

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

AUGUST 21, 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, August 21, 2017 at 9:00am in the Commissioners' meeting room in the Person County Office Building.

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

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

Chairman Kendrick requested to add an item to the agenda for a requested easement by Duke Energy and to also add a Closed Session to discuss the acquisition of real property.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to add to the agenda an item for a requested easement by Duke Energy as well as add an additional Closed Session to discuss the acquisition of real property and to approve the agenda as adjusted.

RECOGNITION:

RESOLUTION OF APPRECIATION:

Chairman Kendrick read and presented a Resolution of Appreciation to Person County Retiree, Beverly Berned.

August 21, 2017

RESOLUTION OF APPRECIATION

WHEREAS, Beverly Berned has served the people of Person County during her tenure at Person Industries serving as a Rehabilitation Assistant; and

WHEREAS, Beverly Berned has served the citizens of Person County with honor, integrity, sincerity and dedication, providing accurate, concise services for twenty-five (25) years, from February 1992 – August 2017; and

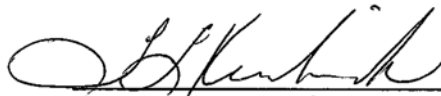
WHEREAS, Beverly Berned has earned the respect and admiration of all who have known her and worked with her throughout her career; and

WHEREAS, the County of Person recognizes the many contributions Beverly Berned has made to the County and offers her sincere best wishes for her retirement.

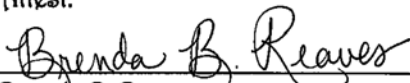
NOW, THEREFORE, I, Tracey L. Kendrick, Chairman of the Person County Board of Commissioners, do hereby extend this Resolution of Appreciation to Beverly Berned for continually striving to make Roxboro and Person County a better place to live and work.

Adopted this, the 21st day of August, 2017.




Tracey L. Kendrick, Chairman
Person County Board of Commissioners

Attest:


Brenda B. Reaves
Clerk to the Board

August 21, 2017

INFORMAL COMMENTS:

There were no comments from the public.

DISCUSSION/ADJUSTMENT/APPROVAL OF CONSENT AGENDA:

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

- A. Budget Amendment #3, and
- B. Tax Adjustments for August 2017
 - a. Tax Releases
 - b. NC Vehicle Tax System pending refunds

NEW BUSINESS:**RURAL OPERATING ASSISTANCE PROGRAM ALLOCATIONS FISCAL YEAR 2017-2018:**

Person Area Transportation System Manager, Kathy Adcock presented the Fiscal Year 2017-2018 Rural Operating Assistance Program (ROAP) application for approval. Ms. Adcock stated the ROAP assists in three areas, Rural Operating Program (RGP), Employment (EMPL) and Elderly and Disabled Transportation (EDTAP). Ms. Adcock said the ROAP is a state appropriation totaling \$147,128 with no local funding needed. Ms. Adcock noted the below summary of the disbursement of ROAP funds to other departments and Person Area Transportation. Person County has been allocated \$147,128 by the state to assist with these transportation programs.

| <u>Agency</u> | <u>Allocation</u> |
|-----------------------------|-------------------|
| Person Area Transportation | |
| RGP | \$72,666 |
| EDTAP | \$33,165 |
| EMPL | \$ 8,000 |
| Person County Senior Center | |
| EDTAP | \$12,000 |
| Person Industries | |
| EDTAP | \$16,000 |
| EMPL | \$ 3,297 |
| Person County Group Homes | |
| EDTAP | \$ 2,000 |
| TOTAL | \$147,128 |

A **motion** was made by Commissioner Jeffers and **carried 5-0** to approve the Rural Operating Assistance Program Application and the disbursement allocations as presented.

August 21, 2017

CERTIFIED STATEMENT
FY2018
RURAL OPERATING ASSISTANCE PROGRAM
County of Person

WHEREAS, the state-funded, formula-based Rural Operating Assistance Program (ROAP) administered by the North Carolina Department of Transportation, Public Transportation Division provides funding for the operating cost of passenger trips for counties within the state;

WHEREAS, the county uses the most recent transportation plans (i.e. CCP, CTIP, LCP) available and other public involvement strategies to learn about the transportation needs of agencies and individuals in the county before determining the sub-allocation of these ROAP funds;

