

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

MARCH 15, 2021
OTHERS PRESENT

Gordon Powell
Kyle W. Puryear
C. Derrick Sims
Charlie Palmer
Patricia Gentry

Heidi York, County Manager
Brenda B. Reaves, Clerk to the Board
C. Ronald Aycock, County Attorney

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, March 15, 2021 at 9:00am in the Person County Office Building Auditorium.

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

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

Chairman Powell presented the following adjustments to the agenda:

- Request to move the agenda item for the Person County Museum of History to add a building to current museum campus to the Consent Agenda,
- Request to add an item to select a chair for the Board of Equalization and Review, and
- Request to add an item for new fees for the Person Area Transportation System.

A **motion** was made by Vice Chairman Puryear and **carried 5-0** to amend the agenda as requested by Chairman Powell and to approve the agenda as adjusted.

INFORMAL COMMENTS:

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

Mr. Chris Weaver of 342 Satterfield Farm Road, Timberlake informed the group he was re-elected as the Person County Republican Party Chair for a third term. He noted the number one priority in this county should be saving the power plants and the number one mechanism to save the power plants is getting a tenant for the County's Mega Park site. Mr. Weaver stated he learned the progress in appointing members to the Economic Development Task Force was slowed; he urged the Board to take ownership and fix the Task Force.

March 15, 2021

DISCUSSION/ADJUSTMENT/APPROVAL OF CONSENT AGENDA:

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

- A. Approval of Minutes of February 11, 2021,
- B. Approval of Minutes of February 16, 2021,
- C. Budget Amendment #12,
- D. Proclamation designating the month of April 2021 as North Carolina 811 Safe Digging Month, and
- E. Request from the Person County Museum of History to add a building (privy) to the current Museum campus.

NEW BUSINESS:

BROADBAND UPDATE – CHARTER COMMUNICATIONS:

Assistant County Manager, Katherine Cathey stated at the March 1, 2021 Budget Retreat, the Board requested a presentation from Spectrum on their current services and expansion plans in Person County.

Ms. Cathey introduced Joe Prater, Senior Manager of Government Affairs for Charter Communications (Spectrum) to present information on the following topics:

- Charter’s current presence in Person County
- Charter’s RDOF Phase I award areas in Person County
- Potential NC GREAT Grant opportunities in the future

Mr. Prater’s presentation follows highlighting the targeted areas of the county that are unserved for which federal funding was awarded to Charter to provide services within a six-year deadline. In October and November 2020, the Federal Communications Commission (FCC) held phase one of its Rural Digital Opportunity (RDOF) action, which awarded support to bring broadband to homes and businesses in census blocks that were entirely unserved. Mr. Prater said Charter would be able to expand its footprint even further once it reached its required unserved areas.

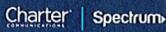
Person County Board of Commissioners Meeting
March 15th, 2021
Joe Prater – Senior Manager, Government Affairs



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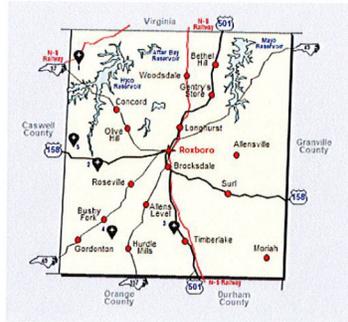
Agenda

- Charter's Current Presence in Person County
- Charter's RDOF Phase I Awards in NC & Person County
- NC GREAT Grant – Opportunity for Partnership
- Questions

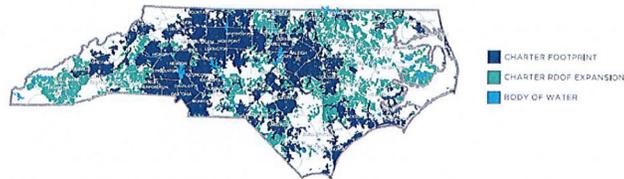


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Charter's Current Presence in Person County



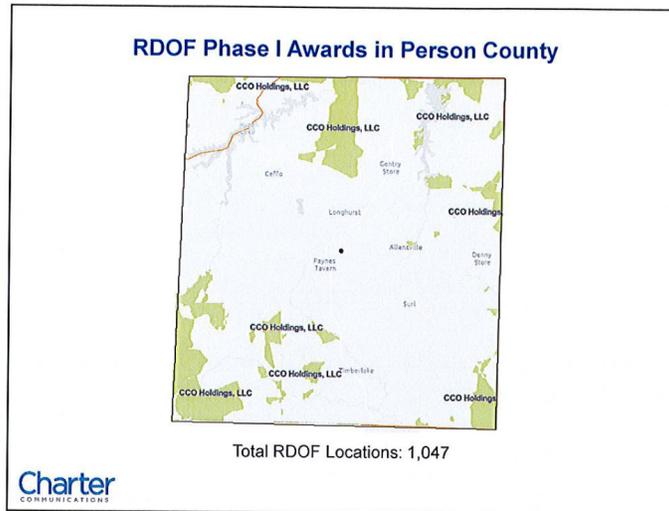
RDOF Deployment Awards in North Carolina



Charter's RDOF award in North Carolina is exceptional – particularly to our most rural, least developed counties.

