MINUTES – DECEMBER 6, 2010

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, December 6, 2010. Members present: George W. Ward, Jr., Chairman, Kenneth D. Travis, Vice-Chairman, Erik D. Battle, William E. Carter, Nathaniel Hall, Jeremiah Jefferies and Gordon G. Satterfield. Also present: Kevin B. Howard, County Manager, Michael Ferrell, County Attorney and Angela Evans representing The Caswell Messenger. Paula P. Seamster, Clerk to the Board, recorded the minutes.

MOMENT OF SILENT PRAYER

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

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:

1) Approval of Minutes of November 15, 2010 Regular Meeting

2) Approval of Minutes of July 20, 2010 Special Meeting

3) Approval of Closed Session Minutes of July 20, 2010, August 16, 2010, September 7, 2010 and November 1, 2010

Chairman Ward stated "Gentlemen that is my last official duty as Chairman. I would like to thank you all for making me feel welcomed. I would like to thank all the citizens in District 1for making me their representative. It was a tough decision not to run again but in the benefits of work and in being able to do this job it was a decision that I needed to make. I feel very confident in the representative that we have elected in District 1 in Ms. Lucas. I look forward to the Board working with her and opening their minds and ideas and sharing together. At this time, I thank everybody for everything. Ya'll have a good night."

CALL TO ORDER OF ORGANIZATIONAL MEETING

Ms. Paula P. Seamster, Clerk to the Board, called to order the organizational meeting of the Caswell County Board of Commissioners.

OATHS OF OFFICE

Ms. Paula P. Seamster, Clerk to the Board, administered the following Oaths of Office to Ms. Cathy W. Lucas, Mr. William E. Carter, and Mr. Kenneth D. Travis.

NORTH CAROLINA

CASWELL COUNTY OATH OF

COMMISSIONER OF CASWELL COUNTY

I, **CATHY W. LUCAS**, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and I will faithfully discharge the duties of my office as Commissioner of Caswell County, so help me God.

S/Cathy W. Lucas_____
Cathy W. Lucas

Subscribed and sworn to
before me this 6th day
of December_____,
2010.

S/Paula P. Seamster_____

Clerk to the Board_____
Title

NORTH CAROLINA

CASWELL COUNTY OATH OF

COMMISSIONER OF CASWELL COUNTY

I, **WILLIAM E. CARTER**, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and I will faithfully discharge the duties of my office as Commissioner of Caswell County, so help me God.

S/William E. Carter_____
William E. Carter

Subscribed and sworn to
before me this 6th day
of December_____,

2010.

S/Paula P. Seamster_____

Clerk to the Board_____
Title

NORTH CAROLINA

CASWELL COUNTY OATH OF

COMMISSIONER OF CASWELL COUNTY

I, **KENNETH D. TRAVIS**, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and I will faithfully discharge the duties of my office as Commissioner of Caswell County, so help me God.

S/ Kenneth D. Travis_____
Kenneth D. Travis

Subscribed and sworn to
before me this 6th day
of December_____,
2010.

S/Paula P. Seamster_____

Clerk to the Board_____
Title

RECESS

The Board held a brief recess.

ELECTION OF CHAIRMAN

The Clerk to the Board opened the floor for nominations for Chairman of the Caswell County Board of Commissioners.

Commissioner Travis moved, seconded by Commissioner Battle to nominate Commissioner Hall for Chairman of the Caswell County Board of Commissioners.

Commissioner Travis moved, seconded by Commissioner Battle that nominations for Chairman be closed. The motion carried unanimously.

The Clerk to the Board announced that Commissioner Hall has been elected Chairman of the Caswell County Board of Commissioners.

Chairman Hall thanked the Board.

Chairman Hall presided over the remainder of the meeting.

ELECTION OF VICE-CHAIRMAN

Chairman Hall opened the floor for nominations for Vice-Chairman of the Caswell County Board of Commissioners.

Commissioner Jefferies moved to nominate William E. Carter. Commissioner Lucas moved to nominate Kenneth D. Travis.

There were no further nominations.

Commissioner Travis received four votes and Commissioner Carter received three votes. Commissioner Travis was elected as Vice-Chairman of the Caswell County Board of Commissioners.

Chairman Hall changed the order of the Agenda by moving Item 8 Approval of Agenda to Item 7 and Item 7 Approval of Bonds for Public Officials to Item 8.

Commissioner Battle moved, seconded by Commissioner Travis to add an Item 19 Discussion of Re-Appointment to the Planning Board to the Agenda and to move everything else down.

Commissioner Lucas asked "Chairman Hall, at what point do we consider the Rules of Procedure for the local board? Do we approve those during the organizational part of the meeting or…There is one that I am concerned with. I do not know if the other commissioners have a copy of the Rules of Procedure for the Caswell County Board of Commissioners. It is rule number twenty eight (28) Consideration of Unbudgeted Expenditures. It says that 'no votes on expenditures for off-budget spending in excess of ten thousand ($10,000.00) dollars shall be held unless tabled from a prior meeting.'" Chairman Hall stated "that is not an item on our agenda tonight." Commissioner Lucas added "I am just accustomed to what has gone on in the past and during the organizational part of the commissioner's meeting where these procedures are approved. I did not know if that is something that you do now or if it has changed or..."

Chairman Hall stated "It is probably something we need to do but absent any other members not having them I think it would probably be appropriate to schedule it for the next meeting." Commissioner Lucas stated "I don't know if that is acceptable or if it needs to be done during the organizational meeting or what. My concern was that this has been increased 'any off-budget spending in excess of ten thousand ($10,000.00) dollars shall be held tabled from a prior meeting'. I know this has been increased up from five thousand ($5,000.00) dollars and I had a concern about that." Chairman Hall asked "What is the date of those procedures?" Commissioner Lucas responded "There is no date on here. I just got these from the clerk. They are the current procedures for the board." Chairman Hall stated "Since it is not an item that everybody would have access to tonight, I would suggest that we put it on the agenda and that we do adopt or re-adopt the procedures."

Commissioner Carter stated "Mr. Chairman, I would like to note I think some time back we did allow the county manager to spend up to five thousand ($5,000.00) dollars. Anything over that has to have board approval." Chairman Hall responded "I think that this is a different thing from what Ms. Lucas is talking about." Commissioner Lucas stated "This is the local Rules of Procedures for the board. I don't know if this is the time to address it, Chairman Hall, but as far as the procedures for the board meetings, I would like to make a suggestion that we have a formal prayer instead of just a moment of silent prayer on the agenda. And possibly invite pastors from different churches to come and render a prayer prior to the meeting starting. I think that would be twenty-four opportunities for pastors in the county to come. I think it is the time to maybe consider that." Chairman Hall responded "Let me suggest then that we put this on the agenda for review and discussion with any suggestions that you or any of the commissioners may have and then we will take formal action." Commissioner Lucas added "I just thought it should be part of our local rules of procedure. That would be acceptable if it is not necessary to do it at this organizational meeting."

Chairman Hall asked if there were any more additions to the agenda for approval.

Mr. Kevin Howard, County Manager, stated "Ms. Julie Elmore is here. She came about six months ago and talked about Farmland Protection Grants. She has found one and wants to get it approved tonight to apply for that grant. I would like to put her on the agenda after the Public Comment section."

APPROVAL OF AGENDA

Commissioner Travis moved, seconded by Commissioner Battle to approve the Agenda as presented with the additions of Discussion of Re-Appointment to the Planning Board and the Discussion of the Farmland Protection Plan Grant Application. The motion carried unanimously.

APPROVAL OF BONDS FOR PUBLIC OFFICIALS

Commissioner Jefferies moved, seconded by Commissioner Travis to approve the following Bonds for Public Officials. The motion carried unanimously.

BONDS FOR PUBLIC OFFICIALS

Register of Deeds	$ 25,000
Tax Collector	$ 50,000
Delinquent Tax Collector	$ 25,000
Sheriff	$ 25,000
Finance Officer	$100,000
County Coroner	$ 2,000
Blanket Bond	$ 20,000

PUBLIC HEARING – SUBDIVISION ORDINANCE AMENDMENT – FOUNDATION SURVEYS

Commissioner Travis moved, seconded by Commissioner Lucas that the Board enter into a public hearing to receive comments on the proposed Subdivision Ordinance Amendment – Foundation Surveys. The motion carried unanimously.

Mr. Brian Collie, County Planner, came before the Board to discuss the possibility of requiring foundation surveys before the issuance of building permits.

Mr. Collie stated "Good evening, Commissioners. As you recall from the meeting on November 15, 2010 the Planning Board would like the Board to discuss the possibility of requiring foundation surveys before the issuance of building permits in cases where structures are proposed to be built close to property lines. Without knowing where property lines are it is impossible for the inspectors to make sure that setbacks are met in many cases. We are constantly running into these cases and the buildings have actually been built over property lines or not meeting setbacks. On October 5, 2010 the Caswell County Planning Board passed a unanimous vote to recommend to the Board of Adjustments that the county amend the Subdivision ordinance to state all structures that require a building permit must have a foundation survey. I don't know at this point if it needs to be all building permits require a foundation survey or give the Inspections Department the right to require a foundation survey in cases where structures are proposed to be built close to property lines or on small lots where it is too close to call. Not in all cases will this be an impeded requirement. There are just a few cases where we are looking to require this."

