

CASWELL COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

May 2, 2022
OTHERS PRESENT

Rick McVey, Chairman
David Owen, Vice Chairman
Jeremiah Jefferies
Nathaniel Hall
H. Vernon Massengill
Steve Oestreicher

Bryan Miller, County Manager
Carla Smith, Clerk to the Board
Brian Ferrell, County Attorney (Joined Remote)

The Board of Commissioners for the County of Caswell, North Carolina, met in regular session on Monday, May 2, 2022 at 9:00 am in the Historic Courthouse.

WELCOME:

Chairman McVey called the meeting to order, and following that Board of Commissioners and all the guest in attendance recited the Pledge of Allegiance.

APPOINTMENT FOR INTERIM COMMISSIONER POSITION:

Chairman McVey said at this time he will entertain a motion to accept the recommendation that has been made for interim Commissioner.

A **motion** was made by Commissioner Oestreicher and seconded by Commissioner Owen and **carried unanimously** to accept the recommendation. (Commissioners Hall, Jefferies, Owen, Oestreicher, and McVey voted in favor)

Attorney Ferrell asked the Chairman if he could repeat what the recommendation was. Then Chairman McVey said the name of the recommendation that we received from the Democratic Party was Mr. Vernon Massengill.

Then Vernon Massengill and John Satterfield came forward. Mr. John I. Satterfield, Clerk of Superior Court, administered the following Oath of Office for County Commissioner to Mr. H. Vernon Massengill.

NORTH CAROLINA

CASWELL COUNTY

OATH OF

COMMISSIONER OF CASWELL COUNTY

I, **HUBERT VERNON MASSENGILL, JR.**, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws

May 2, 2022

of North Carolina not inconsistent therewith, and I will faithfully discharge the duties of my office as Commissioner of Caswell County, so help me God.

S/ H. Vernon Massengill
Hubert Vernon Massengill, Jr.

Subscribed and sworn to
before me this 2nd day
of May, 2022.

S/ John I. Satterfield
John Irvin Satterfield

Clerk of Superior Court
Title

RECESS:

The Board took a brief recess.

**PUBLIC HEARING ON EXTENSION OF THE GRANDFATHERING
PROVISION OF THE HIDO (HIGH IMPACT DEVELOPMENT ORDINANCE):**

County Manager Miller said Commissioners, first let me welcome Commissioner Massengill to the Board. To get underway with the Public Hearing, I'll just give you a brief recap on why we are here today. We had received a complaint about a property in the southern part of the County. Our County Planner and Solid Waste Director went out and reviewed the complaint. Upon reviewing the complaint, they determined that the property was not in compliance with the HIDO, but it was an existing business. The grandfathering provision had elapsed at that point in time. After further investigations, it came to the County Manager's attention that none of the businesses in Caswell County had applied for the grandfathering provision for the HIDO. The companies we know of now is a total of 13 businesses, which includes several solar farms and the rock quarry in Pelham. They had not applied to have their companies be grandfathered as part of the HIDO. So we faced two decisions at that point in time. The first decision we had to make was to make all these businesses become compliant with the HIDO, which would essentially put most of these businesses out of business. Or we could extend the grandfathering provision of the HIDO. Throughout this process, we have received several questions about the HIDO, and we have received multiple public records

May 2, 2022

requests. We have directed all those questions and public records request to our County Planner. Our County Planner is here today, and he is the resident expert on the HIDO. So when we looked at the HIDO and the grandfathering provision, Mr. Miller asked this specific question to the County Planner after he had given him the information that he had not received any applications. The County Manager asked had we given these companies any outreach or had we contacted them to let them know about the HIDO or the grandfathering provision that is in place. Basically we had not. We had followed the statutorily required process for notification, which is putting it in the Caswell Messenger. Upon contacting these businesses, most of these businesses were not even aware of the HIDO, but none of them were aware that they needed to apply for the grandfathering provision. Those that knew about the HIDO thought they would automatically be grandfathered into the HIDO, which is what our UDO (Unified Development Ordinance) does. The UDO automatically grandfathers existing businesses into compliance. Our HIDO does not. You had to make application because we needed to know where those noncompliant businesses were, and who they were. So having gathered all this information, we brought to the Board an ordinance amendment that would allow us to extend the grandfathering provision until September 15, 2022. Following the required process, we sent the information to the Planning Board. The Planning Board has met and has made a recommendation to amend that provision until June 1, 2022. County Manager Miller said he will stand by the original recommendation of September 15th. Mr. Miller has no problem with the June 1st date, but the Board had indicated that they wanted us to begin contacting these businesses at our last meeting. So we did start contacting these businesses, and the letter that was sent out specifically said September 15. For that reason, the County Manager suggested that we stick with the September 15th date. To date we have had seven companies apply and submit their paperwork to be grandfathered, if this Board decides to extend the grandfathering provision. The County Manager said he would be happy to answer any questions, but the most important part of a Public Hearing is hearing from the public.

Carl Hubbard Jr., of 185 Alamance Drive, Reidsville, NC. He was born and raised in that area. He is married and has two kids, a 2-year-old and a 7-year-old. He is also a Greensboro Police Officer, who took off today to be here. This is his first Board meeting, and he is a little nervous. Mr. Hubbard Jr. wanted to discuss the decision to extend the application for the HIDO. I do not feel the businesses should be granted that period. They had a year to be grandfathered in. If the County felt it wanted to give a notice, why didn't they give notice the day it was passed. It was put in the paper. It was adopted for the purpose of promoting the health, safety, and general welfare of the residents of Caswell County, and to promote the peace and dignity of the County. While maintaining the health, safety, and general welfare standards of established for residential areas. Then he shared the Grandfathering and Nonconforming uses. You "shall have a period of one (1) year from the date of adoption". In all cases the burden shall be upon the owner and operator. From that deadline of December 21, 2020, they had until December 21, 2021 to apply for grandfathering. This is plenty of time. It is actually a year. As the County

May 2, 2022

Manager mentioned it was placed in the paper. It states failure to apply is a violation. So we knew in the beginning, if they did not apply within that one-year period, it would be a violation. No matter what.

How we were affected? This family has put this on 31 acres right in the corner that butts up against my dad's property. It is an ongoing thing. If you look at the last four pages of this packet, it's pictures that Matthew Hoagland took himself. In the pictures you can see the property line, and all the pictures are from our property line. We emailed Matthew Hoagland on December 28, 2021, and we had no idea that the one-year period had expired until we did further investigation. In the letter that Matthew Hoagland sent on page 5, he did inform them that they were in violation mainly on the land space uses. If you refer to page 2 in the packet it tells you they are classified as a Class II business. Land use spacing is 500 feet and operation setback is 150 feet. So they should be 650 feet from a protected facility, which is a resident. Page 10 shows my father's property. From his house to the middle of their operations is only 295 feet. From my house to the center of their operations is 400 feet. The saw mill runs 5 or 6 days a week from 7 am to 5 pm. As I told you, I am a Police Officer. The other day I got off and got home at 4:30 am. They were out there loading up trucks. I have to go inside and go to sleep, but we can hear the noise through our house and over the television. There are equipment and logs all over the property. As I told you, I have a 2-year-old and a 7-year-old. It is a safety issue if logs roll onto our property and hurt one of our kids. We have a playground area that has been down there longer than the saw mill. When we first moved down there, it was cattle in that pasture.

My question for the Board is why did the County wait until a complaint was made before taking any action. Making a suggestion of sending out letters, but that should have been done day 1, if we felt that was what was necessary. In the ordinance it states that it shall be a violation if you don't apply. More importantly, why hasn't the County began enforcing the ordinance? As a county we passed this ordinance, but did we ever plan on enforcing it? We are not saying that we want this business to shut down. To come into compliance all they have to do is operate 180 days. That is temporary. We don't want to put businesses out of business. We understand that is their livelihood, but they have to understand that this is where we live.

In closing, I just want you guys to take into consideration why this was originally passed. It was for the safety and health of the county. Recently I applied for a mortgage and got approved. After talking with my family, do I want to pay a 30-year mortgage or for however long, and stay in this place where I am going to have a saw mill next to me that operates 5-7 days a week. I can't even take a day off work without hearing it. We like to have cookouts. I'm a family man. In my job I see a lot of bad stuff so when I come home I want to be home with my family. Spending time with my family is my number one priority, and I can't even do it outside. It is 15 of us that live on the end of the road. It's me, my dad and 2 sisters that live on that end of the road. Please consider what I have said and what is highlighted in the packet. It states they had one year and after that one year there will be a violation. We should have known at that point and sent out letters when it was passed.

May 2, 2022

Tiffany Cates, of 254 Alamance Drive. I was born and raised here in Caswell County. I am here today to plead with you all to reconsider this grandfathering in. Allowing this company to shuffle around the new ordinance is injustice to us common people. Four years ago I purchased my home making Caswell County my forever home prior to the saw mill. My family's quality of life has been ruined. Who's going to fight for us? Why are we allowing business to dictate? And who upholds them? I'm not against any business in our county, but they should be held to a higher standard for upholding codes and ordinance. I'm begging you all to hear my voice and fight for what's right.

Carl Hubbard Sr. I spoke at the Planning Board meeting the other day. I got up and walked out the meeting, but I finished watching and listening to it through the Zoom link. It was a comment made, "That's just one family. You can deal with one family." There's 15 of us, and yes it is just one family. We are just looking for this ordinance to be upheld or for them to come into compliance and make this thing right. We moved to the very end of a hard top road, and we are in a circle. He has 31 acres, and I have 17 acres. Anywhere on that 31 acres on the right hand side would have been next to their residence. They were open to the same opportunity, and the drive runs straight up their side. Instead they run it all the way to the far left hand corner right up against our property line. I'm just asking you to consider not letting this grandfathering go through. As my son stated, it's been a lot of research done. If we put these ordinances in place and it says that it's the owner of the company's responsibility to do these things, then it's on the owner of the company. Mr. Hoagland was asked to go above and beyond his job to step out of that rim to give these people a notification and to help them come into compliance. That's not fair to him, and it's most definitely not fair with my family. That's all I have to say. I appreciate you all's time. As I said to the Board, I prayed long and hard about coming before you guys or anybody on the board. Never would I have dreamed that I would, but I do appreciate you all.

Commissioner Massengill asked is the date of this letter, February 2022, the first time that the company had been contacted. The County Planner asked if the commissioner was asking him the question. Commissioner Massengill said yes. Mr. Hoagland said yes, the February 10th letter to Keck Logging was the first time they were contacted after visiting the property following up on the complaint. Next Commissioner Massengill asked how many businesses do we have right now that have not asked for permission to keep operating. Mr. Hoagland said he and the Environmental Health Director, and Building Inspections department has compiled a list of 13 properties that we believe meet the definition of non-conforming. Then you'll see in the blue text on the document, these are properties that have submitted documentation to be grandfathered in after we contacted them.

It's Commissioner Owen's understanding that none of these had submitted documentation within the year. Mr. Hoagland said that's correct. Prior to December 21, 2021, which was the original deadline in the High Impact Development Ordinance, none of these properties had contacted us at all. The only contact that Mr. Hoagland recalls we had whatsoever was from the

May 2, 2022

Pelham Rock Quarry prior to the adoption of the ordinance, but obviously that was prior to the ordinance and prior to any sort of grandfathering activities.

Commissioner Oestreicher asked Mr. Hoagland if he could confirm that the Piedmont Electric Cooperative has not submitted an application. Mr. Hoagland said that's a little bit different. So I actually just spoke to the County Manager about this last week. It kind of dawned on me after driving through there, that they do have solar panels on their property. So Mr. Hoagland actually just sent them documentation last week. Even though they're on the list, they receive notification much later than the other 12 businesses that are on the list. Piedmont Electric Cooperative has maybe two or three acres total in solar panels on the property.