- Charter will build in 38 of 40 Tier 1 counties.
- 50% of Charter's 128,509 locations will be in Tier 1 counties.
- \$72.8M was awarded to Charter in Tier 1 counties (51% of Charter's total awards)
- Charter will build in 67 of the 80 rural counties
- Over 90% of the locations will be in rural counties.





NC GREAT Grant – Opportunities for Partnership

Partnerships – A project for which an Internet service provider affirms that a formalized, written agreement exists between the provider and one or more unaffiliated partners where the partner is one of the following:

- a. A separate Internet service provider.
- b. A nonprofit or not-for-profit, or a for-profit subsidiary of either, and the internet service provider is:
 - i. being allowed access and use of the partner's infrastructure, on special terms and conditions designed to facilitate the provision of broadband services in unserved areas, or,
 - ii. utilizing a financial contribution provided by one or more partners where the total contribution is not less than ten percent (10%), but not more than forty-nine percent (49%), of the match required by this section.
- c. A county that is not engaged in providing consumer broadband service may qualify as a nonprofit for the purpose of this section.



Mr. Prater said he would update the Board monthly on Charter's progress. Mr. Prater noted his hopes were that the NC Department of Information Technology would announce the next round of Growing Rural Economics with Access to Technology (GREAT) grants soon. Mr. Prater said phase two of the RDOF is expanding for additional funding through the Cares Act. County Manager, Heidi York told Mr. Prater that Person County was interested in partnership with whomever the state awarded funding and the county was prepared to fund the required county match.

Vice Chairman Puryear asked Mr. Prater whom should residents contact to get a decision to help them get service to which Mr. Prater said citizens could contact him. Ms. York stated the county could set up a hotline for residents to call with questions and to leave their information related to expanding broadband access.

Commissioner Gentry told Mr. Prater there was a lack of good quality customer service and she would like to see updates on customer service as well.

BROADBAND ASSESSMENT PROPOSAL:

Assistant County Manager, Katherine Cathey said at its March 1, 2021 Budget Retreat, the Board of Commissioners established improving broadband infrastructure and connectivity as a top priority for Person County. She said the Board expressed an interest in conducting a study to assess the status of broadband services, opportunities to improve, and strategies to extend broadband throughout the county.

Ms. Cathey recalled that in 2015, ECC Technologies of Raleigh conducted a telecommunications infrastructure inventory study for Person County. This study provided information on: the incumbent and competing service providers and their broadband supporting infrastructure in the county. At that time, the study showed that many areas lacked sufficient broadband. While much of this information is still relevant, a refresh of the study will bring it back up to date.

Ms. Cathey introduced the representatives from ECC Technologies: Mr. Jeff Brooks in-person and Mr. Joe Starks and Mr. Kurt Frenzel who attended remotely.

Mr. Brooks, Senior Director for Operations, Financial, Marketing and Services addressed the proposal ECC submitted to: (a) refresh and update the 2015 inventory including an Outside Plant (OSP) study, (b) map the current status of available broadband service within the county, (c) review the county's fiber project – its suitability and positioning to support new broadband initiatives by others, (d) review RiverStreet and State of North Carolina survey information and (e) consult with the county to review options and next steps including service provider options. ECC proposed to provide professional services for the project for \$33,450. Ms. Cathey noted staff recommended funding the study from Republic Services' FY21 \$100,000 annual community development payment.

March 15, 2021

Ms. Cathey requested the Board to authorize the County Manager to sign and accept the proposed scope of work, fees, terms and conditions with funding from Republic Services' annual community development payment.

A **motion** was made by Vice Chairman Puryear and **carried 5-0** to authorize the County Manager to sign and accept the proposed scope of work, fees, terms and conditions with funding from Republic Services' annual community development payment.

RESOLUTION SUPPORTING BROADBAND INTERNET SERVICE IN PERSON COUNTY:

Assistant County Manager, Katherine Cathey stated at its March 1, 2021 Budget Retreat, the Board of Commissioners established improving broadband infrastructure and connectivity as a top priority for Person County. The board expressed an interest in considering a resolution supporting broadband internet service in Person County. Ms. Cathey presented a draft resolution for discussion and approval.

Vice Chairman Puryear suggested a wording change in the fifth paragraph replacing the word requests with strongly encourages to which the Board consented.

A **motion** was made by Vice Chairman Puryear and **carried 5-0** to adopt a Resolution Supporting Broadband Internet Service as amended.



