

MINUTES – SEPTEMBER 17, 2007

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, September 17, 2007. Members present: George W. Ward, Jr., Chairman, Jeremiah Jefferies, Vice-Chairman, William E. Carter, Nathaniel Hall, Kenneth D. Travis, and C. Hester Vernon, III. Absent: Larry G. Hamlett. Also present: Kevin B. Howard, County Manager 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 Jefferies moved, seconded by Commissioner Travis to approve the agenda as presented. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Commissioner Jefferies 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 September 4, 2007 Meeting
- 2) Tax Director's Monthly Report for August, 2007

Total Amount of Taxes Collected for August, 2007	\$146,947.32
Tax Maps/Cards	\$ 106.25
County Maps	\$ 39.50
Beer License	\$ 25.00
NSF Charge	\$ 200.00
2007 Prepayments	\$ 14,717.75
- 3) Purchase by Sheriff's Office of Two Patrol Vehicles from State Surplus
- 4) Resolution Approving Financial Terms – Purchase of Two Ambulances

Resolution Approving Financing Terms

WHEREAS: The Caswell County (“County”) has previously determined to undertake a project for two 2008 F-550 Chassis 4x4 Ambulances (the “Project”), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The County hereby determines to finance the Project through Branch Banking and Trust Company (“BB&T”), in accordance with the proposal dated August 14, 2007. The amount financed shall not exceed \$80,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.90% and the financing term shall not exceed 3 years from closing.
2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the County are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as BB&T may request.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer’s satisfaction. The Finance Office is authorized to approve changes to any Financing Documents previously signed by County officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer’s final approval of the Document’s final form.
4. The County shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The County hereby designates its obligations to make principal and interest payments under the Financing Documents as “qualified tax-exempt obligations” for the purpose of Internal Revenue Code Section 265(b)(3).
5. The County intends that the adoption of this resolution will be a declaration of the County’s official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The County intends that funds that have been advanced, or that may be advanced, from the County’s general fund,

or any other County fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of County officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take place immediately.

Approved this 17th day of September, 2007.

By: George W. Ward, Jr.

Title: Chairman

By: Gwendolyn Vaughn

Title: Finance Director

(Seal)

PUBLIC COMMENTS

Chairman Ward opened the floor for public comments.

There were no public comments made.

RECEIPT OF *STORM READY* DESIGNATION FROM NATIONAL WEATHER SERVICE

Mr. Jim Gusler, Emergency Services Director, introduced Mr. Phil Hysell and Mr., Dave Wert, with the National Weather Service in Blacksburg, Virginia. Mr. Gusler stated that he would like to recognize Mr. Dennis Hancock for being instrumental in the completion and success of this project.

Mr. Hysell stated that Caswell County is being recognized by the National Weather Service in Blacksburg, Virginia as a “StormReady” community. Mr. Hysell informed the Board that Caswell County was the 44th community and 39th county in North Carolina to earn the “StormReady” designation from the National Weather Service.

Mr. Hysell reported that Americans live in the most severe weather-prone country on Earth, and each year a startling 10,000 thunderstorms, 2,500 floods, 1,000 tornadoes, and an average of ten hurricanes impact the United States. Mr. Hysell added that potentially deadly severe weather impacts every American and communities can now rely on the National Weather Service’s StormReady program to help them guard against the ravages of Mother Nature.

Mr. Hysell reported that ninety percent of all presidentially declared disasters are weather-related, and through the StormReady program, NOAA’s National Weather Service gives communities the skills and education needed to survive severe weather – before and during the event. Mr. Hysell added that StormReady helps community leaders and emergency managers strengthen their local hazardous weather operations.

Mr. Hysell informed the Board that StormReady communities are better prepared to save lives from the onslaught of severe weather through better planning, education, and awareness. Mr. Hysell stated that communities have fewer fatalities and property damage if they plan before dangerous weather arrives. Mr. Hysell noted that no community is storm proof, but StormReady can help communities save lives.

Mr. Hysell stated that there are certain standards that a community must meet in order to become StormReady certified, such as having a 24-hour warning point and an emergency operations center, along with four methods to receive severe weather watches and warnings, as well as four methods to disseminate that information to the public. Mr. Hysell added that a Storm Ready community must create and maintain a local weather monitoring system and must promote the importance of public readiness through community seminars, and finally, a StormReady community must develop a formal Hazardous Weather Plan which includes training severe weather spotters and holding emergency exercises. Mr. Hysell informed the Board that Caswell County has met all of the required criteria. Mr. Hysell reported that on July 19, 2007, the National Weather Service recognized Caswell County as only the third community in the forty county warning area of having attained the status of StormReady and in the State of North Carolina, Caswell County is only the 44th community to reach this status.

