

**PERSON COUNTY BOARD OF COMMISSIONERS**  
**MEMBERS PRESENT**

**AUGUST 7, 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 7, 2017 at 7:00pm 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 Jeffers led the group in the Pledge of Allegiance.

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

Commissioner Jeffers requested an item be added to the agenda for an appointment to the Board of Adjustment. Chairman Kendrick requested an item be added to the agenda for a report from the County Attorney related to the appeal of the Board of Adjustment ruling on Sunrock/Tunnel Creek.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to add to the agenda an item for an appointment to the Board of Adjustment as well as to add an item to the agenda for a report by the County Attorney related to the appeal of the Board of Adjustment ruling on Sunrock/Tunnel Creek and to approve the agenda as adjusted.

**RECOGNITION:**

**PERSON COUNTY'S YOUTH DELEGATE TO ATTEND YOUTHVOICE:**

The North Carolina Association of County Commissioners (NCACC) will convene for an eighth year at the 110th Annual Conference, Aug. 10-12 in Durham County the next generation of leaders as part of a youth leadership development initiative, YouthVoice.

YouthVoice provides county commissioners with the opportunity to connect with the next generation of leaders. The event brings together Youth Delegates from 4-H Youth Development clubs and Boys and Girls Clubs of North Carolina.

YouthVoice, which takes place on Friday and Saturday of the NCACC's Annual Conference, offers sessions that help youth gain a better understanding of what county governments do and the role of commissioners as the governing body for counties, and provides multiple opportunities for youth and county officials to connect.

Commissioner Jeffers told the group that when former Cleveland County Commissioner Mary Accor was inaugurated as NCACC president in 2009, she told commissioners that when they reconvened for their next Annual Conference, she wanted to see the next generation of leaders in attendance as part of a youth leadership development

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initiative. The NCACC has partnered with 4-H Youth Development, a service of N.C. Cooperative Extension, to coordinate and bring Youth Delegates to YouthVoice since its inception.

Ms. Michelle Farris, 4-H Youth Development Cooperative Extension Agent introduced Person County's Youth Delegate, Ms. Eryn Haynes, who will attend YouthVoice as Person County's representative. Ms. Farris noted Ms. Haynes was a rising senior at Roxboro Community School and started her 4-H journey by showing calves and goats at the age of seven. At age 11 to present, Ms. Haynes has participated in Electric Congress and other 4-H programs such as Winterfest, Teen Retreat, 4-H Camp, 4-H Congress, NC 4-H Citizenship Focus and NCACC Youth Summit.

Ms. Haynes' shared her story on how 4-H has impacted her life.

## **PUBLIC HEARING:**

### **REQUEST BY PETE DUTY WITH THE TRI-COUNTY RADIO CONTROL CLUB FOR A SPECIAL USE PERMIT TO OPERATE A RECREATIONAL RADIO-CONTROLLED MODEL AIRPLANE FLYING CLUB ON 14.03 ACRES OFF OF STATE ROAD 1721 MOUNT HARMONY CHURCH ROAD (TAX MAP & PARCEL A98-191) IN THE RURAL CONSERVATION ZONING DISTRICT:**

A **motion** was made by Commissioner Jeffers and **carried 5-0** to open the duly advertised public hearing for a request by Pete Duty with the Tri-County Radio Control Club for a special use permit to operate a recreational radio-controlled model airplane flying club on 14.03 acres off of State Road (SR) 1721 Mount Harmony Church Road (Tax Map & Parcel A98-191) in the Rural Conservation Zoning District.

The public hearing set to hear a request by Pete Duty with the Tri-County Radio Control Club for a special use permit to operate a recreational radio-controlled model airplane flying club on 14.03 acres off of SR 1721 Mount Harmony Church Road (Tax Map & Parcel A98-191) in the Rural Conservation Zoning District 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 Kendrick administered the Oath of Sworn Testimony to the following individuals who would offer testimony during the public hearing:

Lori Oakley, Pete Duty, Christopher Silvia, Robert Mann, James Toole, Ryan Toole, and Donald Meadows

Chairman Kendrick announced that Person County has received one notarized statement submitted to be entered into the record. Chairman Kendrick asked the group if there was any opposition to a notarized statement noting the gentleman was out of the country and could not be present this date. Hearing no opposition, Chairman Kendrick stated he would enter the notarized statement into record at the appropriate time.

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Planning Director, Lori Oakley stated all state statutes and zoning ordinance requirements have been met for this public hearing and she submitted the following presentation and staff report into the record:

Aug-17

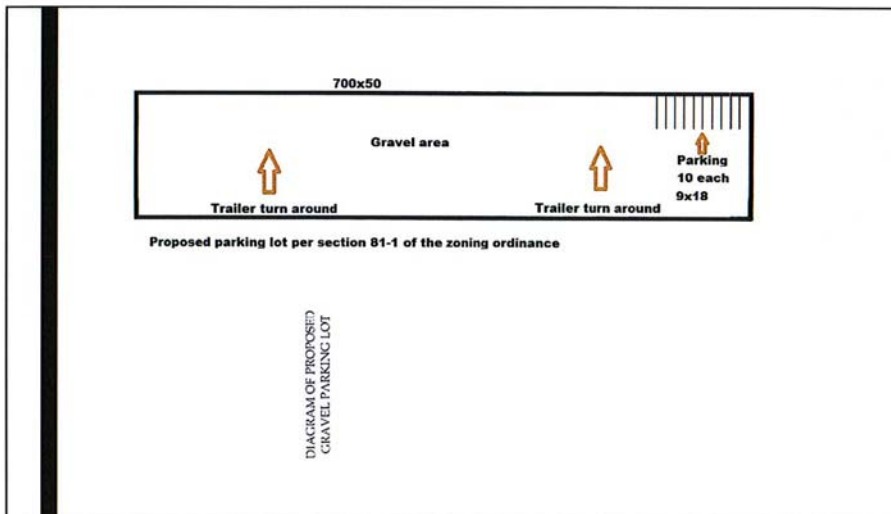
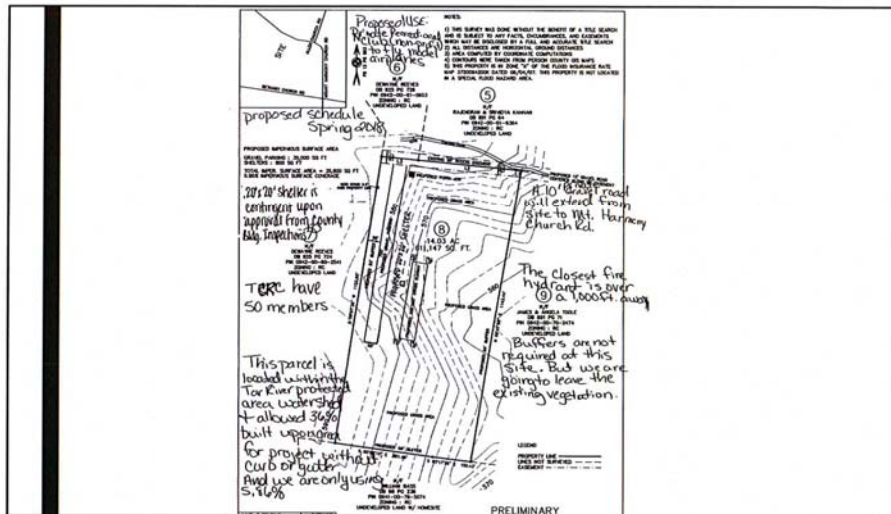
## PERSON COUNTY BOARD OF COMMISSIONERS

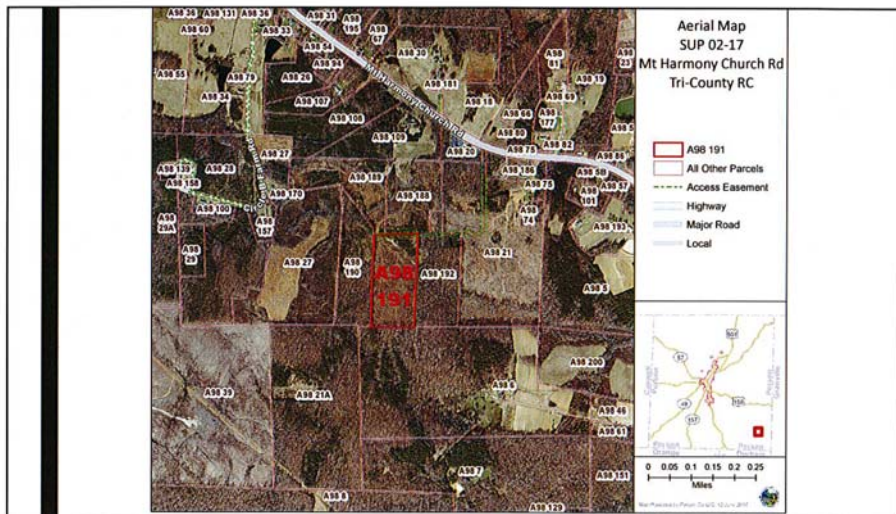
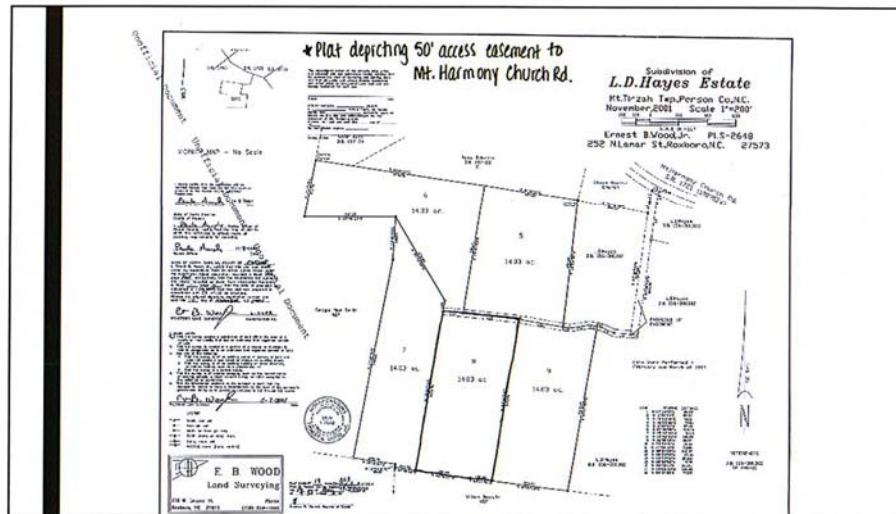
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Petition SUP-02-17 is request by Pete Duty with the Tri-County Radio Control Club (TCRC) for a special use permit to operate a recreational radio-controlled model airplane flying club on 14.03 acres off of SR 1721 Mount Harmony Church Road (Tax Map & Parcel A98-191) in the RC (Rural Conservation) Zoning District

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- The applicant is requesting to install a 300' long grassy airstrip for the club to fly model airplanes. The model airplanes range in size and some of them are powered by battery while others utilize fuel.
- There is no city water or sewer available to the site. There is a proposed porta john for the site and the Person County Environmental Health Department stated that as long as the club is not generating wastewater (i.e., no plumbing on the site), then a porta john is acceptable.
- There is one proposed 20' x 20' canopy for the site as long as it can be permitted through the Person County Building Inspections Department without any additional requirements.





