MINUTES – MAY 21, 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, May 21, 2018. Members present: Nathaniel Hall, Chairman, Rick McVey, Vice-Chairman, Sterling Carter, William E. Carter, 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 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 amended the Agenda to remove Item 8 Recreation Development Foundation Request for Advertising Signs and to add to Item 8A Sands Anderson Bond Counsel Engagement Letter and 8B Davenport Financial Advisory Agreement as well as a Closed Session for Attorney Client Privilege.

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

APPROVAL OF CONSENT AGENDA

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

The following items were included on the Consent Agenda:

A. Approval of Minutes of April 27, 2018 Special Meeting

B. Approval of Minutes of May 3, 2018 Special Meeting

C. Approval of Minutes of May 7, 2018 Regular Meeting

PUBLIC COMMENTS

Chairman Hall opened the floor to Public Comments.

Jo Page Sicz came before the Board and made the following statement:

“I am Jo Page Sicz and my home is 1453 County Home Road. In January, we were outraged to learn of a puppy mill existing in Caswell County. At that time, we were told by several Commissioners that administration of Animal Control is indeed a problem and they would work to possibly move Animal Control to the Sheriff’s Department during the upcoming budget discussions. That seems to be now. Every effective and proactive North Carolina Animal Control is operated out of a local sheriff’s department, where proper training and enforcement backup is readily available. To continue any other arrangement is to accept mediocrity, red tape and failure. We now have a new 24 page Animal Welfare and Control Ordinance. Many are asking ‘How much of that ordinance is being enforced?’ An effective Animal Control staff does more than set traps and haul away unwanted animals. During the course of the puppy mill drama, we heard many people relate bad experiences with local Animal Control, both the present and in the past. We would hate to reopen that can of worms and we still wait for the proposed Puppy Mill Ordinance. I’m told the Sheriff’s Department may not want the responsibility of Animal Control. I hope that isn’t true, as that would indicate a serious deviation from their stated promises. I’m also told the Animal Control staff may not want additional training and reassignment. I hope that isn’t true either as that would speak poorly about their commitment to their jobs. Tonight I call on our County Commissioners to do the right thing. Caswell’s citizens depend on you for the decisions that give us progress, even if that progress is often met with resistance. Please move Animal Control to the Sheriff’s Department.”

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

BOARD OF EQUALIZATION AND REVIEW

Commissioner Owen moved, seconded by Commissioner Travis to recess the meeting of the Caswell County Board of Commissioners in order for the Board to sit as the Board of Equalization and Review. The motion carried unanimously.

Ms. Paula Seamster, Clerk to the Board, administered the following Oaths of Office to the Caswell County Board of Equalization and Review.

OATH OF

BOARD OF EQUALIZATION AND REVIEW

Ido solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and I will faithfully discharge the duties of my office as a member of the Caswell County Board of Equalization and Review, and that I will not allow my actions as a member of the Board of Equalization and Review to be influenced by personal or political friendships or obligations, so help me God.

S/Nathaniel Hall \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ S/Rick McVey\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Nathaniel Hall, Chairman** **Rick McVey, Vice-Chairman**

S/Sterling Carter **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** S/William E. Carter **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Sterling Carter William E. Carter**

S/Jeremiah Jefferies **\_\_\_\_\_\_\_\_\_\_\_\_\_\_** David J. Owen **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Jeremiah Jefferies David J. Owen**

S/Kenneth D. Travis **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Kenneth D. Travis**

Subscribed and sworn to

before me this 21st day

of May, 2018.

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

Paula P. Seamster

Clerk to the Board\_\_\_\_\_\_\_\_\_\_\_\_

Title

Mr. Thomas Bernard, Tax Director, was also sworn in by the Clerk to the Board.

Chairman Hall asked Mr. Thomas Bernard to give a brief summary to the Board as well as the citizens present what the Board of Equalization and Review is all about and who the Board has present tonight to hear.

Mr. Bernard stated that the Board of Equalization and Review is an opportunity for taxpayers to come to discuss their property values and if they think there needs to be a change in their property values.

Mr. Ferrell stated that there are a few duties that the Board of Equalization and Review. The Board of E & R sits every May for as long as it takes but generally two sessions of meetings. The Board of Equalization and Review is charged with reviewing the tax listings in the county and making any corrections generally on recommendation of the tax director as well as the hearing of taxpayer appeals through assessed value for their tax bills. The Board of Equalization and Review is scheduled for 2 meetings and any taxpayer is able to present to Board in person an appeal of their valuation and these appeals can be filled with the Board in person, with the tax director via mail any time prior the adjourn of the Board of Equalization and Review which will be June 4, 2018 @ 9:00 a.m.

