

## MINUTES – MAY 16, 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, May 16, 2011. Members present: Nathaniel Hall, Chairman, Kenneth D. Travis, Vice-Chairman, Erik D. Battle, William E. Carter, Jeremiah Jefferies, Cathy W. Lucas and Gordon G. Satterfield. Also present: Kevin B. Howard, County Manager, Brian Ferrell, Interim County Attorney, Gwen Vaughn, Finance Director 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

Chairman Hall requested that the Board move Item No. 6 Public Comments to after Item 2 Approval of Agenda and Item 13 Senior Center Landscape Contract to after Item 17 Closed Session. Chairman Hall also stated he would like to add to the Closed Session to discuss attorney/client privileges.

Commissioner Travis moved, seconded by Commissioner Battle to approve the agenda as presented with moving Item No. 6 Public Comments to after Item 2 Approval of Agenda and Item 13 Senior Center Landscape Contract to after Item 17 Closed Session. Chairman Hall also stated he would like to add to the Closed Session to discuss attorney/client privileges. The motion carried unanimously.

### PUBLIC COMMENTS

Chairman Hall opened the floor for public comments.

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

“My name is John Claggett and I reside at 108 Jaye Lane, Providence, NC and I again thank the Board in advance for listening.

My comment this evening deals with attention to detail or the lack thereof, as did my comment at the last commissioners meeting May 2, 2011.

As per the minutes of the Commissioners meeting on May 2, 2011 Commissioner Carter moved, seconded by Commissioner Satterfield to approve the DeltAlert Contract as presented. The motion failed by a vote of two to four with Commissioners Battle, Hall, Lucas, and Travis voting No.

The meeting was recessed until Monday, May 9, 2011. The meeting then reconvened, meaning it's a continuation of the same meeting.

At the reconvened Commissioners meeting Commissioner Satterfield moved, seconded by Commissioner Jefferies to enter into a contract with DeltAlert for five years. The motion carried unanimously.

Rule 19 in your own Rules of Procedure states: A motion to reconsider must be made at the same meeting at which the original vote was taken, and by a member who voted with the prevailing side. Commissioner Satterfield was not on the prevailing side.

Rule 20 of your own Rules of Procedure states: A defeated motion may not be renewed at the same meeting.

It appears that the "do over" on May 9<sup>th</sup> regarding the DeltAlert contract was illegal, so what source of legal recourse in this matter does the county propose?

Additionally there are items listed in tonight's agenda which aren't available for public view as per Section V, Rule 9 of your Rules of Procedure, why? Thank you."

Mr. Rodney Beagle came before the Board and made the following comments:

"Good evening. My name is Rodney Beagle. I have been here before regarding the Summer Camp. I think there are some issues that need to be discussed since the last time we talked. Some things that may need to be looked at as far as the books on Summer Camp. The trip they took to Emerald Point, the director, Ms. Williams, stated the camp had to pay four hundred (\$400.00) dollars for the tickets. I have before you a receipt where I paid for my children's tickets for seventy-five (\$75.00) dollars. She also stated that the park had to pick up four thousand (\$4,000.00) dollars for being in the hole for tuition. She stated that the staff needed to be trained for CPR for summer camp. If the staff is not trained for the summer camp then how are they trained for the sports camps? Commissioner Travis quoted this is poor management due to the lack of training and decision making. The other thing was not being able to use the Annex building because the school may start back early. Camp ends around August 10<sup>th</sup>. Commissioner Hall stated that there is no way they could start school back that early. It sounds like to me that there is more politics on this issue than common sense. Therefore I am coming before the Board once again tonight to get a vote on this issue. Thank you."

Ms. Maria Fowler came before the Board and made the following comments:

"Hello. My name is Maria Fowler and I wanted to come before the Board to speak about the same thing as Mr. Beagle on the possibility of summer camp not being available this summer. My husband and I are property owners here. We are poultry farmers here in the county. We have three grandchildren that have attended this summer camp. It has been a lot of fun and it is very beneficial to them and their parents. I think that a lot of consideration needs to be taken over this summer camp decision. I feel that if the county does not have this available this

summer then it would not be available in future years. This could be a win-win situation. It could add some additional funding for the cost of the staff and maintenance of the rec. department that is there anyway. They provide a safe place for our school age children while their parents work. I soon will be fifty-seven myself. I will soon be becoming a senior citizen in Caswell County. I am very thankful for all the programs we have for the seniors. But should we not be as aggressive to offer something for our young kids? We have a great facility over there and I do not feel like it is being used to the max to benefit our children. These kids are going to be our future. They are going to make decisions for each and every one of us in the future. They may be the coaches that come back to the rec. department. If they go to other counties where is their heart going to be? It will not be in Caswell. We really need to think about his facility and what we can do with it, what is being done with it and just to see what we can do. I have a copy of the summer camp schedule. I totaled it up and it is only twenty-nine days this will be used this summer. Most of the programs are for three hours a day. One of them is for four hours and one is for two and a half hours. The programs are from 9 – 12. Not many parents can get their children, if they work, there from 9 – 12. I understand that it is due to the air conditioning in the facility. There again that opens another door. What has been done for fundraisers and grants to air condition this where it could be utilized more. It just seems like if we could be more aggressive. My heart goes out to the lady or whoever is over the Senior Center. Every time you open the paper there is stuff in there that they are doing. Someone is being very aggressive going after grants and funding and they are offering a lot to our seniors. I am thankful for it because I will be there one day. I want the same thing for my grandchildren. I think that you as the Board owe that to our children because they are the future of this county. We owe that to the parents of this county which are the taxpayers. We need to help them with their children. They should not have to go out of this county. Thank you for your time.”

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

APPROVAL OF CONSENT AGENDA

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

The following items were included on the Consent Agenda:

- A) Approval of Minutes of May 2, 2011 Regular Meeting
- B) Approval of Minutes of May 9, 2011 Reconvene Meeting
- C) Tax Director’s Monthly Report
 

Total Amount of Taxes Collected for April 2011	\$254,584.84
Tax Maps/Cards	\$ 73.25
County Maps	\$ 9.90
NSF Charge	\$ 169.72
2012 Prepayments	\$ 5,830.13
- D) Budget Amendment #7

PUBLIC HEARING – CASWELL COUNTY COMMUNITY  
DEVELOPMENT BLOCK GRANT

Commissioner Battle moved, seconded by Commissioner Jefferies to discuss the closeout of the 2008 Community Development Block Grant Scattered Site Project.

Mr. Michael Walser came before the board and made the following comment:

“Thank you Mr. Chairman and Commissioners. The purpose of this public hearing is to close out the 2008 Community Development Block Grant Scattered Site Program. These were funds that were awarded to the county in 2008. That program is now complete and this is the last step in order to close this grant out with the state. The goal of the program was to provide comprehensive rehab to seven homes and emergency repairs to eight homes and that was the end result. We were able to meet those goals. The program has been monitored by the state and they have asked us to move forward in closing this grant out and this is the final process.”

Commissioner Battle asked “Are the occupants of the houses pleased with the improvements that were made? Do you do before and after checks?” Mr. Walser responded “We do before and after checks. The state actually comes in behind us. They go to each house and they check with those property owners. They encourage those property owners to submit letters to the Board. We hope that some of these will because we did receive some promises. But yes everyone has been happy.” Commissioner Battle asked “Do you compile something tangible that we can look at?” Mr. Walser responded “Yes, everyone has to sign off accepting the work.” Commissioner Battle stated “I would like to get a copy of that when it becomes available.” Mr. Walser responded “Absolutely.”

Commissioner Lucas asked “Just a follow up Commissioner Battle, were you asking if there was a list of the properties that were rehabbed?” Commissioner Battle responded “No, just a general overview of where it was before and the things that they have done and things like that.” Commissioner Lucas asked “What was the total amount of this grant?” Mr. Walser responded “Four hundred thousand (\$400,000.00) dollars.” Commissioner Lucas continued “There were seven homes that were?” Mr. Walser responded “Comprehensive rehabs.” Commissioner Lucas added “And eight that were?” Mr. Walser responded “Emergency repairs.”

Chairman Hall asked if there were any others who would like to speak at this time. Chairman Hall declared the Public Hearing on the 2008 Caswell County Community Development Block Grant closed.

2010 NC COMMUNITY DEVELOPMENT BLOCK GRANT SCATTERED SITE HOUSING  
ECONOMIC RECOVERY PROJECT

Mr. Walser stated “In 2009 the county applied for stimulus recovery money through the Community Development Block Program unfortunately we were unsuccessful with that. However the Governor asked the state of North Carolina to go back and to reconsider those applications and to take our regular funding that we get directly from HUD and to create a North Carolina Community Development Block Grant Program Economic Recovery Project. Then

there were letters of interest that had to be submitted by the county if you were interested in resubmitting the application that was submitted in the summer of 2009, in which Caswell County did. That followed up a formal application to the state back in the fall of 2010 and that project has been funded. This is basically like our scattered site grant that we just closed. The changes are it is five hundred thousand (\$500,000.00) dollars which allows us to do comprehensive rehabs to ten homes and emergency repairs to eight homes. The difference on the emergency repairs is in the past we have never been able to exceed five thousand (\$5,000.00) dollars which this pretty much limits you to doing basically one thing. However under this program we will be able to go up to fifteen thousand (\$15,000.00) dollars. We could run into a situation where we have someone who has a heating system that has gone, they also need a handicap ramp and we can go in and do both. In the past we have had to decide on which one was worse. What you have before you is the standard package of policies, procedures, plans, resolutions and ordinances. No changes from what you have had to adopt in the past. These are required to be in place in order to receive and expend a federal funded program through the state of North Carolina. I will not go through these but I am happy to answer any questions that you might have.”

