

**PERSON COUNTY BOARD OF COMMISSIONERS**

**JULY 19, 2010**

**MEMBERS PRESENT**

**OTHERS PRESENT**

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

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

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, July 19, 2010 at 9:00 a.m. in the Commissioners' meeting room in the Person County Office Building.

Chairman Lunsford called the meeting to order and asked Commissioner Clayton to lead in prayer and Commissioner Kennington to lead the Pledge of Allegiance. Commissioner Jeffers was attending the NACo National Conference in Reno and was present for the Board meeting via telephone.

**DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:**

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

**INFORMAL COMMENTS:**

There were no comments from the public.

**APPROVAL OF MINUTES:**

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Puryear, and **carried 5-0** to approve the minutes of June 21, 2010, July 8, 2010 and July 12, 2010.

**ADMINISTRATIVE REPORTS:**

Commissioner Puryear commented on the Inspection Report highlighting building permits doubling (17 to 34) from the same time in June 2009.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton, and **carried 5-0** to approve the Administrative Reports for the Airport, Inspection, Library, Surplus Items and Vehicles, Tax Administration & Collections and Zoning Department.

**July 19, 2010**

**PERSON COUNTY COMPREHENSIVE TRANSPORTATION PLAN (CTP) UPDATE:**

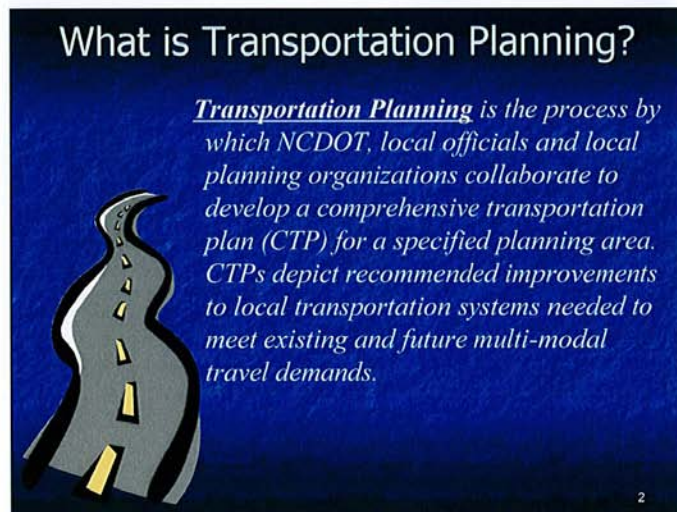
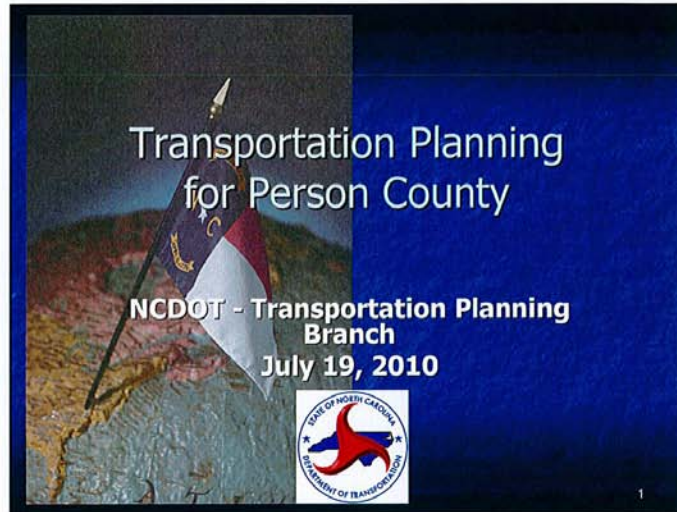
Mark Eatman, Transportation Engineer for NCDOT - Transportation Planning Branch updated the Board of the activity over the past year and a half. Mr. Eatman stated the NC DOT – Transportation Planning Branch has been working cooperatively with County staff, City staff, locals from Person County, the Kerr-Tar Rural Planning Organization, and NC DOT - Division 5 staff to develop the draft Person County CTP. The Person County CTP is a long range transportation plan that identifies transportation needs 20-30 years in the future. Mr. Eatman informed the Board of NCDOT's preliminary findings and asked for feedback regarding the plan.

