

**PERSON COUNTY BOARD OF COMMISSIONERS**  
**MEMBERS PRESENT**

**FEBRUARY 15, 2010**  
**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, February 15, 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.

**PUBLIC HEARING:**

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
FRESH START INDIVIDUAL DEVELOPMENT ACCOUNTS (IDA) PROGRAM  
GRANT, PROJECT NUMBER 05-C-1408 CLOSEOUT:**

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton, and **carried** to open the public hearing designated for the closeout of the CDBG Fresh Start Individual Development Accounts Program Grant, Project Number 05-C-1408.

Finance Director, Amy Wehrenberg told the Board for Person County to be in accordance with the rules and regulations set by the Department of Commerce, Division of Community Assistance, a closeout is required for the CDBG Fresh Start Individual Development Accounts Grant. Ms. Wehrenberg noted the purpose of this grant was to provide education and assistance to low to moderate income families in the purchase of their first home, and to achieve financial literacy and independence. This was a pass-through reimbursable grant for \$50,000 that was awarded on August 3, 2005 and was administered by the Person County Business Industrial Center. Ms. Wehrenberg stated only \$4,949.90 was expended due to low participation in the program. Ms. Wehrenberg requested approval from the Board to officially closeout the CDBG Fresh Start Individual Development Accounts Program Grant, Project Number 05-C-1408.

No citizens spoke in favor or in opposition to the closeout of the CDBG Fresh Start Individual Development Accounts Program Grant, Project Number 05-C-1408.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Clayton, and **carried** to close the public hearing designated for the closeout of the CDBG Fresh Start Individual Development Accounts Program Grant, Project Number 05-C-1408.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton, and **carried** to approve the closeout of the CDBG Fresh Start Individual Development Accounts Program Grant, Project Number 05-C-1408.

## **PUBLIC HEARING:**

### **PROPOSED AMENDMENT TO ARTICLE III, SECTION 30-8(A), WATERSHED ORDINANCE:**

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers, and **carried** to open the public hearing to consider the proposed amendment to Article III, Section 30-8(a), Watershed Ordinance.

Planning Director, Paula Murphy told the Board that the North Carolina Division of Water Quality performed an audit on the County's watershed program and suggested corrections for the county's ordinance which are all state requirements. Ms. Murphy noted Person County's current ordinance requires a thirty foot buffer along all perennial streams. Ms. Murphy further noted that part of the County is subject to the Neuse River requirements which require a fifty foot buffer. Ms. Murphy stated Person County enforces the fifty foot buffer but it is not within Person County's Ordinance Ms. Murphy also stated all high density (10/70) projects require a one hundred (100) foot vegetative buffer and this also is not stated in the Person County Ordinance.

#### Current Person County Ordinance reads as follows:

30-8(a) Perennial Waters. A minimum of a thirty (30) foot vegetative buffer, unless otherwise stated in this Article, shall be provided along all perennial streams and waters, as shown on the most recent version of U.S.G.S. 1:24,000 (7.5) scale topographic maps. The buffer shall be measured, as applicable, from either the edge of both sides of the stream or landward from the normal pool elevation of the perennial water.

#### Proposed Section 30-8(a):

Perennial Waters. A minimum of a fifty (50) vegetative buffer, unless otherwise stated in this Article, shall be provided along all perennial streams and waters, as shown on the most recent version of U.S.G.S. 1:24,000 (7.5) scale topographic maps. The buffer shall be measured, as applicable, from either the edge of both sides of the stream or landward

from the normal pool elevation of the perennial water. Projects that exceed the allowed built upon area shall provide a one hundred (100) foot vegetative buffer along perennial waters.

Plats to contain the following language: "Written authorization from the North Carolina Division of Water Quality may be required for activities that are proposed to occur within the fifty foot Neuse River Riparian buffer. Local program approvals do not authorize activities within the riparian buffer."

Whenever conflicts exist between Federal, State or Local laws, ordinance or rules, the more restrictive provision shall apply.

Ms. Murphy stated the Planning Board had reviewed this request, held a public hearing and recommended unanimously for the request to be approved.

No citizens spoke in favor or in opposition to the proposed amendment to Article III, Section 30-8(a), Watershed Ordinance.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Clayton, and **carried** to close the public hearing for the proposed amendment to Article III, Section 30-8(a), Watershed Ordinance.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Puryear, and **carried** to approve the Amendment to Article III, Section 30-8(a), Watershed Ordinance as presented.

## **PUBLIC HEARING:**

### **ADOPTION OF THE PERSON COUNTY HAZARD MITIGATION PLAN FIVE YEAR UPDATE:**

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried** to open the public hearing for the adoption of the Person County Hazard Mitigation Plan Five Year Update.

Planning Director, Paula Murphy stated the Disaster Mitigation Act of 2000 requires all local governments to have a Hazard Mitigation Plan. Person County adopted a Hazard Mitigation Plan on August 16, 2004 and is required to update the plan every five years.

Ms. Murphy explained that Hazard Mitigation is the term often used to describe the activities and decision making processes that can help reduce a community's level of vulnerability to natural hazards. Local Hazard Mitigation is about a community considering the impact of natural hazards when it makes decisions about where and how to build and live.

Ms. Murphy noted Person County's Hazard Mitigation Plan was approved by the community, the State and FEMA five years ago stating the plan was put together not only to make the community safer, but also to make Person County eligible for certain types of disaster assistance and for future mitigation project funding.

The County, through a planning group, put together of local citizens, identified and analyzed the risk of potential hazards, assessed the County's vulnerability to those hazards and the capability to mitigate the impact of each hazard thereby developing goals to reduce vulnerability; then mitigation actions to accomplish the goals.

Ms. Murphy stated the update is required primarily due to changes that could have occurred within the County and changes to State and Federal statutes and regulations. The update must also give a report on the progress made over the past five years, example: new floodplain maps adopted, new flood ordinance adopted.

