

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

NOVEMBER 20, 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, November 20, 2017 at 9:00am in the Person County Office Building Auditorium.

Chairman Kendrick called the meeting to order. Vice Chairman Powell gave an invocation and boy scouts of the Boy Scout Troop 249, present in the audience, led the group in the Pledge of Allegiance.

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

Chairman Kendrick stated Commissioner Jeffers requested to defer the item on the agenda for the Woodsdale Community complaints about blasting to the December 4, 2017 meeting.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to remove the item on the agenda related to the Woodsdale Community complaints about blasting and to approve the agenda as adjusted.

RECOGNITION OF LOCAL GOVERNMENT DAY:

Chairman Kendrick welcomed the Person High School students enrolled in civics and economics participating in Local Government Day to observe the Board of County Commissioners in session. Chairman Kendrick, Vice Chairman Powell and Commissioners Clayton, Jeffers and Puryear proceeded to introduce themselves and shared general information about the office of a commissioner and general government. County Manager, Heidi York, Assistant County Manager, Sybil Tate and Clerk to the Board, Brenda Reaves also introduced themselves.

INFORMAL COMMENTS:

There were no comments from the public.

DISCUSSION/ADJUSTMENT/APPROVAL OF CONSENT AGENDA:

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

- A. Approval of Minutes of October 16, 2017,
- B. Budget Amendment #8,
- C. Review and Adoption of the Person Area Transportation System Drug and Alcohol Testing Policy and the Title VI Program Plan,
- D. Consideration of Approval of Late Exemption Applications, and
- E. Tax Adjustments for November 2017
 - a. Tax Releases
 - b. NC Vehicle Tax System pending refunds

VFD FUNDING:

County Manager, Heidi York said the Board requested staff to begin budget discussions with the VFD's earlier this year in an effort to develop a funding plan for Fiscal Year 2019. Staff met with representatives from the VFD's and attended a VFD meeting on October 26, 2017.

Ms. York asked Mr. Wayne Wrenn, President of the Fire Chiefs Association and an employee of the City of Roxboro Fire Department, and Mr. Martin Rimmer, Vice President of the Fire Chiefs Association and Fire Chief of Hurdle Mills Volunteer Fire Department to share their request with the group. Ms. York said the Assistant County Manager, Sybil Tate would follow their presentation with alternative options.

On behalf of the VFDs, Mr. Wrenn and Mr. Rimmer shared the following Proposed Contracted Emergency Service Tax for consideration by the Board of Commissioners for fire services and rescue funding starting in Fiscal Year 2019. Mr. Wrenn and Mr. Rimmer stated the proposed new fire tax totaled 4.25 cents noting part of that funding was already budgeted and the amount of the increase requested was 1.4 cents per \$100 valuation to the property tax rate. The increase would generate another \$524,000 over current funding levels. Mr. Wrenn stated the amount was based on input from all the VFDs for operating, capital and to reduce ISO ratings in the county. He added that grants, specific needs and taxable property value in each fire district were taken into account. Mr. Rimmer stated the intent was for the county to have a contract with all entities that would allocate the funds generated through the Contracted Emergency Services Tax.

Mr. Rimmer said there were only 10 counties in North Carolina that still fund VFDs through their General Fund (Person County is one of those 10). He added that nine counties have a county-wide tax which was what the VFDs propose for Person County.

Ms. York clarified with Mr. Rimmer that their proposal included capital and that no additional appropriations for capital would be requested to which he agreed.