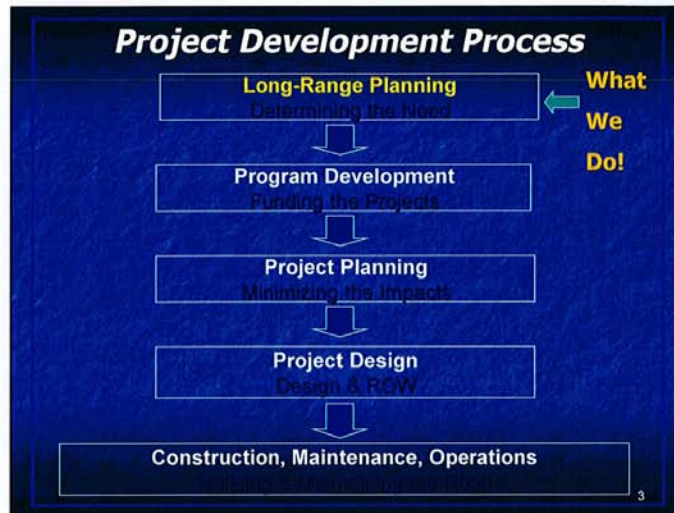
Mr. Eaton stated NCDOT will hold a public “drop in” session on August 5, 2010 from 4:00 to 6:00 p.m. at City Hall to received comments from the public. Mr. Eatman anticipates appearing before the Board sometime in September or so for a public hearing and adoption of the CTP.

Commissioner Puryear inquired as to why Highway 501 was not considered a strategic corridor. Mr. Eatman was not sure why Highway 501 did not make the list. Mr. Eatman's associates guessed it may have been due to the population centers.

Chairman Lunsford thanked Mr. Eatman for the information presented.

Following is the NCDOT presentation:





## A Comprehensive Transportation Plan Does **NOT**...

- Make a promise to build roads
- Determine a pinpoint location for roads



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## Strategic Highway Corridors



July 19, 2010



## What is an Expressway?



US 221 (Marion Bypass)



US 220 in Rockingham County

- High mobility, low access
- 45 to 60 mph
- Cross-section: minimum 4 lanes With a median
- Connections: interchanges (major cross streets) and at-grade intersections (minor cross streets)
- Driveways are limited in location And number; right-in/right-out only
- Traffic signals not allowed, with the exception of superstreets
- **Examples: US 117 north of I-40, US 74 east of I-277 in Charlotte**

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## Transportation Planning Process



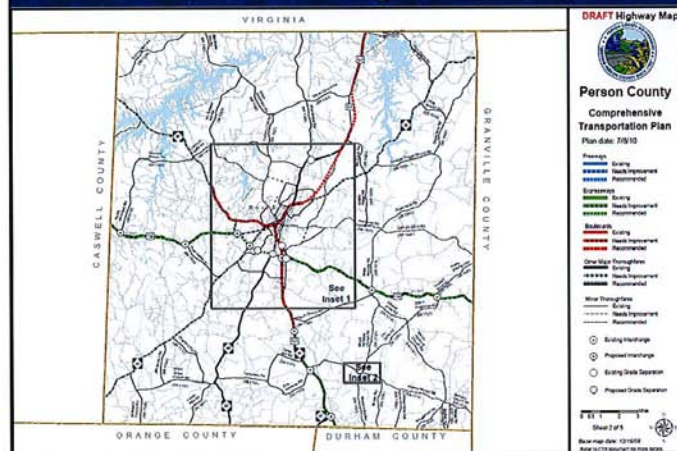
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## What's been happening?

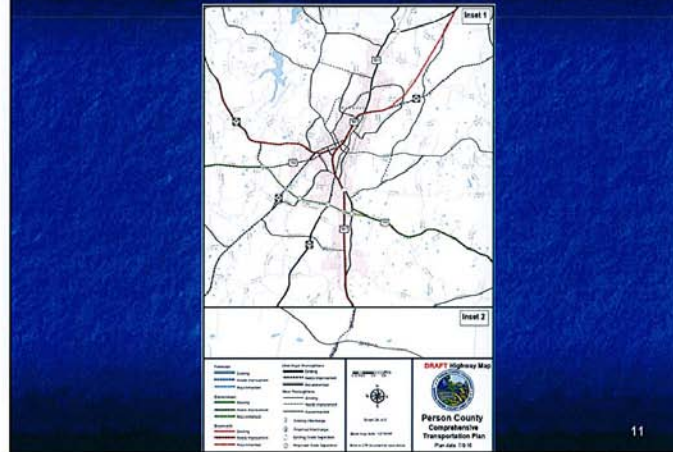
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# DRAFT CTP Highway Map



