

CASWELL COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

JUNE 7, 2021
OTHERS PRESENT

David J. Owen, Chairman
Jeremiah Jefferies, Vice Chairman
William E. Carter
John D. Dickerson
Nathaniel Hall
Rick McVey
Steve Oestreicher

Bryan Miller, County Manager
Brian Ferrell, County Attorney
Thomas Bernard, Tax Director
Debra Ferrell, The Caswell Messenger
Carla R. Smith, Clerk to the Board

The Board of Commissioners for the County of Caswell, North Carolina, met in regular session on Monday, June 7, 2021 at 9:00 am in the Historic Courthouse.

WELCOME:

MOMENT OF SILENT PRAYER:

Chairman Owen called the meeting to order and paused for a moment of Silent Prayer.

PLEDGE OF ALLEGIANCE:

Then the Board of Commissioners and all the guest in attendance recited the Pledge of Allegiance.

OATH OF OFFICE:

Ashley K. Powell administered the Oath of Office to Carla R. Smith, Clerk to the Board of Commissioners.

BOARD OF EQUALIZATION AND REVIEW:

A **motion** was made by Commissioner Dickerson, seconded by Commissioner McVey to enter a hearing with the Board of Equalization and Review and carried unanimously. (Commissioners Carter, Dickerson, Hall, Jefferies, McVey, Oestreicher and Owen voted in favor.)

Thomas Bernard, Tax Director, took the witness oath. Mr. Bernard presented the 2021 property card and map to the Board. Mr. Bernard stated that the taxpayer is Mr. Thomas Wright, and he lives at 559 George Russell Road in Yanceyville, NC. The property, which is highlighted on the map, is parcel 0086026, 0086060, 0086061, and 0086027. Then Mr. Wright took his witness oath and stated that he was being double taxed for his property 0086026. Mr. Wright stated that he has 5 trailers on his property, but the tax office has 6 on file. Mr. Wright wants to see the property card for 0086026. There is a trailer on the property and the address is 579 George Russell Road. It has been on there since 2004. Mr. Russell thinks he is being charged for this trailer on parcel 0086026 and 0086027. Mr. Wright has been to Raleigh to present his case also and Mr. Bernard sent Mr. Wright a letter stating that a decision has been made already. Mr.

June 7, 2021

Wright said the Board had agreed on \$155,000, but when he got to Raleigh, he was told the value was \$132,000. Mr. Wright said the Board said the value would stay the same, but now he is back in front of the same Board except one person. Mr. Wright feels there are a lot of twist and turns being made at the tax office. Mr. Wright feels the tax office is taking his money and trying to get the paperwork right later. Mr. Wright asked Mr. Bernard to explain the letter and the property card for parcel 0086026. He feels that something was removed from 0086027 in 2017 before he went to Raleigh. The mobile home in the woods need to be removed from Mr. Wright's property. Mr. Wright also said Attorney Ferrell told the people in Raleigh not to read the letter from Mr. Bernard. Mr. Wright said he will take the letter to someone that will do something with it. Chairman Owen asked Mr. Wright if he felt there was a property on 8626 that should not be on there at all. Mr. Wright said that is correct. There are 6 trailers on his property record, but there has never been more than 5. Then Commissioner Dickerson asked Mr. Wright if he could show him on the map where is 5 trailers are on his property. Mr. Wright highlighted the 5 positions on the map. Attorney Ferrell asked if the information could be presented to the remainder of the Board once Mr. Wright finishes. Attorney Ferrell asked Commissioner Dickerson to relay the response. Commissioner Dickerson said what he was trying to determine was where Mr. Wright showed the 5 mobile homes in relation to the 6 Mr. Wright says the tax office shows. Mr. Bernard said there are not 6 mobile homes on the property, and there are no mobile homes on the property card. Attorney Ferrell asked Mr. Bernard to explain real property versus personal property. Mr. Bernard said the mobile homes are not taxed as real property because they would need to have a permanent foundation, and the tax office is only taxing Mr. Wright for 4 trailers because 1 has no value. Mr. Bernard said they need to look at the 2021 value because you cannot go back. There are 4 mobile homes, but they are taxed as personal property. Mr. Wright asked Mr. Bernard about the mobile home that was listed on the 2018 property card. Mr. Bernard said that was from the last appeal and that was an error because it was listed on the wrong parcel. Mr. Bernard said that has since been corrected. Mr. Wright said they are taxing him for 5 mobile homes and shows Commissioner Dickerson on the map. Chairman Owen then asked Mr. Wright if what he was looking at was the 2018 property card. Mr. Wright answered yes. Then Commissioner Dickerson explains that Mr. Wright said it carries over to the 2021 property tax, but he feels there is a misunderstanding somewhere. Mr. Wright said he does not have the 2021 property card. Mr. Wright said no mobile homes were moved except the 6th mobile home that was behind Mr. Wright's home. That home was at address 579 George Russell Rd, but parcel 8626 does not have a mobile home on it now. Chairman Owen asked Mr. Bernard to explain each item on the 2021 property card, and the property in question is 8626. Mr. Bernard said we have a buck barn valued at \$325, a shelter valued at \$135, a framed storage valued at \$960, another shelter at \$480 value, a metal storage building valued at \$3000, and another storage building valued at \$48. Then there is one house site at \$14,000 value, one house site with no utility at \$8,250, and 3 house sites with utilities valued at \$9,800 each. Chairman Owen asked which of these house sites are mobile homes. Mr. Bernard answered all of these are mobile homes, and the one with no utilities is across the street. This is 5 home sites listed on the personal property. Then we have 1.78 acres values at \$2,848, 51.38 acres valued at \$61,572, 51.31 acres that is in the use value program valued at 12,827, and 11.55 acres at \$1,000 per acre. Attorney Ferrell said there are trailers on the property, but they are not one the property card because they are considered personal property. There are 3 taxed to Mr. Wright and one is taxed to Ms. Essie Goodman's heirs. Then Mr. Wright said a mobile home was taken off 8627 in 2017

