

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

SEPTEMBER 17, 2012
OTHERS PRESENT

Jimmy B. Clayton
Kyle W. Puryear
B. Ray Jeffers
Samuel R. Kennington
Frances P. Blalock

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, September 17, 2012 at 9:00 a.m. in the Commissioners' meeting room in the Person County Office Building.

Chairman Clayton called the meeting to order, led invocation and asked Commissioner Kennington to lead the Pledge of Allegiance.

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Blalock and **carried 5-0** to add to the end of the agenda an item for the County Attorney to update the Board on Force Protection as well as to approve the agenda as adjusted.

RESOLUTION OF APPRECIATION:

It was the consensus of the Board for Chairman Clayton to read and present the following Resolution of Appreciation to Person County retiree, Judith Casseday.

County Manager, Heidi York announced Eaton Corporation was chosen as the Employer of the Year by the Arc of NC on behalf of the Person Industries' (PI) nomination recognizing the community partnership and the many PI workers at Eaton. Eaton will receive their award on September 22, 2012 in Wilmington, NC.

RESOLUTION OF APPRECIATION

WHEREAS, Judith Casseday has served the people of Person County during her tenure as a Vocational Evaluator at Person Industries; and

WHEREAS, Judith Casseday has served the citizens of Person County with honor, integrity, sincerity and dedication, providing accurate, concise services for twenty-one years, October, 1991 – August, 2012; and

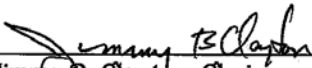
WHEREAS, Judith Casseday has earned the respect and admiration of all who have known her and worked with her throughout her career; and

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

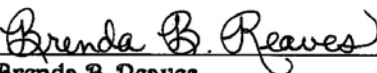
NOW, THEREFORE, I, Jimmy B. Clayton, Chairman of the Person County Board of Commissioners, do hereby extend this Resolution of Appreciation to Judith Casseday for continually striving to make Roxboro and Person County a better place to live and work.

Adopted this, the 17th day of September, 2012.




Jimmy B. Clayton, Chairman
Person County Board of Commissioners

Attest:


Brenda B. Reaves
Clerk to the Board

September 17, 2012

PUBLIC HEARING:

REQUEST TO REZONE TAX MAP 102 PARCEL 149 ON PATTERSON DRIVE ADJACENT TO MEADOWBROOK SUBDIVISION AND OPTIMIST PARK FROM RESIDENTIAL TO RURAL CONSERVATION:

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Blalock, and **carried 5-0** to open the duly advertised Public Hearing for a request to rezone Tax Map 102 Parcel 149 on Patterson Drive adjacent to Meadowbrook Subdivision and Optimist Park from Residential to Rural Conservation.

Planning Director, Paula Murphy stated the county has received a request to rezone Tax Map 102 Parcel 149 on Patterson Drive between Optimist Park and Meadowbrook Subdivision from Residential to Rural Conservation (RC). If rezoned, all land uses permitted in the RC District will be allowed. The general intent of the RC District is to provide for only limited land use controls in areas with limited nonagricultural development.

Ms. Murphy noted the proposed rezoning request is for a 16.93 acre parcel. Ms. Murphy highlighted the location of the parcel discussed on a larger map in the Board room. Ms. Murphy further noted access to the site is on Patterson Drive and there are no one hundred year flood areas on the property. It is located within the Flat River Balance of Watershed WSIII which allows 1 dwelling unit per .5 acre or 24% built upon with a maximum of 70%. The property is also governed by the Falls Lake Stormwater Rules. Stormwater controls are required for any disturbance over one half acre for single family residential and 12,000 square feet for commercial, industrial, or multi-family.

Ms. Murphy stated City water and sewer are available to the site. The surrounding areas are residential in nature, other than, Optimist Park with the City limits being to the East on Patterson Drive. Ms. Murphy noted typical uses permitted by right in the RC District are as follows: ABC store, retail sales, banks, bowling alley, carwash, convenience store, dry cleaners, single family dwelling, multi-family dwellings, fire station/law enforcement center, funeral home, golf course, nursery (plants), professional office, construction trades, etc. Ms. Murphy noted there are many other uses allowed with a Special Use Permit such as auto repair, electrical generating facility, Industrial operations, Mobile Home Park, private recreation for profit, asphalt production, planned building group, etc. The uses allowed with a Conditional Use Permit are private or public school (elementary, secondary, or higher level), flammable storage or coal by product storage. If the property were to remain residential, the following uses would be permitted by right: single family dwelling, Class "A" and Class "B" manufactured homes, modular homes, family care homes, nursery operations, horse stables, etc. The Residential district allows other uses by either a special use permit or a conditional use permit. Some uses allowed with a special use permit are multiple family dwellings, Mobile Home Park, non-hazardous solid waste disposal, planned building group, quarry operations, private recreation for profit, airport operations and transmitting towers. Uses allowed with a conditional use permit are ambulance or rescue service, antique shops, bed and breakfast,

camping area, commercial cemetery, church, medical and dental clinics, club or lodges, convenience store, day care center, two family dwelling, garage apartments, funeral home, golf course, hospital, library, professional office, rest home and schools.

Ms. Murphy stated the Person County Land Use Plan's "Future Land Use Map" shows this area as Suburban Residential. It is defined as residential land uses including subdivisions and manufactured home parks at densities of 1-3 dwelling units per acre; commercial, office, industrial, public/institutional uses meeting locational criteria.

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 Land Use Plan has Goals and Objectives for future land development within the County. The following items are listed within this section:

- 1.0 Promote an orderly and efficient land use development pattern, which allows for a variety of land uses while being sensitive to environmental concerns.
- 2.1 Promote continued economic investment through retention and expansion of existing industrial concerns and the recruitment of new industries and commercial businesses.
- 2.1.5 Identify non-residential development – office, commercial and industrial – locations based on access and proximity to US 501, railroad corridors, and other major transportation infrastructure.
- 2.2 Encourage well-planned commercial establishments to provide necessary goods and services to area employers and residents.
- 2.2.1 Encourage development of small service-oriented commercial activities only at existing intersections or median crossovers on US 501 and other major thoroughfares.

Ms. Murphy stated the properties immediately adjacent are all zoned Residential noting there is some B-1 (Highway Commercial) zoned property at the intersection of Patterson and Hurdle Mills and RC zoned property on Bessie Daniels Road.

Ms. Murphy told the Board an article on Spot Zoning from the Institute of Government, and a map showing the property in question and surrounding properties was included in the Board packet noting there are four factors in determining a reasonable basis for spot zoning. They are as follows:

1. Size of tract. The general rule is the smaller the tract, the more likely the rezoning will be held invalid.
2. Compatibility with Plan. Need to see if the rezoning fits into a larger context involving rational planning for the community.
3. Benefits and Detriments. Who benefits and who is harmed from the rezoning. Need to look at the property owner and the neighbors.
4. Relationship of Uses. Need to look at the relationship between the proposed uses and the current uses of adjacent properties.

Ms. Murphy stated the Planning Board held a Public Hearing on August 30, 2012 and voted 4 to 0 to recommend approval of the rezoning request and that it was in keeping with the land use plan.

Commissioner Kennington asked Ms. Murphy if there were any objections during the Planning Board meeting. Ms. Murphy stated the Planning Board did not receive any objections and that many neighbors spoke directly with the developer. Ms. Murphy stated the proposed use would be a veterinary office.

