

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

**NOVEMBER 19, 2012**  
**OTHERS PRESENT**

Jimmy B. Clayton  
Kyle W. Puryear  
B. Ray Jeffers  
Samuel R. Kennington  
Frances P. Blalock

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

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, November 19, 2012 at 9:00 am in the FEMA Room at the Human Services Building located at 355 S. Madison Boulevard, Roxboro.

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

**RECOGNITION OF LOCAL GOVERNMENT DAY:**

Chairman Clayton welcomed the Person High School students enrolled in civics and economics participating in Local Government Day to observe the Board of County Commissioners in session. Chairman Clayton, Vice Chairman Puryear and Commissioners Jeffers, Blalock and Kennington proceeded to introduce themselves. The County Attorney, Ron Aycock; County Manager, Heidi York; Clerk to the Board, Brenda Reaves; IT staff, Gary Latta and Chris Puryear, and Commissioner Elect, David Newell, Sr., also gave an introduction to the group.

Commissioner Jeffers told the group about an interactive, educational game about government called County Works on [www.icivics.org](http://www.icivics.org).

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

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

**INFORMAL COMMENTS:**

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

Mr. Lacy Winstead of 279 Knolls of Hyco, Roxboro requested the Board to reconsider the action to spend almost \$500,000 for a study at this time. Mr. Winstead stated the Board should not spend \$500,000 on anything and it would not be in the best interest of the taxpayers of Person County.

**APPROVAL OF MINUTES:**

A **motion** was made by Commissioner Jeffers, **seconded** by Vice Chairman Puryear, and **carried 5-0** to approve the minutes of October 29, 2012 and November 5, 2012.

**TAX ADMINISTRATIVE REPORT:**

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

**OLD BUSINESS:**

**PERSON COUNTY NON-SMOKING ORDINANCE:**

Health Director, Janet Clayton reminded the Board of Commissioners of the Community Health Assessment completed last year with the top four leading causes of death in Person County are related to smoking, one of which is lung cancer.

Ms. Clayton presented to the Board the proposed Person County Non-Smoking Ordinance revised to address Parks and Recreation grounds as directed during the Board's November 5, 2012 meeting noting all other properties will be addressed by the Board of Commissioners on a case-by-case basis to be included as an appendix to the proposed ordinance.

Ms. Clayton read and highlighted the revision under Section 2 (a) Smoking prohibited. No person shall smoke, carry or possess a lighted cigar, cigarette, pipe or other lighted smoking equipment or paraphernalia in any Person County buildings, in Person County vehicles or within 50 feet of any recreation, health, and wellness amenity. All other county properties will be regulated on an individual basis as determined by the Board of Commissioners. These properties will be included as an appendix to this Ordinance. Ms. Clayton noted Appendix A was placed at each Board member's seat prior to the meeting.

Ms. Clayton noted in Section 2 (c) Exception the authority is outlined under item (c) designated areas which are 50 feet from any recreation, health, and wellness amenity and are approved by the Person County Recreation Advisory Board.

- Ms. Clayton requested the Board:
- 1) To review the revised proposed Person County Non-Smoking Ordinance and to schedule a public hearing for community input if so desired, and
  - 2) To determine a timeframe to address the remaining County facilities.

Vice Chairman Puryear stated his support to address the designated areas at recreation facilities individually.

Commissioner Jeffers stated support of the proposed ordinance as presented to give the authority to the Recreation Advisory Board to designate smoking areas 50 feet from the recreation amenity inside each park. Commissioner Jeffers recommended for the Board not to take action related to the county facilities listed in Appendix A unless the county department(s) request such of the Board.

County Manager, Heidi York added the initial intention of the proposed ordinance was to cover all county properties. Commissioner Kennington noted his support to get the smokers away from the doorways and recommended the Board to address each facility and make a determination. Commissioner Blalock confirmed the Board of Health Rule from 2008 that the setback for the Human Services facility is 35 feet due to the retail neighbors with the Health Director. Commissioner Blalock suggested each facility manager recommend to the Board a designated area for smoking if warranted.

County Attorney, Ron Aycock stated the Board has no legal requirement for a public hearing noting the Board certainly could hold a public hearing, if desired. Mr. Aycock further noted the Board could take final action without holding a public hearing.

A **motion** was made by Vice Chairman Puryear, **seconded** by Commissioner Jeffers, and **carried 5-0** to set a public hearing date to receive feedback from the general public on the Person County Non-Smoking Ordinance. It was the consensus of the group to schedule the public hearing date in January, 2013 with a definitive date scheduled upon the adoption of the 2013 Schedule of Meetings at the Board's December 3, 2012 meeting.

