

MINUTES – JUNE 2, 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, June 2, 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, Angela Evans representing The Caswell Messenger, and Shannon White. 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. Chairman Ward asked that everyone remember in prayer Mr. Andy Dodson, Animal Control Officer, and his family due to the passing of his father.

APPROVAL OF AGENDA

Chairman Ward stated that Item No. 10, Discussion of Pelham Congregate Nutrition Site needed to be removed from the agenda.

Commissioner Travis moved, seconded by Commissioner Jefferies to approve the agenda as presented with the deletion of Item No. 10, Discussion of Pelham Congregate Nutrition Site. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

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

The following item was included on the Consent Agenda:

- 1) Approval of Minutes of April 21, 2008 Meeting

PUBLIC COMMENTS

Chairman Ward opened the floor for public comments.

Mr. Melvin Butler of the Cherry Grove Community came before the Board and stated that he would like to speak about the land transfer tax. Mr. Butler added that there have been over 20 counties in the State that has put this tax on a referendum and all were defeated. Mr. Butler informed the Board that there are two Bills before the House now to repeal this legislation and a large group of people plan to be in Raleigh next week to lobby with the Representatives to support this Bill to repeal it. Mr. Butler noted that there is a state-wide effort to repeal this

legislation and felt that the land transfer tax is a tremendously unfair tax. Mr. Butler added that the sales tax would be fair because it affects everyone.

Chairman Ward opened the floor for public comments.

Mr. Rick McVey, of 5098 Hodges Dairy Road, Yanceyville, NC, came before the Board and made the following comments:

“As most of you are already aware, there was a meeting at the Health Department on May 27 to hear comments and discussion on the proposed No Smoking Policy – which talks about no smoking inside the building and within a 50 foot radius of the buildings. Citizens of the county may not be aware of the possible implementation of this policy as I did not notice any representation from The Caswell Messenger. I do not smoke, nor have I raised tobacco, but for those that do, their rights must be considered too. Employees and visitors to the buildings must not smoke inside the building, but if they need to smoke will have to go 50 feet outside of the building to do so. There seems to be a strong push to implement this new policy. I’m sure years ago tobacco money helped pay for a lot of buildings, services, etc. in this county. Not to mention all the people in this county who served our country to help protect the rights of everyone. I hope a solution to this No Smoking Policy can be reached that is logical and most importantly considers everyone involved.”

Ms. Trudy Walker came before the Board and stated that she is from the Hightowers community and that she came before the Board in 2002 about the solid waste convenience center site that was located in Hightowers and removed. Ms. Walker added that she spoke to the Board in March or April about this and has now obtained signatures of citizens who still want the site brought back to Hightowers. Ms. Walker noted that this was one of the first solid waste convenience center sites because it was a key location and a central location. Ms. Walker offered her services in reviewing the budget to identify funding for the reinstatement of this location in Hightowers. Ms. Walker reminded the Board that in 2003 it was brought up that the Smith well across from South Elementary School was contaminated and noted that the groundwater needs to be tested.

PUBLIC HEARING – PROPOSED BUDGET FOR FISCAL YEAR 2008-2009

Commissioner Travis moved, seconded by Commissioner Jefferies that the Board enter into a public hearing to receive comments on the Proposed Budget for Fiscal Year 2008-2009. The motion carried unanimously.

Chairman Ward opened the floor for public comments.

