

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

JULY 18, 2016
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 Monday, July 18, 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. Chairman Newell asked Mr. Fred McClure, Davidson County Commissioner, and President Elect to the NC Association of County Commissioners Board of Directors and Treasurer for the US Motto Action Committee to lead the group in the Pledge of Allegiance.

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

Chairman Newell requested the addition of two items to the agenda: 1) Revolving Loan Fund discussion, and 2) a potential YMCA Market Study.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to add the Revolving Loan Fund discussion and a potential YMCA Market Study to the agenda and to approve the agenda as adjusted.

RECOGNITION:

RESOLUTION OF APPRECIATION:

Chairman Newell read and presented a Resolution of Appreciation to Person County retiree, Reed Marston.

July 18, 2016

RESOLUTION OF APPRECIATION

WHEREAS, Reed Marston has served the people of Person County during his tenure working for Person County's General Services Department as a Grounds Maintenance Supervisor; and

WHEREAS, Reed Marston has served the citizens of Person County with honor, integrity, sincerity and dedication, providing accurate, concise services for thirteen years, June, 2003 - June, 2016; and

WHEREAS, Reed Marston 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 Reed Marston 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 Reed Marston for continually striving to make Roxboro and Person County a better place to live and work.

Adopted the 18th day of July, 2016.



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

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

July 18, 2016

**PUBLIC HEARING:
AN AMENDMENT TO PERSON COUNTY'S AMBULANCE FRANCHISE
ORDINANCE:**

A **motion** was made by Vice Chairman Kendrick and **carried 5-0** to open the duly advertised public hearing for consideration to amend Person County's Ambulance Franchise Ordinance.

Douglas Young, Director of Emergency Services presented to the Board the proposed amendments to the Person County Ambulance Franchise Ordinance noting the most significant change provided that a franchise be granted to one or more franchisees and that each have a toll free number available for incoming calls at all times.

Mr. Young recommended the Board to consider adoption of said amendments.

There was no one appearing before the Board to speak in favor or in opposition to the proposed amendments to Person County's Ambulance Franchise Ordinance.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to close the public hearing for proposed amendments Person County's Ambulance Franchise Ordinance.

**CONSIDERATION TO APPROVE AN AMENDMENT TO PERSON COUNTY'S
AMBULANCE FRANCHISE ORDINANCE:**

A **motion** was made by Commissioner Puryear and **carried 5-0** to approve the proposed amendments and to adopt Person County's Ambulance Franchise Ordinance as presented.

July 18, 2016

**PERSON COUNTY
AMBULANCE FRANCHISE ORDINANCE**

WHEREAS, North Carolina General Statute Section 153A-250 provides that a county may by ordinance franchise ambulance services provided in the county to the public at large; and

WHEREAS, said General Statute requires the holding of a public hearing after publication of notice of the hearing; and

WHEREAS, the Person County Board of Commissioners has previously adopted an ambulance franchise ordinance on September 15, 2008, and

WHEREAS, the Board of County Commissioners finds that it is necessary and desirable to adopt a replacement ambulance franchise ordinance in order to generally update said ordinance; and

WHEREAS, this board has held the required public hearing after proper notice was published in the Courier Times, a newspaper of general circulation serving Person County, on June 29, 2016 and July 6, 2016. (Copy of notice Attached as Exhibit A); and

WHEREAS, this board finds it necessary to assure the provision of adequate and continuing ambulance service and to preserve, protect, and promote the public health, safety, and welfare of the citizens of Person County to enact this Ordinance which shall be known as "Person County Ambulance Franchise Ordinance".

NOW THEREFORE, be it ordained as follows:

SECTION I. Franchise Required

- 1.1 No person either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise or otherwise be engaged in or profess to be engaged in the business or service of emergency and/or non-emergency transportation of patients within the geographic boundaries of Person County unless the person holds a valid permit for each ambulance used in

such business or service issued by the North Carolina Department of Health and Human Services, Division of Health Service Regulation, Office of Emergency Medical Services and has been granted a franchise for the operation of such business or service by the County pursuant to this Ordinance.

- 1.2 No person shall drive, attend, or permit a vehicle to be operated for ambulance purposes within the County of Person unless he or she holds a currently valid credential as an emergency medical technician (Basic, Intermediate or paramedic) issued by NC OEMS.
- 1.3 No franchise shall be required for:
 - (A) Any entity rendering assistance to Person County Emergency Services or a franchised ambulance service in the case of a major catastrophe or emergency when existing ambulance services are insufficient to provide necessary services; or,
 - (B) Any entity operated from a location or headquarters outside of Person County in order to transport patients who are picked up beyond the limits of Person County, but no such entity shall be used to pick up patients within Person County for transportation to locations within Person County or other locations unless it is rendering assistance as referred to in 1.3 (A) above; or,
 - (C) Law Enforcement Personnel; or
 - (D) The operation of the Person County owned ambulance service.

SECTION II. Application for Franchise

- 2.1 Application for a franchise to operate ambulances in the County shall be made upon such forms as may be prepared or prescribed by the County and shall contain:

- (A) The name and address of the applicant and of the owner of the ambulances. If the owner is a corporation, a certified copy of the articles of incorporation shall be included with the application.
- (B) The trade or other fictitious names, if any, under which the applicant does business, along with a certified copy of an assumed name certificate stating such name or articles of incorporation stating such name.
- (C) A resume of the training and experience of the applicant, its agents and employees in the transportation and care of patients.
- (D) A description (make, type, year of manufacture, and serial number) of each ambulance owned and operated by the applicant and an inventory of equipment to be carried on each ambulance that will guarantee certification as such per current NC OEMS rules and regulations. If an ambulance(s) to be used in the provision of the proposed franchised service is not owned by the applicant at the time of the submission of the application, a full description of such ambulance(s) shall be provided including all information required above except for a specific serial number. A franchise may not be granted until such ambulance is acquired by the applicant, but a certification may be issued that all conditions for the franchise have been met except for the ownership of the ambulance.
- (E) The location and description of the place or places of business from which the applicant intends to operate.
- (F) An audited financial statement of the applicant in such form and in such detail as may be required by the County.
- (G) A description of the applicant's capability to provide twenty-four (24) hour coverage, seven days per week for the district covered by the franchise applied for, and an accurate estimate of the minimum and maximum times for a response to calls within such district.

- (H) The criminal record, if any, of the applicant; provided that if applicant is a corporation, the criminal record, if any, of the officers, directors and supervising employees thereof, including General Manager or Director.
 - (I) Any information that the County shall deem reasonably necessary for a fair determination of the capability of the applicant to provide ambulance service in the County in accordance with the requirements of State laws and the provisions of this ordinance.
 - (J) The geographic portion of the County that the applicant desires to operate within.
- 2.2 An applicant may make application for a franchise to operate either advanced life support or basic life support transportation service. The applicant must specify which level of transportation service they are applying for.

SECTION III. Granting of Franchise

- 3.1 Upon receipt of an application for a franchise, the County shall schedule a time and place for hearing the applicant. Within thirty days after hearing, the County shall cause such an investigation as it may deem necessary to be made of the applicant and his proposed operations.
- 3.2 A franchise may be granted to one or more franchisees if the County finds that:
- (A) The public convenience and necessity require the proposed ambulance service. In determining whether the public convenience and necessity require the proposed ambulance service, the Board will consider and investigate the statements made in the application, the adequacy of the existing ambulance service, the financial responsibility, experience, and character of the applicant, and the ability of the existing ambulance providers to provide any

necessary additional services, and other factors pertinent to such determination.

- (B) Each ambulance of the applicant, the required equipment and the premises designated in the application, have been either certified by the County and or the State of North Carolina or are eligible for such certification per current NC OEMS rules and regulations.
- (C) Only duly credentialed Emergency Medical Technicians are employed in such capacities.

SECTION IV. Term of Franchise

- 4.1 The County may issue a franchise to an owner of an ambulance service, to be valid for a term not to exceed five years. However, a franchise once granted may be extended for additional five year terms upon written application and documentation establishing that the franchisee is in full compliance with all Person County and NC OEMS rules and regulations and that valid permits have been issued by NC OEMS for each ambulance being operated and that a current provider license has been issued to the franchisee by NC OEMS.

- 4.2 No franchise granted may be sold, assigned or transferred to or in any way vest in any person other than the applicant to whom the franchise is granted. Provided however, a sale, assignment or transfer of an ambulance service to a relative or to a business entity where all of the ownership interests are owned by relatives of the applicant shall not be considered a sale, assignment or transfer under this ordinance and shall not result in a termination of the franchise.

