

PERSON COUNTY BOARD OF COMMISSIONERS

JUNE 16, 2014

MEMBERS PRESENT

OTHERS PRESENT

Jimmy B. Clayton

Sybil Tate, Assistant 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, June 16, 2014 at 9:00 am 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:

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

RECOGNITIONS:

A RESOLUTION OF APPRECIATION FOR COUNTY RETIREES:

Chairman Clayton read and presented a Resolution of Appreciation to each Person County retiree, Malinda Davis and Flora Villines.

Ms. Villines publicly thanked Angie Warren, Human Resources Director and Kathy Adcock, Person Area Transportation System Manager as well as the Board of Commissioners for all the assistance and support during her tenure with Person County.

June 16, 2014

RESOLUTION OF APPRECIATION

WHEREAS, Malinda Davis has served the people of Person County during her tenure as a Senior Administrative Support Specialist in the Soil & Water Department; and

WHEREAS, Malinda Davis has served the citizens of Person County with honor, integrity, sincerity and dedication, providing accurate, concise services for twenty-five years, June 1989 – June 2014; and

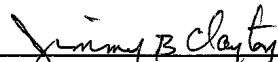
WHEREAS, Malinda Davis has earned the respect and admiration of all who have known her and worked with her throughout her career; and

WHEREAS, the County of Person recognizes the many contributions Malinda Davis has made to the County and offers her sincere best wishes for her retirement.


NOW, THEREFORE, I, Jimmy B. Clayton, Chairman of the Person County Board of Commissioners, do hereby extend this Resolution of Appreciation to Malinda Davis for continually striving to make Roxboro and Person County a better place to live and work.

Adopted this, the 16th day of June, 2014.




Jimmy B. Clayton, Chairman
Person County Board of Commissioners

Attest:


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

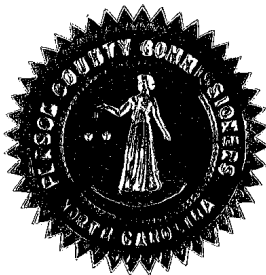
June 16, 2014

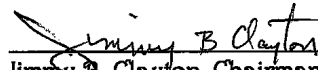
RESOLUTION OF APPRECIATION

- WHEREAS,** Flora Villings has served the people of Person County during her tenure working for Person County as a Transit Specialist with the Person Area Transportation System (PATS); and
- WHEREAS,** Flora Villings has served the citizens of Person County with honor, integrity, sincerity and dedication, providing accurate, concise services for fifteen years, July, 1999 – June, 2014; and
- WHEREAS,** Flora Villings has earned the respect and admiration of all who have known her and worked with her throughout her career; and
- WHEREAS,** the County of Person recognizes the many contributions Flora Villings has made to the County and offers her sincere best wishes for her retirement.

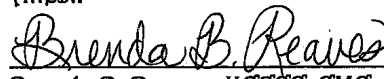
NOW, THEREFORE, I, Jimmy B. Clayton, Chairman of the Person County Board of Commissioners, do hereby extend this Resolution of Appreciation to Flora Villings for continually striving to make Roxboro and Person County a better place to live and work.

Adopted this, the 16th day of June, 2014.




Jimmy B. Clayton, Chairman
Person County Board of Commissioners

Attest:


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

June 16, 2014

INFORMAL COMMENTS:

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

Mr. Bill Barber of 600 Peed Road, Rougemont stated he resides near the County landfill and that certain things were promised by the Board of Commissioners when the landfill was opened, one of which was not to accept hazardous waste. Mr. Barber noted the landfill is permitted to accept coal ash but asked the Board to hold true to the previous Board's promises to the citizens that live near the landfill.

Mr. Greg Duhon of 9650 Oxford Road, Rougemont and Landfill Manager hand delivered a letter of correspondence from Republic Services' Area President, Drew Isenhour expressing concerns related to the proposed Resolution for a Moratorium on Coal Ash Waste Transfer to our Municipal Solid Waste Landfill noting the proposed resolution is inconsistent with the agreement between Person County and Republic. Mr. Duhon read excerpts of the letter reiterating the fact that federal regulations specifically allow Republic to dispose of ash material in the landfill under the agreement and that Republic nonetheless took additional measures to analyze the ash material disposed of in the landfill to confirm that this type of material is non-hazardous. Mr. Duhon, on behalf of Republic, respectfully requested the Board to not adopt the proposed resolution, noting Republic Services reserves the right to pursue the appropriate remedy if the proposed resolution is passed.

Ms. Betty Blalock of 144 Tirzah Ridge, Rougemont urged the Board to stop the coal ash from going into the County landfill, noting the waste cannot be brought from 60 miles from waste point of origin.

Ms. Faye Boyd of 69 Foxwood Drive, Timberlake questioned why the coal ash is taken to the landfill and not stored on Duke Energy's property in cement storage units designed for disposal of waste materials. Ms. Boyd referred to Duke Energy's liability of coal ash material when deposited into the landfill and wondered how Duke Energy could remain responsible once it was put in the landfill.

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 May 19, 2014
- B. Approval of Minutes of May 27, 2014
- C. Budget Amendment #15
- D. Budget Amendment #16
- E. Budget Transfer dated June 2, 2014
- F. Tax Adjustments for the month of May 2014
 - a. May 2014 tax releases
 - b. May 2014 NC Vehicle Tax System pending refunds

UNFINISHED BUSINESS:

RESOLUTION FOR A MORATORIUM ON COAL ASH WASTE TRANSFER TO OUR MUNICIPAL SOLID WASTE LANDFILL:

Commissioner Blalock noted the coal ash resolution was tabled on May 19, 2014 and proceeded to present the Board with a revised resolution that excludes the Dan River cleanup since it is already in progress and nearing completion. Commissioner Blalock amended the revised resolution to include the word should twice and taking out the word shall (all changes in the next to last paragraph of the resolution) as follows:

NOTWITHSTANDING THAT ACTION IS UNDERWAY AT DAN RIVER, BE IT RESOLVED, that no additional coal combustion waste **should** be placed in the Person County municipal solid landfill following the extant cleanup in the Dan River by Duke Energy and no movement of coal ash from coal ash ponds and lagoons near waterways be brought to the same municipal waste landfill. Regardless of the EPA ruling in December, all future remediation of coal ash waste disposal **should** be the responsibility of the producer on their own property.

