

MINUTES – AUGUST 16, 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, August 16, 2010. Members present: George W. Ward, Jr., Chairman, Kenneth D. Travis, Vice-Chairman, William E. Carter, Nathaniel Hall, Jeremiah Jefferies, and Gordon G. Satterfield. Absent: Erik D. Battle. Also present: Kevin B. Howard, County Manager, 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 AGENDA

Chairman Ward stated that he would like to change Item 11 to Closed Session to discuss attorney-client privilege. Commissioner Travis moved, seconded by Commissioner Jefferies to approve the agenda as presented, with Closed Session being moved to Item 11. Chairman Ward then stated that he would like to amend motion to add under the County Manager’s Report Item F discussion of two police cars for the Sheriff’s Department. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

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

The following items were included on the Consent Agenda

- 1) Tax Director’s Monthly Report

Total Amount of Taxes Collected for August 2010	\$153,287.87
Tax Maps/Cards	\$ 34.75
County Maps	\$ 9.90
Beer License	\$ 60.00
Wine License	\$ 75.00
2010 Prepayments	\$ 8,133.27

PUBLIC COMMENTS

Chairman Ward opened the floor for public comments. Chairman Ward welcomed Paula Seamster as the new Clerk to the Board of Commissioners.

Mr. John F. Claggett, Jr. came before the board and made the following statements:

“Good evening, my name is John Claggett and I reside at 108 Jaye Lane, Providence, NC.

At the August 2, 2010 Board of Commissioners meeting the County Attorney informed me that Hayes Iron and Metal was “pretty much” in compliance with the Outdoor Storage Ordinance and all that was left for them to do was obtain an Operating Permit and then the fines could be “talked about”.

On August 9, 2010, I emailed the County Manager and asked if he was aware that Hayes Iron and Metal hadn't obtained an Operating Permit for 2009 or 2010. I provided him with information regarding the section of the ordinance (SECTION SEVEN) which states that failure to maintain a valid Operating Permit constitutes a violation of the ordinance, and why was the county willfully failing to enforce this portion of the ordinance. I refer you to the email entry dated August 9, 2010 at 3:49 PM of your handout.

The County Manager replied at 5:12 PM explaining that the Board of Commissioners chose to use the civil process to bring them into compliance so that they can meet the requirements to get their permit and stated that he didn't agree that the county was willfully failing to enforce the ordinance. Again I refer you to your handout.

Gentlemen my question was in regards to the county willfully failing to enforce a “portion” of the ordinance, not the entire ordinance.

I replied at 5:56 PM expressing the confusion felt by myself and my neighbors at his answer and asked him if he was saying that they (Hayes) didn't have the have a permit to operate as long as they operate out of compliance with the law. It was insinuated that I was misrepresenting what the County Manager was saying, as again referenced in your handout. Gentlemen, I consider that an attack on my character by the County Manager.

The County Attorney told me that one of the remaining things that Hayes Iron and Metal needs to do is obtain an Operating Permit, before the fines can be talked about. According to the County Planner the total cost of 2009 and 2010 Operating Permits is \$100.00. The County Manager tells me that once Hayes meets the requirements of becoming compliant an Operating Permit will be issued. So who are we to believe, the County Manager or the County Attorney?

Since the Board voted to proceed with the penalties concerning Hayes last August, the accumulation of fines to date is in the neighborhood of \$100,000.00.

If the county isn't willfully failing to enforce SECTION SEVEN of the Outdoor Storage Ordinance then why allow \$100.00 to stand in the way of \$100,000.00, providing the County Attorney is correct. How long are you as a Board going to allow this circus to continue?"

Chairman Ward asked if there were any others who would like to speak at this time. Chairman Ward closed Public Comments.

PUBLIC HEARING – ROAP GRANT

Chairman Ward asked for a motion to go into Public Hearing to discuss the ROAP Grant for The Rural Operating Assistance Program. Commissioner Jefferies moved, seconded by Commissioner Travis. The motion carried unanimously.

Ms. Melissa Williamson, Director of Caswell County Division of Transportation (CDOT), came before the Board to hold a public hearing to receive comments on the Rural Operating Assistance Program (ROAP) application.

Ms. Williamson informed the Board that the Rural Operating Assistance Program (ROAP) is a state funded public transportation grant program that is administered by the North Carolina Department of Transportation that is applied for each year. It includes the Elderly and Disabled Transportation, Employment Transportation, and Rural General Public Transportation dollars. The ROAP application is due into the DOT by August 31st. It is required that the Board of Commissioners hold a public hearing to receive local input regarding the sub-allocation of these funds. At this hearing the CDOT will need for the Board of County Commissioners' Chairperson and the County Manager to sign the Certified Statement; which stipulates that we will do all things required in applicable federal and/or state legislation.

