

PERSON COUNTY BOARD OF COMMISSIONERS

JANUARY 19, 2016

MEMBERS PRESENT

OTHERS PRESENT

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

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 Tuesday, January 19, 2016 at 9:00am in the Commissioners' meeting room in the Person County Office Building.

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

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

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

RECOGNITION:

RESOLUTION OF APPRECIATION:

Chairman Newell read and presented a Resolution of Appreciation to Person County Retiree Robert "Bob" Clay.

January 19, 2016

RESOLUTION OF APPRECIATION

WHEREAS, Robert (Bob) Clay has served the people of Person County during his tenure working for Person County Emergency Medical Services as a Shift Supervisor; and

WHEREAS, Bob Clay has served the citizens of Person County with honor, integrity, sincerity and dedication, providing accurate, concise services for twenty-five years, August, 1990 – December, 2015; and

WHEREAS, Bob Clay has earned the respect and admiration of all who have known him and worked with him throughout his career; and

WHEREAS, the County of Person recognizes the many contributions Bob Clay has made to the County and offers him sincere best wishes for his retirement.

NOW, THEREFORE, I, David Newell, Sr., Chairman of the Person County Board of Commissioners, do hereby extend this Resolution of Appreciation to Bob Clay for continually striving to make Roxboro and Person County a better place to live and work.

Adopted the 19th day of January, 2016.



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

Attest:

Brenda B. Reaves
Brenda B. Reaves
Clerk to the Board

January 19, 2016

INFORMAL COMMENTS:

There were no comments from the public.

DISCUSSION/ADJUSTMENT/APPROVAL OF CONSENT AGENDA:

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

- A. Approval of Minutes of January 4, 2016,
- B. Budget Amendment #14, and
- C. Tax Adjustments for the month of January 2016
 - a. Tax Releases
 - b. NC Vehicle Tax System pending refunds

NEW BUSINESS:**STORMWATER UPDATE:**

Assistant County Manager, Sybil Tate stated that each year, the county's stormwater consultant, Ms. Henrietta Locklear, senior manager from RaftElis serving as the county's stormwater utility services manager, provides the Board with an update on stormwater-related duties and activities. Person County is one of the five jurisdictions that share costs for the stormwater utility. The other jurisdictions are Granville County, Butner, Stem and Creedmoor.

Ms. Tate stated representatives from the Upper Neuse River Basin Association (UNRBA) Mr. Forrest Westall, executive director and Mr. Jay Sauber, monitoring expert, would also provide an update. The UNRBA is a coalition of local governments located within the Falls Lake watershed. The primary objective of the Association is the Reevaluation of the Falls Lake Rules in order to propose changes that will lessen burdens on the member governments. In support of this effort the UNRBA is collecting and analyzing information and data. The UNRBA is also working to develop, evaluate and implement more cost effective and reasonable strategies to reduce, control and manage nutrients in the watershed.

Ms. Locklear provided the following update:

January 19, 2016

Update to Board on Stormwater Utility Manager Duties and Activities

January 19, 2016

- Update Person County stormwater utility fees for annual billing. Obtain new parcel and tax data from the County. Identify new development in the jurisdiction and ensure fees are calculated and charged on the annual tax bill. Review applications for credit and certify credits as needed. Create and deliver annual bill file to County. Ensure quality control of file. Provide customer service support to County property owners as needed.
- Review and render opinions on fee appeals (fee releases). Review fee appeals from properties in Person County as needed. Review available data, speak with customer as needed, support County staff. Approve or deny appeal requests. As needed, participate in further appeals of fee as needed.
- Develop existing development program. The existing development program represents the largest liability to the County in terms of future anticipated costs for retrofits. Owing to delays at the state level, the implementation of this program has been slowed. In keeping with this timeline, we continue to make progress for the County.
 - Developed draft loading for Person County.
 - Identified developments occurring from 2006 through 2012. Worked with Planning Director to obtain relevant data for the period. Person County had a great deal of development during the period.
 - Developed the model to calculate loading. Using state approved equations, developed nitrogen and phosphorous loading for all sites.
 - Met with all jurisdictions to review draft methodology and results.
 - Developed methodology document.
 - Met with state in early summer on behalf of the County to review methodology. Refined methodology based on State input. Met with state in early September to review modified methodology.
 - Met with representatives from Wake County in late October to compare methodologies, discuss outcomes.
 - Met with the State and representatives from Wake County in November to discuss methodologies.
 - Continue to refine methodology, consult with other local governments and the state.
 - (In process) Developing plan for identifying retrofits site and activities in Person County. Once we have agreed with the state upon methodology and results of loading, can implement a plan to meet the loading requirements. Steps include a study of the County's opportunities for retrofits and cost estimates. The study is to be a multi-jurisdictional effort so that the best, most inexpensive options can be identified. The final results of the study will depend in part upon the results of the Credits project of the UNRBA, since that project will identify the available credits for certain activities. The cost per pound treated will be a factor in the final selected retrofits.

