

MINUTES – JUNE 3, 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, June 3, 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 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 Travis moved, seconded by Commissioner Jefferies to approve the agenda as presented. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

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

The following items were included on the Consent Agenda:

- A. Approval of Minutes of May 6, 2013 Regular Meeting
- B. Approval of Minutes of May 14, 2013 Special Meeting
- C. Approval of Minutes of May 20, 2013 Regular Meeting

PUBLIC COMMENTS

Chair Lucas opened the floor for public comments. Chair Lucas asked if anyone would like to speak during Public Comments. With no comments Chair Lucas closed Public Comments.

BOARD OF EQUALIZATION AND REVIEW

Chair Lucas stated “At this time we will reconvene as the Board of Equalization and Review and I will call on Mr. Bernard.”

Mr. Thomas Bernard, Tax Director, stated “Good evening we still only have one appeal on the agenda and that is Mr. Andrews and I believe he is here. I don’t know if he has anything to say tonight.”

Mr. David Andrews stated “Actually I do. After having shared this information last week I thought it would be worthwhile so I went through all of Farmer Lake’s lake front properties and I listed each one by its use code, by valuation and I sorted it by two different ways just to point out the over valuation of my property. I have two sets of handouts that I would like to pass out. The way that I could see that the valuations were done is a property use code is applied for the lake front property. If you will look at the first one it is Farmer Lake all lake front use codes listing sorted by tax values. I just did them all. I put on the left column the tax id so they could be traced. The next column is the acres that were involved in the parcel, the entire parcel. A location and then the number of acres that were lake front. Then next is the lake code use. These have with utilities and without utilities and whatever number was put with them 140QAC, 120PAC that is what they use to build up the values. Then I have the listing per acre column which is what the use code value is and then they do an adjustments off of that in what I call a effective list per acre on the far right column which is in essence what is taxed per lake front acre. I then sorted this like a tax value from the highest tax value at the top and then if you go to the very end where there are actually some properties that have lake front but there is no value to the lake fronts so it is zero. What this one shows is the top four highest valued properties on lake front which includes mine and these are without utilities. Lake Point Drive I think is a subdivision, a dated subdivision and Crystal Cove Lane which are at top and to me they are all overvalued but they are still a subdivision and that is not one that I am arguing here but mine is included in the top four highest tax values. In just addressing the acreage, I am at 27.8 acres and I am at the highest when everybody else has a lot: 2 acres, 3 acres, there is 2 acres. If you come down the list and go over to the second page when you go down half way through the list you will start to get what is half of my acreage. Are there any questions on that? Before what I did last week is I brought up like kind properties and this one is taking every single property and mine just jumps out like other subdivision properties. I think the Crystal Cove Lane should be taken out completely. Actually I think they are over valued. I think they think that because the Crystal Cove properties are taxed at a high valued that should not impact mine. I think that all the lake front properties are over taxed. Lake Point subdivision is the only one that has consistent properties that even approach this evaluation and they have been around long enough for a history of being a gated community.”

Commissioner Hall asked “Can I interrupt a second. I am a little confused on these top 4. Are those 2 acres, 3 acres, 3 acres, and 27 almost 28 acres, one could say that yours is undervalued.” Mr. Andrews responded “Well the way they do it is I have 27 acres and let’s say that one acre of it is lake front so we will give it a code of 140QAC. The other is 2 acres and 1 acre of it is lake front. I am just addressing the lake front portion. There is another whole aspect, the buildup. Take the 27 acres and Thomas said last week about the 13 acres that were on the paved road with trees. My property is being assessed that this one acre of water front property that is 1500 feet back is as valuable as 1 acre water front in Lake Pointe’s subdivision, a gated community, of which. The first one on the list Lake Point 209 it would have the \$111,980 for one acre then it would have 1.09 of something else and then you would have modifications of a house, etc. and then you would come up with the total valuation which for that property could very well be

\$24,000 so this is addressing the one item of the buildup. Does that answer your question?" Commissioner Hall stated "It answers it but I am still a little confused, I would have to see it, see the numbers because something is not right. Something is just not jiving." Mr. Andrews responded "Thomas should explain it. I could not get him to explain it to me. I never got the Tax office to explain it so I got some explanations from the State. They explained the cost and the different aspects of the property and they defined the use codes. Then all the use codes are added together and that is how you get the valuation." Commissioner Hall stated "That part I do understand. I guess what I would like to see is what is the final value of that property once it is built up." Mr. Andrews responded "Well I think the only thing that is in contention at this point is this one acre, everything else on the property or at least what Thomas has explained we are in agreement on so it comes down to what is the value of this one acre. It is the Farmer Lake no utilities lake front use code sorted by acreage. I did it by acres so the ones with the most acreage are at the top. So let's start off with Boy Scout Camp Road they have lake frontage but there is no value to it. The second one is 283 acres; they have each lake front acre valued at \$26,000. The next one is 195 acres valued at \$26,000. We get down to 76 acres they have \$12,874. 65.1 acres \$33,500. 30 acres at \$16,070 per acre. 29.65 at \$33,000. 27.5 - \$26,000. Then mine at 27.8 and they said mine is valued at \$111,980. Below that is 25 acres at \$26,000 an acre. The next one below that 23.4 acres \$26,000 per lake front acres. When you do it where it is more comparable with like kind the lake front portion as the lot acreage gets smaller the lake front portion use code goes up generally. This one clearly shows that mine is higher than anybody around me. The other one is showing that even when we include the ones with houses with utilities I am placed up there with the most expensive ones that are not like kind."

Chair Lucas asked "Any questions for Mr. Andrews from any of the commissioners? Thomas do you have anything you would like to add to what Mr. Andrews is saying?"

Mr. Bernard stated "We are still with the recommendation of the adjustments that we had made for the lot. This was done with the schedule of values that were approved by the Board of Commissioners for the 2008 reval. These are the appraisals for the reval company. When they appraised this they used those schedules of values. We did the adjustment to what we thought was appropriate with the information we have received from the Environmental Health after we contacted them. We were never provided with anything but we contact them because Mr. Andrews said that he had information so we contact them. Our recommendation value that this time is \$165,422."

Chair Lucas asked "As far as the schedule of values you are saying the ones that were established in 2008?" Mr. Bernard responded "They were approved by the Board of Commissioners for the 2008 revaluation. The Board approved them right around the first part of 2007." Chair Lucas continued "And those are developed by using common data in a given neighborhood or...?" Mr. Bernard responded "Given neighborhood or sales data." Chair Lucas stated "Or subdivision." Mr. Bernard continued "Subdivision data and that is how they were developed and that is what the Board approved and that is what the reval company put together."

Commissioner Hall stated "Madam Chairman understanding all of that I know we approved those schedules and all of that. If you look at Mr. Andrew's property, the one acre..." Chair Lucas asked "Are we going by acreage or by tax which one are you on?" Commissioner Hall

continued "Acreage. I think I understand what he is saying. One lake front acre is worth \$111,000." Mr. Bernard responded "Right \$111,980 that is what the appraisal came in at yes sir." Commissioner Hall stated "Okay. Now the other similar properties, Crystal Cove, 1 acre is \$93,000, one acre is \$103,000 and \$103,000 okay you can continue."

