

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

OCTOBER 3, 2016
OTHERS PRESENT

David Newell, Sr.
Tracey L. Kendrick
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, October 3, 2016 at 7:00pm in the Commissioners' meeting room in the Person County Office Building.

Chairman Newell called the meeting to order and offered condolences to Commissioner Jeffers for the death of his grandmother. Commissioner Clayton gave an invocation. Chairman Newell asked members of the Cub Scout Troop 249, present in the audience, to lead 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:

RESOLUTION OF APPRECIATION:

Chairman Newell read and presented a Resolution of Appreciation to Person County Retiree, Keith Day.

General Services Director, Ray Foushee added that Mr. Day had worked for the County four years on a part-time basis prior to the eight years of service noting he was an outstanding employee.

RESOLUTION OF APPRECIATION

WHEREAS, Keith Day has served the people of Person County during his tenure working for Person County's General Services Department as a Senior Grounds Maintenance Worker; and

WHEREAS, Keith Day has served the citizens of Person County with honor, integrity, sincerity and dedication, providing accurate, concise services for eight years, April 2008 – September 2016; and

WHEREAS, Keith Day has earned the respect and admiration of all who have known him and worked with him throughout his career; and

WHEREAS, the County of Person recognizes the many contributions Keith Day has made to the County and offers him sincere best wishes for his retirement.

NOW, THEREFORE, I, David Newell, Sr., Chairman of the Person County Board of Commissioners, do hereby extend this Resolution of Appreciation to Keith Day for continually striving to make Roxboro and Person County a better place to live and work.

Adopted the 3rd day of October, 2016.



David Newell Sr.
David Newell, Sr., Chairman
Person County Board of Commissioners

Attest:

Brenda B. Reaves
Brenda B. Reaves
Clerk to the Board

October 3, 2016

PROCLAMATION FOR NATIONAL 4-H WEEK IN PERSON COUNTY:

Person County Extension Agent with 4-H Youth Development, Beth Davis and Chairman Newell read the following National 4-H Week Proclamation.

Proclamation

National 4-H Week
Person County

October 2nd -8th, 2016

Whereas, the youth of any community are its greatest natural resource; and,

Whereas, 4-H is the largest youth organization in North Carolina, with nearly one in every 8 North Carolina youth involved in 4-H; and,

Whereas, 4-H in North Carolina claims more than 200,000 youth members and 27,000 adult volunteers, while Person County's 4-H program numbers 1,162 youth and 79 volunteers; and,

Whereas, 4-H addresses issues facing youth wherever they live—in inner cities, suburbs and rural communities and helps break barriers by focusing on learning-by-doing; and,

Whereas, 4-H has programs on food and nutrition, science and technology, natural resources, growing plants, caring for farm animals, career education, community pride, citizenship and leadership; and,

Whereas, exciting, fun and student-centered educational programs are available through county 4-H School Enrichment programs; and,

Whereas, 4-H as part of the North Carolina Cooperative Extension Service is a program where youth learn together in all kinds of projects, events and activities;

Now Therefore, the Person County Board of Commissioners, do hereby proclaim October 2nd -8th, 2016

National 4-H Week in Person County

And urge the people of this county to take advantage of the opportunity to become more aware of this special program which gives youth the chance to learn together and to be a part of Person County 4-H, and support the work of the 4-H Youth Development Program.

David Newell Sr.
David Newell, Sr., Chairman
Person County Board of Commissioners



10/3/2016
Date

October 3, 2016

**PUBLIC HEARING:
REQUEST TO RENAME THE EASTERN DEAD END SECTION OF
PROVIDENCE ROAD TO PROVIDENCE CEMETERY COURT:**

A **motion** was made by Commissioner Puryear and **carried 5-0** to open the duly advertised public hearing for a request to rename the eastern dead end section of Providence Road to Providence Cemetery Court.