There were no individuals appearing before the Board to speak in favor or in opposition to the request to rezone Tax Map 102 Parcel 149 on Patterson Drive adjacent to Meadowbrook Subdivision and Optimist Park from Residential to Rural Conservation.

A **motion** was made by Commissioner Jeffers, **seconded** by Vice Chairman Puryear, and **carried 5-0** to close the Public Hearing for a request to rezone Tax Map 102 Parcel 149 on Patterson Drive adjacent to Meadowbrook Subdivision and Optimist Park from Residential to Rural Conservation.

CONSIDERATION TO GRANT OR DENY REQUEST TO REZONE TAX MAP 102 PARCEL 149 ON PATTERSON DRIVE ADJACENT TO MEADOWBROOK SUBDIVISION AND OPTIMIST PARK FROM RESIDENTIAL TO RURAL CONSERVATION:

A **motion** was made by Vice Chairman Puryear, **seconded** by Commissioner Jeffers, and **carried 5-0** to approve the request to rezone Tax Map 102 Parcel 149 on Patterson Drive from Residential to Rural Conservation noting it was in keeping with the land use plan.

INFORMAL COMMENTS:

The following individuals appeared before the Board to make informal comments:

Mr. Patrick Riley of 256 Hicks Yarboro Road, Roxboro addressed the Board on two issues: 1) regarding his tax cases, under, GS 105-345(c), requested a motion for the Property Tax Commission (PTC) to re-hear the tax cases for 2010 and 2011 based on the exceptions to the final judgment noting if the PTC will not re-hear the cases, then it may go before the NC Court of Appeals, further noting a re-hearing before the PTC will have a minimal costs for Person County and for him which is his preference as a tax payer and landowner, and 2) related to the unfair burden placed on farmers with the Falls Lake Ordinance “each parcel of land in Person County will be listed separately and charged for each parcel”, and requested that farms listed as separate parcels with adjoining parcels of land be treated as a single parcel so that farmers and other applicable land owners can be treated fairly.

Ms. Betty Blalock of 144 Tirzah Ridge, Rougemount thanked Chairman Clayton and Commissioners Blalock, Kennington and Jeffers for recent appointment of the Economic Development Committee as well as County Manager, Heidi York in the naming of a new Director and her hard work. Ms. Blalock stated recent criticism in the press for the Commissioners and the County Manager is unwarranted and unprecedented. Ms. Blalock advocated for economic relief through recycling by earning \$115 per ton of recycled waste which increases jobs and hires the handicapped compared to landfill waste earning \$2 per ton without added jobs. Ms. Blalock suggested added recycling revenue could increase teacher supplements or build the new senior citizen center which, in her opinion, was not needed.

Mr. Leigh Woodall of 200 Reade Drive, Roxboro stated the Board of Commissioners destroyed the integrity and rapport developed over decades with the firing of the Economic Development Board on August 20, 2012 with a 4-1 vote. Mr. Woodall noted many citizens enjoy employment opportunities made possible by efforts of former economic development boards. Mr. Woodall voiced strong suspicions that the Boards’ actions on August 20 violated the state open meetings law inferring that the County Attorney could easily point the Board to remedy its transgressions. Mr. Woodall continued to explain that a Superior Court Judge, upon finding that a violation of the law has occurred could declare the action taken by the public body to be null and void. Mr. Woodall suggested the Board objectively re-examine the August 20 decision and voluntarily agree to reverse said action. Mr. Woodall stated the Board has brought disgrace and dishonor to Person County and requested the Board to correct its wrong before being challenged in a court of law.

Mr. Kenny Rickman of 3936 Allensville Road, Roxboro made comments related to the recent Board action involving the economic development board process, offering a public apology to Chairman Clayton for a previous discussion as well as noted his confidence in the County Attorney as a competent attorney, one who would not advise the Board in a way to that would end up in court. Mr. Rickman told the group that he had not always agreed with the actions of the Board of Commissioners, however, he does not think their actions are malicious with intent to hurt the county or its citizens.

APPROVAL OF MINUTES:

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Blalock, and **carried 5-0** to approve the minutes of August 20, 2012.

TAX ADMINISTRATIVE REPORT:

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Blalock, and **carried 5-0** to approve the Tax Administrative Report noting the Releases for the month of July, 2012.

OLD BUSINESS:

FOLLOW-UP PRESENTATION OF THE PERSON COUNTY RECREATION AND SENIOR CENTER PROJECT FEASIBILITY STUDY:

County Manager, Heidi York stated at the Board's August 6th meeting, a draft Feasibility Study was presented and feedback was provided by the Board to include an itemized list of add-ons and the cost for each. Additional citizen input and feedback were solicited and received since the August presentation with the follow-up presentation to include changes based on that input. Ms. York noted she and staff have analyzed the operating costs to present to the Board.

Mr. Michael Hining of MHA Works presented the Board with the changes to the proposed Recreation and Senior Center using the existing facilities at Huck Sanbury plus new construction based on input received from the Board and the community. The follow-up changes included enclosing the walking track, the addition of a gym, one racquetball court, a splash pool, as well as shifting the dining hall space and squaring off the building for additional square footage for dedicated senior space to increase activity rooms.

Recreation, Arts & Parks Director, John Hill confirmed public feedback has guided the process.

Mr. Hining directed the Board's attention to page 21 of the presentation for the project budget for the base project as well as the add-on potential components.

K. PROJECT BUDGET

Option 1

Huck Sansbury Site:

Base Project

- Land, 11.78 acres	-0-
- Existing Site Amenities (Tennis Courts, Playground, Parking, Etc.)	-0-
- New Construction 21,000 Sq. Ft. @ \$125/SF	2,625,000
- Renovate Existing Annex Building, 10,400 Sq. Ft. @ \$50/SF	520,000
- Air Condition Existing Gymnasium, 10,000 Sq. Ft. @ \$5/SF	50,000
- Site Work and Amenities, (Allowance)	<u>275,000</u>
Total Construction Costs	3,470,000
- Design Fees	<u>310,000</u>
Total Project Costs	3,780,000

Total Cost per square foot = \$83.55

Add-on #1 – Additional Aquatics (Splash Pool)

- New Construction 3,400 Sq. Ft	400,000
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Add-on #2 – Enclosed Track (Enclose Covered Track)

- New Construction (moving exterior wall, HVAC, added finishes)	40,000
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Add-on #3 – Additional Gymnasium

- New Construction 8,800 Sq. Ft @ \$125/SF	1,100,000
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Add-on #4 – Critcher-Wilkerson Site (Fields)

- Clear, Level, Seed, Erosion Control	600,000
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Add-on #5 – Skate Park

- Construct Skate Park at Huck Sansbury Site	300,000
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Add-on #6 – Racquetball Court (New Racquetball Court Adjacent to New Gymnasium)

- New Construction 800 Sq. Ft. @ \$125/SF	100,000
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Add-on #7 - Entire complex at Huck Sansbury Site with add-ons 1,2,3,5,&6 Combined

- Base Project	3,470,000
- Add-ons 1,2,3,4,5,&6 (17,000 Sq. Ft)	2,540,000
- Design Fees (Base Project)	310,000
- Design Fees (Add-ons 1,2,3,5,6)	<u>220,000</u>

Total Project Costs 6,540,000

Assistant County Manager, Sybil Tate spoke to the group related to estimated revenues and expenditures noting the majority of the revenues are due to membership fees with other revenues from rentals, open swim and a variety of classes. Mr. Hill stated through research of similar facilities as well as actual participation in current recreation program provided a conservative projection of 200 memberships. Ms. Tate stated the extra liability insurance per year will cost \$2,400 based on the value of the building and pool. Ms. York illustrated the existing Huck Sansbury revenues/expenditures with the new proposed base project revenues/expenditures as follows:

<u>Existing Huck Sanbury</u>	<u>New Base Project</u>	<u>Combined</u>
\$134,421 revenues	\$107,305 revenues	\$241,736 revenues
\$233,280 expenditures	\$278,481 expenditures	\$511,751 expenditures
-\$ 98,849 net	-\$171,176 net	-\$270,025 net

Vice Chairman Puryear stated his reservations for the proposed project to compete with local business owners. Mr. Hill stated the new facility will not offer the exact same sports, fitness club weight lifting or modified strength training but more recreational family use noting he did not feel it will be a direct competition.

