

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

December 4, 2023
OTHERS PRESENT

Gordon Powell
C. Derrick Sims
Kyle W. Puryear
Charlie Palmer
Jason Thomas

Katherine M. Cathey, County Manager
Michele Solomon, Clerk to the Board
S. Ellis Hankins, County Attorney

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, December 4, 2023 at 7:00 p.m. in the County Office Building Auditorium located at 304 S. Morgan Street, Roxboro, NC.

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

ORGANIZATION OF BOARD

County Attorney Ellis Hankins stated, as noted in the Board's Rules of Procedure, the Board would convene its organization of the Board. Hankins proceeded to the nomination and election of the Board of Commissioners' Chairman noting if multiple nominations were received, he would ask the Board to vote in the order of the nomination. Hankins called for nominations for Chairman of the Board of Commissioners. Commissioner Puryear nominated current Chairman Powell. No other nominations were received. Hankins called for a vote on the nomination of Board Chair. All Board members voted in favor of current Chairman Powell to be Board Chair. Powell thanked fellow Board members and stated it was an honor and privilege to be nominated Chairman by his peers and to continue to serve the people of Person County.

Chairman Powell called for nominations for Vice Chairman of the Board. Commissioner Palmer nominated current Vice Chairman Sims. No other nominations were received. Powell called for a vote on the nomination of Vice Chairman. All Board members voted in favor of current Vice Chairman Sims to be Vice Chairman. Sims thanked fellow Board members for the nomination.

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

A **motion** was made by Commissioner Palmer and **carried 5-0** to approve the agenda.

December 4, 2023

PUBLIC HEARING:

REZONING MAP/AMENDMENT APPLICATION RZ-02-23 IS A REQUEST BY THE APPLICANT, PUBLIC SERVICES COMPANY OF NORTH CAROLINA, INC./DOMINION ENERGY NORTH CAROLINA (DENC) TO AMEND THE ZONING DESIGNATION ON ±485.68-ACRES OF THE MORIAH ENERGY CENTER SITE, LOCATED AT 6401 HELENA MORIAH RD, from RC (RURAL CONSERVATION) and R (RESIDENTIAL) to GI (GENERAL INDUSTRIAL)

A **motion** was made by Commissioner Sims and **carried 5-0** to open the duly advertised public hearing for Rezoning/Map Amendment Application RZ-02-23 a request by the Applicant, Public Service Company of North Carolina, Inc./Dominion Energy North Carolina (DENC) to amend the zoning designation on ±485.68-acres of the Moriah Energy Center site, located at 6401 Helena-Moriah Rd., from RC (Rural Conservation) and R (Residential) to GI (General Industrial)

Planning & Zoning Director Chris Bowley shared the following presentation for the Rezoning/Map Amendment Application RZ-02-23.



Moriah Energy Center

REZONING/MAP AMENDMENT APPLICATION

RZ – 02 – 23

December 4, 2023

Moriah Energy Center (RZ-02-23)

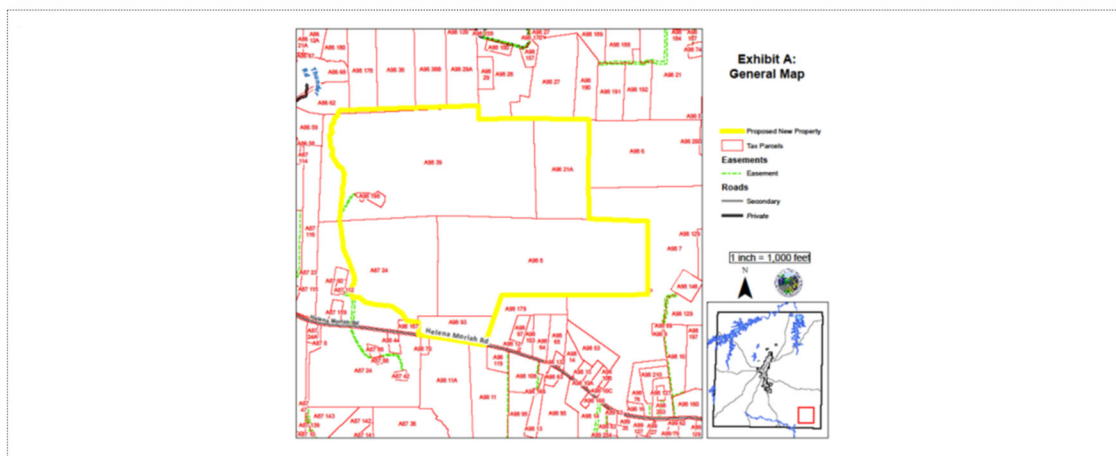
Introduction



- ☐ The Subject Property is ±485.68 acres, located at 6401 Helena-Moriah Rd.
- ☐ Generally located along the north side of Helena-Moriah Rd., ±1.15 miles west of the intersection of Helena-Moriah Rd. and Mt. Harmony Church Rd.
- ☐ Existing land uses are vacant and residential, consistent with adjacent land uses
- ☐ Site has a Rural future land use designation & RC (Rural Conservation) & R (Residential) zoning designations
- ☐ Proposed rezoning for ±485.68 acres from RC & R to GI (General Industrial) to allow for Heavy Industrial Permitted Use
- ☐ Proposed rezoning is consistent with County's Comprehensive Plan

Moriah Energy Center (RZ-02-23)

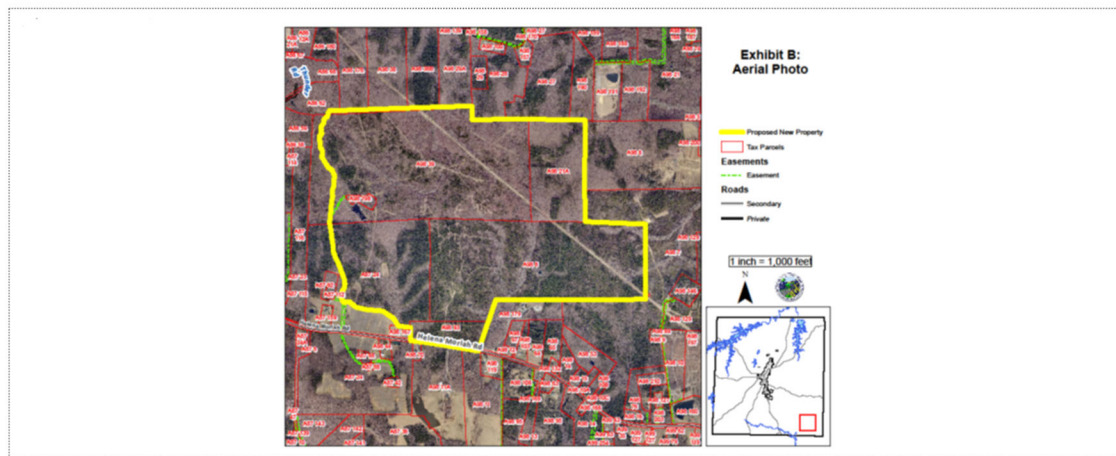
Exhibit A: General Map



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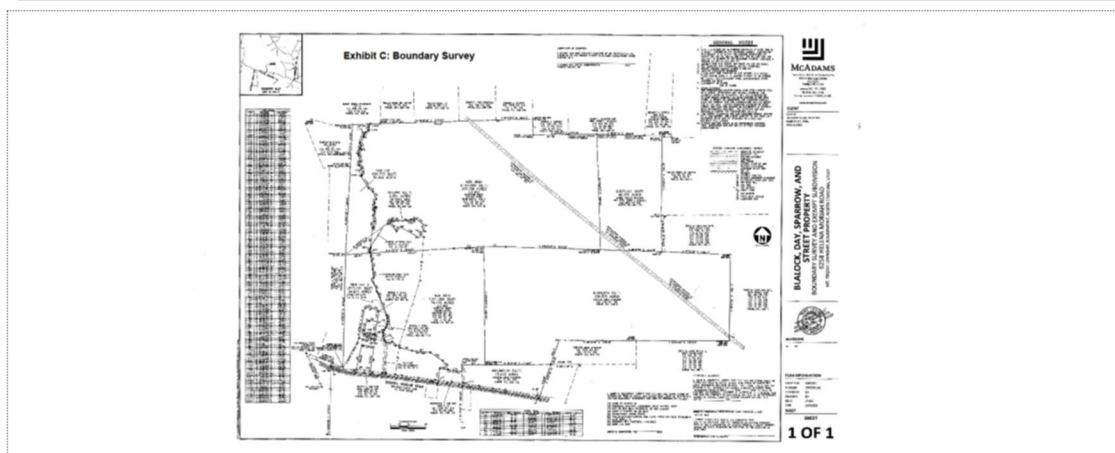
Moriah Energy Center (RZ-02-23)

Exhibit B: Aerial Photo



Moriah Energy Center (RZ-02-23)

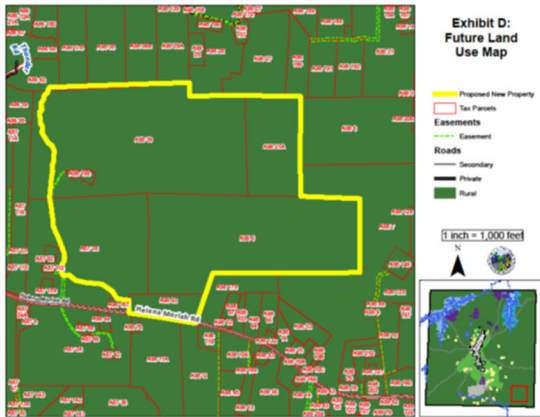
Exhibit C: Boundary Survey



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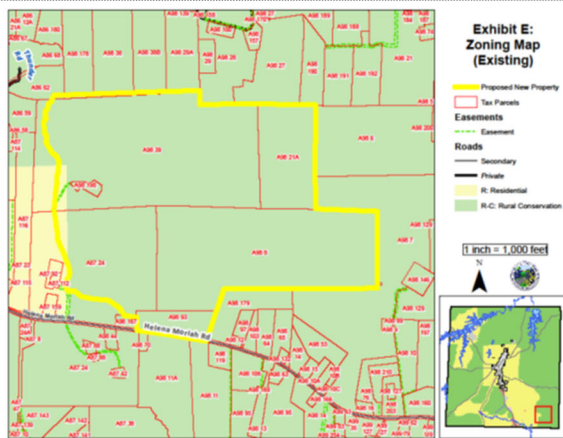
Moriah Energy Center (RZ-02-23)

Exhibit D: Future Land Use Map



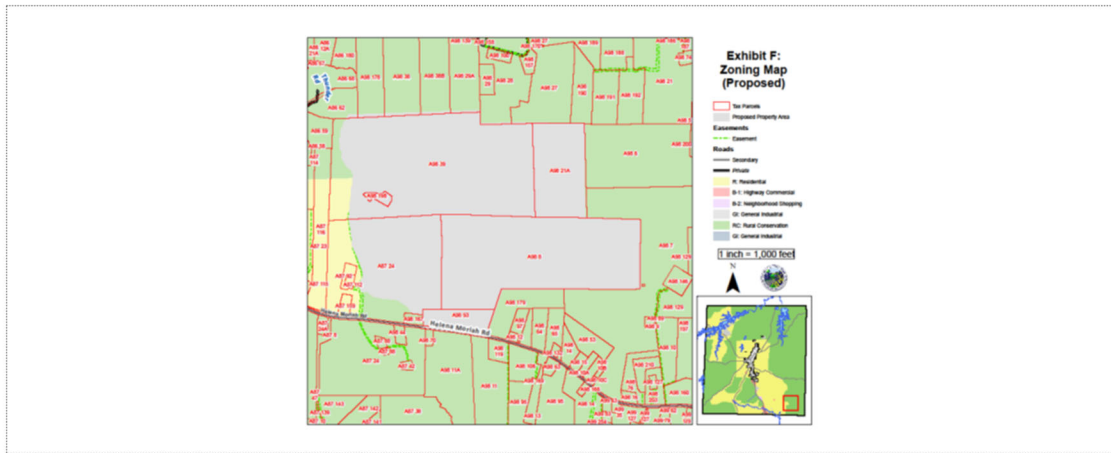
Moriah Energy Center (RZ-02-23)

