

PERSON COUNTY BOARD OF COMMISSIONERS

NOVEMBER 16, 2015

MEMBERS PRESENT

OTHERS PRESENT

Kyle W. Puryear
David Newell, Sr.
B. Ray Jeffers
Jimmy B. Clayton
Tracey L. Kendrick

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 16, 2015 at 9:00am in the Person County Office Building Auditorium.

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

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

A **motion** was made by Commissioner Jeffers and **carried 5-0** to approve the agenda.

RECOGNITION OF LOCAL GOVERNMENT DAY:

Chairman Puryear 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 Puryear, Vice Chairman Newell and Commissioners Clayton, Jeffers and Kendrick proceeded to introduce themselves. County Manager, Heidi York and Clerk to the Board, Brenda Reaves also introduced themselves.

RECOGNITION:

AWARD FOR OUTSTANDING TEAMWORK, PROFESSIONALISM AND COMMITMENT TO PUBLIC SAFETY:

Person County 911 Communications Manager, Brett Wrenn recognized telecommunicators Brittany Shelton, Joy Brown, Michael Gentry and Denise Drumwright Hicks for outstanding teamwork, professionalism and commitment to public safety for their handling of a traumatic injury call in which a child suffered a partial amputation of her foot in a lawnmower accident. The call was further complicated when the location was not readily known, because the caller lived on a new street and the address did not geo-verify. Mr. Wrenn noted the 911 staff were recognized by the NC 911 Board in October and in November by the NC APCO and NC NENA.

INFORMAL COMMENTS:

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

Ms. Frances Blalock of 1504 Surl Mt. Tirzah Road, Timberlake advocated for the landfill to be closed and for Person County's waste to be taken to the Granville County landfill. Ms. Blalock suggested that if the landfill was not closed, that any revenue should be used to improve the quality of life for those nearby residents that endure the environmental impacts. Ms. Blalock offered for the Board to live at the landfill for a period of two weeks prior to taking any action regarding the future of the landfill just to experience the daily impacts noting Ken and Pat Hill have offered accommodations for such visit.

Ms. Nancy Winter of 725 Frank Street, Roxboro stated support for all signs prohibiting concealed carry in county buildings to be taken down. Ms. Winter also passed out a brochure noting National Hunger and Homelessness awareness week during November 14-22, 2015.

Ms. Patricia "PJ" Gentry of 541 Byrd Creek Lane, Hurdle Mills read comments from Mr. Bruce Wrenn advocating for the signs on county buildings to be removed that prohibit concealed weapons. Ms. Gentry stated her preference for the Board to consider the constitutional right of individuals to bear arms.

Ms. Betty Blalock of Tirzah Ridge, Rougemont, and a resident near the landfill read to the group the NC general statute outlining it is a violation to remove, disturb, and deface any depository of human remains and to do so is a Class 1 felony. Ms. Blalock explained that Native American graves that were on the property to which the landfill is located had tombstones destroyed and the entrance was blocked.

DISCUSSION/ADJUSTMENT/APPROVAL OF CONSENT AGENDA:

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

- A. Approval of Minutes of November 2, 2015,
- B. Budget Amendment #11,
- C. Budget Amendment PCC Tractor,
- D. Public School Building Capital Fund NC Education Lottery Application in the amount of \$86,500 to replace all HVAC controllers in all 10 schools,
- E. A Resolution Adopting a Residential Antidisplacement and Relocation Assistance Plan,
- F. Consideration of Approval of Late Exemption Applications, and
- G. Tax Adjustments for the month of November 2015
 - a. Tax Releases
 - b. NC Vehicle Tax System pending refunds

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UNFINISHED BUSINESS:

REVIEW OF COUNTY'S ORDINANCE PERMITTING THE POSTING OF SIGNS TO PROHIBIT THE CARRYING OF CONCEALED HANDGUNS ON COUNTY PROPERTY:

County Attorney, Ron Aycock stated that at the Board's November 2, 2015 meeting, public comments were received related to the County's signage prohibiting concealed handguns to which he was asked to further research and bring back for discussion. Mr. Aycock explained his research as follows:

I General authority of Local Governments to regulate as authorized by state law and limited by the US Constitution

