

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

FEBRUARY 18, 2020
OTHERS PRESENT

B. Ray Jeffers
David B. Newell, Sr. (Resigned 2/3/2020)
Gordon Powell
Jimmy B. Clayton
Kyle W. Puryear (via telephone conference call)

Heidi York, County Manager
C. Ronald Aycock, County Attorney

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Tuesday, February 18, 2020 at 9:00am in the Commissioners' meeting room in the Person County Office Building.

Chairman Jeffers called the meeting to order. Commissioner Clayton gave an invocation and Commissioner Powell led the group in the Pledge of Allegiance. Commissioner Puryear participated in the meeting via telephone conference call.

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

Chairman Jeffers requested an addition to the agenda for a Resolution Declaring Person County a Constitutional Rights Protected County.

A **motion** was made by Chairman Jeffers and **carried 4-0** to add a Resolution Declaring Person County a Constitutional Rights Protected County to the agenda.

A **motion** was made by Commissioner Powell and **carried 4-0** to approve the agenda as adjusted.

INFORMAL COMMENTS:

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

Mr. Anthony Horton of 7233 Hurdle Mills Road, Hurdle Mills addressed the Board related to his concerns for a proposed 800-acre solar facilities mega site that he has heard has been amended to 330+ acres; he said he knew this proposal solar facility has not been before the Board of Commissioners. Mr. Horton stated his concerns that residents will be impacted noting that the community has a petition with 450 signatures opposing the proposed solar mega park to be located in rural residential areas, i.e. Hurdle Mills. He questioned who would be the responsible party: the solar company, the county or landowners should the solar panels be destroyed by a natural disaster whereby the chemicals in the solar panels leak into the groundwater. Mr. Horton noted there was one property owner that may be completely surrounded on all sides by the proposal solar farm.

Mr. Chris Weaver of 342 Satterfield Farm Road, Timberlake, and Person County GOP Chairman appeared before the Board to present a Person County GOP recommendation for a 2nd Amendment Resolution that included language from the 5th and 14th Amendments as well as red flag laws to protect the Constitutional Rights and Liberties. He also added that he opposed the proposed solar farm in the Hurdle Mills community and would not want to see it happen.

Ms. Patricia "PJ" Gentry of 541 Byrd Creek, Hurdle Mills reiterated Mr. Weaver's appeal to consider the Person County GOP's resolution to add some "teeth" for the Constitutional Right to Bear Arms. She stated as a Hurdle Mills resident, she felt a solar mega park would not aesthetically fit in the community and warned the toxic chemicals could run/leach into the land. She noted the renewable energy costs were many times more than the worth to recycle and the panels end up in the landfill. Ms. Gentry further noted the health hazards associated with solar panels were not legislated by federal, state and local laws and she did not think placing in a residential community was a good idea.

Chairman Jeffers read the following comments from Ms. Brenda Clayton of 233 Whitt Town Road, Roxboro: "I urge you to enact regulations to govern new solar farms in Person County that protect the health and well-being of nearby residents, the value of homes that would be adjacent or nearby, the environment, wildlife, watersheds, surrounding wells and other water sources nearby, nearby farm lands and livestock, and to consider the impact on homeowners and residents who live nearby; do not allow a few absentee landowners to spoil the environment for many people who live nearby, do not allow a few absentee landowners to cause emotional pain to those who live nearby, do not allow solar farms to be built in residential communities or farming/residential communities that have become increasingly residential in the past years; do not allow Person County to become known as the county in NC with the largest number of solar facilities in the state. Notes: NC is 2nd only to California in the number of solar farms in the US. The solar farm currently planned for Hurdle Mills would be one of the largest in NC and the southeast US. The lawyers for the solar farms rebuke there are no studies documenting any detrimental

effects from solar farms or loss of home values, however, there are no studies showing that solar farms have positive effects on residents and the environment or that home values stay the same or increase either. The people who will make money here are absentee landowners and solar companies. Any jobs created during construction would be temporary; Person County needs permanent jobs and not to have the county covered in solar panels. Solar panels are made in China therefore we have no ideas how safe they are.”

