

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

AUGUST 19, 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 Monday, August 19, 2019 at 9:00am in the Commissioners' meeting room in the Person County Office Building.

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

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

Chairman Newell announced two agenda adjustments: 1) to delete the item titled Resolution Authorizing Lease of Ten Strands of Fiber and Authorizing Upset Bid Process, and 2) to add an additional Closed Session.

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to adjust the agenda as requested by Chairman Newell and to approve the agenda as amended.

RECOGNITION:

RESOLUTION OF APPRECIATION FOR COUNTY RETIREE RAY PULLIAM:

Chairman Newell read and presented a Resolution of Appreciation to Person County Retiree Ray Pulliam.

August 19, 2019

RESOLUTION OF APPRECIATION

WHEREAS, Ray Pulliam has served the people of Person County during his tenure working for Person County as a Deputy at the Person County Sheriff's Office; and

WHEREAS, Ray Pulliam has served the citizens of Person County with honor, integrity, sincerity and dedication, providing accurate, concise services for twenty years, November, 1999 – July, 2019; and

WHEREAS, Ray Pulliam has earned the respect and admiration of all who have known him and worked with him throughout his career; and

WHEREAS, the County of Person recognizes the many contributions Ray Pulliam has made to the County and offers him sincere best wishes for his retirement.

NOW, THEREFORE, I, David B. Newell, Sr., Chairman of the Person County Board of Commissioners, do hereby extend this Resolution of Appreciation to Ray Pulliam for continually striving to make Roxboro and Person County a better place to live and work.

Adopted the 19th day of August 2019.



David B. Newell Sr.
David B. Newell, Sr., Chairman
Person County Board of Commissioners

Attest:

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

August 19, 2019

PUBLIC HEARING:

FY2021 COMMUNITY TRANSPORTATION PROGRAM APPLICATION:

A **motion** was made by Commissioner Puryear and **carried 5-0** to open the duly advertised public hearing for the FY2021 Community Transportation Program Application for grant funding.

Public Transportation Director, Glen LaBar requested Board approval for the FY2021 Community Transportation Program Application for grant funding that included federal, state and local appropriations. Mr. LaBar stated the application consists of Administrative and Capital funding; in the FY2021 budget, PATS requested replacement of two (2) Light Transit Vehicles (LTVs) and seven (7) Security Cameras for half of the PATS fleet. The total estimated budget requested is \$357,835, with a local share of \$44,921.

The Community Transportation Program 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 LTVs.

The total estimated amount requested for the period July 1, 2020 through June 30, 2021 was as follows:

<u>Project</u>	<u>Total Amount</u>	<u>Local Share</u>	
Administrative	\$ 182,698	\$ 27,406	(15%)
Capital (Vehicles & Other)	<u>\$ 175,137</u>	<u>\$ 17,515</u>	(10%)
TOTAL PROJECT	\$357,835		
		\$44,921	
Total Funding Request		Total Local Share	

There were no individuals appearing before the Board to speak in favor of or in opposition to the FY2021 Community Transportation Program Application for grant funding.

A **motion** was made by Commissioner Puryear and **carried 5-0** to close the public hearing for FY2021 Community Transportation Program Application for grant funding.

August 19, 2019

CONSIDERATION TO APPROVE FY2021 COMMUNITY TRANSPORTATION PROGRAM APPLICATION:

A **motion** was made by Commissioner Powell and **carried 5-0** to approve the FY2021 Community Transportation Program Application for grant funding as presented. This approval included the FY2021 Public Transportation Program Resolution and FY2021 Local Share Certification for Funding.

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PUBLIC TRANSPORTATION PROGRAM RESOLUTION

FY 2021 RESOLUTION

Section 5311 (including ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof.

Applicant seeking permission to apply for Public Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match.

A motion was made by (*Board Member's Name*) Commissioner Gordon Powell and seconded by (*Board Member's Name or N/A, if not required*) N/A for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural, small urban, and urban public transportation services consistent with the policy requirements of each funding source for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, the funds applied for may be Administrative, Operating, Planning, or Capital funds and will have different percentages of federal, state, and local funds.

WHEREAS, non-Community Transportation applicants may apply for funding for "purchase-of-service" projects under the Capital budget Section 5310 program.

WHEREAS, (*Legal Name of Applicant*) Person County hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project(s), prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

WHEREAS, the applicant has or will provide all annual certifications and assurances to the State of North Carolina required for the project;

NOW, THEREFORE, be it resolved that the (Authorized Official's Title)* the Board of Commissioners of (Name of Applicant's Governing Body) Person County is hereby authorized to submit grant application(s) for federal and state funding in response to NCDOT's calls for projects, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural, small urban, and urban public transportation services.

I (Certifying Official's Name)* Brenda B. Reaves (Certifying Official's Title) Clerk to the Board of Commissioners do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (Name of Applicant's Governing Board) Person County Board of Commissioners duly held on the 19th day of August, 2019.

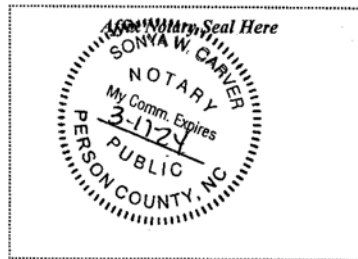
Brenda B. Reaves
Signature of Certifying Official

*Note that the authorized official, certifying official, and notary public should be three separate individuals.

Seal Subscribed and sworn to me
(date) August 19, 2019

Sya W Carver
Notary Public *

Sonya W. Carver
3045 Moran St Rt 208 Roxboro, NC 27573
Printed Name and Address



My commission expires
(date) 3-17-24

FY 2021 LOCAL SHARE CERTIFICATION FOR FUNDING

Person County
(Legal Name of Applicant)

Requested Funding Amounts

<u>Project</u>	<u>Total Amount</u>	<u>Local Share</u>
Administrative	\$ <u>182,698</u>	\$ <u>27,406</u> (15%)
5311 Operating (No State Match)	\$ _____	\$ _____ (50%)
5310 Operating (No State Match)	\$ _____	\$ _____ (50%)
5307 Operating	\$ _____	\$ _____ (50%)
5307 Planning	\$ _____	\$ _____ (20%)
Combined Capital	\$ <u>175,137</u>	\$ <u>17,515</u> (10%)
Mobility Management	\$ _____	\$ _____ (50%)
5310 Capital Purchase of Service	\$ _____	\$ _____ (10%)
_____	\$ _____	\$ _____ (%)
_____	\$ _____	\$ _____ (%)
_____	\$ _____	\$ _____ (%)

Funding programs covered are 5311, 5310, 5339 Bus and Bus Facilities, 5307 (Small fixed route, regional, and consolidated urban-rural systems)

TOTAL	\$ <u>357,835</u>	\$ <u>44,921</u>
	Total Funding Requests	Total Local Share

The Local Share is available from the following sources:

<u>Source of Funds</u>	<u>Apply to Grant</u>	<u>Amount</u>
<u>Local Funds</u>	<u>Admin</u>	\$ <u>27,406</u>
<u>Local Funds</u>	<u>Capital</u>	\$ <u>17,515</u>
TOTAL		\$ <u>44,921</u>

** Fare box revenue is not an applicable source for local share funding

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I, the undersigned representing (*Legal Name of Applicant*) **Person County** do hereby certify to the North Carolina Department of Transportation, that the required local funds for the FY2021 Community Transportation Program and 5307 Governors Apportionment will be available as of July 1, 2020, which has a period of performance of July 1, 2020 – June 30, 2021.

Heidi York
Signature of Authorized Official

Heidi York, County Manager
Type Name and Title of Authorized Official

8/19/19
Date

August 19, 2019

INFORMAL COMMENTS:

There were no comments from the public.

