

**PERSON COUNTY BOARD OF COMMISSIONERS**

**DECEMBER 7, 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, December 7, 2015 at 7:00pm in the Commissioners' meeting room in the Person County Office Building.

Chairman Puryear called the meeting to order and asked for a moment of silence in memory of Mr. Jimmy Melton, long-time fire chief for Triple Springs and in remembrance of the 74<sup>th</sup> anniversary of the attack on Pearl Harbor. Commissioner Kendrick gave an invocation and Vice Chairman Newell led the group in the Pledge of Allegiance.

Chairman Puryear turned the gavel over to the County Attorney to preside over the meeting for the Organization of the Board.

**ORGANIZATION OF BOARD:**

County Attorney, Ron Aycock presided over the meeting and explained the rules of procedure for the election of Chairman and Vice-Chairman noting reorganization of the board of commissioners is held at the first meeting in December for a term of the ensuing year.

Mr. Aycock presided over the election of the Chairman of the Board of Commissioners and opened the floor for nominations.

Commissioner Puryear nominated Commissioner Newell as Chairman.  
Commissioner Jeffers nominated Commissioner Clayton as Chairman.

A **motion** was made by Commissioner Kendrick and **carried 5-0** to close nominations for Chairman.

Mr. Aycock stated the vote for Chairman would take place by show of hands in the reverse order.

By show of hands, Commissioners Jeffers and Clayton voted to elect Commissioner Clayton as Chairman.

By show of hands, Commissioners Puryear, Kendrick and Newell voted to elect Commissioner Newell as Chairman.

**December 7, 2015**

Commissioner Newell was elected Chairman by a **majority vote 3-2**.

County Attorney Aycock opened the floor for nominations for Vice Chairman of the Board of Commissioners.

Commissioner Puryear nominated Commissioner Kendrick as Vice Chairman.  
Commissioner Clayton nominated Commissioner Jeffers as Vice Chairman.

A **motion** was made by Commissioner Puryear and **carried 5-0** to close the nominations for Vice Chairman.

Mr. Aycock stated the vote for Vice Chairman would take place by show of hands in the reverse order.

By show of hands, Commissioners Clayton and Jeffers voted to elect Commissioner Jeffers as Vice Chairman.

By show of hands, Chairman Newell and Commissioners Kendrick and Puryear voted to elect Commissioner Kendrick as Vice Chairman.

Commissioner Kendrick was elected Vice Chairman by a **majority vote 3-2**.

**APPROVAL OF BONDS FOR THE FINANCE DIRECTOR, THE REGISTER OF DEEDS, THE SHERIFF, AND THE TAX ADMINISTRATOR:**

County Attorney, Ron Aycock stated Chapter 161(Register of Deeds) and 162 (Sheriff) of the North Carolina General Statutes requires the Board of County Commissioners to approve the official bonds at the first meeting in December. The Bonds are a continuation of existing bonds and were secured by the County Human Resources Director, who also serves as Insurance Liaison. The Human Resources Director provided information that the Sheriff's bond, in the amount of \$25,000, is for the length of his term. The Bonds of the Register of Deeds in the amount of \$50,000 and \$100,000 each for the Tax Administrator and Finance Director (amount of each Bond is dictated by legislature).

Mr. Aycock requested Board approval of the Bonds of the Finance Director, the Register of Deeds, the Sheriff and the Tax Administrator as presented.

A **motion** was made by Commissioner Clayton and **carried 5-0** to approve the Bonds of the Register of Deeds in the amount of \$50,000 and \$100,000 each for the Tax Administrator and Finance Director as well as \$25,000 for the Sheriff.

**December 7, 2015**

## **DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:**

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

## **PUBLIC HEARING:**

### **CONSIDERATION TO REPEAL PERSON COUNTY'S ORDINANCE PERMITTING THE POSTING OF SIGNS TO PROHIBIT THE CARRYING OF CONCEALED HANDGUNS ON CERTAIN COUNTY PROPERTY:**

A **motion** was made by Commissioner Puryear and **carried 5-0** to open the duly advertised public hearing for consideration to repeal Person County's Ordinance permitting the posting of signs to prohibit the carrying of concealed handguns on certain county property.

County Attorney, Ron Aycock stated at the Board's November 16, 2015 meeting, Commissioners discussed the County's current Ordinance to permit the posting of signs on County property prohibiting the carrying of concealed handguns and expressed interest in repealing it. Mr. Aycock noted the law allowed the Board to adopt an ordinance to repeal by a simple majority vote since it has been discussed at a previous meeting. Mr. Aycock further noted that the Board may also partially repeal the law with the same procedural requirements. Mr. Aycock outlined the following effects of a total repeal of the County's current ordinance:

- 1- Concealed carry will be allowed in and on all county properties and activities whether or not a fee is charged for admission--- Ex: recreation games and events, museum, etc. Mr. Aycock noted state law was amended that excepted concealed carry permit holders from coverage and prohibition on ticketed events.
- 2- Concealed carry will not be allowed at the Kirby Theatre since it is under the control of the community college,
- 3- Concealed carry will not be allowed in the portion of the Morgan Street administration building controlled by the school board,
- 4- Concealed carry will not be allowed in the judicial portions of the courthouse, but perhaps will be allowed in other areas, i.e.: guardian ad litem
- 5- Concealed carry will not be allowed at recreation department activities on school property such as school gyms and athletic fields, and
- 6- Concealed carry will be allowed at the new Roxplex athletic complex.

Mr. Aycock provided the Board with a new Ordinance for Repeal for consideration should the Board deem appropriate.

Chairman Newell called the following individuals who had signed up to appear before the Board to speak in opposition to repeal Person County's Ordinance permitting the posting of signs to prohibit the carrying of concealed handguns on certain county property:

**December 7, 2015**

Mr. Michael Lloyd of 87 Rocky Ridge Road, Roxboro and a current middle school teacher stated his confidence in law enforcement advocating for the county's ordinance to remain in effect. Mr. Lloyd asked the Board to consider surveying the county employees to ask them how they feel about repealing the ordinance. Mr. Lloyd recommended if the ordinance was repealed to budget for law enforcement in each county building.

Mr. Carlton Paylor, Director of Person County Department of Social Services (DSS) located at 355B South Madison Boulevard, Roxboro pleaded with the Board not to allow guns on DSS property. Mr. Paylor explained the nature the array of services offered often results in emotional, stressful and volatile reactions. Mr. Paylor respectively requested consideration for law enforcement officers to be included in the budget, one for each human services agency: mental health, health department and DSS.