SECTION V. Standards for Ambulance Franchise

- 5.1 Each franchised ambulance service shall comply at all times with the requirements of this Ordinance, the franchise granted hereunder, all applicable State and Local Laws relating to health, sanitation, safety, equipment, and ambulance design, the current Person County EMS System Plan and all other laws and ordinances.

- 5.2 Any change of ownership of a franchised ambulance service without the approval of the County shall terminate the franchise and shall require a new application and a new franchise and conformance with all the requirements of this Ordinance as upon original franchise issuance. Provided however a change in ownership resulting in the acquisition of an ownership interest by a relative of the applicant or a business entity where all of the ownership interests are owned by a relative of the applicant shall not be considered a change of ownership under this ordinance.

SECTION VI. Standards for Drivers, Attendants, Vehicles and Equipment

- 6.1 Standards for drivers, attendants, vehicles and equipment as developed and adopted by the North Carolina Medical Care Commission and enforced by NC OEMS in accordance with Chapter 131E, Article 7 and Chapter 143, Article 56 of the North Carolina General Statutes and Chapter 10A of the North Carolina Administrative Code, Subchapter 13P are incorporated herein as part of this Ordinance. All drivers, attendants, vehicles and equipment shall meet the specifications and qualifications of the above mentioned rules, regulations and standards.

- 6.2 It shall be the responsibility of the franchisee to ensure that the provisions of this section are observed as required.

- 6.3 Proof of compliance with this section shall be made available to the Director of Person County Emergency Services on an annual basis.

SECTION VII. Standards for Communications

- 7.1 Each ambulance must be equipped with a mobile two-way VHF radio mobile or portable 800 mhz radio which must be in operative condition at all times. The VHF and 800 mhz radios must have a minimum of 25 watts operating power and programed with the channels/groups required by the Director of Emergency Services and an internal operational frequency capable of dispatching their units. Other frequencies as needed are acceptable but not required by franchise.
- 7.2 Each ambulance service shall provide the County a copy of the Federal Communications Commission License authorizing the use of the communication equipment owned and operated by that service.
- 7.3 Each base of operations must have at least one open/toll free telephone line. Telephone numbers must be available to Person County Emergency Services, and Person County Communications, county businesses and citizens free of charge to the caller.

SECTION VIII. Insurance

- 8.1 No ambulance franchise shall be issued under this Ordinance, nor shall such franchise be valid after issuance, nor shall any ambulance be operated in the County unless there is at all times in force and effect insurance coverage, issued by an insurance company licensed to do business in the State of North Carolina, for each and every ambulance owned and/or operated by or for the ambulance service providing for the payment of damages:
- (A) In the sum of \$ 1,000,000 for injury to or death of individuals in accidents resulting from any cause for which the owner of said

vehicle would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner or his agent and,

(B) In the sum of \$ 1,000,000 for the loss of or damage to the property of another, including personal property.

8.2 Proof of insurance coverage shall be made available to the Director of Person County Emergency Services on an annual basis.

SECTION IX. Rates and Charges

9.1 Person County shall, in accordance with North Carolina General Statute Section 153A-250(a)(6) establish and from time to time revise a schedule of rates, fees, and charges that may be charged by franchised operators. Such rates, fees and charges shall be applicable to and uniform for all providers public, private and non-profit.

9.2 Person County has the right to audit the financial records of each franchised operator for charges for patient services.

SECTION X. Violations

10.1 In the event of a violation of any section of this Ordinance or of any term or condition of a franchise issued hereunder, the violator may be assessed a civil penalty by the County Manager in the amount of five hundred dollars for each violation. Each day that a violation continues shall be deemed a separate violation. A violator shall be entitled to a hearing before the County Manager on the assessment of any penalty. Any civil penalty may be recovered in the nature of a debt if the violator does not pay the penalty within ten days after being notified of a hearing decision. If the civil penalty is not paid within the ten days as provided for above, the County may suspend or revoke the franchise.

- 10.2 As provided in North Carolina General Statute 153A-123, Person County may seek an injunction, abatement order or any other appropriate remedy to insure compliance with this Ordinance.
- 10.3 Nothing herein shall prevent Person County from proceeding in a criminal action against any person, firm or corporation for violating any provision of this Ordinance or any term or condition of a franchise granted hereunder as provided in North Carolina General Statute 14.4.
- 10.4 Upon suspension, revocation, or termination of a franchise granted hereunder, such franchised ambulance service immediately shall cease operations. Upon suspension, revocation, or termination of a driver's license or emergency medical technician credential such person shall cease to drive an ambulance or provide medical care in conjunction with an ambulance service, or attend and ambulance and no person shall employ or permit such individual to drive an ambulance or provide medical care in conjunction with an ambulance service.

SECTION XI. Enforcement

- 11.1 The Director of Emergency Services for Person County or his designee shall be the agent for the county for purposes of making inspections of drivers, attendants, vehicles and equipment; to aid the board of commissioners in determining compliance with this ordinance; and of investigations into alleged violations of the articles of this ordinance.
- 11.2 Person County Department of Emergency Services shall be the enforcing agency for the regulations contained in this Ordinance. Such office will:
- (A) Receive all franchise proposals from potential providers.
 - (B) Study each proposal for conformance to this Ordinance.
 - (C) Make recommendations to the Board of Commissioners concerning the award or non-award of the franchise.

- (D) Inspect the premises, vehicles, equipment, and personnel of franchisees to assure compliance to this Ordinance and to perform any other inspections that may be required.
- (E) Recommend temporary or permanent suspension of a franchise in the event of noncompliance with the franchise terms of this Ordinance to the County Manager. Appeal from final decisions of the County Manager shall be to the Board of Commissioners. Appeal to the Board of County Commissioners must be filed with the Clerk to the Board within seven days of the Manager's final decision.
- (F) Recommend to the County Manager the imposition of misdemeanor or civil penalties as provided herein or recommend such other courses of action as may be warranted by the violation or infraction, provided however the appeal processes to the Board of County Commissioners set out in section X shall apply.
- (G) Receive complaints from the public, other enforcing agencies, and ambulance services regarding franchise infractions.

SECTION XII. Territorial Jurisdiction

- 12.1 The provisions of this Ordinance shall apply to all areas within the geographic confines of Person County including areas within a city unless the city area has been excluded by the County or a city pursuant to GS153A-250(c).

SECTION XIII. Miscellaneous

- 13.1 The County may inspect a franchisee's records, premises and equipment at any time during normal daytime business hours after reasonable notice to the franchisee, in order to insure compliance with this Ordinance and any franchise granted hereunder. Nothing contained in this ordinance shall authorize violation of any valid Federal or State law or regulation.

- 13.2 The franchisee shall report the number of calls and runs during the month by the 10th day of the following month to the Director of Emergency Services. The report shall be in writing and shall contain the following at a minimum:
- (A) the number of emergency calls for the month
 - (B) the number of routine calls for the month
 - (C) the total number of calls for the month including calls that otherwise do not meet criteria above
 - (D) transports by destinations: (PMH, nursing home, residence or out of county facility)
 - (E) delays in calls for service: (number of delays, average delay time, reason for delay)

SECTION XIV. Definitions

- 14.1 "Advanced Life Support" means the assessment, intervention and or transport of a patient performed by an ALS crew as part of a response that was necessary because the patient's reported condition at the time of dispatch was such that only an ALS crew was qualified to perform the assessment and or perform an intervention or procedure that is in accordance with state and local laws, required to be done by an Intermediate or Paramedic.
- 14.2 "Ambulance" means any privately or publicly owned motor vehicle, aircraft or vessel that is especially designed, constructed or modified and equipped and is intended to be used for and is maintained or operated for the transportation on the streets or highways, waterways, or airways of this State of persons who are sick, injured, wounded, or otherwise incapacitated or helpless.