DISCUSSION/ADJUSTMENT/APPROVAL OF CONSENT AGENDA:

A **motion** was made by Commissioner Powell and **carried 4-0** to approve the Consent Agenda with the following items:

- A. Budget Amendment #14, and
- B. Tax Adjustments for February 2020
 - a. Tax Releases
 - b. NC Vehicle Tax System pending refunds

NEW BUSINESS:

BOARD OF COMMISSIONERS' VACANCY FULFILLMENT PROCESS:

County Manager, Heidi York stated with the resignation of Vice Chairman Newell on February 3, 2020, the Board was required to follow a process for filling that vacancy as directed by State Statute. Ms. York stated that she, Chairman Jeffers, County Attorney, Ron Aycock and the Elections Director, Sherry Harris have reviewed the applicable state statutes: NC General Statute 153A-27 and NCGS 163-115(d) to ensure the process was followed according to law.

Ms. York stated the following process and time line for filling the seat vacated by Vice Chairman Newell. Only the most relevant components of the Statute are being cited and are paraphrased below.

- 153A-27 (a): If a vacancy occurs, the remaining members of the board shall appoint a qualified person to fill the vacancy. If the remaining members of the board do not fill a vacancy within 60 days after the day the vacancy occurs (February 3, 2020), the clerk of superior court shall, within 10 days after the vacancy is reported to the clerk, fill the vacancy.
- 153A-27 (b): If the member being replaced was serving a four-year term and the vacancy occurs more than 60 days before the general election for county commissioner, then at that general election, a person shall be elected to the seat vacated to the remainder of the unexpired term (December 2022).
- 153A-27 (c): To be eligible for appointment to fill a vacancy, a person must be a member of the same political party as the member being replaced. The board of

commissioners shall consult the county executive committee of the appropriate political party before filling a vacancy, but neither the board nor the clerk of superior court is bound by the committee's recommendation.

- 163-115 (d): if a vacancy occurs and the above statutes require that a person shall be elected for the remainder of the unexpired term, a nomination shall be made by the county executive committee of each political party and the names of the nominees shall be printed on the general election ballots.

Chairman Jeffers stated his intent to give official notice to the Person County Republican Party executive committee requesting their recommendation to be submitted to the Board of Commissioners by its March 9, 2020 meeting to be held at 9:00am at which time the Board may vote at that time for a person to fill the vacant position. Chairman Jeffers noted that once the position has been filled, he would request the Person County Board of Elections to begin the process of acquiring a nomination from both parties to be placed on the November 2020 general election ballot.

Commissioner Puryear asked the County Attorney if the GOP recommendation was not approved by the Board of Commissioners, if subsequent nominees were in order. Mr. Aycock stated the state statutes did not address subsequent nominations formally however should the Board of Commissioners desire to informally consider subsequent nominations, they could, however it was not legally required to do so.

Chairman Jeffers asked the representatives from the Person County GOP, present in the audience, when their next meeting would be held and if they felt a nomination could be submitted to the Board of Commissioners by its March 9, 2020 meeting to which many confirmed the next meeting was on February 20, 2020 and a nomination would be made prior to March 9th.

A **motion** was made by Commissioner Clayton and **carried 4-0** for a letter to be submitted from the Board of Commissioners to the Person County GOP soliciting a nomination from the GOP Executive Committee for consideration to fill the current vacancy.

Chairman Jeffers requested his fellow commissioners to take on the duties of the boards and committees that were under the duty of former commissioner Newell as follows:

Health Board:	Chairman Jeffers
Senior Center Advisory Committee:	Chairman Jeffers
Library Advisory Board:	Commissioner Clayton
Animal Advisory Committee:	Commissioner Puryear
Transportation Advisory Board:	Commissioner Powell

SOLAR FARM DISCUSSION:

Planning Director, Lori Oakley stated solar farms are regulated in Person County based on the zoning district in which they are located in and their proximity to residential development. Additional requirements for solar farms include buffering requirements, a decommissioning plan and a performance bond to cover the cost of decommissioning. Ms. Oakley reviewed the Solar Farm Regulations in Person County as follows:

Solar Farm Regulation in Person County

The Person County Planning Ordinance defines solar farms as...

SOLAR ENERGY SYSTEM (SES) - The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems

The Person County Planning Ordinance regulates solar farms based on...

1. **Zoning.** Solar farms are considered light industrial and are prohibited in the R (Residential) district.
2. **Distance to residential development.** Solar farms are considered a use by-right (approved at staff level with no public hearing) unless they are located within 250 feet of a residential structure as measured from structure to structure (home to panel). If a solar farm is within 250 feet of a residential structure then approval must come from a special use permit (approved by Board of Commissioners).

Outside of normal commercial/industrial development Person County requires the following for solar farms...