January 19, 2016

- New development program. Provided stormwater plan reviews as needed. Kelway Howard, PE, provides reviews for all projects in the five jurisdictions. Provided responses to questions about Person County development as needed.
 - Utility manager, plan reviewer (Mr. Howard), and attorney (Mr. Wrenn) work together to ensure uniform application of rules across the five jurisdictions. This includes development of a comprehensive, uniform checklist for submittals, templates for required legal agreements, and policies regarding stormwater agreements and application of rules. These activities provide area developers and engineers with a clear, efficient process for developing sites in the jurisdictions. This clear process facilitates development in the County, since developers are aware of costs and timelines for development.
 - New development annual reports. Developed and updated, as needed, reporting format and templates for required annual reporting to state. Assisted Person County with the completion and submittal of annual report.
 - From June of 2012 through June of 2015, 9 plans in the County were reviewed under the Falls Rules. Of these, three are implementing stormwater treatment. Three plans have been reviewed during FY 2015-2016.
- Represent Person County in Upper Neuse River Basin Association (UNRBA). Serves as knowledgeable technical and policy representative for the County on UNRBA technical committees. Represents the less populous, primarily upper watershed jurisdictions, which may have different interests than the larger jurisdictions. Represents individual jurisdiction interests of each of the five jurisdictions where needed.
 - Member of Path Forward Committee, which reviews technical work products related to the monitoring and Credits projects and assists with setting direction for the Association for review by the UNRBA Board.
 - Member of Nutrients Subcommittee which reviews the Credits project direction
 - Member of the Crediting Tool Development Technical Task Force, which reviews the development of an accounting/reporting tool being developed for the jurisdictions by the UNRBA.
 - Member of Rules Comments Workgroup, which compiles comments on the Falls Rules revisions for submittal to the state.
 - Attends UNRBA board meetings (along with Person County staff).
- Develop annual work plans for Person County. Each year, develop draft budgets for stormwater utility, including allocations to and from other jurisdictions, as applicable, for shared staffing and other activities. Drafts are submitted to County for approval each year.
- Presentations to board. As requested, provide updates to County board.
- Coordination activities. Convene and lead meetings for coordination of the County's and the other four jurisdictions' activities and review technical and policy decisions. Work plans and jurisdiction loading are among recent meeting topics.

January 19, 2016

- Developed and submitted coordinated comments for the five jurisdictions regarding Falls rules revisions to the state (independent of UNRBA).
- Coordinate with staff on invoicing and payment for interjurisdictional cooperative activities as needed.

Chairman Newell asked whether the disturbance threshold that triggers the new development requirements of the rules had been increased from one-half acre to one-acre noting this has been one of the areas most impacted in Person County. Ms. Locklear confirmed this rule had not been changed but had been submitted to the state rules review committee for consideration. Ms. Locklear noted the state process was lengthy and the committee was tasked to complete by 2018. Commissioner Puryear requested Ms. Locklear to provide the Board with a list of the individuals that serve on the state committee that will be reviewing the requested rule changes.


Mr. Westall noted the implementation of the Stage 1 existing development controls of the rules has been delayed until 2017-2018, due to a deadline postponement at the state level, but other portions of the Stage 1 rules are currently in effect for compliance with all nutrient loading increases as a result of development between 2006 and 2012 reduced to 2006 baseline levels.

Mr. Westall told the group that the more stringent requirement of Stage 2 targets a further reduction of nitrogen by 40 percent and 77 percent reduction of phosphorus from the baseline 2006 levels with a tremendous burden on municipalities in the watershed with estimated costs greater than \$1billion by 2026. Mr. Westall stated they intend to request that Stage 2 be delayed until 2031.

Mr. Westall and Mr. Sauber reviewed how the UNRBA has undertaken a monitoring program to provide the scientific support for a more complete evaluation of what can be done and how the lake will respond to reductions in nutrients. This monitoring will provide the evidence and data for the recommended changes in the rules or a change to the water quality standard or provide a foundation for a potential legal challenge. Mr. Westall said the UNRBA was seeking revisions to the rules based on solid science and consideration of the economic impact of these requirements relative to the benefits to water quality.

Mr. Westall described a promising technology being done by the City of Durham where water is being pumped out of the lake, nutrients are removed and the water is returned to the lake. This technology treatment process is referred to as an “algae turf scrubber.”


Mr. Westall and Mr. Sauber shared the following slides with the Board as part of their update.



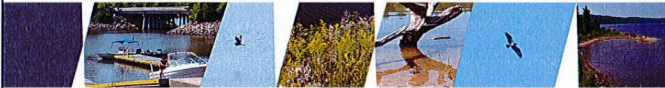
Upper Neuse River Basin Association
Falls Lake Reevaluation

Person County
Commissioners Meeting
January 19, 2016

Forrest Westall
UNRBA Executive
Director









Major UNRBA Objectives and Efforts


- Reexamination
Monitoring Program, Remodeling/Updated Data Analysis
- Nutrient Credits Development Project
Expansion of BMP Toolbox
- Development of Alternate Regulatory Options
- Rules Modifications






Nutrient Reduction Requirements

- > Stage I (2011- 2021)
 - * Achieve standards in lower lake by 2021
 - * Initial reductions watershed wide
 - * Reduce loading by 20% for TN and 40% for TP
 - * New development requirements implemented in 2012
- > Stage II (2021 – 2036)
 - * Achieve standards in entire lake by 2041
 - * Additional reduction in upper watershed
 - * Reduce loading by 40% for TN and 77% for TP
 - * Continue new development requirements



Nutrient Credits Project


- > Contributors/Partners
 - * \$300,000 UNRBA
 - * \$50,000 grant from State
- > Develop nutrient credits that currently do not have State approved credits
- > Develop a tool that local governments can use to calculate credits



