

## MINUTES – JANUARY 16, 2008

The Caswell County Board of Commissioners met in special session at the Historic Courthouse in Yanceyville, North Carolina at 7:00 p.m. on Wednesday, January 16, 2008. The purpose of the meeting was to meet jointly with the Person County Board of Commissioners, Roxboro City Council, and Yanceyville Town Council to discuss the Dan River Water Project. Members present: George W. Ward, Jr., Chairman, Jeremiah Jefferies, Vice-Chairman, William E. Carter, Nathaniel Hall, Larry G. Hamlett, Kenneth D. Travis, and C. Hester Vernon, III. Person County Board of Commissioners present: Jimmy Clayton, Vice-Chairman and Larry Bowes. Roxboro City Council Members present: Thomas Brown, Mayor, Merilyn Newell, Mayor Pro-Tem, Henry Daniel, Mark Phillips, Samuel Spencer, and Sandy Stigall. Yanceyville Town Council Members present: Curtis E. Davis, Mayor, Alvin Foster, Ray McGuire, and Fred Smith. Also present: Kevin B. Howard, Caswell County Manager, Michael R. Ferrell, Caswell County Attorney, Steve Carpenter, Person County Manager, Paul Bailey, Person County Assistant Manager, Ron Aycok, Person County Attorney, Jon Barlow, Roxboro City Manager, Tommy Warren, Roxboro Assistant City Manager, Nick Herman, Roxboro City Attorney, Julie Kelly, Roxboro Planning Director, Don Garbrick, Engineer, Pease & Associates, David Parrish, Yanceyville Town Manager, R. Lee Farmer, Yanceyville Town Attorney, NC Representative Winkie Wilkins, Shannon White representing The Caswell Messenger, and Tim Chandler representing The Courier Times. Wanda P. Smith, Clerk to the Board, recorded the minutes.

### CALL TO ORDER

Caswell County Chairman George W. Ward, Jr. called the meeting of the Caswell County Board of Commissioners to order.

Person County Vice-Chairman Jimmy Clayton stated that a quorum of the Person County Board of Commissioners was not present.

City of Roxboro Mayor Thomas Brown called the meeting of the Roxboro City Council to order.

Yanceyville Mayor Curtis E. Davis called the meeting of the Yanceyville Town Council to order.

### INTRODUCTIONS

Introductions of everyone present were made.

### PROJECT OVERVIEW AND UPDATE

Mr. Don Garbrick, Engineer, Pease & Associates, gave an overview and update of the Dan River Water Project. Mr. Garbrick stated that an environmental assessment had

been done in 2006 and there were no findings of significant impact. Mr. Garbrick informed the group that the main objective of the meeting was to gain agreement for seeking reclassification of the Dan River to a WS-IV status which would enable the process of withdrawing water from the river. Mr. Garbrick added that reclassification of the Dan River to a WS-IV status is necessary for anyone to withdraw water from the river for a public water supply and noted the importance and significance this would have on the entire region. Mr. Garbrick stressed the importance of pursuing and completing the permitting process now, before the water is needed.

Mr. Garbrick stated that what is needed to continue the process is the adoption of a Resolution to change the classification of the Dan River to a WS-IV status and the adoption of a Resolution to amend the existing Water Supply Protection Plan that addresses Farmer Lake to include and protect the intake on the Dan River.

Upon questioning from Roxboro Councilman Spencer, Mr. Garbrick answered that the process initially started in 2002.

Commissioner Hall questioned whether there was an interest in a Regional Water Authority. Mr. Garbrick responded that he could not answer for the Council or Commissioners, but felt that this was something that could be talked about at a later date. Commissioner Hall stated that he felt some basic issues need to be settled before discussing the adoption of Resolutions. Commissioner Hall added that everyone needed to be at the table to discuss the entire project, and from a regional standpoint, it is key to have input into the project from everyone.

Vice-Chairman Clayton stated that the project has always been a priority of Person County and that they are interested in some kind of entity so that everyone could work together because a lot more could be done than by one county or municipality working alone. Vice-Chairman Clayton added that some type of Regional Agreement is absolutely necessary for this and that Person County would be interested in some type of authority or partnership in order to get the required State permit for reclassification of the Dan River.

Mayor Pro-Tem Newell stated that the Roxboro City Council was there as a neighbor and to provide a resource legacy for those in the future. Mayor Pro-Tem Newell added that their purpose for coming tonight was to begin that dialogue. Mayor Pro-Tem Newell stated that all four government entities would benefit from a partnership on this project and it is an opportunity for them to move forward rather than having the state or federal government step in and make the decisions for them.

Mr. R. Lee Farmer, Yanceyville Town Attorney, expressed his concerns with a Regional Authority in that it is the creation of another legal entity and more bureaucracy. Mr. Farmer recommended instead the development of an Interlocal Government Agreement.

Yanceyville Mayor Davis agreed that the meeting tonight was to work with Caswell County and move forward on the project.

Mr. Garbrick noted that it was never their intent to leave Caswell County out of this process. Mr. Garbrick stated that every government entity present needed to move forward in this process and noted that he did not wish to go through the environmental assessment process a second time. Mr. Garbrick stressed the importance of pursuing the WS-IV reclassification and noted that they have been in this process for five years and it will probably take another year to obtain the reclassification.

Upon questioning from Mr. Howard, County Manager, as to the expiration date of the environmental assessment, Mr. Garbrick answered that he did not want to bring up this issue with DENR.