As counter intuitive as it may seem, in the US intergovernmental system the states have more legal power than the federal government. The federal government's power is limited to that which the states ceded to it when the US Constitution was adopted. The states have all the residual power and are limited only by provisions like the second amendment to the US constitution's "right to bear arms". Local governments have only the power granted by the states. Thus in the context of the regulation of "concealed carry of weapons", the state of NC may provide for any regulation of concealed weapons either directly or by granting that power to local governments. That regulation is limited only by provisions of the US Constitution i.e., the second amendment. The state may also specifically prohibit or limit local governments from regulation as NC has in the case of concealed weapons.

II 2008 US Supreme Court Decision in District of Columbia vs. Heller

The "Heller" case held for the first time that the second amendment conferred upon INDIVIDUALS the right to bear arms. The facts of the case revolved around self-defense in your home. There was also suggestion that the right extended beyond the home but that was not clearly defined. The court did state that it was not holding that a state (or local government) was prohibited from regulating (carry) in schools and government buildings. Thus, even though the Supreme Court held that there was a constitutional right to bear arms it did not prohibit regulation of "carry" in government buildings and facilities.

III State Legislative regulation and local governments

The NC General Assembly has passed legislation to permit local Governments to regulate the "carry" of concealed weapons on "local government buildings and their appurtenant premises". In 2013 that authority was limited as applied to recreation facilities. (See below). Local Government was also limited in legislation passed in 2012 to disallow local regulation of lawfully possessed firearms when an emergency was proclaimed. This

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legislation related to emergencies was enacted in response to a federal court case (Bateman v. Perdue).

Thus the authority for counties to act to regulate concealed carry of weapons is limited to the prohibition of concealed carry in county buildings and their appurtenant premises (parking lots, etc.) and to a limited extent on recreational facilities. Person County enacted a concealed carry prohibition in December 1995. That ordinance applies to all county buildings. The ordinance has in effect been amended by the state legislative action to conform to the restrictions on regulation on recreational facilities. In other areas of state law there is a general prohibition of concealed carry in schools and law enforcement facilities.

IV Recreational Facilities Limitation

The prohibition on regulation of concealed carry on recreational facilities is very detailed. It is clear that certain areas and activities are intended to allow concealed carry and local governments may not restrict that right. Important details are:

- 1- The recreational facility where concealed carry is prohibited must be specifically identified. That means that each recreational area must be identified in any ordinance and signed. For example each area must be identified such as a gymnasium, the new little league grounds, tennis court and other athletic fields , specific athletic fields at county parks and athletic fields at any leased location used by the county recreation department. Whether or not recreational facilities used at facilities owned by the public schools must be specifically specified would depend on the exact nature of the agreement between the County and the Schools
- 2- Any prohibition on concealed carry would be effective only “during an organized athletic event” if the event has been scheduled by the County. There would be no prohibition during any “free play” time.
- 3- Even if a local government has legally prohibited concealed carry at a recreational facility, a person with a concealed carry permit may still have a weapon in a vehicle so long as it is in a secured area of the vehicle.
- 4- A notice of the prohibition of concealed carry must be posted at each recreational facility
- 5- Absolutely no prohibition is authorized on any greenway, biking or walking path even if not formally designated as such, any open area or field where athletic events may occur but are not specifically scheduled for an athletic event, or any other area not specifically authorized to be regulated.
- 6- No prohibition would be allowed at a playground where no athletic events are scheduled such as a “tot lot”
- 7- “Free play” at tennis courts could not have a prohibition on concealed carry.

Mr. Aycock noted the existing concealed carry prohibition at recreational facilities would not be in effect if there is not a posting at each facility.

Mr. Aycock further noted that currently, there is a 1995 Ordinance in place to permit the posting of County property stating that the carrying of concealed handguns on the posted premises violates NC General Statute Chapter 14, Article 54B. If it is the desire of the majority of the Commissioners to change this prohibition, there are several options that the Board can consider:

Option 1- Repeal the current Ordinance. This would have the effect of allowing concealed, permitted handguns on all county properties unless exempted by state law. Mr. Aycock confirmed that state law has exceptions which includes law enforcement facilities, judicial areas, and public schools.