**RESOLUTION SUPPORTING BROADBAND INTERNET SERVICE
IN PERSON COUNTY**

WHEREAS, the Person County Board of Commissioners has supported deployment of broadband internet access throughout Person County; and

WHEREAS, Person County has current partnerships with UtiliPlex, LLC and RiverStreet Networks to expand fiber and wireless broadband infrastructure to serve the outlying areas of Person County that currently do not have broadband internet options; and

WHEREAS, through partnerships and independent efforts, internet service providers have closed the gap in Person County by providing many citizens in Person County broadband internet access which will further economic development, improve education of both children and adults, improve fire and police emergency services, and enhance the quality of life for the residents; and

WHEREAS, there are remaining areas of Person County without broadband internet access as evidenced by responses to surveys conducted by Person County, Piedmont Electric Membership Corporation, and the State of North Carolina; and

WHEREAS, Person County strongly encourages local internet service providers, including CenturyLink, RiverStreet Networks, and Charter Communications, to further expand broadband internet access to unserved and underserved communities as this service is vital to the quality of life as outlined as a goal and priority in the Person Futures Strategic Plan and established as a top priority of the Board of Commissioners for FY2021-2022.

NOW, THEREFORE, BE IT RESOLVED the Person County Board of County Commissioners would like to go on record supporting broadband internet accessibility and service in any areas in Person County not currently serviced with affordable and reliable broadband internet access.

Adopted this, the 15th day of March 2021.

Attest:


Gordon Powell, Chairman
Person County Board of Commissioners


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

March 15, 2021

STORM DEBRIS REMOVAL ASSISTANCE:

County Manager, Heidi York stated at the Board's Retreat, Commissioners asked staff to contact local companies to partner with the county for the removal of debris from residents' yards due to the ice storm on February 13th. Five bids were obtained, although there are many unknowns, including volume of debris, demand for services, distance traveled, and hours required. A sixty-day window for completion is projected.

1. Pick-up but no disposal site: Dixon Farm & Tree Service - \$305 per hour for labor and equipment but has no place to put ice storm debris/chips. Only interested if County provides a location for him to dump debris/chips.
2. Pick-up & disposal: Kendrick's Tree service - \$450 per hour for labor and equipment to remove and dispose of all called-in county ice storm debris.
3. Pick-up & disposal: Brad's Tree Service – A lump sum cost of \$225,000 or an hourly rate of \$300 to remove/dispose of all called-in county ice storm debris.
4. No pick-up but disposal site and services provided: D & J Logging – to operate a temporary county vegetative debris grinding site located at 6229 Leasburg Road. Costs include one-time mobilization fees for required equipment: Grinder \$750.00, Bulldozer \$350.00, Excavator \$350.00, and Shear \$350.00. Required equipment and operator fees: Grinder and Operator \$500.00 per hour, Bulldozer and Operator \$135.00 per hour, Shear and Operator \$150.00 per hour. An optional Site Attendant in lieu of Client-provided Site Attendant is available at a charge of \$55.00 per hour.
5. Pick-up & disposal: K&K Tree Service - fleet of two dump trucks and an 18-yard grapple truck that is capable of loading the dump trucks. Disposal site provided, near the city limits, to dump the debris. Hourly rate is \$450.

Ms. York asked the Board to review the bids submitted and direct staff to enter into a contract for services, with funding from Fund Balance if desired by the Board. Ms. York noted on this same morning NC DOT was looking to contract with local providers to remove debris on the right-of-way of state maintained roads.

Commissioner Sims confirmed that the proposal would only have the provider pick up debris on the roadside and not enter into the yards or cut any debris to which Ms. York affirmed. Chairman Powell added the need to clearly define noting a precedent would be set should the Board proceed to provide this for the residents of the county.

Commissioner Gentry stated there was no way to monitor the removal of debris and the costs to the County would be around \$225,000. Commissioner Gentry said this service was not a function of the county.

A **motion** was made by Commissioner Gentry and **carried 5-0** to table action for storm debris removal assistance.

REVISIONS TO THE ORDINANCE FOR THE PERSON COUNTY REC ADVISORY BOARD:

John Hill, Director of Recreation, Arts, and Parks and on behalf of the REC Advisory Board presented revisions to the Ordinance for the Person County REC Advisory Board. He said the REC Advisory Board requested the Board to adopt the revisions as recommended and approved by the REC Advisory Board unanimously at its March 3, 2021 meeting. The highlighted revisions include grammatical, organizational name (Recreation, Arts and Parks) and sets the term limits for the Person County Arts Council (PCAC). Mr. Hill noted that setting term limits for the PCAC was recommended by the North Carolina Arts Council and would offer more opportunities for the citizens of Person County to participate in the sub-committees. Additionally revisions clarify the ex-officio seats, whether voting or non-voting.

Commissioner Sims asked about the REC members serving as the Disciplinary Committee to which Mr. Hill said disciplinary violations are first heard by the Recreation, Arts and Parks staff. Appeals from the staff level are heard by the REC board to which they have guidelines for the appeal process.

A **motion** was made by Commissioner Gentry and **carried 5-0** to adopt the Ordinance for the Person County REC Advisory Board, as presented.

**ORDINANCE FOR THE
PERSON COUNTY
REC ADVISORY BOARD**

SECTION 1: CREATION, NAME, NUMBER OF MEMBERS, TITLE

There is hereby created a Board composed of nine (9) members to be known as the Person County REC Advisory Board (Hereinafter referred to as the "REC Board" – REC standing for Recreation, Environment and Open Space, and Cultural Activities). This ordinance shall be known as the Person County REC Advisory Board Ordinance.

