

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

May 6, 2024
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
G. Nicholas Herman., County Attorney

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, May 6, 2024 at 6:00 p.m. in the County Office Building Auditorium located at 304 S. Morgan Street, Roxboro, NC.

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

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

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

RESOLUTION OF APPRECIATION FOR COUNTY RETIREE

Chairman Powell read a Resolution of Appreciation for County Retiree Lt. Dennis Allen, recognizing his thirty years of service to Person County and presented the Resolution to Sheriff Wilborn in Lt. Allen's absence.

A **motion** was made by Commissioner Puryear and **carried 5-0** to approve a Resolution of Appreciation for County Retiree, Lt. Dennis Allen.

May 6, 2024



RESOLUTION OF APPRECIATION

- WHEREAS, Dennis Allen has served the people of Person County during his employment with the Person County Sheriff's Office; and
- WHEREAS, Dennis Allen has served the citizens of Person County with honor, integrity, sincerity and dedication, providing accurate, concise services for thirty years, July 1, 1994 - May 1, 2024; and
- WHEREAS, Dennis Allen has earned the respect and admiration of all who have known him and worked with him throughout his career; and
- WHEREAS, the County of Person recognizes the many contributions Dennis Allen has made to the County as a Detention Officer, Deputy Sheriff, and a Deputy Sheriff Division Supervisor, and offers him sincere best wishes for his retirement.

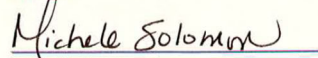
NOW, THEREFORE, I, Gordon Powell, Chairman of the Person County Board of Commissioners, do hereby extend this Resolution of Appreciation to Dennis Allen for his dedication, commitment, and continually striving to make Person County a better place to live and work.

Adopted this the 6th day of May 2024.




Gordon Powell, Chairman
Person County Board of Commissioners

Attest:


Michele Solomon
Clerk to the Board

May 6, 2024

PROCLAMATION RECOGNIZING MAY AS GUARDIAN AD LITEM CHILD ADVOCATE MONTH

Chairman Powell read a Proclamation Recognizing May as Guardian ad Litem Child Advocate Month in Person County and presented the Proclamation to North Carolina Judicial District 11 Guardian ad Litem District Administrator, Mary Jo Van Horne.

A **motion** was made by Commissioner Palmer and **carried 5-0** to approve a Proclamation Recognizing May as Guardian ad Litem Child Advocate Month.

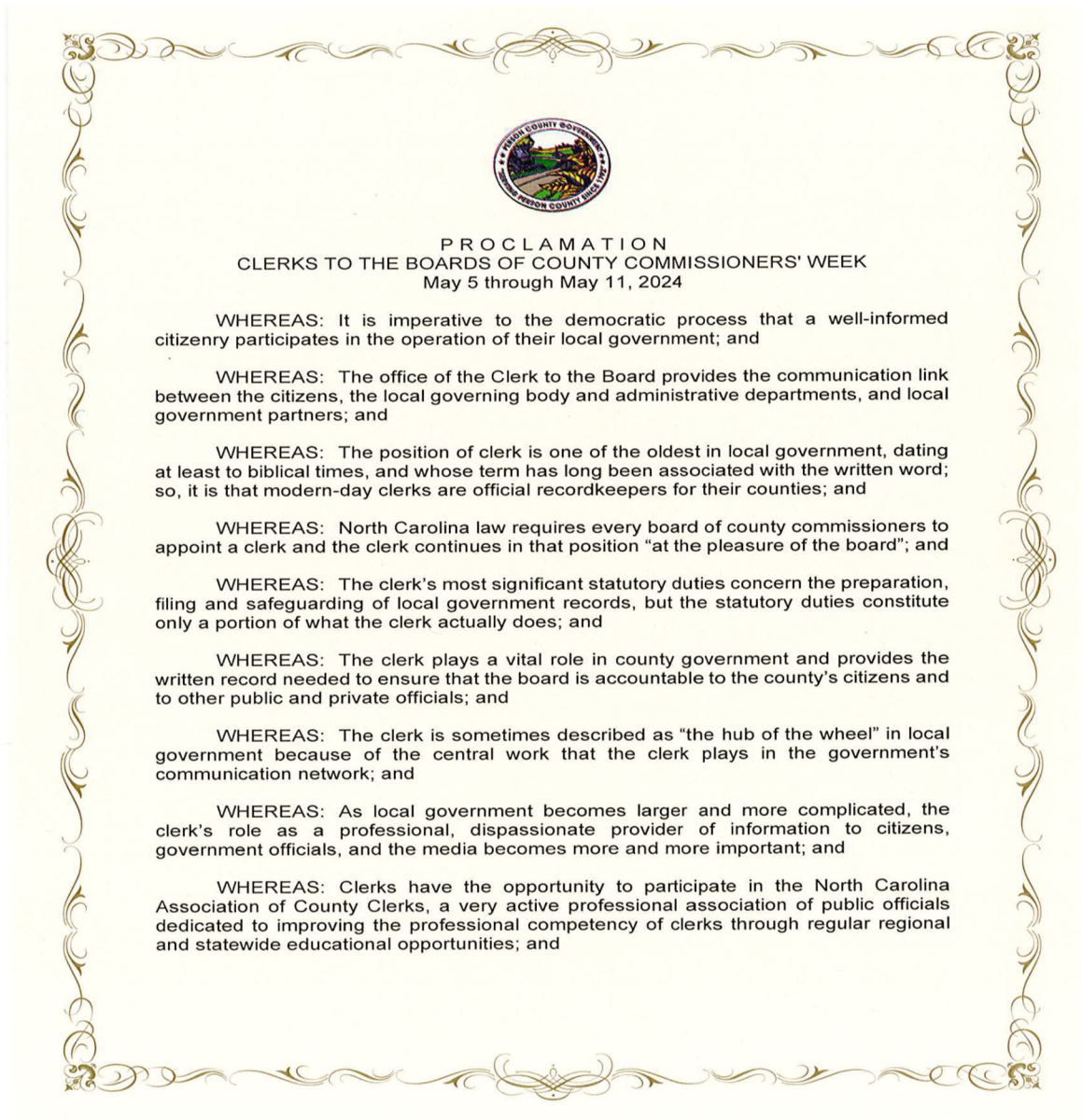


May 6, 2024

PROCLAMATION RECOGNIZING CLERKS TO THE BOARDS OF COUNTY COMMISSIONERS' WEEK

County Manager Katherine Cathey read a Proclamation Recognizing Clerks to the Boards of County Commissioners' Week and Chairman Powell presented the Proclamation to the Clerk to the Board, Michele Solomon.

A **motion** was made by Commissioner Puryear and **carried 5-0** to approve a Proclamation Recognizing Clerks to the Boards of County Commissioners' Week.



May 6, 2024

WHEREAS: Clerks, upon their own initiative, participate in certification and education programs, including annual meetings of the North Carolina Association of County Clerks and the International Institute of Municipal Clerks, which not only improve the operation of their office, but through their achievements and awards bring favorable publicity to the counties in which they serve; and

WHEREAS: Clerks are involved at the state level, as well as in potential legislative and other matters of interest; and

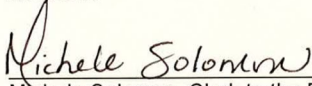
WHEREAS: Although clerks work for the boards of county commissioners, they truly provide public service;

NOW, THEREFORE, the Person County Board of Commissioners does hereby recognize the week of May 5 through May 11, 2024, as Clerks to the Boards of County Commissioners' Week, and extends our appreciation to our Clerk to the Board Michele Solomon and to all County Clerks for the vital services they perform and their exemplary dedication to the county they represent.