Commissioner Lucas asked “This is not federal money or is it?” Mr. Walser responded “It is federal HUD money.” Commissioner Lucas continued “It is being administered through the state. Is that correct?” Mr. Walser responded “That is correct.” Commissioner Lucas added “So you had to meet certain criteria to get the actual grant.” Mr. Walser responded “Yes, ma’am.” Commissioner Lucas stated “I recall when the town applied for this grant as well. Did you not promise that it would guarantee so many jobs created? Is that one of the criteria that has to be met?” Mr. Walser responded “There is a job creation part in this piece. There was not a projection.” Commissioner Lucas stated “I thought it was like 146 jobs.” Mr. Walser responded “They want us to track jobs so what that means is, unlike what we have dealt with in the past, when we get an invoice from a contractor they are going to have to give us time sheets and we will forward those invoices with the time sheets to the state. They will calculate full time equivalents. It may not be actual job creation per se. It may be job retainage. The way we have to report this is they have to turn in their actual payroll to us. Any invoice we turn in will have to have a payroll.” Commissioner Lucas asked “So the state accepts time sheets in lieu of a created job? Mr. Walser responded “That is correct.” Commissioner Lucas stated “I just did not want us to get into any kind of trouble because we are not creating 146 jobs.” Mr. Walser stated “It mainly will be retained. We may very well create some jobs. Most likely it will be with retained and that is what we have had with the grants we have had so far.”

Commissioner Battle asked “Mr. Walser, tell me what the fifty thousand (\$50,000.00) dollars administrative fees entail. What all is included in that?” Mr. Walser responded “To date that is what we have done to secure these funds. We have been working on them since the summer of 2009 pretty much on our dime. Now what it means is from this point on you have about six months of red tape to go through before you can actually spend money. The most time consuming piece is the environmental review. Unlike a concentrated needs project where you are dealing with a neighborhood you would do an environmental review based on that neighborhood which you go through justifying that it is not too close to a railroad. It is not close to an airport. It is not in a flood plain. A project like this you are having to go through that project eighteen (18) times unless you are lucky enough to have a couple of those houses that are

close. We are basically duplicating the process eighteen times. We have to do maps that show where that house is in relation to the closest railroad or major highways and that it is not in a flood plain. That is just getting to the point of actually being able to start spending money. The paper work on these things is enormous. The reporting is quarterly and that is just with the reporting of where we are at as far as the houses being completed. As far as jobs we are looking at monthly reporting because when those requisitions go into the state we have to have those jobs attached. There is a lot of paper work involved in order to satisfy the state. These folks come out and monitor us at least three times.” Commissioner Battle asked “So we are talking about how many people?” Mr. Walser responded “We have four on our staff and this project is stated to be completed in 2013.” Commissioner Battle continued “And it totals up to \$50,000.00 each time.” Mr. Walser responded “No, the state sets the fee. It just depends on where the money is coming from and how much paper work is involved in that particular grant. With this grant they set the fee at the maximum of 10%.”

Commissioner Lucas stated “On the job creation it is my understanding that the federal standards where the president’s economic advisor said is \$92,000.00 in funds to create new jobs. Based on that is where we were awarded the \$500,000.00. That would only be like five or six jobs and that number bothers me, 146. I just want to know how you came up with one hundred and forty-six (146).” Mr. Walser responded “The way they made us break that out is we had to go under the assumption that every contract for each house would be a different contractor. For your comprehensive rehabs you would have your licensed GC and then you would have at least three subs being the electrician, the HVAC, and the plumber, assuming again at least one main person and a helper. On your small jobs, I think the way they made us calculate was at least three people because they are not required to be a licensed GC to do the emergency repairs because they are less than \$30,000.00. That is where the numbers came from. It was an assumption we had to go with that there would be a separate contractor for each job which is most likely not the case.” Commissioner Lucas stated “Just as long as you can assure us that we are okay with that 146 number.” Mr. Walser responded “Yes.”

Commissioner Battle moved, seconded by Commissioner Jefferies to accept the 2010 NC Community Development Block Grant Scattered Site Housing Economic Recovery Project.

Commissioner Lucas asked “The selection process how is that handled Michael?” Mr. Walser responded “They had to be pre-selected. These were actually selected back in 2009.” Commissioner Lucas continued “So the homes that are going to benefit from this have already been selected?” Mr. Walser responded “Right. We essentially received a two week notice. We had two weeks to throw an application together so what we did was out of your 2008 scattered site we continued down that list.”

Upon a vote of the motion, the motion carried unanimously.

## BOARD OF EQUALIZATION AND REVIEW

Chairman Hall reconvened the Board of Equalization and Review.

Mr. Thomas Bernard, Tax Director, made the following comments:

“Good evening Mr. Chairman and Board, I have one new appeal to the Board of E & R. I think everyone has a copy. It is Cedar Grove Missionary Baptist Association coming before us. The property is known as Rainbow Daycare Center. They have an opinion that that fair market value of this property is \$550,000.00. They base their opinion on the depreciation on today’s market. Reverend Dickerson is here.”

Rev. Dickerson stated “Mr. Chairman and Board members my name is Everett Dickerson. I am the executive secretary of the Cedar Grove Baptist Association. I have with us tonight our moderator who is the chief executive officer Reverend Jerry O. Wilson. I want to thank you first of all for allowing us to address you tonight concerning our 501C3 educational center. Rainbow Educational Childcare Center is a direct mission of our churches. We believe that our tax status exempts us from city and county real estate taxes because this is a direct mission of our churches to educate all children of our community regardless of their ethnicity or economic condition. Our childcare center was licensed and incorporated in 1985 and received the 501C3 status at that time. We serve children from 0 – 5 years old and after school groups of older children. Our census today is fifty and fifteen after schoolers. Most of our children would no doubt become juvenile delinquents without our services. We believe that the services that we provide in Caswell County are so very, very important. We ask of you respectfully to grant us tax exempt status so that we will be in a better position to serve the children of the county. As we are under the 501C3 status we should be tax exempt and this would certainly give us additional funds to provide even better care at our childcare center. Our center is a four star educational childcare center. I believe it is the only one in the county that is four star. We have an excellent center. We employ fifteen people and we are rendering service to children. I heard it stated here tonight how important our children are especially at a very young age. If you would see fit to make our center tax exempt this would certainly put us in a better position to be able to serve these children. Reverend Wilson is also here and he may also have a statement if you will allow him to speak as well.”

Reverend Jerry Wilson stated “Thank you Mr. Chairman and the Board. Reverend Dickerson has already stated the importance of the children of this county to us. I also work in the Guilford County School System. Many of you and I trust that this will not be out of line but many of you when you hear about the mission of Cedar Grove that is a mandate to us from above to serve the least. The children have been a part of that. One of the reasons that I got involved with Cedar Grove is because of the mission that they had with the childcare center. I know some of the children of the county because of their situations of life. Some are not able to have the education that we provide. I have been an educator all of my adult life. Somewhere in the early 80s I did some work with encyclopedias it has been proven that at the age of 4 most of the children’s intellect is shaped. Now they are talking about reaching children from infancy up to 5 years of age. Even during the tough times for the Association our member churches saw it as being a very important part of development, even developing the whole person. A lot of the time people

talk about going to heaven but we try to help them be prepared for life right here before they get there. As early as we can build and strengthen that foundation we do. We encourage the children to be ready to learn information but also to develop character. We believe that Rainbow is making a concerted effort to do that. We would appreciate any kind of assistance you could give to that particular mission. We really appreciate the churches not bailing when Rainbow was going through tough times and believed in the children of this county. Again thank you and I trust that you will take all under consideration and help us to serve our children with the very best. Thank you.”

Mr. Bernard stated “What I have here is from the Rainbow/Cedar Grove Missionary Baptist is an appeal value, I have not received and exempt application as of yet. I think the last time we talked, Mr. David Powell is the attorney and I think he is still in the process of this application. I have not received an application for a tax exemption.”

Commissioner Travis asked “How many years have they been in business over there? Since 1991?” Mr. Bernard responded “Probably so.” Reverend Dickerson responded “Since 1998. It started in 1985 on Wall Street.” Mr. Bernard stated “It opened in 1998.” Commissioner Travis stated “They bought it in 1991 they should have done that then.” Mr. Bernard responded “I think the total price was the price of the property and building and everything. I think that was the value when they built that facility in the late nineties. What I have here in the Board’s packet and what the reverends are talking about are two different things. What Rainbow needs to turn into us is a tax exemption application. It is late now so it will have to come before the Board to accept a late application.” Commissioner Travis stated “That can be done next year.” Mr. Bernard responded “It can be done now. Is that correct Mr. Ferrell?” Mr. Ferrell responded “With good cause shown the Board can choose to accept a late application for exemption. Generally speaking the exemption application needs to be made before the expiration of a listing period. That has long since expired. But a late application may be considered by the Board with good cause shown if they so desire. That said, it appears that the form that was filled out in this case is an appeal of a valuation form but the presentation indicates to me that what they are really after is an application for exclusion from property tax. The general rule is that all property real and personal located within the jurisdiction is subject to tax unless it is excluded specifically by statute of a statewide application and so to the extent if the Board wanted to consider the exemption application that would have to be pursuant to a specific statutory exception to taxation of which there are several. Case law does not require a specific form be filled out. It also does not require necessarily the taxpayer to site the specific exemption statute. It does however place the burden of showing compliance with the exception on the taxpayer.”

Commissioner Battle stated “Explain the last statement one more time to me.” Mr. Ferrell responded “The burden of showing the assessor in the first instance and the Board of Equalization and Review in the second instance an exclusion from taxation has been achieved is on the taxpayer. So the taxpayer will have to show that they are entitled to the exemption by substantial material and competent evidence.”

Commissioner Lucas asked “I guess my question would be as far as the exclusion or exemption what category would it fall under because this is a corporation, right?” Mr. Ferrell responded “It is a non-profit company. I don’t know if the entity would have to be necessarily a corporation.

There are a few possibilities in this case. One is the fairly broad and educational charitable exemption. One is and I have the statutes here if you want to consider these, what I will have to do is read you what it says in the statutes if you wanted to hear more about it. There is one for property owned by religious bodies and one that is also an exemption is related to religious assemblies that own property. There are exemptions available if certain conditions are met in those instances.” Commissioner Lucas asked “This daycare is directly operated by this organization, is that correct?” Mr. Ferrell responded “I don’t know.” Chairman Hall stated “I think we can answer your question by addressing Reverend Dickerson. Reverend Dickerson the question from Commissioner Lucas is who owns the daycare center?” Rev. Dickerson responded “Cedar Grove Missionary Baptist Association Incorporated.”