Mr. Rick McVey of 5098 Hodges Dairy Road, Yanceyville, NC, came before the Board and made the following comments:

“The Board of Commissioners is facing another difficult budget year and I’m sure some tough decisions will have to be made. This current year had discussions about the soaring price of gas and the impact it is having on the budget. And the situation has only gotten worse with no relief

in sight. Gas prices last year at this time were about 75 to 80 cents lower, and as you know we are looking at possibly paying over \$4.00 a gallon soon. I don't have to tell each of you how the price of gas is affecting everything we do and buy. Households across the country are having to look at their income and figure out what they can do without, to afford the things they need. Caswell County families and businesses are having to tighten their belts and do without things they may have afforded before, but now can't because prices have increased on many items, while their income has not. Caswell County government will have to look at their budget the same way. The needs in this county have grown since last year. Our vehicles and infrastructure have continued to age and deteriorate. The Sheriff's Office will now have the sole responsibility to patrol and protect a larger segment of the county. And after years of operating as a self sufficient department, now the Health Department is suddenly asking for the county to fund \$600,000. That's around a five cents increase on our tax rate, just for one department. The budget needs to be looked at very carefully, line by line, to make sure we are spending for necessary items. We need to try to save every bit we can, in hopes to help offset some increases which we have no control over."

Dr. Douglas Barker, Caswell County Schools Superintendent, came before the Board and stated that the Board of Education asked that he come before them before they start their final process of looking at the budget and request that they take a close look at the budget that was submitted by the School District, in particular, utility costs. Dr. Barker reported that last year the School District actually spent \$844,670 for heating fuel, electricity, natural gas, and gas for vehicles for the School system. Dr. Barker noted that this utility cost, of which they have no control as to cost other than to try to conserve as much as possible, was one-third the amount of their total appropriated Current Expense budget for Fiscal Year 2007-2008, which was \$2,431,000. Dr. Barker noted that the price of the heating fuel used at North and South Elementary Schools has doubled since last year, the price of natural gas has increased by 14%, Duke Energy has approved a four percent increase, and the price of gas has increased from \$1.81 per gallon in September, 2006 to \$2.41 in September, 2007, and in May, 2008 they paid \$3.23 per gallon. Dr. Barker stated that in looking at the amount of money that the County Manager has recommended for the School System, it in no way covers the cost that they foresee for utilities and urged the Board to look very closely at this when they start budget deliberations.

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

DISCUSSION OF PROPOSED BUDGET FOR FISCAL YEAR 2008-2009

Chairman Ward directed the Board members to the June, 2008 calendar that was prepared by the Clerk to the Board after polling each Commissioner regarding their schedule and possible meeting dates.

The Board agreed to hold a budget work session on Wednesday, June 4, 2008, at 9:00 a.m. – 12:00 p.m. to discuss budgets with the Sheriff, Recreation Director, Department of Social Services Director, Health Director, Tax Director, and Emergency Medical Services Director. Budget work sessions were also scheduled on Thursday, June 5, 2008, at 6:00 p.m. – 9:00 p.m., at which time they would discuss the Schools System's budget, and Monday, June 9, 2008 at 6:00 p.m. – 9:00 p.m.

BOARD OF EQUALIZATION AND REVIEW

Commissioner Jefferies moved, seconded by Commissioner Hamlett to recess as the Board of Commissioners and convene as the Board of Equalization and Review. The motion carried unanimously.

Mr. Thomas Bernard, Tax Director, came before the Board and introduced Mr. Larry J. Nicholson who had requested to appear before the Board of Equalization and Review concerning the value of his property. Mr. Bernard informed the Board that Mr. Nicholson owns 2.6 acres in the Locust Hill Township, and the market value is \$138,733. Mr. Nicholson stated that he is present to contest the overall value of his property. Mr. Nicholson added that the last appraised value of his property was \$128,085. Mr. Nicholson presented a letter from a realtor that stated he would list his property for sale at \$92,000 and had listings of several properties within a two square mile radius and noted comparable sales with values of much less than his, all ranging from \$60,000 to \$83,000. Mr. Bernard stated that he would like to make an appointment with Mr. Nicholson and view the interior of the house. The Board was agreeable to this.

