# MINUTES OF THE REGULAR MEETING OF THE ALAMANCE COUNTY BOARD OF COMMISSIONERS FOR ALAMANCE COUNTY

September 5, 2023, 9:30 AM Commissioners' Meeting Room 124 West Elm Street Graham, NC 27253

Board Members Present: Chairman John Paisley Jr

Vice-Chair Steve Carter

Commissioner William "Bill" T. Lashley

Commissioner Pamela Thompson

**Commissioner Craig Turner** 

# **CALL TO ORDER - CHAIRMAN PAISLEY**

## INVOCATION AND PLEDGE OF ALLEGIANCE - CHAIRMAN PAISLEY

# APPROVAL OF THE AGENDA

Moved by: Vice-Chair Carter

**Seconded by:** Commissioner Lashley

## APPROVED UNANIMOUS

## **PUBLIC COMMENTS**

Gary Jackson, Elon resident, and Veteran Services Committee member, spoke about the work of the Veterans Services Office. He wanted to address previous comments made about the Veterans Services Office and the office serving out-of-county veterans.

Peter Morcombe, a Graham resident, spoke about the ABSS mold issue. He commented that was on a long list of surprises. Mr. Morcombe advised the Board not to fork over any more money to the school system. He suggested that the Board hire a contractor to take over managing the school buildings.

Susan Morris, a Burlington resident, spoke about the Board and past Boards that had underfunded the schools. She said that defunding schools robbed children of their education and jeopardized their futures. Ms. Morris voiced that arguing over teacher raises was not productive.

Barry Joyce, a resident, spoke about the budget for Union County Schools and how it compared to Alamance County. He mentioned that the county could not afford a new diversion center or a new public safety training center.

Jessica Norman, a Burlington resident, spoke that at the joint meeting, a school board member had brought up Alamance County's investment percentages in education. She requested the actual percentage numbers that the county had invested in education.

Henry Vines, a Snow Camp resident, spoke about the Meridian franchise agreement. He thought the traffic study was not accurate. Mr. Vines advised that the community was going to be devastated by the amount of trucks coming into that area. He asked why Meridian did not have to comply with the Heavy Industrial Development Ordinance (HIDO).

# **CONSENT AGENDA**

Moved by: Vice-Chair Carter

**Seconded by:** Commissioner Lashley

## APPROVED UNANIMOUS

# ACSO Donation of Surplus Vehicles - Sheriff's Office

Approval of a resolution approving the conveyance of surplus vehicles to Alamance Community College's Law Enforcement Section and the Town of Green Level.

# **BUDGET AMENDMENTS**

## **BJA Grant Request to Apply - Sheriff's Office**

## APPROVAL OF MINUTES

Regular Meeting of August 21, 2023

## PRESENTATIONS/OTHER BUSINESS

# NCACC 2023 President's Initiative - Lindsay Ray, President of the NC Association of County Clerks

Lindsay Ray, Chatham County Clerk to the Board of Commissioners and the President of the North Carolina Association of County Clerks spoke about her "President's Initiative" to visit all 100 counties to meet every county clerk, their managers, and their Boards. She wanted to be an ambassador of the association, and to elevate the clerk profession. Ms. Ray appreciated the support the Board had provided to Tory Frink, Alamance County Clerk to the Board of Commissioners. She mentioned that clerks were the record keepers of the past, present, and future.

# <u>Second Reading – Proposed Franchise Ordinance for Meridian Waste North Carolina,</u> LLC. - County Attorney Stevens

County Attorney Stevens presented the second reading of the proposed franchise ordinance for Meridian Waste, LLC. He stated there were no changes to the ordinance or the proposed agreement. He said that two separate votes was needed to enact the franchise per the statutes.

Mary O'Brien, Chief Marketing Officer for Meridian Waste, asked the Board to support the second reading.

