

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

OCTOBER 1, 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, October 1, 2012 at 7:00 p.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 Blalock, **seconded** by Commissioner Kennington and **carried 3-2** to add an item to the agenda for action related to Patrick Riley's request for a motion for his tax cases to be reheard by the Property Tax Commission and to approve the agenda as adjusted. Vice Chairman Puryear and Commissioner Jeffers cast the dissenting votes.

PUBLIC HEARING:

SCHEDULE OF VALUES:

A **motion** was made by Commissioner Jeffers, **seconded** by Vice Chairman Puryear, and **carried 5-0** to open the duly advertised Public Hearing for the Schedule of Values.

Tax Administrator, Russell Jones stated the scheduled public hearing for the Schedules of Values for the 2013 Revaluation is to receive taxpayer feedback on the proposed Schedule of Values that was made available at the Board's last meeting on October 1, 2012. The Schedule of Values was also made available at the Tax Office as well as posted on the web site. Mr. Jones stated the Schedule of Values will be placed on the Board's October 15, 2012 meeting agenda for consideration for approval. Mr. Jones introduced Property Revaluation Manager, Phillip Christy to explain the Schedule of Values to the group.

Mr. Christy told the group the revaluation process is over 90% complete with a review of 3,700 sales over the last four years with 1,000 of those noted as good, qualified sale. Mr. Christy stated Marshall & Swift, a revaluation company, assisted Person County for the manual information.

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Mr. Christy noted land values have risen more than other values with house values being flat the last four years. Mr. Christy indicated to the Board a fairly flat revaluation.

Mr. Christy stated taxpayers will receive a new notice of value along with an appeal form. The goal is for all property to be at 100% fair market value.

Commissioner Kennington asked Mr. Christy to explain a good, qualified sale. Mr. Christy explained a good, qualified sale is a sale between two parties that are not related, no undue influence, arms-length transaction, not a foreclosure, and not a family sale.

There were no individuals appearing before the Board to speak in favor or in opposition to the Schedule of Values.

A **motion** was made by Commissioner Blalock, **seconded** by Commissioner Jeffers, and **carried 5-0** to close the Public Hearing for the Schedule of Values.

INFORMAL COMMENTS:

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

Mr. Barry Walker of 1575 Charlie Tapp Road, Roxboro, and Chairman of the Planning Board, requested Board consideration to allow Derrick Smith, a newly hired county employee, to continue as a member on the Planning Board.

Ms. Faye Boyd of 69 Foxwood Drive, Timberlake stated support of the Recycling Ordinance on the agenda for consideration for compliance with the state's goals to achieve 40% reduction in solid waste.

Mr. Ken Hill of 916 Mann Oakley Road, Rougemont and Chairman of the Solid Waste Advisory Committee voiced support for the Board to enact the Person County Recycling Ordinance regulating recycling materials. Mr. Hill noted the state of NC issued General Statutes 130A-309.4 and 138-309.9 which call for local governments to find alternatives other than disposal of solid waste in the landfills with the hierarchy of the methods starting with waste reduction, recycling and reuse, composting with the last option being disposal into landfills. Mr. Hill stated the Board's adoption of the proposed Recycling Ordinance would support the mandate dictated by the state. Mr. Hill informed the group that the City of Roxboro has a Recycling Ordinance, under General Statutes 50.25 Articles I and J to which Mr. Hill read an excerpt noting the passage date of June 11, 1974.

APPROVAL OF MINUTES:

A **motion** was made by Commissioner Jeffers, **seconded** by Vice Chairman Puryear, and **carried 5-0** to approve the minutes of September 17, 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 August, 2012.

OLD BUSINESS:

REVIEW OF SECTION 101, NONCONFORMING USES AND SECTION 60, GENERAL REGULATIONS, ACCESSORY STRUCTURES IN THE ZONING ORDINANCE:

Chairman of the Planning Board, Barry Walker stated the Board of County Commissioners asked the Planning Board to review the nonconforming and accessory use sections of the Zoning Ordinance. Mr. Walker stated the Planning Board discussed these issues in three separate meetings and presented the Board with proposed amendments and changes as outlined below:

Planning Board Recommended Changes to the Non-conforming Use and Accessory Structure sections of the zoning ordinance

Text in italics are proposed changes.

Text in bold are additions to the ordinance.

Nonconformities exist; completed land uses, structures, or lots that were legal when established but are inconsistent with subsequently adopted or amended land use regulations. A use that is initiated in violation of a zoning ordinance does not enjoy nonconforming status.