Mr. Hill told the group that he will be applying for NC Parks and Recreation Trust Fund (PARTF) grant. Mr. Hill noted the PARTF grant, if awarded, would be \$500,000 with an equal county match and eligibility for two grant awards (one award per year). Ms. York added that in addition to any grants, other funding options include general obligation bonds or a private bank financing.

Commissioner Blalock advocated recycling to make additional revenues to be used to offset expenses for the recreation/senior center and/or for the schools. Commissioner Blalock noted \$115 is received per ton of recycling compared to \$2 per ton at the landfill and illustrated the potential in revenue if half of Person County's waste is recycled. Commissioner Blalock noted her support of a proposed recycling ordinance that she will present to the Board later in the meeting. Vice Chairman Puryear pointed out \$250,000 is paid from the general fund for the Person County Recycling Center (MRF).

Commissioner Kennington asked about any possible partnership with Person Memorial Hospital related to the pool(s). Mr. Hill stated the architect has potential partners in the plan. Ms. York added she will have follow-up conversations with the hospital noting there has already been interest as well as a possible grant opportunity to off-set construction costs.

Commissioner Jeffers stated grants are not feasible until the design process has been completed. The design fees are included in the Project Budget worksheet in the packet noting the design fees are at approximately 8.5% of the total project amount.

Commissioner Blalock asked the Board to consider some of the add-ons at a possible satellite location, i.e. old Helena site.

Ms. York stated the next step for the Board is to define the scope of the project, issue a competitive RFP and have official drawings produced.

Commissioner Jeffers stated support for the base project as outlined with add-on of the splash/therapy pool and the enclosed walking track as Phase I. Commissioner Jeffers suggested the remaining add-on items: Critcher-Wilkerson site, skate park, racquetball court and additional gym to be considered at a later date in a phasing process. Commissioner Jeffers noted his full support to the project, reiterating the project as a top priority of the Person Future's Strategic Plan and Roundtable Group, further noting the increasing aging population. Commissioner Jeffers told the group the project is economic development and enhances quality of life for citizens.

Mr. Hining stated the Board would have two options: 1) design all items up front and phase it as the county sees fit, or 2) plan for addition later and only design upfront the base project/Phase I items.

Commissioner Kennington stated support to bid all the phases upfront, especially the Critcher-Wilkerson site and additional gym. Due to the current field at the Sansbury site would be slightly smaller in size in the base project design (a non-regulation size field), Commissioner Kennington advocated for the Critcher-Wilkerson site to be included.

Commissioner Blalock stated her vote would be in opposition until the Board of Commissioners considers a Recycling Ordinance so that gained revenues could help fund the project. Commissioner Blalock noted support of such a facility but concerned over the financing with the 10% unemployment rate and urged the Board to consider a lot of things in the planning process.

Commissioner Kennington noted his support of the effort of recycling with the hope of generating additional revenues to offset costs for such projects but the motion will carry the project to the next step with the option to continue to move forward to stop the process.

Vice Chairman Puryear stated his opposition to the project due to the double digit unemployment rate and he did not see the benefit for an opportunity for jobs and improvement of the local economy.

Chairman Clayton stated his support to moving forward to the next in the process.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Kennington, and **carried 3-2** to direct staff to move ahead to the design stage and to define the scope of the base project (Phase I) as New Construction at the Huck Sansbury site, 21,000 Sq. Ft. @ \$125/SF, Renovate Existing Annex Building, 10,400 Sq. Ft. @ \$50/SF, Air Condition Existing Gymnasium, 10,000 Sq. Ft. @ \$5/SF, Site Work and Amenities, Splash/Therapy Pool New Construction 3,400 Sq. Ft. and new construction of an enclosed Track, as well as to include for future phasing, the Critcher-Wilkerson site and the additional gym. Vice Chairman Puryear and Commissioner Blalock cast the dissenting votes.

NEW BUSINESS:

FEASIBILITY STUDY FOR A POTENTIAL JOINT PERSON-DURHAM MULTI-JURISDICTIONAL BUSINESS PARK:

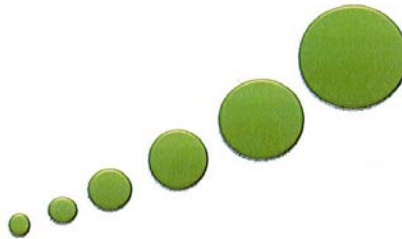
County Manager, Heidi York introduced Ms. Crystal Morphis of Sanford Holshouser, to present to the Board the results of a feasibility study for a joint multi-jurisdictional business park with Durham County focusing on the southern end of Person County and the northern end of Durham County. Ms. York stated Ms. Morphis presented the same results to the Durham County Board of Commissioners recently.

Ms. Morphis stated their work over the last several months investigated a future economic development opportunity which would be a joint effort between Person and Durham counties noting the feasibility study looked to:

- Evaluate existing business/industrial parks in Durham and Person Counties;
- Review land use plans for a development area for a Person-Durham multi-jurisdictional park;
- Evaluate infrastructure (water, sewer, electric, transportation, natural gas, and telecommunications) capacity to serve a park development; and
- Review the current target sectors of Person and Durham Counties, Research Triangle Region, and adjoining counties close to the sites reviewed to determine which targets would most likely find the multi-jurisdictional park attractive

Ms. Morphis shared the following presentation with the group:

Interim Report
**Feasibility Study for a
Person-Durham Multi-Jurisdictional
Business Park Development**



Overview

- Evaluation of Existing Business/Industrial Parks
- Review of Land Use Plans
- Evaluation of Infrastructure Capacity
- Target Sector Review
- Feasibility Report

Person-Durham



September 17, 2012

Multi-Jurisdictional Parks

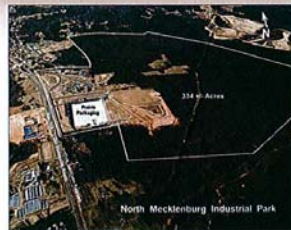
- Land Use
- Superior product
- Funding
- Land cost
- Infrastructure
- Shared incentive status

Person-Durham



Parks in NC

- Triangle North
- International Logistics Brunswick-Columbus
- Commerce Station Davidson-Cornelius-Huntersville
- Burke County Industrial Park, Burke County-Municipalities
- Clay County, NC – Townes County, GA