Mr. Bernard introduced Mr. Gale D. Anderson who had requested to appear before the Board of Equalization and Review concerning the value of his property. Mr. Bernard informed the Board that Mr. Anderson lives in Burlington, NC and is present concerning property he owns on Hyco Lake. Mr. Bernard noted that Mr. Anderson's property in the Hyco Hills Subdivision at Hyco Lake is valued at \$281,504. Mr. Anderson informed the Board that his lot and lake water is muddy all the time, trash collects in the water at his cove, the children cannot swim in the lake because it is so muddy and dirty, there are three gullies across his lot, and they cannot drink the water from his well because it smells like sewer. Mr. Anderson stated that he did not feel that the value of his lot is as much as has been appraised, and when talking to the appraiser he was told that the value would be reduced by ten percent, yet instead reduced it by five percent. Mr. Anderson added that he did not feel that the value placed on his lot is justified. Chairman Ward instructed the Tax Director and County Manager to contact the Andersons concerning their well. Mr. Bernard stated that he would like to review and visit Mr. Anderson's lot. The Board was agreeable to this.

Chairman Ward recessed the Board of Equalization and Review until June 16, 2008, and reconvened the Board of Commissioners.

RECESS

The Board held a brief recess.

TAX DIRECTOR'S MONTHLY REPORT

Mr. Thomas Bernard, Tax Director, came before the Board and submitted the following Monthly Report:

TAX DIRECTOR'S REPORT

Foreclosure Process – 2006-07

254 accounts turned over to Attorney

106 accounts - paid in full

54 accounts – entered into payment plan

23 accounts – complaints filed

59 accounts – difficult title work

Will be getting update on these accounts the first of June, 2008

Foreclosure Process – 2007-08

362 accounts turned over to Attorney

52 accounts – paid in full

64 accounts – entered into payment plan

4 accounts – entered into bankruptcy

76 accounts – not responded, lien holder letter sent

166 accounts – waiting on allotted time to respond to make payments

The collection rate for the 2007 tax year is 93.92% as of 5/28/08.

We are .05% ahead of last year compared to the same day in 2007.

Mr. Bernard reported that as of today, the collection rate for the 2007 tax year is 94.28% and .13% ahead of last year compared to the same day in 2007.

Chairman Ward directed the Tax Director to meet with Commissioner Hall concerning specific questions he has about tax accounts.

VEHICLE TAX RECORDS

Mr. John Claggett came before the Board and stated that he was present at their May 5, 2008 meeting to ask for help as to how his vehicles were assessed, and noted that he was not talking about the amount, rather the procedure. Mr. Claggett added that he is requesting from the Caswell County Board of Commissioners a copy of or excerpts from a publication provided by Tax Equity Consultants regarding the fair market value of his 1989 Ford Mustang, 1968 Pontiac Bonneville, and 2003 Dodge Dakota pick-up truck. Mr. Claggett stated that this publication has been made available to nearly all, if not all 100 counties. Mr. Claggett noted that after the May 5th Board meeting, Mr. Bernard, Tax Director promised him that he would get him this information and verified that he had access to a fax machine. Mr. Claggett added that he received an e-mail from Mr. Bernard on May 8th instructing him to call someone named Jason at Tax Equity Consultants so that he could explain how they value vehicles, and after speaking to him and asking if he could provide the information, he explained that he could not do that, would not do that, and that he would have to go through a State Senator to get this information and was rude when asked to provide his last name.

Mr. Claggett stated that the Tax Office determines the value of motor vehicles by using the Vehicle Pricing Guide published by Tax Equity Consultants and they provide vehicle manuals to almost all 100 counties in North Carolina and lists each model and make of all available motor vehicles and their market values.

Mr. Claggett stated that it is the policy of this State that people may obtain copies of their public records and public information free or at minimal cost unless otherwise specifically provided by law. Mr. Claggett added that this means that his records belong to him and the State has custodial rights over them. Mr. Claggett informed the Board that his 1968 Pontiac Bonneville that has 261,000 miles was assessed \$700 more than his 1989 Mustang that has 8,250 miles and this is why he has requested this information.

Mr. Claggett stated that he is requesting from the Caswell County Board of Commissioners a copy or excerpts from the Vehicle Pricing Guide published by Tax Equity Consultants for his vehicles.

