

MINUTES – SEPTEMBER 7, 2010

The Caswell County Board of Commissioners met in regular session at the Historic Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Monday, September 7, 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, Michael Ferrell, County Attorney and Angela Evans representing The Caswell Messenger. Paula P. Seamster, Clerk to the Board, recorded the minutes.

MOMENT OF SILENT PRAYER

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

APPROVAL OF AGENDA

Chairman Ward stated that Commissioner Hall asked to add a Closed Session to discuss personnel to Item No. 15 and the Adjournment to Item No. 16 on the agenda.

Commissioner Travis moved, seconded by Commissioner Hall to approve the agenda as presented, with Closed Session being moved to Item No. 15 and Adjournment being moved to Item No. 16. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Commissioner Hall requested that the minutes be separated so they can be acted upon separately since there are some errors that need to be corrected on the July 19th minutes. Commissioner Hall stated on the Report on Staff Visit to Conservators' Center there was a question about an emergency plan of the Conservators' Center and that is not reported, He did not know who questioned this emergency plan and then Mr. Chairman you responded that you would have Mr. Howard follow up and that is listed as the last sentence. Commissioner Battle stated he was the one who questioned this emergency plan. Commissioner Hall continued, under Appointment to Boards and Commissions two paragraphs down it states "Commissioner Hall also raised the issue if it was public policy." His question was if it was "good" public policy. That word should be there. Go to PTCOG Update, second to the last paragraph where it states "The Northwest COG members represent rural counties and are concerned as to how things will be handled and Commissioner Hall is also concerned since Caswell County is a rural county as well." Commissioner Hall stated he never expressed any concern as a rural county. He stated that the sentence needed to stop at "how things will be handled". The last sentence of the last paragraph should be removed. Under the Manager's Business, the last paragraph at the bottom "Commissioner Carter moved to approve the Guilford Mills leases as presented. Motion denied due to lack of a second. Denied should be replaced with "died". Commissioner Hall stated that this was all the corrections he had.

Commissioner Jefferies moved, seconded by Commissioner Carter to approve the Consent Agenda with the corrections that Commissioner Hall presented.

Commissioner Satterfield requested that in light of all the errors that someone needs to go back and listen to the tapes to make sure that the minutes for the July 19th meeting are accurate. An accurate set of minutes needs to be brought to the table. Commissioner Jefferies withdrew his motion.

Commissioner Jefferies moved, seconded by Commissioner Carter to approve the July 15th meeting and to have the tape played for the July 19th meeting to make sure that the minutes are accurate. Commissioner Ward asked that the Clerk review the tape to ensure accuracy. The motion passed unanimously.

PUBLIC COMMENTS

Chairman Ward opened the floor for public comments.

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

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

I don't know if any of your Commissioners or County Staff read in the Danville paper, or heard on a local Danville radio station the recent news regarding a Maryland entrepreneur interested in possibly opening a “topless bar or a private club with waitresses in bikinis” in Pelham. If not I refer you to the handout provided.

With the lack of zoning currently in Caswell, what kind of protection can the county provide the property owner, another unenforced ordinance? The county's attitude in the past has been that we can't tell anyone what to do with their property which equates to zero protection for the law abiding, taxpaying, property owner. I've been told in the past by some of you commissioners and county staff members that another business, that shall remain anonymous, is here to make money and you're not against that. Even though there has been an ongoing issue regarding ordinance compliance, which continues to this day.

Gentlemen, I would think this “topless bar or private club” is a business with a goal to make money, and it could possibly do that in Pelham. I guess the property owner is to assume that you're not against that regardless of the nature of the business.

In order to govern where and what kind of businesses are to operate the county needs concrete standards. We haven't any.

Thank you.”

Dee Ballard came before the board and made the following statements:

“Hi Gentlemen. How are you today? My name is Dee Ballard. I live on High Rock School Road, Blanch, NC.

I talked with Mr. Howard and we have looked over your ordinance and we have given out some suggestions and these are the main things that we would like to put in that ordinance. We have talked about it and it is acceptable and reasonable. I want to thank you for coming up with an ordinance that will meet both entities, I hope, and we can settle on this.

Section 7, if the distance is to be at least thirteen hundred and twenty feet (1,320) from the existing occupied dwelling, we would like to request that the use of a rifle does not exceed a 22 caliber. If it is then we need to increase the distance to twenty-six hundred and forty feet (2,640) and that is for safety.

You already have in the ordinance about the shooting range doing their best to control the noise. We would request that they put up a higher blockade or higher buffer to help and maybe overhead shooting booths that would keep the noise from being such a disturbance. We request that after every sixty (60) minutes of shooting that there be a thirty (30) minute rest period in between that so that we would not constantly be feeling like we are in a war zone.

Section 8, we would like to request that the liability insurance be increased to one million dollars (\$1,000,000.00). This is something I have on my property so if my horse gets out and someone is kicked or somebody is killed by them hitting that horse, I have that coverage and it is not that much more than the price of the five hundred thousand dollar (\$500,000.00) policy.

Civil penalties. If they violate the civil penalties and the law that is set up on this ordinance we would like to see the penalty increased to two hundred and fifty dollars (\$250.00) per violation.

Thank you gentlemen, for taking the time and consideration in our situation and for helping us resolve it. I think you worked very hard on achieving this for us.”

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

CASWELL COUNTY HOUSING PROGRAM GRANTS

Michael Walser presented a report on the Housing Program Grants. He stated that once again Caswell County had been selected to receive some funding from the North Carolina Housing Finance Agency. The County received two hundred thousand dollars (\$200,000.00) back in 2006 and it was on a four year rotation at that time. It has actually been moved to a three year rotation and the County was selected once again to apply for those funds. Application has been made and funding has been received. The documents in the package are what the state has sent back to the board and asked that this be adopted tonight. With the adoption of these two policies tonight this program is ready to begin. One is the Assistance Policy. This outlines how the program will go about selecting applicants who will receive housing assistance and again it is only two hundred thousand dollars (\$200,000.00). The state feels that this amount will sufficiently provide assistance to four homes. One change in this program that was not experienced the last time is that if we are successful in getting these funds expended in a quickly manner the County is now a member of what they call a “loan pool”. Once the four houses are completed the County can sign back in and hopefully receive additional funding and do

additional houses. Obviously, the objection is to get these houses done quickly and get these monies expended and take advantage of some additional funding. This will go on for the next two years. In 2006, the County only received two hundred thousand dollars (\$200,000.00) and that was the end of it. A lot of the higher population counties received more money. Once the four year cycle was over, the counties all had the opportunity to speak their peace and this policy was objected. Walser stated that counties the size of Caswell County should have the opportunity to receive more than two hundred thousand dollars (\$200,000.00). The County has a lot of people on the waiting list that need assistance. The state listened and every county will receive two hundred thousand dollars (\$200,000.00) across the state regardless of population. It is up to the County to take advantage of the opportunity to expend this money and request additional funding. The Assistance Policy outlines this whole process.

