

MINUTES – APRIL 15, 2013

The Caswell County Board of Commissioners met in regular session at the Caswell County Historic Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Monday, April 1, 2013. Members present: Cathy W. Lucas, Chair, Kenneth D. Travis, Vice-Chairman, William E. Carter, Nathaniel Hall, Larry G. Hamlett, Jeremiah Jefferies and N. Kent Williamson. Also present: Kevin B. Howard, County Manager, Brian Ferrell, County Attorney, and Angela Evans representing The Caswell Messenger. Paula P. Seamster, Clerk to the Board, recorded the minutes.

MOMENT OF SILENT PRAYER

Chair Lucas stated “I would like to welcome everyone tonight and I am glad everybody made the meeting.”

Chair Lucas opened the meeting with a Moment of Silent Prayer.

PLEDGE OF ALLEGIANCE

The Board of Commissioners and all the guests in the audience recited the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Jefferies moved, seconded by Commissioner Travis to approve the agenda as presented. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Commissioner Travis moved, seconded by Commissioner Williamson to approve the Consent Agenda. The motion carried unanimously.

The following items were included on the Consent Agenda:

- A. Approval of Minutes of April 1, 2013 Regular Meeting
- B. Approval of Minutes of April 4, 2013 Special Meeting

PUBLIC HEARING – PROPOSED 2012-2013 SECONDARY ROAD CONSTRUCTION PROGRAMS FOR CASWELL COUNTY

Commissioner Travis moved, seconded by Commissioner Jefferies that the Board enter into a public hearing to receive comments on the Proposed 2012-2013 Secondary Road Construction Programs for Caswell County. The motion carried unanimously.

Mr. Mike Mills, P.E., Division Engineer for the State of North Carolina Department of Transportation stated “Thank you Ms. Chairperson and fellow Commissioners. My name is Mike Mills and I am the Division Engineer for Division VII which does include Caswell County.

I do have with me Mr. Bobby Norris and he is our District Engineer for Rockingham and Caswell Counties. He can also help answer any questions that you may have. Does everybody have a copy of the program in front of them? I will go right through it. What you have in front of you is the 2012-2013 Secondary Road Construction Program. We do have available funds of \$1, 175,761 to use towards this 2012-2013 program. The very first thing is paved and unpaved roads and you will see the priority. The first is priority number 15; this is the Norman Barker Road. This is just to complete the funding. We came to you last year with this on the program and we did not have enough funds, it was only partially funded so now we are going to complete the funding and finish up that road. The second one is Rat Castle Road. This road was presented probably five, six, seven years ago or maybe more than that. We could not get the right of way so we had to put it on the right of way hold list. We have not had some interest from the property owners out there about getting this paved. We have surveyed it and got the right of way well the right of way on a portion of the road. I am proposing to you that we pave about .7 of a mile of the Rat Castle Road. We will leave about .4 miles unpaved. It will still be a stone road. That is \$460,000 for paving those two roads. If you turn the page about half way down you will see Paved Road Improvements. We are proposing resurfacing and strengthening Walters Mill Road in the northern part of Caswell County and that is approximately \$680,000. With that we have \$35,761 left and we will keep that for paving fire department drives, road additions, overdrafts and things like that. That is our total program for 2012-2013. I know this is a public hearing and I will be glad to answer any questions that the public may have or any of the commissioners.”

Chair Lucas asked “Mr. Mills I have a questions for you on the resurfacing and strengthening of Walters Mill Road is that the complete Walters Mill Road?” Mr. Mill responded “Yes, it should be on the map of where it ties in. It is all of SR1503 Ms. Lucas where it ties in at Providence. It starts at 86 and circles around to the southwest.”

Commissioner Jefferies stated “The Old Durham Road, part of it is in Leasburg and part of it is in Roxboro, Person County but you have three school buses that run down that road.”

Chair Lucas opened the floor up to public comments.

Mr. Calvin Johnson made the following statement:

“Good evening everyone. My name is Calvin Johnson. I live here in Caswell County on Topnot Road. My father bought that farm back in 1941 and it was a hard task for them to get the State to upgrade the road to be a dirt road, a good dirt road. Now it is a task for me to try to get it paved. It has been on the list, been on the list and I am wondering what I have to do or what can I do to get that road paved. Like the gentleman was saying part of that road a school bus comes down and what do you do. It looks like to me the more tax I pay the less service that I get. It used to be one time that when it came a big snow they would scrape the dirt road. Now it comes a snow the dirt road does not get scraped and I was just so thankful when my wife had her stroke that it was not the time when it was a deep snow because if it had of been the ambulance couldn't have gotten to my house because of the non-scraping of the road. I would just like for you all to look into it and tell me what can I do to help me along the way. Thank you.”

Chair Lucas asked "Thank you Mr. Johnson. Mr. Mills do you have any information on Topnot Road? Mr. Mills responded "Is that paved?" Mr. Johnson responded "No it is not paved. It is .9 of a mile long." Chair Lucas stated "It may not be on the list." Mr. Johnson stated "It has been surveyed." Mr. Mills stated "It may be on a hold list Mr. Johnson. When it was surveyed back in 2008 did anybody come by to sign the right of way up?" Mr. Johnson responded "To my knowledge everybody signed all except one person." Mr. Mills stated "I tell you what, let me check into that and see. It may be on the hold list like Rat Castle Road was. Let me check and see which property owner did not sign. If it is one in the middle we may not be able to partial pave the road but if that property owner did not sign but they live at one end or the other we will probably try to pave what we can." Mr. Johnson responded "The one that did not sign owns all on one side of the road. Everybody on the opposite side signed the papers and is in agreement of having it paved." Mr. Mills stated "Let us check and see, there is a criteria of where if the majority of the property owners sign the right of way and you do have one hold out we do have a condemnation process but it has to be so many people and so much land frontage and all of that. If I could get your telephone number?" Mr. Johnson responded "336-694-7070 and my cell is 514-0218." Mr. Mills stated "Let me check on that. When we get back tomorrow we will give you a call and tell you what we can do." Mr. Johnson asked "And what is your name?" Mr. Mills responded "Mike Mills. I will give you my card before I leave."

Chair Lucas stated "The next on the list is Mr. Joseph Johnson, Sr."

Mr. Joseph Johnson, Sr. stated "Good evening. My name is Joseph Johnson, Sr. I live on Old Bigelow Road and it has been hectic through the years. We have two buses coming down that road and it is so narrow that if you meet the bus you have to stop and back up a ways I would say about 300 yards or to the first pull of and let the bus come by. If anything happens and one bus is late or if one bus is early the two buses are going to meet. I am just so scared that something is going to happen. It is just a terrible situation that we are in. Like Mr. Johnson said about snow I have the same problem."

Chair Lucas asked "What does Old Bigelow Road connect to?" Mr. Johnson responded "It is off of Burton Chapel Road."

Chair Lucas asked "Mr. Mills do you have any information on that one?" Mr. Mills responded "It is on the hold list also. We surveyed it at the same time we did Topnot Road. Do you know if anybody did your right of way several years ago?" Mr. Johnson responded "Yes, there is one man that bought a farm on that road and he is the only one that has not signed." Mr. Mills stated "We will check on that also. Can I get your phone number?" Mr. Johnson responded "336-266-4100." Mr. Mills stated "We will check on that one too but apparently we have surveyed it and could not get all the right of ways so it was put on hold but we will check that out."

Chair Lucas stated "Thank you Mr. Johnson."

Commissioner Hall asked "Mr. Mills is there anything that we, this Board, can do prior to having these annual public hearings so that the public can be informed as to what the status of their road is? At this point what you have done is presented us a list and we hear of some problems perhaps somewhere six months before this list that we should have this list. We are in a public