SECTION 2: COMMITTEE, POWERS AND DUTIES

The REC Board shall serve as the advisory body for Person County on issues relative to the Department. The REC Board shall advise the Recreation, Arts, and Parks Director, County Manager and County Commissioners within its responsibilities and powers as stated in this ordinance.

The REC Board shall serve as a liaison between the Recreation, Arts, and Parks Department and the citizens of Person County.

The Recreation, Arts, and Parks Department shall consult with the REC Board in matters affecting programs, facilities, policies, finances and the acquisition and disposal of lands and properties and its long-range, projected plans.

The REC Board shall also assume specific duties and responsibilities as follows:

1. To investigate and determine the needs, interests and goals of the community for recreation and cultural facilities and programs and make recommendations to the Recreation, Arts, and Parks Director, County Manager and County Commissioners to meet those needs and goals.
2. To inform and educate the general public of the importance and need for programs, facilities and services.
3. To seek and make recommendations on the acceptance of grants, gifts, bequests, and donations for Recreation, Arts, and Parks Department purposes.
4. To assist the Recreation, Arts, and Parks Department in developing cooperative arrangements with other organizations and private groups, when it will further the objective of providing more and varied kinds of park and recreation programs for the citizens of Person County.
5. To assist the Recreation, Arts, and Parks Department in recruiting voluntary leadership staff to work with programs and activities.

6. To assist in matters relating to maintaining the highest standards in park development and operation, park and recreation leadership and a well-balanced program.
7. To assist in developing a plan to meet the present and future needs for programs, services, parks, facilities, open spaces and trails and to advise in developing priorities for each of these.
8. To receive information and reports concerning the evaluation of programs, facilities, policies and procedures.
9. To recommend approval of rules, and procedures pertaining to recreation programs and the use of public parks and facilities including suggested fees and charges.
10. Carry out any other assigned studies and/or activities as determined appropriate.

SECTION 3: APPOINTMENT OF THE COMMITTEE

The Person County REC Board shall consist of nine (9) members, seven (7) of which shall be appointed by the County Commissioners and two (2) members that are appointed by the REC Board. One county commissioner will serve ex-officio (voting member) as one of the nine members.

The Recreation, Arts, and Parks Director shall attend and participate in all REC Board meetings.

The term of office for all appointed and reappointed members shall be three years. Vacancies arising on the REC Board shall be filled by the County Commissioners for seven members duly appointed and by the REC Board for two members duly appointed for the balance of the unexpired term. All appointments will be made by the County Commissioners and REC Board in accordance with the policy governing appointments to Boards and Committees.

Any member who misses more than three consecutive regular meetings loses his/her membership status.

An orientation meeting for newly appointed board members shall be conducted by the Recreation, Arts, and Parks Director and the Chairman within 30 days after their appointment.

SECTION 4: OFFICERS

The members of the Person County REC Board shall annually elect from their own membership a Chairman and other officers, as they deem essential. Duties of each officer shall be established in the Committee By-Laws.

SECTION 5: COMPENSATION

The members of the REC Board shall serve without compensation, but shall be entitled to reimbursement for subsistence and travel to professional recreation meetings, conferences and workshops, with such reimbursement being made in compliance with general County policies.

SECTION 6: MEETINGS

The REC Board shall meet at least monthly and at other times deemed necessary to transact business, upon call of the Recreation, Arts, and Parks Director, or Chairman or by a majority of the Committee members, or upon call of the County Commissioners.

A quorum of the Board shall be in attendance before action of an official nature can be taken.

A quorum shall consist of a simple majority.

General parliamentary rules, as given in "Robert's Rules of Order" as modified by rules and regulations of the Advisory Board shall be observed in conducting meetings.

Official minutes of each meeting will be recorded and maintained in the office of the Recreation, Arts, and Parks Director.

SECTION 7: COMMITTEES AND STANDING COMMITTEES

The REC Board shall organize temporary or standing committees, as it deems necessary in order to carry out the responsibilities of the Board. Advisory Board members serving as Chairman of committees shall be appointed by the REC Board Chairman. Other members of the Committees shall be elected by the REC Board. Vacant positions shall be advertised in newspapers and/or social media and other media sources. All applications be given to full board for them to vote on person or persons to fill vacant position or positions on committee or committees.

Each committee may create non-standing, goal-oriented subcommittees as needed. Each committee is expected to provide the REC Board with minutes of their meetings and shall report their findings to the REC Board through their chairman, with or without recommendations.

Staff members of the Recreation, Arts, and Parks Department shall be assigned as ex-officio, (non-voting) members to the committees.

The REC Board may refer any matter to a committee before the REC Board takes action on the subject.

The standing committees shall include, but not be limited to, the following:

Finance Committee

The duties of the Finance Committee shall include, but not limited to:

- a. Aiding the staff in the development of the budget.
- b. Reviewing major capital outlays.
- c. Reviewing and making recommendations on grants, gifts, bequest, and donations to the department.

