

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

**JULY 18, 2022**  
**OTHERS PRESENT**

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Gordon Powell  
C. Derrick Sims  
Kyle W. Puryear  
Charlie Palmer  
Patricia Gentry  
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Ralph Clark, Interim 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, July 18, 2022 at 9:00am in the Person County Office Building Auditorium.

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

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

Chairman Powell stated a request to add an item to the agenda to consider a Permanent Utility Easement; County Attorney, Ellis Hankins requested to add Closed Session #2 to the agenda for attorney-client privilege related to confidential legal matters.

A **motion** was made by Commissioner Gentry and **carried 5-0** to add an item to the agenda to consider a Permanent Utility Easement as well as to add Closed Session #2 to the agenda, and to approve the agenda as adjusted.

**RECOGNITION:**

**RESOLUTION OF APPRECIATION FOR COUNTY RETIREE:**

Chairman Powell read and presented Steven Petty a Resolution of Appreciation as follows:

**July 18, 2022**

## RESOLUTION OF APPRECIATION

WHEREAS, Steven Petty has served the people of Person County during his tenure working for the Person County Sheriff's Office as a Detention Shift Supervisor; and

WHEREAS, Steven Petty has served the citizens of Person County with honor, integrity, sincerity and dedication, providing accurate, concise services for twenty-nine and one-half years, January 1993 – June 2022, and with his sick time, he will retire with 30 years of service with the NC Retirement System; and


WHEREAS, Steven Petty has earned the respect and admiration of all who have known him and worked with him throughout his career; and

WHEREAS, the County of Person recognizes the many contributions Steven Petty has made to the County and offers him sincere best wishes for his retirement.

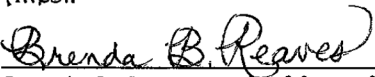
NOW, THEREFORE, I, Gordon Powell, Chairman of the Person County Board of Commissioners, do hereby extend this Resolution of Appreciation to Steven Petty for continually striving to make Roxboro and Person County a better place to live and work.

Adopted this the 18th day of July 2022.



  
Gordon Powell, Chairman  
Person County Board of Commissioners

Attest:

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

Sheriff Dewey Jones stated Mr. Petty was an outstanding individual and that he would be missed. Mr. Petty thanked all Person County officials for allowing him to serve.

July 18, 2022

### **INFORMAL COMMENTS:**

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

Mr. Jim Brooks of 601 Estate Road, Semora addressed the Board related to the Peninsula development at Hyco Lake sharing his concerns for 1) boating safety on the lake, and 2) the perceived strategy for a multi-community dock slips and the opportunity for a private boat ramp. Mr. Brooks stated this original project for 162 lots was approved by the Board of Commissioners noting the developer had recently requested approval of 32 additional interior lots, which was heard by the Planning Board; he said the Planning Board voted to recommend approval to the Board of Commissioners. Mr. Brooks said the developer has paused the project for now.

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

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

- A. Approval of Minutes of June 20, 2022,
- B. Budget Amendment #22,
- C. DSS Attorney Contracts,
- D. Person County Juvenile Crime Prevention Council Funding Recommendations for FY23,
- E. FY23 Position Classification and Pay Plan,
- F. Contract for School Nursing Services between Person County and Person County School System, and
- G. Tax Adjustments for July 2022
  - a. Tax Releases
  - b. NC Vehicle Tax System pending refunds

**July 18, 2022**

## **NEW BUSINESS:**

### **FOUNDATION FORWARD BUILDING YOUR CHARTERS OF FREEDOM SETTINGS:**

David W. Streater, PhD, Education Director with Foundation Forward stated they were a secular 501(c)(3) education non-profit organization who is apolitical and areligious. Dr. Streater stated Vance and Mary Jo Patterson established this entity between 2011 and 2014.

Dr. Streater noted Foundation Forward's mission was to build replicas of the Charters of Freedom across the United States, synonymous with the originals, in the National Archives in Washington, DC; the founding documents include the Declaration of Independence, the United States Constitution, and the Bill of Rights.

Dr. Streater stated the scope of the project was to design and build replicas that are central and open to the community 24/7, with high visibility, voluminous foot traffic, and easy access for schoolchildren, veterans and all others. Dr. Streater explained the construction process noting the displays are engineered and built to last 300-500 years with all documents made to original size etched in bronze, each weighing 60 pounds and covered by engineered industrial viewing glass. Also included with the display is a vault with a time capsule sealed inside to be opened on Constitution Day, September 17, 2087.

Dr. Streater illustrated examples of the settings that Foundation Forward has completed in the 3,143 counties, parishes, districts, etc. in the United States noting each setting has a dedication ceremony. Dr. Streater further noted Foundation Forward's goal in North Carolina was to have a setting displaying the founding documents in all 100 counties.

Dr. Streater noted the next steps following this presentation to the governing body was: an acceptance of project with site approval, letter of intent and/or memo of understanding signed with a planned start date, a project champion named, steering committee assembled as necessary, community support implemented, and building/construction of Charters of Freedom Setting, dedication date established at 50-75% completion of construction, recognition plaques and time capsule sealed approximately six months after dedication.

Vice Chairman Sims asked about a location and the associated costs to which Dr. Streater said the settings would be a gift to the county from Foundation Forward and their criteria was for the settings to be accessible, visible and ADA compliant.

Commissioner Palmer noted his support and said the Courthouse lawn had sufficient space for the settings and would be accessible at all times.

