

MINUTES – NOVEMBER 16, 2009

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, November 16, 2009. Members present: Jeremiah Jefferies, Chairman, George W. Ward, Jr., Vice-Chairman, Erik D. Battle, William E. Carter, Nathaniel Hall, Gordon G. Satterfield, and Kenneth D. Travis. Also present: Kevin B. Howard, County Manager and Angela Evans representing The Caswell Messenger. Wanda P. Smith, Clerk to the Board, recorded the minutes.

MOMENT OF SILENT PRAYER

Chairman Jefferies opened the meeting with a Moment of Silent Prayer.

APPROVAL OF AGENDA

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

APPROVAL OF CONSENT AGENDA

Commissioner Ward moved, seconded by Commissioner Travis 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 August 24, 2009 Regular Meeting and September 2, 2009 Special Meeting
- 2) Tax Director's Monthly Report

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| Total Amount of Taxes Collected for October, 2009 | \$1,095,944.31 |
| Tax Maps/Cards | \$ 343.00 |
| County Maps | \$ 29.70 |
| Beer License | \$ 25.00 |
| NSF Charge | \$ 50.00 |
| EMS Collections | \$ 335.00 |
- 3) Financial Report – July 1, 2009 – October 31, 2009

PUBLIC COMMENTS

Chairman Jefferies opened the floor for public comments.

Mr. John Claggett came before the Board and made the following comments:

“My name is John Claggett and I reside at 108 Jaye Lane, Providence, NC.

Good Evening.

I'm a taxpayer and registered voter in Caswell County. Over the last year I've attended most of the Commissioners' meetings whether Regular, Public Hearings, or Special. At some of these meetings I've been an advocate for my neighbors and others for myself, and yet others just to stay current with county matters, this is why I receive an agenda prior to the meetings.

Mr. Chairman, this evening I would like to ask you why there is such a lack of consistency adhering to the **RULES OF PROCEDURE FOR THE CASWELL COUNTY BOARD OF COMMISSIONERS?**

FOR EXAMPLE:

First, why have recent issues that have been voted on, continue to reappear on the agenda such as the disservice to Piedmont Community College to have their request be heard meeting after meeting. I refer to SECTION VI, Rule 20, Paragraph (b).

Secondly, the memorandum from the County Manager to the Board of Commissioners, dated 12 November 2009 regarding Yanceyville Parking Lot Lease. Wasn't this previously voted on? Don't the Rules of Procedure cover this also, or is this parking lot deal a personal agenda? There are 100 plus parking spaces between DSS and the Health Department, an abundance of which are designated EMPLOYEES ONLY. There are 20 plus public and handicapped parking spaces in the immediate vicinity of the Court House and 50 plus spaces available in the lot at the Town Hall, which the sign in front of the Court House directs the public to. What this boils down to is that the public has taken a back seat to the County Employees when it comes to parking. There's no need to spend \$2,500.00 tax dollars when all that has to be done is redistribute the parking. Can't the Clerk of Court and the Director of DSS make a compromise? After all it would be for the common good of the taxpayer and general public. Wouldn't it be a whole lot easier and cheaper to get rid of the DSS EMPLOYEES ONLY sign and give some of those spaces to the Clerk of Court? Where's the leadership?

Finally, I've personally heard four out of the seven Commissioners complain about not having supporting documentation for agenda items in the agenda package. Having received an agenda package prior to every BOC meeting as previously stated, I can clearly see that this is an ongoing issue in spite of concerns from the majority of the Board. This is specifically addressed in SECTION V, Rule 9, paragraph (b) of the Rules of Procedure. Why then isn't there any supporting documentation in tonight's agenda regarding "the presentation of bids for additional improvements" to the BRAND NEW Senior Center?

Next, Mr. Chairman, Mr. Alderson of Hayes Iron and Metal requested from and was granted by the court, an extension for answering, or filing other responsive pleadings. This extension expired November 13th without any action taken by the Defendant. Some of the law abiding citizens of Caswell County would like to know if the COUNTY OF CASWELL, which is the Plaintiff, plans on requesting a hearing date."

Upon questioning from Commissioner Satterfield, Mr. Howard answered that the extension expired on Friday and the County Attorney has been unavailable for comment.

Upon questioning from Mr. Claggett regarding the lack of following the *Rules of Procedure* and allowing the same issues to continue to reappear on the agenda, Mr. Howard answered that there are also rules that allow issues to come back before the Board.

PIEDMONT COMMUNITY COLLEGE REQUEST FOR FACILITY SPACE

Ms. Doris Carver, Vice-President, Continuing Education, Piedmont Community College, came before the Board to discuss further its request for funding to lease facility space for the Law Enforcement Continuing Education curriculum. Dr. Walter Bartlett, President, Piedmont Community College, was also present.

Ms. Carver thanked the Board for allowing her to come back before them to continue discussion of the options for funding for facility space that she presented to them at its November 2, 2009 meeting. Ms. Carver noted that her request included facility space for the Law Enforcement Continuing Education curriculum, Job Link Career Center, Small Business Center, and hopefully, in the future, an Entrepreneurial Incubator for the Cultural Arts sector. Ms. Carver added that the Board had informed her at the last meeting that they would like time to review this request further.

Upon questioning from Commissioner Battle, Ms. Carver answered that the first two options she presented at the Board's last meeting was for either the Ford Building or the Hester Vernon Building.