DISCUSSION/ADJUSTMENT/APPROVAL OF CONSENT AGENDA:

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

- A. Approval of Minutes of August 5, 2019,
- B. Budget Amendment #4, and
- C. Tax Adjustments for August 2019
 - a. Tax Releases
 - b. NC Vehicle Tax System pending refunds

UNFINISHED BUSINESS:**REQUEST TO REINSTATE THE PUBLIC HEALTH NURSING DIRECTOR I POSITION:**

Health Director, Janet Clayton requested the Board to reinstate the Public Health Nursing Director I position that was eliminated from the Fiscal Year 2019-2020 Budget noting this position would provide the Health Department with state mandated nursing leadership. As stated in previous meetings, Ms. Clayton stated the following positions, which were included in the approved Fiscal Year 2019-2020 Budget are proposed to be eliminated to offset the costs of the Nursing Director I position; no further general fund appropriations would be needed:

- Licensed Practical Nurse= \$56,213 (budgeted salary and benefits)
- Processing Assistant III = \$40,839 (budgeted salary and benefits)

Ms. Clayton requested the Board to approve the reinstatement of the Public Health Nursing Director I position and to eliminate the LPN and Processing Assistant III positions; approve the unfreezing of all health department positions with the understanding that positions only will be filled as needed with the approval of the County Manager.

Vice Chairman Jeffers asked Ms. Clayton what were the remaining frozen positions to which she stated one Clinic Nurse position that has been vacant since May, one Clinic Nurse in the Care Management Program that has been vacant for a few months, and one Community Health Technician that has been vacant for three months.

Chairman Newell asked Ms. Clayton what steps was she taking to cross-train staff to which she replied there was not enough staff at this time to cross-train. She added previous staff would go through a clinic training so that they could fill-in for any position in the clinic and the immunization room.

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Vice Chairman Jeffers asked Ms. Clayton to report on the participation levels to which she responded that currently the Health Department was not offering maternity programs nor family planning services or STD service because there was not adequate staff to do so. In the past, Ms. Clayton said the numbers were lower than seen in previous years, which was why she requested the unfreezing of positions as needed. Chairman Newell stated the majority of people that used to come to the Health Department for services now have insurance; they now go to a doctor and not to the Health Department. Chairman Newell said the Health Department averaged 12-13 people a day coming in for services, which was his concern; he asked Ms. Clayton to consider if cross-training staff and eliminating positions, keeping those only absolutely needed or she would have to create a need for the health department, i.e. sports physicals.

Ms. Clayton explained that prior to January 24, 2019 the position had been listed as a Public Health Nursing Supervisor II.

Commissioner Powell asked Ms. Clayton if approving her request, would any of the revenue streams that were eliminated would be reinstated to which she told the group that this approval would begin the rebuilding of the staff to provide the services that are not being provided currently. She added approximately \$500,000 in revenues are affected by the inability to provide services which includes grant funding, Medicaid and insurance billing with the only exception being immunization billing. Ms. Clayton stated there were funds allocated for community education and outreach but until individuals are in place to provide the service, those funds are sitting there unused. She added the last date for provider clinic services was July 8, 2019.

Vice Chairman Jeffers asked Ms. Clayton if she provides reports to the Board of Health at its meetings related to the numbers of people getting services at the Health Department to which she affirmed.

Vice Chairman Jeffers asked for the salary and benefits for the Public Health Nurse Supervisor II to which Ms. Clayton confirmed salary and benefits \$87,589; the salary without benefits \$63,085.

Chairman Newell asked if referrals were being made to Person Family Medical to which Ms. Clayton affirmed and noted some patients are referred to Durham County. Chairman Newell asked Ms. Clayton how many other services can be subbed out. Ms. Clayton responded she could contract out other services but questioned what is being done for the county's citizens, especially those with transportation barriers. She added subbing out services requires citizens to go outside of the county, or not receive the care, or end up in the emergency room or at the health department for something such as STDs, or other things detrimental to their health.

Commissioner Powell asked Ms. Clayton about outside provider approval for services. Ms. Clayton said she has two medical directors, one through Duke for OB/GYN services and the other for communicable diseases and immunizations.

Vice Chairman Jeffers stated his concern with unfreezing the other positions with the decline in participation for services noting he was not sure about making a decision based on one month's reports; he suggested the Board to review previous months' reporting on the number of clients being served.

Commissioner Puryear stated his confidence in the Health Director.

A **motion** was made by Commissioner Puryear to approve the Health Director's request for the reinstatement of the Public Health Nursing Director I position and eliminate the LPN and Processing Assistant III positions; approve the unfreezing of all health department positions with the understanding that positions only will be filled as needed with the approval of the County Manager.

Commissioner Clayton stated the abnormal turnover rate with positions at the Health Department caused the Board of Commissioners to freeze positions in the Budget to bring attention to the Board of Health so that the Health Director and the Board of Health could hear and address the issues.

Vice Chairman Jeffers asked Ms. Clayton about the difference in qualifications of the Public Health Nursing Director I position and the Public Health Nursing Supervisor II position to which Ms. Clayton noted the Director I position required more experience. She added the minimum salary of the Nursing Supervisor II is \$63,085 compared to the Nursing Director I minimum salary of \$66,239.

Chairman Newell asked the County Manager if she had comments. County Manager, Heidi York stated the decision to sell Home Health and Hospice was similar whereas there was a decline in patients and turnover of staff but when the County sold those services, there was a market for those services. She added there was not a market for the current services however clients, customers and patients need a community health department, i.e., young pregnant mothers having to travel to Durham for OB care does not reflect well for the community. She added it was a challenge to rebuild staff at the health department to meet the needs of the community and that a nursing leadership was required in order to draw down the state funds. Ms. York suggested that the Board work with Ms. Clayton and the Board of Health to rebuild the health department with monitoring on a regular basis to review patient participation, staff hiring to build programs for a successful clinic serving the community. She told the group that everyone was now aware of the turnover issues but a first step to moving forward was to get the positions that are critical to drawdown funds as well as providing services to the residents.

Vice Chairman Jeffers stated he was not questioning Ms. Clayton competence however he felt one month of reports did not provide enough facts and information to make a decision to go back the way it was prior to the budget.

Ms. York suggested bringing the Board of Health's Chairman back to the Board of Commissioners and to allow Ms. Clayton to work with the Manager on the day-to-day rather than the commissioners having to direct Ms. Clayton when she reports to a board; this would keep the Board of Health more engaged.

A **substitute motion** was made by Vice Chairman Jeffers and **carried 3-2** to approve a Public Health Nursing Supervisor II position to comply with the state and instead of unfreezing positions with approval by the County Manager, and while the Health Department is rebuilding and advertising with a plan to go forward with the clinic, that a request comes back before the Board for the positions so that the Board knows what is going on. Vice Chairman Jeffers, Chairman Newell and Commissioner Clayton voted in favor of the substitute motion. Commissioners Puryear and Powell cast the dissenting votes.

NEW BUSINESS:

RESULTS OF WOODSDALE VOLUNTEER FIRE DEPARTMENT'S RECENT CERTIFICATION INSPECTION:

Doug Young, Director of Emergency Services stated the Office of the State Fire Marshal (OSFM) contacted him and requested that he meet the OSFM staff at the Woodsdale Volunteer Fire Department (WVFD) on June 25, 2019 for an unannounced 9S Ratings Inspection that was conducted by Derrick Clouston, Vernon Ward, Tony Bailey and Jerry Coble. Mr. Young stated he did not participate in the inspection but was only present at the request of the OSFM. On June 26, 2019, Mr. Young stated he briefed the County Manager that the inspection took place. On July 3, 2019, Mr. Young said the OSFM met with him and advised that they would be opening up an investigation of the WVFD certification based on their findings of their unannounced 9S inspection. Mr. Young noted that on August 8, 2019 he received Notice of the WVFD 9S Certification Failure and Decertification from the OSFM. The effective date of the WVFD decertification is October 8, 2019 at which time the rating will change from a Class 9E to a Class 10.

Mr. Young introduced Mr. Derrick Clouston, Deputy Director for Training, Ratings, Government Services of the NC Office of State Fire Marshal to present the findings of OSFM recent certification inspection of WVFD.