Commissioner Turner asked County Attorney Stevens to discuss the exception in the current franchise that allowed 25 additional customers into the landfill. County Attorney Stevens said a list of customers exempted from the 25-mile restriction in the current franchise exists. He continued that the people on that list are subject to change at the operator's whim and do not need to be approved by the county. Commissioner Turner asked whether Mr. Coble could allow Meridian Waste to operate the current franchise as an operator. County Attorney Stevens responded that the existing franchise between the county and Cobles was silent regarding the ability to transfer the franchise. He said a portion spoke to the transfer of ownership to a new operator. Commissioner Turner asked if they were to approve a new franchise, would that reset the conditions so that the new Heavy Industrial Development Ordinance (HIDO) would cover operations? County Attorney Stevens explained that if the land was sold, the new operator could operate on the existing permit rather than apply for a new one.

Vice-Chair Carter asked if he had heard correctly that Meridian Waste must comply with the HIDO. County Attorney Stevens answered they would have to comply with the HIDO, but they would take on a permit that presently existed in favor of the Cobles rather than applying for a new permit. Vice-Chair Carter asked if there were any restrictions on trucks under HIDO. County Attorney Stevens responded he would research that information.

Chairman Paisley asked about the shortfalls in the Coble Franchise and whether the new contract corrected those shortfalls. County Attorney Stevens opined that it did.

Commissioner Turner said he voted last time and was voting this time because the 25-customer grandfather clause in the existing Coble agreement allowed by way of right the current operator and new operator to bring in C & D landfill trash from any area. He thought the new franchise was a better option and more restrictive. If something went wrong, then there was enough insurance to cover it instead of relying on county.

Commissioner Lashley spoke and predicted more tonnage would be brought into the landfill in the five and half days it was opened. He said more than 600 tons of trash would come into the landfill.

Commissioner Thompson said the issue for her was the traffic in the community and she was on the side of the neighbors.

**Moved by:** Chairman Paisley **Seconded by:** Vice-Chair Carter

The motion carried 3-2 with Chairman Paisley, Vice-Chair Carter, and Commissioner Turner voting in favor. Commissioners Lashley and Thompson voted in opposition.

**APPROVED** 

# Reimbursement Resolution ACC Bond Project - Susan Evans, Finance Officer

Commissioner Lashley inquired as to why Alamance Community College (ACC) was not ready at the time the bond was approved, and if they had been ready then that would have saved taxpayers a lot of money. He said the community was asking these questions about why the project had been delayed.

Dr. Larry Keen, Interim President of Alamance Community College, said he was alarmed when he discovered what Commissioner Lashley had described. He said that was why he was pushing to get the projects completed. He said the longer the delay, the more difficult it was going to be to explain. He said that if the Board goes ahead and provides the resources, then they would work expeditiously to get the projects done.

Vice-Chair Carter asked Dr. Keen to address previous public comments made that the Public Safety Training Center was not needed to train local law enforcement given the cost versus the benefits to the county. Dr. Keen responded that the kind of quality program they had in the Basic Law Enforcement Training (BLET) Program at ACC was the largest of the 58 community colleges in the state. He said there was a potential to grow the fire rescue training program to a larger size.

The following Resolution was introduced:

RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE COUNTY OF ALAMANCE, NORTH CAROLINA, DECLARING ITS INTENTION TO REIMBURSE SAID COUNTY FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN CAPITAL EXPENDITURES.

WHEREAS, the County of Alamance, North Carolina (the "County"), is a political subdivision organized and existing under the laws of the State of North Carolina; and

WHEREAS, the County has determined to pay the cost of expanding and improving the facilities for Alamance Community College, including the construction of additional buildings and other facilities, the enlargement, reconstruction, renovation and repair of existing buildings and other facilities and the acquisition of any necessary land, furnishings, equipment and appurtenant facilities therefor (collectively, the "Project"); and

WHEREAS, the Board of Commissioners for the County (the "Board") has determined to advance certain moneys to pay such expenditures (the "Expenditures"); and

WHEREAS, such Expenditures are available only for a temporary period and it is and will be necessary to reimburse the County for the Expenditures from the proceeds of one or more tax-exempt financings of the County that are expected to be authorized by the Board (collectively, the "Tax-exempt Financings").

## NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

- The Board hereby declares the County's intent to advance the
  Expenditures and to reimburse the County with the proceeds of the Taxexempt Financings for the Expenditures. The County reasonably expects
  on the date hereof that it will reimburse the Expenditures with the
  proceeds of the Tax-exempt Financings.
- Each Expenditure was or will be (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Tax-exempt Financings, (c) a nonrecurring item that is not customarily payable from current revenues or (d) a grant to a party that is not related to or an agent of the County so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the County.
- The maximum principal amount of the Tax-exempt Financings expected to be entered into with respect to the Project is \$18,935,000, plus such additional amounts, if any, as shall be determined to be reasonably necessary for the funding or payment of costs of entering into the Tax-exempt Financings.
- The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Tax-exempt Financings to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The County recognizes that exceptions are available for certain preliminary expenditures, costs of issuance, certain de minimis amounts, expenditures by small issuers (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five years.
- This resolution shall take effect immediately upon its passage.

Thereupon, upon motion of Vice-Chair Carter, seconded by Commissioner Turner, the foregoing resolution was passed by the following vote:

Ayes: Chairman Paisley, Vice-Chair Carter, Commissioners Lashley, Thompson, and Turner.

Noes:  $\underline{0}$ .

Moved by: Vice-Chair Carter

**Seconded by:** Commissioner Turner

#### APPROVED UNANIMOUS

# 2023 Valuation of Lowe's Home Improvement, Burlington - Jeremy Akins, Tax Administrator

Jeremy Akins, Tax Administrator, explained that last month, he had addressed the concerns of Mr. Barry Joyce's concerns regarding the level of assessment between resident properties, farms, and commercial properties. He said he was standing behind the statements he had made regarding it. Jeremy Akins said the revaluation at \$8.5 million for the Lowes Home Improvement was correct.

Mr. Joyce contacted him after that meeting and said those sales referenced for the Lowes revaluations were ground leases and did not include the structure value. Mr. Akins did research and explained that those sales that were referenced gave them the value of the land. He continued that Lowes had a structure on the land, so they were probably not at actual market value.

Mr. Akins mentioned the revaluation was done in-house, but he contacted Vincent Valuation to help review the revaluation. He was convinced through the process it was worth \$125 a square foot, which was about \$16.5 million, not \$8.5 million. Mr. Akins asked why did they end up at \$65 square foot. After a discussion with the in-house commercial appraiser, he said his basis for the revaluation was the appeals board, not the market. Mr. Akins explained that Lowes had an effective appeal process. He said the commercial appraiser observed the results of the appeals and used that as his basis of value instead of the market. Mr. Akins did not know that the commercial appraiser had done this and disagreed with his actions. He explained it should have been set at the market value and let the Boards do their jobs with the appeals.

Mr. Akins had gone through his records and realized they had ten big box retailers whose values were set at \$65 square foot; all of it was assumed values based on what they thought the appeals process would have done. Mr. Akins explained the Board had the power to have them go and correct the values. He said the county would have to hire attorneys and appraisers from an outside source if the companies wanted to appeal the new values. He said another option would be to keep the set values and reappraise in four years.

Chairman Paisley asked County Attorney Stevens if they could correct the bills because it was our error, not the taxpayers. County Attorney Stevens responded yes, it was called discovery. He said N.C.G.S.105-394 would allow them to return and reassess.

Vice-Chair Carter asked what the appeals process would be if they sent out a new bill this year. County Attorney Stevens answered they would get 30 days with notice. He continued they would get the same due process as when they received the first bill.

Vice-Chair Carter commented it was not right. He suggested they look at the cost of assembling a team to defend it and understand where they would be at the end of the process.

Chairman Paisley suggested putting this on the next agenda.

Chairman Paisley, seconded by Vice-Chair Carter, moved to table the discussion. The motion carried without opposition.

# <u>ABSS Update and Report – Greg Hook, Chief Operations Officer of Alamance-Burlington School System</u>

Greg Hook, ABSS Chief Operations Officer, reviewed some background information about mold in the schools. He mentioned that mold was first found at Andrews and Newlin Elementary Schools. He said over the past six weeks they had worked to assess the situation and had hired remediation and testing crews to develop short-term fixes and long-term solutions.