and moved to 8626 so he is being taxed for 6 home sites. Mr. Wright asked the Board to get him some confirmation on the letter from Mr. Thomas Bernard. When he went to Raleigh to appeal the value of his property had gone from \$155,000 to \$132,000. Chairman Owen asked what information the Board needs to make a decision. Commissioner Oestreicher asked what they are being asked to do. Chairman Owen stated that the trailers are not listed on Mr. Wright's property card, but they are listed as personal property. Commissioner Dickerson asked Mr. Bernard if the tax office is taxing Mr. Wright for only 4 personal properties. Mr. Bernard confirmed that it was only 4 properties, and one of those properties is in Ms. Essie Goodman heirs' name. Chairman Owen said if Mr. Wright is not asking for a reduction in taxes, this may be an issue for the Board of Equalization and Review. Commissioner Hall said he thinks that since personal property is taxed differently from real property, he would like to see tax records for the past 3-4 years showing how many trailers are being taxed on personal property and how many home sites were being taxed. Commissioner Hall also wanted to see the letter that Mr. Wright is speaking of. Attorney Ferrell asked for clarity so that Mr. Bernard is aware of what he needs to bring to the Board. The tax records for parcel 8626 and 8627 for the past 3 years and the letter of appeal. The Attorney asked that we set a date so that Mr. Wright will know when the hearing will be continued. Attorney Ferrell said the taxpayer can only appeal the current evaluation. Chairman Owen said the hearing will convene at the June 21st Board of Commissioners meeting at 6:30 pm. Commissioner Oestreicher said he would like a written statement of what is being questioned. Attorney Ferrell said eventually the Board is going to need to uphold the current values or make some adjustment. Commissioner Dickerson said he thinks this is a miscommunication of the total number of trailers on the property. The personal property list for 2021 needs to be presented to clear some of this up.

The next appeal is with Epic Caswell. Commissioner Hall stepped down to be a witness for Epic Caswell. Epic Caswell filed for a property tax exempt exclusion. They are a 501c and they filed under NCGS105.278.7, which is real and personal property used for educational, scientific, literary, or charitable purposes. Epic Caswell is a public park, and there is no income from the property. The letter of denial that was sent to Mr. Hall is included in the handout to the Board. The general statute refers to buildings and the land used or the land adjacent to the building. In the handout there is a map showing the basketball court and the property part. Mr. Bernard spoke with the Department of Revenue also, and the statute refers to the building and land that they occupy. There are no buildings on that property and that is why the Tax Office denied the property exemption. Commissioner Carter asked if it has been taxed in the past. Mr. Bernard said it has been taxed as a lot in the Town of Yanceyville for a value of \$15,170. Chairman Owen asked if the exemption was denied because the statute states you must have a building on the property. Mr. Hall was affirmed as a witness and asked to state his name and affiliation with the taxpayer. Mr. Hall is the Chairman of the Board of Directors for Epic Caswell 8. Epic Caswell received a small park from another organization 2-3 years ago. The Park has a basketball court, some children's playground equipment, a picnic bench, and a grill. Then Mr. Hall read a portion of the denial letter from Mr. Bernard. "In conferring with NC Department of Revenue Property Tax Division, it was determined that the property does not meet NCGS105.278.7(a) that states buildings, the land they actually occupy, and additional adjacent land necessary for the convenient use of any such building shall be exempted from taxation." Mr. Hall said the interpretation that Mr. Bernard and the tax division of the NCDOR used was based

on the first statement of the general statute, which suggest a building is required. Mr. Hall said he talked with the people at NCDOR. The statute states that the property should be “wholly and exclusively used by its owner for nonprofit educational, scientific, literary, or charitable purposes as defined”. Further down in section c, it says “the following agencies, when the other requirements of this section are met, may obtain property tax exemption under this section: and the first one is a charitable association”. In section e it states, “the fact that a building or facility is incidentally available to and patronized by the general public, so long as there is no material amount of business or patronage with the general public, shall not defeat the exemption granted by this section”. This suggested to Mr. Hall that a building is not necessarily needed. After some discussion with the NCDOR representative, he stated that the statute was not as specific as it should be. The cases go before the local Board of Equalization and Review, then the Property Tax Commission in Raleigh, and you can appeal all the way up to the Appeals court. There was a case with Grandfather Mountain and the county’s annual taxes they were losing were about \$50,000, and the Appeals Court denied the tax exemption. Another example was a local church that had a garden that grew food that was given to the community. The local tax director and Board denied the tax exemption, but it was approved in Raleigh at the Tax Commission. Their rational was that this was a good charitable thing that the church was doing. Mr. Hall said nowhere in item a does it say that you must have a building. The NCDOR did base their decision on that statement, but they said they do it to be consistent. So, Mr. Hall was asking the Board to decide if this park should be tax exempt or not based on their interpretation of the statute.

