

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

JANUARY 5, 2015
OTHERS PRESENT

Kyle W. Puryear
David Newell, Sr.
B. Ray Jeffers
Jimmy B. Clayton
Tracey L. Kendrick

Heidi York, County Manager
C. Ronald Aycock, County Attorney
Brenda B. Reaves, Clerk to the Board

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, January 5, 2015 at 7:00 pm in the Commissioners' meeting room in the Person County Office Building.

Chairman Puryear called the meeting to order and asked Commissioner Kendrick to lead invocation. Vice Chairman Newell led the Pledge of Allegiance.

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

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

INFORMAL COMMENTS:

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

Ms. Pat Hill of 916 Mann Oakley Road, Rougemont and a resident near the landfill told the Board that a bad odor was coming from the landfill since November 19, 2014. Ms. Hill stated she talked with Mr. Duhon on December 31, 2014 without satisfaction noting her desire to get satisfaction from the Board. Ms. Hill told the Board she would be letting them know by her phone calls if the odor continues.

Ms. Betty Blalock of 144 Tirzah Ridge, Rougemont talked about the county's environmental issues related to air, water and land at the landfill. Ms. Blalock stated air quality has decreased in the community around the landfill noting examples of many COPD cases, residents currently diagnosed or resulting in death from cancers caused by environmental toxins. Ms. Blalock spoke of nearby wells containing high levels of arsenic, lead contaminated soil in unlined areas, destroyed streams, illegal destruction of graves and current dynamiting taking place near the Neuse River Basin. Ms. Blalock commended Nu-Way Cleaners for being environmental business-minded by keeping polyethylene out of the landfill. Ms. Blalock told the Board of an article written related to coal-fired boilers being replaced with emission reducing scrubbers in Tennessee that resulted in a system-wide reduction of air pollution. Ms. Blalock stated it was illegal for the City of Roxboro to take their trash to the landfill.

Vice Chairman Newell requested a copy of Ms. Blalock's informal comments.

DISCUSSION/ADJUSTMENT/APPROVAL OF CONSENT AGENDA:

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

- A. Approval of Minutes of December 1, 2014
- B. Approval of Minutes of December 8, 2014
- C. Budget Amendment #11

UNFINISHED BUSINESS:

PUBLIC NUISANCE AND APPEARANCE ORDINANCE DISCUSSION:

Planning Director, Mike Ciriello noted at the Board's November 17, 2014 meeting, staff and residents presented to the Board of Commissioners a summary of the problems and complaints associated with trash and abandoned structures. Staff provided the Board with options for addressing these concerns. The Board directed staff to examine: 1.) How Person County's existing ordinances might be amended to address the public's concerns with trash and abandoned structures; and 2.) if the process to resolve issues could be accelerated and simplified.

Mr. Ciriello stated staff has reviewed the County's existing rules and determined that the existing ordinances do not address the issues effectively because a Zoning (Land Use) Ordinance, designed to provide community's guidance about land uses, is not well-designed to regulate nuisances. In other places, public nuisances are addressed by Ordinances crafted independent of land use standards and adopted with specific steps for enforcement.

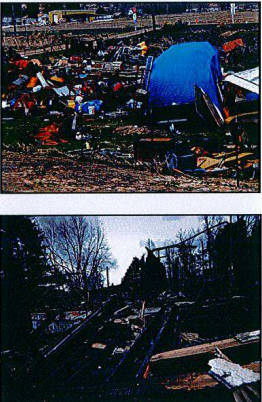
Mr. Ciriello noted that the County currently has one Ordinance to regulate a public nuisance: abandoned automobiles on private property. To regulate other nuisances, like litter and abandoned structures, staff must rely on the Zoning Ordinance "Notes" that follow the Zoning Ordinance's "Table of Permitted Uses", or argue that the litter constitutes a home-based business.

