

## MINUTES – APRIL 20, 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, April 20, 2009. Members present: Jeremiah Jefferies, Chairman, George W. Ward, Jr., Vice-Chairman, Eric D. Battle, William E. Carter, Nathaniel Hall, Gordon G. Satterfield, and Kenneth D. Travis. Also present: Kevin B. Howard, County Manager, Michael R. Ferrell, County Attorney, 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

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

### APPROVAL OF CONSENT AGENDA

Commissioner Ward moved, seconded by Commissioner Battle to approve the Consent Agenda as presented. The motion carried unanimously.

The following items were included on the Consent Agenda:

- 1) Approval of Minutes of March 10, 2009 (Reconvened Meeting), March 16, 2009 (Regular Meeting), March 30, 2009 (two Special Meetings), and April 6, 2009 (Regular Meeting)
  
- 2) Tax Director's Monthly Report for March, 2009

Total Amount of Taxes Collected for March, 2009	\$298,438.43
2009 Prepayments	\$ 5,969.90
Tax Maps/Cards	\$ 69.00
County Maps	\$ 4.95
Beer License	\$ 5.00
Wine License	\$ 25.00
NSF Charge	\$ 119.50
EMS for Feb. and March	\$ 3,102.46

### PUBLIC COMMENTS

Chairman Jefferies opened the floor for public comments.

There were no public comments made.

## PUBLIC HEARING – VARIANCE REQUEST OF OUTDOOR STORAGE ORDINANCE

Commissioner Battle moved, seconded by Commissioner Hall that the Board enter into a public hearing to receive comments on a request by Hayes Iron and Metal for a variance of the *Caswell County Outdoor Storage Ordinance*. The motion carried unanimously.

Mr. Brian Collie, County Planner, came before the Board and stated that Hayes Iron and Metal is requesting a variance to the *Caswell County Outdoor Storage Ordinance*. Mr. Collie informed the Board that Hayes Iron and Metal would like to expand their current Outdoor Storage Facility onto an adjacent piece of property, however, they cannot currently do this because the majority of the adjacent piece of property is located within the 500 ft. setback from the 100 year flood zone regulation found in the *Outdoor Storage Ordinance*. Mr. Collie stated that if this variance is granted it would allow Hayes Iron and Metal to utilize the adjacent property for storage given that they construct an engineered approved storm water drainage system surrounding the backside of the property. Mr. Collie added that this would essentially stop all harmful runoff that may be coming from the site getting into the flood zone area.

Mr. Collie stated that the *Outdoor Storage Ordinance* contains a provision that no Outdoor Storage Facility be located within 500 ft. of a 100 year flood zone. Mr. Collie informed the Board that he has researched this provision through the Federal Emergency Management Agency (FEMA) who creates the flood zones for the County and with the North Carolina Department of Environment and Natural Resources (NCDENR), and both agencies have told him that they do not require any type of setback for such a use, and that the 500 ft. setback must be something specifically created by Caswell County.

Mr. Collie stated that Hayes Iron and Metal has created a daily problem on Walter's Mill Road due to traffic going into the facility causing congestion in the road. Mr. Collie noted that there is not enough room to get the trucks delivering to their facility off the road, which creates a very dangerous situation inhibiting the free flow of traffic.

Mr. Collie recommended that the County take measures to ensure that if this variance is granted that Hayes Iron and Metal is required to construct a NCDOT approved turning lane into the new entrance with a new set of scales to allow traffic flowing into their facility to be off the public highway. Mr. Collie also recommended that Hayes Iron and Metal have wash pits for the trucks leaving the facility so that mud is not tracked out onto Walter's Mill Road as is currently being done. Mr. Collie informed the Board that he inspected the property today and provided pictures for the Board to review, and that as of today, Hayes Iron and Metal is not in compliance with the fencing requirements of the *Outdoor Storage Ordinance*, therefore, did not recommend that a variance be granted.

Mr. Michael Ferrell, County Attorney, stated that the County's *Outdoor Storage Ordinance* provides that a facility such as Hayes Iron and Metal must be located at least 500' from a flood zone. Mr. Ferrell added that there is a provision in the County's Ordinance, however, that allows an applicant to have an alternative means of accomplishing protection of the creeks, and that is he may have an engineered solution to that particular problem. Mr. Ferrell stated that the issue before the Board is whether the request for a variance of the 500 ft. requirement is one that

should be granted and findings of fact will be based on what they hear at the public hearing. Mr. Ferrell reviewed the findings of fact to be used in determining whether to grant the variance. Mr. Ferrell stated that Hayes Iron and Metal needs to demonstrate to the Board that its proposal will provide the same amount of protection for the streams as a 500 ft. buffer.

