

## MONDAY JUNE 7, 2010 MINUTES

The Caswell County Board of Commissioners met at the Historic Courthouse in Yanceyville, North Carolina at 6:30 pm on Monday June 7, 2010. Commissioners present: Chairman George W. Ward, Jr., Vice-Chairman Kenneth D. Travis, William E. Carter, Nathaniel Hall, Jeremiah Jefferies, and Gordon G. Satterfield. Also present: Kevin B. Howard, County Manager, and Michael Ferrell, County Attorney. Absent: Erik D. Battle. Matthew Smith, Clerk to the Board, recorded the minutes.

### MOMENT OF SILENT PRAYER

Chairman Ward opened the meeting with a moment of silent prayer.

### APPROVAL OF AGENDA

Commissioner Travis moved, seconded by Commissioner Jefferies to move Item 16, Update on LME Operations, to Item 9 on the agenda. The motion carried unanimously. Commissioner Jefferies moved, seconded by Commissioner Travis to approve the agenda as presented. The motion carried unanimously.

### APPROVAL OF CONSENT AGENDA

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

The following items were included on the Consent Agenda:

1. Approval of Minutes of May 17, 2010 Reconvened Meeting, May 17, 2010 Regular Meeting, May 19, 2010 Reconvened Meeting, and May 25, 2010 Reconvened Meeting,
2. Financial Report – July 1, 2009 – March 31, 2010.

### PUBLIC COMMENTS

Chairman Ward opened the floor for public comments.

Mr. David Owen came before the Board concerning the Senior Center. Mr. Owen started off by thanking the Commissioners for the job they are doing serving Caswell County as he knows they have a tough job. Mr. Owen stated that as a citizen and property owner in Caswell County he believed there are more issues with greater ramifications for this county like the budget and unemployment that are more important than who can or who cannot go to the Senior Center. He asks the Board to focus on the problems that will let this county grow. Mr. Owen said let's use our time wisely and leave the Senior Center as it is.

## PUBLIC HEARING – 2010-2011 PROPOSED BUDGET

Commissioner Carter moved, seconded by Commissioner Jefferies to go into public hearing for the 2010-2011 Proposed Budget. The motion carried unanimously. Chairman Ward asked the Board if anyone had any comments they would like to make. Chairman Ward asked if anyone in the audience would like to speak on the proposed budget to please come forward. Chairman Ward asked County Manager Kevin Howard if he had anything he would like to add. No discussions took place. Chairman Ward called the public hearing closed.

## PUBLIC HEARING – RECREATIONAL VEHICLE ORDINANCE

Commissioner Jefferies moved, seconded by Commissioner Travis to go into public hearing concerning the Recreational Vehicle Ordinance. The motion carried unanimously. Brian Collie, County Planner, came before the Board to add utility requirements to the individual, residential, recreational vehicles as the county already has utility requirements for RV parks.

Commissioner Hall observed that utilities are not specifically required for RV parks. He stated that Section 3.6 Utility Requirements requires all water supply facilities shall have approval of the Caswell County Health Department and/or NC Division of Health Services and that all sewer facilities shall have approval of the Caswell County Health Department and the NC Division of Environmental Management. Commissioner Hall made the point that the ordinance needs to say that individual RVs are required to have utilities. County Attorney Michael Ferrell suggested that under Section 3.6 the ordinance should read that water and sewer is required for all units. Mr. Collie stated that does not address all the problems because often times in an RV for individual uses it's not required for them to hook to a septic system because the county needs approval from the health department to prove they are pre-releasing the waste in a proper manner but a lot of these things have an onsite septic system. He wants to make sure they are doing it properly and not just stopping on the side of the road and dumping. Mr. Collie stated he is uncertain if the county wants to require each one to have a well and septic since they are not permanent structures. Commissioner Hall made the point that under this policy the county limits the sighting to 180 days and that after that the RVs need to have the connections. Mr. Collie proposes to work with Attorney Ferrell and the Environmental Health Department to see what the county could do as the reason for putting the proposed language in there is so that Environmental Health will have to look at each case to make sure they are in some way getting rid of the waste. Mr. Collie noted that only when the RV hooks to temporary power do these rules come into effect. Chairman Ward asked how can the county monitor the RVs and Commissioner Hall suggested a permit process so the county can tell how long the RV and how many RVs are there. Chairman Ward asked for comments and none were presented. Chairman Ward deemed the public hearing closed.

