

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

FEBRUARY 7, 2022
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, February 7, 2022 at 7:00pm in the Person County Office Building Auditorium.

Chairman Powell called the meeting to order. Chairman Powell introduced Rev. Cleve Brandon from Compassionate Ministries and President of the Person County Ministerial Association to offer an invocation. Vice Chairman Sims led the group in the Pledge of Allegiance.

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

A **motion** was made by Vice Chairman Sims and **carried 5-0** to approve the agenda.

PUBLIC HEARING:

PETITION SUP-05-21 - A REQUEST BY THE APPLICANT, PARALLEL INFRASTRUCTURE, LLC (KELLY YOUNG) ON BEHALF OF THE PROPERTY OWNER, ESTATE OF LONNIE LUXTON AND CAROL LUXTON, TO CONSTRUCT A NEW 305' TALL SELF-SUPPORTED WIRELESS COMMUNICATIONS TOWER ON 69 ACRES LOCATED AT 700 PIXLEY PRITCHARD RD. (TAX MAP AND PARCEL NUMBER A84-14) IN THE RC (RURAL CONSERVATION) AND B2 (NEIGHBORHOOD SHOPPING) ZONING DISTRICTS:

A **motion** was made by Vice Chairman Sims and **carried 5-0** to open the duly advertised public hearing for Petition SUP-05-21, a request by the applicant, Parallel Infrastructure, LLC (Kelly Young) on behalf of the property owner, Estate of Lonnie Luxton and Carol Luxton, to construct a new 305' tall self-supported wireless communications tower on 69 acres located at 700 Pixley Pritchard Rd. (Tax Map and Parcel number A84-14) in the RC (Rural Conservation) and B2 (Neighborhood Shopping) Zoning Districts.

February 7, 2022

The public hearing set to hear a request by the applicant, Parallel Infrastructure, LLC (Kelly Young) on behalf of the property owner, Estate of Lonnie Luxton and Carol Luxton, to construct a new 305' tall self-supported wireless communications tower on 69 acres located at 700 Pixley Pritchard Rd. (Tax Map and Parcel number A84-14) in the RC (Rural Conservation) and B2 (Neighborhood Shopping) Zoning Districts required a quasi-judicial zoning decision whereby witnesses are to be sworn in and subject to cross examination, no ex parte communication and requires findings of fact.

County Attorney, Ellis Hankins said this public hearing was quasi-judicial and statutes say an evidentiary hearing, whereby witnesses will be sworn. He noted the difference of the more typical situation where the Board considers a rezoning request, which is a legislative decision. With respect to this cell tower special use permit application, he stated the Board already made a legislative decision long ago when the ordinance provisions were adopted and the Board determined in that ordinance that in this zoning district, cell towers are perhaps permitted subject to a special use permit but if, and only if, in this evidentiary hearing and based on competent evidence, including sworn testimony, the Board finds that each of the four criteria listed in the ordinance and printed on the agenda are satisfied by the evidence. Mr. Hankins stated that is why the Board has to ignore communications outside of this hearing, i.e., email messages, well-intended comments from friends and neighbors as the Board may consider only competent evidence offered during the evidentiary period. Mr. Hankins said the Board may ask questions to witnesses as they are testifying including county staff to give the Board more relevant information.

Mr. Hankins asked the Board to disclose for the record, individually, whether they have received ex parte communications without identifying the person who sent the communication and they do not have to say what they said, but indicate for the record whether any communications were received and if each commissioner replied to the communication or not.

Chairman Powell said he had a phone conversation with a resident that spoke about the tower being constructed nearby noting he explained the process as explained by the attorney, that they, as commissioners could not talk about it. Chairman Powell said he recommended to that person to come to the meeting to express their concerns.

Vice Chairman Sims said he received an email from a citizen regarding this topic but he did not respond in any way.

Commissioner Palmer stated he received one phone call from someone known to him from long ago and he told him that he could not discuss the issue because of the quasi-judicial situation.

Commissioner Gentry said she received several phone calls and an email noting she thanked the citizens for their input but she did not discuss the item.

Commissioner Puryear said he received one phone call and that he did not discuss the issue telling the person that if they had concerns to contact the Planning Director or come to the public hearing.

Chairman Powell administered the Oath of Sworn Testimony to the following individuals who would offer testimony during the public hearing:

Ms. Lori Oakley, Ms. Angela Blount, Mr. David Blalock, Ms. Pam Day, Mr. Mark Loubier, Mr. Joshua Walthall, and Mr. Stephen Howard.

Planning Director, Lori Oakley introduced Angela Blount, Planner I to present petition SUP-05-21.

The Staff Report for SUP-05-21 is hereby entered into record.

SUP-05-21
Staff Analysis
Board of Commissioners February 7, 2022

**Special Use Permit SUP-05-21
Parallel Infrastructure, LLC
Wireless Communication Tower**

EXPLANATION OF REQUEST

Petition SUP-05-21 - A request by the applicant, Parallel Infrastructure, LLC (Kelly Young) on behalf of the property owner, Estate of Lonnie Luxton and Carol Luxton, to construct a new 305' tall self-supported wireless communications tower on 69 acres located at 700 Pixley Pritchard Rd. (Tax Map and Parcel number A84-14) in the RC (Rural Conservation) and B2 (Neighborhood Shopping) Zoning Districts.

LOCATION AND CURRENT LAND USE

This tract is located at 700 Pixley Pritchard Rd in Timberlake, NC and is zoned RC (Rural Conservation) and B2 (Neighborhood Shopping). It is within the Neuse Watershed and Falls Lake Stormwater Area, and is a mixture of woodlands and pastureland. The property contains one single-family dwelling and a family cemetery plot.

Condition and land use of the surrounding properties are:

- To the North – Wooded areas and several single-family dwellings, RC (Rural Conservation) zoning.
- To the East – A mixture of wooded areas and pastureland, one single-family dwelling on the adjoining tract, RC (Rural Conservation) zoning.
- To the South – Mostly wooded vacant tract of land, part RC (Rural Conservation) and part B2 (Neighborhood Shopping) zoning.
- To the West – A mixture of wooded areas and pastureland, several single-family dwellings, part RC (Rural Conservation) and part B2 (Neighborhood Shopping) zoning. There is also an existing 250' tall telecommunications tower on the adjoining parcel to the west that is located approximately 1300' from the proposed new tower.

LAND USE / SITE PLAN

- The property is zoned RC (Rural Conservation) and B2 (Neighborhood Shopping), and the Person County Permitted Use Table lists a Radio, Telephone and TV Transmitting Tower or Wireless Communication Tower as an allowed use within the RC (Rural Conservation) and the B2 (Neighborhood Shopping) zoning districts with a Special Use Permit.
- The proposed wireless communications tower will be triangular, self-supporting, and sits within a 60' x 60' area enclosed by a 6' high chain link fence. The entire leased area is 100' x 100' and it will be accessed from Pixley Pritchard Rd by a 20' wide access and utility easement.
- The enclosed 60' x 60' area will house the tower base as well as equipment areas for future carriers.

COMPREHENSIVE PLAN

The Person County Joint Comprehensive Land Use Plan identifies the proposed tracts 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.

Appendix O of the Person County Joint Comprehensive Land Use Plan lists Guiding Principles and objectives for the County including the following relevant statements:

Guiding Principal 4, Objective 1- Celebrating Our Rural Character and Lifestyle.

- Objective 1 (5) – Provide enhanced services for rural communities.

PLANNING STAFF ANALYSIS

The parcel is zoned RC (Rural Conservation) and B2 (Neighborhood Shopping) and a wireless communications tower is an allowed use in both zoning districts after obtaining a Special Use Permit.

A reduction in setback to at least one-half the height of the tower is allowed due to the tower being self-supported. A certified fall zone letter is required and is on file.

A significant portion of this tract is identified by FEMA as being within the AE Flood Zone, or as having a 1% chance of flooding. According to the site plan for the tower, the tower itself will be located completely outside of the flood zone.

PLANNING STAFF SUMMARY

The proposed site plan meets the requirements of the Person County Planning and Zoning Ordinance regarding Radio, Telephone and Transmitting Towers, specifically Appendix C, Note 9.

The applicant has provided a letter of approval from the Federal Communications Commission and that the “construction and placement of the tower will not interfere with public safety communications or with the usual and customary transmission or reception of radio, television or other communications services”.

Planning staff recommends that if the Board approves the request, the following conditions be placed on the Special Use Permit:

1. The applicant is to obtain all necessary permits (zoning, and stormwater) for the wireless communications tower project and adhere to all requirements listed in the Person County Planning and Zoning Ordinance.

In approving an application for a special use permit, the Board of Commissioners may attach fair and reasonable conditions to the approval. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board.

The Board shall issue a special use permit if it has evaluated an application and determined:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
2. That the use meets all of the required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;
4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan.

*****Please refer to the 4 Findings of Fact listed above when making a decision*****

Submitted by: Angela Blount, Planner I

Ms. Blount shared the following presentation for SUP-05-21.

February 7, 2022

Special Use Permit

SUP-05-21

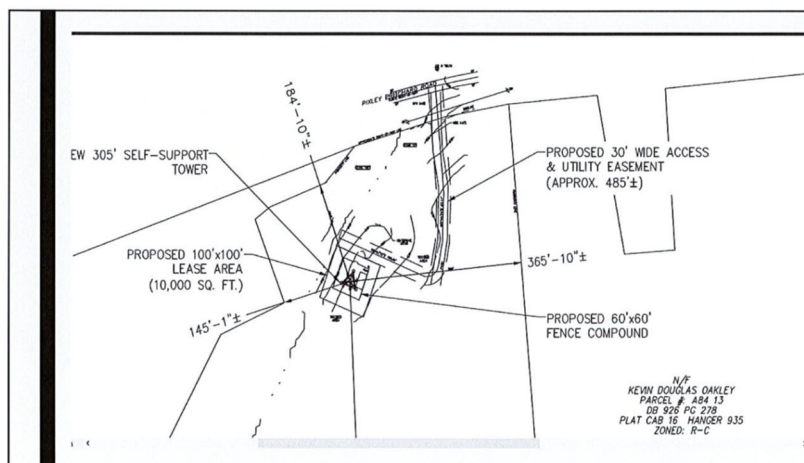
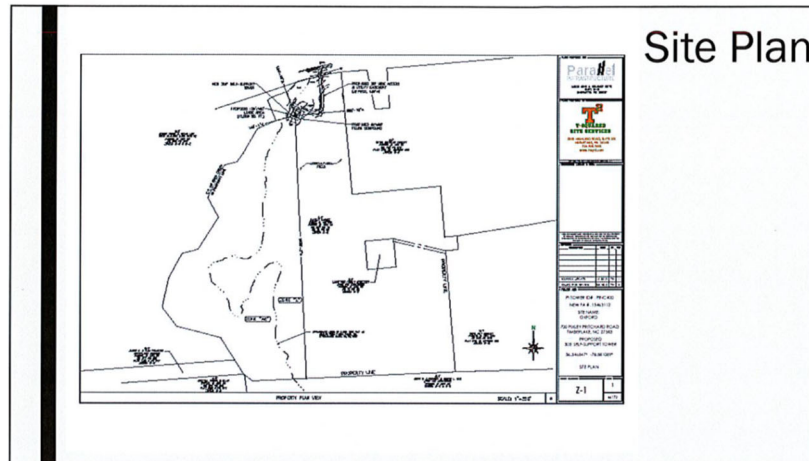
Special Use Permit

SUP-05-21– Explanation of Request

Petition SUP-05-21 -A request by the applicant, Parallel Infrastructure, LLC (Kelly Young) on behalf of the property owner, Estate of Lonnie Luxton and Carol Luxton, to construct a new 305' tall self-supported wireless communications tower on 69 acres located at 700 Pixley Pritchard Rd. (Tax Map and Parcel number A84-14) in the RC (Rural Residential) and B2 (Neighborhood Shopping) Zoning Districts.

Ms. Blount stated the site plan shows a setback to Pixley Pritchard Road by 184.10', left side setback to property line by 365.10', right side setback to property line by 145.1' and rear setback to property line by 1926.3'. The site plan shows property along the right property line within the AE designated Flood Plain. The tower itself is located outside of this area.

