

MINUTES – FEBRUARY 16, 2009

The Caswell County Board of Commissioners met in regular session at the Historic Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Monday, February 16, 2009. Members present: Jeremiah Jefferies, Chairman, George W. Ward, Jr., Vice-Chairman, Eric D. Battle, William E. Carter, Gordon G. Satterfield, and Kenneth D. Travis. Absent: Nathaniel Hall. Also present: Kevin B. Howard, County Manager and Angela Evans representing The Caswell Messenger. Wanda P. Smith, Clerk to the Board, recorded the minutes.

MOMENT OF SILENT PRAYER

Chairman Jefferies opened the meeting with a Moment of Silent Prayer.

APPROVAL OF AGENDA

Mr. Kevin Howard, County Manager, recommended that Closed Session be removed from the agenda since Commissioner Hall was absent and would have been reporting on the issue.

Commissioner Travis moved, seconded by Commissioner Ward to approve the agenda as presented, with the removal of Closed Session. The motion carried unanimously with Commissioner Carter absent.

APPROVAL OF CONSENT AGENDA

Commissioner Ward moved, seconded by Commissioner Travis to approve the Consent Agenda as presented. The motion carried unanimously with Commissioner Carter absent.

The following items were included on the Consent Agenda:

1) Approval of Minutes of February 6, 2009 Meeting

2) Tax Director's Monthly Report for January, 2009

Total Amount of Taxes Collected for January, 2009	\$1,834,256.41
2009 Prepayments	\$ 317.85
Tax Maps/Cards	\$ 27.75
NSF Charge	\$ 75.00
EMS (Dec. 2008-Jan. 2009)	\$ 694.00

PUBLIC COMMENTS

Chairman Jefferies opened the floor for public comments.

(Commissioner Carter entered the meeting at this time).

Mr. John Claggett came before the Board and made the following statements:

“My name is John Claggett and I reside at 108 Jaye Lane, Providence, NC. I thank the Board of Commissioners once again for allowing me to address them publicly.

I sent each and every one of you, as well as the County Manager and County Planner a formal letter of complaint dated January 23, 2009 regarding The Caswell County Outdoor Storage Ordinance as it pertains to Hayes Iron and Metal.

My questions, Mr. Chairman are:

1. Are you all in receipt of my letter of complaint?
2. I was told by the County Manager on Friday, January 30, 2009 that I would have a response no later than Wednesday, February 4, 2009, why didn't that happen?
3. I contacted the County Manager again on Friday, February 6, 2009 regarding the non-receipt of the County's response to my letter of complaint promised no later than February 4, 2009. He responded Monday, February 9, 2009 that I'd be in receipt of an official response later in the week. That didn't happen. I once again received a promise of an official response by the County Manager this afternoon. We'll see. Now that it has been over three weeks I'll ask the Board directly, what is the status of my letter of complaint?
4. Why weren't all of the existing ordinance violations identified in the letter of complaint, addressed in the warning letter to Hayes Iron and Metal dated February 6, 2009?
5. Are warning letters from the County Planner considered official correspondence?
6. I would think that Caswell County would be pretty well versed authoring official correspondence, is that not true?"

#### PROPOSAL FOR RECREATION GATE FEES

Ms. Ashley Williams, Recreation Director, came before the Board to present a proposal for recreation gate fees. Ms. Williams stated that she appeared before the Board at its January 5, 2009 meeting, to present a proposal that the Caswell County Parks and Recreation Department charge a gate fee of \$1.00 per spectator for all the sports events at the facility. Ms. Williams added that at that meeting she was directed to prepare a proposal which contained more details for charging a gate fee. Ms. Williams presented the following guidelines for the gate fee at the Recreation Department:

- Coaches and players that participate in the Recreational Leagues are admitted free.
- Children under 6 admitted free.
- Senior Citizens: 55 and up are admitted free.

Ms. Williams stated that those who do not meet these guidelines are to pay the \$1.00 charge for admittance. Ms. Williams added that the “family pass” does seem too complicated to regulate and manage; therefore, she would not offer a family pass.

After further discussion, Commissioner Battle moved, seconded by Commissioner Travis to authorize the charge of a gate fee of \$1.00 per spectator for all sports events at the Caswell County Parks and Recreation Department facility and to approve gate fee guidelines that require everyone to pay the gate fee except for children aged six years and under. The motion carried unanimously.

### COOPERATIVE EXTENSION SERVICE

Mr. Joey Knight, Cooperative Extension Service Director, came before the Board and reported that he received three bids for each of the value-added pieces of equipment for the Golden Leaf Value-Added Grant. Mr. Knight stated that the following bids were identified as best suiting the Matkins Meat Processors operations.

