

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

**MARCH 6, 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, March 6, 2017 at 7:00pm in the Commissioners' meeting room in the Person County Office Building.

Chairman Kendrick called the meeting to order. Commissioner Clayton gave an invocation and Commissioner Jeffers led the group in the Pledge of Allegiance.

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

Chairman Kendrick requested Board consideration to add a Closed Session to the agenda.

A **motion** was made by Commissioner Puryear and **carried 5-0** to add a Closed Session per General Statute 143-318.11(a)(3) for the purpose to consult with the county attorney to the agenda.

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

**INFORMAL COMMENTS:**

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

Mr. Jonathan Newton of 27 Water Front Lane, Timberlake represented a group of interested citizens opposing activities by a model airplane club at the property known as the Whitfield Farm Airport located on Whitmore Road. Mr. Newton gave the Board a handout that contained illustrated photos of the size and caliber of the remote airplanes that cause a safety hazard and a nuisance to the surrounding neighbors. Mr. Newton noted area residents have complained through the Planning Department of excessive noise and traffic. A letter of violation of the Zoning Ordinance was issued based upon these complaints stating that for such a club to operate, a conditional use permit must be sought. This would require an application and a review before the Board of Adjustment. The landowner was notified to cease operations and apply for a permit for future use. Mr. Newton stated affirmation of the county's position to cease operations and requested the Board to stand by this decision.

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Mr. Bill Moore of 667 Whitmore Road, Hurdle Mills shared his disapproval and concerns related to the remote aircraft club's activity in close proximity to his home. He stated issue with his resale value for his property should this activity continue.

Ms. Betty Blalock of 144 Tirzah Ridge, Rougemont spoke in support of the Board's proposed tax increase to increase funding for emergency services noting local first responders had saved her life. On another topic, Ms. Blalock explained the Schedule B formula for the landfill average daily tonnage was based on a five-day work week for the 365 days per year and not based on 365-days per year as the current formula. She added that the contract explicitly prohibits waste to be added to the landfill from either the City of Raleigh or the City of Durham. Ms. Blalock said that the Schedule A never materialized and does not exist today as it was intended for an agreement between Person County and the City of Roxboro.

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

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

- A. Approval of Minutes of February 21, 2017, and
- B. Budget Amendment 15

**UNFINISHED BUSINESS:  
ACTION TO GRANT OR DENY REQUEST TO ADD A NEW ROADWAY NAME  
TO E-911 DATABASE:**

GIS Manager, Sallie Vaughn stated this was a follow up on a discussion from the Board's February 21, 2017 meeting concerning adding a new roadway name. Ms. Vaughn noted two private residences are located on a private driveway which is accessible off Gray Rd in Orange County. Ms. Vaughn reiterated that both addresses for these homes are out of compliance with the Person County Address Ordinance which may jeopardize public health, safety, and general welfare. Future development along the driveway will necessitate the addition of a new roadway name.

In response to questions the Board raised on February 21, 2017 Ms. Vaughn told the Board that the cost estimate for conversion package ranged from \$80-\$100K noting however that this conversion package does not cover address notes. It was Ms. Vaughn's understanding that new address notes can be entered. She confirmed that the Address Coordinators in Orange County have been involved in this process.

Ms. Vaughn noted that the residents along the proposed roadway have indicated that they would prefer one of the following names be used if a new roadway name was approved to be added to the E-911 database: Brewer Lane, Cedar Ridge Lane and Gray Farm Lane.

Chairman Kendrick asked Ms. Vaughn if the county could issue a waiver for the residents to sign not holding the county liable for delay of services if the addresses were not changed as proposed by the Addressing Coordinator. Ms. Vaughn stated this was not her recommended approach but it was a direction the county could take to resolve.

Ms. Susan Tezai of 5214 Gray Road addressed the Board noting that in her follow up with the GIS Manager, Ms. Vaughn, she was told that the capability of having notes in the new system was a standard functionality. Therefore, notes can be inputted into the new system. There would be no "conversion" of the current notes in the current system at the time of conversion and implementation of the new system. With that being said, Ms. Tezai noted the additional information for their address on Gray Road could be entered and retained in the new system and at no additional cost.