Commissioner Satterfield questioned the cost of each location and Ms. Carver answered that one location is \$2,400 per month and the other is \$2,500 per month and the cost included two bays (2,500 sq. ft. per bay) at the Ford Building. Ms. Carver added that the Danville Regional Foundation had informed her that PCC could submit a Letter of Inquiry to obtain funding if the Board of Commissioners was supportive of the proposal. Commissioner Satterfield questioned why the Danville Regional Foundation would not support funding Option 3, which was a three and one-half year plan for one bay at the Ford Building. Ms. Carver answered that this is because the Job Link Career Center would not be occupying this bay at the Ford Building and they are interested in supporting the Job Link Career Center. Ms. Carver noted that Piedmont Community College, Caswell County campus, is the Job Link host, and has received the Pathway for Success grant in the amount of \$1.85 million, which is shared with Danville Community College to help dislocated unemployed and under-employed workers.

Upon questioning from Commissioner Satterfield, Ms. Carver answered that they need facility space for approximately three to five years, which would give them time to upfit another facility which at this time is the former Blanch Prison, and eventually moving Criminal Justice and Emergency Services training to this location. Commissioner Satterfield questioned whether PCC has looked into the possibility of using the Guilford Mills facility. Ms. Carver answered that PCC has investigated the possibility of utilizing the Guilford Mills facility, but there is not enough parking and noted that at times they need parking for 80 vehicles. Ms. Carver noted that

PCC does not have the funding to upfit the Guilford Mills Building. Commissioner Satterfield questioned whether the Danville Regional Foundation would provide grant funding to upfit the Guilford Mills Building. Ms. Carver questioned the available square footage at the Guilford Mills Building and Mr. Howard answered that facility space available is approximately 25,000 sq. ft.

Ms. Carver stated that PCC could delay submitting its Letter of Inquiry to the Danville Regional Foundation until it could obtain more information, but she knew that the corp factor influencing this is the Job Link Career Center. Ms. Carver informed the Board that the Job Link Center Partnership Agreement mandates that they have to set aside five parking slots reserved just for Job Link customers.

Dr. Walter Bartlett stated that the greatest concern PCC has with the Guilford Mills Building is the parking. Dr. Bartlett added that if they go back to the Danville Regional Foundation, it should be done with Caswell County and Piedmont Community College serving as partners.

Upon questioning from Commissioner Hall as to how much square footage and staff is needed for the Job Link Career Center, Ms. Carver answered that 2,500 – 3,000 square feet and possibly 10 staff members would be needed for the Job Link Career Center.

Ms. Carver stated that she would meet with the County Manager to discuss this further and then informally make an inquiry to the Danville Regional Foundation for possible grant funding to upfit the Guilford Mills Building.

CASWELL COUNTY SENIOR CENTER

Ms. Donna Pointer, Aging Services Director, came before the Board and reported that her request concerns the funds left from the Danville Regional Foundation grant that was allocated for the building of the Caswell County Senior Center. Ms. Pointer presented bids for additional improvements to the Senior Center, which included sidewalks/curbing, landscaping, and other needed items. Ms. Pointer presented and discussed the following:

Proposed Items

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|---|-----------------|
| Installation of sidewalks (bid from Southern Landscape) | \$22,600 |
| Curbing (bid from Adams Construction) | \$ 6,370 |
| Landscaping (bid from Southern Landscape) | \$ 8,520 |
| 2 Treadmills (quote from Carolina Fitness Experts) | \$ 5,700 |
| 2 Recumbent Bicycles (quote from Carolina Fitness Experts) | \$ 2,900 |
| NuStep Cross Trainer (quote from NuStep) | \$ 6,024 |
| Kitchen Supplies (lift off griddle for gas range, popcorn machine, pots, pans, spoons, knives, wire whips, spatulas, bowls) | \$ 1,200 |
| Crush and Run Gravel for back driveway/fire road (quote from Adams Construction Company) | \$ 2,000 |
| | \$55,314 |

Sidewalks/Curbing

Bid packets mailed to:

Sidewalk Bid Received

Curbing Bid Received

Ace Asphalt
1726 NC Hwy 86N
Hillsborough, NC 27278

Adams Construction Company
225 Gypsum Road
Danville, VA 24541

\$ 6,370

D&W Vaughn, Inc.
712 Clay Thomas Road
Roxboro, NC 27573

Frith Construction Company
PO Drawer 5028
Martinsville, VA 24115

Southern Landscape and Irrigation
1118 Hatchett Road
Yanceyville, NC 27379

\$22,600

\$12,500

Landscape

Bid packets mailed to:

Landscape Bid Received

Haymore Landscaping
272 Franklin Turnpike
Danville, VA 24540

Southern Landscape and Irrigation
1118 Hatchett Road
Yanceyville, NC 27379

\$ 8,520

West Landscaping
683 Dailey Road
Blanch, NC 27212

\$22,500

Wrenn Farms and Landscaping
1990 Thee Hester Road
Roxboro, NC 27574

Ms. Pointer also presented and reviewed the Site Layout Plan and Landscape Plan for the Caswell County Senior Center – Master Garden Plan.

Upon questioning from Commissioner Battle as to the amount of money left from the Danville Regional Foundation Grant, Mr. Howard answered that the amount is approximately \$54,000. Ms. Pointer noted that she could use monies from a Block Grant that is for the development of the Senior Center for the remainder of the costs.

Commissioner Satterfield questioned why there would be such a difference in the two bids received for landscaping.

