

CASWELL COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

November 15, 2021
OTHERS PRESENT

Jeremiah Jefferies, Vice Chairman
John D. Dickerson
Nathaniel Hall
Rick McVey
Steve Oestreicher
David Owen, Chairman (Joined Remote)
William Carter (Joined Remote)

Bryan Miller, County Manager
Carla R. Smith, Clerk to the Board
Debra Ferrell, The Caswell Messenger
Brian Ferrell, County Attorney (Joined Remote)

The Board of Commissioners for the County of Caswell, North Carolina, met in regular session on Monday, November 15, 2021 at 6:30 pm in the Historic Courthouse.

WELCOME:

Vice Chairman Jefferies called the meeting to order and paused for a moment of Silent Prayer. Mr. Jefferies asked that everyone think about Chairman Owen, who could not attend the meeting tonight in-person. Then the Board of Commissioners and all the guest in attendance recited the Pledge of Allegiance.

PUBLIC COMMENTS:

The following individuals appeared before the Board to make public comments:

Tom Vernon: I live in Asheville, North Carolina but I was born about a half mile from this very spot in Dr. Gwynn's clinic. I am a native of Caswell County, and one of these days I hope to move back here. I come here tonight to speak for those who have no voice. That group of people are Confederate soldiers from Caswell County, who never came home and lie in the unknown graves. The following names are a handful of people from Caswell County that fought in the war between the states. As far as I know, these people did not come home. I found 44 names on the roster of Company A of the 13th regiment North Carolina, which was known as the Yanceyville Grays that died during that war and lie in graves wherever on the battlefield unmarked. The names are as follows: Lieutenant Wiley Robertson, George Boswell, Martin Brunsfield, H. A. Chandler, Joseph Dupre, G. Wilson Evans, Elijah Fitzgerald, Obadiah Fitzgerald, Felix Graves, Sergeant John Graves, Sidney Hall, Bazley Harrelson, Charles Hawkins, Thomas Poteat, Emory Richmond, John Robertson, Thomas Sawyers, Joseph A Sink, B.G. Stadler, Thomas Stone, Hezekiah Summers, Henry Thompson, John Totten, Thomas Totten, Thomas J. Turner, William Vaden, Corporal Henry Walters, and Wilber Womble. I didn't read them all, but it is 44 people out of one company that didn't come home. The Statue on the square is not there to intimidate anybody. I truly believe that with all my heart. It's not there as a symbol of Jim Crow. It's there to honor the Confederate soldiers who came home and were still living at the time that the statue was put up. Please do not take it down.

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Ed Clark: Y'all know my name and know why I'm here. It's not to make new friends. It's to protect that monument. When will it ever be enough to satisfy a group of people who don't know there won't history? We will never dance around the flagpole singing "Kumbaya". It will never happen. You won't be able to satisfy liberals. I have kin folk that I recently found out live in North Carolina. I'm proud of these Confederate soldiers who tried to stop an illegal armed invasion by the great emancipator himself, Abraham Lincoln. That war left us with what we have today. Reconstruction from the carpetbaggers made a mess of everything, and they're trying to take these monuments down because they are still trying to cover up real history. The only thing I can tell you is if you get out there and study, you'll find out there's another story than what these foul U.S. History books say. So, I'm standing in defense of that monument. It deserves to stay there because it has another story to tell. That's all I got to say.

Shannon Moretz: I'm sure the magnitude of this decision is not lost on anyone. That's probably why some people are so upset. It's common knowledge that after the confederacy failed, local leaders formed a new ruling power, the clan. Their goal was to intimidate blacks and prevent them from voting, holding political office, or establishing successful businesses. They used violence and other intimidation tactics, but they also used the power of local, state, and federal policy. These people did not simply disappear and not all of them wear hoods. Some have taught our children, and some have made our laws. Recently to intimidate this board into dropping the redesign of court square, several groups threatened to descend upon our communities with their guns and their flags. Individual board members have surely been aggressively harassed and threatened. If that wasn't the case, I probably wouldn't care about that chunk of concrete. If county employees could advocate for racial equity training without people calling for them to be fired, I wouldn't care about that statue. By the way 57 years after the civil rights legislation, there's still no mandated equity training in this county. Maybe if there were, the statue wouldn't matter. If our community was healthy and flourishing, I probably wouldn't care about that square. But here's the thing, we're not. We're struggling. Some more than others. Contrary to what social media might tell you, it's not due to the presence of Section 8 housing or solely based on one's work ethic or other behaviors. No, it's that good old boy system everybody loves to hate. That good old boy system has worked for generations to develop and implement racist policy and practices for their own personal gain and to maintain control over everyone else, including working class whites. Their policies and practices hurt us all, but many bristle at the words racism or white supremacy. Because of that many refused to consider the continuous harmful ramifications of these systems. If we were willing to address all that, I might not really care about whether that square gets redesigned. But at this point, after all the threats that have been made to this board and to this community, it's a matter of principle. We must relocate that statue to send a clear message that Caswell County is done being intimidated, controlled, and harmed by the clan and a bunch of confederates.

Allison Lancaster: I reside in Yanceyville, North Carolina. As a minister, I think a lot about loving our neighbor and what that looks like. It involves seeing all the people, listening to the stories of wounding, and doing what we can to ensure that that wounding doesn't continue. I stand here before you and confess that I personally have a long way to go on that front. But what I have learned is that there is more than one way to view and interpret something. For many of our brothers and sisters the statue down on the court square represents a history and a heritage of slavery, brutalization, and stripping of dignity and humanity. It is a constant reminder for many that they don't belong to God, but instead are the property and playthings of men. I humbly and respectfully ask you, is this really what Caswell County wants its legacy to be. To keep something that harms so many in such a public and elevated place is not loving our neighbor at all. When I first moved here, I noticed the sign that adorns the streets as you come into Caswell County. Preserving the past and embracing the future. A town square designed in such a way that captures the contributions, talents, dreams, and aspirations of all who live here including people of color would put teeth to the claim that we embrace the future. We do not need to forget our past, but that doesn't mean that we cannot look at it with a critical eye and make changes to ensure that we do not continue hurting our neighbors. In fact, looking at our past, learning from it, and moving forward in ways that promote liberty and justice for all is the best way that we can honor our ancestors and those who fought and died. When we do this, we preserve the very heart of our past. The tradition behind all traditions, the narrative behind all narratives which is the constant working out of what it means to be free from one generation to the next. Let's let our town square add something to that ongoing conversation for the generations that are to come. Thank you.

Thomas Goddard: I'm from Danville, Virginia but I actually just bought a farm on Walters Mill Road. I'm moving there in about a month or a month and a half with my family and with my business also that up to the day is now over \$1.5 million in sales. I'm hoping I'm not making a mistake by moving here. Once again, I'm from Danville and we just went through this five or six years ago. They took a small flag down at a museum. What happened? Fifteen flags went up around Danville. They have flaggers out every Saturday now at one or two different locations. Several council members in Danville that voted to take it down has made public comments that they made a mistake. They wish they had done something a little bit different. What I just handed out was three counties in Virginia had this for a vote in November to take down their monument. They let their people vote and as you can see all three voted to leave the monument up. One was 80% voted to keep it up. One was 75% to keep it up and the other one was 67% that voted to keep the monuments up. That's just a sign. Two years ago, they had it on different counties in Virginia, and they all voted by 70 and 80% to leave the monuments up. I'm hoping once again with me moving here, moving my family and business to Walters Mill Road is not a mistake. Where y'all are going to disappoint me by taking down a monument that was not put there to intimidate anybody. One of the first lady's talked about how the community needs more money. Moving that monument, as y'all have all found out, is going to cost a lot of money. It's not just moving that monument; it's

moving the other monuments too. The money y'all going to spend to do that could help the community in other ways as she was talking about. So once again, I'm going to be a voter here soon and I'm hoping that y'all will show me to vote for y'all by doing the right thing and leaving the monument standing. Thank you.

