MINUTES – SEPTEMBER 20, 2010

The Caswell County Board of Commissioners met in regular session at the Historic Courthouse in Yanceyville, North Carolina at 5:30 p.m. on Monday, September 20, 2010. Members present: George W. Ward, Jr., Chairman, Kenneth D. Travis, Vice-Chairman, William E. Carter, Nathaniel Hall, Jeremiah Jefferies, Erik D. Battle and Gordon G. Satterfield. 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 added under County Manager's Report C. Discussion of placing an ad for a County Attorney.

Commissioner Hall moved, seconded by Commissioner Carter to approve the agenda as presented, with the addition of Item C. Discussion of placing an ad for a County Attorney under the County Manager's Report. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Commissioner Hall asked Chairman Ward if the Consent Agenda could be handled separately with Items A, B and C grouped together. He stated he had a few corrections on Item D.

Commissioner Carter moved, seconded by Commissioner Hall to approve Items A, B and C of the Consent Agenda. The motion carried unanimously.

The following items were included on the approved Consent Agenda:

1) Approval of Minutes of July 19, 2010 Meeting
2) Approval of Minutes of August 2, 2010 Meeting
3) Approval of Minutes of August 16, 2010 Meeting

Commissioner Hall stated on Item D Approval of Minutes of September 7, 2010 Meeting under the section of Discussion of firing range ordinance, second page, paragraph ten, Commissioner Battle stated "he would like to see caliber restrictions put into the order for a rifle" the word "order" should be "ordinance". Commissioner Hall also stated under VOIP Bids for Courthouse on the second paragraph, third sentence down "Commissioner Hall stated that with that much discrepancy an RFP was done and that both vendors supplied what was in the RFP. There should be a question mark after "done" and "supplied" should be "complied". Chairman Ward asked the Clerk to the Board to review the tapes and then place these minutes back on the next agenda.

USDA's Inspection Process for the Conservators' Center

Miava Binkley, DVM, Veterinary Medical Officer, USDA, APHIS, AC came before the Board to discuss the USDA's inspection process for the Conservators' Center.

Dr. Binkley thanked the Board for inviting her to address the Board. She stated that Mr. Howard had invited her to briefly explain the USDA's inspection process for animal exhibitors. She understood there had been some concerns with the facility in Caswell County. Dr. Binkley gave a brief overview of what the USDA does. They require licensing of facilities that exhibit animals to the public. The licensing does include inspections. The facility must pass an inspection before they can be licensed. After this process they are subject to periodic unannounced inspections. The inspections cover a variety of areas such as housing, the enclosures for the animals, and perimeter fencing for safety reasons. The primary focus is on the welfare of the animals. The USDA also has provisions for basic care: feeding and watering, veterinary care, sanitation, housekeeping, food storage, waste disposal, and record keeping. Dr. Binkley stated that her specific reason for being at the meeting was to answer any questions that the commissioners had or any concerns that they may have.

Commissioner Hall addressed Dr. Binkley stating he had a couple of questions. He commented that Dr. Binkley inspections focused on housing and basically on animal welfare. Dr. Binkley acknowledge with "true". Commissioner Hall stated that the Board's major concern has to do mostly with public safety. "Talking about perimeter fences, what is the likelihood of animals being able to leave the facility?" Commissioner Hall asked if the animals could leave and return unnoticed. Dr. Binkley addressed this in two parts. She stated that while the Animal Welfare Act is primarily for the welfare of the animals, it also includes a small provision for public safety because should an animal escape, not only would it be a danger to the public but also a danger to the animal because it could be shot or otherwise injured should it escape. To prevent this first of all, the USDA's requirement for enclosures state that the enclosure, itself, should be adequate to contain the animal. For exotic and wild animals there are no specific provisions however they do follow guidelines from specialists in that area. These specialists have a lot of background with zoos. The enclosures should be adequate to prevent escape. In the unlikely event that an animal should escape through keeper error, for example, leaving a door open or unlocked, there is a secondary requirement for a perimeter fence. This perimeter fence must be at least eight feet in height; this fence acts as a secondary containment for the animals. The USDA is in the process of revisiting their requirements and probably "beefing up" the enclosure policy to make them stronger. The USDA has had at least one animal escape from another facility in another state, which was unexpected, so as a result of this the USDA will increase their requirements that they presently have. The barrier fencing requirements will be also increasing. This is to prevent the public from coming in contact with any of the animals.

Commissioner Hall stated that the Board has had a few citizens who have expressed their concerns that the animals, are in fact, leaving the facility. He asked Dr. Binkley what is the likelihood of that happening? Dr. Binkley responded that this would be very unlikely and there is no substantial evidence to prove this. Commissioner Hall stated that one lady had actually taken pictures of paw prints outside of the compound. Dr. Binkley responded that she had not

received any information to substantiate this and the likelihood is very unlikely. She stated that it may be possible but is very unlikely. If an animal were to leave the compound she thought that everyone would know.

Commissioner Hall asked if the animals have chips of any sort embedded in them. Dr. Binkley stated not to her knowledge because the USDA does not require this. Commissioner Hall questioned how anyone would know if an animal were to go out for a stroll and then come back. "How would someone know if this animal left the compound?" Dr. Binkley responded that animals that are in captivity usually do not leave the facility because they are fed and cared for there. Their food is given to them and their homes are comfortable. They really do not have a reason to go out. Commissioner Hall expressed that he wanted to know how to answer the citizens on the animal escapes. He asked Dr. Binkley her professional opinion on how likely are the animals to escape? Dr. Binkley answered it is likely, but the average is very low.

Commissioner Hall asked when the USDA performed their last two inspections. Dr. Binkley stated that she did not have her file with her but she asked Mr. Howard if he had that information. Mr. Howard responded November 17, 2009 and November 20, 2008. Dr. Binkley responded that it has been a while. Normally at facilities that do not have problems, the USDA performs an annual inspection.

Commissioner Satterfield stated that on behalf of the Conservators' Center, they had sent the Board a manual, which was kind of like a book, and it was very informative. It outlined their regulations and their requirements for safety for the animals as well as the general public. The information was very informative and Commissioner Satterfield appreciated the Conservators' Center for providing this information. He added that he noticed that on one of the inspections that was performed, rusty gates were found. He asked if things like this are noted were there follow up inspections made to ensure that the items are corrected. Dr. Binkley responded that the USDA gets to the inspections as soon as they can. She covers the whole state of North Carolina and she is very busy. If it is not a priority item she may not be back for a while. Commissioner Satterfield asked if it was a priority item then would a follow up be scheduled sooner. Dr. Binkley answered yes. Dr. Binkley provided the Board with a copy of the USDA regulations.

PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT

Commissioner Carter moved, seconded by Commissioner Satterfield that the Board enter into a public hearing to approve an application to the North Carolina Division of Community Assistance for funds under the 2010 North Carolina Community Development Block Grant Economic Recovery Program. The motion carried unanimously.

Mr. Michael Walser addressed the Board. He stated that the purpose of this public hearing is to seek approval to submit an application to the North Carolina Department of Commerce Division of Community Assistance for the funding of the 2010 North Carolina Community Development Block Grant Economic Recovery Program that is provided by HUD. This is a five hundred thousand dollar ($500,000.00) grant. These are the funds actually applied for under the stimulus CBG program last summer unfortunately we were not successful in getting funded at that time.

Fortunately, with this new program we have been invited to submit a pre-application, in which we did. This has been approved and we have been asked to submit a final application and have it submitted by September 30th. He stated that we hope to get these funds returned to us very quickly in order to get assistance out to our citizens and hopefully create some jobs. The program is entitled the 2010 CBG North Carolina Economic Recovery Scattered Site Housing Project. This program will provide scattered site housing rehabilitation to ten households and emergency repairs to eight homes. These are all owner occupied homes. The majority of these are elderly and disabled homeowners. The funds total five hundred thousand dollars ($500,000.00). We have been asked to make sure that this is read and become part of the minutes that these funds are made to create or retain jobs. Mr. Walser did calculations to hire contractors and subcontractors and these funds could possibly provide up to one hundred and twenty-four (124) jobs. Unemployment rates had to be provided to the state and Caswell fell below the state average and that was a plus for the county. The County also had to meet a national objective which means that we will meet or exceed benefits to low to moderate income persons. One good thing with this program is that applications did not have to be taken. Applications were taken for the 2008 scattered site program and we were bombarded with applications. We could only take so many so we were able to go back to this list and get started. The applications were eighteen people that were already on the waiting list so we are able to provide them with assistance very quickly. Mr. Walser asked that the Board to take action so the final application can be submitted.

