

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

JANUARY 7, 2013
OTHERS PRESENT

Jimmy B. Clayton
Kyle W. Puryear
B. Ray Jeffers
Frances P. Blalock
David Newell, Sr.

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

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, January 7, 2013 at 7:00 pm in the Person County Office Building Auditorium.

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

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

It was the consensus of the Board to move the Informal Comments period to follow Board discussion of Item #8 and prior to action in Item #8.

A **motion** was made by Commissioner Blalock, **seconded** by Commissioner Puryear and **carried 5-0** to approve the agenda as adjusted.

RESOLUTIONS OF APPRECIATION:

Chairman Clayton read and presented a Resolution of Appreciation to each Person County retirees Linda Perkins and Annie Williams.

RESOLUTION OF APPRECIATION

WHEREAS, Linda Perkins has served the people of Person County during her tenure as a Planning Technician in the Planning & Zoning Department; and

WHEREAS, Linda Perkins has served the citizens of Person County with honor, integrity, sincerity and dedication, providing accurate, concise services for eighteen years, March 1995 – December 2012; and

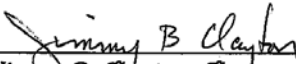
WHEREAS, Linda Perkins has earned the respect and admiration of all who have known her and worked with her throughout her career; and

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

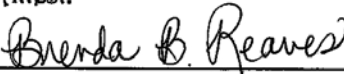
NOW, THEREFORE, I, Jimmy B. Clayton, Chairman of the Person County Board of Commissioners, do hereby extend this Resolution of Appreciation to Linda Perkins for continually striving to make Roxboro and Person County a better place to live and work.

Adopted this, the 7th day of January, 2013.




Jimmy B. Clayton, Chairman
Person County Board of Commissioners

Attest:


Brenda B. Reaves, NCCCC, CMC
Clerk to the Board

January 7, 2013

RESOLUTION OF APPRECIATION

WHEREAS, Anniz Williams has served the people of Person County during her tenure as a Community Health Technician at Home, Health & Hospice of Person County; and

WHEREAS, Anniz Williams has served the citizens of Person County with honor, integrity, sincerity and dedication, providing accurate, concise services for twenty-three years, September, 1989 – December, 2012; and

WHEREAS, Anniz Williams 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 Anniz Williams 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 Anniz Williams for continually striving to make Roxboro and Person County a better place to live and work.

Adopted this, the 7th day of January, 2013.



Jimmy B. Clayton
Jimmy B. Clayton, Chairman
Person County Board of Commissioners

Attest:

Brenda B. Reaves
Brenda B. Reaves, NECCC, CMC
Clerk to the Board

January 7, 2013

PUBLIC HEARING:

TEXT AMENDMENT TO THE ZONING ORDINANCE PERTAINING TO NONCONFORMING USES AND ACCESSORY USES:

A **motion** was made by Vice Chairman Jeffers, **seconded** by Commissioner Puryear and **carried 5-0** to open the duly advertised Public Hearing related to text amendment to the Zoning Ordinance pertaining to nonconforming uses and accessory uses.

Planning Director, Paula Murphy stated the Planning Board addressed the nonconforming use and accessory use sections of the Zoning Ordinance and recommended the following amendment changes as follows:

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 are existing, 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 to 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, constitute 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.

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 if not attached by either a deck or solid material such as brick, stone, concrete, etc. 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 five acres. Parcels of property containing five 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.

Ms. Murphy stated the Planning Board held a Public Hearing on November 8, 2012 and voted 4 to 0 to recommend approval of all of the proposed ordinance changes as presented.

The only individual that appeared before the Board to speak related to the proposed text amendment to the Zoning Ordinance pertaining to nonconforming uses and accessory uses was Mr. Jay Jennings of 155 High Rock Road, Hurdle Mills. Mr. Jennings told the Board he thought the proposed text amendment in some cases would be an improvement and in other cases raised concerns. Mr. Jennings asked for clarification of the proposed 101-2 would mean if the structures existing at adoption meant the original adoption of the Zoning Ordinance or referred to the pending Board adoption of the text amendment. Ms. Murphy and the County Attorney, Ron Aycock confirmed the intent refers to the original adoption date of 1991 of the Zoning Ordinance which would mean any non-conforming structure would not be required to be removed nor could it be enlarged or extended. Mr. Jennings noted concerns related to the proposed 101-4 giving an example of elderly parents having to vacate the residence due to necessity of assisted living or medically placement at a health facility.

Mr. Jennings stated his approval of the proposed lesser restrictive number of accessory buildings being allowed on larger lots over five acres noting his concerns related to the property line set back only making sense on small lots, i.e. City limits, one-acre lots and encouraged the Board to let the citizens decide the footprint of their property.

A **motion** was made by Vice Chairman Jeffers, **seconded** by Commissioner Puryear and **carried 5-0** to close the Public Hearing related to text amendment to the Zoning Ordinance pertaining to nonconforming uses and accessory uses.

CONSIDERATION OF THE TEXT AMENDMENT TO THE ZONING ORDINANCE PERTAINING TO NONCONFORMING USES AND ACCESSORY USES:

Vice Chairman Jeffers and Commissioners Puryear and Blalock commented the recommendations did not fully satisfy their preference in the proposed 101-2, 102-1, 60-5 and 60-6.

A **motion** was made by Vice Chairman Jeffers, **seconded** by Commissioner Newell to further discuss this item at a time designated for a work session.

A **substitute motion** was made by Commissioner Puryear, **seconded** by Vice Chairman Jeffers and **carried 5-0** to place this item on the Board Retreat agenda.

PUBLIC HEARING:

PERSON COUNTY NON-SMOKING ORDINANCE:

A **motion** was made by Vice Chairman Jeffers, **seconded** by Commissioner Puryear and **carried 5-0** to open the duly advertised Public Hearing to hear comments related to the Person County Non-Smoking Ordinance.

Health Director, Janet Clayton reminded the Board that the Person County Non-Smoking Ordinance was presented September 17, 2012. Since that time, several discussions and changes have been presented and during the November 19, 2012 Board meeting, the Person County Board of County Commissioners decided to move forward with a public hearing for the Person County Non-Smoking Ordinance in January 2013. At the Board's meeting on December 3, 2012, the public hearing was scheduled to be held on January 7, 2013.

Ms. Clayton requested the Board to 1) Conduct the public hearing for public comment and 2) Approve the Person County Non-Smoking Ordinance.

January 7, 2013

Vice Chairman Jeffers stated issue with the seventh paragraph of the proposed Non-Smoking Ordinance requesting text change to reflect the parks and recreational facilities only as determined by the Recreation Advisory Board (RAB) in lieu of facilities and grounds controlled by Person County. Vice Chairman Jeffers stated the intent for the RAB to designate smoking areas away from the stands and dugouts.

County Attorney, Ron Aycock suggested defining as recreational facilities and grounds and such other facilities as determined by the Board of County Commissioners.

Vice Chairman Jeffers asked the Health Director about the required setback at the Human Services facilities. Ms. Clayton stated there is a 35 foot setback for the Human Services building.