This committee shall consist of the chairman of the REC Board and two (2) members of the REC Board. These two members shall be elected by the REC Board.

Facilities Committee

The duties of the Facilities Committee shall include, but not limited to:

- a. A yearly inspection of all appropriate facilities.
- b. Recommendation on repairs or physical changes.
- c. Recommendation on the long-range plans for facility development.
- d. Recommendation on the acquisition or disposition of facilities or parts thereof.

Each athletic club which leases a facility from Person County shall nominate a candidate annually for this committee. A member of the REC Board shall chair this committee. The REC Board shall select four (4) members to serve on the committee from the pool nominated by the athletic clubs and two (2) additional members selected from the community.

Athletic Committee

The Athletic Committee is a subcommittee of the REC Advisory Board. The Main purpose and goal of this subcommittee:

1. Gather feedback from athletic program participants and spectators relating to observed needs and concerns.
2. Suggest possible new athletic programs.
3. Research possible programs and report back to the REC Advisory Board to address the athletic program needs of Person County Citizens.
4. Aid the REC Advisory Board and the Department in efforts to inform our citizens about current programs, new programs, changes of schedule, current rules and regulations, and other Athletic program issues.
5. Making recommendations to the REC Board on policy changes in the athletic programs.

The REC Advisory Board shall annually nominate candidates for this committee. This committee shall be chaired by a member of the REC Board. The REC Board shall select four (4) members to serve on the committee from the pool nominated by the athletic clubs and two (2) additional members selected from the community.

Arts Council Committee

The duties of this committee shall include, but not limited to:

- a. Encouraging the maximum use of the Kirby Cultural Arts Complex facility for cultural, educational, recreational and civic purposes.
- b. Broadening cultural opportunities for all Person County citizens in the area of the arts.
- c. Encouraging a variety of community programs including, but not limited to: senior citizens, adults, teens and youth.
- d. Promoting cultural arts/fine arts programs and activities.
- e. Recommendations regarding grants and sub-grant applications.
- f. Two signatures required for checks – staff – Director or designee; committee – chairman or designee.

The REC Board shall select a minimum of six (6) members and a maximum of eight (8) members to be appointed from the community. This committee shall be chaired by a member of the REC Board and include one member of the Recreation, Arts, and Parks Department and the managing director of the Kirby Cultural Arts Complex. The REC Board shall be the appointing body to the Person County Arts Council.

Members of the Person County Arts Councils may consist of members throughout Person County representing various organizations with diverse cultural arts interest. These organizations may include: Schools, local college, private citizens, civic organizations, the Recreation, Arts, and Parks Department, and many others.

Members shall be appointed for two year terms in such manner that the committee is structured on a staggered basis. Members shall be eligible for reappointment following 2 consecutive terms and after one year of non-service.

Friends of the Parks and Lakes Committee – “Friends of the Parks”

The duties of this committee shall include, but not limited to:

- a. Encouraging the maximum public recreational use of the Person County Park systems and Lake Resource programs and facilities; to encourage good health and wellness, physical fitness, good nutrition, education, environmental education, preservation, stewardship, outdoor active recreation, and passive recreation.
- b. Broadening indoor/outdoor recreational, educational, and environmental wellness practice opportunities for all Person County citizens and visitors.
- c. Increase and encourage a variety of community programs and involvement serving senior citizens, adults, teens, youth, and all other demographics related to our population.
- d. Promoting outdoor athletics and non-athletic programs, recreational activities, cultural and fine arts programs/activities and lake/water based recreational programs.
- e. Recommendations regarding grants and funding opportunities to support programs, operation, and development of public recreational and educational facilities.
- f. Research, develop, advise in the management of “Friends of Parks” programs and Committee.
- g. Committee may act as liaison between Duke Energy Progress and our citizens in matters related to Recreation, Arts, and Parks Department programs on Person County Lakes.

The REC Board shall select a minimum of six (6) members and a maximum of eight (8) members to be appointed from the community. This committee shall be chaired by a member of the REC Board. At least one staff member of the Recreation, Arts, and Parks Department shall attend and participate in all committee meeting.

Members of the committee may be representative of our citizens in the areas of: indoor/outdoor recreation facilities and programs, cultural arts programs, public recreation development, stream education, environmental education, preservation, environmental education, private citizens, local, and state government.

Terms of appointment shall be for a length of two years. Also, terms of appointment shall be on a staggered basis.

Each committee may create non-standing, goal-oriented subcommittees as needed. Each committee is expected to provide the REC Board with minutes of their meetings and shall report their findings to the REC Board through their chairman, with or without recommendations.

Staff members of the Recreation, Arts, and Parks Department shall be assigned as ex-officio (non-voting) members to the committees.

The REC Board may refer any matter to a committee before the REC Board takes action on the subject.

