

MINUTES – APRIL 4, 2011

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, April 4, 2011. Members present: Nathaniel Hall, Chairman, Kenneth D. Travis, Vice-Chairman, Erik D. Battle, Jeremiah Jefferies, Cathy W. Lucas and Gordon G. Satterfield. Absent: William E. Carter. Also present: Kevin B. Howard, County Manager, Brian Ferrell, Interim County Attorney and Angela Evans representing The Caswell Messenger. Paula P. Seamster, Clerk to the Board, recorded the minutes.

MOMENT OF SILENT PRAYER

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

APPROVAL OF AGENDA

Commissioner Travis moved, seconded by Commissioner Battle to approve the agenda as presented. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

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

The following items were included on the Consent Agenda:

- A) Approval of Minutes of March 21, 2011 Regular Meeting
- B) Tax Director's Monthly Report
  - Total Amount of Taxes Collected for February, 2011 \$620,122.24
  - 2012 Prepayments \$ 2,345.83
  - Tax Maps/Cards \$ 41.45
  - County Maps \$ 9.90
- C) Tax Director's Property Tax Collections

PUBLIC COMMENTS

Chairman Hall opened the floor for public comments.

Ms. Emily Russell came before the Board and made the following statement:

"I am Emily Russell, 843 Mise Road, Yanceyville, NC. What I wanted to talk to you all about today is the Caswell County Parks and Recreation. I have had an issue. I went to sign my children up for youth baseball. I have two children. My mother is with me, Sharon Cobb, who teaches at Oakwood. She normally takes care of these things for me because I am a full time college student at Alamance Community College. It was due by Thursday, the 31<sup>st</sup> of March and

she was out sick from work on that day with the stomach flu. She went by the next day to turn in the registration and was told by Ashley Williams, who is the director there, that she could not take the registration due to the fact that it was late. We have offered to pay a late fee. This is the first time we have ever run into an issue like this. It has always been I could pay a late fee and my children could be signed up. They have been playing for the parks and rec. since they were four years old. I really hate for them to miss a season here. I called Ashley after my mom talked with her. She told me that there were going to be no exceptions and that she would not take the registration. My children have really been upset about this. I called around and talked to different individuals and was told to come here tonight and present my case in front of this Board. I am not asking for any special treatment but I feel like my tax dollars are helping to pay for her salary. She should be able to work with some of the people here in the county when there are some extenuating circumstances. This is not the only issue I have had with Ms. Williams. There has been a lot of disorganization at the rec. Referees were not scheduled for games. My oldest child has had to ref some games for my younger child during soccer season. I was just appalled by this. I am just asking what can be done about this. Is there some type of exception that can be made because both of my boys would like to play?"

Commissioner Battle asked "Was Ms. Williams the only one there on the 31<sup>st</sup>, working in the office that day?" Ms. Russell responded "From what I understand yes because I called back and I actually asked to speak with Tonya but she was not there." Commissioner Battle asked "Nobody was there?" Ms. Russell responded "Ashley was there." Commissioner Battle asked "On the 31<sup>st</sup>, the day your mother went?" Ms. Russell responded "No, it was due on the 31<sup>st</sup> but my mother was out sick with the stomach flu. She went immediately the next day because I am going back and forth to school at ACC. I did not even realize that she had not turned the registrations in."

Commissioner Lucas asked "How many years have your children been involved in sports in the county?" Ms. Russell responded "Oh my goodness. My oldest is eleven and he has been playing ever since he was four. The youngest is six. They have both been playing all that time. We have played every single season. I just wish an exception could be made. I have never been late turning in a registration before."

Commissioner Lucas asked "And that was the only reason she gave you was that it was late and not because the teams were full?" Ms. Russell responded "No, actually I saw my youngest child's coach from basketball season Saturday at Food Lion and he asked, he said they had not had a coaches meeting yet, and he asked if my child was playing because he was figuring that my child would be on his team. I just hate it had to come this far. It is kind of ridiculous."

Commissioner Travis asked "What was the time the registration opened and when was the registration closed? Do you know?" Ms. Russell responded "I think it started March 1<sup>st</sup>." Commissioner Travis asked "March 1<sup>st</sup>. Is that right?" Mr. Howard responded "It actually started in the middle of February." Ms. Russell added "Actually I have the list here and it says March 1<sup>st</sup> through 31<sup>st</sup>."

Chairman Hall asked "Are there any more questions for Ms. Russell. Ms. Russell, normally this Board does not act on issues that come before us in Public Comment but this may be one of

those issues where time is of the essence. If you would have a seat and let the Board think on this as we move through our agenda and see if an action will be taken.” Ms. Russell responded “Thank you.”

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

Commissioner Travis moved, seconded by Commissioner Lucas to allow the children, who did not get their registrations in by the deadline, to sign up to play baseball.

Commissioner Battle asked “What about the other children that did not get the opportunity to sign up?” Commissioner Travis responded “I said the ones that did not get to sign up by the 31<sup>st</sup>. If they want to sign up, sign them up.” Commissioner Battle stated “It just sounded like you said in reference to those two.” Commissioner Travis responded “I think we have several children that wanted to play.” Mr. Howard responded “There have been twenty-five or thirty telephone calls.”

Commissioner Battle asked “Can we make this motion now to do this?” Chairman Hall responded “Yes.” Commissioner Battle asked “What time period are we looking at for late registration to get the information out to the parents? Does that need to be in the motion or can we do that in the details? Chairman Hall responded “Let me suggest if the motion passes then it would be appropriate to put a time period in. If it does not pass then it would be a mute issue.”

Commissioner Jefferies stated “Mr. Chairman I am not against the motion that was made but I would like to talk to the director before we put this motion to a vote. She may say there were too many kids that were late. I would like to hear from here before we put this motion to a vote.” Chairman Hall stated “I think one of the questions Ms. Russell stated that she was told the only reason was because she was late. Mr. County Manager, do you know of any other reason why?” Mr. Howard responded “I think the whole purpose was having a deadline.”