NONCONFORMING USES

New Definitions to Consider: The Ordinance needs to define the following:

Nonconforming Building – A building or structure that is not in conformance with the provisions(Section 75-Table of Dimensional Requirements) of the district in which it is located.

Nonconforming Lot – Surveyed and recorded lots that met existing zoning regulations when created but no longer conform with the adopted regulations.

Nonconforming Use – A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations before adoption of this Ordinance or the predecessor Person County Zoning Ordinance.

101-1 Nonconforming uses may not be changed to another nonconforming use unless the Board of Adjustment determines that such change shall be no more detrimental to the neighborhood than the existing use; however, no change of title or possession, or right to possession of property shall be construed to prevent the continuance of a nonconforming use.

101-2 No building may be extended or enlarged or the amount of land devoted to a use increased unless such extensions or enlargements comply with all the provisions of this ordinance.

Proposed 101-2

Any structure existing at the time of adoption of this Ordinance which does not comply with setback or yard requirements, or which exceeds height requirements, may be continued in use but shall not be enlarged or extended unless such extensions or enlargements comply with all the provisions of this ordinance. No unenclosed portion of a building may be enclosed if the setback or height requirements are not met.

101-3 Nothing in this ordinance shall be construed to prevent the reconstruction of any building, conforming or nonconforming, damaged by any means. However, any nonconforming building which is damaged may only be replaced by a structure of equal or smaller size and square footage as that of the previous structure. No reconstruction or new construction shall be allowed which creates any new or additional nonconformity than that which existed at the time of damage.

101-4 If a nonconforming use is discontinued for a period of 180 days or for more than eighteen months in any three year period, the future use of the building or land must be a conforming use.

Proposed 101-4

If any such nonconforming use of land and/or structure ceases for a period of more than one year (except when government action impedes access to the premises), any subsequent use of such land and/or structure shall conform to the regulations specified by this ordinance for the district in which such land is located. Vacancy and/or nonuse of the land or structure, regardless of the intent of the owner or tenant, constitutes discontinuance under this Section.

101-5 A nonconforming use may be changed to a use of higher classification and whenever the use is changed to a higher or conforming classification then it shall not be allowed to change to the original use or to a lower use. For the purposes of this section, the order of classification of use, from the highest to the lowest shall be as follows: R, B-1, B-2, GI and RC.

101-6 If a nonconforming structure or a conforming structure devoted to a nonconforming activity is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence shall not exceed 60 percent of the cost of reconstructing the entire structure based on the assessed structure value, as recorded by the County Tax Assessor, it may be repaired or restored, provided such repair or restoration is started within six months of the damage and completed within twelve months. However, any nonconforming building which is damaged may only be replaced by a structure of equal or smaller size and square footage as that of the previous structure. Relief to the time limits may be granted by the Board of Adjustment.

101-7 A nonconforming structure or a conforming structure devoted to a nonconforming activity that is damaged by any casualty to an extent more than 60 percent of its assessed value, based on County Tax Assessor records, shall not be restored except as follows:

- a. As a conforming use.
- b. If the use is a one-family dwelling, restoration shall be permitted, provided such restoration is begun within six months of the casualty and completed within 24 months of the casualty.
- c. For structures except a one family dwelling, restoration of a nonconforming structure shall require approval by the Board of Adjustment. A site plan according to Section 80 will be required. In approving such permit, the Board will consider the stated purpose for establishing the zoning district in which the structure is located, the uses in the area immediately surrounding the structure in question, particularly the other nonconforming uses, and the hardship which would result from a denial of the Conditional Use Permit. The permit shall include conditions as to time for repair to be completed and any other conditions deemed necessary to carry out the intent of this section of the ordinance.

101-8 A nonconforming use may be extended or enlarged with a Special Use Permit provided that the addition is no more than fifty percent of the original structure and a landscape buffer is provided to buffer the new portion from adjacent land owners and all setbacks, height, and area requirements of the Planning Ordinance are met. Single family dwellings are exempt from Section 101-6.

(The Planning Board proposes to delete this section from the ordinance)

New Sections to be considered:

101-9 Nonconforming lots of record: Permitted Structures may be erected upon any single lot of record at the time of adoption of this Ordinance, provided the minimum yard requirements are met. A variance to the zoning ordinance is required if the yard width or setback requirements can not be met.

101-10 The creation of a lot with a width or area smaller than allowed by existing zoning requirements is prohibited, except by governmental action, such as a road widening. Any lot, which, by reason of realignment of a public street or highway or by reason of condemnation proceedings, has been reduced in size to an area less than that required by law, shall be considered a nonconforming lot of record subject to the provisions set forth in this section; and any lawful use or structure existing at the time of such highway realignment or condemnation proceedings which would thereafter no longer be permitted under the terms of this ordinance shall be considered a nonconforming use or structure as that term is used in this ordinance.

