

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

April 16, 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, April 16, 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.

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to add discussion of renaming Branscome Road to the agenda.

INFORMAL COMMENTS:

Flora Peed – Opposed any expansion of the landfill.

Frances Blalock – Spoke on behalf of PC Pride. Asked Board to defer any decision until PC Pride presents its proposal to the Board.

Betty Blalock – Spoke of mercury emissions in Person County, which are the highest in the State.

Mary Holden – landfill is stinking mess – concerned about traffic, trash on highways.

Margaret Oakley – Concerned about traffic, well water, trash.

W. A. Wilkins - Encourage SWAC to come forward with its plan – voices need to be heard – expansion as economic development has a different type of price tag attached – hoped Board of Commissioners will put more emphasis on recycling - recycling is a key to economic development.

APPROVAL OF MINUTES:

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Bowes, and **carried** to approve the minutes of April 2, 2007.

ADMINISTRATIVE REPORTS:

The following Administrative Reports were unanimously accepted by the Board by motion of Commissioner Yarborough and second by Commissioner Clayton: Emergency Medical Services, Inspections, Public Library.

OLD BUSINESS:

A **motion** was made by Commissioner Yarborough, and **seconded** by Commissioner Puryear to re-name Branscome Road to FARM ROAD.

Commissioner Bowes said that at the last Board meeting, it was decided that the Commissioners would name the road – a neutral name. The name offered by Commissioner Yarborough would be the same as the original proposed name.

A **substitute motion** was offered by Commissioner Clayton and **seconded** by Commissioner Bowes that the matter be deferred until the next meeting on May 7, 2007 and that the Planning Director be directed to bring back to the Board a list of proposed names. The motion carried by a 3/2 vote. Commissioners Yarborough and Puryear cast the dissenting votes.

PRESENTATION OF ISSUES RELATIVE TO PUBLIC SAFETY AND BUDGETARY NEEDS:

Kenneth Rickman – Related to the Board events which occurred at his residence on March 29, 2007 which resulted in a call to 9-1-1. Concerned about time it took law enforcement to respond; number of deputies on duty that evening. Asked that Sheriff have a listed home phone number. Asked that deputies be paid more per the MAPS study.

PRESENTATION OF UPDATE ON CURRENT EVENTS WITH THE UPPER NEUSE RIVER BASIN ASSOCIATION:

Chris Dreps, UNRBA Coordinator, presented a side presentation to update the Board on current issues with the Upper Neuse River Basin Association.

PRESENTATION OF UPPER PIEDMONT ENVIRONMENTAL LANDFILL UPDATE:

Ed Joran, Business Development, Republic Services, gave the following presentation to the Board.

In 2006, the tenth year of Republic's successful public/private partnership with the County, the Upper Piedmont Environmental Landfill operated at near the annual permitted capacity of 240,900 tons. However, there are several market factors at play that bring me here to ask the Board to begin the process of evaluating the county's future waste disposal options which would include Republic's proposal to expand the landfill. Why is Republic seeking a disposal capacity and service area expansion and why now? There are four major reasons. The first answer deals with disposal life and capacity. The end of the disposal life of the landfill is approaching ten years. Local and state approvals, zoning, permitting, franchising, etc. take a significant amount of time. Now we believe that will run four to six years depending on new

legislation being considered in Raleigh. Also, the Board of Commissioners addressed the issue of the county's future solid waste management two years ago but no action was taken at that time. The end of the disposal life of the landfill is now two years closer without significant progress towards a long term solution. Also the landfill operated at nearly full capacity in 2006, approximately 98%. With the current permitted disposal capacity, the landfill was required to turn away tonnage from both Franklin and Vance counties during the fourth quarter of 2006 that it could have accepted if we had a large capacity permit. The disposal commitments for that tonnage had to be sent to alternate disposals locations and under those contractual terms, that tonnage will not be available to Upper Piedmont until the summer. The result of the redirecting of that waste is that Upper Piedmont is now operating below capacity with correspondingly, of course, lower host fee payments being made to the county.