Commissioner Blalock stated the resolution asks that no coal ash from Duke Energy lagoons and ponds be brought to the Person County landfill, thereby, transferring environmental and health problems to the citizens and requests Duke Energy to retain the ash on the producer's property. Commissioner Blalock stated concerns about the landfill's liner leaking and the air emissions that occur from landfill sites when fine particle waste is blown by the wind as the waste is loaded and unloaded, further noting that power companies are supposed to keep the coal ash wet to reduce the fine particle pollution. Commissioner Blalock referenced a 2010 study commissioned by the non-profit Clean Air Task Force, which reported over 1,300 deaths and tens of thousands of other acute heart and respiratory problems within one year that were attributed to exposure to fine particle pollution from US coal plant emissions. Commissioner Blalock shared a remark made by Paul Newton, president of Duke Energy's operations in North Carolina, about the challenge and expense of moving the company's ash; "...to move the 22M tons of coal ash from the impoundment located at the Steam plant's ash basin near Charlotte, it would take workers working 12 hours per day, six days a week, one truckload every three minutes nearly 30 years to complete."

Commissioner Puryear asked the County Attorney to address any such legal implications related to the resolution before the Board. County Attorney, Ron Aycock stated the resolution, if adopted, is in effect asking Duke Energy and Republic Services to do what is requested however there is no mandate to follow the resolution thereby indicating that there are no legal implications.

Vice Chairman Jeffers referred to Senate Bill 729 that has a preempted local regulation mirroring General Statute 130A-293, which repeals local acts that prohibit the transportation, treatment, storage or disposal of hazardous waste within any county, city or other political subdivision, etc. Mr. Aycock stated Person County was not in violation when the contract and permit was issued and that the proposed resolution would not change that fact, since it has no mandatory effect but only that of a request.

Commissioner Blalock emphasized that the resolution before the Board was a means for elected officials to publicly air the concerns of their constituents noting the resolution is non-binding and simply expresses the feelings of many of the county's residents.

Commissioner Newell stated as there was much unknown about coal ash and its effect of people, he feels Duke Energy should keep the coal ash waste on their own property.

Tanya Evans, Duke Energy's District Manager addressed the Board at Commissioner Puryear's request noting Duke Energy's preference to relocate the waste materials to a landfill close to the power plants to reduce travel distance of the coal ash fine particle pollution. Ms. Evans stated that the current amount of coal ash dredged from the Dan River and transferred to Person County's landfill is relatively small and inappropriate for disposal into Duke Energy's own Monofill because it is mostly river silt.

Vice Chairman Jeffers asked Ms. Evans if the recently constructed Duke Energy Monofill is operational. Ms. Evans stated it is not fully operational at this time.

Commissioner Puryear stated the Board could ask Republic to not accept coal ash waste although Republic has a contractual right to accept coal ash waste and the county has no provision to get out of the contract until such time as a new contract is negotiated with such provisions stated.

Commissioner Blalock stated as long as the definition of hazardous waste remains the same, a new contract won't make a difference. Commissioner Blalock noted her desire that the Environmental Protection Agency (EPA) make a decision soon regarding the coal ash rules.

Chairman Clayton stated the landfill was designed for municipal solid waste of the City of Roxboro and Person County and that is what it should be limited. Chairman Clayton commented his desire for the resolution to pass unanimously.

A **motion** was made by Commissioner Blalock and **carried 5-0** to adopt a Resolution for a Moratorium on Coal Ash Waste Transfer to our Municipal Solid Waste Landfill

A copy of the Board adopted resolution will be sent to Senator Mike Woodard and Representative Winkie Wilkins as requested by Commissioner Blalock.

RESOLUTION FOR A MORATORIUM ON COAL ASH WASTE TRANSFER TO OUR
MUNICIPAL SOLID WASTE LANDFILL

WHEREAS, coal combustion waste contains toxicants such as arsenic, lead, mercury, cadmium, chromium, and selenium, and the toxicants in coal combustion waste are linked to cancer and neurological damage in humans, as well as harm to wildlife, especially water-dwelling species; and

WHEREAS, on February 2, 2014 thousands of tons of coal combustion waste and millions of gallons of contaminated water spilled into the Dan River and the Dan River Power Station near the City of Eden necessitating cleanup and spurring Duke Energy to contract 2500 plus tons of coals ash material to be brought to a Person County community exposing it to increased danger of air, water and land contamination; and

WHEREAS, because the EPA is treating this event as a SUPERFUND and is overseeing the cleanup under its provisions underscores the seriousness of this matter; and

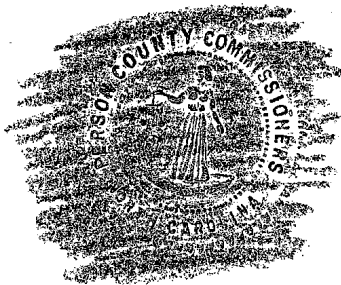
WHEREAS, a modern sanitary landfill should not be a dump; but an engineered facility used for disposing of solid wastes on land without creating nuisances or hazards to public health or safety; and


WHEREAS, coal ash is a unique waste with many toxicants, it should be labeled as such and put in protected structures or areas on the producer's property, thereby preventing the exacerbation of health concerns that already exist in the community that houses the municipal solid waste landfill; and

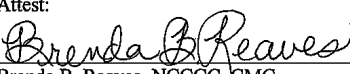
WHEREAS, on January 29, 2014 the United States Department of Justice lodged a consent decree with the U.S. District Court for the District of Columbia that requires the US Environmental Protection Agency to publish a final rule addressing the disposal of coal ash by December 19, 2014.