Adopted this 6th day of May, 2024.


Gordon Powell, Chairman
Person County Board of Commissioners

ATTEST:


Michele Solomon, Clerk to the Board



May 6, 2024

PUBLIC HEARING:

CONSIDERATION OF APPROVAL OF PRIVATE ROADWAY SIDNEY ROSE DRIVE TO BE ADDED TO THE DATATBASE FOR E-911 DISPATCHING

A **motion** was made by Vice Chairman Sims and **carried 5-0** to open the duly advertised public hearing for Consideration of Approval of Private Roadway Sidney Rose Drive to be added to the Database for E-911 Dispatching.

GIS Director Sallie Vaughn presented. She stated that she comes before the Board this evening to request that Sidney Rose Drive, a private roadway, be added to the database for E-911 dispatching. She stated that a private citizen is adding a third home along a private driveway which constitutes the naming of that driveway. She stated that there is a single property owner in this location; therefore, the property owner was able to choose the road name.

There were no individuals appearing before the Board to speak in favor of or in opposition to the Consideration of Approval of Private Roadway Sidney Rose Drive to be added to the Database for E-911 Dispatching.

A **motion** was made by Commissioner Puryear and **carried 5-0** to close the public hearing for Consideration of Approval of Private Roadway Sidney Rose Drive to be added to the Database for E-911 Dispatching.

CONSIDERATION TO GRANT OR DENY CONSIDERATION OF APPROVAL OF PRIVATE ROADWAY SIDNEY ROSE DRIVE TO BE ADDED TO THE DATABASE FOR E-911 DISPATCHING

A **motion** was made by Commissioner Puryear and **carried 5-0** to approve Private Roadway Sidney Rose Drive to be added to the Database for E-911 Dispatching.

QUASI-JUDICIAL HEARING:

SUP-03-24- A REQUEST BY THE APPLICANT AND PROPERTY OWNER, JAY POINDEXTER, POINDEXTER PROPERTY MANAGEMENT, LLC, FOR SPECIAL USE PERMIT APPROVAL ON AN ±14.39-ACRE LOT (TAX MAP NO. A3 161), LOCATED AT 9958 SEMORA RD., TO ALLOW THE POINDEXTER EVENT CENTER IN AN R (RESIDENTIAL) ZONING DISTRICT; PER SECTION 155 OF THE PLANNING ORDINANCE

A **motion** was made by Commissioner Palmer and **carried 5-0** to open the duly advertised quasi-judicial hearing for SUP-03-24 – A request by the Applicant and Property Owner, Jay Poindexter, Poindexter Property Management, LLC, for Special Use Permit approval on an ±14.39-acre lot (Tax Map No. A3 161), located at 9958 Semora Rd., to allow the Poindexter Event Center in an R (Residential) zoning district; per Section 155 of the Planning Ordinance.

Clerk to the Board, Michele Solomon administered the Oath of Sworn Testimony to the following individuals who offered testimony during the quasi-judicial hearing:

Chris Bowley, Jay Poindexter, Adam Bridgforth, John Seepe, Kristina Lyteson, and Matt Lyteson

Planning & Zoning Director Chris Bowley shared the following presentation for SUP-03-24 – A request by the Applicant and Property Owner, Jay Poindexter, Poindexter Property Management, LLC, for Special Use Permit approval on an ±14.39-acre lot (Tax Map No. A3 161), located at 9958 Semora Rd., to allow the Poindexter Event Center in an R (Residential) zoning district; per Section 155 of the Planning Ordinance.

May 6, 2024



Poindexter Event Center

SPECIAL USE PERMIT APPLICATION

SUP – 03 – 24



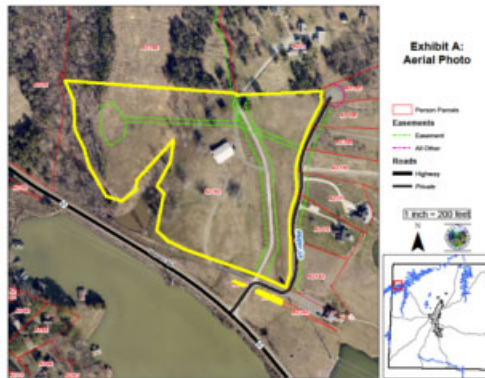
Poindexter Event Center (SUP-03-24) Introduction

- ☐ The Subject Property is ±14.39-acres
- ☐ Located at 9958 Semora Rd. (Tax Map No. A3 161 & Parcel ID No. 9969-00-44-6054.000)
- ☐ Located at the NW corner of the intersection of Semora Rd. & Phiifer Ln.
- ☐ Site has a Hyco Lake future land use designation; with an R (Residential) zoning designation
- ☐ Proposed event center use needs Special Use Permit (SUP) approval in an R zoning district
- ☐ Applicant followed Planning Ordinance criteria for SUP application & Site Plan
- ☐ The proposed use is consistent with the Comp Plan & County Ordinances



Poindexter Event Center (SUP-03-24)

Exhibit A: Aerial Photo



Mr. Bowley presented Exhibit A: Aerial Photo showing that the white building is the barn to be used for the event center, the green line is a septic easement which also serves the homes to the east, Hyco Lake is to the south, the real estate office is to the southeast, the black line that ends at a cul de sac is Phifer Lane, the private gravel road serves the house to the north and bisects the property vacant to the west and north, with homes to the south.

Poindexter Event Center (SUP-03-24) Exhibit B: Future Land Use Map



Mr. Bowley presented Exhibit B: Future Land Use Map showing Hyco Lake future land use.

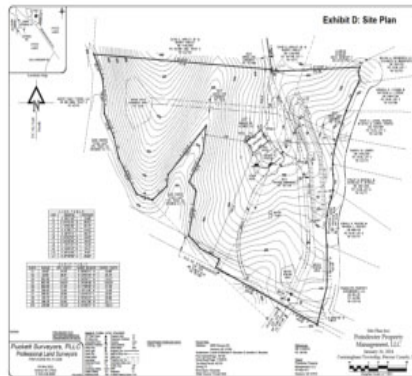
Poindexter Event Center (SUP-03-24) Exhibit C: Zoning Map



Mr. Bowley presented Exhibit C: Zoning Map showing that the property is in a Residential Zoning District; therefore, requiring a Special Use Permit Application.

Poindexter Event Center (SUP-03-24)

Exhibit D: Site Plan



Mr. Bowley presented Exhibit D: Site Plan which is required of Special Use Permit Applications. He pointed out the topography, and advised that the building sits at the highest point, and that the narrow lines show that it slopes down. He indicated that the septic system serves the building and the homes to the east. He stated that there is a proposed grass parking lot to the east of the private road, which is cutting across the property. He stated that the parking lot that is shown on the plan is 100 spaces, 52 of which would be eastward oriented.



Poindexter Event Center (SUP-03-24)

Findings of Fact

Per the Person County Planning Ordinance, the Board of Commissioners shall also address "Findings of Fact" as listed in Section 155, to determine if the proposed use supports the Comprehensive Plan. From the Findings of Fact criteria listed in Section 155-3(b), approval of Special Use Permit Application SUP-03-24 supports the four Findings of Fact listed below:

1. **That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.** – the site has been running as a venue for years, even before we bought it. It has only added joy and enlightenment to the community.
2. **That the use meets all required conditions and specifications.** – yes, we will ensure that all conditions are met.
3. **That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.** – we have been very careful to only increase value by our landscaping and knowledge of real estate; by adding beauty and wonderful aesthetics.
4. **That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan.** – the building is there and fits to the neighboring homes and location with extensive landscaping and renovations from the time it was in land use.