hearing so..." Mr. Mills responded "We can. We come to the public hearing on our present roads that we know are either on the priority or like these two, we are completing the funding or the residents approached us after the last meeting and said we have changed our mind. It is difficult for us to know which ones have changes their mind unless they call us. That is normally how we get the road from the hold list to the other list when they call us and say we have had a change of heart we now want the road paved." Commissioner Hall continued "That is why I am asking the question. Is there something we can do prior to this date of this annual meeting because things could change, priorities could change, and issues with school buses, to me, would need some immediate attention." Mr. Mills responded "What we can do, we have a pretty healthy hold list, how many is on hold Bobby? A dozen or more?" Mr. Norris responded "About 25 or more." Mr. Mills continued "We have about 25 on the hold list and we don't mind contacting the property owners and see if they have changed their mind. We don't mind doing that. You will notice that this program is 2012-2013 funding we will be coming back to you again in 2013, sometime this year probably later this year probably August or September or something like that with our 2013 program. By that time Mr. Commissioner we can contact them to see if they have a change of heart and present you with that list at that time. That is all we need is for somebody to say we have changed our mind." Commissioner Hall stated "I am not suggesting maybe that you are not doing enough. I am suggesting maybe something in between because that person that changed their mind may not have a real interest in contacting you." Mr. Mills responded "That is what we normally find out." Commissioner Hal continued "But if we have this public session then everybody will know that they are still on hold and we have contact lists and you can say that we have contacted out of these twenty-five people we have contacted x number of them and they are still holding out." Mr. Mills responded "We don't mind, we can certainly do that because a lot of times you are exactly right. Some of these on the hold list could be ten to fifteen years old. Once people do not sign the right of way and we can't partially pave the road we put it on the hold list and we depend on them to contact us and it could be somebody has moved in now and they did not know the road was up to be paved. We don't mind either calling them or contacting them somehow or another to see if they have changed their mind. If they have changed their mind then we don't mind putting it on the program as far as we can. We still have limited funds and we can go back and get the oldest first. We can do that because they are in not alphabetically order, they are in numerical order as they come on the hold list. So we can go back to number one which will be the oldest we have and see if they have changed their mind. That is not a problem well not for me but maybe for Bobby. That is what the public hearing is for people to come to us and say look we have changed our mind we want you to look at our road again. Sometimes we can base it on the amount of frontage and the amount of property owners. It could be one hold out but like Mr. Johnson said they own the entire one side of the road. That may have killed it right there. It would not even qualify for condemnation but we will look at that and see. Sometimes the property owners may not sign, maybe they don't want to lose their rose bush or their pear tree and we can move the road over. We can tweak it a little bit to try to get it in. If not maybe we can pave as much as we can like we are doing on Rat Caste. We are going down .7 and fortunately everybody did not want to sign live on the end of the road so we are going as far as we can and the rest of Rat Castle will be on the hold list." Commissioner Hall stated "Thank you."

Chair Lucas asked "The \$35,761 that is left over have any of the fire departments made any requests for paving needs?" Mr. Mills responded "Not to my knowledge Ms. Chairperson. I

have not heard that.” Chair Lucas continued “Would the rear of this building be eligible for some of those funds?” Mr. Mills responded “This is normally, is that the drive for the fire department or the road?” Chair Lucas stated “It is at the back of the courthouse, you pass by the fire department.” Mr. Mills continued “Normally we maintain the area in front of the bays. That is what we normally maintain out of this money here. Now the road going down past it that could be some other funds to improve that.” Chair Lucas stated “Thank you.”

Commissioner Hamlett asked “How many dirt roads do we still out here?” Mr. Mills responded “I can tell you there is none in Alamance and Orange but there are still quite a few in Caswell, Rockingham and even Guilford. What is happening is we are getting down to the dirt roads that only have one or two houses on them. We are getting close to that in Caswell and that is a decision we are going to have to make if there is one house on it do we pave it and then it is like a paved driveway and where do we start saying is it worthwhile to do that rural road or is it worthwhile to do some strengthening like on Walters Mill or do some safety issues and things like that. That is what we will be faced with pretty soon.” Mr. Norris stated “There are 45 dirt roads left.” Mr. Mills asked “How many have one or two houses on it can you tell me real quick?” Mr. Norris responded “I don’t have the actually number of houses listed.” Mr. Mills stated “I can get that to you though. I can give it to all the commissioners. I will say this is what we have left and this is the house counts on them.” Mr. Howard asked “And that is the public roads only and not the private?” Mr. Mills responded “It is only the state maintained roads right.” Commissioner Hamlett stated “That is a lot of roads.” Mr. Mills responded “That is a lot of roads. We are a long way in Caswell, Rockingham, and even Guilford; I know Guilford and Rockingham are close to one or two roads. Alamance and Orange we have everything paved except for the ones on the hold list because all we are doing down there is paved road improvements and straighten some intersections out and things like that. I will get our latest list to everybody and the house counts.”

Commissioner Jefferies moved, seconded by Commissioner Travis to end the public hearing on the proposed 2012-2013 Secondary Road Construction Programs for Caswell County. The motion carried unanimously.

Commissioner Hall moved, seconded by Commissioner Jefferies to approve the proposed 2012-2013 Secondary Road Construction Programs for Caswell County. The motion carried unanimously.

PUBLIC HEARING – PROPOSED AMENDMENT TO THE CASWELL COUNTY WATERSHED PROTECTION ORDINANCE

Commissioner Hall moved, seconded by Commissioner Jefferies that the Board enter into a public hearing to receive comments on the Proposed Amendment to the Caswell County Watershed Protection Ordinance. The motion carried unanimously.

Mr. Brian Collie, County Planner, stated “Good evening Commissioners. I would like to give a brief power point presentation on the background summary of the reclassification changes. In 2002 the City of Roxboro requested that a Dan River segment of Caswell County be reclassified from a Class C to a WS-IV water supply watershed to allow for an intake structure to be placed

in the river in Milton, NC. This intake will initially serve Roxboro as well as the Town of Yanceyville and Milton with an emergency potable water supply source and eventually a permanent water supply source if needed. An interlocal agreement was signed I believe in 2008 by the Caswell County Board of Commissioners as well as the Town of Yanceyville, City of Roxboro and Person County. This agreement states Caswell County shall enact and submit to the North Carolina Environmental Management Commission a local water supply watershed management and protection ordinance acceptable to the Commission to utilize the water supply sources of the Dan River. (Mr. Collie showed a map of the area covered). What a WS-IV classification means it is a primarily classification that is assigned to waters protected as water supplies that are located generally moderately in a highly developed watershed. Before these waters can be classified to a WS-IV rule those two rules must be met. This reclassification area proposes to have a critical area and a protected area. The critical area is the area that is adjacent to the intake or reservoir where risk associated with pollution is high. This critical area will extend along the river from the intake which is located nearly .7 miles upstream of the NC 62 bridge in Milton to a point about one half mile upstream and draining into the intake. This critical area is nearly 200 acres and is located entirely in North Carolina. The protected area is upstream from the critical area in which protection measures are required. The land and waters that are within approximately 10 miles of the drain and intake are in the protected area. It is split nearly in half by the NC/VA state line. This area covers about 39 ½ miles in land and water bodies and 22,800 acres. (A map of this was shown). At the top of the map, that area is the critical area. The blue outline, the triangle, going from the state line is the protected area, the light blue area. The NC DENR reclassified this segment of the Dan River in Caswell County from a Class C to a Class IV on July 3, 2012. What that means is under the Watershed Protection Act required that Caswell County adopt and implement the appropriate watershed protection ordinance within 270 days. Caswell was given until March 30, 2013 to do this. How these rules will affect the property owners in this area. The WS-IV rules will only apply to new development projects. They require a sedimentation and erosion control plan. A sedimentation and erosion plan is requested when you are disturbing more than one acres of land. If you are not disturbing over an acre of land then you are not affected. As such residential projects involved in the construction of a single family home and small commercial projects would likely be exempt. All the current land uses are grandfathered in meaning that landowners on the Dan River can continue to operate on their land the same as before the reclassification. These rules will not affect the current minimum lot size, single family residential uses are allowed with a maximum of two dwelling units per acre. Our current subdivision standards only allow one dwelling unit per acre and will still supersede that. Forestry and farming practices are not affected in this reclassification. All other residential and non-residential development shall be allowed a maximum 24% built upon area within the critical area and 36% in the protected area. In addition new development may occupy 10% of the watershed area outside of the critical area with 70% built upon when you get a special residential non-allocation permit from the county. The allowed uses straight from the ordinance draft state single family residential, multi-family residential and non-residential uses. When it comes to agriculture operations they are only encouraged voluntarily to participate in the agricultural Cost Share Program and are subject to provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990. Silvicultural operations are subject to the provisions of the Forest Practices Guidelines related to Water Quality. Prohibited Use: Storage of toxic and hazardous materials unless a spill containment plan is implemented. New Landfills and new site for land application

of sludge/residuals or petroleum contaminated soils. Stream Buffer areas are required for development activities. A minimum of thirty foot undisturbed and an additional fifty foot vegetative is required along all perennial waters for development activities. Agriculture and forestry activities are exempt from these buffer requirements.”

Chair Lucas started to call up individuals that signed up to speak during the public hearing.

