MINUTES – FEBRUARY 19, 2018

The Caswell County Board of Commissioners met in regular session at the Caswell County Historic Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Monday, February 19, 2018. Members present: Nathaniel Hall, Chairman, Rick McVey, Vice-Chairman, Sterling Carter, William E. Carter, Nathaniel Hall, Jeremiah Jefferies, David Owen and Kenneth D. Travis. Also present: Bryan Miller, County Manager and Brian Ferrell, County Attorney. Paula P. Seamster, Clerk to the Board recorded the minutes.

MOMENT OF SILENT PRAYER

Chairman Hall welcomed everyone to the meeting.

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

PLEDGE OF ALLEGIANCE

The Board of Commissioners and all the guests in the audience recited the Pledge of Allegiance.

APPROVAL OF AGENDA

Chairman Hall asked to amend the Agenda to add School Bond Issue after Item #8.

Commissioner McVey asked to amend the Agenda to add Attorney/Client Privilege to the Closed Session portion of the Agenda. Chairman Hall responded when the Board gets to Item 20 this should be included.

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

APPROVAL OF CONSENT AGENDA

Commissioner S. Carter stated “Mr. Chairman I have one small amendment to make, page 15 of the February 5th minutes under the Animal Control Ordinance, it would be yeah page 15, there’s a statement that I made, there is one sentence that says to the affect ‘Mr. Chairman I have \_\_\_ final amendment to make, it is written as on, the word on, it needs to be the word one please.”

Chairman Hall asked if there were any more corrections to the minutes.

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

The following item was included on the Consent Agenda:

A. Approval of Minutes of February 5, 2018 Regular Meeting

PUBLIC COMMENTS

Chairman Hall opened the floor to Public Comments.

Ms. Elin Claggett came before the Board and made the following statement:

“My name is Elin Claggett and I reside at 108 Jaye Lane, Providence. Today I am here to speak about Items 15 and 16 on your agenda. The Employee Health and Wellness Medical Access Program and the Worksite Wellness Opportunity program are on the agenda and are both contained within your packets and you may have already looked at them hopefully. First, I would like to say the Employee Health and Wellness Medical Access Program is markedly improved compared to the previous rendition approved by this Board last June. The one today is clearly written and more importantly can be implemented as written. Additionally the Health Department is not at financial risk except for forfeiture of co-pays so that’s well done. Second, my primary concern is the Worksite Wellness Opportunity program that means opportunity for some employees but not others. The policy states as in your notes: “Employees will be allowed to use 30 minutes before work, added to their lunch hour, or at the end of the day for exercise or health related activities (walking, stress management activity, gym related exercise, or component approved by department head). This 30-minutes option is available to the employee up to three times per week; however, it is contingent on supervisor approval. Employees who use it must have the supervisor approval and arrange department coverage with their co-workers who will fill in for them during their health and physical activity times.” Employees currently have a morning break, a lunch break and an afternoon break. But this policy adds an additional 30 minute break 3 times a week so potentially 1/3 of all county employees can come in a half hour late, 1/3 can take an extra ½ hour at lunch and 1/3 can leave early while someone else covers their work station. This will not help supervisors get the job done nor improve morale if you have an employee who cannot take the time of day off that they request due to lack of coverage. One employee may jog a couple miles, one may go to the gym, one may work in the garden, one might meditate, one might spend time with their family, and one might napercise which is a real class nowadays, you actually take a nap to relieve stress but they will all arrive30 minutes late for work. What if different supervisors offer different opportunities for different employees across different departments. Is this discriminatory? Many departments only have one or two employees. Does Building Inspection office, WIC program or the Election office get to open late or close early to utilize this wellness opportunity? Will services to the public be maintained? Are salaried staff included? If salaried employees are not at work, should they use comp time first? Are part-time employees included? Are new employees, who are on probation, included? Again, you’ve created a set up for discriminatory practice and is any of this in the current Personnel Policy? I don’t think so. In addition to logistics of scheduling and potential for unfair practice, there is a significant financial cost with paid leave. As I noted to this same Board on January 2, 2018, 1.5 hours per week x 52 weeks =78 hours of paid off to those who participate in this program. This is the equivalent of 9.75 days per year and with over 250 employees closer to 290 including part time, how many do you anticipate paying for almost 10 days a year to not work? This time-costs could easily exceed $200,000. How will health benefits of this time away from work be measured? How will the time off be accounted for by the County Finance and/ or Human Resource offices? Who is accountable for gathering relevant data on the time-costs? During the first 6 months remember no open data was collected. Budget time is approaching and the $5,000-7,000 travel money discussed after last Board of Commissioners meeting got a lot Facebook time. I hope the same amount of scrutiny is given to this Worksite Wellness Opportunity program, keeping in mind that the 2016/2017 budget of $31 million dollar resulted in a significant tax increase. Additionally, if this Board actually cares about improving the health of residents, pass the ban on smoking on County properties. Smoking is the leading cause of cancer, heart disease and lung infections which are the 3 leading causes of death in Caswell right now. Opioids didn’t even make the top 20 by the way. In summary it would seem reasonable for this Board to approve the Employee Health and Wellness Medical Access Program which will help the employees get access without the co-pays and to scrap the Worksite Wellness Opportunity program. Employees still have break time and lunch to choose to be healthy without incurring County’s risk of financial or discriminatory woes. There are miles of sidewalks, 4 walking trails, Senior and Recreation Centers all within a mile. Employees may still continue to benefit from the My Wellness, My Way program, as led by the Clerk of the Board. This program provides health incentives, education and activities available to all departments and all employees and meets positive goals of improved mental and physical health opportunities and employee morale and cohesiveness. Lastly, my day, I got up, drove to work from 7:00 to 8:00, worked 9 hours, drove back home, came here and I’ve got 10,771 steps which is the equivalent of 4.46 miles and I only had one 20 minute break. Thank you.”