Commissioner Satterfield stated “Mr. Chairman I think that every kid deserves an opportunity to play. I don’t know the reason for the deadline. It looks like to me that this should be worked out administratively between the county manager and the recreation director. I am kind of like Commissioner Jefferies I heard one side of the story. I don’t know the reason for the deadline. Once teams are selected I guess it is pretty much over then. I just think the recreation director and the county manager should be able to get together and work something out. If you extend the deadline one week what happens if a child comes in here a day after that deadline. He said he had about twenty-five phone calls. Is that what you said Mr. Manager? So evidently there is more than one child that has missed it.”

Commissioner Battle stated “In times past with the rec. department we had the normal registration and a late registration, you just pay a little more. That was started when we were at BYE. Then it went from BYE over to the park and we still had late registration. When the director changed some of the deadlines changed. Speaking from experience you normally do not have enough kids to have enough teams in the league. My son plays and he might have three teams in his league. They just play each other all the time. It is not like we have a lot of kids

that come to play. You have some kids that play in other parts of the county. It has just changed from times past. Like Ms. Russell said she works full time. The schools may only give out one registration form but you may have two or three kids that need a form. You will have to go back and get more forms. You do have some grandparents, aunts or uncles that interact with that child during that time when the parents are not. There is probably some misses. We could probably make the system a little better. The whole point is just to establish a deadline. That is the reason why we have from the 1<sup>st</sup> through the 31<sup>st</sup>.”

Commissioner Lucas stated “I agree with the late registration. Is that not happening now? Is that what you are saying?” Commissioner Battle responded “We don’t have that anymore. We used to have that.” Commissioner Lucas continued “Maybe that needs to be an administrative decision in that regard. As far as the administration, Ms. Russell said she had tried every appeal possible. That is why she is taking her time to come before the Board tonight. She has not had any resolution. She did not get anywhere with the administrative decision.” Commissioner Satterfield added “Mr. Chairman I just think the administrative decision is a joint decision. It is the Board’s desire to see all the kids play.” Commissioner Lucas stated “Absolutely.” Chairman Hall responded “I understand your position Mr. Satterfield and Mr. Jefferies. I will say that I had a discussion with the county manager prior to the meeting on this issue. I had Mr. Travis call me. The county manager and the director have had some discussions. Their decision was not to change. The county manager is sitting here and he can comment on this if he would like to. They have had that discussion. That is why Ms. Russell is here.” Mr. Howard responded “The reason for not changing was based on the fact that we had so many phone calls prior to Ms. Russell calling and those kids are not being allowed to play. If we allowed change in this instance for whatever reason we had other kids that had called and we did not know who they were. How do you get the word out? There was no time to do anything like that. We felt like the deadline was within a reasonable time frame. For whatever reason they were not able to meet that deadline and due to the number of phone calls we had received is the reason the decision was made.”

Commissioner Satterfield asked “Well then my question is this Mr. Manager, if we had twenty-five or thirty kids to call after the deadline then why would the deadline not be extended by a week or two to give those people an opportunity to sign up. The whole purpose of this thing is to give to kids something to do to keep them off the streets and to keep them out of trouble.” Mr. Howard responded “I think in hindsight we know we had twenty-five calls this has been since Friday morning. I talked to Ashley again this afternoon and she said she had received about twenty-five phone calls. It was not just prior to Ms. Russell. Whatever the Board wishes is what we will carry out. It will be adjusted upon in the future. It is easy to look back on this and see what things were going on.” Commissioner Satterfield stated “I just don’t understand the head of recreation and yourself would even have to bring this before the Board of Commissioners. I don’t understand that at all. If I had twenty-five or thirty children out there I would say let’s extend the deadline and get these people in the program. It just does not make good sense to me.”

Upon a vote of the motion to extend the deadline, the motion carried unanimously.

Chairman Hall stated "There were some discussions about deadlines." Mr. Howard asked "Can we work that out on the staff level due to the fact that there are dates that we have to meet due to all-star games and things like that? We can open it up until at least this Friday or maybe longer than that." Commissioner Travis stated "I would suggest putting it in the paper so people would know." Commissioner Battle added "The paper is good but I would also take it a step further and contact the schools. Everyone does not get the Messenger and that is where the majority of the kids are." Chairman Hall stated "Since this Board made this action is it okay with this Board that staff handles the time on the deadline?" The Board agreed. Chairman Hall continued "I would hope that you all would do everything possible including telephone calls to the parents that you know called."

#### "LEST WE FORGET" PLAQUE

Mr. Wally Ewalt came before the Board to give an update on the "Lest We Forget" Plaque.

Mr. Ewalt stated "Thank you for giving me the opportunity this evening to talk to you about the monument out on the Square. If you will look at paper "A" that will give you an idea about what is on the Square right now. It is something that has been there for many, many years. We intend, if the Board agrees, to take that plaque down and put it in the Caswell County Historical Association and keep that plaque. Now we are proposing that we change that plaque and we have two options on how to change it. "B" is that we just change it by integrating all the names collectively and leaving something that no one has figured out yet which is "MKS". We have even asked Sallie Anderson, who is our county historian, what it is and no one seems to know. We are proposing that we go with "C" because when people look at this plaque many do not know if it is World War II or World War I. Only by finding out by the dates of birth or the dates of death did we find out that it was World War I. So we changed the plaque only to take off "MKS" which has no meaning to anyone now and putting World War I there. If we do this it will cost nine hundred and seventy-five (\$975.00) dollars to make the plaque a "shown and see". We have been talking about this now for about six or eight years. The last time we got a quote on the plaque was November 24, 2009 and the cost at that time was one thousand and ninety-nine (\$1,099.00) dollars. I have been able to negotiate the price down a little bit. I am asking for the county's approval to move forward with this change. We would merely take the plaque down as I said earlier and put it in the Historical Association headquarters across the street and we would install the new plaque. At one point in time the commissioners talked about some making a personal contribution. We are going to buy this through the Caswell County Historical Association so if you have an interest in making a contribution, assuming you want to go ahead with this, I would be delighted to get your contribution. If you don't then I am going to raise the money whatever is the remaining part of it to get this accomplished. Do you have any questions?"