The Budget Ordinance is not state required; it is required to set the budget up on the Board's side. Also, there is the Procurement Policy and the Disbursement Policy which goes into how contractors will be selected and how they will be paid once the jobs are completed.

Mr. Walser stated that he received a request from Commissioner Hall to give an update on where the County is with the Housing Program and how it has been going since 2002. There are sixty-three (63) applicants on the list and there are a lot of folks that need assistance. He asked the Board if there were any questions.

Commissioner Jefferies addressed Mr. Walser with the question why we couldn't address eight houses with the two hundred thousand dollars (\$200,000.00) instead of just four houses. When going out to appraise a house how is it determined what is needed and what is not needed. Mr. Walser responded with this program is the strictest program out there. They may have to look at ten houses before one can be found that will work. The standards of this policy far exceed anything else in the state. The houses have to be brought up to the current building code. Houses built before the 1940s or the 1950s before there was a building code, it is practically impossible to bring those houses up to the building code of today. With this program we are dealing with houses that were built in the 60s, 70s and the 80s. This program put a lot more emphasis on energy efficiency and in order to meet these energy efficiencies the houses have to be a certain height off the ground. A lot of the older houses were built close to the ground. This is a very strict program and the County may end up doing more than four houses. The most that can be spent on a house is forty-five thousand (\$45,000.00). The program suggests four houses with this money; we may get lucky and are able to finish five or six houses. Going in safely they are putting us on record as doing four houses, the County has to at least do four houses.

Commissioner Satterfield asked Mr. Walser if rental units were allowed in this program or is it the last resort type deal you do. Mr. Walser responded that under this program no rental units are allowed. All the houses have to be owner occupied. Commissioner Satterfield made the statement that he understood owner occupied but rental units should be repaired by landlords. Mr. Walser stated that rental units are not allowed. Mr. Walser also stated that when he advertised this program, he made sure that the advertisement stated that it had to be owner occupied units. When the research is done if we find out that the person who applied does not own the house they get disqualified. The house has to be owned by the person who is living there.

Commissioner Hall asked Mr. Walser to explain the last couple of pages that were in blue. Mr. Walser explained that the names listed are folks that have applied in the past and for one reason or another they did not qualify for either this program, because we have had it before, or the other program, the Community Block Program. We also get the Urgent Repair Program which allows us to go in and do one thing to the house. The folks in blue have been considered for every program out there and for one reason or another they have not qualified. It could be because of their income which is set up by HUD or they do not meet the specialty category. They are not elderly or disabled or single family. All of these programs have different rules so depending on which program we have we try our best to get them qualified for one of the programs. Last resort is the people may qualify but their house does not qualify. That is where the house cannot be brought up to the standards that these funding agencies are forcing us to adhere to.

Commissioner Jefferies moved, seconded by Commissioner Battle to approve this Single-Family Housing Rehabilitation Project. The motion carried unanimously.

SERVICES AGREEMENT BETWEEN UNC-CHAPEL HILL AND CASWELL COUNTY
HEALTH DEPARTMENT

Dr. Moore informed the Board the Health Department had been providing prenatal care for over twenty years. For many of those years there was an informal agreement from Chapel Hill. Several years ago they backed out of that agreement because of budget cuts and several other things. Since then for the past three or four years the Health Department has used a part time OB-GYN physician that comes up from Durham to provide prenatal services. This physician has decided that her practice in Durham has gotten busy and can no longer come to Caswell. So the Health Department was looking for a provider of these prenatal services and entered into a discussion with Chapel Hill for them to provide these services. Chapel Hill has stated that they can provide a certified nurse mid-wife that can come up for one half day a week. That certified nurse mid-wife would be supervised by an OB-GYN doctor at Chapel Hill who is the head of the department. When the cost of this plan is added up in comparison to the plan that is currently provided it is a break even sort of exchange. There are variables in the agreement so it is hard to figure out if it is dollar for dollar the same but it is pretty close to being the same according to Dr. Moore. He feels that the Health Department will receive more frequent care supervised by a physician in Chapel Hill. This contract was sent to the County Attorney and he looked at it and he did not have any major changes with it. Dr. Moore asked the Board to approve this agreement. He also stated that this agreement has not gone before the Board of Health. There is a time limit and at the last meeting they did not have a quorum. The current physician has agreed to provide service until something can be designed to replace her with.

Chairman Ward asked the County Attorney, Michael Ferrell, if he had any input on this and if it looked okay. Ferrell responded it looked okay. Chairman Ward asked Dr. Moore if the services were a wash. Dr. Moore responded that the Health Department is paying somewhere between fifteen and twenty thousand dollars (\$15,000.00 - 20,000.00) for this service and the best he can calculate it will be about the same. The liability insurance will go down by a couple of thousand dollars. The frequency of services will go up but dollar wise it is pretty much a wash. He stated that he was not asking for any additional funds. At some point he may ask for a budget change

to move some money from the salary line item over to the contract line item. But he is not asking for any additional funds.

Commissioner Battle asked Dr. Moore if he had said that the Health Department had services with Chapel Hill before and they backed out. Dr. Moore responded that Chapel Hill had a nurse practitioner who felt very attached to Caswell County and she provided a lot of services for free. After she retired the people who were trying to reorganize this position after she retired said that they could not afford to continue to provide free services. They also had OB-GYN residents coming to the County as well and they decided that they could not do that either. They underwent a restructuring process in Chapel Hill. This is under a different arrangement because this is a straight forward contract whereas before it was a gentlemen's agreement. Commissioner Battled explained that the reason he asked was because of the termination clause in the contract and if he had done business with them before and they back out why you would consider doing business with them again. Dr. Moore responded that Chapel Hill gets benefits from us as well for their training. We funnel some of our clients to Chapel Hill for their deliveries. So this is a win-win type of situation. The Health Department does not force their clients to go to Chapel Hill but about two thirds of their clients end up going to Chapel Hill for delivery.

Commissioner Hall asked when the Board of Health would meet again. Dr. Moore responded that the board is scheduled to meet again at the end of September that is if we have a quorum at that time.

Commissioner Hall moved, seconded by Commissioner Satterfield to approve the agreement pending the approval from the Board of Health. The motion carried unanimously.

Dr. Moore questioned that the agreement would not go into effect until the approval from the Board of Health. Chairman Ward responded that is the way he understood it.

DISCUSSION OF CONTRACT WITH BRENNAN & ASSOCIATES

Chairman Ward asked County Manager, Kevin Howard, if the sheriff had had a chance to look at the contract. Mr. Howard responded that he had.

