

MINUTES – AUGUST 24, 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, August 24, 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 Ward stated that he had requested that Closed Session be added to tonight's agenda, but he did not have a need for it now, and if no other Commissioner did, he would request that it be removed.

Mr. Kevin Howard, County Manager, requested that the Board move Item No. 14, Report and Request from Recreation Commission to Item No. 6. Mr. Howard noted that Dr. Douglas Barker, Schools Superintendent, could not be present because the Board of Education was meeting tonight.

Commissioner Travis moved, seconded by Commissioner Carter to approve the agenda as presented with the removal of Closed Session and Caswell County Schools, Discussion of Capital Outlay Allocation for FY 2009-2010 and that Item No. 14, Report and Request from Recreation Commission be moved to Item No. 6. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Commissioner Battle moved, seconded by Commissioner Ward 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 June 1, 2009 Special Meeting, June 1, 2009 Regular Meeting, and June 4, 2009 Special Meeting

- 2) Tax Director's Monthly Report

Total Amount of Taxes Collected for July, 2009	\$130,194.69
2009 Prepayments	\$ 10,593.43
Tax Maps/Cards	\$ 131.50
County Maps	\$ 9.90
NSF Charge	\$ 65.00

EMS for July	\$ 106.00
Beer License	\$ 95.00
Wine License	\$ 160.00

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. I reside at 108 Jaye Lane, Providence, NC.

Good Evening.

In December of last year Commissioner Satterfield along with members of County Staff responded to a complaint by some of the citizens regarding the ongoing mess in and around Hayes Iron and Metal located on Walters Mill Rd. After visiting that facility Commissioner Satterfield contacted the citizens voicing their complaints and explained that the complaints were warranted and valid.

During the Commissioners meeting of January 5th this year, Commissioner Satterfield stated to the citizens that if ordinances are adopted they need to be enforced and fines assessed or the ordinances aren't any good.

During the Commissioners meeting of March 9th this year, Mr. Wright of Hayes Iron and Metal acknowledged publicly of receiving a non-compliance warning letter from the county, and publicly admitted to being out of compliance. He stated that Hayes would come into compliance.

During the Commissioners meeting of April 20th this year, Mr. Wright of Hayes Iron and Metal requested a variance to the Outdoor Storage Ordinance while still not being in compliance. The variance request was based on an engineering proposal for collecting stormwater runoff which Mr. Wright attempted to describe to the Board. Commissioner Ward stated that he felt the engineer needed to give the Board an overview of the proposal. Mr. Collie did not recommend a variance be given at this time due to Hayes still not being in compliance.

The professional engineering overview to the Board never materialized and at some point the variance request was withdrawn.

During the Commissioners meeting of August 3rd this year, Commissioner Satterfield stated that the Board's objective is to have the county cleaned up more so, than it is to collect fines. He also stated that those who have come into compliance have done so at great expense and he is not in favor of waiving the fines.

Obviously the fines are a means of motivation in becoming compliant with the ordinance, and becoming compliant with the ordinance will clean up the county, which is the Board's objective according to Commissioner Satterfield.

In order to satisfy the fines imposed, the violator's assets are exactly what they have been improperly storing for quite some time now. There are scrap yards in the area.

It is now late August and Hayes Iron and Metal is still out of compliance. This is nothing less than their unilateral disregard for the safety of our citizens, and the law in which the Board is sworn to uphold.

As evidenced by the numbers of violators of the Outdoor Storage Ordinance to date, approximately 50% have become compliant, that illustrates this is a good ordinance, but this ordinance needs continual enforcement and fines assessed so aptly stated by Commissioner Satterfield almost eight months ago.

Gentlemen, this has gone on entirely too long. Maybe some pocket book leadership would motivate Hayes Iron and Metal as well as other violators to help meet the Board's objective of cleaning up the county.

Thank you."

BOARD OF ADJUSTMENT

Commissioner Ward moved, seconded by Commissioner Travis to recess as the Board of Commissioners and reconvene as the Board of Adjustment. The motion carried unanimously.

Mr. Brian Collie, County Planner, came before the Board and reported that of the 13 different cases in violation of the Outdoor Storage Ordinance, eight have come into compliance. Mr. Collie stated that of the five appeal cases heard at the August 3, 2009 meeting, Mr. Bryon Reegan, Ms. Kate Hope, and Mr. Norman Watlington are now in compliance.

Commissioner Ward questioned the amount of fines for the three who have now come into compliance. Mr. Collie answered that the fine for Mr. Bryon Reegan who came into compliance on July 13, 2009 is \$6,250, the fine for Ms. Kate Hope who came into compliance on July 21, 2009 is \$8,250, and the fine for Mr. Norman Watlington who came into compliance on August 17, 2009 is \$15,000.

After discussion, Commissioner Carter moved, seconded by Commissioner Hall to waive the assessed fines for Mr. Bryon Reegan, Ms. Kate Hope, and Mr. Norman Watlington, who are now in compliance with the Caswell County Outdoor Storage Ordinance.

Commissioner Travis questioned what would happen to the two individuals who filed an appeal with the Board and are not yet in compliance. Commissioner Travis noted that the County went twelve months and did not enforce the Outdoor Storage Ordinance and added that the County should have kept someone on staff to continue enforcement. Commissioner Travis stated that he

felt that the County holds some responsibility for the lack of consistency in reviewing violations and enforcement of the Outdoor Storage Ordinance.