Ms. Murphy told the Board that the updated plan has been sent to the North Carolina Division of Emergency Management who reviewed the plan and then sent the plan to FEMA for final approval. Ms. Murphy stated Person County was informed that the update plan was approved by letter dated January 7, 2010. Ms. Murphy presented the Board a copy of that plan and the requested the Board to formally adopt the Person County Hazard Mitigation Plan Update which includes the Resolution of Adoption for the Person County Hazard Mitigation Plan.

No citizens spoke in favor or in opposition to the adoption of the Person County Hazard Mitigation Plan Five Year Update.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried** to close the public hearing for the adoption of the Person County Hazard Mitigation Plan Five Year Update.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried** to adopt the Person County Hazard Mitigation Plan Update.

**RESOLUTION OF ADOPTION  
Person County Hazard Mitigation Plan**

**WHEREAS,** the citizens and property within Person County are subject to the effects of natural hazards and man-made hazard events that pose threats to lives and cause damages to property, and with the knowledge and experience that certain areas, i.e., flood hazard areas, are particularly susceptible to flood hazard events; and

**WHEREAS,** the County desires to seek ways to mitigate situations that may aggravate such circumstances; and

**WHEREAS,** the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS,** the Legislature of the State of North Carolina has in Section 1 Part 166A of the North Carolina General Statutes (adopted in Session Law 2001-214—Senate Bill 300 effective July 1, 2001), states in Item (a) (2) "For a state of disaster proclaimed pursuant to G.S. 166A6(a) after November 1, 2004, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act"; and

**WHEREAS,** Section 322 of the Federal Disaster Mitigation Act of 2000 states that local government must develop an All-Hazards Mitigation Plan in order to receive future Hazard Mitigation Grant Program Funds, and

**WHEREAS,** it is the intent of the Board of Commissioners of Person County to fulfill this obligation in order that the County will be eligible for state assistance in the event that a state of disaster is declared for a hazard event affecting the County;

**NOW, therefore, be it resolved, that the Board of Commissioners of Person County hereby:**

1. Adopts the Person County Hazard Mitigation Plan; and
2. Vests the County Manager with the responsibility, authority, and the means to:
  - (a) Inform all concerned parties of this action.
  - (b) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map, and identify floodplain or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
  - (c) Adjust the boundaries of County and municipal planning jurisdictions whenever a municipal annexation or extraterritorial jurisdiction revision results in a change whereby a municipality assumes or relinquishes the authority to adopt and enforce floodplain management regulations for a particular area in order that all Flood Hazard Boundary Maps (FHBMs) and Flood Insurance Rate Maps (FIRMs) accurately represent the

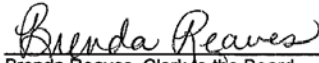
planning jurisdiction boundaries. Provide notification of boundary revisions along with a map suitable for reproduction, clearly delineating municipal corporate limits and extraterritorial jurisdiction boundaries to all concerned parties.

3. Appoints the County Manager to assure that the Hazard Mitigation Plan is reviewed annually and in greater detail at least once every five years to assure that the Plan is in compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to the Person County Board of Commissioners for consideration.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan.

Adopted on 2/15/10

  
Johnny M. Lunsford, Chairman  
Person County Board of Commissioners

Attest:

  
Brenda Reaves, Clerk to the Board

SEAL

February 15, 2010

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

Commissioner Clayton requested an item titled Consensus Principles to Guide Falls Lake Nutrient Management Strategy be added to the agenda for discussion and action.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers and **carried** to add an item titled Consensus Principles to Guide Falls Lake Nutrient Management Strategy to the agenda.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Puryear and **carried** to approve the agenda as adjusted.

**INFORMAL COMMENTS:**

There were no comments from the public.

**APPROVAL OF MINUTES:**

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers, and **carried** to approve the minutes of February 1, 2010.

**ADMINISTRATIVE REPORTS:**

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Puryear, and **carried** to approve the Administrative Reports for the Inspection Department and Person County 911.

**LINKING THE PERSON COUNTY FUTURES STRATEGIC PLAN WITH THE PERSON COUNTY COMPREHENSIVE TRANSPORTATION PLAN:**

Mike Ciriello, Staff, Kerr-Tar Regional Council of Governments and the Kerr-Tar Rural Planning Organization (RPO) told the Board he is working with the Person Futures Group and on the Person County Comprehensive Transportation Plan to ensure that the efforts of these planning projects take into consideration the recommendations of the other and that both projects are kept up-to-date about the progress of the planning efforts so that no opportunities are missed for future cooperation and planning. Mr. Ciriello requested the Board to ensure that the efforts of both projects are collaborative.



February 1, 2010

**MEMORANDUM**

To: Person County Board of County Commissioners  
From: Mike Ciriello, Planner, Kerr-Tar Regional Council of Governments  
Re: Integrating the Efforts of the Comprehensive Transportation Plan (CTP) and the Person County Futures Project

Introduction

Until recently, transportation planning in North Carolina focused almost entirely on roads. Today, recognizing the need to respond to the mobility needs of a broad cross section of users, including non-drivers; and, the impact of transportation on land use, economic and workforce development, health, and quality of life, NCDOT has expanded the scope of transportation planning to include multiple modes of mobility. "Multi-modal", comprehensive, planning has given birth to the "Comprehensive Transportation Plan" (CTP) to replace "Thoroughfare Plans".

The Comprehensive Transportation Plan currently underway in Person County is a tool used by the North Carolina Department of Transportation, local Planning Organizations like the Kerr-Tar RPO and the Durham-Chapel Hill MPO, and local planning departments to inform decisions about which facilities should be built or improved, and will be an instrument the state and others use to determine eligibility for funding.

