

## MINUTES – MARCH 17, 2008

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, March 17, 2008. Members present: George W. Ward, Jr., Chairman, Jeremiah Jefferies, Vice-Chairman, William E. Carter, Nathaniel Hall, Larry G. Hamlett, Kenneth D. Travis, and C. Hester Vernon, III. Also present: Kevin B. Howard, County Manager, Michael R. Ferrell, County Attorney, and Lauren Eakin representing The Caswell Messenger. Wanda P. Smith, Clerk to the Board, recorded the minutes.

### MOMENT OF SILENT PRAYER

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

### APPROVAL OF AGENDA

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

### APPROVAL OF CONSENT AGENDA

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

The following items were included on the Consent Agenda:

- 1) Approval of Minutes of February 4, 2008 Minutes
- 2) Progress Energy Easement at New Senior Center Site

### PUBLIC COMMENTS

Chairman Ward opened the floor for public comments.

Ms. Trudy Walker came before the Board and stated that she lives at the intersection of NC Hwys 119/86. Ms. Walker added that she would like for the Board to reopen the solid waste convenience center site at the NC Hwys 119/86 intersection and after talking with the County Manager, was told that now is the time to request this. Ms. Walker informed the Board that she has a petition with 222 signatures requesting that the solid waste convenience center site be placed at this intersection and she would like for this request to be included in the upcoming budget.

Ms. Tracey Weatherford stated that she was present to support the dump site being located at the intersection of NC Hwys 119/86.

Mr. Neal Bowes stated that he was present to support the dump site being located at the intersection of NC Hwys 119/86.

Mr. Hugh Webster came before the Board and stated that with the price of gasoline now at almost \$4 per gallon, the people of Caswell County needs convenient dump sites. Mr. Webster added that the more dump sites there are, the less often the County would have to pay to have them emptied. Mr. Webster strongly encouraged the Board to reopen the site in the Hightowers community and then requested a map of the current solid waste convenience center sites.

Mr. Buddy Garland of 171 Lakeshore Drive, Yanceyville, NC came before the Board to inform them that FEMA has issued a new flood plain map and it now shows that his house is in the flood plain. Mr. Garland stated that when he built his house he was not in the flood plain. Mr. Garland added that he talked to someone with the State concerning this and he was very helpful. Mr. Garland informed the Board that he is now being required to purchase \$35,000 worth of flood insurance which will cost him \$315 per year. Mr. Garland stated that he was told that the only way to get this reversed is to go to FEMA, so he did and they told him that he would have to have a survey done. Mr. Garland added that he then had a survey done, which cost him \$250. Mr. Garland stated that by having the survey done, he found out that he is not in the flood zone and now FEMA wants another \$500 from him to certify that he is not in the flood zone, even though he has certification from a surveyor. Mr. Garland questioned how many more homes in the County will be affected by this. Mr. Garland stated that he would be requesting a reassessment on his house if it is in a flood plain and other property owners in the flood plain will be doing the same. Mr. Garland added that it is his understanding that the State has already discussed this with the County, yet nothing was done. Chairman Ward instructed the County Manager to look into this matter, as well as other affected properties.

PUBLIC HEARING – CLOSEOUT OF COMMUNITY DEVELOPMENT BLOCK  
GRANT

Commissioner Jefferies moved, seconded by Commissioner Travis that the Board enter into a public hearing to receive comments concerning the closeout of the Community Development Block Grant Scattered Site Project (05-C-1357) to the North Carolina Division of Community Assistance. The motion carried unanimously.

Mr. Michael Walser, with Hobbs, Upchurch & Associates came before the Board and stated that this project was the Scattered Site Grant received in 2005 in the amount of \$400,000. Mr. Walser added that this project was scheduled to be completed by December, 2007, with the initial intent to provide rehabilitation assistance to ten homes, but, fortunately, the project was completed by December, 2006. Mr. Walser informed the Board that he applied for additional funds and received \$68,612.18 which enabled him to provide rehabilitation assistance to two more homes, making a total of 12. Mr. Walser noted that the grant then totaled \$468,612.18 with rehabilitation assistance being provided to 12 low-income homes. Mr. Walser informed the Board that this concludes

this grant and a clean report was received after a monitoring visit last week by the North Carolina Department of Commerce, Community Assistance. Mr. Walser added that with the conclusion of this public hearing and submittal of closeout documentation, the grant will be closed pending receipt of the final audit.

