

PERSON COUNTY BOARD OF COMMISSIONERS

JUNE 21, 2010

MEMBERS PRESENT

OTHERS PRESENT

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

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

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, June 21, 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.

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers and **carried 5-0** to add to the agenda an item titled Home & Community Care Block Grant (HCCBG) Approval Of Fiscal Year 2010-2011Funding Plan.

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

INFORMAL COMMENTS:

The following individuals appeared before the Board during the Informal Comment Period:

Mr. Kennon Brown of 145 MacBeth Lane, Roxboro, NC spoke his concerns about he Board reducing or eliminating funding for the Main Street Generations Day Care Center. Commissioner Clayton stated there is funding in the Department of Social Services budget earmarked for the Generations Day Care Center that was not reduced. County Manager, Heidi York confirmed that local funding for Person County Group Homes in the amount of \$21,000 was not continued. Commissioner Jeffers stated the Home & Community Care Block Grant, if approved, would include \$8,300 in local funding.

Sheriff Dewey Jones publicly announced a Justice Assistance Grant (JAG) Program Award in the amount of \$10,384 that will be split equally between Person County Sheriff's Department and the Roxboro Police Department and requires no local match. Sheriff Jones asked for approval of the public announcement, public notice posting as well as authorization for the County Manager to sign the Interlocal Agreement.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers and **carried 5-0** to approve the public notice of the Justice Assistance Grant given by Sheriff Jones.

APPROVAL OF MINUTES:

A **motion** was made by Commissioner Jeffers, **seconded** by Chairman Lunsford, and **carried 5-0** to approve the minutes of June 1, 2010 Budget Work Session, June 7, 2010 Regular Session and June 9, 2010 Budget Work Session.

ADMINISTRATIVE REPORTS:

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried 5-0** to approve the Administrative Reports for the Airport, Detention Center, Emergency Services, Inspection and Library.

OLD BUSINESS:

AMENDMENTS TO THE ZONING ORDINANCE PERTAINING TO CAMPERS AND RECREATIONAL VEHICLES:

Planning Board members present were Barry Walker, Planning Board Chairman, Brenda W. Riley, Derrick A. Smith, Lindsay T. Wagstaff III, and Kenneth Malcolm Montgomery.

Planning Board Chairman, Barry Walker addressed the Board on behalf of the Planning Board stated the proposed amendments to the Zoning Ordinance pertaining to Campers and Recreational Vehicles was developed based on public comments from the Planning Board Public Hearings with consideration for a county-wide solution creating definitions related to a recreation park, a recreational vehicle park, and camper park. Mr. Walker noted the Planning Board did not intend for the ordinance to limit camping by Boy Scouts and such. Mr. Walker quoted an excerpt of the definition "... Any site or tract of land upon which two or more recreational vehicles", stating tents nor campsites were not identified in the definition as the intent that recreational vehicles are proposed to be limited in a neighborhood.

Commissioner Clayton suggested the Board meet jointly with the Planning Board to further discuss the options 3, 4 and 5 presented by the County Manager and the County Attorney. The options presented for Board consideration were:

1. Do nothing. This would continue the present general prohibition of campers on private residential property and either order the ordinance enforced or continue the present practice of occasional complaint driven enforcement.
2. Adopt the ordinance as proposed by the Planning Board.
3. Make changes to the proposed Ordinance that might include:
 - a) authorize a permitted period of use of a camper/RV on residential property similar to what is authorized in the Durham County ordinance below:

Use of a travel trailer or recreational vehicle (RV) as an accessory dwelling shall be prohibited within a residential district or on property devoted to residential use, except that use of a travel trailer or RV during temporary visits of two weeks or less shall be allowed.

Clarifying language to this Durham Ordinance provision should be added to define the period during which the two week use is authorized such as:

- “Any subsequent visit of two weeks or less shall be separated by a period of at least four weeks.”
 - “Only one (travel trailer) camper or RV shall be allowed to be utilized on a lot devoted to residential use”
4. Insert clarifying language as follows:

“ Nothing contained in this ordinance shall be interpreted to prohibit use of temporary back yard overnight tent camping by family members or friends of the family members or camping during hunting or fishing or scouting trips in remote areas”(may have to define remote areas)
 5. Make any of these provisions applicable only in specified areas in the County (townships with Lakes), thereby eliminating a county-wide restriction

Commissioner Kennington asked Mr. Walker to explain the differences between the proposed Ordinance and the existing Ordinance. Mr. Walker stated the current Ordinance did not have definitions for a camp ground and camper recreational vehicles. When asked by Commissioner Kennington about the number of complaints since 1966, Planning Director, Paula Murphy noted numerous complaints have been logged for the Timberlake area.

Commissioner Puryear mentioned Board consideration for enforcement any such Ordinance.

Chairman Lunsford and Commissioner Jeffers agreed with Commissioner Clayton’s suggestion to set a date to meet with the Planning Board. Mr. Walker stated the Planning Board’s next meeting is July 8, 2010. It was the consensus of the Board to schedule a special joint meeting with the Planning Board on July 8, 2010 at 6:00 p.m.

NEW BUSINESS:

AIRPORT AIR EASEMENT QUITCLAIM DEED:

County Attorney, Ron Aycock told the Board in July of 1997, Person County received a deed of easement for air rights around the Person County Airport. When the County acquired the easement the grantor included in the description of the conveyance an easement in a portion of the property of Clementsfield Farm, LLC. Since the grantor had no ownership in that property, he had no right to grant the County any easement in that property. The County may have acquired some interest in the property or may in the future acquire some interest by adverse possession. The County did not pay to its grantor any amount for the property which was not owned by its grantor. Mr. Aycock noted the issue arises because of an inaccurate description in the deed of easement to the County. Clementsfield Farm, through its attorney, Wells King, has requested that the County convey to it by quit claim deed any interest it has in the air easement. A quit claim deed does not assert that the grantor has any interest in the property, but conveys what it has (in this case none).

Mr. Aycock stated even though the County has no ascertainable property interest in the property it still must comply with the statutory provision required when a county sells property. Disposition of County property is governed by the provisions of Article 12 of GS 160A made applicable to Counties by GS 153A-176. The portion of article 12 of GS 160A appropriate for this transaction is GS 160A-269. Mr. Aycock explained that section provides for a receipt of an offer and then advertisement for upset bids. The attorney for Clementsfield Farm has agreed to an offer of \$10 for the quitclaim deed.

Wells King, Attorney requested the Board to pay respects to George Jackson, fellow attorney who had died on June 18, 2010. Mr. King stated his client was about a year ago having timber cruised and the forester found boundary stakes cutting through the property (1/2 acre is estimated). Mr. King presented a survey from Paul Bailey, County Engineer that illustrated the easement lines noting the section in question. Mr. King explained this issue affects his clients' ability to have a loan on the property, to build on the property, and the property has height restrictions inside the easement. Mr. King stated this issue was basically an error in the description in 1999 when the County acquired the easement from the Lunsford family. Mr. King requested the Board to clean up the deed on the books.

Chairman Lunsford asked if this issue had any impact on the Airport runway easement. Mr. Aycock stated he, Mr. Bailey and Mr. King reviewed this issue noting no affect to the Airport as the County did not know or realize the County retained ownership.

Mr. Aycock requested Board consideration to authorize execution of the quitclaim deed subject to Notice of publication in the newspaper for an upset bid. In the event of an upset bid, Mr. Aycock stated another Notice of publication would be offered until such time that the bid is not upset.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton, and **carried 5-0** to authorize execution of the Airport Air Easement Quitclaim Deed subject to Notice of publication for upset bid submitted by the Clerk to the local newspaper.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BID AWARDS:

Julie Reid of Kerr-Tar Regional Council of Governments (COG) appeared before the Board requesting bid awards of one rehab and three demolition/new construction projects as well as authorization to the County Manager to approve bid award contracts. Ms. Reid reviewed the bid tabulation for the four properties solicited and received.

