

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

JANUARY 22, 2019
OTHERS PRESENT

David B. Newell, Sr.
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 Tuesday, January 22, 2019 at 9:00am in the Commissioners' meeting room in the Person County Office Building.

Chairman Newell called the meeting to order. Commissioner Powell gave an invocation and Commissioner Puryear led the group in the Pledge of Allegiance.

Chairman Newell apologized to the group for not following the correct protocol as he sought information from the Finance Director related to projected debt payments.

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

Chairman Newell requested an adjustment to the agenda with the addition of a Closed Session.

A **motion** was made by Commissioner Puryear and **carried 5-0** to approve the agenda as adjusted.

INFORMAL COMMENTS:

There were no comments from the public.

DISCUSSION/ADJUSTMENT/APPROVAL OF CONSENT AGENDA:

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

- A. Budget Amendment #13,
- B. Review and Adoption of Person Area Transportation System
Drug and Alcohol Testing Policy and the Title VI Program Plan
as well as Adoption of the Person Area Transportation System Advisory
Board Changes, and
- C. Tax Adjustments for January 2019
 - a. Tax Releases
 - b. NC Vehicle Tax System pending refunds

January 22, 2019

NEW BUSINESS:

LETTER OF SUPPORT FOR STATE BROADBAND GRANT:

Assistant County Manager, Sybil Tate presented to the Board a letter of support for NC Wireless to apply for a state GREAT Grant funding to be used toward improving broadband access in Person County. Ms. Tate noted the state has allocated \$10M for private providers to expand broadband in unserved areas of the state.

Ms. Tate introduced Bill Shillito, President of NC Wireless who addressed the Board. Mr. Shillito first thanked the Board related to their current project with the County for broadband noting it was on schedule and on budget. He noted the GREAT Grant was a separate project from their current broadband project. He further noted the plan would be a fixed wireless infrastructure that will span beyond the current carriers that are proceeding currently with the Person County broadband.

Vice Chairman Jeffers commented of the NC Association of County Commissioners recent legislative goals process noting this was the number one top priority of county commissioners across the state to seek legislation, funding, and other efforts to expand digital infrastructure/broadband capability to the unserved and under-served areas and residents of the state. Vice Chairman Jeffers said Person County's efforts to further broadband are far ahead of other counties in the state to which Mr. Shillito agreed.

Mr. Shillito noted the support and partnership on the project by RiverStreet LLC; he said the \$1M required match would be funded by NC Wireless and RiverStreet. He added this would be the last year Person County would be eligible for this grant funding due to the tier status change. Mr. Shillito said the grant request was due to be submitted by January 31st with an expected grant award in late spring; he added following the grant award, there will be a one-year timeframe to complete the project.

A **motion** was made by Commissioner Clayton and **carried 5-0** to approve a letter of support for NC Wireless for the application for the state's GREAT Grant for improvement of broadband access.

STORMWATER UPDATE:

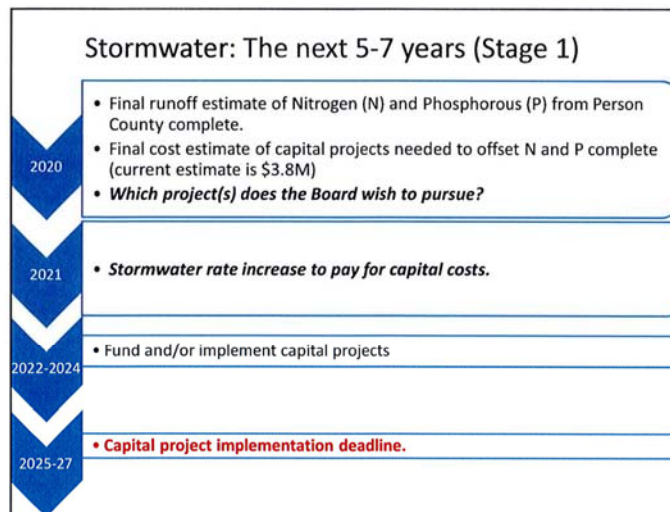
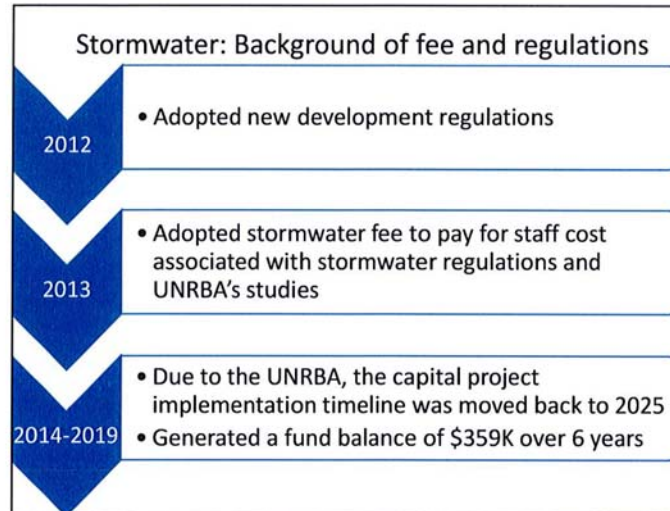
Person County is responsible for reducing the amount of nutrient (nitrogen and phosphorous) run off that comes from the county and flows into Falls Lake. In FY2013, the Board adopted a stormwater fee to pay for the capital and recurring costs needed to reduce nutrient runoff.