101-11 When any nonconforming use is superseded by a permitted use, the use shall thereafter conform to the regulations for this district, and no nonconforming use shall thereafter be resumed.

The Planning Board decided to keep these sections, making no changes:

102-1 Nothing in this ordinance shall prevent the restoring or strengthening of a nonconforming structure to a safe condition, provided that the square feet of the structure shall not be increased.

102-2 Should any nonconforming structure be moved for any reason within the Zoning Jurisdiction of Person County, it shall conform to the regulations for the district in which it is to be located.

The following section will be deleted. The proposed Section 101-9 is the same as this.

103-1 In any district, notwithstanding the dimensional requirements for the district in regards to lot width and minimum area, buildings, may be erected on any legally created lot of record existing at the effective date of adoption to this ordinance.

Accessory Structures

An accessory building - An accessory building, structure or use is a building or structure or use on the same lot or site with, of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure. **Accessory buildings are but not limited to sheds, garages, lean to, storage buildings, carports, pool, but not to include well houses (not to exceed 6' x 6'), and gazebo or pool house if attached to footprint of pool.**

Pools - Pools are considered accessory uses if they are above ground or in ground attached by either a deck or solid material such as brick, stone, concrete, etc. attached to the principal structure.

60-5 Unless otherwise specified in this ordinance, accessory buildings may be allowed within five feet of rear and side yard lot lines provided they are five feet or more from the main structure.

Proposed 60-5

Accessory structures shall be located at least five feet from any principal structure and side and rear property lines.

60-6 Unless otherwise specified in this ordinance, every principal building hereafter erected or moved shall be located on a separate lot and in no case shall there be more than one principal building and three permitted accessory buildings on all lots under three acres. There shall be allowed one additional accessory building for every acre over three acres. Industrial operations located in the GI district shall be exempted from this provision.

60-6A - Accessory structures shall be placed in the rear or side yard and not the front yard of all lots under ten acres. Parcels of property containing ten acres or larger may place an accessory building in the front yard provided such building is located at least 50 feet from any street right of way line and a minimum of twenty five feet from any side property line.

60-6B -Accessory buildings shall only be allowed on a lot upon which a primary dwelling, multifamily dwelling, business use or industrial use exists.

Planning Director, Paula Murphy stated the Planning Board's recommendations were based on standard zoning ordinance regulations with safety being an issue in the decisions. Ms. Murphy told the group that if the Board of County Commissioners wishes to act on any zoning ordinance changes, the procedures are to refer changes back to the Planning Board for a Public Hearing for citizen input. The Planning Board Public Hearing could be held on November 8, 2012.

County Manager, Heidi York asked Ms. Murphy for clarification on grandfathering related to the ordinance. Ms. Murphy stated if something existed prior to the 1991 Zoning Ordinance adoption date, then it is considered grandfathered. Ms. Murphy noted there are many buildings constructed without permits.

Vice Chairman Puryear requested to eliminate Section 60-6A to ease the regulations so that people are not out of compliance. Ms. Murphy noted the drain field in the front yard is the key issue.

Commissioners Blalock and Jeffers noted education of the rules to the citizens and sellers. Ms. York suggested preparing a flyer for businesses as well as posting the requirements on the county web site.

It was the consensus of the Board for Mr. Walker to take the feedback given by the Board back to the Planning Board for further discussion as well as the Planning Board to hold a public hearing.

NEW BUSINESS:

RECYCLING ORDINANCE:

Commissioner Blalock stated she had worked with staff to prepare a recycling ordinance for Person County noting the 3-year update to the Solid Waste Plan is currently being reviewed to which a recycling ordinance is one of the goals. Commissioner Blalock stated the state waste reduction goal by 2012 is 40% and suggested making the county's 10-year goal to match the state waste reduction goal of 40% noting Person County is currently recycling approximately 4% of its waste. Commissioner Blalock illustrated if Person County reduced its waste by 40% that revenues would approximate \$1.8 million and advocated the recycling ordinance to achieve the state goals and generate revenue for the county.

Commissioner Blalock recommended the Board to schedule a public hearing on November 5, 2012 which is the same date the Solid Waste Plan would be presented and hold a public hearing. Commissioner Blalock noted the purpose is to educate the citizens.

Vice Chairman Puryear stated concerns with Section 9 – Enforcement noting he could not support imposing such on the entire population of the county. Vice Chairman Puryear noted costs are a factor for a recycling container and/or disposal service for citizens. Vice Chairman Puryear noted his opposition to the recycling ordinance.

