MINUTES – JUNE 18, 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, June 18, 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 stated that he needed to amend the agenda, to delete Item #11 Approval of Fee Schedules and to add a Closed Session for personnel.

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

APPROVAL OF CONSENT AGENDA

Commissioner Owen stated that he needed to make a correction on the June 4, 2018 reconvene meeting he should be counted present.

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

The following items were included on the Consent Agenda:

A. Approval of Minutes of May 30, 2018 Special Meeting

B. Approval of Minutes of May 30, 2018 Special Meeting (2)

C. Approval of Minutes of June 4, 2018 Regular Meeting

D. Approval of Minutes of June 4, 2018 Reconvene Meeting

E. Approval of Minutes of June 6, 2018 Reconvene Meeting

PUBLIC COMMENTS

Chairman Hall opened the floor to Public Comments. He asked everyone to please keep their comments to 3 minutes since several people had signed up to speak during public comments.

Mr. William Walker, 446 Newman Road, stated that he had come before the Board before and that he informed the Board that the schools do not have anybody to look after the schools. He added that the flyer that the School Board and Superintendent sent out to every student it shows proof of this. Mr. Walker stated that these things did not happen overnight and it is a lack of maintaining the buildings, nobody cares about the buildings. He added that it is not only the high school that is in bad shape it is all of the schools and that he would be glad to carry any of the Board members or the School Board around to look at the buildings. Mr. Walker stated that a person cannot run a personal business and take care of the schools. He said that the School Board is coming and begging for money but it is being thrown out the window because the schools are not being kept up because there is nobody to do that.

Ms. Janie Flippen, 1384 Old Highway 86N, Yanceyville, stated that she is requesting a Solid Waste refund for the years September 2009 through September 2016. She added that she went to the Tax Office and was told to come before the Board of Commissioners. Chairman Hall responded that Public Comments is not the proper forum so he asked Ms. Flippen to give her information to the clerk and the Board will get back with Mr. Bernard at the Tax Office and this will be put on the agenda because action is not taken during public comments.

Ms. Elin Claggett, 108 Jaye Lane, Providence, stated that at the last Board meeting the Board collectively decided not to hear from department heads to advocate for needed positions nor to proceed with Phase II of the salary study saving the county $298,000 in personnel costs. She added that the public schools request for $365,000 for teacher supplements and a social worker position was also not funded. Ms. Claggett then stated that state has allocated $11.8 million to fund salary increases for teachers. The average teacher’s raise is 6.5%. The minimum increase for all Caswell teachers will be $2275 per year. The teacher salary schedule starts at $3500 per month and increases by $100 for each year of service until 15 years. All teachers with one year or more will receive a minimum of an additional $1000 per year. However 48% of Caswell teachers have over 10 years of experience so they will receive an additional $1000 per month or between $10,000 and $15,000 a year dependent upon years of service. She continued by saying teachers with 15 to 24 years of experience will earn $5000 a month. This rate would be frozen there until teachers reach 25 years of service. Veteran teachers in years 15-24 will not receive increases in base pay. At 25+ years, the monthly salary would be $5200 per month.

Mr. Ken Schneider, Ralph Daniel Road, Pelham, stated that the county approved a new Animal Welfare Ordinance recently. He talked about the puppy mill incident that was discussed at the Board meeting several months back. He added that law enforcement did not take this situation seriously. Mr. Schneider then asked the Board if it had asked Sheriff Durden to take over Animal Control. He added that he thought that Sheriff Durden would agree to this.

Ms. Amanda Craig, 375 Blanch Road, Blanch stated that she was before the Board for the children and wanted to talk about the teacher supplements. She stated that the Board has graciously given teacher supplements in the past but they were cut in the last meeting and she understands that funding is tight but Caswell has a very hard time getting and keeping teachers. She added that she is from Caswell but there are a lot of teachers that are not from Caswell and they will stay for a few years and then they move on because they are getting higher supplements. Ms. Craig stated that she spends her supplement in her classroom. She added that she has taught for 17 years and she will only receive a $200 raise so it is the teachers like here that are not getting anything. She stated that she was not asking for a larger supplement, just a supplement. Ms. Craig stated that she just heard that two teachers that are from Caswell County have just changed their minds and are leaving because they do not want their children in Caswell County schools because of teacher quality.

Ms. Lisa Watlington, 90 Westwood Drive, Yanceyville, stated that she has spoken several times before but she was going to show the audience some pictures of the schools in the county and she added that this has nothing to do with Dr. Carter. She stated that there are problems at the high school that need to be fixed but a lot of people are asking why these things have not been fixed in the past, it has been going on for years. Ms. Watlington showed pictures of N.L Dillard School which is the newest school in the county; it has a water leak that is not being taken care of. She added that no one is maintaining the yard at Dillard School. She then showed pictures of North Elementary School where she taught for 23 years. One was a tribute to 3 students that lost their lives while attending North is being neglected. The Pre-K playground at North is not being maintained. Another picture was of where the maintenance people drive their trucks on the sidewalk and through the yard at North and has caused ruts. Ms. Watlington said that she has other pictures that she would be glad to share. She stated that she is not against a new school but there are a lot of issues that need to be addressed before building a new school. She added that the custodians and the principals should not be blamed for things that don’t happen because there is a chain of command and she does not know where that chain of command is and somebody is not doing their job. She added that everyone needs to think long and hard before voting for the new school because there is no guarantee that it will be taken care of.

Ms. Gladys Graves, 4157 County Home Road, Blanch, stated that she was going to begin by asking a question, are we having trouble recruiting teachers? And she responded yes. She then asked if it had to do with the supplement or the quality of resources that are provided to the teachers. Ms. Graves stated that she is a retired teachers and is a substitute teacher now at BY and Dillard. Most of her teaching has been at BY in the science department. She talked about a sink experience where the sink flooded. She added that when she first saw the flyer about what the School Board was proposing for BY she was very excited. She challenged the Board to bring BY into the 21st century.