Chair Lucas asked "So there is one acre out of the 27.8 that is valued at that rate, is that what you are saying?" Mr. Bernard responded "We recommend that yes. It was valued at \$111,000 with the information we found out from Environmental Health. We are recommending that this value be reduced to \$93,830. Which will bring the adjustment with the information from Mr. Donnie Powell said would not perk, could not build a house because he would be located in part of a ravine. We just took that off. We recommended that the value be dropped from \$222,041 to \$165,422." Chair Lucas asked "So right now the one that is in question is the water front lot. Is that right Mr. Andrews? That is where you have the difference in opinion in that one acre water front?" Mr. Andrews responded "I have not seen his breakdown. Based on what he tells me on the other lots they seem to be fine. I understand that this code was approved by the Board in 2007 and there it is right. My contention is basically is that was a technical error. That was a mistake. That is not the proper code. That use code is wrong. All the other information I have shown you as well as this information here I contend that I have shown that it is wrong. That is my appeal. It is a technical error and they used the wrong use code. I did request how the use codes were derived. I realize the Board relies on tax professionals giving them information so I understand. You just don't pick a use code there has to be a definition of how it applies. There is no basis for actually applying these codes. My educated guess is the Board did not go through the definitions of what a use code was and on each piece of property look at it and define oh say yes this use code is appropriate. I just don't believe that happened so my contention is it is the wrong use code and I have shown like properties, I have shown it every way I could show it and every single piece of evidence I have shows that it is more appropriately priced in the \$26,000 to \$30,000 range for that acre than \$111,000."

Chair Lucas asked "Any questions for Mr. Andrews from any of the commissioners? Any further questions for Mr. Bernard?"

Commissioner Hall asked "What I would like to see well I have two things. We received an email today I guess..." Mr. Bernard stated "It was Friday." Commissioner Hall continued "We received it Friday. I read it today. My first question is in going through this information did you respond and I am only asking this now because I did not have time to go back, did you respond line by line to the concerns of Mr. Andrews?" Mr. Bernard responded "Line by line?" Commissioner Hall stated "His concerns." Mr. Bernard responded "A lot of his information, the census data and stuff like that was irrelevant." Commissioner Hall asked "I understand that. My question is then on this sheet that Mr. Andrews just passed us most of these codes look like they are the same so they must not be the relevant codes. Could you do an analysis of that at the \$93,830 that you are recommending, telling us of the 27.8 acres what is made up by what code?" Mr. Bernard responded "The breakdown?" Commissioner Hall stated "Yes." Mr. Bernard continued "The \$93,830 for that one acre, the one acre is a 140QAC. What that started off at was \$111,980 because of the information we had." Commissioner Hall stated "I think I kind of confused you. On this acreage totaling 27.8 acres, we arrived at a total I guess effective value for the 27 or 28 acres. Is that correct? Or taxable value?" Mr. Bernard responded "Right."

Commissioner Hall continued "I guess I need to get away from what he passed out. I just want to get what is the final taxable value for these 27.8 acres." Mr. Bernard responded "What we are recommending is \$165,422." Commissioner Hall stated "I understand that." Commissioner Travis stated "That is for everything." Mr. Bernard responded "Yes for the 27.8 acres." Commissioner Travis asked "What is the one acre?" Mr. Bernard responded "The one acre is \$93,830." Commissioner Hall asked "What about the other 26? That is what I am getting at." Mr. Bernard responded "You have one acre house site with utilities for \$12,100, open 4 acres for \$11,000, now this is approximately, then we have 16.8 acres of wood at \$30,492, then we have 5 acres along that paved road, we assess at the highest and best use so along that paved road is \$18,000 or \$3600 an acre and then the one acre at \$93,830 approximately." Commissioner Hall stated "Okay that is what I need."

Chair Lucas asked "We have been using the same schedule of values since 2008 that is correct?" Mr. Bernard responded "Have to." Chair Lucas continued "So these values have been in place since that time?" Mr. Bernard responded "Yes ma'am, the values on this piece of property have been in place since this time and there have been no appeals up until this spring."

Chair Lucas asked "Mr. Andrews do you have something to say?"

Mr. Andrews stated "Well I did appeal last year. They did recognize the technical errors and they made the adjustments. Also a question is a house with utilities and well and septic, I am not sure what that means? There is no electricity." Mr. Bernard responded "Right." Mr. Andrews stated "There is no house on it yet." Mr. Bernard responded "Correct no house." Chair Lucas stated "But there is a well and septic." Mr. Andrews responded "Yes there is a well and septic on the opposite no lake front area. When it was a farm there was a house there. Where that house was there was a driveway coming to the house and that is where they took a right of way through the property and cut a right of way and gave the private road to the subdivision that goes through my property."

Commissioner Hamlett asked "Thomas you have taken off \$56,619?" Mr. Bernard responded "Yes sir."

Chair Lucas asked "Any other questions for Mr. Bernard or Mr. Andrews?"

Mr. Andrews stated "Mr. Bernard made a comment and I did not see this email that went to the group but he did make a comment that it did not address all my points because my points were irrelevant. I contend that all my points were relevant and the one that could have been construed as irrelevant was relevant because Mr. Bernard brought in the case of saying that the property values were skyrocketing at that time and were at their highest in 2008 and that is why I brought in the housing prices valuation. Everything that I presented was relevant." Chair Lucas asked "Is that the census information that you are referring to?" Mr. Andrews continued "He was supposed to come back to you with a report, line by line, to what I had taken all of that time to write out and actually address those point by point and that only addressed the water front property. That is the only thing that was addressed. I showed that based upon the original selling price in March of 2007 that the valuation was wrong based on the sales value of the property plus the subdivision build up for a road. It would not have supported that value. I

showed my neighbor, right next door to me on the same road as me being valued at \$26,000 versus the \$111,000. Everything was pertinent in that letter, that paper that I presented last week.”

Chair Lucas asked “And you are in agreement with everything but that one acre of water front property?” Mr. Andrews responded “I will be. This \$12,000 with utilities kind of threw my off because I have had properties with a well and septic before in Alamance County and they did not do that. But at this point it is one of those things where I am happy if I can get 80 or 90% of what is fair because Mr. Bernard is in the position of he has entrenched himself, he has put his feet in and he is going to fight to protect whatever number he has there so I don’t see him looking to work with me on this which why I am at an appeal now.” Chair Lucas stated “Thank you.”

Chair Lucas asked “Thomas we did not have any other appeals tonight for the Board of E & R?” Mr. Bernard responded “No ma’am.”

Commissioner Williamson asked “Do we need to make a motion to accept or reject Mr. Bernard recommendation?” Chair Lucas responded “Yes.” Commissioner Williamson continued “I would like to make a motion that we accept...” Chair Lucas asked “Do we do that at the present time or go out of the Board of E & R?” Mr. Ferrell responded “You have to stay convened as the Board of Equalization and Review. I will just remind you that according to your schedule you are set to adjourn for the purpose of accepting new application this evening. You can move on if you would like.” Chair Lucas asked “Typically we sit for what a two week or a three week period of time?” Mr. Bernard responded “Usually two to three weeks.” Mr. Ferrell stated “This will be your third meeting and you have to convene by a certain date. Maybe I was not clear; the adjournment is for the purpose of accepting new applications this evening. You can continue your business for the purpose of making a decision as the Board of Equalization and Review past tonight if you need to or if that is what you want to do, maybe I was not clear.” Chair Lucas stated “That clears it up for me.”