The purpose for this memo is to discuss the ways the CTP and the Futures Project, another important planning program currently underway in Person County, should be considered inseparable. It is hoped that these two efforts will work more together more closely to ensure that the goals of each are attained and the County will maximize the potential benefits of both.

The Person County Futures Project has 5 goals summarized below. For each goal, the opportunity for each goal to be advanced by the CTP is suggested.

Develop the New Economy Locally

*The scope of this goal addresses economic development – expanding existing and developing new, locally appropriate businesses and industries and encouraging outside investment by improving the local quality of life. Leaders identified five industry types that they think are uniquely appropriate to Person County and that will enhance other community goals. Emphasis should be placed on:*

- *Health, healthy living and medical related research*
- *Agriculture and agricultural products industries*
- *Clean and green products and skilled trades related to these products*
- *Tourism based on outdoor recreation, farms, heritage, arts, crafts and trades*
- *Rural and small town quality of life*

*Economic development should focus on all of the above, especially ones that reinforce each other, meet other goals, and generate economy from within the county.*

CTP OPPORTUNITY FOR THIS GOAL – The ability to access markets is critical for the delivery of goods and services.

The location and types of transportation in the future Person County will also have a direct impact on the preservation and enhancement of rural areas, small communities, and the City of Roxboro.

February 15, 2010



Should railroad corridors be preserved for future commercial and/or commuter transport?

If Personians want to stay in the County but commute to the job centers outside the County, what are the best routes for future commuter bus and/or rail service, where should park-n-ride lots be located, are roads to employment centers adequate?

#### Foster a Sense of Community

*The scope of this goal encompasses community development, downtown redevelopment, neighborhood planning, and historic preservation. It will develop strategies that coordinate the efforts of parks, arts, and recreation programming, commercial centers, local businesses, community organizations, churches, and schools, to create places where people can come together, to integrate newcomers to the county, engage the diverse communities within the county celebrate local history, encourage civic engagement, and address issues of crime, drugs, gangs, and safety.*

*Leaders note that community doesn't just happen today. It must be consciously fostered, based on shared history, values, faith and interests while understanding differences. Community requires centers of daily life where people share experiences. Primary centers must be reestablished in Uptown Roxboro and created in Timberlake. Other crossroads centers must also be enhanced. Small town qualities like volunteerism, helping others in times of need, community schools and having a sense of safety must be encouraged.*

CTP OPPORTUNITY FOR THIS GOAL – The alignment and design of roadways and other mobility modes impact the health, safety and welfare of Person County residents. Tying together Uptown Roxboro and Madison Boulevard could ensure the vitality of both and improve the community's sense of place.

The CTP should also be carefully reviewed to ensure that access to existing and potential future nodes of activity are considered and adequate.

#### Protect Our Land

*The scope of this goal encompasses issues of land conservation, environmental quality, and environmental health. It can include direct and indirect methods – from land use regulations to economic development that makes working lands economically viable and reduces the pressure on landowners to subdivide and develop forests and farmland. Strategies to ensure opportunities for outdoor recreation and to address community concerns regarding the landfill, air quality, water quality, and environmental pollutants should also be developed.*

*Leaders appear ready to make conscious decisions to preserve the county's land and natural resources. The overwhelming support for farmland protection stands out in this survey. It stems from the many purposes the land serves – jobs, family heritage, potential for employment expansion, the enjoyment of scenery, recreation, environmental protection, the rural small town way of life, and the fact that the rural landscape is a significant amenity for the "creative economy."*

CTP OPPORTUNITY FOR THIS GOAL – The location and design of roads can help steer development to places where the impact on the natural environment is minimized without compromising the ability to deliver agricultural products to market.

Rural road design can either enhance or detract from the wonderful natural and rural vistas in the county. Does the CTP ensure that future road projects will help to enhance these vital qualities?

#### Encourage Learning

*The scope of this goal encompasses traditional education in the schools, as well as extracurricular youth programming, enrichment programs, workforce and jobs training, and enrichment opportunities for community members of all ages. Creative strategies should utilize community assets such as youth volunteers, retired volunteers, community members with unique skills to share, and a range of public, private, and nongovernmental organizations.*

*This survey reveals a desire for lifelong education. Some leaders say parents must convey to youth the importance and joy of learning. Others urge the community to help students individually achieve the type of education suited to them and to the demand of future economies. Others say we must have more community involvement to tutor students in basic skills, creative thinking, and in personal and civic*

*responsibility. Leaders indicate the need to make schools more vital to local communities through decentralization. Others want job training for local employment so people can stay in the county to work. Leaders say that emerging economies will require continuous learning, retraining and enrichment.*

CTP OPPORTUNITY FOR THIS GOAL – Are non-drivers: children, the elderly and, the disabled, able to access learning facilities?

Should learning facilities be planned near pedestrian, bike and transit-friendly routes in addition to roads to maximize access for all residents?

Re-Imagine our County for a Better Future

*This is the broadest goal. The specific activities of the working group for this goal may be as important as the final vision they develop and may include additional community surveys and visioning activities. The focus should be developing a common vision for Person County's future that integrates and supports the other goals. It should develop strategies for marketing this new vision internally to promote community pride and externally to encourage investment in Person County.*

*For Person County to achieve these goals requires changes in how the county is perceived by insiders and outsiders. For too long Person County has been viewed as a place to put unwanted land uses like polluting industry, low value housing, and landfills. This new vision of high quality industry requires an identity makeover, and leaders seem eager to do that.*

CTP OPPORTUNITY FOR THIS GOAL -- Roads are visitors' or potential employers' first visual impression of the County. The ways that roads are built affects the appearance of land adjacent to the roads and the placement of buildings.

Drawing to people and investment to Person County may include improving the ability of existing roads, sidewalks, and bike lanes to help people access the facilities already located in the City of Roxboro. The CTP can be used to identify and secured financial resources available from the private non-profits and the public sector including regional, state, and federal funding sources.