**July 18, 2022**

Commissioner Gentry asked about fundraising to which Dr. Streater said he and his colleagues were willing to come to Person County provide any civic organization a similar presentation; he noted they were open to donations.

Chairman Powell stated consensus that the Board liked the concept and thanked Dr. Streater for coming again noting he and Commissioner Puryear had previously seen this presentation.

Commissioner Puryear asked what was the next step to which Dr. Streater noted he would get a letter of intent/memo of understanding with a planned started date.

A **motion** was made by Commissioner Gentry and **carried 5-0** to move forward with selecting a location and entering into a letter of agreement to begin the process.

#### **FIRE SERVICE AGREEMENT BETWEEN PERSON COUNTY AND LEASBURG VOLUNTEER FIRE DEPARTMENT:**

Fire Marshal, Adam Morris said the Leasburg Volunteer Fire Department (VFD), based in Caswell County, has agreed to an automatic aid agreement to help with ISO classification 10 areas on the western side of Person County. This Fire Protection Automatic Aid Agreement was between the City of Roxboro and Volunteer Fire Departments in Person County and Caswell County.

Mr. Morris presented the Board with a Fire Services Agreement between Person County and the Leasburg VFD for approval at an agreed upon \$10,000 per year. He noted these properties are not located within the 6-mile radius of any of Person County's fire departments, but they are within 6 miles of Leasburg VFD. The properties within Leasburg VFD's 5-mile radius will benefit from Leasburg VFD's ISO rating of 6, and those between the 5- and 6-mile radiuses would receive an ISO rating of 9. Mr. Morris noted that unallocated funds budgeted in the FY23 Fire Tax District Fund would be used to support the funding in the agreement. In addition, four portable radios will be provided to the Leasburg VFD.

Mr. Morris stated the Leasburg VFD would not gain any district in Person County but would respond to structure fires and automatic fire alarms within the following districts: Hurdle Mills, Ceppo, and City of Roxboro (PC1). The map on the last page of the Agreement shows the area of additional coverage which should result in an insurance reduction for approximately 288 homeowners that currently have an ISO rating of 10. Unfortunately, Mr. Morris said an approximately 50 homeowners would not benefit from this proposed agreement and will remain at an ISO rating of 10.

A **motion** was made by Vice Chairman Sims and **carried 5-0** to approve the Fire Services Agreement with Leasburg Volunteer Fire Department, as presented.

**July 18, 2022**

## Fire Services Agreement Between Person County and the Leasburg Volunteer Fire Department

This agreement, made and entered into this 1st day of August, 2022 by and between Person County, North Carolina, a political subdivision of the State of North Carolina, hereinafter called "County" and the Leasburg Volunteer Fire Department, a nonprofit corporation organized under the laws of the State of North Carolina, hereinafter called "Department."

### ***Witnessed:***

**WHEREAS**, Department has agreed to provide automatic aid coverage for structure fires to Person County in the following districts; Hurdle Mills Fire District, Ceppo Fire District, and the City of Roxboro Fire District (PC1) outlined by the automatic aid map drawn up for the benefit of the citizens of Person County; and

**WHEREAS**, N.C. General Statutes §153A-11, §153A-13, and §153A-233 authorize County to provide Department with financial support for the above-described services; and will compensate Department in the amount of **\$10,000.00** as determined annually during County's budgeting process; the amount to be paid when all required documentation has been received and concluded to be in good standing during the term of this agreement as outlined herein; and

**WHEREAS**, this agreement shall become effective the 1<sup>st</sup> day of August, 2022, and will provide for automatic extensions every two (2) years with an increase in payment of 2% every odd year beginning 1<sup>st</sup> day of July, 2023 of their annual budgeted amount awarded by the Board of Commissioners, subject to the continued legal existence of the Fire Districts and the VFD's, the agreements and requirements and the termination provisions herein; and

**NOW THEREFORE**, in consideration of the mutual benefits to the parties hereto, and based upon the mutual covenants contained herein and the considerations stated herein, the parties do hereby covenant and agree as follows:

### **I. PURPOSE OF AGREEMENT AND DEPARTMENT IN USE OF FUNDS**

- A. Purpose of Agreement:** County shall provide funds to Department for the provision of continuing fire protection as follows:
1. Department agrees to furnish and provide continuing fire protection service to all citizens of the automatic aid areas and all real and personal property lying within the boundaries of the service areas.

2. Department agrees to send, upon call of any person within the automatic aid area, the available equipment necessary to answer the call and the available personnel to operate such equipment in the judgment of the Chief of the Department of their designee.
3. Department agrees to maintain its equipment in accordance to the standards prescribed by the North Carolina Department of Insurance, Fire and Rescue Division.
4. Department agrees to maintain a level of personnel and have these personnel trained as required by the North Carolina Department of Insurance, Fire and Rescue Division.
5. Department shall be in complete operational control of its fire vehicles and fire program including full control over volunteers, assistants, and employees.
6. County shall operate a communications system at the current levels to alert the departments and other agencies of emergencies which occur in the County. The County Central Dispatch shall be responsible for the dispatch of fire and rescue departments within the primary and mutual aid areas of coverage, Department will communicate with County Central Dispatch and other departments on the countywide approved frequency and tactical channels.

**B. Description of Department's Service Area.** Department's service area is defined in Exhibit A, attached hereto on page 6 and incorporated herein by reference.