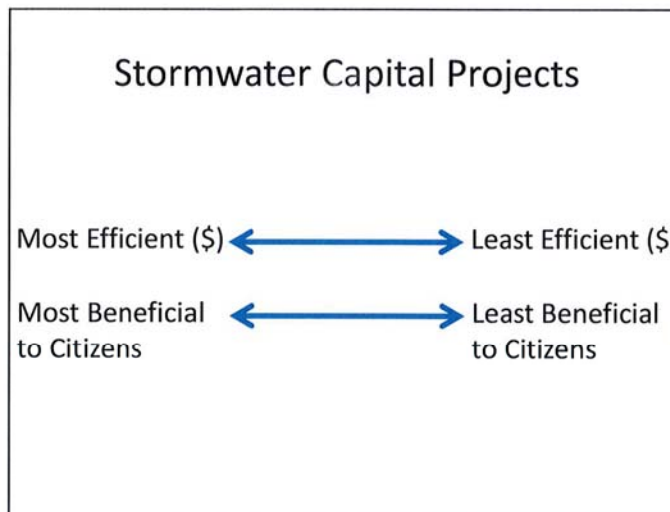
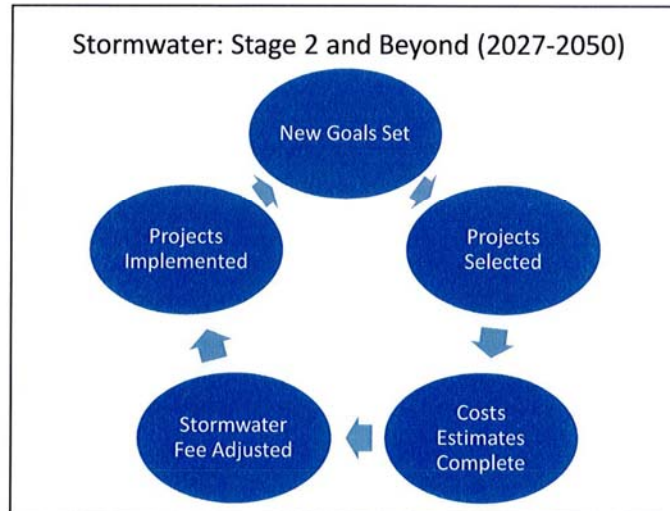
The Upper Neuse River Basin Association (UNRBA) has been instrumental in creating a more reasonable and fair framework to advocate for local governments in the Falls Lake watershed and are providing assistance to the members as they coordinate with the State to begin developing the parameters of the nutrient reduction program.

