

PERSON COUNTY BOARD OF COMMISSIONERS

MARCH 2, 2015

MEMBERS PRESENT

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, March 2, 2015 at 7:00 pm in the Commissioners' meeting room in the Person County Office Building.

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

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

Chairman Puryear requested a Closed Session to consider the acquisition of property be added to the agenda.

A **motion** was made by Commissioner Kendrick and **carried 5-0** to add a Closed Session to the agenda and to approve the agenda as adjusted.

INFORMAL COMMENTS:

Chairman Puryear announced each individual signed up to address the Board will have two minutes each.

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

Mr. Michael Slaughter of 435 Holly Springs Drive, Timberlake and a representative of the Person County Arts Council asked to Board to consider adoption of the ordinance to allow wine and/or alcohol to be served at the Kirby, Mayo Center, and the Museum.

Ms. Margaret McMann of 303 Windsor Drive, Roxboro advocated for the Board to approve the Special Use Permit request for alcohol to be permitted at special events held at the Person County Museum, the Kirby Theatre, Mayo Park Amphitheatre and the Mayo Educational Community Center noting she was a supporter of both SADD and MADD organizations and personal choice.

Ms. Benita Purcell of PO Box 3337, Roxboro invited the Board to attend the third event addressing mental health issues in rural communities that is scheduled to be held on April 16, 2015 at City Hall from 7:00-9:00 pm.

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Mr. Mike Whitt of 616 Aubrey Clayton Road, Hurdle Mills, pastor of New Life Baptist Church and a businessman for over 30 years in Person County stated opposition to the request for a Special Use Permit to allow alcohol on county property noting his experience working with youth in the county and his opinion that approval of such request sends the wrong message to youth.

Ms. Lawrie Ira of 123 S. Morgan Street, Roxboro and a member of the Arts Council encouraged the Board to support the request for a Special Use Permit to allow the option to serve wine and/or alcohol in a regulated manner at certain events.

Ms. Pat Hill of 916 Mann Oakley Road, Rougemont gave the Board a handout representing PCPRIDE's study on what would be the best solution for Person County's waste generated by its citizens with five possible alternatives: 1) open a transfer station where recyclables will be separated from trash with the trash taken to Granville County's landfill and the recyclables taken to the Recycling Center, 2) build a county owned landfill, 3) let the contract with Republic continue on a year by year basis for 10 years, 4) give Republic a new contract for 30 years and increase the tonnage, and 5) do nothing at this time. The handout containing the five options also listed the consequences of each alternative with human, environmental and economic impacts.

Ms. Blossom Gardner of 1001 Gardner Road, Roxboro represented the Person County Museum in support of the request to serve alcohol on county owned property noting Museum Board will work hard to regulate events in a responsible manner.

Mr. Norwood Walker of 2556 Burlington Road, Roxboro, a member of the Arts Council and an educator of 48 years advocated for personal responsibility and choice as the Board considers approval of the request for the ability to have alcohol at certain county facilities.

Ms. Patricia "PJ" Gentry of 541 Byrd Creek Lane, Hurdle Mills urged the Board to support the request for allowing alcohol and wine to be served on certain county properties advocating that county owned property is owned by all citizens not specific groups.

Ms. Betty Blalock of 144 Tirzah Ridge, Rougemont thanked Vice Chairman Newell and Commissioner Clayton for voting against the request to allow alcohol and wine at certain county facilities and described the many deaths in the community that have occurred within a one-half to three-fourths mile proximity of the landfill and linked to environmental causes.

DISCUSSION/ADJUSTMENT/APPROVAL OF CONSENT AGENDA:

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

A. Approval of Minutes of February 5, 2015

UNFINISHED BUSINESS:

SECOND READING FOR A REQUEST FOR SPECIAL USE PERMITTING POLICY AT SPECIFIC RECREATION, ARTS AND PARKS FACILITIES AND PERSON COUNTY MUSEUM AND REVISED PERSON COUNTY ORDINANCE REGULATING POSSESSION OR CONSUMPTION OF MALT BEVERAGES OR FORTIFIED WINE ON COUNTY PROPERTY:

Mr. John Hill, Director of the Recreation, Arts, and Parks and Chairman of the Recreation Advisory Board, Mr. Donald Long, requested Board consideration to approve the Special Use Alcohol Permit and Policy for Specific County Recreation Facilities, and Revised Person County Ordinance Regulating Possession or Consumption of Malt Beverages or Fortified Wine on County Property at its Second Reading. Mr. Hill and Mr. Long reminded the Board that the Person County Recreation Advisory Board requested Board consideration for Special Use Permitting of Alcohol Beverages for specific rental facilities and performance venues at the Board's February 16, 2015 meeting. The Recreation Advisory Board requested consideration from the Board of Commissioners to adopt the Special Use Alcohol Permit/Policy and the revised Person County Ordinance Regulating Possession or Consumption of Malt Beverages or Fortified Wine on County Property for specific facilities with the designated boundaries as listed below:

1. **Mayo Park Amphitheater** in the concrete seating areas directly in front of the stage, the grass seating area directly in front of the stage in an area 200 feet long by 130 feet wide and in the stage area within 50 feet from the left, right and back of the stage.
2. **Mayo Park Environmental Community Center** within the center and within 50 feet from all sides of the building.
3. **Kirby Cultural Arts Complex** within Gallery front room (main gallery), Community Gallery (Hallway) and main theatre seating area (both upstairs and downstairs).
4. **Person County Museum Grounds** within the museum and no further than 50 feet from the property line.

Mr. Hill and Mr. Long outlined the approval process for an alcohol permit noting input and approval on many levels including law enforcement. The individual responsible for the event would incur the fees as required by law with enforcement regulated by paid officers.

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Commissioner Jeffers noted future review of any incidents could result in an amendment or repeal of the ordinance should that be necessary.

A **motion** was made by Commissioner Jeffers and **carried by majority vote 3-2** to approve the Special Use Alcohol Permit and Policy for Specific County Recreation Facilities, and a Revised Person County Ordinance Regulating Possession or Consumption of Malt Beverages or Fortified Wine on County Property as presented. Chairman Puryear and Commissioners Jeffers and Kendrick voted in support of the motion. Vice Chairman Newell and Commissioner Clayton cast the dissenting votes.

**An Ordinance Regulating Possession
Or
Consumption Of Malt Beverages Or Unfortified Wine
On County Property**

Whereas, N.C.G.S. 18B-300 authorizes a county to regulate or prohibit the possession or consumption of malt beverages or unfortified wine on property owned, occupied or controlled by that County; and

Whereas, in May of 2008 the Person County Board of County Commissioners enacted an ordinance which prohibited use or consumption of malt beverages or unfortified wine on all property owned, occupied or controlled by Person county, and

Whereas, The Person County Board of County Commissioners desires to prohibit the possession or consumption of such malt beverages or unfortified wine on most property owned, occupied or controlled by the County and to regulate the use of such beverages on other property.

Now, Therefore Be It Ordained by the Person County Board of County Commissioners:

Section 1- The ordinance adopted on May 19th 2008 prohibiting the possession or consumption of malt beverages and unfortified wine on County property is hereby repealed.

Section 2- No person shall possess open containers or consume malt beverages or unfortified wine on property owned, occupied or controlled by Person County except in those locations specified below and in accordance with an approved Person County Permit and a North Carolina State Alcohol Beverage Permit:

- a. Mayo Park Amphitheater in the concrete seating areas directly in front of the stage, the grass seating area directly in front of the stage in an area 200 feet long by 130 feet wide and in the stage area within 50 feet from the left, right and back of the stage, and
- b. Mayo Park Environmental Community Center within the center and within 50 feet from all sides of the building, and
- c. Kirby Cultural Arts Complex within Gallery front room (main gallery), Community gallery (Hallway) and main theatre seating area (both upstairs and downstairs), and second floor galleries, studio/event rooms, and reception areas, and
- d. Person County Museum Grounds within the museum and no further than 50 feet from the property line.

Section 3- Definitions. The definitions of "malt beverages", "unfortified wine" and "open containers" shall be as defined in Chapter 18B of the North Carolina General Statutes.


Section 4- Penalties. Violations of this ordinance shall be a misdemeanor as provided for in N.C.G.S. 14-4.

Adopted this the 2nd day of March, 2015.





Kyle Puryear, Chairman
Person County Board of Commissioners



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



**Recreation
Arts & Parks**

**PARKS AND RECREATION FACILITIES
SPECIAL USE ALCOHOL PERMIT**

The consumption of malt beverages and unfortified wines is ONLY allowed at the following locations with approved Person County Permit and North Carolina State Alcohol Beverage Permit:

1. Mayo Park Amphitheater (See Designated Boundaries)
2. Mayo Park Environmental Community Center (See Designated Boundaries),
3. Kirby Cultural Arts Complex
4. Person County Museum Grounds

Facilities as evidenced by a permit approved by the Recreation, Arts, and Parks Director.

If permitted to serve malt beverages and/or unfortified wines, certain activity/space restrictions may be enforced.

Person signing as the "Responsible Party" is responsible for any and all types of liability related to this event.

NAME OF APPLICANT / RESPONSIBLE PARTY

NAME OF GROUP (IF APPLICABLE)

STREET

ADDRESS: _____

CITY _____ **STATE:** _____ **ZIP CODE:** _____

DAY TELEPHONE: _____

EVENING TELEPHONE: _____

CELL PHONE: _____

REQUESTED PARK FACILITY: _____

FROM: _____ **TO:** _____

March 2, 2015

DATE REQUESTED: _____ **HOURS OF USE:** _____

DESCRIPTION OF RENTAL: (In detail, attach additional information if needed):

TYPE(S) OF ALCOHOL TO BE SERVED (Beer or Wine): _____

HOW DO YOU PROPOSE TO SERVE THE ALCOHOL? (i.e. plastics cups, glass, bottle, cans, keg, etc.)

Quantities of Alcohol to be served (see regulations 5, 6, 7, 8)

Will bartenders be used / employed?

Yes ☐ No ☐ If "yes", are they certified? _____

Yes ☐ No ☐ If "yes", attach a copy of certificate

b. If "yes", are they from an agency? Yes ☐ No ☐

AGENCY NAME: _____

AGENCY CONTACT PERSON: _____

AGENCY ADDRESS: _____

AGENCY PHONE NUMBER: _____

Will alcohol be sold?

Yes ☐ No ☐

Will donations be taken to defray costs?

Yes ☐ No ☐

Will there be a fee paid to purchase a ticket to this event?

Yes ☐ No ☐

IF YES TO ANY OR ALL, a copy of the ABC Board permit will be required no later than 7 calendar days in advance of the event's beginning time. (According to ABC Regulations, to "sell" by one of the above methods, you must be a non-profit group [501 (c) 3]. Individuals may not obtain one.) The cost is \$50 and the ABC Board must have their application at least three weeks prior to the event. Certificate of 501(c) must be provided with this application.

ABC Board phone number: 1-336-599-8294. <http://abc.nc.gov/permits/special.aspx>

EXPECTED NUMBER OF ATTENDANTS / GUESTS AGE 21 OR OLDER:

EXPECTED NUMBER OF ATTENDANTS UNDER 21: _____

**PERSON COUNTY RESERVES THE RIGHT TO REQUIRE OFFICIALLY
SWORN CITY OF ROXBORO POLICE OFFICERS OR PERSON COUNTY
SHERIFF DEPUTY TO BE ON DUTY FOR EVENTS**

EXPECTING 150 OR MORE GUESTS. It is the responsibility of the rental group to pay for the sworn officers cost in addition to the rental fee. The number of officers required will be determined by the Person County Recreation, Arts and Parks Department along with the advisement of the Roxboro Police Department and/or Person County Sheriff Department is based on the rental description and event (generally 1:150 persons). Officers are not allowed to be in the room where alcohol is being served. They will remain in close proximity just outside the area where the alcohol is being served. Officers will take no part in the serving of alcohol, including determination of intoxication. Should their services be needed because of a disturbance or the like, the officer's presence must be requested. Please make sure the information above is as accurate as possible, as providing incorrect information will cause this permit to be null and void. The names and correct phone numbers of the officer(s) will be required no later than 7 calendar days in advance of the event's beginning time.

ACKNOWLEDGMENTS: Carefully read and initial each statement below:

_____ I am familiar with and hereby agree to abide by all state, county and city regulations governing the transport, sale, and distribution of alcoholic beverages while using Person County owned property and/or premises.