Commissioner Williamson stated “I would like to make a motion to accept Mr. Bernard’s revaluation with the information that he presented to us and also we are not tax experts on this board or anything like that but the Lake back in 2008 was of that value so with the adjustments I make a motion that we accept Mr. Bernard revaluation or adjustments.”

Commissioner Williamson moved seconded by Commissioner Jefferies to accept Mr. Bernard’s revaluation or adjustments.

Commissioner Hamlett asked “That is the \$165,422?” Commissioner Williamson responded “Right.”

Commissioner Hall stated “A couple of comments. I don’t think the issue in my mind was the value because we know that the value has to stand. The only issue is whether or not clerical errors were made and we know some were made because the Tax Office has admitted to them. What I don’t know is one of the things that the citizen mentioned about the breakdown and that

is why at the last meeting I asked for a line by line response to what was requested because the only issue for me is whether or not there were any errors because we can't change the values."

Mr. Bernard stated "May I make a comment? We have corrected the errors that we found so far. What we did not know, the information we did not know was from Mr. Powell and everything but as far as how they were applied in that subdivision when it was going on at that time in the surrounding subdivision and everything we can't find any."

Chair Lucas asked "So the adjustments that were made would they be considered clerical?" Mr. Bernard responded "No." Chair Lucas continued "You would not consider those clerical?" Mr. Bernard responded "One of them was because the house was there when they did the revaluation. Mr. Andrews made us aware that the house was not there the first part of 2008 around January. He said it looks like the house was torn down by January the 1st or whatever. When they were doing the reval they were out there in 2006 and 2007. We found one but the others were information that we did know and I am sure the reval company did not know at the time that the property would not perk or the issues with the septic and Environmental Health office."

Commissioner Hall stated "Madam Chairman that is what I don't understand. Here again according to the rules the only thing we can address is errors and not values so I don't have a problem with them not knowing that is why I asked for the outline to know what has been adjusted and why. If there was an inclusion for a house and the house was not there that is okay. If there was something about the landscape that the census missed that falls under errors and that is okay. Whatever, whatever right on down the line. That is why I wanted to see the summary because that is the only thing that we can address. I am not going to argue with that." Mr. Bernard responded "I don't have a summary; I just got word of mouth from Mr. Powell. He did not write a letter confirming this. I can get him to do that." Commissioner Hall stated "No, no you missed my point. My point is that this is the Board of E & R; we had a citizen to raise a complaint, a series of complaints. I would have expected your summary to address each complaint item by item by item and then this Board can make a decision or I can make my decision on how I am going to vote for each one. He does not need to write anything down. I just wanted the Tax Office because this is a legal hearing." Mr. Bernard responded "Exactly, what we addressed was what we considered and confirmed with the Department of Revenue what was relevant to this case." Commissioner Hall stated "I think you are missing it. What is relevant is what the citizen asked for then that is what we have to address. If the citizen has five things that he asked for then you need to respond to those five things and then this board could address them." Commissioner Hamlett responded "I think he did that. We talked about fifty some thousand." Commissioner Hall stated "He did something but it is not in his summary as to what was done that is why I asked for a summary." Commissioner Hamlett stated "Just a minute ago he said timber and he gave the value on that and how much land was open." Mr. Bernard responded "Yes and that was one that the reval made an error on." Commissioner Hall stated "He gave five things when I asked him but I couldn't get all of that down in the rationale. If this is a legal hearing and we want it as part of the record it should be outlined. That is all I am saying."

Chair Lucas stated "We have a motion on the table at the moment and we are at the point of discussion. Commissioner Hall do you have further recommendations?" Commissioner Hall

responded “I just wanted to see an outline in writing for the record before we vote here. That is all I want to see.”

Chair Lucas asked “Any further discussions on the motion?”

Upon a vote on the motion, the motion carried by a vote of four to three with Commissioners Hall, Lucas and Travis voting no.

Mr. Andrews asked “Can I ask just what happened here?” Chair Lucas responded “Yes there was a vote of 4 to 3 to accept Mr. Bernard’s recommendation to keep the value as it is.” Mr. Andrews continued “Even though it was wrong.” Chair Lucas responded “It was a 4 to 3 vote.” Mr. Andrews asked “So based on this I can officially do my appeal to the State or to the next level?” Chair Lucas responded “Yes sir, Mr. Andrews.” Mr. Bernard stated “You will receive a letter on the decision from the board.” Mr. Andrews stated “I am sorry that you don’t understand the basis. Citizens need to at least feel and believe that there is a fair process here. The citizens are paying at least and you already know the property taxes are not right but at least it should be fair and just with other like and kind properties. I am sad to hear your recommendation because I did not hear that in your voice. Mr. Bernard actually gave no evidence. He did not show any justifications to show that this property was out of whack with everything that was like it and I will appeal it.” Chair Lucas stated “Mr. Andrews thank you for your comments. That is why this schedule of values is so important in this county. It needs to be taken very seriously. Thank you.”

Commissioner Travis moved, seconded by Commissioner Jefferies to adjourn the Board of Equalization and Review.

Commissioner Hall asked “I have a question for counsel. I thought I understood you to say that we need to stay open at least through the meeting tonight?” Mr. Ferrell responded “No, maybe I was not clear. In your notice it says that your opening time is 6:30, if there is further information on your agenda for the Board of Equalization and Review tonight you can certainly hear it. You can stay open if you want to but I believe that your business is concluded unless there is somebody else in the audience that wants to present something to you tonight.”

Chair Lucas asked “But as a safety measure tonight you think we should wait until the end of the meeting?” Mr. Ferrell responded “You can certainly choose to do that that will take away any question...” Chair Lucas continued “I don’t know how everybody else feels but...” Commissioner Hamlett responded “Let’s vote on it. There is nobody else here. Let’s vote on it.”

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

Commissioner Hall stated “It is a technical thing.” Chair Lucas responded “It is.” Commissioner Hall continued “It is not a personal thing. It is the law.”

PLANNING BOARD RECOMMENDATION ON THE BOARD OF ADJUSTMENTS

Mr. Brian Collie, County Planner, stated “Good evening Commissioners. Over the past several months the Planning Board during the drafting of the Unified Development Ordinance has discussed the possibility of making a change to the Board of Adjustments. A little background – the Caswell County Board of Adjustments is a quasi-judicial body that is responsible for hearing the deciding on appeals of variance requests, special exceptions and interpretations of zoning regulations in the Hyco Lake Zoning area. Currently the Board of Commissioners, yourself, sits as the Board of Adjustments. Having the same members on these two boards can cause some conflicts but it is not illegal. The general statute currently allows the Board of Adjustments to be the same members comprised from another board in the county. They did that for such cases in small towns and counties where volunteers are not as prevalent to be able to accommodate additional members for that board. The reason that I say that it could cause conflict and Mr. Ferrell could probably give a little bit more on the background on this but the Board of Commissioners being a quasi-judicial board if they were to hear a variance for example that could be appealed to the Board of Adjustments. They should not have heard any prior information so that would cause a conflict there. The Planning Board has talked about that. The second problem is the Board of Adjustments should under general statutes have at least one member sitting on the board that is a resident of the zoning area which in our case is the Hyco Lake Zoning Area in which it currently does not have.”

