

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

JANUARY 4, 2010
OTHERS PRESENT

Johnny Myrl Lunsford
Jimmy B. Clayton
Kyle W. Puryear
B. Ray Jeffers
Samuel R. Kennington

Heidi York, County Manager
C. Ronald Aycock, County Attorney
Brenda B. Reaves, Clerk to the Board

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, January 4, 2010 at 6:15 p.m. in the Commissioners' meeting room in the Person County Office Building.

Chairman Lunsford called the meeting to order. The Board convened the meeting at 6:20 p.m. to go into Closed Session for the purpose of considering appointment of individuals through an informal interview process with applicants of competitive committee, boards, and commissions per General Statutes 143-318.11(a)(6). A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Kennington, and **carried** to enter Closed Session at 6:21 p.m.

Commissioners Puryear and Jeffers arrived at 6:35 p.m.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried** to return to open session at 6:40 p.m.

BOARDS AND COMMITTEES APPOINTMENTS:

Clerk to the Board, Brenda Reaves presented the Board with citizen applications for consideration to appoint to various boards and committees vacancies that were advertised in *The Courier-Times* on November 14, 2009 with a deadline to submit applications by December 22, 2009. Boards or committees with no applications received will be re-advertised.

** Shading denotes competitive committees/boards whereby applicants are subject to the informal interview process.

- Adult Care Home Community Advisory Committee
1-Year Initial Term; 3-Year Reappointment: 1 position available
No Applications Received
- Airport Commission
3-Year Term: 1 position available
 - 1) John Rimmington
 - 2) Michael Riley

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Kennington, and **carried** to appoint John Rimmington to the Airport Commission for a 3-year term.

- Home Health and Hospice Advisory Committee
3-Year Term: 1 position each representing
 - Physician
No Applications Received
 - Piedmont Community College
No Applications Received
- Juvenile Crime Prevention Council
Positions available include:
 - A representative of the Sheriff's Department for a 2 year term
 - 1) William Whitfield, Jr.
 - Chief Court Counselor for a 2 year term
 - 1) David R. Carter
 - Juvenile Defense Attorney for a 2 year term
 - 1) Julie Boyer Willaford
 - A representative of OPC Area Mental Health Authority for a 2 year term
 - 1) Corlis Green
 - Substance Abuse Professional for an initial 1 year term or a 2 year term reappointment
 - 1) Russell Knop
 - A member of the Faith Community for an initial 1 year term or a 2 year term reappointment
 - 1) Rev. Alfred Faulkner requests reappointment
 - A representative of United Way or a non-profit for an initial 1 year term or a 2 year term reappointment
No Applications Received
 - A representative of Parks & Recreation for an initial 1 year term or a 2 year term reappointment
 - 1) John Hill
 - Citizens At Large (1) position available for a 2 year term
 - 1) Trevie Adams
 - 2) Alisa Clayton

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers, and **carried** to reappoint the following citizens for a 2-year term: David R. Carter, Chief Court Counselor, Julie Boyer Willaford, Juvenile Defense Attorney, Corlis Green, OPC Area Mental Health Authority representative, Russell Knop, Substance Abuse Professional, Rev. Alfred Faulkner, Faith Community representative, John Hill, Parks & Recreation representative as well as to appoint William Whitfield, Jr., Sheriff Department representative. The Board considered the two applicants for the one citizen-at-large seat and by acclamation, Trevie Adams was reappointed for a 2-year term.

- Nursing Home Advisory Committee
1-Year Initial Term; 3-Year Reappointment; 2 positions available
No Applications Received
- Orange Person Chatham Area Mental Health Board
3-Year Term: 3 positions available
No Applications Received
- Region K Aging Advisory
3-Year Term: 1 position available
No Applications Received

At 6:47 p.m., Chairman Lunsford announced a recess until 7:00 p.m.

At 7:00 p.m., Chairman Lunsford called the meeting to order and asked Commissioner Clayton to lead in prayer and Commissioner Kennington to lead the Pledge of Allegiance.

PUBLIC HEARING:

REQUEST BY CROWN CASTLE INTERNATIONAL FOR A SPECIAL USE PERMIT TO CONSTRUCT A WIRELESS TELECOMMUNICATION TOWER ON LONGS STORE ROAD:

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers and **carried** to open the Public Hearing for the request by Crown Castle International for a Special Use Permit to construct a wireless telecommunication tower on Longs Store Road.

January 4, 2010

Planning Director, Paula Murphy stated the County has received a Special Use Permit request from Crown Castle International to construct a 250 foot wireless telecommunications facility within a 100x100 (10,000) square foot lease area approximately 452 feet from Longs Store Road on a 56+ acre parcel that will accommodate six carriers. A telecommunication facility is allowed with a Special Use Permit in a Rural Conservation Zoning District. The property in question consists of 56+ acres and is mostly open pasture land with some wooded areas. The area along Longs Store Road is primarily farmland and is not located within a Person County designated watershed and there are no one hundred flood areas. There are some streams located on the property.