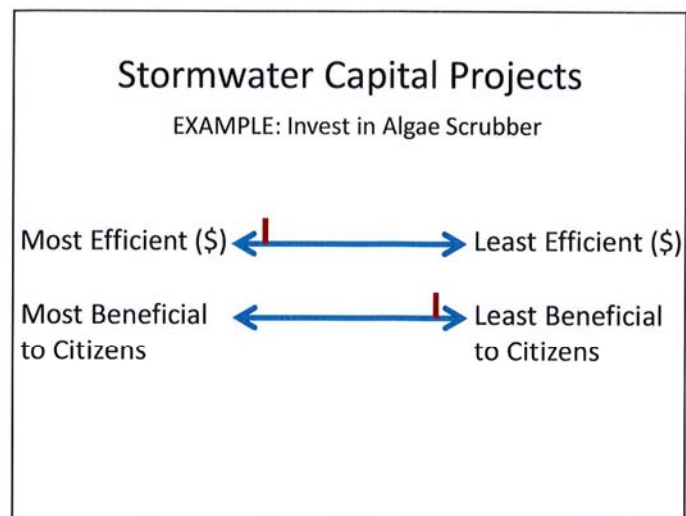
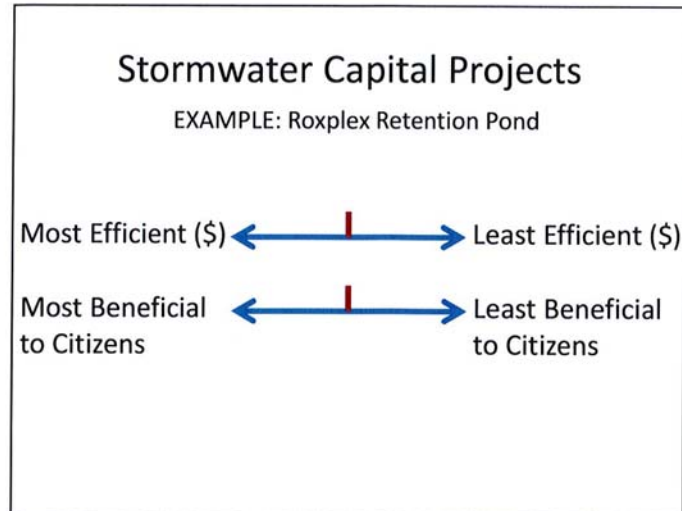
Last year, the UNRBA successfully worked with the state to push back the implementation deadline for the first and second set of required nutrient reductions (Stage 1 and Stage II). However, the state has not set a stable timeline for implementation. The best estimate for the timeframe, based on feedback from the state, is that implementation will be required to begin within the next couple of years. The estimated time for full implementation is within 5 to 7 years.

The county's stormwater consultant estimates that the cost of the capital projects necessary to meet Stage 1 requirements will be approximately \$3.8M to \$4M. Our stormwater fund currently has \$359K in fund balance that could be used to pay for these projects. Therefore, the county may need to increase the stormwater fee sometime in the near future. Without a more stable timeline and more accurate cost information, staff cannot recommend an increase at this time; however, staff felt that the Board should be made aware of the substantial costs that will occur in the future and be ready in the near future to start the process of generating the revenue necessary to fund the required projects.

Assistant County Manager, Sybil Tate introduced Mr. Forrest R. Westall, Sr., Executive Director of the UNRBA and Ms. Jennifer Tavantzis with Raftelis to provide the Board with further stormwater information. Mr. Westall shared the following presentation with the group.







Stormwater Capital Projects

EXAMPLE: Trail/land conservation



Questions?

Chairman Newell asked about changing the ½ acre threshold to 1 acre for disturbance before triggering a stormwater plan to which Mr. Westall stated that change was being proposed through legislation in 2025.

Ms. Tate provided the Board with examples of capital projects that the County could obtain stormwater credits to comply with the state mandated rules which included a) retention ponds, b) conservation of county owned property that would have permanent regulations and/or restrictions, c) potential rails to trails, which would also have permanent conservation regulations or restrictions of use, and d) partnerships for credits through financial investments, i.e., an algae scrubber project in Durham or Hillsborough. Following discussion by the Board, the input leaned toward gaining its greatest bang for the buck for the maximum stormwater credit to benefit the citizens by investing in a capital project that would yield the most effort of reduction, even if it takes place out of the county.

Commissioner Clayton thanked Mr. Westall for his update and efforts on behalf of Person County and the other jurisdictions in the UNRBA. He told the group that if anyone was interested, the data results collected as well as the methodology was explained in a document that was posted on the UNRBA website; he also invited anyone to attend the future UNRBA meetings as well.