Delta Scales, Inc.

Automatic Feed Mixer - \$31,395.00

Delta Scales, Inc.

Printer, Scale Base, Software for Labeling - \$8,286.05

Mr. Knight reported that KOCH Equipment, LLC submitted the only bid for the double chamber vacuum packaging piece of equipment at a total cost of \$17,725.00.

After discussion, Commissioner Carter moved, seconded by Commissioner Ward to approve the bids for the purchase of the value-added equipment for Matkins Meat Processors at a total cost of \$57,406.05, as presented. The motion carried unanimously.

Mr. Knight reported that the North Carolina Cooperative Extension – Caswell County Center has selected key leaders to make up the Caswell County 21<sup>st</sup> Century Agriculture Complex Center Subcommittee to help position the promotion of agriculture while preserving the agricultural heritage of Caswell County. Mr. Knight stated that agriculture, particularly tobacco, has been central to Caswell County, and although it is a declining industry, efforts need to be made to revive agriculture through new innovative alternative crops and local value-added products as well as preserving the past agriculture heritage. Mr. Knight added that with the Agriculture Subcommittee Recommendations from the Caswell County 21<sup>st</sup> Century Economic Development Strategic Plan, which was approved by the Board of Commissioners on February 1, 2005, several individuals have requested to move forward in fulfilling these recommendations.

Mr. Knight reported that the project would include a facility that would accommodate the USDA Agriculture Offices as well as a Farmers Market/Commercial Value-Added Kitchen, Community Meeting Facility for Cooperative Extension and other networking agencies and associations, County Agriculture Fair/Heritage Village/Livestock Show Arena for Youth, and an Agricultural Museum/Historical Tobacco Farm. Mr. Knight stated that this Ag Complex Center can be managed under the existing state-support staff from the Caswell County Cooperative Extension

Center along with volunteers and Extension Advisory Leadership Board/Committees. Mr. Knight added that this project will generate income in promoting agriculture and tourism while preserving the historical values of the County.

Mr. Knight provided the Board with a list of key leaders in the County serving on the Caswell County 21<sup>st</sup> Century Agriculture Complex Center Subcommittee and requested that at least two Commissioners and the County Manager be appointed to this Subcommittee. Mr. Knight stated that Mr. Darwin Rhodes and Mr. John Morck, North Carolina Department of Commerce Chief Planners would help in facilitating this group. Mr. Knight requested the Board's approval to move forward on this project.

Commissioner Satterfield stated that the idea and concept behind this project is good, but felt that the key is whether it will be able to develop and sustain itself to generate enough income. Commissioner Satterfield added that the Board needed to be very careful in the coming years in what it takes on as far as buildings and how much money it will take to maintain these facilities. Commissioner Satterfield stated that the Board needs to be very much aware of what it is getting into before it applies for another grant and know what the cost will be up front instead of at the end.

#### RELOCATION OF BOARD OF ELECTIONS AND JUVENILE CRIME PREVENTION COUNCIL PROGRAM

Mr. Kevin Howard, County Manager, reported that he expects to have Senior Services moved into the New Senior Center by the middle of March. Mr. Howard informed the Board that he has had several requests to locate in the space that will be vacated. Mr. Howard noted that the Board has heard requests from Piedmont Community College and the Board of Elections, and they also need to consider Animal Control and the Juvenile Crime Prevention Council Program. Mr. Howard recommended that the Board of Elections be moved to accommodate the needs of the District Attorney's Office for office space at the New Courthouse.

Commissioner Satterfield stated that before the Board makes any commitments to anyone else, they need to make sure that the Board of Elections is going to be able to get what space they need to function. Commissioner Satterfield encouraged the County Manager or Board to meet with the Board of Elections to determine exactly what their needs are before telling anyone else that they can locate in that building.

Commissioner Travis stated that he would like to see County people utilize the space in that building before anyone else and try to save money. Commissioner Travis noted that the Chamber of Commerce could move in that building and the County would not have to pay \$300 per month for office space for them.

Chairman Jefferies directed the County Manager to research this further and report back to the Board.

## BUDGET AMENDMENT NO. 18

Mr. Kevin Howard, County Manager, presented and reviewed Budget Amendment No. 18 for Fiscal Year 2008-2009. After discussion, Commissioner Ward moved, seconded by Commissioner Carter to approve Budget Amendment No. 18 for Fiscal Year 2008-2009 as presented. The motion carried unanimously.