Ms. Murphy noted the tower will be enclosed by a minimum six foot high chain link fence with three strands of barbed wire with a sixteen foot swing gate. The fenced area will be 4256 square feet with access to the site by a thirty foot access easement on a 12 foot wide gravel drive. The facility will contain an equipment pad and it will be unmanned but visited periodically for routine maintenance. Section 6Q of the Zoning Ordinance states “an access road, turn around space and parking space shall be provided to assure adequate emergency and service access”. Section 9(a) of the Ordinance states the applicant shall submit documentation justifying the total height of any tower, facility and/or antenna and the basis therefore. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the County to the extent practicable, unless good cause is shown. Ms. Murphy stated the County’s consultant will review the justification and give a report to the Board. Section 13, requires that any wireless telecommunications facility support structures shall be setback a distance equal to the height of the proposed tower plus 10 percent of the height of the tower or structure. The tower must have a fall zone of 275 feet. Section 7 lists the priorities for the placement of new telecommunication facilities as follows with (one) being the highest and (six) being the lowest priority: 1- on existing towers or other structures without increasing the height of the tower or structure. 2- on county owned property. 3- G-I zone. 4- RC zone. 5- R zone. The proposed site is on property zoned Rural Conservation, which is the fourth priority. Per Section 6(Z) a balloon test was held on Monday, April 13, 2009. Section 6-L requires a “zone of visibility map”. Photos from the balloon test held on April 13, 2009 are included in the document prepared by Crown Castle International.

Ms. Murphy stated on receiving the recommendation of the Planning Board, the County Commissioners shall consider the application and said recommendation and may grant or deny the Special Use Permit requested. The Special Use Permit, if granted, shall include such approved plans as may be required. In granting the permit, the County Commissioners shall find:

- 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) of the Zoning Ordinance states “The Planning Board shall provide a written recommendation to the Board of County Commissioners that addresses that the proposed amendment is consistent with the comprehensive plan, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of County Commissioners. Prior to adopting or rejecting any zoning amendment, the Board of County Commissioners shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and why such action is reasonable and in the public interest. The Person County Land Use Plan’s “Future Land Use Map” shows this area as Rural Residential/Agricultural. It is defined as low-density residential (single site-built and manufactured homes); agriculture, forestry, churches; very limited commercial, office, or public/institutional uses meeting locational criteria. The Land Use Plan states the need to provide high technology fiber optics to attract economic development.

Ms. Murphy stated should the Board decide to grant approval of the Special Use Permit, the following conditions should be included:

1. The tower shall have a finished height of no more than the permitted height above pre-construction grade.
2. The self support tower shall be completely constructed and ready for use no later than 24 months from the date of the Special Use Permit or the permit shall be deemed to have expired and of no use or effect.
3. Once Crown Castle Internationals has met all the conditions of the Building Permit and all requirements of the County Zoning Ordinance and a building permit is issued, they must notify the County’s consultant if an inspection is required which is not performed by the County.
4. Upon passing the final inspection, a recommendation to issue a Certificate of Occupancy shall be made.
5. At the completion of construction the Applicant must notify the County’s consultant and provide proof that all inspections have been satisfactorily completed and the project is ready for a final on-site inspection by CMS. Upon passing the final inspection a recommendation to issue a Certificate of Occupancy shall be made.
6. The Applicant shall have sufficient funds in the escrow account with the County to pay all expenses related to the application review and the issuance of permits.

7. Crown Castle International shall not be permitted to actually provide service commercially until the Certificate of Occupancy or its functional equivalent is issued or risk forfeiting its permit.

Ms. Murphy stated the Planning Board held a Public Hearing on December 10, 2009, and voted 7 to 0 to forward this item with a favorable recommendation to include staff comments and to include option one which requires the light to be shielded. The Board stated that the plan was in keeping with the findings of fact presented by the applicant.

Ms. Murphy introduced the County's consultant, Mr. Rusty Monroe and asked him to report to the Board his review of the application and to explain option one of the Planning Board's recommendation.

Mr. Monroe of the Center for Municipal Solutions (CMS) had the following comments and recommendations:

- A. Height: The County's Ordinance states: The maximum permitted total height of a new wireless telecommunications facility shall be one hundred twenty feet (120) and above pre construction ground level, unless it can be proven that such height would prohibit or have the effect of prohibiting the provision of service in the intended service area within the community. The maximum permitted height is not an as of right height, but rather the maximum permitted height, absent proof of the technological need for a greater height.

The applicant, Crown Castle, a tower company as opposed to a carrier, has not proven the need for the requested 250' height, as opposed to the 120' maximum permitted height in the County's Ordinance.

However, in light of the issue of the need for economic development in the County, especially in rural areas, and the demonstrated probably future usefulness of a tower in this general location, the County may wish to make an exception in this instance and avail itself of either of the possible options as set forth below. CMS recommended that a variance be granted on the 250' height request.

CMS expressly does **not** recommend denying the application for a new tower, as a tower is obviously needed in the general area, if only for economic development reasons, but for other reasons as well. The usefulness of a tower in this general area is further borne out of the Applicant's letter of October 5, 2009 wherein it states for the record that a "drive test" was done by Crown Castle and it was determined that in all probability a tower at this location would also be useable by several other carriers. Modeling information used to produce the maps showing that at least one carrier (i.e. AT & T Wireless) could use the tower.

Mr. Monroe recommended the following options:

Option 1: Grant a Special Use Permit for the tower height of 250' as requested, but require that the light that is required for such a height be shielded, pursuant to Section M(5) of the County's Ordinance, to wit:

Lighting: If lighting is legally required or proposed, the Applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations. For any Wireless Telecommunications Facility for which lighting is required under the FAA's regulations, or that for any reason has lights attached, all such lighting shall be affixed with technology that enables the light to be seen as intended from the air, but that prevents the ground scatter effect so that it not be able to be seen from the ground to a height of at least 12 degrees vertical for a distance of at least 1 mile in a level terrain situation. Such device must be compliant with or not in conflict with FAA regulations. A physical shield may be used, as long as the light is able to be seen from the air, as intended by the FAA.

