MINUTES – JUNE 4, 2018

The Caswell County Board of Commissioners met in regular session at the Caswell County Historic Courthouse in Yanceyville, North Carolina at 9:00 a.m. on Monday, June 4, 2018. Members present: Nathaniel Hall, Chairman, Rick McVey, Vice-Chairman, Sterling Carter, William E. Carter, Jeremiah Jefferies and Kenneth D. Travis. Absent: David Owen. 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 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 stated that the Board needed to add a Closed Session to the agenda for economic development and personnel.

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

Chairman Hall stated that Commissioner Owen is out due to an illness in the family.

APPROVAL OF CONSENT AGENDA

Commissioner W. Carter moved, seconded by Commissioner McVey to approve the Consent Agenda. The motion carried unanimously.

The following items were included on the Consent Agenda:

A. Approval of Minutes of May 21, 2018 Regular Meeting

B. Approval of Minutes of May 23, 2018 Special Meeting

PUBLIC COMMENTS

Chairman Hall opened the floor to Public Comments.

Mr. Thomas Wright came before the Board and stated that he lived at 559 George Russell Road. He stated that he received a letter from Mr. Thomas Bernard that states that the North Carolina Department of Revenue contacted his office. He added that this letter was shown to Chairman Hall and the county attorney. He continued by saying that he had asked them to find out who contacted Mr. Bernard and since he is presented tonight he can be asked this question because he has not received any answer yet.

Chairman Hall asked if anyone else would like to speak during Public Comments. With no further comments Chairman Hall closed Public Comments.

PUBLIC HEARING – FY 2018-2019 BUDGET

Commissioner W. Carter moved, seconded by Commissioner Jefferies that the Board enter into a public hearing to receive comments on the FY 2018-2019 Budget. The motion carried unanimously.

Mr. Miller stated that he outlined in the last Board meeting that a public hearing would be held on the proposed FY 2018-2019 budget. The proposed budget is on file in the Clerk to the Board’s office and had been made available to the public.

Chairman Hall opened the floor for public comments. With no comments Chairman Hall declared the Public Hearing on the FY 2018-2019 Budget closed.

BOARD OF EQUALIZATION AND REVIEW

Commissioner W. Carter moved, seconded by Commissioner McVey to reconvene the meeting of the Board of Equalization and Review. The motion carried unanimously.

Mr. Thomas Bernard stated “Good morning Mr. Chairman and Commissioners, we still just have one item on the docket and that is Mr. & Mrs. Paul Robinson. They would like to request a continuance because they are going to be in the process of getting an appraisal on their property and so we can close the Board of E & R today but this case we can hear that at a later date when they get that appraisal in as the board. They would like to get an appraisal on the property.”

Chairman Hall asked “General counsel?”

Mr. Ferrell stated “Mr. Chairman if you will recall at the last meeting the Robinsons did appear and lodged an appeal on the valuation of their property alleging it was too high. At that time we talked about the fact that the burden is on the taxpayer to produce substantial material and competent evidence to rebut the presumption of accuracy in the tax assessment, the property tax assessment. What I understand from the tax assessor is that the Robinsons have requested an extension of time in order to have an appraisal which would essentially be their evidence to support their appeal that the valuation is too high. Is that basically accurate Mr. Bernard?” Mr. Bernard responded “Yes sir.” Mr. Ferrell continued “Okay and the way the statutory process works for the Board of Equalization and Review, that tax director is absolutely right, your adjournment period per the notice is today assuming you see fit to adjourn as a board but the hearings can actually continue on as necessary until the board’s work is done or until you have heard all of the appeals so if indeed the Board of Equalization and Review is inclined to give the taxpayer some more time to produce the evidence that they think is necessary for their appeal there’s certainly nothing wrong with granting that extension until a date certain, I don’t know how long they think it will take to get their materials together and then you can go about concluding the remaining work of the board through the adjournment process.”

Chairman Hall asked “From a practical standpoint if the board grants this extension would it make sense to adjourn this meeting or keep this meeting open until such time this business is handled?” Mr. Ferrell responded “Right, my recommendation would be that you go ahead and adjourn the board’s work for the purpose of accepting new hearings, there’s a statutory limit on the number of weeks you can keep the Board of Equalization and Review open just for the accepting of new applications and I believe that’s what is it three weeks following the opening and so you probably will extend, my guess is they will need a little bit more time than that to get their evidence. I would suggest that you conclude the work of the Board of E & R except for the purpose of concluding your hearings.”