Exhibit E: Zoning Map (Existing)



Moriah Energy Center (RZ-02-23)

Exhibit F: Zoning Map (Proposed)



Moriah Energy Center (RZ-02-23)

Comprehensive Plan Guiding Principles



The *Person County & City of Roxboro Joint Comprehensive Land Use Plan* (Comprehensive Plan) includes the following Guiding Principles related to this rezoning request (listed in *italics*):

Guiding Principle No. 2 – Facilitating Sustainable Economic Growth

Guiding Principle No. 2.1 – Reserve sufficient developable land and sites to support economic growth. *The proposed rezoning action to (GI) General Industrial is an appropriate zoning classification for the proposed land use as an essential public utility site.*

Guiding Principles No. 2.4 & 2.7 – Identify and recruit industry sectors that bring diversity to the economic/employment base and provide utility infrastructure to support economic growth. *The proposed rezoning action will allow for expanded alternative forms of energy production and employment opportunities within Person County. Dominion Energy has invested in Person County with utility infrastructure through pipelines and a methane conversion operation at the landfill.*

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Moriah Energy Center (RZ-02-23)

Staff Recommendation & Potential Motion



Based on the above, Planning & Zoning Department staff recommends adoption of Rezoning/Zoning Map Application RZ-02-23 amendment. It is also recommended that the Board of Commissioners adopt a statement describing whether their action is consistent or inconsistent with the Comprehensive Plan and why that action is reasonable and in the public's interest, with a potential motion, as follows:

"I hereby move to adopt Rezoning/Map Amendment Application RZ-02-23 from RC (Rural Conservation) and R (Residential) to GI (General Industrial) and find it consistent with the *Person County & City of Roxboro Joint Comprehensive Land Use Plan*; specifically, Guiding Principles 2.1, 2.4, and 2.7, to facilitate sustainable economic growth."

Moriah Energy Center (RZ-02-23)

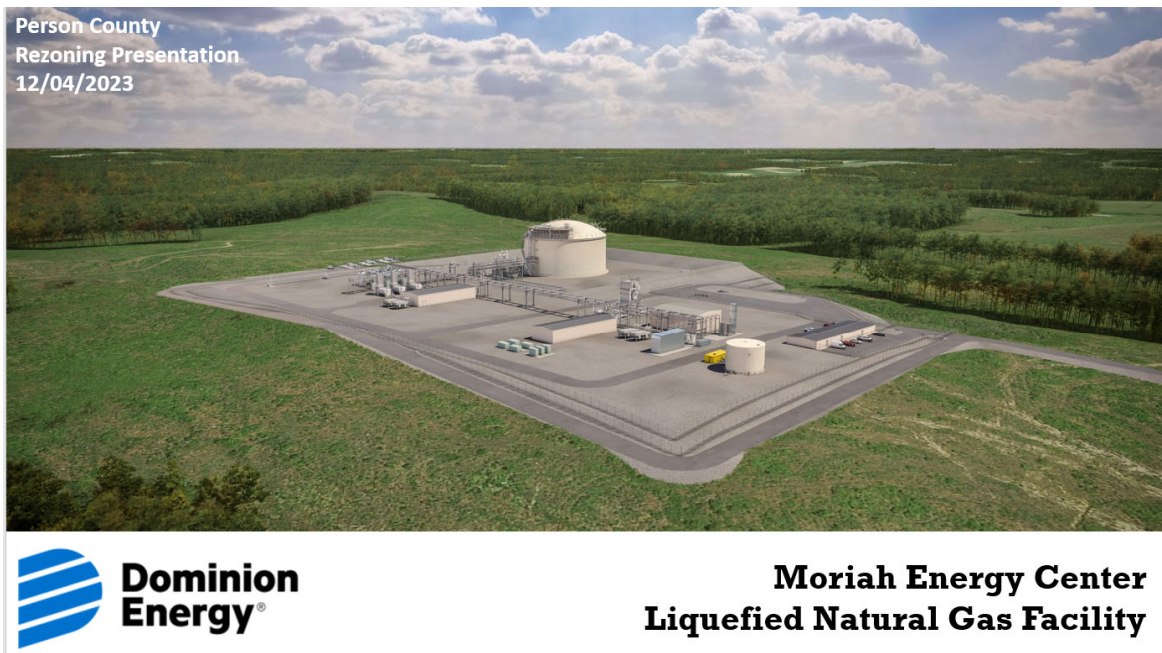


Thank You

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Bowley turned the presentation over to Dominion Energy's VP and General Manager, Rusty Harris. Harris gave a brief introduction of himself and Dominion Energy's plan for the Moriah Energy Center (MEC). Harris stated that Dominion Energy has proposed a 25,000,000-gallon liquified natural gas (LNG) storage facility with future expansion capabilities in Person County. Harris advised there is increased demand for natural gas in North Carolina. He advised natural gas from Dominion Energy's system that currently serves the area would be liquefied on site, stored in the facility, and then turned back into natural gas during high demand periods. Harris advised that the liquefied natural gas (LNG) will be transported using the existing Dominion Energy underground pipeline system already serving customers in the area and on the facility's property. Harris stated the MEC would serve Dominion Energy's natural gas customers in the region. Harris discussed the proposed acquisition of Dominion Energy by Enbridge.

Harris introduced his colleague, Aaron Lyons, who shared the following presentation:



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What is LNG?



- LNG stands for Liquefied Natural Gas
- LNG is formed by cooling natural gas to a liquid state (-260°F)
- LNG is 600 times denser than natural gas



Why an LNG facility?

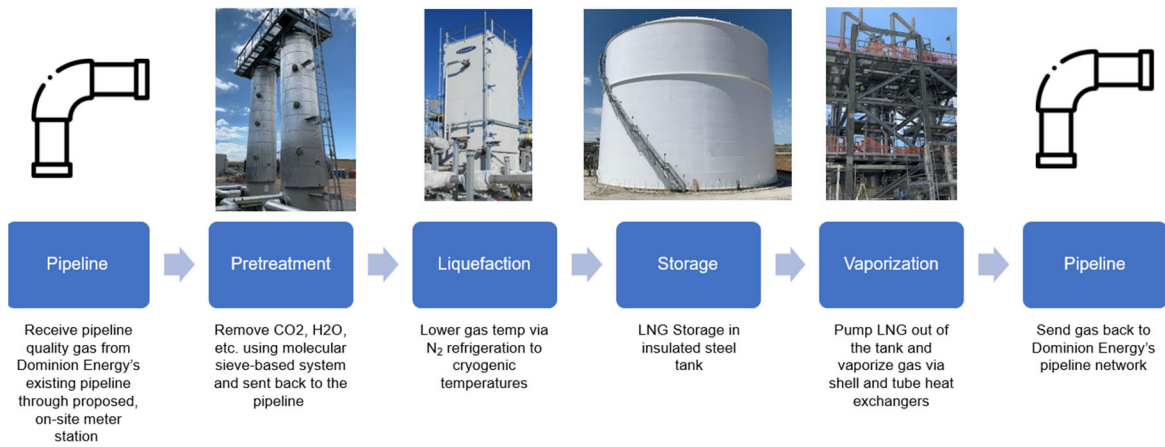


Reliability - In recent years, the increasing demand for natural gas in North Carolina has resulted in supply constraints

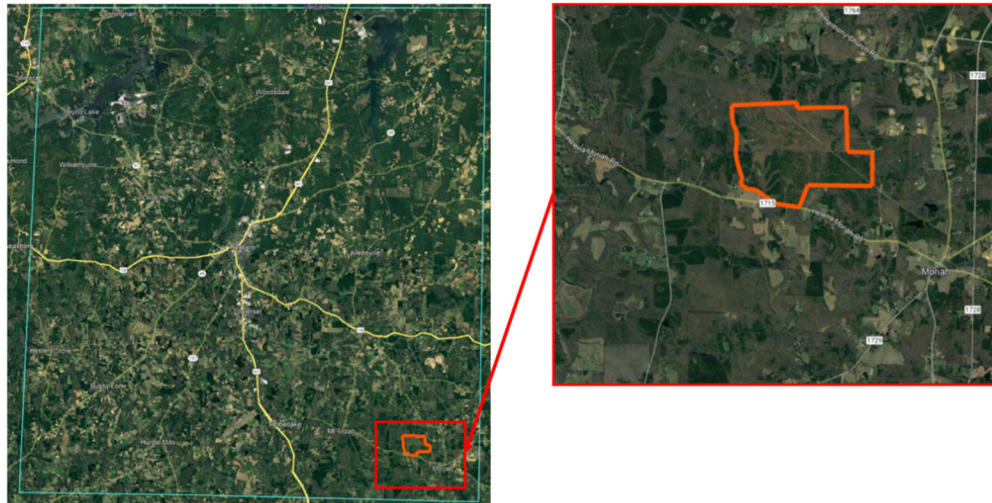
- **Purpose:**
Peak Shaving facility: Store gas when demand is low; send out gas when demand is high, increasing service reliability in the pipeline network
- **Similar Projects:**
Cary LNG: Dominion Energy in NC
Magna LNG: Dominion Energy in UT
Pine Needle LNG: Williams in NC
Robeson LNG: Piedmont Natural Gas in NC



The Liquified Natural Gas Process



Proposed Location



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LNG Facility Site Rendering



LNG Facility Site Rendering



Environmental Highlights



- **No Stream/Wetland Impact**
 - The proposed approximately 70-acre development avoids streams and wetlands.
- **No Cultural Resources or Threatened/Endangered Species Affected**
 - Dominion Energy conducted numerous desktop and field studies on the proposed site.
- **Stormwater Management**
 - Runoff will be contained, maintained, and disposed of according with local, state, and federal regulations during construction and operation of the facility.
- **Facility Water Usage**
 - Water is not a part of the process to liquify natural gas or any other plant process. Well water will only be used for employee facilities and to refill the firewater storage tank.
 - Initial fill of the firewater tank will be performed over several days to minimize any potential impacts.
- **Leak Prevention**
 - Gas monitoring and detection devices will be placed throughout the facility and Dominion Energy will adhere to an inspection schedule.

Project Safety & Security



- Experience with LNG facilities
- Subject to stringent federal/state regulations
- Onsite firewater storage and fire protection
- Robust hazard/security detection
- Dual security fencing around the facility
- Plant will be staffed 24/7 365 days per year
- Coordination with local first responders



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Contact



Moriah Energy Center

Email: MoriahEnergyCenter@DominionEnergy.com

Website: DominionEnergy.com/MoriahEnergyCenter



Hankins asked Bowley to read the list of Permitted Uses in the GI (General Industrial) Zoning District from the Person County Planning Ordinance.

Bowley read the Table of Permitted Uses in the GI Zoning District from Appendix C, which is located in the Person County Planning Ordinance.

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APPENDIX C

TABLE OF PERMITTED USES

(Amended: 5/18/92; 11/17/92; 4/4/94; 7/11/94; 2/19/96; 6/3/96; 7/8/96; 5/5/97; 12/6/99; 5/4/2001; 12/1/2003; 6/6/2005; 11/1/2004; 11/19/2007; 11/3/2008; 12/1/2008; 4/20/2015; 9/6/2016; 10/2/17; 10/5/20, 11/16/20; 5/3/21)

- Districts in which particular uses are permitted as a Use-By-Right are indicated by "X". Districts in which particular uses are permitted as a Use-By-Right with certain conditions are indicated by "X" with a reference to a footnote to this Table.
- District in which particular uses are permitted as a special use upon approval of the Board of Commissioners are indicated by "S". See Section 153 for details in obtaining a Special Use Permit.

