

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

February 5, 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, February 5, 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 HEARINGS: 7:00 p.m.

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

#1 - CLOSEOUT PUBLIC HEARING –CDBG GRANT #02-C-0964

Dera Adair, CDBG Grants Administrator, Kerr-Tar Regional Council of Governments, appeared before the Board and presented the following information on the closeout of Grant # 02-C-0964. Ms. Adair said the Public Notice is required by NCAC 19-L and the Community Assistance for the closeout of Grant # 02-C-0964, Scattered Site Housing Grant. No equipment was purchased, therefore, no property disposition. \$360,510.08 was spent as shown on the Certificate of Completion. \$39,489.92 was returned and out of that amount \$15,282.18 was Administrative funds not used. Only \$14,000 remained which was not enough to do a rehab house and urgent repairs were not allowed under this grant; therefore, the remaining funds were returned to the state.

Of the \$40,000 budgeted for Administration, only \$24,717.82 was spent; \$14,000 was budgeted and spent in Clearance activities. One household with three people was benefited in the Clearance. In Relocation, \$76,000 was budgeted and \$69,382.24 was spent. In Rehab of private houses there was a budget of \$270,000 and \$252,410.02 was expended.

Ms. Adair asked if there were any questions. There were none.

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

PUBLIC HEARING #2:

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

COMMUNITY TRANSPORTATION PROGRAM APPLICATION

In the absence of PATS Director Gerald Lunsford, County Manager Carpenter explained to the Board that this is the second public hearing held on the proposed Community Transportation Program Application to be submitted to the North Carolina Department of Transportation. State advertising requirements changed and required that project costs be identified in the notice when published. To comply with the rule change, a second public notice was published in the paper with general circulation and the Total Funding Request of \$357,716 with a Total Local Share of \$42,248.30 was advertised. There were no other changes.

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

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes and **carried** to authorize the submission of the Community Transportation Program Application.

DISCUSSION/ADJUSTMENT OF AGENDA:

A **motion** was made by Commissioner Clayton, seconded by Commissioner Bowes and **carried** to add discussion of appointment of an Animal Cruelty Investigator and a Mental Health Board appointee.

INFORMAL COMMENTS:

Mitch Pergerson, Director of Recreation, Arts & Parks – Recently notified of award given by the *Racquet Sports Industry*/American Sports Builders Association 2006 Distinguished Facility-of-the-Year Awards for construction of the four court complex at Person High School. The complex is a new project, complete with lights, player seating, shaded areas, and spectator viewing areas. Construction required extensive rock removal, including blasting holes for four of the light poles, and building concrete swales for drainage. The nomination was made by Court One, Youngsville, NC.

This was a joint project with the Person County Board of Education. Mr. Pergerson thanked the Board of Commissioners for funding the project.

APPROVAL OF MINUTES:

A motion was made by Commissioner Bowes, seconded by Commissioner Puryear, and carried to approve the minutes of December 18, 2006, January 8, 16, 2007.

ADMINISTRATIVE REPORTS:

The following Administrative Reports were received and accepted by the Board: Airport, Detention, Fire Marshal and Tax Administrator.

REVIEW OF PROPOSED MAJOR SUBDIVISION CONCEPT PLAN FOR LEGACY LAND GROUP OFF NC 57 AND BAREFOOT LANDING, AND A VARIATION TO THE ROAD REQUIREMENTS OF THE SUBDIVISION ORDINANCE FOR BAREFOOT LANDING LANE:

County Planner, Paula Murphy appeared before the Board and explained the request for the Major Subdivision Concept Plan was made by Legacy Land Group, LLC. The parent tract is a 39.4 acre parcel owned by Legacy Land Group LLC. The developer is proposing to cut 9.3 acres off which abuts NC 57, south of the power line as shown on the plat. Access to the site is off of NC 57, Rainey Ridge and Barefoot Landing Lane. The proposal as presented is to create 11 (15,000 square foot minimum) lots off of Barefoot Landing Lane, a Class A paved road. Per Section 75, the minimum size for lots with central septic systems is 15,000 square feet. These lots will all front on Hyco Lake. Roads within the subdivision will be built to NCDOT standards.

The property in question is located in Cunningham Township in a residential zoning district and shown on Tax Map A3, Parcel 36.

On October 12, 2006, a Special Use Permit for a cluster development was submitted by Neal Hamlett, surveyor, for property located off of Semora Road, NC 57, in the Cunningham Township. A Public Hearing was held on November 9, 2006 by the Planning Board. The developer decided to withdraw the SUP for the Cluster Development and proceed with a Major Subdivision proposal. The developer is still seeking a variation for the upgrade of Barefoot Landing. The lots will be served by individual well and community septic system. The property is presently vacant land that is partially wooded with some open land. A power line with a one hundred foot easement crosses the property. It is not located within a designated watershed and there are no flood areas on the property.