The second answer that I offer for our reason for being here today is the proposed legislation that was touched on briefly earlier today. Since the landfill moratorium was imposed last August, the Department of Environment and Natural Resources, which we know as DEHNR, and others have been busy drafting proposed legislation that would greatly increase the cost of constructing an expansion and a time period for gaining State and local approvals for expansions. Specifically the proposed legislation does the following: 1. It imposes significant cost increases governing landfill design, construction and operating requirements. 2. It imposes significant permitting requirements that will increase the time it takes to receive design, construction, and operating permits for both new landfills and existing landfills seeking an expansion. Republic believes it is in our best interest to try and complete an expansion process before these expensive and time consuming requirements are adopted. 3. The third answer that brings us here today is the dwindling waste supply options. Dwindling waste supply options in the landfill's existing service area may limit future hosting revenues for the county. While the landfill operated at near full disposal capacity in 2006, the amount of additional solid waste tonnage available for an expanded landfill operation is rapidly declining for the following reasons among others – The new south Wake County landfill in Holly Springs is under construction and probably will open about the end of the year. The new Charlotte-Halifax-Mecklenburg Regional Landfill in Virginia is under construction and it also will open next year. This will reduce the significant potential tonnage that could have otherwise have gone to the Upper Piedmont Landfill. That landfill will have a forty plus life. Another example, even though the current Person County Upper Piedmont contract does not allow accepting tonnage from the City of Durham, this solid waste tonnage source is very important in maximizing, the maintaining capacity and hosting revenues in the future. The close proximity of the City of Durham would enable Republic to be very competitive in bidding for the city's tonnage. Another example is Orange County, which has decided to build a transfer station to ship their solid waste tonnage out of the county in the next few years when their existing landfill is closed. Since Orange County is contiguous with Person County, again Republic would be very competitive in bidding for Orange County's tonnage. The fourth answer concerns economic benefits, and I would ask that you look at the handouts you have in your package. The first one to look at is the 2006 host fees and for the year 2006, the host fees totaled \$447,140. The annual recycling payment that is also made of \$25,000 is added to the host fee total was \$472,140. Estimated host fee revenues of Upper Piedmont, operated at a daily permitted capacity of 1500 tons, the host fees would amount to nearly \$1.2 million or over 2 ½ times the current host fees received by the county. Similarly, you will see the estimated host fee revenues of Upper Piedmont operated at a

daily permitted capacity of 1,750 tons, the host fees going to the county could exceed \$1.4 million a year.

There are additional significant economic benefits that Republic brings to our partnership with Person County. These are in place now. Increasing the Upper Piedmont landfill daily solid waste capacity would not require an increase of Person County infrastructure cost, for example the cost increases for police, fire, water and sewer and road construction services. Also Upper Piedmont, as we have in the past and continue, would not seek any tax incentives from the county which you commonly have with other businesses coming to the county. Also, it should be pointed out, this would allow the County commissioners to secure a new long term contract of disposal arrangements with Republic. For residents that assures that host fee revenues and recycling revenues will continue for the duration of the new contract term and eliminate disposal cost associated with shipping waste outside the county if the landfill was no longer available.

As you can readily see, the public/private partnership between Person County and Republic has stood the test of time, proving to be a mutually beneficial arrangement for both partners over the past ten years. Republic is requesting the following from the Board of Commissioners today: 1. In order to evaluate an expansion of the landfill, the county in conjunction with Republic, must perform a series of steps including zoning analysis, an alternative sites study and a socio-economic study. The studies are required by North Carolina General Statutes. 2. If the county concludes that an expansion is appropriate based on those studies, Republic and the county would then discuss the size of the proposed expansion and the related host agreements. Therefore, in conclusion today we are simply requesting that the Board ask the County Manager to 1. Begin the process of evaluating the county's future disposal options which would include zoning, evaluations, the alternative sites study and the socio-economic study and an evaluation of Republic's proposal. 2. Ask the County Manager to return to the Board with an update on the request at the next Board meeting.

Thank you for your time and attention and for allowing me to present Republic's landfill expansion proposal.

Commissioner Yarborough asked Mr. Joran to explain how 834 tons per day fits within the 660 tons per day.

Mr. Joran explained that the way landfill permits are drawn, they are based on 365 days per year. So it is 660 tons times 365 days which equals 240,900/tons/year. But since Republic does not operate 365 days a year, only 286 days/year, so that enables Republic to take in 834/tons/day/286 days per year.

Mr. Joran said the County, by law, is required to conduct the required studies regarding an expansion, but the county had the option of doing the studies parallel, or in conjunction with Republic, which would conduct the various studies anyway.

A **motion** was made by Chairman Lunsford to take the information under advisement and ask the County Manager to come back at the next meeting with any information that the Board might need to take action on. The **motion died** for lack of a second.

County Manager Steve Carpenter agreed that the law requires that this is a county responsibility; however, the county has never done this work in the past. In the past the permittee prepared report, the County conducted a Public Hearing and then did or did not approve the application. This new change which is precipitated by new legal counsel for Republic. He said if the county takes responsibility for the studies, the Board must have commitment to properly address all issues. He suggested that if the County accepts the responsibility for the studies that the Board look towards some protection to assure that the data is valid.

Mr. Carpenter suggested that the Board grant him, County Engineer Paul Bailey and Ron Aycock, County Attorney an opportunity to figure out what the liabilities are along with the cost and an appropriate approach. He asked that they be given until May 7 to determine all the factors involved.