Mr. Charlie Wright, Vice-President, Hayes Iron and Metal, came before the Board and stated that the reason he needs a variance is to solve the problems that will be discussed tonight. Mr. Wright informed the Board that the mesh is being put on the fence and he has until the 16<sup>th</sup> to complete this. Mr. Wright stated that the reason he bought the additional property was to construct the turn lane. Mr. Wright added that the engineered system he is proposing has been approved by his engineers and should prove to be better than the current natural buffer. Mr. Wright noted that the turn lane will allow them to get the traffic off of the Walters Mill Road, giving them more room to put in wash pits. Mr. Wright informed the Board that today they are closed to the general public and added for 30 days they will not take in any peddle traffic because in two weeks they will be putting in 1,400 yards of concrete to pave their road to try to take care of some of the mud problems. Mr. Wright noted that they are obligated to continue business with their industrial accounts during this time.

Mr. Wright stated that if this variance is granted, then they will be able, at their expense, to construct a turn lane. Mr. Wright added that this has been drawn up and approved by NCDOT. Upon questioning from Commissioner Hall, Mr. Wright answered that without the variance, he cannot put in the turn lane or wash pits.

Mr. Ferrell requested that Mr. Wright describe his engineered proposal to the Board and the solution he is proposing as an alternative. Mr. Wright reported that he is proposing four different catch basins that will filter every drop of the stormwater runoff coming off of their property. Upon questioning from Mr. Ferrell, Mr. Wright answered that water collected from ditches will go to a separate basin and once a month anything filtered out of this water will be pumped and hauled away by Safety Clean of Roxboro, NC. Mr. Wright stated that with the turn lane and everything he is proposing to do, he will be making a \$3 to \$4 million investment.

Mr. Ferrell asked Mr. Wright if he was aware that if the variance is granted he would have to provide periodic evidence to the County of maintenance of the engineering device and he answered that he is aware of this and prepared to do so.

Mr. Ferrell asked Mr. Wright if the variance is granted, is it accurate that he would be able to utilize that property to mitigate the mud on the road and the backup of traffic on the road and he answered that this is accurate. Mr. Ferrell asked Mr. Wright if this is a condition of the variance, would he have any objection and he answered that he would not.

Upon questioning from Mr. Ferrell, Mr. Wright answered that if the variance is granted, he would construct a turning lane and not object to it being a condition of the variance.

Commissioner Ward questioned the availability of the Engineer that prepared Mr. Wright's proposal. Mr. Wright informed the Board that his engineer, Mr. Mark Johnson of LND, is out of

town, but would glad to answer any questions. Commissioner Ward stated that he felt the engineer needed to give an overview of Mr. Wright's proposal.

Chairman Jefferies welcomed comments from the public.

Mr. John Claggett of 108 Jaye Lane, Providence, NC came before the Board and made the following statements and provided pictures siting non-compliance by Hayes Iron and Metal of the *Caswell County Outdoor Storage Ordinance*:

"The Commissioners meeting of December 15, 2008, I provided the Board with pictures of Hayes Iron and Metal documenting they were out of compliance with the Caswell County Outdoor Storage Ordinance. I have more which were taken yesterday.

The minutes of January 5, 2009, Commissioner Satterfield stated that he had visited Hayes Iron and Metal and noted that Hayes is wrong in being out of compliance, and also stated that he was assured by Mr. Wright of Hayes that the business would be brought back into total compliance prior to being granted a variance. The County Planner stated that Hayes Iron and Metal was out of compliance with the current ordinance.

A formal letter of complaint dated January 23, 2009, was sent to all of the commissioners as well as county staff outlining the ordinance violations and offered solutions provided in the ordinance itself.

On February 26, 2009, assurance was given by the County Manager that all sites in the county that fall under the Outdoor Storage Ordinance will be brought into compliance. That hasn't happened yet.

The Commissioners meeting of March 9, 2009 Mr. Wright of Hayes Iron and Metal requested a variance to the Caswell County Outdoor Storage Ordinance while "still" being out of compliance. Commissioner Satterfield questioned the effort of Hayes Iron and Metal becoming compliant based on the conversation they had back in December of last year. Mr. Wright publicly admitted to being out of compliance. He also stated that if the business wasn't there it would be in Danville, and that they (Danville) would be benefiting from the tax dollars. Ms. Taylor from Hayes Iron and Metal also stated on March 9<sup>th</sup> that one of the things to consider for granting this variance is that they recycle materials for Caswell County. I don't have to tell you what that sounds like. Evidently the variance request was withdrawn because here we are again, attending a public hearing regarding a request for a variance to an ordinance that is still not being complied with. Here are some photographs to illustrate my point. Same story different day.

