

MINUTES – FEBRUARY 4, 2008

The Caswell County Board of Commissioners met in regular session at the Historic Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Monday, February 4, 2008. Members present: George W. Ward, Jr., Chairman, William E. Carter, Nathaniel Hall, Larry G. Hamlett, Kenneth D. Travis, and C. Hester Vernon, III. Absent: Jeremiah Jefferies. Also present: Kevin B. Howard, County Manager, Michael R. Ferrell, County Attorney, and Shannon White representing The Caswell Messenger. Wanda P. Smith, Clerk to the Board, recorded the minutes.

MOMENT OF SILENT PRAYER

Chairman Ward opened the meeting with a Moment of Silent Prayer.

APPROVAL OF AGENDA

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

APPROVAL OF CONSENT AGENDA

Commissioner Carter moved, seconded by Commissioner Vernon to approve the Consent Agenda as presented. The motion carried unanimously.

The following items were included on the Consent Agenda:

- 1) Approval of Minutes of January 7, 2008 Meeting

PUBLIC COMMENTS

Chairman Ward opened the floor for public comments.

There were no public comments made.

FARMER LAKE BOARD REQUEST

Mr. Buddy Garland, Farmer Lake Board Chairman, came before the Board and stated that the Farmer Lake Board formally requests that it support a proposal from the Lake Pointe Community to allow owners of personal non-powered watercraft (no motors) to be launched from their property. Mr. Garland added that the request is for the Lake Pointe Community only because the State requires that the property must have controlled access and the Lake Warden must have access. Mr. Garland noted that the Lake Pointe Community has electronic security gates and Mr. Charlie King, Farmer Lake Warden has access. Mr. Garland informed the Board that Mr. Lee Spencer of the North Carolina Health Department has given his approval, as has the County Attorney. Mr. Garland

stated that as long as the Release and Indemnity Agreement is signed and a current year permit is issued, there will be no liability to the County.

Mr. Garland provided the following proposal:

Farmer Lake Proposal – Boat Launch

Background

A number of Farmer Lake lakefront properties in the Lake Pointe community own a variety of non-powered personal water craft (canoes, kayaks, paddle boats). The Farmer Lake rules state that all boats must be launched from a ‘controlled access launch facility’.

Access to the Lake Pointe Community is controlled by electronic gates and gate codes; therefore, only residents of the community have access to Farmer Lake.

Proposal

Have the county request a change to the Farmer Lake Resolution to permit the launching of non-powered water craft (canoes, kayaks, paddle boats) from the property owner’s property subject to the following restrictions:

- All water craft must have a current year permit.
- The lake warden must have access to the community.
- Guests of residents who visit must obtain a day pass for the lake before launching any personal watercraft.
- No shoreline alterations may be made.
- No dock, launch ramp or other construction may be built.
- No evidence of shoreline erosion may be present.

This proposal has been discussed with Lee Spencer of the North Carolina Health Department. He sees no reason this request for a change to the Caswell County Resolution would be rejected.

Commissioner Carter moved, seconded by Commissioner Hall to deny the request by the Farmer Lake Board to support a proposal from the Lake Pointe Community to allow owners of personal non-powered watercraft to be launched from their property.

Commissioner Hall stated that he has concerns that the proposal is for Lake Pointe Community only and that if personal non-powered watercraft is allowed, it should be allowed for all citizens living on the Lake.

Commissioner Carter stated that the Lake Warden cannot be everywhere and there is potential for County liability, and he also has concerns since the Lake is a public water supply.

Upon questioning from Commissioner Travis as to County liability, Mr. Mike Ferrell, County Attorney answered that there is an Indemnity Agreement that the people would have to sign, but even without that, the County is not operating a recreational facility and is not collecting money, therefore, the liability issue is not relative.

Commissioner Hall stated that he would like for staff to contact the State and get a definition of “controlled access” as well as other considerations and the Board needs to make sure that it covers all the issues.

Commissioner Carter stated that he would like to see a letter from the State on this issue.

Upon a vote of the motion, the motion failed by a tie vote of three to three with Commissioners Ward, Hamlett, and Travis voting no.

