

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

OCTOBER 7, 2013
OTHERS PRESENT

Jimmy B. Clayton
Kyle W. Puryear
B. Ray Jeffers
Frances P. Blalock
David Newell, Sr.

Heidi York, County Manager
C. Ronald Aycock, County Attorney
Brenda B. Reaves, Clerk to the Board

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The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, October 7, 2013 at 7:00 pm in the Commissioners' meeting room in the Person County Office Building.

Chairman Clayton called the meeting to order, led invocation and asked Vice Chairman Jeffers to lead the Pledge of Allegiance.

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

A **motion** was made by Commissioner Blalock and **carried 5-0** to add an item to the agenda for a Dan River update from the County Attorney.

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to approve the agenda as adjusted.

INFORMAL COMMENTS:

There were no comments from the public.

APPROVAL OF MINUTES:

A **motion** was made by Vice Chairman Jeffers, and **carried 5-0** to approve the minutes of September 23, 2013.

NEW BUSINESS:

PERSON VETERANS COUNCIL:

Person Veterans Council President, Richard Vining reported to the Board of Commissioners on the recently formed Person Veterans Council whose mission is to give a consolidated voice for the American Legion, Disabled American Veterans (DAV) and the AMVETS organizations in representing veterans' interests within the county.

Mr. Vining stated the Person Veterans Council was formed on August 21, 2013, at which time, by-laws were approved and officers were elected. The stated purpose of the organization is to gather, consolidate, and promote the aims, interests, and efforts of the veterans of Person County.

Mr. Vining stated one of the Council's goals is to establish a veteran's memorial park noting a location and a concept design is yet to be determined.

The following veterans, present in the audience, represented the Person Veterans Council along with other AMVETS organizations:

Mr. Johnny Langford, Mr. Ronald Epps, Mr. Timothy Carter, Mr. Doug Robinson and Mr. Reggie Horton.

Mr. Vining requested the Board to officially recognize the Person Veterans Council as a representative voice of veterans across Person County. Mr. Vining clarified his role as the County's Veterans Officer is separate and unconnected to his service on the Council.

Mr. Vining is currently serving as the President of the Veterans Council. Mr. Ronald Epps is the Vice President and William Jurkiewicz is the Secretary-Treasurer.

Board members commended the veterans for efforts to structure an organization to service our community veterans as well as extended appreciation for their service to the armed forces. Commissioner Blalock stated the Bushy Fork Grange has an annual dinner in May to honor veterans.

A **motion** was made by Commissioner Puryear, and **carried 5-0** to recognize the Person Veterans Council as a representative voice of Person County veterans.

PERSON COUNTY PUBLIC LIBRARY STRATEGIC PLAN:

Library Director, Christy Bondy told the Board that the Person County Public Library was chosen to be included in a pilot program as well as invited to participate in a planning grant from the State Library to craft a three-year Strategic Plan. A steering committee was developed and over a ten-month period with the assistance of consultant, Bill Millett produced a plan that aligns with the County's Futures Plan.

The Person County Library Futures Initiative for strategic implementation 2013-2016 highlights the "go to" place for excitement and enlightenment to which Ms. Bondy noted staff has been tasked with responsibility to implement goals to which will be reviewed in their annual performance evaluation.

PERSON COUNTY HEALTH DEPARTMENT FEE REQUESTS:

Health Director, Janet Clayton noted in accordance with the North Carolina General Statute 130A-39(g), the Board of Health requests the approval of the Board of Commissioners to implement the proposed new fees.

Ms. Clayton stated on September 23, 2013 the Person County Board of Health approved the increase in the Rabies Titer (CPT code 86382) from \$45.00 to \$60.00 and the implementation of the Postpartum Care Only (CPT code 59430) fee of \$125.00.

Ms. Clayton told the group the Health Department has elected to utilize a different vendor to process rabies titers. By using a different vendor, the Health Department will save on shipping costs, and the specimens will only be handled by one staff member instead of three. The test cost increased \$15.00; however, due to the change in shipping methods, the overall cost to the patient will be reduced, and efficiencies will be realized within the department. The chart below illustrates the proposed savings:

CPT	Description	Current Price/Process	Proposed Change
36415	Collection by Venipuncture	\$ 16.00	\$ 16.00
86382	Rabies Titer	\$ 45.00	\$ 60.00
LU	K State Overnight Fee (1 specimen)	\$ 70.00	
LU	K State Overnight Fee (1+ specimen)	\$ 35.00	
99001	Handling Fee		\$ 25.00
	Total Charge	\$ 131.00	\$ 101.00

Ms. Clayton stated the health department requests the implementation of the Postpartum Care Only fee of \$125.00. A clinic procedural change will require the department to provide an existing service in a different program. This change will allow the department as a Pregnancy Medical Home provider to bill for and receive an incentive for postpartum visits.