Commissioner Travis asked “The children that attend this daycare, do the people pay for that?” Rev. Dickerson responded “Most of them are covered by SSI and the parents have to pay a portion of it.” Commissioner Travis continued “So in other words you get paid for it.” Rev. Dickerson responded “Yes.” Commissioner Travis stated “So it is not a non-profit organization.” Rev. Dickerson responded “If you would look at our financial statement you would see it really is. It is a 501C3.” Chairman Hall added “The non-profit is determined by their IRS status and not necessarily by the financial statement. I would ask our attorney to try to explain that better.” Mr. Ferrell stated “You are correct Mr. Chair. The 501C3 status is a federal income tax exemption essentially and while some evidence of what the mission may be is they qualify under the federal guidelines for that status. It is not determinative of property tax exemption in North Carolina. It may be a piece of relevant information but just the fact standing alone that an entity is a 501C3 organization at the federal level is a determinative.” Chairman Hall stated “I think his question had to do with receiving receipts from families.” Mr. Ferrell responded “501C3 corporations can have revenue. They just cannot be private. I.e., there are no shareholders of a non-profit corporation. The money left over at the end of the day or year is not distributed to owners if you will. There are no owners. It is all used for the mission, educational charitable mission of the organization. Substantial revenues, Goodwill is a good example of a substantial organization of a 501C3.”

Commissioner Satterfield asked “Mr. Chairman in light of the fact our assessor does not have an application for exemption and that is not really what we are looking at as the Board of E&R should we not wait on that until we get this application and discuss tonight the E&R portion of this thing?” Chairman Hall responded “We can but I just heard our attorney say that a specific form is not required.” Mr. Ferrell added “It is not necessarily required but there is information on the application itself that would help the Board address the issues that they are confronted with on whether to approve or not approve but the case law says a specific form is not required. What I understand is this is an application for an exemption?” Reverend Dickerson responded “That is correct.” Chairman Hall stated “I think one good approach, Commissioner Satterfield, is that there are specific questions that need to be addressed or we need to make some thought on how to move forward.” Commissioner Satterfield stated “Mr. Chairman I think we are going to have to get some more information before we can move forward, from our attorney. We would have to have some more information from Reverend Dickerson and Cedar Grove Missionary Baptist Association as for the reasons that they think they should get a tax exemption from the county and the town. I don’t think that those questions, I have not seen anything in writing about any of this. I am just hearing about it tonight. The only thing I see in writing tonight is where

they are asking for the value on the building to go down one hundred thousand (\$100,000.00) dollars. I am not opposed to looking at this stuff but I think we need a little more information from the attorney and Cedar Grove.” Chairman Hall asked “Do you have any specific questions in mind?” Commissioner Satterfield responded “No, not right now because I don’t know enough to ask any specific questions.”

Commissioner Travis asked “You have been in business how long?” Reverend Dickerson responded “The business was purchased in 1985.” Commissioner Travis started “It is my opinion that this should have been handled when you went into business.” Rev. Dickerson responded “I think the request was made and somehow our administration fell through, some of our predecessors. We have picked it up because of how we understand the law.” Commissioner Travis stated “Well what I am looking at here is we are looking at two different things. We need to handle this before us tonight and if they want to come for an exemption I think it ought to be done separately.” Chairman Hall stated “Just for clarification and again I think our attorney can help me if I say something wrong, what is before us tonight is the presentation that they made.” Commissioner Travis responded “He should have come to present this right here. That is the way I see it.” Chairman Hall responded “It is my understanding when we opened the Board of E&R that our attorney told us that any citizen can come forward at any time and make a request. So between the time of this meeting and what was assembled here for us and Reverend Dickerson’s presence tonight obviously the request changed. The request is what they made.” Rev. Dickerson stated “May I just mention the reason why we filled out this form was to get on the agenda. That is why we filled out this form. Our intent from the very beginning was to ask to be tax exempt.”

Commissioner Battle asked “Reverend Dickerson who controls Cedar Grove Association? The corporation, who controls that?” Rev. Dickerson responded “The executive board and the general board.” Commissioner Battle continued “Do those members ever change or is it the same members since the beginning?” Rev. Dickerson responded “No they do change. The general board changes as pastors come and go, well part of the general board and there is an election of board members every four years.” Commissioner Battle asked “What is your mission again?” Rev. Dickerson responded “To educate children. To get them off the street and off to a good start. At birth, babies are brought to our center and we have people that are qualified, teachers I might add, to take care of the babies and to teach them from zero to five so they are ready to enter school, ready to learn and without that teaching many of these children would fail from the very beginning.”

Mr. Bernard stated “Are ya’ll going to act on this one tonight? Chairman Hall responded “We might. We need to act on the others as they were presented. Let’s finish the presentations and then the Board will decide how to move forward.”

Mr. Bernard stated “This is one of the ones from the last meeting, Mr. Kyle Brann. He was notified of the meeting tonight. He did not attend the last meeting.” Chairman Hall asked “How was he notified?” Mr. Bernard responded “Phone call.” Chairman Hall asked “Was he notified of the previous meeting?” Mr. Bernard responded “Yes.” Chairman Hall asked “Was that also by a telephone call?” Mr. Bernard responded “He responded to it with a letter with this

information.” Chairman Hall stated “He was notified. He responded with a letter but he is not present. Okay I follow you.”

Mr. Bernard stated “The next one that was on the agenda from the last meeting was John Hoskings, Jr. He was notified with a letter and I also made a phone call or several phone calls but his voice mail said it was full and it would not accept messages so I notified him by a letter.”

Commissioner Battle asked “So these people were notified by a letter, Mr. Bernard?” Mr. Bernard responded “For the first meeting yes they were notified by a letter. The second meeting Mr. Brann was notified by a phone call. I left voice mail messages. Mr. Hoskings was notified by a letter because I could not leave a voice mail message.” Commissioner Battle stated “And this is the letter that was sent.” Mr. Bernard responded “Correct. That letter was sent to Mr. Hoskings but the date was changed on it.” Commissioner Battle asked “Were they sent certified?” Mr. Bernard responded “No.”

Mr. Bernard stated “The other gentleman is here tonight. His name is Mr. Tom Berry from TAB Hyco. He was notified by telephone also.”

Mr. Tom Berry stated “Mr. Chairman Hall and the other Board members my name is Tom Berry. I am the owner and manager of TAB Hyco. What we have going is a development on Hyco Lake called the Harbor. I love this county and walking up these steps in here, I know you have heard this a hundred times, this is a pretty special building. It is a pleasure to be here and to tell you this story. Several years ago I decided to put some land together to do a project on Hyco Lake. With grand illusions it would be a great thing. I would prosper and the county would prosper and it would be a great thing for everybody. As we all know the real estate market has not been doing to good. As we all know the values, the bottom is falling out of them. I truly believe that this property will be a great thing if I can hang on to it. It is going to be a great thing for me and it is going to be a great thing for the county. My hope is, I think right now, we have created something good. We bought farmland that was valued at fifteen hundred or three thousand dollars an acre or whatever it was. We spent about six or seven hundred thousand dollars to buy raw land and already we have created about five million dollars in tax base. That is through the development costs and the infrastructure. We have sold one house that is worth well over one million dollars. There is a million dollar house going up there now. I have one that I built, keep your fingers crossed, I have three people looking at it. Another builder built a house. We have some value that has been created. It has been a win situation so far. I am really worried about what is going to happen in the next two years. Like I said if I can hang on to this thing, which I hope I can, but I am having to go to the bank and talk to them for some relief. I am having to come and ask you guys for some relief. I would like to think it is short term relief. As we do sell a lot generally speaking someone is going to build something within a reasonable amount of time. The formula is working. Once I sell a lot the county benefits on the tax value. I have some interesting history if you care to hear it. It is just some facts about what is going on at the lake. There has only been thirteen sells in the last twelve months in Person and Caswell. There are three that were sold for over \$600,000.00. The average sell for three years ago was \$500,000.00. The average sell for a house is \$354,000.00. Right now there is sixty-three (63) houses listed on Hyco from \$159,000.00, these are houses, to 1.2 million. There have been nine price reductions in the last week. Eleven of the sixty-three in the area are new construction and

six of them have been there for over two years. I have made a request to the county for some tax relief that has been brought forth. I would hope that you would look at this thing as an investment in the future. I am asking for a little relief now. I need it and I hope it will come back to you tenfold as the years come.”

Commissioner Lucas asked “Are these lots for single families? These lots are not for condos or anything?” Mr. Berry responded “No.”

Mr. Bernard stated “Mr. Chairman. That is the completion of the Board of E & R as we have it unless there is someone else here that wants to come forward.” Chairman Hall asked “Is there anyone present that would like to speak before the Board of E & R tonight that has not spoken with our tax assessor? Okay. Thank you Mr. Bernard.”

Chairman Hall stated “Before we move forward I am going to ask our attorney to cover with us what the statute says as it relates to reduction in property values and how we should go about looking at that such as the timing and also the assessment year. I know Mr. Bernard mentioned this in his opening statement when the Board of E & R first convened but I want us to cover it again.” Mr. Ferrell stated “Mr. Chairman in years in which there is no revaluation done in the county there is a general statute which speaks to the reasons why the assessor and the Board of Equalization and Review is permitted to change the appraised value of property and there are several reasons given in order for the changes of values to be permitted. Those changes are these: To correct a grammatical or mathematical error is the first. To correct an appraisal error resulting from the misapplication of the scheduled values. To recognize an increase or decrease in the value of property resulting from a conservation or preservation agreement. To recognize the increase or decrease in the value of the property resulting from the change of the legal permitted uses that is available to that property. To recognize an increase or decrease in the value of the property resulting from a factor not listed in subsection B. These are the factors for which the assessor and the Board of Equalization and Review are not permitted to increase or decrease the assessed value: Normal physical depreciation of improvements cannot change. Inflation, deflation or other economic changes affecting the county in general cannot change. Betterments to the property by repainting, landscaping, protecting forests against fire, terracing, you cannot change the value based on those things. Finally, impounding water on marsh lands for noncommercial purposes is not something that value can be changed for either. Regardless an increase or decrease must be done in accordance with the schedule that was adopted and effective January 1, 2008. The marker date, if you will, for establishing value in this cycle is January 1, 2008. Let me know if I did not fully address your questions.”

Chairman Hall asked “Any questions from fellow commissioners? What we want to do is to try to start with the first ones that were addressed at the first meeting.”