Person-Durham



Status of Parks and Sites

- Person County has substantial acreage adjoining industrial sites or near existing businesses and industries
- Durham County's inventory is limited
- Treyburn Corporate Park is the only major park development with acreage remaining
- The ability of Durham County to develop new parks is limited by watershed, Falls Lake, the Urban Growth Boundary, and other natural and self-imposed limitations

Person-Durham



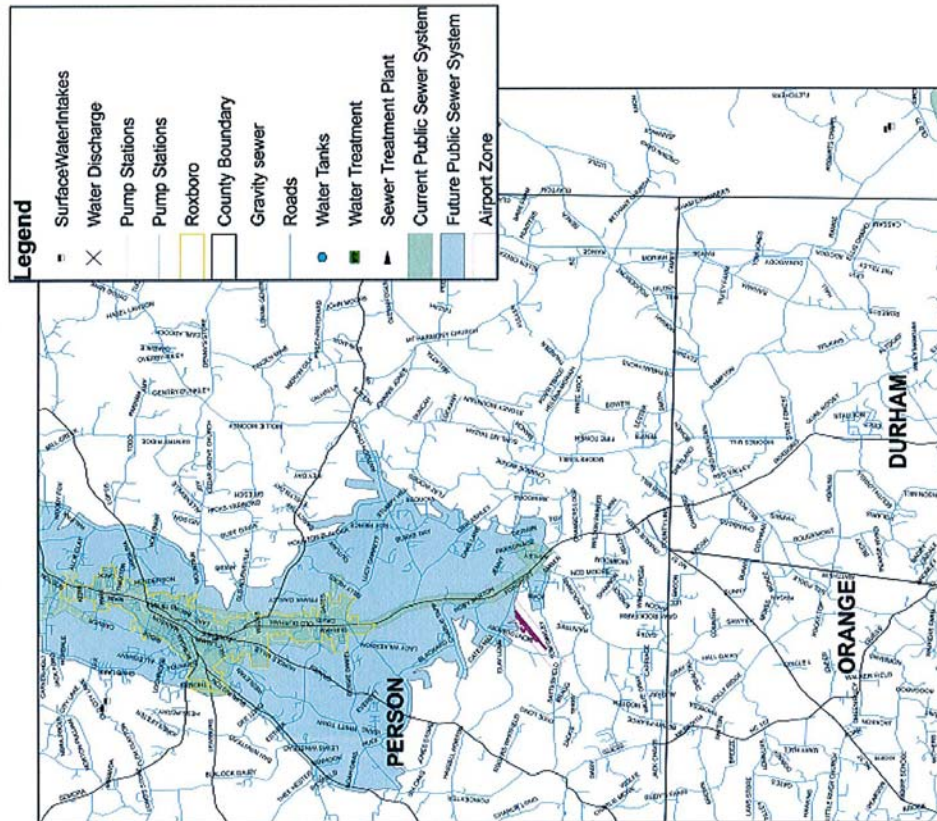
Infrastructure Capacity

- Depending upon the location of a multi-jurisdictional park, both the City of Durham and Person Counties have the *ability* to serve a large business park
- However, it is *unlikely* the City of Durham would extend service
- A business park development in the southern area of Person/northern area of Durham Counties could bring water and sewer extensions to areas not currently being served

Person-Durham



Water & Sewer Infrastructure (Southern Person County & Northern Durham County)



Target Sectors

Durham County's Clusters are complementary to Person County's Cluster

- Life Sciences
- Financial Services
- Pervasive Computing
- Analytical Instruments/Robotics Process and Testing Equipment
- Nanoscale Technologies
- IT/Informatics
- Green Technologies
- Food Manufacturing
- Transportation and Trucking
- Automotive Components
- Renewable Energy

Person-Durham



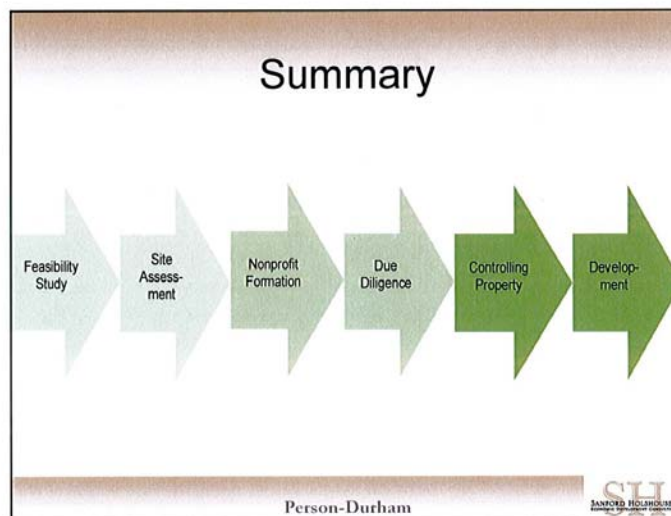
Potential Areas

- Areas in southern Person County and near the Person-Durham border

Person-Durham



Next Steps		
2012-2013	2013-2014	2014-2015+
Site Assessment		
	Structure Nonprofit	
	Due Diligence	
	Controlling Property	
	Site Certification	
		Improvements: access, signage, infrastructure
Person-Durham		SLI SANFORD HOLLANDER Real Estate Management Solutions



Ms. Morphis stated the report was shared with the Durham County Commissioners on September 5, 2012. Ms. Morphis noted the Durham Board wanted to know how this proposed park may be different from other parks developed in Durham County to complement other development as well as the acreage for the site. Ms. Morphis further noted the Durham Board authorized their Manager to proceed with the next phase of site identification. The site assessment study is estimated to cost \$30,000 which would be a 50/50 split between both counties.

Commissioner Blalock asked about consideration for a third entity, i.e. Orange County to be involved with such multi-jurisdictional park. Ms. Morphis gave the Board examples of multi-jurisdictional parks and their success noting it is a viable option to have multiple entities work jointly however challenging. Ms. Morphis stated the key element in successfully developing an economic business park is keeping the focus on job creation.

Ms. York recommended that the Board authorize the Manager to move forward and begin to identify possible sites for a joint Person-Durham business park noting Durham County suggested holding a joint meeting following the site assessment study to further evaluation of the specific site with the pros and cons of such site.

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Jeffers, and **carried 5-0** to authorize the County Manager to move forward with the site assessment study for the multi-jurisdictional park with Durham County.

VOICE INTEROPERABILITY PLAN FOR EMERGENCY RESPONDERS (VIPER) LEASE AGREEMENT:

County Manager, Heidi York requested the Board to review the Ground Lease Agreement, a Sublease Agreement and a Memorandum of Lease allowing the State of NC to construct a 280' self-supported communications tower on property owned by Person County Government located on Critcher Wilkerson Road.

Ms. York highlighted the following terms included in the lease agreements:

- 25-year initial term lease (for \$1.00) (September 1, 2012-August 31, 2037) with a 30-day right to terminate clause
- Automatic 25-year renewal of initial term lease (unless the State of North Carolina elects not to renew and provides a 60-day written notice)
- Ground lease agreement allows for 0.05 acres or approximately 2,262 sq. ft. of space to be utilized at the Critcher Wilkerson location to be used for a communications tower, equipment building, concrete generator pad, and secured fencing (for the primary purposes of providing VIPER communications capability)
- Per the agreement, the State requires a proposed 12' gravel drive for access and utility easement

- The State will self-insure and maintain its tower, equipment, utility charges, repair of damages (except those caused by negligent or wrongful acts or omissions of Person County Government or its contractors and agents) and any other related communications equipment and property of the State
- Person County has the opportunity to have their equipment co-located on the tower

Emergency Services Director, Wes Lail stated the communications tower would provide application for all Person County emergency services agencies to operate on a state-maintained 800 MHz radio system. Currently, these emergency response agencies have very limited capability with operating in this system—a system that is being utilized by neighboring counties and by state agencies such as NC Highway Patrol, NC Division of Emergency Management, etc.