WHEREAS, the county government or regional public transportation authorities created pursuant to Article 25 or Article 26 of Chapter 160A of the General Statutes (upon written agreement with the municipalities or counties served) are the only eligible recipients of Rural Operating Assistance Program funds which are allocated to the counties based on a formula as described in the Program Guidelines included in the ROAP State Management Plan. NCDOT will disburse the ROAP funds only to counties and eligible transportation authorities and not to any sub-recipients selected by the county;

WHEREAS, the county finance officer will be considered the county official accountable for the administration of the Rural Operating Assistance Program in the county, unless otherwise designated by the Board of County Commissioners;

WHEREAS, the passenger trips provided with ROAP funds must be accessible to individuals with disabilities and be provided without discrimination on the basis of national origin, creed, age, race or gender (FTA C 4702.1A, FTA C 4704.1, Americans with Disabilities Act 1990); and

WHEREAS, the period of performance for these funds will be July 1, 2017 to June 30, 2018 regardless of the date on which ROAP funds are disbursed to the county.

NOW, THEREFORE, by signing below, the duly authorized representatives of the County of Person North Carolina certify that the following statements are true and accurate:

- The county employed a documented methodology for sub-allocating ROAP funds that involved the participation of eligible agencies and citizens. Outreach efforts to include the participation of the elderly and individuals with disabilities, persons with limited English proficiency, minorities and low income persons in the county's sub-allocation decision have been documented.
- The county will advise any sub-recipients about the source of the ROAP funds, specific program requirements and restrictions, eligible program expenses and reporting requirements. The county will be responsible for invoicing any sub-recipients for unexpended ROAP funds as needed.
- The county will monitor ROAP funded services routinely to verify that ROAP funds are being spent on allowable activities and that the eligibility of service recipients is being properly documented. The county will maintain records of trips for at least five years that prove that an eligible citizen was provided an eligible transportation service on the billed date, by whatever conveyance at the specified cost.
- The county will be responsible for monitoring the safety, quality and cost of ROAP funded services and assures that any procurements by subrecipients for contracted services will follow state and federal guidelines.
- The county will conduct regular evaluations of ROAP funded passenger trips provided throughout the period of performance.


Revised 06-02-17

August 21, 2017

- The county will only use the ROAP funds to provide trips when other funding sources are not available for the same purpose or the other funding sources for the same purpose have been completely exhausted.
- The county assures that the required matching funds for the FY2018 ROAP can be generated from fares and/or provided from local funds.
- The county will notify the Mobility Development Specialist assigned to the county if any ROAP funded services are discontinued before the end of the period of performance due to the lack of funding. No additional ROAP funds will be available.
- The county will provide an accounting of trips and expenditures in quarterly milestone reports to NCDOT – Public Transportation Division or its designee. **Back-up documentation may be requested to support the quarterly reports or at an MDS site visit.**
- Any interest earned on the ROAP funds will be expended for eligible program uses as specified in the ROAP application. The County will include ROAP funds received and expended in its annual independent audit on the schedule of federal and state financial assistance. Funds passed through to other agencies will be identified as such.
- The county is applying for the following amounts of FY2018 Rural Operating Assistance Program funds:

| State-Funded Rural Operating Assistance Program | Allocated | Requested |
|--|------------------|------------------|
| Elderly & Disabled Transportation Assistance Program (EDTAP) | \$63,165 | \$63,165 |
| Employment Transportation Assistance Program (EMPL) | \$11,297 | \$11,297 |
| Rural General Public Program (RGP) | \$72,666 | \$72,666 |
| TOTAL | \$147,128 | \$147,128 |

WITNESS my hand and county seal, this 21st day of August, 2017.



 Signature of County Manager/Administrator
 Heidi York

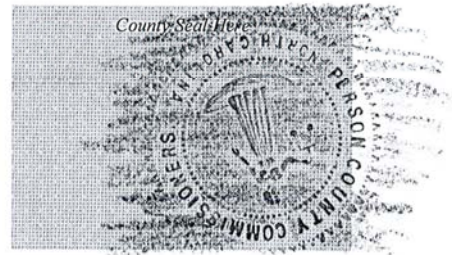
 Printed Name of County Manager/Administrator



 Signature of County Finance Officer
 Amy Wehrenberg

 Printed Name of County Finance Officer

State of North Carolina County of Person



Revised 06-02-17

August 21, 2017

RESOLUTION AUTHORIZING PERSON COUNTY TO ENTER INTO AN AGREEMENT WITH NC DEPT. OF TRANSPORTATION FOR A FISCAL YEAR 2018 CAPITAL GRANT:

Person Area Transportation System Manager, Kathy Adcock requested Board approval of a Resolution authorizing Person County to enter into an agreement with NC Department of Transportation for a Fiscal Year 2018 Capital Grant in the amount of \$123,000. Ms. Adcock stated this grant was for the replacement of two vehicles that have reached their limited mileage.