Mr. Hysell reported that StormReady will strengthen Caswell County's ability to receive and use severe weather watches and warnings from the National Weather Service and one of the methods to receive this important information is through NOAA all hazards weather radio. Mr. Hysell stated that these weather radios with alarms are the surest way to protect families. Mr. Hysell added that through the efforts of Mr. Gusler and Mr. Hancock, NOAA weather radios are in every public school in Caswell County, as well as in several government buildings.

Mr. Dave Wert, Meteorologist, presented to Mr. Jim Gusler and Mr. Dennis Hancock the official StormReady signs and certificate. Mr. Word noted that Caswell County is only the second county in their forty county warning area that has reached this level of designation. Mr. Word stated that it is an honor and privilege to present the StormReady signs and certificate to Mr. Gusler and Mr. Hancock for Caswell County.

Mr. Hysell noted that Caswell County's StormReady designation is in effect through the year 2010.

On behalf of the Board of Commissioners, Chairman Ward thanked Mr. Gusler and Mr. Hancock for their hard work and dedication in acquiring the StormReady status for Caswell County.

YEAR END FINANCIAL REPORT

Ms. Gwen Y. Vaughn, Finance Officer, presented and reviewed with the Board the following Year End Financial Report for Fiscal Year 2006-2007.

Caswell County Local Government						
STATEMENT OF REVENUES & EXPENDITURES						
July 1, 2006 - June 30, 2007 (UNAUDITED)						
		<i>Major</i>	<i>Nonmajor</i>	<i>Enterprise</i>	<i>Enterprise</i>	
		<i>General</i>	<i>Other Gen</i>	<i>Solid Waste</i>	<i>Caswell</i>	<i>Other</i>
		<i>Fund</i>	<i>Funds</i>	<i>Management</i>	<i>Div of Trans</i>	<i>Funds</i>
REVENUES		95%	106%	97%	87%	78%
Tax levy (Current & Prior	8,768,252					
Sales & services	772,370				56,271	
Other tax & licenses	338,110			751,386		
Restricted revenue	7,377,978	360,193			361,785	3,611,496
Unrestricted revenue	2,802,757	1,356,447				273,475
Permits & fees	450,681	60,792	68,507			0
Investment earnings	157,589	8,528	13,798	15,025		62,853
Miscellaneous	36,663	1,801				
Transfers from other funds	969,228					
Total Revenues	21,673,627	1,787,761	833,691	433,081	3,947,824	
EXPENDITURES		95%	86%	91%	88%	65%
General government	2,200,785					
Public safety	2,555,296					
Emergency services	1,410,693					
Economic & physical dev	221,262					1,400
Environmental protection	72,299					
Human services	8,762,979					
Cultural & recreational	287,538					
Regional agencies	121,856					
Special appropriations	151,393					
Administration expense		275,522	81,387	97,205	147,058	
Operations expense		1,473,604	707,375	339,360	770,836	
Intergovernmental:						
Public Education	2,871,352					
Community College	192,518					
Debt Service						
G.O. Bonds	969,228					969,228
Installments	494,577					
Reserve for Bond Payment	1,126,908					
Pass Thru Funds	164,190					
Transfer to other funds	167,497					
Contingency						
Total Expenditures	21,770,372	1,749,125	788,762	436,565	1,888,522	
Appropriated fund balance						
General fund	0					
Public health	554,190					
Encumbrances	38,351					
Other programs	175,069	13,854	110,224	0	284,122	
Total Approp FB	767,610	13,854	110,224	0	284,122	

Ms. Vaughn presented and reviewed the following reports:

- FY 2006-2007 General Fund Revenues
- FY 2006-2007 Tax Revenue
- Sales Tax Distributions – FY 2006-2007
- FY 2006-2007 General Fund Expenditures
- FY 2006-2007 Expenditures by Function

PLANNING DEPARTMENT

Manufactured Home Siting Ordinance Variance Request

Mr. Brian Collie, County Planner, came before the Board and reported that Mr. Donald W. Tate has requested a variance of the Manufactured Home Siting Ordinance as it pertains to mobile homes over 20 years old. Mr. Collie stated that Mr. Tate is retiring from the Army and would like to move a 1986 mobile home that is located at 1190 Massey Road, Elon, NC to 3162 Milesville Road, Elon, which is approximately 1.5 miles.