## DRAFT CTP Highway Map - INSET



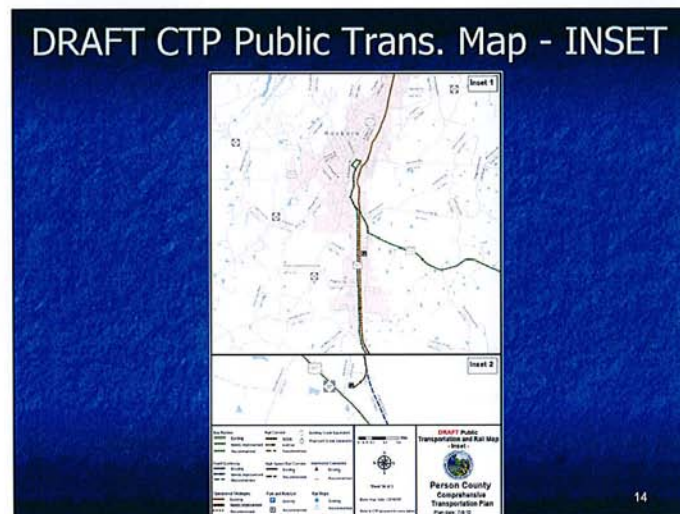
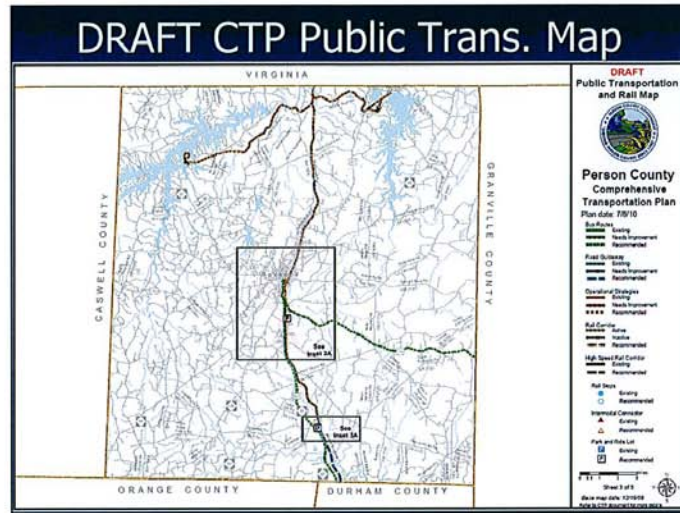
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## What could US 501 look like?

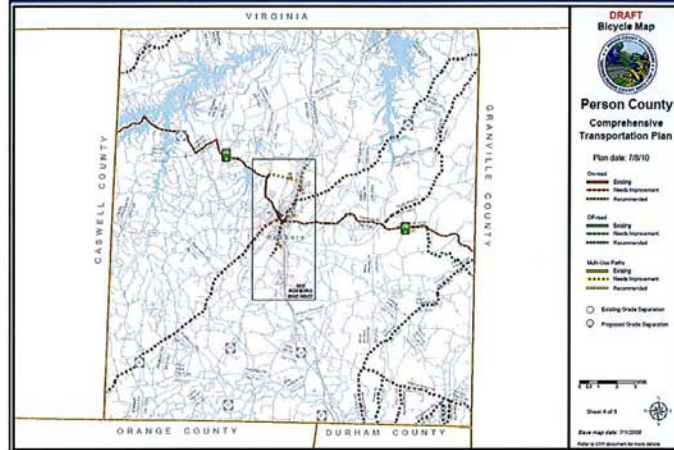


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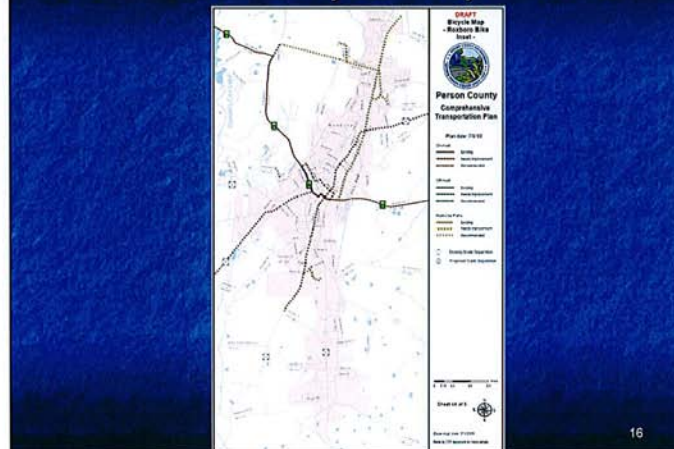




