

CASWELL COUNTY BOARD OF COMMISSIONERS
Regular Session
March 17, 2025

MEMBERS PRESENT

OTHERS PRESENT

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Tim Yarbrough, Chair
Frank Rose, Vice Chair
Greg Ingram
Tony Smith
.....

Renee Paschal, County Manager
Melissa Williamson, Deputy County Mgr.
Russell Johnston, County Attorney

The Board of Commissioners for the County of Caswell, North Carolina met in a Regular Session meeting on Monday, March 17, 2025 at 6:30 pm at the Historic Courthouse, Courthouse Square, Yanceyville NC.

Welcome:

Chairman Yarbrough called the meeting to order. All were invited to pause for a moment of Silent Prayer and to recite the Pledge of Allegiance.

Public Comments:

John K. Roberts, a 35-year resident of Caswell County, introduced himself and acknowledged that he applied for the County Manager’s position. He offered his financial assistance as well.

Recognitions:

Commissioner Smith and Chairman Yarbrough recognized and expressed their thanks for the service of former Commissioner David Wrenn who passed earlier this month.

Commissioner Rose stated that he attended the County Employees’ Service Awards event and thanked those who organized the program.

Commissioner Ingram acknowledged that March was Social Work month. He recognized and honored the contributions of social workers.

Agenda:

A motion was made by Commissioner Smith and seconded by Vice Chair Rose to approve the Regular Session agenda. The motion carried unanimously.

Consent Agenda:

- 6. Motion to approve February 3, 2025 Board of Commissioner Work Session minutes
- 7. Motion to approve February 17, 2025 Board of Commissioners Regular Session minutes

A motion was made by Commissioner Ingram and seconded by Commissioner Smith to approve the Consent Agenda. The motion carried unanimously.

Discussion Items:

Discussion on Filling Vacant Commissioner Seat (Gwynn seat)

County Manager Paschal noted that Commissioner Gwynn resigned from the Caswell County Board of Commissioners effective February 28. She represented District 4. The Board’s Rules of Procedure along with the State Statutes state that the Board must fill the vacancy by selecting a member of the same political party who resides in the same district; consult with the political party regarding the nomination (but there is no obligation to appoint the nomination) and fill the vacancy within 60 days or the matter moves to the Clerk of Superior Court. The Board received a nomination from the Democratic Party which was emailed to the Board earlier.

Chairman Yarbrough announced that he received an email from the Chair of the Caswell County Democratic Party nominating Brian Totten to fill the unexpired term of District 4.

Commissioner Ingram stated that he felt Mr. Totten would be an asset to the Board. Chairman Yarbrough felt Mr. Totten showed an interest in serving. There were no other questions or comments.

A motion was made by Commissioner Smith and seconded by Commissioner Ingram to appoint Brian Totten to fill the unexpired term of former Commissioner Gwynn. The motion carried unanimously.

Chairman Yarbrough asked that the Clerk of Court attend the next meeting, April 7, to administer the oath to Mr. Totten.

Discussion on Ordinance to Ban the Intentional Release of Helium Balloons

County Manager Paschal stated that the County received several requests for the Board to adopt a local ordinance banning helium balloon releases. There is a request for the Board to support statewide legislation regarding the balloons. She was concerned that enforcement of the ordinance would be a challenge.

Commissioner Smith asked if the balloons presented an environmental issue. Manager Paschal responded that the balloons were not good for wildlife.

There were no other questions or comments.

Action Items:

Motion to Approve Budget Amendment #20 and Memorandum of Agreement with NC Forestry Service to Construct a Storage Shed for Cooperative Extension Equipment

Manager Paschal introduced the item. In 2024, Cooperative Extension received a grant in the amount of \$120,000 to be used for agricultural technology rental program to purchase innovative equipment to be rented to small and beginning farmers. Approximately \$14,811 remains of the grant and can be used to build a storage shed to house the equipment. In talking with NC Forestry, they initially wanted to build a carport type shed on Forestry property. The Forestry service has agreed to contribute \$10,000 to the project if a joint storage shed is built. They received a quote to build the shed for \$24,811. Cooperative Extension will use some of its special revenues to make up the difference; therefore, no General Fund appropriation is needed. If approved, the Memorandum of Agreement will be initiated with the Forestry Service. Manager Paschal clarified that the shed would be in addition to the existing shed.

A motion was made by Vice Chair Rose and seconded by Commissioner Smith to approve Budget Amendment #20 and Memorandum of Agreement with NC Forestry Service to Construct a Storage Shed for Cooperative Extension Equipment. The motion carried unanimously.