Upon questioning from Commissioner Travis as to what would happen if Caswell County did not participate, Mr. Garbrick answered that it adds to the timeline, continues to delay the project, and costs citizens of the region more money. Mr. Garbrick added that there is strength in going to Raleigh united for reclassification of the river.

Mayor Pro-Tem Newell stated that there would be regional strength in an alliance.

Commissioner Travis stated that everyone present needed to know what the project was going to cost and knew that if Caswell County participated there would be a cost. Commissioner Travis emphasized that Caswell County needs to know all the details and exactly what is involved in them participating in the project.

Mr. Lee Farmer stated that there would not be a cost to the County to adopt the two Resolutions mentioned by Mr. Garbrick. Mr. Farmer informed the group of a recent Task Force meeting held by Governor Easley in Greensboro in which only a select few were invited to discuss future water resources. Mr. Farmer stated that the Task Force is looking at all options to serve the Triad with water. Mr. Farmer stated that all four governing bodies needed to work together because they may have to combat other intrusions in the future for water. Mr. Farmer emphasized the critical need for water and added that there will be a war for water in the State.

Mr. Garbrick stated that the permit to reclassify the Dan River to a WS-IV status can be obtained if the entire group present will come together and move forward and it would protect the communities for the next 50 years. Mr. Garbrick added that studies have shown that there is sufficient water to withdraw 60 million gallons per day from the Dan River and the environment would not be affected, and they are only asking for 10 million GPD.

Mr. Michael Ferrell, Caswell County Attorney, stated that from Caswell County's point of view, there appears to be initial steps that need to be examined and completed before adopting any resolutions. Mr. Ferrell noted that there is currently an Agreement of which Caswell County is not a party and if it is to endorse this project, it needs to know what is relevant to Caswell and have an outline of the partnership. Mr. Ferrell added that some sort of negotiation then needs to take place.

Mr. Nick Herman, Roxboro City Attorney, suggested that the units of government try to form a committee in order to outline an Interlocal Agreement dealing with ownership, operation, and construction of a regional water supply system.

Mr. Garbrick stated that Person County, Roxboro, and Yanceyville could move forward with the project without Caswell County, but it would cost more time and money if they move forward without Caswell County as a partner.

Commissioner Carter stated that until the Dan River is reclassified to a WS-IV status, no one can draw water out of it.

Commissioner Hall stated that they have a responsibility to the citizens and they should be able to tell their constituents why they supported and voted for the agreement. Commissioner Hall added that he had hoped that there would be dialogue between the other elected officials.

Mayor Pro-Tem Newell assured Commissioner Hall that they were present to continue that dialogue and emphasized that they want to be good neighbors to Caswell County.

Commissioner Hall stated that the Milton Town Council needs to be involved in this project and invited to the table.

Chairman Ward stated that what he had hoped to come out of the meeting was that they could sit down and determine how Caswell County could become a part of this project.

Vice-Chairman Clayton stated that Caswell County could get a copy of the current agreement, review it, outline any changes it would like made, and the agreement could be rewritten. Vice-Chairman assured everyone that it was not his intention to leave Milton out of this project because this project would benefit everyone.

Mayor Pro-Tem Newell assured everyone that it was not her intention to leave anyone out either.

Mr. Lee Farmer, Yanceyville Town Attorney, stated that Yanceyville had agreed that they would build a water plant in Milton and clarified that Milton has never been left out of the project. Mr. Farmer noted that the Town of Milton was invited early in the process to join in the project and they chose not to participate. Mr. Farmer added that the Town of Yanceyville sent a copy of the Interlocal Agreement to Caswell County and never received a response.

Person County Commissioner Larry Bowes stated that time is of the essence and urged everyone to work together on this project because it benefits everyone.

Commissioner Carter agreed that everyone needed to work together and move forward on this project. Commissioner Carter added that he felt all of the governing bodies could sit down and work out any problems.

Chairman Ward stated that he would like to see the Caswell County Manager and Attorney meet with the Managers and Attorneys of the other governing bodies and work expeditiously on an agreement to be brought back before the Board that would bring Caswell County into the project so that it could move forward.

After discussion, Commissioner Jefferies moved, seconded by Commissioner Hall to instruct the Caswell County Manager and County Attorney to work expeditiously with the Managers and Attorneys of Person County, City of Roxboro, and Town of Yanceyville to prepare a draft agreement that would bring Caswell County into the Dan River Water Project, to be brought back to the Board of Commissioners for approval. The motion carried unanimously.

Commissioner Hall requested that the group meet no later than the first of next week and that the draft agreement be presented at the Board's February 18, 2008 meeting for consideration. The Board was agreeable to this.

Mayor Pro-Tem Newell stated that the Roxboro City Council looks forward to working with Caswell County, expressed her thanks for its good faith, and welcomed the opportunity to work with Caswell County.

Vice-Chairman Clayton expressed his thanks to the Board for the opportunity to meet and stated that the Person County Board of Commissioners looks forward to working with Caswell County.

THE ADJOURNMENT

At 8:10 p.m. Commissioner Jefferies moved, seconded by Commissioner Travis to adjourn the meeting. The motion carried unanimously.

Councilman Foster moved, seconded by Councilman McGuire to adjourn the Yanceyville Town Council. The motion carried unanimously.

Councilman Phillips moved, seconded by Mayor Pro-Tem Newell to adjourn the Roxboro City Council. The motion carried unanimously.

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Wanda P. Smith  
Clerk to the Board

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George W. Ward, Jr.  
Chairman

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