Monument Relocation (MATHEWS COUNTY)

Results by Precinct

Shall the Mathews County Board of Supervisors relocate the Soldier's & Sailor's Monument located at the corner of Court and Church Streets on the Historic Court Green? ☐YES ☐NO

5 precincts of 6 reporting
For information on absentee returned statistics click here: Absentee Return Statistics

Response	Votes	Percent
Yes	939	19.91%
No	3,778	80.09%

Last Modified on 11/02/2021 07:40 PM

Advisory Referendum (MIDDLESEX COUNTY)

Results by Precinct

Should the Middlesex County Board of Supervisors remove the Civil War Monument from the Historic Courthouse grounds located at 865 General Puller Highway, Saluda Virginia 23149? ☐YES ☐NO

8 precincts of 9 reporting
For information on absentee returned statistics click here: Absentee Return Statistics

Response	Votes	Percent
Yes	1,076	24.99%
No	3,229	75.01%

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Relocation of Confederate War Memorial (NOTTOWAY COUNTY)

Results by Precinct

Should the County of Nottoway remove and relocate the 1893 Confederate War Memorial that sits directly in front of the Courthouse? ☐YES ☐NO

11 precincts of 12 reporting
For information on absentee returned statistics click here: Absentee Return Statistics

Response	Votes	Percent
Yes	1,717	32.17%
No	3,621	67.83%

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Jessica Reavis: I'm also from Danville, Virginia. My ancestors have served in all conflicts in U.S. History. My great uncle followed his brothers off to war and served in Korea. His plane was shot down. Some say it was enemy fire and some say it was friendly. He was part of the ten-madness patrol squadron serving as an aviation electronic surf class in the navy. His body was never recovered along with all of his brothers and arms. My family only received a folder flag and heartache. There is a stone memorial in Honolulu Hawaii with his name inscribed on it along with

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his rank. My great grandfather blamed himself for influencing his younger brother into the military. When will they protest the removal of the memorial in Honolulu, Hawaii? When will they offend someone there that has no connection to this memorial? When will they protest for its removal from public sight? The confederate memorial outside also stands for our dead. Our memorials are sacrifices that they gave against the invaders who tried to conquer North Carolina. It also stands for those who are left on the battlefield, those who were thrown in ditches and wells, and those who were left on the battlefields for the animals to scatter their bones. Many families lost their loved ones and some of their bodies were never found. All they got for their loss was a confederate memorial just like the one outside that made up for their headstones that they never got to set for their dead. The war was not about slavery. North Carolina did not give her sons to die for rich plantation owners so they could keep their slaves and to keep their sons off the battlefields. It simply does not make common sense to die for something that does not benefit your family. When an invader is trying to kill your family and destroy your home, you cannot run from this, but instead you must fight. Once you stand by and watch your children starve to death right before your eyes. I'm tired of the attack on our southern cause. Everyone takes the gospel. What they read and hear without doing their own research. The history of the southern land and its people is very unique and a lot to discover. Well past the slavery band-aid that everyone wants to put on everything, you will be fascinated with traditions, and you will have a lot better understanding of the people you're demonizing. Remember it's the poor who fights the wars while the enablers feed from the fats of its casualties. The victor always tells the losers' story, and the story of our southern soldiers has us the descendants who fight for their honor. Julius Cornelius Watlington was killed in 1863. He is one of my uncles. That was at the battle of Chancellorsville. My ancestors are buried right down the road from here in a family plot. He served on company D on the 21st North Carolina Troops and he was only 26 years old.

Pat Warren: I live at 36 Main Street in Prospect Hill. I come before you to speak in favor of redesigning the town square including the removal of the Confederate statue. The Historic Courthouse, its surrounding yards, and the town square are defining focal points not only for the residents of Caswell County but also for those who visit our beautiful and unique county, whether it be for business or for pleasure. This entire area speaks volumes about who we are as a people and as a county. Rather than serving counter to these purposes, the town square can become a positive reflection of all of the citizens of Caswell County and a place where all of its citizens can stand proudly. I cannot speak to the cost of redesigning the town square because a cost analysis for the project has not been authorized by the Caswell County Board of Commissioners. It is reasonable to conclude however, considering the defining power that the town square holds, that leaving it as it is today will be much costlier in the long run than taking the necessary steps now to assure that the town square reflects the uniqueness that binds us together as one people. I am respectfully requesting that the Caswell County Board of Commissioners authorize the

development of a town square redesigning proposal and a cost analysis for the proposal. Thank you for your service to our county.

Earnestine Hamlett: I stand before this board to ask you to move forward on redesigning the town square. Speaking as a concerned citizen of Caswell County. We are not asking you to destroy, we're not asking you to tear it down, we're not asking you to remove it. We are asking you to relocate the Confederate monument along with all the other monuments. Keep in mind the Civil War was not on your side then and it's not on your side now. In June of this year, 2020 this board approved a budget of over \$36 million with a total of over \$23 million in General Fund. Therefore, make no mistake about this county can afford to redesign the town square. This county cannot afford to put dollars before human life. There have been threats made about the removal of the Confederate monument and that alone should tell this Board of Commissioners that this is a safety concern. At the beginning of this meeting, you stood and pledged allegiance to the United States of America and you sit down and defend the confederates. We are asking you to consider placing the monument in temporary storage or temporary relocation or in a museum. The monument has become a divisive issue for this community, and it is in the best interest of the community to relocate the monument and redesign the town square. It is time to live up to the town's motto to preserve the past and embrace the future. Thank you.

Jerry Sykes: I live at 896 Alvis Boswell Road in Yanceyville. I was provided with a copy of the minutes that go way back to when this thing first started. In the last couple of months, I had a lot of good times spent reading about it. I tried to understand what kind of went on with it and laid it out. The whole thing come down to racism with the statue. I saw one of the commissioners had mentioned systemic racism in his comments before the vote was taken on June 6, 2020. He mentioned systemic racism 13 times. There's no doubt this is a racial thing. It was moved at that meeting to remove the statue. It was seconded and a vote was taken. The Board voted 5 to 2 not to move the statue. Not to remove it was distinctly in there and it was put in there again. Mr. Owen put that in there later. Webster's defines remove as take away or off from the position occupied. I want somebody to tell me how you can relocate something without removing it. What followed after that was numerous calls, numerous letters, and comments that are all in the minutes. Many of the words, in so many words, were accusing the commissioner especially the white members on the board of racism. That was clearly in the minutes. All you got to do is read it. Seems like this is kind of the pattern that you see all over. It's kind of a cancer culture pattern. If you don't like what's going on and you don't believe the way I do, then there's no debate. It's just you're wrong and you're a racist. That's the way I feel about it. You get called that if you don't believe the way a certain people feel. I don't think that's right. Now I got a question I'd like to ask you. I want to ask y'all something. What's going to happen 20, 30, 40 years down the road? Y'all probably not here but your successors will probably be here maybe. And this group come before you and say let's tear down a Vietnam memorial. Right now, you probably say oh no, that's not

going to happen. It's probably not going to happen but they're teaching in our college and universities now about U.S. aggression and Vietnam is included with other wars. These groups, now your successors, likelihood that your successors or all the successors may come from some of these colleges that are teaching these courses. The U.S. aggression is a bad thing. It's somehow or another we caused all the problems in the world. They're going to come before this board at some day and time to remove those other monuments. How are you going to vote then? Are we going to continue with this nonsense? Just tear down everything because somebody don't like it or we're going to just bear on. One thing I would like to say and it's the final thing. The word treason, I'm offended by it, was used a bunch of times even by some of the commissioners. I'm offended by that. It was never convicted of treason. Thank you.

Wanda Mise: I didn't come here to try to divide anybody, to try to make anybody hate everybody. I think there is enough of that going on, but to me that statue has been standing there...A Commissioner stopped her to ask her last name. They changed out the microphone because they could not hear her. Mrs. Mise continued. The statue, as of this September, has been there for 100 years. I'm sure most of us have ridden by it and never gave it a second thought until these past couple of years. I was never taught that it was a Confederate soldier. I was taught it was an unknown soldier. For me, that stood for both sides. That was for everybody that fought in the war. The ones that didn't come home and the ones that did come home but never go t to leave that awful war. If we're honest, the war was not started over slavery. It was started over taxation. They were wanting to tax the South to the point that we were dying. We were starving. The history books do not teach the complete history either. Yes, there were black slaves, but there were also white slaves. Poor people, not everybody was rich. In fact, if you go by the number of people that owned slaves, it was a very small majority. If I had lived back then, I would have been a slave because I don't have any money. I wish people would stop trying to cancel everything and just try to see it from someone else's point of view without arguing about it. There's too much hatred. I wish people would just talk again. That's all I really have to say.