Commissioner Lucas asked "Mr. Ewalt I need a little history lesson if you don't mind. How long has the plaque been there?" Mr. Ewalt responded "Probably since World War II. That is the best I can give you. There is no date on it." Commissioner Lucas asked "Do we know who put the plaque there initially?" Mr. Ewalt responded "Do we know who put it there initially?" Commissioner Lucas asked "Who raised the money initially to put the plaque there?" Mr. Ewalt responded "I would image the Historical Association but I asked Anne Daniel who was the

president of the Historical Association for many years and it was done before she was president. So it had been there for many years.” Commissioner Lucas asked “Did the UDC have anything to do with that?” Mr. Ewalt responded “Not to our knowledge.” Commissioner Lucas stated “I think that “MKS” may be the initials of the president of UDC during that time.” Mr. Ewalt responded “Well the other suggestion is the initials are of the person who wrote “Lest We Forget”. That is the most common suggestion of what those initials stand for. As I said Sallie researched the thing to the best of her ability and I would not challenge her ability.” Commissioner Lucas asked “The Historical Association is in one hundred (100%) percent agreement of doing this?” Mr. Ewalt responded “Yes.”

Chairman Hall stated “Mr. Ewalt and I have talked over the last month. This project started about a year or so ago. One of the things I asked him to do was to keep the Board apprised as we move forward and that is why he is here tonight.”

Commissioner Lucas asked “How did it first come to the attention of Historical Association? Is this something that you folks decided on your own or did someone approach you about it or what?” Mr. Ewalt responded “Actually when I was on the board of the Historical Association in which was probably about twenty years ago there was discussions at that time. The question was ‘Was this an appropriate thing for the county to have on its most prominent piece of property?’ While it is part of our history, and we are not trying to rewrite history, it just did not seem to be appropriate today. I talked to a number of people who are in the military and the most common statement is no one in the military today is concerned with your sex, your color or your religion or anything. They want to know if somebody is attacking me are you going to take care of my back like I am trying to take care of your back. The thing is really way past due in the opinion of most people that we need to update the county.” Commissioner Lucas stated “Just the problem I have with it is it is a historical marker. You are talking about removing a historical marker and I am concerned that other markers may be next on the hit list so that is the problem I have with it.” Mr. Ewalt responded “Well I think if other historical markers are as inappropriate, in my opinion, as this is then maybe we should look at them but I don’t think there are any.” Commissioner Lucas added “My bases for that is we had a gentleman that came up from Durham, I believe, with North Carolina United or North Carolina Alliance and the focus then was the soldier so that is my concern.” Mr. Ewalt stated “We are going through a major redesign of the Square you know. They are going to put in new sidewalks and new flowers and shrubs so we thought this would be a good time to do this.”

Chairman Hall stated “Thank you Mr. Ewalt. I would like to make this comment. Ms. Lucas I think your fears may be appropriate but it may also be appropriate to address some of the markers. Over the past couple of years I have done tours of the courthouse. One of the things I do is bring to the attention of the folks, the signs to the left as you come in that talk about the Kirk-Holden War. Have you read that sign? Take a look at that sign and then as you come in the door on the right read what the original sign said.” Commissioner Lucas asked “So it has been changed?” Chairman Hall responded “It has been changed and I think appropriately so.” Commissioner Lucas asked “When did that take place?” Chairman Hall responded “It has been changed over the last eight or ten years whether or not it was appropriate I don’t know but someone made the decision. It was changed.”

(A)

Lest We Forget

This memorial is erected by the citizens with pride and grateful appreciation for the services of the Caswell Boys who made the supreme sacrifice in the World War. MKS

White

Benjamin Franklin Brooks  
Alvis Chandler  
Edwin Moore  
Algernon Sidney Neal  
Roy Pattillo  
Gernie M. Smith  
Henry Anderson Solomom  
John Barker Thacker  
George Thomas Warren

Colored

Byrd Fuller  
Alexander Harris  
Moses Jeffress  
John Lea  
Lawrence Lea  
Ruffin Lea  
John Lynn  
Thomas Phelps  
Willie Warren

(B)

Lest We Forget

This memorial is erected by the citizens with pride and grateful appreciation for the services of the Caswell Boys who made the supreme sacrifice in the World War. MKS

Benjamin Franklin Brooks

Alvis Chandler  
Byrd Fuller  
Alexander Harris  
Moses Jeffress  
John Lea  
Lawrence Lea  
Ruffin Lea  
John Lynn  
Edwin Moore  
Algernon Sidney Neal  
Roy Pattillo  
Thomas Phelps  
Henry Anderson Solomon  
Gernie M. Smith  
John Barker Thacker  
George Thomas Warren  
Willie Warren

(C)

Lest We Forget

This memorial is erected by the citizens with pride and grateful appreciation for the services of the Caswell Boys who made the supreme sacrifice in the World War I.

Benjamin Franklin Brooks

Alvis Chandler  
Byrd Fuller  
Alexander Harris  
Moses Jeffress  
John Lea  
Lawrence Lea  
Ruffin Lea  
John Lynn  
Edwin Moore  
Algernon Sidney Neal  
Roy Pattillo  
Thomas Phelps  
Henry Anderson Solomon  
Gernie M. Smith  
John Barker Thacker  
George Thomas Warren  
Willie Warren

RESOLUTION OF SUPPORT FOR THE HAW RIVER WATERSHED

Mr. Cy Stober came before the Board to present a Resolution of Support for the Haw River Watershed.

