

MINUTES – SEPTEMBER 8, 2020

The Caswell County Board of Commissioners met in regular session at 9:00 a.m. on Tuesday, September 8, 2020. The meeting was held electronically using Zoom Webinar software. Members present: Rick McVey, Chairman, David J. Owen, Vice Chairman, William E. Carter, Nathaniel Hall, Jeremiah Jefferies, Steve Oestreicher, and N. Kent Williamson. Also present: Bryan Miller, County Manager, and Brian Ferrell, County Attorney. Paula P. Seamster, Clerk to the Board, recorded the minutes.

WELCOME MOMENT OF SILENT PRAYER

Chairman McVey opened the meeting with a moment of Silent Prayer.

PLEDGE OF ALLEGIANCE

The Board of Commissioners and all the guests in the attendance recited the Pledge of Allegiance.

PUBLIC HEARING – SPECIAL ASSESSMENT FOR IMPROVEMENTS TO SHADOW RIDGE ROAD IN PROVIDENCE, NC

Commissioner Owen moved, seconded by Commissioner Williamson to go into public hearing on the special assessment for improvements to Shadow Ridge Road in Providence, NC. After a roll call vote, the motion carried unanimously. (Commissioners Carter, Hall, Jefferies, McVey, Oestreicher, Owen, and Williamson voted in favor.)

Mr. Miller stated that the Commissioners had before them a public hearing for Shadow Ridge Road and it is a process in which an assessment will be levied against the property located on Shadow Ridge Road. He stated that the amount will be no more than \$10,000. Mr. Miller stated that this has been a 2-year process, DOT has determined that the road has been in existence prior to 1975 and served the public purpose which makes the road eligible for this process. He stated that the road has been brought up to DOT standards and many of the requirements for this process have already been met by the residents. Mr. Miller stated that there will be a 5-year assessment repayment period at a 4½% interest rate which matches short term interest rates. He reminded the Board that it is a public hearing and now was the time for the public to make any comments that they may have.

The Clerk read the following public comments:

“Dear Commissioners: We, Bennie (JR) and Karen Cross, appreciate your consideration of the following comments regarding the Special Assessment for Improvements to Shadow Ridge Road. A. In regard to item 4, Subpoint 1: As seen on the petition attached to the resolution, my signature is marked out. I do not recall signing a re-recorded plat. If I did do so, I would like to receive a copy. Has, in fact, this step been completed? B. Item 5: Please clarify the basis for making the assessment. Is it per foot of street frontage, or the area of land served, or a formula combining the two? If the latter, what is that formula? We understood from a representative of the landowners

that the costs would be divided equally by the landowners. C. Item 8: When and how will the total cost be determined and may it be paid by individual landowners at one time to avoid interest? We owned and resided on Lot 8 before purchasing Lot 9. When we purchased Lot 9 the deed incorporated the map for Lot 8 combining the two into the Mill Creek Estates Map 1 subdivision on the existing paved road. (The current gravel portion of Shadow Ridge Rd. was not even constructed yet.) Lot 9 cannot be sold separately and there is no road access to the lot from the gravel portion of Shadow Ridge Road (the section currently under consideration for improvement.) We have no objection to the road project and will be happy for our neighbors if such improvements are accomplished. However, as we do not have access from that section of road, it is of no benefit to us. For that reason, and because we are not members of that covenant, we do not believe we are obligated to any financial responsibility for improvements. Thank you for your consideration of these comments. We look forward to your response.”

“Danielle Taylor. I am assuming that you had received an email from JR Cross and Karen stating that they feel as if they are not part of our road special assessment. But if you pull county records and look at the actual tax records and according to Thomas Bernard their lot is actually on the unpaved portion. I have talked to JR and made him aware that we know and we have talked to the tax office and that one lot is part of the assessment. When I took over the house association I done some digging to make sure who all owned what lots and noticed that, all of these years JR had not been paying house association fees for that one lot. I talked to tax office to make sure I was correct on the lot being on unpaved portion and yes indeed it is. The lot clearly can be excess on the unpaved part of Shadow Ridge Road and does indeed have road front footage and according to NCDOT his property markers is in the middle of the roadway and they will have to be moved back 25 ft. and that is why he needs to pay on the assessment also. It wouldn't be fair for all the other land owners to have to pay his part when his property markers have to be moved back. Also if you look at the prior paperwork JR had already signed over his right of way to NCDOT when we started this process a while back. It is deeded with the deed office, he signed it, and it is public record online where he can see his signature he signed over.”

Commissioner Owen moved to close the public hearing.

Mr. Ferrell stated that with remote public hearings the statue requires that the public hearing remains open for 24 hours to receive written comments via the clerk and the public hearing can be adjourned after that time period and motion can be made now. He stated that the next step would be for a final assessment resolution to be prepared and approved by the Board after the receipt of public comments and after the full costs are known there will be an assessment resolution to go through as well. Mr. Ferrell stated that it is a multi-step process that the Board will need to work through.

Commissioner Owen apologized for his pause but he was looking for the time period to finish his motion.

Commissioner Owen moved, seconded by Commissioner Williamson to close the public hearing on the special assessment for improvements to Shadow Ridge Road in Providence, NC 24 hours after today's meeting. After a roll call vote, the motion carried unanimously. (Commissioners Carter, Hall, Jefferies, McVey, Oestreicher, Owen, and Williamson voted in favor.)

PUBLIC COMMENTS

The Clerk to the Board read the public comments received via email.