Chairman Clayton suggested having the recycling ordinance sent to the Solid Waste Advisory Committee for review and input.

Commissioner Jeffers asked the County Attorney, Ron Aycock the process by which fines can be issued for non-compliance. Mr. Aycock stated that an administrative official can not assess a penalty, but by a criminal sanction through the Magistrate for a judicial process. Mr. Aycock stated he would confirm the statute that sets out authority for an administrative official to start the process. Commissioner Jeffers noted his opposition to proceeding with a recycling ordinance without knowing the financial impact to the county and the citizens.

County Manager, Heidi York stated the ordinance allows for enforcement, though no staff has been dedicated to enforce the ordinance noting staff resources have not been explored at this time.

Commissioner Kennington stated support of proceeding further with the ordinance noting he also had concerns with the enforcement provision. Commissioner Kennington recommended input from the Solid Waste Advisory Committee prior to a public hearing as well as joint agreement with the City of Roxboro.

Mr. Aycock spoke to the impact this proposed recycling ordinance would have on city residents noting general law is that a county ordinance is applicable outside city limits unless the city authorizes enforcement within city limits.

A **motion** was made by Vice Chairman Puryear, **seconded** by Commissioner Jeffers, to not approve the Recycling Ordinance.

A **substitute motion** was made by Commissioner Kennington, **seconded** by Commissioner Blalock, and **carried 3-2** to submit to the Solid Waste Advisory Committee to study Person County's recycling and bring back to the Board recommendations on ways to increase recycling to meet the projected state mandate.

Vice Chairman Puryear and Commissioner Jeffers voted in opposition to the substitute motion.

MEMORANDUM OF AGREEMENT FOR ORANGE PERSON CHATHAM MENTAL HEALTH AUTHORITY RELATED TO THE MERGER WITH PIEDMONT BEHAVIORAL HEALTH TO COVER EXCLUDED LIABILITIES:

County Manager, Heidi York presented a Memorandum of Agreement formalizing the transition from Orange, Person and Chatham Mental Health, Developmental Disabilities, and Substance Abuse Authority (OPC) to Piedmont Behavioral Health (PBH). Ms. York stated the transition included some excluded liabilities which are listed in Exhibit A of the Memorandum of Agreement. Ms. York noted PBH took the position that they would not accept responsibility for those records, so staff began to review options, which included and led to the possibility that Orange County Government would assist in the management of the excluded liabilities. The Memorandum of Agreement sets for a transfer of funds, \$500,000, from the OPC fund balance to Orange County Government for managing the liabilities, with any balance left over upon the completion of all transitions related to the excluded liabilities reverting to Orange County. Ms. York confirmed there would be no costs to Person County. Ms. York requested the Board to review the Memorandum of Agreement and authorize the Chair to execute noting the agreement requires approval by all three member counties.

A **motion** was made by Commissioner Jeffers, **seconded** by Vice Chairman Puryear, and **carried 5-0** to approve the Memorandum of Agreement authorizing the Chairman to execute.

**MEMORANDUM OF AGREEMENT
FOR THE PROVISION OF SERVICES TO PROCESS PAYMENT OF EXCLUDED
LIABILITIES OF ORANGE PERSON CHATHAM MENTAL HEALTH, DEVELOPMENTAL
DISABILITIES AND SUBSTANCE ABUSE AUTHORITY PURSUANT TO THAT CERTAIN
PLAN OF MERGER AND ADDENDUM THERETO DATED EFFECTIVE JUNE 30, 2012**

WHEREAS, effective July 1, 2012, Orange, Person and Chatham Counties merged with the counties comprising PBH; and

WHEREAS, prior to the merger, Orange, Person and Chatham Counties were the three counties that comprised Orange Person Chatham Mental Health, Developmental Disabilities and Substance Abuse Authority d/b/a OPC Area Program ("OPC"); and

WHEREAS, after the merger, OPC will be dissolved and will not be an ongoing entity; and

WHEREAS, OPC and PBH entered into that certain Plan of Merger and Agreement and Addendum thereto dated June 29, 2012 (collectively referenced as the "Plan"); and

WHEREAS, pursuant to the Plan, funds were identified and segregated to pay the Excluded Liabilities as defined in the Plan; and

WHEREAS, Exhibit A hereto is a list of the Excluded Liabilities identified and the funds estimated to cover them; and

WHEREAS, Orange County has agreed to hold the funds segregated on behalf of OPC and provide the management functions necessary (including but not limited to taking possession of the funds, holding the funds in a segregated account for the purpose of paying OPC's Excluded Liabilities as and when billed, paying the Excluded Liabilities as and when billed from the segregated funds, retaining records on behalf of OPC for such periods of time required by law, and responding to records request on behalf of OPC as necessary); and