Chairman Hall asked “Mr. Bernard, is it the anticipation of Mr. & Mrs. Robinson that they can get this done at time specific?” Mr. Bernard responded “It is like Mr. Ferrell said I think they should be able to get an appraisal in 2 to 3 weeks.” Chairman Hall continued “Mr. & Mrs. Robinson, since they are present I won’t talk over you, how long do you think it will take to get this done?” Mr. Robinson responded “At least 3 weeks.” Chairman Hall stated “Three weeks, okay, good, thank you. And here’s my point for fellow Commissioners before we take action because we are dealing with budgets we need to have this handled prior to approval of next year’s budget or at least by the same time because if we go passed that and a reversal is made that changes our budget numbers then we will have to deal with that also so I don’t think 3 weeks is unreasonable and it won’t unnecessarily hamper us in what we have to do. We can approve the budget prior to that but we have the option up until June 30th to finalize it if it takes that long. So with that said I am going to recommend that we adjourn again to some date certain within 2 or 3 weeks. What do the other commissioners think?” Commissioner McVey responded “Fine with me.” Commissioner Jefferies responded “I’m okay.” Commissioner Travis responded “I’m okay.” Chairman Hall continued “Okay so we need to get a date certain. Today is the 4th so that puts us around the 25th or so. When is our final meeting for this month?” The clerk responded June 18th. Chairman Hall stated “Okay, the Chair will accept a motion to adjourn until the 18th and if that is not sufficient time then we will deal with it at that point.”

Mr. Ferrell asked “Just a clarify, is the motion to adjourn just for the purpose of this hearing or do you want to adjourn the entire Board of E & R such that you can receive any new appeals or requests from the public, if that is that case we will have to republish the extended date.” Chairman Hall responded “Right, the motion that I am hoping that someone will make is just for the purpose of this hearing.”

Commissioner Jefferies moved, seconded by Commissioner W. Carter to extend the hearing for the Robinson until June 25th.

Chairman Hall asked “This motion is for the Robinson’s only, any discussion?”

Mr. Miller stated “Mr. Chairman I believe there’s another member of the audience that would like to address the Board of E & R with a new appeal.” Mr. Ferrell responded “And that is fine, so you have a motion and a second just to continue the Robinson’s hearing until the 25th and I understand that is the first order of business and I think what the manager is saying is before you adjourn completely for the year there may be somebody else that wants to address the board.”

Chairman Hall stated “Okay before we handle this motion we need to find out. Is there someone else that would like to file an appeal here? Come forward Mr. Wright and state your name and address loudly for us and then make your comments.”

Mr. Thomas Wright stated “Thomas Wright, 559 George Russell Road, Yanceyville, NC. Now I was in the tax office Thursday of this past week and I was told that it was too late to file an appeal and I was just wondering why we are getting conflicting information down there.”

Chairman Hall stated “Okay, thank you.”

Mr. Bernard stated “The question that was brought to me is he was asking if he could file an appeal for the 2017 tax year and yes it is too late for the 2017 tax year is out of question. He can file for 2018 but not 2017.”

Mr. Ferrell stated “Right and you will recall when we opened the meeting I believe I said anybody could appear in person until your adjournment and appeal the current valuation of 2018 which means that somebody could do that today if that is what they wanted to do for 2018. You have already closed the work for 2017.”

Chairman Hall stated “Yes one of the clarifications that we made for the Robinsons was to make sure what year we were speaking of and that fact that even though it went back a year it could not apply to back years. Is that not correct?” Mr. Ferrell responded “That is right.” Chairman Hall continued “Okay, so I think we should do the same thing here if that is the case. So what I am saying Mr. Bernard based on what you know even though the request was for 2017 would it in any way apply to 2018 or could it?” Mr. Bernard responded “He did not ask that question, he asked the question if he could appeal 2017 and he didn’t bring up the question about appealing the 2018 value but he can if he so desires.” Chairman Hall stated “Okay Mr. Wright would you come forward again please? It’s my understanding the question you asked was related to 2017, for the properties that you are concerned about would the same apply for 2018?” Mr. Wright responded “I didn’t give no year, I just went to the tax office and I asked was it too late to file an appeal and I was told it was too late.” Chairman Hall continued “Okay, clarification for me then, what year would you like to file for?” Mr. Wright responded “17.” Chairman Hall asked “Does it include anything for 2018?” Mr. Wright responded “It will include the same thing because 2017 the figure didn’t change in 2017, I am talking about the same thing. See I had a reappraisal and I am not satisfied with what went on with that one and we just finished that one up in February so I am appealing the decision that was made in February.” Chairman Hall continued “Okay, more clarification, you understand based on the rules that it is too late for 2017, would you like to appeal the valuation for 2018?” Mr. Wright responded “2018.” Chairman Hall asked “Would you?” Mr. Wright responded “Yes.” Chairman Hall continued “Okay, so I think we are clear. Okay, so since we have not closed out it is appropriate for him to file for 2018, is that correct general counsel?” Mr. Ferrell responded “That’s right. What I would recommend is that we make sure that you let the board know what property it is that you are appealing the valuation on; I think that is a preliminary matter and to the extent Mr. Wright and the board are interested in having the appeal hearing this morning that would be appropriate if everyone is ready to proceed. We have talked a little bit about how continuance would work as well if that’s appropriate. I am not sure how the taxpayer wishes to proceed but you could do any one of those or a combination of those but I do think it is a threshold matter so the record is clear we would need to know the parcel number in question and to the extent that there is going to be testimony this morning about the valuation or before the hearing is going to go forward we would need to swear in witnesses just like you normally do.” Chairman Hall stated “Okay, so Mr. Wright are you prepared to go forward this morning at this time with the appeal?” Mr. Wright responded “Yes.” Chairman Hall continued “Then we got a motion hanging.” Commissioner Jefferies responded “We can withdraw the motion Mr. Chairman couldn’t we since we haven’t passed it, we haven’t voted on it.” Chairman Hall continued “We can and revisit it. Who made that motion?” Commissioner Jefferies responded “I did and I just withdrew the motion.” Chairman Hall stated “Okay he just withdrew the motion and who seconded it then?” Commissioner Jefferies responded “I think Bill Carter seconded it.” Chairman Hall continued “So at this point the motion has been withdrawn, we will revisit the motion prior to closing out. Ms. Seamster would you swear in Mr. Wright and any witnesses that might come before us with him?”