PRINCIPAL USES	ZONING DISTRICTS				
	R	B-2	B-1	GI	RC
Accessory Building	X	X	X	X	X
Accessory Uses Incidental To Any Permitted Use (*See Note 1)	X	X	X		X
Adoption Services		X			X
Advertising Agencies		X	X		X
AGRICULTURAL OR FARM USE EXEMPT FROM PLANNING ORDINANCE					
Aircraft Equipment, Parts and Supplies (*See Note 5)			X	X*	X
Airline Ticket Agency (*See Note 5)		X	X	X*	X
Airport Operations (*Note 5 and Sections 90 & 91)	S	S	S	X*	S
Airstrips, (Private) /Heliport Without Commercial Activity (*See Note 8) (Added 5/7/01)	X*	X*	X*	X*	X*
Alcoholic Beverages Packaged, Retail Sale		X	X		X
Ambulance Service or Rescue Service	S	X	X	S	X
Amusement Parks			S		X
Animal Medical Care (Including Kennel Operations)		X	X		X
Antique Shops	S	X	X		X
Apparel And Accessory Sales		X	X		X
Appliance (Major) Sales and Repair		X	X		X
Appliance (Small) Sales and Repair		X	X		X
Art and Craft Supplies		X	X		X
Art Gallery		X	X		X
Auction Sales (Excluding livestock auctioning)		S	X		X
Automobile Off-Street Parking, (Commercial)		X	X	X	X
Automobile Parts and Accessory Sales		X	X		X
Automobile Rentals and Leasing (*See Note 5)		X	X	X*	X

PRINCIPAL USES	ZONING DISTRICTS				
	R	B-2	B-1	GI	RC
Automobile Repair and/or Body Work (Excluding commercial wrecking, dismanteling, or storage of junk vehicles) Amended 12/01/2008			X		S
Automobile Sales, New and Used		S	X		X
Automobile Service Station Operations		X	X		X
Bank, Savings and Loan Company and Other Financial Activities		X	X	S	X
Barber or Beauty College Instruction		X	X		X
Barbering and Hair Dressing Services		X	X		X
Bed and Breakfast Inns, Boarding and Rooming Houses, and Tourist Homes	S	X			X
Bicycle Sales and Repair		X	X		X
Blacksmith			X		X
Boats and Accessories, Retail Sales and Service		S	X		X
Books and Printed Matter, Distribution			X		X
Book Stores		X	X		X
Bowling Alley		X	X		X
Brewery (Added 10/2/17)	S				S
Bridal Shops		X			X
Builders Supply			X		X
Bus Repair and Storage Terminal Activities (Amended 12/1/2008)			X		S
Bus Station Activities (*See Note 5)		S	X	X*	X
Camper/Recreational Park (Amended 8/2/2010) (See Section 155-2)	S	S	S		S
Carpet and Rug Cleaning		X	X		X
Carwash		X	X		X
Catalog Sales		X	X		X
Catering		X	X		X
Cellular Telephone Sales and Services		X	X		X
Cemeteries - Church or Family	X	X	X	S	X
Cemeteries – Commercial	S	S	S		X
Chemical Retail Sales			X		X
Church, Temples, Synagogues	X	X	X	X	X
Clinic Services, Medical and Dental	S	X	X	S	X
Club or Lodge	S	S	S		X
Commercial Modular Building (Adopted 5/5/97)		X	X		X

PRINCIPAL USES	ZONING DISTRICTS				
	R	B-2	B-1	GI	RC
Construction, Trades (*Building, heating, electrical, plumbing, fire sprinkler and others) (Excluding outside storage of equipment or supplies) (Amended 11/19/2007)		S	X	X	X
Construction, Trades (With outside storage of equipment or supplies)			X		X
Contractor, General (Excluding outside storage of equipment or supplies)		X	X		X
Contractor, General (With Outside Storage of Equipment or Supplies)			X		X
Convenience Stores	S	X	X		X
County Governmental Facility (Adopted 2/3/97)	S	X	X		X
Curio and Souvenir Sales		X	X		X
Day Care Center	S	X	X	X	X
Distillery (Added 10/2/17)	S				S
Dry Cleaning and Laundry		X	X		X
Dwelling, Single-Family	X	X	X		X
Dwelling, Two-Family and Garage Apartments	X	X	X		X
Dwelling, Multiple-Family (See Section 80)	S	S	S		X
Eating and Drinking Facilities (Amended 12/1/2008)		X	X		S
Electrical / Electronic Equipment and Supply Sales		X	X		X
Employment Agencies		X	X		X
Equipment Rental (Amended 11/16/20)		X	X	X	X
Event Center (Amended 09/09/2019)	S	X	X	X	X
Exterminating Service		X	X		X
Family Care Home	X	X	X		X
Farm Machinery Sales and Servicing		S	X		X
Farm Supplies Merchandising (Excluding Farm Machinery)		X	X		X
Fire Station And Law Enforcement Operations	S	X	X	X	X
Floor Covering Sales		X	X		X
Flower Shop		X	X		X
Funeral Home	S	X	X		X
Furniture Retail Sales		X	X		X
Game and Sports Facilities (Amended 5-18-92)		S	S		
Glass Sales and Installation		X	X		X
Golf Courses	S	X	X		X
Grocery Retail		X	X		X
Grocery, Wholesale			X		X
Group Home for Developmentally Disabled Adults	X	X	X		X

PRINCIPAL USES	ZONING DISTRICTS				
	R	B-2	B-1	GI	RC
Gunsmith		X	X		X
Hardware, Paint and Garden Supply Sales		X	X		X
Health Spas, Fitness Center (Amended 2/7/2011)		X	X		X
Historical Preservation Commercial Use	S	X	X		X
Home for the Aged	S	S	X		X
Home Furnishings And Appliance Sales		X	X		X
Hospital or Sanitarium Care (Except for the Insane, Feeble-Minded and Addicted) (Amended 12/1/2008)		S	X		S
Industrial, Light (See Appendix C Note 2) (Amended 11/16/20)		S	X	X	X
Industrial, Heavy (See Appendix C, Note 2) (Amended 11/16/20)			S	X	
Insurance Agencies		X	X		X
Interior Decorator		X	X		X
Janitorial Service		X	X		X
Jewelers		X	X		X
Karate and Other Martial Arts Instruction		X	X		X
Kennel Operations, Care		S	X		X
Landscape Contractor		X	X		X
Library	S	X	X		X
Livestock Sales and Auctions (Amended 12/1/2008)			S		S
Locksmith		X	X		X
Manufactured Home for Temporary Dwelling During Construction of Permanent Dwelling (Adopted 5/5/97)	See Note 7				
Manufactured Home (Individual) for Residential Occupancy - Class B (Rev. 5/5/97)	See Note 3				
Manufactured Home (Individual) for Residential Occupancy - Class A (Rev. 5/5/97)	See Note 6				
Manufactured Home Supplies and Equipment Sales		S	X		X
Manufactured Homes Under the Hardship Class A and B	See Note 4				
Marinas		X	X		X
Mobile Home Park but Excluding Any Mobile Home Sales (Amended 11-17-92, 7/11/94)	S	S	S		S
Mobile Home Sales and Service			X		X
Modular Homes (Amended 11-17-92)	X	X	X		X
Monument Sales		X	X		X
Motel, Hotel or Motor Court Operations			X		X
Movies, Video Sales and Rentals		X	X		X

PRINCIPAL USES	ZONING DISTRICTS				
	R	B-2	B-1	GI	RC
Moving and Storage Operations (Amended 12/1/2008)			X	S	S
Musical Instrument Sales		X	X		X
Newsstand Sales		X	X		X
Nonhazardous, Non-Toxic Solid Waste Disposal (Adopted 5/18/92)	S	S	S	S	S
Nursery Operation (Plant) - Agricultural	X	X	X		X
Nursing Home	S	S	X		X
Office and Professional Office (Adopted 12/6/99)	S	X	X	X	X
Office Supplies and Equipment Sales and Service		X	X		X
Painting Contractors		X	X		X
Paving Contractors (Amended 12/1/2008)					S
Pawn Shop		X	X		X
Pet Sales, Excluding Kennel Activities or Outside Storage of Animals		X	X		X
Pharmaceutical Sales, Retail		X	X		X
Photography, Commercial		X	X		X
Planned Building Group (See Article VIII, Section 80) (Added 12/1/03)	S	X	X		S
Post Office		X	X	X	X
Private Recreation Club Or Swimming Club Activities Not Operated As A Business Or Profit (Amended 12/1/2008)	S	S	S	S	S
Private Recreation Facilities For Profit (Amended 5/18/92, 7/8/96)	S	S	S	S	S
Public Recreations (Such as Community Center Buildings, Parks, Museums, Playgrounds, and Similar Facilities Operated on a Nonprofit Basis)	S	X	X		X
Public Utility Station, Bulk Station or Substations (Amended 12/1/2008)	S	S	S	S	S
Radio or Television Studio Activities Only			X		X
Radio, Telephone and TV Transmitting Tower (See Note 9 and Article VII & IX) (Amended 11/6/95)	S	X	X	X	S
Railroad Station Operations (Amended 12/1/2008)			S	S	S
Railroad Yard Operations				S	X
Real Estate Agencies		X	X		X
Reception Centers for Recycling		S	X		X
Reducing Salon Care		X	X		X
Rest Home	S	S	X		X
Retailing or Servicing Operations		S	X		X
Salvage Operation/Junkyard - Commercial				S	S
Second Hand and Swap Shop Sales		X	X		X

PRINCIPAL USES	ZONING DISTRICTS				
	R	B-2	B-1	GI	RC
School, Private or Public (Elementary, Secondary, or Higher Level) (Amended 12/1/2008)	S	S	X	X	S
Solar Energy Systems (Added 10/2/17; Deleted 10/5/20)	See Person County Solar Energy System Ordinance				
Sport Shops		X	X		X
Stables, Horse (Amended 4/4/94)	X		S		X
Stereophonic and High Fidelity Equipment and Supply Sales		X	X		X
STORAGE, HAZARDOUS, TOXIC AND RADIOACTIVE WASTE	NOT PERMITTED IN ANY DISTRICT				
Storage, Household and Commercial		S	X		X
Storage, Open (Amended 5-4-01)		S	S		S
Tanning Salons		X	X		X
Taxicab Stand Operations (*See Note 5)		X	X	X*	X
Teaching of Art, Music, Dance, Dramatics, or Other Fine Arts	S	X	X		X
Temporary Construction Building (Amended 6/6/2005)	X	X	X	X	X
Theater Productions	S	X	X		X
Tire Recapping				X	X
Tire Sales Centers		X	X		X
Tobacco Sales			X	X	X
Travel Agencies (*See Note 5)		X	X	X*	X
Truck Stop					X
Truck Terminal Activities Repair and Hauling and/or Storage					X
Variety, Gift and Hobby Supply Sales		X	X	X	X
Winery (Added 11/1/2004)	S				X

NOTES TO THE TABLE OF PERMITTED USES

NOTE 1- HOME OCCUPATIONS

(Amended 9/7/94, 3/18/96)

A home occupation is an occupation carried on in a dwelling unit or accessory building in accordance with the following.

1. The use is an incidental use to the residential property.
2. The home occupation shall not generate significantly greater volumes of traffic than would be expected in that residential neighborhood.
3. No more than one (1) person other than the resident of the dwelling is to be engaged in the home occupation.
4. No more than twenty-five percent (25%) of the total heated floor area of the principal structure shall be used for the home occupation.
5. One hundred percent (100%) of an accessory structure may be used for the home occupation: (1) if located to the side or the back of the principal structure; and (2) the total floor area of the accessory structure does not exceed fifty percent (50%) of the gross floor area of the principal structure.
6. The exterior of any structure (principal or accessory) shall not be built or altered in any manner nor shall the occupation be conducted in such a way as to cause the premises to substantially differ from its' residential character in exterior appearance.
7. The outside storage or exterior display of merchandise, products or materials, is prohibited.
8. Required parking for a home occupation shall be met off the street and not in a required front or side yard setback.
9. Signage shall comply with Article XII, Section 125.
10. All residential properties served by a well and/or sewage disposal system must have said systems evaluated (when applicable) in accordance with North Carolina General Statutes and local regulations.
11. The use shall not emit any obnoxious or offending noise, dust, vibration, odor, smoke, fumes, glare, electrical interference, interference to radio or television reception beyond what normally occurs in the applicable zoning district, and shall not present a fire hazard.
12. The on-premise sale and delivery of goods which are not produced on the premises is prohibited, except in the case of the delivery and sale of goods incidental to the provision of a service.