NOTWITHSTANDING THAT ACTION IS UNDERWAY AT DAN RIVER, BE IT RESOLVED, that no additional coal combustion waste should be placed in the Person County municipal solid landfill following the extant cleanup in the Dan River by Duke Energy and no movement of coal ash from coal ash ponds and lagoons near waterways be brought to the same municipal waste landfill. Regardless of the EPA ruling in December, all future remediation of coal ash waste disposal should be the responsibility of the producer on their own property.

BE IT KNOWN that the members of Person County Board of Commissioners were present on this day, the 16th day of June, and support this resolution.




Jimmy B. Clayton, Chairman
Person County Board of Commissioners

Attest:

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

June 16, 2014

NEW BUSINESS:

USDA STRIKEFORCE INITIATIVES:

USDA-Farm Service Agency County Executive Director, Charity Silver informed the Board that in 2010, USDA Secretary of Agriculture Tom Vilsack launched the *StrikeForce Initiative for Rural Growth and Opportunity*. This initiative aims to provide intensive care for rural areas with persistent, concentrated poverty. These areas are selected based on census data identifying the county as having persistent poverty of more than 20%. Person County meets these guidelines and has been selected as a StrikeForce county. Through this initiative, USDA agencies (Farm Service Agency, Natural Resource Conservation Service, Rural Development, & Risk Management) aim to partner with and educate local governments, community organizations, and faith based organizations about using USDA programs to improve their counties economically.

Ms. Silver promoted attendance at an upcoming StrikeForce meeting scheduled for June 25, 2014 at 1:00 pm at Vance Granville Community College.

Vice Chairman Jeffers inquired about local farmers receiving the technology to accept SNAP benefits at the local farmer's market. Ms. Silver stated she has forwarded information to the local farmer's market manager and offered to forward information to the Assistant County Manager to share with the Board.

Commissioner Blalock asked about cooperatives. Ms. Silver stated cooperatives would be through Rural Development led by George Vital noting she would also provide contact information for him to the Assistant County Manager to share with the Board.

The presentation Ms. Silver gave the Board follows:



United States Department of Agriculture

StrikeForce For Rural Growth and Opportunity



USDA STRIKEFORCE FOR RURAL GROWTH AND OPPORTUNITY

- ❖ Established by USDA Secretary Vilsack in 2010 to address the unique concerns of rural America in combating poverty in our towns and communities.
- ❖ 85% of America's persistent poverty counties are in rural America.
- ❖ StrikeForce aims to increase investments in rural communities through intensive outreach and stronger partnership with community leaders, businesses, foundations, civic and church groups and other CBOs working to combat poverty in rural America.
- ❖ StrikeForce now operates in more than 700 rural counties, parishes, boroughs, tribal reservations and colonies in 20 states.
- ❖ In January 2013, the Natural Resources Conservation Service (NRCS) assumed the lead of NFAC through the 2013 calendar year and has transitioned that leadership to Farm Service agency (FSA) in January 2014. FSA will therefore coordinate SF activities at the Departmental and field level in conjunction with USDA mission area and agency leadership.

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STRIKEFORCE OBJECTIVES

- Expanding program education for USDA employees and partners to improve understanding, coordination and deployment of the full suite of USDA services to rural communities.
- Increasing access to capital and program participation (contracts, grants, loans, cost shares, education and technical assistance) in persistent poverty areas and underserved populations.
- Increasing access to nutritious foods and assisting in development of local and regional food systems
- Increasing collaborative outreach and leveraging of USDA resources
- Streamlining policies, processes and procedures that act as barriers to program participation.
- Identifying and expanding partnerships with government agencies (federal, state and municipal) and the private sector (businesses, foundations, non-profits, trade associations and community based organizations) that can impact these communities.

STRIKEFORCE GOALS

- Support economic viability of persistent poverty communities
- Promote food security in persistent poverty communities
- Expand program education for USDA employees, partners and others



HIGHLIGHTS

- North Carolina has been a StrikeForce state since 2013
- 48 StrikeForce Counties
- Partnered with Roanoke Electrical cooperative to work with 50 minority landowners in 5 eastern NC counties.
- The US Endowment for Forestry and Communities is investing \$1million additional private funding to match USDA's contribution more than 5 to 1 to new participants in USDAs conservation programs.
- USDA has partnered with more than 400 CBOs, businesses, foundations, universities, etc. to support 80,300 projects and ushered more than \$9.75 billion investments into rural America.

FY 2013:

- Farm Service Agency saw 14% increase in total direct farm loan applications received in StrikeForce states since inception
- Farm Service Agency provided nearly \$9.3 million to fund microloans in StrikeForce areas.
- 84% of loans provided to SDA and beginning farmers.
- NRCS saw an increase by 82% of landowners applying for programs.
- Rural Housing Community Services obligated \$68 million to fund hospitals, libraries and other projects in StrikeForce areas.
- Food and Nutrition Services doubled the redemption of SNAP benefits at farmers markets from \$2 million to over \$4 million in StrikeForce states – 100% increase
- Food and Nutrition Services increased the number of children in StrikeForce states receiving school assisted meals by 7.4%



SOME OF OUR PARTNERS

- Cape Fear Farm Credit
- Council of Churches
- Baptist Convention
- Community Math Academy
- Native American Indian Economic Development
- Black Family Land Trust
- Carolina Farm Stewardship Association
- Minority Landowner Magazine
- NC A&T State University
- NC Agricultural Associations
- NC Department of Agriculture and Consumer Services
- NC Soil and Water Conservation Districts
- North East Coalition of Farmers and Rural Families
- RAFI
- Roanoke Electric Cooperative
- The Conservation Fund
- The Support Center
- Twin Rivers Farmers Coop