The clerk swore in Mr. Thomas Wright, Mr. Quenton Johnson and Mr. Thomas Bernard.

Chairman Hall stated “Thank you Ms. Seamster, Mr. Wright you may proceed. If you would Mr. Wright start by identifying the property in question.”

Mr. Wright stated “Okay, this is parcel # 8626.”

Chairman Hall asked “Where is this parcel located?” Ms. Wright responded “It’s located at 559 George Russell Road.” Chairman Hall continued “Okay, thank you, you may proceed.”

Mr. Wright stated “Okay, we got a tax value on this property of $132,568 which he declared on November 28, 2017. It is still on the books at $132,568 with 2 mobile homes valued at $12,808. The true value of the home, one is $5,404 a 1985 Sterling mobile home. I paid for 2 mobile homes from 2004 to 2016 at $6,404 in which I wasn’t supposed to pay for none. At the last revaluation meeting we had it was supposed to be took off, he didn’t take them off. And this letter that I was talking to you about, this letter is a cover up to cover up those two mobile homes. Mr. Bernard is charging me for those mobile homes in 1997 when I went there to pay the taxes, hadn’t been no taxes been paid on those mobile homes from 1997 to 2004 and I went there to pay the taxes up on it, he charged me a little over $700 on them mobile homes, 2 and it won’t but one, it won’t but one mobile home and he transferred that mobile home to my property and started charging me, it was valued at $12,808 and it won’t supposed to be charged and he said he took it off but he did not and he said he got confirmation from the North Carolina Department of Revenue saying that the value on it was $132,568. That’s the letter that I been showing you and I want to know who down there in the Internal Revenue contacted him because I done talked to the people and don’t nobody know nothing about that so I want to know the name of the person because this here letter here…”

Chairman Hall stated “Let me make sure that I’m following you, there were 2 mobile homes tax values at $7,000…” Ms. Wright responded “They were valued at $6,404.” Chairman Hall continued “Yeah $6,404.” Ms. Wright responded “$6,404.” Chairman Hall stated “Okay, and at some point one of those mobile homes was transferred to another piece of property that you own and then was valued at $12,000.” Mr. Wright responded “Yes but now it wasn’t but one mobile home in the beginning.” Chairman Hall stated “Okay, okay but the record said two.” Mr. Wright responded “The record said two.” Chairman Hall continued “But it also said $6,404.” Mr. Wright responded “$6,404.” Chairman Hall continued “So the dollar amount was significantly less even if it was one or two. Okay, at what year was the property transferred over and upgraded to $12,808?” Mr. Wright responded “2004.” Chairman Hall stated “2004. And at that point from what I am understanding, you said you talked to the tax director and you were advised that it would be taken off.” Mr. Wright responded “Yes.” Chairman Hall continued “Okay, okay let’s stop there a second. Mr. Bernard what happened at that point?” Mr. Bernard responded “I am not aware.” Chairman Hall asked “Are you aware of the situation at all?” Mr. Bernard responded “I am aware of the situation, there was a mobile home that was attached to the real property or to the real estate and we removed it. Mr. Wright agreed to this at the preconference hearing.”