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

Mr. Collie reported that Mr. Vincent Marchisotto and Mr. James Hughes were heard at the Board's August 3, 2009 meeting and they are still out of compliance with the Outdoor Storage Ordinance.

Mr. Collie reviewed with the Board that Mr. Marchisotto's property is used for auto sales and salvage and the majority of his cars are Mr. Marchisotto's valued possessions that he collects. Mr. Collie reported that Mr. Marchisotto worked in 2003 with the former County Planner, Mr. Mike Cusimano, and he almost came into compliance, but failed to do so before Mr. Cusimano left Caswell County's employment. Mr. Collie added that Mr. Marchisotto has been in bad health over the last few months and has informed him that this has inhibited him from doing much work on his property. Mr. Collie stated that to come into compliance, Mr. Marchisotto needs to complete his fence, along with getting a fire inspection from the Building Inspector completed. Mr. Collie added that Mr. Marchisotto has already submitted and paid the application fee, as well as provided a site plan of his property. Mr. Collie informed the Board that he inspected Mr. Marchisotto's property today and he has purchased \$1,400 worth of fencing to be installed in order to come into compliance, but he has not been physically able yet to install the fencing.

Chairman Jefferies questioned whether Mr. Marchisotto could install the fencing and be in compliance within 30 days. Mr. Collie answered that Mr. Marchisotto has recently had shoulder surgery and he did not feel that he could physically install the fencing within 30 days, that he would have to get someone else to do the work.

Upon questioning from Commissioner Ward as to the County Planner's recommendation on how many days he felt would be a reasonable time for all violators to come into compliance with the Outdoor Storage Ordinance, Mr. Collie answered that it would be difficult to set one date because each case is different.

Commissioner Battle stated that he did not think that the Board could treat all of the cases the same because each one is an individual case. Commissioner Battle added that in Mr. Marchisotto's case, he has had six years to come into compliance and that is a lot of grace period. Commissioner Battle added that in reading Mr. Marchisotto's e-mails to Mr. Collie, Mr. Marchisotto shows a blatant disrespect for the County's Ordinances.

Commissioner Satterfield stated that Mr. Reagan, Ms. Hope, and Mr. Watlington came into compliance in somewhat of a timely manner with the same notification as the other people.

Commissioner Satterfield moved, seconded by Commissioner Battle that the appeals to the Outdoor Storage Ordinance by Mr. Vincent Marchisotto and Mr. James Hughes be denied and that staff move forward with these cases, and if these individuals come into compliance before a

court date is scheduled, then the Board may review each individual case for further consideration. The motion carried by a vote of five to two with Commissioners Travis and Ward voting no.

Mr. Collie reported that an appeal to violations of the Outdoor Storage Ordinance is being made by Mr. D. J. Alderson, owner of Hayes Iron and Metal. Mr. Collie reported that Mr. Alderson was notified of his violation of the Outdoor Storage Ordinance on February 16, 2009. Mr. Collie reported that prior to 2008 Hayes Iron and Metal was permitted and in compliance with the Outdoor Storage Ordinance, however, in late 2008 Mr. Alderson purchased the adjacent property and started clearing land in hopes of using it to store their scrap metal. Mr. Collie stated that due to some requirements in the Outdoor Storage Ordinance, they were not able to store material on that property due to flood plain requirements, thereby, becoming in violation of the Ordinance because their fence did not encompass the entire storage area. Mr. Collie noted that Hayes Iron and Metal created a new driveway entrance, thus requiring a driveway entrance permit. Mr. Collie reported that he was out on the property earlier today and they were installing the fencing, and was told that it should be completed today or tomorrow, but as of 3:00 p.m. today it was not completed.

Mr. Charlie Wright, Vice-President, Hayes Iron and Metal, informed the Board that he met with Mr. David Harrell and Mr. J. Paul Ingram, engineers with the NC Department of Transportation on Friday and they told him that they would submit a letter to the County stating that a driveway entrance permit is not necessary for businesses in operation before 2003. Mr. Wright stated that the fencing is going up now and he had to order a lot of fencing, but the reason he did not buy a large amount of the fencing before was because they were wanting the Board of Commissioners to amend the Outdoor Storage Ordinance so that they would be able to use the property, and this would have required them to put up the fencing and then take it right back down if the amendment was approved. Mr. Wright informed the Board that the reason they withdrew their request for an amendment to the Ordinance was simply monetary and explained that it would have cost approximately two million dollars for turn lanes, new scales, new scale house, truck washes, etc. Mr. Wright stated that he hoped that he would be back in the future to request the amendment.

Commissioner Battle asked Mr. Wright if Hayes Iron and Metal prepared a plan as to proposed use when they purchased the additional land. Mr. Wright answered that they did prepare plans which were submitted to the NC Department of Transportation, which were approved and to the North Carolina Department of Environment and Natural Resources. Mr. Wright added that DENR disapproved their engineering plans three times due to clerical mistakes and clarified that it was not the plan, but their steps in getting it done.

Upon questioning from Commissioner Ward as to whether the County Planner had spoken to anyone with NCDOT, Mr. Collie answered that he talked to NCDOT last week and they were going out to review the driveway entrance.