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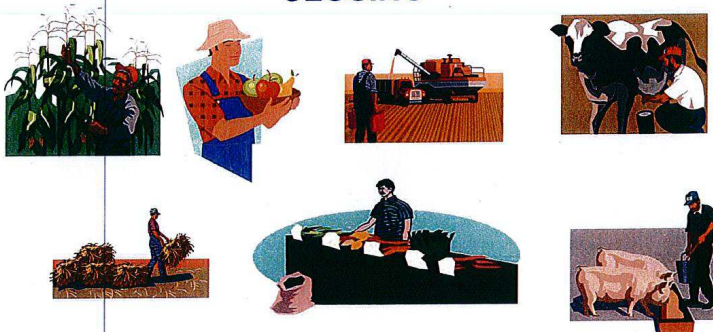
NORTH CAROLINA STATE STRIKEFORCE COUNCIL

- ☐ BOB ETHERIDGE, Farm Service Agency, State Executive Director
- ☐ TIM BEARD, Natural Resources Conservation Service, State Conservationist
- ☐ RANDY GORE, Rural Development, State Director
- ☐ SCOTT LUCAS, Risk Management Agency, Director

Primary Function is to oversee StrikeForce efforts and to obtain resources in which to carry out projects. Other members will be added to council as needed.



CLOSING



TOGETHER WE CAN BUILD A BETTER
NORTH CAROLINA

June 16, 2014

FISCAL YEAR 2014-2015 HOME & COMMUNITY CARE BLOCK GRANT FUNDING:

Person County Senior Center Interim Aging Services Director, Maynell Harper stated the Person County Home & Community Care Block Grant (HCCBG) Committee elected funding to proceed as indicated on form 731 "County Funding Plan." The document summarizes Person County Senior Center's funding with a total of \$290,000 allocated to Congregate and Home Delivered Nutrition, Transportation, In-Home Aide, and Operations; Person County Department of Social Services (DSS) with a total of \$33,076 allocated for In-Home Aide services; and Generations Adult Day Care with a total of \$4,500 allocated for Adult Day Care. The total HCCBG Fiscal Year 2014-2015 funding for Person County is \$327,576. Ms. Harper stated funding for the region had increased although Person County's share had been reduced by \$12,000 based on census data. Ms. Harper was happy to announce that a United Way grant for the Meals-on-Wheels program would assist in covering the shortfall for that service. Ms. Harper noted between DSS and the Person County Senior Center, there are over 300 seniors on the waiting list for services.

Ms. Harper requested Board approval of the HCCBG Committee's funding allocation for Fiscal Year 2014-2015 with acceptance of HCCBG funding for Person County.

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to approve the Fiscal Year 2014-2015 Home & Community Care Block Grant Funding.

DOA-731 (Rev. 2/14) Home and Community Care Block Grant for Older Adults County _____ PERSON _____ July 1, 2014 through June 30, 2015 County Funding Plan County Services Summary										
Services	A		B	C	D	E	F	G	H	I
	Access	Block Grant Funding In-Home Other								
Transportation	35500		3944	39444		39444	3164	12.466	31	6773
Congregate Nutrition		33985	3776	37761	4535	42296	6047	6.2445	60	8294
HDM Nutrition		52630	5848	58478	5670	64148	7561	7.7336	41	193
IHA I (041)		2696	300	2996		2996	193	15.523	1	2175
IHA II (042)		30380	3376	33756		33756	2175	15.52	6	4160
IHA II (042)		63808	7090	70898		70898	4160	14.956	9	206
Adult Day			500	5000		5000	206	40.0922	1	
Operations		4500								
		76547	8505	85052		85052				
Home Care CDS 500		300	33	333		333				
Home Care CDS 501		24530	2726	27256		27256	2814	10.87		2814
Home Care CDS 503		2700	300	3000		3000				
			0	0		0				
			0	0		0				
			0	0		0				
Total	35500	124414	327576	167662	10205	374179	26320	1111111111	149	24615

Signature: James B. Clifton Date: 6/18/14
 Signature, Chairman, Board of Commissioners

Certification of required minimum local match availability.
Required local match will be expended simultaneously
with Block Grant Funding.

Angela W. W. W. W. 6-18-14
Signature, County Finance Officer Date

KIRBY REBIRTH: UPSTAIRS – UPTOWN PROJECT:

Piedmont Community College President, Dr. Walter Bartlett told the Board that the Kirby Rebirth Upstairs-Uptown project is moving from the planning phase into the construction phase, however, before construction begins a contract must be signed between Person County and Legacy Building Co. Dr. Bartlett noted the total cost of the contract is \$469,119 (not to exceed \$490,000) and includes the complete renovation of the second floor of the Kirby Cultural Arts Complex. Dr. Bartlett announced that Piedmont Community College (PCC), in partnership with Person County Recreation Arts & Parks (PCRAP) and Person County Arts Council (PCAC), has raised \$322,888 through generous community pledges of monetary support and contributions which does not include a \$40,000 commitment by Person County that was disbursed for architectural costs.

Dr. Bartlett stated that there remains \$146,231 (not to exceed \$167,112) that the three partners, PCC, PCRAP, and PCAC, will need to raise the funds to complete the project. Knowing this, the partners will continue to work diligently to raise these funds. Dr. Bartlett stated confidence that the Person County community will continue to invest in this restoration project in an effort to ensure a successful and complete renovation.

Dr. Bartlett stated the partners of the Kirby Rebirth project are requesting that the Person County Commissioners:

1. Temporarily earmark County funds for the remaining \$146,231 (not to exceed \$167,112) so that the contract with Legacy Building Co. can be initiated with the understanding that the partners of this project will work diligently to secure these funds through donations, and;
2. Allow the partners to develop and implement the process and procedures necessary to establish a naming rights policy for various second floor rooms of the Kirby Cultural Arts Complex to assist in raising the remaining funds for this project.

Dr. Bartlett confirmed that the County would potentially earn new revenue from the Kirby Rebirth new space, especially if the County uses the space for art classrooms. Dr. Bartlett told the group that the Director is currently funded two-thirds by PCC and through partnership with the County for one-third.