Commissioner Hall moved, seconded by Commissioner Travis to instruct County staff to review the request submitted by the Farmer Lake Board, conduct an investigation with the State and all appropriate agencies involved, and bring a recommendation back to the Board. The motion carried unanimously.

REQUEST FROM DEPARTMENT OF SOCIAL SERVICES

Ms. Dianne Moorefield, DSS Director, came before the Board to request a clerical position for the Social Services’ Adult Services Unit to assist with the growing need for transportation services for the County’s elderly and Medicaid eligible population. Ms. Moorefield informed the Board that the County’s elderly and Medicaid eligible population who need assistance with medical transportation come to the Department of Social Services to apply for that service and they, in turn, determine whether they meet the criteria to be eligible to receive those services. Ms. Moorefield stated that if they are eligible, then DSS is responsible for helping them arrange transportation appointments to their medical provider, dialysis appointments, etc. Ms. Moorefield added that currently there are 1,260 clients receiving these services and DSS receives as many as 35 to 40 phone calls or visits each day requesting assistance with transportation to access medical services for themselves or their families.

Ms. Moorefield stated that they have seen a continuous growth in the need for these services in Caswell County, with there being 1,230 medical trips for clients the month of December, 2007. Ms. Moorefield added that for the period of January – December, 2007, DSS arranged 12, 953 trips for clients needing access to medical care.

Ms. Moorefield informed the Board that currently there is a Social Worker who deals with this particular program, yet the problem is that the number of clients she is trying to assist has grown by leaps and bounds and it is completely unmanageable for one person. Ms. Moorefield stated that rather than ask for a Social Worker, she has decided to ask for a clerical position to handle a lot of the paperwork and this would be a cost savings to the County. Ms. Moorefield added that with the growth of this program, she is also having to

take Social Workers away from their other duties to handle the multitude of people who are in need of the transportation services.

Ms. Moorefield requested that the Board allow her to approve a clerical position to assist in providing transportation services and added that she has Lapsed Salary funds in her current budget that would pay for this position for the remainder of this fiscal year. Ms. Moorefield stated that she would also ask that the position be continued in the next fiscal year because the needs will increase. Ms. Moorefield informed the Board that with the state and federal funds she could utilize, it would only cost the County \$10,936 for this position for an entire year.

Commissioner Hall stated that he is aware that transportation is one of the major problems for all citizens in Caswell in meeting medical needs, but asked Ms. Moorefield if she thought through some centralization of CDOT, if a better way could be worked out than what the County is doing now. Ms. Moorefield answered that right now, it does require a Social Worker to prepare the application and making sure the individual qualifies for the services, and making sure that transportation services are provided. Ms. Moorefield added that instead of DSS providing the transportation as has been done in the past, CDOT now transports the individual.

Commissioner Hall expressed concerns with the scheduling of clients when they arrive at an appointment two hours early. Ms. Moorefield informed Commissioner Hall that DSS does offer gas vouchers to many of their clients, especially for those who need to go to dialysis or cancer treatments. Ms. Moorefield stated that when the van leaves, it leaves in time for the first appointment of the day, so when there are six people on the van, there is wait time.

Commissioner Hall stated that the Board should look at the needs of Social Services and the needs of all citizens, and some way centralize with CDOT the part of the operation that DSS does not have to do. Commissioner Hall added that he supports the proposal, but feels like the Board needs to look at all options.

Commissioner Hall asked if the Board could look at everything that is involved and approve temporary funds for this clerical position for DSS for the remainder of this fiscal year.

Commissioner Travis stated that he disagrees with hiring someone for just four months, and not continue funding the position into the next fiscal year. Commissioner Travis added that it would not be fair to the individual hired, and the cost would only be \$10,936 per year.

After further discussion, Commissioner Travis moved, seconded by Commissioner Carter to approve a clerical position for the Department of Social Services' Adult Services Unit, to be funded by DSS for the remainder of the fiscal year, and for the Board to appropriate \$10,936 in the next fiscal year for continuation of the position. The motion carried by a vote of five to one with Commissioner Hall voting no.