Commissioner Owen asked the Tax Director if there were any nonprofits currently who are exempt. Mr. Bernard said off the top of his head he was not aware of any nonprofits that are exempt from taxes in Caswell, but we do have a lot of nonprofits that do pay taxes. Commissioner Jefferies asked Mr. Bernard if the land in Casville, which was owned by the county, was taxed. Mr. Bernard said if it were county property, it would not be taxable because that is a government entity. Commissioner Carter said we have since sold the property. Commissioner Carter said the ballpark is a nonprofit and it is a good thing for the community. The document you shared says personal property shall be exempted from taxation if used for nonprofit educational purposes. It appears to Commissioner Carter that the lot, land, and playground is being used for nonprofit purposes. Then Attorney Ferrell asked Mr. Bernard to clarify if the playground equipment is being taxed. Mr. Bernard said no, we do not tax playground equipment. Then Commissioner Dickerson said there are two interpretations of what the law says. As County Attorney you know that because there is not a building on the property, it stopped us from exempting it from being taxed. Attorney Ferrell said the analysis of the statute in his view clearly requires that there be a building and land attached to the building that is used exclusively for nonprofit educational purposes is what gets you the benefit. In this case the strict reading of the statute, it requires a building in plain read and leads to the denial of this appeal on that basis. The counter argument is that is a flawed statutory reading. That a building is not required. Those are the two arguments and Mr. Ferrell’s reading of the statue is similar to what you heard from the Tax Director. That is the issue you have in front of you. Mr. Ferrell said it is the Boards job to read the statue, hear the arguments, and make a decision about whether the exemption applies. Mr. Ferrell does think it is important for the Board to carefully read the statue 105.278.7 because this case is about statute interpretation. The board must break it out by real property versus property as you make your analysis. Commissioner Carter said he does not think there is any real property to be taxed. The tax card shows the land value associated, but there is

no personal property associated with this property. The only thing on the tax card is the land value, a real property value. This exemption speaks to when personal property is used for education, scientific, literary, or charitable purposes can be exempt from taxation. The statute does not have an exemption for raw land used for charitable purposes. The exemption is for buildings, the land they actually occupy, and additional adjacent land necessary for the convenient use of any such building shall be exempted from taxation. Mr. Ferrell thinks that is the limitation Commissioner Hall probably brought forward to you. The Department of Revenue and a reader of it probably said what about raw land. In this case it is different. It is a basketball court. There is no building, but it is still used for charitable purposes. So, the statute is limited to create an exemption for buildings and adjacent land that serves the building. It misses a category of property that should perhaps be exempted, but the statute does not cover the situation that is before you. Commissioner Carter asked if the Board could exempt it, and Attorney Ferrell said you have to make the interpretation of whether the exemption applies. That is the Board's job. Commissioner Dickerson asked Mr. Bernard if there were any other pieces of property in the tax base that a nonprofit has that does not have a building on it that has an exemption. Mr. Bernard said he would have to run a report to see, but any government entities would not have taxes on them. If the property belongs to the Town of Milton or Yanceyville or the County or if a church is using a track for parking or cemetery it is not taxed. As far as a 501(c), Mr. Bernard would need to run some reports, but he does not think so. Chairman Owen suggest that the Board get additional information regarding any organization like this one, whether exempt or not, we need to be consistent in what we do and what has been done in the past. If not, we will have doors knocked down by nonprofits. The way this works is that nonprofits have to apply for the exemption. So, the universe of applications the Tax Office has is only those nonprofits that apply. There may be others that qualify, but they have not applied. So, Mr. Bernard will need to bring to the Board the nonprofit exemptions. Chairman Owen said we will continue the Hearing until the June 21st meeting.

RECESS:

The Board took a brief recess. The meeting was reconvened, but Commissioner Carter did not return after the recess.

PUBLIC COMMENTS:

Richard Leissner. I am here this morning to introduce you to Trillium Health Resources. We are an LME/MCO covering 26 counties in Eastern North Carolina. You know that your LME/MCO, Cardinal, announced a merger with Vaya last week. However, you also know that each county currently with Cardinal is ultimately responsible for making the decision about which LME/MCO you work with. We are hopeful you and many of the counties you work with will all choose Trillium as your new partner. The Department of Health and Human Services' Secretary Mandy Cohen and Deputy Secretary Dave Richard have made it clear that this is each county's choice. We know Vaya is new to you, as is Trillium. It is my hope that you will give us both equal consideration and make sure that you understand all the details as you make a decision.

Trillium hasn't contacted you until now because we were waiting for NCDHHS to let us know that it was okay for LME/MCOs to reach out to you to make sure that you are aware of your choices moving forward. We believe that Trillium's history of innovation, and of going

beyond just the basic services that all LME/MCOs are expected to deliver, make us an attractive choice.

The choice you make is an important one - as the partner you choose will become your Tailored plan for Medicaid in 2022, covering all the healthcare needs of your highest need populations. The choice that you make to meet the needs of the people in Caswell County that have mental illness, addiction and developmental disabilities makes a real difference in their lives – as you are ultimately deciding who will be their insurance company for the future. Making the wrong decision could negatively impact the lives of your most vulnerable citizens in this county. And so, this is not a decision that should be made for you by someone else.

So why Trillium? Trillium is based in Greenville. We offer a wide array of services to address mental health substance abuse and developmental disabilities in all of our Current 26 rural counties. Unlike other LME/MCOs, Trillium has never had a county request to leave us. In fact, Nash and Columbus counties joined us in 2018 and 2019 when they decided that Trillium would better meet the needs of their citizens, and so we are familiar with this type of activity and can handle it all with you to ensure that your citizens continue to get the services that they need. We will continue to work hand in hand with all our DSSs and law enforcement as well as school systems and other stakeholders to address needs in all aspects of the community. We will continue fighting the Opioid epidemic and will work with you to save lives in this community by offering robust treatment options.

Trillium will not ask the county for money and only expects you to give us what you have traditionally given as a maintenance of effort. We will also tell you how we are spending your county money.

As you consider Trillium to be your LME/MCO, we invite you to contact any of our counties to seek a reference about us, as they are all very satisfied with what Trillium does in their areas.

We are also happy to come back and have a conversation at your pleasure about what we can offer your community and any other details.

Pat Warren. 36 Main Street Prospect Hill. Spoke in favor of zoning.