Mr. David Stiles made the following statement

“Good evening my name is David Stiles. I live in the Blanch area. I also work as a chemist at the water plant in Danville so I have a lot of knowledge about the water quality of the river there. I am here representing myself as a small farmer as well. One thing I would like the commissioners to consider before they essentially take and restrict the land use in this area is that even if there were no people activities in this portion of Caswell County we have this huge producer called the City of Danville there and they produce about twenty million gallons of normal waste a day which they treat and do a very good job of and during a rain event that can go up by a factor of ten so the river is not a pristine river. It is not pristine and because of my job activities at the water plant I understand there is a lot of waste coming down the river now from Eden and Mayodan and Roanoke and a lot of other cities that are upstream that the City of Danville is able to deal with quite successfully. Of course we would like for it to be cleaner but we are able to deal with it successfully. The idea that Roxboro would essentially take my use of the land away me or restrict it in some way without a clear need. I was at an earlier meeting where a person in Roxboro admitted they really did not need the water right now. Their initial plans were to build this reservoir to perhaps sell it to Durham and the Raleigh area which do desperately need water. Here is a gambit where you would be taking and restricting use land in Caswell County which is already extremely poor and providing this resource to another community for no good reason and like I said it is not even clear if you make it as restrictive as possible that you would have a great impact on the quality of the water in the river. I noticed this map very carefully excludes you can't tell that just at the edge of this gray zone is where the Danville Water Treatment Plant is so the gray zone goes right up to the Danville Water Treatment Plant or very close to it. Another thing to consider is half of the watershed is in Virginia and you can't do anything about the restriction of water there. I understand if the economy improves there are great plans for that area to be developed industrially so here would be an example if we restricted on this side of the water then we would be putting Caswell County behind the eight ball in terms of Pittsylvania County and we already have trouble competing with them anyway. I just want the commissioners to consider these facts and if this is something we are going to do we are not going to have a pristine river. That is just not going to happen. Thank you.”

Mr. Lawrence Bernard made the following statement:

“My name is Lawrence Bernard and I would like to urge the Commissioners to vote against it. It says that forestry and agriculture is exempt but there is no law stating that. It is just somebody saying that and it is going to affect a whole lot of farmers on restrictions and stuff. On our side of the river it is real hilly and the terrain is rough. It is 428 acres there and it has 11 live branches running on it that feed into the river. If you fence all of them off to keep the cattle out you could

hardly fly a helicopter across it. What I don't understand is how you can pump water from one basin river which is the Roanoke and the intention is Roxboro and they don't need the water, they actually had to go up on their rates because the industries moved out and they are not using the water and they went up on the water rates to justify the industries moving out. What I have heard the intentions are is to sell it to Durham and Wake Counties which will be pumping water out of the Roanoke Basin into the Neuse Basin and I don't think that is right neither. I would like to urge you all to vote again it. I would like to see a show of hands of the people in the audience that are against this watershed if possible. (A lot of people raised their hands.) Thank you ma'am."

Mr. C.L. Wentz, Sr. made the following statement:

"Good evening and thank you for hearing me. I am glad to see all of these people here. I live in Pelham. I have lived there for about 6 ½ years. I have a long background in public administration. I have served as county administrator, assistant county administrator, city manager, etc, etc. I was on the Roanoke River Basin Association Board of Directors and I made the motion to fight the withdrawal of the water from Bugs Island and or Gaston Lake to go to Virginia Beach. I had to resign that position because I quantified it to \$300,000 maximum expense by an agency that had no ability to raise money other than \$10.00 per capita for each county that bordered on the Dan River and that is not enough money. The first bill came in at over \$450,000 and I asked the chairman at that point, how do you pay it. We were possibly jointly and severally liable for those fees and I said oh no you have severally exceeded the authority of this board by about \$150,000 which is over 50% and I resigned that night. My point there is the future of Caswell County is tied dearly to the major water source of Caswell County. That is Dan River. I was born and raised in Danville. I fish on it. I love it but there are several problems. On the west side of Danville there are between two and five thousand geese. On the south side of Danville leaving Milton I know there are over two thousand because I have almost had to fight them with my boat to even get out of the water. My basic point is I have heard and I may not be right I don't know the statistics, the river between Danville and South Boston, I used to be the assistant city manager in South Boston, is probably one of the most polluted waters in the state of Virginia. So it is polluted. My question is, what do we do with geese. This has nothing to do with this issue but as people we need to drink and have water to live. Folks I am against this. I think that when we look at where are we going to be if this is a 40 year deal. Roxboro has our water. They are out of the basin and we want to grow for our kids and our grandkids where are we going to get the water from. If you give it to Roxboro or anybody else without saying no because we need it for us. Please wrap your hand around what that is and you say well I have no capacity right now. If you let everybody else jump in the pool there is no capacity for you to get in and out of the pool. Please, please think seriously about the long range influence and consequences of walking into this and not saying no because it affects, I may not live 40 years and I probably won't but our kids and grandkids will. As I understand it right now we are one of the poorest counties in North Carolina. My desire is to rid us of that moniker and the only way to do it is to develop. That is water. That is sewer. That is road and folks we don't seem to see that. You all have an awesome responsibility. Again I was a non-elected official but I will tell you I respect every one of you. You have an awesome job. All of these people out here are saying do it with some of what I am saying in mine and the other side is and I hope I am not offending anybody and I hope not but I believe in Jesus Christ the Lord. Turn it over to the

Lord. Think about this before you go walking down a road that may take us to a road that we don't want to be on. I have a lot of say but I am not going to say much more but there is one or two things that I want to know. 23,000 acres are affected. How large is Caswell County's total acreage? If you don't know a number is that 1/10, 1/5 or whatever." Chair Lucas responded "It is 422 square miles." Mr. Wentz stated "Well that does not tell me how many acres. I don't know the acres well anyway I don't know what 23,000 acres is either. But my basis is we might need to figure that out. We are giving a pretty big chunk of this county with some fairly significant things to meet. I look at the industry in this county and I don't see a lot. Folks you have to develop industry. The other thing is we have to educate our kids. We can't do that if everybody is stealing our waters and stealing our industries and we don't have any jobs and our schools our dragging us to tax. How do you stop the bleeding? You don't give your water away. I could sit here and go on and on and on. I am very opposed to it. I think you have an awesome job and I hope these people hold you to the rail. God bless us all."

Mr. Thomas Bernard made the following statement:

"Good evening Madam Chair and Commissioners. I am Thomas Bernard, 608 Bernard Road, Milton. I too am opposed to this. I have one question for Mr. Collie. There is a statement in there that says agriculture and forestry will be grandfathered in. Where in the statutes is that located please sir? I just need a statute number." Chair Lucas stated "For those of you that don't know we have four representatives from the Division of Water Quality with us tonight. Ms. Julie Ventaloro with DENR responded "Where it talks about agriculture can be found in the rule. I don't think it specifically states it in the statutes but in Rule 15A." Mr. Bernard continued "But it is not a statute?" Ms. Ventaloro responded "I don't believe it is in the statute itself. I don't think it is addressed either way in a statute." Mr. Bernard stated "It is a rule. So it is not in a statute?" Ms. Ventaloro responded "I don't believe so." Mr. Bernard continued "Because I never could find it in a statute. I am going to echo the sentiments of the speakers before me. This is the second time that the City of Roxboro has come in and did it to Caswell County. They did it to the Roxboro Lake. Then it is my understanding they came to the commissioners and the commissioners turned them down the first time, I don't know. They turned them down then they came through well I call it the back door by way of Yanceyville and condemned land right outside the jurisdiction of the Town of Milton. To me that is wrong. It is taking Caswell County's resources away from us. Like the gentleman said we may not see it but our children and our grandchildren and our great children should be. Therefore if you will look on your map where the river comes down from Virginia through Caswell you will see that there is not a whole lot of development there. There is a whole lot of agriculture and forestry land through that area. These people make their livelihoods off of that. I think there is a good job going on along that river. I dare say once they get their foot in the door then it opens it up to more restrictions, more restrictions, more restrictions. Thank you Madam Chairman."

Mr. Wells Barker made the following statement:

"Good evening. My name is Wells Barker. I currently live in Beaufort, NC but I spent my first 35 years of my life on my family farm near Milton and we still maintain a residence and farm there. Thank you for having this public hearing and for allowing us to speak regarding the reclassification issue. I am opposed to the reclassification that will put land use restrictions on

23,000 acres of Caswell land in order for Roxboro, Person County to take water from the Dan River near Milton. If Roxboro, Person was in need of this water I am pretty sure Caswell would be willing to share its natural resources but there is no need. Roxboro's recent water report to the State projects Roxboro will only be using 52% of its present water supply in the year 2050. Almost forty years from now they still will not be anywhere near to running dry. The restrictions that come with the reclassification will affect development, agriculture, transportation, forestry and so forth for a minimum of forty years. Quoting from the NC Division of Water Quality 'before you buy property, plan a new development project, construct a new road or undertake other land use activities you should check with local, state, and federal agencies about the assigned surface water classification for the water body on your property. Many classifications especially those designed to protect drinking water supplies and certain high quality water have protection use rules which may affect land use and other activities.' So they recognize that it is not just something off your cuff. These regulations can be more even more restrictive at any time after the initial reclassification and often are. An example is the new regulations being developed and enacted for the Jordan Lake Watershed which includes some land in southern Caswell. To think that in the future that some of the same regulations won't be enacted on the land along the Dan and its tributaries is being naïve. From the Division of Water Quality Jordan Lake Nutrient Management Strategy new rules require a fifty foot wide riparian buffer on all surface waters including intermittent and perennial streams, lakes, ponds and reservoirs. New agricultural rules may include vegetative buffers from ten to one hundred feet, fencing setbacks for livestock are ten to one hundred feet, and so far. It will all be up to what the Soil and Water Conservation Commission, the Environmental Management Commission, the Division of Water Quality and other decide are the best management practices for the watershed. I urge you as Caswell elected representatives to stand united to protect Caswell's natural resources and work to persuade the legislature to rescind this reclassification water deal. Our current North Carolina Governor is repealing lots of deals made during the previous administration's reign. If it can be done at the State level it can be done at the County level. Thank you."