Hayes has disregarded the law for almost a year now, and the Board knows it, as illustrated in archived Board of Commissioners meeting minutes dating back to May of last year. By granting a variance to Hayes Iron and Metal at this point, the Board is knowingly permitting unlawful expansion as well as disregarding the safety of our citizens, and that is nothing less than criminal, as you know. The "scare tactics", so aptly described by the County Planner, in the form of a warning letter to Hayes Iron and Metal have brought zero results regarding ordinance compliance, now where's the enforcement? What are their real hours of operation?

Gentlemen, you've all taken an oath to uphold the law. I assume Hayes Iron and Metal as well as Mr. Daniels respect that. Some of us citizens know about the pride and integrity that comes with taking an oath, as well as the responsibility that accompanies it. When reading Webster's definition of integrity it references the definition of honesty. Where is the Board of Commissioners' integrity, and where's the honesty and responsibility to the citizens of Caswell County?"

Mr. Bobby Jones, of 130 Walters Mill Road, Providence, NC came before the Board and requested that they not grant the variance to Hayes Iron and Metal which would allow them to expand. Mr. Jones referred to the presentation made by Ms. Taylor of Hayes Iron and Metal at the Board's March 9, 2009 meeting, in which she informed the Board of how well the business was doing in Providence. Mr. Jones stated that he would like to tell the Board about the records pertaining to Hayes Iron and Metal from the Caswell County Sheriff's Office and NC State Highway Patrol for the last two to three years. Mr. Jones added that Ms. Taylor, Human Resources Officer for Hayes Iron and Metal stated at the Board's March 9<sup>th</sup> meeting that their business was a world wide business, yet if this is true, they should be a world class business in Caswell County also. Mr. Jones noted that Ms. Taylor stated that they employ 39 people, yet only one lives in Caswell County and pays property taxes. Mr. Jones informed the Board that the 2.3 miles of road from NC 86 past Hayes Iron and Metal and the fence area is the most policed road in Caswell County. Mr. Jones stated that he obtained the call history from the Caswell County Sheriff's Office and 95 calls were made to Hayes Iron and Metal from the period of 2003 to 2006, and since the year 2008 the NC State Highway Patrol has made 111 calls to the Walters Mill Road. Mr. Jones added that he could not see granting a variance to Hayes Iron and Metal until they comply with the Outdoor Storage Ordinance and come into standards with the neighborhood.

Ms. Cathy Lucas, of 6775 Park Springs Road, Pelham, NC, came before the Board and stated that considering the fact that everybody wants to be good neighbors and that Hayes Iron and Metal is an industry that is providing a service for the County, that possibly the Board could consider assisting in relocating this business because it is a good business and has helped in cleaning up the County. Ms. Lucas added that without zoning in the County, any type of business can locate anywhere in Caswell County. Ms. Lucas stated that Hayes Iron and Metal should possibly consider relocating to an industrial site with the assistance of the County and get out of a residential area. Ms. Lucas added that if the County had a Zoning Ordinance they would not be dealing with this situation with Hayes Iron and Metal today. Ms. Lucas stated that the Board should establish a study committee to address this and not disregard the laws that are on the books. Ms. Lucas urged the Board to abide by the ordinances that they have adopted. Ms. Lucas stated that the Board of Commissioners took an oath to uphold the laws of the County and urged them not to ignore them. Ms. Lucas asked that the Board not grant this variance to Hayes Iron and Metal and added that she felt it to be illegal to grant a variance to an Ordinance when there is not full compliance to that Ordinance.

There being no further comments, Chairman Jefferies declared the public hearing closed.

Commissioner Satterfield stated that he would not vote for a variance until there is complete compliance with the Outdoor Storage Ordinance, nor would vote for a variance unless specific issues addressed by the County Attorney and Planner have been complied with by Hayes Iron and Metal.

Chairman Jefferies stated that this issue would be placed on the Board's May 4, 2009 agenda for further discussion with the engineer for Hayes Iron and Metal who prepared its proposal.

PUBLIC HEARING – VARIANCE REQUEST OF MANUFACTURED HOME SITING  
ORDINANCE

Commissioner Ward moved, seconded by Commissioner Travis that the Board enter into a public hearing to consider a request from Mr. Keith Blalock for a variance of the Manufactured Home Siting Ordinance. The motion carried unanimously.

Mr. Michael Ferrell, County Attorney, announced that there has been a recent change due to a case before the Court of Appeals last month, which basically voids the provision in the Manufactured Home Siting Ordinance which states that manufactured homes that are more than 10 years old when sited cannot be brought in from another county or jurisdiction, which is the variance request being made tonight by Mr. Blalock. Mr. Ferrell stated that it is his recommendation that the Board instruct County staff today that the 10-year age provision in the County's Manufactured Home Siting Ordinance not be enforced any longer and that staff examine the Ordinance to determine what changes need to be made to bring it into compliance with the most recent decision of the Court of Appeals.

Mr. Ferrell stated that due to the recent decision of the Court of Appeals, there is no need to grant a variance and this issue can be dismissed.