Chairman Hall closed Public Comments.

RECOGNITIONS

Chairman Hall asked if there were any recognitions. There were no recognitions.

NORTH CAROLINA STATE HISTORIC PRESERVATION ORDINANCE PRESENTATION

Ms. Amber Kidd from the North Carolina State Historic Preservation Office came before the Board to give a presentation on the basics of historic preservation commissions. Ms. Kidd stated that she was invited by Chairman Carter. In 1966 congress passed the National Historic Preservation Act and Section 106 of this act requires federal agencies to consider the effects their undertakings will have to the properties that will to listed in or eligible for a listing in National Registry of Historic Places. This registry is the official list that the federal government keeps of properties that are significant on the national level for history, pre-history, archeology, etc. and North Carolina has its own set of laws that mirror the federal laws which is found in the general statutes. There are several types of commissions: Historic Preservation Commission, Historic Landmarks Commission, Historic Districts Commission, a Planning Board or a Community Appearance Commission and Ms. Kidd did not recommend the last commission. Ms. Kidd stated that with her conversations with Commissioner Carter the Board want to focus on both Landmarks and Districts and asked if this was correct. Commissioner S. Carter responded “It is probably best to consolidate those two, yes.” Ms. Kidd stated that this would be a Historic Preservation Commission where both of these could be done. Ms. Kidd asked why a county would want a preservation commission and she responded that it all goes back to money. North Carolina has recognized that history and historic landmarks are the money makers in the state. Once the Historic Preservation Commission is formed and meets regular for a year it can request to be certified as a certified local government and this will make the county eligible for grant funding through the North Carolina State Historic Preservation Office. An ordinance has to be adopted to create a historic preservation commissioner. Ms. Kidd asked the Board if they had any questions.

Chairman Hall thanked Ms. Kidd for her presentation. He added that for most of the Commissioners this is an introductory lecturer. Chairman Hall asked the Board if they had any questions for Ms. Kidd.

Commissioner Owen asked if the landowner’s property is designated by the historic preservation commission does the landowner have a right to refuse. Ms. Kidd responded of course the landowner can refuse. Commissioner Owen stated the he had read through the 100+ page document and the only place he saw the property owner mentioned is during the public hearing he or she can come and present evidence as to why his or her property should not be included. Ms. Kidd responded that she did not know where Commissioner Owen got this information because the property owner has the right to say no. Commissioner Owen stated that he got the information from the Handbook for Historic Preservations in North Carolina. Ms. Kidd responded that she was not aware of any commission designating property without the property owners wishes. Commissioner Owen stated that is why he asked the question because he could not find it in the handbook. Ms. Kidd responded that this was a great question. Commissioner Owen stated that in the 2016 list there are 94 listed historic preservation commissions in North Carolina. Ms. Kidd responded that there are over 100 now. Commissioner Owen asked how many counties have county historic preservation commissions. He added that many of the cities and municipalities have historic preservation commissions. Ms. Kidd responded that she did not know the answer to this question. She took the position in November of 2016. Commissioner Owen stated that he knew that Milton has a historic…Commissioner S. Carter responded “No according to these standards Mr. Owen. It’s more of a preservation society if I’m not mistaken, a citizen run organization.” Commissioner Owen stated that Milton is listed with the state as a historical preservation commission. Ms. Kidd asked if this was on the North Carolina State Historic Preservation Office’s website. Commissioner Owen responded yes. Ms. Kidd stated that she has had no contact with Milton since she has been employed. Commissioner Owen stated that it is listed Milton Historical Preservation Commission with the town clerk’s name listed. Ms. Kidd asked the town clerk’s name. Commissioner Owen stated Donna Hyler. Ms. Kidd responded that she needed to talk to Ms. Hyler. Ms. Kidd then asked if the fact that Milton has a Historic Commission is that would discourage the county from having one. Commissioner Owen responded no but he would like to know how much outside of the municipalities does Caswell County have historical buildings. Commissioner S. Carter responded “Majority, a majority.” Ms. Kidd stated that this is why a survey of the county is important so the county would see what they have. Commissioner Owen stated that if Caswell County has a majority this would be a concern because in Caswell County the tax base is on the shoulders of the property owners and with quite a few properties going into this program would cut the county’s tax base. Ms. Kidd responded that with farms the commission may not want to include the whole farm but limit it to the house.

Commissioner S. Carter stated “Mr. Chairman, just one comment along those lines, to take step 1 into perspective we did do an architectural survey of historic properties in the county in, I can’t remember my dates but I think it was 1973 or 1974. A book was published by Ruth Little Stokes; the Historical Association has the rights to the sale of that book. They still have plenty of copies. If anyone does not have a copy I would recommend you get one. There’s hundreds of properties in this book and my issue with you know the county’s responsibility at this point is that we probably lost a third of those if not more at this point, completely, gone, don’t exist anymore so we’re at that stage minimally at this point to do a survey and it’s best if we have a historic preservation commission to conduct that survey and to take a count for what we do have and we’re currently as a Board not in the position to say x, y and z this is what we have.” Ms. Kidd responded that taking a survey of what the county has is a smart thing to do when it comes to natural disasters because the county will have a record of what it has. She asked the Board to strongly consider forming a historic preservation commission. Commissioner S. Carter continued “One more comment, at this point Commissioners this would be our position to direct Ms. Kidd to come back for a more in depth discussion/training maybe a Board retreat of some kind.” Ms. Kidd responded that it would be a request. Commissioner S. Carter continued “Sorry, a request so that is what I am presenting to the Board now at this point because there is a lot of unknowns still with forming this.”