## LAND USE / SITE PLAN ISSUES

- The applicant has requested to install a gravel parking lot under Section 81-1 of the Zoning Ordinance. Ten (10) 9'x18' parking spaces are required and will be provided.
- The applicant plans on constructing a 10' wide gravel driveway along a 50' easement from Mt. Harmony Church Rd. to the site. The gravel road will be approximately 2000' in length.
- The property is located within the Tar River Protected Watershed area, which allows a maximum of 36% impervious area. The applicant is proposing to add 5.86% impervious area to the site. The property does not lie within the 100-year special flood hazard area according to the FEMA map.

## PICTURES OF EXISTING MODEL AIRPLANES



## PERSON COUNTY COMPREHENSIVE PLAN

The Person County Land use Plan identifies the proposed site as Rural Residential / Agricultural. Rural Residential / Agricultural is defined as:

- Low-density residential (single site-built and manufactured homes); agriculture, forestry, churches; very limited commercial, office, or public/institutional uses meeting locational criteria. Most of the land within protected water supply watersheds should be placed in this category. 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 would be expected to develop without public sewer, i.e., with private septic tank systems.



## PERSON COUNTY COMPREHENSIVE PLAN

Appendix O of the Land Use Plan lists goals and objectives for the county including the following:

- 6.1.4 – Coordinate with other public and private agencies to provide lands, facilities and programs for the enrichment of leisure activities for the citizens of Person County.
- 6.7 – Encourage private enterprise development of recreational facilities.

## PLANNING STAFF ANALYSIS

- The property is zoned RC and the *Table of Permitted Uses* in Appendix C of the Zoning Ordinance lists "Private recreation club or swimming club activities not operated as a business or profit" as a special use in the RC (Rural Conservation Zoning District).
- The applicant is requesting to utilize the site to fly model airplanes for their private non-profit recreational club. The site plan includes a possible shelter canopy (dependent on the permitting requirements through the Person County Building Inspections Department), a gravel parking lot, a porta john and a 300' long grassy runway. The applicant is also proposing to construct a 10' gravel drive approximately 2000' in length from Mt. Harmony Church Rd. back to the site.
- Planning staff recommends that if the Board approves the request, the following conditions be placed on the Conditional Use Permit:
  - ❖ *The applicant is to obtain all permits necessary from the County Planning and Zoning Department and Building Inspections Department.*

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Ms. Oakley made a correction for the third point in above slide: the term Conditional Use Permit should read Special Use Permit.

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## PLANNING BOARD RECOMMENDATION

- At the July 13, 2017 meeting of the Planning Board, the Board voted unanimously (4-0) to deny the special use permit request on the basis that it did not meet Findings of Fact #1 (That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved) and Findings of Fact #4 (That the location and character of the use of developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan).

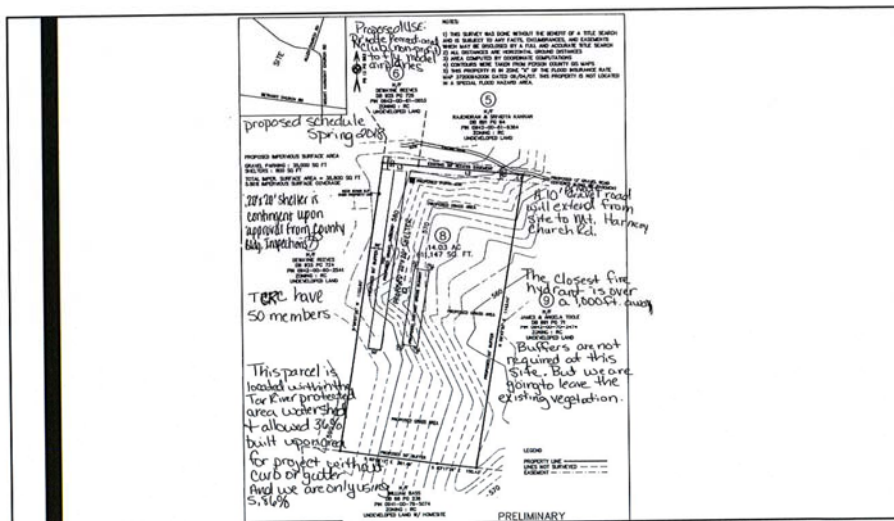
## COMPREHENSIVE PLAN / FINDINGS OF FACT

- The Board needs to address the four Findings of Fact and whether this proposal is in keeping with the Person County Comprehensive Plan.

## FINDINGS OF FACT

The Findings of Fact are as follows:

- That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
- That the use meets all required conditions and specifications.
- That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and
- That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the comprehensive plan.



**Special Use Permit SUP-02-17  
Tri-County Radio Control Club (TCRC)  
Recreational Radio-Controlled Model Airplane Flying Club**

**EXPLANATION OF THE REQUEST**

Petition SUP-02-17 is request by Pete Duty with the Tri-County Radio Control Club (TCRC) for a special use permit to operate a recreational radio-controlled model airplane flying club on 14.03 acres off of SR 1721 Mount Harmony Church Road (Tax Map & Parcel A98-191) in the RC (Rural Conservation) Zoning District.

**LOCATION & CURRENT LAND USE**

Currently, the subject property contains woodland and grassland. The property is zoned RC (Rural Conservation).

- Condition and land use of the surrounding properties are:
- To the West – Woodlands zoned RC (Rural Conservation).
  - To the North – Woodlands zoned RC (Rural Conservation).
  - To the East – Woodlands zoned RC (Rural Conservation).
  - To the South – A single-family dwelling, woodlands and farmland zoned RC (Residential Conservation).

**LAND USE / SITE PLAN ISSUES**

- The property is zoned RC and the *Table of Permitted Uses* in Appendix C of the Zoning Ordinance lists "Private recreation club or swimming club activities not operated as a business or profit" as a special use in the RC (Rural Conservation Zoning District).
- The applicant is requesting to install a 300' long grassy airstrip for the club to fly model airplanes. The model airplanes range in size and some of them are powered by battery while others utilize fuel.
- There is one proposed 20' x 20' canopy for the site as long as it can be permitted through the Person County Building Inspections Department without any additional requirements.
- There is no city water or sewer available to the site. There is a proposed porta john for the site and the Person County Environmental Health Department stated that as long as the club is not generating wastewater (i.e., no plumbing on the site), then a porta john is acceptable.
- The applicant has requested to install a gravel parking lot under Section 81-1 of the Zoning Ordinance. Ten (10) 9'x18' parking spaces are required and will be provided.
- The applicant plans on constructing a 10' wide gravel driveway along a 50' easement from Mt. Harmony Church Rd. to the site. The gravel road will be approximately 2000' in length.

- The property is located within the Tar River Protected Watershed area, which allows a maximum of 36% impervious area. The applicant is proposing to add 5.86% impervious area to the site.
- The property does not lie within the 100-year special flood hazard area according to the FEMA map.

#### COMPREHENSIVE PLAN

The Person County Land use Plan identifies the proposed site as Rural Residential / Agricultural. Rural Residential / Agricultural is defined as:

Low-density residential (single site-built and manufactured homes); agriculture, forestry, churches; very limited commercial, office, or public/institutional uses meeting locational criteria. Most of the land within protected water supply watersheds should be placed in this category. 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 would be expected to develop without public sewer, i.e., with private septic tank systems.

Appendix O of the Land Use Plan lists goals and objectives for the county including the following:

- 6.1.4 – Coordinate with other public and private agencies to provide lands, facilities and programs for the enrichment of leisure activities for the citizens of Person County.
- 6.7 – Encourage private enterprise development of recreational facilities.

#### PLANNING STAFF ANALYSIS

The property is zoned RC and the *Table of Permitted Uses* in Appendix C of the Zoning Ordinance lists "Private recreation club or swimming club activities not operated as a business or profit" as a special use in the RC (Rural Conservation Zoning District).

The applicant is requesting to utilize the site to fly model airplanes for their private non-profit recreational club. The site plan includes a possible shelter canopy (dependent on the permitting requirements through the Person County Building Inspections Department), a gravel parking lot, a porta john and a 300' long grassy runway. The applicant is also proposing to construct a 10' gravel drive approximately 2000' in length from Mt. Harmony Church Rd. back to the site.

Planning staff recommends that if the Board approves the request, the following condition be placed on the Special Use Permit:

1. The applicant is to obtain all permits necessary from the County Planning and Zoning Department and Building Inspections Department.

**PLANNING BOARD RECOMMENDATION**

At the July 13, 2017 meeting of the Planning Board, the Board voted unanimously (4-0) to deny the special use permit request on the basis that it did not meet Findings of Fact #1 (That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved) and Findings of Fact #4 (That the location and character of the use of developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan).

In approving an application for a special use permit, the Board may attach fair and reasonable conditions to the approval. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of Commissioners.

The Board of Commissioners shall issue a special use permit if it has evaluated an application and determined:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
2. That the use meets all of the required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;
4. That the location and character of the use of developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan.

**\*\*\*Please refer to the 4 Findings of Fact listed above when making a decision\*\*\***

*Submitted by: Lori Oakley, Planning Director*

Chairman Kendrick asked Ms. Oakley how many people showed up to make comments at the Planning Board Public Hearing to which she answered there were five to six individuals in opposition and eight or so club members in favor of the request.

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Vice Chairman Powell asked Ms. Oakley the 4-0 Planning Board vote was all inclusive of the two findings 1 and 4 to which she noted the Planning Board voted unanimously on the basis that it did not meet Findings of Fact #1 that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved and Findings of Fact #4 that the location and character of the use developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan.

Chairman Kendrick stated if there were no more questions for Ms. Oakley, he would move to the public comments for the three individuals that signed up in favor of the request. He outlined that thirty minutes would be set aside for each side to make comments which for three people that would be ten minutes each.

Chairman Kendrick called the first individual, Mr. Pete Duty, the applicant of the request for a special use permit. Mr. Duty stated he had a PowerPoint which would be a good way for them to start and he wanted another speaker, Christopher Silvia, to present the PowerPoint and he would speak after Mr. Silvia; he asked if that was okay to which Chairman Kendrick agreed.