Chairman Ward asked the Board if they had any questions and then he asked the general public if they had any comments on the Community Block Grant. Cathy Lucas asked Mr. Walser how the committee came about and who put it together. Mr. Walser responded someone from the Town of Yanceyville, usually the Major, someone from the Town of Milton and someone from Caswell County. Those are the three selected committee members. Ms. Lucas asked if this is a project for the county or town or both. Mr. Walser responded that it is for the county. The state requires having someone from the Town of Yanceyville and Milton as a member of the selection committee. Ms. Lucas asked how many households will receive repairs. Mr. Walser responded eighteen (18). Ms. Lucas asked what the amount of the grant would be. Mr. Walser responded five hundred thousand dollars ($500,000.00). Ms. Lucas responded that she had read somewhere it was for two hundred and fifty thousand dollars ($250,000.00). Mr. Walser informed her that that money was for the Single Family Rehab Program and that was a grant that the county had already received. Ms. Lucas asked who made the selections for that grant. Mr. Walser responded that grant was from a different funding agency and we had to take applications and the applications had to be approved by the state. Ms. Lucas asked if this grant was advertised. Mr. Walser responded yes it was advertised through the Caswell Messenger. Ms. Lucas asked Mr. Walser if he had received a response to that ad. He said yes. Ms. Lucas asked how many applications were received. He thinks they received around forty applications but only four homes will be accepted. Ms. Lucas asked if there was a base amount per house and if so what the amount per house is. Mr. Walser answered it is forty-five thousand dollars ($45,000.00) per house. Ms. Lucas asked who determines the contractors. Mr. Walser responded by stating he receives bids for the work that is needed to be done. Mr. Walser stated that he has a contractors list and they ask for bids from everyone on that list. They do not advertise for contractors. They use general licensed contractors only. There are some local contractors that bid and they do receive some of the jobs. Ms. Lucas stated as she understood it

there are two separate grants. Mr. Walser answered yes. The one we are having the public hearing on tonight is for five hundred thousand dollars ($500,000.00). Ms. Lucas asked how many houses will be addressed with this grant. Mr. Walser answered eighteen (18), ten comprehensive and eight emergency repairs. Ms. Lucas asked who makes the decision on who qualifies. Mr. Walser answered the state, the Department of Commerce. The County Manager has a copy of the 2008 scattered site program and that is where this came from. This document had to be signed by the Town of Yanceyville, the Town of Milton and by the County. All three had to sign in order for the county to receive these funds. When Milton and Yanceyville signs they are included, there is no place in the county that is excluded. Ms. Lucas asked if the homes have been selected. Mr. Walser answered yes. Ms. Lucas asked when did this take place. Mr. Walser responded that the people who were selected were already on the list from the 2008 grant. There were over a hundred people who applied. We went right down that list. Ms. Lucas asked if they went back to the original list. Mr. Walser responded yes. Ms. Lucas stated that her concern is that she knows a lady that has applied probably five times, she is in desperate need and she has not been considered. Mr. Walser responded that she may be on this list. No notifications have been sent out to anybody. He wanted to make sure the funds were in and then the people would receive their letters. There are different qualifications for this grant. They have to qualify income wise, special needs, and the house has to qualify because it has to be brought up to state standards. Ms. Lucas asked for an explanation of how the house would qualify. Mr. Walser responded when the house is completed it has to meet state standards. We cannot go in and rehab the house if it will not be able to meet state standards. If the house was built in the 1940s, before there was a building code, and it is too close to the ground, this house will not qualify. This is not our call; it is the State's call. This is not fair but it is their standards that we have to go by.

(At 5:55 p.m. Commissioner Travis entered the meeting).

Commissioner Carter moved, seconded by Commissioner Satterfield to accept the resolution as presented. The motion carried unanimously.

CASWELL COUNTY
AUTHORIZING RESOLUTION AND CERTIFICATION

WHEREAS, various State and Federal agencies provide for funds to municipalities to meet the needs of local governments in financing the cost of Community Development; and

WHEREAS, the Division of Community Assistance will be the State administering agency for the Community Development Block Grant Program whose funds are designed to improve the living condition and environment of low to moderate income households; and

WHEREAS, the Board of Commissioners of Caswell County has solicited and received citizen input regarding the 2010 Community Development Block Grant (CDBG) North

Carolina Economic Recovery Scattered Site Housing Project which will provide scattered site housing rehabilitation to ten households and emergency repairs to eight homes located throughout the County.

NOW, THEREFORE, BE IT RESOLVED BY THE CASWELL COUNTY BOARD OF COMMISSIONERS:

That the Board of Commissioners of Caswell County will substantially comply with all Federal, State and local laws, rules, regulations and ordinances pertaining to the project and to Federal and State grants pertaining thereto.

That, George W. Ward, Jr., Chairman, and Kevin B. Howard, County Manager, and successors so titled is hereby authorized and directed to furnish such information as the appropriate governmental agencies may request in connection with such applications for the project; to make the assurances and certifications as contained above, and to execute such other documents as may be required in connection with the construction of the project.

That this Resolution shall take effect immediately upon its adoption.

Adopted this 20th day of September, 2010, at Caswell County, North Carolina, by a vote of the Board of Commissioners.

S/George W. Ward, Jr.
Chairman

S/Paula P. Seamster
Clerk to the Board

PUBLIC HEARING – FIRING RANGE ORDINANCE

Commissioner Travis moved, seconded by Commissioner Satterfield that the Board enter into a public hearing to receive comments on the proposed Firing Range Ordinance. The motion carried unanimously.

Chairman Ward asked the County Manager, Kevin Howard, to discuss the purpose of the ordinance. He also asked that Mr. Howard explain how this came about and who this ordinance will affect.

Mr. Howard stated that several citizens had come in from the High Rock School area and expressed their concerns about a shooting range that was located in their area. The County Attorney, Michael Ferrell put together a draft ordinance to start addressing the commercial shooting ranges. The ordinance the Board is looking at just affects the commercial facilities of a

larger size. It is not designed to address individual homeowners going out in their back yard shooting or anything like that.

Chairman Ward questioned if the ordinance, as he understood it, that the Board is just starting to address will not affect someone who has a gun shop, or someone that goes out behind his property and tries to sight a rifle. Mr. Howard responded no, this ordinance will address a facility with multiple shooters, competitions going on, and things of that nature. The initial concern was noise and then there were issues of safety and things of that nature. Mr. Howard also presented the Board with an updated ordinance that takes into consideration comments made from the last commissioner's meeting. Mr. Howard stated this is just addressing the commercial ranges of a larger size. Chairman Ward inquired if this would affect the Sheriff's department if they wanted to go out and site their rifles or site their pistols. Mr. Howard answered no. Mr. Howard also stated that this is just a draft it is nowhere near completion.

Commissioner Carter questioned what the differences where in the two ordinances, the one in the agenda packet and the hand out. Mr. Howard responded that the second copy is the changes that were made by the County Attorney based on comments from the last meeting. The Staff is not making any recommendation on going one way or the other with this; we are just trying to gather information.

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

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

As we all know, ordinances, laws and such are born out of either reaction or necessity. Having read the letter sent to the Board of Commissioners by the owners of Caswell Ranch Shooting Sports dated September 14, 2010, I noticed in the second paragraph that they informed the Board that they provide "free" range use to Caswell County Law Enforcement.

In Section 12 paragraph (a) of the proposed ordinance, which is Enforcement, Remedies, and Penalties it states that the Caswell County Sheriff shall be responsible for the enforcement of this ordinance.

Gentlemen we have recently become very well versed in ordinance enforcement and, the lack thereof. The integrity of this proposed ordinance as currently written, as well as the Caswell County's Sheriff's Department is at stake here. How can "free" range use offered to the Department responsible for the enforcement of this ordinance be anything but a conflict of interest? If this ordinance is born out of necessity and not reaction then the wording should ensure that the fox doesn't have access to the hen house.

I thank you for your time."

Mr. Eddie Deluca came before the Board and made the following statement:

“My name is Eddie Deluca. I live at 133 Barnwell Road, Prospect Hill. I moved over there about twenty years ago and I was the first person on that road. You have probably heard comments in other meetings about the noise that is generated by public fire arms.

I looked over your proposals, one of the main problems I have with the firing ranges, especially the firing range which is right next door to my house is I did not know about it until one day I hear bam, bam, bam, bam, bam sounding like a war zone. Now, I am not opposed to people being able to do what they want to do on their own property but I am somewhat opposed to people rendering hardship on other people’s property. Not only do I believe my property value has decreased, my animals are totally spooked. I have horses that are running all around in pastures. We just got a new horse that was a rescued race horse and she will not even go to the bottom of the pasture now. She was abused and now I am having a really hard time with her. The answers to this, I guess, is some type of regulation that we can come to a mutual understanding. First of all, I would like to see that there is some type of notification. If I had of been notified I could have spoke to the individual who was making this range. To this day I have not met them face to face. I understand he is sitting in this room, I would not know him if I were looking at him. It would have been nice to meet them and to discuss this. I have safety issues; of course, I do not know which way shots are being fired. I was at the bottom of my property the other day and it sounded as if someone was at my back with a high powered rifle. I am afraid for my child and I am afraid for other children in the neighborhood. I am afraid for the animals. My wife sometimes work nights and she cannot sleep during the day with all the noise. I do close the windows to try to quiet it down. It was a little quieter in the past but since then the trees have all been taken away between their property and mine. It is a wide open area and there are no walls and there are no buffers. When I did look through your proposals I did have a couple of questions about the compliance of the noise abutment. How will this be regulated? I need a little further definition on that. Will this be trees or will this be walls like on the highways to buffer the noise? How is this to be? Will this go by decibel range or by what standards? I want everything to be fair of course.