Mr. Collie reported that Mr. Tate would be moving the mobile home onto a 90-acre farm that he currently owns and has already got the Caswell County Environmental Health Department to approve the site for a conventional septic system, and that the mobile home would be placed where it cannot be seen from the road.

Mr. Collie informed the Board that the Planning Board met on this issue and unanimously recommended to the Board of Commissioners that a variance of the Manufactured Home Siting Ordinance, in particular, Section 6.2, Types of Manufactured Homes Permitted, be granted to Mr. Donald Tate to allow him to move a 1986 mobile home within the County.

Mr. Collie added that upon further review today of the Manufactured Home Siting Ordinance, it states that the Board of Commissioners authorized the Planning Board to grant variances in cases where there are 10 or fewer mobile homes. Mr. Collie stated that he has talked with Mr. Kevin Howard, County Manager and he told him that it would be up to the Board of Commissioners as how to proceed with this.

Commissioner Hall stated that if the Planning Board has the authority to grant the variance, then the Board of Commissioners does not need to address it. Mr. Howard noted that the Ordinance has areas that are vague. Commissioner Hall noted that these mobile homes are supposed to be inspected before they come in, and he views this not as a cosmetic issue, but more of a safety issue. Mr. Collie noted that the Building Inspector has to inspect the mobile home and issue a permit for it to be moved.

Commissioner Travis stated that he felt that the Board of Commissioners is the granting authority in the case of variances for mobile homes over 20 years old.

After considerable discussion, Commissioner Travis moved, seconded by Commissioner Hall to grant a variance of the Caswell County Manufactured Home Siting Ordinance to Mr. Donald Tate to move a mobile home within Caswell County that is over 20 years old onto his 90-acre farm, and that it first be inspected by the Building Inspector as a new home and set on a permanent foundation, as well as meeting all other requirements of the Ordinance. The motion carried unanimously.

Commissioner Hall stated that he would like for staff to review the Manufactured Home Siting Ordinance and determine where there is confusion over the variance granting authority. Chairman Ward added that variance granting authority for all Ordinances should be reviewed.

Reinstatement of Article X. *Property Subdivided Along Previously Existing Roads*

Mr. Brian Collie, County Planner, reported that the Subdivision Ordinance was last amended on August 7, 2006, and at this time multiple changes were implemented throughout the Ordinance. Mr. Collie noted that one part of the Subdivision Ordinance that was not voted on to be amended was *Article X: Property Subdivided Along Previously Existing Roads*”, and currently the Subdivision Ordinance does not contain this Article. Mr. Collie informed the Board that the County Manager brought this to his attention shortly after he became County Planner and after conducting extensive research, has been unable to determine whether *Article X: Property Subdivided Along Previously Existing Roads*” was supposed to be removed or changed at all in the Subdivision Ordinance. Mr. Collie stated that the Planning Board unanimously recommended that the Board of Commissioners reinstate *Article X* as it once existed.

Upon questioning from Commissioner Hall, Mr. Collie answered that there is no reference to Articles IX, X, or XI in the amendments to the Subdivision Ordinance adopted on August 7, 2006.

Commissioner Hall stated that if the Board voted on the Subdivision Ordinance with its amended changes and made it official, then any change to it should follow the proper process. Commissioner Hall added that he would not vote to put something back into the Ordinance just on the basis that someone said it was taken out. Commissioner Hall stated that if the Board wishes to make changes, then it needs to go through the proper process for amending the Ordinance.

After further discussion, Commissioner Hall moved, seconded by Commissioner Jefferies that the issue regarding *Article X, Property Subdivided Along Previously Existing Roads* be referred to the Planning Board for review with a recommendation to come back to the Board of Commissioners for action. The motion carried unanimously.

Commissioner Hall noted that there is a 45-days timeframe for action from the Planning Board and if there is no recommendation after that period, it is up to the Board of Commissioners to act on it.

Variance Granting Authority Within Ordinances

Mr. Brian Collie, County Planner, reported that at the last Planning Board meeting, Mr. Melvin Butler, Planning Board Chairman, requested that he review all Ordinances to determine who has authority in granting variances within each Ordinance. Mr. Collie informed the Board that the question arose because of concerns that authority is not uniform throughout the Ordinances, causing confusion. Mr. Collie stated that Mr. Butler asked that the Board of Commissioners review these inconsistencies and consider making them uniform.