Ms. York told the Board the current tower located on Hill Street is taller than the one proposed by the State and Person County has no current plans to remove county-owned equipment from that tower.

Commissioner Kennington asked Mr. Hill, Director of Arts, Parks & Recreation if the tower would have any negative impact on any future use of that property. Mr. Hill stated he did not foresee any negative impact.

Ms. York requested the Board to authorize the County Manager to execute the agreements as presented.

A **motion** was made by Commissioner Blalock, **seconded** by Vice Chairman Puryear, and **carried 5-0** to authorize the County Manager to execute the Ground Lease Agreement, a Sublease Agreement and a Memorandum of Lease as presented.

PERSON COUNTY NON-SMOKING ORDINANCE:

Health Director, Janet Clayton told the Board that on February 27, 2012, the Person County Board of Health recommended the prohibition of tobacco products on all County grounds. On March 7, 2012, the Person County Recreation Advisory Board voted in support of the prohibition of smoking on County grounds. Ms. Clayton stated a work group was formed consisting of Ron Aycok, County Attorney, John Hill, Director of Arts, Parks & Recreation, Angie Warren, Director of Human Resources and herself. On behalf of the work group, Ms. Clayton presented the Board with a proposed non-smoking ordinance and requested the Board to consider beginning the process to the adoption of the proposed non-smoking ordinance including scheduling a public hearing for citizen input.

Ms. Clayton outlined the exceptions listed in the proposed non-smoking ordinance:

(c) *Exceptions.* This ordinance does not restrict or prohibit smoking in the following places:

- (a) The County Court House and the Grounds around it
- (b) Recreation Camp Sites
- (c) Bushy Fork Grange Building
- (d) Piedmont Community College buildings and grounds
- (e) County parking lots

Ms. Clayton confirmed there is a prohibition of smoking inside the County Court House as well as inside the Grange Building and those two should not be listed as an exception and the proposed ordinance would need to be corrected.

Ms. Clayton noted the penalty for violation is by a fine of not more than \$50. There is no consequence for conviction or any assessed court costs.

Commissioner Jeffers inquired about designating smoking areas at ball fields pointing out patrons pay \$1 for admission to the game and would be asked to exit the game to smoke in the parking lot. It was the consensus of the group that smoking should not be allowed in the dug-out or bleacher/spectator areas. Mr. Hill added the parking lots were chosen as the exception and the most relevant to the location of all the facilities. Mr. Hill further added that enforcement would be carried out through staff on-site and/or through law enforcement.

It was the consensus of the Board for staff to revise the proposed non-smoking ordinance to determine and define locations of designated smoking areas in a site by site analysis.

RESOLUTION APPROVING AN INSTALLMENT FINANCING CONTRACT AND OTHER DOCUMENTS AND PROVIDING FOR CERTAIN MATTERS IN CONNECTION WITH THE FINANCING OF A PORTION OF THE COSTS OF VARIOUS CAPITAL IMPROVEMENTS:

Finance Director, Amy Wehrenberg requested Board consideration to approved a Resolution approving an Installment Financing Contract and other documents and providing for certain matters in connection with the financing of a portion of the costs of various capital improvements.

Ms. Wehrenberg stated the Resolution set forth sections as follows:

Preamble: The final approval of documents associated with the plan to finance the Project using Qualified School Construction Bonds (QSCBs) and with the conveyance of Southern Middle School to the County as collateral.

1. States that the County and Board of Education have agreed to finance a portion of the cost for this Project for which each has found it necessary and desirable to provide improved educational facilities for the citizens of Person County.
2. To finance a portion of the cost to re-roof Southern Middle School and a portion of Person High School for \$3,132,537.50 as a taxable direct payment under the restrictions of the QSCBs.
3. Sets forth the requirement that the Board of Commissioners approve and receive copies of the installment financing contract and associated documents related to this financing to be finalized.
4. Lists the financing documents that were included in the Board packets for review, including (a) the Installment Financing Contract between the County and BB&T, the lending institution, that sets up the arrangement for the advancement of funds to the County to be repaid in installments until the debt is paid; (b) the Deed of Trust which allows for the ownership of Southern Middle School as security for the County's obligation to repay the Loan Amount; (c) an Administrative Agreement between the County and the Board of Education which authorizes the conveyance of Southern Middle School and the improvements described; and (d) the Lease between the County and Board of Education to lease Southern Middle School to the Schools and the improvements for the duration of the loan as part of the plan to finance the costs.
5. That the Board finds and determines that it is in the best interest of the County to enter into these financing agreements in order to proceed with the financing of the cost of the Project.
6. Designates and authorizes certain County officials to represent the County in the execution and delivery of final financing documents to the appropriate parties with any changes that are deemed necessary and appropriate, and that the final Installment Payment take place no later than December 31, 2027 and does not exceed \$3,132,537.50.
7. The resolution is effective upon its passage by the Board.

Vice Chairman Puryear requested the Board to recuse him from the vote due to fact the lending institution is his employer.

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Blalock and **carried 5-0** to allow Commissioner Kyle W. Puryear to recuse himself from the vote.

A **motion** was made by Commissioner Blalock, **seconded** by Commissioner Kennington, and **carried 4-0** to adopt a Resolution approving an Installment Financing Contract and other documents and providing for certain matters in connection with the financing of a portion of the costs of various capital improvements as presented.

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, on September 17, 2012, at 9:00 A.M.

Present: Chairman Jimmy B. Clayton, presiding, and Commissioners Kyle W. Puryear, B. Ray Jeffers, Frances P. Blalock and Samuel R. Kennington.

Absent: None.

* * * * *

Chairman Jimmy B. Clayton introduced the following resolution, a copy of which had been provided to each Commissioner and which was read by its title:

RESOLUTION APPROVING AN INSTALLMENT FINANCING CONTRACT, A DEED OF TRUST AND OTHER DOCUMENTS AND APPROVING AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH FINANCING A PORTION OF THE COST OF CERTAIN IMPROVEMENTS TO SCHOOL FACILITIES.