Ms. Sandy Pleasant of 465 Yarbrough Road, Roxboro described an unsettling incident that happened to her when she worked in the courthouse just prior to the prohibition of concealed carry handguns. Ms. Pleasant stated the safety of employees is of utmost importance.

Mr. Robert Trotter of 117 Hill Street, Roxboro and former DSS employee advocated for the county ordinance to remain as it stands.

Ms. Amanda Weaver, Children's Librarian of Person County's Library and citizen of 103 S. Morgan Street, Roxboro asked the Board not to change ordinance noting the county library has many patrons from all walks of life and feels it will be an unsafe environment should guns be allowed.

Mr. Robert Allen of 549 Old City Lake Road, Roxboro posed a question to the Board referencing the recent shootings in San Bernardino and Sandy Hook. He asked did guns save the lives of those people.

Chairman Newell called the following individuals who had signed up to appear before the Board to speak in support to repeal Person County's Ordinance permitting the posting of signs to prohibit the carrying of concealed handguns on certain county property:

Mr. Frank Stevenson, Jr. of 280 Canal Circle, Semora said the county's ban on concealed carry weapons was denying law abiding citizens the right to defend themselves.

Ms. Patricia "PJ" Gentry of 541 Byrd Creek Lane, Hurdle Mills said the common theme in mass shootings was that they occurred in gun-free zones. Ms. Gentry stated by allowing concealed carry, the possibility would exist that someone could stop a killer. Ms. Gentry advocated to repeal the ordinance and remove the signs at county buildings.

Ms. Nancy Winter of 925 Frank Street, Roxboro stated support to repeal the county ordinance noting concealed carry is an equalizer for stronger defense.

Mr. Chris Hardin of 7354 Buckland Drive, Brown Summit, NC and US 6<sup>th</sup> District Congressional candidate with a background in law enforcement stated support to repeal the ordinance locally and across the state.

Mr. Bruce Wrenn of 105 Warren Lane, Semora advocated for the repeal of the ordinance noting safeguards are in place with the Sheriff restricting permits based on background checks. Mr. Wrenn stated gun free zones kill people and told the Board the blood was on their hands when they make that decision.

Mr. Andy Withers of 42 Lakeview Estates Road, Semora spoke in favor of the ordinance to be repealed as rights are being denied to concealed carry permit holders.

Mr. Andy Stevens of 2109 Leona Drive, Greensboro and a member of Grass Roots North Carolina advocating for the Second Amendment rights and constitutional freedoms.

A **motion** was made by Vice Chairman Kendrick and **carried 5-0** to close the public hearing for consideration to repeal Person County's Ordinance permitting the posting of signs to prohibit the carrying of concealed handguns on certain county property.

**CONSIDERATION OF AN ORDINANCE TO REPEAL THE PERSON COUNTY ORDINANCE PERMITTING THE POSTING OF SIGNS TO PROHIBIT THE CARRYING OF CONCEALED HANDGUNS ON CERTAIN COUNTY PROPERTY (SECOND READING):**

A **motion** was made by Vice Chairman Kendrick to repeal the County's current Ordinance permitting the posting of signs to prohibit the carrying of concealed handguns on certain county property.

Commissioner Jeffers asked the County Manager about any concerns voiced by employees. County Manager, Heidi York stated she has received approximately 10-15 emails from county employees noting all were opposed. Commissioner Jeffers stated as Chairman of the Dept. of Social Services Board, he would have to vote in opposition to the full repeal of the ordinance so to stand up for the employees.

Commissioner Clayton said by keeping the concealed carry signs in place, the Board may be preventing an individual with training who might help out and people have a right to defend themselves.

A **substitute motion** was made by Chairman Newell to repeal the County's current Ordinance permitting the posting of signs to prohibit the carrying of concealed handguns on certain county property with the exception of in the Person County Human Services Building to which open carry and concealed carry of weapons will be specifically prohibited. Chairman Newell, to procedurally correct the motion to an amended motion, per the recommendation of the County Attorney, **amended the motion** and **carried 3-2**. Chairman Newell and Commissioners Clayton and Jeffers voted in favor to amend the motion. Vice Chairman Kendrick and Commissioner Puryear cast the dissenting votes.

An **amended motion** was made by Chairman Newell and **carried 3-2** to repeal the County's current Ordinance permitting the posting of signs to prohibit the carrying of concealed handguns on certain county property with the exception of in the Person County Human Services Building to which open carry and concealed carry of weapons will be specifically prohibited. Chairman Newell and Commissioners Clayton and Jeffers voted in favor of the amended motion. Vice Chairman Kendrick and Commissioner Puryear cast the dissenting votes noting by picking and choosing sites, personal feelings are obstructing citizen's Second Amendment rights; guns are not the problem, people are the implementer.

Commissioner Jeffers stated that by repealing the ordinance does not infringe on anyone's Second Amendment right as they are allowed to open carry already.

County Attorney, Ron Aycock reviewed the explanation of procedural requirements that allowed the Board to take action by a simple majority noting that at the Board's last meeting, the Board proposed a repeal. That discussion of a repeal takes with it any such amendment(s) to that proposed ordinance. Mr. Aycock summarized the Board's action of the Ordinance was an amendment with a partial repeal.

County Attorney, Ron Aycock prepared during the meeting an updated Ordinance to partially repeal the Person County Ordinance permitting the posting of signs to prohibit the carrying of concealed handguns on certain county property and to prohibit open carry in the Human Services Building to reflect the action taken by the Board. Mr. Aycock proposed in his Ordinance an effective date of January 1, 2016 in order to give staff an opportunity to remove and install the appropriate signage.

A **motion** was made by Commissioner Clayton and **carried 5-0** to adopt an Ordinance to partially repeal the Person County Ordinance permitting the posting of signs to prohibit the carrying of concealed handguns on certain county property and to prohibit open carry in the Human Services Building with an effective date of January 1, 2016.

**NORTH CAROLINA  
PERSON COUNTY**

**AN ORDINANCE TO PARTIALLY REPEAL THE PERSON COUNTY  
ORDINANCE PERMITTING THE POSTING OF SIGNS TO  
PROHIBIT THE CARRYING OF CONCEALED HANDGUNS ON  
CERTAIN COUNTY PROPERTY AND TO PROHIBIT OPEN CARRY  
IN THE HUMAN SERVICES BUILDING**

**WHEREAS** the Person County Board of County Commissioners adopted an ordinance on October 2, 1995 which directed the County Manager to post appropriate signage on each park, building or portion of building now or hereafter owned, leased as lessee, operated, occupied, managed or controlled by Person County, as well as the appurtenant premises to such building indicating that concealed hand guns are prohibited therein; and

**WHEREAS** the Person County Board of County Commissioners now finds that the ban of all such weapons is no longer in the public interest and that the public health, safety and general welfare of the County will no longer be advanced by such a total ban; and

**WHEREAS** the Person County Board of County Commissioners also finds that the public interest and public health, safety and general welfare of the County will be advanced by prohibiting the open carry of weapons in the Person County Human Services Building and the appurtenant premises to such building.