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

#### PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT

Commissioner Jefferies moved, seconded by Commissioner Vernon that the Board enter into a public hearing to receive comments regarding the use of Community Development Block Grant funds from the North Carolina Department of Commerce and the US Department of Housing and Urban Development. The motion carried unanimously.

Mr. Michael Walser, with Hobbs, Upchurch & Associates came before the Board and reported that under the Scattered Site Program the County is entitled to receive assistance every three years and since the County last received funding in 2005, it is eligible to submit application for funding this year. Mr. Walser informed the Board that in order to receive funding, the County is required to hold two public hearings of which tonight is the first.

Mr. Walser stated that the purpose of the public hearing is to receive citizen input regarding the use of Community Development Block Grant (CDBG) funds from the North Carolina Department of Commerce and the US Department of Housing and Urban Development. Mr. Walser informed the Board that CDBG funds may be used for: 1) Community Revitalization Projects which could include housing rehabilitation, clearance, relocation, infrastructure improvements and recreational improvements; or 2) Infrastructure Improvement Projects which could include water and/or sewer improvements; or 3) Housing Development Projects which could provide funding for the development of new low to moderate income housing; or 4) Infrastructure Improvement Projects which could promote Economic Development; or 5) Scattered Site Housing Projects which could include housing rehabilitation, clearance or relocation, all of which are designed to benefit low and moderate income residents within the County.

Mr. Walser stated that all of these programs are designed to benefit the low and moderate income residents of the County.

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

#### TAX OFFICE

Mr. Thomas Bernard, Tax Director, came before the Board to present for approval a list of delinquent taxpayers as advertised in The Caswell Messenger on March 5, 2008. Mr. Bernard informed the Board that there are 1,544 parcels that are delinquent, of which some have recently made payment or arranged payment plans and he would use his discretion as to those he turns over to the Attorney's Office.

Commissioner Hall asked if Mr. Bernard has indicated what he has done to collect taxes on this list prior to bringing it before the Board or which ones he has worked on that are listed. Mr. Bernard answered that he has a list of the ones sent to debt set-off, some have bank attachments and garnishments, but the ones in that process are not on the list provided to the Board. Upon questioning from Commissioner Hall as to how many of the accounts on the list are under \$100, Mr. Bernard answered that he did not know.

Mr. Bernard stated that he is before the Board to request approval to send to the Attorney the accounts that he cannot find where the taxpayer works, banks, and cannot get in touch with them.

Commissioner Travis asked Mr. Bernard if he checks to see if there are any liens against these properties before he sends them to the Attorney, and Mr. Bernard answered that he did not do title work. Upon questioning from Commissioner Travis as to how much time it would take to check to see if there is a lien on someone's property, Mr. Bernard answered that it would be time consuming. Commissioner Travis stated that it may be time consuming, but he felt that this is one thing that they owe the taxpayers of this County to try to collect the money in the easiest way for them and the best way for the County. Mr. Bernard stated that this would be a possibility if he could hire a paralegal on staff and have them start title work.

Upon questioning from Commissioner Travis as to what the Tax Director can legally do in collecting taxes before sending accounts to an Attorney, Mr. Bernard answered that he sends a delinquent bill and if he can find where they work or bank, he can garnish or attach.

Commissioner Hall stated that his issue is not with people not paying their taxes, his issue is not with people not being held accountable for paying their taxes, rather his issue is when a taxpayer has an \$80 tax bill and the County charges him \$1,300 in legal fees. Commissioner Hall added that there has got to be some way for the County to deal with its citizens without being so heavy-handed financially.

After further discussion, Commissioner Carter moved, seconded by Commissioner Hamlett to approve the list of delinquent tax accounts presented by the Tax Director to be turned over to the Contract Attorney.

Commissioner Jefferies questioned sending an \$80 tax bill over to the Contract Attorney and felt that an alternative could be reached.