Commissioner Puryear asked that the County Attorney review the current contract for compliance and report those findings back to the Board.

Mr. Joran said he would be available to meet with the County Attorney and the County Manager to explain the process which needs to take place.

PRESENTATION OF PUBLIC HEALTH MONTH PROCLAMATION:

Becky Nowachek, Health Educator, appeared before the Board to present the Public Health Month Proclamation for 2007. April is Public Health Month and she said the focus of the month is on preparedness and public health threats. Awareness kits have been made available to the public. New health partners were also recognized by the Health Department.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Yarborough and **carried** to approve the Public Health Month Proclamation 2007.

Public Health Month Proclamation 2007

Whereas, most Americans remain largely unprepared for a public health emergency;

Whereas, only a small percentage of Americans have any plans in place to respond to the next emergency, whether natural or man made;

Whereas, emergency preparedness for some of the nation's most vulnerable populations – including mothers with young children, hourly-wage workers, and people with chronic illnesses – is an even greater challenge;

Whereas, the nation's most vulnerable populations – the poor, young, elderly and chronically ill – are often impacted disproportionately by public health emergencies;

Whereas, local, state and federal governments along with numerous other organizations are making every effort to educate Americans about what they need to do to prepare for the next emergency;

Whereas, comprehensive and coordinated plans should be in place at schools, daycare centers and homes to safeguard children from health emergencies;

Whereas, America's working men and women are entitled to a secured livelihood and a safe and healthy work environment in the event of an emergency;

Whereas, all communities must plan in advance to ensure their residents can respond effectively to a public health emergency;

Now, Therefore, the Person County Board of County Commissioners proclaim April 2007 *Public Health Month* and commend this observance to all our citizens.

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

PROCLAMATION FOR WEEK OF THE YOUNG CHILD:

A **motion** was made by Commissioner Yarborough, **seconded** by Chairman Lunsford and **carried** to approve the following Proclamation for Week of the Young Child.

*PROCLAMATION
WEEK OF THE YOUNG CHILD*

WHEREAS, the Week of the Young Child is sponsored nationally by the National Association for Education of Young Children and locally spearheaded by the Person County Partnership for Children; and

WHEREAS, Person County held its first Week of the Young child celebration in 1995 and the event has experienced tremendous growth over the years. The purpose of the week long celebration is to promote community awareness of the issues which affect young children and families, to let the community know what resources are available to children and families, and to promote families spending quality time together.

NOW, THEREFORE, the Person County Board of Commissioners does hereby proclaim the week of April 17-21, 2006 as Week of the Young Child in Person County and encourages all citizens to participate in the week long activities.

Johnny Myrl Lunsford, Chairman
Person County Board of Commissioners

Faye T. Fuller, CMC
Clerk to the Board

PROCLAMATION FOR NATIONAL LIBRARY WEEK:

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

National Library Week 2007 Proclamation

WHEREAS, our nation's public, academic, school and specialized libraries transform their communities;

WHEREAS, libraries play a vital role in supporting the quality of life in their communities;

WHEREAS, librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in the 21st century;

WHEREAS, libraries are part of the American Dream – places for opportunity, education, self-help and lifelong learning;

WHEREAS, libraries bring you a world of knowledge both in person and online;

WHEREAS, libraries are a key player in the national discourse on intellectual freedom, equity of access, and narrowing the “digital divide;”

WHEREAS, libraries, librarians, library workers and supporters across America are celebrating National Library Week with The Campaign for America's Libraries.

NOW, THEREFORE, be it resolved that the Person County Board of Commissioners do hereby proclaim National Library Week, April 15-21, 2007. We encourage all residents to visit the library this week to take advantage of the wonderful library resources available and thank their librarians and library workers for making information accessible to all who walk through the library's doors. Come see why now is the perfect time to come together @ your library.

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

APPOINTMENTS TO OPC MENTAL HEALTH BOARD:

Tina Williams was the only applicant to fill an unexpired term ending December 31, 2009 on the Orange-Person-Chatham Mental Health Board. Ms. Williams appeared before the Board and told the Board that as CEO of Roxboro Family Medical and Dental Center she would like to promote mental health services through the Center. She said both medical and dental services were provided to the community effectively, but there was a substantial need for improvement in the area of mental health.

All Board members felt that Ms. Williams would be an asset to the OPC Mental Health Board.

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to appoint Tina Williams to fill an unexpired term ending December 31, 2009 on the OPC Mental Health Board

APPOINTMENT TO JUVENILE CRIME PREVENTION COUNCIL:

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to appoint Julie C. Boyer to a two-year term on the Juvenile Crime Prevention Council.