Charles Blackwell: I reside at 490 Wall Street here in Yanceyville. I had no desire to speak tonight because I have spoken numerous times since we started this process over a year ago. But I couldn't sit here and listen to some of the things I heard and not have comments to make. First of all, we do know history, and that's why we are here. The same people that voted seventy and eighty percent in Virginia, and we know that Danville lost the last capital of the confederacy. We do know that. Those same 70% or 80% if you ask them if they wanted to vote for slavery, they'll be voting for slavery today. We would be back in slavery. What I want you do to now is to take yourself back 100 years. Yes, the statue has been here 100 years. 100 too many years. I want you to take your minds back to that day when it was being dedicated. I will imagine that in a county where at least 50% of the population is African Americans. The few of them in attendance are there in a position of preparing and serving food. Although they've been out of slavery for nearly 50 years,

their condition of servitude is very similar to that which had existed during slavery. They never got the 40 acres and the mule as a promise by the assassinated president, Abraham Lincoln. As a result, they are primarily sharecroppers on former plantation owner's land and are barely generating enough income to clothe and feed their families. For most of them, they are unconscious of the ceremony, which is occurring in honor of the confederacy. They're in the fields harvesting tobacco crops and many of the women are in the households of white families. Cleaning their houses and raising their children. The fact that the statue has been created and is being dedicated on this day is not in and of itself an indication of an evil intent or negative will. The descendants of confederate soldiers certainly deserve the right to memorialize their dead soldiers in preserving their history. The travesty of the matter is that they decided to do so by imposing its presence now for 100 years on a graded community. Those comprised of African Americans who would have had no desire to honor the statue. To add insult to injury this dedication was taking place during a time in which African Americans were being lynched, denied the right to vote, to obtain political power, and denied economic opportunities. Most blacks were still being worked to death and being cheated out of recognizing any benefits from the results of their labor. As noted by Dr. Harry Watson, distinguished professor of southern culture at the University of North Carolina, putting up these monuments was an indication of the white south taking a victory lap. Basically nig*** stay in your place. So let it be known that there is no time limit on correcting a past mistake. Caswell County can never fulfill its destiny until a change comes to this county.

Tony Lundy: I don't believe for one minute that it was hatred or the clan that put the monument up. Little old ladies is putting it up because their son died. Because they lost their husbands or because they lost their brother or lost their son. That's what the monument is about. It's in local, it's basically Caswell County's equivalent of the tomb of the unknown soldiers. If you would allow the democratic process to take its place and have a referendum, and I don't believe that y'all would do that at this point, but if that work occurred. In Virginia we just had nine referendums. I could read them all off, but we have limited time. But I will say that at least a victory with the confederate monument staying where it was won nine out of nine. If we'd had 30, we would have had 30 out of 30. We won overwhelmingly, a landslide. In each county, saw as much as 85 to 14. The least one was 56 to 44. So overwhelmingly. I just can't believe that people or anybody in here would believe that 85% of the people in that county was racist or had hate in their heart. People realized that this is who we are. It's who we are as a people. In many cases that's our people fought an invasion. They fought an invasion. At that time, it was illegal to do what happened. Young man, who fought were defending their homeland. That was not put up out of hatred. It was put up for all people that never made it home. To move that now would be very much a disservice to not just hose veterans, but to all veterans. I just wish that instead of, if you want to honor the motto of this county, don't take that down. Put another one up. Put something up you know. Share it. You got plenty of space out there. Put another one up if that's what you need to do, but don't take that one down because all you're doing is hurting people. What I see, nationally, it's basically

a bunch of communist. It's a communist driven effort and it's elected. They're trying to hurt this country. They're trying to hurt the heritage of this country. They're trying to destroy this country. That's at the base. Now there's probably good people here tonight on the other side of the fence from me who don't have that motive but nevertheless the people starting this is nationwide. The people pushing this nationwide is up to no good and they're up to destroying this country. You can look every day and see what's happening. We better get our act together quick, and we better do everything we can to save our history and our heritage. Thank you.

Vice Chairman Jefferies said we have four speakers at Parks and Recreations, which is the overflow, and we will listen to them also. Mr. Jefferies thanked the group for obeying the rules.

Walter Michael: I represent myself and my wife, Cynthia Michael. We live in the Cherry Grove Road area. We would just like to voice our opinion about the statue that is in our square. My wife is native American. She's proud that she's native American, and there's been atrocities throughout the history for most non-whites. We just feel it would be a travesty to lose the history that's sitting in our community. We need to remember. Thank you.

Temple Powell: I'm a resident of Caswell County in the Shady Grove area. Just off the Shady Grove Road. I oppose to the redesign of the square for the following reasons: First of all, from a teaching perspective, I actually have over 7 years teaching experience, so cumulative of high school and collegiate levels. So, I'd like to say that removing the statues is removing a visual aid. Children and adults as well, some learn better by hearing and others learn better by seeing. So, from a teaching perspective, I would like to say that removing the statues, you're removing a visual aid of history. That represents our history. So, I'd like you to consider from that perspective. So, in my opinion this is a waste of taxpayer money which can be better spent on perhaps our local and volunteer fire departments. The terrible traffic problem that we have between the intersection of Park Springs Road and Highway 86 and the 86 Convenience Mart at 763186 North among other things. I am very concerned about this boards lack of transparency regarding the 2019-2020 budget audit, that has yet to be made available for public inspection as well as the actual cost. So as far as like for this year about proposing the actual cost of redesigning the square. With all due respect Commissioners, certainly you have heard from many perspectives today and I just want to say that we just need to work together. Also remember that you do represent us. You don't represent special interests; you represent the people of Caswell County. Thank you.

Angela Fountain: I too would like to see the redesign of the town square and standing with those that have stated it tonight. We're speaking up and standing up in regard to this matter because we can no longer sit down. We're not just speaking on removing a man made of stone because when I look at him and when you look at him, we don't just see a man made of stone. But we see that it was intended to continue to represent that one man should be greater and dominant over another.

Regardless of how many years come and go, considering that this statue has been set in place since 1921, the very purpose of reminding all people that one man reflect that they should be superior over another man. This is not just a man od stone that we are requesting be taken down because surely who can rightfully condone that one man should be greater than another. Who can condone that this statue is really stating that one man still no matter what one feel that they should be superior to another man? We are all God's creation. The stone is dead but now is the time for the man that represents what this stone is standing for to let go of the hatred. Let go of the racism. Let go of the supremacy. We all know it's not really about history. A confederate statue. We're going to remember our history through a confederate statue. So, is it really just about a part of history? We all need to make sure that we are not becoming dead enough that we don't recognize when something is causing another man agony and pain.

Richard Fountain: I'm here with my wife, who's a pastor. We're standing together on removing of the confederate statue or stone. I think it's time to let go of the guardian, who has guarded Yanceyville for over 100 years. It is time to remove him. Let us remove the statue. Thank you.

RECOGNITIONS:

Commissioner Dickerson said this young lady is 5 years old and for her birthday instead of asking for gifts, she wanted donations to the animal shelter. Can you see what she was able to accomplish? I would just like to acknowledge her, Aubrey Mims, and say thank you for a job well done.

AGENDA:

APPROVAL OF AGENDA:

The County Manager said he would like to make two amendments to the agenda. I would like to add a resolution finding that there is substantial inequality in population among electoral districts and redefining electoral districts as number 7 on the agenda. I'd like to add a closed session based on North Carolina General Statute 143-318.11 (a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which is hereby acknowledged.

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

APPROVAL OF CONSENT AGENDA:

- a. October 28, 2021 Redistricting Meeting Minutes
- b. November 1, 2021 Regular Meeting Minutes
- c. Premium Pay Policy / FY 2021-22 Budget Amendment #1

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

DISCUSSION ITEMS:

There were no discussion items.

ACTION ITEMS:

Vice Chairman Jefferies said we have been working on this statue and redesigning the square for almost two years. We can't keep on fooling ourselves. I think it's time to let the people know if we are going to vote to clear the square or not. It's time to stand up to the plate gentlemen. Mr. Jefferies said he is going to ask for a motion to be made to move or clean the square up.

