

TUESDAY JULY 6, 2010 MINUTES

The Caswell County Board of Commissioners met at the Historic Courthouse in Yanceyville, North Carolina at 6:30 pm on Tuesday July 6th, 2010. Commissioners present: Chairman George W. Ward, Jr., William E. Carter, Nathaniel Hall, and Jeremiah Jefferies. Also present: Kevin B. Howard, County Manager, Michael Ferrell, County Attorney, and Angela Evans, Caswell Messenger. Absent: Erik D. Battle, Gordon G. Satterfield, and Vice-Chairman Kenneth D. Travis. Matthew Smith, Clerk to the Board, recorded the minutes.

MOMENT OF SILENT PRAYER

Chairman Ward opened the meeting with a moment of silent prayer.

APPROVAL OF AGENDA

Chairman Ward stated that at the end of Item Five and beginning of Item Six the Board is going to put the discussion of the Subdivision Ordinance Amendment. The Board also wants to move Item 7 to July 19th, move DSS appointments to July 19th, and move the approval of Guilford Mills leases to July 19th. Commissioner Jefferies moved, seconded by Commissioner Hall to approve the agenda. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Chairman Ward asked before a motion on the consent agenda if everyone had a chance to look over the June 30th, 2010 minutes that were handed out before the meeting or if they should be moved to the next meeting. Commissioner Jefferies moved, seconded by Commissioner Carter to approve the consent agenda. The motion carried unanimously.

The following items were included on the consent agenda.

1. Approval of Minutes of June 1, 2010 Reconvened Meeting, Approval of Minutes of June 8, 2010 Reconvened Meeting, Approval of Minutes of June 14, 2010 Reconvened Meeting, Approval of Minutes of June 21 Reconvened Meeting, Approval of Minutes of June 21, 2010 Regular Meeting, Approval of Minutes of June 23, 2010 Reconvened Meeting, Approval of Minutes of June 30, 2010 Reconvened Meeting.

PUBLIC COMMENTS

Chairman Ward opened the floor for public comments.

There were no public comments made.

DISCUSSION OF RECREATION VEHICLE ORDINANCE AND SUBDIVISION ORDINANCE AMENDMENT CHANGES

Brian Collie, County Planner, came before the Board to present changes to the Recreational Vehicle Ordinance. Mr. Collie stated that after the public hearing on June 7th, 2010 the Board of Commissioners voted to send it back to the Planning Board for review. It was stated that under the utility requirements for RV parks in Section 3.6 that it needs to state that the parks are required to have water and sewer disposal. At the Planning Board meeting on June 22nd, 2010, Mr. Collie presented the changes to the Board and they approved them with a unanimous vote. Attached is a copy of the ordinance with approved changes. Commissioner Carter stated that under Section 3.6 B where it says all water supply facilities shall have the approval of the Caswell County Health Department and/or NC Division of Health Services needs to be changed to Caswell County Health Department, Public Water Supply Section of North Carolina Department of Environmental Health and Natural Resources, and the NC Division of Health Services. Mr. Collie stated the second amendment to the Recreational Vehicle Ordinance under Article 4, Section 4.1 adds, "Recreational vehicles allowed pursuant to this section shall have approval of the Caswell County Environmental Health Department. Commissioner Hall asked if there was still a six month temporary use for individual units and Mr. Collie responded with yes sir. Commissioner Hall moved, seconded by Commissioner Jefferies to accept the recommended changes to the Recreational Vehicle Ordinance. The motion carried unanimously.

Mr. Collie came before the Board to present changes to the Subdivision Ordinance. Mr. Collie stated the change was brought up after having to repeatedly give subdivisions time extensions under Article 7, Section 3B, of the Subdivision Ordinance. The Planning Board voted on May 25th, 2010 to amend the section. The amendment will allow subdivisions to not have to worry about getting time extensions for submitting final plats after their thirty-six month time period has run out. This amendment gives subdividers time to sell their lots but also grandfathers them in under the subdivision ordinance their preliminary plat was approved under forever. The deleted text reads, "The final plat shall be submitted not more than thirty-six (36) months after the date on which the preliminary plat was approved." Chairman Ward asked Mr. Collie to explain to the Board what that would entail. Mr. Collie stated that under the subdivision ordinance for major subdivisions, they must submit a preliminary plat to the Planning Board that must be approved before you can go any further or sell any lots that are finalized. Once the preliminary plat is approved you have thirty-six months to submit a final plat within that subdivision however that does not mean you only have thirty-six months to complete the subdivision. If you do not finalize a lot out of that preliminary plat in the thirty-six month time period you have to start all over.