Vice Chairman Jeffers questioned Dr. Bartlett and John Hill, Director of PCRAP about joint use of the space within the Kirby. Mr. Hill and Dr. Bartlett noted discussions had taken place about the county using the Learning Studios and future use of the second floor.

Assistant County Manager, Sybil Tate provided the Board with funding sources to temporarily earmark the necessary funds to proceed with the project. Ms. Tate stated the funding sources from the current fiscal year budget included \$52,000 available in undesignated contingency, \$100,000 in designated contingency for the employee market study and \$38,000 unencumbered in the Governing Body's contract service line. Dr. Bartlett stated his intent to continue to fundraise with hope to have the funds completely acquired within one-year. Dr. Bartlett stated his desire to raise the funds without having to use the County's earmarked funding but confirmed that if the County's funds are expended, fundraising will continue until the County is reimbursed.

Ms. Tate recommended an interlocal agreement between Person County and PCC be considered to specify the project details as the funds raised by the partners have not been transferred to the County to pay the vendor.

A **motion** was made by Commissioner Puryear and **carried 5-0** to approve earmarking funds in the current fiscal year budget as identified by the Assistant County Manager to be used for the Kirby Rebirth project up to \$167,112 as requested by the PCC President until such time fundraising can reimburse the County.

A **motion** was made by Commissioner Puryear to authorize execution of the contract between Person County and Legacy Building Co.

Commissioner Blalock asked Dr. Bartlett about the County access to the \$322,888 in donated funds to pay for the project. Dr. Bartlett stated PCC has the majority of the funds. Amy Wehrenberg, Finance Director stated the interlocal agreement will establish the guidelines for the County to pay Legacy Building Co. and/or be reimbursed by PCC.

County Attorney, Ron Aycock, stated the contract will obligate the County to pay for the work when performed. Mr. Aycock stated that the interlocal agreement will assure the donated funds are transferred to the County to pay for the County's obligation.

Commissioner Newell asked Mr. Aycock to address Article 11 Hazardous Materials, Waste and Asbestos of the contract. Mr. Aycock deferred to General Services Director, Ray Foushee who told the group the original architect, MHAworks determined there was no asbestos present in the building.

Commissioner Newell advocated for the interlocal agreement to be established to set fund transfers from PCC to the County in order to pay obligations as set by the contract, to which a request was made of Commissioner Puryear to amend his motion.

Commissioner Puryear offered an **amended motion** to authorize execution of the contract between Person County and Legacy Building Co to which no funds will be expended until such time as an interlocal agreement between Person County and Piedmont Community College is in place. The **amended motion carried unanimously**.

It was the consensus of the Board to allow the partners to develop and implement the process and procedures necessary to establish naming rights policy for various second floor rooms of the Kirby Cultural Arts Complex with the understanding that the proposed policy would be brought back to the Board of Commissioners for review at a future meeting.

NEW EMS MEDICAL DIRECTOR CONTRACT:

Emergency Services Director, Wes Lail said that due to the recent relocation of the current medical director to Guilford County and the desire by Person County EMS administration to maintain a more readily available and local medical director, Dr. Danny M. Phillips has been approached for this role. Dr. Phillips is interested in serving as the new EMS medical director, and a general overview of his responsibilities are 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 3P Office of Emergency Medical Services regulations Section .0400Medical Oversight.

Mr. Lail stated the County would compensate Dr. Phillips \$15,000 annually plus travel reimbursement which is the same in the current contract for a medical director. Mr. Lail requested Board approval of the new EMS Medical Director contract to be effective July 17, 2014.

Vice Chairman Jeffers asked Mr. Lail if the Medical Director's training included the WASS System. Mr. Lail confirmed the WASS System is a component of the EMS System to which training is included. Mr. Lail noted the Medical Director has complete oversight over medical/first responders as well. Vice Chairman Jeffers requested Mr. Lail to invite Dr. Phillips to an upcoming Fire Chiefs meeting to meet all the volunteer fire department personnel. Mr. Lail stated he would invite Dr. Phillips to the next Fire Chief's meeting once he is onboard should the Board give approval of the new contract.

A **motion** was made by Commissioner Blalock and **carried 5-0** to approve the EMS Medical Director contract with Dr. Danny Phillips as presented.

NORTH CAROLINA)

PERSON COUNTY)

AGREEMENT

THIS AGREEMENT is made and entered into this 17th day of July, 2014, by and between Person County, North Carolina ("The EMS System"), party of the first part and Danny M. Phillips, MD "DMP" party of the second part. This agreement supersedes all previous agreements before the parties and related subject matter.

WITNESSETH

For the purpose and subject to the terms and conditions hereinafter set forth, the EMS System hereby contracts with DMP for the services to The EMS System in accordance with the terms of this Agreement.

I.

The services to be performed by DMP 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 3P Office of Emergency Medical Services regulations Section .0400 Medical Oversight.

II.

The services of DMP shall begin on July 17, 2014 and shall be provided until June 30, 2016; 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 additional one- year term(s) 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 DMP's services The EMS System agrees to pay DMP the sum of \$15,000 annually and the cost of automobile mileage incurred when performing medical director related duties. The EMS System also agrees to pay for travel to one Medical Director's workshop per year as mandated by the North Carolina Office of Emergency Medical Services.

Medical Direction services will be provided by the qualified personnel, DMP, as dictated by the North Carolina Office of Emergency Medical Services.

June 16, 2014

The county will provide...

- Payment of \$15,000 per year (in monthly installments) 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 (e.g. radio) to allow field response and communication with The EMS System in the field.

IV.

DMP 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).

DMP shall operate as an independent contractor. Each party the "Indemnifying Party" to the extent permitted by law, agrees 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 Indemnifying Party, its employees, and officers and agents.

DMP 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. DMP understands that neither federal, nor state, nor shall payroll tax of any kind be withheld or paid by The EMS System on behalf of DMP. DMP is fully responsible for the payment of any and all taxes arising from the payment of monies under this agreement.

DMP 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 DMP for any expenses paid or incurred 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 DMP immediately of any adverse change in insurance coverage.