Commissioner Owen said so I know solar farms can't pretty much and I know Pelham Rock Quarry can't. But of the rest of those facilities, how many of them could come into compliance? Mr. Hoagland said that's an excellent question. I haven't done specific measurements on that in terms of land use spacing and operation setbacks for all of the properties. Roughly speaking the one that Mr. Hoagland did make a rough estimate estimation on with the simple measurement tools in our GIS was Keck Logging. Their operational capacity on their current 30 acres would probably be dialed down to about five acres as an example. With some of the others, like I said I really didn't go through the motions of doing the measurements said Mr. Hoagland. Let's look at the rock quarry for example. Rock quarries are some of the most regulated industries in the HIDO. So the Pelham Rock Quarry for example, the lines would just go straight through their current operations. Matthew Hoagland is not sure how they would be able to stay in existence under those standards.

Commissioner Owen said I don't have the title in front of me, but I'll ask this question. Are there any provisions in that HIDO, even though I was on the committee I can't remember, where you can look at individual businesses differently or apply anything differently to some businesses? Matthew Hoagland said there is an allowance for a variance, but it's really only granted at the time that a new business is established. So if a solar farm came in, and they had a very oddly shaped property that was very narrow for example, because of the narrowness of the lot, they couldn't meet the setback or something along those lines, then they could apply for a variance. Mr. Hoagland is not aware of any provision of the ordinance that allows existing properties to get any kind of special arrangement based on the way that it's written. Commissioner Owen said so you did visit this logging company, and Mr. Hoagland said yes. Mr. Owen asked was that due to a complaint? Mr. Hoagland said it was really a noise complaint to begin with, and they had some tires, barrels, and other things that moved it over into a solid waste complaint. A.J. Fuqua with solid waste is really adjudicating that. But with regards to our current noise ordinance, it allows for commercial enterprises and other businesses to operate during business hours. In having a conversation with property owners, who were aware of the High Impact Development Ordinance, we may have an issue here with their spacing to your property line as it relates to the HIDO. So more or less it started out as a noise complaint, but it evolved into taking a look at how this property measured up against the HIDO regulations.

Commissioner Massengill then asked what will this business have to do to become compliant. Mr. Hoagland said so because it's a sawmill, the ordinance actually allows for what's known as a temporary sawmill, where maybe you have equipment that can be moved and you're only in operation for up to 180 days. If you're a temporary sawmill, then the ordinance doesn't really apply to you. So that would be option one to reconfigure their operations to really only be on temporary status. Option number two would mean they would have to basically redraw property lines and have a new internal setback of 150 feet to be in compliance with the ordinance. So their relatively 30-acre property would significantly shrink down to about five acres that they would be able to operate on once you apply the standards of the ordinance to their specific property. County Manager Miller said I know this may be a little far-reaching, but of their property now, how much area do they encompass? What do they operate on now, if you had to guess? Mr. Hoagland said I would say maybe 3-5 acres in that cleared area. Mr. Hubbard Jr. said he used GIS so he wasn't sure.

Then Mr. Carl Hubbard said he would like to say one thing. The original complaint was with them burning sawdust, and we had Caswell County Forestry out there. They said the logging company could do that. Well that is totally against the law in the state of North Carolina. So we went outside the county. Not trying to create problems, but we were smoked out of our house for over a week. It was almost a two-week period that our kids couldn't play in the yard. When Winston Salem Environmental contacted them, they finally come into compliance on that. Then it moved from that to the noise. It seemed as if after we contacted someone on that, it was a lot of spite work that happened after that. That's nothing that you all can control, but that's the way it happened. Mr. Hubbard just wanted to correct the County Planner on that.

Then Carl Hubbard Jr. asked if the Board would be interested in hearing a video from the driveway of his father's residence. It would be 10 seconds. The Board listened to the recording, which was the sawmill, but the chipper was not running.

Commissioner Massengill said to the County Planner you sent a February 10th letter, a March 2nd letter, and a March 11th letter. Is that correct? Mr. Hoagland said yes, that's correct. Commissioner Massengill said did you get a reply from any of the letters? Matthew Hoagland said yes, after the first letter to Keck Logging, Mr. Keck came into the office personally. Mr. Hoagland thinks it was the next business day on a Monday or Tuesday. It was just a few days after that first letter. Mr. Keck then coordinated with his attorney, and his attorney reached out to Mr. Hoagland as well. Given the nature of the way that we operate, a complaint driven operation, if someone is in violation of any ordinance, we give them 30 days to come into compliance. So before that 30-day window was up, Mr. Hoagland sent a reminder letter to Mr. Keck letting him know that the 30-day window from the initial letter would be up on March 15th. So yes, I was contacted by Mr. Keck and his attorney. Mr. Massengill asked did you get a follow-up on the March 11th letter? Mr. Hoagland said he did not get a follow-up on the March 11th letter because by then the directive had altered after meeting with the County Manager. We discussed this issue and the other 12 or 13 properties that were affected. The instruction was to reach out to them and

seek to get them into compliance with the ordinance in a spirit of cooperation with roughly a six-month window, which is how we settle on September 15, 2022.

County Manager Miller said Commissioners, it's important to know we as a local government cannot regulate businesses. We regulate land use, and that's what the HIDO does. It regulates land use not business. So just keep that in mind. Commissioner Jefferies thinks the Board needs to have a retreat to talk about this. This is these people's business. They have been around for a long time. Before we even passed any kind of ordinance. The Board needs to have a retreat to talk about this before we put some more pressure on them. Time is hard, and Mr. Jefferies is not about to vote for it. We need to talk about it before we put anything in this ordinance.

Commissioner Massengill asked did the company express any thoughts to you that he would come into compliance. Mr. Hoagland said his first thought was that he would appeal my issuance of a violation. More than anything else, Mr. Keck was completely unaware that the ordinance even existed, and he was just kind of trying to figure out exactly what his next step would be. Prior to my letter, Mr. Hoagland doesn't think Mr. Keck even knew that the ordinance affected his operations whatsoever. Chairman McVey asked would you say the majority of these people on this list did not have any idea? Mr. Hoagland said yes, the vast majority that I've been contacting didn't know. Mr. Hoagland mentioned the Pelham Rock Quarry operation earlier. They were obviously aware of the ordinance, but they were not aware of any sort of grandfathering or non-conforming provision as part of the ordinance. Commissioner Owen said we had no businesses apply for grandfathering. Mr. Hoagland said that's correct. Zero applications for a non-conforming permit. Commissioner Massengill said but these in blue have applied. Mr. Hoagland said yes, since we reached out to them, those have submitted either site plans or other documentation to come into compliance with the ordinance. Commissioner Massengill said some of those in black are out of business or have been out of business for a while. Mr. Hoagland said they may be. It is worth noting. You bring up a good point. We did try to reach out to any and all properties that may be applicable and more or less give them the benefit of the doubt. Mr. Hoagland has been contacted by the owner of the Caswell Speedway property on an unrelated matter just before these letters went out. So even though the speedway hasn't been in operation for several years because race tracks as an operation are regulated by the development ordinance, we sent notification to them as well. So we try to just be generous and give maximum benefit of the doubt to those operators. Commissioner Owen said he knows Foss Enterprises does not operate any more.

Commissioner Oestreicher said Mr. Hoagland, did you say that if the deadline was not extended, and we stayed by the original writing of the ordinance that the Pelham Rock Quarry would not be able to be in compliance? Mr. Hoagland said he doesn't believe that they would be able to stay in compliance. As mentioned before, rock quarries are regulated as one of the most heavily regulated industries in the ordinance. So there is land use spacing, which means their property line from a fellow property line would need to be 1500 feet. Then their internal setback would need to be an additional 500 feet. So you're talking about the edge of their operations

May 2, 2022

being 2000 feet from a dwelling, a church, or a school. There are multiple houses right across the street. Mr. Hoagland hasn't done the specific measurements. He does have a site plan in his files on his computer, but he can't foresee how they would be able to stay in business as they're currently situated. Commissioner Oestreicher said so it's your belief that if nothing was changed, they would have to shut operations down. Mr. Hoagland said he would assume so.

Commissioner Oestreicher asked are there any other businesses that would fall in that same category. Mr. Hoagland said he doesn't know that they would necessarily have to go out of business, but he would imagine that they would have to reconfigure their property arrangement in such a way that it would drastically alter their current operations. Mr. Oestreicher said Keck Logging, what would they have to do to be come in compliance? Matthew Hoagland said so primarily it comes down to the land use spacing and the operation setback. So they would need to alter their property line so that it is an acceptable distance from a neighboring property line. They would also have to have an internal setback of 150 feet. So roughly at least 650 feet of separation from the nearest occupied dwelling. Commissioner Oestreicher said they would have to alter their property line? Mr. Hoagland said that's correct. The land use spacing requirement is from property line to protected facility. Commissioner Oestreicher said so they would have to sell or subdivide their property? Mr. Hoagland said that's correct. Commissioner Oestreicher said what about Piedmont Electric's solar farm. Mr. Hoagland said I'm not 100% sure there because only a small portion of their property is dedicated to the solar panels. They may be okay as they exist, but I believe they are a class II operation. So they would have to ensure that their property line is also 500 feet from any occupied dwelling. No I apologize. They're class one. So as long as they had an internal operation setback of 150 feet, they would be in compliance.

Chairman McVey asked if there were any more questions from the Board? Commissioner Owen said so solar farms are class one? Mr. Hoagland said yes, inert debris landfills and renewable energy generated facilities as well. Commissioner Owen said do you know how many of those are listed, besides Piedmont Electric, that this may affect their operation or where they might have to remove some of their panels. Mr. Hoagland said I don't know that they would need to be drastically altered. I think your typical solar field from the panel to the property line setback is 25 to 50 feet. The ordinance calls for 150 feet. So they would have to either take out panels, relocate panels, or whatever the case may be to alter that line. So I wouldn't necessarily say that they would be drastically affected, but obviously they would be affected by having to maybe triple or quadruple their spacing from their property lines. Then Commissioner Owen asked how about this gas storage in Prospect Hill? Mr. Hoagland said those are relatively small single tank operations where they may have one or two trucks to come in as a distribution and fill up type of operation. Then they're just distributing small tanks to individual homes. The ordinance really seeks to regulate the large colonial pipeline type facilities that you see along Highway 40. So the two properties on the list that I gave you are on the list for clarification. So for example Blossman Gas at 10 Ridgeville Road, instead of a site plan, submitted us a letter detailing their day-to-day and week-to-week operations. It was clear that they did not meet the regulations in the ordinance, but we got that on file. So in the future if there's ever any question,

May 2, 2022

you can clarify and say these are what their operations are. This is not the definition of a fuel bulk storage facility. Commissioner Oestreicher asked if Utley is under that same situation. Mr. Hoagland said yes, very similar situation. They have one tank. I have not heard from them yet, but I assume it's a very similar situation. Commissioner Owen said so if I'm understanding this right, really the only business on this list in blue that would have to shut down because they can't change is the rock quarry, which is in my district. The ones in blue probably could make adjustments to come into compliance, right? Mr. Hoagland said yes I would assume so. Mr. Hoagland is not sure how they might feel about that, but I would assume that they could alter.

Attorney Ferrell asked Matthew Hoagland, just for clarity, is it accurate to say that you didn't complete the measurements. I thought I heard you say at the beginning of the meeting that you didn't really go back in site by site and look at the measurements to judge compliance for each individual operator. Is that correct? Matthew Hoagland said yes, that's correct. I did a rough measurement with the tool that's available on the public GIS, but outside of that I did not go property by property or do any kind of specific measurement. One thing I think is important to note as well is the site plan requirement in the ordinance requires that a site plan be drawn by a surveyor or an engineer. So even if I did go through and do measurements, they would not be as accurate as the ordinance requires or as a surveyor can produce. Attorney Ferrell said my point is that I don't know that the county is prepared at this point to say what impact having to comply with the current provisions of the HIDO would have on any of these businesses that would be subject to it and that have been identified on this list that you have. That's the point I was trying to make.

