

PERSON COUNTY BOARD OF COMMISSIONERS

SEPTEMBER 6, 2011

MEMBERS PRESENT

OTHERS PRESENT

Jimmy B. Clayton

Heidi York, County Manager

Kyle W. Puryear

C. Ronald Aycock, County Attorney

B. Ray Jeffers

Brenda B. Reaves, Clerk to the Board

Samuel R. Kennington

Frances P. Blalock

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Tuesday, September 6, 2011 at 7:00 p.m. in the Commissioners' meeting room in the Person County Office Building.

Chairman Clayton called the meeting to order, led invocation and asked Commissioner Kennington to lead the Pledge of Allegiance.

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

A **motion** was made by Commissioner Jeffers, **seconded** by Vice Chairman Puryear and **carried 5-0** to approve the agenda.

PUBLIC HEARING:

PROGRAM AMENDMENT FOR 2008 SCATTERED SITE REHABILITATION PROGRAM CDBG PROJECT 08-C-1840:

A **motion** was made by Vice Chairman Puryear, **seconded** by Commissioner Jeffers and **carried 5-0** to open the duly advertised public hearing for the Program Amendment for the 2008 Scattered Site Rehabilitation Program CDBG Project 08-C-1840.

Community Development Administrator, Kerr-Tar COG, Julie Reid stated when she re-joined the COG as CDBG administrator mid-2009, the CDBG guidelines and procedures were treating all housing replacement of any kind as a relocation. This triggered the Uniform Relocation Act and a range of required activities. Ms. Reid stated after various discussions with the CI Director, a new Technical Bulletin was issued. New terms were defined for a different type of housing replacement. A reconstruction is placed on the original lot to replace a home that cannot feasibly be rehabilitated. The removal of the original home is considered rehabilitation clearance. Any assistance to the homeowner for housing, moving or storage is considered temporary relocation assistance.

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Ms. Reid noted all house replacements were listed on the original budget as relocations, the only option, at the time the original grant (08-C-1840) was written. After the technical bulletin was released, the work being completed was reconstruction, but still listed as relocation.

Ms. Reid stated the program amendment would involve the following actions:

1. The funds originally listed under relocation (which was only choice at the time) are being moved to reconstruction (new line item).
2. The funds originally listed under clearance are being moved to Rehabilitation-Clearance (new line item).
3. Any moving, storage costs or temporary housing are being moved to rehabilitation temporary relocation assistance.

Ms. Reid stated the total grant amount (C-1 Activities for major rehabilitation or replacement) is \$378,338.67 noting \$275,346.44 for relocation assistance to rehabilitation, reconstruction with clearance activities to rehabilitation relocation.

Ms. Reid told the Board the public is made aware of the program funds through advertisement in the local newspaper with new outreach efforts through the senior division programs.

Ms. Reid told the Board a public hearing is scheduled to be held on September 19, 2011 to hear public comment on the closeout of the project.

No one appeared before the Board to speak in favor or in opposition to the Program Amendment for the 2008 Scattered Site Rehabilitation Program CDBG Project 08-C-1840.

A **motion** was made by Vice Chairman Puryear, **seconded** by Commissioner Jeffers and **carried 5-0** to close the public hearing for the Program Amendment for the 2008 Scattered Site Rehabilitation Program CDBG Project 08-C-1840.

A **motion** was made by Vice Chairman Puryear, **seconded** by Commissioner Jeffers and **carried 5-0** to approve the Program Amendment for the 2008 Scattered Site Rehabilitation Program CDBG Project 08-C-1840.

INFORMAL COMMENTS:

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

Mr. Patrick Riley of 256 Hicks Yarboro Road, Roxboro advocated for the name of a deceased veteran be added to the monument as well as read excerpts of the Notice of Decision letter he received from the Board Chairman, Jimmy Clayton referring to Board receiving evidence and testimony in due consideration of all applicable laws questioning if the Board had indeed read The Machinery Act of 1934, amended in 1970.

Mr. David Ward of 808 Franklin Street, Roxboro petitioned the Board to add a name, Sylvester Wilson, to the war monument at the Courthouse Square noting Sylvester Wilson died in Vietnam on March 14, 1969.

Mr. Linzy Rimmer of 607 Jean Street, Roxboro requested the Board to add Richard Jones' name to the war monument as he was killed in Afghanistan a few years ago.

Chairman Clayton told the group the American Legion would be taking up this issue at their next meeting that will be held on Tuesday, September 13, 2011.

APPROVAL OF MINUTES:

A **motion** was made by Commissioner Jeffers, **seconded** by Vice Chairman Puryear, and **carried 5-0** to approve the minutes of August 15, 2011.

ADMINISTRATIVE REPORTS:

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Blalock, and **carried 5-0** to approve the Administrative Reports for the Airport, Detention and Tax Administration & Collections.

Commissioner Blalock requested the Person Area Transportation System (PATs) department to submit administrative reports to the Board.

OLD BUSINESS:

REQUEST TO AMEND NOTE 9, WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE TO EXEMPT WIRELESS TELECOMMUNICATIONS TOWERS OR FACILITIES OWNED OR OPERATED BY THE STATE OF NORTH CAROLINA ON COUNTY OWNED PROPERTY:

Planning Director, Paula Murphy was absent and County Attorney, Ron Aycock presented the request by Person County to amend the Zoning Ordinance, Note 9, Wireless Telecommunications Facilities Ordinance. Mr. Aycock stated upon the Board's direction, the Planning Board gave proper notice and held a Public Hearing on August 29, 2011. Mr. Aycock noted the Planning Board had two speakers at the Public Hearing, one with positive comments and the other with negative comments suggesting changes. Mr. Aycock further noted the Planning Board did not have any objections to the proposed tower on the proposed, specific site, however noted concerns of the broad nature of the ordinance which would exempt any property in the county for any public entity. Mr. Aycock recounted the Planning Board taking two votes. The first vote would not recommend the original proposed amendment by staff and the second vote reflected a 5 to 0 to recommend the ordinance be limited in its applicability to read as follows: **This ordinance or any other provision of the Person County Planning Ordinances shall not apply to wireless telecommunications towers or facilities owned and/or operated by the state of North Carolina on property owned by Person County located on Critcher Wilkerson Road and identified on the records of Person County as at Tax Map 118 Parcel 8.**

Vice Chairman Puryear asked Mr. Aycock to further explain the Planning Board's concerns related to the original proposed amendment by staff. Mr. Aycock the concerns included exempting the entire county thereby authorizing the placement of a tower on county owned property in any location as well as applying to cell towers operated the state of North Carolina or any other public entity, i.e., City, an adjoining county. Mr. Aycock stated the Planning Board wanted some restrictions with the ability to review future projects. Mr. Aycock clarified there are no current plans by the state of North Carolina but possible future need to place an additional tower in the northern area of the county. Mr. Aycock confirmed the state of North Carolina would again have to request from Person County a similar text amendment for a specific location.