Upon questioning from Commissioner Ward, Mr. Collie answered that the County's Outdoor Storage Ordinance states that a new driveway must have a driveway entrance permit that is approved by NCDOT. Mr. Collie stated that he has not received a letter from NCDOT

concerning the driveway entrance permit for Hayes Iron and Metal, but on four or five other cases, NCDOT went out and after an inspection submitted letters stating that a driveway entrance permit is not required. Mr. Collie added that a driveway entrance is a paved apron off of the public highway.

Commissioner Hall asked Mr. Wright at what point did he know that he was going to have to install the fencing and he answered that it was two months ago.

Commissioner Ward stated to Mr. Wright that he was not against what Hayes Iron and Metal was trying to do, but wanted their engineer to come and explain to the Board what was involved when the request was made for an amendment to the Outdoor Storage Ordinance. Commissioner Ward clarified that he did not request additional information, only that an engineer come before the Board and explain the plans of Hayes Iron and Metal.

Mr. Collie reported that an appeal to violations of the Outdoor Storage Ordinance is being made by Mr. Ronnell Dickerson. Mr. Collie reported that Mr. Dickerson was notified of his violation of the Outdoor Storage Ordinance on February 16, 2009 and he had until June 18, 2009 to come into compliance. Mr. Collie informed the Board that the Dickersons operate a trucking business, has a valid dealers license, and stores vehicles on his property. Mr. Collie noted that the Dickersons do not have a large business and do not sell parts for a living. Mr. Collie reported that Mr. Dickerson has a file of violation dating back to 2003 with the former Planner because of a fencing violation, which was corrected. Mr. Collie stated that the reason he cited Mr. Dickerson for being in violation was because of inoperable vehicles and debris being stored outside of the established fenced in storage area, and because of tires on the lot that were not on wheels which is also a violation. Mr. Collie informed the Board that Mr. Dickerson has moved the vehicles inside the storage area, removed the tires from the property, and has significantly cleaned up the property. Mr. Collie stated that as of August 10, 2009, Mr. Dickerson has been in compliance with the Outdoor Storage Ordinance.

Upon questioning from Commissioner Battle concerning the NCDOT driveway permit, Mr. Collie answered that he received a letter from NCDOT on August 20, 2009, stating that a driveway entrance permit was not required.

Mr. Collie reported that an appeal to violations of the Outdoor Storage Ordinance is being made by Mr. Derrick Graves. Mr. Collie reported that Mr. Graves was notified of his violation of the Outdoor Storage Ordinance on February 16, 2009, and had until June 18, 2009 to come into compliance. Mr. Collie stated that Mr. Graves operates a trucking business, stores a lot of parts and equipment on his property, and has numerous cars and trucks that are on the property along with other scrap parts and containers. Mr. Collie noted that Mr. Graves does not operate a junk/salvage yard. Mr. Collie informed the Board that Mr. Graves was cited as being in violation of the Outdoor Storage Ordinance under Section Seven.F(5) of the Outdoor Storage Ordinance, storing over 500 square feet of outdoor storage material on property without an Outdoor Storage permit. Mr. Collie stated that in order to come into compliance, Mr. Graves had to construct a fence around his entire storage area, obtain a driveway entrance permit, and install a gated entrance and added that he had a previous file dating back to 2003. Mr. Collie informed

the Board that upon his inspection of the property, Mr. Graves came into compliance of the Outdoor Storage Ordinance on July 14, 2009.

Mr. Derrick Graves stated that he has heard that on some of the cases with existing driveways they did not need a permit, but even though he had an existing driveway he was required by NCDOT to obtain a driveway entrance permit, and the work cost him approximately \$2,000. Mr. Collie stated that Mr. Graves is correct in his statement and he does not know why he was required by NCDOT to do this.

Commissioner Travis stated that Mr. Collie needs to find out from NCDOT why Mr. Graves was required to obtain a driveway entrance permit when he had an existing driveway and expressed the need to treat everyone the same.

Commissioner Satterfield stated that the County Manager and Planner need to meet with NCDOT concerning the driveway entrance permit that Mr. Graves was required to get and added that it is not fair for him to have to get a permit and spend the amount of money he stated when others did not.

Mr. Collie informed the Board that he has met with Mr. David Harrell with NCDOT on numerous occasions on a case by case basis. Mr. Collie noted that the County's Outdoor Storage Ordinance states that all new entrances require a driveway entrance permit from NCDOT. Mr. Collie stated that Mr. Grave's entrance was a new entrance according to the County's Ordinance. Mr. Collie added that he does not have the authority to determine if a driveway entrance permit is required and this is determined by NCDOT.

Commissioner Battle stated that this is an issue that needs to be followed up with NCDOT and specifically why Mr. Graves was required to obtain a driveway entrance permit.

Commissioner Hall agreed with Commissioner Battle and stated that the County needs to be consistent.

Mr. Graves informed the Board that when the NCDOT official came to inspect his property, he said that he did not know why a driveway entrance permit was being required for basically, a private driveway.

Commissioner Ward questioned why a copy of Mr. Graves' tax return was included with his information and why he was required to obtain a driveway entrance permit when he has been in business since 1996 and the existing driveway was there prior to 2003. Mr. Graves stated that the Outdoor Storage Ordinance requires that a business provide a copy of its tax return.

