MINUTES – JANUARY 2, 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 Tuesday, January 2, 2018. Members present: Nathaniel Hall, Chairman, Rick McVey, Vice-Chairman, William E. Carter, Nathaniel Hall, Jeremiah Jefferies, David Owen and Kenneth D. Travis. Absent: Sterling Carter. 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 stated “Good morning, I want to wish each and every one of you a Happy New Year, glad to see you with us this morning.”

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

(At 9:05 a.m. Commissioner W. Carter entered the meeting.)

Chairman Hall stated “Before we get to the Approval of the Agenda we have a couple of adjustments that I would like to alert you. We are having problems with our heat this morning so if you want to keep your coats and jackets on please feel free to do so. We’ve got Maintenance coming but I don’t know how long it is going to take. It was on until 10 or 15 minutes ago and then it went out. We need to make an adjustment for Item 5, we want to put that off until a later meeting and then for Item 17, we will put that off to a later meeting. Item 5 we are holding that because our advertising didn’t happen as prescribed by law and Item 17 Commissioner Carter will not be here today. With those changes is there a motion to approve the agenda?”

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

APPROVAL OF CONSENT AGENDA

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

The following items were included on the Consent Agenda:

A. Approval of Minutes of December 4, 2017 Regular Meeting

B. Approval of Minutes of December 4, 2017 Reconvened Meeting

PUBLIC HEARING – PROPOSED CASWELL COUNTY ANIMAL WELFARE AND CONTROL ORDINANCE

Commissioner Owen moved, seconded by Commissioner Jefferies that the Board enter into a public hearing to receive comments on the proposed Caswell County Animal Welfare and Control Ordinance. The motion carried unanimously.

Chairman Hall asked the county manager to give a short overview of the purpose of the public hearing.

Mr. Miller stated that through the Animal Control Ordinance process there have been many steps. The County has conducted three public meetings and presented what came out of the public meetings to the Board in the form of a draft ordinance. The draft ordinance was read by the Board and the Board determined that it wanted to hear from the public in a public meeting on the contents of the proposed Animal Control Ordinance and that is why there is a public hearing today.

Chairman Hall moved forward with the public’s comments.

Mr. Steve Carscadden stated that he appreciated the opportunity to address the Board. He passed out some photographs that have been taken locally as well as throughout the state. He stated that he is not on the Animal Protection Society but he does have animals and he does care about them. He continued by saying that the pictures that he brought shows some of the abuse that has happened. One picture contained a dog with the collar grown into its neck, dogs tangled up in ropes and frozen to death. He stated that if you are going to have an animal you need to take care of them. He realizes that everyone cannot afford a pen but the person needs to make sure the dog is tethered properly. Mr. Carscadden stated that he lives in Leasburg and most of the hunters in that area really take care of their dogs and take it very seriously. These are not the people that he is concerned about. He is concerned about the dogs that are wrapped around a tree or it is wrapped around the dog’s legs or the dog can’t get into the shelter or to its water and food. He is sure that Animal Control runs across these issues as well. Caswell County actually did a prosecution on a dog that was tethered under Susie’s Law about 3 or 4 years ago. Mr. Carscadden would like to see some kind of tethering ordinance.

Dr. Mitch Foster stated that he helped to draft some of the things in the animal control ordinance. One of the main concerns is the tethering part and there are two main issues regarding tethering. He said that one main thing is the humane issue of tethering. Tethers can get wrapped around trees, get embedded in the dogs’ necks, and gets wrapped around bushes or the dogs’ legs where they can’t get to their food, water and shelter. A lot of the animals that are tethered do not get any social interaction and they can be exposed to other wild animals. A lot of the animals that are tethered unfortunately are those that are neglected or forgotten. There are responsible people that tether their dogs and maintain them. He added that the other aspect of tethering is the safety of the community. Dr. Foster stated that information has been given to the Board from the USDA who is responsible for the Animal Welfare Act of the United States and in this act the USDA specifically state that tethering is prohibited by any facility or licensee that the USDA oversees. There is another article from a study in the Journal of Pediatrics that references the effect of tethering on animal bites. He added that the Commissioners need to consider the safety in the community as it relates to tethering.

Ms. Kim Steffan stated thanked the Board for the work on the ordinance. Ms. Steffan is a volunteer with the Animal Protection Society. She stated that information was sent to the commissioners over the holidays regarding tethering. She repeated what Dr. Foster said about the articles from the USDA and the Journal for Pediatrics. In 1997 the USDA recognized that permanent tethering is inhumane. She added that the most common victim of dog bites is children. The APS is not asking the county to do a tethering ban but to impose some common sense limitations on how people should responsibly tether animals.

Mr. Richard Johnston thanked the Board for taking time to hear from the citizens. He passed around a picture to the Board. He stated that he is using 35 gallon plastic barrels partially filled with liter and with the proposed ordinance this will not be allowed. There are a lot of people in Caswell County that love dogs, hunt with dogs, and they take care of their dogs. He added that if you buy a kennel from Southern States it will cost $60 or $70 and some people don’t have the money to do that but they still look after their dogs and their dogs’ health. He stated that he is sure there is some abuse with dogs but this should fall under the Animal Control officers and if someone is mistreating a dog the dog should be taken away from them. Mr. Johnston asked the Board to reconsider the ordinance and what is right with people.

Chairman Hall stated that he knows that there are at least two items in the ordinance that is causing some concern so he asked to hear from other people that are present on those items or anything in the ordinance that causes concern. If the Board is not made aware of the citizen’s concerns the Board cannot act on them.

Commissioner McVey asked if Dr. Foster could come back up to address some of his concerns. Chairman Hall responded yes but once all of the public has an opportunity to address their concerns.

Ms. Mindy Stinner stated that she is the executive director of the Conservator’s Center. Her concern is with the hybrids that are included in the ban. She would not want to see those animals that are inappropriate as pets to end up as pets but there are several breeds especially with cats that are hybrids of wild cats and domestic cats. The Conservator’s Center does have some of these; they do not breed these cats. There are also concerns about wolf/dog hybrids. Animals need to be evaluated based on behavior, which she believes is addressed very thoroughly in the ordinance, as opposed to what it looks like or what someone might think it might be. She strongly asked for a little more research in those areas.