Mr. Clouston briefed the Board on the OSFM findings as follows:

August 19, 2019



OFFICE OF STATE FIRE MARSHAL

MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL
BRIAN TAYLOR, CHIEF STATE FIRE MARSHAL

August 9, 2019

Heidi York, County Manager
304 South Morgan Street
Roxboro, NC 27573

VIA HAND DELIVERED – SIGNATURE REQUIRED

RE: Woodsdale Volunteer Fire Department - Notice of Fire Department 9S Certification Failure and Decertification

This letter is to notify you of the Office of State Fire Marshal's decision to decertify your Fire Department due to its failure to meet the minimum requirements that a Fire Department must maintain for initial certification and receiving a rating of "9S."

This decision is based on the following facts and circumstances:

- **January 5, 2017-** Based on concerns received, a 9S inspections was scheduled for Woodsdale Fire Department in Person County. Upon inspecting the department, it was found that, in accordance with the Administrative Rules in place at the time, twenty-eight members were required (twenty for the primary station and eight for the sub-station). The department failed to meet this requirement. An additional requirement not met at the time was not reporting structure fire incidents to NFIRS. The notice of placement on probation for the department was signed by Chief Aron Lappin and Ratings Inspector Tony Bailey. **Exhibit 1**
- **January 11, 2017-** The Woodsdale Fire Department and Person County were sent a Notice of Non-Compliance based on the results of the 9S Ratings Inspection conducted on January 5, 2017. The letter was sent to Battalion Chief Greg Freeman of Woodsdale Fire Department, James Royster Board President of Woodsdale Fire Department, and Person County Director of Emergency Services Doug Young. The letter (**Exhibit 2**) contained specific information related to the corrective actions needed which consisted of the following:
 - Provide written acknowledgment of this letter to OSFM (Within 30 days)
 - Provide OSFM with a corrective action plan for approval (Within 60 days)

OFFICE OF STATE FIRE MARSHAL

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August 19, 2019

- Complete corrective action plan (Within 6 months)
- **February 1, 2017-** A letter of acknowledgement of Probationary Status was received by the Office of State Fire Marshal that was sent by Battalion Chief Gregory Freeman of the Woodsdale Fire Department. **Exhibit 3**
- **April 16, 2018-** Due to changes in the Administrative Code that were directly related to 9S ratings, Woodsdale Fire Department was reinspected under the new rules. Upon this reinspection, the department failed for a second time due to the lack of required minimum personnel requirements, (fifteen needed for the main station and four needed for the sub-station). Again, the failure to report incidents to NFIRS was noted. Due to these deficiencies the department was placed in non-compliance this time under Administrative Rules that went into effect on January 1, 2018. **Exhibit 4**
- **November 15, 2018-** A Notice of Probation was sent to the Chief of Woodsdale Fire Department, Person County Manager, and Person County Emergency Services Director. The following was noted in the letter (**Exhibit 5**):
 - Provide written acknowledgment of this letter to OSFM (Within 30 days)
 - Provide OSFM with a corrective action plan for approval (Within 90 days)
 - Implement corrective action plan (Within 12 months)
 - This office has not received a corrective action plan from the department. Therefore; your department is now moved from a non-compliance status to a probationary status. The department now has till **5/22/2019** to have non-compliance issues resolved.
- **May 22, 2019-** Ratings Inspector's Davie Summey and Tony Bailey conducted a 9S inspection on Woodsdale Fire Department per the Administrative Code to determine if the department met the 9S requirements. Meeting these requirements would allow them to be taken off the probationary status that was enacted on November 15, 2018. The results of this inspection determined that Woodsdale Fire Department met the 9S requirements and would be eligible to be removed from Probationary Status.
- **May 23, 2019-** Letters were sent to the Person County Manager and Emergency Services Director notifying them that Woodsdale Fire Department would be taken off Probationary status based on the results of the May 22, 2019 inspection. **Exhibit 6**
- **June 19, 2019-** A complaint was received from a citizen. The complaint stated that irregularities had been found by a member of the department. They further stated that the complainant's street address was being used on the current Fire Department roster that was submitted during the recent 9S rating inspection on May 22, 2019. There were also several other irregularities noted and stated. **Exhibit 7**

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- **June 21, 2019-** A member Autumn Martin contacted Mike Williams with the Office of State Fire Marshal and asked to be removed from the Woodsdale Fire Department Roster. It was explained to Ms. Martin that the North Carolina State Firefighters' Association handled the rostering information and she would need to contact them about removal. She sent a follow up e mail to OSFM to the attention of Mike Williams as well. **Exhibit 8**
- **June 25, 2019-** An unannounced 9S Ratings Inspection was conducted by Derrick Clouston, Vernon Ward, Tony Bailey, and Jerry Coble. This inspection was conducted in response to the complaints filed on June 19, 2019 with OSFM. During this inspection apparatus inspection sheets, training records, and roster information was collected. As a result of this inspection, it was determined that the department's removal from probationary status on May 22, 2019 was incorrect because the decision to do so was based on improper and incorrect information provided to OSFM. Please refer to the findings document for specific items that were presented to the Ratings staff on May 22, 2019 that were found to be in question. **Exhibit 9**

The exhibits referenced above are attached to this correspondence and relate to the Woodsdale Fire Department's placement on Probationary status in 2017 and subsequent records of ratings inspections leading up to the re-inspection on June 25, 2019.

Due to the decision to decertify your department, pursuant to 11 NCAC 05A.0912, the rating for your department will change from a Class 9E to a Class 10.

The effective date of this change is: October 8, 2019, which is 60 days from the date of this notice.

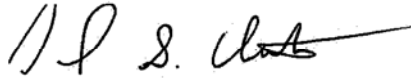
Once the decision takes effect, the Insurance Services Office ("ISO"), the NC Treasurers' Office, and the North Carolina State Firefighters' Association will be notified of the decision.

Within sixty (60) days of the receipt of this decision, your department may appeal this decision for a final ruling by the Commissioner. Appeals must be made in accordance with 11 NCAC 1.0401etseq.

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For any questions related to this matter you may contact Davie Summey, OSFM Inspection & Ratings Supervisor at 800-634-7854 with questions concerning this decision.

Respectfully,

A handwritten signature in black ink, appearing to read "D. S. Clouston", with a long horizontal stroke extending to the right.

Derrick S. Clouston
Deputy Director
Training, Ratings, Governmental Services

CC: [Person County Manager?]
[Person County Emergency Services Director?]

Exhibit 1



Training & Inspections
Mike Causey | Commissioner of Insurance

January 5, 2017

Chief Lappin:

Your signature on this document acknowledges that a 9S inspection of the Woodsdale Fire Department, Inc. was performed on this day.

Category	Failure Reasons
Department	Low on Personnel

After final review you will be notified of the results within 60 days.



Chief Aron Lappin

1-5-17

Date



OSFM Field Inspector


1202 Mail Service Center | Raleigh, NC 27699-1202 | www.ncdoi.com/osfm | tel 919 647 0000 fax 919 662 4670
An Equal Opportunity Employer 

Exhibit 2



RATINGS AND INSPECTIONS

Tel 919.647.0000 Fax 919.715.0063

MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL
BRIAN TAYLOR, CHIEF STATE FIRE MARSHAL

NOTICE OF NON-COMPLIANCE

January 11, 2017

Douglas R Young CEM
Director of Emergency Services
216 West Barden Street
Roxboro, NC 27573

Reference: District: Woodsdale
Department: Woodsdale Fire Department, Inc.

Dear Douglas R Young CEM:

OSFM appreciates the cooperation and assistance given by members of your staff during the recent inspection of your department. The purpose of the inspection was to verify that your department meets the State's minimum requirements for a certified department.

