

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

March 12, 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, March 12, 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 HEARING: 7:00 p.m.

Public Hearing on Whether the County of Person, North Carolina Should Acquire Certain Property for Use by the Person County Schools System

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 March 12, 2007.

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

Absent: None.

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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 County should acquire, to the extent necessary, the fee or any lesser interest in the real and personal property included in the Project hereinafter defined, including specifically the site of the new school bus garage/maintenance facility , for use by the Person County Schools System in order to proceed with a plan by the County and The Person

County Board of Education (the “Board of Education”) for the financing of the cost of the Project.

The Project consists of the design, construction and furnishing of a new school bus garage/maintenance facility to be located 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 “Project”). The site is identified by the Person County Tax Office with Parcel ID Number 15702.

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

The Finance Officer of the County (the “Finance Officer”) then described the current plan of the County to finance the cost of the Project. The Finance Officer noted that, if bids for the construction of the bus garage portion of the Project are received as expected, it will prohibit the construction of a maintenance facility as a part of the Project to be financed. If building plans allow for the construction of a maintenance facility as an addition to the bus garage, then a maintenance facility may be considered in the future.

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.

Gordon Powell, Chairman of the Person County Board of Education, residing at 299 North Ridge Circle, Roxboro, NC, who appeared in person and thanked the Board of Commissioners for considering the purchase of the property. He said the Board of Education has looked for many years for property for a school bus garage. The Board feels this property is not only adequate, but in a good location, within the city limits, served by city fire and police, and readily accessible by public safety. There were cheaper parcels, but they came with a higher cost for water, sewer, and grading. This property can save at least \$500,000 or more. The project bottom line cost will be a cost savings to county.

Opposition: Bill Haywood, 2686 Leasburg Road, Roxboro, NC –Felt there is no reason to move the bus garage from its current location. Questioned what will be done with current property if garage operations are moved elsewhere. Speculated that current location is contaminated with oils and solvents and that it would costly to remove.

C. T. Hall, 975 Claude Hall Road, Roxboro, NC: Objects to paying out money for the land at fairgrounds site. Concerned that proposed facility will be on a main thoroughfare. Suggested Board of Education make renovations to current building.

Dean Brooks, 255 Carter Lane, Roxboro, NC – Since 2004 he has been in contact with the Board of Education and spent time discussing their need for property. He had

presented a number of options but never received response from Board of Education as to why his properties were deemed unsuitable. Maintained that there a plenty of vacant properties and buildings available to meet needs for a bus garage.

Charles Sams, 525 Mill Hill Road, Roxboro, NC – Discussed overcrowded conditions at Person High School and the fact that money would be needed in a few years to rectify the situation there. Suggested that as an alternative to building the proposed new garage facility that a less costly version be erected on the current site. Questioned what the Board of Education would do if the site were vacated.

Ronnie King, 690 Country Club Road, Roxboro, NC - Member of Board of Education for 12 years. He and Chairman Powell looked at 50-60 pieces of property to use as a school bus garage site; looked at every piece of property anyone mentioned. When bids first came in for cost of a new facility, grading costs became such that when this current property was offered, the savings will be significant. This property can accommodate later expansion. Per the last environmental impact study, the current property on which the bus garage is located, is environmentally safe unless something has changed within the last two years that the Board of Education has not been made aware of. He also said that projections do not justify building a new high school. Asked the Board of Commissioners to support the recommendation of the Board of Education to pursue the purchase of the fairgrounds property

Jimmy Wilkins, 457 White Oak Drive, Roxboro, NC –Board of Education, Vice Chairman - He, Mr. King & Mr. Powell and have looked at and toured many sites and cannot find property that is suitable for needs and that would justify the expense to fix. The Board of Education has done all it. The project is a necessity. The Board of Commissioners have been kept in the open about all activities of Board of Education.

Commissioner Jimmy Clayton: The total cost of the project will be less. Providing facilities re the county's responsibility and the county's only consideration is total cost of project – if it is a fair price. The Board of Education has brought the request to the Board for consideration.

Commissioner Puryear: It is not the Board of Commissioners job to decide which site, but its job to decide if it is good judgment to spend the tax dollars. He was not sure this is the best economical choice that can be offered. There are other options out there to save money. Over \$40,000 an acre is not a good choice. Also concerned about traffic.

Commissioner Yarborough: The Board of Education has done due diligence on the project. They have worked hard to bring the price of a new facility down. Convinced the Board of Education needs the property.

Commissioner Bowes: Proposed site has amenities and is the best site offered. Not the Board of Commissioners' responsibility to determine location, only if cost is reasonable.