Mr. Ferrell stated “So there is a little history on this parcel you may recall from your last session for 2017 and you know the procedural history for that matter is that Mr. Wright appealed the valuation of this same parcel and during that appeals process the tax assessor realized based on the information presented by Mr. Wright that a mobile home that had been taxed as realty, as real property as if it were a fixture to the real estate as in fact a removable trailer with a tongue on it so it would be properly taxed as personal property instead of real property and so as a resolution of Mr. Wright’s appeal to the Board of Equalization and Review last year for this parcel there was a change in the tax value of his property which resulted in the valuation that you see, the $132,568, the current valuation and also an agreement that the mobile homes would be taxed as real property and they would be taxed in the name of the owner of the real property so for instance if the property was titled in somebody’s name other than Mr. Wright’s which in this case Mr. Wright said it was, that he didn’t own the mobile home it had been sitting on his property but it was not his that it would be removed from his personal property tax listing. That was the resolution for 2017. Perhaps there’s some confusion in the fact that the current valuation and I am going to want testimony from the tax director about this, the current $132,568 Mr. Bernard does it include any value for the personal property of these trailers? Is there any trailer value in that $132,568?” Mr. Bernard responded “No.” Mr. Ferrell continued “No, okay, so I am a little confused to the basis of Mr. Wright’s appeal. Mr. Wright you remember you signed a consent order where you agreed that the value of the real property was $132,568 and it’s your right to do this but is it now your basis of your appeal is that that 132 number is too high keeping in mind that there is no trailer values included in that number at this point?” Mr. Wright responded “Okay at the last reval meeting that we had you came to the meeting and we determined that, that mobile home wasn’t mine at that meeting.” Mr. Ferrell stated “Yes you said it wasn’t yours at that meeting. The agreement was if it is not yours it shouldn’t be personal property taxed to you. That’s correct.” Mr. Wright responded “Okay now this letter right here is dated November the 28th and when we came to the meeting the value of my property was $132,568 when we ended the meeting. When we came out of the meeting we done agreed to move the property, the mobile home from my property and the value is still $132,568.” Mr. Ferrell stated “That’s right. I have the agreement, the notice of settlement, joint motion to dismiss that you and I both signed after that pre-settlement conference. If it will help the board I am happy to read the terms of that settlement, I just want to make sure that I understand so that the board understands the nature of your appeal. Let me read, there is seven stipulations, if it is helpful I will read the basis of the appeal and then perhaps you can explain to the board what it is you are challenging now in the 2018 version. This was the 2017 Board of Equalization and Review by Mr. Thomas Wright on this same property, this is the resolution of that, the agreed upon resolution: Now comes Caswell County and Thomas D. Wright in jointly moving the North Carolina Property Tax Commission for entry of dismissal on this matter and shows unto the Commission as follows: Taxpayer Mr. Thomas Wright is the owner of 69.64 acre parcel of land in Caswell County having an address of 47 George Russell Road of Yanceyville, tax parcel 8626 is the subject parcel and for tax year 2017 Caswell Board of E & R assessed the subject property at a market value of $153,943 with a portion of the subject property in the present use value program due to its use as forest land. Taxpayer appealed the county’s assessed value of the subject property to Commission alleging the true value of this subject property is $134,693 as indicated by appellant’s form AV-14 which is the appeal form to the Property Tax Commission. Caswell County and Thomas D. Wright having compromised and settled the pending appeal for all purposes and have agreed that the subject property shall be valued at $132,568 for the 2017 tax year which I will note is less than what the taxpayer actually asked for in his AV-14 after the work was done the agreed upon value was less than he asked for originally $132,568. Caswell County agreed to remove the mobile home which is identified as a 1985 Sterling SMHC 1010140 from the appellant’s personal property tax listing for the 2017 and following years as the appellant is not the owner of the mobile home. There is no change for the tax assessed value for 2016 tax year because the appellant did not appeal that assessment in a timely manner as required by law. There are no other pending matters related to the appeal that require resolution by the Property Tax Commission. Wherefore Caswell County and Thomas Wright rightfully request that the appeal be dismissed. So that was the resolution. That was the challenge, the agreed upon resolution that includes the mobile home removal from 2017 so it sounds as if there is something different for 2018 that you wish to appeal and I am not clear what that is. What is it, is it related to any of those issues that were resolved?” Mr. Wright responded “It is directly related to them.” Mr. Ferrell continued “Okay.” Mr. Wright responded “Because Mr. Bernard he sent me this letter in November with the mobile home removed according to the figures here. If it was $132,568 in November of 2017 what was we doing in February if he removed it in November because you came to the meeting with no knowledge of this mobile home was not mine?” Mr. Ferrell stated “My understanding is that in November the tax director and Thomas please let me just ask you a question, you realized this mobile home issue that the tongues were in place and that these mobile homes should be taxed as personal property in November and did you offer Mr. Wright a resolution at that time?” Mr. Bernard responded “What we did was we contacted Scott Casey at the Department of Revenue and told him that the reval picked up this mobile home and that it needed to come off the real property and put as personal property and then it was during the preconference hearing Mr. Wright mentioned that the mobile home did not belong to him.”