Mr. Jared Terrell, 1586 Rascoe Dameron Road, stated that he is an educator, a teacher at BY and also taught in Lee County. He added that he attended the budget meeting and he was shocked at the ‘doing away’ with the teacher supplement. Mr. Terrell stated that the supplement is needed to attract teachers to the high school as well as improvements to the high school. He added that the conditions in the high school are not up to standard. He stated that in the facility break room the light is blinking off and on in the East wing and there are other things that need to be taken care of but the teachers need to be taken care of as well.

With no further comments Chairman Hall closed Public Comments.

PUBLIC HEARING – BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION SCHOOL BONDS OF THE COUNTY OF CASWELL IN THE MAXIMUM AMOUNT OF $36,500,000.

Commissioner Owen moved, seconded by Commissioner Jefferies that the Board enter into a public hearing to receive comments on the bond order authorizing the issuance of general obligation school bonds of the County of Caswell in the maximum amount of $36,500,000. The motion carried unanimously.

Mr. Paul Jacobson stated that he is the County’s bond attorney at the Sands Anderson firm in Raleigh. He added that the Board started this process a couple of months ago officially but there had been discussion long before then. At the last Board meeting a bond order was introduced and tonight there is a public hearing on this.

Chairman Hall opened the floor for public comments. With no comments Chairman Hall declared the Public Hearing closed.

APPROVAL OF RESOLUTION ADOPTING BOND ORDER

Mr. Jacobson stated that he received communication from the county manager and Commissioner S. Carter regarding a clarification with the language of the bond order. He asked Commissioner S. Carter to explain.

Commissioner S. Carter stated “Mr. Chairman this is not a question but I did review the bond ballot question and I thought that the wording was a little complex and after talking to both the county manager and Mr. Jacobson we came to a conclusion with an amendment that would also include wording specific to what the bond addresses including not only the renovation of Bartlett Yancey High School but also the security measures that we are willing to pursue with this bond as well and the safety and security of the elementary schools so be clear that it is not just the high school but capital improvements to the school system and being specific in those portions. Mr. Jacobson has the wording if you would like to go ahead and read that we could maybe discuss those details if there is any questions.”

Mr. Jacobson handed out the revised wording to the Board.

Chairman Hall asked Commissioner Carter if he had the original wording. Commissioner S. Carter responded “The original wording is in the packet.”

Mr. Jacobson stated that he handed the Board two separate items, one is the bond order and the other is the resolution. The only change in the resolution is to adopt the bond order not as introduced but as amended. The bond order includes the amended language which reads ‘Shall the order authorizing up to $36,500,000 of general obligation bonds, plus interest, of the County of Caswell, North Carolina for the purpose of paying costs of capital improvements to the County’s public school facilities including safety and security improvements to County schools and improvements, construction and renovation at the County’s high school, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds, as adopted by the County of Caswell Board of Commissioners on June 18, 2019, be approved?’

Chairman Hall asked the Board if it had any questions or comments. He then asked general counsel if he had looked at the changes. Mr. Ferrell responded that he had talked with the bond counsel about the changes and agrees it is more specific and not harmful in any way.

Commissioner S. Carter moved, seconded by Commissioner Jefferies to approve the Resolution Adopting the Bond Order as amended. The motion carried by a vote of six to one with Commissioner Travis voting no.

**BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION SCHOOL BONDS OF THE COUNTY OF CASWELL IN THE MAXIMUM AMOUNT OF $36,500,000**

**WHEREAS**, the Board of Commissioners **(the "Board of Commissioners")** of the County of Caswell, North Carolina **(the “County”)**, by resolution adopted on May 7, 2018, stated its proposal to issue general obligation bonds to finance costs of capital improvements to the County's public school system and the County has applied to the North Carolina Local Government Commission for its approval of such bonds, and the Local Government Commission has accepted the County's application.

**NOW, THEREFORE, BE IT ORDERED** by the Board of Commissioners of the County of Caswell, North Carolina, as follows:

1. There are hereby ordered to be issued general obligation bonds of the County to pay capital costs of providing capital improvements to acquire, construct, improve, expand, renovate and equip County public school facilities including safety and security improvements to County schools and improvements, construction and renovation at the County's high school, and including related financing costs and other necessary or incidental costs.
2. The maximum aggregate principal amount of the bonds issued for such purpose shall be $36,500,000.
3. Taxes will be levied in an amount sufficient to pay the principal of and interest on the bonds so issued; to the extent other funds are not otherwise available and appropriated for such purpose.
4. A sworn statement of debt prepared by the County's Finance Officer has been filed with the Clerk to the County Board of Commissioners and is available for public inspection.
5. This Bond Order shall take effect when approved by the County's voters in the manner provided for by law.

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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 bond order duly adopted by the Board of Commissioners at a regular meeting duly called and held on June 18, 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 18th day of June, 2018.

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

 Clerk to the Board of Commissioners

 County of Caswell, North Carolina

APPROVAL OF RESOLUTION REGARDING PUBLICATION OF BOND ORDER, ESTABLISHING DATE FOR REFERENDUM AND SETTING BALLOT QUESTION

Mr. Jacobson stated that this resolution is in the Board’s packet.

Chairman Hall stated that the Board has seen this one. Commissioner S. Carter responded “We have an amendment on this as well Mr. Chairman because they correspond.” Mr. Jacobson added that it does correspond. He continued by saying that the Board is required by statute to publish the bond order, to set the date of the referendum which will be November 6, 2018, request the County Board of Elections to prepare the ballots and to carry out the referendum and direct the clerk to publish the notice as required by law. He added that on the second page the ballot question has been change to read the same as the bond order.

Commissioner S. Carter moved, seconded by Commissioner Jefferies to approve the resolution regarding the publication of bond order, establishing date for referendum and setting ballot question as amended. The motion carried by a vote of six to one with Commissioner Travis voting no.