Note that if the height of 250' is permitted, camouflaging such a structure would be an effort in futility, as no type of camouflaging would eliminate the visual impact. However, if the County wishes one alternative could be to require that the tower be designed to look lie something other than a communications tower, e.g. a landmark tower, a clock tower, etc.

Option 2: Grant a Special Use Permit for a height of no more than 199', which would preclude the need for lighting.

Lastly, it is recommended that, if permitted at any height, the Special Use Permit expressly state that the Special Use Permit is for Crown Castle and a building permit is not to be issued unless and until a carrier or other lessee of space on the tower makes application under Section H of the County's Ordinance and can prove that (i) it needs a tower at this location and (ii) proves the minimum height it would need, i.e. Section H. Requirements for an Application for the First Antenna to be attached to an approved Wireless Telecommunications Structure within the parameter of an Approved Special Use Permit. In other words, a Special Use Permit, if granted to Crown Castle, should be granted pursuant to North Carolina G.S. 150A-400.50.

Chairman Lunsford asked if there was anyone in the audience that would like to speak in favor of the request. Mr. Henry Campen, Attorney for applicant, Crown Castle, requested the Board to grant the Special Use Permit as well as grant the variance of the 120' standard to the 250' tower. Mr. Campen offered three witnesses to provide brief testimony in further support of the application.

Chairman Lunsford swore in the following three witnesses:

Mr. Kent Van Riper, principal with the national engineering firm of Kimley-Horn and Associates who was engaged to do the site engineering work for this project, submitted through his Affidavit of Crown Castle's compliance with every applicable provision of the Person County Wireless Telecommunications Facilities Ordinance and submit that the proposed facility meets all required specifications of the ordinance.

Mr. David Smith, MAI, SRA, NC State-Certified General Real Estate Appraiser, offered his opinion that the proposed use will not substantially injure the value of adjoining or abutting property and will be in harmony with the surrounding area.

Mr. Michael Beezley, a NC licensed professional engineer and consultant specializing in radio frequency engineering engaged by Crown Castle to examine the need for this tower specifically the site and height in which he testified to the Board and evidenced by the Affidavit Crown Castle's compliance with certain provisions of the Person County Planning Ordinance.

Mr. Campen confirmed to the Board that there were no concerns related to the conditions as recommended by the Planning Board. Mr. Campen stated the application complies with all the requirements of the Person County Ordinance and requested the Board's approval of the request. The application and exhibit book will be on file in the Office of Clerk and incorporated into these minutes by reference.

No one spoke in opposition of the request.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Puryear and **carried** to close the Public Hearing for the request by Crown Castle International for a Special Use Permit to construct a wireless telecommunication tower on Longs Store Road.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers and **carried** to approve the request by Crown Castle International for a Special Use Permit to construct a wireless telecommunication tower on Longs Store Road as recommended by the Planning Board including the seven conditions as outlined by Ms. Murphy as well as to include option one which requires the light to be shielded.

RETIREE RESOLUTION OF APPRECIATION:

Chairman Lunsford read and presented the following Resolution of Appreciation honoring county employee Janet Gentry on her retirement.

RESOLUTION OF APPRECIATION

WHEREAS, Janet Gentry has served the people of Person County in her capacity as a Processing Assistant IV at the Department of Social Services; and

WHEREAS, Janet Gentry has served the citizens of Person County with honor, integrity, sincerity and dedication, providing accurate, concise services for fifteen years, April, 1994 – December, 2009; and

WHEREAS, Janet Gentry has earned the respect and admiration of all who have known her and worked with her throughout her career; and

WHEREAS, the County of Person recognizes the many contributions Janet Gentry has made to the County and offers her sincere best wishes for her retirement.

NOW, THEREFORE, I, Johnny Myrl Lunsford, Chairman of the Person County Board of Commissioners, do hereby extend this Resolution of Appreciation to Janet Gentry for continually striving to make Roxboro and Person County a better place to live and work.

Adopted this the 4th day of January, 2010.

(signed)

Johnny Myrl Lunsford, Chairman
Person County Board of Commissioners

Attest:
(signed)

Brenda B. Reaves
Clerk to the Board

January 4, 2010

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton and **carried** to approve the agenda.

INFORMAL COMMENTS:

There were no comments from the public.

APPROVAL OF MINUTES:

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Puryear, and **carried** to approve the minutes of December 7, 2009.

ADMINISTRATIVE REPORTS:

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton, and **carried** to approve the Administrative Reports for the Detention Center, Inspections, Library, and Tax Administration & Collections.

OLD BUSINESS:

**REQUEST FROM PERSON COUNTY SCHOOLS TO SET ASIDE
LOTTERY FUNDS FOR NEXT 3 YEARS:**

County Manager, Heidi York reminded the Board at the December 7th Board meeting, a request was presented from the Superintendent for the Board's consideration to set aside the North Carolina Education Lottery Funds for a three year period. The Board of Education intends to spend these set aside funds to relocate the Person County Learning Academy to their property on Virgilina Road, previously known as the VFW property which would require renovation of the existing facility at a projected cost of \$1.8 million. During that discussion, the County Attorney stated that he would like to research whether this decision was permissible or if it would bind the hands of future boards violating general statutes.