Poindexter Event Center (SUP-03-24)

Staff Recommendation

Based on the above, the Planning & Zoning Department staff recommends that the Board of Commissioners approve Special Use Permit, SUP-03-24, for the Poindexter Event Center within R-zoned property, with the following conditions:

1. The Applicant continues to obtain all required permits from Person County, the State of North Carolina, and any other agency to achieve construction, operations, and maintenance of the Subject Property;
2. The Person County Noise Ordinance is followed;
3. The Applicant or tenant installs a continuous landscape hedge at a minimum height of two (2) feet at full maturity along the eastern boundary of the proposed parking lot that screens the parking lot from adjacent land uses; and
4. The Applicant or tenant shall provide continual property maintenance that does not impact adjacent properties.

May 6, 2024



Poindexter Event Center (SUP-03-24) Potential Motion

"I hereby move to approve Special Use Permit, SUP-03-24, for the Poindexter Event Center within R-zoned property, with the following conditions:

1. The Applicant continues to obtain all required permits from Person County, the State of North Carolina, and any other agency to achieve construction, operations, and maintenance of the Subject Property;
2. The Person County Noise Ordinance is followed;
3. The Applicant or tenant installs a continuous landscape hedge at a minimum height of two (2) feet at full maturity along the eastern boundary of the proposed parking lot that screens the parking lot from adjacent land uses; and
4. The Applicant or tenant shall provide continual property maintenance that does not impact adjacent properties."



Poindexter Event Center (SUP-03-24)

Thank You

There were no questions from the Board for Mr. Bowley.

The following individuals appeared before the Board to speak in favor of during the quasi-judicial hearing for SUP-03-24 – A request by the Applicant and Property Owner, Jay Poindexter, Poindexter Property Management, LLC, for Special Use Permit approval on an ±14.39-acre lot (Tax Map No. A3 161), located at 9958 Semora Rd., to allow the Poindexter Event Center in an R (Residential) zoning district; per Section 155 of the Planning Ordinance.

Jay Poindexter, the applicant testified that he met with some of the neighbors two Saturdays ago and that they talked about similar things mentioned tonight, such as putting up a buffer in between the houses. He stated that he is looking at holly bushes, that would grow to be approximately three feet tall, which would act as a buffer line. He stated that in this meeting with the neighbors, it was suggested that they look into moving the parking lot to the west side, which would be away from the homes. He stated that that is something he would look in to, as he needed verification of the septic lines, as septic easement goes to one house that is located behind the venue, and six more lots behind the white house. He stated that the septic lines are buried deep enough where you can drive across it, and believes that they are six to ten foot deep. He stated that the parking lot is currently proposed to the east as shown on the site plan; however, he is not opposed to moving the location to the west, where there is vacant land, after speaking with the neighbors and hearing concerns. He stated that if the neighbors are not happy, he never will be.

Commissioner Palmer asked Mr. Poindexter if this property was located below the Burley Plantation. Mr. Poindexter advised that it is located in front of it. Commissioner Palmer asked how many homes are located next to this property, to which Mr. Poindexter responded six.

The following individuals appeared before the Board to speak in opposition of during the quasi-judicial hearing for SUP-03-24 – A request by the Applicant and Property Owner, Jay Poindexter, Poindexter Property Management, LLC, for Special Use Permit approval on an ±14.39-acre lot (Tax Map No. A3 161), located at 9958 Semora Rd., to allow the Poindexter Event Center in an R (Residential) zoning district; per Section 155 of the Planning Ordinance.

John Seepe of 277 Barefoot Landing Lane Semora testified that he was properly sworn in. Mr. Seepe stated that Poindexter Properties LLC is an example of getting a desired outcome from a crooked or unconventional process. He stated that Poindexter Properties has been operating an event center at this property as its primary purpose and not as a secondary purpose. He stated that the previous owners did not use this as an event center, as it was falsely stated in Mr. Poindexter's application. Mr. Seepe stated that the previous owner used it as a fancy barn and an apartment, which was just completed prior to sale. Mr. Seepe stated that from the time Poindexter Properties purchased the property, they have been solely focused on using it as an event center.

Mr. Seepe stated that Poindexter Properties planted sunflowers to try to mask their commercial use of this property, to make it appear that they were using it for agricultural purposes, as the previous owner had a tax deferment. Mr. Seepe stated that he is not a realtor, he is not married to a realtor, his daughter is not a realtor, and he is not on the EDC or PCBIC Board. Mr. Seepe stated that he makes sure that everything he does is keeping with the rules of this community, the one that he loves and respects.

There were no questions by the Board for Mr. Seepe.

Commissioner Palmer asked Chairman Powell how much time allotment is given to each individual. Chairman Powell advised Commissioner Palmer that the time limit does not apply.

Adam Bridgforth of 238 Phifer Lane, Semora testified that he is a property owner on Phifer Lane. Mr. Bridgforth stated that he is a General Contractor out of Raleigh, and a former Marine. Mr. Bridgforth stated that he is not trying to shut down the event center, as he is excited to see growth. Mr. Bridgforth stated that he met with Mr. Poindexter a few weeks ago, and that Mr. Poindexter was very kind to talk through some of the concerns that neighbors had. Mr. Bridgforth stated that after leaving the meeting and speaking with other homeowners on the road, there are things that they continue to struggle with. Mr. Bridgforth stated that Phifer Lane is a private road, and the repairs and maintenance are paid for by the six homeowners that live on Phifer Lane. Mr. Bridgforth asked who would be paying for those maintenance costs and increased wear and tear when a commercial entity uses that road for access. Mr. Bridgforth stated that at least four of the six homeowners have young children under the age of fifteen. Mr. Bridgforth stated that if his kids are out playing on the street before, during, or after one of these events that alcohol is served at, there are no current barriers to protect them. Mr. Bridgforth stated that it was mentioned earlier about a two-to-three-foot hedge row as a barrier, and the homeowners are requesting something a bit more substantial. Mr. Bridgforth stated that alcohol is being served, which could be a safety issue, especially if it meshes with the homeowner's private property. Mr. Bridgforth stated that the private road is a single lane road, and voiced concerns over how emergency vehicles could access the road and homeowners in event of an emergency. Mr. Bridgforth stated that he would also like to see a separate connector to the main road. Mr. Bridgforth stated that he would like to see additional restrictive conditions, such as a berm three-foot-high, and a continuous hedge row of eight- to- ten foot to be able to prevent headlights from shining down as kids are trying to sleep. Mr. Bridgforth stated the approved septic permit for this property allows for three days of venue use, up to four hours. Mr. Bridgforth stated that he would like to see that defined in the conditions, as well as overnight stays. Mr. Bridgforth stated that he would like to see no camping, RVs, and overnight rental of the premises allowed; therefore, ensuring the septic is not overloaded. Mr. Bridgforth stated that the noise is also a concern, and requests that a self-imposed noise ordinance of 10:00 p.m. be made as a condition opposed to the County's 11:00 p.m.

There were no questions by the Board for Mr. Bridgforth.