**RESOLUTION REGARDING PUBLICATION OF BOND ORDER, ESTABLISHING DATE FOR REFERENDUM ON SAME AND SETTING BALLOT QUESTION**

 WHEREAS, there has been adopted at this meeting a bond order entitled as follows:

**BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION SCHOOL BONDS OF THE COUNTY OF CASWELL IN THE MAXIMUM AMOUNT OF $36,500,000**

Therefore, be it resolved by the Board of Commissioners as follows:

1. The Clerk to the Board of Commissioners, with the assistance of any other authorized County representative, is authorized and directed to publish notice of adoption of such bond order, in the form provided for in Section 159-58 of the North Carolina General Statutes, one time in a newspaper having general circulation in the County.
2. Such bond order is to be subject to a bond referendum to be held within the County on November 6, 2018.
3. The Caswell County Board of Elections is requested to print and distribute the necessary ballots and to provide the equipment for the holding of the bond referendum and to conduct and to supervise such referendum.
4. The Clerk to the Board of Commissioners, with the assistance of any other authorized County representative, is authorized and directed to publish notice of such bond referendum as required by Section 159-61 of the North Carolina General Statutes.
5. The ballot question for the bond referendum shall contain the following words:

Shall the order authorizing up to $36,500,000 of general obligation bonds, plus interest, of the County of Caswell, North Carolina for the purpose of paying costs of capital improvements to the County's public school facilities including safety and security improvements to County schools and improvements, construction and renovation at the County's high school, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds, as adopted by the County of Caswell Board of Commissioners on June 18, 2018, be approved?

 [ ] YES

 [ ] NO

1. The Clerk to the Board of Commissioners shall mail or deliver a certified copy of this resolution to the Caswell County Board of Elections within three days after this resolution is adopted.
2. This Resolution shall become effective immediately.

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 The undersigned Clerk to the Board of Commissioners of the County of Caswell, North Carolina, DOES HEREBY CERTIFY that the foregoing has been carefully copied from the actually recorded minutes of said Board of Commissioners at a regular meeting held on June 18, 2018, and is a true copy of so much of said minutes as relates in any way to the adoption of the resolution set forth above. A quorum was present and acting throughout such meeting.

 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 18th day of June, 2018.

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

 Clerk to the Board of Commissioners

 County of Caswell, North Carolina

RECESS

The Board took a brief recess.

BOARD OF EQUALIZATION AND REVIEW

Chairman Hall asked “As I recall fellow Commissioners I think we adjourned the board with 2 items pending, is that correct?” Mr. Ferrell responded “That’s exactly right, you adjourned the Board of Equalization and Review for the purpose of accepting new appeals but you left open the two existing evidentiary hearings on the appeals that were before you.”

Mr. Thomas Bernard stated “As far as the case with Mr. & Mrs. Paul and Alice Robinson I have not heard anything.” Chairman Hall responded “Okay Mr. Bernard and fellow Commissioners Mr. & Mrs. Robinson, one or both, sent a letter to Ms. Seamster and she will read it at this time.”

The clerk read the Robinson’s email “Due to an emergency, we could not be present for the meeting scheduled for Monday, June 18, 2018. As requested by Mr. Thomas Bernard, an appraisal was called for, but as of this date, no action or response has been given. Nevertheless, we were told the property is still characterized as a “D minus ten,” a category that has yet to be clearly defined for us. Further, it is not clear any property estimate of the building accurately reflects the valuation of similarly-situated properties in the area. We appreciate your consideration of our appeal, and look forward to an equitable solution. Please acknowledge receipt of this correspondence. Respectfully, Paul and Alice Robinson.”

Chairman Hall stated “Okay fellow Commissioners, I will start with general counsel because he looks like he wants to say something.”

Mr. Ferrell stated “What I would like to do is just remind you of the burden of proof in an appeal for a taxpayer. I was just a little confused as to what the letter was asking, it sounds like it referenced an emergency and when I first heard that I thought maybe they were asking to continue the hearing which is certainly within your discretion so they can be here and present evidence but the burden of proof in an appeal to the Board of Equalization and Review lies with the taxpayer. There’s a presumption of validity for the appraised value as assigned and properly assessed by the County. The taxpayer is required to show substantial matter or competent evidence to overcome that presumption to you. We talked last time, you will remember about the typical evidence that a taxpayer presents to challenge a valuation, that being an appraisal as of January 1 of the year of the assessed value. That’s not the only evidence certainly but it is typical evidence and it’s certainly valuable and competent coming from a licensed real estate appraiser. Of course in this case other than that letter that alleges the value is not quite accurate I don’t know that there has been any evidence presented to you by the taxpayer to rebut the presumption so what I might suggest to you is if the taxpayer is really requesting to come before you with an appraisal again I was not clear about the statement about an appraiser being asked for but no action taken, I’m a little confused about what the taxpayer is asking for here but the standard is as I recited to you for the basis of the appeal.”

Chairman Hall stated “Thank you sir. Fellow Commissioners I read the letter also and I think in the interest of fair disclosure the Robinsons contacted me over the weekend and I told them as a member of this board I was not at liberty to advise them on what to do or how to go about doing it. From reading between the lines I suspect they want to be able to come back before the board but I did ask them or suggest to them if you cannot be present you need to send something to Ms. Seamster who in turn will read it to the full board and the full board will make a decision on how to move forward. That’s basically what I know about the letter.”

Mr. Ferrell stated “And it’s certainly within your discretion to continue the hearing if that is something that you want to do until the time that they can be present but I will say again that is within your discretion, it is not mandatory but you could certainly do it as a board if you saw fit.

Commissioner McVey moved, seconded by Commissioner Travis to continue the hearing until Monday, July 2, 2018 at 9:00 a.m. The motion carried unanimously.

Commissioner Travis asked Mr. Bernard to get in touch with the Robinsons to let them know the date and time of the hearing. Mr. Bernard responded that he would call the Robinsons.

Mr. Bernard stated “The second item is Mr. Thomas Wright questioned whether or not in his preconference hearing with the Property Tax Commission if we had released the mobile home from his real property tax that the reval picked up. It was released from the real estate, put it on the personal property bill and then at the hearing we were notified that he did not own it so we released it all together.” Mr. Bernard handed out paperwork to the Board showing these transactions.