Chairman Hall asked “So let me stop here, so notwithstanding the possible confusion of the letter, the date and the timing, when you approved the settlement on the $132,568 did you reasonable believe that was a good accurate assessment Mr. Wright?” Mr. Wright responded “Well when I approved the $132,568 with the knowledge that they were going to remove the mobile home from my real property but according to this right here November 28 he already had done removed it and I don’t see how he could have removed it when he didn’t even know it won’t mine.” Chairman Hall continued “Okay from what I’m hearing and understanding is that 2 things happened and this might be causing a timing gap. Number one it was recognized in November that it should have been filed as personal property and perhaps, I don’t know, they moved this amount for the mobile home from real property to personal property on your account. Then after that they moved it from your account to the owner, the estate of the owner so with the two transactions we still appear to be sitting at the $132,568 of which you thought was a fair assessment.” Mr. Wright responded “The $132,568 would have been a fair assessment with the mobile home removed from my personal property but it was not removed in November 28, 2017. It hadn’t been removed then. It was only acknowledged that it wasn’t my mobile home in the last revaluation meeting that we had so the figure couldn’t have been $132,568 in November because this mobile home was found out not to belong to me in February and the value of my property is still $132,568.” Chairman Hall continued “Again, a clarification of the tax director, I’m thinking there was 2 things that happened again. Number one they made the adjustment and billed it possibly to your personal taxes and then changed that from your personal taxes to the correct owner.” Mr. Wright responded “Yeah but he didn’t take it out of mine.” Chairman Hall asked “You don’t think they took it off?” Mr. Wright responded “He didn’t take it off because it was on there on November 28, 2017 and he didn’t know the mobile home didn’t belong to me then how could he take it off in February when he just found it out? He just found it out in February. He didn’t know it in November.” Chairman Hall continued “I am thinking because it was taken off, we’ve got two places that citizens are billed. You are billed as real property and then on personal property. They took it off the real property and that is how we got to the 132.” Mr. Wright responded “Okay.” Chairman Hall continued “Then finding out in February that you didn’t own the personal property they took it off the personal property so you wouldn’t see a change in the real property value from November.” Mr. Wright responded “Yeah but I would see a change in the $132,568 because…” Chairman Hall stated “No you wouldn’t.” Mr. Wright responded “That’s your real property and your personal property totally together. This number had to change if he took it off. It had to change because I am paying on the $132,568. I’m not paying on no personal property independently the $132,568, that is what I am paying taxes on.”

Chairman Hall asked “Okay Mr. Bernard would the $132,568 cover both real property and personal property?” Mr. Bernard responded “No it would not cover personal property.” Chairman Hall continued “So how can we show Mr. Wright that there was an adjustment on his personal property?” Mr. Bernard responded “I have it in the file in my office.” Chairman Hall asked “Okay so I think I’ve got a good understanding, does the rest of the board have a good understanding on what has happened? Okay, so before we convene at our next meeting would you bring that file forward so that this board can get the understanding that I think I might have?” Mr. Bernard responded “Yes.” Chairman Hall continued “Okay, so Mr. Wright what I am asking him to do is you are of the belief that no adjustment was made and I am asking him to show us that an adjustment was made and he says he can do that. Okay.” Mr. Wright responded “Okay and could you get him to get some confirmation from Mr. Scott Casey that he told him that they had done confirmed this in November 28, 2017 and that the North Carolina Department of Revenue contacted his office and confirm the value of $132,568? I want to know who contacted his office because he talked to somebody. That is all I want to know, I want to talk to the person that talked to him.” Chairman Hall stated “Okay, Mr. Bernard will you get this board also confirmation of who confirmed it to you that letter that he is referring to?” Mr. Bernard responded “Yes sir.” Chairman Hall continued “Okay, very good, fellow members of the board are there any further questions or comments on this case? Okay, there being none now at this point the Chair will entertain a motion to recess this board to a date certain which is probably going to be June 18th. My suggestion is to recess until the next meeting and if at that time we need to extend it to whichever one that is not through we can do that.”

Commissioner Jefferies moved, seconded by Commissioner W. Carter to continue the two hearings that are open, the Robinsons and Thomas Wright, until Monday, June 18, 2018 at 6:30 p.m. The motion carried unanimously.

Commissioner W. Carter moved, seconded by Commissioner Travis to adjourn the Board of Equalization and Review meeting for the purpose of accepting new applications next year. The motion carried unanimously.

RECESS

The Board took a brief recess.

RECOGNITIONS

There were no recognitions.

RECREATION DEVELOPMENT FOUNDATION REQUEST FOR ADVERTISING SIGNS

Mr. Brian Collie came forward as the President of the Recreation Development Foundation (RDF). He gave some background on the RDF to the Board. The RDF was formed in 1997 and it was reformed in 2017. The main goal of the RDF is to raise funds to support the Parks and Recreation. Since the RDF has reformed it has 13 members. This foundation would like to lease space for signs on the ball fields at the park. Mr. Collie stated that he has talked with the county manager on this and he is here to ask the Board for permission to lease space for signs to raise money for the Parks and Recreation facility.

Mr. Miller stated that this discussion came before the Board early from the Recreation Commission but the RDF is a 501c3 so they can enter into negotiation for this type of program. He asked the Board for authorization to work with the RDF to do this. Mr. Miller stated that the final information will be brought back before the Board for final approval.

Chairman Hall stated that it sounded reasonable. He asked if the RDF anticipated requesting funds. Mr. Collie responded that the RDF would not be requesting funds and added that the members of the RDF would also be handling the installation of the signs.

Commissioner S. Carter moved, seconded by Commissioner McVey to authorize the County Manager to work with the Recreation Development Commission on this project. The motion carried unanimously.