A **motion** was made by Commissioner Blalock, **seconded** by Commissioner Kennington, and **carried 5-0** to approve the request to amend the Wireless Telecommunications Facilities Ordinance as recommended by the Planning Board.

Resolution to Amend the Person County Wireless Telecommunications Facilities Ordinance

Whereas the state of North Carolina has proposed to Person County that the state build a communications tower on a portion of property owned by Person County located on Critcher Wilkerson Road and identified on the records of Person County as Tax Map 118 Parcel 8 and,

Whereas the state has proposed that such facility become a part of a statewide multi-site communications systems (over 170 sites operational) which will allow the interoperability of multi-jurisdictional emergency communications among and between all governmental units in North Carolina, and

Whereas the Person County Planning Board at its meeting on August 29, 2011 considered the initial proposed amendment to the Person County Planning Ordinance, Note 9, Wireless Telecommunications Facilities Ordinance which would have exempted any state or other public entity owned or operated facility from regulation by the ordinance, and

Whereas the Planning Board, after a public hearing and substantial discussion, determined that a more narrowly drawn exemption would be in the public interest, and

Whereas the Planning Board determined that great public benefit would occur by inclusion of Person County in the statewide system and that location on the above identified site is a desirable location for such facility and would not unduly interfere with other uses in the neighborhood and that absent the location of such a facility the citizens of Person County could be at risk in the event of an emergency, and

Whereas the Person County Planning Board recommends the Person County Planning Ordinance, Note 9, Wireless Telecommunications Facilities Ordinance be amended as follows:

XII. Non Applicability to State Owned or Operated Facilities on County Owned Property

This ordinance or any other provision of the Person County Planning Ordinances shall not apply to wireless telecommunications towers or facilities owned and/or operated by the state of North Carolina on property owned by Person County located on Critcher Wilkerson Road and identified on the records of Person County as Tax Map 118 Parcel 8, and

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Whereas the Person County Board of Commissioners finds that great public benefit would occur by inclusion of Person County in the statewide system and that location on the above identified site is a desirable location for such facility and would not unduly interfere with other uses in the neighborhood and that absent the location of such a facility the citizens of Person County could be at great risk in the event of an emergency, and

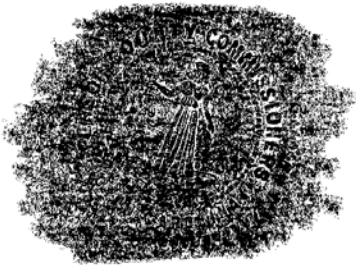
Whereas the Person County Board of Commissioners has been advised that enforcement of the Wireless Telecommunications Facilities Ordinance against the State of North Carolina is problematic.

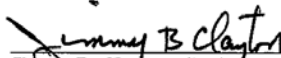
Now therefore be it resolved by the Person County Board of County Commissioners the Person County Planning Ordinance, Note 9, Wireless Telecommunications Facilities Ordinance is hereby amended to insert a new section XII to read as follows:

XII. Non Applicability to State Owned or Operated Facilities on County Owned Property

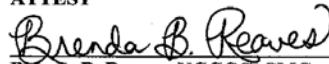
This ordinance or any other provision of the Person County Planning Ordinances shall not apply to wireless telecommunications towers or facilities owned and/or operated by the state of North Carolina on property owned by Person County located on Critcher Wilkerson Road and identified on the records of Person County as Tax Map 118 Parcel 8.

Adopted this the 6th day of September, 2011.




Jimmy B. Clayton, Chairman
Person County Board of Commissioners

ATTEST


Brenda B. Reaves, NCCCC, CMC
Clerk to the Board

September 6, 2011

PERSON COUNTY WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE

I. Purpose and Legislative Intent

The County of Person finds that wireless telecommunications facilities may pose concerns to the health, safety, public welfare, character and environment of the County and its residents. The County also recognizes that facilitating the development of wireless service technology can be an economic development asset to the County and of significant benefit to the County and its residents. In order to assure that the placement, construction or modification of wireless telecommunications facilities is consistent with the County's land use policies, the County is adopting a single, comprehensive, wireless telecommunications facilities application and permitting process. The intent of this Ordinance is to minimize the physical impact of wireless telecommunications facilities on the community, protect the character of the community to the extent reasonably possible, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the County of Person.

II Severability

- A) If any word, phrase, sentence, part, section, subsection, or other portion of this Ordinance or any application thereof is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.
- B) Any special use permit issued pursuant to this Ordinance shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is overturned by such, the permit shall be void in total, upon determination by the County.

III. Definitions

For purposes of this Ordinance, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning as defined. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

- 1. **"Accessory Facility or Structure"** means an accessory facility or structure serving or being used in conjunction with wireless telecommunications facilities, and located on the same property or lot as the wireless telecommunications facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.
- 2. **"Administrative Approval"** means zoning approval that the Planning Director or designee is authorized to grant after administrative review.

3. **"Amend" or "Amended"** means any change in an application made subsequent to the submission of the application originally submitted, regardless of the reason.
4. **"Applicant"** means any wireless service provider submitting an application for a special use permit for wireless telecommunications facilities.
5. **"Application"** means all necessary and required documentation that an applicant submits in order to receive a special use permit or a building permit and zoning permit for wireless telecommunications facilities.
6. **"Antenna"** means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.
7. **"Board"** means the Board of County Commissioners.
8. **"Carrier on Wheels or Cell on Wheels" (COW)** -- A portable self-contained telecommunications facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.
9. **"Co-location"** means the use of an approved telecommunications structure to support an antenna for the provision of wireless services.
10. **"Commercial Impracticability" or "Commercially Impracticable"** means the inability to perform an act on terms that are reasonable in commerce, the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone and for a single site, shall not deem a situation to be "commercially impracticable" and shall not render an act or the terms of an agreement "commercially impracticable."
11. **"Completed Application"** means all necessary and required information and data are included to enable an informed decision to be made with respect to an application.
12. **"DAS" or "Distributive Access System"** means a technology using antenna combining technology allowing for multiple carriers or wireless service providers to use the same set of antennas, cabling or fiber optics.
13. **"FAA"** means the Federal Aviation Administration, or its duly designated and authorized successor agency.
14. **"FCC"** means the Federal Communications Commission, or its duly designated and authorized successor agency.
15. **"Height"** means, when referring to a tower or structure, the distance measured from the pre-existing grade level to the highest point on the tower or structure including an antenna or lightening protection device.