## **NEW BUSINESS:**

### **ORDINANCES RELATED TO REGULATING UNREGISTERED MOTOR VEHICLES, AUTOMOBILE GRAVEYARDS, AND JUNKYARDS:**

Commissioner Kennington noted he had a request from Mr. Kenny Rickman to address the Board of Commissioners related to the ordinances regulating unregistered motor vehicles, automobile graveyards, and junkyards. The Ordinance Requiring Unregistered Motor Vehicles to be Screened from Public View was last adopted January 18, 2011 and the Ordinance Regulating Automobile Graveyards and Junkyards was adopted September 21, 1987 with an amendment adopted on January 4, 1993 (a copy of both ordinances were included in the Board packet). Commissioner Kennington asked Mr. Rickman to share his comments with the Board.

Mr. Rickman requested the Board to consider placing the authority for enforcement upon another department other than the Sheriff Department, to consider receiving complaints from citizens anonymously and to have separate ordinances for junk cars, junk yards and antique cars. Mr. Rickman spoke to the potential safety issues and economic impacts on the County by not enforcing the ordinances.

Commissioner Kennington noted the reorganization of the Person Future's Strategic Plan committees and stated his support of the Protect Our Land committee to review the ordinances and make recommendation to the Board of Commissioners.

Commissioner Blalock noted support to take the authority from the Sheriff's Department as well as to have a committee, i.e. Protect Our Land committee, survey the county in its entirety.

Commissioner Jeffers asked the County Manager about enforcement noting his preference to address the issue of enforcement prior to changing the ordinance. County Manager, Heidi York noted when this topic was discussed previously; she had proposed a new position for an Enforcement Officer. Without the new position, Ms. York indicated the Planning Department may be a department that could possibly be tasked with enforcement.

It was the consensus of the Board for the County Manager to review enforcement of the ordinances as well as consider receiving complaints anonymously. Ms. York stated she would meet with the Sheriff to further discuss noting her recommendation may not be any different from previous discussions to hire a part-time staff due to small staff resources available which prohibits the ability to enforce County ordinances. Commissioner Jeffers stated opposition to hiring a new staff for complaint based enforcement suggesting to model similar to the complaints received in the Planning Department. Commissioner Blalock asked Ms. York to follow up her review with the committee to assess the scope of the issue.

**TAXPAYER REQUEST FOR REFUND (TAX RECORD 17055):**

Tax Administrator, Russell Jones informed the Board that taxpayer Christopher & Christy Harris of 268 Cardens Cove, Timberlake appealed their tax value for 2012. After viewing the property, it was determined that the Tax Office had entered the measurements of the Harris' home incorrectly and the Tax Office made the corrections as appropriate for the 2012 tax bill. Mr. Jones stated a written request from the taxpayer is required for consideration of a refund of the taxes that have been overpaid. On October 30, 2012, the taxpayer, Christopher & Christy Harris of 268 Cardens Cover, Timberlake submitted such request for a refund of the taxes that had been overpaid due to the Tax Office error.

Mr. Jones stated the Tax Office reviewed the error and determined that the error was a clerical error on the part of the Tax Office noting General Statute 105-381(a)(1) allows for a refund of up to 5 years, if approved by the Board of County Commissioners.

Mr. Jones further noted the error resulted in an overcharge of 814 sq. ft. and a value that was \$63,483 overstated resulting in a tax overpayment of \$444.38 annually.

Mr. Jones requested Board approval of a refund in the amount of \$2,221.90 (\$444.38 x 5 years) for taxpayer, if appropriate.

A **motion** was made by Commissioner Blalock, **seconded** by Vice Chairman Puryear, and **carried 5-0** to approve a refund in the amount of \$2,221.90 (\$444.38 x 5 years) for taxpayer, Christopher & Christy Harris of 268 Cardens Cove, Timberlake.

**CONSIDERATION OF APPROVAL OF LATE EXEMPTION APPLICATIONS:**

Tax Administrator, Russell Jones told the Board that every year, the Tax Office receives applications for the Senior, Disabled, Veteran, and Circuit Breaker exemptions that fail to meet the June 1<sup>st</sup> deadline. In an effort to help inform the public of these exemptions, the Tax Office mailed information along with the listing forms to 6,000 citizens. Mr. Jones noted the Tax Office also developed brochures for all three exemption programs which made these programs easier to understand, and passed out over 500 copies. Mr. Jones stated Person County currently has 754 properties that are receiving benefit from these exemptions, which does not include the 11 applications that are submitted for Board consideration for approval.

Mr. Jones stated the efforts made by the Tax Office resulted in 76 new applications, with 49 approved applications, 16 denied applications (12 were over the income limit, 2 were not 65 as of January 1<sup>st</sup>, 1 was not 100% disabled, and 1 did not own their home). The remaining 11 were received after the named deadline and deemed late applications.

