

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

DECEMBER 6, 2021
OTHERS PRESENT

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

Heidi York, County Manager
Brenda B. Reaves, Clerk to the Board
S. Ellis Hankins, County Attorney

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, December 6, 2021 at 7:00pm in the Person County Office Building Auditorium.

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

ORGANIZATION OF BOARD

County Attorney, Ellis Hankins presided over the meeting and explained that the Board's rules of procedure and state statutes provide for the election of Chairman and Vice-Chairman at the first meeting in December for a term of the ensuing year.

Mr. Hankins presided over the election of the Chairman of the Board of Commissioners and opened the floor for nominations.

Commissioner Sims nominated Commissioner Powell as Chairman.
Commissioner Gentry nominated Commissioner Puryear as Chairman.

There were no further nominations.

By show of hands, Commissioners Sims, Palmer, Puryear and Powell voted for Commissioner Powell for Chairman. Commissioner Gentry was the lone dissenting vote.

Commissioner Powell was elected the Board's Chairman by a **majority vote**.

Newly elected Chairman Powell opened the floor for nominations for Vice Chairman of the Board of Commissioners.

Commissioner Puryear nominated Commissioner Sims as Vice Chairman. There were no further nominations.

By acclamation, Commissioner Sims was named Vice Chairman of the Board.

December 6, 2021

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

Chairman Powell stated a request to add two items to the agenda: 1) a Resolution Authorizing the Fire Marshal to implement a local burn ban, and 2) a Closed Session to confer with the County Attorney.

A **motion** was made by Commissioner Gentry and **carried 5-0** to add an item to the agenda for consideration for a Resolution Authorizing the Fire Marshal to implement a local burn ban, as well as a Closed Session to confer with the County Attorney to the agenda and to approve the agenda as adjusted.

PUBLIC HEARING:

PETITION CD-02-21 - A REQUEST BY KEVIN PURYEAR PROPERTIES, LLC, FOR A CONDITIONAL DISTRICT REZONING FROM R (RESIDENTIAL) TO CD-RC (CONDITIONAL DISTRICT - RURAL CONSERVATION) FOR EQUIPMENT STORAGE AND SERVICE ON TAX MAP AND PARCEL NUMBER A25-151 ON 36 ACRES LOCATED ON DUNNAWAY ROAD:

A **motion** was made by Vice Chairman Sims and **carried 5-0** to open the duly advertised public hearing for Petition CD-02-21, a request by Kevin Puryear Properties, LLC, for a Conditional District Rezoning from R (Residential) to CD-RC (Conditional District - Rural Conservation) for equipment storage and service on Tax Map and Parcel Number A25-151 on 36 acres located on Dunnaway Road.

Commissioner Puryear disclosed that the applicant, Kevin Puryear, was a relative of his and asked the County Attorney to address if it would be appropriate for him to recuse himself from this item. County Attorney, Ellis Hankins said state statutes would not allow Commissioner Puryear to recuse himself from voting in this situation noting Commissioner Puryear had no financial interest with this item and Chapter 160D of state law allows recusal from a legislative zoning matter if there is a close familial relationship. The definition of a close familial relationship is defined as a spouse, sister, brother, or grandparents and was not extended to a cousin relation.

Planning Director, Lori Oakley stated that all state statutes and Planning Ordinance Requirements regarding notice have been met for this public hearing and she submitted her staff report into the record as follows:

December 6, 2021

**Conditional District Rezoning – CD-02-21
Dunnaway Road
Equipment Storage and Service**

EXPLANATION OF THE REQUEST

Petition CD-02-21 is a request by Kevin Puryear Properties, LLC, for a Conditional District Rezoning from R (Residential) to CD-RC (Conditional District - Rural Conservation) for equipment storage and service on Tax Map and Parcel Number A25-151 on 36 acres located on Dunnaway Road.

LOCATION & CURRENT LAND USE

Currently, the subject property (A25-151) is a 36-acre tract located on the northern side of Dunnaway Road. The property is vacant and contains woodlands. The parcel is zoned R (Residential).

- Condition and land use of the surrounding properties are:
 - To the West – Duke Energy property containing several buildings/structures, a landfill and coal ash ponds split zoned R (Residential) and GI (General Industrial).
 - To the North – A wooded area of the Duke Energy property split zoned R (Residential) and GI (General Industrial).
 - To the East – Woodlands and a single-family dwelling split zoned RC (Rural Conservation) and R (Residential).
 - To the South – Single-family dwellings zoned R (Residential) and a wooded area of the Duke Energy property split zoned R (Residential) and GI (General Industrial).

EXISTING ZONING AND LAND USE

- The property is currently zoned R (Residential). According to Article VII Section 70 of the Person County Planning Ordinance:

The purpose of R (Residential) district is to provide for single-family residential uses and compatible development.
- The property is vacant and contains woodlands.
- The property owner requesting the conditional district rezoning also owns two parcels to the east and one parcel to the south.

PROPOSED LAND USE AND CONDITIONAL DISTRICT REZONING SITE PLAN

- The applicant is requesting a conditional district rezoning of the property from R (Residential) to CD-RC (Conditional District - Rural Conservation), in order to develop approximately 3 acres out of the 36-acre site for an equipment service and storage area for the coal ash pond located on the adjacent Duke Energy parcel.
- According to the submitted conditional district rezoning site plan, the project will consist of a 50' x 60' shop building along with an associated area for equipment laydown/storage and an area for loading and unloading. The building will be used for maintenance of vehicles and heavy equipment associated with Duke Energy. There will also be a 36' x 55' office trailer and 42 parking spaces.

- Access to the site will be from a proposed 60' wide access easement located on the adjacent Duke Energy parcel to the west. The applicant is requesting to utilize gravel for both the access road and the parking spaces per Section 81-1 of the Person County Planning Ordinance.
- The applicant is proposing to clear a little over 5 acres of the site and the site plan indicates that the existing trees/woodlands will remain in place along Dunnaway Road.
- There is a blue line stream on the property and it has been depicted on the site plan. The proposed clearing for this project is south of the stream and the applicant does not plan on encroaching or disturbing the 50' stream buffer along the stream.
- The applicant has depicted a proposed well site and a site for a sanitary storage tank (a holding tank). The applicant has not yet submitted an application to the Person County Environmental Health Department for this site. The Environmental Health Department will review that request separately and determine what can be permitted on the site.
- The property is located within the Roanoke Watershed and is not subject to restrictions.
- The property does not lie within the 100-year special flood hazard area according to the FEMA map.

COMPREHENSIVE LAND USE PLAN

The Person County Land Use Plan identifies the proposed site as Rural Residential / AG Poor Soil.

Rural Residential / AG Poor Soil is defined as:

Low-Density residential (single, site built and manufactured homes); agriculture, forestry, churches; very limited commercial, office, or public/institutional uses meeting locational criteria. Most of the land within protected water supply watersheds should be placed in this category. Locational criteria for non-residential uses within this land use category would include frontage and access to a major State highway or secondary road, proximity to similar uses and spatial separation from non-compatible uses such as existing residential development. Land uses within this category would be expected to develop without public sewer, i.e., with private septic tank systems.