## DISCUSSION OF SENIOR CENTER PARKING LOT EXPANSION AND BUILDING USE POLICY

Donna Pointer, Senior Center Director, came before the Board to present the building use policy and options for the parking lot expansion and electric sign. Ms. Pointer began by presenting the policy on the use of space for the Senior Center. Commissioner Hall pointed out that the policy

presented for the Senior Center was inadequate given the large number of programs that occur there. Commissioner Hall stated that he really had a problem with the last sentence in the policy. The sentence states, "To that end, the Director will use his/her discretion in scheduling activities, including the age requirements for that particular activity." He went on to elaborate that all departments, including the Senior Center, should have specific policies.

Commissioner Satterfield stated that this same policy was discussed and passed by the Board in 2006. He went on to state that the Center has been operating since 2006 under this policy and since then he is not aware of any problems or complaints. Commissioner Satterfield asked if there is any action the Board should take as the policy was passed before by the board. Chairman Ward stated that he thinks the county needs to pass this policy or some version of it. He asked County Manager Kevin Howard if we have anything on record other than what was submitted in the grant proposal. Mr. Howard responded by saying there is no formal written policy. Commissioner Satterfield moved, seconded by Commissioner Jefferies to adopt the policy as presented. Chairman Ward asked if there are any questions. Commissioner Hall stated that this is not a policy although it might be what someone wants to do but it is not a policy. He elaborated that we have no department where a department head has discretion over policy issues as all policy issues come before this board. Commissioner Hall says the Board needs to have the nerve to address issues like this so that when the next issue comes up it will not be an issue. He finished by adding that the Board needs a policy that addresses the day to day operations. The motion was approved 6:1 with Commissioner Hall opposing.

Ms. Pointer presented prices for a sign and paving the parking lot. Ms. Pointer said when they originally came to ask for a sign they asked for one similar to the sign at Gunn Memorial Public Library and the Board of Directors at that time were willing to pay for the sign. Ms. Pointer said the Board asked for a price on a sign like the one at the Health Department and stated that the price of a sign like that one would be \$14,840. Ms. Pointer then talked about the prices for the parking lot expansion stating that the expansion would cost \$15,465. Alternate one, at a price of \$5,110 is in addition to the \$15,465 parking lot expansion. It adds a depth of four inches of stone base for Caswell County EMS trucks. Ms. Pointer pointed out that they need to get more bids before moving forward. Commissioner Satterfield asked Ms. Pointer to talk to DOT as it seems to Commissioner Satterfield that two inches of plant mix asphalt is not heavy enough. He thinks that the LED sign is great but with the limited dollars they have he hopes that the Board might consider using that \$15,000 to a little bit better use as far as he is concerned. He states that they have limited amount of exercise equipment and they need some more treadmills and equipment instead of a sign that no one can use. Commissioner Satterfield added that the Senior Center is for citizens to go over and use exercise equipment and that the county can use their money more wisely. He added that someone can walk out there and change letters on the sign and that's good exercise too. Chairman Ward asked Ms. Pointer to go back to her board and get more bids and find out how they want to spend the money and bring it back to the Board.

#### RECESS

The Board held a brief recess.