WHEREAS, the County of Person, North Carolina (the "County"), is a validly existing political subdivision of the State of North Carolina (the "State"), under and by virtue of the Constitution and laws of the State; and

WHEREAS, the County has the power, pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended, to (a) finance the purchase of real and personal property by installment agreements that create in the property purchased a security interest to secure payment of the purchase price to the entity advancing moneys for such transaction and (b) finance the construction of fixtures or improvements on real property by agreements that create in such fixtures or improvements and in the real property on which such fixtures or improvements are located a security interest to secure repayment of moneys advanced or made available for such construction; and

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September 17, 2012

WHEREAS, the County and The Person County Board of Education, a body corporate which has general control and supervision of all matters pertaining to the public schools in the Person County Schools, its respective school administrative unit (the "Board of Education"), have determined to cooperate in a plan to finance a portion of the cost of a project which each has found to be necessary and desirable to provide for improved public school facilities and improved public education in such school administrative unit; and

WHEREAS, such project consists of the repair or replacement of roofs at Southern Middle School and Person High School (the "Project"); and

WHEREAS, the Board of Commissioners for the County (the "Board") has determined to proceed with the financing pursuant to said Section 160A-20 of a portion of the cost of the Project in an amount not to exceed \$3,132,537.50 (the "Amount Advanced"), and it is necessary to approve an installment financing contract, a deed of trust and other documents and approve and authorize certain actions in connection therewith; and

WHEREAS, pursuant to Section 54F of the Internal Revenue Code of 1986, as amended (the "Code"), the County has received an allocation of qualified school construction bond authority in an amount of not less than \$3,132,537.50 and desires that its obligation to repay the Amount Advanced under the Installment Financing Contract (as hereinafter defined) constitute a taxable direct payment qualified school construction bond pursuant to Section 54F of the Code; and

WHEREAS, there have been presented for consideration by the Board copies of the following documents relating to such matter:

(a) a draft of an Installment Financing Contract, between the County and Branch Banking and Trust Company (the "Installment Financing Contract"), under which Branch

Banking and Trust Company (the "Bank") would advance the Amount Advanced to finance a portion of the cost of the Project and the County would be obligated to make Installment Payments (as defined therein) to repay the Amount Advanced and to make certain other payments, among other requirements, such obligations being subject to termination by the County under certain circumstances as provided therein;

(b) a draft of a Deed of Trust and Security Agreement (the "Deed of Trust") which the County would execute and deliver to a trustee for the benefit of the Bank and which would encumber the site of Southern Middle School and the improvements on such site and certain related property, subject to certain exceptions, as security for the County's obligation to repay the Amount Advanced and any other funds advanced to it pursuant to the Installment Financing Contract;

(c) a draft of an Agreement Concerning School Roof Improvements (the "Administrative Agreement") between the Board of Education and the County, under which the Board of Education would convey to the County the site of Southern Middle School and the improvements thereon by a General Warranty Deed and undertake certain responsibilities with respect to the Project as described therein; and

(d) a draft of a Lease (the "Lease") between the County, as lessor, and the Board of Education, as lessee, which provides for the lease by the County to the Board of Education of the site of Southern Middle School and the improvements thereon as a part of such plan to finance a portion of the cost of the Project;

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

Section 1. The Board hereby confirms that the Project and its use are essential for improved public education in the County and the Project will permit the County to carry out public functions that it is authorized by law to perform.

Section 2. The Board hereby finds and determines that it is in the best interest of the County to enter into the Installment Financing Contract, the Deed of Trust, the Administrative Agreement and the Lease in order to effectuate the financing of a portion of the cost of the Project as described above.

Section 3. The form and content of the Installment Financing Contract, the Deed of Trust, the Administrative Agreement and the Lease, each of which will be a valid, legal and binding obligation of the County in accordance with its terms, are hereby approved in all respects and the Chairman of the Board, the County Manager of the County, the Finance Director of the County, the County Attorney of the County and the Clerk to the Board are hereby authorized and directed to execute and deliver the Installment Financing Contract, the Deed of Trust, the Administrative Agreement and the Lease, as may be applicable, in substantially the forms presented to the Board, together with such additions, changes, modifications and deletions as they, with the advice of counsel, may deem necessary and appropriate, and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the Board and the County; provided, however, that the due date of the final Installment Payment is not later than December 31, 2027 and that the Amount Advanced does not exceed \$3,132,537.50.

Section 4. The Board hereby approves, ratifies and confirms the actions of the County Manager, the Finance Director and the County Attorney of the County in connection with this matter.

Section 5. The officers and employees of the County are authorized and directed (without limitation except as may be expressly set forth herein) to take such other actions and to execute and deliver such other documents, certificates, undertakings, agreements or other instruments as they, with the advice of counsel, may deem necessary or appropriate to effectuate the transactions contemplated by the Installment Financing Contract, the Deed of Trust, the Administrative Agreement and the Lease.

Section 6. The County hereby designates its obligation to repay the Amount Advanced under the Installment Financing Contract a qualified school construction bond for the purposes of Section 54F(a)(3) of the Code and hereby makes an irrevocable election on its books and records that Section 6431(f) of the Code will apply to such obligation to repay the Amount Advanced.

Section 7. If any section, phrase or provision of this resolution is for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this resolution.

Section 8. All motions, orders, resolutions, ordinances and parts thereof in conflict herewith are hereby repealed.

Section 9. This resolution shall take effect immediately upon its passage.

Commissioner Kyle W. Puryear requested the Board to recuse him from the vote due to fact the lending institution is his employer. A motion was made by Commissioner Samuel R. Kennington, seconded by Commissioner Frances P. Blalock and carried by majority vote (5-0) to allow Commissioner Kyle W. Puryear to recuse himself from the vote.

Upon motion duly made and seconded, the foregoing resolution was passed by the following vote:

Ayes: Chairman Jimmy B. Clayton, and Commissioners B. Ray Jeffers, Frances P. Blalock and Samuel R. Kennington.

Noes: None.

* * * * *

I, Brenda B. Reaves, Clerk to the Board of Commissioners for the County of Person, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a regular meeting held on September 17, 2012 as relates in any way to the matters described therein.

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 17th day of September, 2012.




Brenda B. Reaves
Clerk to the Board of Commissioners

**PERSON COUNTY RE-ROOFING PROJECTS FOR SCHOOL BUILDINGS
CAPITAL PROJECT ORDINANCE:**

Finance Director, Amy Wehrenberg presented the Board with a Capital Project Ordinance for the re-roofing projects at Southern Middle School and Person High School. Ms. Wehrenberg stated the approval of the Capital Project Ordinance allows for the creation of this Project on the County's books and includes final estimated revenues and expenditures after construction and engineering bids have been received and awarded. The projected total for this Project is estimated to be \$3,208,092, most of which is sourced from debt proceeds in the amount of \$3,132,538. The remaining revenues of \$75,554 are included as a transfer from the County's CIP Fund to help support the projected expenditures for any contractual amendments and overages that may occur.

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Blalock, and **carried 5-0** to approve the Capital Project Ordinance for the re-roofing projects at Southern Middle School and Person High School.

**PERSON COUNTY RE-ROOFING PROJECTS FOR SCHOOL BUILDINGS
CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED by the Board of Commissioners of Person County, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1 The project authorized is the construction and repair of roofing for Southern Middle School and Person High School. The project is to be financed by an installment financing under G.S. 160A-20 in addition to funds provided by Person County, the state and any other revenues that may become available. Person County is providing \$75,554 from the County's CIP Fund for possible project bid overages.

Section 2 The officers of this unit are hereby directed to proceed with the capital project within the terms of the financing resolution and the budget contained herein.

Section 3 The following amounts are appropriated for the project:

Re-Roofing Construction and Repair:	
Southern Middle School.....	\$ 2,513,722
Person High School	568,816
Issuance Costs.....	50,000
Contingency	75,554
Total	<u>\$ 3,208,092</u>

Section 4 The following revenues are anticipated to be available to complete this project:

Transfer from CIP Fund	\$ 75,554
Debt Financing Proceeds	<u>3,132,538</u>
Total	<u>\$ 3,208,092</u>

Section 5 The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of any and all applicable requirements of North Carolina General Statutes. The terms of the financing resolution also shall be met.