Mr. Ciriello said there is no language in any existing Person County Ordinance that addresses litter/trash on private property except for Home Occupations (Note 1); but, the Zoning Ordinance lacks a definition of home based business; provides no language providing standards for masking and controlling the most noxious home business uses; and, finally, staff possesses almost no tools to verify that any but the most egregious are home-based businesses.

Mr. Ciriello stated, in the opinion of staff, using home occupation regulations to control litter and trash on private property side-steps the issue and the impact on property values, public health and safety; Staff recommends crafting a specific Public Nuisance Ordinance to address the issue of litter and abandoned structures and combining it with the existing Abandoned Vehicle Ordinance.

Mr. Ciriello shared the following presentation with the Board:

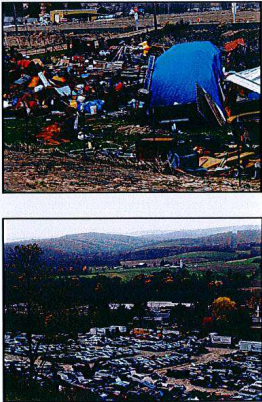
Jan-15



Abandoned Structures and Litter

- 1987 Ordinance Regulating "Automobile Graveyards" and Junkyards Needs Review and Update
- Few Options to Speed Up the Process Under Existing Conditions
 - No Ordinance In Place To Address Abandoned / Neglected Structures
- Economic and Demographic Problems
 - Options Going Forward

State gives Counties the authority to establish and the police power to enforce standards to address issues that pose a threat the health, safety and welfare of residents including the preservation of private property values



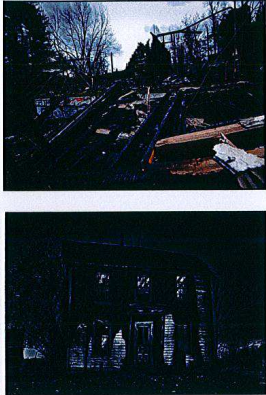
Litter

Existing Ordinance

Junkyards
And Abandoned Vehicles Ordinance,
aka "Automobile Graveyards"

Challenges

- No definition of "Establishment" in the Ordinance; does it apply to private property?
- Determining and application of standards – what is a "junkyard"?
- Enforcement and follow-up; investigation and court time
- Liens and clean-up costs