_____ I hereby acknowledge that no Person County Government employee, while on duty/work time will engage in the serving of alcohol in connection with this permit.

_____ I hereby acknowledge that no guest or attendee of the function to which this permit applies will be served alcohol while intoxicated.

_____ I hereby acknowledge that adequate precaution has been taken to insure that intoxicated guests or attendees will be identified and prohibited from operating motor vehicles.

EQUAL OPPORTUNITY: Person County Recreation, Arts, and Parks Department does not discriminate on the basis of race, color, national origin, sex, religion, age, sexual orientation or disability in employment opportunities or the provision of service, programs or activities. A participant alleging discrimination on the basis of any of the aforementioned areas may file a complaint with the Director of the Person County Recreation, Arts, and Parks Department or the Office of Equal Opportunity, US Department of the Interior, Washington, D.C. 20240. Failure to provide full disclosure of the requested information may be grounds for denial of an activity permit. The Applicant / Responsible Party herein affirms that he/she has read and understands the statements

and disclosures made in this form, that the information disclosed herein is true and correct to the best of his/her knowledge and belief, and that all acknowledgments herein, including the attached Release and Indemnification Agreement, were provided by the undersigned while under oath.

This the _____ day of _____, 20_____.

_____(SEAL)
Signature of Applicant / Responsible Party

Printed Name

Title / Position

Sworn to and subscribed before me this the

_____ day of _____, 20_____

Notary Public

My Commission Expires: _____

RELEASE AND INDEMNITY AGREEMENT

WHEREAS, the undersigned has requested the use of services, equipment, or facilities belonging to or under the auspices of Person County Government, North Carolina, and do engage in activities for the exclusive benefit of the undersigned; and WHEREAS, the Person County Government is not liable for any damages arising from personal injury or property damage sustained thereby; NOW, THEREFORE, In consideration of the mutual promises and other good and valuable consideration, the undersigned does hereby for himself, his heirs, executor, employers, successors or administrator, and personal representatives:

A. Assume full responsibility for any personal injury or any damage to his/her personal property which may occur directly or indirectly in the course of (fully describe the activity/rental and date of occurrence)

B. Fully and forever release and discharge Person County Government, its agents, officials, and employees, from any and all claims, demands, damages, rights or action, or causes of action, present or future, whether the same be known, anticipated or unanticipated, resulting from or arising out of the above described activity/rental.

C. Agree to fully indemnify Person County Government for any costs, expenses or damages incurred as a result of any personal injury or property damage resulting from or arising out of the above described activity/rental, such costs to include reasonable attorney fees.

D. Agree that it is the intent of the undersigned that this RELEASE AND INDEMNITY AGREEMENT shall be in full force and effect any time after the execution hereof. Approval for this alcohol permit is at multiple levels. Three (3) weeks will be required by Person County Government to route it for signature. Not adhering to this timetable may result in the inability to serve alcohol at your event, and the facility reservation will not be refunded. I have read and understand the above information and agree that it is true and accurate. I accept the responsibility of the actions of the persons attending this rental.

Responsible Party Signature: _____

Date: _____



PERSON COUNTY EXECUTION:

All signatures are by the position listed or his/her designee.

Facility Manager: _____ Date: _____

Parks and Recreation Director: _____ Date: _____

Approve ☐ Deny ☐

Person County Manager: _____ Date: _____

Approve ☐ Deny ☐

If denied, state reason for
denial _____

APPROVED AS TO FORM PERSON COUNTY ATTORNEY
BY: _____

SPECIAL USE PERMIT RULES AND REGULATIONS

1. Requesting person must provide proof that he/she is at least 21 years of age.
2. Only beer and/or wine is permitted in the boundaries of the special use permit areas with approval. All other Person County grounds and facilities are prohibited from possession or consumption of alcoholic beverages.
3. Requesting person is personally responsible for monitoring all activities relating to alcohol and for bringing all approved alcohol to the designated County facilities.
4. Requesting person must sign and hold harmless Agreement with Person County government.
5. The amounts of alcoholic beverages to be served at each event shall fall within the legal limits of North Carolina State Law as defined by the North Carolina Alcoholic Beverage Control Laws and Regulations.
6. Permit will not be granted to college fraternities or sororities, unless a letter of support from the college or university president or designee accompanies the request for special use permit.
7. Individuals, organizations, companies, or family reunions that fail to abide to County facility and parks rules and regulation or cause problems due to alcohol will have their permit revoked and run the risk of future permit denials and/or harsher legal penalties.
8. Sign must be posted stating "NO ALCOHOLIC BEVERAGES WILL BE SERVED TO ANYONE BORN AFTER _____"
9. No Alcohol shall be served or consumed within one hour of event or rental end time. This does not apply to events that are not scheduled to exceed two hours.
10. Person County Government reserves that right to refuse permits to any County owned recreation facility at the discretion of the Director of Recreation, Arts, and Parks Department based on, nature of the event/performance, failure to disclose all details of the event, disregard of the rules, laws, and policies, or any related reason that will have to potential to negatively effect the quality of the facilities, public safety, image/perception of the facilities, and/or any other negative effect toward Person County Recreation, Arts, and Parks Department.

I have read and agree to the rules and regulations of this special use permit policy and application.
I have proved accurate information in my application for special use permit.

Print Name: _____ Signature: _____
Date: _____

DESIGNATED BOUNDARIES.

1. **Mayo Park Amphitheater** in the concrete seating areas directly in front of the stage, the grass seating area directly in front of the stage in an area 200 feet long by 130 feet wide and in the stage area within 50 feet from the left, right and back of the stage.
2. **Mayo Park Environmental Community Center** within the center and within 50 feet from all sides of the building.
3. **Kirby Cultural Arts Complex** within Gallery front room (main gallery), Community gallery (Hallway), main theatre seating area (both upstairs and downstairs), and second floor galleries, studio/event rooms, and reception areas.
4. **Person County Museum Grounds** within the museum and no further than 50 feet from the property line.

Adopted by the Board of Commissioners March 2, 2015

FIRST READING FOR AN AMENDMENT TO THE AUTOMOBILE GRAVEYARD AND JUNKYARD ORDINANCE:

Planning Director, Michael Ciriello stated the Board, at its February 16, 2015 meeting, requested staff to propose language to amend the existing Automotive Graveyards and Junkyard Ordinance to clarify the applicability of the existing ordinance to commercial and residential properties. Mr. Ciriello outlined the proposed amendments for Board input as follows:

AMENDMENTS

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ORDINANCE REGULATING AUTOMOBILE GRAVEYARDS AND JUNKYARDS IN PERSON COUNTY

WHEREAS, North Carolina General Statute 153A-121(a) provides that "no person shall engage in any business, occupation, profession, trade, or industry, or use any land, building, or structure, or engage in any activity, or create any conditions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county; and may define and abate nuisances;" and

WHEREAS, this Board declares that automobile graveyards and junkyards in close proximity to public roads and residential areas are a nuisance to the health, safety, and welfare of the citizens of the environment in Person County unless at least partially obstructed from view by appropriate fencing or combination of fencing and vegetation; and

WHEREAS, this Board declares that automobile graveyards and junkyards in close proximity to public roads, residential areas and commercial areas are a nuisance to the health, safety, and welfare of the citizens, residents and school children unless sufficiently enclosed and surrounded by a substantial fence or wall, due to the presence of vehicles, parts, and other items, and the possibility of injury to persons coming into contact with metal, glass or other rigid materials; and

WHEREAS, this Board desires to enact the following ordinance regulating the operation or maintenance of automobile junkyards and graveyards in the unincorporated areas of Person County.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the County of Person, as follows:

SECTION ONE. TITLE
This Ordinance may be known and may be cited as "Ordinance Regulating Automobile Graveyards and Junkyards in Person County."

SECTION TWO. PURPOSES AND OBJECTIVES
The purposes and objectives for which this ordinance is passed are as follows:

A. To protect the citizens and residents of Person County from possible injury at automobile graveyards and junkyards.

B. To preserve the dignity and aesthetic quality of the environment in Person County.

Delete

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- C. To preserve the physical integrity of land in close proximity to residential areas.
- D. To protect the economic interests of the citizens and residents of Person County.
- E. To achieve responsible economic growth in areas of Person County that is compatible with growth and development in nearby areas.

SECTION THREE. DEFINITIONS

For the purpose of this ordinance, certain terms and words are hereby defined; words used in the present tense shall include the future; words used in the singular number shall include the plural; words used in the singular shall include the plural; and the word "shall" is mandatory and not directory.

Automobile graveyard: Any establishment which is maintained, used, or operated for storing, salvaging, keeping, repairing, dismantling, or otherwise disposing of, or for the sale of, dismantled or inoperable motor vehicles and which are not being restored to operation, regardless of the length of time which individual motor vehicles are stored or kept at said establishment. The term "automobile graveyard" as used herein shall include but not be limited to junkyards, wrecking yards, shops which have on their premises four or more wrecked, scrapped, ruined, dismantled or inoperable motor vehicles which are not being restored to operation.

Residing Unit: A house, an apartment, a group of rooms, or a single room occupied or intended for occupancy as separate living quarters.

Junk: Old or scrapped copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or non-ferrous materials.

Junkyard: An establishment which is maintained, operated or used for storing, salvaging, keeping, buying or selling junk regardless of the length of time that junk is stored or kept, or for maintenance or operation of an automobile graveyard, but shall not include garbage dumps or county-operated sanitary landfills.

Public Road: Any road or highway which is now or hereafter designated and maintained by the North Carolina Department of Transportation as part of the State Highway System, whether primary or secondary, and any road which is designated as a road as defined in North Carolina General Statute Section 136-67.

Repair Shop: An establishment which is maintained and operated for the primary purpose of making mechanical and/or body

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Term to add to Definitions:

"Chronic offender" shall mean a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance.

"Establishment: Shall mean any commercial operation."

Add to Definition of "Automobile graveyard":

"The term and definition of "automobile graveyards" shall apply to commercial establishments only."

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repairs to motor vehicles and which receives fifty percent or more of its gross income from charges made for such repairs.

Schools: Any public or private institution for teaching which is recognized and approved by the State of North Carolina.

Service Station: An establishment which is maintained and operated for the purpose of repairing, servicing and/or for making routine maintenance of motor vehicles and/or for making mechanical repairs, servicing and/or washing of motor vehicles, and which receives more than fifty percent of its gross income from the sale of the products sold and sold from the making of mechanical repairs, servicing and/or washing of motor vehicles.

Solid Fence: A continuous opaque, unperforated barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of dirt, wood, stone, steel, or other metal, or any substance of a similar nature and strength.

Vegetation: Evergreen trees, including, but not limited to, white pine and/or hemlock, evergreen shrubs or plants with a minimum height of six (6) inches when planted, which reach a height of at least six (6) feet at maturity.

Visible: Capable of being seen without visual aid by a person of normal visual acuity.

Wire Fence: A continuous, translucent, perforated barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of wire, steel or nylon mesh, or any substance of a similar nature and strength, but which perforations or openings are no larger than sixteen (16) square inches.

SECTION FOUR. PROHIBITIONS

Except as hereinafter provided, it shall be unlawful after the effective date of this Ordinance for any person, firm, corporation, or other legal entity to operate or maintain in any unincorporated area of Person County a junkyard or automobile graveyard without first obtaining a license to operate same and without maintaining screening from view as hereafter described.

SECTION FIVE. SCREENING

All junkyards or automobile graveyards operated and/or maintained in Person County shall be enclosed at all points where the same are accessible to the public by a fence or barrier from public roads, schools, or housing units, and where such screening is not already substantially provided by natural vegetation, or other natural barriers. The fence shall be wire fence used in conjunction with vegetation or a solid fence. If a

Amend to read:

"All commercial junkyards or automobile graveyards..."

Amend to read:

"All commercial junkyards or automobile graveyards..."