Then the County Manager reminded the Vice Chairman that when we amended the agenda, we moved the resolution to number 7. So, if we could take care of that now and then move into the discussion on the redesign on the Court Square after we do the resolution.

RESOLUTION REDEFINING ELECTORAL DISTRICTS:

The County Manager said Commissioners, On November 1st the Board voted to approve the electoral districts in version V6. The following resolution is an official expression of the opinion, will, and approval of the Caswell County Board of Commissioners of those districts. Then the County Manager read the resolution.

CASWELL COUNTY BOARD OF COMMISSIONERS

**RESOLUTION FINDING THAT THERE IS SUBSTANTIAL INEQUALITY OF
POPULATION AMONG ELECTORAL DISTRICTS & REDEFINING
ELECTORAL DISTRICTS**

WHEREAS, the Caswell County Board of Commissioners (the “Board of Commissioners”) is made up of seven (7) members; and

WHEREAS, for purposes of nominating and electing members of the Board of Commissioners, Caswell County (the “County”) is divided into five districts (collectively the “Districts”); and

WHEREAS, one member of the Board of Commissioners is elected from each district, and two from the County at large; and

WHEREAS, pursuant to Article I, Section II of the United States Constitution, the United States Census Bureau conducted the decennial census for the year 2020 (the “2020 Census”); and

WHEREAS, the 2020 Census data is reported in Public Law 94-171 (the “Census Data”); and

WHEREAS, the Board of Commissioners has reviewed the Census Data concerning the total population of the County and the total number of persons residing within each of the Districts; and

WHEREAS, following its review of the Census Data, the Board of Commissioners has determined that there is a substantial inequality of population among the Districts; and

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-22, the County is authorized to redefine the Districts if it finds that there is a substantial inequality of population among the Districts; and

WHEREAS, the Board of Commissioners considered the issue of redistricting at a number of its regular and special meetings held since the Census Data was released; and

WHEREAS, the Board of Commissioners conducted a public hearing to solicit public input on proposed redistricting plans after the Census Data was released; and

WHEREAS, the County desires to redefine the boundaries of the current Districts based on the Census Data after substantial consideration, deliberation, and opportunity for input from members of the public; and

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WHEREAS, the Board of Commissioners is committed to honoring the purpose and intent of that certain Order On Final Judgment filed on August 4, 1989 in Case File Numbers C-86-676-G and C-86-708-G in the United States District Court For the Middle District of North Carolina Greensboro Division by assuring African American citizens in Caswell County have an equal opportunity with other citizens to participate in the political process and elect representatives of their choice.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners as follows:

Section 1. The Board of Commissioners hereby find as a matter of fact that there is substantial inequality of population among the Districts as presently drawn.

Section 2. The Board of Commissioners hereby redefine the boundaries of the Districts according to the boundaries shown on the Electoral District Map attached hereto as Exhibit A which such exhibit is incorporated herein by reference.

Section 3. The Board of Commissioner seats which are to be filled at the initial election held under this resolution are as follows: District 1, District 2, District 5.

Section 4. Pursuant to N.C. Gen. Stat. § 153A-22(f), not later than ten (10) days after the day on which this resolution becomes effective, the Clerk is hereby directed to file a certified copy of this resolution with the following persons or offices: the Secretary of State's Office, the office of the Caswell County Register of Deeds, and the Chairman of the County Board of Elections.

Section 5. This resolution shall take effect immediately upon its adoption.

Adopted this the 15th day of November, 2021.

A **motion** was made by Commissioner Oestreicher and seconded by Commissioner Hall and **carried 6 - 1** to adopt the resolution as presented. (Commissioner Carter, Hall, Oestreicher, Owen, McVey, and Jefferies voted in favor, and Commissioner Dickerson voted against the motion.)

REDESIGNING OF THE TOWN SQUARE:

Vice Chairman Jefferies said he thinks it's time we come up with an answer to the people. We owe them that. Mr. Jefferies will give each commissioner time to say what they want regarding the redesign of the square.

Commissioner Carter said the first thing we need to do is find out what it will cost. He has been asking that question for about a year now and nobody has ever given a report on what it's going to cost to move the statues. Nobody has given a report on the cost of redesigning the square.

Commissioner Carter thinks we need to have a cost figure on what it's going to cost to do both things. You just can't do it without a cost. Then we have to see where the money will come from.

Then Commissioner Dickerson asked if we would get a cost before any comments were made.

November 15, 2021

So, Vice Chairman Jefferies asked the County Manager if he had a cost. The County Manager said the cost to simply relocate the monuments would be \$48,000. That does not include a redesign of the square. Commissioner Carter asked if the \$48,000 was for moving one monument or all of them. The County Manager said that is for relocating all of them. The County Manager said he had prepared a statement if they would like him to read that. It's a little historical perspective of how the Board got to this place and the actions taken by the Board up to this point.

The County Manager said Commissioners, On June 15th of 2020, Commissioner Jefferies stated he thought this Board needed to have some serious discussions about the statue as to what if anything the Board should do. He requested that this item be put on the next agenda. The item was added to the July 6th agenda. Commissioner Hall moved, seconded by Commissioner Jefferies to **remove** the statue from the Square. After a roll call vote the motion failed by a vote of five to two. (Commissioners Hall and Commissioner Jefferies voted yes. Commissioners S. Carter, W. Carter, McVey, Oestreicher, and Owen voted no.) After many public comments over the next few months, the board directed me to place the discussion back on the agenda because there had not been an adequate discussion about the redesign of the courthouse square held during the initial conversation on July 6th. On October 19th, 2020 the board took up the discussion about redesigning the court square again. The recommendation was that the County engage in a facilitated discussion about the monument and the possibility of removing it as well as concurrently engaging an Economic Development firm to assess the highest and best use to attract economic development to downtown Yanceyville. After discussion, The Chairman directed me to come up with a plan and form a group to go through with the plan that was discussed. On November 30th, the Board directed staff and necessary boards and committees to pursue the redesign of the Square, with the first step being developing a plan to relocate all monuments and that plan would include location, cost, associated aspects of the relocation and include strategic community input. After a roll call vote, the motion carried unanimously. (Commissioners W. Carter, Hall, Jefferies, McVey, Oestreicher, Owen, and Williamson voted in favor.) The Board engaged in a survey that did as had been directed, pursued the redesign of Court Square. The survey asked about potential relocation places for all monuments located on the square. As well as other questions suitable for the survey. Several petitions have been received by the board both for and against removal of the monuments. Comments have been received about the potential relocation sites and about the authority, the board has to relocate any monuments of remembrance. The general statute, NCGS 100-2.1. Protection of monuments, memorials, and works of art, that governs the relocation of objects of remembrance states: An object of remembrance that is permanently relocated shall be relocated to a site of similar prominence, honor, visibility, availability, and access that are within the boundaries of the jurisdiction from which it was relocated. An object of remembrance may not be relocated to a museum, cemetery, or mausoleum unless it was originally placed at such a location. As used in this section, the term "object of remembrance" means a monument, memorial, plaque, statue, marker, or display of a permanent character that commemorates an event, a person, or

military service that is part of North Carolina's history. The circumstances under which an object of remembrance may be relocated are either of the following:

The second option in the general statute for relocating objects of remembrance is:

When necessary for construction, renovation, or reconfiguration of buildings, open spaces, parks, or transportation projects.

The Board recognized that the left side of the Caswell County Courthouse would provide a current publicly owned place with similar prominence, honor, visibility, availability, and access. The Board also recognized NCGS § 100-2.1. Protection of monuments, memorials, and works of art. (b) (2) When necessary for construction, renovation, or reconfiguration of buildings, open spaces, parking, or transportation projects, as adequate legal authority to renovate the Court Square and relocate all monuments. The Board directed staff to determine the cost of relocating the monuments to the boards recognized site that provides for similar prominence, honor, visibility, availability, and access. Tonight, I would like to present the Board with a quote for the relocation. The relocation of the monuments will cost \$32,946. Associated foundation, demolition, and site preparation would cost an additional \$15,000. Totaling approximately \$48,000. The county would provide appropriate security for the work. Street closure would be taken care of by the county, which includes the entire court square, as well as the entrance to the back parking lot across from the fire station. The tree canopy needs to be trimmed so they would be able to set the pieces from above. That's included in site prep. At this time work is anticipated to be done during regular working hours during the week. This work would be done in a single mobilization. They would take all possible precautions to protect the statue and monument sections, but they cannot be held responsible for any damage due to the age of, and the possible environmental degradation to the components. Now as I said this covers just the relocation of the monuments. This does not cover a redesign, formal redesign of the square. A formal redesign of the square is a separate issue all together after the fact and would add to that cost. The County Manager said he was happy to answer any questions the Board may have.