16. **"Maintenance"** means plumbing, electrical or mechanical work that may require a building permit and zoning permit but that does not constitute a modification to the wireless telecommunications facility.
17. **"Modification"** or **"Modify"** means the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or change out of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a telecommunications tower or site as a co-location is a modification.
18. **"Monopole"** --A single, freestanding pole-type structure supporting one or more antenna. For purposes of this Ordinance, a monopole is not a tower.
19. **"Necessary"** means what is technologically required for the equipment to function as designed by the manufacturer and that anything less will result in prohibiting or acting in a manner that prohibits the provision of service as intended and described in the narrative of the application. Necessary does not mean what may be desired or preferred technically.
20. **"NIER"** means Non-Ionizing Electromagnetic Radiation.
21. **"Person"** means any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.
22. **"Personal Wireless Facility"** See definition for 'Wireless Telecommunications Facilities'.
23. **"Personal Wireless Services (PWS)"** or **"Personal Telecommunications Service (PTS)"** shall have the same meaning as defined and used in the 1996 Telecommunications Act.
24. **"Repairs and Maintenance"** means the replacement or repair of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.
25. **"Replacement"** -- Constructing a new support structure of proportions and of equal height or such other height that would not constitute a Substantial Increase to a pre-existing support structure in order to support a telecommunications facility or to accommodate co-location and removing the pre-existing support structure.
26. **"Special Use Permit"** means the official document or permit by which an applicant is allowed to file for a building permit and zoning permit to construct and use wireless telecommunications facilities as granted or issued by the County.

27. **“Stealth” or “Stealth Technology”** means a design or treatment that minimizes adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean building the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances. Stealth technology includes such technology as DAS or its functional equivalent or camouflage where the tower is disguised to make it less visually obtrusive and not recognizable to the average person as a wireless telecommunications facility.
28. **“State”** means the State of North Carolina.
29. **“Telecommunications”** means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.
30. **“Telecommunications Site”** See definition for wireless telecommunications facilities.
31. **“Telecommunications Structure”** means a structure used in the provision of services described in the definition of wireless telecommunications facilities.
32. **“Temporary”** means temporary in relation to all aspects and components of this Ordinance, something intended to, or that does, exist for fewer than ninety (90) days.
33. **“Tower”** means any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.
34. **“Wireless Telecommunications Facility or Facilities (WTF or WTFs)”** means and includes a **“Telecommunications Site”** and **“Personal Wireless Facility”** meaning a structure, facility or location designed, or intended to be used as, or used to support antennas or other transmitting or receiving devices. This includes without limit, towers of all types, kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the facility. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, personal communications services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

IV. Summary of Approvals Required for Telecommunications Facilities and Support Structures.

Administrative Review and Approval

Type of Structure	Use	Maximum Height	Zoning District
New Support	Telecommunications	60 feet	Any except residential
Stealth	Telecommunications	60 feet	Any
New Support	Wireless Broadband Service	120 feet	Any
Stealth	Telecommunications	150 feet	Any except residential
New Support	Telecommunications	199 feet	Industrial
Monopole/Replacement poles	Telecommunications	none specified	Utility easements or rights of way
COWs	Telecommunications	none specified	Any

Special Use Permit

**Any structure not meeting the above guidelines

Exempt

Ordinary Maintenance

Antennas used by residential households solely for the reception of radio and television broadcasts

Satellite antennas used sole for household or residential purposes

COW's placed in Person County for 120 days or less after declaration of emergency or disaster

Television and AM/FM radio broadcast towers and associated facilities

V. Telecommunications Facilities and Support Structures Permitted by Administrative Approval.

(A) Telecommunications Facilities Located on Existing Structures

- (1) Telecommunications facilities are permitted in all zoning districts when located on any existing structure subject to administrative approval in accordance with the requirements of this section.
- (2) Antennas and accessory equipment may exceed the maximum building height limitations within a zoning district, provided they do not constitute a substantial increase.
- (3) Minor modifications are permitted in all zoning districts subject to administrative approval in accordance with the requirements of this section.

(B) New Support Structures

- (1) New support structures less than sixty (60) feet in height shall be permitted in all zoning districts except residential districts in accordance with the requirements of this section.
- (2) Stealth telecommunications facilities that are less than sixty (60) feet in height shall be permitted in any residential district after administrative review and administrative approval provided that it meets the applicable standards in accordance with this Ordinance
- (3) New support structures up to one hundred twenty (120) feet in height that are used to provide wireless broadband service to specific geographical areas or neighborhoods shall be permitted in any zoning district after administrative review and administrative approval in accordance with the standards set forth in this Ordinance.
- (4) New support structures up to one hundred ninety-nine (199) feet in height shall be permitted in all Industrial Districts in accordance with the requirements of this section. The height of any proposed support structure shall not exceed the minimum height necessary to meet the coverage or capacity objectives of the facility. The setback of the structure shall be governed by the setback requirements of the underlying zoning district.
- (5) A monopole or replacement pole that will support utility lines as well as a telecommunications facility shall be permitted within utility easements or rights-of-way, in accordance with the requirements of this section.
 - (a) The utility easement or right-of-way shall be a minimum of one hundred (100) feet in width.
 - (b) The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are eighty (80) feet or greater in height.
 - (c) The height of the monopole or replacement pole may not exceed by more than thirty (30) feet the height of existing utility support structures.
 - (d) Monopoles and the accessory equipment shall be set back a minimum of fifteen (15) feet from all boundaries of the easement or right-of-way.
 - (e) Single carrier monopoles may be used within utility easements and rights-of-way due to the height restriction imposed by Subsection (c) above.
 - (f) Poles that use the structure of a utility tower for support are permitted under this Part. Such poles may extend up to twenty (20) feet above the height of the utility tower.