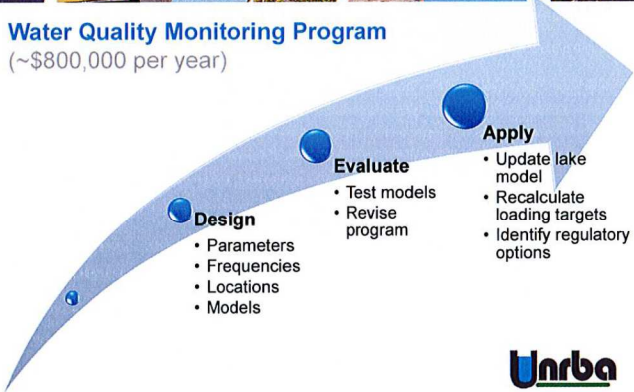


UNRBA Falls Lake Rules Comments Filed 11-20-2015


- Regional BMPs serving multiple project sites for compliance with new and existing development projects
- Thresholds triggering formal stormwater impact review of single family resident development lots
- Stage I, Existing Development implementation dates and processes
- Post Stage I and Stage II implementation dates and processes

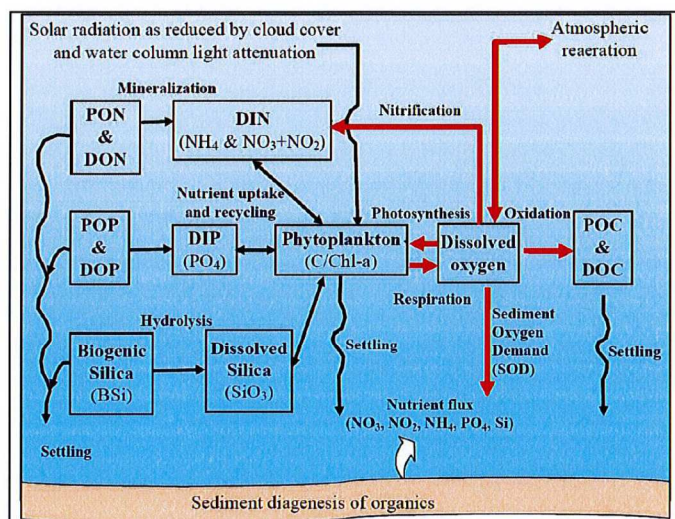
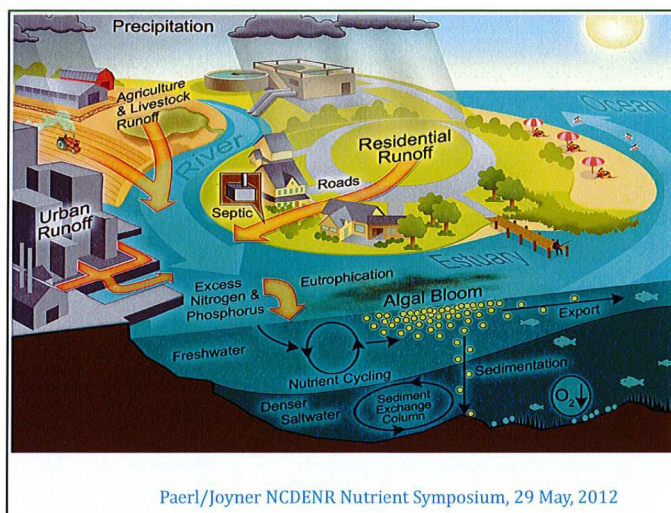


Water Quality Monitoring Program (~\$800,000 per year)



- Design**
 - Parameters
 - Frequencies
 - Locations
 - Models
- Evaluate**
 - Test models
 - Revise program
- Apply**
 - Update lake model
 - Recalculate loading targets
 - Identify regulatory options





Factors Controlling *Chlorophyll*

Nutrient loading rate

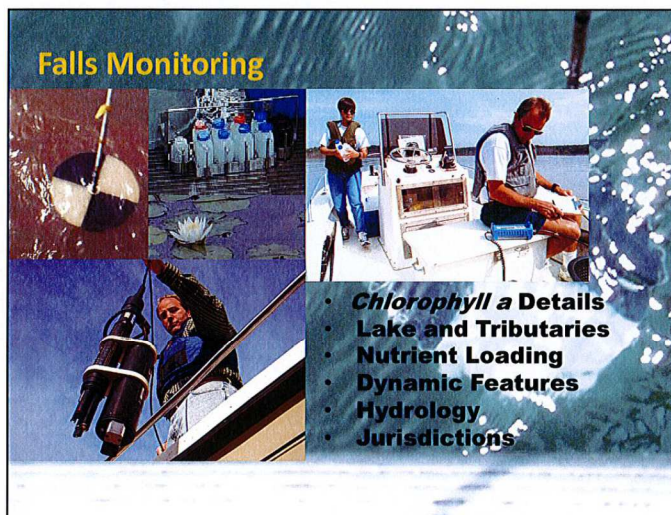
- PS & NPS Discharges
- Sed - Water exchange
- ATM Deposition
- bioavailable
- Spring vs Summer

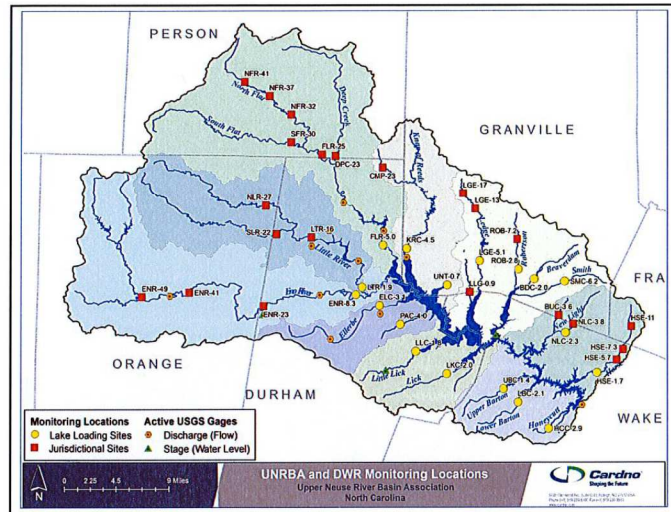
Availability of Light

- turbidity
- mean depth
- season
- latitude

Flushing / residence time

- inflow, volume, mean depth
- stratification, mixing
- morphometry





Unrba Upper Neuse River Basin Association
Falls Lake Reevaluation

- > Local Governments' Burden > \$1,000,000,000
- > Local Governments do want to Ensure Water Quality
- > Local Governments want the Best Science
- > Achieve Water Quality with Efficient and Effective Rules