Your department did not meet the minimum standards or requirements for a certified department for the following reasons:

Category	Non-Compliant Items
Department	Low on Personnel
Department	Department did not complete fire incident reports

Failure to meet the minimum requirements for a certified department will lead to a change in the rating classification of your department and the fire district(s) it serves to a Class 10 rating. Your department currently holds a Class 9E/10 rating. If this rating classification were implemented, the change to a Class 10 would affect all property insurance premium calculations for residential occupancy insured under Homeowner policies and other special schedule surveyed property.

Before any action is taken regarding your department's rating classification, OSFM would like to provide the department with the opportunity to develop a plan to correct its deficiencies. If your department wishes to develop a plan to correct its deficiencies and ensure it continues to meet all minimum standards it will need to take the following actions:

Actions Required

- * Provide written acknowledgment of this letter to OSFM (Within 30 days)
- * Provide OSFM with a corrective action plan for approval (Within 60 days)
- * Complete corrective action plan (Within 6 months)

OSFM will be committed to assist your department as needed to implement its corrective action plan. If, after six (6) months, your department still does not meet all of the minimum requirements, OSFM will take action to change the status from non-compliant to probation.

For additional information about the inspection or recommendations for improvement, please contact Davie Summey at 919-647-0000, to schedule a conference or discuss any concerns.

Sincerely,

1202 MAIL SERVICE CENTER | RALEIGH, NC 27699-1202 | WWW.NCDOI.COM/OSFM

August 19, 2019

Exhibit 3

WOODSDALE FIRE DEPARTMENT

Gregory Freeman
Battalion Chief 802
Woodsdale Fire Department
1215 Shiloh Church Rd.
Roxboro, North Carolina

February 1, 2017

Wayne Bailey
North Carolina
Department of Insurance
Office of State Fire Marshal

Reference: Probationary Status Woodsdale Fire Department Letter of Acknowledgment

Dear Mr. Bailey

On behalf of James Royster Chairman of board Woodsdale Fire Department and Chief Aaron Lappin; thank you for your corporate assistance and say it was a pleasure to have met you. And we look forward to working with you to in resolving this matter in a timely fashion.

We formally acknowledge the receipt of the notification of the probationary status that we've been placed on; and are diligently working to correct this deficiency in hopes of having it resolved within the next 60 days. A review of our records and training files indicate at present we have 25 certified members. Our present training records have been poorly maintained for quite some time; but a corrective action plan which will be forwarded on to you for your review should correct this problem. As well as processes put in place to ensure that they are adequately maintained on a quarterly basis.

In addition were actively recruiting members and are in the review process of applicants at this time; and should hopefully have the vacancies that we presently have fill within the next 60 days.

In closing, if there's any questions or comments, please feel free to contact us and we will attempt to provide the necessary information as expediently as possible.

Sincerely yours

Gregory Alford Freeman
Battalion chief 802

August 19, 2019

Exhibit 4



INSPECTIONS AND GRANTS

Tel 919.647.0000 Fax 919.715.0063

MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL
BRIAN TAYLOR, ASSISTANT STATE FIRE MARSHAL

Chief Freeman:

This document acknowledges that a 9S inspection of the Woodsdale Fire Department, Inc. was performed on April 16, 2018. Below are the non-compliance issues that need to be addressed.

Category Failure Reasons

Department - Low on Personnel

Department- Department did not complete fire incident reports

11 NCAC 05A .0912 NON-COMPLIANCE

(a) Upon completion of an inspection, the OSFM inspector will review the inspection results with the fire chief or the chief's designee. Any fire department that fails to meet any of the standards set forth in this Section shall be considered non-compliant for the purpose of determining Fire Insurance District Rating Classifications.

OFFICE OF STATE FIRE MARSHAL

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August 19, 2019

Exhibit 5



INSPECTIONS AND GRANTS
Tel 919.647.0000 Fax 919.715.0063

MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL
BRIAN TAYLOR, CHIEF STATE FIRE MARSHAL

NOTICE OF PROBATION

Date: 11/15/2018

Name of District Contact:	District Mailing Address:
<u>James Royster</u>	<u>1215 Shiloh Church Road</u>
Title of District Contact:	City:
<u>Board President</u>	<u>Roxboro</u>
Department Name:	Zip Code:
<u>Woodsdale Fire Department, Inc</u>	<u>27574</u>

During the inspection on 4/16/2018 your department did not meet the following minimum standards or requirements for a certified department for the following reasons:

Items Which Did Not Comply With Minimum Standards or Requirements
Low on Personnel
Failed to meet Minimum Response Requirements - Not Reporting in NFIRS

The Board President, Fire Chief and County Fire Marshal were sent notification of non-compliance issue on 4/16/2018, stating before any action is taken regarding your department's rating, OSFM would like to provide the department with the opportunity to develop a plan to correct its deficiencies. If your department wishes to develop a plan to correct its deficiencies and ensure it continues to meet all minimum standards it will need to take the following actions:

- Provide written acknowledgment of this letter to OSFM (Within 30 days)
- Provide OSFM with a corrective action plan for approval (Within 90 days)
- Implement corrective action plan (Within 12 months)

This office has not received a corrective action plan from the department. Therefore; your department is now moved from a non-compliance status to a probationary status. The department now has till 5/22/2019 to have non-compliance issues resolved.

Failure to meet the minimum requirements for a certified department will lead to a change in the rating of your department and the fire district(s) it serves to a Class **10** rating. Your department currently holds a Class **9S** rating. If this rating were implemented, the change to a Class **10** would affect all property insurance premium calculations for residential occupancy insured under Homeowner policies and other special schedule surveyed property.

OFFICE OF STATE FIRE MARSHAL

1202 MAIL SERVICE CENTER | RA LEIGH, NC 27689-1202 | WWW.NCDOI.COM/ OSFM

Exhibit 6



RATINGS AND INSPECTIONS

Tel 919.647.0000 Fax 919.715.0063

MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL
BRIAN TAYLOR, CHIEF STATE FIRE MARSHAL

May 23, 2019

Douglas R Young CEM
Director of Emergency Services
216 West Barden Street
Roxboro, NC 27573

Dear Douglas R Young CEM:

Thank you for the cooperation shown to our Fire Department Rating Inspector on his recent visit to your County. We are proud of the North Carolina Fire Service and feel that the inspections program has helped to make it even better.

Enclosed is a summary sheet which shows the results of the updates that have been made in your County Fire Departments. The fire departments either Did or Did Not meet the minimum requirements for a rated and certified department in North Carolina today.

As the Inspector explained to the Chiefs of the Departments, the departments not meeting the minimum requirements will be given 12 months to meet the minimum requirements. The departments, however, are expected to make an attempt to meet these requirements as soon as they possibly can, depending on the extent of the reasons they did not pass. The Inspector will be committed to assist your departments for the next 12 months as needed to meet these requirements.

The intention of this inspection plan is not to withdraw the fire department rating if the personnel are making a sincere attempt to comply to the requirements. However, if after the 12 months from the date of this letter, the department has failed to comply and no effort has been made to correct the deficiencies, then the district will become a Class 10 or unprotected.

If we can be of assistance to you or your departments, please let me know.

Yours very truly,

A handwritten signature in cursive script that reads "Davie W. Summey".

Davie Summey
Supervisor of Inspections

DS/vw
Enclosure

1202 MAIL SERVICE CENTER | RALEIGH, NC 27699-1202 | WWW.NCDOI.COM/OSFM

August 19, 2019

Exhibit 7

From: Laura Woody <lauraw71@centurylink.net> Date: Wed, Jun 19, 2019 at 9:51 PM To: <vernon.ward@ncdoi.gov>

Mr. Ward,

A fireman with Woodsdale Fire Department saw their state certified roster on a desk at their station. He saw our home address and George's work e-mail address listed for some of the firemen on the roster. The fireman who saw this has known us for many years and he knows that the address does not belong to them. The fireman contacted us because he was concerned that this could cause us identity theft issues. Also, he noticed that five of the names listed on the roster have the fire department's post office box listed for their address. He also said he does not know some of the people on the roster. Another problem is that the day phone number listed on the roster, 336-598-1799 is George's old cell phone number.

