

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

**NOVEMBER 4, 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, November 4, 2019 at 7:00pm in the Person County Office Building Auditorium.

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

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

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

**PUBLIC HEARING:**

**APPLICATION FOR A SOLID WASTE DISPOSAL FRANCHISE ORDINANCE FOR THE UPPER PIEDMONT REGIONAL LANDFILL OWNED AND OPERATED BY REPUBLIC SERVICES OF NC LLC:**

County Attorney, Ron Aycock outlined the NC General Statute and information required as the Board of Commissioners was set to conduct its public hearing for an Application for a Solid Waste Disposal Franchise Ordinance for the Upper Piedmont Regional Landfill owned and operated by Republic Services of NC, LLC. The Landfill is located at 9650 Oxford Road, Rougemont, NC 27572. In summary, all the information required to be in the franchise ordinance is governed by NC General Statutes 130A-294(b1)(2)(a)-(f) and includes:

- a) A statement of the population to be served, including a description of the geographic area;
- b) A description of the volume and characteristics of the waste stream;
- c) A projection of the useful life of the sanitary landfill;
- d) An explanation of the franchise's consistency with the County solid waste management plan;
- e) The procedures for County oversight and regulation of fees and rates; and
- f) A facility plan with details of the physical characteristics of the landfill.

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Mr. Aycock stated the Application for the Franchise Ordinance that was being considered by the Board of Commissioners contains the aforementioned information and has been and continues to be available for public review at the County Manager's Office and at the Public Library.

Mr. Aycock said that following the public hearing the Board of Commissioners may consider action related to the First Reading to adopt the Solid Waste Disposal Franchise Ordinance. If viewed favorably, the Board may conduct its Second Reading vote to adopt the proposed franchise at its regular scheduled meeting on November 18, 2019.

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to open the duly advertised public hearing for an Application for a Solid Waste Disposal Franchise Ordinance for the Upper Piedmont Regional Landfill owned and operated by Republic Services of NC, LLC.

The following individuals appeared before the Board to speak in favor of the Application for a Solid Waste Disposal Franchise Ordinance for the Upper Piedmont Regional Landfill owned and operated by Republic Services of NC, LLC:

Ms. Marji Stehle of 159 Possum Trot Lane, Semora told the Board that she had visited the landfill and found it to be a modern and clean facility. She stated that Republic has been a great partner for the community noting they have made donations to the Library and to Uptown events.

Mr. Shane Walker of 2440 Whitehall Park Drive, Charlotte, and Area President for Republic Services for the Mid Atlantic Area thanked the Board of Commissioners noting Republic would be committed to be a good neighbor and community partner as they meet the solid waste needs of Person County.

There were no individuals appearing before the Board to speak in opposition to the Application for a Solid Waste Disposal Franchise Ordinance for the Upper Piedmont Regional Landfill owned and operated by Republic Services of NC, LLC.

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to close the public hearing for an Application for a Solid Waste Disposal Franchise Ordinance for the Upper Piedmont Regional Landfill owned and operated by Republic Services of NC, LLC.

**FIRST READING TO CONSIDER ADOPTION OF THE NOVEMBER 2019 SOLID WASTE DISPOSAL FRANCHISE ORDINANCE FOR THE UPPER PIEDMONT REGIONAL LANDFILL OWNED AND OPERATED BY REPUBLIC SERVICES OF NC, LLC:**

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to adopt the November 2019 Solid Waste Disposal Franchise Ordinance for the Upper Piedmont Regional Landfill owned and operated by Republic Services of NC, LLC.

The Board will conduct its Second Reading to adopt the proposed November 2019 Solid Waste Disposal Franchise Ordinance at its regularly scheduled meeting on November 18, 2019.

**PUBLIC HEARING:**

**REQUEST TO CHANGE THE NAME OF FOXWOOD DRIVE TO FOREST DRIVE IN THE DATABASE OF ROADWAY NAMES USED FOR E-911 DISPATCHING:**

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to open the duly advertised public hearing for a request to change the name of Foxwood Dr to Forest Dr in the database of roadway names used for E-911 dispatching.

Sallie Vaughn, GIS Manager informed the Board that due to issues with emergency response, mail delivery, and package delivery, a majority of residents have agreed to change the name of their private road from Foxwood Dr to Forest Dr. She noted the Timberlake Volunteer Fire Department (TVFD) brought forward emergency response issues within a Timberlake subdivision. She said that during a visit to each home by GIS staff and TVFD leadership, residents confirmed emergency response, mail, and package delivery issues due to a nearly identical road name within the same subdivision. To mitigate these issues, it was determined that the road name should be completely changed.