Mr. Ferrell stated “Mr. Chairman as the secretary to the board is passing around this information I will just remind everyone that this is a quasi-judicial hearing witnesses need to be sworn under oath at all times giving testimony. That applies to your secretary as well as I will ask Mr. Bernard now to confirm that he has been sworn in at this proceeding at the earlier meeting before he moves forward and I will ask every witness that comes up tonight to either affirm that they have previously been sworn or to be sworn in if they have not yet been sworn.” Mr. Bernard responded “Yes I do confirm that I was previously sworn in.”

Chairman Hall stated “Okay Mr. Bernard now tell us what this means.” Mr. Bernard responded “What this says is the value was picked up in 2016 and the mobile home was real estate and Mr. Wright appealed his property value and he was talking with Scott Casey at the Department of Revenue. Scott Casey called me and informed me that Mr. Wright had told him that the mobile home had a tongue under it which that would be considered personal property so the appraiser, June Dailey and I went out there and we did confirm that the mobile home in question did have a tongue and should have been taxed as personal property. We removed it from his real estate bill which was a value approximately of about $8,775. You will see on that first page there the adjustment of $6,545 that’s the value, second page Mr. Hall, that is the value of the mobile home that we released from the real estate bill and then we put it on, my business personal property appraiser put it on the personal property bill where you see the “P” at the parcel number. Because it is on a different schedule, the real estate versus personal and personal depreciates every year it was put on at a value of $3,510. Then this confirmed the information that Scott Casey and I discussed that Mr. Casey had discussed with Thomas Wright. Now the second thing, this is where there were deductions and we released it and put it down as a personal property unit. Then at the hearing we were notified that he did not own the mobile home so we released the value of the personal property. The $65.45, that value, was released before he paid the bill.”

Chairman Hall asked “Is that it sir?” Mr. Bernard responded “Yes sir.” Chairman Hall continued “Now Mr. Wright and I guess general counsel; you will ask him the same question.”

Mr. Ferrell stated “I believe that the tax director has accurately recited the facts that I know to be and as presented certainly by our prehearing…” Chairman Hall responded “About him being sworn in.” Mr. Ferrell continued “Oh, I recall you were sworn in, can you confirm that at the last meeting that you were and just to remind you that you are still under oath at this continued hearing.” Mr. Wright responded “Yes.”

Chairman Hall stated “Now what I wanted to ask Mr. Wright, now we have a schedule that has several adjustments. It starts at $26.18, $11.93, $37, $14.25, have you seen this schedule?” Mr. Wright responded “No I haven’t seen it; I have not seen that schedule.”

Mr. Ferrell stated “Let’s make sure the taxpayer has copies of what you handed out to the board.” Mr. Bernard handed Mr. Wright a copy of the schedule and started to go over the schedule with Mr. Wright.

Chairman Hall asked “Mr. Bernard did you not review these, all of these papers, with the taxpayer before we came in today?” Mr. Bernard responded “No sir, I did not.” Chairman Hall continued “Okay well let me suggest this, let me suggest this, why don’t you two go to a private room and review these papers, make sure that if he is not in agreement with it that he understands it and we are not going to take a recess but we are going to move forward on our agenda and you guys take 15 or 20 minutes.”

Mr. Ferrell stated “Mr. Chairman I will just note for the record that you are going to recess for a few minutes, the Board of Equalization and Review and go into your regular session as Commissioners with the idea that you are going to come back in the Board of Equalization and Review jus for the purposes of your record, madam clerk.” Chairman Hall responded “Yes, thank you. So we are not recessed gentleman from the Board of Equalization and Review.”

RECOGNITIONS

Commissioner S. Carter stated “Good one to start with I have a list. First of all, I would just like to recognize all the fathers in attendance of this meeting and throughout the county, I have you had a good Father’s Day. Second, I would like to report and recognize those that were involved in the Milton Street Fair, both those that were in the organization of it and those that attended it, it was a great event and we should continue to have events like that in this county. Three, I’d like to recognize those individuals that graduated from Bartlett Yancey High School in the Class of 2018. All of those pursuing higher education, those pursuing technical and vocational training, there were several also entering into the military, we would especially like to recognize them and those entering the work force many of which choosing to stay in Caswell County. I would also like to recognize the individuals that received, I think it was over $1.3 million in scholarship monies towards their higher education and I also want to recognize the teachers and administrators, the staff of the schools, members of the School Board for making this school year a great one and thank them for their service on behalf of Caswell County.”

APPROVAL OF FY 2018-2019 BUDGET ORDINANCE

Mr. Miller stated that at the last Board meeting the Board instructed staff to prepare the budget ordinance and Mr. Miller read through the budget ordinance as presented to the Board for approval.

Commissioner Owen moved, seconded by Commissioner W. Carter to approve the FY 2018-2019 Budget Ordinance.

Commissioner S. Carter stated “Mr. Chairman I would like to debate the motion.” Chairman Hall responded “Okay.” Commissioner S. Carter continued “I have two items, I know I was not present at the last budget work session but I would like to bring these up for not only my conscious to be clear but also to represent the citizens that put me in this chair. One of which being the lesser of the two but I would say probably the most simple would be the position, personnel request, what was requested by Building Inspections for a code enforcement officer. I spent a considerable time studying not only what we receive every month in our agenda packet from their reports on receipts from their permits and the value of construction in Caswell County but also the past 3 years compared to last year at this time they are almost triple what we are doing and between the months of January and May of this year we’ve already received 62% over what their budget was based on those numbers to fund the request for that position which is roughly $48,000. I am concerned with this not being approved this year because I know how that position could also generate additional revenue for the county and then researching a little bit more on that and coming to a knowledge of some permits in inspections that we are not doing, the greatest of those is fire inspections and in the permit fee papers that we received in our agenda packet that we have put off until the next meeting you can see those fire inspection permit fees and I just know how greatly this would impact revenue in this county. I think the numbers and the logic behind those numbers validate the request and I just see it as a missed opportunity when we could be receiving more revenue because of this position and relieve an individual that’s you know quite over worked and not able to perform the fullness of the duties of that job. I think it would greatly enhance that department and put us in a better position financially so with that I mean I would love to entertain a motion and it can go the way it wants to but I would like to present that as a motion to amend the budget by financing that position, granted I have another subject to talk about. Can that be done?” Chairman Hall responded “We’ve got a motion on the floor now.” Commissioner S. Carter continued “Right.” Mr. Ferrell stated “It is conceivable if this gets a second that you could have a vote on this motion before you take up the main motion.” Chairman Hall responded “Okay, I understand. Repeat your motion again please.”