Ms. Adcock presented the grant agreement included 80% Federal funding in the amount of \$98,400, 10% State funding in the amount of \$12,300 and 10% Local Share or county funding in the amount of \$12,300 for a grand total of \$123,000. Ms. Adcock stated the local share was budgeted with the Public Transportation Grant that has been approved; this would break-out the funds from the Administration Budget to show up in the Capital Budget.

Ms. Adcock said the replacement vehicles would be two high-top vans.

A **motion** was made by Commissioner Puryear and **carried 5-0** to adopt a Resolution authorizing Person County to enter into an agreement with NC Department of Transportation for a Fiscal Year 2018 Capital Grant.

August 21, 2017

RESOLUTION
AUTHORIZING PERSON COUNTY
TO ENTER INTO AN AGREEMENT WITH
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

A motion was made by Commissioner Kyle Puryear and seconded by *(not applicable)* for adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Person County has requested the North Carolina Department of Transportation to assist in the funding of replacement of two vehicles; and

WHEREAS, the Person County will provide 10% local share of the cost of the above described project;

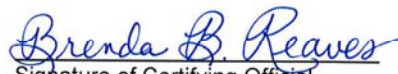
NOW THEREFORE, BE IT RESOLVED that the Person County Manager is hereby authorized to enter into a contract with the Department of Transportation and execute all agreements and contracts with the North Carolina Department of Transportation, Public Transportation Division.

Adopted, this, the 21st day of August 2017.




Tracey L. Kendrick, Chairman
Person County Board of Commissioners

I, Brenda B. Reaves do hereby certify that the above is a true and correct copy of an excerpt for the minutes of a meeting of the Person County Board of Commissioners duly held on the 21st day of August, 2017.


Signature of Certifying Official
Brenda B. Reaves, NCCCC, MMC
Clerk of Board

August 21, 2017

SALE OF SURPLUS PROPERTY UPDATE:

Assistant County Manager, Sybil Tate reminded the Board that at its July 2017 meeting, the Board requested the sale of the following surplus properties:

1. “Old Senior Center building and green space”- .54 acres, record number 16471
2. “Old Hotel lot”- .49 acres, record number 10534

Ms. Tate updated the Board to on the bids received to date. She said one bid from Vice Chairman Kendrick was received for the “Old Senior Center building and green space” in the amount of \$500.00 Staff has received two bids for the “Old Hotel lot” 1) in the amount of \$1 from Hayden Newell and 2) in the amount of \$1,000 from John Dixon.

Ms. Tate noted the Board had a couple of options: 1) proceed with the upset bid process to adopt a resolution at the Board’s next meeting as the method to sale the surplus property, advertise as required for additional offers until no more offers are received, or 2) combine the two lots for sale together, instead of separately. As both properties currently have a bid, Ms. Tate further noted option #2 may not be a needed option.

Chairman Kendrick offered to recuse himself from discussions and action of the Board as it was a conflict of interest.

A **motion** was made by Commissioner Puryear and **carried 4-0** to recuse Chairman Kendrick from the discussion and vote taken by the Board due to his submittal of an offer presenting a conflict of interest as well as Vice Chairman Powell to take over leading the meeting during this agenda item.

County Attorney, Ron Aycock stated there was a statutory procedure for the upset bid process which includes publication in the newspaper and waiting for the required period, i.e. 30 days and when there are no further bids, the sale can be confirmed.

Ms. Tate confirmed there was no minimum bid set by the Board and the Board has the right to refuse any offer.

Commissioner Puryear suggested to keep the surplus property separate as there were current bids on both parcels and to proceed with the upset bid process, advertise as necessary and follow the state mandated time period, i.e., 30 days, to keep as transparent and public as possible. It was the consensus of the Board to follow Commissioner Puryear’s suggestion.

August 21, 2017

REQUESTED EASEMENT BY DUKE ENERGY:

Chairman Kendrick requested Board approval for an easement requested by Duke Energy noting Person County plans to install a Public Safety Tower on County property known as the Bushy Fork Ball Park. Once the tower is erected and approved, Duke Energy will need an easement to install a buried electrical power cable from an existing power pole in the parking lot to the tower site on the northwest end of the property with the buried line to be located between the gym and small field to the tower location.