1. 50 foot vegetated or structural buffers when adjacent or across from residential uses (See Planning Ordinance *Section 75 – Table of Dimensional Requirements Landscaping and Buffers*).
2. Decommissioning Plan (See Planning Ordinance *Appendix C- Table of Permitted Uses Note 10 – Solar Energy Systems (SES)*).
3. Performance guarantee equal to 1.25 times the estimated decommissioning cost as determined by a licensed NC engineer (See Planning Ordinance *Appendix C- Table of Permitted Uses Note 10 – Solar Energy Systems (SES)*).

Ms. Oakley outlined the following considerations for further regulating Solar Farms as follows:

Regulation of solar farms can include a number of different elements that are highly contextual. The following information provides considerations for further regulating solar farms and is summarized from the UNC-CH School of Government's report *Planning and Zoning for Solar in North Carolina* (Lovelady, 2014). Solar farms are referred to as solar farms, solar systems, and solar energy systems (SEs) in the following text.

1. **Define solar based on accessory versus principal solar operations and/or roof mounted systems versus ground mounted systems and regulate each type of system differently.** Restrictions differ for residential roof top systems versus 200 acre solar farms. Jurisdictions may use size thresholds to differentiate types of projects and approval. Common restrictions for residential solar installations include setbacks, screening, maximum height, and yard placement. Ordinances can prohibit solar on the front façade or in the front yard of residences. Some jurisdictions treat accessory solar as one big category, applying the same basic standards to all accessory solar. Others have careful distinctions among different types of accessory solar.
2. **Determine where different types of solar systems are permitted by right or with quasi-judicial review.** Accessory solar is typically allowed by right (with dimensional standards) and principal solar is typically allowed by right in industrial and agricultural districts and restricted/subject to quasi-judicial review in other districts.
3. **Place height and additional setback restrictions on different types of solar systems.** Height restrictions for solar farms are commonly placed at 25 feet. Setback requirements are commonly tied to setbacks for the zoning district, but an additional setback requirement may be added.
4. **Require screening and fencing.** Some jurisdictions leave this matter to the owner's discretion, some require some sort of barrier, and others address the issue through the terms of conditional and special use permits. However, intense screening may negatively impact the solar farm due to shade.
5. **Provide additional regulations for design and operations through glare standards.** Addressing issues of glare depends on topography and adjacent land uses. Jurisdictions may require standards such as glare resistant panels (Huntersville), engineer confirmation that glare impacts are minimal (Saint Paul's), or specific solar farm configuration to avoid glare and heat transference to adjacent lands (Currituck County).

Template Solar Energy Development Ordinance for North Carolina Highlights

The following are highlights from the Template Solar Energy Development Ordinance developed by The North Carolina Solar Center (NCSC) and the North Carolina Sustainable Energy Association (NCSEA) in 2016. Solar farms are referred to as solar farms, solar systems, and solar energy systems (SEs) in the following text.

Defining solar energy systems. The model ordinance defines solar energy systems based on the following three tiers:

1. Level 1 System: Roof-mounted, building integrated, mounted over a parking lot, or ground-mounted and no more than half the footprint of the primary structure on the lot. A permitted use provided it meets applicable height, setback, aviation notification, and related district standards.
2. Level 2 System: Ground-mounted system with a footprint of no more than ½ an acre in residential districts, no more than 10 acres in commercial/business districts or of any size in industrial districts. Subject to additional solar development standards (administrative approval).
3. Level 3 System: Systems that do not meet the requirements of Level 1 or 2 systems. Most solar farms are Level 3 systems. Subject to the same solar development standards as Level 2. Require a public permit hearing (conditional/special use permit).

Determining where different types of solar systems are permitted by right or with quasi-judicial review. The model ordinance states that Level 1 roof top and ground mounted solar energy systems should be permitted by right in all districts and Level 2 and 3 solar energy systems are subject to development standards or special use permits in all districts. Development standards are referred to as “Limited Use” in some jurisdictions.