Commissioner Hall stated that he has some concerns about the process and procedure and noted that he was not aware of anything being bid. Commissioner Hall added that this information was not even in the Commissioners' agenda packet and questioned whether the Board was expected to vote on this tonight. Commissioner Hall stated that he did not think it should be voted on tonight and added that the Board needed to look at the account because this Capital Project needs to be officially closed so that the Board will know the exact amount of money left and determine how the remainder of the funds should be spent. Commissioner Hall added that he has a problem with the process, and would probably vote for everything that was presented tonight, but not by receiving it like this tonight.

Mr. Howard explained that the issue is time and that this money can only be spent on the Senior Center building, and interest in the amount of \$6,000 can be spent on programming for the Senior Center.

Commissioner Ward questioned the quality of the work of the two companies that submitted bids for landscaping and expressed concern over the large difference in the amount of the bids. Commissioner Ward stated that he has seen some of the work of West Landscaping which is of high quality, and questioned whether the low bid of \$8,520 includes everything that was asked for in the bid.

After further discussion, Commissioner Carter moved, seconded by Commissioner Satterfield to approve the additional improvements to the Caswell County Senior Center in the amount of \$55,314, as presented. The motion carried by a vote of four to three with Commissioners Battle, Hall, and Travis voting no.

FARMER LAKE RECOMMENDATIONS

Mr. Charlie King, Farmer Lake Manager, came before the Board to discuss the Farmer Lake Board's recommendations. Mr. King presented and discussed the following changes proposed by the Farmer Lake Board in an attempt to generate more revenue for 2010.

- Close lake in December and January.
- Close lake on Mondays and Tuesdays except on Holidays and for season permit holders. (Estimated savings = \$3,200).

- Lake Fees:
 - \$45.00 for season permits
 - \$3.00 bank fishing
 - \$1.00 Senior Citizen bank fishing
 - \$10.00 day boat fishing
 - \$5.00 day canoes and kayaks
- Eliminate Duck Hunting (Estimated savings = \$150.00)

The Lake Board proposed the following ways to enhance public awareness to increase participation at Farmer Lake:

- Advertise the events and fishing on the lake by using the news media in surrounding areas of events.
- Submit articles in NC Wildlife magazines or other publications.
- Install road signs to Farmer Lake.
- Set up a website for Farmer Lake.
- Develop a calendar of events for 2010-2011.
- Develop a handout to place in public areas explaining what is offered at the lake
- Public speaking engagements to different age groups

After discussion, Commissioner Satterfield moved, seconded by Commissioner Travis to accept the recommendations of the Farmer Lake Board as presented, with the exception that duck hunting be allowed two days a week during duck hunting season from 6:00 a.m. to noon.

Commissioner Battle questioned Mr. King as to whether he has the funds for the advertisement ideas presented. Mr. King answered that he met with the County Manager concerning the website and was told that there are plans to restructure the County's website and, hopefully, Farmer Lake would be able to be included in that. Mr. King stated that he did not anticipate having to ask for additional funding for his budget.

Commissioner Hall questioned whether the Board was going to adjust the Farmer Lake Board's budget due to the reduction in fees. Mr. Howard answered that he would present a plan at the Board's next meeting showing a reduction in revenues and expenditures for Farmer Lake.

Commissioner Satterfield noted that revenues last year for Farmer Lake were \$5,400.

Upon a vote of the motion, the motion carried by a vote of five to two with Commissioners Battle and Hall voting no.

Commissioner Carter reported that he and the County Manager have been trying to locate a vehicle for Mr. King's use. Commissioner Carter stated that the County Manager contacted the Sheriff regarding the use of one of his vehicles, but none were available. Commissioner Carter added that he, along with the County Manager and Mr. King, contacted the State Highway Patrol concerning their surplus vehicles and received a price of \$5,035 for a 2005 Crown Victoria.

Chairman Jefferies directed the County Manager to place this item on the Board's next agenda.

CASWELL COUNTY PLANNING DEPARTMENT

Mr. Brian Collie, County Planner, came before the Board to discuss the clarification that he had requested at the Board's last meeting concerning an issue with the Hyco Lake Zoning Ordinance. Mr. Collie noted that recent development questions on Hyco Lake have been brought to his attention and he wanted to make certain that the correct requirements are used for the development. Mr. Collie added that the Hyco Lake Zoning Ordinance and the Subdivision Ordinance differ in certain development standards.

Mr. Collie informed the Board that since the last meeting he has contacted Person County to determine what their requirements are on Hyco Lake, and noted that Person County is regulated by a Zoning Ordinance so it works a little differently than how it does in Caswell. Mr. Collie stated that in talking with the Person County Planning Director, he learned that they do allow Townhomes/Multi-Family dwellings on Hyco Lake, but only as a Special Use permit. Mr. Collie added that currently there are no Multi-family homes on Person County's side of Hyco Lake.

Mr. Collie provided the Board with lot size requirements from Caswell County's Subdivision Ordinance, Caswell County's Hyco Lake Zoning Ordinance, and language from Person County's Zoning Ordinance.

Mr. Collie requested direction from the Board as to whether he is to use the Caswell County Subdivision Ordinance, which is more restrictive, or the Hyco Lake Zoning Ordinance, which is less restrictive and specifically for that area, when interpreting issues for the development of townhomes on Hyco Lake.