WHEREAS, N.C.G.S. Section 126-24(5) creates an exception to confidentiality for officials of Orange County as a political subdivision of the State of North Carolina to inspect the records of former employees of OPC in that prior to dissolution, its Area Director deemed inspection of the former personnel records of OPC necessary and essential to the pursuance of one of OPC's proper functions, to wit: preservation of such records as required by law and review of them as necessary to meet OPC's legal requirements in the case of legitimate records requests not for the purpose of assisting a criminal investigation or assisting a tax investigation; and

WHEREAS, Orange County is willing to do so for no compensation but also has no individual liability to provide management functions

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or pay the Excluded Liabilities in the event the funds set aside for this purpose are exhausted; and

WHEREAS, Orange County will provide a financial report to each of the county managers of Orange, Person and Chatham Counties no later than July 31st each year which will include at a minimum the beginning balance of the fund, charges to the fund and the ending balance of the fund; and

WHEREAS, in the event funds remain after all Excluded Liabilities are paid, the excess funds shall remain with Orange County for its use and purposes but in the event the funds are exhausted prior to the time all Excluded Liabilities are paid, the obligations of Orange County under this agreement shall end.

NOW, THEREFORE BE IT RESOLVED that each of the counties named below evidenced by the signature of the Chairman of the Board of Commissioners hereby agrees to the recitals above regarding the provision of the services under this agreement.

BE IT FURTHER RESOLVED, that no individual liability shall accrue to Orange County based on its acts or any failure to act in the performance of its responsibilities pursuant to this Memorandum of Agreement and that in the event any group, individual, entity, or qualified former OPC employee brings any suit, complaint, claim, or legal action regarding Orange County's acts or failures to act in the performance of its responsibilities, such suit, complaint, claim or legal action shall be defended jointly by each party to this Memorandum of Agreement.

ORANGE COUNTY

DATE _____

CHAIR

CLERK TO THE BOARD

This instrument has been pre-audited in the manner required by

the local government Budget and Fiscal Control Act.

Finance Officer for Orange County (SEAL)

October 1, 2012

PERSON COUNTY

DATE 10/1/2012

James B. Clayton
CHAIR

Brenda B. Reeves
CLERK TO THE BOARD

This instrument has been pre-audited in the manner required by
the local government Budget and Fiscal Control Act.

Ann Wehling (SEAL)
Finance Officer for Person County

CHATHAM COUNTY

DATE _____

CHAIR

CLERK TO THE BOARD

This instrument has been pre-audited in the manner required by
the local government Budget and Fiscal Control Act.

Finance Officer for Chatham County (SEAL)

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Exhibit A

Excluded Liability Set-Aside

- a. Unemployment costs and expenses related to former employees of OPC at any time prior to the earlier of the June 30, 2012 or the date the employee was hired by PBH and the employees of OPC who are not hired by PBH prior to July 1, 2012 - \$150,000.00
- b. Workers' compensation costs and expenses related to former employees; - none anticipated
- c. OPC's liabilities, expenses, costs and judgments related to litigation prior to July 1, 2012; - none anticipated
- d. OPC's liabilities, expenses, costs and judgments related to disputes with providers or consumers arising from occurrences prior to July 1, 2012; and - none anticipated
- e. completion of final audits, - \$60,000
- f. closure of final accounts - \$2,000
- g. preparations of legally required tax documents and other similar activities - \$2,000
- h. expenses of contract employees and counsel as necessary to

conclude the wind down and complete final activities -
\$50,000.00
- i. disposal of server and computers, \$8,000
- j. bank service charges - \$2,800
- k. preparation of W-2s by ADP - \$1,000

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- l. cancellation charges for copiers, postage meter -
\$10,000.00
 - m. storage of personnel and payroll records - \$117,000
 - n. Estes Drive rent - \$5157
 - o. all other liabilities or expenses of OPC arising from
occurrences prior to July 1, 2012. - \$92,043.00

PERSON COUNTY RECREATION AND SENIOR CENTER AND CRITCHER-WILKERSON FIELD CAPITAL PROJECT ORDINANCE:

Finance Director, Amy Wehrenberg presented the Board for approval a Capital Project Ordinance for the engineering, design, construction and renovation of a Recreation and Senior Center, as well as design costs associated with the construction of recreational fields on County-owned property ("Critcher-Wilkerson Field"). Per consensus of the Board of Commissioners in the meeting on September 17, 2012, direction was given to move forward with the design phase covering the base plan of the Recreation and Senior Center, the Splash and Therapy Pools, and enclosing the walking track. Also, the Board directed staff that the additional gym (with HVAC) and the Critcher-Wilkerson Field be included in the design plan for purposes of determining the construction costs, which will allow the Board to determine if these add-ons could be included in the final project.

