

MINUTES – APRIL 2, 2007

The Caswell County Board of Commissioners met in regular session at the Historic Courthouse in Yanceyville, North Carolina at 9:00 a.m. on Monday, April 2, 2007. 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: Robert V. Shaver, Jr., Interim County Manager/County Attorney and Shannon White 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 Hamlett 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 March 19 and 26, 2007 Meetings
- 2) Budget Amendment No. 14
- 3) Approval of BB&T for Financing of Ambulance Purchase
- 4) One-year Maintenance Agreement with Mr. Eugene Volk on Historic Courthouse Tower Clock

PUBLIC COMMENTS

Chairman Ward opened the floor for public comments.

There were no public comments made.

CJPP REQUEST FOR APPROVAL TO APPLY FOR FUNDING FOR CRIMINAL
JUSTICE PARTNERSHIP PROGRAM

Mr. Robert V. Shaver, Jr., Interim County Manager/County Attorney reported that the Criminal Justice Partnership Program has not been funded since 2003 and the program ended at that time. Mr. Shaver added that a number of unsuccessful funding requests have been submitted to the State since that time. Mr. Shaver noted that in September, 2006, Mr. Matt Reese, with Piedmont Triad Council of Governments, and Sheriff Michael Welch came before the Board to request approval to submit application to the State for funding once again and the Board approved submission of the application. Mr. Shaver noted that at that time it was a two-county application with the partnering of Caswell and Person counties; however, in November, 2006, Person County informed the County that it chose not to participate.

Mr. Shaver stated that the Caswell County Criminal Justice Partnership Advisory Board is requesting approval to apply for funding for the Criminal Justice Partnership Program.

After discussion, Commissioner Hall moved, seconded by Commissioner Jefferies to grant approval for the Caswell County Criminal Justice Partnership Advisory Board to apply for funding for the Criminal Justice Partnership Program. The motion carried unanimously.

COUNTY FUEL SUPPLY

Mr. Robert V. Shaver, Jr., Interim County Manager/County Attorney reported that the County Fuel Supply issue was tabled from the Board's March 19, 2007 meeting in order for Commissioner Hamlett to obtain another quote on pump replacement. Commissioner Hamlett noted that he never received any additional information as he had requested.

After discussion, Commissioner Hall moved, seconded by Commissioner Travis to accept the recommendation of staff to approve the use of the Wright Express Fleet Card Program for Caswell County. The motion carried unanimously.

RECOMMENDATION OF AUDIT AND FINANCE COMMITTEE REGARDING
TAX FORECLOSURES

Mr. Robert V. Shaver, Jr., Interim County Manager/County Attorney reported that the recommendation of the Audit and Finance Committee Regarding Tax Foreclosures was tabled from the Board's March 19, 2007 meeting. Mr. Shaver stated that in the last two weeks he has discussed this issue with Mr. Thomas Bernard, Tax Director and Chairman Ward in regards to developing a more comprehensive policy of the tax foreclosure/collection practice and he would be working with Mr. Bernard on this. Mr. Shaver noted that Mr. Bernard has also talked to staff at the Institute of Government for program information to provide to the Board about the different methods of collection.

Chairman Ward informed the Board that Friday afternoon he spoke to Mr. Bernard and asked him to call Ms. Shea Denning at the Institute of Government to see if she would be willing to come before the Board and discuss both methods used in tax foreclosures in depth.

The Board discussed the recommendations of the Audit and Finance Committee.

Commissioner Hall noted that the General Statutes require that the Tax Director follow certain procedures before the foreclosure process starts. Commissioner Hall added that the General Statutes also give the Tax Director the authority to go even further in certain procedures in the collection of taxes before foreclosure begins. Commissioner Hall noted that depending on the amount of the tax bill, some actions would make more sense than others, such as a \$3 tax bill versus a \$3,000 tax bill and the Tax Director has the authority within both General Statutes to do what is necessary. Commissioner Hall stated that the Committee's recommendation is that the Tax Director make all attempts within his authority to collect the taxes before it is sent to the contracted Attorney for collection. Commissioner Hall added that before a file is sent to the Attorney, the Tax Director must first come before the Board of Commissioners and inform them that he is recommending that a particular case go to the Attorney and explain why.

