

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

OCTOBER 22, 2018
OTHERS PRESENT

Tracey L. Kendrick
Gordon Powell
Jimmy B. Clayton
Kyle W. Puryear
B. Ray Jeffers

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, October 22, 2018 at 9:00am in the Commissioners' meeting room in the Person County Office Building.

Chairman Kendrick called the meeting to order. Vice Chairman Powell offered an invocation and Commissioner Puryear led the group in the Pledge of Allegiance.

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

Chairman Kendrick presented an item for a budget adjustment related to the School Resource Officer positions at Person County School and Roxboro Community School to be added to the agenda.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to add an item to the agenda for a budget adjustment related to the School Resource Officer positions at Person County School and Roxboro Community School and to approve the agenda as adjusted.

Chairman Kendrick recognized the County Attorney, Ron Aycock prior to the scheduled public hearings. Mr. Aycock stated the Board had many Special Use Permit requests before them and he wanted to brief the group on the rules related to legal process involving special use permits. He said special use permits were quasi-judicial actions whereby the Board acts more like a judicial body than a legislative body. Mr. Aycock noted most of the Board's actions were related to the role of making rules legislatively however this process was judicial involving special rules whereby the Board acts as a judge, having an open-mind on each issue, listening to the testimony and making decisions based on what was presented at this meeting not what you have heard elsewhere. Mr. Aycock said the parties for a special use permit might speak to offer an opinion. The state bar regulating attorneys has ruled that to advocate for a position, it must be done so by an attorney, therefore, a lay person may not advocate or oppose on behalf the special use applicant. If there is interest, parties may provide testimony and issue an opinion. Expert witnesses, like in court, may provide an expert opinion. In the case of a special use permit, expert witnesses would include an engineer, a landscape architect, and an architect but not a lay person who does not have special expertise.

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Commissioner Clayton stated he had signed up to speak on one of the special use permit requests but he withdrew his name noting he was not biased one way or the other and would include his comments during the public hearing as a commissioner.

PUBLIC HEARING:

SUP-04-18 SPECIAL USE PERMIT REQUEST BY JOEL ROSE FOR AN AUTOMOTIVE REPAIR ADDITION ON 2.8 ACRES LOCATED AT 31 DAIRYLAND RD (TAX MAP & PARCEL A28-121 & A28-146) IN THE RC (RURAL CONSERVATION) ZONING DISTRICT:

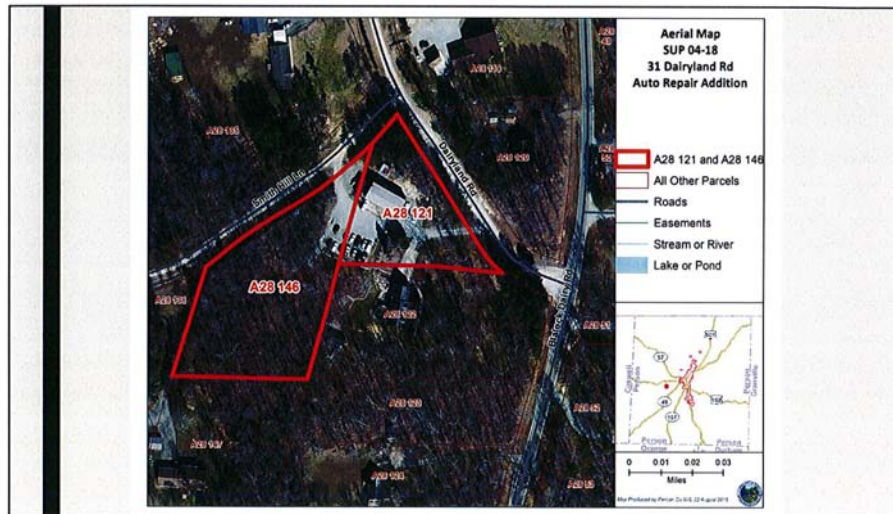
A **motion** was made by Vice Chairman Powell and **carried 5-0** to open the duly advertised public hearing for a Special Use Permit Request by Joel Rose for an automotive repair addition on 2.8 acres located at 31 Dairyland Rd (Tax Map & Parcel A28-121 & A28-146) in the RC (Rural Conservation) Zoning District.

The public hearing set to hear a Special Use Permit Request by Joel Rose for an automotive repair addition on 2.8 acres located at 31 Dairyland Rd (Tax Map & Parcel A28-121 & A28-146) in the RC (Rural Conservation) Zoning District required a quasi-judicial zoning decision whereby witnesses are to be sworn in and subject to cross examination, no ex parte communication and requires findings of fact. Chairman Kendrick administered the Oath of Sworn Testimony to the following individuals who would offer testimony during the public hearing: Lori Oakley, Caroline Darnell, Joel Rose, Donnie Phillips and Darcy Wudel.

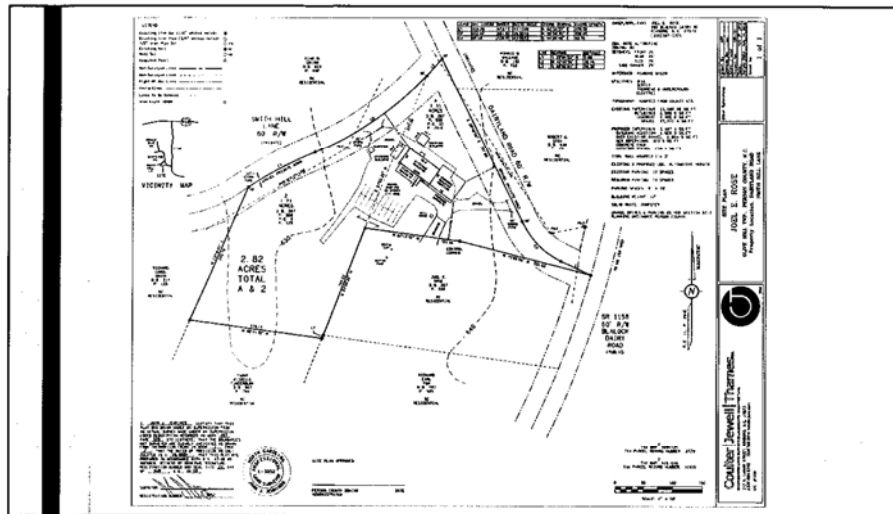
Planning Director, Lori Oakley introduced Planner, Caroline Darnell and said Ms. Darnell would be presenting the Special Use Permit Request by Joel Rose for an automotive repair addition on 2.8 acres located at 31 Dairyland Rd (Tax Map & Parcel A28-121 & A28-146) in the RC (Rural Conservation) Zoning District.

Ms. Darnell shared the following presentation and stated all zoning ordinances and state statutes have been met for this public hearing.

SUP-04-18 - A special use permit request by Joel Rose for an automotive repair addition on 2.8 acres located at 31 Dairyland Rd (Tax Map & Parcel A28-121 & A28-146) in the RC (Rural Conservation) Zoning District.



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Land Use/Site Plan

- The applicant is proposing to add a 48' x 40' building addition to the existing 62.4' x 30' automotive repair building, which has been operating for 30 years.
- The applicant is requesting to use gravel for some of the driveway and parking areas under Section 81-1 of the Planning Ordinance. There proposed site plan shows 16 parking spaces (14 are required) and one additional ADA parking space on concrete.
- The applicant will be required to combine the two properties to come into compliance with the current Planning Ordinance.
- The property is currently using well & septic but according to the Environmental Health Department will need to upgrade the system or put in an additional system. The applicant has been in touch with the Environmental Health Department and is aware of the necessary upgrade.
- The property is located within the Roanoke Watershed and is not subject to restrictions.
- The property does not lie within the 100-year special flood hazard area according to the FEMA map.

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COMPREHENSIVE PLAN

The Person County Land use Plan identifies the proposed site as Rural Residential. Rural Residential is defined as:

- Low-density residential (single site-built and manufactured homes); agriculture, forestry, churches; very limited commercial, office, or public/institutional uses meeting locational criteria. Most of the land within protected water supply watersheds should be placed in this category. Locational criteria for non-residential uses within this land use category would include frontage and access to a major State highway or secondary road, proximity to similar uses and spatial separation from non-compatible uses such as existing residential development. Land uses within this category would be expected to develop without public sewer, i.e., with private septic tank systems.

Appendix O of the Land Use Plan lists goals and objectives for the county including the following:

- 2.2 – Encourage well-planned commercial establishments to provide necessary goods and services to area employers and residents.
- 2.0 – Provide a strong local planning environment that supports and enhances the economic growth potential of Person County.

PLANNING STAFF ANALYSIS

Planning staff recommends that if the Board approves the request, the following conditions be placed on the Special Use Permit:

- The applicant is to obtain all permits necessary from the GIS, Environmental Health/Public Works, Planning and Zoning Department, and Building Inspections Department.
- The applicant must combine the two parcels to be in compliance with the Person County Planning Ordinance.

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PLANNING BOARD RECOMMENDATION

At the Planning Board meeting on Sept. 27, 2018, the board voted unanimously (5-0) to recommend approval of SUP-04-18 to include staff's recommended conditions.

FINDINGS OF FACT

The Board needs to address the four Findings of Fact and whether this proposal is in keeping with the Person County Comprehensive Plan.

The Board shall issue a special use permit if it has evaluated an application and determined:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
2. That the use meets all of the required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;
4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan.

Speaking in favor of the Special Use Permit Request by Joel Rose for an automotive repair addition on 2.8 acres located at 31 Dairyland Rd (Tax Map & Parcel A28-121 & A28-146) in the RC (Rural Conservation) Zoning District were the following:

Mr. Joel Rose of 890 Blalock Dairy Road, Roxboro stated he was available for any questions by the Board. There were no questions by the Board for Mr. Rose.

Mr. Donnie Phillips of 335 Blalock Dairy Road, Roxboro, said he lived at 821 Blalock Dairy Road for 30-years that was located about 50 yards across from Rose Automotive. Mr. Phillips said Mr. Rose runs a great business without environmental problems; he does not leave oil sitting around and he uses oil to heat his shop and he recycles anti-freeze. Mr. Phillips said Rose Automotive is a great asset to the community and stated his support for Mr. Rose to gain the permit to add-on and keep his business going.

Mr. Darcy Wudel of 929 Blalock Dairy Road, Roxboro stated he lives closer to Rose Automotive than the previous speaker and found the application completely unobjectionable; there is never any noise nor anything to bother him, and he does business with Joel who is a model good citizen.

There were no individuals appearing before the Board to speak in opposition to Special Use Permit Request by Joel Rose for an automotive repair addition on 2.8 acres located at 31 Dairyland Rd (Tax Map & Parcel A28-121 & A28-146) in the RC (Rural Conservation) Zoning District.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to close the public hearing for a Special Use Permit Request by Joel Rose for an automotive repair addition on 2.8 acres located at 31 Dairyland Rd (Tax Map & Parcel A28-121 & A28-146) in the RC (Rural Conservation) Zoning District.

CONSIDERATION TO GRANT OR DENY REQUEST BY JOEL ROSE FOR A SPECIAL USE PERMIT FOR AN AUTOMOTIVE REPAIR ADDITION ON 2.8 ACRES LOCATED AT 31 DAIRYLAND RD:

A **motion** was made by Commissioner Puryear and **carried 5-0** to approve the Special Use Permit request by Joel Rose for an automotive repair addition on 2.8 acres located at 31 Dairyland Rd (Tax Map & Parcel A28-121 & A28-146) in the RC (Rural Conservation) Zoning District with the following conditions noting the request was in keeping with the Person County Comprehensive Plan:

- The applicant is to obtain all permits necessary from the GIS, Environmental Health/Public Works, Planning and Zoning Department, and Building Inspections Department.
- The applicant must combine the two parcels to comply with the Person County Planning Ordinance.