Ms. Wehrenberg stated the Board funded capital expenditures of \$4.2 million on September 17, 2012. Below is the breakdown of how the \$4.2 million will be spent:

Project	Capital Costs	Design fees (.085)
New construction	\$ 2,625,000.00	\$ 223,125.00
Gym AC	\$ 50,000.00	\$ 4,250.00
Renovation	\$ 520,000.00	\$ 44,200.00
Site work	\$ 275,000.00	\$ 23,375.00
Add-ins		
Splash pool	\$ 400,000.00	\$ 34,000.00
Enclosed track	\$ 40,000.00	\$ 3,400.00
Subtotal	\$ 3,910,000.00	\$ 332,350.00
TOTAL Capital and design		\$ 4,242,350.00

Ms. Wehrenberg stated the Board agreed to fund additional design fees for the field and a new gym to determine the capital costs of these items and provide the opportunity to move forward with these projects at a later date.

Future Add-ins	Capital	Design fees
Critcher-Wilkerson	N/A	\$ 51,000.00
Gym	N/A	\$ 93,500.00
TOTAL	N/A	\$ 144,500.00

Ms. Wehrenberg noted the total estimated expenditures of \$4,950,700 include the following: construction costs \$3,910,000, engineering and design \$476,850, debt issuance costs of \$60,000, and contingency funds for preliminary and unforeseen costs \$503,850.

Total projected revenues of \$4,950,700 include the following: debt proceeds in the amount of \$4,446,850, a transfer from the County's CIP Fund for \$27,000 to help support the projected expenditures for any contractual amendments and overages that may occur, and an advancement of funds from the General Fund for \$476,850 to cover preliminary design costs until a reimbursement of debt proceeds is possible.

Ms. Wehrenberg stated the approval of this Ordinance allows for the creation of this Project on the County's books in anticipation of preliminary expenses associated with the design phase of the Project in order for the County Manager to execute a contract with the engineering firm responsible for the design phase which is required by law. It is expected that these costs will require adjustments as the final scope of the Project is determined.

Ms. Wehrenberg requested the Board to approve the "Person County Recreation and Senior Center and Critcher-Wilkerson Field Project - Capital Project Ordinance"

Ms. Wehrenberg confirmed the Board has the authority to stop the project from proceeding at most any time pointing out the county would be at a loss for any amount that is appropriated from Fund Balance noting the intent would be for the county to reimburse the General Fund from the financing for the project.

A **motion** was made by Commissioner Jeffers, **seconded** by Chairman Clayton, and **carried 3-2** to approve the Capital Project Ordinance as presented for the Recreation and Senior Center and Critcher-Wilkerson Project. Vice Chairman Puryear and Commissioner Blalock cast the dissenting votes.

**PERSON COUNTY RECREATION AND SENIOR CENTER
AND CRITCHER-WILKERSON FIELD PROJECT
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 engineering, design, new construction and some renovation of current existing facilities for the creation of a Recreation and Senior Center (the "Project"). In addition, the Project includes design costs for the determination of expenses associated with the construction of recreational fields on County-owned property ("Critcher-Wilkerson Field"). The majority of costs for the Project are to be financed (type of debt is yet to be determined) in addition to funds provided by Person County, the state and any other revenues that may become available. It is desired by the Board to include additional items in the design phase to determine the cost (see items in bold below) before committing these items to construction. Person County is also providing \$27,000 from the County's CIP Fund for possible contractual amendments and any other unknown preliminary costs as the parameters of the project are determined.

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:

Construction and Renovation:	
Recreation & Senior Center - Base Plan	\$ 3,470,000
Recreation & Senior Center - Splash & Therapy Pools.....	400,000
Recreation & Senior Center - Enclosed Track	40,000
Engineering & Design (8.5%):	
Recreation & Senior Center - Base Plan	294,950
Recreation & Senior Center - Splash & Therapy Pools.....	34,000
Recreation & Senior Center - Enclosed Track	3,400
Recreation & Senior Center - Additional Gym w/HVAC	93,500
Critcher-Wilkerson Field	51,000
Issuance Costs	60,000
Contingency.....	503,850
Total.....	<u>\$ 4,950,700</u>

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

Debt Financing Proceeds.....	\$ 4,446,850
Transfer from CIP Fund	27,000
Advance from General Fund	476,850
Total.....	<u>\$ 4,950,700</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.