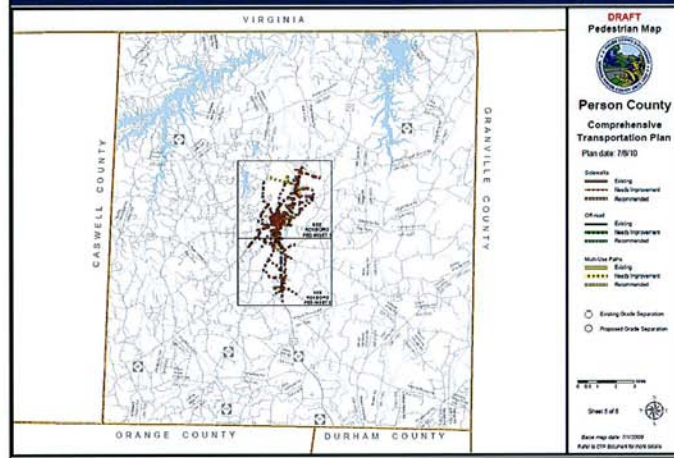
## DRAFT CTP Bicycle Map



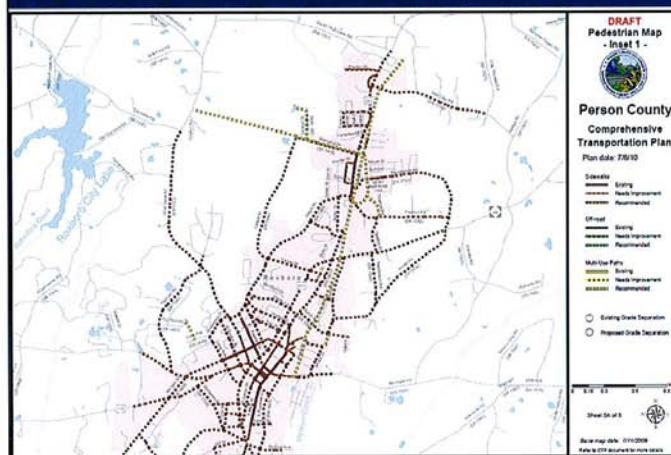
## DRAFT CTP Bicycle Map - INSET



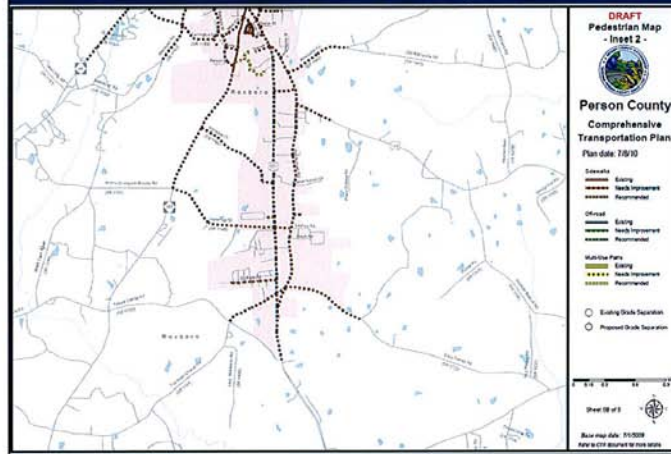
## DRAFT CTP Pedestrian Map



## DRAFT CTP Pedestrian Map – INSET 1



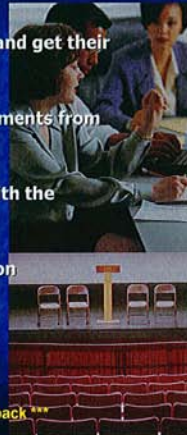
## DRAFT CTP Pedestrian Map – INSET 2



## The Next Steps

- Inform local governments of DRAFT CTP and get their feedback
- Hold Public "Drop-In" Session to get comments from the public
- Adoptions / Public Hearing for the CTP with the County and City
- Kerr-Tar Rural Transportation Organization Endorsement
- DOT – Board of Transportation Adoption
- CTP Report

\*\*\* Schedule is subject to change based on feedback \*\*\*





## Questions??

### ■ **Contacts:**

- **Mark Eatman, EI, Transportation Engineer II**  
North Carolina Department of Transportation  
919-733-4705  
mreatman@ncdot.gov
- **Scott Walston, PE, Transportation Engineer Supervisor – Triangle Planning Unit**  
North Carolina Department of Transportation  
919-733-4705  
swalston@ncdot.gov
- **Mike Ciriello, Kerr-Tar RPO Planner**  
Kerr-Tar Council of Governments  
252-436-2048  
mciriello@kerrtarcog.org

<http://ncdot.gov/doh/preconstruct/tpb/planning/PersonCTP.html>



**KERR-TAR REGIONAL COUNCIL OF GOVERNMENT (COG):**

Kerr-Tar Regional Council of Government Executive Director, Timmy Baynes gave the Board a summary of information regarding the COG and its programs and services available to Person County as resources. Mr. Baynes highlighted the following programs and services:

- COG is a designated Economic Development District
- Currently updating the Comprehensive Economic Development Strategy Plan
- Provides Community Development Technical Assistance
- Administering Scattered Site Community Development Block Grant Program
- Area Agency on Aging – Administering services at Senior Center. Reminder of need to make decisions for next fiscal year with Senior Center administration transfer to another entity.
- Rural Transportation Planning – project with DOT, planning, data collection, GIS
- Administer Work Force Development Program working with Employment Security Commission and Piedmont Community College to provide services to citizens out of work, underemployed or unemployed.
- Mental Health Juvenile Justice with Five-County Area Mental Health (not in Person County)
- Multi-jurisdictional industrial park possibilities – experiences with Triangle North project

Board members thanked Mr. Baynes for the work of the staff at the COG. Commissioner Clayton and Chairman Lunsford stated Person County may call on the COG for assistance with grant writing noting the COG's staff has been recognized nationally for their work with grant awards.