Upon questioning from Ms. Cathy Lucas, Mr. Ferrell explained further that last month the Court of Appeals heard a case from Pasquotank County and it was their decision that the County did not have the authority to enforce this age limit provision because of recent statutory changes.

Chairman Jefferies declared the public hearing closed.

Mr. Brian Collie, County Planner, stated that he just recently learned of the court case and discussed it with the County Attorney today who instructed him that the age limit requirement in the Manufactured Home Siting Ordinance cannot be enforced at this time. Mr. Collie stated that upon the Board of Commissioners' direction, he would work with the County Attorney to review the Ordinance to develop the language so that it would be legal and enforceable, take it before the Planning Board for approval, and then before the Board of Commissioners. Chairman Jefferies instructed the County Planner to work with the County Attorney to carry this out.

## BOARD OF EQUALIZATION AND REVIEW

Commissioner Ward moved, seconded by Commissioner Travis to recess as the Board of Commissioners and sit as the Board of Equalization and Review. The motion carried unanimously.

Mr. Thomas Bernard, Tax Director, came before the Board and stated that he received a request from Mr. Victor Grant of Complex Property Advisors Corporation, owner of Caswell House, concerning the value of this property. Mr. Bernard informed the Board that the County's assessed value of Caswell House is \$7,002,022. Mr. Bernard stated that records from the Register of Deeds' Office dated November 6, 2007, document that Wakefield Capital (W.C. Caswell, LLC) purchased this property for \$7,783,500. Mr. Bernard reported that Mr. Grant had a cost analysis of Caswell House prepared using Marshal & Swift Valuation Service, and he had felt that the assessed value was substantially different than the indicated cost from the cost analysis. Mr. Bernard added that Mr. Grant states that the cost to construct as reflected in a building permit for Caswell County was \$3,961,255, which closely correlates with the assessed value of \$4,734,000 as submitted by Marshal & Swift. Mr. Bernard noted that Mr. Grant states in his letter that he feels that something more than just land and buildings were recorded as the assessment (such as the total assets of an ongoing operation, inclusive of personal property and goodwill) and requested a reduction in value of the property.

After discussion, Commissioner Carter moved, seconded by Commissioner Hall that the value of the Caswell House remain as assessed by the Caswell County Tax Department. The motion carried unanimously.

Commissioner Carter moved, seconded by Commissioner Hall to recess the Board of Equalization and Review and reconvened the Board of Commissioners. The motion carried unanimously.

## TAX DIRECTOR'S MONTHLY REPORT

Mr. Thomas Bernard, Tax Director, came before the Board and submitted the following Monthly Report for March, 2009.

1,622 accounts turned over to Attorney  
34 parcels sold  
1,139 accounts – paid in full  
63 accounts entered into payment plan  
22 bank-attached by County  
33 accounts that are leasehold properties that are in debt set-off  
43 entered into bankruptcy  
21 in-rem foreclosure procedure  
267 files moving forward

The collection rate for the 2007 tax year is 95.43% as of 6/30/2008.

Mr. Bernard noted that collections is 1.5% ahead of this date last year.

Mr. Bernard provided the Board with a summary of Property Tax Collections for FY 2008-2009, which showed the month in which the taxes were paid (July 1, 2008 – March 31, 2009), and for which tax year the taxes are being paid.

Mr. Bernard stated that out of the original delinquent tax accounts advertised in the paper, there are a total of 596 parcels with an unpaid balance of \$248,000. Mr. Bernard requested the authority to proceed with the collection process on these accounts if he is unsuccessful with bank attachments and garnishments. Commissioner Satterfield moved, seconded by Commissioner Ward to allow the Tax Director to proceed with collections on the unpaid 596 parcels. The motion carried unanimously.

Mr. Bernard informed the Board that there is another report he is in the process of preparing for the Board which shows total tax collections by consecutive years. Mr. Bernard added that ACS is currently working on the system so that he can provide this report.

Commissioner Ward questioned the Tax Director as to whether he has a connection with the Finance Office in which he can automatically send them the amount of monies collected and posted in the Tax Office. Mr. Bernard answered that he cannot do this at this time, but it is his understanding that it is being worked on by ACS to do this.

Commissioner Hall asked Mr. Bernard if he is utilizing the Debt Set-off Program with the State of North Carolina. Mr. Bernard answered that he is utilizing this by sending the information to the Finance Office.

Mr. Bernard provided the Board with a list of delinquent taxpayers owing property taxes in the amount of \$100 or less for the period of July 1, 2008 – April 20, 2009.