APPROVAL OF RESOLUTION OF THE CASWELL COUNTY BOARD OF COMMISSIONERS REGARDING BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY, SETTING PUBLIC HEARING THEREON, DIRECTING PUBLICATION OF NOTICE OF PUBLIC HEARING AND AUTHORIZING FILING OF DEBT STATEMENT

Mr. Miller stated that the resolution before the Board is regarding the bond order. The resolution basically authorizes the public hearing, directs the clerk to notice the public hearing in the newspaper and authorizes the finance director to file the debt statement.

Commissioner S. Carter moved, seconded by Commissioner Jefferies to adopt the resolution regarding the bond order. The motion carried by a vote of five to one with Commissioner Travis voting no.

**RESOLUTION OF THE CASWELL BOARD OF COMMISSIONERS REGARDING BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY, SETTING PUBLIC HEARING THEREON, DIRECTING PUBLICATION OF NOTICE OF PUBLIC HEARING AND AUTHORIZING FILING OF DEBT STATEMENT**

**WHEREAS**, the Bond Order described below has been introduced at this meeting of the Board of Commissioners **(the "Board of Commissioners")** of the County of Caswell, North Carolina **(the “County”)**: Bond Order Authorizing the Issuance of General Obligation School Bonds of the County of Caswell in the Maximum Amount of $36,500,000.

 **WHEREAS**, Section 159-57 of the General Statutes of North Carolina **(the "General Statutes")** requires that a public hearing be held on the bond order prior to its adoption, Section 159-56 of the General Statutes requires publication of notice of such hearing, and Section 159-55 of the General Statutes requires the filing of a statement of the County's debt with the County Clerk prior to the public hearing.

 **WHEREAS**, the County's Finance Officer has filed with the County Clerk, for the Bond Order identified above, a statement estimating the total amount of interest that will be paid on the bonds over the expected term of the bonds, if issued, and a summary of the assumptions upon which the estimate is based.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the County of Caswell, North Carolina, that:

1. A public hearing on such Bond Order shall be held at 6:30 p.m. (or as soon thereafter as each matter may be heard) on June 18, 2018, in the Board of Commissioners Meeting Room, Old Courthouse, 144 Courthouse Square, Yanceyville, North Carolina.
2. The Clerk to the Board of Commissioners is hereby authorized and directed to publish notice of such public hearing, in the form provided for in Section 159-56 of the General Statutes, one time, not less than six days prior to the date of such hearing, in a newspaper having general circulation in the County, and all actions taken in furtherance of such publication are hereby ratified.
3. The County's Finance Officer is hereby authorized and directed to prepare and file, prior to the publication of the notice of public hearing, a sworn statement of the County's net debt in the form prescribed by statute.
4. That this Resolution shall take effect immediately.

**\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \***

 The undersigned Clerk to the Board of Commissioners of theCounty of Caswell, North Carolina,certifies that the foregoing is a correct and complete copy of a resolution duly adopted by the Board of Commissioners at a regular meeting duly called and held on June 4, 2018. A quorum was present and acting throughout such meeting. Such resolution has not been repealed, revoked, rescinded or amended, but remains in full effect as of today.

 I further certify that due notice of such meeting was provided as required by North Carolina General Statutes Section 143-318.12.

 **WITNESS** my signature and the seal of the County of Caswell, North Carolina, this 4th day of June, 2018.

 S/Paula P. Seamster \_\_\_\_

 Clerk to the Board of Commissioners

 County of Caswell, North Carolina

¼ CENT SALES TAX PURPOSES FOR REFERENDUM

Chairman Hall stated that Commissioner Owen had several suggestions on this but the Board will revisit this at the next meeting.

ADA FACILITY UPGRADES

Mr. Miller stated that the Board had asked him and the Maintenance Director to get an estimate on what it would cost to upgrade all the county building to ADA compliance. He asked the Board if it would like for him to cover that information now or during the budget work session.

Chairman Hall asked the county manager to go over the estimates now.

Mr. Miller stated that it will cost $61,000 to upgrade 11 doors and to connect them.

Chairman Hall made the suggestion to add this to the list of items for the budget work session.

ECONOMIC DEVELOPMENT COMMISSION INCENTIVE POLICY

Mr. Miller informed the Board had he had passed out an updated version of the policy. This version had one minor change in it.

Mayor Alvin Foster stated that he was before the Board as the Chairman of the Regional Economic Development Commission (EDC) and not as the Mayor of Yanceyville. He continued by saying this incentive policy would give the commission a tool to work with. This tool would give Ms. Cori Lindsey, Economic Developer, something to go by when working with small businesses. With this policy the incentives are on new value and there is no money given up front. If the Board approves this incentive it will be presented to the Yanceyville Town Council and the Milton Commissioners. Mayor Foster urged the Board to consider this incentive policy.

Chairman Hall asked the Board if it had the opportunity to ready over the policy. He added that the EDC has been working on this for at least 3 months.