## UPDATE ON LME OPERATIONS

Dan Hahn with the Alamance-Caswell Local Management Entity came before the Board to present an update on what is going on with their future outlook and to ensure that Caswell County as a community is brought into the discussion. Rick Bruton, Director of Community Support Resources, presented a PowerPoint presentation detailing the Crisis Services that the LME provides. In his presentation Mr. Bruton detailed that the LME saw 1514 people from October 2009 – April 2010 which is around a 40% increase from the same time frame last year. Of the 1514 people, 202 were from Caswell County and 96 were provided transportation. Mr. Bruton stated that the Crisis Clinic costs \$2,500 a day and that efforts to track and gain reimbursement for the services provided have increased. From July 1, 2008 – June 30, 2009 the Crisis Clinic was only reimbursed for \$49,819. From July 1, 2009 – April 30, 2010 the Crisis Clinic was reimbursed for \$134,703 with some billing still out for Medicaid. The total cost of the clinic is around \$600,000. Mr. Bruton detailed that most of the consumers who are hospitalized are staying within the community as opposed to going to state hospitals. In the second quarter of 09-10, 73 percent were accepted at ARMC instead of CRH, a state hospital. In the third quarter of 09-10, 81 percent were accepted at ARMC instead of CRH. This saves money and keeps the consumers in the community.

Commissioner Hall presented an issue where a consumer was involuntarily committed on a Wednesday night and was in a waiting room until Friday morning. Mr. Bruton responded by saying a hospital is a business and that if a consumer has history in a hospital or if they have been violent in the past they can choose not to take them forcing the consumer into a state hospital bed. Mr. Bruton followed up on Commissioner Hall's issues by stating that the problem is they do not have to take consumers and instead wait on a bed at CRH.

In closing the discussion, Commissioner Hall asked about the status of the LME. Mr. Hahn stated that the LME has dropped below the 200,000 population and the intention of the LME and its Board of Directors at this time is to continue to do the local efforts on behalf of Alamance and Caswell counties. Mr. Hahn stated that they have the ability to maintain funding through the 2010-2011 years as a LME. After that the responsibility will revert to Caswell County however Mr. Hahn states that their Board of Directors are and will try their best to make sure the LME does not disappear as the need for the LME is very real. Commissioner Hall stressed that because of this the Board needs to come up with a Plan B in case the LME does not continue.

## 2010-2011 BUDGET REQUEST FROM CASWELL PARISH

Don Bush came before the Board to make a budget request on behalf of the Board of Directors of Caswell Parish. Mr. Bush stated that Caswell Parish receives most of its income from utility companies, county governments, and 28 churches in Caswell County. Mr. Bush said that this past winter they had tremendous requests from citizens of Caswell County to assist them in paying their power bills. He elaborated further that he is hearing that neither Social Services nor the Senior Center have money to fund our citizens. Mr. Bush stated that they have an operating cost of \$6,000 a month or \$72,000 a year with 28 churches providing \$10,000-\$12,000 a year via donations. Mr. Bush said that the Parish has moved back into the building they own and are working to modernize the building and bring it up to health standards while providing for ADA

accessibility. The drive is stone and more prone to accidents from handicap people and the Parish has asked for asphalt to be installed at a price of \$15,000-\$25,000. Mr. Bush stated that chip and seal would be cheaper while still giving a decent parking lot surface. He stated that last year the county gave them \$10,000 and they appreciate it and this year they are asking for \$15,000 to help out with utility bills because they are getting calls even today from people asking for assistance with their bills. The utility company was previously giving 60-90 days to pay the bills but they have reduced that to 30 days. Mr. Bush stated that they do not have the operating cash to continue to do this without assistance from the county and asks the Board to help out the best they can as they finalize the budget. Chairman Ward thanked Mr. Bush for coming.

#### PIEDMONT COMMUNITY COLLEGE ROOF AND OFFICE SPACE UPDATE

Dr. Walter Bartlett, President of PCC, came before the Board to update on the Piedmont Community College Caswell County Campus Roof Project. He presented images of the roof as it is being repaired to show the extra damage that was found once the roofing company had removed the outer layers to expose the corrugated steel. Water had got under the layers and pooled on the steel and created extra damage. Dr. Bartlett stated that because of this they are looking at another \$9,000-\$10,000 in repair costs however they will still stay under the \$60,000 approved by the County Commissioners.