There were no public hearing comments.

With no further comments Chairman Hall declared the public hearing closed.

PUBLIC COMMENTS

Chairman Hall opened the floor for public comments.

Mr. Ray Shaffner came before the Board and made the following comment:

"Good evening. I believe the topic that I wanted to talk on has been added to the agenda. I don't know if I need to do it now or wait until later, as far as the reappointment of an individual to the Planning Board. Do we want to discuss this now?" Chairman Hall asked him to proceed. "The reason I am here tonight is I have served on this board, I would like to think in good terms, for the last five years. I submitted an application to be reappointed to the Planning Board. You guys, the commissioners met on Monday, November 15th. You took the applications in hand and appointed an individual that I feel had turned in an application or candidate profile after the date published in the Caswell Messenger classified under the Legal Section to be in by a certain date. That date was to be in to the Clerk of the Commissioners by September 24th which was published in the Caswell Messenger on September 8th. This candidate turned his candidate profile in on the day of the meeting, November 15th. I have a copy of that if you would like to see it. (Mr. Shaffner gave copies to the Board). It was turned on that date and I feel that this application should not have been accepted. I have a copy there of the Caswell Messenger from September 8th in the classified legal section where it shows the different boards that were open for individuals to be posted for or to be appointed to. Then the second page is the candidate profile of the individual who was appointed which the clerk to the commissioners signed and dated the date she received it. That was the first contact for a candidate profile for that position. So, I feel that individual was appointed and should not have been. I would like for the commissioners to reconsider that vote that was taken that evening."

There were no other public comments made.

Chairman Hall asked former Chairman George Ward to come forward.

Chairman Hall stated "On behalf of the Caswell County Board of Commissioners and the citizens of Caswell we would like to present you with this plaque and portrait of the Historic Courthouse for your service of the past eight years."

CASWELL COUNTY FARMLAND PROTECTION PLAN GRANT APPLICATION

Ms. Julie Elmore came before the Board to seek permission to go after funds from the Farmland Protection Plan Grant.

Ms. Elmore stated "Thank you for this opportunity. I spoke with everyone about six months ago and I gave you a wide variety of projects that the Piedmont Conservation Council is doing. For disclosure I am an employee of the US Department of Agriculture Natural Resources Conservation Service. I serve as a colleague of Warren Mincey. One of the things I am supposed to do for my territory is look for funding opportunities. The things that you highlighted, that I paid attention to, were two things: Farmland Protection Plan, you requested, as well as you were very interested in what Chatham County was doing with respect to their county wide conservation plan. So, tonight I am before you asking permission to go forward with a Farmland Protection Grant for twenty-five thousand ($25,000.00) dollars which we are going to match in March with an Urban Forestry Grant. We are going to try to do something unique in the state of North Carolina; so far the two things have not been combined. We are going to look at both farm land as well as forest land and do an analysis. That grant will also be

for an additional twenty-five thousand ($25,000.00) dollars. They actually match each other so there will be no financial resources from Caswell County requested. We are going to try to match both of the grants off of each other. We will know hopefully by March when I apply for the second grant if we have been awarded the first one." Chairman Hall asked the Board if they had any questions. Ms. Elmore added "The last thing is if we are awarded this grant I will need a working group. It is very loosely affiliated to the one that we are doing in Guilford as well as Chatham. They are all volunteers but certainly we are happy to take nominations. I don't think this is anything that needs to be official with respect to maybe a member from the voluntary Ag district. Certainly as many citizens that want to be involved but we do meet monthly and it is about a year long process. I would also like to have county employees with respect to someone from the Planning Department, Cooperative Extension and those kinds of things, some of their time to be freed up once a month just to sort of lead this forward and make sure that you get the product that you would like."

Commissioner Lucas asked "What is the scope of the grant? What is the purpose?" Ms. Elmore responded "The purpose is, the history of the North Carolina Agriculture Development and Farmland Grant program, they get about two million a year from the state legislature and they are in existence primarily because, they did a study from 2003 to 2006 we lost about fifty-five hundred acres of farmland which is about the equivalence of a whole county. They started that grant to try to encourage the counties to do a Farmland Protection Plan. That actually qualifies Caswell County farmers. After the plan is complete, it will give them extra credit if they want to apply for Farmland Protection money both from the federal government and the Farmland/Forestry Program as well as the state. It gives citizens from Caswell County extra bonus points because the county has actually come together and done adequate planning for their farmland. We do things such as analyze the county ordinances. We do a pretty extensive economic analysis of the state of crops and how much folks are making off their farmland. Obviously, farmland protection does not happen unless there is economic viability. We will also do an analysis of your forest resources as a result of matching this with the Urban Forestry Grant. With the GIS analysis we can actually make certain assumptions about the age class and types using color photography. This has probably already been done by the USDA on what types of forest land you have. We can give you an estimate on your economic vitality of your farm land and your forest land, going forward, as well as the conservation values as well. We did a cost of community services study for Guilford County that I just completed. One of the things that was pointed out, it was done by NC State. So they did an analysis of the entire county budget and all the taxes that come in and they looked at it based on three different types of land use. The first being industrial/commercial. The second being residential and the third being farmland and open. They were finding that for the services provided by Guilford County, for every dollar that came in for retail/commercial/industrial it cost them about seventeen cents (.17) in services. So in Guilford County, all their resources went for seventeen cents on the dollar. Farming was about sixty (.60) cents on the dollar. Residential turn out to be, they were losing money on residential development, about a dollar twenty-three ($1.23). So for every dollar they were bringing in, in residential development it was costing them about a dollar and twenty-three ($1.23) cents. The breakeven point for residential in Guilford was a two hundred forty-seven thousand dollar ($247,000.00) home with no children. So for years the Guilford County commissioners have been hearing from developers that residential development brings in tax dollars. But in fact, a preliminary study shows that they are in fact losing money on residential

development. This is sort of giving you, as decision makers, opportunities to sort of see where it will benefit you. It is money from the state to help you make better decisions."

Commissioner Satterfield moved, seconded by Commissioner Jefferies to move forward with the Caswell County Farmland Protection Plan Grant Application.

Commissioner Lucas stated "I just want clarification that there is no local dollars going into this correct?" Mr. Elmore responded "All in time, we are just requesting some county staff time."

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

DISCUSSION OF DETENTION CENTER

Mr. Kevin Howard, County Manager, stated "As the Board is aware; we discussed financing a few months ago about this project. One thing we talked about was USDA financing, back this summer they had stimulus dollars to look at. I mailed the USDA again a couple of weeks ago and all of the stimulus dollars have been used up. Right now, based on what they normally have allocated in the federal budget for North Carolina funds, they do not have funds to fund the entire project through a USDA loan. They were willing to commit, if we want to go through them, two million ($2,000,000.00) dollars. We will need to finance the rest of the project through private financing. They were not also willing to commit any funds towards a grant. What you have on the agenda tonight is the process we need to continue on in order to get private financing. Chris Alexander could not be here so we have Richard Marvin here from First Tryon to answer any questions and to walk you through the process that we are looking at doing. I will turn it over to him now."

Chairman Hall stated "Before you come forward Mr. Marvin, I have a few questions I would like for our attorney to answer and it would help with the discussion process and with any questions the commissioners might have. There are questions as to what happens with this resolution once we approve it. Mr. Attorney, what does it mean to the Board and to the citizens of Caswell and in conjunction with that question could we move forward or should we move forward in contacting the LGC before we do the resolution?" Mr. Ferrell responded that the answer to the second question is no, the Board does not need to talk to the LGC before approving the resolution. This is just a resolution stating that the Board is intending to borrow money and that the Board is authorizing the county manager and finance staff to proceed with the steps needed to comply with the LGC. These are all preliminary steps before contacting the LGC. This resolution does not bind the county and the process can be stopped at any time.

Chairman Hall asked Mr. Ferrell "What does the resolution actually do?" Mr. Ferrell responded "It establishes the process to go forward to the LGC to begin the initial steps for getting financing and it directs your staff to move forward to file an application with the LGC to fund the project."

Commissioner Lucas stated "Just looking at the memorandum from Sands Anderson that describes the preliminary resolution, it states that it is a timeline or a timeline by which to do the financing. That is the purpose of the resolution. But then, on the actual calendar on page

nineteen (19) effective today's date it says 'Bond counsel and financial advisory formally hired to represent the County', I guess select means to hire, which means we pay, starting today." Mr. Ferrell responded yes. Commissioner Lucas added "I was not sure where the funding was coming from for the project so that was my concern. By passing this resolution it formally hires the attorney and the financial advisor." Mr. Ferrell answered "Yes. Those costs will be paid to both of them out of the financing itself." Mr. Richard Marvin, First Tryon Advisor, stated "That is correct. To further answer the question that you had, this only structures the process for which you go to the market to borrow funds to finance the jail. However, at any time along the way, that can be stopped. The only time that it becomes a contract with you is at the signing of the purchase of the bond purchase agreement, which is at the time when the bonds are sold. Up until that point it is a process that you can stop at any time. Again, in North Carolina, to do the process that we are talking about, takes four or five months to accomplish. So it has to be set up in a process on a timeline in order to get that to occur. We have to go to the LGC. We have to get plans and specifications approved. We have to build all the documents that will allow this to happen. And then of course, the bonds are sold. This is going to happen, based on this analysis, sometime in April."