Speaking in favor of the request by Pete Duty with the Tri-County Radio Control Club for a special use permit to operate a recreational radio-controlled model airplane flying club on 14.03 acres off of SR 1721 Mount Harmony Church Road (Tax Map & Parcel A98-191) in the Rural Conservation Zoning District were the following:

Mr. Christopher Silvia of 3105 Broomsedge Way, Durham thanked the Board for the opportunity to present the club and the nature of the situation. He proceeded to share the following presentation:





### What is the Tri County Radio Control (TCRC) Club

- An Academy of Model Aeronautics (AMA) chartered club for flying radio controlled model aircraft
- Members fly all types and varieties of model aircraft ranging in size from tiny foam airplanes to large scale warbirds and everything in between. These include airplanes, drones, helicopters and gliders
- Membership is made up of Person County residents as well as residents from surrounding counties. Currently there are 55 club members
- The club is open and welcoming to individuals new to the hobby and provides training and guidance in model aviation






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### Our Mission

- Provide a safe environment to fly radio controlled model aircraft that is in harmony with the community and our neighbors
- Educate members and guests on model aviation to include safety, best practices, construction and operation
- Provide a venue where members and guests can share their experience and enthusiasm for model aviation
- Support our community thru model aviation based fund raising events like the TCRC Fireflight and youth development activities with Boy Scout Merit badge events and encouragement of Science, Technology, Engineering and Math (STEM) education
- Support open membership to Person County residents as well as residents of surrounding counties





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What is the Academy of Model Aeronautics (AMA)

- The AMA is a non-profit organization dedicated to the promotion of model aviation as a recognized sport as well as a healthy and safe recreational activity
- All AMA chartered clubs require their flying members to purchase AMA memberships for liability insurance
- AMA members are required to follow the AMA "Safety Code" to be club members
- The TCRC AMA Charter Number is 4613. Individual AMA membership is required of all flyers although new pilots can fly under the direct supervision of one of our AMA registered instructors

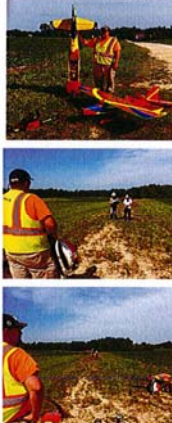


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We understand Model Sound is a concern

- As an organized club, TCRC provides structure and enforces best practices in its membership. These include....
  - Aircraft noise emission standards
  - Flying hour limitations as required
  - Standardized safety practices
  - Defined flight patterns
  - Membership meetings and communication channels to address noise and safety issues if they occur
- As a result of the permitting process, TCRC engaged a professional engineer to measure the sound levels of several of our largest model aircraft as well as common lawncare implements we are often compared to



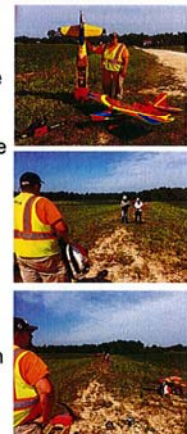
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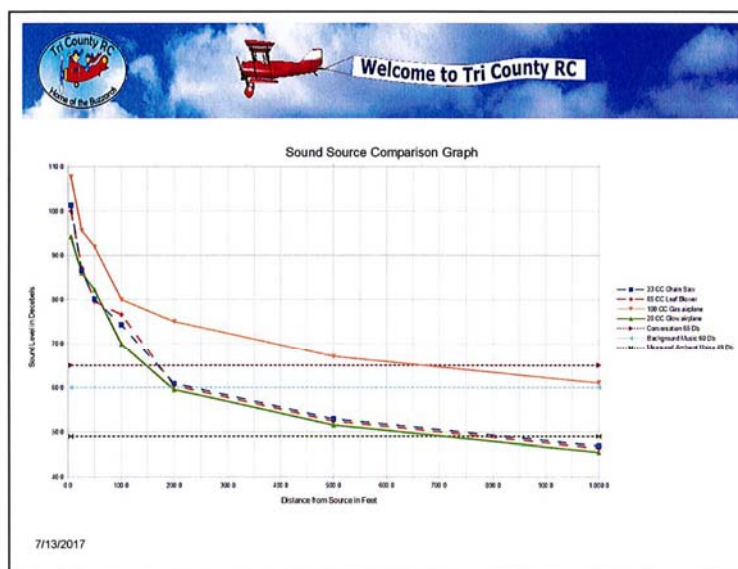



### Sound Analysis Key Findings



- Sound data from the large representative gasoline plane tested dropped to the level of conversation in 675 feet
- Sound data from the large representative glow fuel plane tested dropped to the level of ambient (background) sound in 700 feet
- Data from electric powered model airplanes was not collected due to the very low sound emissions that these power systems generate
- Based upon the Person County GIS system, the center of the proposed TCRC airfield is 1750 ft from the Church parcel on Mt Harmony Church Road



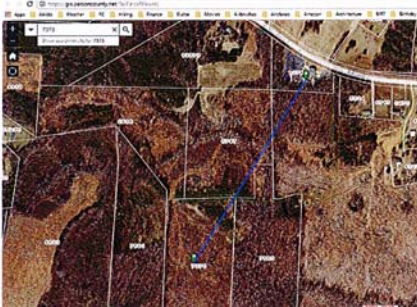
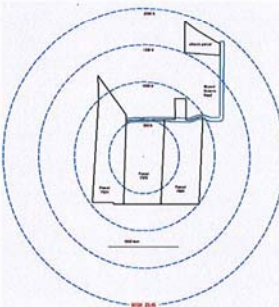
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Based upon these measurements, model aircraft sound should not exceed the level of conversation for our loudest aircraft within a 675 foot radius of the center of the property.







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We are Requesting .....

- Approval for a recreation permit to allow the club to develop its own dedicated model aviation airfield in Person County. This property will be used for farming and model aviation
- The opportunity to provide a permant home for TCRC that is owned and managed by the club and provides a recreational asset to Person County while operating in harmony with neighboring property owners









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What if TCRC is not approved for a permit?

- Person county will loose an establish recreational entity that benefits its residents and youth of all ages
- Special flying and fund raising events will no longer take place
- The property on Mt Harmony Church Rd will continue to be developed for farming and as a private RC airfield by the owner of the property. Flying activity will occur at this location with or without TCRC
- Without a public venue for model aviation, unsupervised model flying will occur by individuals interested in the hobby but without the benefit of experienced trainers, guidance, safety protocols and location that the club provides



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Mr. Silvia closed his presentation by thanking the commissioners for their time. He stated he hoped he had made a convincing case for TCRC as an entity to be present and have addressed the sound issues to the extent that they can and asked the Board to consider their case favorably.

Commissioner Clayton asked Mr. Silvia in talking about the sound radius, how far will the planes be off the property with operator control to which Mr. Silvia said that how far they fly depends upon how the operator allows them to fly with the considerations in terms of how far they fly and the sound they generate.

Commissioner Jeffers asked Mr. Silvia will they ever get out of sight to which Mr. Silvia stated no. Mr. Silvia stated if they get out of sight, the operator cannot operate them and TCRC fly in what is called line of sight; Mr. Silvia said you cannot operate out of line of sight. Mr. Silvia said there are people to own and operate what are called drones that have cameras on them. Mr. Silvia stated this club does not have nor condone operating these kinds of drones and do not allow that to occur. Back to the original question of operation and sound, Mr. Silvia said that when aircraft leaves the ground, it is suggested by AMA and by the FAA that operators fly under a 400 ft. level. At a 400 ft. level, they are well above that level beyond the conversation zone and out of earshot according to Mr. Silvia.

Commissioner Jeffers asked if the access to the property included the property owners' home or what was there on the road frontage to which Mr. Silvia said he was not capable of answering that particular question as he did not have intimate knowledge of that and one of the other speakers would have to answer.

Commissioner Jeffers asked Mr. Silvia about the benefits of fundraising and what types of fundraising has TCRC done when you operated before and what was benefited in Person County. Mr. Silvia said TCRC operated Fire Flight several years in a row, not operated this year on account of the issues noting it was an invitational event, advertised in the AMA magazine which comes out to individuals throughout the country. Mr. Silvia stated people did not come from other states but people would come from within the state. Typically donations are given, and pilots pay a landing fee as well. TCRC collected hundreds of dollars, had raffles, etc. per Mr. Silvia; those donations are collected and the club gives to volunteer fire departments that are in the area, i.e., Caswell County. Mr. Silvia said they invite boy scouts to do the food part of the event and the boy scout troop was allowed to keep whatever profits made.

Commissioner Jeffers asked of the club's 55 members, how many are Person County residents. Mr. Silvia asked Mr. Pete Duty and Mr. Robert Mann, present in the audience, and Mr. Mann responded roughly 20%. Mr. Silvia noted there are three or four clubs in this area, geographically disbursed that require relatively large spaces.

Commissioner Jeffers asked where was the closest chartered AMA club(s) to which Mr. Silvia responded, Mebane, Raleigh and Jordan Lake that moved, hours away; he said this was the only one in this general area.

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Commissioner Jeffers asked Mr. Silvia if there were set days to fly for when club members had access to the facility, or this case, the property. Mr. Silvia responded that whenever people wanted to come noting a number of the club members are retired, some prefer to come on Saturdays, some come during the weekdays, just depending upon the members' schedule; Mr. Silvia said many come on Sundays however because there was a church nearby, the club will not be flying during the early mornings on Sundays and not starting until after 9:00am or 10:00am and may only fly electric which was quiet, during those times. Mr. Silvia stated the club wanted to be considerate of folks during that period of time. Mr. Silvia said that night flying was also done so members may come in the evenings.

Commissioner Puryear asked Mr. Silvia to confirm that there were no drones to which he said people do have drones (an aircraft that has some sort of video onboard to which people can look through a video receiver to watch what the aircraft is doing; these are very common and can be bought at the grocery store these days) and were allowed to fly drones recreationally to fly around the field but what is not permitted is to fly without a spotter. Mr. Silvia said the AMA has a very significant and serious set of rules of how they are allowed to fly these things, so they are allowed to fly them with someone with you and those individually have to be able to see that drone at all times within the line of sight. Mr. Silvia said if there are video issues and the operator may lose contact with the drone, the spotter has to be able to tell the operator where it is and be able to bring it back at all times. Mr. Silvia explained these were the rules under which a drone is permitted to be operated. Mr. Silvia said they would not permit individuals to come onto the field, set up and start flying without a spotter and operated out of line of sight.

Commissioner Puryear asked Mr. Silvia the average scale from the range of tiny foam planes to large scaled war birds to which he responded the average aircraft will have a three foot wing span with a some having a wing span of four to five feet and a number of older flyers have aircraft that have two feet to two and one-half feet.

