

MINUTES – APRIL 7, 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, April 7, 2008. 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. Also present: Kevin B. Howard, County Manager, Michael R. Ferrell, County Attorney, and Angela Evans 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

Chairman Ward stated that Item No. 11, Closed Session, needs to be removed from the agenda and under County Manager's Report, Item No. D., Tera Slaughter needs to be added.

Commissioner Jefferies moved, seconded by Commissioner Carter to approve the agenda as presented with the changes as noted. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Commissioner Jefferies moved, seconded by Commissioner Hall 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 February 13 and 18, 2008 Meetings
- 2) Budget Amendment No. 8
- 3) Financial Report – July 1, 2007 – February 29, 2008

PUBLIC COMMENTS

Chairman Ward opened the floor for public comments.

Mr. Thomas Wright of 559 George Russell Road, Yanceyville, North Carolina came before the Board to speak on tax foreclosures. Mr. Wright stated that he is not present asking that the Board let people get away with not paying their taxes or to discontinue foreclosures, but he is asking that the Board change its current foreclosure procedure.

Mr. Wright added that there are too much Attorney fees attached to the foreclosures. Mr. Wright noted that the taxes and the penalties are fine, but felt that the Board could do something better than what is being done on the foreclosure process. Mr. Wright stated that he did not feel the Tax Director is doing his job and added that the County is paying over \$700,000 per year in Attorney fees to collect taxes. Mr. Wright noted that he had to pay \$1,600 for an \$80 tax bill. Mr. Wright requested that the Board look into this and come up with a better procedure.

DAN RIVER WATER PROJECT

Mr. Michael R. Ferrell, County Attorney, stated that he would be glad to answer any questions of the Board, but at this time did not have anything to add concerning the Dan River Water Project.

Commissioner Hamlett referred to a letter received from Mayor Larry Jeffress in which he expressed that the Milton Town Council has concerns about the Dan River Water Project. Commissioner Hamlett stated that he also has concerns about the project.

Commissioner Hamlett moved, seconded by Commissioner Hall to table further discussion of the Dan River Water Project until after the *Water Vision: The Future of Water Resources in North Carolina* seminar which will be held on May 22, 2008. The motion carried unanimously.

PERSONNEL COMMITTEE RECOMMENDATIONS

Chairman Ward reported that the Personnel Committee met with the County Manager and Tax Director concerning the Tax Department.

Commissioner Hamlett, Personnel Committee Chairman, presented and discussed the recommendations of the Personnel Committee for the Tax Director.

Commissioner Hall stated that these recommendations still do not address the specifics of what the Tax Office can do versus what is contracted out. Commissioner Hall added that it seems that there is something that can be done in the Tax Office, for example, locating the citizen before the process begins.

Upon questioning from Commissioner Hall, Mr. Thomas Bernard, Tax Director, answered that his office has not collected any taxes using the In Rem method in the previous year.

Chairman Ward explained that with a Contract Attorney performing the title search and carrying out the foreclosure process, the liability is taken off of the County and the County can recoup this cost.

Chairman Ward reported that the Committee also discussed the Tax Office using the In Rem method of collection when possible. After discussion, Chairman Ward clarified that

what is being recommended by the Board to be added to this list is turning the delinquent accounts over to the Attorney, but in regards to those accounts with a low value, have the title search done, but the foreclosure process will not start until the property owner and landlord or lien holder has received a registered letter. Chairman Ward added that the foreclosure process on some of these accounts with low amounts are to be handled through the Tax Office and not through the Attorney's Office.

Chairman Ward stated that in the monthly report to the Commissioners, he would like for the Tax Director to also include updates on tax collections and Tax Office operations.

After further discussion, Commissioner Hamlett moved, seconded by Commissioner Jefferies to approve the following recommendations for the Tax Office with the addition that the Tax Director use the In Rem process when applicable. The motion carried unanimously.

RECOMMENDATIONS FOR TAX DIRECTOR

1. Tax Director will provide a report to the County Manager to send to the Board twice a month. This report will be distributed to the Board via fax or e-mail with the County Manager's update.
2. Tax Director will attend the first Board of Commissioners meeting every month and provide a report to the Board.
3. Tax Director will direct George Daniel's office to send a registered letter to the property owner and lien holder after a title search has been completed, but before the foreclosure process has begun.
4. The Tax Director will direct George Daniel's office to send all letters as certified unless specified to be sent as registered mail with a return receipt.
5. The Tax Director will use the In Rem process when applicable.