Chair Lucas asked “Brian to our knowledge we have never had that have we?” Mr. Collie responded “Not to my knowledge.” I believe and Mr. Ferrell can correct me if we can show that we at least tried our best, I don’t know if that has been done in the past or not but I wanted to bring that up. The Planning Board over the past several months talked about four possible options. Keeping the Board of Adjustments the same, not changing it but we need to look into the Hyco Lake Zoning area residential problem or you know having a resident there. Changing the Board of Adjustments to the Planning Board since it only looks at land use items and that is mainly what the Planning Board deals with. There are no members on the Planning Board that lives in the Hyco Lake area so you still have that problem there if you change it to that. They talked about comprising the Board of Adjustments with certain members from the Commissioners and certain members from the Planning Board but then again you still have the issue of the Hyco Lake area not having a resident. The fourth one is to elect an entire new board to sit as the Board of Adjustments that does not comprise of any members of the Commissioners or the Planning Board. On April 23rd they finally passed a motion that was 6 to 2 to recommend to have an independent Board of Adjustments that does not include members of the Planning Board or Board of Commissioners.”

Chair Lucas asked “And that was the vote from the Planning Board?” Mr. Collie responded “Yes ma’am.” Chair Lucas continued “To have a completely new Board of Adjustments?” Mr. Collie responded “Yes ma’am.”

Chair Lucas asked “Any questions from Commissioners for Mr. Collie?”

Commissioner Hall asked “Who currently serves on the Board of Adjustments because you confused me there?” Chair Lucas responded “The Board of Commissioners.” Commissioner Hall continued “I wanted to make sure because he mentioned two different boards or three

different boards. So the Board of Commissioners serves as the Board of Adjustments for the entire county.” Chair Lucas responded “Currently yes sir.” Mr. Collie responded “Yes sir.” Chair Lucas continued “With the exception that there is no representative from Hyco Lake and that is a requirement.” Commissioner Hall responded “I understand that.” Chair Lucas stated “And the recommendation coming from the Planning Board was to either make the Board of Adjustments the Planning Board all together, a combination of the Planning Board members and Commissioners, or a completely new board all together or keep it the same. Those are your four choices that are in place. It is being addressed in the Unified Development Ordinance?” Mr. Collie responded “I would not specifically state in the Unified Development Ordinance who actually are the members of the Board of Adjustment. The Planning Board did not give the Board of Commissioners the choice; those are just the choices that they spoke about. They are not giving you an ultimatum here they were just talking about it because they were concerned about the conflicts that it could cause as well as the zoning area conflict. They did say that it should not have members from the Planning Board or the Board of Commissioners. They saw this to be the best bet.”

Commissioner Hall asked “When we finish this process do you think there will be other recommendations from the Planning Board?” Mr. Collie asked “Other recommendations concerning the Board of Adjustments?” Commissioner Hall responded “Concerning anything. We are doing the UDO process so my question is when we complete the process will there be other recommendations to bring forward?” Mr. Collie stated “I can’t answer that question. The Planning Board did approve a final draft at the May meeting, a final text draft. They have not approve the zoning map yet so that will be coming before you for review here shortly but as far as any recommendations other than the recommendation in that final draft I don’t know of any.”

Chair Lucas asked “Brian can you back up when you said zoning map you are referring to the Hyco Lake Zoning map because it has to be readopted and reapproved is that correct?” Mr. Collie responded “Yes ma’am.” Chair Lucas continued “Okay, I just wanted to make that clear.”

Commissioner Carter asked “Who would appoint this board?” Mr. Collie responded “The Board of Adjustments is appointed by the Board of Commissioners.”

Mr. Ferrell stated “Madam Chair the Planning Board has hit on an issue that the General Assembly is actually taking up this year. In House Bill 276 there is a pretty significant rewrite about the process and in some cases the composition of the Board of Adjustment going on right now in legislature. In the Senate I believe this week is to take up its version of the bill that would make some changes to process, notice requirements, and membership in one case of the Board of Adjustment so this is a hot topic and an important topic I think for this Board to be thinking about certainly for the Planning Board and the folks working hard on the UDO to bring before you. Let me just address the notion of having representation specific to an area of the county that has zoning where the rest of the county doesn’t. That is one of the areas in the new legislation that is under rewrite, essentially now the Planning Director is right the ordinance says one the county commissioners can sit as the Board of Adjustment and two you should have a member if you have zoning in less than the entire county you need to have a member of the Board of Adjustment that is a member of the zoning district. Not all county commissioners are elected per districts so the statutory language is at odds but it is getting cleaned up in the rewrite

to say to the extend to be practical if you have zoning in less than the entire county you need to have a representative member of that zoning district because should this board decide that it wants to keep the current construct and the county board of commissioners be the county board of adjustment it just might not work out that you could have a member of that district. What I would say to you is I think this is an important issue to talk about and think about and I will mention one other area that the Planning Director hit on which is potential conflicts that I think is certainly something that you want to consider and that is this generally this body sits as a legislative policy making body not a quasi-judicial or fact finding permitting process that is common in the planning arena so when citizens are interested in talking to their elected representatives on policies or legislative decisions including something that you only have in one area of the county and that is zoning, zoning decisions, citizens can lobby you as part of the process. They can talk to you directly. They can call you. The contact that is permitted on a due process perspective in a quasi-judicial capacity is different and that is there is not supposed to be for due process reasons ex parte communication between a citizen and the decision maker. Because this Board of Commissioners sits so regularly in its legislative capacity it is not always easy to separate the duties out when you are asked then to sit in a quasi-judicial capacity. I think that is a significant reason that many jurisdictions have taken the approach that has been recommended by your Planning Board. I think quite frankly it's certainly worth considering as you go forward. I will also say we are really close I think to some legislation going in to rewrite the Board of Adjustment statutes and legislature and I will leave it at that."

Chair Lucas stated "So the recommendation is to maybe perhaps tabling the action on this learning about House Bill 276 certainly would be a consideration." Mr. Ferrell responded "You can at least see what the exact language is going to look like coming out of the legislature specifically as it pertains to this district in question and some of the to the procedures might very well be incorporated into and the Planning Board may very well take a look at the implications on the UDO in general. I know your consultant is aware of the legislation and I think he has done a great job incorporating some of the legislative changes in the next draft but this is one I think is just a couple of days away from passing."

Chair Lucas asked "Any questions from commissioners?"

Commissioner Hamlett moved, seconded by Commissioner Travis to table any action on this issue for 60 days. The motion carried unanimously.

PROPOSED AMENDMENT TO THE CASWELL COUNTY WATERSHED PROTECTION ORDINANCE

Mr. Brian Collie stated "I don't really have any more information that has not already been presented to you. As you probably all are aware of that the Division of Water Quality gave us a 60 day extension that ends on June 17th. I spoke with them today, a representative with DWQ and told them that you would be meeting tonight and that the possibility of passing the amendment might not happen and that the next Board of Commissioners' meeting would be on June 17th and she said it was fine if we waited until that day that after 5:00 was not the cutoff. I wanted to make sure of that."