GIS Manager, Sallie Vaughn recalled the Board of Commissioners' action at its September 6, 2016 meeting to rename the eastern dead end section of Providence Road to Providence Cemetery Court, to set a public hearing for October 3, 2016 at 7:00pm, and to authorize notice of the public hearing in the newspaper. Ms. Vaughn noted that a sign was also placed in the area advertising the public hearing.

Ms. Vaughn further noted that since that time, the GIS Manager has received the following citizen input:

1. Two responses to certified letters mailed on July 29th, 2016 were received recommended the name "Hicks A-Gape Rd."
2. A citizen held objection to the suffix of "Ct" and would prefer other options such as Ln, Way, or Ave.

Ms. Vaughn stated to reduce ambiguity and because of similarities between "Hicks A-Gape Rd" and several existing roads, this name was not recommended. Ms. Vaughn stated the allowable suffixes as defined in Section 404 of the Addressing Ordinance for a dead end roadway are 1) Ct – Court, 2) Ln – Lane, and 3) Pl – Place.

There were no individuals appearing before the Board to speak in favor of the request to rename the eastern dead end section of Providence Road to Providence Cemetery Court.

The following individual spoke in opposition to the request to rename the eastern dead end section of Providence Road to Providence Cemetery Court:

Mr. Robert Wilborn of 855 Providence Road and a representative of Providence Baptist Church stated opposition to the suffix of Court to the recommended name of Providence Cemetery Court.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to close the public hearing for a request to rename the eastern dead end section of Providence Road to Providence Cemetery Court.

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CONSIDERATION FOR A ROADWAY NAME FOR THE EASTERN DEAD END SECTION OF PROVIDENCE ROAD:

Commissioner Jeffers asked if another public hearing would have to be scheduled should the Board take action to change the suffix of the recommended roadway name of Providence Cemetery Court. County Attorney, Ron Aycock confirmed no additional public hearing would be required should the Board change the suffix on the recommended name as action to the public hearing. Commissioner Jeffers suggested the suffix of Lane instead of Court. The Board asked Mr. Robert Wilborn if there was any objection to Providence Cemetery Lane to which he noted no opposition.

A **motion** was made by Commissioner Jeffers and **carried 5-0** to approve Providence Cemetery Lane as the roadway name for the eastern dead end section of Providence Road.

INFORMAL COMMENTS:

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

Ms. Betty Blalock of 144 Tirzah Ridge, Rougemont said she did not understand why Vice Chairman Kendrick would not consider the resolutions at the last meeting; the resolutions would be better for the County with part of it being state law. Ms. Blalock then noted the 491 wells she had counted telling the group that Durham County had to pay \$1.3M for wells contaminated with oil.

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 September 6, 2016,
- B. Approval of Minutes of September 19, 2016,
- C. Budget Amendment #7,
- D. Budget Amendment #8,
- E. Resolution Requesting Abandonment of a portion of Secondary Road R-2241A,
and
- F. Allocations for FY2017 ROAP Program

UNFINISHED BUSINESS:

A RESOLUTION OF SUPPORT TO DEDICATE AND RENAME A SECTION OF US 158 EAST IN PERSON COUNTY TO COMMEMORATE THE SERVICE OF WORLD WAR I VETERAN, CORPORAL JESSE LUNSFORD:

Commissioner Clayton read and presented a Resolution of Support to Dedicate and Rename a Section of US 158 East in Person County to Commemorate the Service of World War I Veteran, Corporal Jesse Lunsford for Board approval.

A **motion** was made by Commissioner Clayton and **carried 5-0** to adopt a Resolution of Support to Dedicate and Rename a Section of US 158 East in Person County to Commemorate the Service of World War I Veteran, Corporal Jesse Lunsford and to appropriate \$2,000 from the contingency fund.