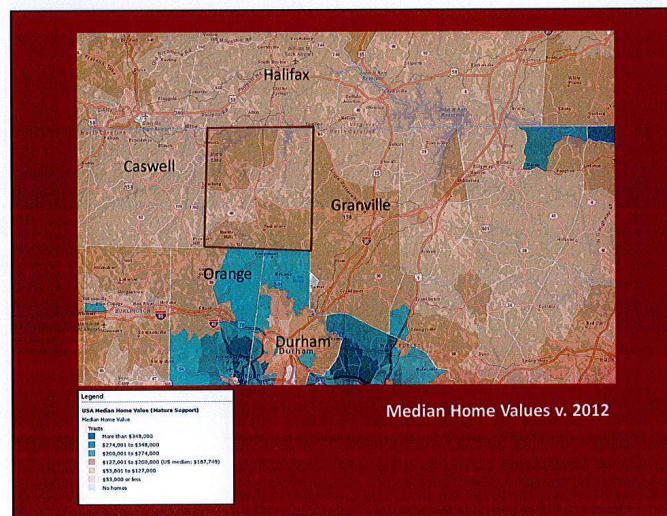
Abandoned / Neglected Properties

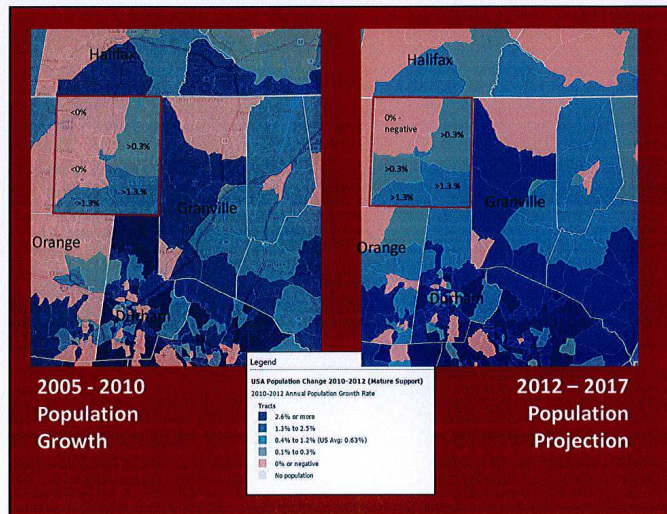
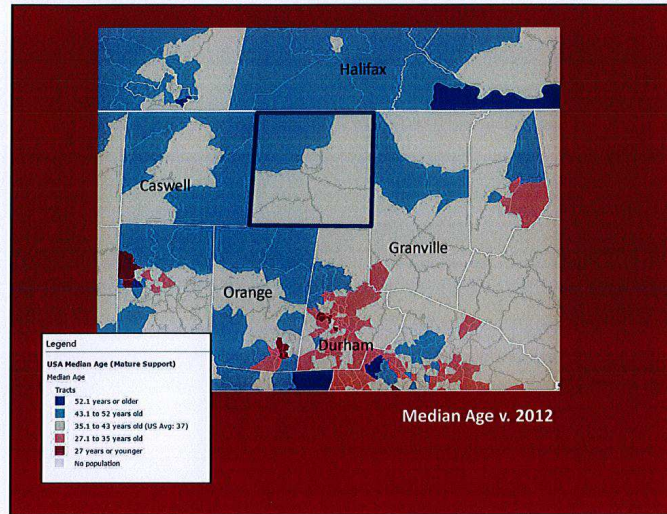
No Planning / Zoning Ordinance

Minimum Housing Standards and Abandoned Structures are Separate State Statutes

Challenges

- Demographic changes
- Real estate market challenges
- Costs to community





Litter, Abandoned Structures & Property Values

The majority of real estate agents determined values of homes by looking at the prices of comparable homes in the same neighborhood. When asked about litter and the condition of homes in the neighborhood:

Real estate agents were asked: How would a littered neighborhood influence your assessment of a home's value?

- 55% say litter would decrease value
- 9% Litter does not look good, however it is not a big deal
- 9% It is up to the client to evaluate if litter is important to them
- 9% Agent would feel obligated to describe the look of the neighborhood and how it might influence the value of the home
- 9% Litter can be cleaned up; it's not a problem
- 9% Litter in a neighborhood affects a city's reputation

Would a littered neighborhood decrease your assessment of a home's value? Sixty-six percent of property appraisers would reduce a home's value if it was a littered area.

Would a littered neighborhood decrease their assessment of a home's value and influence their decision to purchase a property? 93% percent of homeowners say yes

Direct Costs

- The total direct cost of litter in the U.S. is estimated to be at least \$11.5 billion annually; \$9.1 billion is borne by business owners
- Thirty-six percent of business development officials say that litter and appearance impacts a company's decision to locate in a community. That has been a factor before here in our county. That hurts our whole community when we lose potential jobs in our area.
- Litter has an impact on potential tourism revenues. Tourism is the second largest industry in North Carolina. The North Carolina tourism industry employs more than 190,000 people. The state is the 6th most visited in the country (preceded by Florida, California, New York, Nevada and Pennsylvania).

Sources: Appraisal Institute, Keep America Beautiful, NC Department of Commerce

Litter, Abandoned Structures & Property Values

Cost of county services:

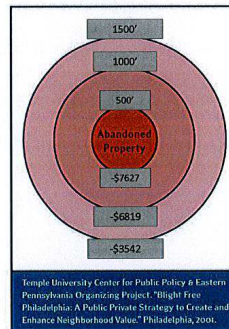
- Crime
- Arson and accidental fires
- Public nuisance and health
- Decrease property values and tax revenue

Cost to homeowners:

- Higher insurance premiums
- Poorer quality of community life

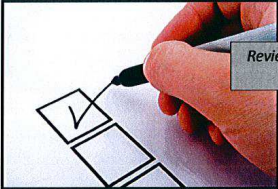
Cost to neighborhoods:

- The costs imposed by a single vacant building are not contained. If left alone, that building can trigger a costly spiral of blight
- With each arson or lot filling up with garbage comes further incentive for the remaining residents and businesses to flee




Temple University Center for Public Policy & Eastern Pennsylvania Organizing Project. "Blight Free Philadelphia: A Public-Private Strategy to Create and Enhance Neighborhood Value." Philadelphia, 2009.