Vice Chairman Powell said Mr. Silvia spoke of a learning curve for noise factor and flight patterns and asked if it was fair to assume that there were concerns and complaints at the former location and they were not addressed. Mr. Silvia said when the club was first formed back in the 1980's and 1990's there was a different place and time with a different set of individuals and different world in which we lived; the location was an active crop dusting airport and the people that flew there were flying smaller airplanes with technology limited and since then, there has been a technological revolution in model aircraft and a lot of people are flying larger aircraft with different kinds of motors and different electronics noting things have changed. Mr. Silvia said that particular location has become less active from a crop duster perspective; the technology, the electronics and the people who fly have all changed. Mr. Silvia said the area has changed, people have moved in, houses built, the club size has changed from a handful of guys flying on a Sunday morning to 55 people flying at all hours of the day and the club outgrew the field and they still thinking of flying as they did in the 1990's and early 2000's. Mr. Silvia stated the club should have learned a lesson early on and reached out to the community more than was done to change how they were flying today.

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Mr. Pete Duty of 301 Continental Drive, Durham, and the applicant of the request for a special use permit said he was going to skip past talking about noise and spoke about safety as one of the issues brought up. Mr. Duty said that their airplanes would not be over the properties of the surrounding residents and the church. Mr. Duty said there was 1,700 plus feet from the center of his property to the nearest residence or the church. Mr. Duty noted it was determined at another meeting that the 30-some odd years that the club was flying over at Hurdle Mills at the Whitfield Airfield that there wasn't a resident that had any damaged property or injury from their aircraft.

Mr. Duty said on the noise issue, their strongest and loudest critics have been the hunters on both sides of the property, he pulled up the DB rating on a 30-06 rifle as 150 decibels, way over the level from their aircraft. Also on the safety issues, Mr. Duty said he worried more of a stray bullet than a model airplane flown on his property noting he was biased in that regard as he was shot out of a sandbox when he was three as someone was shooting at a rabbit and got him. When it comes down to it, Mr. Duty said they were talking about the safety, the noise, and issues like that. He asked wouldn't it be better for the flying to be supervised and governed by the club with the backing of AMA. Mr. Duty said he could not come up with any reason that would make sense to not issue a permit. Mr. Duty noted the club was backed by \$2.5M of insurance through AMA, should there be an accident. Mr. Silvia said they have backlog of coverage and asked if the neighbors have anything like that.

Commissioner Jeffers asked Mr. Duty if he was the property owner to which he responded affirmatively.

Mr. Duty clarified an earlier question about flying in the boundaries to which he noted was their responsibility to fly on the property that they have and only can overfly other property if they have the permission of the other property owners.

Commissioner Clayton asked Mr. Duty if there was another tract of land between his property and where the church was located to which Mr. Mann and Mr. Duty answered affirmatively. Commissioner Jeffers asked Mr. Mann of 2715 Brown Road, Hurdle Mills, how the Duty property was accessed and he said they would turn beside the church onto a 50 ft. easement that nine properties share for access. Mr. Mann stated that the Person County GIS indicates that the center of the church was just over 1,900 ft. from the center of the Duty property which was the closest residence around the property noting they are in the middle of nothing.

Commissioner Jeffers asked Mr. Duty if this was the only tract that he owned to which he responded affirmatively. Mr. Mann added that the neighboring tracts to the Duty parcel are all vacant, woodlands. Commissioner Jeffers asked if the parcel was being farmed currently to which Mr. Mann stated no. Mr. Mann said there are two tracts the timber hasn't been cut but everything else has been cut and grown up. Mr. Mann stated the Duty property was previously cut in 2013 according to GIS and that hay will be raised on the property and a grass runway maintained outside of the parking lot that they were told they had to have which will be in stone.

**August 7, 2017**

Chairman Kendrick moved to the individuals that would be addressing the Board in opposition to the request. He noted as the group had agreed earlier to enter into record a notarized statement, he read and presented the following:

July 28, 2017

I, Dewayne Jarvis Reeves, do hereby affirm that the information contained within this document are true and correct.

Dewayne Jarvis Reeves

07-28-17

Dewayne Jarvis Reeves

Date

August 7, 2017

G.S. § 10B-41 NOTARIAL CERTIFICATE FOR  
ACKNOWLEDGMENT

Buncombe County, North Carolina

I certify that the following person(s) personally appeared before me this day, each  
acknowledging to me that he or she signed the foregoing document:

Dewayne Jarvis Reeves  
Name(s) of principal(s)

Date: 7/28/17



Christopher D. Roberts  
Official Signature of Notary

Christopher D. Roberts, Notary Public  
Notary's printed or typed name

My commission expires: June 21, 2020

### **TCRC Buzzards application for special use permit**

By: Dewayne Reeves

I purchased two tracts of property off Mt Harmony Church Road that are approximately 29 acres in total in June 2016 after looking all around the area for 9 months. My property line is shared with the line of the property being discussed tonight. I am an Electrical Contractor so I am around the construction world all week with a lot of noise. Coming down to my property for a little quiet and relaxation is priceless. We selected this property because it was secluded and quiet with a good distance to the main road. It was purchased for hunting initially and then to provide a 2<sup>nd</sup> home / vacation home for my family and then to pass on to my 3 sons as a place where they can always go. I enjoy teaching my three sons the tradition of hunting and the outdoors. It is a wicked world and doing this with my kids cannot be replaced by something else. I have only owned the land for just over a year and had no idea this would ever happen.

The comment was made by TCRC at the previous meeting that I live four hours away and I do for my primary residence but I also pay Person county taxes on my land which is not the case for many of the members of the club. When we are in town on the weekend, my family and I support the local restaurants and sometimes the hotels. What are they giving to Person County?

My fear, based on discussions I have had with other fliers and previous neighbors of this club, is that the area will no longer be quiet or secluded. I spoke with a member of a club in Asheville that has approximately 35 members and even with that number there is someone there daily during the week and a lot of people on the weekends. TCRC has close to double this amount of members so there will never be any silent time other than late at night. What impact would this have on the wildlife and hunting in the area? What kind of outdoor recreation and or camping would we still want to do on our property?

While I understand that this club needs a place to meet and fly, what I do not understand is how they can purchase such a small tract (14 acres), which is only enough to get started on, and then all of their flying is done over everyone's property that lives or owns nearby. Also, the property was not purchased by the club, it was purchased by an individual who is a member of the club. Mr. Duty lives in a County Club in Durham. Would he want this beside his house? They purchased this land to be their playground for their hobby and then go home to their quiet place. After researching the types of planes they use, some of these planes may have 100cc motors or 12.5 HP which can be related to the sounds of a chainsaw and weed eaters.

Would you want chainsaws and weed eaters flying over your homes and quiet areas? How would your family and neighbors feel if this was next door to them? Should they not be required to purchase enough property so they could limit their flying zones to their own property and not that of their neighbors? Their property is only about 540' wide and 1140' long and is supposed to have two 50' buffers (but they cut all the way up to my property line). If they did a 60' wide parking lot and grassy area before the 60' wide runway, that only leave about 240' in which to fly. A plane flying 100mph can

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easily be off their land in a matter of seconds. TCRC says it is 1800 ft but all of their measurements are to the center of their property but their flights zones are from the edge to the edge.

Proximity examples: 1200' from church property  
900' from Mr. Luster's property

What happens if they crash in the standing timber in the area? What is the fire risk to the surrounding neighbors? These planes can carry 16 – 32oz of fuel in addition to batteries that can explode.

**Comments taken from the TCRCbuzzards.com website:**

"Several planes ended up in the trees"

"A few times we lost planes in the clouds, pull back the throttle and just had to be ready when they appeared somewhere."

"... gray overcast made seeing the planes and maintaining orientation more difficult."

"But the sound of three planes with four stroke engines roaring by was pretty cool."

"The flight line was full much of the day and the parking lot was full and many had to park on the sides of the road."

"...stole the show and deafened everyone with his new turbine making several test runs..."

There are numerous more comments referring to crashes, crashes and crashes.

I am also concerned about the impact on property values in the areas surrounding their intended club location. Should they get approval to have this club and it takes away both the quiet and seclusion of my property, would I even be able to sell my property for what I have invested in it? Would ANYONE even want to buy the property that would be looking at a 700' gravel parking lot and porta potties? What happens to the people that already have homes in the area or the church next door? What are their options?

I collected additional information during and after last meeting...

AMA – Academy of Model Aeronautics

- No longer a member as of last week and still not listed on website this week
- AMA provided them with a lot of insurance that would no longer be valid

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They had a jet turbine plane (which sounds like a real jet) come in 2x to get their certification but they have said he will not be back. What will prevent this from happening?

They have guidelines listed on their website for areas where they can and cannot fly. How hard is it, when you are in the air, to make sure you are not flying out of the "designated" fly zones? It isn't like there is a beeper to go off and tell you that you are out. How often do they have guests that are not familiar with the flight areas?

There wasn't a major problem for a while until the club kept growing and now it is just too much for the neighbors to take. They do not have a limit to the number of members (per Mr. Mann) so it could continue to grow in size and be an even larger invasion.

They do restrict the number of planes in the air to 4 but they do not restrict the # of planes that are on the ground running and making noise

The comment was made by several people that the majority of their members are not Person county residents and therefore do not pay taxes to Person county. We cannot verify that because we do not have a member list. If this is not true, then they should provide a membership list and their location to prove it incorrect.

**Do the people in the area of Mt. Harmony really know what would be coming?**

Here is information obtained from neighbors near their previous location...

- One homeowner has lived there for two years and had 5 incidents already.
- When the club started it was 2 – 3 x week and now it is 7 days from daylight to dark. There have been several experiences or incidents with club planes. They not only fly over their house but they circle. Who would buy my house now?
- Numerous planes on the ground being adjusted and/or tuned combined with the planes in the air are very loud.
- Night flying isn't often but it does happen.
- Tried for the last couple of years to resolve the conflict and intrusions without filing a formal complaint because they are nice people but we do not want them in our neighborhood. We can no longer tolerate the noise. While the club has just over 50 members, it is not just the members but it is their families and friends as well so there can be a lot of people there are the weekends.
- I was going to build a house on vacant land near this site but my wife and I could not even talk without shouting while standing on the property. We would have built a nice house and paid Person county taxes. We will definitely not build on that site and maybe not even in Person county.

**August 7, 2017**

This club has already been shut down in another part of the county (Hurdle Mills) due to the nuisance. Why should they be allowed to just move it to another part of the county on another small tract of land where they will have the same impact?

Please stop this from happening so that we will not see our property values decrease and lose the peacefulness that comes with owning in this area.

I agree that they need a place to fly and that the club could have some positive impact on Person County just not next door to peoples home and place of worship. What about the old landfill? What about some unused land out near the airport? What about county parks? Please help them find another solution that will give them a place to fly and let the rest of us keep our silence.