Appendix O of the Land Use Plan lists goals and objectives for the county including the following:

Goal 2.0 – Provide a strong local planning environment that supports and enhances the economic growth potential of Person County.

The draft of the Person County & City of Roxboro Joint Comprehensive Land Use Plan (estimated adoption date by the county: Nov. 1, 2021) identifies the site as Rural. Rural is defined as:

The Rural future land use category is intended to promote the protection of agricultural lands and natural resources while allowing low density residential development (minimum lot size of one acre). Cluster or conservation subdivisions, which permit higher density residential development while setting aside land for preservation should also be permitted in Rural areas. The Rural future land use category should permit neighborhood-scale commercial development at, and within 1,000 feet of, major intersections (examples include Timberlake, Olive Hill, Hurdle Mills, etc.).

Development regulations should limit floor area of retail and similar uses in these rural commercial nodes. Agricultural and agricultural-support uses, along with other typical rural commercial enterprises should be permitted throughout these areas, without limitation.

The draft of the Person County & City of Roxboro Joint Comprehensive Land Use Plan goes on to list:

Guiding Principal 2: Facilitate Sustainable Economic Growth

Objective 7: Provide utility infrastructure to support economic growth.

Objective 8: Support the reuse and repurposing of the County's major energy infrastructure sites.

PLANNING STAFF ANALYSIS & RECOMMENDATION

The applicant is requesting a conditional district rezoning of the property from R (Residential) to CD-RC (Conditional District - Rural Conservation), in order to develop approximately 3 acres out of the 36-acre site for an equipment service and storage area for the coal ash pond located on the adjacent Duke Energy parcel. The applicant is proposing two buildings, an equipment storage area, an unloading/loading area and 42 parking spaces on the site.

Planning staff recommends approval of the conditional district rezoning case CD-02-21 based on the Person County Land Use Plan and the Future Land Use Map contained within the Land Use Plan. The rezoning request is a Conditional District Rezoning request, and conditions can be placed on the approval, provided that they comply with the Person County Planning Ordinance and are agreed upon by the applicant.

PLANNING BOARD RECOMMENDATION

At the Planning Board meeting on Nov. 9, 2021, the Board voted unanimously (5-0) to recommend approval of CD-02-21 and included the reasonableness and consistency statement below in their favorable motion.

REASONABLENESS AND CONSISTENCY STATEMENT

The Board is required to make a motion and include a Reasonableness and Consistency statement with the motion.

Proposed Reasonableness and Consistency Statement:

The request is consistent with the Person County Land Use Plan and future planning goals of the county, is reasonable, and in the public interest as it meets the goals of the Person County Land Use Plan specifically 2.0 - Provide a strong local planning environment that supports and enhances the economic growth potential of Person County.

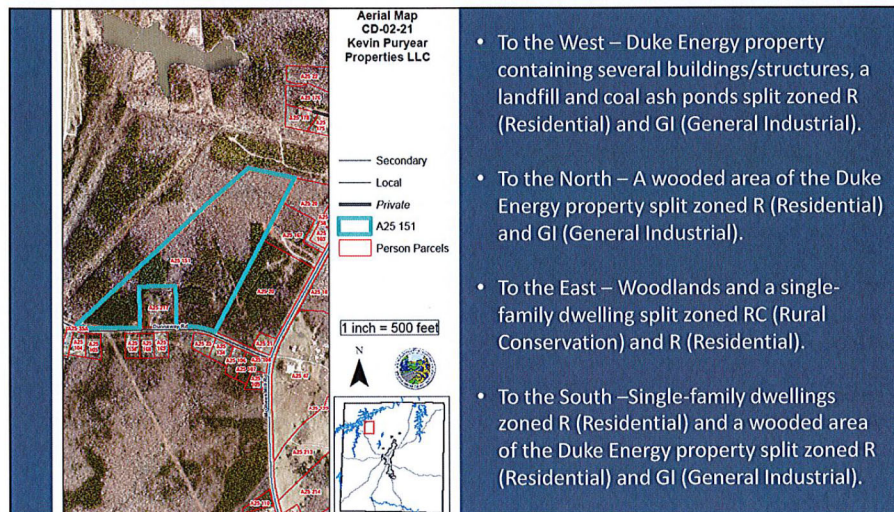
Submitted by: Lori Oakley, Planning Director

Ms. Oakley shared the following presentation with the group:

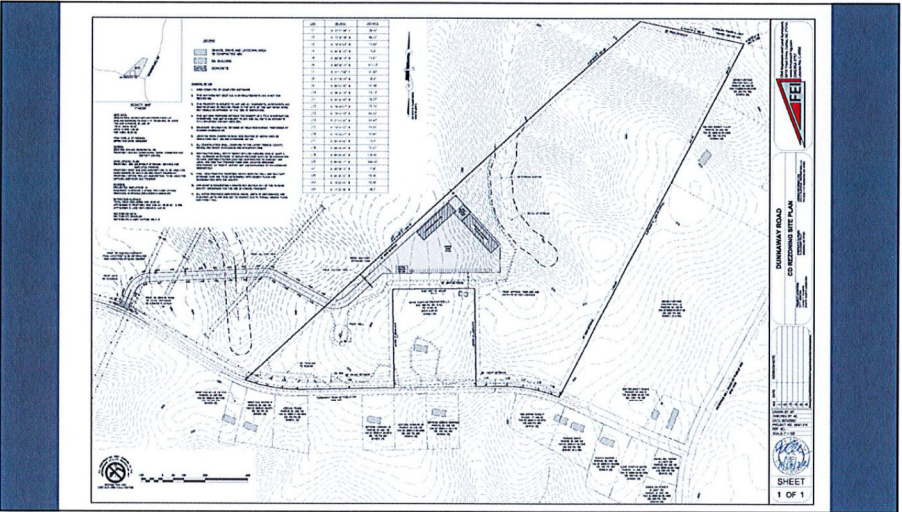
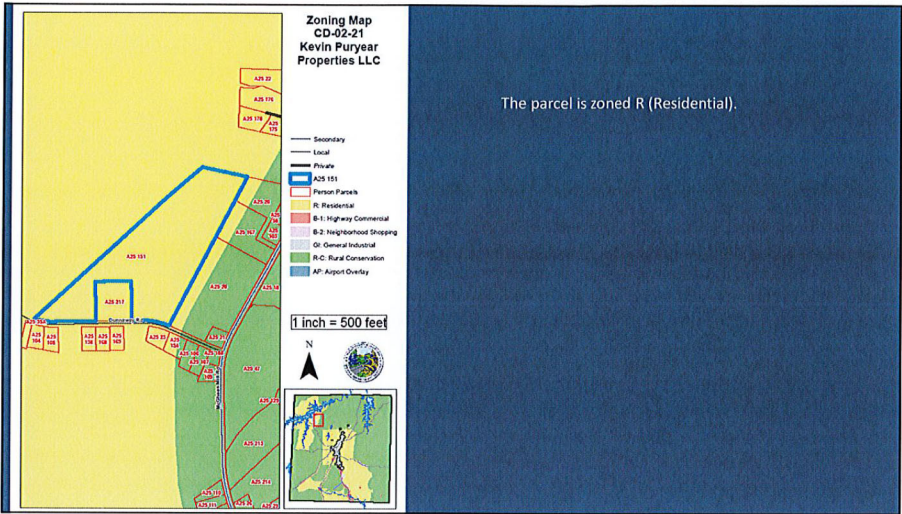
December 6, 2021

Petition CD-02-21

A request by Kevin Puryear Properties, LLC, for a Conditional District Rezoning from R (Residential) to CD-RC (Conditional District - Rural Conservation) for equipment storage and service on Tax Map and Parcel Number A25-151 on 36 acres located on Dunnaway Road.