BUDGET AMENDMENT:

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 16th day of April 2007, as follows:

<u>Dept./Acct No.</u>	<u>Department Name</u>	<u>\$Amount</u> Incr/Decr(-)
<u>EXPENDITURES</u>	<u>General</u>	
	General Government	154,195
	Public Buildings & Grounds	10,342
	Public Safety	99,049
	Transportation	147,894
	Human Services	45,439
	Environmental Protection	3,598
	Economic and Physical Development	2,698
	Cultural & Recreational	13,101
	Transfers	8,993
	Contingency	(-) 294,037
	<u>Person Industries Fund</u>	8,913
	<u>Reappraisal Fund</u>	(-) 3,059
 <u>REVENUES</u>	 <u>General</u>	
	Intergovernmental Revenues	153,233
	Other revenues	18,691
	Fund Balance Appropriation	19,348
	<u>Person Industries Fund</u>	
	Intergovernmental Revenues	(-) 80
	Transfer from the General Fund	8,993
	<u>Reappraisal Fund</u>	
	Transfer from the General Fund	(-) 3,059

Explanation:

Appropriate: Transportation Grant funds to purchase new buses \$131,223; Insurance Contingency appropriation for insurance charges in various departments \$294,037 insurance proceeds to repair vehicles \$18,209 (Sheriff-\$13,608, EMS-\$1,729, Animal Control-\$500; Transportation-\$1,382 & Health \$990); fund balance for two-Station VFD's incorrectly budgeted in original budget \$18,915; transfer part-time salaries in Reappraisal Fund to Tax Administration in General fund \$3,059; adjust ROAP transportation appropriations to match final grant amounts (-) 353 in General Fund, (-) \$80 in PI Fund and correct original budget appropriation within DSS (increases DSS appropriation by \$433 from Fund Balance); new ESMM (Eat Smart Move More) Grant in Health Department \$12,216; additional Family Planning Grant \$3,375; and additional State Library funds \$6,772;donation to Library \$482.

CHAIRMAN'S REPORT:

Week of the Young Child – Chamber of Commerce Breakfast – April 25
Health Department Breakfast attended

MANAGER'S REPORT:

- * Thank you letter to editor from the Games' for quick response and action by Fire Marshal Gentry and certain volunteer fire units which resulted in their home being saved from a total loss due to a fire.
- * Report from Leigh Woodall included in packet – Evaluation of Solid Waste Convenience Sites for Person County
- * Budget process taking place
- * Library new carpet in place
- * At year end 2006 some school capital projects were going to be financed and some projects were tied to lottery money. There is less lottery money than anticipated. Carpet and video camera equipment at high school are two high priority items. Other items that cannot be done within available funds will be prioritized for next year's funding. Suggested Superintendent Bugnar prioritize projects and begin process.

*** **Wireless Contracts** – Continue with ESINC buying surplus power on county server – contract has been drafted outlining that ESINC will buy and pay for 1/3 of service – public notice of lease will be posted with the existing operator and make this contract official. Contract will expire until 2012. A motion was made by Commissioner Clayton, seconded by Commissioner Bowes carried to execute the Wireless Contract with ESINC for purchase of surplus bandwidth capacity effective April 1, 2007 at a monthly cost of \$483.00.

COMMISSIONER COMMENTS/REPORTS:

Commissioner Puryear – May 8, 2007 SWAC Public Forum at Roxboro City Council Chambers at 12 noon. Realize primary function of government is the protection of citizens. Mr. Rickman is passionate about increasing law enforcement. A need does exist and feels the Board will be able to work with Sheriff to accommodate that need.

Commissioner Clayton – NCACC Board Meeting on Wednesday – Legislative issues – Impact fees/land transfer tax – Attended Regional meeting in Orange County – Hopes PC Pride will bring a proposal soon - Letter re: response to fire – Fire Marshal Gentry doing a good job. – Complimented Leigh Woodall on report on convenience sites – Reminded Board of County Assembly Day in Raleigh on May 2nd.

Commissioner Yarborough – mentioned Land Transfer tax – not be favorable in Person County. Mr. Rickman's commented re: MAPS study – study showed Sheriff's deputies were underpaid; they were given raise and are paid fairly. – Looking forward to SWAC public forum.

CLOSED SESSION:

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Yarborough and **carried** to go into Closed Session at 11:35 a.m. pursuant to G.S. 143-318.11(5)(i) -Property Acquisition in/around the Person County Executive Airport.

The Board returned to Open Session at 11:45 a.m. There was no public statement.

ADJOURNMENT:

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Clayton and **carried** to adjourn the meeting at 11:50 a.m.

Faye T. Fuller, CMC
Clerk to the Board

Johnny Myrl Lunsford
Chairman