Commissioner Owen said I would agree with that. Then Commissioner Owen said Mr. Chairman, I'm not ready to vote on this because I would like to know specifics on each of these businesses. I would like to research a little bit more on the rock quarry to see if there's any way to work around that. I definitely am going to vote for an extension if it's going to close down the rock quarry. I know it presents other problems for people, and I hate it. I can't vote for anything that would shut down the rock quarry. So I would put this off and let our County Planner get specifics as to what each business would have to do to comply. Then I don't know if there's any way to look into anything that we could do as far as the rock quarry. I know there's no way they can comply without shutting down or moving their business elsewhere. The decision is up to the Board.

A **motion** was made by Commissioner Massengill to table this item until the Planner can come back with some definitive answers to what we've asked that he really doesn't have all the answers for. Chairman McVey said are you saying within the next meeting? Commissioner Massengill said I think that would be up to Mr. Hoagland. Chairman McVey asked Matthew Hoagland could he have that prepared for us by the end of the month? Mr. Hoagland said I will certainly do my best to carry out whatever directive that I'm given.

Commissioner Hall said Mr. Chairman, I've got a couple of other issues on my mind. I don't think they can all be done in two weeks. On some of these the measurements have to be done by a surveyor, but we could probably get close enough to make a decision. The solar farms

May 2, 2022

are relatively new in the county. So I don't know how much information was provided before these solar panels were installed. Another thing I would like to know is the nature of the business. As you mentioned rock quarry, what do they do? I just thought of a big hole out in the water. I would like to know the nature of these businesses. The final thing I would like to know is who was there first? There being a specific location. Was the non-conforming business there before the houses were built or vice versa? That would give me a better idea of how I would want to vote. If we've got a non-conforming business to stay in a location for 30 or 40 years and a house that was built 20 years ago, how can we hold them accountable for the justices. So there's a lot of other stuff that I would like to know before we make a decision. Finally, the issue of grandfathering. We're talking about how to get these businesses to conform, but if we're grandfathering them, why are we talking about that. Grandfather to me by definition is you're okay because you were here before the policy. So why are we talking about how to be able to conform them and all these other things. Chairman McVey said so you would like this other information to be brought back, and you feel like it'll take a little longer than the next meeting. Commissioner Hall said I do.

Matthew Hoagland said if I may, I can answer that with regards to the grandfathering. So as the County Manager mentioned at the beginning our Unified Development Ordinance (UDO), Article 7 basically says if you were in existence prior to the UDO, then you're automatically grandfathered in. The High Impact Development Ordinance (HIDO) is not part of the Unified Development Ordinance. It's part of the Caswell County Code of Ordinances, and it has a specific provision in there, which places the burden of grandfathering on the operator or the owner of the operating property. That timeline was from one year from the adoption of the ordinance, which took place I believe December 21, 2020. So their deadline within one year was December 21, 2021. Unlike the Unified Development Ordinance which was automatic, this ordinance required action on behalf of the operators to come into compliance for grandfathering.

Commissioner Hall said I understand. I think the biggest issue for me was our, I'll say my ignorance when we put this ordinance in place. We didn't consider anything, and I'll just take responsibility for my part. I didn't consider everything when I voted. That's what's bothering me also. We don't seek good enough information sometimes.

Chairman McVey asked when Mr. Hoagland could have the information Mr. Hall has requested? Matthew Hoagland said so the notes that I wrote down were the specific measurements on each of the properties in terms of what it would require for them to come into compliance and the nature of the businesses on each property. I don't know that we could confidently determine when a residence was built prior to an operation coming into existence. A lot of building inspections records don't really tell that. If a house is built in the 70s for example, there's just simply no record of it whatsoever. I'm not sure if we could determine that especially not for all of the properties around the county. With regards to measurements, it may take me the better part of a week or so, but I could have that for you certainly by next meeting. The County Manager said Commissioners, the GIS system contains property cards, and those property cards

would show who the owner of the property was in each year and when improvements were made to those properties. So we think we can fairly confidently get you that information as well.

Commissioner Owen asked if he heard Mr. Hoagland say that he felt like he could get that in a week? Mr. Hoagland said with regards to the measurements, specific to these properties certainly. Commissioner Owen said I'm talking about the whole list. Mr. Hoagland said no. Commissioner Owen said we're asking you how long is it going to take or how long do you feel comfortable needing so that we can set the time to meet. Mr. Hoagland said I would feel comfortable with at least two weeks or maybe a month. Commissioner Owen said so table until the June 6th meeting. Chairman McVey asked the County Planner if that suited him? Commissioner Jefferies said he was thinking that Mr. Hoagland would get the information together and we would have a retreat to look at this. Then we could amend the ordinance since the businesses are not automatically grandfathered in. Chairman McVey said so what you're recommending is that we have a special meeting in June after Mr. Hoagland has had time to get this information together. Commissioner Owen said I think we could do it in May. The County Manager said Commissioners, we'll work hard to get that information for you just as soon as we can. Then we'll inform the Chair and the Vice Chair when we have that information. If they so choose, they can set a meeting at that time. Is that agreeable?

A **motion** was made by Commissioner Massengill and seconded by Commissioner Jefferies and **carried unanimously** to table the item. (Commissioners Hall, Jefferies, Owen, Oestreicher, Massengill, and McVey voted in favor)

BOARD OF EQUALIZATION AND REVIEW:

Chairman McVey reconvened the Board of Equalization and Review. Attorney Ferrell said as you get started, Mr. Massengill will need to be sworn in as a member of the Board of Equalization and Review unless he's already taken that oath as well. The Clerk led H. Vernon Massengill in the oath of the Board of Equalization and Review.

NORTH CAROLINA

CASWELL COUNTY

OATH OF

BOARD OF EQUALIZATION AND REVIEW

I do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and I will faithfully discharge the duties of my office as a member of the Caswell County Board of Equalization and Review, and that I will not allow my actions as a member of the Board of Equalization and Review to be influenced by personal or political friendships or obligations, so help me God.

May 2, 2022

S/Vernon Massengill
H. Vernon Massengill

Subscribed and sworn to before me this 2nd day of May, 2022.

S/ Carla R. Smith
Carla R. Smith, Clerk to the Board

Chairman McVey said we now sit as the Board of Equalization and Review. Thomas Bernard, Tax Director said at the last E&R meeting, we had a written appeal for Ryan LLC. formerly known as the Caswell House, which is now known as NC4Caswell LLC. All we had was an opinion of value. We have the value at \$5,153,649. Their opinion of value was \$3,461,339. We have not received any type of documentation of any appraisals that were sent or anything else. We notified them by certified mail and email. I don't know if anybody is here from Ryan LLC. If not, I would suggest we deny this appeal. Chairman McVey said okay. Are there any questions from the Board?

A **motion** was made by Commissioner Owen and seconded by Commissioner Massengill and **carried unanimously** to deny based on the fact that there's no other evidence. (Commissioners Hall, Jefferies, Owen, Oestreicher, Massengill, and McVey voted in favor)

Mr. Bernard said we have another appeal from Mr. Thomas Wright. When my business personal property appraiser talked to him, it is something about mobile homes, but he never did suggest any 2022 values of what they were. Mr. Bernard said I'll let Mr. Wright voice his opinion.

Attorney Ferrell said Mr. Chairman as Mr. Wright comes forward, I'll just ask the clerk to swear in any individual witnesses as this is a quasi-judicial hearing on the taxpayer's appeal. The clerk asked Mr. Wright to place his left hand on the Bible and repeat the Oath: I swear to tell the truth, the whole truth and nothing but the truth, so help me God.

Mr. Wright passed out some handouts to the Board. Mr. Wright said Mr. Chairman, I'm asking for my money back on one of these properties. I just went this past week to the Register of Deed and picked up this map. I got a property that I'm paying the taxes on that's not on this map. It should be. When I went back and looked, the property that got billed to me is a lot less. This property is not on this map. What Mr. Wright wants the Board to do is see if they can find 487 on the map. That was a residence. If you find 487, and between 487 it's 8661. Should be, but I can't find it on this map. I'm paying taxes on 559 George Russell Road. That's where I live. But I got a 1990 mobile home on 8660. That's wrong. There is no 1990 and never been a 1990. I been paying taxes on it all these years. I can't get Mr. Bernard to acknowledge that it wasn't a mobile home there. It wasn't a mobile home on 559. That's my house. Mr. Bernard had it listed on 559 and at 579. So I paid it on two properties. Mr. Wright is asking for his money back, but if you

May 2, 2022

can't give my money back, I want you to acknowledge that. I paid taxes on two properties at the same time. This 1990 mobile home. He got it now in the forestry plan. I didn't give Mr. Bernard one of these maps, but he should have one. If there is anything about that 1990 mobile home that you don't understand that's on 559. Any question you got about this double taxation, ask me and I can answer it for you. I can prove it too. But to make a decision without even looking at the map or without him acknowledging that I'm paying taxes on it. I have paid the taxes. I have papers on it. The mobile home was on 559, but the mobile home was actually on 579. He had me billed for two homes. I just don't understand why he can't acknowledge it, even if he can't give me my money back at least acknowledge it.

The County Manager asked if he could be sworn in. Attorney Ferrell said before anyone gives evidence or testimony at the hearing, they must be sworn in so that the Tax Director or anyone else providing evidence support. Then the clerk swore in the County Manager. The County Manager said so Commissioners, you may remember that several months ago the Board asked me to go back and look at Mr. Wright's properties. I worked with Rena Strader through this process. She was very helpful, and did a tremendous job. She provided me with all the tax records. Mr. Wright came up and sat down in my office. For each tax year back, Mr. Wright, how many years did we go back? Six? Seven? Eight years? Mr. Wright said probably that far. So for eight years, the process always became so convoluted for me. I couldn't keep things straight because there were different properties, different trailers, some of them had wells, and some of them didn't. So I broke it down to each individual tax year. For each individual tax year, I went through and looked at the property card and counted home sites. Then I counted mobile homes for each year. Some of which Mr. Wright paid taxes on and some of which had no value, so he didn't pay taxes on them. We took those into account. There were a couple years, as Mr. Wright has said, where one mobile home was listed on his parcel that he lives on, when it wasn't there. However, it was just right next door, and there were no taxes that I could find on the property cards at that time paid for that mobile home. There were problems in the past with Mr. Wright's valuations, and there have been refunds made to Mr. Wright for those errors. But currently going back over the last five or six years or maybe seven or eight years looking at each individual tax year and counting home sites, mobile homes, and what we knew to be true. This property has a well and septic system that services two trailers. This trailer has no well, septic, or electricity, and therefore it's not considered a home site. There is a myriad of variables included, but going through each tax year looking at everything, it looks like from my perspective the Tax Department has it right. So I understand Mr. Wright doesn't believe that to be the case, but from what I could logically see, breaking it down year by year, it looks correct to me.

Mr. Wright said I would like to say this. Mr. Bernard has been out there twice. He come there looking to see who owned the mobile home. I always was charged for five home sites. The 1990 mobile home was put in the forestry plan in 2017. It was on that home site with 559. It had the value of it when he took it off in 2017. It had the value of \$22,000 and it had been there ever since 2012. It's been five months like that. It's still five home sites plus the 1990 mobile home in the forestry plan. So you still double taxed me. You just took the 1990 mobile home and put it in

May 2, 2022

the forestry plan. It shouldn't even be there. It wasn't no mobile home on 559, and it never should have been on 559. So if you go back and look at 559 George Russell Road, if you've seen a mobile home on that property it shouldn't have been there. It was at 579.