Mr. Marvin continued "Again, my role in this is to act as your financial advisor and to assist you in putting together the financing package or financing structure, most cost effective for the financing of the project. The project obviously is the jail. It needs to be designed of course. I understand that you have a location and design. This has to be approved and it has to be a guaranteed price or bid price that has to be approved. Then, the documents are put together for the transaction. One of the jobs that we do, as the financial advisor, is to assist the staff in this timeline and putting all of this together and also analyzing the costs as they come in. There are several ways that this process could be done. Typically, we would do it with a public sell of limited obligation bonds which are bonds that are basically approved by commission to finance this particular project with an annual appropriation of revenues from the county. The estimated project size is about eight and a half million, as I understand it. Again, this bond would basically provide the funds for the construction of this improvement. There is a detailed calendar of events. This is just a suggested timeline for this project based on the things that need to be done in order to get to the market and borrow this money sometime in the spring of next year, roughly April. Any other questions?"

Commissioner Lucas stated "I am just coming into this so I am curious as to how much money are you talking about here?" Mr. Marvin responded "The estimate that we have been told is about eight and a half million for the jail itself." Commissioner Lucas stated "That is for the jail." Mr. Marvin answered "Correct." Mr. Howard added "The jail and the office section of it." Commissioner Lucas asked "What would that include?" Mr. Howard responded "The sheriff's office basically and the jail. The cost admission fees and cost of issuance."

Commissioner Carter moved, seconded by Commissioner Battle to adopt the resolution presented. The motion carried by a vote of five to two with Commissioners Lucas and Travis voting no.

RESOLUTION WITH RESPECT TO INSTALLMENT FINANCING OF CASWELL COUNTY, NORTH CAROLINA JAIL CAPITAL PROJECT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO

WHEREAS, the County of Caswell, North Carolina **(the "County")** has the power, pursuant to the General Statutes of North Carolina, to (1) acquire, construct and equip real and personal property for use by the County or any department, board, commission or agency of the County, (2) enter into installment purchase contracts in order to finance the purchase of real and personal property and the construction of fixtures and improvements on real property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased and some or all of the fixtures and improvements constructed to secure repayment of the purchase price; and

WHEREAS, the Board of Commissioners of the County **(the "Board of Commissioners")** has determined to finance the cost of a law enforcement project which it has found to be necessary and desirable to provide for improved detention and law enforcement facilities in the County, consisting of the design, acquisition, construction and equipping of a new Caswell County jail facility, including detention facilities and additional facilities for County law enforcement use **(the "Project")**; and

WHEREAS, in order to finance the Project the County is considering entering into an installment financing agreement or installment financing agreements with a North Carolina nonprofit corporation to be formed as a Caswell County public facilities corporation **(the "Nonprofit Corporation")**; and

WHEREAS, documents related to the installment financing agreement described above will be a deed of trust and security agreement against and interests in the Project including the land on which such project is located **(the "Property")** to secure repayment of moneys due

under the installment financing agreement, and certain related documents pursuant to North Carolina General Statutes §160A-20, as amended, for the purpose of facilitating the issuance of limited obligation bonds and providing funds for the acquisition, construction, equipping and other accomplishment of the Project; and

WHEREAS, representatives of the County have contacted representatives of the North Carolina Local Government Commission **(the "LGC")** concerning the matters set forth in this Resolution, and final approval of the LGC must be received with respect to the financing described herein: and

WHEREAS, it is necessary at this time to authorize an application for financing to the LGC in relation to the Project and to provide for certain related matters.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County as follows:

Section 1. That the County Manager, the County Finance Director, the County Attorney, the County's Financial Advisor (as defined below), the County's Bond Counsel (as defined below) and other employees and agents of the County as may be directed by them are authorized to take actions for application to be made to the LGC for the above-described financing, causing the preparation of certain documents in relation to financing the Project, the formation of the Nonprofit Corporation, issuance of a request for proposals to underwriters in relation to issuance of the above-described limited obligation bonds, and title research and environmental survey work relating to the real property on which the Project is to be constructed, and in furtherance thereof the actions of County employees and agents in working with First Tryon Advisors **(the "Financial Advisor")** for the installment financing of the project as described herein and Sands Anderson PC, Research Triangle Park, North Carolina **"Bond**

Counsel") for the installment financing of the project as described herein are approved and ratified.

Section 2. That all motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed and that all actions heretofore taken by any officer, agent or representative of the County in furtherance of the purposes of this Resolution are approved, ratified and confirmed.

Section 3. That this Resolution is effective on the date of its adoption.

* * * * *

I, Paula P. Seamster, Clerk to the Board of Commissioners for the County of Caswell, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true copy of so much of the proceedings of said Board at a regular meeting held on December 6, 2010 as relates in anyway to the passage of the resolution described therein and that said proceedings are recorded in the minutes of said Board.

I HEREBY FURTHER CERTIFY that a schedule of regular meetings of said Board, stating that regular meetings of said Board are held in the Board of County Commissioners' Meeting Room, Historic Courthouse, 144 Courthouse Square, Yanceyville, North Carolina on the first and third Mondays of each month at 6:30 p.m., had been on file in my office as of a date not less than seven days before the date of said December 6, 2010 meeting in accordance with G.S. § 143-318.12.

WITNESS my hand and the corporate seal of said County, this 6th day of December, 2010.

S/Paula P. Seamster
Clerk to the Board of Commissioners

RESOLUTION OF SUPPORT FOR HAW RIVER WATERSHED

Mr. Brian Collie, County Planner, came before the Board to have a resolution of support for the Haw River Watershed approved.

Mr. Collie stated "As the Board will recall we are seeking a resolution of support for the Haw River Watershed. As you recall from the last meeting I went over this and we discussed it. You had some questions you wanted me to look into. If you would like I can go back over this or if not we can just jump into where we left off." Mr. Collie added "I invited Mr. Cy Stober. He is a Water Quality Manager with the Piedmont Triad Council of Government. He has come tonight to assist the Board with any questions they may have." Chairman Hall asked "Do you have the questions that were asked the last time?" Mr. Collie responded "I believe the question that was asked last time was 'Being that this watershed is in the same proposed location as the Jordan Lake watershed, that we are also talking about tonight, that it is basically overlapped with that. Basically, the reason it has taken so long is because they delayed it until the Jordan Lake procedures were put into effect at the state level." Mr. Collie asked Mr. Stober to explain.

Chairman Hall stated "Good evening and welcome sir. Let me ask you before you get started, on our agenda item thirteen (13) we are going to talk about Riparian Protection Ordinance for Jordan Lake. Are these two related?" Mr. Sober responded "No, they are separate issues regarding water supplies. They do overlap but they are being regulated under two separate state procedures. The water supply reclassification process is part of the North Carolina Administrative Code. I would be happy to share that code with you. I brought copies that were taking straight out of the administrative code. The Jordan Lake nutrient management supply is a recent state law passed in 2009 regarding, specifically, nutrient loading into the Jordan Lake Watershed which includes this much smaller watershed which feeds into the City of Greensboro's emergency drinking water supply." Chairman Hall stated "Let's deal with the water supply there and then we will move to the next one." Mr. Stober continued "Just to briefly recap, I have been essentially the liaison for the four affected counties. I have a map with me if you don't have a map. I would be happy to share with you the two watersheds that have been proposed for reclassification regarding the Greensboro emergency drinking water supply on the Haw River. In 2002, the city requested an emergency withdrawal from the Haw River in response to the drought of 2001-2002. The Department of Environmental Health granted them that permit immediately. The city used it once during that time period. There are very specific conditions that have to be met for the city to be permitted to withdraw water from the Haw for drinking water purposes. It was withdrawn during the drought of 2007 as well. The Division of Water Quality at the Department of Environment and Natural Resources just got around to this issue in 2008. It had basically been back burnered at the state for that long. It was not a priority issue. It was an emergency water intake and they were seeking a watershed III reclassification. Watershed III kicks in when you have one dwelling unit on one acre that covers over twelve (12%) percent of that acre. It is very restrictive. It also restricts the number of industrial processes that can go on within that watershed. What we were able to talk with them about was that given the Jordan Lake rules and really significant undertakings that you all would have to make to regulate nutrients and suspended solids that would go into the Haw River already, that the watershed III is not appropriate and that an IV is and the state agreed. That is what we are currently discussing. In order for the watershed reclassification to proceed in all affected

jurisdictions they have to pass resolutions of support regarding the reclassification of their lands and regulating the density of dwelling units upon those lands. Under watershed IV, the storm water runoff management kicks in at twenty-four (24%) percent of one acre or larger piece of land. Under the Jordan Lake rules you are pretty much going to have similar nutrient management and storm water management conditions. The buffers that are required for low density development are thirty feet. The Riparian buffers for Jordan Lake are fifty feet. You are already going to be fulfilling many of these things. The one thing that is different about this issue for the Haw River is that it deals with density as opposed to disturbance. It is looking specifically at dwelling units per acre of land as opposed to acres of impervious cover. It seems trivial but it is actually a big, big difference. We have been working on this since 2008. I have been talking with the state since then. Rockingham County and Alamance County have passed resolutions of support in regards to this issue. Guilford County has not gotten around to it given the extraordinary things they have on the table."