Chairman Kendrick said the presented easement was a standard agreement that Duke Energy uses with individuals as well as municipalities and corporations.

Commissioner Puryear asked if the Chairman should recuse himself as he was an employee of Duke to which the County Attorney, Ron Aycock stated there was no requirement unless Chairman Kendrick owns more than 10% of the Duke stock.

A **motion** was made by Commissioner Puryear and **carried 5-0** to approve an easement as requested by Duke Energy as presented.

EASEMENT

NORTH CAROLINA
PERSON COUNTY

Return To: Duke Energy Progress, LLC
Attn: David Cribben
4690 Simms Creek Road
Raleigh, NC 27616

THIS EASEMENT ("Easement") is made this 21st day of August, 2017
("Effective Date"), from THE PERSON COUNTY BOARD OF COMMISSIONERS, ("GRANTOR," whether one or more), to
Duke Energy Progress, LLC, a North Carolina limited liability company ("DEP"); its successors, licensees, and assigns.

WITNESSETH:

THAT GRANTOR, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto DEP, its successors, lessees, licensees, transferees, permittees, apportionees, and assigns, the perpetual right, privilege, and easement to go in and upon the land of GRANTOR situated in Bushy Fork Township, described as follows: containing 12.85 acres, more or less, and being the land described in a deed from The Board of Education to The Board of County Commissioners, dated January 1, 1991, recorded in Deed Book 211, Page 889, Person County Registry (the "Property"), LESS AND EXCEPT any prior out-conveyances, and to construct, reconstruct, operate, patrol, maintain, inspect, repair, replace, relocate, add to, modify and remove electric and/or communication facilities thereon including but not limited to, supporting structures such as poles, cables, wires, underground conduits, enclosures/transformers, vaults and manholes and other appurtenant apparatus and equipment (the "Facilities") within an easement area being ten (10) feet wide, together with an area ten (10) feet wide on all sides of the foundation of any DEP enclosure/transformer, vault or manhole (the "Easement Area"), for the purpose of transmitting and distributing electrical energy and for communication purposes of DEP and Incumbent Exchange Carriers. The center line of the Facilities shall be the center line of the Easement Area.

The right, privilege and easement shall include the following rights granted to DEP: (a) ingress and egress over the Easement Area and over adjoining portions of the Property (using lanes, driveways and paved areas where practical as determined by DEP); (b) to relocate the Facilities and Easement Area on the Property to conform to any future highway or street relocation, widening or improvement; (c) to trim and keep clear from the Easement Area, now or at any time in the future, trees, limbs, undergrowth, structures or other obstructions, and to trim or clear dead, diseased, weak or leaning trees or limbs outside of the Easement Area which, in the opinion of DEP, might interfere with or fall upon the Facilities; (d) to install guy wires and anchors extending beyond the limits of the Easement Area; and (e) all other rights and privileges reasonably necessary or convenient for DEP's safe, reliable and efficient installation, operation, and maintenance of the Facilities and for the enjoyment and use of the Easement Area for the purposes described herein.

DEP shall not install facilities outside said easement area without obtaining another EASEMENT, except for those facilities that may be installed as set forth above.

August 21, 2017

TO HAVE AND TO HOLD said rights, privilege, and easement unto DEP its successors, licensees, and assigns, forever, and GRANTOR, for itself, its heirs, executors, administrators, successors, and assigns, covenants to and with DEP that GRANTOR is the lawful owner of the Property and the Easement Area in fee and has the right to convey said rights and Easement.

IN WITNESS WHEREOF, this EASEMENT has been executed by GRANTOR and is effective as of the Effective Date herein.

PERSON COUNTY

By: Tracey L. Kendrick

Tracey L. Kendrick, Chairman
Board of Commissioners

ATTEST:

Brenda B. Reaves

Print: Brenda B. Reaves, appointed Clerk



NORTH CAROLINA, Person COUNTY

I, Marianna C. Long, a Notary Public of Person County, North Carolina, certify that Brenda Reaves personally appeared before me this day and acknowledged that he(she) is the Clerk of PERSON COUNTY, and that by authority duly given and as the act of said COUNTY, the foregoing EASEMENT was signed in its name by its Elected Chairman, sealed with its official seal, and attested by her self as its Appointed Clerk.