 Commissioner S. Carter moved to amend the budget by financing the personnel request for a code enforcement officer in Building Inspections. The motion dies due to a lack of a second.

Commissioner S. Carter stated “At least my conscious is clear now. The second item I’d like to discuss is public education is Caswell County. I thought long and hard about what I would like to say on this item, I think we had several individuals to give you some specific circumstances on how great of a topic this is in this county and I know that our budget this year is tight, it was last year and it’s been in the past the same way but I would like the Board to think for a moment on our past in this situation and think of boards 50, 100, 200 years ago that chose to prioritize public education in North Carolina, I mean in Caswell County regardless of their financial circumstance. We know that public education if we choose to invest in it as a county does not have immediate financial turnaround but we know how great the by product is from how our students can go on to become anytime they set their minds and hearts to and many of which have come back to Caswell County and have carried on that legacy of putting education first in our priorities. I look back and think on Bartlett Yancey High School, we always talk about you know the building and what it needs but the greatest asset in that building and of that building is who’s inside it and those individuals have inspired thousands if not tens of thousands maybe even hundreds of thousands to go out into the world and do great things. They are in my opinion the greatest members of society because they inspire all others that are in society. The gentleman for whom that high school is named was a native of Caswell County and at 15 years old because of lack of funding and lack of resources had to step up beyond his station and become principal of what was the predecessor of Bartlett Yancey High School and gladly we have now named our only high school after that man. I would like to share a brief quote with you that Bartlett Yancey himself said that I think is very relevant to these decisions. He said ‘The progress of society in civilization depends upon the education and virtue of the people.’ And I think that fits our situation very perfectly in putting education first. It’s a meager amount but it has a great impact. To say that the money is not available is not so true but the principle of whether that money should come from fund balance or through a tax increase is truly the decision and the circumstance that we face but I would also bring you back to past situations when our county schools were consolidated, when we had community one room school houses helped through the state but I would tell you that if those individuals would not have invested and we can go ahead and say that yes they probably dipped into what we would now refer to as a fund balance we would not have the system of education this county that we have. We would have country one room school houses without electricity because gentlemen in our positions and women as well have chosen to prioritize to put public education in this county. That $300,000 affects so many people. That $300,000 think of it not through the perspective of a teacher but think of it through a perspective of a child, I’m worried about individual children in kindergarten, let’s just say K through 5, a moment in time in their education that is so vital to their future growth. I am worried that those individuals will have a substitute this upcoming year because a position cannot be filled. I’m worried about someone in their prime teenage years in a middle school not having that inspiration of a teacher in those vital moments but they might have a substitute that’s just getting things along. I’m worried about graduating seniors in their math classes and in their science classes which literally gives them the next step towards not only a community college education but a bachelor’s degree as well. Those classes are vital; those teachers are vital but think of the impact upon the students themselves. I would ask member of this Board to reconsider their decision and to fund the teacher’s supplement, to not think of the teachers but to think of students and think of the children of this county and ask yourself one question, is that decision making education in Caswell County of a higher quality or not?’ How is that vote going to affect next year and the coming years because our political principle dictated otherwise this year in the budget process? Is it going to improve education and the lives and a life of a child, just think of one, or is it going to possibly decrease their chance to complete at the next level of education. I may be speaking to a brick wall but this is what’s very passionately upon my heart and this is why individuals in this county wanted to support a young individual to serve on this Board to fight for its future and to fight for its young people and to fight for it children. Lastly on a personal note I would like to add that my opinion as a citizen, one that wants to stay in this county, one that wants to raise his children in this county, one that wants to send his children to a public school with quality teachers, quality resources, quality facilities. I know how this decision will impact their opportunity, it will decrease it. So gentlemen of the Board I would ask you to reconsider your vote do your duty to improve the quality of education in Caswell County and think beyond ourselves and fund this request of $300,000 for the teacher’s supplement and I will say that in the form of a motion.”

Mr. Ferrell stated “Procedurally I want to make sure you know where we are; I think you have two options. There is a substantive motion pending I just went back to read your rules to make sure we are in the right place procedurally with the last introduction there was no second to that motion and it died due to a lack of a second. Here we do have a main motion pending and your rules state that another main motion is not in order when another main motion is pending and so the options are either if the person who made the motion be willing to accept a friendly amendment and if the seconder will agree to that you can add the reinstatement of the funding as requested. Another option is to proceed, if that’s not the case, you can proceed under a vote of the main motion and then any member of the Board would have an opportunity to present another main motion for consideration. I am sorry if I confused that a minute ago but that’s how it works procedurally. Are you following me? What I understand is that Commissioner Carter is asking to amend the budget ordinance to include the teacher’s supplement.” Chairman Hall responded “So from what I understand you to say is we’ve got two options: vote on the main motion and then accept a new motion.” Mr. Ferrell continued “Right or the person who made the main motion would be willing to accept an amendment of their motion to include the supplement that’s a possibility but certainly not a requirement and if not you will just proceed with another motion after the first.” Chairman Hall responded “We will start with the amendment, do we need to get a second on that?” Mr. Ferrell asked “The question would be to Commissioner Owen since he made the original motion, are you interested in the friendly amendment?” Commissioner Owen responded “No sir.” Mr. Ferrell continued “And so that ends it so then the question on the floor is or the motion on the floor has been duly seconded for the approval of the budget as presented. That’s the current question.”