Also, I was looking at the minimums on the distance that they should be from the property line, 200 feet or a quarter of a mile. Is this something that is recommended by the National Rifle Association or is this something that was just recommended? I am just curious on how this will affect the noise on who is hearing it. My main concern is having joining property owners being notified in writing. We should have had sufficient time to come to these public hearings and been be able to have discussions. Any type of changes, permits, or anything that is going to be going on we should have had ample time to get questions answered. I feel like this was sort of snuck in on us. I cannot physically speak for my neighbors, but I do speak for myself, my wife and my animals. I thank you for your time and I look forward to further discussions.”

Mr. Dan Printz came before the Board and made the following statement:

“My name is Dan Printz and I am the owner of The Firing Pin, LLC. That is a gunsmith shop here in Yanceyville. I understand what the County is trying to do here and I am all for it. I just caution the Board to move very slowly whenever you are talking about restricting someone’s second amendment right. Now, I understand that this is firing ranges and Commissioner Ward has assured us, publicly, that this will not affect any gunsmiths that want to go out and plunk a

few rounds out to make sure that the gun is operating and sighting a rifle. But once again, just move with caution when going through this process. Thank you."

Ms. Dee Ballard came before the Board and made the following statement:

"My name is Dee Ballard. I wanted to address this gentleman's concerns because I know that everyone says that the government is in our lives every day. Before we really go into this, I want to explain this does not take away our rights to target practice on our own land. This only protects people from out of county people who know that we don't have any zoning in this county. We have already, in our location, had terrorist arrested because of terrorist activities. So, our neighborhood fears for their safety. I have horses; I know where this gentleman is coming from. We lived there before these businesses were established and because there is not zoning in Caswell County, we are the ones who are suffering, not the people with the shooting ranges. My first recommendation to the Board was if they are going to have a shooting range they need to build a concrete facility so there is no noise. They can build it next door to me but if it's concrete there will be no noise. This should not affect my peace and quiet. Our neighborhood, where we have raised our children, some of these people have lived here for fifty years or longer and raised their children and we wake up in the morning and we have a terrorist firing fifty caliber guns, semi-automatic weapons, and we feel like we are in a war zone. So is that fair? We do not want to stop the private gunsmiths here, he's not our problem. He is our neighbor and he is considerate enough of his neighbors. Now you go, this blonde does not know anything about guns. (Ms. Ballard showed everyone present her gun permit). So I do know and Mr. Hall we talked about hunting. I know that with hunting rules you have to have permission from a property owner to hunt on their land. These shooting ranges did not get permission to put our lives in jeopardy. I have talked to an authority about the range of these bullets. I am told they are firing into a target. But have you ever miss-fired your gun, thought it was on safety, and you were not deliberately firing into that dirt abutment and it has shot in the wrong direction? It happens. (Ms. Ballard showed everyone present shell casings). These are bullets that have been fired. These are not from little handguns teaching, as our newspaper says, gun safety. This is not gun safety. People that fire these are not learning gun safety. Those terrorists were not practicing gun safety. This is what our horses and our kids have to worry about when you allow this business to come into Caswell County because we have no zoning. I said the other day when you had the issue of the topless bar; I would rather have the topless bar because it is not going to kill me. It is not going to kill any of us. We have a noise ordinance that stops kids riding down the road with their radios too loud. This is not noise because it goes away. But a gun being shot from 7:00 in the morning until 9:00 at night, constant gun fire, that is noise. I mean I could have been at war and there would have been no less noise. And the Sheriff says I cannot do anything. Now we had a noise ordinance and it says that he could do something. But no, we have to get a special ordinance to protect our citizens of Caswell County against these people. I don't think this ordinance is strong enough but if you will disallow rifles that will handle a lot of it. You make them put up a noise barrier that is conscientiously sufficient to deaden the sounds of these shells and provide us safety. We pay taxes for the Sheriff to provide us safety. We don't get it. I called the deputies and this is what I get: "We can't do anything; you will have to take out a civil suit." Well how did you get rid of the fox house? "Well I am tired of hearing your smart mouth and I am going to hang up on you." I told him that I heard the story that Iranians are looking for shooting ranges. "Well Ms. Ballard it looks like you have a

prejudice problem." Does everybody know what type of people ran into the twin towers and killed thousands of innocent bystanders? So yes, I have a prejudice problem. And like this man said "you cannot let the fox in the hen house". On this sign with this logo it says "Proudly Protected by the Caswell Sheriff's Department". (She held up the sign). I am not proudly protected. I have no rights except if you will pass this ordinance and make it where we give permission. I don't want fancy zoning, I just came here to leave and enjoy my property and my horses. I don't bother anybody and then I got this attitude from the deputies "well if your horses make a lot of noise we will have to come out and see you". My horses don't bother anybody."

(At 6:15 p.m. Commissioner Jefferies entered the meeting).

Mr. David Helms came before the Board and made the following statement:

"My name is David Helms, I live at 413 Haynesworth Drive in Danville, Va. I want to thank you for hearing my concerns with this. I own a private range on my property in the northern part of Caswell County. One of the first questions I would like to have addressed is who will this affect? It was stated that it will affect commercial ranges but I have a copy of the proposed ordinance here and under Shooting Range Facility it says a public or private facility. Which mine would be considered a private facility. It is only open to me and my private guests. So even there is hole in the initial ordinance and what the scope is to be. Outside of that, I have actually read through this thing and when I designed my range, I took the NRA Range Manual that gives design criteria and basically built my range to meet the NRA range criteria. I dare say to anybody that has never been to a range would not understand that you have a minimum of a twenty-five foot berm. Well, in order to get over a twenty-five foot berm you have to be, like the lady said, had an accidental discharge. I am sure this has happened many more times in hunting situations than in a controlled environment like a shooting range. I was reading this and there is a requirement for a five hundred thousand dollar ($500,000.00) liability insurance policy. I personally have a one million dollar insurance policy on my facility through the NRA. My insurance policy is much greater than what is required. As a range operator, I am a certified range master through the NRA; I don't want anybody to get hurt. My biggest concern is that if a bullet ever leaves my range who is liable? I am. Anybody in here who owns a range or has a range they have no intention of a projectile every leaving that property because everyone of us is responsible for the final resting place of every projectile that is shot out of our firearms. With that being said, my actual job is I am a health inspector for the State of North Carolina in Guilford County so I deal with ordinances, laws and regulations on a daily basis. After reading this, I found a lot of holes in it. There is no protection for Caswell County, even though, it says there should be a held non-liable clause in the insurance policy. Let me give you a case scenario in this. There are also stipulations as to what the penalties will be if I did not meet the regulation. What I am getting here for a hundred dollars is, I am getting an individual who has no certifications, no real background in range design, signing off basically on setbacks on a piece of paper that I would draw up and give to this individual. They would look at it and make sure it measures out the setbacks and at that point they would issue me a permit provided that I have met the other criteria. But there is no follow up. There is no place in here for auditing. There is no place in here for regular inspections, or anything like that. So two years down the road, because this is a one-time issuance of a permit, let's say that money is tight and times are hard, I can't make my insurance payment, at that point, God forbid, anything would ever happen and

someone gets hurt. Well at that point Caswell County charges me a five hundred dollar ($500.00) violation fee but Caswell County is liable because they had an ordinance in place and they had me operating with a permit, permitted by Caswell County. There is no way they can recoup from something like that because here I am, if money is tight enough I have a lapse on my insurance coverage, they are not going to come after me. They are going to come after Caswell County, which has the big pockets. So, the worse way to get yourself into any type of trouble is to create an ordinance regulating something that is not regulated at this point. I personally liable myself and you don't want the County to become personally liable for something like that. The other aspect of that is if you really wanted to see how this operated in real life, Wake County back in 1993 created a swimming pool ordinance. During that situation what happened was a drain cover on a kiddie pool broke and a child got her insides sucked out. Wake County got sued. The state of North Carolina got sued, because Wake County is under this general statute that allowed this local ordinance. The individual who sued them was John Edwards, himself. You can actually read about this trial in a book called Three Trials. Valerie Lakey was actually the girl. So this has happened in the past with these ordinances. You need to allow the individual to be liable for it. We all want to be good neighbors. I obey by the rules even prior to this. I don't shoot past dark. I don't shoot early in the morning because first I don't want to get out there early in the morning and secondly out of respect for my neighbors I want to be a good firearms owner and a good firearms demonstrator. That's my whole thing I want the community to embrace people who use firearms, people who train with firearms, and I wanted them to understand that we are all responsible owners. One of the best possible things you can do to get a child to listen to you. In this day and time it is hard to do. I have a teenager at home myself, but when we are out on the range and he has a gun in his hands he has to listen to me. It is a very good training tool and it is good quality time that I get to spend with my child. I would ask that you would consider the points that I have put forth and allow me to have much more quality time with my child."