Chairman Hall stated that it would be prudent of the Board to have further discussions before this request is made…” Commissioner S. Carter responded “Sure.” Chairman Hall continued to say that number one this is the direction the Board wants to go and number two have a little more time to do more reading and research to have questions ready for Ms. Kidd. Chairman Hall added that for some of the Board members this is the first information that has been received so it may take the Board a while to move forward. Chairman Hall thanked Ms. Kidd for her presentation.

1/4 CENT SALES TAX DISCUSSION

Chairman Hall stated “The next item for discussion is the ¼ cent sales tax; we have this on for further discussion.”

Commissioner W. Carter stated “I had a lot of phone calls from a lot of people because in the paper it was 4 cents instead of ¼ cent.” Chairman Hall responded “It is not 4 cents; it is ¼ cent that we are discussing. It’s ¼ of a penny cent that we are discussing.”

Commissioner McVey stated “I’m thinking in the scale of things we’ve got several projects to look at. One being our own budget situation and I realized that this is to be put…we are considering putting this on a referendum and we have another item, a big item, to consider which is the school bond. I would like to see this Board postpone maybe voting on this tonight until we have had an opportunity to as a Board to look at the picture from a whole standpoint as far as budget, the ¼ cent sales tax and the schools.”

Chairman Hall asked “Other thoughts or comments?”

Commissioner S. Carter asked “Did we not vote to proceed at all? We were going to discuss the terms of which we would like to direct the funding.”

Commissioner Owen stated “I do think Mr. Chairman we voted to put on the ballot.” Chairman Hall responded “Okay.” Commissioner Owen continued “If I am not mistaken we did do that.”

Commissioner S. Carter stated “Our next discussion would be to determine the focus.” Commissioner Owen responded “I think that was where we are headed.”

Mr. Ferrell stated “And just to be clear, there will need to be a resolution that specifies the date of the election and that sort of thing coming before you but that is consistent with my recollection that the Board voted to move forward and I will move in the direction to prepare a formal resolution for you and to have you pass and adopt and pass to the Election’s director.”

Commissioner McVey asked “How much of a notice does this have to have before it would go to the Board of Elections?” Chairman Hall responded “We’ve got time.” Commissioner McVey continued “Well I figured we had time. That is the reason I felt like we needed to take a look at the whole picture, everything involved. Can I make a motion to table this?” Chairman Hall responded “Just hold on one second.” Commissioner Travis stated “It is so many days before the election before it has to be put on there.” Chairman Hall responded “Right.” Commissioner McVey stated “I understand that, that is the reason I am asking how long do we have before it has to be at the Board of Elections.” Mr. Miller responded “Commissioners I think we would need to know by, certainly by May whether you want to put it on the ballot.”

Commissioner S. Carter stated “Mr. Chairman we made a motion at our last meeting to put this on the November general election ballot.” Chairman Hall responded “Right, I think…”

Commissioner Travis asked “Was it unanimous, the vote?” Commissioner S. Carter responded “What’s that?” Commissioner Travis continued “What was the vote?” Commissioner S. Carter responded “Unanimous.” Commissioner Travis continued “No, it wasn’t, I vote…” Commissioner S. Carter responded “I’m sorry, I’m sorry, 6 to 1.”

Chairman Hall stated “There was a motion at the previous meeting, we did vote and whether or not it was unanimously is immaterial since we had a majority. I think where we are going with this for Commissioner McVey is we need to go ahead and talk about the second item and have the full discussion that Commissioner McVey wants us to have because the decision to put it on has been made. Now that is not to say we can’t revisit that decision but let’s have those discussions. So what we will do at this point is to go on to the School Bond issue and have our discussions on that.”

Commissioner McVey stated “I feel the same way about the school bond issue, we just received that information from y’all last week and I feel like as a Board we have not had a chance to discuss that in closed session with ourselves and I feel like to be fair to the citizenry of this county we need to know what it is going to cost us. We’ve got to look at our budget. We’ve got to look at the amount of money that you think is going to be required for y’all and I understand there may be some grants available and there may not be some grants available, it could go either way. I think that plays into the whole picture because we know we are going to have to spend some money in our budget on some other stuff and I’d like to know what it is going to cost us before we do this. I want to help you, I told you I did. I think you need to do something at Bartlett Yancey but this Board needs to know what it’s going to cost before we do it and how are we going to pay for it before we put it on a referendum.”

Chairman Hall stated “I don’t think we have anybody that will disagree with your Commissioner McVey. What we want to do is talk about the things that we see that we might want to need and know and we can start that conversation tonight. One of the things when we get to the cost is asking our staff, county manager, finance officer to get with school board staff, they have prepared some numbers for us but we’ve got to take those numbers and if the bond passes, figure out what we will need on an annual basis to pay for it and there will be a couple of options there. How much we will need, how much the school board will have available on an annual basis and any other sources so I understand what you are saying but I think this is an opportunity now for all commissioners if you’ve got these concerns let’s get them out here so that we all can talk about them and we all can direct staff and request the school board on what we need.”