Mr. Bernard explained to the Board that a letter was sent to the individual that owed the \$80 tax bill in August and she called in September to make payment arrangements. Mr. Bernard added that the individual failed to make any payments at all and after three months with no payment, the Attorney proceeded with the foreclosure. Mr. Bernard informed the Board that the individual made her first payment of \$150 in February.

Commissioner Vernon stated that if the 1,544 delinquent accounts only owed \$80 each, the total would be \$123,520 and that is one cent on the tax rate. Commissioner Vernon added that if these individuals are not required to pay their taxes, then it is up to the other taxpayers in the County to pick up the tax load. Commissioner Vernon stated that the County needs to do what it can to collect these delinquent taxes.

Commissioner Travis stated that he does not have a problem with collecting \$80 from a taxpayer, but he does have a problem when he does not feel that the Tax Office is doing 100% of their job. Commissioner Travis added that he told the Tax Director when the foreclosure process was discussed, that he wanted him to put 100% into his job of collecting taxes, and he did not think it is asking too much for the Tax Director to check to see if someone has a lien against their property before it is sent to the Attorney.

Chairman Ward stated that he did not see how one person could check 1,500 parcels in one month to see if there is a lien against the property with everything else that goes on in the Tax Office.

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

#### DAN RIVER WATER PROJECT

Chairman Ward referred to a memo received from Milton Town Mayor Larry Jeffress in which he stated that he did not feel that Milton was being involved in discussions of the Dan River Water Project. Commissioner Jefferies stated that the Town of Milton has a right to be involved in discussions on the Dan River Water Project and felt that the Board of Commissioners should invite them to meet and discuss this project.

Commissioner Jefferies moved, seconded by Commissioner Hall to table any action on the Dan River Water Project until the Board of Commissioners and Town of Milton meet to discuss the project. The motion carried unanimously.

Chairman Ward instructed the Clerk to the Board to contact the Mayor of Milton and schedule a meeting with the Board to discuss the Dan River Water Project.

Commissioner Carter suggested that the Town of Yanceyville be included in this meeting. The Board was agreeable to this.

Commissioner Hall provided the Board with a release from the Governor's Office concerning water issues and possibly additional reporting requirements from the Governor's Office on ground and surface water. Commissioner Hall requested that each Board member read the information because it is very important.

## EMERGENCY MEDICAL SERVICES

Mr. Jim Gusler, EMS Director, came before the Board to discuss Emergency Medical Services operations. Mr. Gusler reported that from the period of January 1, 2007 – December 31, 2007, EMS ran a total of 2,860 calls, which is an increase of approximately 130 calls over the previous year and an eight percent increase. Mr. Gusler informed the Board that out of the 2,860 calls, they transported 1,845 calls, which is approximately 60% of their calls being transported. Mr. Gusler stated that the unit staffed in Yanceyville ran 1,372 calls for the year, the unit staffed in Providence ran 1,128 calls for the year, and the unit staffed in Anderson ran 263 calls and transported 78 patients for the year. Mr. Gusler noted that the Anderson unit was staffed from 9:00 a.m. – 9:00 p.m. and was not staffed every day due to personnel shortages.

Mr. Gusler reported that their call time breaks down to approximately 85 minutes per call and an average of 129 minutes per transport. Mr. Gusler added that 52% of their calls go to Danville, Virginia with an average total call time of one hour, ten minutes. Mr. Gusler stated that an average of two percent of their calls per year go to Chapel Hill, two percent go to Duke, and four percent go to Greensboro, with the other calls going to Alamance, Person, and Annie Penn. Mr. Gusler added that they are averaging 30 minutes on non-transport calls. Mr. Gusler noted that the call times average a little high due to the County not having a hospital.

Mr. Gusler reported that during the year there were 126 periods of time when both transport units were on calls with a significant number of these calls occurring after 10:00 p.m.

Upon questioning from Commissioner Carter, Mr. Gusler answered that the unit stationed at Anderson is staffed by part-time help, which requires very little over time hours. Commissioner Carter questioned how many times the unit stationed in Providence has to come back and answer calls in Yanceyville and Mr. Gusler answered that this occurs occasionally, but it is not a very high number.