NOTE 2 – INDUSTRIAL AND MANUFACTURING OPERATIONS

(Amended 3/18/96; 2016; 10/06/2020, 11/16/20)

TYPE OF INDUSTRIAL USE	GENERAL DESCRIPTION, INTENT AND STANDARDS	EXAMPLES OF USES
<p>LIGHT INDUSTRIAL (LI)</p>	<p>Light industrial uses are prohibited in the Residential (R) Zoning District.</p> <p>Industrial operations involving the manufacturing, processing, fabrication of acetylene gas (except for use on premises), ammunition, explosives, fireworks, gunpowder, or matches shall not be allowed in any district. (Amended 5/18/92)</p> <p>The intent of these categories is to provide development standards that promote the development of industrial and manufacturing operations without compromising the health, safety and welfare of properties adjacent to and in the vicinity of the project area. Included in this category are uses that shall have minimal impacts on the public health, safety and welfare.</p> <p>The distinctions used in this category closely follow the NAICS definitions. Manufacturing establishments are located in plants, factories, or mills and employ power-driven machines and materials-handling equipment. They may also employ workers who create new products by hand, without the characteristic machinery-intensive enterprise. Many manufacturing establishments process products of agriculture, forestry, fishing, mining, or quarrying as well as products of other manufacturing establishments. The subcategories reflect sectors with distinct production processes related to material inputs, production equipment, and employee skills. Most manufacturing establishments have some form of captive services (e.g., research and development, and administrative operations, such as accounting, payroll, or management). These are functionally the same as the primary establishment. However, when such services are provided by separate establishments, they will be evaluated as either light or heavy industrial in their own right. If needed, Person County Planning and Zoning staff should rely on the NAICS' activity dimension to differentiate between an office activity and a factory activity for such establishments.</p> <p>Vegetative and/or structural buffers shall be required when light industrial land uses are adjacent to or across from, any residential use regardless of the distance separating uses (For additional information, please see Setback Requirements – Section 75)</p>	<ul style="list-style-type: none"> ▪ Manufacture, assembly, repair or servicing of light industrial goods and products; business or consumer machinery; equipment, products or by-products; ▪ Commercial bakery; ▪ Crematorium; ▪ Cold storage plant; ▪ Coal sales and storage; ▪ Manufacture, assembly and repair of computer components including semi-conductors; precision instruments; electrical/electronic; toys; wind energy component; telecommunication equipment; advanced textiles; transportation equipment components; ▪ Sheet metal shop; ▪ Bottling; ▪ Woodworking, cabinet making, and/or furniture manufacturing

TYPE OF INDUSTRIAL USE	GENERAL DESCRIPTION, INTENT AND STANDARDS	EXAMPLES OF USES
HEAVY INDUSTRIAL (HI)	<p>Heavy industrial uses are prohibited in the Residential (R), Neighborhood Business (B-2) and Rural Conservation (RC) Zoning Districts. (Amended 11/16/20)</p> <p>Industrial operations involving the manufacturing, processing, fabrication of acetylene gas (except for use on premises), ammunition, explosives, fireworks, gunpowder, or matches shall not be allowed in any district. (Amended 5/18/92)</p> <p>Vegetative and/or structural buffers shall be required when heavy industrial land uses are adjacent to or across from, any residential use regardless of the distance separating uses (For additional information, please see Setback Requirements – Section 75)</p> <p>This District is generally for those industrial uses where the impacts to the public health, safety and/or welfare are greatest.</p> <p>These industrial uses typically have large land requirements and require the outdoor storage of materials. In addition to most of the industrial uses permitted as “Industrial, Light” uses, uses involving the primary processing of materials such as metal refining, plastics, pulp and paper, animal rendering, clay sand or gravel processing are included in this category. (Amended 11/16/20)</p> <p>The Director of Planning may use discretion to consider uses not specifically listed here as long as these meet the intent of the definition. The Planning Director shall provide a summary supporting of their interpretation for the record.</p> <p>The distinctions used in this category closely follow the NAICS definitions. Manufacturing establishments are located in plants, factories, or mills and employ power-driven machines and materials-handling equipment. They may also employ workers who create new products by hand, without the characteristic machinery-intensive enterprise. Many manufacturing establishments process products of agriculture, forestry, fishing, mining, or quarrying as well as products of other manufacturing establishments. The subcategories reflect sectors with distinct production processes related to material inputs, production equipment, and employee skills. Most manufacturing establishments have some form of captive services (e.g., research and development, and administrative operations, such as accounting, payroll, or management). These are functionally the same as the primary establishment. However, when such services are provided by separate establishments, they will be evaluated as either light or heavy industrial in their own right. If needed, Person County Planning and Zoning staff should rely on the NAICS’ activity dimension to differentiate between an office activity and a factory activity for such establishments.</p>	<ul style="list-style-type: none"> ▪ Animal Processing, Packing, Treatment and Storage Livestock Slaughter, Processing of Food and Related Products ▪ Production of Chemicals, Rubber, Leather, Clay, Bone, Plastic, Stone, Glass ▪ Production of Fabrication of Metals or Metal Products (enameling, galvanizing, sawmill) ▪ Asphalt and concrete plants ▪ Power generating plants, including the storage of ore, coal, atmospheric gas, grain, petroleum and other materials used to produce power ▪ Hazardous material disposal ▪ Explosive Storage and Distribution Facilities ▪ Fertilizer Manufacture ▪ Quarry Operations ▪ Storage, Flammable

INDUSTRIAL ADDITIONS:

1. If otherwise in compliance with applicable provisions of the ordinance and other rules or regulations, the Zoning Administrator may approve or approve with conditions an application to expand a principal structure, or parking and circulation areas, by not more than 10 percent (10%) of those respective areas as reflected in a Special Use approved by the Board of Commissioners, or as in existence at the time zoning became effective as to the zoning lot, whichever is applicable. This ten percent limitation shall apply whether reached in one increment or in more than increment over time.

Prior to making a final decision on any such application, the applicant shall cause notice of the proposal in a form approved by the Administrator to be given by first class mail to all property owners within five hundred (500) feet, as shown on the County's tax records, of the zoning lot. The Zoning Administrator shall afford the notified property owners ten (10) days within which to comment before mailing a final decision on the application. The Zoning Administrator shall notify the Planning Boards at its next regular meeting of any application approved or approved with conditions under this section.

If, in the judgment of the Zoning Administrator, the application presents significant issues affecting the public health, safety and welfare, he/she shall refer the application to the Planning Board for approval, denial, or approved with conditions. In such cases, the applicant shall cause notice of the Planning Board meeting in a form approved by the Zoning Administrator to be given by first class mail to all property owners within five hundred (500) feet, as shown on the County's tax records, of the zoning lot.

2. If otherwise in compliance with applicable provisions of this ordinance and other rules or regulations, the Planning Board may approve an application to expand a principal structure, or parking and circulation areas, by not more than fifteen percent (15%) of those respective areas as reflected in a Special Use approved by the Board of Commissioners, or as in existence at the time zoning became effective as to the zoning lot, whichever is applicable. This fifteen percent limitation shall apply whether reached in one increment or in more than one increment over time.

NOTE 3 - MANUFACTURED HOMES, CLASS B

(See Note 6 for Manufactured Homes, Class A)

(Amended 7/11/94, 11/6/95, 5/5/97; 5/3/21)

A 'Class B' manufactured home shall be a permitted use in the Residential (R) and Rural Conservation (RC) Zoning Districts provided that:

- (1) The exterior finish is in good repair and the exterior materials are comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction. Acceptable materials for the exterior of such homes include but are not limited to vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard.
- (2) The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;
- (3) The roofing materials are compatible with those used in standard residential construction;
- (4) The wheels, axles, transporting lights and towing apparatus have been removed
- (5) Stairs, porches, entrance platforms and other means of entrance and exit to the home are installed or constructed in accordance with the *North Carolina State Building Code, Volume VII - Residential*.

A Class B manufactured home meeting conditions 1 through 5 above shall be a special use in the Highway Business (B-1) and Neighborhood Business (B-2) Zoning Districts except when located within a mobile home park.

Class B manufactured homes may be used only for residential purposes and may not be used for storage accessory buildings, utility buildings nor shops.

All standards of this ordinance must be met before a Certificate of Compliance is issued by the Person County Inspection Department.

Class B manufactured homes not meeting requirements (1) through (5) above may be located in a mobile home park subject to the provisions of the *Person County Mobile Home Park Ordinance*. (Rev. 5/5/97)

NOTE 4 - MANUFACTURED HOMES, HARDSHIP (Revised 5/3/21)

The Zoning Administrator may grant temporary permits for placing mobile homes for dwelling purposes to the rear or side of a dwelling located on a residential lot in certain hardship cases when the Zoning Administrator finds that:

- (1) The person or persons occupying the mobile home are physically dependent upon the person or persons occupying the dwelling house, or that the person or persons occupying the dwelling house are physically dependent upon the person or persons occupying the mobile home.
- (2) The water and sewage facilities are approved by the District Health Department.
- (3) One of the following types of relationships exists between the occupants of the manufactured home and the occupants of the principal dwelling unit:
 - a) Blood relationship.
 - b) Relationship by marriage.
 - c) Legal guardian relationship established by law.
 - d) The attendant is compensated for his or her services and is providing care for not more than two related persons.
- (4) The manufactured home meets requirements 1 through 5 in *Note 3 Manufactured Homes, Class B In Appendix C, Notes to the Table of Permitted Uses*.

The permit shall expire after one (1) year and shall be renewable upon similar findings by the Zoning Administrator. When the hardship ceases to exist, the permit shall automatically be revoked and the mobile home removed. When any of the terms, conditions, or restrictions imposed on the zoning permit are not being complied with, the Zoning Administrator shall rescind and revoke such permits after notifying all parties concerned by letter.

Any mobile home approved by the Zoning Administrator under the hardship provisions prior to the date of this amendment shall be included in the above restrictions with regard to expiration of permits after one (1) year from the date of issuance and all such permits shall be renewed within one (1) year of the date of this amendment. (Rev. 5/5/97)

NOTE 5 - AIRPORT OVERLY

1. Use specifically permitted only in the Airport Overlay, provided in accordance with applicable ordinance provisions.

NOTE 6 - MANUFACTURED HOMES, CLASS A
(Adopted 5/5/97)

A Class A manufactured home shall be a permitted use in the Residential (R), Highway Business (B-1), Neighborhood Business (B-2) and Rural Conservation (RC) Zoning Districts provided that:

- (1) The manufactured home is listed and assessed as real property;
- (2) All roof structures shall provide an eaves projection of no less than six inches, which may include a gutter;
- (3) The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
- (4) The manufactured home is set up in accordance with the standards set by the N.C. Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;
- (5) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with standards set by the *North Carolina State Building Code, Volume VII - Residential*; and
- (6) The moving hitch, wheels and axles, and transporting lights have been removed.

A Class A manufactured home may be used only for residential purposes and may not be used for storage, accessory buildings, utility buildings nor shops. All standards of this ordinance must be met before a Certificate of Compliance is issued by the Person County Inspection Department.

A Class A manufactured home not meeting criteria (1) through (6) above may be located in a mobile home park subject to provisions of the *Person County Mobile Home Park Ordinance*.

NOTE 7 - MANUFACTURED HOME FOR TEMPORARY DWELLING DURING CONSTRUCTION OF A PERMANENT DWELLING (Revised 5/3/21)

The Zoning Administrator may allow the temporary placement of a manufactured home for dwelling purposes on a lot during construction or installation of a permanent residential unit on that lot provided that:

- (1) A building permit has been issued for construction of the permanent home;
- (2) The construction of the permanent home is started within six (6) months from placement of the manufactured home on the lot and is completed within three (3) years from the date of approval of the zoning permit. At the discretion of the Zoning Administrator, the duration of the zoning permit may be extended a maximum of five (5) years from the date of approval of the permit to allow completion of the permanent home;
- (3) The exterior finish is in good repair and the exterior materials are comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction. Acceptable materials for the exterior of such homes include but are not limited to vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard; and
- (4) The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance.