RESIDENTIAL SEPTIC SYSTEM

Mr. Brian Totten came before the Board concerning a septic system at his home, located at 3359 Badgett Sisters Parkway. Mr. Totten informed the Board that he and his family moved into his house in August, 2005 and in about nine months they began to smell sewerage, and in walking around outside, saw effluent coming out of the ground. Mr. Totten said he then called Nationwide Homes, the builder and they advised him to call the subcontractor, Mr. Al Rowland, who advised him to run some tests.

Mr. Totten informed the Board that he contacted the County Health Inspector and did not get a response, he then contacted *2Wants to Know*, and after this the Health Inspector contacted them. Mr. Totten stated that the Health Inspectors came to his house several times and gave them some recommendations, and then contacted the subcontractor from Nationwide Homes who came back out and brought equipment and moved some drain lines from the house that they thought were running across the septic lines. Mr. Totten added that they left and a week later, he checked and the effluent was still coming from the sewer line. Mr. Totten stated that the lead contractor came back to check on it and he informed him that it was not working and was told that it was only packed. Mr. Totten added that after he received a Notice of Violation of his septic system, he wrote a letter to the County Manager. Mr. Totten stated that he was present before the Board to seek a resolution to the problem because he does not feel that he is in violation. Mr. Totten added that he saw the County Building Inspector at his house a couple of times as it was being built and he had people come back and redo some things. Mr. Totten questioned whether the septic system was dug deep enough and if the work of the subcontractor was inspected.

There was considerable discussion by the Board, after which the County Attorney stated that this appears to be a private matter between Mr. Totten and his contractor, and the reason he received a Notice of Violation is because of the County's responsibility for public health and the effluence on the ground created a public health problem. Mr. Ferrell added that the issue of whether there was faulty installation of the septic system is between Mr. Totten and his contractor.

Upon the recommendation of the County Attorney, Chairman Ward suggested to Mr. Totten that he contact the contractor who built his house to determine the problem and how it happened.

Upon comments made by Mr. Totten, Mr. Ferrell stated that when County Building Inspectors conduct their inspections of septic systems they generally look at it to see if it is constructed according to State code and calculate whether the drain field is adequate.

Chairman Ward informed Mr. Totten that there is no reason to think that the County had anything to do with the septic system's failure.

RECOMMENDATION FROM BUILDING AND GROUNDS COMMITTEE ON
REQUEST FROM CASWELL HISTORICAL ASSOCIATION

Chairman Ward reported that the Building and Grounds Committee has not had an opportunity to meet to discuss the Caswell Historical Association's request for additional funding.

After discussion, Commissioner Travis moved, seconded by Commissioner Hamlett to deny the request by the Caswell Historical Association for additional funding. The motion failed by a tie vote of three to three with Commissioners Carter, Hall, and Vernon voting no.

Commissioner Carter moved to approve the request by the Caswell Historical Association for additional funding. The motion died for lack of a second.

Commissioner Vernon moved, seconded by Commissioner Carter to refer the request by the Caswell Historical Association for additional funding to the Building and Grounds Committee with a recommendation to be brought back before the Board. The motion carried by a vote of four to two with Commissioners Hamlett and Travis voting no.

REQUEST FOR PROCLAMATION HONORING MR. JOHN M. PLEASANT FOR
RECEIVING THE FIRST ANNUAL LEADERSHIP AWARD FROM THE CASWELL
PARISH

Mr. W. D. Pleasant came before the Board and stated that during the last year the Caswell Parish Board voted to encourage all the member churches to nominate someone who has demonstrated outstanding leadership qualities in their lifetime. Mr. Pleasant added that this is to be a prestigious award. Mr. Pleasant informed the Board that he sent to the County Manager the nomination of Mr. John Miller Pleasant, which has been unanimously approved by the Caswell Parish Board and he will be presented this award on his 82nd birthday, February 12, 2008, at Carolina Pinnacle Studios. Mr. Pleasant invited the Board of Commissioners to this award ceremony and requested that it adopt a Resolution honoring Mr. Pleasant.