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wire fence with vegetation is used, the plants shall be planted on at least one side of the wire fence and as close as practical to said fence. Vegetation shall be planted at intervals evenly spaced so that the fence is completely covered. The unbroken hedge-row will exist to a height of at least six (6) feet along the links of the wire fence surrounding the junkyard or automobile graveyard when the vegetation reaches maturity. Each owner, operator or maintainer of a junkyard or automobile graveyard to which this Ordinance applies shall maintain the vegetation with which this fence, shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer and proper watering. The vegetation shall be maintained in such a manner as to be practical and will have maximum density in foliage. Dead or diseased vegetation shall be replaced at the next appropriate planting time, and the fence, or wire fence and vegetation, shall be maintained in good condition. All wrecked, scrapped, ruined, dismantled or inoperable motor vehicles and junk shall be stored inside said fence.

SECTION SIX. EXCEPTIONS

- A. This Ordinance shall not apply to service stations or repair shops unless said service station or repair shop has on its premises, four or more wrecked, scrapped, ruined, dismantled or inoperable motor vehicles which are not being restored to operation.
- B. Automobile graveyards or junkyards existing at the effective date of this Ordinance which would be in violation of this Ordinance shall be granted a grace period of four (4) months to come into compliance with this Ordinance. After that time, they shall be subject to the provisions of this Ordinance.

SECTION SEVEN. PENALTIES

- A. Criminal Penalty. Any person, firm, corporation, or other entity who maintains or operates or who controls the maintenance of a junkyard or automobile graveyard in violation of this Ordinance shall be guilty of a misdemeanor and subject to a fine not to exceed \$100 or be punished by imprisonment not to exceed 30 days, or both, in the discretion of the Court. Each day that said automobile graveyard or junkyard shall be maintained or operated in violation of this Ordinance shall constitute a separate and distinct offense.
- B. Civil Penalties. In addition to the criminal sanctions as herein set out, as provided by North Carolina General Statute 153A-123(d), and (e), this Ordinance may be enforced by an administrative action by the County Planning Department, or by a court of competent jurisdiction or by injunction and order of abatement.
- C. The Person County Building Inspector shall be responsible for enforcing the provisions of this Ordinance and

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Insert Between Sections Five and Section Six: *Applicability*

This Ordinance applies to all residential zoned properties and uses. Applies to junk as defined in this Ordinance from an adjacent property, and/or road;

This Ordinance applies to all commercial and industrial uses on properties that abut residential and public uses. Applies to junk and abandoned vehicles as defined in this Ordinance that is visible from an adjacent property, and/or public road;

Add to Section Six:

- A. Ordinance shall not apply to residential properties that are not visible from residential or public uses (schools, playgrounds) on adjacent properties or from public roads
- C. This ordinance shall not apply to bona fide farm properties as defined by NCGS §153A-340
- E. The provisions of this section shall not apply to material which is being used in connection with a construction activity taking place on the premises provided the construction activity associated with an active permit, is being diligently pursued, and complies with applicable ordinances and codes

Replace Section Seven—C to say, *"The Person County Planning Department..."*

Add to Section Seven:

- D. This Ordinance may be enforced by an appropriate equitable remedy, including temporary restraining order, preliminary injunction and permanent injunction was issued by a court of competent jurisdiction.
- E. Pursuant to NCGS §153A-140.2, the County Planning Director may issue annual notice to chronic violators. The County may notify a chronic violator of the County's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violator, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes.
- F. Appeals
- 1.) Unless the owner is a chronic violator, an owner who has received a violation notice under this section may appeal from the order to the Board of Commissioners by giving written notice of appeal to the Planning Department and to the clerk within 10 days following the day the order is issued. In the absence of an appeal, the order of the Planning Director is final.
- 2.) Without exception, the County may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail.

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may be take informal measures to procure compliance from any person deemed by the inspector or his representative to be in violation. If such informal measures fail to cause compliance, the inspector shall be responsible for obtaining warrants or instituting civil remedies for violations of this Ordinance.

SECTION EIGHT. LICENSING

Any person, firm, corporation, or other organization desiring to operate a junkyard or automobile graveyard shall be required to obtain a license to operate same from the Person County Building Inspector. The application for license shall be in writing and contain such information as to insure that the operation is, or shall be, in compliance with the provisions of this Ordinance.

The Building Inspector shall issue a license to operate to each applicant upon payment of a license fee of \$50.00, unless it appears that said operation is or shall be in violation of this Ordinance.

The Building Inspector shall have the authority to revoke the license of any person, firm, corporation, or other organization who fails to comply with the provisions of this Ordinance.

SECTION NINE. SIGNAGE

All junkyards and automobile graveyards, operated and/or maintained in Person County, shall be identified at the entrance to said facility by a sign not less than fifteen (15) square feet in area.

Section Seven - C of the Ordinance is hereby amended to read:
C. The Person County Planner shall be responsible for enforcing the provisions of this Ordinance and may take informal measures to procure compliance from any person deemed by the planner or his representative to be in violation. If such informal measures fail to cause compliance, the planner shall be responsible for obtaining warrants or instituting civil remedies for violations of this Ordinance.

Section Eight of the Ordinance is hereby amended to read:

Any person, firm, corporation, or other organization desiring to operate a junkyard or automobile graveyard shall be required to obtain a license to operate same from the Person County Planner. The application for license shall be in writing and contain such information that, in the discretion of the County Planner, is necessary to insure that the operation is, or shall be, in compliance with the provisions of this Ordinance.

The County Planner shall issue a license to operate to each applicant upon payment of a license fee of \$50.00, unless it appears that said operation is or shall be in violation of this Ordinance.

The County Planner shall have the authority to revoke the license of any person, firm, corporation, or other organization who fails to comply with the provisions of this Ordinance.

Amend to add "commercial" and read: "All commercial junkyards and automobile graveyards operated and maintained in Person County...."

Insert Section Ten: Process

Complaints shall be submitted by residents and investigated by the Planning Department upon determining that a violation of this ordinance exists, the Planning Department shall issue written notice to the registered owner, lessee, or person(s) entitled to the land. The notice shall be provided by registered or certified mail. The notice shall:

1. Identify the property and describe the violation located thereon to be removed, abated, or remedied;
2. State that the costs incurred by the county for chronic offenders to remove, abate, or remedy the violation, if not paid by the violator(s), shall be subject to NCGS §153A-140.2 for chronic offenses.
3. If the violation is not removed, abated or remedied within thirty (30) days of the initial notice, and an appeal has not been filed, a second notice shall be issued. The notice shall:
4. Direct that the violation be removed, abated or remedied;
5. Advise that the property must comply by a specific date, such date not to be less than ten (10) days nor more than thirty (30) days from date of the second notice;
6. Advise that civil penalties, are being assessed daily as of the date of the second notice; and,
7. Advise that in addition to any and remedies above, the Person County Board of Commissioners may request criminal penalties in accordance with this Ordinance.

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Mr. Ciriello stated the proposed amendments add clarification how the ordinance applies to residential properties related to visibility upon complaints. Mr. Ciriello stated the proposed amendments do not impact existing commercial operations. The proposed ordinance does not apply to residential properties that are not visible from adjacent residential or public uses (schools, playgrounds) on adjacent properties or from public roads or to farms as defined by State statute and construction sites with currently active permits

Commissioner Jeffers noted the process involved the Planning Department sending a letter to a property owner for non-compliance giving 30 days to become compliant; and after 30 days, should the property owner remain non-compliant, a second notice will be sent allowing no less than 10 days and no more than 30 days. Commissioner Jeffers advocated to be more consistent with the number of days allowable at the second notice stage. Mr. Ciriello stated the easy solution was to consistently allow 30 days for each notice.

Chairman Puryear noted with any ordinance amendment, unintended consequences may occur further noting the appeal process authority would be with the Board of Commissioners.

Commissioner Kendrick stated issue with the language under the Applicability section noting the Ordinance applies to all residential zoned properties and uses and applies to junk as defined in the Ordinance from an adjacent property, and/or road. The definition of junk in the Ordinance is old or scrapped copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked automobiles or parts thereof., iron, steel, and other old or scrap ferrous or non-ferrous-materials.

County Attorney, Ron Aycock made the Board aware that a public hearing is not required to amend the existing Automotive Graveyards and Junkyard Ordinance. Mr. Aycock stated the Board may adopt the amended ordinance as presented at the First Reading by unanimous vote or by simple majority vote at the Second Reading.

Chairman Puryear asked the Board to consider not taking a vote on the proposed amendments to the existing Automotive Graveyards and Junkyard Ordinance with instruction to Mr. Ciriello to bring back to the Board with adjustments.

A **motion** was made by Vice Chairman Newell and **carried 3-2** to table the proposed amendments to the existing Automotive Graveyards and Junkyard Ordinance. Vice Chairman Newell and Commissioners Kendrick and Jeffers voted in favor of the motion. Chairman Puryear and Commissioner Clayton cast the dissenting votes.

Mr. Ciriello stated he would further clarify the language in the Process section to specify 30 days upon a second notice as well as suggest a definition of junk.

FIRST READING OF THE ABANDONED STRUCTURE ORDINANCE:

Planning Director Michael Ciriello stated the Board, at its February 16, 2015 meeting, requested staff to craft language for an Abandoned Structure Ordinance in response to citizen complaints and concerns about public safety and property values. Mr. Ciriello stated the following were key points to the proposed Abandoned Structure Ordinance:

- Covers manufactured mobile homes and abandoned residential and commercial structures,
- Ordinance shall not apply to structures further than 500' from residential or public uses (schools, playgrounds) on adjacent properties; and, not visible from transportation right-of-way,
- Exceptions for farm structures and historic properties,
- Abandoned structure standards would be enforced by Building Inspections,
- Mobile home grant program (optional) would be administered by the Planning Department,
- County can pay for removal costs; however, removal costs cannot be collected via the property tax bill only through a lien on the property,
- Appeals heard by Board of Commissioners,
- Costs are projected \$15,000-\$20,000, and
- Some operating funds would be needed to pay for clean-up of abandoned structures

Mr. Ciriello presented the Board with the following proposed Nuisance Ordinance for Abandoned Structures for input:

Proposed Nuisance Ordinance for Abandoned Structures

Authority

Person County hereby exercises its authority to enact Abandoned Structure regulations pursuant to N.C.G.S 153A-12, 121,123 &140; 160A-443.

Jurisdiction

The jurisdiction of this Ordinance shall be described as any part of Person County not within the corporate limits or the extra territorial jurisdiction of any municipality. However, this ordinance shall not apply to any structure used or previously used for agricultural purposes.

Short Title

This ordinance shall be known as the Abandoned Structure Ordinance of Person County, North Carolina, and may be cited as the Abandoned Structure Ordinance.

Purpose

The purpose of this ordinance is to promote the public safety, health, and welfare of the citizens of Person County through the regulation of abandoned structures in the county. All

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abandoned structures defined herein are hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of Person County. This ordinance is adopted pursuant to the authority contained in N.C.G.S. 153A-12, 121,123 &140; 160A-443.

Definitions

“Abandoned Structure” a residential or commercial building shall be considered an abandoned structure if it is unoccupied and damaged or in disrepair to the point of being condemnable as defined by NCGS §153A-366 and is found to be a nuisance because it creates or fosters one (1) or more of the following conditions:

- a. A breeding ground or harbor for mosquitoes, other insects, rats, or other pests;
- b. The collection of pools or ponds of water;
- c. Concentrated quantities of gasoline, oil, or other flammable or explosive materials;
- d. A source of danger for children because of the possibility of entrapment or injury from exposed sharp surfaces of metal, glass, or other rigid materials;
- e. A source of danger from the building structure, or parts thereof, falling or turning over;
- f. An accumulation of garbage, food waste, or any other rotten or putrefied matter of any kind;
- g. Accumulation of sewage or animal waste;
- h. Concentrated quantities of hazardous materials;
- i. The presence of dead animals; or,
- j. Any building structure specifically declared a public health and safety hazard by the Board of Commissioners.

“Abandoned Manufactured Home” shall be considered an abandoned structure if it is in a wrecked, scrapped, disassembled, unusable, cannibalized, burnt, inoperable or if available, is not connected to an approved sewer system and not occupied and is found to be a nuisance because it creates or fosters one (1) or more of the following conditions:

- a. A breeding ground or harbor for mosquitoes, other insects, rats, or other pests;
- b. The collection of pools or ponds of water;
- c. Concentrated quantities of gasoline, oil, or other flammable or explosive materials;
- d. A source of danger for children because of the possibility of entrapment or injury from exposed sharp surfaces of metal, glass, or other rigid materials;
- e. A source of danger from the home, or parts thereof, falling or turning over;
- f. An accumulation of garbage, food waste, or any other rotten or putrefied matter of any kind;
- g. Accumulation of sewage or animal waste;
- h. Concentrated quantities of hazardous materials;
- i. The presence of dead animals; or,
- j. Any manufactured home specifically declared a public health and safety hazard by the Board of Commissioners.