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to approve the increase in the Rabies Titer (CPT code 86382) from \$45.00 to \$60.00 and the implementation of the Postpartum Care Only (CPT code 59430) fee of \$125.00.

TAX ADJUSTMENTS FOR SEPTEMBER 2013:

Tax Administrator, Russell Jones presented to the Board the following three tax adjustments for September 2013:

1. September 2013 tax releases.
2. The motor vehicle pending refund report shows the releases for motor vehicle taxes from the new North Carolina Vehicle Tax System (NCVTS) for September 2013. Mr. Jones stated that in the next few months, this report will contain more releases and the tax releases from the Tax Office system should go down.

3. A request for refund under General Statute 105-381 was made by Ms. Margaret LaRoe and has been reviewed by the County Attorney, Ron Aycock. Mr. Jones noted the statute for allowing a refund is very restrictive (limited to a staff clerical error or illegal tax), and staff agreed that the request for refund qualifies for a refund. Mr. Jones stated the taxpayer was overcharged for a full-finished basement, when in fact; only 12% of the basement was finished. This resulted in an over-assessment of \$42,864 (\$300.05 in county property taxes) per year for four years. Mr. Jones recommended the Board to approve a refund in the amount of \$1,200.20 (\$300.05 x 4 years of an overcharge).

Mr. Jones requested a Board motion to accept the reports presented as well as to authorize the requested refund.

A **motion** was made by Commissioner Puryear, and **carried 5-0** to approve the Tax Administrative Report noting the Releases for the month of September 2013, the NC Vehicle Tax System Refund Report for September 2013 and a request by Margaret LaRoe for a tax refund in the amount of \$1,200.20 for an over-assessment in county property taxes for the last four years.

Commissioner Newell asked Mr. Jones how many property tax appeals have been taken to the NC Property Tax Commission. Mr. Jones noted 44 parcels have been confirmed with 4 pending a decision to be heard by the NC Property Tax Commission representing 24 tax payers. Mr. Jones further noted only two of the parcels are commercial (Wal-Mart and the hospital) with the majority being lake properties.

Mr. Jones confirmed for Commissioner Newell the Board of Equalization and Review would reconvene in early April 2014.

BRANDING/MARKETING RFP:

Assistant County Manager, Sybil Tate stated during the economic development summit meetings and strategic plan meetings, the idea of having a community branding and marketing campaign has been discussed often. Ms. Tate noted as part of the recent summer internship program, Brittany Bennett conducted research about community branding campaigns and presented a branding presentation to individuals from Piedmont Community College, Roxboro Development Group, charter schools, Person County Schools, tourism, the hospital, Ag extension and the Chamber with the feedback being positive.

Ms. Tate told the group a community branding process would entail gathering public input on what residents think about Person County. The result would be a consistent identity and message that various organizations can use to attract clientele. In general, the process for gathering community input requires focus group meetings and a comment period. Ms. Tate stated the process takes approximately ten weeks and estimated the cost ranging from \$20,000 to \$100,000.

Ms. Tate highlighted a few of the slides of the branding presentation titled “A Look at Community Branding and Marketing Strategies” by Brittany Bennett which included examples of branding campaign images from Chatham County, Cleveland County, Durham County and the City of Hickory noting many other local governments in NC and across the country have engaged in branding campaigns.

In order to move forward with a community branding campaign, Ms. Tate stated Person County would release a Request for Proposals requiring an outline of process, cost, deliverables, etc. Ms. Tate requested the Board to review the Request for Proposal for Community Branding Initiative and direct staff whether or not to release the Request for Proposals.

Commissioner Blalock suggested obtaining buy-in and input from the Person Future’s committee members.

Commissioner Puryear stated his preference for the County to partner with community organizations, citizens as well as the local college to develop any such branding.

Vice Chairman Jeffers asked to also open up the opportunity to brand Person County to the high schools and suggested to make it like a contest with a potential prize for the end result.

STORM WATER UPDATE:

Assistant County Manager, Sybil Tate stated in an effort to keep the Board of Commissioners informed about the implementation of stormwater fees and other stormwater related items, an update was provided on the condition of the stormwater enterprise fund and a recent request from the Upper Neuse River Basin Association (UNRBA) to provide \$7,500 to fund the credits toolbox.

Stormwater fees

Ms. Tate anticipated approximately \$259,000 in stormwater revenues to be collected which is approximately \$20,000 more than what was budgeted. Ms. Tate noted twelve appeals have been filed with eleven records received a full or partial fee release totaling \$204. In addition, Ms. Tate estimated approximately \$5,275 in fund balance from the previous year.