After discussion, Commissioner Vernon moved, seconded by Commissioner Hall to adopt the following Resolution honoring Mr. John Miller Pleasant. The motion carried unanimously.

RESOLUTION

WHEREAS, the Caswell County Board of Commissioners would like to congratulate and honor Mr. John M. Pleasant for receiving the 1st Annual Caswell County Leadership Award presented by the Caswell Parish; and

WHEREAS, Mr. Pleasant was born on February 12, 1926 in the Purley community of Caswell County, being one of six children born to Johnny and Irma Davis

Pleasant. Mr. Pleasant has been married to his wife Mabel for 58 years. He has two sons, five grandchildren, and one great grandchild; and

WHEREAS, Mr. Pleasant left his family and volunteered at the age of 17 to serve with the United States Marine Corps and went to the Pacific to fight during World War II; and

WHEREAS, Mr. Pleasant has succeeded at business, first on the farm, the family store in Purley, and as founder of Ace Home and Building Center; and

WHEREAS, Mr. Pleasant has served his community as President of the Caswell Chamber of Commerce, with the Caswell Family Medical Center, the Democratic Party, and the Meals on Wheels Program; and

WHEREAS, Mr. Pleasant is a “giant” when measured by his love and generosity to others. He exemplifies the state motto, “To be rather than to seem”.

NOW, THEREFORE, BE IT RESOLVED that the Caswell County Board of Commissioners would like to join in thanking Mr. Pleasant for his service to the citizens of Caswell County.

BE IT FURTHER RESOLVED that the Caswell County Board of Commissioners would like to congratulate and honor Mr. Pleasant upon receiving the 1st Annual Caswell County Leadership Award.

ADOPTED THIS THE 4TH DAY OF FEBRUARY, 2008.

S/George W. Ward, Jr.
George W. Ward, Jr., Chairman
Caswell County Board of Commissioners

ATTEST:

S/Wanda P. Smith
Wanda P. Smith
Clerk to the Board

APPOINTMENT TO BOARD OF HEALTH

Commissioner Hamlett moved, seconded by Commissioner Vernon to appoint Dr. Jesse R. Wall to the Board of Health. The motion carried unanimously.

APPOINTMENT TO CIVIC CENTER COMMITTEE

Commissioner Hamlett moved, seconded by Commissioner Carter to appoint Ms. Odessa D. Gwynn to the Civic Center Committee. The motion carried unanimously.

APPOINTMENT TO PLANNING BOARD

Commissioner Hamlett moved, seconded by Commissioner Carter to appoint Mr. Floyd M. "Skip" Rowland to fill an unexpired term on the Planning Board. The motion carried by a vote of four to two with Commissioners Hall and Travis voting no.

APPOINTMENTS TO RECREATION COMMISSION

Commissioner Hamlett moved, seconded by Commissioner Vernon to appoint Ms. Jean Vernon and Mr. Randy P. Durham to the Recreation Commission. The motion carried unanimously.

RECESS

The Board held a brief recess.

DAN RIVER WATER PROJECT

Mr. Mike Ferrell, County Attorney, reported that on Monday, January 28, 2008, pursuant to the instructions of the respective governing boards given at the joint meeting held on January 16, 2008, the Managers and Attorneys representing Roxboro, Person County, Yanceyville, and Caswell County met to discuss possible changes to the existing water agreement between Roxboro, Person County, and Yanceyville. Mr. Ferrell stated that after extensive discussions, the group developed a proposal for a new agreement, which now includes Caswell County as a partner. Mr. Ferrell added that the Managers and Attorneys at that meeting believe that the proposal is a good one and recommend that it be given favorable consideration by each board.

Mr. Ferrell presented and discussed the following brief analysis of the existing water supply contract between Yanceyville, Roxboro, and Person County and of the contract with the proposed changes to include Caswell County as a party. The proposed changes appear in *italics*.