Chairman Hall stated "From what I know of this area of the county, density for Caswell should not be that great. But how will it impact agribusiness, those people who are in agriculture?" Mr. Stober responded "In my opinion, very little. It would mainly impact if you were going to have a subdivision development or residential development in the extreme southwestern part of Caswell County. It is a very small part of the county. A very small percentage and unless you have residential or for whatever reason you were to build a mini mall in that area, this is not going to be an issue. It is not near any major thoroughfares. It is not even near a significant county road. It is in a very remote part of the county. It should not affect agriculture at all." Chairman Hall stated "So in your opinion it will just be residential that is going to be impacted." Mr. Stober responded "You would have to have more than one dwelling unit per acre in density. So agriculture rarely goes above that. I can't see that being an issue. The steps they are going to have to take for Jordan Lake rules offsetting the inputs of nutrients and fertilizers into watershed are probably going to fulfill this. I can't image a situation where an agricultural landowner is going to have to be affected by the watershed IV classification."

Mr. Collie stated "I would like to add that currently under our subdivision ordinance right now it is one dwelling per single acre. That is not going to change that at all." Ms. Lucas stated "That was my question because it said the watershed IV classification was requiring minimum lot sizes of one half acre or a built-upon restriction of 24% of the total acreage of the lot and currently the lot size for the county served by well and septic is presently one acre in subdivisions. So that would apply?" Mr. Collie responded yes. Mr. Stober stated "That is the conclusion the Alamance county commissioners came to as well that this will not really affect their order of business or the way that they develop land for residential use in the county."

Commissioner Lucas asked "Are we legally required to pass this?" Mr. Stober responded "No, ma'am. You are not legally required. Reclassification of the watershed for drinking water supply is required under administrative code."

Chairman Hall stated "We are doing this because Greensboro has requested a permit and installed an intake on the Haw River in 2002. It is 2010 almost 2011 and they have not gotten around to doing anything themselves." Mr. Stober responded "No, sir. To be fair to the city, they were not even aware that they needed to do this. They were not contacted by the

department until 2008 when we were notified as well. They thought they had done everything with the Department of Environmental Health to seek the proper permits. They got a permit to withdraw the water. They were not aware of the watershed reclassification until the state notified us in 2008 that we needed to be doing this."

Commissioner Lucas asked "Did this go before the local Planning Board to approve this?" Mr. Collie responded "A resolution of support only goes before the commissioners."

Commissioner Carter moved to support the resolution to support the Haw River Watershed. The motion died due to a lack of a second.

CASWELL COUNTY RIPARIAN BUFFER PROTECTION ORDINANCE (FOR LANDS WITHIN THE JORDAN WATERSHED) ADOPTION DISCUSSION

Mr. Collie came before the Board to discuss the Jordan Lake Buffer Ordinance and to set a public hearing.

Mr. Collie stated "The newly adopted Jordan Lake rules are now going into effect and basically what we need to do is to approve the Jordan Lake Buffer Ordinance at the local level so that Caswell County can start implementing the new rules and requirements properly. Back in March of this year I submitted a draft ordinance to the North Carolina Department of Environment and Natural Resources. This draft was almost completely mirroring a model ordinance that was submitted or developed by them. Basically, they developed it for all the towns and counties that this area will be affected by. The draft ordinance that I submitted was approved by the North Carolina Department of Environment and Natural Resources. Basically, what the purpose of this ordinance in Caswell County, if it is adopted, is to protect and preserve the existing riparian buffers throughout the Jordan watershed. You will see included in your packet, a map of the entire watershed. The second one should be a close up of the exact area that will be in effect in Caswell County."

Chairman Hall asked "At this point, we need to schedule a public hearing." Mr. Collie responded "Yes, sir. I just wanted to bring it here tonight to see if there were any questions before the public hearing. The Planning Board took a look at this at the last meeting in November. They stated that since the draft has been approved at the state level and since it is basically a rubber stamped document of minimum standards that Caswell County must enforce that everything in the Ordinance looked okay. At that time the Planning Board voted to approve the Caswell County Riparian Buffer Protection Ordinance for lands within the Jordan Watershed with a unanimous vote."

Chairman Hall asked "Did the Planning Board look at this ordinance in conjunction with other ordinances in the county?" Mr. Collie responded "Yes, sir."

Chairman Hall stated "We will schedule a public hearing probably in January."

MANUFACTURED HOME SITING ORDINANCE VARIANCE REQUEST
MASONRY UNDERPINNING REQUIREMENTS

Mr. Collie came before the Board to seek relief from the masonry underpinning requirements for Garnett Hedrick.

Mr. Collie stated "This is a variance request on the Manufactured Home Siting Ordinance for masonry underpinning requirement. This as well is an informational item and you may want it to come back as a public hearing. I don't believe the gentleman who is requesting the variance is in attendance tonight. I will go over it for you. The variance request is for Mr. Garnett Hedrick to seek relief from the masonry underpinning requirements of the Manufactured Home Ordinance. Basically, he is in the process of setting up a manufactured home on Tax Map and Parcel number 0042.00.00.0018.0000 owned by J.I. Smith for temporary placement. Mr. Hedrick owns the single wide mobile home but will be leasing the land from Mr. Smith. It is a single wide mobile homes. He argues that at the time he bought the mobile home and came into the agreement with Mr. Smith and got the building permit that he was not fully aware that he had to do this masonry underpinning requirement. He cannot afford it at this time. So he asking to use vinyl underpinning material due to the temporary nature of the manufactured home and him leasing and not owning the land that it sits on. The Caswell County Planning Board heard this case on November 23, 2010. After discussion, the Planning Board voted to allow Mr. Hedrick to vinyl underpin for up to twenty-four (24) months. After that time period Mr. Hedrick would have to remove the home or have the masonry underpinning put in place. The motion passed with a six to one vote."

Commissioner Jefferies stated "Mr. Collie, I know you said the Planning Board passed this six to one but is he planning to build a home or something?" Mr. Collie responded "No." Commissioner Jefferies asked "The Planning Board gave him twenty four months with no underpinning. Is it in a park?" Mr. Collies replied "No, it is not in a mobile home park." Commissioner Jefferies continued "My question is why not underpin it?" Mr. Collie responded "His argument is at the time he did not know he had to and he does not own the land therefore he does not want to make it a permanent structure on someone else's land."

Commissioner Travis stated "Mr. Chairman, to me this is like sort of living in a mobile home park because he is renting month to month. It is not permanent. He can move it at any time. I think this is something that needs to be looked at and said in our ordinance. We should not have to address this every time it comes up. We need to have some rules when you are renting a lot. To me this is like living in a mobile home park. When you get your notice to move, you have to go. I think it is something that the Planning Board needs to work on and come up with so we do not have to address this every time."

Chairman Hall stated "What we have on the agenda tonight is to set a public hearing but the question is do we want to set a public hearing to further discuss this." Commissioner Travis responded "Yes we need to do that but the Planning Board still needs to address this."

Commissioner Lucas asked "What are the standards right now for siting a mobile home on an individual lot." Mr. Collies responded "For the masonry underpinning standards, basically any

mobile home outside of a mobile home park has to have masonry or block underpinning. We put into effect in 2008, I believe it was, an amendment that for temporary placement for up to thirty-six months, if you were in the process of building a stick built home or if it was for a direct family member, you could temporarily place a mobile home on a lot outside of a manufactured home park without doing masonry underpinning. But after the thirty-six months you would either have to move it or masonry underpinning at that time. This is where you can get around doing the masonry underpinning. This case is not in a mobile home park. It is not for a direct family member and it is not while he is under construction of a stick built home. That is why he must request a variance if he would like to do this."

Commissioner Lucas stated "I must have an old copy of the Mobile Home Siting Ordinance, this one I actually got from the Clerk's office. The standards for an individual manufactured home on individual lots which the effective date on this is…you said you did it in 2008." Mr. Collie responded "The thirty-six months deal was in 2008 but the masonry underpinning requirement has been effect for years." Commissioner Lucas added "The skirting it says is for manufactured homes located after the effective date of this ordinance; a non-flammable skirting shall be installed prior to the electrical inspections." Mr. Collie responded "That is for mobile home parks." Commissioner Lucas stated "No, this is for an individual manufactured home on an individual lot." Mr. Collie stated "That must be an incorrect copy." Commissioner Lucas stated "It is Article 6. It was what I was given. Another question I have for you is does that mean that the wheels and the axles, everything is taken from under the home." Mr. Collies responded "I am not sure if that is taken off or not. I am pretty sure that this is not required. I really cannot answer that. The building inspector would be the one who would need to answer that." Mr. Howard stated "The tongue has to be removed." Commissioner Lucas stated "So the intent is to make a mobile home a non-mobile home. Is that correct? To make it real property." Mr. Howard responded "Yes."

Chairman Hall stated "The question tonight is should we move forward with a public hearing?"