Option 2 - Amend the existing Ordinance and revise the wording of the signage to include “unless authorized by a concealed weapon permit.”

Option 3- Amend the existing Ordinance to allow concealed weapons except for recreational facilities. A definition would need to be included in the revised ordinance for recreational facilities.

Option 4- Amend the existing Ordinance to allow concealed weapons except for specific sites and/or buildings that are explicitly named in the ordinance.

Mr. Aycock confirmed there is no current prohibition for open carry in Person County.

Vice Chairman Newell asked the Sheriff to provide input. Sheriff Dewey Jones stated with each option, there are consequences. He offered for the Board members to consider participating in a shoot/don't shoot training for individuals prior to taking action.

Commissioner Kendrick stated the training would not change his position noting those individuals that have completed a concealed carry course are held to a higher standard and he believed in his constitutional rights to bear arms.

Commissioner Clayton addressed sensitive situations in which allowing concealed carry would not be a good policy.

Vice Chairman Newell read information from a concealed carry training whereby firearms are not allowed at organized public events where fees are charged.

A **motion** was made by Vice Chairman Newell and **carried 4-1** to call for a public hearing to be scheduled at the Board's next meeting related to repeal of the County's current ordinance. Commissioner Kendrick cast the lone dissenting vote.

NEW BUSINESS:

PROPOSAL FOR ENGINEERING AND DESIGN SERVICES FOR THE SENIOR CENTER:

County Manager, Heidi York reminded the group that the Board has previously authorized the Manager to issue a Request for Proposals and select an architectural firm for the Senior Center Project nothing that through a competitive evaluation process, HH Architecture, PA was selected to provide design and construction administration services for the Senior Center project. Ms. York recalled at the Board’s October 5, 2015 meeting, by a vote of 5-0, the Board elected to demolish the existing two-story 12,000SF building and construct a new one-story 12,000SF building. In addition to the new Senior Center, the Board requested the design of a park to be located on a vacant lot along Depot Street.

Ms. York presented the proposal for design services which included the following phases at the basic fee of \$278,600:

Schematic Design	\$38,300
Design Development	\$51,100
Construction Documents	\$80,400
Bidding	\$14,400
Construction Administration	\$84,000
Closeout	\$10,400
	\$278,600

Ms. York noted the following additional fees are recommended, but not required, by HH Architecture:

Hazardous Materials Abatement Design	\$4,500
3D Building Renderings	\$7,200
Rendered Site Plan	\$2,600
Irrigation Design	\$2,600
Existing Site Conditions Survey	\$11,400
Subsurface Utility Designation	\$8,300
	\$36,600

Ms. York stated the total basic plus additional fees for the proposed engineering and design services totaled \$315,200. In addition, a list of consultants to be used on the project as well as a proposed time frame was outlined. Ms. York stated the County will need to advance funds from the General Fund to cover the cost and will receive reimbursement once the financing of the project was secured.

Ms. York informed the Board of HH Architecture's recommendation to reallocate the \$84,000 for the park development to a contingency budget for project unknowns and cost overages with any left-over funds used to develop the park. Ms. York noted two issues that had been found since the October 5, 2015 presentation by HH Architecture which included an underground culvert and an underground sewer pipe that would need to be rerouted.

Ms. York requested the Board to authorize the County Manager to execute the agreement with HH Architecture as presented.

Commissioner Jeffers stated opposition to the recommendation by HH Architecture to defer from the unanimous motion made by the Board related to the park development that would include basketball courts. Ms. York asked Mr. John Hill, Director of Recreation, Arts and Parks to address the Recreation Advisory Board's position related to the basketball courts in the open space. Mr. Hill stated his preference for feasibility study with the stakeholders involved. Ms. York clarified the intent was not to override the desire of the Board's motion.

Vice Chairman Newell questioned the lack of due diligence executed by the consultant and/or staff related to the underground culvert and sewer line.

A **motion** was made by Commissioner Kendrick and **carried 5-0** to table the proposal for design services to allow the architect representatives to come before the Board.