County Manager Miller said Commissioners, I'm happy to go through the process again and meet with Mr. Wright. We can sit down and count home sites and mobile homes, if the Board would like for me to do that. Mr. Wright said I got the papers here for the five home sites, and I got papers here for when Mr. Bernard put it on there. Now to clear it up, where is the 1990 mobile home that you took from 559? What did you do with it? That's to clear it up. That mobile home, he moved it from 559, and put it in the forestry plan. That's a throw away, which it was valued at somewhere around \$22,000 when he threw it in there. That changed the value of the 8626 property. I been billed for 6 mobile homes, when it has never been but five on none of the property that I own. If you don't understand what I'm saying or need to see it, I got it here with me. The County Manager said Mr. Wright, just for the record are you appealing the valuation for this current year's tax. Mr. Wright said I'm up here for this current year because the 1990 mobile home is in the forestry plan. You got to get that from off of my property. I don't own it, and it hasn't ever been there. I want it to come off. The County Manager said so you are appealing the valuation for the 1990 mobile home being on your property. Mr. Wright said yes on 8626 and it is interfering with the forestry plan. County Manager Miller said okay. I'm happy to go through this with Mr. Wright and look at this. Commissioners, I'm sure the Tax Department is happy to do that as well. The Board of E&R by statute, I think, has to adjourn as of today, but they don't have to finish their cases. Is that correct? Attorney Ferrell said that's correct. So the mandate is to adjourn today. This is the last day for accepting new appeals, but you can certainly continue and/or schedule hearings on appeals that have been timely filed in the coming meetings, if that's helpful. Attorney Ferrell said Mr. Wright, I want to make sure the Board understands the issue, and then the manager perhaps can help gather some more information. Do I understand you to say that there is or is not a 1990 mobile home on the parcel in question? The 1990 mobile home is on 8626. It's in the forestry plan. Attorney Ferrell said I'm not sure what the forestry plan has to do with it, but tell me this. Are you being taxed as real property? Is that mobile home taxed as real property or personal property? Mr. Wright said I don't know where he got it taxed because it doesn't exist. Attorney Ferrell said okay. I'll leave it at that, and perhaps the manager can get some more information that can be presented in the form of evidence at your continued hearing.

The County Manager said Commissioners, I'm happy to go through the process. Chairman McVey asked if there were any questions or comments. Commissioner Owen said I just recommend we let the County Manager, the Tax Office, and Mr. Wright go through the process, and understand where that trailer is, what it is, or if it's there. Chairman McVey said he agrees.

A **motion** was made by Commissioner Owen and seconded by Commissioner Massengill and **carried unanimously** to adjourn the Board of Equalization and Review. (Commissioners Hall, Jefferies, Owen, Oestreicher, Massengill, and McVey voted in favor)

May 2, 2022

Commissioner Owen said are they going to bring back information at the next meeting. Correct? The County Manager said yes. So I've asked the Tax Director to have Rena Strader reach out to Mr. Wright and set up another time for us to meet. Would it be more helpful Mr. Wright if I came out to your property. Mr. Wright said anybody is already invited. Come out and take a look at everything. That's the only way you going to know. County Manager Miller said set up a time with Rena for me and her to come out. Attorney Ferrell said just for clarity, Mr. Manager, members of the Board you can only receive evidence in the context of your hearing. So the Manager will not be able to communicate to you individually on the process with Mr. Wright, but he can report back to the group in the reconvened hearing when you get back together.

Mr. Wright said he don't understand what's going on now. I got to deal with Mr. Miller, and he's going to come back and tell you what he finds out. Then that's what we're going to deal with from there. Chairman McVey said when we reconvene, we'll go back and go over what he has found. Mr. Wright said okay. I want to make sure when he come out there, if he doesn't find this 1990 mobile home on that property, then I only have five home sites. That 1990 mobile home, I have been paying taxes on all these years. They adding to the double taxation. The County Manager said Commissioners, I'll look into it and what I find out, I'll bring back to the board.

PUBLIC COMMENTS:

There were no public comments.

RECOGNITIONS:

There were no recognitions.

AGENDA:

APPROVAL OF AGENDA:

A **motion** was made by Commissioner Owen and seconded by Commissioner Oestreicher and **carried unanimously** to approve the agenda. (Commissioners Hall, Jefferies, Owen, Oestreicher, Massengill, and McVey voted in favor)

APPROVAL OF CONSENT AGENDA:

- a. April 18, 2022 Regular Meeting Minutes

A **motion** was made by Commissioner Jefferies and seconded by Commissioner Owen and **carried unanimously** to approve the consent agenda. (Commissioners Hall, Jefferies, Owen, Oestreicher, Massengill, and McVey voted in favor)

DISCUSSION ITEMS:

There were no discussion items on the agenda.

May 2, 2022

RECESS:

The Board took a 5-minute recess.

PRESENTATION:

VAYA HEALTH:

Cara Townsend-Dohner, the regional director for Vaya gave a brief presentation. Just so everyone is aware, Vaya is Caswell's Managed Care Organization, which is also known as an MCO. We provide care to people on Medicaid, who have intellectual and developmental disabilities, substance use disorders, and also kids in foster care. So we have a lot of things to do to help people in the community. We are now in 33 counties across North Carolina. I just wanted to give you an update on what's going on with Vaya and answer any questions. On the next slide I just wanted to give you a quick snapshot so these four regions. Caswell is in the red. On the next slide, we are down on the far right corner, Region 4. So as you can see the red graph here, we serve the most people in this region. That's just something important to point out in the states. So Vaya consolidated with Cardinal Innovations Healthcare, and so we had to go to the state and request a new set of board of directors. We needed to restructure everything to make sure that we had adequate representation from the community. This is a snapshot of how we have organized everything, and how we've organized our members. We're happy to have Mr. Jefferies and Aisha Gwen as our two representatives on our regional board. Our regional board meets quarterly. We'll have one coming up here pretty soon. This is our Consumer and Family Advisory Committee. These are members of the community that have lived and experience intellectual disabilities, substance abuse disorders, or even foster care, but they help us identify gaps in the community where we might need services. They've been very instrumental in places like Chatham County, where we don't have really any providers for intellectual disabilities. So I just wanted to mention that because we're always looking for members. We would love to have more people from Caswell County. So just to put that that bird in your ear, if you ever think of anyone that you know that might be great to serve us on that committee. We would love to have them. So Vaya is getting ready to launch the Tailored Plan. It's the biggest healthcare plan that's launched in North Carolina history. What it basically does is right now Vaya only provides mental health services, but we will be now providing physical care as well. This is a big transformation. We're including pharmacy benefits as well as adding physical health providers to our network. So it's a major undertaking. Just to give you an example, Blue Cross Blue Shield does physical health, but they'll now be doing mental health as well. How it will work is that Vaya will still see the most severe cases just because that's our expertise. So right now unfortunately in North Carolina, our system for foster care kids is very institutionalized. We want to go away from that. So the state is discussing different health care plans on how to do that. One of them is the Child and Family Specialty Plan. It's a waiver for foster care children. So right now this system would support people in the foster care system. It would support pre-custody children. Currently our children are served in the foster care system through age 21, but

May 2, 2022

it would increase the age to 26. So we have some concerns about the way this plan is written right now mainly because it would impact rural counties in a negative way. Right now Vaya prides ourselves on our care for rural communities. That really is our niche. So this plan would really take away the regional feel and be a state-operated plan. We discussed this with Diane Moorefield, and she said that she agrees that a regional plan would be better for Caswell County, but I just wanted you to be aware of that. There are certain provisions like it would now include certain parents along with the foster care kids, but there are issues with some of the language or the way it's written. For example, any willing provider that will come to a county. Well Caswell County already has problems finding providers to come to counties. It's hard for rural counties to find providers. So the legislature will need to enact some legislation before this passes. So all the MCOs have written letters to the state encouraging them to wait because they want to launch this plan at the same time as Tailored Plan. We're very concerned about the frailty of the system in terms of providers. We already have a shortage of healthcare workers in the mental health world, so we believe this would have bad impacts especially for rural counties. We've asked Ms. Moorefield if she would be interested in writing a letter, and it would also be wonderful if the Board of Commissioners would be interested in writing a group letter. If you'd like to hear more about this, they are going to be taking public comments tomorrow at the legislature from 2 to 3 and also on Monday, May 9th. If you're interested I can send that to the County Manager and he can forward that to you just to kind of hear other thoughts from the legislature and the rest of the MCO communities. You can fast forward a couple of slides. I'm happy to take questions. I did want to mention something else to you. We are looking to open another clinic. Another walk-in clinic in Caswell County. We're looking for space. We want to make sure that people have access to healthcare providers, and make it convenient. So we're looking at Yanceyville, but if you know of any space please let me know. We're interested in finding something soon so we can have something up and running in a month or two.

Commissioner Hall said what type of services are you planning to provide in Yanceyville? Mrs. Townsend-Dohner said crisis services. Right now I think Caswell has a problem with a mobile crisis provider because they're based out of Alamance County. Even though they're supposed to be a two-hour turnaround, it doesn't always happen. So people are left without anything to do. We want to help. Crisis services if something happens in a family or something happens with law enforcement, they can bring this person to the walk-in center. It will be open I believe from 8 to 5, but that can also be a place where we can do assessments for people to provide services to them and also help them get Medicaid if they don't have it. It will be a whole array of services, but I can get back to you on exactly what we'll be providing. Commissioner Hall said well I was thinking more about the mental health services. Crisis is good, but would anybody be available after 5? Mrs. Townsend-Dohner said not at this time. Commissioner Hall said crisis don't work that way. Mrs. Townsend-Dohner said I agree completely. I think that's due to the capacity that the provider. That's what they can do right now. That's always a challenge in counties to be honest Commissioner. In Alamance County we're working on building a center that will be open later. Right now they're open until midnight,

May 2, 2022

but I agree. If that's something that the county is concerned about, it not staying open late enough, we can examine how we can improve that. But I agree things don't just happen between 8 and 5.

Commissioner Oestreicher said you mentioned the state board was meeting tomorrow, and what will come out of that meeting. Mrs. Townsend-Dohner said I think they're taking public comments to hear more. They had scheduled a hearing a couple weeks ago, and only the standard plans, which include Blue Cross Blue Shield and Well Care, they were the only people who spoke. So they're now going to hear from some of the MCOs and other public comments on what the state plan would do as opposed to a regional plan that we already have. Commissioner Oestreicher asked if Mrs. Townsend-Dohner said that Vaya will be making comments tomorrow or has already provided information? Mrs. Townsend-Dohner said I believe Vaya will be making comments, but I can get back to you with what time they'll be presenting. I haven't heard if our CEO, Brian Ingram, will be presenting. He was set to present last time, and I know that he's met with several of the legislative delegations that we serve and voiced his concerns. So I'm glad about that because if we as constituents don't voice our concerns about what's happening, we won't be able to make change. So we're worried that this plan that could go in place would be detrimental to the rural communities. Commissioner Oestreicher said so do you have a plus or minus fact sheet or some guidelines comparing what you would propose versus what the state plan looks like? So we can make an intelligent decision. Mrs. Townsend-Dohner said we don't have that, but we could get something for you that shows the differences and the plans. Kind of a comparison sheet. Commissioner Oestreicher said the timeline sounds like you'd have to have that like now. Mrs. Townsend-Dohner said I don't think it would be hard to put that together to send to you because we do want you to make an educated decision on this. The facts are there. We have sent letters, and we have a letter I can send you that we've asked commissioners across the state to send. I'm happy to share that with you. We have received letters. I personally manage Alamance, Caswell, Chatham, and Stokes County, and we have received letters from Stokes, Alamance commissioners, and also the Chatham Director of Social Services and DSS board. So we've received letters from the majority of the counties. Commissioner Oestreicher said I feel like this meeting tomorrow is kind of like the sword of Damocles over our heads here. How in the world can we put together a letter in time for tomorrow? Mrs. Townsend-Dohner said I don't think you need a letter by tomorrow. Within the next couple of weeks would be good because they're not voting yet. If the board would be willing to do that within a couple of weeks with adequate information, we would be grateful. Commissioner Oestreicher said I would recommend personally to see the comparison sheet that you've got and then a proposed letter. Mrs. Townsend-Dohner said I'm happy to do that. I could email that to everyone if that would be the best way. Commissioner Oestreicher said it would probably be best to email it to the clerk, and she can make sure we all get a copy. Mrs. Townsend-Dohner said absolutely I'm happy to do that.

