

MINUTES – DECEMBER 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, December 17, 2007. Members present: George W. Ward, Jr., Chairman, Jeremiah Jefferies, Vice-Chairman, Nathaniel Hall, Larry G. Hamlett, Kenneth D. Travis, and C. Hester Vernon, III. Absent: William E. Carter. 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.

Chairman Ward requested that Commissioner Jefferies' family be remembered in prayer due to the recent loss of his sister.

APPROVAL OF AGENDA

Chairman Ward stated that he would like to remove Item No. 8, Request by Michael Gentry from the agenda since this issue needs to be referred to the Board of Equalization and Review and to add Audit Presentation.

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

APPROVAL OF CONSENT AGENDA

Commissioner Travis moved, seconded by Commissioner Jefferies 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 November 19, 2007 Meeting

2) Tax Director's Monthly Report for November, 2007

Total Amount of Taxes Collected for November, 2007	\$1,840,041.27
Tax Maps/Cards	\$ 40.00
County Maps	\$ 19.75
NSF Charge	\$ 66.98

## PUBLIC COMMENTS

Chairman Ward opened the floor for public comments.

There were no public comments made.

### PUBLIC HEARING – PROPOSED AMENDMENT TO CASWELL COUNTY MANUFACTURED HOME SITING ORDINANCE

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

Mr. Brian Collie, County Planner, came before the Board and stated that the variance granting responsibilities in the Manufactured Home Siting Ordinance (Article 7, Section 7.3) are very vague and need to be amended so that the authority is clear. Mr. Collie added that the Planning Board currently has been granted authority by the Board of Commissioners to hear and grant variances affecting 10 or fewer manufactured home spaces. Mr. Collie noted that manufactured home spaces are defined as those spaces located within a manufactured home park.

Mr. Collie stated that the Ordinance does not specify which board (Board of Commissioners or Planning Board) has authority to hear and grant variances for individual residential cases and cases affecting 10 or more manufactured home spaces.

Mr. Collie presented a proposed amendment to the Manufactured Home Siting Ordinance which would read as follows: “The Planning Board has been delegated the responsibility by the Board of Commissioners to hear and grant variances affecting ten (10) or fewer manufactured home spaces within Manufactured Home Parks, all other variances for Manufactured Homes shall be granted by the Board of Commissioners after review and recommendation by the Planning Board insofar that such variances will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in undue hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done”.

Upon questioning from Commissioner Hall, Mr. Collie answered that the Planning Board unanimously voted to recommend the amendment to the Manufactured Home Siting Ordinance.

Commissioner Hall asked Mr. Collie if he or the Planning Board considered changing the number of spaces from 10 to another number and Mr. Collie answered that this was not considered.

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

Commissioner Hall stated that he felt that it may be appropriate to consider changing the number of spaces from 10 to a smaller number due to the environmental impact. Commissioner Hall added that he felt that three or four spaces would be sufficient so as not to have an adverse impact on water and sewer. Commissioner Hall stated that the Planning Board could then put together a process or procedure that would address environmental impact issues. Commissioner Hall noted that Caswell County has a major problem with septic tanks and sewer systems.

Upon questioning from Commissioner Travis, Mr. Collie explained that according to the current Ordinance, up to two mobile homes can be placed on one tract of land, yet when there is a third mobile home or more placed on the property, it is considered a mobile home park. Mr. Brian added that as far as the issue of someone coming in and requesting variances for 10 mobile home spaces now and 10 later and so on, this would be considered on a case by case basis as requests for variances are made.

Chairman Ward stated that he would also like for the Planning Board to go back and review the number of spaces and look at the environmental impact.

Commissioner Hamlett suggested that the Planning Board review the number of spaces with Environmental Health to determine the impact.

Commissioner Vernon stated that he would like for the County Planner and Planning Board review the entire Ordinance so that future problems could be avoided.

After considerable discussion, Commissioner Vernon moved, seconded by Commissioner Hamlett that the Manufactured Home Siting Ordinance be referred back to the Planning Board for review of the entire Ordinance to alleviate any further discrepancies and to consider revising the number of manufactured home spaces as noted by Commissioner Hall, with a recommendation to be brought back before the Board of Commissioners. The motion carried unanimously.