Commissioner McVey asked the County Manager is the cost of the Sheriff's department or the delay or whatever that needs to happen figured into this \$48,000. The County Manager said no, security that would need to be provided is not included in the \$48,000. There would be no cost associated with the street closures. Do you have a guestimate of what security would cost was Commissioner McVey's next question? The County Manager said no, he has not spoken to the Sheriff about his people providing security. Commissioner McVey then asked about the cost of redesigning the square. If you picked this monument up and moved it to the location that we're talking about or have briefly talked about, does that follow up with the state statutes. The County Manager said his interpretation is that would be a simple relocation. That does not in Mr. Miller's mind satisfy the requirements in the statute to redesign the Court Square. County Manager Miller said he is not a lawyer but thinks there will need to be additional steps taken. The County Manager said his recommendation to the Board would be for the Board to enter into an RFP (Request for Proposal) for a landscape architect to design a suitable space for the square

based on the priorities of the Board, if the Board wanted to pursue the redesign. Commissioner McVey said so we don't have a final cost on the relocation and redesign. The County Manager said the Board has not provided staff with priorities for the redesign of the square. The only thing the Board has directed staff to do is to pursue the relocation of monuments. If the Board wants to enter into discussions about priorities, that's something altogether different. Commissioner McVey said he thinks you need to know a total cost if you are going to move the statue. It's been there for 100 years and everybody's getting in a hurry. I know we're kicking the can down the road, but Commissioner McVey thinks you need to know the entire cost of the project. You're talking about doing part of it. When does the rest of it get done? So, in Commissioner McVey's opinion until you know the cost of the whole project, you need to put this on hold. Commissioner Jefferies said we can redesign the square five or seven years over time. The County Manager gave us a cost of removing everything from the square.

Commissioner Dickerson said as Commissioner McVey said we're going to vote on an item that we have no idea what it will cost to redesign the square. Why do we not just split the redesign of the square off of it, and we solely look squarely at the monuments tonight. Vote whether we're going to move them or not, and then we can talk about the redesign of the town square. Then Commissioner McVey asked if we absolutely knew that it's perfectly legal to relocate the statue beside the courthouse beyond a shadow of a doubt. Commissioner Dickerson said we do not. He was just getting into these issues one at a time. Commissioner Dickerson said he has a whole lot of them to talk about, but we were just on this part. So, no to answer your question. Mr.

Dickerson said he guess that's something the County Attorney ought to answer because he doesn't know that. We could wind up getting sued. It may not meet the criteria.

Attorney Ferrell said he heard Mr. Dickerson invoke the County Attorney so he thought he would offer a few comments here as your discussion progresses tonight. First of all, the County Manager read the substance of General Statute §100-2.1 to you. In that reading he touched on the few exceptions in the statute that permit objects of remembrance to be relocated and the second circumstance under which an object of remembrance may be relocated is when necessary for the construction, alteration, renovation, or reconfiguration of buildings, open spaces, parking, or transportation projects. So, Attorney Ferrell believes these items, the relocation and the redesign are linked due to the way the statute reads in his view. Secondly there was a question sort of posed generally if you know if you relocate it here, that it won't be subject to a successful challenge. As you all know, challenges come from various places at various times, and we certainly can't control any sort of challenge made. But what we can do is follow the law and follow what the statute says. We can read again from the relevant provisions with the county, which the County Manager has already mentioned tonight. That statute requires that an object of remembrance that's permanently relocated, which is what's being discussed this evening, shall be relocated to a site of similar prominence, honor, visibility, availability, and access that are within the boundaries of the jurisdiction from which it was relocated. So those are the factors that would be under review should there be a challenge to the relocation. Obviously, arguments

all around, but a close proximity as you've discussed so far would certainly meet many if not all those factors in the statute. Attorney Ferrell said he was happy to answer any other questions. If he didn't address those that were on the table already, please let him know. Commissioner McVey said he would like to know that for sure before we move it, if we moved it, so that we would not have to pick it up and move it again. Mr. McVey wants somebody to tell him it is fine to move the monuments there. Attorney Ferrell said in our system of justice, the legislature makes the law, so we have the law as written. You are doing your best, and I know you are because you have been thinking and looking at this language to follow the law. Ultimately of course, it's up to the judiciary to interpret the law. So, absent some sort of judicial decision, this Board is faced with making its best judgement about whether or not it's complying with its obligations under the statute. Then Commissioner Dickerson asked the County Attorney if he was understanding correctly that with a redesign of the square, there is no authority to move the monuments. You're saying because there is a redesign project so they're able to move the monuments because of the construction. But if there was no construction or redesign of the square, then the monument move would not be lawful. Attorney Ferrell said he is not saying that. He's saying the two issues are linked in his view because of the way the statute reads. Should the Commissioners decide that they are interested in moving forward with the relocation and not the redesign, and you wanted my opinion about that. Attorney Ferrell said they could have a conversation about his legal opinion like we do on numerous topics in a closed session. Commissioner Dickerson said he would like to have this discussed in front of the actual people. Attorney Ferrell said he understands and that's what you are doing, but his legal advice is often provided to the Board in a closed session. That's the way that the attorney is best serving his client.

RECESS:

The Board took a ten minute recess.

Vice Chairman Jefferies called the meeting back to order. Mr. Jefferies said if the public can't be quiet, he asked that they leave now. He asked them to be respectful.

Commissioner Dickerson then said he had several things, but he wanted to clarification here. We're voting on a redesign and a monument removal or relocation as a package. It's got to be one done deal or not at all. We don't know what the cost of the redesign of the square is going to be. That's an unknown and we're saying \$48,000 plus other expenses to move the monuments. Commissioner Dickerson said he doesn't want to start throwing zingers out, but you're asking us to vote on something that we don't know the cost of. That's not a good business practice. That's putting the taxpayers on the hook for a blank check that he is just not willing to support. Then Commissioner Dickerson said why are we talking about spending all this money to redesign a square. The other day somebody handed him a National Register of Historic Places. Yanceyville and the town square, according to this multipage document, is part of the National Register of

Historic Places. Why are we going to redesign, tear it down, and spend all this taxpayer money when we should be promoting it for tourism and bringing people in here to see it. Let's try to capitalize on what we have. Preserving our past and embracing our future. Tearing up that town square and moving the monuments is not preserving the past. That's acting like Nazi Germany or communist Russia trying to destroy history. Commissioner Dickerson said he can't in good conscience go along with that. There's a lot more he wants to say on this but where do he begin. We've been touching on the cost, and he has heard several people in here mention that and he wants to protect the taxpayers. He heard something else, and they talked about the cause of the war. Commissioner Dickerson said he wanted everyone to remember something. Victors write the history, and there's not a textbook taught out of in public school that goes into the details about the conflict involved. Commissioner Dickerson challenged everyone to google Corwin amendment. Once you look at that you will know this was not a war of slavery. The Corwin amendment was proposed by a northern Senator with the last name Corwin. It would protect slavery forever in the constitution. It actually passed the House and the Senate. It was signed by President Buchanan. The only reason it did not get the 2/3 majority needed to become a Constitutional Amendment is the southern states would not vote for it. They had it on a silver platter. If you want slavery and that's what the issue is, we will give it to you. They walked. It's like most all other wars, you dig in deep enough and you see it's all about the money. The over taxation. The House of Representatives, if you remember from your history classes in middle school, proposed the spending bills. They had a huge influx of immigrants coming from the potato famines in Ireland and across Europe, flocking to them. Every time they needed more money, what did they do? They enforced another agriculture tax. By the time the war broke out 4 southern states were contributing roughly half of all the income that was brought into the federal government. So, when they announced they were going to leave the union, surely the north wasn't too happy about it. They were ready to organize an army. The fact is for 4 years they were a separate country. No state would ever join the union if they said once you join you can't ever leave. The north got really creative about it and set us as an area under rebellion, and they marched an army down here. We all know what happened. So many people don't know the full story. A lot of people did not want to be involved in this conflict. Robert E. Lee did not want to be the leader of the Confederate Army. He went with the state of Virginia, where he was from. He was asked to be the commander of the Confederate forces. He freed his slaves before the war ever started. He said no man will ever say that I drew my sword for the cause of slavery. This man was an honorable man. As Commissioner Dickerson was at the Veteran's ceremony on the 11th, it is a travesty because now there's no one here to speak for all these monuments. Everyone need to keep in mind, we are not talking about one Confederate monument. We're talking about World War I, World War II, and also N. L. Dillard. N.L. Dillard was an African American educator that was in charge of the school system during the segregation times. He has a long laundry list of accomplishments that he accomplished for the black community. One of which was when he went to an all white school board asking funding to put in high schools for the