Commissioner Puryear stated his preference to not have another ordinance on the on the books and suggested a Parks and Recreation regulation defining designated smoking areas.

Mr. Aycock confirmed the Board of Health adopted a resolution regulating smoking as authorized by the State of NC in public health and social services facilities and their surrounding parking lot. Mr. Aycock noted additional legislation adopted by General Assembly authorizing counties or health boards to implement further regulation as approved by the Board of County Commissioners.

Ms. Clayton explained Appendix A as a listing of all county facilities that the Board of Commissioners could, at any time, regulate and designate smoking areas is so desired.

Chairman Clayton stated that it is not the intent to regulate smoking in the county however; the intent is to regulate and prohibit smoking in the dugouts and grand stand areas at recreational facilities.

Ms. Clayton clarified the proposed Non-Smoking Ordinance is a new ordinance noting the 2008 Board of Health Ordinance prohibited smoking inside of governmental buildings in the City of Roxboro and Person County as well as within a 35 foot perimeter around the Human Services facility. Ms. Clayton stated the Board of Health under law and precedent is not allowed to make exceptions such as presented in the proposed ordinance.

Mr. Aycock told the group that the General Assembly has granted authority requiring the Board of County Commissioners to approve a health regulation thereby setting policy noting that same authority is not granted to a county department.

Ms. Clayton stated if the Non-Smoking Ordinance is approved, the Board of Commissioners will grant the authority to the RAB the opportunity to set a 50 foot setback from any recreation, health and wellness amenity.

There were no individuals appearing before the Board to speak in favor of the Person County Non-Smoking Ordinance.

The following individual spoke in opposition to the Person County Non-Smoking Ordinance:

Mr. Raleigh Evans of 181 Fork Junction Road, Timberlake stated his preference for designated smoking areas be available at the recreational facilities where smoking would be prohibited. Mr. Evans did not want the prohibition of smoking or inclement weather to lead the smokers to use the public bathroom and/or cars thereby making others breathe in the chemicals and nicotine.

Vice Chairman Jeffers addressed Mr. Evans concern noting covered areas will not be available but the goal is to remove smoking from the stands by setting a buffer from those areas.

A **motion** was made by Vice Chairman Jeffers, **seconded** by Commissioner Blalock and **carried 5-0** to close the Public Hearing related to the Person County Non-Smoking Ordinance.

CONSIDERATION OF THE PERSON COUNTY NON-SMOKING ORDINANCE:

A **motion** was made by Vice Chairman Jeffers, **seconded** by Commissioner Blalock and **carried 4-1** to adopt the Person County Non-Smoking Ordinance incorporating the text suggestion by the County Attorney in seventh paragraph of page one of the Ordinance to define as recreational facilities and grounds and such other facilities as determined by the Board of County Commissioners. Commissioner Puryear cast the lone dissenting vote.

PERSON COUNTY NON-SMOKING ORDINANCE

ORDINANCE BANNING SMOKING IN COUNTY RECREATIONAL FACILITIES AND GROUNDS EXCEPT IN DESIGNATED AREAS

-
- WHEREAS, on February 25, 2008, the Person County Board of Health adopted a rule pursuant to then existing state law banning smoking in certain locations on County and City of Roxboro Property in Person County;
- WHEREAS, on May 19, 2009, the State of North Carolina passed "An Act To Prohibit Smoking In Certain Public Places And Certain Places Of Employment" amending Chapter 130A of the General Statutes and thereby authorizing local governments to adopt and enforce ordinances "that are more restrictive than State law and that apply in local government buildings, on local government grounds, in local vehicles, or in public places;"
- WHEREAS, within said legislation the General Assembly finds "that secondhand smoke has been proven to cause cancer, heart disease, and asthma attacks in both smokers and nonsmokers. In 2006, a report issued by the United States Surgeon General stated that the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke;"
- WHEREAS, the Person County Board of Health has reviewed this legislation and at its meeting on February 27, 2012 took action requesting that the Person County Board of Commissioners enact an ordinance further regulating tobacco use in the County;
- WHEREAS, the Person County Recreation Advisory Board has considered the effect of second hand smoke on participants and spectators at recreation programs and facilities and took action at its board meeting on March 7, 2012 requesting that the Person County Board of County Commissioners ban smoking at Recreation events and on certain Recreation and Park Lands;
- WHEREAS, smoking is prohibited in certain county buildings and on certain other county property pursuant to Health Department Rules and other County Regulations;
- WHEREAS, Person County recognizes the health risks of tobacco use and secondhand smoke for non-smokers and wishes to minimize the harmful effects of tobacco use among staff and eliminate secondhand smoke exposure for staff and the public in those recreational facilities and grounds and such other facilities as determined by the Board of County Commissioners. Further Person County is committed to providing a safe and healthy workplace in County facilities for its employees and the visiting public;
- WHEREAS, this Board is of the opinion that it is in the best interests of the citizens and residents of the County to further prohibiting smoking in certain County buildings and on certain County grounds.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the County of Person as follows:

Section 1 - Authority and definitions

- (a) *Authority.* This section is enacted pursuant to authority granted in legislation titled "An Act To Prohibit Smoking In Certain Public Places And Certain Places Of Employment" and pursuant to authority contained in GS 130A-498 and the provisions of G.S. 153A-121 as an exercise of the police power to protect, promote and preserve the public health, welfare and safety of individuals in Person County buildings, on Person County grounds, or in County vehicles.
- (b) *Definitions.* The following definitions apply:
- (1) "Grounds" - An unenclosed area owned, leased, or occupied by Person County.
 - (2) "Person County government building" - A building owned, leased as lessor, or the area leased as lessee and occupied by Person County.
 - (3) "Person County vehicle" - A passenger-carrying vehicle owned, leased, or otherwise controlled by Person County and assigned permanently or temporarily by Person County to Person County employees, agencies, institutions, or facilities for official Person County business.
 - (4) "Smoking or smoke" - The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

Section 2 - Prohibitions, Notices, Exceptions and Enforcement

- (a) *Smoking prohibited.* No person shall smoke, carry or possess a lighted cigar, cigarette, pipe or other lighted smoking equipment or paraphernalia in any Person County buildings, in Person County vehicles or within 50 feet of any recreation, health, and wellness amenity. All other county buildings will be regulated on an individual basis as determined by the Board of Commissioners. These buildings will be included as an appendix to this Ordinance.
- (b) *No smoking signs and instructions.* The individual or the individual's designee who is in charge of Person County buildings, Person County grounds, or Person County vehicles shall post signs in conspicuous areas of the building, vehicles and/or grounds. The signs shall state that "smoking is prohibited" and may include the international "No Smoking" symbol, which consists of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it. In addition, the individual or the individual's designee in charge of the building, vehicle and/or grounds shall direct a person who is smoking inside the building, or on the grounds, or in a vehicle, to extinguish the lighted smoking product.
- (c) *Exceptions.* This ordinance does not restrict or prohibit smoking in the following places:
- (a) Recreation Camp Sites
 - (b) Piedmont Community College buildings and grounds as governed by NCGS 115D-20.1.
 - (c) Designated areas which are 50 feet from any recreation, health, and wellness amenity and are approved by the Person County Recreation Advisory Board.
- (d) *Penalty for violation of section.* Any person violating the provisions of this section shall be guilty of an infraction, and the person committing the infraction may be punished by a fine of not more than fifty dollars (\$50.00). Conviction of an infraction under this section has no consequence other than payment of a penalty. A person smoking in violation of this local ordinance may not be assessed court costs.