The manufactured home must be removed from the lot within thirty (30) days following issuance of the Certificate of Occupancy of the permanent home.

Should any of the terms, conditions or restrictions imposed on the zoning permit be violated, the Zoning Administrator shall rescind and revoke such permits after notifying by letter all parties concerned and granting them full opportunity of a hearing. When such a zoning permit is revoked, the manufactured home for which it was issued must be removed from the property within thirty (30) days after the revocation is final. (Adopted 5/5/97)

NOTE 7A – TEMPORARY EMERGENCY USE OF CAMPER/RECREATIONAL VEHICLE (Added 8/2/2010; Revised 5/3/21)

Temporary emergency use of a camper/recreational vehicle is allowed for a period of six months in the event of a fire, flood or other natural disaster which has made the principal dwelling uninhabitable. The temporary use must be located on the same lot and a zoning permit is required. The zoning permit may be renewed for one additional six month period.

The Zoning Administrator may allow the temporary use of a camper/recreational vehicle for dwelling purposes during the construction or installation of a new permanent residential unit due to the previous residential unit being made uninhabitable by a natural disaster provided that:

1. A building permit has been issued for construction of the permanent home.
2. Approval is for a maximum period of one year. Applicant shall only be allowed one reapplication for the same lot after the initial six month application period.
3. The camper/recreational vehicle cannot be used for residential purposes on the same lot once the certificate of occupancy is issued or the time allowed by the zoning permit has expired.

NOTE 8 – PRIVATE AIRSTRIP/HELIPORT

(Added May 7, 2001)

Private airstrip/heliport without commercial activity. No zoning permit required.

NOTE 9 – RADIO, TELEPHONE AND TV TRANSMITTING TOWER

Towers located in B1, B2 or GI Districts require a Special Use Permit if located adjacent to a residential use.

Setbacks for Radio, Telephone and TV Transmitting Towers will be equal to the height of the tower unless the fall-zone is certified to be less than the height of the tower.

Lattice towers, or self-supporting towers, with a triangular base tapered to the top and engineered with break-points may be setback a distance $\frac{1}{2}$ their height.

At a minimum, towers in all Districts are subject to the standards of the Table of Dimensional Requirements (Table 75; page 64).

There are no height limitations for towers except as specified by the Federal Aviation Administration (FAA) in the vicinity of the Person County Airport.

NOTE 10 – DELETED 10/5/20

There were no individuals appearing before the Board to speak in favor of the public hearing for Rezoning/Map Amendment Application RZ-02-23 a request by the Applicant, Public Service Company of North Carolina, Inc./Dominion Energy North Carolina (DENC) to amend the zoning designation on ±485.68-acres of the Moriah Energy Center site, located at 6401 Helena-Moriah Rd., from RC (Rural Conservation) and R (Residential) to GI (General Industrial).

The following individuals spoke in opposition to the public hearing for Rezoning/Map Amendment Application RZ-02-23 a request by the Applicant, Public Service Company of North Carolina, Inc./Dominion Energy North Carolina (DENC) to amend the zoning designation on ±485.68-acres of the Moriah Energy Center site, located at 6401 Helena-Moriah Rd., from RC (Rural Conservation) and R (Residential) to GI (General Industrial).

Zika Wolfe of 106 Thunder Rd., Rougemont, stated that she has lived in Person County for 25 years and has a small house on 10 acres of land less than a mile from the proposed Moriah Energy Center site. She stated that she has lived in many places to include, Kansas, Boston, New York, Denver, and Puerto Rico. She stated that when she moved to NC, she resided in Orange County and Chatham County before making what she thought would be her final move to Person County. She stated that moving around a lot taught her that what she really wanted was the peace and quiet of rural living, and Person County fit that need. She stated that she drives 20 minute for a supermarket, but that is a small price to pay for no nearby industrial parks or police sirens wailing night and day. She stated that she wakes up daily and gives thanks for the seclusion, quite wildlife, and well water. She stated this proposed project has turned her dream into a nightmare. She pleaded to the Board to please vote no to this rezoning and leave the rural life intact.

Mary Bennett of 86 Elderberry Ln., Rougemont, wanted clarification from the Board on whether or not they did a risk-benefit analysis upon entering into discussions with Dominion Energy. She stated that she trusts that at that time, the Board determined that the benefits outweighed the risks. She stated that the potential risks are greater than what they may have first known. She mentioned the Huntersville, NC plant, and the well waters that were contaminated. She stated that this incident was due to human error, and there is no way to protect from human error, malfunction of equipment, and natural disasters.

Andrea Childers of 270 Blackberry Ln., Rougemont, stated that she has lived in Person County for 31 years. She stated that she would like to resubmit a copy of questions from Person County residents and wished to provide them for reference as she indicated they are crucial factors for the Board's consideration prior to approval. She stated on November 15, 2021, four of the five Commissioners signed the Joint Comprehensive Land Use Plan. She indicated on page 6 of the plan, it states a number of residents who call Person County home, commute into Raleigh-Durham for work.

Childers advised that the statement on page 6 is referring to her husband and herself. She stated that for her husband, the long commute was far outweighed by being able to have a big garden and to sit in his tree stand before work. She stated that when she and her husband were looking for a place in the country to live, there is no way they would have considered the area if there was an LNG storage facility nearby. She stated the first principal of The Comprehensive Land Use Plan that four of the Commissioners signed states, "Celebrating Our Rural Character and Life Style". She proceeded to state that she recognizes that this is not a legally binding document; however, the Commissioners did spend taxpayer's money to develop it. She stated that by the Commissioners signing the Comprehensive Land Use Plan, they pledged they would uphold and respect the statements of the plan. She stated that the Moriah Energy Center is clearly a contradiction to the six characteristics listed under rural and that if the Commissioners vote to rezone for this project, they would be going back on that pledge. Childers stated if you break this pledge with Moriah, which community is next? Bushy Fork? Olive Hill? Allensville? Providence? She advised the Commissioners that they would be sending a message to all of their constituents that they are not safe in their own homes any longer. She stated that only Dominion stands to profit from this facility. She stated that the facility is bad for Moriah, its people, wildlife, the environment, the economy, and Person County.

Karolyn Mangeot of 112 Elderberry Ln., Rougemont, stated that she has spoken to people who were at the Planning Board meeting and were not heard, so they did not come out to the Board of Commissioners meeting tonight as they felt they would not be heard at this meeting as well. She stated that she has spoken with Dominion Energy representatives many times and they are nice and kind people. She stated that Dominion Energy is speaking to you only out of the need for their job, and the people of Person County are speaking to you because they love this county and live here. She stated Dominion Energy does not live here; please consider that when making a decision. She stated that she spoke with someone last week that has ties to the Economic Development Commission and they advised her that the land would be taken by eminent domain. She stated that that remark and the Planning Board would not listen to the people, makes it sound like our government is going against its own people.

Alan Booker of 76 Cobble Brook Dr., Rougemont, asked if the Board had looked over the 108 questions presented to them at a previous meeting and wanted answers to the questions, which were compiled by residents of Person County. Booker asked what the advantages of this project are. He stated that the people are here tonight because the Board is not responding to their constituents.

Mary Kay Doyle of 100 Elderberry Ln., Rougemont, thanked the Board for the opportunity to speak and advised she is grateful for the Board's service. She stated 30% of the country is currently under an unprecedented extreme drought, and according to groundwater levels from the U.S. Geological Survey's Water Information System and Groundwater Monitoring Network, overuse is draining and damaging our country's aquifers. She stated that 25% of aquifers have declined significantly over the past 40 years because more water is being pumped out than nature can replenish, and in the past decade, 40% hit all-time lows, with last year being the worst. She stated that aquifers fail when they are rapidly depleted, which damages them permanently. She stated that the land settles as water is pumped out, leaving less space for new water to refill the aquifers, and deeper aquifers beneath impermeable clay and rock can take thousands of years to recharge. She stated, yet the Board is considering allowing Dominion Energy to remove 360,000 gallons of water from our aquifers and another 360,000 gallons if they put in a second Liquefied Natural Gas (LNG) tank. She stated that this could prematurely shorten the lifespan of our aquifers and 720,000 gallons of water. She stated in the event of a fire, water would not extinguish an LNG fire; it is for containment until everything burns off into the atmosphere.

Deborah Moore of 80 Galpin Ct., Timberlake, stated that everyone that has spoken thus far has had valid points. She stated that she and her husband moved here from rural Indiana in 2016, she wanted to be in a rural area where no industrial complex would be, she does not want this facility next to where she lives, our natural resources needed to be preserved, and she hopes the Board makes the right decision.

Lois Brown of 1010 Thunder Rd., Rougemont, stated that she is 84 years old and lives by herself in a log house on 10 acres of beautiful wooded land. She stated that since she was a little girl, she wanted to live in the woods, and it took her almost 70 years to accomplish this. She stated that she loves it, it is private, and the air and water are clean. She stated at the end of October she received a letter in the mail advising her that her property was within 500 feet of the proposed Moriah Energy Center. She stated that her world came crashing down. She stated that she was terrified. She feared that her water supply and property would be contaminated. She stated that if this facility is built here, it would destroy and endanger our lives.

Charles Howerton of 9 Galpin Ct., Timberlake, stated that he is a lifelong resident of Person County. He stated that, by degree, he is a biologist, by profession, he is a scientist, and by fortune, he is a farmer. He stated by profession and clinical research, he is consistently charged with patient welfare. He stated that he constantly weighs the risks versus the benefits, and that he is legally mandated to share any adverse effects with the patients so that they can make an informed decision to participate. He stated that he wanted to charge each one of the Board members and Dominion Energy with the same task as he does with his patients, know the risks and potential effects before making any decision. He stated that the cons by far outweigh the pros.

Howerton stated that the largest positive outcome is monetary incentive of \$800,000 per year for this proposed project. He stated, do not prostitute the people of Person County to Dominion Energy. He stated, please listen to the constituents and oppose this rezoning.

Bob Brauer of 1 Bobwhite Rd., Roxboro, stated that he is speaking as Chairman of the Person County Environmental Issues Advisory Committee in opposition to this proposed Moriah Energy Center. He stated that the nominal greenhouse gas emissions from the MEC (Moriah Energy Center) are expected to be nearly 66,000 tons annually. He stated that is equivalent to 13,000 passenger vehicles. He stated that this is the wrong choice when we are trying to remove carbon from our atmosphere. He stated that the expected particulate matter emissions amount to nearly 4 tons annually, including 10-micron particles and smaller, that can get into the human lungs, and 2.5-micron particles and smaller, that can get in to the human blood stream. He stated that older adults and children are the most vulnerable to this particular pollution. He stated that health issues include asthma and decreased lung function. He stated that annually the MEC would release 95 tons of carbon monoxide, 5 tons of nitrous oxide, 52 tons of volatile organic compounds, and 4 tons of hazardous air pollutions, which are known to cause human health impacts. He stated all the properties surrounding the proposed MEC depend on wells for their clean drinking water. He stated that any ground water contamination would be devastating.

Richard Mangeot of 112 Elderberry Ln., Rougemont, stated that we do not know enough about this operation to welcome it into our county. He stated when first asked about waste products from freezing and thawing natural gas, Dominion explained that there were none, as anything that was separated from the natural gas before freezing was put back in the pipeline and the process; mostly compressors were powered by electricity. He stated that in Huntersville, NC, a major pollution event occurred where the filter material absorbed some impurities to include mercury; it was buried on site and got into the water table. He stated that Dominion, in their presentation, mentioned that a small amount of toxic material would accumulate and be properly handled. He advised that the Courier Times published an article last week that included data in Dominion's air permit application to the State of NC. The application asked for permission to release 65,579 tons of Carbon Dioxide and several small amounts of dangerous Volatile Organic Compounds, Nitrous Oxide, and various carcinogens each year during normal operations. He stated that he calculated the Carbon Dioxide pollution is the equivalent of 12,000-13,000 automobiles. He stated that the profile might fit burning about 24 tons of natural gas or 12-14 million gallons. He stated that Dominion Energy never said anything about a process at the plant that would consume this level of energy.