Donald Bingman
Donald Mangum
has 555 Bethel Hill School Rd, Roxboro, NC 27574 listed as their address. That is our address.

Betty Mihalopoulos has George's work e-mail address listed for her e-mail address. gwoody@awnc.com

Rodney Womack
Rose Harris
Betty Mihalopoulos
Kimora Garvin
Tracy Coleman
All have PO Box 59, Roxboro, NC 27574 listed as their address. That is the fire department's post office box.

George and I went to the Chief 101 class with Scott Hackler and he preached on unethical behavior within volunteer and paid fire departments. We have been in the fire service for many years and always been ethical and truthful. This seems to be an example of unethical behavior. We have not been in that fire department in approximately four years.

The fireman said that the roster was last updated on 5-21-19 at 9:52:18 PM. This fireman said he would be glad to talk to you if needed. The fireman's name is Solomon Smith his phone number is 336-583-1666.

George also talked to our lawyer after receiving this information.

Thank you for looking into this.

Laura and George Woody
George's cell phone is 919-452-3949. It is easier to call him after 3:30 due to bad cell phone reception where he works.

Exhibit 8

FYI

Mike Williams
Chief Deputy of Fire / Rescue
Office of State Fire Marshal
1202 Mail Service Center
Raleigh NC 27699-1202
919-647-0085 – Office
919-368-0643 - Cell

Begin forwarded message:

From: Autumn Martin <autumn.martin81@yahoo.com>
Date: June 21, 2019 at 2:21:14 PM EDT
To: mike.williams@ncdoi.gov
Subject: [External] Removal off roster

[if gte mso
9]><xml><o:OfficeDocumentSettings><o:AllowPNG/><o:PixelsPerInch>96</o:PixelsPer
Inch></o:OfficeDocumentSettings></xml><![endif
CAUTION: External email. Do not click links or open attachments unless you verify. Send
all suspicious email as an attachment to report.spam@nc.gov

Autumn Martin
Woodsdale Volunterr Fire Department
Offiically turned everything in on 6/20/2019

Sent from Yahoo Mail for iPhone

Exhibit 9

Complaint Finding Report for:

**Woodsdale Fire Department
Person County**

Complaint submitted: June 19, 2019

Ratings Inspection OSFM June 25, 2019 by Derrick Clouston, Tony Bailey, Jerry Coble Vernon Ward.

Findings:

11 NCAC 05A .0903 RATING OF FIRE DISTRICTS

(a) To receive a PPC rating, a fire department shall submit a written request to OSFM containing the following information:

- (3) **The name of the person in charge of the entity that operates the fire district;**
- (8) **Copies of any contracts with a local government body to provide fire protection;**
- After interview of the President of the Board Mr. James Royster it was indicated that there were no annual meetings held in each of the last 3 years. This in conflict Article 9 section 1 of the department by laws.
- The county contract that was provided May 22, 2019 and confirmed by James Royster and Doug Young was signed by Greg Freeman as secretary of the Board of Directors for the Woodsdale Fire Department. It was indicated to OSFM staff that Greg Freeman was the Interim Fire Chief and Treasurer. The list of board members provided to OSFM Staff are the following: Don Bingman, Ronnie Womack, Bernard Mangum, Chairman James Royster and Treasure Greg Freeman.

See attachment (1) - Constitution and By Laws of the Woodsdale Fire Department

August 19, 2019

11 NCAC 05A .0905 APPARATUS SPECIFICATIONS AND EQUIPMENT

(d) A fire station shall inspect all equipment inventory monthly and document the inspection.

(e) A fire station shall perform maintenance on engines and tankers in accordance with manufacturers recommendations, and maintain logs documenting all such maintenance.

(f) A fire department shall perform a fire pump performance test on all engines annually, in accordance with NFPA 1911, "Standard for the Inspection, Maintenance, Testing, and Retirement of In-Service Emergency Vehicles." If the engine was purchased within the previous 12 months, the certification required by Part (a)(2)(A) of this Rule shall satisfy this requirement.

- After reviewing the documents provided the validity of the monthly inspection was a concern and follow up interviews were conducted to determine the validity: What caused concern was how the check marks and other information written on the check sheets appeared exactly the same on each monthly sheet. It was determined that the apparatus checks were not valid and at some point prior to the May 22, 2019 probationary inspection were falsified. In subsequent interviews it was attested to that the manner in which the forms were filled out was not consistent with how members normally fill the forms out. The members we spoke to had specific information and knowledge as to how the forms were filled out on a regular basis.
- No indication of regular equipment maintenance was provided during the inspection. No maintenance records were provided to meet the requirements of this section. The monthly maintenance checks that were provided were also called into question after the monthly inventory reports were also found to be fraudulent. This was confirmed after an interview with one of the Chief Officers who was intimately familiar with the internal processes. When we showed him what was presented during the inspection he stated that they did not check the boxes off nor date them. In all of the reports that were turned over, each line was checked and each sheet was dated. The Chief Officer specifically stated that there was only one sheet in the apparatus book and it was used as a guide to make sure everything that needed to be accounted for was present on the apparatus.

See attachment (2) – Scanned equipment check sheets of the Woodsdale Fire Department

11 NCAC 05A .0906 STAFFING LEVELS

(a) Fire Station.

(1) Each fire department shall maintain a minimum of 15 eligible firefighters on its roster.

(b) Additional Fire Stations: Fire departments that operate more than one station shall have four additional personnel for each additional station

- The department was put on probation 11/15/2018 for lack of personnel. Upon review of the roster on May 22, 2019 Ratings staff noticed that five members had been added within the last six weeks and these included names of members that had addresses in Charlotte and Cleveland County. The validity of maintaining the needed 19 eligible firefighters was possible only through the addition of the members just before the May 22, 2019 inspection. After reviewing the State Firefighters' Association (NCSFA) roster and confirming with the NCSFA the names were added on the date posted on the roster given to Ratings staff during the inspection. It was also noted that many of the addresses were not the actual addresses that were entered on the roster. After further investigation and one complaint that was received, at least two of the members were using an address of former members without their knowledge. According to the complaint received, the members who someone else has listed their address have attained a lawyer and are concerned about identity theft. Upon interviewing other members who are members of the department they attested to the fact that many members were added to meet the 19 needed for the 9S inspection on May 22, 2019 and further confirmed that many members have not been seen in almost two years. These same members that are in question were entered on training reports and signed off on apparatus maintenance logs. Board Members have also been listed firefighters but only serve in a capacity of a Board Member. It should also be noted that only two members listed on the roster live inside the fire district. As stated previously this would invalidate the training provided on the May 22, 2019 Ratings inspection. Several members also stated that many of the members that were on the state roster they did not know them or why they would be on the roster.
- In relation to the Fire Department By Laws, in Article 7 Section 2 a letter from a licensed physician stating that the individual has no physical impairment which may prohibit his/her ability to perform the duties assigned shall be required annually. No documentation was presented to confirm this but this is not specifically required by the 9S rules.

**See attachment (3) – 5/21/2019 State Association Roster of the Woodsdale Fire Department
Woodsdale Fire Department Articles of Incorporation Article 7 Section 2**

August 19, 2019

11 NCAC 05A .0907 TRAINING

(a) Eligible firefighters shall attend at least 36 hours of training annually in the area of fire prevention, fire suppression, or protection of life and property. No more than 12 hours of emergency medical services training may be counted toward the 36-hour training requirement.

(b) Fire departments shall provide at least four hours of training per month, for a total of 48 hours of training per year.

(d) Fire departments shall maintain training records in accordance with 11 NCAC 05A .0911.