Section 3 –Effective Date

This ordinance shall be effective upon adoption by the Board of Commissioners.

Adopted, this, the 7TH day of January, 2013.



PERSON COUNTY
BOARD OF COMMISSIONERS


Jimmy B. Clayton, Chairman

Attest:


Brenda B. Reaves, NCCCC, CME
Clerk to the Person County
Board of County Commissioners

Appendix A

1. Airport- 285 Montgomery Drive, Timberlake, NC 27583
2. Animal Shelter- 2103 Chub Lake Road, Roxboro, NC 27574
3. Bushy Fork Grange Hall- 7854 Burlington Road, Hurdle Mills, NC 27541
4. Chamber of Commerce – 211 N. Main Street, Roxboro, NC 27573
5. Counseling Center- 204 W. Barden Street, Roxboro, NC 27573
6. Courthouse- 105 S. Main Street, Roxboro, NC 27573
7. Day Reporting Center- 26 Court Street, Roxboro, NC 27573
8. Emergency Communications (911 Center)- 301 Hill Street, Roxboro, NC 27573
9. Emergency Medical Services- 216 Barden Street, Roxboro, NC 27573
10. Helena Facility- 295 Helena-Moriah Road, Timberlake, NC 27583
11. Human Services Building- 355 S. Madison Boulevard., Roxboro, NC 27573
12. Kirby- 215 N. Main Street, Roxboro, NC 27573
13. Kirby Gallery- 213 N. Main Street, Roxboro, NC 27573
14. Law Enforcement Center- 120 Court St., Roxboro, NC 27573
15. Landfill (old)- 662 Cedar Grove Church Road, Roxboro, NC 27574
16. Library- 319 S. Main Street, Roxboro, NC 27573
17. Library House- 2461 Burlington Road, NC 27573
18. Maintenance Building (shop/office)- 2111 Chub Lake Road, Roxboro, NC 27574
19. Maintenance Storage Building- Morgan Street (behind tennis courts)
20. Mayo Lake Ranger House- 509 Neal's Store Road, Roxboro, NC 27574
21. Morgan Street Government Complex- 325 S. Morgan Street, Roxboro, NC 27573
22. Museum- 309 N. Main Street, Roxboro, NC 27573
23. Museum (Woody House)- 245 N. Main Street, Roxboro, NC 27573
24. Museum (Parsonage)- 315 N. Main Street, Roxboro, NC 27573
25. PATS (Person Area Transportation)- 341 S. Madison Blvd., Roxboro, NC 27573

- 26. PCC Training (Florist)- 217 N. Main Street, Roxboro, NC 27573
- 27. Person County Office Building- 304 S. Morgan Street, Roxboro, NC 27573
- 28. Person Industries- 600 N. Madison Boulevard, Roxboro, NC 27573
- 29. Register of Deeds- 21 Abbitt Street, Roxboro, NC 27573
- 30. Recycling Center- 741 Martin Street, Roxboro, NC 27573
- 31. Tax Administration- 13 Abbitt Street, Roxboro, NC 27573

APPROVAL OF MINUTES:

A **motion** was made by Vice Chairman Jeffers, **seconded** by Commissioner Blalock, and **carried 5-0** to approve the minutes of December 3, 2012.

TAX ADMINISTRATIVE REPORT:

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

OLD BUSINESS:**REVIEW OF THE PROPOSED RECREATION AND SENIOR CENTER PROJECT:**

County Manager, Heidi York stated at the Board's December 3, 2012 meeting, the Board voted 3-2 to suspend the current contract for design services and authorize the County Manager to negotiate a contract for the design of the existing buildings at the Huck Sansbury complex not to exceed \$75,000. Staff, along with MHA Works, the contracted architectural firm, has been directed to make a presentation on the projected financial impact of a new recreation complex focusing on a new "base" version of the project. This base version includes renovation of the existing buildings as a combined recreation and senior center, a six-lane swimming pool and splash pool area, air conditioning for the existing gym, and an enclosed track. Staff has also been asked to share revenue projections, proposed membership and usage fees, as well as projected annual operating costs.

Ms. York presented the following presentation to the Board and requested the Board to provide direction to staff.

Review of the Proposed Recreation/Senior Center Improvements

Note: These estimates do not include any costs or revenues from the Senior Center

Opportunities for Public Input

- May 2, 2012 – Public meeting at Huck-Sansbury to receive input
- May 9, 2012 – Public meeting at the Senior Center to receive input from seniors only
- May 31, 2012 – Public meeting at County Office Bldg to receive input
- Aug. 6, 2012 – Presentation to County Commissioners, received public comments
- Aug. 22– Sept. 5, 2012 – Drawings posted at Sr Cter and Huck-Sansbury for input
- Sept 13, 2012 – Public meeting at Sr Cter to receive input from seniors only about changes incorporated into the drawings
- Sept. 17, 2012 – Presentation to the County Commissioners, public comment
- Dec. 3, 2012 – Board meeting, public comments

Strategic Linkages

- ▶ Person Futures has the proposed Senior/Rec Center as a strategy for:
 - Foster a Sense of Community – Goal #2, Objective #1
 - “Create a community center to house recreational facilities, the Senior Center, meeting rooms and a wellness center.”
- ▶ Senior/Rec Center was the #1 priority from the FY13 budget retreat
- ▶ Executive Roundtable #1 priority for implementation

Design fees at \$75,000

Renovate Existing Annex Bldg (10,400 sq. ft.
@ \$55 per): \$572,000

New Construction (2,120 sq. ft. @ \$125per):
\$265,000

Site work allowance: \$50,000.00

Total Construction: \$887,000.00

<http://www.personcounty.net/Modules/ShowDocument.aspx?documentid=2112>

Design fees in the \$300,000 range

Rec/Senior Center new base plan:	\$3,470,000
Splash pool (minus therapy pool 40k):	\$360,000
Enclosed track:	<u>\$40,000</u>
Total Construction costs:	\$3,870,000
Design fees @ 8.5%	\$328,000
does not include contingency or issuance costs.	

<http://www.personcounty.net/Modules/ShowDocument.aspx?documentid=2113>

Design fees

- › Design Fees are 8.5% of the total capital costs
- › On average design fees for this type of project range from 7-9%, with renovation projects usually at the higher end of the range.