Michael Ferrell, County Attorney, stated that the changes being proposed would extend protection under those rules for an indeterminate period of time. Attorney Ferrell stated that if circumstances were to change in the future and this Board changes the rules eight years from now, that developer can come back and still use the rules from earlier times to develop his subdivision and at that time the rules may be completely inappropriate which is the reason for the time limits. Attorney Ferrell recommended to the Board to leave the time limits in place. Commissioner Hall stated that he keeps hearing Planning Board and asked if there is a staff person working for the County that's responsible for reviewing these plats. Mr. Collie responded

with yes sir. Commissioner Hall stated that he is asking because it occurred to him as the conversation was taking place that the Planning Board is not employed by the County. Commissioner Hall asked Mr. Collie if he is the staff person and Mr. Collie said yes sir. Mr. Collie stated that he will not accept a preliminary plat to the Planning Board unless it meets all the requirements in the subdivision ordinance in his eyes. Commissioner Hall stated what he wanted to get clear were the players and as he understood it that was the Planning Board and the County Planner and that's it. Mr. Collie confirmed Commissioner Hall's statement. Commissioner Hall stated that he said all that to say that he thinks that the Board should listen very closely to the advice from the Planning Board, Planning Director, and Attorney and that we should stick to the thirty-six months. Commissioner Hall asked how many plots make up a major subdivision. Mr. Collie responded that a minor subdivision is one to seven lots and a major subdivision is seven lots or more.

DISCUSSION OF RELOCATION OF CONVENIENCE CENTER

Tim Smith, Solid Waste Director, came before the Board to present twelve options on where to relocate the Cherry Grove Convenience Center site. Mr. Smith stated that of the twelve, everybody on the list has either changed their mind or did not realize that someone had to be there during the daytime to monitor the site. Mr. Smith stated that only two people are now interested in running the site. They are retired and basically in the same situation as the current operator and both are located on Cherry Grove Road. One site is located east of Cherry Grove Fire Department and the other is located to the west of the fire department. One of the two locations, Robert & Barbara Saunders, has a grading problem. Mr. Smith stated he had a grading contractor take a look at the site, recently cut for timber, and the contractor estimated the grading job at \$7,000-\$8,000. The other location, Ms. Barbara, is fairly level and grading would not be an issue however the problem is that it is only a mile from the Rockingham County line.

Commissioner Hall stated he thinks the Board is jumping the gun and appreciates the advertising but this came up at our June 7th meeting and he has suggested and hoped there would be a site study before deciding on a location. Commissioner Hall stated he has been approached by some people on Hodges Dairy Road that wants something in their community. He stated that in order to be the most effective, there should be a study that looks at that number of homes in those communities then let the bids come in and see where we get the interest rather than just advertise and say anywhere on this end of the County. Mr. Smith stated that he agrees and that Hodges Dairy Road runs parallel with the Allison Road and its only three miles or so around to get to the dump that is on Allison Road. Commissioner Hall stated that he is not arguing a position but mentioning that the folks on Hodges Dairy Road made that request. He stated that he wants a site study done for the whole county and then we can key in on how many homes are covered and how many miles are travelled. Commissioner Jefferies stated that (eighteen years ago) Hodges Dairy Road, where it was supposed to have been put, voted it out and did not want it on Hodges Dairy Road so it was not put there. Commissioner Hall stated that his whole point is that he would like for the Board to do some kind of study where they can know the demographics of where the sites need to be to suit all the citizens of the County. Chairman Ward asked staff if this is something that can be done. Mr. Smith replied that the Board has until August 31st, 2010 to decide. County Manager Kevin Howard asked if the current contract could be extended another month. Commissioner Hall stated that Mr. Boone gave his notice and he is closing but