County Attorney, Ron Aycock stated the sole purpose of his decision was whether or not the Board has the authority to formally bind itself contractually for a multiple year period. Mr. Aycock stated the conclusion reached is that the Board does not have such authority. Public policy and general law requires governmental bodies maintain the authority to make governmental decisions whenever it is in the public interest to do so. The decision to appropriate public funds is a governmental decision so a Board may not bind itself to retain the right to make a governmental decision, in effect, change its mind as to public policy as the need arises. The Board may state the collective, tentative decision of this Board to do something in the future so long as the Board understand that cannot contractually bind the Board or future Boards.

Commissioner Clayton questioned whether set aside lottery funds could be retracted by the State if not used. The County Manager confirmed the State could indeed take back unspent lottery funds. Commissioner Clayton conveyed his dismay if this should happen and noted it would be the School Board's risk to set aside lottery funds.

The County Manager confirmed for Commissioner Jeffers that lottery funds are not used for school debt.

Commissioner Puryear asked the County Attorney about the contract with the City of Roxboro for fire services as opposed to this proposed contract with the School Board. Mr. Aycock stated the County's contract with the City obligates the County to purchase services and the City is obligated to provide a service.

Commissioner Kennington asked if a School Board could set aside and escrow funds for a specific purpose for multiple years. Mr. Aycock stated a capital plan could be set up with anticipated sources of revenue, i.e. lottery funds, etc. however the only funds appropriated year to year would be bound.

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Puryear, that the School Board has the right to set aside lottery funds to accumulate over a period of time requesting the Board of County Commissioners to partner in this effort by the Chairman of the County Commissioners signing the request by the School Board Chairman to spend the accumulated funds for the purpose as outlined. Commissioner Kennington withdrew his motion stating no motion was needed as this practice already exists and the Board of County Commissioners would continue to operate as in the past by signing off of the lottery requests as submitted by the School Board Chairman.

It was the consensus of the Board that no action would be taken on this request.

NEW BUSINESS:

GANG ASSESSMENT GRANT AWARDED TO PERSON COUNTY:

Juvenile Crime Prevention Council Member, David Carter appeared before to tell the Board the Person County Gang Prevention Partnership (PCGPP) was formed in 2008 based on the growing number of gang related crimes in recent years. There have been numerous indicators from law enforcement suggesting that the number of youth gangs and the number of gang members are growing. PCGPP has already established a planning team using the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Comprehensive Gang Model "A Guide to Assessing Your Community's Youth Gang Problem". PCGPP has been assisted by Danya Perry of NC Communities In Schools, who was contracted to guide us through the model. Members of PCGPP include Chief District Court Judge, District Attorney's Office, NC Department of Juvenile Justice & Delinquency Prevention, Adult Probation, Person County Sheriff's Department, Roxboro Police Department, County Commissioner, Director of Roxboro Housing Authority, Person County DSS, a juvenile defense attorney, a member of the faith community, a representative of Person County Parks & Recreation, a member of Roxboro City Council, and a citizen-at-large member.

Mr. Carter stated that in June 2009, the North Carolina Department of Juvenile Justice and Delinquency Prevention (NCDJJD) released the announcement for the Community-Based Youth Gang Violence Prevention grants initiative. Juvenile Crime Prevention Councils (JCPC's) in each county were able to apply for grants to fund gang assessments and/or evidence-based programming/practices to prevent and intervene with gang-involved youth. This initiative has been made possible through a grant awarded to the (NCDJJD) for \$5 million from the North Carolina Governor's Crime Commission (GCC) which was able to secure these dollars through the American Recovery and Reinvestment Act (ARRA). The grants will fund 2 year projects, but JCPC's will be asked to reapply for the second year of funding. Unlike the JCPC allocations sent to counties each year, there will be no required local match for these grants.

The Person County Juvenile Crime Prevention Council (JCPC) applied for the grant and was awarded \$25,000 to be used for a gang assessment in Person County that must be completed by September 30, 2010. The members of both the JCPC and PCGPP will ensure that the process is complete with the assistance of contracting with NC Communities in Schools and Shana Overdorf.

Mr. Carter, on behalf of members of both the Person County JCPC and PCGPP respectfully requested approval from the Person County Commissioners to conduct the gang assessment as required by the grant.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Puryear, and **carried** to approve the request to conduct the gang assessment as required by the \$25,000 grant awarded to the Person County Juvenile Crime Prevention Council.

**NORTH CAROLINA DEPARTMENT OF WATER QUALITY'S
PROPOSED FALLS LAKE NUTRIENT MANAGEMENT
STRATEGY RULES:**

County Manager, Heidi York stated the NC Department of Water Quality has proposed some rules for Falls Lake that will greatly impact and burden Person County. Ms. York noted the purpose of these proposed rules is to achieve and maintain non-point source nitrogen and phosphorus percentage reduction goals and to protect the water supply, aquatic life and recreational uses of the Falls Reservoir. Person County will be required to develop plans according to the final rules and implement those plans within a specified time frame. These rules apply to existing development, proposed development, and agriculture. For new development, an approved storm water management plan will be required for disturbance over one acre for single family residential and duplexes and one half acre for commercial, industrial, multi-family or local government. Target rates for nitrogen and phosphorus are not to exceed 2.2 and .33 pounds per acre per year. Agricultural uses will be required to achieve certain goals in nitrogen and phosphorus reduction.