Mr. Bernard stated “Mr. Kyle Brann.” Chairman Hall stated “Tell us generally what Mr. Brann requested.” Mr. Bernard responded “Mr. Kyle Brann had an appraisal done in March 2011. This was a tax foreclosure. His opinion was that the appraisal value came in at \$80,000.00. We found an error in the grade of the house.” Chairman Hall stated “That is one of the things that our attorney mentioned that we could make a correction on because of an error.” Mr. Ferrell added “That is correct. An error in the application of the schedule is the grade error.”

Commissioner Travis asked "Was this error made at the last reval?" Mr. Bernard responded "Yes, sir. They had a fee appraiser that went inside the house. We did not. We just do the outside perimeter." Chairman Hall stated "Let's just be clear on what Mr. Travis just asked. He asked was the error made when the last reval was done. You said that was right but we normally do not go inside so how did we make the error?" Mr. Bernard responded "I don't know. The reval company put the grade on there. They may have put it on there incorrectly. Probably we needed to visit the inside as well. I did not visit the property." Chairman Hall asked "Again can you determine from the outside the correct grade?" Mr. Bernard responded "Most of the time you can unless there is a lot of nice construction inside. That all depends on the person that builds the house or remodels it." Chairman Hall asked "In the grade scheme, how many ups and downs was this?" Mr. Bernard responded "It was a C+5 down to a C."

Commissioner Travis stated "This was a \$50,000.00 mistake." Mr. Bernard responded "No, sir. It is about \$5,000.00." Commissioner Travis continued "But to do a reval on the house and to do it a hundred percent right you would need to do the inside and outside and all." Mr. Bernard responded "To get a fee appraisal like that yes. That is the best way to do it." Chairman Hall stated "But that has not been our practice." Mr. Bernard responded "No, sir. Counties do mass appraisals, they do not do fee appraisals." Chairman Hall asked "Is everybody clear on this one?"

Commissioner Satterfield stated "Mr. Chairman I am clear on it but I don't understand why there is an error. If we are talking about what is on the inside of the house is where the error is at and our appraisers do not go on the inside of the house then no one made an error. He has had another appraiser come in and that appraiser has appraised the house for less money due to the condition of the inside of the house but an error was not made on our reval people's part in my opinion. I don't see how we can reduce this because it is not an error that has been made."

Commissioner Battle asked "This gentleman did not purchase this property until 2011 correct?" Mr. Bernard responded "Correct." Commissioner Battle continued "This happened before the revaluation." Mr. Bernard responded "It happened during the revaluation. The difference in the error happened during the reval." Commissioner Battle stated "This property owner did not have the property during the revaluation." Mr. Bernard responded "He had this property appraised by his appraiser in March of 2011."

Chairman Hall stated "In keeping with what our attorney said we have to go back to the 2008 values. The issue then is the error and whether or not an error was made."

Commissioner Satterfield moved, seconded by Commissioner Lucas that no change be made in the value of Kyle Brann's property. The motion carried unanimously.

Mr. Bernard stated "The next one is Mr. John Hosking, Jr. He had an appraisal done in July of 2010. We recommend no change."

Commissioner Carter moved, seconded by Commissioner Travis that no change be made in the value of John Hosking, Jr.'s property. The motion carried unanimously.

Mr. Bernard stated "The first one for TAB Hyco is Tax Map 139, Parcel 8. This is the one where we made an error. We had the docks assigned to the property." Commissioner Carter asked "You said the tax department made an error?" Mr. Bernard responded "Yes, sir. During the reval they had one big parcel and he subdivided it out. Those docks were put on the individual lots and he was being double taxed on those. We had to go back and release them off of this parcel." Commissioner Battle asked "Just to make sure that I am clear. The total value at the top \$192,685.00 that is what we had it at in 2008?" Mr. Bernard responded "Yes, sir." Commissioner Battle continued "He is saying it should be \$28,000.00 and we are making the recommendation to make the value \$47,250.00?" Mr. Bernard responded "Yes, sir." Chairman Hall stated "Again for clarity, we had ten docks included on this property that should have not been. It should have been listed on other properties." Mr. Bernard responded "Yes, sir. In fact they were."

Commissioner Satterfield moved, seconded by Commissioner Carter to accept the assessor's recommendation of \$47,250.00 on Tax Map 139 Parcel 8.

Commissioner Battle stated "I guess I am confused. Maybe I don't have all the information. To go from \$192,000.00 to \$47,250.00. I guess I just don't get it." Mr. Bernard responded "This lot has water access and it has a view but it does not have all of this acreage on the water." Chairman Hall asked "Is that value comparable to other values on the lake?" Mr. Bernard responded "I think so."

Commissioner Travis asked "How much are the docks worth?" Mr. Bernard responded "I would say the average is \$17 – \$18,000.00 and they were moved to other parcels." Commissioner Lucas asked "Are these lots currently on the market for sale?" Mr. Bernard responded "Yes." Commissioner Lucas asked "What is the market value?" Mr. Berry responded "The asking price is \$200,000.00 but they have not been sold." Chairman Hall stated "I think the issue is, at least in my mind, the question is, are they comparative in 2008 with other lots of similar character? That is the only thing we can deal with. So in 2008 we would have had \$47,000.00 on this lot?" Mr. Bernard responded "Yes, sir."

Upon a vote of the motion, the motion carried by a vote of four to three with Commissioners Battle, Lucas and Travis voting no.

Mr. Bernard stated "The next one is Tax Map 139, Parcel 77. We recommend no change." Commissioner Battle asked "Mr. Bernard, why are you recommending no change on this property?" Mr. Bernard responded "We did not see anything wrong with the value. We did not see any errors in the values."

Commissioner Carter moved, seconded by Commissioner Satterfield to accept the tax assessor's recommendation of no change to the value on Tax Map 139, Parcel 77. The motion carried unanimously.

Mr. Bernard stated "The next one is Tax Map 139, Parcel 67. The value rate was \$163,080.00. Ms. Dailey looked at this and she recommended a change in the land value to \$107,200.00 because of the water access." Chairman Hall asked "Has the water access changed since 2008?"

Mr. Bernard responded "I don't think so but I don't know." Commissioner Satterfield asked "What kind of an error was this Mr. Bernard? Was it just an oversight on our part?" Mr. Bernard responded "From our evidence, from the reval evidently so. She said it was the water access." Chairman Hall stated "Let me make sure that I understand. In 2008 when we did the assessment it was recorded as water accessible?" Mr. Bernard responded "Right." Chairman Hall continued "But in fact it was not." Mr. Bernard responded "It does access water but the water, I think, is shallow and not accessible to the lot in there. That is what she was telling me." Chairman Hall asked "My question was did that change from 2008?" Mr. Bernard responded "Mr. Berry seems to think it did not." Mr. Berry added "On that particular lot it shows the lake up to the land. That is a small creek. There is no boating access to that lot." Chairman Hall asked "My question again Mr. Bernard is did someone not go and look at that?" Mr. Bernard responded "I cannot answer that question because the reval was doing it. They should have. That was Pearson Appraisal who did that." Commissioner Travis stated "In 2008 when we had the reval the value was fine. I understand it was bad but two years have gone by and no one said one thing." Mr. Ferrell stated "Mr. Bernard if I could clarify. The change you are suggesting is that because it is a misapplication of the schedule of the values because of the water front. The water frontage property has a higher schedule than this?" Mr. Bernard "Yes and that is what Ms. Dailey determined."

Commissioner Battle moved, seconded by Commissioner Carter to no change in the value for Tax Map 139, Parcel 67. The motion carried by a vote of six to one with Commissioner Satterfield voting no.

Mr. Bernard stated "The next one is Tax Map 139, Parcel 81. The total value is \$133,933.00. This is the same scenario as the last one. Ms. Dailey looked at this and the water access. She recommended the value of \$113,935.00." Chairman Hall asked "Is that the value that would have been recommended in 2008?" Mr. Bernard responded "That is what we think, yes." Chairman Hall continued "We do not know how the appraiser missed this?" Mr. Bernard responded "No."

Commissioner Satterfield moved, seconded by Commissioner Carter to accept the assessor's recommendation on Tax Map 139, Parcel 81.

Commissioner Battle asked "Are we speculating that things have changed from 2008? I have not seen any proof of that. I am just trying to understand. We are going off someone's word. It just feels like we are picking and choosing what we change the values on." Commissioner Satterfield responded "Mr. Chairman what I am basing my opinion on is fact that the owner has chosen to come before the Board of E & R which triggered our appraisers to go down in value on the land. I know that people are just human and I know they can make some mistakes and our assessor says a mistake has been made. It does not make any difference that Mr. Berry has owned it, I don't know how long he has owned it; he may not have realized there was a mistake until this year. He has chosen to come this year before the Board of E & R to get the mistake corrected. I imagine we could look at some others that Pearson Appraisal has done and probably find some other mistakes that were done during the appraisal process."

Upon a vote of the motion, the motion failed by a vote of one to six with Commissioner Satterfield voting yes.

Commissioner Battle moved, seconded by Commissioner Lucas to recommend no change in Tax Map 139, Parcel 81. The motion carried by a vote of six to one with Commissioner Satterfield voting no.

Mr. Bernard stated "The next one is Tax Map 139, Parcel 79. That came in at \$157,462.00. We recommend no change."

Commissioner Satterfield moved, seconded by Commissioner Travis to accept the assessor's recommendation of no change on Tax Map 139, Parcel 79. The motion carried unanimously.

Mr. Bernard stated "The next one is Tax Map 139, Parcel 69. That came in at \$117,150.00. We recommend no change."

Commissioner Battle moved, seconded by Commissioner Jefferies to accept the assessor's recommendation of no change on Tax Map 139, Parcel 69. The motion carried unanimously.

Mr. Bernard stated "The next one is Tax Map 139, Parcel 72. That came in at \$134,332.00. We recommend no change."

Commissioner Jefferies moved, seconded by Commissioner Battle to accept the assessor's recommendation of no change on Tax Map 139, Parcel 72. The motion carried unanimously.

Mr. Bernard stated "The next one is Tax Map 139, Parcel 74. That came in at \$150,206.00. We recommend no change."

Commissioner Jefferies moved, seconded by Commissioner Travis to accept the assessor's recommendation of no change on Tax Map 139, Parcel 74. The motion carried unanimously.

Mr. Bernard stated "The next one is Tax Map 139, Parcel 68. That came in at \$131,986.00. We recommend no change."

Commissioner Lucas moved, seconded by Commissioner Jefferies to accept the assessor's recommendation of no change on Tax Map 139, Parcel 68. The motion carried unanimously.