Commissioner Lucas moved, seconded by Commissioner Travis to move forward with a public hearing. The motion carried unanimously.

Chairman Hall told Mr. Collie that the Board would set a date and notify him so it could be advertised for a public hearing.

SHOOTING RANGE ORDINANCE DRAFT REVIEW COMMENTS FROM PLANNING BOARD

Mr. Collie stated "On November 23, 2010 the Caswell County Planning Board reviewed and discussed for the first time the Shooting Range Ordinance Draft sent to them from the Board of Commissioners drafted by County Attorney, Michael Ferrell. The Board was not able to meet at its regularly scheduled meeting at the end of October." Chairman Hall stated to get to the questions that the Planning Board has. Mr. Collie asked Mr. Melvin Butler, Chairman of the Planning Board to address the Board.

Mr. Butler stated "Mr. Chairman, I am Melvin Butler. I am chairman of the Planning Board. As Brian already said we received this shortly before our last meeting which gave us a limited amount of time to work on this. We did go through it and in going through it I do have a lot of questions. I don't know how much time you want to spend on it. There are a lot of concerns about some of the items in it. One concern was it said random target practice would not be affected in one place and in another place it said it would be affected. The people who do random target practice are the most dangerous ones. I don't know if the purpose of this was for safety or for noise. So I really don't know what started it. We do need to get a hold of it. If we are going to do a part of it, we need to do it all. But if we are going to do it we need to go through it and answer all these questions. Now, does the Board want to listen to all of this or would the Board like for me to give this to Brian and him turn it over to the county attorney so we can get these questions addressed and maybe some kind of answers on them." Chairman Hall responded "I don't know what your questions are. My thinking is the Board wanted the Planning Board to do whatever research is appropriate and necessary and come up with a policy. If you have questions you can answer these questions amongst yourselves and then based on your recommendations tell the Board how you answered the questions and move forward." Mr. Butler stated "We attempted to do that but not knowing the reason behind it or really what the Board was wanting it is hard to do that. Some of these questions we cannot answer. I guess we could address each one of these things and come up with our own but we have got to know what the reason is before we will be able to do it."

Chairman Hall asked "For example, what is one question you have that you cannot answer." Mr. Butler stated "On the shooting range facility, it addresses a structure, what is the structure to be used for. You can't target practice with a shot gun or a rifle inside of a structure. Another example is it stated on here the distances of shooting and most people when they are target practicing with a rifle they set it up at one hundred yards. This did not give the distance available. Another example was that to shoot you had to have the distance of one half of a mile. That would almost eliminate everybody in Caswell County from having a place to target practice at all. Who has a half a mile that a house is not within it. Now would you like for us to go through this thing and come up with something that would define all of this, that we would feel would suffice." Chairman Hall responded "Yes, sir. That was the general idea. Use the resources at your disposal for what is reasonable and appropriate for this type of distance and then make a recommendation." Mr. Butler stated "It will take a little bit of time. Some of this may suggest that it would be necessary to have a survey to come up with the distances and all of that. It is going to be a detailed item. It is going to take some time. Probably in some of the details we are going to need some assistance for an attorney."

Commissioner Battle stated "Can we make a suggestion that we see something within three months, a working copy within three months."

Commissioner Battle moved, seconded by Commissioner Travis that the Board receives a working copy of the shooting range draft ordinance from the Planning Board within three months.

Commissioner Lucas stated "Just for information purposes, there has been a decision by the Board to draft a shooting range ordinance. It has been deemed that the County does need this. Is

that correct?" Chairman Hall responded "Yes. That is why it was passed to the Planning Board."

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

RESOLUTION IN SUPPORT OF NORTH CAROLINA'S
CURRENT PUBLIC ALCOHOLIC BEVERAGE CONTROL SYSTEM

Mr. Michael Reagan and Mr. Tony Mitchell came before the Board to have a resolution in support of North Carolina's current public alcoholic beverage control system approved and to oppose any efforts to privatize the ABC system.

Mr. Reagan stated "Good evening. We are here tonight seeking your support in a resolution against privatization of the North Carolina Alcohol Beverage Center. I hope that you all received my letter with a copy of the resolution. The main reason I feel like we need to stay with the current system we have is control. We have control over the profits and the sales in the County. The last fiscal year we made about forty-nine thousand ($49,000.00) dollars. All of that went back to the Board of Education, the Sheriff's Department or the Caswell County Finance Office. The other thing we have control over is the sales. We can control who we sell it to and who buys it. We keep under aged kids from buying it. If someone comes in and we think they have already had too much to drink we can deny them sales. It is only four stores in the county that sells alcoholic beverages now. I think it is about four hundred and fifty in the state. There are estimates that if we do privatize the number will triple. The more places you have to buy liquor, the more are going to drink it. The prices will be probably cheaper. The more people you have drinking liquor the more accidents that could happen. The more under aged drinking you could have. I have a list of fifty-five other counties that have already passed this resolution. I feel we need to do the same."

Commissioner Battle stated "Let me understand what you are saying. You are saying that you are only in support of buying it from the ABC store as opposed to me going to a local bar or a local restaurant that can sell liquor. Is that what you are saying?" Mr. Reagan answered "No, we control, we have four stores in the County. If this goes privatized, that means convenience stores, grocery stores, Wal-Mart, anybody that buys a permit can sell it. If I had a thousand ($1,000.00) dollars I could go and get my permit and I could sell it." Commissioner Battle stated "Well, that is what I am asking. That is what I am saying. If someone wants to get a permit and it happens to be a restaurant or a bar then I can go there and get it as opposed to going to you. That is what you are saying that you are against, correct." Mr. Reagan replied "Yes".

Attorney Ferrell stated that this is not by the drink it is retail by the bottle.

Commissioner Satterfield stated "The question, Mr. Chairman, I guess to you is, what type of position has our Association taken on this. I really have not heard much discussion about this at all until I saw this resolution. What kind of position has the Association of County Commissioners taken or are they taking one at this time?" Chairman Hall responded "As far as I know the Association has not taken a position. At last year's annual conference the state director of the ABC Board was there to make a presentation but it was not an issue for the board to adopt

at that time. I do know that the governor has contracted with a company to do some research on the issue of privatization. It might be an issue when the legislature reconvenes in January, for them to start discussing. At this point the Association has not taken a position. I don't think all of the facts are out there. There are some states in the country with private ABC stores. Depending upon who you talk with, some of those states made mistakes and some of the states are doing things right. I think that is what the governor is trying to get to, is to what are the possibilities and so that if the legislature agrees to take it up then somebody will have the facts to go to the legislature on. The legislature has not, as far as I know, commissioned the study."

Commissioner Lucas stated "Collectively, I don't think we all know enough about the operation of the local ABC Board. I know I personally don't know all the ins and outs of how it operates. I know when I served previously on the Board of Commissioners we were hard pressed to get a good feel for the operations as far as profits and losses and financial statements. I think it would be very helpful if we could go back and maybe get a five year audit review presented to the Board of Commissioners to see where we stand before we can make any kind of decision about going either way. Just to get a good feel. I would just like to know more about how the local ABC Board operates. I think that information is readily available. You may get that audit every year. Do you get the audit for the ABC Board? It would be helpful to me before making any kind of decision or to pass a resolution of any kind. We just need some background information on it. That's my opinion."

Commissioner Carter stated "Mr. Reagan, this resolution here tonight before us is to mainly keep any establishment from selling bottled liquor." Mr. Reagan stated that was correct. Chairman Hall stated "No, it is my understanding, if I understand privatization; the resolution has to do with private ownership of ABC stores. North Carolina does not have that. There is some discussion that the legislature might take it up." Mr. Reagan stated "We will not have any control over any of the ABC stores in the County and we will not have any control of the liquor sales in the County." Chairman Hall stated "We don't know that yet. I had withheld my comments until everybody gave theirs. We don't know what the legislature might do. I read the resolution. Every item in your resolution could be addressed with private ownership. We would still have a state ABC Board and there would still be some rules. We just don't know what they are going to be. For me personally, I think it is premature for the Board to take a position on privatization when we don't know any more than we know about what is going to happen. It is just too premature for me."

Commissioner Battle moved, seconded by Commissioner Satterfield to table this item for later discussion when the local ABC Board can come back and make a presentation as to why we should not privatize and hear a better discussion because the Board is not familiar with what is going on at the state level as well as the local level as far as what should be done and what should not be done and what the Association's stand is on it privatizing the local ABC stores.

Commissioner Jefferies stated "About a year ago, Cleve Daniel called me and said that the state was trying to merge all ABC boards together. As you know and I know if that would have happened Caswell County would not have gotten much of the proceeds. I am not sure if this is a good idea to table this thing." Chairman Hall stated "I don't know again, when the state director made the presentation at the state conference a lot of issues came up. We won't know until the

legislature makes a decision but at that time there was no discussion of taking away anything from any counties. The merger he discussed at that time had to do with ABC Boards in the same county. Some counties have a county ABC board and a city ABC board depending on the municipalities. That was the discussion that came up during the state conference, telling them to get it down to one. One of the other issues that came up had to do with the state getting more involved with them because of some improprieties that went on in Guilford County, New Hanover County and Mecklenburg County. In those counties…in one, I think it was New Hanover County the ABC director there was making two or three hundred thousand dollars a year and hired a son who was making a hundred and some thousand dollars a year. In Mecklenburg County it had to do with taking gifts from distilleries. Some guy went to Charlotte and spent thirty thousand dollars one night taking an ABC Board out to dinner. There were a lot of improprieties going on and that is why the discussion is coming up. Here again to make a blanket resolution against something without any more information that is out there I am not ready to do it."