Project	Cost
Rec Center Improvements	\$294,950
Splash Pool	\$30,600
Enclosed Track	\$3,400
TOTAL	\$328,950

Capital Costs

Project	Cost
Rec Center Improvements	\$3,470,000
Splash Pool	\$360,000
Enclosed Track	\$40,000
TOTAL	\$3,870,000

Current operating expenses for the Huck-Sansbury Complex

	Amount
Revenues:	\$134,431
Expenditures:	\$233,280
County Subsidy:	-\$98,849

Estimated operating expenses for the new base complex

Existing Huck-Sansbury	Existing Amount
Revenues:	\$134,431
Expenditures:	\$233,280
County Subsidy:	-\$98,849



New Base Complex	Increased Amount
Revenues:	\$112,255
Expenditures:	\$349,677
County Subsidy:	-\$237,422

	Total Amount
Revenues:	\$246,686
Expenditures:	\$582,957
County Subsidy:	-\$336,271

New Staffing

- ▶ 1 full-time employee – \$56,864
 - Salary – \$42,696
 - Benefits – \$14,168
- ▶ 16 part-time employees – \$166,940
- ▶ Contracted services – \$14,100
- ▶ TOTAL of 8.7 new FTE's – \$239,040

Participation Rate at Huck Sansbury Complex

- ▶ Current participation: 8,565
 - Includes gym participation, athletic programs, exercise programs and events
- ▶ Estimated participation of new center: 18,323
 - Includes additional programming such as swimming classes, memberships, open swim, pool rentals, flex room rentals, water aerobics, spinning, tennis, adult water sports, tournaments
- ▶ 9,758 additional users or a 53% increase

Membership Levels and Fees: Person County Recreation and Senior Center

Membership Monthly: \$30.00
Daily Pool Access (Adult): \$ 5.00
Daily Pool Access (Youth): \$ 2.00

Gym Pass:
Adults: \$ 1.00
School age 18 and under: Free

**Membership Levels and Fees:
Statesville Recreation and Aquatics
Center**

Individual Yearly (18-54):	\$160.00
Individual Monthly	\$ 20.00
Individual Daily:	\$ 3.00
Individual Yearly (17-under)	\$110.00
Individual Monthly	\$ 15.00
Individual Daily	\$ 2.00
Individual Yearly (55+ Seniors)	\$110.00
Individual Monthly	\$ 15.00
Individual Daily	\$ 2.00

**Membership Levels and Fees:
Aycock Recreation and Aquatics Center**

Monthly	
Adults:	\$30.00
18 & Under	\$25.00
Seniors 55 +	\$25.00
Family Pass	\$35.00
Family Pass Seniors:	\$25.00
Daily:	
Adults:	\$5.00
18 & Under	\$3.00
Seniors 55 +	\$2.00

Membership Levels and Fees: Hillsborough Sports Plex

Monthly Memberships:

Individual:	\$62.25
Parent + 1 child	\$70.75
Parent + 2 children	\$75.75
Couple	\$75.75
Family:	\$89.25
Senior:	\$40.00
Senior Couple:	\$50.00

Operating Cost Comparisons

Person County Recreation/Senior Center (49,200 sqft, 4 FTE's, pop 39,637)	
Expenditures:	\$582,957
Revenue:	\$246,686
County Subsidy:	\$336,271

City of Statesville Rec and Pool Center (59,016 sq ft, 4 FTE's, pop 161,202)	
Expenditures:	\$516,503
Revenues:	\$412,069
County Subsidy:	\$104,434

City of Henderson Aycock Center (43,000 sq ft, 4 FTE's, pop 42,954)	
Expenditures:	\$327,800
Revenues:	\$ 68,161
County Subsidy:	\$259,639

Orange County Sports Plex (90,000 sq ft, 18 FTE's, pop 135,755)	
Expenditures:	\$2,986,470
Revenues:	\$3,222,846
County Fund Transfer (capital):	\$775,000
County Subsidy:	\$538,624

Questions?

Capital, Operating & Design Costs

Project	Description	Capital	Revenues	Expenditures	County Subsidy	Design Fees
Existing Facility	Current Huck-Sansbury facility & programming		\$134,431	\$233,280	\$(98,849)	\$ -
Rec Center Improvements	Includes renovation of the annex building, pool addition & air conditioning for the existing gym.	\$3,470,000	\$107,305	\$283,481	\$(176,176)	\$294,950
Splash Pool	Includes adding a splash pool. The therapy pool has been removed for a reduction of \$40,000.	\$360,000	\$4,950	\$66,066	\$(61,116)	\$30,600
Enclosed Track	Includes adding three walls around the outdoor track to create an indoor, climate-controlled track. An indoor track would be subject to the regular hours of the facility.	\$40,000	\$ -	\$131	\$(131)	\$3,400
TOTAL		\$3,870,000	\$246,686	\$582,957	\$(336,271)	\$328,950
Impact on tax rate					\$0.0061	

January 7, 2013

Detail of Operating Expenditures

Base Facility Expenditures	Existing Facility	Increase	New Base Facility
Utilities	\$ 24,822.00	\$ 41,278.00	\$ 66,100.00
Maintenance and Repairs	\$ 10,000.00	\$ 25,000.00	\$ 35,000.00
Maintenance and Repairs equip	\$ 1,500.00	\$ 11,500.00	\$ 13,000.00
Supp and operating	\$ 53,000.00	\$ 10,100.00	\$ 63,100.00
Insurance	\$ 1,509.00	\$ 2,759.10	\$ 4,268.10
Other	\$ 10,000.00	\$ 20,000.00	\$ 30,000.00
SUBTOTAL	\$ 100,831.00	\$ 110,637.10	\$ 211,468.10
Staff Expenditures			
part-time	\$ 19,549.00	\$ 166,940.00	\$ 186,489.00
contracted services	\$ 23,900.00	\$ 14,100.00	\$ 38,000.00
full time	\$ 89,000.00	\$ 58,000.00	\$ 147,000.00
SUBTOTAL	\$ 132,449.00	\$ 239,040.00	\$ 371,489.00
TOTAL Expenditures	\$ 233,280.00	\$ 349,677.10	\$ 582,957.10

Detail of Operating Revenues

Base Facility Revenue	Existing Facility	Increase	New Base Facility
Membership (200)		\$ 72,000.00	
Open Swim		\$ 8,795.00	
Pool Rental		\$ 10,800.00	
Flex room rental		\$ 2,700.00	
Water Aerobics		\$ 3,000.00	
Spinning		\$ 750.00	
Quick Start Tennis (existing, expanded)		\$ 360.00	
Youth Swimming		\$ 6,400.00	
Adult team water sports		\$ 1,500.00	
Swimming tournaments		\$ 1,000.00	
SUBTOTAL		\$ 107,305.00	
Splash Pool Revenue			
Rentals		\$ 1,800.00	
Open day use		\$ 3,150.00	
SUBTOTAL		\$ 4,950.00	
TOTAL Revenues	\$ 134,431.00	\$ 112,255.00	\$ 246,686.00
County Subsidy (Net)	\$ 98,849.00	\$ 237,422.10	\$ 336,271.10

January 7, 2013

Recreation, Arts and Parks Director, John Hill stated the presentation was based on very conservative projections, i.e., 200 memberships.

Ms. York told the Board the break-even numbers for the proposed center would be a monthly fee of \$130 for a total of 200 members or at the proposed \$30 monthly fee level, 800 members would be required.

Finance Director, Amy Wehrenberg estimated a 3 to 4% interest rate on a 15-year term loan. Commissioner Newell estimated \$274,000 as an annual payment on a 20-year loan at 3%.