Ed Dougherty. Prospect Hill. Spoke in favor of zoning.

Sharon Williams. Prospect Hill. Spoke in favor of zoning.

Dr. Martinelli. Gunn Poole Rd. Spoke in favor of zoning. He felt we should not hurt our neighbors but protect our community.

Tim Hudson. Vinson Rd. Spoke in favor of zoning. He stated that many people sleep in Caswell but work outside the county. He spoke on the County versus Dollar man.

Keith Newcomb. Stanfield Rd. Spoke in favor of zoning. He felt we needed to allow citizens to make their own decision, but we need to inform our neighbors.

Leslie Zimmerman. Solomon Rd Leasburg. Spoke in favor of zoning.

Robert Smith. Hurdle Mills. For Zoning and feels the issue is pollution and the harm to our community.

Dorinda Duncan Smith. Hurdle Mills. Spoke in favor of zoning.

June 7, 2021

The following public comments were emailed to the Board. County Manager Miller stated their name, address, and they whether they were for or against zoning. All public comments were emailed to the Commissioners:

Mark Langan of 1077 Wilson Road in Hurdle Mills. In favor of zoning.

Lynette Danner, I live at 315 Rudd Ridge Rd in the Anderson community. In favor of zoning.

John Bianco. Please protect our quality of life and health. In favor of zoning.

Susan Hester, currently residing at 610 Newton Pleasant Loop Rd, Hurdle Mills, NC. In favor of zoning.

Mark Wrenn. 2372 Ridgeville Rd in Prospect Hill. In favor of zoning.

Dale Kemper. I live at 802 Russell Loop Road, in the Beaver Falls subdivision of the Hightower Township. In favor of zoning.

Heather Langan. I am a landowner in southeastern Caswell County, with plans to build a house there at 1077 Wilson Road in Hurdle Mills. In favor of zoning.

Karen Schneider. My husband Ken of 289 Ralph Daniel Rd., Pelham, NC. In favor of zoning.

Thomas and Susan Faison. 885 Dave Smith Rd Prospect Hill, NC. In favor of zoning.

Mark Zimmerman. Leasburg, NC. In favor of zoning.

Jami and Barry Haigler. 249 Blaylock Drive Prospect Hill. In favor of zoning.

Ben Walker. West Lakefront Drive in Leasburg, NC. In favor of zoning.

Barbara Yearley. We just built a new home by the lake. In favor of zoning.

Tom and Donna Nicholais. Goose Creek Road Prospect Hill, NC. In favor of zoning.

Frank, Sherry and Adrian Edwards. 714 Solomon Rd, Leasburg, NC 27291. In favor of zoning.

Belinda Layne. 1540 NC Highway 49 N in Prospect Hill. In favor of zoning.

Karen Tate Gray. 948 Union Ridge Rd. in the Anderson Township. In favor of zoning.

Robert Smith and Dorinda Duncan, husband and wife. 128 Lake Front Drive, Hurdle Mills. In favor of zoning.

Evangeline Vinson Gaudette. I live at 441 Baynes Rd. Burlington. In favor of zoning.

Earl Wrenn. I live at 2927 Egypt Rd in Prospect Hill. In favor of zoning.

Kim Steffan. 3598 Corbett Ridge Road in Caswell County. In favor of zoning.

Melanie and Steve Hester. 1647 Wilson Rd. Hurdle Mills 27574. In favor of zoning.

Michael Wang. In favor of zoning.

Elizabeth Norman. 1811 Wilson Rd, Hurdle Mills NC. In favor of zoning.

Daniel Mattox. 1811 Wilson Rd Hurdle Mills. In favor of zoning.

Charles and Kim McLamb. We live at 3638 Ridgeville Road, Prospect Hill. In favor of zoning.

Everett Griffin. 594 Solomon Rd. In favor of zoning.

Randolph Hester and Marcia McNally. 752 Tom Bowes Road Hurdle Mills, NC. In favor of zoning.

Lynn and Franklin Pendergraft. 3131 Wrenn Road. In favor of zoning.

Ahmad Hariri & Anna Craig. Our family just started building a home on Roxboro Lake. In favor of zoning.

RECOGNITIONS:

Chairman Owen recognized Ms. Kristen Hamlett, Accounting Technician, on behalf of Piedmont Community College on receiving her Associates in Science.

Commissioner Owen recognized Mr. Mazen Asad, Payroll Coordinator, for receiving his Associates Degree in Accounting and Finance with Magna cum laude distinctions.

ACTION ITEMS:

APPROVAL OF AGENDA:

County Manager Bryan Miller requested that the Closed Session be removed, but Commissioner Hall reminded them of an issue that needed to be discussed in Closed Session. Therefore, Closed Session remained on the agenda.

Vice Chairman Jefferies requested item 13: Zoning be removed from the agenda for 4 weeks because more information is needed. Commissioner Dickerson agreed due to lack of information and he felt more information was needed concerning an email that was received. Commissioner Oestreicher felt the email was not relevant to the item on the agenda. The moratorium closes the first week in July.

A **motion** was made by Commissioner Jefferies, seconded by Commissioner Dickerson to remove item 13 from the Consent Agenda. The motion **failed 3-3**. (Commissioners Jefferies, Hall and Dickerson voted for the delay; Commissioners McVey, Oestreicher and Owen voted against it.)

A **motion** was made by Commissioner McVey, seconded by Commissioner Hall and **carried unanimously** to approve the Consent Agenda.

APPROVAL OF CONSENT AGENDA:

A **motion** was made by Chairman Owen and **carried unanimously** to approve the Consent Agenda with the following items:

- a. May 17, 2021 Regular Meeting Minutes

BOARDS AND COMMITTEES:

Chairman Owen suggested that we readvertise the vacancies for the Boards and Committees for 30 days. Commissioner Dickerson feels we need to be fair and consistent with these applicants.