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PUBLIC HEARING:

SUP-01-18: SPECIAL USE PERMIT REQUEST BY UPPER PIEDMONT RENEWABLES, LLC (REPUBLIC SERVICES OF NC, LLC, AS OWNER OF THE PROPERTY) FOR A RENEWABLE NATURAL GAS FACILITY ON 132 ACRES LOCATED ON HWY. 158 (TAX MAP AND PARCEL A97-18) IN THE RC (RURAL CONSERVATION) ZONING DISTRICT:

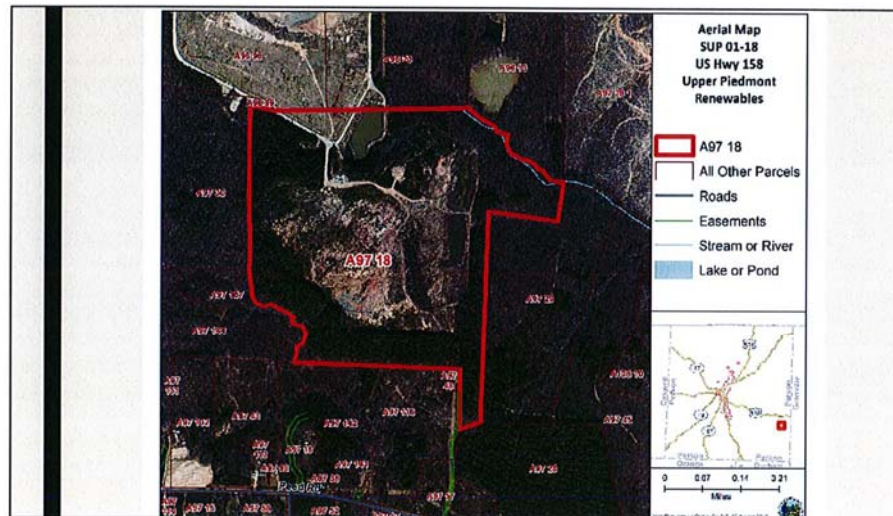
A **motion** was made by Vice Chairman Powell and **carried 5-0** to open the duly advertised public hearing for a Special Use Permit Request by Upper Piedmont Renewables, LLC (Republic Services of NC, LLC, as owner of the property) for a renewable natural gas facility on 132 acres located on Hwy. 158 (Tax Map and Parcel A97-18) in the RC (Rural Conservation) Zoning District.

The public hearing set to hear a Special Use Permit Request by Upper Piedmont Renewables, LLC (Republic Services of NC, LLC, as owner of the property) for a renewable natural gas facility on 132 acres located on Hwy. 158 (Tax Map and Parcel A97-18) in the RC (Rural Conservation) Zoning District required a quasi-judicial zoning decision whereby witnesses are to be sworn in and subject to cross examination, no ex parte communication and requires findings of fact. Chairman Kendrick administered the Oath of Sworn Testimony to the following individuals who would offer testimony during the public hearing: Lori Oakley and Caroline Darnell.

Planning Director, Lori Oakley shared the following presentation and stated all zoning ordinances and state statutes have been met for this public hearing.

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SUP-01-18 - A special use permit request by Upper Piedmont Renewables, LLC (Republic Services of North Carolina, LLC, as owner of the property, has agreed to the special use permit application) for a renewable natural gas facility on 132 acres located on Hwy. 158 (Tax Map & Parcel A97-18) in the RC (Rural Conservation) Zoning District.



The applicant, Upper Piedmont Renewables, LLC is requesting to convert the existing landfill gas that is produced onsite to renewable natural gas. Currently, the subject property contains a portion of borrow pit #1 of the Upper Piedmont Environmental Landfill and is wooded around the perimeter of the site.

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To the West – Undeveloped land that is part of the Upper Piedmont Environmental Landfill and woodlands zoned RC (Rural Conservation). To the North – Remainder of the Upper Piedmont Environmental Landfill and a single-family dwelling zoned RC (Rural Conservation). To the East – Woodlands zoned RC (Rural Conservation). To the South – Woodlands and a storage building zoned RC (Rural Conservation).

10/22/2018

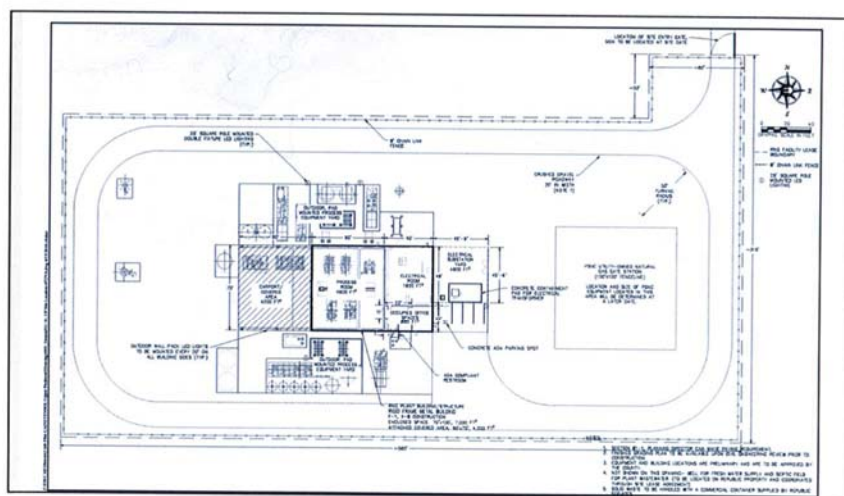
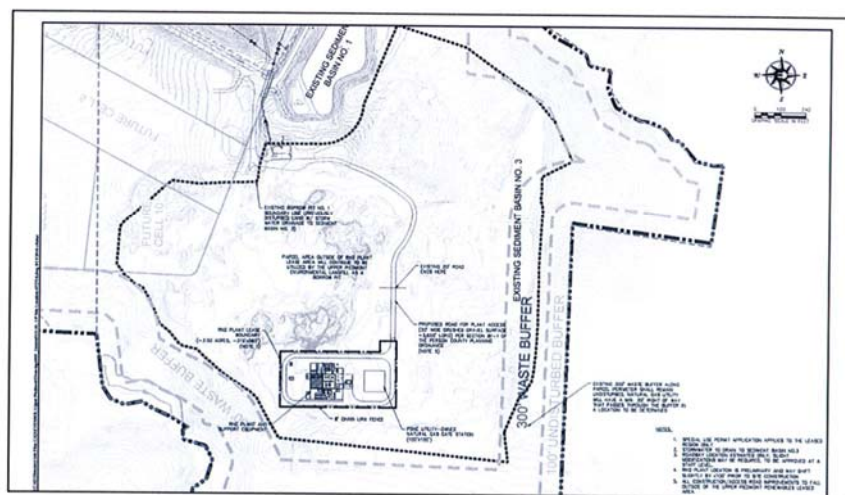


SITE HISTORY

- On May 22, 1995, the Person County Board of Commissioners approved a special use permit for the operation of Subtitle D landfill on 479.69 acres. The Board approved several conditions with the special use permit including the requirement that the existing vegetative buffers, as designated on the site plan, are to be maintained around the perimeter of the site. Additional trees were also to be planted during the first planting season.
- On February 7, 2000, the Person County Board of Commissioners approved an additional 39.1 acres for the landfill.
- Landfill gas is a natural byproduct of the decomposition of material in landfills. The Upper Piedmont Environmental Landfill currently has a gas collection system in place and is burning off the gases using a flare. The proposed use will reduce CH₄ (methane) gas emission by converting landfill gas, that is currently collected by Republic Services, to renewable natural gas.

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Ms. Oakley stated the applicant, Upper Piedmont Renewables, LLC, is leasing approximately 3.5 acres out of 132 acres for the proposed use. The property currently contains a dense 300' wide vegetative buffer around the perimeter of the site. Those buffers will remain except for a small 20' wide utility encroachment that will be needed to transport the natural gas off-site. The site will have a 20' wide gravel access road to it along with four parking spaces. The following slides depict the 3.5 acre leased area and the four parking spaces. The proposed use includes a 7,000 square foot building, outdoor equipment yards to the north and south, an electrical substation yard and a 10,000 square foot area for PSNC equipment. A four-inch PSNC pipeline will carry the gas off site. An 8' tall chain link fence will surround the 3.5 acre leased area. The existing landfill site is currently being served by a well and septic tank. The proposed addition will also be served by a well and septic system; they have already been in contact with the Environmental Health Department. The site will meet the regulations for the Tar Pamlico watershed in which it is located.



COMPREHENSIVE PLAN

The Person County Land use Plan identifies the proposed site as Rural Residential. Rural Residential is defined as:

- Low-density residential (single site-built and manufactured homes); agriculture, forestry, churches; very limited commercial, office, or public/institutional uses meeting locational criteria. Most of the land within protected water supply watersheds should be placed in this category. Locational criteria for non-residential uses within this land use category would include frontage and access to a major State highway or secondary road, proximity to similar uses and spatial separation from non-compatible uses such as existing residential development. Land uses within this category would be expected to develop without public sewer, i.e., with private septic tank systems.

Appendix O of the Land Use Plan lists goals and objectives for the county including the following:

- 2.1 – Promote continued economic investment through retention and expansion of existing industrial concerns and the recruitment of new industries and commercial businesses.

PLANNING STAFF ANALYSIS

The property is zoned RC (Rural Conservation) and it currently contains a portion of borrow pit #1 of the Upper Piedmont Environmental Landfill. The applicant, Upper Piedmont Renewables, LLC, is leasing approximately 3.5 acres out of 132 acres for the proposed use.

The applicant is requesting to convert the existing landfill gas that is produced on-site to renewable natural gas. The proposed use includes a 7,000 square foot building, outdoor equipment yards, an electrical substation yard and a 10,000 square foot area for PSNC equipment. The existing buffers around the perimeter of the site shall remain, except for a small utility encroachment, and the site will have a 20' wide gravel access road to it along with 4 parking spaces.

Planning staff recommends that if the Board approves the request, the following conditions be placed on the Special Use Permit:

- The applicant is to obtain all permits necessary from the Person County Planning and Zoning Department, Building Inspections Department, Environmental Health Department and also obtain any permits required from the State of North Carolina.

PLANNING BOARD RECOMMENDATION

At the Planning Board meeting on Sept. 27, 2018, the board voted unanimously (5-0) to recommend approval of SUP-01-18 to include staff's recommended condition.

FINDINGS OF FACT

The Board needs to address the four Findings of Fact and whether this proposal is in keeping with the Person County Comprehensive Plan.

The Board shall issue a special use permit if it has evaluated an application and determined:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
2. That the use meets all of the required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;
4. That the location and character of the use of developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan.

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There were no individuals appearing before the Board to speak in favor of or in opposition to the Special Use Permit Request by Upper Piedmont Renewables, LLC (Republic Services of NC, LLC, as owner of the property) for a renewable natural gas facility on 132 acres located on Hwy. 158 (Tax Map and Parcel A97-18) in the RC (Rural Conservation) Zoning District.

A **motion** was made by Vice Chairman Powell and **carried 5-0** to close the public hearing for a Special Use Permit Request by Upper Piedmont Renewables, LLC (Republic Services of NC, LLC, as owner of the property) for a renewable natural gas facility on 132 acres located on Hwy. 158 (Tax Map and Parcel A97-18) in the RC (Rural Conservation) Zoning District.

CONSIDERATION TO GRANT OR DENY REQUEST BY UPPER PIEDMONT RENEWABLES, LLC (REPUBLIC SERVICES OF NC, LLC, AS OWNER OF THE PROPERTY) FOR A SPECIAL USE PERMIT FOR A RENEWABLE NATURAL GAS FACILITY, ON 132 ACRES LOCATED ON HWY. 158:

A **motion** was made by Commissioner Puryear and **carried 5-0** to approve the Special Use Permit by Upper Piedmont Renewables, LLC (Republic Services of NC, LLC, as owner of the property) for a renewable natural gas facility on 132 acres located on Hwy. 158 (Tax Map and Parcel A97-18) in the RC (Rural Conservation) Zoning District with the following conditions noting the request was in keeping with the Person County Comprehensive Plan:

- The applicant is to obtain all permits necessary from the Person County Planning and Zoning Department, Building Inspections Department, Environmental Health Department and obtain any permits required from the State of North Carolina.

Commissioner Clayton said the state of NC passed a law that takes Person County out of the landfill deal. He said the county had an opportunity to partner with Granville County but when the legislature passed the bill that took the county out of it. He added he has opposed the landfill all the way down the line however, he stated support to capture the methane gas and re-use it if possible and not to burn in the atmosphere.