“Manufactured Home” is a structure, transportable in one or more sections, which in the traveling mode whose body is 8 feet or more in width or 40 feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. Such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Department of Housing and Urban Development (HUD) and complies with the standards established under that Federal agency. For purposes of this ordinance, “manufactured home” includes both factory-built single-family structures built to meet standards established under The National Manufactured Housing Construction and Safety Standards Act of 1974 and mobile homes built prior to the effective date of those standards (June 15, 1976). The Federal Standards became effective on June 15, 1976, and all homes with a date of manufacture on or after this date were required to have a HUD label indicating compliance with the standards.

“Historic Structure” or, “Historic Property” is as defined by the State Historic Preservation Office and the National Register of Historic Places.

“Agricultural purpose” and “bona fide farm” as defined by NC GS §153A-340:

1. A farm sales tax exemption certificate issued by the Department of Revenue.
2. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3.
3. A copy of the farm owner's or operator's Schedule F from the owners or operators most recent federal income tax return.
4. A forest management plan.
5. A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.

Exceptions

- This ordinance shall not apply to any structure used or previously used for agricultural purposes.
- This ordinance shall not apply to historic properties or structures.
- Ordinance shall not apply to structures further than 500' from residential or public uses (schools, playgrounds) on adjacent properties; and, not visible from transportation right-of-way.



Illustration to show distances from adjacent properties to burned-out house; distance measured using Person County GIS mapping software

Process

1. Upon receipt of a complaint, the Building Inspections Department will conduct an investigation to determine if the structure meets the definition of an “Abandoned Structure” as defined by this ordinance. The Building Inspections Department will be responsible for mailing notices, overseeing the removal of abandoned structures. The Building Inspections Director shall keep an accurate record of all enforcement proceedings begun pursuant to the provisions of this chapter.
2. In exercising these powers, each member of the inspection department has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action. Nothing in this section shall be construed to prohibit periodic inspections in accordance with State fire prevention code or as otherwise required by State law.
3. Upon determining that a violation of this ordinance exists, written notice shall be issued to:
 - a. The registered owner or person(s) entitled to possession of the abandoned or neglected structure;
 - b. The registered owner, lessee, or person(s) entitled to the land on which the abandoned or neglected structure is located;
 - c. Shall affix a notice of the dangerous character of the building to a conspicuous place on its exterior wall. (§ 153A-366) *(If a person removes a notice that has been affixed to a building by a local inspector and that states the dangerous character of the building, he is guilty of a Class 1 misdemeanor).*
4. The notice shall be provided by registered or certified mail. The notice shall:
 - a. Identify the property and describe the abandoned structure located thereon to be removed, abated, or remedied;

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- b. (1) Notify the owner that the building is in a condition that appears to constitute a fire or safety hazard or to be dangerous to life, health, or other property;
 - (2) Notify the owner that a hearing will be held before the inspector at a designated place and time, not later than 10 days after the date of the notice, at which time the owner is entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (3) Notify the owner the following the hearing, the inspector may issue any order to repair, close, vacate, or demolish the building that appears appropriate.
 - c. Inform an owner who has received an order under G.S. 153A-369 that they may appeal from the order to the board of commissioners by giving written notice of appeal to the inspector and to the clerk within 10 days following the day the order is issued. In the absence of an appeal, the order of the inspector is final. The board of commissioners shall hear any appeal within a reasonable time and may affirm, modify and affirm, or revoke the order;
 - d. State that the costs incurred by the county to remove, abate, or remedy the abandoned structure, if not paid by the violator(s), shall be a lien upon the property.
3. If the name or whereabouts of the owner cannot after due diligence be discovered, the notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building in question at least 10 days before the day of the hearing and a notice of the hearing is published at least once not later than one week before the hearing.

Penalties

If the owner of a building fails to comply with an order issued pursuant to G.S. 153A-369 from which no appeal has been taken, or fails to comply with an order of the Board of Commissioners following an appeal, the offender is guilty of a Class 1 misdemeanor.

Appeal

An owner who has received an order under G.S. 153A-369 may appeal from the order to the Board of Commissioners by giving written notice of appeal to the inspector and to the clerk within 10 days following the day the order is issued. In the absence of an appeal, the order of the inspector is final. The Board of Commissioners shall hear any appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

Commissioner Jeffers asked Mr. Ciriello if the proposed Abandoned Structure Ordinance would remedy the Shotwell complaint to which Mr. Ciriello replied affirmatively assuming the structure was deemed not safe by the Building Inspections Department.

Commissioner Clayton asked Mr. Ciriello if the proposed Abandoned Structure Ordinance would remedy the complaint from the Timberlake subdivision to which Mr. Ciriello stated only if the building were to be condemned but not for the structures; Mr. Ciriello stated the Automobile Graveyard Junkyard Ordinance could possibly address the complaint outside on the property.

Commissioner Kendrick stated opposition to telling people what they can or cannot do on their property.

A public hearing is not required to adopt the proposed Abandoned Structure Ordinance. Chairman Puryear stated the Board may adopt the ordinance as presented at the First Reading by unanimous vote or by simple majority vote at the Second Reading.

County Attorney, Ron Aycock confirmed the Board has the authority to amend or repeal said ordinance in the future.

A **motion** was made by Commissioner Jeffers and **carried 4-1** to approve the Abandoned Structure Ordinance as presented. Chairman Puryear, Vice Chairman Newell and Commissioners Clayton and Jeffers voted in support of the motion. Commissioner Kendrick cast the lone dissenting vote.

As the vote at the First Reading was not unanimous the Second Reading for this item will be on the Board's March 16, 2015 agenda.

NEW BUSINESS:

COMMUNITY CHILD PROTECTION TEAM ANNUAL REPORT:

Person County Department of Social Services (DSS) Director, Carlton Paylor introduced Dr. Terri Cates, Chair of the Person County Community Child Protection Team (CCPT). Mr. Paylor noted the CCPT was established as a means for the state and local communities to form a partnership to strengthen child protection in response to Executive Order 142 in May 1991. In North Carolina, each CCPT reviews active child welfare cases, fatalities, and other cases brought to the team for review. The purpose of the case reviews is to identify systemic deficiencies in child welfare services or resources. Once identified, teams develop strategies to address the gaps in the child welfare system within the county and report to the state areas of concern that warrant action by the state. Teams promote child well-being through collaboration. CCPT also promotes child well-being through public awareness.

Dr. Cates stated CCPT represents various county agencies and groups with a focus on child advocacy and child welfare mandated by NC General Statutes to present to the Board an update of the past year CCPT activities. Dr. Cates stated CCPT meets monthly to review cases of child abuse and neglect to identify and address gaps in available services that may affect the welfare of children in Person County. Dr. Cates noted CCPT collaborates with community partners and raises public awareness wherever possible.

During 2014, Dr. Cates stated CCPT reviewed a total of twelve (12) cases. The gaps identified were limited access to mental health services, substance abuse and rehab services as well as basic transportation. Dr. Cates stated domestic violence remains a barrier to parents seeking services. Dr. Cates noted there have been times where the number of children in foster care in Person County exceeded the number of foster homes available. Mentoring services for youth is also a need in Person County. Dr. Cates further noted that CCPT attended presentations on gangs and gang related activities, human trafficking and substance abuse, in particular, the role drugs play in addiction recovery. Dr. Cates told the group CCPT participated in an open forum with Debra Farrington with Cardinal Innovations (contractor for mental health services).

Commissioner Jeffers asked if Person County children were seeking mental health services outside of Person County due the lack of therapists locally. Mr. Paylor stated there are currently therapists in Person County however there are occasions where a child has specific needs to be referred outside the county.

No action was required by the Board. The Board of Commissioners thanked Dr. Cates and Mr. Paylor for the annual report.

HOME & COMMUNITY CARE BLOCK GRANT FUNDING 2014-2015:

Ms. Maynell Harper, Interim Aging Services Director requested approval of the Home & Community Care Block Grant (HCCBG) Committee's funding allocation revision for 2014-2015 for Person County.

As a result of a 1.76% (\$4,896.00) reduction in state funding, Person County HCCBG Committee elected to amend funding as reflected in the form 731 County Funding Plan Summary. The reduced funding is as follows:

Person County Senior Center, a decrease of \$4,234.80 for a total budget of \$285,765.20 allocated between Congregate and Home Delivered Nutrition, Transportation, In-Home Aide, and Operations;

Person County Department of Social Services, a decrease of \$582.00 for a total of \$32,494.00 allocated for In-Home Aide services; and

Generations Adult Day Care, a decrease of \$79.20 for a total of \$4,420.80 allocated for Adult Day Care.

The total HCCBG funding for Person County is \$322,680.00.

A **motion** was made by Commissioner Clayton and **carried 5-0** to approve the Home & Community Care Block Grant Committee's funding allocation revision for 2014-2015 for Person County as presented.

DOA-731 (Rev. 2/14)

Home and Community Care Block Grant for Older Adults

County Funding Plan

County Services Summary

County PERSON

July 1, 2014 through June 30, 2015

Revision 1 Feb. 16, 2015


A				B	C	D	E	F	G	H	I
Services	Block Grant Funding		Total	Required Local Match	Net Service Cost	USDA Subsidy	Total Funding	Projected HCCBG Units	Projected Reimbursement Rate	Projected HCCBG Clients	Projected Total Units
	Access	In-Home	Other								
Transportation	35500			3944	39444		39444	3164	12.466	31	3164
Congregate Nutrition			33985	3776	37761	4535	42296	6047	6.2445	60	6773
HDM Nutrition			48395.2	5377	53772.2	5670	59442.2	7561	7.7336	41	8294
IHA I (041)		1704		189	1893		1893	193	15.523	1	193
IHA II (042)		18910		2101	21011		21011	2175	15.52	6	2175
IHA III (042)		49408		5490	54898		54898	4160	14.956	9	4160
Adult Day			4420.8	0	0		0	206	40.0922	1	206
Operations			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				
IHA III (043)		11880		1320	13200		13200				
IHA III (043)		14400		1600	16000		16000				
				0	0		0				
Total	35500	123832	163348	35853	353620.2	10205	363825.2	26320		149	27779

Handwritten signature

Signature, Chairman, Board of Commissioners

Date

3/2/2015


 Signature, Chairman, Board of Commissioners
 Date 3/2/2015

FIRST READING OF A REVISED RECREATION ADVISORY BOARD ORDINANCE:

John Hill, Director of the Recreation, Arts, and Parks Department, on behalf of the Recreation Advisory Board requested Board consideration to adopt revisions to the Person County Recreation Advisory Board Ordinance. Mr. Hill stated the proposed revisions prepare for future efforts to devise a non-profit (501c3) organization call the “Friends of the Parks”. The non-profit organization will lead efforts to raise funds to help subsidized programs and development of future facilities for the Person County Recreation, Arts, and Parks Department as well as increase promotions and awareness to programs and facility offering to citizens and visitors very similarly as the Arts Council. The Friends of the Parks and Lakes Committee “Friends of the Parks” replaces the title of Mayo Park and Lake Committee.

The Board is not required to have a public hearing but may call for a public hearing if so desired. The Board may adopt the revised ordinance as presented at the First Reading by unanimous vote or by simple majority vote at the Second Reading.

Commissioner Kendrick questioned one of the duties of the committee (item g): Committee may act as liaison between Duke Energy Progress and our citizens in matters related to Recreation, Arts, and Parks Department programs on Person County Lakes. County Attorney, Ron Aycock confirmed the committee would act only in an advisory capacity noting the final authority for action would be the responsibility of the Board of Commissioners.

A **motion** was made by Commissioner Jeffers and **carried 5-0 by unanimous vote** to adopt the revised Recreation Advisory Board Ordinance as presented (at First Reading).

**ORDINANCE FOR THE
PERSON COUNTY
RECREATION ADVISORY BOARD**

SECTION 1: CREATION, NAME, NUMBER OF MEMBERS, TITLE

There is hereby created a Board composed of nine (9) members to be known as the Person County REC Advisory Board (Hereinafter referred to as the "REC Board" – REC standing for Recreation, Environment and Open Space, and Cultural Activities). This ordinance shall be known as the Person County REC Advisory Board Ordinance.