“Charles Harrison Blackwell, 490 Wall Street, Yanceyville. Good morning Board members. My name is Charles Harrison Blackwell and I am one of many citizens who have been lobbying for the removal of the Confederate Statue over the past two months. I was pleased to find out that the Board, at its last meeting, has agreed to put this issue back on its agenda as a discussion item for a future meeting. A significant amount of anger, civil unrest, and mistrust continues to exist in this county resulting from a racial divide. Consequently, it is my hope that this issue will be viewed with a sense of urgency and placed back on the agenda at the earliest date possible. I feel that giving this matter the degree of importance that it deserves will show a sense of genuine goodwill and sensitivity by the Board and that it should be addressed and resolved by the current Board prior to the November elections. Since the issue is one based fundamentally on moral authority, there shouldn't be a significant amount of time required for discussion. We have already had almost 100 years to reach a conclusion that the statue's current location is inappropriate. The Board's willingness to aggressively move forward in taking the moral high ground will reflect positively in the local community as well as in the surrounding region. Only then will our community begin to heal from some of the negative impacts which have resulted from slavery. A brighter future, unencumbered by this past negativity, will then allow us the opportunity to move forward in dealing with some of the key issues and problems confronting Caswell County including the need to 1) create job opportunities for all citizens through economic development, 2) reduce drug addictions, 3) enhance and develop new educational opportunities, including the expansion of internet capabilities in support of virtual learning, and, 4) adopt zoning regulations in support of increased and controlled growth. In conclusion, I respectfully request that the Board make a firm commitment as to the date that this matter will be placed back on the agenda. Moreover, I eagerly look forward to a unanimous vote by the Board to remove the Statue to an appropriate location in the near future. That re-location should be to a place where those desiring to see it will have to go visit it rather than it being in a location where citizens are required to view it from a prominent public space. This action will not result in an “erasing of history” but rather, will be placing history into a more appropriate context. Again, I thank you for your support and willingness to re-address this matter and pray that God will continue to bless each of you.”

“Our names are Edward and Dawn Leith-Dougherty. We live at 2685 Ridgeville Road in Prospect Hill. We would like to express our opposition to the proposed repeal of the Environmental Impact Ordinance currently on this meeting's agenda. We are deeply disturbed by the board taking up this action and particularly doing so on the recommendation of an Industry Insider. Without the reasonable protections of County-wide zoning, removing this ordinance goes against the best interests of the Citizens of Caswell County and further paves the road polluting industries setting up shop in our neighborhoods. At stake are the property values, personal health, safety, water and air quality of your constituents. During a recent online Candidate Forum, I asked the question “As a Commissioner are you willing dedicate County resources toward defending our existing regulations and the moratorium on behalf of the citizens of Caswell County?” Each candidate answered that question with an emphatic yes including Commissioners McVey and Williamson. Here and now is your opportunity to uphold that promise. We call upon this board to table the proposal until such time that long overdue zoning

protections can be enacted and NOT before that time. Repeal at this time would undermine the yearlong efforts of our community in fighting the intrusion from Polluting Industries. We also call into question the prudence of hiring an Attorney with long history of representing the very industries that we are currently fighting against. Yes, his resume and experience are impressive but a small amount of easily preformed research reveals his stature as an ardent supporter of the mining industry representing both Mining Companies and Industry Councils to further their interests. Removing the roadblocks to the expansion of mining interests is the hallmark of his career and his recommendation to repeal this ordinance is beyond his purview. Again, please consider the interests of the Citizens of Caswell County first. Table any consideration of the removal of our current Environmental Ordinance and move as swiftly as possible to enact some reasonable zoning restrictions to protect or health, homes and property values.”

“My name is Carol Warren. My address is 4220 Old NC Hwy 86N, Yanceyville. I am very concerned about the possible vote today concerning the Environmental Impact Ordinance. We in Caswell County are blessed with clean air and water and large areas of beautiful forests and lakes and streams. We can sometimes forget that the natural world surrounding us does not look so big to a powerful, polluting industry with its legal and financial resources, industrial chemicals, and heavy equipment. Because a large industry can, unwatched, change our local landscape and air and water quality before we know what is happening, we need advance knowledge and planning in order to regulate its effects on us. That is an important purpose of an Environmental Impact Ordinance. It, by itself, does not regulate industry. But it does require them to tell us what they expect to do to our land and water and air. That, certainly, is not a waste of time or of money. The more we know of their expected effects, the more we know about how we need to develop ordinances to protect our homes and communities. We have a moratorium on polluting industry that still is in place for a short time. We have the EIO in place, currently, that will alert us if other such industries develop plans to locate anywhere in the county. In the near future, we hope the Board of Commissioners will have plans in place for light zoning and a High Impact Development Ordinance to protect us from undesirable polluting industry that takes away our healthy natural environment and gives in its place, dangerous pollution. Once that regulation is in effect, then we can talk about whether the EIO is necessary, right now, it is clear that it is necessary, as is the moratorium. Thank you for your work on behalf of the county.”

“My name is Sandy Warren. I live at 4220 Old NC Hwy 86N, Yanceyville. I am opposed to the removal of the Environmental Impact Ordinance. It is the only ordinance we have in place that protects us from polluting industries. We need measures in place to protect us from these industries now and into the future. I urge the Board to postpone a vote on removing this ordinance until we have another local county measure to protect the people, air and land. Thank you for considering my wishes.”

“Mark Zimmerman. Commissioners, clearly your decision to consider repealing the EIO has created great consternation and concern on the part of the citizenry of Caswell County. This is compounded by the speed at which you may take this action and the lack of public input and debate on the issue. It would be far better governance to explain the rationale for repeal and then allow for a public hearing to present you with input before you take this momentous step. If you are concerned about the threat of litigation, you should instruct the county attorney to inform Carolina Sunrock that the county will not require the applicant to conform with the EIO during the time that

you are considering its repeal. Since Sunrock will have been given a temporary reprieve from the EIO requirements, they would have no cause for action. That would allow you to consider the appeal in a more deliberate manner, involving the public, to come to a better decision. By doing this, you will not have to decide this during your meeting on Tuesday. Thank you.”

“Hello, my name is Rev. Bryon Shoffner spokesperson for the black members of the Anderson Community. Over the past 9 months the Anderson community have worked long and hard hours to save our properties from a pollutant industry. Which in return it paid off by NCDEQ/NCDAQ denying all permits. Here is the thing that really gets to me is that as I listened to the Commissioners meetings, Planning board meetings and the Health meetings it seems like everyone was surprised that a denial verdict came in before the hearing date. I wonder way is that. Was the surprise because you all have a conflict of interest or was the surprise because you all thought you had an Attorney who is well known for standing alongside the Asphalt, Mining Companies on your side and it would automatically get you all a yes. Commissioners I am not questioning your faith, but I am questioning your loyalty. The last time I checked your loyalty should be to the ones who voted you in and not to the ones who make only promises. Commissioners I ask that you all stay true to the people of Caswell county and remember that you are not doctors, experts or scientist when it comes to the Environment Impact Ordinance so do not repeal instead extend the ordinance until updates can take place to the ordinance. I say let the BIPOC (BLACK-Indigenous-People of Color) live for they are worthy of protection too. God appointed you all to this position to protect the people so do as God says and protect the people. I ask you commissioners to stand shoulder to shoulder with the citizens of Caswell County and listen to our voices “EXTEND THE ORDINANCE”. God Bless.”