Commissioner Owen stated “I will just say I unfortunately was sick and I was not able to be with you so all this information is brand new for me. I did not receive that nice informational packet so I know nothing about this other than what I see right here and I would not feel comfortable as a commissioner to make any kind of vote on this tonight. I think it’s a wise decision for us to see what this thing is actually going to be. I think we know we got to do something but we need to know all the facts before we jump so I could agree with Commissioner McVey on that.”

Commissioner Jefferies stated “Well I certainly agree with Rick and what he said but however the school needs this and they are only asking for a referendum. We are going to let the people vote, the taxpayers, and the people will vote on what we will spend. They are asking for a motion pretty well tonight and what I understand is to do a referendum in November. You know two years from now Dillard will be paid off, I think I’m right. The only thing we will owe will be on the jail so we know they need this money so I am for doing a motion on it tonight to do a referendum. That is how I feel, I felt that way and I said I would do it and I still will stick to what I said.”

Commissioner McVey stated “Mr. Jefferies would you go buy a tractor or a truck or combine and not know what is going to cost?” Mr. Jefferies responded “No, no I would buy that but they have us an idea of $40 million but they are going to get some grants and some things.” Commissioner McVey continued “Hopefully they will and I understand that but we still don’t know what it is going to cost us. We can put it on any referendum we want to but we don’t know what it is going to cost us. Our financial people have not given us any idea. This Board don’t know.” Commissioner Jefferies responded “It is $40 million we know about that.”

Commissioner Travis stated “That is the first thing the taxpayers is going to ask you when this thing passes, what is this thing going to cost us so we need to know what it is going to cost us every year so the people will know what it is going to cost. If you go out there and tell people you voted on it tonight and you don’t even know what it is going to cost, they won’t be too happy with this. You have to know when you make a deal with the bank what you are going to be paying and this is just like a business. We have to know what the taxpayers are going to pay every year to do this.”

Commissioner McVey stated “It’s not that I don’t want to help you, I want to. I am going to try in every way to help this school board but we’ve not had time as a Board to find out this information.”

Commissioner W. Carter stated “Well one thing, we will put this before the voters and let the voters decide but as far as affecting the 2019 budget its two years down the road and during that time the Dillard school bond will be paid off to offset it some and hopefully the school board can try to obtain some grants.” Commissioner McVey responded “Hopefully they will get some grants but you still don’t have any idea what it is going to cost.” Commissioner W. Carter continued “I sure don’t. I don’t have any idea if we are going to be living tomorrow.” Commissioner McVey responded “I am not going to do something tonight if I don’t have some kind of idea what it is going to cost.” Commissioner W. Carter stated “Well we know what it is going to cost because they presented it to this Board.”

Chairman Hall stated “Okay gentlemen, other comments on this.”

Commissioner S. Carter stated “Mr. Chairman the only thing at this point that I am sensitive to is the fact that we had Mr. Owen absent at our last meeting and he personally has not had time to review it, that’s the only thing preventing me from offering a motion at this point in time.” Commissioner McVey responded “When you start paying taxes young man you’ll learn…I’m just going to get up.”

Commissioner Owen stated “I just want to say, I think we all know we have a constituency today that wants to know what’s coming and we can say $40 million but until we translate it to the county is going to be paying this amount every year I think that is what our citizens need to know to make an informed vote. That is just my opinion.” Commissioner S. Carter responded “We would have plenty of time between now and November for an information campaign and I think that would give the citizens the time to review the options that we have. I would also request Mr. McVey would apologize to me at this time.” Chairman Hall stated “Let’s…” Commissioner S. Carter responded “Mr. Chairman that comment was totally out of order and out of subject.” Chairman Hall continued “Commissioner Carter let’s keep this professional. Let’s not, let’s try not to get personal on our comments, okay. We are going to take a break here so we can unwind for a second. Before we do that I am going to make one final comment. I think I feel comfortable that the majority of this Board will vote to support the bond issue. What I have heard I think is reasonable for a couple of reasons. Number one there is ample time on the one hand to go out and do some things but if we start from square one knowing or having a good idea of what it is going to cost us on an annual basis I think we will be a step ahead. As we start this budget process and the next budget process we’ve got to look at budgets for the next 25 or 30 years and so I think it is important two more weeks on this decision or three weeks I don’t think is going to cause any major problems for the School Board, I really don’t because I think that they can look and tell that we are going to support them. Now we got to get through this process and I think to get through this process we got to remain civil, think things through and everybody’s voice be heard. Now with that said I am going to ask Dr. Carter if she would like to make a statement.”