Chair Lucas asked “Who specifically did you talk with Brian?” Mr. Collie responded “Julie Ventaloro.” Chair Lucas continued “She was here the night of the Public Hearing.” Mr. Collie responded “Yes she spoke at the Public Hearing.”

Chair Lucas asked “Any questions or concerns by Commissioners?”

Commissioner Carter stated “I would like to hear what our county attorney has to say on it.”

Mr. Ferrell stated “As I stated at the public hearing on this item in which I think has been followed up by a recommendation by the Planning Board now sitting as your Watershed Review Board that the reclassification of the Dan River has taken place at the state level. The state statutes mandate that within a certain period of time the local government implement regulations consistent with the decision to reclassify the Dan River and should the local government, Caswell County, in this case decide that it is not going to or does not implement the regulations as it has been stated in correspondence from the state the state can move forward with the enforcement measures set out in statute. Those enforcement measures being taking control of the watershed protection program in Caswell County, implementing the regulations on the state, implementing the regulations on its own, fining the county, assessing civil penalties against the county, and essentially charging the county to implement its watershed protection program. Those are the statutory enforcement mechanisms, if you will, for failure for Caswell County to implement these regulations based on the reclassification of the Dan River.”

Commissioner Carter asked “Correct me if I am wrong, the Dan River has already been reclassified? Mr. Ferrell responded “That is absolutely correct.” Commissioner Carter continued “So there is nothing we can do to change the reclassification now?” Chair Lucas responded “There absolutely is something.” Mr. Ferrell responded “Legally speaking, I believe at the public hearing and you heard from somebody, a representative from DENR, it was a gentleman and I am sorry that I am not remembering his name right now but the gentleman said that he had been involved in one effort I believe where a town had been granted a, I believe it was a town, had been granted a reclassification that it no longer desired or needed that reclassification and petitioned essentially to take it back so we did hear at least once instance of that based on a petition. I don’t know if that petition was made by the same entity that petitioned in the first place or another entity. I don’t know the mechanics of how that worked but I did hear that at the public hearing. As it stands now it should be clear that the Dan River has been reclassified.”

Chair Lucas stated “That is true, the Dan River has been reclassified but just like Mr. Ferrell said we do have an option that we can petition to have that reclassification amended back to Class C. I think that is part of the terminology, to amend the rule to not have it reversed but to have it amended back to the Class C classification and there is a whole set of instructions and I have the rule number, the administrative rule number to follow should we decide to go that route, Attorney Ferrell but that is what we can do, this Board can vote to take that action.”

Commissioner Carter stated “I will argue that point with you Chairman Lucas; I think it would have to be changed on the Senate level or in the House.” Chair Lucas responded “That’s...” Commissioner Carter continued “Don’t interrupt me, let me finish. Until it is implemented these

finer are going to come regardless.” Chair Lucas responded “That is not my understanding once the petition is filed, that would not happen.” Commissioner Carter stated “I have not heard this. Who told you this?” Chair Lucas responded “Ms. Jennifer Everett today in Rural Court at DENR, Division of Water Quality.”

Mr. Ferrell stated “Commissioner Carter I have not looked at that particular rule and I don’t have any information about the impact of a petition on the fines. The information I have in the most recent letter which is in the agenda materials here is there is a deadline and enforcement will begin if the county does not meet those deadlines. Commissioner Lucas has more recent information than I do and I have not looked at the rule she is referring to.”

Chair Lucas stated “As of today, there are instructions on how to petition their forms, contents, the whole process and I have that information available so it is just up to this Board as to whether we want to petition to amend the reclassification back to a Class C.”

Commissioner Hamlett stated “I get tired of hearing that DENR is going to fine us and that Roxboro is going to sue us. It is our water and we are going to protect it as long as we can because we are going to need it one day for our kids.”

Commissioner Hamlett moved, seconded by Commissioner Jefferies to amend rule 15A NCAC 02B-0313(k) as it pertains in the reclassification of the Dan River Watershed in Caswell County.

Chair Lucas asked “Any discussion on the motion?”

Commissioner Hall responded “Yes, two things. 1) We were given 60 days. We are not going to get a petition in and handled in 60 days. 2) Just a comment on what Mr. Hamlett said, it is our water. It is not our water. No municipalities control the waters in North Carolina.”

Commissioner Hamlett responded “It is in our county.” Commissioner Hall continued “The County does not control the water.” Commissioner Hamlett stated “They have already gotten water from us one time.” Commissioner Hall responded “What I am saying is the counties do not control the waters or the river in North Carolina.” Commissioner Hamlett stated “I understand that but we are going to need our water too.” Commissioner Hall responded “But my point is you said it is our water...”

Commissioner Williamson stated “Any water that comes out of that pumping station even if this is passed it still has to be approved by this Board and the other parties. If you go back and read what that plan that was put together back in 2002 or 2001, it said even if everything passes and they build the station any water that goes out of that pumping station has to be approved by all parties to be sold in another county. The county can use it but it has to be approved.” Chair Lucas responded “Part of that is right Commissioner Williamson. It was not in the initial contract in 2002 but I think when Caswell actually joined the agreement in 2008 that was a point of negotiation or something that made the deal sweeter or something.” Commissioner Hamlett added “Right.”

Mr. Ferrell stated “I want to make sure I understand the motion. If I understood right Commissioner Hamlett cited a North Carolina administrative code section.” Chair Lucas

responded “That is the rule that actually reclassified the Dan River.” Mr. Ferrell continued “I got it and so this isn’t an administrative code rule making body. This body can’t amend an administrative code...” Chair Lucas responded “Petition to amend.” Mr. Ferrell stated “Petition to amend.” Chair Lucas responded “Exactly.” Mr. Ferrell continued “Maybe that is the piece that is missing, petition to. I got it.”

Commissioner Carter asked “I would like to know where Mr. Hamlett got that letter?” Commissioner Hamlett responded “It is not a letter; it is just a piece of paper with the rule on it.” Commissioner Carter asked “Where did you get that from?” Chair Lucas responded “I gave it to him after I talked with Ms. Everett.” Commissioner Carter stated “I have never heard of a DENR person doing that.” Chair Lucas responded “I talked with several people in DENR that were very forthcoming with this information. All you had to do was make a phone call and I took the initiative to do that.” Commissioner Hamlett “I talked with one Bill. I have to deal with them at the store.”

Commissioner Williamson stated “I have one more comment on this. Why is that area over there any more special than any of the other parts of the county that has water control ordinances put on them and that includes Farmer Lake that includes the Raleigh area, the lake down on Cherry Grove south, Haw River, all of them?” Chair Lucas responded “I think part of that Commissioner Williamson is the basis for which this was conceived and started initially. There was no need for this water to be reclassifying the Dan River.” Commissioner Williamson continued “Right but at the same time we still have control over that water going out of that pumping station and I think that is the point that everybody is missing and the farmers came in here and the things that they were saying was basically like they were losing control of their land. When there are the same restrictions on Farmer Lake and other lakes.” Chair Lucas responded “I heard that but I think one of the gentleman was very insightful in saying that as the rules pertain today we are exempt but who is to say a year from now or two years from now that this is going to be the same situation.”

Chair Lucas asked “Any further discussion?”

Upon a vote of the motion, the motion carried by a vote of four to three with Commissioners Carter, Hall and Williamson voting no.