Conclusion

Increasingly, resources to build new roads or expand existing facilities are limited so new approaches to resolving transportation-related issues must be sought and employed. Ensuring that the work of the CTP and Futures Project are integrated can help the County identify solutions to its transportation, economic, and other goals. These solutions may also reveal more cost effective ways to improve the functionality of existing facilities and reduce the need, at least in the short- to mid-term, for new or expanded facilities.

For example, improving the way that Madison Boulevard functions would increase the carrying capacity of the road and improve its visual quality making it more welcoming and appealing to visitors and potential investors. An additional benefit to improving the function of Madison Boulevard would be to improve the pedestrian and bicycle experience along the Boulevard and greatly enhance pedestrian and vehicular links between the Boulevard and Uptown Roxboro helping to advance the vitality of both.

Ensuring that all potential avenues to achieve success are the goals of the CTP and Futures Project groups; ensuring that these two efforts are more closely integrated can be greatly helped with the guidance of the Person County Board of County Commissioners, staff, and the tireless participation of volunteers.

Thank you for your time and consideration!

CC: Heidi York, Person County Manager  
Paula Murphy, Person County Planning Director

**February 15, 2010**

Commissioner Kennington asked Mr. Ciriello to attend the Future's Community Meeting on February 22, 2010 to inform all the committees of the link between the Strategic Plan and the Comprehensive Transportation Plan.

Mr. Ciriello urged the group to attend the Comprehensive Transportation Plan Meeting on February 22, 2010 starting at 2:00 p.m. at the Person County Library.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers, and **carried** to support linking the Person County Futures Strategic Plan with the Person County Comprehensive Transportation Plan.

**RESPONSE TO REQUEST FOR PROPOSALS FOR LEGAL SERVICES, TERMITE INSPECTION AND LEAD INSPECTION/RISK ASSESSMENT FOR THE 2008 COMMUNITY DEVELOPMENT BLOCK GRANT SCATTERED SITE HOUSING REHABILITATION PROGRAM:**

Julie Reid, Staff, Kerr-Tar Regional Council of Governments and Community Development Block Grant Administrator, told the Board a Request for Proposals was released for legal services, termite inspections, and lead inspection/risk assessments for the 2008 CDBG Scattered Site program. The following proposals were received and evaluated. The tabulation is as follows:

**LEGAL SERVICES**

	Title Search	Note/Deed of Trust	Recording	Consultation
Company Name	Bid Amount	Bid Amount	Bid Amount	Bid Amount
Alan Hicks	275.	125.	Standard	175./hour
Joe Weinberger	265.	125.	Standard	100./hour
Hubbard & Cates	300	150.	Standard	150.00/hour

**TERMITE INSPECTION**

**Etheridge Pest Control Services** has experienced staff, the necessary equipment and knowledge. While this is the only termite inspection proposal received, the fees are consistent with other projects in the program (\$85./unit).

**LEAD RISK ASSESSMENT**

DATE – 01-27-2010	Lead Based Paint Inspection	Risk Assessment	Combined	Lead Clearance
Company Name	Bid Amount	Bid Amount	Bid Amount	Bid Amount
ECS Carolinas	\$450/unit	350/unit+ sample	600/unit	300/unit + sample
Matrix	250/unit	100/unit*	350	350**
EI	250/unit	250/unit	500.	275
Phoenix Enviro Corp			350/unit	300
Carolina Environmental			550.00	350.00

\* includes 6 wipe samples and 1 soil sample \*\*includes 12 wipe samples and 1 soil sample

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Ms. Reid recommended to the Board that **Joe Weinberger** be allowed to perform all legal services for the Person County Project as this firm has experience with the CDBG program and the fees proposed are consistent with other projects in the program.

Ms. Reid noted that **Etheridge Pest Control Services** was the only termite inspection proposal received, however, this company has experienced staff, the necessary equipment, knowledge and the fees are consistent with other projects in the program (\$85./unit).

Ms. Reid recommended **Phoenix EnviroCorp** be allowed to perform all Lead Base Risk Assessments for the Person County Project and if for some reason the contractor recommended above fails to enter into a binding contract or if the proposal is not responsible for the project, requested authorization to use the 2<sup>nd</sup> lowest proposal.

Ms. Reid noted major bids above \$5000 in value required action by the Board; however bids under \$5,000 in value could be reviewed and approved by the County Manager.

A **motion** was made by Commissioner Jeffers, **seconded** by Chairman Lunsford, and **carried** to accept the recommendations as presented by Julie Reid to award the legal services to Joe Weinberger, termite inspections to Etheridge Pest Control Services, and lead inspection/risk assessments to Phoenix Enviro Corp, noting all proposals are required for the 2008 CDBG Scattered Site program needs.

#### **WOODSDALE VOLUNTEER FIRE DEPARTMENT RELIEF FUND BOARD APPOINTMENT:**

Fire Marshal, Johnny Gentry explained to the Board that each Volunteer Fire Department has a local board of trustees of the Firefighter's relief fund composed of five members, two of whom are elected by the members of the fire department, two of whom appointed by the local governing body, and one of whom shall be named by the Commissioner of Insurance. The funds received equal one-half of one percent of all insurance proceeds collected in the State of North Carolina that is distributed to certified fire districts annually. The relief funds are used for firefighters needing assistance with approval from the Relief Fund Board. The Woodsdale Volunteer Fire Department has requested that John Kirk of 944 Providence Road, Roxboro, be appointed to the Woodsdale Volunteer Fire Department Firefighters Relief Fund Board. John Kirk will be replacing a member who has left the fire department.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Puryear, and **carried** to appoint John Kirk to the Woodsdale Volunteer Fire Department Firefighters Relief Fund Board.