Kristina Lyteson of 226 Phifer Lane, Semora testified that she purchased one of the properties before the farm changed hands and became an event center. Ms. Lyteson stated that the event center poses a significant safety risk to her residential community if proper safeguards are not mandated. Ms. Lyteson stated that she was not able to meet with Mr. Poindexter due to a girl scout leader training she attended. Ms. Lyteson stated that she has observed several cars at numerous events driving across the unmarked grass to leave the event via the private road. Ms. Lyteson stated that the private road was designated for limited residential use only, yet this venue plans to drastically increase traffic from large events, such as weddings and concerts. Ms. Lyteson stated that this raises the potential for serious vehicle versus pedestrian accidents involving our children playing outdoors. Ms. Lyteson stated that many guests would also be impaired from alcohol consumption, heightening dangers that a two-to-three-foot hedge would not mitigate. Ms. Lyteson stated that the increased traffic volumes from even a single event could exceed the road's safe capacity onto or off of Semora Road. Ms. Lyteson stated concerns of obstructing emergency vehicles access to their homes and life-threatening situations. Ms. Lyteson stated she has observed entrance and exit congestions from events since the venue began operating at a decreased frequency than what they are looking to increase to. Ms. Lyteson stated that for these reasons she and other neighbors of the Landing request that additional conditions be added to the approval of the Special Use Permit. Ms. Lyteson stated most crucially a permanent substantial physical buffer, like a densely planted earth berm with mature hedges to separate the road from the venue. Ms. Lyteson stated that she observed lots of people parking here or there, and this issue would need to be fixed for the entire length of Phifer Lane, so they can protect their children. Ms. Lyteson stated that this physical barrier would block vehicle access to the private road, reduce noise, and would help with the light trespass. Ms. Lyteson stated that she would like to see a required secondary dedicated entrance/exit to alleviate congestion and obstruction of emergency vehicles. Ms. Lyteson stated she would also like to see a strict noise operating hour, since this is in a residential community. Ms. Lyteson stated that she is asking that events end by 9:00 p.m. so that people are moseying their way down to the car, they don't have to rush, and be out by 10:00 p.m. Ms. Lyteson stated she wanted to work cooperatively, but as parents, resident health and safety are her top priority. Ms. Lyteson stated that these protection measures are essential to reduce the risk related to having an event center in a residential community.

There were no questions by the Board for Ms. Lyteson.

Matt Lyteson of 226 Phifer Lane, Semora testified that he likes to see growth in the community as Mr. Bridgforth stated, but that growth needs to be balanced with the appropriate safety measures to ensure the protection of his neighbors, community, and children. Mr. Lyteson provided the Board with additional information to include photographs of an event that occurred at the venue this past weekend. Mr. Lyteson stated that he observed several cars going on the private road looking for parking. Mr. Lyteson stated that the venue is located at a higher slope than the properties on Phifer Lane, and is unsure if the two-foot hedge in the original proposal is going to cut it. Mr. Lyteson stated that upon research and a quick call to Alcohol Beverage Control Commission, he found out that only one permit has been issued for alcohol since the venue began operation. Mr. Lyteson stated that he would like to see a four-foot berm with eight-foot hedges to protect the road, children, and neighbors. Mr. Lyteson stated he would also like to see the parking lot relocated.

There were no questions by the Board for Mr. Lyteson.

A **motion** was made by Commissioner Palmer and **carried 5-0** to close the quasi-judicial hearing for SUP-03-24 – A request by the Applicant and Property Owner, Jay Poindexter, Poindexter Property Management, LLC, for Special Use Permit approval on an ±14.39-acre lot (Tax Map No. A3 161), located at 9958 Semora Rd., to allow the Poindexter Event Center in an R (Residential) zoning district; per Section 155 of the Planning Ordinance.

Vice Chairman Sims had questions for the applicant, Jay Poindexter. Vice Chairman Sims stated that there have been several concerns expressed about the safety and protection of the neighbors' children. Vice Chairman Sims asked Mr. Poindexter if this is the first time hearing of these concerns. Mr. Poindexter stated that he met with neighbors a few Saturdays ago and addressed their concerns. Mr. Poindexter stated that he is looking at the expense of what he can do, and he is already limited on this, but at the same time, if that is what it takes, then, that is what it takes. Mr. Poindexter stated that the neighbors keep saying something about the drive, and he wants to point out that it has a guard rail on both sides of it that runs all the way down to the 420' mark of Hyco Lake. Mr. Poindexter stated that you cannot cut a road through the pond at the bottom or through the side of that guard rail, as it is state maintained land due to the 420' line. Mr. Poindexter stated that he knows what he needs to do to keep the safety up. Mr. Poindexter stated that he would be putting up signage for parking and people would not be going down Phifer Lane, instead they would utilize Old 57. Vice Chairman Sims stated that there were also concerns about wear and tear of the road. Mr. Poindexter stated that Old 57 is abandoned and his office is sitting on part of it, and the old road is pavement under pavement. Commissioner Puryear asked if the road was state maintained. Mr. Poindexter stated that the road is not state maintained as the state abandoned it in 2014, when he built his office. Mr. Poindexter stated that is the only road in and out, and he cannot change that.

Mr. Poindexter stated that if the maintenance of the road becomes an issue, neighbors can let him know. Mr. Poindexter stated on another note, that he did obtain building permits, as well as plumbing, and electrical permits.

Commissioner Palmer asked Mr. Poindexter if the right of way was lighted on either side. Mr. Poindexter stated that there are exterior lights, and two poles with lights on them. Mr. Poindexter stated that he has approximately 100 landscaping lights and lights on the steps, which are set to cut off at 11:00 p.m. Mr. Poindexter stated that there is no light on the roadway of Phifer Lane, except one of the neighbor's has two lamp posts. Commissioner Palmer asked Mr. Poindexter about the size of the event center. Mr. Poindexter stated that when the Fire Marshal and Building Inspector came out to the property, he was told he could have up to 121 people on site. Mr. Poindexter stated that with the new septic system he is putting in, he would be allowed to have 181 people. Mr. Poindexter stated that he would be going above and beyond as he does not want any problems down the road with that. Commissioner Palmer asked Mr. Poindexter will the events be held inside the center involving music, or would they be outside. Mr. Poindexter stated that the music would be inside of the building upstairs. Mr. Poindexter stated that outside would be used socially for people to sit. Commissioner Palmer asked Mr. Poindexter what is the distance from the roadway to the turn off for Phifer Lane. Mr. Poindexter stated a good distance, maybe 200 feet. Mr. Poindexter stated that people coming to the event center are following the paved road, Phifer Lane, and not following the gravel driveway leading to the event center. Mr. Poindexter stated that he has put signage up. Commissioner Palmer suggested larger signs. Mr. Poindexter stated that he could do that. Commissioner Palmer stated that typically from the years he has been to events, you would have law enforcement, or somebody out in the roadways directing traffic. Mr. Poindexter stated that they are not that big, sometimes 40-50 cars, they have never had law enforcement there, for events such as weddings and anniversary and birthday parties. Commissioner Palmer asked Mr. Poindexter if the event center has both day and night events. Mr. Poindexter stated yes it has both day and night events. Mr. Poindexter noted that it was previously stated about ABC permits, and he does not have a permit, as he does not sell alcohol. Mr. Poindexter stated that it is the responsibility of the caterer to obtain ABC permits.