Mr. Bernard informed the Board of Equalization and Review that no appeals have been filed.

Mr. Ferrell asked Mr. Bernard if he had made any adjustments. Mr. Bernard responded no. Mr. Ferrell informed the Board that it could ask if there are any citizens present tonight who wish to come before the Board of Equalization and Review to file an appeal.

Chairman Hall stated that according to the Tax Director there have been no appeals filed and no adjustments for the Board of Equalization and Review. He then asked if there was anyone present who wanted to file an appeal and if so he asked them to come forward and to state their name and address.

Mr. Paul Robinson and Mrs. Alice Robinson came forward. Mr. & Mrs. Robinson were sworn in by the Clerk to the Board.

Chairman Hall asked the Robinsons to state their name, address and nature of their appeal.

Mr. Robinson stated that they were Paul and Alice Robinson, 225 Third Street, Yanceyville, NC which is Outreach Ministries.

Ms. Alice Robinson stated that since this was the first time that they had done this publicly they were not aware of what to say. They had asked before for someone to come and reevaluate their property on 225 Third Street and they would like for it to be done again.

Mr. Robinson stated that he is in awe with what they do in the county because they do more than a lot of churches do and they are concerned about the tax value and asked if there could be some consideration.

Chairman Hall stated that based upon what has been said the Robinson’s would like to have the property at 225 Third Street to be reevaluated. Mr. Robinson responded yes. Chairman Hall asked when the property was evaluated last. Ms. Robinson responded that it was evaluated in 2016.

Mr. Ferrell stated that the primary purpose of the Board of E & R is to challenge the assessment. He asked the Robinson’s if it was their contention is that the assessed value currently is inaccurate or too high. Mr. Robinson responded that it is too high. Mr. Ferrell asked the Robinson’s if they had a number that they believe is an accurate value. Ms. Robinson responded that they were not really prepared for this meeting but they came to see what the meeting was all about and since there were given the opportunity to appear that is why they came forward. She asked for a reevaluation of the property at 225 Third Street. Mr. Ferrell stated that there is a presumption in North Carolina that the tax value as assessed by the tax assessor is accurate absent a substantial material and competent evidence to the contrary. He added that he understands the Robinson’s believe the value is too high. Mr. Ferrell stated that the Robinson’s would need evidence to support that the value is too high. He added that the Robinson’s made mention that they just found out about the meeting and the tax assessor is just finding out about the appeal so he is making notes about this property. Ms. Robinson responded that they have been to the tax department several times. Mr. Bernard stated that the visits were not about the value of the property at 225 Third Street. Mr. Robinson responded that this was correct.

Mr. Ferrell asked the Robinson’s if they had any other evidence that they would like to present to the Board. Mr. Robinson responded that they were not prepared. Mr. Ferrell asked that Robinson’s if they would be interested in coming back to the next Board of Equalization and Review and the Board would have to consider this as well.

Chairman Hall stated that the Board asked if there were any citizens that wanted to file an appeal and the Board of Equalization and Review has one more sitting so he asked Mr. Ferrell to inform the Robinson’s what they need to provide to the Board of E & R and to come back to the next meeting so it can be heard by the Board of E & R. Chairman Hall also asked that this information be sent to the Board of E & R prior to the meeting so the Board could review the information and this information also needs to be discussed with the tax director. Mr. Ferrell responded to the Robinson’s that he is not their lawyers because he represents the Board and he cannot tell them how to be prepared for an appeal because it will depend upon their circumstances but what the Property Tax Commission looks to is competent material and substantial evidence and this would be an appraisal that is done that indicates the true value in money of the property as of the date of the reappraisal of the property which would have been done in 2016. This would be the best evidence of a valuation of a property for the purposes of determining whether the tax office’s value is correct for this property. Mr. Ferrell asked Mr. Bernard if he was familiar with this file. Mr. Bernard responded that his department did a mass appraisal which was based only on the exterior of the property. He offered to do a walk through with the Robinson’s on this property. Mr. Ferrell asked Mr. Bernard if he would be able to do this before the next meeting. Mr. Bernard responded yes. Mr. Robinson stated that he would like for this to be done. Mr. Bernard responded that he would do this.