Planning Director, Paula Murphy told the Board a stakeholders meeting will take place on January 21, 2010 to review the draft rules. The draft rules will then be sent to the Environmental Management Commission in March for a public hearing. Ms. Murphy stated based on the proposed rules for storm water plans, Person County does not have a qualified staff which means a consultant may have to be hired, or existing staff would have to be trained or even hiring an additional staff for this purpose.

Commissioner Clayton currently sits on the Board for the Upper Neuse River Basin Association and he told the group that Granville County is a step ahead of Person County as they have an attorney on staff dedicated to working on this watershed issue. Commissioner Clayton suggested with possibility of Person County working with Granville County to joint efforts on this issue.

Ms. Sarah Bruce of the Triangle J Council of Government spoke to Board about the proposed rules, the possibility of an additional stakeholders meeting, the fiscal note that will accompany the rules which bears the costs to the local government. Ms. Bruce noted the resources available to the Board for more information are the Upper Neuse River Basin Association, Triangle J and Kerr Tar Council of Governments. Ms. Bruce said a lot more information is needed and a monitoring program is in process to look at the tributaries to gather more data about what is going into the lake. Ms. Bruce stated the reductions in the proposed rules are more stringent than the Jordan Lake rules. Ms. Bruce explained to the Board about modeling – a process whereby water quality data from 2005 to 2007 put into two different water quality models and based on the results, the Division of Water Quality has calculated what Falls Lake would need to be in compliance.

Ms. Bruce stated Senate Bill 981 and other legislation have already been passed by General Assembly that dictates a nutrient management strategy to bring Falls Lake into compliance with water quality standards.

Ernie Wood, a land surveyor in Person County, stated his review of a report by the City of Raleigh contained very few field readings and he felt data does not support that water sampling of Person County is impacting the water quality of Raleigh. Mr. Wood recommended to the Board to take water samplings to build a case to find out if Person County is doing something wrong to affect Raleigh's water quality. Mr. Wood, along with the Board members stated favoring rules that see favorable water quality for everyone, however wanted evidence that Person County is having a negative impact on the water quality in Raleigh. Mr. Wood stated in his opinion the rules will impact Person County specifically by affecting the economy and the farming community.

Ms. Bruce suggested to the Board to contact other counties, i.e. Durham, Orange, Alamance that have undergone the Jordan Lake process in terms of the impact to local governments and costs.

Commissioner Clayton stated Mr. Jim Wrenn, attorney for Granville County currently working on this issue is willing to meet Person County to group efforts regionally. Ms. Bruce offered to help schedule the meeting

It was the consensus of the Board for the Person County Attorney to set up a meeting date with Mr. Jim Wrenn, attorney working in Granville County.

DONATION FROM THE ARTS COUNCIL TO EXTEND THE HOURS OF THE KIRBY GALLERY:

Arts, Parks & Recreation Director, Mitch Pergerson informed the Board that the Arts Council on December 1, 2009 voted to give \$2500 to Person County Recreation Arts & Parks. This donation, Mr. Pergerson noted is to be earmarked for part time salaries to extend the office hours of the Kirby Gallery. At present the Kirby Gallery is open Wednesday, Thursday, and Friday from 1:00 -5:00 p.m. The donated monies will allow the Kirby Gallery to have office hours on Monday and Tuesday from 1:00 -5:00 p.m. as well. Mr. Pergerson pointed out that when the FY 09-10 budget was adopted; 4 hours per week was cut from the budget resulting in the Kirby Gallery having office hours three days whereas before it was open four days each week. Mr. Pergerson noted that anytime anyone wants to rent/book the Kirby Civic Auditorium, or purchase tickets, it is done from the Kirby Gallery office. Purchase of tickets can be done online but exchanging online is not an option at this time. Mr. Pergerson told the Board of plans for the upcoming Fiscal Year 2010-2011 budget will include requesting \$2500 to add one day back to the schedule as well as requesting the Arts Council to match with \$2500 so the Kirby Gallery can be open 5 days per week. The request to accept the donation this date is not subject to any additional cost to the County at this time. The Recreation Advisory Board endorses the above action.

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Puryear, and **carried** to accept the \$2500 donation from the Arts Council earmarked for salaries to extend the hours of the Kirby Gallery as well as direct Mr. Pergerson to write a letter of thank you on behalf of the Board of County Commissioners to the Arts Council for the generous donation.

AMENDMENT TO RECORDS RETENTION:

Sheriff Dewey Jones stated his office was requested by the State to make two corrections by amendment to the Sheriff's Records Retention and Disposition Schedule. The Local Records Unit of the Government Records Branch has published an amendment to the Sheriffs' Local Retention and Disposition Schedule. Sheriff Jones noted the amendment was before the Board for approval. The amendment deals with Sexual Offender Records in two points:

- 1) Retain records until court petition and review by the state, the length of the court order, or 30 years, whichever is greater.
- 2) "Sexually Violent Offenders Program" – Retain until known dead or after 90 years.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton, and **carried** to approve the amendment to the to the Sheriffs' Local Retention and Disposition Schedule

DISCUSSION AND RECOMMENDATIONS FOR COURTHOUSE RENOVATION AND ROOFING PROJECTS:

Finance Director, Amy Wehrenberg presented the Board with financing options for the Courthouse Renovation and Roofing projects as well as presented possibilities for grouping the Courthouse Renovation with the roofing projects scheduled for summer 2010 versus the roofing scheduled for 2011 as one financing issuance. Ms. Wehrenberg noted the financing options and other possible revenue sources (stimulus funds) presented came through conversations with representatives of the Local Government Commissioner, NC Department of Commerce and Person County's Bond Attorney noting there are timing issues that impact decisions the Board needs to make in the near future. Ms. Wehrenberg stated the Courthouse Renovation estimated at \$3,200,000 will be shovel ready after a decision has been made about the probation office space, possibly bidding out as early as spring 2010 with construction to begin in the summer 2010. The County has 17 roofing projects in the CIP, 4 noted as the most critical roofing total \$2,045,000 scheduled for summer 2010, the remainder 13 other project are estimated at a cost of \$5,310,000 scheduled for summer 2011. Ms. Wehrenberg outlined her recommendations as follows:

Discussion Highlights Courthouse Renovation and Roofing Projects

Projects that could be considered for a financing include the ones listed below. The only ones not currently planned for a financing according to the CIP are the most critical roofing projects that are scheduled to be done in the Summer of 2010.

<p>Courthouse Renovation (estimated cost does not include provision for additional space for probation offices)</p>	<p>\$ 3,200,000</p>	<p>CIP: scheduled for January 2011</p>	<p>Move schedule up to Summer 2010 (group with "Most Critical Roofing" in a private-placement financing and take advantage of Build America Bonds stimulus funding)</p>
<p>Most Critical Roofing:</p> <p>Person Counseling Center Public Library PCC-Building G Northern Middle School Total</p>	<p>70,000 250,000 225,000 1,500,000 <u>\$ 2,045,000</u></p>	<p>CIP: scheduled for Summer 2010</p>	<p>Current recommendation: Summer 2010 (group with "Courthouse Renovation" in a private-placement financing and take advantage of Build America Bonds stimulus funding)</p>
<p>Other Roofing:</p> <p>Olive Hill Gym Airport Pump Building Kirby Civic Auditorium P.C. Office Building EMS Huck Saansbury Gym PCC-Building F PCC-Building I Southern Middle Gym PHS (portion) Early Intervention North End School Southern Middle School Total</p>	<p>160,000 25,000 450,000 400,000 200,000 400,000 225,000 100,000 1,000,000 125,000 500,000 1,500,000 <u>\$ 5,310,000</u></p>	<p>CIP: scheduled for Summer 2011</p>	<p>Current recommendation: Summer 2011 (due to the significant amount of roofing and the time required for planning and design, it is anticipated that a separate financing will be needed.)</p> <p>The recently approved CIP anticipates grouping this together with the Courthouse Renovation. Due to the timing issues and the possibility of using stimulus funding, it is recommended that we do the Courthouse Renovation earlier and group these with the Most Critical Roofing projects that are already slated for the Summer 2010.</p>

Discussion and recommendations for Courthouse Renovation and Roofing Projects:

- Discussions and suggestions from Bond Attorney and representatives from the NC Dept. of Commerce and LGC
- Timing Issues:
 - Courthouse is shovel-ready
 - Most Critical Roofing will be shovel-ready by the Summer of 2010
 - Other Roofing will require a year of planning and design which will delay these bids from being in-hand until late Spring 2011.
 - LGC's restrictions on granting approval for project financings
 - The total scope of all proposed projects and the collateral requirements
- Advantages to moving up the timetable for Courthouse Renovation
 - Low rates
 - Low costs of materials
 - Timing issues are more cohesive with the Most Critical Roofing projects that are scheduled for the Summer 2010
 - Courthouse may be able to serve as collateral for the Renovation and Most Critical Roofing projects
 - Attaining more attractive borrowing rates by grouping the Most Critical Roofing projects in with the Courthouse Renovation project
 - Stimulus funding is currently available as an additional revenue source for these projects
- Options for grouping projects
 - Option 1: Move Courthouse Renovation up for accepting bids in the Spring and group in a financing with the Most Critical Roofing scheduled for construction in the Summer of 2010.
 - Will require \$18,000 appropriation for the bidding and negotiations process
 - Two semi-annual payments will need to be budgeted versus the one that was originally scheduled.
 - An additional \$90,000 will be necessary to appropriate for the oversight fees for the architects
 - Option 2: Move forward with the financing for the Courthouse only, and fund the Most Critical Roofing as originally approved in the CIP using fund balance.
- Stimulus Funding Options
 - Recovery Zone Economic Development Bonds (RZEDB's)
 - 45% refundable credit on interest
 - Allocated by the NC Dept. of Commerce
 - Requires reporting for the lifetime of the debt
 - Stringent requirements on construction vendor for labor force reporting
 - Reduction of interest savings may occur due to higher indirect costs of administrative oversight and a possible increase in the construction vendor's bid
 - Limited timetable for accessing these funds
 - Requires an adopted resolution declaring Person County as a recovery zone
 - Would require moving the timetable up for the Courthouse if this stimulus funding was desired over the BAB's