Mr. Collie asked “I have one question, so the motion was to petition to amend it back to a Class C?” Chair Lucas responded “Yes.”

DETENTION CENTER UPDATE

Mr. Dennis Foster stated “Good afternoon. I had given you some information at the last meeting and I did not intentionally mean to mislead anyone and I do have some notes and backup to this affect. We will start with the lift station/muffin monster. At the last meeting I told you that I was assured it would be here May 21st, May 21st showed up and they happened to misunderstand their email so the grinder will not be here until June 21st.” Chair Lucas asked “We were told June 21st right?” Mr. Foster responded “No ma’am. I was assured in writing and verbally that this was the case. We can turn on the pump station as soon as we get the electricity hooked up

and we can work it through the jail without inmates in there. The grinder is mainly for if any bed sheets or whatever gets in the system it grinds it up to pump it up the hill. I have been assured again this grinder would be here June 21st of this year. I have that in writing and verbally. The contractors have not been cooperating exactly. We are holding their feet to the fire. The metal panels on the roof, they had to adjust some and fabricate some, they did not get the paint right we are going to put that on a stop measure. They will order new ones to make everything match. They will get the building dried in and they are down there and they should complete it this week. The parts that don't match will be replaced with original equipment. The tile guy took off, we have not seen him, and we have another tile company that should be here Wednesday. They are going to Charlotte today to pick up the materials at the supply house and they should be here Wednesday to finish the ceramic tile in the showers where it was an unacceptable installation. We had them take that out. We have new people coming in and new materials and we are going to remedy that situation this week."

Chair Lucas asked "Dennis when you said the tile guy took off, did he just abandon the job or...?" Mr. Foster responded "He is gone." Chair Lucas continued "Did he get paid?" Mr. Foster responded "I assume he got some money." Mr. Howard added "Just to clarify, our contract was with HM Kern and he was a subcontractor for HM Kern. He did not work directly for the county." Chair Lucas asked "He is a subcontractor of Kern?" Mr. Howard responded "Yes ma'am." Mr. Foster stated "His work again was unacceptable for the most part so we have another firm coming in tomorrow or Wednesday to remedy that situation. The high performance coatings are in the process of being installed. I don't know where the guys were last week. They ran out of materials and for some reason that stuff is very scarce and it takes two or three weeks to get it so they are down there painting the walls. We have the floor people in; they started working on the floors today." Chair Lucas asked "And this high performance coating is that the one that we initially put on the wrong thing and they are correcting it now?" Mr. Foster responded "Right they grinded the walls down and they got the stuff in and they used up the stuff and it took them two weeks to find some more. We have already spoken about the lift station. The smoke evac test hinges on getting the ceiling in the kitchen area; they will finish the high performance coatings in there tomorrow. We will get the ceiling grid back in and hang the fire alarm and the lights and everything in there so next week we can do the smoke evac test, the fire alarm test, and all the security alarm tests. The underground water supply, the sprinkler guys has this elaborate form we have to fill out. I had to call the contractors back and the owner to witness the flush test one more time. We already did this once but to witness the flush test and have these guys sign the certificate of warranty. That hinges on fixing the fire hydrant that one of the supply companies back over down there. We have this contracted out; their insurance is paying for it so next week they will be in to repair that damage. Then we will do the flush test and get the sprinkler guy back in here to turn that on and go on with that."

Commissioner Carter stated "When you all get ready to do that flush test I would appreciate it if you would notify the Town." Mr. Foster responded "Well what we do there is it is coming off the tap out here at North Avenue and we run it up into the actual inlet for the fire sprinkler system and we run it down into the storm drain down here. It is not really a big thing; they just want to see clear, clean water coming out of this hose for about an hour." Commissioner Carter continued "What I am saying is you still need to notify the Town so you will not have any problems." Mr. Foster responded "Okay, I certainly will."

Chair Lucas asked “So when was the fire hydrant ran over?” Mr. Foster responded “That was about a month ago. United Reynolds that supplied the lifts and what not out here when one of their trucks was backing out we told him to go the other way so he could make it and he ran over the darn thing.” Chair Lucas continued “And now this is causing a delay for us?” Mr. Foster responded “No, this is not contributing to the delay, it is just another thing. On the bright side the furniture was delivered for the administrative section of the jail today and it looks good. We had a few drawers and doors that needed adjusting but it is very nice stuff.” Chair Lucas asked “Do you know when they are planning to move over to the new building?” Mr. Foster responded “Well we have to get the lift station turned on and the sprinkler system tested before they can do that. I hate to make assumptions but within the next 2 weeks. We had the roofers back to repair the roof. There were a couple or three leaks in there. One of them is still leaking which is related to the metal panel at the front of the building which does not have the cap on it. Tomorrow the contractor who is going to caulk all the seams and the metal cap they will be here in full force to tighten that up and take care of that leak. As far as communications in there, Comcast is in and the terminations are made. CenturyLink was in Friday. The phone work, computers work. Rob is setting them up now. Communications are rolling. We do have the link to the 911 Center. We just got the construction change directive today to finish the link to the courthouse from the new jail. They should be in here this week to finish that to get the communications between the court and the new law enforcement center. Terminations are done. Next week our security control contractors will be in here. Tomorrow we will have a training session, the pods are ready to go, the housing units, so tomorrow and Wednesday and Thursday we are going to have staff over there training on the actual jail itself. They will be in the control room, working the doors, running the cameras, hitting the alarms and whatever. We have the kitchen equipment scheduled to be delivered on June 12th. I have the plumbers on line for that day to connect everything and get it set up to be ready to go, that and the laundry equipment also. These are the two we are working on right now. They will be ready to go once we install all the stuff and turn it on. We had some problems with the RTUs, roof top units. We had seven of them not working. We had Indicolor out here today. They revamped everything and we got the building cool and everything is working there.”

Chair Lucas asked “Did you say that was air conditioning?” Mr. Foster responded “Yes, the air conditioning. They are the big units on top. The heating and air.” Chair Lucas continued “Wasn’t there one initially that we had a problem with a ...” Mr. Foster responded “Yes they fixed that one also. What happened is the Trane supplier replaced some parts and I guess word did not get out so they had to go and reset the thing. They were in here the other day and got it cool in there again. The painters are on site. They were painting the yellow C housing unit. The first paint they used did not cover exactly right and we made them go with the high dollar stuff and to go ahead and repaint that and get it ready. It is looking a lot better in there. The final paving at the Sheriff’s office and the final grading and re-seeding are all hinged on getting the lift and grinder in which is due to happen. We have an electrician on line and our plumber will be back but we can’t get that grinder in until it gets here. I know we did not make our deadline. From what I understand we will be here. We are doing other things in the background as you will learn later on to finish this project and get you in the jail. We are not that far out. As far as I understand we will be here to finish this project.”

Chair Lucas asked "And we don't have a target date?" Mr. Foster responded "Let's see how this contractor does. We have some things in the works. This will get done. I guarantee that."

