

PERSON COUNTY BOARD OF COMMISSIONERS

MAY 5, 2014

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

Frances P. Blalock

David Newell, Sr.

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, May 5, 2014 at 7:00 pm in the Commissioners' meeting room in the Person County Office Building.

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

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

Chairman Clayton stated the Sheriff has requested the Board to add the following item to the agenda for a Bulletproof Vest Fiscal Year 2014 Federal Grant Application.

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to add to the agenda an item for Bulletproof Vest Fiscal Year 2014 Federal Grant Application.

Commissioner Newell requested the Board to add an item to the agenda for an update related to the Coal Ash information.

A **motion** was made by Commissioner Newell and **carried 5-0** to add to the agenda an item for a Coal Ash information update.

Chairman Clayton stated staff has requested a Closed Session to consider the acquisition or lease of real property be added to the agenda.

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to add a Closed Session to the agenda to consider the acquisition or lease of real property.

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

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PUBLIC HEARING:

REQUEST BY PSNC ENERGY FOR A SPECIAL USE PERMIT TO UPGRADE AN EXISTING COMPRESSOR SITE ON BILLY HICKS ROAD, TAX MAP A62 PARCEL 82, ROXBORO TOWNSHIP:

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to open the duly advertised public hearing for a request by PSNC Energy for a Special Use Permit to upgrade an Existing Compressor Site on Billy Hicks Road, Tax Map A62 Parcel 82, Roxboro Township.

The public hearing set to hear a request by PSNC Energy for a Special Use Permit to upgrade an Existing Compressor Site on Billy Hicks Road, Tax Map A62 Parcel 82, Roxboro Township required a quasi-judicial zoning decision whereby witnesses are to be sworn in and subject to cross examination, no ex parte communication and requires findings of fact. Chairman Clayton administered the Oath of Sworn Testimony to the following individuals who would offer testimony during the public hearing:

Aaron Holland, Reid Crane, Chris Norcross, Whitney Waldrop and Stuart Gilbert

City/County Planning Director, Aaron Holland stated the County received a request by PSNC Energy for a Special Use Permit for Tax Map A62 Parcel 82 to upgrade an existing compressor site on Billy Hicks Road (SR 1704), Roxboro Township. The property consists of 13.18 acres with an existing single Solar Saturn compressor and a control building. Mr. Holland stated the old buildings and equipment will be removed and replaced with two compressor buildings, a control room and a gas cooler.

Mr. Holland noted the site located on Billy Hicks Road is within the Falls Lake Development watershed and the plans require stormwater facilities. Mr. Holland further noted the stormwater plan has been reviewed by the County's consultant and has been approved.

Mr. Holland told the Board of Commissioners that the Planning Board staff recommended, if approved, the following conditions to be included:

1. Applicant to obtain an Environmental Health Permit, a Zoning Permit and a Building Permit from the County.
2. Applicant to show that they have sewer available from the City of Roxboro.
3. Applicant to obtain a floodplain development permit from the County for the proposed impacts within the floodplain. Provide documentation from the adjacent property owner that allows the proposed offsite construction.

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4. Provide an approved O&M Manual. Manual to specify the frequency of routine inspections.
5. Provide a surety bond in the amount of 125% of the construction cost of the Best Management Practice (BMP).
6. Access Easement and Management easement and plat to be executed and recorded.
7. Prior to construction of the bioretention device, a soil test of the bioretention filter media shall be reviewed and approved by the Engineer of record with a copy sent to the stormwater administrator for approval.
8. Perform an infiltration test at the completion of the bioretention BMP. Provide a copy of the results to the stormwater administrator.
9. Annual maintenance inspection and report required. The owner of the permitted structural stormwater BMP/control shall annually submit a maintenance and inspection report for each BMP to the stormwater administrator. Annual inspections shall begin within one year of the recordation of any deed showing stormwater BMP Control structures.
10. No development or redevelopment (land disturbance) shall occur until a Stormwater Management Permit is issued.
11. Impacts to wetlands or streams may require a 404 permit from the Army Corps of Engineers and a 401 permit from NCDENR.
12. Obtain all required local, State and Federal Permits.