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

APPOINTMENT OF PTCOG DELEGATE

Commissioner Travis moved, seconded by Commissioner Battle to reappoint Chairman Hall as the Board's delegate to the Piedmont Triad Council of Government. The motion carried unanimously.

APPOINTMENT OF VOTING DELEGATE FOR NCACC FOR LEGISLATIVE GOALS CONFERENCE

Chairman Hall stated "I found out from the County Manager that this conference is January 20th and 21st."

Commissioner Travis moved, seconded by Commissioner Jefferies to appoint Commissioner Battle as the voting delegate at the NCACC Legislative Goals Conference. The motion carried unanimously.

DISCUSSION OF BOARDS AND COMMITTEES

Chairman Hall stated "We have one new board member, Commissioner Lucas. I will meet with Commissioner Lucas and review the boards that Commissioner Ward was appointed to and discuss any adjustments from there."

DISCUSSION OF PLANNING BOARD REAPPOINTMENT

Commissioner Battle stated "Mr. Chairman, there has been some discussion on what our policy is on applications being received for appointments to local boards that we appoint. In doing so I think we were in error when we appointed Mr. Claggett and what I would like to do, if the Board would entertain it, is I would like to leave Mr. Claggett on that board but reappoint Mr. Shaffner, as well, for the remainder of this period if the Board would support that. The reason why I say

that is if you look at the ads, one ad that Mr. Shaffner presented has a cutoff date as to when applications had to be received. Four ads ran after that, that ad did not have a cutoff date as to when the applications had to be received. So I can understand Mr. Claggett's position as to when he turned his in, the night of the meeting. But I can also see Mr. Shaffner's point when he saw an ad and it had to be in by a certain time. I don't think we set a uniform precedence by running one ad one way and running one ad another way. I can see and argue both ways. We did not set a uniform as a board when we ran this ad and I think this is an oversight on the commissioners and not staff. So in my opinion that is what I would like to do to rectify the situation."

Commissioner Travis stated "Looking back at what we have done a few years ago, a certain person had his application turned in and we would not recognize him because it was not in our packet. It was an oversight of this Board, it has nothing to do with Mr. Claggett, and it has nothing to do with Ray, I think the Board messed up and the only way to correct it is like Mr. Battle said is to put them both on it. We have a hard time getting people to serve on boards and when we have people who want to serve on boards, we don't want to put them on it."

Attorney Ferrell stated "I do not recall the process at which you established the Planning Board." He stated when the planning board was established a certain number of members were established. The board would first need to see how many members that was.

Mr. Howard stated "If you are going to increase the number go ahead and go to nine so we can have an odd number. If you have an even number there is a chance of a tie."

Chairman Hall stated "In the appointments at the last meeting, I am not sure if we had a policy on what time we accept applications for appointments to the board. I seem to think, as we discussed earlier, that we had a policy at one point that indicated that all applications should be turned in by a certain time."

Commissioner Lucas stated "It does not address a time frame in our local rules of procedure for appointments to boards. It just says that the Board should use the following procedures to make appointments to fill vacancies in the Board itself or in other Boards and public offices over which the Board has power of appointment. The chair shall open the floor to nominations, whereupon the members shall put forward and debate names of possible appointees. When debate ends, the chair shall call the roll of the members, and each member shall vote. The votes shall not be tallied until each member has voted. Each vote shall be decided by a majority of the valid ballots cast. It is the duty of each member to vote for as many appointees as there are appointments to be made, but failure to do so does not invalidate that member's ballot. It does not say a time frame for appointments to boards." Chairman Hall stated "Part of the problem, Commissioner Lucas, since I have been around here is that we have made changes that have not gone into that document." Commissioner Lucas stated "I think it is also addressed in the General Statutes in the county government the appointments of boards as well. It is addressed in there. I don't know if it designates a time frame but you do have to advertise." Commissioner Battle stated "But we can exceed what the statute says, can we not. Can you add two?" Attorney Ferrell responded that the Board is free to do as they wish. Whatever the Board establishes they are the Board's policies.

Commissioner Battle stated "I thought we had had some discussions with the County Manager on certain items when we come in and they are on the table and we are supposed to review them at night and they are not in the packet. And at some point I thought we had established a policy that if it is not in the packet by Thursday we should not look at it. But like I said we will have to go back and look in the minutes because I don't think anyone here can say yes that is right or no that is wrong without looking at those minutes."

Chairman Hall stated "What I would like to suggest is to take the advice of the attorney and let him investigate and find out." Attorney Ferrell stated that the original board consisted of five members and it was changed to seven. In order to change an ordinance it has to be voted on the night it is brought up. If the vote is unanimous the ordinance can be changed that night. If the vote is not unanimous it has to be voted on again at the next meeting to get it passed. That vote can be done by a majority.

Commissioner Battle moved, seconded by Commissioner Travis to change the Planning Board from a seven member board to a nine member board.

Commissioner Lucas stated "I am just not certain that we are within our rights at this meeting to do that. I think we would be better to table it and bring it up at the next meeting to get as much information as we can on it. I am not prepared to make a vote on it tonight just on the amount of information we have received." Chairman Hall stated "I think, based on what the attorney said we are within our rights. So the question is do we have the information we need." Commissioner Lucas added "And is every commissioner comfortable with the information they have been given at this point." Chairman Hall stated "Based on what the attorney said it would pass by a majority and nothing else will happen tonight or it could pass unanimously and then the floor would be opened for another motion. That is what could happen."

Commissioner Lucas asked the attorney "The terms of statute, how would you determine that?" Attorney Ferrell responded that the terms would be established at the time the board is increased. It would make sense to determine the terms at that time.

Upon a vote of the motion, the motion did not pass unanimously so it will need to be brought up again at the next meeting.

Chairman Hall stated "Prior to the next meeting, if it is on the agenda, we need to make sure that terms and everything is considered."

Ray Shaffner stated "It was published in the Caswell Messenger one time giving the deadline of September 24th. You mentioned that it was ran three or four times but it was only one time. It was posted in the classified legal section of the Caswell Messenger. The reason I came tonight was to say that there was a date set and one was accepted beyond that date. I am trying to bring it back to my original request."

COUNTY MANAGER'S REPORT

County Trucks

Mr. Howard stated "The first item I have is the purchase of two county trucks. This came up at the last meeting, I sent out bid requests to six dealerships. Two Chevrolet dealerships, two Dodge and two Toyota to get back prices. You have a tally sheet in your package on the ones I received back. Several did not give me any bids at all. Some did. The state contract prices are still lower. The state contract price for the F-150 is $15,191 there were still trucks available as of Friday. The previous amount I gave you was $14,850."

Commissioner Battle stated "Are you looking at getting two of the half tons or a half ton and a compact or?" Mr. Howard responded "One half ton and one compact which was approved in the original budget. The half ton will be for Animal Control and the compact is for Soil and Water. I just wanted to ask the Board for approval to purchase these vehicles. The reason it came back before was because the price went up."

Commissioner Lucas stated "I am trying to play caught up here. These were approved in this year's current budget." Mr. Howard responded "Yes, ma'am." Commissioner Lucas continued "It is now December, six months into the budget and we still don't have the trucks." Mr. Howard responded "We went through the process of private financing that took about a month and a half. Then the Board decided to use the Solid Waste Fund and to pay ourselves back instead of borrowing, which put us out a little longer. We went to try and find a contract truck and they did not have one available. The new state contract starts in October and we had to wait for that. Then when we went to get the trucks the price had changed for the Ford F-150 by about five hundred ($500.00) dollars more than the budget. I came back to the Board to get that approved."

Commissioner Carter stated "The Ford F-150 is $15,191 and the compact truck, you had one compact truck budgeted." Mr. Howard responded "Yes, sir." Commissioner Carter continued "And that one is 15,312." Mr. Howard responded "No, sir. The budget for the Ford Ranger was $11,604." Commissioner Carter asked "Can we get two compacts?" Mr. Howard responded "No, sir. We have one Ranger with Animal Control now. It is not big enough to get the traps on it. With a larger truck they will make fewer trips out in the county to set traps."

Commissioner Lucas asked "What is the condition of the trucks that are currently in use?" Mr. Howard responded "There is not one for Soil and Water. Warren Mincey uses his truck and he will retire this month. That position will no longer be located in this county. The condition of the F-150 for Animal Control, it is dying. It is on its second motor." Commissioner Lucas added "I was getting ready to recommend if it has been six months to hold off until the next budget. But if you are saying you don't have one."

Commissioner Carter moved, seconded by Commissioner Battle to purchase both trucks per the recommendation of the County Manager. The motion carried by a vote of six to one with Commissioner Lucas voting no.