- (6) Monopoles or replacement poles located on public property or within public rights-of-way that will support public facilities or equipment in addition to telecommunications facilities shall be permitted in accordance with requirements of this section. Examples include, but are not limited to, municipal communication facilities, athletic field lights, traffic lights, street lights, and other types of utility poles in the public right-of-way.
- (C) Stealth Telecommunications Facilities
 - (1) Stealth telecommunications facilities shall be permitted in all zoning districts after administrative review and administrative approval in accordance with the requirements below. Stealth facilities in residential areas must not exceed sixty (60) feet and comply with the requirements below in order to qualify for administrative review.
 - (a) Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.
 - (b) Existing structures utilized to support the antennas must be allowed within the underlying zone district. Such structures may include, but are not limited to, flagpoles, bell towers, clock towers, crosses, monuments, smoke stacks, parapets, and steeples.
 - (c) Setbacks for stealth facilities that utilize a new structure shall be governed by the setback requirements of the underlying zoning district.
- (D) COW Facilities and Minor Modifications
 - (1) The use of COWs shall be permitted in any zoning district after administrative review and administrative approval in accordance with the standards set forth in this Ordinance if the use of the COW is either not in response to a declaration or emergency by the Governor or will last in excess of one hundred-twenty (120) days.
- (E) General Standards, Design Requirements, and Miscellaneous Provisions
 - (1) Unless otherwise specified herein, all telecommunications facilities and support structures permitted by administrative approval are subject to the applicable general standards and design requirements of Section VII and the provisions of Section VIII.
- (F) Administrative Review Process
 - (1) All administrative review applications must contain the following:
 - (a) Administrative review application form signed by applicant.

- (b) Copy of lease or letter of authorization from property owner evidencing applicant's authority to pursue zoning application. Such submissions need not disclose financial lease terms.
- (c) Site plans detailing proposed improvements which comply with Section 81—Site Plan Requirements of the Person County Planning Ordinance. Drawings must depict improvements related to the requirements listed in this section, including property boundaries, setbacks, topography, elevation sketch, and dimensions of improvements.
- (d) In the case of a new Support Structure:
 - i. Statement documenting why collocation cannot meet the applicant's requirements. Such statement may include justifications, including why collocation is either not reasonably available or technologically feasible as necessary to document the reasons why collocation is not a viable option; and
 - ii. The applicant shall provide a list of all the existing structures considered as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were either unavailable, or technologically or reasonably infeasible.
 - iii. Applications for new support structures with proposed telecommunications facilities shall be considered together as one application requiring only a single application fee.
- (e) Administrative review application fee listed as Cellular Tower Recertification, Cellular Tower Fee, and/or Collocation Fee as appropriate in the Person County Schedule of Fees.

(2) Procedure

- (a) Within thirty (30) days of the receipt of an application for administrative review, the Planning Director shall either: (1) inform the applicant in writing the specific reasons why the application is incomplete and does not meet the submittal requirements; or (2) deem the application complete. If the Planning Director informs the applicant of an incomplete application within thirty (30) days, the overall timeframe for review is suspended until such time that the applicant provides the requested information.
- (b) An applicant that receives notice of an incomplete application may submit additional documentation to complete the application. An applicant's unreasonable failure to complete the application within sixty (60) business days after receipt of written notice shall constitute a withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.

- (c) The Planning Director must issue a written decision granting or denying the request within ninety (90) days of the submission of the initial application unless:
 - (ii) Planning Director notified applicant that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the ninety (90) day total review time is suspended until the applicant provides the missing information; or
 - (ii) Extension of time is agreed to by the applicant.

Failure to issue a written decision within ninety (90) days shall constitute an approval of the application.

- (d) Should the Planning Director deny the application, the Planning Director shall provide written justification for the denial. The denial must be based on substantial evidence of inconsistencies between the application and this Ordinance.
- (e) Applicant may appeal any decision of the Planning Director approving, approving with conditions, or denying an application or deeming an application incomplete, within thirty (30) days to the Planning Board in accordance with this Ordinance.

VI. Telecommunications Facilities and Support Structures Permitted by Special Use Permit.

- (A) Any Telecommunications Facility or Support Structures Not Meeting the Requirements of Section V Shall Be Permitted by Special Use Permit in all Zoning Districts Subject to:
 - (1) The submission requirements of Section VI (B) below; and
 - (2) The applicable standards of Sections VII and VIII below; and
 - (3) The requirements of the special use permit general conditions in Section 74 of the Person County Planning Ordinance.
- (B) Submission Requirements for Special Use Permit Applications
 - (1) All special use permit applications for telecommunications facility and support structures must contain the following:
 - (a) Special Use Permit application form signed by applicant.
 - (b) Copy of lease or letter of authorization from the property owner evidencing applicant's authority to pursue zoning application. Such submissions need not disclose financial lease terms.

- (c) Written description and scaled drawings of the proposed support structure, including structure height, ground and structure design, and proposed materials.
- (d) Number of proposed antennas and their height above ground level, including the proposed placement of antennas on the support structure.
- (e) When locating within a residential area, a written technical and operational analysis of why a monopole or similar structure at a height of less than one hundred (100) feet cannot be used.
- (f) Line-of-sight diagram or photo simulation, showing the proposed support structure set against the skyline and viewed from at least four (4) directions within the surrounding areas.
- (g) A statement justifying why collocation is not feasible. Such statement shall include:
 - (i) Such technical information and other justifications as are necessary to document the reasons why collocation is not a viable option; and
 - (ii) A list of the existing structures considered as possible alternatives to the proposed location and a written explanation why the alternatives considered were either unavailable or technologically infeasible.
- (h) A statement that the proposed support structure will be made available for collocation to other service providers at commercially reasonable rates.
- (i) Proof that the proposed special use will not materially injure the value of the adjoining or abutting property as required by Section 74 of the Person County Planning Ordinance.
- (j) Special use permit application fee and Cellular Tower Recertification, Cellular Tower Fee, and/or Collocation Fee as appropriate as listed in the Person County Schedule of Fees.

(C) Procedure

- (1) Within thirty (30) days of the receipt of an application for administrative review, the Planning Director shall either: (1) inform the applicant in writing the specific reasons why the application is incomplete and does not meet the submittal requirements; or (2) deem the application complete and meet with the applicant. If the Planning Director informs the applicant of an incomplete application within thirty (30) days, the overall timeframe for review is suspended until such time that the applicant provides the requested information.
- (2) If an application is deemed incomplete, an applicant may submit additional materials to complete the application. An applicant's unreasonable failure to

complete the application within sixty (60) business days after receipt of written notice shall constitute a withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.