- The department was put on probation 11/15/2018 for lack of personnel. During the inspection on May 22, 2019 the roster that was provided indicates there were 13 firefighters that had been on the fire department for 4 months or less. With 5 of the 13 members living out of county the validity of these member's ability train in accordance with the intent of the 9S requirements. Per the narrative contained on 11 NCAC 05A .0906 STAFFING LEVELS the training provided is in question for many of the same reasons as the validity of the members reported.
- The department did not provide the required 4 hours of training for the month of August, September and November 2018 per the Training Reports that were submitted on May 22, 2019.
- Per interviews with members and after inquiring about specific dates of training that were reported of particular interest to Ratings staff were Saturday training offerings and a Tuesday training offering that was 8 hours in length. We asked specific members who were listed on these reports and they advised that they were not in attendance. Further a Chief Officer stated that Greg Freeman had contacted him and told him he did not have 36 hours of training but yet on the May 22, 2019 he was reported as having 36 hours of training therefore making him an eligible member. Upon hearing this, the Chief Officer was asked if Greg Freeman stated if he was going to add him to any training records and the Chief Officer stated that he did not. It was asked of the Chief Officer if he was ever asked to falsify a report by Greg Freeman to which he answered that he was asked to add Greg Freeman to a structure fire report so they would have the required four members per the 9S requirements.
- It is also important to note that the departments bylaws in article 7 section 3 states that each firefighter shall attend at least 4 hours of training per month.

August 19, 2019

11 NCAC 05A .0908 COMMUNICATIONS AND ALARMS

(b) Notification to firefighters of emergencies may be provided by pagers, portable radios with alerting capabilities, or station alerting devices with paid personnel. Text paging or phone paging by a third party shall not be an acceptable means of notification.

- According to the roster there are five firefighters that live in Cleveland County and possibly Mecklenburg County. Departments are required to provide a method of member alerting through the means of a pager. These are public safety level devices and are activated by the Public Safety Answering Point (PSAP) upon receipt of an emergency call. These devices work through the public safety radio system but the pager must be in range of the radio system to activate. The five members that live outside the county are out of the range the Person County radio system. This would negate them being counted on the roster since they have no way of knowing through a credible means in accordance with 05A.0908. It should also be noted that Woodsdale Fire Department does not have any paid members nor do they have a scheduled duty time for their members. This makes it imperative that all members be notified through the pager of an emergency call for service and as stated previously, five members cannot be notified because of they live outside of the effective range of the radio system. This would invalidate them as counting towards the total of nineteen needed members.

August 19, 2019

Attachment 1
Woodsdale Fire Department By-Laws

CONSTITUTION AND BY-LAWS OF
WOODSDALE VOLUNTEER FIRE DEPARTMENT, INC.

ARTICLE I - NAME

Section 1: The name of the corporation shall be the Woodsdale Volunteer Fire Department, Inc.

ARTICLE II - PURPOSE

Section 1: The purpose of this corporation shall be to establish, maintain, operate and otherwise carry on a volunteer fire department in the Woodsdale and surrounding communities in Person County, North Carolina. To that purpose, this corporation shall be operated exclusively for the prevention of fires and the protection of life and property from fire in the Woodsdale Fire District and surrounding communities. Further, this corporation shall carry out fire prevention and firefighting activities and other similar activities beneficial to the general public and community as a whole.

Section 2: This corporation is a wholly non-profit organization and no part of its net earnings shall inure to the benefit of any private member or individual, and no part of the activities of this corporation shall be devoted to carrying on propaganda or otherwise attempting to influence legislation.

ARTICLE III - MEMBERSHIP

Section 1: There shall be three classes of membership - regular, associate, and honorary.

Regular: An individual, family or organization/corporation living or owning real property located within the Woodsdale Fire District as defined by the County Commissioners on an annual basis. Also, any fireman who is enrolled as a volunteer fireman for the Woodsdale Volunteer Fire Department, Inc.

Associate: An individual, family or organization/corporation not living within or being located within the Woodsdale Fire District.

Honorary: An individual, family, or organization/corporation which has contributed immeasurably to the establishment and/or continuation of the Woodsdale Volunteer Fire Department, Inc. Honorary memberships shall be at the discretion of the Board of Directors.

Date of Adoption: April 23, 1990

Attachment 2
Equipment Check Lists and Training Summary

10-31-18

First Out Engines and Tankers Equipment Worksheet

First Out Engine Unit # _____

- ___ A tank with at least a 300-gallon capacity.
- ___ Two 200-foot pre-connected hose lines, with a diameter of 1 1/4 inches, 1 1/2 inches, or 2 inches, with nozzles that have a minimum flow of 95 GPM.
- ___ At least 20 feet of hard-suction hose or at least 100 feet of the engine, or at least 15 feet of soft-suction hose with a diameter of at least four inches.
- ___ Four self-contained breathing apparatus (SCBA) in proper working condition. A SCBA shall be considered in proper working condition if the facepiece, back frame and harness, cylinder, hoses, low air alarms, regulators, and accessories are tested and operational in accordance with manufacturer's recommendations. The SCBA's shall be certified in accordance with NFPA 1981, "Standard on Open-Circuit Self-Contained Breathing Apparatus (SCBA) for Emergency Services."
- ___ Four spare SCBA cylinders.
- ___ One roof ladder at least 12 feet long.
- ___ One extension ladder at least 24 feet long.
- ___ One folding ladder.
- ___ One pike-head axe.
- ___ One flat-head axe.
- ___ One forcible entry tool.
- ___ One pike pole or plaster hook at least 6 feet long.
- ___ Two portable, rechargeable hand lights suitable for use in hazardous conditions in accordance with NFPA 70, "National Electrical Code."
- ___ 100 feet of utility rope, at least 1/4 inch in diameter.
- ___ Two 20-pound, class BC portable extinguishers.
- ___ One 2 1/2-gallon water extinguisher.
- ___ One first aid kit.
- ___ One bolt cutter at least 14 inches long.
- ___ One two-way radio assigned to the apparatus.
- ___ One traffic vest for each riding position.

First Out Tanker Unit # 85

- ☒ Equipped with at least 1,000 gallons of water.
- ☒ Equipped with hoses and equipment for filling the tank and transferring water to the engine.
- ☒ Properly baffled in accordance with NFPA 1901, "Standard for Automotive Fire Apparatus."
- ☒ Equipped with one traffic vest for each riding position.

Protective Clothing (list quantity of each)

- ___ Helmet.
- ___ Coat.
- ___ Pants.
- ___ Boots.
- ___ Gloves.
- ___ Hoods.

Total Hours	Personnel	5/6/15, Water Supply	5/14/15, Truck Operations	5/14/15, Fire Ground Operations	5/21/15, Apparatus Maintenance	5/21/15, Truck Operations	4/29/15, Fire Dept Organization	3/27/15, Hose Testing	3/24/15, FF Observation	1/31/2015, Observation	2/9/2015, Road Total Facility 3 to 10	2/9/2015, PPE Maintenance 10 to 11	2/9/2015, Report Writing 11 to 12	2/9/2015, Report Writing 12 to 13	2/9/2015, Truck Operations 13 to 1	2/23/15, Pump and Hose Operations	2/23/15, Observation II	3/17/15, Apparatus	3/14/15, Pre-Paid Fees	3/24/15, CPR	4/27/15, Building Construction	4/15/15, Fire Dept Organization	5/7/15, Truck Operations	2/15/15, Report Writing	2/12/15, CPR	2/12/15, Truck Details	4/1/2015, Truck Operations	2/13/15, Report Writing	2/18/15, Report Writing	2/12/15, Report Writing	2/18/15, Hose Truck	4/29/15, EOP	3/22/15, Pump Operations	4/28/15, Station Training			
50	Shekella Adam	8	8	7	4	6	2	8																													
10	Donald Bingham		7			2													1																		
51	Nancy Bingham		7	6					4	2	1	1	1	4	4				3	1	7	2	2														
28	Carley Briggs												1	1	1	1									3.5	0.75	0.75	1	3	11	4						
31	Melissa Coleman	8	7	4	6						1	1	1	1																			2				
11	Tracy Coleman																				7													4			
19.5	Serra Davis																				3	1	1			0.75	0.75								2	5	
40	Joseph Dunkley																													1			2				
35.5	Gregory Freeman			4	6											4	4		3	7													2		2		
4	Kimora Garvin			4																																	
27	Rose Harris		7	6																	7	12														5	
7	Donald Mangum		7																																		
6	Autumn Martin													14																							
38	Betty Mihalopoulos		7	6	8	4	2											4			7																
36	Kenneth Mullins	8	7	4	6														1	3	1																
32.5	Raymond Olesco				6						1	1	1	1						3						0.75	0.75	1	11	2							
94.5	James Royster	8	8	7	6	2					1	1	1	1	4	4	1	3	1	7	2	2			0.75	0.75									2		
46.75	Terry Scoggins	8	7		2	8					1	1								1	2				0.75												
61.5	Solomon Smith		7		2						1	1							1	3	1	7	2		0.75	0.75							2		2	5	
11.5	Justin Watson																																				
18	Ronnie Womack				6												4																				