Commissioner Hamlett stated "To me you have more stuff on there this time than you did 2 weeks ago." Mr. Foster responded "Well that is the way it is with punch lists." Commissioner Hamlett continued "I know but I thought you would have more things eliminated and not picking up." Mr. Foster responded "Yes sir I understand that." Commissioner Hamlett stated "It is getting worse it seems like to me. I had confidence in you and now I am losing it." Mr. Foster responded "Well I am pushing them as hard as I can. I can't hold their hands. I can send them nasty emails and I can get the legal team on them and that is what I can do." Commissioner Hamlett said "On the outside I can't see where they have done anything on the right side over there." Mr. Foster responded "On that side they have not been back." Commissioner Hamlett continued "On the roof we have been talking about that for two months. They still have pieces missing and I don't know why." Mr. Foster responded "Exactly." Commissioner Hamlett stated "Maybe you need to get somebody else to do it or get somebody to work." Mr. Foster responded "Well we have that underway." Commissioner Hamlett continued "They blamed it on the cold weather and the rain and we don't have any of that now." Mr. Foster responded "I don't want to play the name game I will just say that we have the mechanism and we are using that mechanism to get this job completed."

Chair Lucas asked "And we extended it until when?" Mr. Foster responded "Until last Friday." Mr. Howard added "The contract payment was through last Friday."

Commissioner Hamlett asked "It will be August won't it?" Mr. Foster responded "I don't think it will be that long." Commissioner Hamlett continued "How much you want to bet?" Mr. Foster responded "Ten." Commissioner Hamlett asked "Ten hundred or ten bucks?" Mr. Foster responded "Ten dollars."

Chair Lucas asked "Any more questions for Mr. Foster?" Mr. Foster responded "Any questions are fine. I will try to answer them to the best of my ability."

Commissioner Hamlett stated "I just hope you can get some people down there to work really. I mean we are catching some heat for this thing." Mr. Foster responded "I agree with you and that has been my push this entire time. We are finally getting a little cooperation but I believe it is a dollar short and a day late." Commissioner Hamlett asked "Let me ask one more question, the people you have coming can you depend on them?" Mr. Foster responded "Yes they have worked with us before. Yes sir."

Chair Lucas asked "Did I understand you to say that we paid them through last Friday?" Mr. Howard responded "Yes." Chair Lucas continued "So what happens now as far as payment for services?" Mr. Howard responded "They have not requested anything additional as of today and they are still here." Chair Lucas stated "Thank you Dennis." Mr. Foster responded "Sorry about the news but you will get in this jail."

Chair Lucas asked "Do you have a list of all of that information you just gave us?" Mr. Foster responded "I just scribble this out. I will type it up and get it to Kevin tomorrow." Chair Lucas

continued “Get it to Kevin to get to all the commissioners or give it to Paula so she can email it to us so we can sort of monitor the progress.” Mr. Foster asked “Will it be okay if I type it up tomorrow and get it to you?” Chair Lucas responded “That will be fine.”

Commissioner Carter stated “I don’t believe I would let anyone in that jail until that muffin monster is in place.” Mr. Foster responded “Actually at the moment the administrative area is hooked into the city’s water system, their waste treatment system. This lift station will handle the housing units and the intake area but the administration part is going into the existing lift station.” Chair Lucas asked “Is that the way it will be permanently?” Mr. Foster responded “Yes we worked that out with the city.” Commissioner Carter stated “Yes that is the way it was from the beginning.” Mr. Foster responded “Yes the capacity of the jail, this is way less than the existing jail is putting into the system so they grandfathered that one out and left it in there and the new system is for the housing area, inmate area and intake area.”

Chair Lucas stated “Thank you.”

E-911 EQUIPMENT INSTALLMENT PURCHASE AGREEMENT

Mr. Ferrell stated “Commissioner this is a purchase of some 911 equipment console. You actually approved in principle this purchase earlier this year. When I started looking at the documents it was structured, the financing document was structured in a way not typical for North Carolina installment purchase financing. They had it structured as a lease purchase so it took some time over the last couple of months to work with the vendor on the form of the documents to make them compliant with North Carolina’s installment purchase statutes. What you have before you are the agreements to effectuate the purchase you approve in principle some months ago. It essentially changes the language from a lease purchase transaction to an installment purchase transaction to comply with statutes. That is what you have here so assuming to still want to ratify and go forward with the purchase that you approved we just need, there is a resolution approving the financing in your documents so we just need a motion to approve the purchase and to approve the resolution and then the finance officer and the county manager can execute the additional documents needed to get this document corrected.”

Chair Lucas asked “Do we have the date that we initially did this?” Mr. Howard responded “I think it was the first meeting in April.”

Mr. Ferrell stated “I had looked at the transaction as an installment purchase all along but when I got into it I realized they had structured it as a lease purchase agreement. The legality of that is questionable in North Carolina. The finance company operates throughout the country so they were not focused on the nuance.”

Chair Lucas asked “But we are using 911 funds to make the installment purchase is that right?” Mr. Howard responded “Yes ma’am.” Chair Lucas continued “So it would not be a lease, we are actually purchasing?” Mr. Howard responded “No we are actually doing a lease purchase. 911 will be making payments on a lease purchase.” Mr. Ferrell added “It is an installment purchase.” Commissioner Hamlett stated “When you get through paying for it, it is yours.” Mr. Howard responded “Correct.” Mr. Ferrell added “Correct.”

Commissioner Williamson moved, seconded by Commissioner Hamlett to approve the installment purchase agreement and the resolution for the 911 equipment consoles. The motion carried unanimously.

DISCUSSION ON FREE LANDFILL DAYS FOR COUNTY RESIDENTS

Chair Lucas stated “I had a call from a citizen asking if we were ever going to do this again. They recalled that we had provided this service in years past and I thought I would bring it to the Board for discussion to see what decision of the Board would be on that.”

Commissioner Jefferies stated “Chair I think it is a good thing. People can take their things to the landfill and get rid of some things they have stored up. We did this more than one time. I think it is the right thing to do and I will make a motion on it.”

Commissioner Jefferies moved, seconded by Commissioner Williamson to approve a free landfill day for county residents.

Chair Lucas asked “Do we want to specify the date for that?” Mr. Howard asked “Would it be okay if staff brought a recommended date to the next meeting so I can research when we did it in the past?” Chair Lucas responded “That will be fine.”

Commissioner Hall stated “I think we also need to talk about what they can bring to landfill day because depending on what it is they may have to make special arrangements to get rid of it. Remember we don’t have a landfill.” Chair Lucas asked “Are you saying like hazardous waste like batteries and....” Commissioner Hall responded “Yes some of those things they handle now. We have a place for batteries.” Mr. Howard stated “We would need to have extra containers here to handle that. They come in and pick those up when they are full.”

Commissioner Hamlett asked “Will they take tires and everything?” Mr. Howard responded “We take a certain amount of tires free now and if it is over that amount they have to pay for it. I am assuming we are just talking about residential folks. I think four tires a year are free.”

Commissioner Hall stated “That is why I said we needed to talk about what we are going to take and make it clear. If you say you have a free landfill day some people are going to take it literally and they will bring anything. If there are going to be some restrictions we need to know that.” Chair Lucas asked “What would you restrict?” Commissioner Hall responded “I don’t know. Well it could be paints and all kinds of liquid stuff that is hazardous and we may have to pay to get rid of all of that stuff and we need to know. We need to talk with the staff about the kinds of stuff we cannot handle that might show up.”