REQUEST TO APPLY FOR LIBRARY SERVICES AND TECHNOLOGY ACT GRANT FOR A NEW BOOKMOBILE:

Library Director, Christy Bondy stated the Library has been given the opportunity to apply for a Library Services and Technology Act Grant through the State Library of North Carolina for a new Bookmobile.

Ms. Bondy said the current outreach van is a regular sized mini-van that is 19 years old and has 34 monthly stops visiting daycares, assisted living facilities, afterschool care and homebound individuals, and serves approximately 500 citizens. The new Bookmobile would reach citizens beyond daycares, assisted living facilities, afterschool care, and homebound individuals. Ms. Bondy stated their goal was to reach residents who may not have had access to library services before, i.e. bookmobile stops in the rural areas of the county, such as Mayo Park, Hurdle Mills Market, and Mount Tirzah. The Bookmobile will visit these stops bi-weekly and is estimated to reach 800 citizens, a 60% increase. The Bookmobile will offer books, movies, classes, programs, online resources, and Wi-Fi to residents.

Ms. Bondy noted that Library staff has already contacted potential partnering organizations such as food banks and Person Family Medical. These organizations would have booths at various bookmobile stops, enabling greater access to food and medical services for rural residents.

The total cost of the new Bookmobile would be \$159,000. If awarded the grant, the Library would receive \$100,000 for the new project. The county's portion would be \$59,000 as a part of the FY 2020 budget. Ms. Bondy said she was prepared to contact foundation, private donors and other community partners to solicit the required match and in turn, offer an advertisement on the back of the new Bookmobile.

A **motion** was made by Commissioner Puryear and **carried 5-0** to approve the request to apply for the Library Services and Technology Act Grant for a new Bookmobile.

CONSIDERATION OF RESOLUTION AUTHORIZING THE TAX COLLECTOR TO SET A MINIMUM BILLING AMOUNT AND MAKE ADJUSTMENTS FOR SMALL UNDERPAYMENTS OR OVERPAYMENTS:

Tax Administrator, Russell Jones stated North Carolina General Statute 105-321(f) allows the Board, by resolution, to adopt a minimum tax bill. This resolution would allow the tax office to write-off/release any tax bill, that once computed, totaled an original amount due of under \$5.00 (or any other lesser amount). A survey of other counties indicated that 35% are using \$5.00 as their threshold.

Mr. Jones sought guidance on a minimum tax bill resolution, mostly due to the addition of GAP billing for motor vehicles. GAP billing occurs when someone registers a vehicle late, and the NCDMV tag office changes the expiration date. This change in expiration date creates a GAP in taxation, and the tax office is required to issue a bill for the GAP that was created and collect the appropriate tax. However, many of the GAP bills are very small, i.e., in 2018, there were 1,776 bills due to changes in the registration cycle. Of these bills, 560 were between \$1.00 and \$4.99. 424 bills were between \$1.00 and \$2.99. Each of these bills require at least one mailed notice, with many of these smaller bills being overlooked and therefore require multiple notices.

Mr. Jones illustrated a resolution establishing a minimum tax bill of a least \$5.00 would have affected 901 bills for 2018, since this would apply to all bills, not just the GAP bills. This would apply to combined bills for county, city, animal taxes, stormwater, etc. Of course, this would be offset by savings in postage/printing, while making the Tax Office run more efficient. The total loss in revenue, if this had applied for 2018, would have been:

Minimum set at \$5.00	
County Taxes	2,079.64
Fire Taxes	7.69
Stormwater Fees	321.00
Animal Fees	60.00
City Taxes	169.19
Total	\$2,637.52

Mr. Jones illustrated a resolution establishing a minimum tax bill of a least \$3.00 that would have a smaller impact, and would align closer to the actual cost of collecting a tax payment. The total loss in revenue, if this had applied for 2018, would have been:

Minimum set at \$3.00	
County Taxes	731.63
Fire Taxes	1.28
Stormwater Fees	0
Animal Fees	0
City Taxes	64.54
Total	\$797.45

Mr. Jones noted that many years ago (March 9, 1988), the Board adopted a resolution that addressed minimal balances of \$1.00, pursuant to NCGS 105-321(g). The proposed resolution combines both resolutions into one document for easier reference.