At this point during the discussion of the Recreation and Senior Center project, the Board wanted to hear informal comments from those who had signed up to speak.

INFORMAL COMMENTS:

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

Dr. Walter Bartlett, President of Piedmont Community College (PCC), PO Box 1197, Roxboro requested the Board to keep PCC in the forefront of any conversation and planning with respect to the proposed Recreation and Senior Center project due to the fact that PCC's Workforce Training Center has been located in part of the county-owned space to be a part of that project since 2005 to serve unemployed and underemployed citizens of Person County and would be displaced if constructed.

Mr. Bryan Glei of 250 Whitetail Lane, Leasburg described to the Board an adversarial relationship between the Tax Office and taxpayers with respect to the recent revaluation noting the appeal process is unfair requiring the taxpayer to obtain an appraisal and provide sales data to prove the new value is incorrect. Mr. Glei stated his property increased by 43%.

Ms. Kay Rudd of 1056 Paynes Tavern, Roxboro read a letter from one of her recreational program participants that supported the proposal recreational and senior center project.

Ms. Pat Hill of 916 Mann Oakley Road, Rougemont commented on how the county would pay for the proposed recreation and senior center and if taxes would be increased to do so. Ms. Hill urged the Board to work with existing fitness centers to use their facilities. Ms. Hill stated revenues could be gained by increasing recycling.

Mr. Curtis Bradsher of 1114 Burlington Road, Hurdle Mills stated he had no comments.

Ms. Maddison Teasley of 448 River Oaks Parkway, Timberlake advocated for the proposed recreation and senior center.

Elder Clyde Winstead of 2920 Lawson Chapel Church Road, Roxboro and President of the Person County Interdenominational Ministerial Alliance reminded the Board that 55% of the voters in 2008 supported the project and the center would improve the quality of life of the community.

Ms. Phyllis Sutton of 72 Shannon Court, Timberlake thanked Commissioner Jeffers, Ms. York and Ms. Foti for the Public Broadcasting System feature on UNC-TV on Person County and its growing senior population. Ms. Sutton stated the many services offered at the Senior Center are necessities to those who do not have the natural supports in the home.

Ms. Patricia Paylor of 410 Cody Street, Roxboro stated the need in Person County to have a facility for patients for swimming, track, therapy, nutrition noting she currently obtains those services from Duke programs.

Ms. Betty Blalock of 144 Tirzah Ridge, Rougemont spoke against the proposed recreational and senior center due to the economy with people out of work. Ms. Blalock estimated the project to costs \$5 million over a 15-year term.

Ms. Connie McCain of 1425 Jackson Street, Roxboro told the Board the citizens have overwhelming spoken in support of the proposed recreation and senior center at forums, through editorials and on the 2008 ballot. Ms. McCain urged the Board to stop playing politics, leave their personal agendas at the door and vote in favor of the center.

Ms. Doris Johnson of 996 Robertson Road, Roxboro asked the Board to forget the trash and County Club and to vote to proceed with the senior center just like was done with the Courthouse.

Mr. Will Paul of 350 Wrenn Crumpton Road, Roxboro stated the dire need in Person County for something to do and the proposed recreation and senior center would benefit every citizen.

Mr. Robert Allen of 549 Old City Lake Road, Roxboro and a member of the Kerr-Tar Aging Advisory Council stated the current senior center facility is inadequate and requested for the Board to make a long term investment in the senior population.

Mr. Avie Lester of 7499 Virgilina Road, Roxboro and President of the Person County NAACP encouraged the Board to go forward with what the people voted for in 2008 and asked if not now, when.

Ms. Susan Naylor of 481 Valhalla Drive, Timberlake stated her support of the proposed recreation and senior center project.

Ms. Amy Green of 630 Younger Road, Roxboro advocated for the recreation and senior center and the use by citizens.

Ms. Faye Boyd of 69 Foxwood Drive, Timberlake stated government should not compete with local businesses, telling the Board to plan fiscally for the long term noting the costs for maintenance on the proposed facility will only increase over the term. Ms. Boyd added that recycling equals revenue.

Mr. Tony Wesley of 3808 Burlington Road, Roxboro told the group that Total Fitness was here to stay. Mr. Wesley described the weak economy noting Total Fitness has experienced a big turnover in membership and feels the same will happen to Person County with the proposed center and eventually costs will have to be passed on to the taxpayers as the county struggles to make budget. Mr. Wesley stated he took issue with the financial projections as illustrated in the presentation.

Ms. Becky Fuller of 602 Frank Street, Roxboro asked the Board to give the children of Person County something to do with the proposed center. Ms. Fuller stated the economy would grow if the recreation and senior center is constructed.

Mr. Donald Long of 9741 Virgilina Road, Roxboro and Chairman of the Recreation Advisory Board told the Board that now is the time to proceed with the proposed recreation and senior center noting the project has been studied, researched and voted on for 15 years.

Mr. Mitch Pergerson of 2146 Thee Hester Road, Roxboro and former Director of the Recreation, Arts and Parks Department provided a detailed history of events related to the Board and community position of a recreational center for nearly 40 years. Mr. Pergerson urged the Board to reconsider the proposed recreation and senior center project.

Mr. Carl Mangum of 947 Jones Lester Road, Roxboro told the group that not all families in Person County can afford to be a member of a private pool and asked the Board to step out on faith to proceed with the recreation and senior center project. Mr. Mangum noted his support of the project that he would agree with taxes being raised to pay for it.

Mr. Raleigh Evans of 181 Fork Junction Road, Timberlake told the group he voted in support of the 2008 Bond Referendum noting a lot has changed for his family since 2008, i.e. 2 incomes are now 1 for this family. Mr. Evans stated his budget is restrictive and he could not afford the membership at the proposed rates.

Following the Informal Comments period, the Board continued their discussion of the recreation and senior center project.

Commissioner Newell stated his objective was to make the citizens aware of the projected costs as illustrated in the presentation. Commissioner Newell stated the county would have to subsidize \$336,271 in operating plus an approximate \$275,000 in capital so the county is looking at \$600,000 to \$1,000,000 annually.

Vice Chairman Jeffers asked the Board to take action reflecting what the people voted for in 2008 and to get the plans in hand.

Chairman Clayton told the group that the Board was not voting to build the facility but was making the first step to obtain drawings to bid out for construction costs. Chairman Clayton stated his belief that the facility could be built and operated without a tax increase to the citizens. Chairman Clayton added that the county has some school debt being relieved in the near future. Chairman Clayton told the group that without the plans, grants eligibility and construction costs are unknown.

Commissioner Blalock stated her preference for a membership drive for the proposed facility be conducted with the goal of those citizens who want the facility to commit to supporting as well as suggested two separate construction phases.

Commissioner Puryear stated the new center would grow the tax base and the tax payers would carry the burden. Commissioner Puryear noted he did not support the project at this time and urged the Board to be fiscally responsibility and not reconsider. Commissioner Puryear noted his support for the senior center project only at this time.

Vice Chairman Jeffers confirmed with the County Manager and Mr. Bill McCaffrey that the addition of the therapy pool to the new base version could be included in the \$300,000 design fees as presented.