PUBLIC HEARING – PROPOSED AMENDMENT TO CASWELL COUNTY  
SUBDIVISION ORDINANCE

Commissioner Jefferies moved, seconded by Commissioner Hall that the Board enter into a public hearing to receive comments on a proposed amendment to the Caswell County Subdivision Ordinance. The motion carried unanimously.

Mr. Brian Collie, County Planner, came before the Board and stated that Mr. Tom Berry, Developer, is constructing a Major Subdivision off of Beau Matthews Road on Hyco Lake. Mr. Collie added that the Planning Board has reviewed Mr. Berry's preliminary plans in the past and granted approval of 30,000 sq. ft. lots because the lots would be served by public water. Mr. Collie noted that since that time Mr. Berry has had trouble locating wells that would provide enough usable water, but already has an established off-site septic system that supports the entire subdivision.

Mr. Collie noted that he had addressed the Board on November 5, 2007, as to how to proceed with addressing this issue and after the County Attorney suggested that granting a variance to Mr. Berry may not be suitable, it was recommended that this issue be referred to staff to propose an amendment to the Subdivision Ordinance to allow for the use.

Mr. Collie informed the Board that he has written an amendment to the Subdivision Ordinance that would allow for 30,000 sq. ft. lots given that the lots are served by a public water system or an off-site septic system. Mr. Collie added that he wrote the proposed amendment after conferring with Environmental Health staff and they do not foresee any environmental or economic downfalls to this approach.

Mr. Collie presented a proposed amendment to the Caswell County Subdivision Ordinance which would read as follows: (Article VIII, Section 19.A 1c) – Lots served either by a public water system or an off-site septic system outside of watershed areas (defined in item 4 below) shall have an area of at least thirty thousand (30,000) sq. ft. of usable land as defined by Title 15A subchapter 18A.1901-1968 of the North Carolina Administrative Code. Each subdivision proposal that includes lots less than 1 acre must be submitted to Environmental Health for approval. For Major Subdivisions with lots less than 1 acre a licensed engineer shall design all off-site septic systems”.

Mr. Collie presented the following *New Definitions*:

Public Water System – means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances if the system serves 15 or more service connections or which regularly serves 25 or more individuals. Continued in definition G.S. 130A-313 #10 of Title 15A Subchapter 18C of the North Carolina Administrative Code.

Off Site Wastewater System – means a “septic system” where at least the nitrification field is located completely off the lot on which the dwelling served by that “system” is located.

Chairman Ward declared the public hearing closed.

Commissioner Hall referred to “Each subdivision proposal that includes lots less than 1 acre must be submitted to Environmental Health for approval” in the proposed amendment and stated that he would recommend that this statement include that the approval by Environmental Health must be in writing and attached to the subdivision plat.

Commissioner Hall raised a number of questions concerning the *Public Water System* definition, after which Mr. Collie clarified that this is the State Public Water System definition and was included in the Subdivision Ordinance in order to have a point of reference. Mr. Collie added that Environmental Health staff did not have a problem with this definition.

After further discussion, Commissioner Vernon moved, seconded by Commissioner Travis to approve the proposed amendment to Article VIII, Section 19.A.1c of the Caswell County Subdivision Ordinance, as recommended by the Planning Board, which would allow lots to be a minimum of 30,000 sq. ft. if public water system or off-site septic system is established, with a statement of approval by Environmental Health being required on the plat. The motion carried unanimously.

REINSTATEMENT OF “ARTICLE X: PROPERTY SUBDIVIDED ALONG  
PREVIOUSLY EXISTING ROADS” IN THE CASWELL COUNTY SUBDIVISION  
ORDINANCE

Mr. Brian Collie, County Planner, informed the Board that the Caswell County Subdivision Ordinance was last amended on August 7, 2006, and at this time multiple changes were implemented throughout the Ordinance. Mr. Collie added 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 reported that the County Manager brought this to his attention soon after his employment and after researching minutes, files and tapes of the meetings in the Planning Office and with the Clerk to the Board to possibly make reference to the change, he was not able to confirm that Article X was supposed to be removed or changed at all in the Subdivision Ordinance.