- (3) A complete application for a special use permit shall be scheduled for a hearing date as required by Section 74 of the Person County Planning Ordinance.
- (4) Applications for new support structures with proposed telecommunications facilities shall be considered as one application requiring a single application fee.
- (5) The posting of the property and public notification of the application shall be accomplished in the same manner required for any special use permit application under this Ordinance.
- (6) The Planning Director must issue a written decision granting or denying the request within one hundred-fifty (150) days of the submission of the initial application unless:
 - (i) The Planning Director notified applicant that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the one hundred-fifty (150) day total review time is suspended until the applicant provides the missing information; or
 - (ii) Extension of time is agreed to by the applicant.

Failure to issue a written decision within one hundred-fifty (150) days shall constitute an approval of the application.

VII. General Standards and Design Requirements.

(A) Design

- (1) Support Structures shall be subject to the following:
 - (a) Shall be designed to accommodate a minimum number of collocations based upon their height:
 - (i) Support structures sixty (60) to one hundred (100) feet shall support at least two (2) telecommunications providers;
 - (ii) Support structures from one hundred (100) to one hundred-fifty feet (150) shall support at least three (3) telecommunications providers;
 - (iii) Support structures greater than one hundred-fifty (150) feet in height shall support at least four (4) telecommunications carriers.

- (b) The compound area surrounding the monopole must be of sufficient size to accommodate accessory equipment for the appropriate number of telecommunications providers in accordance with Section VII(A)(1)(a).
 - (2) Stealth telecommunications facilities shall be designed to accommodate the co-location of other antennas whenever feasible.
 - (3) Upon request of the applicant, the Planning Board may waive the requirement that new support structures accommodate the co-location of other service providers if it finds that co-location at the site is not essential to the public interest, or that the construction of a shorter support structure with fewer antennas will promote community compatibility.
- (B) Setbacks
- (1) Property Lines. Unless otherwise stated herein, support structures shall be set back from all property lines a distance equal to their height measured from the base of the structure to its highest point.
 - (2) Residential Dwellings. Unless otherwise stated herein, monopoles, towers and other support structures shall be set back from all off-site residential dwellings a distance equal to the height of the structure. There shall be no setback requirement from dwellings located on the same parcel as the proposed structure. Existing or replacement structures shall not be subject to a setback requirement.
 - (3) Unless otherwise stated herein, all accessory equipment shall be set back from all property lines in accordance with the minimum setback requirements in the underlying zoning district. Accessory equipment associated with an existing or replacement utility pole shall not be subject to a setback requirement.
 - (4) The Planning Board shall have the authority to vary any required setback upon the request of the applicant if:
 - (a) Applicant provides a letter stamped by a certified structural engineer documenting that the proposed structure's fall zone is less than the actual height of the structure.
 - (b) The telecommunications facility or support structure is consistent with the purposes and intent of this Ordinance.
- (C) Height
- (1) In non-residential districts, support structures shall be designed to be the minimum height needed to meet the service objectives.
 - (2) In residential districts, support structures shall not exceed a height equal to one hundred ninety-nine (199) feet from the base of the structure to the top of the highest point, including appurtenances. Any proposed support structure shall be designed to be the minimum height needed to meet the service objectives.

- (3) In all zoning districts, the Planning Board shall have the authority to vary the height restrictions of this section upon the request of the applicant and a satisfactory showing of need for a greater height. With its waiver request the applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the Planning Board.

(D) Aesthetics

- (1) Lighting and Marking. Telecommunications facilities or support structures shall not be lighted or marked unless required by the FCC or the FAA.
- (2) Signage. Signs located at the telecommunications facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information required by government regulation. Commercial advertising is strictly prohibited.
- (3) Landscaping. In all districts, the Planning Board shall have the authority to impose reasonable landscaping requirements surrounding the accessory equipment. Required landscaping shall be consistent with surrounding vegetation and shall be maintained by the facility owner. The Planning Board may choose to not require landscaping for sites that are not visible from the public right-of-way or adjacent property or in instances where in the judgment of the Planning Board, landscaping is not appropriate or necessary.

- (E) Accessory equipment, including any buildings, cabinets or shelters, shall be used only to house equipment and other supplies in support of the operation of the telecommunication facility or support structure. Any equipment not used in direct support of such operation shall not be stored on the site.

The accessory equipment must conform to the setback standards of the applicable zone. In the situation of stacked equipment buildings, additional screening/landscaping measures may be required by the Planning Board.

VIII. Miscellaneous Provisions.

(A) Fencing

- (1) Ground mounted accessory equipment and support structures shall be secured and enclosed with a fence not less than six (6) feet in height as deemed appropriate by the Planning Board.
- (2) The Planning Board may waive the requirement of Subsection (1) above if it is deemed that a fence is not appropriate or needed at the proposed location.

- (B) Abandonment and Removal. If a support structure is abandoned, and it remains abandoned for a period in excess of twelve (12) consecutive months, the County may require that such support structure be removed only after first providing written notice to the owner of said structure and giving them the opportunity to take such action(s) as may be necessary to reclaim said structure within thirty (30) days of receipt of written notice. In the event the owner of the support structure fails to reclaim said structure within the thirty (30) day period, they shall be required to remove it within six (6) months thereafter. The County shall ensure and enforce removal by means of its existing regulatory authority.
- (C) Multiple Uses on a Single Parcel or Lot. Telecommunications facilities and support structures may be located on a parcel containing another principal use on the same site or may be the principal use itself.

IX. Telecommunications Facilities and Support Structures in Existence on the Date of Adoption of this Ordinance.

- (A) Telecommunications facilities and support structures that were legally permitted on or before the date this Ordinance shall be considered a permitted and lawful use.
- (B) The provisions of this section are limited to those structures that do not meet the height or setback requirements set forth in these regulations.
- (C) Non-conforming Support Structures
 - (1) Ordinary maintenance may be performed on a non-conforming support structure or telecommunications facility.
 - (2) Co-location and/or minor modifications of telecommunications facilities on an existing non-conforming support structure shall not be construed as an expansion, enlargement or increase in intensity of a non-conforming structure and/or use and shall be permitted through the administrative approval process defined in Section IV.
 - (3) Major modifications may be made to non-conforming support structures utilizing the regulatory approval process defined in Section V.