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

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

B. Other Insurance Requirements: DMP 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 (30) days prior written notice to The EMS System.

June 16, 2014

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 or an equivalent program of self-insurance. Any alternatives to these requirements shall require written approval of The EMS System's Risk Manager.

DMP cannot execute authority to enter into contracts or agreements on behalf of The EMS System.

DMP 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 DMP have set their hands and seals as of the day and year first written above.

PERSON COUNTY, NORTH CAROLINA

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

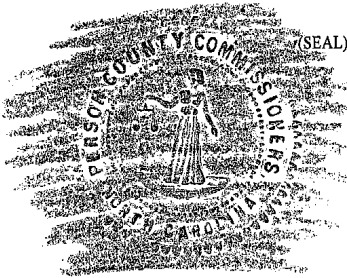
By: Amy Wehrenberg 6/18/14
Amy Wehrenberg
Finance Officer, Person County

BY: Jimmy B. Clayton
Jimmy B. Clayton, Chairman
Board of Commissioners

Attest

BY: Brenda B. Reaves
Brenda B. Reaves
Clerk to the Board of Commissioners

BY: _____
Danny M. Phillips, MD



June 16, 2014

**PERSON COUNTY RECYCLING CENTER AND VARIOUS ROOFING
IMPROVEMENTS CAPITAL PROJECT ORDINANCE:**

Finance Director, Amy Wehrenberg requested approval of the “Person County Recycling Center and Various Roofing Improvements Capital Project Ordinance.” The Capital Project Ordinance is for the purchase, renovation and re-roofing of the existing Person County Recycling Center, and other re-roofing construction for the Kirby Civic Auditorium and Earl Bradsher Preschool. Ms. Wehrenberg stated the approval of this Ordinance allows for the creation of this Project on the County's books and lists the revenues and expenditures associated with this project. Ms. Wehrenberg noted the Board gave direction as part of the adopted Capital Improvement Plan in April 2014 to fund the expenditures associated with this project with debt proceeds and other funding sources as listed on the ordinance, including a contingency budget of \$30,000 to account for any unforeseen related costs. Ms. Wehrenberg informed the Board that the total loan financing for this Project is estimated to be \$2,307,095.

Ms. Wehrenberg stated the fund balance appropriation for the purchase of the Person County Recycling Center took place in April 2014 for almost \$853,000. The additional amount needed currently from fund balance to cover initial engineering costs for the Recycling Center improvements and roofing construction until proceeds are secured totals \$60,000. Ms. Wehrenberg stated that once loan proceeds are received, a transfer for \$912,205 will be posted back to the General Fund.

A **motion** was made by Chairman Clayton, and **carried 5-0** to approve Person County Recycling Center and Various Roofing Improvements Capital Project Ordinance.

**PERSON COUNTY RECYCLING CENTER
AND VARIOUS ROOFING IMPROVEMENTS
CAPITAL PROJECT ORDINANCE**



BE IT ORDAINED by the Board of Commissioners of Person County, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1 The project authorized is the purchase and renovation of current existing facilities associated with the Person County Recycling Center and re-roofing construction for various county and school buildings (the "Project"). The Project is proposed to be financed by an installment financing under G. S. 160A-20 in addition to funds provided by Person County, the state and any other revenues that may become available, with the exception of \$30,000 for contingency from the General Fund for possible project bid overages and any other unforeseen costs.

Section 2 The officers of this unit are hereby directed to proceed with the capital project within the terms of the financing resolution and the budget contained herein.

Section 3 The following amounts are appropriated for the project:

Person County Recycling Center ("PCRC"):	
Purchase of building/property	\$ 852,704
Necessary Upfit/Repairs for PCRC	231,096
Engineering Fees	9,500
Re-Roofing Facilities:	
PCRC	253,200
Kirby Civic Auditorium	309,070
Earl Bradsher Preschool	498,780
Engineering Fees	94,220
Issuance Costs	60,000
Contingency	30,000
Transfer to General Fund	912,205
Total	<u>\$ 3,250,775</u>

Section 4 The following revenues are anticipated to be available to complete this project:

Debt Financing Proceeds	\$ 2,307,095
Transfer from Capital Improvement Project Fund	30,000
Transfer from General Fund	913,680
Total	<u>\$ 3,250,775</u>

Section 5 The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of any and all applicable requirements of North Carolina General Statutes. The terms of the financing resolution also shall be met.

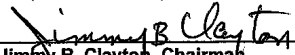
Section 6 Funds may be advanced from the General Fund for the purpose of making payments as due. Any such advances made prior to the securing of adequate financing is intended to be reimbursed from the proceeds from the financing. Reimbursement requests should be made to the financing institution in an orderly and timely manner.

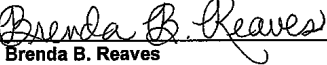
Section 7 The Finance Director is directed to report periodically on the financial status of each project element in Section 3 and on the total revenues received or claimed.

Section 8 The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project periodically to the Board.

Section 9 Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Director for direction in carrying out this project.

Adopted this 16th day of June 2014


Jimmy B. Clayton, Chairman
Person County Board of Commissioners


Brenda B. Reaves
Clerk to the Board

June 16, 2014

APPOINTMENTS TO BOARDS AND COMMITTEES:

Clerk to the Board, Brenda Reaves stated the Person County Board of Commissioners solicited volunteers to fill positions on the following boards, commissions, authorities, and committees through advertisement in the *Courier-Times* May 14, 2014 edition with notice to submit applications by June 3, 2014. Ms. Reaves presented to the Board citizen applications for consideration for appointment to boards and committees. Those boards and committees that did not have any applications submitted will be advertised on a future date. Ms. Reaves stated the highlighted boards below denote a competitive board and are eligible for the informal interview process, should the Board deem appropriate. If the informal interview process is deemed appropriate by the Board, Ms. Reaves requested the Board to direct the Clerk to organize and inform the applicants of such competitive boards of the scheduled date set by the Board. Should the informal interview process be waived or not deemed appropriate at this time, Ms. Reaves requested the Board to nominate for appointment effective July 1, 2014 unless the position was currently vacant.