Proposed Contracted Emergency Service Tax 0.0425 For 3 Year Contact						
NET TAXABLE VALUES USING RECORD NUMBERS PROVIDED BY GIS						
Response District	Contracted Emergency Service Funding 2019 Base Rate	Percent of taxable value	Increase over 2018-2019 Base Rate	Contracted Emergency Service Funding 2018-2019	Contracted Emergency Service Funding 2017-2018	Increase above 2017-2018 Budget
Rescue	\$ 75,000.00	0.0000%	\$ -	\$ 75,000.00	\$ 45,888.00	\$ 21,862.00
Woodsdale	\$ 105,000.00	5.0939%	\$ 30,529.65	\$ 135,529.65	\$ 89,298.00	\$ 31,731.65
Allensville	\$ 60,000.00	3.9339%	\$ 23,577.59	\$ 83,577.59	\$ 45,291.00	\$ 31,036.59
Triple Springs	\$ 60,000.00	5.8929%	\$ 35,318.59	\$ 95,318.59	\$ 48,880.00	\$ 39,188.59
Moriah	\$ 105,000.00	7.6188%	\$ 45,662.66	\$ 150,662.66	\$ 90,469.00	\$ 45,693.66
Semora	\$ 30,000.00	7.4948%	\$ 44,919.25	\$ 74,919.25	\$ 16,052.00	\$ 55,247.25
Hurdle Mills	\$ 105,000.00	11.1836%	\$ 67,027.74	\$ 172,027.74	\$ 90,590.00	\$ 66,937.74
Timberlake	\$ 60,000.00	19.1138%	\$ 114,556.08	\$ 174,556.08	\$ 62,229.00	\$ 105,077.08
Ceffo	\$ 105,000.00	19.2993%	\$ 115,667.84	\$ 220,667.84	\$ 90,563.00	\$ 115,604.84
Roxboro (PC 1)	\$ 271,000.00	20.3689%	\$ 122,078.63	\$ 393,078.63	\$ 381,443.00	\$ 11,635.63
TOTAL	\$ 976,000.00	100.0000%	\$ 599,338.03	\$ 1,575,338.03	\$ 960,703.00	\$ 524,010.03

Note: This is total taxable value with 97.25 collection rate to allow for collection cost.

Note: This would equal .023952 Tax From Current General Fund

Note: This would equal .014137 Tax Increase Over Current Amount, Non-City

County Replacement of Contracted Emergency Service Buildings and Apparatus			
NET TAXABLE VALUES USING RECORD NUMBERS PROVIDED BY GIS			
Items	Cost per Item	Number needed	Total
13 Stations	\$485,000	12	\$5,820,000
Engine and Equipment	\$450,000	11	\$4,950,000
Tanker and Equipment	\$400,000	11	\$4,400,000
Rescue Truck	\$400,000	2	\$800,000
Rescue Boat	\$18,000	2	\$36,000
Total			\$16,006,000

Note: At the Current Budget Amount for 2017-2018 it would take 17 years at a 1% increase per year to replace buildings and equipment out of General Fund

County Replacement of Contracted Emergency Service Volunteers		
NET TAXABLE VALUES USING RECORD NUMBERS PROVIDED BY GIS		
Staffing New Stations Personnel (3 per shift with 3 shifts)	Labor Rate per Year	Number of Personnel
	\$50,000	108
Total		\$5,400,000

Note: this would equal 0.1230 Tax to Cover Labor per Year out of General Fund

Ms. Tate stated the proposed level of funding would require a fire tax, tax increase or significant cut to other services, otherwise, it would not be feasible.

Ms. Tate explained an alternative that staff developed for a funding plan that allows for incremental increases over time. The first year would provide a 10% increase in overall funding to the VFDs. The formula would provide \$49,999 for the first station and \$45,000 for the second station and increase capital funding to \$10,000 per station. In addition, all VFDs would be eligible for a \$10,000 bonus for each ISO rating reduction. The total increase in funding could be approximately \$214K.