as we move forward, if it takes up to August or September to make a good decision then let's make a good decision. Mr. Howard stated that his concern was that there would not be someone in the area that would operate a site. Chairman Ward asked Mr. Howard if he could have that before the next meeting and Mr. Howard said we can try but he's not sure. Mr. Howard asked, "You want a countywide study, demographics?" Commissioner Hall stated that what he envisions is that staff calls the Planning Department and they look at GIS and put some dots out there that show where all the houses are and have the computer count them for each district and then come back before this Board and say in this district we have 700 homes and within 15 miles and we have no dumps. In this district we have 200 homes and within three miles and we have two dumps. Commissioner Hall stated that this is the kind of study he wants. Commissioner Carter asked when does the current site close and Mr. Smith replied with August 31st, 2010. Commissioner Carter asked if the Board does not have another one in place where is the nearest site. Mr. Smith stated it would be either on Byrd Sawmill Road or Allison Road. Commissioner Carter commented that it would be a good ways away. Mr. Smith replied that the one on Byrd Sawmill Road is about five miles away from Boone Road but the one on Allison Road is about twelve to thirteen miles. Chairman Ward asked if the Board can contact people to see if they are interested in this. Commissioner Hall stated that the Board should narrow it down to the location in communities that we are interested in based on our review. Mr. Howard stated that to make it work that way you would have to contact the property owners to see if they are interested in doing it. Chairman Ward stated that he would like to see it moved off the County line. Commissioner Carter stated that was one of the problems he had in the past with the site down in Prospect Hill. Commissioner Carter and Commissioner Jefferies went down there and it being so close to the Orange County line there was trash from Orange County and that's why Commissioner Carter wanted to move it back toward Hightower because he thought it would alleviate some of the trash coming from Orange County.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Chairman Ward stated that the Board is going to table appointments to the DSS Board as DSS has some questions they need to ask the state office. Commissioner Hall stated that before the Board gets started when this came up in the last meeting, he raised some questions about employees on Boards. Commissioner Hall asked, "If we appoint staff to these Boards do we have to pay them overtime if they are not exempt?" Michael Ferrell, County Attorney, stated that he does not think you do if they are not being appointed by virtue of their job with the County. If they are volunteering and the Board meets from three to five pm then they must use time off. Commissioner Hall asked, "Is it good public policy to appoint staff to some of these Boards when we have citizens out there that can really diversify the mix so to speak?" He stated that these are his two reservations about appointing staff to Boards. Commissioner Hall stated that some Boards are required to have staff by statute but others do not.

Commissioner Jefferies moved, seconded by Commissioner Carter to appoint Rascoe Massey to the ABC Board. The motion carried unanimously. Chairman Ward asked Commissioner Hall if he had certain Boards he would like the Board to look at. Commissioner Hall stated no as that would single out people and that was not his intent. His intent was for the Board to take a policy position and apparently the Board does not want to take a policy position so the Board moves on. Commissioner Carter stated that the reason he wanted to go ahead and move on the ABC Board

because Chairman Daniels has stepped down due to his health and they are in need of appointing a new chairman. Commissioner Carter stated that he is in favor of what Commissioner Hall is saying and that his personal preference is that he thinks it is a conflict for a county employee to serve on a board but that is just his personal feeling and if the Board wants to come up with a policy for that he is all in favor of it. Chairman Ward stated that we can move through this and get staff to look at putting something together. Commissioner Hall stated that again his preference is that the Board deals with policy issues and that the Board should deal with the policy first. After further discussion Chairman Ward tabled the appointments to the July 19th, 2010 meeting so that a policy concerning county employees serving on Boards and Commissions can be developed.

DISCUSS DEVELOPMENT OF WORK PLANS FOR STAFF THAT REPORT TO THE BOARD

Commissioner Hall stated that as he went back through the minutes of the meetings over the last several months he noticed that the Board wanted to follow up on some things that kind of got dropped and he also recalled earlier this spring when they were doing evaluations that some of the Board were harsher than others. He stated that he thought about it in an effort to be fair to staff that report to this Board that we should have a work plan in place at the beginning of the year so that at the end of the year when the Board evaluates they will not be subjective as they should be objective. Commissioner Hall stated we have the Clerk and one of the requirements of the Clerk is that he prepare the minutes and do things in a timely manner and we get back at the end of the year and he is six months behind in the minutes then it appears to me that we could not rate him an A plus in his job. The Attorney is contract so we cannot deal with him but for the County Manager and Tax Director we should decide upfront some general things that we expect them to accomplish and we should write them down. Commissioner Hall stated that statutory requirements for the Tax Director and County Manager should be out there and then come March when the Board is ready to evaluate they can look at some of those things. Commissioner Hall offered some examples, "Did you Mr. County Manager respond to the citizens in a timely manner when you received complaints? Did you do it in writing? Did you Mr. Tax Director reduce the number of complaints you had from the previous years?" Commissioner Jefferies stated that Commissioner Hall has some good points but this Board needs to set some objectives on what we expect the County Manager and Tax Director to do. Chairman Ward asked the Board if they would like to have some objectives ready for the next meeting so that the Board can submit something back for the first meeting in August. Kevin Howard, County Manager, stated that you are not talking about an appraisal list you are talking more job specific. Commissioner Hall stated he is thinking more job specific, specific to Caswell County and things that are important to this Board.