Mr. Collie reported that an appeal to violations of the Outdoor Storage Ordinance is being made by Mr. Bobby Plunkett. Mr. Collie reported that Mr. Plunkett was notified of his violation of the Outdoor Storage Ordinance On February 16, 2009, and given until June 18, 2009 to come into compliance. Mr. Collie stated that Mr. Plunkett operates a used car dealership, auto repair shop, and salvage yard on this property, has never been permitted under the Outdoor Storage Ordinance, and has a previous file dating back to 2003. Mr. Collie informed the Board that Mr.

Plunkett does not feel that it is right that he be limited to only 25 cars outside of his fenced in area if the cars are for sale or customer's cars left for repair since he has a valid dealership and this limits his business. Mr. Collie stated that Mr. Plunkett has completed his fencing and he has received a letter from NCDOT informing him that a driveway entrance permit is not required. Mr. Collie added that he inspected the property today and other than two to three cars over the limit that are outside of his fenced in area and fluctuates on a daily basis, Mr. Plunkett is in compliance with the Outdoor Storage Ordinance.

Upon questioning from Commissioner Battle as to why the number of vehicles fluctuate, Mr. Collie answered that because of his auto repair business, customers drop cars off and pick them up constantly.

Mr. Bobby Plunkett stated that he operates an auto sales and auto repair business and explained how he can have over 25 vehicles on his property by the customer not being able to pick the vehicle up as scheduled or does not have the money to pay for the repair. Mr. Plunkett stated that he currently has 19 used vehicles for sale and they need to be out front for the public to see. Mr. Plunkett asked that the Board allow him to operate his business and have used vehicles out front to sell and still be able to operate his auto repair business.

Upon questioning from Commissioner Satterfield, Mr. Collie answered that a six foot fence is installed in the back of the property.

Mr. Collie reported that an appeal to violations of the Outdoor Storage Ordinance is being made by Mr. David Shelton. Mr. Collie reported that Mr. Shelton was notified of his violation of the Outdoor Storage Ordinance on February 16, 2009 and had until June 18, 2009 to come into compliance. Mr. Collie noted that Mr. Shelton has a previous file dating back to 2006. Mr. Collie stated that Mr. Shelton once used this property to sell cars, but recently has just been using it for storage. Mr. Collie added that Mr. Shelton contacted him soon after receipt of the first letter inquiring as to what he needed to do. Mr. Collie informed the Board that Mr. Shelton slowly removed vehicles and debris from the property and came into full compliance of the Outdoor Storage Ordinance on August 4, 2009. Mr. Collie reported that all that remains on the property is a camper, small mobile office building, and equipment that he uses for his well drilling business.

Commissioner Battle questioned whether the truck on Mr. Shelton's property is operable, licensed, and tagged. Mr. Shelton answered that the truck is operable, but is not licensed and tagged.

Mr. Shelton stated that he has been in the well drilling business for 40 years and he does not sell cars now, but he has trucks that come to his business and they are sent overseas. Mr. Shelton added that if he cannot operate his business in Caswell County like he did for 40 years, he has a place in Virginia and felt that they would welcome him there. Mr. Shelton stated that he has done everything Mr. Collie asked him to do, and his property probably did need to be cleaned up, but did not think he needed to be told to clean it up.

Mr. Collie reported that an appeal to violations of the Outdoor Storage Ordinance is being made by Mr. William Wilson. Mr. Collie stated that Mr. Wilson was notified of his violation of the Outdoor Storage Ordinance on February 16, 2009, and had until June 18, 2009 to come into compliance. Mr. Collie added that Mr. Wilson was cited as being in violation under Section Seven.F(5) of the Outdoor Storage Ordinance, storing over 500 square feet of outdoor storage material on property without an Outdoor Storage permit. Mr. Collie informed the Board that Mr. Wilson has a previous file dating back to 2003. Mr. Collie added that Mr. Wilson was permitted in 2002, but has not since been permitted under the Outdoor Storage Ordinance. Mr. Collie stated that Mr. Wilson does not operate any business on his property and his violations exist because of an accumulation of vehicles, tires, and scrap that he has placed on the lot over the past decade. Mr. Collie noted that Mr. Wilson does not want to obtain an Outdoor Storage permit because he has no plans to install a fence and his intention is to clean up the property. Mr. Collie added that Mr. Wilson is in his 70's, works full-time, has no one to help him clean up his property, and has to physically clean up the property on his own. Mr. Collie stated that since he started, Mr. Wilson has progressively cleaned up his property by himself and there is a drastic difference from the start. Mr. Collie added that as of this date Mr. Wilson still has debris on his property because physically he has not been able to get it all removed. Mr. Collie stated that he presented a request to the Board of Commissioners on March 30, 2009, for a time extension to allow property owners like Mr. Wilson who could not physically clean up their property in the allotted time frame, but the request was not granted.