Mr. Jones noted the 11 late applications would have been approved if they had been submitted to the Tax Office by June 1<sup>st</sup> as the applications met all requirements, however due to the receiving after the deadline; the Tax Office was not eligible to approve. Mr. Jones stated the Board of Commissioners may approve late applications if they are received by December 31<sup>st</sup>.

Mr. Jones highlighted a spreadsheet that outlines the tax impact and the reasons for the late applications noting he did not include the applications since they include social security numbers and income information.

Mr. Jones recommended Board approval of the 11 applications before the Board for consideration.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Blalock, and **carried 5-0** to approve the following 11 applications for tax exemptions:

Taxpayer	Application Type	Application Date	Reason for Late Application	Map Number
Blalock, Franklin & Joyce	Elderly	7/31/2012	Did not know deadline	A97 25A
Bradsher, Melba	Elderly	6/11/2012	Did not know deadline	30 16
Cover, Dennis D	Disabled	8/14/2012	Waiting on Doctor	66 48
Hubler, Fredrick D	Veteran	6/7/2012	Waiting on VA	A13 126
Kimball, Justice & Christian	Disabled	6/16/2012	Waiting on Doctor	A72 212
Lindsey, Mary June	Elderly	8/20/2012	Waiting on Accountant	A64 538
McCrimmon, Charles W Jr	Veteran	9/4/2012	Waiting on VA	A73 96
Scoggins, Patricia F	Elderly	6/20/2012	Lost in Mail	A76 113
Stewart, Sharon K	Disabled	8/10/2012	Waiting on Doctor	124 8
Taylor, Harvey & Linda	Veteran	8/27/2012	Waiting on VA	A99 1A 3
Wrenn, Joyce P	Disabled	9/29/2012	Did not know deadline	51 34

**UTILITY EASEMENT REQUESTED BY PROGRESS ENERGY:**

County Manager, Heidi York informed the Board that due to the planned 501 Bypass that will be constructed up NC49 North by the new School Bus Garage, the new 6 lane road will require that the utility lines are relocated onto and over Person County property. The utility lines will be relocated about 20 feet from their current position, which will place the new utility lines near the current fence, along the roadside. Larry King and the Board of Education have approved the relocation referenced on Exhibit A included in the Board packet.

Ms. York stated that since the property is still owned by Person County, approval must also be provided by the Board of County Commissioners. Ms. York recommended the Board approve the easement requested by Progress Energy.

A **motion** was made by Vice Chairman Puryear, **seconded** by Commissioner Jeffers, and **carried 5-0** to approve the utility easement as requested by Progress Energy as presented.

EASEMENT

NORTH CAROLINA  
PERSON COUNTY

THIS EASEMENT made this 19th day of November, 2012, from PERSON COUNTY, hereinafter referred to as GRANTOR (whether one or more), to CAROLINA POWER & LIGHT COMPANY, a North Carolina public service corporation, d/b/a PROGRESS ENERGY CAROLINAS, INC., hereinafter referred to as PEC

WITNESSETH:

THAT GRANTOR, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto PEC, its successors and assigns, the right, privilege, and easement to go in and upon the land of GRANTOR situated in Roxboro Township of said County and State, described as follows: 11.26 acres, more or less, and being the land shown on a plat entitled "Plat of Survey Person County Board of Education Bus Garage", dated March 2007, and recorded in Plat Book 15 Page 273 Person County Registry, LESS AND EXCEPT any prior out-conveyances, and to construct, maintain, and operate electric and/or communication facilities thereon consisting of poles, cables, wires, guys, anchors, underground conduits, and other pertinent facilities within an easement area thirty (30) feet wide, with the right to do all things necessary, including, but not being limited to, the right: (a) to enter said easement area at all times over the adjacent land to inspect, repair, maintain, and alter said facilities; (b) to keep said easement area cleared of trees, shrubs, undergrowth, buildings, structures, and obstructions; (c) to trim or cut any tree adjacent to said easement area that may, in the opinion of PEC, endanger the overhead facilities or hinder the maintenance, operation, and use of the same; and (d) to install, at angle points of the overhead facilities, guy wires and anchors outside of said easement area. The center line of the facilities shall be the center line of said easement area. PEC shall not install facilities outside of said easement area without obtaining another EASEMENT, except for those facilities that may be installed as set forth in item (d) above.

It is understood and agreed that the easement area herein granted is for the relocation of existing facilities on the land described above made necessary by highway changes Highway 501 Bypass.

It is understood and agreed that the overhead facilities shall be approximately located as shown on attached EXHIBIT "A".