June 7, 2021

We need to have established policies that are put out in advance and adhere to them. On most of the Boards we have more vacancies than applicants. Board consensus was to readvertise the vacancies and review them at the next meeting.

ADOPTION OF AMENDMENTS:

a. Articles 3, 4, 5, 8, 9, 10 & Appendix A for 160D consistency
Attorney Ferrell said this is the continuation of the final set of 160D changes that we made to our ordinances. There is one change which is a technical correction. In Article 10, the watershed review Board function has shifted to the Board of Adjustment away from the Planning Board. Any watershed review appeals filed prior to the Board's date of the adoption of this change will still be handled by the Planning Board. Any appeals filed on or after today's date will be handled by the Board of Adjustments. This is to avoid any lack of clarity on the Board's part. The only other change was to Article 10.10.6.1 which was a technical correction.

A **motion** was made by Commissioner Oestreicher, seconded by Commissioner McVey to approve the articles as presented with that one change and **carried unanimously**.

EXPLOSIVES ORDINANCE:

County Manager Bryan Miller presented the Explosive Detonations Ordinance for North Carolina. You heard several comments about a month ago about explosions that were happening on the Cherry Grove Road in Anderson and Cherry Grove that were disturbing the neighbors. There were projectiles that were very close to leaving the boundaries of the property owners' property. Commissioner Oestreicher referred to page 20 under Section 8 Definitions to the word discharge. Commissioner Oestreicher asked if the definition should include the word gas in the definition because a gas will be released by the sudden release of tension or pressure. County Manager Miller said according to what we know to be occurring as the pressure rise the tank explodes. Attorney Ferrell suggested that the words be changed to material or object, and the ordinance will be formatted like other ordinances when it goes to Municode. The substance is what is important.

A **motion** was made by Commissioner Oestreicher and seconded by Commissioner McVey. Motion **carried 6-0**, but since Commissioner Carter is absent the item will have to come back to the next meeting. At that meeting it can be approved by a majority.

DATA CONVERSION CONTRACT - AVENU:

County Manager Miller presented the contract for data conversion process. Avenu will mine the data from our existing software for the past five years. The data will be transferred to our new Munis software for our Finance and Human capital systems. No funds are being requested, but all contracts over \$5,000.00 must have board approval.

A **motion** was made by Commissioner McVey, seconded by Chairman Owen to approve data conversion contract with Avenu and **carried unanimously**.

ZONING:

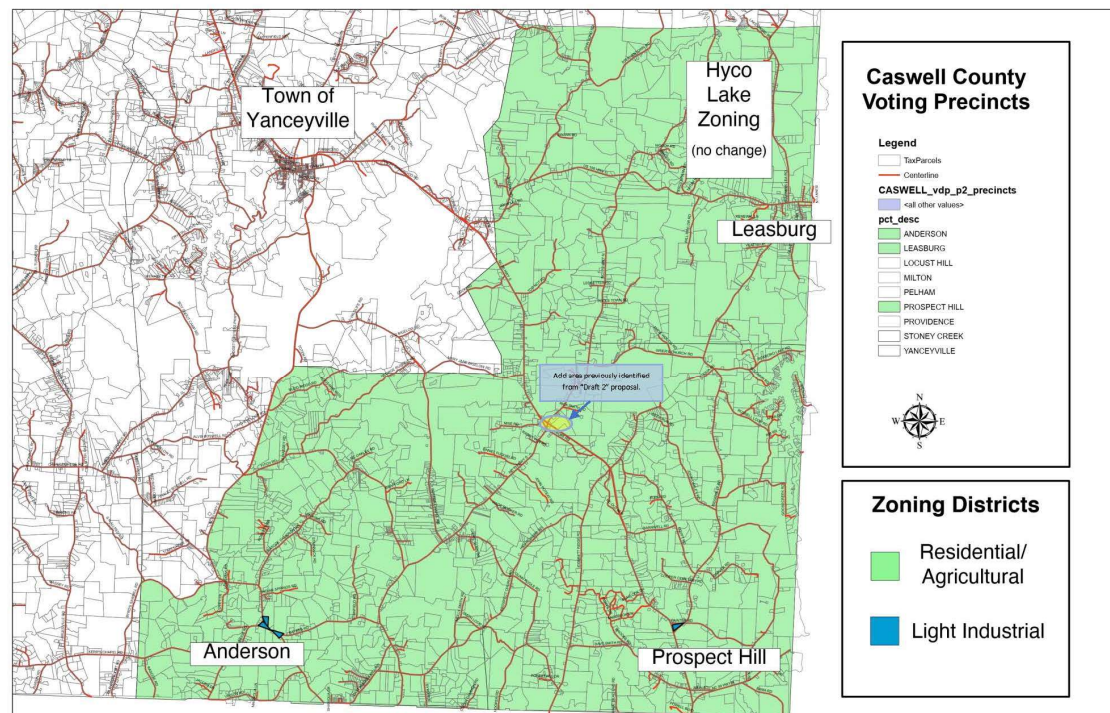
a. Leasburg, Hightowers, Anderson, Prospect Hill

June 7, 2021

County Manager Miller said the zoning was placed on the agenda to share the draft zoning ordinance, tables of uses, and map. We dealt with the zoning of South-east Caswell with an extension of the Hyco Lake zone area with a couple of new provisions. The County Planner, Matthew Hoagland, was present at the meeting also.

