

MINUTES – MAY 5, 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, May 5, 2008. Members present: George W. Ward, Jr., Chairman, Nathaniel Hall, Larry G. Hamlett, Kenneth D. Travis, and C. Hester Vernon, III. Absent: Jeremiah Jefferies and William E. Carter. 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

Commissioner Travis moved, seconded by Commissioner Hamlett to approve the agenda as presented.

Commissioner Hall moved, seconded by Commissioner Hamlett that Mr. George Daniel be added to the Board's agenda as Item No. 5, after Public Comments. The motion carried unanimously.

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

APPROVAL OF CONSENT AGENDA

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

The following item was included on the Consent Agenda:

Approval of Minutes of March 17, 2008 Meeting

PUBLIC COMMENTS

Chairman Ward opened the floor for public comments.

Mr. John Claggett, 108 Jaye Lane, Providence, NC came before the Board and asked if the County Manager or Board of Commissioners could tell him who to talk to in order to determine how vehicle taxes are calculated, how the appraisal is done, and the depreciation rate. Mr. Claggett stated that he has been in contact with the Tax Office via e-mail and has not been able to obtain this information. Chairman Ward stated that he would have the County Manager address this issue.

GEORGE B. DANIEL

Mr. George B. Daniel came before the Board and noted that they had instructed the County Manager to contact individuals across the County that were involved with various entities when the Golden Leaf Foundation informed them that they would be providing grant funding and projects could be proposed. Mr. Daniel stated that as a result of several meetings, five projects were proposed, two of which have been funded – the water line and tank at the Pelham Industrial Park and the processing center at Matkins Meat Processors. Mr. Daniel added that another one in which he assisted in the grant writing was the broadband internet project. Mr. Daniel stated that they had requested one and one-half million dollars for the broadband internet project, but in order for others to receive funding from the two million dollars, they cut the request in half. Mr. Daniel added that with the help of Mid-Atlantic Broadband Corporation they thought \$750,000 could be used from the Golden Leaf Foundation to serve as matching funds and then draw down another \$750,000 from the Economic Development Administration (EDA). Mr. Daniel noted that EDA has a strong favoritism towards connecting industrial parks, therefore, they propose to run the connection from the Pelham Industrial Park to the Yanceyville Industrial Park, and also construct the node facility in Yanceyville. Mr. Daniel added that if the \$750,000 was received from Golden Leaf, then they would be able to connect to Milton. Mr. Daniel noted that the Mid-Atlantic Broadband Corporation has already committed \$250,000 to run the broadband connector to the Virginia line and the County could connect at this line.

Mr. Daniel reported that when the broadband project was presented to the Golden Leaf Foundation in March, they needed additional information. Mr. Daniel stated that he then contacted the Mid-Atlantic Broadband Corporation to assist him and they communicated with the Golden Leaf Foundation staff and was told that they needed information as to sustainability of this project and how they plan to interface with the Mid-Atlantic Broadband Corporation and what kind of agreements would be needed. Mr. Daniel informed the Board that they also indicated that they would much prefer that the County be the applicant rather than the 21st Century Development Corporation. Mr. Daniel stated that the Golden Leaf Foundation would prefer that the County be the owner and the Mid-Atlantic Broadband Corporation has no problem with this because the only role they have in this project is that they are facilitating this extension of their broadband network into Caswell County. Mr. Daniel added that he learned today that EDA favors that the County government own the infrastructure rather than a 501(c) corporation.

Mr. Daniel informed the Board that the Golden Leaf Foundation staff told him that in order for this broadband internet project to be considered at its June meeting, they would need this information within 10 days, and if not received within this time frame, the project will not be considered until its September meeting. Mr. Daniel requested that the Board allow the County Manager to review and work on this project further and provide the information to the Golden Leaf Foundation within the time frame requested.

Commissioner Hall stated that it would be appropriate to have the County Manager conduct his review of the project and the Board schedule a special meeting within the

next few days to approve the proposal because they have been working on Golden Leaf Foundation funding for years and he would not want to wait until September.

Commissioner Vernon stated that he felt that the information should be presented to the County Manager and the Board schedule a special meeting if needed in order to expedite the project.

Mr. Daniel informed the Board that he has been told that there are several internet service providers in Danville that are anxious to provide high capacity, low cost competitive broad band service to Caswell County and they would use this new network to provide these type of services. Mr. Daniel noted that there could also be an entrepreneur in Caswell County that would want to provide these services.