- o Build America Bonds (BAB's)
 - 35% refundable credit on interest
 - This would become part of the financing agreement between Person County and the lender. These are not allocated from the State.
 - Less stringent reporting required
 - No reporting requirements on the construction vendor
 - No timing restrictions except for the expiration date of January 1, 2011.
 - More popular with counties due to the less restrictive reporting environment.
 - No additional requirements from the Board other than the normal financing document approval.
 - Would not be required to move timetable up for Courthouse Renovation, although this is still recommended for the various reasons that were mentioned earlier
- o Reported rates from the banks for RZEDB's and BAB's: 5.5 to 6%. The interest credit would provide an overall rate of 3.5 to 4%.
- o Cost savings from accessing the stimulus funds versus doing a regular private-placement range: \$75,000 and \$100,000.
- o Cost savings between the RZEDB's and BAB's are more difficult to calculate since there would be higher indirect costs and possible bid inflations due to the reporting restrictions on the RZEDB's. However, based on the information gathered from LGC, their best guess would be that the RZEDB's would show a direct cost savings of \$15,000 to \$25,000 over the BAB's. However, this does not take into the higher indirect costs into account since this is not a reported figure.
- Upcoming decisions for the Board
 - o Stimulus funding: RZEDB's vs. BAB's
 - o Timing of bid process for Courthouse Renovation (Bid process for Most Critical Roofing has already begun).
 - o Group Most Critical Roofing projects with Courthouse Renovation project for a financing, or pay for these roofing projects from fund balance as recently approved on the CIP and finance the Courthouse Renovation separately.
- Recommendations to the Board
 - o Move the Courthouse Renovation up for bidding in the Spring, access stimulus funding using the BAB's, and group the Most Critical Roofing projects in with the Courthouse Renovation for a private-placement financing. This would enable Person County to take advantage of currently low rates, additional revenue from the stimulus funding, reasonable management and oversight of the project reporting requirements, and the ability to accomplish much in the way of needed capital improvements.

Ms. Wehrenberg stated her recommendation would revamp the Capital Improvement Plan that will be before the Board in the spring 2010 as well as Board action approval a project ordinance would be needed to move forward with the bids for the Courthouse Renovation should the Board accept the recommendation.

Commissioner Puryear stated he was not in favor of Courthouse Renovation at this time but agreed the Build America Bonds was the best option for stimulus funding. Commissioners Clayton, Jeffers, Kennington offered comments agreeing the Build America Bonds would be the most logical option to access stimulus funding.

County Manager, Heidi York noted the Board would be discussing the possibilities of probation space at its next meeting and those decisions may aid the Board decision for the projects recommended by the Finance Director.

Commissioner Kennington was interested in moving up the other roofing projects that are estimated at \$5.2 million to take advantage of the stimulus funding savings of the Build America Bonds. Ms. Wehrenberg stated that scenario would be ideal however the deadline of the stimulus funding (Jan. 1, 2011) and design work required for the roofing projects required a year making those roofing project administratively impossible to fit the timing schedule.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Clayton, to accept the recommendation of the Finance Director to move the Courthouse Renovation up for bidding in the Spring, access stimulus funding using the Build America Bonds, and group the Most Critical Roofing projects in the Courthouse Renovation for a private-placement financing enabling Person County to take advantage of currently low rates, additional revenue from the stimulus funding, reasonable management and oversight of the project reporting requirements, and the ability to accomplish much in the way of needed capital improvements.

An **amended motion** was made by Commissioner Jeffers, **seconded** by Commissioner Clayton and **carried** to use the Build America Bonds over the Recovery Zone Economic Development Bonds as the stimulus funding option for the Courthouse Renovation and Roofing Projects.

Chairman Lunsford thanked Ms. Wehrenberg for her research and recommended options in an effort to save the County money.

BUDGET AMENDMENT:

Finance Director, Amy Wehrenberg presented and explained the following Budget Amendment.

Upon a motion by Commissioner Jeffers, and a second by Commissioner Clayton 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 January 2010, as follows:

<u>Dept./Acct No.</u>	<u>Department Name</u>	<u>Amount</u> Incr / (Decr)
<u>EXPENDITURES</u>	<u>General Fund</u>	
	General Government	6,586
	Public Buildings & Grounds	12,250
	Public Safety	8,964
	Culture & Recreation	2,500
	Human Services	(5,769)
<u>REVENUES</u>	<u>General Fund</u>	
	Intergovernmental Revenues	(2,099)
	Other Revenues	10,260
	Fund Balance Appropriated	16,370

Appropriate: Rent payments for remaining six months of the fiscal year for the Probation Office that the County is required to take over from what was previously the State's responsibility (\$12,250); City of Roxboro's share of Election Fees for City Election (\$6,586); State Criminal Alien Assistance Program Grant received in the Sheriff's Office (\$4,844); Donations received in the Public Library (\$2,500); approved funds in the 12/7/09 meeting for a request by the Register of Deeds Office for the preservation of Deed Books V, 16 & 25 to be appropriated from fund balance in the Preservation and Technology Fund (\$4,120); and donations (\$1,174) and other program adjustments in DSS (\$-6,943).

PUBLIC HEALTH AND SOCIAL SERVICES CLASSIFICATION AND PAY SCALE CONDUCTED BY THE MAPS GROUP:

County Manager, Heidi York reminded the Board of the full Classification and Pay Study conducted for Person County in spring 2006 whereby the County adopted a strategy to stay competitive with the market. Ms. York stated Fiscal Year 2008-2009 Public Safety jobs were reviewed as the first of three phases of the study. Ms. York stated the second phase of the study was before the Board for approval noting Public Health and Social Services jobs were reviewed for the Fiscal Year 2009-2010 study. Ms. Becky Veasey of the MAPS Group met with both directors of Public Health and Social Services and reviewed all positions in the study. The study includes salary data from surrounding counties and/or similar populations. Ms. York noted the study does not account or help alleviate the compression Person County faces with staff due to not having a pay system that allows employees to move through the range, such as a merit pay system.