Mr. Howard made reference to the packet and what was contained in it. He stated that the architectural fee would be six percent (6%) of the construction cost. The design for the jail has already been drawn. This will include the schematic design of additional office space as an alternate. There will be an additional fee to do the plans. It always allows at a future date, if the Board so chooses, to hire Brennan to perform the construction services. They will talk about this when they do their presentation. Mr. Howard checked around for other fees and they ranged from 7.5% to 8.5% for similar services.

Commissioner Jefferies mentioned that he noticed when reading the contract that the USDA could possibly offer a 15% grant. Mr. Howard responded that that was correct and once there was a more accurate cost of construction then we can decide on which way we will go. There is special financing with a USDA loan and there is a possibly we may qualify for a grant up to 15%, but it is not guaranteed. Commissioner Jefferies continued in saying that if we received the

USDA grant, Brennan could not be used as the construction manager. Mr. Howard responded with the USDA the architect or designer could not also serve as the construction manager. If we received the USDA grant we would send out bids for a construction manager and then gets bids from each individual construction contractor like HVAC, plumbing, electrical, etc.

Chairman Ward asked Mr. Howard to explain to the Board exactly what we are getting for 6%. Mr. Howard explained that the 6% is for the design of the jail. If we decide to assign them as the construction manager we would have to negotiate at a later date.

Commissioner Battle added that is if we do not go USDA. Mr. Howard continued that with the time we had we needed to contract an architect to get things going and then that would give us time to look at the options we had.

County Attorney, Michael Ferrell, stated that the construction contract was intentionally not included. With this we would be able to get some preliminary construction prices and we could negotiate the services. Chairman Ward stated that in order for the County to qualify we would need to hire another construction manager. Mr. Ferrell responded that the County did not need a construction manager. Chairman Ward added that Brennan could not be the construction manager. Mr. Ferrell responded that is correct if we receive USDA funds.

Chairman Ward stated that Brennan is going to expect 6% of whatever we decide to build. Mr. Howard responded the 6% is for the design of the jail. If we decide to add offices an additional fee will be discussed at that time. If they have to do construction drawing that will be an additional fee. Mr. Ferrell added that the drawings we have for the jail are included in the 6%. If additional design documents are needed we would then need to negotiate a fee for those. Chairman Ward asked Mr. Howard if all we asked Brennan to do was to design the jail. Mr. Howard responded yes we contracted for them to design the jail. Mr. Ferrell explained that what the contract would get the County is the design of the jail, schematic drawing and cost estimate for the architect's services for the construction of the jail. Chairman Ward reiterated that what he was asking is what we are paying them 6% for. Mr. Ferrell replied that in order to do the office space and jail space we had to enter into a contract for the designs. Mr. Howard responded that this will include the Sheriff's office and the jail space.

Commissioner Satterfield added that the original plan was for a story and a half building. Two story building with one half of the second story left for future construction. Chairman Ward asked if this included the Sheriff's office inside the jail. Mr. Howard responded that it did. We will be using the same design as Pamlico. Mr. Ferrell added that there is an option to add additional offices. Commissioner Jefferies added that the additional offices would go in the remaining one half stories on the second level. Mr. Howard added that we would have the schematic plan for the additional space for the offices. Chairman Ward asked if the 6% was to add on the jail to the existing sheriff's office. Mr. Ferrell answered that the design will be the same as what we had seen before. He recommended that Brennan bring a presentation of what is included and also bring the options. Chairman Ward asked Mr. Howard if the Sheriff had looked at this contract. Mr. Howard responded that the Sheriff had not seen the actual contract but he was informed on what it contained. Chairman Ward questioned if the Sheriff understands what we are discussing. Mr. Howard acknowledged yes.

Commissioner Satterfield questioned Mr. Howard on the Standard Form of Amendment for the Agreement between owner and architect. The second part is all of that Scope of services that is talked about in this amendment. Is this the standard amendment? Mr. Howard responded yes. Commissioner Satterfield asked if this was something that needed to be discussed tonight. Mr. Howard responded that it did not have to be done now; it could be done at a later time. Commissioner Satterfield added that we would not need to do this if we received the USDA funds. Mr. Howard responded that this was correct. Mr. Howard continued that the USDA loan had to be applied for. The grant is contingent on how much money they have on hand. We will not know how much we will receive until we apply. Timing is everything.

Chairman Ward asked Mr. Howard if Brennan would come and present us a presentation. Mr. Howard responded that if the Board would approve this Brennan would come and present their information. Chairman Ward stated that he wanted to make sure that the Sheriff is aware of what is going on.

Commissioner Satterfield moved, seconded by Commissioner Carter, to accept the contract as presented. Motion carried by a vote of six to one with Commissioner Travis voting no.

DISCUSSION OF FIRING RANGE ORDINANCE

County Attorney, Michael Ferrell, presented Shooting Range Regulations that he had been asked to draw up. He stated that this document is not offered as an ordinance it is up for discussion. There have already been changes requested to this shooting ordinance.

Commissioner Jefferies stated that he read on the proposal that certified training and law enforcement could use this facility. He asked the question if any law enforcement agency had ever used this facility. Attorney Ferrell responded that they could. Commissioner Jefferies continued with the ordinance states that they must get an agreement from the adjoining property owners. Commissioner Jefferies stated that he did a lot of research on this and the neighbors knew nothing about this facility until the noise. He knew nothing about the facility until the citizens started calling him. He stated that he was not happy with them just slipping into the county. Commissioner Jefferies stated that the agreement states that written agreement must be gotten from the adjoining property owners. It states this information in Section 9. Was this done? County Attorney Ferrell responded he was not sure if anyone received written agreements. The written agreements may or may not exist.

Commissioner Jefferies continued that some of the property owners do not live here. He also asked if there should be something in the ordinance that states they should get permission from the citizens in the neighborhood. Mr. Ferrell stated that that would be in the zoning and the County does not have any. This would state what would be permitted and what would not be permitted. Commissioner Jefferies made the statement that he understands that they are already there.

Commissioner Jefferies also asked about the noise ordinance. Attorney Ferrell responded that this was a weak statement. Some operators of the shooting ranges do not have the machinery to

measure the noise. When he wrote this part under Section 6 Standards he was not sure if the facility had the man power or the machinery to do this.

Commissioner Jefferies asked about the part which contained shot guns, pistols and rifles. The Ordinance did not state what kinds of rifles are allowed. He stated that he has an Army rifle that he could take down there. Nothing is stated as to what kind of rifle. Attorney Ferrell responded that he did not specify this on purpose. The County would be held more liable if it specified what kind of weapon is allowed. If something happened and the County allowed that type of weapon the County could be held accountable. There are standards for what kinds of weapons are allowed at shooting ranges.