Source: Vacant Properties - The True Costs to Communities, National Vacant Properties Campaign, National Association of Realtors, and, Smart Growth America



Review all ordinance language and application of rules, policies and procedures



Identify and secure grants and loans to restore historic properties; remove abandoned, blighted, properties



Education, engagement, outreach, and organization

Questions

Mike Ciriello, MLA
Director of Planning and Zoning
mciriello@personcounty.net
336.597.7423

Mr. Ciriello recommended that the Board consider pursuing a County Unified Development Ordinance (UDO) to combine all the County's existing ordinances to add and/or remove language to address current issues along with establishing an Appearance Commission possibly in joint effort with the City of Roxboro.

Mr. Ciriello told the Board he could facilitate the process for a County UDO noting it would be time consuming and he would need more staff to accomplish such a project. Mr. Ciriello suggested that the Board further address the County UDO as well as the Appearance Commission at the budget retreat through straw poll.

Commissioner Newell asked Mr. Ciriello the status of the Yarborough case. Mr. Ciriello stated the property owner was required by the District Court Judge to remove the trailer from the site just before the holidays noting as of this date it had not been removed.

Commissioner Jeffers noted his desire to strengthen the County's current ordinance(s) and for the process to remain complaint based. Assistant County Manager, Sybil Tate proposed the following enforcement options:

- a) **Enforcement for litter violations:** The Sheriff's Office will manage the initial visit and investigation. The Planning Department will handle the notification, hearing and appeal requirements. In the event that a resident is cited three times in one year (chronic offender), the county could contract to have the litter cleaned up and then collect the cost of abatement via the property tax bill.
- b) **Enforcement for abandoned structures:** The Inspections Department will manage the initial visit, investigation, and appeals process. The Planning Department would manage the abandoned mobile home removal grant program. The court system must provide an order of abatement and in the event that the court directs the county to front the cost of abatement, those costs could be collected when the property is sold. **NOTE:** The cost of removal of abandoned structures could be collected via the property tax bill, if the Board adopts a minimum housing code.

Mr. Ciriello told the Board the County's current ordinances present a disconnect related to the public nuisance and litter issues. County Manager, Heidi York noted the Board could consider a specific public nuisance ordinance for litter and abandoned structures or up-fitting the County's current ordinance with clarifying definitions and objective criteria.

If the Board decides to adopt litter regulations, staff recommended appointing a joint Appearance Commission with the City of Roxboro to help craft the ordinance language, organize clean-up activities and develop future appearance-related concepts, such as landscaping and architectural requirements. The City Council has discussed creating an Appearance Commission and may be interested in creating a joint commission according to Mr. Ciriello and Ms. Tate.

Commissioner Kendrick stated he did not support an Appearance Commission and did not like using the resources of the Sheriff for enforcement. Vice Chairman Newell and Commissioner Clayton noted the safest procedure with best results was to use a deputy for enforcement and further noted should a warrant or disruptive behavior occur, the Sheriff's Department would be involved.

Commissioner Newell requested staff to send the Board the current ordinances for their review.

Chairman Puryear suggested the Board to direct the Planning Board to bring the Commissioners a recommendation. Commissioner Jeffers stated his preference to craft the revised ordinance and then ask for the Planning Board's input. Ms. Tate offered to bring more information to the Board at the budget retreat to request the Board's direction to pursue the UDO process to consolidate, update and add new criteria or review the County's current ordinances separately to update and add new criteria as needed. Mr. Ciriello offered to outline the UDO process and identify the problematic areas within the current ordinances at the Board's budget retreat.