It was Board consensus to have the County Manager work with Mr. Daniel and prepare the broadband internet service project application to be submitted to the Golden Leaf Foundation for consideration at its September meeting for possible funding.

DISCUSSION OF CONSTRUCTION ISSUES REGARDING SENIOR CENTER

Mr. Darren Conner, Engineer and Mr. John Ranson, Architect, with Dewberry & Davis came before the Board to discuss who authorized the cancellation of the order for the metal roof for the Senior Center. Chairman Ward noted that the Board of Commissioners never approved the change of the Senior Center roof from metal to asphalt shingles. Mr. Ranson informed the Board that there were several meetings over several months in which there was discussion to change the roof from metal to asphalt shingles. Mr. Ranson stated that during that time because of a possible change, the contractor could not go ahead and order the metal roof until a decision was made, but apparently what happened, while they were deciding what to do the cost of the metal increased. Mr. Ranson added that there was never any discussion about whether or not the order would be cancelled, rather the contractor was waiting to place the order when a decision was made as to the type of roof.

Commissioner Travis stated that the Board was told at its last meeting that the shingles had already been ordered. Mr. Ranson noted that the discussion and feeling among the group was that there would be a change from a metal to asphalt shingles roof, but it had never been approved; however, the contractor did go ahead and prematurely order the shingles which caused him to incur a restocking fee for the shingles.

Chairman Ward pointed out that nothing has been changed by the Board and they are still expecting a metal roof on the Senior Center.

Upon questioning from Commissioner Hall as to the protocol for a change order, Mr. Ranson answered that a change order originates from the contractor or owner based on their desire for a change and it is discussed at the meetings. Mr. Ranson added that if it is a small change, he may just note in the minutes that the contractor should submit a proposal for the change, but if it is a large change and requires some drawings, he would

issue a Request for Proposal to the contractor with a copy to the County Manager, costs are provided to him for the change, and after review he submits it to the County Manager for approval, who in turn submits it to the Board of Commissioners for approval.

Mr. Darren Conner stated that it is clear from the construction meetings that the County Manager mentioned that any change order had to be approved by the Board of Commissioners. Mr. Conner added that the roof change was not brought up by Dewberry & Davis, but by some in attendance at the construction meetings and everyone knew that the change had to be approved by the Board of Commissioners. Mr. Conner noted that the change request was brought before the Board, denied, and as far as their direction, the roof needs to be metal. Mr. Conner stated that Dewberry & Davis never told the contractor to order or not to order.

TAX DIRECTOR'S MONTHLY REPORT

Mr. Thomas Bernard, Tax Director, came before the Board and submitted the following Monthly Report:

TAX DIRECTOR'S REPORT

May 5, 2008

Foreclosure Process – 2006-07

254 accounts turned over to Attorney
106 accounts – paid in full
54 accounts – entered into payment plan
15 accounts – in bankruptcy
23 accounts – complaints filed
59 accounts – difficult title work

Foreclosure Process – 2007-08

213 accounts turned over to Attorney
40 accounts – paid in full

Commissioner Hall stated that at its March 17, 2008 meeting, the Board approved a list of delinquent taxpayers to be turned over to the Attorney and he had requested a copy of this list from the County Manager. Mr. Bernard stated that he would provide Commissioner Hall with a copy of this list.

PLANNING BOARD RECOMMENDATIONS

Mr. Brian Collie, County Planner, came before the Board to present a variance request by Keith and Cheryl Fuqua of the Manufactured Home Siting Ordinance seeking relief from the masonry underpinning requirements of the Manufactured Home Siting Ordinance.

Mr. Collie stated that Mr. & Mrs. Fuqua's daughter plans to set up a manufactured home on their property and occupy the site while she begins construction of a stick built home. Mr. Collie added that they are asking to be allowed to use plastic underpinning material due to the temporary nature of the manufactured home setup. Mr. Collie noted that the site lies within the 800 block of Rat Castle Road in Pelham, and is tax map and parcel number 0034.00.00.0008.0000 which is approximately 111 acres.

Chairman Ward noted that a public hearing would need to be held on this request and the Board of Commissioners would sit as the Board of Adjustment at that time.

Commissioner Travis questioned Mr. Collie on the status of five Manufactured Home Siting Ordinance variance requests that had previously been granted by the Board of Commissioners. Mr. Collie answered that he would be checking on three of the five manufactured homes since the three-year period has expired, but the other two are still within the time frame granted.