Ms. Williamson stated that in order to make sure that all folks involved were notified she sent a memo out to all the Human Services and organizations within the county, Caswell County DSS, the Aging Services, Caswell County Parish, Piedmont Community College, Caswell County Mental Health, Caswell County Job Link Career Center, and the Transportation Advisory Board. She also ran an ad in the paper on July 21st to let everyone know in the county that we welcomed their input. A sub-committee met on August 2nd to help discuss how the funds should be sub-allocated throughout the county.

Ms. Williamson reported that Caswell County will receive a total of \$125,107.00 in ROAP funds. EDTAP will be allocated \$42,194.00, Employment Transportation Assistance Program will be allocated \$5,918.00 and RGP will be allocated \$34,251.00. We will be applying for Supplemental ROAP Funds again this year. We are requesting \$24,321.00 in EDTAP funds, Employment Transportation Assistance Program \$7,423.00 and \$10,000.00 in RGP funds. ROAP supplemental funds are intended to provide new services and serve new clients. This information was put in the Caswell Messenger in English and Spanish about the public hearing for tonight.

Upon questioning from Commissioner Hall as to how money was spent under the Rural General Public Program. Ms. Williamson answered that the Rural General funds are intended for anyone who is not eligible for some of these other programs that are offered throughout the county like someone that is not eligible for Medicaid or not eligible for E&D or not eligible for the Employment Work First fund. If a person is not eligible for any of these that person is eligible to use the Rural General Public fund but that does require a rider's fare fee. That person would be able to ride but will be required to pay a minimum fee and the remainder of the cost would fall under the RGP program.

Follow up questioning from Commissioner Hall as to the bullet third from the bottom of the Rural Operating Assistance Program, The County will provide an accounting of trips, services and expenditures in semi-annual reports. Would those RGP monies be included in those semi-annuals reports in such a great manner that we could see how they are being used? Ms. Williamson acknowledged yes and that Gwen, Finance Director, gets a copy of the ROAP report and it is also sent in to the NCDOT and they go through all the information that is sent in.

Commissioner Hall questioned if it would tell how many citizens are being served. Ms. Williamson responded that it is told in per units served; that is how the state has it broken down. Once we get the software in we will be able to tell more about that and our consultant is working with us to finally get that installed as we have ran into a road block getting them to come out. We do keep up with the units we serve on the ROAP report.

Commissioner Jefferies questioned if the DSS were to fall short on money would they be able to get funds from this grant. Ms. Williamson reported that the DSS does get a good portion of the E&D fund. The E&D fund is split between DSS and The Senior Center. DSS in the past has received the Employment Transportation funds as well. They do get a portion of the money here and they also get a portion of the supplemental E & D funds as well this year.

Commissioner Satterfield questioned the period of performance is for this fiscal year but the application is not due until August. Is this running behind or is this typical? Ms. Williamson responded that it is typical and that is always how they do it. It states in here that the period of performance for the project will remain July 1, 2010 – June 20, 2011 regardless of the date on which ROAP funds are disbursed to the county. These funds will probably start coming in, the first portion of them, in September but they go back to July's expenses and pay it out and that is how it has always worked.

Commissioner Satterfield further questioned what happens if for some reason or another the request is altered or denied. How do you cover the expenses? Ms. Williamson responded that ROAP has already sent them a sheet letting them know what they have set aside for Caswell County. So long as we submit this application we are guaranteed those funds are coming.

Commissioner Satterfield further questioned if it was pretty much in line with last years. Ms. Williamson answered yes.

Chairman Ward welcomed comments from the public.

No public comments were made.

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

Commissioner Jefferies moved, seconded by Commissioner Carter to accept the Rural Operating Assistance Program. The motion carried unanimously.

CDOT REQUEST FOR PROPOSALS FOR VEHICLE MAINTENANCE

Ms. Melissa Williamson, Caswell Division of Transportation Director, came before the board to discuss proposals for Vehicle Maintenance Services for Caswell County Division of Transportation. The CDOT submitted an "R" application in May. A public hearing was held before the Commissioners on May 4th. The American Reinvestment and Recovery Act Resolution was adopted by the Board on May 4th. CDOT did receive \$26,834.00 for Preventive Maintenance. The next step that had to be made was to prepare an RFP for vehicles maintenance services. A template provided by the NCDOT was used and the County Attorney looked over the RFP before putting it out for bids. The bids were due by 2 PM on May 25th. The RFPs went out on April 21st. An ad was placed in the Caswell Messenger for Request for Proposals to establish maintenance service contracts. In the ad it stated that all work would be priced and preapproved prior to the start of the work effort. Contract period would be for 36 months because there is a chance there will be a R2. The bids were also posted on the IPS website which is the State of North Carolina Interactive Purchasing System. The RFPs were turned into the Evaluation Committee and were reviewed. Only received 2 bids. A lot of people frowned upon all the requirements and having the state and federal levels coming in and having to go through their books. Tonight we are asking the Board to make recommendations to award contracts to the vendors of the proposals that we did receive. This information will still have to go through the NCDOT Procurement Department. They will ensure that everything has been approved and that our Board is behind it and ready to pursue the contracts that were received. R & M Garage put one in for the Preventive Maintenance; they were the only company to submit a bid for that. Grant Service put in a bid to do the Preventive Maintenance on the lift of the wheelchair van. Before we can enter into a contract it still has to go before the NCDOT Procurement Department for them to go through to make sure that it meets the procurement requirements. If it does meet the requirements and the Board agrees that we can enter into a contract with them then we would be able to move forward with the contracts. The County Attorney has reviewed the contracts that NCDOT provided for us to use.