Ms. York suggested for the Board to have a separate work session to further discuss the need for the UDO and/or ordinance updates. Commissioner Kendrick asked Mr. Ciriello if the Board can receive a report summarizing the redundant ordinances that need to be updated prior to the work session. Staff agreed to provide a summary report to the Board of the current redundant county ordinances.

A **motion** was made by Commissioner Jeffers and **carried 5-0** for staff to schedule a separate work session for the Board to further discuss the process to reorganize existing ordinances.

NEW BUSINESS:

GOVERNOR HIGHWAY SAFETY GRANT FOR 2015-2016 PERSON COUNTY SHERIFF'S OFFICE:

Sheriff Dewey Jones requested Board approval to pursue a Governor Highway Safety Grant in the amount of \$67,000.00 with a 50/50 match for the Person County Sheriff's Office. Sheriff Jones stated the match for the Governor Highway Safety Grant would be funded with asset forfeiture funds noting the grant would enable the Sheriff's Office to purchase seven (7) in-car cameras and ten (10) radar units for patrol cars. Sheriff Jones stated the asset forfeiture funds are restricted for only specific uses such as training and equipment. Sheriff Jones and the Finance Director, Amy Wehrenberg estimated \$100,000 in the restricted use fund at this time.

Sheriff Jones requested Board approval for staff to pursue a Governor Highway Safety Grant in the amount of \$67,000 with a 50/50 match funded with asset forfeiture funds.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to approve for the Person County Sheriff's Office to pursue a Governor Highway Safety Grant in the amount of \$67,000 with a 50/50 match funded with asset forfeiture funds.

REQUEST FROM THE DEPARTMENT OF SOCIAL SERVICES FOR ADDITIONAL POSITIONS TO BE FUNDED WITH STATE AND FEDERAL REIMBURSEMENT FUNDS:

County Manager, Heidi York told the Board that Mr. Carlton Paylor, Director of the Department of Social Services (DSS) would be seeking Board approval for new positions due to the Department of Social Services (DSS) receiving additional State and Federal funding beyond budgeted amounts. Ms. York noted new positions are not typically considered outside the budget process; however, the DSS is in a unique position noting their federal and state reimbursements for programs within Medicaid, Income Maintenance and Food Stamps programs have been at 75% with the budget projected at 50%. The additional 25% reimbursement revenue has been accruing in a separate account at DSS and is restricted for use in the mandated programs of income maintenance, food stamps, and Medicaid as a means to address the increased workloads from NC Families Accessing Services through Technology (NCFAST) and the Affordable Care Act and assist in preventing a backlog related to ongoing implementation of NCFAST (a program that consolidates the application for services.)

Mr. Paylor stated the new positions would include four (4) time-limited Income Maintenance Technician temporary positions to verify information on the application for services. Mr. Paylor said this is a proactive approach to prevent any financial penalties against the county due to the heavy workload and to ensure timely processing of the application for services. Mr. Paylor stated the four time-limited Income Maintenance Technician temporary positions have to be approved by the Board of Commissioners but noted they would be at no cost to Person County. Mr. Paylor stated the additional revenue began on June 1, 2014 and to date has accrued up to approximately \$411,000 to fund salary, benefits, and technology needs, i.e. Computer, software, licenses, and telephone.

Mr. Paylor confirmed for the Board that the request for the time-limited temporary positions would have no impact on the budget and he would hire up to four temporary positions based on the backlog and the need for additional staff on a monthly review with his staff. Mr. Paylor further confirmed that should the funding cease by the state, the temporary positions would be terminated.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to approve four (4) time-limited Income Maintenance Technician temporary positions to be funded with federal and state reimbursements for programs within Medicaid, Income Maintenance and Food Stamps.

