

MINUTES – DECEMBER 1, 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, December 1, 2008. Members present: George W. Ward, Jr., Chairman, Jeremiah Jefferies, Vice-Chairman, William E. Carter, Nathaniel Hall, and Kenneth D. Travis. Absent: Larry G. Hamlett 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 MINUTES

Commissioner Travis moved, seconded by Commissioner Jefferies to approve the minutes of the November 3, 10, and 17, 2008 meetings and Closed Session minutes of the November 17, 2008 meeting as written. The motion carried unanimously.

CALL TO ORDER OF ORGANIZATIONAL MEETING

Ms. Wanda P. Smith, Clerk to the Board, called to order the organizational meeting of the Caswell County Board of Commissioners.

OATHS OF OFFICE

Mr. John I. Satterfield, Clerk of Superior Court, administered the following Oaths of Office to Mr. Erik D. Battle, Mr. Nathaniel Hall, Mr. Jeremiah Jefferies, and Mr. Gordon G. Satterfield.

NORTH CAROLINA

CASWELL COUNTY

COMMISSIONER OF CASWELL COUNTY

I, **ERIK D. BATTLE**, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and I will faithfully discharge the duties of my office as Commissioner of Caswell County, so help me God.

S/Erik D. Battle _____

Erik D. Battle

Subscribed and sworn to
before me this 1st day of
December, 2008.

S/John I. Satterfield

Clerk of Superior Court
Title

NORTH CAROLINA

CASWELL COUNTY

COMMISSIONER OF CASWELL COUNTY

I, **NATHANIEL HALL**, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and I will faithfully discharge the duties of my office as Commissioner of Caswell County, so help me God.

S/Nathaniel Hall
Nathaniel Hall

Subscribed and sworn to
before me this 1st day of
December, 2008.

S/John I. Satterfield

Clerk of Superior Court
Title

NORTH CAROLINA

CASWELL COUNTY

COMMISSIONER OF CASWELL COUNTY

I, **JEREMIAH JEFFERIES**, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North

Carolina not inconsistent therewith, and I will faithfully discharge the duties of my office as Commissioner of Caswell County, so help me God.

S/Jeremiah Jefferies
Jeremiah Jefferies

Subscribed and sworn to
before me this 1st day of
December, 2008.

S/John I. Satterfield

Clerk of Superior Court
Title

NORTH CAROLINA

CASWELL COUNTY

COMMISSIONER OF CASWELL COUNTY

I, **GORDON G. SATTERFIELD**, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and I will faithfully discharge the duties of my office as Commissioner of Caswell County, so help me God.

S/Gordon G. Satterfield
Gordon G. Satterfield

Subscribed and sworn to
before me this 1st day of
December, 2008.

S/John I. Satterfield

Clerk of Superior Court
Title

RECESS

The Board held a brief recess.

ELECTION OF CHAIRMAN

The Clerk to the Board opened the floor for nominations for Chairman of the Caswell County Board of Commissioners.

Commissioner Ward moved, seconded by Commissioner Satterfield to nominate Commissioner Jefferies for Chairman of the Caswell County Board of Commissioners.

Commissioner Carter moved, seconded by Commissioner Travis that nominations for Chairman be closed. The motion carried unanimously.

Commissioner Ward moved, seconded by Commissioner Travis to accept the nomination that Commissioner Jefferies be elected as Chairman of the Caswell County Board of Commissioners. The motion carried unanimously.

The Clerk to the Board announced that Commissioner Jefferies has been elected Chairman of the Caswell County Board of Commissioners.

Chairman Jefferies thanked the Board for its trust in electing him as Chairman of the Board of Commissioners and added that he looked forward to working with them and moving Caswell County forward in the Year 2009.

Chairman Jefferies thanked Commissioner Ward for serving as Chairman of the Caswell County Board of Commissioners for the last two years and presented him with the Chairman's gavel.

Commissioner Ward thanked the Board for giving him the honor and privilege of serving as Chairman of the Caswell County Board of Commissioners.

Chairman Jefferies presented newly elected Commissioners Battle and Satterfield with Caswell County lapel pins.

Chairman Jefferies presided over the remainder of the meeting.

ELECTION OF VICE-CHAIRMAN

Chairman Jefferies opened the floor for nominations for Vice-Chairman of the Caswell County Board of Commissioners.