SECTION 8: CONFLICT WITH OTHER ORDINANCES AND RESOLUTIONS

Any earlier adopted ordinances and resolutions of Person County pertaining to parks and recreation, which are or in conflict with the provisions of this ordinance are hereby declared null and void and of no effect. The REC Board shall establish By-Laws in conjunction with this ordinance to be used for governing the REC Advisory Board.

SECTION 9: EFFECTIVE DATE

This ordinance shall become effective on its adoption by the Person County Board of Commissioners.

ADOPTED THIS 4TH DAY OF OCTOBER, 1993.
REVISED THIS 21ST DAY OF FEBRUARY, 1994.
REVISED THIS 15TH DAY OF APRIL, 1996.
REVISED THIS 6TH DAY OF DECEMBER, 1998.
REVISED THIS 21ST DAY OF OCTOBER, 2002.
REVISED THIS 18TH DAY OF NOVEMBER, 2002.
REVISED THIS 7TH DAY OF NOVEMBER, 2005.
REVISED THIS 21ST DAY OF JULY, 2014.
REVISED THIS 2ND DAY OF MARCH, 2015.
REVISED THIS 15TH DAY OF MARCH, 2021.

ATTEST:


Brenda B. Reaves
Clerk to the Board of Commissioners


Gordon Powell, Chairman



ECONOMIC DEVELOPMENT TASK FORCE UPDATE:

Commissioner Gentry provided an update on the Economic Development Task Force that in mid-January met roadblocks and then again, in February with a last minute change that uninvited a candidate moved two other candidates to distance themselves to retract their commitment to serve. Commissioner Gentry was astonished that a simple task force designed to help the economic development created such political upheaval.

Commissioner Gentry stated the Board could not continue to wait to get the Task Force in place as each commissioner should promote economic development for a healthy future. She added that 473 jobs have been lost over the last decade and she could not understand why the annual economic development-planning meeting would be cancelled to wait for the results of the task force.

Commissioner Sims stated with the process to have 100% agreement among the Board for all candidates he felt like it would take longer. He added in the future, he would like to do it differently, similar to the process for soliciting interest and doing the interviews and with a majority vote to appoint individuals. Commissioner Sims thanked Commissioner Gentry for her work on the Task Force.

Commissioner Gentry gave her fellow commissioners a list of candidates and noted her intent for the Task Force to meet as soon as possible, possibly in the Legacy Building conference room or the Tourism Development Authority building via Zoom for a period of six weeks. With social distancing, she recommended no one from the public to attend in-person however, members of the public could access the meeting via Zoom. Commissioner Gentry said she would serve as the liaison to the Task Force. Vice Chairman Puryear confirmed the public would be able to access via Zoom to which Commissioner Gentry confirmed.

A **motion** was made by Vice Chairman Puryear and **carried 5-0** to appoint Tommy Winstead, Cecil Barker, David Ziolkowski, Sharon Holler and Keith Epstein to the Economic Development Task Force.

March 15, 2021

APPOINTMENT OF COUNTY ATTORNEY:

County Manager, Heidi York stated NC General Statute 153A-114 states that the board of commissioners shall appoint a county attorney to serve at its pleasure and to be its legal adviser. She noted that the current County Attorney, Ron Aycock, announced at the end of November, his intention to retire. Ms. York said the Board conducted a competitive hiring process and selected The Brough Law Firm, PLLC, with S. Ellis Hankins to serve as its County Attorney.

Ms. York presented a Memorandum of Understanding to retain The Brough Law Firm, PLLC to the Board for approval. She asked the Board to appoint S. Ellis Hankins as County Attorney, approve the Memorandum of Understanding to retain The Brough Law Firm, PLLC to represent the County, and authorize the County Manager to execute the agreement. Ms. York stated this date would be Mr. Aycock's last official meeting.

A **motion** was made by Commissioner Gentry and **carried 5-0** to appoint S. Ellis Hankins as County Attorney, approve the Memorandum of Understanding to retain the Brough Law Firm, PLLC to represent the County, and authorize the County Manager to execute the agreement.

Chairman Powell administered the oath of office to S. Ellis Hankins.

Vice Chairman Puryear recognized C. Ronald Aycock for his fifteen (15) years serving as Person County's Attorney. Vice Chairman Puryear said on behalf of the Board of Commissioners of 2006, noting he, himself was first elected in 2006, and for all the Boards that have followed, it was his privilege to present a plaque of appreciation to Mr. Aycock.

Mr. Aycock thanked the Board and all previous boards noting he was proud to serve Person County. Mr. Aycock said Person County has an outstanding County Manager and staff. He said he has learned much from his experiences in Person County.

APPOINTMENT TO THE ENVIRONMENTAL ISSUES ADVISORY COMMITTEE:

Clerk to the Board, Brenda Reaves stated Mr. Robert (Bob) Brauer submitted a citizen application of interest to be appointed as the Allensville Township representative on the Environmental Issues Advisory Committee. Former Allensville Township representative, Mr. Jason Torian resigned his seat in January 2021 and recommended Mr. Brauer as his replacement. Mr. Brauer would fulfill an unexpired term to June 30, 2022. Ms. Reaves requested the Board nominate and appoint as deemed appropriate.