PUBLIC HEARING:

SUP-03-18: SPECIAL USE PERMIT REQUEST BY MIKE BIENIEK, ON BEHALF OF NEIL HUMPHRIES, FOR A CELLULAR TOWER ON 127.8 ACRES LOCATED OFF ALLENSVILLE RD (TAX MAP & PARCEL 86-1) IN THE R (RESIDENTIAL) ZONING DISTRICT:

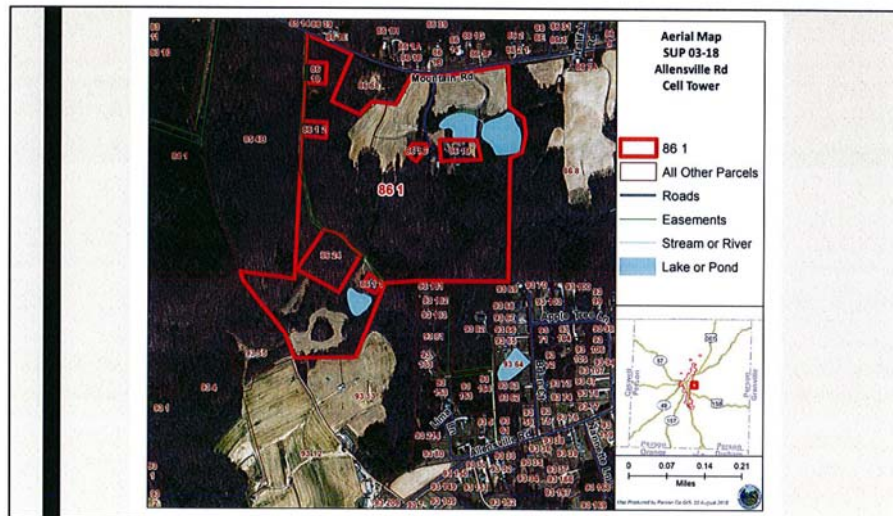
A **motion** was made by Commissioner Jeffers and **carried 5-0** to open the duly advertised public hearing for a Special Use Permit Request by Mike Bieniek, on behalf of Neil Humphries, for a cellular tower on 127.8 acres located off Allensville Rd (Tax Map & Parcel 86-1) in the R (Residential) Zoning District.

The public hearing set to hear a Special Use Permit Request by Mike Bieniek, on behalf of Neil Humphries, for a cellular tower on 127.8 acres located off Allensville Rd (Tax Map & Parcel 86-1) in the R (Residential) Zoning District required a quasi-judicial zoning decision whereby witnesses are to be sworn in and subject to cross examination, no ex parte communication and requires findings of fact. Chairman Kendrick administered the Oath of Sworn Testimony to the following individuals who would offer testimony during the public hearing: Lori Oakley, Caroline Darnell, Mike Bieniek and Nick Tosco.

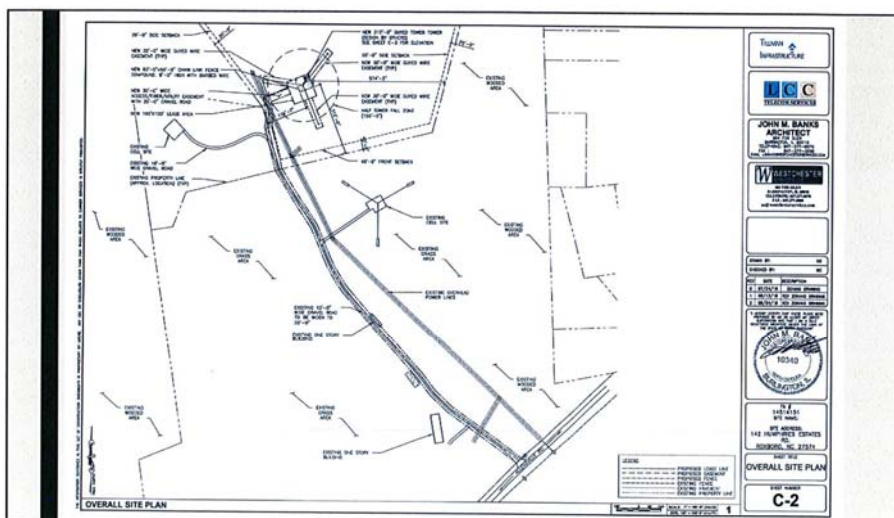
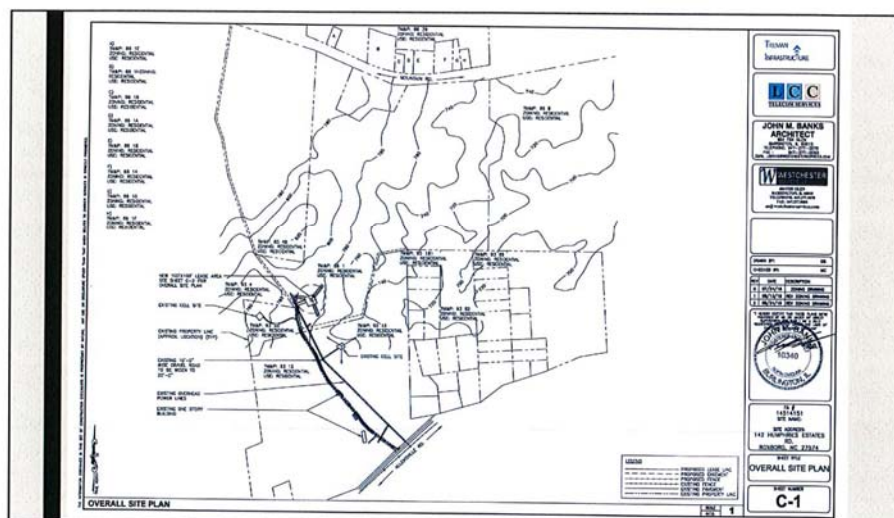
Planning Director, Lori Oakley introduced Planner, Caroline Darnell and said Ms. Darnell would be presenting the Special Use Permit Request by Mike Bieniek, on behalf of Neil Humphries, for a cellular tower on 127.8 acres located off Allensville Rd (Tax Map & Parcel 86-1) in the R (Residential) Zoning District.

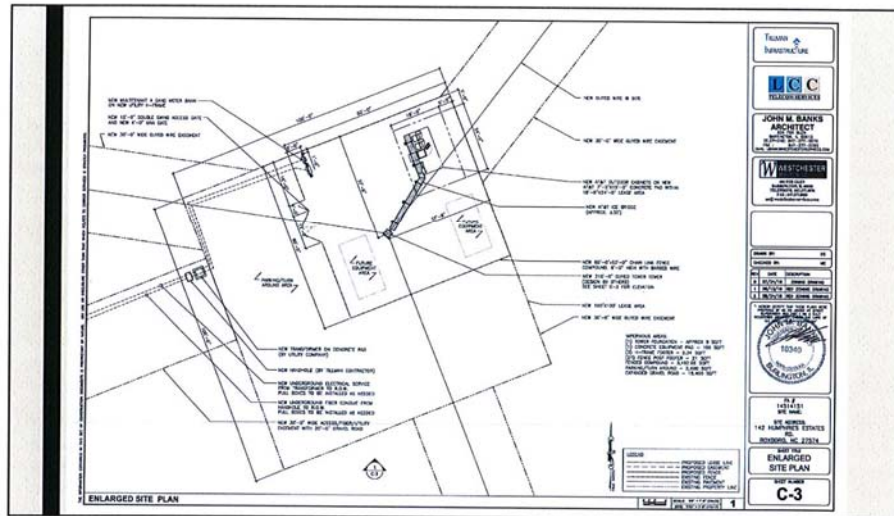
Ms. Darnell shared the following presentation and stated all zoning ordinances and state statutes have been met for this public hearing.

SUP-03-18 - A special use permit request by Mike Bieniek, on behalf of Neil Humphries, for a 310' tall cellular tower on 127.8 acres located off of Allensville Rd (Tax Map & Parcel 86-1) in the R (Residential) Zoning District.



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Land Use/Site Plan

- Note 9 to the *Table of Permitted Uses* in Appendix C of the Zoning Ordinance details specific setback requirements for Radio, Telephone and TV Transmitting Towers including:

"Setbacks for Radio, Telephone and TV Transmitting Towers will be equal to the height of the tower unless the fall-zone is certified to be less than the height of the tower.

Lattice towers, or self-supporting towers, with a triangular base tapered to the top and engineered with break-points may be setback a distance $\frac{1}{2}$ their height."

- The proposed tower is set 176' from the western property line and 312' from the southern property line. A professional engineer has certified that the fall-zone for this tower is 155' from the tower centerline.
- The proposed plan includes a 100' x 100' leased area that includes a chain link fence compound with 6' high barbed wire.

Land Use/Site Plan

- The applicant has requested to install a gravel drive, turnaround area, and parking (per Section 81-1).
- The applicant plans on constructing a 20' wide gravel access drive from the existing 10' gravel road accessed from Allensville Rd.
- The property is in the Roanoke Watershed and is not subject to restrictions.
- The property does not lie within the 100-year special flood hazard area according to the FEMA map.

COMPREHENSIVE PLAN

The Person County Land use Plan identifies the proposed site as Suburban Residential. Suburban Residential is defined as:

- Residential land uses including subdivisions and manufactured home parks at densities of 1-3 dwelling units per acre; commercial, office, industrial, public/institutional uses meeting locational criteria. Locational criteria for nonresidential uses within this land use category would include frontage and access to a major State highway or secondary road, proximity to similar uses and spatial separation from non-compatible uses such as existing residential development. Land uses within this category could develop with or without public sewer.

Appendix O of the Land Use Plan lists goals and objectives for the county including the following:

- 2.0 - Provide a strong local planning environment that supports and enhances the economic growth potential of Person County.
- 2.1 - Promote continued economic investment through retention and expansion of existing industrial concerns and the recruitment of new industries and commercial businesses.

N.C.G.A Statute 153A-349.51A

- *A county may plan for and regulate the siting or modification of wireless support structures and wireless facilities in accordance with land development regulations and in conformity with this Part. Except as expressly stated, nothing in this Part shall limit a county from regulating applications to construct, modify, or maintain wireless support structures, or construct, modify, maintain, or collocate wireless facilities on a wireless support structure based on consideration of land use, public safety, and zoning considerations, including aesthetics, landscaping, structural design, setbacks, and fall zones, or State and local building code requirements, consistent with the provisions of federal law provided in G.S. 153A-349.50. For purposes of this Part, public safety includes, without limitation, federal, State, and local safety regulations but does not include requirements relating to radio frequency emissions of wireless facilities. (2013-185, s. 2.)*

PLANNING STAFF ANALYSIS

Planning staff recommends that if the Board approves the request, the following conditions be placed on the Special Use Permit:

- The applicant is to obtain all permits necessary from the GIS, Environmental Health/Public Works, Planning and Zoning Department, and Building Inspections Department.

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PLANNING BOARD RECOMMENDATION

At the Planning Board meeting on Sept. 27, 2018, the board voted unanimously (5-0) to recommend approval of SUP-04-18 to include staff's recommended conditions.

FINDINGS OF FACT

The Board needs to address the four Findings of Fact and whether this proposal is in keeping with the Person County Comprehensive Plan.

The Board shall issue a special use permit if it has evaluated an application and determined:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
2. That the use meets all of the required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;
4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan.

Chairman Kendrick asked if the County had, in the past, determined the engineering of the cell towers were designed to fall basically down rather than out and have a limited fall zone to which Ms. Darnell said the fall zone was set to one-half the distance of the tower and if anything other than that would require a certified engineer letter.

Assistant County Manager, Sybil Tate said engineering could be even less than that. Chairman Kendrick said he couldn't remember the specifics of the fall zone.

Speaking in favor of the Special Use Permit Request by Mike Bieniek, on behalf of Neil Humphries, for a cellular tower on 127.8 acres located off Allensville Rd (Tax Map & Parcel 86-1) in the R (Residential) Zoning District was the following:

Mr. Mike Bieniek of 10700 W. Higgins, Suite 240. Rosemont, IL, and the applicant on behalf of Neil Humphries. Mr. Bieniek said he was with a company called LCC Telecom Services representing Tillman Infrastructure. As stated by staff, Mr. Bieniek proposed to erect a 310' guide-wire tower to be located on this property along with a 100' x 100' leased compound that would include the equipment for the carrier to be located on this tower. Basically as seen on the site plan, the location is at the south portion of Mr. Humphries' property and was proposing an access easement off of Allensville Road that would access the tower that is a 20 ft. wide access easement that would include the power and teleco to go up to the tower. Mr. Bieniek said it would also include a 12 ft. gravel access road. He added that basically they are proposing to erect a tower that is close to another existing tower; all codes are met for the County Ordinance in regard to placement of towers and a permitted use based on the special use permit meeting all criteria for a proposed tower at this location. Mr. Bieniek stated he was available to answer any questions and requested to rebut any comments that are going to be made by American Tower, speaking in opposition, to which the Board agreed. There were no questions by the Board at this time.