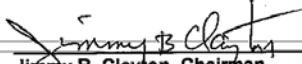
Section 7 The Finance Director is directed to report periodically on the financial status of each project element in Section 3 and on the total revenues received or claimed.


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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 1st day of October 2012.


Jimmy B. Clayton, Chairman
Person County Board of Commissioners


Brenda B. Reaves
Clerk to the Board



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REIMBURSEMENT RESOLUTION – FINANCING OF RECREATION AND SENIOR CENTER AND CRITCHER-WILKERSON FIELD:

Finance Director, Amy Wehrenberg requested Board approval of a Resolution of the Board of Commissioners for the County of Person, North Carolina, Declaring Its Intention to Reimburse said County from the Proceeds of one or more Tax-Exempt Financings for Certain Expenditures in connection with certain Capital Improvements.

Ms. Wehrenberg stated the Resolution is set forth by sections in the following:

Preamble:

The County plans to expend funds for certain improvements involving the creation of a Recreation and Senior Center and potential improvements to the Critcher-Wilkerson property.

1. States the Board's intention to advance funds as necessary from County funds no earlier than August 2, 2012 for these expenditures until installment financing proceeds become available for reimbursement
2. Lists the types of costs that are eligible under the Project, including issuance costs and provisions for these expenditures to be capital-related and non-recurring
3. Establishes the maximum principal expected to be borrowed
4. Describes the process of how the County requests a reimbursement from the proceeds, and the time parameters in which the expenditures can be reimbursed.

Ms. Wehrenberg gave the group an anticipated timeline for the project moving forward: Define Scope during CIP discussions in the Spring, 2013 with the project financing in the Summer/Fall 2013.

A **motion** was made by Commissioner Jeffers, **seconded** by Chairman Clayton, and **carried 3-2** to approve a Resolution of the Board of Commissioners for the County of Person, North Carolina, Declaring Its Intention to Reimburse said County from the Proceeds of one or more Tax-Exempt Financings for Certain Expenditures in connection with certain Capital Improvements. Vice Chairman Puryear and Commissioner Blalock cast the dissenting votes.

RESOLUTION OF THE BOARD OF COMMISSIONERS FOR
THE COUNTY OF PERSON, NORTH CAROLINA,
DECLARING ITS INTENTION TO REIMBURSE SAID
COUNTY FROM THE PROCEEDS OF ONE OR MORE TAX-
EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES IN
CONNECTION WITH CERTAIN CAPITAL IMPROVEMENTS

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

WHEREAS, the County has paid, beginning no earlier than August 2, 2012, and will pay,
on and after the date hereof, certain expenditures in connection with (a) constructing a
Recreation and Senior Center and renovating certain facilities related thereto and (b) grading and
improving certain property of the County known as Critcher-Wilkerson Field to facilitate the
construction of additional recreation fields (collectively, the "Project"); and

WHEREAS, the Board of Commissioners for the County (the "Board") has determined
that certain moneys previously advanced by the County no earlier than August 2, 2012 and to be
advanced on and after the date hereof by the County to pay such expenditures (the
"Expenditures") are available only for a temporary period and it is and will be necessary to
reimburse the County for the Expenditures from the proceeds of one or more tax-exempt
financings of the County in the form of general obligation bonds of the County pursuant to an
order authorizing \$6,000,000 Recreation Facilities Bond that was adopted by the Board on
September 12, 2008 and approved at a referendum held on November 4, 2008 or one or more
installment financings that are expected to be authorized by the Board or some combination
thereof (collectively, the "Tax-exempt Financings");

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

Section 1. The Board hereby declares the County's intent to reimburse the County
with the proceeds of the Tax-exempt Financings for the Expenditures made on and after August

2, 2012, which date is no more than 60 days prior to the date hereof. The County reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Tax-exempt Financings.

Section 2. Each Expenditure was or will be (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Tax-exempt Financings, (c) a nonrecurring item that is not customarily payable from current revenues or (d) a grant to a party that is not related to or an agent of the County so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the County.

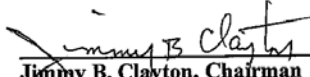
Section 3. The maximum aggregate principal amount of the Tax-exempt Financings expected to be entered into with respect to the Project is \$7,000,000 plus such additional amounts, if any, as shall be determined to be reasonably necessary for the funding or payment of costs of entering into the Tax-exempt Financings.

Section 4. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Tax-exempt Financings to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The County recognizes that exceptions are available for certain preliminary expenditures, costs of issuance, certain de minimis amounts, expenditures by small issuers (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five years.

Section 5. This resolution shall take effect immediately upon its passage.