Chairman Hall asked for clarification, he stated the revaluations was done in January of 2016, he asked if there was a deadline to approve the 2016 revaluations. Mr. Ferrell responded that the Board of Commissioners approved the Schedule of Values that was used to determine the values of property in Caswell County and this was done in the 2016 tax year but each taxpayer has a legal right to come before the Board of Equalization and Review even though the values don’t change except for the reval cycle typically on an 8 year cycle but even though the values were set in 2016 anywhere during this cycle a taxpayer can come and challenge their value even though it was set in 2016 so the appeal is appropriate. Chairman Hall asked if an appeal is upheld does the Board go back to 2016 or 2017. Mr. Ferrell responded that there was ways that the assessor can adjust these rates such as a clerical error on how the square footage was calculated or if there were other factors that weren’t taken into consideration in the mass appraisal cycle. The mass appraisal is a process where the schedule is applied uniformly to like kind properties across the county and it is not an individual detailed assessment of each property in the county. The Tax Assessor is willing to take an individualized look at the property and this may impact the assessor’s recommended value and this will give the taxpayer time to develop the substantial material competent evidence that they think is important and relevant for this Board to consider when looking at the value of their property as well as a number the taxpayer would feel is appropriate for this property.

Mr. Bernard stated that normally the values from 2015 would be the ones to look at unless there is a clerical error on square footage or something of that nature. Mr. Ferrell responded that this is correct but he did not mean to suggest that the change would be retroactive. He had that the Robinson’s are just appealing now in 2018 but it does not mean that the value would be retroactive back to 2016 so it would just be on a going forward basis.

Chairman Hall asked if there were any other questions.

Ms. Robinson thanked the Chairman and the Board for allowing them to do this. Chairman Hall responded that he would see the Robinson’s at the next meeting.

Commissioner Owen moved, seconded Commissioner McVey to continue the Robinson’s appeal hearing until the next Board of Equalization and Review meeting on Monday, June 4, 2018 at 9:00 a.m. The motion carried unanimously.

Chairman Hall asked if there were any more appeals.

Commissioner Jefferies moved, seconded by Commissioner McVey to recess the Board of Equalization and Review meeting until June 4, 2018 at 9:00 a.m. The motion carried unanimously.

RECOGNITIONS

Commissioner W. Carter stated that the Board was glad to the Caswell County EMS present for the meeting tonight and he asked the EMS staff that was present to come forward. Commissioner W. Carter continued “The week of May 20th through 26th is National EMS Week. I would like to take this opportunity to recognize Caswell County EMS for the outstanding service that they provide to the citizens and visitors of Caswell. The long hours and stressful situations that these dedicated EMS professionals endure are frequently taken for granted. I am proud to recognize our outstanding EMS service at this time.”

Chairman Hall thanked the EMS staff for their service and asked them to introduce themselves.

Jason Watlington, Elizabeth Strader, Marcy Smith, AJ Fuqua, Barry Lynch and John Long were present to represent the Caswell County EMS Staff.

Commissioner Owen recognized the Bartlett Yancey High School Ladies Softball Team which made it to the 4th round in the State Playoffs. They did a great job this year and he wanted to applaud them for that.

SANDS ANDERSON BOND COUNSEL ENGAGEMENT LETTER

Mr. Miller stated that the Board has both the Sands Anderson and Davenport Company agreements which are associated with the new high school bond referendum that the Board authorized him to work towards. The Sand Anderson Bond Counsel Engagement Letter is for the not to exceed amount of $16,650. Mr. Miller added that this engagement letter takes the county through the referendum and if the referendum passes the Board will have to reengage bond counsel at that time.

Chairman Hall asked if the county manager thinks it will cost $16,650 to do this work. Mr. Miller responded that he hoped not because this is a not to exceed amount.

Commissioner W. Carter asked where the $16,650 come from. Mr. Miller responded it would come out of Fund Balance. Mr. Ferrell added that these types of expenses can be included in the financing of the project. Commissioner W. Carter stated that he hated to spend this $16,650 and the taxpayers of Caswell County vote the referendum down because then the county would be out $16,650. Commissioner S. Carter responded “That’s the unknown Commissioner Carter.” Chairman Hall stated that these are the kinds of unknowns that the Board should try to find out before a decision is made.

Commissioner Owen moved, seconded by Commissioner S. Carter to approve the Sands Anderson Bond Counsel Engagement Letter. The motion carried by a vote of five to two with Commissioners W. Carter and Travis voting no.

DAVENPORT AND COMPANY FINANCIAL ADVISORY AGREEMENT

Mr. Miller stated that Davenport and Company provide the county with financial services and financial advisory services. Davenport’s not to exceed amount is $19,500. In Davenport’s scope of work they will meet with the county’s staff, assist staff with evaluating the financial impacts, assist the county in evaluating its ability to repay debt, run different scenarios for project amounts, funding vehicles, amortization terms, cash debt, interest rates, coordinate with USDA if necessary, coordinate with the LGC which is probably the biggest part of what they do, review legal documents, provide updated financial analysis.