Ms. Tate summarized the VFDs proposal for the following funding for FY19. The funding formula is based on an increase per station (\$60K for 1st station, \$45K for 2nd station) plus \$400K divvied out to each dept. based on the percentage of property value found in each district. The VFDs also requested that these funds be paid via a fire tax, not the General Fund. Below is the FY18 funding compared to the VFDs proposal:

VFD Proposal	FY18	FY19		
	Oper. + Cap.	VFD request (no cap.)	increase (\$)	% increase
Hurdle Mills	\$105,090	\$172,028	\$66,938	64%
Triple Springs	\$56,130	\$95,319	\$39,189	70%
Moriah	\$104,969	\$150,663	\$45,694	44%
Ceffo	\$105,063	\$220,668	\$115,605	110%
Allensville	\$52,541	\$83,578	\$31,037	59%
Woodsdale	\$103,798	\$135,530	\$31,732	31%
Timberlake	\$69,479	\$174,556	\$105,077	151%
Semora	\$19,677	\$74,919	\$55,242	281%
Rescue	\$53,138	\$75,000	\$21,862	41%
TOTAL	\$669,885	\$1,182,259	\$512,374.40	76%

Ms. Tate presented a *draft* of staff's recommended increase below:

Formula:

1st station= \$49,999, 2nd station = \$45,000, increase capital to \$10,000 per station

- Average increase of 10% in FY19
- Opportunity for up to a 32% increase, depending on ISO rating
- \$10,000 bonus for each ISO rating decrease
- Continue fundraising at least \$10K or more
- Continue to apply for State grant

	FY18	FY19 base funding	BONUS	BONUS			
	Oper. + Cap.	Oper. + Cap. proposed	ISO 8	ISO 7	TOTAL	Inc (\$)	Inc. (%)
Hurdle Mills	\$105,090	\$114,999	\$10,000	\$10,000	\$134,999	\$29,909	28%
Trpl. Springs	\$56,130	\$59,999	\$10,000	\$10,000	\$79,999	\$23,869	43%
Moriah	\$104,969	\$114,999	\$10,000	\$10,000	\$134,999	\$30,030	29%
Ceffo	\$105,063	\$114,999	\$10,000	\$10,000	\$134,999	\$29,936	28%
Allensville	\$52,541	\$59,999	\$10,000	\$10,000	\$79,999	\$27,458	52%
Woodsdale	\$103,798	\$114,999	\$10,000	\$10,000	\$134,999	\$31,201	30%
Timberlake	\$69,479	\$72,229	\$10,000	\$10,000	\$92,229	\$22,750	33%
Semora	\$19,677	\$24,000	\$4,000	\$4,000	\$32,000	\$12,323	63%
Rescue	\$53,138	\$59,999			\$59,999	\$6,861	13%
TOTAL	\$669,885	\$736,222	\$74,000	\$74,000	\$884,222	\$214,337	32%

Commissioner Jeffers urged his fellow commissioners to consider how the future funding of VFDs to fill the needs in the community should proceed and asked for their support to the fire and rescue services.

AMBULANCE FRANCHISE APPLICANT:

Douglas Young, Emergency Services Director presented to the Board for consideration an application from Bertie Ambulance Services, Inc. for an ambulance service franchise noting the applicant demonstrated that they were qualified to provide the needed services as deemed necessary by the Emergency Services Department. Mr. Young recommended the issuance of an ambulance franchise to Bertie Ambulance Services, Inc.

Mr. Young stated Bertie Ambulance Services, Inc. has already been running some calls from the hospital outside the county, but this franchise would allow them to provide transport within the county. He added that the need for an additional ambulance franchise as one of the two franchises approved last July was put on hold due to unanticipated increase in costs. Last year, the board approved North State Medical Transport of Raleigh and Regional One EMS of Danville. Mr. Young said that Regional One requested for its application to be placed on hold once they realized a 75% increase in associated staffing costs for those in be located in Person County.

Commissioner Jeffers asked if the county's ambulances could provide the same needed service at less expensive costs. Mr. Young said the county was not in the convalescent service because it is not viable. He added that convalescent services and BLS services require a different level of staffing and equipment. County Manager, Heidi York added the convalescent services was not profitable noting the county's ambulances are busy with 911 calls and did not feel the current staffing could handle another service. Ms. York said the public – private partnership was typical across the state and relieved the demand on county emergency services.