Chairman Lunsford: Favored granting Board of Education request to purchase property. This proposal is the best one offered. The Board of Education has worked diligently to stay within cost restrictions and to find a suitable location for the bus garage.

Thereupon, upon **motion** of Commissioner Jimmy Clayton, **seconded** by Commissioner Lunsford, the Board of Commissioners determined to acquire, to the extent necessary, the fee or any lesser interest in the real and personal property included in the Project, including specifically the

site of the new school bus garage/maintenance facility, for use by the Person County Schools System in order to proceed with a plan by the County and the Board of Education for the financing of the cost of the Project. Such motion was approved by the following vote:

Ayes: Commissioners Johnny Myrl Lunsford, Jimmy B. Clayton, Larry E. Yarborough, Larry H. Bowes.

Noes: Commissioner Kyle W. Puryear.

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

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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 March 12, 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 as of a date not less than seven days before the date of said meeting in accordance with G.S. §143-318.12.

WITNESS my hand and the corporate seal of said County, this 12th day of March 2007.

(signed) Faye T. Fuller, CMC

Clerk to the Board of Commissioners

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

INFORMAL COMMENTS: None

APPROVAL OF MINUTES:

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Yarborough, and **carried** to approve the minutes of February 5, 2007.

ADMINISTRATIVE REPORTS:

The following Administrative Reports were received and accepted by the Board: Airport, Detention Center, Fire Marshal, Inspection, Person Industries, Public Library, Tax Administration & Collections.

CONSIDERATION OF LEGAL OPINION RELATIVE TO PETITION TO RENAME BRANSCOME ROAD:

County Manager Carpenter told the Board that questions had arisen at the February 19, 2007 meeting as how to count property owners on road re-naming petitions. County Attorney Aycock rendered an opinion which states that "property owners" means owners of property regardless of the number of parcels owned by an individual property owner. Thus the petition submitted by James & Susie Posig is valid as there are five property owners on Branscome Road and four of those property owners signed the petition. Since the County's petition form provides that once signed, a signature cannot be removed; the petition submitted with a date of 2003 is still valid.

County Manager Carpenter suggested that the time deadline for the submission of the petition to re-name Branscome Road be waived and a date for a public hearing on same be set for April 2, 2007.

Commissioner Yarborough suggested that the Road Naming Ordinance be amended to provide if a road has less than 10 property owners on a road, each owner would be personally notified. He asked the County Attorney to amend the Ordinance to reflect that change.

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Clayton to suspend the rules for the submission of the road-renaming petition to change the name of Branscome Road and that a public hearing be set for April 2, 2007 at 7:00 p.m. to consider the change. He further included in the motion that the County Attorney be instructed to amend the current Road Naming Ordinance to reflect the notification process.

REVIEW OF A PROPOSED MAJOR SUBDIVISION CONCEPT PLAN (HERON PARK) OFF OF SR 1102, RALPH WINSTEAD ROAD:

County Planner Paula Murphy appeared before the Board and stated that the Planning Board reviewed a request for a Major Subdivision Concept Plan (Heron Park) off of SR 1102, Ralph Winstead Road. The property consists of 226.32 acres and fifty-four (54) 20,000 square foot minimum lots are proposed. The owner is proposing to retain 121 acres to be used as farmland. The remaining 105 acres will be used for the subdivision. The property will be served by individual well and a community septic system. All roads will be built to NCDOT standards. The property is located on Hyco Lake.

The Planning Board reviewed the item at their February 15, 2007 meeting and recommended approval with staff comments in 7 to 0 vote with the following conditions:

1. The roads are to be constructed to NCDOT standards. Road construction plans are to be submitted to and approved by NCDOT. A copy of the approved road construction plans are to be submitted to the Planning Department. Subdivision entrance to be approved by NCDOT as well as the road construction. 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 be submitted with the road construction plan.
3. A road maintenance agreement is to be prepared, then reviewed and approved by the County Attorney prior to approval of the final plat.
4. Road name to be presented to the County for approval into the road system.
5. Wastewater treatment facility to be approved by the State. Documentation to be presented to the Planning Department prior to a Zoning Permit being issued.
6. Any other requirements per the Person County Subdivision Ordinance.

A **motion** was made by Commissioner Bowes, **seconded** by Commissioner Puryear and **carried** to approve the Major Subdivision Concept Plan (Heron Park) with the six conditions as outlined.

CONSIDERATION OF A VARIATION REQUEST FOR A FLAG LOT BY VISION FINANCIAL CREDIT UNION OFF OF US 501 SOUTH:

County Planner Paula Murphy informed the Board that the Planning Board at their February 15, 2007 meeting reviewed a request for a variation to the Subdivision Ordinance to allow a flag lot for Vision Financial Credit Union for a 1.73 acre lot off of US 501 South.