Commissioner Hall questioned whether the Personnel Committee discussed the application of payment of taxes, for example a taxpayer paying current taxes versus prior year taxes. Mr. Howard, County Manager, answered that the Committee discussed this briefly and felt that current year taxes needed to be paid first before prior year taxes in order to budget revenues for the upcoming fiscal year.

PUBLIC HEARING – PROPOSED VARIANCE TO THE CASWELL COUNTY
MANUFACTURED HOME SITING ORDINANCE

Commissioner Jefferies moved, seconded by Commissioner Vernon that the Board enter into a public hearing to receive comments on a proposed variance to the Caswell County Manufactured Home Siting Ordinance. The motion carried unanimously.

Mr. Brian Collie, County Planner, came before the Board and stated that Mr. and Mrs. Kevin Basham have requested a variance of the Caswell County Manufactured Home Siting Ordinance as it pertains to manufactured homes over ten years old. Mr. Collie reported that Mr. and Mrs. Basham are a young couple looking to purchase their first home and raise their family within the County. Mr. Collie added that they propose to move a 1996 manufactured home that is currently located right outside of Danville, Virginia to 972 Boone Road, Elon, North Carolina, tax map and parcel number 0029.00.00.0186.0000.

Mr. Collie reported that Mr. and Mrs. Basham were not aware of the ten year rule until recently and assured him that the manufactured home was still in very good shape. Mr. Collie shared with the Board pictures of the manufactured home and verified the date to be correct and that it was still aesthetically in good shape.

Mr. Collie informed the Board that the Planning Board reviewed this request and voted unanimously to recommend to the Board of Commissioners that the variance be granted.

There being no further comments, Chairman Ward declared the public hearing closed.

Commissioner Carter moved, seconded by Commissioner Vernon to accept the Planning Board's recommendation and grant a variance of the Caswell County Manufactured Home Siting Ordinance as it pertains to the required age limit of a manufactured home to Mr. and Mrs. Kevin Basham and allow them to move a 1996 manufactured home into Caswell County. The motion carried unanimously.

APPOINTMENTS OF ANIMAL CRUELTY INVESTIGATORS

Mr. Kevin Howard, County Manager, requested that the Board consider appointing Ken and Karen Schneider as Animal Cruelty Investigators for Caswell County for a one year term. Mr. Howard reported that Mr. and Mrs. Schneider have agreed to volunteer for the position of Animal Cruelty Investigator and have successfully completed the *Animal Cruelty Investigations Blended 3 Day Course* as conducted by Animal Services Training and Consultation.

Upon questioning from Commissioner Hall, Mr. Howard answered that Mr. and Mrs. Schneider will not be sworn officers and will not carry weapons.

In reviewing the General Statute pertaining to the appointment of Animal Cruelty Investigators, Commissioner Hamlett questioned Article 4(d) as it pertains to

reimbursement of expenses by the County. Mr. Howard clarified that Mr. and Mrs. Schneider will not be paid for their time, but Article 4(d) provides that the County would pay for expenses such as the developing of pictures used in their cruelty investigations, cost of sending out letters, etc. Chairman Ward questioned whether Mr. and Mrs. Schneider would be reimbursed for mileage.

Commissioner Hall stated that it would be reasonable to expect that there would be some expenses involved and there should be preparation for it. Mr. and Mrs. Schneider stated that they would not need an expense account. Mr. Steve Carscadden, President, Animal Protection Society of the Northern Piedmont, offered to pay the first year's expenses for Mr. and Mrs. Schneider. Mr. Schneider informed the Board that the only expense he knew of at this point is that he and his wife are required to wear badges.

After considerable discussion, Commissioner Hall moved, seconded by Commissioner Vernon to appoint Ken and Karen Schneider as Animal Cruelty Investigators for Caswell County and directed the County Manager to prepare a budget for the remainder of the fiscal year to assist with the cost of badges and any minor expenses which may be incurred in the investigation of cruelty to animals, to be presented back to the Board for its approval. The motion carried unanimously.