Chairman Hall asked “Any further discussion on the original motion?”

Upon a vote of the motion, the motion carried by a vote of five to two with Commissioner S. Carter and Jefferies voting no.

Chairman Hall stated “We are now at the point we can accept another motion to fund the supplements.

Commissioner S. Carter moved, seconded by Commissioner Jefferies to fund the teacher’s supplements.

Commissioner Owen stated “Well now it is time for my speech if you will allow me.” Chairman Hall responded “Yes sir.” Commissioner Owen continued “May 7th our budget was presented to us by our county manager and in that budget introduction he stated the fact that the teacher’s supplement was not included in this budget so we have been over a month and what I want to know is since that time Mr. Carter what solutions have you come up with to find money for this supplement? What have you done? Have you talked to Commissioners? Have you talked to the county manager? Have you talked to our finance officer to try to find a solution other than raising taxes or going into fund balance? Not until after the vote, not until after the vote and you’ve had all this time and now all of sudden you want to come in here and listen I have not voted for a budget and the only reason I am not voting for this in the budget is because it will be taken out of fund balance. I would love to give a teacher’s supplement and I will be glad to make a motion to take $150,000 out of capital of the school’s current budget and move it over if you would be willing to do that, I’ll be glad to do that but to go into fund balance for a reoccurring expense, I’ve always voted this way, this is nothing new for me, I am not going to change my way of voting now because I don’t think it’s a good fiscal policy and I think we have found that out because we have gone about $7 million when I first came on this Board down to about $3 million in our fund balance, the money we have available to spend and so that bothers me a lot instead of working for a solution about the real support of education would do you decided to go to social media and insult us saying we have no respect for education so you know so as far as I am concern Mr. Carter it is your turn to apologize to this Board for your public comments concerning that. I am also appalled for your lack of respect for or concern for our county employees…” Chairman Hall responded “Keep it to the motion.” Commissioner Owen continued “Okay, I am good.”

Chairman Hall asked “Other comments on the motion?”

Commissioner S. Carter stated “Mr. Chairman I’d be happy to support Mr. Owen’s motion on the teacher’s supplement coming out of capital, I’d be glad to do it, I am willing to do anything to help the children of this county and whether it comes from that or fund balance that is what I am willing to do whatever to preserve it..” Commissioner Owen responded “I just want to make sure you understood what I said, that it would come out of their current…” Commissioner S. Carter continued “Absolutely.” Commissioner Owen responded “Okay.” Commissioner S. Carter continued “Absolutely.” Commissioner Owen responded “Well we got a motion so we got to take care of that first.”

Commissioner W. Carter stated “I’d just like to say you know I’m sure all the teachers need the supplement but when I look at the budget the county manager also put in there for some low paid county employees the money for them and you know I feel like if we are going to give the teacher’s supplement we should bring our low paid county employees up, they deserve it. Also Commissioner Carter mentioned the inspector we had in the budget for a maintenance supervisor, our maintenance staff is short right now and we did not fund that position, I would have loved to see that position filled but the money is tight this year, it’s either go up on taxes again or like Mr. Owen said take it out of fund balance and for the last few years we’ve been taking money out of fund balance and it’s not gaining it’s draining. I’m all for the teachers getting more money but the budget is just real tight, like I said it is either we take it out of fund balance or go up on taxes.”

Commissioner S. Carter moved, seconded by Commissioner Jefferies to fund the teacher’s supplement. The motion failed by a vote of two to five with Commissioners W. Carter, Hall, McVey, Owen and Travis voting no.

Commissioner Owen moved, seconded by Commissioner S. Carter to take $150,000 out of the school’s capital budget to fund the teacher’s supplements.

Ms. Gwen Vaughn stated that the teacher’s supplement could not come out of the school’s capital budget because it is a restricted fund.

Commissioner Owen withdrew his motion.

RECESS

APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES

AND CASWELL COUNTY

Chairman Hall stated that the Board has in its packet a memorandum of understanding (MOU) between Caswell County Department of Social Services and the State of North Carolina. He added that some of it seems a little complex and some of it has not been seen before so he asked Ms. Moorefield to explain this MOU to the Board.

Ms. Dianne Moorefield stated that the memorandum of agreement is between Caswell County and the State instead of Social Services. She added that the objective is to improve the delivery of Social Services. Ms. Moorefield informed the Board that this is not an option and that it is required by law and goes into effect in July. She added that this agreement encompasses every service except for Medicaid. Ms. Moorefield stated that there are a lot of concerns with this agreement as far as there is not enough ‘meat’ to hold the State responsible.

Chairman Hall stated that he read through the MOU and in the opening statement it said that this was not an option but he was not going to recommend the Board to approve this.

Mr. Ferrell stated that each county was required to approve this MOU which does not constitute a mutual agreement between the parties since the counties are being required to sign it. He added that a few counties have revised it to some degree.

Chairman Hall asked if the DSS attorney had seen this. Ms. Moorefield responded that the DSS attorney has not seen the 4th draft which is what was being presented to the Board. Chairman Hall stated that some of the requirements from the state could not be met realistically. Ms. Moorefield responded that if the requirements are not met then the State could withhold monies from the county. Mr. Ferrell added that the Department of Social Services is dependent upon state funds. He added that there is a long list of problems with the agreement with one being that the agreement is not a mutual consent agreement because there is no flexibility in terms... Ms. Moorefield stated that several counties have written a document to add to the agreement because there is no consideration between small and large counties.

Chairman Hall stated that he would not recommend that the Board approve this agreement. Mr. Ferrell responded that the Board has two options: one option is to proceed with the agreement and the other is not to take action on the agreement but he did not know about the enforcement from the state if it was not approved. Commissioner Jefferies stated that the county would have to pay a penalty.