## **REVIEW OF THE ECONOMIC DEVELOPMENT DIRECTOR AND ASSISTANT COUNTY MANAGER POSITION:**

County Manager, Heidi York reminded the Board directed the Manager to review the job descriptions of the Economic Development Director and the Assistant County Manager positions to propose one consolidated position. Ms. York presented the Board with the new proposed job description merging the duties of the two positions for efficiency and organizational effectiveness noting recruitment can begin for the position at the direction of the Board. Ms. York highlighted the new job description noting responsible for management of specific county departments, budget development, promoting economic industrial and commercial growth serving as the initial contact for potential industries and businesses, developing marketing tools for economic development, and other duties as noted in the description. Ms. York requested Board feedback and direction for the recruiting timeline for this position.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Kennington, and **carried** to approve the Economic Development Director and Assistant County Manager position job description as presented by the County Manager with the direction to start the recruiting process with the employment date starting July 1, 2010.

## **PERSON COUNTY RENOVATION OF COURTHOUSE AND RE-ROOFING CONSTRUCTION FOR COUNTY, PCC AND SCHOOL BUILDINGS CAPITAL PROJECT ORDINANCE (AMENDED):**

Finance Director, Amy Wehrenberg requested Board approval to amend the current capital project ordinance that was approved in early 2009 titled "Person County Renovation of Courthouse and Construction of Technical Education Building for Piedmont Community College (PCC) Capital Project Ordinance". Ms. Wehrenberg proposed the amended Project Ordinance titled "Person County Renovation of Courthouse and Re-Roofing Construction for County, PCC and School Buildings Capital Project Ordinance" exclude the Technical Education Building at PCC since that project has already been completed and funded from fund balance, and add the four critical roofing projects (Old Person Counseling Center, Public Library, Building G at PCC, and Northern Middle School) to the Courthouse Renovation to finance under an installment financing using debt proceeds as the revenue source. Ms. Wehrenberg noted a timeline is not set but anticipates a start date in late summer/early fall. The design and engineering work is underway and will continue through the spring to early summer according to Ms. Wehrenberg. Ms. Wehrenberg confirmed that the county has the ability to pay the debt payment noting restructuring of debt will be taking place in the future years. County Manager, Heidi York stated Person County's ratio of debt to expenditures well below the average of other counties.

Commissioner Kennington stated he was not opposed to the projects but yet concerned to proceed with moving forward without a complete financial picture. Ms. Wehrenberg stated there was a timing issue regarding the roofing projects as the design work dictates time and more time to get the financing in place with closing taking place by December 31, 2010 to take advantage of the Build America Bonds.

Commissioner Jeffers noted the Capital Improvements Plan was structured so the Board was not taking too much debt at one time with the projects outlined in the project ordinance as those of need.

Commissioner Puryear stated his opposition of the Courthouse Renovation and disagreed that the Courthouse Renovation is a necessity and suggested waiting to move forward when the economy improves.

Chairman Lunsford stated the Finance Director and the County Manager had done exactly what the Board had directed stating his support of the recommendation by the Finance Director.

Commissioner Clayton stated the county's obligation to complete the projects discussed and inquired if the process would be halted if necessary prior to putting the financing in place. Ms. Wehrenberg anticipates construction bids to be received by the end of June noting the process could be halted incurring only the design fee costs which would be approximately \$450,000 or less. Assistant County Manager, Paul Bailey indicated the life of design plans would be around 18-24 months without reviewing and the possibility to redesign.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Clayton, and **carried by majority vote 3/2** to approve the Person County Renovation of the Courthouse and Re-roofing Construction for County, PCC and School Buildings Capital Project Ordinance as presented by the Finance Director. Commissioners Puryear and Kennington cast the dissenting votes.

Commissioner Kennington stated his dissenting vote is strictly because he wants all the pieces of the puzzle in front of him to make the best decision with the limited funds the County will have this year. Commissioner Puryear agreed with Commissioner Kennington's statement. Ms. York stated all the financial pieces would be presented to the Board before funds would be expended.

**PERSON COUNTY RENOVATION OF COURTHOUSE AND RE-ROOFING  
CONSTRUCTION FOR COUNTY, PCC AND SCHOOL BUILDINGS  
CAPITAL PROJECT ORDINANCE**

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

Section 1 The project authorized is the renovation of the Person County Courthouse and re-roofing construction for various County, School and Community College buildings. The project is to be financed by an installment financing under G. S. 160A-20 in addition to funds provided by the state and any other revenues that may become available.

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

Section 3 The following amounts are appropriated for the project:

Courthouse Renovation .....	\$3,326,000
Re-Roofing Construction:	
Old Person Counseling Center .....	70,000
Public Library .....	250,000
PCC – Building G .....	225,000
Northern Middle School .....	1,500,000
Issuance Costs .....	50,000
Total .....	<u>\$5,421,000</u>

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

Debt Financing Proceeds .....	<u>\$5,421,000</u>
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Section 5 This capital project ordinance replaces the capital project ordinance titled "Person County Renovation of Courthouse and Construction of Technical Education Building for Piedmont Community College (PCC)" adopted on June 1, 2009.

Section 6 The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of any and all applicable requirements of North Carolina General Statutes. The terms of the financing resolution also shall be met.

Section 7 Funds may be advanced from the General Fund for the purpose of making payments as due. Any such advances made prior to the securing of adequate financing is intended to be reimbursed from the proceeds from the financing. Reimbursement requests should be made to the financing institution in an orderly and timely manner.

Section 8 The Finance Director is directed to report periodically on the financial status of each project element in Section 3 and on the total revenues received or claimed.

Section 9 The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project periodically to the Board.

Section 10 Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Director for direction in carrying out this project.

Adopted this 15<sup>th</sup> day of February, 2010.