Mr. George Daniel made the following statement:

"Thank you Madam Chairman and members of the Board. I want to echo all the sentiments and I think very eloquent sentiments have been given by the previous speakers and I want to thank you for your willingness to hold this public hearing during this meeting. I know there are a lot of comments and misinformation that goes around but there are some facts that are unrefuted. The facts that are unrefuted are that the Dan River winds from Virginia through Caswell County for a certain distance and back into Virginia. Danville has now rediscovered this river. A lot of money is going towards it. As I understand it, I sit on the Danville Regional Foundation Board, and a lot of money is going to be put in that redevelopment or development along the river now where they are taking the old textiles where they had the back end of the buildings facing the river and turning it so that the enjoyment of the beautiful stream of water that goes through there can be enjoyed by all. We need to take heed in that because North Carolina has a program, a very similar governmental program that allows for the State to declare natural and scenic rivers and it has been done throughout the State even in statute where you are dealing with the Lumbee River, where you are dealing with certain portions of it. You are dealing with Horse Pasture River in Transylvania County and Linville River and even when they are classified whether it is recreational or whether it is natural or whether it is scenic the one thing that if I interpret with

right in the statute and looking at natural and scenic rivers there is a prohibition for certain things to be performed or done in those river basins and one of which was the actual putting of a water impairment device. I just looked at this quickly before I came here. The State Utilities Commission may not permit the construction of any dam, water conduit, reservoir, power lines, transmission line or any other project works on or directly affecting any river that is designated or as a component or potential component of the state natural and scenic river. Now I am not trying to throw a red herring here but I do want you to know that Caswell, the main use we have had for that river as we know it has been a source of certainly pleasure, beauty, fishing, hunting, wildlife, that river has a history. That river has a history that is tied to this county that goes back to the time before when the Sauratown Indians, there were exports being taken all the way down to the Albemarle Sound. This history is certainly significant in this county because you have to do harp it back on what this county was built on and we road that horse for almost 200 years and that is tobacco. It was the transportation system for that long before the plank road and long before the railroad went to Danville and missed Milton. That is what the use of this river was. Before that a lot of these folks that have land along this river know that the Indians had the fish traps which are of great historic importance. Why does this come out when we talk about whether this is a agriculture use or where you have forestry affected I will tell you why because this gentleman back here sited it very eloquently in that our opportunity with dealing with this river basin and the water that runs through it has to do with inviting people to come into an area that has not been developed. They want to get away from the Triangle. They want to get away from the Triad and they want to participate and communes with nature whether it is on a kayak or on a canoe, whether it is on a john boat, whether it is duck hunting, whether it is swimming, tubing what a wonderful place to put in at the Dan Daniel Park and take out at the Milton take out area. These kinds of things are the things that we should be focusing on and not necessarily joining in with what Roxboro, the City of Yanceyville wants to do with the water. I was the lawyer for the landowner. We fought the condemnation act and we lost. The County fought and went all the way to the Court of Appeals. Boards change and times change. If you look at the changes that have gone on since we were involved in that fight. At one time Dominion Resources was wanting to put a surplus power plant over in Person County and that water was possibly going to be needed as a backup for whatever the reason. When that did not happen there was a lot of money spent by the City of Roxboro to do that so to make good on their already investment that is when the approach was made and Yanceyville came in and then the rest is sort of history. The thing here is because one thing about it Brian's Dad is a darn good lawyer. Wake County attorney for 20 some years and I know when they entered into that interlocal agreement he did what he could do to try to at least give this county an opportunity if all else fails and that is if this thing goes through and it is not stopped now by this and it is not stopped later by the historical and scenic river way. If it is not stopped somehow by Virginia doing what they can do there is going to come a time Roxboro if they are successful when they take water out of that river and they are not using it within the confines of Person and Roxboro it is going to be an agreement between Caswell, Roxboro and Yanceyville as to selling that water outside. Now you say well okay that is fine and dandy well let me tell you why I bring that up tonight because I understand there have been some fear tactics that have been put out that Caswell is going to be sued. If you don't follow through you are going to be sued thousands and thousands of dollars. Well suing is something that I know a little something about. To sue somebody you have to prove your damages. Let's talk about our damages here. If the damages that Roxboro wants to sue for are the investments they put in to give water to Dominion Resources that was

the purpose they chose to do that and with this contractual agreement, with this interlocal agreement, you are on the hook for these damages. Well one of the first questions I would want to see asked if that happens if you stand in the gap as this courageous board I would want to ask how many of those expenses that was spent for this were reimbursed by Dominion Resources. Have you already got that money back? Oh and you want to base your damages on the future sell of water? Mr. Barker just said they don't need any water until 2040 but if you want to base your damages on potential sale of water how do you have a potential sale when the agreement still lies with the three parties and all three parties have to agree to sell the water anyway. I ask you as you are making your decision I know there is the DENR side and if things are not done then Caswell may end up facing daily penalties but I want you to know that it strikes me as mighty funny for an agreement that was entered into in 2002 and then I think the interlocal agreement was entered into in 2008. Now I don't have the interlocal agreement in front of me but it should have spoken to when the reclassification was going to take place. I recall there was something in there about it and if it was here we are 4 years later after the interlocal agreement and 11 years after the request of the reclassification. Somewhere in there seems to be, why would somebody wait so late in the game to now be requesting this reclassification and certainly could it be that July 3, 2012. Do you know where you were last July 3rd? I know where I was. I was on Hyco Lake getting ready for July 4th and I was not thinking about the reclassification of the Dan River. How that thing ended up going through the legislature at that time without, at this point in time, without any knowledge or any input from you, the county leaders, I don't know but I do believe you owe it to yourself, you owe it to the people that you govern for to determine how that happened. I believe DENR would give you the time to do that. I think you need to do that because it is amazing how some of these things sort of just happened and then you looking in the paper and say I did not know that was going on, not through your fault. It is just amazing how some of that happens and there needs to be a follow up on that because this is probably one of the most critical issues that you board members will be dealing with tonight and for a long time because water is our future. The more that we can protect the water that runs through our borders the better the story we will be able to tell our children. Yes we are working for you. We are not just giving lip service. We want you to come home. We want you to have a place to live, to work, to play and to recreate and we want you to invite your friends. We want all people to come into this county and see how pretty it is and leave some of their money here and go on back and reload and come back next weekend. Folks if we continue down this path then again Caswell's future is going to be hamstrung and restricted yet by somebody a little smarter, a little quicker, a little whatever than we are. It is time for it to stop. It is time to take the stand. It is time to stand in the gap. If we face a law suit, members I will be and I am on record right now I will be out beating the bushes for you. Let me tell you something we have a courageous board of commissioners because they are standing up for us and they are not going to let anybody run over us. I ask you, I urge you whatever it takes slow walk it, deny it, do what you need to do and if somebody threatens to sue you bring it on."

Mr. Gwen Hunt made the following statement:

"Good evening Commissioners. How are you? My name is Gwen Hunt. I own property near the Milton area and I actually border up against the wetlands so I have a couple of questions that I would like for you all to consider. Hearing from the four representatives here. I don't really have an argument because I was just writing notes as I heard them but I do have a couple of

questions I would like for you to consider and I would like for you to consider rejecting this. First, this is a very nice generic map. It does not show any detail. You have landowners that came in here to give their time tonight and it would have been nice to have something more blown up on the river to see what exactly we are talking about here and not just a general map. Documentation. Where was this advertised? I found out about this by word of mouth. Where is this located? What is the address for the website? Tell me where I can go to get this information. Also it was mentioned about being grandfathered in, that has been addressed by previous speakers does this contain a detailed project time line? Everyone is throwing around 40 years but I would like to know is there a timeline. You don't have to answer I am just asking this for consideration. Once again you are taking water downstream from a wetland area how are you going to purify that? I mean think about it. Also one last request, can we please have a detailed communication plan. You have all of this here please tell us how to get in touch with you. We will give you emails, telephone numbers and addresses keep us informed on what is going on. Thank you for your time and consideration."