## BUDGET TRANSFER NO. 14

Mr. Kevin B. Howard, County Manager, presented and reviewed Budget Transfer No. 14 for Fiscal Year 2008-2009. After discussion, Commissioner Carter moved, seconded by Commissioner Battle to approve Budget Transfer No. 14 for Fiscal Year 2008-2009 as presented. The motion carried unanimously.

## CONSIDERATION OF NORTH CAROLINA MARRIAGE AMENDMENT RESOLUTION

Mr. Kevin B. Howard, County Manager, presented the *North Carolina Marriage Amendment Resolution* for the Board's consideration and stated that Senator Tony Foriest has requested that local governments in the State support this Resolution.

Commissioner Satterfield moved, seconded by Commissioner Travis to adopt the following *North Carolina Marriage Amendment Resolution*. The motion carried unanimously.

## **North Carolina Marriage Amendment Resolution**

**WHEREAS**, marriage throughout human history has been the basic building block of society; and

**WHEREAS**, marriage is in fact the union of one man and one woman at one time, and it is the nature of this male/female relationship that defines marriage; and

**WHEREAS**, North Carolina law recognizes that, "A valid and sufficient marriage is created by the consent of a male and a female person who may lawfully marry, presently to take each other as husband and wife, freely, seriously and plainly expressed by each in the presence of the other..." (N.C. Gen. Stat. 51-1); and

**WHEREAS**, the General Assembly of North Carolina passed a "Defense of Marriage Act" in 1996, which clarifies in statute that: "Marriage, whether created by common law, contracted, or performed outside of North Carolina, between individuals of the same gender are not valid in North Carolina." (N.C. Gen. Sta. 51-1.2); and

**WHEREAS**, the United States Congress enacted a federal statute known as the "Defense of Marriage Act" which mandates that, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife." (1 U.S.C. § 7); and

**WHEREAS**, the Supreme Judicial Court of the State of Massachusetts declared in a 4-3 decision that the Massachusetts legislature must provide for same-sex marriages, and whereas the State of Massachusetts began issuing marriage licenses to same-sex couples on May 17, 2004, and whereas the Massachusetts legislature repealed a law that prohibited marriage in Massachusetts of couples whose home states would not recognize the marriage, so that same-sex couples from North Carolina can now legally “marry” in Massachusetts; and

**WHEREAS**, the California Supreme Court ruled in a 4-3 decision that limiting marriage to opposite-sex couples was a violation of the California Constitution, and whereas the State of California began issuing marriage licenses to same-sex couples on May 17, 2008, and continued that practice until November, 4, 2008, when voters in California overrode their Court’s redefinition of marriage by passing Proposition 8 protecting the traditional definition of marriage; and

**WHEREAS**, on October 10, 2008, the Supreme Court of Connecticut ruled by a 4-3 majority that, even though same-sex couples in Connecticut can form civil unions equal in rights and benefits to marriage, denying them the right to marry violates the State’s Constitution, and whereas, on November 12, 2008 the State began issuing marriage licenses to same-sex couples; and

**WHEREAS**, An unknown number of same-sex couples that reside in North Carolina have already obtained marriage licenses in Massachusetts, California (before Proposition 8 passed), or Connecticut, and at any time, one or more of these couples could file suit in a North Carolina court in an attempt to convince a judge to overturn our State’s marriage laws, arguing that they unconstitutionally prohibit “marriages” between same-sex couples; and

**WHEREAS**, without a provision in our State Constitution defining marriage as the union between only a man and a woman, any court in our State could redefine marriage by legalizing the union of same-sex couples, without a vote of the people of the State or our elected legislators; and

**WHEREAS**, to date, 30 states have passed Marriage Protection Amendments that place the traditional definition of marriage as the union of one man and one woman in their state constitutions and beyond the reach of a court; and

**WHEREAS**, North Carolina is the only state in the southern United States that has not protected marriage in its State Constitution by defining it as the union of one man and one woman, thus making it a target for same-sex “marriage;” and

**WHEREAS**, a Constitutional Amendment stating that “*Marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in this State*” is the strongest means of protecting North Carolina’s statutory definition of marriage and of insuring that the definition of marriage will be determined by the people of the State; and

**WHEREAS**, bills have been proposed in the last five sessions of the General Assembly to protect marriage by defining it in the North Carolina Constitution as the union of one man and one woman, but the leadership in the North Carolina House and Senate have denied lawmakers and the citizens of the State an opportunity to vote on these bills;

**BE IT THEREFORE RESOLVED**, that the Caswell County Board of Commissioners believes that it is in the best interest of the people of the County of Caswell and the State of North Carolina to define marriage in the North Carolina Constitution as the union of one man and one woman at one time.