Merrilee Narensky of 1 Summer Place Farm Rd., Timberlake, stated that she and her family moved from northern Durham County to Person County nearly twenty years ago. She stated that Planning Boards and Boards of Commissioners greatly impact the lives, livelihood, and lifestyles of residents and neighbors of their counties.

Narensky stated that it is her understanding there is usually a plan with goals that benefit the county, in terms of sustainably, environmentally, and economically. She stated the plan is designed so that residents can feel secure with the progression of those goals. She stated drastically diverting from the goals, such as rezoning from rural conservation to general heavy industrial, creates anxiety, insecurity, and most of all, distrust. She stated vision is most important, and that the Planning Board and the Board of Commissioners are lacking in a sustainable vision for southern Person County.

Jim Dykes of 548 Potluck Farm Rd., Rougemont, stated that he is a Duke educated physician who practiced family medicine for two decades in Durham. He stated that he now farms in Person County. He stated that he owns two parcels of land that neighbor the proposed Dominion Liquid Natural Gas Storage Facility, that total 168 acres of mature forest and farmland. He stated, though he used to practice family medicine, he was drawn to farming at this stage of life, in part, because of his belief in preventive medicine. He stated the health of the soil is vital to the health of human beings and all other living things. He stated so are clean water, clean air, and a stable climate. He stated that he practices organic sustainable agriculture because it acknowledges that healthy soil is fundamental to producing healthy crops or livestock. He stated that on the two farms he owns across the street (Helena-Moriah Road), livestock are raised that feed local families. He stated that hogs, goats, cows, and poultry are raised there, they and all depend upon fertile soil and pasture, clean water, and daily care. He stated that his life is now devoted to the care of these creatures, even though he used to do hospital rounds, he now does morning farming rounds. He stated that Grass Grazed Farm, at 6910 Helena-Moriah Road, is a 60 acre farm he owns, but leases to an African American Marine veteran, who raises meat hogs and pasture raised chickens for Triangle markets. He stated that Derrick and Paige Jackson and their five children have embraced the challenges of raising healthy meat for local markets. Their farm is directly across the road and downhill from the proposed liquid natural gas storage facility. He stated that he fears their farm's welfare might be adversely impacted by the proposed LNG storage facility. He stated The Hundred Acre Wood Farm & Sanctuary (Person County Tax Parcel 4488) is a 108-acre farm just south of Grass Grazed Farm. He stated that it is home to Irish Dexter cattle, Boer, goats, pigs, chickens, ducks, and lone mother goose. He stated that a young couple (Jeff and Ociane) who use sustainable, regenerative, and organic farming practices is farming it. The Hundred Acre Wood is also home to almost 90 acres of mature forest. He stated that it is his hope to put the farm and forests into a permanent land Conservancy in the coming year. He stated that his solar powered home is on Potluck Community Farm, which is just south of the Hundred Acre Wood, and neighbors the Elderberry Co-housing community. He stated it is obvious why so many of us are here tonight expressing our concerns about Dominion Energy's proposed project. He stated it would require the rezoning of farmland that has been historically zoned as "rural conservation/residential". He stated it is vital to the health of Person County to protect its rural residents, farmers and farmland from polluting industries. He stated he believes re-zoning the agricultural land on Helena-Moriah Rd. for industrial use is a terrible mistake. He stated he is not alone, as many others in the room felt the same.

Dykes stated as a physician, farmer, father, and environmentalist, he is against the construction of a 25,000,000-gallon liquid natural gas storage facility proposed by Dominion Energy. Further, zoning farmland from "rural conservation/residential" to "industrial", opens up the way for future industrialization. He stated he does not believe we need or can afford any industry that fuels the degradation of our environment by promoting the use of fossil fuels. He stated the plant itself would produce more carbon dioxide every year than 14,800 gas guzzling automobiles. He stated, and of course, natural gas, when burned, releases methane, which further feeds global warming. He stated that he is worried about the impact of the Moriah Energy Center on the quality of the groundwater as well as the air, as it has been documented in other areas that local groundwater has been negatively impacted by liquid natural gas storage facilities, such as the one proposed for our community. He stated this represents an environmental danger to our community that should be prevented by our elected officials. He stated as a property owner, he is also concerned that the land value of the 168 acres of farmland he owns adjoining Helena-Mariah Road, might be adversely impacted by the proposed LNG project.

Susan Jacques of 546 Lockamy Rd., Timberlake, stated that she and her husband owned and operated two successful small businesses in Durham for 25 years. She stated that she served on the board of directors for Downtown Durham, Inc. for several years, after its inception in 1993. Jacques stated that people move to Person County because of the beautiful rural land, the good downhome people, and the lower cost of living. She stated that people are moving to the edges of Durham and Wake County and to the bordering counties for these same reasons. She stated that is what larger companies also want, and they know that cannot attract good workers to their new facility if those things are not in place. She stated that she has watched small town areas like Holly Springs and Sanford invest in infrastructure to attract larger companies and in amenities like community parks and walking trails and recreation. She stated that is what stimulates economic development and growth in a county. She stated that bringing a LNG Storage facility is the opposite of stimulating economic development and growth in Person County. She stated the truth is that she and her husband would not have bought the 45 acres they own and would not have moved to Person County if the LNG facility had existed back then. She stated that southern Person County is the prime land in the county, ripe for development, attracting people who want to experience beautiful rural landscape, the good downhome people, and the lower cost of living, as well as because it is close to the jobs. She stated that the Moriah Energy Center is the equivalent of shooting ourselves in the foot as it is creating a barrier to future healthy and impactful economic development in Person County.

Don Narensky of 1 Summer Place Farm Rd., Timberlake, stated the Board of Commissioners are elected by the citizens of Person County, and as such is charged with promoting and protecting the interests and rights of their constituents.

Narensky stated once the veil of secrecy was lifted on Dominion's re-zoning request, any observation of how this Board and the Planning Commission have conducted themselves leads to the inevitable conclusion that the Board has actually been doing the bidding of Dominion Energy, a corporation that desperately needs this project to be approved, and quickly, so that their pending sale to Enbridge can bail them out of a \$4B debt and impending bankruptcy. He stated Dominion's website has a timeline that states they began development and planning of this project with county officials in July 2022; and this was verified recently by the board's chairman, who was quoted recently in the paper as having "closed-door" sessions with the County EDC, which also had been in discussions with Dominion over several months. He stated that the chairman was also quoted as saying "there are a lot of moving parts" which he believed seemed to be quickly falling into place for a 12/4 vote, "as soon as we get the planning recommendation. He stated that Dominion advised they would start buying construction equipment as soon as October 2023 for construction beginning January 2024. He stated this is well before any vote could have been taken. He stated what company would begin buying equipment for a project that has not been approved yet, unless they had been assured that approval is, in fact, a done deal. He stated the chairman of the Board was further quoted as stating he had been brought down to Cary by Dominion to see a facility there. He stated that several citizens have told this Board that they reviewed videos of the Commissioner's meetings over these past 18 months, and there was never a hint of all this activity mentioned. He stated that anyone who attended the Planning Commission meeting observed how Chairman Walker adamantly told the public there that he didn't want to hear anything from them about the risks and dangers of an LNG facility because this was just a re-zoning application to "heavy industrial," and his Board didn't know and couldn't consider what type of facility "may be put on the re-zoned site," even though the MEC drawing by Dominion was on the TV screen behind him. He stated when a dissenting Board member began questioning Dominion representatives, and they began to look foolish for their lack of knowledge about their own project, Chairman Walker quickly cut her off and went directly to a vote, with virtually no discussion by other Board members. He stated this Board has not done the due diligence necessary for such a grave decision; as since the news of this project broke it has been the citizens and constituents who have brought forth, to the Board, and in the paper, so many facts and relevant scientific studies to show that there is actually little economic benefit for the County, especially when placed against the risk and dangers the facility poses. He stated that the citizens have uncovered Dominion's admission about the 150 tons of extremely toxic emissions spewed out yearly, the depletion of the area water aquifers, the absence of training of local volunteer fire departments to contain fires, leaks and explosions, the dangers of the extensive dynamiting that will be necessary, the damage to county roads, and the endangered species that must be protected, or the County will face Federal financial penalties and even criminal liability. He stated if this Board has known all these facts all along, shame on them for not disclosing all these risks and dangers to the public. He stated and, conversely, if the Board only knows now, because their constituents have found out for them, shame on them for not doing the required due diligence before scheduling any final vote.

December 4, 2023

Narensky stated that County officials have apparently negotiated with Dominion for 18 months, why not hear from other voices and impartial experts for a few more months, especially the citizens most impacted. He stated that the Board visited Cary, why not come out and walk this beautiful land, get your feet wet in the many creeks and watershed areas which Dominion's impact statement told you do not exist. He stated that you might even see that cute little Neuse River salamander that you will be required to protect. He stated there is a remedy, a way to restore the public's trust and educate the Board sufficiently by tabling this vote on re-zoning for at least three months for all due diligence to be accomplished and allow for more local citizen input. He stated by tabling this vote for a period of months, and then voting on this request when appropriately educated, you may not please Dominion Energy and their stockholders, but you would demonstrate to the people here, and to the citizens of this County, many of whom probably voted you on this Board, that you indeed represent them, first and foremost, and that you have taken their interests and rights to heart.

Heidi Grable of 10607 Wilkins Rd., Rougemont, thanked the Commissioners for their service and advised she is a real estate agent in Durham and a resident of northern Durham County. She stated that she represents her 38 other family members who share the joy and beautiful land that adjoins the Flat River. She stated that she also represents a lot of friends and clients in Person County. She stated that this proposed plant would sit on top of many families' land and farms. She stated that the rezoning would greatly impact the value of homes in the area. She urged the Board to consider opposing this request, and asked who would benefit from this.

Theresa Ahrens of 108 Elderberry Ln., Rougemont, stated that she hopes the Board takes this request for rezoning seriously, like the people in the audience here this evening. She stated that on November 5, 2023 she sent all Board members an email, asking once simple question, "What will be your legacy?" She stated her hope was that the Board would look in to their hearts and choose an option other than Moriah Energy Center. She stated that she fears the Board has already made up their minds and they are deciding their legacy tonight, with the audience as witnesses. She stated that the people, their neighbors, here in Person County have found their voice and will not be silent. She stated that the people would take whatever the Board chooses for their Person County, and make it their Person County. She stated that they would come together to make a better Person County, better for everyone, a Person County that they are proud to call home. She stated they would do this because the Board's actions brought them together, and together they can do anything. She stated make no mistake, they believe the Board can be a part based on what decision and legacy they choose tonight.

Bella King of 294 Wild Turkey Dr., Semora, stated that she is a tenth-generation citizen of Person County. She stated the farm that has been in her family for five generations is in the land that you want to rezone. She understands that the Board has already made up their mind. She stated that it would be a complete injustice for her not to speak on this matter, on behalf of her father and grandparents.

King stated that the citizens of Person County need to stand up for themselves. She stated to consider the future of your children, grandchildren and her future, as they are the next generation, and this is not the future that she wants. She stated that she has lived here her whole life and is a true Personanlian. She stated that she and her whole family are against this. She stated a vote in support is a death sentence for all surrounding the property and the future of Person County.

Meg Koc of 118 Elderberry Ln., Rougemont, expressed thanks to the Board for allowing her to speak. She stated that she is asking the Board to vote no to the rezoning. She stated that we are sitting on a gold mine, referring to the farms in the area. She stated that she feels that property values will decline if rezoning is approved.

Bernhard Lampert of 5970 Mt. Harmony Church Rd., Rougemont, stated that he lives next to the proposed site for Dominion Energy. He stated that he moved to Person County in 2000, he is faced with an environmental threat next door, his property would not be worth anything after this facility moves in, we need economic development, and this is not economic development, the MEC does not provide any long-term benefits for Person County, Dominion is an unstable company, and Person County needs sustainable businesses with infrastructure that would be beneficial to Person County.