- II. TERMINATION OF AGREEMENT; BREACH OF AGREEMENT.** Each party shall have the right to terminate by giving the other party sixty (60) days written notice of termination. In the event of termination, Department agrees to refund to County all monies received by Department under the terms of this agreement which Department retains as of the effective date of termination. If Department fails to conform to any one of these terms or conditions contained in this agreement, County shall thereupon notify Department in writing of such breach. Upon receipt of such notification of breach, Department shall have thirty (30) days within which to correct such breach, during which period County will take no further action. If such breach is not corrected within such time, County may then take such corrective action as is necessary under North Carolina law, including withholding or reduction of funds committed, but not yet paid by County, recovery of funds previously paid by County to Department, but not used by Department, and /or immediate termination of this agreement.

- III. DEPARTMENT REPORTING REQUIREMENTS.** Reports in this section shall be provided to the County prior to the disbursement of any funds by the County to the Department unless otherwise noted.
- A. Certificate of Insurance.** Department shall furnish the County a certificate of insurance annually and will further ensure that the county receive notice in the event said policy or policies are to be cancelled.
- B. Member Roster.** Department shall provide annually to the County a current and complete roster of state certified firefighter members of the department to include contact numbers for the Chief and Assistant Chief(s), and shall update the list throughout the year as changes occur.
- C. Funds Disbursement.** Annual funding will be disbursed once the signed contract is received and all requirements of Section III of this document are satisfied.
- IV. EQUAL OPPORTUNITY.** In connection with the performance of this agreement, Department agrees not to discriminate against any employee, member or applicant for employment or membership because of race, religion, color, sex, age, disability, or national origin. Department agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their, race, religion, color, sex, age, disability, or national origin.



***In witness whereof***, the parties have hereunto set their hands and seals, by authority duly given, on the day and year first above written.



**PERSON COUNTY**

*Gordon Powell* 7/18/2022  
Gordon Powell, Chairman Board of County Commissioners

Attest:

*Brenda Reaves* 7/18/2022  
Brenda Reaves, NCMCC, MMC Clerk to the Board

This Instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

*Amy Wehrenberg* 8-1-22  
Amy Wehrenberg, Finance Officer Date

Approved as to legal form:

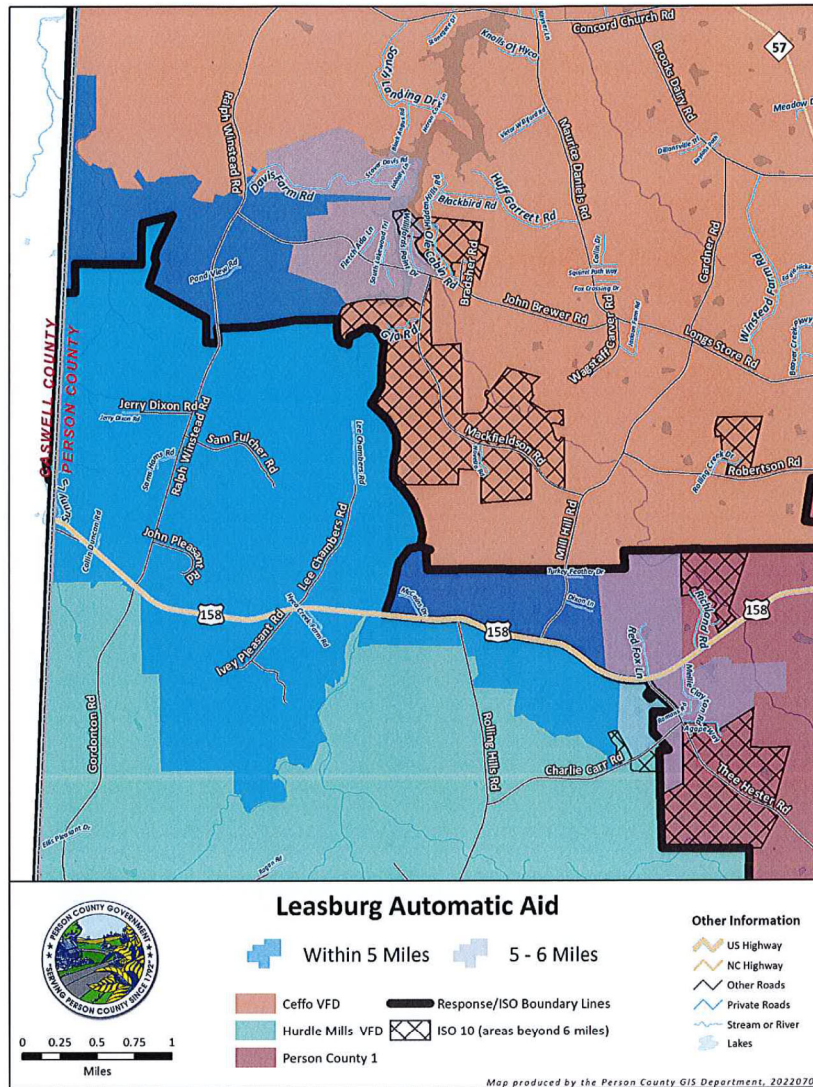
*J. Edward Hankins* 7/18/2022  
Person County Attorney Date

Leasburg Volunteer Fire Department

Attest:

<hr/>	
President/Board of Directors	Date

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Secretary	Date



## **ADDENDUM TO THE RESCUE SERVICES CONTRACT FOR ROXBORO-PERSON COUNTY RESCUE SQUAD:**

Fire Marshal, Adam Morris presented an Addendum to the Rescue Services Contract for the Roxboro-Person County Rescue Squad for the Board's consideration to approve as well as authorize the Interim County Manager to sign. Mr. Morris said the Roxboro-Person County Rescue Squad has requested additional annual funding in the amount of \$7,500 per North Carolina Rescue Commission certification obtained. The department currently holds two rescue certifications: Medical Responder Unit and Medium Rescue Provider. There are 16 possible certifications under the NC Rescue Standards, but the department will not pursue all of them, as some are not relevant to the services they provide. It will take several years of work to obtain additional certifications.