**NOW, THEREFORE BE IT ORDAINED** by the Person County Board of County Commissioners that:

Section 1. The Ordinance referred to hereinabove adopted on the 2nd day of October, 1995 is hereby repealed with the exception of in the Person County Human Services Building and its appurtenant premises, and concealed carry of weapons in such building and its appurtenant premises are specifically prohibited and the county manager is directed to appropriately sign such building.

Section 2. The open carry of weapons is specifically prohibited in the Person County Human Services Building and its appurtenant premises to such building and the county manager is directed to appropriately sign such building.

Section 3. This ordinance may be enforced as provided for by law.

Section 4. This ordinance shall be effective on and after January 1, 2016.

Adopted, this the 7<sup>th</sup> day of December, 2015.

Attest:

  
Brenda B. Reaves  
Clerk to the Board of Commissioners

  
David Newell, Sr., Chairman  
Person County Board of Commissioners

**December 7, 2015**

**PUBLIC HEARING:**

**REQUEST BY PENNINGTON LAW FIRM, LLC FOR VERIZON WIRELESS FOR A SPECIAL USE PERMIT FOR A 199 FOOT CELL TOWER ON TAX MAP A58 PARCEL 8, ON WOODSDALE ROAD, WOODSDALE TOWNSHIP:**

A **motion** was made by Vice Chairman Kendrick and **carried 5-0** to open the duly advertised public hearing for a request by Pennington Law Firm, LLC for Verizon Wireless for a Special Use Permit for a 199 foot Cell Tower on Tax Map A58 Parcel 8, on Woodsdale Road, Woodsdale Township.

The public hearing set to hear a request by Pennington Law Firm, LLC for Verizon Wireless for a Special Use Permit for a 199 foot Cell Tower on Tax Map A58 Parcel 8, on Woodsdale Road, Woodsdale Township required a quasi-judicial zoning decision whereby witnesses are to be sworn in and subject to cross examination, no ex parte communication and requires findings of fact. Chairman Newell administered the Oath of Sworn Testimony to the following individuals who would offer testimony during the public hearing:

Laura Goode, Graham Herring and Mike Ciriello

Planning Director, Michael Ciriello stated the County has received a Special Use Permit request from Pennington Law Firm, LLC, representing Verizon Wireless, and property owners Ben Owen and Janell Ogelsby to construct a 199 foot (which includes a ten foot lightning rod) wireless telecommunications facility within a 100x100 (10,000) square foot lease area on Tax Map A58 Parcel 9 on Woodsdale Road, SR 1326. The lot consists of 42.77 acres which is mostly wooded with some open land. A monopole tower that will accommodate four carriers was proposed. A telecommunication facility is allowed with a Special Use Permit in a Rural Conservation Zoning District. Mr. Ciriello stated the proposed cell tower plan was in compliance with the County's setback requirements and conditions of the County's ordinance.

Mr. Ciriello stated the Planning Board held a Public Hearing on November 5, 2015 and voted unanimously (7-0) to recommend approval of the request for a Special Use Permit for the Verizon Telecommunication tower. The favorable recommendation of the Planning Board included that it met the findings of fact in Section 74-4 and that the use was consistent with the comprehensive plan.



Planning staff recommended the following considerations and conditions to be attached to the permit:

- 1) The Applicant shall provide a complete structural report, with calculations, to be reviewed and verified prior to the issuance of the Building Permit.
- 2) The tower shall have a finished height of no more than the permitted height above pre-construction grade.
- 3) The self-support tower shall be completely constructed and ready for use no later than 24 months from the date of the Special Use Permit or the Permit shall be deemed to have expired and of no use or effect.
- 4) The applicant is responsible to have an engineer certify that the tower meets the requirements of the approved plans prior to the issuance of a Certificate of Occupancy.
- 5) Verizon Wireless shall not be permitted to actually provide service commercially until the Certificate of Occupancy or its functional equivalent is issued or risk forfeiting its Permit.
- 6) Prior to a building permit, need signed drawings by a licensed engineer certifying that it will meet local, state and federal building codes and structural standards.

Speaking in favor of the request by Pennington Law Firm, LLC for Verizon Wireless for a Special Use Permit for a 199 foot Cell Tower on Tax Map A58 Parcel 8, on Woodsdale Road, Woodsdale Township was the following individuals:

Ms. Laura Goode with Pennington Law Firm, LLC of 1501 Main Street, Suite 600, Columbia, South Carolina represented Verizon Wireless in their application for a Special Use Permit for the proposed wireless facility. Ms. Goode gave the Board a presentation packet titled Application for Zoning Approval By Cellco Partnership D/b/a/ Verizon Wireless for the Construction of a Wireless Telecommunication Tower and Related Appurtenances (Spuntech Site).

Ms. Goode recognized the property owner, present in the audience to show his support for the proposal, Mr. Ben Owen.

Ms. Goode introduced into evidence the following:

- 1) a copy the application as filed with Exhibits 1-15,
- 2) a copy of the presentation packet titled Application for Zoning Approval By Cellco Partnership D/b/a/ Verizon Wireless for the Construction of a Wireless Telecommunication Tower and Related Appurtenances (Spuntech Site),
- 3) a copy of Federal Communications Commission NEPA Review; Ms. Goode stated approval was received December 7, 2015 in which provided an electronic copy to the Planning Department, and
- 4) the revised construction drawings, as previously submitted Exhibit 6 to the application with the only change being at the request of the Planning Department that the access road be widened from 12 feet to 20 feet.

**December 7, 2015**

All evidence introduced by Ms. Goode (noted individually above) is hereby incorporated into the minutes by reference and filed in the Office of the Clerk.