Mr. Bernard stated "The next one is Tax Map 139, Parcel 70. That came in at \$160,030.00. We recommend no change."

Commissioner Battle moved, seconded by Commissioner Travis to accept the tax assessor's recommendation of no change on Tax Map 139, Parcel 70. The motion carried unanimously.

Mr. Bernard stated "That is all I have from the first meeting."

Chairman Hall stated "Now we need to see how to move forward on Rainbow Day Care."

Mr. Bernard stated "This application is for an appeal of value. What I would like to see is for me to meet with Reverend Dickerson and have them do an application for an exemption. Have that properly filled out and get copies to the attorney and to the Board and the reason for the late application. Is that correct Mr. Ferrell?" Mr. Ferrell responded "I would agree with nothing else before you the applicant's burden of approving the compliance with the exclusion it may not very well pass judicial scrutiny. So in my mind the options in front of the Board are to deny what is front of you or to request additional information in support of the application for exemption. It is important to keep in mind that the public hearing notice said that the Board of Equalization and Review would be in session and that the meeting would last until this meeting. So to the extent that the Board of Equalization and Review is going to continue on passed the third Monday after it adjourns it has to decide to do that for some reason such as receiving additional information and additional public notice of the continuation will have to be made." Mr. Bernard stated "If they are not appealing value and they are just doing the application that will still have to come before the Board of E & R? Can it come before the Board, itself?" Mr. Ferrell responded "It can also come before the Board of Commissioners, if you should want to do that. The commissioners can also accept a late application. That is technically correct. To the extent if you wanted to approve a late application as sitting as the Board of Commissioners you can adjourn the Board of Equalization and Review. You can take a look at that application sitting in your normal capacity of the Board of Commissioners."

Commissioner Battle moved, seconded by Commissioner Lucas to recommend that the Cedar Grove Missionary Baptist Association Incorporation bring back an application and information in support of the tax exemption they are trying to prove.

Commissioner Lucas asked "Does this continue that we will continue as the Board of E & R?" Mr. Ferrell responded "I think the Board, itself, needs to make that decision. I think you could as the Board of Commissioners approve a late application sitting as the Board of Commissioners or you could keep the Board of E & R open to finish this particular issue but I don't think you have to. You can address it sitting as the Board of Commissioners." Mr. Bernard added "You can close the Board of E & R and sit as the Board of Commissioners." Chairman Hall asked "Strategically or tactically does it make a difference to this Board?" Mr. Ferrell responded "I think it would make a difference because of the reasons I just explained. The public hearing notice indicated that the board would adjourn tonight and to the extent that it does not adjourn tonight a new public hearing notice would need to be filed. That would of course extend the time in which people would have to file appeals and come before you with additional information on matters that have not been decided so those may or may not be factors that the Board may want to consider."

Commissioner Travis stated "I still think we need to handle what is in front of us tonight. I know what the attorney said but this needs to be settled. Every time we cut money we are cutting our tax base." Chairman Hall stated "Further clarification, we have to make a decision on how we want to proceed. We have a motion on the floor to take an action. Do we make the decision on how we want to proceed first or the motion on the floor to take action?" Mr. Ferrell responded "What is before you regardless of what form is filled out it is an application for exemption. That is what is before the board." Chairman Hall stated "I am not addressing what is before us, I am addressing whether or not we should end this meeting and deal with whatever comes back as the

commissioners. Then I will address Mr. Travis' question." Mr. Ferrell responded "I think that Mr. Travis has a point. There is an application of some type pending before you tonight as the Board of Equalization and Review. This is the way in which the applicant chose to present that to you. So to the extent that we talked about earlier no action is in fact no action. Some action should be taken. The application can be withdrawn if that is the applicant's desire and resubmitted at a later date. There are different ways that you can handle this. To the extent that you want to know from me what I suggest?" Chairman Hall responded "No, I just want to know the order." Mr. Ferrell responded "I think it is up to the Board what the order is." Commissioner Travis stated "I still think we need to handle this first then if you want to do the motion that is fine. This needs to be handled first then we can move on to something else." Chairman Hall responded "I understand but what I was trying to get from counsel is we cannot stop in the middle of a motion. That is why I asked him that. I agree we need to handle this." Commissioner Satterfield stated "Mr. Chairman the motion that was made will not have any effect on whether we adjourn this or whether we continue this E & R board. His motion is for them to bring another application."

Chairman Hall stated "We have a motion on the floor for the Cedar Grove Association to complete an application and to get it back to this board is that correct?" Commissioner Battle stated "That is correct." Mr. Ferrell asked "Which board?" Commissioner Travis responded "County Commissioners." Mr. Ferrell stated "I think it is important to clarify whether it is the Board of Equalization and Review or the Board of Commissioners." Commissioner Battle amended this motion to bring it back to the Board of Commissioners.

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

Commissioner Travis moved, seconded by Commissioner Lucas to accept the tax assessor's recommendation of no change. The motion carried by a vote of six to one with Commissioner Jefferies voting no.

Chairman Hall stated "The tax assessor has nothing else on his agenda. Is there anyone in the public that would like to address this board before we close this session?" Chairman Hall closed the Board of Equalization and Review.

Commissioner Satterfield stated "Mr. Bernard I know the application is forthcoming from Cedar Grove. I would like to know, if any in Caswell County, if there are other 501C3s that are currently paying county taxes or are tax exempt. I am not asking you to answer that tonight but I would like that information." Mr. Bernard responded "If I can help Reverend Dickerson with this application, I know you had an attorney at one time helping you. If they will complete this application and return it to us we will distribute it accordingly."

#### RECESS

The Board held a brief recess.

## CDOT's RE-BRAND OF SERVICE NAME

Ms. Melissa Williamson, CDOT Director, came before the Board to seek approval to change the name of the county's transit system.

Ms. Williamson stated "The reason that I have come before you tonight is I had it put in your packets back in October where I brought the Community Transportation Service Plan that one of the things that was discussed is that we were looking at rebranding and changing the name of our transportation system. A couple of reasons for that is one when we were doing the CTS Plan it was one of the recommendations of NCDOT and a group that was involved in preparing the five year plan. That was one of the suggestions that was made to help people know that we are more of a transportation service because a lot of people confuse us with DOT, with the highways, the roads and that sort of thing. We have had numerous calls, myself and Ms. Rainey, in a month just from people calling to talk about drain pipes. Even 411 when they call information for the DOT's number, they give them our number. They are even getting that when they call information, they are being referred to us. That was one of the big reasons that they said we should look at changing the name of the service. Another reason is if this many people have this much confusion about it how many other citizens out there maybe do not realize what we do. They see the vans of course they know we are a transit system but if we kind of look at rebranding and changing some of our literature, our brochures, promotional items, even in our advertisements in the paper maybe if they see transportation system there they would be less confused and that we are not tied in with DOT. We have, like I told our TAB board, in the CTSP it states the process of creating or selecting a new name would be undertaken by a local transit advisory board. At our last meeting on April 29<sup>th</sup> the TAB agreed to change the name of our transit system to the Caswell Area Transportation System. The reason that we went ahead and discussed that before the board at this time is we have received one of our new replacement vehicles and we have another that should be here within a month. I have to have those vans lettered within thirty days of receiving them, no later than June 30<sup>th</sup> because the funding that I have to do this with has to be spent by June 30<sup>th</sup>. I thought this would be a good time to change the name since we have new vehicles that have come in because last year we did not receive any. This would be a good time to start using the new name by putting it on the vans. If for some reason it is not agreed upon to change our name then I will have to put CDOT on them because I have to have them lettered technically within in thirty days after receiving them. I had also put in my budget for the upcoming fiscal year we are looking at redoing our brochures and this would be a great time since we are redoing our brochures if we were going to change our name so we could have all of our new information in the brochures. We have money in there for promotional items. This is money that we get from the state. This would be a good time to start rebranding our service. Even when we were doing our Safety Compliance Review they actually had us down, I even have a copy of that, as Caswell Area Transportation System and you can see where the inspector went in and marked out Division of Transportation because he actually thought that I had submitted to him part of our County DOT plan. I had to explain to him that we had always been known as CDOT for the past ten years. The reason that CDOT came about was back in 2000 and really before then, that is when I started with CDOT was September 11, 2000, but before myself and Ms. Rainey even came on board with CDOT discussion was already being made as to what the system name was going to be. Joe Wright has stated that the NCDOT at the time told him that we could not use that name, we could not use Caswell Area

Transportation System. A lot of people have changed at NCDOT and I was not involved in that process when the name was selected for CDOT. I talked with our mobility specialist and with the SSP planner that we have and they said that there was no reason why we could not use this name. Most other transit systems, like I put in here, like Person County they use PATS (Person Area Transportation System). Rockingham County uses RCATS (Rockingham County Area Transportation System). Most counties use their county name and have transportation in the name. This is something that we would like to do. This would meet one of our goals as well in our CTSP plan that we are looking to rebrand our service. We have the funds there that we can put into promotional and to get awareness out to the public. That is not an issue as far as letting people know that we are making this change. That is what I am bringing before you tonight. Like I said the Transportation Advisory Board has already agreed upon that they would like to see us move to this new name. I am bringing it before the commissioners tonight to see what your pleasure would be as far as our transit system's name."

Commissioner Battle asked "Ms. Williamson do you have a plan to re-letter your other vans?" Ms. Williamson responded "That is one thing that we discussed with our advisory board. No one would believe how awful it is to take the lettering off of those vans. We end up doing it ourselves when we get ready to sell it. If we had to do that we would have to take and I even asked Sign Graphics who does the lettering on our vans and they said it would cost more to take the lettering off than it is to put the lettering on. The vans depending on the size usually range from three hundred to three hundred and fifty dollars to letter the vans." Chairman Hall stated "To answer his question you are not going to reletter those vans." Ms. Williamson responded "What we had discussed is as we got the new replacement vans that we would start putting the new names on those. I know that if that is something that you all do not agree upon that is something that we can look at. There will be additional costs to us to have to take the lettering off the rest of the fleet. Commissioner Battle asked "How often do you get new vans in?" Ms. Williamson responded "Next year we will be getting two more." Commissioner Battle stated "Okay let's back up. How many vans do you have not counting the vans you are getting ready to get?" Ms. Williamson responded "We have ten." Commissioner Battle stated "So when you get two more that will make twelve." Ms. Williamson responded "No, the two that are in the system now are replacements. It will still be ten. Then next year we will be getting two more. That will be four new replacements. They have to get one hundred thousand miles on them. Say for example this October 1<sup>st</sup> they have to have one hundred thousand miles on it to be in the upcoming fiscal year. You still will have them for another year after you have asked for them to be replaced. We do have two more that we will be replacing for sure next year." Commissioner Battle asked "So roughly four or five years?" Ms. Williamson responded "Correct. It could take that long yes."