DISCUSSION ITEMS:

There were no discussion items.

May 2, 2022

ACTION ITEMS:

BID OPTIONS FOR MEALS ON WHEELS:

County Manager Miller said Commissioners, we've received two bids for the Meals on Wheels Program for the meals themselves. Golden Corral's bid was \$5.21 a meal. Those are delivered to the Caswell County Senior Center. The other bid was \$4.50 a meal from Second Harvest Food Bank. The recommendation from the Senior Center is that we award the bid to Golden Corral because by the time we go to Second Harvest to pick up the meals, the employee cost, the gas cost, and the time involved, the price per meal would be more than \$5.21. So the Senior Center has requested that we award the contract to Golden Corral. Are there any questions.

Commissioner Hall said just one. The assumption is, from what you're saying, that Golden Corral will deliver. The County Manager said they will deliver to the Senior Center.

Commissioner Oestreicher said Mr. Miller, the way this letter reads, the third paragraph says the cost of personnel time, transportation, equipment, and transporting the meals from Rockingham County every day would exceed the cost of meals from Golden Corral. The County Manager said yes, that's what I just said. So if we have to go pick those meals up at the Second Harvest Food Bank, the cost of gas, transportation, and personnel to be able to do that will exceed the cost of meals. If you break it down by price per meal, then the price per meal with Golden Corral will actually come out cheaper. So contracting with Golden Corral will be cheaper than going with Second Harvest. Commissioner Oestreicher said I just wonder why they wouldn't say Second Harvest in there. It's a little confusing.

A **motion** was made by Commissioner Owen and seconded by Commissioner Oestreicher and **carried unanimously** to award the bid to Golden Corral. (Commissioners Hall, Jefferies, Owen, Oestreicher, Massengill, and McVey voted in favor)

RESOLUTION DELAYING THE REAPPRAISAL:

Thomas Bernard said Mr. Chairman, I recommend that we do this resolution to have the revaluation in 2024 effective. Our sales ratio has been up high over the last years, but it's dropping. It is now at 94.9. That'll give us time to get a Revaluation Company, get a bid for them, submit a proposal, and get that in place for 2024. I'm looking at the sales ratio, and it has been up. I didn't want to do a revaluation unnecessarily and waste the county's money. In this last two years with COVID, nobody's been working in the field. That's why I'm asking for the effective year to be 2024. Chairman McVey asked if there were any questions? If not, we need a motion.

A **motion** was made by Commissioner Owen and seconded by Commissioner Oestreicher and **carried unanimously** to approve the resolution to delay the effective date of the reappraisal of

May 2, 2022

property in Caswell County. (Commissioners Hall, Jefferies, Owen, Oestreicher, Massengill, and McVey voted in favor)

ALLOCATION FOR ISLEY CPA FIRM:

The County Manager said Commissioners, the local government accounting CPA firm that was hired to do the review of our conversion to the Munis software is making tremendous progress. I'm happy to report that. They've identified multiple processes that occurred prior to our conversion that needs substantial review. Some of these processes are bank reconciliation, journal entries, and balances. Once again, this review is focusing on fiscal years prior to the software conversion. We also believe data input from the time since the conversion may need to be reviewed. However, we will not know to what extent it will need to be reviewed until the prior year's reviews are complete. Reviews currently taking place involve hundreds if not thousands of journal entries and multiple reconciliations on multiple accounts. These reviews have identified some weaknesses in our processes before the software conversion occurred, before our current Director was in place, and before the new Deputy Director was in place. Let me be clear, both our current Director and our current Deputy Finance Director have made tremendous strides in addressing the weaknesses, and by approving the new position within finance, the Board has helped give them a valuable tool looking forward. So today we're asking to continue working with Isley Associates, and are requesting an additional \$45,000 in funding. As with before, we believe this can be absorbed by funding already allocated by the Board, but may require moving money from one place in the budget to a professional services budget line in Finance. So once again, no new funding by the Board will be required. We are just moving the funding around. So with that being said I'm happy to answer any questions the Board may have about the appropriation, but we are asking the board to approve \$45,000 for Isley Associates.

Commissioner Hall asked how much have we paid them already? The County Manager said I think we're at about \$29,000. Commissioner Oestreicher said that's out of the \$50,000 we already approved? The County Manager said no, the Board had only approved up to \$30,000.

A **motion** was made by Commissioner Jefferies and seconded by Commissioner Owen and **carried 5-1** to approve the \$45,000 for Isley Associates. (Commissioners Jefferies, Owen, Oestreicher, Massengill, and McVey voted in favor. Commissioner Hall voted against the motion)

NCDOT REQUEST FOR SHADOW RIDGE ROAD:

The County Manager said Commissioners, what we have is a resolution that's required by NCDOT to move forward with the development of Shadow Ridge Road. You've done several resolutions before for this road. You've made all the necessary moves to get the road taken over by the state. This is just the SR2 form that's required by the state to be able to do that. They've requested that the board pass this resolution to move forward.

May 2, 2022

A **motion** was made by Commissioner Owen and seconded by Commissioner Oestreicher and **carried unanimously** to approve the resolution. (Commissioners Hall, Jefferies, Owen, Oestreicher, Massengill, and McVey voted in favor)

COUNTY MANAGER'S UPDATES:

The County Manager said Commissioners, I trust everyone received the email that I sent out about Doll Branch Road. I did speak to Jason Julian with NCDOT. They are looking at Doll Branch Road. They are considering paving that road or as at least as much of it as they can. The cost will be well over a million dollars. So they're trying to identify funding for that project, but they are in the meantime replacing the culvert that goes underneath the road that seems to be causing the majority of the flooding. So they are working on that, and we're moving forward with that. Are there any questions about Doll Branch Road?

The County Manager said I'm happy to answer any other questions or give any other updates that the Board would like, but if not that's all I have.

Commissioner Hall said what's the status of Spectrum? The County Manager said so the last time I spoke with Spectrum, they indicated that they're still on schedule. I wrote are we still on track for May 6th or May 7th for their first large area to be turned on, and the response I received was yes sir. We're good. I've got some sample letters of support that they're going to shoot over to our offices, and we're going to facilitate getting those letters of support filled out for the GREAT Grant. The last word I had was that they're on schedule for the 6th or 7th of this month to turn on that first area. Commissioner Massengill said you probably need to call them back because there isn't any way that's going to happen. The County Manager said I can only go by what their representatives tell me. We are in somewhat constant communication. Not constantly but weekly. Commissioner Massengill said they have not even pulled lines through the area. The County Manager said I understand.

COMMISSIONER COMMENTS:

Commissioner Jefferies: I didn't get a chance to talk to Miles, but did you get to talk to him about Doll Branch Rd, Mr. Chairman. Chairman McVey said he would like for you to call him. I intended to tell you that. He said you should have his number, but we will get it if you don't.

ANNOUNCEMENTS AND UPCOMING EVENTS:

- **May 6, 2022 Joint Meeting with Board of Education at 10:30 am at School Board Office**
- **May 12, 2022 Joint Meeting with the Town of Milton and Town of Yanceyville at 6:00 pm at CoSquare.**

May 2, 2022

CLOSED SESSION:

A **motion** was made at 10:58 am by Commissioner Owen and seconded by Commissioner Hall and **carried unanimously** to consider the qualifications, competence, performance, character, fitness, condition of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee, which privilege is hereby acknowledged NCGS 143-318.11 (a) (6). (Commissioner Hall, Jefferies, Owen, Oestreicher, Massengill, and McVey voted in favor)

A **motion** was made by Commissioner Jefferies, seconded by Commissioner Owen and **carried unanimously** to return to open session at 11:07 am. (Commissioner Hall, Jefferies, Oestreicher, Massengill, Owen and McVey voted in favor)

Commissioner Hall said just an observation. The Chairman and County Manager can react or not react. I was at the Courthouse last week taking care of some business. I observed a citizen walk in ahead of me, and bypass the security or metal detector. So I went on in and emptied my pockets. I did what I think we've been told to do. I asked the officer sitting there why didn't that citizen have to walk through, and I have to come through this. The response wasn't very satisfying. He said well because of who it was. I said is that so, and the officer said yes, that is what I was told. These observations give me cause sometimes to think about how we run this county. If somebody can come in and walk right past the metal detector, and the rest of us can't do that, it just makes me wonder.

Commissioner Oestreicher asked if any more details were given on why. What special attributes did that person have? Commissioner Hall said no I'm not going to go down this part of what it was. I was told because of who he was. Commissioner Oestreicher said who was it? Not by name. Commissioner Hall said I'm not going to say. The fact is it happened. The fact is I asked the officer, and the officer told me because of who he was.

The County Manager said so Commissioner Hall, I'm happy to speak with the Sheriff about that and courthouse security. The Sheriff oversees courthouse security and those officers. So I'm happy to talk with the Sheriff about that. The only individuals that I know that are not required to go through the metal detectors when entering the courthouse are employees and local attorneys. Those are the only two groups that I'm aware of that are not required to go through the metal detectors, but I'll follow up with the Sheriff. Commissioner Hall said that's kind of response I was hoping I would get. I think at some point after you follow up, in another discussion, we need to talk about why anybody will be exempt from going through metal detectors. I don't care if they are employees or not. An employee that has an issue with the county could create a problem.

Then the Clerk said I have something. I would like to thank the Board for the flowers I received for administrators' week. I just wanted to thank the entire board for their gift. Also

May 2, 2022

Jennifer Eastwood sent a card thanking the Board for their acts of kindness during the loss of her father. The Chairman thanked the clerk for what she does.

ADJOURNMENT:

A **motion** was made at 11:12 am by Commissioner Hall and seconded by Commissioner Owen and **carried unanimously** to adjourn the meeting. (Commissioner Hall, Jefferies, Owen, Oestreicher, Massengill, and McVey voted in favor)

Carla R. Smith
Clerk to the Board

Rick McVey
Chairman

May 2, 2022

Sec. 14-67. Purpose.

The following regulations of high impact development are adopted for the purpose of promoting the health, safety, and general welfare of the residents of Caswell County, and to promote the peace and dignity of the County. The Caswell County Commissioners hereby establish certain criteria relating to high impact development and associated land uses. These uses by their very nature may produce objectionable levels of aesthetic impact, traffic, noise, odors, vibrations, fumes, light, smoke, water quality and supply impacts, and/or other impacts upon the lands adjacent to them. These standards shall allow for the placement and growth of such uses, while maintaining the health, safety, and general welfare standards of established residential and commercial areas in Caswell County.