SCHOOL BOND ISSUE

Dr. Sandra Carter, Caswell County Schools Superintendent, thanked the Board for being present last week when Dewberry & Davis did their presentation on the scope of work and she also added that she appreciated the support of the School Board and Dewberry & Davis for their presence in the meeting tonight. Dr. Carter stated that when she came on board in January of 2017 the first thing she heard what the county needed a new high school. Bartlett Yancey was built in the 50s according to the research that has been done. She added that most high schools last about 40 years. When the needs grant was written last year pictures were taken and that is when the true need was apparent. When the school board visited other schools it found out that the kids in Caswell did not have what they need for the future. Dr. Carter stated that she has heard that this is something that has been discussed for 10 years and she does not think there is any question about the need for a new high school. The renovation committee did put together a scope of needs for Bartlett Yancey and Dewberry and Davis put those needs together and it is a start of the art facility and the price tag is approximately $40 million. She added that she has heard that most state of the art new construction facility cost between $60 and $100 million so she feels they are being very conservative with the needs of the school. The school board does not have the exact figure because the interest rates fluctuate and the total bond amount or segments of it those things can impact the amount. Dr. Carter stated that bottom line the school board needs the taxpayers to vote and the more time they have to get this out to the public the more time they have to educate the public on what this will allow. She added that the sooner the Board gives the approval to put on the November ballot they can get the information out to the public because it will be the Board’s responsibility to tell the school board what it would cost the taxpayer or landowner in Caswell. Dr. Carter did not like the idea of waiting two more weeks because the school board feels it has waited too long already.

Commissioner W. Carter stated that Dr. Carter had mentioned that there were several grants that would be applied for. Dr. Carter responded yes. She also stated that she had given the Commissioners a sheet that explained the scope of work that Dewberry and Davis gave to the school board. The school board is asking to put on the referendum a school bond not to exceed $42.5 million. The school system will apply for grants but there is no guarantee that they will be awarded. Dr. Carter stated that the balance remaining on Dillard School is $845,000 and that will be paid in full in 2021.

Commissioner Owen stated that in past conversation with the school board the figure was $30 million for this project so for him to hear $42 million tonight is the first time he has heard this figure. He does not doubt that there is a need but the citizens do need all the information. He added that he did not have any idea what the yearly payment would be. Dr. Carter responded that the $42 million is very conservative for a school construction cost but she understands that it is a sticker shock.

Chairman Hall suggested that the Board take a couple of weeks to gather some information and to request county staff get with school board staff to get some numbers together. The figure is not what he is concerned about, what he is concerned about is how to budget for this moving forward. Commissioners Owen, Travis, McVey and Jefferies agreed. Commissioner Carter responded “I made my comment.”

RECESS

The Board took a brief recess.

DISCUSSION ON ANIMAL CONTROL ORDINANCE ALLOWANCE FOR COMPLIANCE

Chairman Hall stated the Animal Control Ordinance was passed at the last meeting…

Commissioner S. Carter asked “Mr. Chairman did we have anything else to discussion on the ¼ cent sales tax since that was something that was already approved?” Chairman Hall responded “I think not at this point.” Commissioner S. Carter continued “Okay.”

Chairman Hall stated that it came to his attention by at least two citizens that the Board passed the ordinance so fast that the citizens may not have time to comply so he put this back on the agenda to see if the Board would consider giving citizens 30 to 60 days to comply with the ordinance. Commissioner McVey responded to give the citizens 90 days.

Commissioner Jefferies moved, seconded by Commissioner McVey to give the citizens 90 days to comply with the Animal Control Ordinance.

There was a lot of discussion about the pros and cons of allowing time to comply with the ordinance.

Mr. Ferrell gave the suggestion of directing staff to issue a warning on the first interaction and to educate the citizen on the changes in the ordinance and this would accomplish what the Board wants to do.

Commissioner S. Carter stated “The only thing that I personally would be in favor of is a 30 day warning to get your compliance up to par. I think 90 is way too long. We’ve been through this process for months now. There have been public hearings. There’s been committee meetings and community people have talked about that ordinance for a long time and a lot of people I think understand what is going on and the changes that we’ve made. I am not saying they totally understand the details but I think a first offense between now and the next 30 days would give them enough time to get up to compliance but 90 days would allow continued abuse to occur unnecessarily in my opinion.”

Chairman Hall stated that there are two options for the Board. The first is to amend the motion or vote on the motion as it stands.

Commissioner Jefferies withdrew the motion.

Commissioner Jefferies moved, seconded by Commissioner McVey to direct Animal Control to issue a warranty for the first 90 days.

Mr. Miller asked if this was for the new items in the ordinance. Chairman Hall responded no it would be for the whole ordinance.

Upon a vote of the motion, the motion failed by a vote of two to five with Commissioners S. Carter, W. Carter, Hall, Owen, Travis.

Commissioner S. Carter stated “Mr. Chairman I make a motion in the same wording as the previous motion just with a 30 day period of time versus a 90 day period of time if I can get a second.”

Commissioner Travis asked “What about the tickets?” Commissioner S. Carter responded “It would be a warning within a 30 day period before they could come up to compliance.” Commissioner Travis asked “Do you think the highway patrol is going to stop you today and give you a warning and then stop you tomorrow and give you another warning?” Commissioner S. Carter responded “I understand that.” Commissioner Travis continued “It does not work that way.” Commissioner S. Carter responded “My sensitivity to this is with Commissioner Owen talked about with the housing requirements to give them time to go and purchase the necessary equipment for compliance where somebody may not be able to do that immediately within a couple of days.”

Commissioner W. Carter stated that he agreed with Commissioner Travis. He thinks giving a warning with the first offense is fine but with the next visit there will be a ticket.

Mr. Miller stated that there are current ongoing situations and this kind of motion would be problematic.

Commissioner S. Carter stated “I’ll withdraw my motion.”

Commissioner W. Carter moved, seconded by Commissioner Travis to direct Animal Control to write a warning for the first office and after that a ticket will be written.