Upon questioning from Commissioner Satterfield, Mr. Collie answered that Person County has county-wide zoning and does not have a specific Ordinance for Hyco Lake. Mr. Collie informed the Board that in discussing this issue with the County Attorney, Mr. Ferrell stated that when the Subdivision Ordinance was adopted in 1979, there should have been a provision included in the Ordinance stating that the area around Hyco Lake is to be regulated by the Hyco Lake Zoning Ordinance.

Commissioner Satterfield questioned whether there is a specific Ordinance that regulates Farmer Lake. Mr. Collie answered that there is no specific Ordinance that regulates Farmer Lake, except that since it is in a watershed, it is regulated by the Watershed Protection Ordinance.

Commissioner Hall stated that the Board had requested additional information on this issue at its last meeting, and other than talking to the Person County Planner, there is no additional information.

Upon questioning from Chairman Jefferies, Mr. Collie answered that Person County has language in its county-wide Zoning Ordinance that addresses townhomes. Mr. Collie added that

townhomes are permitted in Person County as a Special Use and are considered on a case-by-case basis.

Commissioner Battle stated that he felt that it would be in the Board's best interest to go with the more restrictive Ordinance, which is the Subdivision Ordinance.

Commissioner Satterfield stated that when the Hyco Lake Zoning Ordinance was adopted in 1966, Person County did not have county-wide zoning, and now since it has county-wide zoning, evidently the Hyco Lake Zoning Ordinance was repealed by them and their Zoning Ordinance regulates the entire county. Commissioner Satterfield added that these issues are also regulated by Environmental Health staff and if they find everything in order and the Hyco Lake Zoning Ordinance is complied with, it would be his recommendation that the developer be allowed to proceed with building eight townhomes. Commissioner Satterfield stated that the Board of Commissioners probably needs to repeal the Hyco Lake Zoning Ordinance and let the Subdivision Ordinance govern everything in the County.

Upon questioning from Commissioner Ward, Mr. Collie answered that Hyco Lake is not in a watershed.

Mr. Collie reported that currently on Person County's side of Hyco Lake, there are no townhomes, but if someone wanted to develop townhomes in Person County and they were granted a Special Use permit, the Person County Planner informed him that they could have lots as small as 8,000 sq. ft. if they meet all the other requirements and have an off-site well and septic system. Mr. Collie noted that the Hyco Lake Zoning Ordinance requires a 25,000 sq. ft. lot for a townhome and Caswell County's Subdivision Ordinance requires a 50,000 sq. ft. lot for a townhome.

Commissioner Hall stated that the Planning Board or Planning Department needs to give the Board of Commissioners a recommendation with some reasoning behind it as to which Ordinance should be followed. Commissioner Hall added that the Board needs to be told the probable impact on that area and environment with this development before it makes a decision.

Commissioner Satterfield noted that if there is a negative impact from this development, Environmental Health would not allow it to happen.

Chairman Jefferies and Commissioner Ward both were of the feeling that the developer bought the land on Hyco Lake with the understanding that it would be regulated by the Hyco Lake Zoning Ordinance.

Commissioner Travis stated that he felt that the regulations for Hyco Lake should be the same for both Caswell and Person Counties.

Commissioner Carter stated that he felt that the Board needs to abide by what the Hyco Lake Board has set forth and added that the NC Division of Environment and Natural Resources would also regulate development on the Lake.

Commissioner Battle stated that the Hyco Lake Zoning Ordinance and Subdivision Ordinance need to be universal.

Commissioner Satterfield stated that he felt that the Board needs to move forward with the request by the developer based on today, and as of today the County is still operating under the Hyco Lake Zoning Ordinance which was adopted in 1966. Commissioner Satterfield added that the Board then needs to instruct the Planning Board to combine the Hyco Lake Zoning Ordinance and Subdivision Ordinance so that the County is operating under one Ordinance.

After further discussion, Commissioner Satterfield moved, seconded by Commissioner Travis that the County continue to operate under the current Hyco Lake Zoning Ordinance as written until changes are made by the Caswell County Board of Commissioners. The motion carried unanimously.

Chairman Jefferies directed the County Planner to have the Planning Board review the Hyco Lake Zoning Ordinance and Caswell County Subdivision Ordinance and bring back a recommendation to the Board.

YANCEYVILLE MUNICIPAL PARKING LOT

Chairman Jefferies reported that he recently met with Yanceyville Mayor Curtis Davis concerning the Proposed Memorandum of Understanding with the Town of Yanceyville for the use of the Municipal Services Parking Lot that was presented to the Board at its October 19, 2009 meeting. Chairman Jefferies stated that he was not aware that the \$2,500 annual cost was being requested to be appropriated from Court Facilities Fees.

Commissioner Battle questioned whether the terms of the contract are the same as presented before and Mr. Howard answered that they are the same. Commissioner Battle also questioned whether the maintenance fees would come out of the County's budget or Court Facilities Fees. Mr. Howard answered that the maintenance fees could come out of Court Facilities Fees.

Mr. John I. Satterfield, Clerk of Superior Court, came before the Board and reported that he and the Superior Court Judge are in agreement with appropriating \$2,500 from Court Facilities Fees for an annual lease for the use of the Municipal Services parking lot. Mr. Satterfield referred to a memo that he provided to the Board dated May10, 1990, from the Administrative Office of the Courts, regarding authorized expenditures from the Court Facilities Fees Fund. Mr. Satterfield stated that the memo states what Court Facilities Fees can be used for, and he is confident that Court Facilities Fees can be used to pay to lease a parking lot of which the Court system will receive direct use of and benefit.