A **motion** was made by Commissioner Oestreicher and it was as follows. Upon consideration of many actions, including literally hundreds of public comments, hearings, moratorium(s), and other deliberations, the Caswell County Manager is directed to properly notify and set a Public Hearing concerning the proposed “Article 5 Zoning Districts” draft which includes changes to the existing Article and the addition of Sections 5.6 through and including Section 5.14, as well as the “Table of Permitted Uses” and “Southeast Caswell Zoning Map: June 2021” as amended per the respective attached versions. The date for this hearing will be June 21, 2021 and will include a summary of the Conditional Zoning Districts proposal to be presented by the County Manager and County Planning Director at that Hearing. In addition, the Caswell County Manager is directed to transmit a copy of the proposed Article 5, as referenced above, to the Caswell County Planning Board for their official comment regarding “Consistency with the Caswell County Land Use Plan”. Such comment will be required to be presented to the Caswell Board of County Commissioners during the June 21, 2021 meeting.

The motion was seconded by Commissioner McVey and **carried 4-2** (Commissioners Jefferies and Dickerson voted against the motion).



June 7, 2021

Zoning Use Codes:		Hycos Zoning Districts			Supplemental Regulations	SE Caswell Districts	
P = Permitted Use	PR = Permitted with Supplemental Regulations	RR	RB	IP		R/A	LT
S = Special Use	SR = Special Use with Supplemental Regulations						
NA = Not Allowed	NP = Not Permitted					Uses	
Gasoline or fuel oil storage				S			P
Golf courses, exclusive of miniature golf courses		SR			Section 6.7	P	
Group camp area		SR			Section 6.12	P	
Homes for the aged, clinics, sanitariums		SR			Section 6.13	P	
High Impact Industries Classified as "Class III and Class IV" in the High Impact Development Ordinance, Sec. 14-68 "Regulated Land Uses and Exceptions"						NP/NA	NP/NA
Industrial research				P			P
Light Industrial uses not otherwise listed				S			P
Institutional facilities				P			P
Laboratories for testing				P			P
Lakeside camping area		SR			Section 6.14	P	
Machine shops				P			P
Motels			P				P
Parks, picnic areas, public swimming areas, and locations for public access and boat launching, provided that no commercial facilities be established		S				P	
Printing establishments				P			P
Public and private schools		SR			Section 6.7	P	P
Public utilities				P		P	P
Radio, television, and microwave towers and relay stations, offices and studios in conjunction with said towers			SR		Section 6.15	P	P
Repair shops				P			P
Restaurants			P				P
Riding stables		SR			Section 6.16	P	
Rural Guest Establishment		SR			Section 6.21	P	
Sale of souvenirs, fishing equipment, food and drinks, sporting goods, and gasoline and oil			P				P
Service stations			P				P

DISCUSSION ITEMS:

COUNTY MANAGER'S UPDATES:

County Manager, Bryan Miller had no updates.

COMMISSIONER COMMENTS:

There were no comments from any of the Commissioners.

ANNOUNCEMENTS AND UPCOMING EVENTS:

Chairman Owen announced that Thomas Bros. is celebrating their centennial anniversary and will be hosting an Open House Saturday, June 19th from 11:00 am to 3:00 pm.

CLOSED SESSION:

A **motion** was made by Commissioner McVey, seconded by Commissioner Oestreicher and **carried 6-0** to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public

June 7, 2021

officer or employee or prospective public officer or employee which privilege is hereby acknowledged. NCGS 143-318.11(a)(6) with the following individuals permitted to attend: County Manager, Bryan Miller, Clerk to the Board, Carla Smith, and County Attorney, Brian Ferrell.

A **motion** was made by Commissioner McVey, seconded by Commissioner Oestreicher and **carried unanimously** to return to open session at 11:52 am.

ADJOURNMENT:

A **motion** was made by Commissioner Oestreicher, seconded by Commissioner McVey and **carried unanimously** to adjourn at 11:55am.

CASWELL COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

JUNE 7, 2021
OTHERS PRESENT

David J. Owen, Chairman
Jeremiah Jefferies, Vice Chairman
William E. Carter
John D. Dickerson
Nathaniel Hall
Rick McVey
Steve Oestreicher

Bryan Miller, County Manager
Carla R. Smith, Clerk to the Board
Jennifer Hammock, Finance Director
Melissa Miller, Deputy Finance Officer

The Board of Commissioners for the County of Caswell, North Carolina, met for a Budget Meeting on Monday, June 7, 2021 at 1:00am in the Gunn Memorial Library.

Chairman Owen called the recessed budget meeting to order.

FAMILY SERVICES

County Manager Miller introduced the first department that was presenting their budget. Most of the funding for Family Services is from grants. The director, Aisha Gwynn, has applied for new grants and been awarded them. Mrs. Gwynn gave the Commissioners a handout of the budget for the past three years. She has increased the budget over \$100,000 by securing additional grants and donations in the two years she has been director. The additional grant funding secured does require match funding, which is why it is so important for the Commissioners to continue to support Family Services. Commissioner Oestreicher asked how many staff does this encompass? Mrs. Gwynn replied four. With grant funding they secured one full time position, but there is one pending retirement. Family Services may be able to secure another position, but that will depend on grant funding. Commissioner Oestreicher asked if the staff consisted of nurses, psychologist, or just people with big hearts. Mrs. Gwynn said people with big hearts, and mental health and physical services are contracted out. Commissioner Owen thanked Mrs. Gwynn for pursuing grant funding to better help the citizens of Caswell County.