Ms. Tate noted the stormwater hotline received approximately 165 calls during August and September. Most callers did not understand why the fee was being charged and what stormwater services they are receiving; Ms. Tate agreed no one is happy to pay a fee, however staff did an excellent job responding to inquiries and explaining the stormwater fee.

Other Stormwater news

- **Stormwater application:** Ms. Tate noted the stormwater utility has created a new stormwater application that will be used by all jurisdictions participating in the utility. The application is for residential and commercial properties that go over the stormwater thresholds. The application is based on the steps required to comply with stormwater regulations and includes a checklist for property owners to use.
- **Built Upon Area definition change:** The General Assembly has changed the definition of Built Upon Area to exclude gravel. Previously, gravel was considered an impervious surface. This change is a benefit for new development as it allows developers to have a gravel parking area and exclude it from the Built Upon Area calculation. However, existing developments will suffer. Existing developments previously included gravel as built upon area; therefore, any building on a gravel area did not count as additional Built Upon Area.
- **Toolbox Request:** The UNRBA is requesting money from each member government to fund the creation of a credits toolbox. Person County's requested allocation is \$7,500 for Fiscal Year 2014 and \$7,500 for Fiscal Year 2015. The toolbox will be complete in September 2015.

Ms. Tate stated funds are available for this appropriation from the Wastewater Remediation Assistance line, reducing it from \$26,010 to \$18,510. Ms. Tate requested input from the Board whether or not to provide funds for the credits toolbox.

Ms. Tate asked Ms. Henrietta Locklear from Raftelis Consulting to further describe the purpose of the tool box. Ms. Locklear stated the purpose of the toolbox is to quantify the means for achieving the jurisdictional loading reductions as required by the Falls Lake rules. Ms. Locklear stated that only a limited number of practices are credited practices recognized by the state. Ms. Locklear noted the credits tool box will expand the list of practices and include more inexpensive practices. In addition, Ms. Locklear noted the state has not differentiated the credit amounts or the areas within the watershed with implemented practices and the credits tool box would help quantify the differences in the portions of the watershed. Ms. Locklear informed the group the state has requested EMC to delay implementation of the existing development rules while the model program is being developed during the next two years.

Vice Chairman Jeffers asked Ms. Locklear to explain the difference in the General Assembly mandating watershed rules for the Falls Lakes and the reprieve that delayed the rules for Jordan Lake. Ms. Locklear noted the same rules for existing development for Jordan Lake is what is being delayed by legislative action.

Commissioner Puryear asked Ms. Locklear what is being done to eliminate restrictions from Person County. Ms. Locklear stated the UNRBA is funding the monitoring studies to demonstrate how the lake responds when pollutants are reduced. Ms. Locklear stated the monitoring project for collection of data is scheduled to begin in January 2014 lasting approximately two years. Currently, there is not adequate data to

illustrate to the state the impacts of the loading on the Falls Lake. Chairman Clayton added that legislation was passed for the Division of Water Quality to determine which labs would accept samplings as well as set the procedures noting the City of Raleigh gathered data to illustrate to the state however it was not accepted due to the labs used.

Commissioner Puryear asked what is stopping Person County from going against the state with legal action to have an injunction to stop imposing fees until such data is available. Chairman Clayton stated the Clean Water Act is federal law. County Attorney, Ron Aycock stated federal water laws drives the rules imposed for the Falls Lake. Mr. Aycock stated if a lawsuit were to be filed, it would be problematic due to the ability to have legislation introduced and passed is unknown.

A **motion** was made by Commissioner Blalock to appropriate \$7,500 from the Wastewater Remediation Assistance budget line for the credits toolbox.

Commissioner Puryear asked if the appropriation was funded through fees collected or from the General Fund. Chairman Clayton confirmed the budget for the appropriation is funded by the fees collected for the purpose of the Environmental Health wastewater remediation for repairs to septic systems.

A **substitute motion** was made by Commissioner Puryear to appropriate \$7,500 for the credits toolbox from the General Fund Balance. The **substitute motion failed 1/4** with Commissioner Puryear casting the only vote of support.

The **original motion** made by Commissioner Blalock **prevailed 4/1** with Commissioner Puryear casting the lone dissenting vote.

CDBG MONTHLY REPORTING:

County Manager, Heidi York presented to the Board the CDBG monthly activities report and a Monthly Performance Status Report for September 2013 that is due to be submitted to the Division of Community Assistance.