Table 1. Template Solar Energy Development Ordinance for North Carolina District Allowances								
Solar Energy Facility	Agricultural Residential	Residential Low Density	Residential Med. Density	Residential High Density	Commercial/Business	Light Industrial	Heavy Industrial	Office/Institutional
Roof mounted, parking lot cover, or building integrated (Level 1)	P	P	P	P	P	P	P	P
Ground mounted systems								
Up to 50% of the primary structure (Level 1)	P	P	P	P	P	P	P	P
< ½ acre (Level 2)	D	D	D	D	D	D	D	D
< 10 acres (Level 2 or 3)	SUP	SUP	SUP	SUP	D	D	D	D
> 10 acres (Level 2 or 3)	SUP	SUP	SUP	SUP	SUP	D	D	SUP

Type of Permit: P = Permitted Use, D = Development Standards, SUP = Special Use Permit or Conditional Use Permit

Placing height and setback restrictions on solar energy systems. The model ordinance provides recommended setbacks measured from the parcel line to the ground mounted solar energy system equipment. These setbacks exclude any security fencing, poles, and wires necessary to connect to facilities of the electric utility. The model ordinance also provides height limitations measured from the highest natural grade below each solar panel.

Zoning District	Level 3			Level 2	Level 1
	Front	Side	Rear		
Agricultural/Residential	30'*	15'*	25'*	Per zoning district *, **	Per zoning district **, ***
Residential, Low Density	50'*	50'*	50'*		
Residential, Med. Density	Per zoning district				
Residential, High Density					
Commercial/ Business	30'*	15'*	25'*		
Light Industrial	30'*	15'*	25'*		
Heavy Industrial	30'*	15'*	25'*		
Office/ Institutional	30'*	15'*	25'*		

*100' setback for SES equipment, excluding any security fencing, to any residential dwelling unit. If the SES is on a working farm where the primary residential structure of the farm is on an adjacent lot then this 100' setback will not apply to this primary residential structure.

**Ground-mounted SES must comply with district front yard limitations and setbacks, or otherwise not impair sight distance for safe access to or from the property or other properties in the vicinity.

***Level 1 SESs are not subject to screening requirements typically applied to accessory utility systems (HVAC, dumpsters, etc.).

Zoning District	Level 3	Level 2	Level 1
Agricultural/Residential	20'	20'	Roof-mounted: Per zoning district Ground-mounted: 20'
Residential, Low Density	20'	20'	
Residential, Med. Density	20'	20'	
Residential, High Density	20'	20'	
Commercial/ Business	20'	20'	
Light Industrial	20'	20'	
Heavy Industrial	20'	20'	
Office/ Institutional	20'	20'	

Providing aviation notification. The model ordinance states the following regarding solar farms and aviation systems:

1. Aviation notification requirements apply only to Level 1, 2, and 3 systems over ½ acre in size.
2. Solar farms greater than ½ acre in size must provide the following items:
 - a. A map analysis showing a radius of five (5) nautical miles from the center of the SES with any airport operations within this area highlighted shall be submitted with permit application.

- b. Notification of intent to construct the SES shall be sent to the NC Commanders Council at Camp Lejeune at least 30 days before the CUP/SUP hearing for Level 3 SESs and at least 45 days before starting construction for applicable Level 1 & Level 2 SES's.
- c. An evaluation determining whether there is a solar glare aviation hazard must be sent to one of the following authorities listed below at least 30 days before the CUP/SUP hearing for Level 3 SESs and at least 45 days before starting construction for Level 1 & Level 2 SES:*
 - 1. For airports in the National Plan of Integrated Airport Systems within 5 nautical miles of the center of the SES must be sent to the Federal Aviation Administration's (FAA) Airport District Office (ADO) with oversight of North Carolina.
 - 2. For airports not in the National Plan of Integrated Airport Systems within 5 nautical miles of the center of the SES must be sent to the NC Commanders Council for military airports and to the management of the airport for non-military airports.

Any applicable SES design changes after initial submittal must be re-run through glare analysis and a full report must be resent to one of the above contacts

For on-airport solar development, glare assessment tool evaluation is required and must show there is no potential for glint or glare near existing or planning Airport Traffic Control Tower cabs or along the final approach path for any existing or future landing threshold as shown on the current FAA-approved Airport Layout Plan (per FAA interim policy FAA Review of Solar Energy System Projects on Federally Obligated Airports 10-23-2013).