Mr. Morris reminded the group that the Board established a process to reward fire departments for their efforts to lower the ISO fire rating for the county's rural fire districts by awarding a recurring \$7,500 from the Fire Tax District Fund for each ISO fire rating point reduction achieved. Reduced ISO fire ratings demonstrate an improvement in how well the fire departments can protect the community and result in savings to county residents on their homeowner's insurance. Likewise, additional rescue certifications demonstrate an improvement in how well the rescue squad is prepared to respond to emergencies throughout the county. Mr. Morris added that rescue certifications do not impact homeowner's insurance.

Currently, Person County Rescue holds two certifications that would qualify them for an additional \$15,000 in county funding if rescue certification bonuses are approved. This would reward the organization for their extra work, similarly to how the volunteer fire departments receive the ISO fire rating reduction bonus for each point lowered. Unallocated funds in the FY23 Fire Tax District Fund would be used for the increase in funding. Mr. Morris stated the yearly disbursement of funds for the Roxboro-Person County Rescue Squad would increase from \$78,030 to \$93,030.

Commissioner Gentry asked if there was any way to have the rescue certifications to impact the homeowner's insurance, i.e. lobbying, to which Mr. Morris said there was not at this time until the law changes.

A **motion** was made by Commissioner Puryear and **carried 5-0** to approve the Addendum to the Rescue Services Contract for Roxboro-Person County Rescue Squad to award the additional \$15,000 for the two obtained rescue certifications and to authorize the Interim County Manager to execute the Addendum.

## First Addendum to Rescue Services Contract for Roxboro-Person County Rescue Squad

An Agreement was made by and between the County of Person, North Carolina, whose address is 304 S. Morgan Street Room 212, Roxboro NC, 27573 and Roxboro-Person County Rescue Squad, whose address is P.O. Box 1598, Roxboro, NC 27573 on the 1<sup>st</sup> day of July, 2021 (hereinafter referred to as "original stated contract") sets out a modification as follows:

WHEREAS, the parties wish to modify the terms of the original stated contract as set forth herein; and

WHEREAS, the original stated contract outlines the annual county appropriation of \$78,030; and

WHEREAS, the Board of Commissioners desires to reward Person County Rescue Squad for its efforts in obtaining additional rescue certifications outlined by the NC Rescue Commission, for its members by \$7,500 for each certification obtained;

WHEREAS, the Person County Rescue Squad has obtained two NC Rescue Standards Certifications; and

WHEREAS, this rescue certification supplemental local funding will be recurring as long as the Person County Rescue Squad maintains the certifications; any changes in certifications will result in a change in the local funding.

NOW THEREFORE, in consideration of the mutual promises herein, the parties, intending to be legally bound, hereby agree that the following constitutes additional terms and conditions of the original stated contract.

Modification Item 1: The yearly disbursement of funds, as of July 1, 2022, has increased by \$15,000 from \$78,030 to \$93,030. This disbursement is approved on a year-to-year basis by the Person County Board of Commissioners. The Board of Commissioners has the authority to change the annual appropriation of rescue services funding at any time.

The parties reaffirm no other terms or conditions of the above-mentioned original contract not hereby otherwise modified or amended shall be negated or changed as a result of this here stated addendum.

In witness whereof, the parties have hereunto set their hands and seals, by authority duly given, on the day and year first above written.



**PERSON COUNTY**

Ralph Clark  
Ralph Clark, Interim County Manager  
Date Signed: 7/18/2022

Attest:

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

This Instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

approved as to  
legal form:  
H. Elwood Harkins 7/18/2022  
Person County Attorney

Amy Wehrenberg  
Amy Wehrenberg, Finance Officer  
Date Signed: 8-1-22

**PERSON COUNTY RESCUE SQUAD**

Chon My Johnson  
Person County Rescue Board President  
Date Signed: 7-20-22

Attest:

Jennifer McWaller  
Person County Rescue Secretary 7-20-22

**2021 TAX COLLECTOR SETTLEMENT:**

Russell Jones, Tax Administrator stated as required by General Statute 105-373(a)(3), an annual settlement for taxes for the current fiscal year and all previous years must be made with the governing body of the taxing unit.

Mr. Jones shared the following presentation to highlight the 2021 Tax Collection Settlement:

7/18/2022

2021  
Tax Collector  
Settlement

Introduction:

Per N.C. General Statute 105-373  
the Tax Collector must make a  
report of settlement for the fiscal  
Year 2021-2022 and prior years.