- 14.3 "Basic Life Support" means the provision of BLS service with medically necessary supplies and services, including ambulance transport by personnel qualified in accordance with State and local laws at the level of an EMT-Basic.
- 14.4 "Breach" means the violation of or failure to comply with a provision of this ordinance.
- 14.5 "Business Entity" means a corporation, a general partnership, a limited partnership, or a limited liability company.
- 14.6 "County" means the County of Person Board of Commissioners or a designated representative.
- 14.7 "Emergency Transportation" means the operation of an ambulance in order to provide medical care and transportation of a patient who is in need of immediate medical treatment in order to prevent loss of life or further aggravation of physiological or psychological illness or injury. Emergency transportation may occur at the ALS or BLS level.
- 14.8 "Franchise" shall mean a permit issued by the County to a person for the operation of an ambulance service.
- 14.9 "Franchisee" shall mean any person having been issued a franchise by the County for the operation of an ambulance service.
- 14.10 "NC OEMS" shall mean the North Carolina Office of Emergency Medical Services. NC OEMS is a section of the Division of Health Service Regulation of the NC Department of Health and Human Services. NC OEMS has enforcement oversight in the rules and regulations governing

EMS operations in the state of NC as created and adopted by the NC Medical Care Commission.

14.11 "Non-Emergency / Routine Transportation" means the operation of an ambulance for any purpose other than an emergency transport as defined above. Non-Emergency transportation may occur at the ALS or BLS level.

14.12 "Owner" shall mean any person or entity that owns or operates an ambulance service.

14.13 "Patient" shall mean an individual, who is sick, injured, wounded, or otherwise is incapacitated or helpless.

14.14 "Person" shall mean any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or organizations of any kind, including any governmental agency other than the United States.

14.15 "Relative" shall mean any of the following:

- (A) A spouse or the spouse's lineal ancestor or descendant.
- (B) A lineal ancestor or a lineal descendant.
- (C) A brother or sister, or the lineal descendant of a brother or sister. For the purposes of this sub-subdivision, the term brother or sister includes stepbrother or stepsister.
- (D) An aunt or an uncle.
- (E) A spouse of a person listed in paragraphs a. through d. For the purpose of this subdivision, an adoptive or adopted relative is a relative and the term "spouse" includes a surviving spouse.

This Ordinance shall be effective upon adoption by the Board of Commissioners and will supersede any previous versions of the Ambulance Franchise Ordinance.

Adopted this the 18th day of July, 2016.

SEAL



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

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



PUBLIC HEARING NOTICE

The Person County Board of Commissioners hereby gives notice of its intent to amend its current Ambulance Franchise Ordinance to update statutory and technical references and to provide for allowing two ambulance providers to operate in the County in order to insure adequate coverage for all citizens. The Board of Commissioners will hold a Public Hearing on July 18, 2016 at 9:00am to receive public comment on an amended Ambulance Franchise Ordinance.

The meeting will be held in the Commissioners' meeting room 215 in the County Office Building, 304 S. Morgan Street, Roxboro, NC 27573.

Brenda B. Reaves, NCCCC, CMC
Clerk to the Person County Board of Commissioners

**PUBLIC HEARING:
REQUEST BY WHITT TOWN SOLAR LLC FOR A SPECIAL USE PERMIT FOR
A SOLAR FARM (ELECTRICAL GENERATING FACILITY) ON WHITT
TOWN ROAD, ROXBORO TOWNSHIP, TAX MAP 104 PARCEL 4:**

A **motion** was made by Commissioner Jeffers and **carried 5-0** to open the duly advertised public hearing for a Request by Whitt Town Solar LLC for a Special Use Permit for a solar farm (electrical generating facility) on Whitt Town Road, Roxboro Township, Tax Map 104 Parcel 4.

The public hearing set to hear a request by Whitt Town Solar LLC for a Special Use Permit for a solar farm (electrical generating facility) on Whitt Town Road, Roxboro Township, Tax Map 104 Parcel 4 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:

Michael Ciriello, Shane Shields, David York, and Richard Kirkland

Planning Director, Mike Ciriello stated the County has received an application from Whitt Town Solar LLC for a solar energy generator on Whitt Town Road. The company plans to lease the 43.4 acre tract. Electrical Generating Facilities are allowed with a Special Use Permit in the Rural Conservation District.

Mr. Ciriello stated the site plan shows the proposed solar panels, six inverters and access to the site. The solar farm will contain rows of Photovoltaic (PV) cell panels mounted on posts set in the ground individually. The plans show approximately 21,660 solar panels manufactured by Canadian Solar (model: 6X-300P). Each panel has a 300 watt capacity. The power is then sold through a Power Purchase Agreement to Duke Energy Progress. This site is not equipped to store power and does not involve known hazardous materials. Mr. Ciriello stated the site will not require a well or septic system as the use will be unmanned and only visited periodically for routine maintenance.

Mr. Ciriello noted the Person County Land Use Plan's "Future Land Use Map" shows this area as Suburban Residential. It is defined as Residential land uses including subdivisions and manufactured home parks at densities of 1-3 dwelling units per acre; commercial, office, industrial, public/institutional uses meeting locational criteria. Locational criteria for non-residential uses within this land use category would include frontage and access to a major State highway or secondary road, proximity to similar uses and spatial separation from non-compatible uses such as existing residential development. Land uses within this category could develop with or without public sewer.

The plans show a thirty foot access to the site off of Whitt Town Road as required by the Zoning Ordinance. The Ordinance also requires that travel ways and driveways to be paved which includes a turnaround for emergency vehicles; a driveway permit will have to be obtained from NCDOT. A six foot chain link fence with barbed wire will enclose the facility.

The plans show a possible stream crossing; there could be an impact on the existing wetlands on the site. Whitt Town Solar LLC was in the process of applying for a jurisdictional determination which will determine the exact location of any wetlands. A Nationwide Permit from the United States Army Corps of Engineers will be required for the stream crossing.

Mr. Ciriello stated that should the Board of Commissioners decide to grant approval of the Special Use Permit, the following conditions are recommended by the Planning Board to be included:

1. Applicant to obtain a driveway permit from NCDOT. A copy of the permit to be given to Planning and Zoning prior to issuance of a zoning permit.
2. Applicant to obtain Erosion and Sedimentation Control Plan. A copy of the approved plan and approval letter to be given to Planning and Zoning prior to issuance of Zoning Permit.
3. A final "as built" to be submitted to Planning and Zoning prior to issuance of a Certificate of Occupancy.
4. Access to the site to be minimum of 20 feet in width, parking to accommodate two vehicles (each 9' x 18") and turnaround minimum of seventy feet (driving surface) for emergency vehicles.
5. Applicant to obtain all Federal, State and Local permits that are required.
6. Applicant to meet all conditions of the Person County Zoning Ordinance.
7. Applicant will need to obtain a Zoning Permit and Building Permit from Person County prior to any construction.

Mr. Ciriello advised the Board of Commissioner to address the Findings of Fact in Section 74-4 of the Zoning Ordinance and whether the plan is in keeping with the comprehensive plan.

Mr. Ciriello stated the Planning Board held a Public Hearing on June 9, 2016 and voted 6 to 0 to recommend approval of the Special Use Permit with the recommended conditions and that it met the Findings of Fact and that it was in keeping with the Comprehensive Plan.

The following individuals appeared before the Board of Commissioners to speak in favor of the Request by Whitt Town Solar LLC for a Special Use Permit for a solar farm (electrical generating facility) on Whitt Town Road, Roxboro Township, Tax Map 104 Parcel 4:

Mr. Shane Shields of 601 W. Main Street, Carrboro and the Zoning Manager of Development for Cypress Creek Renewables, LLC and its subsidiary, Whitt Town Solar, LLC noted his availability for questions during the public hearing.

Mr. David York of Smithmoore Leatherwood, Attorneys at Law of 434 Fayetteville Street, Suite 2800, Raleigh, representing Cypress Creek Renewables, LLC and its subsidiary, Whitt Town Solar, LLC, the applicant for the Special Use Permit for a solar farm (electrical generating facility) on Whitt Town Road, Roxboro Township, Tax Map 104 Parcel 4, distributed to the Board of Commissioners with an original copy to the Clerk to the Board, documents including the Special Use Application, Affidavit of Richard Kirkland, Jr., MAI, and Solar Impact Study, an Affidavit of Shane Shields and the Site Plan.

Mr. Richard Kirkland of 9408 Northfield Court, Raleigh and a State Certified General Appraiser stated his availability for questions during the public hearing.

There were no individuals appearing to speak in opposition to the Request by Whitt Town Solar LLC for a Special Use Permit for a solar farm (electrical generating facility) on Whitt Town Road, Roxboro Township, Tax Map 104 Parcel 4.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to close the public hearing for a Request by Whitt Town Solar LLC for a Special Use Permit for a solar farm (electrical generating facility) on Whitt Town Road, Roxboro Township, Tax Map 104 Parcel 4.