Mr. Stephen Foster stated that he is a lifelong county resident and has been in law enforcement in this county as well as four other counties in the state for 18 years. He agreed with some of the things that have been said but he added that he could not hear all of the things that were said. He added that he has not heard anything about those two items to be listed in the ordinance. It is already illegal to inhumanely treat an animal. If Animal Control goes out based on a call and finds an animal being inhumanely treated then they can charge that person with inhumane treatment of the animal. He does not have any dogs that are tethered but there are a lot of people in the county that do and he does feel there are humane ways that dogs can be tethered. Just because a dog is tethered does not mean they are being mistreated. As far as barrels he had seen a lot of people that have barrels as dog houses and they are better than some of the dog houses that you can buy. He does not think the ones that you buy at Walmart are very good, the door is too big, and they won’t hold bedding unless you modify them. He added that he hopes that Caswell is not in a place that we are going to make a law for everything when there is already something in place. Anyone that inhumanely treats an animal should be charged.

Mr. Lamarc Garland stated that he is the president of High Rock Hunting Club. He agreed with what was just said. He believes the tethering issue is an individual issue. The hunting club uses barrels, their barrels come in a kit with wood around it, it has a roof and all of them have cedar shavings in them. The dogs that are on a chain are happy and fed. They are warm and treated right. They can get to their water and they are checked on a daily basis. He added that he has a dog named Buttercup and she is a climber so he cannot put her in a lot because if he puts her in a lot she will climb out. Where she is she is safe and in good care. Neighbors need to work together and report things that are wrong. He bought some houses from Walmart and the plastic ones break and come unattached but the barrels they use are very efficient. The barrels have a top on them, they are off the ground, it blocks the wind and they are warm because of the cedar shavings. He added that you can’t punish everybody for a few people that make bad decisions. This is a law enforcement issue.

Ms. Julia Wagner stated that she is the assistant director at the Conservator’s Center. She said that her concerns were only applicable to the Conservator’s Center. She listed several areas in the ordinance that will affect them which were on page 9 and page 15. She agreed to forward her comments.

Commissioner Owen asked that Ms. Wagner put her comments in writing.

Dr. Donald Fuller stated that he has been a veterinarian in Caswell County for about 39 years. He said that he is caught between the humane society and the hunters. He asked that the hunters be exempt from the tethering. He stated that he goes out to vaccinate dogs for hunting clubs all the time. These dogs are in boxes and barrels but they are well taken care of. He asked again to consider exempting the hunters from the tethering and the housing. He added that he has had to perform surgery on dogs to remove pieces of the plastic dog houses like those sold at Walmart from the dog’s guts. The plastic barrels are tougher and if the dog can chew through them the dogs needs to be put down. Animal Control does need to make sure that the animals are vaccinated. There is a severe neglect of the cat population in the county.

Chairman Hall stated that before the hearing is closed out he wanted to make sure that everyone in the audience has a chance to speak and after they speak Commissioner McVey has a question for Dr. Foster.

Commissioner McVey asked Dr. Foster to come to the microphone. Commissioner McVey stated that he had the opportunity to go and look at several operations as far as dogs are concerned and he asked if the APS could go back to the drawing board to get a comprise on a couple of items. He was very impressed with the blue barrels that he saw. These barrels were up off the ground and the shavings were still in the barrels. Commissioner McVey stated that he used the igloo dog houses and cedar shavings are $9 and $10 bag and with the igloo dog houses the shavings come out but with the plastic barrels there is a lip at the bottom that prevents this from happening. Commissioner McVey asked for a compromise on the barrels as houses. The other item was on tethering to see if there may be a compromise on it as well. Dr. Foster responded that a lot of the ordinance was things that the APS copied from other counties. As far as the plastic barrels they are very suitable housing as long as it is off the ground, slanted forward with adequate bedding. He does agree with the plastic barrels. On the tethering he agrees with the hunters and Dr. Fuller but he asked the Board how to come up with an ordinance that is selective. Dr. Foster stated that there have been dogs starved to death in the county and no prosecution has taken place in the county.

Chairman Hall stated that if the APS wants to present something different to the Board that is fine but if not he asked that this item be put back on the agenda for the next meeting for the Board to make a final decision. Chairman Hall thanked everyone for coming and for their comments.

Chairman Hall declared the public hearing on the Proposed Caswell County Animal Welfare and Control Ordinance closed.

Chairman Hall asked that the public silence their cell phones for the rest of the meeting.

RECESS

The Board took a brief recess.

PUBLIC COMMENTS

Chairman Hall opened the floor to Public Comments.

Mr. John Claggett came before the Board and made the following statement:

“Good morning, my name is John Claggett and I reside at 108 Jaye Lane, Providence, NC. On your agenda this morning is a discussion about the County Seal. The following is a time line in support of that upcoming discussion. I would request that this statement be recorded verbatim. 7 May 2014 I received a certified ‘cease and desist’ letter dated May 1, 2014 signed by the county attorney regarding the use of the County seal…I complied. 19 May 2014 I ask the Board of Commissioners how use of the County Seal is granted and what the process was for the Caswell County Historical Association to get permission to use the County Seal and requested copies of the that transaction…No response. 16 June 2014 I asked the Board of Commissioners if permission or consent had been given to the County Outreach Ministry to use the County Seal and if so requested copies of that transaction. I informed the Board of Commissioners that the ‘cease and desist’ letter was initiated by the interim county manager with the concurrence of the Board Chairman. I informed the Board of Commissioners that part of the text of the letter was that I cease and desist use of any colorable imitation of the County Seal. I asked the Board of Commissioners why this discriminatory action towards me was taken…No response. 1 June 2015 I reminded the Board of Commissioners that the interim county manager stated publicly that ‘enforcement of the use of the County Seal becomes a matter of enforcement or to kind of selectively enforce it.’ I again reminded the Board of Commissioners that the ‘cease and desist’ letter was not a consensus of the Board and again inquired about the County Outreach Ministry. I reminded the Board of Commissioners that the county attorney stated back in May 2014 ‘if the County Seal wasn’t protected you could lose it.’ I informed the Board of Commissioners that this issue must be addressed as it isn’t going away…No response. 15 June 2015 the county attorney introduced guidelines in the form of a policy for the use of the County Seal. He informed the Board of Commissioners that he was directed to keep it short. The Chairman asked ‘if this would eliminate all the problems we have been having.’ The attorney responded ‘yes, I think so.’ The attorney went on to explain the guidance the policy would ‘provide, to include the protection from unauthorized use, to let folks know in the community that this isn’t to be used for instance things that might be detrimental to the county and things like that.’ The policy was adopted unanimously. After the vote Commissioner Owen inquired about someone using the County Seal without permission. The Chairman responded ‘The only way I can see it is we handle it the same way as we have handled the rest of them. We have had a couple of them and we have handled them both the same way and I think that is the way we need to keep doing it.’ The county attorney explained common law remedy under the North Carolina Trademark Protection Act, and stated ‘We do need to be consistent.’ The prohibitions in the current policy don’t address ‘colorful imitation’ as does my cease and desist letter. The prohibitions however, does state that the County Seal shall not be used in a manner that inaccurately implies that the County sponsors or endorses or is otherwise affiliated with other activities, products or services and the County Seal shall not be used in a manner likely to cause confusion between products and services of the County and those of another entity. August 2017 I provided the county manager with photographs of entities using colorful imitations that likely could cause confusion between products and services of the County and those of another entity…No response. Having waited months for an answer to my inquiry, and not getting one, I’m accused of keeping the county stationary, from moving forward, and possibly moving backward. Hopefully during the later discussion regarding the County Seal an explanation will be given as to how complying with the Caswell County Fraud, Waste and Abuse Policy, which pre-dates all of this by 2 ½ years, is detrimental to moving Caswell County forward, or possibly moving it backward. I’ve been accused of keeping this personal, I assure you it isn’t, it’s about enforcement or lack thereof. Considering those accusations, I’m not the one personalizing it. It is negligence or discrimination? Thank you.”

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

RECOGNITIONS

Chairman Hall asked if there were any recognitions.

Mr. Miller stated that he would like to recognize the Caswell County EMS Department. He asked the representatives from the EMS Department to come forward and stand at the podium. Mr. Miller read a letter from Lance Metzler, County Manager, from Rockingham County, ‘I wanted to take a moment to express our most sincere appreciation to your county EMS staff for their recent assistance to our county. On Sunday, November 26, 2017, we received the tragic notification that one of our Paramedic Captains, Robert Corona, had unexpectedly died in his sleep at his home. As the news spread throughout our EMS staff, it was evident that it would be necessary to suspend our EMS service to allow our entire staff to attend the funeral to place closure to the loss of their friend, co-worker and supervisor. An Ambulance Strike Team from various counties was immediately formed to meet the needs of our EMS service. Your county offered members of your EMS staff along with their assigned truck and equipment. Your staff exemplified true professionalism and represented both your county and your EMS service to the highest standards. In conversations with the family of Captain Robert Corona, they were very humbled by your outpouring of support that allowed their EMS family the opportunity to celebrate the life of their loved one. Rockingham County, along with the family of Captain Robert Corona, is appreciative of your actions and support beyond words. These examples verify that our county operations, as well as the disciplines therein, are a closely related group who are always there to support each other. Sincerely, County Manager Lance Metzler.’

Chairman Hall thanked the EMS staff.

APPROVAL OF CATS’ DRUG AND ALCOHOL POLICY REVISION

Ms. Melissa Williams, CATS Director, stated that each transit system is required to revise its drug and alcohol policy to be in compliance with the revisions to 49 CFR Part 40. The new changes will become effective in January 2018. This information just came out to the transit systems in December. The Board of Commissioners approved CATS’ revised drug and alcohol policy on March 6, 2017. Due to these changes CATS is required to have the Board approve the revised policy to meet the new revisions. The revisions are: 1) Modification of Drug Testing Panel. This has been modified to harmonize with the revised Mandatory Guidelines by U.S. Department of Health and Human Services, 2) Definitions have been revised, 3) Urine Collection and Testing Process – Clarifying that only urine specimens are authorized for USDOT drug testing. Additions to List of Fatal Flaws. Required Collector Action upon receipt of a ‘Questionable’ Urine Specimen, 4) Blind Specimen Testing – Delete and remove requirements for blind specimen testing, 5) MRO Verification Process – Clarification of the term ‘Prescription’. MRO release of information concerning a determination on ‘Medically Unqualified’ or ‘Significant Safety Risk’, 6) Service Agent General Requirements – Service Agents would be required to subscribe to the ODAPC List-Serve, 7) All service agents are prohibited from using USDOT agency logos, branding, etc. and 8) Miscellaneous – Removal of outdated compliance dates.

Commissioner Jefferies moved, seconded by Commissioner Owen to approve the CATS’ Drug and Alcohol Policy Revision. The motion carried unanimously.

SENIOR TAR HEEL REPORT

Ms. Sylvia Banks stated that she and Marilyn Corbett wanted to share a brief summary of the meeting on October 13th and 14th of 2017 in Chapel Hill. There were several speakers that spoke at this meeting. Ms. Banks invited several of the speakers to come and talk to the seniors at the Senior Center. The next session will be held in March of 2018 in Chapel Hill and they hope to share that information with the Board. Ms. Banks has been asked to serve again as the Sergeant at Arms for another 2 years. Ms. Banks then informed the Board about the 2018 Legislative Priorities. One priority was to reestablish the Study Commission on Aging and the State Legislature has already approved this priority. The Increase for the North Carolina Home and Community Care Block Grant Funding has been on the priority list for several years and will remain on the list. Increase Funding for Senior Centers is another priority.

