

- Helped create or retain 42,000 jobs
- Corrected major regulatory violations in 97 communities
- Addressed failing septic systems and contaminated wells in 59 counties
- Resulted in 50 communities receiving sewer service for the first time,
- Encouraged regional efficiencies, sound planning and conservation practices,

WHEREAS North Carolina's public water, sewer and stormwater utilities will require investments totaling \$16.63 billion to keep pace with necessary improvements and population growth over the next 25 years, including \$6.85 billion in investments within the next five years;

NOW THEREFORE BE IT RESOLVED that the Person County Board of Commissioners urges the North Carolina General Assembly to enact the "Clean Water Act of 2007", which provides for a \$500 million bond issue to be expended over the next five years, and an annual appropriation of \$50 million in recurring funding to address urgent needs.

Adopted this 4th day of June, 2007.

(signed)

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

LETTER REGARDING N. C. DEPARTMENT OF TRANSPORTATION PRIORITY LIST – RPO

Commissioner Yarborough informed the Board that the Thoroughfare Advisory Committee met today and by a 4/0 voted approved a request that the Person County highway projects be removed from the RPO's Priority List this time instead of completely withdrawing from the RPO. He requested Board approval to submit the letter to the RPO and the letter be forwarded to Kerr-Tar Regional COG.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes and **carried** that the withdrawal letter be approved and forwarded to COG.

June 5, 2007

Mr. Karl Pernell
RTAC Chairman
Region K council of Governments
P. O. Box 709
Henderson, NC 27536

Dear Mr. Pernell:

In my letter to Shelby Powell dated March 13, 2007 in which data for Person County TIP highway projects was transmitted, I requested on behalf of the Person County Board of Commissioners that no Person County project be ranked higher than R-2241. Not only did your priority ranking system place two other Person County projects ahead of R-2241, it lowered the ranking of R-2241 from second place in the RPO in year 2005 to ninth place in the current year. Such an erratic swing in the ranking of projects over a two year period is evidence that the current RPO priority system is arbitrary and capricious. It affects the credibility of our five county region.

Person County was not forewarned of the dire consequences on project rankings for not having a right-of-way (ROW) preservation ordinance. As a matter of fact, NCDOT already owns a significant amount of the right-of-way for R-2241 because the project will parallel the existing highway. Our County Planning Director has not, nor will she accept, a building permit application, if it encroaches upon future right-of-way. R-2241 was given zero points for ROW preservation while some projects in another county were given 15 extra points because the county has a ROW preservation ordinance in place. The existence of their ordinance gave them an unfair competitive advantage. This would be a non-issue, if proper advanced notice had been given about the impact on the point rating system of not having an ordinance.

On behalf of the Person County Board of Commissioners, we request that all Person County highway projects be removed from the Region K list and not be submitted to NCDOT.

Sincerely,
Johnny Myrl Lunsford
Chairman

CC: Mr. Timmy Baynes

CONSIDERATION OF APPROVAL OF PROPOSED ENVIRONMENTAL HEALTH FEE ADJUSTMENTS:

Health Director Janet Clayton appeared before the Board to present proposed Environmental Health Fee Adjustments for approval. New fees included Tattoo Artist Permit - \$100/year; Restaurant Plan Reviews - \$100/application; Temporary Food Establishment Plan Reviews - \$25/application. Some existing fees were also proposed for increase: Site Evaluation - \$300/greater or equal to 600 gallons/day. This reflects the additional time required for site evaluation, system design, and system inspection. Construction Authorizations-Type IIIb - \$300; Type IV - \$400; Type V - \$500.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Yarborough and **carried** to approve the new fees and the fee increases as outlined.

APPROVAL OF JULY 4TH FIREWORKS DISPLAY:

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes and **carried** to authorize Melrose Pyrotechnics, Inc to conduct a fireworks display at Person Senior High on the evening of July 4th, 2007. The Fire Marshal and Roxboro Fire Chief have reviewed the site plan, Certificate of Liability Insurance and ATF License/Permit. These were found to be in order and approved by both offices. The City of Roxboro Fire Department will be on site with fire apparatus and personnel during the event.