#### BOARD OF ELECTIONS REQUEST

Mr. Andrew Murray, Board of Elections Chairman, came before the Board to discuss office space for the Board of Elections. Mr. Murray stated that there is all indication that the Board of Elections will be moving into the old Senior Center building and the Elections Board is requesting that the Board of Commissioners upgrade the building to make it user friendly for the Board of Elections. Mr. Murray provided the Board with a letter from the State Board of Elections with suggestions for a County elections office facility and a draft of the building layout and proposal from the Board of Elections. Mr. Murray stated that there is enough room for what they would like to do, but there need to be some changes. Mr. Murray informed the Board that in the last election, fifty percent of the voters in the County chose early voting. Mr. Murray added that in requesting additional space, the Board of Elections is planning for future growth and expansion.

Mr. Howard informed the Board that in talking with the Director of Elections, to move the walls and other renovation as is being requested, would cost approximately \$30,000.

Commissioner Hall stated that he is very familiar with the operations of the Board of Elections and felt sure that additional space is needed, but it seems that someone is getting ahead of the process. Commissioner Hall added that the Board of Commissioners needs to look at all of the County's needs and this Board make a decision as to the utilization of the building, and then get a cost estimate based on that decision. Commissioner Hall noted that there are other areas at which the Board of Commissioners needs to look. Commissioner Hall stated that in order to best utilize all of the space, the Board of Commissioners needs a plan to enable the Board of Elections to get the space they need and others in need to get the space they need with the least amount of renovations.

Upon questioning from Commissioner Carter as to who would be moving into the old Senior Center building besides the Board of Elections, Mr. Howard clarified that the Board of Commissioners has received requests to move into the old Senior Center building, but the Board has not made a decision for anyone to move into that facility.

Commissioner Satterfield agreed that the Board needs to look at everyone's request for space, and added that there is a lot of space at the Guilford Mills building that is not being utilized. Commissioner Satterfield added that the Board of Commissioners needs to look carefully at the Board of Elections' request for space due to one-stop voting and complying with the Voting Act and privacy matters.

After considerable discussion, Commissioner Hall moved, seconded by Commissioner Travis to instruct staff to put together a proposal of all requests for office space, including offices that are currently paying rent, for review by the Board of Commissioners in order to make a decision on space allocation, and that this be done within 30 days. The motion carried unanimously.

#### NC DEPARTMENT OF TRANSPORTATION PUBLIC TRANSPORTATION DIVISION

Mr. Kevin Howard, County Manager, presented on behalf of Ms. Melissa Williamson, Director, Caswell Division of Transportation, a Resolution for consideration and approval by the Board to enter into a contract with the North Carolina Department of Transportation to update CDOT's Five-Year Community Transportation Service Plan.

Mr. Howard reported that the North Carolina Department of Transportation has announced that it will be participating in the cost to develop the Five Year Community Transportation Plans for transit systems. Mr. Howard noted that Caswell County's current Transportation Plan is eleven years old and was completed on April 21, 1998.

Mr. Howard stated that the plans will identify, evaluate, develop, recommend, and implement strategies that provide planning elements for meaningful mobility options for the general public and targeted populations.

Mr. Howard informed the Board that the estimated cost will range from \$75,000 to \$80,000, and the North Carolina Department of Transportation is willing to incur 90% of the cost to develop the plan, with the County matching 10% of the plan cost. Mr. Howard stated that CDOT plans to use its Revenue Surplus to meet the 10% match. Mr. Howard added that all invoices will go

through the North Carolina Department of Transportation so that their staff can ensure that the consultant has performed the work before they are paid. Mr. Howard noted that the State has already picked a consultant, HNTB, for Caswell County contingent upon its approval.

Mr. Mike Ferrell, County Attorney, recommended that the Resolution being considered include that the 10% of the cost would not exceed \$8,000.

Commissioner Hall made reference to the Resolution presented and noted that the official certifying the minutes should be the Clerk to the Board rather than the Chairman, and the official authorizing the Agreement should be the Chairman. Commissioner Hall also recommended that the Resolution include that the \$8,000 would come from CDOT Enterprise Fund Balance.

Commissioner Hall moved, seconded by Commissioner Travis to approve the following *Resolution Authorizing Caswell County to Enter into an Agreement with the North Carolina Department of Transportation*. The motion carried unanimously.

## RESOLUTION

### AUTHORIZING CASWELL COUNTY TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, Caswell County has requested the North Carolina Department of Transportation to participate in the funding of developing the Five Year Community Transportation Plan for our transit system; and

WHEREAS, Caswell County will provide 10% of the cost of the above described project, not to exceed \$8,000, to come from CDOT Enterprise Fund Balance.

NOW, THEREFORE , BE IT RESOLVED that the Chairman of the Caswell County Board of Commissioners is hereby authorized to enter into a contract with the Department of Transportation and execute all agreements and contracts with the North Carolina Department of Transportation, Public Transportation Division.