2/7/2022



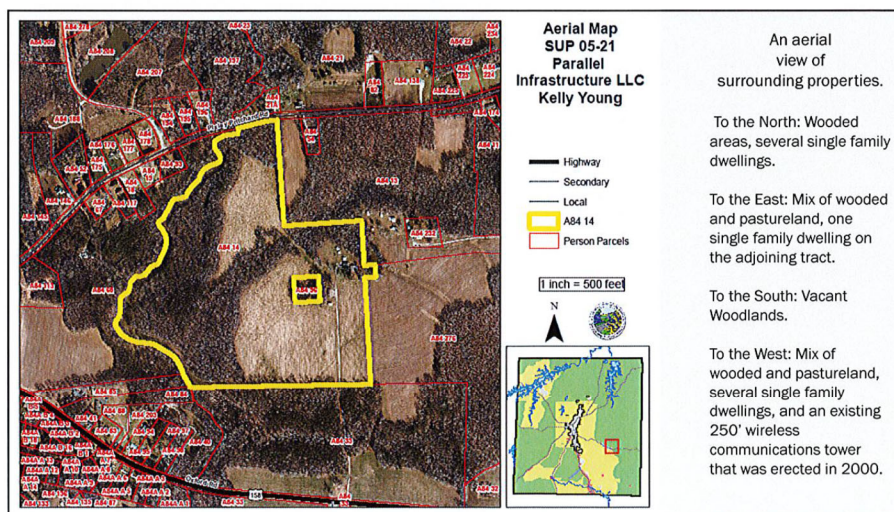
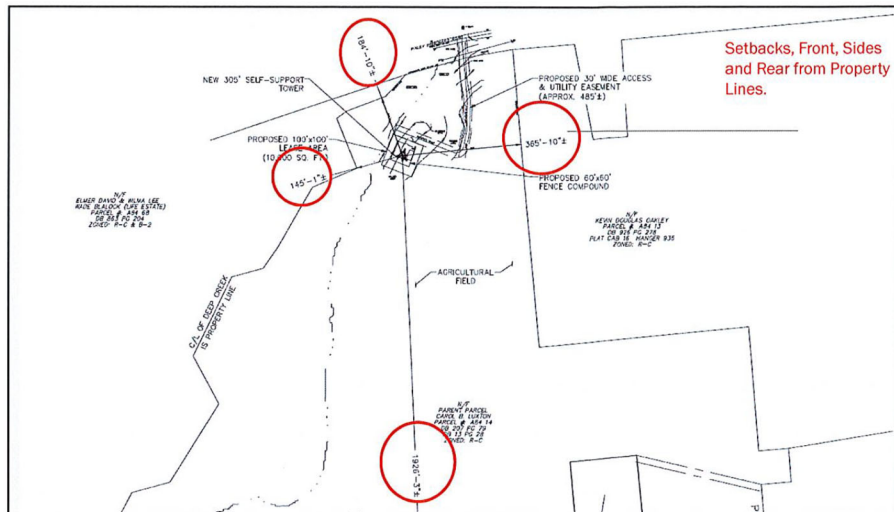
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This is a close up showing the 100' x 100' leased area, 60' x 60' fenced area and the tower base.

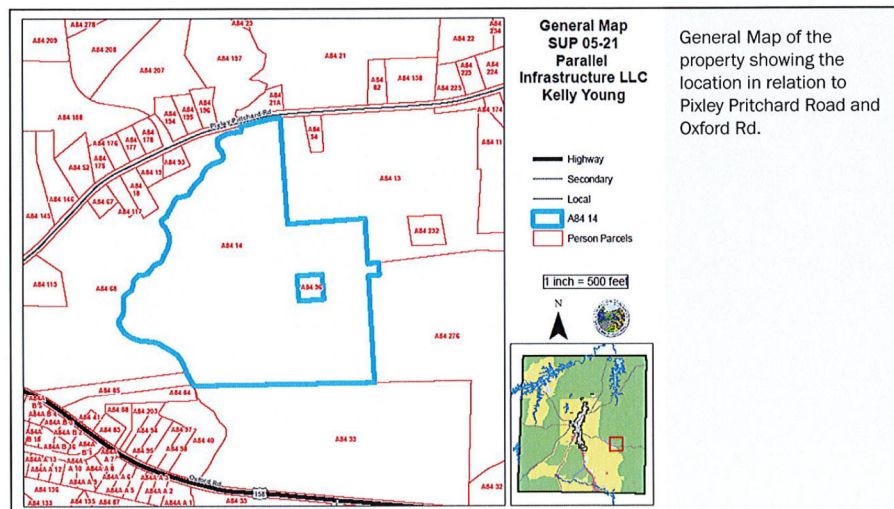
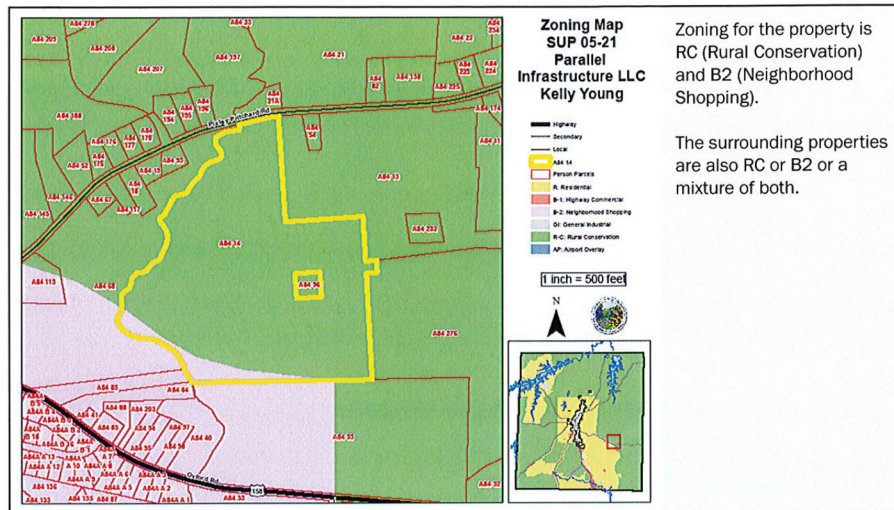
February 7, 2022

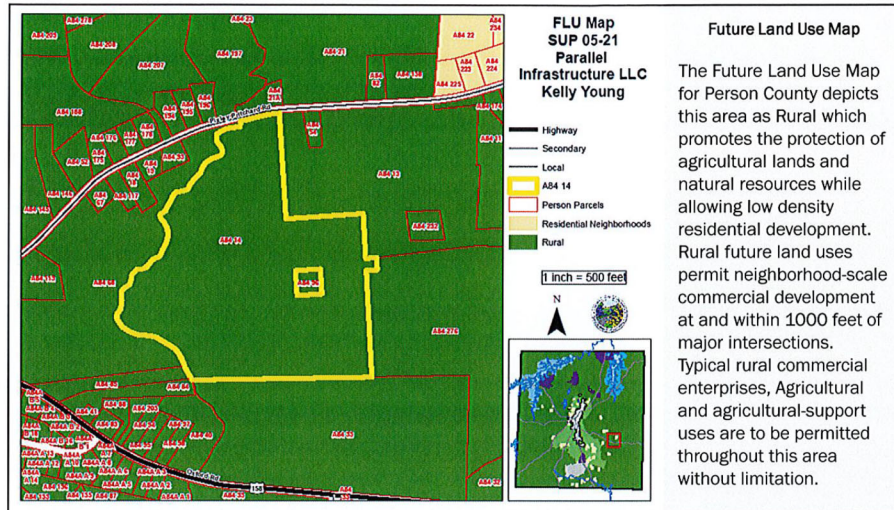
The slide below shows the front, sides and rear setback from property lines.

2/7/2022



2/7/2022





Special Use Permit

SUP-05-21 – Planning Staff Analysis

- The parcel is zoned RC (Rural Conservation) and B2 (Neighborhood Shopping). A communications tower is an allowed use in these zoning districts after obtaining a Special Use Permit.
- A reduction in setback to at least one-half the height of the tower is allowed due to the tower being self-supported. A certified fall zone letter is required, has been submitted and is on file.

Special Use Permit

SUP-05-21 – Planning Staff Summary

- The proposed site plan meets the requirements of the Person County Planning and Zoning Ordinance regarding Radio, Telephone and Transmitting Towers, specifically Appendix C, Note 9.
- The proposed tower has gained approval from the Federal Communications Commission and that the “construction and placement of the tower will not interfere with public safety communications or with the usual and customary transmission or reception of radio, television or other communications services”. Approval letter is on file.

Special Use Permit

SUP-05-21 – Planning Staff Summary

Planning staff recommends that if the Board approves the request, the following conditions be placed on the Special Use Permit:

- The applicant is to obtain all necessary permits for the wireless communications tower project and adhere to all requirements listed in the Person County Planning and Zoning Ordinance.

Special Use Permit

SUP-05-21 – Findings of Fact

- The Board will vote to approve, approve with conditions, or to deny the requested Special Use Permit.
- The Board will need to address the Findings of Fact in Section 155 of the Person County Planning Ordinance and whether this proposal is in keeping with the Person County Land Use Plan. The Findings of Fact in Section 155-3 (b) are as follows:

Findings of Fact

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
2. That the use meets all required conditions and specifications.
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and
4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan.

Ms. Blount stated all state statutes and planning ordinance requirements have been met for this public hearing.

Ms. Blount said a representative from Parallel was present.

Commissioner Gentry confirmed with Ms. Blount that the fall zone was to fall into a certain area to which Ms. Blount stated they are built a certain way with three sides with break points so that they collapse in.

Commissioner Gentry asked Ms. Blount if the existing tower was operational and in use to which Ms. Blount stated she had no information on the existing tower except that it was established in the year 2000.

Vice Chairman Sims noted the property contained 69 acres and this use would not take up all 69 acres; he asked would there be an opportunity in the future to build something else there to which Ms. Blount stated absolutely as long as the fall zones are respected noting it is a 305 ft. tower, so half of that would need to be reserved for the fall zone. Ms. Blount confirmed outside of that, the property was not limited to one use. Ms. Blount added that there was a cemetery on the property.

Commissioner Gentry asked Ms. Blount how a small strip of that parcel was zoned for business use to which Ms. Blount stated it follows 158 noting that B2 is carried almost to the city limits all the way down 158 in anticipation of neighborhood businesses along that route. Ms. Blount said it was mainly single-family dwellings along there and businesses at the crossroads. Ms. Blount added when looking at a zoning map, there is a swatch of that B2 all the way through 158, from Surl almost to town. Commissioner Gentry asked how would the property owner rectify if they wanted to have it all rural conservation to which Ms. Blount stated they could make a rezoning request.

Chairman Powell said there was an existing tower 1,300 ft. way to which she confirmed. He asked what was the differences in the existing tower with the proposed tower to which Ms. Blount stated there were no regulations that says there has to be a certain amount of distance between towers noting it is a Federal Telecommunications Act without limitation in any capacity related to distance.

Chairman Powell asked Ms. Blount about the equipment of the vendors that locate on the tower to which Ms. Blount stated she did not know but as she said, there was a representative from Parallel present.

Ms. Oakley told the Board that 20+ years ago, the towers were 200 ft. and now towers are 300 ft., noting the one before the Board was 305 ft.; she said the most significant difference between the two is that the proposed is 55 ft. taller than the one on the adjacent parcel. Ms. Blount added she did not know that much about towers and if the height makes a difference, saying if her cell phone works, it works.

Chairman Powell said that is all any of us know and what we want but wondered if there was a duplication of equipment on the towers.

Speaking in favor of the request by the applicant, Parallel Infrastructure, LLC (Kelly Young) on behalf of the property owner, Estate of Lonnie Luxton and Carol Luxton, to construct a new 305' tall self-supported wireless communications tower on 69 acres located at 700 Pixley Pritchard Rd. (Tax Map and Parcel number A84-14) in the RC (Rural Conservation) and B2 (Neighborhood Shopping) Zoning Districts were the following:

Mr. Mark Loubier of 18047 West Catawba Avenue, Suite 201, Cornelius, NC of LCS Wireless said he was pinch-hitting for Kelly Young as she was recovering from surgery. Mr. Loubier stated the tower has an anchor tenant, AT&T, who plans to occupy this tower. Mr. Loubier introduced Mr. Stephen Howard with AT&T, who was present in the audience to answer any carrier-specific questions. Mr. Loubier said this tower will allow, not only AT&T but other carriers who come onto the site to more freely upgrade their equipment. He noted most people aren't talking on their phones nowadays, they are streaming video, texting, on their websites and that requires a lot more capacity. This tower, owned by Parallel will allow AT&T, Sprint, and whoever goes on the tower to easily upgrade the site, add cables, increase antennas, upgrade to 5G, First Net, a safety feature that Mr. Howard can talk about in more detail because Parallel has a deal where you can freely upgrade; he said there was no amendment every time you want to add a cable or anytime you want to increase the size of the antennae and allows more capacity to be added to the site.