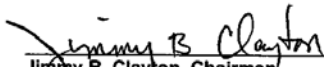
Section 6 Funds may be advanced from the General Fund for the purpose of making payments as due. Any such advances made prior to the securing of adequate financing is intended to be reimbursed from the proceeds from the financing. Reimbursement requests should be made to the financing institution in an orderly and timely manner.

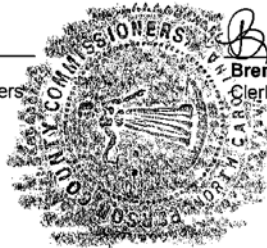
Section 7 The Finance Director is directed to report periodically on the financial status of each project element in Section 3 and on the total revenues received or claimed.

Section 8 The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project periodically to the Board.

Section 9 Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Director for direction in carrying out this project.

Adopted this 17th day of September, 2012.


Jimmy B. Clayton, Chairman
Person County Board of Commissioners




Brenda B. Reaves
Clerk to the Board

September 17, 2012

It was the consensus of the Board to have a brief break. Chairman Clayton announced a brief recess at 11:22 am. The Board reconvened the meeting at 11:29 am.

ACCEPT SCHEDULE OF VALUES AND SET PUBLIC HEARING:

Tax Administrator, Russell Jones stated the 2013 revaluation is on schedule and approximately 90% complete. Mr. Jones stated the Tax Office has been working on the revaluation for the last couple of years and have reviewed most of the 26,000 parcels. Mr. Jones noted several changes to the schedules, such as updated depreciation tables, land schedules, SFD grades, code changes, etc., has been made as well as the Present Use-Value schedules have been changed to coincide with the recommendations from the NC Dept. of Revenue.

Mr. Jones asked the Board to keep in mind the schedule of values will have to hold through 2017 noting the goal of Ad Valorem Property taxation is to remain as close to market as possible. As a part of the Revaluation process, Mr. Jones stated the Schedule of Values must be presented to the Board, a Public Hearing scheduled, and the Schedule of Values approved. Mr. Jones told the group a copy of the Schedule of Values is available in the Assessor's office for public review, an electronic copy was included with the Board's agenda packets, and a copy has been posted on the county website.

Mr. Jones requested the Board to schedule a public hearing for October 1, 2012 at 7:00 pm as well as set October 15, 2012 as a date that the schedules will be considered for approval noting this schedule will allow the Tax Administrator the time necessary to meet the advertising guidelines as required by General Statutes as well as a 30-day period of time to appeal at the state level.

Mr. Jones stated notices of value, in the form of a letter with an appeal form attached, will be mailed to all property owners around January 1, 2013.

Mr. Jones stated the results of the revaluation for the total value of the county show an insignificant change.

Commissioner Kennington suggested the Tax Administrator to explain revenue neutral to the new Board in a revaluation year. County Manager, Heidi York stated the upcoming Community Conversations meeting would be a good time to discuss that topic. Commissioner Kennington complimented Person County's ability to maintain the same tax rate for seven years and provide services with limited growth during the economy.

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Blalock, and **carried 5-0** to accept the Schedule of Values being available as well as schedule a public hearing for October 1, 2012 at 7:00 pm and place on the October 15, 2012 Board agenda the Schedule of Values for consideration for approval.

PROCLAMATION – CARES ENOUGH TO WEAR PINK DAYS:

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Jeffers, and **carried 5-0** to adopt the Proclamation “Cares Enough to Wear Pink Days” as read by Chairman Clayton.

PROCLAMATION

“Cares Enough to Wear Pink Days”

WHEREAS, Guardians of the Ribbon Inc./DBA Pink Heals Tour is a national, non-profit organization consisting of firefighters, police officers, EMTs and leaders in the community whose sole purpose is raising awareness for the fight against cancer; and

WHEREAS, in September, 2007, the “Pink Heals Tour” began, encouraging public safety professionals, local leaders and citizens throughout the community to wear pink in honor of all women and to join forces to help them in their fight against cancer; and

WHEREAS, the spirit of this campaign is to fight for those who have lost the ability to fight for themselves; asking for public support and raising understanding and awareness to all citizens; and

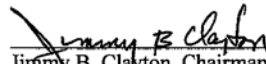
WHEREAS, anything is possible when good people devote themselves to a cause that does so much good and benefits so many; and

WHEREAS, the “Cares Enough to Wear Pink” campaign honors all women and recognizes the need to come together as a collective group and help with the fight against cancer, reminding future generations that people who are not affected by an illness can come together for those who are.

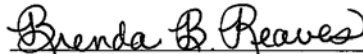
NOW, THEREFORE, the Person County Board of Commissioners, and I, Jimmy B. Clayton, Chairman do hereby proclaim October 25-27, 2012 as “**Cares Enough to Wear Pink Days**” in Person County.

Adopted this, the 17th day of September, 2012.




Jimmy B. Clayton, Chairman
Person County Board of Commissioners

Attest:


Brenda B. Reaves, Clerk to the Board

September 17, 2012

RESOLUTION – CRAVEN COUNTY 300TH ANNIVERSARY:

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Blalock, and **carried 5-0** to adopt a Resolution recognizing Craven County's 300th Anniversary as read by Chairman Clayton. Commissioner Kennington requested the County Manager to mail a copy of the adopted Resolution to each Craven County Commissioner and the original to the Craven County Manager.

RESOLUTION

Craven County 300th Anniversary

WHEREAS, Craven County was created in 1712 as Craven Precinct, extending into what is now eastern Tennessee; and

WHEREAS, most of North Carolina's counties to the south and west of Craven County can trace their lineage to Craven County; and

WHEREAS, Craven County is home to the first American born Governor of North Carolina, Richard Dobbs Spaight, and the most recent Governor of North Carolina, Beverly Perdue; and

WHEREAS, Craven County has been blessed with outstanding citizens and leaders over the last 300 years, who have made significant contributions to the State of North Carolina, including C.E. Foy, "Father" of the North Carolina Association of County Commissioners and Abner Nash, second Governor of North Carolina; and

WHEREAS, the 300th anniversary of Craven County is being celebrated throughout the year with a variety of community generated learning opportunities; and

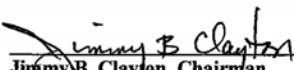
WHEREAS, on September 22, 2012, coinciding with the anniversary of the start of the Tuscarora War, Craven County will celebrate its rich and diverse heritage at a countywide event that will acknowledge the vital contributions of all its citizens, cities, towns and hamlets in the county's development.

NOW, THEREFORE, BE IT RESOLVED that the Person County Board of County Commissioners does hereby recognize and celebrate the many accomplishments and contributions made by Craven County in tribute to its 300 years of existence to their community, neighboring counties and across the state of North Carolina.


Adopted, this, the 17th day of September, 2012.