Mr. Collie reported that the Planning Board at its February, 2008 meeting voted to adopt a variance application fee. Mr. Collie stated that Caswell County does not require a variance application fee, and recently there have been numerous variance requests that have been made and processed. Mr. Collie added that variance requests take many hours to formulate and conduct proper research, sometimes involving travel costs to inspect sites and manufactured homes, and the County must also pay for ads to publicize public hearings for them.

Mr. Collie stated that he felt that by requiring a variance application fee that the County will receive at least some compensation for the time and money spent in order to process these requests. Mr. Collie added that it will also serve as a deterrent which he views as a positive aspect.

Mr. Collie informed the Board that he was asked by the Planning Board to research other counties and municipalities as to their charge for variance fees. Mr. Collie presented a list of variance application fees that ranged from \$75 to \$650, with an average fee of \$276.00.

Mr. Collie stated that in further research, he has learned that the cost of the two public hearing ads required for a variance is approximately \$100 each.

Mr. Collie reported that the Planning Board at its meeting on April 22, 2008, adopted a variance application fee of \$150.

Commissioner Travis stated that with the cost incurred by the County, the application fee should be at least \$250. Mr. Collie agreed with this.

Commissioner Hall suggested that consideration of the variance application fee be included during budget deliberations. Chairman Ward and the Board were in agreement with this.

REQUEST BY CASWELL COUNTY CHAMBER OF COMMERCE

Mr. Kevin Howard, County Manager, presented a request from the Caswell County Chamber of Commerce for permission to use the Square to set up their stage for the entertainment during the annual Bright Leaf Hoedown. Commissioner Travis moved, seconded by Commissioner Vernon to approve the use of the Square by the Caswell County Chamber of Commerce during the annual Bright Leaf Hoedown in order to set up its stage for the entertainment. The motion carried unanimously.

COUNTY MANAGER'S REPORT

Mr. Kevin Howard, County Manager, presented a revised Convenience Center Operation Contract for the Leasburg Location in which the owner has changed to Long D. Denis. Commissioner Vernon questioned the expiration of all of the other County convenience center contracts and Mr. Howard answered that they expire on June 30, 2009. After discussion, Commissioner Travis moved, seconded by Commissioner Hall to approve the Convenience Center Operation contract for the Leasburg location with Long D. Denis, to expire June 30, 2009. The motion carried unanimously.

Mr. Howard reported that Ms. Yancey Smith, with the Caswell Horticulture Club, has informed him that they would like permission to put in concrete walks at the arboretum because rain is washing out the trails, with no cost to the County. Commissioner Vernon moved, seconded by Commissioner Travis to approve the request by the Caswell Horticulture Club to put in concrete walks at the arboretum, with no cost to the County. The motion carried unanimously.

Mr. Howard reported that he recently met with the Sheriff and Yanceyville Town Manager concerning the future plans for the Yanceyville Police Department and the cost involved if the Caswell County Sheriff's Office took over the responsibility of providing protection services for the Town. Mr. Howard stated that he would provide additional information at the Board's next meeting.

Mr. Howard reported that he received a call from the North Carolina Division of Motor Vehicles about the closure of the DMV office in Caswell County. Mr. Howard informed the Board that Caswell County is listed as the contract agent and they would like for the County to find someone to open the office when the current operator, Mrs. Sis Hillman, needs to be out of the office. Mr. Howard stated that this would require the County to send someone to Raleigh for training for three weeks and they would have one week of supervised training on site. Mr. Howard added that DMV suggested a County employee and he inquired as to whether there was someone in a neighboring county that could help in Ms. Hillman's absence. Mr. Howard stated that he is waiting on a response from DMV. Commissioner Hall stated that the County definitely needs the service, but it needs to know its legal responsibility as far as having an individual to fill in for Ms. Hillman. Commissioner Travis agreed that this office needs to be open for the people of Caswell County, and additional research needs to be conducted to determine the County's

responsibility. Chairman Ward instructed the County Manager to obtain additional information on the DMV Office to be brought before the Board at its May 19, 2008 meeting.

Mr. Howard announced that he would be out of the office on May 12–15, 2008, attending the Piedmont Triad Leadership Institute in Greensboro, NC.

Mr. Howard announced that County Assembly Day, which is sponsored by the North Carolina Association of County Commissioners, would be held in Raleigh, North Carolina on June 10, 2008. Chairman Ward instructed the Clerk to the Board to contact Senator Tony Foriest and Representative Bill Faison and invite them to a dinner meeting on that date in Raleigh.