1. Provides that Roxboro will pay for, construct and maintain:
 - a. raw water intake at the Dan River, pump station, pretreatment facility (Segment 1)
 - b. water line from intake to Person County/Caswell County line (Segment 2)
 - c. water lines in Person County to Roxboro water treatment plant (Segment 3)
2. Yanceyville will pay for, construct and maintain:
 - a. water line from intake to Yanceyville water treatment plant (Segment 4)

- b. water treatment unit, pump station at intake site, and water line to town of Milton (Segment 5)
3. *Caswell County has the option, at its sole discretion to finance and pay for all or a portion of Yanceyville's obligations in #3, and may elect to do so any time during the term on the agreement either before or after Yanceyville has financed the project. [section 4.5]*
4. *Title to Segment 4 and 5 held by Yanceyville (except if Caswell County pays for all or any portion of those items at any time Caswell will hold title in the percentage of the investment made by Caswell in them. [section 5.1])*
5. *Title to Segment 1, 2, and 3 held by Roxboro and Person County*
6. *Within 60 days of execution of the agreement Caswell County shall allow Roxboro to hold title to property in Caswell County. After that, Roxboro, Yanceyville (and Caswell County if money has been contributed), will hold title to the intake site and Segment 4 and 5 facilities. Roxboro will hold sole title to Segment 1 and 2 facilities (not the real estate, but the improvements). [section 6.1]*
7. *No party may convey any interest in the intake site without the approval of all of the parties. [section 6.4]*
8. *Caswell County will cooperate with and support applications for permits required for any of the projects. [section 7.3]*
9. *Caswell County shall, within 60 days of execution of agreement, enact water supply watershed management and protection ordinance for Dan River area. [section 7.4]*
10. *Allocation of water: [section 8]*
 - a. *If State allows 25 MGD or more Yanceyville/Caswell County allotted 7MGD*
 - b. *If State only allows less than 25 MGD Yanceyville/Caswell County will be the amount permitted to be withdrawn divided by 30 and multiplied by 7. (example: 24 MGD allowed; Yanceyville/Caswell amount is 5.6 MGD or $24/30 \times 7 = 5.6$ MGD).*
11. *Provides that Yanceyville may purchase water from Roxboro, and Roxboro may purchase water from Yanceyville if water from river is below allotted amounts.*
12. *Caswell County and Yanceyville shall enter into a separate agreement providing for the details of how they will share the allotted water and establish treatment and distribution systems within the County. If they are unable to come to an agreement within 6 months then disputed items will be submitted to an arbitrator selected by the Chief Resident Superior Court Judge. Decisions of the arbitrator are final and binding on both parties. [section 8.9]*
13. *Roxboro will pay Yanceyville/Caswell County 3 cents for each 1,000 gallons of raw water drawn from the river.*
14. *Yanceyville/Caswell County shall put all funds received from Roxboro for water withdrawal into a jointly managed Utilities Fund, the use of which shall be provided for in the agreement Yanceyville and Caswell County must develop under Section 8.9. [section 9.4]*
15. *No party is obligated to undertake any of the obligations required under the agreement until that party determines that it is economically feasible.*

16. Term of the agreement is 40 years.
17. *All parties acknowledge that it is not the intent of any party to supply water to any entity outside of Caswell and Person Counties.*

Commissioner Hall stated that during the joint meeting of the governing bodies, he asked if there was any interest in a Regional Water Authority and he never got a definitive yes that night and in looking at the proposed Agreement tonight, it is obviously a definitive no because it is not regional. Commissioner Hall added that other concerns he has are the issues of allocation and control.

Commissioner Hamlett questioned whether there was any discussion of any of the parties selling water, and Mr. Ferrell answered that the issue was addressed, but not concluded. Mr. Ferrell added that the agreement currently states that it is not the intent of the parties to sell water to anyone outside of Caswell or Person Counties. Commissioner Hamlett stated that he has concerns about how much water Caswell will get. Commissioner Hamlett added that if water is ever sold, then all four parties need to benefit from it.

Chairman Ward expressed concerns about intervention by the State in supplying water to other municipalities and agreed with Commissioner Hamlett in that if water is sold, then all four parties need to be involved and be equal partners.