Commissioner Gentry asked if this tower would be competing with the existing tower to which Mr. Loubier stated yes. She asked why and Mr. Loubier asked Mr. Howard to address the question.

Mr. Stephen Howard of 2002 Pisgah Church Road, Greensboro with AT&T Mobility stated he was happy to answer any questions.

Commissioner Gentry noted there was an existing tower with AT&T equipment on it to which Mr. Howard stated that was correct. Commissioner Gentry stated a new, taller tower would be adjacent to it with AT&T equipment to which Mr. Howard said AT&T would relocate and would not be redundant. Commissioner Gentry said AT&T would be moving and upgrading its equipment to the new tower and asked if there was a plan to dismantle the 200 ft. tower to which Mr. Howard stated he did not know their plans as the current owner of that tower is SBA but he knew AT&T's plan was to remove equipment and locate on the new tower. Commissioner Gentry asked if he had a list of the vendors that would be on the new tower to which Mr. Howard said he would have to defer to Mr. Loubier noting AT&T is the anchor tenant.

Mr. Loubier said the business model for any tower owner is much like an apartment noting they will market this tower heavily, not only to T-Mobile, Sprint, Verizon but smaller, wireless internet companies, small startup companies, Dish Network possibly. He further noted it will be marketed and space will be available for those carriers to come to the market and upgrade their site and provide coverage.

Commissioner Gentry asked the timeline once something is approved, to be completed, and in operation to which Mr. Howard stated each jurisdiction is a little different, but once building permits are obtained, typically construction would start within two to six weeks, dependent upon weather and other factors as well but from the time construction has started, completion will be within two weeks. Mr. Loubier added AT&T's plans would be to decommission and come on the air first or second quarter of next year. Commissioner Gentry asked if this would improve AT&T's service to which Mr. Loubier said it would improve the service and it is a much better financial arrangement for them. Commissioner Gentry asked if the improvement of service not only the upgrade of equipment but the height of it to which he said it is marginally higher so there will be some coverage improvement, not to overstate it as it is replacement but there will be marginal increase for coverage but not significant.

Vice Chairman Sims asked Mr. Loubier if there was a contract for how long that tower will be there, or what is the longevity of the tower to which Mr. Loubier said AT&T's agreement with Parallel is subject to check, at least 25 years so it is depending what their underlying lease is with the Luxton's to which he did not know how long that was.

Commissioner Palmer asked Mr. Loubier how is this signal transmitted, underground buried or to another satellite to which Mr. Loubier stated it was a wireless facility so the antennas will broadcast out the radio signals. Commissioner Palmer asked if in the area, the signal will be picked up from the tower to which Mr. Loubier stated yes anyone on this tower, i.e. anyone with an AT&T phone or whomever, i.e. Verizon who may be a tenant on the other tower.

Speaking in opposition to the request by the applicant, Parallel Infrastructure, LLC (Kelly Young) on behalf of the property owner, Estate of Lonnie Luxton and Carol Luxton, to construct a new 305' tall self-supported wireless communications tower on 69 acres located at 700 Pixley Pritchard Rd. (Tax Map and Parcel number A84-14) in the RC (Rural Conservation) and B2 (Neighborhood Shopping) Zoning Districts were the following:

Mr. David Blalock of 254 Pixley Pritchard Road, Timberlake thanked the Board for allowing him to speak in opposition of the proposed tower at 700 Pixley Pritchard noting he was speaking for several people here in the audience, but due to time, they did not want to speak. Mr. Blalock stated there is an existing tower currently on 400 Pixley Pritchard that is sufficient for this area. He added nobody has ever said anything about not getting cell coverage there. Mr. Blalock said the existing tower has AT&T, Verizon, T-Mobile and additional room for more cell companies to locate. Mr. Blalock said he looked at this at not being a public necessity since more space remains available on the existing tower. Mr. Blalock said that one tower near your property is an asset to the land and those around it, but two towers in proximity will, to him, adversely effect their property values. Mr. Blalock drew the Board's attention to Map Site Plan Z2 on the diagram; the current tower is showing on 400 Pixley Pritchard Road and the proposed tower is approximately 1,500 ft. or 3/10 of a mile from the existing tower. Mr. Blalock stated a concern that the proposed tower is so close to the existing tower that this will look as their community is an industrial park and to devalue property having two towers so close to each other. In summary, according to Section 153-3 in the Person County ordinance, it says, "that the use will not substantially injure the value of adjoining properties or abutting property or the use is a public necessity." Mr. Blalock said he did not see another tower being a public necessity for this area, when his friends, in different parts of the county, have very weak coverage and they have no towers close by. Mr. Blalock said he and other homeowners in the community would like to refuse the additional proposed tower in consideration of the above-mentioned facts.

Mr. Hankins pointed out to the Board, without interrupting the gentleman speaking, that the statutes says very clearly that the gentleman offering an opinion about effect on property values, lay witnesses, i.e. non-experts cannot offer testimony as to the effect on property values of surrounding properties as it has to be done by an expert witness. Commissioner Puryear asked Mr. Hankins to repeat his statement. Mr. Hankins said he would read what the statute says, G.S. 160D-933, "competent evidence does not include the opinion testimony of lay witnesses as to whether the use of property in a way effects the value of other property", in other words, Mr. Hankins stated the statute, competent evidence as to the effects of property values have to be offered by expert witnesses, through experts in property valuation. Mr. Hankins said to the extent that the gentleman's comments included his lay opinion about the effect on property values, the Board must disregard them.

Ms. Pam Day of 520 Pixley Pritchard Road, Timberlake stated she lives with her husband, Bradley and her property is in between the two towers. She stated she would speak from her heart noting when they received the letter that they wanted to put a tower on 700 Pixley Pritchard, their reaction was the same in that they already have a tower on Pixley Pritchard and questioned why would they need two towers within feet from one another and it did not make sense. Ms. Pam said they did not understand why another tower would go up within feet. She said the land that the tower would be built on is adjacent to their property, which already has an existing tower, as the Board knows. They just didn't understand. Ms. Day said they knew it would be money for landowner, income for the tower people and some county tax money coming in, but does that make it right she asked the Board. Ms. Day said she hoped before the Board votes yes to please take into consideration that this is not a need and that there are places in the county that need a tower but Pixley Pritchard isn't one of those places. She asked the Board how would they feel if you own a home that sits right smack dab in the middle of two towers; she said when she goes out on her deck, she looks to the left, she would see a new tower, and she looks to the right, she would see the existing tower. She asked the Board how would they feel. Not to mention, Ms. Day said we all know that the vultures, the buzzards like to roost on these towers and they see that in the existing tower. Ms. Day said they did not need two towers that would attract more vultures, buzzards, whatever you call them as they fly back and forth constantly over their house. Ms. Day asked the Board to think long and hard before you make your decision, as they did not need another tower in that particular area; she suggested to find other areas in the county that could use and benefit from a tower.

Ms. Day stated she also had a letter from her next door neighbor and asked if the Board would like for her to read it noting she had a different prospective. Mr. Hankins stated it would not be permissible, as they would need to be sworn in to provide testimony.

Mr. Joshua Walthall of 4140 Parklake Avenue, Raleigh, an attorney on behalf of SBA Communications, the folks that own the existing tower, said to make no mistake, they are the competition and are biased and would not pretend to be a property owner nearby. Mr. Walthall asked Mr. Hankins to correct him if he was wrong, that it is the applicant here, which is Parallel, who has the burden to proving those four items in Section 155 noting it was not his burden nor the burden of Mr. Blalock or Ms. Day to prove to the Board that the property will be injured, but Parallel's burden to prove the properties won't be injured. He questioned have they proven that having two towers so close together that the property values will not be injured. Among other things they have to prove to the Board, Mr. Walthall said that the use will not substantially injure the value of adjoining property or that it is a public necessity. Mr. Walthall submitted that this tower does not provide any service that the current tower does not already provide noting AT&T is already a tenant of the current tower. Mr. Walthall said that AT&T said they will move if there is another tower and questioned will they move is there is no tower to move to. Mr. Walthall said, it is likely, as Mr. Blalock suggested, other areas of this county could use it more than one less than one-half mile from a tower currently in existence.

Mr. Walthall said they also have to show you that this tower will be in harmony with the area to which he said if the intention is to create a tower farm, then maybe it is in harmony with the area because any argument to support this second tower he submitted would support a third or fourth or tenth tower as long as you build it bigger and expansive, it provides better services, just keep adding towers; Mr. Walthall said he did not know but he did not think that is what everyone wanted to do. He submitted two is very different than one as anyone that has gone from one kid to two kids can probably attest as he and his wife can attest did this five years ago. He said they can't get to church on time anymore because they have two kids to take care of, so two is very different than one. Mr. Walthall submitted it was not a necessity and no proof that it is in harmony with the existing area, there has been no proof that it is not going to injure properties, and, again that is their burden, they have to prove that. Mr. Walthall asked the Board to deny this special use permit. He said he could answer any questions as he knew there were comments about the current tower. He added he was not an engineer but happy to try to answer any questions on behalf of his client.

Commissioner Puryear asked Mr. Walthall if he knew the current tax value of the existing tower to which Mr. Walthall stated he did not know. Commissioner Puryear asked if all services were taken away from the existing tower, what would be the value of a tower without services. Mr. Walthall said if a tower that was providing no services would have some nominal value for the potential to provide services but he could not imagine it would have a lot of value if it's not providing any services at all. Mr. Walthall said the existing tower services AT&T, T-Mobile, Verizon and has room for others.

A **motion** was made by Commissioner Gentry and **carried 5-0** to close the public hearing for the request by the applicant, Parallel Infrastructure, LLC (Kelly Young) on behalf of the property owner, Estate of Lonnie Luxton and Carol Luxton, to construct a new 305' tall self-supported wireless communications tower on 69 acres located at 700 Pixley Pritchard Rd. (Tax Map and Parcel number A84-14) in the RC (Rural Conservation) and B2 (Neighborhood Shopping) Zoning Districts.

CONSIDERATION TO GRANT OR DENY PETITION SUP-05-21 - A REQUEST BY THE APPLICANT, PARALLEL INFRASTRUCTURE, LLC (KELLY YOUNG) ON BEHALF OF THE PROPERTY OWNER, ESTATE OF LONNIE LUXTON AND CAROL LUXTON, TO CONSTRUCT A NEW 305' TALL SELF-SUPPORTED WIRELESS COMMUNICATIONS TOWER ON 69 ACRES LOCATED AT 700 PIXLEY PRITCHARD RD. (TAX MAP AND PARCEL NUMBER A84-14) IN THE RC (RURAL CONSERVATION) AND B2 (NEIGHBORHOOD SHOPPING) ZONING DISTRICTS:

A **motion** was made by Commissioner Puryear to deny Petition SUP-05-21, a request by the applicant, Parallel Infrastructure, LLC (Kelly Young) on behalf of the property owner, Estate of Lonnie Luxton and Carol Luxton, to construct a new 305' tall self-supported wireless communications tower on 69 acres located at 700 Pixley Pritchard Rd. (Tax Map and Parcel number A84-14) in the RC (Rural Conservation) and B2 (Neighborhood Shopping) Zoning Districts stating it was not in harmony with the area.

Commissioner Gentry concurred with Commissioner Puryear and stated it was not a public necessity; a duplicity of an existing structure owned by SBA, who does not have a plan to decommission along with other areas in the county that would welcome a new tower. Vice Chairman Sims stated agreement with both Commissioners Puryear and Gentry. Commissioner Palmer stated there were no significant increase of services by adding this tower and he concurred with the previous commissioners' statements. Chairman Powell stated he would go along with the commissioners noting the close proximity to another tower.

County Attorney, Ellis Hankins suggested an amendment for Commissioner Puryear's motion noting the applicant does bear the burden of offering competent evidence to support the issuance of a special use permit and evidence was not offered that the use will not substantially injure the value of adjoining or abutting property.