Mr. Holland stated the Board also needs to address the findings of fact in Section 74-4 of the Ordinance and whether the request is in keeping with the comprehensive plan. Section 74-4 states "On receiving the recommendation of the Planning Board, the County Commissioners shall consider the application and said recommendation and may grant or deny the Special Use Permit requested. The Special Use Permit, if granted, shall include such approved plans as may be required. In granting the permit, the County Commissioners shall find:

1. that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
2. that the use meets all required conditions and specifications.
3. that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and

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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”.

Mr. Holland stated the Planning Board held a Public Hearing on April 10, 2014 and voted 5 to 0 to recommend approval with the conditions listed, that the facility was existing so it meets the findings of fact, that it was in keeping with the comprehensive plan and will be an improvement over the existing facility.

Vice Chairman Jeffers asked Mr. Holland if the annual maintenance inspection and report for the BMPs (one of the recommended conditions) was a requirement of the Person County Stormwater Ordinance or if it is a state requirement. Mr. Holland stated the annual maintenance inspection and report is a minimum state requirement and listed in the Person County Stormwater Ordinance as well.

Commissioner Blalock asked Mr. Holland if the neighbors were made aware of the request. Mr. Holland answered affirmatively noting there was one neighbor that attended the Planning Board Public Hearing who had received a letter and once the request was explained, they were OK with it.

Mr. Reid Crane of 118 Tuska Hills Drive, Holly Springs and PSNC Energy employee, Mr. Chris Norcross of 107 Sunshine Crest Court, Apex, and PSNC Energy employee, Ms. Whitney Waldrop of 800 Gaston Road, Gastonia and PSNC Energy employee and Mr. Stuart Gilbert, Person County’s Economic Development Director did not present any testimony to the Board of Commissioners, all stating they were available for any questions as proponents of the request by PSNC Energy for a Special Use Permit to upgrade an Existing Compressor Site on Billy Hicks Road, Tax Map A62 Parcel 82, Roxboro Township.

There were no individuals to address the Board of Commissioners in opposition to the request by PSNC Energy for a Special Use Permit to upgrade an Existing Compressor Site on Billy Hicks Road, Tax Map A62 Parcel 82, Roxboro Township.

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to close the public hearing for a request by PSNC Energy for a Special Use Permit to upgrade an Existing Compressor Site on Billy Hicks Road, Tax Map A62 Parcel 82, Roxboro Township.

CONSIDERATION TO GRANT OR DENY REQUEST BY PSNC ENERGY FOR A SPECIAL USE PERMIT TO UPGRADE AN EXISTING COMPRESSOR SITE ON BILLY HICKS ROAD, TAX MAP A62 PARCEL 82, ROXBORO TOWNSHIP:

A **motion** was made by Commissioner Newell and **carried 5-0** to approve the request by PSNC Energy for a Special Use Permit to upgrade an Existing Compressor Site on Billy Hicks Road, Tax Map A62 Parcel 82, Roxboro Township with the conditions listed below, and that the facility was existing so it meets the findings of fact, that it was in keeping with the comprehensive plan and will be an improvement over the existing facility. The conditions approved with the granted Special Use Permit are:

1. Applicant to obtain an Environmental Health Permit, a Zoning Permit and a Building Permit from the County.
2. Applicant to show that they have sewer available from the City of Roxboro.
3. Applicant to obtain a floodplain development permit from the County for the proposed impacts within the floodplain. Provide documentation from the adjacent property owner that allows the proposed offsite construction.
4. Provide an approved O&M Manual. Manual to specify the frequency of routine inspections.
5. Provide a surety bond in the amount of 125% of the construction cost of the Best Management Practice (BMP).
6. Access Easement and Management easement and plat to be executed and recorded.
7. Prior to construction of the bioretention device, a soil test of the bioretention filter media shall be reviewed and approved by the Engineer of record with a copy sent to the stormwater administrator for approval.
8. Perform an infiltration test at the completion of the bioretention BMP. Provide a copy of the results to the stormwater administrator.
9. Annual maintenance inspection and report required. The owner of the permitted structural stormwater BMP/control shall annually submit a maintenance and inspection report for each BMP to the stormwater administrator. Annual inspections shall begin within one year of the recordation of any deed showing stormwater BMP Control structures.
10. No development or redevelopment (land disturbance) shall occur until a Stormwater Management Permit is issued.