  
Johnny Myrl Lunsford, CHAIRMAN  
Person County Board of Commissioners

  
Brenda B. Reaves  
Clerk to the Board

February 15, 2010

## **CONSENSUS PRINCIPLES TO GUIDE FALLS LAKE NUTRIENT MANAGEMENT STRATEGY:**

Commissioner Clayton updated the group regarding the Environmental Management Commission (EMC) proposed Rules for Falls Lake noting the jurisdictions affected by the proposed rules felt the rules were biased and without sufficient information. Mr. Jim Wrenn, Attorney representing Granville, City of Butner, Granville Water and Sewer and Person County regarding the proposed Rules for Fall Lake assisted in the preparation of the Consensus Principles to Guide Falls Lake Nutrient Management Strategy noting the staff at the Division of Water Quality viewed favorably.

Commissioner Clayton requested the Board's adoption of the Consensus Principles to Guide Falls Lake Nutrient Management Strategy to be presented to the EMC as Person County's position regarding the proposed Rules for Falls Lake.

County Attorney, Ron Aycock stated that all the jurisdiction who are party to the consensus document (Person, Granville, Orange, Wake and Durham ) will work in concert to obtain approval of the principles and resulting regulatory and statutory changes. This will be a powerful coalition since it will represent almost one-fifth of the population of the state. Each of the jurisdictions are expected to approve the principles. Mr. Aycock noted that one piece of legislation which might be requested is the clear authority for the jurisdictions affected to create an association or intergovernmental agency to collect information and measurements of the source and extent of pollutants into the watershed and to jointly enforce rules. This would result in cost savings and efficiency in enforcement of rules.

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Jeffers, and **carried** to adopt the Consensus Principles to Guide Falls Lake Nutrient Management Strategy as Person County's position to be forwarded to the EMC by Mr. Jim Wrenn.

Commissioner Jeffers and Chairman thanked Commissioner Clayton for representing Person County's interest and keeping the Board up to date.



**CONSENSUS PRINCIPLES TO GUIDE  
FALLS LAKE NUTRIENT MANAGEMENT STRATEGY**

1. Falls Lake is currently classified by the North Carolina Environmental Management Commission (EMC) as WS-IV, B: NSW, CA. Pursuant to this classification, the designated uses of Falls Lake include aquatic life propagation and biological integrity (including fishing and fish), wildlife, primary and secondary recreation, agriculture, and water supply. Falls Lake serves as a water supply for the City of Raleigh (Raleigh) and six other municipalities in Wake County.
2. The EMC has established a water quality standard for chlorophyll-*a* of 40 ug/L to protect the designated uses of all waters in the state, including Falls Lake.
3. Since the time it was constructed, portions of Falls Lake have experienced nutrient conditions that have contributed to monitored exceedances of the chlorophyll-*a* standard. In 2005, the General Assembly directed the EMC to develop a nutrient management strategy for Falls Lake. The legislation was amended so that the nutrient management strategy and implementing rules are to be established no later than January 15, 2011.
4. In 2008, the Division of Water Quality (DWQ) found that the chlorophyll-*a* levels at certain locations in Falls Lake exceeded the water quality standard. The EMC found, in the 2009 Neuse Basin Plan, that new nutrient management measures were needed to address nutrient-related problems in Falls Lake.
5. The level of nutrient loading reductions necessary to protect and improve water quality in Falls Lake make it appropriate to establish a two-stage nutrient management strategy – the first stage (Stage 1) designed to achieve the water quality standard for chlorophyll-*a* in the lower lake below Highway 50 (Lower Lake), where the water supply intake is located, and to improve water quality in the upper lake above Highway 50 (Upper Lake), and the second stage (Stage 2) designed to further address water quality in the Upper Lake.
6. The first stage of nutrient loading reductions and protection measures for Falls Lake, as described below, are designed to achieve sufficient improvements in water quality to result in the removal of the Lower Lake from the 303(d)<sup>1</sup> list of impaired waters by 2021.
7. The Stage 1 management measures should include reductions in loading from all major categories of sources including point sources, agriculture and other fertilizer using activities, new development, and existing development.

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<sup>1</sup> Under Section 303(d) of the U.S. Clean Water Act, waters of the state that have water quality violations resulting in the failure to meet the designated and protected uses are designated as “impaired”.

- a. Point Sources: Large point sources as a group should be required to achieve by 2016 a 20% reduction in 2006 nitrogen loads and a 40% reduction in 2006 phosphorus loads. The allowable mass load for these point sources should be allocated among them based on 110% of current flows.<sup>2</sup> Smaller point sources should be required to meet limits of technology by 2016.
- b. New Development: As soon as is reasonably feasible, and no later than eighteen months after adoption of rules by the EMC, new development throughout the Falls watershed should be required to meet a nitrogen annual loading limit of 2.2 pounds per acre and a phosphorus annual loading limit of 0.33 pounds per acre, a portion of which may be achieved through offset payments.
- c. Existing Development: No later than three years after adoption of the rules by the EMC, all jurisdictions throughout the Falls watershed should be required to begin and continuously implement a program to reduce existing development nutrient loads to 2006 levels within ten years from adoption of the rules by the EMC.
  - 1. Where septic systems account for more than 20% of the nitrogen loading in the portion of a subwatershed of Falls Lake within a jurisdiction (according to DWQ's watershed model), that jurisdiction should be required, as a part of its Stage 1 existing development program, to begin and continuously implement a program to reduce loading from septic systems, discharging into waters of the State within that jurisdiction and subwatershed, which accounted any part for nutrient loading for the jurisdiction.
  - 2. A jurisdiction that includes any part of a subwatershed of Falls Lake in which chlorophyll *a* levels have exceeded 40 ug/L in more than 75% of the monitoring events in any calendar year should be required, as a part of its Stage 1 existing development program, to begin and continuously implement a program to reduce nutrient loading into waters of the State within that jurisdiction and subwatershed.