PCC/Board of Elections Space Needs

Mr. Howard stated "The next item is, for a while we have talked about moving the Board of Elections from the courthouse over to where the senior center used to be. When this process started we allowed PCC to use that back office, the back meeting room for classes. That is not working very well for them or us. They do not have the space that they need and they have so much stuff in there, we cannot use it for anything else. As I told the Board a couple of months ago OE Enterprise, which provides vocational trades in the Guilford Mills building, as of this month is no longer operating out of that building. What I am proposing is to see if PCC is interested in possibly using that space for their needs. One reason is for what they do for the Department of Corrections, public safety training classes for the police, fire and others, and from what they told me that will actually give them additional space to do other community classes. Such as small business classes and other classes for the community. All I am asking right now is if you are willing to entertain for them to get us a proposal. There is no commitment right now. I just want to see what they would use it for."

Commissioner Battle stated "Mr. Howard, if the space they want to move into is the space the OE used to use, is there any water damage or structural things that may be a problem that we need to take care of before they can move in." Mr. Howard responded "No, sir. I will say any changes that they need to make; they have the funds to do that." Commissioner Battle continued "We are pretty sure that the changes that they need to make, the impact will not be a domino effect with the building." Mr. Howard responded "What I am proposing is that they tell us what they want to do and then go from there."

Commissioner Travis asked "Are we one hundred (100%) percent sure we are not going to have vocational trades there?" Mr. Howard responded "Not OE Enterprises. From their standpoint they could not afford it. They had two problems. One was participation and two was services provided. They were having a much harder time finding companies to work with. The companies were too far away for distribution."

Commissioner Jefferies stated "Mr. County Manager, we had a meeting Tuesday night. I came to that meeting. At that meeting, the people asked me if I had a place, a building to keep vocational trade in. They asked us about a building. If we can keep vocational trades here, that is jobs. Commissioner Travis was at the meeting. They are looking for a place. They want the county to give them a place. That is the way I look at it. That is what was announced at the meeting. I did not say anything. I was just at the meeting. Mr. Howard responded "I was not aware that they needed space." Commissioner Travis responded "They did not come out and say they needed that space or wanted to use that space. I want it to suit everyone needs in Caswell County. I think we need to see if they need the building for vocational trades before we give it away." Mr. Howard responded "I think they want to come and talk to the Board. PCC probably will not be coming until the January meeting." Commissioner Travis asked if PCC will be charged rent. Mr. Howard responded "No, sir. We cannot charge them rent."

Chairman Hall stated "The second part is the Board of Elections." Mr. Howard responded "Yes, sir. I would like to hold off moving them until we know what is going to happen. If the Board of Elections moves into that building, PCC will have to move out. I just don't think there is enough space to store everything they need to store in there to hold those classes and still provide space for One-Stop Voting. I don't think we were aware of how many items they needed to store there or the equipment needed to hold those classes in there." Chairman Hall stated "So when we start looking at space, we need to consider the two together." Mr. Howard responded "Yes, sir. We are going to need to continue. I know there is a grant we need to apply from the state for the handicap accessibility to go over there. We can continue with that process. At some point in time we need to have PCC move out so we can make that space suitable for the Board of Elections."

Commissioner Satterfield stated "Mr. Manager, I understood you to say that PCC was going to move out of the old senior center. Is that correct?" Mr. Howard responded "All I am saying is they are going to need to move out." Commissioner Satterfield continued "So they are not intending to move anywhere unless we give them some more space somewhere. Is that correct?" Mr. Howard responded "Or if we tell them they cannot stay there any longer."

Commissioner Carter stated "The Board of Elections, I spent a considerable amount of time down there. I talked with them right before the last election. One-Stop Voting is becoming more popular than it used to be. More people are starting to use One-Stop Voting rather than going to the polls. It is working out fine with them using the courtroom. Talking with them they are satisfied with where they are at. They want to stay where they are at." Commissioner Battle stated "You do realize they can't stay where they are at because the DA's office is going to take their space." Commissioner Carter responded "The County owns that building."

Commissioner Lucas stated "Just for information, Commissioner Battle, you may not be aware of this, as far as the District Attorney's office. That position changed with the election. It is my understanding that the new district attorney does not have any additional needs for space. That comes directly from him. He is not looking for any additional space in the County." Commissioner Battle responded "We have heard that but we are continuing to proceed in case that does change for whatever reason. We have to have something in place just in case someone from higher says they do need the space. But I am aware of what you just said."

Auditor Contact Extension

Mr. Howard stated "Our auditors are under contract for three years. They approached me about extending their contract for the current price of forty-five thousand ($45,000.00) for the next three years. I am bringing this before the Board for your consideration. They also included what other counties, our size, are paying for their audits."

Commissioner Satterfield asked "How many years has this contract been in effect?" Mr. Howard responded "We are in the third year of a three year contract. It ends June 20, 2011."

Commissioner Satterfield moved, seconded by Commissioner Lucas to put the audit contract up for bids.

Commissioner Battle asked "Is he saying in his memo, if it does go out for bids that the bid could go up from $45,000 as initially stated?" Mr. Howard responded "Yes, sir." Commissioner Battle asked "What are we paying now?" Mr. Howard responded "They are offering to continue the contract at the same price of forty-five thousand ($45,000.00) dollars."

Commissioner Jefferies stated "I think it is a good idea to put out bids. Someone could bid lower."

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

Land Use Agreement

Mr. Howard stated "Mr. Shumaker, I think, was approached by some of the Recreation Commission members about this property he is looking at. This area is the land that we approved for them; they had some state funds to spend to clear an area for a possible soccer field. What they have asked him to do is to come in and farm it to keep it cleared and cut back so it will not grow back again. He has agreed to do that. As per his letter he has offered a dollar ($1.00) a year lease. He will put the money into it to keep the property maintained. We can do this in two year terms or up to three years but less than ten. He has asked for a two year lease because of the money for fertilizer and lime and things like that."

Chairman Hall asked "Mr. Attorney, can we do this in our Industrial Park?" Attorney Ferrell responded yes unless there are restrictive covenants that forbid it. Chairman Hall continued "Within our industrial park, there are probably some rules and regulations on the use of property within that industrial park." Attorney Ferrell responded there should be no restrictions as to the use of property for the purpose intended. Mr. Howard stated "If you would like to make a motion depending on making sure of this that would be fine."

Commissioner Jefferies stated "It would keep the land maintained." Chairman Hall stated "I am sure but we need to make sure that we follow our own rules here. According to your narrative, some members of the Recreation Foundation approached the farmer." Mr. Howard stated "I can give you the history." Chairman Hall stated "I do not need the history. I just want to know that if we take action that the Recreation Board, the appropriate people, are aware of the action and does not have a problem with it. I would not want to hear six months from now that this was not an action taken by the Recreation Board and this was an action taken by John Doe." Mr. Howard responded "I cannot guarantee it. I have not seen it as a vote by the board." Chairman Hall stated "I just suggest this because if a year comes up and they have the money to build a soccer field and we have a two year agreement for somebody to farm the land, then we have a problem." Commissioner Satterfield stated "Mr. Chairman, I am sure that John Shumaker, he was on the recreation board as chairman for a number of years and may still be on it. I think his intent is to keep the field from growing up. I am sure that Mr. Shumaker would be willing to release it if we specify that the money was forthcoming and so forth and that we needed to get out of the lease I am sure it could be worked out."

Commissioner Satterfield moved, seconded by Commissioner Jefferies to enter into this lease, based upon the County Attorney being able to look and make sure it is perfectly legal to do and also put a stipulation in the lease that if for some reason during the two years we have money forthcoming through grants or whatever to move forward with the project the lease becomes null and void.

Chairman Hall stated "Mr. Satterfield, you brought up another interesting point for me that this Board needs to be aware of. If Mr. Shumaker is in fact on that board, and chairman of that board, I would like to see these minutes because we do not want to cause any conflicts. I do not want anybody to say that because of his position, why farmer John Doe didn't get to farm the land." Mr. Howard responded "I need to clarify something, the Recreation Commission, which is appointed by this board is the one that I think approached Mr. Shumaker. The Recreation Foundation, which is a non-profit organization for our parks and recreation, are the ones that got the grant to go in and clear the land. He is on the Recreation Foundation Board, if he still is and not on the County Recreation Board." Chairman Hall stated "I understand but the perception of improprieties should not be there. The only thing I want to see is the minutes to make sure that the board approved these things." Mr. Howard stated "I understand I just wanted the Board to know that he is not on the same board."

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

Jail/Detention Center Construction Management

Mr. Howard stated "Tonight you approved to continue with financing. One of the items we need to discuss with the Jail/Detention Center is the contact for running calls if this Board decides to use Construction Management. We need to decide within the next few weeks if we want to use a different construction management company or to continue to have this architect to be the general contractor. What I am asking is do you want to do this in a regular meeting to discuss the options or do you want to have a special meeting to do that."