Mr. Shaver explained that sometimes it would make sense to use one method of collection over another, depending upon the amount of the debt, whether it is heir property, conditions of the title, etc.

Commissioner Travis stated that his expectation is that the Tax Director put 100% into collecting Caswell County's taxes, do everything in his power to collect the taxes, and if he cannot collect them, to come before the Board of Commissioners and justify why particular files need to go to the contracted Attorney. Commissioner Travis added that it would be the Board of Commissioners' decision to send a file to the outside Attorney. Commissioner Travis noted that the Committee did not discuss hiring any additional staff for the Tax Office.

Mr. Thomas Bernard, Tax Director, stated that real estate bills become delinquent on January 6 and then explained the process he follows in collection of these taxes, such as beginning with bank attachments and garnishments. Mr. Bernard added that he cannot start the foreclosure process for the current year until after it is advertised in the newspaper the first Wednesday in March. Mr. Bernard informed the Board that with the In Rem method of collection, he cannot start the foreclosure process until 30 days after the delinquent notice is published in the paper. Mr. Bernard noted that with the mortgage method of collection, all costs incurred can be recouped, while all costs are not recouped with the In Rem method. Mr. Bernard added that without the proper title work involved with the foreclosures, the County could be liable for foreclosing without giving proper notice.

Commissioner Vernon stated that he has also talked with Ms. Shea Denning of the Institute of Government, and after discussions with her, feels that the Board needs to hear a presentation from her concerning the liabilities and costs associated with the In Rem method. Commissioner Vernon added that there are costs that the taxpayer will have to absorb because the County cannot recoup the cost. Commissioner Vernon stated that he felt it would be beneficial for the Board to hear from an expert on the two procedures used in tax collections.

Chairman Ward agreed that he felt it would be beneficial to hear from staff at the Institute of Government on the two methods of collections.

Upon questioning from Commissioner Travis, Mr. Shaver answered that according to the North Carolina General Statutes, the County cannot recoup any additional costs in the In Rem method.

Commissioner Travis emphasized again that he would like to see a 100% effort by the Tax Director to collect taxes, and if he has some that he cannot collect, to bring them before the Board and let them know that he has done everything he can to collect them with no success, and then let the Board decide what to do with them.

Commissioner Hall clarified that with the Mortgage style method of collection, the County can charge what it wants to, the Attorney can charge what he wants to, and these costs can be charged back to the citizen; while with the In Rem method, the most that the County can recoup is \$50. Commissioner Hall added that the In Rem method is set up in such a way to move quickly through the system, Attorneys are not required, and the Tax Director can file with the Clerk of Superior Court, which is the same as if done by a Judge. Commissioner Hall stated that as far as the concerns about the necessity for a title search, the General Statutes state that whether the search is clean or not, the lien goes with the property. Commissioner Hall added that he felt it was irresponsible of the Board to indirectly tax its citizens \$500,000 by contracting out to an Attorney and saying that these costs will be recouped. Commissioner Hall stated that the recommendation of the Audit and Finance Committee was to use a combination of methods in collection of taxes.

Commissioner Jefferies stated that the Tax Director does not have to search the title because it is the buyer's responsibility to hire an Attorney and search the records.

After discussion, Commissioner Carter moved, seconded by Chairman Ward to table this item until after a staff person from the Institute of Government makes a presentation to the Board.

Commissioner Hall questioned whether the motion included tabling all of the Committee's recommendations.