August 19, 2019

Attachment 3
NC State Firefighters' Association Roster



Fire Department Roster on 5/22/2019

Woodsdale Fire Department

NC State Firefighters' Association
3101 Industrial Drive, Suite 200
Raleigh, NC 27609
800-253-4733
919-821-9382

This Roster was last updated on 5/21/2019 9:52:18 PM

Woodsdale Fire Department

PO Box 59
Roxboro, NC 27573

Day Phone (336) 598-1799
Email royster.james2@gmail.com

Member Id: 100767

Member Type: FDV / Fire Dept Volunteer

Department Chief:

Paid thru: 12/31/2019

NCSFA Member Y Certification Letter 2018

Paid	0		
Vol	22	Retired	0
Non-mem	0	Life	0
Total	22	Vacant	0
County:	Person		

Name on Credit Card

Expiration Date

Credit Card

Signature

	SSN	ID	Name/DOR	Address	PHONE/Email	2018 Certifications			
						GEN	MAR	PMPR	CERT
43 1	XXXX-XX-0406 7/1/15 - now	154149	Shakelia Renee Adams 06/05/1980	170 Swing Blvd Moorestown, NC 28114	(704) 449-1708 gregfreeman30@yahoo.com	F	M	V	Y
2	XXXX-XX-3344 5/18/19 - now	228576	Donald Blingman 08/21/1946	555 Belhel Hill School Rd Roxboro, NC 27574	royster.james2@gmail.com	M		V	N
43 3	XXXX-XX-1956 7/1/19 - now	229326	Nancy Farrish Blingman 01/31/1954	800 Flein Clayton Rd Roxboro, NC 27574	336-599-1559 nblingman@yahoo.com	F		V	N
24	XXXX-XX-5200 2/1/19 - now	228325	Carley Madison Briggs 04/14/1998	941 Thaxton Road Roxboro, NC 27573	919-203-8437 Carley_briggs@yahoo.com	F	S	V	N
15	XXXX-XX-7926 3/1/19 - now	228324	Melissa Coleman 07/01/1991	1417 Royster Clay Rd Roxboro, NC 27574	336-504-2330	F	S	V	N
11 5	XXXX-XX-3474 4/1/19 - now	229282	Tracy Coleman 05/27/1968	PO Box 59 Roxboro, NC 27574	greeman@woodsdaletfiredept.com	F		V	N
7	XXXX-XX-8418 2/8/19 - now	229356	Sierra Davis 01/23/1997	1213 Bowmantown Rd Roxboro, NC 27574	336-504-6525 greeman@woodsdaletfiredept.com	F		V	N
15 8	XXXX-XX-3834 1/1/10 - now	149661	Joseph Dunkley 11/13/1981	2222 Halifax Rd Roxboro, NC 27574	(336) 598-2352	M	S	V	Y
11 9	XXXX-XX-8047 12/2/13 - now	194740	Gregory Freeman 12/03/1965	PO Box 282 Moorestown, NC 28114	(828) 305-2437 gregfreeman30@yahoo.com	M	M	V	Y
11 10	XXXX-XX-1380 5/19/19 - now	228619	Kimora Garvin 09/15/1999	PO Box 59 Roxboro, NC 27574	greeman@woodsdaletfiredept.com	F		V	N

August 19, 2019

Mr. Clouston stated the WVFD has the option to appeal the decertification anytime by the deadline of October 8, 2019. Any such appeal will go before the Department of Insurance and will be scheduled by the Department of Insurance. Mr. Clouston stated the current status of the WVFD is probationary until October 8, 2019. The appeal process will put off the decertification date until such time the appeal is resolved.

Vice Chairman Jeffers asked staff if any payments have been expended for Fiscal Year 2019-2020 to which staff confirmed no payments have been made for the current fiscal year due to contract violations (submittal of audit and other documentation required to receive payments). Interim Assistant County Manager and Budget Manager, Laura Jensen confirmed \$123,000 was expended to WVFD in previous Fiscal Year 2018-2019.

WVFD Board of Directors President, Ronnie Womack and current Chief, James Royster were present and stated the information was felonious and erroneous noting they had retained the services of an attorney to address the issues.

Chairman Newell stated his concerns with increasing the fire tax for the County with the goal to lower the fire rating for residents to in turn, pay for the fire tax increases on the tax bills. He suggested implementing a countywide fire system.

Chairman Newell asked the County Attorney about any liability related to insurance premiums, protection of members, worker's comp, etc. County Attorney, Ron Aycock stated he would like to further research any such liability, however, he noted the WVFD is operated by a 501c3 non-profit which would negate liability for the county with the exception of political exposure as a result of any adverse effects on the residents.

Vice Chairman Jeffers noted call volume, reports of WVFD being called off due to no one showing up and that mutual aid by the City of Roxboro and other neighboring VFDs.

Mr. Young stated the WVFD contract was breached with the state regulations for the number of volunteers being below the required 19 members. In preparation of the October 8, 2019 decertification of WVFD, Mr. Young said for the short-term, he has spoken with three bordering fire departments that are willing to provide fire services coverage. As far as a long-term plan, Mr. Young noted he has one VFD interested in placing a substation in the Woodsdale area which would cause the fire district maps and contracts to be approved. Alternatively, another option would be for the community to step up and dissolve the current board. There are only 3-4 members currently serving on the WVFD board of directors.

Mr. Aycock stated the county contract was written that if the VFD fails to conform to any one of the terms or conditions contained in the contract, the County shall notify the VFD in writing, which provides for 30 days to correct such breach, after which, if there is no resolution, the County may terminate its agreement with the VFD.

When asked about the annual maintenance, WVFD Chief James Royster responded that a certified mechanic provides maintenance to the fire truck. He added that the individual requesting to be taken off the roster had not been counted nor had the WVFD used the email or mail addresses. WVFD Board of Directors' President, Mr. Womack said a disgruntled former volunteer provided information to the OSFM.

Vice Chairman Jeffers stated the Board was dealing with two issues: 1) tax payer's money and 2) public safety. With the short-term plan through mutual aid with fire department, Vice Chairman Jeffers stated until the WVFD gets an audit that no county funds can be dispersed.

Mr. Aycock stated the WVFD assets, real property and the personal property are owned by the non-profit. The County does not have any direct control over the assets. He added the County has an interest in assuring those assets continue to be available for the purpose for which they were funded (providing services to the citizens in the area.)

Ms. York stated the Board could take action to give a 30-day notice of violation of contract noting the process of the appeal is not a county issue. She noted Mr. Young has a plan to prevent the district from going to a 10 rating.

Vice Chairman Jeffers suggested a notice to the same timeframe as the state, October 8, 2019. Commissioner Clayton asked to consider a notice that corresponds with the resolution of the appeal, if an appeal is optioned noting WVFD is still operating under a probationary status as a fire department until October 8 or until the appeal is resolved.

Ms. York clarified that the audit is one requirement of the contract. Should the audit come back with issues, funding will be withheld until such time the corrected actions are resolved.

Mr. Womack asked how long do they have to produce an audit. Mr. Young stated the contract specified the audit was due last April 2019; he also noted other documentation was due with the audit, i.e. bond report, roster of 19 members, board member listing, etc., as specified in the contract.