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A RESOLUTION OF SUPPORT TO DEDICATE AND RENAME A SECTION OF US 158 EAST IN PERSON COUNTY TO COMMEMORATE THE SERVICE OF WORLD WAR I VETERAN, CORPORAL JESSE LUNSFORD

WHEREAS, the Person County Board of County Commissioners hereby acknowledge and support a request to dedicate and rename a section of US 158 East in Person County to commemorate a World War I veteran, Corporal Jesse Lunsford; and

WHEREAS, Corporal Jesse Lunsford was born in 1895 in Person County and raised on a tobacco farm. He joined the United States Army in 1917 at the time when the United States of America had declared war on Germany and remained enlisted for the duration of the war; and

WHEREAS, Corporal Jesse Lunsford, assigned to Company G, 120th Infantry Regiment, 30th Division, A.E.F., near Bellicourt, France, on 29 September 1918 was fighting to defend the United States of America with extraordinary heroism in action; and

WHEREAS, Corporal Jesse Lunsford, was awarded by the President of the United States, authorized by Act of Congress, the Distinguished Service Cross, the second highest award for heroism presented to a combat Army veteran;

WHEREAS, Criteria for this distinguished award states "the act or acts of heroism must have been so notable and have involved risk of life so extraordinary as to set the individual apart from their comrades; recipients of the Distinguished Service Cross are eligible to have a roadway named and dedicated that is five miles or less.

NOW, THEREFORE, BE IT RESOLVED that the Person County Board of County Commissioners, requests the NC Board of Transportation's consideration to dedicate and rename a section of US158 East starting at 3883 Oxford Road (Ivey Day Road) and ending at 9373 Oxford Road (Thomas Store Road). **Be It Further Resolved** that the Person County Board of Commissioners expresses willingness to pay an administrative fee of \$2,000 to assist in the costs of this request.

THIS RESOLUTION adopted this 3th day of October 2016.



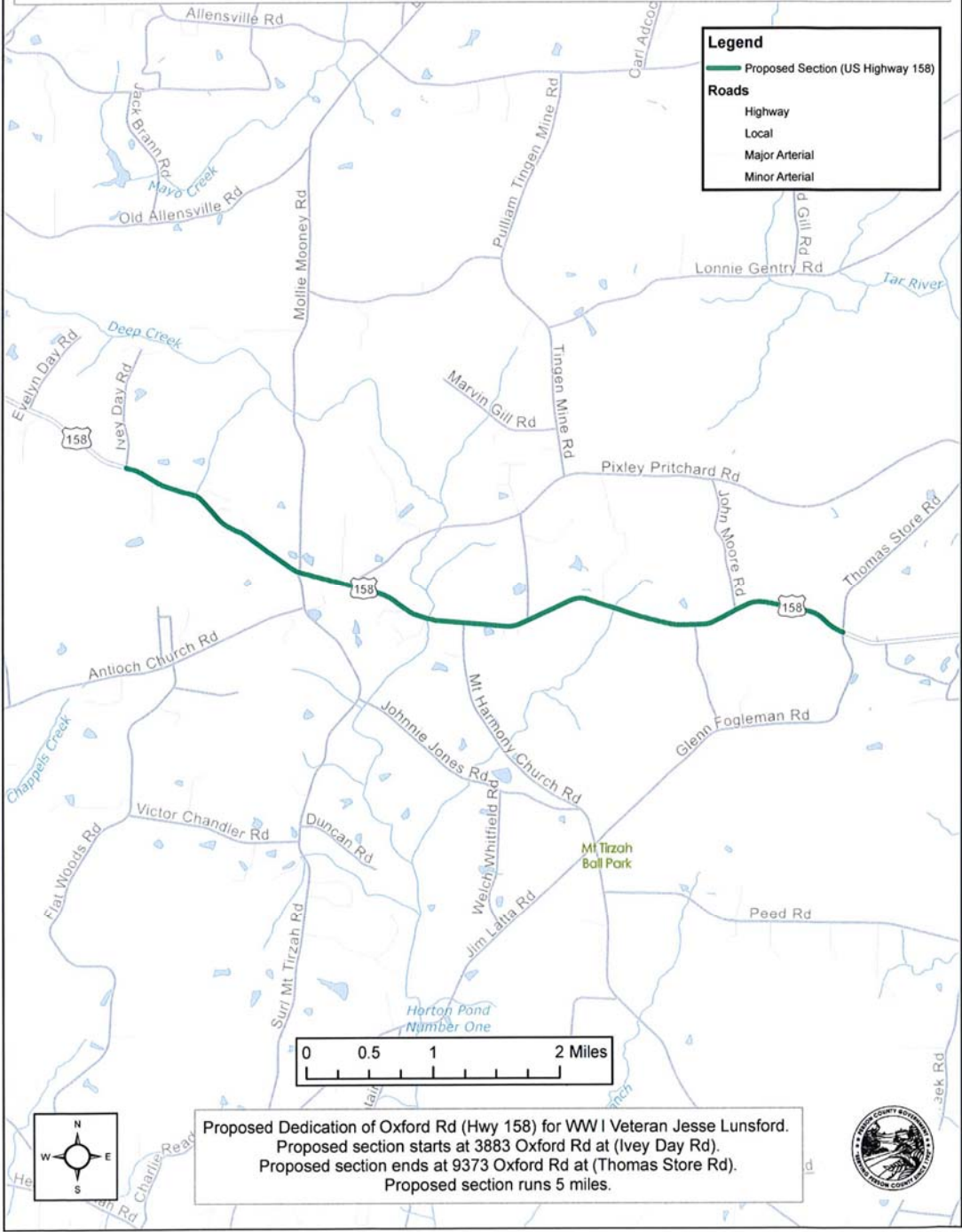
Person County Board of County Commissioners