**BE IT THEREFORE RESOLVED**, that the Caswell County Board of Commissioners hereby requests that the North Carolina General Assembly, in accordance with Article XIII, Section 4 of the North Carolina Constitution, approve legislation submitting a proposal to the qualified voters of this State, for their ratification or rejection, for the adoption of an amendment to the North Carolina Constitution stating:

*“Marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in this State”*

Adopted this the 16th day of February, 2009.

S/Jeremiah Jefferies  
Jeremiah Jefferies, Chairman  
Caswell County Board of Commissioners

ATTEST:

S/Wanda P. Smith  
Wanda P. Smith  
Clerk to the Board

#### DISCUSSION OF BOARD SUBCOMMITTEES

The Board discussed whether to continue with Board Subcommittees or have all issues reported to the full Board. After considerable discussion, Commissioner Satterfield moved, seconded by Commissioner Ward to discontinue the appointment of Board Subcommittees. The motion failed by a tie vote of three to three with Commissioners Battle, Carter, and Travis voting no.

APPOINTMENT OF BOARD MEMBER TO CRIMINAL JUSTICE PARTNERSHIP BOARD

Chairman Jefferies appointed Commissioner Satterfield to serve as the Board's representative on the Criminal Justice Partnership Board.

2010 CENSUS PARTNER PROCLAMATION

Commissioner Ward moved, seconded by Commissioner Travis to adopt the following *2010 Census Partner Proclamation*. The motion carried unanimously.

**CASWELL COUNTY  
2010 Census Partner Proclamation**

**WHEREAS**, an accurate census count is vital to our community and residents' well-being by helping planners determine where to locate schools, day-care centers, roads and public transportation, hospitals and other facilities, and is used to make decisions concerning business growth and housing needs; and

**WHEREAS**, more than \$300 billion per year in federal and state funding is allocated to states and communities based on census data; and

**WHEREAS**, census data ensure fair Congressional representation by determining how many seats each state will have in the US House of Representatives as well as the redistricting of state legislatures, county and city councils, and voting districts; and

**WHEREAS**, the 2010 Census creates jobs that stimulate economic growth and increase employment opportunities in our community; and

**WHEREAS**, the information collected by the census is protected by law and remains confidential for 72 years.

**NOW, THEREFORE, WE PROCLAIM** that Caswell County is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010.

As a 2010 Census partner, we will:

1. Support the goals and ideals for the 2010 Census and will disseminate 2010 Census information to encourage those in our community to participate.
2. Encourage people in Caswell County to place an emphasis on the 2010 Census and participate in events and initiatives that will raise overall awareness of the 2010 Census and ensure a full and accurate census.
3. Support census takers as they help our community complete an accurate count.
4. Create or seek opportunities to collaborate with other like-minded groups in our community, such as Complete Count Committees, to utilize high-profile, trusted voices to advocate on behalf of the 2010 Census.

**ADOPTED THIS 16th DAY OF FEBRUARY, 2009.**

S/Jeremiah Jefferies

Jeremiah Jefferies, Chairman

S/Wanda P. Smith

Wanda P. Smith, Clerk to the Board

APPOINTMENT TO ABC BOARD

Commissioner Ward moved, seconded by Commissioner Travis to appoint Mr. I. Graham Dailey to fill an unexpired term on the ABC Board. The motion carried unanimously.

APPOINTMENT TO PLANNING BOARD

Commissioner Ward moved, seconded by Commissioner Travis to reappoint Mr. Floyd M. "Skip" Rowland to the Planning Board. The motion carried unanimously.

DISCUSSION OF PURCHASE OF LAPEL MIKES

Chairman Jefferies stated that he had requested that the Clerk to the Board obtain a cost for lapel mikes to be worn by Board members during its meetings. Chairman Jefferies added that the cost for lapel mikes would be approximately \$6,000 - \$7,000.

Chairman Jefferies stated that instead of spending this amount of money, he would rather see the Board move its meetings to the New Courthouse. Chairman Jefferies added that when the Board held Closed Sessions, it could move to the Grand Jury Room or Judge's Chambers.

There was discussion of moving the Board meetings to the New Courthouse in order for the audience to be able to hear better. Commissioner Travis stated that if each Board member would speak directly into the existing mikes, there would not be a problem with being heard.

Commissioner Travis moved, seconded by Commissioner Battle that the Board not spend the \$6,000 to purchase lapel mikes.

Commissioner Carter stated that he would be in favor of moving the Board meetings to the New Courthouse rather than buy lapel mikes in order to be heard better.