(At 6:30 p.m. Commissioner Battle entered the meeting).

Mr. Ed Linville came before the Board and made the following statement:

"My name is Ed Linville, Staff Sergeant in the United States Army, retired. I retired forty years ago after serving in two wars. For about thirty years of it I looked for me a place to build a firing range. Fourteen years ago I bought a piece of property here in Caswell County. Immediately I set out, before I moved out here, to build a range to make it safe. I have improved it since then. I shoot rifles, which are a toy compared to some of the guns I have shot. There is not one bullet hole in any trees behind my back stop of my firing range. You will not find any shell casings littering my property not even 22s. I pick them all up. I load what I shoot. My firing range is built safe and it is available to anyone who wants to use it, if they call me and I am with them when they shoot. It is supervised. It is not just a place in the woods that someone can just go and shoot. Now, if this thing is enacted the way it says now, it applies to me as well as to anyone else that has a private firing range. This means I will have to sell my property and get the heck out of Caswell County because I cannot afford to pay all these bills and everything they are asking for. I think that I have earned the right to use my private property as long as I am doing it safely, by service and by living seventy-six years in this country without bothering too many people. Now, I think we need to reconsider this thing based on people's private property and

their freedom to use that property as long as they do it safely. There are no complaints from my neighbors so I don't know why anyone else is complaining about it. Thank you."

Mr. Tony Mitchell came before the Board and made the following statement:

"My name is Tony Mitchell and I live at 175 High Rock School Road which is within walking distance of this shooting range. My people, which are me, my sisters and brothers, my father that passed, we own land joining this shooting range and my concern is the location of it. It is located in a higher elevation than the houses that are built in that area. There is also no protection whatsoever on this range of what distance the bullets can travel. My concern is if there were a shooting with a high powered rifle by being located higher than the houses around it, it could be a disaster that someone could get hurt very easily. Thank you."

Senator Hugh Webster came before the Board and made the following statement:

"I was born in a farm house here in Caswell County and grew up here and was gone for a number of years. I must say, well I should not be surprised, but I am a bit shocked at what I see happening here. I am a fairly serious taxpayer here. I found it very difficult to make a living and I am finding it more and more difficult to pay the taxes here. I have a farm here and the layout of the farm is such that if my children are playing on one side of the house I couldn't call them from the other side and have them hear me. So I had a whistle I would blow. I would go out on the east side of the house and blow the whistle and then walk around the house and blow the whistle. My farm, here where I spend a lot of my time, probably more time than I do at my home in Burlington, is essentially a shooting range. I don't shoot enough here, I have a membership at an indoor shooting range in Alamance County. I hear a lot of shooting from the hunting club across the creek when the members are zeroing in their weapons or whatever they are doing. I do hear a lot of that. I can hear a lot of shooting from various places. It does not bother me much, maybe a little bit, but not a whole lot. I hope they are a good shot and I hope they know what they are doing. If they were shooting early in the morning or late at night, I would go find them and have a talk with them. I would just have a talk with my neighbor. If he smart mouthed me too much I would probably go have a talk with my lawyer. I asked my eight year old son if he suspected his neighbor's dog was killing your calves what would you do. He said he would talk to his neighbor. He's eight years old. I said well what you would do if you saw him going through your pasture with blood and you found a dead calf out there after you talked to the owner of that dog. I was hoping he would say you have got to shoot that dog. He didn't, he said you have to talk to your lawyer. Now, that is my eight year old son. I have to tell you this is Caswell County folks, this ain't New York City. There comes a time when you go and talk to your neighbor. I was sitting in one of those fast food eating places one morning trying to have a peaceful breakfast and a loud shrill voiced woman, it sounded a lot like she had travelled a long ways south to come here, was complaining about the absence of a whole bunch of freebies because Caswell County did not supply her with this and did not supply her with that. I listened to it and she was talking very loud. Finally, I butted in and I said madam the same train that brought you here will take you back again and I will help you with your one way ticket so shut up and leave. Now, I do not mean to be rude to anybody who doesn't like it out here in the country but this is country. It is a tough, tough place to make a living. I love these people, I love this place but I will tell you it is a bitter mother's milk. It is hard to make a living here and

it is going to get harder. You tax collectors look out for some hard times. You may as well warm up your auctioneers because if you keep raising your taxes you better figure out what you are going to do with this land that you are going to be foreclosing on. It is going to be like it was fifty, sixty, seventy years ago when these folks could not pay their taxes. I know there are people who do not have any consideration for nothing and I am sorry. I am sorry for the strife it is causing some of you, but, I have found that if you go and talk to them most people will be reasonable but some are not. On my farm I do not need to be told how to shoot. I make sure there is a backstop on everything that I release. If it happens to hit a rock and skip up, there are trees there and apparently I know more about ballistics than our previous district attorney did. Thank you for listening."

Mr. Ed Carter came before the Board and made the following statement:

"My name is Ed Carter and I live on 839 Homeglen Lane in Providence. I got a chance to read the ordinance draft and I feel very sorry for you all because I think you can see the passions run pretty strong for and against. But what this ordinance does is it formalizes the right to make noise, as it's written from seven in the morning until sunset and from something like twelve thirty on Sunday until sunset. Now what you have heard are people who feel damaged by living close to that noise. There is probably not much that is going to happen that is going to close up shooting ranges and I am certainly not going to suggest that. But if you are going to pass an ordinance that allows them to be in business, at least pay some attention to the people who have moved here and invested here and want some peace and quiet. To start shooting at seven o'clock in the morning is absurd and to allow it to go on six days a week and a half a day on Sunday is allowing bedlam to occur in proximity. I live about two thousand (2,000) feet from my back line and people practice back there with their rifles all the times. I can tell you that two thousand (2,000) feet away is sure not nearly far enough to keep the sound from being very obvious and sometimes only one or two people are probably shooting but they shoot a hundred and fifty (150) times in an afternoon. So we need to care for the people who are having trouble living next to this noise by getting some kind of a compromise that allows the ranges to operate but not all the time. I once lived in a town where they had a skeet club and a member asked me to try it out one day. I learned when I went there that the hours allowed were from nine until one on Saturdays. Now, when you think about what you have outlined, Kevin, from seven o'clock in the morning until sunset, nine to one on Saturday looks like the raft of God has came down on the shooting ranges so I am not suggesting that. But for heaven's sakes you don't have to be this one sided. Thank you."

Lorene Garland came before the Board and made the following statement:

"My name is Lorene Garland and I have spoken before concerning the noise. I live on High Rock School Road and always hear the noise on this road. I know you can talk to your neighbors but you cannot talk to terrorists. Now, when they said terrorists were in Caswell County I had no earthly idea they were on the road that I lived on because I knew Caswell. I performed home visits when I worked at Social Services so I said no they are not down there. But to my surprise that is exactly where they were. I don't know if any of you have been down through there. I have, and I will never go through there again because I was scared to death before I could get back on High Rock School Road. It is a dangerous place. I wish you could do something that

could help us on High Rock School Road and anywhere else in Caswell County because we cannot afford terrorists being here. We do not have the strength from the Sheriff's Department. We cannot allow terrorists to come into Caswell."

Chairman Ward asked the Clerk to get the minutes of this public hearing and get copies to the Board as soon as possible, detailed. Also get them to the Attorney.

Ms. Cathy Lucas asked to have the ordinance exclude Sundays all together.

Senator Webster asked if the County had a noise ordinance. Mr. Howard responded that his understanding of the noise ordinance is that it does not apply because of the hours of when the shooting occurs which is between 7:00 a.m. and 10:00 p.m. They are allowed to shoot during these hours of the day. The County does not have a strict noise ordinance because it is a rural community.

Chairman Ward told the Board that at the next meeting this will be put back on the agenda for discussion after everyone has had time to look at the minutes.

PUBLIC COMMENTS

There were no public comments.

RECESS

The Board held a brief recess.

RESURFACING THE TENNIS COURTS AT PARKS & REC.

Ashley Williams, Recreation Director, thanked the Board for allowing her to come tonight. Ms. Williams presented the Board with two bids on resurfacing the tennis courts at the Recreation Department. She sent to the Board two bids from the company that resurfaced the courts before, about ten years ago. She also presented the Board with pictures of the tennis courts that showed how desperately the courts need to be resurfaced.

Commissioner Jefferies stated that he had read where the school wanted to contribute to this project. Ms. Williams responded with a yes and that she had spoken with Dr. Barker and he has copies of the same quotes. She stated that whatever the Board comes up with, the School Board is willing to pitch in half of the bid which is chosen.

Commissioner Battle asked Ms. Williams if she had two different bids. Ms. Williams responded yes, one of the quotes is for three of the courts to be resurfaced and the other is for six courts to be resurfaced.