CONSIDERATION TO GRANT OR DENY REQUEST BY WHITT TOWN SOLAR LLC FOR A SPECIAL USE PERMIT FOR A SOLAR FARM (ELECTRICAL GENERATING FACILITY) ON WHITT TOWN ROAD, ROXBORO TOWNSHIP, TAX MAP 104 PARCEL 4:

A **motion** was made by Vice Chairman Kendrick and **carried 5-0** to approve the Request by Whitt Town Solar LLC for a Special Use Permit for a solar farm (electrical generating facility) on Whitt Town Road, Roxboro Township, Tax Map 104 Parcel 4 with the recommended conditions (as listed below) noting that the request meets the Findings of Fact and that it was in keeping with the Comprehensive Plan.

Conditions included:

1. Applicant to obtain a driveway permit from NCDOT. A copy of the permit to be given to Planning and Zoning prior to issuance of a zoning permit.
2. Applicant to obtain Erosion and Sedimentation Control Plan. A copy of the approved plan and approval letter to be given to Planning and Zoning prior to issuance of Zoning Permit.
3. A final “as built” to be submitted to Planning and Zoning prior to issuance of a Certificate of Occupancy.
4. Access to the site to be minimum of 20 feet in width, parking to accommodate two vehicles (each 9’ x 18”) and turnaround minimum of seventy feet (driving surface) for emergency vehicles.
5. Applicant to obtain all Federal, State and Local permits that are required.
6. Applicant to meet all conditions of the Person County Zoning Ordinance.
7. Applicant will need to obtain a Zoning Permit and Building Permit from Person County prior to any construction.

INFORMAL COMMENTS:

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

Ms. Betty Blalock of 144 Tirzah Ridge, Rougemont stated that even as the local newspaper threatened the people of Mt. Tirzah, the Mt. Tirzah community cared about the people residing in northern Person County. Ms. Blalock showed examples of items she buys and uses to recycle noting she recycles approximately 95 percent of her household.

DISCUSSION/ADJUSTMENT/APPROVAL OF CONSENT AGENDA:

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

- A. Approval of Minutes of June 7, 2016,
- B. Approval of Minutes of June 20, 2016,
- C. Budget Amendment #1,
- D. Budget Amendment CIP,
- E. EMS Operational Medical Director Contract,
- F. Consideration to change the Board of Commissioners regular scheduled meeting time of the September 6, 2016 from 7:00pm to 9:00am,
- G. Request for temporary road closure of Glenn Fogleman Road,
- H. Funding Allocation Correction for Person County JCPC FY 2016-2017,
- I. Fire and Rescue Corrective Action Responses,
- J. DSS Attorney Contracts for legal services,
- K. Tax Adjustments for the month of July 2016,
 - a. Tax Releases, and
 - b. NC Vehicle Tax System pending refunds

July 18, 2016

NEW BUSINESS:

A RESOLUTION TO GRANT AN ADVANCE LIFE SUPPORT SERVICE AMBULANCE FRANCHISE TO NORTH STATE MEDICAL TRANSPORTS, INC., AND

A RESOLUTION TO GRANT BASIC LIFE SUPPORT SERVICE AMBULANCE FRANCHISE TO REGIONAL ONE, INC.:

Emergency Services Director, Douglas Young stated the Department of Emergency Services received two applications to be considered for an ambulance service franchise. The Emergency Services Director and EMS Staff reviewed the applications presented and each applicant was requested to provide a presentation of services offered. Each applicant demonstrated that they were qualified to provide the needed services as deemed necessary by the Emergency Services Department in which Mr. Young recommended the Board of Commissioners to grant an Advance Life Support Service Ambulance Franchise to North State Medical Transports, Inc. of Raleigh, North Carolina and to grant a Basic Life Support Service Ambulance Franchise to Regional One, Inc. of Danville, Virginia.

The two private ambulance companies will provide non-emergency convalescent transport to and from the hospital, nursing homes, doctors' offices, the dialysis center and patients' homes. Emergency transports will continue to be provided by Person County EMS. Mr. Young noted the franchisees, could as a part of their contract, be called on to provide mutual aid in emergency situations.

Mr. Young further noted that both franchise holders are required to have at least two ambulances for use in Person County at all times; they will be dispatched by calling the response office toll free number. Both franchisees are required to operate a central business and response office within a reasonable distance of Person County and are not required to be based in Person County. Mr. Young stated Regional One of Danville is approximately 40-minutes from Person County and North State Medical Transports is located approximately 55-minutes from Person County noting both plan on being much closer during peak times in the day. Mr. Young confirmed that other ambulance service providers could apply to operate in the county with the adoption of the amended Ambulance Franchise Ordinance.

Mr. Young presented the Board with two resolutions for consideration for adoption: A Resolution to grant an Advance Life Support Service Ambulance Franchise to North State Medical Transports, Inc. and a Resolution to grant Basic Life Support Service Ambulance Franchise to Regional One, Inc.

A **motion** was made by Commissioner Puryear and **carried 5-0** to adopt a Resolution to grant an Advance Life Support Service Ambulance Franchise to North State Medical Transports, Inc. and a Resolution to grant Basic Life Support Service Ambulance Franchise to Regional One, Inc.

July 18, 2016

A RESOLUTION TO GRANT
AN ADVANCE LIFE SUPPORT SERVICE
AMBULANCE FRANCHISE TO NORTH STATE MEDICAL TRANSPORT, INC.

WHEREAS, NORTH STATE MEDICAL TRANSPORT, INC., has applied for an ambulance franchise, in accordance with the provisions of the Person County's Ambulance Franchise Ordinance; and

WHEREAS, the Department of Emergency Services staff and the Medical Director reviewed the application for An advanced life support service ambulance franchise filed by North State Medical Transport, Inc., made an investigation and analysis, as required by the Person County's Ambulance Franchise Ordinance, and recommended that a franchise be issued to North State Medical Transport, Inc.; and

WHEREAS, the Board of Commissioners finds that the public convenience and necessity would be served by the issuance of a advanced life support service ambulance franchise to North State Medical Transport, Inc.; and

WHEREAS, the Board of Commissioners, therefore concludes that a advanced life support service ambulance franchise should be issued to North State Medical Transport, Inc.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Person, North Carolina, that the request by North State Medical Transport, Inc. for an advanced life support service ambulance franchise be, and is hereby, approved and that an advanced life support service ambulance franchise with a term of five (5) years, expiring on June 30, 2021, be granted, subject to the following conditions:

July 18, 2016
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1. Compliance with all of the applicable provisions of the Person County's Ambulance Franchise Ordinance and other applicable federal, state, and local laws, and the conditions set forth.

2. The ambulance franchise holder will keep such records and make such reports to the Director of Emergency Services or her/his designee with respect to furnishing ambulance service under this ambulance franchise as shall be required and requested by the Director of Emergency Services or her/his designee. The Director of Emergency Services or her/his designee may prescribe the form of such records and reports and shall have the right to inspect the records, facilities, and equipment of the ambulance franchise holder at any time.

3. The ambulance franchise holder will indemnify, keep and hold the County free and harmless from any and all liability for injury or damage to any and all persons, firms and corporations and property arising out of or directly or indirectly resulting from the performance of this permit; and in the event any suit or proceeding shall be brought against the County, at law or in equity, either independently or jointly with the franchise holder, on account of, founded upon or arising out of the performance of this franchise, the franchise holder will defend the County therein at the cost of the franchise holder, and in the event of a final judgement or decree being obtained or entered in any such action of suit against the County, either independently or jointly with the franchise holder, then the franchise holder will pay such judgement, together with all costs and expenses of whatever nature, or comply with such decree, and hold the County harmless therefrom.

4. Should the ambulance franchise holder breach any term, condition or provision of this permit and fail to correct, remedy or remove the condition that constitutes

such breach within thirty (30) days after written notice thereof has been received by the franchise holder from the County Manager or her/his designee, or should the franchise holder become insolvent or a receiver or receivers be appointed for it, or should the franchise holder make assignment for the benefit of its creditors and such insolvency is not remedied or such receivership or assignment is not vacated within thirty (30) days, the County Manager or her/his designee may immediately terminate this permit.

5. Neither the franchise nor the rights, privileges and obligations inuring to or assumed by the ambulance franchise holder thereunder shall be assigned or transferred, directly or indirectly, and every such assignment or transfer shall be void and shall automatically and immediately terminate this franchise.