Upon questioning from Commissioner Jefferies as to firemen using the air cascade trailer, Mr. Gusler answered that it is policy that the administrator on call for emergency services respond to calls on this trailer. Mr. Gusler added that this is a 10,000 pound trailer and he does not want someone that is not competent or trained on the air cascade trailer to respond to an emergency on this trailer and that is why it did not go out on the specific call noted by Commissioner Jefferies. Upon questioning from Commissioner Jefferies as to whether fire personnel would be trained on this air cascade trailer, Mr. Gusler answered that one of the three managers on call for emergency services are trained on this system and there is not a plan or procedure in place for those that are not trained on the system to use it. Upon questioning from Commissioner Hall, Mr. Gusler answered that the air cascade trailer is used to refill air bottles for firemen when fighting fires.

Commissioner Jefferies informed Mr. Gusler of an incident in which a citizen had to go to the hospital and an ambulance unit was not available to transport him so he had to get

someone to take him. Mr. Gusler explained what happened in this incident and noted that a supervisor on call responded to the call, it was a non-emergency call, and was handled appropriately according to procedure.

Upon questioning from Commissioner Hall as to whether the calls referred to Duke, Greensboro, and Chapel Hill were emergency calls, Mr. Gusler answered that this is determined by the personnel answering the call and there are multiple factors considered in making this decision. Mr. Gusler noted that the criticality of the call determines where patients are transported and which are considered emergency versus non-emergency.

Chairman Ward thanked Mr. Gusler for the fine job that he and his staff do for Caswell County.

### RECESS

The Board held a brief recess.

### REQUEST FROM 911 BOARD

Mr. Vernon Massengill, 911 Board Chairman, came before the Board to request 911 funds to purchase equipment. Mr. Massengill reported that on December 31, 2007, a bill was passed in the Legislature that transferred the 911 monies in the Wired Fund to the counties as a one-time deal. Mr. Massengill informed the Board that according to the Finance Officer, there is \$130,000 - \$145,000 in the 911 Wired Fund. Mr. Massengill noted that the 911 Wireless funds remain the same and is controlled by the State 911 Board.

Mr. Massengill stated that with the permission of the Board of Commissioners, the 911 Board would like to finish some projects that they have started, however, they will continue to spend this money according to 911 standards, with one deviation for software that is needed by the Sheriff's Office. Mr. Massengill added that the software would be used for in-car computers that would directly connect them with the office and dispatch, which would cost \$10,000.

Mr. Massengill reported that another project is to finish the fire department's radio system, which would cost \$40,000, with each department receiving \$4,000. Mr. Massengill stated that he has asked that each fire department apply for State grant funding, and with the \$4,000 match, they would receive \$8,000, and this would enable all fire departments to be completely operational on the new UHF radio system.

Mr. Massengill informed the Board that the 911 Board would like to purchase radios and pagers for Emergency Medical Services staff that are on the same band width as Fire, Yanceyville Police, and Sheriff's Office so that EMS can communicate directly when arriving on a scene without having to relay messages through dispatch.

Mr. Massengill reported that the final project involves the 911 Center and they would like to upgrade the computer software at a cost of approximately \$20,000. Mr. Massengill stated that for safety concerns they would like to construct a wall in the main hallway at the 911 Center to secure the dispatchers, especially at night when there is only one dispatcher on duty and eliminate unauthorized persons from entering the 911 communications area. Mr. Massengill added that this wall would include cameras so that they can monitor persons requesting access and also monitor activity in the sally port. Mr. Massengill informed the Board that currently there are three or four computer screens for the dispatchers to monitor and perform different operations and they are proposing to increase the display for the dispatchers by installing one big terminal in which many additions can be integrated into the system, such as cameras in the schools, etc. and which could incorporate additional technology in the future.

Mr. Massengill informed the Board that none of these projects will exceed the amount of money that the 911 Board has, and noted that as of January 1, 2008, monies go back into the fund as it was originally.

After discussion, Commissioner Jefferies moved, seconded by Commissioner Travis to approve the request by the 911 Board to use 911 funds to purchase equipment for the projects as presented by the 911 Board Chairman. The motion carried unanimously.