## Pointer & Associates Real Estate

216 S. Main St., P.O. Box 796, Roxboro, NC 27573 • Telephone 336-597-5544 • Toll Free 1-800-POINTER

July 21, 2017

Dewayne Reeves,

It was a pleasure meeting you and your family a while back and having the opportunity to show you some real estate in Person County for the purpose of hunting. Sorry I was not able to sell you the pieces of land that you purchased in the Mt. Tirzah Township that were for sale by the owners.

In answer to your question of could recreational radio-controlled model airplanes have an effect on your property, my guess would be yes it could. I would think if you were to put the property on the market you would have to disclose what was going on. Even though the planes are smaller than what is at the airport, looks like they would have to have an overlay, like the airport where no structure or buildings would be in the pathway of them going up or down. Depending on size, if one were to crash, it could cause damage or hurt someone and then you have the noise factor if they make much noise. I have attached a copy of a NC residential real estate disclosure form that if you had a home on the property you would have to fill it out. It does have under item #26 If any noise that effects the property from commercial, industrial, or military sources should be disclosed, but I would think even though it is not exactly one of those, you should still disclose due to noise factor.

I was involved with selling Adam White property years ago that lives on Whitmore Rd and it was very quiet area, but from what I understand now that has changed.

Hopefully you will not be faced with having to market your property and dealing with this. Most buyers want peace, quiet and privacy these days.

With respect,



Amelia Hicks  
Broker/Realtor

August 7, 2017



STATE OF NORTH CAROLINA  
RESIDENTIAL PROPERTY AND OWNERS' ASSOCIATION DISCLOSURE STATEMENT

Instructions to Property Owners

1. The Residential Property Disclosure Act (G.S. 47E) ("Disclosure Act") requires owners of residential real estate (single-family homes, individual condominiums, townhouses, and the like, and buildings with up to four dwelling units) to furnish purchasers a Residential Property and Owners' Association Disclosure Statement ("Disclosure Statement"). This form is the only one approved for this purpose. A disclosure statement must be furnished in connection with the sale, exchange, option and sale under a lease with option to purchase where the tenant does not occupy or intend to occupy the dwelling. A disclosure statement is not required for some transactions, including the first sale of a dwelling which has never been inhabited and transactions of residential property made pursuant to a lease with option to purchase where the lessee occupies or intends to occupy the dwelling. For a complete list of exemptions, see G.S. 47E-2.
2. You must respond to each of the questions on the following pages of this form by filling in the requested information or by placing a check (✓) in the appropriate box. In responding to the questions, you are only obligated to disclose information about which you have actual knowledge.
  - a. If you check "Yes" for any question, you must explain your answer and either describe any problem or attach a report from an attorney, engineer, contractor, pest control operator or other expert or public agency describing it. If you attach a report, you will not be liable for any inaccurate or incomplete information contained in it so long as you were not grossly negligent in obtaining or transmitting the information.
  - b. If you check "No," you are stating that you have no actual knowledge of any problem. If you check "No" and you know there is a problem, you may be liable for making an intentional misstatement.
  - c. If you check "No Representation," you are choosing not to disclose the conditions or characteristics of the property, even if you have actual knowledge of them or should have known of them.
  - d. If you check "Yes" or "No" and something happens to the property to make your Disclosure Statement incorrect or inaccurate (for example, the roof begins to leak), you must promptly give the purchaser a corrected Disclosure Statement or correct the problem.
3. If you are assisted in the sale of your property by a licensed real estate broker, you are still responsible for completing and delivering the Disclosure Statement to the purchasers; and the broker must disclose any material facts about your property which he or she knows or reasonably should know, regardless of your responses on the Disclosure Statement.
4. You must give the completed Disclosure Statement to the purchaser no later than the time the purchaser makes an offer to purchase your property. If you do not, the purchaser can, under certain conditions, cancel any resulting contract (See "Note to Purchasers" below). You should give the purchaser a copy of the Disclosure Statement containing your signature and keep a copy signed by the purchaser for your records.

**Note to Purchasers:** If the owner does not give you a Residential Property and Owners' Association Disclosure Statement by the time you make your offer to purchase the property, you may under certain conditions cancel any resulting contract without penalty to you as the purchaser. To cancel the contract, you must personally deliver or mail written notice of your decision to cancel to the owner or the owner's agent within three calendar days following your receipt of the Disclosure Statement, or three calendar days following the date of the contract, whichever occurs first. However, in no event does the Disclosure Act permit you to cancel a contract after settlement of the transaction or (in the case of a sale or exchange) after you have occupied the property, whichever occurs first.

5. In the space below, type or print in ink the address of the property (sufficient to identify it) and your name. Then sign and date.

Property Address: \_\_\_\_\_

Owner's Name(s): \_\_\_\_\_

*Owner(s) acknowledge(s) having examined this Disclosure Statement before signing and that all information is true and correct as of the date signed.*

Owner Signature: \_\_\_\_\_ Date \_\_\_\_\_

Owner Signature: \_\_\_\_\_ Date \_\_\_\_\_

*Purchasers acknowledge receipt of a copy of this Disclosure Statement; that they have examined it before signing; that they understand that this is not a warranty by owner or owners' agent; that it is not a substitute for any inspections they may wish to obtain; and that the representations are made by the owners and not the owners' agents or subagents. Purchasers are strongly encouraged to obtain their own inspections from a licensed home inspector or other professional. As used herein, words in the plural include the singular, as appropriate.*

Purchaser Signature: \_\_\_\_\_ Date \_\_\_\_\_

Purchaser Signature: \_\_\_\_\_ Date \_\_\_\_\_

REC 4.22  
REV 7/14

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Pointer & Associates Real Estate, P.O. Box 796 Roxboro, NC 27573  
Phone: (336) 597-5544

Fax: (336) 597-3355

Amelia Hicks

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Property Address/Description: \_\_\_\_\_

The following questions address the characteristics and condition of the property identified above about which the owner has **actual knowledge**. Where the question refers to "dwelling," it is intended to refer to the dwelling unit, or units if more than one, to be conveyed with the property. The term "dwelling unit" refers to any structure intended for human habitation.

	Yes	No	No Representation
1. In what year was the dwelling constructed? _____ Explain if necessary: _____			<input type="checkbox"/>
2. Is there any problem, malfunction or defect with the dwelling's foundation, slab, fireplaces/chimneys, floors, windows (including storm windows and screens), doors, ceilings, interior and exterior walls, attached garage, patio, deck or other structural components including modifications to them? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. The dwelling's exterior walls are made of what type of material? <input type="checkbox"/> Brick Veneer <input type="checkbox"/> Wood <input type="checkbox"/> Stone <input type="checkbox"/> Vinyl <input type="checkbox"/> Synthetic Stucco <input type="checkbox"/> Composition/Hardboard <input type="checkbox"/> Concrete <input type="checkbox"/> Fiber Cement <input type="checkbox"/> Aluminum <input type="checkbox"/> Asbestos <input type="checkbox"/> Other _____ (Check all that apply)			<input type="checkbox"/>
4. In what year was the dwelling's roof covering installed? _____ (Approximate if no records are available) Explain if necessary: _____			<input type="checkbox"/>
5. Is there any leakage or other problem with the dwelling's roof? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is there any water seepage, leakage, dampness or standing water in the dwelling's basement, crawl space, or slab? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Is there any problem, malfunction or defect with the dwelling's electrical system (outlets, wiring, panel, switches, fixtures, generator, etc.)? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Is there any problem, malfunction or defect with the dwelling's plumbing system (pipes, fixtures, water heater, etc.)? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Is there any problem, malfunction or defect with the dwelling's heating and/or air conditioning? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. What is the dwelling's heat source? <input type="checkbox"/> Furnace <input type="checkbox"/> Heat Pump <input type="checkbox"/> Baseboard <input type="checkbox"/> Other _____ (Check all that apply)... Age of system: _____			<input type="checkbox"/>
11. What is the dwelling's cooling source? <input type="checkbox"/> Central Forced Air <input type="checkbox"/> Wall/Window Unit(s) <input type="checkbox"/> Other _____ (Check all that apply)... Age of system: _____			<input type="checkbox"/>
12. What are the dwelling's fuel sources? <input type="checkbox"/> Electricity <input type="checkbox"/> Natural Gas <input type="checkbox"/> Propane <input type="checkbox"/> Oil <input type="checkbox"/> Other _____ (Check all that apply) If the fuel source is stored in a tank, identify whether the tank is <input type="checkbox"/> above ground or <input type="checkbox"/> below ground, and whether the tank is <input type="checkbox"/> leased by seller or <input type="checkbox"/> owned by seller. (Check all that apply) _____			<input type="checkbox"/>
13. What is the dwelling's water supply source? <input type="checkbox"/> City/County <input type="checkbox"/> Community System <input type="checkbox"/> Private Well <input type="checkbox"/> Shared Well <input type="checkbox"/> Other _____ (Check all that apply) _____			<input type="checkbox"/>
14. The dwelling's water pipes are made of what type of material? <input type="checkbox"/> Copper <input type="checkbox"/> Galvanized <input type="checkbox"/> Plastic <input type="checkbox"/> Polybutylene <input type="checkbox"/> Other _____ (Check all that apply) _____			<input type="checkbox"/>
15. Is there any problem, malfunction or defect with the dwelling's water supply (including water quality, quantity, or water pressure)? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. What is the dwelling's sewage disposal system? <input type="checkbox"/> Septic Tank <input type="checkbox"/> Septic Tank with Pump <input type="checkbox"/> Community System <input type="checkbox"/> Connected to City/County System <input type="checkbox"/> City/County System available <input type="checkbox"/> Straight pipe (wastewater does not go into a septic or other sewer system (note: use of this type of system violates state law)) <input type="checkbox"/> Other _____ (Check all that apply) _____			<input type="checkbox"/>
17. If the dwelling is serviced by a septic system, do you know how many bedrooms are allowed by the septic system permit? If your answer is "yes" how many bedrooms are allowed? _____ <input type="checkbox"/> No records available	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Is there any problem, malfunction or defect with the dwelling's sewer and/or septic system? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Is there any problem, malfunction or defect with the dwelling's central vacuum, pool, hot tub, spa, attic fan, exhaust fan, ceiling fans, stump pump, irrigation system, TV cable wiring or satellite dish, garage door openers, gas logs, or other systems? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Is there any problem, malfunction or defect with any appliances that may be included in the conveyance (range/oven, attached microwave, hood/fan, dishwasher, disposal, etc.)? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Owner Initials and Date \_\_\_\_\_ Owner Initials and Date \_\_\_\_\_  
Purchaser Initials and Date \_\_\_\_\_ Purchaser Initials and Date \_\_\_\_\_