An **amended motion** was made by Commissioner Puryear and **carried 5-0** to deny Petition SUP-05-21, a request by the applicant, Parallel Infrastructure, LLC (Kelly Young) on behalf of the property owner, Estate of Lonnie Luxton and Carol Luxton, to construct a new 305' tall self-supported wireless communications tower on 69 acres located at 700 Pixley Pritchard Rd. (Tax Map and Parcel number A84-14) in the RC (Rural Conservation) and B2 (Neighborhood Shopping) Zoning Districts due to Findings of Facts #3 and #4 were not satisfied. Commissioner Puryear stated the Findings of Fact in Section 155-3 (b) that were not satisfied are as follows:

3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and
4. That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the comprehensive plan.

INFORMAL COMMENTS:

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

Mr. Paul Lynch of 395 Union Grove Church Road, Hurdle Mills commended and thanked the Board for its diligence and efforts to revise the County's Solar Energy System Ordinance to make it more fair and consistent and to have restrictions on solar projects in Person County; he encouraged approval.

DISCUSSION/ADJUSTMENT/APPROVAL OF CONSENT AGENDA:

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

- A. Approval of Minutes of January 18, 2022,
- B. Budget Amendment #12,
- C. Health Department proposed new fee associated with COVID-19 vaccinations for the administration of the Pfizer pediatric third dose,
- D. Consultancy Agreement for Professional Services with Economic Leadership, LLC,
- E. Tax Collector's Report of Unpaid 2021 Taxes,
- F. Tax Office requests Order to Set Advertisement of Unpaid Real Estate Taxes to March 3, 2022,
- G. Tax Adjustments for February 2022, and
 - a. Tax Releases
 - b. NC Vehicle Tax System pending refunds
- H. Fee Schedule Amendment for Transportation to reinstate ROAP mileage rate.

UNFINISHED BUSINESS:**CONSIDERATION TO GRANT OR DENY REQUEST TO REVISE THE PERSON COUNTY SOLAR ENERGY SYSTEM ORDINANCE (PETITION TA-03-21) AND A PROPOSED ZONING PERMIT FEE AND AN ANNUAL INSPECTION FEE:**

The proposed text amendment (Petition TA-03-21) requires legislative review by the Board. The Board of Commissioners held its public hearing at its January 18, 2022 meeting and took action to take consideration of this item at its February 7, 2022.

Planning Director, Lori Oakley stated the Board of Commissioners at its January 18, 2022 meeting had consensus for the following changes:

February 7, 2022

- Table 2.1 was amended to prohibit level 2 and level 3 solar energy systems in the RC (Rural Conservation) zoning district.
- Table 2.2 was amended to require a 200' setback for all level 2 and level 3 solar energy systems from the property lines and/or right-of-way lines. This setback will include area for a 150' buffer and 50' of open area for emergency access.
- Section 2.3(b) was amended to state that the maximum size of a level 3 solar energy system shall not exceed 100 acres as measured around the exterior perimeter of the panels outside of the buffer area. No level 3 solar energy system shall be located within 1 linear mile of an existing level 3 solar energy system.
- Section 2.4(b) was amended to require a 150' vegetative buffer.
- Section 2.6(d) was amended to require an engineer to review the decommissioning bond amount every 3 years.

As the Board requested some fee schedule modification for solar energy systems, Ms. Oakley stated staff recommended adding the following fees:

- Zoning permit fee for level 2 and 3 solar energy systems: \$1,000 per megawatt with a minimum fee of \$2,500 (*this is the same as Nash County, NC*)
- Annual solar energy system inspection fee (for level 2 and 3 systems): \$300 (*this is the same as Stanly County, NC*)

Ms. Oakley asked the Board to vote to approve, approve with modifications or deny the requested text amendment and the fee schedule as proposed. The Board must also include a Statement of Reasonableness and Consistency with the motion as listed below:

Statement of Reasonableness and Consistency:

The text amendment request is consistent with the Person County and City of Roxboro Joint Comprehensive Land Use Plan and future planning goals and objectives of Person County. It is reasonable and in the public interest as it will provide clear regulations in the Person County Solar Energy System Ordinance.

The proposed text amendment meets the Comprehensive Land Use Plan Guiding Principle 2, which states to facilitate sustainable economic growth.

Commissioner Gentry asked Ms. Oakley in which zoning areas are level 2 and 3 solar energy systems permitted to which Ms. Oakley stated under the proposed ordinance, level 2 and 3 solar energy systems was removed from RC noting level 1 (rooftop, backyard) is still permitted in RC. Ms. Oakley said General Industrial allows level 1 by right and level 2 and 3 would require either a special use permit or conditional district rezoning; Neighborhood Shopping B2 allows level 1 by right, with a conditional district rezoning or special use permit for a level 2 and prohibits the larger level 3. She added the Highway Commercial or more intense district allows level 1 by right, with level 2 and 3 requiring a special use permit or a conditional district rezoning. Ms. Oakley stated R was not addressed; however the Board may want to consider the R (most restrictive district) to match the RC; currently R allows level 1 by right and currently level 2 would require either a special use permit or conditional district rezoning and level 3 is prohibited.

County Attorney, Ellis Hankins made a procedural suggestion that one of the commissioners offer a motion to adopt the substitute or revised ordinance for discussion.

A **motion** was made by Commissioner Gentry and **carried 5-0** to adopt the substitute ordinance for discussion.

A **motion** was made by Commissioner Gentry and **carried 5-0** to amend the Solar Energy System Ordinance to protect the R district as done for the RC district.

Commissioner Gentry stated there was a question about how limiting the solar facilities in Person County might hurt from a standpoint of people coming to do business here; she noted the Appeals Court will not force NC regulators to permit new solar plants and therefore stopped solar companies from building big sites on the grid because it will cost \$250M and would prompt Duke Energy to pass along those costs through higher rates which will do little to add solar to Duke's portfolio. She added the Commission determined the costs were unreasonably high to develop solar companies to build solar farms on existing grids. The expected output concluded too burdensome to be a public convenience. Commissioner Gentry opined that it would not hurt Person County per se because even the Appeals Court is saying this is too expensive of a project for any community in this point in time because the costs will be passed to the consumer and it will be outrageous. She commended the Board for taking this stand.

A **motion** was made by Commissioner Palmer and **carried 5-0** to adopt the substitute Solar Energy System Ordinance, as amended, noting the text amendment request is consistent with the Person County and City of Roxboro Joint Comprehensive Land Use Plan and future planning goals and objectives of Person County. It is reasonable and in the public interest as it will provide clear regulations in the Person County Solar Energy System Ordinance as well as the proposed text amendment meets the Comprehensive Land Use Plan Guiding Principle 2, which states to facilitate sustainable economic growth.

PERSON COUNTY SOLAR ENERGY SYSTEM ORDINANCE

Adopted by the Person County Board of Commissioners on the 5th Day of October, 2020.

Amended on the 7th day of February 2022.

ARTICLE 1. GENERAL PROVISIONS

- 1.1 Title
- 1.2 Purpose
- 1.3 Authority and Grant of Power
- 1.4 Jurisdiction and Applicability
- 1.5 Definitions

ARTICLE 2. SITE DEVELOPMENT REQUIREMENTS

- 2.1 General Regulations
- 2.2 Setbacks
- 2.3 Height and Size Limitation
- 2.4 Buffers and Landscaping
- 2.5 Aviation Notification
- 2.6 Decommissioning and Abandonment

ARTICLE 3. LEGAL PROVISIONS

- 3.1 Procedure for Solar Energy System Development Approval
- 3.2 Penalties for Violations
- 3.3 Severability
- 3.4 Variance
- 3.5 Effective Date

ARTICLE 1. GENERAL PROVISIONS

1.1 Title

- a) This document shall be known and cited as "Person County Solar Energy System Ordinance".

1.2 Purpose

- a) The purpose of this ordinance is to facilitate the construction, installation, and operation of solar energy systems (SES) in Person County in a manner that promotes economic development, preserves the dignity and aesthetics of the environment in Person County, and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands. This ordinance is not intended to replace safety, health, or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state, or federal law.

1.3 Authority and Grant of Power

- a) This ordinance is adopted under the authority and provisions of the General Statute of North Carolina, Chapter 153A Article 18. Nothing herein shall be interpreted to conflict with or supersede any provision of the General Statute of North Carolina Chapter 153A.

1.4 Jurisdiction and Applicability

- a) The regulations contained herein shall govern development of land within Person County, North Carolina as provided in General Statute 153A, Article 18, except those lands lying within jurisdiction of any municipality, unless such municipality shall have by resolution requesting the County enforce these regulations within the municipality's area of jurisdiction.
- b) Solar energy systems established prior to the effective date of this ordinance shall remain exempt except if major modifications to an existing solar energy systems are proposed and require a new Special Use Permit to be issued by the Board of Commissioners. The modified area of the SES permitted under the new Special Use Permit shall be subject to the conditions of this ordinance. Maintenance and repair are not subject to this ordinance.

1.5 Definitions

- a) Abandonment: Any solar energy system that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned.
- b) Accessory Equipment: Any equipment serving or being used in conjunction with a solar energy system. The term includes utility or transmission equipment, power supplies, generators, batteries, equipment buildings, and storage sheds, shelters, or similar structures.
- c) Decommissioning Plan: A document that details the planned shut down and removal of a solar energy system from operation or use.
- d) Major Modification: Any change which would require findings of fact or evidence in addition to those in the record of the public hearing for the original Special Use Permit, or subsequent modifications, if any. By way of example, but not of limitation, any of the following shall constitute a major modification requiring an application to be resubmitted in accordance with applicable ordinance provisions:
 - 1. Significant changes in the zoning lot's boundaries, unless the purposes of this ordinance or of the County's plan for the comprehensive development of the area within which the lot is located are satisfied to an equivalent or greater degree. Significant change in the boundaries of the site if public purposes are not satisfied to an equivalent or greater degree;
 - 2. A change in the use approved;
 - 3. Significant changes in the location of principal and/or accessory structures and/or uses;
 - 4. Structural alterations significantly affecting the basic size, form, style, ornamentation, and appearance of principal and/or accessory structures as shown in the plan;
 - 5. Significant changes in pedestrian or vehicular access or circulation
 - 6. Significant changes in the amount or location of required landscape screening if an alternate proposal does not provide the same or greater degree.
- e) Property Owner: The person(s), entity, or company having fee simple ownership of the property where the solar energy system is located.
- f) Solar Array: An active solar energy system that converts sunlight into electricity using either Thermal or photovoltaic methods. Such a system has multiple solar collectors, and might include transformers, generators, batteries, and other appurtenant structures and/or facilities.
- g) Solar Collector or Solar Panel: A device that converts sunlight into electricity using either thermal or photovoltaic methods.
- h) Solar Energy System: 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. Area restrictions are based on the acreage

of panels. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems. A system fits into one of three system types: Level 1 SES, Level 2 SES, and Level 3 SES.

1. Level 1 Solar Energy System (SES) – Includes the following in all Person County Zoning Districts:
 - i. Roof-mounted on any code-compliant structure.
 - ii. Ground mounted less than 1/2 acre.
 - iii. Covering permanent parking lots and other hardscape areas.
 - iv. Building integrated solar (i.e., shingle, hanging solar, canopy, etc.).
2. Level 2 Solar Energy System (SES) – Ground mounted systems greater than or equal to ½ acre and less than ten (10) acres in all Person County Zoning Districts.
3. Level 3 Solar Energy System (SES) – Ground mounted systems greater than or equal to ten (10) acres in all Person County Zoning Districts.