Chair Lucas stated "You did ask a very important question and I would like to address it to Ms. Ventaloro. Do you have a time line, just for clarification purposes, on the actual reclassification that took place in July? Do you have a time line that leads up to that?" Ms. Ventaloro responded "Do you mean how we got to this point? Well I was not much involved with that. I have a general idea of how that happened. I believe it started about 2002 from a request for a reclassification to a water supply which is what you need in the state of North Carolina." Chair Lucas continued "So a request actually came to you in 2002?" Ms. Ventaloro responded "I believe it came to NC DENR. I don't know if it was the Division of Water Quality at that time or not but it would have come to us. I don't really know what happened a few years after that but I know things picked back up around 2007 or 2008 and things were moving forward and it generally does take a couple of years for a reclassification to go through even if there isn't any controversial issues associated with it. This particular one I believe was approved by the Environmental Management Commission in 2011 and then it went to the Rules Review Commission which is standard procedure. They approved it after that they got..." Chair Lucas asked "Do you know when that happened? Was that the July 3rd?" Ms. Ventaloro responded "No not yet. I think that was sometime in 2011 sometime around September where it went to the Rules Review Commission and after that there is a rule in North Carolina where if they receive 10 or more letters of objection..." Chair Lucas stated "And that did happen." Ms. Ventaloro continued "and that did happen so there was a little bit more of a delay before it went into effect and I am a little fuzzy on the process but it went to the legislature at some point after that. They think they could have decided against it or in favor of it or not even considered it which is what I think is what happened so in essence automatically went into effect on July 3, 2012. Some of this explains why this has taken so long. I don't really know between 2002 and 2007 what was going on." Chair Lucas stated "According to the agreement it said within 60 days of the execution of the agreement that Caswell County should enact and submit the changes to the ordinance and obviously that did not happen." Ms. Ventaloro responded "Right and from my understanding that is not a requirement from the State. I don't know if that is just something that you worked out with Person County but the only thing that we, the State, would look at is the 270 days that Brian mentioned after July 3, 2012. 270 days after that date is when the ordinance should be adopted."

Commissioner Carter asked "I have a question for the Division of Water person if she could come back up. You are saying the State reclassified it in July of 2012?" Ms. Ventaloro responded "Yes." Commissioner Carter continued "Was the Haw River and the Dan River reclassified at the same time." Ms. Ventaloro responded "Yes but the Haw River was a little bit a head of the Dan River. I don't remember the date on that. I want to say it was six months or so before that but I am not entirely sure." Commissioner Carter asked "The other question I had is why was it reclassified?" Ms. Ventaloro responded "It was reclassified; a water body needs to be classified for a water supply for public drinking water sources before any water can be taken out of the river for potable water uses for the public." Commissioner Carter stated "I am hearing a lot, I was not on the Board when the Roxboro thing happened in the past but I keep hearing the Roxboro thing but to the best of my knowledge I have not heard where Roxboro has approached the county or the town or anybody to get water out of the Dan like they did before. So I guess my question to you is it is not based on Roxboro or Caswell County on the reclassification?" Ms. Ventaloro responded "Well the reclassification is something the State requires in order for an entity in this case Roxboro who requested it initially to be able to draw water out of a surface water." Commissioner Carter continued "So it has been reclassified?" Ms. Ventaloro responded "Yes, it was reclassified as of July 3, 2012." Chair Lucas asked "But you are saying the initial request took place in 2002 from Roxboro?" Ms. Ventaloro responded "That is my understanding." Chair Lucas continued "And it just lay dormant all that time until 2008?" Ms. Ventaloro responded "I have limited knowledge of what went on. I don't think it was held up on the state's end of things. I think there may have been some local issues being resolved during that time but I am really not very familiar with that."

Commissioner Carter asked "I am getting what you are saying. I am thinking the Dan River because I know the Haw River was reclassified and I think the state just went ahead and reclassified the Dan River also, right?" Ms. Ventaloro responded "Yes."

Mr. Collie stated "I am Brian Collie. I am an employee of Caswell County. If anybody want to speak with my outside after the public hearing to get my contact information to you. There is not a copy of this draft on Caswell County's website right now. There is a model of it on DENR's website under the WS-IV rules but I an email you or paper copy you a copy of this ordinance. I am sorry I did not bring the blown up maps but I can get you a copy of that. Anybody that wants to talk to me after this public hearing is over, please do. I will give you my contact information so if you have any questions I can answer them."

Commissioner Carter stated "I have one more question because I had a lot of calls this weekend. The main person that called me is not here tonight. I know it has been presented by Brian and his main concern was the agricultural part. I know you have already reclassified it but according to what I have researched on it is it not going to affect the farmers, the WS-IV? It is the same was the WS-II or the Class C." Ms. Ventaloro responded "That is correct, yes." Commissioner Carter continued "The only thing I saw was the 10 foot buffer from the stream is that correct?" Ms. Ventaloro responded "That is encouraged. Agricultural operations are encouraged to have a 10 foot vegetative buffer only in the critical areas and that is the half mile area around the intake or they can use an equivalent control and that call is made by the Soil and Water Conservation Commission." Commissioner Carter asked "The intake has not been built yet has it so it is not a critical area until the intake is built is that correct?" Ms. Ventaloro responded "I see what you

are saying but actually as far as the State is concerned it is currently a critical area there and is classified that already. The State is already implementing a couple of programs that we are responsible for in regards to application of sludge.” Commissioner Carter continued “As far as basic farming operations nothing is going to change as it was with the Class C, is that what you are telling me?” Ms. Ventaloro responded “Correct, nothing in the water supply watersheds will affect agriculture or forestry.”

Mr. Wells Barker asked “You can guarantee the people in this county that they will never be more restrictive in the future, is that what you are tell me because that did not happen with the Jordan Lake Watershed? They are now a WS-IV NSW. So if you are telling me that you can guarantee me that this will stay a Class IV with no additional restrictions forever and ever?” Ms. Ventaloro responded “No I cannot say that. What I can tell you is as you have seen from this the reclassification took quite a while and there was a number of opportunities for input and that would be the same if there was down the road, however many years from now something else it is a long process with opportunities to...” Mr. Barker continued “Will that be like the last state reclassification public hearing that was held and it was not posted in our local paper and it was not posted in our public library would that be the same kind of notification you mean?” Ms. Ventaloro responded “Well I hope not. We did submit a request to publish that information in the Caswell Messenger and several other papers and we sent it to the public libraries. Whether they chose to publish it or not was up to them.”

Mr. Gwen Hunt asked “Was it requested to submit a press release?” Ms. Ventaloro responded “I believe it was a request. We follow the requirements that we have for public notification for this type of hearing.”

Mr. Thomas Bernard asked “The first public hearing was held at North Elementary School which is on the Danville, VA line. Why was it not held right near the critical area in Milton, NC? Why was it that nobody in Milton knew about it?” Ms. Ventaloro responded “I can’t speak to how the location was chosen, I am sorry.”

Chair Lucas asked “Julie have you ever know of a reclassification to be reversed? Do you have personal knowledge of this?” Ms. Ventaloro responded “I don’t have personal knowledge of that.” Chair Lucas continued “Would any of your other association have any knowledge of any reclassification that has taken place as being reversed?” Mr. Corey Mason responded “I recently served as a hearing officer for a process very similar to what you just described where a municipality requested that a formally water supply classified waters were reclassified to a Class C water because they were no longer using the water supply and they asked that it be reclassified back to a Class C and that is still pending at this point.” Chair Lucas asked “So a municipality petitioned DENR is that correct?” Mr. Mason responded “That is correct.” Chair Lucas continued “For that reversal?” Mr. Mason responded “It was not necessarily a reversal just a reclassification.” Chair Lucas asked “A reclassification back to the original Class C?” Mr. Mason responded “That is correct.” Chair Lucas continued “So that has happened, well it is pending currently?” Mr. Mason responded “It is pending that is correct, yes ma’am.”

Mr. Jason Daniel asked “I have a question regarding farmland; if we go and clear more land than an acre on our farms for agricultural use will we still have to put up catch basins, silt fences and

stuff such as this?” Mr. Collie responded “No the sediment and erosion control is for residential, industrial and commercial and not agricultural.” Mr. Corey Mason responded “It would be good to request an agricultural exempt from this process.” Chair Lucas asked “How would the farmers know about that, an agricultural exemption? How do they know to go through that process?” Mr. Mason responded “That can be found out through the local Soil & Water Resources Commission.”

Chair Lucas asked “At this time I would like to request that Brian Ferrell if you would weigh in on the knowledge you have to date concerning this issue.”