“Anita Foust, 2501 Hughes Mill Road, Burlington. Will you sacrifice the health and safety of citizens just to cover your anatomy after dropping the EIO ball? Fiduciary Duties to the Citizens Your duty is to the health and safety of the citizens first, not to the polluting industry. The polluting industry alleges, in so many words, that the planning director failed to perform his fiduciary duty by not mentioning the EIO/EIS/EA when they initially requested what processes they had to follow. Per the 4/2/20 letter, attached, from the polluting industry’s legal representative, “This concern is not just based upon a reading of the EIS ordinance. ... Specifically, in an email exchange from early January 2019, Scott Martino, Compliance Manager for Sunrock, requested a list of the forms and permits Sunrock would need for the development of these Projects. Mr. Martino mentioned several known applications and referenced several scenarios that could impact the outcome or require additional applications. Your response on January 16th 2019 stated the following: "In terms of Planning Department forms, you'll need to complete a Land Development Form, a Watershed Protection Permit, a SN/A Permit, and a Flood Hazard Acknowledgement Form. You'll also need to submit a 'major site plan' for the Planning Board's review. All of the forms I mentioned above can be found on this website: ...the site plan submittal guidelines can be found in Article 8 of the county's Unified Development Ordinance, also on that web page." Significantly, there was no mention of an EIS in your response. Also, as of January 11, 2019 no EIS or Environmental Assessment ("EA") application was available online or mentioned in the Application Section of the website link you included in your response.” Cumulative Environmental Impacts and Potential Cancer Cluster. There are sick and elderly humans who live here. Their financial investment into their properties are greater than the polluting industries. You

have been advised to ignore their demographics and illnesses. The State and Federal Governments will not. through their Title VI and Environmental Justice complaint processes. Protect the citizens by improving, not repealing, the EIO.”

“Richard Long, 12671 NC Highway 62. If what you told us is true "it was out of your hands, it was up to state, we can't do anything about it". And the state denied the permit. Why are you trying to repeal the Environmental Impact Ordinance? I thought you were on the people's side. Why are you trying to take the rights away from the citizens to decide for themselves? I vote not to repeal the Environmental Impact Ordinance. You were elected to Protect the People of Caswell.”

“This is Earnestine Hamlett of the Concerned Citizens of Caswell County. Thank you for your consideration of voting to place the issue of the confederate monument back on the upcoming agenda. However, per my conversation with Mr. Mcvey on August 13th 2020, I was told the confederate monument was being discussed, and would be on the next two or three MEETING'S agenda. With this being true, that would place the confederate monument on the agenda on or around September 21st at the latest. As we heard in the Board of Commissioners meeting on August 17th, 2020, the confederate monument was voted on and passed to be put on the agenda as a discussion item within the next two or three MONTHS. This however would place the item for discussion close to the November election. I would like for the Board of Commissioners to explain why so much delay. Placing the confederate monument to a later date would decrease the sense of urgency. In looking at the civil unrest around the country, we ask ourselves: "How can we make things better in our county? How can you ignore what you have heard from the concerned citizens in this county by public comments, e-mails, phone calls, and the petition signed by hundreds of citizens? What can you do to insure that we are not faced with a disaster or imminent threat equal to or greater than the June 26th 2020 event?" My conversation with Mr. McVey ended with a smile on both our faces. Mr. McVey stated that he didn't want to see anything happen that would cause us as a people to back up in our relationships with each other. Mr. McVey, I was proud to hear you say that you wanted everybody to know that you are not totally against the relocation of the Confederate Monument. You mentioned making the Town Square user friendly for ALL people. The Confederate Monument is owned by the County. It was presented to the County Commissioners, so it is at your discretion to relocate it. Therefore, can the Board of Commissioners have the dialogue you mentioned that can only lead to a more productive outcome for the betterment of the county?" The Clerk informed the Board that Ms. Hamlett also included an update petition with her public comments.

“My name is Evangeline Vinson Gaudette and I live at 441 Baynes Rd. Burlington, NC. I emailed each of you but as at least one email came back “undeliverable” I would like my comments on the record. They are as follows: In regards to the issue of repealing the Environmental Impact Ordinance, I urge you to reconsider. The legal counsel that you sought is obviously on the side of big industrial companies as the one we as a community are fighting against with everything that we have. It is obvious where he stands based on his own blog posts. For example:" As a veteran of these types of hearings, I’m leery. Yes, some of them have no controversy and could probably proceed. But when I represent the developers of landfills and rock quarries and asphalt plants, I’m more effective when I can see board members’ faces, watch the room to spot citizens in opposition, and stand at a podium to speak with full control over tone, volume, and pace for effective communication.” Taking the advice of Tom Terrell would be an EXTREME conflict of interest

which is at best an act of negligence and at worst a nefarious action. I remind you that you are obligated to act in the best interest of the citizens of this community. Many of you are familiar with the Bible, so I leave you with this: Proverbs 22: 22-23 "Do not rob the poor because he is poor, nor oppress the afflicted at the gate; For the Lord will plead their cause, and plunder the soul of those who plunder them."

"My name is Leslie Zimmerman, I live in Leasburg. If you are going to enact a Heavy Industrial Development Ordinance (HIDO) or a Polluting Industry Development Ordinance (PIDO), you need to get it right. Please do it the right way. You and your staff will need help to do so quickly. Hire a professional. Get it done correctly, in a timely manner to protect us. This is our only chance. Thank you for your thoughtful consideration."