X. Retention of Expert Assistance

- (A) The County may hire any consultant and/or expert necessary to assist the County in reviewing and evaluating the Application, including the construction and modification of the site, once permitted, and any site inspections.
- (B) The hiring of any consultant will be based upon the findings of the County Manager or their designee of a demonstrable need for assistance beyond the expertise of the County staff.

- (C) The cost of retaining this expert will be borne by the applicant and shall not exceed an amount of \$4,000.

XI. Effective Date

This ordinance shall become effective on the 6th day of December, 2010 and amended September 6, 2011.

XII. Non Applicability to State Owned or Operated Facilities on County Owned Property

This ordinance or any other provision of the Person County Planning Ordinances shall not apply to wireless telecommunications towers or facilities owned and/or operated by the state of North Carolina on property owned by Person County located on Critcher Wilkerson Road and identified on the records of Person County as Tax Map 118 Parcel 8.

Adopted this the 6th day of September, 2011.


Jimmy B. Clayton, Chairman
Person County Board of Commissioners

Attest:


Brenda B. Reaves
Clerk to the Board

PROPOSED SITE SELECTION FOR THE VIPER TOWER:

County Manager, Heidi York stated with the approval of the Amendment to the Wireless Telecommunication Facilities Ordinance, the next step in the process of locating a VIPER tower in Person County is the site plan approval. Ms. York pointed out a concept of the site plan for locating the tower on the County-owned thirteen acre property located at Wesleyan and Critcher Wilkerson Roads noting the more specific, official site plan prepared by surveyors would be received and forwarded to the Board within the next few weeks. Mr. Marty Randall with the NC Highway Patrol added that after survey of the site, the NC Highway Patrol has determined that the tower height could be reduced from 480' to 380' due to the possible impact on historical areas of the county. Ms. York stated the closest property to the proposed tower site is 1000 feet. Ms. York noted there are 93 other counties have and use the VIPER system. Mr. Randall noted the huge benefit if the VIPER communications during the recent hurricane a couple of weeks ago. Mr. York noted the proposed location would place the tower in the upper corner of the property so not to infringe on any possible future building plans for that property.

Ms. York clarified the process, if the Board supports the proposed site, is for the County Attorney and County Manager to work with the NC Highway Patrol on a draft lease agreement that would include the official site plan.

Commissioner Kennington stated his preference to have the access road enter from Critcher Wilkerson Road.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Blalock, and **carried 5-0** to approve the proposed site selection for the VIPER Tower as presented.

NEW BUSINESS:

RESOLUTION - FIREFIGHTERS WEEK IN PERSON COUNTY:

By unanimous consensus of the Board, Chairman Clayton read and presented the adopted Resolution designating Firefighters Week in Person County to the following fire departments that had representatives present. Fire Inspector, Mark Jones will deliver the resolutions to the fire departments who did not have representation present.

City of Roxboro Fire & Rescue
Hurdle Mills VFD
Moriah Fire & Rescue
Triple Springs VFD
Timberlake Fire & Rescue
Ceffo Fire & Rescue
Woodsdale VFD
Allensville VFD
Semora VFD

September 6, 2011

RESOLUTION

Firefighters Week in Person County

WHEREAS, House Resolution 715, adopted by North Carolina General Assembly on May 17, 2011 encouraging the citizens of North Carolina to observe Firefighters Week in North Carolina; and

WHEREAS, the House of Representatives believes that all firefighters deserve to be honored for the invaluable service provided to the State, its citizens and communities; and

WHEREAS, the House of Representatives encourages the citizens of North Carolina to observe the week in September of each year containing September 11 as Firefighters Week in North Carolina; and

WHEREAS, the governing board of Person County commends and recognizes the same importance of one of the most hazardous professions as set forth in House Resolution 715; and

WHEREAS, the Board of County Commissioners does support the work of firefighters in protecting the health and safety in communities of this Nation, this State and Person County; and

WHEREAS, firefighters provide a multitude of services including emergency medical services, special rescue response, hazardous material and terrorism response, and public safety education; and

WHEREAS, firefighters respond to emergencies without hesitation when the call of duty arises and assist public safety officials and law enforcement officers.

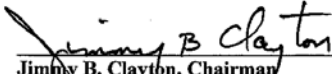
NOW, THEREFORE BE IT RESOLVED the Person County Board of Commissioners:

- (1) recognizes the sacrifices firefighters make to protect the lives and financial interests of the citizens; and
- (2) offers its appreciation for firefighters physical strength, stamina, extensive training, courage, and self concern for the welfare of others.

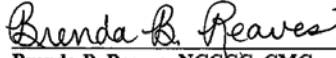
BE IT FURTHER RESOLVED that the Person County Board of Commissioners hereby proclaims the week of September 11 – 17, 2011 as **FIREFIGHTERS WEEK** in Person County and urge all citizens to recognize and appreciate the duties and services that all firefighters perform. The Person County Board of Commissioners hereby proclaims county observation of Firefighter Week in future years during the week of September that contains September 11.

Adopted this the 6th day of September, 2011.




Jimmy B. Clayton, Chairman
Person County Board of Commissioners

ATTEST


Brenda B. Reaves, NCCEC, CMC
Clerk to the Board

September 6, 2011

RESOLUTION – PERSON COUNTY JOINING THE NATIONAL MOMENT OF REMEMBRANCE OF THE 10TH ANNIVERSARY OF SEPTEMBER 11TH:

By unanimous consensus of the Board, all Board members participated in the reading of the adopted Resolution for Person County to join the National Moment of Remembrance of the 10th Anniversary of September 11th.

RESOLUTION

Person County Joining the National Moment of Remembrance of the 10th Anniversary of September 11th

WHEREAS, the governing body of Person County expresses their support of the United State's Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

WHEREAS, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

WHEREAS, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

WHEREAS, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

WHEREAS, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

WHEREAS, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

WHEREAS, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

WHEREAS, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

WHEREAS, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

WHEREAS, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

WHEREAS, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460); and

WHEREAS, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

WHEREAS, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

NOW, THEREFORE BE IT RESOLVED that the governing body of Person County:

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and

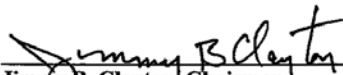
(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

BE IT FURTHER RESOLVED that on the 10th anniversary of this tragic day in United States history the governing body of the Person County calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions; and

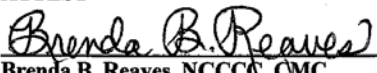
BE IT FURTHER RESOLVED that the governing body of Person County encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

Adopted this the 6th day of September, 2011.