Commissioner Carter moved, seconded by Commissioner Satterfield to nominate Commissioner Ward as Vice-Chairman of the Caswell County Board of Commissioners.

There were no further nominations.

Commissioner Travis moved, seconded by Commissioner Hall to accept the nomination that Commissioner Ward be elected as Vice-Chairman of the Caswell County Board of Commissioners. The motion carried unanimously.

APPROVAL OF BONDS FOR PUBLIC OFFICIALS

Commissioner Travis moved, seconded by Commissioner Ward to approve the following Bonds for Public Officials. The motion carried unanimously.

BONDS FOR PUBLIC OFFICIALS

Register of Deeds	\$ 25,000
Tax Collector	\$ 50,000
Delinquent Tax Collector	\$ 25,000
Sheriff	\$ 25,000
Finance Officer	\$100,000
County Coroner	\$ 2,000
Blanket Bond	\$ 20,000

CONCLUSION OF ORGANIZATIONAL MEETING

Chairman Jefferies announced the conclusion of the organizational meeting of the Caswell County Board of Commissioners.

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

Chairman Jefferies opened the floor for public comments.

There were no public comments made.

APPOINTMENT OF PTCOG DELEGATE

Chairman Jefferies moved, seconded by Commissioner Ward to reappoint Commissioner Hall as the Board's delegate to the Piedmont Triad Council of Governments. The motion carried unanimously.

DISCUSSION OF BOARDS AND COMMITTEES

Chairman Jefferies requested that this item be tabled to the next meeting in order to give the new Board members an opportunity to review the list of Boards and Committees. Commissioner

Carter moved, seconded by Commissioner Travis to table *Discussion of Boards and Committees* until the Board's December 15, 2008 meeting. The motion carried unanimously.

PIEDMONT HEALTH SENIOR CARE

Ms. Debra Markley, with Piedmont Health Senior Care came before the Board to inform them of a new program that affects Caswell seniors and the family. Ms. Markley stated that Piedmont Health Senior Care is a program of all-inclusive care for the elderly that provides comprehensive long-term health, social, medical, and dietary care. Ms. Markley added that they are associated with Piedmont Health Services, which is also known as the Prospect Hill Community Health Center which was established in 1970 and is the oldest community health center in North Carolina. Ms. Markley reported that there are over 44 million Americans who are unpaid care givers and it is a struggle for them to meet the needs of their seniors. Ms. Markley stated that Piedmont Health Senior Care is one of the solutions to offering help to the care givers and is an alternative to nursing home care and participants are taken care of in the home.

Ms. Markley informed the Board that Piedmont Health Senior Care is located in Alamance County and is available to Alamance and Caswell County citizens. Ms. Markley stated that their mission is to promote and sustain the independence of seniors wishing to remain in the community.

Ms. Markley provided and discussed the following information on Piedmont Health Senior Care:

Services

Services will be coordinated and provided by the participant's personal Interdisciplinary Team of health care professionals.

- Primary and Specialty Care
- Preventive Services and Education
- Nursing Care
- Prescription medication (including Home Delivery)
- Nutritional Counseling
- Dental
- Optometry
- Home Health and Personal Care
- Caregiver Respite
- Hospital and Long-Term Care
- Ongoing supportive case management services
- Medical Equipment (wheel chairs, walkers, etc.)

Access to care will be available 24 hours a day, 365 days a year.

Ongoing Rehabilitative Therapies

- Physical Therapy
- Occupational Therapy
- Speech Therapy

Day Health Center Activities

- Recreational therapy programs such as music, art, exercise, and field trips.
- Lunch and snacks are provided.

Transportation

- Will be provided to and from the Day Center and to all medically related appointments.

Eligibility

Piedmont Health Senior Care will serve participants who are:

- Age 55 years or older
- Residents of Alamance and Caswell Counties, NC
- Nursing-home eligible
- Able to live safely in the community at the time of enrollment.

Cost

If you are eligible for Medicare and Medicaid, all services are covered at no additional cost. For individuals who do not have both Medicare and Medicaid, there may be costs associated with this program. We also accept private pay clients.