However, the total amount of nutrient loading reductions in Stage 1 is not increased for local jurisdictions by the requirement to add specific program components to address septic loading or high nutrient loading levels.
- d. State and Federal Agencies: State and federal agencies, including but not limited to DOT, shall be required to reduce nitrogen and phosphorus loading from new and existing development to a similar degree and within a similar time schedule as local governments.

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<sup>2</sup> The Consensus Principles rely on, and do not seek any change from, the apportionment of load allocations as proposed by DWQ in the draft rules issued on January 14, 2010

8. Stage 2 management measures should be designed to achieve water quality standards in the Upper Lake and to maintain water quality in the Lower Lake. The compliance date for achieving all additional reductions from point sources and agriculture should be no earlier than 2036. Additional existing development reductions, as determined pursuant to paragraph 9 should begin in 2021 and should be continuously implemented according to timelines proposed by each local government in plans periodically submitted to and approved by the EMC, subject to the limitations on the EMC's authority regarding existing development criteria contained in the Jordan Lake legislation.<sup>3</sup>
9. The process by which the proposed regulatory scheme has been developed relied on a limited data base which will be substantially enhanced by a more rigorous program of sampling, monitoring and analysis. In addition, it may not be feasible to attain all currently designated uses in the Upper Lake and attempting to do so may result in substantial and widespread economic and social impact. The EMC should therefore begin a re-examination of its nutrient management strategy for Falls Lake by January 1, 2018. The re-examination should consider, among other things, (i) the physical, chemical, and biological conditions of the Lake with a focus on nutrient loading impacts and the potential for achieving the Stage 1 goal by 2021 as well as the feasibility of both achieving the Stage 2 reduction goals and meeting the water quality standard for chlorophyll-*a* in the Upper Lake, (ii) the cost of achieving, or attempting to achieve, the Stage 2 reduction goals and the water quality standard in the Upper Lake, (iii) the existing uses in the Upper Lake and whether alternative water quality standards would be sufficient to protect those existing uses, and (iv) the impact of the management of Falls Lake on water quality in the Upper Lake. As the first step in the re-examination, a Scientific Advisory Board should analyze and review the information identified above along with the additional monitoring and modeling data compiled since the model was approved and should present its recommendations for changes in the Nutrient Management Strategy and its implementing rules to DWQ and the EMC by

<sup>3</sup> Session Law 2009-216 (the Jordan Lake legislation), at Section 3(d)(2)(f), sets the following limitations on the authority of the Environmental Management Commission for its review and approval of local government programs to control nutrient loading from existing development: "The Commission shall approve the program if it meets the requirements of this subdivision, unless the Commission finds that the local government can, through the implementation of reasonable and cost-effective measures not included in the proposed program, meet the reductions in nutrient loading established by the Department pursuant to sub-subdivision b. of this subdivision by a date earlier than that proposed by the local government. . . . In determining whether additional or alternative load reduction measures are reasonable and cost effective, the Commission shall consider factors including, but not limited to, the increase in the per capita cost of a local government's stormwater management program that would be required to implement such measures and the cost per pound of nitrogen and phosphorus removed by such measures. The Commission shall not require additional or alternative measures that would require a local government to:

1. Install or require installation of a new stormwater collection system in an area of existing development unless the area is being redeveloped.
2. Acquire developed private property.
3. Reduce or require the reduction of impervious surfaces within an area of existing development unless the area is being redeveloped."

January 1, 2019. In light of the report from the Science Advisory Board, the EMC should direct the DWQ to prepare proposed rule revisions, if any, and an updated fiscal note on Stage 2 by August 1, 2019. In its development of any proposed rule revisions, DWQ shall consult with the local governments and other interested parties. Except to the extent that management measures identified as a part of Stage 2 are required to achieve the Stage 1 goal, local governments should not be required to begin implementing Stage 2 management measures without a determination by the EMC of whether alternative goals and/or standards should be established for the Upper Lake.

10. Annual monitoring of chlorophyll- $\alpha$  in Falls Lake should be funded and implemented through a collective effort by all jurisdictions partially or wholly within the Falls Lake watershed. The limited resources available to DWQ and DENR for the implementation of the nutrient management strategy and the need for a robust and active sampling and monitoring program, as well as additional modeling, make it desirable for the affected local governments to share resources and undertake these important activities, and other activities associated with the re-examination of the Nutrient Management Strategy, collectively. The affected local governments should share resources and assist with funding for the examination of the Nutrient Management Strategy. The affected local governments created the Upper Neuse River Basin Association, among other reasons, as a means to more effectively perform functions related to Falls Lake and the Upper Neuse River Basin. The Association with an expanded mission and authority, or some similar organization, should be considered for expanded duties that the local governments may agree to assume consistent with this paragraph and paragraph 11 of this document. The results of the additional monitoring and modeling and other relevant information gathered by the collective efforts of the local governments should be shared on a regular basis with DWQ and made available to the Scientific Advisory Board and the EMC in connection with the review described in Paragraph 9.
11. A robust and innovative trading program among all regulated sources is critical to the success of the nutrient management strategy for Falls Lake. In addition, local governments should be able to use any combination of point and nonpoint control/reduction strategies, including land preservation, within their respective jurisdictions to meet their overall obligations under the nutrient management strategy.
12. Nothing in these principles is intended to imply that the EMC is precluded from complying with the requirements of federal law.

**CHAIRMAN'S REPORT:**

Chairman Lunsford had no report.

**MANAGER'S REPORT:**

County Manager, Heidi York requested the Board to informally discuss the Board Retreat agenda after this meeting is recessed prior to the Closed Session.