Ms. Goode stated the proposed Wireless Telecommunication Facility will be owned and operated by Verizon Wireless and the reason that Verizon requested this specific facility at this specific location was because a capacity offload of the existing two Verizon Wireless sites located in downtown Roxboro and Roxboro East was needed. Ms. Goode stated there was excessive demand by the wireless customers for data and/or internet in the area Verizon is trying to service and exceeds the capacity, thus the request for the new facility. In terms of the site itself, it will be located on a parcel of land that is zoned Rural Conservation in which telecommunication towers are permitted as a special use. Ms. Goode provided a blown up version of the overall site plan, detailed site plan showing the fall zone, if the tower were to fail, would be contained inside the property and would not cross any property lines with over 500 feet of setback from the adjacent public right-of-way and shows the location in the middle of a field and surrounded on pretty much all sides by existing natural tree lines to provide a buffer to the surrounding area. Ms. Goode noted as Mr. Ciriello stated the tower will be a 199 ft. tall tower and also designed to accommodate three additional wireless providers. Ms. Goode stated she included in the presentation how they meet each of the required ordinance provisions as well as laid out in the application submitted. In the interest of time, Ms. Goode pointed the Board to page 19 of the presentation for the specific requirements for a special use permit and the finding of fact that the Board must make regarding the request. Ms. Goode stated the first requirement was to submit a site plan which was done with the application as well as no material impact to adjoining or abutting property values. Ms. Goode introduced Mr. Graham Herring as the preparer of the real estate impact study that was submitted as application exhibit 12. Ms. Goode stated Mr. Herring would be give his expert opinion and requested the Board to accept him as an expert to briefly speak of the findings in his report. Additionally, Ms. Goode stated the proposed facility is a public necessity to aid in emergency response to 911 calls and also due to the increase demand in wireless services to not negatively impact adjoining or abutting property values.

Ms. Goode noted the following specific findings of fact:

1. The facility will not materially endanger public or safety; only help with responding to 911 calls, considering people only have wireless telephones in order to make 911 calls; helps with technology that police officers have in their vehicles, that EMS responders have in their vehicles to be able to transmit important information to hospitals. Ms. Goode noted almost 50% of American families and households have wireless service as their only means of telecommunication. The facility will be in compliance with all state, federal and local regulations with no hazard to air traffic as well as in compliance with federal regulations, environmental regulations as evidenced by the NEPA compliance submitted and the fall zone will not cross any property lines.

**December 7, 2015**

2. The facility will meet all required conditions and specifications; the handout and application as submitted show how each requirement has met the Person County ordinance.
3. The facility will not substantially injure the value of adjoining or abutting property.
4. The location of the use and the character of the use will be in harmony with the area and in general conformity with the Comprehensive Plan. Ms. Goode stated right across the street from Woodsdale Road is a substantial solar farm and to the southeast is Spuntech Industrial, a substantial processing facility; the facility will be set back from the road over 500 ft with natural vegetation surrounding the facility. Ms. Goode stated an overhead view is illustrated in the packet so the Board can see how it will fit into the general area as well as some photos taken at the site.

In terms of being in conformity of the Comprehensive Plan, Ms. Goode stated the future land use for this area is suburban residential and allows for industrial uses such as the proposed facility as long as it has access to a secondary road which it will have access off the Woodsdale Road as long as it is in proximity to similar uses (solar farm & Spuntech Industries) and it will have spatial separation from non-compatible uses. Ms. Goode noted there are no adjacent residentially zoned properties and there will be a natural tree line to screen any residential facilities on a non-residential zoned property. Ms. Goode state there is a comprehensive plan goal to support and enhance economic growth in Person County noting the increase in wireless demand, the increase in capacity from the proposed site will only help to grow economic growth in Person County.

Ms. Goode stated her availability to answer any questions and respectively requested the special use permit be approved by the Board.

Mr. Graham Herring, GRI of 8052 Grey Oak Drive, Raleigh, NC, and a licensed NC broker with emphasis on wireless industry for the last 26 years, from Florida to Virginia stating he had testified before this Board on numerous occasions as an expert witnesses based on proposal evaluation, any adverse influence, indemnities to value that might be created from one of the wireless facilities. Mr. Herring stated that Verizon employed him to go out and look at this site personally and look at the surrounding area to see if there was any adverse influence, indemnities to value that might be created by the planned facility. Mr. Herring stated his finding after looking at it and the comparable towers in the immediate area of Person County and Roxboro that this facility, built as planned, would provide no opportunity for adverse influence, indemnities to value on the adjoining properties. Mr. Herring noted his credentials are included in the submitted impact statement and the documentation provided for the application. Mr. Herring stated his availability to answer any questions by the Board.

Vice Chairman Kendrick asked the County Manager about the impact the Board's recent vote to put the 911 towers in basically the same territory zone. County Manager, Heidi York asked the Assistant County Manager, Sybil Tate to respond. Ms. Tate stated there would be no impact noting the public safety sites have been chosen for public safety reasons. Ms. Tate stated the 911 towers will be built to allow to cell carriers to put their equipment on them, thereby in competition with them but no impact related to the functionality of the 911 towers.

Vice Chairman Kendrick asked whether the recent changes in the cell tower regulations in the County's ordinance have any impact on the cell tower now versus prior to the repeal of the wireless ordinance. Ms. Goode responded that when she called to start the application process, she was going off the old ordinance and was told by the Planning Board, specifically by Mr. Mike Ciriello, that the old ordinance had been repealed. Ms. Goode noted she was given a general handout, a word document that included the ordinance provisions to meet which included just set-backs. Mr. Ciriello added zones in addition to set-backs. Ms. Goode stated in their application, exhibit 1 they had laid out point by point how they met each regulation. Ms. Goode stated it was not a factor in their decision to locate at this point in time, but more so the need for increased capacity to offload the two existing sites in Roxboro. Vice Chairman Kendrick stated the Board had done the studies and made the decision to put the facilities in the areas chosen and obviously Verizon did their homework to figure out what was their optimal coverage noting they are fairly close.

Commissioner Jeffers said the Board chose ours too because we did not have to pay for the property.

No one appeared before the Board to speak in opposition to the request by Pennington Law Firm, LLC for Verizon Wireless for a Special Use Permit for a 199 foot Cell Tower on Tax Map A58 Parcel 8, on Woodsdale Road, Woodsdale Township.

Chairman Newell asked if there was anyone else that wanted to be heard at the public hearing. Hearing none, a **motion** was made by Commissioner Jeffers and **carried 5-0** to close the public hearing for a request by Pennington Law Firm, LLC for Verizon Wireless for a Special Use Permit for a 199 foot Cell Tower on Tax Map A58 Parcel 8, on Woodsdale Road, Woodsdale Township.