Ms. Marilyn Corbett stated that the next priority is Sustain and Expand Project C.A.R.E. (Caregiver Alternative to Running on Empty). The last priority is to Strengthen and Fund North Carolina’s Adult Protective Services Program.

EMPLOYEE HEALTH & WELL CLINIC POLICY/

WORKSITE WELLNESS OPPORTUNITY

Ms. Elin Claggett stated “Happy New Year. What I wanted to discuss with you today is the Employee Health and Wellness Clinic Policy but first I want to go through a timeline, what the most serious flaws are and hopefully how the problems can be resolved which actually is fairly simple. The timeline of the policy starts with the benefits of an employee health plan or a workplace wellness program may include: improved health behaviors, reduced health risks for disease, decreased health care costs, increased productivity, decreased absenteeism, improved employee morale and aid in employee recruitment and retention of. The work that Ms. Seamster has guided, under the My Wellness, My Way program for Caswell County employees, has been educational and motivational. However, this program is not part of today’s discussion and is separate from the Employee Health and Wellness Clinic Policy. I will present a timeline of events, serious flaws, and request that you either fix or discard this current policy. On June 5, 2017, the county manager indicated to this Board of Commissioners that expenditure items for the 2017-2018 fiscal year included employee and retiree health insurance premium rates that increased 17.9% or $272,558. Taxpayers in Caswell were told that this employee health insurance premium increase was one of the major factors leading to a tax increase this past year. The Employee Health and Wellness Clinic Policy was composed by the County Manager and the previous Health Director. This is an employee benefit package and created as a response to increased premiums. This is not a Health Department policy and that is the point that I have been making for the past 6 ½ months and that is why I am here today. On June 19, 2017 this policy was presented to the Board of Commissioners by the county manager and the previous Health Director with a stated Effective Date of July 1, 2017. On the surface, this policy sounds like a nice idea for employees. Neither the Medical Director nor the Board of Health had seen this policy at this point in time. Regardless, Commissioner Hall made a motion to accept this policy, seconded by Commissioner Owen and motion was carried unanimously. June 27, 2017, 8 days after the Board of Commissioner meeting, the initial presentation of this policy was made to the Board of Health. The Board of Health briefly discussed, but did not approve this policy, citing more time was needed to review the content. Within the following days, the Health Director was terminated and I was appointed as Interim Health Director, hence my continued concern on this unresolved issue. On July 12, 2017 a meeting was held to include the Caswell County Health Department Medical Director, Interim Health Director, Nurse Practitioners, Finance/HR Officer and Quality Assurance Supervisor. Caswell County management was represented by the County Human Resources Director and County Manager. This meeting concluded with the plan for the County Manager and HR Director to correct many fallacies and rewrite the policy. The policy was never rewritten. On July 25, 2017 an update on the policy at the Board of Health meeting included discussion of the Health Department having to pick up the bill for waived co-payments and change of fee schedules for county employees. A primary concern was that the BCBSNC insurance company would not pay for redundant services/labs offered during wellness visits if patients had seen their Primary Care Provider for the same services. This could cause the Health Department to incur thousands of dollars loss. Finally the My Wellness, My Way Worksite Wellness Opportunity included in this policy was discussed and noted that it was plagiarized almost verbatim from the 2013 Cumberland County Health Options for Productive Employees program. This program has absolutely nothing to do with Health Department operations. The County Manager was informed of all of these concerns. In August 2017 revisions from the County Manager were still pending but deadline for implementation was delayed until September 1, 2017 to allow time for enrollment of our Nurse Practitioners within the BCBSNC insurance network. This is essential for reimbursement of fees. The Health Department has always seen employees for sick/acute illnesses visits. They now would be able to accept employees as primary care patients also – if employees are willing to change from their current provider to the Health Department per their insurer companies’ guidelines. Now onto October 25, 2017 four months after you voted on this policy, I asked the County Manager and Human Resources Director for information on the number of employees, their related departments and choices of wellness activities and who were participating in the My Wellness, My Way Worksite Wellness Opportunity Program and the County Manager’s response was “This was a new policy and enough time hasn’t elapsed to start compiling data on program participation, outcomes, or impact. When it becomes relevant to assess those factors and compile the data you have requested, we will share the assessment at that time.” I have received no further response. And by the time I am emailing anybody verbal communications has failed multiple times so it is not like the first conversation. On December 3, 2017 again I received no further response and the policy has not been rewritten. On December 3rd the County Manager was asked for an update to include data on who is responsible for the implementation of this policy. You have a copy of these email correspondence. I asked: Who is responsible for implementation, payment of co-pays or unreimbursed visits, accounting of time off work for wellness, etc. – the Health Department staff or Human Resource staff? We do not have staff to monitor who does the activities. Again the Health Director, Health Department Finance Officer, County HR Director, Clerk to the Board and Commissioner Hall, as a member of the Board of Health and now Chairman of this Board were copied this short list of questions. I received no response once more. December 18, 2017 I emailed all the Commissioners and now I an escalating it through the chain of command about the concerns that this is not a Health Department policy, and could potentially cost the county $200,000 in paid time off for wellness and clinic visit time, plus may cost thousands in unreimbursed insurance costs for redundant health care services. Again I have received no response. We are now in January today, 6 ½ months later, the Employee Health and Wellness Clinic policy had not been revised and now the County Manager and HR have verbally shifted the burden to the Health Department because it is labeled with a Public Health Department policy number and so now it is their policy so nothing will be done. Once more, this policy was never approved by the Board of Health but was approved by the Board of Commissioners in an act of good faith. It actually is an employee benefit package and a HR policy and not a Health Department policy. It has nothing to do with their operations; it is all about employee benefits. Some of the major flaws I will give you an outline of that. The Wellness screening will allow early identification of potential health concerns for clients (Policy 1A-4). Wellness screenings include medical history review, vital signs, immunizations, screening lab information and a brief physical exam. These are not the same as annual physical exams but may indicate risk for diseases and provide health education. If the employee or other patient has had these tests and exams done by their regular Primary Care Provider or Doctor, the insurance company may not pay the Health Department for duplicate labs and services, potentially costing the health department budget thousands of dollars in un-recouped funds. Will the county pick up the bill or is the health department supposed to pick that