

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

MAY 1, 2017
OTHERS PRESENT

Tracey L. Kendrick
Gordon Powell
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, May 1, 2017 at 7:00pm in the Commissioners' meeting room in the Person County Office Building.

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

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

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

INFORMAL COMMENTS:

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

Mr. Bobby Gray of 3276 McGhees Mill Road, Semora addressed the Board related to a permanent water solution versus the Duke Energy proposed filtration system for residents that have been impacted with clean drinking water issues near the power plant. He asked for the Board of Commissioners to support extending municipal water lines down McGhees Mill Road.

Mr. Martin Rimmer of 12068 Hurdle Mills Road, Hurdle Mills requested the status of the Fire Chief's Association proposal for funding and contracts to be in place by May 15, 2017 to meet the deadline to apply for state grants. He invited the Board to attend the Fire Chiefs upcoming meeting on May 4, 2017 at the Ceffo Volunteer Fire Department starting at 7:00pm.

Ms. Sandra Majors of 4072 McGhees Mill Road, Semora told the Board that Duke Energy has offered residents with drinking water issues a filtration system near the Roxboro, Mayo and Buies Creek power plants; however other power plant locations would gain access to municipal water lines. Ms. Majors stated her concerns that the filtration system was not guaranteed to take care of her water issues and advocated that the municipal water lines would be installed to residents on McGhee Mill Road.

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Mr. Christopher Crawley of 4904 McGhees Mills Road, Semora requested Board support and assistance to get a permanent solution in place for residents with drinking water issues near the power plant.

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 item:

A. Budget Amendment #19

NEW BUSINESS:

SECOND READING TO CONSIDER ADOPTION OF THE APPLICATION FOR SOLID WASTE DISPOSAL FRANCHISE ORDINANCE FOR THE UPPER PIEDMONT REGIONAL LANDFILL OWNED AND OPERATED BY REPUBLIC SERVICES OF NC LLC:

Chairman Kendrick presented the Board's intent from its April 17, 2017 meeting to approve a two-year extension of the franchise and a one-year contract with Republic. He asked the Clerk to the Board to read back the approved motion.

Clerk to the Board, Brenda Reaves stated the Board considered the application for the first reading at its April 17, 2017 meeting. By unanimous vote on April 17, 2017, the Board approved a motion to extend the franchise agreement with Republic Industries for a period of not more than two years maintaining the current per day tonnage rate and the county staff submit options for closure of the landfill during this period, and that to include proper procedures, legal requirements, and costs of implementing each option for consideration by the Board.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to approve as presented.

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**2017 SOLID WASTE DISPOSAL FRANCHISE ORDINANCE
PERSON COUNTY, NORTH CAROLINA**

ARTICLE I

SECTION 1.0- AUTHORITY AND ENACTMENT CLAUSE

Pursuant to the authority conferred by North Carolina General Statute § 153A-136(a)(3), THE BOARD OF COUNTY COMMISSIONERS OF PERSON COUNTY, NORTH CAROLINA DOES HEREBY ORDAIN AND ENACT INTO LAW THE FOLLOWING ARTICLES AND SECTIONS:

SECTION 1.1 -PURPOSE

This 2017 Franchise Ordinance is enacted to promote and protect the health, safety and welfare of the citizens of Person County. It is the intention of the Board of County Commissioners that the provisions of this 2017 Franchise Ordinance will encourage the establishment and continuance of a secure, safe, and economical system of solid waste disposal in the County that will comply with state and federal laws regulating such disposal. It is the further intention of the Board of County Commissioners that this 2017 Franchise Ordinance has the effect of updating prior Person County solid waste disposal franchise ordinances first effective on August 7, 1995 (hereinafter "1995 Franchise Ordinance"), and later amended as effective on October 19, 2009 (hereinafter "2009 Franchise Ordinance") (collectively, the "Prior Franchise Ordinances") only so far as it is necessary to: (a) comply with federal and state statutory and regulatory changes enacted subsequent to adoption of the Prior Franchise Ordinances; (b) reflect changes in the Facility Plan that have occurred since passage of the Prior Franchise Ordinances; and (c) extend the term of the 2009 Franchise Ordinance for a period of two (2) years. This 2017 Franchise Ordinance shall not have the effect of amending, invalidating or repealing any portion of the agreement entered into by and between Person County and Upper Piedmont Environmental, Inc. (now Republic Services of North Carolina, LLC d.b.a. Upper Piedmont Environmental ("Republic")) dated August 7, 1995, or any subsequent amendments or agreements between Person County and Republic.