ABC Board

3-Year Term: 1 position available

- 1) R.D. “Danny” Bumpass, Jr. requested appointment
- 2) Barnabas Jay requested appointment

It was the consensus of the Board to hold the informal interview process with the applicants of the ABC Board.

Adult Care Home Community Advisory Committee: No Applications.

1-Year Initial Term; 3-Year Reappointment: 1 position available

Board of Adjustment

3-Year Term: 2 positions available as well as 1 position for an alternate

- 1) Lois Winstead requested reappointment
- 2) Ronald Perkins requested reappointment

A **motion** was made by Vice Chairman Jeffers, and **carried 5-0** to reappoint both Lois Winstead and Ronald Perkins to the Board of Adjustment for a 3-year term.

Board of Health

3-Year Term: 1 position each representing:

a pharmacist,

- 1) Ted Michie requested appointment
an engineer and

- 1) Steven Bailey requested reappointment

A **motion** was made by Vice Chairman Jeffers, and **carried 5-0** to appoint Ted Michie, pharmacist representative and reappoint Steven Bailey, engineer representative to the Board of Health for a 3-year term.

general public

- 1) Gracie Napier requested appointment
- 2) Leon Martin requested reappointment

It was the consensus of the Board to hold the informal interview process with the general public applicants of the Board of Health.

Economic Development Commission

3-Year Term:

2 positions available for member-at-large and 1 position for a representative of a business with a presence in Person County

- 1) Ernest B. Wood, Jr. requested appointment
- 2) Kenneth Perry requested appointment
- 3) Randy Reynolds requested appointment

A **motion** was made by Commissioner Blalock, and **carried 5-0** to appoint Ernest B. Wood, Jr. and Kenneth Perry as the members-at-large as well as Randy Reynolds, business representative to the Economic Development Commission each for a 3-year term.

Environmental Issues Advisory Committee

2-Year/3-Year Term Staggered; 1 position available for each of the County's nine townships as follows:

Allensville

- 1) Jason Torian requested appointment

Bushy Fork

- 1) Curtis E. (Gene) Moore requested appointment

Cunningham

- 1) Julie Reynolds requested appointment

Flat River

- 1) Jerry Ball requested appointment
- 2) Lisa Whitfield-Jacobs requested appointment

Holloway

- 1) Donald Long requested appointment

Mt. Tirzah

- 1) Kenneth Hill requested appointment

Olive Hill

- 1) Sandy Pleasant requested appointment

Roxboro

- 1) Leigh Woodall, Jr. requested appointment
- 2) William Burwell, Jr. requested appointment

Woodsdale

1) No applications to date

A **motion** was made by Commissioner Blalock, and **carried 5-0** to appoint Jason Torian, Allensville representative, Curtis (Gene) Moore, Bushy Fork representative, Julie Reynolds, Cunningham representative, Jerry Ball, Flat River representative each to a 2-year term and Donald Long, Holloway representative, Kenneth Hill, Mt. Tirzah representative, and Sandy Pleasant, Olive Hill representative each to a 3-year term to the Environmental Issues Advisory Board.

A **motion** was made by Commissioner Puryear to appoint Leigh Woodall, Jr., Roxboro representative for a 3-year term to the Environmental Issues Advisory Board. The **motion failed 2-3 for lack of majority**. Commissioners Puryear and Newell voted in favor of the motion. Chairman Clayton, Vice Chairman Jeffers and Commissioner Blalock voted against the motion.

A **motion** was made by Commissioner Blalock, and **carried 4-1** to appoint William Burwell, Jr., Roxboro representative for a 3-year term to the Environmental Issues Advisory Board. Commissioner Puryear cast the lone dissenting vote.

Home Health and Hospice Advisory Committee

3-Year Term: 1 position representing the Health Department

1) Leigh Ann Creson requested reappointment

A **motion** was made by Commissioner Blalock, and **carried 5-0** to reappoint Leigh Ann Creson to the Home Health and Hospice Advisory Committee for a 3-year term.

Industrial Facilities and Pollution Control Financing Authority

6-Year Term; 3 positions available

1) Rhonda Haynes requested appointment

A **motion** was made by Vice Chairman Jeffers, and **carried 5-0** to appoint Rhonda Haynes to the Industrial Facilities and Pollution Control Financing Authority for a 6-year term.

Juvenile Crime Prevention Council

1-Year Initial Term; 2-Year Reappointment

1 position available for:

a member of the business community (no applications) and

an individual under the age of 21

1) Anderson Clayton requested reappointment

2-Year Term:

4 citizens-at-large positions,

- 1) Margaret Bradsher requested reappointment

a position for the Chief of Police or designee (no applications), and the District Attorney or designee (no applications).

A **motion** was made by Vice Chairman Jeffers, and **carried 5-0** to reappoint Anderson Clayton, representative under the age of 21 and Margaret Bradsher, citizen representative each for a 2-year reappointment.

Library Advisory Board

3-Year Term; 2 positions available

- 1) Rhonda Haynes requested appointment
- 2) Roger Chance requested appointment

A **motion** was made by Commissioner Blalock, and **carried 5-0** to appoint Rhonda Haynes and Roger Chance to the Library Advisory Board, each for a 3-year term.

Nursing Home Advisory Committee: No applications received.

1-Year Initial Term; 3-Year Reappointment; 2 positions available

Person-Caswell Lake Authority

3-Year Term: 1 position available

- 1) Whit Wyant requested appointment
- 2) William C. Bullock requested reappointment

It was the consensus of the Board to hold the informal interview process with the applicants of the Person-Caswell Lake Authority.

Piedmont Community College Board of Trustees

4-Year Term; 1 position available

- 1) Maggie Whitt requested reappointment
- 2) Barnabas Jay requested appointment

It was the consensus of the Board to hold the informal interview process with the applicants of the Piedmont Community College Board of Trustees.