By: David Newell Sr.
David Newell, Sr., Chairman

Attest
By: Brenda B. Reaves
Brenda B. Reaves, Clerk

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PROPOSED SECTION OF US HIGHWAY 158 (OXFORD RD) TO BE DEDICATED TO WWI VETERAN JESSE LUNSFORD.



NEW BUSINESS:

CONCERNS OF RESIDENTS AROUND ROXBORO PLANT:

Commissioner Jeffers stated some of his neighbors had contacted him with concerns and after he attended one of their meetings, thought it appropriate for them to share their concerns with the rest of the Board of Commissioners. Commissioner Jeffers called upon Ms. Sandra Majors to make comments.

Ms. Majors stated she resides at 4072 McGhee's Mill Road, Semora and that she along with the group present in the audience represent a larger group of concerned citizens of Person County that live around the Roxboro and Mayo plants, and drink water from private wells, have been deeply concerned about their health, quality of life and the loss of property value of their residences, due to the long accumulation of coal ash close to their homes. Ms. Majors said their purpose at the Board meeting was to share their concerns and to ask for support noting their group began meeting in 2015 to call for clean, safe water and protection of their environmental health. With recent legislation, Ms. Majors stated their concerns elevated with the proposed cap in place instead of the evacuation and removal of the coal ash to safe above ground storage. Ms. Majors recognized the enormous tax revenue the County receives from Duke Energy however requested justice for the citizens impacted for many years with a plea for safe drinking water.

Ms. Elsie Grant of 5517 McGhee's Mill Road, Semora said she was born and raised in Person County and returned to the County in 2004 and had no expectation that she would be inheriting a coal ash problem. Ms. Grant noted she lives less than a mile from the plant and did not receive an advisory letter. She requested Duke Energy to test her well water and those living further than the half-mile threshold for testing. Ms. Grant asked the Board of Commissioners to have a field inspected on the north side of McGhee's Mill Road just before Edwin Robertson Road to confirm whether or not coal ash was being placed at this site. Ms. Grant said she had cancer in 2008 but currently was cancer free.