Mr. Satterfield informed the Board that many years ago, the Legislature decided to attach a fee to all court costs, and a portion of those court costs contains a line item for the Court Facilities Fees Fund. Mr. Satterfield stated that his office receives this money once a month, which is then turned into the County Finance Office, and it is there for the County to solely use for the Court's purposes and anything related to it, and cannot be used for anything else. Mr. Satterfield added

that it is clear to him that the County can move forward with leasing a parking lot for the Court's use, and utilizing Court Facilities Fees.

Mr. Satterfield stated that in his eight years as Clerk of Court, that there is very inadequate parking at the Courthouse facility. Mr. Satterfield added that the former Clerk of Court wrote numerous memos to County Managers that parking was a problem and noted that there has been no significant increase in parking around that governmental complex since it was created in the 1970's. Mr. Satterfield informed the Board that there could be four different courts in operation at that facility at any given time and they are at maximum capacity.

Mr. Satterfield stated that unless the County wants to go out on its own and construct a new parking lot, he felt that the only option is to negotiate with the Town and work with them. Mr. Satterfield added that the Board is faced with the possible construction of a new Jail and, depending upon where it is located, it may change the dynamics of the whole layout and the parking situation at the Courthouse. Mr. Satterfield stated that he sees no other option than entering into some type of lease agreement with the Town of Yanceyville, even if only for the short-term.

Commissioner Hall stated that he did not disagree with anything the Clerk of Court has said, especially as it related to the need for parking, but he does disagree with the use of Court Facilities Fees to pay for leasing a parking lot. Commissioner Hall added that he felt that there are other options. Commissioner Hall stated that Court Facilities Fees are public dollars when they come into the County's coffers, and the Board has the same oversight responsibilities. Commissioner Hall added that in looking at the information provided by the Clerk of Court on prescribed uses, he did not think that it is an appropriate use of taxpayers' dollars to buy parking.

Upon questioning from Commissioner Ward as to whether the lease will be the same as presented at the Board's October 19, 2009 meeting and still be cost-shared, Mr. Howard answered that the lease is the same and maintenance cost would be shared between the Board of Commissioners and Yanceyville Town Council. Commissioner Ward stated that he does not have a problem with the lease for the parking lot, but had concerns that the County had to share in the cost of its maintenance.

Chairman Jefferies stated that Mayor Davis informed him that the maintenance costs of the parking lot were not supposed to be in the lease presented to the Board of Commissioners.

Commissioner Battle stated that if this is true, the Board still needs a formal contract to review.

Mayor Davis confirmed that the maintenance costs were not supposed to be in the lease, and that the cost to the County would only be \$2,500.

After further discussion, Commissioner Satterfield moved, seconded by Commissioner Carter that Chairman Jefferies and the County Manager meet with Mayor Davis and Town Manager to discuss the possibility of the County signing a contract with the Town of Yanceyville at the cost of \$2,500 per year for lease of the Municipal Services parking lot, to be funded from Court Facilities Fees, with there being no additional cost and to be reviewed by the County Attorney, to

be brought back before the Board at its next meeting for further review. The motion carried by a vote of six to one with Commissioner Hall voting no.

QUOTE FOR HAZARD MITIGATION PLANNING UPDATE SERVICES

Mr. Brian Collie, County Planner, and Mr. Jim Gusler, Emergency Services Director, came before the Board to present a quote for Hazard Mitigation Planning Services. Mr. Gusler reported that the Caswell County Hazard Mitigation Plan expires in 2010 and they are now in the process of updating it after being awarded the North Carolina Pre-Disaster Mitigation Planning Grant in the amount of \$35,000. Mr. Gusler noted that Caswell County was one of four entities in the State of North Carolina that received funding for updating its Hazard Mitigation Plan. Mr. Gusler stated that the grant was a 75/25 percent cost-share, with the County's 25 percent being provided with in-kind services.

Mr. Gusler informed the Board that he has researched contractors to complete the update and has received a quote from EnviroSafe Consulting and Investigations, Inc., who is also preparing plan updates for several of the surrounding counties.

Upon questioning from Commissioner Hall as to why the project was not bid, Mr. Gusler answered that there is not a requirement of the Federal grant to bid the project. Mr. Gusler added that to his knowledge, there is no one in Caswell County who can do this, and EnviroSafe is the closest and most reputable firm, they have worked with surrounding counties, and references are provided. Mr. Gusler noted that time was also of the essence.

Upon questioning from Commissioner Battle as to whether this Plan is on a cycle, Mr. Gusler confirmed that the Hazard Mitigation Plan is on a five-year cycle. Commissioner Battle questioned whether training is a part of this Plan, and Mr. Gusler answered that rather than training, it is more about what is put into place to mitigate the effects of the hazard.

After further discussion, Commissioner Ward moved, seconded by Chairman Jefferies to approve the quote submitted by EnviroSafe Consulting and Investigations, Inc. in the amount of \$15,930 to update the Caswell County Hazard Mitigation Plan as presented. The motion carried unanimously.

BUDGET AMENDMENT NO. 8

Mr. Kevin Howard, County Manager, presented and reviewed Budget Amendment No. for Fiscal Year 2009-2010. After discussion, Commissioner Ward moved, seconded by Commissioner Carter to approve Budget Amendment No. 8 for Fiscal Year 2009-2010 as presented. The motion carried unanimously.

RECESS

The Board held a brief recess.