SECTION 2: COMMITTEE, POWERS AND DUTIES

The REC Board shall serve as the advisory body for Person County on issues relative to the Department. The REC Board shall advise the Parks and Recreation Director, County Manager and County Commissioners within its responsibilities and powers as stated in this ordinance.

The REC Board shall serve as a liaison between the Parks and Recreation Department and the citizens of Person County.

The Parks and Recreation Department shall consult with the REC Board in matters affecting programs, facilities, policies, finances and the acquisition and disposal of lands and properties and its long-range, projected plans.

The REC Board shall also assume specific duties and responsibilities as follows:

1. To investigate and determine the needs, interests and goals of the community for recreation and cultural facilities and programs and make recommendations to the Recreation Director, County Manager and County Commissioners to meet those needs and goals.
2. To inform and educate the general public of the importance and need for programs, facilities and services.
3. To seek and make recommendations on the acceptance of grants, gifts, bequests, donations for park and recreation purposes.
4. To assist the Park and Recreation Department in developing cooperative arrangements with other organizations and private groups, when it will further the objective of providing more and varied kinds of park and recreation programs for the citizens of Person County.
5. To assist the Parks and Recreation Department in recruiting voluntary leadership staff to work with programs and activities.

6. To assist in matters relating to maintaining the highest standards in park development and operation, park and recreation leadership and a well balanced program.
7. To assist in developing a plan to meet the present and future needs for programs, services, parks, facilities, open spaces and trails and to advise in developing priorities for each of these.
8. To receive information and reports concerning the evaluation of programs, facilities, policies and procedures.
9. To recommend approval of rules, and procedures pertaining to recreation programs and the use of public parks and facilities including suggested fees and charges.
10. Carry out any other assigned studies and/or activities as determined appropriate.

SECTION 3: APPOINTMENT OF THE COMMITTEE

The Person County REC Board shall consist of nine (9) members, seven (7) of which shall be appointed by the County Commissioners and two (2) members that are appointed by the REC Board. One county commissioner will serve ex-officio as one of the nine members and be a voting member.

The Parks and Recreation Director shall attend and participate in all REC Board meetings.

The term of office for all appointed and reappointed members shall be three years. Vacancies arising on the REC Board shall be filled by the County Commissioners for seven members duly appointed and by the REC Board for two members duly appointed for the balance of the unexpired term. All appointments will be made by the County Commissioners and REC Board in accordance with the policy governing appointments to Boards and Committees.

Any member who misses more than three consecutive regular meetings loses his/her membership status.

An orientation meeting for newly appointed board members shall be conducted by the Parks and Recreation Director and the Chairman within 30 days after their appointment.

SECTION 4: OFFICERS

The members of the Person County REC Board shall annually elect from their own membership a Chairman and other officers, as they deem essential. Duties of each officer shall be established in the Committee By-Laws.

SECTION 5: COMPENSATION

The members of the REC Board shall serve without compensation, but shall be entitled to reimbursement for subsistence and travel to professional recreation meetings, conferences and workshops, with such reimbursement being made in compliance with general County policies.

SECTION 6: MEETINGS

The REC Board shall meet at least monthly and at other times deemed necessary to transact business, upon call of the Parks and Recreation Director, or Chairman or by a majority of the Committee members, or upon call of the County Commissioners.

A quorum of the Board shall be in attendance before action of an official nature can be taken.

A quorum shall consist of a simple majority.

General parliamentary rules, as given in "Robert's Rules of Order" as modified by rules and regulations of the Advisory Board shall be observed in conducting meetings.

Official minutes of each meeting will be recorded and maintained in the office of the Parks and Recreation Director.

SECTION 7: COMMITTEES AND STANDING COMMITTEES

The REC Board shall organize temporary or standing committees, as it deems necessary in order to carry out the responsibilities of the Board. Advisory Board members serving as Chairman of committees shall be appointed by the REC Board Chairman. Other members of the Committees shall be elected by the REC Board. Vacant positions shall be advertised in newspapers and all applications be given to full board for them to vote on person or persons to fill vacant position or positions on committee or committees.

The standing committees shall include, but not be limited to, the following:

Finance Committee

The duties of the Finance Committee shall include, but not limited to:

- a. Aiding the staff in the development of the budget.
- b. Reviewing major capital outlays.
- c. Reviewing and making recommendations on grants, gifts, bequest, and donations to the department.

This committee shall consist of the chairman of the REC Board and two (2) members of the REC Board. These two members shall be elected by the REC Board.

Facilities Committee

The duties of the Facilities Committee shall include, but limited to:

- a. A yearly inspection of all appropriate facilities.
- b. Recommendation on repairs or physical changes.
- c. Recommendation on the long-range plans for facility development.

- d. Recommendation on the acquisition or disposition of facilities or parts thereof.

Each athletic club which leases a facility from Person County shall nominate a candidate annually for this committee. A member of the REC Board shall chair this committee. The REC Board shall select four (4) members to serve on the committee from the pool nominated by the athletic clubs and two (2) additional members selected from the community.

Athletic Committee

The Athletic Committee is a subcommittee of the Recreation Advisory Board. The Main purpose and goal of this subcommittee:

1. Gather feedback from athletic program participants and spectators relating to observed needs and concerns.
2. Suggest possible new athletic programs.
3. Research possible programs and report back to the Recreation Advisory Board to address the athletic program needs of Person County Citizens.
4. Aid the Recreation Advisory Board and the Department in efforts to inform our citizens about current programs, new programs, changes of schedule, current rules and regulations, and other Athletic program issues.
5. Making recommendations to the REC Board on policy changes in the athletic programs.

The Recreation Advisory Board shall annually nominate candidates for this committee. This committee shall be chaired by a member of the REC Board. The REC Board shall select four (4) members to serve on the committee from the pool nominated by the athletic clubs and two (2) additional members selected from the community.

Arts Council Committee

The duties of this committee shall include, but not limited to:

- a. Encouraging the maximum use of the Kirby Civic Auditorium facility for cultural, educational, recreational and civic purposes.
- b. Broadening cultural opportunities for all Person County citizens in the area of the arts.
- c. Encouraging a variety of community programs including, but not limited to: senior citizens, adults, teens and youth.
- d. Promoting non-athletic programs and activities.
- e. Recommendations regarding grants and sub-grant applications.
- f. Two signatures required for checks – staff – Director or designee; committee – chairman or designee.

The REC Board shall select a minimum of six (6) members and a maximum of eight (8) members to be appointed from the community. This committee shall be chaired by a member of the REC Board and include one member of the Parks Department and the managing director of the Kirby Cultural Arts Complex. The REC Board shall be the appointing body to the Person County Arts Council.

Members of the Person County Arts Councils may consist of members throughout Person County representing various organizations with diverse Cultural Arts interest. These organizations may include: Schools, local college, private citizens, civic organizations, Parks Department, and many others.

Terms of appointment shall be for a length of two years. Also, terms of appointment shall be on a staggered basis.

Each committee may create non-standing, goal-oriented subcommittees as needed. Each committee is expected to provide the REC Board with minutes of their meetings and shall report their findings to the REC Board through their chairman, with or without recommendations.

Staff members of the Parks and Recreation Department shall be assigned as ex-officio members to the committees.

The REC Board may refer any matter to a committee before the REC Board takes action on the subject.

Friends of the Parks and Lakes Committee – “Friends of the Parks”

The duties of this committee shall include, but not limited to:

- a. Encouraging the maximum public recreational use of the Person County Park systems and Lake Resource programs and facilities; to encourage good health and wellness, physical fitness, good nutrition, education, environmental education, preservation, stewardship, outdoor active recreation, and passive recreation.
- b. Broadening indoor/outdoor recreational, educational, and environmental wellness practice opportunities for all Person County citizens and visitors.
- c. Increase and encourage a variety of community programs and involvement serving senior citizens, adults, teens, youth, and all other demographics related to our population.
- d. Promoting outdoor athletics and non-athletic programs, recreational activities, cultural and fine arts programs/activities and lake/water based recreational programs.
- e. Recommendations regarding grants and funding opportunities to support programs, operation, and development of public recreational and educational facilities.
- f. Research, develop, advise in the management of “Friends of Parks” programs and Committee.
- g. Committee may act as liaison between Duke Energy Progress and our citizens in matters related to Recreation, Arts, and Parks Department programs on Person County Lakes.

The REC Board shall select a minimum of six (6) members and a maximum of eight (8) members to be appointed from the community. This committee shall be chaired by a member of the REC Board. At least one staff member of the Parks and Recreation Department shall attend and participate in all committee meeting.

Members of the committee may be representative of our citizens in the areas of: indoor/outdoor recreation facilities and programs, cultural arts programs, public recreation development, stream education, environmental education, preservation, environmental education, private citizens, local, and state government.

Terms of appointment shall be for a length of two years. Also, terms of appointment shall be on a staggered basis.

Each committee may create non-standing, goal-oriented subcommittees as needed. Each committee is expected to provide the REC Board with minutes of their meetings and shall report their findings to the REC Board through their chairman, with or without recommendations.

Staff members of the Parks and Recreation Department shall be assigned as ex-officio members to the committees.

The REC Board may refer any matter to a committee before the REC Board takes action on the subject.

SECTION 8: CONFLICT WITH OTHER ORDINANCES AND RESOLUTIONS

Any earlier adopted ordinances and resolutions of Person County pertaining to parks and recreation, which are or in conflict with the provisions of this ordinance are hereby declared null and void and of no effect. The REC Board shall establish By-Laws in conjunction with this ordinance to be used for governing the Board.

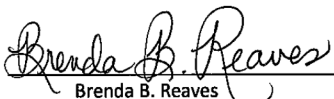
SECTION 9: EFFECTIVE DATE

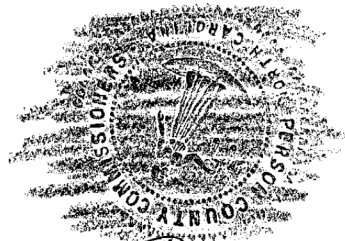
This ordinance shall become effective on its adoption by the Person County Board of Commissioners.

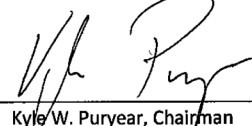
ADOPTED THIS 4TH DAY OF OCTOBER, 1993.
REVISED THIS 21ST DAY OF FEBRUARY, 1994.
REVISED THIS 15TH DAY OF APRIL, 1996.
REVISED THIS 6TH DAY OF DECEMBER, 1998.
REVISED THIS 21ST DAY OF OCTOBER, 2002.
REVISED THIS 18TH DAY OF NOVEMBER, 2002.
REVISED THIS 7TH DAY OF NOVEMBER, 2005.
REVISED THIS 21ST DAY OF JULY, 2014.

REVISED THIS 2ND DAY OF MARCH, 2015.

ATTEST:


Brenda B. Reaves
Clerk to the Board of Commissioners




Kyle W. Puryear, Chairman

FIRST READING OF AN AMENDED PERSON COUNTY WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE:

County Attorney, Ron Aycock outlined the process and procedure as set by Board's Planning Ordinance as well as state law requirements for an amendment to the Person County Wireless Telecommunications Facilities Ordinance. Mr. Aycock stated the Planning Ordinance provides that the Planning Board reviews, holds a public hearing and makes a recommendation to the Board of Commissioners. Upon review by the Board of Commissioners, there is a state requirement for the Board of Commissioners to hold a public hearing as well prior to taking action. Mr. Aycock noted the Board of Commissioners may or may not rule with the recommendation from the Planning Board noting a simple majority is required to adopt the any such amendment or repeal following the public hearing.

Mr. Aycock noted the options available to the Board of Commissioners as follows: 1) amend as proposed and thus send to the Planning Board, 2) consider exempting county wireless towers from the ordinance and thus send to the Planning Board, and 3) propose to repeal the existing ordinance and thus send to the Planning Board.

Commissioner Jeffers asked the height of the proposed towers for the public safety communication system. Planning Director, Michael Ciriello stated the proposed height is 300 ft. which exceeds the existing county regulations.