Mr. Christopher Crawley of 4094 McGhee's Mill Road, Semora asked the commissioners to help this community noting he would like to have the water tested every quarter along with additional subsidies for all well testing for Person County residents as a public health measure and to make well testing more affordable as Person County has the highest costs in the state. He requested for the Board to support the results reported using science-based health advisories as issued to well owners for decades but stopped in March of this year by DEQ and DHHS. Mr. Crawley stated the use of scientifically based Health Risk Evaluations (HRE) in current and future reporting to well owners of the well analyses performed by the NC Public Health Laboratory. These HRE's, as defined in NC's long standing groundwater regulations, have been issued to thousands of well owners over the past two or more decades. Advisories to well owners around coal ash sites in NC were rescinded by appointed leadership of DEQ and DHHS in March, 2016, over objection of scientists in those agencies. Mr. Crawley gave the commissioners a handout that listed the Groundwater Quality Standards as written in the NC Administrative Code as of January 1, 2010.

Ms. Vicky McGiver said that her mother resides at 4136 McGhee's Mill Road and though she was appreciative of what Duke Energy has done so far, she asked for the support of the commissioners for Duke Energy to pay for all costs associated with connection to public water lines and payment of water bills for a minimum of 20 years after public service begins or until all risks of coal ash contamination of groundwater is removed by cleanup and removal of ash.

Ms. Faye Woods of 4591 McGhee's Mill Road, a resident who lives just outside the half-mile boundary whose water has tested positive for elevated coal ash contamination. As a property owner of 80 acres, Ms. Woods asked for assistance to reduce the property taxes to account for the fact that their residences and properties are degraded by the continued threat of contamination by coal ash. Ms. Woods said land plus coal ash equals no value.

Ms. Majors concluded the citizens' presentation by urging the Board of Commissioners for more water testing, quarterly testing for those with contaminations and a further range of the testing with more affordable costs for the water testing. Additionally, a reduction in property taxes with Duke Energy to cover the full costs of connecting the homes to the City Lake public water supply and absorb the costs for the water bills for a minimum of 20 years and details of the possible coal ash site that is nearby that has not been exposed to the community. Lastly, Ms. Majors said that Duke Energy should be responsible for the community rebuild and its value by construction of a new community center for area children and youth, including an indoor/outdoor pool and gym, with contributed funding by Duke Energy.

Commissioner Jeffers, the commissioner representative on the County's Environmental Issues Advisory Committee, asked the County Attorney to address if the County was allowed to subsidize a certain part of the county for the well testing fees.

County Attorney, Ron Aycock stated, without doing any specific research, he felt that if the Board finds that there are environmental hazards that needs to be addressed, there may be a way to subsidize fees; however he said that generally, the fees need to be uniform throughout the county. Commissioner Jeffers asked Mr. Aycock to further research the county's ability to subsidize fees and asked the County Manager to research by comparison of the fees for counties. Commissioner Jeffers asked the Health Director to explain the current fee structure for the chemical test.

Health Director, Janet Clayton confirmed the fee for processing well samples was \$110 for a full panel which included bacteria, chemical and nitrate. Additional fees are added for testing of petroleum of \$110; pesticide at \$110; coal ash panel at \$110 and hexavalent chromium at \$95. Commissioner Clayton added that the costs have increased due to the state passing along its costs to the counties which are now passed to the citizens.

Commissioner Jeffers also asked for the data on how many wells have been tested and the number that were deemed contaminated. Ms. Hope Taylor, Executive Director of Clean Water for NC, a non-profit, stated initially there were twelve letters to property owners within 1,000 ft., noting a lot more wells have been tested since that time. Commissioner Jeffers asked if the data was public record. Vice Chairman Kendrick stated affirmatively referencing the DEQ website for information on the wells.

Vice Chairman Kendrick disclosed that he was a current Duke Energy employee, and noted his extensive research related to the well water samples within the half-mile perimeter contained no hexavalent chromium above the EPA standard while there were elevated levels of aluminum, phosphorous and magnesium.