ARTICLE II

SECTION 2.0- TITLE

This 2017 Franchise Ordinance shall be known and may be cited as the 2017 Person County Solid Waste Disposal Franchise Ordinance.

ARTICLE III

SECTION 3.0- GRANT OF MUNICIPAL SOLID WASTE LANDFILL FRANCHISE

To enable secure, safe and economical disposal of solid waste in Person County, Republic is granted an exclusive franchise to operate in Person County a municipal solid waste management facility as defined in North Carolina General Statute § 130A-290(18b) (referred to

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herein as the "Landfill" or "municipal solid waste landfill") for a period through and including June 30, 2019, which is two (2) years from the date this 2017 Franchise Ordinance becomes effective, on June 30, 2017. No other person or entity may operate a municipal solid waste landfill in Person County during this period.

SECTION 3.1 -DESCRIPTION OF MUNICIPAL SOLID WASTE LANDFILL

The Landfill consists of 479.69 acres, located in the Tirzah Township approximately ten (10) miles east-southeast of Roxboro, North Carolina at the intersection of North Carolina Highway 158 and SR 1724 near the Person County/Granville County line. The legal description, deed book references and plat book references for the Landfill are provided on Exhibit A and incorporated herein by reference. The boundary and cells of the Landfill are depicted on Exhibit B and incorporated herein by reference.

SECTION 3.2- DESCRIPTION OF FRANCHISE

- 3.2.1 Population and Geographical Area Served. The geographical area served by the Landfill is the incorporated and unincorporated areas of any County and Independent Virginia City that are partly or wholly within sixty (60) miles of the political boundary of Person County. Counties within this geographical area are the North Carolina counties of Alamance, Caswell, Chatham, Davidson, Durham, Edgecombe, Forsyth, Franklin, Granville, Guilford, Halifax, Harnett, Johnston, Lee, Moore, Nash, Northampton, Orange, Person, Randolph, Rockingham, Stokes, Vance, Wake, Warren, and Wilson, and the Virginia counties of Patrick, Henry, Halifax, Mecklenburg, Brunswick, Greenville, Franklin, Bedford, Campbell, Charlotte, Lunenburg, Amherst, Appomattox, Buckingham, Cumberland, Prince Edward, Nottoway, Pittsylvania and Dinwiddie. However, it is expressly provided herein that the Landfill shall not accept waste collected by the Cities of Durham and Raleigh, North Carolina without the consent of the Board of County Commissioners. Independent Virginia Cities within this geographical area are Lynchburg, Danville and Martinsville. The population to be served shall be all persons and entities within the above geographical area, including residential, municipal, industrial, institutional and commercial customers and contractors.
- 3.2.2 Volume and Characteristic of Waste Stream. The volume of waste in the Landfill is approximately 5,521,772 cubic yards. The remaining capacity of the Landfill under the existing permit is approximately 11,608,228 cubic yards. The average maximum annual disposal rate is 660 tons per day, 365 days per year, or 240,900 tons per year. The Landfill accepts municipal solid waste, non-hazardous commercial, industrial and institutional waste and other non-hazardous special waste types, but shall not accept waste prohibited from disposal in municipal solid waste landfills by applicable state or federal environmental law or prohibited by any of the terms and conditions of any state or federal permits, licenses or approvals obtained with respect to Republic's operation of the Landfill.
- 3.2.3 Life Expectancy. The Landfill is expected to have a useful life of approximately 45 years.