Speaking in opposition to Special Use Permit Request by Mike Bieniek, on behalf of Neil Humphries, for a cellular tower on 127.8 acres located off Allensville Rd (Tax Map & Parcel 86-1) in the R (Residential) Zoning District was the following:

Mr. Nick Tosco of 301 S. College Street, Charlotte, NC, and an attorney with Poyner Spruill LLP and a member of the Mecklenburg Bar. Mr. Tosco stated he was appearing before the Board on behalf of American Tower Corporation. With him, also present in the audience were American Tower Corporation representatives, the Vice President of State and Local Affairs, Liz Hill, as well as the Sales and Account Manager for NC and SC, Mark Landers. Mr. Tosco said that American Tower Corporation does own and operate a wireless telecommunication tower, as the Board heard, and related facilities that are located on the facilities that immediately abuts or adjoins the property in question. He added that American Tower Corporation is leasing that space from the property owner, Mr. Stone. Mr. Tosco stated the American Tower Corporation was built in 1998 specifically for AT&T and it is located just 633 ft. away from the proposed cell tower was to be built. Mr. Tosco requested the Board to deny the special use permit because the applicant has failed to meet their burden under NC law for a showing by a competence of substantial evidence that the standards in the County Ordinance have been met. Mr. Tosco presented the Board with a folder of information. Mr. Tosco said the folder included a memorandum regarding failure to meet burden of showing entitlement for a

Special Use Permit and reminded the Board as Mr. Aycock presented to the Board, there is a requirement for any applicant for a special use permit to show by competent material or substantial evidence for each of the County's standards in the special use permit section of the Ordinance. Mr. Tosco opined that the Board did not hear that but instead heard vague comments about how this meets the standards or the code by the applicant. Mr. Tosco urged the Board to deny the special use permit because there are still, in his opinion, a lot of questions or concerns that remain unanswered and unresolved. First, most importantly, Mr. Tosco asked why was the tower being built; he said there were two cell towers located within close proximity to the proposed tower. Mr. Tosco said there was a U.S. Cellular tower that is located just west/southwest of the proposed site and there is the American Tower Corporation tower located to the south. Mr. Tosco provided some background, the tower that currently exists for American Tower is housing AT&T currently; they are a tenant of the American Tower Corporation's tower that was built specifically for them in 1998. Also in the folder of information were coverage maps: the first coverage map is from AT&T and the second coverage map is from American Tower Corporation's own engineers which show complete coverage noting it was more than adequate, it's comprehensive. Mr. Tosco said there was absolutely zero need for this tower. Additional information included in the folder was a structural evaluation that is signed and sealed by American Tower Corporation's engineer which shows that this tower is structurally sound and able to handle all to all of AT&T's capacity needs so there is no argument to be made that this tower that AT&T is currently on cannot handle the load or that there would be capacity issues; that just does not exist. Mr. Tosco stated that approving this type of use, a special use, is not a good land use decision for this community. Mr. Tosco said the County's Ordinance does not have any removal language in it so he pointed out that if this tower is approved and constructed there is no going back. He added that if the Board decides this is not good for the community or AT&T decides not to move their facilities over to a new tower, then the tower is going to be there and there's nothing the attorney can do to remove it from the site. Another question or concern raised by Mr. Tosco related to the County Ordinance standard for substantial injury to property value to abutting or adjoining property noting the applicant has failed to provide any competent material or substantial evidence to show this standard of the ordinance has been met. In fact, Mr. Tosco argued that there is going to be substantial injury of value to adjoining or abutting property. Specifically, as mentioned, American Tower Corporation has a lease hold interest in the abutting property and that would be substantial injury because a major wireless carrier tenant, AT&T would terminate their lease with American Tower and move their equipment to the new tower, just feet away which would be a devaluation of property interest that American Tower holds in the abutting or adjoining property. Mr. Tosco said he knows that this will happen as it has happened all over the country, including in North Carolina. Mr. Tosco noted that included in the folder were photographs where the same applicant, Tillman Infrastructure, will do this all across the country; they come in and build unnecessary and useless towers just for a business leverage decision to try to get AT&T or somebody to jump ship. Mr. Tosco opined that it was unnecessary and a bad decision and it is happening in Lenoir County as shown on one of the exhibits with two towers being built right next to each other because of a business dispute. Mr. Tosco said the third

question/concern was whether or not this is a good thing for the community and the abutting property where they sit. He said the applicant is required to prove that this third cell tower would be in harmony with the area and would conform to the County's Comprehensive Plan. Mr. Tosco contended that it was not in harmony or in conformance with the Comprehensive Plan to add a third tower just hundreds of feet away from two existing towers. Mr. Tosco said this was a residential community and it has two special use towers already that have been around since the 1990s and adding a third tower would be inharmonious. If this special use permit is granted, Mr. Tosco said this would open the flood gates for redundant and unnecessary cell towers being constructed every time that a business operation wants to create some leverage. Additionally, the standard in the County Ordinance provides that it has to be in conformance with the Comprehensive Plan which shows this area as residential to which he said it does not meet the goals and objectives of Appendix O that was put up on the screen earlier related to economic growth and investment because there is not evidence that this cell tower will create any real new jobs or significantly add to the tax base. Mr. Tosco stated that both the U.S. Cellular tower and the American Tower Corporation tower were constructed prior to the County's Comprehensive Plan being adopted in 2001 and since then, the Comprehensive Plan has viewed this area to be used as something not for a cell tower. For all these reasons, Mr. Tosco respectfully requested the Board to deny the special use permit. For the record, Mr. Tosco submitted an Affidavit of Elizabeth Hill, who was present in the audience, in the case any members of the Board need to hear from her. Mr. Tosco said the sworn affidavit provides evidence of American Tower Corporation's property interest in the abutting or adjoining property. Mr. Tosco stated his availability to answer any questions.

Commissioner Jeffers asked Mr. Tosco what was the height of the American Tower Corporation tower to which he replied 280' and was corrected by Ms. Hill to say it was 300'. Commissioner Jeffers asked Mr. Tosco if his argument was that it did not meet Section 74.1 of the County Ordinance as far as the value of the adjoining property based on their leased property to which Mr. Tosco stated that was correct, and in addition, the lack of conformance of the Comprehensive Plan, and the lack of harmony with the area because the American Tower Corporation tower was there prior to the Comprehensive Plan was adopted and before the area changed. Commissioner Jeffers asked Mr. Tosco about the photographs of the towers in Texas and their location close to each other to which Mr. Tosco said they were all located within a mile or so of each other. Commissioner Jeffers asked if it was allowed or if someone argued, and were removed referencing case law of the City of Asheville to which Mr. Tosco said his understanding was that they were not removed noting this is something that has started to pick up recently and American Tower Corporation has decided they wanted to contest on the front end rather than contesting on the back end in litigation. Commissioner Jeffers asked Mr. Tosco if AT&T the only provider that is located on the American Tower Corporation's tower to which he responded no; he said they have Verizon and Sprint.

Commissioner Clayton asked Mr. Tosco if it was a competition between the tower companies or a competition between the locators on the towers noting he thought he understood that it is the tower companies; the tower they are going to build and equipment transferred over there with a deal worked out with Verizon, Sprint, U.S. Cellular to move off the American Tower to the new tower. Mr. Tosco said he was not presenting any evidence about the business dispute that may or may not be going on between the parties. Mr. Tosco stated it was the case, which he believed it was not a good business or land use decision for the community or for the Board to be getting in between business of two carriers. Commissioner Clayton stated he has been on the Board for a long time as he saw towers when people were scared to death; he said he didn't get the light pole deal when people didn't want a light pole in the yard because it didn't look good so they didn't get electricity however he did get the tower deal where they didn't like the towers but now everybody has a cell phone, and other things, and to get the best service, most of the time you will get public support for it. Commissioner Clayton said he wish there was tower being located in an area toward the landfill; they would love it. Commissioner Clayton said he was a proponent of allowing as much access to cellular service or tower service as can get in this county. He said the attorney could give a legal opinion, but if they meet the ordinance to locate this tower here, just because one happens to be close to the other one is not an issue for the Board to handle. Commissioner Clayton said American Tower Corporation may have a bigger issue there that is past the Board but if they meet the county's ordinance.

Commissioner Jeffers asked Mr. Tosco why would the new tower have an impact on property value and the American Tower Corporation tower did not. Mr. Tosco said they were arguing that it has an impact against their leased property holdings; they were not standing before the Board saying that all cell towers would injure property values regardless of where they are located. He said this was about a devaluation because at some point, where does it stop, are four or five towers in harmony, is it going to injury adjoining property values if there was a continuation of these cell towers that are unnecessary to be built. Mr. Tosco went back to Commissioner Clayton's point to address that Mr. Aycock would tell the Board the same thing, there's two things here, there's meeting the conditions and the technical requirements of the code to which they do not contest which may or may not exist and may meet the specific technical requirements of the code, but then there is the special use standards, the four standards, and he believed those are very much not met in this situation. Mr. Tosco said they are not saying they meet all the standards of the ordinance and so therefore, this is just a policy decision. Mr. Tosco said they have not presented any evidence as required to do in NC law to show those four standards have been met, and he thinks that two of them are definitely not met.

Chairman Kendrick asked Ms. Oakley about Mr. Tosco making a direct rebuttal to Section 74-1, at least two of those findings of fact, and if they have findings of fact associated with #3 and #4. Ms. Oakley stated yes, he was talking about #3 and #4 noting the applicant, as part of their application had to answer how they met those four findings so she referred the Board back to their application where they have addressed those four

findings. Chairman Kendrick asked if the Planning Board had agreed with those findings to which Ms. Oakley replied affirmatively. Mr. Tosco asked the Chairman to look at the application as they simply said they met the standard; there was zero evidence in any of those application submittals.

Chairman Kendrick asked if there were any further questions; hearing none he asked for a motion to close the public hearing to which Vice Chairman Powell made the motion, however prior to the vote, Commissioner Clayton reminded that the Board agreed to allow the applicant to rebut. Chairman Kendrick asked Mr. Bieniek if he would like to provide further facts in rebuttal to which he replied affirmatively.

Mr. Bieniek stated that going through the list, it says the tower was built in 1998 for AT&T; he did not know that was fact but the fact of the matter was that AT&T is on that tower and AT&T is proposing to go to the Tillman Tower as a result of the tower being built. It was stated that Tillman is building a tower to randomly poach carriers off the other tower to which Mr. Bieniek said that is incorrect. Mr. Bieniek said that Tillman was hired by AT&T to build a tower in this area and the reason for it is the lease rate that ATC is charging throughout the country is higher than Tillman would charge the carrier. As such, competition is a good thing; he said McDonalds builds near Burger King, Wendy's, etc.; they are all building close to one another to compete with one another. Mr. Bieniek said that Tillman has the right to compete with American Tower. Mr. Bieniek noted as he stated, the tower is not coming down, there are other carriers on that tower so there's no real devaluation other than the fact they are losing one carrier. Chairman Kendrick warned Mr. Bieniek as he was getting close to an opinion as it could be a devaluation. Mr. Bieniek said his point was that they are losing one carrier but will have other carriers staying on there. Mr. Bieniek said the tower was being built for AT&T. Mr. Bieniek said it was also stated that the change in propagation as well as the structural analysis are both true statements on their part; the tower is not being built because of the structural integrity of the tower or different coverage, but as mentioned, they are building because there would be a significantly lower lease rate. Mr. Bieniek said a lower lease rate for one tower, but factoring in all the towers throughout the country where they are doing this, it is a very significant difference. Mr. Bieniek said if you take for example, they are saving \$500 per month, that \$500 a month, \$6,000 a year over a 30-year life-span, that is very significant for one tower and if you multiply that by 1000's of towers throughout the country, very, very significant amounts of money. Mr. Bieniek said in order for the carriers to be competitive and lower contracts for our phones, they have to be competitive. As far as the findings of fact, Mr. Bieniek stated he provided answers to those, and if the Board would like more specifics to those, he could provide such. Chairman Kendrick asked the Board if anyone wanted more specifics to which no one said they did. Chairman Kendrick asked if there were any questions on the rebuttal to which there were none.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to close the public hearing for a Special Use Permit Request by Mike Bieniek, on behalf of Neil Humphries, for a cellular tower on 127.8 acres located off Allensville Rd (Tax Map & Parcel 86-1) in the R (Residential) Zoning District.

CONSIDERATION TO GRANT OR DENY REQUEST BY MIKE BIENIEK, ON BEHALF OF NEIL HUMPHRIES, FOR A SPECIAL USE PERMIT FOR A CELLULAR TOWER ON 127.8 ACRES LOCATED OFF ALLENSVILLE RD:

A **motion** was made by Vice Chairman Powell and **carried 5-0** to approve a Special Use Permit Request by Mike Bieniek, on behalf of Neil Humphries, for a cellular tower on 127.8 acres located off Allensville Rd (Tax Map & Parcel 86-1) in the R (Residential) Zoning District with the following conditions noting the request was in keeping with the Person County Comprehensive Plan:

- The applicant is to obtain all permits necessary from the GIS, Environmental Health/Public Works, Planning and Zoning Department, and Building Inspections Department.