John and Julia James own two parcels along US 501 South, Durham Road that have access across the Norfolk Southern Railroad tracks. One parcel consists of 7.278 acres and is used as The Home Place (manufactured home dealer). Presently it is shown as 18.62 percent impervious surface. The second tract consists of 10 acres and is used for overflow homes from the Home Place business. Access to both lots is through a leased area that has been granted to the James' by the railroad. Vision Financial Credit Union is seeking to cut off 1.73 acres in total from parts of the two tracts in order to establish a credit union.

Several issues occurred when trying to subdivide the property for the credit union. Access to the site is through a lease with the railroad and it is exclusively for Mr. and Mrs. James. The developer is stating that the railroad has agreed to sell a 50' x 100' strip across the railroad tracks to the credit union. Should this occur as shown it would create a flag lot per the Subdivision Ordinance. This would also require an easement to the James' property so that they would have legal access to their property. It is also necessary for the James' to sell a .10 acre parcel (shown as Tract B) to Vision in order for the newly created lot to have road frontage.

Vision Financial Credit Union is seeking a variation to the Subdivision Ordinance to allow the flag lot in order to create the lot for the proposed credit union.

Ms. Murphy stated that one of the major concerns of the Planning Department would be the proposed development of the remainder of the property, if any, and whether this one subdivision as proposed, will hinder any future development. US 501, currently has over 21,000 vehicles per day and careful consideration needs to be given to access points along this road. The Land Use Plan addresses this concern in several areas. One implementation strategy was to adopt an overlay district for all major corridors, which establishes additional requirements for setbacks, buffering and access.

The Planning Board reviewed this item at their February 15, 2007 meeting and voted 6 to 0 to recommend approval of the flag lot.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Puryear and **carried** to approve the variation to the Subdivision Ordinance to allow a flag lot for Vision Financial Credit Union.

CONSIDERATION OF A REQUEST TO ADD ADDITIONAL LAND TO AN APPROVED SUBDIVISION (NORTHWOOD) OFF OF ROYSTER CLAY ROAD:

County Planner Paula Murphy told the Board that on May 5, 2003, the Board of Commissioners approved the Northwood Subdivision off Royster Clay Road for twenty (20) one acre minimum lots. The developer has bought an adjacent parcel that he would like to incorporate into the subdivision. There would be no increase in the number of lots, in fact, there are only 19 lots proposed. The additional acreage will be shown as Lots 4 and 5. A stream is located where the proposed road would go in; therefore, due to the stream the number of lots would be reduced to nineteen.

A **motion** was made by Commissioner Bowes, **seconded** by Commissioner Puryear and **carried** to approve the request to add additional land to the Northwood Subdivision.

PRESENTATION OF OPC LOCAL BUSINESS PLAN:

Judy Truitt, Area Director OPC Mental Health, appeared before the Board to present the OPC Local Business Plan. She told the Board that it is mandated that this Plan be submitted to the Division of Mental Health by March 31, 2007. She said the primary focus of the plan will be the design and implementation of the local management entity for each catchment area. The new plans are expected to contain specific information regarding the six local management functions of: Governance & Administration, Business Management & Information Management, Provider Relations & Development, Customer Service & Community Planning, Care Management and Quality Management.

For each function OPC's plan will provide the following specific information: Mission Statement, Purchaser standards, Current Operations, Strategic Objectives, Resource Allocation and Business Rules.

Commissioner Clayton complimented Ms. Truitt on the tremendous job she has done in the past year.

A **motion** was made by Commissioner Clayton, **seconded** by Chairman Lunsford and **carried** to approve the OPC Mental Health, Developmental Disabilities and Substance Abuse Authority Local Business Plan 2007-2010.

CONSIDERATION OF RECOMMENDED PROJECTS FOR INCLUSION IN THE TIP PROGRAM:

Leigh Woodall presented the following projects in their respective order of priority approved by the joint Roxboro/Person County Thoroughfare Advisory Committee. No project from Person County is to be submitted to NCDOT with a higher priority than R-2241, the four laning of US Hwy. 501 from Roxboro to the Virginia State line. The projects are listed as follows:

- Priority #1** R-2241 to Multi-lane US 501 north of Roxboro to the Virginia State line.
- Priority #2** Younger Road Extension which extends SR 1346 from Chub Lake Road to Carver Drive
- Priority #3** R-2585 (3.5 miles) to Multi-Lane US 158 to the south side of Roxboro from near Old Durham Road east of Roxboro to Dee Long Road west of Roxboro
- Priority #4** R-3609, US 501, Eastern Roxboro Bypass from south of Roxboro near intersection of Old Durham Road to NC Hwy. 49 north of Roxboro
- Priority #5** U-0071, Durham East End Connector linking Durham Freeway (NC Hwy. 147) to US Hwy. 70 in Durham County.