Ms. Vaughn stated six homeowners would be affected by changing the name of this private road. One homeowner, on the corner of Foxwood Dr and Foxcroft Dr, preferred to change their address to Foxcroft Dr; of the remaining five homeowners, four or 80% returned forms listing Forest Dr as their preferred road name, which exceeds the 75% percent consensus required by the Ordinance Regulating Addressing and Road Naming. One homeowner did not return the required forms despite repeated attempts but verbally confirmed his agreement with a neighbor.

Ms. Vaughn said that by changing the road name, five residences are required to change their addresses. Property owners were made aware of this possibility during the in-person visit, and they will be instructed again via certified mail; they will have one year to incorporate their new address. Both the old addresses (Foxwood Dr) and new addresses (Forest Dr) will be active in the 911 system during that time.

As required by North Carolina General Statute 153A-239.1(A), a public hearing notice was published in the Roxboro Courier-Times. A sign advertising the public hearing was placed at the proposed roadway location approximately two weeks prior to the scheduled public hearing.

Chairman Newell questioned that there was an existing Forest Drive located in the Longhurst area. Ms. Vaughn stated while she would prefer a different road name, one that did not have a similar or matching name, the existing Forest Drive is located in Roxboro and she agreed to bring the residents' majority agreed road name that would be located in Timberlake and thereby compliant to the County's Ordinance.

There were no individuals appearing before the Board to speak in favor of or in opposition to the request to change the name of Foxwood Dr to Forest Dr in the database of roadway names used for E-911 dispatching.

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to close the public hearing for a request to change the name of Foxwood Dr to Forest Dr in the database of roadway names used for E-911 dispatching.

**CONSIDERATION TO GRANT OR DENY REQUEST TO CHANGE THE NAME OF FOXWOOD DRIVE TO FOREST DRIVE IN THE DATABASE OF ROADWAY NAMES USED FOR E-911 DISPATCHING:**

A **motion** was made by Commissioner Powell and **carried 5-0** to approve a request to change the name of Foxwood Dr to Forest Dr within the Timberlake subdivision in the database of roadway names used for E-911 dispatching, as presented.

## **INFORMAL COMMENTS:**

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

Ms. Jessica Aguilar of 605 Bethel Hill School Road, Roxboro stated she was a new resident in the Woodsdale area and she immediately looked for a fire and rescue organization to join. She said she was aware of the history with Woodsdale Volunteer Fire Department however, they are working to surpass the minimum state standards to best practice, tracking vehicle maintenance, submission of weekly call reports to the state as well as responder certification and recertification of the current 19 community members on the roster. She noted the community was engaged and wanted to maintain the fire department.

Ms. Christina Royster of 1417 Royster Clay Road, Roxboro stated her complaint that paid county employees are providing services and legal advice to the opposing group in the community and not to the board of the fire department; she opined this is a conflict of interest and requested that they recuse themselves in the active debate.

Mr. Jack Nichols, Attorney at Law, of 4700 Homewood Court, Suite 220, Raleigh stated his firm was retained by the Woodsdale Volunteer Fire Department board of directors (Mr. Greg Freeman and Mr. Womack) noting they had filed an appeal with the state. He said as a former Wake County commissioner and Chair of the Public Safety Committee, he never had to face the issue that the Person County Board of Commissioners was related to competing non-profit organizations. He stated he had no knowledge of what the other speakers referred, and no knowledge of the procedures of any such meeting. Mr. Nichols stated they may have to file a lawsuit and have the Court adjudicate it noting that was not a responsibility of the Board of Commissioners. Mr. Nichols recommended until a valid determination was made on who was the valid authority for the fire department to hold any such appropriations in escrow.

## **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 October 21, 2019,
- B. Budget Amendment #9,
- C. Application NC Education Lottery Funds to Replace Interior Cameras at Person High School at estimated costs \$49,500,
- D. Application NC Education Lottery Funds to Repair Stairwell and Landing at Person High School at estimated costs \$45,000,
- E. Application NC Education Lottery Funds to Replace Room Divider in the Multipurpose Room at South Elementary at estimated costs \$35,000, and
- F. Home & Community Care Block Grant Final Funding Report for FY2019

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## **UNFINISHED BUSINESS:**

### **A RESOLUTION AUTHORIZING SUPPORT FOR & RECOGNITION OF THE EFFORTS TO SECURE AND REBUILD ADEQUATE FIRE PROTECTION IN THE WOODSDALE COMMUNITY:**

Ron Aycock, County Attorney recounted recent events to the Board as he presented a Resolution authorizing support for and recognition of the efforts to secure and rebuild adequate fire protection in the Woodsdale community.