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- 3.2.4 Consistency with Solid Waste Management Plan. To ensure that the operation of the Landfill is consistent with Person County's solid waste responsibilities set forth in North Carolina General Statute § 130A-309.09A, Republic accepts municipal solid waste at the Landfill pursuant to this 2017 Franchise Ordinance and by agreement with the County. Further, Republic assists Person County in attaining Person County's waste reduction, reuse and recycling goals by operating a convenience center at the Landfill.
- 3.2.5 Government Oversight and Regulation of Fees. Person County oversees and regulates solid waste disposal fees (both residential and commercial) by way of agreement with Republic. Such tipping fees are a flat, scaled per-ton rate subject to an annual consumer price index adjustment. This 2017 Franchise Ordinance shall not by its terms impair the authority of the County to regulate fees as authorized by law. This 2017 Franchise Ordinance does not, in itself, regulate solid waste disposal fees.
- 3.2.6 Facility Plan. The Facility Plan for the Landfill is attached to this 2017 Franchise Ordinance as Exhibit C and meets all requirements of North Carolina General Statute § 130A-294(b1)(2)(t).
- 3.2.7 Severability. In the event any one or more of the provisions contained in this 2017 Franchise Ordinance is, for any reason, stayed or held to be invalid, illegal, unconstitutional, or unenforceable in any respect, such invalidity, illegality, unconstitutionality or unenforceability shall not affect any other provision of this 2017 Franchise Ordinance.
- 3.2.8 Regulatory Uncertainty. The Board of County Commissioners recognizes that new statutes and rules are being considered and recently have been adopted regarding municipal solid waste landfills and solid waste disposal franchises (e.g., North Carolina General Statute § 130A-294(b1)(2)). The Board of County Commissioners further recognizes that the recent consideration and adoption of these statutes and rules, and anticipated future legislative and regulatory action, lead to some uncertainty in the future of solid waste disposal. The Board of County Commissioners adopts this 2017 Franchise Ordinance to continue to provide the citizens of Person County with secure, certain, safe and economical disposal of solid waste during these uncertain times and thereafter, for a period of two (2) years. If this 2017 Franchise Ordinance is, for any reason, stayed or held to be invalid, illegal, unconstitutional, or unenforceable in any respect, it is the intention of the Board of County Commissioners that the 2009 Franchise Ordinance remain valid and in effect, except that the expiration date of the 2009 Franchise Ordinance set forth in Section 3.0 of the 2009 Franchise Ordinance will be extended for a period of one (1) year, through and including June 30, 2018, and for one (1) year thereafter unless and until the Board of County Commissioners amends or repeals the 2009 Franchise Ordinance.

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ARTICLE IV

SECTION 4.0-EFFECTIVE DATE



This 2016 Franchise Ordinance shall become effective on June 30, 2017.

Tracey L. Kendrick, Chairman
Person County Board of Commissioners

Brenda B. Reaves
Clerk to the Board

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PERSON COUNTY JUVENILE CRIME PREVENTION COUNCIL FUNDING RECOMMENDATIONS FOR FY2017-2018:

Juvenile Crime Prevention Council Chairman, David Carter stated each year, funding is made available through the North Carolina Department of Public Safety/ Division of Juvenile Justice to Person County and its Juvenile Crime Prevention Council (JCPC) to be utilized to address the needs of youth at-risk for delinquency as well as adjudicated undisciplined and delinquent youth in Person County. The funding comes in the form of a county allocation. All 100 counties in the State of North Carolina are allocated funds based on the population of youth in the county between the ages of 10 and 17.

Mr. Carter noted that annually, the JCPC conducts a planning process, which includes an array of legislated tasks: a review of the community risk factors and the risk levels of youth in the community; an assessment of the needs of the target populations; a review of the service resources available to address those needs; the identification of service gaps; and the strategic development of a plan to structure a seamless continuum of service programming to address the target population needs. As part of the development of the needed services identified in the continuum, there is a Request for Proposal (RFP) process that was completed by the JCPC. Non-profits and government entities may apply for the opportunity to provide services per the guidelines of the RFP. The JCPC reviews all requests and awards are made to service providers to address service needs identified by the JCPC. The JCPC makes its recommendation of expenditures of the allocation and presents its written annual planning documents to the Person County Board of County Commissioners for its approval. The JCPC performs this function as an extension of the Board of County Commissioners in its fulfillment of the legislated duties imposed upon them through general statute.

Additionally, Mr. Carter further noted that on an on-going basis, the JCPC evaluates the performance of its funded programs by annually monitoring each program through on-site visits and also monthly through program reporting at the local, monthly JCPC meetings. The JCPC is also charged with the tasks of increasing public awareness of the causes of delinquency, addressing strategies to intervene and appropriately responding to and treating the needs of juveniles while at the same time reducing juvenile recidivism. The JCPC stands ready to respond to the changing needs of youth and service delivery in the community.

Mr. Carter presented the following Person County Risk and Needs Assessment Summary Report to the Board:

**PERSON COUNTY RISK AND NEEDS ASSESSMENT COMMITTEE
SUMMARY REPORT
December 1, 2016**

- I. Risk Assessment Summary**
- II. Needs Assessment Summary**
- III. Existing Community Resources Summary**
- IV. Gaps and Barriers in the Community Continuum Summary**
- V. Proposed Priority Services for Funding**

Part I. Risk Assessment Summary

The Risk and Needs Assessment Committee reviewed data gleaned from the Juvenile Risk Assessment instrument administered by Juvenile Court Counselors after juveniles are referred with a complaint alleging that a delinquent act has occurred and prior to adjudication of the juvenile. The Juvenile Risk Assessment is an instrument used to predict the likelihood of the juvenile being involved in future delinquent behavior. For some youth, some of the individual item ratings may be heavily dependent upon information reported by the juvenile or the parent(s).