Person County Board of Commissioners




Jimmy B. Clayton, Chairman

Attest:


Brenda B. Reaves, Clerk to the Board

September 17, 2012

BUDGET AMENDMENT:

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

Upon a motion by Commissioner Jeffers, and a second by Vice Chairman Puryear and majority vote (5-0), the Board of Commissioners of Person County does hereby amend the Budget of the General Fund(s) on this, the 17th day of September 2012, 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	134,916
	Public Safety	49,030
	Transportation	21,840
	Economic Development	2,503
	Environmental Protection	314
	Human Services	13,468
	Culture & Recreation	3,735
	Contingency	(229,718)
	Transfer to Other Funds	5,277
	<u>Person Industries & MRF Fund</u>	
	Person Industries	4,334
	PI MRF	943
	<u>Airport Capital Construction</u>	
	<u>Project Fund</u>	(1,219,642)
<u>REVENUES</u>	<u>General Fund</u>	
	Other Revenues	1,365
	<u>Person Industries & MRF Fund</u>	
	Transfer from Other Funds	5,277
	<u>Airport Capital Construction</u>	
	<u>Project Fund</u>	
	Intergovernmental Funds	(1,097,679)
	Investment Income	(121,963)

September 17, 2012

Explanation:

Appropriating the transactions needed to transfer the cost associated with the property and liability insurance from the Contingency Insurance line (-\$229,718) along with the interfund transfers to various departments in the General Fund (\$229,718) and transfers to Person Industries Fund (5,277); donations received in the Library Fund for program supplies (\$1,365); and the closeout of four Airport projects including the Approach Lighting, 2007 & 2008 Vision, and Runway Approach Survey projects in the Airport Capital Construction Fund (-\$1,219,642).

FORCE PROTECTION UPDATE:

County Attorney, Ron Aycock stated in August, 2007, the Board of Commissioners agreed to an appropriation of \$1.1 million as incentive to Force Protection to locate in Person County noting that incentive agreement had requirements of Force Protection to provide a capital investment of \$30 million, 150 employees within 24 months and 270 employees within 48 months. Mr. Aycock noted the agreement also included a provision, often called a claw-back provision, which is required by the law that if Force Protection does not meet the required goals, then some or all of the incentive funds must be returned.

Mr. Aycock stated in 2007 continuing to the present the primary economic development vehicle is the Person County Business Industrial Council (PCBIC) where in fact the \$1.1 million appropriation was made to PCBIC. PCBIC, a non-profit was the primary contractor with Force Protection. The Board of Commissioners Chair signed the incentive agreement acknowledging the appropriation of \$1.1 million incentive as well as the authority of PCBIC to enter into the incentive agreement.

Mr. Aycock stated Force Protection never reached the goals in the contract and was ultimately sold to General Dynamics. General Dynamics seceded to the obligations of Force Protection and once a settlement was negotiated to return a portion of the incentive, it was with General Dynamics.

Mr. Aycock stated the law requires for the Board of Commissioners to disclose the final results of the negotiated settlement as a satisfaction of the requirement. The settlement is for a total of \$650,000.00 with \$598,051.34 as the portion of the settlement allocated to the incentive return. In addition, \$51,948.66 will be paid to Person County in property taxes. The calculated investment realized in Person County was approximately \$15 million and about 30 employees. Mr. Aycock reported to the group that a settlement has been reached with the settlement agreement signed, legally binding General Dynamics to pay the amounts indicated. The checks, as of September 14, 2012, had not been received and were expected in the mail any day.

Commissioner Kennington confirmed with Mr. Aycock that the difference between the \$1.1 million incentive and the \$650,000.00 claw-back is that Force Protection did meet some of the stipulations with the \$15 million investment (less equipment) remaining in Person County, reporting errors and ineligible expenses incurred.

The group discussed consideration of requesting PCBIC to return the incentive pay-back to the county fund to possibly be used for future economic development. Chairman Clayton stated he would relay the Board's comments to the next Economic Development Commission (EDC)/PCBIC meeting scheduled for September 20, 2012 at 8:00 am. Chairman Clayton stated the Board changed the structure of the EDC to have more oversight and to hold monthly meetings.

CHAIRMAN'S REPORT:

Chairman Clayton recognized Patrice Roesler, Deputy Director of the NC Association of County Commissioners and Jason King, Associate Director of Education with the NC Association of County Commissioners both present in the audience.

MANAGER'S REPORT:

County Manager, Heidi York introduced Stuart Gilbert, Economic Development Director who has been employed for one week.

Ms. York stated the EDC meeting is scheduled for September 20, 2012 at 8:00 am in the Register of Deeds/Tax Administration conference room noting the EDC group meets the third Thursday of each month.

Ms. York asked the Board for any legislative goals for submission noting one had been received from the Superintendent requesting local control for the school calendar for consideration.

COMMISSIONER REPORT/COMMENTS:

Commissioner Kennington thanked the following for sponsoring and/or participating in organizing the First Annual Person County Farm Tour held on September 14-15, 2012:

Person County Museum and its Director, Derek Day, Dr. Claudia Berryhill, Camp Chemical, Carolina Farm Credit, Farm Bureau of Person County, Oakley Machine Shop, Olive Hill Welding & Fabrication, Pepsi Cola Bottling Company, Quality Equipment, Roxboro TDA, Southern States, Summit Consulting, TG Brooks Co., and Tractor Supply

Commissioner Kennington acknowledged the farms that were on the tour:

Abanitu Organics, Bernard Obie and wife
Allied Organic Farm, Tom & Linda Savage
Blue Bird Meadows, Alice & Stewart White
Carver Brothers Turf, Bobby & Ricky Carver
Bio Plots, HR Carver
Carver Farm Nursery, Ronnie, Susan & Jason Carver
Clover Field Farms, Linda & Alan Justice
Cross Creek Dairy, Mickey & Patsy Clayton
Flat River Nursery & Farm, Charles & Joan Holeman
JB Herb & Plant Farm, John Wrenn & Burton Edwards
New Oaks Farm, Reggie Oakley
Person County Farmer's Market
Person County Museum
Rogers Cattle Company, Johnny & Sharon Rogers
Rock of Ages Winery, Kim & Kevin Moore
Sunset Ridge Buffalo Farm, Jack & Sandy Pleasants
The Hills of Berry Hot Times Firewood, Cal & Joe Berryhill

Commissioner Kennington noted the Museum has acquired additional property from Ruffin Woody for the home on the corner of Main and Morehead Streets due to a donation in the amount of \$225,000 from a former resident of Person County.

Commissioner Blalock passed out to the Board a letter explaining the math to investigate all areas of revenue the county can generate along with a proposed Recycling Ordinance. Commissioner Blalock requested the Recycling Ordinance to be placed on the Board's October meeting agenda.

Commissioner Jeffers announced that Person County 4-H will have a booth at the NC State Fair with the theme "With a Rich Past and a Brighter Future" highlighting Person County and its solar park.

Commissioner Jeffers also announced that a Healthy Living for a Lifetime will offer free health screenings through partnership with NC Farm Bureau on October 10, 2012, from 10:00 am – 6:00 pm, in the parking lot of the Farmer's Market.

Vice Chairman Puryear had no report.

CLOSED SESSION:

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Blalock, and **carried 5-0** to enter Closed Session at 12:16 pm to consult with the attorney per General Statute 143-318.11(a)(2) with the County Manager, Clerk to the Board, Assistant County Manager, Tax Administrator and the Economic Development Director permitted to attend.

Vice Chairman Puryear asked why the Closed Session was not added to the agenda. County Attorney, Ron Aycock stated during the brief recess Commissioner Kennington discussed with him the possibility of a lawsuit against the county that was suggested during informal comments.

Chairman Clayton called the Closed Session to order at 12:19 pm following a 3-minute break.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Blalock, and **carried 5-0** to return to open session at 12:31 pm.

ADJOURNMENT:

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Kennington, and **carried 5-0** to adjourn the meeting at 12:31 pm.

Brenda B. Reaves
Clerk to the Board

Jimmy B. Clayton
Chairman