ARTICLE 2. SITE DEVELOPMENT REQUIREMENTS (Rev. 2/7/22)

2.1 General Regulations

Solar energy systems are permitted in Person County as follows:

Table 2.1 General Regulations for Solar Energy Systems in Person County					
<i>X = Permitted Use ; SUP/CD = Special Use Permit/Conditional Rezoning ; left blank = Prohibited</i>					
	Residential (R)	Highway Commercial (B-1)	Neighborhood Shopping (B- 2)	General Industrial (GI)	Rural Conservation (RC)
Level 1	X	X	X	X	X
Level 2		SUP/CD	SUP/CD	SUP/CD	
Level 3		SUP/CD		SUP/CD	

2.2 Setbacks

Setbacks for solar energy systems are measured from the nearest solar panel to the nearest property line and/or right-of-way line. Setbacks for solar energy systems in Person County as follows:

Table 2.2 Setback Requirements for Solar Energy Systems in Person County					
<i>Left blank = Prohibited in that district</i>					
	Residential (R)	Highway Commercial (B-1)	Neighborhood Shopping (B- 2)	General Industrial (GI)	Rural Conservation (RC)
Level 1	Per District Regulations contained in Person County Planning Ordinance				
Level 2 *		200'	200'	200'	
Level 3 *		200'		200'	

* All solar energy systems shall be separated by a minimum distance of 300' from all residential dwellings as measured from the nearest solar panel to the nearest dwelling. In addition, all solar energy systems shall be separated by a minimum distance of 100' from the nearest well

EXCEPTION: Where a solar energy system facility is located on multiple contiguous lots of record in separate ownership, the building setback and buffer requirement shall apply only to the exterior perimeter of the project boundaries surrounding the facility and not the interior property boundaries within the facility. A written waiver signed by the property owner(s) shall be required.

2.3 Height and Size Limitation

- a) For Level 1 roof mounted systems, height is limited to the applicable district regulation. The height of Level 1, 2, and 3 ground mounted systems shall be measured from the highest natural grade below each solar panel. For ground mounted systems, panel height shall not exceed 15' in all districts. Poles and wires reasonably necessary to connect to public electric utilities for all solar energy systems shall not be subject to this requirement.
- b) The maximum size of a level 3 solar energy system shall not exceed one hundred (100) acres as measured around the exterior perimeter of the panels (outside of the buffer area). No level 3 solar energy system shall be located within one (1) linear mile of an existing level 3 solar energy system.

2.4 Buffers and Landscaping

- a) Level 1 systems shall be exempt from buffering and landscaping requirements.
- b) Solar collectors, accessory equipment, and associated outside storage for Level 2 and 3 systems shall be completely screened with a 150' vegetative buffer from view from all property and right-of-way lines. Buffers shall include at a minimum, evergreen shrubs and a combination of deciduous and evergreen trees as follows:
 - 1. Every 500 square feet of buffer shall include one evergreen or deciduous tree that shall be a minimum of 6' at planting and have a minimum height of 15' within 3 years and spread of at least 30' within 10 years; and,
 - 2. 5 evergreen shrubs, or 3 evergreens and 2 deciduous shrubs, that shall be a minimum of 3' at planting and have a height and spread of at least 5' in 10 years.
 - 3. Existing vegetation may be counted toward the required plantings when identified on a landscape plan and certified by an arborist, landscape architect, landscape designer. Plants identified for the buffer must be protected from all land disturbing activities and construction at a distance equal to the drip line of the plant(s) to be used toward the buffer.

2.5 Aviation Notification

- a) Level 1 systems shall be exempt from aviation notification requirements.
- b) For all Level 2 and 3 systems, a map analysis showing a radius of five (5) nautical miles from the center of the solar energy system with any airport operations within this area highlighted shall be submitted with the initial application.
 - 1. For systems not containing airport operations within five (5) nautical miles from the center of the solar energy system, attach map analysis results to permit application.

2. For systems containing airport operations within five (5) nautical miles from the center of the solar energy system, the following items must be included with the permit application:
 - i. Map analysis results.
 - ii. Determination of whether the airport is in the National Plan of Integrated Airport Systems (NPIAS).
 - iii. Documentation/certification that the project will not interfere with airport/aircraft communications systems.
 - iv. Proof of delivery of notification, date of delivery, and response(s) for the following documents:
 - a) For consideration of potential impacts to low altitude military flight paths, notification of intent to construct the solar energy system shall be sent to the NC Commanders Council at least 45 days before the Special Use Permit/Conditional Rezoning hearing for Level 2 and 3 solar energy systems and at least 45 days before starting construction for all other Level 2 and 3 solar energy systems. Notification shall include location of solar energy system (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground mounted fixed PV, tracked PV, solar thermal, etc.), and the area of the system (e.g. 5 acres).
 - b) A full report for each flight path and observation point, as well as the contact information for the Planning Director, shall be sent to the authority indicated below at least 45 days before the Special Use Permit/Conditional Rezoning hearing for Level 2 and 3 solar energy systems and at least 45 days before starting construction for all other Level 2 and 3 solar energy systems. The latest version of the Solar Glare Hazard Analysis Tool (SGHAT) shall be used per its user's manual to evaluate the solar glare aviation hazard. SGHAT can be accessed via the following website: www.forgesolar.com.
 1. Airport operations at airports in the National Plan of Integrated Airport Systems (NPIAS) within five nautical miles of the center of SES: provide required information to the North Carolina Division of Aviation and Federal Aviation Administration's (FAA) Airport District Office (ADO) with oversight of North Carolina and receive responses from those agencies at least 10 business days prior to the hearing. Those responses shall be

provided to both the Person County Planning and Zoning Department and Person County Airport Commission.

2. Airport operations at airports *not* in the NPIAS, including military airports, within five nautical miles of the center of SES: provide required information to the NC Commanders Council for military airports and to the management of the airport for non-military airports.

- v. Any applicable solar energy system design changes (e.g. module tilt, module reflectivity, etc.) after initial submittal shall be rerun in the SGHAT tool and the new full report shall be sent without undue delay to the contact specified in iii.b. (1) and iii.b. (2) for accurate records of the as-built system.

2.6 Decommissioning and Abandonment

- a) Decommissioning and abandonment requirements shall only apply to Level 2 and 3 solar energy systems
 1. Level 1 systems shall be exempt from decommissioning and abandonment requirements.
- b) A solar energy system 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 solar energy system provides substantial evidence (updated every six (6) months after 12 months of no energy production) to the Planning Director 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 solar energy system. Restoration to less than the original condition is acceptable when it is requested in writing by the parcel owner.
- c) At the time of applying for permits, the applicant (solar energy system developer or property owner) shall include a decommissioning plan addressing the following items:
 1. Anticipated life of the solar energy system.
 2. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, etc.)
 3. Removal of all non-utility owned equipment, conduit, structures, fencing, solar panels; and foundations.
 4. Restoration of property to condition prior to development of the solar energy system.
 5. Timeframe for completion of decommissioning activities, not to exceed one (1) year.

6. Description and copy of any lease or any other agreement with the property owner regarding decommissioning.
 7. Name and address of person or party responsible for decommissioning.
 8. Plans and schedule for updating the Decommissioning Plan.
 9. A verifiable means of determining if the decommissioning plan needs to be activated due to cessation of use for 365 days, such as a letter from the electric utility stating that it will notify the Planning Department within ten (10) business days if electricity is not received from an array within the solar energy system for 365 days.
 10. Estimated decommissioning costs including contingency costs of at least 25% (in current dollars), as provided by an appropriately experienced, North Carolina licensed Engineer, under seal.
- d) Prior to the issuance of a zoning compliance certificate, the county must receive a performance guarantee in favor of the county in an amount equal to 1.25 times the estimated decommissioning cost as determined by a North Carolina licensed engineer. The performance guarantee must be satisfactory to the Planning Director and may include a performance bond, irrevocable letter of credit, cash deposit or other surety approved by the Planning Director and County Attorney. Following initial submittal of the performance guarantee, the cost calculation for decommissioning shall be reviewed every three (3) years, and adjusted accordingly based upon an updated estimate of a North Carolina licensed Engineer under seal, of the estimated decommissioning costs. Failure to comply with any requirement of this section shall result in the immediate termination and revocation of all prior approvals and permits; further, the County shall be entitled to make immediate demand upon, and/or retain any proceeds of the surety, which shall be used for the decommissioning and/or removal of the solar energy system, even if it is still operational.

ARTICLE 3. LEGAL PROVISIONS (Rev. 2/7/22)

3.1 Procedure for Solar Energy System Development Approval

- A. After the effective date of this ordinance, no proposed solar energy system as defined in this ordinance and within Person County's jurisdiction shall proceed with construction until it has been submitted to and approved by the Planning Director or his/her designee and as evidenced by an approved Person County Zoning Permit in accordance with the provisions of this ordinance.
- B. Existing SES developments are governed under the Planning Ordinance regulations in place prior to the effective date of this ordinance unless a major modification as defined by this ordinance is proposed and requires a new Special Use Permit to be issued. If a new Special Use Permit is required, the SES will be required to meet the provisions of this Ordinance.
- C. Level 1 Solar Energy Systems as Permitted Uses

Level 1 solar energy systems allowed as permitted uses must meet the applicable height, setback, and related district standards. Level 1 solar energy systems must complete the following for approval:

- 1. Approval from Person County Environmental Health or the City of Roxboro Public Works.
- 2. Addressing from Person County GIS.
- 3. Zoning permit application and site plan for Person County Planning and Zoning. *
- 4. Building permit application and building plans for Person County Building Inspections.

In addition to general site plan requirements, site plans submitted to Person County Planning and Zoning for Level 1 solar energy systems must show the following:

- 1. The entire property boundary including existing structures.
- 2. Planned location of each solar array and accessory equipment.
- 3. The front, rear, and side setbacks of the solar array and accessory equipment.
- 4. (If applicable) Required buffer areas with description.
- 5. A table containing the number, dimensions, height, and type of each proposed solar array including their generating capacity.

*Following completion of construction, Level 1 ground mounted solar energy systems may be required to submit a final as-built survey to the Planning Director. Following approval of the final as-built survey, systems may receive their Certificate of Occupancy.

D. Level 2 Solar Energy Systems as Permitted Uses

Level 2 solar energy systems allowed as permitted uses must meet the applicable height, setback, aviation notification, and related district standards. Level 2 solar energy systems must complete the following for approval:

1. Approval from Person County Environmental Health or the City of Roxboro Public Works.
2. Addressing from Person County GIS.
3. Zoning permit application and site plan for Person County Planning and Zoning. *
4. Decommissioning Plan submitted to Person County Planning and Zoning.
5. Building permit application and building plans for Person County Building Inspections.

In addition to the standards listed in the Person County Planning Ordinance *Commercial and Industrial Site Plan Requirements*, the site plan submitted to Person County Planning and Zoning must show the following:

1. Planned location of each solar array and accessory equipment.
2. The front, rear, and side setbacks of the solar array and accessory equipment.
3. (If applicable) Required buffer areas with description.
4. A table containing the number, dimensions, height, and type of each proposed solar array including their generating capacity.

*Level 2 solar energy systems in the Neuse watershed may require additional materials

Following completion of construction, all Level 2 solar energy systems shall submit a final as-built survey to the Planning Director. Following submission and approval of the final as-built survey, Level 2 solar energy systems must receive an approved final zoning inspection performed on-site by the Person County Planning and Zoning Department prior to receiving their Certificate of Occupancy. Properties located in the Neuse watershed may require additional materials prior to receiving their Certificate of Occupancy.

E. Level 2 and 3 Solar Energy Systems Requiring Special Use Permits or Conditional District Rezoning

Level 2 and 3 solar energy systems requiring Special Use Permits or Conditional District Rezoning must submit a completed Special Use Permit/Conditional District Rezoning Application and site plan to the Person County Planning and Zoning Department*. A copy of all aviation requirements shall also be submitted to the Person County Airport Commission. Applicants may choose to provide a sketch plan to the Planning Administrator ahead of a site plan, as sketch plans do not require much investment and are an opportunity for the Planning Administrator to point out design changes ahead of more expensive site planning.

1. In addition to the standards listed in the Person County Planning Ordinance *Commercial and Industrial Site Plan Requirements*, the site plan submitted to Person County Planning and Zoning must show the following:
 - a) A narrative describing the proposed solar energy systems, including an overview of the project and estimated megawatt output of the project,
 - b) Planned location of each solar array and accessory equipment.
 - c) The front, rear, and side setbacks of the solar array and accessory equipment.
 - d) (If applicable) Required buffer areas with description.
 - e) A table containing the number, dimensions, height, and type of each proposed solar array.
 - f) Location where wiring is brought together for inter-connection to the system components and/or the local utility power grid, and location of disconnect switch.
 - g) Location of any onsite battery storage systems/units.