MANAGER'S BUSINESS

Kevin Howard, County Manager, presented a funding request for the Animal Protection Society. They are applying for a POP-NC grant which is a low cost spay-neuter program that brings a vehicle in once a month to do the program. They are asking the County for \$1,750 but they have an organization called Animal Kind that is going to reimburse the County but they need the money upfront first to get the grant. Michael Ferrell, County Attorney, stated that there is no

money back guarantee on the funds. Commissioner Carter stated that he thinks it is a very good program. Commissioner Hall asked if the Board is willing to take the risk knowing you could lose. Commissioner Carter stated he spoke with Dr. Foster about it and he thinks it is a very good program as pet overpopulation is a problem and he feels like the County will get reimbursed. Chairman Ward asked Mr. Howard if he could call and get some clarification on this guarantee. Chairman Ward stated that if the County is going to subsidize it he wants to know upfront. Commissioner Jefferies stated that it is going to be a gamble any way you call it. Commissioner Carter moved, seconded by Commissioner Hall to adopt the program as presented. Commissioner Hall stated that his only comment is the Board willing to take the risk. The motion carried 3:1 with Chairman Ward voting no.

Mr. Howard presented a designation of voting delegate to the NCACC Annual Conference. Chairman Ward asked Commissioner Hall if he was going and Commissioner Hall responded that he was. Commissioner Jefferies moved, seconded by Commissioner Carter to nominate Commissioner Hall as the voting delegate for the NCACC Annual Conference. The motion carried unanimously.

Mr. Howard presented a contract with Good Health Services for approval. Mr. Howard stated it was the same contract presented at the last meeting. Commissioner Hall moved, seconded by Commissioner Jefferies to approve the Good Health Services contract. The motion carried unanimously.

Mr. Howard updated the Board on two previous issues. Mr. Howard stated he talked to the Sheriff about going out and visiting the Conservators' Center but has not been able to get in touch with Mr. Carscadden at the Animal Protection Society. Mr. Howard stated that the building inspector has been over to Guilford Mills and inspected the building and should have a full report out within the week. Commissioner Hall stated that during the Board's discussion of the Conservators' Center it was decided that the Sheriff, APS, Animal Control and someone from Environmental Health could go out there but they did not need to go at the same time. His concern was that at least three of the four get out there as this is a real big issue.

ANNOUNCEMENTS

Commissioner Carter asked Mr. Howard about the monthly overtime where it has Sheriff and then Sheriff/Police as he had a couple questions from citizens in his district and the Yanceyville district about the road checks the Sheriff's Department are conducting. The citizen said during the road check there were no highway patrol officers and six or seven Sheriff's deputies and he was wondering if they were getting paid overtime to do the road checks. The citizen said the next day he went through another one with six or seven deputies. Mr. Howard said he could not give a schedule specific answer at this time but he could get one.

Commissioner Carter stated that he heard Angela Evans from the Caswell Messenger got a promotion and wanted to congratulate her on her new title as Publisher.

ADJOURNMENT

Commissioner Jefferies moved, seconded by Chairman Ward to adjourn the meeting. Commissioner Carter stated that he would like to see the County, Town of Milton, and Town of Yanceyville meet twice a year to come up with ideas of things all three can do in the county. Chairman Ward asked Mr. Howard if the \$1,750 for the APS is going to come out of contingency. Mr. Howard stated there will be a budget amendment showing where that came from. Chairman Ward asked Mr. Howard to get some clarification before the next meeting. The motion carried unanimously.

Matthew W. Smith
Clerk to the Board

George W. Ward, Jr.
Chairman