PROPOSED 2016 BOARD OF COMMISSIONERS' SCHEDULE OF MEETINGS:

Clerk to the Board, Brenda Reaves told the group that NC General Statute 153A-40 requires the Board of Commissioners to hold a regular meeting at least once a month. Ms. Reaves presented a proposed schedule of 2016 meeting dates.

Ms. Reaves stated the Board will hold its regular scheduled meetings in its usual Boardroom, Room 215 in the County Office Building unless otherwise posted. As recommended on the proposed Schedule of Meetings, to accommodate attendance, Local Government Day Board meetings will be scheduled to be held in the County Office Building Auditorium as the same would be done for the Boards' Budget Public Hearing.

To accommodate the Local Government Day participation, the March 14, 2016 meeting is scheduled for the Board's regular meeting.

Ms. Reaves requested Board consideration of the proposed dates as well as to take action to set the 2016 Schedule of Meetings so to cause copy of such to be distributed and posted on the bulletin board and county website.

A **motion** was made by Commissioner Jeffers and to approve the proposed 2016 Board of Commissioners' Schedule of Meetings as presented. Commissioner Jeffers rescinded his motion prior to discussion and a vote.

A **motion** was made by Chairman Puryear and **carried 5-0** to approve the proposed 2016 Board of Commissioners' Schedule of Meetings as presented with one change: The Board will hold a regular scheduled meeting on February 29, 2016 instead of February 15, 2016 as February 15, 2016 is a federal holiday, Presidents' Day. Chairman Puryear included in his motion for Person County to observe Presidents' Day, February 15, 2016 as a holiday.



**Person County Board of Commissioners
2016 Schedule of Meetings**

To be held in Room 215 at the Person County Office Building unless otherwise noted

January 4, 2016	7:00 p.m.
January 19, 2016 (Tuesday)	9:00 a.m.
February 1, 2016 (Annual Board Retreat)	9:00 a.m. Kirby Rebirth
February 29, 2016	9:00 a.m.
March 14, 2016 (Local Gov't. Day)	9:00 a.m. Co. Auditorium
April 4, 2016	7:00 p.m.
April 18, 2016	9:00 a.m.
May 2, 2016	7:00 p.m.
May 16, 2016	9:00 a.m.
June 6, 2016	7:00 p.m. Co. Auditorium
June 20, 2016	9:00 a.m.
July 18, 2016	9:00 a.m.
August 1, 2016	7:00 p.m.
August 15, 2016	9:00 a.m.
September 6, 2016 (Tuesday)	7:00 p.m.
September 19, 2016	9:00 a.m.
October 3, 2016	7:00 p.m.
October 17, 2016	9:00 a.m.
November 14, 2016 (Local Gov't. Day)	9:00 a.m. Co. Auditorium
December 5, 2016 (Organizational Meeting)	6:00 p.m.
(Regular Meeting)	7:00 p.m.

Approved by the Board of Commissioners on November 16, 2015.

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FISCAL YEAR 2016-2017 BUDGET CALENDAR:

County Manager, Heidi York stated a budget calendar has been developed for the Board's adoption, outlining a schedule for the timing of the budget process: the Board's Retreat will be on February 1st, along with the Capital Improvement Plan adoption in April, Presentation of the Recommended Budget in May, a required Public Hearing on June 6th and Adoption of the FY16-17 Annual Budget for June 20th. The dates outlined are subject to change if needed, but this will facilitate an organized budget process for staff and elected officials.

Ms. York requested Board approval of the budget calendar for FY16-17 and to provide feedback and changes to staff as needed.

A **motion** was made by Commissioner Kendrick and **carried 5-0** to adopt the Fiscal Year 2016-2017 Budget Calendar as presented.