Commissioner Satterfield asked for clarification on the difference in the two bids. He stated thirty-two thousand ($32,000.00) for six courts and eleven thousand ($11,000.00) for three courts do not add up. Ms. Williams answered with the thirty-two thousand ($32,000.00) dollar bid, that

would resurface all six courts and also repair a couple of things on the outside of the court. Commissioner Satterfield questioned if three courts would cost eleven thousand ($11,000.00) then why would it not cost twenty-two thousand ($22,000.00) to repair six courts. It must have something to do with something besides the outside of the court. Ms. Williams responded that the front three courts are in better shape than the back three courts. The front three courts would not cost as much to resurface as the back three courts. The back three courts, the way it is sloped, it would take more money to resurface those three courts. The ground under the courts is starting to grade away.

Commissioner Jefferies asked Ms. Williams if she thought the eleven thousand dollars ($11,000.00) would cover what she needed to have done to the courts. Ms. Williams responded that she would like to eventually have all six of them done. She stated that she saw the number as being a very steep number. So she would like to have the front three courts resurfaced now and prepare the budget for next year to have the last three courts resurfaced so that all the courts would be resurfaced in two years. Ms. Williams stated that she had budgeted some money for two courts to be resurfaced this year on capital improvements. Commissioner Hall asked Ms. Williams if these dollars were in her budget. Ms. Williams answered that she did until during the budget process all the capital improvements were taken away. Commissioner Hall then responded the answer is no. Ms. Williams responded that this was correct.

Commissioner Hall questioned when Ms. Williams spoke with the school, if they had agreed to participate in the financial side of this, what would Ms. Williams have to give up? Ms. Williams asked for clarification. Commissioner Hall stated, "What will the county have to give up for the school's participation? What did we promise them?" Ms. Williams responded that the school uses the tennis courts for their junior high and senior high tennis teams. This is a mutual agreement since they use the tennis courts as well. If the County does not have the tennis courts, the school cannot use them for tournaments. They will have to move the tournaments away. They are already playing tennis in other locations because the tennis courts are in such bad shape. We cannot afford, for them, to play here because the courts are unsafe. The teams do practice on the courts but they cannot have other schools come here because it is not safe. If we do not have the tennis courts resurfaced the schools cannot play tennis here because there are no other tennis courts in the entire county. This means the school system would have to build their own.

Commissioner Hall asked when the capital improvements for the Recreation Department were removed. Was this something that the Board did or the Recreation Board? Ms. Williams responded that she had it in her budget to go before this Board. Commissioner Hall then stated that this Board removed it. Ms. Williams said yes, all capital improvements.

Commissioner Hall stated if there is a need for the tennis courts then maybe the Board needs to revisit the capital plan and make sure that this is handled in a systematic order rather than just having Ms. Williams come before us and ask us to just vote for this. As he recalled earlier there was a request from one of the other agencies that we have basketball courts for our citizens. He stated that if the Board is going to address any of this, all of it needs to be addressed.

Commissioner Battle asked Ms. Williams if the guarantee in the bid was the norm, that there is only a two year guarantee on defective materials and labor but they say the repaired cracks are not guaranteed because the cracks will reappear within a short period of time. "Is this the norm with any resurfacing company?" Ms. Williams responded that when the company came to give her the estimates he stated that the tennis courts, when originally built, were built wrong. The sub-structure underneath was not done right. The ground under the tennis courts is crumbling and that is what is causing the cracks to reappear. This will happen over and over again. The courts actually need to be completely redone because of what is underneath the courts. It has been ten years since the last time the courts were resurfaced and the pictures show what shape they are in now. Ms. Williams suspects within five years the cracks will come back because of what is under the courts. Commissioner Battle stated that the courts are not sloped therefore there will be standing water on the courts and this will cause problems. Ms. Williams stated yes. This company will come out and repair all the cracks and do repairs on the net system but over time the courts will crack again. Ms. Williams added that this company did give her a quote to completely tear the court up and redo again but the figure was way up there. It was around eighty to one hundred thousand dollars ($80,000.00 - $100,000.00) to put all six courts back. This will include repairing the sub-structure and grading the ground like it is supposed to be. Commissioner Battle asked if this figure included putting the nets and posts back. Ms. Williams responded yes.

Chairman Ward asked Mr. Hall if the group that was asking about the basketball courts was the Partnership for Children. Mr. Hall responded yes.

Commissioner Satterfield asked Ms. Williams when the tennis season starts for the high school. Ms. Williams responded the season is actually going on now for Dillard and the high school. They start playing when school starts and the season usually lasts until the middle of October. The boys tennis is in the spring. Last year there was no boys tennis team. The two teams are using the tennis courts for practices but they are playing all their games away because of the condition of the courts. Mr. Johnson, Bartlett Yancey's Athletic Director, was present during this meeting. Commissioner Satterfield stated that the courts are dangerous the way they are now. Ms. Williams agreed.

Commissioner Satterfield made a comment to the Board that he had been to some of the tennis games and that they bring in a lot of people. From an economic stand point we lose a little bit of money here not having the courts. Last year he was there and Rockingham County was there and it was somewhat of an embarrassment to the county that the game had to be carried out of the county. It is embarrassing that these teams have to play outside the county. Ms. Williams responded that the county does not ask the other teams to go out of town to play all of their games. A lot of people would use these courts. The Recreation Department held a tennis camp this past summer and had about fifteen participants. There are a lot of patrons that use the tennis courts. Ms. Williams felt that if the courts were resurfaced a lot of people would use the tennis courts. Any given night Ms. Williams has seen fifteen or twenty people on the tennis courts.

Mr. David Owen stated that he coached the tennis team for three years and the tennis courts had cracks then. The cracking is due to the sub-surface.

Ms. Cathy Lucas asked if we were going to use the same company that resurfaced the tennis courts before. Ms. Williams stated yes that this was no fault of this company. This company did not build the tennis courts; they only resurfaced the tennis courts. Ms. Lucas suggested that Ms. Williams get three bids on the resurfacing of the tennis courts.

Commissioner Jefferies moved to give the Recreation Department sixteen thousand dollars ($16,000.00) out of contingency for the tennis courts and contingent upon the school giving the other sixteen thousand dollars ($16,000.00). Commissioner Satterfield stated he would second if it is amended to get additional bids and that this be the maximum amount we will put in it and the school matches. Commissioner Satterfield stated that other bids need to be looked at and to see if other people give the same story as the person that bided before. Ms. Williams responded that she has contacted two other places that do the same thing, they are out of Raleigh, and they have not contacted her back. She stated that there are only a handful of companies that do this type of work. There are companies that are out of state, but they will not travel this far to do this type of work. Commissioner Satterfield asked Ms. Williams if she had contacted the Danville Parks and Recreation and other Parks and Rec to see who they used. Ms. Williams stated she had spoken to others and the company that gave her this bid resurfaced the tennis courts for the Tuscarora Golf Course. They were really impressed with this company's work. Burlington does not have this issue with their courts. They only have to perform general maintenance.

Commissioner Satterfield stated that the whole issue is that the back of the tennis courts is sitting on fill dirt. He would second the motion by Commissioner Jefferies if other bids are received.

Chairman Ward stated that his opinion is to let Ms. Williams get others bids, talk to the school system and find out what the school system will do, check with Danville City schools to see if they have a private contractor, and then bring that information back to the Board. He asked if Ms. Williams could have this information by the second meeting in October. He would like to see this take place instead of the Board making a motion. Chairman Ward asked Commissioner Jefferies and Commissioner Satterfield to withdraw their motions.

Commissioner Travis questioned why the Board would spend thirty-two thousand dollars ($32,000.00) on something that will not last? He stated he thought the county would be throwing money away. "Why not tear the courts up and redo them. The school needs more courts. We are just using a band aid that will last for only a couple of years. Then you (Ms. Williams) will be back up here asking for another thirty-two thousand or more to do the repairs again." He asked if two courts would be enough. Ms. Williams stated that two courts would be enough for recreation but the school would need more courts than that.

Chairman Ward asked Ms. Williams to find out what the school would be willing to do. He asked that she bring back some different scenarios to the Board.

Commissioner Hall agreed with Commissioner Travis. He stated the whole process is short sighted. He was on the Board ten years ago when it was agreed to have the courts resurfaced. "It was a mistake then and it is a mistake now. If the county is to have tennis courts and something that we are not ashamed of we need to do it right. If it will take $80,000.00 we need to do it. This is why we are supposed to have a capital budget." Commissioner Hall stated he

could not support the repairs to this that will only last for four or five years. "This just does not make good business sense to spend eleven thousand or thirty thousand dollars. If the county needs tennis courts then we need to build tennis courts that will last."

Commissioner Battle stated that he was in agreement with the two fellow commissioners who just spoke before him. "It is not feasible to spend this money when we know this will break up in about five years. It should have been built right the first time." He did not have a problem with redoing the tennis courts because by the time it is resurfaced this year and then again in two or three years we could have replaced all six tennis courts. "This makes good business sense." Ms. Williams responded she did not honestly think the Board would consider this. Ms. Williams did agree that this would be the best thing to do.

Ms. Williams stated she would get with the school to see if they would consider this route. She did not think there would be a problem with this Board and the School working together on this. Chairman Ward told Ms. Williams that the Board is moving forward. He told Ms. Williams that he thought she brought something to the Board that was good.