Commissioner Carter questioned if only one garage submitted a proposal for preventive maintenance. Ms. Williamson answered yes for that particular preventive maintenance. A lot of the vendors did not want to go through "the hoops" that they would have to jump through in order to do this.

Commissioned Carter moved to approve both contracts as presented, seconded by Commissioner Satterfield.

Upon a vote of the motion, the motion carried by a vote of five to one with Commissioner Travis voting no.

RESOLUTION OF SUPPORT FOR THE PIEDMONT TRIAD SUSTAINABLE COMMUNITIES REGIONAL PLANNING GRANT APPLICATION

Mr. Kevin Howard, County Manager, presented for the Board's consideration a Resolution of Support for the Piedmont Triad Sustainable Communities Regional planning grant application.

The grant will support regional planning efforts to integrate housing, land use, economic and workforce development, transportation, and infrastructure investments.

Commission Ward moved to approve, seconded by Commissioner Hall. The motion carried unanimously.

**Resolution of Support for the Piedmont Triad
Sustainable Communities Regional Planning Grant Application**

Whereas, On June 23, 2010 the U.S. Department of Housing and Urban Development (HUD) released a Notice of Funding Availability for Sustainable Communities Regional Planning Grants; and

Whereas, The Piedmont Triad is defined as Alamance, Caswell, Davidson, Davie, Forsyth, Guilford, Montgomery, Randolph, Rockingham, Surry, Stokes, and Yadkin Counties; and

Whereas, The grant will support regional planning efforts to integrate housing, land use, economic and workforce development, transportation, and infrastructure investments in a manner that empowers jurisdictions to consider the interdependent challenges of:

- (1) Economic competitiveness and revitalization;
- (2) Social equity, inclusion, and access to opportunity;
- (3) Energy use and climate change; and
- (4) Public health and environmental impact; and

Whereas, A coordinated vision and regional plan will provide communities in the Piedmont Triad with the ability to secure additional funding to implement the plans recommendations and projects in a comprehensive, integrated, and cost-effective manner.

THEREFORE, BE IT RESOLVED that the Caswell County Board of Commissioners hereby supports the application for a Sustainable Communities Regional Planning Grant on behalf of the Piedmont Triad and further agrees to be a grant application consortium member.

ADOPTED this, the 16th day of August, 2010.

S/George W. Ward, Jr.
George W. Ward, Jr., Chairman

Attest:

S/Paula P. Seamster
Paula P. Seamster, Clerk to the Board

SEPTEMBER MEETING SCHEDULE

Commission Ward brought before the Board that the next meeting on September 6th will fall on Labor Day. Need to move the meeting to Tuesday, September 7th. He asked for a motion to have this meeting date changed from Monday, September 6th to Tuesday, September 7th.

Commissioner Hall moved, seconded by Commissioner Travis. The motion carried unanimously.

COUNTY MANAGER'S REPORT

Mr. Kevin Howard, County Manager, presented two leases for the former Guilford Mills building. One office will be leased to Karen Canada and one office will be leased to Heather Settle. There are still two offices that remain open. Easter Seals moved out and we are still trying to fill these two offices.

Commissioner Satterfield asked what kind of business these two ladies are involved in. Mr. Howard responded that they are in the Mental Health business. They are approved by the Alamance-Caswell LME Services. Commissioner Carter moved to approve both leases, seconded by Commissioner Jefferies. The motion carried unanimously.

Mr. Howard reported that County Attorney, Michael Ferrell, has worked up a draft on the Shooting Range Regulations. This will be on the agenda at the first meeting in September so Mr. Ferrell will be here to answer any questions.

Commissioner Ward asked if anyone had looked over the proposal and has any questions now to send to the County Attorney. Commissioner Satterfield commented that he noticed that the setbacks stated "all shooting stations on a range facility shall be located a minimum of two hundred (200) feet from any property line." He stated that to him that was too close. He added that maybe it should be two hundred (200) yards because two hundred feet (200) is too close to someone's property line. Chairman Ward suggested that Mr. Howard check with the attorney on this matter. Chairman Ward added that if anyone had any further questions during the week to get them to the County Manager so he could forward them on to the County Attorney.