Commissioner W. Carter stated that the Board is not looking at $36,150.

Chairman Hall stated that the Board and the county is looking at somewhere around $36,000. Commissioner S. Carter responded “That is your not to exceed maximum amount.” Chairman Hall continued that nothing has been done on the school grounds. Commissioner W. Carter responded that he was glad that Chairman Hall brought this up because the School Board has $3 million that they can go ahead and address the security issues now at the schools. Chairman Hall stated that the Board needed to deal with the financial advisory agreement.

Chairman Hall asked for any questions or comments from the Board.

Commissioner W. Carter stated that this is an unexpected $36,000 going out of Fund Balance. Commissioner Owen responded that this is a spit in the bucket of what the Board has taken out of fund balance for non-reoccurring expenses since he has been on the Board and he did not think the Board could not do this.

Mr. Ferrell stated that the application is due to the LGC at the end of the month so if the Board decided to not approve these agreements the application would stop and there would not be a referendum on the ballot in November.

Commissioner S. Carter moved, seconded by Commissioner Jefferies to approve the Davenport and Company Financial Advisory Agreement. The motion carried by a vote of five to two with Commissioners W. Carter and Travis voting no.

RECESS

The Board took a brief recess.

NCACC STEERING COMMITTEE REPORT

Commissioner Owen stated that he attended a meeting on General Government Tax and Finance. There was a lady from the North Carolina State Board of Elections at the meeting and she updated everyone on the security as well as the new equipment that is going to be required. There have been other vendors that have applied to sell the voting machines. This lady stated that if the county goes with the same vendor there may be a possibility of trade ins or selling these other machines back to the vendor. They also had a report on how to approach reappraisals and Commissioner Owen passed out a sheet on the standards. He added that he would also send out the power point presentation to the Board as well on what was said. There was also discussion on the Property Tax Commissioner and the Lowe’s Bill but that does not affect Caswell County as well as reports on the legislative end but the session has not started yet.

TELEPHONE SYSTEM

Chairman Hall stated that he had asked the clerk to add this to the agenda so the Board could start some discussions about the county’s telephone system. He added that over the last year there have been a lot of problems with the telephone system at the courthouse. There have been problems with the telephones at DSS and the Health Department so he thinks the Board is at the point where a state of the art telephone system needs to be installed for the county. He added that the Board needs to start thinking about this. Chairman Hall stated that he was going to try to remember to talk about this during the budget work sessions.

Commissioner Owen asked the county manager if some of these telephones had been replaced recently. Mr. Miller responded that the county has replaced the telephone system in the historic courthouse. He added that Chairman Hall has brought up a very interesting point because he feels there is an opportunity to reduce the county’s operating costs with a new telephone system. He thinks there can be a savings through a voice over internet protocol system. Mr. Miller has had an opportunity to speak to some people about this and is currently looking into this now.

Chairman Hall stated that he was pleased to find out that the county manager had already started looking at something like this.

CREDIT CARD MACHINES

Chairman Hall stated that one thing that causes problems is there is no one person responsible for the credit card machines. For the last few months he has been getting complaints at the Health Board meeting about problems the county is having problems with health savings accounts and these cards are being rejected because of the coding. Chairman Hall stated that someone needs to be responsible for certain issues because issues with technology cannot be left up to the department. He added that someone needs to contact the credit card people and tell them to fix the problem. Mr. Miller responded that he has already spoken with the finance director about this because he was made aware of this problem today. He continued by saying the Health Department has authorization to make that call to the credit card company and to fix the problem and they have had that authorization for a while. Chairman Hall stated that the Health Department may have the authorization but they may not have the ‘know how’ because it is not being fixed. He added that this is technology stuff and that is why he said someone needs to be responsible for this issue. Chairman Hall stated that the county may need to beef up the IT department to handle these types of issues because you have to be able to talk the language. Mr. Miller responded that this will be taken care. He has spoken with the finance director and she will make the necessary arrangements.

FLEET CAR MANAGEMENT RESPONSIBILITY

Mr. Miller informed the Board that he provided them with a copy of a Motor Vehicle Maintenance Policy. He asked the Board to review this policy over the next two weeks and this should be on the next agenda. Mr. Miller asked the Board to contact him with any changes. He thinks there is an opportunity to improve to the policy.

Commissioner W. Carter asked if this would be put under the maintenance director. Mr. Miller responded no. Commissioner W. Carter stated that the check list has to be turned into the maintenance director every month. Mr. Miller responded that this was correct but it has to go through the department head first. He believes the department heads should be mainly responsible for their department’s vehicles are because the vehicles reside in those departments. He added that the maintenance director has no authority over those employees who are driving those vehicles so the maintenance director cannot make the employees fill out the checkout sheets. Mr. Miller stated that the maintenance director will be the one servicing the vehicles with a contractor and making the decisions on the service. Commissioner W. Carter stated that he did not have a problem with the maintenance director being responsible but the maintenance department is shorthanded now.