1



7/18/2022

2021 County Levy			
<u>Real/Personal Property</u>			
Total Billed	Actual Collections	Uncollected	% Collected
\$28,335,906.48	\$27,811,620.77	\$524,285.71	98.15%
<u>Public Service</u>			
Total Billed	Actual Collections	Uncollected	% Collected
\$6,711,925.57	\$6,711,925.57	\$ .00	100.00%
<u>NCVTS-Motor Vehicles</u>			
Total Billed	Actual Collections	Uncollected	% Collected
\$3,176,355.17	\$3,175,119.34	\$1,235.83	99.96%

Total 2021 County Levy			
Combined Collections			
Total Billed	Actual Collections	Uncollected	% Collected
\$38,224,187.22	\$37,698,665.68	\$525,521.54	98.63%

Total 2021 County Levy-Adjusted			
Combined Collections			
Total Billed	Actual Collections	Uncollected	% Collected
\$38,224,187.22	\$37,990,176.87	\$234,010.35	99.39%



### 5 Year Comparison By Category

Real/Personal Property				
6/30/2022	6/30/2021	6/30/2020	6/30/2019	6/30/2018
98.15%	98.08%	98.53%	98.43%	98.37%
Public Service				
6/30/2022	6/30/2021	6/30/2020	6/30/2019	6/30/2018
100.00%	100.00%	100.00%	100.00%	100.00%
Motor Vehicles				
6/30/2022	6/30/2021	6/30/2020	6/30/2018	6/30/2018
99.96%	99.88%	99.83 %	99.87 %	99.90 %

### 5 Year Comparison Overall Collection Rate

6/30/2022	6/30/2021	6/30/2020	6/30/2019	6/30/2018
98.63%	99.33%	98.91%	98.85%	98.81%

### Collections Tools Used

Delinquent Notices	Mailed out in January and May each year
Advertising	Listed in newspaper early March
Garnishments	Instructs employer to withhold/submit 10% of gross wages
Attachment	Instructs bank to withdraw available funds to pay taxes
Escheats	Also known as NCCash
Debt Setoff	For debts over \$50/submitted against NC Tax Refunds & Lottery Winnings
Payment Arrangements	Many taxpayers, especially those with fixed income, make payments even before bills are mailed
Foreclosure	Results in the sale of property at public action

### Other Collections

Pre-Payment	Collection Fees	Stormwater/Interest
\$157,721.31	\$52,820.65	\$284,394.10
Prior Year Taxes	Animal Taxes	Fire Tax/Interest
\$285,447.90	\$24.05	\$1,136,738.73
County Interest	Gross Receipts	Copy Fees
\$144,829.91	\$18,607.33	\$389.60
Late Listing	Beer License	City
\$27,889.10	\$2,680.00	\$4,654,389.15
Grand total for all taxes & fees		= <u>\$41,131,756.86</u>

### 11<sup>th</sup> Year Insolvents-2011

2011 County Taxes	Original Levy	Balance	%
Real Estate/Other	\$25,161,755.87	\$13,269.94	99.95%
Vehicle	\$2,061,476.89	\$6,708.35	99.68%
Final Collection Rate Overall	\$27,223,232.76	\$19,978.29	99.93%

### Other Tax Office Items

Deceased Owners	218 bills with a 2021 county amount due of \$51,406
2025 Reappraisal	Sales ratio current at 81%
Gap Billing	Created 2,282 new bills, county taxes due of \$66,871, collected \$49,079, or 73.39%.
E-check	Added e-check as a payment option, with \$1.50 fee to taxpayer
Foreclosure	Collected \$220,890, with no cost to county

Mr. Jones asked the Board to make a motion to accept the 2021 Tax Collection Settlement.

A **motion** was made by Commissioner Puryear and **carried 5-0** to accept the 2021 Tax Collector Settlement, as presented.

**ORDER TO COLLECT TAXES:**

Tax Administrator, Russell Jones stated as required by General Statute 105-321, the governing board of the taxing unit must issue an order of collection to tax collectors, thus giving the tax collector legal authority to collect taxes. Mr. Jones requested from the Board a motion to direct Tax Collector to collect taxes for 2022 and delinquent taxes from prior years.

A **motion** was made by Vice Chairman Sims and **carried 5-0** to direct Tax Collector to collect taxes for 2022 and delinquent taxes from prior years.



**PERSON COUNTY**

**OFFICE OF THE TAX  
ADMINISTRATOR**

Person County Tax Office  
P.O. Box 1116  
13 Abbitt St  
Roxboro, North Carolina 27573-1116  
(336) 597-1721 Fax No. (336) 322-8619

County of Person

To the Tax Collector of the County of Person:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of Person County Tax Office and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Person, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this 18th day of July 2022.



A handwritten signature in cursive script, reading "Gordon Powell".

Gordon Powell, Chairman  
Person County Board of Commissioners

Attest:

A handwritten signature in cursive script, reading "Brenda B. Reaves".

Brenda B. Reaves, Clerk to the Board of Commissioners

July 18, 2022

**APPOINTMENT TO THE RESEARCH TRIANGLE REGIONAL PARTNERSHIP  
BOARD OF DIRECTORS:**

Clerk to the Board, Brenda Reaves announced the Fiscal Year 2023 appointment of three members representing Person County was due for the Research Triangle Region Partnership's Board of Directors. Ms. Reaves requested board nomination as deemed appropriated noting historically, the Board has appointed or reappointed the Economic Development Director, the commissioner representative serving on the Economic Development Commission as well as the Chair of the Economic Development Commission. Therefore, for Fiscal Year 2022-2023, Ms. Reaves presented the following for consideration:

- 1) Sherry Wilborn, Person County Economic Development Director,
- 2) Gordon Powell, Chairman of the Person County Board of Commissioners and commissioner representative on the Economic Development Commission (also serves on the RTRP Executive Board), and
- 3) Phillip Allen, Chairman, Economic Development Commission

A **motion** was made by Commissioner Puryear and **carried 5-0** to reappoint Sherry Wilborn, Gordon Powell and Phillip Allen to the Research Triangle Region Partnership's Board of Directors for Fiscal Year 2023.