Commissioner S. Carter stated “I’m confused slightly because that’s very similar to what I just made the motion on.” Commissioner Carter responded that if an individual is written a warning and Animal Control goes back out a week later they will get a ticket. Commissioner S. Carter continued “Well what’s the 30 day period?” Commissioner W. Carter stated that it would be within the first 30 days. Commissioner S. Carter stated “Right but currently our ordinance and of these similar procedures are complaint days and the ordinance and enacting the ordinance says it is effective immediately and we voted on it so currently in the past however many days or weeks it has been you would already be in that system so I don’t understand the 30 day need because we are currently already doing what you just made the motion.” Commissioner Travis responded to leave the 30 days off the motion. Commissioner S. Carter continued “I am fine with that.”

Commissioner W. Carter moved, seconded by Commissioner Travis to amend the motion to take out the time period. When the officer goes out the first time there will be a warning and the second occurrence would be a citation

Commissioner S. Carter stated “Mr. Chairman I believe we need to read our own ordinance first, I believe it is already structured that way and I don’t think a motion is necessary. I don’t have it on hand but…” Mr. Ferrell responded that the ordinance does have a tier system for certain offenses but not all. He added that the Board could direct staff to direct Animal Control to use their discretion on the new items in the ordinance.

Commissioner W. Carter moved, seconded by Commissioner Travis to amend the motion to direct the Animal Control officers to use their discretion on the new items in the Animal Control ordinance. The motion carried by a vote of six to one with Commissioner S. Carter voting no.

DISCUSSION OF FY 2016-2017 AUDIT

Chairman Hall turned this part of the agenda over to Mr. Miller and Ms. Gwen Vaughn, Finance Director. Chairman Hall stated that Mr. Miller and Ms. Vaughn will highlight some of the findings and then they will inform the Board what actions have been taken and what other actions will be taken to try to mitigate these findings.

Mr. Miller gave the Board a historical perspective about the prior fiscal year audits and where it stands today. There was one finding in the audit this year that did reoccur from the previous year’s audit and Ms. Vaughn has put together a good plan to rectify the audit finding. He added that as far as the control deficiencies the objective is to strengthen the pre-audit process and the disbursement process. The finding was ‘reconciliation of records. The auditors found that several adjustments had to be made to correct the final financial statement. He went through the various things that will take place to correct this finding.

Commissioner Travis stated that from what Mr. Miller just said the problems are coming from the turnover in the finance office. Mr. Miller responded that he did not know that he would go that far. Commissioner Travis continued by saying maybe the right people were not hired. He added that these are the same right ups every year. Commissioner Travis stated that Ms. Vaughn is here at the meeting and she has not said anything, the county manager did all the talking. He felt that Ms. Vaughn should tell the Board what is going on because she runs that department. Mr. Miller responded and informed the full Board that the Chairman had spoken to him earlier and said that he expected a response from him being the county manager on the plans on how to fix the audit finding and that is the reason why he responded because that is what the Chairman asked him to do. Commissioner Travis asked who is responsible for what goes on in the Finance office. Mr. Miller responded that it was ultimately him. Commissioner Travis asked Mr. Miller if he ran the day to day operations in the finance office. Mr. Miller responded that he did not.

Chairman Hall stated that he did say to the county manager that he wanted a response but he did not necessarily mean it literally because he also had a conversation with Ms. Vaughn. He wanted to make sure that the findings were address because in the audit it says that management agrees with the findings and management is the Board. There are issues with internal controls; issues of year-end close out, issues of trial balances, etc. He added that he was also asked if Ms. Vaughn should be here and he said yes. Commissioner Travis responded that he did not have a problem with Ms. Vaughn being here but they need to talk and not the county manager.

Commissioner Owen stated that if it is okay with the Board he would like for a written plan to be presented to the Board on how this finding will be corrected with specific strategies that go beyond just the word proactive so the Board will have something tangible. He asked if the Board would be okay with this. Commissioner S. Carter responded “Absolutely.”

Commissioner Travis stated that the Finance Department should come up with this written plan and this needs to be given to the county manager and then to the Board.

Chairman Hall asked for a written report that lists the finding and then below it what has been done and what will be done and how it will be handled. He added that the statement was made that there was only one finding but within that finding there were three or four parts and then there were other things that may not have been designated as findings but from a financial statement part it could be at least a concern so he wanted this to be explained as well.

Ms. Vaughn stated that she did prepare a document to show the deficiencies, the goals, the objectives, the plan, strategy and a time line so this has been done but she will prepared it with more details for each step. She asked if there were any more questions. Chairman Hall responded that the Board would wait to receive the report.

CAPITAL NEEDS ASSESSMENT

Chairman Hall stated that the county manager provided the Board with a report of the capital needs report.

Commissioner S. Carter stated “I would just suggest one addition to this and this list of course doesn’t mean that we are going to do everything specifically on this list and this is what it is but the sound system in this room is embarrassing. I need to say that publically and we need to focus on that as a Board this year and as soon as possible and I think we need a quote on having appropriate microphones in here and some options other than assessing what we currently have.”

OCCUPANCY TAX DISCUSSION

Chairman Hall stated that he put this on the agenda because at the last meeting it was reported that the county has not received any receipts from the occupancy tax. He added that he knows that the county has at least one hotel in the county. Chairman Hall asked general counsel what the next step would be.