Mr. Paylor noted in 2014 the NC Legislature allocated additional recurring funds to reduce the caseloads of DSS Child Protective Services (CPS) workers in order to increase the safety of children. Mr. Paylor further noted in 2013 there were multiple high-profile cases in child abuse in NC and all counties across the state experienced an increase in CPS due to substance abuse and other issues. Mr. Paylor requested to use the additional funding to hire one (1) full time Human Services Evaluator I position to monitor caseloads of Child Welfare Services to avoid any cases falling through the cracks. Mr. Paylor stated Person County DSS currently has over 70 children in foster care.

Mr. Paylor stated the full time Human Services Evaluator I position is proposed to start in March 2015 and be funded with the state recurring funds. Ms. York noted the additional funds is short about \$2,850 to cover the requested position in the next budget year however DSS' operating budget would absorb such shortage.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to one (1) full time Human Services Evaluator I position.

COMMISSIONER COMMITTEE ASSIGNMENTS:

By consensus, the Board adopted the 2015 Commissioner Committee Assignments as presented.

Commissioner Jeffers asked the Clerk about Board representation on the Environmental Issues Advisory Committee as well as the name of the Chair of that committee. Clerk to the Board, Brenda Reaves stated she would send the Board follow up information related to Board representation on all boards and committees as well as the Environmental Issues Advisory Committee's Chair's name.

2015

**Person County Board of Commissioners
COMMITTEE ASSIGNMENTS**

Chairman Kyle W. Puryear

*Board of Equalization and Review Alternate
E-911 Committee
Economic Development Board
High Speed Internet Committee
Local Emergency Planning Committee
Youth Council*

Vice Chairman David Newell, Sr.

*Airport Commission
Board of Equalization and Review
Chamber of Commerce
Juvenile Crime Prevention Council
Region K Workforce Development Board*

Commissioner Jimmy B. Clayton

*COG Board
Kerr Tar RPO - TAC
NCACC Board of Director
OPC Community Operations Board
Upper Neuse River Basin Association*

Commissioner B. Ray Jeffers

*Board of Equalization and Review Alternate
Extension Advisory Committee
Fire Chief's Association
Home Health & Hospice Advisory Committee
Home & Community Care Block Grant Adv. Committee
NCACC Past President/ Board of Director
Person County Partnership for Children
Recreation Advisory Board
Social Services Board
Youth Council*

Commissioner Tracey L. Kendrick

*Animal Control Advisory Committee
Health Board
Library Board
Person Area Transportation System Board
Person County Senior Center Advisory Council*

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BOARDS AND COMMITTEES APPOINTMENTS:

Clerk to the Board, Brenda Reaves stated the Person County Board of Commissioners solicited volunteers to fill positions on boards, commissions, authorities, and committees through advertisement in the *Courier-Times* November 15, 2014 edition with notice to submit applications by December 9, 2014 along with a second advertisement with a deadline for December 23, 2014. Ms. Reaves presented to the Board interested citizens' applications for consideration for appointment as listed below.

Ms. Reaves noted the highlighted boards denote a competitive board and are eligible for the informal interview process, if the Board so desires. If the informal interview process is deemed appropriate by the Board, Ms. Reaves asked 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 asked the Board to nominate for appointment from the interested citizen's applications.

Ms. Reaves further noted the boards and committees that did not receive applications for its vacancies will be advertised again and urged the Board to actively recruit for the vacancies.

A. Adult Care Home Community Advisory Committee

3-Year Reappointment: 2 positions available

- 1) Charlene Wilkins requested reappointment
- 2) Rev. Gloria Skinner-Pettiford requested reappointment

B. Airport Commission

3-Year Term: 1 position available

- 1) Dr. Anderson White requested reappointment

C. Board of Health

1 general public position to fill an unexpired term to 6/30/17

- 1) Christopher M. Atkins, Jr., DDS requested appointment

D. Juvenile Crime Prevention Council

2-Year Term:

6 citizens-at-large positions

- 1) Treco Lea-Jeffers requested reappointment
- 2) Alisa Clayton requested reappointment

E. Nursing Home Advisory Committee

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

- 1) Rev. Gloria Skinner-Pettiford requested reappointment

- F. Region K Aging Advisory Council
3-Year Term: 2 positions available
1) Leavia Reed requested appointment
2) Robert Allen requested reappointment

It was the consensus of the Board to waive the informal interview process for the competitive boards.