PUBLIC HEARING:

SUP-02-18: SPECIAL USE PERMIT REQUEST BY JOE BERRYHILL, ON BEHALF OF B&B COUNTRY INN, LLC FOR A RECREATIONAL VEHICLE PARK ON 26.5 ACRES LOCATED ON BOSTON RD (TAX MAP & PARCEL A58-74) IN THE RC (RURAL CONSERVATION) ZONING DISTRICT:

A **motion** was made by Vice Chairman Powell and **carried 5-0** to open the duly advertised public hearing for Special Use Permit Request by Joe Berryhill, on behalf of B&B Country Inn, LLC for a Recreational Vehicle Park on 26.5 acres located on Boston Rd (Tax Map & Parcel A58-74) in the RC (Rural Conservation) Zoning District.

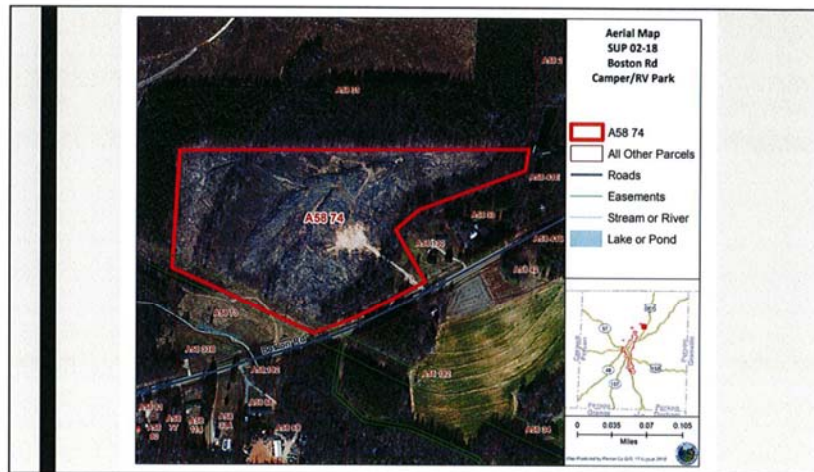
The public hearing set to hear a Special Use Permit Request by Joe Berryhill, on behalf of B&B Country Inn, LLC for a Recreational Vehicle Park on 26.5 acres located on Boston Rd (Tax Map & Parcel A58-74) in the RC (Rural Conservation) Zoning District required a quasi-judicial zoning decision whereby witnesses are to be sworn in and subject to cross examination, no ex parte communication and requires findings of fact. Chairman Kendrick administered the Oath of Sworn Testimony to the following individuals who would offer testimony during the public hearing: Lori Oakley, Caroline Darnell, Joe Berryhill, Randall Thompson, Wayne Ross, Matt Hastings, Emily Tingen, Timothy McElroy and Christy Puett.

Planning Director, Lori Oakley introduced Planner, Caroline Darnell and said Ms. Darnell would be presenting the Special Use Permit Request by Joe Berryhill, on behalf of B&B Country Inn, LLC for a Recreational Vehicle Park on 26.5 acres located on Boston Rd (Tax Map & Parcel A58-74) in the RC (Rural Conservation) Zoning District.

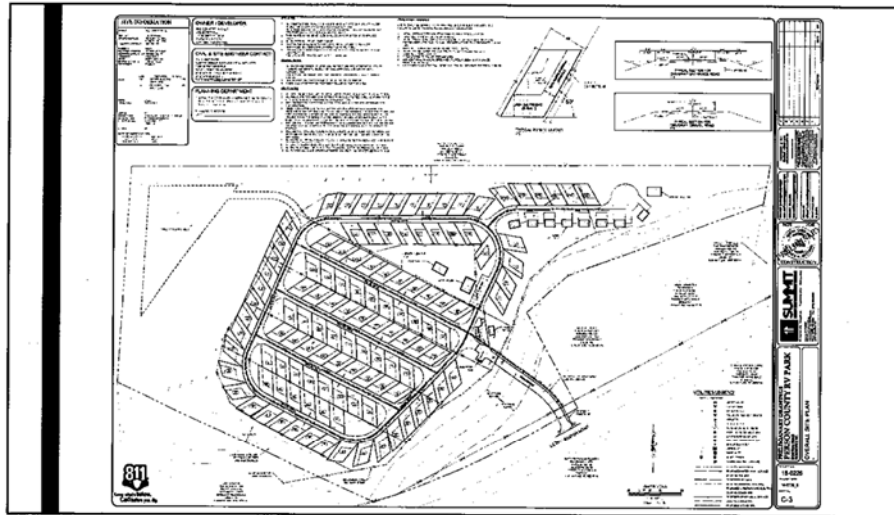
Ms. Darnell shared the following presentation and stated all zoning ordinances and state statutes have been met for this public hearing.

10/22/2018

SUP-02-18 - A special use permit request by Joe Berryhill, on behalf of B&B Country Inn, LLC for a Recreational Vehicle Park on 26.5 acres located on Boston Rd (Tax Map & Parcel A58-74) in the RC (Rural Conservation) Zoning District.



October 22, 2018



Land Use/Site Plan

- The applicant is requesting to install 117 RV sites and 8 cabins in a phased development sequence. The site will also have a trailer storage area, a bathhouse and two picnic shelters.
- The applicant plans to use City water and sewer to serve this site. The City of Roxboro has not approved the site yet, but approval would be required prior to obtaining a zoning permit.
- The applicant has requested to install a gravel drive and parking lot under Section 81-1 of the Zoning Ordinance. A portion of the drive and four parking spaces at the Park Office will be paved. Each cabin and RV site will have its own parking, with fourteen additional parking spots (10 at the bath house and 4 at the office).
- There is a 50' buffer around the site and a 50' vegetative buffer along the perennial stream per Section 30-8(a) of the Person County Planning Ordinance.
- The property is located within the Roanoke Watershed and is not subject to restrictions.
- The property does not lie within the 100-year special flood hazard area according to the FEMA map.

Land Use/Site Plan

Section 74-1B of the Planning Ordinance states the following requirements for Camper/RV parks:

In addition to requirements listed in Section 74-1 A, a Special Use Permit site plan for a camper/recreational vehicle park must show compliance with the following in addition to meeting the requirements of Section 81 (Site Plan Requirements):

- 1. A minimum lot size of two acres is required.
- 2. Density to be 2500 square feet for each tent or trailer space.
- 3. A minimum undisturbed fifty foot buffer from all property lines.
- 4. Each campsite shall contain a stabilized parking pad of either pavement or gravel and one off-street parking space.
- 5. A sanitary source of drinking water shall be not more than 200 feet, toilet facilities not more than 400 feet and wash houses not more than 1500 feet from any tent or trailer space. This provision shall not apply where community water and sewer connections are provided to trailers having self-contained kitchens and bathroom facilities. (Added 8/2/2010)

COMPREHENSIVE PLAN

The Person County Land use Plan identifies the proposed site as Suburban Residential. Suburban Residential is defined as:

- Residential land uses including subdivisions and manufactured home parks at densities of 1-3 dwelling units per acre; commercial, office, industrial, public/institutional uses meeting locational criteria. Locational criteria for nonresidential uses within this land use category would include frontage and access to a major State highway or secondary road, proximity to similar uses and spatial separation from non-compatible uses such as existing residential development. Land uses within this category could develop with or without public sewer.

Appendix O of the Land Use Plan lists goals and objectives for the county including the following:

- 6.1.4 - Coordinate with other public and private agencies to provide lands, facilities and programs for the enrichment of leisure activities for the citizens of Person County.
- 6.7 - Encourage private enterprise development of recreational facilities.

PLANNING STAFF ANALYSIS

- The property is zoned RC (Rural Conservation) and the *Table of Permitted Uses* in Appendix C of the Zoning Ordinance lists "Camper/Recreational Park" as a special use in the RC (Rural Conservation Zoning District).
- The site plan includes a paved entry drive and parking area near the office, with all other drives and parking to be gravel, RV sites, cabins, and a trailer storage area.

Planning staff recommends that if the Board approves the request, the following conditions be placed on the Special Use Permit:

- The applicant is to obtain all permits necessary from the GIS, Environmental Health/Public Works, Planning and Zoning Department, and Building Inspections Department.

PLANNING BOARD RECOMMENDATION

At the Planning Board meeting on Sept. 27, 2018, the board voted 4-1 to recommend approval of SUP-02-18 to include staff's recommended conditions and for planning staff to discuss a security plan, including fencing, with the applicant.

FINDINGS OF FACT

The Board needs to address the four Findings of Fact and whether this proposal is in keeping with the Person County Comprehensive Plan.

The Board shall issue a special use permit if it has evaluated an application and determined:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
2. That the use meets all of the required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;
4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan.

Chairman Kendrick asked Ms. Darnell about the one Planning Board member that voted against to which she stated that member cited property value and public safety.

October 22, 2018

Speaking in favor of the Special Use Permit Request by Joe Berryhill, on behalf of B&B Country Inn, LLC for a Recreational Vehicle Park on 26.5 acres located on Boston Rd (Tax Map & Parcel A58-74) in the RC (Rural Conservation) Zoning District were the following:

Mr. Joe Berryhill of 705 Berryhill Road, Roxboro thanked the Board for considering this project. He asked the Board if there were any questions. Mr. Berryhill said he had with him, his engineer as well as an appraiser, Wayne Ross, and adjoining landowner, Randall Thompson. He stated, as seen in the notes, the park lies on a 26-acre lot and he proposes to build in three phases: the first phase will be 30-33 lots. Mr. Berryhill provided pictures of another RV Camp in Mebane that he fell in love with when they went to see it, with how well run and clean things are. Commissioner Clayton asked if the driveways are gravel. Mr. Berryhill stated the road will be paved up to the office and around the parking lot of the office with the rest of it to be graveled with compressed gravel. Commissioner Jeffers asked Mr. Berryhill if it was located toward Virginia on the right to which he said it would be on the left. Commissioner Clayton asked if a solar park was close to this property to which Mr. Berryhill stated it was about 2-miles down the road.

Mr. Randall Thompson stated he lives at 623 Long Avenue, Roxboro, and adjoining property owner to the site. Mr. Thompson said that he and his brother own the property and they have absolutely no objection to B&B establishing a RV Park there. In his opinion, Mr. Thompson stated that one has been needed desperately in the county to support people coming in doing work at the power plants and other projects that are ongoing in the county. They have had a very tough time finding places. Mr. Thompson stated his personal experience with these people that come in is that they are perfect fine; his experience has been without problems and these people work hard. The units are probably \$50,000, \$60,000, \$70,000 units and his personal experience with people that use these are construction workers. Mr. Thompson said he understood at the Planning Board public hearing, there were concerns but these people are good people and they work hard and all they want to do is make a living. Mr. Thompson stated his brother and his property adjoins to the east and is 6.23 acres. As far as location, it is right in front of D&J Upholstery, right in there. Mr. Thompson thanked the Board for its time.

Mr. Wayne Ross of 214 S. Main Street, Roxboro, and a real estate appraiser stated he was neither in favor of or opposed to the project. He said he was not appearing before the Board to speak in favor of the RV Park or against the RV Park. Mr. Ross said he was requested by Mr. Berryhill to see if this would impact home values, property values in the area. Mr. Ross said the only way to do that is through peer sales analysis and to look at the history of sales prior to the existence of such a park or what happens to properties after the existence of a park. Mr. Ross stated Mr. Gary Jones built Jones RV Park and he worked with Mr. Jones some when he was developing that park. Mr. Ross said he looked at sales before and after the construction of the Jones RV Park, which is the park that they are patterning their park after, to see if there were any measureable difference between sales prices before and after. Mr. Ross said he looked very recently too, in the last three to four

years, if there were any sales. Mr. Ross said he wouldn't bore the Board with statistics very much but he looked at sales within one-mile of the Jones Park before construction and looked at sales since the Park was put in and up until yesterday. Mr. Ross noted that Mebane area has a different growth pattern than Person County. Mr. Ross said there were 354 residential sales in Person County during the past twelve month and Mebane has had 400 sales just in the Mebane district, but the larger number of sales speak volumes in terms what has taken place. Mr. Ross said since the Jones Park was completed in Mebane, there has been an average increase of nine percent per year for residential housing in an around that Park within a one mile radius. Mr. Ross said, in his professional opinion, there would not be any impact on value with the Park.