Mr. Stober stated "Good evening. Thank you for the opportunity to speak with you about this issue which has been a lingering issue, as you will see, for about the past two and a half years with regard to the Haw River and its watershed for Greensboro's emergency drinking water supply. I am here today representing the Council of Government. I am here to inform you simply about an issue that has been brought to our attention and pushed pretty aggressively by the Division of Water Quality at the state level. We will get into the reasons why in just a moment. Just some background on the issue, watershed reclassification in the state of North Carolina is mandated for any drinking water supply by administrative code 15A NCAC02B.0101 through .0104, which I have with me if you would like to see a copy of it. For any drinking water supply in the state there must be a reclassification of a watershed to a minimum of a watershed IV classification. This is to protect the waters of the state for water supply and drinking water quality for all folks drawing from that drinking water source. This administrative code was written into law in 2007 or last amended in 2007. All water supplies must at least have

a watershed IV. The most stringent is watershed I which is for outstanding research waters which are mainly in the mountains and down on the coastal plain in which no development can occur. The North Carolina Division of Water Quality proposes to reclassify parts of Caswell County to a watershed IV classification for the emergency intake for Greensboro. In December of 2008, in fact one week before Christmas, we were notified that we were having a reclassification of this watershed. At that time, as you will see, it was basically the entire Haw River Basin up to this intake. It affected four counties and four municipalities. It was done to protect Greensboro's emergency drinking water supply in which it had sought from the Department of Environmental Health in 2002 in response to the drought conditions of that time. This is highly irregular that a reclassification would happen after the intake was put into a river, lake or whatever. Usually the reclassification, the public hearing and the requests for letters of support occurs before the intake is put into any water supply. Due to the emergency conditions, the drought conditions of 2002, the actual construction was fast tracked so that Greensboro could draw on the Haw for emergency supply. It was used for a total of five months during the drought of 2007. There are very specific conditions under which the City of Greensboro is allowed to use this drinking water supply. They are specifically during droughts and during the winter. We labored for at least fifteen (15) months in negotiation with the Division of Water Quality and with all of these communities to seek a watershed IV. We felt under the Jordan Lake rules the protection of water quality was adequately met by most all of the requirements for drinking water security that the state mandates. However, there must be at least a reclassification of a watershed IV. Under the Jordan Lake rules, the entire county that is in the Haw River Basin is classified as a watershed V which basically has minimal impacts upon land use and mandates riparian buffers which are within the Jordan Lake rules explicitly. There are different restrictions upon land use within the critical area. As you can see it affects a couple of square miles in Caswell County. We broke down the land use and the number of landowners that this watershed reclassification will affect. It will affect two hundred and twenty-seven (227) land parcels. We did not lump the landowners together. Twenty-four (24) agricultural parcels, three (3) commercial, two (2) institutional, one hundred and eighty-nine (189) residential and nine (9) vacant parcels as they are listed now on the tax code. The land that will be most affected by this are vacant and potentially agricultural. We will get into the reasons why in just a moment. There is no impact to existing land use. Everything is grandfathered in from the moment of reclassification including riparian buffers, including land use, including all requirements that a reclassification mandates. It will only affect new development after the moment of reclassification that is greater than an acre in size. This would include mandatory thirty foot buffers. It would limit density to two homes per acre or twenty-four (24%) percent of the total area of a parcel. However, Jordan Lake rules do more than this to protect water quality so the Jordan rules supersede the reclassification. The only change would be this density limitation for each individual parcel. As you can see vacant and agriculture are probably the most prone to have their land use classification changed to new development, to new residential development or new commercial development to be subdivided for a different use and developed. If any of these commercial or institutional or residential parcels were redeveloped or if their footprint did not exceed where they exist now they would not have to meet any of these new requirements. The other limitations upon development are it prohibits any new landfills within this area and would mandate buffers for new agriculture uses in the watershed. However Jordan Lake rules again limit rural development and they mandate riparian buffers, streamside buffers, everywhere within the watershed from the rules passed in August of 2009. Those buffers are fifty (50) feet

in size. In addition there are limitations upon rural development and best management practices that are mandated through the Jordan Lake rules that were more that you already have to comply with that exceed what are required for a watershed IV classification. The next steps in the Haw River reclassification are, in August 2010 Rockingham County voted to support the reclassification. In September 2010 Alamance County voted to support and just in March 2011 Guilford County voted in support. The reasons that they voted to support is because the Division of Water Quality still holds the option to classify this watershed as a watershed III. Now this would not only affect more communities but it also limits development in a much different way. It limits the amount of industry that can develop within the watershed. That would be a whole different matter. We fought very hard to avoid a watershed III classification for this watershed. Essentially watershed IV, outside of the density limitations on one acre or more of property, is already being passed through on the Jordan Lake rules. May 2011 the Environment Management Commission, that hears all of DENRs issues especially water quality issues, will consider this issue and consider whether to adopt the reclassification. Caswell County can vote to, and what I am asking for tonight is a resolution of support on behalf of the City of Greensboro for an intake that they already have to avoid a watershed III reclassification of this watershed. You can also vote to not support but the EMC will need to see a vote one way or the other by the time they consider this issue. That is why I am here tonight. I am here to inform you. I am not here to promote the idea one way or the other except to just make you aware that a watershed III would be a much different matter. It is much more restrictive in land use on what types of industry can settle in Caswell County.”

Chairman Hall asked “Cy when this came before us initially, did it not come as a watershed III?” Mr. Stober responded “Yes, sir. Back in 2008 and all through 2009 it was a watershed III issue. We were able to get them to reconsider this as a watershed IV in the fall or winter of 2009.”

Commissioner Lucas asked “It looks like all of the governing bodies are on board. Is there any public opposition to the reclassification that you know about?” Mr. Stober responded “No, ma’am. The Division of Water Quality at the Department of Environment and Natural Resources will hold public meetings following this issue. This is not necessarily a done deal at this point. I believe I saw you at the reclassification for the Dan River intake for Roxboro. There will be a series of public meetings held after this issue is considered by the EMC. Of course if they get ten letters of opposition it will be kicked over to the Rules Review Commission and be considered by the General Assembly at that point. So this is not a done deal. This is just a matter of seeking support from the local governments and seeing how they feel about the issue and where to go forward from there.”

Commissioner Battle moved, seconded by Commissioner Jefferies in support of the resolution for the Haw River Watershed IV reclassification. The motion carried unanimously.