**CONSIDERATION TO GRANT OR DENY REQUEST BY PENNINGTON LAW FIRM, LLC FOR VERIZON WIRELESS FOR A SPECIAL USE PERMIT FOR A 199 FOOT CELL TOWER ON TAX MAP A58 PARCEL 8, ON WOODSDALE ROAD, WOODSDALE TOWNSHIP:**

A **motion** was made by Commissioner Clayton and **carried 5-0** to grant the request by Pennington Law Firm, LLC for Verizon Wireless for a Special Use Permit for a 199 foot Cell Tower on Tax Map A58 Parcel 8, on Woodsdale Road, Woodsdale Township as recommended by the Planning Board that it met the findings of fact in Section 74-4 and that the use was consistent with the comprehensive plan.

**INFORMAL COMMENTS:**

Chairman Newell called the following individuals to appear before the Board to make informal comments within a time limit of 3.5 minutes each:

Ms. Frances Blalock of 1504 Surl Mt. Tirzah Road, Timberlake stated her lack of confidence in the Board related to the landfill issues and the sacrifice of the lives of those citizens living around the landfill. Ms. Blalock stated the S&G financial report to be influenced and biased for the landfill and a waste of taxpayer money. Ms. Blalock noted there are revenues to defray proposed cost increases left out, unknown expenses, and designated funding to improve the quality of life of those citizens along 158 not included in the report as well as they did not show how meeting the waste reduction goal would eliminate some of the costs. Ms. Blalock passed to each board member a survey and a stamped, self-addressed envelope and requested each to complete and mail to her.

Mr. Phillip Allen of 213 Crestwood Drive, Roxboro, and president of Thompson-Allen, Inc., and a licensed appointed broker for Coventry Health Care of the Carolinas, Inc. presented the County Manager a refund check in the amount of \$272,887 that resulted from a provision Person County had with Coventry in the event its loss ratio during the July 1, 2014 – July 1, 2015 benefit period was favorable.

Ms. Betty Blalock of 144 Tirzah Ridge, Rougemont gave the Board a map delineating the streams that the Republic Industries' landfill has destroyed. Ms. Blalock referred to an article and spoke of the promises made 20 years ago by the Board that the landfill would be closed; otherwise the citizens will have a sentence of death, unsafe water to drink, and no tax revenue for the potential hundred homes that could be in that community.

Mr. Robert Allen of 549 Old City Lake Road, Roxboro urged the Board to proceed with making the new senior center facility a reality.

**DISCUSSION/ADJUSTMENT/APPROVAL OF CONSENT AGENDA:**

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

- A. Approval of Minutes of November 16, 2015,
- B. Approval of Minutes of November 19, 2015,
- C. Budget Amendment #12,
- D. Public School Building Capital Fund NC Education Lottery Application in the amount of \$40,000 to renovate current football stadium press box and concession building at high school, and
- E. Home & Community Care Block Grant additional available funding for FY16

**UNFINISHED BUSINESS:****PROPOSAL FOR ENGINEERING AND DESIGN SERVICES FOR THE SENIOR CENTER:**

County Manager, Heidi York stated at the Board's November 16, 2015 meeting, this item was tabled and requested to be brought back with the Architect present to answer questions related to the design agreement for the Senior Center. HH Architecture was selected through a competitive bidding process to provide design and construction administration services for this project. Ms. York reminded the Board's that at its October 5, 2015 meeting, by a vote of 5-0, the Board elected to demolish the existing two-story 12,000SF building and construct a new one-story 12,000SF building. In addition to the new Center, the Board requested the design of a park to be located on a vacant lot along Depot Street.

The proposal for design services included the following phases at the basic fee of \$278,600:

Schematic Design	\$38,300
Design Development	\$51,100
Construction Documents	\$80,400
Bidding	\$14,400
Construction Administration	\$84,000
Closeout	\$10,400
	\$278,600

Additional fees recommended, but not required, by HH Architecture:

Hazardous Materials Abatement Design	\$4,500
3D Building Renderings	\$7,200
Rendered Site Plan	\$2,600
Irrigation Design	\$2,600
Existing Site Conditions Survey	\$11,400
Subsurface Utility Designation	\$8,300
	\$36,600

The total basic plus additional fees for the proposed engineering and design services totaled \$315,200. Ms. Kristen Hess of HH Architecture told the Board that the \$315,200 outlined above included the estimated total \$2,871,996 (Option B) approved on October 5, 2015. The Board also approved on October 5, 2015 up to \$84,000 to be expensed on the new park development which included basketball courts. Ms. Hess asked the Board to be flexible with the spending within the total \$2.8M cap noting she would seek approval from the Board prior to any additional fees spent for the optional items. Ms. Hess said that she has been and will continue to be cautious with spending as she has only spent the funds necessary to this point, i.e. preliminary study for structural. The underwater utilities and foundation issues studies are forthcoming. Furthermore, there are items remaining to be tested, i.e. roof. Ms. Hess sought approval from the Board to get the project under contract for further study. Once further studies and thorough analysis and investigation have been completed, Ms. Hess stated she could provide the Board with better answers and offered to update the Board as often as needed.

Ms. York noted the County would need to advance funds from the General Fund to cover this cost and will receive reimbursement once the financing of the project is secured.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to approve HH Architecture Engineering and Design Fees for the Senior Center as included in project cost of \$2.8M with the understanding that any additional funds for optional items will be approved by the Board. It was the consensus of the Board to authorize the County Manager to execute the service agreement for engineering and design services with HH Architecture.

**NEW BUSINESS:**

**SOLID WASTE STUDY COST ANALYSIS:**

Assistant County Manager, Sybil Tate acknowledged and thanked the Person Industries' staff that assisted with Smith&Gardner's recent waste audit. Those staff were Becky Clayton, Amanda Everett, Jody Suitt, and Rhonda Gentry.

Ms. Tate reminded the group that at the November 2, 2015 Board meeting, Smith&Gardner was asked to further examine three waste management options. These options were 1) renew the franchise agreement with Republic, 2) open a privately-owned and operated transfer station, and 3) direct haul to Granville County.

Ms. Tate introduced Ms. Joan Smyth, Senior Hydrogeologist and Mr. Mike Brinchek, Senior Project Manager, with Smith&Gardner for questions. Mr. Brinchek gave the Board the following presentation:



# Economic Evaluation of Disposal Options

2015 Solid Waste Management Study

## Person County Board of County Commissioners

December 7, 2015

### Presenters:

W. Michael Brinchek, P.E.  
Joan A. Smyth, P.G.

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December 7, 2015

## S+G Reviewed the Following Options:

- ▶ **Option 1 – Renegotiate Current Franchise Agreement**
- ▶ **Option 2 – Direct Haul to Granville County**
  - > Convenience Centers developed for residents without curbside collection.
- ▶ **Option 3 – County-Owned, Private-Operated Transfer Station**

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## Option 1 – Renegotiate Franchise Agreement

### ► Assumptions for Economic Evaluation

- Terms of Agreement will remain the same for 30-years
- Agreement will continue to pay the County \$585,000
- Facility tipping fee will remain the same

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Note: The amount to be paid to the County under this option will be dependent upon contract negotiations.