#### COUNTY MANAGER'S REPORT

Mr. Kevin Howard, County Manager, reported that the groundbreaking ceremony for the Senior Center was held on March 10, 2008 and the framers will begin this week.

Mr. Howard reported that the County received funding in the amount of \$900,000 from the Golden Leaf Foundation for the Pelham Industrial Park Water Project. Mr. Howard added that Matkins Meat Processing Company was awarded \$400,000 from the Foundation and that the funding request for the Broadband Project was tabled in order to get more information.

Mr. Howard informed the Board that an engineering firm needs to be hired to begin the Pelham Industrial Park Water Project. It was Board consensus to send out RFP's for the project.

Mr. Mike Ferrell, County Attorney, informed the Board that there is a provision in State law that when looking for engineering and architectural services that the Board consider qualifications first and then look at fees. Mr. Ferrell added that there is also a provision in that law that states that on a particular project, if the Board wishes to consider fees as part of its initial consideration, the Board could exempt itself from that provision in State law.

After discussion, Commissioner Carter moved, seconded by Commissioner Vernon that pursuant to NCGS 143-64.32 the selection of the engineering firm for the Pelham Industrial Park Water Project shall be exempt from the provisions of Article 3D of

Chapter 143 of the General Statutes for the reason that funds for this project are limited to available grant funds; only qualified firms will be solicited for proposals, and the fee to be charged will become a major determinative factor in selection. The motion carried unanimously.

Mr. Howard reviewed and discussed the proposed 2008-2009 Budget Calendar with the Board.

Mr. Howard provided the Board with a letter from Mr. Tera Slaughter in which he states that he would like for the Person-Caswell Lake Authority to hear an appeal from him concerning acts that took place on Hyco Lake by an adjoining property owner and actions taken by the Lake Authority.

Mr. Howard questioned the Board as to when to schedule a general workshop for the Board.

### ANNOUNCEMENTS

Commissioner Hall stated that at a previous meeting he talked about the traffic on NC Hwy 86 at the apartment complex and made a request that the North Carolina Department of Transportation conduct a traffic study. The County Manager stated that he would report on this at the next Board meeting.

Commissioner Hall expressed concerns about the flood plain issues presented to the Board in *Public Comments* by Mr. Garland and the impact on citizens in the County. Commissioner Hall noted that only recently has citizens in the County been able to obtain flood insurance.

Commissioner Hamlett questioned the County Manager of the status of gasoline cost for the County and Mr. Howard answered that so far everything is fine.

Commissioner Vernon reported that he was in Washington at the time of the Board of Commissioners' last meeting and he met with Senators, Congressmen, or their staff mainly on issues facing rural counties and the farm community. Commissioner Vernon informed the Board that Congressman Brad Miller was at Caswell Pines Golf Club in Yanceyville this morning and held his Agricultural Information Session with a number of people. Commissioner Vernon stated that he discussed the Clean Water Act that is now before Congress with Congressman Miller and noted that it could have some far reaching effects. Commissioner Vernon added that the North Carolina Farm Bureau Board of Directors delegation expressed its strong opposition to the Clean Water Act before Congress mainly because of the changing of the wording of waters being controlled by the Corps of Engineers from "navigable waters" to "all waters", and the possibility of the Corps of Engineers having jurisdiction over ground water as well as surface water.

Commissioner Carter stated that there are a lot of changes concerning ground water coming from the Federal EPA and Division of Water Quality.

CLOSED SESSION

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

REGULAR SESSION

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

COMMISSIONER COMMENTS

Commissioner Hall requested that the County Manager research and provide to the Board the legal Emergency Medical Services transport rules.

Commissioner Hall informed the Board of several articles he recently read about prescription drugs being detected in ground water, streams, and lakes. Commissioner Hall stated that there is no way of knowing now what the impact will be from this.

Chairman Ward expressed the need for communication among Commissioners and instructed the County Manager to provide to each Board member a weekly one-sheet fax or e-mail with pertinent information concerning the County.

THE ADJOURNMENT

At 9:15 p.m. Commissioner Jefferies moved, seconded by Commissioner Travis to adjourn the meeting. The motion carried unanimously.

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Wanda P. Smith  
Clerk to the Board

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George W. Ward, Jr.  
Chairman

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