Ms. Taylor noted the initial testing performed last year through several labs and paid for by Duke Energy resulted in the initial health advisories to the twelve residents. Ms. Taylor opined that the federal standard Vice Chairman Kendrick referred was outdated and under review for a federal drinking water standard. Ms. Taylor stated the advisory level was .07 parts per billion as compared to the EPA standard of 100 parts per billion.

Vice Chairman Kendrick corrected misinformation that legislation allowed Duke Energy to downgrade the risk noting the risk was not downgraded by Duke Energy but the risk was downgraded by DEQ.

Commissioner Jeffers noted citizen concerns related to coal ash near the power plants and near the landfill further noting the NC DEQ will be holding a public hearing on Tuesday, October 4th at 6:00pm in the County Office Building Auditorium for comments.

Vice Chairman Kendrick pointed out the May 28, 2015 letter from NC DHHS Gary Leung related to a synopsis of Person County's health which reported no higher incident rate of cancer in Person County and mirrored other parts of the state.

Tanya Evans of Duke Energy reassured the residents that a permanent water solution for all property owners within a half-mile of an ash basin was being evaluated at this time and as mandated by recent legislation regardless of the testing of the water. Ms. Evans stated that water does not flow up hill and based on detailed analysis with the US Geological Service Mapping, those wells within the half-mile radius of ash basins are up hill from the ash basins. Ms. Evans said the data shows the same constituents across the state and there was no scientific data that indicates the ash basins are, in fact, impacting wells in Person County.

Ms. Evans told the group Duke Energy plans to close all ash basins, although no decision on how they will close them has been made. Ms. Evans stated the cap in place method has been demonstrated by the EPA as a safe and effective method without impacts to groundwater.

Chairman Newell asked Ms. Evans what will Duke Energy do with the coal ash being generated by the plant. Ms. Evans stated future ash generated by the Mayo and Roxboro plants will be placed into on-site lined landfills.

Chairman Newell asked how the half-mile designation was determined. Ms. Evans said the half-mile designation was determined by the state; the half-mile radius is from the perimeter of the ash basin not the plant.

Ms. Lisa Hughes stated her well water was tested by a private company earlier this year with elevated levels of vanadium and hexavalent chromium; she decided to dig a new well. Ms. Hughes asked how long would it be before her new well would be contaminated. Ms. Hughes said she has spoken with Ms. Evans a few times noting she lived beyond the 1,500 ft. boundary and beyond the one mile boundary thereby nothing has been done related to her drinking water to which she said she was not comfortable to drink. She urged consideration for the five houses just before the bridge that are not included to be included in the perimeter for well testing. Ms. Hughes also wanted to know how often should she be testing her well water and she was the responsible person to do it. Chairman Newell noted the Board did not have all the answers but they would ask more questions.

Ms. Phyllis Jeffers of 225 Dunaway Road asked about the data that resulted in the do not drink letters which was contradictory with the data that Vice Chairman Kendrick found that the levels were within standard. Vice Chairman Kendrick stated the data showed no elevated results and noted the DEQ took a precautionary measure to notify citizens while the testing was ongoing and once the levels were deemed within standard, the do not drink advisory was rescinded. Ms. Jeffers asked for more precautionary measures to test more wells. Vice Chairman Kendrick countered that the data for the wells within the half-mile boundary reflected the water met the federal drinking water standards.

Ms. McGiver asked why Duke Energy gave out bottled water when the water was deemed safe per federal regulations.

Ms. Evans said the bottled water was provided on a voluntary basis by Duke Energy to ensure the quality of the resident's water so that the testing could be done, the geological survey was conducted and to collect the data; this was not an admission of anything wrong, it was the right thing to do. Ms. Evans stated as water lines were offered into the legislation, that was Duke Energy trying to do the right thing regardless of the results of the well water testing for those residents living within the half-mile radius.

Ms. Taylor clarified that the data has not changed for the wells, what changed was the health advisories which were calculated according to decade old groundwater regulations in NC was removed.