"Ms. Carolina Laur, 12671 NC Highway 62. Do not Repeal the EIO. We have read the memorandum provided by Tom Terrell, an outside attorney hired by the County, presumably paid with "OUR" tax dollars. We strongly disagree with his recommendation that you repeal OUR local ordinance. Instead of repealing Environmental Impact Ordinance, you should keep it, and make it even stronger. Tom Terrell justifies his recommendation by saying that it does not make clear any sort of approval process, and that it's somehow was not fair to Sunrock? That Sunrock did not know about the EIO? Is Caswell County commissioners trying to remove the EIO to cover up the County Manger's mistake to notify Sunrock of the EIO? Punishing the citizens? If the citizens could find the EIO wasn't it the responsibility of Sunrock to do the same? Mr. Terrell also states that the federal and state laws cover what the ordinance covers? This is not a legitimate reason to repeal OUR LOCAL ORDINANCES. And as Bryan Miller and Mr. Hoagland both stated in the zoning educational meetings at the library; "the best way to protect community's against unwanted pollutant industry's is to layer zoning with strong 113 ordinances". The Environmental Impact Ordinance saved the Anderson and Prospect Hill Community's! And now you want to get rid of it. Who do work for? And Mr. Jeffries, Mr. Hall, and Mr. Williamson; we know what happens to black and brown neighborhoods once one polluting industry moves in: more follow, and our neighborhood becomes a dumping ground. Who are you going to vote for today, Sunrock? Tom Terrell? Or the black and brown community's in Caswell County? Each of your vote's will make it clear to the voters of Caswell County who you really represent? Sunrock? Or the people of Caswell County? Vote no to repealing the Environmental Impact Ordinance!"

"Barbara & Craig Yearly, Flint Ridge Road, Lot 4, Prospect Hill. Dear commissioners, my husband & I recently bought property on Flint Ridge Road and signed a contract to build a house on the lake. We have been writing, calling and praying that our new home is not ruined by your plans to allow this water & air polluting company, Sunrock. Wouldn't you rather have homes built that will add to your tax base much longer than a company that will make the area unlivable? Once they use up the resources they will be gone, but the ruined land & polluted Roxboro water supply lake will discourage any non-polluting homes development. Please do the right thing for the people who voted for you and keep Sunrock out of Caswell County."

"Belinda Layne, 1540 NC Highway 49N, Prospect Hill. As you meet tomorrow morning please remember the county residents you represent who have worked so hard to keep Caswell a healthy place to live and prosper. Repeal of the EIO is not in the best interest of these residents. Do

everything in your power to uphold the quality of life in Caswell that we all deserve (that does not include pollutant industry).”

“Earl Wrenn. I am shocked and very concerned that the Board of Commissioners is considering repealing an ordinance requiring Carolina Sunrock to prepare an Environmental Impact Statement (EIS) for a mining operation. While the County’s Environmental Impact Ordinance (EIO) would apply to companies in addition to Carolina Sunrock, it is apparent that that timing of such a repeal would be for their benefit. Attorney Terrell’s opinion and unsolicited advice to repeal the Environmental Impact Ordinance (EIO) came as no surprise. Anyone with a computer can conduct a cursory internet search and quickly determine that Mr. Terrell has devoted his career to being an advocate and defender of mining companies like Carolina Sunrock - based on his loyalties, it would be very difficult for his judgement to not be biased. Please do not let SunRock lawyers run Caswell Gov. Stand your ground and protect the people of Caswell. I came before the board in Jan. 2019 and asked about a rumor of a quarry in Prospect Hill and none of you know anything about it. I have been reading information that leads to some of what you did know!! With the Division of Air Quality’s denial of permits recently, we can be sure that we cannot trust Sunrock to protect the environment and the health of residents. An EIS would at least require more disclosure on their part and provide more transparency to the citizens. Such a high impact proposal is surely commensurate of an EIS. Thanks and please do not repeal till something can be put in place to protect us!”

“My name is Susan Hester. My husband and I own property on Wilson Road, Hurdle Mills, NC 27541 which is located in Caswell county. We are retired and contribute to the tax base in Caswell county. My family also owns property on the border of the property of the proposed quarry. I respectfully ask that you consider my stand on protecting our natural resources and environment. I am opposed to the removal of the Environmental Impact Ordinance. Currently, the Environmental Impact Ordinance is all that is protecting Caswell County from polluting industries. It is important that we protect the people, the air and the land of this county. We need to have measures in place that will protect the county from polluting industries, now and into the future. I urge the Board to postpone a vote on removing this ordinance until another local county measure to protect the people, air and land is in place.”

“Bruce Pleasant, 1268 Painter Road, Prospect Hill. Dear Commissioners, I am shocked and disturbed that the Board of Commissioners is considering repealing an ordinance requiring Carolina Sunrock to prepare an Environmental Impact Statement (EIS) for a mining operation. While the County’s Environmental Impact Ordinance (EIO) would apply to companies in addition to Carolina Sunrock, it is apparent that that timing of such a repeal would be for their benefit. I urge you to not repeal the County’s EIO until a successor ordinance that will protect Caswell from polluting industries which disrupt citizens’ rights to peaceful and quiet enjoyment of their land rights is IN PLACE. While the information contained in an EIS may be considered superfluous to Sunrock, their attorneys and Attorney Tom Terrell, concerned citizens are very interested in the information which can be learned from a properly prepared EIS for the project. Attorney Terrell’s opinion and unsolicited advice to repeal the Environmental Impact Ordinance (EIO) came as no surprise. Anyone with a computer can conduct a cursory internet search and quickly determine that Mr. Terrell has devoted his career to being a staunch advocate and defender of mining companies like Carolina Sunrock - based on his loyalties, it would be

very difficult for his judgement to not be colored on this matter. A commissioner has stated that the ordinance is without meaningful purpose in relation to the County's permitting process. Advocating that the commissioners do away with the ordinance was NOT part of the scope of Mr. Terrell's engagement with the County. While the EIS may only be a "speed bump" and not a barrier to Sunrock to obtaining a permit, I believe there is valuable information to be gained by reviewing an EIS and I am one of many concerned citizens that is very interested in seeing an EIS for the quarry project. As a lifelong, third-generation resident of Caswell, I believe the citizens have a right to know the potential impact of the proposed operation, and I would hope you would want to know as well. I strongly urge you to side with the citizens whom you represent and not the interest of Carolina Sunrock and mining company advocates who will make no substantive contributions to the county. It has been stated that without the moratorium, Caswell is not protected. However, Mr. Terrell has opined (and Sunrock's attorneys have asserted) that the moratorium has no bearing on the proposed Sunrock quarry and concrete/asphalt plant, so please do not presume that the moratorium is protecting the county from all polluting industries. With the Division of Air Quality's denial of permits recently, we can be sure that we cannot trust Sunrock to protect the environment and the health of residents. An EIS would at least require more disclosure on their part and provide more transparency to the citizens. Such a high impact proposal is surely commensurate of an EIS. Thanks you for carefully weighing this issue before voting on repealing the County's EIO."