Ms. Oakley said the property was vacant and contained woodlands.



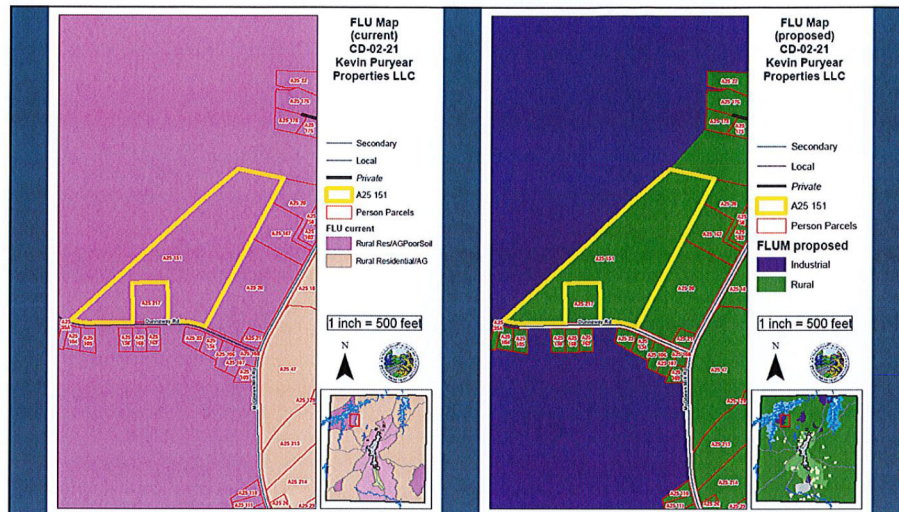
Ms. Oakley said the applicant was requesting a conditional district rezoning of the property from R (Residential) to CD-RC (Conditional District - Rural Conservation), in order to develop approximately 3 acres out of the 36-acre site for an equipment service and storage area for the coal ash pond located on the adjacent Duke Energy parcel. She noted the project would consist of a 50' x 60' shop building along with an associated area for equipment laydown/storage and an area for loading and unloading. The building will be used for maintenance of vehicles and heavy equipment associated with Duke Energy. In addition, Ms. Oakley noted there would also be a 36' x 55' office trailer and 42 parking spaces.

Ms. Oakley said access to the site would be from a proposed 60' wide access easement located on the adjacent Duke Energy parcel to the west and the applicant requested to utilize gravel for both the access road and the parking spaces per Section 81-1 of the Person County Planning Ordinance.

Ms. Oakley said the next slide contained two future land use maps. The one on the left is from the 2001 version of the Comprehensive Land Use Plan and what this project would technically fall under because of when it was submitted. The one on the right is the new FLUM in the new Comprehensive Land Use Plan that was just adopted a few weeks ago.

Ms. Oakley reiterated the map on the left governs the project and identifies the site as Rural Residential/Poor Soils. She noted possible uses include low density residential, limited commercial, office, churches and public/institutional. The map on the right depicts the property as Rural. Uses include low density residential, neighborhood scale commercial within 1,000 ft of major intersections, agricultural and ag-related uses.

Ms. Oakley further noted that Appendix O of the current Land Use Plan lists Goal 2.0 – Provide a strong local planning environment that supports and enhances the economic growth potential of Person County.



Conditional District Rezoning

CD-02-21– Planning Staff Recommendation

- The applicant is requesting a conditional district rezoning of the property from R (Residential) to CD-RC (Conditional District - Rural Conservation), in order to develop approximately 3 acres out of the 36-acre site for an equipment service and storage area for the coal ash pond located on the adjacent Duke Energy parcel. The applicant is proposing two buildings, an equipment storage area, an unloading/loading area and 42 parking spaces on the site.
- Planning staff recommends approval of the conditional district rezoning case CD-02-21 based on the Person County Land Use Plan and the Future Land Use Map contained within the Land Use Plan. The rezoning request is a Conditional District Rezoning request, and conditions can be placed on the approval, provided that they comply with the Person County Planning Ordinance and are agreed upon by the applicant.

Conditional District Rezoning

CD-02-21– Planning Board Recommendation

- At the Planning Board meeting on Nov. 9, 2021, the Board voted unanimously (5-0) to recommend approval of CD-02-21 and included the reasonableness and consistency statement on the next slide in their favorable motion.

Conditional District Rezoning

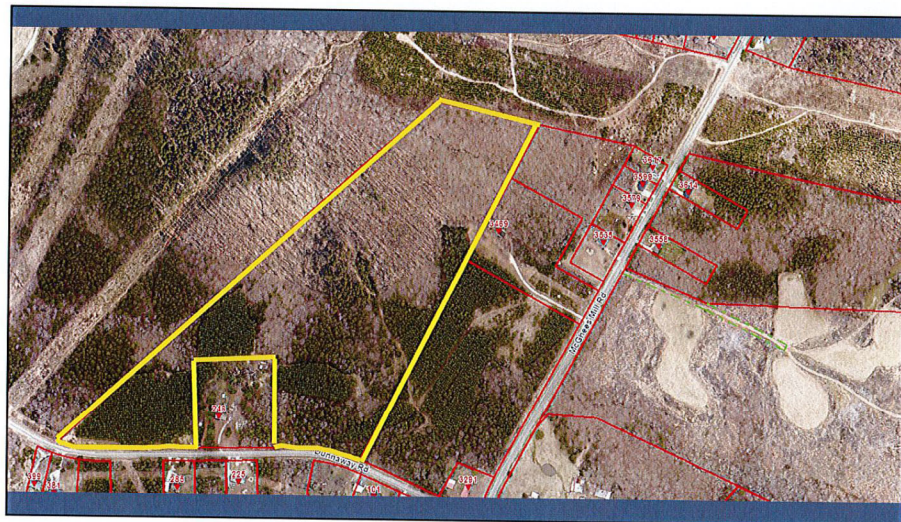
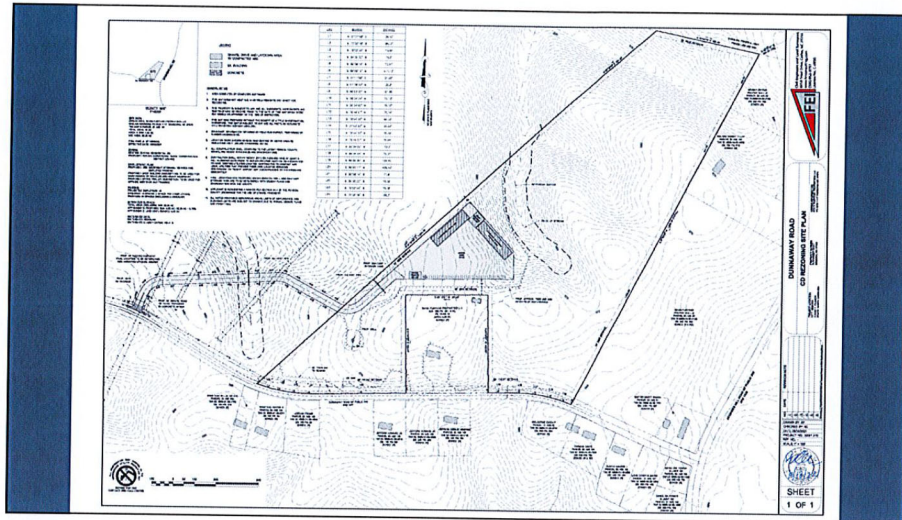
CD-02-21– Reasonableness and Consistency Statement