December 7, 2015

## Option 2A and 2B– Direct Haul to Granville

- ▶ **Evaluation Completed for Sites with and without Compactors**
- ▶ **Assumptions for Economic Evaluation**
  - MSW collected curbside will be hauled directly to Granville County (\$42/ton)
  - Person County will develop convenience centers for unincorporated residents
- ▶ **Convenience Center Siting Recommendations**
  - Located a minimum of 3-miles outside Roxboro and 3-miles inside the County border
  - Located such that residents are no more than seven miles from any one facility

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## Option 3A and 3B – Transfer Waste to Granville

### ► **Evaluation Completed for a New Transfer Station and Rehabilitation of the Old Roxboro Transfer Station**

### ► **Assumptions for Economic Evaluation**

- Waste will be transferred to Granville County (\$42/ton)
- The transfer station will be located in or near Roxboro
- All waste except industrial waste will go to the transfer station

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Below is a table that summarizes the costs associated with each option based on using contractors (not employees) with today's cost value:

Parameter	Continued Franchise Agreement	Direct Haul Option		Transfer Station Option	
		Facility w/ Compactor	Facility w/o Compactor	New Facility	Roxboro Facility
Option #:	1	2A	2B	3A	3B
Period of Evaluation (Yrs)	30	30	30	30	30
Ave Annual Development Costs	-----	(\$54,136)	(\$28,651)	(\$115,744)	(\$55,729)
Ave Annual Operational Costs w/o Disposal	-----	(\$143,736)	(\$118,251)	(\$578,295)	(\$518,280)
Ave Annual Hauling and Disposal Costs	-----	(\$368,177)	(\$612,639)	(\$1,461,992)	(\$1,461,992)
Total Average Annual Operational Costs	-----	(\$511,913)	(\$730,890)	(\$2,040,287)	(\$1,980,271)
Annual Revenue Offset Costs (\$/ton)(2)	-----	\$72	\$97	\$75	\$70
Landfill Disposal Fee (\$/ton)	(40.14)	(\$42)	(\$42)	(\$42)	(\$42)
Annual Impact to City of Roxboro (3)	-----	(\$214,660)	(\$214,660)	(\$49,500)	(\$49,500)
Total Annual Disposal Costs (4)	(\$904,817)	(\$1,574,265)	(\$1,767,757)	(\$1,636,857)	(\$1,576,842)

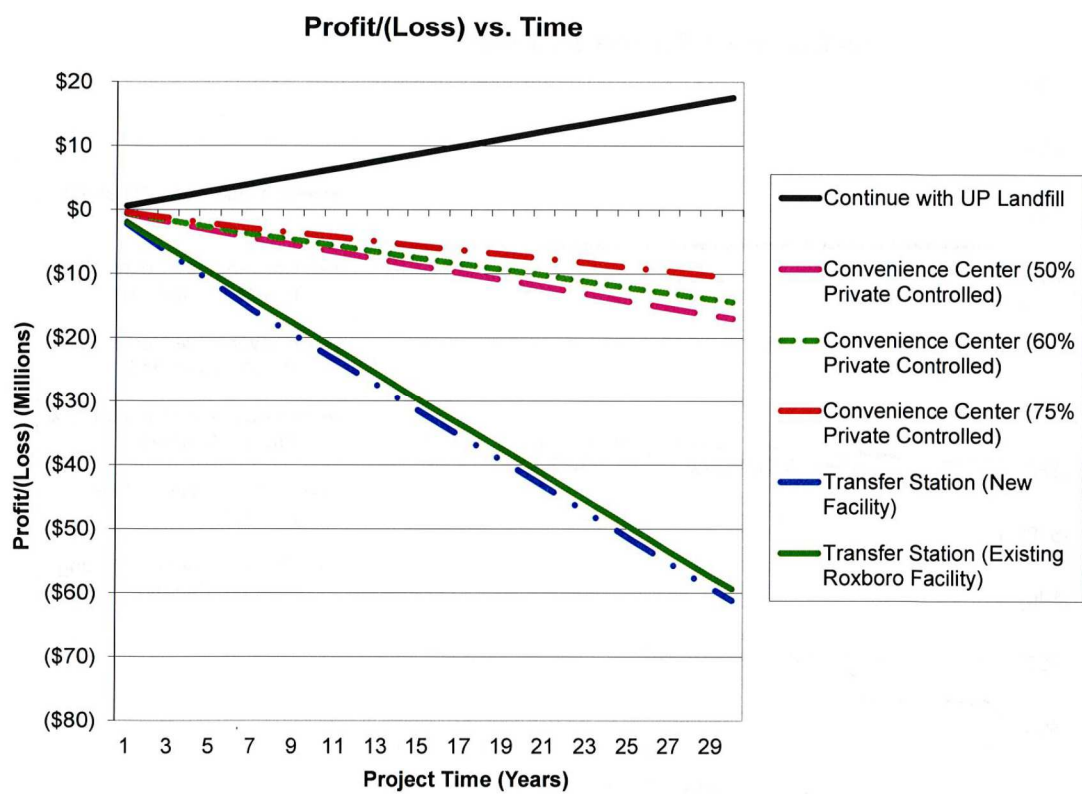
**Notes:**

- (1) All costs provided are average over the 30-year evaluation period.
- (2) Estimated fee based on tons through the select facility.
- (3) Estimated costs identified herein are in addition to the City's current costs.
- (4) Estimated costs for disposal of all commercial and residential waste.