Commissioner Kennington asked for explanation how the public is notified to apply for this program funding for rehabilitation or demolition. Ms. Reid explained to the group that once every three years, Person County is eligible to apply for CDBG funds. Ms. Reid noted an advertisement appears in the local newspapers as well as posting such at the Senior Center, Department of Social Services, and the County Office Building and other locations. In addition, presentations also offered if invited. Applications are received requiring certification of income and house eligibility. Ms. Reid further noted a selection committee chooses which houses can be accomplished within the budget. The selection committee is comprised predominantly of department heads and representatives of past grant awards according to Ms. Reid.

Commissioner Clayton inquired if the lowest bidder is always selected or is the bidding company's work history a consideration. Ms. Reid stated all bidders are registered licensed contractors with worker's compensation and general liability insurances. Ms. Reid noted Kerr-Tar COG has an established list of bidders in the five county area that are sent an invitation to participate in the program to bid on projects. Kerr-Tar COG checks references and inquires with the Better Business Bureau to monitor for complaints on contractors. Ms. Reid confirmed that should a contractor have issues, they would not be allowed to bid in the future.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers, and **carried 5-0** to approve the recommended bid awards as well as authorize the County Manager to sign the contracts.

June 9, 2010

Memorandum to: Heidi York, Person County Manager
 From: Karen Foster, CD Planner, Kerr-Tar Regional COG
 Regarding: 06/08/2010 Bid Opening Person County Scattered Site Program

A call for bids for the 2008 CDBG Scattered Site program was distributed and the following bids were received and opened. The tabulations are as follows:

COUNTY: PERSON		BID TABULATION			
PROJECT NAME: 2008 SCATTERED SITE					
DATE	ADDRESS	ADDRESS	ADDRESS	ADDRESS	ADDRESS
06/08/2010	1712 Forest St	730 Dennys Store Rd			
CONTRACTOR/COMPANY NAME	BID AMOUNT	BID AMOUNT	BID AMOUNT	BID AMOUNT	BID AMOUNT
Clement Construction	\$90,528.00	\$90,310.00			
CHI Construction	\$97,000.00	\$132,000.00			
L Roberts & Sons	\$75,952.00	\$116,980.00			
Herman Rouse LLC	\$85,000.00	\$95,500.00			

Present: Brenda B. Reaves, Person County Representative, Karen Foster, KTCOG Representative

Pending verification of licensing and insurance, it is recommended that the bid(s) be awarded in the following manner.

1712 Forest St	L Roberts & Sons	\$75,952.00
730 Dennys Store Rd	Clement Construction	\$90,310.00

If for some reason the contractors recommended above fail to enter into a binding contract or we find that the bid is not a responsible bid for the project, it is hereby authorized to use the 2nd lowest bidder. Should the above fail, the properties in question will be re-bid.

BID AWARD APPROVAL: Recommended: Heidi York 6/21/10
 Heidi York, Person County Manager Date

June 9, 2010

Memorandum to: Heidi York, Person County Manager
 From: Karen Foster, CD Planner, Kerr-Tar Regional COG
 Regarding: 05/24/2010 Bid Opening Person County Scattered Site Program

A call for bids for the 2008 CDBG Scattered Site program was distributed and the following bids were received and opened. The tabulations are as follows:

COUNTY: PERSON		BID TABULATION				
PROJECT NAME: 2008 SCATTERED SITE						
DATE	ADDRESS	ADDRESS	ADDRESS	ADDRESS	ADDRESS	
06/08/2010	640 Hazel Lawson Rd	310 Hill St.				
CONTRACTOR/COMPANY NAME	BID AMOUNT	BID AMOUNT	BID AMOUNT	BID AMOUNT	BID AMOUNT	
Jason Wrenn	116,880.00	27,115.00				
Charles Frazier	123,870.00					
Herman Rouse LLC	85,800.00					
CHI Construction	82,500.00	31,150.00				
Humphries	101,014.20	33,643.00				
D B Williams	91,751.00					

Present: Brenda B. Reaves, Person County Representative, Karen Foster, KTCOG Representative

Pending verification of licensing and insurance, it is recommended that the bid(s) be awarded in the following manner.

640 Hazel Lawson Rd	CHI Construction	\$82,500.00
310 Hill St.	Jason Wrenn	\$27,115.00

If for some reason the contractors recommended above fail to enter into a binding contract or we find that the bid is not a responsible bid for the project, it is hereby authorized to use the 2nd lowest bidder. Should the above fail, the properties in question will be re-bid.

BID AWARD APPROVAL: Recommended: Heidi York Date: 6/21/10
 Heidi York, Person County Manager

ENVIRONMENTAL HEALTH SEPTIC SYSTEM REPAIR PERMIT FEES:

Health Department Director, Janet Clayton stated to be in accordance with the North Carolina General Statute 130A-39(g), the Board of Health requests the approval of the Board of Commissioners to implement the proposed new fees.

On May 24, 2010 the Person County Board of Health approved the implementation of Septic Repair Construction Authorization Permit fees. For a gravity repair, the proposed fee is \$150.00 and for more advanced systems the proposed fee is \$300.00. These fees are the same as the current construction authorization fees for new septic systems. A permit (Construction Authorization) issued by Environmental Health is required before a contractor can repair a septic system. In order to issue a permit, an application must be submitted by the property owner prior to a site/system evaluation by an Environmental Health Specialist. After the reasons for the failure have been identified and repair options are explored, a permit may be issued.

The Person County Health Department does not currently charge for the site visit, the repair permit, or the system installation inspection. A recent compilation of fee schedules by the Brunswick County Health Department indicate that 15 of 69 (22%) of responding health departments now charge for septic system repair permits. Fees range from \$25.00 to \$300.00, with an average charge of \$112.00.

Based on data from the last 5 years, an average of 26 septic system repairs are installed each year in Person County. However, this represents only a portion of the site visits and/or permits issued each year for system repairs. Often changes in water use, including repairing leaking plumbing fixtures or maintenance issues, will allow existing systems to once again function properly.

Charging a fee for the repair Construction Authorization is well justified based on the time invested in the evaluation, permitting, and inspecting the repair. In addition, if a pump system is installed, the system must be inspected at 5 year intervals by the health department. The existing Construction Authorization fees of \$150.00 (gravity systems) and \$300.00 (pump systems) would generate approximately \$4,000 in additional annual revenue for the county. The fee would only be accessed if the repair was being installed and the cost to the property owner represents only a small portion of the average total costs of a septic system repair (~\$2000.00). Fees could be waived by the Health Director when they represent an undue financial burden.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Puryear, and **carried 5-0** to approve the Environmental Health Septic System Repair Permit Fee.

June 21, 2010

PROPOSED CHANGES TO THE CONTRACT TO PROVIDE E-911 COMMUNICATIONS WITH THE CITY OF ROXBORO:

County Manager, Heidi York requested the Board to review the proposed changes to the current 911 Communications Contract noting the current contract between the County and the City of Roxboro to provide E-911 services went into effect on October 1, 1999 for a period of (10) ten years, with a clause to automatically renew at the end of the agreement for an additional (5) five year period in the absence of any duly adopted resolution and notice. Item 5 of the contract states that operations costs will be divided between the County and the City using the same formula that Sales Tax is distributed to the City. This amount varies each year but has been around 12.82% of the operations cost since June 2009. The three quarters for this current fiscal year have generated the following amounts:

Q/E Sept: \$18,522.63

Q/E Dec: \$20,644.71

Q/E Mar: \$19,600.21

Ms. York stated due to the decline of sales tax and the increase in the number of calls generated in the City, this funding formula is no longer equitable. Call volume data suggests that approximately 45% of the calls received are generated in the City. Ms. York pointed out that Item 9 of the current agreement states that it may only be amended, modified, or revised by consent of both the City and County as evidenced by resolution of both the Council and Commissioners.

Ms. York presented the suggested, minor updates to the current contract in addition to a new funding formula seeking to redistribute the cost share based on call volume rather than sales tax formula. The term of the proposed contract is for two years with an automatic one year renewal. Ms. York stated if the Board approves, the next step would be to forward to the City of Roxboro requesting the City Council to agree to the proposed changes through a duly adopted Resolution. Ms. York anticipates a joint meeting between both governing bodies may be warranted for discussion of this item.