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11. Impacts to wetlands or streams may require a 404 permit from the Army Corps of Engineers and a 401 permit from NCDENR.

12. Obtain all required local, State and Federal Permits.

INFORMAL COMMENTS:

Chairman Clayton explained the Informal Comments section on the agenda noting it is not the policy of the Board to ask questions or address comments made by individuals, but to take the comments under advisement. Chairman Clayton stated should a topic need further discussion by the Board, a commissioner can place the item on the agenda.

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

Mr. Kenny Rickman of 3936 Allensville Road, Roxboro thanked the veterans in the audience for their service and proceeded to recount his personal experience of being a victim of being hit by a drunk driver on September 17, 1981. Mr. Rickman pointed his comments to Commissioner Puryear noting his disappointment and loss of trust as an elected official.

Mr. Rickman asked Commissioner Puryear to resign from his position as a commissioner.

DISCUSSION/ADJUSTMENT/APPROVAL OF CONSENT AGENDA:

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

- A. Approval of Minutes of April 7, 2014
- B. Approval of Minutes of April 21, 2014
- C. CDBG Monthly Reporting for the month of April 2014
- D. CDBG Scattered Site Bid Tabulation for 60 Lester Burch Road

UNFINISHED BUSINESS:

APPOINTMENT TO THE PLANNING BOARD:

Clerk to the Board, Brenda Reaves said as a follow-up to the April 7, 2014 Board's meeting related to appointment of board and committee members, the County Manager reported on the attendance record of Mr. Robert Allen (interested citizen requesting appointment on the Planning Board) via weekly email as requested by Chairman Clayton. Ms. Reaves requested Board direction related to the citizen

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application of interest for the Planning Board. Ms. Reaves asked if the Board required additional information or if the Board would like to proceed to schedule an informal interview with Mr. Robert Allen or if the Board desired to waive the informal interview process to proceed to nominate for appointment.

Ms. Reaves confirmed that Mr. Allen is currently serving on the following county appointed boards:

- Industrial Facilities & Pollution Control Financing Authority (Bonding Authority)
Appointed 7/5/11 with a term to 6/30/17
- Region K Aging Advisory Council
Appointed 7/5/11 with a term to 12/31/14

Ms. Reaves stated there is one current vacancy with an unexpired term to June 30, 2015 but requested Board consideration to appoint Mr. Allen for a full three-year term as recommended by the City/County Planning Director in lieu of the one-year unexpired term.

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to appoint Mr. Robert Allen to the Planning Board for a three-year term and to allow him to continue serving on the Industrial Facilities & Pollution Control Financing Authority and the Region K Aging Advisory Council.

NEW BUSINESS:

PERSON COUNTY PROCLAMATION, PURPLE HEART COUNTY:

Veterans Services Officer, Richard Vining introduced Mr. Jesse G. Torres, Adjutant of the Al Meyer Chapter 637 of the Military Order of the Purple Heart.

The Military Order of the Purple Heart (MOPH) of the USA has initiated an Americanism project to have all counties and cities be designated a "Purple Heart" County or City through the issuance of a Proclamation. There are twelve Chapters currently engaged in the project in North Carolina. The Military Order of the Purple Heart is comprised of men and women who were wounded in combat with membership including veterans of World War II, Korea, Vietnam, Desert Storm, Iraq and Afghanistan conflicts.

A **motion** was made by Commissioner Newell and **carried 5-0** to adopt the Person County Proclamation, Purple Heart County as presented.