Mr. Baynes stated an open house is being planned in the coming months at the Senior Center.

### **MEDICAL DIRECTOR CONTRACT:**

Michael Day, Emergency Management and Medical Services Director told the Board the current Medical Director for Person County, Dr. Kimberly Yarborough, has requested to transition from this position. There has not been local interest or capacity in serving in this position. Dr. Yarborough believes that the best physician to serve as Medical Director for Person County is Dr. James “Tripp” Winslow, of Wake Forest University Physicians, an operating division of Wake Forest University Health Sciences. Mr. Day stated he and Dr. Yarborough have discussed transitioning the role of Medical Director to Dr. Winslow and he is interested and able to serve. Mr. Day noted he is not aware of another EMS System that does not compensate their medical director. Dr. Winslow and staff have submitted a contract for services which includes medical direction, lecturers for continuing education and access to cadaver labs for staff. Mr. Day requested approval of the contract for Dr. James “Tripp” Winslow as Medical Director for Person County Emergency Services.

County Attorney, Ron Aycock stated he had reviewed and recommended only minor changes that would be incorporated into the contract document.

Commissioner Kennington asked Mr. Day about the services provided by Dr. Winslow, specifically the duties and responsibilities for the Medical Director. Mr. Day noted EMS Systems in the State must have a Medical Director for their immediate oversight in order to work under the Medical Director’s licensure. The Medical Director is the dispensing physician for all the drugs carried and given to patients by EMS. The Medical Director is responsible for the oversight of the medical continuing education for all EMS Staff to meet re-credentialing every four years. Mr. Day further noted the Medical Director is responsible for treatment protocol policies and procedures as are handed out by the State for input. Mr. Day confirmed to the Board the Medical Director for the system would indeed have oversight of the entire emergency systems of the county, including Wilson Ambulance Service & Support. Commissioner Kennington requested a list of the duties and responsibilities be forwarded to the Board. Mr. Day stated he would send the requested information to the County Manager for distribution to the Board.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton, and **carried 5-0** to approve the contract designating Dr. James “Tripp” Winslow as Medical Director for Person County Emergency Services.

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## AGREEMENT

PERSON COUNTY )

THIS AGREEMENT is made and entered into this 1<sup>st</sup> day of July, 2010, by and between Person County, North Carolina ("The EMS System"), party of the first part and Wake Forest University Physicians, an operating division of Wake Forest University Health Sciences, on behalf of its Department of Emergency Medicine ("WFUP"), party of the second part.

**WITNESSETH**

For the purpose and subject to the terms and conditions hereinafter set forth, The EMS System hereby contracts with WFUP for the services of the Provider (defined herein), and WFUP and the Provider agree to provide the services to The EMS System in accordance with the terms of this Agreement.

**I.**

**The services to be performed by the Provider shall be as follows:**

1. Training and instructional courses for ambulance and emergency medical personnel of The EMS System.
2. Medical advice to ambulance and emergency personnel of The EMS System.
3. Perform the duties and responsibilities listed for a Medical Director as enumerated in the title 10 – Department of Health and Human Resources, Chapter 3 Facility Services, Sub-Chapter 3D Office of Emergency Medical Services Regulations Section .2801 Medical Oversight.

## II.

The services of the Provider shall begin on July 1, 2010 and shall be provided until June 30, 2011; provided that either party shall have the right to terminate this Agreement for services upon thirty (30) days notice in writing to the other party. At the end of the first term, the Agreement shall be automatically renewed for an additional one-year term unless either party provides thirty (30) days prior written notice to terminate. In the event that the Agreement is terminated, all amounts for each year shall be prorated based upon the length of service in the fiscal year.

### III.

As full compensation for the Provider's services, The EMS System agrees to pay WFUP the sum of \$15,000 annually and the cost of automobile mileage incurred when performing medical director related duties. This amount will cover the services of medical direction and will also cover additional costs of resources at WFUP including lectures, the high fidelity simulator, and cadavers for teaching labs. These educational resources offered as part of this contact are meant to compliment and not replace the continuing education already offered by Person County EMS.