African American Community. They refused him. This was a smart man, and he found a loophole that if he added one class per year, he by default got the high school for the African American Community. After talking with some of the older African Americans, he did so well in setting everything in motion that by the time segregation was being done away with in the school systems, some of the African Americans were some of the most vocal opponents of it. They loved what they had, their accomplishments, and the grades that they were able to make so that they didn't want to integrate schools. If you take all that into consideration, we are doing a disrespectful deed to these people by moving those monuments. All in the name of political correctness. The relocation will not satisfy people. If anybody thinks if we move those four monuments over here, that's going to be the end of it trust me it won't. The people that have come in from outside the community and stirred this up, they don't want to relocate them. They want them gone. They don't want them there at all. If it was not for the state law protecting it, we wouldn't even be talking about it at this level. So, you're only kicking the can down the road, and you'll spend more money if you cave into this. This is bully tactics. People refer to that as a statue out there and Mr. Dickerson is glad one gentleman clarified that tonight. Commissioner Dickerson wanted to reflect back on what he said. There are so many men that died, and they talk about being buried in unmarked graves. A lot of them are mass graves. A lot of them never saw graves or come back home. This was the 1800s and they didn't have refrigerated box cars to stick these men in. They fell where they died, and that's where they were buried or where they were left. That's the only gravestone those people had. When they tried not to be involved in the war and the northern army came into the south, you have seen the movies and read books, there was raping and pillaging going on. These men took up arms to protect their homelands, their families, and children. They had armies coming in on both sides that would commandeer what they had, and these people were just abused. This is an interesting fact. If you want to see some of the best examples of furniture from that time, you have to go up north to the museums there or private collector's homes because most of it was pillaged from the south and taken back up north after the war was over. This is just a travesty these people have been painting for such a broad rush of racist when all they did is stood up for their homeland and fought to make sure that their women weren't hurt, and they protected what was theirs. Commissioner Dickerson said he is not going to have anything to do with removing those monuments and he will be steadfast on that.

Commissioner Oestreicher said he doesn't want to put someone else under the microscope right now. Mr. Oestreicher said he is extremely sympathetic to the folks that feel that statue represents something that they find offensive. He has had long discussions with people and believes that's what's in their heart. That statue offends them. However, in those discussions, he hasn't heard exactly what moving it will do to remove that offense. Mr. Oestreicher comes from an industry where safety was the big concern. Part of that safety was an investigation of incidents and part of that investigation always involved the root cause. To Mr. Oestreicher moving that statue is like putting a band-aid on a compound fracture where it came through the skin. You don't treat the broken bone that's underneath that. Commissioner Oestreicher would propose that and be very

receptive to spending the money on the root cause of what the community feels is offensive about the statue. Let's call it systemic racism. He would rather we do that rather than moving that statue 250 feet to another place where people can get upset about because by statute it has to be a place of equal prominence. If it's of equal prominence we haven't done a thing to fix the problem. Spend the money on the root cause of systemic racism rather than arguing about it and getting all fired up about moving a chunk of concrete. He would be willing to say let's put up another statue for Martin Luther King or whomever we need to. Let's try to find common ground here. Let's find the root cause and fix the root cause. We are not going to fix this by moving the statue.

Commissioner McVey said he thinks this Board needs to hold this vote tonight and direct the County Manager to find out what the total cost on this whole procedure will be. Moving the statue is related to what it is going to cost to redesign the square. The Board needs to direct the County Manager, or the Board needs to decide at this point what we want to do with the square. How much money do we want to spend there? Then we will have the sum of the total project. A lot of folks are not going to be satisfied with that. This is not an easy process. Commissioner McVey said he told Earnestine Hamlett one time this would be a slow process of moving. Mr. McVey thinks the cost of the square renovation needs to be combined with the relocation.

Commissioner Carter said you talking about moving the statues and then you don't have a cost for what it will cost to redesign the square. About a year ago we were talking about considering economic development. The County Manager and Commissioner Carter worked hard on the economic development and funding a county airport, which the federal government was going to pay 95% of it. The part for the county to move forward was \$237,000 and the Board decided they didn't want to spend that money. If we had built that airport the two sites, they thought would be good was Semora and Pelham areas. If we had built it in the Pelham area with the casino coming, we could have had motels and restaurants which would have been good for economic development. Commissioner Carter said he don't understand why the Board didn't want to go ahead with that for economic development, yet they want to spend \$200,000 approximately on moving the statues. It just doesn't make sense to Mr. Carter when they turned down economic development. Commissioner Carter said he can't be in favor of moving the statues.

Vice Chairman Jefferies said the statue has been a big project the last two years. We made a promise to these people. We agreed to clean the square and there will be a cost. The County Manager came back with a cost of \$48,000 to move the statues. We don't have to come back and make a big issue out of the redesigning of the square. That square can set there for 2 years or 3 years and just grow grass. Then Mr. Jefferies asked the County Manager how long it would take to bring back a total price. We can put it in the budget for so many years a certain amount of money to redo the square. We spend a lot of taxpayer money, but Mr. Jefferies said he is a taxpayer also. So, he doesn't think the statue is a great thing. It might not be to you guys, but to

me it's quite different. Mr. Jefferies came up in those times. The point is Mr. Jefferies would like the County Manager to come up with a cost. How long will you need? The County Manager said we will move as quickly as we can. That's all Mr. Miller can promise the Board. The County Manager said he can't tell you one month or two months to do this kind of work that it requires to put out an RFP and having an architect submit qualifications. Then the Board would have to approve the architect before moving through the process with a design. That's going to take the Board giving priorities. If that's not what the Board wants to do, the Board needs to give priorities up front and maybe we can move quicker. The Board needs to give us some priorities for redesigning the square. Whether it's setting a couple of tables and chairs out there or creating a truly interactive space. So, we just haven't got there yet.

Commissioner Dickerson said he wanted to make a comment before any motion is made. We have been talking about this; I was elected and seated on this Board in last November's election. Mr. Dickerson said he has heard the gentlemen on this Board talking about it and it's been going on long before that. Now we going to make another motion to move on down the road with another cost projection for the redesign of the square. As Mr. McVey said earlier, Mr. Dickerson thinks we should have a motion of some type tonight to vote on whether or not we're moving this monument. We should give this crowd and the people of this county some kind of direction on what this Board is thinking. Commissioner Carter said he agrees. He thinks we need to go ahead and vote tonight.

A **motion** was made by Commissioner Dickerson and seconded by Commissioner Carter and **carried 3 - 2** not to remove the monuments from the town square. (Commissioner Carter, Dickerson, and Oestreicher voted in favor. Commissioner Hall and Jefferies voted against the motion. Commissioner McVey did not vote.)

Commissioner McVey still thinks we need to find out the total costs. Mr. McVey said he can't make a rational, educated decision without knowing what that's going to cost. Commissioner McVey said he will not vote yes unless he knows the cost. Commissioner Owen left the meeting so he did not vote on this motion.

Commissioner Hall asked for the vote. Commissioner McVey asked for clarification on the motion. Commissioner Dickerson said the motion he made was that we do not remove the monuments from the town square. We don't have enough information or know what that whole cost projection is going to be. These people deserve some kind of answer from this Board. The motion was that we do not remove the monuments. Commissioners Dickerson, Carter and Oestreicher voted yes. Commissioners Hall and Jefferies voted no. Then Commissioner McVey said he don't want to move it until he knows the cost. So, the **motion** was made by Commissioner Dickerson and seconded by Commissioner Carter and **carried 4 - 2** not to remove the monuments from the town square.