Ms. Tezai also learned from Ms. Vaughn that the past two 911 calls for emergency assistance for her home went directly to Person County rather than going directly to Orange County and being "re-routed" to Person County. She stated this seems to be a non-issue as well noting it was their understanding at the previous commissioners' meeting that this could not happen until the roadway name and addresses were changed.

Ms. Tezai pointed out that if Orange County can give such approval/authorization to Person County, then, would not an interlocal agreement, memorandum of understanding (MOU) or some type of other official agreement be needed to be executed and approved between both entities.

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Ms. Tezai asked if a note for her address and Ms. Theresa Brewer's address could be maintained in the system as done currently to utilize the Gray Road entrance. She also inquired that the need to rename their driveway and changing the addresses was no longer necessary or warranted. In addition, from a legal standpoint, Ms. Tezai believed there appeared to continue to be issues regarding the process taking place and whether the proper legal requirements have occurred in preparation of naming the shared driveway a new road and changing the addresses with both Person and Orange Counties.

Ms. Tezai added that Article IV, Section 402 H of the Person County Ordinance Regulating Addressing and Road Naming in Person County reads as follows:

*“Private streets, shall be required to be named and structures addresses off of when they meet the minimum standard of serving at least three (3) households and having a length of 200ft or greater.”*

She noted their understanding of the section above is that there are at least **three (3)** households **and** a length of 200ft or greater. As stated in last month's meeting, there are only **two (2)** households **not three**. Therefore, both requirements have not been met.

Lastly, Ms. Tezai questioned why Person County did not use a five-mile buffer to view roads outside the boundary of the edge of the county that would allow dispatchers to see the end of her driveway.

A **motion** was made by Chairman Kendrick to direct the County Manager to discuss with the current residents to sign a letter of waiver to hold harmless the county liable for delay in services. Chairman Kendrick later **rescinded his motion** after Ms. Susan Tezai verbally stated she nor her husband would sign such a waiver. Ms. Tezai noted her expectation that the delivery of services to her home should be maintained and reasonable and she would not be signing a waiver.

Ms. Theresa Brewer of 327 Al Gray Road urged the Board to allow a note be put into the system and to keep the process the same without the residents having to change the roadway name and change their addresses.

Commissioner Jeffers asked if any mutual aid agreements were in place to assist in response time for this area. Operations Manager for E-911, Brett Wrenn and the Hurdle Mills Fire Chief, Martin Rimmer were both available to outline the response in this area by Caldwell, Bahama, Timberlake and Cedar Grove before Hurdle Mills would be notified.

A **motion** was made by Commissioner Puryear and **carried 5-0** to instruct the County Manager to contact Orange County staff to begin the process for a Memorandum of Understanding and to deny the request for a roadway name change.

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**NEW BUSINESS:  
LEASE AND OPERATING AGREEMENT FOR THE NEW PERSON COUNTY  
SENIOR CENTER:**

County Manager, Heidi York presented to the Board for input and direction two versions of a 20-year lease and operating agreement for the new Person County Senior Center. Ms. York noted that county staff drafted a simple lease and operating agreement for the future Senior Center. The intention of the agreement was to formalize the responsibilities of the County; the Region K Community Assistance Corporation (nonprofit of the Kerr Tar Council of Governments); the Person County Senior Center; and the City of Roxboro for each entity's partnership in the operations of the Person County Senior Center.

Ms. York said the County, the owner of the property, would take care of the structure, the exterior of the building and any HVAC issues as well as maintenance for any broken glass. A nominal \$1 fee would be charged for the rental term. Ms. York explained the Senior Center/nonprofit would be responsible for all interior, all operating needs including utilities, phones, internet, and security. Ms. York stated the City of Roxboro was considering partnership in aiding with the landscaping and parking lot needs. Ms. York highlighted Appendix A attached to the county's version of the lease that contained all the inventory of equipment and furnishings provided with the facility.