A **motion** was made by Vice Chairman Puryear and **carried 5-0** to appoint Mr. Robert (Bob) Brauer to the Environmental Issues Advisory Committee to fulfill an unexpired term to June 30, 2022.

SELECT CHAIR FOR THE BOARD OF EQUALIZATION AND REVIEW:

Clerk to the Board, Brenda Reaves stated the Board of Commissioners was tasked to select the Chair per state statute.

A **motion** was made by Vice Chairman Puryear and **carried 5-0** to appoint Margaret Bradsher as Chair of the Board of Equalization and Review.

PERSON AREA TRANSPORTATION SYSTEM FEE REQUESTS:

Kurt Neufang, Transportation Director for the Person Area Transportation System (PATS) requested Board approval for new rates to be added to the Fee Schedule. Mr. Neufang proposed new “load fees” associated with contracts for Non-Emergency Medical Transportation (NEMT) services.

The state’s new Medicaid Transformation program will launch July 1, 2021. To implement this initiative, NC Department of Transportation (NCDOT) has mandated that transit agencies contract with broker companies to better manage transit service scheduling for Medicaid participants. The County Manager will authorize provider agreements with the two state-approved brokers, One-Call and ModivCare. The contracts are undergoing legal review by the County Attorney.

PATS requests approval to implement the proposed fees as outlined below. Due to variations in the brokers’ contracting methods, the proposed fee schedule is slightly different for each one.

Proposed Fee Rate Schedule Additions

Broker Company	Miles	Ambulatory Load Fees	Wheelchair Load Fees	Per Mile Rate Ambulatory	Per Mile Rate Wheelchair
ModivCare	0-3	\$15.00	\$25.00	\$1.70	\$1.95
	4-6	\$18.00	\$25.00		
	7-10	\$20.00	\$30.00		

Broker Company	Miles	Ambulatory Load Fees	Wheelchair Load Fees	Per Mile Rate Ambulatory	Per Mile Rate Wheelchair
One-Call	all	\$18.00	\$28.00	\$1.70	\$1.95

A **motion** was made by Commissioner Sims and **carried 5-0** to approve the new rates to be added to the Fee Schedule associated with contracts for Non-Emergency Medical Transportation services, as presented.

CHAIRMAN’S REPORT:

Chairman Powell reported he had attended his regular committee meetings. As to the Republican Party Chair, Chris Weaver’s earlier comments, Chairman Powell prefaced his statement for a disclaimer that he had no comments, no emails, no phone calls related to county staff working with the EDC for a micro focus attention aimed at battery manufacturers for the Mega Park site and to continue to merchandise the site as planned for any and all takers. He suggested honing in on a particular industry to develop and produce automotive batteries based on his recent reads that batteries are projected to replace gasoline vehicles by 2035. Chairman Powell mentioned Tesla (electric car company) only because they are #5 richest company in the world and still growing noting electric vehicles are becoming more and more prevalent along with the development of battery-powered airplanes. Battery (million mile batteries) production in the future is projected to have a 20,000% surge into the next decade providing coast-to-coast travel without the need to re-charge the battery.

MANAGER’S REPORT:

County Manager, Heidi York reported an update for the Health Department regarding the COVID-19 open scheduler portal going into service this date by calling a hotline 336-322-6136. Once the schedule is filled, the number will be closed until the next time a vaccination clinic schedule reopens.

COMMISSIONER REPORT/COMMENTS:

There were no reports nor comments from the commissioners.

RECESS:

A **motion** was made by Commissioner Sims and **carried 5-0** to recess the meeting at 10:52am until 4:00pm this date for a joint session with the Planning Board to be held in the County Office Building Auditorium.

Chairman Powell called the recessed meeting back to order at 4:00pm.

The Board of Commissioners met jointly with Planning Board to hear an overview of Chapter 160D text amendments for state mandated changes to the Planning Ordinance and the Subdivision Regulations of Person County.

Members of the Planning Board present in-person were Barry Walker, Chair, Zakiya James, Michael Brandon and Robert Allen; Sheila McGhee attended via Zoom.

Lori Oakley, Planning Director said the state mandated changes; Chapter 160D affects almost every chapter in the Planning Ordinance and affects a lesser amount of requirements in the Subdivision Regulations (mostly bonding requirements). Ms. Oakley said she wanted to give both boards a general overview of them at a workshop prior to each conducting a public hearing. Ms. Oakley shared the following presentation:

Person County
Board of Commissioners &
Planning Board
Joint Work Session

March 15, 2021

Chapter 160 D

Chapter 160 D

Public Hearings

Planning Board – April 8th at 7:00 PM in the Auditorium

Board of Commissioners – May 3rd at 7:00 PM in the Auditorium

Chapter 160 D

Background

NC local governments operate under authority granted by individual state statutes. Currently, counties and cities are governed under NC General Statutes Chapters 153A (counties) and 160A (cities) for planning legislation.