Specific Requirements for Level 2 and 3 Solar Energy Systems. The model ordinance states that Level 1 solar energy systems should be allowed by right provided they meet applicable height, setback, aviation notification, and related district standards. The model ordinance lists the following requirements for each Level 2 and 3 solar energy systems:

- 1. Level 2 and 3 solar energy systems must submitted a site plan to the Zoning Administrator demonstrating compliance with setback and height limitations, applicable zoning district requirements, and applicable solar requirements.
- 2. Level 2 and 3 solar energy systems must adhere to the following visibility criteria:
 - a. Constructed with buffering as required by the applicable zoning district or development standards
 - b. Public signage (i.e. advertising, educational, etc.) as permitted by local signage ordinance, including appropriate or required security and safety signage.
 - c. If lighting is provided at site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.
- 3. Level 2 and 3 solar energy systems must provide decommissioning plans signed by the party responsible for decommissioning and the landowner with evidence that the decommissioning plan was recorded with the Register of Deeds.

Water Infiltration and Soil Conservation Recommendations. The model ordinance provides the following criteria to be used, at a minimum, to ensure that ground mounted solar arrays are pervious:

1. Panels must be positioned to allow water to run off their surfaces.
2. Soil with adequate vegetative cover must be maintained under and around the panels.
3. The area around the panels must be adequate to ensure proper vegetative growth under and between the panels

Buffering Recommendations. The model ordinance provides sample buffering language from Brunswick and Guilford Counties for solar energy systems. In both cases there is a simple solar specific buffering requirement that refers to existing generic buffering specifications/requirements.

Abandonment and Decommissioning Language. The model ordinance provides a simple abandonment clause for jurisdictions that would like to consider including a clause on abandonment in their solar ordinance. It states the following:

A SES that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SES provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Zoning Administrator of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the Parcel to its condition prior to development of the SES

1. Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible they must remove the SES and restore the site to its condition prior to development of the SES within three hundred and sixty (360) days of notice by the Zoning Administrator.
2. If the responsible party (or parties) fails to comply, the Zoning Administrator may remove the SES, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the SES and restore the site to a non-hazardous condition.

Ms. Oakley stated that according to the UNC-CH School of Government, additional regulations for solar farms can include requirements based on the type of solar array (accessory use versus principal use), quasi-judicial versus staff review, height and setback requirements, screening and fencing requirements and additional regulations for glare standards.

Ms. Oakley said the NC Solar Center (NCSC) and NC Sustainable Energy Association (NCSEA) created *The Template for Solar Energy Ordinance* in 2016. Topics from the template include:

- Defining solar energy systems (levels 1, 2 and 3) based on size
- Determining where different types of solar systems are allowed by right at staff level or allowed with quasi-judicial review
- Height and setback restrictions

- Providing aviation notification and evaluation of solar glare aviation hazard
- Water infiltration and soil conservation recommendations
- Buffering requirements
- Abandonment and decommissioning requirements

Ms. Oakley stated this information was provided to facilitate a discussion on regulating solar farms in Person County; she asked the Board to provide staff with feedback and further direction. She noted that should a major amendment for solar farm regulations be desired by the Board of Commissioners, a stand-alone/free-standing ordinance was recommended. She further noted that if minor changes are desired, an amendment to the text for solar farm regulations in the Planning & Zoning Ordinance was recommended.

Ms. Oakley said that her office has not reviewed any specific plans related to the proposed solar farm in Hurdle Mills.

Commissioner Clayton asked Ms. Oakley how long would it take to prepare a stand-alone/free-standing ordinance to which she said that once the Board outlines the parameters, she estimated 60-90 days to prepare and bring before the Planning Board and the Board of Commissioners.

County Attorney, Ron Aycock explained state statutes related to setting a moratorium include two options: 1) a moratorium up to 60 days, and 2) a moratorium for longer than 60 days. Mr. Aycock noted a vested rights is granted to any applicant that has completed any stage of the process however he argued that if an application has not been made to the County, that a vested rights does not exist. He further noted that a moratorium cannot be adopted until such time proper notice has taken place as well as a public hearing held for public comments. Mr. Aycock for a moratorium up to 60 days, proper notice is seven days prior to the public hearing with one advertisement. For a moratorium for 61 days or longer, proper notice would include two advertisements. Mr. Aycock also recommended for contact with the FAA for compliance with federal regulations.

Chairman Jeffers recommended as part of the process seek input from the Airport Commission, the Economic Development Commission as well as the Person County Farm Bureau.

A **motion** was made by Commissioner Clayton and **carried 4-0** to set a public hearing for the Board's next meeting on March 9, 2020 to consider placing a moratorium on solar farms for 61 days or longer.

Ms. Oakley requested the Board to set parameters for considerations for a stand-alone/free-standing ordinance. County Manager, Heidi York stated she would solicit some parameters with the Board.