**COMMISSIONER REPORT/COMMENTS:**

Commissioner Kennington thanked Commissioner Clayton and Mr. Aycock for keeping the Board ahead on the proposed Rules for Falls Lake ensuring Person County's interest are being looked after noting it was evident at the joint meeting with Durham County. Commissioner Kennington felt Durham County could see the effort that this Board, particular with the leadership of the Chairman, Vice Chairman, Attorney and Manager, further thanking all communicating interest in economic development.

Commissioner Kennington reminded the group of the Person Future's Presentation on Monday, February 22, 2010.

Commissioner Puryear reminded the Board that the Roxboro Jaycees will have its Distinguished Service Awards Banquet on Thursday at 7:00 pm at the Perfect Venue.

Commissioner Jeffers reported on the Association of Agriculture Steering Committee where he participated in a discussion about establishing a Volunteer Ag District as well as a forthcoming Farmland Protection Plan. Commissioner Jeffers apologized to Southern Middle School for not being at a volunteer function as planned.

Commissioner Clayton stated new air quality standards forthcoming. Commissioner Kennington noted Person County was very fortunate that Progress Energy was proactive to installing the scrubbers and will not be one of the facilities that will be mothballed.

Chairman Lunsford mentioned the \$30,000 grant Person County received for a Farmer's Market noting small farmer's future participation. Commissioner Jeffers thanked Carl Cantaluppi, Cooperative Extension, for taking the lead for the grant proposal.

## **RECESS:**

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried** at 10:28 a.m. to recess the Board meeting until 11:00 a.m. this date, at which time the Board will plan to enter into Closed Session. The group took a break prior to discussing the Board Retreat agenda informally prior to Closed Session.

## **INFORMAL DISCUSSION REGARDING THE BOARD RETREAT:**

At 10:40 a.m. the County Manager, Heidi York requested the Board to have informal discussions on the purpose for the Board Retreat that is scheduled for March 31, 2010 to be held at the Mayo Educational Building from 8:30 a.m. to 4:00 p.m.

Commissioner Kennington stated a work session would be more appropriate for the topics he had requested to be discussed at the Board Retreat. The Board scheduled an administrative work session to be held on February 23, 2010 to begin at 8:30 a.m. in the Commissioner Room 215.

Chairman Lunsford, Commissioners Jeffers and Puryear suggested the Board Retreat be centered on the upcoming budget and a time to hear the challenges from departments with options and scenarios. Commissioner Kennington suggest using the retreat to define Person County's vision for the next 5, 10, 20 years.

Ms. York stated she would consider the feedback from the Board and craft a statement of purpose for the retreat and send to the Board members by the end of the day. Ms. York requested the Board to respond to the statement within the next couple of days.

## **CLOSED SESSION:**

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried** at 11:07 a.m. to enter into Closed Session pursuant to G.S. 143-318.11(a)(5) to discuss land acquisition.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers, and **carried** to return to open session at 12:02 p.m.

## **RECESS:**

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Jeffers, and **carried** at 12:02 to recess the Board meeting to attend the Person Future's Strategic Planning Executive Meeting at the Vesuvio's Restaurant immediately with further plans to meet at 1:30 p.m. this date at the property site known as the Longhurst Cotton Mill for the purpose of a tour.

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Chairman Lunsford called the recessed meeting to order at 1:30 p.m. Others in attendance in addition to the Board members, County Manager, County Attorney, Clerk to the Board was Mr. Eddie Belk of Belk Architecture, Mr. Lacy Winstead, local realtor, Mr. Jack Moore of Mixon Construction, Paul Bailey, Assistant County Manager, Mitch Pergerson, Recreation, Arts, & Parks Director, and Mr. Tim Chandler, *Courier-Times*.

Mr. Belk guided the group through the Longhurst Cotton Mill explaining how the facility could be renovated for a county use of a recreation/senior center. Mr. Belk share his vision of transforming the massive facility into a proposed recreation center that would include a swimming pool, basketball courts, racquetball courts, exercise rooms, meeting rooms, office space with potential space of expansion of residential living.

Mr. Belk told the group the overall condition of the building is very sound and he spoke to the phase I environmental report that addressed the historic research as well as a physical inspection. Mr. Belk stated the phase I report included findings of a fuel tank, balance lighting, potential asbestos in some floor tiles and some pipe insulation as well as possible lead paint with the level of intensity not known. The report sited transformers that belong to Progress Energy that do not contain PCB as well as a cooling tower that has potential of asbestos. The phase II detailed lab testing was recommended by Mr. Belt. Mr. Belk stated the roof was in very sound condition with a 5-10 years life remaining. A new roof with insulation would be recommended and included in the suggested renovation.

Mr. Moore stated preliminary estimates for renovating the Longhurst Cotton Mill into the proposed recreation/senior center is at \$85-\$95 per square foot up-fitted for the uses described including the new roof. By comparison, Mr. Moore stated a shell building could be constructed for \$75-\$85 per square foot, however finished with the proposed uses as described would cost an estimated \$135 per square foot. Mr. Belk commented that a renovated facility as the Longhurst Cotton Mills could not be duplicated with character and quality. Mr. Moore noted comparable construction to include the similar quality and character as the Longhurst Cotton Mill had would be estimated cost at \$200 per square foot.

Mr. Belk explained to the Board that the proposed renovation would be completed in phases. Phase I would include the proposed recreation/senior center, with following phases to include county uses as directed by the Board, i.e. some suggestions, a teen center, an education/convention space, apartments etc.

Mr. Belk told the group a little of his experiences with projects recognized with the National History of Register eligible for historic tax credits as well as potential public/private partnerships60 tax credits projects.

Commissioner Jeffers left the tour at 2:10 p.m.

**ADJOURNMENT:**

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton, and **carried** to adjourn the meeting at 2:40 p.m.

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Brenda B. Reaves  
Clerk to the Board

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Johnny Myrl Lunsford  
Chairman