Dr. Bartlett presented a second update on the use of County office space for PCC classes. They are currently using the former Senior Citizen's Center building to conduct law enforcement training classes. He requested an additional office for Criminal Justice and an office for the Business Development and Economic department. The Board asked Kevin Howard, County Manager, about the availability of any additional space. Manager Howard responded that there was an office but was concerned about its availability once the Board of Elections moved in. Commissioner Satterfield stated that he did not see how the County could release any additional space in the building until the Board of Elections gets moved in and settled. Commissioner Travis also added that the Board needed to wait to see what the County needed before they give anymore space away. Commissioner Hall stated that the Board could send someone over to do a space analysis to determine the amount of space needed by the Board of Elections. Chairman Ward along with Commissioners Satterfield and Hall came to the conclusion to get staff to do a space allocation and get an answer ready for the first meeting in July 2010.

#### DISCUSSION OF OPTIONS FOR THE HOUSE OF ESTER

Kimberly Hamlet from the House of Ester came before the Board to ask for consideration in the County taking the House of Ester on as a separate department in the County. She stated the main concern for the County in taking them on was liability if the grant funding ended. Ms. Hamlet provided information detailing the House of Ester's self sufficiency via grant and local funding. She stated that if the County does take them on it will not be any additional expense for the County. They are looking for someone to umbrella their funds and make sure they are properly allocated. County Manager Kevin Howard stated that he does not see any extra cost to the County so long as the grants are funded. He elaborated that if something did happen to the grants he did not see any additional costs via unemployment.

Commissioner Satterfield asked if they are looking to come under as employees of the county or the nonprofit. Ms. Hamlet responded that they would be employees of the County as they were employees of the Town of Yanceyville before. Commissioner Satterfield asked what happened to the town and Ms. Hamlet responded that the Town of Yanceyville was concerned that they did not have liability insurance which Ms. Hamlet stated that they did because they compensated the town for it. Commissioner Travis moved, seconded by Commissioner Hall to take the House of Ester onto the County with the understanding the county is not responsible if the grant money runs out. The motion carried unanimously and will go into effect July 1, 2010.

#### DISCUSSION OF SOLID WASTE HANDLING RFP

Tim Smith, Solid Waste Director, came before the Board to present the 2010 RFP results and recommendation. Mr. Smith stated that he requested bids from seven different companies and only two come back with bids. The two that responded were First Piedmont Corporation and Republic Waste Services. First Piedmont Corporation underbid Republic by \$52,277.13. The First Piedmont bid came in at \$491,850.06 and the Republic bid came in at \$544,127.19. Mr. Smith said an alternate bid was presented by First Piedmont at a total of \$440,516 with a \$51,333.47 reduction coming from diverting some of the solid waste from their transfer station and going directly to their landfill. Mr. Smith stated that his recommendation to the Board is to reject all bids received and renew the current contract with First Piedmont for one year while the County performs a solid waste study. Commissioner Satterfield asked Mr. Smith what the annual cost of the current contract with First Piedmont is. Mr. Smith responded that it totals about \$380,000 to \$400,000. Commissioner Carter moved, seconded by Commissioner Travis to extend the current contract for one year while the County conducts a solid waste study. Commissioner Hall stated the County needs to be more proactive by doing a study before collecting bids for the RFP. The motion carried 5:1 with Satterfield opposing.

#### DISCUSSION OF CANCELLATION OF CHERRY GROVE CONVENIENCE SITE CONTRACT

Tim Smith, Solid Waste Director, came before the Board to present W. Henry Boone's resignation as the operator of the Cherry Grove Convenience Center. Mr. Boone gives a 90 day notice with the notice starting on June 1, 2010. Chairman Ward instructed Mr. Smith to move forward with the advertisement for a new operator. Commissioner Hall recommended a study on the location of each site in the County to determine where the next site should be located. Commissioner Satterfield stated that he would like for the study to take into account the hours of operations for the dumpsters as he has received many complaints about the sites being closed on Sunday afternoons.