Mr. Hook said during the emergency meeting on August 4<sup>th</sup>, the Board of Education had authorized the use of \$1.2 million from paygo funds to address the urgent issues of mold at Andrews and Newlin Elementary Schools. Dr. Dain Butler, ABSS Superintendent, had every school checked for mold before they would allow students back in. The County Commissioners had agreed to reallocate \$17 million in funding to help get the children back into the schools. He explained after they had found toxic mold in 10 schools, the school system delayed the opening of the schools to September 11<sup>th</sup>. Mr. Hook said as of that morning, 29 schools were undergoing mold remediation. He shared they were up to 16 campuses where they had found toxigenic mold which would require additional funding to correct. Mr. Hook said in order to be transparent the school system had created a Mold Remediation Dashboard on the website to inform the taxpayers of how they have handled the situation. He informed them they had over 2,000 contractors working in the schools to remedy the crisis.

Commissioner Lashley said they received over 100 emails on this subject. He asked how had this happened, and was the system shut off during the summer. Mr. Hook responded the HVAC system was set to go off during the weekends and evenings. He continued on July 1<sup>st</sup> the system would run around the clock.

Vice-Chair Carter called on Ben Bass, Builder Services of North Carolina, to address the issue of other schools in North Carolina with the same problems. Ben Bass said the county was not

alone, it just got this all at one time. He continued that most of the time other school districts faced one wing or building instead of 30-plus buildings at one time.

Chairman Paisley asked how soon would the schools be in a condition that they could safely send the students and teachers back into the schools. Mr. Bass answered this coming Monday. He said he had two crews working 24 hours a day in two shifts. He said the Board would have a clearance report for every school.

Mr. Bass said that the HVAC systems had the immediate need to be addressed, not the roofs. He gave an update on costs. He noted the schools that were known about added \$1.27 million in rough order of magnitude (ROM). Those were additional areas that the Indoor Environmental Professional (IEP) found or received a report from the IEP that stated what was needed. The additional ROMs reports that increased:

Alexander Wilson Elementary	\$75,000
E.M. Holt Elementary School	\$170,000
Highland Elementary School	\$520,000
Southern Alamance High School	\$120,000
Southern Middle School	\$120,000

Sylvan Elementary School

He continued these were additional costs they found that weekend from the IEP reports:

\$265,000

Eastern Alamance High School	\$365,000
Eastlawn Elementary School	\$170,000
Graham High School	\$360,000
Haw River Elementary School	\$180,000
Woodlawn Middle School	\$255,000
Ray Street Academy	(would not know the cost until after the meeting)
North Graham Elementary School	(would not know the cost until after the meeting)

Commissioner Turner said he needed a specific list for every school that has been allocated, what has been done at each school, and what has been redone. He also needed information on what was the county fiduciary duty. Dr. Butler responded they had a list that the school had used. He would add more information to the list as to the amount of money and where it came from. Dr. Butler agreed with Mr. Bass this would get them back in school. He commented that based on

the conversation they had about the severity of the schools, they had a bigger challenge ahead. Commissioner Turner said last week's focus was scope and severity, and getting the children back into the schools. He said the second phase would be to lay the groundwork for prevention. Commissioner Turner stated they needed to have a meeting to put all of the data together.

Commissioner Thompson commented they needed to make things right and work together. She appreciated all who had come to the table and worked through it. Commissioner Thompson reiterated that prevention was cheaper than intervention.

Dr. Butler addressed air conditioning being off in the summer. He said previous school boards did that to save money. He explained that ABSS made a bad decision back in 2008. He said since July 1, 2023, the air conditioning and heating had been running. Dr. Butler said his priority for this meeting was to discuss the amount of funds needed by Mr. Bass to get the job done. He suggested at the next joint meeting they would discuss what the exceptions would be for the future.

Commissioner Turner commented he had looked into the numbers and allocations for each school. He said he was completely lost about the scope and severity of the mold and remediation issues required for each school that they talked about. He continued he needed a spreadsheet with the numbers that were talked about that day. Chairman Paisley agreed that a spreadsheet was a good idea because he felt that the numbers were constantly changing. Susan Evans, Finance Officer, commented she would liked to review the numbers before they reconvened because several of the numbers that Mr. Bass gave were projects that had been approved at Friday's meeting. She agreed with the amount of the \$1.6 million for the six schools, but the HAVCs numbers were an additional \$1.3 million. She said more discussion was needed. Dr. Butler said he could confirm the numbers. He indicated his priority was the new projects that were not approved on Friday, the new schools that needed full or partial remediation, and the additional ROMs. He shared that was what was needed for Mr. Bass to finish the project so the children could get into the schools on September 11<sup>th</sup>. Dr. Butler said they could go back to the spreadsheet and add additional information that was requested.