Mr. William Wilson stated that he was told to clean up his property, but had already begun cleaning it up upon the direction of Mr. Mike Cusimano. Mr. Wilson added that he planted a vegetation fence that camouflaged the junked cars and installed a 24 foot metal fence. Mr. Wilson informed the Board that NCDOT began paving the road and the first thing they did was cut down his fence, which was very expensive, and cut down his shrubbery. Mr. Wilson stated that Mr. Cusimano told him he would see about having NCDOT to put the fence back up, but then Mr. Collie came to see him and by then he had approximately 250 junked cars on his property because he was operating an outdoor storage and used car business and had his permits. Mr. Wilson added that after Mr. Collie told him what he had to do, he told Mr. Collie that he would just close his business, but to give him time to see if NCDOT was going to put his fence back, but he has not heard anything about that. Mr. Wilson informed the Board that he has only 15 to 20 cars left on his property out of the 250 that were originally there and he works daily in cleaning his property and had to destroy a mobile home. Mr. Wilson stated that at 77 years old he is not able to work all day and cannot afford to hire anyone to help him. Mr. Wilson added that he had requested that Mr. Collie grant him at least an additional six months to finish cleaning up his property.

Commissioner Hall questioned when Mr. Wilson's road was paved and it was determined that the road was paved approximately four or five years ago.

After further discussion, Commissioner Carter moved, seconded by Commissioner Hall to waive the assessed fines for Mr. Ronnell Dickerson, Mr. Derrick Graves, and Mr. David Shelton, who are now in compliance with the Caswell County Outdoor Storage Ordinance, and for Mr. Bobby Plunkett.

Commissioner Carter stated that he feels that the Board needs to revisit the requirement of a limit of 25 cars for sale on a property.

Commissioner Battle stated that he felt that Mr. Shelton's truck sitting on his road front property needs to be properly licensed and tagged.

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

Commissioner Carter moved, seconded by Chairman Jefferies to grant a six-month extension to Mr. William Wilson in order for him to finish cleaning up his property and come into compliance with the Outdoor Storage Ordinance.

Commissioner Satterfield stated that the Board just voted to deny two appeals tonight, and even though Mr. Wilson has done an admirable job in cleaning up what he could, others tonight have done the same. Commissioner Satterfield noted that Mr. Wilson's violation dates back six years and if the Board grants additional time to some and not others, he did not see the fairness.

Chairman Jefferies clarified that Mr. Wilson is not in business like the others.

Commissioner Carter stated that the Board can review these appeals case by case, and there is also a question in Mr. Wilson's case concerning the fence and shrubbery that was taken down by NCDOT.

Upon a vote of the motion, the motion carried by a vote of six to one with Commissioner Satterfield voting no.

Commissioner Battle moved, seconded by Commissioner Travis that the appeal to the Outdoor Storage Ordinance by Hayes Iron and Metal be denied and that staff move forward with the Ordinance violation process. The motion carried by a vote of five to two with Commissioners Carter and Ward voting no.

Commissioner Hall stated that the Board needs to request that the Planning Board readdress the issue of the number of cars that can be on a car dealership lot. It was Board consensus that the Planning Board review the Outdoor Storage Ordinance and this issue.

Mr. Collie requested that the Board give him clarification as to whether Mr. Plunkett can have over 25 cars on his property and would he be in violation of the Outdoor Storage Ordinance, and also how this would apply to other car dealerships.

Mr. Howard suggested that the Board direct staff to suspend enforcement of the section of the Ordinance that deals with the number of cars allowed on a car dealership lot until the Planning Board has reviewed the Outdoor Storage Ordinance and that issue.

Commissioner Ward moved, seconded by Commissioner Carter to direct staff to suspend enforcement of the section of the Outdoor Storage Ordinance that deals with the number of cars allowed on a car dealership lot until the Planning Board reviews the Ordinance and that issue.

Commissioner Travis questioned how the County Planner will be able to determine the number of cars for sale or those there for repair.

Chairman Jefferies stated that the Board needs to discuss this further before taking action to suspend enforcement on any part of the Outdoor Storage Ordinance.

After further discussion, Commissioners Ward and Carter withdrew their motion.

Commissioner Ward moved, seconded by Commissioner Travis to adjourn the Board of Adjustment and reconvene as the Board of Commissioners. The motion carried unanimously.

RECESS

The Board held a brief recess.

REPORT AND REQUEST FROM RECREATION COMMISSION

Mr. Barry Smith, Recreation Commission Chairman, came before the Board and stated that there are three parts to the Recreation Department: 1) Ms. Ashley Williams, Recreation Director, who is in charge of programs and facilities; 2) Recreation Commission, which is a volunteer group appointed by the Board of Commissioners and serves as an advisory Board which makes recommendations to them as far as programs, facilities, and needs; and 3) Recreation Foundation, a non-profit organization which was created several years ago.

Mr. Smith reported that the Board of Commissioners had provided the Recreation Foundation with some land behind the Senior Citizens Center and on Rotary Clubhouse Road to develop a park. Mr. Smith stated that the Recreation Foundation has hired Sellers Brothers and they have cleared approximately five acres of land. Mr. Smith added that the Recreation Foundation has completed the Senior Citizens Trail, which was made possible by a \$60,000 Get Fit Grant through the Caswell County Health Department. Mr. Smith reported that there is a need to clear five more acres for a soccer field and \$5,000 - \$6,000 has already been spent which was raised through fundraisers with approximately an additional \$6,000 needed to complete the project. Mr. Smith encouraged the Board to provide funding to the Recreation Foundation to complete this project, if needed.

Mr. Smith reported that he has talked to VFW members about the possibility of integrating the old fairgrounds property with the Recreation Foundation's park in order to develop a larger park with better access on the road. Mr. Smith stated that the VFW organization is very agreeable to this venture, but he needs a letter of support and recommendation from the Board of Commissioners to present to the VFW Organization in order for this project to move forward.