Person County Risk Factor Observations: Data from FY 2015-2016

- 85% of youth at intake were assessed to be in Risk Level (RL) 3 or higher
- 39% of youth at intake had prior referrals to juvenile court. (R2)
- 27% of youth at intake reported to have prior assault history. (R4)
- 85% of youth at intake were reported to have moderate or serious school behavior problems (R7)
- 81% of youth at intake either lacked pro-social peer interactions – 7% were reported to be gang member or associated with gang (R8)
- 38% of youth had parents willing but unable to supervise or were unwilling to supervise (R9)

Part II. Needs Assessment Summary

The Risk and Needs Assessment Committee also reviewed data gleaned from the Juvenile Needs Assessment instrument administered by Juvenile Court Counselors prior to court disposition of a juvenile. The Juvenile Needs Assessment is an instrument used to examine a youth's needs in the various domains of his life: The Individual Domain, The School Domain, The Peer Domain, and the Community Domain. This instrument was designed to detect service intervention needs as an aid in service planning. As with the Juvenile Risk Assessment, some of the individual item ratings may be heavily dependent upon information reported by the juvenile or the parent(s).

**PERSON COUNTY RISK AND NEEDS ASSESSMENT COMMITTEE
SUMMARY REPORT
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Person County Elevated Needs Observations: FY 2015-2016

82% of youth at intake are associating with other delinquent peers or rejected by positive peers. (Y1) (Peer)

81% of youth at intake reported moderate to serious school behavioral problems. (Y2) (School)

17% of youth at intake were functioning below grade level (Y3). 40% of youth at intake reported abuse/neglect histories. (Y6) (Individual)

48% of youth at intake reported to need more Mental Health Assessment. (Y8) (Individual)

66% of youth assessed were reported to have domestic discord or domestic violence in home. (F1).

80% of youth assessed come from families where parent(s)/guardian(s) have marginal supervision skills. (F2) (Family)

62% of youth at intake come from families where at least one family member has a past or current involvement with the justice system. (F5) (Family)

Part III. Existing Community Resources Summary

Statewide contractual services available for Level II Juvenile Court involved youth in Person County include the following:

- Eckerd Short Term Residential for males only
- WestCare Residential Services for females only
- Dillon Crisis and Assessment Center operated by Methodist Home for Children
- Functional Family Therapy by AMLkids

Part IV. Gaps and Barriers in the Continuum of Services Summary

Programs to address community sanctions for juvenile court do not exist outside of programs funded by the Juvenile Crime Prevention Council.

Part V. Proposed Priority Services for Funding

The committee compared the services needed to address the elevated Juvenile Risk Factors and Juvenile Needs with services currently available in the community. Services which are currently

**PERSON COUNTY RISK AND NEEDS ASSESSMENT COMMITTEE
SUMMARY REPORT
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available in the community and sufficient to meet the needs of court involved youth or those youth most at risk for court involvement are not considered as a priority for JCPC funding.

The Committee proposes that the following services in ranked order be approved as the funding priorities for FY 2017-2018.

1. Community Service and Restitution
2. Teen Court
3. Parenting Skill Building Services
4. Mentoring and/or Interpersonal Skill Building Services to address negative peer associations including gang involvement
5. Emergency Shelter/Respite Services

Mr. Carter said the intake of youth into programming resulted from about 80% of referrals from the school system with the other 20% from law enforcement and citizens.

Commissioner Jeffers asked for an example of moderate level school behavior to which Mr. Carter noted such behavior would be comparable to a student with multiple suspensions or an expulsion history.

Related to the 48% of youth, at intake reported to need more Mental Health Assessment, Commissioner Jeffers asked if such services were received. Mr. Carter stated the network of providers in Person County, i.e. Freedom House, Youth Villages, Amethysts, Securing Resources for Consumers along with assessment tools for mental health and substance abuse, are used to screen juveniles.

Mr. Carter spoke to the GREAT Camp program being awarded JCPC program funding which requires tracking of participants, noting in the past JCPC has provided funding for GREAT Camp scholarships. Commissioner Jeffers noted his interest to see if the GREAT Camp was a preventive for future youth services.

Other than the five program providers recommended for funding, Commissioner Jeffers asked if there were other program providers to apply for JCPC funding. Assistant County Manager, Sybil Tate stated Roots & Wings had applied also for the community service program which was the only competitive program to which Mr. Carter stated the JCPC voted to keep community service with the Cooperative Extension program, noting Roots & Wings was awarded by JCPC for the parenting, interpersonal and teen court programming.

Commissioner Jeffers asked Mr. Carter of the 62% of youth, at intake that come from families where at least one family member has a past or current involvement with the justice system was substance abuse related. Mr. Carter said the GREAT Camp program could provide statistical data information upon conclusion of the program.