Chapter 160 D

Background

In July, 2019 the NC General Assembly adopted the new Chapter 160D of the NC General Statutes. 160D consolidates current city and county enabling statutes for development regulations into a single, unified chapter and organizes these statutes into a more logical, coherent structure. The new legislation does not make major policy changes but rather it provides several clarifying amendments and consensus reforms that must be incorporated into local development regulations. All local governments within NC shall adopt the necessary ordinance amendments to comply with Chapter 160D no later than July 1, 2021. At that date, the rules and procedures of Chapter 160D will apply regardless if the local (Planning & Subdivision) ordinance has been updated.

Chapter 160D

Ordinance Changes

- Eliminates conditional use permits. Special use permits will remain.
- Conditional use permits with simultaneous rezonings (ie, conditional use district rezoning) will be eliminated. The two types of rezonings allowed will be: general rezonings and conditional district rezonings.
- Special use permits will no longer be reviewed by the Planning Board. Once submitted to staff, they will go straight to the BOC for review.
- Clarifies when development agreements are allowed.
- Cannot regulate manufactured homes based on the age of the home.

Chapter 160 D

Other Changes

- An up-to-date comprehensive plan will be required if you have zoning in your jurisdiction.
- All governing boards (Planning Board and Board of Adjustment) will be required to have bylaws and all members shall be sworn in as members.

Chapter 160D

Planning Ordinance

- Articles 1 - 6: No significant changes other than referencing new General Statutes.
- Article 7: Removing current planning processes and relocating them to Article 14.
- Article 8-12: No changes.
- Article 13: Reorganizes existing article; clarifies zoning permit process and allows for performance guarantees for non-residential development. Enforcement/violation section was relocated to this article.

Chapter 160D *Planning Ordinance*

- Article 14: Most of the changes are in this section.
 - Duration of Approvals
 - Text Amendments and Rezoning
 - Conditional District Rezoning
 - Special Use Permits
 - Development Agreements
 - Vested Rights
 - Variances
 - Appeals

Chapter 160D *Planning Ordinance*

- Article 15 & 16: Relocating Penalties/Violations to a different section.

Chapter 160D

Planning Ordinance

- Appendix A: No Changes.
- Appendix B: Definitions
 - New definitions were added verbatim from the NC General Statues.
 - Existing definitions were amended to reflect required changes.

Chapter 160D

Planning Ordinance

- Appendix C - Table of Uses
 - Most "C's" (conditional use permits) were changed to "S" (special use permits).
 - A few of the "C's" were changed to "X" by right:

Animal Medical Care in the B2	Kennel Operations in B1
Blacksmith in B1	Landscape Contractor in B2
Churches in R, B1, B2 and G1 (RLUIPA)	Nursing Home in B1
Day Care Center in B1, B2, G1	Public Recreation in B1, B2
Exterminating Service in B2	Rest Home in B1

Chapter 160D

Planning Ordinance

- Notes 1 & 2: Corrected typos.
- Note 3: Removed Class C manufactured homes (MH predates 1976).
- Note 4: Manufactured Home hardships to be approved by Zoning Administrator
- Notes 5 & 6: No changes.
- Note 7: Allows Zoning Administrator to approve temporary MH during construction of a permanent dwelling.
- Note 8: Allows Zoning Administrator to approve temporary camper/RV in the case of a natural disaster.

Chapter 160D

Subdivision Regulations

- Section 33 – Bonding Requirements
 - Only clarifies the process, no major policy changes.

Commissioner Palmer asked Ms. Oakley about campers being onsite at Hyco Lake to which Ms. Oakley noted the regulations over the campers was in Article 6-60, an accessory use that allowed campers to be on Hyco Lake for a period of two weeks and then removed for four-weeks. Ms. Oakley further noted an exception would be in the case of a natural disaster to which a camper could be used for a 12-month time period. Ms. Oakley said there were no proposed changes in this section of the ordinance.

Vice Chairman Puryear confirmed that future requests for Special Use Permits would come directly before the Board without first going before the Planning Board to which she affirmed. She added the Planning Board would hear rezoning and conditional rezoning.

Ms. Oakley said conditional permits were being eliminated and that the Board of Adjustment would now only hear variances and appeals.

Ms. Oakley stated staff recommended ten changes in the Table of Uses in Appendix C that would be heard at the staff level without the need for public hearing. She asked the Board to review all the uses in this table for any other uses that may be heard at staff level without the need for public hearing. Vice Chairman Puryear urged the Planning Board to provide input about any other uses that could be suggested to be heard by staff without the need for public hearing. Ms. Oakley asked the Board of Commissioners to provide any additional comments to staff by March 29th for consideration at the Planning Board on April 8, 2021.

Commissioner Gentry asked about the possibility to Zoom the Planning Board meeting on April 8, 2021. County Manager, Heidi York noted she might need to review the IT Department resources in that request to Zoom the Planning Board's meetings.

ADJOURNMENT:

A **motion** was made by Commissioner Sims and **carried 5-0** to adjourn the meeting at 4:40pm.

Brenda B. Reaves
Clerk to the Board

Gordon Powell
Chairman

March 15, 2021