Volunteer Fire and Rescue Departments					911 Landline	911 Cellular	Admin	
Allensville	162				1,445	753	6,122	8,320
Ceffo	229		January 2009		1,303	943	6,250	8,496
Hurdle Mills	300		February 2009		1,398	862	6,600	8,860
Moriah	253		March 2009		1,438	1,015	6,402	8,855
Person County Rescue	313		April 2009		1,434	954	6,521	8,909
Semora	22		May 2009		1,495	1,009	6,452	8,956
Timberlake	475		June 2009		1,414	1,000	6,615	9,029
Triple Springs	150		July 2009		1,657	1,011	6,601	9,269
Woodsdale	142		August 2009		1,519	986	6,575	9,080
	2,046		September 2009		1,380	1,000	6,501	8,881
			October 2009		1,545	1,025	6,627	9,197
County Departments			December 2009		1,601	1,021	6,575	9,197
Animal Control	1,111				17,629	11,579	77,841	107,049
Emergency Management	46							
Person County EMS	5,588							
Fire Marshall	182		City Departments			25,751	44.92%	
Hospice	378		County Departments			30,153	52.60%	
Lake Authority	4		State Agencies			1,162	2.03%	
Lifeflight	27		Other Agencies			88	0.15%	
PC Public Works	38		Utilities			176	0.31%	
Sheriff	18,258		Total Calls			57,330	100.00%	
Social services	22							
PC Jail	70							
	25,724		Total Dispatched Calls			57,330		
			Total Phone Calls			107,049		
			Total all Calls			164,379		
			Average calls by Day			450.35		
			Average calls by hour			18.76		
City Departments	1,710							
Roxboro Fire	23,879							
Roxboro Police	162							
City Public Works	25,751							

Calls for other counties			
Caswell	17		
Durham	29		
Granville	17		
Halifax, VA	5		
Orange	20		
	88		
State Agencies			
DOT	84		
Forestry	35		
HP	979		
Juvenile	1		
Magistrates	35		
Parole	8		
PCC	1		
Red Cross	1		
Wildlife	18		
	1162		
CentryLink	66		
Charter	2		
PEMC	18		
Progress Energy	83		
Public Gas	7		
	176		
911 handled calls and information	2383		
	57,330		

June 21, 2010

CONTRACT TO PROVIDE E-911 COMMUNICATIONS

NORTH CAROLINA PERSON COUNTY

THIS CONTRACTUAL AGREEMENT, made and effective as of this the XX day of XXXX, 2010, by and between Person County, North Carolina, a body corporation and politic (hereinafter called “the County”) and between the City of Roxboro, a municipal corporation of the State of North Carolina (hereinafter called “the City”).

WITNESSETH:

That for and in consideration of the mutual covenants hereinafter contained, the County and the City, do hereby covenant and agree as follows:

1. The County agrees to maintain a separate department for E-911 Communications with a director reporting to the County Manager. There shall be an Advisory Board, consisting of the Sheriff, Police Chief, Fire Chief, EMS Director, Representative from the Person County Chief’s Association, a County Commissioner and a City Council Member. The Advisory Board will assist with policy and procedure development of the E-911 Department. The Director of Communications, will implement the budget, oversee personnel issues and develop policies and procedures under the guidance of the County Manager. The department will **operate as a full access DCI terminal agency.**
2. The County agrees to provide insurance coverage for equipment located in the E-911 Center.
3. The County agrees to fund all E-911 equipment with surcharge fees.
4. The City agrees to share 50% of the cost for major repairs to the building housing the E-911 Center, and **the full cost of repairs or replacement costs associated with City based radio equipment.**

The operations cost will be shared by the County and City based on the following 2 year cost adjustment:

- a. **2010 – 2011 The City’s cost will be 18% of the County’s operating budget.**
 - b. **2011 – 2012 The City’s cost will be 25% of the County’s operating budget.**
 - c. Operating funds will be distributed to the County on a quarterly basis by the City of Roxboro.
5. At the end of the annual County audit, a copy will be available on the County’s website (www.personcounty.net) for the City Finance Department to review.

June 21, 2010

6. The term of this agreement shall be for a period of (2) two years from the effective date of this agreement hereof shown above. Either party may with or without cause terminate this agreement by resolution duly adopted giving a minimum of two years notice and being hand delivered to the other party's manager. In the absence of any duly adopted resolution and notice, this agreement will automatically renew at the end of this agreement for an additional (1) one year period.
7. This agreement may be terminated by mutual consent of both parties upon one year's notice given by and to the respective governing body of each of the parties hereto.
8. This agreement may only be amended, modified, or revised by consent of both the County and the City as evidenced by resolution of both the Board of Commissioners and the City Council.
9. This instrument contains the entire agreement between the parties; and no statement, oral or written, made by either party or agent of either party that is not contained in the written agreement shall be valid or binding. This agreement may not be enlarged, modified, or altered except in wanting by the parties and endorsed hereon.

IN WITNESS WHEREOF the parties hereto have caused this instrument to be executed by their properly designated officials by authority validly and duly given and their respective seals to be hereunto affixed on the day and year first above written. This instrument is executed in duplicate originals.

ATTESTED TO BY:

PERSON COUNTY

County Clerk

Chairman

ATTESTED TO BY:

CITY OF ROXBORO

City Clerk

Mayor

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

County Finance Officer

City Finance Director

June 21, 2010

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried 5-0** to direct the proposed changes to the Contract to provide E-911 Communications to the City of Roxboro for consideration.

CELLULAR PHONE POLICY:

County Manager, Heidi York stated she was directed through her work plan to develop and implement a Cellular Phone Policy for the use of cell phone devices by County employees. This policy establishes a stipend-based cell phone program which will increase the accountability of the use of such devices as well as comply with IRS regulations. County Department Heads must first determine the business need for a cell phone for their employees which is then reviewed and approved by the County Manager. This policy establishes a two tier stipend program based on the type of device needed for County business. A basic cell stipend would be at \$35 per month. A smart phone/Blackberry data plan stipend would be at \$65 per month. There are also three options based on the needs of the employees in their role of conducting County business. This policy requires the signatures of the employees and their department head. It is the intention of staff for this policy to be implemented beginning at the start of the new fiscal year, July 1, 2010.

Commissioner Jeffers thanked the County Manger and noted examples of counties being taxed by the IRS for personal calls found on a county-owned cell phones.

Ms. York confirmed that department heads justify which employees have cell phones, noting there are approximately 150 county cell phones currently that dictate employees logging personal calls to reimburse the county.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers, and **carried 5-0** to approve Cellular Communications Devices Policy as presented.



Person County Government
STANDARD PROCEDURE

SUBJECT: Cellular Communication Devices Policy	Effective Date: 7/1/2010
Department: Information Technology	Policy No.: IT-1002
Prepared by: Gary Latta, IT Director	Revised:
Approved by:	# of Pages: 5

PURPOSE: The purpose of this policy is to establish a multi-tiered program for managing cell phone use as an employee of Person County Government. Cellular phone technology is a valuable communication tool and is integral to the operations of the County Government. The voice functionality of cellular phones combined with other cellular features, such as messaging and access to numerous online resources, establishes the cell phone as a necessary and effective tool for certain employees of the County.

DEFINITIONS:

Stipend: A taxable sum of money paid on a regular basis included in an employee's paycheck.

Standard Phone: A cell phone with the standard features to allow voice calling.

Smartphone: A mobile phone offering advanced capabilities beyond a typical cell phone, often with PC-like functionality. These advanced capabilities usually include email and Internet functionality and normally require a data package to be purchased with the service provider's plan. At a minimum the smartphone must be capable of sending and receiving messages through the County's email server.

Personal call: A call made by a County employee that is personal in nature and not related to County business. The term personal call also includes personal text messages.

Emergency personal call: An infrequent personal call that is of an urgent nature where using a County owned cell phone is the best option available.

OVERVIEW:

Taxable Fringe Benefits

It is the desire of the County to comply with IRS regulations regarding the taxation of any non-cash fringe benefit. According to the IRS Code Section 280F(d)(4)(A)(v), created in 1989, cell phones are to be considered "listed property" and are designated by the IRS as lending themselves easily to personal use. Although the use of cell phones is much more widespread and economical today, they are susceptible to the substantiation rules applicable to taxable fringe benefits.