Mr. Ciriello stated the Planning staff have been working with the Assistant County Manager, General Services Director and telecommunications engineers to review and recommend amendments to the existing ordinance to accommodate specific design standards for "self-supporting towers". Mr. Ciriello noted the key points related to the proposed amendments are:

- Self-supporting towers have been shown to require a smaller "fall zone" in case of structural failure,
- A reduced fall zone warrants reconsideration of the setback standards for this type of tower,
- The reduced setback would be equal to $\frac{1}{2}$ the height of the tower but not less than the setbacks otherwise required in the zoning district, and
- Proposed amendment incorporates additional definitions to support project reviews.

Mr. Ciriello presented the amended Person County Wireless Telecommunications Facilities Ordinance as follows:

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PERSON COUNTY WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE

I. Purpose and Legislative Intent

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

II Severability

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

III. Definitions

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

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1. **“Accessory Facility or Structure”** means an accessory facility or structure serving or being used in conjunction with wireless telecommunications facilities, and located on the same property or lot as the wireless telecommunications facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.
2. **“Administrative Approval”** means zoning approval that the Planning Director or designee is authorized to grant after administrative review.
3. **“Amend” or “Amended”** means any change in an application made subsequent to the submission of the application originally submitted, regardless of the reason.
4. **“Applicant”** means any wireless service provider submitting an application for a special use permit for wireless telecommunications facilities.
5. **“Application”** means all necessary and required documentation that an applicant submits in order to receive a special use permit or a building permit and zoning permit for wireless telecommunications facilities.
6. **“Antenna”** means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.
7. **“Board”** means the Board of County Commissioners.
8. **“Carrier on Wheels or Cell on Wheels” (COW)** -- A portable self-contained telecommunications facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.
9. **“Co-location”** means the use of an approved telecommunications structure to support an antenna for the provision of wireless services.
10. **“Commercial Impracticability” or “Commercially Impracticable”** means the inability to perform an act on terms that are reasonable in commerce, the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone and for a single site, shall not deem a situation to be “commercially impracticable” and shall not render an act or the terms of an agreement “commercially impracticable.”
11. **“Completed Application”** means all necessary and required information and data are included to enable an informed decision to be made with respect to an application.

12. **“DAS” or “Distributive Access System”** means a technology using antenna combining technology allowing for multiple carriers or wireless service providers to use the same set of antennas, cabling or fiber optics.
13. **“FAA”** means the Federal Aviation Administration, or its duly designated and authorized successor agency.
14. **“FCC”** means the Federal Communications Commission, or its duly designated and authorized successor agency.
15. **“Height”** means, when referring to a tower or structure, the distance measured from the pre-existing grade level to the highest point on the tower or structure including an antenna or lightening protection device.
16. **“Maintenance”** means plumbing, electrical or mechanical work that may require a building permit and zoning permit but that does not constitute a modification to the wireless telecommunications facility.
17. **“Modification” or “Modify”** means the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or change out of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a telecommunications tower or site as a co-location is a modification.
18. **“Monopole”** --A single, freestanding pole-type structure supporting one or more antenna. For purposes of this Ordinance, a monopole is not a tower.
19. **“Necessary”** means what is technologically required for the equipment to function as designed by the manufacturer and that anything less will result in prohibiting or acting in a manner that prohibits the provision of service as intended and described in the narrative of the application. Necessary does not mean what may be desired or preferred technically.
20. **“NIER”** means Non-Ionizing Electromagnetic Radiation.
21. **“Person”** means any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.
22. **“Personal Wireless Facility”** See definition for ‘Wireless Telecommunications Facilities’.

23. **“Personal Wireless Services (PWS)”** or **“Personal Telecommunications Service (PTS)”** shall have the same meaning as defined and used in the 1996 Telecommunications Act.
24. **"Repairs and Maintenance"** means the replacement or repair of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.
25. **“Replacement”** -- Constructing a new support structure of proportions and of equal height or such other height that would not constitute a Substantial Increase to a pre-existing support structure in order to support a telecommunications facility or to accommodate co-location and removing the pre-existing support structure.
26. **“Self-Supporting Tower”** refers to a four legged, self-supporting tower made of square angular elements designed on a square base pattern.
27. **“Special Use Permit”** means the official document or permit by which an applicant is allowed to file for a building permit and zoning permit to construct and use wireless telecommunications facilities as granted or issued by the County.
28. **“Stealth”** or **“Stealth Technology”** means a design or treatment that minimizes adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean building the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances. Stealth technology includes such technology as DAS or its functional equivalent or camouflage where the tower is disguised to make it less visually obtrusive and not recognizable to the average person as a wireless telecommunications facility.
29. **“State”** means the State of North Carolina.
30. **“Telecommunications”** means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

31. **“Telecommunications Facilities”** – Any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:
- a. Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial; or,
 - b. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.
32. **“Telecommunications Site”** See definition for wireless telecommunications facilities.
33. **“Telecommunications Structure”** means a structure used in the provision of services described in the definition of wireless telecommunications facilities.
34. **“Temporary”** means temporary in relation to all aspects and components of this Ordinance, something intended to, or that does, exist for fewer than ninety (90) days.
35. **“Tower”** means any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.
36. **“Wireless Telecommunications Facility or Facilities (WTF or WTFs)”** means and includes a **“Telecommunications Site”** and **“Personal Wireless Facility”** meaning a structure, facility or location designed, or intended to be used as, or used to support antennas or other transmitting or receiving devices. This includes without limit, towers of all types, kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the facility. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, personal communications services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

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

Administrative Review and Approval

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

Special Use Permit

Any structure not meeting the above guidelines.

Exempt

- 1) Ordinary Maintenance
- 2) Antennas used by residential households solely for the reception of radio and television broadcasts
- 3) Satellite antennas used sole for household or residential purposes
- 4) COWs placed in Person County for 120 days or less after declaration of emergency or disaster
- 5) Television and AM/FM radio broadcast towers and associated facilities

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

(A) Telecommunications Facilities Located on Existing Structures

- (1) Telecommunications facilities are permitted in all zoning districts when located on any existing structure subject to administrative approval in accordance with the requirements of this section.

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

(B) New Support Structures

- (1) New support structures less than sixty (60) feet in height shall be permitted in all zoning districts except residential districts in accordance with the requirements of this section.
- (2) Stealth telecommunications facilities that are less than sixty (60) feet in height shall be permitted in any residential district after administrative review and administrative approval provided that it meets the applicable standards in accordance with this Ordinance
- (3) New support structures up to one hundred twenty (120) feet in height that are used to provide wireless broadband service to specific geographical areas or neighborhoods shall be permitted in any zoning district after administrative review and administrative approval in accordance with the standards set forth in this Ordinance.
- (4) New support structures up to one hundred ninety-nine (199) feet in height shall be permitted in all Industrial Districts in accordance with the requirements of this section. The height of any proposed support structure shall not exceed the minimum height necessary to meet the coverage or capacity objectives of the facility. The setback of the structure shall be governed by the setback requirements of the underlying zoning district.
- (5) A monopole or replacement pole that will support utility lines as well as a telecommunications facility shall be permitted within utility easements or rights-of-way, in accordance with the requirements of this section.
 - (a) The utility easement or right-of-way shall be a minimum of one hundred (100) feet in width.
 - (b) The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are eighty (80) feet or greater in height.

- (c) The height of the monopole or replacement pole may not exceed by more than thirty (30) feet the height of existing utility support structures.
 - (d) Monopoles and the accessory equipment shall be set back a minimum of fifteen (15) feet from all boundaries of the easement or right-of-way.
 - (e) Single carrier monopoles may be used within utility easements and rights-of-way due to the height restriction imposed by Subsection (c) above.
 - (f) Poles that use the structure of a utility tower for support are permitted under this Part. Such poles may extend up to twenty (20) feet above the height of the utility tower.
- (6) Monopoles or replacement poles located on public property or within public rights-of-way that will support public facilities or equipment in addition to telecommunications facilities shall be permitted in accordance with requirements of this section. Examples include, but are not limited to, municipal communication facilities, athletic field lights, traffic lights, street lights, and other types of utility poles in the public right-of-way.

(C) **Stealth Telecommunications Facilities**

- (1) Stealth telecommunications facilities shall be permitted in all zoning districts after administrative review and administrative approval in accordance with the requirements below. Stealth facilities in residential areas must not exceed sixty (60) feet and comply with the requirements below in order to qualify for administrative review.
 - (a) Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.
 - (b) Existing structures utilized to support the antennas must be allowed within the underlying zone district. Such structures may include, but are not limited to, flagpoles, bell towers, clock towers, crosses, monuments, smoke stacks, parapets, and steeples.
 - (c) Setbacks for stealth facilities that utilize a new structure shall be governed by the setback requirements of the underlying zoning district.

(D) COW Facilities and Minor Modifications

- (1) The use of COWs shall be permitted in any zoning district after administrative review and administrative approval in accordance with the standards set forth in this Ordinance if the use of the COW is either not in response to a declaration or emergency by the Governor or will last in excess of one hundred-twenty (120) days.

(E) General Standards, Design Requirements, and Miscellaneous Provisions

- (1) Unless otherwise specified herein, all telecommunications facilities and support structures permitted by administrative approval are subject to the applicable general standards and design requirements of Section VII and the provisions of Section VIII.

(F) Administrative Review Process

- (1) All administrative review applications must contain the following:
 - (a) Administrative review application form signed by applicant.
 - (b) Copy of lease or letter of authorization from property owner evidencing applicant's authority to pursue zoning application. Such submissions need not disclose financial lease terms.
 - (c) Site plans detailing proposed improvements which comply with Section 81—Site Plan Requirements of the Person County Planning Ordinance. Drawings must depict improvements related to the requirements listed in this section, including property boundaries, setbacks, topography, elevation sketch, and dimensions of improvements.
 - (d) In the case of a new Support Structure:
 - i. Statement documenting why collocation cannot meet the applicant's requirements. Such statement may include justifications, including why collocation is either not reasonably available or technologically feasible as necessary to document the reasons why collocation is not a viable option; and
 - ii. The applicant shall provide a list of all the existing structures considered as alternatives to the proposed location. The applicant shall provide a written explanation

why the alternatives considered were either unavailable, or technologically or reasonably infeasible.

- iii. Applications for new support structures with proposed telecommunications facilities shall be considered together as one application requiring only a single application fee.

- (e) Administrative review application fee listed as Cellular Tower Recertification, Cellular Tower Fee, and/or Collocation Fee as appropriate in the Person County Schedule of Fees.

(2) Procedure

- (a) Within thirty (30) days of the receipt of an application for administrative review, the Planning Director shall either: (1) inform the applicant in writing the specific reasons why the application is incomplete and does not meet the submittal requirements; or (2) deem the application complete. If the Planning Director informs the applicant of an incomplete application within thirty (30) days, the overall timeframe for review is suspended until such time that the applicant provides the requested information.
- (b) An applicant that receives notice of an incomplete application may submit additional documentation to complete the application. An applicant's unreasonable failure to complete the application within sixty (60) business days after receipt of written notice shall constitute a withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.
- (c) The Planning Director must issue a written decision granting or denying the request within ninety (90) days of the submission of the initial application unless:
 - (ii) Planning Director notified applicant that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the ninety (90) day total review time is suspended until the applicant provides the missing information; or
 - (ii) Extension of time is agreed to by the applicant.

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

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

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

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

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

(C) Procedure

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

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- (2) If an application is deemed incomplete, an applicant may submit additional materials to complete the application. An applicant's unreasonable failure to complete the application within sixty (60) business days after receipt of written notice shall constitute a withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.
- (3) A complete application for a special use permit shall be scheduled for a hearing date as required by Section 74 of the Person County Planning Ordinance.
- (4) Applications for new support structures with proposed telecommunications facilities shall be considered as one application requiring a single application fee.
- (5) The posting of the property and public notification of the application shall be accomplished in the same manner required for any special use permit application under this Ordinance.
- (6) The Planning Director must issue a written decision granting or denying the request within one hundred-fifty (150) days of the submission of the initial application unless:
 - (i) The Planning Director notified applicant that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the one hundred-fifty (150) day total review time is suspended until the applicant provides the missing information; or
 - (ii) Extension of time is agreed to by the applicant.