Commissioner Vernon stated that taxes definitely need to be collected because the County needs the revenue. Commissioner Vernon added that there is confusion in

understanding the two methods of collection, and if someone from the Institute of Government can come before the Board to explain the complications and workings of each of them, that would be good, but the Board can still proceed with some of the recommendations of the Committee.

Upon a vote of the motion, the motion failed by a vote of five to two with Commissioners Ward, Jefferies, Hall, Travis, and Vernon voting no.

Commissioner Vernon moved, seconded by Commissioner Travis that the Board have Ms. Shea Denning of the Institute of Government come before the Board and explain the In Rem and Real Estate style of collection so that the Board can understand better which method to recommend to the Tax Director for use in collection of taxes, and accept the recommendations of the Audit and Finance Committee as submitted. The motion carried by a vote of five to two with Commissioners Carter and Hamlett voting no.

LANDFILL GROUNDWATER MONITORING LABORATORY SERVICES

Mr. Robert V. Shaver, Jr., Interim County Manager/County Attorney reported that at the Board's March 19, 2007 meeting, it voted to award the engineering/geology portion of the landfill groundwater monitoring to S&ME, but opted to award the laboratory analysis portion separately. Mr. Shaver added that the laboratories were interested in the work, but could not quote the entire service package because they lacked the engineering and geology specialists to perform the data interpretation and reporting to DENR. Mr. Shaver noted that the engineers did not quote the lab work as an in-house service, but instead included a quote from a laboratory, while indicating that each was willing to work with a lab of the County's choice.

Mr. Shaver reported that since the last meeting, he has contacted the three laboratories and received the following quotes:

Pace Analytical Services (Eden, NC)	\$3,040 per year
Meritech, Inc. (Reidsville, NC)	\$3,200 per year
Research and Analytical Labs (Kernersville, NC)	\$3,600 per year

After discussion, Commissioner Carter moved, seconded by Commissioner Hamlett to approve Pace Analytical Services to conduct the laboratory analysis portion of the Caswell County Landfill groundwater monitoring at a cost of \$3,040 per year. The motion carried unanimously.

REQUEST FROM FINANCE OFFICER FOR TEMPORARY PART-TIME EMPLOYEE

Ms. Gwen Vaughn, Finance Officer, came before the Board to request a temporary part-time employee for the Finance Office. Ms. Vaughn requested that she be allowed to recall Ms. Bonnie Silvanic as a temporary part-time employee in the Finance Office during the period of April 9 – June 30, 2007. Ms. Vaughn stated that Ms. Silvanic has

worked as a temporary part-time employee with the County and is a very competent person who has developed the skills for using the financial software system, as well as knowing the routine duties in the department. Ms. Vaughn added that the estimated employment cost for the 12-week period will be \$5,175.

Ms. Vaughn informed the Board that the Finance Department's workload has grown considerably in the past three years, and includes financial and budgetary duties for new and expanded departments, grants, added electronic duties, etc. Ms. Vaughn stated that Ms. Silvanic's employment will allow the Finance Department to work more efficiently during the demanding time of budget preparation and year-end close out, as well as implementing the Debt Set-off Program which was recently assigned to the department.

Upon questioning from Commissioner Travis, Ms. Vaughn answered that the funds needed for the temporary part-time employee can be taken from excess funds from the budgeted amount of the one percent cost-of-living increase for employees that was appropriated in the 2006-2007 budget.

After discussion, Commissioner Hall moved, seconded by Commissioner Carter to approve a temporary part-time employee for the Finance Department, at a cost of \$5,175 for the period of April 9 – June 30, 2007. The motion carried by a vote of six to one with Commissioner Hamlett voting no.