Commissioner Jefferies stated that he understood that these people were coming back to open up more ranges. He wants to make ordinance that is stiff enough to make sure they do not do this. Nothing was brought before the Board when the facility was coming here. Commissioner Jefferies stated that he had been on the Board for twenty years and nothing has come here like this before. He wants to make the ordinance strong enough that if the people still want to put this type of facility here they would have to possibly put up a concrete wall or something to keep the noise down. Attorney Ferrell stated that most counties address these issues through zoning so they don't have to have an ordinance.

Commissioner Jefferies does not agree with the one hundred dollar (\$100.00 fine). He does not think that is high enough. Attorney Ferrell responded that the County has other ordinances that have fines over one hundred dollars (\$100.00) and that could be changed.

Commissioner Jefferies thanked Mr. Ferrell for what he did but he hoped that the Board would make it stricter.

Commissioner Satterfield stated that he agreed with Commissioner Jefferies but the sad part of the whole problem is that other venues have come to Caswell County and there is no zoning. Zoning has been discussed in Caswell County since the late 1960s. Previous Boards have sat here and chose to do nothing about it. If we had done the right thing by the citizens people like Mr. Claggett and other communities in this County would not have to go through what we are going through now. If there is zoning there would be nothing they could do. We can design an ordinance but we would need to make it strict enough to where they would not want to bring it to the county. He stated that there is nothing wrong with a shooting range but it could be located in the wrong location. That is where the problems begin. Commissioner Satterfield stated that he would like to see the Board move on this because of the safety. There is nothing in place now with zoning.

Commissioner Satterfield stated that Section 7C should be changed to twenty-six hundred forty (2,640) feet. Section 7A talks about setbacks. The set back needs to be more than what it states. Section 9 D3 talks about thirteen hundred twenty (1,320) feet. This should be twenty-six hundred forty (2,640) feet. Commissioner Satterfield also stated that he would like to see the minimum standards of the NRA guidelines. He would like to make sure that the County ordinance at least meets if not exceeds the NRA guidelines. Attorney Ferrell stated that the NRA guidelines do not address this.

Commissioner Satterfield addressed the Chairman in stating that a public hearing needs to be held as soon as possible on this issue. He stated that perhaps we could prevent another community from having something open up like this.

Chairman Ward asked the attorney to work on this ordinance and to bring it back in October.

Commissioner Carter asked if we could add something regarding assault weapons. Attorney Ferrell responded that it is a state law but the person has to be caught using an assault weapon. Commissioner Carter added that the Board needed to look at county zoning and that the Board needs to move forward.

Commissioner Hall stated that the Board needed to go ahead and schedule a public hearing. The County Attorney and County Manager needs to look at this ordinance in conjunction with the hunting ordinance. Commissioner Hall stated that when deer season comes in there would be hunters shooting closer than twenty-six hundred (2,600) feet to our houses.

Chairman Ward asked the Board if they had any feedback on zoning.

Dee Ballard asked Chairman Ward if she could address Commissioner Hall. There is not an issue with hunting around the houses. Commissioner Hall responded that he was commenting on the distances. He stated that people are hunting closer than twenty-six hundred (2,600) feet from houses.

Chairman Ward stated that Commissioner Hall was only referring to the distances in the ordinance. He stated the Commissioner Hall was making sure that they do not work against each other. He stated that one ordinance cannot take away from another ordinance. That is what we have staff look into.

Chairman Ward asked Attorney Ferrell if the Board could have something in their hands by the first meeting in October and then a Public Hearing could be scheduled. Attorney Ferrell stated he could have something by the first meeting in October.

Commissioner Hall stated that the sooner there could be a public hearing the better because the Board could get more input from the citizens. That is the purpose of the public hearing. There may be other items that need to be addressed. Attorney Ferrell stated that he would like to have all the information before he does the draft.

Commissioner Battle made the statement that he would like to see caliber restrictions put into the ordinance for a rifle, for a shot gun. This should be added to the ordinance as well.

Chairman Ward suggested that there be a public hearing on September 20th to discuss a Caswell County wide proposal on putting a firing range ordinance together and have a public hearing on October 4th to finalize it. Chairman Ward made the statement that the Board needed to include everyone so that they will understand what is being put into the ordinance.

Ms. Dee Ballard asked the Board if there could be some type of zoning. Chairman Ward informed her that that needed to be something that was put on the Agenda to be discussed. There may already be something in the works.

APPOINTMENT TO AGRICULTURAL ADVISORY COMMITTEE

Commissioner Jefferies moved, seconded by Commissioner Travis to reappoint Mr. Hester Vernon to the Agricultural Advisory Committee. The motion carried unanimously.

APPOINTMENT TO THE BOARD OF HEALTH

Commissioner Satterfield moved, seconded by Commissioner Jefferies to appoint Mr. Cecil Page, Mr. Joseph Heath Slade, Ms. Edith Totten and Ms. Lisa Swann to the Board of Health.

Commissioner Battle asked if the Chairman would stay on the board. He also asked if the Chairman profession (physician) needed to stay on the board. Mr. Howard responded that if there is no one to apply for the appointment then a person can apply as a General Public member. When a professional applies for the board at a later time then that position can be filled. Commissioner Satterfield stated the person would be appointed at the next time when a position needs to be filled. County Manager Ferrell confirmed this information.

The motion carried unanimously.

APPOINTMENT TO THE JUVENILE CRIME PREVENTION COUNCIL

Commissioner Carter moved, seconded by Commissioner Travis to appoint Ms. Jennifer Russell, DSS Designee, Mr. John Robinson, and Ms. Tonya Pegg, Parks & Rec. Designee to the Juvenile Crime Prevention Council. The motion carried unanimously.

PLANNING COMMITTEE FOR SERVICES TO THE ELDERLY

Tabled until September 20, 2010 meeting.

SENIOR CENTER ADVISORY COMMITTEE

Chairman Ward moved, seconded by Commissioner Jefferies to appoint Mr. David Cannon and Mr. Robert Satterfield to the Senior Center Advisory Committee. The motion carried unanimously.

CASWELL COUNTY CRIMINAL JUSTICE PARTNERSHIP BOARD

Commissioner Battle moved, seconded by Commissioner Travis to appoint Mr. Kevin Howard, Ms. Dianne Moorefield, Judge James Long, Hon. Mark Galloway, Mr. John Satterfield, Hon. W. Osmond Smith, Michael Welch, Rosa Carrington, Jeff Allen, and Gordon Satterfield. The motion carried unanimously.

¼ Cent Sales Tax Increase

Commissioner Hall stated that back during the budget time, maybe June, the Board voted to put this ¼ cent sales tax option on the ballot for November. Since that time nothing has been done. He stated that if the Board is serious about getting this done then the Board needs to do some education for the public. We need to let the public know why we think it is a good idea, why we need it and the benefits that it would bring to the citizens of Caswell County. Action needs to be taken to educate the public.