Then Attorney Ferrell asked did Commissioner McVey vote I or nay on the motion. Commissioner Dickerson said he voted I on the motion. Then Attorney Ferrell asked the clerk to read the tally on the motion so that he is clear. Commissioner Hall asked McVey what his vote was. Commissioner McVey said he voted to not move the monuments until he knows the cost. If he knew the cost, he wouldn't have a problem, but until that cost comes in on that court square no. The Clerk reported the vote was 4 for not moving the monument and 2 against it.

COUNTY MANAGER'S UPDATES:

The County Manager said he had two quick updates for the Board tonight.

1. As you know, OSHA issued an Emergency Temporary Standard requiring all employers with 100 or more employees to have all employees fully vaccinated against COVID-19 or submit to weekly Covid testing.

The US Court of Appeals 5th Circuit issued a stay in this matter shortly after several suits were filed against the ETS.

OSHA is expected to appeal the Fifth Circuit's decision to the Supreme Court, although when it will do so remains in question. There are numerous other challenges to the ETS that remain pending in other federal appeals courts. A multi-district panel is expected to consolidate those challenges into one court via a lottery conducted on November 16.

OSHA may choose to appeal the Fifth Circuit opinion now or wait for the lottery to go forward in the hope that the other challenges are consolidated in a court that may issue a more favorable decision of the ETS. Until then, the ETS will remain stayed.

What I need the board to know is that we are prepared to move forward if the stay is lifted for some reason. We enforce many different OSHA Standards, rules, and regulations on an ongoing basis and from an administrative standpoint, we will continue to follow these developments and put in place the necessary policies and procedures only if necessary and to avoid fines that could be as large as **\$13,653** for each violation of the standard and each employee. Employers that willfully or repeatedly violate the standard can be fined up to \$136,532. We do understand the Board voted not to require mandatory vaccinations as a County Policy. Just know we have a policy if the stay is lifted, and we have to move forward to have those policies that we're prepared and in a good place.

2. This year for employee appreciation we anticipate allowing employees an additional ½ day off on December 22nd as approved by the board last year in lieu of the employee appreciation luncheon. The cost analysis of a half day off versus the luncheon is the same either way. After polling department heads, almost all relayed that they and their employees would prefer the ½ day off this year due to the pandemic instead of a large county employee gathering of 250 plus people. If there are no objections from the Board, we will move forward with that.

COMMISSIONER COMMENTS:

There were no Commissioner Comments.

ANNOUNCEMENTS AND UPCOMING EVENTS:

- **November 25 & 26, 2021 - Thanksgiving Holidays**
- **December 6, 2021 Board of Commissioners Meeting 9:00 am**
- **December 3, 2021 Tree Lighting. Various organizations in town are having open houses. There will be vendors and stuff to do in town that night.**

CLOSED SESSION:

A **motion** was made at 8:32 pm by Commissioner Dickerson and seconded by Commissioner McVey and **carried unanimously** to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged NCGS 143-318.11(a)(3) with the following individuals permitted to attend: County Manager, Bryan Miller and Clerk to the Board, Carla Smith.
(Commissioners Carter, Dickerson, Hall, Oestreicher, McVey and Jefferies voted for the motion)

A **motion** was made by Commissioner McVey, seconded by Commissioner Dickerson and **carried unanimously** to return to open session at 8:48 pm. (Commissioners Carter, Dickerson, Hall, McVey, Oestreicher and Jefferies voted for the motion)

Attorney Ferrell asked before a motion to adjourn be made, can he have one clarifying question. If the Clerk will please read back the vote on the redistricting resolution for his notes. Attorney Ferrell said he missed the final tally there. The motion was to approve the redistricting resolution as presented and he just wanted to confirm the final tally. The Clerk said the tally was 6 to 1.

ADJOURNMENT:

A **motion** was made at 8:52 pm by Commissioner McVey and seconded by Commissioner Hall and **carried unanimously** to adjourn the meeting. (Commissioners Carter, Dickerson, Hall, McVey, Oestreicher and Jefferies voted for the motion)

Carla R. Smith
Clerk to the Board

David J. Owen
Chairman

Caswell County Board of Commissioners
CONSENT AGENDA ITEM
November 15, 2021

From:

Bryan Miller, County Manager

COVID-19 Essential Public Service
Premium Pay Policy and Payment

Issue/Action Requested:

Request that the Board of Commissioners approve the Caswell County COVID-19 Essential Public Service Premium Pay Policy and approve to award eligible employees a maximum premium payment of \$1,000 per employee, pro-rated based on the Policy and through the use of ARPA funds.

Background/Purpose of Request:

On March 11, 2021, President Biden signed P.L. 117-2, now known as the American Rescue Plan Act (ARPA) and on May 10, 2021 the U.S. Treasury issued the Interim Final Rule to implement ARPA in Title 31, Part 35 of the Code of Federal Regulations. Under the Interim Final Rule, recipients of Coronavirus State and Local Fiscal Recovery Funds (CLFRF) may use those funds to retroactively provide premium pay to eligible employees who performed essential work during the COVID-19 emergency.

The proposed premium payment is in recognition of county staff who support our community and provide essential services during a critical time in our County's history through the course of a pandemic.

Eligible full-time, part-time permanent and part-time employees will receive a maximum payment of \$10 per hour worked up to 100 hours (not to exceed \$1,000 per employee). The premium payment will be implemented through payroll upon approval by the Board. The fixed dollar premium payment is considered taxable income.

The Human Resources Department, in coordination with the Finance Department, will certify by position classification and employee interaction for qualification under ARPA guidelines. Eligible employees that meet ARPA eligibility requirements will receive premium payments funded by ARPA funding. The estimated total cost with benefits is \$330,000.

Fiscal Impact:

Budget Amendment Required, Capital Project/Grant Ordinance Required, Reviewed By Finance Director. Budget amendment and the associated capital project ordinance appropriates ARP Funds \$330,000.

County Manager's Recommendation:

Recommend the Board of Commissioners approve the Caswell County COVID-19 Essential Public Service Premium Pay Policy and approve to award eligible employees a maximum premium payment of up to \$1,000

per employee, based on the Policy and through the use of ARPA funds.

ATTACHMENTS:

Description

- ▣ COVID-19 Essential Public Service Premium Pay Policy
- ▣ Budget Amendment ARP Premium Pay.pdf

Caswell County
COVID – 19 Essential Public Service
Premium Pay Policy

PURPOSE:

The County recognizes the unique challenges that the COVID-19 pandemic has presented and will provide a fixed dollar premium payment to eligible employees as set forth in this policy.

On March 27, 2020, North Carolina Governor Roy Cooper issued a “Stay at Home Order” in response to rising COVID-19 cases but exempted a number of essential operations and services. These essential work services included services provided by county governments to ensure the continuing operation of the county government and to provide for or support the health, safety, and welfare of the public. Among those jobs expressly identified as essential, the Governor’s declaration included first responders, emergency management personnel, emergency dispatchers, law enforcement and corrections personnel, child welfare and child protection personnel, water and sewer utility workers, and any other employees working to support essential operations. For the County to provide services during this time without interruption or decline in service level, ALL County employees were deemed essential to the core operations of our organization. These employees faced a higher risk of exposure to COVID-19 in order to continue providing essential services to the public.

On March 11, 2021, President Biden signed P.L. 117-2, now known as the American Rescue Plan Act (ARPA) and on May 10, 2021 the U.S. Treasury issued the Interim Final Rule to implement ARPA in Title 31, Part 35 of the Code of Federal Regulations. Under the Interim Final Rule, recipients of Coronavirus State and Local Fiscal Recovery Funds (CLFRF) may use those funds to retroactively provide premium pay to eligible employees who performed essential work during the COVID-19 emergency.

This policy is implemented in recognition of county staff who have continued to support our community and provide essential public services during this critical time.