Adopted, this, the 1st day of October, 2012.




Jimmy B. Clayton, Chairman
Person County Board of Commissioners

Attest:


Brenda B. Reaves
Clerk to the Board

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 1st day of October 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	5,976
	Human Services	(153,613)
<u>REVENUES</u>	<u>General Fund</u>	
	Intergovernmental Revenues	(147,687)
	Other Revenues	50

Explanation:

Appropriating a HAVA grant award in the Department of Elections (\$5,976); net reductions in various DSS programs (-\$153,663) and a donation received in DSS (\$50).

CONSIDERATION FOR PATRICK RILEY'S REQUEST FOR A MOTION FOR HIS TAX CASES TO BE REHEARD BY THE PROPERTY TAX COMMISSION:

Commissioner Blalock stated that at the request of Mr. Patrick Riley, she asked the Board of County Commissioners to make a motion that the cases Mr. Riley filed with the Property Tax Commission be reheard based on the Right to Appeal in Article 24 Review and Enforcement of Orders 105-345c based on the exceptions. Commissioner Blalock stated Mr. Riley told her that the judgment was prejudiced because of errors rendered in the Final Decision:

1. Dates were incorrect.
2. Two programs were lumped together as if they were the same.
3. The appellant appealed to the county board the tax assessor's decision to deny agriculture was in 2010.
4. The decision to deny horticulture was for tax year 2011.

Commissioner Blalock stated if the motion passes then Mr. Aycock will file the motion with the Property Tax Commission.

County Attorney, Ron Aycock concluded the following facts:

1. Mr. Riley had a full opportunity to participate in the appeal at the Property Tax Commission. The Property Tax Commission accepted Person County's argument that, in fact, Mr. Riley had not made a case for tax exemption. The allegations provided by Mr. Riley to Commissioner Blalock were, in fact, considered by the Property Tax Commission, and rejected.
2. Mr. Riley properly and timely filed a hand-written Notice of Appeal to the Property Tax Commission but notice was not sufficient to perfect his appeal to the Court of Appeals. Mr. Riley was required to file other documents according to the procedures and policies of the Court of Appeals to which he failed to do so in a timely manner.

Mr. Aycock stated, in his opinion, Mr. Riley was foreclosed from further appeal because of failure to file additional documents with the Court of Appeals in a timely basis. Mr. Aycock noted that time has expired for Mr. Riley. Mr. Aycock noted it would be inappropriate for the Board of Commissioners to in effect request its attorney to change position and argue against what was argued at the Property Tax Commission. Mr. Aycock concluded the issue is moot and/or inappropriate.

Commissioner Blalock asked Mr. Aycock if it was inappropriate for the Board to make a motion. Mr. Aycock stated he would never tell the Board that they could not make a motion but a passed motion would be ineffective because the time for filing the proper documents in the Court of Appeals has expired without extraordinary legal expense and procedures.

A **motion** was made by Commissioner Blalock that **died for a lack of second** for the cases Mr. Riley filed with the Property Tax Commission to be reheard based on the Right to Appeal in Article 24 Review and Enforcement of Orders 105-345c based on the exceptions outlined above.

CHAIRMAN'S REPORT:

Chairman Clayton had no report.

MANAGER'S REPORT:

County Manager, Heidi York announced a joint meeting on October 18, 2012 at 8:00 am for the Board of Commissioners, Roxboro City Council and the Economic Development Board in room S-100 at Piedmont Community College. Ms. York stated the meeting is the regular Economic Development meeting to which a guest speaker from the Research Triangle Regional Partnership will attend.

Ms. York requested Board input related to the location of the upcoming Community Conversations meeting on October 29, 2012 starting at 6:30 pm. It was the consensus of the Board for the location to be Mayo Park or Bethel Hill Charter School. Ms. York thanked the Board for their suggestions and noted staff will follow up.

COMMISSIONER REPORT/COMMENTS:

Commissioner Kennington had no report or comments.

Commissioner Blalock had no report or comments.

Commissioner Jeffers stated he attended a Preservation Farmland Trust Fund meeting and announced a grant award for a county project available through December 1, 2012 and wanted to let staff, in particular, Derek Day, to review for use. Commissioner Jeffers noted 13 counties out of 100 make up 50% of NC's population.

Vice Chairman Puryear announced the Republican headquarters are located at the old Car Quest building.

ADJOURNMENT:

A **motion** was made by Commissioner Jeffers, **seconded** by Vice Chairman Puryear, and **carried 5-0** to adjourn the meeting at 9:05 pm.

Brenda B. Reaves
Clerk to the Board

Jimmy B. Clayton
Chairman