Commissioner Battle asked Chairman Ward if Ms. Williams was instructed to redo all proposals. Chairman Ward responded yes.

Commissioner Satterfield stated that we need to look at other vendors. The vendor North State did the repairs the last time and it did not last but three or four years. Ms. Williams stated that if we are considering redoing the whole court there would be a different set of vendors. This is a construction process so other vendors would need to be contacted. Ms. Williams told the Board that she would get in contact with some other resurfacing contractors and she would get in touch with some contractors that will come out and give her bids on tearing up the courts and completely redo them. She will also get with Dr. Barker on this as well. Ms. Williams stated she would try to have this information by the second meeting in October and that she would ask Dr. Barker to come to the meeting as well.

Mr. Howard asked Ms. Williams to get opinions of the underneath conditions from different vendors. Commissioner Satterfield stated that they cannot know what is underneath unless they built the tennis courts. Commissioner Satterfield asked if this company had built the tennis courts. Ms. Williams stated she did not know if they did or not. She thought the tennis courts were built when the park was built. Commissioner Satterfield stated that it was built in the early nineties. Chairman Ward stated that the tennis courts were there long before the park was ever built. Chairman Ward asked Ms. Williams to get the estimates to Mr. Howard and they would be put on the agenda.

Commissioner Hall stated there is a point of process technicality. "The general statutes and budget ordinance require that the Board have a capital budget. We don't have one so we need to go through the process of getting a capital budget. We need to do what is required before we start spending money out of a budget that does not exist. We are required to have a capital budget."

Chairman Ward thanked Ms. Williams for coming.

REPORT ON NCACC ANNUAL CONFERENCE

Commissioner Hall made the following statement:
"Gentlemen, I attended the North Carolina Association of County Commissioners' Annual Conference in Greenville, NC. Pitt County was the sponsoring county.

I attended many good sessions and wanted to give you the highlights of some of them.

Legislative Changes

House Bill 1691, Use of 911 Funds, was signed into law by the Governor July 23, 2010. Two important parts of this law: There were others but these are the two I wanted to highlight. (1) Funding flexibility – Funds may now be used on any capital needs located within the 911 center. This expands the type of equipment that can be purchased. There was related equipment that needed to be used for first responders, police department or whomever; they could not buy this equipment. Now this can be done. (2) One-time use of 911 Fund Balance – Counties may use up to 50 per cent of their current 911 fund balance on any public safety needs, such as towers, radios, base station equipment, etc. This was kind of a catch up committee so those counties that needed to get additional equipment, they can do it from the Fund Balance. If you do not spend this money the state will take it and spend it. They have done this with some other funds.

State Budget – Counties lost $63 million dollars in school capital lottery funds that were re-directed, by the Governor and Legislature, to backfill state budget cuts. Caswell County loss $263,000. They took this right out of our pockets.

ABC Reform – House Bill 1717
(ABC System Modernization) was passed. This has to do with ABC Reform. This was as a result of some local ABC Boards abusing their authority and in some cases violating state laws. This bill empowers counties, as the appointing authorities, to better monitor and address problems within the ABC System. The bill sets limits on ABC board member compensation and manager salaries. In Hanover County and Mecklenburg County there were major issues where the managers were making two, three, four hundred thousand dollars in salaries that were set by the ABC board. The board of commissioners now set the limits on salaries. The bill also establishes travel reimbursement policies.

In a separate session:
I learned that ABC Boards are required to have Ethics Policies and follow uniform budgeting processes. Many boards across the state were and still are operating without budgets. They are now required to prepare, adopt and operate under a balance budget. Wording in the law suggests the board of commissioners may be responsible for reviewing the budgets. Some of the wording states there has to be a budget or finance officer. If they cannot afford one or they do not hire one it falls to the county. This is still a little gray but it does suggest that we may be responsible for making sure they adopt a balanced budget. Bonds for board members and general manager must be at least $50,000.

While limits have been set on salaries and travel, the appointing authority, i.e., the board of commissioners may approve variations or exceptions when deemed appropriate.

The board of commissioners will be involved in establishing performance improvement plans for problem stores and managers as determined by the ABC Commission. This means that if a store gets in trouble, the ABC Commission will step in but they are going to come to this board to have us participate in whatever they decide. It appears to me that the way this ordinance was passed, the state is going to shift the responsibility of the ABC board to the county commissioners. Wording in the law suggest that commissioners, as the appointing authority, get to set expectations for the local ABC board. This means getting in goal setting.

The new law prohibits nepotism (the hiring of family). While not the law, The Chairman of the North Carolina ABC Commission suggested that boards of Commissioners' consider term limits. (Bd. Chair, Jon Williams)

House Bill 961 – Public Records Law regarding personnel records

This law becomes effective October 1, 2010 and has sweeping changes regarding what information can be released from personnel records. Specifically: the date and amount of each salary increase or decrease; the date and type of each promotion, demotion or suspension; the date and type of each dismissal with a copy of the written notice setting forth the specific acts that are the basis for the dismissal will be made public upon request.

It is believed that this law, once in effect, will be retro-active. This means that all current and prior employees' personnel records will be available to the public after October 1. This could be a PR nightmare for our county, but it is the law. We need to get ready to deal with this. As a side note I think we need to look seriously at getting a personnel officer. Somebody is going to have to monitor this stuff.

Financial Condition Dashboard

I attended a workshop that demonstrated a new web-based program that allows counties and other local governments to analyze their financial condition and compare the analysis with other counties or local governments. This program allows you to track your own financial trends and compare them to other counties your size or not your size. This program would be helpful when developing long and short term financial goals and strategies. The analysis could identify key decisions that lead to the deterioration of a county's financial condition.

One important take-away from this workshop was that we need to develop a Fund Balance Policy. It seems that other counties are having the same problems that we are having.

This web-based program can be accessed from NCTreasurer.com or from the North Carolina Association of County Commissioners' web page.

Youth Leadership Conference

The North Carolina Association of County Commissioners held its first Youth Summit during the State conference. 91 delegates from 77 counties attended. Their goals were to identify issues that affect their ability to learn and thrive and to engage in learning about county government and

citizenship responsibilities. I am pleased to announce that Caswell County was represented by Miss Keadija Wiley. I have seen the list of issues developed locally, by Miss Wiley and some other high school kids, I thought about presented these issues but I think the Board should invite Miss Wiley to present that list and other information she might deem appropriate. Mr. Chairman, if this meets with the approval of the Board I will make the request of Miss Wiley.

This concludes my report on the 103rd Annual conference of the North Carolina Association of County Commissioners."

Chairman Ward agreed that it would be great to have Miss Wiley come to the next meeting. Commissioner Hall stated that Miss Wiley should be commended for what she presented. The youth were vibrant, very out-spoken, and brilliant young people. They were very good. Chairman Ward asked if the school nominated her. Commissioner Hall responded that it was handled through the 4H Clubs across the state and cooperative extensions. They already had a process in place to nominate so when it got to Caswell we were ready.

APPOINTMENTS TO BOARD AND COMMISSIONS

Chairman Ward asked Mr. Howard to explain this appointment to the JCPC board. Mr. Howard explained that we have one vacancy on the JCPC Board for a general citizen and we have one applicant, Melanie Tudor. There had been some confusion on this board over the last couple of years. Ms. Tudor and the JCPC board assumed she had been appointed in 2008 when she was asked to apply. We have no record of receiving the application and the Board of Commissioners never voted to appoint her. She was never sent official notification of being appointed. She has been serving on the Board and was just elected Chairperson. The members of the JCPC Board have requested she be appointed.

Chairman Ward asked if there were any other applications. Mr. Howard responded no.

Commissioner Travis moved, seconded by Commissioner Jefferies to appoint Melanie Tudor to the Juvenile Crime Prevention Council. The motion carried unanimously.

COUNTY MANAGER'S REPORT

Chairman Ward informed everyone that there was a (C) added to the County Manager's Report to discuss advertising for an attorney for the county. He was going to hold off until the next meeting but he was asked to add this to this meeting.

Mr. Howard stated that the first item is the Sixth amendment to water service contract with the City of Danville. "What this does is it allows the County to take extra gallons of water, if and when it is needed from the City of Danville for the Town of Yanceyville. The rates have not changed nor does it change any of the aspects of the contract."

Commissioner Hall asked if we know the circumstances as to why the Town of Yanceyville would want or need to tap into these lines. Mr. Howard responded it is for emergency purposes. Several years ago we had a water shortage and now we are required to have two sources of water

for all communities. Yanceyville has one water source – Farmer Lake. Three or four months ago they applied for a grant to extend the lines to Providence to give them a second source of water. The intention is to use this source when Farmer Lake is not available. This is all part of the grant process.

Commissioner Hall asked if we would develop some type of inter-local agreement with the Town with this use in case of an emergency. Mr. Howard responded yes. Commissioner Hall stated the reason he is raising this issue is because he thinks we should know up front all the possibilities of what could happen and what it could cost the town. He is somewhat concerned that we are supplying the town with free water and they are reselling it. He understands that this is something that happened in the past, but we need to be careful as we move forward.