The developer is requesting a variation to the Subdivision Ordinance in not to be required to upgrade Barefoot Landing to NCDOT standards. Section 50-1(d) of the Subdivision Ordinance states that if a road is expanded it must be brought up to NCDOT standards. Section 71-1 allows a variation to those standards. A stub-out is shown for any future access that might be required if the adjacent tract is ever developed.

Planning Staff recommended that if this approval is granted, the following conditions be included:

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. Board to make a recommendation on the requested variation.

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 to be prepared, reviewed and approved by the County Attorney prior to approval of the final plat.
4. Road name to be presented to the County prior to approval of the final plat.
5. All other requirements of the Subdivision Regulations of Person County, North Carolina be met prior to submittal of the final plat.

The Planning Board reviewed this item at their January 11, 2007 meeting and made the following recommendation:

1. Recommended that a variation be granted for Barefoot Landing Lane because of the quality of Barefoot Landing (pavement) and that it meets all the requirements of the ordinance except for the vertical sight distance.
2. Recommended approval of the Major Subdivision Concept Plan with staff recommendations.

Both recommendations were approved by a 6 to 0 vote.

The Board had no questions for the developer.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Yarborough and **carried** to approve the request as presented with staff recommendations and Planning Board.

REPORT OF UNPAID TAXES THAT ARE LIENS ON REAL PROPERTY:

Russell Jones, Tax Administrator, as required by G.S. 105-369(a), reported unpaid taxes as of February 5, 2007. The unpaid taxes as of 5:00 p.m. this date were \$1.5 million on real estate for the 2006 tax year and 3,600 bills. He stated there is no one single bill unpaid, just small bills. He said these numbers were in line with previous years. He predicted a high collection rate for the end of the year.

ORDER FOR ADVERTISEMENT OF UNPAID REAL ESTATE TAXES:

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Clayton and **carried** to set the advertisement date for delinquent 2006 real property taxes as March 10, 2007.

ESTABLISHMENT OF DATE FOR BOARD OF EQUALIZATION AND REVIEW:

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Puryear and **carried** to set the date of April 2, 2007 at 1:00 p.m. with adjournment no later than 4:30 p.m. for the Board of Equalization and Review.

CONSIDERATION OF COST ESTIMATE FOR BOARD OF ELECTIONS/IT PROJECT:

County Manager Carpenter reviewed project details for the Elections/IT upfit project. A cost estimate of \$167,789 for the project was provided. Discussion ensued relative to change out of door frames for installation of solid core doors and electrical receptacles in the floor.

After discussion, the Manager was given authorization to execute a change order to facilitate the installation of drops in the floor for electrical receptacles. However, the Board recommended that the door frames not be changed to accommodate solid core doors.

CONSIDERATION OF ANIMAL CRUELTY INVESTIGATOR APPOINTMENT:

A **motion** was made by Commissioner Bowes, **seconded** by Commissioner Clayton and **carried** that Patrick Walters be removed as Animal Cruelty Investigator and that the Animal Control Director or the Sheriff of Person County be authorized to retrieve any County owned property (i.e. badge, manuals, ordinances, other documents) from Mr. Walters. The **motion further included** the appointment of Cathy Williams to the Animal Control Advisory Board . Ms. Williams is the new president of APS of Person County

This action follows action taken by the APS to remove Mr. Walters from the Animal Control Advisory Committee.

CONSIDERATION OF APPOINTMENT TO OPC MENTAL HEALTH BOARD:

A **motion** was made by Commissioner Bowes, **seconded** by Commissioner Clayton and carried to remove Mr. Patrick Walters as an appointee to the OPC Mental Health Board and that the vacancy be advertised.

CHAIRMAN’S REPORT:

None

MANAGER’S REPORT:

City-County Manager’s meeting Wednesday – Friday this week.
Board Retreat February 13, 2007 – 9:00 a.m. – Tricia’s Espresso

COMMISSIONER REPORTS/COMMENTS:

Commissioner Yarborough – Attended RPO meeting last week – No one from NCDOT was in attendance.

Commissioner Clayton – A bill has been introduced to cap Medicaid at present level and reduce Medicaid cost a percentage over a number of years

Commissioner Puryear – inquired about contact with Dr. Jim Johnson (County Manager will see him on Wednesday in Raleigh.

RECESS:

At 8:05 p.m. a **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes, and **carried** to recess the meeting until Tuesday, February 13, 2007 at 9:00 a.m. for a Board Retreat.

Faye T. Fuller, CMC
Clerk to the Board

Johnny Myrl Lunsford
Chairman