Commissioner S. Carter asked “Mr. Chairman could we perhaps request a representative from the Department of Health and Human Services of the state to appear before this Board or in a committee or in a special session to clarify what all this means. I also do not feel confident agreeing to sign this on behalf of citizens who likewise do not understand what it is.”

Ms. Moorefield stated that she agrees with the idea of the county having a list of concerns to the send to the state because more and more counties are doing this and Caswell County needs to express that we do not agree with the agreement and that some of the items cannot be reached.

Mr. Ferrell stated that if the Board signs the agreement with an attached statement the statement will not be included in the terms of the memorandum of understanding because the memorandum as he understands it isn’t subject to negotiation.

Commissioner McVey stated that the Board needs more information before signing anything. Commissioner Owen asked what kind of information is being requested. He added that if the county does not sign the memorandum it needs to be willing to accept the consequences. Chairman Hall stated that if the county fails it will still have to pay money.

Commissioner McVey asked general counsel if he recommends to the Board to sign the memorandum. Mr. Ferrell responded that there are legal consequences for not signing the memorandum but he understands the concerns of the Board but the state has the ability to dictate to counties in a wide variety of areas. He stated that either way the county decides to go there are consequences. If it refuses to sign there is consequences if it signs and does not meet the requirements there are consequences as well.

Ms. Moorefield stated that Social Services are already held accountable for some of these standards. She added the memorandum does create some serious concerns with some parts of the memorandum.

Mr. Ferrell stated that he wanted to revise his recommendation. He stated that the most legally conservative approach is to sign the agreement and to include the concerns in a signing statement and this is assuming that Caswell County can comply with the terms and not be in an immediate breach. Ms. Moorefield responded that the state is giving the counties until January to come into compliance before imposing penalties and then if the counties do not meet compliance.

Commissioner Owen moved, seconded by Commissioner Jefferies to accept the general counsel’s recommendation to approve the memorandum of understanding and to adopt the signing statement that the county manager has prepared for Caswell County. The motion carried by a vote of five to two with Commissioners S. Carter and W. Carter voting no.

APPROVAL OF RESOLUTION DIRECTING CASWELL COUNTY BOARD OF ELECTIONS TO CONDUCT ADVISORY REFERENDUM REGARDING LEVY OF THE ONE-QUARTER CENT (1/4) COUNTY SALES AND USE TAX

Commissioner W. Carter moved, seconded by Commissioner McVey to approve the resolution.

Commissioner Owen stated that the Board has already voted to do this but his only concern is that there needs to be a use for the money listed but the resolution is the next step.

Commissioner S. Carter asked “Mr. Chairman I would just ask why adopt a resolution if we haven’t determined what the purpose is and this is not against the motion itself just the process and the rational for it? We have one very large ballot item in November and currently I just do not feel confident in having both of these with or without a purpose attached with all the factors and considerations.”

Commissioner McVey asked Commissioner Owen if he had any suggestions. Commissioner Owen responded that he would suggest SROs and his reason is if the vote on the bond issue fails the Board will still have to deal with security at the schools. This was one of his suggestions that the Board received in an email.

Commissioner W. Carter stated that the School Board has $3 million that they can start on the security at the schools tomorrow if it wanted to. He did not want it to come back to the Board that it did not do anything when the School Board can start on the security now.

Chairman Hall stated that the Board is dealing with the ¼ cent sales tax. Commissioner W. Carter responded that he would withdraw his motion.

Commissioner Owen asked general counsel about the time line. Mr. Ferrell responded that this was a good question and he did not have an answer. The clerk responded that she had talked with the Director or Elections and a decision has to be made by the end of July.

Mr. Ferrell stated that some jurisdictions put a purpose out there but this resolution was prepared generally and can be changed to include a purpose if the Board so desires. Chairman Hall responded that the Board can put the resolution out there. He added that some think there should be a purpose for it but he did not agree with that because it should be used for the needs at the time. Chairman Hall stated that this is a way for the county to get money from people outside of the county and from those residents that don’t own property who are not contributing to the county’s ad valorem base. He stated that the Board needs to look at the big picture.

Commissioner Owen stated that the reason he thought there should be a purpose is because the counties where this passed they had a purpose listed.

Commissioner McVey withdrew his second on the motion.

No action was taken on this agenda item.

APPROVAL OF CONTRACT FOR LEGAL SERVICES

Mr. Ferrell stated that this contract is a continuation of his legal services. There was no change in the contract other than the new dates of service.

Commissioner Travis moved, seconded by Commissioner Owen to approve the contract for legal services. The motion carried unanimously.

APPROVAL OF AUDITOR’S CONTRACT

Mr. Miller stated that the Board had a copy of the new auditor’s contract with the auditors being Thompson, Price, Scott, Adams & Company. The contract amount for 2017-2018 was $53,500 and for 2018-2019 the proposal is $56,250 and increase of $3,750.

Chairman Hall asked the county manage to explain the increase. Mr. Miller responded that the increase comes from the addition of State mandates and work for Medicaid.

Commissioner S. Carter asked “Mr. Chairman I have a few questions, the first being we have these every year?” Mr. Miller responded “Yes.” Commissioner S. Carter continued “And this what you call it fee of service, the money that was spent was a fee does this come out of general fund?” Mr. Miller responded “Yes.” Commissioner S. Carter asked “Is it not prudent to the Board that we make a budget for this every year as part of our budget? I just thought about the last minute when reading over this that we have these audits every year and it’s not included in our budget and we always have to have it…” Chairman Hall responded “We included it.” Commissioner Travis responded “It is in the budget.” Mr. Miller responded “The amount for this contract is included in the budget.” Commissioner S. Carter continued “But when I asked where did the money come from you said fund balance.” Mr. Miller responded “No general fund.” Commissioner S. Carter stated “Thank you for the clarification, got it.”

Commissioner W. Carter moved, seconded by Commissioner Owen to approve the contract with Thompson, Price, Scott, Adams & Company out of Whiteville, NC as the County’s auditors. The motion carried unanimously.