Person County was notified on August 9, 2019 by the Office of State Fire Marshal, of Woodsdale Volunteer Fire Department's failure of inspection for a 9s rating and decertification of the department. The Woodsdale Volunteer Fire Department (WVFD) retained legal counsel and filed a timely appeal to the State. This appeal suspends the decertification process until the appeal is ruled on by the State.

On October 3, 2019 a community meeting was held in Woodsdale with more than 80 community members in attendance. The group voted unanimously to dismiss the existing board of the WVFD and to elect 12 new board members. The new board met on October 6<sup>th</sup> and elected officers, they appointed a fire chief, as well as filed an appeal with the State contesting the decertification. Person County Emergency Services Director has been in attendance at these meetings and reports that the new board desires recognition and support to resolve the current situation of the WVFD.

On October 22, 2019 the new WVFD board met and discussed the results of the October 21, 2019 County Board of Commissioner's meeting. The conclusion of their meeting was a vote for a new President and to reaffirm their previous action to request that the Commissioners adopt the Resolution.

Mr. Aycock noted the Resolution offers recognition and support to the new board of the WVFD and would authorize the following:

1. Recognize the new board of the WVFD as the official governing board for the WVFD.
2. Authorize the county staff and attorney to be able to provide assistance to this new board during this transition of the WVFD.
3. Authorize a contract amendment with WVFD where some funding could be dispersed per individual invoice or written request for payment as needed and coordinated through the County's Emergency Services Director, so long as the board is making progress on the current contract requirements and moving forward to ensure service for the district.

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Vice Chairman Jeffers asked the former WVFD chief in the audience, Mr. James Royster, did the WVFD have an official meeting to take action to amend its bylaws to reduce the number of board members to six. Mr. Royster stated there was no official community meeting. Vice Chairman Jeffers asked Mr. Royster if there was anything coming as required by the County's contract, i.e., an audit or records to show where the County's \$123,871 that was appropriated to WVFD last year had been spent to which Mr. Royster stated they had not heard back from their auditor. Commissioner Puryear asked Mr. Royster who was the audit firm; Mr. Royster could not provide the name of the firm but indicated the audit firm was located in Zebulon.

Commissioner Clayton and Mr. Aycock both noted an organization, i.e., WVFD, may change its charter and/or bylaws through proper procedures of its membership vote to be valid and that the County has no authority for that process but only to authorize, contract and provide funding with such organization. Mr. Aycock stated the conflict, if any, was between the old board and new board of the WVFD and was not under the authority of the County. Mr. Aycock said the Board must decide which board to recognize, contract with and provide funding.

Vice Chairman Jeffers questioned how the Board could contract with the old WVFD board who received over \$100,000 in taxpayer's money and have no idea how it was spent along with the state informing the Board that the WVFD under the old board was not meeting the certifications to be a fire department. He went on to say the County created a fire tax to help the citizens by providing volunteer fire departments more funding to lower the ISO rating and WVFD is losing the rating they have. He added that the old WVFD board's bylaws state 12 members on the board but they did not have 12 members.

Chairman Newell questioned the need to vote until a determination by the state to which Mr. Aycock said that was a policy decision by the Board of Commissioners. Mr. Aycock affirmed the 9s fire rating would remain in place until such determination by the state and staff had confidence in the new WVFD board. Mr. Aycock added that he had not represented in his capacity as an attorney to either side of the debate.

County Manager, Heidi York stated for the Board to recognize the new WVFD board, it would help insure continuation of services in the Woodsdale community. She questioned the use of county public funds to prosecute appeals to defend actions that did not occur for decertification. Chairman Newell asked if the County could request the last funding appropriation be returned to the County to which Mr. Aycock stated the request could be made. Chairman Newell noted established facts were that the old WVFD board was in breach of contract with the County as well as failure to maintain state requirements to be a certified fire department. Mr. Aycock said the County had notified the WVFD board of contractual violations yielding no further funding however the contract with the organization remains in force to keep the 9s fire rating. Without a valid contract, the community will lose its 9s fire rating immediately. Mr. Aycock stated should the matter be taken to court, the County would need to recognize the prevailing WVFD board.