## HEALTH DEPARTMENT

Dr. Fred Moore, Health Director, came before the Board to request approval of a contract between the Health Department and LabCorp for the provision of clinical laboratory services. Dr. Moore stated that LabCorp has been providing these services to the Health Department for years without a formal contract, but during the Department's review for accreditation it was determined that a formal contract should be approved.

Dr. Moore discussed the Contract with the Board, which had been reviewed by the County Attorney.

Upon questioning from Commissioner Hall as to whether Exhibit A included all fees, Dr. Moore answered that the fees noted in the contract are the Health Department's special negotiated fees.

Commissioner Hall stated that he would like to see all the fees if there is going to be a contract, and it could be attached to the contract.

Upon questioning from Commissioner Battle as to how often the Fee Schedule Book is updated, Dr. Moore answered that it is updated on an annual basis.

After further discussion, Commissioner Satterfield moved, seconded by Commissioner Carter to approve the LabCorp Contract with the Caswell County Health Department, and to attach a Fee Schedule including all Health Department fees, with a copy of the Fee Schedule for public review in the Office of the County Manager. The motion carried by a vote of four to three with Commissioners Battle, Hall, and Travis voting no.

Dr. Moore presented a request for approval by the Board of an informal bidding process for some remodeling at the Health Department that needs to be completed by early June.

Dr. Moore stated that the Health Department is preparing for a state mandated accreditation and the site visit will occur in early June. Dr. Moore added that as a part of preparing for accreditation, a consultant from the state has toured the Health Department and has made recommendations about some changes that she felt necessary for successful accreditation. Dr. Moore informed the Board that the work also includes some patient and employee flow and safety issues that he has discussed with the Board of Health, which includes removing some walls, putting up new walls, adding some doors, painting, and making the Health Department more handicap accessible.

Dr. Moore stated that he has set aside \$56,000 from the Health Department's approved budget to cover the cost of the project, with \$45,000 coming from state funds, and \$11,000 coming from Health Department Fund Balance. Dr. Moore added that this project will not require any additional funds to be budgeted for the Health Department, and if the Board of Commissioners selects the low bid, all the money will come from the state.

Dr. Moore provided to the Board a list of the work to be completed, discussion of bids, and the following bids from three contractors:

1) Blalock Construction (Lloyd Blalock)	\$25,593.00
2) Carolina-Virginia Builders and Realty, Inc. (John Everett)	\$55,000.00
3) D. L. Dail Construction (David Dail)	\$55,325.69

Dr. Moore stated that he has spoken with people who have knowledge about the quality of work of the three contractors and he has not heard any negative comments.

Dr. Moore recommended that the project be awarded to Blalock Construction, the low bidder and noted that since the project amount is less than \$30,000 it is not required that the contractor be licensed.

Commissioner Battle stated that he felt that the Health Department needs to request more bids for this project, in light of the fact that the low bidder is not a licensed contractor and does not carry Workers Comp Insurance.

Commissioner Hall stated that no matter where the money comes from, the Board of Commissioners is responsible. Commissioner Hall added that he agreed with Commissioner Battle that the contractor needs to be licensed and carry Workers Comp Insurance. Commissioner Hall stated that the Board needs to receive an engineer's report on this project due to the possibility of removing load-bearing walls and then obtain bids.

Commissioner Satterfield moved, seconded by Commissioner Carter that the County Manager have an engineering firm inspect the Health Department building for proposed renovations, and if acceptable, to approve the bid of \$55,000 submitted by Carolina-Virginia Builders and Realty, Inc. for the remodeling project at the Health Department.

Commissioner Battle noted that according to the information provided by Dr. Moore, Carolina-Virginia Builders and Realty has not done much commercial construction and added that he would first like to receive an engineer's report.

Commissioner Hall agreed that an engineer's report is needed first, because this work could affect the building's heating/air conditioning and electrical service.

Upon questioning as to where funds would come from to hire an engineering firm, Dr. Moore said that he could probably go back and find funds within the Health Department to hire the firm. Dr. Moore added that time is a factor, in that there will be accreditation representatives coming to the Health Department in early June.

After further discussion, Commissioners Satterfield and Carter withdrew their motion.

Commissioner Satterfield moved that the County hire an engineering firm to inspect the Health Department building for proposed renovations, and then to review the bids to see if they are still acceptable, with the funds to pay the engineering firm to come from the County's Fund Balance. The motion died for lack of a second.

Commissioner Battle stated that he understood the urgency to get this done quickly for accreditation, but did not feel that the project should be rushed and jeopardize it not being done right.

After further discussion, Commissioner Hall moved, seconded by Commissioner Travis that the Board obtain an engineering/architectural report on the Caswell County Health Department building before it moves forward with additional bids on the Health Department Remodeling Project, with cost of said report to come from the Health Department Fund Balance. The motion carried unanimously.

## RECESS

The Board held a brief recess.