Mr. Smith reported that he will be going before the Yanceyville Town Council to request the use of its water and sewer easements throughout the Town as trails for the enjoyment of hiking, jogging, biking, horseback riding, and other healthy recreation uses. Mr. Smith requested a letter of support and recommendation from the Board of Commissioners for this purpose.

Mr. Smith requested that the Board of Commissioners support Ms. Ashley Williams, Recreation Director, in helping her establish better workers and salaries in order to be comparable with other parks and facilities throughout the state.

Commissioner Carter moved, seconded by Commissioner Ward that the Board of Commissioners write a letter in support of the Recreation Foundation working with the VFW Organization to develop a larger park with better access on the road, and to write a letter in support of the Recreation Department's request for use of the Town of Yanceyville's water and sewer easements for recreational uses. The motion carried unanimously.

TAX DIRECTOR'S REPORT

Mr. Thomas Bernard, Tax Director, came before the Board and submitted the following Monthly Report for July, 2009.

Foreclosure Process – All Files

1,757 accounts turned over to Attorney
34 parcels sold
1,166 accounts - paid in full
110 accounts entered into payment plan
21 bank-attached by county
35 in debt setoff
39 entered into bankruptcy
352 files moving forward

The collection rate for the 2008 tax year is 96.02% as of 6/30/2009. This is .59% ahead of the 2007 tax year collection rate.

Mr. Bernard provided the Board with a summary of Property Tax Collections for FY 2008-2009, which showed the month in which the taxes were paid (July 1, 2008 – June 30, 2009), and for which tax year the taxes are being paid.

Commissioner Travis moved, seconded by Commissioner Ward that in the future that the Tax Director present the Tax Foreclosures Report to the Board of Commissioners on a quarterly basis. The motion carried unanimously.

Upon questioning from Commissioner Hall, it was confirmed that proper documentation of continuing education requirements for Mr. Bernard in order to be eligible for reappointment as Tax Collector/Assessor have been received by the County.

BUDGET AMENDMENT NO. 2

Mr. Kevin Howard, County Manager, presented and discussed Budget Amendment No. 2 for Fiscal Year 2009-2010. After discussion, Commissioner Carter moved, seconded by

Commissioner Battle to approve Budget Amendment No. 2 for Fiscal Year 2009-2010 as presented. The motion carried unanimously.

CASWELL COUNTY FINANCE OFFICE

Ms. Gwen Vaughn, Finance Officer, came before the Board to request that it release a position in the Finance Office from the hiring freeze. Ms. Vaughn stated that she would like to fill the vacant Accounting Technician position in her office. Upon questioning from Commissioner Satterfield, Ms. Vaughn answered that the position would be advertised as an Accounting Technician I position. Commissioner Travis questioned the salary and Ms. Vaughn answered that the starting annual salary for the position would be \$18,000 - \$19,000.

After discussion, Commissioner Hall moved, seconded by Commissioner Carter to release from the hiring freeze an Accounting Technician I position in the Finance Office. The motion carried by a vote of five to two with Commissioners Travis and Ward voting no.

DEPARTMENT OF SOCIAL SERVICES

Ms. Dianne Moorefield, Director, Department of Social Services, came before the Board to request that it release two positions from the hiring freeze.

Ms. Moorefield stated that the first of these positions is a Processing Assistant IV position which is assigned to the Adult Services Unit, and is responsible for receiving and processing between 30 and 40 requests for Medicaid transportation per day. Ms. Moorefield added that this position also coordinates scheduled medical appointments with medical facilities, works closely with CDOT to ensure the availability of transportation services, and issues gas vouchers to qualified Medicaid recipients, as well as verifying a person's eligibility for transportation services.

Ms. Moorefield reported that the second of these positions, a Processing Assistant III position, is assigned to the Child Support Enforcement Unit, and is responsible for locating absent parents in approximately 1,500 child support cases, completing the child support intake process for Work First clients, answering telephone calls and inquiries related to child support services, and assisting with preparing files for court, as well as filing, typing, and notarizing child support documents.

Ms. Moorefield informed the Board that these are not new positions and are already included in her current budget.

After discussion, Commissioner Carter moved, seconded by Chairman Jefferies to release from the hiring freeze a Processing Assistant IV position and a Processing Assistant III position in the Department of Social Services. The motion carried by a vote of six to one with Commissioner Travis voting no.

PARKS AND RECREATION

Ms. Ashley Williams, Recreation Director, came before the Board to request salary increases for two permanent part-time positions in the Recreation Department. Ms. Williams reported that she budgeted these increases into her budget request for Fiscal Year for 2009-2010 and when her budget was approved, these monies for salary increases were included.

Ms. Williams reported that she has a part-time Recreation Aide who serves as her Office Assistant and she would like to increase her salary from \$8.24 to \$10.00 per hour and increase the salary of her part-time Recreation Assistant/Maintenance from \$8.24 to \$9.00 per hour.

Commissioner Satterfield noted that there were no salary increases granted in the 2009-2010 budget.

Upon questioning from Commissioner Battle, Ms. Williams answered that she has saved approximately \$3,000 in the two years that she has been with the County.