APPOINTMENT TO KERR-TAR WORKFORCE DEVELOPMENT BOARD:

A **motion** was made by Commissioner Clayton, seconded by Commissioner Bowes and **carried** to appoint DSS Director Beverly Warren to a one-year term on the Kerr-Tar Workforce Development Board.

CONSIDERATION OF CHANGE OF DATE FOR JULY, 2007 MEETING(S):

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes and **carried** to set the date of July 23, 2007 at 7:00 p.m. for the only Board meeting in July, 2007.

BUDGET AMENDMENTS:

Upon a **motion** by Commissioner Clayton, and a **second** by Commissioner Bowes and **majority vote**, the Board of Commissioners of Person County does hereby amend the Budget of the **General Fund(s)** on this, the 4th day of June, 2007, as follows:

<u>Dept./Acct No.</u>	<u>Department Name</u>	<u>\$Amount</u> Incr/Decr(-)
<u>EXPENDITURES</u>	<u>General</u>	
	Public Safety	90,000
	Transfer	90,000
	<u>Emergency Telephone System Fund</u>	
	Wireline	90,000
<u>REVENUES</u>	<u>General</u>	
	Fund Balance Appropriation	180,000
	<u>Emergency Telephone System Fund</u>	
	Transfer from General Fund	90,000

Explanation:

The budget for Emergency Communications Department in the General Fund is currently 95.44% spent. Looking at spending patterns within the department I am recommending that we appropriate \$90,000 from fund balance to this department to prevent over spending the budget. Wireline expenditures in the Emergency Telephone System Fund are already 110% spent. Looking at spending patterns within the fund I am recommending that we appropriate \$90,000 from fund balance to transfer to this fund to prevent over spending within the wireline budget.

Upon a **motion** by Commissioner Clayton, and a **second** by Commissioner Bowes and majority vote, the Board of Commissioners of Person County does hereby amend the Budget of the **General Fund(s)** on this, the 4th day of June, 2007, as follows:

<u>Dept./Acct No.</u>	<u>Department Name</u>	<u>\$Amount</u> Incr/Decr(-)
<u>EXPENDITURES</u>	<u>General</u>	
	Public safety	2,169
	Transportation	48,865
	Human Services	113,504
	Economic and Physical Development	7,348
	Cultural & Recreational	14,477
	Contingency	(-) 7,348
 <u>REVENUES</u>	 <u>General</u>	
	Intergovernmental Revenues	113,504
	Other Revenues	65,511

Explanation:

Appropriate: jail concessions receipts \$2,169; insurance proceeds to repair transportation vehicle \$959 and pump at airport \$47,906; raises for Cooperative Extension \$7,348 from Contingency (-)\$7,348; donation to recreations \$13,626 and public library \$851; new and adjusted grants to Health \$1,750 and Social Services \$111,754.

MANAGER'S REPORT:

Discussed General Assembly bills/actions
 Senate bill on solid waste – deserves watching
 Bills which create tax waivers
 Wireline/wireless – combination of fees
 Chairs of SPC met with Dr. Johnson & Ron Fisher – reviewed summary-draft document
 by end of month – focus groups will meet again – will be finished by end of summer – Phase 3-
 will be how to fund high priorities

COMMISSIONER REPORTS/COMMENTS:

Commissioner Clayton reported that the Public Hearing on the proposed reclassification of Deep Creek held at Helena Elementary School Auditorium met with no opposition.

RECESS:

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Clayton and **carried** to recess the meeting until Thursday, June 7, 2007 at 10:00 a.m. at which time a budget work session will take place. The meeting recessed at 8:15 p.m.

Faye T. Fuller, CMC
Clerk to the Board

Johnny Myrl Lunsford
Chairman