Commissioner Carter stated that on a state level we are encouraged to do this. The advantage of this is if something were to happen to Farmer Lake, whether it is contaminated or shut down for some reason we will have another source of water.

Commissioner Hall stated that we should know everything that is going on before we make a decision. "The Board needs to know the reciprocal arrangements with the City of Danville. There are a lot of concerns now with the uranium mining. If this comes to past and the Dan River gets contaminated, they will not have anywhere to draw their water from, so they are going to look at their reciprocal partner. We need to know if we can supply them. We need to be careful on any reciprocal arrangement that we make and we need to know what they are. The Dan could get contaminated."

Commissioner Carter moved, seconded by Commissioner Hall to approve the Sixth Amendment as presented. The motion carried unanimously.

Mr. Howard presented to the Board a request from John I. Satterfield, Clerk of Superior Court, for the use of the courtroom at the Historic Courthouse on October 26th and 27th for district court. The reason for this is the Board of Elections will be using the Courthouse for early voting.

Commissioner Carter moved, seconded by Commissioner Travis to allow the use of the courtroom at the Historic Courthouse on October 26th and 27th for district court. The motion carried unanimously.

<u>Discussion on an Ad for County Attorney</u>

Mr. Howard asked the Board what we were going to advertise for: part-time or full time.

Commissioner Carter stated that he would like to say that Mr. Ferrell has done a fine job as a part time attorney. He would like to see his son come to the meetings with him to see how it will work. He stated that he knew we did not have it in the budget to hire a full time attorney. Chairman Ward stated that it is his understanding that the Board has to advertise for this position and that we cannot just hire someone. Commissioner Carter stated he would still like to have Mr. Ferrell's son come to the next three meetings. Chairman Ward asked Commissioner Carter

if he was in favor of a part time attorney. Commissioner Carter stated yes, we had a full time attorney that was doing the county manager's job and the county attorney's job.

Commissioner Battle stated that he is in complete disagreement with the County Attorney's recommendation for one only needing part time and second for recommending his son. In Commissioner Battle's opinion we need a full time attorney because there is always work to be done. In a local government there is always something he can be working on whether it be a legal document we need or some other county business he can serve in. He felt the county attorney should have stated that he would be retiring and if we would consider his son for the position. This is something the board should have decided on our own. Commissioner Battle felt it was force feed down the Board's throats and he did not agree with that. Commissioner Battle stated he thought the County needed a full time attorney. He is not in consideration of hiring Mr. Ferrell's son or looking at his son for this job. Chairman Ward asked Commissioner Battle if he could put in an application. Commissioner Battle stated that he did not say he couldn't. He stated he could not stop him from doing anything. Commissioner Battle stated, in his opinion, he is not in agreement with hiring him, but he could not stop him from putting in an application. Chairman Ward asked if he was against him because of his credentials. Commissioner Battle responded it was not because of his credentials. 'To me it felt like a set up." He stated he should not have stated "I am about to retire and I have this replacement right here for you guys and I feel you do not need this position to be full time. I have this part time guy ready to fall right in." That is the way it felt to Commissioner Battle. "It just felt like a set up and it may not have been that way but that is the way I felt about it. I am not in agreement with that." Chairman Ward asked Commissioner Battle if he was passing judgment. Commissioner Battle responded that he was not passing judgment at all. Chairman Ward stated that this position needed to be advertised and he also remembered how the County got to the point when they only needed a part time attorney.

Commissioner Hall suggested that the Board advertise for a full time person. Chairman Ward agreed that the Board should advertise for a full time position to see what the applicants are. Commissioner Carter disagreed because he did not feel there was money in the budget to pay for a full time person. Commissioner Battle responded "no one knows what salary the person may ask for." Chairman Ward asked the Board if they wanted a salary range put in the advertisement.

Commissioner Hall responded "procedurally, if you are hiring for anything other than what the County currently has, we have to establish a position. To establish a position you have to agree on salary ranges. There is nothing wrong with putting a range out there; it just makes good business sense." What Commissioner Hall has been hearing over the past couple of months, including his attendance at the conference, is with the issues of personnel and some other things that are going down, we need additional full time staff to address these issues and we do not have that. Commissioner Hall stated "we are fooling ourselves by saying we are saving money by hiring someone part time. We are saving money but we are not doing the citizens justice. There are certain things we should be doing that we are not doing them."

Chairman Ward asked the Board if the advertisement should be for a full time position. Commissioner Satterfield stated he did not have a problem with advertising for a full time job but it should not just be for an attorney. This person needs to take on additional responsibilities.

He stated that he was not in agreement with hiring a full time attorney and then turn around and hire a HR person. Commissioner Satterfield stated that he felt a part time attorney is all the county needs.

Commissioner Jefferies stated he felt the Board should advertise for a full time attorney and that this person could fulfill other responsibilities in the county.

Chairman Ward asked the Board if they wanted him to put this on the agenda for the next meeting to give them time to think about what they want to do as far as the advertisement. Chairman Ward made the statement that he felt the Board was split.

Commissioner Travis stated he felt the County needs a full time attorney. He felt there have been mess ups by not having an attorney here full time. He felt the Board should advertise for a full time attorney but they needed to know how much they were going to pay this person. Commissioner Travis stated "people are not going to come for chicken feed so we need to go ahead and tell them what we can offer." Chairman Ward responded that the last time the ad was ran the county could not get anyone to apply for seventy-five thousand dollars ($75,000.00) that is why we ended up with a part time attorney. He felt that is where it would eventually end up unless additional responsibilities are added to it. But the seventy-five thousand dollar figure will have to be moved up to get someone to do something. Commissioner Travis replied he did not think the County could hire an attorney to come here and do a bunch of other things as well. They did not go to school for that.

Commissioner Carter asked how much the part time person is costing the county. Mr. Howard responded the contract is for twenty-five hundred dollars ($2,500.00) per month base for coming up here for sixteen hours and any additional hours are at one hundred and fifty dollars ($150.00) per hour. Last year he made approximately thirty-five thousand dollars ($35,000.00) for the year. Commissioner Carter stated that he felt the Board could not have found a better person than Mr. Ferrell.

Chairman Ward stated "we have two people talking about full time with extra duties." He asked Commissioner Satterfield if he was talking about a part time person. Commissioner Satterfield stated yes, he felt we needed someone part time. He did not feel the County could hire someone straight out of law school that would be skilled enough in some of the areas that we need.

Chairman Ward asked Commissioner Jefferies if he was talking about a full time attorney with extra duties. Commissioner Jefferies responded yes they could pick up extra duties from Social Services or something like that. He stated the federal government would pay for some of the salary.

Chairman Ward asked Commissioner Hall and Commissioner Battle if they felt the Board should advertise for a full time attorney. Commissioner Battle responded yes. Chairman Ward asked if he felt it should be with additional duties like Commissioner Jefferies spoke about. Commissioner Battle agreed. Chairman Ward asked Commissioner Hall if he felt the attorney should take on more legal work for the County. Commissioner Hall agreed.

Chairman Ward asked Mr. Howard for advice on a job description for the next meeting. Mr. Howard responded the Board needs to determine which way they are going to go. He agreed the attorney should do more legal work for the county whether for Social Services or taking on additional duties other than just legal.

Chairman Ward asked the Board for guidance because the Board is split two-two. Commissioner Carter stated that he was in agreement with Commissioner Satterfield. He did not feel the County needed a full time attorney. Chairman Ward replied "Commissioner Satterfield is not saying he was not in agreement with a full time attorney if they take on additional duties." Chairman Ward asked how to move forward on the advertisement.

Commissioner Hall addressed the Chairman and stated "whoever the Board hires works for this Board. There are millions of people in this country with law degrees that do other things under the practice of law. All over this state there are people doing other things other than practicing law. So the Board needs to get it out of our heads that we are hiring one person to do one job. We need qualified staff. One of the things that needs to be done is we need to address the zoning in this county. The Board needs to have a dedicated staff because we have all these ordinances and some of them may be in conflict. We have people arguing wanting new ordinances and we have to outline that into a zoning ordinance. We need qualified people to sit down and do this work. They need to work at the direction of this Board. This could be an attorney, someone with a law degree or someone with a MBA; it could be any kind of degree. Let's not get hung up on all that attorneys do is practice law."

Chairman Ward stated "I remember when the advertisement was put out there for the Clerk to the Board and then we wanted to add other duties but we had already advertised and that was a problem. We did not advertise that they could do other duties. We had to go and look at three or four different job descriptions." He stated he is trying to make sure that what the Board advertises this time is right so this does not come up again. Chairman Ward stated "all I am asking is if the Board wants to advertise for part time or full time with additional duties." Commissioner Hall stated he felt it should not matter if it reads part time or full time with extra duties because this is not an issue because they report to this Board. They work at the pleasure of the Board.

Chairman Ward responded "when the advertisement went out for the Clerk to the Board it caused problems with this Board because we talked about the Clerk to the Board doing this and then someone would say let them work in other departments." Chairman Ward stated he did not want this to happen two months from now when we start receiving applications and start the interviewing process. If the ad is ran in two weeks he did not see the interviews starting until November. "I will be off the Board in December and we do not know how the election will go, we could have someone hired by November but we cannot base our decision on this." Chairman Ward asked the Board if it could state that we could look at applicants on a full time or part time basis.