Mr. Matt Hastings of 1320 Seymour Drive, South Boston, VA and the engineer that drafted the plan before the Board. He said he was there to represent Mr. Berryhill. Mr. Hastings addressed the proposed phasing and displayed a revised plan on the bulletin board for viewing. Chairman Kendrick said the phasing was not a part of the finding of fact to which Mr. Hastings confirmed. Mr. Hastings said the question of phasing came up last time and was sure to come up again. Mr. Hastings stated that when they submitted and originally reviewed at the Planning Board meeting, they have since provided conditions and RV park rules along with this phased plan, as mentioned by Mr. Berryhill. Mr. Hastings said the proposed use on this site is allowed by special use permit zoning and it has public water and sewer, which is hard to find. Mr. Hastings stated 117 lots is shown which is unlikely to be built out to that many, but they did not want to go through this process again, which is why they show 117 now which is worst case scenario. Mr. Hastings said the phased plan includes, phase one, two, three and four. He asked if anyone had any questions on what they presented.

Speaking in opposition to Special Use Permit Request by Joe Berryhill, on behalf of B&B Country Inn, LLC for a Recreational Vehicle Park on 26.5 acres located on Boston Rd (Tax Map & Parcel A58-74) in the RC (Rural Conservation) Zoning District were the following:

Ms. Emily Tingen of 5189 Boston Road, Roxboro thanked the Board for the opportunity to come before the Board. For the exact location, Ms. Tingen said for those that know the 501N area, on Boston Road, past Craig Ford's, formerly known as the old drive-in, go down the hill, back up the hill and it's on the left, where just recently in the last couple of years cut off trees on the hill right before her house. She said there was a nice new house built on the right hand side, just before that on the left. Ms. Tingen said the site is very easy to see with the trees cut down where the lot is. Ms. Tingen said the community were not aware of the phasing. Ms. Tingen started with the Findings of Fact that was before the Board. She said the neighborhood can't argue and did argue at the Planning and Zoning meeting about the safety (Finding of Fact #1), with fencing, the barriers, etc. For Finding of Fact #3, injure the value of adjoining property – Ms. Tingen said she understood it did not affect other properties, but the northern part of the County is at a disadvantage, not by the lakes, not higher property values as the southern part of the

county. She asked the Board to imagine something of this magnitude in their back yard. Ms. Tingen stated she believed it would have an impact, a negative impact. She added another part of #3 is a public necessity and stated something of this magnitude is not a public necessity at all, not even close. Ms. Tingen said this was supported by one of the Planning and Zoning members that voted against this plan; she rode by the property, that week, three or four times, trying to visualize it and she said it just didn't fit aside from the safety concerns she had. Ms. Tingen argued that there are major issues with three of the four findings of fact. Ms. Tingen opined that the special use permit should actually be a commercial use zoning issue considering the potential income from this plan is over half-million dollars a year at 117 lots. Ms. Tingen said this does not seem to be a small RV camper site, noting some of county's residents have camp sites that are used to assist the shutdown workers, contract workers to make extra income for their families; that is not what this is; this is a commercial property putting money in Berryhill's pocket. Ms. Tingen asked the Board to really look at the plan, noting 117 lots on 26 acres is a parking lot. She showed how she put the picture to size in an aerial map of the 26 acres, noting it is a parking lot. Ms. Tingen understood it met the minimum guidelines but noted it was not recreational as it is planned at this time noting there are no trails, there is nowhere to fish, there is nowhere to go canoeing, nothing that is at the County's other campgrounds. Ms. Tingen said by putting a playground in the middle of it, that doesn't constitute making it recreational; a swing set can be put anywhere but that doesn't constitute a recreational title. Ms. Tingen opined the real reason for the RV Park is to assist with the shutdown contract workers but those days are coming to an end; the days of shutdown workers at the power plants are numbered with both power plants, she believed would be shut down by 2035 which sounds like a long way off but in reality it's only 17 years. She said if that wasn't the case, the need for something of this magnitude just isn't justified. Ms. Tingen said the Mayo Power Plant, when they have their shutdowns, they have an estimated 40-50 shutdown workers at one time for a few months at a time noting they just completed their shutdown. She said Hyco may have more due to their size of the power plant but she did not believe it constituted something of this size. She spoke of the campgrounds that are in the county: Hyco Lake campground has 65 camp sites on 65 acres that includes their cabins, sites, and the amphitheater and the swim area and Mayo Park, which is owned by the County, could add more sites if needed as they do not have nearly as many as Hyco does but the County could, in turn, add more sites at Mayo to take up any extra need. Ms. Tingen said both Hyco and Mayo facilities are both recreational with the trails, the amphitheaters, the water activities and other things. Ms. Tingen addressed the community need, once again noting Hyco Lake was only at capacity three times this year: Memorial Day weekend, July 4th, and the Beach Music Festival which is their big concert they do; that was the only three times Hyco campground was full so because they were full three weekends and maybe one whole week that this is a public necessity (#3 of the Finding of Facts). Ms. Tingen said #4 of the Findings of Fact related to being in harmony with the area and the general conformity; she said it will not be in harmony with the area. She noted that the Board has ridden on that road many times before the new highway was built, it just doesn't fit. Once again, she said it looks like a parking lot when you take the map and put it on the aerial view. Ms. Tingen said there was no place for shade trees, there is no place

really for anything. She argued the fact about Mebane being a booming area and not having any negative effect on their land values as Mebane is a booming area for a lot of different reasons, whether it's the interstate coming through. She said over the years, they have seen a gradual boom and the RV lots did not do that. Ms. Tingen stated that the safety and security concerns that was addressed at the Planning and Zoning meeting doesn't get overlooked if this is approved. The recommendations was for a fence around the property and paid security at a certain capacity. Ms. Tingen said these were really important and they needed to know when that is; what is that certain capacity to expect to see some type of security. Last but not least, before the plan is approved, Ms. Tingen noted that there is a 50' barrier that is not met at the corner of her property where the plan has lots 1 and 2 (she illustrated on the map hanging on the bulletin board). She added that needed to be addressed and maybe corrected before it is given final approval. She thanked the Board for their time and understanding.

Mr. Timothy McElroy of 5215 Boston Road, Roxboro thanked the Board for the opportunity to stand and talk to them. Mr. McElroy passed around the site map superimposed over the aerial view of the properties. Mr. McElroy stated he felt the entire project was kind of misrepresented to them all in the neighborhood. He said calling it a RV Park sounds kind of innocent until you learn it is actually for shutdown workers; that changed the whole makeup of what you think of it. He said a RV Park suggests a family place where children can play, where family events are held, whereas a camping site for transient workers for Duke Energy brings something else to mind. In either case, there are inherent problems to which Mr. McElroy gave the following examples: will the property be fenced, will there be giant banks of flood lights, security lights to illuminate the site which will negatively impact his property which is right in front of where they will have cabins and campers; not to mention the lighting will interfere with the night-time activities outside, such as any kind of get-togethers they have. Also, Mr. McElroy said noise pollution, trash from discarded litter, people wandering off the site, if it is not fenced. He said he has a dog that will go crazy every time something moves back there. He stated there would be partying, music, fires, ATVs, motorcycles and increased traffic on the highway out front of his house. Mr. McElroy recalled as he stated in the original meeting several weeks ago, that if he wanted to live in front of a RV Park, he would have bought a house in front of one. He did not think anyone present would want to have 117 trailers behind their property. He stated it would have a negative effect on his property noting no one would buy a house that is sitting in front of a RV Park. In any case, Mr. McElroy used a quote from a movie, "the needs of the many outweigh the needs of the few or the one" – he said the many, in this case, are the property owners here who are faced to waking up to this development in their backyards while Mr. Berryhill will wake up on his personal property left unblemished by this development with a nice check in the mailbox. Mr. McElroy stated it was supremely unfair to let one man negatively impact the neighborhood for the sake of profit. He asked the commissioners to deny the request.

Ms. Christy Puett of 422 Ellen Street, Roxboro, which is nowhere near this property, however, her mother, Judy Evans, has property at 4899 Boston Road right there beside it. Ms. Puett asked the Board to think of the widows that live right there near it and the safety concerns that will be there. She asked who would want the flood lights, who would want people coming onto their property. Ms. Puett said they already have problems with people coming and thinking they can ride their ATVs and this will just cause more problems. Ms. Puett said it was not needed and they were told it was a RV Park for families and it is not; it is for shutdown workers. Ms. Puett asked why do you want 117 spaces right there for them as it is not needed. Ms. Puett noted she has known the Berryhills all her life noting her dad grew up with them but in her opinion, she did not think her dad would even want this beside him. If this is something they wanted to do, why didn't they use their property closer to them to try this out. She reiterated that there are widows there and these folks are not needed there; some of them are good, some are not and it is not needed at all. Ms. Puett asked the Board to sit down and think of the safety concerns and everything with it before approval. She asked the Board if they would want it in their back yard or beside them.

Commissioner Clayton asked about the water and sewer noting the City of Roxboro has not approved assuming the lot sizes are based on the fact that they can get public water and public sewer. Ms. Darnell stated they have been in contact with the City of Roxboro but it has not been officially approved yet. Commissioner Clayton asked what was the minimum lot size out in that area without water and sewer which Ms. Darnell responded one-acre for a house. Ms. Oakley said the RV lots are smaller by nature than a house lot. Commissioner Clayton asked if these RVs can be located there for overnight use or be there for three weeks; is there a limit on the time that they can locate there, as a RV Park or a Mobile Home Park to which Ms. Darnell said it would be a RV Park as there is nothing in the Planning Ordinance that dictates how long that they can stay as that would be up to the rules that Mr. Berryhill decided on. Commissioner Clayton asked how many on how many acres, size per unit to which Chairman Kendrick said there are 117 units but some of them are cabins. Ms. Darnell said there are 117 sites and 8 cabins. Commissioner Clayton asked if the cabins were on the same size lots as the RVs to which Ms. Darnell said the cabins have a little bit more room. Commissioner Clayton said he looked at this but wanted to be sure he understood it. Commissioner Clayton said he understood the water and sewer as they have to have that to do anything – that's step one noting the City of Roxboro is in agreement with that, then they must think they are, or they wouldn't be gone this far. Ms. Darnell said they are required to get that approval prior to getting a zoning permit. Commissioner Clayton asked if there were any adjustments/recommendations at the Planning Board meeting over the fence and the security to which Ms. Darnell said it was discussed but there was no requirement as the Board of Commissioners could put that one as a condition, if the applicant agreed to. Commissioner Clayton said people that stayed two-three days without problems but if they stay two-three weeks the first thing you know they see a deer go into the woods and they step down there to see if they can bag one this afternoon after get off work; he added there will be problems if not controlled with people going on adjoining properties, just the way it is. He added that if you live in the country,

you going to have people that do that. Commissioner Clayton asked if the lady was right about the 50' barrier from her property, as it related to lots 1 and 2. Ms. Darnell said that barrier was from the perennial stream and not from the property line. Commissioner Clayton asked what was the distance from the property line. Ms. Oakley said there is a 50' buffer around the perimeter noting she was looking at the stream buffer which is a different line but if you follow this line (illustrated on the site plan hanging on the bulletin board). Ms. Tingen said that was changed. Commissioner Clayton asked if that was on her property to which Ms. Oakley said no and there is a 50' buffer from her property.

Commissioner Jeffers asked if the "Our Intentions" handout that was given to the Board was something staff required to which Ms. Darnell said no noting it was brought to their attention after the Planning Board meeting as a follow up to issues.

Chairman Kendrick asked staff if there was any lighting level requirements associated with the County's ordinances to which Ms. Darnell said no. Chairman Kendrick stated that most counties in the areas to which he works have a half-foot candle requirement as far as lighting was concerned. He added that if the owner agreed to that as part of the conditions of approval, could the Board make that a requirement. Mr. Hastings stated they have added to the statement submitted as item #3 noting it was not required but offered based on comments at the prior meeting. Mr. Berryhill stated they are talking about area lights but he proposed street lights that are not as high and not as bright.

Commissioner Jeffers asked the distance of the driveway from Boston Road into the Park noting the plan shows it is 25' wide but did not say how long to which Mr. Berryhill stated approximately 250' roughly. Ms. Oakley concurred it was approximately 250'.