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- |   | Yes                      | No                                  | No Representation        |
|---|--------------------------|-------------------------------------|--------------------------|
| 21. Is there any problem with present infestation of the dwelling, or damage from past infestation of wood destroying insects or organisms which has not been repaired? .....   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 22. Is there any problem, malfunction or defect with the drainage, grading or soil stability of the property? .....   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 23. Are there any structural additions or other structural or mechanical changes to the dwelling(s) to be conveyed with the property? .....   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 24. Is the property to be conveyed in violation of any local zoning ordinances, restrictive covenants, or other land-use restrictions, or building codes (including the failure to obtain proper permits for room additions or other changes/improvements)?.....  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 25. Are there any hazardous or toxic substances, materials, or products (such as asbestos, formaldehyde, radon gas, methane gas, lead-based paint) which exceed government safety standards, any debris (whether buried or covered) or underground storage tanks, or any environmentally hazardous conditions (such as contaminated soil or water, or other environmental contamination) which affect the property? ..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 26. Is there any noise, odor, smoke, etc. from commercial, industrial, or military sources which affects the property? .....  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 27. Is the property subject to any utility or other easements, shared driveways, party walls or encroachments from or on adjacent property? .....   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 28. Is the property the subject of any lawsuits, foreclosures, bankruptcy, leases or rental agreements, judgments, tax liens, proposed assessments, mechanics' liens, materialmen's liens, or notices from any governmental agency that could affect title to the property? .....   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 29. Is the property the subject to a flood hazard or is the property located in a federally-designated flood hazard area? .....   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 30. Does the property abut or adjoin any private road(s) or street(s)? .....  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 31. If there is a private road or street adjoining the property, is there in existence any owners' association or maintenance agreements dealing with the maintenance of the road or street? .....  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

If you answered "yes" to any of the questions listed above (1-31) please explain (attach additional sheets, if necessary):

In lieu of providing a written explanation, you may attach a written report to this Disclosure Statement by a public agency, or by an attorney, engineer, land surveyor, geologist, pest control operator, contractor, home inspector or other expert, dealing with matters within the scope of that public agency's functions or the expert's license or expertise.

The following questions pertain to the property identified above, including the lot to be conveyed and any dwelling unit(s), sheds, detached garages, or other buildings located thereon.

- |   | Yes                      | No                       | No Representation        |
|---|--------------------------|--------------------------|--------------------------|
| 32. To your knowledge, is the property subject to regulation by one or more owners' association(s) or governing documents which impose various mandatory covenants, conditions, and restrictions upon the lot, including, but not limited to obligations to pay regular assessments or dues and special assessments? If your answer is "yes," please provide the information requested below as to each owners' association to which the property is subject (insert N/A into any blank that does not apply): | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| *(specify name) _____ whose regular assessments ("dues") are \$ _____ per _____. The name, address, and telephone number of the president of the owners' association or the association manager are _____   |                          |                          |                          |
| _____   |                          |                          |                          |
| _____   |                          |                          |                          |
| *(specify name) _____ whose regular assessments ("dues") are \$ _____ per _____. The name, address, and telephone number of the president of the owners' association or the association manager are _____   |                          |                          |                          |
| _____   |                          |                          |                          |
| _____   |                          |                          |                          |

\*If you answered "Yes" to question 32 above, you must complete the remainder of this Disclosure Statement. If you answered "No" or "No Representation" to question 32 above, you do not need to answer the remaining questions on this Disclosure Statement. Skip to the bottom of the last page and initial and date the page.

Owner Initials and Date \_\_\_\_\_ Owner Initials and Date \_\_\_\_\_  
Purchaser Initials and Date \_\_\_\_\_ Purchaser Initials and Date \_\_\_\_\_

33. Are any fees charged by the association or by the association's management company in connection with the conveyance or transfer of the lot or property to a new owner? If your answer is "yes," please state the amount of the fees: \_\_\_\_\_
34. As of the date this Disclosure Statement is signed, are any dues, fees, or special assessments which have been duly approved as required by the applicable declaration or bylaws, and that are payable to an association to which the lot is subject? If your answer is "yes," please state the nature and amount of the dues, fees, or special assessments to which the property is subject: \_\_\_\_\_
35. As of the date this Disclosure Statement is signed, are there any unsatisfied judgments against, or pending lawsuits involving the property or lot to be conveyed? If your answer is "yes," please state the nature of each pending lawsuit, and the amount of each unsatisfied judgment: \_\_\_\_\_
36. As of the date this Disclosure Statement is signed, are there any unsatisfied judgments against, or pending lawsuits involving the planned community or the association to which the property and lot are subject, with the exception of any action filed by the association for the collection of delinquent assessments on lots other than the property and lot to be conveyed? If your answer is "yes," please state the nature of each pending lawsuit, and the amount of each unsatisfied judgment: \_\_\_\_\_
37. Which of the following services and amenities are paid for by the owners' association(s) identified above out of the association's regular assessments ("dues")? (Check all that apply).

	Yes	No	No Representation
Management Fees.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exterior Building Maintenance of Property to be Conveyed.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exterior Yard/Landscaping Maintenance of Lot to be Conveyed.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Common Areas Maintenance.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trash Removal.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recreational Amenity Maintenance (specify amenities covered).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pest Treatment/Extermination.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Street Lights.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sewer.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Storm water Management/Drainage/Ponds.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet Service.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cable.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private Road Maintenance.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parking Area Maintenance.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gate and/or Security.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: (specify).....			

Owner Initials and Date \_\_\_\_\_ Owner Initials and Date \_\_\_\_\_  
Purchaser Initials and Date \_\_\_\_\_ Purchaser Initials and Date \_\_\_\_\_

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Speaking in opposition to the request by Pete Duty with the Tri-County Radio Control Club for a special use permit to operate a recreational radio-controlled model airplane flying club on 14.03 acres off of SR 1721 Mount Harmony Church Road (Tax Map & Parcel A98-191) in the Rural Conservation Zoning District were the following:

Mr. James Toole of 454 Gray Fox Road, Rosman stated he lived five hours from Person County and had purchased land without any idea that anything like this would be coming into this community. Mr. Toole said it would not only be the 50 plus members but two or three people with each of those members so looking at 150 to 200 people in that area with the noise. Mr. Toole stated he purchased this property to have a place to go because he works in construction, a home improvement business, dealing with a lot of stress noting this land was his quiet place to get away, to have a place come bring his sons, daughter and to hunt on and be 1,500 ft. away from the main road. Mr. Toole said if he had wanted property in the city, he would have bought in the city but he wanted somewhere it was quiet. Mr. Toole stated this would really impact that community and not sure that community really understood what this will do; they will be flying more than four planes there, and have six or eight on the runway waiting to take off. Mr. Toole asked the Board, would you want this in your back yard? Mr. Toole said they did not think the residents of Mount Harmony would noting he has 17 signatures to back that. Mr. Toole said he and his son were working on a job about three weeks ago, when the first Planning & Zoning meeting was held noting they took off time from their jobs, just as they took off time to come to this meeting because it is important. He further noted there was a valley with one plane that was flying over 440-450 yards away from them and they heard all movements as it was flying around and around, back and forth, over and back making a lot of racket. He said if one plane was making that much racket, what would four or five planes going to be doing. Mr. Toole said if they didn't stop this, it will tear that little quiet community up. Mr. Toole stated another problem with the drones. He said what were they are failing to tell you all was that the President of the Club has a plane with a wing span of 14 ft. wide with a 100cc motor on it. Can you imagine that 14 ft. plane coming across the top of your house and losing control and all the fuel in it and the batteries that it keeps it a flight comes down on your house and probably burn it down. Mr. Toole said they are in a residential neighborhood that was wooded. Mr. Toole said, in fact, every bit of his 15 acres, on the south side of the proposed property was wooded timber. What will happen when one of the planes comes down on my property and sets the woods on fire; there's going to be a bunch of neighbors with potential to lose their house. Mr. Toole noted they said it was 1,700 plus feet away from residents, no, as Mr. Luster Harris was 900 ft. from the property and the church was less than 1,000 ft. the way the crow flies. If you take away the crow flies or a plane, it is less than 1,000 ft. Mr. Toole said there was another man that lives on Circle B that was probably less than 1,000 ft.; Mr. Toole said Mr. Blaylock was probably 1,500 ft. to 2,000 ft. Mr. Toole stated the planes would not stay on the 14 acres; there are going to fly one-half mile to one mile around as long as they can see them or comes out of the cloud, catch it back and fly as far as it will go. Mr. Toole said he understood about the traffic and the people that this will generate in this normally quiet neighborhood as it will be used practically every day, 365 days a year, from day light to dark. Mr. Toole said he had spoken to Mr. Lurch (Robert Mann) and he said it would only be used on the weekend

and from everything he researched on the club that was inaccurate and used on a daily basis by somebody, if not several members of that club.

Mr. Toole said they said they would let the church have Sunday service and start flying at 9:00am noting his church usually was over about 1:00pm. The complaints from the people that have been affected at their last location in Hurdle Mills verifies the noise and trespassing on property to get their planes. Mr. Toole asked if you think they will call him five hours away to tell him their plane went down on his property, no, they will march right over there and grab it even if there are no trespassing signs up. Mr. Toole said they would be trespassing to retrieve their planes and parking on other people's property, all issues to be dealt with if this club is allowed to open up on this property. Mr. Toole said there will be no quiet time anymore as there will be constant noise, constant traffic and people not known continuously using the 50 ft. access that he put in noting he and his sons actually built that road in there by hand and a little farm tractor. Mr. Toole said they already messed the road up by coming in there to clear 14 acres of property without erosion control except to mess up the road. Mr. Toole said he did not know the members or the people associated with their members.

Mr. Toole noted that Siloam Baptist Church which was 1,000 to 1,200 ft. away; would you want to have a wedding there for your daughter or son? Would you want to have a funeral there with all this going on? Mr. Toole said it was not fair for this community to be dealt such a blow with what they are trying to do. Mr. Toole noted there are several dwellings within 1,000 to 1,200 ft. and once a quiet, undisturbed community but to be turned into a noisy, busy community that will no longer be peaceful. Mr. Toole said he was planning to put a home on his property to have a place to stay and relax with his family noting he already has a perc test in and a septic permit on file in the Person County Environmental Office but he may not do that if he cannot sit on his back porch and have quiet and peace like he wanted to have the property for in the begin with. Mr. Toole said the noise level was compared to talking back and forth but he stated that was not a fact, far from the fact. Mr. Toole asked the Board to consider if they would want this in their neighborhood or next to your church. Mr. Toole pointed to Mr. Luster Harris who is a deacon of the church noting Mr. Harris did not want it behind his church and a member of the community who lives within 900 ft. of the property. Mr. Toole said what they said about being 1,700 ft. from the center of the property, but they will do all over the whole valley. Mr. Toole petitioned the Board to deny the request for the simple fact that the community will be in upheaval, the trash generated, the traffic general and the noise level that is generated will be intolerable.