Commissioner Thomas stated that the main thing people are concerned about is safety and the size of the berm needing to be bigger. Commissioner Thomas stated issues with the parking lot, and Mr. Poindexter stated he has moved the parking area. Commissioner Thomas referenced the noise ordinance mentioned of 10:00 p.m. Mr. Poindexter went back to reference the size of the berm. Mr. Poindexter stated that they are fixing to dig up the septic and will end up with some dirt left over that could be used to make a 3-foot berm, and at the same time put bushes on top of that to make it six-foot.

Commissioner Palmer asked how did Mr. Poindexter get to this point, as he has already been in operation. Mr. Poindexter stated that he came out of land use once he built his landscaping, parking lot, and driveway. Mr. Poindexter stated that now his land is too small to stay in land use and is no longer deferred, which means he will be paying his fair share of taxes. Mr. Poindexter stated that once he came out of land use, he applied for the Special Use Permit.

Chairman Powell asked if there were any other questions from the Board, to which the Board replied no.

CONSIDERATION TO GRANT OR DENY SUP-03-24- A REQUEST BY THE APPLICANT AND PROPERTY OWNER, JAY POINDEXTER, POINDEXTER PROPERTY MANAGEMENT, LLC, FOR SPECIAL USE PERMIT APPROVAL ON AN ±14.39-ACRE LOT (TAX MAP NO. A3 161), LOCATED AT 9958 SEMORA RD., TO ALLOW THE POINDEXTER EVENT CENTER IN AN R (RESIDENTIAL) ZONING DISTRICT; PER SECTION 155 OF THE PLANNING ORDINANCE

A **motion** was made by Commissioner Puryear to approve SUP-03-24 – A request by the Applicant and Property Owner, Jay Poindexter, Poindexter Property Management, LLC, for Special Use Permit approval on an ±14.39-acre lot (Tax Map No. A3 161), located at 9958 Semora Rd., to allow the Poindexter Event Center in an R (Residential) zoning district with the following conditions:

- 1) The applicant continues to obtain all required permits from Person County, the State of North Carolina, and any other agency to achieve construction, operations, and maintenance of the subject property;
- 2) The Person County Noise Ordinance is followed;
- 3) The applicant or tenant installs a continuous landscape hedge at a minimum height of two feet at full maturity along the eastern boundary of the proposed parking lot that screens the parking lot from adjacent land uses; and
- 4) The applicant or tenant shall provide continual property maintenance that does not impact adjacent properties.

Chairman Powell asked if there was any discussion from the Board and if they were content with the stipulations and additional requirements in the motion as stated, before proceeding with the motion. Chairman Powell asked the Board, how clearly are they defining safety. Commissioner Puryear stated that these are the Planning and Zoning staff recommendations. Chairman Powell stated that he understands that. Commissioner Puryear stated that is his motion and called the question. Chairman Powell recognized Commissioner Puryear calling the question, the motion on the floor, and called for a vote by the Board.

The motion carried 5-0.

Chairman Powell failed to vote; therefore, it shall be recorded as voting in the affirmative, as indicated in the Board's Rules of Procedure.

INFORMAL COMMENTS:

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

Alan Booker of Rougemont stated that he spoke a couple of weeks ago and thanked the Board for their time. He stated that he later realized, 'What was he thanking the Board for'? For not listening to Person County residents, for not responding to their request for information, or for not being able to address the Board as individuals in an open meeting. He stated that at the last two meetings, the cell tower application process was unanimously accepted with no discussion, and a rail yard issue was spoken to and appeared to be shrouded in issues of secrecy and insider knowledge. He stated that there were multiple forms available for comment for or against as usual. He stated that one individual came forward, and these were big projects. He stated most likely no one signed up like the Dominion gas project, nobody had been informed in a timely manner. He stated that this appears to be the Boards' method of passing important projects quickly without public input or the possibility of public scrutiny. He stated that there is no true participation when our representatives refuse to engage in conversation during these meetings. He stated that by refusing to engage in conversations with constituents, the Board is demonstrating fear of accountability, or at worst weakness. He stated that constituents have the expectation that trust can be built with our representatives in government by acknowledging weaknesses when you reflect upon the flaws inherent in your working process. He stated that he understands how complicated these issues are and that it cannot be an excuse for stonewalling your constituents. He stated that he is deeply disturbed by the broken nature of the Boards' working process as it clearly demonstrates democracy at its worst.

Joseph DiBiasi of 53 Dorothy Brooks Lane, Roxboro stated that he lives adjacent to Project Log. He stated that today is May 6, 2024, and it has been over seven months since the due diligence has commenced on the Woodsdale rail laydown yard. He stated that as of today, there is still no proper county zoning, no state permits, no state approvals of construction, no state approvals of business operations, no DOT approvals, and no word from Norfolk Southern Railroad on future rail lines or construction. He stated that what we do have is an illegal roadway through private property, an illegally built containment mat, and clearing of County land beyond state expectations, all brought to us by a contractor from out of state. He stated that he would like to know when our county officials will be resolving these issues and put Project Log onto its proper course. He stated that the residents expect a real response.

John Seepe of 277 Barefoot Landing Lane, Semora stated that the previous speaker was 32 seconds short; therefore, he will take that time. He congratulated Clerk to the Board Michele Solomon on the minutes and the clerk job, and stated that his comments are not negative to her. He stated that he looked over the minutes from the last meeting and it was missing some details. He stated that he liked what was captured on his speech as well as Joe's and others. He stated that Phillip Allen started with a positive message where he emphasized the character of the current board members of the EDC and the PCBIC, how they are all volunteers, and honored and privileged to make contributions to a place that they call home. He stated that Allen further stated that their motivations are noble and unselfish. He stated that Allen reiterated it again for emphasis. He stated that Allen stated that they are freely giving of their time and their wisdom to make Person County a better place for all of us, having dignity, integrity, and working hard. He stated that Allen stated that the board has been joined at the hip for years. He stated that Allen is referring to the Board of Commissioners, PCBIC, and EDC. He stated that he just covered the noble and unselfishness of Mr. Poindexter buying the property for commercial purpose and taking a year and a half to get here. He stated to challenge what Poindexter said, the barn is not an auxiliary purpose, that Poindexter is using it as a primary use. He stated that Allen at the last meeting was a deer in headlights in front of the Board. He stated that Allen has been President of a board for years, yet he has no clue on how to do the budget process. He stated that this is shocking and profound. He stated that obviously Allen has not been having to follow the same process of County departments when submitting budget requests. He stated that he appreciated the Chairman of the Board of Commissioners' comments at the last meeting, the comments were deep, and a difficult statement to make with a lot more honesty than the citizens of the County have seen in a long time. He stated that he got the opportunity to speak with Donald Long, a few days after the meeting, and Long disclosed the reason for Liz Bradsher's removal and failure as a board member of the EDC. He stated that according to Long, it was not due to Bradsher's hard questions, but that she had the nerve to ask them before she made friends. He stated that he responded back to Long, "So people have to make friends and develop relationships before they are allowed to engage in the real matters before the boards and committees of the County"? He stated that this is shocking and appalling, and that is why you have the train wreck at Woosdale. He stated that is why the Board is going to have to make some hard decisions coming up, and the citizens are watching. He stated citizens are not naïve and he hopes the Board will start a dialogue with citizens.