Planning Board

3-Year Term: 1 position available

- 1) Kenneth Montgomery requested reappointment

A **motion** was made by Commissioner Puryear, and **carried 4-1** to reappoint Kenneth Montgomery to the Planning Board for a 3-year term. Vice Chairman Jeffers cast the lone dissenting vote.

Recreation Advisory Board

3-Year Term: 2 positions available

- 1) Johnny Lunsford requested reappointment
- 2) Froncello Bumpass requested reappointment
- 3) Rhonda Haynes requested appointment

A **motion** was made by Vice Chairman Jeffers, and **carried 4-1** to reappoint Johnny Lunsford and Froncello Bumpass to the Recreation Advisory Board each for 3-year term. Commissioner Newell cast the lone dissenting vote.

Vice Chairman Jeffers, on behalf of the Recreation Advisory Board, requested the Board of Commissioners to review and amend the appointment process to allow the Recreation Advisory Board the authority to appoint two additional members to the Recreation Advisory Board with the intention to create a more diverse board. It was the consensus of the Board to place a hold on the application submitted by Rhonda Haynes until after such review of the Recreation Advisory Board Ordinance. Vice Chairman Jeffers requested this item be on the Board's next agenda.

Region K Aging Advisory

3-Year Term: 3 positions available

- 1) Susan Naylor requested appointment (COG staff recommended term to 12/31/16)

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to appoint Susan Naylor to the Region K Aging Advisory Board for a term to 12/31/2016 as recommended by COG staff.

Voluntary Agricultural District Board

3-Year Term: positions available to represent:

Bushy Fork: Michael Clayton requested reappointment
Flat River: Ronald Foushee requested reappointment
Mt. Tirzah: Pete Thomas requested reappointment
Farm Bureau: Coleman Whitfield requested reappointment
Grange: Norman Boyette requested appointment

A **motion** was made by Commissioner Blalock and **carried 5-0** to reappoint Michael Clayton, Bushy Fork representative, Ronald Foushee, Flat River representative, Pete Thomas, Mt. Tirzah representative, Coleman Whitfield, Farm Bureau representative and to appoint Norman Boyette, Grange representative to the Voluntary Agricultural District Board, each for a 3-year term.

Work Force Development Board

1-Year Initial Term; 2-Year Reappointment:

2 positions available representing private industry,

- 1) Derrick Sims requested reappointment

1 position available for a member or an officer of organized labor (no applications received), and

1 position available representing healthcare

1) Eva McDougal requested reappointment

1 position available representing the community college/education

1) Dr. Walter Bartlett requested reappointment

A **motion** was made by Commissioner Blalock and **carried 5-0** to reappoint Derek Sims, private industry representative, Eva McDougal, healthcare representative and Dr. Walter Bartlett, education representative to the Work Force Development Board, each for a 2-year term.

It was the consensus of the Board to schedule the informal interviews for 6:00 pm on August 4, 2014.

CHAIRMAN'S REPORT:

Chairman Clayton had no report.

ASSISTANT MANAGER'S REPORT:

Assistant County Manager, Sybil Tate introduced Person County's newly hired Planning Director, Mike Ciriello.

COMMISSIONER REPORT/COMMENTS:

Commissioner Newell commented he had another item for Closed Session discussion.

Commissioner Blalock reported she attended Granville County's environmental affairs committee where Paul Westfall presented the federal proposed rule change for the Clean Water Act which would amend the definition of "waters of the US" and expand the range of waters that fall under federal jurisdiction. Commissioner Blalock noted the federal proposed rule could have impacts on county development, if approved. The stated opinion is that waters should be jurisdictional if the water has a "significant nexus" with navigable water; a change in term from navigable to waters. The proposal states that waters of the US under federal jurisdiction include navigable waters, interstate waters, territorial waters, tributaries (ditches), wetlands and other waters. Commissioner Blalock stated EPA expects the new rule to be agriculture friendly although agriculture and others are concerned, i.e. road side ditches to be included as a water of the US which could cause disruptions in field operations, decreased development, increase in pervading requirements, regulatory burdens on farmers, businesses and municipalities, higher costs

with legal fees, and more time. Commissioner Blalock stated there is a 180-day public comment period from April 21, 2014 to October 20, 2014. Chairman Clayton added the National Association of Counties (NACo) has taken a stand against changing the terminology. Commissioner Blalock noted Farm Bureau is also in opposition to the change as well.

Commissioner Puryear had no report.

Vice Chairman Jeffers commented the House released its budget which included the following:

- Agreed with Senate on the Medicaid Relief Swap (Person County not affected),
- State misdemeanants, including DWI offenders would be housed in county jails through voluntary statewide misdemeanor confinement fund program, and
- An amendment in the House Education Appropriations subcommittee that will authorize virtual charter schools to receive an allotment of \$790 per student.

Vice Chairman Jeffers noted he heard from the Board of Education Chairman, Gordon Powell that conveyed the local funds allocated for the 2% increase in all school employee's supplemental salary will have to be shared with the charter schools noting the House budget salary increase would include a provision to allow school boards to use any state allotment funds to supplement pay.

CLOSED SESSION:

Closed Session #1

A **motion** was made by Commissioner Blalock 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 10:59 am with the following individuals permitted to attend: Clerk to the Board, Brenda Reaves, County Attorney, Ron Aycock, Assistant County Manager, Sybil Tate, General Services Director, Ray Foushee, Arts, Parks & Recreation Director, John Hill and summer interns, Adam Decker and Maia Landey.

Chairman Clayton announced a brief recess prior to Closed Session. Closed Session was called to order at 11:04 am.

A **motion** was made by Commissioner Newell, and **carried 5-0** to return to open session at 11:32 am.

ADJOURNMENT:

A **motion** was made by Vice Chairman Jeffers, and **carried 5-0** to adjourn the meeting at 11:32 am.

Brenda B. Reaves
Clerk to the Board

Jimmy B. Clayton
Chairman