Mr. Collie noted that at the Board of Commissioners’ September 4, 2007 meeting, they requested that the Planning Board re-examine Article X and present a recommendation to them. Mr. Collie reported that since this time the Planning Board has had lengthy discussions at each month’s meetings about changing Article X, but has taken no action to make any changes. Mr. Collie added that the County Attorney has informed the County Manager that since there was no vote to ever take the Article out of the Subdivision Ordinance that it should legally still be there.

After discussion, Commissioner Hamlett moved, seconded by Commissioner Travis to reinstate “Article X: Property Subdivided Along Previously Existing Roads’ into the Caswell County Subdivision Ordinance.

Commissioner Hall questioned the circumstances which resulted in the omission of Article X from the Subdivision Ordinance.

Upon questioning from Commissioner Hall, Mr. Collie clarified that Article X states that if there is a private road on property that does not have State road frontage and it was established before 1974, which is when the County first had aerial photography of property, then the property owner does not have to meet the current subdivision requirements for private roads. Mr. Collie informed the Board that the current subdivision requirements for private roads is that the State road width requirements have

to be met, but the State gravel depth requirements do not have to be met, and at the same time there has to be a Road Maintenance Agreement for property owners on the road. Mr. Collie stated that the Subdivision Ordinance has other requirements for private roads relating to the number of lots.

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

### AUDIT PRESENTATION

Mr. Jim Winston of Winston, Williams, Creech, Evans & Company, LLP came before the Board to present the Comprehensive Annual Report for Caswell County for the Fiscal Year ended June 30, 2007.

Mr. Winston provided an overview of the audit completed for Caswell County for Fiscal Year 2006-2007 and stated that overall, it was a good audit for the County. Mr. Winston reported that Caswell County has received an unqualified opinion on the June 30, 2007 financial statements.

Mr. Winston highlighted the following:

- Statement of Net Assets – Governmental Activities
- Statement of Net Assets – Business-Type Activities
- Statement of Net Assets – Primary Government
- Statement of Activities – Governmental Activities
- Statement of Activities – Business-Type Activities
- Statement of Activities – Total Primary Government
- Governmental Fund Revenues
- Governmental Fund Expenditures
- Proprietary Funds
- Fund Balance – All Governmental Funds
- Fund Balance – Other Governmental Funds
- Fund Balance – General Fund
- Unreserved Fund Balance – as a % of Expenditures
- Cash
- General Fund Revenues
- General Fund Expenditures
- Appropriated Fund Balance
- Adjusted Tax Levy
- Tax Collection Percentages
- Governmental Fund Debt

Mr. Winston provided the following financial highlights:

- The assets of Caswell County's governmental activities exceeded its liabilities at the close of the fiscal year by \$13,357,149 (net assets).

- The government's total net assets increased by \$3,152,165, primarily due to increased net assets in the governmental activities.
- As of the close of the current fiscal year, Caswell County's governmental funds reported combined ending fund balances of \$7,291,121, an increase of \$2,616,177 in comparison to the prior year. Approximately 76 percent of this total amount, or \$5,511,274, is available for spending at the government's discretion (unreserved fund balance).
- At the end of the current fiscal year, unreserved fund balance for the General Fund was \$2,218,697 or 9.43 percent of total general fund expenditures for the fiscal year.
- Caswell County's total debt decreased/increased by \$726,333 during the current fiscal year.
- Caswell County maintained its bond ratings.
- The County's tax rate for the current fiscal year is 64.5 cents per \$100 valuation.

Mr. Winston stated that management should continue to monitor the fund balance to ensure that the County does not get too close to the eight percent minimum. Mr. Winston added that during the current fiscal year the operation of the County has gone in a positive direction, but this upward trend needs to continue. Mr. Winston noted that counties of similar size as Caswell have an average of 28.56% available fund balance as a percentage of total expenditures, and presently Caswell County is at 9.27%.