Ms. Markley stated that the participants get to live at home and come to the Center regularly. Ms. Markley added that the Center provides excellent medical care, but they are also interested in the quality of life of the participants, and noted that the caregiver is involved in every decision involving the program.

Ms. Markley informed the Board that to be eligible for this program, the participant has to live in Caswell or Alamance County, and be nursing home eligible as determined by the State of North Carolina, and must be able to live safely in the community at the time of admission.

Ms. Markley invited the Board to attend Piedmont Health Senior Care's Open House on Wednesday for caregivers.

Ms. Markley answered a number of questions from the Board.

DISCUSSION OF LAW ENFORCEMENT CONTRACT BETWEEN TOWN OF YANCEYVILLE AND CASWELL COUNTY

Mr. Kevin Howard, County Manager, reported that he received a request from the Town of Yanceyville that the first quarter payment for the Law Enforcement Contract reflect the date of contract execution. Mr. Howard stated that this date provided for one-half of the first quarter service and the Town of Yanceyville requests that the invoice reflect one-half of the payment. Mr. Howard noted that a full quarter's payment is \$52,500 and one-half of the amount would be \$26,250.

Mr. Michael Ferrell, County Attorney, informed the Board that the contract is between the Town of Yanceyville and the Sheriff, and technically, the Sheriff would be the one to make the decision to reduce payment to the Town. Mr. Ferrell added that the Board of Commissioners could make a recommendation to the Sheriff, but the final decision would have to be made by the Sheriff.

Commissioner Travis stated that he did not feel that the Board needed to take any action because this should be handled between the Sheriff and Town of Yanceyville.

Commissioner Satterfield suggested that the County Manager or Sheriff keep the Board apprised of the decision made by the Sheriff on this issue.

BUDGET AMENDMENT NO. 12

Mr. Kevin B. Howard, County Manager, presented and reviewed Budget Amendment No. 12 for Fiscal Year 2008-2009. After discussion, Commissioner Hall moved, seconded by Commissioner Travis to approve Budget Amendment No. 12 for Fiscal Year 2008-2009 as presented. The motion carried unanimously.

COUNTY MANAGER'S REPORT

Mr. Kevin B. Howard, County Manager, reported that bids were received on November 21, 2008, for the Pelham Industrial Park Phase I Water System Improvements Project which would provide water to NORAG Technology. Mr. Howard stated that the following bids were received:

- | | |
|---------------------------|--------------|
| 1) Prillaman & Pace, Inc. | \$ 85,850.00 |
| 2) Warco, Inc. | \$ 99,275.00 |
| 3) Ramey, Inc. | \$104,382.50 |

Mr. Howard recommended that the contract be awarded to the low bidder, Prillaman & Pace, Inc. in the amount of \$85,850.00

Upon questioning from Commissioner Travis, Mr. Howard answered that the engineer is familiar with and has worked with all three contractors.

Commissioner Hall stated that even though this amount is below that which requires a formal bid process, he feels more comfortable when the formal bid process is followed on these types of projects. Commissioner Hall added that it has been the Board's experience over the last couple of years that when they bid a project, there are a number of change orders and questioned how this project could be done at the amount of \$85,850.00 without an additional amount for change orders.

Commissioner Satterfield questioned the County Manager as to whether he has met with the engineering firm and reviewed the scope of the project and Mr. Howard answered that he has done this.

After further discussion, Commissioner Satterfield moved, seconded by Commissioner Carter to table this issue until the Board's December 15, 2008 meeting in order to have an engineer from Dewberry & Davis come before the Board to review the scope of the Pelham Industrial Park Phase I Water System Improvements Project. The motion carried unanimously.

Commissioner Satterfield suggested that the engineering firm bring some recommendations from other projects that Prillaman and Pace, Inc. has completed.

Chairman Ward requested that the County Manager obtain some information on Warrco, Inc. and bring back to the Board at its next meeting.

Mr. Howard reported that he and the County Attorney met with representatives of Hayes Iron and Metal to try to find a solution to alleviate some of the problems they are experiencing. Mr. Howard presented an amendment to the County's Outdoor Storage Ordinance which has been prepared by the County Attorney and they feel that this is a reasonable solution to the situation. Mr. Howard added that this amendment will allow for someone to request a variance to the 100 year flood zone setback if they can provide an alternative means of preserving the intent of the setback.