Chair Lucas asked “Can you get that information and bring it back to us at the next meeting?” Mr. Howard responded “Yes ma’am.”

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

APPROVAL OF 2013-2014 PROPERTY LIABILITY AND
WORKERS' COMPENSATION INSURANCE

Mr. Howard stated "The total cost of property liability and workers' compensation insurance for the 2013-2014 year is \$334,946 and that includes the discount for being in a multiple pool association. We are just asking the Board to approve that amount."

Chair Lucas asked "Is this an increase from last year Kevin?" Mr. Howard responded "Yes ma'am it is. We actually received other quotes and they were much higher than this. They did not actually send us the exact quote they just told us they were higher." Chair Lucas continued "This is through the Association of County Commissioners?" Mr. Howard responded "Yes ma'am."

Chair Lucas asked "Any questions for the County Manager?"

Chair Lucas asked "What is the difference from last year to this year?" Mr. Howard responded "It is about \$40,000." Chair Lucas continued "A \$40,000 increase?" Mr. Howard responded "Yes ma'am. Part of this contributed to the detention center and that is part of that cost now. With our workers' comp. we had a couple claims over the last year which drove that up just a little bit and that increased the workers comp. cost."

Commissioner Hamlett moved, seconded by Commissioner Jefferies to approve the 2013-2014 Property Liability and Workers' Compensation Insurance. The motion carried unanimously.

Commissioner Hall stated "Madam Chairman, \$40,000 is a pretty big increase. One of the kinds of things we need to be doing is to monitor workers' comp." Mr. Howard responded "We were doing real well with workers' comp wise. I think when I got here our modify was over 1 and we got down to I think .85 and it jumped about eleven percentage point back up to .96 just due to a couple accidents that we had that required surgeries and lost time."

Chair Lucas asked "Do you have a breakdown?" Mr. Howard responded "I can get it."

Commissioner Jefferies asked "Most of the increase is due to accidents?" Chair Lucas responded "And the detention center." Mr. Howard responded "Most of it was due to workers' comp. I think I have the letters in here." Commissioner Hamlett stated "They say claims are going up." Mr. Howard stated "The workers comp. is \$197,000 of that and the property liability was \$144,000. I think the property went up about \$10,000 and workers' comp went up about \$30,000 but I will get you the exact numbers."

Commissioner Jefferies stated "I think it would be very good to set up an inspection process. With every accident you have you can have a group to go out and inspect what happened. We did this at the plant and did very well with it."

Chair Lucas asked "Is human resources addressing this any?" Mr. Howard responded "Yes we are hoping to get the safety committee back in full swing again in reviewing these accidents. Both of these happened prior to her arrival. One of them actually happened in the last fiscal year

and it is just now showing up. It takes a while to show up on the workers' compensation insurance because it is based on three years' worth of claims." Chair Lucas asked "What about the claims on the property liability? Have we had significant claims?" Mr. Howard responded "No ma'am it was just due to the increase in value we needed in order to have." Chair Lucas continued "Typically it goes up if you have vehicle accidents and that sort of thing." Mr. Howard responded "We have not had any significant claims as compared to what we pay in."

Chair Lucas asked "Any other questions for Mr. Howard?"

Commissioner Jefferies asked "You said you have a human resource group of people that goes out once a quarter or a month just to investigate to see if they see anything that may cause an accident?" Mr. Howard responded "No sir. We are trying to get that back into place. We were doing that when we had HR before and we are reinstating that. We used to do an annual inspection of the entire county looking for things."

RENEWAL OF CONVENIENCE CENTER OPERATION CONTRACT FOR LEASBURG LOCATION

Mr. Howard stated "This is just an annual renewal. We have just being doing this one in a one year time frame due to the store where it is actually located is closed just in case we start having problems over there. We don't need to relocate yet. That is why this one is up this year. The other eight sites are on a two year renewal."

Commissioner Hamlett asked "Is this Jerry Richmond, Sr. or...because he has passed?" Mr. Howard responded "No." Chair Lucas added "It is Leon Richmond's son, I believe." Commissioner Hamlett asked "Did you ask Tim, has he had any problems?" Mr. Howard responded "No we have not had anything happen up there."

Commissioner Hamlett moved, seconded by Commissioner Travis to approve the renewal of the convenience center operation contract for the Leasburg location for one year. The motion carried unanimously.

COUNTY MANAGER'S REPORT AND UPDATES Library Audio Grant

Mr. Howard stated "We discussed this a while back. We asked you to apply for a grant to get a movie projector and an inflatable screen. The library is going to do a program called The Book and The Movie. This is what it was sold on where high school students and middle school students will come in and read a book and after they read the book they will have discussions and they once they actually see the movie they will discuss which was best. This will also be available to do other things as well. We were notified of that earlier last week. Once we get more information we will let you know on that."

Caswell County LFG Well Installation Report

Mr. Howard stated “The next item I included the landfill gas well installation. They did the first round of testing and there were no significant findings of methane gas in those wells. That was sent to the state for their review. We will have to do one more monitoring in a couple of months. We are assuming if it remains no significant findings or reading that we will not have to continue with that program.”

Commissioner Hamlett stated “Good luck.”

Chair Lucas asked “And what did that cost us Kevin do you remember?” Mr. Howard responded “Five or six thousand dollars to have those installed.” Chair Lucas continued “Well that is good news.”

Mr. Howard stated “We were actually worried. We took some initial readings based on the monitoring wells they showed some findings but when we actually did these it did not show that so that was a good sign.”

Commissioner Hamlett asked “When they do the last one can you request that they close it out?” Mr. Howard responded “Yes we will get instructions at that time.” Commissioner Hamlett continued “I have been requesting that for 8 years and they have not handled it for me. You need to do that.” Mr. Howard responded “They may not allow us to close it but we will not have to monitor it annually and we won’t have to install additional wells. This was just an initial inspection to see if we needed to install additional wells so maybe we can do it every two years or every five years. It is up to the state.”

ANNOUNCEMENTS AND UPCOMING EVENTS

- A. Bartlett Yancey High School Graduation – June 8th at 10:00 a.m.
- B. County Employee Family Picnic on June 22, 2013 with a rain date of June 29, 2013
- C. Board of Commissioners, Town of Milton and Town of Yanceyville Joint Meeting – Thursday, July 11th at 6:00 – Historic Courthouse

CLOSED SESSION

Commissioner Hamlett moved, seconded by Commissioner Travis to preserve the Attorney/Client privilege – Triumph, LLC v Alamance-Caswell LME, an Area Authority/Local Management Entity, Alamance County, and Caswell County, Alamance County v PBH d/b/a Cardinal Innovations, John P. Paisley, Jr., Jandy Andrews and National Digital Forensics, Inc., Alamance County File No. 12CvS1365 (NCGS 143-318.11(a)(3)). The motion carried unanimously.

REGULAR SESSION

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

Chair Lucas stated that she has the opportunity and honor to attend a 40 year retirement at Fort Bragg for Bernard Satterfield. She added that the ceremony was quite impressive.

ADJOURNMENT

At 8:37 p.m. Commissioner Hamlett moved, seconded by Commissioner Jefferies to adjourn. The motion carried unanimously.

Paula P. Seamster
Clerk to the Board

Cathy W. Lucas
Chair