A **motion** was made by Vice Chairman Jeffers, **seconded** by Chairman Clayton and **carried 3-2** to approve the design phase of the new base version of the recreation and senior center not to exceed \$300,000 as presented. Chairman Clayton, Vice Chairman Jeffers and Commissioner Blalock voted in favor of the motion. Commissioners Newell and Puryear cast the dissenting votes.

The project approved the design work phase which includes renovation of the existing facilities at the Sansbury site as a combined recreation and senior center as well as new construction, air conditioning for the existing gym, a 6-lane swimming pool, a splash pool, a therapy pool and an enclosed walking track.

Chairman Clayton announced a brief recess at 9:36 pm. The Board reconvened at 9:43 pm.

NEW BUSINESS:

LAW ENFORCEMENT CENTER WATER HEATER:

General Services Director, Ray Foushee stated the water heater at the 1993 built Law Enforcement Center (LEC) that provides hot water to the entire building, including pods, (except kitchen) is leaking and has gotten progressively worse. Mr. Foushee noted a contractor has assessed the situation confirming the water heater is significantly rusted. Mr. Foushee told the Board the weakened section could give way at any time and blow out. This could be devastating in a couple of ways: the water heater is located adjacent to numerous electrical controls and downtime on this water heater would eliminate any hot water in the building (except kitchen).

Mr. Foushee stated quotes were solicited from vendors and were received in the range from \$93,400 to replace the entire system, including gas burner/boiler to just replacing the water heater/tank for \$38,780. Quotes were obtained from Schneider (current contractor that does most work at LEC), Comfort Systems of South Boston, and Brown Brothers of Durham. Mr. Foushee stated Person County has issued the contract to Schneider for the replacement of the tank at \$38,780.

Mr. Foushee noted the expense is considered an emergency and was not budgeted. Mr. Foushee requested Board approval of an appropriation from Fund Balance in the amount of \$40,000 to the Building Maintenance and Repair line item in General Services Budget for the replacement of the water heater tank.

Commissioner Newell asked Mr. Foushee if the entire system was working properly. Mr. Foushee told the group the tank seemed to be the only component that needed replacing at this time, i.e. the burner was functioning properly.

A **motion** was made by Vice Chairman Jeffers, **seconded** by Commissioner Puryear and **carried 5-0** to approve of an appropriation from Fund Balance in the amount of \$40,000 to the Building Maintenance and Repair line item in General Services Budget for the replacement of the water heater tank.

CONSIDERATION TO ESTABLISH A SPECIAL BOARD OF EQUALIZATION AND REVIEW:

Chairman Clayton introduced the idea of the Board of Commissioners establishing a Special Board of Equalization and Review due to the anticipated high number of appeals expected this year due to the revaluation.

One responsibility of the Board of County Commissioners, sitting as the Board of Equalization and Review is to hear appeals from taxpayers regarding tax values for property taxes. With the current real estate market, many counties have seen tremendous increases in the number of appeals that the Board of Equalization and Review need to address. Some Boards of Equalization and Review have to meet for weeks in order to get all of the appeals heard.

Tax Administrator, Russell Jones told the Board that North Carolina General Statute 105-322 allows the Board of County Commissioners to establish a special Board of Equalization and Review to hear tax appeals. A majority of North Carolina counties have chosen this option as seen on the map in the packet (60 out of 100 NC counties). According to the Statute, the special Board of Equalization and Review must be established no later than the first Monday in March (March 4, 2013). Mr. Jones noted a resolution must be adopted by the Board of Commissioners to create this special Board of Equalization and Review. The resolution shall provide for the membership, qualifications, term of office and the filling of vacancies on the board. The board of commissioners shall also designate the chairman of the special board.

Mr. Jones noted some reasons to consider a special Board of Equalization and Review:

1. The Board of County Commissioners will be involved with the budget process during this time and will have other additional issues to focus on.
2. A special Board of Equalization and Review would allow the Board of County Commissioners to appoint individuals from a cross section of the citizens, choosing those who possess the expertise necessary for the board to carry out its duties. Chairman Clayton suggested former commissioners due to they already know the process.
3. The creation of a special Board of Equalization and Review helps to remove the matter of taxation from local political issues.
4. Creating a special Board of Equalization early versus later would allow time for the Department of Revenue to meet with the newly created board for an orientation of the process.

County Manager, Heidi York and Mr. Jones both noted that due to the time commitment of the special Board of Equalization and Review, most counties have chosen to reimburse this board for their time and that funds had been budgeted for this purposed this current fiscal year in the Tax budget.

Mr. Jones stated by January 31, 2013, he would know how many informal appeals would be before the Tax Office however he could not confirm the number that would appear before the Board of Equalization and Review. Mr. Jones noted in 2005, there were 1,200 informal appeals at the Tax Office and 35 to the Board of Equalization and Review. Mr. Jones stated trends indicate about 10% appeal rate with the current economy which would approximate 2,700 informal appeals to the Tax Office with 10% of that amount to the Board of Equalization and Review. Mr. Jones noted Person County has always had lesser appeals than the trend average but providing an example of 270 appeals scheduled every 15 minutes would take 16 days.

Mr. Jones explained the informal appeal process as a time for the taxpayer to submit documentation to justify an adjustment, if appropriate. In fact, should the Tax Office agree with the taxpayer's documentation, an adjustment or correction will be made right away to the taxpayer's bill. Mr. Jones noted the taxpayer has the option to appeal to the Board of Equalization and Review if not satisfied with the decision of the Tax Office.

Mr. Jones confirmed the 27,000 mailers to taxpayers notifying of the new values included the appeal form as well as information about the process.

Commissioner Newell asked Mr. Jones the result of the tax revaluation for the county. Mr. Jones stated it is early to forecast but estimated a slight increase in the total tax values for the county. Mr. Jones noted values within the city, rental property, manufactured homes and subdivisions were decreased with raw land and property at the lakes being increased. The results were based on sales history from the last two years.

Vice Chairman Puryear led a discussion for consideration for county staff to create an educational flyer with the appeal process to mail to all the taxpayers.

A **motion** was made by Commissioner Puryear, **seconded** by Vice Chairman Jeffers to direct the County Manager to obtain a price as well as design a brochure for Board approval that would be mailed to all taxpayers prior to the next Board meeting. **The motion failed 1-4.** Commissioner Puryear voted in favor of the motion. Chairman Clayton, Vice Chairman Jeffers and Commissioners Blalock and Newell voted in opposition to the motion.

It was the consensus of the Board to direct the County Manager to prepare a press release to submit to the local newspaper and radio detailing the revaluation process.

A **motion** was made by Vice Chairman Jeffers, **seconded** by Commissioner Blalock and **carried 5-0** to adopt a Resolution Establishing a Special Board of Equalization and Review for Person County.

It was the consensus of the Board to nominate members for the Special Board of Equalization and Review at the Board's next meeting.