Andrea Childers of 270 Blackberry Lane, Rougemont stated that she has been a resident of Person County for 31 years. She stated that she is asking the Board to reverse the rezoning decision they made on December 4, 2023. She stated that if the Board chooses not to reverse the rezoning, that it is imperative that they ask Dominion Energy to get an Environmental Impact Study, and a Stormwater Runoff Study before they are allowed to begin construction. She stated that she is asking for safety, that the wells for all the neighbors in the area be tested now, and for the life of the facility. She stated that on April 11, 2024, a friend of hers spoke with a County Commissioner who told her he did not have to listen to her because he listened to the experts.

Childers stated that on December 4, 2023 experts stood before the Board and explained the dangers of building the Moriah Energy Center, but the Board discarded all of the expert opinions and voted to rezone.

Adam Bridgforth of 238 Phifer Lane, Semora stated that none of the concerns of the homeowners of Phifer Lane were considered. He stated that he finds it grossly negligent on the Board's part and questionable decisions are being made with little regard to the residents and safety measures.

Joan Healy of 6805 Falcon Bridge Road, Chapel Hill stated that she resides in the City of Durham and for over 30 years has owned land at Potluck Farms in Rougemont, and hopes to build on when she retires this year. She stated that her land is 1.8 miles from the MEC facility that the Board rezoned from Rural Conservation to General Industrial. She stated that according to those that are monitoring the area in this preconstruction phase of the MEC, runoff and siltation standards are reportedly already exceeding limits. She stated that she was at the December 4, 2023 meeting, and was offended that a member of the Board claimed that people were paid to show up. She stated that she was not paid to be at that meeting or any other meeting on the impact of the MEC facility. She stated that an Environmental Impact Study needed to be done.

DISCUSSION/ADJUSTMENT/APPROVAL OF CONSENT AGENDA:

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

- A. Approval of Minutes of April 15, 2024,
- B. Budget Amendment #22,
- C. Audit Contract and Engagement Letter for FY24, and
- D. Resolution Renaming the County Farm Park to the Roxboro Rotary Club of Roxboro Centennial Park

NEW BUSINESS:

PERSON COUNTY SCHOOLS FY25 BUDGET REQUEST

Person County Schools Superintendent Dr. Rodney Peterson presented the following for FY25 budget request.



Enrollment Update



Enrollment		
	Best Day 20/40	End of Year
2024	4295	4309
2023	4321	4229
2022	4267	4252
2021	4272	4274
2020	4327	4266
2019	4363	4287
2018	4449	4350

Pandemic Funding and Impact



- Person County Schools Received \$ 16,934,410
 - Required to set aside a minimum of 20% for Learning Loss
 - \$4,233,602
 - Used \$6,160,584 to upgrade Heating/AC and Quality Air systems in schools.
- As a result of this loss of funding, the Board of Education returned to a zero based budgeting model and used a ROI model to determine the funding needs for the 2024-2025 school year.

Impact on Pandemic Funds on Learning Loss



Recovery Outcomes

Percent of grade levels making overall progress following the pandemic impact
2022 to 2023

YEAR OVER YEAR RECOVERY		
<i>Includes Grades 3-8 EOG and Related EOC Areas</i>		
	Multi-Year Improvement From 2022 to 2023	Progress Towards Recovery Thresholds
3-8 Math/ Math 1	100% 7 of 7 Grade Levels/ Areas	71% 5 of 7 Grade Levels/ Areas
3-8 Reading/ English II	43% 3 of 7 Grade Levels/ Areas	29% 2 of 7 Grade Levels/ Areas
5 & 8 Science/ Biology	33% 1 of 3 Grade Levels/ Areas	67% 2 of 3 Grade Levels/ Areas

Pandemic Funding and Impact



- As a result of this loss of funding, the Board of Education returned to a zero based budgeting model and used a ROI model to determine the funding needs for the 2024-2025 school year.
- The loss of pandemic funding resulted in the Board of Education needing to cut \$3,500,000 from the current operating budget.

May 6, 2024

2024-2025 Budget Request Highlights



- Anticipated salary increases of 3% and matching retirement increase of 1%
- Hospitalization increase of \$538 per employee; \$7,557 to \$8,095
 - **Benefits are now an average of salary plus 48%**
- The local budget request appropriates \$2,633,216 in unrestricted funds to 18 charter schools.
- NCDPI will begin “funding in arrears” model for the upcoming fiscal year. Districts will receive funding for FY 24-25 based on their 2nd month ADM from FY 23-24. PCS allotments for FY 24-25 will reflect this model in terms of school allocated positions.
- The general assembly will continue funding Supplemental Funds for Teacher Compensation that allocated an additional supplement of \$2,800 per certified teacher in FY 23-24.

There was no discussion and no questions by the Board for Mr. Peterson. No action was taken by the Board, as this was an informational presentation for the FY25 budget request.

PIEDMONT COMMUNITY COLLEGE FY25 BUDGET REQUEST

Piedmont Community College President Dr. Pamela Senegal presented the following for FY25 budget request.



Agenda

1. Introduction, Dr. Reggie Browning-CFO/VP of Admin. Services
2. Enrollments, key priorities
3. Overview of requests & connection to PCC and EDC goals
4. Summary

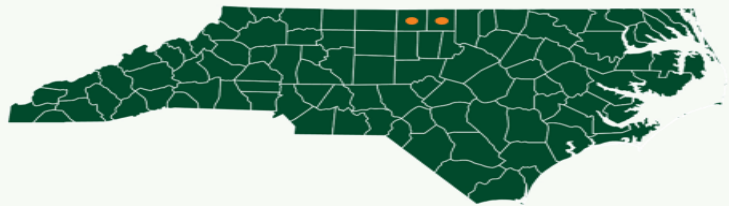
Dr. Reggie Browning

Vice President,
Administrative Services/
Chief Financial Officer

Coming to us from Piedmont
Community Actions, Inc. in
Spartanburg, SC.

PIEDMONT COMMUNITY COLLEGE COUNTY SERVICE AREA

	# with Some College, No Degree	% with Some College, No Degree
Caswell County	3,745	17%
Person County	6,008	15%
Service Area	9,753	16%



Population Total Ages 18-44

Caswell County

6,788

Person County

11,781

Source: NCSU Beik Center for Community College Leadership and Research - PRESIDENTS' ACADEMY MARCH 2020 SYMPOSIUM, 2020

Enrollment Update

Fall 2022-Fall 2023:

- System Wide Total FTE Increase: **5%**
 - Workforce CE: **10%**
- PCC Total FTE Increase: **7%**
 - Workforce CE: **22%**

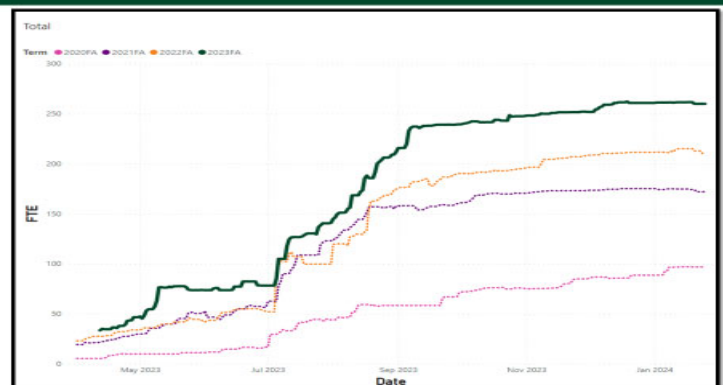
Spring 2023- Spring 2024 Highlights:

- Associate Degree Nursing Increase: +40 FTE: **144%**
- Cosmetology Increase: +6 FTE: **40%**
- General Education Increase: + 13 FTE: **6%**
- IT Increase: +7 FTE: **29%**

This data was run on 3/11 at 8 a.m.