RESOLUTION IN SUPPORT OF VALUE-ADDED CENTER

Mr. Robert V. Shaver, Jr., Interim County Manager/County Attorney provided the Board with a copy of a proposed *Resolution in Support of House Bill 413 to Locate a Value Added Agricultural Processing Center in Caswell County*. Mr. Shaver reported that Representatives Faison, Bordsen, and Wilkins have co-sponsored a *Bill to Be Entitled An Act to Appropriate Funds to Caswell County to Acquire Land, Construct a Facility, and Purchase Equipment for the Piedmont Regional Share-Use Value Added Agricultural Processing Center*. Mr. Shaver informed the Board that similar bills have been sponsored by Representative Insko and Senators Kinnaird, Atwater, and Foriest to appropriate funds for regional value-added processing center to serve Alamance, Chatham, Durham, and Orange Counties.

After discussion, Commissioner Jefferies moved, seconded by Commissioner Vernon to adopt the following *Resolution in Support of House Bill 413 to Locate a Value Added Agricultural Processing Center in Caswell County*. The motion carried unanimously.



RESOLUTION IN SUPPORT OF HOUSE BILL 413 TO LOCATE A VALUE ADDED AGRICULTURAL PROCESSING CENTER IN CASWELL COUNTY

WHEREAS, Representatives Faison (Caswell, Orange Co.), Bordsen (Alamance Co.), and Wilkins (Person Co.) have sponsored House Bill 413 before the North Carolina General Assembly, which is a bill entitled “An Act to Appropriate Funds to Caswell County to Acquire Land, Construct a Facility, and Purchase Equipment for the Piedmont Regional Shared-Use Value Added Agricultural Processing Center; and

WHEREAS, two competing bills have been introduced in the House and Senate, Senate Bill 512 (sponsored by Senators Kinnaird – Orange, Person Co., Atwater – Chatham, Durham, Lee Co., and Foriest – Alamance, Caswell Co.) and House Bill 1100 (sponsored by Representative Insko – Orange Co.), each of which seeks to provide funding to Orange County to develop a center to serve Alamance, Chatham, Durham and Orange Counties; and

WHEREAS, a value added processing center would allow area farmers the opportunity to have local access to processing facilities that would enable them to ready their goods for area grocers, restaurants, caterers, and consumers and take advantage of the market for ‘buy local’ agricultural products; and

WHEREAS, the decline of tobacco farming has seriously impacted the Caswell County economy, but has created a growing number of farmers producing specialty crops that would benefit from access to a Value Added Agricultural Processing facility; and

WHEREAS, House Bill 413 is the only bill which focuses on bringing the center to a region comprised of rural, historically tobacco dependent counties, which is critical to the survival of small farms in these areas;

NOW, THEREFORE, BE IT RESOLVED that the Caswell County Board of Commissioners supports passage of House Bill 413 and encourages the General Assembly to appropriate the funds requested in the bill to locate a Value Added Agricultural Processing Center in the Prospect Hill area of Caswell County.

Adopted this 2nd day of April, 2007.

Attest:

S/Wanda P. Smith
Wanda P. Smith
Clerk to the Board

S/George W. Ward, Jr.
George W. Ward, Jr.
Chairman, Caswell County Board
Of Commissioners

COUNTY MANAGER'S REPORT

Mr. Robert V. Shaver, Jr., Interim County Manager/County Attorney announced that an invitation has been issued to the Board of Commissioners by the Future of the Piedmont Foundation to attend a luncheon on Thursday, April 12, 2007, to hear a presentation by Governor Mark Warner entitled, "Turning the Economic Tide in Rural America".

Mr. Shaver informed the Board that there will be a kick-off meeting for the Yanceyville Pilot Trail Project on the Fire Tower Road on April 5, 2007, at 10:00 a.m., at Yanceyville Town Hall. Mr. Shaver reported that Mr. Jesse Day, Planner, with the Piedmont Triad Council of Governments will be the speaker at this event. Commissioner Hall stated that he was unaware of any plans that the Board of Commissioners had approved on Fire Tower Road other than soccer fields, yet has heard that there are other projects being proposed, and added that the Board needs to consider a plan for that area. Chairman Ward requested that Mr. Shaver check to see exactly what action the Board approved as to the use of that area.