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

VII. General Standards and Design Requirements.

(A) Design

- (1) Support Structures shall be subject to the following:
 - (a) Shall be designed to accommodate a minimum number of collocations based upon their height:
 - (i) Support structures sixty (60) to one hundred (100) feet shall support at least two (2) telecommunications providers;

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- (ii) Support structures from one hundred (100) to one hundred-fifty feet (150) shall support at least three (3) telecommunications providers;
 - (iii) Support structures greater than one hundred-fifty (150) feet in height shall support at least four (4) telecommunications carriers.
 - (b) The compound area surrounding the monopole must be of sufficient size to accommodate accessory equipment for the appropriate number of telecommunications providers in accordance with Section VII(A)(1)(a).
 - (2) Stealth telecommunications facilities shall be designed to accommodate the co-location of other antennas whenever feasible.
 - (3) Upon request of the applicant, the Planning Board may waive the requirement that new support structures accommodate the co-location of other service providers if it finds that co-location at the site is not essential to the public interest, or that the construction of a shorter support structure with fewer antennas will promote community compatibility.
- (B) Setbacks
- (1) Property Lines. Unless otherwise stated herein, support structures shall be set back from all property lines a distance equal to their height measured from the base of the structure to its highest point.
 - (2) Self-Supporting Towers. Self-support structures shall be set back from all property lines a distance equal to their ½ height measured from the base of the structure to its highest point but not less than the existing setbacks in the zoning district for other structures.
 - (3) Residential Dwellings. Unless otherwise stated herein, monopoles, towers and other support structures shall be set back from all off-site residential dwellings a distance equal to the height of the structure. There shall be no setback requirement from dwellings located on the same parcel as the proposed structure. Existing or replacement structures shall not be subject to a setback requirement.
 - (4) Unless otherwise stated herein, all accessory equipment shall be set back from all property lines in accordance with the minimum setback requirements in the underlying zoning district. Accessory equipment

associated with an existing or replacement utility pole shall not be subject to a setback requirement.

- (5) The Planning Board shall have the authority to vary any required setback upon the request of the applicant if:
 - (a) Applicant provides a letter stamped by a certified structural engineer documenting that the proposed structure's fall zone is less than the actual height of the structure.
 - (b) The telecommunications facility or support structure is consistent with the purposes and intent of this Ordinance.

(C) Height

- (1) In non-residential districts, support structures shall be designed to be the minimum height needed to meet the service objectives.
- (2) In residential districts, support structures shall not exceed a height equal to one hundred ninety-nine (199) feet from the base of the structure to the top of the highest point, including appurtenances. Any proposed support structure shall be designed to be the minimum height needed to meet the service objectives.
- (3) In all zoning districts, the Planning Board shall have the authority to vary the height restrictions of this section upon the request of the applicant and a satisfactory showing of need for a greater height. With its waiver request the applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the Planning Board.

(D) Aesthetics

- (1) Lighting and Marking. Telecommunications facilities or support structures shall not be lighted or marked unless required by the FCC or the FAA.
- (2) Signage. Signs located at the telecommunications facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information required by government regulation. Commercial advertising is strictly prohibited.
- (3) Landscaping. In all districts, the Planning Board shall have the authority to impose reasonable landscaping requirements surrounding the accessory

equipment. Required landscaping shall be consistent with surrounding vegetation and shall be maintained by the facility owner. The Planning Board may choose to not require landscaping for sites that are not visible from the public right-of-way or adjacent property or in instances where in the judgment of the Planning Board, landscaping is not appropriate or necessary.

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

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

VIII. Miscellaneous Provisions.

- (A) Fencing
 - (1) Ground mounted accessory equipment and support structures shall be secured and enclosed with a fence not less than six (6) feet in height as deemed appropriate by the Planning Board.
 - (2) The Planning Board may waive the requirement of Subsection (1) above if it is deemed that a fence is not appropriate or needed at the proposed location.
- (B) Abandonment and Removal. If a support structure is abandoned, and it remains abandoned for a period in excess of twelve (12) consecutive months, the County may require that such support structure be removed only after first providing written notice to the owner of said structure and giving them the opportunity to take such action(s) as may be necessary to reclaim said structure within thirty (30) days of receipt of written notice. In the event the owner of the support structure fails to reclaim said structure within the thirty (30) day period, they shall be required to remove it within six (6) months thereafter. The County shall ensure and enforce removal by means of its existing regulatory authority.
- (C) Multiple Uses on a Single Parcel or Lot. Telecommunications facilities and support structures may be located on a parcel containing another principal use on the same site or may be the principal use itself.

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

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

X. Retention of Expert Assistance

- (A) The County may hire any consultant and/or expert necessary to assist the County in reviewing and evaluating the Application, including the construction and modification of the site, once permitted, and any site inspections.
- (B) The hiring of any consultant will be based upon the findings of the County Manager or their designee of a demonstrable need for assistance beyond the expertise of the County staff.
- (C) The cost of retaining this expert will be borne by the applicant and shall not exceed an amount of \$4,000.

XI. Effective Date

This ordinance become effective on the 6th day of December, 2010, amended September 6, 2011 and further amended on the ____ day of _____, 2015.

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

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

Commissioner Clayton asked staff if the existing ordinance was repealed, what would be the implications of such action. Mr. Ciriello stated if the ordinance is repealed, the request becomes an approval by right to which a zoning permit would be required only and the Board of Commissioners would not hear such requests nor would a Special Use Permit be needed. Mr. Ciriello stated the Rural Conservation district does not allow towers at this time as well as historical sites would be covered through state regulations.

Commissioner Jeffers noted many towers proposals that come before the Board request to exceed the ordinance regulated height and ask why the County is limiting the height. Mr. Ciriello stated the primary concern is the height and the fall zone.

Commissioner Clayton asked if FCC regulates tower fall zones to which Mr. Ciriello stated no. Chairman Puryear noted FCC regulates flight pattern and frequencies.

Commissioner Kendrick stated he did not think the county needs the existing ordinance.

A **motion** was made by Commissioner Clayton and **carried 5-0** to repeal the Person County Wireless Telecommunications Facilities Ordinance.

Mr. Aycock reminded the Board that the process following the Board's action, according to the Board's Planning Ordinance, was to send the request to the Planning Board to review and hold a public hearing to repeal the ordinance which then would come before the Board for a public hearing. Mr. Aycock noted state law dictates that any planning law action before the Board of Commissioners, a public hearing is required prior to action.

It was the consensus of the Board to direct the County Attorney to review the Board of Commissioners action to not send the request to the Planning Board to review and hold a public hearing.

A **motion** was made by Commissioner Clayton and **carried 5-0** to call a public hearing related to the action to repeal the Person County Wireless Telecommunications Facilities Ordinance.

Mr. Aycock recommended the Board schedule the public hearing for April 6, 2015 due to the advertising requirements. It was the consensus of the Board to hold the called public hearing on April 6, 2015 related to the action to repeal the Person County Wireless Telecommunications Facilities Ordinance.

DRAFT REQUEST FOR PROPOSALS FOR SOLID WASTE MANAGEMENT:

Heidi York, County Manager and Sybil Tate, Assistant County Manager presented a draft Request for Proposals (RFP) for Solid Waste Management in response to direction at the Board's last meeting, on February 16th, for a third-party consultant to provide information regarding Person County's future solid waste management options.

Ms. Tate outlined the proposed scope of the RFP with the projected associated costs as follows:

1. Cost-benefit analysis of solid waste management options 2. Recommend an option based on cost and service quality 3. Cost-benefit impact of each option on the City of Roxboro 4. Recommend sites for landfill, transfer stations and collection sites; include zoning recommendation	\$30,000 - \$35,000
5. Analysis of environmental testing at current landfill; pre and post-testing using DENR data,	\$10,000 - \$15,000 (Varies dependent upon what is tested and how many properties)
6. Analysis of current landfill capacity; analysis of landfill waste stream	\$20,000 - \$25,000
7. Review current recycling system and recommend appropriate changes that will increase recycling. Recommendations for increasing recycling in our future waste management system. Include cost estimates and anticipated revenues.	\$30,000 - \$35,000
8. Assist and/or lead negotiations with Republic, if contract renewal is outcome	\$5,000 - \$10,000

Ms. Tate stated the total cost estimate was projected to be between \$35,000 - \$120,000.

Ms. York offered to bring in a state representative to present to the Board state testing data (pre-landfill data as well as data over the years) to possibly narrow the scope of the testing as listed in #5 above.

Ms. Tate noted there is a possibility to work with the state with #6 above to obtain grant funds.

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Ms. Tate further noted that Person Industries may be requesting funds for an efficiency study related to improving the MRP process to increase recycling which could be made a part of #7 above.

Commissioner Kendrick stated the scope was broad and covered what the Board has directed staff to include. Vice Chairman Newell added the most critical component for him was the air quality testing.

Commissioner Jeffers stated preference for a third party to collect samples for testing.

Ms. York stated the County Environmental Health department has been used to test residential wells and/or groundwater sampling and offered for Mr. Harold Kelly the director of Environmental Health to present to the Board as to what type of testing is available through the county.

It was the consensus of the Board to start the process by asking the state to come to a Board meeting to address state data reporting as well as obtain information from the County Environmental Health Department. It was also the consensus of the Board to delay the release of the RFP until after those discussions.

Commissioner Jeffers stated he was contacted by the Environmental Issues Advisory Committee's Chair requesting a liaison from the county to which he volunteered to serve in that capacity.

Commissioner Jeffers told the group he had put a representative into contact with Person Industries to encourage the separation of cartons that go into the recycling facility.



**Person County
Request for Proposals (RFP)
Solid Waste Management Study**

March 2, 2015

1. Project Overview

Person County, North Carolina is seeking proposals from qualified firms to perform a comprehensive solid waste study. The county has identified major areas of research that the final study must include. They are the following:

9. Cost-benefit analysis of solid waste management options
10. Recommend an option based on cost and service quality
11. Cost-benefit impact of each option on the City of Roxboro
12. Recommend sites for landfill, transfer stations and collection sites; include zoning recommendation
13. Analysis of environmental testing at current landfill; pre and post-testing
14. Analysis of current landfill capacity; analysis of landfill waste stream
15. Review current recycling system and recommend appropriate changes that will increase recycling. Recommendations for increasing recycling in our future waste management system. Include cost estimates and anticipated revenues.
16. Assist and/or lead negotiations with Republic, if contract renewal is outcome

Attached is a memo that contains the solid waste management options shared with the Person County Board of Commissioners at their Feb. 16, 2015 meeting.

2. Background

Person County is a rural county with a population of almost 40,000 residents. The City of Roxboro is the only municipality and has a population of 8,344. The county provides recycling services at a single drop-off point in the City of Roxboro, but it does not provide any other solid waste management services, such as collection, collection sites, or disposal services. The county contracts with Republic Services for disposal services and private haulers operate collection services in the unincorporated areas of the county. Individuals who do not wish to pay a private hauler may take their waste directly to the landfill. The City of Roxboro provides collection services through its Solid Waste department and pays a tipping fee to deliver the waste to Republic's landfill. Republic Services owns and operates the Upper Piedmont Environmental Landfill; however, the contract and franchise agreement between Republic and the County expires on **August 7, 2017**. Currently, the county receives an estimated \$530,000/yr in host fee revenues, an additional \$25,000/yr in funding for promoting recycling and \$30,214/yr in tax revenues.

3. Proposal Requirements

Interested firms shall submit a proposal consisting of the following information, tabbed as identified and in the order indicated below:

Section 1 – General Introduction (maximum of two (2) pages)

Provide a general introduction of your firm to include, but not be limited to, firm name, year established, address, telephone number, fax number and contact person.

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Section 2 – Personnel

Specify professional qualifications of key management and staff personnel to be assigned to the project.

Identify specialty, level of expertise, education and any direct work experience on projects similar in scope to the one being proposed.

For the proposed project manager, provide the name and phone number of two (2) clients with whom the project manager has worked on similar projects to include the following information:

- Client name/type (private sector and/or government)
- Reference name and current contact information (phone and e-mail)

Section 3 – Consultants/Sub-consultants/Other Participants

Provide a list of consultants and/or sub-consultants, if any, who would be retained to provide services on the project including qualifications and experience of all listed.

Highlight any unique experience relative to this type or scope of work.

Specify the percentage of work anticipated to be attributed to these consultants.

Identify any Disadvantaged Business Enterprise (DBE), minority, or local firms to be used.