Mr. Young noted that Bertie Ambulance Services, if approved, along with North State will provide non-emergency convalescent transport to and from the hospital, nursing homes, doctors' offices, the dialysis center and patient's homes. Emergency transport will continue to be provided the Emergency Services Department. Mr. Young further noted the franchisees, as part of their contract, can be called upon to provide mutual aid in emergency situations, if needed, and are fully licensed to perform this service.

Vice Chairman confirmed the response time was a minimum of 60 minutes to a maximum of two hours to which Mr. Young replied affirmatively.

A **motion** was made by Commissioner Clayton and **carried 5-0** to issue an ambulance franchise to Bertie Ambulance Services, Inc.

PERSON COUNTY GOVERNMENT PERSONNEL POLICY PROPOSED REVISIONS:

The County Personnel Policy was initially adopted by the Board of County Commissioners January 1, 2007, with minor amendments added in 2008 and 2011. County Manager, Heidi York stated with many changes and updates in laws and regulations taking place over the last several years, the County's Personnel Policy needed to be revised. She added that staff have been working on these updates for a long time and had obtained the assistance of an employment law attorney, Ms. Leslie Lasher, from Forrest Firm to revise the Personnel Policy with updates to the discipline, grievance and leave sections and other general updates to basic sections as well.

Ms. Lasher presented to the Board the detailed revisions found in the following areas of the Personnel Policy:

- 1) Article III. Section 13 Overtime Pay Provisions – the most notable change related to the maximum compensatory time which may be accrued by any affected employee shall be 80 hours, a change from the current limit of 240 hours.
- 2) Article III. Section 14 On-Call and Call-Back Compensation – the biggest change related to an employee receiving an on-call stipend however, should an employee has been called back into work, the employee shall receive call-back compensation.
- 3) Article III. Section 15 Payroll Schedule and Deductions – notice that all employees are responsible for entering their own time into the system based on the payroll schedule with a risk of not being paid in the same payroll cycle if not followed.
- 4) Article VII. Section 4 Holidays – Compensation When Work Is Required – states that public safety employees required to work on a regularly scheduled holiday shall be entitled to receive their regular wage for the actual time works plus the holiday pay.
- 5) Article VII. Sick Leave – absences more than three consecutive days should be reported to a supervisor and the Human Resources Department so that the employee can appropriately be considered for FMLA.
- 6) Article VII. Section 15 Extended Leave – after an extended leave of six months, the County will make all efforts to return the employee to the same position held at the time leave was granted or to a position of like classification, seniority and pay but an employee is not entitled such reinstatement unless otherwise required by law.
- 7) Article VII. Sections 16, 17, 18 Family Medical Leave – During FMLA period, eligible employees are required to exhaust all available paid leave before going on a leave without pay.
- 8) Article VII. Section 20 Military Leave – employees are eligible for four weeks of paid leave in one year.
- 9) Article VIII. Section 2 Resignation – the notable change is when a resignation is submitted, the appointing or hiring authority may in its sole discretion decide to release the employee at any time prior to the end of the notice given.

- 10) Article IX. entire article – was added for noted unsatisfactory performance of duties, grossly inefficient job performance and unacceptable personal conduct.
- 11) Article X. entire article – was added to more appropriately outline the grievance procedure and adverse action appeal process.
- 12) Article XI. Section 1 Public Information – updated for personnel records and law based on changes in the law.

Ms. York and the Human Resources Director, Angie Warren noted all County employees have been given the opportunity to review the proposed changes to the County's Personnel Policy as well an opportunity to submit their comments to Human Resources staff. Ms. Warren further noted there were no substantial changes suggested and all minor edits have been incorporated into the final version.

Commissioner Jeffers requested that staff send out a tracked changes version of the Personnel Policy so that the Board could see the specific text that was cleaned up and changed. Ms. York confirmed the Board of Commissioners have the authority to re-examine the Personnel Policy at any time for changes. Ms. Warren said the proposed changes would not retroactively affect any employees that were in the middle of any process that was proposed for a change.

A **motion** was made by Vice Chairman Powell and **carried 5-0** to adopt the Person County Government Personnel Policy as presented.