### MATKINS MEAT PROCESSORS BIDS

Mr. Joey Knight, Cooperative Extension Director, came before the Board to request approval of bids for the Golden Leaf Value-Added Meat Processing Project for Matkins Meat Processors. Mr. Knight reported that he has received the following bids for the three pieces of meat processing value-added equipment.

#### Stainless Steel Smokehouse Equipment

Friedrich - \$ 57,381.00

Friedrich - \$ 59,831.00

Freidrich - \$116,600.00

#### Vacuum Packaging Equipment

Robert Reiser & Co., Inc. - \$131,100.00

Multivac, Inc. - \$134,961.00

#### Notch Patty Equipment

Major Enterprises - \$13,184.00

Mr. Knight reported that some bids were from the same company or only one or two bids collected for one piece of equipment because of the limited availability of these particular pieces of equipment manufactured in the United States. Mr. Knight added that a lot of the equipment is manufactured in European countries with only a few distributors in the United States. Mr. Knight informed the Board that the total of the bids for these three pieces of equipment is \$201,665.00, and noted that the bids gathered follow all policies and guidelines set by North Carolina State University, Caswell County Government, and the Golden Leaf Foundation.

Commissioner Satterfield asked if this is all of the equipment that needs to be purchased. Mr. Knight answered that this is not all of the equipment that will be purchased and noted that there is a total of \$435,700 for equipment that needs to be purchased, and the County received \$345,000, of which \$180,000 has already been spent. Mr. Knight added that when they get to the point of the amount of money received by the County, then Matkins Meat Processors has to pay the remainder until the project is finished, and then they will go back and request from Golden Leaf the remainder of the funds which will then be reimbursed to Matkins Meat Processors.

Upon questioning from Commissioner Satterfield as to why all of the equipment is not being purchased at one time, Mr. Knight answered that this is because different pieces of equipment come from different companies and some of it is hard to obtain.

Upon questioning from Commissioner Ward, Mr. Knight answered that Matkins Meat Processors has to come up with matching funds after the \$345,000 received by the County has

been spent, and then they will be reimbursed from the Golden Leaf Foundation. Mr. Knight added that Golden Leaf provides 80% of the grant funds, and then the one who is implementing the project has to provide the remaining 20%, finish the project, and then he is reimbursed for the project.

After further discussion, Commissioner Carter moved, seconded by Commissioner Battle to approve the bids as submitted for the Golden Leaf Value-Added Meat Processing Project for Matkins Meat Processors in the amount of \$201,665, as presented. The motion carried unanimously.

#### REGISTER OF DEEDS REQUEST

Mr. Kevin Howard, County Manager, presented a request by Ms. Tammy Riggs, Register of Deeds, for the use of Preservation and Automation Funds. Mr. Howard reported that Ms. Riggs is requesting the sum of \$22,250 from the Preservation and Automation Fund for a software upgrade for her record imaging system. Mr. Howard added that according to Ms. Riggs, she has a balance of \$40,137.90 in the Preservation and Automation Fund.

Upon questioning from Commissioner Hall as to whether the County's IT Department has been involved with this, Mr. Howard answered that Mr. Robert Webb, IT Director, has discussed this with the Register of Deeds.

After discussion, Commissioner Ward moved, seconded by Commissioner Carter to approve the use of Preservation and Automation Funds by the Register of Deeds in the amount of \$22,250 for a software upgrade for her record imaging system. The motion carried unanimously.

#### BUDGET AMENDMENT NO. 23

Mr. Kevin Howard, County Manager, presented and reviewed Budget Amendment No. 23 for Fiscal Year 2008-2009. After discussion, Commissioner Hall moved, seconded by Commissioner Battle to approve Budget Amendment No. 23 for Fiscal Year 2008-2009 as presented. The motion carried unanimously.

Commissioner Battle requested that explanations to each line item in the Budget Amendment be listed to the side of the item for better clarification.

#### BUDGET TRANSFER NO. 16

Mr. Kevin Howard, County Manager, presented and reviewed Budget Transfer No. 16 for Fiscal Year 2008-2009. After discussion, Commissioner Ward moved, seconded by Chairman Jefferies to approve Budget Transfer No. 16 for Fiscal Year 2008-2009 as presented. The motion carried unanimously.

## COUNTY MANAGER'S REPORT

Mr. Kevin Howard, County Manager, reported that he is preparing the Broadband Request for Proposal, and hopefully, will be completed in May, to be presented to the Board in June.

Mr. Howard announced that Azariah's Olde Storehouse, located on Main Street, will be holding its Grand Opening on Saturday, April 25, at 1:00 p.m. and has invited the Board of Commissioners to attend.