Chairman Clayton read the Person County Proclamation, Purple Heart County and presented to Mr. Torres.

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Commissioner Blalock informed the veterans in the audience of a dinner provided by the Bushy Fork Grange scheduled for Friday, May 9, 2014 in honor of Person County veterans.

Proclamation

WHEREAS, the Purple Heart is the oldest military decoration in present use and was initially created as the Badge of Military Merit by General George Washington in 1782; and

WHEREAS, the Purple Heart was the first American service award or decoration made available to the common soldier and is specifically awarded to those who have been wounded or killed while serving the United States against opposing armed forces; and

WHEREAS, the Military Order of the Purple Heart was chartered by an Act of Congress. Its mission is to foster an environment of good will among the combat wounded veterans and their families, to promote patriotism, to support legislative initiatives and, most importantly, to make sure we never forget the sacrifices our veterans have made; and

WHEREAS, Person County has citizens who were wounded in combat and received the Purple Heart; and

WHEREAS, Person County has a large population of highly decorated military veterans, as well as Purple Heart recipients, living in its communities.

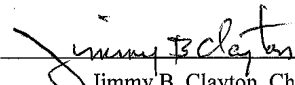
NOW, THEREFORE, BE IT RESOLVED that the Person County Board of County Commissioners does hereby proclaim Person County as a

"PURPLE HEART COUNTY IN THE STATE OF NORTH CAROLINA"

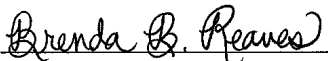
and are hereby honored to bestow honor and gratitude to all combat wounded veterans and those who have received the Military Order of the Purple Heart.

Adopted this 5th day of May, 2014.




Jimmy B. Clayton, Chairman
Person County Board of Commissioners

Attest:


Brenda Reaves, NCCCC, CMC
Clerk to the Board

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PERSON COUNTY VETERAN'S PARK:

Mr. Richard Vining, President, Person Veterans Council reminded the Board that the Person Veterans Council has completed the design of the proposed Person County Veterans Park and has selected two sites in the county as proposed sites for the park. The idea of a veteran's park was originally introduced to the Board at the October meeting when introducing the newly formed council. Mr. Vining introduced Mr. Doug Robinson, the American Legion representative on the Person Veterans Council to outline a presentation on the park that will include site selections, the park design concept, park construction, and preliminary cost estimates/funding sources.

Mr. Robinson stated there are over 3,000 veterans in Person County and proceeded to share the following presentation with the Board.

**A Project
By The
Person County
Veterans Council**

**A
VETERANS MEMORIAL
PARK
FOR
ROXBORO
AND
PERSON COUNTY**

Veterans Memorial Park Purpose

The park shall be a special place to recognize and memorialize the veterans of Roxboro and Person County.

Veterans Memorial Park Objectives

- ▣ **To provide a dedicated area for veterans' memorial services.**
- ▣ **To foster fraternal relations among veterans and active duty members of the various services and the citizens of the County.**

Veterans Memorial Park Objectives (CONT.)

- ▣ **To increase awareness in the community at large regarding the service and sacrifices of our nations veterans**
- ▣ **To provide a place to conduct any and all lawful activities for which a not-for-profit organization may perform.**

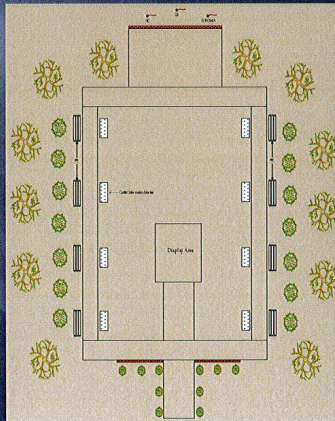
Design Concept

- ▣ **Bordered on three sides with Lebanon Cedars (if needed)**
- ▣ **A grass area with walkways around the edge and display area in the center**
- ▣ **A wall about 40-48" high with three flag-poles behind it centered in the plot with solar powered night time flag lighting.**
- ▣ **Six shields of the 5 uniformed services and Merchant Marines.**