Mr. Carter presented the County Funding Plan derived through the JCPC planning process for use in Fiscal Year 2017-2018 noting the state funding totaled \$123,213 with a 20% local county match of \$23,420, and a local in-kind contribution of \$28,890 for a total funding plan of \$175,523.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to approve the Person County Funding Plan as presented.

Available Funds: \$ \$123,213 Local Match: \$ \$52,310 Rate: 20%

#	Program Provider	DPS-JCPC Funding	LOCAL FUNDING			OTHER	OTHER	Total	% Non DPS-JCPC Program Revenues
			County Cash Match	Local Cash Match	Local In-Kind	State/Federal	Funds		
1	YES Community Service	\$52,781	\$10,557		\$2,650			\$65,988	20%
2	Roots & Wings Parenting, Skill Building, Teen Court Programs	\$57,650	\$11,530					\$69,180	17%
3	Sheriff's Great Camp	\$6,667	\$1,333		\$26,240			\$34,240	81%
4	Administration Funding	\$6,115						\$6,115	
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	TOTALS:	\$123,213	\$23,420		\$28,890			\$175,523	30%

Review type	Print	Update	Cancel
-----DPS Use Only-----			
Reviewed by _____	Area Consultant	Date _____	
Reviewed by _____	Program Assistant	Date _____	
Verified by _____	Designated State Office Staff	Date _____	

 5/1/2017
Chairperson, Board of County Commissioners (Date)
or County Finance Officer

FISCAL YEAR 2017-2018 BUDGET PRELIMINARY DISCUSSION:

Commissioner Jeffers requested Board discussion on priorities for funding for Fiscal Year 2017-2018 noting the County Manager stated in a recent email that she did not have support for a tax increase in her recommended budget. Commissioner Jeffers stated that at the last time the Board discussed budgetary priorities, which was at the Board Retreat in February 2017, there were three commissioners willing to increase taxes to support public safety. He stated opposition to the process that the decision to make changes to the Board's priorities for the recommended budget was not done in a public meeting for a consensus by the Board and/or a vote by the Board.

Commissioner Puryear noted a commissioner could change his opinion on a matter, attain information to review all options citing that an article in the local paper had outlined a change of opinion for the commissioner.

Vice Chairman Powell stated the straw poll that was completed at the Board Retreat was announced by the County Manager as an informal, non-binding straw poll, which was not an official vote. Vice Chairman Powell added that two days later in the local newspaper he was quoted that he was not in favor of a tax increase.

Commissioner Jeffers advocated for any direction to the County Manager be done so during public session.

Commissioner Jeffers noted as the volunteer fire departments are preparing their budgets and application for grants, it sounded like the recommendation would be for a 2% increase. Chairman Kendrick added his recommendation for the volunteer fire departments to plan on the decision that has been made and voted in the past for a 2% increase.

CHAIRMAN'S REPORT:

Chairman Kendrick had no report.

MANAGER'S REPORT:

County Manager, Heidi York asked the Board to let the Clerk to the Board know if they would attend the Fire Chief's meeting on May 4th at Ceppo Volunteer Fire Department for a quorum notice to be distributed.

Ms. York reminded the Board of the reception for the new Person County Schools' Superintendent, Dr. Rodney Peterson scheduled for May 3, 2017 5:00pm-6:30pm in the County Auditorium.

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COMMISSIONER REPORT/COMMENTS:

Commissioner Jeffers reported he attended Person High Schools' scholars program and wished those students the best of luck.

Commissioner Jeffers asked for an agenda item at the Board's next meeting for a resolution of support for a municipal water extension for a permanent water supply; if approved by the Board of Commissioners he asked for it to be sent to the Governor, the County's Senator and Representative, City Council and to Duke Energy.

Commissioner Clayton stated support of a permanent water supply solution by the City as the preferable option for the residents near the power plant.

Commissioner Clayton requested information on the cost of re-opening the transfer station at the old landfill, refurbishing the scale house and a price for hauling part of the solid waste to Granville County versus citizen self-haul noting his vision was to charge more than Granville would charge. County Manager, Heidi York stated the Board has a memo from the consultant outlining options and she will put on an upcoming agenda for the Board.

Commissioner Puryear asked the County Manager to reach out to the private waste providers for known impacts of fees that may change if the landfill is closed.

Vice Chairman Powell did not have any report.

ADJOURNMENT:

A **motion** was made by Vice Chairman Powell and **carried 5-0** to adjourn the meeting at 7:50pm.

Brenda B. Reaves
Clerk to the Board

Tracey L. Kendrick
Chairman

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