6. The terms of the ambulance franchise shall be for five (5) years, beginning July 1, 2016 and ending June 30, 2021, subject to annual review and, for good cause, revision with respect to services provided and rates charged thereunder, and thereafter automatically renewable for a term of one (1) year unless either party should notify the other in writing no less than sixty (60) days prior to the termination of such renewal period of its election not to renew the same.

7. The ambulance service required will serve the hospital, nursing homes, general public, and doctors' offices.

8. Ambulance service must conform to the Person County's Ambulance Franchise Ordinance as amended.

9. North State Medical Transport, Inc. shall provide a performance bond or letter of credit (in a form acceptable to the County Attorney)-to secure performance under this franchise.

10. North State Medical Transport, Inc. shall provide an audited financial statement and profit and loss statement for 2015 within ninety (90) days after this date.

11. The ambulance franchise holder shall immediately notify the Director of Emergency Services of any citation and/or suspension issued against North State Medical Transport, Inc. state EMS agency certificate, and/or any employee's state EMS certification, issued by the North Carolina Office of Emergency Medical Services.

12. The ambulance operator permit holder shall have a two-way radio communication system between the County of Person Emergency Communications Center, North State Medical Transport, Inc. dispatch office, and each ambulance as defined in the County's Ambulance Franchise Ordinance.

All communication equipment will be maintained so that it will operate effectively and efficiently.

13. The ambulance franchise holder will have available at all times, 24 consecutive hours each day of the year, at a minimum for service at least the following vehicles and equipment:

- a. Two (2) ambulances, which meet the state minimum certification requirements, to answer advanced life support calls;
- b. Proper staff that meets the North Carolina EMS personnel regulations with additional current certification for Emergency Medical Technicians-Basic (EMT-B) in the following:
 1. Emergency Vehicle Operating Course (EVOC) or Emergency Vehicle Driver (EVD);
 2. CPR

- c. Additional current certifications for Paramedics, or in the following:
 - 1. Advanced Cardiac Life Support (ACLS)
 - 2. Pediatric Advance Life Support (PALS) or Pediatric Education for Pre-Hospital Professionals (PEPP)
 - 3. CPR
 - 4. Emergency Vehicle Operations Course (EVOC) or Emergency Vehicle Driver.

14. North State Medical Transport, Inc. Shall operate a central business and response office within a reasonable distance of Person County within 90 days of the franchise issued date, said location must be approved by the County Manager or her/his designee.

15. North State Medical Transport, Inc. shall have at least one single-party telephone service for receipt and dispatch of ambulance as set forth by the Person County's Ambulance Franchise Ordinance. The telephone shall be manned 24 hours a day to take calls from the public. The telephone number assigned to these services shall be listed and made available through publication for use of the general public.

16. Qualified personnel must be provided to efficiently operate telephone and radio communications systems and services for the immediate rendition of ambulance services.

17. Insurance shall be carried against loss and liability in connection with the performance of the ambulance service. (Minimum required -- One-million (\$1,000,000) for bodily to any one person in any one accident and not less than five-hundred thousand (\$500,000) for all bodily injuries resulting from any one accident, and one-hundred thousand

(\$100,000) for property damage.) A copy of the insurance carried must be provided to the County Manager or her/his designee.

18. The County reserves the right to request a financial statement from the bidder or proof of financial stability.



APPROVED:
Person County Board of Commissioners

David Newell Sr.
David Newell, Sr.
Chairman of the Board

ATTEST:

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

**A RESOLUTION TO GRANT
A BASIC LIFE SUPPORT SERVICE
AMBULANCE FRANCHISE TO REGIONAL ONE, INC.**

WHEREAS, Regional One, Inc., trading as Regional One EMS, (Regional One) has applied for an ambulance franchise, in accordance with the provisions of the Person County's Ambulance Franchise Ordinance; and

WHEREAS, the Department of Emergency Services staff and the Medical Director reviewed the application for a basic life support service ambulance franchise filed by Regional One, made an investigation and analysis, as required by the Person County's Ambulance Franchise Ordinance, and recommended that a franchise be issued to Regional One; and

WHEREAS, the Board of Commissioners finds that the public convenience and necessity would be served by the issuance of a basic life support service ambulance franchise to Regional One; and

WHEREAS, the Board of Commissioners, therefore concludes that a basic life support service ambulance franchise should be issued to Regional One.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Person, North Carolina, that the request by Regional One, Inc., trading as Regional One EMS, for a basic life support service ambulance franchise be, and is hereby, approved and that a basic life support service ambulance franchise with a term of five (5) years, expiring on June 30, 2021, be granted, subject to the following conditions:

1. Compliance with all of the applicable provisions of the Person County's Ambulance Franchise Ordinance and other applicable federal, state, and local laws, and the conditions set forth.

2. The ambulance franchise holder will keep such records and make such reports to the Director of Emergency Services or her/his designee with respect to furnishing ambulance service under this ambulance franchise as shall be required and requested by the Director of Emergency Services or her/his designee. The Director of Emergency Services or her/his designee may prescribe the form of such records and reports and shall have the right to inspect the records, facilities, and equipment of the ambulance franchise holder at any time.

3. The ambulance franchise holder will indemnify, keep and hold the County free and harmless from any and all liability for injury or damage to any and all persons, firms and corporations and property arising out of or directly or indirectly resulting from the performance of this permit; and in the event any suit or proceeding shall be brought against the County, at law or in equity, either independently or jointly with the franchise holder, on account of, founded upon or arising out of the performance of this franchise, the franchise holder will defend the County therein at the cost of the franchise holder, and in the event of a final judgement or decree being obtained or entered in any such action of suit against the County, either independently or jointly with the franchise holder, then the franchise holder will pay such judgement, together with all costs and expenses of whatever nature, or comply with such decree, and hold the County harmless therefrom.

4. Should the ambulance franchise holder breach any term, condition or provision of this permit and fail to correct, remedy or remove the condition that constitutes such breach within thirty (30) days after written notice thereof has been received by the franchise holder from the County Manager or her/his designee, or should

the franchise holder become insolvent or a receiver or receivers be appointed for it, or should the franchise holder make assignment for the benefit of its creditors and such insolvency is not remedied or such receivership or assignment is not vacated within thirty (30) days, the County Manager or her/his designee may immediately terminate this permit.

5. Neither the franchise nor the rights, privileges and obligations inuring to or assumed by the ambulance franchise holder thereunder shall be assigned or transferred, directly or indirectly, and every such assignment or transfer shall be void and shall automatically and immediately terminate this franchise.

6. The terms of the ambulance franchise shall be for five (5) years, beginning July 1, 2016 and ending June 30, 2021, subject to annual review and, for good cause, revision with respect to services provided and rates charged thereunder, and thereafter automatically renewable for a term of one (1) year unless either party should notify the other in writing no less than sixty (60) days prior to the termination of such renewal period of its election not to renew the same.

7. The ambulance service required will serve the hospital, nursing homes, general public, and doctors' offices.

8. Ambulance service must conform to the Person County's Ambulance Franchise Ordinance as amended.

9. Regional One shall provide a performance bond or letter of credit (in a form acceptable to the County Attorney) to secure performance under this franchise.

10. Regional One shall provide an audited financial statement and profit and loss statement for 2015 within ninety (90) days after this date.

11. The ambulance franchise holder shall immediately notify the Director of Emergency Services of any citation and/or suspension issued against Regional One's state EMS agency certificate, and/or any employee's state EMS certification, issued by the North Carolina and Virginia Office of Emergency Medical Services.

12. The ambulance operator permit holder shall have a two-way radio communication system between the County of Person Emergency Communications Center, Regional One EMS (ROEMS) dispatch office, and each ambulance as defined in the County's Ambulance Franchise Ordinance. All communication equipment will be maintained so that it will operate effectively and efficiently.

13. The ambulance franchise holder will have available at all times, 24 consecutive hours each day of the year, at a minimum for service at least the following vehicles and equipment:

- a. Two (2) ambulances, which meet the state minimum certification requirements, to answer basic life support calls;
- b. Proper staff that meets the North Carolina EMS personnel regulations with additional current certification for Emergency Medical Technicians-Basic (EMT-B) in the following:
 1. Emergency Vehicle Operating Course (EVOC) or Emergency Vehicle Driver (EVD);
 2. CPR
- c. Additional current certifications for Paramedics, or Intermediate Technicians in the following:
 1. Advanced Cardiac Life Support (ACLS)

2. Pediatric Advance Life Support (PALS) or Pediatric Education for Pre-Hospital Professionals (PEPP)
3. CPR
4. Emergency Vehicle Operations Course (EVOC) or Emergency Vehicle Driver.