**PERSON COUNTY GOVERNMENT
FISCAL YEAR 2016-2017 BUDGET CALENDAR**

Date	Task
Monday/January 4, 2016	Distribution of CIP Requests to Departments
Tuesday/January 19, 2016	CIP Requests due to Asst. County Manager
Mon/Feb. 1, 2016*	Board of County Commissioners Annual Retreat
Monday/Feb 8, 2016	Distribution of budget training manual and fee schedule requests to departments
Wednesday/Feb 24, 2016	Departmental budget requests for operating & capital due to Finance, fee schedule requests due to Assistant County Manager and personnel requests due to Human Resources
Mon-Fri/March 14-24, 2016	Departmental Budget Presentations with County Manager
Mon/March 28, 2016	Final insurance costs due
Monday/April 4, 2016*	FY 16-17 CIP presented to Board of Commissioners at regular BOCC Meeting at 7:00 p.m.
Monday/April 18, 2016*	Adoption of FY 16-17 CIP
Monday/ May 16, 2016*	County Manager presents Recommended Budget to Board of County Commissioners
Tues-Fri/May 17-June 10, 2016	Potential BOCC Budget work sessions (specific dates to be scheduled)
Monday/June 6, 2016*	Board of Commissioners holds Public Hearing on Recommended Budget
Monday/June 20, 2016*	Adoption of FY 16-17 Annual Budget Ordinance
Friday/July 1, 2016	FY 16-17 Budget available in Accounting System
Monday/July 18, 2016	Adopted budget document finalized and available online

** denotes a Board of Commissioners meeting date.*

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CHAIRMAN’S REPORT:

Chairman Puryear reminded the Board of the joint meeting with City Council and Person County Business Industrial Center on November 19, 2015 at 8:00am in the Roxboro Police Department’s training room.

MANAGER’S REPORT:

County Manager, Heidi York reported to the group that SmithGardner, the consultant firm performing the Solid Waste Study, would be conducting a waste audit by collecting and evaluating waste at the landfill. Ms. York noted the consulting firm would be before the Board at its December 7, 2015 meeting with cost analysis of the three options as selected by the Board.

COMMISSIONER REPORT/COMMENTS:

Commissioner Jeffers reported on the following:

- Announced the new hire of the EMS Director at the Fire Chiefs meeting,
- Environmental Issues Advisory Committee meeting held and requested a report to be presented to the Board on December 7, 2015, and
- Dept. of Social Services has implemented a dress code for its employees.

Commissioner Clayton reported on the following meeting attended:

- Upper Neuse stormwater sites tour, and
- Industrial Relations Committee luncheon

Commissioner Kendrick had no report.

Vice Chairman Newell had no report.

RECESS

A **motion** was made by Vice Chairman Newell and **carried 5-0** to recess the meeting at 10:31am until 11:00am at the Person County Museum.

Chairman Puryear called the recessed meeting to order at 11:06am with all Board members present. Other county representatives were County Manager, Heidi York, Assistant County Manager, Sybil Tate, Clerk to the Board, Brenda Reaves and County Attorney, Ron Aycocock.

The Board of Commissioners and representatives of the Person County Museum met in the board room of the Male Academy/Parsonage located on the museum campus. Person County Museum officers Doug Mabe, President, Angie Brown, Vice President, Karyn Hicks, Secretary, Mac Wagstaff, Treasurer along with other board members, Claudia Berryhill and Ginny Panetta were present. Mr. Mabe stated the Museum board of directors desired to host the Board of Commissioners to a lunch and tour in appreciation of the support given by the County.

Topics of mutual interest were discussed. Ms. Berryhill, who serves as the Museum's fundraising chair, told the group of a new initiative called the Heritage Trail which is planned to be launched the first part of 2016 for property/structures within Person County that date over 100 years. A donation of \$100 for a single side sign or \$150 for a double sided sign was projected to cover the costs of the heritage trail signs that would be posted at each site along the trail. Another initiative described was an appraisal fair to which a fee would be charger per item assessing the value of antiques and relics.

Museum representatives provided insight to the Board about the operations and financial support needed to pay the Director's salary as well as to acquire items for the many displays. Mr. Mabe confirmed that the Museum has not been appropriated any additional funding by the Tourism Development Authority noting the Museum has submitted its quarterly report and plans to apply for TDA funding for its upcoming Heritage Trail campaign.

The Museum board of directors provided informative tours to Board of Commissioners and county staff.

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ADJOURNMENT:

A **motion** was made by Commissioner Jeffers and **carried 5-0** to adjourn the meeting at 11:59am.

Brenda B. Reaves
Clerk to the Board

Kyle W. Puryear
Chairman

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