Commissioner Lucas asked "The rebranding campaign would be funded by PTD, what is PTD?" Ms. Williamson responded "That is the Public Transportation Department of the North Carolina Department of Transportation. That is where we get our funding from now for the grants. They give us the money for our advertising, brochures, lettering of the vehicles. They will help us with the rebranding." Commissioner Lucas asked "Is there a specific grant for that or is this just money left over from grants? You have enterprise funds I know. The PTD is your enterprise money, right?" Ms. Williamson responded "No, they are two separate things. PTD is grant monies that we receive. We always ask for money for promotional items and advertising. Every

year I ask for that and every year we have always received those funds. With the brochures we can use some of this advertisement money as well. Then our enterprise fund is a separate pot that we can use.” Commissioner Lucas asked “How much money is in your enterprise fund?” Ms. Williamson responded “It is a lot. Gwen, do you know how much we have now?” Ms. Gwen Vaughn, Finance Director responded “In unrestricted there is five hundred thirty-four thousand six hundred twenty-eight (\$534,628.00) dollars.”

Commissioner Travis moved, seconded by Commissioner Jefferies to approve the changing of the name of the Caswell County Transit System and to allow the lettering on the vans to be changed with the new vans.

Commissioner Battle asked “How does that affect your uniformity? You have one van going around with one name and then you have another van with another name. From your standpoint how does that affect you?” Ms. Williamson responded “Well most of our riders that we have and the agencies that we work with for about eleven years now, I don’t think the CDOT part will be difficult to get them to know our new name. The drivers will be getting new uniforms with the new name on them and that will be paid for through the grants that we do every year. I don’t think it would be as much confusion as the CDOT if we get it out there and let the people know the new name that we are going to be using.”

Chairman Hall stated “I disagree with not changing the name on the vans now. We are looking at four to five years. When you look at four to five years with driving around with two different names at the minimum to me it does not look professional. It is alright to say we are saving money but there are some things that are worth more. Our image is worth more than two or three different vans saying one thing and two or three different vans saying another.” Ms. Williamson responded “Could I point out just one thing. If we do that this is one of the things that I was looking at. I would not be able to get funding from the state to be able to go back and re-label existing vans that have already paid for to letter. We would have to use our enterprise funds to be able to do that. I did not ask for that in our upcoming fiscal year budget but I am sure there will probably be enough money there but I am not for sure. We would have to pay to have the lettering removed and then pay for the re-lettering for the current fleet that we have.”

Commissioner Carter asked “When the vans are replaced where do the vans go?” Ms. Williamson responded “One of the vans will be going to the county. We are just waiting on the title work for it. The others will go to state surplus.”

Upon a vote of the motion, the motion carried by a vote of six to one with Chairman Hall voting no.

Commissioner Battle asked “With this name change do you have everything in place associated with that. Are you going to change it on the website and where ever you have your name listed?” Ms. Williamson responded “Yes, our name will change with the approval of this Board there will be no problem for me to be able to do that now.” Commissioner Battle added “You have the funds available for all of that?” Ms. Williamson responded “Yes.”

Commissioner Carter asked “The money that you will have left over is that state money or county?” Ms. Williamson responded “That is our enterprise money. It does not go to the state. That is our capital. Most of the state monies get utilized.”

#### HYCONEECHEE REGIONAL LIBRARY SYSTEM PLAN OF DISSOLUTION

Ms. Rhonda Griffin, Library Director, came before the Board to seek approval on the Hyconeechee Regional Library System Plan of Dissolution.

Ms. Griffin stated “Good evening. I brought a plan of dissolution before the Board. As we expected in April the Department of Cultural Resources did pass the new guidelines governing regional libraries in the state. Our regional library system does not meet and has not met the guidelines that were existing. With the new guidelines being passed we are being looked at. We would have to change the way we are organized in order to meet the new guidelines to continue to get the state aid or we can dissolve. We met with the state library and the three directors of the three libraries have met. One of the guidelines required is that we get a fiscal agent that is not a part of any of the counties. Currently Orange County’s fiscal agent serves as the Hyconeechee Region’s fiscal agent. This additional cost would offset the money we would lose in state aid as an independent county. It would actually be more to remain a regional library than it would to be a separate county library. We would also lose control. We would be reorganized and managed centrally instead of being part of a county department. I brought the plan of dissolution before you. Person County has approved it and signed it. The Hyconeechee Library Board signed it on April 13<sup>th</sup>. I am asking for approval from this Board so it can be sent to the Department of Cultural Resources and the State Library.”

Chairman Hall stated “When we talked about this before we asked for some assistance from counsel.” Mr. Ferrell responded “You did. I had questions in to the director about the plan of dissolution which calls for an application of the assets and liabilities of the existing entity so the Board would have that information to make a decision. There are written materials in your agenda packets tonight that address each of the questions that I posed directly to the director. I think that my questions have been addressed particularly and this information is before you. You see the plan, if you will, that divvies up the two assets, all two of them, and you also see that each county is responsible for its share of the liabilities and there were very few of those in the materials. That is the information that I had requested specifically.”

Commissioner Carter stated “I am on the Library Board. You might want to explain that even though we are going to dissolve that we are still going to use the library system.” Ms. Griffin responded “We are still going to share, one of the two assets we have is, the automated system. We will still share that. It is almost like a divorce. We will turn in our separation papers this June and we will have a year to get our affairs in order. In June of next year we will become our own independent library. At that time we will be able to continue to use the automated system for another year after that. That gives us two full years to figure out what we are going to do with our automated system. Orange County will keep the server but we will be able to use it and the services of the system administrator for two years. There are a couple of options. We can buy our own server, the estimate is about twenty thousand (\$20,000.00) dollars and we have half of that in a reserved fund. That is the only initial cost that there will be with dissolving the

region. After that we will probably end up five to eight thousand dollars less as a region but that is still less than what it would cost if we would stay as a region.

Commissioner Satterfield moved, seconded by Commissioner Jefferies to enter into a contract with the other counties for the plan of dissolution for the Hyconeechee Regional Library System. The motion carried unanimously.

Chairman Hall stated "I have a request for Ms. Griffin and our County Manager. If you all would develop a written reorganizational plan for this Board so we can start working on the reorganization formally. Can we do that by July?" Mr. Howard responded "We can have this by the second meeting in July." Chairman Hall stated "Just a written plan so we will a basis to start with."

#### REDISTRICTING UPDATE

Mr. Ferrell stated "I will begin. As we discussed briefly at a prior meeting the county is now looking at the redistricting issue in light of the 2010 Census that the constitution of the state of North Carolina and federal laws dictate a "one person one vote" requirement when you have a district election system, which this county does. In those incidences when new Census data comes out you have to compare your existing voting districts with the new Census data and see where your numbers fall out. Preliminary data from the Council of Governments, who has been working with us in compiling this data, indicates that there have been some changes in population, not surprisingly, over the districts over the past ten years. So the question then becomes how extensive are the differences and does the law require that the districts be altered as a result of the new data. There is essentially a ten percent rule that the courts have established to decide when a jurisdiction is entitled to a presumption of compliance with the one person one vote mandate. That essentially requires the counties to take the total population and divide it by the number of voting districts to give you an ideal district population. You then take the high outlier and the low outlier and you take the percentage of differential between those two the high and the low outliers and if the addition of those two percentage outliers is greater than ten percent the jurisdiction, according to case law, is not entitled to the presumption that its districts are in line with the one person one vote principle. That is the general idea of what we are doing in this initial review of the Census data in the existing districts. You have some data in front of you tonight that has been put together to help determine where the existing districts sit. We are running the calculations now. My personal calculations, again I am no math major, we are looking at a twelve point eight five (12.85%) percent change in population. When you apply the ten (10%) percent rule we are looking at about 12.85% so we are higher than the ten percent rule. That necessitates some redistricting in the county. The County Manager and the Planning Director and our statistician, if you will, from the Council of Governments have been working on what needs to be done and some of that is in front of you tonight for your initial review. There is more work to be done here as well."

Commissioner Carter asked "Who decides?" Mr. Ferrell responded "The county commissioners make the decision ultimately about whether to redistrict and what the districts should be. I think you see some draft maps in front of you tonight. These are just initial attempts to try to get a handle on what the shifting may or may not look like but of course it will be the commissioners

decision ultimately as to where the lines are in the new districts. Now I will say, Caswell County is subject to the preclearance requirements of the Voting Rights Act so that means whatever districts that the commissioners choose to redraw will have to be delivered to the Attorney General's office and the United State's Attorney General for preclearance before they can actually be implemented. The commissioners decide but it is subject to preclearance."

Commissioner Carter asked "Do you have to change?" Mr. Ferrell responded "Do you have to change? Again that comes down to the presumption of compliance of the one person one vote dictates and again if your change is such that you are beyond the ten percent mark and my personal calculations show we are at about twelve percent, that means you lose the presumption of validity under that and so given that lose of presumption my recommendation would be you want to have that benefit of presumption otherwise you are subject to challenge, the districts are subject to challenge. So do you have to? That is a decision that this Board is going to make but I think the presumption is important." Commissioner Carter asked "Is it 12% more or 12% less?" Mr. Ferrell responded "It is not a 12% more or less. It is a mathematical equation, the result of which is a number that equals more or less than ten percent and depending on where you fall out in that equation you lose the presumption where you are entitled to presumption that your districts are in compliance after the new Census data."

Commissioner Satterfield asked "Mr. Attorney I have a question. You said, I heard you remark several times, Caswell County is this a compliance thing throughout the state of North Carolina or is this unique to Caswell County?" Mr. Ferrell responded "No, sir. You will notice that the state legislature is currently in the process of redistricting this year, same reason. I am following the Wake County School Board redistricting process which has been interesting to date. They are in the same process as well. So no, any jurisdiction that uses a certain kind of district elections like we have in Caswell and many districts and boards and localities and cities and towns and counties and state government do use districts. When you do you have to take into account this Census data. This is not unique, preclearance is somewhat more unique, but this redistricting based on Census data is not."