**REQUEST TO AUTHORIZE INTERIM COUNTY MANAGER TO ENTER INTO CONTRACT FOR PROPERTY SURVEY OF THE PERSON COUNTY MEGA PARK:**

Economic Development Director, Sherry Wilborn stated a land survey of the Person County Mega Park was an important next step to providing specific site development costs for planning purposes, as well as for providing these cost estimates to prospects.

The Economic Development Commission (EDC) called a special-called meeting on July 12, 2022 to review submitted survey proposals. There were different levels of service between the proposals. It was the EDC's recommendation to go with S.D. Puckett and Associates at a cost of \$58,400 noting the extensive tasks scoped in the Summit proposal were not necessary for the needs of the project. Ms. Wilborn said the EDC also recommended funding this from the Economic Catalyst Fund. Ms. Wilborn requested Board action to authorize the Interim County Manager to enter into contract for Property Survey of the Person County Mega Park.

Chairman Powell stated the funding was already in the Catalyst Fund and this was an important step to secure the Mega Park.

Commissioner Gentry stated her support noting she felt this should have been done long ago. Ms. Wilborn stated the idea was for the survey to be done when an end user identified the number of acres needed for its project.

A **motion** was made by Vice Chairman Sims and **carried 5-0** to authorize the Interim County Manager to contract with S.D. Puckett and Associates for the property survey of the Person County Mega Park in the amount of \$58,400 to be funded from the Economic Catalyst Fund.



## **PERSON COUNTY COMMENTS RELATED TO THE DUKE ENERGY CARBON PLAN, NC UTILITIES COMMISSION:**

Last October the General Assembly enacted and Governor Cooper signed into law House Bill (HB) 951, “Energy Solutions for North Carolina (S.L. 2021-165). The legislation directs the NC Utilities Commission (NCUC) to take all reasonable steps to achieve a 70% reduction in carbon dioxide emissions from Duke’s electric generating facilities in North Carolina by 2030, and “net-zero” by 2050. The Commission was directed to develop a plan by the end of 2022 to achieve the carbon dioxide reduction goals.

County Attorney, Ellis Hankins stated Duke Energy filed its proposed “Carbon Plan” with NCUC in May. The proposed Plan sets out various proposed portfolios that Duke believes will achieve the carbon reduction goals of HB 951. All of the proposed portfolios call for the closure of the Mayo plant in 2029. The Roxboro plant closure varies by portfolio, with the closure date proposed for 2029, 2032 or 2034.

Recognizing the significance of the Mayo and Roxboro generating stations to the Person County community, economy and property tax base, Mr. Hankins said the Board of Commissioners authorized the engagement of outside legal counsel and consulting services to represent the County before NCUC in the proceeding. The County engaged the services of Patrick Buffkin of Buffkin Law Firm in Raleigh, and an expert consultant to help develop relevant factual information and effective policy and legal arguments. Mr. Buffkin provided a public update at the June 20, 2022 Board of Commissioners meeting.

Mr. Hankins further noted that the NCUC granted Person County’s motion to intervene as a party in the proceeding, recognizing that Person County and our citizens have a compelling interest and stake in this matter and the future of electric generation facilities and operations in the County, and are entitled to a direct voice in the matter. Mr. Hankins stated Mr. Buffkin filed Person County’s comments by the deadline of Friday, July 15, 2022 including specific recommendations and requests with respect to the ultimate NCUC order in the proceeding. Mr. Hankins noted that the filed comments (34 pages) could be found on the county’s website. In addition, Mr. Hankins said a press release will be issued this date on this topic.

To summarize, Mr. Hankins noted that Person County’s comments were consistent with Duke Energy’s approach. Person County asked that Duke Energy continue to operate electric generating units in the county, whether coal or natural gas into the future. He further noted the County’s comments ask the NCUC to keep consumer rates low by recognizing the large amount of electric transmission located in the County and that current and additional generation continue to be operated in Person County. In addition, Person County would like for Duke Energy to maintain a corporate presence in Person County and provide support for the community during any transition period.

**July 18, 2022**



Mr. Hankins said Person County would advocate for the Mountain Valley Pipeline (MVP) to continue its construction through Virginia and into North Carolina. He said gas fired electric generating facilities are a fossil fuel with less emissions than coal and this strategy will comply with the legislative mandate to reduce carbon emissions. Mr. Hankins stated the MVP in Virginia was mostly complete but its federal level permits were held up in the Court of Appeals.

Chairman Powell stated he attended the public hearing on July 11, 2022 in Durham; Phillip Allen, Chair of the Economic Development Commission and Claudia Berryhill, Chair of the Tourism Development Authority also attended and offered comments.

#### **PERMANENT UTILITY EASEMENT:**

County Attorney, Ellis Hankins recommended that the Board add this item to the Board agenda for approval on the record as the County was not conveying away fee simple interest, but was conveying a significant interest in one or more parcels owned by the County.

The Roxboro western sewer project runs along the highway by the Sportsplex recreation complex, then follows our property line between the Sportsplex and Tommy Carver's property. The sewer line will be on Person County side of the property line. The City of Roxboro and their consultants have drafted an easement agreement for the County to sign, requiring County Manager, County Clerk, Chairman Powell, and a Notary to sign.