Mr. Shaver informed the Board that about two weeks ago there was a significant equipment failure with the system that provides internet access to the Senior Center Building, which also houses Planning, Building Inspections, and Environmental Health. Mr. Shaver added that this wireless network system also provides internet access to the Chamber of Commerce and Parks and Recreation. Mr. Shaver informed the Board that there is an omni-directional antenna on the building at the other Courthouse and radio transmitters to supply the main internet signal in a wireless fashion to those buildings and that equipment has failed. Mr. Shaver stated that the original system was installed by Electronic Solutions of Roxboro, NC and they will not service the system any longer. Mr. Shaver informed the Board that Mr. Robert Webb, IT Director, has been researching replacement and alternatives to make that system work. Mr. Shaver added that Mr. Webb has gotten temporary access to the Senior Center Building, but it is not stable and is not a solution that will last. Mr. Shaver stated that just replacing the equipment that was there will cost approximately \$6,000. Mr. Shaver added that a company from Clayton, NC has come and looked at the system and they have recommended different equipment which will cost approximately \$9,000, which would be a significant improvement over the

current equipment. Mr. Shaver informed the Board that there are funds in the Equipment/Automation Fund that could be used for the purchase of this equipment and he would recommend proceeding with this with the equipment specified by DockPoint of Clayton, NC. The Board was agreeable with this.

Mr. Shaver reported that he has received a letter from Ms. Anna Lisa Hunter, Executive Director, Caswell Parish, informing him that the Caswell Parish Board of Directors met last week and decided to discontinue management of the JCPC Programs, which include Governor's One-on-One, Teen Court, Stepping Stones Parenting, Psychological Evaluations, Intensive Mentoring, and Community Service and Restitution. Mr. Shaver noted that these programs will cease to be under the umbrella of the Parish at the end of the fiscal year. Mr. Shaver stated that the cost of providing workers compensation and other insurance on employees of this program places a burden on the Parish and they feel they should concentrate more on church based programs that they operate.

Mr. Shaver announced that the Board has been extended an invitation by the Piedmont Triad Council of Governments to attend a meeting on April 19, 2007, at 10:00 a.m. at the Greensboro Coliseum on Jordan Lake Nutrient Management. Mr. Shaver noted that this presentation will focus on how Jordan Lake rules will affect local governments.

ANNOUNCEMENTS

Commissioner Carter reported that he and Commissioner Travis attended the Farmer Lake Board meeting and there were several items of concern that they addressed.

Chairman Ward announced that the Board of Commissioners has been extended an invitation by Pinnacle Ministries to attend the National Day of Prayer to be held on Thursday, April 5, 2007, at 7:30 a.m.

Chairman Ward reported that Mr. Randy Reynolds, Piedmont Community College, Small Business Center, has extended an invitation to the Board of Commissioners to attend a presentation and update of an Entrepreneurial Workshop on Thursday, April 19, 2007, at 4:00 p.m. at the Yanceyville Municipal Building.

RECESS

The Board held a brief recess.

CLOSED SESSION

Commissioner Hall moved, seconded by Commissioner Travis that the Board enter into closed session to consider the competence, terms of appointment, and performance of an individual public officer (NCGS 143-318.11(a)(6)); to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body (NCGS 143-318.11(a)(4); and to prevent the disclosure of confidential information

that is made privileged or confidential (NCGS 143-318.10(e)). The motion carried unanimously.

REGULAR SESSION

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

APOLOGY BY COMMISSIONER HALL

Commissioner Hall extended an apology to Commissioner Carter for interrupting him while he was speaking.

THE ADJOURNMENT

At 11:20 a.m. Commissioner Jefferies moved, seconded by Commissioner Carter to adjourn the meeting. The motion carried unanimously.

Wanda P. Smith
Clerk to the Board

George W. Ward, Jr.
Chairman