APPROVAL OF MOTOR VEHICLES MAINTENANCE POLICY

Mr. Miller stated that the last time this policy was before the Board it indicated that it would like to see some changes so the policy has been rewritten to contain policy items only. He added that he wanted to the Board to be aware that the Maintenance Director is responsible for carrying out this policy and with the limited positions in the Maintenance Department so he is not sure that the Maintenance Director will be able to carry out this policy. Commissioner W. Carter responded that he did not think the Maintenance Director would be able to do this due to the shortage in the Maintenance Department.

Commissioner S. Carter stated “Mr. Chairman I am not recalling the overall consensus of the Board when we discussed this multiple times, the comments made were we needed an individual over the vehicles, I’m of that opinion especially in light of our current circumstances and I know you know it is last minute for this budget but I am just trying to bring that back up. I don’t know where everybody on the Board felt in that regard.”

Commissioner W. Carter moved, seconded by Commissioner Jefferies to adopt the policy.

Commissioner Owen asked Commissioner W. Carter if he wanted to adopt this policy with the Maintenance Director as being responsible. Commissioner W. Carter responded that when he made the motion he did not include the Maintenance Director. Commissioner Owen continued that the Maintenance Director was included in the policy. Commissioner W. Carter responded that he was in favor of the policy but he would have to withdraw his motion because the Maintenance Director cannot handle this policy at this point in time.

Commissioner Owen stated that he cannot support this policy at this time. He added that he does not know why the supervisors can’t take of the cars for their department; he is not in favor of the Maintenance Director being in charge of this.

No action was taken on this agenda item.

DESIGNATION OF VOTING DELEGATE TO NCACC ANNUAL CONFERENCE

Commissioner Owen moved, seconded by Commissioner McVey to appoint Chairman Hall as voting delegate for the NCACC Annual Conference. The motion carried unanimously.

BOARD OF EQUALIZATION AND REVIEW (Cont’d)

Chairman Hall stated “I will go back to the recessed meeting from the Board of Equalization and Review. It appears from discussion with the citizen that they are still far apart. We have spent an abnormal amount of time waiting so at this point I’m suggesting that we put this on the meeting for the next agenda.”

Mr. Thomas Bernard stated “Mr. Wright wants to talk to the Department of Revenue about this.”

APPOINTMENTS TO BOARDS AND COMMITTEES

Alamance/Caswell Community Oversight Board

Commissioner W. Carter moved, seconded by Commissioner Travis to appoint Ethel Gwynn and Ethel Fuller to the Alamance/Caswell Community Oversight Board. The motion carried unanimously.

Board of Health

Commissioner W. Carter moved, seconded by Commissioner Owen to appoint Kimberly Pickens, Scott Spillmann and Carl Carroll to the Board of Health. The motion carried unanimously.

Caswell County Regional Economic Development Commission

Commissioner W. Carter moved, seconded by Commissioner Travis to appoint Matthew Hoagland to the Caswell County Regional Economic Development Commission. The motion carried by a vote of five to two with Commissioners S. Carter and Owen voting no.

Caswell County Hunting and Wildlife Advisory Board

Commissioner Owen moved, seconded by Commissioner Travis to appoint Sammy Cobb and Steven Thompson to the Caswell County Hunting and Wildlife Advisory Board. The motion carried unanimously.

Gunn Memorial Library Advisory Board

Commissioner S. Carter moved, seconded by Commissioner Travis to appoint Deborah Rudd to the Gunn Memorial Library Advisory Board. The motion carried by a vote of six to one with Commissioner W. Carter voting no.

Heritage and Cultural Preservation Committee

Commissioner W. Carter moved, seconded by Commissioner McVey to appoint Matthew Hoagland to the Heritage and Cultural Preservation Committee. The motion carried unanimously.

Juvenile Crime Prevention Council

Commissioner S. Carter moved, seconded by Commissioner Owen to appoint Sandra Woolard, Tracy P. Stanley and Ryan Ashley Newnam to the Juvenile Crime Prevention Council. The motion carried unanimously.

Person-Caswell Lake Authority

Commissioner W. Carter moved, seconded by Commissioner Travis to appoint Josh Atwater to the Person-Caswell Lake Authority. The motion carried unanimously.

Piedmont Community College Board of Trustees

Commissioner S. Carter moved, seconded by Commissioner Owen to appoint Michael L. Graves to the Piedmont Community College Board of Trustees. The motion carried unanimously.

Senior Center Advisory Committee

Commissioner W. Carter moved, seconded by Commissioner Travis to appoint Sandy Warren, Brenda M. Long, Betty Jean Blackwell, Lottie Williamson, Connie B. Steadman and Cynthia B. Claiborne to the Senior Center Advisory Committee. The motion carried by a vote of five to two with Commissioners S. Carter and Owen voting no.

Commissioner S. Carter stated “Mr. Chairman I thought it might be appropriate just to thank all members of these boards and committees that you know have been currently serving and those that are willing to serve you know it’s a really tight process to get people to apply for these and I would just like to thank them for their willingness to serve the county.”

COUNTY MANAGER’S UPDATES

JCPC Funding

Mr. Miller informed the Board that the JCPC Funding Committee has awarded roughly half of the program funds to Roots & Wings to provide the services of Parenting and Life Skills Classes. He added that Teen Court, Restitution and Community Service will be handled by the Sheriff’s Department.

ANNOUNCMENTS AND UPCOMING EVENTS

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

Commissioner S. Carter stated “Mr. Chairman before we got into Closed Session while we are still in regular session I would like to publicly apologize to the members of this Board for my harsh remarks on social media. I hope they understand at times we can get passionate about what we believe is right for this county and to realize that most of those motives are positive and for the better good of the county.” Chairman Hall responded “Thank you.”

CLOSED SESSION

Commissioner W. Carter moved, seconded by Commissioner Travis to go into Closed Session 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 Travis moved, seconded by Commissioner W. Carter to resume the regular meeting. The motion carried unanimously.

ADJOURNMENT

At 9:08 p.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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