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to serve the Woodsdale Volunteer Fire Department notice of breach of contract to coincide with October 8, 2019.

SPUNTECH APPEAL OF LATE LISTING PENALTY:

Tax Administrator, Russell Jones explained the tax office's procedures related to listing forms. He said the tax office mails listing forms to businesses and individuals late December each year in order to facilitate the accurate listing of all taxable personal property. Forms are mailed to taxpayers that are currently on the tax rolls (either listed the previous year or a known new business). Mr. Jones stated this amounts to over 8,000 forms being mailed. However, not receiving a form by mail does not relieve the taxpayer from listing simply because they did not receive a form.

Mr. Jones noted the tax office processes the receipt of listing forms daily to document timely filings and honor the United States Postal Service postmarks.

Mr. Jones further noted that the tax office grants numerous extensions. Extensions must be requested before the end of the listing period, January 31. For 2019, Mr. Jones stated they received 290 timely requests for extensions, and all were granted an extension to April 15, 2019. Mr. Jones said the tax office received one (1) late request for extension, Spuntech, which was denied based on the extension request not being timely filed.

Mr. Jones said the tax office processes numerous late filings. For 2019, there were 2,213 late returns filed. All late listings were charged the required 10% penalty. Of the 290 extensions granted, 30 missed the extended deadline, and therefore were charged the required 10% penalty. There were two (2) other large charges for 2019 for \$7,082.23 and \$4,909.47, and 22 charges between \$100 and \$400 with 1,712 charges under \$10. Mr. Jones stated one company has paid over \$79,000 in late listing penalties in past years due to five late listings. Since the penalty for late listing is a percentage, and not a flat rate, each penalty is fairly computed and based on the taxes due on the late listed property. It would be unfair to release a penalty solely due to the fact that the 10% penalty was a large amount, or to release a penalty simply due to the fact that it was small.

Mr. Jones told the group that the Board of Commissioners has heard appeals for late listing in the past years with all late penalties having been upheld.

Mr. Jones presented a request to the Board from Spuntech. Spuntech has been assessed a 10% late listing penalty for failure to meet the deadline for listing their 2019 property taxes. The penalty is \$46,228.16, which is a combination of county penalty (\$44,549.91) and fire tax penalty (\$1,678.25).

Mr. Jones presented the facts of the case as follows:

1. The deadline for listing property taxes was January 31, 2019 as required by NCGS 105-307.
2. The tax office mailed a listing form to Spuntech on or around December 23, 2018.

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3. The completed listing form was not returned to our office before the deadline of January 31, 2019.

4. After the deadline of January 31, but on February 5, 2019, the tax office received an email from Mr. Daniel Sharon, representing Spuntech, requesting an extension of the listing deadline until April 15, 2019.

5. The request for an extension was denied, in compliance with NCGS 105-307(c), which allows for extensions only if requested before the end of the normal listing period.

6. The tax office properly applied NCGS 105-312(h) in computing the required penalty for the late listing. The taxpayer has raised no issue with the application of the penalty, but specifically requests an exception be applied to their case.

7. A timely appeal has been filed by Spuntech. The late listing penalty cannot be waived by the county assessor. The power to compromise late listing penalties is under the authority of the Board of County Commissioners, as per NCGS 105-312(k).

Mr. Jones stated that while it may seem simple to alter the penalty for late listing for this taxpayer, it would open up other appeals and be viewed as unfair by other taxpayers that have been charged under similar circumstances. He requested the Board to uphold the penalty noting by state statutes deadlines are important to the tax office.

Mr. Daniel Sharon, Spuntech Controller requested leniency from the Board on this issue noting it was a slip-up; he said Spuntech likes the County and wants to continue to expand in the County.

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to uphold the penalty.

Ms. Sharon voiced his displeasure with the action by the Board; he said it would have morbid effects on future investments in Person County as the County was not showing good faith towards Spuntech.

REVISION OF COUNTY PAY PLAN WITH COMPRESSION STUDY IMPLEMENTATION:

County Manager, Heidi York stated the County's current Personnel Policy states that new employees are hired at a "hiring rate" and upon successful completion of a probationary period (either nine or twelve months depending on the level of the position) employees receive an increase of 5% to the minimum pay rate of the position. The implementation of the Compression Study eliminated the hiring rate, advancing the pay for positions to the minimum salary. New employees will now be hired at the minimum rate for those departments impacted in the Compression Study this Fiscal Year. These changes went into effect July 5, 2019. The remaining departments will continue to have a hiring rate and a probationary increase until phase two of the Study is implemented next Fiscal Year.

Ms. York noted that due to these changes in the pay plan, the Personnel Policy needs to be revised for accuracy and clarity. Removing the 5% probationary increase will also prevent further compression issues of new employees advancing beyond longer term employees. The County's Merit Pay program will now begin at the employee's one-year anniversary with a performance review to determine whether the employee is eligible for a 0, 2, or 3% increase.

Ms. York requested the Board to direct staff to have an addendum to the Personnel Policy reflecting the implementation of the Compression Study, eliminating a hiring rate and a probationary increase following the successful probationary period, while allowing employees to be eligible for merit pay at their one year employment anniversary; effective July 5, 2019 for those departments impacted in the Compression Study this Fiscal Year.

A **motion** was made by Commissioner Clayton and **carried 5-0** to direct staff to have an addendum to the Personnel Policy reflecting the implementation of the Compression Study, eliminating a hiring rate and a probationary increase following a successful probationary period, while allowing employees to be eligible for merit pay at their one year employment anniversary; effective July 5, 2019 for those departments impacted in the Compression Study this Fiscal Year.

APPOINTMENT TO JUVENILE CRIME PREVENTION COUNCIL:

Clerk to the Board, Brenda Reaves presented the following application for Board consideration for reappointment:

Juvenile Crime Prevention Council

2-Year Term:

1 position for the Chief of Police or his designee

- 1) Lieutenant Ricky Hughes requested reappointment

A **motion** was made by Commissioner Puryear and **carried 5-0** to reappoint Lieutenant Ricky Hughes to the Juvenile Crime Prevention Council to represent the Chief of Police for a 2-year term.

CHAIRMAN'S REPORT:

Chairman Newell had no report.

MANAGER'S REPORT:

County Manager, Heidi York had no report.

COMMISSIONER REPORT/COMMENTS:

Commissioner Clayton reported that the Kerr Tar Annual Awards Banquet will be held in Person County on September 26, 2019 at the Homestead Festival House. He stated he is the outgoing Chairman this year.

Vice Chairman Jeffers reported on a Medicaid state change noting Person County is in the first region to enforce the changes. He noted the health providers have placed an Outreach Coordinator in the county; the Outreach Coordinator is housed at the Department of Social Services to assist citizens in reviewing and selecting plans by September 21, 2019.

There were no reports offered by Commissioners Powell and Puryear.

CLOSED SESSION #1

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to enter Closed Session at 10:46am per General Statute 143-318.11(a) (5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract with the following individuals permitted to attend: County Manager, Heidi York, Clerk to the Board, Brenda Reaves, County Attorney, Ron Aycock and Interim Assistant County Manager, Laura Jensen.

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to return to open session at 10:58am.

CLOSED SESSION #2

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to enter into Closed Session at 11:01am per General Statute 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee for the purpose to discuss personnel with the following individuals permitted to attend: County Manager, Heidi York, Clerk to the Board, Brenda Reaves and County Attorney, Ron Aycock.

A **motion** was made by Commissioner Powell and **carried 5-0** to return to open session at 11:14am.

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to increase the County Manager's salary by 3% merit pay for performance as well as a 1.5% certification increase for a Credentialed Manager designation earned from the International City/County Management Association following her annual performance evaluation.

ADJOURNMENT:

A **motion** was made by Commissioner Powell and **carried 5-0** to adjourn the meeting at 11:16am.

Brenda B. Reaves
Clerk to the Board

David B. Newell, Sr.
Chairman

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