Mr. Michael Ferrell, County Attorney, reported that this issue was brought to his attention initially because of the problems experienced by Hayes Iron and Metal, but the recommended solution is not directed just to Hayes Iron and Metal. Mr. Ferrell stated that the County has an Outdoor Storage Ordinance and one of its requirements is that outdoor storage materials such as scrap metal must be a certain distance from rivers and streams and the purpose of this is to protect rivers and streams. Mr. Ferrell noted that the County's current Outdoor Storage Ordinance only provides this protection of rivers and streams by the distance requirement, but the proposed amendment requires that in addition to the protection by distance, there is a provision through a special use permit such as a variance for an alternate way to protect the water by engineering methods.

Commissioner Satterfield asked if the additional property purchased by Hayes Iron and Metal was to be used to help alleviate the problem they are having with cars on the road and Mr. Howard answered that the additional property purchased is to be used to create an entrance and turning lane to get traffic off the road, therefore, traffic would enter at one point and have a different point to exit. Mr. Ferrell noted that this would allow Hayes Iron and Metal to isolate the heavy equipment from road traffic.

Upon questioning from Commissioner Satterfield as to whether Hayes Iron and Metal was waiting on a variance before they could do any work, Mr. Ferrell answered that they will need this variance before they can make any improvements that they are proposing.

Upon questioning from Commissioner Satterfield as to whether Hayes Iron and Metal would have to come before the Board with an engineering report, Mr. Ferrell answered that they would have to come before the Board and satisfy them that the plans they have, do indeed, protect the streams to the level that are required in the current Ordinance. Mr. Ferrell added that the

proposed amendment states, “The applicant has provided evidence that he/she can obtain substantial compliance with the intent of this Ordinance by alternative means, including, but not limited to, installing engineering solutions and devices, which achieve substantially similar water quality protections as distance from streams and flood zones”. Mr. Ferrell added that the proposed amendment does not specifically state that an engineering report is required, but the Board may require one to satisfy their requirements before issuing a variance. Mr. Ferrell noted that this particular stream is not classified as a water supply watershed. Commissioner Satterfield stated that he felt that an engineering report should be required.

Mr. Ferrell stated that what is before the Board is a proposal that changes the Outdoor Storage Ordinance to grant the Board of Commissioners the authority to grant a variance based upon substantial compliance. Mr. Ferrell noted that the Board does not currently have this authority under the existing Ordinance.

Commissioner Satterfield recommended that the County Attorney insert wording into the proposed amendment that would require an engineering report.

Commissioner Hall stated that it would appear that the County Planner should be involved in the oversight of this Ordinance.

Commissioner Travis stated that the individual that owns Hayes Iron and Metal has a business and he has helped clean up the County and the Board needs to, if any way possible, help him in the right way, to increase his business, thereby paying more taxes. Commissioner Travis added that if the proposed amendment will do this, he would like to see the Board adopt it.

Commissioner Hall recommended that the wording suggested by Commissioner Satterfield be incorporated into the proposed amendment and that a public hearing on this issue be scheduled for the Board’s next meeting.

Mr. Ferrell stated that in all fairness to the prospective applicant, the Board should probably look at providing substantial compliance with the intent of the Ordinance rather than have a specific requirement that an engineering report be submitted. Mr. Ferrell added that he has written the amendment to require that the applicant has got to provide evidence that he is in substantial compliance with the intent of the Ordinance by alternative means and this gives the Board of Commissioners the power to require what that evidence is and determine if it is sufficient to grant a variance to the Ordinance. Mr. Ferrell noted that he wanted to leave that much discretion to the Board of Commissioners rather than leave it to the engineer.

Upon questioning from Commissioner Battle as to whether water testing is required, Mr. Ferrell answered that in this particular business, the State requires them to do water testing.

Upon questioning from Commissioner Ward, Mr. Ferrell answered that the North Carolina Department of Environment and Natural Resources (NCDENR) is not involved in this particular issue because they have requirements that are unrelated to the County’s Ordinance. Mr. Ferrell stated that none of what is being discussed has anything to do with State rules because the stream

is not a water supply watershed. Mr. Ferrell added that protections for the State to check are there and they are going to check, but there are no specific rules that apply to this creek.