IRS rules require employers track personal calls made on an employer-provided cell phone. When an employer does not do this, the entire cost of the equipment and service becomes taxable to the employee. One of the primary purposes of this policy is to clearly differentiate between cell phones that are considered a taxable fringe benefit and those that are not.

MULTI-TIERED PROGRAM

In order to comply with IRS regulations; the County has developed a program for County employees based on their need for cell phones within their current job requirements. Based on the program below, employees approved for cell phone usage may request the most appropriate option.

Department Heads must establish the need for cell phone and/or Smartphone functionality for each employee. The IT Department may be consulted by the Department Head to assist in decision making. All requests for cellular service or benefits must be approved by the County Manager

Person County prefers but does *not* require Verizon Wireless due to the following benefits. Verizon Wireless allows mobile to mobile minutes between Verizon Wireless customers at no additional cost and gives a 20% discount to County employees for the cost of the plan. The 20% discount does not apply to prepaid cell phones.

This is a non-accountable (taxable) plan with the following requirements:

- 1.1 Employee is paid a taxable stipend in each paycheck
 - o \$35.00 for a standard phone
 - o \$65.00 for a Smartphone / Blackberry (includes email or data plan)
- 1.2 Employee purchases a phone and plan of their choice
 - o The IT Department must be consulted before choosing a smartphone
- 1.3 Employee agrees to allow the County to publish their number internally for business purposes and to accept business calls and/or messages on the phone
- 1.4 Employee and carrier is responsible for technical support of the phone, plan, and functionality
 - o The IT department may be consulted to help setup the interface to the County email and calendaring system
- 1.5 Employee must retain an active cell phone contract as long as a cell phone stipend is in place. A copy of the first page of the invoice showing the name and amount is requested monthly by the Department Manager to receive the stipend.
- 1.6 Employee will be responsible for all costs related to the phone including accessories
- 1.7 If for any reason the County should terminate an employee's cell phone stipend, the County shall not be responsible for any costs or fees associated with ongoing service costs or contract termination fees
- 1.8 If cell phone stipends are discontinued for budgetary reasons, a 60 day notice of such termination will be given by the County

Suitable For:

- 1.9 Employee who needs constant communication with customers and co-workers via voice, email, or other messaging features

This is a non-accountable (taxable) plan with the following requirements:

- 2.1 Same as Option 1 (Standard Phone Stipend) except:
 - o Plans are slightly more expensive each month
 - o Phones are more expensive
 - o Contracts with the carrier are month-to-month

Suitable For:

- 2.2 Employee who fails to qualify for a personal cell phone

This is an accountable (non-taxable) plan with the following requirements:

- 3.1 Personal calls are prohibited
- 3.2 Emergency personal calls (and/or other charges) are reimbursed by the employee at a rate calculated according to the current contract per minute rate for overage charges. All personal calls must be logged with the date and time of the call.
- 3.3 Employees will be held primarily responsible for complying with the Cell Phone Policy (Departments with shared phones will be allowed to develop their own internal cell phone review process)
- 3.4 Phone bills are also audited randomly by the Finance Department for compliance

Suitable For:

- 3.5 Situations where the phone is assigned to a position or to a piece of equipment instead of an individual employee
- 3.6 Situations where more than one employee shares a phone
- 3.7 Limited use during conferences or other Person County business involving travel outside of the county

Stipend Review:

If an employee's job requires him or her to utilize a cell phone in excess of the stipend amount, then the Department Head for said employee may review the bill and request additional funding to add more minutes. This request must be reviewed by the County Manager and if approved, followed up with a Personnel Action Form.

Procedure:

A Department Head must fill out a cell phone justification form for each employee requesting a stipend. The request will be forwarded to the County Manager for review and if approved, a Personnel Action Form must be completed by the Department Head and submitted to the Finance Department. Each request for **Options 1 or 2** must include the cell phone number assigned to the phone and the name of the carrier supplying the service. Once approved, the IT Department will be available to help setup smartphones to interface to the County network.

Any employee using a County owned check-out/shared cell phone (Option 3) must adhere to the following procedures in order to comply with the Internal Revenue Service (IRS) rules:

- 1. Review every call on the monthly statement and identify any personal calls.
- 2. Certify on the monthly statement that all calls, except for those identified as personal calls, were for official business.
- 3. Reimburse the County for any personal calls within five (5) business days after receipt of the monthly statement.

4. The reimbursement amount for personal calls is to be calculated at the same rate as the service plan's overage rate.

The department shall immediately suspend or terminate the monthly cellular phone stipend if any of the following conditions exist:

1. When an employee is out of work for more than 30 days their cell phone privileges must be suspended. Human Resources will notify the responsible parties when these situations arise.
2. When the requirement and business need by the employee ceases to exist, as determined by the Department Head.
3. When the employee is transferred from the Department or terminates employment with the County.

The Department shall maintain the following information in a centralized file for review by the Internal Auditor when requested:

1. Employee's approved Cell Phone Justification Form.
2. Copies of employee's summary pages, containing cell phone number and employee's name.
3. Employee's approved reimbursement receipts for personal calls.

All employees who wish to receive cell phone privileges from Person County Government under this policy must agree to abide by all of the provisions of this policy. Any employee found to be out of compliance with the provisions of this policy may have their cell phone privileges revoked and be subject to other disciplinary measures.

By signing on the line below, I _____ (please print)
acknowledge that I have read, understand, and accept the terms of the Person County
Cellular Phone Policy as outlined on the previous pages.

Signed by: _____
Employee Signature

Department Head

Date

Person County's Cellular Device Policy Frequently Asked Questions

1. Why is this policy necessary?

IRS rules require employers track personal calls made on an employer-provided cell phone. When an employer does not do this, the entire cost of the equipment and service becomes taxable to the employee. One of the primary purposes of the Cellular Device Policy is to clearly differentiate between cell phones that are considered a taxable fringe benefit and those that are not.

2. Can anyone get a stipend for using a personal cellular device?

No. To receive a stipend, your Department Head must determine that you have a legitimate business need for cellular communication and submit a cell phone justification form to the County Manager. The County Manager then makes the final decision on the approval or denial of the request.

3. Can an employee receive an allowance for data-only contracts (911 only calls, pagers, any other cellular devices where no outgoing calls can be made)?

No. Communication devices that have no cell phone capability are excluded from the stipend policy. These devices can be provided by the County, if needed.

4. Is the stipend subject to taxation?

The allowance is reported to the IRS via the employee's W-2 and is subjected to withholding taxes.

5. What is the reimbursement amount for my personal calls?

The reimbursement amount is calculated at the same rate as the service plan's overage rate. The following is an example of how to calculate the reimbursement amount owed for making personal calls.

Example: You have a 300 minute plan that has a monthly access charge of \$40 and a \$0.25 per minute charge once you exceed your allowed 300 minutes. All personal calls within that billing period will be calculated at \$0.25 per minute.

- 6. If an employee wishes to convert to the stipend method to eliminate the record keeping requirements for County-owned cell phones, may the employee continue to use the County's equipment but convert the service plan to the employee's name?**

Yes. An Assumption Of Liability form must be completed and submitted to the County's preferred carrier for approval. Once approved by the carrier, the remainder of the contract (maximum of one year) is the responsibility of the employee.

- 7. If I leave the County before my personal cell phone contract expires, will I be reimbursed for any cancellation fees?**

If you incur any early termination fees or penalties for cancellation of your cellular contract, the County will not provide reimbursement to you for these costs.

DESIGNATE NACO VOTING DELEGATE:

Chairman Lunsford stated voting credentials for the 2010 NACo Annual Conference must be submitted by July 2 in order for Person County's delegate to participate in the association's annual election of officers and policy adoption. Chairman Lunsford asked the Board to designate Commissioner Jeffers as Person County's delegate.

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Clayton, and **carried 5-0** to designate Commissioner Jeffers as Person County's delegate at the 2010 NACo Annual Conference.