Design Concept (Cont)

- ▣ **The area in the center of the grass area may have, an artillery gun and other memorials.**
- ▣ **The entrance brick wall will focus visitors in and around the walks.**
- ▣ **Benches will be strategically placed around the area for visitors to stop and read the memorial stones.**

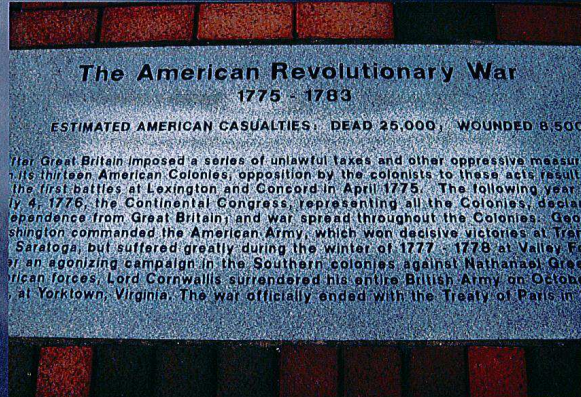
Veterans Park Concept



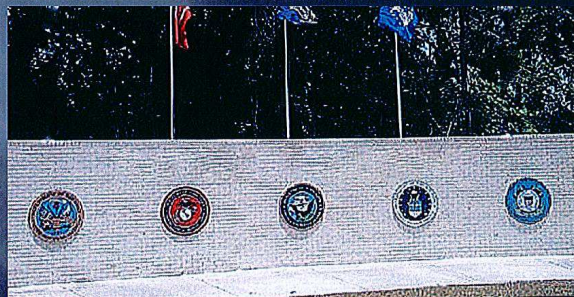
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Mr. Robinson stated both proposed sites are in R-1 zoning; therefore it is not a use by right but permitted with a conditional use permit.

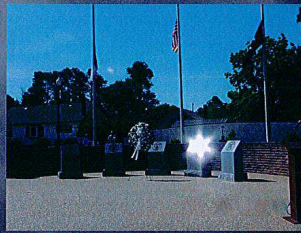
Typical Memorial Stone



A Similar Design



Additional Views



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Preferred Site



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Mr. Robinson stated the preferred site is the lot adjacent to the County Office Building with the alternate site on the Person County Museum Complex (former Tillman House site).

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Alternate Site



Location

- ▣ The proposed site for the Veterans Park is located on the lot south of the County Bldg. the alt. site is next to the Museum on N. Main St.
- ▣ Minimum soil disturbance is required.
- ▣ There are no utilities in conflict.
- ▣ There is adequate parking adjacent to the area.
- ▣ No storm water runoff conflicts.
- ▣ The selected site is centrally located.
- ▣ Will be handicapped accessible per ADA.

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Mr. Robinson noted the events held at the Veteran's Park would be scheduled on a holiday or on weekends when county offices are closed and the parking lot(s) are available.

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Estimated Project Cost

| | |
|--|------------------|
| ▣ Basic grading and plot preparation | \$ |
| ▣ Install underground electric service, if reqd. | \$ 2000. |
| ▣ Concrete walkways | \$ 3184. |
| ▣ Brick wall Construction, 48 feet, | \$ 5031. |
| ▣ Three flag poles and flags | \$ 2339. |
| ▣ Six service seals | \$ 6534. |
| ▣ Eight memorial benches @ \$211. ea. | \$ 1688. |
| ▣ Landscape Screening as required | \$ 900. |
| ▣ Final landscaping grass and shrubs | \$ 968. |
| ▣ Conflict Memorial blocks, 9 ea. @ \$925 | \$ 8325. |
| ▣ Front Wall Lettering 11.4 " high alum letters | \$ 888. |
| ▣ In-kind material and labor will reduce cost. | |
| 5/5/14 Estimated Funds Required | <u>\$ 31857.</u> |

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Park Funding

| | |
|---------------------------------|------------|
| ▣ Estimated Funds needed 5/5/14 | \$ 31,857. |
| ▣ Funds on hand as of: | \$ |
| ▣ Funds pledged | \$ |
| ▣ Shortfall as of: 5/5/14 | \$ 31,857 |

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Mr. Robinson stated no fundraising efforts have begun noting the first step is the presentations to the Board of Commissioners and Roxboro City Council to determine a site. Once a site is determined an application will be submitted to the City Board of Adjustment for a conditional use permit.