Witness my hand and notarial seal, this 21 day of August, 20 17.



Marianna C. Long
Notary Public

My commission expires: 03-16-19

August 21, 2017

CHAIRMAN'S REPORT:

Chairman Kendrick thanked all workers, volunteers and individuals that adopted pets on August 19, 2017 in response to the "Clear the Shelter" event held at Animal Services. He also added that if there were any individuals interested in serving on the Animal Services Advisory Committee to contact the Clerk to the Board, Brenda Reaves as there has been low participation this past year at the meetings.

MANAGER'S REPORT:

County Manager, Heidi York reported she and Chairman Kendrick concluded their last meeting with volunteer fire departments last week with her notes will be forthcoming highlighting the recurrent themes.

Ms. York stated the Research Triangle Regional Partnership was hosting a meeting next Thursday in Henderson noting a group of the Economic Development Commission will plan to attend; should any Board members be interested to let her know.

Ms. York said the Economic Development Commission will hold its first meeting on August 30, 2017 starting at 8:00am.

COMMISSIONER REPORT/COMMENTS:

Commissioner Jeffers reminded the group of the ice cream social hosted by the Dept. of Social Services (DSS) Board for DSS employees to be held on Wednesday, August 30, 2017 at 3:00pm.

Commissioner Jeffers stated that on September 14, 2017 Semora Fire Department will hold an engine dedication at 2:00pm.

Commissioner Clayton reported he had a photo of the Person County 4-H participant from Person County attending the NC Association of County Commissioners annual conference in Durham County.

Commissioner Puryear reported he had met with Piedmont Community College's new President, Dr. Pamela Senegal. He said the Chamber of Commerce's Personality event would be held on Friday from 5:00 to 9:00pm and all day on Saturday.

Vice Chairman Powell thanked Manager York and Chairman Kendrick for holding the volunteer fire departments in his absence.

August 21, 2017

CLOSED SESSION#1

A **motion** was made by Commissioner Vice Chairman Powell and **carried 5-0** to enter into Closed Session per General Statute 143-318.11(a)(5) at 9:19am to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease with the following individuals permitted to attend: County Manager, Heidi York, Clerk to the Board, Brenda Reaves, County Attorney, Ron Aycock, Assistant County Manager, Sybil Tate, IT Director, Chris Puryear and 911 Communications Manager, Brett Wrenn.

Closed Session #1 was called to order by Chairman Kendrick at 9:20am.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to return to open session at 9:34am.

CLOSED SESSION#2

A **motion** was made by Commissioner Jeffers and **carried 5-0** to enter into Closed Session per General Statute 143-318.11(a)(5) at 9:35am to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease with the following individuals permitted to attend: County Manager, Heidi York, Clerk to the Board, Brenda Reaves, County Attorney, Ron Aycock, and Assistant County Manager, Sybil Tate.

A **motion** was made by Vice Chairman Powell and **carried 5-0** to return to open session at 10:11am.

A **motion** was made by Commissioner Jeffers and **carried 3-2** to direct staff to issue a Request for Proposal to inquire with a business to operate a transfer station at the old landfill site. Vice Chairman Powell and Commissioners Clayton and Jeffers voted in favor of the motion. Chairman Kendrick and Commissioner Puryear cast the dissenting votes.

August 21, 2017

CLOSED SESSION#3

A **motion** was made by Vice Chairman Powell and **carried 5-0** to enter into Closed Session per General Statute 143-318.11(a)(6) at 10:13am for the purpose to discuss personnel with the following individuals permitted to attend: County Manager, Heidi York, and Clerk to the Board, Brenda Reaves.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to return to open session at 10:35am.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to approve a 3% merit pay increase to the Manager's salary based on the County's Manager's evaluation.

CLOSED SESSION#4

A **motion** was made by Commissioner Jeffers and **carried 5-0** to enter into Closed Session per General Statute 143-318.11(a)(5) at 10:36am to consider the acquisition or lease of real property with the following individuals permitted to attend: County Manager, Heidi York, and Clerk to the Board, Brenda Reaves.

A **motion** was made by Commissioner Puryear and **carried 5-0** to return to open session at 10:43am.

ADJOURNMENT:

A **motion** was made by Vice Chairman Powell and **carried 5-0** to adjourn the meeting at 10:43am.

Brenda B. Reaves
Clerk to the Board

Tracey L. Kendrick
Chairman

August 21, 2017