Motion to Approve Budget Amendment #21 to Appropriate Unspent OSBM Grant Funds for 911

County Manager Paschal stated that the County received a grant for capital improvements to the VIPER network, which is the emergency communications network for adding channel banks to the existing structure. The County has no financial investment in the project since the grant provided full funding. There is a balance of \$33,936.91 remaining. Staff requested and received approval from the State to use the remaining funds to purchase portable radio batteries and additional radio equipment. The improvements will allow for greater communication with and between first responders in the field.

A motion was made by Vice Chair Rose and seconded by Commissioner Ingram to approve Budget Amendment #21 to appropriate unspent OSMB funds for 911. The motion carried unanimously.

Motion to Approve Budget Amendment #22 to Appropriate Cooperative Extension Special Revenue Funds

Manager Paschal stated that Cooperative Extension had restricted revenue streams that were maintained in a special revenue fund. The funds must be used for specific purposes. The funds can only be spent when a budget is approved. This item was one of the audit clean up items. The adopted budget did not include an appropriation. This amendment will allow Cooperative Extension to spend the monies as outlined in the budget amendment.

There were no questions or comments.

A motion was made by Commissioner Ingram and seconded by Commissioner Smith to approve Budget Amendment #22 to appropriate Cooperative Extension Special Revenue Funds. The motion carried unanimously.

Motion to Approve Budget Amendment #23 to Appropriate Senior Services Special Revenue Accounts

Senior Services has restricted funds that the County maintains in a special revenue fund. This item was also part of the 2023 audit clean up. This would allow Senior Services to utilize the funds as set out in the budget ordinance.

There were no questions or comments.

A motion was made by Commissioner Smith and seconded by Vice Chair Rose to approve Budget Amendment #23 to appropriate Senior Services Special Revenue Accounts. The motion carried unanimously.

Motion to Approve an Amendment to the Caswell County Board of Commissioners Code of Ethics to Address Release of Closed Session Matters

Attorney Johnston introduced the item. He stated that he sought advice from the School of Government on how to deal with matters transferred from Closed Session out to the public which involve confidential communication between the Board and the County Attorney. He referenced the shared emailed response from the School of Government on how the County can modify its current Code of Ethics. He added that some research and case law opine that matters inside the Closed Session that are relayed into the open meetings and into the public are somewhat protected by the freedom of speech. There are caveats and one relates to the disclosure of personnel information as it relates to County employees.

State Statute 153A-98 covers privacy of employee personnel records, and failure to do so carries a Class 3 misdemeanor. He mentioned instances where Boards of Commission in NC were charged with willfully failing to discharge duties. This is covered under NC State Statute 14-230. He noted that it was a delicate balance between protecting freedom

of speech and protecting the sanctity of Closed Session attorney/client privilege and confidentiality of the Board.

Attorney Johnston concurred with the School of Government's recommendation that the Code of Ethics be modified to add the following statement to Section 5:

“Board members shall not disclose discussions, information and any other confidential matters addressed during closed sessions. Any such disclosure is prohibited under the ethics policy.”

Commissioner Smith asked about the possibility of censuring members that disclosed Closed Session confidential information. Attorney Johnston replied that it was a possibility if it was the desire of the Board, and it would be a penalty or consequence of violating the Code of Ethics. Commissioner Smith stressed the importance of confidentiality, especially as it related to economic development.

Chairman Yarbrough asked the Attorney if censuring a board member needed to be included in the Code of Ethics. Attorney Johnston responded that it was an option if it was the desire of the Board.

Chairman Yarbrough asked the pleasure of the Board regarding the censuring statement. The Board agreed to ask the Attorney to bring back information on censuring.

A motion was made by Vice Chair Rose and seconded by Commissioner Ingram to approve an amendment to the Caswell County Board of Commissioners Code of Ethics to address the release of Closed Session matters. The motion carried unanimously.

Motion to Approve Jail Food Service Contract

Manager Paschal stated that the Board initially approved the food service contract in 2020. In accordance with that contract, the cost of meals has increased annually in accordance with the consumer price index. There is an amendment to the jail service contract to enact the price increase effective January 1, 2025. Based on a preliminary estimate, she is not sure the jail can absorb the increase.

Commissioner Smith asked if the increase was due to additional inmates or food inflation. Manager Paschal responded that there have been more inmates. As the number of inmates increases, so do the costs. Vice Chair Rose asked if the budget was based on the number of inmates at capacity. She added that jails do not like to be at capacity and prefer to stay at 80 percent or lower of capacity. She said the budget should be based on the current number of inmates or the trend, if increasing.

Commissioner Smith asked if the contract could be approved given the board's rules of procedure. Manager Paschal stated that the \$10,000 was a projection, not in stone, and added that the board could vote to suspend the rules if uncomfortable with it. She noted there is a need to move forward with the contract.