SOCIAL SERVICES

Next, we heard from the Department of Social Services. County Manager Miller said DSS is a mandated department from the state. The budget did increase for this fiscal year, and Diane Moorefield, DSS Director explained the changes. DSS is facing changes in the Foster Care program. Families First Prevention Act, a federal law, will change the reimbursements for some foster care starting October 1, 2021. Currently DSS gets 75% reimbursement in the 4E Foster Care Program, but the entitlement on that is going to change. They are no longer going to pay as much for children in a congregant living situation. In Caswell County, we have many children, especially the older children, who must go into a congregant home due to the lack of foster homes older children. If the child is currently in care, they will continue to get funding, but if their placement changes the funding will be reduced. The DSS budget is based on the worst-case scenario, but Mrs. Moorefield is hoping that the outcome will be better. The budget

June 7, 2021

changed due to this uncertainty in the Foster Care Program and one added supervisor position. The position is added because the Medicaid program has increased tremendously. The County cost for this position would only be 50% of the position. Counties are being charged for errors in Medicaid. If the State is going to start charging Caswell DSS for errors, we are going to need another supervisor to help with the review of Medicaid payments. Chairman Owen asked if the additional position had been included in the budget request, and Mrs. Moorefield replied yes. Commissioner Hall asked about the recruiting problems across the board, what the County could do to work on this problem. Mrs. Moorefield said staff has left to go to other counties that pay more, for family obligations, or to go back to school. Commissioner Hall asked what we can do differently. Mrs. Moorefield said we need to look at the pay scale, but she has not received applicants from Caswell County. Commissioner Oestreicher asked if COVID money has impacted the DSS budget. Mrs. Moorefield said not much. DSS did receive some funding for telework for adult services.

EMERGENCY MANAGEMENT & EMS

Then Barry Lynch came up. He is the Emergency Management and EMS director. Emergency Management has a capital outlay request that is also in the debt services lease program. Mr. Lynch said the Emergency Management budget is offset by the Emergency Performance Grant. This is an action-based grant which requires Mr. Lynch and his department to complete certain tasks throughout the year to receive reimbursements. The Emergency Performance Grant is a 50/50 match grant. The increase in this budget is due to increases in supplies and training for community involvement and classes. EMS has a capital outlay request for one new ambulance and one remount, and the County Manager is hoping to use American Rescue Plan Act funds to cover this request. Commissioner McVey asked if the amount under the medical examiner was for the fees for someone to come to Caswell County. Commissioner McVey asked if there was anyone on staff or the county that could become a medical examiner. Mr. Lynch said it is a matter of taking a class and getting certified. It can be a grey area for the county to decide if this is a medical examiner case or not. The State has changed the guideline for medical examiner requiring them to come to the scene rather than taking the bodies to Alamance Regional. The county will not save any money because we will have to pay them as the medical examiner, and they cannot be on the clock as an EMS employee. The County Manager suggested that we research the medical examiner matter and discuss it later. The EMS also has requested capital funds for a Lucas device, which is a machine that can do chest compressions on a cardiac arrest patient. The county has three machines and one truck without one machine.

EMS is also requesting funds for turnout gear, iSimulate device, a training device that is a computer program that they can run medical scenarios through for training, and an administrative assistant. The administrative assistant will do payroll and billing in Munis and some collection of bad debts. County Manager Miller said the county is also looking at purchasing 800 viper radios for EMS, the Fire Department and the Sheriff's office. The hope is to use American Rescue Plan Act funds to cover this cost. Chairman Owen asked how Emergency Management communicates with other counties now. Mr. Lynch said they must go back through communications to reach out to the other counties. Commissioner Jefferies asked if we could use COVID funds to put up a communications tower. County Manager Miller said yes. The viper radios are not in the budget currently but hoping to get approval to use American

Rescue Plan Act funds. Mr. Lynch said the Community Paramedic position will be covered 100% by the Danville Regional Foundation for the next 5 years, and funding in the second year to cover an additional position. Commissioner Oestreicher asked if the administrative assistant is included in the budget, and Mr. Lynch said no. Chairman Owen asked about the additional staffing and how has that helped. Mr. Lynch said it has reduced the need for outside help about 75%. Then Chairman Owen asked about truck placement in the County. Mr. Lynch said there must be somewhere to park the truck and plug it up. There is a truck in Pelham because that is the second highest call volume. Parking the truck in Pelham has cut down on the response time in that area. Commissioner Jefferies asked about the Milton area, and Mr. Lynch said if there is a place for the truck to be parked there it can be done. Mr. Lynch is not sure there is room at the Fire Department, and the call volume in that area. Chairman Owen asked if the additional position would be busy enough for a full-time position. Mr. Lynch said with the amount of money the position could collect they would be able to pay for the position. Commissioner Hall then asked about the overtime. The County Manager explained that the overtime is from paying an employee to be on vacation and having to pay another worker to be on the clock during that time. The increase is due to increased employees who earn vacation time. Commissioner Hall feels we need to look at staffing. EMS is not like other departments. They have to pay the employee to be off and pay someone to work during that time costing the department more. Commissioner Oestreicher said the transition to Munis is supposed to decrease the workload.

RECESS

The Commissioners took a brief recess.

Commissioner Hall suggested that we get someone or a department to deal with the bad debt for the Board of Health, EMS, and any other department rather than piecemealing it. We also need to look at the contract for outside collectors.

911 COMMUNICATIONS

The next department to present their budget was 911 Communications. Director Kenneth Everett said there was an increase in personnel that led to an increase in insurance and professional services for uniform cleaning. There were also increases in phone bills, small tools for a LED TV screen and a projector, another internet source for connectivity services, and an additional monitor for the generator. The capital funding improvements request was to replace the old Sally port gate at the back entrance of the 911 Center. They are looking for more security. Mr. Everett has also asked for 2 additional employees to cover the peak hours in their supplemental information. The call volume has increased during peak hours. They have used part-time employees for weekends, but they need someone to cover the peak hours 7 days a week. The peak hours are 9 am-9 pm or 10 am-10 pm. There are double the deputies and EMS drivers on the road, but they have not asked for more personnel until now. They take DOT, animal control, and Health Department calls day and night, but they are now having to put calls on hold. Commissioner Carter asked how much of an increase will this be for the 911 Communications. County Manager Miller said if you add those 2 positions it will be a \$150,000 increase. Commissioner McVey wants to include the 2 positions if we can. Commissioner Oestreicher asked how many calls come in for other counties. Mr. Everett said they get 8-12 for Person, 4-5 for Rockingham and 1-2 for Alamance that they transfer to those counties.