**RESOLUTION ESTABLISHING A SPECIAL
BOARD OF EQUALIZATION AND REVIEW FOR PERSON COUNTY**

WHEREAS, the State of North Carolina, pursuant to North Carolina General Statute 105-322, has authorized the Board of County Commissioners of the respective counties within the State to appoint a special Board of Equalization and Review to carry out the duties imposed under Article 21 or the Machinery Act Of North Carolina as revised in 1977; and

WHEREAS, the Board of County Commissioners finds that it is in the best interest of the citizens of Person County to appoint a special Board of Equalization and Review.


**NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS FOR PERSON COUNTY DOES
HEREBY RESOLVE:**

1. A special Board of Equalization and Review is hereby established for Person County.
2. The special Board of Equalization and Review shall be comprised of five members with each member having one vote.
3. Special Board of Equalization and Review members shall have good moral character and currently reside and own property in Person County. Residency shall have been maintained for a minimum period of two years. Each member shall have paid all property taxes currently owed.
4. A majority of the members of the special Board of Equalization and Review shall constitute a quorum.
5. The initial term of the special Board of Equalization and Review shall be for a term of four years. If a vacancy occurs before an incumbent member's term expires, the appointment of a successor shall be for the unexpired term of the member vacating the position. All terms are served at the pleasure of the Board of County Commissioners.
6. The members of the special Board of Equalization and Review shall be selected by the Board of County Commissioners.
7. The chairman of the special Board of Equalization and Review shall be appointed by the Board of County Commissioners.
8. The special Board of Equalization and Review shall have such powers as provided by Article 21 of the North Carolina Machinery Act as well as such other powers as may be specifically granted by the Board of County Commissioners.
9. Members of the special Board of Equalization and Review shall be compensated at the rate established by the Board of County Commissioners.
10. The special Board of Equalization and Review, in conjunction with the Tax Assessor, shall set its meeting schedule in compliance with the North Carolina Machinery Act.
11. All appeals from the special Board of Equalization and Review shall be to the Property Tax Commission as provided by the North Carolina Machinery Act.
12. This resolution shall be effective upon its adoption.

Adopted this the 7th day of January, 2013.




Jimmy B. Clayton, Chairman

Attest:

Brenda B. Reaves, Clerk to the Board

January 7, 2013

2013 COMMITTEE ASSIGNMENTS FOR COMMISSIONERS:

Chairman Clayton presented the 2013 Board of Commissioners Committee Assignments for adoption.

A **motion** was made by Commissioner Blalock, **seconded** by Vice Chairman Jeffers and **carried 5-0** to adopt the 2013 Committee Assignments for Commissioners.

Vice Chairman Jeffers noted he would recommend in the near future that the Board establish a Youth Advisory Committee to follow the state model.

2013
Person County Board of Commissioners
COMMITTEE ASSIGNMENTS

Chairman Jimmy B. Clayton

*COG Board
Economic Development Board
Kerr Tar RPO - TAC
NCACC Board of Director
OPC Community Operations Board
Upper Neuse River Basin Association*

Vice Chairman B. Ray Jeffers

*Fire Committee
Home Health & Hospice Advisory Committee
Home & Community Care Block Grant Adv. Committee
NCACC President Elect/Board of Director
Recreation Advisory Board
Social Services Board*

Commissioner Kyle Puryear

*Animal Control Advisory Committee
E-911 Committee
High Speed Internet Committee
Local Emergency Planning Committee*

Commissioner David Newell

*Airport Commission
Chamber of Commerce
Person County Partnership for Children
Region K Workforce Development Board
Solid Waste Advisory Committee*

Commissioner Frances Blalock

*Health Board
Juvenile Crime Prevention Council
Library Board
Person Area Transportation System Board
Person County Senior Center Advisory Council*

Adopted by the Board of Commissioners: January 7, 2013

January 7, 2013

BOARDS AND COMMITTEES APPOINTMENTS:

Clerk to the Board, Brenda Reaves presented to the Board citizen applications for consideration for appointment in response to Person County's ad soliciting volunteers published in the *Courier Times* on November 14, 2012 with a deadline to submit application by noon on December 4, 2012.

The highlighted boards denote a competitive board and are eligible for the informal interview process. Please direct the Clerk to organize and inform the applicants of the informal interviews or consider waiving the process. Ms. Reaves asked the Board to nominate the applicants for appointment, if appropriate.

- Airport Commission

3-Year Term: 1 position available

- 1) Henry Newell, Jr. requested appointment

A **motion** was made by Vice Chairman Jeffers, **seconded** by Chairman Clayton and **carried 5-0** to appoint Henry Newell, Jr. to the Airport Commissioner for a 3-year term. Commissioner Newell went on record that the County Attorney had confirmed that there was no conflict of interest that he and his brother would both be representatives on the Airport Commission.

- Animal Control Advisory Committee

Unspecified Term: 1 position for a citizen-at-large

- 1) Carol Keyser requested appointment

A **motion** was made by Commissioner Puryear, **seconded** by Vice Chairman Jeffers and **carried 5-0** to appoint Carol Keyser to the Animal Control Advisory Committee for an unspecified term.

- Home Health and Hospice Advisory Committee

3-Year Term: 1 position representing the hospital

No Applications

- Juvenile Crime Prevention Council (JCPC)

1-Year Initial Term; 2-Year Reappointment each for:

a member of the faith community

No applications

a member of the business community,

No applications

2-Year Term: 1 position each representing:

Chief District Court Judge,

- 1) Mark Galloway requested reappointment

Public Health,

- 1) Harold Kelly requested reappointment

six citizen-at-large positions

- 1) Alisa Clayton requested reappointment
- 2) Johnny Myrl Lunsford requested reappointment

Vice Chairman Jeffers requested Board consideration to waive the rule for citizens to only participate on two appointed boards and consider reappointing Treco Lea-Jeffers stating Judge Galloway requested such due to her participation on JCPC.

an unexpired term to 12/31/13 representing Mental Health

No applications

A **motion** was made by Commissioner Newell, **seconded** by Commissioner Blalock and **carried 5-0** to reappoint Mark Galloway, Chief District Court Judge, Public Health staff, Harold Kelly, and the following citizens: Alisa Clayton, Johnny Myrl Lunsford and Treco Lea-Jeffers to JCPC for a 2-year term.

- Person Area Transportation System Board

3-Year Term; 8 positions available with the following designations:

1 position available each for citizens that can represent or are affiliated with:

Person Industries,

- 1) Lisa Jeffreys requested reappointment

Public Health,

- 1) Leigh Ann Creson requested reappointment

Department of Social Services (DSS),

- 1) Melinda Hudson requested reappointment

Senior Center,

- 1) Kelly Foti requested reappointment

private industry,

- 1) Will Davis requested appointment

economic development

No applications

2 positions from the general public

No applications

A **motion** was made by Commissioner Blalock, **seconded** by Chairman Clayton and **carried 5-0** to reappoint Lisa Jeffreys to represent Person Industries, Leigh Ann Creson to represent Public Health, Melinda Hudson to represent DSS and Kelly Foti to represent the Senior Center as well as appoint Will Davis to represent private industry to the Person Area Transportation System Board each for a 3-year term.