Commissioner Satterfield stated that this increase needed to be tied directly to a project the money will go to. Possibly for the repayment of the loan for the jail we are talking about constructing. This money could be used for this project. Commissioner Satterfield stated that this had been done in the past for school construction instead of having to raise the property taxes.

Commissioner Carter stated that he agreed with Commissioner Satterfield. He stated that he thought there was some discussion about putting the ¼ cent sales tax towards the construction of the jail.

Commissioner Hall stated that there was some discussion of this but that he did not support this position. He stated that we need to look at the big picture of what happened to us here in Caswell. When we received the ¼ cent sales tax it was part of the Medicaid swap for the whole state. One of the things that the legislature did was they promised us that we would be held harmless and that each county would receive one half a million dollars. Last year Caswell County lost two hundred and sixty thousand dollars (\$260,000.00) because they changed their minds. The next thing they did was they said what they were going to do to make up for some of this money after we changed our minds is we are going to give you the option of doing a ¼ cent sales tax. So when they did that what they were saying is if you do not want this you still have the loss. If the citizens do not vote for it they are not responsible. The other thing they did when they did this was the larger areas complained and so they stated that they could do the ¼ cent sales tax option but it will be the point of sale only. Up until last year Caswell County received sales tax money from sales all over the state. They changed that. We do not have a Wal-Mart, we do not have a Lowe's, we do not have a Home Depot, or any of those other stores so we are going to take a beating. Commissioner Hall stated that he would not tie this increase in to build a jail. We have too many other services we have to cover. He stated that whatever we decide to do we need to speak as one voice and get the message out to the citizens then make the decision. It is going to cost the citizens of Caswell because we are already in the hole. The folks in Raleigh, the legislatures got us. Two hundred and sixty thousand dollars (\$260,000.00) last year plus the point of sale money.

Commissioner Satterfield questioned Chairman Ward if the ¼ cent sales tax would amount to about one hundred and thirty or forty thousand dollars is that correct? We may be talking about a ¾ of a cent tax increase to generate that? Regardless as to whether it is tied to the jail construction or whether it is tied to replacing the money that the State cut us in really what it amounts to is the taxpayers have a choice of whether they want to pay a ¼ cent sales tax or whether they want to pay a little more property tax. It is not going to amount to a whole lot of

property tax. Hopefully after the increase we had this year we can go a while without another property tax increase. The State of North Carolina is already talking about in '11 and '12 or '12 and '13 being about 3.2 billion dollars short in revenue in each of those two years. One billion of that is sharing of the stimulus money. Unless something changes in North Carolina more and more of the money will be cut that is coming to local sources. It comes down to which one of the evils the taxpayers want to happen.

Commissioner Jefferies stated that he has listened to both sides and that he had a good idea of what the point is. This is the job of the Commissioners to decide where the money of the ¼ cent sales tax goes to. That is why they are elected, to decide whether the money will go to the jail or where ever the need is. The sales tax increase does not need to be designated to one particular thing.

Chairman Ward addressed Commissioner Hall on how he feels the County needs to move forward trying to advertise to get this passed. Commissioner Hall responded that technically and legally all we need to do is provide educational type materials. The facts need to be laid out. Past that the Commissioners, as elected officials, can advocate for or against where the monies go. He stated that the Board needs to decide what they are going to do and get moving. He agreed with Commissioner Jefferies and added that what the Board needs is the flexibility, when the outside variables change their minds, we need the flexibility to keep things intact here in Caswell. The big issue for him is that the Board needs to do something to get this passed.

Commissioner Battle asked if the Board was allowed to do a short article in the paper to break this down. What it is, why it is needed, this is what it will go towards, etc. Commissioner Hall responded that individual Commissioners could. Commissioner Battle asked "As a Board we cannot?" Commissioner Hall stated yes. He said when he stated individual commissioner he was trying to make a distinction between staff. As a Board, we can advocate or do whatever we can to offer education. Commissioner Battle stated that he thought that could be one avenue the Board could use.

Commissioner Hall stated that he had a copy of the brochure that New Hanover County used, and it is pretty good, this could be a starting point to use something like this. We need to put in the Caswell story. What happened with the Medicaid swap, what happened with the lottery dollars, why do we think this is important? Commissioner Hall also stated that he thought it was important, as we move forward, individually as commissioners we state that we support this. When the commissioners go out into the communities they need to say that they support this issue.

County Attorney Ferrell stated that this could be advertised in the Letters to the Editor, local talk shows or radio. Talk about the impact on the county and explain why the Board is doing this.

Chairman Ward asked the question what if the Board had the staff look into the cost of doing some type of mailing. He stated that he remembered when the Board talked about the newspaper the statement was made that not everybody looks at the Caswell Messenger, not everybody looks at the Danville Register and Bee, not everybody looks at the Burlington Times, etc. Some people said not to put the information in the papers and some said to put it in all the papers.

Chairman Ward questioned the Board on how to get the information out. Chairman Ward asked Angela if the Board could run one article. Angela Evans with the Caswell Messenger responded that the Board could do a mass mailing. The deadline would be Friday if they wanted it put in the Bright Leaf Hoedown tabloid. Commissioner Satterfield asked if there would be a cost to do this. Ms. Evans responded it could cost up to \$1000.00. Commissioner Satterfield added that the Board could write an article and put it in the paper. Ms. Evans responded yes but it would be at her discretion as to what could be put in the paper is. The news article would be free. Commissioner Ward asked what the cost of adding a flyer in the paper. Ms. Evans responded she could do that cheaper than going through the mailing service.

Commissioner Hall stated that the Board did not have a lot of time to be waiting. He stated that the Board needed to decide on whether we are going to spend some money and the Board needed to move forward to make this happen or we could be sitting here until November hoping that the people got the message and hoping that they vote. We need to make a concrete decision. We know it is going to cost us something. If a mass mailing is done over the county, roughly ten to fifteen thousand houses, we know it will cost us six thousand dollars (\$6,000.00); we do not want to do this. Postage is forty-four cents.

Ms. Evans stated that the Board could put in one add the size of a piece of paper for four hundred and fifty dollars (\$450.00).

Commissioner Carter moved, seconded by Commissioner Battle to do the ad in the Caswell Messenger for the 22nd mass mailing. Chairman Ward asked Commissioner Hall to work with the County Manager on coming up with an education add.