<u>Classification</u>	<u>Min. Lot Size</u>	<u>Building Height</u>	<u>Land Use Spacing (X)</u>	<u>Operations Setback (Y)</u>	<u>Stream Setback</u>
Class I	10 acres	40 feet	---	150 feet	100 feet

Class II	10 acres	40 feet	500 feet	150 feet	100 feet
Class III	50 acres	40 feet	1500 feet	500 feet	150 feet
Class IV	100 acres	40 feet	1500 feet	500 feet	150 feet

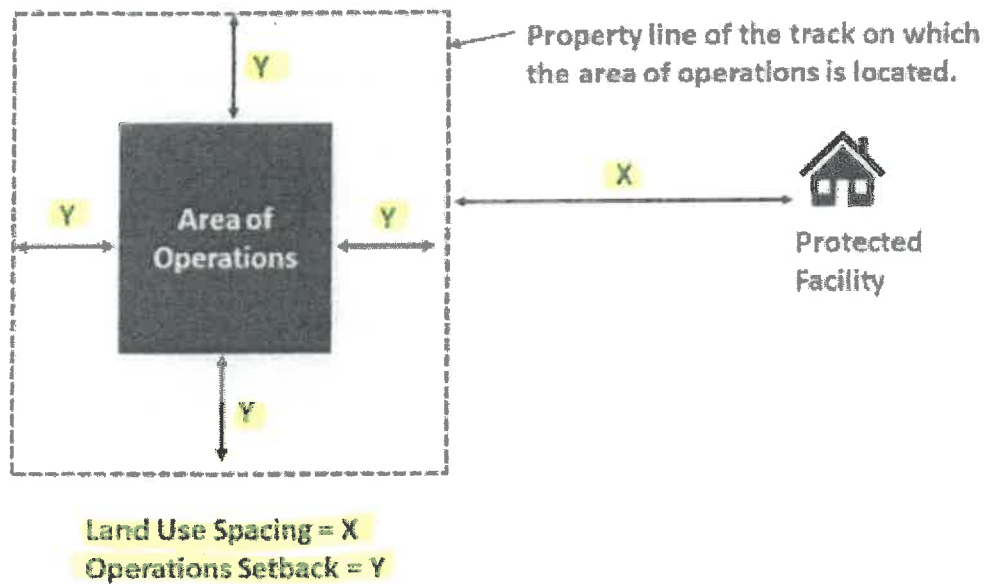


Illustration 1: Land Use Diagram

Sec. 14-72. Grandfathering and Nonconforming Uses.

(a) *Grandfathering.* Any use or industry regulated by this ordinance, existing and in current operation upon the date of initial adoption of this ordinance which does not conform to the requirements hereof is a "Nonconforming Use". Such Nonconforming Use may continue at the site of said operations, subject to the limitations, provisions, and requirements of this Section 14-72. In all cases the burden shall be upon the Owner and Operator of the Nonconforming Use to show substantial, material, and competent evidence that the use qualifies as a Nonconforming Use under this ordinance.

1. Owners and Operators of Nonconforming Uses shall have a period of one (1) year from the date of adoption of this ordinance to apply, at no cost, for a Nonconformance Permit which will establish the existing use as a Nonconforming use grandfathered under this ordinance. Failure to apply for a Nonconformance Permit within the said one-year period will constitute a violation of the ordinance as set forth in Sec. 14-77.

Sec. 14-77. Enforcement and Violations.

(a) *Enforcement.* The Planning Department of the Caswell County Planning Department shall be responsible for the administration and enforcement of this ordinance.

1. The Planning Department shall determine whether any of the provisions of this ordinance are or have been violated. If it has been determined that a violation

exists, notification shall be sent, in writing, to the person responsible for such violation. All notices shall be sent via certified mail.

2. Those found in violation shall be given thirty (30) days to remedy the violation. At the end of the thirty (30) day period, the Planning Department may, at its discretion, grant additional time to obtain compliance provided that the violator has made a good-faith effort to bring their property into compliance. In no circumstance, shall a person in violation be given more than ninety (90) days to obtain compliance except in the event of extraordinary circumstances as demonstrated by substantial evidence presented to the Planning Department.
3. As part of enforcement, the Planning Department may take any of the following actions, either alone or in combination: order the discontinuance of illegal use of land, buildings, or structures; order the removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; issue a stop work order for any illegal work being done; require the cessation of any actions, conditions, work, or operations which are in violation of this ordinance; revoke any Permit; take any other action reasonably necessary to insure compliance with, or to prevent violations of, the provisions hereof.



CASWELL COUNTY PLANNING DEPARTMENT

144 Main Street, Yanceyville, NC 27379 | Office: 336-694-9731 | Fax: 336-694-5547 | E-Mail: mhoagland@caswellcountync.gov

February 10, 2022

Charles and Carolyn Keck
576 Browns Chapel Road
Gibsonville, NC 27249

Dear Mr. and Mrs. Keck:

This letter shall serve as notice that the sawmill operations on your property at 7190 NC Highway 87 in Caswell County are currently in violation of Caswell County's High Impact Development Ordinance (adopted December 21, 2020). Specifically, your sawmill location is in violation of the Land Use Spacing and Operations Setback provisions of the Ordinance. This would make your sawmill a "nonconforming use" under the provisions of the Ordinance.

I have included a complete copy of the High Impact Development Ordinance for your reference.

It appears that your sawmill was established around the time an electrical permit (No. 2355) was issued on August 18, 2020. Though this pre-dates the ordinance, *Section 14-72(a) Grandfathering* gives owners and operators of nonconforming uses a period of one year to apply for a Nonconforming Permit which allows them to remain in operation and exempt from the ordinance. Such a Nonconforming Permit for your operation was not applied for within the one-year timeframe. As a result, you are not able to continue operating in a nonconforming status.

My review of these violations suggests you have two primary options at your disposal. Option one would be to pursue Intent to Construct and Operations Permits as outlined by Sections 17-74 and 17-75 of the Ordinance and seek to come into compliance. Option two, you may situate the sawmill to be used on a temporary basis only, as defined by the Ordinance. Please note however that upon review and approval, such temporary use will only be allowed for a period of up to 180 days from the date of approval.

Please contact my office within 30 days of receiving this letter to notify me of your preferred course of action. If you wish to appeal this notice of violation, you may do so under the guidelines of Section 14-79 of the Ordinance.

Sincerely,

Matthew Hoagland
Caswell County Planning Director



CASWELL COUNTY PLANNING DEPARTMENT

144 Main Street, Yanceyville, NC 27379 | Office: 336-694-9731 | Fax: 336-694-5547 | E-Mail: mhoagland@caswellcountync.gov

March 2, 2022

Charles and Carolyn Keck
576 Browns Chapel Road
Gibsonville, NC 27249

Dear Mr. and Mrs. Keck:

This letter is meant to serve as a simple reminder and follow up from the notice of violation dated February 10, 2022.

That notice gave you 30 days from receipt of the letter to either remedy the violation or appeal the decision. By my estimation, you should have received that letter no later than Monday, February 14, 2022. Thus, your 30-day window will expire on Tuesday, March 15th, 2022

Please contact my office before this March 15th deadline to notify me of your preferred course of action. If you wish to appeal the notice of violation, you may do so under the guidelines of Section 14-79 of the Ordinance. I have included a copy of the original letter for your reference.

Sincerely,

Matthew Hoagland
Caswell County Planning Director



CASWELL COUNTY PLANNING DEPARTMENT

144 Main Street, Yanceyville, NC 27379 | Office: 336-694-9731 | Fax: 336-694-5547 | E-Mail: mhoagland@caswellcounty.nc.gov

March 11, 2022

Keck Logging
Charles and Carolyn Keck
576 Browns Chapel Road
Gibsonville, NC 27249

Dear Mr. and Mrs. Keck:

You are receiving this letter because you own or operate a property which is classified as a "nonconforming use" as defined by the relatively new High Impact Development Ordinance, which is part of the Caswell County Code of Ordinances. In the ordinance a sawmill like yours is regulated as a Class II facility, which you can see in more detail in the attached copy.

Though your operations pre-date the adoption of the ordinance, which happened on December 21, 2020, the burden for becoming grandfathered and exempt from the ordinance is the responsibility of owners and operators. The application deadline for such grandfathering was December 21, 2021, exactly one year after the adoption of the ordinance.

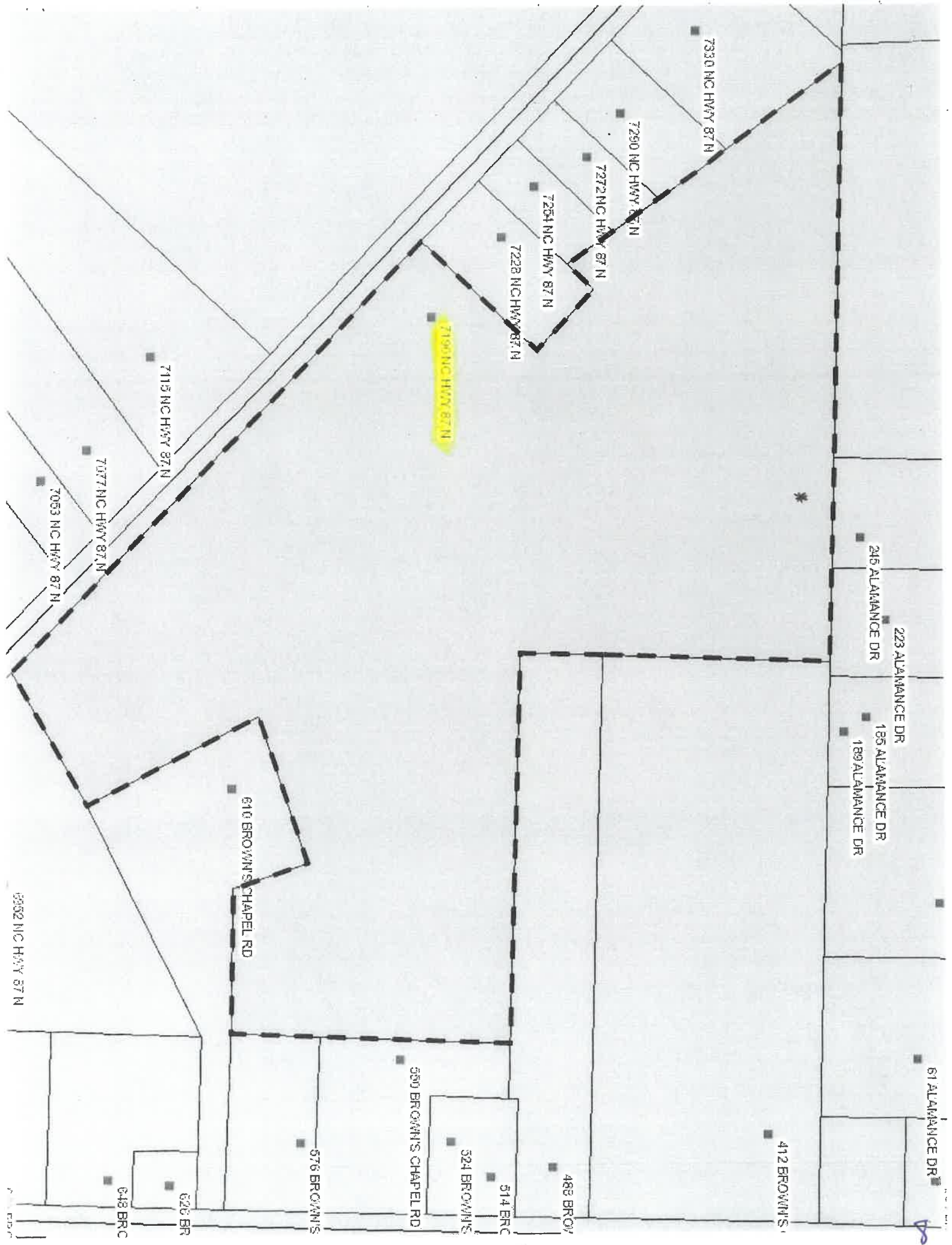
Though this grandfathering application period has expired, the Caswell County Manager has instructed me to contact nonconforming operators like yourself in the spirit of cooperation and compliance. I have been charged with working with you over the next six months to ensure your grandfathering status and to help you avoid any unnecessary violations or fines.