Jimmy B. Clayton, Chairman
Person County Board of Commissioners

ATTEST


Brenda B. Reaves, NCCCC, CMC
Clerk to the Board

September 6, 2011

MEDICAL DIRECTOR REPLACEMENT:

Interim EMS Director, Penny Payne told the Board that Dr. James “Tripp” Winslow was appointed as the State Medical Director on June 1st at which time he stepped down as Person County’s Medical Director. Since then, Assistant Medical Director, Jim Johnson has been filling this role.

Dr. Winslow recommended to the Board the appointment of Dr. Michael Ghim, also of Wake Forest University Physicians, to serve as Person County’s Medical Director.

County Manager, Heidi York noted the contract for Dr. Ghim to serve as Person County’s Medical Director before the Board for approval is a two year period beginning, July 1, 2011 to June 30, 2013. The County agrees to pay the sum of \$15,000 annually and the cost of automobile mileage incurred when performing medical director related duties. This amount will cover the services of medical direction and will also cover additional educational resources for Person County EMS employees at Wake Forest University Physicians including lectures, the high fidelity simulator, and cadavers for teaching labs.

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Jeffers, and **carried 5-0** to employ Dr. Ghim to serve as Person County’s Medical Director by approval of the contract as well as thank Dr. Winslow for his service of duty.

NORTH CAROLINA)

PERSON COUNTY)

AGREEMENT

THIS AGREEMENT is made and entered into this 1st day of July, 2011, by and between Person County, North Carolina ("The EMS System"), party of the first part and Wake Forest University Physicians, an operating division of Wake Forest University Health Sciences, on behalf of its Department of Emergency Medicine ("WFUP"), party of the second part.

WITNESSETH

For the purpose and subject to the terms and conditions hereinafter set forth, The EMS System hereby contracts with WFUP for the services of the Provider (defined herein), and WFUP and the Provider agree to provide the services to The EMS System in accordance with the terms of this Agreement.

I.

The services to be performed by the Provider shall be as follows:

1. Training and instructional courses for ambulance and emergency medical personnel of The EMS System.
2. Medical advice to ambulance and emergency personnel of The EMS System.
3. Perform the duties and responsibilities listed for a Medical Director as enumerated in the title 10- Department of Health and Human Resources, Chapter 3 Facility Services, Sub-Chapter 3D Office of Emergency medical Services regulations Section .2801 Medical Oversight.

II.

The services of the provider shall begin on July 1, 2011 and shall be provided until June 30, 2013; provided that either party shall have the right to terminate this Agreement for services upon-thirty (30) days notice in writing to the other party. At the end of the first term, the Agreement shall be automatically renewed for an additional two-year term unless either party provides thirty (30) days prior written notice to terminate. In the event that the Agreement is terminated, all amounts for each year shall be prorated based upon the length of service in the fiscal year.

III.

As full compensation for the Provider's services, The EMS System agrees to pay WFUP the sum of \$15,000 annually and the cost of automobile mileage incurred when performing medical director related duties. This amount will cover the services of medical direction and will also cover additional costs of resources at WFUP including lectures, the high fidelity simulator, and cadavers for teaching labs. These educational resources offered as part of this contact are meant to compliment and not replace the continuing education already offered by Person County EMS.

Medical Direction services will be provided by qualified WFUP personnel: Dr. Michael Ghim, MD (the "Medical Director") and James C. Johnson, III, MPAS, PA-C (the "Assistant Medical Director") hereinafter collectively referred to as the "Provider." Dr. Michael Ghim, MD, MPH will serve as Medical Director for all activity within The EMS System.

September 6, 2011

The county will provide...

- Payment of \$15,000 per year and reimbursement for travel via personally owned vehicle at the standard county rate for activity related to medical director related duties.
- Necessary patient care and system performance information and administrative support to perform the medical director oversight duties as specified.
- Personal protective gear and communications equipment (radio, cellular phone) to allow field response and communication with The EMS System in the field.

IV.

WFUP shall bill The EMS System for services rendered during the preceding thirty (30) days. The EMS System shall pay all such bills within the following ten (10) days.

WFUP shall operate as an independent contractor. Both parties to the extent permitted by law agree to hold the other harmless from and against any and all third party claims, expenses (including attorney fees), cost or liability for the negligent acts or omissions of the other party, their employees, and offices and agents.

The Provider shall not be treated as an employee of The EMS System with respect to the services performed hereunder for federal or state tax, unemployment or worker's compensation purposes. WFUP understands that neither federal, nor state, nor payroll tax of any kind shall be withheld or paid by The EMS System on behalf of the WFUP or its employees. WFUP is fully responsible for the payment of any and all taxes arising from the payment of monies under this agreement.

The provider shall not be treated as an employee of The EMS System with respect to the services performed hereunder for purposes of eligibility for, or participation in, and employee pension, health, or other fringe benefit plan of The EMS System.

The EMS System shall not be liable to WFUP for any expenses paid or incurred by the Provider unless otherwise agreed in writing.

The EMS System will maintain, at its sole expense general and professional liability insurance coverage against suits and claims arising out of the acts or omissions of The EMS System, its employees, officers and agents. This insurance coverage shall have limits of not less than \$1,000,000 per claim, \$3,000,000 in the aggregate. The EMS System will notify WFUP immediately of any adverse change in insurance coverage.

WFUP shall provide and maintain, at its sole expense, the following insurance coverage:

A. Professional Liability Insurance: WFUP shall maintain professional malpractice liability insurance coverage against suites and claims arising out of acts or omissions of the Provider. This insurance coverage shall have limits of not less than \$1,000,000 per claim.

B. Other Insurance Requirements: WFUP shall:

1. Prior to commencement of services, furnish The EMS System with properly executed certificates of insurance which shall clearly evidence all insurance required in this section and provide that such insurance shall not be cancelled, allowed to expire, or be materially reduced in coverage except on thirty days prior written notice to The EMS System.