up in their budget? Office visits will have no out-of-pocket cost to the employee (no co-pay), but services will be billed to the employee’s BCBNC health plan. For part-time employees who are not covered under county insurance will be assessed fees based on income and the sliding fee scale (Policy IA-6). Exemption from co-pay by employees will incur higher costs to the Health Department budget to cover waivered fees. Will the county pick up the bill? Employees will not have to use sick or annual leave for the length of their appointment (Policy IA-7). The Health Department cannot exempt county employees from taking leave time when they are not at their worksite. This is not a function of the Health Department, if you come here you don’t have to clock out we will take care of it – this is a function of the county manager and a HR benefit. To be eligible for sick care, the employee must initially participate and enroll in wellness screening component of the program (Policy section ID-1). So you have to have your wellness exam before you can come there if you are sick is what that says. This is false – employees, as other patients, may be seen if they are sick, without having to have a previous “wellness screening” in their medical records. We have been seeing them for years; we have been seeing employees who come. According to the way it is written no we can’t see you because you have not had your wellness screen yet and we may not be reimbursed. That was a major problem with the policy. The information about HIPPA and confidentiality, office hours, list of definitions, registration, list of illnesses, and clinic flow are not unique to county employees and are already part of standard operating procedure for all patients who are seen at the Health Department. All patients are treated under the same guidelines for quality care, regardless of their employer or ability to pay and is unnecessary to include in this policy. This is already standard of practice within the health department and meets medical practice guidelines. Therefore, excessive irrelevant information in this policy can and should be deleted. My recommendation would be to delete the following sections: Definitions, Registration, Clinic Flow and References. Redundancies and incorrect information should be deleted. The policy, eligibility, and procedure may be reduced to one page. I offer the attached replacement policy for your consideration and put it under employee benefits or other human resources. You can read it later. You can use it or not use it. It’s a freebie. This edited policy would retain Employee Benefit information but is still not a Health Department Policy. Lastly, let me talk a little bit about the My Wellness, My Way Worksite Wellness Opportunity which is the last part of the policy. This program has absolutely no relevance to the Caswell County Health Department operations. Under this program, Caswell County employees may choose a wellness activity of their choice - that can include resting at home, going for a walk, exercise at a gym, or talking to family – whatever makes them feel better mentally or physically. This program potentially pays for every employee to not work for 1.5 hours a week while they pursue what they consider to be a wellness activity. This is what you voted on. 1.5 hours/week x 52 weeks is 78 hours of paid time off or 9.75 days a year to do their wellness activity. So you are giving them almost 10 days every employee potentially to not be at work. That is what you voted on. At even salaries of $10/hr. wage for 250 employees, this calculates to $195,000 that you are willing to pay people to not work. As you are aware from the recent salary study, some county employees make $30-$40/hr. so their effective time-cost would be much greater. You have budget talks beginning this month and already mention of another tax increase. The Health Department cannot authorize all county employees to be paid to not work just as they cannot tell employees that they will be paid to come to the clinic for visits. No department can approve this type of policy for all county employees. Maintenance cannot give all employees time off every week to do home maintenance; DSS cannot give employees time off every week for “family time”; the Senior center staff cannot give employees paid time off 1.5 hours/week to help with senior activities, etc. This is an HR issue. It has nothing to do with the Health Department. Additionally this program cannot be implemented across all departments and thus excludes the majority of County employees. Under this program, as written, employees can take time off work at the beginning or end of the day or at lunch time and only if they have other staff covering their job. They still get their other breaks and regular lunch period. Unfortunately this is not a luxury many departments can participate in and clearly excludes many staff. Maintenance Department, Health Department, Building Inspections, Planning Department, Board of Elections, etc. are examples of departments that do not have sufficient staff to allow their employees this benefit, therefore discriminates across different departments of who is even allowed to have this benefit. Meanwhile overstaffed departments can choose to participate if their supervisor approves. So the supervisor gets to approve who in their department can and who can’t. What if some supervisors don’t approve and some do? Again, when I requested information on who is taking advantage of this Employee Benefit, the answer was that data has not become relevant. You, as Commissioners, are offering up to 250 employees almost 10 days of additional paid leave time with zero accountability. This amount of paid time off only adds to county operating costs. In contrast to the sales pitch that was given to you in June 2017, this policy has nothing to do with reducing the county insurance premiums. As budget decisions are being made, consider that even half of this amount of money you want to pay employees to not work could easily fund desperately needed full-time positions such as 2-3 additional Maintenance Department staff and administrative support for Environmental Health and Building Inspections, positions which you have concurred are needed but have to date refused to fund. The Worksite Wellness Opportunityprogram is wasteful, unfair and cannot be implemented. It should be discarded. Obviously there is no managerial effort to even look to see which employees are taking advantage of this program and remember, that has not become relevant. In contrast, the My Wellness, My Way plan administered by the Clerk of the Board is equitable and may produce health benefits for employeesas well as improve employee morale. In July who doesn’t like ice cream and rewards? These are the commendable wellness efforts that should be supported by this Board. In conclusion, finally, please direct the County Manager and HR Director to assume responsibility and rewrite the policy under Human Resources or Employee Benefits program. A new employee walking in reviewing this policy will want the 1.5 hours off as you voted and they may work in a department that doesn’t have the staffing to enable that to happen. It is not a Caswell County Health Department policy even though it is labeled as such. You can put any label for any department on it, it doesn’t make it so. So please correct that. Alternatively, if you choose to do nothing and keep this as Caswell County Health Department policy, I will ask the Health Director and the Board of Health to null and void this policy at the next Board of Health meeting which will be held at the end of January. So either you take ownership of it in your employee’s health benefits in HR or it remains a Health Department policy in which case we will get rid of it. Meanwhile all employees, sick or well, may be seen by at the Health Department, independent of this policy. The Health Department will handle taking care of patients to include all citizens and employees of Caswell County regardless of your decisions today. Care will be given as needed. Thank you for your time and consideration and hopefully there is resolution. Thank you.”