OFFICE SPACE ALLOCATION TO FORMER SENIOR CENTER BUILDING

Mr. Kevin Howard, County Manager, provided the Board with a sketch of the layout of the former Senior Center Building and proposed office allocation for the Board of Elections.

Commissioner Hall reported that the Building and Grounds Committee has not met and noted that when they first started talking about space, there was a lot of discussion about departments wanting a certain amount of space and then how much they would get. Commissioner Hall stated that it was his understanding that a determination would be made of which departments needed space and then the Board would develop a formula to decide how the space is allocated.

Commissioner Travis agreed that the first thing that needed to be done was to determine every department or agency that needs office space in the County and then the Board make a decision as to who will be allocated space.

Commissioner Satterfield questioned the County Manager as to whether he has determined a method for who needs or wants office space in the former Senior Center building, other than the Board of Elections. Mr. Howard answered that three or four departments are in need of more office space. Commissioner Satterfield questioned the County Manager as to whether he has determined the square footage that is needed for the Board of Elections. Mr. Howard answered that he has highlighted on the sketch the amount of office space he feels would be adequate for the Board of Elections, and noted that there are other areas that can also be used for storage. Commissioner Satterfield questioned whether the Chamber of Commerce could be moved from its current space in the building and the lobby entrance area which would include a counter to be used by voters. Mr. Howard answered that the counter would be too high and would not be handicapped accessible.

Chairman Jefferies directed the County Manager to meet with the Building and Grounds Committee and tour the facility to help in determining allocation of office space.

Commissioner Travis stated that moving the Animal Control Office has been discussed for many years and needs to be moved to the former Senior Center building.

Commissioner Satterfield requested that the Chairman have the Building and Grounds Committee present a recommendation to the Board at its next meeting. Chairman Jefferies directed the Building and Grounds Committee to present a recommendation to the Board of Commissioners at its next meeting on office space allocation at the former Senior Center Building.

DISCUSSION OF LIQUOR BY THE DRINK

Commissioner Ward reported that he has discussed the issue of Liquor by the Drink with a number of people and they have told him that they want to vote on the issue rather than have the Board of Commissioners make the decision. Commissioner Ward stated that at the October 5, 2009, Board meeting he made a motion to discuss this with the Towns of Yanceyville and Milton to determine their feelings on the issue. Commissioner Ward noted that the Town of Yanceyville

has expressed its opposition to Liquor by the Drink, but he still does not know how the Town of Milton feels about it. Commissioner Ward stated that he feels that the Board needs to discuss the issue again and if the citizens of the County want the issue to be put on the ballot, then the Board should have it placed on the ballot.

After further discussion, Commissioner Travis moved, seconded by Commissioner Battle to place the issue of allowing county-wide sale of Liquor by the Drink as a referendum for the May primary date.

Commissioner Satterfield stated that he has expressed his feelings that he is personally against Liquor by the Drink, but has no problem putting the issue before the voters. Commissioner Satterfield added that he knew at the last meeting that the Yanceyville Town Council was going to make a decision on Liquor by the Drink that week, and out of respect for that Board, he felt that the Board of Commissioners needed to wait until they made a decision and that is why he voted against it at the last meeting.

Upon a vote of the motion, the motion carried by a vote of five to two with Commissioners Jefferies and Carter voting no.

COUNTY MANAGER'S REPORT

Mr. Kevin Howard, County Manager, reported that Mr. Eddie Davis came to a prior Board meeting and requested that a plaque be added to the back of the *Lest We Forget* Monument on the County Square. Mr. Howard stated that the plaque on the back would include all names of the World War I Veterans listed on the front plaque, but in alphabetical order and include everyone together. Mr. Howard noted that the plaque would cost \$1,600 and requested direction from the Board on this issue.

Commissioner Satterfield questioned whether this is the plaque that he discussed with the Chairman in December which lists the World War I Veterans and is categorized by race. Chairman Jefferies and the County Manager confirmed that it is the same plaque. Commissioner Satterfield stated that there is a private group of citizens that have volunteered to raise money to replace that plaque. Commissioner Satterfield added that it is time to retire the original plaque and list all the Veterans in alphabetical order, and display the original plaque in the Historical Museum.

Commissioner Battle stated that he feels that a new plaque should be erected, listing all Veterans in one alphabetical list. Commissioner Battle added that he felt that the Board should commit some monies to this project.

Commissioner Satterfield stated that he would like to see a new plaque displayed on the monument, but he would first like to contact the individual who spoke to him about it in December. Commissioner Satterfield noted that he was also supposed to be getting another cost estimate for the plaque. Commissioner Satterfield stated that he would like to see the monies needed for this plaque raised by private donations, rather than taking it from the County budget.

Chairman Jefferies appointed Commissioner Battle to chair this project.

Commissioner Hall requested that it be determined who placed the original plaque on the monument and where the funds came from for the monument and plaque.