When asked about any penalty, Mr. Jones explained there was interest applied to an outstanding bill with multiple attempts by the Tax Office to collect under such time there was a garnishment fee charged to collect.

Mr. Jones recommended for the Board to adopt a Resolution Authorizing the Tax Collector to Set a Minimum Billing Amount and Make Adjustments for Small Underpayments or Overpayments at a \$3.00 minimum, if deemed appropriate.

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to adopt a Resolution Authorizing the Tax Collector to Set a Minimum Billing Amount and Make Adjustments for Small Underpayments or Overpayments at a \$3.00 minimum.

**RESOLUTION AUTHORIZING THE TAX COLLECTOR TO SET A MINIMUM BILLING AMOUNT
AND MAKE ADJUSTMENTS FOR SMALL UNDERPAYMENTS OR OVERPAYMENTS**

WHEREAS, the State of North Carolina, pursuant to North Carolina General Statute 105-321(f), has authorized the Board of County Commissioners of the respective counties within the State to direct the Tax Collector/Assessor to not collect minimal taxes charged on the tax records and receipts under Article 21 of the Machinery Act of North Carolina as revised in 1977; and

WHEREAS, the minimal taxes are the combined taxes and fees of the taxing unit and any other units for which it collects taxes due on a tax receipt prepared pursuant to North Carolina General Statute 105-320 in a total original principal amount that does not exceed an amount, up to five dollars (\$5.00), set by the governing body; and

WHEREAS, pursuant to North Carolina General Statute 105-357(c), the Tax Collector/Assessor, on March 9, 1998, was previously authorized to treat small underpayments of taxes as paid in full and not to refund small overpayments. A "small underpayment" is a payment made that is no more than \$1.00 less than the taxes due. A "small overpayment" is no more than \$1.00 greater than the taxes due; and

WHEREAS, upon adoption of a resolution pursuant to this subsection, the Tax Collector/Assessor shall not bill the taxpayer for, or otherwise collect, minimal taxes. These minimal taxes shall not be a lien on the taxpayer's real property and shall not be collectible under Article 26 of this Subchapter.

WHEREAS, a resolution adopted pursuant to this subsection shall remain in effect until repealed and need not be re-adopted annually.

**NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONER FOR PERSON COUNTY
DOES HEREBY RESOLVE:**

1. The minimal tax bill shall be set at \$3.00, for tax years 2019 and forward, thereby preventing the Tax Collector/Assessor from billing for combined tax bills for \$2.99 or less.
2. Tax bills for \$2.99 or less for tax years 2019 and forward shall not be a lien on the taxpayer's real property and shall not be collected.
3. Small underpayments/overpayments, as authorized by North Carolina General Statute 105-357(c), previously adopted on March 9, 1988 remains unchanged and remains in effect at less than \$1.00.
4. The minimal tax bill shall be effective for all tax bills for the 2019 tax year and forward.

This resolution shall be effective upon its adoption.
Adopted this 22th day of January 2019.



David B. Newell Sr.
David B. Newell, Sr, Chairman

Attest:

Brenda B. Reaves
Brenda B. Reaves, Clerk to the Board

January 22, 2019

APPOINTMENT TO BOARD OF EQUALIZATION AND REVIEW:

Tax Administrator Russell Jones stated pursuant to North Carolina General Statute 105-322, the Person County Board of County Commissioners established a special Board of Equalization and Review on January 22, 2013 by resolution. The resolution set the membership at five members, with three alternate members that could be called if the chairman needed additional participation. The resolution requires each member to have good moral character, own property in Person County, have resided in the county for at least two years, and remain current on all property taxes.

The resolution set the terms for four years, with all members having the same term expiration. Any new member would serve for the remaining term for the vacant position, which currently goes through the 2020 appeal cycle. This is a paid board with members receiving \$150 per meeting, unless that member is also a county commissioner. A county commissioner serving on this board would be reimbursed at \$50 per meeting. All members terms expire in February 2021 and would require reappointment at that time.