#### DISCUSSION OF AMBULANCE REPAIRS

Jim Gusler, EMS Director, came before the Board to discuss the issues of unit repairs and operational readiness. Mr. Gusler stated the situation is dire as the County has no reserve capability at the current time as only three of the five are in service. He elaborated further that the two 2008 F-450 (EMS Units 203 and 205) ambulances are having significant reliability issues and they will be coming out of warranty over the next fiscal year increasing the

maintenance costs. EMS unit 202, the 2003 Ford F-450 is currently in the shop for a transmission replacement and will require computer work to make it viable for service. The transmission will cost \$4,000 to \$5,000 and the computer will cost approximately \$1,000. This unit also needs new injectors. Mr. Gusler stated that EMS unit 204, the 1999 International 4700, is in need of extensive repair. It has a valve and engine problem that will require an in frame engine rebuild that will cost \$8,000 - \$10,000. Mr. Gusler stated that they require both units needing work to be available in the rotation and ready to respond to calls. Commissioner Satterfield asked about unit 204, the 1999 International, and what is being done to it. Mr. Gusler responded by saying it is sitting waiting on repairs and that he would like it repaired. Commissioner Satterfield asked why since it has so many miles on it. Commissioner Satterfield asked about leasing an ambulance instead of repairing the ones the County has while waiting on a new ambulance. Mr. Gusler replied with a lease price of \$200 per day.

Chairman Ward asked Manager Howard if they do buy a new ambulance where the money is going to come from. Manager Howard responded that the federal government has changed how they figure our Medicaid reimbursement resulting in a reimbursement of \$109,000 instead of the \$55,000 currently in the budget for this fiscal year. Mr. Howard stated that for the next fiscal year the County will bring in \$167,000 versus the \$60,000 in the proposed budget. Chairman Ward asked Mr. Gusler what his request of the Board is. Mr. Gusler replied that his request is to fix EMS unit 204 costing \$10,000. Commissioner Travis asked about the warranty on the in frame rebuild and Mr. Gusler stated he did not have that information. Commissioner Travis followed by asking about a crate engine installation. Mr. Gusler said that would cost around \$17,000 and have a three year unlimited mileage warranty. Commissioner Travis said the Board does not need to vote to spend \$10,000 for a rebuild with a 90 day warranty. Commissioner Satterfield agreed with Commissioner Travis and stated he is not in favor of spending any more money on EMS unit 204 and instead trying to find an ambulance to buy. Commissioner Travis moved, seconded by Chairman Ward to give Mr. Gusler the authority to find a new ambulance and bring it back to the board while holding off on spending for repairs. The motion carried unanimously.

## DISCUSSION OF CONSERVATORS' CENTER

Commissioner Hall came before the Board to discuss citizen's concerns with the Conservators' Center. The Center holds all kinds of animals like lions, tigers, wolves, coyotes, Australian bush dogs, etc. Citizens are concerned because some of the animals have been getting out resulting in a couple of sightings of lions in and around the compound. Commissioner Hall stated that when the citizens talked to the operators they denied that any of the animals are getting out. The citizens have pictures of paw prints that are four inches wide outside the Center. Commissioner Hall stated that the citizens would like the board to do a review of the security of the compound and make an adjustment. One elderly lady is afraid to come outside of her house. Commissioner Hall stated that the citizens are also concerned about cages in and around the compound that the operators will not allow them to see when they go into the Center with the operators saying the cages and fences are not strong enough if the animals get excited.

Commissioner Hall stated that the citizens would like for the Board to have someone to investigate. Commissioner Hall suggests the Board to form an ad-hoc committee of Animal

Control, APS, and Sheriff's Office to go out and look at the compound since they will have the authority to look in places the operators do not want the citizens to see. There is concern that the fences are not strong enough and there are trees around the compound, especially in an emergency like a storm where a tree falls on a fence and the animals get out. Commissioner Hall said the citizen's main concern is security followed by noise. Commissioner Satterfield stated that no one with APS, Animal Control, or the Sheriff's Office has any expertise in containment of wild animals. Commissioner Hall responded by saying that those are the people on the County staff and that if they go out there and say they do not understand enough to do anything then the Board can send in someone who does as the Board needs to act. Chairman Ward asked if the Board could send someone down there to take a look and go on the property. Michael Ferrell, County Attorney, stated that if they refused you admission you will need to have a search warrant but you cannot assume they will refuse you. Manager Howard stated that the Center has to have a federal permit issued by the USDA to have exotic animals. Mr. Howard said that he would get Animal Control and someone from the Sheriff's Office to go down and take a look. Commissioner Hall stated that as County Manager you can do it that way but if they respond back by saying they do not want to do it then report that back to the Board.