Mr. Winston recommended that the County consider establishing a fraud hotline. Mr. Winston stated that the very existence of a fraud hotline would serve as a deterrent to misconduct by creating among employees a perception that fraud would be detected and protected, as well as demonstrating the County's serious intent to prevent and detect fraud. Mr. Winston added that the fraud hotline could also be used to report incidents of harassment, unsafe working conditions, violence, or violations of laws or regulations. Mr. Winston noted that this would allow the County to address such situations in a timely manner and could help prevent or minimize fines, lawsuits, legal liability, or adverse publicity by demonstrating that the County has procedures for receiving and addressing complaints.

Upon questioning from Commissioner Hall, Mr. Winston answered that the \$3 million liability for Other Post Employment Benefits (OPEB) was larger than anticipated.

#### FUNDING PROPOSAL TO DANVILLE REGIONAL FOUNDATION

Ms. Donna Pointer, Senior Center Director, came before the Board to request consideration of approval of a funding proposal to the Danville Regional Foundation entitled, "*BEST Initiative*" (*Building Economic Success Together*). Ms. Pointer informed the Board that she was approached by the staff of the Danville Regional Foundation in mid-October. Ms. Pointer stated that the Danville Regional Foundation knew that the Senior Center made available the AARP Tax-Aide Program for seniors and they approached them about forming a consortium with others in their focus area. Ms. Pointer noted that the other agencies in their focus area included the Pittsylvania County

Community Action, Virginia Legal Aid Society, and the Danville/Pittsylvania United Way.

Ms. Pointer stated that the Senior Center is mandated by the State to offer tax counseling/preparation and has been a part of the AARP Tax-Aide Program for approximately five years. Ms. Pointer added that the Tax Aide volunteers are trained to focus on the tax needs of low to middle income taxpayers with special attention to people age 60 and older, but is not limited to this age. Ms. Pointer noted that if there is a complicated return, the taxpayer is told up front that they need to get a professional tax preparer.

Ms. Pointer reported that the Committee felt that the Danville Regional Foundation would like for them to look at financial literacy and the funding proposal that they submitted to the Foundation Board, subject to Board of Commissioners' approval, was *BEST Initiative (Building Economic Success Together) Through the Earned Income Tax Credit*. Ms. Pointer informed the Board that the Danville Regional Foundation Board would review the proposal at its January, 2008 meeting.

After discussion, Commissioner Hall moved, seconded by Commissioner Travis to grant approval of the *BEST Initiative (Building Economic Success Together) Through the Earned Income Tax Credit* grant application proposal to the Danville Regional Foundation as presented. The motion carried unanimously.

#### REORGANIZATION OF CASWELL COUNTY SENIOR SERVICES PROGRAMS

Mr. Kevin Howard, County Manager, reported that he met with the Personnel Committee regarding the Caswell County Senior Services Programs. Mr. Howard stated that with the retirement of Ms. Brenda Hodges, Aging Services Coordinator, he felt that it would be a good time to organize all of the senior citizen programs into one department. Mr. Howard informed the Board that this does not create any new positions, but turns one position into an Aging Services Director that will oversee the programs in the Department of Aging Services and the Director would report to him.

Mr. Howard informed the Board that he has asked Ms. Donna Pointer to fill this position if approved by the Board. Mr. Howard noted that the position would be for 40 hours per week rather than Ms. Pointer's current 32 hours and would increase her annual salary from \$28,308 to \$35,385. Mr. Howard provided an organization chart of Caswell County Aging Services.

After discussion, Commissioner Jefferies moved, seconded by Commissioner Hamlett to approve the recommendation of the County Manager as presented and reorganize the Caswell County Senior Services Programs, creating the position of Aging Services Director which would oversee the programs in the Department of Aging Services. The motion carried unanimously.

## RECESS

The Board held a brief recess.