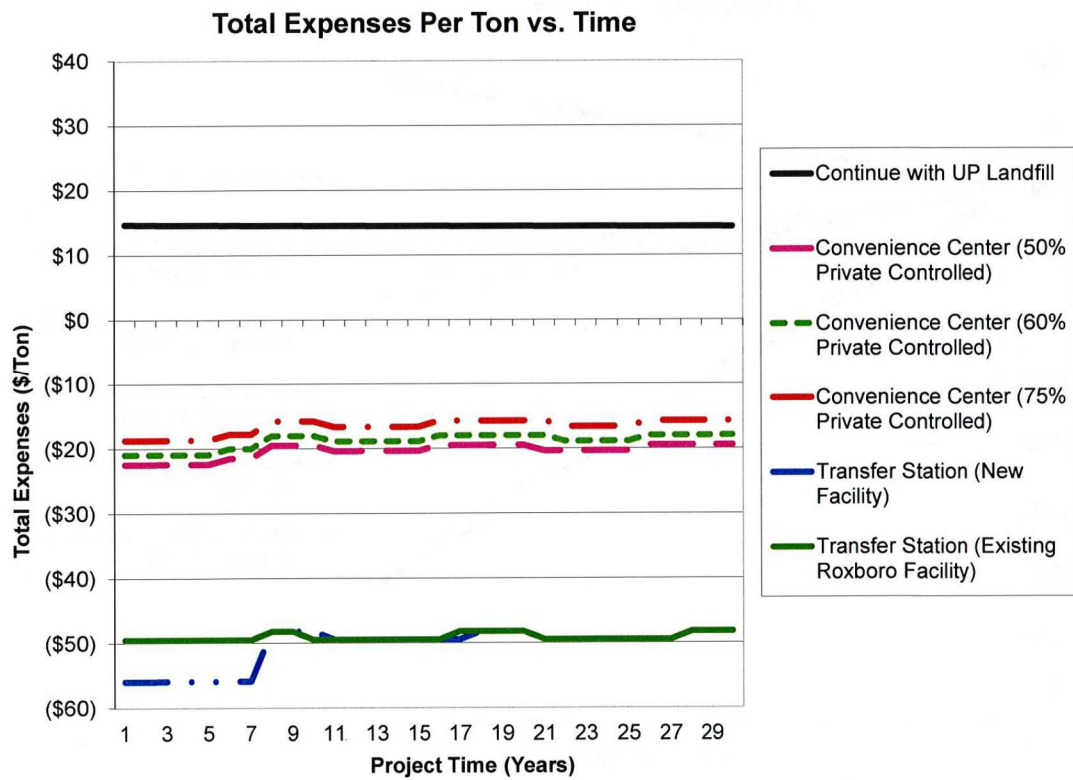
Option 2A and 2B consists of four convenience centers, each in a parking lot with dumpsters.

**December 7, 2015**

This chart illustrates the revenue that would be required to offset the costs over 30 years.



December 7, 2015





## Conclusions

### ►Franchise Agreement

- › Provides the County with the most economically favorable option and does not impact the City of Roxboro

### ►Direct Haul with Convenience Centers

- › Convenience Centers with a compactor are more economically favorable
- › Capital and operational costs are lower compared to waste transfer
- › A significant household fee is required to cover development and operational costs
- › This option has the most significant economic impact on Roxboro

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## Conclusions (Continued)

### ►Transfer Station

- Reuse of the Roxboro Facility is more economically favorable than building a new facility
- A significant tipping fee will be needed to recover facility costs and will be highly dependent upon tonnage
- A household fee may also be required to supplement the facility tipping fee if tonnages are low

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Mr. Brinchek noted the tipping fee for the transfer station would be developed based on tonnage expected to pay for the facility. He further noted if the tonnages turn out to be lesser than expected, then a deficient would result. Mr. Brinchek stated there are few options around the area so the expectation would be that most private haulers and the city would use the transfer station. The transfer station would rely on the tipping fee and the convenience centers would rely on another mechanism for payment because it is cost prohibitive to place scales at those facilities. Mr. Brinchek stated some communities rely on a household fee to cover those costs or pay as you go with pre-purchased bags/tags to be used at the convenience center.

Mr. Brinchek stated the report presented was based on current year tonnage of disposed waste only.

Commissioner Clayton asked about the assumption that Granville County would accept Person County's waste. Mr. Brinchek said that the study should not be taken any further until there is an approval from Granville County confirming they would accept waste from Person County. Commissioner Clayton suggested that a formal request be made by Person County's County Manager to Granville County's County Manager to take before their board of commissioners.

Mr. Brinchek stated if Granville County will not take Person County's waste that would take direct haul off the table unless another private facility is willing to accept the waste due to the significant cost burden to the City of Roxboro and the citizens of the county. When asked if there was another facility that may be close to Person County that may negotiate, Mr. Brinchek stated the closest facility would be in Virginia (First Piedmont, north of Danville). Commissioner Clayton suggested asking the manager to investigate both facilities about options to accept Person County's waste.

A **motion** was made by Commissioner Clayton and **carried 5-0** to direct the County Manager to investigate options with both facilities (Granville County and First Piedmont of Danville) to accept Person County's waste.

Chairman Newell called a brief recess at 9:35pm. The meeting was reconvened at 9:41pm.

**PERSON COUNTY SCHOOLS FACILITY NEEDS SURVEY:**

Larry King, Senior Director of Auxiliary Services of Person County Schools presented to the Board the 2015-2016 Division of Public Instruction (DPI) Facility Needs Survey Long Range Plan for Person County Schools both for projects within five years and ten years. Mr. King stated that NC DPI required Person County Schools to complete this survey every five years to assess future needs and list all improvements and additional facilities needed to accommodate projected enrollments through the 2020-2021 school year and improvements to existing facilities to provide safe, comfortable environments that support educational programs at its ten traditional schools (7 elementary, 2 middle and 1 high school). Mr. King advised that the Earl Bradsher Preschool nor the Learning Academy was included in the survey. Person County officials were asked to review the report and acknowledge receipt. Mr. King stated his presentation of the school's needs was intended to make the Board aware of potential renovations and does not necessarily constitute endorsement of or commitment to fund the projects in the Facility Needs Survey.

The Board received and reviewed the survey as presented by Mr. King.

## **ENVIRONMENTAL ISSUES ADVISORY COMMITTEE UPDATE:**

Jason Torian, a member representative of the Environmental Committee on behalf of its Chairman, Ken Hill updated the Board on recent activities.

Mr. Torian said the committee has a member representative from each of the County's townships and encourages citizens to let the committee members know of any environmental issues within the county. Mr. Torian noted the committee meets bi-monthly and has discussed various topics and goals; some of which include:

- Discussing the use of chemical pesticides in home landscaping and home gardening with a recent presentation from Aaron Puryear who works with a landscaping company that uses organic landscaping practices,
- Recycling and waste reduction efforts in the schools,
- Canvass of local businesses in July to get an idea of how many businesses are currently recycling and why those who are not choose not to. A recycling guide was given to the local businesses. Of the 100 businesses contacted, about 40 said they were recycling. Some of the larger retailers have interests in increasing their recycling efforts, i.e. Dollar Generals, Walmart and Just-Save that cannot commit resources to have recycling picked up and transported. Mr. Torian noted a lack of education community wide related to recycling. Smaller businesses indicated interest in having recycling containers placed at their locations, i.e. Pet Sense noted all their other locations recycle but they do not because the City of Roxboro does not have a recycling program to pick up recycling containers.