* Level 2 and 3 solar energy systems in the Neuse watershed may require additional materials

2. The following information shall also be included in the submittal for a special use permit or conditional district rezoning application:
 - a) A copy of the lease agreements with each property owner and any access and utility easements. Lease agreements shall have a provision that describes how the agreement may be renewed. Identifying information, as defined in North Carolina General Statute §14-113.20(b), and proprietary information may be redacted.
 - b) Evidence that the electrical utility provider has established an agreement/contract with the solar energy system owner to install an interconnected system. Any customer-owned generator (off grid systems) shall be exempt from this requirement.
 - c) Documentation regarding the type and quantity of battery storage units and configurations, if onsite battery storage systems are to be used. Any battery storage technology that contains PFAS (Polyfluoroalkyl substances) must be noted in the application. If the project intends on using PFAS-containing battery storage technology, a containment plan and a separate decommissioning plan from the plan described below must be submitted for approval. If the battery-decommissioning plan includes recycling as a method for disposition of the spent batteries, the name of the recycling facility permitted to accept PFAS-containing batteries must be provided. If the project does not intend to use PFAS-containing batteries, certification from the

battery manufacturer must be provided stating that the batteries used do not contain PFAS.

- d) A Phase 1 Environmental Site Assessment prepared by a duly licensed professional in the State of North Carolina.
- e) Fire Prevention and Emergency Response facilities shall be installed by the solar energy system owner and approved by the Person County Fire Marshal to include, at a minimum, the following:
 - 1. Confirmation that the fire department located in the same fire district as the major solar energy system has or will acquire equipment to contain and extinguish any fire at the solar energy system. Any new equipment requested by the fire district shall be paid for by the major solar energy system owner.
 - 2. Chemical fire suppressants shall be located and properly stored at each battery storage area and transformer as directed by the County Fire Marshal.
 - 3. An Emergency Response Plan consistent with all applicable Federal Emergency Management Agency guidelines shall be prepared by the solar energy system owner and approved by the County Fire Marshal.
 - 4. The 50' area in between the edge of the buffer and the panels shall be maintained and inspected on an annual basis (see Section 3.1-i) to ensure that emergency vehicles can adequately access the perimeter of the site.
- f) Other relevant studies, reports, certifications, information, documents and approvals as may be reasonably requested by the County to ensure compliance with this ordinance. Recognizing the unique environmental challenges of a solar energy system, studies that may be required under this paragraph may include but are not limited to the following:
 - 1. Field surveys for all State or Federal listed species that are protected under State or Federal Law;
 - 2. Geologic reports mapping and describing geological resources such as bedrock outcrops, groundwater recharge zones, seeps, springs and general characterization of groundwater resources;
 - 3. Surface water resources including wetlands;
 - 4. Site specific soil surveys to include information on prime farmland soils as classified by the USDA Natural Resources Conservation Service, hydric soils and

hydric components of non-hydric soil series, soil erodibility, agricultural suitability and site index for growing timber;

5. Environmental constraints analysis;
 6. Other studies of the project site, receiving waters, and adjacent or nearby natural and environmental resources as may be requested by any County agency.
- F. Special Use Permit/Conditional District Rezoning Applications and site plans shall be submitted in a timely manner so as to allow Person County Planning and Zoning staff adequate time to meet legislative advertising requirements. The Person County Board of Commissioners will conduct a public hearing to review the solar energy system Special Use Permit/Conditional District Rezoning (the Planning Board shall also review the conditional district rezoning prior to review by the Board of Commissioners). Following review of the application, the Board of Commissioners will render a decision.
- G. Following approval of the Special Use Permit or Conditional District Rezoning, Level 2 and 3 solar energy systems must complete the following for approval:
1. Approval from Person County Environmental Health or the City of Roxboro Public Works.
 2. Addressing from Person County GIS.
 3. Zoning permit application and approved site plan for Person County Planning and Zoning.*
 4. Decommissioning Plan submitted to Person County Planning and Zoning.
 5. Building permit application and building plans for Person County Building Inspections.

* Level 2 and 3 solar energy systems in the Neuse watershed may require additional materials

- H. Following completion of construction, all Level 2 and 3 solar energy systems shall submit the following:
1. A final as-built survey shall be submitted to the Planning Director.
 2. A letter of certification from a North Carolina licensed engineer indicating that the inverter noise shall not exceed the lower of 3dBA Leg (1 HR) above preconstruction background or 40 Leg (1 HR) dBA, measured at any property line during output that exceeds 95% rated capacity from the facility.

Following submission and approval of the final as-built survey, Level 2 and 3 solar energy systems must receive an approved final zoning inspection performed on-site by the Person County Planning and Zoning Department prior to receiving their Certificate of Occupancy. Properties located in the Neuse watershed may require additional materials prior to receiving their Certificate of Occupancy.

- I. An annual inspection performed by the Planning Director and/or his designee to ensure compliance with the requirements of this ordinance and an inspection fee shall be charged to the owner of the

solar energy system as set out in the official fee schedule approved by the Person County Board of Commissioners. Any deficiencies noted shall be corrected upon receipt of notice from the Planning Director, either following the annual inspection or when the deficiency becomes known to the Planning Director or owner of the solar energy system.

3.2 Penalties for Violations

Any person, firm, corporation, or other entity who constructs, maintains or operates, or who controls the maintenance of a solar energy system in violation of this Ordinance shall be guilty of a misdemeanor and subject to prosecution, and if convicted, shall be punished by a fine not to exceed \$500, or by imprisonment not to exceed 30 days, or both, in the discretion of the court. Each day that said solar energy system is constructed, maintained or operated in violation of this Ordinance shall constitute a separate and distinct offense.

3.3 Severability

Should any provision of this Ordinance be declared by any court, administrative body, or board, or any other governmental body or board, to be unconstitutional, invalid, preempted, void, or otherwise inapplicable for any reason, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional, invalid, preempted, void, or otherwise inapplicable.

3.4 Variance

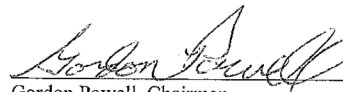
A variance from the provisions of this Ordinance may be authorized by the Board of Adjustment provided that all of the following criteria are met:

- a) Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- c) The hardship did not result from actions taken by the applicant or property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

- d) The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved.

3.5 Effective Date

This Ordinance was duly adopted by the Board of Commissioners of Person County, North Carolina on the 5th day of October 2020 and revised on the 7th day of February 2022.



Gordon Powell, Chairman
Person County Board of Commissioners

2/10/2022
Date

Attested by:



Brenda B. Reaves, Clerk to the Person County Board of Commissioners



A **motion** was made by Commissioner Puryear and **carried 5-0** to adopt the fee schedule, as presented by staff, and as noted below:

- Zoning permit fee for level 2 and 3 solar energy systems: \$1,000 per megawatt with a minimum fee of \$2,500
- Annual solar energy system inspection fee (for level 2 and 3 systems): \$300

Ms. Oakley asked Mr. Hankins if he would like to address the moratorium still in effect that was due to expire on February 16, 2022 for level 3 solar energy systems (greater than 10 acres) to which Mr. Hankins recommended that the time was close enough to expire and he felt there was no need for the Board to vote to repeal that Ordinance of Moratorium and to allow the moratorium to duly expire.

NEW BUSINESS:

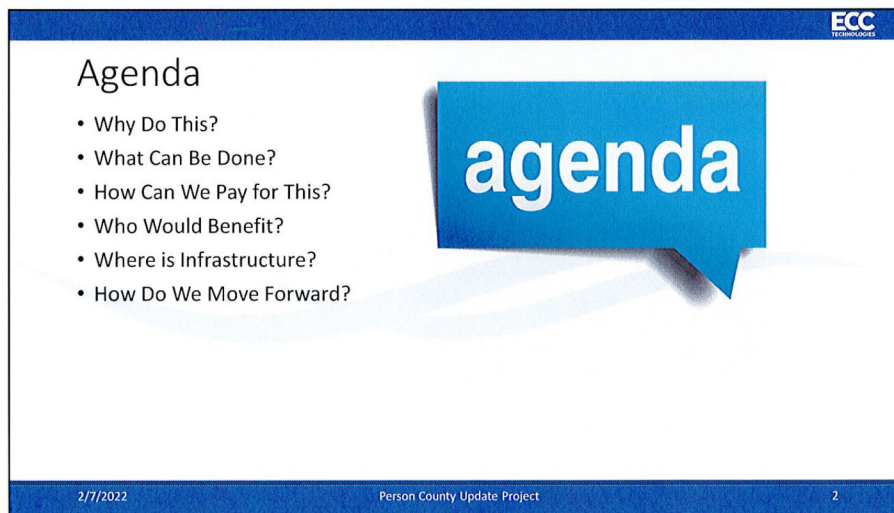
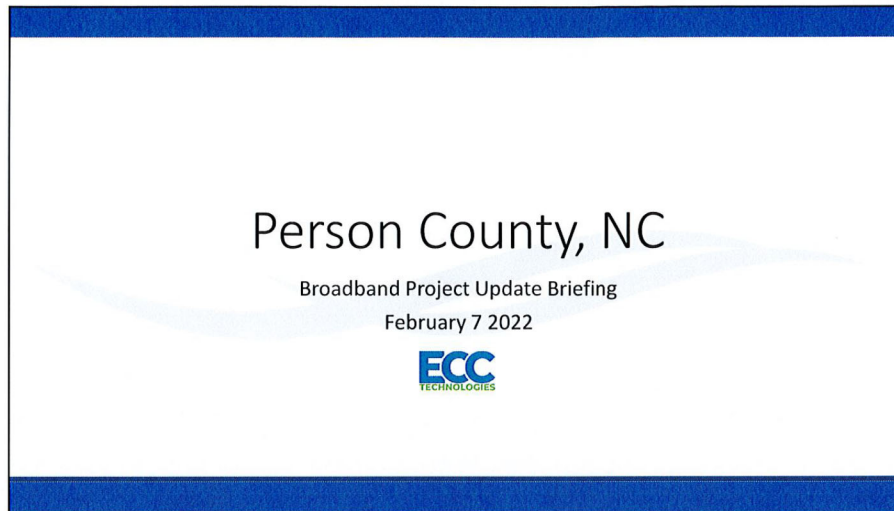
BROADBAND INFRASTRUCTURE INVENTORY STUDY FINDINGS AND RECOMMENDATIONS:

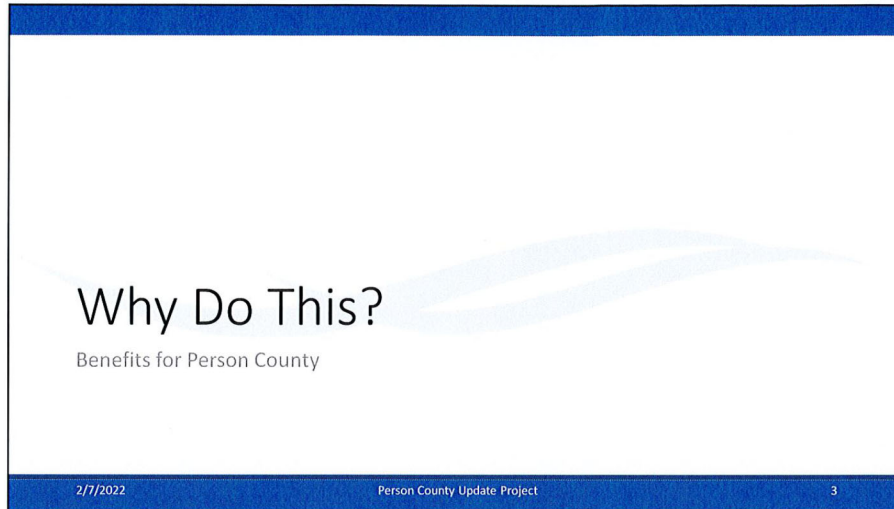
Assistant County Manager, Katherine Cathey stated at its March 1, 2021 Budget Retreat, the Board established improving broadband infrastructure and connectivity as a top priority for Person County. The Board expressed an interest in conducting a study to assess the current status of broadband services,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

Ms. Cathey said on March 15, 2021, the Board approved a proposal by ECC Technologies, Inc. to: (a) refresh and update the 2015 telecommunications infrastructure inventory study, 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.

Ms. Cathey introduced Mr. Jeff Brooks, Senior Director, consulting with ECC Technologies, to present the study findings and recommendations to the Board.