## COUNTY MANAGER'S REPORT

Mr. Kevin Howard, County Manager, reported that Mr. Robert S. Segal, CPA PA attended the Board's December 3, 2007 meeting, and presented a proposal regarding non-personal expense reduction and revenue enhancement consulting. The Board reviewed and discussed the three agreements presented by Mr. Segal, after which Commissioner Jefferies moved, seconded by Commissioner Vernon to approve entering into a two-year contract with Robert S. Segal, CPA PA regarding non-personal expense reduction and revenue enhancement consulting as presented. The motion carried by a vote of five to one with Commissioner Travis voting no.

Mr. Howard requested that the Board authorize an appropriation of \$1,000 to Rivers & Associates for engineering fees for the Pelham Waterline Project. After discussion, Commissioner Hall moved, seconded by Commissioner Jefferies to approve an appropriation of \$1,000 to Rivers & Associates for engineering fees for the Pelham Waterline Project, to be taken from the Miscellaneous Line Item. The motion carried unanimously.

Mr. Howard reported that the Golden Leaf Foundation Advisory Committee met on December 10, 2007, and at that time it was suggested that one additional representative of the NAACP, one representative of the Cedar Grove Association, and one representative of the Caswell Firemen's Association be added to the Committee. Mr. Howard informed the Board that no new projects will be added to the list already compiled. Mr. Howard noted that if approved, this would give the Committee an even number of members so they would need to either add another group or give one of the existing groups another representative. Commissioner Vernon recommended that Mr. Joey Knight, Cooperative Extension Director, be added to the Committee as a voting member. Upon questioning from Commissioner Hall as to the life of the Committee, Mr. Howard answered that the Committee hopes to have everything ready by its March, 2008 meeting to give to the Golden Leaf Foundation Board and to have four projects prioritized. Chairman Ward clarified that the motion adopted by the Board of Commissioners at its December 3, 2007 meeting, was for a 500,000 gallon water storage tank at the Pelham Industrial Park, rather than 200,000 gallons as reported in the newspaper. Commissioner Hall questioned bringing in new members when they are not able to bring any projects to the table, and are able to just vote on the projects already established. After considerable discussion, Commissioner Jefferies moved, seconded by Commissioner Vernon to add the following four additional members to the Golden Leaf Advisory Committee. The motion carried by a vote of five to one with Commissioner Travis voting no.

NAACP – one additional member

Cedar Grove Association – one member

Caswell Firemen's Association – one member  
Caswell County (Joey, Knight, Cooperative Extension Director) – one additional member

Mr. Howard presented for the Board's consideration a proposed Caswell County 2008-2009 Budget Development Calendar.

Mr. Howard informed the Board that he has not been able to schedule a date for a joint meeting with the Board of Education, after which he was instructed to have the Board of Education provide him with four possible dates from which the Board of Commissioners could select a date.

Mr. Howard reported that he spoke to the City Manager of Roxboro and he requested that possible meeting dates be submitted by the Caswell County Board of Commissioners in order to schedule a joint meeting with the Roxboro City Council, Person County Board of Commissioners, Yanceyville Town Council, and Caswell County Board of Commissioners to discuss the Dan River Water Project. The Board agreed to submit dates of January 14, 16, and 23, 2008 as possible meeting dates and to meet at the Caswell County Civic Center.

#### ANNOUNCEMENTS

Chairman Ward reminded everyone that the Commissioners' Christmas Dinner would be held on December 18, 2007, at 7:30 p.m. at the Lone Star Restaurant in Danville, Virginia.

Chairman Ward wished all of the Commissioners and staff a Merry Christmas.

#### CLOSED SESSION

Chairman Ward 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)). The motion carried unanimously.

#### REGULAR SESSION

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

#### COUNTY MANAGER EVALUATION

Commissioner Jefferies moved, seconded by Commissioner Hamlett to grant approval of the transfer of 115.25 sick leave hours earned by Mr. Kevin Howard, County Manager, from former employment to Caswell County and to allow Mr. Howard the use of a County-owned vehicle for travel to and from home and County business. The motion carried unanimously.

THE ADJOURNMENT

At 9:10 p.m. Commissioner Hamlett moved, seconded by Commissioner Jefferies to adjourn the meeting. The motion carried unanimously.

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Wanda P. Smith  
Clerk to the Board

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George W. Ward, Jr.  
Chairman

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