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Anticipated Sources of Funding

- ▣ Local Civic Clubs
- ▣ Corporate Public Service Grants
- ▣ Individual Donations
- ▣ Memorial Donations by Academic Classes from Local High Schools
- ▣ Fund Raisers by Veterans Organizations

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"We Do This Lest We Forget Their Sacrifice"



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Mr. Robinson requested the Board to grant the Person County Veteran's Council permission to construct a Veteran's Park at the preferred site, the lot adjacent to the County Office Building.

Commissioner Puryear asked if the desired site would remain Person County property or would it require deeding to the Council. Mr. Robinson stated the property would remain with the County with a lease to the Veterans Council. Commissioner Newell asked about the maintenance on the site. Mr. Robinson stated the lighting for the flags will be through solar power with day-to-day flags upkeep by the veterans and other grounds maintenance with the County.

Vice Chairman Jeffers asked if the Veterans Council would be requesting any other funds from the County other than in-kind. Mr. Robinson stated the Council did not intend to ask the County for any funds. Vice Chairman Jeffers inquired about the timeframe for completion of the park. Mr. Robinson stated the timeframe would depend on obtaining the conditional use permit which he estimated around July or August, at which time, fundraising would begin for the project. Mr. Robinson stated the project would be completed in incremental stages so that each stage would be funded and completed without the worry of an un-finished stage.

A **motion** was made by Commissioner Blalock and **carried 5-0** to grant the Person County Veteran's Council permission to construct a Veteran's Park on the lot adjacent to the County Office Building.

Vice Chairman Jeffers suggested the Veteran's Council include the Girl and Boy Scouts in the park concept. Mr. Robinson stated the Council had plans to approach the Roxboro Garden Club as a project as well.

PERSON COUNTY JUVENILE CRIME PREVENTION COUNCIL FUNDING RECOMMENDATIONS FOR FISCAL YEAR 2014-2015:

John Hill, Juvenile Crime Prevention Council (JCPC) member and current Chairperson presented to the Board the Council's Funding Recommendation for Fiscal Year 2014-2015.

Mr. Hill stated each year, funding is made available through the North Carolina Department of Public Safety / Division of Juvenile Justice to Person County and its JCPC to be utilized to address the needs of youth at-risk for delinquency as well as adjudicated undisciplined and delinquent youth in Person County. The funding comes in the form of a county allocation. All 100 counties in the State of North Carolina are allocated funds based on the population of youth in the county between the ages of 10 and 17. Person County receives \$123,213 in its allocation from the North Carolina Department of Juvenile Justice and Delinquency Prevention.

Annually, the JCPC conducts a planning process which includes an array of legislated tasks: a review of the community risk factors and the risk levels of youth in the community; an assessment of the needs of the target populations; a review of the service resources available to address those needs; the identification of service gaps; and the strategic development of a plan to structure a seamless continuum of service programming to address the target population needs. As part of the development of the needed services identified in the continuum, there is a request for proposal process (RFP) that is completed by the JCPC. Non-profits and government entities may apply for the opportunity to provide services per the guidelines of the RFP. The JCPC reviews all requests and award is made to service providers to address service needs identified by the JCPC. The JCPC makes its recommendation of expenditure of the allocation and presents its written annual planning documents to the Person County Board of County Commissioners for its approval. The JCPC performs this function as an extension of the County Commission Board in its fulfillment of the legislated duties imposed upon them through general statute. Additionally, on an on-going basis, the JCPC evaluates the performance of its funded programs by annually monitoring each program through on-site visits and also monthly through program reporting at the local monthly JCPC meetings. The JCPC is also charged with the tasks of increasing public awareness of the causes of delinquency, addressing strategies to intervene and appropriately respond to and treat the needs of juveniles while at the same time reducing juvenile recidivism. The JCPC stands ready to respond to the changing needs of youth and service delivery in the community.