Commissioner S. Carter moved, seconded by Commissioner McVey to adopt the Economic Development Commissioner Incentive Policy. The motion carried unanimously.

Mayor Foster thanked the Board for their confidence in the EDC and invited them to attend an EDC meeting which is held the second Monday of each month at 1:00 on a rotating scheduled between the 911 Center, Yanceyville Municipal Building and the Thomas Day Tavern.

Chairman Hall stated that he wanted to talk about something dealing with economic development. He stated that Piedmont Electric has been hanging fiber optic lines in his area for a while and he stopped and talked with one of the individuals working on the fiber optic lines to find out what they were doing. He was informed that these fiber optic lines will allow Piedmont Electric to get automatic readings. Chairman Hall contacted Piedmont Electric to find out more information and was told the same things but was also told that they may consider selling access to someone else for internet. He was excited about the opportunity of high speed internet in the county. Chairman Hall suggested that if the citizens have Piedmont Electric as their carrier to let them know that they like this idea.

MOTOR VEHICLES MAINTENANCE POLICY

Mr. Miller stated that the Board received this policy at its last Board meeting. He added that he has not received any comments or questions from the Board. Mr. Miller stated that the county has deviated from policy to procedure with this policy so he asked for an opportunity to bring this policy back with more policy based information.

Chairman Hall stated that he would like for the county manager to address a certain person to handle the maintenance of the vehicles versus the department heads because he did not think department heads should be held accountable for vehicle maintenance.

COUNTY MANAGER’S UPDATES

White Space Project

Mr. Miller stated that he wanted to update the Board on the White Space Project and then he would ask the Board for some guidance. He continued by saying that the county still has not received all of the parts for the project and has been given the same information for the last 12 to 18 months. Mr. Miller stated that the project will not work like it was initially envisioned. He informed the Board that the county has two options. One is to continue moving forward with the project and wait on the remaining parts or to return the produce and request a refund.

Ms. Rhonda Griffin stated that one of the issues she has is the antennae for this project was supposed to be like a cell phone antennae but the antennae that came in is about 3 feet long. She added that it would take over a week for the county to receive a refund.

Commissioner W. Carter stated that he was a little dismayed because the representative informed the Board that this would be small boxes. Mr. Miller responded that Mr. Knox is a representative from the state and Carlson Technologies is the manufacturer. This project has gone through several updates. Ms. Griffin added that Carlson Technologies is out of California and that Mr. Knox was shocked as much as the county with the product and has apologized repeatedly.

Commissioner Travis moved to send the product back to Carlson Technologies for a refund.

Commissioner McVey asked if the county was going to get a refund because Mr. Miller stated that he believed the county would get a refund. Mr. Miller responded that the county should get a refund on everything but the shipping costs. Commissioner McVey asked how much had been spent on the project. Ms. Griffin responded $10,724.60.

Commissioner S. Carter stated “The current equipment that we have is useless now?” Ms. Griffin responded that the equipment is not useless. She added that Carlson has shipped this equipment to other countries and it is being used so it could be installed and people could drive to these locations but it is not the bandwidth that the county thought it was and it has huge antennas. Commissioner S. Carter continued “Like the ones that I saw. They are not huge as I would describe them, they’re this long.” Ms. Griffin responded that she could go get one of the antennas if the Board would like to see one because it is about 3 feet long with prongs sticking out from the side and it unfolds. Commissioner S. Carter stated “And it is about 6 feet when put on your house when it is spread open but I am concerned if we will get a refund back if we send this equipment back, the set of equipment that has a purpose that can work. Equipment that we have not tested in this county yet.” Ms. Griffin responded “True.” Commissioner S. Carter continued “I find the fact that we want to refund a very narrow minded view of this situation when we have equipment that does work and we don’t know how it works yet and we have not implemented a test, I think that’s too quick of a reaction and if we don’t have our hand at the table how can we expect to continue to be at the forefront of this. My opinion is if we remain in position, in contact, in the loop to say the least that we would be there to receive new technology, correct? It might cost us a little more.” Mr. Miller agreed that that new technology would not come without a cost. He continued that Commissioner Carter is correct in the fact that very little testing has taken place with the equipment that the county has received. Commissioner S. Carter stated “And we are the only county in North Carolina that is currently involved in this project?” Ms. Griffin responded “Yes.” Commissioner S. Carter continued “Why in the world would we want to back out of that? That is my question to this Board and I think that it misrepresents the intentions the citizens put in our trusts to pursue this technology and I do not think we should back out of it. We are all unfamiliar with this technology. Number one it has not been tested sufficiently yet and there is probably ample opportunity for this to develop further and for us to be ahead of the game.”