Commissioner Jeffers asked if security was planned for the first phase to which Mr. Berryhill said yes; he added if it was at 33, he would monitor that as it fills up and by the time it got to 33 filled lots, he proposed to have a person that lives on the tract along with other duties, such as maintenance and security. Mr. Berryhill pointed out on the map, an open area, corner to corner, saying that yes Ms. Evans can see it now, but that is where he proposes to plant the cypress trees. He added there are spots where you cannot walk through where trees are 10'. He said she won't be able to see it; alongside the creek, Mr. Berryhill said there are 60' trees there with kudzu on them. Commissioner Jeffers asked the age of the cypress trees that you can't walk through noting they can reach 29' in 16 years. Mr. Hastings said they are the fastest growing tree you can buy. Commissioner Jeffers said he was trying to get an estimate when she would not be able to see, for instance, in four years, five years, obviously they would plant small or what size trees. Mr. Hastings passed around photos from the highway of the site illustrating the open portion that Mr. Berryhill brought up noting the trees are planted at 6-8' that grow 10' tall. Mr. Hastings said that in probably 2-3 years growth to block the view.

Mr. Berryhill said that the lake campsites are booked during the major holidays and they actually turn people away. He said there was a belief that he was building this just for the shutdown workers, that's not true as this county has other things going on with two lakes, three race tracks around that people travel from all over the country coming to, and hunting season. He said it is not built especially for shutdown workers. He stated the lights have been addressed and they will plant trees noting it will be a controlled environment versus a subdivision on a house. Mr. Berryhill said they would control this park, they wouldn't be cutting grass at 7:00am versus a subdivision with ten houses; who can say a man can't cut grass at 7:00am. Mr. Berryhill reiterated it would be a controlled environment.

Commissioner Clayton asked if there was going to be any type of fencing to which Mr. Berryhill said unless the Board wanted them to put up a fence, he would plant trees where you cannot walk through. Mr. Berryhill said to put up a fence all the way around it would be expensive. He said this is not a prison and they cannot control the people from coming or going and as far as people walking off this lot, he sees more of a problem people walking off the road onto this. He added if there was any problem with any of the campers, they will be gone as written in the rules.

Mr. McElroy passed around photographs taken from the neighborhood looking into the site. Commissioner Clayton asked if they were on the other side of the CP&L transmission line that showing here to which they said they adjoin.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to close the public hearing for Special Use Permit Request by Joe Berryhill, on behalf of B&B Country Inn, LLC for a Recreational Vehicle Park on 26.5 acres located on Boston Rd (Tax Map & Parcel A58-74) in the RC (Rural Conservation) Zoning District.

CONSIDERATION TO GRANT OR DENY REQUEST BY JOE BERRYHILL, ON BEHALF OF B&B COUNTRY INN, LLC FOR A RECREATIONAL VEHICLE PARK ON 26.5 ACRES LOCATED ON BOSTON RD:

Chairman Kendrick rebutted to one of the statements made earlier that both of the power plants would be shut down by 2035 and that was not necessarily true related to the coal could be no longer used after 2035; he said it could be a combined cycle station for both Hyco and Mayo for future with natural gas pipeline coming down east coast it is a viable option that it be there. Chairman Kendrick addressed public necessity noting events at the Rock Sportsplex that County Parks & Recreation staff have done an excellent job promoting and one of the problems Person County has is the number of motels to house people noting Commissioner Jeffers has said on multiple occasions about bringing his family reunion and having to take people to Danville, so there is a necessity for space for people to sleep. Chairman Kendrick stated that there is a lack of housing and also noted that the Berryhills, on every instance have made Person County a better place to live, for examples: the Gathering Place, the building built for meetings and events was first rate and Hall's Way, a very nice facility and he felt B&B Inn wouldn't be anything less than what they have done in the past.

Commissioner Jeffers stated as he makes decisions on the Board he considers what it would look like years down the road; for instance on Hwy.158 whereby there is a nursing home, trailer park, church, store/daycare, Youth for Christ, houses, agriculture, and a recycling center; he asks who decides all those uses mix well. Commissioner Jeffers said he was not against the project but didn't feel it fit in the area.

Commissioner Clayton said it was hard to determine at what point the project needed fencing or security; if not made to do a fence at this time, the Board could not come back and require it until there was a condition to trigger such. He asked the County Attorney to address what would be reasonable for the Board to consider. County Attorney, Ron Aycock suggested that he could draft any policy desired by the Board noting a requirement could be triggered following any such named sequence of events. Chairman Kendrick spoke to short and long term housing noting the County has some motels that cater to long term leasing and there is no requirement for fencing around those facilities and the fact that facilities the Berryhills have built in the past do not necessitate the thoughts that rough neck actions will be tolerated.

A **motion** was made by Chairman Kendrick and **carried 3-2** to grant the request by Joe Berryhill, on behalf of B&B Country Inn, LLC for a Special Use Permit for a Recreational Vehicle Park on 26.5 acres located on Boston Rd (Tax Map & Parcel A58-74) in the RC (Rural Conservation) Zoning District with the following condition noting the request was in keeping with the Person County Comprehensive Plan: the applicant is to obtain all permits necessary from the GIS, Environmental Health/Public Works, Planning and Zoning Department, and Building Inspections Department. Chairman Kendrick, Vice Chairman Powell and Commissioner Puryear voted in favor of the motion. Commissioners Clayton and Jeffers cast the dissenting votes.

October 22, 2018

PUBLIC HEARING:

PROPOSED APPLICATION TO THE NC DEPT. OF COMMERCE FOR A COMMUNITY DEVELOPMENT BLOCK GRANT FOR ECONOMIC DEVELOPMENT BUILDING REUSE FUNDS IN THE AMOUNT OF \$1M:

A **motion** was made by Vice Chairman Powell and **carried 5-0** to open the duly advertised public hearing for a proposed Application to the NC Dept. of Commerce for a Community Development Block Grant (CDBG) for Economic Development Building Reuse Funds in the amount of \$1M.

Economic Development Specialist, Sherry Wilborn requested Board authorization to submit an Application to the NC Department of Commerce for a CDBG requesting \$1,000,000 in Building Reuse funds. The intended use for these funds is to assist in the renovation of a building located at 3300 Jim Thorpe Hwy in Roxboro. Polywood LLC, a manufacturer of outdoor furniture made from recycled materials has plans to open a manufacturing facility in the building. In order to move into the building, extensive renovations are needed. Total renovation costs will be approximately \$2.1 million. In addition to CDBG funds, Polywood will invest approximately \$1.1 million for renovations and a minimum of \$32.5 million for machinery and equipment. The project will result in the creation of approximately 109 new jobs with at least 60% of the jobs going to persons of low and moderate income in the first two years.

Ms. Wilborn stated that if awarded, the grant will be distributed in the form of a loan extended by Person County to Polywood, which will be fully funded by CDBG grant funds and forgivable once the agreement terms are satisfied. The loan will be guaranteed by a promissory note and letter of credit from Polywood to the satisfaction of the County Attorney. She added the application requirements included the adoption of updates to various County Plans as well as a Loan Agreement, Application Summary, Debarment Certification and Disclosure Report.

Ms. Wilborn asked the Board to authorize the Chairman to sign all required Resolutions and Documents necessary to complete the full application and as presented herein, and to authorize the Chairman to execute the Loan Agreement upon receipt of the grant award letter, and based on the terms submitted in the enclosed draft loan agreement.

Ms. Wilborn noted Polywood engaged Mr. David Hartigan of Hartigan Management to oversee the CDBG application and the fulfillment requirement of the grant.

Speaking in favor of the proposed Application to the NC Dept. of Commerce for a Community Development Block Grant for Economic Development Building Reuse Funds in the amount of \$1M were the following:

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CDBG Grant Manager, David Hartigan, a Community & Economic Development Consultant with Hartigan Management of 12517 Birchfalls Drive, Raleigh stated he was available for questions.

Mr. Leigh Woodall of 200 Reade Drive, Roxboro and a registered professional engineer in the state of NC said the building that Polywood will use was formerly used by Collins & Aikman Corporation for textile manufacturing. He added that when Collins & Aikman closed their doors, about 10-years ago, they employed 500 people, not only in that facility, here in Person County, but a few of other facilities and, was at the time, one of the largest employers in the county. Mr. Woodall noted the jobs lost when Collins & Aikman closed their doors have not yet been all replaced so he viewed the Polywood project as one to replace a number of those jobs that were lost. Mr. Woodall stated his support of the Board approving whatever needed to get Polywood started up in Person County.

There were no individuals appearing before the Board to speak in opposition to the proposed Application to the NC Dept. of Commerce for a Community Development Block Grant for Economic Development Building Reuse Funds in the amount of \$1M.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to close the public hearing for a proposed Application to the NC Dept. of Commerce for a Community Development Block Grant for Economic Development Building Reuse Funds in the amount of \$1M.

CONSIDERATION TO GRANT OR DENY REQUEST TO SUBMIT THE PROPOSED APPLICATION TO THE NC DEPT. OF COMMERCE FOR A COMMUNITY DEVELOPMENT BLOCK GRANT FOR ECONOMIC DEVELOPMENT BUILDING REUSE FUNDS IN THE AMOUNT OF \$1M:

A **motion** was made by Commissioner Clayton and **carried 5-0** to authorize the submission of an Application to the NC Department of Commerce for a CDBG requesting \$1,000,000 in Building Reuse funds as well as to authorize the Chairman to sign all required Resolutions and Documents necessary to complete the full application and to Authorize the Chairman to execute the Loan Agreement upon receipt of the grant award letter, and based on the terms submitted in the enclosed draft loan agreement.

PUBLIC HEARING:

PROPOSED FY2020 COMMUNITY TRANSPORTATION PROGRAM APPLICATION TO BE SUBMITTED TO NC DOT:

A **motion** was made by Vice Chairman Powell and **carried 5-0** to open the duly advertised public hearing for a proposed FY2020 Community Transportation Program Application to be submitted to NC DOT.

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Kathy Adcock, Transit Manager for Person Area Transportation System (PATs) requested Board approval for the FY2020 Community Transportation Program application due to be submitted to the NC Department of Transportation by November 2, 2018.

The Community Transportation Program, funded through State, Federal and Local appropriations, provides assistance to coordinate existing transportation programs operating in Person County as well as provides transportation options and services for the communities within this service area. These services are currently provided using demand response, subscription and trip referrals. Services are rendered by utilizing ADA vans and Light Transit Vehicles.

The application consists of Administrative and Capital Funding. Total amount requesting is \$367,900, which would require a local match of \$45,734. The total estimated amount requested for the period July 1, 2019 through June 30, 2020 is as follows:

<u>Project</u>	<u>Total Amount</u>	<u>Local Share</u>
Administrative	\$ 178,880	\$ 26,832 (15%)
Capital (Vehicles & Other)	\$ 189,020	\$ 18,902 (10%)
TOTAL PROJECT	\$ 367,900	\$ 45,734
Total Funding Request		Total Local Share

There were no individuals appearing before the Board to speak in favor of or in opposition to the proposed FY2020 Community Transportation Program Application to be submitted to NC DOT.

A **motion** was made by Vice Chairman Powell and **carried 5-0** to close the public hearing for a proposed FY2020 Community Transportation Program Application to be submitted to NC DOT.

CONSIDERATION TO GRANT OR DENY REQUEST TO SUBMIT THE PROPOSED FY2020 COMMUNITY TRANSPORTATION PROGRAM APPLICATION TO NC DOT:

A **motion** was made by Vice Chairman Powell and **carried 5-0** to approve the FY2020 Community Transportation Program Application to be submitted to the NC Department of Transportation, as presented.

October 22, 2018

INFORMAL COMMENTS:

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

Ms. Betty Blalock of 144 Tirzah Ridge, Rougemont said she has land adjacent to the landfill. She reported more people in the community adjacent to the landfill have been diagnosed or have died, one being her husband, by the disease caused by chemicals. Ms. Blalock told the Board they could stop the landfill as they have to have a permit. She opined that the chemicals are in the air and in the streams and that the landfill has exceeded the height but nobody is doing anything. Ms. Blalock said there was no buffer when it is 300ft. high or more. She noted that they could not take on more traffic and how even more trucks will be coming and going for the gas. She further noted that gas from landfill is 20 times greater than the emissions from a car. She said only 40 trucks a week are needed for Person County's garbage. She noted her displeasure with no buffer for all the fumes, no air testing, no private well testing in the surrounding area (over 400 wells.)