2022-2023 to 2023-2024 PCC Academic Year 10% Increase in Total FTE

- Data for CE ongoing



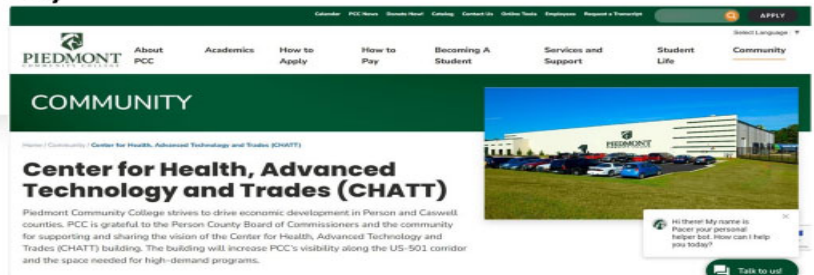
Workforce CE Fall FTE: 22% Increase from Fall 2022 to Fall 2023

PCC Operating Requests Summary

- Salaries of facility services and support staff to align with state increase for faculty and staff.
- Medical insurance premiums
- Waste removal
- Utilities
- Equipment repair
- Service contracts
- Center for Health Advanced Technology & Trades (CHATT)
 - Summer 2024 – design
 - Fundraising and grant efforts in process
 - Upfit work begins Q4 of 2024
 - Transition of some classes beginning Q1 of 2025, phased approach
 - Utilities, grounds, security, IT begin immediately upon occupancy

Piedmont Community College Capital Requests

- CHATT purchase & upfit
- Mechanical, Electrical, and Plumbing (MEP) for existing campus systems that are well beyond useful life
- Exterior improvements





Commissioner Palmer asked what classes would be offered at the CHATT location and timeframe to move in and get settled. Dr. Senegal stated that the classes to be offered at CHATT include, CDL truck driver training, HVAC classes, Plumbing, Welding, and Health Programs to include Phlebotomy, CNA, and Nursing. She did not provide a timeframe, but advised, it could be as soon as the first quarter in FY25 for some of the programs.

There were no other questions by the Board. No action was taken by the Board, as this was an informational presentation for the FY25 budget request.

PERSON COUNTY ANIMAL SERVICES ORDINANCE

Presented by Animal Services Director Kelli Lewis. She stated that at the request of a commissioner, she will discuss the existing Animal Services Ordinance and provide a review of bite statistics over the last three years. She stated that there were 329 bites in a three-year period. She stated that 147 of the bites were by family-owned pets. She stated that they either bit a family member in their home or bit the actual owner. She stated that 12 of the bites occurred at the veterinarian office or to staff from the shelter, 2 were wildlife, 108 were cats, and 60 were by stray dogs or by owned dogs off of their property. She stated that of the 60 stray or owned dogs, 8 of them were not located, 19 received verbal warnings, 13 received citations, 6 of them received a dangerous dog warning letter, 5 of them were deemed dangerous, 4 of them were surrendered and euthanized per the owner's request or surrendered then euthanized, and 5 of them were owner-surrendered to euthanize.

Vice Chairman Sims asked if the statistics provided include both the City and the County. Lewis stated that the County and City share the same shelter manager program, therefore the numbers reflect both City and County combined. Sims stated that it would be nice if citizens knew how many bites occurred in the City versus how many in the County. Lewis clarified that of the 60 stray dogs or owned dogs off the property, the large percentage of those bites were of people trying to break up a dog fight, and it was not intentional that the dog was going at a person, it was because the person got in between two animals that were fighting. Sims asked if there was a leash law in the City. Lewis advised yes, there is a leash law in the City. She stated that the City Ordinance is different from the County Ordinance. She stated that there is a City Animal Control Officer that works for the PD and they have their own ordinance, the City. She stated that there is the Sheriff's Office that has 2 Animal Control Deputies and they have their own ordinance, the County. She stated that the shelter just holds these dogs during quarantine. Sims asked what right do citizens have if they feel threatened by a dog or an animal. Lewis responded that everyone has a right to protect themselves how they see fit. She stated that most situations are handled with the Sheriff's Department where an Animal Control Deputy or a Deputy responds by giving either a verbal warning or by sending the report to the Animal Control Officer that handles the situation by taking out charges on them or instructs them on how to take out civil charges. Sims stated he has concerns of a citizen protecting themselves and shoots a dog, then the owner of the dog retaliates and shoots the person that shot the dog. He stated that it would be hard in the County to enforce a leash law.

Commissioner Palmer stated that his purpose for addressing the County Ordinance is public safety, and for public assistance calls to 911, EMS, Sheriff's Department, and Roxboro PD could be reduced. He stated that the current County Ordinance was revised in 2023. He stated that current fines for dangerous dogs that have records of attacking individuals is \$100. Lewis stated that each case is different on how they are fined, as it depends on if the dog was off the property and whatever that dog case was. Palmer stated that a dog bite, is a dog bite. He stated that this fine, if imposed, is nowhere near being acceptable by his standards. He stated that those that have experienced an attack will live with this trauma.

Palmer stated that there is a serious problem with resident dog owners in this County, as they do not maintain control of their dogs at all times. He stated that he and his little dog, still live with the trauma from an incident from about three years ago. He stated that he received a report from the Person County Sheriff's Department that shows 357 dog bites from January 2021 – April 2024. He stated that verbal warnings are not effective, \$100 fines are not effective enough, and giving an aggressive animal or dog two chances before euthanizing is not working well either. He stated that 357 bites over the course of 3 years, should have generated \$5,700, if the owners of the dogs were actually charged the current \$100 fine. He stated the statistics are alarming and that we can make our County much safer, as we should. Lewis asked if there were any recommendations that she could take back to the Animal Services Advisory Board for changes to the County Ordinance. Palmer suggested increasing fines from \$100 to \$500 and to hold owners accountable. He also does not like that dogs can roam their property owner's land, such as a 100-acre farm with no restraints.

No action was taken by the Board. Lewis received the Board's recommendations on revising the current Animal Services Ordinance and will present it to the Animal Services Advisory Board at their next scheduled meeting.

APPOINTMENTS TO BOARDS AND COMMITTEES

Clerk to the Board Michele Solomon presented to the Board interested citizen applications for consideration for appointment to boards and committees, and requested the Board to nominate for appointment as deemed appropriate.

Environmental Issues Advisory Board

There is 1 vacant position available for an unexpired term to December 31, 2025 for a citizen residing in the Mt. Tirzah Township

Sammy Clayton requests appointment.

A **motion** was made by Commissioner Thomas and **carried 5-0** to appoint Sammy Clayton to the Environmental Issues Advisory Board for the Mt. Tirzah Township to fill an unexpired term to December 31, 2025.

PATS Transportation Advisory Board

There is 1 vacant position available for a 3-Year Term for an occupational affiliation representative for a medical related service.

Jeremy Buchanan requests appointment.

A **motion** was made by Commissioner Puryear and **carried 5-0** to appoint Jeremy Buchanan to the PATS Transportation Advisory Board for a 3-year term.

Tourism Development Authority Board

There is 1 vacant position available for a 1-year term for the Tourism Development Authority Board for a citizen-at-large.

Jeremy Buchanan requests appointment.