#### MANAGER'S BUSINESS

Kevin Howard, County Manager, presented a lease renewal for the Guilford Mills Building office space. Mr. Howard stated that the lease price should be \$6.00 per square foot. Commissioner Satterfield stated that the building has major structural damage and it continues to get worse and worse and something is going to happen. Mr. Howard stated that in the last couple of months the second floor has shifted and one end of the building has a wall coming out a little bit. Commissioner Travis stated that if the building is in that bad of shape then the County does not anyone in it. Mr. Howard suggested the building inspector take a look at it and report back and maybe the Board do a walkthrough. Commissioner Hall stated that a walkthrough is not going to tell him anything and that the Board needs to get a structural person to do an assessment. Commissioner Travis said that the Board needs to start with the building inspector. Chairman Ward concluded the discussion by saying send staff over to look at it and bring it back to the next meeting.

Mr. Howard presented the Cherokee Camp Farmer Lake Agreement. This is the same agreement as presented last year to the Board. Commissioner Satterfield moved, seconded by Commissioner Travis to approve the Cherokee Camp Farmer Lake Agreement. The motion carried unanimously.

Mr. Howard presented the Natural Resources Conservation Service Agreement. He stated that it was brought to the Commissioners back in 2006 and was tabled and now they brought it back wanting the Board to approve the agreement. County Attorney Michael Ferrell reviewed the agreement. More information was requested and will be brought back to the Board the first July meeting.

Mr. Howard presented a Code of Ethics for the Board of Commissioners of Caswell County, North Carolina prepared by the Attorney Ferrell. Commissioner Hall likes the Ethics Policy and would like to make an additional bullet under Section 2 that Board members make decisions

based on the public good and not on their desires or considerations of special interests. Commissioner Hall made another suggestion for addition under Section 5 adding to the end of the sentence “and should respect the sanctity of closed sessions.” Commissioner Hall moved, seconded by Commissioner Travis to adopt the Code of Ethics as prepared by the attorney with the suggested amendments. The motion carried unanimously. Commissioner Hall suggested that a similar Code of Ethics be adopted for county employees.

Mr. Howard opened the discussion of a quarter cent sales tax referendum that the Board requested on the agenda. Michael Ferrell, County Attorney, stated that the Board needs to make sure the population realizes the need for the tax increase via education. He further elaborated that you can produce materials that say here is what it is for, here is the need for it, here is what you get for it, and here is what you don’t get for it, as that is education. Attorney Ferrell stated that you cannot advertise for any referendum. Angela Evans from the Caswell Messenger stated that she would be glad to run one front page story to inform the community. Commissioner Satterfield stated that he hoped that the Board could earmark these funds for something so the public would know what it is for. Commissioner Satterfield moved, seconded by Commissioner Carter to start the ballot process. The motion carried unanimously.

Mr. Howard presented Budget Transfer Six. Commissioner Satterfield commented on the line item small tools and equipment as it appears to him to as a catch all at the end of every year. Mr. Howard stated that small tools and equipment is small items like adding machines or printer or even a computer. Commissioner Carter moved, seconded by Commissioner Satterfield to approve Budget Transfer Six. The motion carried unanimously.

Mr. Howard presented Budget Ordinance 17. Commissioner Carter moved, seconded by Commissioner Jefferies to approve Budget Ordinance 17. The motion carried unanimously.

#### ANNOUNCEMENTS

Commissioner Carter stated that the County had a good auction sell over the weekend. Commissioner Travis asked if everyone knew that graduation was this Saturday.

#### CLOSED SESSION

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

#### REGULAR SESSION

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

ADJOURNMENT

At 10:20 pm Commissioner Jefferies moved, seconded by Commissioner Travis to adjourn the meeting. The motion carried unanimously.

---

Matthew W. Smith  
Clerk to the Board

---

George W. Ward, Jr.  
Chairman

\*\*\*\*\*