**Balance Action
With Level Of Problem**

The diagram shows a seesaw with a blue triangle at the fulcrum. The text 'Balance Action With Level Of Problem' is written above the seesaw, emphasizing the need for a balanced approach to water quality management.

Chairman Newell asked if there was any way to tell how much of the nutrient levels was coming out of Person County. Mr. Westall responded there is not enough conclusive data although it is estimated that 60 percent of the nutrients leaving the area as stormwater runoff gets to the lake while in Durham 100 percent runoff is making it to the lake. Person County has six monitoring stations and Mr. Westall stated based on the jurisdictional locations of the watershed that Person County nutrient loading levels would be minimal compared to other jurisdictions.

Mr. Westall stated the when the monitoring is complete in four years, they will have superior technical information.

Mr. Sauber noted that Falls Lake was built by the Core of Engineers and impounded to provide drinking water, flood control and recreation.

Commissioner Kendrick advocated for a challenge to the rules that would enable Person County to be productive and requested that the regulator exercise good common sense to help the builders of the county versus hinder their efforts. Ms. Locklear stated she would be glad to address any specific incidences noting the intent was for the best plan review complying with the current rules in place.

Commissioner Jeffers asked NC Representative Larry Yarborough, present in the audience, if he had any update to share with the group related to his sponsored House Bill 630 for alternative water quality protection for Falls Lake. Representative Yarborough stated the current status of House Bill 630 was review by Senate Committee on Rules and Operations.

Commissioner Puryear asked the County Attorney if legal action against the state was feasible. County Attorney, Ron Aycock stated for Person County to have a successful lawsuit without scientific evidence and analysis would be difficult for him to determine. Commissioner Clayton advocated for the study to monitor and collect data for the next three to four years. Representative Yarborough commented from a political perspective, it was not the right time to pursue legal action; he advocated for better customer service when plans were being reviewed.

UPDATE ON VOLUNTARY AGRICULTURAL DISTRICT PROGRAM:

Mr. Bruce Whitfield, Voluntary Agricultural District (VAD) Board Chairman updated the Board that in the last five years since the Voluntary Agricultural District Ordinance was adopted, 116 landowners have been enrolled for a total of 22,500 acres. Benefits of the enrolled landowners in the Voluntary Agricultural District program are increased protection from nuisance lawsuits, public hearing for proposed condemnation of enrolled land, water and sewer assessments waived and flexibility of city ordinances related for farm operations in a city planning jurisdiction.

Mr. Whitfield stated the Voluntary Agricultural District Board consists of one member from each township and a member from Farm Bureau and the Grange. The current board in addition to Mr. Whitfield include Paul Bailey, Brent Adcock, Cal Berryhill, Norman Boyette, Mickey Clayton, Ronald Foushee, Johnny Rogers, Chip Stone, Pete Thomas, and Coleman Whitfield. Advisors to the board are Brent Bogue of Natural Resource Conservation Service, Phillip Reams with NC Forestry Service and Charity Silver with Farm Service Agency and Kim Woods with Cooperative Extension.

Mr. Whitfield said that letters have been mailed to encourage potential landowners to participate in the program. The Voluntary Agricultural District program is one component of farm land preservation plan which is currently being drafted.

Mr. Whitfield on behalf of the Voluntary Agricultural Board thanked the Board of Commissioners for its support.

MEMORANDUM OF UNDERSTANDING BETWEEN PERSON COUNTY AND PERSON COUNTY LITTLE LEAGUE:

Mr. John Hill, Director of the Recreation, Arts, and Parks Department stated the Person County Recreation, Arts, and Park Department, in partnership with the Person County Little League, will work together to implement the Little League Baseball and Softball programs for the citizens of Person County. Mr. Hill noted that during this partnership, it is the understanding between both parties that specific duties are determined and agreed upon as presented in a “Memorandum of Understanding” between Person County and Person County Little League.

Mr. Hill requested Board consideration to approve the Memorandum of Understanding between Person County Government and the Person County Little League.

Vice Chairman Kendrick stated that the duties and responsibilities in the Memorandum of Understanding did not specify a certain percentage of volunteer services required. Mr. Hill stated the Little League board has delegated various duties with all twelve positions being very active.

Mr. Hill noted the concessions are retained by the Little League board with all profits from concessions to be maintained by the Little League for subsidizing the operations of programs for the Sportsplex as mandated by Little League International.

Mr. Hill clarified that Person County Little League is a 501c3 under the rules of Little League International noting that any funding or assets in the event the nonprofit disbandment have to be transferred to another 501c3 entity.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to approve the Memorandum of Understanding between Person County Government and the Person County Little League.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
PERSON COUNTY GOVERNMENT
AND
PERSON COUNTY LITTLE LEAGUE**

This Memorandum of Understanding (MOU) is made and entered into the day of January 19, 2016, by and between the Person County Government (herein after "County") and the Person County Little League Board (herein after "PCLL").