14. Regional One shall operate a central business and response office within a reasonable distance of Person County within 90 days of the franchise issued date, said location must be approved by the County Manager or her/his designee.

15. Regional One shall have at least one single-party telephone service for receipt and dispatch of ambulance as set forth by the Person County's Ambulance Franchise Ordinance. The telephone shall be manned 24 hours a day to take calls from the public. The telephone number assigned to these services shall be listed and made available through publication for use of the general public.

16. Qualified personnel must be provided to efficiently operate telephone and radio communications systems and services for the immediate rendition of ambulance services.

17. Insurance shall be carried against loss and liability in connection with the performance of the ambulance service. (Minimum required – One-million (\$1,000,000) for bodily to any one person in any one accident and not less than five-hundred thousand (\$500,000) for all bodily injuries resulting from any one accident, and one-hundred thousand (\$100,000) for property damage.) A copy of the insurance carried must be provided to the County Manager or his designee.

18. The County reserves the right to request a financial statement from the bidder or proof of financial stability.



APPROVED:
Person County Board of Commissioners

David Newell Sr.
David Newell, Sr.
Chairman of the Board

ATTEST:

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

**PERSON COUNTY ENVIRONMENTAL ISSUES ADVISORY COMMITTEE
RECOMMENDATIONS AND REQUEST FOR THE BOARD OF
COMMISSIONERS TO ADOPT A RESOLUTION FOR IMPROVING
ROADSIDE CLEANUP IN PERSON COUNTY, A RESOLUTION FOR
EDUCATION AND ACTION ON RECYCLE MATERIALS, A RESOLUTION TO
RE-STIMULATE THE ADOPT A HIGHWAY PROGRAM AND A RESOLUTION
FOR COUNTY-WIDE MANDATORY RECYCLING:**

Commissioner Jeffers, commissioner representative on the Environmental Issues Advisory Committee called on Mr. Jason Torian, Allensville Township representative on the Committee to address the recommendations brought forward to the Board of Commissioners. Mr. Torian presented the following recommendations along with the above noted resolutions for review and action as deemed appropriate by the Board of Commissioners:

- Increase Person County Solid Waste user fees by \$5 per year to fund litter pick-up and removal. Alternatively, obtain grant funding from a foundation. Modest fee increase or grant funding covers operational expenses of hiring part time employees to pick up litter - bagging trash and recyclables separately.
- Greater enforcement of existing litter and recycling laws.
- Continue with prison crews picking up litter.
- Assign citizens who have been court ordered to perform community service to pick up litter. Community Service Supervisor to coordinate with county for assignments.
- Increase awareness and encourage citizen groups to participate in the Adopt-A-Highway program.
- Place high resolution portable roadside cameras in areas frequently littered to identify and prosecute offenders throughout Person County.
- Education campaign: Encourage schools to set up and participate in recycling. Increase awareness of the harmful effects of litter. EIAC to be a resource to support the creation of environmental clubs and work with Parent-Teacher Associations in each school for implementation and fund-raising.

Mr. Torian distributed to the Board of Commissioners a list of the items currently banned by state law to be disposed of in a landfill.

Chairman Newell asked Mr. Torian on how to enforce the Committee's recommendations for road side litter and recycling. Mr. Torian noted more research would be needed by the county, noting enforcement is currently allowed when the trash and recycling is picked up by a carrier but not when resident dumps at the landfill.

Commissioner Jeffers inquired about recent legislation introduced to allow electronics back into landfills. County Attorney, Ron Aycock noted that legislation was passed and mandatory to not require separation of materials.

July 18, 2016

Commissioner Jeffers stated he would work with the County Manager to further review and update the Board. Should there be any items that can be accomplished, Commissioner Jeffers suggested to bring the resolution(s) back to the Board at a future meeting.

REQUEST BY THE U.S. MOTTO ACTION COMMITTEE FOR THE BOARD OF COMMISSIONERS TO ADOPT A RESOLUTION SUPPORTING THE DISPLAY OF THE NATIONAL MOTTO “IN GOD WE TRUST” IN PROMINENT LOCATIONS:

Chairman Newell introduced Mr. Fred McClure, Treasurer of the US Motto Action Committee. Mr. McClure requested the Board of Commissioners to join 44 other NC Counties and 34 NC City Halls that have adopted a resolution to display our Nation’s Motto, “In God We Trust” in prominent locations in the county. The locations Mr. McClure suggested in Person County was over the front entrance of the Courthouse, the exterior of the Morgan Street entrance of the County Office Building, and inside of the Board of Commissioners meeting room 215 in the County Office Building. Mr. McClure told the group that supporting the display of the National Motto was legal and that there would be no cost to the county. Mr. McClure confirmed that the U.S. Motto Action Committee would do all installation and would fund all costs associated with adding the display to the government buildings.

Mr. McClure requested Board consideration to adopt a resolution to display “In God We Trust” over the entrance of the Person County Courthouse, exterior of the County Office Building facing Morgan Street, and/or Commissioners Chambers. The Board of Commissioners asked Mr. McClure if this National Motto could be added to the Person Veterans Park. Mr. McClure stated he would take that request back to the U.S. Motto Action Committee and that if the Committee approved, it would be included as one of the prominent locations in Person County.

A **motion** was made by Commissioner Puryear and **carried 5-0** to adopt a Resolution Supporting the Display of the National Motto “In God We Trust” in the following prominent location(s): over the front door entrance of the Person County Courthouse, on the exterior of the County Office Building facing Morgan Street, inside the Board of Commissioners usual meeting room 215 in the County Office Building, and if possible, the Person County Veterans Park.

**RESOLUTION BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF PERSON,
IN THE STATE OF NORTH CAROLINA,
SUPPORTING THE DISPLAY OF THE NATIONAL MOTTO
"IN GOD WE TRUST" IN PROMINENT LOCATIONS**

WHEREAS, "In God We Trust" became the United States national motto on July 30, 1956, shortly after our nation led the world through the trauma of World War II and

WHEREAS, the words have been used on United States currency since 1864; and

WHEREAS, the same inspiring slogan is engraved above the entrance to the Senate Chamber as well as above the Speaker's dais in the House of Representatives; and

WHEREAS, in both war and peace, these words have been a profound source of strength and guidance to many generations of Americans; and

WHEREAS, the County desires to display this patriotic motto in a way to solemnize public occasions and express confidence in our society.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of Person County does hereby resolve as follows:

Section 1. That the Board of Commissioners of the County of Person, North Carolina, does hereby determine that the historic and patriotic words of our national motto, "In God We Trust" shall be permanently and prominently displayed over the front entrance door at the Courthouse, on the exterior Morgan Street entrance of the County Office Building, inside the Board of Commissioners' usual meeting room 215 of the County Office Building, and, if possible, Person County Veterans Park, all to remain in place into perpetuity.

Section 2. The County Clerk shall certify to the passage and adoption of this resolution and enter it into the book of resolutions.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Board of Commissioners of the County of Person, North Carolina, held on the 18th day of July, 2016



David Newell Sr.

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

Attest:

Brenda B. Reaves

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

July 18, 2016

RESOLUTION APPROVING A PURCHASE OF 911 COMPUTER AIDED DISPATCH SYSTEM PURSUANT TO GENERAL STATUTE 143-129(G) PIGGYBACK EXCEPTION:

Douglas Young, Emergency Services Director and Brett Wrenn, 911 Communications Manager stated the current 911 Computer Aided Dispatch (CAD) system has been in place since 1996. During this time and most recently there have been several improvements to technology within the 911 Center and additional feature functionalities are needed. These needs include Text to 911 CAD integration, CAD2CAD interoperability with bordering counties, and mobile CAD deployment.