The Board is required to make a motion and include a Reasonableness and Consistency statement with the motion.

Proposed Reasonableness and Consistency Statement:

- The request is consistent with the Person County Land Use Plan and future planning goals of the county, is reasonable, and in the public interest as it meets the goals of the Person County Land Use Plan specifically 2.0 - Provide a strong local planning environment that supports and enhances the economic growth potential of Person County.

12/6/2021



Commissioner Palmer asked Ms. Oakley following the approximately ten years to excavate the coal ash, what would then happen with the site, as presented. Ms. Oakley said that was a good question for the applicant but reiterated this Conditional District Rezoning request, if approved, was for a specific use with a specific site plan and should another use be desired, a new application and approval would be required for such.

Chairman Powell announced speakers for the public hearing to limit their comments to two minutes each.

Speaking in favor of the Petition CD-02-21, a request by Kevin Puryear Properties, LLC, for a Conditional District Rezoning from R (Residential) to CD-RC (Conditional District - Rural Conservation) for equipment storage and service on Tax Map and Parcel Number A25-151 on 36 acres located on Dunnaway Road were:

Mr. Walter Cates, a local attorney for the applicant, stated Ms. Oakley pretty much explained the request for a Conditional District Rezoning, which was a good plan to fix a problem noting access to the site was via Duke Energy's property. Mr. Cates noted the site was well buffered from adjacent property. Mr. Cates said any future proposed use of the site would have to come back before the Board for approval.

Mr. Cates stated Mr. Andrew Christ of Colfax was the engineer for the project and was present and available for questions from the Board.

Mr. Cates stated Mr. Mike Kira of Semora and the owner, Mr. Kevin Puryear of Roxboro were both present and available for questions from the Board.

The Board of Commissioners had no further questions.

Speaking in opposition to Petition CD-02-21, a request by Kevin Puryear Properties, LLC, for a Conditional District Rezoning from R (Residential) to CD-RC (Conditional District - Rural Conservation) for equipment storage and service on Tax Map and Parcel Number A25-151 on 36 acres located on Dunnaway Road was Ms. Cynthia Lynch.

Ms. Cynthia Lynch of 395 Union Grove Church Road, Hurdle Mills stated her concerns had been addressed and she had no further comments.

A **motion** was made by Commissioner Palmer and **carried 5-0** to close the public hearing for Petition CD-02-21, a request by Kevin Puryear Properties, LLC, for a Conditional District Rezoning from R (Residential) to CD-RC (Conditional District - Rural Conservation) for equipment storage and service on Tax Map and Parcel Number A25-151 on 36 acres located on Dunnaway Road.

CONSIDERATION TO GRANT OR DENY PETITION CD-02-21 - A REQUEST BY KEVIN PURYEAR PROPERTIES, LLC, FOR A CONDITIONAL DISTRICT REZONING FROM R (RESIDENTIAL) TO CD-RC (CONDITIONAL DISTRICT - RURAL CONSERVATION) FOR EQUIPMENT STORAGE AND SERVICE ON TAX MAP AND PARCEL NUMBER A25-151 ON 36 ACRES LOCATED ON DUNNAWAY ROAD:

A **motion** was made by Commissioner Gentry and **carried 5-0** to approve Petition CD-02-21, a request by Kevin Puryear Properties, LLC, for a Conditional District Rezoning from R (Residential) to CD-RC (Conditional District-Rural Conservation) for equipment storage and service on Tax Map and Parcel Number A25-151 on 36 acres located on Dunnaway Road. Commissioner Gentry noted the request was consistent with the Person County Land Use Plan and future planning goals of the county, was reasonable, and in the public interest as it meets the goals of the Person County Land Use Plan specifically 2.0 - Provide a strong local planning environment that supports and enhances the economic growth potential of Person County.

PUBLIC HEARING:

PETITION RZ-03-21 – A REQUEST BY TERRY L. AND CLARA D. VICK, APPLICANTS AND PROPERTY OWNERS, FOR A REZONING OF THEIR PROPERTY FROM R (RESIDENTIAL) TO RC (RURAL CONSERVATION), LOCATED AT 6451 SEMORA RD., TAX MAP AND PARCEL NUMBER A26-15, CONSISTING OF APPROXIMATELY 28 ACRES:

Planning Director, Lori Oakley announced that her staff spoke with the applicants earlier in the day to find out that Mr. Vick was under the weather. Ms. Oakley stated planning staff asked Mr. Vick if he would like staff to request a deferral to the Board's January meeting. Mr. Vick sent an email to Planning staff stating he would like to withdraw his application for general rezoning on this date and instead will re-apply within 60 days for Conditional Rezoning.

INFORMAL COMMENTS:

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

Mr. Chris Weaver of 243 Satterfield Farm Road, Timberlake referenced the Toyota announcement at a mega site down the road and asked if Person County competed and was Person County competing? Mr. Weaver stated he wanted more, better economic development and asked what was Person County doing with its mega site; he said it was just a big swimming pool with no sign.

Ms. Cynthia Lynch of 395 Union Grove Church Road, Hurdle Mills thanked Commissioner Gentry and the Task Force members for their work noting two commissioners attended the November 10, 2021 Task Force meeting and the other three commissioners participated in private meetings with some of the Task Force members which made her suspicious.