WITNESSETH

WHEREAS, the County is purchasing the RoxPlex property and assuming the duties and responsibilities pertaining to the operation the facility, programs, and all PCLL related sports described in this MOU:

WHEREAS, the PCLL is a 501(c)3 non-profit that will support the operation through advisory and fundraising duties described in this MOU:

IT IS AGREED TO BY BOTH PARTIES

1. CONSIDERATION

- a. The consideration of this contract is the mutual promises and agreements contained herein.

3. Duties of the County

- a. Assume the ownership of the RoxPlex property for the purposes of PCLL Programs and all types of public recreation.
- b. The County intends to provide other additional recreational activities on and in the premises and the PCLL acknowledges that such activities will be offered and provided to the citizens.
- c. Provide qualified staff from the Athletics Division to operate all athletics programs that take place at the RoxPlex facility.
- d. Ensure that the facility is maintained at the highest standards for public facilities.
- e. Provide a safe and healthy environment for the public.
- f. Ensure that all Local, State, and Federal laws, rules, and procedures are being followed by all users and participants that utilize the RoxPlex recreational grounds.

January 19, 2016

- g. The County will develop cooperative arrangements with other organizations, private groups and companies, when it will further the objective of providing more and varied kinds of baseball and softball programs for the citizens of Person County.
 - h. The County shall be responsible for maintaining in full force throughout the term of this MOA adequate insurance coverage relative to the facility and its operations.
4. Duties and responsibilities of the PCLL
- a. Assist the County by advising on matters pertaining to Little League youth sports.
 - b. Generate revenue to support Little League programming through concession sales, donations, and fundraisers.
 - c. Investigate and determine the needs, interests and goals of the community for the Little League baseball and softball programs and make recommendations to the County to meet those needs and goals.
 - d. Inform and educate the general public of the importance and need for Little League baseball and softball programs and facilities and promote Little League baseball and softball.
 - e. Help research, explore, and make recommendations on the acceptance of grants, gifts, bequests, and donations for the Little League baseball and softball program to the County.
 - f. Assist the County in recruiting voluntary leadership staff to work with Little League baseball programs and activities.
 - g. Assist in matters relating to maintaining the highest standards of a well-balanced Little League baseball and softball program.
 - h. Assist in developing a plan to meet the present and future needs for Little League baseball and softball programs.
 - i. Receive information and reports concerning the evaluation of the baseball and softball program, facilities, policies, and procedures relating to the Little League operations.
 - j. Follow the policies, procedures, and regulations of Person County Government.
 - k. Receive and manage remaining funds from the Roxboro Little League, Inc.
5. REVENUES AND EXPENSES AND ACCOUNT PROCEDURES
- a. Revenues generated by PCLL will be retained by the PCLL for the sole purpose of supporting the PCLL's sports programming. Revenues will be generated through concession sales, fund raising programs and events, donations, and sponsorships.

- b. All other revenues generated by the RoxPlex facility belong to the County.
- c. All revenue generation shall fall within the protocol, guidelines, and accounting procedures carried out by the Person County Finance Department and governed by the Local Government Budget and Fiscal Control Act of the State of North Carolina.

IN WITNESS WHEREOF, the parties have hereunto set their hand and affixed their seals the day and year first written above.

Heidi Upm
Person County Manager

1/19/16
Date

Chacy H. Scurry 01/15/2016
Chairperson, PCLL Date

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

Angie Wehring 1-19-16
Person County Finance Director Date

Stephen L. Lull 1/15/16
Treasurer, PCLL Date

January 19, 2016

CONSIDERATION OF GRANT APPLICATIONS FOR THE PERSON COUNTY SHERIFF'S OFFICE:

Captain Kevin Crabtree requested Board permission to write three grants on behalf of the Sheriff's Office as well consideration for the County to appropriate the required match for two of the three grants below.

- 1) Governors Crime Commission Grant (Taser): \$15,000.00 with no local match for 12 Tasers and 31 cartridges. Captain Crabtree indicated if awarded, the grant would be effective July 1, 2016.
- 2) Governors Crime Commission Grant (Body Worn Cameras): \$45,000 with a \$1 to \$2 match for 25 Body Cameras and equipment for data down loads and storage; for every \$2 the county contributes, the grant will pay \$1. The total local match requested is \$30,000.00. Captain Crabtree said if awarded, the grant would be available in March or April 2016. Captain Crabtree noted Person County currently does not have any body worn cameras and the grant would cover officers on patrol, civil and school resource.
- 3) Governors Highway Safety Grant (In- Car Cameras): \$36,000 with a 50/50 match for 6 In- Car Cameras. \$18,000 local match requested. Captain Crabtree stated current in-car cameras are out of date and the infrastructure is needed to support the new equipment. If award, the grant would be effective October 1, 2016.

Commissioner Jeffers requested that the Sheriff be prepared to further discuss budgetary needs of in-car and body-worn cameras at the Board's upcoming budget retreat.

Vice Chairman Kendrick asked Captain Crabtree about the cost benefit analysis related to any lawsuits that Person County has been liable in the past ten years. Chief Deputy Al Rhew responded that there was no known financial liability to any lawsuit in the past ten years but advocated for preventive control and the ability to save law enforcement officers careers based on use of cameras.

Captain Crabtree advised the Board that the drug forfeiture fund has been frozen by the federal government which was the primarily funding source for equipment grants. County Manager, Heidi York noted the local match would be funded through the excess misdemeanor confinement fund with a budget amendment to be approved at the appropriate time the match was required.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to authorize the Sheriff's Office to apply for the grant and pledge the necessary local match of \$48,000 if required to be funded from the excess misdemeanor confinement fund.