Commissioner Satterfield stated "We went from a system when I first got elected where we filed in a district but we ran countywide." Mr. Ferrell responded "Yes, sir." Commissioner Satterfield continued "And that changed. But there are still some counties, I assume, that still do that?" Mr. Ferrell responded "That is correct. Some do." Commissioner Satterfield added "And they have to have a plan?" Mr. Ferrell responded "No if you are at-large everybody gets to vote for anybody that runs. So you vote in a precinct district so for that purpose there is districts but if you are at-large voting, you have two at-large now. You have five districts and two at-large right? So what I am talking about is the five district lines. The two at-large everybody in the county gets to vote for." Commissioner Satterfield asked "What if we had seven at-large?" Mr. Ferrell responded "If you had seven at-large you would not be in this position. But let me tell you how you got to where you are. You are where you are because in the late eighties a lawsuit was filed by the NAACP against Caswell County. As a result of that lawsuit there was a consent order agreed to by the parties and entered into by a federal district judge. During that lawsuit process is when this change that you are talking about occurred. It was a direct result of the order within this lawsuit whereby the county changed from an at-large voting scheme to this

district process. That was a direct result, from my research, of this lawsuit that was filed in this consent decree that ultimately approved the districts.”

Commissioner Lucas asked “What year was the lawsuit?” Mr. Ferrell responded “The final judgment in that case was entered into on August 4, 1989. The case file number indicates it is a C86 which leads me to believe that this case was maybe brought as early as 1986 but the final judgment order was entered into on August 4, 1989.” Commissioner Lucas continued “I guess my next question would be to go back to an at-large system though is that possible?” Mr. Ferrell responded “A couple of things happened as a result of this lawsuit. One the scheme went from an at-large system to a district voting. Now in order to get there you had to get legislature approved, local legislation approved by the General Assembly to give you the authority to change to this district scheme. Now you are under legislation that drew the initial district boundaries so that is what you are working under now. The legislature, however, understands the fact that new population data comes out and new districts have to be drawn so they have given counties the authority to modify their districts in accordance with balancing out population. So there is legislation that dictates how the districts were originally drawn in Caswell County and spells out the fact that there will be district voting. So to the extent that you want to change back you will have to get more legislation.”

Chairman Hall stated “Thank you for that report. I do need to ask staff at some point we probably need to have a work session on this because we have these maps and we have questions, I am sure, so we need to decide when we want to talk about it in detail page by page. Fellow commissioners we can lengthen one of our regular meetings or call a meeting on another day. Any thoughts on that?” Commissioner Lucas asked “Will we have the COG representative here? I know in 2000 when this was done they gave a presentation to the Board.” Mr. Howard responded “Yes, they will be here. Probably what we will do is similar to 2000 is we will have to have options in here so the Board can look at them and review the changes in districts. We are actually going to a redistricting seminar on Friday to get some of our questions answered and to help us with the process. The School of Government is putting one on this Friday.”

Commissioner Lucas asked “On the map for Option 1. Is there any way that the Option 1 map can look like the Option 2 map?” Mr. Howard responded “I did notice that. I have made a note to have her do that.”

Commissioner Carter stated “I am looking at the maps but I still do not know what is what.” Mr. Howard responded “What we can do is break each district into its own map possibly and have the roads on there so you can better tell when we do that. We are just trying to show you where we are at and to answer any questions you may have.”

Commissioner Satterfield stated “Mr. Manager when ya’ll look at this thing and I am looking at Option 2 is someone from the Board of Elections going to be with us at that meeting so we can determine where these people are going to be able to vote? We have some voters right now that are disenfranchised in Caswell County. They are having to ride twenty to twenty-five miles and go right pass some voting places to get to where they have to go. That probably needs to be corrected because these old folks are not voting. I have talked to them simply because they are not going to ride twenty or twenty-five miles when typically they used to vote two miles from

their house. They drive right passed that and go to Pelham through Providence to get to a voting place.” Chairman Hall stated “Before he responds to that, these are some issues that you all can raise when you go to the School of Government. The redistricting lines will not be determined by how close people have to go to vote. That will not be a driving issue. We do not necessarily need to expound on that but be aware of that when you go to class and you can ask and make sure that we have a suitable response if I am wrong. If I am not wrong, then a rationale. Is there any other issues that we need to bring up to staff?” Mr. Howard stated “Just one comment so that you will know, the maps you have were done not affecting the voting districts. So the voting districts will not change based on the maps you have before you right now. Each person would still stay in their voting districts.” Chairman Hall stated “Some people have to drive further than others and that is what he was saying we needed to address but we have to start with the districts if you cannot move the precincts .” Mr. Howard responded “I meant to say precincts, that is my fault.”

Commissioner Travis asked “Is it possible to have a voting place moved from where it is at?” Chairman Hall responded “It is possible if we get a preclearance from the federal government.” Commissioner Travis continued “The reason I say that is the one in Casville. It is dangerous to have to back your vehicle. That is a dangerous place sitting on that hill. We used to be able to go to any voting place to vote and it would be voted in your district. It is like some people in my district come to Yanceyville, it is a very few so if you cannot do it in other places how can you do it over here.”

#### CDOT/EMS CONSTRUCTION PROJECT

Mr. Sam Hamlett, Maintenance Director, came before the Board to seek approval on the RFP’s for the CDOT/EMS Building Expansion.

Mr. Hamlett stated “Good afternoon. What I am bringing before you tonight is the reopening of the bids for the EMS/CDOT addition and renovation to the inside. You have a list of the contractors that were notified. The reason this was reopened for bid was for minority purposes. I went into the Contractor Services Web base and I had Ms. Williamson to help me with this. It gave me a list of contractors which are on the DBE which is the Disadvantaged Business Enterprise. It has the small professional services, the minority business enterprise, the women’s business enterprise and small business enterprise as well. I called the list of contractors, I called each one of them and I gave them my email address. Some I was able to actually speak with and I gave them my email address personally. The others I left messages on the answering machine telling them if they were interested in the project. I also told them I had the drawings or blueprints on an electronic file. If they would email me back I could attached this for them. I gave each of them seven days to respond. I wrote down the times and dates that I contacted them beside each one that I contacted. A couple of them were not interested. I did get some responses back. I sent out seven electronic files to minority and female contractors throughout the state. I gave them the date that the bids would be closed. I ended up with four bids. You have the list in front of you of the minority and female contractors that I contacted. I also contacted the previous bidders that bid on it prior to me having to reopen it. One of them was not interested in it and two of them were. I have those as well.”

Chairman Hall asked "Mr. Manager or Mr. Hamlett would you summarize and explain what actions you would like for this Board take." Mr. Howard responded "We would ask the Board to take the low bid for two hundred and twelve thousand (\$212,000.00) dollars. He is a qualified contractor. The reason is we started this process a couple of months ago to separate the two departments." Chairman Hall stated "I understand that part. Summarize what happened. So what happened is we rebid and we got several other people that were interested. Some bid and some did not and this bid that you are bringing forth is the low bid." Mr. Howard responded "Yes, sir and it meets the requirements."

Commissioner Satterfield asked "Sam and Mr. Manager, what is the standard warranty on work like this?" Mr. Howard responded "One year." Commissioner Satterfield continued "Will you hold money back, a certain amount?" Mr. Howard responded "We will not hold it back for a year. We will have warranties on the stuff that is installed, the manufacturer's warranty. The construction warranty is for one year." Chairman Hall stated "You said that is a construction warranty of one year?" Mr. Howard responded "Yes. Some of the components such as the HVAC installed and roof for the addition will have a manufacturer's warranty which could be twenty years, ten years or five years depending on the product. Commissioner Satterfield asked "Who is going to look after the construction of this building?" Mr. Howard responded "Sam will and Woodrow will be the building inspector."

Commissioner Jefferies asked "Did we pay someone with Quality to be the construction supervisor?" Mr. Howard responded "They had a construction supervisor as part of their contract. Commissioner Jefferies asked "Is this a part of this contract?" Mr. Howard responded "It is not a part of the contract because of the size of it."

Commissioner Battle asked "Where is this money coming from?" Mr. Howard responded "CDOT's fund balance. Most of the addition is for CDOT." Commissioner Battle continued "So if most is there where is the least coming from?" Mr. Howard responded "We have money in the EMS budget this year to do that."

Commissioner Lucas asked "Do we have to get any type of DENR permits in place before this starts?" Mr. Howard responded "No it is less than one acre." Commissioner Lucas asked "That is the criteria?" Mr. Howard responded "Yes, ma'am for erosion control." Commissioner Lucas continued "I know there was an erosion problem there already." Mr. Hamlett responded "The back part of it will be taken care of during the expansion. They will actually grade that area and put a retaining wall and all the drain pipes will be buried." Commissioner Lucas asked "I guess my other question is if we are going to expend this money out of the CDOT enterprise fund will that affect our overall fund balance?" Mr. Howard responded "It will not affect the general fund balance at all. The enterprise fund stands on its own." Commissioner Lucas asked "Is that not taken into a total financial picture?" Mr. Howard responded "No, ma'am. The LGC looks at our general fund by itself. We have to have a certain amount in that. They look at each enterprise fund separate from that." Commissioner Lucas stated "This is for general information purposes for a county with our population the average fund balance should be 22.59% as of today it is 20.52%. So just to let the Board know where we are with the overall fund balance." Chairman Hall asked "That is the general fund?" Commissioner Lucas responded "Yes."

Commissioner Carter moved, seconded by Commissioner Satterfield to award the contract to K.O. Builders as the low bidder. The motion carried by a vote of six to one with Commissioner Lucas voting no.

### EMPLOYEE BENEFITS RENEWAL

Mr. Howard stated "You have the same information in front of you that was presented the other night. I think we were asked to make a recommendation and what we had funded in the proposed budget. Option number one is what we funded in the proposed budget and that is our recommendation based on the cost to the county. My first choice, if we had the funding we needed to do these things, based on the increased cost to the county provided would be to go with the other option but at this time I cannot see us doing that. Just so you would know if you were to go with the second proposed option it would take over \$100,000.00 of our budget for next year. The last page is a synopsis of those two options that we looked at the last time."