Mr. Hill stated the Person County Juvenile Crime Prevention Council met on April 9, 2014 and unanimously voted to approve the DJJ allocation to be distributed in the following manner for the 2014-2015 fiscal year with a specific alternate request that if the Person County Board of Commissioners choose not to fund any one program provider that the remaining request be granted and divided between all other program providers Determined by the Person County Juvenile Crime Prevention Council.

Mr. Hill noted the Administrative Fund is used to fund not only the administrative duties and supplies, but also for outreach programs, such as the G.R.E.A.T. Program.

Mr. Hill stated there was one Program application withdrawn by the Warriors Program of Hillsborough. Vice Chairman Jeffers requested for JCPC to provide to the Board of Commissioners in the future information for the all requests/applications received for JCPC funding consideration and recommendation to the Board of Commissioners.

Mr. Hill provided the Fiscal Year 2014-2015 Funding Recommendations to the Board from its JCPC Council noting the county cash match applies to county programs only.

2014-2015 Recommendation from Person County JCPC Council

| <u>Program</u> | <u>DJJDP Funds</u> | <u>County Cash Requested</u> |
|---|--------------------|------------------------------|
| 4-H YES | \$90,000 | \$23,307 |
| Roots & Wings Parenting Program | \$12,000 | \$ 0 |
| Roots & Wings Parenting/Mentoring Program | \$ 8,000 | \$ 0 |
| G.R.E.A.T Program (Sheriffs Dept) | \$ 0 | \$ 0 |
| Central Children's Home | \$ 0 | \$ 0 |
| Administrative Fund | \$ 13,213 | \$ 0 |
| Total | \$123,213 | \$23,307 |

County Manager, Heidi York stated if the JCPC Funding Recommendation is accepted by the Board, the county matching funds are budgeted in the upcoming fiscal year 2014-2015 budget.

A **motion** was made by Commissioner Newell and **carried 5-0** to accept the Fiscal Year 2014-2015 Funding Recommendation from the Juvenile Crime Prevention Council as presented and to budget for the county cash match of \$23,307 in the fiscal year 2014-2015 budget.

NC ASSOCIATION OF COUNTY COMMISSIONERS' LEGISLATIVE VIDEO UPDATE:

County Manager, Heidi York stated the NC Association of County Commissioners requested the legislative video update be placed on the Board's agenda prior to the first day of the Legislative Session which begins on May 14, 2014. The legislative video update contains a preview of the upcoming legislative session, information about our Annual Conference and County Assembly Day, and a report on legal cases impacting counties.

BULLETPROOF VEST FISCAL YEAR 2014 FEDERAL GRANT APPLICATION ANNOUNCEMENT:

Captain Kevin Crabtree stated the Sheriff's Office wanted approval from the Board of Commissioners to submit a federal grant application for the 2014 Bulletproof Vest Grant noting the grant requires a 50/50 local match which is estimated at \$12,000 over the next two fiscal years. Captain Crabtree stated the intention to use the drug forfeiture funds as the source for the local matching funds required. Captain Crabtree explained to the Board how the Sheriff's Office replaces bulletproof vests on an annual basis through the same grant noting the life of a bulletproof vest is estimated at five years. The Sheriff's Office rotates the replacement of approximately 12-24 bulletproof vests each year noting the intent is to replace the Special Response Team's vests in the upcoming fiscal year if the grant application is awarded.

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Captain Crabtree requested the Board's approval for the Sheriff's Office to submit an application for the 2014 Bulletproof Vest Grant for federal funding with the understanding if Person County is awarded the grant, a local match of up to \$12,000 will be required using the drug forfeiture funds as the source to provide the local match.