**RESOLUTION OF SUPPORT  
BY THE COUNTY OF CASWELL  
FOR THE WATERSHED IV RECLASSIFICATION OF THE LANDS DEFINING  
THE GREENSBORO EMERGENCY WATER SUPPLY WATERSHED**

**WHEREAS**, the City of Greensboro requested and received permission from the State of North Carolina (hereinafter referred to as “the State”) Department of Environmental Health to put an emergency water supply intake on the Haw River in response to the drought of 2002; and

**WHEREAS**, the State’s Department of Environmental and Natural Resources’ Division of Water Quality requires the reclassification of all watersheds that serve as water supplies to protect the quality of those waters; and

**WHEREAS**, jurisdictions affected by this reclassification have actively sought to protect the Haw River and its tributaries, as evidenced by the Memorandum of Understanding to preserve resources within the 500-foot corridor of the River for development of the Haw River Trail; and

**WHEREAS**, State legislation (Session Law 2009-216 and 2009-484) and Administrative Code (15A NCAC02B.0262 - .0273) in response to State requirements for the B. Everett Jordan Lake Reservoir were enacted to reduce the net inputs of nitrogen and phosphorous within the entire Haw River by 8% and 5%, respectively; and

**WHEREAS**, that same Session Law 2009-216 and 2009-484 requires Best Management Practices and other load reducing measures to reduce and maintain these required nitrogen and phosphorous concentrations from new and existing development within the affected communities; and

**WHEREAS**, the combinations of the land use practices required by Session Law 2009-216 and 2009-484 within the protected Haw River riparian corridor and the Watershed IV reclassification of the emergency water supply watershed adequately protects the emergency water supply;

**NOW, THEREFORE**, the COUNTY OF CASWELL hereby resolves:

To support the reclassification of the lands identified by the State Department of Environment and Natural Resources in July 2010 as being within the Greensboro emergency water supply watershed from Watershed V to Watershed IV.

Nothing in this resolution shall affect or interfere with fulfillment of the obligations and rights of the parties hereto to manage the lands and programs administered by them in accordance with their other basic land management responsibilities.

Nor shall this resolution be understood to affect any lands outside of the designated emergency water supply watershed.

**IN WITNESS WHEREOF**, the COUNTY OF CASWELL hereby resolves as of the date written below.

This 4<sup>th</sup> day of April, 2011.

S/Nathaniel Hall  
Nathaniel Hall

Attest:

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

SENIOR CENTER STREAM WALK BID ANALYSIS

Mr. Chad Hall with the Dan River Basin Association came before the Board to explain Phase 2 of the Stream Walk Trail at the Senior Center and to get approval on the bids for construction.

Mr. Hall stated "I am Chad Hall with the Dan River Basin Association. I am the Program Manager for the Heritage Trails Master Plan here in Caswell County. The Heritage Trails Master Plan grant gave me two charges. One is the creation of the Heritage Trails Master Plan document and two to help construct the trails identified by the PTCOG over at the Senior Center with their Senior Center Master Trail Plan that was adopted a few years ago. The county had received money through a Fit Grant for two years, 2009 – 2010. In 2009 we constructed the first nine hundred (900) feet of trail at the Senior Center. It deviated from the PTCOG plan slightly based on the engineering that occurred on site at the Senior Center. Storm water devices had to be put in and there was some grading that had to take place and the Senior Center was lowered from the original concept. There was also a forty (40) foot boardwalk put in and again that was through the Fit Grant money. The cost of the trail came out to be twenty-two thousand eight hundred and seventy-five (\$22,875.00) dollars. Twelve thousand four hundred and fifty (\$12,450.00) dollars went to Frith Construction who is the bidder that won that contract. Seven thousand four hundred and twenty-five (\$7,425.00) dollars went to Vulcan for materials. There were also additional materials that were picked up at that time through the Health Department such as benches and some things that we are still going to install once we get this next loop put in. In 2010 the Flatland Trail was installed. It was part of an outer loop connector. The outer loop connector per PTCOG's plan involved a little bit of topography and we had heard from the seniors that they wanted something a little bit flatter that was not a crush and run material or a trail that they were going to use more for exercise. They wanted more of a soothing walk. Again with Fit Grant money we installed that trail. It was about nine hundred (900) feet as well. The majority of the cost there was the three bridges that were built. That ended up coming out to be twenty-eight thousand and thirty-four (\$28,034.00) dollars that was spent. Again Frith Construction was the low bidder on that project. For 2011 we are looking at a trail that the PTCOG has identified as the School Stream Connector. Many people have been referring to it as

Phase 2 of the Stream Walk Trail since we did not complete that full loop the first year because we did not have the funding to do that. DRBA prepared a grant for DENR for Caswell County and we received funding in the amount of fifty-nine thousand five hundred (\$59,500.00) dollars from DENR for construction of this trail. At the time that we submitted that, we thought that there would be two bridges that would be required. Part of the three bridges that were built last year with the Fit Grant money took care of one of those. Some of the money we were anticipating needing we are not going to need this year. We have bids that have come in from two different contractors. We contacted five originally but only received bids from two. Frith Construction again is the low bidder thirty-two thousand eight hundred and fifty-six (\$32,856.00) dollars. We have Southside Materials, formerly Vulcan, who we have previously gotten material from over in Pelham, has given us a price of five thousand three hundred and thirty-seven (\$5,337.50) dollars and fifty cents for material to get delivered here on site to build those trails. I believe you have both bids in your packets from both Frith Construction and G & S Landscaping. On the following page there is the document Stream Walk Trail Material and Construction Bid Analysis. That lists the five businesses that we contacted for bids. One of those recommended that we contact Frith to do this work. We had also contacted Southside Materials, Martin Marietta, Vulcan Materials and Boxley to get a price on materials delivered to this site. Southside is really willing to work with us despite transportation costs going up. They really want to give us a good price on material to make this happen. They really believe in our cause. With Frith and material we end up with a total cost of thirty-eight thousand one hundred ninety-three (\$38,193.50) dollars and fifty cents. That may change depending on transportation cost to an extent. That is a savings of roughly twenty-one thousand (\$21,000.00) dollars from the NC DENR amount that we could receive. With G & S if we were to go with them their bid was forty-one thousand nine hundred ninety-five (\$49,995.63) dollars and sixty-three cents and at the same cost of materials. That will come out to be fifty-five thousand three hundred thirty-three dollars (\$55,333.13) and thirteen cents with a savings of about four thousand (\$4,000.00) dollars. Speaking with DENR we cannot really deviate from what we submitted for but considering one of the bridges we identified is not part of the School Stream Connector they will go ahead and allow us to build that bridge. We cannot take that funding and add more trails out on site. That is something that they will not allow us to do. They did say that they would be more than happy to receive that funding back. I would be happy to answer any question that you may have.”