County Manager York introduced Ted Cole, Senior Vice President for Davenport, to share updated information on the school debt affordability model. Mr. Cole explained the remaining ABSS bonds that the voters authorized to be issued were about \$19.5 million. He said the Board could issue the debt as early as this fall and the model would work. Mr. Cole reviewed and explained the school debt affordability analysis to the Board.

\*Vice-Chair Carter, seconded by Commissioner Lashley, moved to recess the meeting at 1:26 p.m to 3:30 p.m. The motion carried without opposition.

# \*Chairman Paisley reconvened the meeting at 3:33 p.m.

Chairman Paisley asked which schools would be having HVAC replacements that they were cleaning the systems. Mr. Hook clarified whether Chairman Paisley was referring to the

elementary and secondary school emergency relief federal funding (ESSER) projects. He said they had HVAC projects going for eight different schools. They were Williams High School, South Graham Elementary School, Eastlawn Elementary School, Turrentine Middle School, Western Middle School, South Mebane Elementary School, Broadview Middle School, and A.O. Elementary School. Mr. Hook said that all the equipment was not available and they were putting in ductwork at some of the schools. Mr. Hook commented that this was part of the \$26 million contract with ESSER funds.

Commissioner Turner wanted to use the spreadsheet to see where they came from on Friday. He said they had allocated a total of \$1,355,000 on Friday for HVACs. He continued that when he did the math for Eastlawn Elementary School (\$170,000), Haw River Elementary School (\$180,000), Williams High School (\$115,000), Eastern High School (\$363,000), Graham High School (\$360,000), and Woodlawn Middle School (\$255,000), that totaled \$1,433,000 which was \$88,000 more than they allocated on Friday. He also said that on Friday they had not known that Woodland Middle School needed \$178,750 more which made that a new item. He asked why there was an increase at Woodlawn Middle School. Lowell Rogers, Deputy Superintendent, responded they had just received the ROM for that school. Mr. Bass also responded that air samples for Woodlawn Middle School had come back toxic. Commissioner Turner commented that on Friday, A. O. Elementary School was an unknown. He said that A.O. Elementary School was a new number coming in at \$155,000. Mr. Bass explained the mold issues at that location were a partial ROM. Commissioner Turner added that the total was now \$421,750 for both A.O Elementary School and Woodlawn Middle School and that included \$88,000 for six schools that needed HVAC cleaning.

Commissioner Turner discussed the increased ROMs needed at Alexander Wilson Elementary School, E.M. Holt Elementary School, Highland Elementary School, Southern High School, Southern Middle School, and Sylvan Elementary School. Mr. Bass reviewed the additional ROM increases for those schools based on the new reports received from the hygienist on September 2<sup>nd</sup>-4<sup>th</sup>. Ms. Evans clarified that they needed to revise new numbers. She said when they looked at the HVAC cleaning that was approved on Friday, she came up with a difference of \$27,000. She explained that A.O. Elementary School (\$155,000), Woodlawn Middle School, (\$178,750), and the additional ROMs (\$1,270,000) would be \$1,630,750.

Commissioner Turner asked if they knew the final price for any of the schools. Mr. Bass responded they had to complete the ROMs and then send that information over to be audited before the final price was available.

Chairman Paisley asked Mr. Hook if they had checks and balances in place to verify the work was being done correctly in the schools. He felt they were blindly taking whatever numbers that was given to them. Chairman Paisley indicated that the cost was an unknown. Mr. Hook said he did not disagree that there should be some concerns. He said this was their only option.

Commissioner Turner asked Mr. Rogers to discuss what was available out of the \$8 million in ESSER funds. Mr. Rogers showed where the \$26 million was budgeted. He said they needed to move funds around in the ESSER III-K12 Emergency Relief fund, which would leave them around \$1 million in the fund.