Colette Leirer of 344 River Gorge Run, Rougemont, stated that she and her husband moved to Person County 27 years ago and reside on 12 acres that border Deep Creek. She stated that she has two children who were born and raised here, and she is also here to speak on behalf of her subdivision, Deep Creek. She stated that two years ago, she reported to NC Wildlife Commission, otters in Deep Creek. She stated they were the first ever in Person County and that mussels and frogs are also in Deep Creek. She stated if the Board votes to rezone this property, they would not be serving the citizens of Person County.

Diane Lesman of 106 Elderberry Ln., Rougemont, thanked the Board for serving in a hard job. She advised that world leaders gathered last week in Dubai, United Arab Emirates for the World Climate Action Summit. She stated the biggest takeaway was the need to end our dependence on fossil fuels as soon as possible. She stated that methane is the worst global pollutant, and the clock on worldwide environmental disaster is not ticking, it is pounding, and here in Person County we are asked to look backwards. She stated that if the Board votes in favor of this rezoning, Dominion has projected \$93,000,000 in economic development which is possibly fiction. She stated this LNG plant would support the robust economic growth underway in the Durham, Raleigh and nearby communities. She stated that their economic growth is the dog that wags this LNG tail. She stated do not expect us to believe the promise that the Dominion LNG tail will wag the economic growth dog here, which is not the way it works. She stated two years of 24/7 construction is a huge burden for the county.

Lesman stated concerns referencing transportation of construction materials, provisions for emergency vehicles, school buses, and residents, which roads would be used. She stated that light and noise pollution will be incessant and damage to the soil and all living things on the 485 acres would be irreversible. She stated that this proposed LNG plant fulfills the business plans for Dominion Energy and Enbridge, and stated that there is little or no benefit to Person County.

Tim Wahl of 1625 Rougemont Rd., Rougemont, stated that he moved here from Mecklenburg County. He stated that he is in the insurance business and that the insurance premiums would increase for neighboring residents of the proposed site if this project moves forward.

Rhonda Currier of 106 Shannon Ct., Timberlake, stated that this has caused a lot of concern for her and how it will impact the neighbors of the proposed facility. She stated concerns on the effect it would have on children in the area and the school, Helena, a few miles down the road. She stated that actions speak volumes, as indicated by the people here and speaking tonight. She stated that this is a big decision and the Board is here to serve the people.

James Huey of 5517 Durham-Chapel Hill Blvd., Durham, stated that he is an attorney in Durham with the Southern Coalition for Social Justice. He thanked the Board for allowing the opportunity to provide comments on behalf of the neighbors opposed to the Moriah Energy Center, including Charles and Elissa Huffstetler, Donald and Theresa Ahrens, Paul and Andrea Childers, Kristopher Clayton, Amanda Hamill, Bernhard Lampert, and Alan Booker. He stated that Dominion Energy's request to rezone this parcel of land from RC, R to GI for construction of the Moriah Energy Center to store liquefied natural gas must be denied based on the Board's obligation to ensure its zoning scheme is consistent with its Comprehensive Land Use Plan and is reasonable in light of the site characteristics and character of the surrounding area, harm to the neighboring community, stark about face between the current actual and permissible uses of subject tracts and adjoining areas versus under the proposed amendment, and absence of changed conditions or any factors indicating that the proposed rezoning is in the public interest of residents of Person County. He stated that in addition to these deficiencies, the rezoning was not properly noticed under N.C. General Statute 160-D-602(a), as several residents, only received empty envelopes from the County, and presumably intended to contain information about this proposed rezoning. He stated that members of the community are concerned that there may have been discussions regarding this proposal that took place in violation of North Carolina's open meetings law requirements. N.C. General Statute 143-318.9. He stated that public records requests are pending regarding these matters, and rezoning would be inappropriate until the concerns presented by these issues have been redressed. He stated that in view of these considerations, he respectfully and strongly urges the Board to deny the petition to rezone until all questions and concerns are addressed. He stated a few concerns as follows.

- 1) The proposed rezoning is inconsistent with the adopted Person County Comprehensive Land Use Plan.
- 2) The proposed rezoning is not consistent with the character of the surrounding area.
- 3) The proposed development is severely detrimental to the surrounding community, and will result in air, water, noise, and light pollution; safety concerns; endangered species impacts; and aquifer depletion.
- 4) Rezoning this serene area of forest to a liquefied natural gas facility is an unacceptable reversal of permissible uses, which violates fundamental zoning principles.
- 5) The proposed rezoning is not in the public interest.

Vonda Frantz of 98 Elderberry Ln., Rougemont, thanked the Board for hearing the views of their constituents. Frantz stated that she wanted to provide the Board with twelve reasons not to bring a LNG storage facility to Person County.

- 1) This is the time to reduce, not proliferate, fossil fuel infrastructure.
- 2) Natural gas is methane. Methane is in many ways even worse than coal as a climate warming material.
- 3) The benefits to Person County are negligible and will provide few specialized jobs that may not be offered to Person County residents.
- 4) Natural gas is only available in a small portion of the county and will mostly serve southeastern Person County and would be 8 days' worth of gas. According to Dominion, it may only be used 3-4 days.
- 5) Tax revenue from the site will provide about 1% of the County budget.
- 6) The County's roads may be damaged without State funds available for repair.
- 7) Many risks accompany this facility and our volunteer fire departments are not equipped for possible explosions and fires at the site.
- 8) There is a risk of ground water and well pollution, and the polluted area would experience a decrease in economic value, therefore reducing tax revenue to the County.

She stated that another list would be things that could be done for the benefit of Person County. She stated instead of building a Duke Power natural gas plant, money could be invested in putting solar power on every house in Person County. She stated that would be clean energy, living into 2050 instead of 1950.

Cathy Buckley of 101 Independence Pl., Raleigh, stated that she is with the NC Alliance to Protect Our People and the Places We Live. She stated that she would pick up where previous speaker, Vonda Frantz, left off at on her list.

- 9) There are rare and protected species in streams that drain from the site and would be jeopardized by sedimentation and water pollution.
- 10) It does not align with the Comprehensive Plan.
- 11) This is not a facility that will bring economic development to the County.
- 12) There are many requirements that could be made of the applicant that could mitigate some of these impacts.

Lib Hutchby of 109 Standish Dr., Chapel Hill, stated that she is affiliated with Women's International League of Peace and Freedom, FrackFree NC, and NC Environmental Justice Network, and has taken a pledge as a Water Protector. She recited the Earth Steward and Water Protector Pledge. She stated the people of Person County understand hard work and bless their food and that these same people understand that pipeline leaks can ruin soil and contaminate water. She stated that clean soil and water are required to grow healthy food that they and their children can eat. She stated that the constituents are depending on them as a Board to vote no to rezoning for LNG in Person County.

Michael Savino of 345 Potluck Farm Rd., Rougemont, stated that the Board asked for respect, but how are you supposed to give respect with all this going on in secret. He stated he had a vision for Person County, that we grew three-fourths of our food and really committed to that and knew that our food supply was secure no matter what happened. He stated with the unknowns with this site that is a hard vision to come true. He challenged the Board to give the people six months to come up with a plan.

Kathryn Spann of 11915 Roxboro Rd., Rougemont, stated that zoning law is based on the principal that people deserve predictability as they invest in land. She stated that normally is the biggest investment we make in our lives. She stated that when we buy a house, we want to feel secure that the neighborhood would not radically change. She stated that zoning changes legally require a statement of consistency with existing zoning for just that reason. She stated that changes should be gradual. She stated that another basic principal of zoning is to cluster together uses that need the same kind of infrastructure. She stated that this petition request is spot zoning and requests that the Board vote in opposition to this rezoning request.

James Mims of 266 Stoney Mountain Rd., Rougemont, stated that he just moved here after retiring from the Air Force. He stated that he moved her for the peace and quiet. He stated that he has concerns about contamination, and stated, leaks are going to occur and will contaminate wells. He urged to Board to please vote no to this rezoning request.

Holly Ann Rogers of 405 Younger Rd., Roxboro, stated twelve permanent jobs, and a minimal difference in the tax base over the next twenty years is not worth trading the health, safety, and economic stability of Person County citizens. She stated that the citizens are who the Board represents and pledged to serve.

Caroline Hansley of 105 W. Hargett St., Suite 2-D, Raleigh, stated that she is representing the Sierra Club and respectfully requests the Board to postpone the approval process for Dominion Energy's proposed LNG storage facility. She stated there are a lot of unanswered questions and clarification needed concerning safety regarding water, air, soil, noise, and light pollution. She stated identification of procedures is needed for accidents and incidents, and future industrial zoning issues in our area must be clarified. She stated they are over 500 Sierra Club members in Person County who want answers and the Board to vote no to MEC.

Katey Zimmerman of 130 Van Norden St., Washington, thanked the Board for allowing her to speak. She stated that she is here in her role as a Pamlico-Tar Riverkeeper speaking on behalf of the nonprofit Sound Rivers. She stated that there are more than 2,800 members in southeastern NC. She stated as a nonprofit dedicated to protecting the Neuse and Tar-Pamlico watersheds, Sound Rivers is concerned with the impacts a project of this scale would have on downstream and what threat and dangers it may have to the species who inhabit the Flat River Aquatic Reservoir. She stated that this proposed project could have sedimentation pollution that could endanger these species. She asked the Board to please require Dominion to develop a Habitat Conservation Plan for the several endangered and threatened species that have been documented and known to occupy Deep Creek and Flat River downstream. She asked the Board to also require Dominion to commit to strong sediment and erosion control and stormwater measures above the baseline as a condition of this rezoning approval. She asked the Board to please delay this vote until Dominion can provide the necessary assurances to prevent harmful impact to local waterways, groundwater sources, and endangered species that are of great value to Person County.

Cutch Winstead per Rasmussen of 232 Adams Farm Rd., Roxboro, provided a handout to the Board referencing a Texas LNG fire from compressed methane bursting from a pipe and indicated that this facility is similar to the proposed MEC.

Anderson Clayton of 1416 Stone Dr., Roxboro, thanked the Board for allowing her and everyone else to express their public opinion. She stated that she is the Democratic Party Chair. She indicated that three members of the Board are up for re-election. She stated that everyone in the room is bearing witness to what they are deciding to do for the future of our County. She stated that they would have to pay for it at some point in time, by losing money to Dominion Energy, or losing their seats next year. She stated that the people in this room would continue to speak. She stated that this issue is not partisan, it is political, and about money, and padding the pockets in this county.

Clayton stated the Board has a decision to make, do they like where they are sitting, and do they want to be sitting there next year.

A **motion** was made by Commissioner Palmer and **carried 5-0** to close the duly advertised public hearing for Rezoning/Map Amendment Application RZ-02-23 a request by the Applicant, Public Service Company of North Carolina, Inc./Dominion Energy North Carolina (DENC) to amend the zoning designation on ±485.68-acres of the Moriah Energy Center site, located at 6401 Helena-Moriah Rd., from RC (Rural Conservation) and R (Residential) to GI (General Industrial)

CONSIDERATION TO GRANT OR DENY REQUEST

A **motion** was made by Commissioner Palmer and **carried 5-0** to approve Rezoning/Map Amendment Application RZ-02-23 is a request by the Applicant, Public Service Company of North Carolina, Inc./Dominion Energy North Carolina (DENC) to amend the zoning designation on ±485.68-acres of the Moriah Energy Center site, located at 6401 Helena-Moriah Rd., from RC (Rural Conservation) and R (Residential) to GI (General Industrial)

INFORMAL COMMENTS:

There were no comments from the public.

DISCUSSION/ADJUSTMENT/APPROVAL OF CONSENT AGENDA:

Chairman Powell stated the need to adjust the Consent Agenda to include the November 20, 2023 minutes as amended and to add an additional item to the Consent Agenda- Approval of Bonds of the Finance Director, the Register of Deeds, the Tax Administrator, and the Sheriff. A **motion** was made by Commissioner Puryear and **carried 5-0** to approve the Consent Agenda as Adjusted to include the November 20, 2023 minutes as amended and to add additional item to the Consent Agenda- Approval of Bonds of the Finance Director, the Register of Deeds, the Tax Administrator, and the Sheriff.