A motion was made by Vice Chair Rose and seconded by Commissioner Smith to approve the Jail Food Service Contract. The motion carried unanimously.

Motion to Set a Special Meeting for County Manager Recruitment

Manager Paschal reminded the Board of the need to move forward with the recruitment process for hiring a permanent County Manager since her time would end in June. The process includes the initial review of applicants on March 25, at 4:00 pm. The second is a meeting on April 7 at 4:00 pm to screen the applications. She recommended the meeting take place before the Work Session on April 7. The week of April 14 has been tentatively scheduled for interviews. She suggested that the interview process may be moved until the vacancy on the Board is filled.

A motion was made by Commissioner Smith and seconded by Vice Chair Rose to approve March 25th at 4 pm and April 7th at 4 pm as meeting dates for County Manager recruitment. The motion carried unanimously.

County Manager Updates:

Manager Paschal announced that all questions by the auditors had been addressed for the 2023 audit. They will begin working on financial statements.

A joint meeting with the towns will be held Thursday, March 20th in Milton.

County Attorney Updates:

Attorney Johnston shared an update on the delinquent tax collection program. A final bid in the civil action regarding Caswell County vs. Fixed Pads Holdings LLC, File #24CBD184, was filed in Caswell County District Court. The final bid and sale was in the amount of \$30,413.67. All delinquent taxes will be paid in full and there will be a net surplus of approximately \$22,000 to the owners. The transaction should be finalized within the week.

There is a second pending tax foreclosure, File #24CBD379, Caswell County vs. Amy Lynn Morrell. The property went up for sale on February 21, 2025. There have been multiple upset bids and the current bid is in the amount of \$8,230.02. The last day for the bid is March 24, 2025.

Additional updates will occur in Closed Session.

Commissioner Comments:

Commissioner Smith thanked the Finance Department for their outstanding work on the 2023 audit and hoped that the focus could shift to the 2024 audit. Manager Paschal confirmed that work on the 2024 audit work has begun.

Commissioner Smith questioned the white goods disposal tax. Manager Paschal will get additional information for him.

Chairman Yarbrough thanked staff who worked to have the heat and air repaired in the Historic Courthouse. He announced that he spoke with Commissioner Holt. He was continuing to improve, but no date was set for his return.

Chairman Yarbrough announced that Commissioner Smith contacted him regarding filling in for Commissioner Holt on the Economic Development Committee. The Chair agreed that it would be good to have Commissioner Smith serve until Commissioner Holt returned.

The Chair acknowledged that he made the decision without contacting the Board. He asked the Board members for their input on his decision. Board members indicated they were okay with the Chair making the decision to have a commissioner fill in on a committee in the event the designated member cannot attend.

Announcements and Upcoming Events:

Chairman Yarbrough announced that the Board will meet on March 25 to discuss County Manager recruitment at 4:00 pm in the Historic Courthouse. The Board will hold a Special Meeting on April 7 at 4:00 pm in the Caswell County Historic Courthouse to discuss Manager recruitment. This meeting will take place prior to the Work Session scheduled for 5:00 pm in the Historic Courthouse. The next Regular Session will be held April 21 at 6:30 pm in the Historic Courthouse.

There will be a joint meeting with the towns on March 20 at 6:00 pm in Milton. Commissioners Ingram, Smith and Chairman Yarbrough will attend.

Closed Session:

Vice Chair Rose made a motion, seconded by Commissioner Smith, to adjourn to Closed Session pursuant to NCGS 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body; 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 allowed under NCGS 143-318.11 (a) (6); and to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, which privilege is hereby acknowledged in NCGS 143-318.11(a) (4). The motion carried unanimously.

Vice Chair Rose moved, seconded by Commissioner Ingram, to return to open session. The motion carried unanimously. The following matters were discussed.

Vice Chair Rose moved, seconded by Commissioner Ingram, to set the date for public hearing on Cherokee Tobacco economic development incentives for April 21, 2025 at 6:30 pm. The motion carried unanimously.

Commissioner Rose moved, seconded by Commissioner Smith, to reclassify the Deputy County Manager position to Grade 80, to make the position a full-time deputy (no longer being split with CATS), and to increase the salary to \$90,000, effective June 1, 2025. The motion carried unanimously.

Commissioner Ingram moved, seconded by Commissioner Smith, to approve the Settlement Agreement with Piner Appraisals. The motion carried unanimously.

Adjournment:

Vice Chair Rose moved, seconded by Commissioner Smith to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 8:05 pm.

Respectfully submitted,

Renee Paschal
Interim Clerk to the Board

Tim Yarbrough
Board Chair