Commissioner Turner and Mr. Rogers reviewed the Board Actions made at the joint meetings. Commissioner Turner commented at the last meeting they used the existing ABSS Funds. He said he would do that again and allocate funds from the remaining monies from the ABSS Southern High School roof that total of around \$3.9 million. Commissioner Turner continued that would give \$3.9 million for mold and remediation with a cushion of \$2.7 million. He explained if they needed additional funds then use \$1 million from ESSER. He said if the audit showed ESSER funds were not allowed to be used then the county would backfield that amount. Commissioner Turner said this was how he would keep things moving.

Moved by: Commissioner Turner

**Seconded by:** Commissioner Thompson

Commissioner Turner, seconded by Commissioner Thompson, moved to transfer \$ 3,905,000 from the Southern Alamance High School roof project funded by the school's capital reserve funds to mold remediation. Then budget \$1,741,978.32 in interest earned on bond proceeds and transfer \$2,163,021.68 from the bond projects for the Southern Alamance High School roof.

## APPROVED UNANIMOUS

## **COUNTY ATTORNEY'S REPORT**

## **COUNTY MANAGER'S REPORT**

County Manager York indicated that staff will contact ABSS to coordinate a meeting about their comprehensive roofing and HVAC assessments.

County Manager York addressed the question raised during public comments about the county's percentage allocated to ABSS. She explained that 24.3% of general funds was allocated to education, and when debt service was included, it went up to 31.25%.

## **COMMISSIONERS' COMMENTS**

Commissioner Thompson suggested the Board consider changing the agenda to allow "Commissioners' Responses" after public comments. She wanted Commissioners to be able to respond back and said it was frustrating for them not to respond or residents had to wait until the end of the meeting for a response. She commented they had talked a lot about maintenance issues in the school system, and she wanted the Board of Commissioners to be more involved in what was going on instead of just saying that they fund this and that. Commissioner Thompson said she would like the Board to receive reports from the Oversight Committee Meetings.

Commissioner Lashley spoke when the Board was accused of not doing their job, and there was evidence to show they were. He said they had to speak on that. He said they had talked with the school system about showing them the Top 10 List and how they had funded the Top 7. Commissioner Lashley said the Board took things seriously, and they do listen. He thanked county staff for their hard work and dedication to the county.

Commissioner Turner commented that he had been laser-focused over the past two weeks on getting the kids back to school. He mentioned that he had three kids in ABSS. He said he would continue his focus on mold remediation until they got kids back in school.

Vice-Chair Carter advised that asset management was critical and there needed to be a solution so this did not happen again. He agreed with Commissioner Thompson on having "Commissioners' Responses" right after the public comments.

Vice-Chair Carter, seconded by Commissioner Thompson, moved to add "Commissioners' Responses" after public comments.

Chairman Paisley spoke on the suggestion and how when he had previously served as County Commissioner, the meetings had lasted 4-5 hours with constant back and forth between the public commenters and some of the Board members. He said he opposed making this change.

Commissioner Lashley agreed with Chairman Paisley.

Commissioner Turner spoke that the Rules of Procedure discouraged motions during "Commissioners' Comments", so he was not sure if the motion was even proper.

Vice-Chair Carter withdrew his motion.

Vice-Chair Carter asked County Manager York about the sales tax revenues, and if they were on track to meet the numbers budgeted. Ms. Evans estimated that in fiscal year 2022, \$7.1 million was brought in on a quarter-cent sales tax. He wanted to know the trend in sales tax. Ms. Evans said for fiscal year 2023 the county had received \$46.5 million on all articles. She had no information on the fiscal year 2023-24.

Chairman Paisley thanked the Board. He spoke that the new procedures had changed the meeting decorum.

# **ADJOURNMENT**

Commissioner Lashley, seconded by Vice-Chair Carter, moved to adjourn the meeting. The motion carried unanimously.

There being no further business to be brought before the Board, the meeting was adjourned at 5:18 PM.

John Paisley, Jr., Chairman

Alamance County Board of Commissioners

Tory M. Frink, Clerk to the Board