Chairman Hall stated “Chad, you did not cover the black dots.” Mr. Hall responded “That is the PTCOGs original routes. As you can see we kind of deviated from their plan. This came from engineering on the first stage and then the Flatland Trail in which we tried to get a flatter trail at the request of some of the seniors at the Senior Center. The reason for the School Stream Connector is we had heard some concerns about going straight up the hill so we are putting in a serpentine design to flatten that out. That will also allow us to install some of the benches that were purchased with the first Fit Grant money.”

Chairman Hall asked “Do we anticipate doing all of the black dots as well?” Mr. Hall responded “We do. Jumping ahead a little bit from what we are talking about. We are currently working with the Southern Virginia Mountain Bike Association to put in the trails identified by the PTCOG back behind Wizards Cauldron and next to Oakwood Elementary School. We have about two miles of trail there. The training that we will receive from them will allow us to build

the remainder of these trails primarily through volunteers building those. Some monies will be required and that will come from my grant from the Danville Regional Foundation. To let you know based on PTCOGs plan as well, we are working with some property owners to look at a trail linking the Senior Center over to Yoder's Market. We are working with those property owners right now and it will be volunteer labor to build those and any required monies will come from my grant."

Commissioner Battle moved, seconded by Commissioner Travis to accept the bid from Frith Construction.

Attorney Ferrell stated "Mr. Chairman before you take a vote I would just like to make a note that while you are accepting the bids today there will still need to be a contract put into place. You can accept the bid subject to an agreement with the contract." Commissioner Lucas asked "Would it be necessary for us to review the contract prior to taking a vote?" Attorney Ferrell responded "You can do it subject to the county attorney's approval or he could bring it back but there will need to be a contract." Commissioner Lucas asked "Is time a factor?" Mr. Hall responded "The monies from DENR need to be spent before October. I think we will come in well short of that. As far as building it now, it is a good time to be constructing before it gets too hot in the summer." Chairman Hall added "I think her time question might be relative to how we act up here. If I could paraphrase, Commissioner Lucas' question is should we accept the low bid now or wait until we get the contract in place and accept the low bid." Mr. Hall responded "I believe, Kevin, in the past what has happened at this level is you accepted the bid and the contract was submitted subsequent to that but you can correct me if I am wrong." Mr. Howard responded "You can accept the low bid tonight and we can get the contract to you at the next meeting." Attorney Ferrell stated "I just wanted to make sure that everybody knew that there would need to be a written contract in addition to the acceptance of the bid."

Upon a vote of the motion to accept Frith Construction's bid, the motion carried unanimously.

Commissioner Travis moved, seconded by Commissioner Battle to accept the materials bid from Southside Materials for five thousand three hundred thirty-seven (\$5,337.50) dollars and fifty cents. The motion carried unanimously.

Mr. Hall stated "If I may take one more minute of your time. I wanted you to know that we are not just working on the Senior Center here in the county. DRBA has partnered with the Historical Association to create a driving tour for the county. It is too bad that the price of gas is going up right at the point we are finalizing that. The point is we are trying to call out some destinations in the county, natural, cultural and historical sites to call attention to. Also the Heritage Trails Master Plan that I mentioned last year, we did have the public workshops and this year we are conducting the stakeholder meetings moving forward with creating that document. The goal is beyond just growing the relationships and partnerships in Caswell it is to help ward off obesity and to bring in tourism dollars to the county. I just wanted to let you know that it was not just the senior center we were working on."

Mr. Howard stated "Mr. Hall I just wanted to add that these trails are not just for the folks at the Senior Center, they are open to everyone in the county to use." Chairman Hall stated "These are public trails."

#### NOTICE OF MEETING CASWELL COUNTY BOARD OF EQUALIZATION AND REVIEW

Mr. Howard stated "This is basically to set a resolution to hold a meeting on May 2, 2011 at 6:30 p.m. to hold the first meeting for the Board of Equalization and Review."

Attorney Ferrell stated "Just one quick addition Mr. Chair the statute requires that the notice should state the dates and hours in which the board will meet following its first meeting. It is possible that your work will be completed at the first meeting but if not you will need to provide notice of the second meeting."

Commissioner Travis moved, seconded by Commissioner Jefferies to accept the recommendation of holding the first meeting on May 2, 2011 at 6:30 p.m. and the second meeting on May 16, 2011 at 6:30 p.m. The motion carried unanimously.

#### PROPOSED WIRELESS COMMUNICATION FACILITY

Mr. Howard stated "I have received two proposals. I have another one that is not in your packets. The first one we have is from Beacon Towers and other one is from Prime Tower Development LLC. Both of these are trying to locate a tower on the landfill property on 86. They are trying to fill that gap on 86. Basically all this is for you to look at the proposals and to see if you want to proceed with leasing out property. If so we can go through the process with the two companies, the process to get it finalized."

Attorney Ferrell stated "An additional point that is important to consider is when the county is considering a lease of property in excess of ten years, as the proposal is here, you have to comply with the Public Sale Requirements for public property and that is a bid, upset bid process. You may have taken it up in the past but just keep in mind that this is not a matter of a simple lease. It will have to comply with the Public Sale provisions of the general statutes for a lease of this term." Chairman Hall responded "If I understand you correctly, Mr. Manager you have been contacted by someone else so these would be competing towers?" Mr. Howard responded "Yes, sir. There would not be two put in this location."