Mr. Miller stated that he had made several attempt to talk to the owner about this without any response. The owner is out of the county but he has spoken with his business partner, Mr. Patel, who was unaware of the occupancy tax. Mr. Patel informed the county manager that the owner will be back in the county after the first week of March and he asked if the county would hold off on any civil or criminal action until Mr. Patel, the owner of the hotel and the county finance office are able to discuss this matter. Mr. Miller did inform Mr. Patel that there were no negotiations and that the Board had levied the tax and that the hotel would be responsible for paying this tax or face criminal and/or civil penalties. Mr. Patel asked for a delay in the criminal and civil actions until after the first week in March but the county manager informed Mr. Patel that this was a decision the Board would have to make.

Mr. Ferrell stated that the enabling legislative that authorized the county to levy this tax specifically references the enforcement remedies that are available to this Board and those remedies are set out in General Statute 153A-155. There are two options and one is civil remedies which are financial remedies as a percentage of the tax that was collected and should have been remitted. This would be a lawsuit against the hotel. In addition to the civil penalties the statutes says that failure to file a return is a Class 1 Misdemeanor so a referral to the sheriff would be in order if the Board wanted to proceed with criminal penalties. Mr. Ferrell stated that he would proceed at the direction of the Board.

Commissioner W. Carter asked if the management of the hotel was notified once this tax was levied. Mr. Miller responded yes, the hotel was provided a copy of the resolution as well as the form that was needed to be filed for the occupancy tax. Three months later staff tried to call the owner of the hotel. A voice mail was received from the owner of the hotel but nothing else since then.

Chairman Hall stated that the bottom line is that no reports have been filed and the Board needs to take action that the general statutes allow the Board to take.

Commissioner S. Carter stated “This process started in October of 2016, the forms were delivered to the manager of the hotel whose responsibility is to contact owner, they have the direct relationship, not us. Again October of 2016, the law is the law; they broke it, that is where I am at.”

Chairman Hall stated that civil action would be the appropriate action to start. Commissioner S. Carter responded “I would agree with that.”

Commissioner W. Carter stated that if the owner has agreed to meet after March 1st so he thinks the Board needs to give them some time to meet with staff.

Commissioner McVey asked when this was approved. Commissioner S. Carter responded “October 2016.”

Chairman Hall moved, seconded by Commissioner S. Carter for general counsel to proceed with civil proceedings against the Days Inn Hotel in Yanceyville. The motion carried by a vote of six to one with Commissioner W. Carter voting no.

Commissioner Owen stated that he went on a website called AIRBNB and typed in Caswell County and 4 sites came up in Caswell County. He added that in some cases this company will collect the occupancy tax and they will let the housing units know there is an occupancy tax. Commissioner Owen suggested that the county manager get in touch with this company so that they would let the one listed on their site would know there is an occupancy tax in Caswell County and they may also collect the occupancy tax as well. Chairman Hall responded that if Commissioner Owen could go to Airbnb and determine there are some site being rented out then someone on staff could do the same thing.

RECESS

The Board took a brief recess.

APPROVAL OF SENIOR CENTER’S PUBLISHING SERVICE AGREEMENT

Mr. Miller stated that the Commissioners had a handout at their desks and he went over the publishing program. The Senior Center produces a monthly newsletter and they would like to move to a quarterly newsletter and they found a company that can print the newsletters and for the most part put the newsletter together for them at no cost to the county. This will basically cut the cost of these newsletters in half. This currently averages about $3500 a year and the estimated cost using this program is $1500. The company would print the newsletter in color on their paper, the Senior Center staff would stamp and mail the newsletter and this is done through obtaining advertising and charging for this advertising that will go in the newsletter. There is a profit sharing program where if the company receives more than the cost to publish the newsletter the county could receive some monies from this. Mr. Miller asked the Board for approval to enter into the LPI Publishing Services Agreement.

Mr. Ferrell stated that this is about a page and a half agreement so he had some comments on it. It is a 3 year term initially and he would recommend trying it for a year. He added that nothing is for free so how this agreement is paid for according to the agreement is the publisher will go out and get advertisement revenue and they are assuming they will have 34 spaces of advertising sponsorships to cover the costs. He added that he has maybe four comments that he would like to try to negotiate with the vendor on but the Board could move forward on the agreement.

Commissioner S. Carter stated “Mr. Chairman I moved that we enter into the contract with LPI Publishing Services for the newsletter at the Senior Center.”

Chairman Hall asked “Would you include the proviso that general counsel just said?” Commissioner S. Carter responded “Yes sir, with those.”

Commissioner S. Carter moved, seconded by Commissioner Owen to enter into the contact with LPI Publishing Service pending final comments from general counsel with the vendor. The motion carried unanimously.

REQUEST TO OFFER TO EMPLOYEES THE NC 457 PLAN

Mr. Miller stated that the NC 457 plan is an alternative or an additional option to a 401k plan and it is offered to full time, part time and temporary employees, elected or appointed officials and rehired retired employees. He added that unlike the 401k plan the NC 457 does not have a penalty for withdraws regardless of age. This plan allows for rollovers from retirement plans from former employers including 401k plans. A lot of contribution limits are the same as a 401k plan. This plan is offer through the North Carolina Retirement System and they use Prudential as a record keeper for the plan. There is a cost per employee of $31 a year if they participate.

Commissioner Owen asked if any other counties offer this program. Mr. Miller responded that other counties are offering this but he did not know which ones. Commissioner Owen stated that his wife has a NC 457 plan and she has had problems with getting money out of it. Mr. Miller responded that a representative from Prudential would have to come and present this to the employees so this could be asked.