By reference, the Person County Government Personnel Policy as adopted this date is hereby incorporated into the minutes and filed in the Office of the Clerk to the Board of Commissioners.

GOVERNMENT FACILITIES FIBER BID RESPONSE AND CONTRACT:

Assistant County Manager, Sybil Tate told the Board that after two rounds of bidding, staff received two qualified bids for the Government Facilities Fiber bid. Ms. Tate noted that staff and the consultant reviewed both bids and the bid from Utiliplex for \$2,967,972.89 was recommended.

The consultant, Mr. Joe Freddoso, Chief Operating Officer of Mighty River, LLC, explained the bids in more detail: Utilis and Utiliplex were the two competitive bids received. Utilis submitted the higher bid, approximately \$3,164,000. Mr. Freddoso noted the Utilis proposal did not indicate compliance with two key technical requirements set out by the county. Additionally, Utilis' bid was mostly for aerial deployment of fiber on existing poles. Mr. Freddoso stated his preference was for buried fiber due to higher resilience without a requirement for annual attachment fees to the owners of the poles that ranges from \$25 to \$30 per pole. Mr. Freddoso said the Utiliplex proposal included 25,000 feet of aerial fiber, mostly in Roxboro which would minimize disturbance of the hardscape in the city and 276,000 feet (52 miles) of buried fiber. The Utiliplex contract included \$35,000 for annual maintenance of fiber, and for all disturbed ground to be returned to its original condition as well as double the number of stands requested in the request for bids. Mr. Freddoso said the project would take place over the next three years connecting to most public facilities with sole ownership by Person County.

When asked by Commissioner Puryear who was the responsible party for fielding complaints from the public, Mr. Freddoso said the vendor would respond but the county would be doing quality control to make sure the complaints were addressed in a timely fashion. Ms. Tate added that as the project approaches, letters will be sent to each landowner along the route, explaining the project and her contact information would be included as well.

Chairman Kendrick asked Mr. Freddoso who would be making the final inspection for the project to which Mr. Freddoso noted he would be serving in that role along with county staff.

The Board received an update on the project to deploy high speed wireless transmission equipment on the four public safety towers in the four areas of the county of which two are state-owned with construction complete and the other two are county-owned towers with construction slated to begin soon. Mr. Freddoso said the County contracted with NC Wireless/Lightleap to enhance access to services for at least 475 households as well as 40 businesses that do not currently have access to high-speed broadband service. Mr. Freddoso stated the beta testing was already underway partnering with the local Radio Shack to help market the service.

Ms. Tate requested feedback about the contract and authorize the Chairman to sign the final contract, when prepared.

November 20, 2017

A **motion** was made by Commissioner Clayton and **carried 5-0** to approve the bid from Utiliplex in the amount of \$2,967,972.89 and to authorize the Chairman to sign the final contract.

By reference the Fiber Optic Network Construction and Maintenance Agreement between Person County and Utiliplex, LLC is hereby incorporated into the minutes and filed in the Office of the Clerk to the Board of Commissioners.

POTENTIAL OPIOID LITIGATION:

Opioid abuse is an acknowledged nationwide problem. President Trump recently declared a nationwide crisis. NC Attorney General, Josh Stein and 40 other states Attorneys General are exploring the possibility of a joint action law suit(s) against manufacturers and distributors of the drugs.

At its fall meeting, the Board of Directors of the North Carolina Association of County Commissioners (NCACC) discussed the issue and directed its staff to aid Counties in deciding how to address the situation. Among actions taken was the holding of a statewide meeting of County Attorneys, Managers and Health and Social Services Directors. This meeting was followed up by a panel of County Attorneys scheduled to meet on November 15, 2017. The NCACC Board urged Counties to consider taking legal action separate from any state legal steps in order to insure that any monetary relief flow directly to Counties and not through the State.