After further discussion, Commissioner Carter moved, seconded by Commissioner Battle to approve the request by the Recreation Director to increase the salary of the part-time Recreation Aide to \$10.00 per hour and the part-time Recreation Assistant/Maintenance to \$9.00 per hour.

Commissioner Ward expressed his concern that no salary increases were granted to any other County employees by the Board in the Fiscal Year 2009-2010 budget.

Upon a vote of the motion, the motion carried by a vote of four to three with Commissioners Satterfield, Travis, and Ward voting no.

COOPERATIVE EXTENSION SERVICE

Mr. Joey Knight, Director, Cooperative Extension Service, came before the Board to request that it release two positions from the hiring freeze.

Mr. Knight reported that one of the positions is the part-time Caswell County 4-H Youth Enrichment Services Mentoring Coordinator position, which is a 20 hours per week position. Mr. Knight added that the 4-H Youth Enrichment Services Program targets youth-at-risk and is funded through the JCPC Grant that is received from the State.

Mr. Knight stated that the other position is the North Carolina Cooperative Extension Agriculture Extension Agent position which provides educational outreach programming efforts to tobacco, crop, and horticulture producers as well as keeping farmers certified in pesticide application on their farms. Mr. Knight requested permission to fill this position upon the lifting of the hiring freeze by the State.

Mr. Knight announced that Mr. Rickey Williams will be retiring after 30 years of service to the County as North Carolina Cooperative Extension Agriculture Extension Agent. Mr. Knight extended an invitation to the Board of Commissioners to attend a Retirement Reception for Mr.

Williams on Friday, August 28, 2009, from 2:00 p.m. – 5:00 p.m. at the Extension Service Building.

Chairman Jefferies stated that he felt that it would be appropriate for the Board of Commissioners to present a plaque to Mr. Williams at his retirement reception in appreciation of his 30 years of service to Caswell County. The Board was agreeable to this.

After further discussion, Commissioner Battle moved, seconded by Commissioner Carter to release from the hiring freeze the part-time Caswell County 4-H Youth Enrichment Services Mentoring Coordinator position and the North Carolina Cooperative Extension Agriculture Extension Agent position. The motion carried unanimously.

CASWELL COUNTY SCHOOLS

Mr. Kevin Howard, County Manager, presented a request from the Board of Education to use lottery funds in the amount of \$300,000 for construction of a welding shop. After discussion, Commissioner Battle moved, seconded by Commissioner Ward to approve the use of lottery funds in the amount of \$300,000 by the Board of Education for construction of a welding shop on the Bartlett Yancey High School campus. The motion carried unanimously.

Commissioner Hall stated that he felt that it would be appropriate to meet with the Board of Education to start discussing the need for school renovation and repairs. There was Board consensus to proceed with this.

COUNTY MANAGER'S REPORT

Mr. Kevin B. Howard, County Manager, reported that the Board of Commissioners approved a Change Order from Dewberry in June for the Caswell County Senior Center which completed the project. Mr. Howard stated that since that time the Project Manager became aware that due to errors he made in preparation of the Change Order, he miscalculated the Change Order in the amount of \$886 and is requesting that the Board of Commissioners approve payment of this additional amount. After discussion, there was no action taken by the Board.

Mr. Howard reported that Piedmont Community College has requested that the Board allow them to research and pursue grant funding to renovate the Guilford Mills Building for their use in training purposes. There was Board consensus to allow Piedmont Community College to move forward on this project.

Mr. Howard presented a Professional Services Contract from Gunn Memorial Public Library for a program for pre-school age children at a cost of \$400. After discussion, Commissioner Ward moved, seconded by Chairman Jefferies to approve the Professional Services Contract in the amount of \$400 from Gunn Memorial Public Library for a program for pre-school age children. The motion carried unanimously.

Mr. Howard presented for the Board's approval Professional Services Contracts for the Register of Deeds Office–Software License and Support Agreement with Courthouse Computer Systems;

Caswell County Health Department/Caswell Family Medical Center; and Department of Social Services: 1) Watlington Law Firm (Child Welfare and Adult Welfare Programs); 2) Stuart Watlington, Attorney-at-Law (Child Support Enforcement); 3) DSS Contracts with Local Agencies to Receive State Funding: a) Town of Yanceyville/Domestic Violence Shelter; b) Sheriff's Office; c) Building Inspections; d) Health Department; e) CDOT; and f) CDOT Amended Contract. After discussion, Chairman Jefferies moved, seconded by Commissioner Travis to approve Professional Services Contracts for the Register of Deeds Office - Software License and Support Agreement with Courthouse Computer Systems; Caswell County Health Department/Caswell Family Medical Center; and Department of Social Services: 1) Watlington Law Firm (Child Welfare and Adult Welfare Programs); 2) Stuart Watlington, Attorney-at-Law (Child Support Enforcement); 3) DSS Contracts with Local Agencies to Receive State Funding: a) Town of Yanceyville/Domestic Violence Shelter; b) Sheriff's Office; c) Building Inspections; d) Health Department; e) CDOT; and f) CDOT Amended Contract, as presented. The motion carried unanimously.