A **motion** was made by Vice Chairman Newell and **carried 5-0** to reappoint both Charlene Wilkins and Rev. Gloria Skinner-Pettiford to the Adult Care Home Community Advisory Committee, each for a 3-year term; to reappoint Dr. Anderson White to the Airport Commission for a 3-year term; to appoint Christopher M. Atkins, Jr., DDS to fill the general public position unexpired term to June 30, 2017; to reappoint both Treco Le-Jeffers and Alisa Clayton to the Juvenile Crime Prevention Council both for a 2-year term; to reappoint Rev. Gloria Skinner-Pettiford to the Nursing Home Advisory Committee for a 3-year term; to appoint Leavia Reed and reappoint Robert Allen to the Region K Aging Advisory Council, each for a 3-year term.

CHAIRMAN'S REPORT:

Chairman Puryear reported the following:

- At the Board's December 1, 2014 closed session meeting, the Board authorized by consensus, the negotiation of an Agreement to Purchase the Roxboro Little League property for \$320,000 with a planned closing to occur on or before October 2015 which will allow consideration to finance this purchase. Chairman Puryear stated the Board had a signed Agreement to Purchase in hand and is looking forward to secure the future operation of Roxboro Little League for Person County residents; and
- The Mayor of Roxboro has expressed interest in a joint meeting for the City of Roxboro and Person County Board of Commissioners related to partnering options for the Senior Center. Chairman Puryear asked the County Manager to secure possible dates for the joint meeting.

MANAGER'S REPORT:

County Manager, Heidi York reported the following:

- The Board's second meeting on January 20, 2015 will be the annual budget retreat to be held in the newly renovated 2nd floor of the Kirby with arrival at 8:30 am, all day with plans to finish at 4:30 pm. Ms. York stated her intent to contact the Board members individually to ask for input on the retreat agenda;

January 5, 2015

- Kevin Leonard, Executive Director for the NC Association for County Commissioners has solicited input and recommendations for 2015 Federal Legislative Priorities that impact NC counties,
- Farmland Preservation meeting on Thursday night, January 8, 2015 and should the Board desire to include any items on the plan, please let the Manager or Assistant Manager know.

COMMISSIONER REPORT/COMMENTS:

Commissioner Jeffers reported Kevin Leonard, Executive Director for the NC Association for County Commissioners has succeeded David Thompson who has taken a job with National Association of Counties (NACo).

Commissioner Kendrick stated his interest in the Board having discussions related to the existing landfill contract with Republic Services that is set to expire in August 2017. Commissioner Kendrick requested the Board to authorize the County Manager and the County Attorney to begin negotiations with Republic Services for a contract renewal. In addition, Commissioner Kendrick asked that the County Manager research other options for solid waste disposal for Person County to include operating its own landfill (purchasing property, staff, and equipment costs), setting up transfer stations and/or the possibility for another regional landfill to accept Person County's trash.

Commissioner Clayton had no report.

Vice Chairman Newell commented that Ms. Betty Blalock raised valid issues during her informal comments. Vice Chairman Newell asked the County Manager to obtain a price to hire an inspector to review issues at the landfill. Commissioner Kendrick noted the state is already doing inspections and suggested asking the state for a report related to landfill issues and/or violations. County Manager, Heidi York stated she would update a county memo related to the landfill inspections and speak with Mr. Duhon related to landfill investigations and compliance reports as well as seek a price for an independent inspector.

ADJOURNMENT:

A **motion** was made by Vice Chairman Newell and **carried 5-0** to adjourn the meeting at 8:36 pm.

Brenda B. Reaves
Clerk to the Board

Kyle W. Puryear
Chairman