Mr. Howard reported that the County has hired a new Library Director, Rhonda Griffin. Griffin is from Caswell County. She was previously employed at the South Boston Library. Griffin will start on September 8th.

Mr. Howard presented a Domestic Violence/Marriage License Fee Contract. They will get their funds through the marriage license fees. Commissioner Carter moved, seconded by Commissioner Satterfield. The motion carried unanimously.

Mr. Howard brought before the Board a request from Sheriff Welch to purchase two (2) patrol cars out of the funds from the town of Yanceyville contract. Welch needs to replace two of the four cars that came from the town. Total amount to purchase these two vehicles is \$53,259.24. Commissioner Ward questioned if this would stay within the contract. Mr. Howard reported that it would. Commissioner Satterfield questioned what source the money was coming from and if it is the money from '09 - '10. Mr. Howard answered that the money will come from the

remaining '09-'10 and '08-'09 budgets. Commissioner Carter moved, seconded by Commissioner Satterfield. The motion carried unanimously.

ANNOUNCEMENTS

County Manager, Kevin Howard, reported that the Caswell County Gang Prevention & Support will hold an information session on "What Do You Know about Gangs" at the Bartlett Yancey High School Cafeteria on August 23rd from 5:30 PM – 7:00 PM.

Commissioner Satterfield inquired further regarding Mr. Claggett's comments from earlier in the meeting. Would it be possible to have the County Attorney bring the Board up to date on how the case is proceeding? He stated that the Board needed to get this case moving.

Chairman Ward reported that he received a letter from County Attorney Ferrell and his possible resignation in December and what his son may be willing to do.

Commissioner Carter announced that the Annual Bright Leaf Hoedown will be held on Saturday, September 25, 2010.

CLOSED SESSION

Chairman Ward 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 also that the Board will be consulting by telephone with the County Attorney. The motion carried unanimously.

REGULAR SESSION

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

Commissioner Jefferies inquired about the Alamance/Caswell LME merger. County Manager, Kevin Howard, stated that he would give an update.

Commissioner Satterfield questioned what other counties are doing this? Mr. Howard responded Rockingham, Stokes, and Forsyth.

Commissioner Hall stated that during the meeting with the other two agencies this week to present a list of questions to ask each. The key is going to be crisis. Mr. Howard responded that he would ask questions. Commissioner Hall added to ask the same questions to all three agencies.

Mr. Howard added that Alamance and Caswell may merge. Alamance and Caswell may stay together but Alamance may join with Sandhill and Caswell with Center Point. Chairman Ward stated that it was his understanding that Alamance and Caswell would stay together.

Commissioner Hall made the suggestion for the Board to put a dollar value on what it would cost the county on retirement, leave, etc. Need to get a feel for it. Chairman Ward stated that the process had already begun.

Commissioner Hall questioned what the County's liability would be. Need to ask County Attorney to send a formal letter and let them respond to it in writing. Chairman Ward responded by stating that he thought that had already been done. Mr. Howard to check into this matter.

Commissioner Hall added we did not want to try to settle a deal and then realize that the county has to pay out a lot of money. What is this going to cost the County? Has the County paid anything this year? This information needs to be put on the agenda.

Commissioner Satterfield stated that a citizen had approached him about the leasing of two ambulance units. Howard responded that Jim Gusler, EMS Director, would be at the next meeting to explain this matter.

Chairman Ward questioned if three units were down out of the five ambulance units. Mr. Howard responded that only two units were down out of the five.

Commissioner Satterfield stated that he did not know how to respond to the citizen. Chairman Ward asked Mr. Howard what was going on. Mr. Howard responded that it was the high mileage that was the cause of the break downs. The new ambulance will not be ready until December.

Commissioner Hall inquired as to why it was too late to add the EMS Director to this meeting to report a down vehicle. He stated that the County Manager should have brought it up.

Commissioner Hall added that he thought that if the County bought a new ambulance that they would provide a lease when one was down. Chairman Ward responded that the County did not purchase a chassis. In order to receive a lease the County would have had to purchase a chassis.

Commissioner Satterfield stated that the County needed to look into what Pittsylvania County is doing. Commissioner Carter responded that Pittsylvania County has some volunteers as well as paid rescue squad personnel. Chairman Ward stated that the County Manager would look into this issue.

THE ADJOURNMENT

At 8:25 p.m. Commissioner Travis moved, seconded by Commissioner Jefferies to adjourn the meeting. The motion carried unanimously.

Paula P. Seamster
Clerk to the Board

George W. Ward, Jr.
Chairman