June 7, 2021

Commissioner Oestreicher asked how many calls they get daily. Mr. Everett said they average about 190 a day. Then Commissioner Oestreicher asked how many calls the other counties get for Caswell County, and Mr. Everett said it is about even. Chairman Owen asked about the call volume for Pittsylvania County or Danville, VA. Mr. Everett said it is similar to Person County, but the new phone towers will solve some of these issues for the cellphone signals. The 800 radios help communication in field response. The radios will help especially in areas that the cellphone reception is poor. Commissioner Carter asked if we could use the COVID funds to cover the radio cost. The County Manager said we are going to try to use some of those funds. Then Commissioner Carter asked how much we had in the 911 funds. Mr. Everett said it is around \$290,000, but these funds cannot be used for personnel.

REGISTER OF DEEDS

The Register of Deeds department had an increase from the budget from last year. Commissioner Carter asked if all the Register of Deeds were back in the office working. Ginny Mitchell said she has one still working from home and due back August 26th. Commissioner Carter then asked how many employees are in that department. Mrs. Mitchell said four including herself. There is an increase in salaries due to the lateral transfer employee. Mrs. Mitchell is also asking for a raise this year and would like to keep the lateral employee as a deputy register. The Assistant Register of Deed is doing most of her work from home. Mrs. Mitchell was trying to get EBRS, a NC vital record program. This program will allow anyone to come to the Register of Deeds office and obtain a birth certificate no matter where they were born in NC. This program has gone away and now the program is known as NCDAVE, which includes death records. NC Vital Records is going paperless, so you will be able to obtain records anywhere in NC. This program will go live in December 2021.

MAINTENANCE

Maintenance is our next department, and they have a decrease in their budget. This includes four HVAC units, windows in the agriculture building, and excludes paving in the CATS parking lot and 911 parking lot. It does include a lawn mower and restriping all parking lots. We will probably need to add \$7,000 to the budget for drainage issues at the Senior Center. Since this area is staying wet, there has been many snakes seen at the Senior Center. Commissioner Carter asked about the generator for the pump station. Colon Cassidy, Maintenance Director, said they are waiting for the guy to come start it up now. Chairman Owen asked if there are more HVACs that need replacing. Mr. Cassidy said there are 5 from 1999 on top of Guilford Mills. Mr. Cassidy would like to see the HVAC budget have funds available in case one breaks. Commissioner Oestreicher asked if the warranty is only one year. Mr. Cassidy said commercial units are guaranteed for 5 years, and residential units are guaranteed for 10 years. Commissioner McVey asked about the maintenance work order system. Mr. Cassidy said the system is called ZOHO and all the commissioners should be able to see the work orders. Commissioner McVey asked if Mr. Cassidy could tell them how many work orders they did this year. Commissioner McVey also asked if the system would track man hours. Mr. Cassidy said he did not know how many work orders they did. The system does not record man hours, but he thinks the software has that capability. County Manager Miller said we asked the school system about getting summer help and that is how we got one of our employees we have now. Commissioner McVey asked when we bought them a lawn mower.

June 7, 2021

Mr. Cassidy said last year Maintenance received one and Parks and Recreations received one. Commissioner McVey asked if anyone had investigated how much it would cost to contract out mowing for the County. County Manager Miller said we will look into that. Commissioner Oestreicher asked if we could purchase any kind of insurance to cover HVAC cost, but no one knew of any insurance like that. Commissioner Oestreicher said he thinks they should include the cost of another HVAC in the budget, but Chairman Owen said we need to just do a line item of \$50,000 for HVAC issues. County Manager agreed to make the change.

SOLID WASTE

The last department to present is Solid Waste. The County Manager said the major increases in the budget are the hauling and tipping fees. There are special funds in solid waste such as scrap tires and white goods. We have been able to buy things with these restricted funds such as the bobcat that we purchased recently. These funds are use them or lose them. Solid waste fees will increase about \$5. AJ Fuqua, Solid Waste Director was asked to see how much the surrounding counties pay for solid waste fees. Mr. Fuqua said Orange County pays \$142, Ashe County pays \$150, and Granville County charges \$116. \$110 is cheaper than surrounding counties. Rockingham County did not respond back, and Person County is all private. The Solid Waste fee is not a tax, but it is collected by the Tax Office. Mr. Fuqua said to use First Piedmont it would cost \$ 86.26 per month and \$345 a year. Solid Waste is asking for a truck, and this will be part of the fleet management. Commissioner Hall was looking for the revenue from the recycling. Mr. Fuqua said that is from metal and appliances that were collected. Recycling is costing the county per ton to get rid of it. There is only 3 people in the staff, but Commissioner Hall feels we should not be paying anyone to take recycling. County Manager Miller will look at this. The fee will need to be increased to cover this cost.

CLOSED SESSION:

A **motion** was made by Commissioner Carter, seconded by Commissioner McVey and **carried unanimously** to enter into Closed Session at 3:55 pm per General Statute 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee with the following individuals permitted to attend: County Manager, Bryan Miller and Clerk to the Board, Carla Smith.

A **motion** was made by Commissioner Carter, seconded by Commissioner McVey to go out of closed session. The motion carried unanimously.

ADJOURNMENT:

Chairman Owen convene the Budget meeting until June 11th, 2021 at 9 am at the Gunn Memorial Library