Mr. Ferrell responded “Well what I understand about where the county is in this process right now. The portion of the Dan River that is under discussion tonight has been reclassified by the State. That reclassification triggers certain statutory requirements for local governments to do certain things. One of those things is within 270 days of the reclassification to adopt the watershed ordinance similar to what is in front of you tonight which is based on the model ordinance. The statute that requires the county to do that under certain potential penalties. My understanding is and we have the representatives here so they can speak to this can be up to \$10,000 a month if the State comes in and implements these regulations that the county does not implement on its own. So the statutory scheme is such that the county has an opportunity to enact the watershed ordinance. The State has the ability to come in and implement the program for Caswell County if it is not done at the Board level. You are in that process now. The State deadline for implementing these regulations expired on March 30th. I had an email at my place this evening that reflects if the County is interested in making a request to extend that deadline for 60 days that request would be considered by DENR but again I am acting off an email that I have at my place tonight. Currently the timeframe allowed by statute to the County to implement these regulations has expired and there are potential penalties that could flow as a result of the expiration or failure of the commissioners to enact this ordinance. That is one piece of procedure and time line that is in front of you. Of course you have heard about the interlocal agreement. A predecessor to this Board entered into an agreement with several other parties in Roxboro, Person County, and Yanceyville by which it agreed to support the reclassification effort by implementing these regulations. There were time periods that have long since expired as per contract were due within 60 days my understanding was it was not right within 60 days because the State has not acted but you have heard a potential defense this evening from Attorney Daniel to that certain provision of timeline provision of the agreement. I think the public also needs to understand the agreement was set up in such a way that if the county is in breach, does not fulfill its obligation there could be significant liquidated damages assessed against the county. There are two, in my view, legal issues that the Board needs to consider and be aware of and one is the statutory scheme that we find ourselves in and two is the agreement. Now I have written to you an attorney/client privilege letter with some more in depth analysis of those two issues but at a high level I think that is where the County finds itself. My recommendation this evening would be to receive this information that was presented at public hearing, give your Planning Board, which under the amendment process under this particular ordinance has an opportunity to weigh in on the amendment, hear back from them to the extent the Board wants to take further action on moving forward with the ordinance. I am happy to answer any other questions that you have. One other recommendation I have, I recommend that this Board tonight consider requesting formally that DENR extend the time for the County’s

adoption of this ordinance by 60 days as per this letter because technically we have missed the deadline.”

Chair Lucas asked “I would like to ask because I would be interested to know, has DENR ever come in and taken over a local program like this?” Ms. Ventaloro responded “We have initiated the enforcement process on two local governments and during that enforcement process which required that local governments have at least 120 days to come into compliance at that point as your attorney said we can assume responsibilities for the program. In both of those cases they were resolved within that 120 day time period so we did not ever have to assume that program.” Chair Lucas asked “So there is still time built into the process if it is deemed that you are going to do it?” Ms. Ventaloro responded “Correct.” Chair Lucas continued “For 120 days?” Ms. Ventaloro responded “Correct.”

Commissioner Travis moved, seconded by Commissioner Williamson to end the public hearing on the proposed Amendment to the Caswell County Watershed Protection Ordinance. The motion carried unanimously.

Commissioner Jefferies stated “Madam Chairman I would like to make a motion. I would like to withdraw my vote for the reclassification. I have heard from our representatives in Milton and other parts of Caswell County. I heard what my people want and I represent them. I feel like I owe this to them. I want to withdraw it. If they charge us \$10,000 a month they know it is going to be one penny and a half on your tax bill whatever the fee. But I feel like I have heard from these three and other people in Caswell County. I want to make a motion to withdraw my vote for the reclassification.”

Commissioner Jefferies moved, seconded by Commissioner Hamlett to bring the issue back to the table for a vote.

Mr. Ferrell stated “I want to make sure I understand what the motion is. Votes that have already been taken are just that. So whatever this Board wants to do it is not a reversal of a prior vote. It will have to be in the form of a new action that the Board takes.”

Commissioner Jefferies stated “I would like the motion to come back up to reclassify the Dan River Watershed.”

Commissioner Jefferies moved to reclassify the Dan River Watershed.” Mr. Ferrell responded “Before you move forward let me say the reclassification has already taken place.”

Commissioner Hamlett stated “He want to go on record that he is opposed to what he has voted on prior.” Mr. Ferrell responded “And the public record will reflect that you have opposed your prior vote since you have listened to the audience and you have heard them. Nobody has to second that on this Board if that is what you intend to do and the public record will reflect that you have listened to the testimony and that you have that stance now. I don’t there needs to be a second for that to take place.”

Chair Lucas stated “Now we need to entertain a motion to not amend the Caswell County Watershed Protection Ordinance from a WS-C to a WS-IV. That would be the motion that we would need. We have a proposed amendment to the Caswell County Watershed Protection Ordinance and it has been amended to read that it has changed from a WS-IV to a WS-C.”

Commissioner Carter stated “Madam Chair I have not heard a motion and our attorney said tonight said he thought we should not action on this tonight and to wait until he sends us some more information.” Mr. Ferrell responded “The way the Caswell County’s Watershed Protection Ordinance is set up is the Planning Board has an opportunity to make a recommendation to this Board before it acts and my understanding is what the Planning Board did at its last meeting when they considered this was the wanted to wait until the public hearing so they would have the benefit of this information before it made its recommendation to you. Therefore, my recommendation would be don’t act until you have your feedback from the Planning Board and I think that is the right process under your ordinance and perhaps I was not clear about that earlier.”

Chair Lucas asked “Do we need a motion to that affect?” Mr. Ferrell responded “No it has already been referred to the Planning Board. My understanding is the Planning Board is in the process of considering it now pending public hearing. Again the only motion that I think the Board might really want to consider because of where we are in the timeline I just mentioned is asking for DENR to give a 60 days extension while this process continues to work its way through.”

Commissioner Carter moved, seconded by Commissioner Jefferies to request DENR for a 60 day extension on the amendment to the water reclassification thus giving the Planning Board time to act on it and report back to this Board.

Commissioner Hall asked “To our counsel, once we request this extension when does the 60 days start?” Mr. Ferrell responded “You know that is a good question. I don’t know if they would consider it starting as of March 30th but I do think assuming it is March 30th, April 30th, May 30th you would still have time at your first meeting in May, I believe it is May 5th there about, to deal with it in advance of the expiration of the 60 days and that is assuming it just relates back to the March 30th deadline. Perhaps we can ask if they will consider 60 days from today.” Chair Lucas stated “I think the intent is from when it is granted that that would be the starting date.” Mr. Ferrell asked “From when the request is granted?” Chair Lucas responded “Yes.” Mr. Ferrell continued “Okay so we can ask for a full 60 days from the date of the request, from the date the request is granted. Anybody here, have you heard that request before and do you know if that is something that you would consider?” Mr. Bradley Bennett with the Division of Water Quality responded “Yes we can consider that. I think that is appropriate for us to consider that.”

Upon a vote of the motion, the motion carried unanimously.

RECESS

The Board took a brief recess.

PUBLIC COMMENTS

Chair Lucas stated “

Vice-Chairman Travis asked if there was anyone that would like to speak during Public Comments. With no comments Vice-Chairman Travis declared Public Comments as closed.

Chair Lucas stated “Next on the agenda are Public Comments and we will hear from Mr. Bobby Aldridge. I would like to just take note that he is one of our former county commissioners that sat right up here where we are sitting so if you would just step forward. A 20 year veteran of the board of commissioners and I think we need to sit up and take notes as to what he has to say.”

Mr. Bobby Aldridge stated “The only thing, this meeting place over here is very sorry place to be. I can’t hear well and I have not heard anything that has been said. I know you all have a tough job. What I want to talk about tonight is I have seen a lot of absentees from meetings, 3-3 votes. I think I served 20 years and went through two or three major operations and never missed a meeting. I think that you are obligated unless you are sick or a death in your family. You know when you run. You know when the meeting dates are and I think you are obligated to vote on everything that comes through. You are serving the people. Everything you vote on is going to be controversial. You are going to help some people and you are going to hurt some people and I understand that but I think it is your duty to attend every meeting unless it is a real emergency in your family or death. That is what I came to speak on and I talked to Travis several months ago and I said I had been concerned about it and he said to get on the agenda. I just had not done it. I realize you all have a tough job. I know what you go through with and I know the money is getting tighter than it was then so you just have to do what you think is right. You will make some mistakes. You will make some votes that you will regret. I have done that and when I got home I told my wife I voted wrong but I had done voted. Thank you for the opportunity to speak to the Board.”

Chair Lucas stated “Thank you so much for being here tonight.”

APPROVAL OF LAW ENFORCEMENT EXTENDED SERVICES BY BRENNAN

Mr. Howard stated “Since the last meeting I talked with Mr. Brennan on the phone and tried to get him to come up here to a meeting. He could not do that but he did send an email. I have talked with him since he sent this email and he is willing to continue based on the original letter he sent for \$13,500 a month to cover general conditions and then an hourly rate that would cover an off-site personnel or architects, etc and he is saying it probably would not exceed \$12,000 a month so that is a total of \$25,500 a month for March, April and May. That is what they are talking about at this point in time.”