A **motion** was made by Commissioner Sims and **carried 5-0** to appoint Jeremy Buchanan to the Tourism Development Authority Board for a 1- year term.

CHAIRMAN'S REPORT:

Chairman Powell reported that he attended the orientation training session for the new management structure for DSS. He stated that all Commissioners were in attendance. He stated that it was enlightening to see what they are about to undertake when the Board takes over the responsibilities related to DSS. He stated that he attended the County Safety and Wellness Fair for the County employees, there were lots of vendors and activities there, and it was well attended by employees. He stated that he attended the ceremony for a \$25K grant from Duke Energy to go towards the County Farm Park project. He stated that he is grateful to Duke Energy for their continued support of Person County. He stated that he attended the 40th anniversary of the Leasburg VFD, and their new building and grounds are impressive with what they have done in raising money to better serve their community. He stated that several VFD's in Person County have achieved the goal of lowering the ISO ratings, which equates to lower homeowner insurance. He stated that he appreciates the VFD's and commends them on what they do for citizens and their safety. He stated that he attended an Emergency Alert System sign up led by County EMS staff, getting the senior citizens signed up for emergency service calls. He stated that he and Manager Cathey attended a Roxboro Housing Authority event celebrating the remodeling of one of their buildings to become a Community Center for Educational purposes. He stated that he took a tour of the Dominion site that is under construction, and it was a privilege to be able to do that. He stated he observed silt screens, and they are doing an outstanding job with safety. He stated that he and others went to Raleigh last week to the Research Triangle Regional Partnership Annual Event. He stated the event was very informative with lots of data. He stated that he attended the Special Olympics at Person High School last week in support of the County's handicapped individuals. He stated that he attended a meeting with the Roxboro Housing Board of Directors in establishing a new Board of Directors for their facility, and was impressed with how that meeting was conducted. He stated that he attended the National Day of Prayer, and it was well attended.

MANAGER'S REPORT:

County Manager Katherine Cathey stated as a reminder to the Board, that budget one-on-one meetings for the Board are scheduled this week, starting tomorrow morning. She stated that she looks forward to sitting down with each of the Commissioners to preview the Manager's recommended budget.

COMMISSIONER REPORT/COMMENTS:

Vice Chairman Sims reported that he attended the Duke check presentation at Parks and Rec. He stated that he took a tour of the Dominion Energy plan site and observed that a lot of land had been cleared, and they are moving a lot of dirt. He stated that their safety program was really good, strong, and he was impressed that nothing was unsafe or out of place. He stated that with close to five inches of rain, it is almost impossible not to have muddy creeks and the silt screens may not catch all, especially during construction with a lot of dirt being moved.

Commissioner Palmer reported that he attended the DSS meeting. He stated that he attended the Parks and Rec recognition of the \$25K gift from Duke. He stated that he attended the County Veterans recognition at the Veterans Park, and the luncheon for County Veterans that work for the County. He stated that his tour of Dominion Energy was postponed until sometime this week.

Commissioner Puryear referred a question to the County Manager. He stated that he was notified that there were several volunteers in the County that were invited, and in attendance, to a luncheon today from the Governor at the Imperial Hotel in Durham. He stated that the nonprofit group that invited the volunteers is the Triangle Nonprofit and Volunteer Leadership Center. His question was, 'Did the County Manager receive an invitation?' County Manager Cathey advised Commissioner Puryear that she does not recall receiving an invitation but would doublecheck her email. He stated that the City may not have received an invitation but advised that he was told that other municipalities and county officials were there.

Commissioner Thomas expressed thanks to all that came to the meeting, especially the school board. He stated that it is important as a Board to keep education at a high level for Person County. He stated that the JROTC will be having national signing day on May 18, 2024 at 11:00 a.m. at the Veterans Park

Chairman Powell directed a statement to the Clerk. He wanted for clarity, to go back to Item #7 on the agenda. He stated that a vote was taken to grant or deny that request. He advised the clerk that he wanted to make sure she was aware and heard that his vote was a no. Clerk to the Board Michele Solomon advised Chairman Powell that her notes for the draft minutes reflect a no but also indicate that he was not in agreement with the motion.

Please see pages 19-20, which references the vote on this item and how it was recorded.

CLOSED SESSION #1

A **motion** was made by Commissioner Sims and **carried 5-0** to enter into Closed Session #1 at 8:25 p.m. per General Statute 143-318.11(a)(3) for the purpose to consult with the county attorney in order to preserve the attorney-client privilege with the following individuals permitted to attend: County Manager Katherine Cathey, Clerk to the Board Michele Solomon, and County Attorney Nick Herman.

Chairman Powell called the closed session to order at 8:27 p.m.

A **motion** was made by Commissioner Puryear and **carried 5-0** to return to open session at 8:29 p.m.

A **motion** was made by Commissioner Puryear and **carried 5-0** to approve a Resolution to amend the current complaint to add claims against Express Scripts and OptumRx and their relevant subsidiaries concerning their role in fueling the opioid crisis.

**RESOLUTION BY THE COUNTY OF PERSON TO
AMEND THE CURRENT COMPLAINT TO ADD CLAIMS AGAINST EXPRESS SCRIPTS
AND OPTUMRX AND THEIR RELEVANT SUBSIDIARIES (THE PBM DEFENDANTS)
CONCERNING THEIR ROLE IN FUELING THE OPIOID CRISIS**

WHEREAS, certain counties and municipalities in North Carolina, including Person County, joined with thousands of local governments across the country to file lawsuits against opioid manufacturers, pharmaceutical distribution companies, and chain drug stores to hold those companies accountable for their misconduct in the opioid crisis; and

WHEREAS, settlements have been reached in litigation against Walmart, Inc., Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Allergan Limited, CVS Health Corporation, CVS Pharmacy, Inc., and Walgreen Co., as well as their subsidiaries, affiliates, officers, and directors named in these Settlements; and

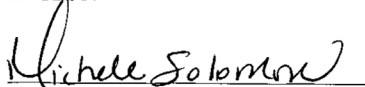
WHEREAS, by joining the settlements, the state and local governments maximize North Carolina's share of opioid settlement funds to ensure the needed resources reach communities, as quickly, effectively, and directly as possible; and

WHEREAS, it is advantageous for Person County to amend the current complaint to add claims against Express Scripts and OptumRx and their relevant subsidiaries (the PBM Defendants) concerning their role in fueling the opioid crisis to ensure the county has the opportunity to participate in any recovery if there is a favorable resolution of claims against the PBMs; and

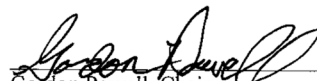
NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Person County hereby authorizes the County Manager (or County Attorney) to authorize amendment of the county's current complaint to add claims against Express Scripts and OptumRx and their relevant subsidiaries (the PBM Defendants) and such additional Pharmacy Benefit Managers Companies, Corporations and/or entities which provide similar services. The County manager (or County Attorney) is expressly authorized to provide such documentation and additional authorization and documentation as requested or required by the County's Outside National Counsel to the National Prescription Opioids Litigation Consortium.

Adopted this the 6th day of May, 2024.

ATTEST:


Michele Solomon, Clerk to the Board

(SEAL)


Gordon Powell, Chairman
Person County Board of Commissioners



May 6, 2024

ADJOURNMENT:

A **motion** was made by Commissioner Puryear and **carried 5-0** to adjourn the meeting at 8:31 p.m.

Michele Solomon
Clerk to the Board

Gordon Powell
Chairman