January 19, 2016

RESOLUTION APPROVING AN INSTALLMENT FINANCING CONTRACT, A DEED OF TRUST AND OTHER DOCUMENTS – ROXPlex PROPERTY AND VARIOUS FACILITY AND EQUIPMENT IMPROVEMENTS:

Finance Director, Amy Wehrenberg requested Board consideration to take action on a Resolution approving an Installment Financing Contract, a Deed of Trust and other documents and approving and authorizing certain actions in connection with financing a portion of the cost of various projects.

Ms. Wehrenberg stated the preamble of the presented resolution:

- states that the County and Board of Education have agreed to finance a portion of the cost of a project consisting of the repair and replacement of roofs on South Elementary School, Woodland Elementary School and Oak Lane Elementary School, the replacement of windows at North End Elementary School and the replacement of the chiller equipment at Southern Middle School which each has found it necessary and desirable to provide improved educational facilities for the citizens of Person County and that the County has also determined to finance a portion of the cost of a project consisting of the acquisition and improvements to the Roxplex Property and the repair and/or replacement of roofing at the Huck Sansbury Complex (collectively, the “Project”).
- states that the County has determined to finance a portion of the cost of the Project in an amount not exceeding \$1,884,000 pursuant to G.S. Section 160A-20.
- lists the financing documents that were included in the agenda packets for review, including (a) the Installment Financing Contract between the County and BB&T, the lending institution, that sets up the arrangement for the advancement of funds to the County to be repaid in installments until the debt is paid; (b) the Deed of Trust which provides for the pledge of North End Elementary School as security for the County's obligation to repay the debt; (c) an Administrative Agreement between the County and the Board of Education which authorizes the conveyance of North End Elementary School to the County and its lease by the County back to the Board of Education; and (d) the Lease between the County and Board of Education to lease North End Elementary School to the Board of Education for the duration of the loan as part of the financing plan.

Ms. Wehrenberg explained the resolution then contained the following sections:

1. The Board confirms that the Project and its use are essential and will permit the County to carry out public functions.
2. The Board finds and determines that it is in the best interest of the County to enter into these financing documents in order to accomplish the financing of a portion of the cost of the Project.
3. The Board approves the financing documents and authorizes certain County officers to represent the County in the execution and delivery of final financing documents to the appropriate parties with any changes that are deemed necessary and appropriate, provided that the final Installment Payment take place no later than March 1, 2026 and the amount borrowed does not exceed \$1,884,000.
4. The Board approves prior actions of certain officers of the County in connection with the financing.
5. The Board authorizes County officers and employees to take other actions as needed to complete the financing.
6. The County covenants to comply with the requirements of the Internal Revenue Code as applicable to the financing to maintain the tax-exempt status of the interest to be paid with respect to the loan.
7. The County covenants not to issue more than \$10,000,000 of tax-exempt obligations in 2016 and designates its obligation to repay the loan as bank-qualified.
8. Any invalid provision of the resolution will not affect the remainder of the resolution.
9. All prior actions of the Board in conflict with the resolution are repealed.
10. The resolution is effective upon its passage by the Board

Commissioner Puryear respectively requested Board permission to recuse himself from the vote for Board action related to consideration to adopt a Resolution approving an Installment Financing Contract, a Deed of Trust and other documents for the Roxplex property and various facility and equipment improvements due to the approved lender being his employer.

A **motion** was made by Chairman Newell and **carried 4-0** to recuse Commissioner Puryear from the vote for Board action related for consideration to adopt a Resolution approving an Installment Financing Contract, a Deed of Trust and other documents for the Roxplex property and various facility and equipment improvements due to the approved lender being his employer.

A **motion** was made by Commissioner Jeffers and **carried 4-0** to adopt a Resolution approving an Installment Financing Contract, a Deed of Trust and other documents and approving and authorizing certain actions in connection with financing a portion of the cost of various projects.



RESOLUTION APPROVING AN INSTALLMENT FINANCING CONTRACT, A DEED OF TRUST AND OTHER DOCUMENTS AND APPROVING AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH FINANCING A PORTION OF THE COST OF VARIOUS PROJECTS

WHEREAS, the County of Person, North Carolina (the "County"), is a validly existing political subdivision of the State of North Carolina (the "State"), under and by virtue of the Constitution and laws of the State; and

WHEREAS, the County has the power, pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended, to (a) finance the purchase of real and personal property by installment agreements that create in the property purchased a security interest to secure payment of the purchase price to the entity advancing moneys for such transaction and (b) finance the construction of fixtures or improvements on real property by agreements that create in such fixtures or improvements and in the real property on which such fixtures or improvements are located a security interest to secure repayment of moneys advanced or made available for such construction; and

WHEREAS, the County and The Person County Board of Education, a body corporate which has general control and supervision of all matters pertaining to the non-charter public schools in the Person County Schools, its respective school administrative unit (the "Board of Education"), have determined to cooperate in a plan to finance a portion of the cost of a project which each has found to be necessary and desirable to provide for improved public school facilities and improved public education in such school administrative unit; and

WHEREAS, such project consists of the repair and replacement of the roofs on South Elementary School, Woodland Elementary School and Oak Lane Elementary School, the replacement of the windows at North End Elementary School and the replacement of the chiller equipment at Southern Middle School (collectively, the "School Project"); and