DISCUSSION/ADJUSTMENT/APPROVAL OF CONSENT AGENDA:

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

- A. Approval of Minutes of November 15, 2021,
- B. Budget Amendment #10,
- C. Board of Education's Resolution Requesting Approval from Person County Board of Commissioners for the Transfer of Funds (\$400,251) to Capital Outlay, and
- D. Approval of Bonds of the Finance Director, the Register of Deeds, the Tax Administrator and the Sheriff

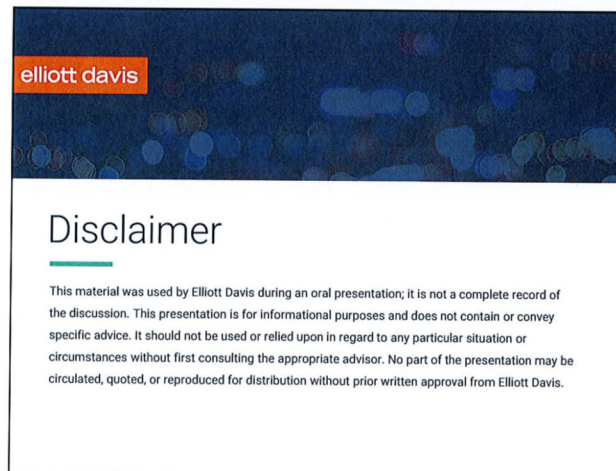
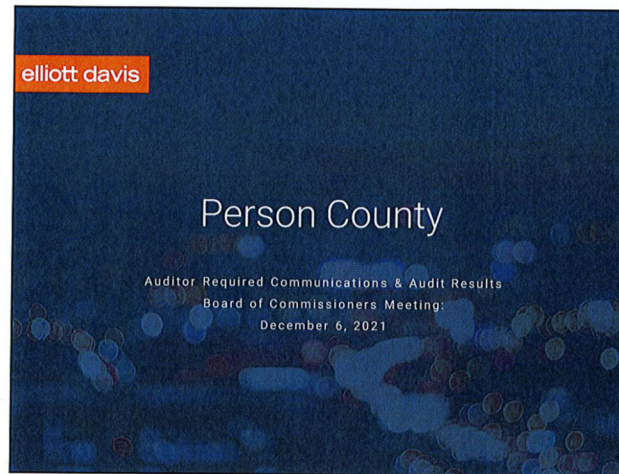
NEW BUSINESS:

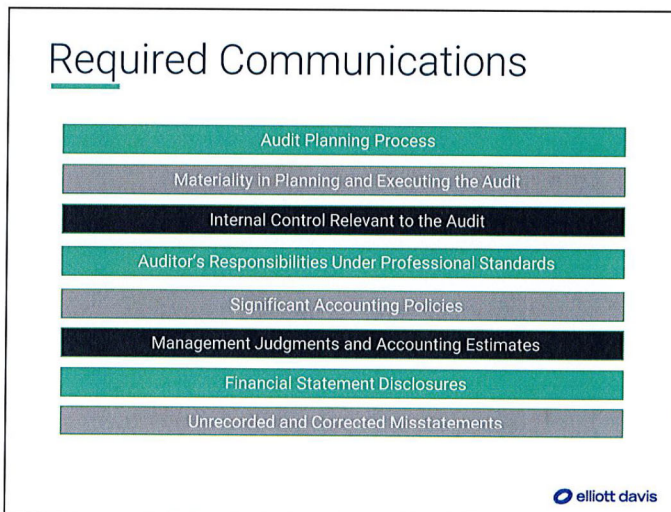
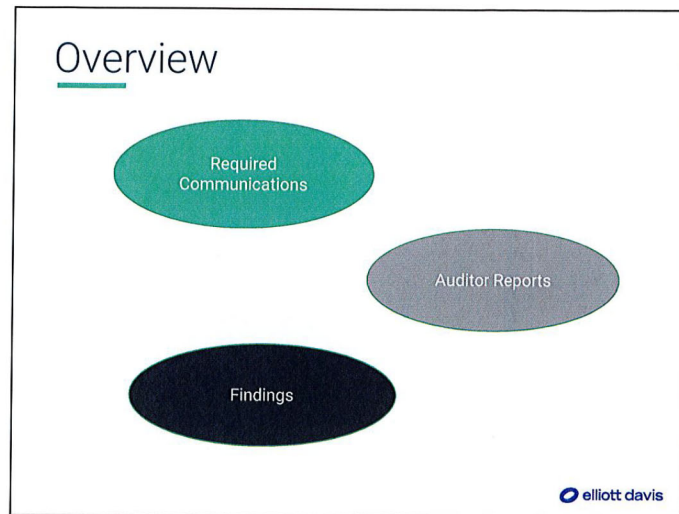
PRESENTATION OF THE ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR FISCAL YEAR ENDING JUNE 30, 2021:

Finance Director, Amy Wehrenberg informed the Board that the Annual Comprehensive Financial Report for Fiscal Year ending June 30, 2021 was completed and submitted by the deadline of October 31, 2021. Ms. Wehrenberg introduced Person County's Audit Firm, Elliott Davis, and its CPA and Manager, Jami Crampton to share with the Board the Auditor Required Communication and Audit Results for Fiscal Year ending June 30, 2021.

Mr. Crampton stated he would provide an overview of the Fiscal Year 2021 Audit giving credit to the Finance staff, following a data loss by the Cyber Incident, for efforts in completing the Fiscal Year 2020 Audit which was presented to the Board in September and now, just months later, are able to present Fiscal Year 2021.

December 6, 2021





Required Communications

Management Representations
Disagreements with Management
Consultation with Other Accountants
Significant Issues Discussed with Management
Difficulties Encountered in Performing the Audit
Significant Deficiencies and Material Weaknesses
Other Written Communication

elliott davis

Audit Results

Auditor's Report on Financial Statements	
Audit Responsibilities	Issue an opinion as to whether the financial statements are materially in conformity with generally accepted accounting principles (GAAP).
	Obtain <i>reasonable</i> (not absolute) assurance regarding material misstatements
	Financial statement audit procedures are <i>not</i> designed to detect fraud
Management Responsibilities	Preparation and fair presentation of the financial statements in accordance with GAAP
	Maintain sufficient internal control over the preparation of financial statements
Result	An <i>unmodified opinion</i> has been issued on the financial statements.

elliott davis

Audit Results

Report on Internal Control and Compliance	
Internal Control Over Financial Reporting	Consideration of internal control over financial reporting
	Not to express an opinion on the effectiveness of the County's internal control
Compliance and Other Matters	Compliance with requirements having a <i>direct and material effect</i> on the financial statement amounts.
	Providing an opinion on compliance was not an objective of our audit
Result	Internal controls – No deficiencies identified.
	Noncompliance – No instances having a direct and material effect identified.



Audit Results

Report on Compliance with Major Programs	
Auditor Responsibilities	Issue an opinion on compliance with major federal program requirements
	Conduct the audit in accordance with: Generally Accepted Auditing Standards; Government Auditing Standards, and OMB's Uniform Guidance
Management Responsibilities	Compliance with laws, regulations, contracts, and grants applicable to its federal programs.
	Maintain effective internal control over compliance
Result	The County complied in all material respects, with major program requirements.
	Deficiencies identified.