Please note that this six-month compliance date is now set for September 15, 2022. However, we are requesting your urgent attention to this given that the original deadline has already passed. For your reference, I have highlighted Section 14-72 Grandfathering and Nonconforming Uses in the attached copy of the ordinance. That section will provide you with the specific guidance needed to qualify as a grandfathered property.

Please contact me at your earliest convenience so that we may meet or discuss the steps necessary to ensure your property comes into compliance. I'm glad to make myself available to assist you with this process.

Sincerely,

Matthew Hoagland
Caswell County Planning Director



7330 NC HWY 87 N

7250 NC HWY 87 N

7272 NC HWY 87 N

7234 NC HWY 87 N

7228 NC HWY 87 N

7199 NC HWY 87 N

7115 NC HWY 87 N

7077 NC HWY 87 N

7053 NC HWY 87 N

6932 NC HWY 87 N

246 ALAMANCE DR

223 ALAMANCE DR

185 ALAMANCE DR

189 ALAMANCE DR

61 ALAMANCE DR

616 BROWN'S CHAPEL RD

550 BROWN'S CHAPEL RD

524 BROWN'S

514 BRC

488 BROW

412 BROWN'S

576 BROWN'S

626 BR

648 BRC



82

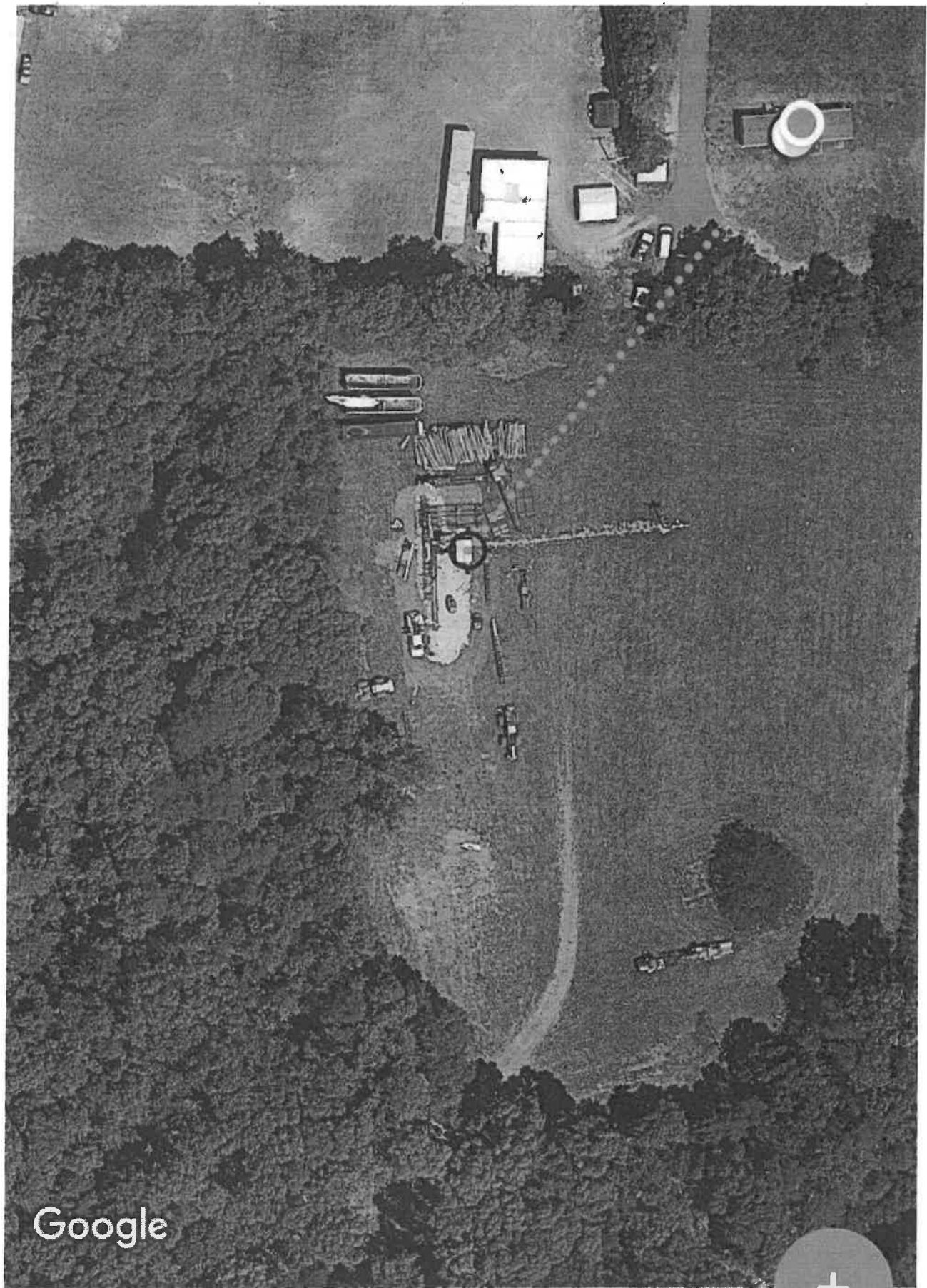
82

Google

Nu Life Church

Brown's Chapel Rd

Brown's Chapel Dr



Google

295.276 ft

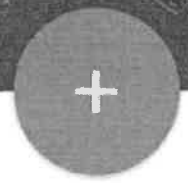


Add point



Google

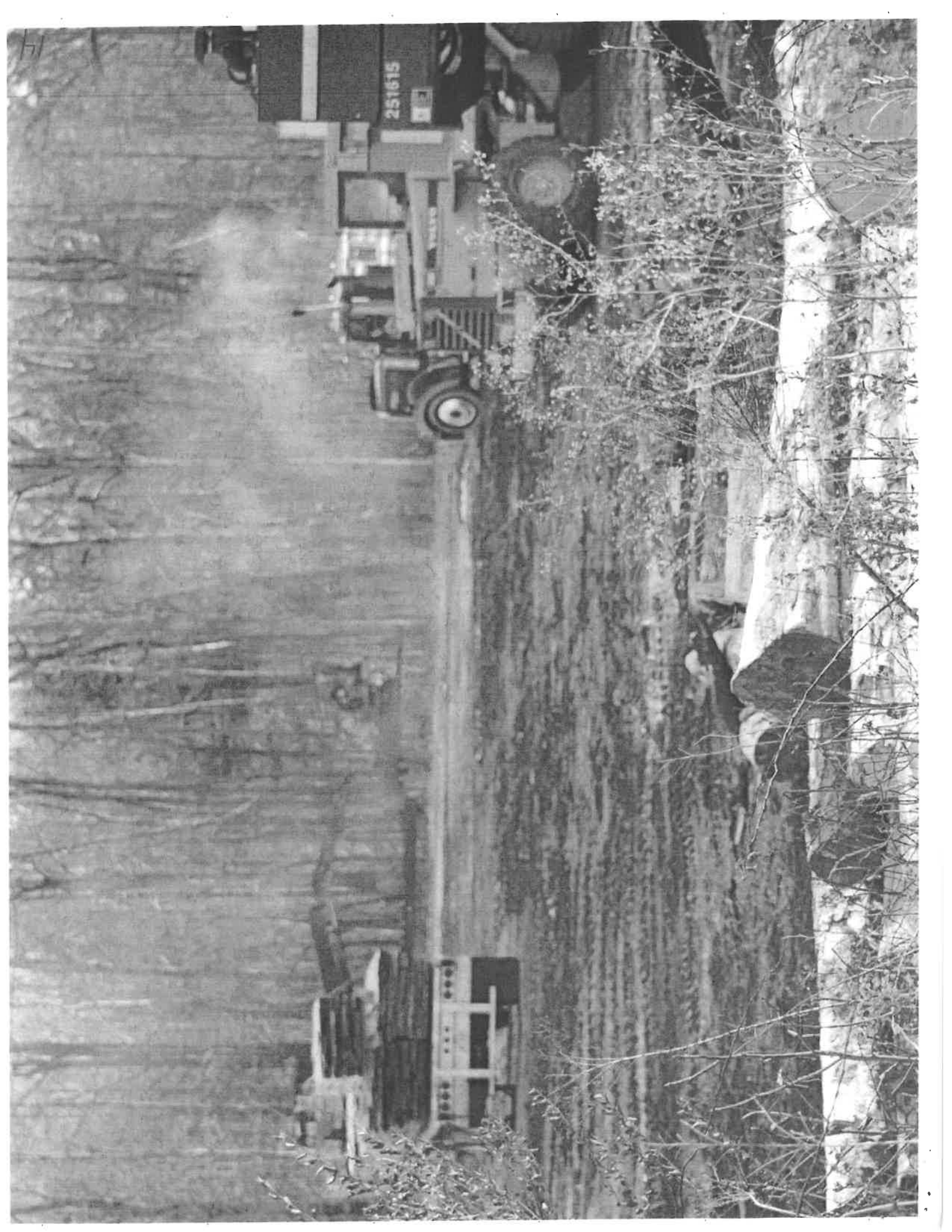
400.262 ft



Add point









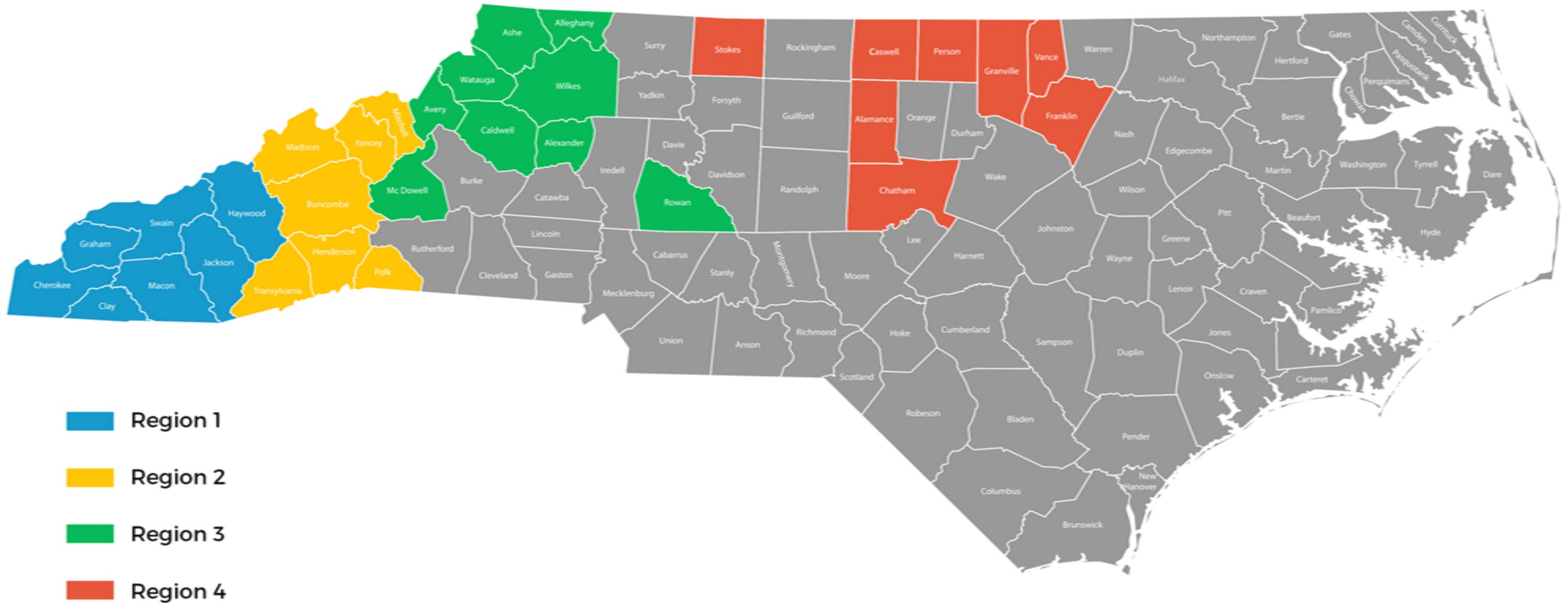
Caswell County Board of Commissioners

May 2, 2022

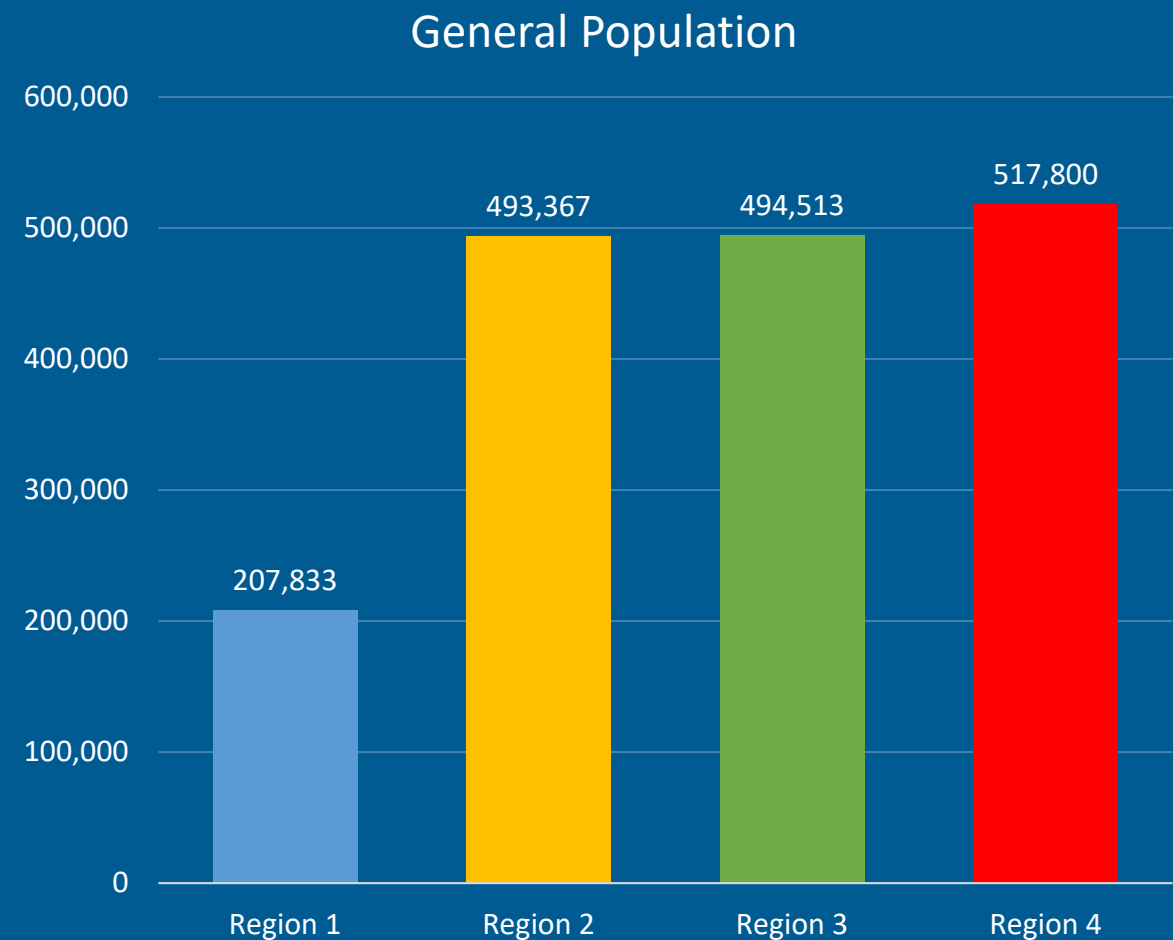
**Cara Townsend Dohner, Regional Community
Relations Director**



Vaya's Regional Assignments



Regional Boards



Region 1	Region 2
<div>1. Cherokee</div> <div>2. Clay</div> <div>3. Graham</div> <div>4. Haywood</div> <div>5. Jackson</div> <div>6. Macon</div> <div>7. Swain</div>	<div>1. Buncombe</div> <div>2. Henderson</div> <div>3. Madison</div> <div>4. Mitchell</div> <div>5. Polk</div> <div>6. Transylvania</div> <div>7. Yancey</div>
Region 3	Region 4
<div>1. Alexander</div> <div>2. Alleghany</div> <div>3. Ashe</div> <div>4. Avery</div> <div>5. Caldwell</div> <div>6. McDowell</div> <div>7. Watauga</div> <div>8. Wilkes</div> <div>9. Rowan</div>	<div>1. Stokes</div> <div>2. Alamance</div> <div>3. Caswell</div> <div>4. Chatham</div> <div>5. Person</div> <div>6. Franklin</div> <div>7. Granville</div> <div>8. Vance</div>

Composition for Consolidated Board of Directors

- 2 representatives appointed by each Regional Board
- 4 representatives appointed by Consumer & Family Advisory Committee- One per region
- 1 representative appointed by the DHHS Secretary
- Up to 8 At-Large members appointed by current Vaya Board in consultation with Cardinal Board, CCABs, counties
- The Provider Advisory Council President serves as non-voting member
- Up to 3 non-voting advisory members

Region 4 Board Members

	County	Position	Name
1	Alamance	Commissioner	John Paisley
2	Alamance	Commissioner	Pamela Thompson
3	Caswell	Family Services Director	Aisha Gwynn
4	Caswell	Commissioner	Jeremiah Jefferies
5	Chatham	Commissioner	Karen Howard
6	Chatham	DSS Director	Jennie Kristiansen
7	Franklin	County Manager	Kim Denton
8	Franklin	Commissioner	Cedric Jones, Vice Chair
9	Granville	PH Director	Lisa Harrison
10	Granville	Commissioner	Russ May
11	Person	HD Director	Janet Clayton
12	Person	Commissioner	Gordon Powell
13	Stokes	Commissioner	SonyaCox
14	Stokes	DSS Director	Stacey Elmes
15	Vance	Commissioner	Dan Brummitt, Chair
16	Vance	DSS Director	Denita Devega

Consumer and Family Advisory Committee (CFAC)

- Vaya Health's Consumer and Family Advisory Committee (CFAC) is a powerful voice that advocates for the interests of local residents, families, and communities.
 - Comprised of members and family members with lived experience with mental health concerns, substance use disorders, intellectual/developmental disabilities or traumatic brain injuries from all counties within Vaya's catchment.
 - Partner with Vaya to identify and address local needs for enhanced services, supports and programs.
 - Visit www.vayahealth.com/cfac for more information.

Vaya Health Tailored Plan

- DHHS is investing in the Tailored Care Management Model (Tailored Plan), which is a community-based, provider driven model aimed at whole person care and better health outcomes.
- Tailored Plans will manage both the physical health and mental health needs.
- In process of developing contracts with pharmacy and physical health providers
- Vaya Health will “go live” as a Tailored Plan in December 2022

Child & Family Specialty Plan (CFSP)

NCDHHS Plan to Create Specialty Medicaid Waiver for Children in Foster
Care and Children & Youth involved with DSS

Child & Family Specialty Plan

DHHS is currently planning to launch a new statewide plan for children and families involved in the child welfare system.