A **motion** was made by Commissioner Gentry and **carried 5-0** to approve the Permanent Utility Easement, as presented.

**July 18, 2022**

**SUMMARY STATEMENT/CONTINGENT OFFER TO PURCHASE REAL PROPERTY  
DUE TO THE ACQUISITION OF RIGHT OF WAY AND DAMAGES**

TO: County of Person, North Carolina DATE: 7/14/2022  
304 South Morgan Street TO: Lessee, if Applicable  
Roxboro, NC 27573

TIP/PARCEL NO.: 118-18  
COUNTY Person WBS ELEMENT: \_\_\_\_\_  
DESCRIPTION: Roxboro - Western Sewer Easements

Dear Property Owner:

The following contingent offer of just compensation is based on the fair market value of the property and is not less than the approved appraised value for the appropriate legal compensable interest or interests. The approved value disregards any increase or decrease in the fair market value of the property acquired due to influence caused by public knowledge of this project. The contingent offer of just compensation is based on an analysis of market data, comparable land sales, and, if applicable, building costs in the area of your property. **Please retain this form as it contains pertinent income tax information.**

Value of Right of Way to be Acquired	\$	<u>N/A</u>
Value of Permanent Easements to be Acquired	\$	<u>N/A</u>
Value of Temporary Easement (Rental of Land) to be Acquired	\$	<u>N/A</u>
Value of Improvements to be Acquired	\$	<u>N/A</u>
Damages, if any, to Remainder	\$	<u>N/A</u>
Benefits, if any, to Remainder	minus \$	<u>N/A</u>
<b>TOTAL CONTINGENT OFFER</b>	<b>\$</b>	<b><u>0.00</u></b>

The total contingent offer includes all interests other than leases involving Federal Agencies and Tenant owned improvements.

(A) Description of the land and effects of the acquisition

Subject property described in Deed Book 905, page 395, Person County Registry, contains approximately 20.700 acres. Being acquired is a permanent force main easement containing approximately 0.185 acres. There is no right of way being acquired and no other easements.

(B) The TOTAL CONTINGENT OFFER includes payment for the improvements and appurtenances described below:  
N/A

Provided there is sufficient time remaining in the project schedule, you may repurchase these improvements for a retention value, with the stipulation that you remove them from the acquisition area at no expense to the City.

(C) Should you desire to sell the City the portion of your property considered to be an uneconomic remnant or buildable lot, as explained to you by the Right of Way Agent, the total contingent offer would be: \$ N/A

Please note that any contingent offer to purchase a remnant/buildable lot is conditioned upon the remnant/buildable lot being environmentally clean prior to the conveyance to the City. You may be required to provide the City with a release from the appropriate environmental agency stating that all contaminants have been remediated and/or removed to their standards.

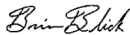
The original of this form was handed to Ray Foushee  
on July 14th, 20 22 . Owner was furnished a copy of  
the Right of Way Brochure/Owner's Letter.

I will be available at your convenience to discuss this matter further with you. My telephone number is 252-814-6127

Please be advised that the agent signing this form is only authorized to recommend settlement to the City of Roxboro, and any recommended settlement is not a binding contract unless and until accepted by the City of Roxboro by its formal execution of documents for conveyance of Right of Way, Easements, and/or other interests.

**SETTLEMENT AMOUNT: \$0.00**

Owner Signature: 

  
Brian Blick - Right of Way Agent

PERMANENT UTILITY EASEMENT

REVENUE STAMPS: \$ \_\_\_\_\_

This instrument was prepared by: Joe Weinberger, Jr. Attorney at Law, (this deed was prepared at the request of the Grantor based upon information provided by the Grantor and without title examination, survey, or verification of property description.)

Checked by: \_\_\_\_\_

Return to: Division R/W Agent, NCDOT

NORTH CAROLINA  
COUNTY OF PERSON  
TAX PARCEL: 118-18

TIP/PARCEL NUMBER: 118-18  
WBS ELEMENT: \_\_\_\_\_  
ROUTE: \_\_\_\_\_

THIS EASEMENT, made and entered into this the \_\_\_\_\_ day of \_\_\_\_\_, 2022 by and between The County of Person, North Carolina, hereinafter referred to as Grantor, and the Department of Transportation, an agency of the State of North Carolina, 1546 Mail Service Center, Raleigh, NC 27611, hereinafter referred to as the Department;

WITNESSETH:

THAT WHEREAS, the DEPARTMENT desires to construct and maintain a utility facility through and across the property of GRANTOR,

AND WHEREAS, GRANTOR, recognizing the benefits accruing to their said property through the construction and maintenance by the DEPARTMENT of roads and highways upon or in the vicinity of said property of GRANTOR,

NOW THEREFORE, in consideration of said benefits, and further consideration of Ten Dollars (\$10.00) and other valuable considerations, GRANTOR hereby releases the DEPARTMENT, its successors and assigns, from any and all claims for damages by reason of the construction and maintenance of said utility facility across and through the lands of GRANTOR, and GRANTOR hereby gives, grants, bargains, sells and conveys unto the DEPARTMENT, its successors, and assigns, an easement for the construction and maintenance of a utility facility across and through the property of GRANTOR located in Roxboro Township, Person County, and being more fully described in a deed recorded in Book 905, Page 395, Person County Registry, said easement being described as follows:

That strip of land situated in Roxboro Township, Person County, North Carolina, designated as an Easement and more particularly described on that Preliminary Plat entitled "City of Roxboro, NC Easement Exhibit Easement Across the Land of Person County, NC" dated February 28, 2022, surveyed by Tim Van Gelder, PLS, L-3660, containing approximately 0.185 acre, more or less, said plat being incorporated herein by reference for a more accurate metes and bounds description, said Preliminary Plat is attached as Exhibit A.