12/6/2021

Findings

- Federal and State Awards
- Medicaid Eligibility

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STAY IN TOUCH

Tom McNeish
Shareholder
919.334.6180

Jami Crampton
Manager
919.987.2766

elliottdavis.com

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Ms. Wehrenberg shared the following presentation with the Board also regarding Fiscal Year ending June 30, 2021.

Person County June 30, 2021

Audit Presentation

Amy Wehrenberg
Person County Finance Director

1

Overview



- ♦ Person County has received an unqualified opinion on financial statements ending June 30, 2021.
- ♦ Person County received the Certificate of Excellence in Financial Reporting for fiscal year 2019 and have submitted fiscal year 2020 and 2021 reports to the GFOA. Both are pending review.

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December 6, 2021

Statement of Net Position

	<u>2021</u>	<u>2020</u>
Total Assets	\$108,837,014	\$100,936,401
Total Liabilities	<u>39,252,887</u>	<u>32,143,766</u>
Net Assets	<u>\$ 69,584,127</u>	<u>\$ 68,792,635</u>

Person County's total net position increased by **\$791,492** from FY20 to FY21, primarily due to increases in cash generated from sales tax collections, ad valorem taxes, and other revenues.

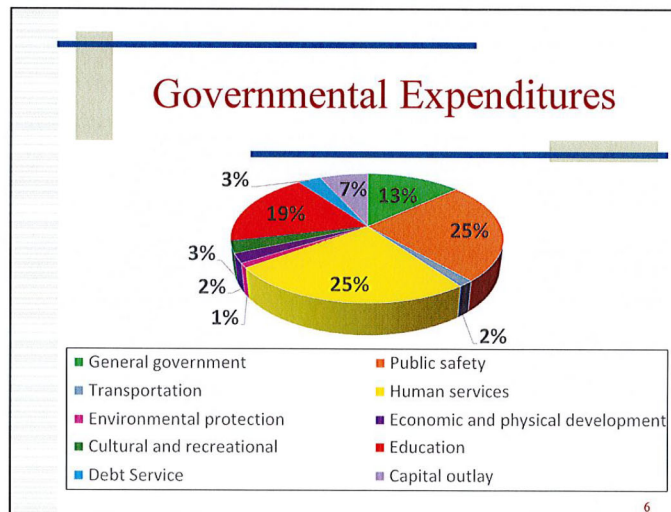
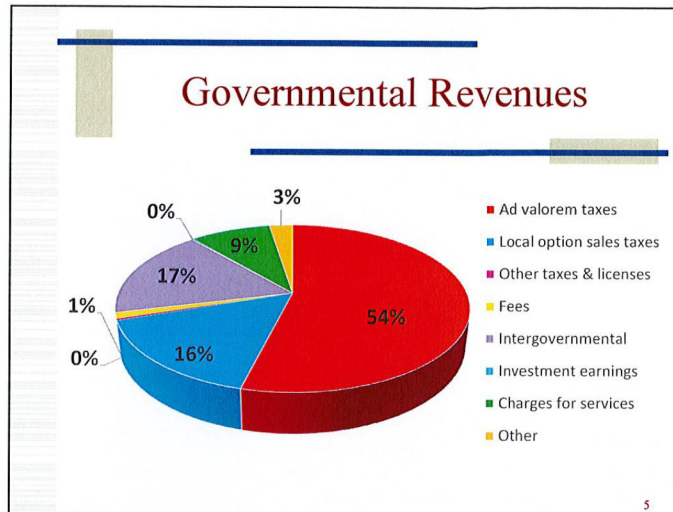
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Statement of Activities

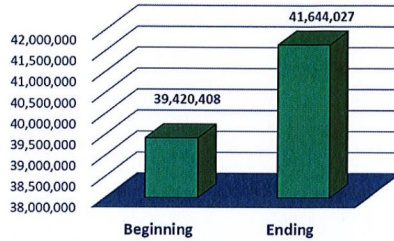
	<u>2021</u>	<u>2020</u>
Revenues	\$ 66,456,558	\$ 63,455,570
Expenditures	<u>65,811,472</u>	<u>59,835,227</u>
Increase in Net Position	\$ 791,492	\$ 3,620,343
Beginning Net Position	<u>68,792,635</u>	<u>65,172,292</u>
Ending Net Position	<u>\$ 69,584,127</u>	<u>\$ 68,792,635</u>

As a result of higher service demands during the pandemic, both government-wide revenue and expenditure activity increased in FY21. Revenues increased by a larger margin than expenditures, causing the net surplus.

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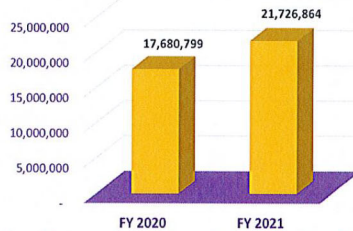


Fund Balance- All Governmental Funds



Fund Balance reserves for all governmental funds increase by more than \$2.2M in FY21. The majority of this increase (\$1.5M) occurs as a result of the General Fund contributions to the Economic Catalyst Fund and the new Capital Investment Fund. The remaining \$700K increase was in the General Fund. 7

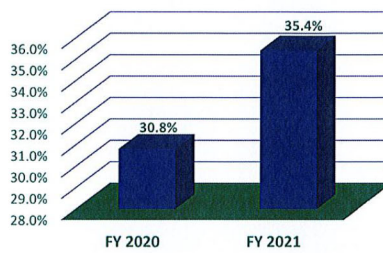
General Fund – Unassigned Fund Balance



Unassigned Fund Balance in the General Fund significantly increases by \$4M for FY21. Besides the larger revenue collections for sales tax and ad valorem taxes, a major contributor is the approximate \$3M drop in pledged fund balance appropriation for FY22.

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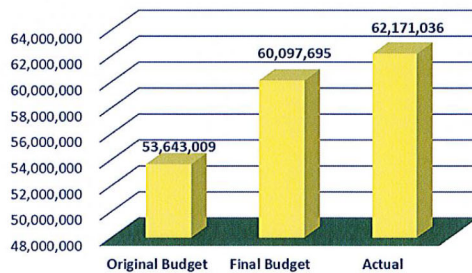
General Fund – Unassigned Fund Balance (as a % of Expenditures)



The amount of Unassigned Fund Balance in the General Fund increased as a percentage of expenditures and outgoing transfers by 4.6%. This increase is the result of a large increase in revenues, as well as the reduction in the restricted portion of fund balance.

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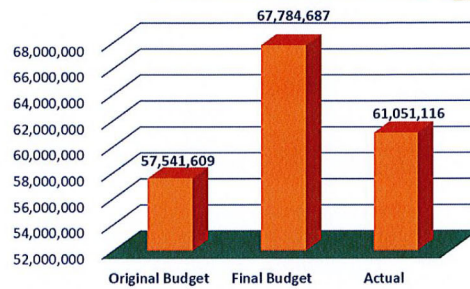
General Fund Revenues Budget and Actual



Actual revenue collections exceeded the final budget by almost \$2.1M in the General Fund.