WHEREAS, the County has also determined to finance a portion of the cost of a project consisting of the acquisition and improvement of land and related facilities known as the Roxplex Property for use as recreational facilities of the County and the repair or replacement of the roof on a building that is a part of the Huck Sansbury Recreation Complex of the County (collectively, the "County Project" and, together with the School Project, the "Project"); and

WHEREAS, the Board of Commissioners for the County (the "Board") has determined to proceed with the financing pursuant to said Section 160A-20 of a portion of the cost of the

January 19, 2016

Project in an amount not to exceed \$1,884,000 (the "Amount Advanced"), and it is necessary to approve an installment financing contract, a deed of trust and other documents and approve and authorize certain actions in connection therewith; and

WHEREAS, there have been presented for consideration by the Board copies of the following documents relating to such matter:

(a) a draft of an Installment Financing Contract, between the County and Branch Banking and Trust Company (the "Installment Financing Contract"), under which Branch Banking and Trust Company (the "Bank") would advance the Amount Advanced to finance a portion of the cost of the Project and the County would be obligated to make Installment Payments (as defined therein) to repay the Amount Advanced and to make certain other payments, among other requirements, such obligations being subject to termination by the County under certain circumstances as provided therein;

(b) a draft of a Deed of Trust and Security Agreement (the "Deed of Trust") which the County would execute and deliver to a trustee for the benefit of the Bank and which would encumber the site of North End Elementary School and the improvements on such site and certain related property, subject to certain exceptions, as security for the County's obligation to repay the Amount Advanced and any other funds advanced to it pursuant to the Installment Financing Contract;

(c) a draft of an Agreement Concerning Various School Improvements (the "Administrative Agreement") between the Board of Education and the County, under which the Board of Education would convey to the County the site of North End Elementary School and the improvements thereon by a General Warranty Deed and undertake certain responsibilities with respect to the School Project as described therein; and

(d) a draft of a Lease (the "Lease") between the County, as lessor, and the Board of Education, as lessee, which provides for the lease by the County to the Board of Education of the site of North End Elementary School and the improvements thereon as a part of such plan to finance a portion of the cost of the Project;

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

Section 1. The Board hereby confirms that the Project and its use are essential for the improved administration of County government and improved public education in the County and the Project will permit the County to carry out public functions that it is authorized by law to perform.

January 19, 2016

Section 2. The Board hereby finds and determines that it is in the best interest of the County to enter into the Installment Financing Contract, the Deed of Trust, the Administrative Agreement and the Lease in order to effectuate the financing of a portion of the cost of the Project as described above.

Section 3. The form and content of the Installment Financing Contract, the Deed of Trust, the Administrative Agreement and the Lease, each of which will be a valid, legal and binding obligation of the County in accordance with its terms, are hereby approved in all respects and the Chairman of the Board, the County Manager of the County, the Finance Director of the County, the County Attorney of the County and the Clerk to the Board are hereby authorized and directed to execute and deliver the Installment Financing Contract, the Deed of Trust, the Administrative Agreement and the Lease, as may be applicable, in substantially the forms presented to the Board, together with such additions, changes, modifications and deletions as they, with the advice of counsel, may deem necessary and appropriate, and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the Board and the County; provided, however, that the due date of the final Installment Payment is not later than March 1, 2026 and that the Amount Advanced does not exceed \$1,884,000.

Section 4. The Board hereby approves, ratifies and confirms the actions of the County Manager, the Finance Director and the County Attorney of the County in connection with this matter.

Section 5. The officers and employees of the County are authorized and directed (without limitation except as may be expressly set forth herein) to take such other actions and to execute and deliver such other documents, certificates, undertakings, agreements or other instruments as they, with the advice of counsel, may deem necessary or appropriate to effectuate the transactions contemplated by the Installment Financing Contract, the Deed of Trust, the Administrative Agreement and the Lease.

Section 6. The County covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code"), as applicable to the Installment Financing Contract except to the extent that the County obtains an opinion of nationally-recognized bond counsel to the effect that noncompliance would not result in the interest components of the Installment Payments being includable in the gross income of the recipient thereof under Section 103 of the Code, as more specifically provided in the Installment Financing Contract.

January 19, 2016

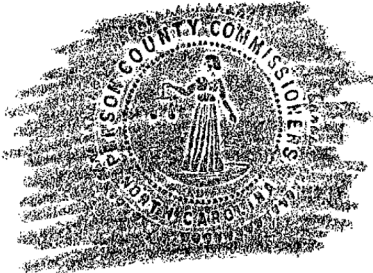
Section 7. The County hereby finds, declares and represents that (a) it reasonably expects that it, all entities subordinate to the County and all entities that issue obligations on behalf of the County (all within the meaning of Section 265(b)(3)(E) of the Code) will not issue in the aggregate more than \$10,000,000 of tax-exempt obligations (not counting private-activity bonds and certain refunding bonds as provided in Section 265(b)(3)(C)(ii) of the Code) during the current calendar year and (b) no entity has been or will be formed or availed of to avoid the limits described above. In addition, the County hereby designates its obligations to make Installment Payments under the Installment Financing Contract as a "qualified tax-exempt obligation" for the purposes of Section 265(b)(3) of the Code.

Section 8. If any section, phrase or provision of this resolution is for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this resolution.

Section 9. All motions, orders, resolutions, ordinances and parts thereof in conflict herewith are hereby repealed.

Section 10. This resolution shall take effect immediately upon its passage.

Adopted the 19th day of January, 2016.



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

Attest:

Brenda B. Reaves
Clerk to the Board

January 19, 2016

APPOINTMENTS TO BOARDS AND COMMITTEES:

Clerk to the Board, Brenda Reaves presented interested citizens applications for the Board of Commissioners to consider for nomination and appointment.