A **motion** was made by Vice Chairman Jeffers and **carried 5-0** to accept the monthly report as presented.

NC ASSOCIATION OF COUNTY COMMISSIONERS VIDEO UPDATE:

County Manager, Heidi York told the Board a video has been provided by the NC Association of County Commissioners (NCACC) noting the video includes an introduction from NCACC President Ray Jeffers and features NCACC staff updating commissioners on Steering Committees and how commissioners can participate. It also gives an overview of an upcoming seminar on the Affordable Care Act and how it affects counties as well as the Association's Risk Management Services.

DAN RIVER UPDATE:

County Attorney, Ron Aycock gave the Board the following summary of events related to the Dan River and Caswell County's attempt to overturn the Environmental Management Commission (EMC) rules with a petition to change a portion of the Dan River WS-IV reclassification back to a Class C classification.

(1) On March 1, 2002, Roxboro submitted an application to the State to request reclassification of the Dan River to allow it to be used as a water supply source.

(2) On March 25, 2003, Roxboro, Person County, and Yanceyville (not then including Caswell County) entered into an Interlocal Agreement regarding the use of the Dan River water source. (The main features of this Agreement are identical to those contained in the current 2008 Interlocal Agreement to which Caswell County is also a party, see paragraphs (6) and (7) below).

(3) Pursuant to the 2003 Agreement, Yanceyville acquired the land in Caswell County necessary for the in-take site on the Dan River; and Caswell County filed a declaratory judgment action, contending that this property acquisition was unlawful.

(4) The trial court granted summary judgment against Caswell County, and the Court of Appeals affirmed the trial court's ruling in a decision filed on May 3, 2005.

(5) The Court of Appeals' decision expressly rejected Caswell County's contention that the acquisition of the in-take site was unjustified by any water-supply need.

(6) In July 2008, a new Interlocal Agreement was entered into that was essentially identical to the 2003 Agreement, except that Caswell County joined the new Agreement. It obligated Caswell County to (a) cooperate with and support all other parties in the acquisition of all permits for the project, (b) enact a water supply watershed management protection ordinance as required by the EMC and N.C. Gen. Stat. 143-214.5, and (c) cooperate and supply to the State such documents requested or needed to show support for the project. This new Agreement provided that, if Caswell County breached the Agreement, Caswell County would pay to Roxboro and Person County essentially all costs and other expenses or damages associated with obtaining regulatory approval for the project.

(7) The 2008 Interlocal Agreement, which is a 40-year Agreement, recited as its purpose the establishment of a public enterprise for an interconnected and regional water supply and distribution system that will (1) serve the current and long-term water supply needs of Yanceyville, Caswell County, Roxboro and Person County; (2) accommodate industrial, commercial, and residential development within the jurisdiction of those units of local government; and (3) provide Yanceyville with the revenue to operate, maintain, and repair a water supply system and for the benefit of uses in Caswell County.

(8) The Interlocal Agreement calls for Roxboro to construct a raw water intake, pump station, pretreatment facility, and meter vault at the Dan River (the “Point of Connection”), along with a raw water line across Caswell County and through Person County to Roxboro’s Water Treatment Plant at Lake Isaac Walton in Person County. The Agreement calls for Yanceyville to construct a raw water line in Caswell County from the Point of Connection to Yanceyville’s existing Water Treatment Plant in Yanceyville, along with a water treatment unit and high service pump station at the raw water intake site with a finish water line from the water treatment unit to the water distribution system of the Town of Milton in Caswell County. These water lines are specifically designed to be interconnected to serve Caswell County and Person County, and no party to the Agreement envisions selling any water to any unit of local government or other entity or person outside of Person and/or Caswell County. Under the Agreement, all financial responsibility for the construction of this water system will be borne by Roxboro, Person County, and Yanceyville; and the Agreement places no financial responsibility upon Caswell County in connection with any of these water-system facilities.

(9) At the time of the Court of Appeals’ decision referred to in paragraph (5) above, the costs to Roxboro and Person County for the Project under the Interlocal Agreement were approximately \$500,000. Today, those costs exceed \$895,000, including Fiscal Year 2013-14.

(10) On May 10, 2012, the Caswell County Commissioners passed a Resolution to “oppose The Reclassification of the Dan River and also oppose any local bill or Administrative Rule supporting the Reclassification.”

(11) On May 15, 2012, the Caswell County Commissioners passed a Resolution to petition the State to get the Dan River Reclassification delayed, notwithstanding Sections 7.3 and 7.5 of the Interlocal Agreement that mandated Caswell County’s cooperation and support for all permits necessary for using the Dan River as a future water source for the benefit of the parties. On May 18, 2012 (pursuant to the May 15, 2012 Resolution), the Chairman of the Caswell County Board of Commissioners sent a letter to Representative Bill Faison, Senator Rick Gunn, the North Carolina House of Representatives and North Carolina Senate requesting legislation to oppose the reclassification.