Commissioner McVey stated that from what he understands the county has $10,000 invested in this project. Ms. Griffin responded yes. Commissioner McVey asked if the equipment has been tested. Ms. Griffin responded that it has been somewhat tested. She added that the County IT and a representative from the state performed some initial testing. Commissioner McVey stated that the county could have invested $10,000 in this project and it not do anything. Commissioner S. Carter responded “There is always that option with anything to fail.” Commissioner McVey asked why other tests have not been done. Ms. Griffin responded that the county cannot test it until all of the equipment is received. She added that the green box is an external antenna that has to be mounted outside so an initial test was performed inside the library to see if it would connect. The test was stopped because county IT was having problems with having a connection. Chairman Hall stated that the bottom line is the county has not tested the equipment. Commissioner McVey asked how long the county has had the equipment and have not tested it. Ms. Griffin responded that the county cannot test this until all of the equipment is received.

Commissioner S. Carter stated “Mr. Chairman may I have a follow up? And this question is for the county manager and library director my understanding is the equipment that we are waiting on is protective coverings which in my personal research I understand to be plastic to cover those antennas.” Ms. Griffin responded that Carlson is also refabricating the antenna. Commissioner S. Carter continued “How are they refabricating the antenna because the antenna is not made by Carlson Wireless?” Ms. Griffin responded that she thinks it is the green antenna that is being refabricated.

Chairman Hall stated that the county order the equipment and he recognized that it might fail or not work and he added that the county has not really tested the equipment because everything has not been sent to test this equipment out in the community.

Commissioner McVey asked if the county had to pay more money to get the other parts needed to test this equipment. Ms. Griffin responded that the county would not have to pay any more money because it has already been paid for. She added that the county stuck its neck out on this new equipment and was not narrow minded at all when this technology was pursued. She added that this process started last January, over a year ago, and before the county tests this equipment and it not work she wanted to ideas from the Board to return the equipment and get the money back or to continue to test the equipment and possibly not get the county’s money back once it is tested.

Commissioner Travis stated that he thought the equipment was going to be small enough for the children to take them home with them. Ms. Griffin responded that this was the original thought. Now the antenna has to be outside permanently mounted. The original proposal the library had was that the boxes would be checked out by people for 3 weeks and then brought back to the library and that is no longer the case. Commissioner Travis stated that this equipment is not what the Board voted for. Ms. Griffin responded that this is correct.

Chairman Hall stated that the hope with this equipment was to move the county forward in getting some type of internet and he knows the monopoly telephone companies are not helping this situation. He added that he was not very concerned about the $10,000 as he is about being able to try to do something. Chairman Hall added that a test would be appropriate of the equipment. He stated that the county did not have anything to do with the delay of the product but his question is how far does the county go before cancelling the project. He thinks the county should talk to the company to get some answers and get a date on delivery.

Ms. Griffin stated that she had more information she wanted to share with the Board on the quick test, this type of antenna puts out radiation so when they tested the product inside the building they could not be tested very long safely but when a proper test is performed the antennas will have to be mounted on a pole outside the building and that is one of the reasons why it has not been tested. Chairman Hall responded that the equipment cannot be tested for the purpose of why the county was getting it. Ms. Griffin stated that this is correct.

Commissioner Travis asked if Carlson would take the equipment back after they are tested. Ms. Griffin responded that she did not know the answer to this question but the equipment will have to be mounted outside to be able to perform the test and that is what she wanted the Board to be aware of so this may negate the refund.

Chairman Hall stated that a test needed to be done even if only one is mounted. Ms. Griffin responded that 3 antennas work together. She added that there are 3 green antennas that have to be mounted on a pole and they have to be mounted in three different directions. Chairman Hall stated that it is still worth a test to him.

Commissioner Travis moved, seconded by Commissioner W. Carter to cancel the project and send the equipment back for a refund.

Chairman Hall stated that he is going to take the same position as Commissioner S. Carter that the county should at least test the equipment.

Upon a vote of the motion, the motion carried by a vote of four to two with Commissioners S. Carter and Hall voting no.

Ms. Griffin stated that this does not mean that once this equipment is up and working in other US places that the county can’t rebuy it later once all the kinks are worked out. She added that she liked the fact of the county being on the cutting edge but it seemed more of the bleeding edge so hopefully all the kinks will be worked out and the county can try again.

ANNOUNCMENTS AND UPCOMING EVENTS

A. Caswell County Employees Field Day – Thursday, June 7, 2018 at 10:00 a.m. &

 2:00 p.m.

 B. Caswell County Blood Drive – Wednesday, June 13, 2018 @ 10:00 a.m. – 1:00 p.m.

 C. Heritage Festival – Saturday, June 23, 2018 @ 10:00 a.m. – 4:00 p.m.

Commissioner Travis announced that the Bartlett Yancey High School Graduation is Saturday June 9, 2018 at 10:00 a.m.

Commissioner S. Carter stated “Just a follow up, they have asked us to be there at 9:30.”

CLOSED SESSION

Commissioner W. Carter moved, seconded by Commissioner Travis to go into Closed Session to discuss economic development (NCGS 143-318.11(a)(4)) and to consider the compensation, terms of appointment and performance of an individual public officer (NCGS 143-318.11(a)(6)). The motion carried unanimously.

REGULAR SESSION

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

ADJOURNMENT

At 11:23 a.m. Commissioner W. Carter 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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