Commissioner Ward stated that he did not have a problem with moving the meetings to the New Courthouse.

Commissioner Battle stated that he did not think that the Board needs to purchase the lapel mikes and felt that if the Commissioners would speak up, there should not be a problem in being heard. Commissioner Battle added that the Board of Commissioners is a separate entity from the New

Courthouse and he did not feel that they needed to keep making the Courthouse the main focal point in Caswell County. Commissioner Battle stated that he did not feel that the Board needed to move its meetings and noted that the Offices of the County Manager and Clerk to the Board are here at the Historic Courthouse and materials or information that may be needed for a meeting is here. Commissioner Battle added that, personally, he did not think the Board needed to move its meetings, the Board members just need to speak up.

Commissioner Satterfield stated that the hearing is the problem and agreed that if everyone would speak up, there would not be a problem. Commissioner Satterfield noted, however, that he has a problem sometimes hearing Commissioners from the other end of the table and even when someone comes to the public podium. Commissioner Satterfield stated that he knew the New Courthouse would eliminate the hearing problem and felt that the Board owed it to the general public to try to improve the hearing, even if it meant moving to the New Courthouse on a trial basis. Commissioner Satterfield added that it may be a little inconvenient for the Clerk and Manager, but felt it was important that the public that takes the time to come to a meeting be able to hear what is being said by its elected officials. Commissioner Satterfield stated that he felt the Board should move on a temporary basis to see how it works.

Commissioner Travis stated that he was against remodeling the Historic Courthouse when it was done, but a large amount of taxpayer's money was spent to remodel it and he felt that the Board needs to use the Courthouse like they are using it. Commissioner Travis added that everyone needs to speak into the mikes, they do not need to move anywhere, and if the Historic Courthouse is not going to be used, then the money should never have been spent on it. Commissioner Travis stated that with the amount of money spent on renovating the Historic Courthouse, the Board owes it to the taxpayers of the County to utilize it and not leave it empty.

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

After considerable discussion, Commissioner Carter moved, seconded by Commissioner Satterfield that the Board of Commissioners hold its regular meetings at the New Courthouse on a three-month trial basis, beginning with the first meeting in March.

After further discussion, Commissioners Carter and Satterfield withdrew their motion since this item was not on the agenda for tonight's meeting.

Chairman Jefferies instructed the Clerk to the Board to place this item on the agenda for the next Board meeting.

#### COUNTY MANAGER'S REPORT

Mr. Kevin B. Howard, County Manager, reported that he was instructed by the Board at its last meeting to obtain costs for a mini-van or mid-size vehicle for the Senior Center. Mr. Howard provided the Board with a list of the original vehicles he had presented to the Board, along with

several additional vehicles. Upon questioning from Commissioner Satterfield, Mr. Howard answered that the County has \$10,000 in State funding to purchase this vehicle.

Commissioner Carter moved, seconded by Commissioner Satterfield to purchase the 2007 Dodge Caliber at a cost of \$9,850 from Barker Auto Sales. The motion failed by a tie vote of three to three with Commissioners Battle, Travis, and Ward voting no.

After further discussion, Commissioner Battle moved, seconded by Commissioner Satterfield that the County Manager offer to purchase the 2007 Kia Rio 5 from Blackwell Auto for \$10,000. The motion carried by a vote of five to one with Commissioner Carter voting no.

Mr. Howard, County Manager, presented to the Board the proposed 2009-2010 Budget Development Calendar to be approved.

Mr. Howard reported that the Senior Center Project is not yet completed as projected and since there is no approved extension, the contractor will be paying daily liquidated damages beginning February 17, 2009.

Mr. Howard informed the Board that he would be out of the office on annual leave the week of March 23-27, 2009.

ANNOUNCEMENTS

Commissioner Travis reported that he received a complaint from a citizen who reported that in the area where females are incarcerated in the Caswell County Jail that there is nowhere for them to sit down and eat, that they have to sit on the floor and eat. Commissioner Travis stated that this matter needs to be reviewed. Chairman Jefferies directed the County Manager to discuss this issue with the Sheriff and report back to the Board.

Commissioner Satterfield thanked the Board members for the flowers and phone calls they made to him due to his recent hospitalization.

Chairman Jefferies thanked the Board members and expressed his appreciation for their conducting the last meeting in his absence due to illness.

THE ADJOURNMENT

At 7:45 p.m. Commissioner Travis moved, seconded by Commissioner Carter to adjourn the meeting. The motion carried unanimously.

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Wanda P. Smith  
Clerk to the Board

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Jeremiah Jefferies  
Chairman

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