Economic Development Commission

Nicole Dunevant requested appointment to the ex-officio, non-voting Piedmont Community College representative of workforce training; no designated term for ex-officio positions.

A **motion** was made by Commissioner Clayton and **carried 5-0** to appoint Nicole Dunevant to the Economic Development Commission as an ex-officio, non-voting Piedmont Community College representative of workforce training.

Juvenile Crime Prevention Council

Regarding the seat designated for a person under the age of 21, Anderson Clayton submitted her resignation as the student representative as she is unable to attend the meeting as she is a freshman at college; her unexpired term is to June 30, 2016.

Two student applications are before the Board for consideration

- 1) Tyrique Wright requests appointment
- 2) Meghan McCowan requests appointment

A **motion** was made by Commissioner Jeffers and **carried 5-0** to appoint Tyrique Wright to fulfill an expired term to June 30, 2016 on the Juvenile Crime Prevention Council representing a person under the age of 21.

CLEAN FUEL ADVANCED TECHNOLOGY GRANT:

Assistant County Manager, Sybil Tate noted Person County does not meet some EPA air quality standards; therefore, the county would be eligible to apply for Clean Fuel Advanced Technology (CFAT) grant funds from the federal government passed down through the state to improve air quality. Ms. Tate stated the grant application due date is February 15, 2016 with awards to be made in April 2016. Ms. Tate said the CFAT grant required a 20% match of county funds estimated to be approximately \$25,000-\$31,000. The grant funds requested would be approximately \$100,000 - \$125,000, for a total project cost of \$125,000 - \$156,000. Ms. Tate further noted that all funds will be budgeted for and expended during FY17.

Ms. Tate recommended applying for CFAT funds for the following projects:

- Vehicle replacement
- Education
- Technology
- Electric Vehicle (EV) Charging Station in Uptown
- Public Outreach

Vehicle Replacement

The grant would pay 80% of the costs of an “upgrade” from a regular vehicle to an Alternative Fuel Vehicle. Person County’s Department of Social Services (DSS) may need to replace up to 4 vehicles this year. As a result, Ms. Tate recommended using grant funds to “upgrade” these vehicles. Eighty percent of the additional cost of the more fuel-efficient vehicle would be paid by the state, the remaining 20% or approximately \$400 would be paid by the county.

Education

The grant request will also include two half-day education events to teach county employees driving techniques that conserve fuel. Vice Chairman Kendrick pointed out the unintended costs involved employees attending training away from their normal jobs.

Technology

Ms. Tate noted DSS was in need of reservation software to improve the vehicle request system (currently this process is 100% manual) and decrease fuel costs and recommended purchasing software that will decrease fuel consumption with the following features:

- safety features-provides supervisors with alerts for speeding
- fuel tracking – total fuel usage per vehicle, mileage, miles/gallon
- improper use of vehicles
- ride sharing functionality
- checks charge levels for electric vehicles

Ms. Tate stated the one-time software costs would be \$31,000 with a monthly recurring costs of \$680.

EV Charging Station

The grant application will also include a request for funding for an electric vehicle charging station in Uptown Roxboro. The TDA is very interested in this project and has pledged to support it with funds. Person County is also discussing this project with the City of Roxboro and RDG. Ms. Tate stated the total costs for the charging station(s) would be \$16,000 with the grant funding \$12,800 and \$3,200 for the match.

Public Outreach

The grant requires awardees to promote projects funded with CFAT money. Ms. Tate noted the county would attach magnets to vehicles funded through CFAT, host a ribbon cutting for the electric vehicle charging station in Uptown, and use social media outlets to promote fuel conservation.

Vice Chairman Kendrick discussed the costs and described his experience working at Duke Energy related to software and training issues.

A **motion** was made by Chairman Newell and **carried 4-1** to not pursue the Clean Fuel Advanced Technology Grant. Commissioner Jeffers cast the lone dissenting vote.

CHAIRMAN'S REPORT:

Chairman Newell had no report.

MANAGER'S REPORT:

County Manager, Heidi York reported the following:

- Introduced Person County Emergency Services Director, Doug Young, hired on December 1, 2015; Mr. Young oversees EMS, 911, Emergency Management as well as serves as the liaison with the volunteer fire departments,
- Economic Development Commission has a meeting on January 20, 2016,
- Architect for the Senior Center project will be holding a public input meeting tentatively on February 8, 2016,
- Request from the City of Roxboro for a joint meeting as well as a request from Economic Development for a joint meeting with the City and County to hear a report from a consultant; the City of .Roxboro is interested in the county partnering with their \$15-\$17M waste water treatment upgrade as an economic development initiative as well as discuss solid waste impacts, and
- A draft of the retreat agenda was sent to the Board members noting she would follow up with a phone call.

COMMISSIONER REPORT/COMMENTS:

Commissioner Jeffers had no report.

Commissioner Clayton had no report.

Commissioner Puryear had no report.

Vice Chairman Kendrick reported the following:

- Library Advisory Board shared for library card holders can now access an ancestry based software program that holds military records,
- Senior Advisory Board excited about the plans moving forward noting its Director, Maynell Harper met with the Architect to share recommendations as well as they are looking for fundraiser ideas, and
- Noted community praise for the hiring of the Emergency Services Director noting he has been out in the community and attended local fire department meetings.

January 19, 2016

ADJOURNMENT:

A **motion** was made by Vice Chairman Kendrick and **carried 5-0** to adjourn the meeting at 11:25am.

Brenda B. Reaves
Clerk to the Board

David Newell, Sr.
Chairman