**July 19, 2010**

Medical Direction services will be provided by qualified WFUP personnel: Dr. James E. "Tripp" Winslow, MD, MPH ( the "Medical Director") and James C. Johnson, III, MPAS, PA-C (the "Assistant Medical Director") hereinafter collectively referred to as the "Provider". Dr. James E. "Tripp" Winslow, MD, MPH will serve as Medical Director for all activity within The EMS System.

The county will provide...

- Payment of \$15,000 per year and reimbursement for travel via personally owned vehicle at the standard county rate for activity related to medical director related duties.
- Necessary patient care and system performance information and administrative support to perform the medical director oversight duties as specified.
- Personal protective gear and communications equipment (radio, cellular phone) to allow field response and communication with The EMS System personnel in the field.

#### IV.

WFUP shall bill The EMS System for services rendered during the preceding thirty (30) days. The EMS System shall pay all such bills within the following ten (10).

WFUP shall operate as an independent contractor. Both parties to the extent permitted by law agree to hold the other harmless from and against any and all third party claims, expenses (including attorney fees), costs or liability for the negligent acts or omissions of the other party, their employees, and offices and agents.

The Provider shall not be treated as an employee of The EMS System with respect to the services performed hereunder for federal or state tax, unemployment or workers' compensation purposes. WFUP understands that neither federal, nor state, nor payroll tax of any kind shall be withheld or paid by The EMS System on behalf of the WFUP or its employees. WFUP is fully responsible for the payment of any and all taxes arising from the payment of monies under this Agreement.

The Provider shall not be treated as an employee of The EMS System with respect to the services performed hereunder for purposes of eligibility for, or participation in, any employee pension, health, or other fringe benefit plan of The EMS System.

The EMS System shall not be liable to WFUP for any expenses paid or incurred by the Provider unless otherwise agreed in writing.

The EMS System will maintain, at its sole expense, general and professional liability insurance coverage against suits and claims arising out of the acts or omissions of The EMS System, its employees, officers and agents. This insurance coverage shall have limits of not less than \$1,000,000 per claim, \$3,000,000 in the aggregate. The EMS System will notify WFUP immediately of any adverse change in insurance coverage.

WFUP shall provide and maintain, at its sole expense, the following insurance coverage:

**July 19, 2010**

A. Professional Liability Insurance: WFUP shall maintain professional malpractice liability insurance coverage against suites and claims arising out of acts or omissions of the Provider. This insurance coverage shall have limits of not less than \$1,000,000 per claim.

B. Other Insurance Requirements: WFUP shall:

1. Prior to commencement of services, furnish The EMS System with properly executed certificates of insurance which shall clearly evidence all insurance required in this section and provide that such insurance shall not be cancelled, allowed to expire, or be materially reduced in coverage except on thirty days prior written notice to The EMS System.
2. Provide certified copies of endorsements and policies, if requested by The EMS System, in lieu of or in addition to certificates of insurance.
3. Replace certificates, policies, and endorsements for any such insurance expiring prior to completion of the services.
4. Maintain such insurance from the time services commence until services are completed.
5. Place such insurance with insurers authorized to do business in North Carolina and having A.M. Best Company ratings of not less than A:VII. Any alternatives to these requirements shall require written approval of The EMS System's Risk Manager.

Neither WFUP nor the Provider has authority to enter into contracts or agreements on behalf of The EMS System.

WFUP declares that it has complied with all federal, state and local laws regarding business permits, certificates and licenses they may be required to carry out the services to be performed under this Agreement.

This Agreement is governed by the laws of North Carolina except that provisions relating to choice of law do not apply.

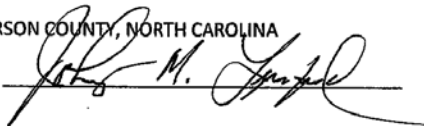
**July 19, 2010**



IN WITNESS WHEREOF, The EMS System and WFUP have set their hands and seals as of the day and year first written above.

PERSON COUNTY, NORTH CAROLINA

BY: \_\_\_\_\_



ATTEST:

Brenda B. Peaves  
Clerk to the Board

WAKE FOREST UNIVERSITY PHYSICIANS, an operating division of  
WAKE FOREST UNIVERSITY HEALTH SCIENCES

(SEAL)

BY: \_\_\_\_\_

William B. Applegate, M.D. President & Dean

AGREED TO:

BY: \_\_\_\_\_

Dr. James "Tripp" Winslow, MD, MPH

WFUP Tax ID No. 22-3849199

## **DEPARTMENT OF SOCIAL SERVICES (DSS) ATTORNEY CONTRACTS:**

Beverly Warren, DSS Director requested annual Board approval for attorney contracts for general legal services as well as child support services to be paid at an hourly rate to DSS's primary attorney, Tom Fitzgerald, and secondary attorneys, Walter Cates, Julie Ramsey, and Joe Weinberger. Ms. Warren stated the hourly fees have remained the same for the last 3 years.