PROPOSAL TO RAISE EMS SALARIES

Emergency Services Director, Douglas Young made the Board aware that during the past several years, data has shown a Nationwide and State Paramedic shortage and during the past two years Person County EMS has had as much as 11 Paramedic openings at one time due to retirement, new hires failure to complete the probationary period, loss to other agencies for higher pay, career changes, etc. Mr. Young stated currently there are seven openings; this is equal to one shift. He added these open positions are being filled by current paramedics working overtime.

Mr. Young noted research conducted by the Human Resources Director and EMS Administration determined that Person County’s pay is substantially less than many of our surrounding counties and region, i.e. Caswell County pays \$1 more per hour for a paramedic. This does not include Durham and Orange or counties of their similar size. Mr. Young further noted that EMS created a recruitment team and started setting up booths at job fairs, EMS training meetings and conferences across northern North Carolina and southern Virginia. However, Person County is competing against other EMS agencies with higher starting pay. In an effort to recruit paramedics and retain current employees, Mr. Young requested the Board to consider adjusting the starting pay scale for EMS positions.

Mr. Young asked Mr. Greg White, EMS Operations Manager to present the adjusted pay scale to the Board based on state averages. Mr. White outlined the following salary increases to make EMS more competitive in hiring paramedics and retaining current employees.

- Paramedic current pay per hour \$16.89 to \$18.62
- Advance EMT current pay per hour \$15.32 to \$16.08
- EMT current pay per hour \$13.89 to \$14.09

In addition, Mr. White requested consideration for an extra incentive for EMS employees for years of service pay as follows:

- 1-2 years of experience 2%
- 3-5 years of experience 4%
- 6-10 years of experience 6%
- 11 years of experience or more 7%

Ms. Lisa Alston, Human Resources Director stated the years of service pay could be used as a pay adjustment or to hire an experienced employee at a higher salary.

Mr. White stated the estimated financial impact to implement a pay scale adjustment effective March 1, 2020 to carry through the current FY2019-2020 budget is approximately \$75,000 noting EMS fees have increased and averaged \$14,000 to \$18,000 above budget per month. Interim Assistant County Manager and Budget Manager, Laura Jensen stated there was sufficient funding in the current EMS lapse salary budget to cover the costs of the presented salary adjustments.

Mr. White, Ms. Alston and Ms. Jensen agreed the projected budget impact for the FY2020-2021 budget would be an additional \$170,000.

A **motion** was made by Commissioner Clayton and **carried 4-0** to approve adjusting the starting pay scale of EMS positions as presented.

A RESOLUTION DECLARING PERSON COUNTY A CONSTITUTIONAL RIGHTS PROTECTED COUNTY:

Chairman Jeffers read and presented a Resolution Declaring Person County a Constitutional Rights Protected County for consideration for approval by the Board.

County Attorney, Ron Aycock stated without an in-depth analysis of the GOP resolution, his brief review from the beginning of the meeting notes minimal but substantial differences. He noted GOP proposed changes as follows:

In the last whereas statement, the GOP resolution omits the word unconstitutionally but adds “opposed efforts by an entity” which has in his opinion the same implication as the County’s resolution,

Mr. Aycock stated the whereas statements are assumed opinion without legal authority noting the resolve paragraph outlines the action to which the GOP resolution was identical with the addition of a another paragraph, “Person County will not authorize, appropriate government funds, resources, employees, agencies, contractor, building or offices for the purposes of enforcing or assisting in gun confiscation or other restrictions that infringe on the right to keep and bear arms by law abiding citizens as expressed in the Second Amendment to the U.S. Constitution.” Mr. Aycock noted the added paragraph would have the County to not take action to enforce any action that would restrict the right to bear arms. Mr. Aycock cited the Supreme Court Heller case law that believes in the right to bear arms, a great right moreover than to prepare a Militia, but not an absolute right. Mr. Aycock further noted the added paragraph tends to authorize the County to do things which the Constitution and Supreme Court do not authorize the County to do.

Commissioner Powell asked if the additional paragraph could be added to the County's proposed resolution to which Mr. Aycock said it was certainly within the Board's policy authority to add such language however as expressed, he opined by adding such would be problematic, i.e., to add action by the County when not authorized.

A **motion** was made by Chairman Jeffers to adopt a Resolution Declaring Person County a Constitutional Rights Protected County as prepared by the County Attorney.