Commissioner Travis asked “So what you are saying is \$75,000?” Mr. Howard responded “Correct.” Commissioner Travis continued “That has not dropped down a lot since the last meeting.” Mr. Howard responded “It is the same.”

Commissioner Hamlett asked “Are they still working?” Mr. Howard responded “Originally he said Friday would be their last day. After I talked with him he did agree to have somebody out here today.”

Commissioner Travis asked “Are the contractors still working?” Mr. Howard responded “Yes we have had someone on site so yes some of the contractors are working.” Commissioner Travis asked “Some so everybody is not working?” Mr. Howard responded “Not everybody needs to be on site at the moment but everybody that is on site is the ones that need to be on site. An example would be the plumbers; they are finished with everything they can do at this point so they are not on site now.”

Commissioner Carter asked “I just have a question maybe the Sheriff or Dennis can answer this. It is my understanding that we are 95% do you think we will be finished by the end of May?” Mr. Foster responded “If all the contractors continued like they are now they should be finished by the end of May.”

Commissioner Hamlett asked “That piece we were waiting on has it come in, the piece for the top of the building?” Mr. Foster responded “I had an email from my contractor that was responsible for this and he said it was definitely going to be here Friday and it did not show. We contracted the manufacturer and this is straight from the horse’s mouth it will be here April 29th or 30th.”

Commissioner Carter asked “I have a question that the Sheriff may answer. How crucial is it with you being in the new jail as far as housing the federal inmates or if you can tell us a little bit about that.”

Sheriff Michael Welch stated “I would like to respond to that. First of all I would like to talk about the positive things that have been happening. The Sheriff’s Office has been preparing for the transition for the move. We are frustrated. We definitely want to make that move as quick as possible. We have been working with the federal and state agencies to make sure that we address the revenue that we had talked about. We are very ready to start making that move and we want to do that as quick as possible.”

Commissioner Carter asked “When we move into the new facility it is my understanding that we will be able to house more federal inmates, is that correct?” Sheriff Welch responded “Yes. If I can remind the Board that a part of the planning process we had already started holding 10 of the federal inmates for the U. S. Marshals and the Board did approve to put that money into a contingency fund. Just in one year’s time we have generated over \$203,000 in revenue.” Commissioner Hamlett asked “In the old facility?” Sheriff Welch responded “In the old facility. That is correct. There has been misinformation, propaganda, there have been agendas, it is our goal to make sure that we have a staff that is prepared to make the move. It is our agenda, it is our professional duty. The County Commissioners at the time took a problem and I will draw from the themes of the previous meeting you know I heard about the future. This was an initiative that was long term, addressing a problem, looking towards the future of Caswell County. We also heard this information. It is our responsibility to make sure that we put the information out there for the public to make sure that the information is correct and so that it is

not serving a political agenda. We also heard from the earlier agenda that you are looking towards the future and that is what our staff has been preparing for. There is one time, as Sheriff I am always available if there is something that needs to be addressed by the Board of Commissioners or by the public then I am available to answer it. I have guidelines that I have to follow just like the Board of Commissioners have to follow their rules and protocol. I always encourage if there is something that needs to be addressed we have been very forthcoming with our transitional team but it is my responsibility to make sure that information gets to the public. We have been very forthcoming. I honor the working relationship with the Board, the working relationship with the County Manager, with finance, with the clerk, with the county attorney; these are the things that are making progress especially with a project of this magnitude. I encourage if there is something that I can answer and if I can't answer that question I have a very commendable staff, Lt. Tony Durden is one member of the team. He has been our coordinator so not to forget the past and that was another theme. We are working toward the goal and our goal right now is to make sure that we have a successful project that we are ready to continue that success. Thank you for allowing me the opportunity to share that."

Chair Lucas stated "Mike you made a couple comments there about political agenda and propaganda that has been put out, I think the concern coming from the Board's prospective well I will speak for myself has been the delay in the project and the problems that have come about concerning the project. I think you are upset about some of those as well." Sheriff Welch responded "Absolutely. I am frustrated. There are definitely things that need to be addressed and I have confidence in the Board that at the appropriate time you are going to address those things. You have a procedure. You put together a contract and you put those checks and balances in place to protect the taxpayers but also I would hate to see that we would take the opportunity to lose potential revenue and to not recognize the hard work that has brought us up to this point. You know you have a dedicated staff at the Sheriff's Office..." Chair Lucas stated "You can ignore the fact that it is 6 months behind on the project. You just can't ignore that." Sheriff Welch continued "I am not saying to ignore that."

Commissioner Travis stated "The problem with the jail down there is and it is not really your problem and it is really not our problem is the contractors that ordered the stuff did not order it when they were supposed to but we are not blaming you for it." Sheriff Welch responded "I am not saying you are blaming me as Sheriff or you are blaming my staff. My goal was to make sure that you understand our focus. You know we are responsible for the transition and we are responsible to make sure that we have everything in place for that. With a project this size there is going to be challenges and I understand that. You have got a responsibility that you have to fulfill." Commissioner Travis continued "But to start a project like that and not to have the water and sewer in line there is something bad wrong and that is not your problem." Sheriff Welch responded "If I could do the hypotheticals, we have revenues right now that we have to ensure to reduce the burden of the taxpayers. As we continue with this process..." Commissioner Travis stated "Wait just a minute. Do you realize this extra money here puts another burden on the taxpayers in this county, to have to pay extra money to get this jail finished? We wouldn't have to pay a bit more than what the contract was for." Commissioner Hamlett stated "He is on our side." Commissioner Travis responded "I understand that and I am not blaming him. It is not our fault and it is not his fault but I don't think we should have to pay extra money to get the project done." Commissioner Hamlett stated "But we need to finish it."

Commissioner Williamson moved, seconded by Commissioner Carter to move forward to finish the jail and to pay Brennan and then negotiate the fees later so this project can move forward.

Commissioner Travis asked "After you pay somebody how are you going to get your money back?" Commissioner Williamson responded "That is my motion."

Mr. Howard stated "The \$13,500 is the set fee from Brennan."

Commissioner Travis asked "If they are going to be finished with the project in May why do we have to pay him \$75,000?" Mr. Howard responded "The contract ended in December. Based on things at that time they were hoping to be finished in two months. They did not charge for January and February. They want to back charge for March and April."

Chair Lucas asked "So the motion is to approve the \$13,500 a month and up to \$12,000 a month for how many months?" Commissioner Williamson responded "For three months."

Chair Lucas asked "This is for extended services?" Mr. Howard responded "Yes ma'am." Chair Lucas continued "How do you consider it extended services when it is defaulting on the original contract?" Mr. Howard responded "According to the contract his fees were based on the timeline for the project with the completion being at the end of December. His extended services are for anything that comes after that time period has ended." Chair Lucas stated "But the things that they are completing were a part of the original contract." Mr. Howard responded "I understand where you are coming from..." Mr. Ferrell added "I think the explanation is this, Brennan's take is that he needs more money to finish this project and you see the numbers that are before you. The contract does allow for extended services and additional services. If you say we are not paying you another dime, in which I understand that sentiment, he leaves. Then what does the Board do? The remedy the Board has is to pursue a judicial remedy or lawsuit or some other mechanism to try to force him to cure this breach or to do what we think he should have already done. Meantime you have a jail to finish and meantime you can move in because state statutes require you to have an architect sign off on a substantial completion. That is the practical effect of where you are. I think this Board has talked about at the end of the project and Brennan has talked about to this Board about at the end of the project making sure that we address the delays with the contractors and the participants in this deal and you will have time to do that but the practical side of this is if you don't pay Brennan he says he is done. He said Friday and now he says Monday and you will have a jail with nobody in it and nobody working on it."

Chair Lucas asked "What does the \$12,000 cover?" Mr. Howard responded "Architectural fees." Chair Lucas continued "What else does he have to do?" Mr. Howard responded "He is still dealing with the contractors. He is still arguing over certain things that have to be done. An example would be the high performance coating that is supposed to do in the kitchen and in the bathrooms. When that was originally done the latex primer was put on the cinder block walls. If you put this coating on the latex primer it is going to peel off. It is not designed to hold the coating. The contractor in charge of that to this date has been instructed to take that primer off and he has not done that. He was trying to argue that there was another method and they could

do this. They did not present anything to the architects where they felt was as good as what they originally requested so they have instructed them to remedy it by taking that primer off and to redo it the proper way.” Chair Lucas continued “But isn’t that what Dennis does?” Mr. Howard responded “No ma’am.” Chair Lucas stated “He is construction management.” Mr. Howard responded “He is construction management. The architect is the one that looks at the specs and he changes the specs and approves those. Nobody can approve those changes except for the architect that is on record.” Chair Lucas stated “According to his letter he said ‘I will prepare invoices for extended general conditions, extended architectural services, and time spent to date on drawings for the connector.’” Mr. Howard responded “Yes ma’am.” Chair Lucas continued “So we have not paid him for the drawing I thought he had drawn?” Mr. Howard responded “I have not discussed the connector portion with him.” Commissioner Carter asked “The Board decided to go with the ground level connector didn’t we?” Mr. Howard responded “He was given instructions to go forward with the ground floor at one time. I guess his take on it is if I am leaving the project I want you to pay me for what I have done on the connector.” Chair Lucas stated “On the drawings they were going to use, is that right?” Mr. Howard responded “They were in the process of doing the drawings that they were instructed by the Board and then when the project got behind schedule they stopped that to put all their effort into completing the project itself to get it completed.”