"Crystal King. As the Board of Commissioners it is your duty to protect the citizens of Caswell County and its environment. Repealing this ordinance not only fails to protect our wonderful citizens but it violates the trust we placed in each of you as elected officials. North Carolina is made up of 100 unique counties and I believe that it is not wise to leave this decision in the hands of people who do not know specifically what Caswell County needs, you do. This is why I urge you not to repeal the EIO until there are policies in place that protect all citizens and our environment."

"Good morning. My name is Courtney Woods. I am an assistant professor of environmental sciences and engineering at UNC Gillings School of Public Health. I am writing to express concern over recently learning that your county may repeal its environmental impact ordinance (EIO). As you know, the environmental assessment (EA) or environmental impact statement (EIS) is an important tool for informing the public about the development and engineering of the built environment. An EIS from Carolina Sunrock is intended to serve as a transparent way of communicating to community and local officials' information to help them assess the environmental and human health impacts of a proposed development project. The EIS would also help illustrate how the development initiative will comply with local and state regulations. In absence of zoning ordinances that would typically serve to provide public health protection and safety by restricting incompatible land uses, the maintenance of an EIO seems critical to understanding the potential public health and environmental risks the proposed asphalt plant present. Unfortunately, community health effects of asphalt plants have not been well researched, so epidemiologic data is limited. Additionally, in this case, the co-location of the quarry, which also contributes to air emissions further complicates the ability to rely on existing data to predict risk. However, based on a recent (Jan 2020) health impact assessment (HIA) from Washington State Department of Health says that health impacts are generally more likely where there are higher exposures affecting vulnerable populations and those with pre-existing

conditions, which seems relevant in terms of the communities that would be impacted by the Carolina Sunrock facility. Finally, many residents of Caswell have spoken up and raised concerns about this facility, including residents of the predominantly African American community, which may be most immediately impacted by the facility. It's worth hearing their concerns. As a public health and environmental health professional, I would strongly recommend not repealing the EIO."

"Hello my name is Rufus Knight; I live on Hughes Mill Road. The State has denied Sunrock's permit because it failed to comply with air quality standards. At least insofar as the Anderson Community and Hughes Mill Road neighborhood is concerned, it also fails to meet Environmental Justice standards. We know what happens to majority non-white and low-wealth neighborhoods once one polluting industry moves in: more follow, and before we know it, Hughes Mill Rd—a majority Black community straddling the Alamance/Caswell line, becomes a dumping ground. As we made very clear to DAQ, we cannot have this happen in our community."

"Dr. Elin Claggett residing at 108 Jaye Lane, Providence. Good Morning Commissioners:

- 1) How much was paid for the "White Space Project" discussed in October, 2016? The Library renovation has been completed and no antenna has been placed, so how much money was reimbursed to the county for this failed project? Who in the Caswell Co. government is held accountable for this project update and management of funds?
- 2) In April 2020, you voted to allocate \$24,000 for an assessment of Caswell Co. internet as required for a grant application. 5 months later, has this money been spent? If so, what are the results? Has the grant application been submitted and what is the deadline? Who in the Caswell Co. government is held accountable to provide follow-up of this internet assessment & grant application status?
- 3) In May 2019, N.C. Growing Rural Economies with Access to Technology (GREAT) program provided matching grants to internet service providers, including Open Broadband, LLC in Caswell Co. How much funding went to this Caswell Co. internet provider? Who in the Caswell Co. government takes responsibility for monitoring these funds and failed project?

Thank you to Senator Berger for picking up the reins to assist with re-opening funding for more internet promises. How sad is it that due to years of failure and inadequate management or follow-through, many of our children are starting school by having to go to parking lots at the library and various churches around the county? Is the \$880,000 you approved for 16 temporary classrooms at BYHS being utilized? What economic development can happen without internet or sub-par schools? Not one Commissioner has publically asked the above questions. Why aren't they part of "Updates" every single meeting until the deficiencies are resolved? I will email these questions to the County Manager and copy to you, as Commissioners, in hopes of a response and accountability to the taxpayers. Thank you."

RECESS

The Board took a brief recess.

RECOGNITIONS

Commissioner Carter thanked all the healthcare workers at the Health Department for what they are doing with COVID-19. He added that he had noticed recently that several nursing homes have had some outbreaks in several nursing homes so it looked like an ongoing challenge. Commissioner Carter recognized the healthcare workers for the fine job they are doing as well as the first responders and the fire departments.

ACTION ITEMS APPROVAL OF AGENDA

Commissioner Williamson moved, seconded by Commissioner Owen to approve the agenda. After a roll call vote, the motion carried unanimously. (Commissioners Carter, Hall, Jefferies, McVey, Oestreicher, Owen, and Williamson voted in favor.)

APPROVAL OF CONSENT AGENDA

Commissioner Owen moved, seconded by Commissioner Williamson to approve the consent agenda. After a roll call vote, the motion carried unanimously. (Commissioners Carter, Hall, Jefferies, McVey, Oestreicher, Owen, and Williamson voted in favor.)

The following items were included on the Consent Agenda:

- A. Approval of August 17, 2020 Regular Meeting Minutes

REPEAL OF THE ENVIRONMENTAL IMPACT ORDINANCE

Commissioner Owen stated that he did not have a problem with tabling this item for a couple of meetings until the HIDO can be put into place. He added that he would like to make some comments on some things that he has heard and from some emails that he had received concerning this issue. Commissioner Owen stated that he has heard that if this ordinance is repealed it will allow any polluting company to come to Caswell County, there will be no protection and he responded that an EIO is nothing but a speed bump for any polluting industry to come into Caswell. He added that the EIO is an informative document and this is good because the county needs to be informed when these businesses are looking at Caswell but the EIO does not stop a company from coming into Caswell because if the company needs the requirements of the EA and EIS and a public hearing is held then there is nothing that can be done to hinder that company from coming into Caswell. Commissioner Owen stated that the Board has protected the Caswell County citizens by putting a moratorium in place and he read parts of the moratorium “This Ordinance shall apply to all of Caswell County except for those areas included in incorporated municipalities exercising their own land use planning functions and their extra-territorial jurisdictions” and the following companies are prohibited from beginning any type of permitting in order to come into Caswell County for one year “fuel bulk storage, ready-mix concrete suppliers, medical waste incinerators, paper mills, nuclear waste storage facilities inert debris landfills, mining/resource extraction facilities, chemical manufacturing, alternative energy generating facilities, waste facilities, hard mining/resource

extraction/quarrying, asphalt plants, fossil fuel generating facilities, cement manufacturing, and metal recycling and salvage facilities”. Commissioner Owen stated that Caswell County is protected until January 6, 2021 from any of these industries beginning any of these processes or permits in Caswell County so the citizens are protected. He added that the EIO information portion can be added into the HIDO but the EIO is not the salvation for Caswell County, the moratorium is what is saving Caswell County right now and the Board is working to get something in place just in case zoning does not take place in Caswell County. Commissioner Owen stated that he did not have a problem with tabling this item until a later date.