A **substitute motion** was made by Commissioner Puryear and **failed 1-3** to adopt the Person County GOP Resolution as presented by Mr. Chris Weaver. Commissioner Puryear cast the only vote in support of the motion.

The **original motion carried 4-0 unanimously.**

Resolution Declaring Person County A Constitutional Rights Protected County

WHEREAS, the Constitution of the United States is the Supreme Law of our nation and the Second Amendment thereto states: "A well-regulated Militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed..."; and

WHEREAS, the North Carolina Constitution, Article I, Section 30 states: "A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they shall not be maintained, and the military shall be kept under strict subordination to, and governed by, the civil power. Nothing herein shall justify the practice of carrying concealed weapons, or prevent the General Assembly from enacting penal statutes against that practice,"; and

WHEREAS, a long line of established U.S. Supreme court cases have ruled where rights are secured by the U.S. Constitution, including Second Amendment Rights, no rule making or legislation may abrogate those rights, and the right to "keep and bear arms" is secured by the "due process" and "privileges and immunities" clauses of the Fourteenth Amendment Of the US Constitution; and

WHEREAS, the citizens of Person County have long supported the rights of the individual, particularly as those rights exist under the U.S. and North Carolina Constitutions, including the Second Amendment of the US Constitution; and

WHEREAS, the Person County Board of Commissioners is concerned about the passage of any bill or legislation which could be interpreted as infringing the rights of the citizens of Person County to keep and bear arms; and

WHEREAS, the Person County Board of Commissioners expresses its deep commitment to the rights of all citizens of Person County to keep and bear arms; and

WHEREAS, the Person County Board of Commissioners wishes to express its opposition to any law that would unconstitutionally restrict the rights under the Second Amendment of the U.S. Constitution and under the North Carolina Constitution of the citizens of Person County to keep and bear arms, and all rights and privileges arising therefrom; and

WHEREAS, the Person County Board of Commissioners expresses its intent to stand as a Constitutional Rights Protected County for Second Amendment rights and to oppose, within the limits of the Constitution of the United States and the State of North Carolina, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the rights of citizens to keep and bear arms.

February 18, 2020

NOW, THEREFORE, be it resolved by the Board of Commissioners of Person County, that acting within its powers, duties, and responsibilities, the Board shall respect, protect, and defend the Second Amendment rights of the citizens of Person County and the Board will oppose, within the limits of the Constitutions of the United States and the State of North Carolina, any efforts to unconstitutionally restrict such rights, and to use such constitutional means at its disposal to protect the rights of its citizens to keep and bear arms; and

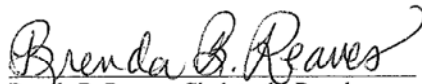
The Board of Commissioners hereby declares that Person County, North Carolina, is a "Constitutional Rights Protected County."

Adopted this the 18th day of February 2020.



Attest:


B. Ray Jeffers, Chairman
Person County Board of Commissioners


Brenda B. Reaves, Clerk to the Board

February 18, 2020

CHAIRMAN'S REPORT:

Chairman Jeffers reported the Economic Development Commission has been discussing ways to assist the agriculture industry. In addition, Chairman Jeffers attended an Orange County Summit where he met a local Person County business, OBX. He added an opportunity to tour the OBX facility has been extended to the Board of Commissioners.

Chairman Jeffers stated he attend the NC Association of County Commissioners board of directors' meeting focusing on broadband; he said Person County was recognized for being ahead of many rural and urban counties.

Chairman Jeffers asked the County Manager to let the commissioners know when the committees meet that were assigned earlier.

MANAGER'S REPORT:

County Manager, Heidi York had no report.

COMMISSIONER REPORT/COMMENTS:

Commissioner Powell stated he had asked the County Manager to update the Board on the County's fiber project. He noted the state of NC was holding a public forum at North Elementary on February 19, 2020 starting at 6:00pm related to statewide environmental issues and the coal ash basins at the local power coal plants.

Commissioner Clayton thanked those in the audience for attending the board meeting and encouraged them to come again or to view the meeting online. He noted he had attended a NACo Education Forum related to communication between boards of education and counties; he said a report will be coming soon.

Commissioner Puryear thanked his fellow commissioners for accommodating his request to attend the meeting via telephone conference.

ADJOURNMENT:

A **motion** was made by Commissioner Clayton and **carried 4-0** to adjourn the meeting at 10:32am.

Brenda B. Reaves
Clerk to the Board

B. Ray Jeffers
Chairman