ANNOUNCEMENTS

Commissioner Hall questioned the status of the Ed Carter waterline request and why the County Manager is still looking for an operator. Commissioner Hall noted that this request has been on-going for quite a while. Mr. Howard answered that he is looking for a water system operator and he has been talking to the Town of Yanceyville, but does not feel that they can do this because they contract for these services. Mr. Howard stated that the City of Danville may be interested in this, but he should have this issue settled within the next two to three weeks.

Commissioner Hall referred to the County Manager's Report where it was noted that he and the County Attorney would be meeting with a Hayes Iron and Metal representative and its Attorney and questioned the purpose of the meeting. Mr. Howard answered that Hayes Iron and Metal bought additional property beside them and they are putting in a new entrance. Mr. Howard stated that Hayes Iron and Metal will be requesting a variance of the County's Outdoor Storage Ordinance because it requires that an outdoor storage facility has to be 500' off of the 100-year flood plain. Mr. Howard added that the meeting was to instruct them as to what they need to do to come before the Board to request a variance.

Commissioner Hall expressed concern over the notation in the County Manager's Report that three departments, Sheriff, EMS, and Recreation, may go over budget for Fiscal Year 2007-2008. Mr. Howard stated that he would provide additional information on this to the Board at its next meeting.

Commissioner Hall reported that NORAG Technology held its groundbreaking ceremony yesterday at the Pelham Industrial Park. Commissioner Hall stated that NORAG is getting ready to start building a facility and this is a giant step for Caswell County and the Industrial Park.

Commissioner Vernon added that there are some very fine individuals associated with NORAG Technology who have engineering and chemical backgrounds. Commissioner

Vernon stated that it sounded very exciting to him in that they would be manufacturing something that could be utilized by Caswell County's local agricultural residents.

Chairman Ward reminded the Board of the Water Vision Meeting to be held on Thursday, May 22, 2008.

Chairman Ward announced that the Annual Person-Caswell Lake Authority cook-out would be held on Thursday, May 15, 2008, at 6:00 p.m. at Hyco Lake.

Mr. Kevin Howard, County Manager, announced that Ms. Donna Pointer, Senior Center Director, would be present at the Board's next meeting to discuss the Pelham Congregate Meal Site.

CLOSED SESSION

Commissioner Hamlett moved, seconded by Commissioner Travis that the Board enter into closed session to consider the competence, terms of appointment, and performance of an individual public officer (NCGS 143-318.11(a)(6)), and to preserve the Attorney-Client privilege (NCGS 143-318.11(a)(3)). The motion carried unanimously.

REGULAR SESSION

Commissioner Vernon moved, seconded by Commissioner Hamlett to resume regular session. The motion carried unanimously.

YANCEYVILLE POLICE DEPARTMENT

Mr. Kevin Howard, County Manager, informed the Board that the Yanceyville Town Council is currently working on a proposal to present to the Sheriff to provide 24 hours per day, seven days a week protection for the Town.

CASWELL COUNTY CIVIC CENTER

Commissioner Hall reported that he was contacted by an individual that was recently appointed by the Board of Commissioners to the Civic Center Committee and was told that this Committee has not met in two years. Chairman Ward instructed the County Manager to find out why this Committee is not meeting.

ADDITIONAL SALES TAX

Commissioner Hall stated that the Board needs to take appropriate action if it is to hold a referendum on the additional ¼ cent sales tax authorized by the North Carolina General Assembly. Commissioner Hall added that this item should be on the Board's May or June agenda for discussion.

NCDOT REQUESTED TRAFFIC STUDY

Commissioner Hall stated that at the Board's March 17, 2008 meeting he requested that the County Manager contact the North Carolina Department of Transportation and request that a traffic study be conducted on NC Hwy 86 at the apartment complex. The Clerk to the Board answered that she contacted the NCDOT District Office and was told that they felt that there were adequate lanes there and suggested that school buses be rerouted to alleviate the safety issue. The Clerk to the Board was directed to contact the NCDOT Division Office with this request.

EMS TRANSPORT RULES

Commissioner Hall stated that at the Board's March 17, 2008 meeting he requested that the County Manager research and provide to the Board the legal Emergency Medical Services transport rules. Mr. Howard stated that he would have the County Attorney review and report back to the Board.

THE ADJOURNMENT

At 8:35 p.m. Commissioner Hamlett moved, seconded by Commissioner Hall to adjourn the meeting. The motion carried unanimously.

Wanda P. Smith
Clerk to the Board

George W. Ward, Jr.
Chairman