Chairman Hall thanked Ms. Claggett for her comments. Chairman Hall asked the Commissioners if they had any questions about what was presented.

Commissioner Jefferies asked why the policy came before the Board before the Board of Health approved it. Chairman Hall responded that this was not a question for Ms. Claggett to answer. Commissioner Jefferies stated that he was referring the question to Chairman Hall since he is on the Board of Health. Chairman Hall responded that this question was raised about a month after the Board approved it and the response from the county manager was that they did not have enough time or something to that effect. Ms. Claggett added that the health director told the Board of Health that they wanted to get this done quickly and they did not have time to bring it before the Board of Health but they had plenty of time to bring it to the Board of Health but they just chose not to.

Chairman Hall informed Ms. Claggett that she presented a lot of information and it was sent to the Commissioners in an email and he read it and he assured her from his vantage point that the Board will follow up on the questions, some may or may not be appropriate for the Board to respond to but those that are the Board will respond. Ms. Claggett responded by saying thank you.

RECESS

The Board took a brief recess.

APPROVAL OF RESOLUTION APPROVING INSTALLMENT FINANCING AGREEMENT TO FINANCE COSTS OF LIBRARY FACILITY EXPANSIONS AND IMPROVEMENTS, APPROVING CERTAIN OTHER DOCUMENTS AND ACTIONS RELATING THERETO AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH

Mr. Miller stated that at the last meeting the Board held a public hearing to consider the option of using installment financing of $995,000 to finance the County’s portion of the library expansion and renovation project. There was no opposition to the proposal so included in the Board’s agenda packet there is a resolution approving an installment financing agreement to finance costs of library facility expansions and improvements, approving certain other documents and actions relating thereto and authorizing certain action in connection therewith. He added that the resolution and the associated documents are 51 pages long. Mr. Miller stated that he was happy to answer any questions the Board has.

Chairman Hall asked if legal counsel had read the information. Mr. Miller responded yes. He added that this is an installment financing through the Piedmont Electric Membership Corporation for the $995,000 through the USDA REDLEG program with 0% interest with a 10 year term. The payments on the loan would be roughly $100,000 a year.

Mr. Ferrell stated that he had read through the agreement along with the bond counsel and some of the terms were negotiated with Piedmont which was happy to receive their feedback and incorporated their comments into the loan agreement and the promissory note which are attached to the resolution. He added that this is a very favorable loan passed through Piedmont through the USDA program. The public hearing was held. The Board will need to approve the document subject to Local Government Commission final approval. The financing will still have to be approved by the Local Government Commission.

Commissioner Jefferies moved, seconded by Commissioner Owen to approve the Resolution Approving Installment Financing Agreement to Finance Cost of Library Facility Expansions and Improvement. The motion carried unanimously.

**RESOLUTION APPROVING INSTALLMENT FINANCING AGREEMENT TO FINANCE COSTS OF LIBRARY FACILITY EXPANSIONS AND IMPROVEMENTS, APPROVING CERTAIN OTHER DOCUMENTS AND ACTIONS RELATING THERETO AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH**

**WHEREAS**, The Board of Commissioners **(the “Board of Commissioners”)** of the County of Caswell, North Carolina **(the “County”)** has determined to finance a portion of the costs of a project which it has found to be necessary and desirable to provide for improved library facilities in the County; and

**WHEREAS**, such project consists of the design, acquisition, construction and equipping of improvements to and expansion of the County's public library building, located on a site owned by the County **(the “Project”)**; and

**WHEREAS**, the Board of Commissioners has received a proposal from Piedmont Electric Membership Corporation (**the “Lender”)** for installment financing of the Project under the authority granted to the County in Section 160A-20 of the General Statutes of North Carolina, and the County’s representatives have recommended to the Board of Commissioners that such an installment financing agreement be entered into between the County and the Lender; and

**WHEREAS**, the County has determined that it is in the best interests of the County to enter into such an installment financing agreement and related documents to make available to the County funds, along with funds from other sources, to finance the costs of capital improvements of the Project; and

**WHEREAS,** there have been presented at this meeting (1) a draft of a Construction and Permanent Loan Agreement and a Promissory Note for Future Advances, each between the County and the Lender **(together,** **the “Financing Agreement”)**, under which Financing Agreement the Lender would make available to the County funds with which to finance costs of the Project and as otherwise provided therein the County would be obligated to make ten annual payments as described in the Financing Agreement **(the "Installment Payments")** to repay the Advances (as defined in the Financing Agreement), among other requirements and (2) a draft of a Future Advances Deed of Trust **(the “Deed of Trust” and, together with the Financing Agreement, the “Financing Documents”)** from the County to a Deed of Trust trustee for the benefit of the Lender by which the County would secure its obligations to the Lender.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners as follows:

* 1. The County hereby determines to finance the Project through the Lender in accordance with the Financing Documents. The principal amount financed shall not exceed $995,231.00. The annual interest rate (in the absence of default) shall not exceed 0.0% and the financing term shall not exceed approximately ten years from closing. The County may prepay the outstanding principal component of the Advances in accordance with the form of Financing Agreement approved at this meeting. The Financing Agreement proceeds shall be applied to pay costs of the Project.
  2. The forms, terms and provisions of the Financing Documents, consistent with the provisions of this resolution, are hereby approved in all respects. The Chairman of the Board of Commissioners, the County Manager, the Finance Officer of the County, the Clerk to the Board of Commissioners and the County Attorney are hereby authorized and directed to execute, deliver and record, as appropriate, the Financing Documents in substantially the forms presented, together with such additions, changes, modifications and deletions as they, with the advice of counsel, may deem necessary or appropriate, and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the Board of Commissioners and the County.
  3. The County’s payments required by the Financing Agreement shall be subject to annual appropriation of funds by the Board of Commissioners. The County shall not be obligated to make any payments under the Financing Agreement beyond those for which funds have been appropriated in the Board of Commissioner’s sole discretion during the County’s then-current fiscal year. The Financing Agreement shall not constitute a pledge of the County’s full faith and credit. Neither the County’s full faith and credit nor its taxing power is pledged directly, indirectly or contingently to secure any moneys due under the Financing Agreement.
  4. The County Manager and County Finance Officer are hereby authorized and directed, together or separately, to hold executed copies of the Financing Documents, and any other documents authorized or permitted by this resolution, in escrow on the County’s behalf until the conditions for the delivery of the Financing Documents have been completed to such officer’s satisfaction, and thereupon to release the executed copies of such documents for delivery to the appropriate persons or organizations. Without limiting the generality of the foregoing, this authorization and direction is hereby specifically extended to authorize such officers to approve changes to any documents (including the Financing Documents) or closing certifications previously signed by County officers of employees, provided that such changes shall not substantially alter the intent of such documents and certificates from the expressed in the forms as executed by such officers. Such officer’s authorization of the release of any such document for deliver shall constitute conclusive evidence of such officer’s approval of any such changes.
  5. The County’s officers are hereby authorized and directed to make, execute and deliver all agreements, certificates and instruments and to take all such further action as they may consider necessary or desirable in connection with the execution, delivery and recording, as appropriate, of the Financing Documents and the consummation of the transactions contemplated thereby.
  6. The Board of Commissioners hereby approves, ratifies and confirms the actions of the County Manager, the Finance Officer of the County, the County Attorney, Davenport & Company LLC as financial advisor to the County, Sands Anderson PC as bond counsel to the County, and any other County officers and representative in furtherance of and consistent with the purpose of this Resolution.
  7. The Board of Commissioners reiterates and readopts its findings made in its resolution adopted on December 4, 2017.
  8. The officers and employees of the County are authorized and directed (without limitation except as may be expressly set forth herein) to take such other actions and to execute and deliver any other documents, certificates, undertakings, agreements or the instruments as they, with the advice of counsel, may deem necessary or appropriate to effectuate the transactions contemplated by the documents approved hereby.
  9. This resolution shall take effect immediately upon its passage.

Upon motion duly made and seconded, the foregoing resolution was passed by the following vote:

Ayes: Hall, McVey, W. Carter, Jefferies, Owen Travis

Noes: none

\* \* \* \* \*

I, Paula P. Seamster, Clerk to the Board of Commissioners for the County of Caswell, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true copy of so much of the proceedings of said Board at a regular meeting held on January 2, 2018 as relates in any way to the passage of the resolution described therein and that said proceedings are recorded in the minutes of said Board.

**I HEREBY FURTHER CERTIFY** that a schedule of regular meetings of said Board, stating that regular meetings of said Board are held in the Board of County Commissioners Meeting Room, Old Courthouse, 144 Courthouse Square, Yanceyville, North Carolina 27379, on the first Monday of each month at 9:00 a.m. and the third Monday of each month at 6:30 p.m., except for December, 2017 when the only regular meeting of the Board was held on December 4, 2017, has been on file in my office as of a date not less than seven days before the date of said meeting in accordance with G.S. § 143-318.12.

**WITNESS** my hand and the corporate seal of said County, this 2nd day of January, 2018.

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

Clerk to the Board of Commissioners

APPROVAL OF BOND COUNSEL ENGAGEMENT LETTER FOR

LIBRARY EXPANSION PROJECT

Chairman Hall asked if the Board was clear on what this was.

Mr. Ferrell stated that when local governments borrow money for projects it is different from that of the private sector. The Local Government Commission oversees the county’s loan process. This come from the depression era when counties found themselves unable to meet their debt obligations so there is an oversight commission or the Local Government Commission that is looking at Caswell County’s audit, its financial balance sheet and how it is engaged in loan activities. The Local Government Commission wants to make sure that the county is being fiscally responsible with its tax dollars and it ensures that the county has certain professionals assisting the county with fund raising activities. Bond counsel is one of those as well as financial advisors who are making recommendations to the county about the best way to go about raising funds. The county has to have agreement with each of these professionals and these professionals will be interfacing with the Local Government Commission at the upcoming approval meeting in February.

Commissioner Jefferies moved, seconded by Commissioner McVey to approve the Bond Counsel Engagement Letter. The motion carried unanimously.

APPROVAL OF DAVENPORT’S SCOPE OF SERVICES AND FEE FOR

LIBRARY EXPANSION PROJECT

Mr. Ferrell stated that Davenport is the County’s Financial Advisor so they are the ones that put the package together for the Local Government Commission.

Commissioner Owen moved, seconded by Commissioner McVey to approve Davenport’s Scope of Services and Fee. The motion carried unanimously.

DISCUSSION ON COUNTY SEAL POLICY INFORMATON

Mr. Miller stated that in the last meeting the Board directed him to contact the Attorney General’s office to speak to them about the County Seal, the use of the County Seal and the possible infringement that may be occurring. The Attorney General’s office referred him to the Secretary of State’s office. He spoke with Mr. McCloud and this is not an issue that the Secretary of State’s office would give an opinion on and recommended civil litigation lawyers to perform this type of service but this could be very expensive. Mr. McCloud recommended what the county is doing now which is sending a letter to the business or entity with a letter requiring them to cease and desist in the reproduction of the seal in any fashion. Mr. Miller stated that he was happy to answer any questions the Board may have. Mr. Miller continued by saying that in the two cases in the past where the cease and desist letters were sent the exact seal, wording, courthouse was being used in both cases. The verbiage ‘any color variation thereof’ is taken from state statute so the county is quoting state statute in the letters.

Chairman Hall asked if any letters had been sent out for ‘any color variation thereof’. Mr. Miller responded no.

Chairman Hall asked the Board if there were any further questions and if there were any comments from general counsel.

Mr. Ferrell stated that he would be happy to look at any potential infringing mark and provide his view of whether or not it is infringing but the two letters that he sent were easy determinations because they were the registered county seal. He added that in trademark law the difficulty is if the mark is a colorful imitation is the intent to trade on, to use or try to confuse the public by using a registered mark with another entity’s activities. There are law firms that specialize in this but he would be glad to look at any potential infringing mark.