Commissioner Kennington asked Ms. Warren to explain once again to the public the process by which an attorney could be considered for providing legal services for DSS. Mr. Warren stated anyone interested could certainly contact her for consideration to open up for bidding. Ms. Warren noted there has not been any interest thus far and further noted child welfare and child support are very specialized fields of work. Ms. Warren stated the current attorney's years of experience, familiarity of the laws and in-depth knowledge have proved to be efficient and invaluable to DSS.

A **motion** was made by Commissioner Clayton, **seconded** by Chairman Lunsford, and **carried 5-0** to approve the attorney contracts for legal services and child support services to be paid at an hourly rate to DSS's primary attorney, Tom Fitzgerald, and secondary attorneys, Walter Cates, Julie Ramsey, and Joe Weinberger.

## **PERSON FUTURES STRATEGIC PLAN:**

Community Development Coordinator, Paul Murray presented for adoption the 2010 – 2015 Person Futures Strategic Plan. The Person Futures Strategic Plan, developed by approximately 70 elected officials, county employees, and citizens represents what the community would like to see in Person County between the years 2010 and 2015. The five areas of focus: Protect Our Land, Re-Imagine Our County for a Better Future, Encourage Learning for Life and Lifelong Learning, Prosper by Developing the New Economy Locally, and Foster a Sense of Community were all identified by Person County citizens as areas of high importance prior to beginning the strategic planning process. This community-wide strategic plan will be implemented at all levels, from elected officials to community groups and citizens, and will give each of these implementers a guide in leading Person County into the future. The Person Futures Executive Committee has agreed to continue meeting quarterly as well publish a newsletter to monitor progress of the Strategic Plan. Mr. Murray stated the final plan can be viewed on the county web site.

Chairman Lunsford thanked Commissioner Kennington for spearheading the Person Futures Strategic Plan thus providing the opportunity for all citizens of Person County to become involved and provide input. County Manager, Heidi York thanked Person County staff for the internal support to the Strategic Plan, specifically Kim Griffin and Gracie Napier from the Health Department, Judy Akers from DSS, Derek Day, Cooperative Extension Director, Mitch Pergerson of Parks and Recreation as well as Paul Murray.

A **motion** was made by Commissioner Kennington, **seconded** by Chairman Lunsford, and **carried 5-0** to accept the Person Futures Strategic Plan to use as a tool to guide the future of Person County.

The Person Futures Strategic Plan is incorporated by reference into the minutes and will be filed in office of the Clerk to the Board.

**CONSIDERATION OF CONDUCTING AN ADVISORY REFERENDUM  
LEVYING A LOCAL SALES TAX (0.25 PERCENT):**

County Manager, Heidi York informed the Board that counties were given the authority to levy either a land transfer tax (up to 0.4 percent) or a local sales tax (0.25 percent) by the 2007 State Appropriations Act. Counties must conduct a non-binding advisory referendum through either a regular election or a special election. Ms. York stated the deadline for inclusion on the November's ballot, according to State Elections staff is mid August, 2010.

Ms. York noted counties may not stipulate uses of the revenue on the ballot as part of the referendum but may adopt a resolution designating specific uses further noting if the referendum were to pass successfully, the earliest the sales tax may become effective is January 1, 2011. The projections for the first eight months would be \$450,000. For a full fiscal year, we are projecting \$675,000 in new revenue. Ms. York stated the figures quoted are conservative figures based on 2008-2009 sales tax. Ms. York requested Board consideration whether to conduct an advisory referendum on the November 2010 election.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Kennington, to not recommend adding the referendum for local sales tax to the upcoming ballot.

Commissioner Kennington pointed out small businesses could potentially lose business with an additional sales tax imposed, coupled with nearly 14% of Person County families below the poverty level and the unemployment rate at 10.5% states the timing is not right to add more tax burden onto the citizens.

Chairman Lunsford felt optimistic and supportive of placing the advisory referendum on the ballot due to citizen's vote to have a recreational and senior facility. Chairman Lunsford suggested designating the additional tax proceeds, if passed by the voters, to be earmarked for the operating expenses for such facility in Person County.

Commissioner Clayton stated the timing is not good due to the economy and he would not be supportive of levying a tax upon the citizens, however Commissioner Clayton had no problem with letting the voters of Person County decide the fate of the referendum.

Commissioner Jeffers informed the group that Cumberland County was recently successful in an advisory referendum earmarking the additional sales tax to be used for Fire and EMS services. Commissioner Jeffers stated marketing and community education are needed to explain such referendums.

Commissioner Puryear stated local merchants will be impacted.