COUNTY MANAGER'S REPORT

Mr. Kevin B. Howard, County Manager, presented a request from Mr. Ronald K. Harris to transfer sick leave in the amount of 313.410 hours from Rockingham County to Caswell County Emergency Medical Services. After discussion, Commissioner Carter moved, seconded by Commissioner Vernon to approve the transfer of 313.410 sick leave hours from Rockingham County to Caswell County. The motion carried by a vote of six to one with Commissioner Travis voting no.

Mr. Howard presented a request from the Caswell Horticulture Club to replace the shrubbery around the monument on the Courthouse Square. Mr. Howard stated that they are in need of replacement and there will be no cost to the County. After discussion, Commissioner Hall moved, seconded by Commissioner Hamlett to approve the request by the Caswell Horticulture Club to replace the shrubbery around the monument on the Courthouse Square. The motion carried unanimously.

Mr. Howard provided the Board with Grantee Acknowledgment and Agreements from the Golden Leaf Foundation for: 1) Waterline Improvements to Pelham Industrial Park in the amount of \$914,842.00; and 2) Value Added Meat Processing for Matkins Meat Processors, Inc. in the amount of \$435,700.00. Commissioner Vernon moved, seconded by Commissioner Jefferies to approve the Grantee Acknowledgment and Agreements from the Golden Leaf Foundation for the projects as noted and authorize execution. The motion carried unanimously.

Mr. Howard reported that Mr. Tera Slaughter has requested that the Board of Commissioners submit a letter to the Person-Caswell Lake Authority requesting that they

review his case regarding concerns with the Lake Authority's application of its rules and regulations. Mr. Howard noted that the Person County Board of Commissioners has submitted a similar letter. Mr. Howard provided the Board with a letter from Mr. Sam Newton, Person-Caswell Lake Authority Chairman in which he is informing the Board that Mr. Slaughter is scheduled to appear before the Lake Authority on April 14, 2008, and they will address his appeal request. Mr. Howard also provided a letter from Mr. Jeremy Thigpen, Sr. Lake Manager, Progress Energy stating that, "Progress Energy's Lake Management finds the actions taken by the PCLA to be consistent with environmental compliance, Guidelines for the Use of Residential Leased Property, Progress Energy-PCLA Master Lease, and in the best interest for long term management of Hyco Lake shoreline". After discussion, it was Board consensus that Chairman Ward send a letter to the Person-Caswell Lake Authority requesting that they review Mr. Slaughter's case.

ANNOUNCEMENTS

Commissioner Carter stated that every Commissioner should have received an invitation to the Future Farmers of America Banquet to be held on April 24, 2008.

Commissioner Carter reminded everyone of the *Water Vision: The Future of Water Resources in North Carolina* seminar scheduled for May 22, 2008.

Commissioner Jefferies informed the Board that on two occasions he has been approached by other lawyers in the County who would like to share in the work on tax foreclosures. Chairman Ward noted that the County currently has a three-year contract with an Attorney and until the contract expires they could not take any action on this request. Chairman Ward directed the County Manager to present information on the current Attorney contract at the next Board meeting.

Commissioner Vernon reported on the North Carolina Association of County Commissioners' District Meeting he attended in Raleigh on May 2, 2008. Commissioner Vernon stated that updates were given on a number of issues that Commissioners would be facing in the coming year. Commissioner Vernon informed the Board that there are some property tax issues that the Legislature will be discussing that could affect Caswell County. Commissioner Vernon added that the Legislature will also be discussing issues relating to Mental Health and a big topic will be the water issues facing the State. Commissioner Vernon stated that NCACC is recommending that all counties closely monitor the issue of the North Carolina Department of Transportation wanting counties to be responsible for road maintenance. Commissioner Vernon added that he also heard reports from the North Carolina Association of County Commissioners' staff on risk management pools.

Chairman Ward questioned the meeting procedure of Board Committees and asked if the Personnel Committee needed to meet, would it be appropriate to meet and then report back to the Board. The Board agreed with this procedure.

THE ADJOURNMENT

At 7:40 p.m. Commissioner Hamlett moved, seconded by Commissioner Travis to adjourn the meeting. The motion carried unanimously.

Wanda P. Smith
Clerk to the Board

George W. Ward, Jr.
Chairman