Mr. Howard reported that he has not received anything in writing from any of the groups contacted at the Guilford Mills Building regarding leases. Mr. Howard requested permission from the Board to give the occupants a date in which to respond or move out of the building. Chairman Jefferies directed the County Manager to give the occupants a date of May 1, 2009, in which to respond to the County Manager or move out of the Guilford Mills Building by June 1, 2009. The Board was agreeable to this.

Mr. Howard reported that UNC-Chapel Hill has contacted the Yanceyville Town Manager in regards to providing grants for interns to the Town and County for a \$1,500 match from each governing body. Mr. Howard stated that he would provide additional information at a later date.

Mr. Michael Ferrell, County Attorney, informed the Board of the Red Flags Program which is being required by the Federal Government to raise the level of awareness of the sensitivity of confidential information through the Identity Theft and Prevention Program. Mr. Ferrell stated that if an entity is considered a creditor, it must have a policy regarding the handling of confidential information. Mr. Ferrell added that in accordance with the Federal Trade Commission's Red Flags Rule which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003, the Identity Protection Act of 2005, the County may be required to safeguard certain information of customers, vendors, employees, and other individuals who provide information to the County that is covered by the Act. Mr. Ferrell informed the Board that the purpose of this policy is to communicate to employees and third parties their responsibility for protecting sensitive and confidential information pursuant to the Act and a response plan in the event that there is a breach of information subject to the Act. Mr. Ferrell noted that only departments that handle this kind of information would be affected. Commissioner Hall requested that under Section 8.4, Review of Incidents and Reports, that the sentence be amended to read, "At least annually, the Program Administrator will review all incidents of suspected or actual security breaches and report findings and recommendations to the County Manager and Board of Commissioners". Commissioner Hall recommended that departments affected by this issue adopt its own policy specific to its department, to be added to this policy. After discussion, Commissioner Carter moved, seconded by Commissioner Hall to approve the Identity Theft and Prevention Program as presented, with the amendment to Section 8.4, as presented, and request that each department affected by this policy develop an individual policy specific to its department. The motion carried unanimously.

Mr. Howard reminded the Board of the special joint meeting with the Towns of Yanceyville and Milton to be held on Monday, April 27, 2009, at 7:00 p.m. at the Caswell County Senior Center.

Mr. Howard announced that an invitation has been issued to the Board of Commissioners to attend Mr. John Swann's Eagle Scout Award Ceremony to be held at the Caswell County Historic Courthouse on Sunday, May 3, 2009, at 3:00 p.m. Mr. Howard informed the Board that Mr. Swann erected directional signs for the Historic Courthouse grounds. Mr. Howard stated that Mr. Jesse White, Boy Scout Troop Leader, has requested a letter of congratulations from the Board of Commissioners to be presented to Mr. Swann at his ceremony. After discussion by the Board, Chairman Jefferies directed the Clerk to the Board to write a letter of congratulations from the Chairman to be presented to Mr. John Swann at his Eagle Scout Award Ceremony, along with a plaque honoring his accomplishments.

### ANNOUNCEMENTS

Commissioner Carter announced that Ms. Marie Riddick, a former employee of the Caswell County Register of Deeds Office, recently passed away.

Commissioner Carter announced that the Providence Spring Fling would be held this weekend in Providence, NC.

Commissioner Hall reported that this past week at the Piedmont Triad Council of Governments' Board meeting they heard a presentation from a representative of the Census Bureau. Commissioner Hall stated that he firmly believes that in the 2000 census, Caswell County was undercounted because it went down from a population of 25,000 to 23,000. Commissioner Hall noted that the population impacts a lot of issues such as Medicare, Medicaid, DSS, etc. Commissioner Hall informed the Board that the representative of the Census Bureau recommended that the County appoint a Census Committee. Chairman Jefferies appointed Commissioner Hall to chair the County Census Committee. Commissioner Hall requested that this issue be placed on the Board's next agenda and he would obtain additional information for the Board.

Commissioner Battle reported that he was approached by a citizen concerning a road block set up by the Sheriff's Office on US Hwy 158 on Easter Sunday at Prospect Methodist Church in Yanceyville and that it was an inconvenience for her and others who were trying to go to church. Commissioner Battle added that the citizen also told him that she went to the Sheriff's Office on business and there was not a Clerk available at either of the two windows and, after waiting, was told by a deputy that she was outside smoking. Commissioner Battle stated that the citizen felt if the Clerk was outside smoking, then someone should have been there in her place to assist the public.

Commissioner Carter reported that he also received a complaint concerning the road check on Easter Sunday at Prospect Methodist Church from a citizen that was going to work.

Chairman Jefferies announced that Danville Regional Foundation is having an Open House on April 21, 2009, at 5:30 p.m.

Commissioner Hall reported that he received a call from one of the vendors that made an insurance presentation who wanted to know the status of the County's insurance needs.

THE ADJOURNMENT

At 9:10 p.m. Commissioner Ward moved, seconded by Commissioner Travis 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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