Commissioner Satterfield stated that he did not like the idea of spending four hundred and fifty dollars (\$450.00) to run an ad when we can do an article for free. The same amount of people will read her article as they will the ad in the paper. He stated to give Ms. Evans the information and let her write the article. Commissioner Hall asked if it was worth four hundred and fifty dollars (\$450.00) to let the people read it and go over and read it time and time again. Commissioner Hall stated that he knew four hundred and fifty dollars (\$450.00) is a lot of money but we need to make sure that the ad gets out there. Commissioner Satterfield added that he thought the people would read one portion just as quick as they would the other portion. He did not think it was good to take the taxpayers' dollars to put an ad in the paper to tell them why we are going to do something. Ms. Evans made the statement that if she wrote the article, the Board could not manipulate it but if the Board paid for the ad it could be written their way. Commissioner Satterfield stated that the ad did not need to be manipulated; it just needs to be the truth. Ms. Evans responded that she would print the truth.

Chairman Ward asked Ms. Evans what if it was ran as a letter to the editor. He stated that he had gotten a lot of phone calls just from the letter to the editor. Ms. Evans responded that it just needed to be submitted.

The motion carried by a vote of five to two with Commissioner Satterfield and Commissioner Travis voting no.

SEPTEMBER 20TH MEETING SCHEDULE

Mr. Howard asked the Board if the September 20th meeting time could be changed from 6:30 pm to 5:30 pm to accommodate the USDA representative that is traveling in from Raleigh.

Commissioner Battle moved, seconded by Commissioner Travis to change the September 20th meeting time to 5:30 pm. The motion carried unanimously.

RECESS

The Board held a brief recess.

COUNTY MANAGER'S REPORT

CASWELL JAIL PROJECT – REIMBURSEMENT RESOLUTION

Mr. Howard presented the Board with the resolution to reimburse the county for the financing of the jail construction for approval.

Commissioner Satterfield moved, seconded by Commissioner Jefferies to approve the resolution. The motion carried unanimously.

**RESOLUTION OF BOARD OF COMMISSIONERS OF CASWELL
COUNTY, NORTH CAROLINA DECLARING ITS INTENTION TO
REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-
EXEMPT FINANCING FOR CERTAIN EXPENDITURES MADE AND/OR
TO BE MADE IN CONNECTION WITH THE ACQUISITION,
CONSTRUCTION, EXPANSION, RENOVATION AND EQUIPPING OF A
CASWELL COUNTY CAPITAL PROJECT**

WHEREAS, the Caswell County (**the “Issuer”**) is a political subdivision organized and existing under the laws of the State of North Carolina; and

WHEREAS, the Issuer has paid beginning no earlier than July 9, 2010 (60 days prior to the date of adoption of this resolution), and will pay, on and after the date hereof, certain expenditures (**“Expenditures”**) for the acquisition, construction, expansion, renovation and equipping of a Caswell County capital project, further described on Exhibit A attached hereto (**the “Project”**); and

WHEREAS, the Board of Commissioners of the Issuer (**the “Board”**) has determined that those moneys previously advanced no earlier than July 9, 2010 (60 days prior to the date of adoption of this resolution) and to be advanced on and after the date hereof to pay the Expenditures are available for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (**the “Bonds”**).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

Section 1. The Board hereby declares the Issuer's intent to reimburse the Issuer with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after the date referenced above. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditures), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Bonds expected to be issued for the Project is \$10,000,000.

Section 4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain *de minimis* amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

EXHIBIT A

The design, acquisition, construction and equipping of a new Caswell County Jail and Law Enforcement Center, including detention facilities add additional facilities for County law enforcement use.

I, Paula P. Seamster, Clerk to the Board of Commissioners for Caswell County, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the actual recorded minutes of said Board at a regular meeting held on September 7, 2010, the record having been made in Minute Book 18 of the minutes of said Board, at page ____, and is a true copy of so much of said minutes as relates in any way to the passage of the resolution described therein.

I DO HEREBY FURTHER CERTIFY that a schedule of regular meetings of said Board, stating that regular meetings of said Board are held in the Board of County Commissioners' Meeting Room, Historic Courthouse, 144 Courthouse Square, Yanceyville, North Carolina on the first and third Mondays of each month at 6:30 p.m., except for the meeting held on September 7, 2010 which is the first Tuesday of September, had been on file in my office as of a date not less than seven days before the date of said September 7, 2010 meeting in accordance with G.S. § 143-318.12.

WITNESS my hand and the corporate seal of said County, this 7th day of September, 2010.

S/George W. Ward, Jr.
Chairman, Board of Commissioners

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

CONSERVATORS' CENTER EMERGENCY POLICY

Mr. Howard presented the Board with information that was requested from the Board on the Conservators' policy on escapes, procedures, and evacuation plan. He recommended the Board to go through this information before the next meeting when the USDA will be there.

DOMESTIC VIOLENCE SHELTER LEASE

Mr. Howard presented the Board the Domestic Violence Shelter Lease agreement for approval.

Commissioner Satterfield stated that he did not know that the Board was getting involved in rental property. He stated that he knew it was coming out of the Domestic Violence's budget. He questioned if the lawn service, the plumbing service, etc was coming out of their budget as well. Mr. Howard acknowledged yes.

Commissioner Travis moved, seconded by Commissioner Jefferies to approve the Domestic Violence Shelter Lease.

Commissioner Battle asked for informational purposes where it states where the repairs are done, how that came about. Mr. Howard responded it was in the original lease and these are contractors that we use. Changes were made to better suit us. Commissioner Battle stated that he did not want any discrimination issues.

The motion carried unanimously.

RURAL OPERATING ASSISTANCE PROGRAM AGREEMENT

Mr. Howard presented to the Board the outlined ROAPA agreement for approval.

Commissioner Battle moved, seconded by Commissioner Travis to accept the Rural Operating Assistance Program Agreement for fiscal year 2011 for Caswell. The motion carried unanimously.

VOIP BIDS FOR COURTHOUSE

Mr. Howard present the Board with information that the court system will be changing their phone line over to VoIP for their phone system. This is a requirement from the State of North Carolina and is budgeted for in the Court Facility Fees. Bids were sent to four vendors: Better Cabling Services, Renewtel, R & R Electric and Wyncom. The County received two bids: Wyncomm in the amount of five thousand one hundred seventy-six dollars and twenty-four cents (\$5,176.24) and R & R Electric in the amount of eight thousand four hundred dollars (\$8,400.00). Mr. Howard recommended awarding the bid to Wyncom.

Commissioner Hall asked if a RFP was sent out. Mr. Howard acknowledged yes the Clerk of Superior Court sent out bids because he had the state requirements for what is required. Commissioner Hall asked the County Manager if he had looked at the RFP and if both vendors complied? Mr. Howard responded yes he had looked at them. Commissioner Hall stated that with that much discrepancy an RFP was done, and that both vendors complied with what was in the RFP. If the lower bid is not correct and the project is completed then we would have a problem. Mr. Howard responded that the State gave the requirements of what was needed.