Commissioner Oestreicher stated that he would like to make a few observation regarding the repeal of the Environmental Impact Ordinance. He stated that in the absence of countywide zoning which the ultimate method of preventing polluting industries he agreed with the rationale of the articles of the draft repealing the EIO and added that with saying that he added that that EIO did have one important requirement “to provide a mechanism for full disclosure of anticipated impacts of developments and to make such information publicly available so the citizens of the county may have input”. Commissioner Oestreicher stated that the EIO importantly provides a public notice of development projects impactful of the county environment and residents of the neighboring areas and this is a provision of protection that he did not to lose for highly impactful development projects. He added that the EIO in its totality has several problematic aspects mainly there are provisions that could lead to legal issues for the county. Commissioner Oestreicher stated that the EIO requires EAs and EIS’ for information only with no approval or denial beyond existing developmental standards such as watershed protection, subdivision and flood prevention ordinances. He stated that the EIO can give a false impression of protecting the county from the intrusion of polluting industries but it does not. Commissioner Oestreicher stated that the current moratorium that Commissioner Owen mentioned does provide protection and is in effect until January of 2021. He suggested that the repeal be tabled until a more substantive ordinance or mechanism can be put into place and he made the following motion.

Commissioner Oestreicher moved, seconded by Commissioner Carter that the County Manager is directed to form a small Committee consisting of himself, the Planning Director, one sitting County Commissioner, and two or three Caswell County citizens to draft a “High Impact Development Ordinance (HIDO)” containing the following:

1. A hybrid of the Alamance Heavy Industrial Development Ordinance (as amended February 3, 2020) (HIDO) and appropriate information from similar ordinances from Ashe, Alleghany, Avery, Jackson, Macon, Rutherford, Watauga and Wilkes counties such as significant Operations Setbacks, Land Use Spacing, Site Plans, Industry Classes and Definitions, etc.
2. Specifically, incorporation of Required Public Notices to garner input from neighboring residents and other interested citizens. {using the Alamance HIDO as a guide}

The initial draft of such an Ordinance will be made available for review and discussion by the next Board of County Commissioners meeting September 21, 2020. After a roll call vote, the motion carried unanimously. (Commissioners Carter, Hall, Jefferies, McVey, Oestreicher, Owen, and Williamson voted in favor.)

Commissioner Oestreicher repeated that without countywide zoning the HIDO is the next best way to protect Caswell County from polluting industries and because of the moratorium the county has until January of 2021 to make a decision on such a comprehensive protection.

BYHS RIGHT OF WAY ENCROACHMENT AGREEMENT

Mr. Miller stated that included in the Board's agenda is the standard form of an encroachment agreement from the State of North Carolina Department of Transportation. He added that the county attorney has reviewed the encroachment agreement and he wanted to put the agreement before the Board for approval.

Commissioner Carter moved, seconded by Commissioner Williamson to approve the County Manager's request. After a roll call vote, the motion carried unanimously. (Commissioners Carter, Hall, Jefferies, McVey, Oestreicher, Owen, and Williamson voted in favor.)

COVID-19 UPDATE

Ms. Jennifer Eastwood, Health Director, gave the Board an update on COVID-19 in Caswell County. She stated that Caswell County has 261 confirmed cases and 20 of those are actively still in isolation. Ms. Eastwood stated that the county now is reporting a total of 4 deaths. She stated that there are two ongoing outbreaks at two of the county's long term care facilities and those facilities are testing residents and staff on a weekly basis. She stated that the State has set a goal for the county to test 5% of its population on a monthly basis and the Health Department met that goal in July and August and part of this is due to the mass testing at facilities by the national guard and the state testing at the prison system as well as the testing at the long term care facilities. Ms. Eastwood stated that community site testing has not been done in the last several weeks but will start back soon. She stated that she is working with Mindy Satterfield and Bryan Miller to look into procedures for reopening the county offices. Ms. Eastwood stated that Colon Cassady installed sneeze guards in the offices. She stated that a Fit testing machine has been ordered and the Safety Committee is going to be looking into developing a Respiratory Protection Plan to see which employees need to be fitted for N-95 respirators and this machine can be loaned out to the fire departments to fit their fireman for their respirators. She stated that computer equipment has been ordered to continue to allow teleworking as able. Ms. Eastwood stated that self-scan thermometers have been ordered to put by staff entrances as well as looked at different varieties of kiosks for temperature monitors for some of the larger, busier departments and hope to have those ordered this week. She stated that while COVID is the driver behind all of funding but she wanted to remind everyone that cold and flu season is beginning and respiratory illnesses is always the leading cause of deaths in Caswell County so she wanted to continue using these item to prevent the colds and flu. Ms. Eastwood stated that the Health Department is starting to receive the flu vaccines and it is very important for individuals to get their flu shot. She stated that as far as the COVID vaccine the county is being told that it may get some doses in maybe November or December but the bulk would not come in until maybe January or February and that is when the Health Department plans to do mass vaccinations. Ms. Eastwood stated that the State has developed an app called Slow COVID NC and this app if downloaded on a smartphone will notify the individual if they are close to

someone who has tested positive but the person would have to be using the app as well and there will be a push to get individuals to use this app. She added that she has been assure that this app does not collect any personal information from the phone and is just an informational app that works off GIS. Ms. Eastwood gave a shout out to the community paramedic, Regina Cardwell, which has been very busy over the last couple of weeks working with the positives in the county. She added that this program continues to be a good partnership.