Commissioner Hamlett asked “Dennis if we pass this tonight will you come to every meeting we have?” Mr. Foster responded “Yes sir. I will be here.”

Chair Lucas asked “Do we have a progress report like right now as to what needs to be completed?” Mr. Foster responded “Certainly. What needs to be completed? We need the metal panels. We need the high performance coating. We need to get the computers in. The door at the ramp has been redone and we have closed in the skylight.” Chair Lucas stated “So the major concern is the coating?” Mr. Foster responded “Yes.”

Commissioner Carter stated “I would just like to remind Madam Chairman that there is not a progress report listed on the agenda so I don’t know why you are calling for a progress report tonight when it is not listed on the agenda. We usually get it the first meeting of the month so why all of a sudden do you need a progress report? Are you just delaying the motion? Is that what you are doing?” Chair Lucas responded “We are having a discussion on the motion Commissioner Carter. I think you are being disrespectful to the Chair of the Board.”

Upon a vote of the motion, the motion carried by a vote of five to two with Commissioners Lucas and Travis voting no.

APPROVAL OF CASWELL COUNTY ASSISTANCE POLICY FOR THE 2012 CYCLE OF THE URGENT REPAIR PROGRAM

Mr. Howard stated “We are in process of this grant. We received \$75,000. Items 9 and 10 are policies for that program that the Board has to approve for this program before they will release any funds.

Commissioner Jefferies moved, seconded by Commissioner Hamlett to approve the Caswell County Assistance Policy for the 2012 cycle of the Urgent Repair Program. The motion carried unanimously.

APPROVAL OF CASWELL COUNTY SINGLE-FAMILY REHABILITATION PROGRAM

A. PROCUREMENT POLICY

B. DISBURSMENT POLICY

Mr. Howard stated “This is the same thing. It says the Single-Family Rehab but it is for the Urgent Repair Program through the N.C. Finance Agency so these need to be approved by the Board so we can receive funds for this grant.”

Commissioner Williamson moved, seconded by Commissioner Jefferies to approve the Caswell County Single-Family Rehabilitation Program Procurement Policy and Disbursement Policy. The motion carried unanimously.

COUNTY MANAGER’S REPORT AND UPDATES

Mr. Howard stated “I just got notification today on the item we just approved, the single-family rehab we got approval of this back in December. I got a call this morning that we will receive \$200,000 for a single family housing grant and that is going to be administered by Benchmark.”

DOT’s Request for 2013 Resurfacing List

Mr. Howard stated “Mr. Mills mentioned that this evening that this is something that he will be coming back to you on probably in August or September. If you have any roads you recommend him looking at I will get them to him. They will come up with a list and bring that back to you in August. I have received two or three from some of you so if you have others please get those to me.”

County Assembly Day

Mr. Howard stated “This will be May 22nd in Raleigh. Registration has opened for that. If you are interested in going please let me know so we can get you registered for it.”

Chair Lucas asked “Can you explain this?” Mr. Howard responded “County Assembly Day is when all the counties go to the general assembly and meet with our legislatures and attend different sessions based on what is going on that day. There will be an update given by the Association at the beginning of the day on the Association goals for this session.”

Mental Health Statistics

Mr. Howard stated “Commissioner Hall had requested these I think at the last commissioners meeting. I put these in here for everybody to review. Each list a provider that is serving somebody in Caswell County and the number of consumer they are serving. My understanding is this is a total of 377 members served is a true number. It is not multiple visits to one person.

It is 377 individual people and it could be more than that because they have 90 days to bill Medicaid. That number could go up.”

Chair Lucas asked “Commissioner Hall did you have any question about this?” Commissioner Hall responded “No I will have to take a look at it.”

Farmer Lake Fundraiser

Mr. Howard stated “One other thing. We received a letter today; there is a lady that lives on Farmer Lake. She wants to do a fundraiser for the lake. All the proceeds will go to the county to make improvements to the lake itself. Her name is Pat Anderson. This will be on the next agenda. I just wanted to make you aware of it.”

ANNOUNCEMENTS AND UPCOMING EVENTS

- A. JCPC Annual Community Awareness Meeting – Wednesday, May 8, 2013 at 8:30 a.m. – Central Caswell Ruritan
- D. Heritage Day – Saturday, May 18th 9:00 a.m. until 2:00 p.m.
- E. County Employee Family Picnic on June 22, 2013 with a rain date of June 29, 2013

Mr. Howard stated “I have one other event. The Piedmont Triad Regional Council sent notification; they are having a Ground Breaking Ceremony for their new building in Kernersville at 1:00 p.m. on April 17th.”

Chair Lucas stated “I received a letter today from JCPC and it was too late to get it on the agenda. It is a resolution that the Board would need to approve declaring the Month of April as the Month of the Child. I don’t have the resolution with me. Paula did you get a copy of that or Kevin did you.” Mr. Howard responded “No ma’am I didn’t.”

Commissioner Travis stated “I have a lady that lives in Cherry Grove call me about the dump sites in Caswell County. They need a ramp for the older people to go up them to put their trash in. As a matter of fact she fell on the steps at the one at Cherry Grove and hit her head. I talked to Mr. Smith about this and told him to look into it. I know it would have to be brought before this Board but I thought it was a great idea. To be honest I don’t think we need steps. I think we just need a ramp going up to it and then a platform. I told her it was a great idea. I think it is something that this Board needs to look into.” Mr. Howard responded “I will get with Tim as well.” Commissioner Travis continued “I told that lady I would bring it up at the meeting tonight for the Board to consider doing it. Safety is what we have to do. I think it would be a good idea.” Mr. Howard responded “I agree.” Commissioner Travis stated “I know that everyone of them will not be built the same way. Every one of them is different. Some of them may not need one. The way Tim talked some of them are level and you just walk up to it.” Mr. Howard responded “The one at the 86 Convenient Mart you can walk straight up to it. Some of the others do have platforms.” Commissioner Travis stated “I know the one at Byrd’s Saw Mill Road could use one and the one on Cherry Grove Road. I would appreciate the Board taking this into consideration.”

Commissioner Hamlett stated “If you think about it those dumpsters have electric stuff on the other side and with kids running around it. We need to get that ramp up but we also need to get some screen put around that motor.” Commissioner Travis responded “I thought there was a switch there.” Mr. Howard stated “It is supposed to be set up that a citizen cannot activate it.”

Commissioner Hall stated “I would like to comment on what Mr. Travis said. I think that it is not enough that we talk about it and I think it is not enough when Mr. Travis said I would appreciate it if we do something. We have some ADA compliance rules that we need to follow and to me that means going to every site and looking at them and seeing what needs to be done. We can’t just sit here and say we don’t need this or we don’t need that. We need somebody that is aware of the ADA compliance to visit those sites and report back to this Board on what needs to be done.” Chair Lucas asked “Would that be Woodrow Bigelow?” Commissioner Hall responded “Now I don’t know. I don’t want to give a name. I am not interested in the who. What I am interested in is this Board directing the County Manager to take some action. That is what I am interested in.”

Commissioner Hall stated “The other comment that I have and I am going to request that this be on the next agenda. At the last meeting with the School Board we learned that 63% of our students are at grade level in Math and Science. Now they left thinking that that was good. If you look at the other side of that, that means 37% of our students are failing and based on what they said they have no intentions of doing anything about it. I think it is our responsibility as the Board to at least ask them for some kind of plan to deal with the 37% failure rate. I just don’t know how anybody could find this acceptable. I would like to see this on the next agenda so that we can discuss it so that this Board can agree on what we are going to ask the School Board to do or if we are not going to ask them to do anything.”

CLOSED SESSION

Commissioner Hall moved, seconded by Commissioner Travis that the Board enter into Closed Session to consider the compensation, terms of appointment and performance of an individual public officer (NCGS 143-318.11(a)(6)). The motion carried unanimously.

REGULAR SESSION

Commissioner Hall moved, seconded by Commissioner Jefferies to resume regular session. The motion carried unanimously.

ADJOURNMENT

At 9:20 p.m. Commissioner Travis moved, seconded by Commissioner Carter to adjourn. The motion carried unanimously.

Paula P. Seamster
Clerk to the Board

Cathy W. Lucas
Chair