Mr. Ferrell stated that when the Managers and Attorneys meet again, he will present the following issues that need to be addressed:

- 1) Issue of equitable way to make sure that the sale to third parties of raw or treated water includes a mechanism in which all four governing bodies share in the revenues.
- 2) Concerns with the current formula for allocating the water and that the agreement is rigid in that it does not make allowances for unanticipated needs that may arise in the future.
- 3) Concerns with ownership of the intake facility and control and the regional concept as to how everyone is treated in the Agreement.

Chairman Ward instructed the County Attorney and County Manager to incorporate the concerns and issues addressed tonight and bring the Agreement back before the Board at its next meeting for consideration.

PROPOSED AMENDMENT TO *DISTURBING THE PEACE* ORDINANCE

Mr. Mike Ferrell, County Attorney, presented for the Board's consideration the following proposed amendment to the *Disturbing the Peace* Ordinance.

SECTION 4. EXEMPT ACTIVITIES

(i) The operation of any business which trains animals for public safety purposes. The operator of such a business shall make reasonable efforts, within the inherent limitations necessitated by the nature of the animals being trained, not to disturb the comfort and repose of persons of normal sensibilities occupying neighboring properties.

Mr. Ferrell noted that this proposed amendment would not have any impact on any actions that have occurred heretofore under the existing Ordinance.

Chairman Ward stated that he would like for the Board to schedule a public hearing on this issue to gather citizen input before any action is taken.

After discussion, Commissioner Hamlett moved, seconded by Commissioner Hall to adopt the proposed amendment to the *Disturbing the Peace* Ordinance as presented.

Commissioner Vernon moved, seconded by Commissioner Carter to amend the original motion to include that a vote not be taken “until after a public hearing is held”. The motion carried by a vote of five to one with Commissioner Hamlett voting no.

Upon a vote of the original motion, the motion carried unanimously.

COUNTY MANAGER’S REPORT

Mr. Kevin Howard, County Manager, presented an audit proposal from Winston, Williams, Creech, Evans, & Company, LLP for Caswell County Local Government. Mr. Howard stated that this firm has conducted the County’s audit for the past three years. Mr. Howard reported that the cost for Year 2008 is \$41,160, Year 2009 is \$43,100, and Year 2010 is \$45,275. Mr. Howard recommended that the Board approve a three-year contract with Winston, Williams, Creech, Evans & Company, LLP. Commissioner Carter moved, seconded by Commissioner Hall to approve a three-year audit contract with Winston, Williams, Creech, Evans, & Company, LLP as presented. The motion carried unanimously.

Mr. Howard presented for the Board’s consideration a Lease Agreement with the North Carolina Department of Correction for office space located at 251 Church Street, Yanceyville, NC at a cost of \$2,400 per year. After discussion, Commissioner Carter moved to approve the Lease Agreement with the North Carolina Department of Correction for office space as presented. The motion died for lack of a second. Chairman Ward instructed the County Manager to contact the North Carolina Department of Correction to renegotiate the lease for a larger amount.

Mr. Howard reported that he met with the Golden Leaf Foundation Board of Directors today to discuss the four proposed projects from the County.

ANNOUNCEMENTS

Commissioner Hall reported that at the last meeting he informed the Board that he had some concerns with information he received from a citizen concerning the Tax Office that he wished to discuss in Closed Session and was told it would have to wait until this meeting, yet there was not a Closed Session scheduled for this meeting. Mr. Howard noted that he had not had a chance to discuss the issue with the Tax Director. Chairman Ward instructed the County Manager to schedule a Closed Session for the next meeting. After learning that Commissioner Hall would not be present at the next meeting, Chairman Ward directed the County Manager to schedule a Closed Session for the March 3, 2008 meeting.

Commissioner Hamlett reported that rock needs to be hauled to the solid waste convenience center sites because there are pot holes at some of the sites. Chairman Ward instructed the County Manager to have the Solid Waste Director take care of this.

THE ADJOURNMENT

At 9:15 p.m. Commissioner Travis moved, seconded by Commissioner Hamlett to adjourn the meeting. The motion carried unanimously.

Wanda P. Smith
Clerk to the Board

George W. Ward, Jr.
Chairman