Commissioner Satterfield stated "Mr. Chairman I did not quite understand what option he recommended." Mr. Howard responded "I am sorry. On the last page you have Option renewal number one as the first one. That is what we have in the proposed budget and that is the option we are recommending. There is an increase but the cost to the county is the lowest in this increase. There is a higher cost for dependent coverage in this plan. That cost to the county is what we looked at." Commissioner Satterfield asked "What is the cost of increase per employee? Is it between ten and twelve percent?" Mr. Howard responded "Yes, sir. It was about ten percent. It is forty-six (\$46.00) dollars a month. It went up from \$431.80 to \$477.89 which is about \$550.00 a year per employee. The other proposal is almost twice that."

Chairman Hall asked "Option one did that include any employee contributions?" Mr. Howard responded "No, sir." Commissioner Satterfield asked "That particular point Mr. Chairman could that be decided during the budget workshop?" Mr. Howard responded "Yes, sir." Commissioner Satterfield continued "Just because we pass option one tonight couldn't we talk about employee contributions during the budget workshop?" Mr. Howard responded "Yes, sir you can." Chairman Hall added "Once we pass this we will start our discussions with staff, will we not?" Mr. Howard responded "That is correct. What they will be coming in for is the dependent coverage. They will know this is the cost for next year." Chairman Hall stated "But they will not know the total cost until we are finished. Once we go out of here tonight and once we have passed something it will be public information. Once it becomes public information staff will know or not know what will happen later. That is my point."

Commissioner Carter asked "What is the difference between United Healthcare and Cigna Health?" Mr. Howard responded "The problem with United Healthcare is they do not have a lot of doctors in this area." Commissioner Battle added "I have it. United Healthcare is nowhere near as good as Cigna for the employees. I have it now and we have employees that have it and there are no in network people around and you have to pay a lot of money because of it. You end up paying the brunt of the bill when you go to get medical services. They may pay ten percent of it if you are lucky." Commissioner Carter stated "I have United Healthcare and it pays great." Mr. Howard responded "It depends on where you go to your doctor. We do not

have as many in the network in Caswell and Danville so it is not as good as somewhere else such as Greensboro. Cigna is not quite as good as Blue Cross Blue Shield.”

Commissioner Battle moved, seconded by Commissioner Satterfield to go with Cigna Option 1 for the Employee Health Insurance. The motion carried unanimously.

## COUNTY MANAGER’S REPORT

### Budget Workshop

Mr. Howard stated “I am just looking for dates to look at the budget for the upcoming fiscal year. Normally in the past we have scheduled two or three work sessions during the day for staff to come if the Board wanted to hear from staff about their budgets. That is up to the discretion of the Board.”

Commissioner Carter asked “Does it have a capital budget?” Mr. Howard responded “The current budget has no capital budget in it.” Commissioner Carter stated “Without that I really do not see a need to meet with the departments.”

Chairman Hall stated “I think we will do this in two parts. We need to have the budget presented to us so we can ask any particular questions up front so we can move forward. We need to schedule a date for the budget presentation by staff. The second part is we need to decide on how we are going to move on dealing with the budget. Over the years there are some that wanted to do line item reviews. I personally do not want a line item review. There may be some things that may need to be discussed about particular departments such as the issue with capital items. I think we do need to discuss this because we do not have a capital budget and we cannot ignore that. So let’s start with the date for the budget presentation. Do we want to do this in a regular session or part of a separate session?” Commissioner Satterfield responded “Separate.” Commissioner Carter responded “Separate because it will be three weeks before we meet again.”

Commissioner Travis stated “One day next week.” Commissioner Battle asked “Is this going to be during the day or in the evening?” Chairman Hall responded “That is the preference of the Board.” Commissioner Battle stated “I can only do the evenings.” The Board decided on Wednesday, May 25<sup>th</sup> at 5:30 p.m. Chairman Hall stated “Have your questions prepared and listen to the staff. Staff is going to make a presentation. Hopefully their presentation will answer our questions.” Mr. Howard responded “If you will give us the questions beforehand we will make sure of that.” Chairman Hall stated “The staff will be prepared to do a quick summary presentation based on what we asked. We will try to stay focused on what we are talking about.”

### Detention Center Update

Mr. Howard stated “The second item is the detention center update. I placed at your places, I just received this today, a financing calendar and this explains where we stand. We initially made bids the end of April. There are ten packages being bid on for the project. Four of those did not have three bids turned in order to open those bids that day. We readvertised and then reopened bids last Tuesday for the four. We had good bids for three of the packages. One

of them the electrical package, which is the electrical for the whole building, we only had one bid. For that bid the estimate was \$550,000.00 it was \$400,000.00 over that estimate. So what, we have time to do this is, if we are going to rebid that one package and accept bids on that prior to the next commissioners meeting. We will give that information to you as soon as we have it. I will get it to you to look at the first meeting in June. Then you can go from there. This is to keep us on a schedule to go for financing in July if the Board chooses.”

#### CLOSED SESSION

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

#### REGULAR SESSION

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

Commissioner Battle asked “How much money do we have in contingency?” Mr. Howard responded “Forty thousand (\$40,000.00) dollars.

Commissioner Battle moved, seconded by Commissioner Travis to pay the settlement in the amount of \$2,000.00 with DENR QS11009 and for it to come out of contingency.

Commissioner Satterfield asked “How much was the fine?” Mr. Ferrell responded “The original fine was for \$3,500.00. The negotiated fine is for \$2,000.00.

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

#### SENIOR CENTER LANDSCAPE CONTRACT

Mr. Ferrell stated that he did not get an actual contract for this work. He stated that he would like to prepare a contract for this work. He stated that he would work with the contractor on this matter. He asked that the Board would allow this and that the contract would be subject to counsel’s final approval. Mr. Ferrell stated that DENR is working with the county in good faith that everything is moving forward. He stated that there was no guarantee that these daily fines will not begin.

Commissioner Satterfield stated that this process has been dragging out for too long. The bid is broken down but the Board should have seen a contract tonight.

Chairman Hall stated that the Board had asked the contractor to get a contract. Commissioner Lucas stated that it was her impression that the county would put the contract together. She asked the attorney if this was correct. Mr. Ferrell responded that this was not what he had seen.

Commissioner Battle asked if the attorney was going to participate in this how? Would the county get their labor back? Mr. Ferrell stated that some contracts take longer to review than to draft them. Chairman Hall responded that this was a good issue. He asked what the Board thought they had asked for. Mr. Howard responded a contract. That was his understanding.

Commissioner Satterfield asked where the contract was for the EMS/CDOT bid. Chairman Hall redirected the question. He stated that Mr. Battle had asked a question on how counsel's bill would be paid. Commissioner Satterfield asked who spoke with Mr. Everett. Mr. Hamlett responded that he did and that he had asked him to give a breakdown. Mr. Hamlett stated that he had asked Mr. Everett for an itemized bill. Ms. Seamster stated that she had actually read the minutes to Mr. Everett on what the Board was looking for which read "Commissioner Satterfield moved, seconded by Commissioner Jefferies to award the bid to Cedar Ridge Farm & Landscaping for \$53,000.00 plus \$5300.00 for sodding around the building, front and the sides. The Board is asking for a contract from Cedar Ridge Farm & Landscape that itemizes the scope of the work, the irrigation system that will be put into place upon the completion of the work and a guarantee on the work performed. Once the Board has received this information they will give their final approval on the contract to Cedar Ridge & Landscape which will be for \$58,300.00."

Chairman Hall asked if the Board wanted the vendor to present them a contract or to have the attorney to draft a contract. Commissioner Travis stated that the Board did not have enough time to rebid this. He suggested getting the attorney to draw up a contract.

Commissioner Lucas asked if the Board could direct the vendor to go to his attorney and draft a contract. Mr. Ferrell stated that he could provide a template where the blanks could be filled in. Chairman Hall responded that template contracts are not good. Commissioner Travis suggested giving Mr. Everett until the end of the week to provide a contract.

Commissioner Travis moved, seconded by Commissioner Jefferies to contact the vendor to have a contract by Friday and to get it to the attorney and the Board will have it to review by Wednesday. The motion carried by a vote of six to one with Commissioner Battle voting no.

#### ANNOUNCEMENTS

Mr. Howard informed the Board that Joey Knight's father passed away that morning.

Commissioner Battle asked when the telecommuting policy would be discussed. Mr. Ferrell responded that he and Kevin had been working on this. He stated that this policy would be discussed at the first meeting in June. Chairman Hall asked the clerk to put the Telecommuting Policy on the agenda for the first meeting in June. Chairman Hall also asked to get this information before the meeting so it could be reviewed.

Commissioner Travis stated that the Summer Camp Program needed to be put back on the agenda so that the Board could vote on it. Mr. Howard responded that the main issues were the staff and location. Chairman Hall suggested that Mr. Howard and staff have a second option. He wants to see Option A if it passes and Option B if it does not.

Commissioner Lucas stated that she had received a letter on an easement for Progress Energy. She asked if this letter could be entered as public information. She did not think the general public was aware of this information. She also added that she felt the information that was mentioned in public comments concerning the vote on DeltAlert needed to be addressed. Mr. Ferrell stated that he would go back and review the minutes. He stated that he would bring forth a correction in case there was a violation on this. Commissioner Battle asked if the Board would have to void the contract. Mr. Ferrell responded that the Board may have to vote on it again.

Commissioner Carter stated that Progress Energy had been bought out by Duke Energy. The office in Roxboro will be closed. It is his understanding that the office will be in Charlotte. Commissioner Carter also asked the attorney about the vote on the DeltAlert Contract. Mr. Ferrell asked if the question was if the Board violated its internal rule. Mr. Ferrell stated he did not see an issue. The contract has been signed and delivered but he would look into it. Mr. Ferrell stated that most boards have rules and procedures. He stated that the Board did not violate a statute.

Chairman Hall stated that he had asked Commissioner Lucas to chair the Personnel Committee. This board will discuss issues such as comp time, telecommuting, etc. Commissioner Lucas asked who else would be on this committee. Chairman Hall stated that he would leave that up to chairperson to decide who would be on that committee.

RECESS

At 10:20 p.m. Commissioner Travis moved, seconded by Commissioner Battle to recess until Wednesday, May 25, 2011, at 5:30 p.m. 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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