Ms. York stated that the Council of Government (COG) staff provided a new version of a lease and operating agreement in response to the County's document that covered far more detail as prepared by Mr. Jim Wrenn, attorney for the COG. Ms. York highlighted the main differences between the two documents were:

The county's version required 90 days' notice to terminate while in the COG's version, Section 3 has language to allow termination if funds are not adequate to operate a Senior Center a 60-day notice will be given and if determination that the Tenant will no longer operate a Senior Center, notice of 180 days will be given.

Other notable differences, Ms. York presented was a change in the format to allow the agreement with the City of Roxboro to be by and between the County and the City or the COG and the City. Exhibit C was an additional separate agreement with the City of Roxboro in the COG's lease.

Ms. York noted Section 19 of the COG lease would allow for a separate agreement for the County to utilize any shared facility space during the off-hours of the Senior Center as previously discussed by Ms. Maynell Harper and the Recreation Department.

Ms. York further noted that pretty much all content in the shorter county version was included in the longer COG version of the lease.

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Ms. York explained the operation of the fitness facility and proposed a card access installation for county employees that sign the waiver of liability and paid an annual maintenance fee to enter the fitness area using their employee badge. The Senior Center would only allow its users to enter through their main entrance and the interior of the building.

Ms. York reminded the Board that the lease agreement would need to be approved by each governing board.

Ms. York stated that due to an installation of a fire and sprinkler system, the estimated date for availability for the Senior Center to relocate into the new facility was mid-April.

County Attorney, Ron Aycock noted that Section 8 could be deleted or modified as it was not applicable to the county's situation since the county would be financing with a general obligation bond and there would be no encumbrances or mortgage on the property.

Chairman Kendrick stated no opposition to changing the 90-day notice to 60-day notice for termination but wanted more information related to funds availability option to terminate. Area Director for the COG, Diane Cox spoke to the funding availability clause noting if funding was cut by federal, state and local governments that impacted their ability to operate the senior programming, notice would be given to the county. She said they keep 60 to 90 days of reserve. Chairman Kendrick stated the 60-day notice would be sufficient and item iii under Section 3 could be deleted.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to accept the proposed lease agreement prepared by the COG staff with the amendments noted by the Board to delete item iii under Section 3, have the COG and the City of Roxboro work through a separate agreement and to instruct the County Manager to modify the language in Section 8 to state the County's right to lease without encumbrances.

**CHAIRMAN'S REPORT:**

Chairman Kendrick had no report.

**MANAGER'S REPORT:**

County Manager, Heidi York had no report.

**COMMISSIONER REPORT/COMMENTS:**

Commissioner Jeffers reported that he, the County Manager and the Department of Social Services Director and staff attended a Medicaid workshop in Raleigh in which Person County represented on a panel noting interested individuals could view by going to YouTube.

Commissioner Clayton reported that there was a proposal to repeal the current regulations on public waters. Commissioner Clayton also reported that the Orange-Person-Chatham mental health authority would be consolidating with Alamance-Caswell which would be helpful with drug programs such as Stepping Up Program to implement low cost programs that have been tried and tested already.

Commissioner Puryear commended the efforts of the Small Business Expo and the T.G. Brooks community stew.

Vice Chairman Powell had no report.

**CLOSED SESSION #1:**

A **motion** was made by Vice Chairman Powell and **carried 5-0** to enter into Closed Session per General Statute 143-318.11(a)(3) at 7:58pm for the purpose to consult with the county attorney in order to preserve the attorney-client privilege and to permit the following individuals to attend: County Attorney, Ron Aycock, County Manager, Heidi York, and Clerk to the Board, Brenda Reaves.

County Manager, Heidi York introduced to the Board the new editor with the Courier-Times, Mr. Johnny Whitfield.

Chairman Kendrick called the Closed Session to order at 8:04pm.

A **motion** was made by Vice Chairman Powell and **carried 5-0** to return to open session at 8:06pm.

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**ADJOURNMENT:**

A **motion** was made by Commissioner Puryear and **carried 5-0** to adjourn the meeting at 8:07pm.

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Brenda B. Reaves  
Clerk to the Board

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Tracey L. Kendrick  
Chairman

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