Mr. Woodall pointed out that Priority #5 has not been funded to date.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton and **carried** to approve the five priorities as outlined and that the Chairman be granted authority to execute a letter to Kerr-Tar COG outlining the projects.

CONSIDERATION OF REVIEW OF BOARD AND COMMITTEE APPOINTMENT PROCESS:

Commissioners Puryear and Yarborough led a discussion relative to the current Boards, Committees and Commissions appointment process. Both agreed that the Board should do due diligence when appointing members to the various boards, committees and commissions and that a more formal process should be developed.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Yarborough that the current appointment process be reviewed.

Commissioner Puryear suggested that applicants for certain boards be required to appear before the Board of Commissioners to explain why they would like to serve on the particular board. That would give the Board an opportunity to ask questions of the applicant regarding what contributions he could make to the board to which he has applied and if he has previously served on the board, and what contributions he has already made to that board. That process would enable the Commissioners to have a better understanding of board appointees.

Commissioner Puryear proposed that applicants for the following fourteen (14) boards be subject to the interview process: ABC Board, Airport Commission, Board of Adjustment, Board of Health, Economic Development Commission, Person/Caswell Lake Authority, OPC Mental Health Board, Piedmont Community College Board of Trustees, Planning Board, Recreation Advisory Board, Social Services Board, Solid Waste Advisory Committee, Tourism Development Authority, Thoroughfare Advisory Committee.

Commissioner Puryear further **moved**, and the motion was **seconded** by Commissioner Yarborough that the following inactive nine (9) committees be deleted: American Disabilities Act Advisory Committee, Citizens Task Force on Education, City/County Water and Sewer Committee, Committee for Aging Profiles, Convenience Center Committee, Geographic Information System (GIS), Loan Review Committee, Museum of History Board, and Roxboro Development Commission.

A **substitute motion** was made by Commissioner Clayton, seconded by Commissioner Yarborough and **carried** to divide the motion to address the deletion of certain inactive committees.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Puryear and **carried** to eliminate those inactive committees as outlined by Commissioner Puryear.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Yarborough and **carried** to revise the current appointment process for boards, committees and commissions for the fourteen (14) committees as outlined by Commissioner Puryear.

CONSIDERATION OF REQUEST FOR A MEETING WITH FARM BUREAU BOARD OF DIRECTORS:

Commissioner Clayton told the Board that the Farm Bureau Board of Directors had extended an invitation to the Board of Commissioners to a joint dinner meeting. The Board of Directors indicated they wanted to have an opportunity to meet and visit with the Board to let them know about current farming operations and issues involved with same.

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to meet with the Farm Bureau Board of Directors for a dinner meeting on at the Pizza Hearth on March 19, 2007 at 7:00 p.m.

CONSIDERATION OF APPOINTMENTS TO REGIONAL AGING ADVISORY COUNCIL AND JCPC:

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Clayton and **carried** to appoint Herb Harris and Phyllis Sutton to three-year terms ending June 30, 2010 on the Regional Aging Advisory Council.

A **motion** was made by Chairman Lunsford, **seconded** by Commissioner Clayton and **carried** to appoint Trevie D. Adams to a three-year term, ending June 30, 2010 on the Juvenile Crime Prevention Council.

CHAIRMAN'S REPORT: None

MANAGER'S REPORT:

Reminded Board that Monday, March 19, 2007, is Local Government Day
Special Bill for Community College has been introduced by Rep. Winkie Wilkins
Meeting with Local Government Commission next week
Board of Elections Project is progressing with expected move to new building in May
Bill filing date in Legislature – March 20, 2007

COMMISSIONER REPORTS/COMMENTS:

Commissioner Yarborough - EDC meeting at 10:00 tomorrow, March 13, 2007
Commissioner Puryear – reported on trip to Washington for the NACo Legislative Conference which he and Commissioner Yarborough attended. He met with a Rep. Burr with whom he spoke about improving technology in schools. Rep. Burr suggested he contact the Gates Foundation for possible funding assistance.

ADJOURNMENT:

A **motion** was made by Chairman Lunsford, **seconded** by Commissioner Clayton and **carried** to adjourn the meeting at 9:30 p.m.

Faye T. Fuller, CMC
Clerk to the Board

Johnny Myrl Lunsford
Chairman