A **motion** was made by Vice Chairman Jeffers, and **carried 5-0** to approve the Sheriff's Office to submit an application for the 2014 Bulletproof Vest Grant for federal funding with the understanding if Person County is awarded the grant, a local match of up to \$12,000 will be required using the drug forfeiture funds as the source to provide the local match.

COAL ASH INFORMATION UPDATE:

County Manager, Heidi York informed the Board that Duke Energy representative, Tanya Evans had revised the amount of material Duke Energy has shipped and is planning to send to the Person County landfill. Ms. York stated Ms. Evans' update noted 238 tons of material has been shipped to the landfill with another 15 tons remaining to be shipped. The total material planned to be shipped to the landfill is at 253 tons. Ms. York noted Ms. Evan's update included the official material testing results which in summary indicate a low level of metals found in the material, not necessarily from the coal ash and well within the state requirements per the site permit provisions.

Commissioner Newell asked if the County Attorney had verified the material was permitted to go in the county landfill. County Attorney, Ron Aycock stated affirmatively noting he had reviewed both the landfill contract and the Environmental Protection Agency (EPA) regulations to which coal ash is specifically mentioned as a permitted material by EPA and the contract provides for acceptance of solid waste as defined by EPA.

Commissioner Newell questioned if the following section of the current County Agreement with Upper Piedmont could be used to contest the acceptance of any material that poses a risk to the environment:

1.11 Excluded Waste:

Highly flammable substances, Hazardous Waste, liquid wastes, certain pathological and biological wastes, explosives, radioactive materials, or any other waste excluded by any applicable Environmental Law or excluded by any of the terms and conditions of any permits, licenses or approvals obtained with respect to Upper Piedmont's operation of the New Landfill. This term shall also include such other waste material (excluding Solid Waste) which Upper Piedmont or the County finds, in their discretion, following analysis, the results of which shall be made available to the other party, to pose an unreasonable risk or danger to the operation or safety of the New Landfill or the environment due to the chemical or physical characteristics of such waste.

Mr. Aycock stated the County could contest that the insertion of material does not meet the standard but in his opinion, it would be hard to prevail due to specific definitions defining the solid waste as a non-hazardous meeting the regulations.

Commissioner Blalock noted there will be a time for questions at the informational meeting on Thursday night at the joint meeting. Commissioner Blalock stated EPA is slated to make a definitive statement related to coal ash later this year.

CHAIRMAN'S REPORT:

Chairman Clayton had no report.

MANAGER'S REPORT:

County Manager, Heidi York reminded the Board of their joint session meeting with Roxboro City Council on Thursday, May 8, 2014 at 6:00 pm in the County Auditorium.

COMMISSIONER REPORT/COMMENTS:

Commissioner Newell had no report.

Commissioner Blalock reported on her classroom visit with approximately 50 Person High School students to which she asked the students complete a survey of county priorities noting the results indicated 1) jobs, 2) safety, and 3) education as the top three priorities.

Commissioner Puryear reminded the Board that he would be absent at the Board's next meeting due to having major surgery noting his intention to participate in the work sessions by telephone conference call from the hospital or from his home during his recovery.

Vice Chairman Jeffers commented on recent opportunities he had with students at the Library, Person High School and North Elementary.

CLOSED SESSION(S):

Closed Session #1

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to enter into Closed Session per General Statute 143-318.11(a)(5) to consider the acquisition or lease of real property at 8:20 pm with the following individuals permitted to attend: County Manager, Heidi York, Clerk to the Board, Brenda Reaves, County Attorney, Ron Aycock, Assistant County Manager, Sybil Tate, and IT Director, Gary Latta.

Chairman Clayton called the Closed Session to order at 8:21 pm.

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to return to open session at 8:41 pm.

RECESS:

A **motion** was made by Commissioner Newell, and **carried 5-0** to recess the meeting at 8:41 pm until 6:00 pm on May 8, 2014 in the County Auditorium for a joint meeting with Roxboro City Council.

Brenda B. Reaves
Clerk to the Board

Jimmy B. Clayton
Chairman

May 5, 2014