(12) The North Carolina Legislature took no action on the request to delay or oppose the reclassification.

(13) On July 3, 2012, the EMC reclassified the Dan River in Caswell County from Class C to Class WS-IV; and the County was ordered by DENR to enact an appropriate ordinance to protect this water supply under the water Supply Watershed Protection Act (G.S. 143-214.5) by March 30, 2013.

(14) On April 15, 2013, Caswell County held a public hearing about the need to amend the County's Water Supply Watershed Protection ordinance as required by DENR. Comments by citizens at the public hearing reflected the following: (a) Roxboro was taking land away from the County; (b) there is no immediate need for a new water supply; (c) Roxboro intends to sell Dan River water to Durham and Wake County; (d) Caswell County's water and future industry are being stolen; and (e) future State regulations may restrict even further land uses along the Dan River.

(15) On June 3, 2013, the Caswell County Commissioners (by a 4-3 vote) approved a resolution to petition the EMC to change the WS-IV reclassification back to a Class C classification.

(16) NCDENR gave Caswell County an extension of time to enact a Water Supply Watershed Protection ordinance by June 17, 2013. No ordinance has been enacted to date, pending consideration of the County's instant petition.

(17) On July 9, 2013 the City of Roxboro, pursuant to its commitments under the Interlocal Agreement, passed a Resolution to Authorize the Design of the Intake at the Dan River at a cost of \$110,000, and that design work is currently underway.

(18) On August 19, 2013, Caswell County filed its instant Petition for Reclassification of a Portion of the Dan River.

(19) From 2002 to date, Caswell County has consistently adhered to two propositions: (a) the Dan River water source is essentially owned by or is exclusively reserved to Caswell County use, and (b) the enactment of a Water Supply Watershed Protection Ordinance would unduly disrupt (now or in the future) private land activity in the County along the Dan River.

Mr. Aycock requested Board approval for him as the County Attorney to join with attorneys representing Roxboro and Yanceyville to object to the action of Caswell County and authorize the filing of the actions against the process. Mr. Aycock noted the expectation of EMC to take up this matter during the month of November. Mr. Aycock told the group as Roxboro has the primary interest and operates the water system; therefore the lead attorney in the process is the Roxboro attorney.

A **motion** was made by Commissioner Newell, and **carried 5-0** for Person County to join the City of Roxboro and the Town of Yanceyville to oppose Caswell's County's petition for reclassification of a portion of the Dan River from WS-IV back to a Class C classification

CHAIRMAN'S REPORT:

Chairman Clayton noted he had several meetings in Raleigh this week.

MANAGER'S REPORT:

County Manager, Heidi York announced an Airport Commission meeting is scheduled to be held on Thursday, October 10, 2013 at 10:00 am at the Person County Airport as well as a Helena Steering Committee will be held on Friday, October 11, 2013 at 1:30 pm in the old Helena site cafeteria.

COMMISSIONER REPORT/COMMENTS:

Commissioner Newell asked when the Person-Caswell Lake Authority cookout is scheduled. Ms. York confirmed the Lake Authority cookout is scheduled for October 10, 2013 starting at 6:00 pm.

Commissioner Blalock reported the following:

- Helena Steering Committee is currently meeting every two weeks.
- A Re-Entry group meeting will be held on Tuesday, October 8, 2013.
- Four applications were submitted for consideration for the School Recycling Grant noting an announcement will be forthcoming by Person Industries staff.

Commissioner Puryear had no report.

Vice Chairman Jeffers stated the Department of Social Services (DSS) Board has not met since the federal government shutdown occurred noting as the US Farm Agency services has been affected, so was any DSS employees' salaries that are partially or fully federally funded. Vice Chairman Jeffers noted an investigation is taking place by the state's Department of Health and Human Services to identify impacts to counties. Vice Chairman Jeffers noted the following DSS programs are funded by the county with partial federal funding: Child Protective Services, Foster Care, Adult Protective Services, and Guardianship. County Manager, Heidi York stated there have not been any furloughs implemented noting there are no assurances or expectations that counties will be reimbursed should counties decide to fund any such shortfalls. Ms. York confirmed DSS does not have fund balance.

ADJOURNMENT:

A **motion** was made by Vice Chairman Jeffers, and **carried 5-0** to adjourn the meeting at 8:17 pm.

Brenda B. Reaves
Clerk to the Board

Jimmy B. Clayton
Chairman