Mr. Howard reported that the Revolving Fund Loan Committee met on November 9, 2009, to discuss the application from NorAg Technologies for a Rural Enterprise Grant Loan in the amount of \$125,000. Mr. Howard stated that the funds will be used for operating expenses and added that the business meets the grant criteria. Upon questioning from Commissioner Satterfield, Mr. Howard answered that NorAg has been in operation in the County for eight months and the Loan Committee has examined its financial records. Commissioner Satterfield questioned what NorAg determines as operating expenses and Mr. Howard answered that this would be used to buy chemicals that they need to produce the products that they sell. Commissioner Satterfield expressed concern that this company has been in operation for eight months and cannot purchase its inventory. Mr. Howard noted that NorAg can purchase its inventory, but this would allow them to obtain inventory to speed up their production capabilities. Mr. Howard stated that approval tonight would be contingent upon documentation being provided to the bank as their collateral. Commissioner Satterfield expressed concern that if NorAg has one-half million dollars in collateral, they already have a bank line, and they have already given their business proposal to the bank, why would they be in need of money from the County to buy surplus inventory. Commissioner Satterfield stated that the County has done a lot for NorAg and maybe the County needs to look at other businesses in the County that are in need. Mr. Howard clarified that this grant was written as a loan to NorAg and if the County does not approve the loan to them, the County cannot receive these grant funds. Mr. Howard stated that every year the County could apply for \$75,000 for loans to new and expanding businesses in the County.

Commissioner Satterfield questioned whether NorAg has applied for a private loan from a bank and Mr. Howard answered that he did not have knowledge of this. Mr. Howard stated that the County approached NorAg about this loan in order to help their business get established in the County.

Commissioner Hall stated that there was some information that the Loan Committee needed, the documentation was sent by e-mail and the Loan Officer was comfortable with what was received, but requested a hard copy.

After further discussion, Commissioner Hall moved, seconded by Commissioner Battle to approve the Rural Enterprise Grant Loan in the amount of \$125,000 to NorAg Technologies upon receipt of the hard copy of the documentation that is needed by the Loan Committee.

Commissioner Ward questioned whether NorAg has a line of credit.

Commissioner Hall stated that when NorAg came to the County and the County sold them property, there was discussion of funds to help their business and help them to stay in business. Commissioner Hall added that the County did a similar type of loan for a local Motorsports company. Commissioner Hall noted that when these loans are paid back to the County, the

money belongs to the County. Commissioner Hall stated that the County submitted the grant request for this company, and the issue is not whether they have a line of credit, rather the issue is that they are a small business and the County obtained the grant to help keep them in business. Commissioner Hall asked why there are questions now as to whether they went to the bank or have a line of credit.

Commissioner Ward stated that he thought the funds were to be used for equipment in the business. Commissioner Ward added that his main concern is whether NorAg is a financially sound viable business and operating every day, and Mr. Howard confirmed that he is very comfortable with NorAg's financial situation.

Upon a vote of the motion, the motion carried by a vote of five to two with Commissioners Carter and Satterfield voting no.

Mr. Howard provided to the Board a draft of the *Caswell County Water & Sewer Rules and Regulations* for their review. Mr. Howard stated that he recently met with the City of Danville and informed the Board that the County is paying them \$800 per month to have access to 65,000 gallons of water per day, while the County is actually using approximately 3,000 gallons of water per day. Mr. Howard noted that the County is paying an access fee of \$62,000 to the City of Danville. Mr. Howard informed the Board that the City of Danville is open to discussion of reducing the amount of water they guarantee to the County. Mr. Howard stated that he would like to present an option to the Board to reduce this amount of water to possibly 10,000 gallons of water per day from the City of Danville. Mr. Howard reported that he would be presenting a draft of the *Caswell County Water & Sewer Rules and Regulations* to the Board at its next meeting for further review.

Commissioner Carter stated that he would like to see some stimulus monies obtained and the County and the Town of Yanceyville work together to have the Town's water line run two more miles to North Elementary School. Commissioner Carter added that it would be good to have the water from the City of Danville as a back-up water supply in case something happened to the Town's water plant, which would shut down the schools and prison departments.

Mr. Howard updated the Board on the Pelham Industrial Park Water Project and noted that construction of the waterline should begin in early December and completed in 45 to 60 days from the start date, and bids for the water tank should be ready to go out in mid December.

Mr. Howard informed the Board that Mr. Joey Knight will be present at the Board's next meeting to give an update on the Golden Leaf Foundation Grant for Matkins Meat Processors and he should have bids for the last piece of equipment.

Mr. Howard presented a request from Mr. Harvey Rudd, 911 Director, that the Board release a full-time Telecommunications position in the 911 Communications Department from the hiring freeze. Mr. Howard noted that this position was included in the 2009-2010 budget.

Mr. Howard presented a request from Ms. Kathy Upchurch, Library Director, that the Board release a part-time Library Assistant I position in the Library. Mr. Howard noted that this position is paid for with State funds and is included in the 2009-2010 budget.

Commissioner Ward moved, seconded by Commissioner Carter to approve the release of a full-time Telecommunications position in the 911 Communications Department and a part-time Library Assistant I position in the Library from the hiring freeze. The motion carried unanimously.

Mr. Howard reported that the company conducting the Broadband Study in the County is currently completing site surveys and mapping and should be submitting their final report at the end of the month. Mr. Howard stated that the next round of American Recovery and Reinvestment Act funding should be announced in December and applications due by early February. Mr. Howard added that the County is in a good position to apply for funding.

Mr. Howard reported that proposed changes to the Animal Control Ordinance will be presented to the Board of Commissioners at its next meeting.

Mr. Howard reported that the Caswell County Personnel Policy is currently being updated and will be presented to the Board next month.