According to an examination by the State Department of Human Services, Person County is one of the most severely impacted counties by the Opioid problem with the loss of four lives. County Attorney, Ron Aycock stated the question for the Board of Commissioners was whether Person County should bring legal action against drug manufacturers and distributors who have contributed to the problem. Several Law Firms with national breadth have offered to aid NC Counties in bringing law suits against the drug manufacturers and distributors. Many of those firms have already been successful in such legal actions in other states. Measures of damages would include increased cost of incarceration, foster care, Medicaid and health services to the affected persons. Mr. Aycock recommended for consideration by the Board a consortium of legal firms known nationally for financing risk free and absorbing all expenses with a 30% of the settlement as payment.

Mr. Aycock requested action by the Board to authorize him to associate Person County with the consortium of national law firms to examine Person County's damages and assessment to file a law suit on behalf of Person County. The McHugh Fuller Law Group and associated other law firms that includes George B. Daniel, P.A. located in Caswell County was Mr. Aycock's recommendation to the Board.

A **motion** was made by Commissioner Puryear and **carried 5-0** to authorize the County Attorney to contact the law firm consortium for further assessment related to potential Opioid litigation and to join the class action lawsuit, if appropriate.

November 20, 2017

CHAIRMAN’S REPORT:

Chairman Kendrick thanked the students for their attendance to see the county’s business and procedures. Chairman Kendrick reported a ribbon cutting at a business located at 206 S. Madison Blvd, Roxboro and known as Discount Superstore.

MANAGER’S REPORT:

County Manager, Heidi York clarified that the VFDs request for was a .0425 fire tax noting Person County tax rate currently set at .70 cents was proposed to increase to .7425 for residents which would relieve the General Fund by \$1M. She further noted the total request was for \$1.5M, an increase of \$500,000.

Ms. York stated the Personnel Policy adopted by the Board of Commissioners would have an effectual date with the workforce of January 1, 2018.

COMMISSIONER REPORT/COMMENTS:

Vice Chairman Powell reported he attended the NC Rural Assembly in Raleigh noting the County Manager provided an informative presentation on Person County’s broadband initiative.

Commissioner Puryear had no report.

Commissioner Clayton commented that a group of citizens residing at Hyco Lake had contact the Board of Commissioners with concerns related to safety of boats on the South Hyco Creek and asked for support for a new culvert under John Brewer Road on the west side of the old bridge. He added that NCDOT has been authorized to replace or repair said bridge. Commissioner Clayton noted it would be appropriate for the residents to contact NCDOT and the Person-Caswell Lake Authority however, it was his understanding from the transportation engineer that it was not probable to be done. Vice Chairman Powell added that it was a viable concern and the NCDOT engineer had said no to the culvert.

Commissioner Clayton stated the National Association of Counties’ opposition to House Bill 56 related to solid waste increased costs for solid waste disposal with less local government authority as well as provisions of the Waters of the US regulated by the Corp of Engineers.

Commissioner Jeffers asked staff to look into a complaint he received related to a member of the Board of Adjustment not attending the meetings. He also reported he attendance at a Union Grove event for landowners and farmers. Commissioner Jeffers announced he would be running for NACo’s Second Vice President in the coming year.

CLOSED SESSION #1

A **motion** was made by Commissioner Jeffers and **carried 5-0** to enter Closed Session at 10:57am per General Statute 143-318.11(a) (3) to consult with an attorney and General Statute 143-318.11(a) (5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract with the following individuals permitted to attend: County Manager, Heidi York, Clerk to the Board, Brenda Reaves, County Attorney, Ron Aycock, and Assistant County Manager, Sybil Tate.

Chairman Kendrick announced a brief recess as the Closed Session would be held in the Board's usual meeting room 215.

Chairman Kendrick reconvened the meeting and called the Closed Session to order at 11:10am.

A **motion** was made by Vice Chairman Powell and **carried 5-0** to return to open session at 11:30am.

ADJOURNMENT:

A **motion** was made by Commissioner Jeffers and **carried 5-0** to adjourn the meeting at 11:30am.

Brenda B. Reaves
Clerk to the Board

Tracey L. Kendrick
Chairman

November 20, 2017