TO HAVE AND TO HOLD said rights, privilege, and easement unto PEC, its successors and assigns, forever. IN WITNESS WHEREOF, GRANTOR has caused this EASEMENT to be signed by its duly authorized officials and its official seal to be hereunto affixed, pursuant to a resolution of its governing body, as of the date first above written.

PERSON COUNTY

By: Jimmy B. Clayton  
Jimmy B. Clayton, Chairman,  
Board of Commissioners

ATTEST:

Brenda B. Reaves  
Brenda B. Reaves, Clerk



November 19, 2012

NORTH CAROLINA, \_\_\_\_\_ PERSON \_\_\_\_\_ COUNTY  
I, Gladys R. Larchbacher, a Notary Public of \_\_\_\_\_ Person  
County, North Carolina, certify that Brenda B. Reaves personally appeared  
before me this day and acknowledged that she is Clerk of PERSON COUNTY, and that by authority duly given and as the  
act of said COUNTY, the foregoing EASEMENT was signed in its name by its Chairman, sealed with its official seal, and  
attested by herself as its Clerk.  
Witness my hand and notarial seal, this 19th day of November, 2012.



Gladys R. Larchbacher  
Notary Public  
My commission expires: 8/14/14

### **CHAIRMAN'S REPORT:**

Chairman Clayton explained to the group the Board's processes in which Public Comments are received as well as the discussion by each of the Board members during each agenda item prior to action. Chairman Clayton noted his appreciation of Commissioner Kennington's service to the county.

### **MANAGER'S REPORT:**

County Manager, Heidi York reminded the Board that the next meeting scheduled for December 3, 2012 would begin at 6:30 pm noting it would be Commissioner Kennington's last official meeting as well as the swearing-in ceremony for Chairman Clayton, Commissioner Jeffers and Commissioner Elect, David Newell, Sr.

Ms. York announced a special joint session meeting for the Board of Commissioners, the Board of Health and the Social Services Board for a review of consolidation options for Human Services scheduled for December 10, 2012 at 5:00 pm in the FEMA room.

**November 19, 2012**



## **COMMISSIONER REPORT/COMMENTS:**

Commissioner Kennington congratulated Chairman Clayton, Commissioner Jeffers and Commissioner Elect, David Newell, Sr. on their successful election, wishing each the best.

Commissioner Blalock stated her appreciation of Commissioner Kennington's service. Commissioner Blalock suggested to the students in the audience to attend County committees meetings noting a student is appointed to the Juvenile Crime Prevention Council as well as encouraged the students to review the Person Future's Strategic Plan.

Commissioner Jeffers congratulated Chairman Clayton and Commissioner Elect, David Newell, Sr. on their successful election as well as thanked the voters of Person County for re-electing him to a second term. Commissioner Jeffers stated his re-election will allow Person County to have representation as President of the State Association next year. Commissioner Jeffers told the youth in the audience of the Recreation and Senior Center project. Commissioner Jeffers thanked Commissioner Kennington for his service as an excellent commissioner.

Vice Chairman Puryear thanked the students for attending the Board meeting as well as congratulated Chairman Clayton, Commissioner Jeffers and Commissioner Elect, David Newell, Sr. for their successful election and thanked Commissioner Kennington for his service.

## **CLOSED SESSION:**

A **motion** was made by Vice Chairman Puryear, **seconded** by Commissioner Jeffers, and **carried 5-0** to enter Closed Session at 10:11am pursuant to General Statute 143-318.11(a)(6) for the purpose of the Evaluation of the County Manager to be held in the Home, Health & Hospice Conference Room with the County Manager, Clerk to the Board, County Attorney and Commissioner Elect, David Newell, Sr., permitted to attend.

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Jeffers, and **carried 5-0** to enter a second Closed Session pursuant to General Statute 143-318.11(a)(5) for the purpose of considering and taking action with respect to the position to be taken by the County in negotiating the price or other material terms of an agreement for acquisition or lease of real property to be held in the Home, Health & Hospice Conference Room with the County Manager, Clerk to the Board, County Attorney and Commissioner Elect, David Newell, Sr., permitted to attend.

Chairman Clayton announced a brief break prior to the Closed Sessions.

**November 19, 2012**

Chairman Clayton called the first Closed Session to order at 10:20 am.

A **motion** was made by Commissioner Blalock, **seconded** by Commissioner Kennington, and **carried 5-0** to return to open session at 10:46 am.

Chairman Clayton called the second Closed Session to order at 10:47 am.

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Jeffers, and **carried 5-0** to return to open session at 10:55 am.

**ADJOURNMENT:**

A **motion** was made by Commissioner Blalock, **seconded** by Commissioner Jeffers, and **carried 5-0** to adjourn the meeting at 10:55 am.

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Brenda B. Reaves  
Clerk to the Board

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Jimmy B. Clayton  
Chairman