Commissioner Battle moved to place an advertisement in the newspaper to hire a full time attorney with the salary negotiable.

Commissioner Hall stated "this is a two step process. If this motion passes then a position has to be created. To create a position we have to decide on a salary range. We cannot advertise for a position that we do not have." Chairman Ward responded that he thinks the Board is creating the position as we go. Commissioner Hall stated 'we have to create the position and then we have to fund that position because we work off a balanced budget.' Commissioner Battle replied 'so if we put a dollar amount now will that be the way to go?" Commissioner Hall stated "we first need to see if the motion passes, that is step one and then step two is to fund that position. This does not have to be done tonight but the two step process has to be done otherwise we violate the balanced budget."

Chairman Ward stated that Commissioner Battle had made a motion to place an advertisement in numerous papers to hire a full time attorney with the salary negotiable. Commissioner Hall seconded the motion.

Commissioner Travis asked if the ad could contain "Attorney/other duties". Commissioner Battle stated "no because they serve at the discretion of the Board. If he tells that person to go and make copies they have to do that because they serve at the Board's discretion." Commissioner Travis responded "the Board will not be here to give this person direction." Commissioner Battle replied he understood that, but this person is to serve at the pleasure of the Board or the County Manager, either way. Commissioner Travis stated that this person will not work for the County Manager. He will work for this Board, but this Board will not be here every day to tell him what to do. Commissioner Battle stated he understood that but if the Board asked the County Manager to have the attorney do something then he should do it. "This is no different than the Tax Director. The Tax Director answers directly to the Board but there are certain things that the Board asks the County Manager to get from the Tax Director." Commissioner Travis stated that the Board needs to advertise what we expect this person to do. Chairman Ward stated the only thing the Board is advertising for is a full time attorney that is what the motion states and nothing else.

Commissioner Hall stated "the only way to address Commissioner Travis' concern is to go back to the two step process. When we create the position we can define the different responsibilities." Commissioner Travis stated that the Board cannot wait until the interviews start and then tell them what they are expected to do. Chairman Ward stated "according to Commissioner Hall we need to create a position before we can run the ad." Commissioner Travis responded that he did not have a problem with hiring a full time attorney but he felt this person should do more than attorney work. Chairman Ward stated that this information should be put in the advertisement.

Commissioner Carter stated that he was on the Board four years ago when there was a full time attorney. He stated that the county does not have the funds for a full time attorney and that he is voting against this.

Chairman Ward asked if there was any more discussion.

Commissioner Battle moved, seconded by Commissioner Hall to place an advertisement in numerous newspapers for a full time attorney with salary negotiable. The motion carried by a vote of four to three with Commissioners Satterfield, Ward and Carter voting no.

Chairman Ward stated "now the Board needs to create the position. The Board also needs to set a high and a low for the salary range even if it is not advertised. This needs to be done for the guidance of the County Manager and the Clerk to the Board for when applications come in and for when people call." Chairman Ward stated "this will be a two part vote since it has already been decided that the Board is going to advertise for a full time attorney. Part time is out of the way but we may have to revisit that at a later date." Chairman Ward stated as a Board they need to decide on a salary range.

Commissioner Hall asked the Chairman if there is money in the budget. Chairman Ward stated no, that the Board will have to appropriate money out of contingency and in his opinion there is not enough money in contingency to take care of this so we will have to go to Fund Balance.

Commissioner Hall stated half the year will be gone and the Board needs to decide what we need to appropriate to the Fund Balance for the second half of the year. He asked what the Board is willing to pay. Commissioner Hall stated this will probably cost eighty to a hundred thousand dollars per year so the Board needs to find forty to fifty thousand dollars for the second half of the year.

Chairman Ward asked Commissioner Hall if he thought the salary range should be between eighty to a hundred thousand dollars per year. Commissioner Hall responded the minimum would be somewhere around that figure. Commissioner Carter stated he did not agree with having to appropriate funds for this. Chairman Ward stated "I agree but it is a fact of life and that the Board needed to move forward because we have a different scenario right now."

Chairman Ward stated that the Board needed to decide on a dollar figure for the rest of the year starting with January 1. Commissioner Battle asked if this will be for the rest of this year. Chairman Ward responded yes. "The Board could possibly start running the ad next week and possibly have an interview by the end of October." Chairman Ward recommended starting interviews November 1st. Commissioner Battle asked when this position would start. Mr. Howard responded January 1. Chairman Ward recommended looking at applications November 1 because the county attorney would go out the end of November. Mr. Howard stated the attorney would be at the first meeting in December, and that he still had three meetings left.

Commissioner Jefferies stated that if the Board hires a full time attorney and this person took on extra duties from Social Services the federal government would pay for that, so the County would not have to pay this part of the salary.

Chairman Ward asked if the ad should include that the applications would be looked at November 1st. Chairman Ward stated, "We are just hiring for a full time attorney, we have not said we are giving them extra duties." As far as he is concerned if the Board states this person will be the county attorney that will incase what Commissioner Jefferies is talking about. This

Board has to agree that this is what the attorney will do. Chairman Ward stated that the Board needs to create the position.

Commissioner Travis stated that the Board needed to advertise other duties besides the county attorney.

Commissioner Battle asked for clarification on his motion. He asked the Chairman if just because he made a motion to hire a full time attorney what are they supposed to do. Chairman Ward responded "county attorney work and this could entail Social Services." Chairman Ward stated he did not know what the other jobs would be that everyone else is talking about. Commissioner Battle stated that this is what the Board needs to discuss.

Commissioner Satterfield suggested that this discussion be carried over to the next meeting so that the Board could look at other counties and what their county attorneys are doing. He stated that the job description needs to be set first before setting a salary. "The Board may need to consider a person that has a degree in law but they could also handle some personnel type issues. This person's degree could minor in this area." Commissioner Satterfield suggested to find out what the County Manager needs help in and to find out what the county really needs. "Then a job description can be prepared based on our needs. These other duties could be assigned by the county manager. We cannot set a salary when the Board does not know what this person will be doing." Chairman Ward stated that is why he wanted this discussed at the first meeting in October. Commissioner Satterfield stated that the attorney is leaving in December. Chairman Ward asked Mr. Howard if he could come back to the Board with some county attorney job descriptions. Mr. Howard stated he would be on vacation. Chairman Ward asked the clerk if she could get this information and put this on the agenda for the next meeting.

Mr. Howard stated that he had met with the architects last Thursday on the planning and the timeline of the jail facility. He asked if any of the commissioners wanted to serve on the Planning Committee for this. Chairman Ward suggested that it should be the chairman and two other commissioners. He felt the next chair definitely should be on this committee. Chairman Ward asked the Board who would like to serve on this committee. Commissioner Satterfield and Commissioner Hall agreed to be on this committee.

Mr. Howard stated that the regional library information would be discussed at the next commissioners meeting in detail. Most libraries in the state have one director for multiple counties. The state is looking at changing the rules. Orange County is talking about pulling out of this region. Rhonda Griffin, the new librarian, had a meeting last week on this. She will be at the next meeting and she can explain what the changes will be and how it will affect the county.

Mr. Howard explained that the Board had copies of the updated version of the shooting range. He also told them they had copies of the Five-year Community Transportation Service Plan. The Board reviewed this in June and was told at that time that the transportation board had approved this. This was not accurate information. He presented this to the commissioners so they would have a full two weeks to review it before the next meeting. Melissa Williamson with CDOT will be at that meeting to explain this.

Mr. Howard stated at the last meeting it was asked if the County had a sexual business ordinance in place. The county does have one and this will be on the agenda to discuss at the next meeting. Commissioner Travis asked why the Board needed to review this again since this took place in 1999. Chairman Ward stated he knew the county had something and that this would not be put on the next agenda.

Commissioner Battle questioned if this was adopted in 1999 why was a business allowed to come to Caswell after that. He asked if this is what the Board did to get it out of the county. Mr. Howard stated that the county could not outlaw this type of business. "We can only tell the business where it can be located and how much they have to pay to get a permit. By law the county cannot say it cannot exist." Chairman Ward asked if the Board knew we had this ordinance. A lot of them stated they did not.

Mr. Howard reminded the Board that his vacation would start the next day but he would be accessible by cell phone when needed.

ANNOUNCEMENTS

Chairman Ward announced that the Hoedown would be this Saturday.

Commissioner Carter announced that at the Hoedown Saturday there would be a change. The opening ceremony will not be on the square it has been moved to the amphitheater.

Commissioner Carter added that he thought it was a sad day when the county would have to raise taxes to pay for an additional fifty thousand dollars for an attorney.

THE ADJOURNMENT

At 8:30 p.m. Commissioner Battle moved, seconded by Commissioner Travis to adjourn the meeting. The motion carried unanimously.

_____	_____
Paula P. Seamster	George W. Ward, Jr.
Clerk to the Board	Chairman

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