- Supports the Foster Care system
- Pre-custody children
- Children who may be out of foster care and up to 26 years old

Pros:

- This plan aims to reach foster children earlier and includes both foster children and their families
- Improves early screening and diagnostic treatment
- Improves respite services
- Includes children receiving adoption assistance

State-Wide LME/MCO Concerns with CFSP

- Formerly called the Foster Care Waiver
- Proposed to be a single statewide plan, **not regional plans**
- Would potentially expand the proposed population served by this plan to include both kids in DSS custody, as well as those in pre-custody, and their families
- Vaya collaborated with other five LME/MCOs to submit feedback that was requested from the state:
- Plan is being rushed out without sufficient analysis of impact on system as a whole, including impact on provider network stability
- Based on false premise that a statewide plan is the only way to create a statewide network and standardization
- Could potentially undo the work that Vaya and other LME/MCOs have done to create innovative, local solutions to meet DSS needs and divert youth away from institutionalization
- Rural and smaller counties won't receive the same level of support in a statewide plan

How Can You Help?

The CFSP Waiver would require the NC General Assembly to pass enabling legislation, as it cannot be implemented with existing statutes:

- Write a letter, as commissioner, to the Vaya Health Legislative Delegation expressing your concerns.
- Write a letter as a Board of Commission to the Vaya Health Legislative Delegation expressing your concerns.
- Share “Talking Points” and concerns with your sister counties.
- Discuss concerns with your Council of Government Board.
- Reach out to your Regional Community Relations Director with questions or input.



**A RESOLUTION DELAYING THE EFFECTIVE DATE OF A REAPPRAISAL OF
PROPERTY IN CASWELL COUNTY**

WHEREAS, GS 105-286 mandates a reappraisal of property at least every eight years, and

WHEREAS, GS 105-286(a)(3) Authorizes a Board of County Commissioners to advance the period so that a reappraisal occurs more often than every 4 years, and

WHEREAS, once an advanced reappraisal occurs, it has the effect of resetting the next required reappraisal for four years after the advanced reappraisal, and

WHEREAS, Caswell County has advanced its reappraisal period so that the last reappraisal occurred on January 01, 2016, and

WHEREAS, Caswell County's next mandated four year reappraisal is required for January 1, 2020, and

WHEREAS, Caswell County had planned to have an advanced reappraisal effective for January 1, 2021, and

WHEREAS, the Caswell County Board of Commissioners feel that a revaluation for January 1, 2021 should be delayed and that the 2016 tax assessments are fair and equitable.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Caswell County that:

- 1- The scheduled reappraisal for an effective date of January 1, 2022 is hereby revoked and rescinded.
- 2- Pursuant to the authority granted in GS 105-286(a)(3), the next scheduled reappraisal for Caswell County is set for an effective date of January 1, 2024.
- 3- A copy of this resolution shall be provided to the Property Tax Division of the North Carolina Department of Revenue and to the Towns of Milton and Yanceyville.

Adopted this 2nd day of May 2022.

S/Rick McVey

Rick McVey, Chairman
Caswell County Board of Commissioners

ATTEST:

S/ Carla Smith

Carla Smith
Clerk to the Board

**North Carolina Department of Transportation
Division of Highways
Request for Addition to State Maintained Secondary Road System**

North Carolina

County: Caswell

Road Description: Shadow Ridge Road

WHEREAS, the attached petition has been filed with the Board of County Commissioners of the County of Caswell requesting that the above described road, the location of which has been indicated in red on the attached map, be added to the Secondary Road System, and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be added to the Secondary Road System, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the System.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of the County of Caswell that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria.. "

CERTIFICATE

The foregoing resolution was duly adopted by the Board of Commissioners of the County of Caswell at a meeting on the 2nd day of May, 2022.

WITNESS my hand and official seal this the 2nd day of May, 2022.

Official Seal
Commissioners



Clerk, Board of

County: Caswell

S/Carla Smith

PLEASE NOTE:

Forward direct with request to the Division Engineer, Division of Highways