Human Resources Director, Angie Warren highlighted the positions at Public Health that is recommended by the MAPS Group to be raised one grade level: all the Public Health Nursing positions, Environmental Specialist, Soil Scientist, and the Environmental Health Supervisor I. Social Services data collected indicated all positions were at market level.

Ms. York confirmed to the Board that the funding to implement the second phase of the MAPS recommendations was included in the Governing Body budget adopted for Fiscal Year 2009-2010.

A **motion** was made by Commissioner Puryear, **seconded** by Chairman Lunsford, and **carried** to direct the County Manager to implement the second phase of the MAPS recommendations.

2010 CENSUS PARTNER PROCLAMATION:

Chairman Lunsford presented the 2010 Census Partner Proclamation noting Commissioner Jeffers would represent Person County and the Board by delivering Person County's 2010 Census Partner Proclamation in Durham on January 5, 2010.

2010 Census Partner Proclamation



WHEREAS an accurate census count is vital to our community and residents' well-being by helping planners determine where to locate schools, day care centers, roads and public transportation, hospitals and other facilities, and achieving an accurate and complete count of the nation's growing and changing population;

WHEREAS more than \$400 billion per year in federal and state funding is allocated to states and communities based, in part, on census data;

WHEREAS census data help determine how many seats each state will have in the U.S. House of Representatives and often is used for the redistricting of state legislatures, county and city councils and voting districts;

WHEREAS the 2010 Census creates jobs that stimulate economic growth and increase employment;

WHEREAS the information collected by the census is confidential and protected by law;

Now, therefore, we PROCLAIM that PERSON COUNTY is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010.

As a 2010 Census partner, we will:

1. Support the goals and ideals for the 2010 Census and disseminate 2010 Census information to encourage those in our community to participate.
2. Encourage people in our community to place an emphasis on the 2010 Census and participate in events and initiatives that will raise overall awareness and ensure a full and accurate census.
3. Support census takers as they help our community complete an accurate count.
4. Create or seek opportunities to collaborate with other like-minded groups in our community by participating in Complete Count Committees and/or utilizing high-profile, trusted voices to advocate on behalf of the 2010 Census.

Signed this 4th day of January, in the year 2010.

Signature: Johnny Myrl Lunsford

Title: Chairman, Person County Board of Commissioners

Organization Name: Person County Board of County Commissioners

RULES OF PROCEDURE:

Chairman Lunsford stated to the Board that the Rules of Procedure were included in the packet as a reminder for the Board members as well as to aid the Board in establishing a Code of Ethics in the future.

BOARD OF COMMISSIONERS COMMITTEE ASSIGNMENTS:

Chairman Lunsford stated the Board of County Commissioners' Committee Assignments was included in the packet noting the importance of Commissioner representation at committee meetings.

Commissioner Clayton noted the City of Roxboro is not currently a member of the Upper Neuse River Basin Association and he feels the City of Roxboro will be impacted and needs representation.

Commissioner Kennington gave the example of a committee truly working for Person County by highlighting the High Speed Internet Committee and its accomplishments going against CenturyLink.

2010
Person County Board of Commissioners
COMMITTEE ASSIGNMENTS

Vice-Chairman Jimmy B. Clayton

COG Board
Local Emergency Planning Committee
NCACC – Liaison
Neuse River Basin Association
Orange-Person-Chatham Mental Health Board
Region K Workforce Development Board

Commissioner B. Ray Jeffers

Council on Aging
Extension Advisory Committee
Fire Committee
Home Health & Hospice Advisory Committee
Home & Community Care Block Grant Adv. Committee
Social Services Board
Tar-Pamlico River Basin

Commissioner Sam Kennington

Airport Commission
Chamber of Commerce
Economic Development Commission (EDC)
Person Memorial Hospital Board of Trustees
Roxboro/Person County Development Board (Economic)
Roxboro Development Group
Solid Waste Advisory Committee

Chairman Johnny Myrl Lunsford

Airport Commission
COG Board
Health Board
Juvenile Crime Prevention Council
Person Area Transportation System Board
Recreation Advisory Committee
Smart Start

Commissioner Kyle Puryear

Animal Control Advisory Committee
E-911 Committee
Economic Development Commission (EDC) Ex-Officio
High Speed Internet Committee
Hyconeechee Regional Library Board
Kerr Tar Rural Planning Organization (RPO)
Thoroughfare Advisory Committee
Transportation Development Plan Steering Committee (TDP)

1/4/2010

January 4, 2010

CHAIRMAN’S REPORT:

Chairman Lunsford stated Congressman Brad Miller contacted him concerning the Resolution submitted by Person County and asked if Person County was still interested in pursuing in which Chairman’s Lunsford replied affirmatively.

MANAGER’S REPORT:

County Manager, Heidi York had no report.

COMMISSIONER REPORT/COMMENTS:

Commissioner Kennington led the group to sing “Happy Birthday” to the County Manager.

Commissioner Kennington thanked David Rogers, Paul Bailey and all others involved in preparing the holiday stew. Ms. York noted the Wellness Committee planned the holiday stew event. Chairman Lunsford commended the County Manager for employee recognition at the holiday stew event.

Commissioner Puryear had no report.

Commissioner Jeffers requested the County Manager to review the smoking ban effective January 2, 2010 and its affect on an internet café.

Commissioner Clayton had no report.

ADJOURNMENT:

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried** to adjourn the meeting at 9:07 p.m.

Brenda B. Reaves
Clerk to the Board

Johnny Myrl Lunsford
Chairman