ANNOUNCEMENTS

Commissioner Satterfield stated that he has a concern about travel. Commissioner Satterfield added that in looking at the financial report this past month, he saw lots of departments that have had a lot of travel expenses, and added that some departments have already spent 75 to 80 percent of their travel. Commissioner Satterfield informed the Board that a recent trip was made to Atlantic Beach by six or seven individuals representing the Juvenile Crime Prevention Council at a cost of \$2,300 in tax dollars. Commissioner Satterfield stated that the State has a freeze on travel and he thought that the Board of Commissioners had asked that all County travel be limited to necessary travel. Commissioner Satterfield added that this not only happens once a year, but twice a year, and with the technology today did not understand why this much travel has to take place. Commissioner Satterfield stated that he hopes that the County Manager is taking a hard look at travel before approving it. Upon questioning from Commissioner Satterfield as to whether he had denied any travel requests, Mr. Howard answered that he had not.

Commissioner Battle questioned the status of the possibility of locating a Food Lion store in Prospect Hill. Mr. Howard answered that he is currently talking with the developer.

Commissioner Battle stated that he did not feel that the Board should feel inclined to vote on issues when the material is presented to them for the first time at the meeting. Commissioner Battle added that information needs to be in the agenda package if they are to consider voting on it at a Board meeting.

Commissioner Ward stated that he personally felt that the County Manager should be able to address the office space needs at the former Senior Center building, rather than the Building and Grounds Committee. Commissioner Ward added that he was asked today why he had not been able to meet with the Building and Grounds Committee and it was relayed to that individual that the reason the Building and Grounds Committee had not met was because of his schedule. Commissioner Ward stated that if the County Manager is too busy to handle all of his duties, he would not be opposed to looking into hiring a Chief Financial Officer for the County to assist him and handle some of the County's financial obligations.

Commissioner Hall reported that he received an e-mail from the Census Office in Greensboro and they have established two testing sites in Caswell County for those interested in working with the census process, one at Piedmont Community College and one at the Senior Center. Commissioner Hall added that they will be asking for testing sites throughout the County and he was not sure that this would be economically feasible.

Commissioner Carter reported that he has been hearing about the former Human Resources Office being turned into the Commissioners' Conference Room and he had the County Manager let him in to view it. Commissioner Carter stated that the office looked very nice and the County Manager was to look into providing each Commissioner a key. Chairman Jefferies directed the County Manager to have keys made for each Commissioner's use.

Commissioner Satterfield questioned how much money has been spent in that office and whether the Board approved the expenditure. Mr. Howard answered that approximately \$400 has been spent in the office, but it was not approved by the Board of Commissioners. Upon questioning from Commissioner Satterfield as to who authorized the expenditure, Mr. Howard answered that Commissioner Battle requested that a couple of boards be purchased for the office and he signed off on it. Commissioner Satterfield stated that he did not have a problem with Commissioner Battle doing that, but the problem he has is with the money being spent when there was not a line item for it to be spent at the request of one Commissioner. Commissioner Satterfield added that the Board needs to make it clear whether one Commissioner can make a request to spend money or if it takes Board approval to spend money. Commissioner Satterfield noted that the Board operates as a seven-member Board and as a majority and it is unfair to put the County Manager in a situation in which one Commissioner asks him to make an expenditure that is not approved by the Board. Commissioner Satterfield added that he did not feel when Commissioner Battle made the request that he felt that he was doing anything that was not right and he does not have a problem with the boards. Commissioner Satterfield stated that he felt that the office should be moved to the larger office up the hall and the County Attorney move to the smaller office so the Commissioners could have a meeting room that would hold a number of people. Commissioner Satterfield added that the Board needs to be clear on how its money will be spent.

Commissioner Battle stated that yes, the Board as a whole should have approved his expenditure, but at the same time, last year the County Manager spent money to put new tires on his vehicle without the Board's consent. Commissioner Battle added that if the Board is going to talk about fair, it should be fair for all. Commissioner Battle stated that no one had a problem with what was being done until he started using the office mentioned. Commissioner Battle added that he uses the office to have a presence in which the citizens of Caswell County can come to meet with

any County Commissioner whenever they feel like it. Commissioner Battle noted that he never said it was his private office and anybody can come in there and use it. Commissioner Battle stated that he bought two dry erase boards on which he has written the list of items discussed at the Board Retreat and the status of each. Commissioner Battle added that he did not feel that the office should be moved to the office being used by the County Attorney. Commissioner Battle stated that he is meeting people in the office in a governmental and professional setting. Commissioner Battle added that if someone has a problem with him using the office or something he is doing, he would appreciate that person coming to him.

Upon questioning from Commissioner Satterfield, Commissioner Battle clarified that he had a new door knob installed on the door.

Chairman Jefferies stated that before money is spent, it needs to come before the Board for approval.

Commissioner Hall stated that the County and State has a County Manager form of government and the County Manager does not have to come before the Board to request approval to spend money. Commissioner Hall added that the County Manager has the legal right to spend his budget because the North Carolina General Statutes give the County Manager budgetary authority. Commissioner Hall stated that the Board of Commissioners' role is to set policy only. Commissioner Satterfield noted that the County Manager operates under a line item budget.

CLOSED SESSION

Commissioner 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)), and to prevent the disclosure of confidential information that is made privileged or confidential (NCGS 143-318.10(e)). The motion carried unanimously.

REGULAR SESSION

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

THE ADJOURNMENT

At 9:45 p.m. Commissioner Travis moved, seconded by Commissioner Ward to adjourn the meeting. The motion carried unanimously.

Wanda P. Smith
Clerk to the Board

Jeremiah Jefferies
Chairman