Mr. Brooks shared the following presentation with the Board:

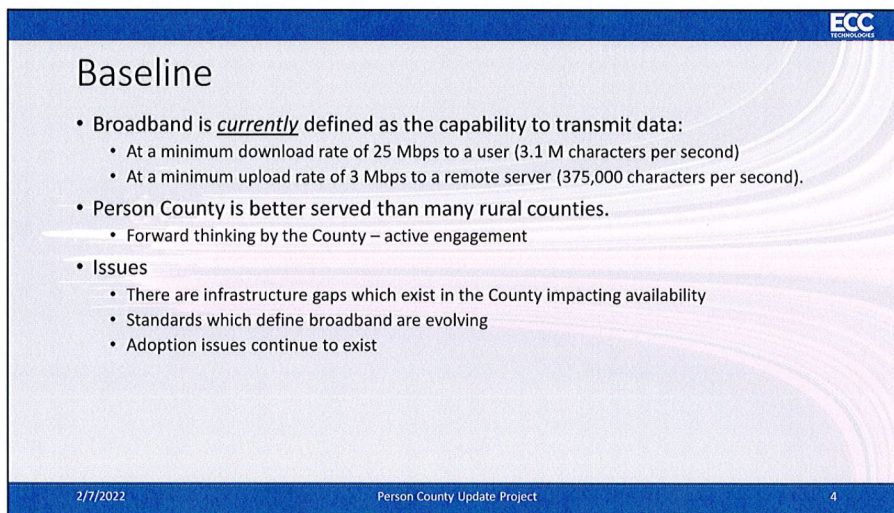




Why Do This?

Benefits for Person County

2/7/2022 Person County Update Project 3



Baseline

- Broadband is currently defined as the capability to transmit data:
 - At a minimum download rate of 25 Mbps to a user (3.1 M characters per second)
 - At a minimum upload rate of 3 Mbps to a remote server (375,000 characters per second).
- Person County is better served than many rural counties.
 - Forward thinking by the County – active engagement
- Issues
 - There are infrastructure gaps which exist in the County impacting availability
 - Standards which define broadband are evolving
 - Adoption issues continue to exist


2/7/2022 Person County Update Project 4

ECC Technology

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Solution Criteria

- Baseline criteria for decision making
 - Transparent and responsible management of County resources
 - Work within statutory authority as defined by the General Assembly
 - Prioritize engagement with existing providers
 - Apply due diligence to any funding or resources provided by the County
 - Person County is not providing direct Internet access to end users




2/7/2022
Person County Update Project
5

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Why Do This

- Broadband access is critical for
 - Economic development
 - Access to education
 - Expansion of health care
 - Modernization of agriculture
 - Family & personal management, and
 - Improved quality of life
- Standards are evolving from 25/3 to 100/100
 - Progression toward what are being termed "gigabit communities"



2/7/2022
Person County Update Project
6

What Can Be Done?

Potential Options

2/7/2022

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7

Options

- Scrutinize multiple options
 - Common sense test for
 - Practicality
 - Affordability
 - Benefits
 - Achievability
- Three potential options
 - Represent starting point for discussions
 - To gauge benefits, any option under consideration requires technical, operational, risk and financial analysis



2/7/2022

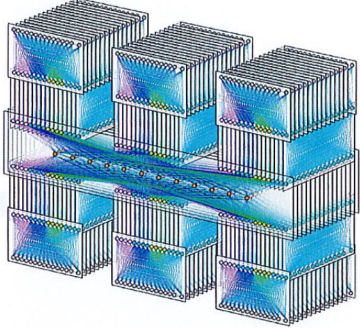
Person County Update Project

8

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TECHNOLOGIES

Option 1 – Person County Network Expansion

- Key Steps
 - Termed “Open Access Network”
 - Work with service providers to determine if they will build network components to attach to an expanded Person County network
 - Advertise the availability of the network as an Open Access Network
 - Fund and construct expansion of the current Person County network to provide additional backbone across the entire County




2/7/2022 Person County Update Project 9

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Option 1 – Network Expansion Review

- Potential financial risk for the County.
- County does not want to be a service provider – selected providers are probably second tier – issues with long term viability
- Still requires lateral and last mile construction by provider(s)
- With lack of tier 1 carrier support, limited ability to win competitive grant awards




2/7/2022 Person County Update Project 10

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Option 2 – Partner for Expansion

- Key Steps
 - Engage in dialogue with major incumbent providers – CenturyLink (Lumen) and Spectrum
 - Review their deployment plans in the County
 - Review their grant application projections for the County
 - Review status of prior grant funding




2/7/2022
Person County Update Project
11

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Option 2 – Partner for Expansion Review

- Get the attention of multiple management layers within each provider
 - Planned projects are competitive within the providers
- Engage as early as possible in grant planning and application projects
- Use infrastructure to focus on unserved areas
- Examine other resources or incentives the County can deploy
 - Many counties are using ARP funding to support the requirement for “matching funds”




2/7/2022
Person County Update Project
12

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Option 3 – Self Fund Limited Project

- Key Steps
 - Utilize study results to identify areas requiring help
 - Define target budget amount and develop high level design and cost
 - Engage all service providers to assess their willingness to deliver service
 - Analyze opportunity for limited grant support (including CAB)
 - Project scope includes last mile “drops”




2/7/2022
Person County Update Project
13

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Option 3 – Self Fund Limited Project Review

- Key issue is “bang for the buck” or return on investment
- What does project look like in out years
- Requires a service provider
- Determine if impact is residential, commercial; does it support EDA or BOE?
- Process must be transparent, and agreement must be unanimous in terms of limited area served



2/7/2022
Person County Update Project
14

How Can We Pay for This?

Funding Options

2/7/2022

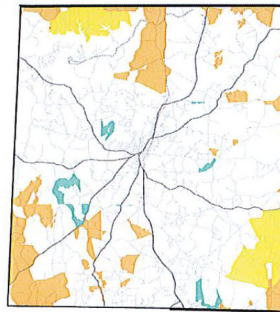
Person County NC

15

Person County Grants

Broadband Grant Awards in Person County, NC

Awardee	RDOF Grant	GREAT Grant	Locations
NCW / RiverStreet	n/a	\$560,300	403
SpaceX	\$77,078	n/a	111
Spectrum	\$75,334	n/a	933
Total	\$152,412	\$560,300	1,447




Legend
 GREAT Grant Recipients
 RDOF Awards
 Spectrum/Charter
 Space Exploration

2/7/2022

Person County Update Project

16



Broadband Grants – Funding Opportunities

- Utilize State and Federal Funding
 - Much of construction expense can be funded through utilization of government funding
 - Requires experience to apply for grants and other funding
- Some funding criteria shifting from 25/3 to 100/100

Name and Type of Grant	Total Amount of Funds	Top Award Amount	Anticipated Application Window
State GREAT Grant	\$350M next round	TBD	Spring 2022
USDA ReConnect Fund	\$550M per year	\$25M per applicant	February 2022
FCC Rural Digital Opportunity Fund Phase 2	\$10B	Reverse auction	Fall 2023
NTIA (County receives funds)	\$288M	\$5 to \$30M per application	Closed Aug 2021
American Rescue Plan (ARP) County and State to receive funds	\$130.2B \$219.8B	TBD	Until Dec 2024
Community Development Block Grant	\$45M*	\$40-60K per applicant	Ongoing
U.S. Treasury Coronavirus Capital Projects Fund	\$10B	TBD	TBD

2/7/2022
Person County Update Project
17

Who Would Benefit?

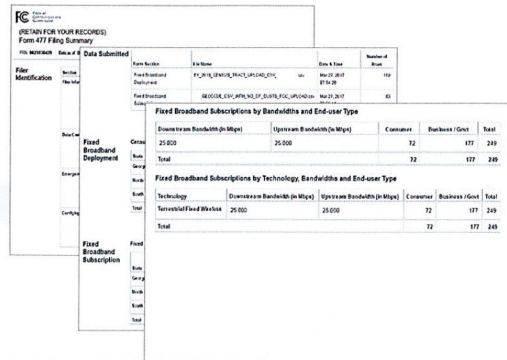
Target Areas

2/7/2022
Person County Update Project
18

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FCC 477 Data – Provider Technology, Speeds & Coverage

- All service providers must submit data to the FCC.
- Providers report every six months.
- Census blocks identified in which at least one household has services from the listed provider.
- Average reporting lag time is 18 months from submission.
- Includes deployed technology and speeds.



The screenshot shows the FCC Form 477 filing summary and two data tables. The summary includes fields for Form Number, Date & Time, and Number of Rows. The first table, 'Fixed Broadband Subscriptions by Bandwidth and End-user Type', shows data for Download and Upload bandwidths, Consumer, Business, and Govt. The second table, 'Fixed Broadband Subscriptions by Technology, Bandwidth and End-user Type', shows data for Technology, Download and Upload bandwidths, Consumer, Business, and Govt.

2/7/2022 Person County Update Project 19

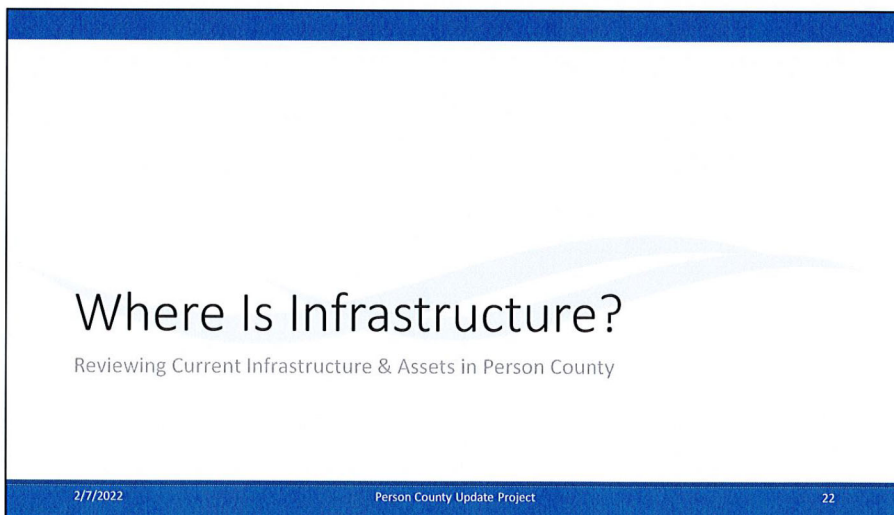
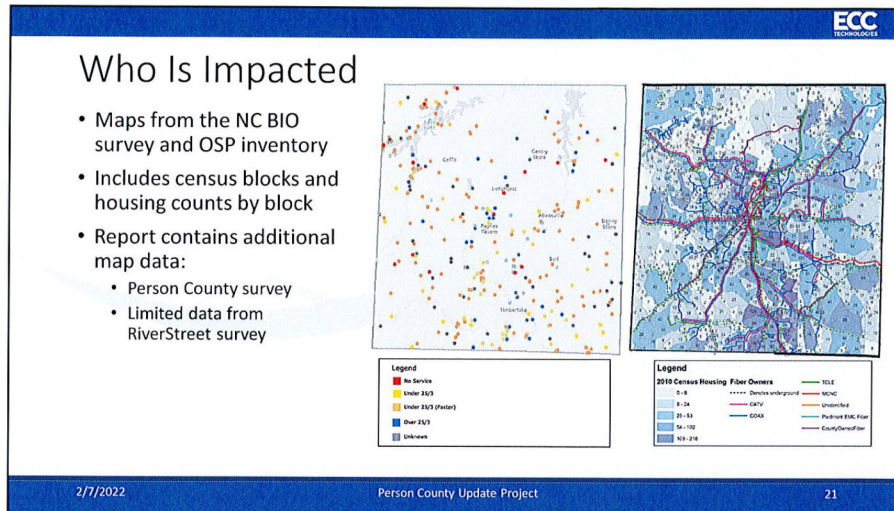
ECC
Economic Development

Currently Identified Providers

- The number of census blocks in the County total 1,736.
- Census blocks are identified in the table in which at least one household or business has services from the listed provider.
- Includes non-broadband (less than 25/3) data services.