Chairman Hall stated "For me, I think, it would be good if we have a short, concise narrative on the construction contract, and the pros and cons on who does what so it would be clear. Right now I am not sure I am clear. I would prefer that it be done internally as opposed to have an outsider coming in to tell me. An outsider being a prospective contractor. Is that something you can tell us tonight, Mr. Attorney?" Attorney Ferrell asked if the Board was clear on what the county manager just stated. "You have a contract with an architect to design a building. With the design of the building before it is constructed you have to manage that construction process. Often counties will hire a construction manager to oversee the construction process. Also they will hire an architect to oversee the construction of the project. The contract you currently have with Brennan and Associates does not provide management services however there is an option in the contract that you can exercise to purchase those additional services. I don't think there is a question as to whether we need a construction manager or not. You do not have any in house personnel that can handle a project of this size. So the question then becomes do you want to use the services of the architect firm for construction management or do you want to seek a second firm to oversee the construction process. The reason why this decision needs to be made is

Brennan needs for you to make a decision now on the next stage of this development. So, for lack of a better term, some value engineering which is part of the construction manager's service that normally the architect provides can be made and that decision needs to be made fairly soon. That is it in a nutshell."

Mr. Howard stated "I wanted to add since Ms. Lucas was not here early on. With construction management you do not send out bidding. You do multiple bidding instead of single bidding. Instead of hiring a contractor and then he gets all his subs to bid each aspect of it: plumbing, HVAC, electrical. We want the construction management firm, whoever we decide to use, will get bids on each activity." Attorney Ferrell stated "It would be better to have Brennan come and explain the scope of the services he is proposing. That way you could decide if you want them to do it or someone else. The original issue is, why it was not in the contract was because there was thinking there was going to be federal funding through the USDA. They do not allow the architect to serve as construction manager. I see that funding is now off the table." Commissioner Lucas asked "Why would that be that they would not allow that?" Mr. Howard responded "This is a fairly new thing, over the past five or six years and the USDA being a federal agency just does not adapt to this kind of thinking. They do not allow the architect to do both things for you."

Commissioner Lucas asked "Chairman Hall, why was this not in our agenda package? That is disturbing to me. I understand that it is in the county manager's report but something of that magnitude, to me, is an agenda item." Mr. Howard responded "All that I am asking is do we want to talk about this in a regular meeting or in a special meeting, that is the reason I brought it up." Chairman Hall stated "My general thinking is we can do it in a regular meeting, we can do what the attorney suggested and have them come and explain the scope then we can decide for ourselves the direction we want to take." Mr. Howard stated "That is what I had done, I discussed with them on coming to the next regular meeting but I just wanted to make sure that ya'll did not want to do this in a separate meeting." Chairman Hall asked for Board for preferences. He stated "There being none we will get them set for a regular meeting."

Tentative Board of Commissioner Meeting Dates

Mr. Howard stated "The last item, we need to set the meeting schedule for next year. What you have in your packets is the regular meeting dates for the current calendar year and then the proposed meeting dates for 2011." Chairman Hall stated "Is everyone looking at your schedule? I want to propose, I am looking at Monday, January 3rd, last year because of the holiday we were coming out of and the holiday on around the middle of the month we had one meeting. I am going to propose we look at the January meeting instead of the 3rd meeting on the 10th since the staff would not have worked many days during those holidays and everybody will be coming back off the holidays. Also add a meeting on the 15th or the 22nd which is a Saturday for a retreat to discuss some specific items. We have one commissioner who needs to be brought up to snuff on a lot of things and there are a couple of things that I think we really need to look at quickly. We will not be able to address everything. I will throw them out. We need some definitive discussion and decisions on proceeding with the jail. We have got to talk about our situation with the LME. I think we need to get an early start dealing with the budget. The sooner we get started on these issues the better we are going to be. So that is my suggestion." Commissioner

Lucas asked "Is that January 15th?" Chairman Hall responded "Yes. I am not suggesting that we cancel the 17th meeting even though we only had one last year. I am suggesting that we add a third meeting in there. I will call it rather than a retreat a work session because that is what we will be doing."

Mr. Howard stated "It might be difficult coming off of a meeting on the 10th, take care of those items discussed in that meeting and then turn around and meet again on the 17th." Chairman Hall stated "She can do it. We have got a lot of stuff to cover. If the Board so decides on this schedule, if it is not exactly perfect, we can forgive staff."

Chairman Hall asked "15th or 22nd for the work session." Commissioner Battle responded "The 15th is fine."

Commissioner Travis moved, seconded by Commissioner Battle to move the January 3rd meeting to the 10th and to have a work session on the 15th. The motion carried unanimously.

Commissioner Satterfield stated "Mr. Chairman, before you leave that, let me make one observation. On these meeting dates, I don't know how long ago these were moved day time to night on all meetings. I think that this needs to be reconsidered by the Board for several reasons. One all the comp time that we are dishing out to county employees and the inconvenience of asking county employees to stay here from five o'clock until six thirty and then from six thirty until perhaps eight thirty before they are ever hear. Sometimes a three or four hour wait. The same for the clerk to the board and the county manager. If we have speakers that we bring in from Greensboro, Raleigh or wherever, to give presentations it puts them to getting back to their homes terribly late at night. It is a big inconvenience for those types of people. Also another thing, people that would like to come to one meeting occasionally that work second shift they are eliminated from this process. They go into work at two or three o'clock and all of our meetings are at night they have absolutely zero possibility of coming. Another thing, the elderly, the seniors, they have more difficulty getting out at night to come to meetings like this, especially in the winter months because of darkness and cold and other stuff. I just think that the Board needs to consider all those factors there and might want to reconsider going back to the first Monday having a day time meeting. Thank you Mr. Chairman." Chairman Hall responded "What I would suggest then, at the work session we will not be able to cover everything that comes up, we can prioritize and we can decide at what point we want to put some things on the agenda. We can certainly put that on the agenda and deal with it."

Commissioner Carter stated "I would like to see us, I have had some people approach me, and I would like to see us discuss the term limits in the work shop." Chairman Hall asked "Term limits for whom?" Commissioner Carter responded "Commissioners." Attorney Ferrell stated that would require a legislative change.

Chairman Hall stated "One of the things we can discuss on the 15th is, we will have a short time, but if there are any legislative items we want to send up to the Association then we can put in on our list."

ANNOUNCMENTS

Commissioner Carter stated "I would like to thank Mike. I have enjoyed working with you. I know we will be without a county attorney. I know we voted to have a full time attorney. I was all along against hiring a full time attorney. I know the people have spoken during the election and they want a more conservative government. It was well spoken in November. I am not for a full time attorney. I have enjoyed working with you and I wish you all the best and I think you are going to be hard to replace."

Commissioner Battle stated "Mr. Chairman, I would like to get some information on a property that is located above 86 Convenience Mart, Mr. Shelton's property and let me know what the situation is with that. I have had several people ask me about it.

Mr. John Claggett stated "Mr. Chairman, I would like for the Board to know for the record that before an application was made for the Planning Board that the announcement was posted and still is downstairs and the time limits of that application was questioned and there was no problem with it."

The Board held a brief recess.

CLOSED SESSION

Commissioner Travis moved, seconded by Commissioner Jefferies that the Board enter into closed session to preserve the Attorney/Client privilege (NCGS 143-318.11(a)(3)), and to consider the compensation, terms of appointment, and performance of an individual public officer (NCGS 143-318.11(a)(6)).

REGULAR SESSION

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

Commissioner Carter moved to hire a part time attorney and to advertise for this position. The motion died due to lack of a second.

Commissioner Battle moved, seconded by Commissioner Travis to proceed with the two applicants and to schedule interviews.

Commissioner Satterfield felt that the applications needed to be reviewed to see if the applicants meet the requirements set forth in the advertisement before scheduling interviews. He also asked if the Board could meet one hour early to discuss the applicants. He also suggested contracting with Mr. Ferrell and his son until the Board could hire a full time attorney since Mr. Ferrell is familiar with what is going on.

Chairman Hall agreed that some type of review needed to be done on the applicants before scheduling interviews. He also agreed that the applicants be compared with the advertisement.

Commissioner Lucas asked if the advertisement was still out there. Mr. Howard responded that it was still on the Association's website.

Commissioner Carter moved, seconded by Commissioner Satterfield to contract Mr. Ferrell and his son to continue the LME proceedings until the Board could hire an attorney.

Commissioner Battle asked if the motion needed to be changed. He asked if the motion should be made with Ferrell's son.

Commissioner Carter restated his motion to leave out the LME proceeding and to add all county legal functions and that the contract be with Brian Ferrell's firm.

Commissioner Battle asked if this would be monthly or what?

Commissioner Satterfield asked the Board to give the county manager authority to contact Brian Ferrell to see if he would be interested in contracting legal service with the County.

Chairman Hall stated that there needed to be a rate included in that.

Commissioner Carter stated three thousand ($3,000.00) a month.

Chairman Hall asked if the Board was going to ask Brian Ferrell for the same rate as Michael Ferrell.

Commissioner Travis stated that the County Manager should call Brian Ferrell and then contact the Board and let the Board know if he is interested or not.

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

Commissioner Satterfield asked when the Board would review applications. Commissioner Jefferies suggested one hour before the next meeting. Commissioner Satterfield also asked that if any more applications come in that the clerk get the applications to the Board prior to the meeting.

THE ADJOURNMENT

At 9:55 p.m. Commissioner Carter moved, seconded by Commissioner Battle to adjourn the meeting. The motion carried unanimously.

_____	_____
Paula P. Seamster	Nathaniel Hall
Clerk to the Board	Chairman

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