Mr. Young sought approval from the Board of Commissioners through a piggyback procurement method to purchase the SunGard Public Sector, LLC, CAD product for Department's 911 center at a savings and which has been approved by the NC 911 Board to be fully funded with State 911 funds. A public announcement was required to be advertised of our 911 CAD piggyback procurement which took place in the July 6, 2016 edition of the local newspaper.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to adopt a Resolution Approving a Purchase of 911 Computer Aided Dispatch System pursuant to General Statute 143-129(g) Piggyback Exception

July 18, 2016

Person County Board of County Commissioners
Resolution approving a purchase pursuant to
General Statute 143-129(g) PIGGYBACK EXCEPTION

WHEREAS, North Carolina General Statute 143-129(g) authorizes counties to utilize an alternative method for purchase of apparatus, equipment and supplies; and

WHEREAS, the Person County Emergency Services Department has a need to purchase a 911 Computer Aided Dispatch (CAD) system from SunGard Public Sector, LLC; and

WHEREAS, Johnson County, Missouri, for its Emergency Services Department, entered into a contract on July 25, 2015 with SunGard Public Sector, LLC for such a system; and

WHEREAS, SunGard Public Sector, LLC has agreed to offer the same or better cost and conditions to Person County as it did to Johnson County, Missouri.

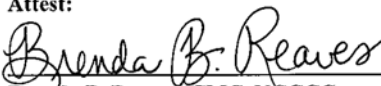
NOW THEREFORE BE IT RESOLVED by the Person County Board of County Commissioners that it hereby waives competitive bidding requirements pursuant to General Statute 143-129(g) for this contract and hereby awards the attached contract to SunGard Public Sector, LLC.

Adopted this 18th day of July, 2016.





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

Attest:


Brenda B. Reaves, CMC, NECCC
Clerk to the Board of Commissioners

The Software License and Services Agreement between SunGard Public Sector LLC and Person County is hereby incorporated into the minutes by reference and will be filed in the Office of the Clerk to the Board.

July 18, 2016
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TAX COLLECTOR SETTLEMENT:

Russell Jones, Tax Administrator told the Board that General Statute 105-373(a)(3) requires an annual settlement for taxes for the current fiscal year and all previous years be made with the governing body of the taxing unit. Mr. Jones presented the following 2015 Tax Collector Settlement.

Jul-16

2015 Tax Collector Settlement

2015 Tax Base

- Budget tax base for 2015-\$ 4.040 billion
- Actual tax base for 2015- \$ 4.093 billion
- Tax base was higher than budget by 1.3 %
- Actual base for 2015 was over by \$53 million
- These numbers do not include NCVTS

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2015 tax year collections

- Budgeted collection rate for 2015– 97.25%
- Actual collection rate for 2015–98.82%
- Collection rate was over by 1.57%
- Collections was \$ 882,197 more than anticipated on current year collections
- Average collection rate for Person County for last 10 years is 97.95%

2015 Tax Year Uncollected Balances

- County 2015 uncollected taxes-all
– \$ 341,536
- County 2015 uncollected real only-
– \$ 324,123
- County 2015 uncollected other-
– \$ 17,233

Collection activities

- Total payments for all years, including City of Roxboro-
– \$33,845,399
- Total payments for all years, Person County-
– \$ 29,251,233
- Processed payments- 37,441
- 2016 Prepayments were \$ 80,985

Prior year tax collections

- This includes 2005-2014 tax years
- County Unpaid balances on July 1, 2015-
– \$ 1,013,700
- County Unpaid balances on June 30, 2016-
– \$ 607,345
- County Collections on Prior Years-
– \$ 406,355

Forced Collections

- Attachments- 302 payments
 - \$ 163,760 County
 - \$ 70,410 City
 - \$ 234,170 Total
- Garnishments- 2,285 payments
 - \$ 208,654 County
 - \$ 27,948 City
 - \$ 236,602 Total

Forced Collections County and City

- Escheats- Also known as NC Cash
 - \$ 5,126
- Debt Setoff- 414 accounts collected
 - \$ 50,419 for Tax Office
 - \$ 31,036 for EMS
 - \$ 4,593 for Health Department
 - \$ 451 for Library
 - \$ 86,499 Total Collected

Uncollected County Balances

- All years uncollected- \$ 938,646
- Total bills left uncollected- 7,797
- Uncollected vehicle bills- 3,636
 - \$ 92,634
- Uncollected real estate bills- 2,960
 - \$ 786,310
- Uncollected other tax bills-
 - \$ 59,702

2005-11th Year Taxes

- 2005 Original Levy- \$23,257,057
- Total bills uncollected- 366- \$12,558
- Uncollected Real Estate bills-42- \$ 5,013
- Uncollected Vehicle bills- 295- \$ 6,342
- Uncollected Other bills- 29- \$ 1,203
- .05% Uncollected after 10 years
- or 5/100 of 1%

2015-NCVTS (MOTOR VEHICLES)

- 2015 TOTAL ASSESSED VALUE- \$ 337,154,947
- 2015 Billed- \$ 2,364,411
- Collected- \$ 2,360,505
- 2015-Uncollected-\$ 3,906
- 2015 Collection Rate on Vehicles= 99.83%

2015-Stormwater

- 2015 Billed- \$ 273,881
- Collected- \$ 266,186
- 2015-Uncollected- \$ 7,695
- 2015 Collection Rate on Stormwater= 97.20%

A **motion** was made by Commissioner Jeffers and **carried 5-0** to accept the 2015 Tax Collector Settlement as presented. The Board commended Mr. Jones and his staff for attaining the 2nd highest collection rate in NC for the population group.

July 18, 2016

ORDER TO COLLECT TAXES:

Russell Jones, Tax Administrator noted that as required by General Statute 105-321, the governing board of the taxing unit must issue an order of collection to tax collectors. This action gives the tax collector legal authority to collect taxes.

A **motion** was made by Commissioner Clayton and **carried 5-0** to direct the Tax Collector to collect taxes for 2006-2016.



PERSON COUNTY

**OFFICE OF THE TAX
ADMINISTRATOR**

Person County Tax Office
P.O. Box 1116
13 Abbitt St
Roxboro, North Carolina 27573-1116
(336) 597-1721 Fax No. (336) 322-8619

ATTACHMENT II

County of Person

To the Tax Collector of the County of Person:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of Person County Tax Office and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth, for the tax years 2006 through 2016. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Person, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this 18th day of July, 2016.



David Newell Sr.

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

Attest:

Brenda B. Reaves

Brenda B. Reaves, Clerk to the Board

July 18, 2016

ROCK ATHLETIC COMPLEX OUTFIELD RENOVATION AND IRRIGATION OPTIONS:

County Manager, Heidi York stated Chairman Newell had requested staff to review options for upgrading the irrigation system at the Rock Athletic Complex to ensure success in the turf maintenance. Ms. York noted the original plan for water reel irrigation was in the budget at approximately \$8,000.

John Hill, Director of Recreation, Arts, and Parks Department stated the Rock Athletic Complex was currently closed for summer/fall renovations and turf maintenance. Mr. Hill said the original plan to plant common Bermuda and let it germinate and then grow throughout the months of July through October required temporary irrigation currently in place to the outfield portions of each ball field. This process requires monitoring of the daily rainfall and management of the temporary sprinklers as necessary using part-time staff.

Mr. Hill presented the Board with other irrigation options that would upgrade the existing irrigation system:

- A) Install a fully automatic irrigations system to all ball fields and sprig plant Bermuda 419 to all outfields. Currently all ball fields have been sodded and are established with Bermuda 419. This option would cost \$115,800.
- B) Purchase portable water reels and plant sprig Bermuda 419 on all outfield at an approximate cost of \$29,100.

Mr. Hill noted any irrigation upgrade has a number of different possible funding sources which include any left-over project funds from CIP projects, potential PARTF grant award, and sponsorships.

Mr. Hill reviewed the following timeline for the Rock Athletic Complex including athletic programming and turf maintenance as follows:

- Present date to late September: continue to improve ball field turf and renovations to supporting facilities. Early September: plant hybrid rye grass on the outfields.
- Late September- Late October: play fall baseball season.
- November: Install any new irrigation upgrade and replant trenched areas with hybrid rye grass or, continue to use current irrigation process and plant hybrid rye grass.
- April 1, 2017: Opening Day for Spring Little League.
- End of May/Early June: Prime Growing Season - plant sprig Bermuda 419 on the outfields or go with original plan and plan seeded common Bermuda.
- June- Mid September: Growing Season
- Late September 2017: Little League Fall Season and possible travel tournament host opportunities

July 18, 2016

Given the timeline as described by Mr. Hill that should any new irrigation upgrade option be selected, that installation would not be recommended to occur until after the Fall 2016 season or following the Spring 2017 season, the Board opted to review the needs at a later time allowing the CIP project funds, the PARTF grant award and/or any sponsorships to become evident.

REVIEW THE REQUEST FOR PROPOSALS FOR COUNTY EMPLOYEE BENEFITS BROKERS:

County Manager, Heidi York stated the Board of Commissioners directed the County Manager to develop a Request for Proposals (RFP) for the administration of the County's self-funded health insurance plan which renews every year on July 1.