REQUEST TO SET A DATE AND TIME FOR INFORMAL INTERVIEWS:

Clerk to the Board, Brenda Reaves requested the Board to set a date and time for informal interviews for those applicants of competitive boards and committees noting that board and committee applications for current vacancies and terms expiring June 30, 2010 are due for Board consideration. Board and Committee vacancies were advertised in *The Courier Times* on May 15, 2010 with a deadline to submit applications by July 6, 2010. Ms. Reaves stated 11 boards or commissions are deemed competitive at this time affecting 19 seats that will be eligible for the informal interview process noting in the past the Board has had the informal interview process prior to the regular scheduled meeting however proper time would be needed to complete prior to the meeting. Ms. Reaves suggested setting a special meeting for this purpose on Monday, July 12 or another date of preference or consider holding prior to the August 2, 2010 next regular scheduled evening Board meeting.

It was the consensus of the Board to schedule a special called meeting for the purpose of holding the informal interviews for those applicants of competitive boards and committees on July 12, 2010 starting at 6:30 p.m.

FISCAL YEAR 2010-2011 ANNUAL BUDGET ORDINANCE:

County Manager, Heidi York presented the Budget Ordinance for Fiscal Year 2010-2011 for adoption.

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Puryear, to amend the recommended adopted budget as presented by adding \$274,672 appropriation from the County Fund Balance to fund Person County Schools to the same funding level as 2008-2009 (additional funding of \$133,020), fund \$20,239 to Piedmont Community College, \$17,000 additional funding to Parks and Recreation, \$50,000 additional funding to Person Memorial Hospital Cardiac Rehab Center, \$6,000 additional funding for the Person County Museum of History for all the citizens of Person County.

Commissioner Puryear stated a need to support Person County Schools and other entities, i.e. Hospital, Piedmont Community.

Commissioner Kennington asked the Board to remember the 6,000 students in Person County Schools and the two charter schools, youth playing sports, those with heart problems and all Person County citizens.

Commissioner Clayton stated the Hospital has a \$5 to \$6 million fund balance and a \$40 million budget. Commissioner Clayton stated the Person County Schools Central Offices expenses have increased from 2007-08 \$353,722 to 2008-09 \$505,931 with the ability to use current expenses funds as they deem appropriate. Commissioner Clayton stated the recommended budget is fair.

Commissioner Kennington recommended looking forward and not backwards. Commissioner Kennington stated a 21% Fund Balance is healthy just as 23%.

Commissioner Jeffers stated the Budget Ordinance includes \$50,000 for the Cardiac Rehab Center and Roxboro Savings Banks is still taking donations for this fundraiser. Commissioner Jeffers stated \$20,000 was restored to the Parks and Recreation budget and with slight fee increases no sports are proposed to be eliminated. Commissioner Jeffers noted Person County Schools elected to spend fund balance to install lights at the softball field as well as giving \$138,000 in raises using local funds during a time Person County employees were furloughed. Commissioner Jeffers stated the desire to cut services and not balance the budget on the backs of county employees.

Chairman Lunsford stated his support of the excellent 2010-2011 Budget Ordinance for all citizens of Person County.

The **motion failed 2/3**. Commissioners Kennington and Puryear voted in support of the motion. Chairman Lunsford and Commissions Clayton and Jeffers voted in opposition to the motion.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers, to adopt the Budget Ordinance as recommended.

Commissioner Clayton stated appropriating even more money from fund balance could affect the county's bond rating. Commissioner Clayton felt the budget represented a compromise and the right thing to restore the furlough days for employees. Commissioner Clayton feels the economy is still unstable and legislation may impact county lottery funds.

Chairman Lunsford stated concerns as the State of NC allocations are unsure at this time. Chairman Lunsford felt the Board has done an excellent job in supplying funds for the citizens of Person County for schools. Chairman Lunsford told the group he serves on the Park and Recreation Board and feels the Director can review the programs offered to the citizens and make adjustments so that everyone will have the opportunity to enjoy the programs. Chairman Lunsford noted he was comfortable with the budget, feels the county will maintain a good bond rating for a strong financial support system for the future.

Commissioner Jeffers stated he attended a State Association meeting that reported the State of NC is depending heavily on federal relief funds. Commissioner Jeffers thanked the teachers, teacher aids and support staff for a job well this school year.

A **substitute motion** was made by Commissioner Kennington, **seconded** by Commissioner Puryear, to restore one furlough instead of three (saving \$127,682), propose taking \$5,338 out of the travel line from the governing board budget with no appropriation from the County Fund Balance.

Commissioner Kennington stated the Board is concerned with the bond rating, what may happen with the lottery funds, and this substitute motion will give the Board a balanced budget and honor the original request to not take money from fund balance for recurring expenses.

The **substitute motion died for lack of majority 2/3**. Commissioners Kennington and Puryear voted in support of the substitute motion. Chairman Lunsford and Commissioners Clayton and Jeffers voted in opposition of the substitute motion.

Commissioner Kennington stated this budget is not being balanced at the sacrifice of 400 employees but balanced sacrificed by every tax paper of Person County.

The **original motion to adopt the Budget Ordinance as presented carried by majority vote 3/2**. Chairman Lunsford and Commissioners Clayton and Jeffers voted in favor of the original motion. Commissioners Puryear and Kennington voted in opposition to the original motion.



**PERSON COUNTY,
NORTH CAROLINA**

2010-2011

BUDGET ORDINANCE



BE IT ORDAINED by the Board of Commissioners of Person County, North Carolina (the "Board"):

Section 1. The following amounts are hereby appropriated in General Fund for the operation of the county government and its activities for the fiscal year beginning July 1, 2010 and ending June 30, 2011, in accordance with the chart of accounts heretofore established for this county and by function as listed below:

<u>EXPENDITURES</u>	<u>AMOUNT</u>	<u>PERCENT OF BUDGET</u>
<i>GENERAL GOVERNMENT:</i>		
General Government	\$ 3,093,076	6.2
Public Buildings and Grounds	1,919,437	3.8
Public Safety	10,757,021	21.6
Transportation	834,043	1.7
Human Services	14,345,404	28.8
Education	10,147,666	20.3
Environmental Protection	189,204	0.4
Economic and Physical Development	771,420	1.5
Cultural and Recreational	1,578,353	3.2
Debt Service	3,776,907	7.6
Transfers to Other Funds and Component Unit	2,384,394	4.8
Contingency	62,400	0.1
TOTAL GENERAL FUND APPROPRIATIONS	\$ 49,859,325	100.0

Section 2. The appropriations to the Board of Education for current expense, firstly, shall be made from any funds that are dedicated to the use of the schools and secondly, shall be made from general county revenues to the extent necessary and for capital expenditures shall be by project, as listed in the the categories in the budget of the Board of Education, to the extent of the amount available for capital appropriations. Capital outlay will be distributed on a requisition basis as expenditures are incurred. Documentation of expenditures must be submitted to the Person County Finance Office in such form as they prescribe prior to reimbursement.

The appropriation of state funds from the Hyconeechee Library District shall be used exclusively for operating expenditures of the Person County Public Library.

The appropriations made and revenues estimated hereafter shall be for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

June 21, 2010

Section 3. It is estimated that the following revenues will be available in the General Fund:

<u>REVENUES</u>	<u>AMOUNT</u>	<u>PERCENT OF BUDGET</u>
Ad Valorem Taxes	\$ 27,006,400	54.2
Local Option Sales Taxes	6,130,000	12.3
Other Taxes	217,500	0.4
Licenses and Permits	204,000	0.4
Intergovernmental Revenues	7,885,247	15.8
Investment Income	24,000	0.1
Charges for Services	4,453,790	8.9
Other Revenues	717,881	1.4
Transfers from other Funds	1,695,402	3.4
Transfers from Component Unit	185,000	0.4
Fund Balance Appropriated	1,340,105	2.7
TOTAL GENERAL FUND REVENUES	\$ 49,859,325	100.0

Section 4. The following amounts are hereby appropriated, and included in the General Fund, for Debt Service for the payment of principal and interest on the outstanding debt of the county, and the expenses relating thereto:

Principal – 1996;1999;2000 Installment Financing Contract – 2008 Refinancing	\$ 2,095,000
Interest – 1996;1999;2000 Installment Financing Contract – 2008 Refinancing	354,113
Principal – 2006 Installment Financing Contract – Reroof and Paving	200,000
Interest – 2006 Installment Financing Contract – Reroof and Paving	122,561
Principal – 2007 Installment Financing Contract - Sch Bldg/Health Bldg	650,000
Interest – 2007 Installment Financing Contract - Sch Bldg/Health Bldg	102,707
Prin - 2010 Installment Financing Contract–Cthouse Renov & Various Re-Roofing	150,000
Int - 2010 Installment Financing Contract–Cthouse Renov & Various Re-Roofing	100,526
Bond service charge - All debt	2,000
Total Debt Service	\$ 3,776,907

Section 5. The following amounts are hereby appropriated in the County Capital Reserve Fund for the funding of county building projects:

Transfer to General Fund for Hospital Capital Appropriation \$50,000

Section 6. It is estimated that the following revenues will be available in the County Capital Reserve Fund for the funding of county building projects:

Fund Balance Appropriation \$50,000

Section 7. The following amounts are hereby appropriated in the Schools Capital Reserve Fund for the funding of public school building projects and/or debt service on public school buildings:

Transfer to General Fund for School Debt Service Payments	<u>\$1,389,000</u>
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Section 8. It is estimated that the following revenues will be available in the Schools Capital Reserve Fund for the funding of public school building projects:

Transfer from the General Fund	<u>\$1,389,000</u>
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Section 9. The following amounts are hereby appropriated in the Person Industries & PI Material Recovery Facility (MRF) Fund:

Community Rehabilitation Program Services	\$2,336,161
Material Recovery Facility	<u>560,645</u>
Total	<u>\$2,896,806</u>

Section 10. It is estimated that the following revenues will be available in the Person Industries & PI Material Recovery Facility (MRF) Fund:

Intergovernmental Revenues	\$1,177,686
Other Taxes	25,000
Charges for Services	1,007,230
Other Revenues	33,300
Transfers	<u>653,590</u>
Total	<u>\$2,896,806</u>

Section 11. The following amounts are hereby appropriated in the Reappraisal Reserve:

Reappraisal Activities	<u>\$ 196,804</u>
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Section 12. It is estimated that the following revenues will be available in the Reappraisal Fund:

Transfer from the General Fund	<u>\$ 196,804</u>
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Section 13. The following amounts are hereby appropriated in the Emergency Telephone System Fund:

Emergency Telephone System	<u>\$ 682,664</u>
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Section 14. It is estimated that the following revenues will be available in the Emergency Telephone System Fund:

E-911 State Charges	\$ 399,000
Fund Balance Appropriated	<u>283,664</u>
Total	<u>\$ 682,664</u>

Section 15. The following amounts are hereby appropriated in the Water and Sewer Construction Reserve Fund for the future funding of water and sewer construction:

Reserve for Water and Sewer Construction \$ 30,000

Section 16. It is estimated that the following revenues will be available in the Water and Sewer Construction Reserve Fund:

Shared Fees \$ 30,000

Section 17. There is hereby levied a tax at the rate of seventy cents (\$0.70) per one hundred dollars (\$100) valuation of property listed for taxes as of January 1, 2010 for the purpose of raising revenues from property taxes included in "Ad Valorem Taxes" in the General Fund in Section 3 of this Ordinance.

This rate of tax is based on an estimated total valuation of property for the purpose of taxation of \$3,880,000,000 and an estimated collection rate of 96.5%.

Section 18. The budget officer is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions:

- a. She may transfer amounts between objects of expenditure within a department and between departments within the same functional area without limitation and without a report to the Board of Commissioners.
- b. She may transfer amounts up to \$10,000 between functional areas of the same fund with an official report on such transfers at the next regular meeting of the Board of Commissioners.
- c. She may not transfer any amount between funds or from the regular contingency appropriation within any fund, except that she may transfer any amount from the special contingency for computer related technology needs without a report to the Board of Commissioners.

Section 19. The County Manager is hereby authorized to execute contractual documents under the following conditions:

- a. She may execute contracts for construction repair projects which do not require formal competitive bid procedures.
- b. She may execute contracts for: (1) purchase of apparatus, supplies and materials, or equipment which is within budgeted department appropriations, (2) leases of personal property for a duration of one year or less and within budgeted department appropriations and (3) services which are within department appropriations.
- c. She may execute grant agreements to or from public and nonprofit organizations that are within budgeted appropriations, unless grantor organization requires execution by the Board of Commissioners.

d. She may execute contracts, as the lessor/lessee of real property, which are of one-year duration or less, if funds are within budgeted appropriations.

e. She may execute contracts for consultant services, which consultant fees are estimated to be less than \$10,000 and if funds are within budgeted appropriations.

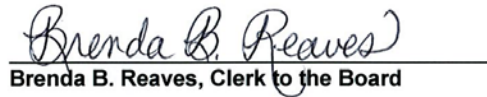
Section 20. The Finance Director may make cash advances between funds during the fiscal year without reporting to the Board of Commissioners. Any advances outstanding at fiscal year-end must be reported to the board except those involving funds where grant revenues or unreimbursed debt proceeds arise from prior county expenditures.

Section 21. Copies of the Budget Ordinance shall be furnished to the Budget Officer, the Finance Director, and the Tax Administrator for direction in the carrying out of their duties.

Adopted this the 21st day of June 2010.



Johnny M. Lunsford, Chairman
Person County Board of Commissioners



Brenda B. Reaves, Clerk to the Board

June 21, 2010

BUDGET AMENDMENT:

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

Upon a motion by Commissioner Clayton, and a second by Commissioner Jeffers and majority vote (4-1), the Board of Commissioners of Person County does hereby amend the Budget of the General Fund(s) on this, the 21st day of June 2010, as follows:

<u>Dept./Acct No.</u>	<u>Department Name</u>	<u>Amount</u> Incr / (Decr)
<u>EXPENDITURES</u>	<u>General Fund</u>	
	Public Safety	1,182
	Culture & Recreation	20,549
	Human Services	150
	<u>Courthouse & Re-Roofing Capital Project</u>	(946,000)
<u>REVENUES</u>	<u>General Fund</u>	
	Intergovernmental revenues	626
	Other revenues	21,255
	<u>Courthouse & Re-Roofing Capital Project</u>	
	Debt Financing Proceeds	(946,000)

Appropriate: Donations received in the Recreation, Arts & Parks Department (\$20,549); EMS Medicaid Cost Grant received in EMS (\$626); Insurance proceeds for damage to a vehicle in EMS (\$556); donations received in DSS (\$150); and reduction in debt financing proceeds needed for the Courthouse and Re-Roofing Project(-\$946,000).

Commissioner Puryear cast the lone dissenting vote.

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

Finance Director, Amy Wehrenberg presented to the Board for approval a Resolution Approving an Installment Financing Contract and Other Documents and Providing for Certain Matters in Connection with the Financing of a Portion of the Cost of Various Capital Improvements associated with the Courthouse Renovation and Re-Roofing Project. Ms. Wehrenberg stated due to legalities and the structured process set forth by North Carolina General Statutes on borrowings from local government, special counsel recommended that she read the Resolution as part of the public meeting.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Clayton, and **carried 4-1** to adopt the Resolution Approving an Installment Financing Contract and Other Documents and Providing for Certain Matters in Connection with the Financing of a Portion of the Costs of Various Capital Improvements. Chairman Lunsford and Commissioners Clayton, Jeffers and Kennington voted in favor of the motion. Commissioner Puryear cast the lone dissenting vote.

A regular meeting of the Board of Commissioners for the County of Person, North Carolina, was held in the Commissioners' Meeting Room in the Person County Office Building, in Roxboro, North Carolina, the regular place of meeting, on June 21, 2010, at 9:00 A.M.

Present: Chairman Johnny Myrl Lunsford, presiding, and Commissioners Jimmy B. Clayton, B. Ray Jeffers, Kyle W. Puryear, and Samuel R. Kennington.

Absent: None.