Mr. Howard reported that in July, 2009, the North Carolina Department of Revenue audited the County's motor fuel claims for the period of May, 2006 – June, 2009. Mr. Howard stated that following the auditor's clarification of North Carolina General Statute 105-449.105, the outcome of the audit revealed that Caswell County needed to reimburse a total of \$14,712.07 to the North Carolina Department of Revenue for the taxes claimed on the DSS vouchers during the three-year period. Mr. Howard added that according to the statute, tax refunds claimed for the Department of Social Services voucher program are not allowable. Mr. Howard noted that the statute allows taxes to be claimed for the purchase and use for clients; however, vouchers are not allowed because the fuel is used in vehicles that do not belong to the County.

Mr. Howard reported that one of the condenser coils in the air-conditioning unit at the Health Department has gone out and it will cost \$3,132 to replace it. Mr. Howard noted that the air-conditioning unit is over 20 years old. Mr. Howard informed the Board that he has obtained a quote to replace the unit and the total is \$6,400. Mr. Howard requested that the Board allow him to obtain additional bids and to replace the unit at a cost not to exceed \$6,400.

Commissioner Hall stated that the Board needs to look at quality rather than lowest price as far as maintaining County buildings. Commissioner Hall suggested that the Board have someone who is knowledgeable about HVAC units look at what is needed and recommend a unit that is suitable, of high quality, and as energy efficient as possible. Commissioner Hall stated that the Board could then look at the bids and make a decision.

Commissioner Satterfield stated that there is a tremendous problem with the HVAC units at the New Courthouse and the County needs to bring in a specialist on HVAC units to assess each of the County's buildings and units. Commissioner Satterfield added that there may be stimulus monies to assist with the purchase of energy efficient units.

Commissioner Hall stated that there are some organizations in the State that have experts like this and they could come to the County and perform the assessment of the County's buildings.

Chairman Jefferies directed the County Manager to research this further to determine the most efficient unit for the Health Department rather than being concerned with the lowest cost.

Mr. Howard presented a request from Mr. R. Lee Farmer for a letter of support from the Board of Commissioners for his nomination of United States Attorney for the District. After discussion, Commissioner Ward moved, seconded by Chairman Jefferies that the Board of Commissioners write a letter of support for the nomination of Mr. R. Lee Farmer as United States Attorney for the District. The motion failed by a vote of four to three with Commissioners Battle, Carter, Hall, and Travis voting no.

Mr. Howard reported that there are grant funds in the amount of \$66,000 remaining from the Senior Center Project and these monies must be spent by the end of 2009. Mr. Howard stated that he would be bringing a request on spending the remaining grant funds in the near future, which will include additional sidewalks and landscaping.

Mr. Howard reported that bids will be solicited on the water lines for the water tank in the Pelham Industrial Park in the next couple of weeks and the water tank will go to bid in the next 45 days.

Mr. Howard reported that he met with Moseley Architects concerning the Detention Center on August 20, 2009 and they are currently preparing their proposal to present to the Board.

Mr. Howard announced that the Board of Commissioners will be meeting with Excelsio Communications on Thursday, September 3, 2009, at 5:00 p.m. to discuss the Broadband Propagation Study.

Mr. Howard announced that the Annual Chamber of Commerce Picnic was held today at 5:30 p.m.

Mr. Howard reported that he will be attending an Energy Conservation Grants Seminar in Greensboro, NC, which is presented by the Piedmont Triad Council of Governments on Tuesday, August 24, 2009.

Commissioner Satterfield questioned the County's ending balance for the Fiscal Year 2008-2009 and the Finance Officer answered that this information is not available at this time.

Commissioner Satterfield questioned whether a Financial Report has been prepared for June, 2008 and July, 2009 and the Finance Officer answered that this information will soon be available.

Commissioner Satterfield questioned the status of the Automation Project between the Finance and Tax Offices. Mr. Howard answered that he has discussed this with the IT Director and there are some timing issues with the Finance Office and the project may need to be done at the end of the calendar year, and noted that it also includes the Building Inspections Office. Mr. Howard stated that he would provide a detailed report at the Board's next meeting. Commissioner Satterfield stated that he discussed this with the IT Director and he was told that there was

nothing that he could do, that it was between ACS and the Finance Office. Mr. Howard noted that the IT Director has work related to tying in the Building Inspections Office. Commissioner Satterfield stated that this process has been going on for three or four years.

ANNOUNCEMENTS

Commissioner Carter announced that the Annual Bright Leaf Hoedown will be held on Saturday, September 26, 2009.

Commissioner Carter reported that he was informed by Yanceyville Mayor Davis that the Town has concerns with their contract with the Sheriff as far as coverage of the Town.

Commissioner Hall referred the Board to information in the agenda package explaining that the 2009 North Carolina General Assembly has enacted legislation that provides for a temporary additional one percent State sales and use tax, effective September 1, 2009. Commissioner Hall expressed concern over the impact this could have on the County's budget.

Commissioner Hall reported that Mr. Andrew Sterling Carter, a local student, will be attending the National Youth Leadership Forum on National Security: Exploring American Diplomacy, Intelligence and Defense in Washington, DC on September 29 – October 4, 2009. Commissioner Hall encouraged the Board to monitor this as Mr. Carter moves forward.

Commissioner Hall referred to a letter from the North Carolina Department of Health and Human Services relating to the County's Corrective Action Plan. Commissioner Hall noted that if positions are not approved, there cannot be segregation of duties.

THE ADJOURNMENT

At 9:35 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