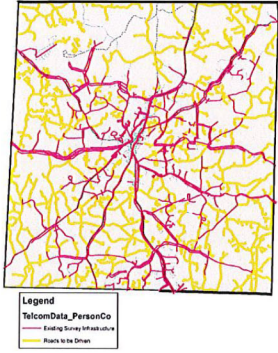
Type of Org.	Business Only	Provider Name	10 - DSL	11 - DSL	12 - DSL	30 - other copper	43 - Coax	50 - Fiber	70 - Fixed Wireless	Total
ILEC		CenturyLink	6	450	1,014	12	25			1,507
CATV		Charter Com					1,225	11		1,236
CLEC	✓	EarthLink (Windstream)	4							4
CLEC	✓	Frontier	6	7						13
CLEC	✓	Level 3 Com (CenturyLink)					74			74
CLEC	✓	MCI Com (Verizon)				4				4
Other	✓	MCNC					50			50
CLEC	✓	Paetec Com (Windstream)		2			1			3
WISP		Riverstreet Networks							1,145	1,145
WISP		US Cellular Corp							1,614	1,614

2/7/2022 Person County Update Project 20



Inventory

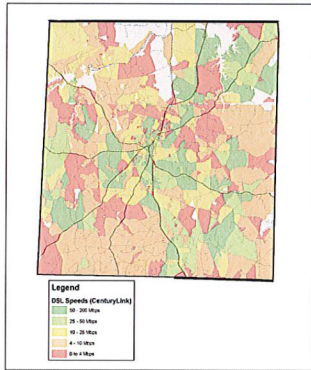
- Outside Plant inventory identified certain infrastructure gaps in the County
 - Represents an opportunity to assess incumbent capability to expand delivery of broadband
 - Further represents an assessment of other assets available for use by alternative carriers
- Identified initial in-County fiber plant and tower locations
 - Utilized County, FCC and third-party industry GIS & inventory information
 - Physically drove County roads as indicated in map reviewed and approved by County
 - Completed outside plant update of Fiber, Coaxial cable and Tower locations



2/7/2022 Person County Update Project 23

DSL Services

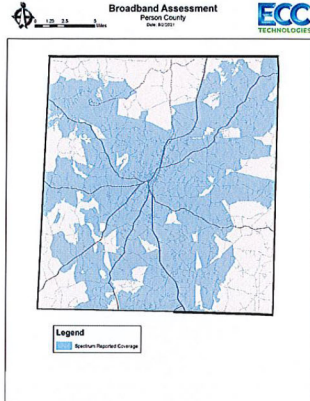
- CenturyLink DSL – 4 to 50+ Mbps reported
- Some areas (sand color) not covered by service
- Some areas below 10/1 and 25/3
- No ILEC FTTH reported by CenturyLink.
- DSL utilizes existing PSTN copper network
 - Many remote terminals are fiber fed.
 - Limited capacity to grow due to ongoing decommissioning of copper ports



2/7/2022 Person County Update Project 24

CATV Services

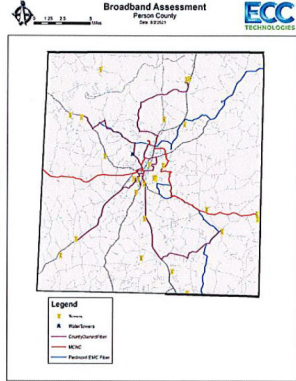
- Providers of fiber and coaxial based services throughout the blue areas.
- Charter [Spectrum] covers approximately 2/3rd of the County.
- Service is shown to be 940 Mbps download and 35 Mbps upload.
- Spectrum has committed to serving at least 933 more homes in the County over the next 6 years (RDOF).



2/7/2022 Person County Update Project 25

Open Access Systems

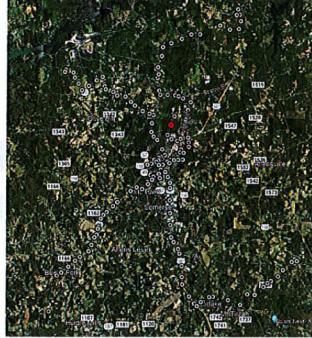
- Purple line represents County fiber route through the County & City.
- Red line represents MCNC fiber.
- Blue line is PEMC fiber to substations in the County.
- Towers are also shown to represent vertical asset locations that have fiber fed potential



2/7/2022 Person County Update Project 26

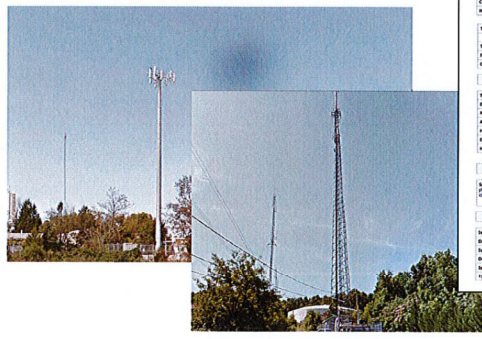
Person County Fiber System

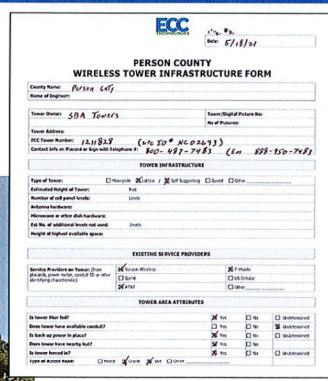
- New Person County Fiber Network
 - 53 miles and 164 Hand Holes along fiber route
 - New fiber installation is 288 strands.
 - One buffer tube (12 strands) is allocated to IntellaPlex, LLC;
 - Two strands are allocated to RiverStreet;
 - 8 buffer tubes (96 strands) are in-use or planned to be in-use by Person County;
 - The remainder is currently unallocated.
- Old Fiber Network
 - PC Overlash: New aerial fiber installation overlashed on original fiber installation.



2/7/2022
Person County Update Project
27

Vertical Assets

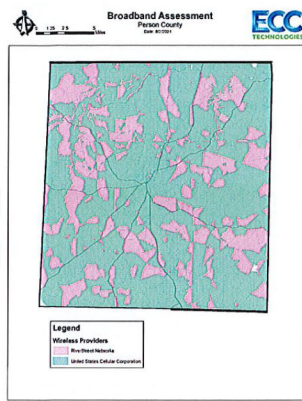




2/7/2022
Person County Update Project
28

Fixed Wireless Providers

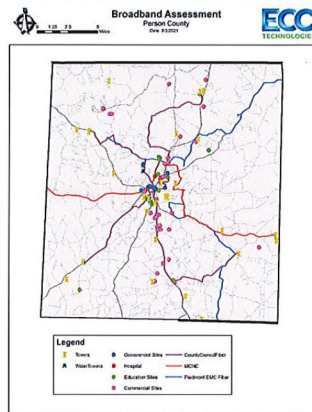
- Includes non-broadband (as defined) data services.
- RiverStreet and US Cellular Corp. (USC) were the only two fixed wireless providers to file FCC Form 477 for Person County.
 - RiverStreet is offering 25 Mbps / 3 Mbps
 - USC is providing a 2 Mbps / .064 Mbps service to the home using unused spectrum via their cellular platform.



2/7/2022 Person County Update Project 29

Anchor Institutions

- Identification of anchor institutions
 - Government
 - Education
 - Healthcare
 - Commercial
- ECC utilized DNB/Hoovers and Reference USA for additional detail relative to anchors and commercial locations in the County.

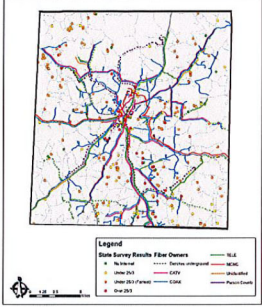


2/7/2022 Person County Update Project 30

Survey Expectations

- ECC has obtained County and state survey data for review to assess usefulness.
- Still needs RiverStreet / NCW data
- Minimum response should be 5% of households – total of 18,628 h/h equals goal of 931 respondents

Surveys	Person County
Households	18,628
Participant Goal	931



2/7/2022 Person County Update Project 31

How Do We Move Forward?

Potential Next Steps

2/7/2022 Person County NC 32

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How Do We Move Forward?

- Use the three options as presented for discussion points
- Active engagement with current providers in advance of grant applications:
 - NC GREAT Grant
 - FCC RDOF Round 2
 - USDA Reconnect Round 4
 - Infrastructure Funding
 - NC CAB Program
- Analyze potential utilization and investment of County resources to expand availability AND adoption
- Engage anchor institutions to encourage active support of expanded broadband



2/7/2022
Person County Update Project
33

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TECHNOLOGIES



Jeffrey Brooks – Sr. Director Consulting
jbrooks@ecctec.com
 919 602 8080

Mr. Brooks stated he was here to help Person County. He noted he had contact information with current providers for active engagement prior to applying for grant funding.

Commissioner Gentry asked about the coronavirus state and local fiscal recovery funds to which Ms. Cathey said staff refers to this funds as the ARP funding that Person County will receive in the amount of \$7.5M. Ms. Cathey stated when the Board conducts its Retreat, staff will discuss the potential uses with the Board. Ms. Cathey stated the ARP funding could be used towards matching funds for broadband grants. Commissioner Gentry stated the Treasury Department recently announced a final ruling to which Ms. Cathey noted those rules gave Person County much more flexibility with the ARP funds however there are underlying limitations related to state grants. Ms. Cathey said staff are continuing to research. Commissioner Gentry noted the final ruling eliminated a key requirement that eligible broadband projects are to unserved or underserved households and businesses that lack a minimum service and permits recipients to invest in projects regardless of whether or not there is additional federal and state commitments. Ms. Cathey stated the county will have more flexibility due to a different change in the regulations that allow the full allocation for general government services, a much broader category that will still have many stipulations to abide. Ms. Cathey said Person County now has the report to illustrate the need based on the data.

APPOINTMENT TO THE JUVENILE CRIME PREVENTION COUNCIL AND THE PLANNING BOARD:

Clerk to the Board, Brenda Reaves presented interested citizen applications received in response to advertising current vacancies on the County's website. Ms. Reaves asked the Board to nominate and appoint as deemed appropriate.

Juvenile Crime Prevention Council

2-Year Reappointment

1 position for the Chief District Court Judge or designee:

- District Court Judge John Hoyte Stultz, III requested reappointment

A **motion** was made by Commissioner Puryear and **carried 5-0** to reappoint District Court Judge John Hoyte Stultz, III to the Juvenile Crime Prevention Council for a 2-year term.

Planning Board

1 position available for an unexpired term to June 30, 2024

- Toderick Kirk requested appointment

There was no motion offered to nominate and appoint Mr. Toderick Kirk by the Board.

Nursing Home Advisory Committee

1-Year Initial Term: 3-Year Reappointment; 4 positions available

- Laura Dickerson (application at the Board's seat) has requested appointment

A **motion** was made by Commissioner Gentry and **carried 5-0** to appoint Laura Dickerson to the Nursing Home Advisory Committee for an one-year initial year term.

CHAIRMAN'S REPORT:

Chairman Powell had no report.

MANAGER'S REPORT:

County Manager, Heidi York had no report.

COMMISSIONER REPORT/COMMENTS:

Vice Chairman Sims reported on the recent Roxboro Area Chamber Banquet who awarded ReMax as the Small Business of the Year as well as Lynda Clayton as the Chamber Champion.

There was no report from Commissioners Gentry, Puryear and Palmer.

CLOSED SESSION #1

A **motion** was made by Vice Chairman Sims and **carried 5-0** to enter into Closed Session #1 at 8:53pm per General Statute 143-318.11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease with the following individuals permitted to attend: County Attorney, Ellis Hankins, County Manager, Heidi York, Clerk to the Board, Brenda Reaves, Assistant County Manager, Katherine Cathey, Planning Director, Lori Oakley, and John Hill, Director of Arts, Parks and Recreation.

Chairman Powell called the Closed Session #1 to order at 8:56pm.

A **motion** was made by Commissioner Gentry and **carried 5-0** to return to open session at 9:19pm.

CLOSED SESSION #2

A **motion** was made by Vice Chairman Sims and **carried 5-0** to enter into Closed Session #2 at 9:21pm per General Statute 143-318.11(a)(4) for the purpose of discussion of matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations with the following individuals permitted to attend: Economic Development Director, Sherry Wilborn, County Attorney, Ellis Hankins, County Manager, Heidi York and Clerk to the Board, Brenda Reaves.

Chairman Powell called the Closed Session #2 to order at 9:22pm.

A **motion** was made by Vice Chairman Sims and **carried 5-0** to return to open session at 9:37pm.

ADJOURNMENT:

A **motion** was made by Vice Chairman Sims and **carried 5-0** to adjourn the meeting at 9:37pm.

Brenda B. Reaves
Clerk to the Board

Gordon Powell
Chairman

February 7, 2022