Commissioner Hall asked if we looked at it in conjunction with the rest of the building. He stated that we needed to be consistent. Mr. Howard responded that this is a separate system. Commissioner Hall stated that the wiring needed to be consistent for the whole building. Commissioner Satterfield stated that it was two separate systems.

Commissioner Hall stated that until he received his packet he did not know anything about this so that means that this Board has not discussed this. He made the statement that many do not know what voice over protocol is, yet we are asked to vote on it. The Board should have had the opportunity to discuss this and to know what it is. The Board needs to know the draw backs of voice over internet protocol. Even if the State states we are required to have this we still need to know the pros and cons.

Chairman Ward asked what the draw backs are. Commissioner Hall answered he did not know because he is not a technical person but he does know that there are some draw backs. Commissioner Battle stated that if the internet goes down the phone system also goes down. There is no communication. He added that he did not know if maintenance fees are in the contract or not. Every time something happens and it is not written in the contract the County will have to pay for it.

Commissioner Satterfield made the statement that he thought since it was state required that the state would keep up with the repairs and pay for the services. Commissioner Hall asked then why are we taking it out of our Court Facility Fees. Commissioner Satterfield stated that the state of North Carolina is making every county go to the voice over IP. Commissioner Hall stated he understood that but that the state was making us pay for it. He added that we need to know what we are paying for.

Chairman Ward asked the Board if they would like for someone to come and explain voice over IP to the Board. He added the only reason he knew about it was because his business had looked into it.

Commissioner Carter made the statement that he could not understand why there was such a big difference between the two bids. Commissioner Battled stated the labor could be more.

Attorney Ferrell stated that the State makes the decision as to what program we use. This is not our decision to make. It is the Board's responsibility to give them the hardware to run the wires.

Commissioner Satterfield addressed Commissioner Hall that the Board had run into a similar situation with the Health Department on a decision that the state made on revamping all the buildings which created a problem for all the health departments not just ours with the additional work that had to be done. We protested and other health departments protested and the State Board of Health told us that this was the way it was going to be.

Commissioner Hall stated that he was not suggesting that we protest. He was suggesting that the Board knows what we are voting for. He stated that there is a difference in the quality of wiring and that we need to understand what we are doing. The fact that someone else is telling us that we have to do it does not mean it has to be done blindly.

Commissioner Jefferies moved, seconded by Commissioner Satterfield to accept the five thousand one hundred seventy-six dollars and twenty-four cents (\$5,176.24) bid from Wyncomm. The motion carried by a vote of six to one with Commissioner Hall voting no.

INSTALLMENT FINANCING PROPOSALS

Mr. Howard presented the Board with a proposal for installment financing for four sheriff vehicles and two utility trucks. The financing is for one hundred and forty thousand dollars (\$140,000.00). The information provided included the interest rates, proposal expiration, feed and penalties, annual payment amounts and due dates of payments. Bids were sent out to five banks and three bids were received back. The three bids that were received were from BB& T Governmental Finance, RBC Bank, and Fidelity Bank. Gwen Vaughn, Finance Director, recommended the acceptance of the BB&T Governmental Finance proposal.

Chairman Ward asked if the payment would be due September 2010. Mr. Howard responded that the payment would be due in January 2011.

Commissioner Satterfield addressed Chairman Ward stating that the term is for thirty-six (36) months at 2.29% interest rate. He suggested entering into a contract of the County's Solid Waste Fund at 1% to pay ourselves and the taxpayers back 1% and not borrow from any commercial banks. We can make thirty-six (36) payments back to ourselves for one hundred and forty thousand dollars (\$140,000.00).

Commissioner Satterfield moved, seconded by Commissioner Travis to enter into a contract for one hundred and forty thousand dollars (\$140,000.00) at 1% from Solid Waste Enterprise for three (3) years or thirty-six (36) months. The motion carried unanimously.

LME MERGER OPTIONS

Mr. Howard informed the Board about the last LME Meeting on Thursday, September 2, 2010. Craig Honeycutt, Alamance County Manager and Mr. Howard met with the four (4) LME's that share a border with one of the two counties. The four were Centerpoint, Guilford Center, OPC Area Program and Sandhills. It was a very good meeting with each organization and they gained insight into each operation and how we might be able to fit. Mr. Howard felt that Centerpoint or OPC would be the best fit due to the similarities with other counties they service and geographical proximity to Caswell County. Mr. Howard asked the same three questions from each director.

- 1) If Caswell joined CenterPoint, Guilford Center, OPC Area Program, what would its Maintenance of Effort (MOE) be?
- 2) What contribution would be required for Fund Balance up front?
- 3) What is CenterPoint, Guilford Center, OPC Area Program's vision of services in Caswell County?

He did not ask the questions from Sandhills. He felt it was premature to have them provide this information. CenterPoint was the only one to answer the second question, a contribution of two hundred seventy thousand five hundred and fifty dollars (\$270,550.00) would be required. This projected figure is based on the County independently joining CenterPoint.

Commissioner Battle asked Mr. Howard if the County had to actually give them that money. Mr. Howard responded yes that there is a LME fund balance of roughly five million dollars. Commissioner Battle reiterated that there was roughly five million in the fund now and we do

not know what percentage of that is ours and what percentage is Alamance. Mr. Howard responded no we do not know that actual amount. County Attorney Ferrell stated that there are contingent liabilities. What is left will be the fund package. Based on contributions originally made Rockingham has claimed a large portion of it. Commissioner Battle asked if everything was dissolved if it would be possible that we would leave with nothing and that we would have to take money out of our fund balance to pay for it.

Chairman Ward responded that we could go into our fund balance to pay whatever is owed and we can go into our fund balance to cover the cost to go into a new LME.

Commissioner Hall stated he did not want our attorney to fix this up too sweet. It is a possibility that we may have to go into our pockets to cover some folk's retirement.

Commissioner Jefferies asked County Attorney Ferrell if in that five million dollars if there were some retirement money for the employees. This money will have to come out of it before anything can be astute. Commissioner Battle stated even after all this it is possible we will not receive anything. He stated that we should prepare for the worst and hope for the best.

Commissioner Hall stated the Board is talking about dissolution and joining someone else but the Attorney does not know how much it will cost. We need to find this out first. If there is five million dollars and it is going to cost us six million to walk away, we have a problem. Commissioner Battle stated that the Board needs to get a cost. Chairman Ward asked Mr. Howard to come back with a figure. Mr. Howard stated that Craig and he had discussed this.

Commissioner Hall stated that it is September. It is time for the Board to make a decision on who we are going to hire. He stated that the County Manager said it was going to cost the county two hundred and seventy thousand dollars (\$270,000.00). He added that we do not have two hundred and seventy thousand dollars (\$270,000.00). He stated it would be prudent of the Board to figure out what our share is so we can collect it.