10

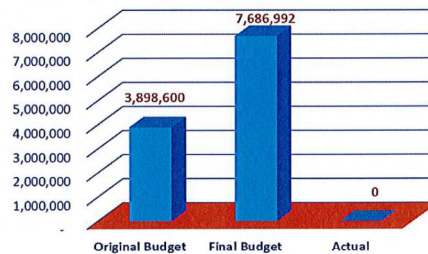
General Fund Expenditures Budget and Actual



Actual expenditures reported under budget by approximately \$6.7M in the General Fund.

11

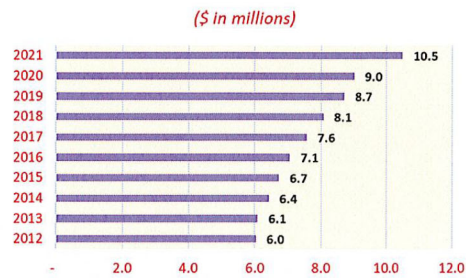
General Fund Appropriated Fund Balance



Although around \$7.7M was appropriated in fund balance for FY21 in the General Fund, there was no use of reserves since actual revenues exceeded expenditures by over \$1.1M at the end of the fiscal year.

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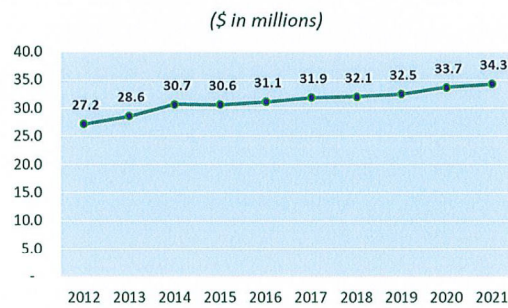
Sales & Use Tax Revenues (Last 10 fiscal years)



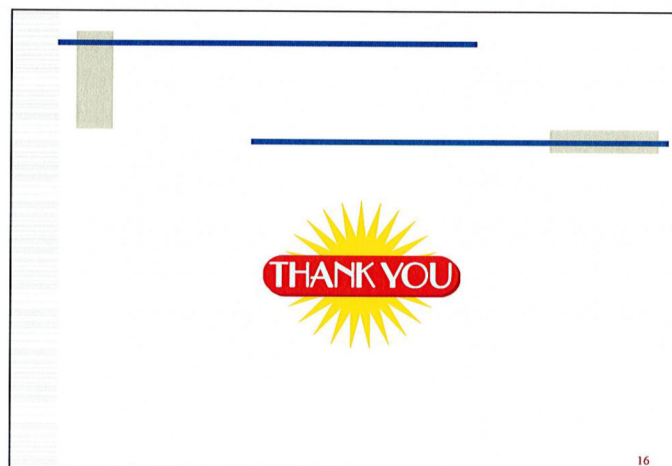
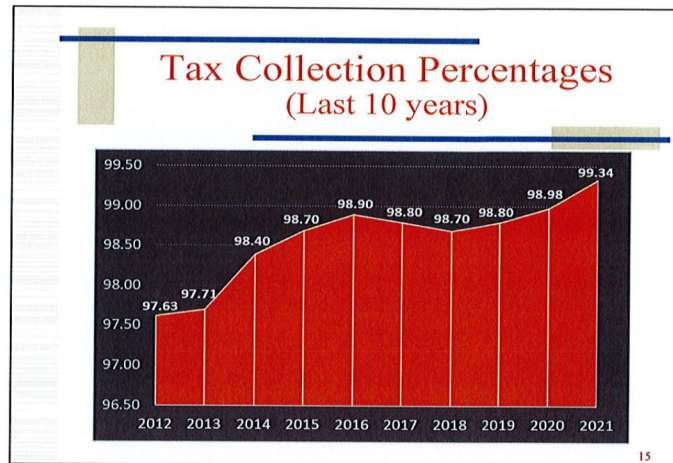
The approximate \$1.5M increase in sales tax revenues is a major contributor to why Person County reports an overall increase in net position for FY21.

13

Adjusted Tax Levy (Last 10 years)



14



Chairman Powell complimented the Finance Department staff for their efforts ensuring Person County sound finance position. County Manager, Heidi York stated the Finance Department has gone above and beyond expectations even when down a position.

A **motion** was made by Vice Chairman Sims and **carried 5-0** to accept the reports of the Independent Auditor and Person County Finance Director.

December 6, 2021

A RESOLUTION AUTHORIZING THE FIRE MARSHAL TO IMPLEMENT A LOCAL BURN BAN:

Assistant County Manager, Katherine Cathey presented to the Board a Resolution Authorizing the Fire Marshal to implement a local burn ban in response to the November 29, 2021 NC Forest Service statewide open burn ban. The statewide open burn ban prohibits burning in excess of 100 ft. from an occupied dwelling and has cancelled all burning permits due to increased fire risks related to climate conditions, i.e., lack of rain and wind.

Ms. Cathey noted that county fire departments have been responding to grass fires daily for the last week or so. Residents have been aware and reporting fires at a higher rate.

Ms. Cathey said the open burn ban prohibits burning leaves, branches and other plant material. She reiterated burning trash, lumber, tires, newspapers, and plastics is illegal. Governmental agencies have jurisdiction over open burning within 100 ft. of an occupied dwelling. She noted the NC Forest Service has requested county fire marshals to implement local burn bans so that fires can be extinguished within the 100 ft. of an occupied dwelling. Ms. Cathey said to align with the state burn ban; the local burn ban would prohibit campfires, fire pits, outdoor fireplaces, and burn barrels. She noted charcoal and gas grills would be exempt from the ban within 100 ft. of dwellings.

Ms. Cathey further noted the resolution before the Board would apply to all unincorporated areas of Person County. Ms. Cathey noted the County Fee Schedule includes fines for complaint investigations for illegal open burning and said the residential first offense is \$50 and a second offense is \$100. However, Ms. Cathey stated the local ban would be used as an educational tool and would enable the local fire departments and the Forest Service personnel to extinguish fires within 100 ft. of a dwelling. The Fire Marshal's Office would be authorized to issue a fine for illegal open burning and violations of the ban.

If the Board approves the resolution, authority is given to the Fire Marshal, and with the county's current vacant Fire Marshal position, the Deputy Fire Marshal would be authorized to issue a local ban as soon as tomorrow with a great enforcement effort by both the NC Forest Service and local fire departments. In addition, Ms. Cathey said this would apply to future bans with certain circumstances.

Vice Chairman Sims asked Ms. Cathey when a burn ban is lifted, could citizens then burn their leaves to which she affirmed noting the resolution has language to repeal the same way that it is implemented, as the Fire Marshal's Office deem appropriate. Ms. Cathey opined the county would follow the lead of the state and its decision to remove the statewide ban and evaluate local conditions and follow suit.