Mr. Collie provided the following information on granting authority:

- 1) Subdivision Ordinance – Variance is granted by the Board of Commissioners.
- 2) Outdoor Storage Ordinance – Variance is granted by the Board of Commissioners.
- 3) Mobile Home Ordinance – Variance is granted by the Planning Board for parks under 10 mobile units. Variance is granted by the Board of Commissioners for parks over 10 mobile units.
- 4) Watershed Ordinance – Variance is granted by the Planning Board.
- 5) Flood Prevention Ordinance – Variance is granted by the Board of Adjustments, which is not yet established.

Chairman Ward stated that staff needs to review the granting authority for the Manufactured Home Siting Ordinance.

REQUEST FROM CASWELL COUNTY HISTORICAL ASSOCIATION

Mr. Kevin Howard, County Manager, presented a request from the Caswell County Historical Association to release a County surplus voting booth and ballot box to the permanent Historical Artifact Collection of the Association. Mr. Howard informed the Board that it is the Historical Association's intention to create in their museum an election display of Caswell County elections.

After discussion, Commissioner Carter moved, seconded by Commissioner Travis to approve the request by the Caswell County Historical Association for the County to release to them a County surplus voting booth and ballot box to the permanent Historical Artifact Collection of the Association. The motion carried unanimously.

COUNTY MANAGER'S REPORT

Mr. Kevin Howard, County Manager, presented to the Board his County Manager's Report, dated September 17, 2007.

Commissioner Hall questioned whether the funds were transferred for the Senior Center Project and Mr. Howard confirmed that funds have been deposited into the County account.

Commissioner Hall questioned the status of the lease agreement with the Alamance/Caswell/Rockingham Local Management Entity and Mr. Howard answered that he is currently working on this.

Upon questioning from Commissioner Carter concerning Mr. Ed Carter's waterline request, Mr. Howard answered that the County would be buying water from the City of Danville.

ANNOUNCEMENTS

Commissioner Vernon announced that the Biofuels Conference would be held on Wednesday, September 19, 2007, at 9:00 a.m. – 2:30 p.m. at the Caswell County Civic Center.

Commissioner Travis informed the Board of a call he received from the mother of the son who recently sustained multiple dog bite wounds and was told that the owner of these dogs has again got dogs running loose and she is scared of them. Commissioner Travis suggested having the County Manager call her and to have the Animal Control Officer visit the owner of the dogs.

Commissioner Hall reported that the Cycle NC 100-mile across state ride would take place on Tuesday, October 2, 2007. Commissioner Hall added that the routes are official and will run through Caswell County, with there being three rest stops in the County. Commissioner Hall requested the use of the front Historic Courthouse grounds for a rest area for the cyclists riding through Caswell County. Commissioner Travis moved, seconded by Commissioner Jefferies to approve the use of the front Historic Courthouse grounds for a rest area for the cyclists riding through Caswell County on October 2, 2007. The motion carried unanimously.

Commissioner Hall stated that in order to attract these cyclists to Caswell County again, he would like to conduct tours of the County's public buildings, including the Historic Courthouse. Commissioner Hall added that he has been working with the Historical Association on conducting these tours and felt that this could prove to be an economic boom to the County. The Board was agreeable to these tours.

Commissioner Carter reminded the Board of the Bright Leaf Hoedown scheduled for September 29 and 30, 2007, in the County.

Commissioner Carter thanked everyone for their calls, visits, and concern during his recent illness.

Chairman Ward presented Commissioner Hall with the gavel block that was used during his tenure as Chairman of the Board of Commissioners.

Commissioner Hall recognized Mr. Jack Gusler and Ms. Shelley Swann, members of the audience tonight.

Commissioner Jefferies moved, seconded by Commissioner Hall that the Board prepare and present a Certificate of Commendation to Mr. Jim Gusler and Mr. Dennis Hancock for their hard work and efforts in Caswell County receiving its *StormReady* designation from the National Weather Service. The motion carried unanimously.

Commissioner Carter expressed his appreciation to Mr. Jim Gusler and Mr. Dennis Hancock for their hard work in Caswell County receiving its *Storm Ready* designation.

CLOSED SESSION

Commissioner Jefferies moved, seconded by Commissioner Hall 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)). The motion carried unanimously.

REGULAR SESSION

Commissioner Travis moved, seconded by Chairman Ward to resume regular session. The motion carried unanimously.

RECESS

At 8:40 p.m. Chairman Ward recessed the meeting until Monday, September 24, 2007, at 6:00 p.m.

Wanda P. Smith
Clerk to the Board

George W. Ward, Jr.
Chairman