Commissioner Carter stated the he had noticed that several nursing homes in the 50-mile radius have had outbreaks of COVID-19. Ms. Eastwood responded that there are a number of outbreaks around the county and when there are higher numbers in the communities there will be higher numbers in those facilities due to staff members bringing it into the facilities. She stated that the county has been pretty lucky with both of the congregate outbreaks with one only being a few staff members and the other has been a mixture of residents and staff but all have been asymptomatic and limited to one particular unit of the facility. Commissioner Carter thanked Ms. Eastwood for the job that she and her staff is doing in the county. He asked if the Health Department had flu shots in. Ms. Eastwood responded that the Health Department does have the flu shots and she asked that individuals call to make an appointment because they are still trying to stagger the visits with well visits in the morning and sick visits in the afternoon.

Commissioner Owen asked Ms. Eastwood for the definition of an outbreak so the Board and the citizens would know. Ms. Eastwood responded that a definition of an outbreak in a congregate living setting is only 2 individuals. She added that another term that is being used is a cluster and this usually applies to schools, churches, and daycares and this would be 5 individuals.

Commissioner Williamson stated that he knew that school staff has been back for a couple of weeks and he wanted to know if anything had been reported from the schools. Ms. Eastwood responded that there was an employee that did test positive and the school contacted the Health department immediately. She stated that the Health Department is in contact with the school nurses daily about questions with staff members who either have symptoms or have been exposed. Ms. Eastwood stated that this particular situation was at a feeding site, the feeding site was promptly closed down by Ms. Mims, the Nutrition Director, the facility was cleaned, any of the close contacts were excluded from work for 14 days, the risk to the population coming into the feeding site was very low, the school system acted very quickly and got everything under control.

FAMILY SERVICES POLICIES

Ms. Aisha Gwynn, Family Services Director, stated that Family Services is funded primarily through grants, the generosity of the Caswell County Board of Commissioners, and private donations and in order to stay in compliance with the grantors the seven documents have to be approved bi-annually and she added that it has been a while since these documents have been presented to the Board for review. She stated that there have been no real updates to the policies other than a couple of language words and some signatures that are no longer necessary. Ms. Gwynn stated that she did update the language to match the current trends and now she is asked the Board to review the policies but not action is required by the Board. She asked if there were any questions she could answer about the seven policies.

Mr. Miller stated that as Ms. Gwynn stated the documents are for the Board's review and were provided in the Board's agenda packet and are the standard policies that the Board has reviewed several times before with just a few minor updates so Family Services just needs an acknowledgement that the documents have been reviewed by the Board of Commissioners because this acknowledgement is required for Ms. Gwynn to provide to her grantors. Mr. Miller stated to Ms. Gwynn that this will be reflected in the minutes. Ms. Gwynn thanked the Board.

LEGISLATIVE GOALS

Commissioner Owen stated that the process for submitting legislative goals is that the Boards as a Board submits goals to the NCACC virtually through their website either by resolution or by a letter from the chairman saying that they are the recommendations from the Board and the goals are due September 30th. He stated that each commissioner that has a goal needs to submit the goal or goals to the county clerk as soon as possible so it can be placed in the next agenda packet and then at the next Board meeting the goals will be discussed and voted on as a Board on which goals to submit to the NCACC and then the chairman will send a letter with these goals as well. Commissioner Owen stated that he wanted to inform the Board that not all goals are submitted or included in the legislative packet but this was the process that needs to be followed. Commissioner Owen stated that even if a commissioner has submitted the goals to him they needed to be submitted to the clerk to have for the next agenda packet.

Commissioner Oestreicher stated that he had sent his goals to Commissioner Owen but he would also send those goals to the clerk. Commissioner Owen responded thank you.

Commissioner Owen stated the three goals that he would be submitting:

- 1- Seek legislation, funding, and other efforts to expand broadband/ fiber to all NC residents especially rural unserved and underserved areas.
- 2- Support provision of state resources to help counties provide essential health services, especially in the area of behavioral health.
- 3- Support increased levels of state funding and staffing of Cooperative Extension services

BOARDS & COMMITTEES ORIENTATION BOOKLET

Commissioner Owen stated that the booklet is just for the Board's information because the Board has already voted to do this when the policy was approved. He stated that the booklet is still a work in progress and he wanted to cut the booklet down to where it will be about 12 pages. Commissioner Owen stated that he wants the booklet to be an informative paper for members of the county's boards and commissions to give them an overview of how the board or commission works and how government works. He stated that once the booklet gets to the final draft it will be proofread several times and then it will be produced for the members of the boards and commissions. Commissioner Owen stated that he has been in conversations with the county manager and what has been discussed is once the boards and commissions are meeting in person to have those boards discuss the booklet at their meeting together. He stated that the other thing that has been changed and was included at the back of the booklet is a revised application. Commissioner Owen stated that the biggest complaint about the application is that it is too long

so the county clerk and he looked at the application and shortened it but included some demographic information that would help the Board to make sure it is being as diverse in the population as well as in the county. He stated that included in the application is a map of the districts and the applicant is being asked to identify the district that they live in because there may be some boards that require members from certain districts. Commissioner Owen asked the Board to look over the booklet and application and make suggestions on both. He stated that Board will need to approve the application in a form of a motion since the other application was handled this way.

Commissioner Carter stated that in the past there have been boards with 4 or 5 vacancies and only 1 or 2 applied and he wanted to know if the county clerk or county manager could respond if there are still a lot of vacancies on these boards. Commissioner Owen responded that he did not bring his vacancies sheet but there are still come vacancies and he asked the clerk if she knew what the vacancies are. The clerk responded that there are still a lot of vacancies with the boards and there are not enough individuals that have applied to fill those vacancies. She added that the Board will make appointments to Boards and Committees at the next Board meeting due to the ABC Board and Recreation Commission's terms are up at the end of the month and the other vacancies are included in this list as well. The clerk stated that this information is constantly being put out into the public through the Caswell County Facebook page, the Caswell Messenger, the Senior Center advertises the vacancies, and the Library advertises it. She stated that several people call about the vacancies but the applications have not been received. The clerk informed the Board that 3 applications have been received for the Board of Adjustment and one of those applicants lives in the zoned area of Hyco Lake which is one of the requirements of that board. Commissioner Carter asked the clerk if she knew which boards had a lot of vacancies. The clerk pulled the list and stated that there are 5 vacancies on the Board of Adjustment, 3 vacancies on the Board of Health, 9 vacancies on the Adult Advisory Committee, 1 vacancy on the Gunn Memorial Library Board, 4 vacancies on the Juvenile Crime Prevention Council, 1 vacancy on the PTRC Workforce Development Board and this position has been open for several years, 1 vacancy on the Recreation Commission and 1 vacancy on the ABC Board.