Commissioner Powell voiced support of the Resolution that was before the Board and commended the citizens reorganizing for a viable fire department for the community.

Ms. Laurie Dunn, newly elected WVFD President came before the Board and stated that the new WVFD board had met and unified its focus. She requested the Board of Commissioners to adopt the Resolution to recognize the new WVFD board. When asked if the WVFD was running or missing calls, she did not know. She said the new WVFD board had repeatedly asked to meet with the new board but they have consistently refused to meet or share information. She indicated there have been medical calls going unanswered but she was not aware of any missed fire calls.

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to adopt the Resolution Authorizing Support for & Recognition of the Efforts to Secure and Rebuild adequate Fire Protection in the Woodsdale Community with the new board under WVFD President Laurie Dunn.



**A RESOLUTION AUTHORIZING SUPPORT FOR &  
RECOGNITION OF THE EFFORTS TO SECURE AND REBUILD  
ADEQUATE FIRE PROTECTION IN THE  
WOODSDALE COMMUNITY**

Whereas, Person County in an effort to assure adequate fire and rescue protection throughout the County has authorized fire districts throughout its jurisdiction; and

Whereas, the Woodsdale Volunteer Fire Department, Inc (WVFD) has been designated as the agency to be the primary provider of fire and rescue services in that district; and

Whereas, Person County has provided financial assistance and obligations specified in a contract dated July 1, 2018; and

Whereas, the Office of the State Fire Marshal has given Person County notice on August 9, 2019 that the WVFD will be decertified as of October 8, 2019 pending any appeals;

Whereas, Person County gave sufficient notice of violation of the County's Fire Protection Contract to the WVFD Board President and Fire Chief on September 6, 2019 which was effective as of October 8, 2019;

Whereas, Person County has been informed that the previous board of the WVFD has retained legal counsel and has filed a timely appeal with the Office of the State Fire Marshal on October 3, 2019; and

Whereas, a community meeting of members of the WVFD was convened on October 3, 2019 with more than 80 community members in attendance and the community members voted unanimously to dismiss the existing board of WVFD and elect 12 new board members pursuant to the Constitution and Bylaws of the organization; and

Whereas on October 6, 2019, the new board elected officers, appointed a fire chief, and filed an appeal to the Office of the State Fire Marshal contesting their action to decertify the WVFD; and

Whereas on October 22, 2019 the new board met and discussed the results of the October 21, 2019 County Board of Commissioners' meeting. The conclusion of their meeting was a vote of a new President; and

Whereas these appeals have the effect of holding the State action in suspension until final disposition of the appeal; and

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Whereas the Person County Emergency Services Director has been present for these meetings and reports that the new board desires recognition and assistance to resolve the current situation of the WVFD.

NOW THEREFORE BE IT RESOLVED BY THE PERSON COUNTY BOARD OF COUNTY COMMISSIONERS THAT:

1. Recognize the new board of the WVFD as the official governing board for the WVFD.
2. Authorize the county staff and attorney to be able to provide assistance to this new board during this transition of the WVFD.
3. Authorize a contract amendment with WVFD where some funding could be dispersed per individual invoice or written request for payment as needed and coordinated through the County's Emergency Services Director, so long as the board is making progress on the current contract requirements and moving forward to ensure service for the district.

Adopted this 4th day of November, 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 of Board

Chairman Newell made a motion for the County to not write any more checks without Board approval; he withdrew his motion prior to action.

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## **NEW BUSINESS:**

### **AUTHORIZATION TO EXECUTE A 20-YEAR LEASE OF TWO STRANDS OF SURPLUS DARK FIBER:**

At the Board's September 23, 2019 meeting, the Person County Commissioners adopted a Resolution Declaring Two Strands of Fiber Surplus Property and authorized a published Notice of Intent to enter into a Lease Agreement per NCGS 160A-272 (a1) upon approval at the Board of Commissioners' meeting on November 4, 2019.

Chris Puryear, IT Director stated staff are working with a consultant and RiverStreet to finalize the Lease Agreement to bring before the Board at a future meeting. Mr. Puryear updated the Board on the progress thus far:

The original grant agreement with Person County was executed on March 30, 2017 and allows RiverStreet access to two strands of fiber at no charge until the grant agreement expires on March 30, 2021.