Mr. Ryan Toole of 92 Laura Brooke Drive, Penrose, son of Mr. James Toole who lived almost five hours away. As pointed out, the reason for coming to Person County is for peace and quiet. Mr. Toole stated he has a daughter that likes to camp, fish, hunt on his dad's property and he doesn't have to worry about her getting shot. Mr. Toole noted Mr. Duty said he rather have a plane out of control over his piece of property than somebody shooting a rifle. Mr. Toole said that anyone with weapons training knows better if there is a residence you don't shoot that way with or without a buffer. By the state of NC no firearm can be fired within 100 yards of a residence; even at 200 yards Mr. Toole

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said he would not shoot that way toward someone's property but as he said a plane go down. Mr. Toole asked what if his daughter was playing in the yard and they are flying and a plane goes down; the propeller is still going and if it hits her, it could chop her head off, so what was the difference. Mr. Toole noted he could have control over a firearm and if a plane is going down, there was nothing they can do about it. Mr. Toole said there are 55 members in the club with no limit of members so in a few years, how many members are we looking at, it could double, triple. Mr. Toole stated they proposed a 10 ft. wide private road on the 50 ft. easement going back there, with 55 people how will it be to pass people on this road. Mr. Toole asked if they will maintain the road, no, or mess the ditches up, yes. He said there is a danger for his daughter to get hurt while playing a run after a ball into the road with so much traffic. Mr. Toole said as stated over half of the members do not live within the county and asked if the members would spend money in the county or go back to their home county to eat, get gas, hang out with friends. Mr. Toole said they visit Person County on a regular basis and spend money within the county buying fuel, hotels, food, renting equipment, buying gravel to put on the road. Mr. Toole said in the last meeting that they had a hog trail for a road noting he owns a small business making money, not a lot of money so they do what they can when they can. Mr. Toole said they spent over \$5,000 on the hog trail of a road putting gravel, coverts, ditches to keep erosion down which now they have a bulldozer through there and flatten it out to close the ditches back up so the erosion is going back into the creeks where it shouldn't be. Mr. Toole stated the president stood before the Planning & Zoning committee and said they will do whatever they want to if approved or not as they could not stop them. Mr. Toole asked what does that say after saying they want to work with the community but that's not working with the community. Mr. Toole noted the president said they could not fly in less than 500 ft. of airspace over anyone else's land without having permission to do so per their insurance, and they have said it tonight they could not fly in less than 400 ft. of airspace, so which one is the truth. Another thing on the church, Mr. Toole said that in the last meeting if the church got out at 11:00am, they won't start flying at 11:00am, what if church runs over 10 minutes as he hasn't been in a church that gets out at 12:00noon or 11:00am on the dot every Sunday not to mention if they have special events. Mr. Toole said this was their playtime; they come from surrounding counties, do their thing, go home; they don't have to worry about anybody else flying around their homes where they go to relax, sit back and have quiet home. Mr. Toole said this is their second home, where we come to after working and being around construction and loud noises to get relaxation and to wind down to get away from the hustle and bustle of life. Mr. Toole said if they get approved on this, he was going to lose it as what was the point of coming down here, to drive five hours to listen to that noise seven days a week, daylight to dark. Mr. Toole noted they said they hardly fly on weekdays and others say yes they do because some are retired and some work swing shifts. Mr. Toole said there would not be quiet time so what is the point to come down here. Mr. Toole said the president told them when they first bought the property they have to have permission if a plane goes down to get it from someone else's property, with living five hours away in the mountains, asked if they would call for permission to get a down plan or wait five hours for us to come here to get it, no, they will just go get it like nothing happened. Mr. Toole, a volunteer fireman since he was 16 and now 26, said if the plane crashes with fuel and batteries, the heat and jet fuel highly flammable as they noted in the last meeting the heat from a down plane will not combust. Mr. Toole asked the Board to

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deny the request and put some restrictions on the ones that will do what they want to anyhow.

Mr. Donald Meadows of 8413 Cassam Road, Bahama stated he was 1,000 yards from the property. He said he had no peace, no quiet and couldn't walk in the yard. Mr. Meadows said he couldn't relax in his home or go to the pond for fishing without flying planes and asked the Board how they would like it noting he did not like it.

Commissioner Jeffers stated Mr. Luster Harris was pointed out to be from Siloam Church and wanted to know if he wanted to say something as he missed the signup. Chairman Kendrick said Mr. Harris did miss the signup but there was some time remaining. Chairman Kendrick administered the oath of sworn testimony to Mr. Luster Harris.

Mr. Luster Harris of 4554 Mt. Harmony Church Road, Rougemont reinforced what Mr. Toole and other gentlemen said in opposition to the request noting he had come to the first meeting and understood what they were saying about the planes. Mr. Harris stated for fact that they would not stay on the acreage of land that they purchased. Mr. Harris stated his church's hours are really from 9:45am until 12:30pm on Sundays which includes Sunday School and 11:00am service with various times there are programs on Sunday afternoons. Mr. Harris said he was the closest house to the church.

Commissioner Jeffers asked Mr. Harris if the church has Wednesday services and if so, what time. Mr. Harris responded the church has Wednesday Bible Study at 12:00noon until 1:00pm and on Saturdays, the church has choir rehearsals on the 2<sup>nd</sup> Saturday at 11:00am and on the 4<sup>th</sup> Saturday at 1:00pm. Mr. Harris noted there were other programs and funerals not specified on a time.

Commissioner Jeffers asked if he looked up the TCRC Club who would be the contact to which Mr. Robert Mann of 2715 Brown Road, Hurdle Mills noted he was the president.

Chairman Kendrick stated someone said earlier that someone had a plane with a 14 ft. wing span and asked if that was true to which Mr. Mann stated it was not true.

Vice Chairman Powell asked if Planning & Zoning rejected this request twice. Ms. Oakley explained there was two different sites; the first site was the Hurdle Mills site request for a conditional use permit before the Board of Adjustment and the second site for this case for a special use permit that went before the Planning Board for recommendation for the Board of Commissioners.

Commissioner Clayton asked Ms. Oakley how far it is from the church (parcel A98-20) to the property. Ms. Oakley estimated the distance to be just over 1,000 ft. to the edge of the property.

Commissioner Jeffers asked if the easement was graveled to which Mr. Mann stated it was partially graveled on the 2,200 to 2,500 ft. easement, approximately 5% graveled. Mr. Toole stated approximately one-third of the easement was graveled noting he had to use oversized stone due to wet placed in the beginning using 30,000 to 40,000 pounds in that one area. Mr. Toole noted his property was A98-192 on the southeast side.

Commissioner Jeffers stated A98-109 has a home on it. Mr. Toole said A98-109 was Mr. Luster Harris' property and approximately 900 ft. from the beginning of A98-191 (Duty parcel).

Commissioner Jeffers asked Ms. Oakley what stops the property owner, Mr. Duty, from flying his plane to which she stated nothing stops Mr. Duty from flying his personal plane with friends. Commissioner Jeffers asked Ms. Oakley what stops the property owner, Mr. Duty, from inviting, his friend Lurch (Mr. Mann) to which Ms. Oakley said nothing.

Commissioner Jeffers said if the Board were to approve the request for a special use permit, could the Board take it away at any time or could the Board put on the permit a timeframe for the approval, i.e. permit for one year, two years, five years or once permitted it is there forever. Ms. Oakley said the attorney may want to answer noting she has seen conditions placed where there were time periods on previous permits as a condition. Commissioner Jeffers said as the request was for a permit for a flight club, could the Board prohibit from flying at certain times to which Ms. Oakley said yes, that could be made as a condition. Ms. Oakley said her understanding was that the applicant would have to agree to the condition to which Commissioner Jeffers said that was fine.

Commissioner Jeffers asked Ms. Oakley if staff recommended a gravel parking lot to which Ms. Oakley responded that the request was for a gravel parking lot under a provision in the Zoning Ordinance as it would be required for them to do 10 ft. wide gravel access from Mount Harmony. Commissioner Jeffers said he understood the applicant's side to say they were being made to and asked was it a condition by the Planning Board or did the applicant request a parking lot. Ms. Oakley said they requested gravel noting the County's Ordinance actually requires pavement so they requested gravel to come in all the way 10 ft. wide from Mount Harmony Church Road to their parcel and then have a gravel parking lot with ten parking spaces with a turnaround. Commissioner Jeffers stated the Board could say no parking lot and put gravel on the access road to which Ms. Oakley responded that the Ordinance requires a minimum of ten parking spaces and she did not think the Board could take away the provision as written in the Ordinance. Commissioner Jeffers said if the Board could waive from pavement to gravel, the Board would waive to be nothing. Ms. Oakley understood this was possible.

A **motion** was made by Vice Chairman Powell and **carried 5-0** to close the public hearing for the request by Pete Duty with the Tri-County Radio Control Club for a special use permit to operate a recreational radio-controlled model airplane flying club on 14.03 acres off of SR 1721 Mount Harmony Church Road (Tax Map & Parcel A98-191) in the Rural Conservation Zoning District.

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**CONSIDERATION TO GRANT OR DENY REQUEST BY PETE DUTY WITH THE TRI-COUNTY RADIO CONTROL CLUB FOR A SPECIAL USE PERMIT TO OPERATE A RECREATIONAL RADIO-CONTROLLED MODEL AIRPLANE FLYING CLUB ON 14.03 ACRES OFF OF SR 1721 MOUNT HARMONY CHURCH ROAD (TAX MAP & PARCEL A98-191) IN THE RURAL CONSERVATION ZONING DISTRICT:**

Chairman Kendrick stated he has a record of voting with the County's Planning and Zoning Board as the Board puts those people in place to look at the findings of fact as a quasi-judicial board and they recommended 4-0 decision to deny the request. Vice Chairman Powell agreed with Chairman Kendrick.

Commissioner Jeffers stated the Planning Board was an appointed board and the Board of Commissioners, as an elected board, are held accountable by the people and he liked the Board of Commissioners being the buffer between the people and an appointed board.

Commissioner Clayton stated his biggest concern was for the church.

Commissioner Jeffers stated the Board of Commissioners were on the verge of taking away property rights as it has been a practice with the Board for citizens to have a right to purchase property to do what they wanted to whether it be hunting, fly a plane, train dogs, etc.