The final right of way plans showing the above-described area are to be certified and recorded in the Office of the Register of Deeds for said county pursuant to N.C.G.S. 136-19.4, reference to which plans are hereby made for purposes of further description and for greater certainty.

July 18, 2022

It is understood and agreed that the Department shall have the right to construct and maintain the cut and/or fill slopes in the above-described permanent utility easement area(s). It is further understood and agreed that Permanent Utility Easement shall be used by the Department for additional working area during the above-described property.

IN ADDITION, and for the aforesaid consideration, the Grantors further hereby convey to the DEPARTMENT, its successors and assigns the following described areas and interests:

This easement is subject to the following provisions only:

There are no conditions to this Easement not expressed herein.

TO HAVE AND TO HOLD said perpetual easement for highway purposes unto the DEPARTMENT, its successors and assigns, and the GRANTORS, for themselves, their heirs, successors, executors and assigns, hereby warrant and covenant that they are the sole owners of the property; that they solely have the right to grant the easement; and that they will forever warrant and defend title to the same against the lawful claims of all persons whomsoever;

IN WITNESS WHEREOF, the Grantor has hereunto set their hand and seal (or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors) the day and year first above written.

This instrument does not transfer the herein described interests unless and until this document is accepted by an authorized agent of the Department of Transportation.

COUNTY OF PERSON, NC

By: Gordon Powell  
Gordon Powell, Chairman

ATTEST: Brenda B. Reaves  
Secretary  
Clerk to the Board  
(CORPORATE SEAL)

NORTH CAROLINA  
PERSON COUNTY

I, Marianna C. Long, a Notary Public of the County and State aforesaid, certify that Brenda Reaves personally appeared before me this day and acknowledged that he/she is Board Secretary of the County of Person, NC, a unit of local government, and that by authority duly given acting under authority of the Board of Directors, the foregoing instrument was signed in its name by its Chairman, sealed with its corporate seal and attested by Brenda Reaves as its Board Secretary.

Witness my hand and official stamp or seal, this the 18 day of July, 2022.



Marianna C. Long  
Marianna C. Long, Notary Public

Commission Expires: 03-16-24

- 2 -

July 18, 2022  
28

### **CHAIRMAN'S REPORT:**

Chairman Powell reported this was the Interim County Manager, Ralph Clark's first Board meeting noting he was knowledgeable and very responsive.

Chairman Powell said he spoke with the executive search recruiter related to the County Manager job posting which has yielded 16 applications thus far; he added the Board would hear an update from the recruiter at its meeting on August 1, 2022.

### **INTERIM MANAGER'S REPORT:**

Interim County Manager, Ralph Clark said he had made time to meet individually with the commissioners as well as department heads to discuss current needs. Mr. Clark stated he was looking into the Human Services facility lease that houses the Dept. of Social Services and Health Department employees noting the lease expires in two years with provisions for renewal or purchase. Mr. Clark stated through his individual meetings with department directors, he wanted to make the Board aware of a number of staff will be eligible to retire in the next year or so. Mr. Clark stated his desire to comply with his contract to work 30 hours per week noting extra meetings outside the normal work hours would add hours; the Board consented to Mr. Clark leaving early during the week when he has hours over 30.

### **COMMISSIONER REPORT/COMMENTS:**

There were no commissioner comments or reports.

Sheriff Dewey Jones asked for a moment to invite commissioners to attend a Rapid Response Training at the Community School on July 19, 2022 starting at 8:30am.

### **CLOSED SESSION #1**

A **motion** was made by Vice Chairman Sims and **carried 5-0** to enter into Closed Session at 11:04am per General Statutes 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 and 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, Interim County Manager, Ralph Clark, Clerk to the Board, Brenda Reaves, and Economic Development Director, Sherry Wilborn.

**July 18, 2022**

Chairman Powell called the Closed Session #1 to order at 11:08am.

A **motion** was made by Vice Chairman Sims and **carried 5-0** to return to open session at 11:40am.

**CLOSED SESSION #2**

A **motion** was made by Vice Chairman Sims and **carried 5-0** to consult the county attorney on matters within the scope of attorney-client privilege to consider and give instructions to the attorney concerning the handling of a settlement or a judicial matter or a legal proceeding under General Statutes 143-318.11(a)(3) at 11:41am with the following individuals permitted to attend: County Attorney, Ellis Hankins, Interim County Manager, Ralph Clark, Assistant County Manager, Katherine Cathey, Clerk to the Board, Brenda Reaves and Economic Development Director, Sherry Wilborn.

Chairman Powell called the Closed Session #2 to order at 11:41am.

A **motion** was made by Vice Chairman Sims and **carried 5-0** to return to open session at 11:55am.

**ADJOURNMENT:**

A **motion** was made by Vice Chairman Sims and **carried 5-0** to adjourn the meeting at 11:56am.

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Brenda B. Reaves  
Clerk to the Board

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Gordon Powell  
Chairman