Commissioner Hall expressed his concern to the Tax Director that Mr. Claggett had difficulty in receiving public information.

Chairman Ward also expressed concern that Mr. Claggett was treated rudely and stated that he would like to know by the Board's June 16, 2008 meeting the name of the individual from Tax Equity Consultants that Mr. Claggett spoke to, his Supervisor, and why a vehicle that is 40 years old with 261,000 miles still has a tax assessed value.

DISCUSSION OF ADDITIONAL REVENUE OPTIONS

Chairman Ward stated that last year the North Carolina General Assembly gave to counties additional revenue options, which included a land transfer tax and a ¼ cent sales tax. Chairman Ward noted that the Board has discussed over the past several months whether to hold a referendum in order for citizens to vote on one or both of these options.

Commissioner Jefferies stated that he was in favor of holding a referendum on the sales tax, but was not in favor of the land transfer tax.

Commissioner Carter stated that he was also against the land transfer tax, but was in favor of the sales tax.

Mr. Kevin Howard, County Manager, clarified that both items can be placed on the referendum for a vote, but the Board can institute only one of the revenue options.

Commissioner Hall stated that the Board needs to make a decision on what to place on the ballot, but did not feel that both options should be voted on by the citizens. Commissioner Hall noted that the land transfer tax has not been successful across the state. Commissioner Hall added that he could support the sales tax, but would not be in favor of the land transfer tax, and noted the need for public education.

Commissioner Vernon recommended that the revenue from the additional ¼ cent sales tax be designated for the construction of a new Jail for Caswell County.

Commissioner Jefferies moved, seconded by Commissioner Carter that a referendum be held in the November 4, 2008 general election, and that the additional ¼ cent sales tax be placed on the ballot. The motion carried by a vote of six to one with Commissioner Travis voting no.

Mr. Michael Ferrell, County Attorney, stated that when the Board presents this issue to the public, they can engage in an education process and part of that process can be to define the need for the additional funds and explain for what the funds will be used.

DAN RIVER WATER PROJECT

Chairman Ward noted that the Board had tabled further discussion of the Dan River Water Project until this meeting in June to enable the Board members to first attend the Water Vision Meeting held in Raleigh on May 22, 2008.

Commissioner Vernon informed the Board that at the Water Vision Meeting in Raleigh there were several general sessions and also some on particular areas. Commissioner Vernon added that he attended a session in which there was a lot of discussion of cooperating communities with extending water projects and the need for cooperation to overcome the water shortage that has been created by the drought and also the need for and lack of water supplies in certain areas. Commissioner Vernon stated that there was a lot of emphasis placed on cooperation among adjacent entities and there have been several projects put together with monies contributed from the State. Commissioner Vernon added that with the County's current situation it has an opportunity to cooperate and move this county forward as far as having an adequate water supply for years to come.

Commissioner Hall stated that the Water Vision Meeting was interesting with a lot of it being general information and background information concerning the water, rights concerning the tributaries and how they are distributed, and the law regarding it. Commissioner Hall suggested that the Board do something regional in which all are equal partners, and added that he is not for one county controlling everything and felt that is how the Dan River Water Project is being proposed.

In discussing the concern of Caswell County being an equal partner, Mr. Mike Ferrell, County Attorney, clarified that as far as decision making, yes, there is equal partnership, but in ownership of facilities, no, there is not equal partnership.

At the suggestion of a meeting with the County Manager and two Board members to meet with the other governing entities, Mr. Ferrell questioned the purpose of the meeting since the Managers have met a number of times. Mr. Ferrell stated that it would require starting from square one to develop a different proposal that what is being proposed now. Mr. Ferrell added that there is already a contract in place that includes Person County, City of Roxboro, and Town of Yanceyville and the question is does the Caswell County Board of Commissioners want to participate in this contract or tell them that they do not wish to participate in this contract and the

other government entities has the option to move on without Caswell County or have the option to start all over and renegotiate everything.