* * * * *

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

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

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

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

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WHEREAS, the County has determined to finance pursuant to said Section 160A-20 a portion of the cost of a project that consists of (a) the renovation or repair of the Person County Courthouse (the "Courthouse Project") and (b) the repair or replacement of the roofs on the old Person Counseling Center, the Person County Public Library, Building F and Building G at Piedmont Community College, Northern Middle School and Earl Bradsher Preschool Center (the "Roof Project") and, together with the Courthouse Project, the "Project"), which financing is now expected to be in the amount of \$4,500,000 (the "Loan Amount"); and

WHEREAS, the County desires that its obligation to repay the Loan Amount pursuant to the Installment Financing Contract (as defined hereinafter) constitute a taxable direct payment build America bond under Section 54AA(g) of the Internal Revenue Code of 1986, as amended (the "Code"), pursuant to the provisions of the American Recovery and Reinvestment Act of 2009 ("ARRA"); and

WHEREAS, it is now necessary for the Board of Commissioners for the County (the "Board") to approve an installment financing contract and other documents related thereto and provide for certain matters in connection therewith; and

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

(a) a draft of an Installment Financing Contract, between the County and RBC Bank (USA) (the "Installment Financing Contract"), under which RBC Bank (USA) (the "Bank") would advance the Loan Amount to finance a portion of the cost of the Project and the County would be obligated to make Installment Payments (as defined therein) to repay the Loan Amount and to make certain other payments, among other requirements, such obligations being subject to termination by the County under certain circumstances as provided therein;

(b) a draft of an Escrow Deposit Agreement, among the County, the Bank and RBC Bank (USA) as escrow agent (the "Escrow Deposit Agreement"), which provides for the expenditure of the Loan Amount to pay Project costs;

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

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

Section 1. The Board hereby confirms that the Project and its use are essential for meeting an urgent need for improved facilities for the administration of County government and improved educational and other facilities to serve the residents of the County and the Project will permit the County to carry out public functions that it is authorized by law to perform.

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

Section 3. The form and content of the Installment Financing Contract, the Escrow Deposit Agreement and the Deed of Trust, each of which will be a valid, legal and binding obligation of the County in accordance with its terms, are hereby approved in all respects and the Chairman of the Board, the County Manager of the County, the Finance Director of the County, the County Attorney of the County and the Clerk to the Board are hereby authorized and directed to execute and deliver the Installment Financing Contract, the Escrow Deposit Agreement and

the Deed of Trust, as may be applicable, in substantially the forms presented to the Board, together with such additions, changes, modifications and deletions as they, with the advice of counsel, may deem necessary and appropriate, and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the Board and the County; provided, however, that the due date of the final Installment Payment is not later than December 1, 2020, and that the aggregate amount of the principal components of the Installment Payments does not exceed \$4,500,000.

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

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

Section 6. The County hereby irrevocably elects to have Section 54AA and subsection (g) of Section 54AA of the Code apply to its obligation to repay the Loan Amount under the Installment Financing Contract so that such obligation will be a build America bond that is a qualified bond under Section 54AA(g) of the Code.

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

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

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

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

Ayes: Chairman Lunsford and Commissioners Clayton, Jeffers and Kennington.

Noes: Commissioner Puryear.

* * * * *

I, Brenda B. Reaves, Clerk to the Board of Commissioners for the County of Person, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a regular meeting held on June 21, 2010 as relates in any way to the matters described therein.

I HEREBY FURTHER CERTIFY that a schedule of regular meetings of said Board, stating that regular meetings of said Board are held in the Commissioners' Meeting Room in the Person County Office Building, in Roxboro, North Carolina, on the first and third Mondays of each month at 7:00 P.M. and 9:00 A.M., respectively, has been on file in my office as of a date not less than seven days before the date of said meeting in accordance with G.S. §143-318.12.

WITNESS my hand and the corporate seal of said County, this 21st day of June, 2010.


Clerk to the Board of Commissioners

HOME & COMMUNITY CARE BLOCK GRANT (HCCBG) APPROVAL OF FISCAL YEAR 2010-2011 FUNDING PLAN:

Diane Cox, Kerr Tar Council of Governments (COG) Area Agency on Aging Director and HCCBG Lead Agency Representative requested approval of the 2010-2011 Funding Plan. Ms. Cox stated the HCCBG Committee met on May 4, 2010 to approve the allocations of available funding for three aging services providers: Generations Adult Day Services, Person County Department of Social Services (DSS) and Person County Senior Center.

Person County Senior Center	\$286,532
Person County DSS	\$30,532
Generations Adult Day Services	\$7,471
Total Allocation	\$324,535
Total Local Match	\$36,059


A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers, and **carried 5-0** to approve the Home & Community Care Block Grant Fiscal Year 2010-2011 Funding Plan as presented.

DOA-731 (Rev. 2/10)

Home and Community Care Block Grant for Older Adults
County Person
July 1, 2010 through June 30, 2011

County Funding Plan
County Services Summary

Services	A		B	C	D	E	F	G	H	I	
	Access	Block Grant Funding									
	In-Home	Other	Total	Required Local Match	Net Service Cost	USDA Subsidy	Total Funding	Projected HCCBG Units	Projected Reimbursement Rate	Projected HCCBG Clients	Projected Total Units
Adult Day Care		7471	7471	830	8301		8301	183	40	2	208
IHA I	4000		4000	444	4444		4444	320	13.8875	2	320
IHA II	26532		26532	2948	29480		29480	1981	14.881	8	1981
IHA II	91532		91532	10170	101702		101702	6097	16.6841	17	6456
Transportation-General	40000		40000	4444	44444		44444	4200	15.019	35	4200
Congregate Nutrition		35094	35094	3899	38993	4680	43673	7074	5.5119	45	7799
Home Delivered Meals	46094		46094	5122	51216	4680	55896	7388	6.9508	42	7799
Operations		73812	73812	8201	82013		82013				
			//////////	0	0		0				
			//////////	0	0		0				
			//////////	0	0		0				
			//////////	0	0		0				
			//////////	0	0		0				
			//////////	0	0		0				
			//////////	0	0		0				
			//////////	0	0		0				
Total	40000	116377	324535	36059	360593	9360	369953	27223	//////////	151	26763



 Signature, Chairman, Board of Commissioners Date: 6/21/10

Home and Community Care Block Grant for Older Adults

County Funding Plan

July 1, 2010 through June 30, 2011

Methodology to Address Service Needs of Low-Income Minority Elderly
(Older Americans Act, Section 306(a)(4)(A)(ii))

Community Service Provider Kerr Tar COG/Person County Senior Center

County Person

The Older Americans Act requires that the service provider attempt to provide services to low-income minority individuals in accordance to their need for aging services. The community service provider shall specify how the service needs of low-income minority elderly and rural elderly will be met through the services identified on the Provider Services Summary (DOA-732). This narrative shall address outreach and service delivery methodologies that will ensure that this target population is adequately served and conform with specific objectives established by the Area Agency on Aging, for providing services to low income minority individuals. Additional pages may be used as necessary.

The funding received from the HCCBG will be used to assist seniors 60+ in Person County focusing on the needs of low-income minority clients that need help with daily meals (congregate and home delivered), in-home aide assistance, and transportation assistance.

Additional Senior Center activities will also be offered. Information on the various services and activities offered will be publicized through the news media, newsletters, and by contact with Senior Clubs and other organizations through-out the County. Activities and programs to be offered will include exercise, dancing, games, pool, shuffleboard, bingo and other recreational activities, and crafts of interest to the elderly. Educational programs will include speakers from various agencies on topics of interest to the elderly. Representatives will do health screening during the year. Participation in the services offered at the Senior Center will aid the elderly in fulfilling many of their physical, social, and intellectual needs.