September 6, 2011

2. Provide certified copies of endorsements and policies, if requested by The EMS System, in lieu of or in addition to certificates of insurance.
3. Replace certificates, policies, and endorsements for any such insurance expiring prior to completion of the services.
4. Maintain such insurance from the time services commence until services are completed.
5. Place such insurance with insurers authorized to do business in North Carolina and having A.M. Best Company ratings of not less than A: VII. Any alternatives to these requirements shall require written approval of The EMS System's Risk Manager.

Neither WFUP nor the Provider has authority to enter into contracts or agreements on behalf of The EMS System.

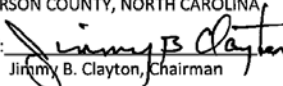
WFUP declares that it has complied with all federal, state and local laws regarding business permits, certificates and licenses they may be required to carry out the services to be performed under this agreement.

This Agreement is governed by the laws of North Carolina except that provisions relating to choice of law do not apply.

IN WITNESS WHEREOF, The EMS System and WFUP have set their hands and seals as of the day and year first written above.

PERSON COUNTY, NORTH CAROLINA

BY:


Jimmy B. Clayton, Chairman

Attest


Brenda B. Reaves
Clerk to the Board

(SEAL)

WAKE FOREST UNIVERSITY PHYSICIANS, AN OPERATING DIVISION
OF WAKE FOREST UNIVERSITY HEALTH SCIENCES

BY:

William B. Applegate, M.D. President & Dean

AGREED TO:

BY:

Dr. Michael Ghim, MD

September 6, 2011

TOURISM DEVELOPMENT AUTHORITY (TDA) APPOINTMENT:

Clerk to the Board, Brenda Reaves reported Mr. Herman Gentry as well as Ms. Bonnie Meeler expressed their continued interest in the Board consideration for the TDA appointment. Ms. Julie Maybee stated she could no longer be considered by the Board as she is not currently a Person County resident.

A nomination was made by Vice Chairman Puryear, seconded by Commissioner Kennington to appoint Herman Gentry to the Tourism Development Authority.

A nomination was made by Commissioner Blalock, seconded by Commissioner Kennington to appoint Bonnie Meeler to the Tourism Development Authority.

TDA Director, Margaret McMann confirmed for the Board that Mr. Gentry was currently serving in his second term.

Chairman Clayton requested the Board to vote by show of hands for the following:

Bonnie Meeler (Chairman Clayton, Commissioner Kennington and Commissioner Blalock)

Herman Gentry (Vice Chairman Puryear and Commissioner Jeffers)

By majority vote, Bonnie Meeler was appointed to the Tourism Development Authority effective immediately to serve the current 3-year term that began January 1, 2011 that will expire December 31, 2013.

BUDGET AMENDMENT:

Finance Director, Amy Wehrenberg presented and explained the following Budget Amendment.

Upon a motion by Commissioner Jeffers, and a second by Vice Chairman Puryear and majority vote (5-0), the Board of Commissioners of Person County does hereby amend the Budget of the Fund(s) listed below on this, the 6th day of September 2011, as follows:

<u>Dept./Acct No.</u>	<u>Department Name</u>	<u>Amount</u> Incr / (Decr)
<u>EXPENDITURES</u>	<u>General Fund</u>	
	Public Safety	76,436
	Transportation	7,349
<u>REVENUES</u>	<u>General Fund</u>	
	Intergovernmental Revenues	66,351
	Other Revenues	17,434
<u>EXPENDITURES</u>	<u>Economic Catalyst Special Revenue Fund</u>	500,000
<u>REVENUES</u>	<u>Economic Catalyst Special Revenue Fund</u>	
	Intergovernmental Revenues	500,000

Explanation:

Appropriating the FY 2010 Homeland Security Grant received from the North Carolina Department of Crime Control and Public Safety for the purchase of a mobile generator (\$45,534); received an insurance claim for vehicle damage to a PATS vehicle (\$7,349); appropriating donation from United Way for the GREAT Summer Camp (\$10,000); received United Way designation for the GREAT Program (\$85); appropriating the Gang Violence Prevention Grant from the DJJDP (\$15,459); amending the Law Enforcement Restricted Fund for Unauthorized Substance Tax (\$5,358); and set up a new Special Revenue Fund called the "Economic Catalyst Fund" to record the grant from Golden Leaf for the equipment expense at Eaton Corporation (\$500,000).

CHAIRMAN'S REPORT:

Chairman Clayton reported the Upper River Neuse Basin Association met last week to review applicants that will be doing the study on the Falls Lake and tributaries with a recommendation forthcoming. Chairman Clayton stated Mr. Jim Wrenn would be providing the Board an update at the next meeting related to the utility and storm water process with Granville County, Butner and Creedmoor.

September 6, 2011

MANAGER'S REPORT:

County Manager, Heidi York stated a potential date for the joint meeting with the Board of Education is October 17, 2011 following the morning Board meeting and asked each to check their calendars. Ms. York announced her office hours for five days a week with a full day on Monday, followed by four ½ days.

COMMISSIONER REPORT/COMMENTS:

Commissioner Kennington reiterated his preference to have Mr. Ray Foushee involved with the veterans' associations to ensure quality on the monuments as well as the Board's voice.

Commissioner Blalock read an excerpt of a letter received from Judge Galloway related to Drug Treatment Court noting their firm intention to continue.

Chairman Clayton announced and congratulated Commissioner Ray Jeffers being elected as the new First Vice President of the North Carolina Association of County Commissioners as well as recognized the County Attorney, Ron Aycok being inducted into the North Carolina Association of County Commissioners Hall of Fame noting his great leadership and involvement with the association.

Commissioner Jeffers stated he looks forward to serving the state association and thanked the Board and staff for their support in his seeking the First Vice President office.

Vice Chairman Puryear inquired if there was any known weather damage from the storms this date. Interim EMS Director, Penny Payne stated there was none reported.

Chairman Clayton announced there would be a Local Emergency Planning Committee meeting on September 14, 2011 at 10:00 a.m. at Piedmont Community College in Room L-101.

Board members responded to the County Manager's poll noting October 17, 2011 following the Board's meeting would be a good opportunity for a potential joint meeting session with the Board of Education. Ms. York stated she would forward the request to the Board of Education for their consideration.

ADJOURNMENT:

A **motion** was made by Commissioner Blalock, **seconded** by Vice Chairman Puryear, and **carried 5-0** to adjourn the meeting at 8:02 p.m.

Brenda B. Reaves
Clerk to the Board

Jimmy B. Clayton
Chairman