Ms. Sarah Crutchfield of 4291 McGhee's Mill Road stated concerns about the air quality in the area noting multiple times, especially four-five years ago that the coal ash was consistently blowing and it was thick enough to write your name. She contacted the Raleigh office and they had someone to bring a water truck to wet the ash to prevent it from flying.

There was no report from the Chairman, County Manager or any of the commissioners. Commissioner Jeffers thanked everyone for their support and acts of kindness during his family's loss of his grandmother.

CLOSED SESSION #1

A **motion** was made by Commissioner Puryear and **carried 5-0** to enter Closed Session per General Statute 143-318.11(a)(5) at 8:09pm for the purpose to consider the acquisition or lease of real property with the following individuals permitted to attend: County Manager, Heidi York, Clerk to the Board, Brenda Reaves, and County Attorney, Ron Aycock.

A **motion** was made by Vice Chairman Kendrick and **carried 5-0** to return to open session at 8:14pm before Closed Session #1 took place. Vice Chairman Kendrick asked the Board to hear from Mr. Robert Daniel and Ms. Nan Jeffers representing Piedmont Career Academy. It was the consensus of the Board to hear comments from Mr. Daniel and Ms. Jeffers.

Vice Chairman Kendrick stated Piedmont Career Academy was in the planning stages for a vocational charter middle and high school and he had discussed the possibility for their Board of Directors to tour the former Helena School for potential utilization of the facility for a period of time as long as they kept up the maintenance. At any time the facility was not used for this use or should the vocational charter school not be approved, Vice Chairman Kendrick noted the property would revert back to the county.

Mr. Daniel, Chairman of the Board of Trustees for Piedmont Career Academy, and a retiree of the Public Schools in NC after 36 years, spending 20 years as a high school principal and four years as a Superintendent. Mr. Daniel has been involved in starting three schools in NC and all three are thriving. Mr. Daniel said Piedmont Career Academy would soon be incorporated as a public charter school. Mr. Daniel noted the process for opening a public charter school takes between two to five years. Mr. Daniel stated the application will be filed for a charter public high school in Person County in September 2017 with a planned opening goal of 2019.

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Mr. Daniel stated Person County has a higher than average rate of students who do not attend college here in the county and employs a higher than state or national average number of people who are in positions that do not require a college education. Mr. Daniel said Piedmont Career Academy would like to graduate students who are ready to be hired into entry level positions throughout the County.

Mr. Daniel stated interest in touring the former Helena School to see if the facility will meet the needs for a viable public charter school.

Vice Chairman Kendrick said Mr. Daniel and the Piedmont Career Academy board of directors would be meeting and he wanted to give them an update for a preliminary look at the facility. Vice Chairman Kendrick stated support to partner to get them into the empty facility and asked the County Manager to set up a tour if the Board thought it was a good idea. It was the consensus of the Board to allow the Piedmont Career Academy Board of Directors the opportunity to tour and evaluate the former Helena School for use as a vocational charter school.

County Manager, Heidi York stated the County has some studies and cost assessments that she could share for information.

Ms. York told the Board that she had a meeting scheduled with Mr. Dan Holloman of Person County Schools and Dr. Walter Bartlett of Piedmont Community College for use of the former Helena School as a middle school alternative.

A **motion** was made by Vice Chairman Kendrick and **carried 5-0** to enter Closed Session per General Statute 143-318.11(a)(5) at 8:26pm for the purpose to consider the acquisition or lease of real property with the following individuals permitted to attend: County Manager, Heidi York, Clerk to the Board, Brenda Reaves, and County Attorney, Ron Aycock.

A **motion** was made by Vice Chairman Kendrick and **carried 5-0** to return to open session at 8:42pm.

ADJOURNMENT:

A **motion** was made by Chairman Newell and **carried 5-0** to adjourn the meeting at 8:42pm.

Brenda B. Reaves
Clerk to the Board

David Newell, Sr.
Chairman

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