Home and Community Care Block Grant for Older Adults
DOA-732 (Rev. 2/10)
County Person
July 1, 2010 through June 30, 2011
REVISION # , DATE :

NAME AND ADDRESS
COMMUNITY SERVICE PROVIDER
Kerr Tar COG-Person Co, Senior Center
121A Depot Street
Roxboro, NC 27573

County Funding Plan
Provider Services Summary

Services	Ser. Delivery (Check One) Direct <input type="checkbox"/> Parch. <input type="checkbox"/>	Block Grant Funding			Total	Required Local Match	Net* Serv Cost	D NSIP Subsidy	E Total Funding	F Projected HCCBG Units	G Projected Reimburse Rate	H Projected HCCBG Clients	I Projected Total Units
		Access		Other									
		In-Home											
Transportation	<input checked="" type="checkbox"/>	40000			40000	4444	44444	44444	2959	15.019	35	4199	
Congregate Nut	<input checked="" type="checkbox"/>		35094		35094	3899	38993	4680	43673	7074	45	7799	
HDM	<input checked="" type="checkbox"/>		46094		46094	5122	51216	4680	55896	7368	42	7799	
IHA II (042)	<input checked="" type="checkbox"/>		91532		91532	10170	101702		101702	6097	17	6456	
Operations			73812		75000	8201	82013		82013				
						0	0		0				
						0	0		0				
						0	0		0				
						0	0		0				
						0	0		0				
						0	0		0				
						0	0		0				
						0	0		0				
						0	0		0				
						0	0		0				
Total			137626		286532	31836	318368	9560	327728	23498	139	26253	

*Adult Day Care & Adult Day Health Care Net Service Cost

ADC _____
 ADHC _____
 Daily Care _____
 Transportation _____
 Administrative _____
Net Ser. Cost Total _____

Certification of required minimum local match availability.
 Required local match will be expended simultaneously
 with Block Grant Funding.

 Signature, County Finance Officer Date **6-21-10**

 Authorized Signature, Title
 Community Service Provider Date **6/22/10**

 Signature, Chairman, Board of Commissioners Date

Home and Community Care Block Grant for Older Adults

County Funding Plan

July 1, 2010 through June 30, 2011

Methodology to Address Service Needs of Low-Income Minority Elderly
(Older Americans Act, Section 305(a)(4)(A)(ii))

Community Service Provider Person County Department of Social Services

County Person

The Older Americans Act requires that the service provider attempt to provide services to low-income minority individuals in accordance to their need for aging services. The community service provider shall specify how the service needs of low-income minority elderly and **rural elderly** will be met through the services identified on the Provider Services Summary (DOA-732). This narrative shall address outreach and service delivery methodologies that will ensure that this target population is adequately served and conform with specific objectives established by the Area Agency on Aging, for providing services to low income minority individuals. Additional pages may be used as necessary.

The Person County Department of Social Services contracts with providers in the community for In-Home Aide Services for eligible clients. Eligibility for services is determined based on the criteria established in the state's Provision of Services manual. HCCBG funding is used for clients over age 60 and are primarily used for adults with a substantiated Adult Protective Services history or those who are at risk for abuse, neglect or exploitation. Many of the recipients are at risk of neglect due to being isolated, as Person County is a rural county. When the application is taken, the adult's ADL's and IADL's are assessed, as well as their income. In addition, funds are used for adults who are not able to afford In-Home Aide Services yet are at risk of placement in a facility.

NAME AND ADDRESS
 COMMUNITY SERVICE PROVIDER
 Person Co. DSS
 355 B Madison Blvd.
 Roxboro, NC 27573

Home and Community Care Block Grant for Older Adults
 County Funding Plan
 Provider Services Summary

DOA-732 (Rev. 2/10)
 County Person
 July 1, 2010 through June 30, 2011
 REVISION # , DATE :

Services	Ser. Delivery (Check One) Direct Pwch.	Block Grant Funding			A	B	C	D	E	F	G	H	I
		Access	In-Home	Other									
IHA Level I (041)	x		4000		4000	444	4444		4444	320	13.8875	2	320
IHA Level II (042)	x		26532		26532	2948	29480		29480	1981	14.881	8	1981
Total			30532	0	30532	3392	33924	0	33924	2301		10	2301

*Adult Day Care & Adult Day Health Care Net Service Cost
 ADC ADHC
 Daily Care _____
 Transportation _____
 Administrative _____
 Net Ser. Cost Total _____

Certification of required minimum local match availability.
 Required local match will be expended simultaneously
 with Block Grant Funding.

_____ Date
 Signature, County Finance Officer

_____ Date
 Signature, Chairman/Deputy of Commissioners

Home and Community Care Block Grant for Older Adults

County Funding Plan

July 1, 2010 through June 30, 2011

Methodology to Address Service Needs of Low-Income Minority Elderly
(Older Americans Act, Section 305(a)(4)(A)(ii))

Community Service Provider Generations Adult Day Services

County PERSON

The Older Americans Act requires that the service provider attempt to provide services to low-income minority individuals in accordance to their need for aging services. The community service provider shall specify how the service needs of low-income minority elderly and rural elderly will be met through the services identified on the Provider Services Summary (DOA-732). This narrative shall address outreach and service delivery methodologies that will ensure that this target population is adequately served and conform with specific objectives established by the Area Agency on Aging, for providing services to low income minority individuals. Additional pages may be used as necessary.

The funds that Generations Adult Day Services receives is used to help address the service needs of older adults who fall within the low income minority range. All of these funds are used to provide services to these individuals. No monies received are used for Administrative Cost. We receives referrals from doctor's office, Department of Social Services and the community. We are able to provide relief for family members from their provider roles and help assist older adults in maintaining a responsible level of functioning. Generations Adult Day Services follow the eligibility criteria established by the Division of Aging.

NAME AND ADDRESS
 COMMUNITY SERVICE PROVIDER
 Generations Adult Day Services
 202 N. Main Street
 Roxboro, NC 27573

Home and Community Care Block Grant for Older Adults
 County Funding Plan
 Provider Services Summary

DOA-732 (Rev. 2/10)
 County Person
 July 1, 2010 through June 30, 2011
 REVISION # , DATE :

Services	Sec. Delivery (Check One)		Block Grant Funding			A	B Required Local Match	C Net* Serv. Cost	D NSIP Subsidy	E Total Funding	F Projected HCCBG Units	G Projected Reimburse Rate	H Projected HCCBG Clients	I Projected Total Units
	Direct	Purch	Access	In-Home	Other									
Adult Day Care	x				7471	7471	830	8301		8301	183	40	2	208
Total					7471	7471	830	8301	0	8301	183	40	2	208

*Adult Day Care & Adult Day Health Care Net Service Cost
 ADC _____
 ADHC _____

Daily Care _____
 Transportation _____
 Administrative _____
 Net Ser. Cost Total _____

Certification of required minimum local match availability.
 Required local match will be expended simultaneously with Block Grant Funding.

 Signature, County Finance Officer Date 6-21-10

 Signature, Chairman, Board of Commissioners Date 6/21/10

CHAIRMAN’S REPORT:

Chairman Lunsford asked the Board members to submit their County Manager Evaluation Forms to the Clerk by July 12, 2010 noting a Closed Session will take place on July 19, 2010 to discuss the County Manager Evaluation.

MANAGER’S REPORT:

County Manager, Heidi York updated the Board on the No Wake Zones at Mayo Lake stating a letter of correspondence had been received in early June from the Wildlife Resource Commission noting the conclusion of their investigation and agreement for a need of No Wake Zones. Ms. York noted the Notice of Rulemaking has been posted for 60 days with the North Carolina Register and due to be heard on October 13, 2010 with an estimated effective date of the No Wake Zones January 1, 2011.

COMMISSIONER REPORT/COMMENTS:

Commissioner Kennington congratulated all teachers in Person County Schools, Roxboro Community School and Bethel Hill Charter School for having an outstanding year per the State and Federal test results and extended his wishes to give them \$186,433 additional funding to divide among every teacher in those 3 schools.

Commissioner Puryear requested a moment of silence to reflect on the life of the former mayor, George Jackson who was a very dedicated and caring man serving on various boards and our country.

Commissioner Jeffers noted possible legislation for a statute related to commercial dog breeding as well as 911 funds possibly being released to public safety.

Commissioner Clayton mentioned the possible effects of lottery funds being shifted. County Manager, Heidi York reminded the Board of Person County School’s intention to set aside lottery funds and reserve for a project to relocate the Alternative School. Finance Director, Amy Wehrenberg stated no lottery funds are used for school debt noting ADM funds are used for payment of school debt.

Commissioner Clayton stated concerns over the mental health system.

RECESS:

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried 5-0** to recess the meeting at 10:34 a.m. until July 8, 2010 at 6:00 p.m. to meet with the Planning Board.

Brenda B. Reaves
Clerk to the Board

Johnny Myrl Lunsford
Chairman