A **motion** was made by Commissioner Jeffers and **failed 1-4** to approve the request by Pete Duty with the Tri-County Radio Controlled Club for a Special Use Permit to operate a recreational radio-controlled model airplane flying club on 14.03 acres off of SR 1721 Mount Harmony Church Road (Tax Map & Parcel A98-191) in the Rural Conservation Zoning District for two years prohibiting them from flying on Sundays from 9:00am to 1:00pm and asked for them to ever so kindly give the church a contact person, where contact could be made regarding special events, i.e., funerals, with the hope they would respect the church's request to not flying during those times, as well as not require a gravel parking lot but require them to gravel the access road. Commissioner Jeffers said this motion would give the Board of Commissioners two years to gage if the club was respectful of the church, and flying over other properties noting when there were issues, then prohibit. Commissioner Jeffers stated he did not like on the applicant's slide presentation indicating that without a public venue, unsupervised model flying would continue noting he looked up the AMA's safety rules, which 1B outlined they are restricted from flying planes where they are prohibited as a charter member of the AMA. Commissioner Jeffers was the lone vote in support of the motion. Chairman Kendrick, Vice Chairman Powell and Commissioners Puryear and Clayton voted against the motion.



A **motion** was made by Chairman Kendrick and **carried 4-1** to deny the request by Pete Duty with the Tri-County Radio Controlled Club for a Special Use Permit to operate a recreational radio-controlled model airplane flying club on 14.03 acres off of SR 1721 Mount Harmony Church Road (Tax Map & Parcel A98-191) in the Rural Conservation Zoning District as recommended by the Planning Board that the request failed to meet findings of fact for #1 that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved; and #4 that the location and character of the use of developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan. Chairman Kendrick, Vice Chairman Powell and Commissioners Puryear and Clayton voted in favor of the motion. Commissioner Jeffers cast the lone vote against the motion.

**REPORT FROM THE COUNTY ATTORNEY RELATED TO THE APPEAL OF THE BOARD OF ADJUSTMENT RULING ON CAROLINA SUNROCK/TUNNEL CREEK:**

County Attorney, Ron Aycock stated he attended a hearing this date before Judge Tom Lambeth in Superior Court on the appeal of Tunnel Creek from the decision of the Board of Adjustment. Mr. Aycock said that Judge Lambeth heard arguments for approximately 1.5 hours and made no decision because he wanted to read the briefs and record. Mr. Aycock described the issue being heard was whether or not the Person County Planning Department made the correct decision when they ruled that Sunrock's movement within the area under a special use permit of facilities was a minor variation or a major variation from the special use permit. If it is a minor variation, then there was no necessity for an amendment to the special use permit. Mr. Aycock explained the sole question before the Board of Adjustment was to determine if that was a correct decision. The Board of Adjustment ruled that the Planning Director and staff made the correct decision therefore upheld her decision. Mr. Aycock noted Tunnel Creek appealed which went before the Superior Court Judge this date. A decision from the Judge is forthcoming, without a timeline, but expected within 10 days per Mr. Aycock. Mr. Aycock said should the Superior Court Judge rule in favor of Sunrock, confirming the decision of the Board of Adjustment, there is no further action required or authorization by the Board of Commissioners. Mr. Aycock said if the Judge rules as a major variation and not a minor variation, the effect would be that Tunnel Creek would win and Sunrock would be authorized to ask the Board of Commissioners for an amendment to their special use permit.

Mr. Aycock surmised that the Board of Commissioners granted a special use permit in 2005 and 2006 after all the required public hearings. As a legal matter, the Board of Commissioners have no authority unless Tunnel Creek wins the appeal. Mr. Aycock further noted that there was some expectation that whomever wins, the losing party will attempt to appeal to the NC Court of Appeals.

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### **INFORMAL COMMENTS:**

There were no comments from the public.

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

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

- A. Approval of Minutes of July 10, 2017,
- B. Budget Amendment #2,
- C. Home and Community Care Block Grant Revision FY17-18,
- D. Resolution Appointing Review Officers, and
- E. NC Education Lottery Applications:
  - 1) Terrazzo Flooring at Person High \$54,000,
  - 2) Replace Toilet Partitions at Helena Elem. School \$25,000,
  - 3) Replace Exterior Doors at North End Elem. School \$25,000,
  - 4) New Filter System at North End Elem. School \$4,500,
  - 5) Fire Alarm Replacements at North End, Oak Lane, South and North Elem. Schools \$25,000,
  - 6) ADA Handicap Walkway/Ramp at Person High \$45,000,
  - 7) Replace two old Tennis Courts at Person High \$125,000,
  - 8) New Windows at South Elem. School \$35,000,
  - 9) Replace Toilet Partitions at Southern Middle School \$15,000,
  - 10) Replace Carpet Media Center at Stories Creek Elem. School \$22,000,
  - 11) Replace Asphalt at Woodland Elem. School \$20,000, and
  - 12) Building Renovations at Northern Middle School \$100,000

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## **NEW BUSINESS:**

### **A RESOLUTION OF INTENT TO LEASE PROPERTY AT THE OLD HELENA SCHOOL TO PIEDMONT CAREER ACADEMY, INC.:**

County Attorney, Ron Aycock introduced a Resolution of Intent to Lease Property at the Old Helena School to Piedmont Career Academy, Inc. to the Board for consideration noting Dr. Eddy Daniel was available to make his presentation and to answer questions. Mr. Aycock stated Dr. Daniel requested that the Board of Commissioners to lease the Old Helena School property to Piedmont Career Academy Charter School as he moves forward with his application to the state for a charter school. Mr. Aycock explained the resolution noted the Board's general intent to lease the property at the Old Helena School to Piedmont Career Academy for the purpose of a special charter school emphasizing work readiness. The Property is currently being used only to store some excess county property.

Commissioner Clayton asked Dr. Daniel about the new charter's board and funding to which Dr. Daniel stated there are six board members with all being local to Person County (one member resides in Northern Durham but a native of Person County). Dr. Daniel explained that the state must approve the charter school and the school must open before the state will release its funding to the school.

Commissioner Jeffers asked Dr. Daniel how he proposed to fund the renovations prior to opening and receiving the state funding. Dr. Daniel stated the new charter school would partner with Charter Success, Inc. of Durham, a business with a market for charter schools to seek out, set up and manage the financial aspects of the programs. Dr. Daniel explained that new startups are located in existing schools or new facilities are built. He noted he was not planning to build a new facility although financing was available should that be the decided path but it was not their first choice.

Dr. Daniel said the state does not require a new charter to have a designated space upon application but it helps the case to have secured an intent for the space to move forward.

Vice Chairman Powell asked the County Attorney how binding was the language in the resolution before the Board of Commissioners to which Mr. Aycock noted it was not legally binding to which Dr. Daniel understood that if approved, gives a gentlemen's agreement to move forward.

Commissioner Clayton stated his preference to hear from the Board of Education noting its new leadership may have ideas for use of that space. Chairman Kendrick noted he had recently met with Dr. Rodney Peterson, the new Superintendent for Person County Schools and there was no agreement or interest for using the subject space. He said Dr. Daniel was providing the County with an opportunity to have someone use this facility that has sat empty for a number of years, by funding the needed renovations; additionally, language would protect the taxpayers of the County should for any reason the charter school did not thrive, the property would revert back to the County. Dr. Peterson, present in the audience told the group that there was possibility for the schools to use the site for a

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STEM (Science, Technology, Engineering and Mathematics) academy, an extension to their support services with a lending library or a preschool. He added that there were various financing opportunities available for them to utilize the site.

Commissioner Jeffers noted he had not been told any ideas for use of the space and he was not in support to let go of that property as it was located in an area projected to grow.

Vice Chairman Powell questioned the need for a work readiness program noting there was already a Career and Technical Education program at both the two middle schools and at the high school. He supported the idea to hear from Board of Education stating a proposal should be brought to the Board sooner versus later as there was someone interested in the facility.

Commissioner Puryear stated support to hear from the Board of Education as soon as possible.

A **motion** was made by Commissioner Clayton and **carried 4-1** to table consideration to adopt a Resolution of Intent to Lease Property at the Old Helena School to Piedmont Career Academy, Inc. Chairman Kendrick cast the lone dissenting vote.

**CONSIDERATION TO CHANGE THE NOVEMBER 13, 2017 REGULAR SCHEDULED BOARD MEETING TO NOVEMBER 20, 2017 TO ACCOMMODATE LOCAL GOVERNMENT DAY:**

Person County Schools' Director of Secondary Education, Jenna Regan notified staff of the dates slated for local government during fiscal year 2017-2018. The dates are November 20, 2017 and March 19, 2018, both to begin at 9:00am.

Chairman Kendrick requested the Board to take action to change its November 13, 2017 meeting to November 20, 2017 at 9:00am to accommodate participation in the Local Government Day event held by Person County Schools. The location of the Local Government Day Board meeting will be in the County Office Building Auditorium.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to change the November 13, 2017 regular scheduled board meeting to be held on November 20, 2017 at accommodate local government day with Person High School.

### **APPOINTMENT(S) TO THE BOARD OF ADJUSTMENT:**

Commissioner Jeffers nominated Mr. Kenneth Perry to fill a vacancy on the Board of Adjustment.

A **motion** was made by Commissioner Jeffers to appoint Mr. Kenneth Perry to the Board of Adjustment.

Ms. Lori Oakley, Director of Planning stated there were currently two vacancies on the Board of Adjustment and that the alternate representative, Mr. Jim Thomasson had shown interest in being appointed as a full-voting member (thereby leaving the alternate position vacant).

An **amended motion** was made by Commissioner Jeffers and **carried 5-0** to appoint Mr. Kenneth Perry and Mr. Jim Thomasson to the Board of Adjustment, each for a 3-year term.

### **CHAIRMAN'S REPORT:**

Chairman Kendrick reported of an upcoming conference call with the Economic Development Director on August 11, 2017 at 1:00pm for an update with economic development projects. County Manager, Heidi York stated she would share the email with the instructions to join in the conference call should the Board desire to do so.

Chairman Kendrick noted that the National Night Out event was a huge success due to the community's participation as well as the many volunteers who worked the event.

### **MANAGER'S REPORT:**

County Manager, Heidi York reported staff had set up meeting with each of the volunteer fire departments' fire chief and board president noting Vice Chairman Powell was unable to attend therefore leaving an opportunity for one commissioners to join Chairman Kendrick, Doug Young and herself. These meetings are set up to start discussions related to the funding needs of the VFDs and a funding formula in advance of the next fiscal year budget.

Ms. York stated the NC Association of County Commissioners' annual conference will be held on August 10-12, 2017 in Durham County.

## **COMMISSIONER REPORT/COMMENTS:**

Commissioner Jeffers extended an invitation to the group to attend an ice cream party at 3:00pm on August 30, 2017 for the Dept. of Social Services' employees hosted by the DSS Board.

Commissioner Clayton had no report.

Commissioner Puryear had no report.

Vice Chairman Powell had no report.

## **ADJOURNMENT:**

A **motion** was made by Commissioner Jeffers and **carried 5-0** to adjourn the meeting at 9:09pm.

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Brenda B. Reaves  
Clerk to the Board

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Tracey L. Kendrick  
Chairman

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