Chairman Ward asked if this is something that is put out for bids. Attorney Ferrell recommended doing this with Alamance in the fact that we are comfortable with them. He stated that we needed to find out what their Board has agreed to. He stated a study may need to be done.

Commissioner Battle asked Mr. Howard if this information would be something we could have by Friday. He also stated to find out how long it will take to do the study. Mr. Howard responded that he was sure he could get the information by Friday assuming Alamance will want to do this.

Commissioner Satterfield stated that Rockingham has money in the program. He asked why the Board was by passing Rockingham. He asked why we would not venture with something that has money in the program. Attorney Ferrell responded that Rockingham has withdrawn. Rockingham feels they are entitled to eight hundred thousand dollars (\$800,000.00). There is an argument about the contingent liability. The LME position with Rockingham is that they do not

owe them anything because it is all tied up in contingent liabilities. Commissioner Satterfield added that no one knows how much that is.

Chairman Ward stated that Commissioner Battle had asked to have this information by Friday. If the Board needs to call a meeting next week that can be done. Commissioner Battle asked County Manager, Kevin Howard if this would be realistic. Mr. Howard answered it would be as long as he could get in touch with Craig. Commissioner Battle asked if Alamance does not agree can Caswell get that information separate.

Commissioner Satterfield asked why the Board would want to bear the cost of an actuary study. Caswell, out of all the counties, has the less amount of money. Why should Caswell bear the expense if Alamance does not want to? Mr. Howard responded that Alamance has a larger stake in this than we do. Chairman Ward recommended that Mr. Howard get in touch with Alamance and find out what they want to do and get back with the Board.

Mr. Howard made reference to the letter, from Craig Honeycutt, County Manager for Alamance County, attached in the packet that is going to be sent to Dan Hahn the director of the Alamance Caswell LME. It stated that we feel that CenterPoint and OPC are the best fits for our communities. It stated that we would like for the LME board to allow Mr. Howard and Mr. Honeycutt come to the LME's next board meeting to discuss the recommendations so they can be presented to each county's Board for approval. We would like to merge by the end of September. Mr. Howard asked the Board if they had a problem with the letter being sent out.

Commissioner Satterfield stated that the financial issue needs to be resolved before we press the LME Board on who we are going to go with. Mr. Howard responded this will not be binding. It is to let them know that we are interested. Service wise OPC and CenterPoint are interested in us. We do not share a border with Sandhills or with any of the counties in this LME. The LME director has stonewalled this and we are trying to push it to keep it moving forward. There was a letter from Dan to the state agreeing to the time line.

Commissioner Hall stated he did not have a problem with the letter. He stated that the situation we have is much more complex. He states number one the Board knows the LME has died so whether the LME staff replies or not it is a mute point. He stated that we also know that OPC turned down LME when they approached them. So we need to know everything that is going on. Why did they turn them down? Why are they interested in us? Commissioner Hall stated that the Board needs to have a working knowledge on the cost to the County. This may end up in court. If there is five million dollars out there it may be held up for another two or three years and then we could still come up short. He stated that by next July we have to be somewhere or we have to provide the services. Commissioner Hall instructed Mr. Howard to send the letter. He stated that if they had any intentions they would have done what they were supposed to do.

Chairman Ward reiterated that the County Manager will get in touch with Alamance about the actuary. Commissioner Hall recommended looking at the last audit reports of the LMEs. The liabilities are supposed to be reported for retirement items.

Commissioner Jefferies stated that when Rockingham asked for their \$880,000 the attorney told them that they could not get the money because of the liabilities. If they were to pay this money there would not be anything left. He stated to let the County Manager play along with Alamance. Mr. Howard stated that the LME is painting a bleak picture because they want to hang around. These talks started in January of 2009 and ended in November of 2009. Alamance and Caswell took the position that there should be a joint merger.

ANNOUNCEMENTS

County Attorney, Michael Ferrell, announced that the Marchisotto case was scheduled for trial today. Mr. Marchisotto was not ready to proceed. This case has been continued until the first week of November. Mr. Ferrell also stated that Hayes Iron and Metal is not in compliance, they have a permit.

Clerk to the Board, Paula Seamster, announced the Dan River Basin Association is joining the Danville Regional Foundation in opening the doors to DRBA's office in Yanceyville. The event will be held on the afternoon of October 6th from 4-6 pm at the Richmond-Miles Museum, where the DRBA is leasing space. Karl Stauber will be sharing remarks about regional impact and change. Senator Foriest and other speakers will share thoughts on topics such as local and regional identity and tourism.

Ms. Seamster also announced The Caswell County Gang Prevention & Support task force will be holding another free gang education forum at First Baptist Church, 378 Church Street, Yanceyville, NC on September 9th from 6:00 – 8:00 pm.

Commissioner Satterfield asked to have the County Attorney move with speed on some type of ordinance covering this topless club to try to get something to prohibit this in Caswell County. He stated the second thing is that within the last three or four months the ten year report from the Tax Collector has stopped being put in the packet. Commissioner Satterfield wants to see what money is coming up at the tenth year and what is being written off. The third thing he addressed to the County Attorney. He stated that if we are in negotiations with Hayes Iron and Metal as far as fines. If they are, in fact, in compliance now he would like to see some type of negotiations with them to remedy the problems over there. This is more important to him than collecting any fines. Commissioner Satterfield stated that we need to sit down at the bargaining table and get a turning lane built and get something over there to keep the mud off the highway. This would help the people that live in that area. Attorney Ferrell responded that would be possible.

Commissioner Travis stated that there was a meeting held at the Providence Fire Department and no one from Hayes Iron and Metal showed up. He said he did not think they were interested in talking. Commissioner Travis stated that the Board needs to do what is needed to be done.

Commissioner Satterfield mentioned taking the fine money to build a turning lane. He stated that if the mud can be removed from the road and the traffic off the road, a big portion of the problem could be remedied.

Commissioner Travis stated that Hayes Iron and Metal did not think enough of the county to show up for the meeting. Commissioner Satterfield stated that maybe they will think a little more of it with a fine hanging over their heads.

CLOSED SESSION

Commissioner Battle moved, seconded by Commissioner Travis that the Board enter into Closed Session to consider the competence, terms of appointment, and performance of an individual public officer (NCGS 143-318.11(a)(6)). The motion carried unanimously.

REGULAR SESSION

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

THE ADJOURNMENT

At 9:50 p.m. Commissioner Carter moved, seconded by Commissioner Jefferies to adjourn the meeting. The motion carried unanimously.

Paula P. Seamster
Clerk to the Board

George W. Ward, Jr.
Chairman