The Board agreed to schedule a public hearing on the proposed amendment to the County's Outdoor Storage Ordinance at its December 15, 2008 meeting.

Mr. Howard informed the Board that according to Ms. Margie Wilkinson of the Danville Regional Foundation, their Board will not meet until January, but did not see a problem in them granting an extension for completion of the Senior Center Project.

Mr. Howard reported that he has a meeting on Wednesday concerning the LME Leases at the Guilford Mills Building and added that he is waiting on responses from the four providers located in the building. Mr. Howard added that he is still working on this and would bring this issue back before the Board at its next meeting. Commissioner Hall stated that he would still like to know who is in the building. Mr. Howard answered that he would get this information to Commissioner Hall tomorrow. Commissioner Hall noted that in May or June when the Board was discussing the budget, they made a decision that everybody leasing office space in a County building would pay market rate rent and it is now December with half of the year gone.

Commissioner Carter reminded the Board members that the Annual Employee Appreciation Luncheon would be held on Tuesday, December 2, 2008, at 12:00 noon at the Civic Center.

Commissioner Carter announced that the annual Christmas Parade would be held on Saturday, December 6, 2008, at 10:00 a.m. The Clerk to the Board added that the parade would begin at Bartlett Yancey High School and end at the Brian Center. Ms. Smith noted that the Commissioners participating in the parade should be at the High School at 9:30 a.m.

Commissioner Carter stated that he noticed in the minutes of the last Board meeting, of which he and Commissioner Hall were absent, that a decision was made to put a solid waste convenience center site in the Semora area. Commissioner Carter added that he has received quite a few calls from citizens in District 2, his district, that were upset about the decision. Commissioner Carter stated that he thought there was going to be a study conducted on the solid waste convenience center sites and he could not see adding one in the middle of a budget year. Commissioner Carter requested that discussion of solid waste convenience center sites be placed on the Board's next agenda.

Commissioner Hall announced that he has been appointed to the North Carolina Association of County Commissioners' Steering Committee for Education for next year. Commissioner Hall stated that their goal is to work on the Legislative Agenda and if any Commissioner, collectively or individually, has anything they would like to go before the Legislature concerning education, to please let him know. Commissioner Hall noted that they hoped to have their goals completed by March, 2009.

Commissioner Hall announced that he has been appointed to the North Carolina/Virginia Bi-State Commission for the Roanoke River Basin and his first meeting is December 15, 2008. Commissioner Hall stated that a couple of years ago the Governors of North Carolina and

Virginia started discussions about water quality coming in and out of the Roanoke River Basin. Commissioner Hall added that the Dan River comes out of Virginia, into North Carolina, and back into Virginia. Commissioner Hall noted that when discussing water quality at the Piedmont Triad Council of Governments' meeting, it is always noted that there are no contaminated streams or water in Caswell County, yet the Dan River is listed as contaminated in Virginia, clean in Caswell County, and when it goes back into Virginia, it is listed as contaminated. Commissioner Hall stated that this is because no one is drawing drinking water out of the Dan River in North Carolina and it is not tested or noted on the map. Commissioner Hall added that this is one of the things that the Bi-State Commission will be reviewing.

Commissioner Satterfield stated that he would like to thank the people who voted for him and gave him the opportunity to serve again and also wanted to thank the Lord Jesus Christ for giving him the opportunity to serve with each of the Board members and felt that they could move the County forward in the right direction. Commissioner Satterfield added that he looked forward to serving with each Board member.

Chairman Jefferies stated that he would like to schedule a Board Retreat one Saturday in early January and instructed the Clerk to the Board to contact Board members to determine a date.

CLOSED SESSION

Commissioner Ward moved, seconded by Commissioner Travis that the Board enter into closed session to instruct the public body's staff concerning the position to be taken in negotiating the price and other material terms of a contract for the acquisition of real property by purchase, option, exchange, or lease (NCGS 143-318.11(a)(5)). The motion carried unanimously.

REGULAR SESSION

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

THE ADJOURNMENT

At 8:30 p.m. Commissioner Travis moved, seconded by Commissioner Carter to adjourn the meeting. The motion carried unanimously.

Wanda P. Smith
Clerk to the Board

Jeremiah Jefferies
Chairman