The current request from RiverStreet is to pay Person County a combined lease and maintenance fee of \$1,686.90 per month for a term of 84 months which totals \$20,242.00 annually for seven (7) years beginning on April 1, 2021. The acceptance of monthly payments extends the maintenance period for two years and nets the County an additional \$18,200 in total revenue for accepting monthly payments.

Mr. Puryear explained the previous proposal was for a one-time upfront lease fee that has now changed to a request to be extended over an 84-month period/seven (7) years. Mr. Puryear stated staff will work to finalize the lease for consideration at an upcoming Board meeting unless there were objections to the changes as presented.

Mr. Puryear stated no action was requested at this time. He requested the Board to defer authorization to execute a 20-year Lease of Two Strands of Surplus Dark Fiber to a future Board meeting.

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**APPOINTMENTS TO FULFILL VACANCIES ON THE JUVENILE CRIME PREVENTION COUNCIL AND RECREATION ADVISORY BOARD:**

Clerk to the Board, Brenda Reaves presented the following citizen applications for consideration of nomination and appointment:

**Juvenile Crime Prevention Council (JCPC)**

2-Year Term for the District Attorney or designee

Currently, there has not been a representative attending the JCPC meetings from the District Attorney's Office due to changes in staff. A letter was sent to the District Attorney requesting representation. Ms. Alisa M. Black, Assistant District Attorney has submitted an application for appointment.

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to appoint Alisa M. Black, Assistant District Attorney to the JCPC for a 2-Year Term.

**Recreation Advisory Board**

1 position for an unexpired term to 6/30/20 available

The Recreation Advisory Board, through its Ordinance, advised Dawn Wright her appointment was rescinded due to excessive absenteeism. This vacancy was advertised on the county website and an application was received by Dr. Rodney Peterson, Superintendent of Person County Schools.

A **motion** was made by Commissioner Clayton and **carried 5-0** to appoint Dr. Rodney Peterson to the Recreation Advisory Board to fulfill an unexpired term to June 30, 2020.

**SCHEDULE A BOARD MEETING ON DECEMBER 16, 2019 TO DISCUSS A TRAILS AND GREENWAYS INITIATIVE WITH WAKE COUNTY COMMISSIONER SIG HUTCHINSON:**

Commissioner Clayton requested Board consideration to schedule a Board meeting as requested by Wake County Commissioner Sig Hutchinson to discuss a trails and greenway initiative using railroad right-of-way in Person County. At the Board's last meeting on October 21, 2019, Commissioner Puryear suggested having the Chairman and Vice Chairman meet informally with Commissioner Hutchinson; Commissioner Clayton stated he personally knows Commissioner Hutchinson and desired to be a part of the discussion. Chairman Newell asked Commissioner Clayton and Vice Chairman Jeffers to meet informally with Commissioner Hutchinson to which all the commissioners consented.

**CHAIRMAN'S REPORT:**

Chairman Newell reported he has asked the County Manager to investigate the possibility of the Senior Center to sublease part of their current space to other short-term tenants, i.e., rental of space, in particular the building that was formerly used as a church to generate revenue. County Manager, Heidi York stated an amendment would be required to their current contract that exists with the Kerr Tar Council of Government board. Ms. York said she would bring back information at one of the Board's upcoming meetings for consideration.

**MANAGER'S REPORT:**

County Manager, Heidi York reported that Commissioner Puryear has proposed staff to review for a possible text amendment to the Junkyard Ordinance related to the screening requirements if visible from a public road, or from a school. Commissioner Puryear stated the proposed amendment may correct a unique situation whereby a resident lives behind someone where the ordinance is being used for other reasons. Commissioner Puryear requested to authorize staff to review for a proposed text amendment. Commissioner Jeffers requested to also include screening from a church in the proposed amendment.

**COMMISSIONER REPORT/COMMENTS:**

Vice Chairman Jeffers stated his term as Chairman on the Community Action Advisory Council recently ended. Vice Chairman Jeffers said Telamon receives Community Block Grant funding on behalf of Person, Caswell and Rockingham Counties and anticipated an increase in funding however they do not have a dedicated space to meet with clients in Person County. He asked staff to investigate if the County, Piedmont Community College or another site could accommodate Telamon staff meeting with clients on a regular basis.

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

**ADJOURNMENT:**

A **motion** was made by Commissioner Puryear and **carried 5-0** to adjourn the meeting at 8:01pm.

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Brenda B. Reaves  
Clerk to the Board

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David B. Newell, Sr.  
Chairman

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