Chairman Hall asked "Now we did not advertise for this, did we?" Mr. Howard responded "No, sir. They approached us." Chairman Hall continued "So at some point now that you have two we need to address those two." Mr. Howard responded "We will actually have to advertise." Chairman Hall stated "At some point we are going to have to decide when we are going to move forward with the letters of interest since these were unsolicited proposals. Am I correct Mr. Attorney?" Attorney Ferrell responded "That is right. If you are interested it does look like there is some interest in this property. So if the county is interested in, if you will, divesting itself for a certain number of years in excess of ten to lease this property out you would advertise it for lease under some terms that is developed by the county to see who is interested. See what your high bidder is. See if there are upset bids and on and on and on until you have somebody

that is willing to accept the lease on the terms that the commissioners are willing to lease the property.” Chairman Hall asked “For clarification, suppose it is for less than ten years do we still need to go through that process?” Attorney Ferrell responded “If the aggregate of initial terms and renewal terms are in excess of ten you have to follow the Public Sale Requirements. So if you have a five year lease the answer would be no. If you have a five year lease with an option of a five year extension the answer is yes.” Chairman Hall stated “I guess my question is coming before that. We have two unsolicited bids then if we are interested whether we are doing plus ten or less than ten I think it would be appropriate to advertise. That is what I am thinking.” Attorney Ferrell responded “There would certainly be nothing to prevent you from advertising no matter what the landfill term is.”

Chairman Hall asked “Is everybody clear on that?”

Commissioner Lucas asked “Both of the companies have focused on the landfill site?” Mr. Howard responded “Yes, ma’am. I am assuming it is topography. There are some high places in there that they can fill that dark area on 86. They want to get that area. They want to fill that gap going down 86 towards Danville. I am assuming as you go into the landfill I think they are looking at a hill back where the weigh station and everything is. I think they want to locate there because it will get them up higher.” Mr. Brian Collie, County Planner, added “It is also stated in the Wireless Communication Ordinance that towers should look for county property first for possible available sites. The landfill is actually stated in the ordinance. I think that is where this is coming from because it is actually stated in the ordinance.”

Commissioner Lucas asked “Brian, did Beacon approach you?” Mr. Collie responded “Yes, I have been approached by several communication towers over the past couple of months not just for the landfill but the landfill has been talked about.” Commissioner Lucas added “So they are familiar with the ordinance. Did they ask for the ordinance?” Mr. Collie responded “Most of the time when people call and they ask about that the first thing I do is give them a copy of the ordinance. I then ask them to call me back once they get the jest of that.”

Commissioner Satterfield asked “Mr. Chairman why would our ordinance read to contact the county to see if there is county land available first?” Mr. Collie responded “I don’t know. I would assume at the time the ordinance was written it was put in there for maybe for the county to get revenue from these towers on county owned property if any sites were available.”

Mr. Howard stated “I don’t think it is required. It just asked them to see if county property would work first. There may have been a reason at that time but it is hard for private landowners to give up land to put towers on. Early on it was very hard to get landowners to give land to put towers on their property until they realized how much they could make off of it.”

Commissioner Lucas asked “What is the going rate for a tower now?” Mr. Howard responded “I have heard as little as nine hundred (\$900.00) dollars a month for the site to where you also get a little bit for each antenna that is located on that tower. The COG handles the negotiations as far as the price.” Chairman Hall stated “The COG has a specialist on board that will handle the negotiations with the towers as far as contracts.” Mr. Howard added “With the new water tank

we will actually be going through the COG to encourage some of the carriers to locate on that water tank.”

Chairman Hall stated “I think it would be appropriate to advertise and move forward. We should notify the people that you have heard from. We will do an advertisement with an RFP. We can do that pretty quick I am sure, if that is the consensus of this Board.”

#### DETENTION CENTER LOT SUBDIVISION

Mr. Howard stated “I was asked to bring back the cost to go through with the subdivision. The estimated cost of the survey is eight hundred and fifty (\$850.00) dollars and the cost to file a new plat is twenty-one (\$21.00) dollars. That makes the total cost eight hundred and seventy-one (\$871.00) dollars.”

Commissioner Lucas stated “I believe I read in the minutes somewhere the land had already been surveyed.” Mr. Howard responded “They did a boundary survey of the whole lot so basically it follows the road around the area.” Commissioner Lucas asked “Who is they?” Mr. Howard responded “Le & D out of Danville got the first bid to do the whole survey.” Commissioner Lucas asked “That has already been done?” Mr. Howard responded “Yes, ma’am.” Commissioner Lucas asked “Do you know what we paid for that?” Mr. Howard responded “Sixty-eight hundred (\$6800.00) dollars I think. It included a topography map and it located all of the utilities on the property.” Commissioner Lucas asked “What is going to be involved in this actual survey?” Mr. Howard “All they will do is go in and come off of 86 and create a lot that will encompass the detention center. It will be a rectangle. So if we go through the financing, when the time comes, the financing will be tied in on that building and that property alone and not the whole piece of property.” Commissioner Lucas asked “So the initial survey was a boundary survey.” Mr. Howard responded “It was a boundary survey and a topography so they could decide how to situate the building.” Commissioner Lucas continued “So they did not realize at that time that we would have to do this?” Mr. Howard responded “No, this was something that was done before we started talking with the bond council. The bond council said we had the option of cutting it off instead of tying up the whole parcel which includes the Health Department, DSS and the other buildings.” Commissioner Lucas stated “It is a shame it could not have been initially. We could have saved eight hundred and fifty (\$850.00) dollars.

Commissioner Satterfield moved, seconded by Commissioner Jefferies to accept the recommendation of the manager to subdivide the land for the detention center. The motion carried unanimously.

Commissioner Lucas asked “I was just curious about the meeting that you had with the contractors Kevin. Do you have a list of who attended?” Mr. Howard responded “I think the architect does. The meeting that we had last Monday was something that Brennan does to bring in interest. There is actually another pre-bid meeting this Thursday at 2:00 for contractors to review the detailed plans and to ask more detailed questions. Usually that meeting has a much better attendance.” Commissioner Lucas asked “I was just curious, how many of those that showed up were local?” Mr. Howard responded “There were ten that showed up total and four of those were local subcontractors.”

## COUNTY MANAGER'S REPORT

### Retirement Reception

Mr. Howard stated "Rosa Carrington will be retiring the last part of April. She as invited everyone to come to her reception that her family and staff are having for her on April 30<sup>th</sup> at the Civic Center from 2:00 – 5:00 p.m. She also said if any of the commissioners would like to speak they are more than welcome to do so."