Commissioner Owen moved, seconded by Commissioner McVey to offer the NC 457 Plan to the County employees. The motion carried unanimously.

EMPLOYEE HEALTH AND WELLNESS MEDICAL ACCESS PROGRAM

Mr. Miller stated that this policy is basically a rewrite of a policy that has already been passed. A lot of the verbiage that was in the previous policy has been removed, a lot of it was redundant and lot of it was not necessary. Mr. Miller asked the Board to entertain the option to replace the current policy with the Employee Health and Wellness Medical Access Program Policy.

Commissioner S. Carter stated “Mr. Chairman I have just one comment, I don’t see how this is harmonious with all of our employees, the 30 minute exercise…” Mr. Miller responded “That is the next one.” Commissioner S. Carter continued “I know but I am just reading ahead I guess so you can go ahead, I am sorry.”

Commissioner W. Carter moved, second by Commissioner Owen to adopt the updated policy, Employee Health and Wellness Medical Access Program. The motion carried unanimously.

WORKSITE WELLNESS OPPORTUNITY

Mr. Miller stated that this is a rewrite of a policy that the Board has approved. The policy has been broken into two pieces and presented into two different policies. He added that the My Wellness, My Way program affords the employees the opportunity three times a week to exercise at the discretion of the department head during work hours.

Commissioner S. Carter stated “That was my only comment, I don’t see it as harmonious among all departments, how every department’s function is different, how their schedules are different. Emergency Medical for example, I don’t see how this would be viewed the same among the departments at the supervisor’s discretion. It just irks me a tad.” Chairman Hall responded “So do you want to propose an alternative?” Commissioner S. Carter continued “That’s what I have not formulated yet.”

Mr. Miller stated that he does not think it is a big problem because there are programs now that multiple departments have employees attending now that are 30 minutes here and 30 minutes there. Many of the programs have been well attended. This exercise opportunity is really not different from these programs. He added that there is data that backs that this type of activity is needed. He gave the data from the BCBS survey that was given to the employees.

The clerk stated that this program has not been presented to the My Wellness, My Way Committee for its approval. Mr. Miller responded that this is true but he did not think it was relevant. He added that the plan meets all the criteria that have been requested by the employees and it was previously approved by the Board and he added that the plan is a good plan. Chairman Hall asked the clerk if this was relevant. The clerk responded that the Wellness Committee consists of 10 individuals from different departments and this committee makes the decisions on what activities the employees will participate in. There is a committee meeting tomorrow.

Chairman Hall suggested that the group that is presenting the Worksite Wellness Opportunity get with the My Wellness, My Way Committee and get this back to the Board. Mr. Miller responded that he would present it to the committee.

TELAMON CORPORATION’S SUBMISSION OF FY 18/19 COMMUNITY SERVICES BLOCK GRANT APPLICATION

Mr. Miller stated that the Telamon grant application is for $259,742 and Caswell’s part is $41,312. North Carolina’s Administrative Code requires that CSBG plan be presented for review and comment to each county Board of Commissioners within 30 days of submission.

Chairman Hall asked when the application was submitted. Mr. Miller responded the documents have to be submitted March 16, 2018.

Mr. Miller stated that the 2018-2019 will be Telamon’s second full year of operation. Telamon runs the Head Start in the county. They also work with Cooperative Extension.

Chairman Hall stated that from what he read this covers 3 counties. Mr. Miller responded yes it covers Person, Rockingham and Caswell. Chairman Hall asked the county manager to pass on to the Telamon Corporation that in the future they need to come and present to the Board so the Board can ask more questions.

Commissioner Owen asked if Telamon could come before the end of the process to come and present to the Board their progress.

Commissioner S. Carter stated “Mr. Chairman I think I am correct in saying this, last year this process for the same grant they came here and scheduled a day. I don’t know if you call it a public hearing or something to that effect, I was the only person in attendance. I don’t know how well it was announced or what you know gap of time notice that we had but I do remember sitting down and talking about similar concerns and it was only forty some thousand dollars and the great need that we have in the county and they did have information on how their previous year’s monies had been applied and I think they would be readily available to provide that to us if we requested it and I would like for them to come before the Board as a whole as well.

Chairman Hall asked the county manager to request Telamon Corporation to come to a regular Board meeting and as per Commissioner Owen’s request asked them to come within the next month or two and give the Board a report. Mr. Miller responded that he would do that.

RECESS

The Board took a brief recess.

Chairman Hall stated that he was going to postpone the rest of the meeting and move on to closed session.

CLOSED SESSION

Commissioner W. Carter moved, seconded by Commissioner Travis to go into Closed Session to preserve attorney/client privilege (NCGS 143-318.11(a)(3)) regarding civil action filed by Mr. & Mrs. Michael Terrell vs. The Animal Control Appellant Board. The motion carried unanimously.

REGULAR SESSION

Commissioner Travis moved, seconded by Commissioner Owen to resume the regular meeting. The motion carried unanimously.

Commissioner W. Carter stated that Commissioner Carter had brought it up about the PA system and a lot of money has been spent on the system so he stated that he would get with the clerk to see if he could tweak it before the next meeting. He noted that there is a problem with the speakers being placed too close together.

ADJOURNMENT

At 9:05 p.m. Commissioner Travis moved, seconded by Commissioner McVey to adjourn. The motion carried unanimously.

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Paula P. Seamster Nathaniel Hall

Clerk to the Board Chairman

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