Mr. Torian asked the Board if the County could come up with a creative solution to allow for regular recycling pick up for Person County businesses, particularly the City of Roxboro businesses that want to recycle.

Mr. Torian commented that the Smith&Gardner report does not include any provision for recycling noting the state of NC's goal for Person County to recycle 40% of its solid waste compared to only 5% of Person County's waste being recycled at this time. Mr. Torian asked the Board to consider these findings when making future solid waste decisions, especially those decisions regarding efforts to increase our recycling rates.

## **APPOINTMENTS TO BOARD AND COMMITTEES:**

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* edition dated November 14, 2015 with notice to submit applications by the deadline of December 1, 2015. The highlighted boards denote a competitive board and are eligible for the informal interview process should the Board desire this process to aid them in making appointments. Should the Board be interested in holding the informal interview process for some or all the competitive boards, Clerk to the Board, Brenda Reaves requested the Board to set the informal interview date so that she may organize and inform the applicants.

Ms. Reaves presented interested citizen applications for consideration for appointment. The Board of Commissioners are encouraged to recruit citizens to fill the current vacancies for those which no applications have been received.

- **Adult Care Home Community Advisory Committee**

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

- 1) Carol Reed requested reappointment

A **motion** was made by Commissioner Puryear and **carried 5-0** to reappoint Carol Reed to the Adult Care Home Community Advisory Committee for a 3-year term.

- **Airport Commission**

3-Year Term: 1 position available

- 1) Henry Newell requested reappointment

A **motion** was made by Commissioner Puryear and **carried 5-0** to recuse Chairman Newell from the vote on applicant, Henry Newell to the Airport Commission.

A **motion** was made by Commissioner Jeffers and **carried 4-0** to reappoint Henry Newell to the Airport Commission for a 3-year term.

- **Board of Adjustment**

Unspecified Term: 1 position for an alternate

No applications received.

- **Industrial Facilities and Pollution Control Financing Authority**

6-Year Term; 2 positions available

No applications received.

- **Juvenile Crime Prevention Council**

1-Year Initial Term; 2-Year Reappointment

1 position for a representative of Parks and Recreation;

1) John Hill requested reappointment

1 position for a substance abuse professional;

No applications received.

2-Year Term:

1 position for a Juvenile Defense Attorney;

No applications received.

1 position for a representative of the local school system;

1) Joan Kister requested reappointment

1 position for the Sheriff or his designee;

1) Deputy Sheriff Mark Sharlow requested appointment

1 position for the Chief Court Counselor:

1) David R. Carter requested reappointment

1 position for a representative of Mental Health

No applications received.

A **motion** was made by Commissioner Puryear and **carried 5-0** to reappoint John Hill (Parks and Recreation), Joan Kister (local school system) and David Carter (Chief Court Counselor) as well as to appoint Deputy Mark Sharlow (Sheriff's designee) to the Juvenile Crime Prevention Council each for a 2-year term.

- **Nursing Home Advisory Committee**

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

1) Carol Reed requested reappointment

2) Amy Bailey Fox requested appointment

A **motion** was made by Commissioner Jeffers and **carried 5-0** to reappoint Carol Reed for a 3-year reappointment and to appoint Amy Fox for an initial 1-year term to the Nursing Home Advisory Committee.

- **Person Area Transportation System Board**  
3-Year Term; 4 positions available, seeking citizens that can represent or are affiliated with
  - private industry
    - No applications received
  - public health
    - 1) LeighAnn Creson requested reappointment
  - social services
    - 1) Melinda Hudson requested reappointment
  - vocational services
    - 1) Lisa Jeffreys requested reappointment

A **motion** was made by Commissioner Clayton and **carried 5-0** to reappoint LeighAnn Creson (public health), Melinda Hudson (social services) and Lisa Jeffreys (vocational services) to the Person Area Transportation System Board, each for a 3-year term.

- **Tourism Development Authority**  
3-Year Term: 1 position available
  - 1) Blossom Gardner requests appointment
  - 2) Saundra Clemmons requests appointment
  - 3) Tommy Winstead requests reappointment

It was the consensus of the Board to hold informal interviews with the applicants of the Tourism Development Authority on January 4, 2016 starting at 6:30pm and by such, the Clerk to the Board will notify each of the applicants.



**CHAIRMAN'S REPORT:**

Chairman Newell had no report.

**MANAGER'S REPORT:**

County Manager, Heidi York had no report.

**COMMISSIONER REPORT/COMMENTS:**

Commissioner Jeffers reported he attended a NACo board of directors' meeting in Colorado Springs noting the following issues were discussed:

- Department of Labor's review for overtime pay for employees making \$50,000 or lower as compared to the current rule at \$23,000 or below;
- ADA accessibility requirements to potentially have a mechanism in place for people with impairments to view or hear the meetings streamed online; and
- Opposition to Affordable Care Act imposing an excise tax of 40% starting in 2018 on health plans whose value is more than \$10,200 for individual coverage and \$27,500 for a family (the tax only applies to the amounts that exceed the threshold); also referred to as "Cadillac tax."

Commissioner Jeffers added that Ms. Janet Hunt, former EMS employee has passed.

Commissioner Clayton requested by former commissioner Frances Blalock be added to the Board's next agenda for an update of the Solid Waste status.

Vice Chairman Kendrick reported low ridership in the downtown loop over the last year and said it may not survive if the ridership does not increase.

Commissioner Puryear congratulated Chairman Newell and Vice Chairman Kendrick on their new roles for the Board.

### **CLOSED SESSION #1**

A **motion** was made by Vice Chairman Kendrick and **carried 5-0** to enter into Closed Session per General Statute 143-318.11(4) at 10:01pm to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body with the following individuals permitted to attend: County Manager, Heidi York, Clerk to the Board, Brenda Reaves, County Attorney, Ron Aycock, Economic Development Director, Stuart Gilbert, and Eaton representatives Bobby Psaropoulos, Christopher Hess, Scott Bailey and Tim Krohn.

A **motion** was made by Vice Chairman Kendrick and **carried 5-0** to return to open session at 10:43pm

### **ADJOURNMENT:**

A **motion** was made by Commissioner Jeffers and **carried 5-0** to adjourn the meeting at 10:43pm.

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Brenda B. Reaves  
Clerk to the Board

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David Newell, Sr.  
Chairman

**December 7, 2015**