### Board of Health Meeting

Mr. Howard stated "The Board of Health has requested a meeting with the Board prior to them submitting their budget just to go over what they are proposing for the next fiscal year."

Commissioner Battle asked "Why is that?" Mr. Howard responded "My understanding is just to go over the decisions that they have had with you. This will be the decisions that they made to include and not include in their budget as the Board of Health and not just from Dr. Moore."

Chairman Hall stated "I spoke with the chairman of the Board of Health and he suggested meeting at their next board meeting which I think is April 26<sup>th</sup>. He suggested that if the 26<sup>th</sup> was good we could meet prior to their meeting. That was just a suggestion he threw out. We can look at other dates." Commissioner Satterfield added "That board meets at 7:00 Mr. Chairman."

Commissioner Lucas asked "Is this something new?" Chairman Hall responded "I think we are aware that they have had some budget issues and we are aware that there will probably be some cuts coming down from the state. I think this is an attempt to talk with us in anticipation as to what could happen. As the county manager indicated when they present their budget they will tell us why they think it is important." Commissioner Battle asked "Can't they do that when they present their budget here?" Chairman Hall responded "They could."

Commissioner Satterfield stated "I think the Health Board, Mr. Chairman, just wants to make sure the Board of Commissioners have a clear understanding of their proposed budget. The proposed budget that we are going to present is a decrease from the current year. There is a possibility though we have two other possibilities if there are any cuts forthcoming from the state we are going to have to start cutting programs. I think they want this Board to have a clear understanding of what programs we are going to be cutting. People are going with those programs. If the state cuts programs the people are gone too. We are down to the point that if any programs are going to be cut people are going to be cut. What we have looked at is the programs that would probably least affect the population of Caswell County. Any program that we cut, according to all the information that has been given to us, is that Caswell County is vastly underserved by doctors and nurses as it is. We have the medical center. We have the health department and we have the center in Prospect Hill. The next thing that will happen is cutting programs. They want the Board of Commissioners to have a clear understanding of that." Chairman Hall stated "That makes sense. If the 26<sup>th</sup> is not a good option maybe we can get

them over here before one of our meetings. We can work them in. We are going to meet with the School Board before our meeting on April 18<sup>th</sup>.”

Commissioner Satterfield asked “Are we going to hold a budget workshop?” Chairman Hall responded “If that is the preference of the Board. We do need some general workshops especially if we are going to lose programs. I am not excited about line items reviews but I do think we need to talk with the departments that have separate boards. If that is the pleasure of the Board we can do it that way. We can just let them know we will schedule a budget workshop. There seems to be a consensus. We will schedule a Budget Workshop for the Board of Health.”

#### Meeting Date for Legislative Representatives

Mr. Howard stated “You have a memo where Paula has contacted Senator Gunn’s office and Representative Faison’s office extensively over the last two or three weeks. We have four possible dates.”

Commissioner Satterfield stated “We talked about evenings right?” Chairman Hall responded “Yes.” Commissioner Satterfield stated “The 12<sup>th</sup> suits me.” Chairman Hall asked “What time do we want to say?” Commissioner Jefferies stated “5:30 p.m.” Chairman Hall stated “We will have staff to get back with the two offices to confirm April 12<sup>th</sup> at 5:30 p.m.”

#### County Fund Balances in State Budget

Mr. Howard stated “This is information at this point in time. Every Wednesday at 4:30 the managers have a conference call with the Association to hear things going on in the General Assembly. This past Wednesday a good portion of that thirty minute telephone call was discussing what you have here. Basically this information was given by the Governor’s office to the leadership in the Senate and the leadership in the House. The jest of that conversation was there is about two billion dollars sitting in a statewide of county fund balances. To meet their requirements they need about eight hundred million of that. So that leaves 1.2 billion that we can use if they shift programs down to the counties. What they failed to do, the Association was telling us, was to explain that some of those dollars are already tied up or have been earmarked for capital projects or capital expenditures. They are working as we speak to make sure that the legislature understands that it is not as simple as saying there is 2 billion dollars out there and they are going to take eight hundred million of it.” Chairman Hall stated “They are looking at our bank accounts and telling us what we can afford.” Mr. Howard stated “I can say that over the last three years things have been so tough it has been talked about. I think this is the first time it has been given out for discussions.” Chairman Hall stated “This is going to affect a lot of things.”

#### ANNOUNCEMENTS

Commissioner Lucas stated “I was reading here under Informational Items that the Board of Health minutes are in the clerk’s office for inspection if anyone would like to see them. When I was on the Board previously we would get all the minutes from the advisory boards. It seemed

helpful at times. You could learn a lot about what was going on at the different departments when we could access those minutes of those meetings. It would be helpful if we had those in the agenda.” Chairman Hall responded “We are trying to cut down on some of the paper usages and the copying because not everybody seems to be interested. Eventually we are going to get them on the web page. If there is an interest I am sure that Ms. Seamster could email them to you.” Commissioner Lucas stated “That would be helpful.”

Ms. Seamster stated “I just wanted to remind the Board about the meeting with the School Board on April 18<sup>th</sup> at 5:00 p.m. at the Central Office.”

CLOSED SESSION

Commissioner Battle moved, seconded by Commissioner Travis that the Board enter into Closed Session to preserve the Attorney/Client privilege (NCGS 143-318.11(a)(3)), and to consider the compensation, terms of appointment and performance of an individual public officer (NCGS 143-318.11(a)(6)). The motion carried unanimously.

REGULAR SESSION

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

Commissioner Battle stated that the county has a former employee that does not need to be helping out in the county. He asked that the County Manager look into this situation.

Chairman Hall informed the Board that the Caswell Messenger brought over the new Visitor’s Guide and to pick one up in the lobby.

ADOURNMENT

At 8:10 p.m. Commissioner Jefferies moved, seconded by Commission Travis to adjourn the meeting. The motion carried unanimously.

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Paula P. Seamster  
Clerk to the Board

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Nathaniel Hall  
Chairman

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