- Planning Board

1 position available for a 3-Year Term

1 position with an unexpired term to 6/30/15

- 1) Steve Carpenter requested appointment

A **motion** was made by Chairman Clayton, **seconded** by Commissioner Jeffers to appoint Steve Carpenter to the Planning Board.

A **substitute motion** was made by Commissioner Puryear, **seconded** by Commissioner Newell and **carried by majority vote 3-2** for the Board to make no decision on the Planning Board appointment and direct staff to re-advertise the vacancies. Chairman Clayton and Vice Chairman Jeffers cast the dissenting votes.

Commissioner Puryear indicated interest in the Board considering an exception for a county employee (Derrick Smith) to serve on the Planning Board noting Mr. Smith was serving on the Board however his job offer with the county was contingent upon his resignation from the Planning Board.

- Region K Aging Advisory

3-Year Term: 1 position available

No applications

- Roxboro/Person County Human Relations Commission

3-Year Term; 3 positions available for county residents

No applications

- Tourism Development Authority

3-Year Term: 1 position from the general public available

- 1) Tommy Winstead requested appointment

A **motion** was made by Vice Chairman Jeffers, **seconded** by Commissioner Puryear and **carried 5-0** to appoint Tommy Winstead to the Tourism Development Authority for a 3-year term.

- Work Force Development Board

1-Year Initial Term; 2-Year Reappointment: 1 position representing private industry

No applications

- Research Triangle Regional Partnership

Consideration to replace Phillip Allen (former Chairman on the EDC) with City of Roxboro representative, Abby Gentry, RDG Director to fulfill term to 6/30/2014

A **motion** was made by Commissioner Blalock, **seconded** by Chairman Clayton and **carried by majority vote 3-2** to appoint Abby Gentry, RDG Director to the Research Triangle Regional Partnership Board to fulfill the term previously held by Phillip Allen to June 30, 2014. Commissioners Puryear and Newell cast the dissenting votes.

- Kerr Tar Regional Council of Government (COG)

Board nomination/recruitment

There were no nominations by the Board of Commissioners.

VOTING DELEGATE DESIGNATION FOR THE NC ASSOCIATION OF COUNTY COMMISSIONERS LEGISLATIVE GOALS CONFERENCE:

Clerk to the Board, Brenda Reaves requested the Board to designate a Commissioner attending the NC Association of County Commissioners Legislative Conference as Person County's delegate. Ms. Reaves told the group that Chairman Clayton and Vice Chairman Jeffers are both registered to attend the NCACC Legislative Goals Conference. Ms. Reaves noted voting credentials for the January 24-25, 2013 NC Association of County Commissioners Legislative Goals Conference must be submitted by January 11, 2013.

A **motion** was made by Vice Chairman Jeffers, **seconded** by Commissioner Newell and **carried 5-0** to nominate Chairman Clayton as the voting delegate for Person County at the NC Association of County Commissioners Legislative Goals Conference scheduled for January 24-25, 2013.

REVIEW OF THE BOARD'S RULES OF PROCEDURE:

County Attorney, Ron Aycock stated the Person County Board of Commissioners' Rules of Procedures were adopted in 2007 and re-adopted in 2008. Commissioners Puryear and Newell have requested a review and discussion of the Board's adopted Rules of Procedure.

Commissioner Puryear requested the Board to revisit the rules requiring a second to have a motion voted upon.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Blalock to not require a second to a motion on a trial basis for a period of three months.

An **amended motion** was made by Commissioner Puryear, **seconded** by Commissioner Blalock and **carried 3-2** to not require a second to a motion on a trial basis until the first meeting in May 2013 at which time, the process will be reevaluated. Commissioners Puryear, Blalock and Newell voted in favor of the amended motion. Chairman Clayton and Vice Chairman Jeffers cast the dissenting votes.

BUDGET AMENDMENT:

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

Upon a motion by Vice Chairman Jeffers, and a second by Commissioner Puryear and majority vote (5-0), the Board of Commissioners of Person County does hereby amend the Budget of the Fund(s) listed below on this, the 7th day of January 2013, 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	19,832
	Public Safety	90,761
	Transportation	2,267
	Environmental Protection	40,000
	Economic Development	1,185
	Culture & Recreation	7,101
	Human Services	2,875
	Contingency	(17,150)
	Transfer to Other Fund	351
	Interfund Transfer	2,875
<u>REVENUES</u>	<u>General Fund</u>	
	Other Revenues	31,926
	Intergovernmental	
	Revenues	31,918
	Charge for Services	3,378
	Fund Balance	
	Appropriation	40,000
	Transfer from Other Fund	40,000
	Interfund Transfer	2,875
<u>EXPENDITURES</u>	<u>Person Industries Fund</u>	351
<u>REVENUES</u>	<u>Person Industries Fund</u>	
	Transfer from General Fund	351

January 7, 2013

Explanation:

Received additional morale concessions (\$341); proceeds from sale of vehicles (\$11,225); filing fees (\$300); revenues from the misdemeanor confinement program (\$29,160) and the housing of federal inmates (\$1,940); insurance claim for damage to ambulance (\$10,050); donations and fees associated with the rabies vaccination and Spay and Neuter Program (\$5,757); insurance claim for hail damage to Animal Control vehicle (\$1,000); fund balance appropriation for required trench installation and monitoring compliance at Old Landfill (\$40,000); City of Roxboro's portion of Planning & Zoning fees (\$1,185); concessions revenue for Recreation, Arts & Parks (\$3,496); insurance claim for damage to Huck Sansbury gym (\$1,950); State Aid funds for the Public Library (\$818); transfer of available contingency funds in the Courthouse Renovation Project to the General Fund to cover the Fair Labor Standard Requirement for payment of overtime to certain employees at EMS (\$40,000); and utilizing funds from the Unemployment Contingency line item (-\$17,150) to cover unemployment costs in various departments (\$17,150).

CHAIRMAN'S REPORT:

Chairman Clayton had no report.

MANAGER'S REPORT:

County Manager, Heidi York asked the Board about their preference of streaming live the upcoming Board Retreat. It was the consensus of the Board to not stream live the Board Retreat but a preference to record and post for public viewing.

Ms. York stated she had put into the Board member's mailbox a memo related to the request for additional School Resource Officers in the schools as well as a memo related to Commissioner Newell's request on the timber harvesting at the County Farm. Ms. York noted a memo would be prepared describing the revaluation process.

COMMISSIONER REPORT/COMMENTS:

Vice Chairman Jeffers had no report.

Commissioner Puryear recognized Mr. Clyde Whitfield in the audience who wanted to address the Board but had not done so at the Informal Comments period. Commissioner Blalock offered to give us her time for comments as well for Mr. Whitfield to speak.

Mr. Clyde Whitfield asked the Board about the adopted Resolution to establish a special Board of Equalization and Review noting his preference to appeal before the Board of Commissioners. Mr. Whitfield asked the Board to be familiar with the Machinery Act of NC. Commissioner Newell asked the Tax Administrator to get him a copy of the Machinery Act of NC.

ADJOURNMENT:

A **motion** was made by Commissioner Newell and **carried 5-0** to adjourn the meeting at 10:49 pm.

Brenda B. Reaves
Clerk to the Board

Jimmy B. Clayton
Chairman