Mr. Jones recalled the current membership of the Board of Equalization and Review as follows:

Regular Members	Alternate Members
Margaret Bradsher, Chair	Ray Jeffers
David Newell, Sr.	Faye Boyd
Kyle Puryear	Vacant
Curtis Bradsher	
Vacant	

Mr. Jones requested the Board to address the vacant position for one regular member noting Mr. Samuel Kennington served on this board since it began in 2013; however he no longer resides in Person County and has resigned.

Mr. Jones recalled for 2018, the board had two meetings, so the volume of appeals was much less once the revaluation year has passed.

Commissioner Powell nominated former commissioner Tracey L. Kendrick to be appointed to the Board of Equalization and Review to fulfill the unexpired term of Samuel Kennington.

A **motion** was made by Commissioner Powell and **carried 5-0** to appoint Tracey L. Kendrick to the Board of Equalization and Review to fulfill the unexpired term of Samuel Kennington.

January 22, 2019

CHAIRMAN'S REPORT:

Chairman Newell had no report.

MANAGER'S REPORT:

County Manager, Heidi York reported the Economic Development Commission would hold its usual meeting on this date at 4:00pm. Additionally, Ms. York reminded the group that the Board's next meeting would be its annual board retreat scheduled on February 4, 2019 at 9:00am in the Public Library Gallery. She said the retreat was planned for a half day agenda that would be available for commissioners' input. Following the retreat agenda, Ms. York stated the board would hold a closed session following a lunch break.

COMMISSIONER REPORT/COMMENTS:

Vice Chairman Jeffers reported the NC Association of County Commissioners Top Five Priority Goals for 2019-2020 as follows:

- 1) Seek legislation, funding, and other efforts to expand digital infrastructure/broadband capability to the unserved and under-served areas and residents of the state.
- 2) Seek additional revenue sources, including a statewide bond and lottery proceeds, to equitably address statewide public school and community college capital challenges.
- 3) Support efforts to preserve and expand the existing local revenue base of counties and authorize local option revenue sources already given to any other jurisdiction to all counties. Oppose efforts to divert to the state, fees or taxes currently allocated to the counties or to erode existing county revenue streams.
- 4) Support provision of state resources to ensure county ability to provide essential public health, behavioral health and social services, with specific consideration to the challenges of incarcerated persons, the continued county role in behavioral health governance, and programs addressing substance use disorder, throughout Medicaid transformation.
- 5) Seek legislation to appeal the statutory authority under NC General Statute that allows a local school board to file suit against a county board of commissioners over appropriations to local board of education capital outlay fund.

Vice Chairman Jeffers noted the Associations' website would also list the goals that pertain to each committee, such as Tax and Finance, General Government, Health and Human Services, Public Education, Justice and Public Safety, Agriculture, Environment, and Federal.

Vice Chairman Jeffers suggested the Board may consider adoption a Resolution of Support of the NC School Bond noting the support by the North Carolina Governor and the NC Speakers given the capital needs indicated by the Person County Schools.

Vice Chairman Jeffers stated through his service on the Social Services State Board of Directors and through media coverage, food stamps were issued early (January 20th for February) noting until further notice no additional payments are expected (at earliest in March) for counties to alert food banks, churches, etc. for assistance.

Vice Chairman Jeffers noted the Farm Services Agency has been closed due to the government shutdown but USDA offices have opened half of the offices (not sure if Person County is open); he asked staff to find out if Person County's USDA office is open and put that information out to the farmers that may have program requirements and loan deadlines.

There were no reports from Commissioners Powell, Clayton or Puryear.

CLOSED SESSION #1

A **motion** was made by Commissioner Powell and **carried 5-0** to enter into Closed Session at 10:16am per General Statute 143-318.11(a)(3) for the purpose to consult with the county attorney in order to preserve the attorney-client privilege with the following individuals permitted to attend: County Manager, Heidi York, Clerk to the Board, Brenda Reaves, County Attorney, Ron Aycock, and Interim Economic Development Director, Sherry Wilborn.

Chairman Newell called the Closed Session to order at 10:18am.

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to return to open session at 10:57am.

ADJOURNMENT:

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to adjourn the meeting at 10:57am.

Brenda B. Reaves
Clerk to the Board

David B. Newell, Sr.
Chairman

January 22, 2019