Section 4 – Past Experience

Provide a range of projects that most closely compare to the areas of concentration described in the Project Overview section of this RFP. Describe the precise involvement that your firm had in each of the cited examples to include, but not be limited to, the following:

- A brief description of each project with status and outcome
- Examples of challenges you encountered when implementing projects of this nature and the ensuing resolutions/decisions

Provide names and contact numbers for cited projects.

Section 5 – Project Approach and Timeline

Based on the project scope and objectives provided herein, describe the specific services and activities your firm proposes to provide, identify key staff assignments for each, and outline required actions/involvement by County personnel.

Provide a general schedule indicating the approximate amount of time required to complete the various stages of the project.

Describe any unique qualities or experience you feel make your firm best suited to perform this work.

Section 6 – Fee Proposal

The fee proposal shall include a total fee for each component outlined in the proposal with a not-to-exceed amount and hourly rates charged for team members, which may be used to negotiate changes in the scope of work if necessary.

4. Selection Criteria for Completeness

Proposals will be reviewed to ensure that the proposals is received on time (March 23, 2015; 5:00 PM), is substantially complete and meets other eligibility requirements. If these standards are not met, the proposal will be rejected. Proposals will not be returned to the applicant.

- (1) Timeliness. Proposals will be reviewed to verify submission by the submission deadline. Person County will reject Proposals that do not meet the submission deadline.
- (2) Completeness. Proposals will be reviewed to verify completeness. All items in Section 3 must be addressed. Person County will reject Proposals that do not address all items in these sections and are thus materially incomplete.
- (3) Quality of Personnel. Proposals will be reviewed to ensure that the project personnel are qualified to complete the study.
- (4) Quality of References. All proposals will be verified with reference checks from previous customers.

5. Evaluation Criteria and Process

Proposals deemed complete will be reviewed, and scored in the following areas.

Scoring Factor	Criteria	Max Points
Ability to complete the project	A. Knowledge of key study requirements B. Includes a well thought-out and realistic project implementation timeline C. Quality of project approach description	25
Capacity to complete the project	A. Staff capacity and experience, relevant job descriptions	25
Past Experience	A. Depth of past/current experience B. Quality of references	25
Cost	A. Total project costs B. Breakdown of component costs	25

Scores for each rating factor will be added together to obtain a total score for each proposal. Proposals will then be ranked from highest to lowest according to the total combined score. Person County may choose a single vendor or multiple vendors. Person County reserves the right to reject all proposals.

6. Award Schedule

March 2, 2015	Request for Proposals released by Person County
March 9, 2015	Questions from vendors due to Person County
March 23, 2015	Proposals due to Person County
March 24 –April 20, 2015	Review and recommendations
April 2015	Projected Date for award notification

The schedule is subject to change without notice.

7. Proposal Submission Process

One electronic copy of this Proposal, and all relevant materials, must be received by 5:00 PM on the deadline date. Faxes are not acceptable. The electronic copy should be submitted by e-mail. When submitting materials by e-mail, you must have a reply from Person County acknowledging receipt of materials. Please send submissions to state@personcounty.net.

8. Corrections to Deficient Proposals

After the Proposal due date, no unsolicited information will be considered. However, Person County staff may contact the applicant to correct non-substantive deficiencies. In each case of a completeness deficiency, the applicant will be notified by telephone or email documenting the deficiency. All supplemental information requested by the County must be received within five business days of the date of notice or the proposal will be rejected.

9. Questions

Person County will respond to questions submitted ONLY via e-mail to state@personcounty.net. The deadline for questions is 5:00 PM, March 9, 2015. The questions will be answered to the submitter and all questions and responses will be posted on the Person County website.

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10. Miscellaneous Requirements

Consultant agrees to hold harmless and indemnify County from any and all claims, loss, liability, demands, damages or any other financial demands that may be alleged or realized due to acts of nonfeasance, malfeasance, misfeasance, or negligence committed by Consultant while in the performance of the duties or assignment pursuant to this Agreement. Consultant agrees to procure and maintain, or cause to be procured and maintained, commercial general liability insurance with liability limits of at least one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) aggregate; Consultant shall also procure and maintain, or cause to be procured and maintained, Workers' Compensation coverage for its employees, as may be required by law and Errors and Omission insurance in the amount of at least \$1,000,000.00. Consultant's certificate of insurance shall be furnished to the County and shall give the County a 30 day written notice of any changes, amendments or termination by either the Consultant or insurance company.

Person County's policy is to provide and encourage minority business the opportunity to participate in the bidding process. Person County does not discriminate against any persons or business in pursuit of these opportunities on the basis of color, national origin, religion, sex, age, disability, or veteran's status.

11. Certification by Applicant

The attached statements and exhibits are hereby made part of this Proposal and the undersigned representative of the applicant certifies that the information in this Proposal and the attached statements and exhibits is true, correct and complete to the best of his/her knowledge and belief. He/She further certifies that:

1. As authorized representative, he/she has been authorized to file this Proposal by formal action of the governing body;
2. That the governing body agrees that if a contract from the Person County is awarded, the applicant will provide proper and timely submittals of all documentation requested by the County;
3. That the applicant has substantially complied with or will comply with all federal, state and local laws, rules and regulations and ordinances as applicable to the project.

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Signature of Grantee/Authorized Representative

Typed Name and Title

Date

Checklist for Additional Forms:

Please enclose the additional items before submitting:

☐ Project Proposal (see proposal requirements)

**REQUEST FOR APPROVAL TO WRITE THREE GRANTS FOR THE PERSON
COUNTY SHERIFF'S OFFICE:**

Sheriff Dewey Jones requested Board approval for the Sheriff's Office to write and submit grants related to the following:

1. 2015-2016 United Way Grant for G.R.E.A.T. Summer Camp in the amount of \$16,000.00 with no match required. The United Way grant is a yearly grant that is used to fund the G.R.E.A.T. summer camp and the application is due on March 4, 2015.
2. 2015-2016 JCPC Grant in the amount of \$6,000.00 with no match required. The JCPC is a grant that is used to fund the G.R.E.A.T. summer camp it is due on March 16, 2015.
3. 2015-2017 MacArthur Foundation Grant - The MacArthur Foundation Grant is a 3 year research based grant with no match that could bring in \$4,150,000.00 it is due by March 31, 2015.
 - a. 2015 -\$150,000.00
 - b. 2016- up to \$2,000,000.00
 - c. 2017- up to \$2,000,000.00

A **motion** was made by Commissioner Clayton and **carried 5-0** to approve for the Sherriff's Office to pursue grant funding through United Way, JCPC and the MacArthur Foundation as presented.

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APPOINTMENTS TO BOARDS AND COMMITTEES:

Clerk to the Board, Brenda Reaves presented to the Board interested citizen applications for consideration for Board nomination and appointment. 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* on January 17, 2015 edition with notice to submit applications by February 10, 2015. Ms. Reaves encouraged the Board to recruit citizens to fill the current vacancies.

Juvenile Crime Prevention Council:

1-Year Initial Term; 2-Year Reappointment

1 position available each for a member of the business community and a member of the faith community; and 1 position available for a substance abuse professional

- A) Ben Sims requested reappointment to represent as member of the faith community for a 2-year term.

2-Year Term:

4 citizens-at-large positions and 1 position each to represent the Chief of Police, Chief Court Judge, the Health Department and the District Attorney

- A) Lorenzo Gadson requested appointment as a citizen-at-large for a 2-year term,
- B) Judge Mark Galloway requested reappointment (Chief Court Judge) for a 2-year term, and
- C) Harold Kelly, Health Department representative, requested reappointment for a 2-year term

A **motion** was made by Commissioner Clayton and **carried 5-0** to reappoint Ben Sims (member of the faith community), Judge Mark Galloway (Chief Court Judge), Harold Kelly (Health Dept) and appoint Lorenzo Gadson (citizen-at-large) to the Juvenile Crime Prevention Council, each for a 2-year term.

Library Advisory Board:

1 position available to fulfill an unexpired 3-Year term to June 30, 2017

- A) Lynn B. Jones requested appointment to fulfill an unexpired term to June 30, 2017

A **motion** was made by Chairman Puryear and **carried 5-0** to appoint Lynn B. Jones to the Library Advisory Board to fulfill an unexpired term to June 30, 2017.

March 2, 2015

Tourism Development Authority:

An application for Denise Hallett, Hotel General Manager at the Hampton to replace Tammy Woods (relocated from Roxboro to Wake Forest) as the County's designated representative for hotel/motel/B&B/lodging. Due to Ms. Hallett residency is outside Person County, a request for voting authority was also before the Board for the unexpired term to December 31, 2016.

A **motion** was made by Commissioner Clayton and **failed 2-3** to appoint Denise Hallett to fulfill the unexpired term to December 31, 2016 for the seat designated for the hotel/motel/B&B/ lodging representative with voting authority. Commissioners Clayton and Kendrick vote in favor of the motion; Chairman Puryear, Vice Chairman Newell and Commissioner Jeffers voted in opposition to the motion.

A **motion** was made by Commissioner Clayton and **carried 5-0** to repeal the requirement for board and committee applicants to reside inside Person County to have voting authority.

A **motion to reconsider the vote** was made by Commissioner Jeffers and **carried 5-0** to reconsider the failed motion to appoint Denise Hallett to fulfill the unexpired term to December 31, 2016 for the seat designated for the hotel/motel/B&B/ lodging representative.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to appoint Denise Hallett to fulfill the unexpired term to December 31, 2016 for the seat designated for the hotel/motel/B&B/ lodging representative.

CHAIRMAN'S REPORT:

Chairman Puryear reported the following:

- A ribbon cutting will be held on Thursday, March 5, 2015 at 11:30 am at Palace Pointe,
- The Board of Education's Chairman and Vice Chairman has requested a meeting with the Board of Commissioners' Chairman and Vice Chairman which will be held on March 4, 2015 at 9:00 am, and
- Piedmont Community College's Board of Trustees Chairman and Vice Chairman has elected to schedule a meeting (date to be determined) with the Board of Commissioners' Chairman and Vice Chairman in lieu of a joint meeting by both boards.

MANAGER'S REPORT:

County Manager, Heidi York had no report.

COMMISSIONER REPORT/COMMENTS:

Commissioner Clayton told the group of the annual stew social at TG Brooks Store will be held on March 4, 2015 at noon.

Vice Chairman Newell and Commissioners Jeffers Kendrick had no report.

CLOSED SESSION #1:

A **motion** was made by Commissioner Kendrick and **carried 5-0** to enter Closed Session per General Statute 143-318.11(a)(5) to consider the acquisition or lease of real property 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 General Services Director, Ray Foushee at 9:05 pm.

March 2, 2015

A **motion** was made by Commissioner Kendrick and **carried 5-0** to return to open session at 9:33 pm.

A **motion** was made by Vice Chairman Newell and **carried 5-0** to accept the property from the City of Roxboro as a gift to Person County Government.

Commissioner Jeffers stated the property is zoned B-3 and usable for all uses concerning the Senior Center/Recreation Center noting the City's Planning Director email states "Publicly owned and operated indoor and/or outdoor recreation facilities such as gym, athletic field, tennis courts, track, swimming pool, etc." County Manager, Heidi York stated the senior center would be the primary use therefore falling under the Community Center definition "A publicly owned and operated facility used for recreation, social, educational and for cultural activities." Commissioner Jeffers added that the senior center would be the main purposed activity with an opportunity in the future to add a recreational center to include any of the above noted amenities.

Chairman Puryear stated his intent to use the gift of property given by the City of Roxboro solely as a senior center.

A **motion** was made by Vice Chairman Newell to direct the County Manager to begin dialogue with Brockwell Engineering Firm to obtain preliminary plans for the future of the site. Commissioner Kendrick requested direction to include a steel frame structure with a façade acceptable to the City so to have a free standing steel structure that would allow changes versus a fixed structure with load bearing walls that do not allow changes.

An **amended motion** was made by Vice Chairman Newell and **carried 5-0** to direct the County Manager to begin dialogue with Brockwell Engineering Firm to obtain preliminary plans for the future of the site that includes a steel frame structure with a façade acceptable to the City so to have a free standing steel structure that would allow changes versus a fixed structure with load bearing walls that do not allow changes.

ADJOURNMENT:

A **motion** was made by Commissioner Newell and **carried 5-0** to adjourn the meeting at 9:38 pm.

Brenda B. Reaves
Clerk to the Board

Kyle W. Puryear
Chairman

March 2, 2015