Commissioner Hall stated that it would be counter productive for him to meet with anyone from Person County or Roxboro, because ultimately, they want to control the water and emphasized that he does not like the contract.

After further discussion, Commissioner Carter moved, seconded by Commissioner Jefferies that the Caswell County Board of Commissioners enter into a contract with Person County, City of Roxboro, and Town of Yanceyville on the Dan River Water Project as proposed. The motion carried by a vote of four to three with Commissioners Hall, Hamlett, and Travis voting no.

COUNTY MANAGER'S REPORT

Mr. Kevin Howard, County Manager, reported on a Progress Meeting of the Senior Center Project and that the contractor is looking at delaying the project for three months due to issues with the roof.

Mr. Howard reported that he has a meeting with the City of Danville on Monday, June 9, 2008, to discuss their possible involvement with the County's water system at the Pelham Industrial Park.

Mr. Howard reported that he met with representatives of Hayes Iron & Metal and they will be presenting an amendment to the County's Outdoor Storage Ordinance.

Mr. Howard presented a change order request for the proposed Senior Center project for an appropriation of \$15,000 for the metal roof. The Board took no action. Mr. Howard also presented a change order for an appropriation of \$7,865 for an Erosion Control Plan. This item was tabled to the next meeting.

Mr. Howard provided the Board with a memo from the County Attorney regarding the Emergency Medical Services Policy Procedure as requested by Commissioner Hall. Mr. Mike Ferrell, County Attorney, reported that he has determined that there are no State laws or regulations which require that EMS take patients to any particular location. Mr. Ferrell added that the State EMS Office states that it is the responsibility of each county, in conjunction with its Medical Director, to establish its own regulations, especially for non-emergency calls and where there is a limited availability of trucks. Mr. Ferrell stated that EMS is not required to take patients where they want to go, but good medical practice and County regulations should dictate that they go to the facility best able to handle the medical emergency if there is one, and for non-emergency transports, any logical regulation is fine. Mr. Ferrell noted that patients do not have the right to dictate where they will go, especially it involves taking an ambulance out of the County and essentially out of service for other emergencies. Mr. Ferrell recommended that there be a protocol developed by Caswell County EMS with input from the Medical Director, County, private providers, hospitals, etc.

Commissioner Hall stated that it was his understanding that when Mr. George Daniel came before the Board concerning the Golden Leaf Foundation Broadband Internet Grant Application that time was of the essence. Mr. Howard answered that there was not enough time to gather the information before the Golden Leaf Foundation's meeting in June. Commissioner Hall stated that it was his understanding when Mr. Daniel came before the Commissioners that the Golden Leaf Foundation Board wanted to work with County government rather than a non-profit organization. Commissioner Hall added that this is something that the Board has been working on for years and he did not take it lightly, and he was hoping that the County would do whatever was needed, up to and including calling a special meeting in order to get on the Foundation's June agenda. Commissioner Hall expressed disappointment that the County did not move more quickly on this important issue.

Upon questioning from Commissioner Hall as to the progress on the Ed Carter waterline request, Mr. Howard answered that he is currently working on this request.

ANNOUNCEMENTS

Chairman Ward announced that the North Carolina Association of County Commissioners' Annual Conference would be held in New Bern, NC on August 21-24, 2008.

Chairman Ward presented a letter from Mr. Mel Battle in which he requested that the Board consider repairs to the Historic Courthouse roof.

Commissioner Hall reported that he received a letter from a citizen concerning the amount of wait time when being transported by CDOT and expressed the need to address scheduling issues.

RECESS

At 8:45 p.m. Commissioner Jefferies moved, seconded by Commissioner Carter to recess until Wednesday, June 4, 2008, at 9:00 a.m. in order to hold a budget work session. The motion carried unanimously.

Wanda P. Smith
Clerk to the Board

George W. Ward, Jr.
Chairman