Chairman Hall state that this will be on the next agenda.

COUNTY MANAGER’S UPDATES

FY 2018-2019 Budget Work Session Dates

Mr. Miller stated the budget was presented at the last meeting and the Board needs to set some dates for the budget work sessions.

Chairman Hall stated that the Board directed staff to present a budget with no tax increase. He had that it would be beneficial if the county manager would inform the Board what is not included in the budget.

Commissioner S. Carter asked “Mr. Chairman just a question, are those numbers or estimations not in that packet?” Mr. Miller responded that for the most part they are included but he added that the request from the Chairman may be beneficial so he will prepare a one page report that contains all of these numbers. Commissioner S. Carter continued “So the answer to the question is we do have a majority of the numbers.”

Commissioner W. Carter stated that none of the Sheriff’s cars were added to the budget so the Board will be looking at that. Commissioner Travis responded that this is correct. He added that the teachers’ supplements are not included in this budget. Commissioner Travis stated that the budget that the county manager presented is a budget that the county can pay the bills without raising taxes.

Commissioner Owen asked the Chairman if the Board was going to set a date. Chairman Hall responded yes. He added that even though the Board requested the budget to be presented earlier the Board is now late on getting started on the budget. Commissioner W. Carter responded that the Board never gets the budget early.

Chairman Hall asked the clerk to send out a Doodle poll on possible dates for the budget meeting. He suggested starting the meetings next week. He asked the Board to look at their calendars.

Commissioner Jefferies suggested meeting Thursday after 5:30 p.m. Commissioner W. Carter stated that he cannot meet on Tuesdays and Thursdays. Commissioner Travis suggested starting the meeting at 5:00 p.m. Commissioner S. Carter stated “Mr. Chairman, for Ms. Seamster’s information as well I am like Mr. Carter Tuesdays and Thursdays do not work for me. I want to put that in there so she will have that information.”

Chairman Hall asked the Board to look for an email from the clerk with these suggestions.

ANNOUNCMENTS AND UPCOMING EVENTS

A. Memorial Day Service – Monday, May 28, 2018 @ 11:00 a.m. – Civic Center

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 Jefferies asked the county manager to try to get the speed cut to 45 mph on Highway 57 from New Dotman Road to Semora because there is a lot school kids on this road as well as agriculture. Mr. Miller responded that he would contact DOT on this.

Commissioner S. Carter stated “Just one more thing, just a question or inquiry when are we next going to meet with our state legislative delegation? I thought we had those meetings regularly set up and it is now the beginning of the short session.” Commissioner Owen responded that now is not a good time for them to meet. Commissioner S. Carter continued “Right, I am just bringing it back up because it has been a while since we met.” Chairman Hall responded that this would have to be looked into. Commissioner Owen responded that County Assembly Day is on May 30th. Mr. Miller added that Rural Day is Tuesday, May 29th.

CLOSED SESSION

Commissioner W. Carter moved, seconded by Commissioner Travis to go into Closed Session to prevent the disclosure of information that is privileged or confidential (NCGS 143-318.11(a)(1)) and to preserve attorney client privilege for Caswell County v. Lodging Investment Inc. 18 CVS 84. The motion carried unanimously.

REGULAR SESSION

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

Commissioner McVey stated that maintenance has a person that is out on medical leave and he asked the Board if a temporary person could be hired to fill in while this person is out on medical leave. He added that the county manager informed him that it is not included in the personnel policy to use a temporary service. Chairman Hall asked the county manager to handle this issue.

Commissioner Owen reminded the Board that it voted unanimously to put the ¼ cent sales tax on the ballot this fall but the Board did not decide on a purpose for this sales tax so this needs to be done. He suggested that the sales tax go towards the school loan. Chairman Hall asked the clerk to put this on the agenda for the next meeting.

Commissioner S. Carter stated “Mr. Chairman just one thought on that, I may be totally wrong but I am trying to recall if I heard it where I heard it that two referendum items cannot affect and contribute towards each other, I may be wrong on that but I feel like I have heard that.” Mr. Ferrell responded that he would check on this before the next meeting.

ADJOURNMENT

At 8:12 p.m. Commissioner Travis moved, seconded by Commissioner W. Carter to adjourn. The motion carried unanimously.

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Paula P. Seamster Nathaniel Hall

Clerk to the Board Chairman

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