- A. Approval of Minutes of November 6, 2023,
- B. Approval of Minutes of November 20, 2023 as amended,
- C. Budget Amendment #13,
- D. Budget Amendment #14,
- E. FY25 Budget Calendar,
- F. Consideration of Approval of Late Tax Exemption Applications, and
- G. Approval of Bonds of the Finance Director, the Register of Deeds, the Tax Administrator, and the Sheriff

December 4, 2023

NEW BUSINESS:

AWARD CONTRACT TO BENEFITS CONSULTANT

Presented by Human Resources Director Sonya Carver. Carver advised the Board that Human Resources received five proposals for Employee Benefits and Broker Services. Carver stated the Management Team reviewed and evaluated all five proposals, which included, Mark III, Pierce Group, Gallagher, Allegacy, and USI. Carver advised the Board that Mark III, Pierce Group, and Gallagher were the top three recommended by the Management Team. Carver stated that it was the recommendation of the Management Team to continue the contract with Mark III, as they are a strong partner for Person County and have been supportive. Carver stated she is seeking the Boards' approval to continue to contract with Mark III as the county's employee benefits broker..

Employee Benefits Consulting & Broker Services

Request for Proposal Recommendation

Mark III

Highlights:

- The proposal process was conducted to ensure we are providing the best, competitive benefits package to our employees.
- Human Resources received 5 proposals.
 - Mark III
 - Pierce Group
 - Gallagher
 - Allegacy
 - USI
- The Management Team reviewed and evaluated the proposals.
 - Members of the Management Team are the County Manager, Assistant County Manager, Chief Information Officer, Chief Finance Officer, Tax Administrator, General Services Director and Human Resources Director.

Evaluation Results:

- Mark III, Pierce Group and Gallagher was recommended by the Management Team as the top 3 brokers.

	Mark III	Pierce Group	Gallagher
Average Evaluation Score	25/27	24/27	22/27
Annual Cost	\$25,000 annually. Retains commission on voluntary products to pay for COBRA administration, FSA administration and other programs for the County.	\$11,000 annually. Commission for voluntary products was not discussed in RFP.	\$80,000 annually. Annual fee may be offset by commissions on voluntary products.

Recommendation:

- To continue our partnership (contract) with Mark III.
- Mark III continues to be a strong partner for Person County Government. The staff provides knowledgeable expertise and provides support to the Human Resources staff on a regular basis. We are highly satisfied with their customer service.
- Wellness Programs – Diabetic Management and Medical Weight Loss Management has made a positive impact on the participating employees and has been requested by employees to continue the programs into the next fiscal year. There have been discussions of another program we are considering for the upcoming fiscal year in regards to mental health.
- We have a large number of employees that prefer AFLAC products.
- Mark III was highly supportive and guided us through the high claims year(s) with budgeting recommendations and negotiating power with insurance vendors.

A **motion** was made by Commissioner Palmer and **carried 5-0** to continue to contract with Mark III for Employee Benefits Consulting and Broker Services.

December 4, 2023

APPOINTMENT OF COUNTY ATTORNEY

County Manager Katherine Cathey stated that County Attorney Ellis Hankins was appointed County Attorney in March of 2021 and announced his retirement effective December 31, 2023. Cathey advised at the October 2, 2023, Board of Commissioners meeting, the Board decided to continue to contract with The Brough Law Firm for legal services and appoint one of their attorneys, T.C. Morphis, Jr., as the next county attorney. Cathey advised the Board that an updated Memorandum of Understanding (MOU) with The Brough Law Firm, PLLC is before them for approval. Cathey stated Section 4 has been updated to acknowledge that T.C. Morphis, Jr. would principally perform legal services and that the other provisions of the MOU remain the same. Cathey stated she is seeking the Board to appoint T.C. Morphis, Jr. as county attorney, approve the MOU with The Brough Law Firm, PLLC, effective January 1, 2024, and authorize the County Manager to execute the agreement.

A **motion** was made by Commissioner Palmer and **carried 5-0** to approve T.C. Morphis, Jr. as the next County Attorney effective January 1, 2024.

Chairman Powell presented County Attorney Hankins with a plaque from the Board in appreciation of his service to Person County. Hankins stated it has been a pleasure and a privilege to work with the Person County Board of Commissioners and staff. All of the members of the Board expressed sincere thanks and appreciation to Hankins for his outstanding service provided to Person County.

Chairman Powell administered the oath to Attorney T.C. Morphis, Jr. with The Brough Law Firm, as he will be the new attorney for Person County effective January 1, 2024.



PERSON COUNTY

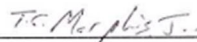
BOARD OF COUNTY COMMISSIONERS

Person County Office Building, Room 212
304 South Morgan Street
Roxboro, North Carolina 27573-5245
(336) 597-1720
FAX (336) 599-1609

OATH OF OFFICE PERSON COUNTY ATTORNEY

I, T.C. Morphis, Jr., do solemnly and sincerely swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as Person County Attorney, so help me God.




T.C. Morphis, Jr.
Person County Attorney

Subscribed and sworn to before me
This 4th day of December 2023.

(SEAL)


Chairman
Person County Board of Commissioners

December 4, 2023

NORTH CAROLINA
PERSON COUNTY

MEMORANDUM OF UNDERSTANDING

1. Parties. The parties to this Memorandum of Understanding (the "Memorandum") are Person County (the "County") and The Brough Law Firm, PLLC ("Law Firm").

2. Purpose. This Memorandum sets forth the understanding between the parties concerning the nature and terms of the relationship under which the Law Firm serves as the County Attorney.

3. Scope of Service. In consideration of the compensation set forth below, the Law Firm shall perform for the County all of the legal services required by the County as set forth herein. Such services shall include, without limitation, consultation with and legal advice to the Board of Commissioners and County staff; attendance at the Board of Commissioners' regular monthly meetings, and special meetings upon request; attendance at meetings of other County boards upon request; drafting and/or review of ordinances and other documents; representation of the County in litigation as necessary and appropriate; and coordination with outside counsel assigned to handle claims by insurance carriers. The Law Firm will accommodate the County's requests with respect to regular hours to be available in the County offices and related matters. Not included within the scope of covered services are services customarily performed by outside bond counsel and real estate title work requiring a formal opinion of title.

4. Services Performed Principally by T.C. Morphis, Jr. The parties acknowledge and agree that the services covered under this Memorandum shall generally be performed by T.C. Morphis. However, the full resources of the Law Firm are available to the County and other members of the firm may assist the County when requested to do so by the County or when Mr. Morphis is unavailable. In addition, the Law Firm may subcontract with other firms or individuals to have certain services performed for the County, such as title searches, in consultation with the County, but the Law Firm shall remain responsible to the County for the quality and timeliness of these services. Payment for these subcontracted services shall be made by the Law Firm and shall be charged to the County on the Law Firm's monthly invoice.

5. Compensation. The County shall pay to the Law Firm for legal services rendered beginning on the effective date of this Memorandum of Understanding on a monthly basis according to the services performed during each month. Monthly invoices shall indicate the number of hours worked, and fees shall be calculated according to the following discounted local government client rates.

T.C. Morphis, Jr.	\$200.00
Other Senior Attorneys	\$200.00
Associate Attorneys	\$185.00
Legal Assistants	\$115.00

The Board of Commissioners has requested that the Law Firm attend all meetings of the Board of

December 4, 2023

Commissioners, including regular, special and emergency meetings, unless otherwise directed.¹ It may choose to be charged a flat per-meeting fee of \$750.00, which would include the attorney's travel time and attendance at the meeting, or to be charged hourly. The County selects the following option:

- ☐ The Law Firm shall attend all regular, special and emergency meetings of the Board of Commissioners and shall charge a flat per-meeting fee of \$750.00; or
- ☒ The Law Firm shall attend all regular, special and emergency meetings of the Board of Commissioners, unless otherwise directed, and charge its usual hourly rate (travel time will not be charged).

The Law Firm also will attend meetings of the Planning Board, Board of Adjustment or other boards if requested, and shall charge its usual hourly rate for each of these meetings. The County may, at any time, elect to switch to a \$750.00 per meeting flat fee for the Law Firm to attend those meetings of other county boards.

Ordinary office expenses shall continue to be charged in accordance with the attached Compensation for Services schedule.

6. Amendment, Duration, Termination. This Memorandum shall govern the relationship between the parties for the period beginning on the effective date of this Memorandum and continuing unless and until terminated upon ten (10) days written notice by either party. Payment shall be made for services rendered through the date of termination. Mutually acceptable changes to this Memorandum, with respect to rates, scope of services or other matters, shall be made by duly approved and executed written amendments.

[This area has been left blank intentionally. Signatures are on the next page.]

¹ The County Attorney ordinarily does not attend planning retreats and budget work sessions, but the Attorney will attend these meetings upon request, at the applicable per-hour rate.

This Memorandum of Understanding is executed by the parties this 4th day of December, 2023.

PERSON COUNTY

THE BROUGH LAW FIRM, PLLC

BY:

Katherine M. Cathey
Katherine Cathey, County Manager

T.C. Morphis, Jr.
Morphis, Jr.

ATTEST:

Michele Solomon
Michele Solomon, Clerk to the Board of Commissioners



This instrument has been preaudited in the manner required by the NC Local Government Budget and Fiscal Control Act.

Amy Wehrenberg
Amy Wehrenberg, Finance Director

CHAIRMAN'S REPORT:

Chairman Powell expressed thanks to the Person County Sheriff's Department for their presence tonight. Powell advised this meeting is the last official meeting of 2023 before the Holidays. Powell wished all a Merry Christmas, to be safe, and have an enjoyable holiday. Powell encouraged all to shop local and advised of the many different shops located here in Person County.

MANAGER'S REPORT:

County Manager Katherine Cathey expressed gratitude to County Attorney Hankins. Cathey advised of the December 7 Strategic Planning Retreat at 9 a.m. in the Commissioner's Boardroom 215 of the Person County Office Building.

COMMISSIONER REPORT/COMMENTS:

Vice Chairman Sims expressed thanks to the Person County Sheriff's Office for helping with crowd control. Sims stated he appreciated everyone in attendance for coming to the meeting and expressing concerns.

Commissioner Palmer thanked County Attorney Hankins and stated he is looking forward to working with T.C. Morphis, Jr. Palmer expressed thanks to the people in attendance who came out to express concerns.

Commissioner Thomas provided best wishes to County Attorney Hankins on his upcoming retirement. Thomas thanked the Person County Sheriff's Office for keeping everyone safe.

Commissioner Puryear thanked County Attorney Hankins for his service to Person County and provided best wishes to him in his retirement. Puryear also gave thanks to the Person County Sheriff's Office for assisting tonight.

CLOSED SESSION #1

A **motion** was made by Commissioner Sims and **carried 5-0** to enter into Closed Session #1 at 9:25 p.m. 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 county (economic development) with the following individuals permitted to attend: County Manager Katherine Cathey, Clerk to the Board Michele Solomon, County Attorney Ellis Hankins, County Attorney T.C. Morphis, Jr., and Economic Development Director Brandy Lynch.

Chairman Powell called the Closed Session #1 to order at 9:31 p.m.

A **motion** was made by Commissioner Puryear and **carried 5-0** to return to open session at 9:59 p.m.

CLOSED SESSION #2

A **motion** was made by Commissioner Sims and **carried 5-0** to enter into Closed Session #2 at 10:00 p.m. 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 (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract with the following individuals permitted to attend: County Manager Katherine Cathey, Clerk to the Board Michele Solomon, County Attorney Ellis Hankins, and County Attorney T.C. Morphis, Jr.

Chairman Powell called the Closed Session #2 to order at 10:00 p.m.

A **motion** was made by Commissioner Puryear and **carried 5-0** to return to open session at 10:07 p.m.

ADJOURNMENT:

A **motion** was made by Commissioner Sims and **carried 5-0** to adjourn the meeting at 10:07 p.m.

Michele Solomon
Clerk to the Board

Gordon Powell
Chairman

December 4, 2023