Commissioner Kennington asked the County Manager if she or the Parks & Recreation Director had any updated operating costs for such a facility. County Manager, Heidi York stated the figures previously shared with the Board regarding operational costs for such a facility range from \$300,000 to over \$1 million. Commissioner Jeffers commented that estimating operations costs will be difficult until decisions are made about the size of the proposed facility and efficiencies are known. Ms. York agreed that a scope of the project would be needed to itemize the costs.

The **motion failed 2/3**. Commissioners Puryear and Kennington voted in favor while Chairman Lunsford and Commissioners Clayton and Jeffers voted in opposition.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Clayton, and **carried 3-2** to put advisory referendum on the ballot. Commissioners Jeffers, Clayton and Chairman Lunsford voted in favor of the motion. Commissioners Puryear and Kennington cast the dissenting votes.

#### **DESIGNATE NCACC VOTING DELEGATE:**

Chairman Lunsford stated Voting Credentials for the 2010 NCACC Annual Conference must be submitted by August 6 in order for Person County's delegate to participate in the association's annual election of officers and policy adoption.

A **motion** was made by Chairman Lunsford, **seconded** by Commissioner Jeffers, and **carried 5-0** to designate Commissioner Clayton as Person County's delegate to participate in the NCACC annual election.

## **PROPOSED AMENDMENTS TO THE ZONING ORDINANCE FOR CAMPERS AND RECREATIONAL VEHICLES:**

County Attorney, Ron Aycock stated the Planning Board has presented to the Board proposed amendments to the Zoning Ordinance updating the language and definitions, tightening up the current Ordinance with the general prohibition of recreational vehicles and campers allowing for a more enforceable ordinance. Mr. Aycock summarized the discussion at the Joint Session meeting with the Planning Board, outlining three possible exemptions from the general prohibition of recreational vehicles for the Board to consider:

1. Allow Temporary Visits from recreational vehicles (Durham exemption)  
Use of a recreational vehicle as an accessory dwelling shall be prohibited except during temporary visits of two weeks or less.
2. Allow Backyard Camping  
Use of a recreational vehicle shall be prohibited except on large tracts of land of ten (10) acres or more, in single ownership, so long as the site utilized is at least 500 feet from a public road or adjoining property line.
3. Allow owners of land prior to October 1966 to be grandfathered from the prohibition of recreational vehicles on their property.  
Land owned prior to October 1966, date of adoption of the Hyco Lake Zoning Ordinance, and used for campers/recreational vehicles, is grandfathered provided it is in the same ownership or passed to heirs or assigns and used for the same use during this time period. Should a principle structure be built upon or the use discontinued for a period of 180 consecutive days or for more than eighteen months in any three year period, it will be considered a non-conforming use and not allowed.

It was the consensus of the Board 4-1 to direct the County Attorney and the Planning Director to update the Planning Ordinance with the language that would allow one recreation vehicle or camper visit per residential lot with a permanent structure up to two weeks; allow backyard camping on large tracts of 10 acres or more, 500 feet off the road, as well as to allow temporary use permit to landowners who have a vacant lot to park one recreational vehicle or camper for up to two weeks unless under a restrictive covenant. These changes are to be come back to the Board for further discussion and action, if appropriate. Commissioner Puryear cast the lone dissent to the ordinance changes preferring to leave the current ordinance in effect.

Commissioner Jeffers was excused from the Board meeting at 10:30 a.m.

**July 19, 2010**



**CHAIRMAN'S REPORT:**

Chairman Lunsford reminded Board members to turn in the County Manager Evaluation forms with the Clerk to the Board.

**MANAGER'S REPORT:**

County Manager, Heidi York gave the Board notice of two dates she and Dr. Cartner suggested for joint session with the Board of Education. The dates are October 25, 2010 and April 11, 2011, both set to begin at 6:00 p.m. in the County Auditorium.

Ms. York stated she would include on the August 2, 2010 Board agenda an item regarding declaration for intended use of proceeds of a passed referendum for one-quarter percent of sales and use tax additional over State and local sales tax.

**COMMISSIONER REPORT/COMMENTS:**

Commissioner Kennington asked if the County Manager met routinely with Dr. Bartlett. County Manager, Heidi York confirmed that she does have a routine lunch meeting with Dr. Bartlett.

Commissioner Puryear had no report or comments.

Commissioner Clayton mentioned soil is being brought into the landfill and used as alternative cover possibly containing formaldehyde for which Person County is not receiving any payment. County Manager, Heidi York stated the county is aware and is looking into the issue.

**ADJOURNMENT:**

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton, and **carried 4-0** to adjourn the meeting at 10:49 a.m.

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Brenda B. Reaves  
Clerk to the Board

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Johnny Myrl Lunsford  
Chairman

**July 19, 2010**