Ms. York presented to the Board a RFP for review and feedback noting this RFP does not indicate any dissatisfaction with our current services, plans, brokers, or providers. Rather, this process will ensure that our employees are continually offered the best benefit services and products available while maintaining fiscal responsibility through a transparent process.

While developing the RFP, staff studied the processes that other counties have used to secure their benefit providers. This RFP combines the elements that are needed for Person County Government and takes into account best practices across the State.

Ms. York noted that staff also evaluated the possibility of bringing the benefit administration service in-house, but due to the comprehensive needs of a self-funded health insurance system, this would not be cost effective.

Ms. York stated a selection committee can be formed to evaluate the proposals received with a recommendation brought back to the Board of Commissioners. The RFP will remain active for the month of August with a recommendation for a contract to be brought back to the Board by October 2016.

Commissioner Jeffers asked Ms. York about soliciting health plans that include local providers noting he had been contacted by staff to say the current year health benefits did not have some of previous providers in the network. Ms. York recommended the Board to let staff who contact them to carry their questions to the Human Resources Department for follow up with the County's Brokers to possibly adjust noting some providers may be added to the existing network.

Vice Chairman Kendrick asked what would be included in the RFP to which Ms. York confirmed staff was seeking a comprehensive broker to compare health care costs, services, administer the Affordable Care Act, including wellness and to conduct open enrollment.

Ms. York asked for feedback related to a selection committee, i.e., if the Board would like to review each response to the RFP, or have the top 3 responses as evaluated by the committee and if any there should be any commissioner reps on the committee. It was the consensus of the Board that Chairman Newell and Commissioner Clayton participate with the selection committee along with staff to determine the top 3 responses.

A **motion** was made by Commissioner Clayton and **carried 5-0** to release the RFP as presented with the top 3 responses brought back to the Board for Person County Benefits Broker.

DESIGNATION OF VOTING DELEGATE TO NC ASSOCIATION OF COUNTY COMMISSIONERS ANNUAL CONFERENCE:

Voting Credentials for the 2016 North Carolina Association of County Commissioners (NCACC) Annual Conference scheduled on August 11-14, 2016 in Forsyth County must be submitted by August 5, 2016 in order for Person County's delegate to participate in the association's annual election of officers and policy adoption.

Chairman Newell requested the Board to designate a commissioner attending the Conference as Person County's delegate. Commissioners Clayton and Jeffers both plan to attend the full conference.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to designate Commissioner Clayton as Person County's delegate at the 2016 NCACC Annual Conference in Forsyth County.

REVOLVING LOAN FUND DISCUSSION:

Chairman Newell stated this item was added to the agenda due to the County receiving an application. County Manager, Heidi York added that the Board cannot approve any loan in this program unless sufficient funds exist in the Revolving Loan Fund (RLF) account at the time of approval.

Commissioner Jeffers noted he advocated for raiding the funds from the RLF for use toward the volunteer fire departments but his understanding was to continue the RLF program and fund accordingly upon receipt of any eligible small business applications.

Commissioner Puryear stated opposition to penalize any small business owner for the fact that there were no funds in the RLF program account.

Commissioners Clayton and Puryear asked the County Attorney to address if the RLF program was viable and if the program would be affected by any new federal regulations. County Attorney, Ron Aycock confirmed the Board of Commissioners were authorized to continue the RLF program and that the County was not subject to federal regulations but to the state authority for economic development. Mr. Aycock added that

the criterion used to determine approval of any such loan application is a non-discriminatory approach applied uniformly.

Vice Chairman Kendrick stated his understanding was that when the Board voted to use all the funding in the RLF account in its entirety that the fund was no longer viable. Vice Chairman Kendrick said this clarification which may have been an oversight at that time would have determined the future of the RLF without question. Vice Chairman Kendrick stated the RLF program policy noted the maximum amount of any one loan award shall be no more than forty percent of all money then available in the fund at the time of appropriation (Section 9 of the RLF program policy manual). Vice Chairman Kendrick suggested the Board determine if the RLF program is viable either to appropriate funding to continue the RLF program, or if not, to repeal the program. In addition, Vice Chairman Kendrick noted he was unfamiliar with the loan process including determination that an applicant would be viable and not a high risk.

Commissioner Clayton stated the initial purpose of the RLF was to promote small businesses noting the last application was for Hurdle Mills Meat Market in which the loan was paid off early.

Chairman Newell supported amending the RLF program policy to update, i.e. the minimum criteria when setting the terms for a loan such as the interest rate on each loan shall be set at no less than 50% of the prime rate.

Commissioners Jeffers and Puryear advocated for honoring the program for which the current applicant applied and consider modifications to the program once a determination was made about the current application. Vice Chairman Kendrick noted that under the program by which the applicant made an application contained no funding. Ms. York confirmed that the applicant was told that there was currently no funding allocated to the RLF program. Commissioner Jeffers asked Ms. York the timeline for the review process. Ms. York noted she was working with Roxboro Savings Bank for their free of charge recommendation. Ms. York stated a public hearing was required with an advertised public notice including the County Manager's funding recommendation of the application.

A **motion** was made by Commissioner Puryear and **carried 5-0** to allocate \$100,000 from Fund Balance to the Revolving Loan Fund Program and to direct the County Manager to proceed with Roxboro Savings Bank's recommendation to schedule a public hearing.

A POTENTIAL YMCA MARKET STUDY:

Chairman Newell stated he and Commissioner Jeffers have previously met with YMCA of Danville, Virginia. Chairman Newell noted the YMCA required a Market Study be completed to determine viable sites should the county be interested in providing a space, for the YMCA to run the programming. Chairman Newell added this concept does not necessarily take the place of the Senior Center however the YMCA does not desire to be in competition with the Senior Center. Chairman Newell said the County prefers to build one building, if proven to be sufficient, for both places.

Commissioner Jeffers stated Currituck County partners with the Hampton Roads YMCA and houses a Senior Center, YMCA, Parks and Recreation, Rehab facility for their local hospital. Commissioner Jeffers noted it is a model that could work in Person County and the Market Study was the first step to see if feasible.

Chairman Newell noted the Market Study would cost Person County \$24,000 and take approximately three months to complete.

Commissioner Clayton suggested the Board’s discussion in the planned Closed Session take place prior to the Board’s continued discussion on the YMCA Market Study.

CHAIRMAN’S REPORT:

Chairman Newell had no report.

MANAGER’S REPORT:

County Manager, Heidi York reported the Economic Development Commission would be holding their usual monthly meeting on July 21, 2016 at 8:00am. Ms. York reminded the Board that she would going on vacation.

COMMISSIONER REPORT/COMMENTS:

Commissioner Jeffers had no report.

Commissioner Clayton reported he and Chairman Newell had met with the Brooks family related to construction of storage units and the impacts the storm water rules had on their project. Commissioner Clayton noted a discussion on this topic will be added to the next Board meeting agenda. Commissioner Clayton stated the Upper Neuse River Basin Association made a proposal to the NC Division of Environmental Management for a storm water credit for land placed in conservancy management to which was denied.

Commissioner Puryear had no report.

Vice Chairman Kendrick reported the Public Library has a new employee, Becky Schneider, a reference librarian that will serve the citizens through technology classes, research in local history and genealogy. Vice Chairman Kendrick encouraged citizens to use the library's resources for technology based audio books and subscriptions.

CLOSED SESSION #1

A **motion** was made by Vice Chairman Kendrick and **carried 5-0** to enter Closed Session per General Statute 143-318.11(a)(5) at 10:52am for the purpose to consider the acquisition or lease of real property with the following individuals permitted to attend: County Manager, Heidi York, Clerk to the Board, Brenda Reaves, County Attorney, Ron Aycock, and Summer Intern, Ellis Johnson.

Chairman Newell called the Closed Session to order at 10:58am.

A **motion** was made by Vice Chairman Kendrick and **carried 5-0** to return to open session at 11:39am.

Commissioner Puryear announced it was the desire of the Board to postpone the discussion related to the YMCA Market Study at this time.

RECESS:

A **motion** was made by Commissioner Puryear and **carried 5-0** to recess the meeting at 11:40am until August 1, 2016 at 6:00pm at which time the Board will hold the informal interview process with applicants of three boards and committees.

Brenda B. Reaves
Clerk to the Board

David Newell, Sr.
Chairman