DISCUSSION/ADJUSTMENT/APPROVAL OF CONSENT AGENDA:

A **motion** was made by Vice Chairman Powell and **carried 5-0** to approve the Consent Agenda with the following items:

- A. Approval of Minutes of October 1, 2018,
- B. Budget Amendments and Transfers,
 - a. Budget Amendment #8,
 - b. Appropriation Transfer Person Industries/ PI MRF,
 - c. Budget Amendment #9,
- C. Approval of Capital Project Ordinance and the Rural Economic Development Grant Agreement related to the Rural Ready Sites Waterline Extension Construction for the Person County Mega Site, and
- D. Tax Adjustments for October 2018
 - a. Tax Releases
 - b. NC Vehicle Tax System pending refunds

RESOLUTION APPROVING THE SALE OF HOME HEALTH & HOSPICE:

Ron Aycock, Person County Attorney stated at the Board's May 21, 2018 meeting, the Board of Commissioners authorized a Resolution of Intent to Sell the County's Home Health and Hospice Agency and conducted a public hearing. Mr. Aycock recalled the statutory requirements related to the potential sale (Chapter 131E of the General Statutes) to which the County has complied with all the necessary requirements. Mr. Aycock reminded the group that a contractor was engaged to guide the County through that process which resulted in an offer to purchase from MSA Medical Services of America for the County's Home Health and Hospice operations. After the solicitation of bids, the bid submitted by MSA was \$200,000. Since that time, the County has been negotiating an Asset Purchase Agreement with MSA Home Health and Hospice of the Piedmont Inc. That Purchase Agreement includes the following principle points:

1. The sales price is \$200,000
2. MSA will lease 4,052 square feet of space for up to one year at a rate of \$17 per square foot per month in the County's Home Health and Hospice space
3. MSA agrees to pay \$750 per month for use of the Barnestorm Software and related IT services
4. MSA agrees to provide employment to existing HHH employees to which one has accepted that employment
5. The sale will be effective as of November 1, 2018

Mr. Aycock presented a Resolution approving the Sale of the Home Health and Hospice Agencies to MSA for adoption that would authorize the execution of the Asset Purchase Agreement by the Chairman of the Board and authorizes the County Manager, Health Director, County Finance Director, and County Attorney to execute any supplemental documents necessary to effectuate the agreement.

Mr. Aycock stated state law requires the purchaser to operate within Person County. As indicated they will operate by sublease of the space presently occupied by the County's Home Health and Hospice and thereafter, they are required to find other space in the county to operate.

Mr. Aycock said MSA is buying the license to operate that is currently held by Person County.

Vice Chairman Powell asked how many employees are currently with Home Health and Hospice to which the County Manager, Heidi York responded there are five employees.

Chairman Kendrick asked that the lease space and the use of the software protect the taxpayers of the County to which Ms. York said that negotiated rate is higher than what the County pays.

October 22, 2018

A **motion** was made by Chairman Kendrick and **carried 5-0** to adopt and approve a Resolution approving the Sale of the Home Health and Hospice Agencies to MSA.

Commissioner Clayton stated his support for the resolution before the Board but was sad to see it gone noting his personal experience with family members getting services. He added that the finances were not there to support keeping the program. Vice Chairman Powell agreed with Commissioner Clayton noting MSA will provide the same service as being provided noting the financial records show a very high loss for those services through the County.

Commissioner Jeffers asked about the employees that do not accept a position with MSA to which Ms. York stated those employees were given an opportunity to apply for other positions within the County to which some have done so and some have taken jobs with other counties.

**Resolution of the
Person County Board of Commissioners
Approving the Sale of Home Health & Hospice**

WHEREAS, the Person County Board of Commissioners (the "Board"), the governing body of the County of Person (the "County"), currently owns certain assets, which assets are associated with and utilized in the operation of County of Person dba Home Health & Hospice of Person County(the "Agency");

WHEREAS, N.C. Gen. Stat. §131E-13 provides that if the County leases, sells, or conveys the Agency, or part thereof, the procedural requirements of N.C. Gen. Stat. §131E-13(d) shall apply;

WHEREAS, the Board has carefully studied the future needs of the Agency and has held public hearings and obtained public comment on the present and future needs of the Agency in accordance with the requirements of N.C. Gen. Stat. §131E-13(d);

WHEREAS, the Board has substantially complied with the requirements of N.C. Gen. Stat. §131E-13(d)(1) through (6) and has: (i) at a regular meeting more than sixty (60) days prior to the date hereof, adopted a resolution declaring the intent of the County to sell the Agency (the "Resolution of Intent"); (ii) at said meeting, requested proposals for the sale of the Agency by direct solicitation of at least five (5) prospective purchasers; (iii) conducted a public hearing on the Resolution of Intent; (iv) required information on charges, services, and indigent care at similar facilities owned and operated by each proponent; (v) conducted a public hearing on the proposals to purchase the Agency; and (vi) made copies of the proposals with respect to the Agency available to the public at least ten (10) days before the public hearing on said proposals;

WHEREAS, Medical Services of America, Inc. ("MSA"), an experienced home health and hospice provider, submitted a proposal on behalf of itself and its affiliates to purchase substantially all of the assets used in the operation of the Agency (the "Assets");

WHEREAS, the terms and conditions of the proposed sale of the Assets to MSA Home Health and Hospice of the Piedmont, Inc., a NC corporation (the "Purchaser") have been reduced to writing in the form of an Asset Purchase Agreement by and between the County and the Purchaser (the "Asset Purchase Agreement"), the form of which is attached hereto as Exhibit A;

WHEREAS, at least ten (10) days before this meeting, the County made copies of the Asset Purchase Agreement available to the public in accordance with the requirements of N.C. Gen. Stat. §131E-13(d)(8) and a legal notice of this regular meeting of the Board was published in accordance with the requirements of N.C. Gen. Stat. §131E-13(d)(7); and

WHEREAS, in accordance with the requirements of N.C. Gen. Stat. §131E-13(d)(7), after considering whether the sale of the Assets to the Purchaser, in accordance with the provisions of this Resolution, will meet the health-related needs of medically underserved groups, such as low income persons, racial and ethnic minorities, and handicapped persons, the Board finds that the sale of the Assets is in the public interest.


NOW, THEREFORE, be it resolved that in accordance with N.C. Gen. Stat. §131E-13(d), the Board hereby authorizes, on behalf of the County, the following actions:

October 22, 2018

1. The attached Agreement to Purchase is hereby approved, and
2. The Chair of the Board of Commissioners is authorized to execute and deliver the said agreement, and
3. The County Manager, Health Director, Finance Officer and County Attorney are authorized to execute any supplemental documents necessary to effectuate this agreement.

Adopted, this, the 22nd day of October 2018.

PERSON COUNTY BOARD OF COMMISSIONERS


Tracey L. Kendrick, Chairman
Brenda Reaves
Clerk to the Board of Commissioners

BUDGET ADJUSTMENT RELATED TO THE SCHOOL RESOURCE OFFICER POSITIONS AT PERSON COUNTY SCHOOL AND ROXBORO COMMUNITY SCHOOL:

Chief Deputy Kevin Crabtree presented to the Board a budget adjustment for approval related to the new School Resource Officer positions for Fiscal Year 2019. The cost for the SRO position for Person County Schools will be \$40,265 and the SRO position for Roxboro Community School will cost \$42,929 for the remainder of the current fiscal year. Chief Deputy Crabtree stated the schools each wanted a SRO with at least 2-years of experience noting both entities would be funding all the associated costs as outlined below.

The County previously approved funding for two vehicles, gas and maintenance for a total of \$63,574 that will be used by the two SROs.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to approve the budget adjustment for the School Resource Officer positions for Person County Schools and Roxboro Community School, as presented.

BUDGET ADJUSTMENT				
Account Number	Account Description	Revenue	Expenditure FY19	Expenditure FY20
10025-333230	PCS SRO revenue	40,265		
10025-333231	RCS SRO revenue	42,929		
SRO for Schools			8 mos	12 mos
1004310-412000	Salaries & Wages		27,111	40,666
1004310-417900	401(K) Suppl Ret-LEO		1,356	2,033
1004310-418100	FICA		2,096	3,143
1004310-418200	Retirement Contributions		2,304	3,457
1004310-418300	Group Insurance		5,408	8,112
1004310-418600	Workers Compensation		960	1,441
1004310-413200	Cell Phone Stipend		280	420
1004310-421200	Uniforms		750	750
			40,265	60,022
SRO for RCS				
1004310-412000	Salaries & Wages		29,247	43,151
1004310-417900	401(K) Suppl Ret-LEO		1,462	2,158
1004310-418100	FICA		2,260	3,333
1004310-418200	Retirement Contributions		2,486	3,668
1004310-418300	Group Insurance		5,408	8,112
1004310-418600	Workers Compensation		1,036	1,529
1004310-413200	Cell Phone Stipend		280	420
1004310-421200	Uniforms		750	750
			42,929	63,121
Vehicles & Associated Cost				
1009910-499100	Undesignated Contingency		(63,574)	n/a
1004310-454000	Sheriff's veh capital		56,840	n/a 28420 per c 28420 per car
1004310-425000	Sheriff's fuel		5,050	n/a 990 gal x 2.55 x 2=5049
1004310-435300	Sheriff's veh maintenance		1,684	n/a oil brakes tires wipers etc
			63,574	

SRO budget adj

October 22, 2018

CHAIRMAN'S REPORT:

Chairman Kendrick thanked Governor Cooper for coming to Person County for the Polywood announcement, as well as Congressman Mark Walker, and the state representatives that were present. Chairman Kendrick noted the Polywood CEO said when they first met the Board of Commissioners, the Economic Development Commission and others from the community, they were really impressed by the County putting its best foot forward and showing them what Person County could do for them. With that, he commended the Board of Commissioners, the Economic Development Commission and the Secretary of Commerce for all efforts to get Polywood to locate in Person County.

Chairman Kendrick stated that as of this date, at 9:00am, there had been 1,761 people to early vote; he encouraged everyone to vote.

MANAGER'S REPORT:

County Manager, Heidi York echoed the congratulations on the Polywood project noting they have been a great partner to work with and have donated all the furniture to the County that was on display on the date of the announcement.

Ms. York reported the regular scheduled Economic Development Commission meeting scheduled for October 23, 2018 at 4:00pm has been cancelled. Ms. York announced the Person County Business Industrial Center will be holding a strategic planning session on October 24, 2018 from 9:00am to 1:00pm at the offices of Carolina Pride.

Ms. York asked for Board feedback for a joint meeting with the Board of Education on November 19, 2018; she said that Chairman Kendrick was unable to attend and she wanted to know if the Chairman would like for staff to reschedule or to proceed with that date. Chairman Kendrick stated he had a prior engagement for that afternoon but suggested for the Board to proceed with meeting on that day. Ms. York stated the joint session would be discussing the Schools' Facilities Audit; following the joint meeting, two commissioners will be asked to serve on a separate committee for implementation. Commissioner Jeffers asked with the election, should the meeting take place later to which Ms. York stated she and the Superintendent wanted to have the joint session prior to the Capital Improvement Plan process which begins in December/January. It was the consensus of the Board to proceed to meet on November 19th.

COMMISSIONER REPORT/COMMENTS:

Vice Chairman Powell echoed comments related to Polywood being very positive and had materialized to be a tremendous boost for employment here in the County. He commented that the Economic Development Commission is business-minded oriented and progressive thinking for the people of Person County and commended the Board of Commissioners for supporting the decision of the EDC to illustrate how those two boards work together representing progress in Person County.

Commissioner Jeffers reported he participated in the Race Unity closing event at the Kirby on October 21, 2018 by reading a Proclamation on behalf of the Board Chairman. He thanked the BASICS group for starting the conversation, involving everyone in that conversation and continuing that conversation.

Commissioner Jeffers echoed the sentiments made for the Polywood announced and recognized Stuart Gilbert for his work prior to his departure, as well as Sherry Wilborn.

Commissioner Jeffers said he was asked to serve on an advisory council for the Institute for Emerging Issues at NC State, a non-partisan public policy organization focusing on reconnecting the rural and urban communities to address the divide between the fast growing urban areas and slower growth in rural areas sharing the prosperity together.

Commissioner Clayton commented, as Commissioner Jeffers did, to recognize Stuart Gilbert on the Polywood project.

Commissioner Clayton said goals for the NC Association of County Commissioners are due noting he would be attending the Environment Committee on October 31, 2018 should anyone have any goals for submission.

Commissioner Puryear said this was the last meeting before the election. He thanked residents of the County for allowing him to serve as a good steward of their tax dollars for the last twelve years noting he was optimistic for four more years on the Board.

ADJOURNMENT:

A **motion** was made by Commissioner Puryear and **carried 5-0** to adjourn the meeting at 11:32am.

Brenda B. Reaves
Clerk to the Board

Tracey L. Kendrick
Chairman

October 22, 2018