Commissioner Oestreicher expressed his appreciation for Commissioner Owen for doing such diligent work on the booklet and added that in his opinion it is monumental and it will be something that will be very helpful and make the boards and commissions more productive because the booklet is almost like a job description to follow. He expressed his appreciation to Commissioner Owen and the clerk for their hard work. Commissioner Owen thanked Commissioner Oestreicher and stated that he is a firm believer of not reinvented the wheel and added that the booklet came out of a class that he took and information in the booklet can be found in other counties that have done this sort of thing. He stated that he appreciated the Board for being so willing to see the county move forward with this. Commissioner Owen stated that he was working on one other thing that he hopes that will get more citizens involved and that is a list of every single board that Caswell County appoints to with a description of the purpose and the organization of the boards and he has shared this with the county manager and the county clerk. He stated that he hopes to have this completed within the next month. Commissioner Owen stated that this would be something to put on the website as well as the other websites that the various county agencies have as well as paper copies to hand out to citizens if there is an

interest. He stated that there is about 26 or 27 boards that the Board appoints to and that is a lot of areas that the citizens could be used in.

Commissioner Carter echoed Commissioner Oestreicher's comments and stated that he appreciated the work that Commissioner Owen and the clerk has done on this. He added that it will be very vital to the county. Commissioner Owen responded that the county manager helped as well. Commissioner Carter thanked the county manager.

Commissioner Williamson stated that as a new Board member coming back the booklet was a good refresher for him to catch up on a lot of things that he had learned in the past and had forgotten about and thanks to Commissioner Owen he was quickly reminded about a lot of things.

COUNTY MANAGER'S UPDATES Federal Program to Defer Social Security Withholdings

Mr. Miller informed the Board that currently there is a federal program that allows the deferral of social security withholdings of 6.2% for the months of September, October, November and December and after those 4 months those deferred wages will have to be repaid in the months of January, February, March and April. He stated that his recommendation at this time is that the Board not authorize the deferral and the reason was because it would create a hardship for the county employees in the months of January, February, March and April with double withholdings which would amount to 12.4%. Mr. Miller stated that the county has kept a lot of the employees employed during the COVID-19 pandemic in allowing teleworking and allowed opportunities for the county employees to still receive a paycheck. He stated that based on this information as well as several comments by employees he would not proceed with this unless the Board gives direction to have those wages deferred.

Solid Waste Convenience Center Site

Mr. Miller informed the Board that the Solid Waste facility that the Board recently approved on Highway 119 happens to fall in the Hyco Lake zoning area so the county is going to start the rezoning process to allow this. He stated that he has spoken to the county attorney and they believe that going through the county's zoning process is the best way to move forward with the solid waste convenience center so the Board as well as the Planning Board will see this item on an agenda over the next couple of weeks.

Commissioner Carter stated that he had received several telephone calls that the landfill is not accepting cans for recycling. Mr. Miller responded that he was not aware of any changes with the county's recycling policy but he would check on this and get back with Commissioner Carter if the landfill is not accepting cans for recycling. Commissioner Carter stated that one lady told him that she had to take her cans to Danville because the landfill was not accepting them anymore. Commissioner Owen responded that he took cans to be recycled to the landfill just the other day and there was a place for cans to be recycled. He added that he was not aware of any changes in this policy either and added that it may depend on the actual bin that is sitting there. Commissioner Carter stated that he thinks he had a total of 3 people to ask the question on why

the county was not recycling cans anymore. Mr. Miller responded that he would get an answer to Commissioner Carter today. He stated that he just received a text from the Solid Waste Director and he said that the county is still recycling cans. Commissioner Carter stated that he would let the people know.

Commissioner Carter asked where the county stands with the COVID-19 funds and what has been spent out of these funds. Mr. Miller responded that he did not have the sheet in front of him to answer this question but the county is in the process of ordering some of the larger items like the health director informed the Board of earlier. He stated that computers and technology has been order in order for the boards and committees to hold remote meetings and the municipalities have done the same things. He stated that he would have an update for the Board at the next meeting. Commissioner Carter stated that his main concern was if there were enough funds to do everything. Mr. Miller responded that very good progress is being made and the COVID-19 money is helping and he knew that there would still be needs after the money is spent. Commissioner Carter thanked Mr. Miller for the job he is doing on this.

COMMISSIONER COMMENTS

Commissioner Hall stated that he should have mentioned this during recognitions but he wanted to inform the Board that last December the Board appointed Mr. Ernie Pinnix to the PTRC Workforce Development and sometime in January Mr. Pinnix got sick and then sometime during the winter he passed away. Commissioner Hall stated that he did not find out until this summer. Commissioner Hall stated that he noticed the PTRC about Mr. Pinnix' passing. He stated that the clerk informed him that the position has been advertised.

Commissioner Hall stated that Mr. Chris Weeks with Cycle NC contacted him to let him know that the Mountains to the Sea Bike Ride has been cancelled this year but they do plan to stop in Yanceyville next year.

Commissioner Owen stated that the Farmer Lake Amendment needed to be put on the next agenda. Chairman McVey asked the county manager if this could be put on the next agenda. Mr. Miller responded yes.

Commissioner Oestreicher stated that the Board heard from 21 citizens this morning during public comments. He added that he has heard through other sources other than his county email from citizens and he added that it is an ongoing issue that his county email does not work. Commissioner Oestreicher stated that he was appalled that it is not working and he demanded that Mr. Norris and Mr. Miller get it resolved so that he could receive emails on his county email account. Mr. Miller responded yes sir. Commissioner Oestreicher stated that this was a demand. Mr. Miller responded yes sir.

ANNOUNCEMENTS AND UPCOMING EVENTS

There were no new announcements or upcoming events.

ADJOURNMENT

At 10:50 a.m. Commissioner Carter moved, seconded by Commissioner Oestreicher to adjourn. After a roll call vote, the motion carried unanimously. (Commissioners Carter, Hall, Jefferies, McVey, Oestreicher, Owen, and Williamson voted in favor.)

Paula P. Seamster
Clerk to the Board

Rick McVey
Chairman