POLICY AND PROCEDURE:

ELIGIBILITY

Employees that meet the following criteria are eligible to receive a pro-rated fixed dollar premium payment, based on the number of hours worked in a full-time, part time permanent, or part-time position during the course of the pandemic (**April 1, 2020 through November 30, 2021, or other dates as approved by the Board**):

- Employee was employed in a full-time, part time permanent, or part-time essential position during the identified time period.
- Employee worked on-site and provided in-person services* during the above time period.
- Employee is in active full-time, part time permanent, or part-time essential position status at the time the premium payment was approved.

**In-person services is defined as work involving regular in-person interactions with patients, the public, or co-workers, OR regular physical handling of items that were handled by patients, the public, or co-workers. By way of example, Employees who teleworked for a period without handling items which were handled by others, are not eligible for the premium for those hours worked. Also, Employees who did not work for a period, such as an employee using FMLA, leave, or workers compensation, are not eligible for the premium for those hours not worked.*

CALCULATION AND METHOD OF PAYMENT

The premium payment is pro-rated based on the number of hours worked by an eligible full-time, part time permanent, or part-time essential position during the identified period.

The fixed dollar premium payment is considered taxable income.

IMPLEMENTATION & OVERSIGHT

- The Human Resources Department, in coordination with the Finance Department, will certify eligibility of each employee for premium payment. They will also certify eligibility by position classification and employee interaction for qualification under ARPA guidelines. Eligible employees that meet ARPA eligibility requirements will receive premium payments funded by ARPA funding.
- Premium pay will not exceed \$13 per hour or a total of \$25,000 to any single worker, per Federal guidelines.
- In the event Premium Pay would increase an eligible employee's total salary above 150 percent of the state's annual wage, written justification shall be documented to demonstrate that the employee meets the eligibility criteria. Based on the current North Carolina average annual wage of \$51,010, the justification shall be required for any employee with an annual wage of at least \$74,315. This is approximately 5 employees.
- The Finance Department will be responsible for issuing fixed dollar premium payment(s) to eligible employees. The premium payment will be implemented through payroll following the date of Board approval.
- The Finance Department will be responsible for all policy monitoring, internal controls, and required ARPA compliance reporting related to the premium payment(s).
- All premium pay distribution records will be retained by the County for at least five (5) years from final payment made using ARPA funding. Records and documentation will be made available to US Treasury, or any other authorized oversight body, by request.



Caswell County Board of Commissioners

**Grant Project Ordinance for the Caswell County Coronavirus State and Local
Fiscal Recovery Funds**

Amendment #1

BE IT ORDAINED by the County Commissioners of Caswell County, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1: This Ordinance is to establish a budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021(CSLFRF). Caswell County has received the first tranche in the amount of \$2,195,281 of CSLFRF funds. The total allocation is \$4,390,562; with a remainder to be distributed to the County within 12 months. These funds may be used for the following categories of expenditures, to the extent authorized by state law.

- Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
- Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and public sector;
- Replaces lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
- Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
- Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Section 2: The following amounts are appropriated for the project and authorized for expenditure:

CSLFRF Project	\$2,195,281
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AMERICAN RESCUE PLAN ACT

Designated Payee	Adopted Budget	Amendment Amount	Amended Budget
West Yanceyville Water Assoc Inc	\$7500	\$0	\$7500
Caswell Historical Foundation	\$10,000	\$0	\$10,000
Cleaning Service Contract (Health/Co-Sq/Library/SC/DSS)	\$120,000	\$0	\$120,000
EMS-Ambulances/Remount	\$380,000	\$0	\$380,000
EMS-800 Radios	\$58,000	\$0	\$58,000
Sheriff-800 Radios	\$209,000	\$0	\$209,000
VFD-800 Radios	\$300,000	\$0	\$300,000
Health Department	\$160,000	\$0	\$160,000
Small Business (Lost Revenue)	\$100,000	\$0	\$100,000
Non-Profit	\$100,000	\$0	\$100,000
Town of Yanceyville (WIFI)	\$110,000	\$0	\$110,000
Assistant County Manager	\$65,000	\$0	\$65,000
Un-Budgeted as of 6/25/2021	\$575,781	(\$330,000)	\$245,781
Employee Premium Pay	\$0	\$330,000	\$330,000
TOTAL ARPA (Year 1)	\$2,195,281	\$0	\$2,195,281

Section 3: The following revenues are anticipated to be available to complete the project:

Coronavirus State and Local Fiscal Recovery Funds \$4,390,562

Section 4: The Finance Officer hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements.

Section 5: The County Manager is hereby directed to report the financial status of the project to the governing board on a quarterly basis.

Section 6: Copies of this grant project ordinance shall be furnished to the County Manager, the Finance Officer and to the Clerk to County Council.

Section 7: This grant project ordinance expires on December 31, 2026, or when all CSLFRF funds have been obligated and expended by the County, whichever occurs sooner.

Adopted this 15 Day of November, 2021

/s/ David J. Owen

Caswell County Board of Commissioners, Chair

/s/ Carla R. Smith

Clerk to the Board of Commissioners

CASWELL COUNTY BOARD OF COMMISSIONERS

**RESOLUTION FINDING THAT THERE IS SUBSTANTIAL INEQUALITY OF
POPULATION AMONG ELECTORAL DISTRICTS & REDEFINING
ELECTORAL DISTRICTS**

WHEREAS, the Caswell County Board of Commissioners (the “Board of Commissioners”) is made up of seven (7) members; and

WHEREAS, for purposes of nominating and electing members of the Board of Commissioners, Caswell County (the “County”) is divided into five districts (collectively the “Districts”); and

WHEREAS, one member of the Board of Commissioners is elected from each district, and two from the County at large; and

WHEREAS, pursuant to Article I, Section II of the United States Constitution, the United States Census Bureau conducted the decennial census for the year 2020 (the “2020 Census”); and

WHEREAS, the 2020 Census data is reported in Public Law 94-171 (the “Census Data”); and

WHEREAS, the Board of Commissioners has reviewed the Census Data concerning the total population of the County and the total number of persons residing within each of the Districts; and

WHEREAS, following its review of the Census Data, the Board of Commissioners has determined that there is a substantial inequality of population among the Districts; and

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-22, the County is authorized to redefine the Districts if it finds that there is a substantial inequality of population among the Districts; and

WHEREAS, the Board of Commissioners considered the issue of redistricting at a number of its regular and special meetings held since the Census Data was released; and

WHEREAS, the Board of Commissioners conducted a public hearing to solicit public input on proposed redistricting plans after the Census Data was released; and

WHEREAS, the County desires to redefine the boundaries of the current Districts based on the Census Data after substantial consideration, deliberation, and opportunity for input from members of the public; and

WHEREAS, the Board of Commissioners is committed to honoring the purpose and intent of that certain Order On Final Judgment filed on August 4, 1989 in Case File Numbers C-86-676-G and C-86-708-G in the United States District Court For the Middle District of North Carolina Greensboro Division by assuring African American citizens in Caswell County have an equal opportunity with other citizens to participate in the political process and elect representatives of their choice.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners as follows:

Section 1. The Board of Commissioners hereby find as a matter of fact that there is substantial inequality of population among the Districts as presently drawn.

Section 2. The Board of Commissioners hereby redefine the boundaries of the Districts according to the boundaries shown on the Electoral District Map attached hereto as Exhibit A which such exhibit is incorporated herein by reference.

Section 3. The Board of Commissioner seats which are to be filled at the initial election held under this resolution are as follows: District 1, District 2, District 5.

Section 4. Pursuant to N.C. Gen. Stat. § 153A-22(f), not later than ten (10) days after the day on which this resolution becomes effective, the Clerk is hereby directed to file a certified copy of this resolution with the following persons or offices: the Secretary of State's Office, the office of the Caswell County Register of Deeds, and the Chairman of the County Board of Elections.

Section 5. This resolution shall take effect immediately upon its adoption.

Adopted this the 15th day of November, 2021.



David Owen
Chairman, Board of Commissioners

Attest: 

Carla Smith, Clerk to the Board

CASWELL COUNTY - BOARD OF COMMISSIONERS DISTRICTS

APPROVED 2020 DISTRICTS

Exhibit A

Electoral District Map

District	Total Population	Minority Population	Percent Minority
1	4,537	1,272	28.0%
2	4,546	1,408	31.0%
3	4,549	2,371	52.1%
4	4,581	2,401	52.4%
5	4,523	1,248	27.6%