Chairman Hall asked general counsel for a definition of ‘a colorful variation thereof’. Mr. Ferrell responded that you are looking for how similar the characteristics of the registered mark are with what is being used by the potential infringer. It is a detailed, specimen by specimen, examination of how similar it is. There is a policy that the Commissioners have adopted that will allow some people to use the county seal if they request permission to do so. The Historical Association has requested this permission and it has been granted.

Commissioner Owen stated that the Board has received 2 pictures of potential infringements and he asked the Board approve the county attorney to look at those pictures and to make a determination. Chairman Hall responded that he did not know how far the Board wanted to go as far as legal fees but the Board needs to be aware what constitutes infringement so he suggested that if the Board is going to ask the county attorney to look at potential infringements the county attorney needs to look at more than two. Commissioner Owen stated that he was only aware of two. Chairman Hall responded that he has seen three or four around the county so may they need to be put together and looked at.

Mr. Ferrell stated that he would be glad to write up a brief outline of what the law says you look at when making these determinations. He added that he can apply his analysis on these two and then the Board can see how future reviews would be handled. Chairman Hall asked the county manager to write up the brief outline and give a definition of a ‘colorful variation’ and this will allow the Board to make those determinations. It is said in the policy that the Board can grant permission so the Board needs to know where it needs to grant permission and where it does not. Chairman Hall also added that the Board needs to know what is a violation and what is not. He suggested getting five or six example of potential infringement, the county attorney provide the brief outline and then the Board can look at these and make a decision.

SHERIFF’S OFFICE REQUEST

Mr. Miller stated the Board received a request from Captain Michael Adkins on behalf of Sheriff Tony Durden. They are requesting to place 14 bullet proof vests in county surplus and once this is done Sheriff Tony Durden will be able to donate these vests to Alamance Community College for its BLET training course.

Commissioner Travis asked if Piedmont Community College offered the BLET training. Mr. Miller responded that PCC does not offer this course. The BLET training is offered through Alamance Community College and Rockingham Community College. The County’s recertification occurs through Piedmont Community College.

Commissioner Travis stated that he just wanted to make sure that PCC did not need them.

Commissioner Owen stated that he had talked to the county manager about this as well and that he had checked the PCC website to make sure that they did not offer this course and PCC does not offer this course.

Commissioner Travis moved, seconded by Commissioner Jefferies to approve the Sheriff’s Office request to place 14 bullet proof vests in county surplus. The motion carried unanimously.

COUNTY MANAGER’S UPDATES

Smoke Test

Mr. Miller stated that a smoke test was performed at the Health Department on approximately December 6th. There were a number of issues found within the Health Department as well as DSS. The Maintenance Staff has had those issues fixed and completed within a matter of days. Mr. Miller informed the Board that all the issues regarding the smoke test have been fixed.

Chairman Hall asked if the county manager was saying the Board would not hear any more concerns from the Health Department. Mr. Miller responded that this is not what he is saying at all. There have not been any more complaints since the problems were fixed. He thanked the Town of Yanceyville for their involvement in the process but he hoped the issues are resolved.

Commissioner Owen stated that he encountered the same kind of issues when he worked at the high school and they thought everything was repaired but certain times of the year there probably will be a smell.

Mr. Miller stated that some of the things that were done was some of the outside clean out pipes were capped off, installed some inline backflow preventers and sealed a number of toilets replacing the wax rings in the health department and DSS. He felt the smoke test was valuable.

White Space Project

Mr. Miller informed the Board that the White Space equipment had been received and it is at the library. Mr. Knox will help the county to put this equipment together in conjunction with Robert Webb implement the system and start testing it over the next couple of weeks.

Chairman Hall asked if this was something that could get started on right away. Mr. Miller responded yes but with the library being moved it is going to be a challenge. Chairman Hall asked if an alternative site could be used. Mr. Miller responded yes.

Codification

Commissioner Owen asked for an update on the codification on the County ordinances. Mr. Miller responded that the county attorney, Ms. Seamster and he have a conference call on Monday, January 8th to discuss the legal review of the codification. It is expected to be about a 3 to 4 hour telephone call.

Chairman Hall stated that Mr. Thomas Wright has some information he would like to pass out to the Commissioners before closed session.

CLOSED SESSION

Commissioner W. Carter moved, seconded by Commissioner Travis to go into Closed Session to establish, or to instruct the public body’s staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease (NCGS 143-318.11(a)(5)) and to prevent the disclosure of information that is privileged or confidential (NCGS 143-318.11(a)(1)). The motion carried unanimously.

REGULAR SESSION

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

Chairman Hall asked if there were any announcements.

Commissioner Jefferies stated that if no one is coming from the School of Government or NCACC someone needed to be nominated from the Board to keep order of the retreat. Chairman Hall responded that he would take that responsibility.

Chairman Hall asked the Board to get their items for the retreat to the clerk.

The clerk informed the Board that the LGFCU will be sponsoring the meal for the Retreat and Jazmine Kilpatrick will come to speak for about 2 to 3 minutes to the Commissioners.

Commissioner Owen asked if the list would be emailed out to the Commissioners so the Board will be prepared. The clerk responded yes.

Commissioner Travis stated that the Board needs to talk about the upcoming Budget.

Chairman Hall stated that the list for the Retreat would be prioritized by January 8th.

Commissioner W. Carter stated that Commissioner Owen made the comment that Commissioner Carter had not attended the Ethics Training as required and he stated that he had attended all required Ethics Trainings. Commissioner Owen responded that he did not say that Commissioner Carter had not attended the trainings; he just could not find the information where he had attended the trainings.

ADJOURNMENT

At 11:35 a.m. Commissioner Carter moved, seconded by Commissioner Jefferies to adjourn. The motion carried unanimously.

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Paula P. Seamster Nathaniel Hall

Clerk to the Board Chairman

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