Vice Chairman Sims asked Ms. Cathey how would this be communicated with citizens to which she said the county would use social media, newspaper and radio as well as the county website.

County Attorney, Ellis Hankins explained the Fire Marshal had no inherent authority nor statutory authority to declare a burning ban near structures however, the board of county commissioners may confer that authority as such the purpose of the resolution before the Board to authorize the county Fire Marshal.

Commissioner Gentry asked if another resolution would be needed to rescind a burn ban and with a new resolution should another ban be needed to which Ms. Cathey said no as the resolution before the Board would convey the authority to the Fire Marshal to make those decisions based on local conditions.

When asked if parameters were need to be added, Mr. Hankins stated county and municipal fire officials almost always follow the guide of the State Forest Service and he let the Board know that the resolution before the Board was adequate and necessary at the moment. Mr. Hankins said should there be a need to amend or repeal the resolution, the Board certainly has that authority.

Vice Chairman Sims noted his preference that the first offense be a warning. Ms. Cathey stated that was certainly the practice; however, the Forest Service told her that during a burn ban, they did not issue a warning, and cited violators with a fee on the first offense due to the extreme danger.

Commissioner Puryear asked Ms. Cathey questions on what was defined as prohibited, i.e., a fire pit using propane, a tall outside heater using propane to which Ms. Cathey stated the Forest Service defines the use of recreational fires, bonfires and outdoor fireplaces as open flame. Mr. Hankins recommended citizens with questions to consult the Fire Marshal's Office.

Commissioner Palmer said as a lifelong resident of Person County, he just found out two years ago that citizens needed a permit to burn leaves. The Board had consensus that citizens do not know all the rules and an educational campaign was needed, i.e. flyers on doors, mailers to property owners, include information with the tax bill flyers. County Manager, Heidi York stated she could certainly add information on the tax flyer insert, and/or let the Board know of the costs to mail information to citizens. Commissioner Gentry stated this was another case in point where a Public Information Officer was needed to address these types of things to which Ms. Cathey stated that job position had been posted.

Commissioner Sims stated his support of the burn ban but wanted to make the first offense a warning without citation, with subsequent violations with a fine. Mr. Hankins suggested to amend the resolution by added the following language as #5 on the resolution, “The Fire Marshal’s Office shall issue a warning citation for a first offense, before issuing a citation to be enforced with civil penalties or other remedies for subsequent violations.”

Commissioner Palmer noted a \$50 fine was small in comparison to burning down a \$250,000 home. Mr. Hankins said the General Assembly has recently changed the law about the remedies for enforcement of local ordinances noting he would soon be bringing before the Board potentially amending county ordinance to conform to the statutory changes.

A **motion** was made by Vice Chairman Sims and **carried 5-0** to amend a Resolution Authorizing the Fire Marshal to implement a local burn ban by adding #5 to read “The Fire Marshal’s Office shall issue a warning citation for a first offense, before issuing a citation to be enforced with civil penalties or other remedies for subsequent violations” and to adopt the resolution as amended.

CHAIRMAN’S REPORT:

Chairman Powell wished all the citizens of Person County a Merry Christmas and Happy Holidays. In response to public comments, he asked County Manager, Heidi York to comment on information heard or seen factually related to battery manufacturers. Ms. York stated the County has received requests and responded to public records requests related to discussions containing text with battery manufacturers and specifically with Volvo along with the County’s Economic Development Director’s email, texts noting no records to substantiate some of the claims the Board has heard. Ms. York stated she would conduct an investigation of matters if there was some proof that can be produced to show that the Economic Development Director has mishandled inquiries or not returned phone calls noting the Board has heard allegations about her performance and she did not have any proof of what is stated on social media. Ms. York welcomed the opportunity to respond in a formal manner if there is such documentation, but until that happens, she said it feels like false claims against her. She further confirmed that to her knowledge, the Economic Development Director has responded to every project and inquiry that comes to Person County. Chairman Powell stated as the Board’s Chairman, he takes very seriously accusations and he researched and now defends county operations; he noted however, he has found questionable inquiries from people who claim to have information on companies that desire to relocate in Person County but none have proven to have any validity and appear to be an attempt to discredit the Economic Development Director. Chairman Powell urged anyone that has proof to come forward for accountability.

MANAGER'S REPORT:

County Manager, Heidi York reported that County offices are closed on Friday, December 31, 2021, as it is a State and County holiday. She noted the Tax Office has historically taken in many citizen's property tax payments in person on this date and further noted a Drop Box for payments was in place to accept payments. Ms. York asked the group to get the word out to pay tax bills prior to the 31st. County Attorney, Ellis Hankins said citizens have until January 5, 2021 to pay taxes without penalty.

COMMISSIONER REPORT/COMMENTS:

Vice Chairman Sims commented on the following:

- Regarding the November 10, 2021 Task Force meeting that was called, he stated it was not an official Board of Commissioners' meeting by Commissioner Gentry sending out a press release inviting the commissioners. Commissioner Gentry said she sent out two emails without a response from three commissioners and confirmed it was not an official commissioner meeting. Vice Chairman Sims stated he had a conflict with the November 10, 2021 meeting and by the time he was able to join the meeting, it was not procedurally acceptable, as it would not provide the required 48-hour notice for a quorum of the Board of Commissioners to attend.
- Stated the Jingle on the Main was great, very festive event with a great turnout, and
- Encouraged attendance of the Roxboro Area Chamber Christmas parade to be held on December 11, 2021 starting at 2:00pm.

Commissioner Gentry stated the Economic Development Task Force members requested the meeting and wanted the commissioners to attend; she noted her preference for the meeting to be held in open session with transparency allowing the public to attend and not held behind closed doors in private.

Commissioner Palmer commended county staff noting he was pleased to be on the team for three more years.

Commissioner Puryear wanted to clarify that he was approached by Task Force members to have a meeting and that he and Chairman Powell accepted their invitation.

CLOSED SESSION #1

A **motion** was made by Commissioner Puryear and **carried 5-0** to enter into Closed Session at 8:33pm to consult with the County Attorney on a matter within the scope of the attorney-client privilege, and to consider and give instructions to the attorney concerning the handling or settlement of a judicial action, under G.S. 143-318.11(a)(3), and to include the following County Attorney, Ellis Hankins, County Manager, Heidi York, Assistant County Manager, Katherine Cathey, Clerk to the Board, Brenda Reaves and Planning Director, Lori Oakley into the closed session.

Chairman Powell called the Closed Session #1 to order at 8:36pm.

A **motion** was made by Vice Chairman Sims and **carried 5-0** to return to open session at 8:54pm.

ADJOURNMENT:

A **motion** was made by Vice Chairman Sims and **carried 5-0** to adjourn the meeting at 8:54pm.

Brenda B. Reaves
Clerk to the Board

Gordon Powell
Chairman

December 6, 2021